

By the Committees on Finance and Taxation; Agriculture and Consumer Services; and Senator Bronson

314-1904-01

1 A bill to be entitled
2 An act relating to the Fish and Wildlife
3 Conservation Commission; amending s. 370.06,
4 F.S.; recognizing the Railroad Retirement Board
5 for making certain disability determinations;
6 amending s. 370.13, F.S.; renaming depredation
7 endorsements as depredation permits; providing
8 permit requirements; amending s. 370.19, F.S.;
9 providing for legislative appointments to the
10 Atlantic States Marine Fisheries Commission;
11 amending s. 370.20, F.S.; providing for
12 legislative appointments to the Gulf States
13 Marine Fisheries Commission; amending s.
14 370.25, F.S.; conforming the responsibilities
15 for issuing artificial-reef permits with
16 transfer of duties to the Department of
17 Environmental Protection; amending s. 374.977,
18 F.S.; conforming the responsibilities for
19 posting and maintaining regulatory waterway
20 markers with the transfer of duties to the Fish
21 and Wildlife Conservation Commission;
22 encouraging the release and feeding of certain
23 quail; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Paragraph (a) of Subsection (2) of section
28 370.06, Florida Statutes, is amended to read:

29 370.06 Licenses.--

30 (2) SALTWATER PRODUCTS LICENSE.--

31

1 (a) Every person, firm, or corporation that sells,
2 offers for sale, barter, or exchanges for merchandise any
3 saltwater products, or which harvests saltwater products with
4 certain gear or equipment as specified by law, must have a
5 valid saltwater products license, except that the holder of an
6 aquaculture certificate under s. 597.004 is not required to
7 purchase and possess a saltwater products license in order to
8 possess, transport, or sell marine aquaculture products. Each
9 saltwater products license allows the holder to engage in any
10 of the activities for which the license is required. The
11 license must be in the possession of the licenseholder or
12 aboard the vessel and shall be subject to inspection at any
13 time that harvesting activities for which a license is
14 required are being conducted. A restricted species endorsement
15 on the saltwater products license is required to sell to a
16 licensed wholesale dealer those species which the state, by
17 law or rule, has designated as "restricted species." This
18 endorsement may be issued only to a person who is at least 16
19 years of age, or to a firm certifying that over 25 percent of
20 its income or \$5,000 of its income, whichever is less, is
21 attributable to the sale of saltwater products pursuant to a
22 license issued under this paragraph or a similar license from
23 another state. This endorsement may also be issued to a
24 for-profit corporation if it certifies that at least \$5,000 of
25 its income is attributable to the sale of saltwater products
26 pursuant to a license issued under this paragraph or a similar
27 license from another state. However, if at least 50 percent of
28 the annual income of a person, firm, or for-profit corporation
29 is derived from charter fishing, the person, firm, or
30 for-profit corporation must certify that at least \$2,500 of
31 the income of the person, firm, or corporation is attributable

1 to the sale of saltwater products pursuant to a license issued
2 under this paragraph or a similar license from another state,
3 in order to be issued the endorsement. Such income attribution
4 must apply to at least 1 year out of the last 3 years. For the
5 purpose of this section "income" means that income which is
6 attributable to work, employment, entrepreneurship, pensions,
7 retirement benefits, and social security benefits. To renew an
8 existing restricted species endorsement, a marine aquaculture
9 producer possessing a valid saltwater products license with a
10 restricted species endorsement may apply income from the sale
11 of marine aquaculture products to licensed wholesale dealers.

12 1. The commission is authorized to require
13 verification of such income. Acceptable proof of income earned
14 from the sale of saltwater products shall be:

15 a. Copies of trip ticket records generated pursuant to
16 this subsection (marine fisheries information system),
17 documenting qualifying sale of saltwater products;

18 b. Copies of sales records from locales other than
19 Florida documenting qualifying sale of saltwater products;

20 c. A copy of the applicable federal income tax return,
21 including Form 1099 attachments, verifying income earned from
22 the sale of saltwater products;

23 d. Crew share statements verifying income earned from
24 the sale of saltwater products; or

25 e. A certified public accountant's notarized statement
26 attesting to qualifying source and amount of income.

27

28 Any provision of this section or any other section of the
29 Florida Statutes to the contrary notwithstanding, any person
30 who owns a retail seafood market or restaurant at a fixed
31 location for at least 3 years who has had an occupational

1 license for 3 years prior to January 1, 1990, who harvests
2 saltwater products to supply his or her retail store and has
3 had a saltwater products license for 1 of the past 3 years
4 prior to January 1, 1990, may provide proof of his or her
5 verification of income and sales value at the person's retail
6 seafood market or restaurant and in his or her saltwater
7 products enterprise by affidavit and shall thereupon be issued
8 a restricted species endorsement.

9 2. Exceptions from income requirements shall be as
10 follows:

11 a. A permanent restricted species endorsement shall be
12 available to those persons age 62 and older who have qualified
13 for such endorsement for at least 3 out of the last 5 years.

14 b. Active military duty time shall be excluded from
15 consideration of time necessary to qualify and shall not be
16 counted against the applicant for purposes of qualifying.

17 c. Upon the sale of a used commercial fishing vessel
18 owned by a person, firm, or corporation possessing or eligible
19 for a restricted species endorsement, the purchaser of such
20 vessel shall be exempted from the qualifying income
21 requirement for the purpose of obtaining a restricted species
22 endorsement for a period of 1 year after purchase of the
23 vessel.

24 d. Upon the death or permanent disablement of a person
25 possessing a restricted species endorsement, an immediate
26 family member wishing to carry on the fishing operation shall
27 be exempted from the qualifying income requirement for the
28 purpose of obtaining a restricted species endorsement for a
29 period of 1 year after the death or disablement.

30 e. A restricted species endorsement may be issued on
31 an individual saltwater products license to a person age 62 or

1 older who documents that at least \$2,500 is attributable to
2 the sale of saltwater products pursuant to the provisions of
3 this paragraph.

4 f. A permanent restricted species endorsement may also
5 be issued on an individual saltwater products license to a
6 person age 70 or older who has held a saltwater products
7 license for at least 3 of the last 5 license years.

8 g.~~(F)~~ Any resident who is certified to be totally and
9 permanently disabled by the Railroad Retirement Board, by the
10 United States Department of Veterans Affairs or its
11 predecessor, or by any branch of the United States Armed
12 Forces, or who holds a valid identification card issued by the
13 Department of Veterans' Affairs pursuant to s. 295.17, upon
14 proof of the same, or any resident certified to be ~~totally~~
15 disabled by the United States Social Security Administration,
16 upon proof of the same, shall be exempted from the income
17 requirements if he or she also has held a saltwater products
18 license for at least 3 of the last 5 license years prior to
19 the date of the disability.

20 ~~(II) A Disability Award Notice issued by the United~~
21 ~~States Social Security Administration is not sufficient~~
22 ~~certification for a resident to obtain the income exemption~~
23 ~~unless the notice certifies that the resident is totally~~
24 ~~disabled.~~

25
26 At least one saltwater products license bearing a restricted
27 species endorsement shall be aboard any vessel harvesting
28 restricted species in excess of any bag limit or when fishing
29 under a commercial quota or in commercial quantities, and such
30 vessel shall have a commercial vessel registration. This
31 subsection does not apply to any person, firm, or corporation

1 licensed under s. 370.07(1)(a)1. or (b) for activities
2 pursuant to such licenses. A saltwater products license may be
3 issued in the name of an individual or a valid boat
4 registration number. Such license is not transferable. A decal
5 shall be issued with each saltwater products license issued to
6 a valid boat registration number. The saltwater products
7 license decal shall be the same color as the vessel
8 registration decal issued each year pursuant to s. 328.48(5)
9 and shall indicate the period of time such license is valid.
10 The saltwater products license decal shall be placed beside
11 the vessel registration decal and, in the case of an
12 undocumented vessel, shall be placed so that the vessel
13 registration decal lies between the vessel registration number
14 and the saltwater products license decal. Any saltwater
15 products license decal for a previous year shall be removed
16 from a vessel operating on the waters of the state. A resident
17 shall pay an annual license fee of \$50 for a saltwater
18 products license issued in the name of an individual or \$100
19 for a saltwater products license issued to a valid boat
20 registration number. A nonresident shall pay an annual license
21 fee of \$200 for a saltwater products license issued in the
22 name of an individual or \$400 for a saltwater products license
23 issued to a valid boat registration number. An alien shall pay
24 an annual license fee of \$300 for a saltwater products license
25 issued in the name of an individual or \$600 for a saltwater
26 products license issued to a valid boat registration number.
27 Any person who sells saltwater products pursuant to this
28 license may sell only to a licensed wholesale dealer. A
29 saltwater products license must be presented to the licensed
30 wholesale dealer each time saltwater products are sold, and an
31 imprint made thereof. The wholesale dealer shall keep records

1 of each transaction in such detail as may be required by rule
2 of the commission not in conflict with s. 370.07(6), and shall
3 provide the holder of the saltwater products license with a
4 copy of the record. It is unlawful for any licensed wholesale
5 dealer to buy saltwater products from any unlicensed person
6 under the provisions of this section, except that a licensed
7 wholesale dealer may buy from another licensed wholesale
8 dealer. It is unlawful for any licensed wholesale dealer to
9 buy saltwater products designated as "restricted species" from
10 any person, firm, or corporation not possessing a restricted
11 species endorsement on his or her saltwater products license
12 under the provisions of this section, except that a licensed
13 wholesale dealer may buy from another licensed wholesale
14 dealer. The commission shall be the licensing agency, may
15 contract with private persons or entities to implement aspects
16 of the licensing program, and shall establish by rule a marine
17 fisheries information system in conjunction with the licensing
18 program to gather fisheries data.

