



Florida Fish and Wildlife Conservation Commission

Legislative Affairs

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2009 Session Legislative Proposal

Title: Repeal Shoreline Exemption

Submitted by: Division of Marine Fisheries Management

1. Issue

This issue repeals the shoreline exemption authorized for Florida residents to fish from the saltwater shoreline or a structure fixed to the land. Those issued a Medicaid card, and who have proof of identification, would retain the exemption. This issue is offered so that Florida's anglers, who fish in federal waters or who fish for anadromous species, will be exempt from the federal saltwater fishing registration requirement that will go into effect January 2009.

2. Present Situation

Florida resident anglers fishing from the saltwater shoreline or from a structure fixed to the land have been exempt from purchasing a saltwater license since its inception in 1989. Survey data indicates that about 71% of resident shoreline anglers do not possess a license. The price for a resident saltwater fishing license is \$15.50.

FWC estimates that between 210,000 and 338,000 resident anglers would be required to buy a license if the shoreline exemption were removed. It should be noted that non-residents do not qualify for the shoreline exemption, only Florida residents. A percentage of shoreline anglers would not have to buy a license because they already have one, or they are exempt from the license requirement because of other exemptions such as being 65 years of age or older, younger than 16, or disabled.

Research shows that 76% of Floridians support removing this exemption.

The 2006 Congressional reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) created a registry program for recreational fishermen fishing in federal waters and also those fishing for anadromous species (spawn in freshwater, live in saltwater). This program is mandated to assist in data collection with statistical surveys and evaluating the effects of proposed conservation and management measures. Congress directed the Department of Commerce to complete the registry program and implement an improved statistical survey not later than January 1, 2009, and authorized a fee to be charged not before January 1, 2011. The legislation allows for an exemption to federal licensing in a state with an approved licensing

system. Although implementation of the federal registration is still under development, officials of the National Marine Fisheries Service (NMFS), an agency within the Department of Commerce, indicate that Florida's shoreline exemption may prohibit its license system from being approved, thus requiring the federal registration for Florida anglers.

Three states have a shoreline exemption (South Carolina) or a variation (Virginia and Maryland).

This issue was submitted to the 2007 and 2008 Legislatures but was not acted upon.

The Florida House of Representatives' Committee on Conservation and State Lands is conducting an interim project between the 2008 and 2009 Sessions of the Legislature to follow and review the implementation efforts of NMFS as it develops the federal registration system.

3. Effect of Proposed Changes

The repeal would require all Florida residents to possess a saltwater fishing license if they fish from Florida's saltwater shoreline or from a structure fixed to the land. An exemption would be authorized for residents who have a Medicaid Identification card issued by the Florida Agency on Health Care, along with another proof of identification. In addition, resident shoreline anglers would not be required to have a license if they are otherwise exempted (65 or older, younger than 16, etc.).

If Florida eliminates the shoreline exemption and its anglers are consequently exempted from the impending federal registration, Florida anglers fishing in federal waters off of Florida, and those anglers fishing in Florida for an anadromous species, such as striped bass, would not be required to obtain the federal registration that is required under the Magnuson-Stevens Fishery Conservation and Management Act. It would also create parity among saltwater anglers and would distribute the cost of marine fishing conservation to all anglers.

4. Impact on all Pertinent Statutes/Rules

Section 379.353, Florida Statutes

5. Affected Groups/Agencies

Florida residents recreationally saltwater fishing from the shoreline or a structure fixed to the land. Since such a structure would include piers, indirectly this could affect owners of fishing piers if resident anglers stopped fishing there as a result of removing the shoreline exemption.

6. Fiscal Impact

FWC

If the shoreline exemption were removed, it is estimated that 210,000 – 338,000 resident anglers would be required to buy a license. The 210,000 is the low end of the range of shore anglers that would need a license; 338,000 is the high end. A further estimate of the number of anglers that would actually purchase a license is provided below. This estimate is based on a 25% protest loss (those “protesting” the change and choosing not to fish), and a 27% simple noncompliance rate. Multiplying that number by the \$15.50 price of the license gives a range of \$1.7million - \$2.5 million the first year. This does not include projections of decreased protest loss and increased compliance in subsequent years. These calculations are all based on the 2006 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, the Federal Marine Recreational Fishing Statistics Survey and an independent angler survey conducted for FWC in 2005.

