

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Under Florida law, all “local governments” have the responsibility to designate land uses for lands within their jurisdictions. As a result of escalating property values of water-front properties, local governments are experiencing increasing pressure to change the land use designations of water-front properties to uses which will increase the value of such properties often to residential land uses. Such land use changes have the potential to preclude current and future uses of those water-front properties which provide access to the water such as marinas, boatyards, and commercial fishing facilities.

Effect of Proposed Change

- The bill creates section 342.07, F.S., to be entitled “Recreation and Fishing Working Waterfronts; definition.” The new statutory language provides Legislative recognition that there is a significant interest in boating access to the state’s navigable waters and this access is vital to recreational users and the marine industry and recognizes the availability and economic impact of public marinas, public boat yards and public boat ramps along navigable waterways. The Legislature further recognizes that an important use of the waterways of this state is for engaging in commerce and transportation of goods and people upon such waterways; however, this commerce and transportation is not feasible unless there is access from the water to the land by and through working public waterfronts.

The bill provides the definition for “Recreational and Fishing Working Waterfront” to mean a parcel or parcels of real property that provide access for water-dependent commercial activities or provide access for the public to the navigable waters of the state which require direct access to or a location on or adjacent to a navigable waterway, and therefore cannot be located inland. The term “recreational and fishing working waterfront” includes water-dependent facilities that are open to the public and offer public access by vessels to the waters of the state or are support facilities for either pleasure, commercial, research and governmental (e.g., docks, marinas open to the public (both wet and dry), public boat ramps, boat hauling and repair facilities, commercial fishing facilities, and boat construction facilities).

- The bill requires the Florida Fish and Wildlife Conservation Commission (FWCC) to conduct a comprehensive study pertaining to the future demand and economic impact of recreational and fishing working waterfronts on all navigable waters of the state. The results of the study will be provided to the Governor, Cabinet, President of the Senate and the Speaker of the House of Representatives by November 30, 2007. The study will focus on a county-by-county basis the following components:

- Developing use profiles of current recreational and fishing working waterfronts, project trends, and determining the types of facilities to be used;
- Estimating capital cost necessary to meet future recreational and fishing working waterfront demands through public ramps and governmentally owned marinas and mooring fields with the determination of funding sources;
- Developing a prioritization scheme for the replacement or the rebuilding of existing infrastructure for recreation and fishing working waterfronts; and
- Evaluating incentives for continued use and/or additional development of recreational and fishing working waterfronts by the private sector to help avoid further loss of public access through changes to other uses. (This portion of the study will include but is not limited to, the voluntary use of both tax relief and the purchase of development rights).

All state agencies are to provide the FWCC with staff assistance and information for the development of the study. The FWCC will use funds appropriated to the Office of Boating and Waterways from the Marine Resources Conservation Trust Fund for the study.

C. SECTION DIRECTORY:

Section 1. Creates s. 342.07, F.S., relating to recreation and fishing working waterfronts.

Section 2. Requires the FWCC to conduct a study on recreational and fishing working waterfronts.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Indeterminate. The FWCC is required to conduct a study and report to the Governor, Cabinet and Legislature. The FWCC will use funds appropriated to the Office of Boating and Waterways from the Marine Resources Conservation Trust Fund for the study.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect municipal or county government.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On April 13, 2004, the Committee on Natural Resources adopted one strike-all amendment. The amendment accomplished the following:

- Creates s. 342.07, F.S., relating to recreation and fishing working waterfronts; and
- Requires the FWCC to conduct a comprehensive study pertaining to the future demand and economic impact of recreational and fishing working waterfronts on all navigable waters of the state and report back to the Governor, Cabinet, President of the Senate, and the Speaker of the House of Representatives by November 30, 2007.

This analysis has been revised to reflect the adoption of this amendment.