

1989

Session Law 89-273

Florida Senate & House of Representatives

Follow this and additional works at: <https://ir.law.fsu.edu/staff-analysis>



Part of the Legislation Commons

Recommended Citation

House of Representatives, Florida Senate &, "Session Law 89-273" (1989). *Staff Analysis*. 1066.
<https://ir.law.fsu.edu/staff-analysis/1066>

This Article is brought to you for free and open access by the Florida Legislative Documents at Scholarship Repository. It has been accepted for inclusion in Staff Analysis by an authorized administrator of Scholarship Repository. For more information, please contact efarrell@law.fsu.edu.

B
I
L
L

H
I
S
T
O
R
Y

S 212 GENERAL BILL/1ST ENG by Grizzle (Compare H 827, CS/H 1500, CS/S 1162)

Saltwater Fishing/Local Government; provides that local governments are not prohibited, by state preemption of power to prohibit taking or possession of saltwater fish, from regulating, in certain instances, saltwater fishing from real property owned by it; provides legal protection for commercial & recreational fishing operations; prohibits certain local ordinances; prohibits expansion of commercial & recreational fishing operations under certain circumstances, etc. Amends 370.102, 125.01. Effective Date: 07/05/89 except as otherwise provided.

02/08/89 SENATE Prefiled

02/17/89 SENATE Referred to Natural Resources and Conservation; Community Affairs

04/04/89 SENATE Introduced, referred to Natural Resources and Conservation; Community Affairs -SJ 25

04/07/89 SENATE On Committee agenda—Natural Resources and Conservation, 04/11/89, 2:00 pm, Room-2C-(301)

04/11/89 SENATE Comm. Report: Favorable by Natural Resources and Conservation -SJ 124

04/12/89 SENATE Now in Community Affairs -SJ 124

04/14/89 SENATE Extension of time granted Committee Community Affairs

04/27/89 SENATE On Committee agenda—Community Affairs, 05/01/89, 3:00 pm, Room-C-(LL-32)

04/28/89 SENATE Extension of time granted Committee Community Affairs

05/01/89 SENATE Comm. Report: Favorable by Community Affairs, placed on Calendar -SJ 256

05/09/89 SENATE Placed on Special Order Calendar -SJ 275

05/10/89 SENATE Placed on Special Order Calendar -SJ 275; Passed; YEAS 37 NAYS 0 -SJ 305

05/11/89 HOUSE In Messages

05/17/89 HOUSE Received, placed on Calendar

05/31/89 HOUSE Placed on Special Order Calendar; Substituted for HB 827; Read second time; Amendments adopted; Read third time; Passed as amended; YEAS 111 NAYS 2 -HJ 973

06/01/89 SENATE In Messages

06/02/89 SENATE Concurred; Passed as amended; YEAS 38 NAYS 0 -SJ 871

06/02/89 Ordered engrossed, then enrolled -SJ 871

06/20/89 Signed by Officers and presented to Governor

07/05/89 Approved by Governor; Chapter No. 89-273

NOTES: Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

REVISED: _____

BILL NO. SB 212

DATE: April 27, 1989

Page 1

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Gee</u>	<u>Voigt</u>	1. <u>NRC</u>	<u>Favorable</u>
2. <u>Buck</u> <i>OB</i>	<u>Buck</u> <i>OB</i>	2. <u>CA</u>	_____
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT:

Saltwater Fishing

BILL NO. AND SPONSOR:

SB 212 by
Senator Grizzle

I. SUMMARY:

A. Present Situation:

Section 370.102, F.S., currently preempts to the state the power to regulate the taking or possession of saltwater fish, as defined in s. 370.01, F.S., 1988 Supplement.

Section 125.01, F.S., 1988 Supplement, currently provides that a county government shall not have the power to regulate the taking or possession of saltwater fish, as defined in s. 370.01, 1988 Supplement, with respect to the method of taking, size, number, season, or species.

