

**STORAGE NAME:** h0019.wrm  
**DATE:** January 21, 1997

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
WATER AND RESOURCE MANAGEMENT  
BILL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**BILL #:** HB 19

**RELATING TO:** Saltwater Fisheries

**SPONSOR(S):** Representative Saunders

**STATUTE(S) AFFECTED:** Section 370.0605, Florida Statutes (F.S.)

**COMPANION BILL(S):**

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) WATER & RESOURCE MANAGEMENT
- (2) FINANCE & TAXATION
- (3)
- (4)
- (5)

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**I. SUMMARY:**

HB 19 would eliminate the statutory requirement that pier owners, operators or custodians must charge a user fee in order to have the discretion to purchase an annual \$500 saltwater fishing license.

Currently, s. 370.0605, F.S., provides that only those pier owners, operators or custodians who charge pier users a fee may elect to purchase the \$500 license. The section further provides an exemption for non-residents from needing individual saltwater fishing licenses if they are fishing from a licensed pier. Thus, a pier owner, operator or custodian who currently is not charging a user fee cannot purchase a license for the pier. In turn, if a pier has no license, non-residents fishing from it must purchase individual saltwater fishing licenses.

HB 19 also would grant a saltwater fishing license exemption to non-profit entities which conduct marine research and employ no more than 10 persons.

The fiscal impact of HB 19 is indeterminate.

HB 19 has an effective date of October 1, 1997.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Section 370.0605, F.S., provides various licensure fees for recreational saltwater fishing activities, as well as a number of license exemptions. Specifically, s. 370.0605(2)(b)(4), F.S., allows the purchase of a \$500 saltwater fishing license for any pier fixed to the land whereby fees are paid directly to the owner, operator, or custodian by users who are marine fishing from the pier. Therefore, a pier owner who currently is not charging a fee cannot purchase a license for the pier.

Section 370.0605(3), F.S., lists 11 circumstances when a saltwater fishing license is not required. For example, a license is not required for any person under age 16 or for any Florida resident 65 years or older. Florida residents fishing in saltwater from land or from a structure fixed to the land also are exempt from the license requirements. Section 370.0605(3)(h), F.S., also exempts the need for a fishing license by any person fishing from a pier, if the pier is licensed pursuant to s. 370.0605(2)(b)(4), F.S. But, if a pier has no license, non-residents fishing from it must purchase individual saltwater fishing licenses.

In Fiscal Year 1995-1996 (FY 95-96), the owners of 34 piers purchased \$500 saltwater fishing licenses, which generated \$17,000 in revenue. There are approximately 117 piers in the state. Also in FY 95-96, more than 322,000 saltwater fishing licenses were sold to non-residents, generating revenue totaling \$3,969,220. The types of non-resident saltwater fishing licenses are the one-year license (\$30 each); the seven-day license (\$15 each); and the three-day license (\$5 each).

Revenue from recreational saltwater fishing licenses is deposited in the Marine Resources Conservation Trust Fund, and is used to finance the law enforcement activities of the Florida Marine Patrol, fisheries research and enhancement; the operations of the Marine Fisheries Commission; and aquatic education.

B. EFFECT OF PROPOSED CHANGES:

HB 19 would allow the owner, operator or custodian of any pier in Florida the option to purchase an annual \$500 saltwater fishing license, without first having to charge a user fee. This would benefit those pier owners who want to purchase the license, but do not want to assess a user fee. HB 19 also would benefit non-resident, recreational anglers, who would not have to buy individual saltwater fishing licenses if they were fishing from licensed piers.

HB 19 also provides an exemption from saltwater requirements to non-profit marine research entities which employ no more than 10 persons. The Department of Environmental Protection (DEP) had no statistics on how many entities would benefit from this exemption.

C. APPLICATION OF PRINCIPLES:

1. LESS GOVERNMENT

The bill would slightly reduce DEP's workload because agency staff no longer would have to confirm whether a pier owner collected user fees before selling a \$500 fishing license.

2. LOWER TAXES

HB 19 does not lower taxes, but it may reduce the revenue which DEP receives from sales of recreational saltwater fishing licenses. Non-residents may be less likely to purchase saltwater fishing licenses if more licensed piers are available. The proposed exemption for non-profit entities that conduct marine research and employ fewer than 10 persons may also reduce license revenues.

DEP staff say the revenue loss is indeterminate, and are unable to project whether the loss would be substantial enough that the agency would request additional revenues from the Legislature to replace the shortfall.

3. PERSONAL RESPONSIBILITY

Not applicable.

4. INDIVIDUAL FREEDOM

Not applicable.

5. FAMILY EMPOWERMENT

Not applicable.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Amends s. 370.0605(2)(b)(4), F.S., by deleting the requirement that a pier owner, operator, or custodian be directly paid user fees from those who fish on the pier, in order to purchase a \$500 saltwater fishing license. Clarifies that the license is discretionary. Amends s. 370.0605(3), F.S., by providing an exemption from saltwater fishing requirements to non-profit entities which conduct marine research and employ no more than 10 persons.

Section 2: Provides an effective date of October 1, 1997.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

Indeterminate.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

Indeterminate.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

Under HB 19, pier owners who do not charge their customers a fee, but want to allow unlicensed customers to fish from their piers, will have the option to do so if they elect to purchase a \$500 pier license.

Local governments which own piers and choose to purchase the \$500 license, but not charge a user fee, may be affected two ways. These local governments may save money because they do not have to station employees at the pier to collect the user fees. But, by not levying the user fee, these local governments may have to find another source of money to pay the \$500 license fee.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

HB 19 is exempt from the mandates provision because it does not require counties or cities to expend funds to implement its provisions.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the revenue-raising authority of cities or counties.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the amount of state tax shared with cities and counties.

V. COMMENTS:

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

**STORAGE NAME:** h0019.wrm

**DATE:** January 21, 1997

**PAGE 6**

VII. SIGNATURES:

COMMITTEE ON WATER & RESOURCE MANAGEMENT:

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