

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/ SB 2294

SPONSOR: Comprehensive Planning Committee and Senator Atwater

SUBJECT: Working Waterfronts

DATE: April 17, 2004      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Herrin</u>	<u>Yeatman</u>	<u>CP</u>	<u>Fav/CS</u>
2.	_____	_____	<u>NR</u>	_____
3.	_____	_____	<u>ATD</u>	_____
4.	_____	_____	<u>AP</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

The committee substitute (CS) provides legislative findings with regard to “recreational and fishing working waterfronts.” It defines this term. Further, it requires the Fish and Wildlife Conservation Commission (FWC) to undertake a comprehensive study of the future demand for and economic impacts of recreational fishing working waterfronts on all navigable waters of the state. The findings of the study must be provided to the Governor, the Cabinet, President of the Senate, and the Speaker of the House of Representatives by November 30, 2007. It specifies the issues to be addressed in the study. The CS provides that FWC shall use funds appropriated to the Office of Boating and Waterways from the Marine Resources Conservation Trust Fund for the study.

This CS creates a new section of the Florida Statutes.

**II. Present Situation:**

**Working Waterfronts**

Changes in Florida’s economy and land use have substantially affected working waterfronts. In response to these changes, the Florida Coastal Management Program commissioned a study in 1995 to develop a profile of Florida’s working waterfronts and ways of keeping those areas economically viable.<sup>1</sup> As a result of the study, the Waterfronts Florida Partnership Program was created in 1997 to provide technical and limited financial assistance to participating communities for the development and implementation of a plan to revitalize their waterfront districts. Specifically, waterfront revitalization is intended to address “environmental resource protection, public access, retention of viable traditional waterfront economies, and hazard mitigation.”

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<sup>1</sup> See *Profile of Working Waterfronts*, FAU/FIU Joint Center for Environmental and Urban Problems, 1995.

The Department of Community Affairs selects new Waterfronts Florida Partnership Communities every two years and those communities receive technical assistance over a two-year period and a grant to reimburse the recipient for a portion of costs associated with preparing the plan. The department designated the following 13 communities as Waterfronts Florida Partnership Communities between 1997 and 2003: Mayport, Duval County; Historic St. Andrews, Bay County; San Carlos Island, Lee County; Vilano Beach, St. Johns County; Cortez, Manatee County; Oak Hill, Volusia County; Panacea, Wakulla County; Old Homosassa, Citrus County; Port Salerno, Martin County; and, more recently, Apalachicola Bay Chamber of Commerce; the City of Crystal River for the Kings Bay Waterfront; the City of Daytona Beach with the Daytona Beach Partnership; and the City of Melbourne for the Olde Eau Gallie Waterfront. These Waterfronts Florida Partnership Communities have been the beneficiaries of 7,000 hours of volunteer services, \$143,362 in private donations, and \$7.4 million of other public investment. This program is funded, in part, by an award from the National Oceanic and Atmospheric Administration Award.

### **Office of Boating and Waterways**

The Office of Boating and Waterways was created on July 1, 2003, within the Fish and Wildlife Conservation Commission (FWC).<sup>2</sup> Its responsibilities include boating education and safety programs, improving boating access, and economic initiatives to promote boating in the state.<sup>3</sup> In each fiscal year, \$2.5 million of the state taxes collected on motor fuel are transferred to the FWC to be used for recreational boating activities and freshwater fisheries management and research.<sup>4</sup> These funds are made available for qualifying projects through the Florida Boating Improvement Program. A minimum of \$1.25 million must be used to fund local projects that provide “recreational channel marking, public launching facilities, aquatic plant control, and other local boating related activities.”

The FWC is required to file an annual report with the Legislature that outlines the status of the Florida Boating Improvement Program, including the projects funded and a list of counties with unmet needs due to insufficient funding from vessel registration fees. Some additional funding is available to local governments through the Florida Recreational Development Assistance Program and the federal Land and Water Conservation Fund for the development of recreational facilities.

### **Marine Resources Conservation Trust Fund**

Section 370.0603, F.S., establishes the Marine Resources Conservation Trust Fund (trust fund) as a “broad-based depository for funds from various marine-related and boating-related activities.” The FWC is required to administer these funds for the following purposes:

- Funding for marine research;
- Funding for fishery enhancement, including, but not limited to, fishery statistics development, artificial reefs, and fish hatcheries;
- Funding for marine law enforcement;

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<sup>2</sup> Section 20.331(3), F.S.

<sup>3</sup> Section 20.331(5)(e), F.S.

<sup>4</sup> Section 206.606(1)(b), F.S.

- Funding for administration of licensing programs for recreational fishing, saltwater products sales, and related information and education activities;
- Funding for the operations of the Fish and Wildlife Conservation Commission;
- Funding for titling and registration of vessels;
- Funding for marine turtle protection, research, and recovery activities from revenues that are specifically credited to the trust fund for these purposes;
- Funding activities for rehabilitation of oyster harvesting areas from which special oyster surcharge fees are collected, including relaying and transplanting live oysters; and
- Funding for boating research, boating-related programs and activities, and for law enforcement on state waters.<sup>5</sup>

### III. Effect of Proposed Changes:

**Section 1** provides that the Legislature recognizes an important state interest in public access to the state's navigable waters, maintaining viable water-dependent facilities, and maintaining access to navigable waters for the purpose of engaging in commerce and the transportation of goods and people on such waters.

Subsection (2) defines a "recreational and fishing working waterfront" as 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, and which require direct access to or a location on, over, or adjacent to a navigable water body. This term 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 or governmental (e.g., docks, wharfs, marinas (both wet and dry), public boat ramps, boat hauling and repair facilities, commercial fishing facilities, and boat construction facilities).

Subsection (3) requires the FWC to undertake a comprehensive study of the future demand for and economic impacts of recreational fishing working waterfronts on all navigable waters of the state. The findings of the study must be provided to the Governor, the 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 future 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 government-owned marinas and mooring fields and determining funding sources;
- Developing a prioritization scheme for the placement or the rebuilding of existing infrastructure for recreational and fishing working waterfronts; and
- Evaluating incentives for continued use 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 must include, but is not limited to, the voluntary use of both tax relief and the purchase of development rights).

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<sup>5</sup> Section 370.0603(1), F.S.

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

**Section 2** provides the act shall take effect upon becoming a law.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The CS requires the FWC to fund the study through monies appropriated to its Office of Boating and Waterways from the Marine Resources Conservation Trust Fund. An estimate of the cost for the study required by this CS has not been provided.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.