At least one local government interprets such provisions as prohibiting a local government from regulating the act of fishing in saltwater from real property owned by a local government. Because some properties, primarily bridges, may not be designed in a manner that allows safe fishing without interfering with traffic flow, a local government may wish to prohibit fishing from such properties as a public safety measure. Several injuries and at least one death have resulted from fishing from such properties.

B. Effect of Proposed Changes:

The bill amends s. 370.102, F.S., to specify that state preemption of the power to regulate saltwater fishing does not prohibit a local government from prohibiting saltwater fishing from real property owned by the local government, for reasons of protecting the public health, safety, or welfare.

The bill also amends s. 125.01(4), F.S., 1988 Supplement, to clarify that the prohibition of a county's power to regulate the taking or possession of saltwater fish does not prohibit a county from prohibiting the act of saltwater fishing from real property owned by the county, for reasons of protecting the public health, safety, or welfare.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

The bill has no measureable impact on the public.

B. Government:

While the bill has no measureable impact on government, there could be an undeterminable benefit to local governments if the bill results in fewer injuries on local government property and thus a reduction in potential exposure to liability.

III. COMMENTS:

REVISED: _____

BILL NO. SB 212

DATE: April 27, 1989

Page 2

None

IV. AMENDMENTS:

None.

STORAGE NAME: h0827-f.nr

DATE: June 19, 1989

HOUSE OF REPRESENTATIVES
NATURAL RESOURCES COMMITTEE
FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: HB 827 (Senate companion SB 212 passed)

RELATING TO: Saltwater Fishing/Local Government

SPONSOR(S): Representative Safley

EFFECTIVE DATE: Upon becoming law

DATE BECAME LAW: July 5, 1989

CHAPTER #: 89-273, Laws of Florida

COMPANION BILL(S): SB 212, HB 1246

OTHER COMMITTEES OF REFERENCE: (1) Appropriations
(2)

I. SUMMARY:

A. PRESENT SITUATION:

Narrow bridges and other unsuitable fishing structures sometimes constitute a danger to the safety of those fishing and the operators of vehicles who also utilize the structures.

At the present time, officers of local governments do not think that they have specific statutory authority to prohibit saltwater fishing from property that is owned by the local government.

Local government officials believe that there is a need for restrictions on certain bridges or other structures due to the public safety hazards presented by persons fishing from such structures within their jurisdiction.

B. EFFECT OF PROPOSED CHANGES:

This bill specifically authorizes local governments to prohibit, for reasons of protecting public health, safety, or welfare, saltwater fishing from property owned by that local government.

C. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends section 370.102, Florida Statutes, to specifically allow local governments to prohibit, for reasons of protecting public health, safety, or welfare, saltwater fishing from property owned by that local government.

Section 2. Amends section 125.01, Florida Statutes, 1988 Supplement, to specifically allow local governments to prohibit, for reasons of protecting public health, safety, or welfare, saltwater fishing from property owned by that local government.

Section 3. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

None.

2. Recurring or Annualized Continuation Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Appropriations Consequences:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None.

2. Recurring or Annualized Continuation Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Unknown.

2. Direct Private Sector Benefits:

Unknown.

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

Unknown.

STORAGE NAME: h0827-f.nr

DATE: June 19, 1989

PAGE: 3

D. FISCAL COMMENTS:

None.

III. LONG RANGE CONSEQUENCES:

None.

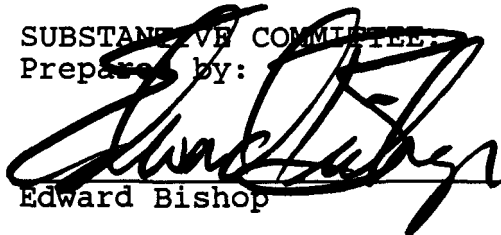
IV. COMMENTS:

None.

V. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:



Edward Bishop

Staff Director:



Dana D. Migerva

SECOND COMMITTEE OF REFERENCE:

Prepared by:

Staff Director:

APPROPRIATIONS:

Prepared by:

Staff Director:
