

**STORAGE NAME:** h0019s1.wrm

**DATE:** January 30, 1997

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

**BILL #:** CS/HB 19

**RELATING TO:** Saltwater Fisheries

**SPONSOR(S):** Committee on Water and Resource Management and 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 YEAS 11 NAYS 0
- (2) FINANCE & TAXATION
- (3) GENERAL GOVERNMENT (Fiscal)
- (4)
- (5)

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**I. SUMMARY:**

CS/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.

The fiscal impact of CS/HB 19 is indeterminate.

CS/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 (FY) 1995-1996, 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 1995-1996, 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:

CS/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. CS/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.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

- a. Does the bill create, increase or reduce, either directly or indirectly:

- (1) any authority to make rules or adjudicate disputes?

Not applicable.

- (2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

CS/HB 19 may slightly reduce DEP's workload because agency staff no longer would have to confirm whether a pier owner collected user fees before selling the pier owner a \$500 fishing license.

- (3) any entitlement to a government service or benefit?

Not applicable.

- b. If an agency or program is eliminated or reduced:

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

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.

- (2) what is the cost of such responsibility at the new level/agency?

Not applicable.

- (3) how is the new agency accountable to the people governed?

Not applicable.

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

No.

- b. Does the bill require or authorize an increase in any fees?

No.

- c. Does the bill reduce total taxes, both rates and revenues?

No.

- d. Does the bill reduce total fees, both rates and revenues?

CS/HB 19 may reduce the revenue which DEP receives from sales of recreational licenses. Non-residents may be less likely to purchase saltwater fishing licenses if more licensed piers are available.

- e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

Not applicable.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

Not applicable.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

Not applicable.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

Not applicable.

(2) Who makes the decisions?

Not applicable.

(3) Are private alternatives permitted?

Not applicable.

(4) Are families required to participate in a program?

Not applicable.

(5) Are families penalized for not participating in a program?

Not applicable.

b. Does the bill directly affect the legal rights and obligations between family members?

Not applicable.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

Not applicable.

(2) service providers?

Not applicable.

(3) government employees/agencies?

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.

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

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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 CS/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:

CS/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:

The Committee on Water and Resource Management adopted two amendments on January 29, 1997, and passed the bill as a committee substitute. One amendment removed the proposed saltwater fishing license exemption for non-profit marine research entities employing less than 10 persons. The other amendment was a technical amendment which corrected the bill's directory language.

VII. SIGNATURES:

COMMITTEE ON WATER & RESOURCE MANAGEMENT:



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