Shoreline Anglers Needing a license	210,000	338,000
# of new shoreline Anglers who would Purchase a license (at \$15.50)	115,000	185,000
Estimated revenue	\$1,782,500	\$2,867,500

Private Sector

Florida residents recreationally saltwater fishing from the shoreline or from a fixed structure will be required to purchase a saltwater fishing license, unless they qualify for another exemption. The new exemption for Medicaid card recipients would eliminate their fiscal impact.

Other Agencies

None

Tax/Fee Issues

No new taxes or fees are requested. The current license fee for a saltwater fishing license for Florida residents is \$15.50 (not including handling fees). The repeal of the exemption to the saltwater license for anglers fishing from the shoreline or from a fixed structure to the land would require those anglers to purchase a saltwater fishing license.

7. Proposed Language

Amend section 379.353, Florida Statutes, to read:

379.353 Recreational licenses and permits; exemptions from fees and requirements.--

(1) Hunting, freshwater fishing, and saltwater fishing licenses and permits shall be issued without fee to any resident who is certified or determined:

(a) To be totally and permanently disabled for purposes of workers' compensation under chapter 440 as verified by an order of a judge of compensation claims or written confirmation by the carrier providing workers' compensation benefits, or to be totally and permanently disabled by the Railroad Retirement Board, by the United States Department of Veterans Affairs or its predecessor, or by any branch of the United States Armed Forces, or who holds a valid identification card issued under the provisions of s. 295.17, upon proof of same. Any license issued under this paragraph after January 1, 1997, expires after 5 years and must be reissued, upon request, every 5 years thereafter.

(b) To be disabled by the United States Social Security Administration, upon proof of same. Any license issued under this paragraph after October 1, 1999, expires after 2 years and must be reissued, upon proof of certification of disability, every 2 years thereafter.

A disability license issued after July 1, 1997, and before July 1, 2000, retains the rights vested thereunder until the license has expired.

(2) A hunting, freshwater fishing, or saltwater fishing license or permit is not required for:

(a) Any child under 16 years of age, except as otherwise provided in this chapter.

(b) Any person hunting or freshwater fishing on her or his homestead property, or on the homestead property of the person's spouse or minor child; or any minor

child hunting or freshwater fishing on the homestead property of her or his parent.

(c) Any resident who is a member of the United States Armed Forces and not stationed in this state, when home on leave for 30 days or less, upon submission of orders.

(d) Any resident freshwater fishing for recreational purposes only, within her or his county of residence with live or natural bait, using poles or lines not equipped with a fishing line retrieval mechanism. This exemption does not apply to residents fishing in a legally established fish management area.

(e) Any person freshwater fishing in a fish pond of 20 acres or less that is located entirely within the private property of the fish pond owner.

(f) Any person freshwater fishing in a fish pond that is licensed in accordance with s. 379.356.

(g) Any person fishing who has been accepted as a client for developmental disabilities services by the Department of Children and Family Services, provided the department furnishes proof thereof.

(h) Any resident saltwater fishing from land or from a structure fixed to the land who has been deemed eligible for Medicaid Services by the Department of Children and Family Services or the Social Security Administration and who has been issued an ID card by the Agency for Health Care Administration, Florida Medicaid Program . The client must have in his or her possession the ID Card and positive proof of identification when fishing.

(i) Any person saltwater fishing from a vessel licensed pursuant to s. 379.354(7).

(j) Any person saltwater fishing from a vessel the operator of which is licensed pursuant to s. 379.354(7).

(k) Any person saltwater fishing who holds a valid saltwater products license issued under s. 379.361(2).

(l) Any person saltwater fishing for recreational purposes from a pier licensed under s. 379.354.

~~(m) Any resident fishing for a saltwater species in fresh water from land or from a structure fixed to land.~~

(n) Any resident fishing for mullet in fresh water who has a valid Florida freshwater fishing license.

(o) Any resident 65 years of age or older who has in her or his possession proof of age and residency. A no-cost license under this paragraph may be obtained from any tax collector's office upon proof of age and residency and must be in the possession of the resident during hunting, freshwater fishing, and saltwater fishing activities.

(p) Any employee of the commission who takes freshwater fish, saltwater fish, or game as part of employment with the commission, or any other person authorized by commission permit to take freshwater fish, saltwater fish, or game for scientific or educational purposes.

(q) Any resident recreationally freshwater fishing who holds a valid commercial fishing license issued under s. 379.363(1)(a).