19 Section 2. Subsection (3) of section 370.13, Florida
20 Statutes, is amended to read:

21 370.13 Stone crab; regulation.--

22 (3) ~~DEPREDACTION PERMITS ENDORSEMENTS.~~--The Fish and
23 Wildlife Conservation Commission shall issue a depredation
24 permit upon request to any marine aquaculture producer, as
25 defined in s. 370.26, engaged in the culture of shellfish
26 ~~endorsement on the saltwater products license~~, which shall
27 entitle the aquaculture producer licenseholder to possess and
28 use up to 75 stone crab traps and up to 75 blue crab traps,
29 ~~notwithstanding any other provisions of law,~~ for the sole
30 purpose of taking incidental take of destructive or nuisance
31 stone crabs or blue crabs within 1 mile of the producer's

1 aquaculture shellfish beds. ~~Any marine aquaculture producer as~~
2 ~~defined by s. 370.26 who raises shellfish may obtain a~~
3 ~~depredation endorsement by providing an aquaculture~~
4 ~~registration certificate to the commission.~~ No Stone crabs or
5 blue crabs taken under this subsection may not be sold,
6 bartered, exchanged, or offered for sale, barter, or exchange.

7 Section 3. Subsections (1) and (2) of section 370.19,
8 Florida Statutes, are amended to read:

9 370.19 Atlantic States Marine Fisheries Compact;
10 implementing legislation.--

11 (1) FORM.--The Governor of this state is hereby
12 authorized and directed to execute a compact on behalf of the
13 State of Florida with any one or more of the States of Maine,
14 New Hampshire, Massachusetts, Rhode Island, Connecticut, New
15 York, New Jersey, Delaware, Maryland, Virginia, North
16 Carolina, South Carolina, and Georgia, and with such other
17 states as may enter into the compact, legally joining therein
18 in the form substantially as follows:

19
20 ATLANTIC STATES MARINE FISHERIES
21 COMPACT

22
23 The contracting states solemnly agree:

24
25 ARTICLE I

26
27 The purpose of this compact is to promote the better
28 utilization of the fisheries, marine, shell, and anadromous,
29 of the Atlantic seaboard by the development of a joint program
30 for the promotion and protection of such fisheries, and by the
31 prevention of the physical waste of the fisheries from any

1 cause. It is not the purpose of this compact to authorize the
2 states joining herein to limit the production of fish or fish
3 products for the purpose of establishing or fixing the price
4 thereof, or creating and perpetuating a monopoly.

5
6 ARTICLE II

7
8 This agreement shall become operative immediately as to
9 those states executing it whenever any two or more of the
10 States of Maine, New Hampshire, Massachusetts, Rhode Island,
11 Connecticut, New York, New Jersey, Delaware, Maryland,
12 Virginia, North Carolina, South Carolina, Georgia and Florida
13 have executed it in the form that is in accordance with the
14 laws of the executing state and the Congress has given its
15 consent. Any state contiguous with any of the aforementioned
16 states and riparian upon waters frequented by anadromous fish,
17 flowing into waters under the jurisdiction of any of the
18 aforementioned states, may become a party hereto as
19 hereinafter provided.

20
21 ARTICLE III

22
23 Each state joining herein shall appoint three
24 representatives to a commission hereby constituted and
25 designated as the Atlantic States Marine Fisheries Commission.
26 One shall be the executive officer of the administrative
27 agency of such state charged with the conservation of the
28 fisheries resources to which this compact pertains or, if
29 there be more than one officer or agency, the official of that
30 state named by the governor thereof. The second shall be a
31 member of the legislature of such state designated by such

1 legislature or, in the absence of such designation, such
2 legislator shall be designated by the governor thereof,
3 provided that if it is constitutionally impossible to appoint
4 a legislator as a commissioner from such state, the second
5 member shall be appointed in such manner as is established by
6 law ~~the house committee on commerce and reciprocal trade of~~
7 ~~such state.~~ The third shall be a citizen who shall have a
8 knowledge of and interest in the marine fisheries problem to
9 be appointed by the governor. This commission shall be a body
10 corporate with the powers and duties set forth herein.

11
12 ARTICLE IV
13

14 The duty of the said commission shall be to make
15 inquiry and ascertain from time to time such methods,
16 practices, circumstances and conditions as may be disclosed
17 for bringing about the conservation and the prevention of the
18 depletion and physical waste of the fisheries, marine, shell
19 and anadromous, of the Atlantic seaboard. The commission
20 shall have power to recommend the coordination of the exercise
21 of the police powers of the several states within their
22 respective jurisdictions to promote the preservation of those
23 fisheries and their protection against overfishing, waste,
24 depletion or any abuse whatsoever and to assure a continuing
25 yield from the fisheries resources of the aforementioned
26 states.

27 To that end the commission shall draft and, after
28 consultation with the advisory committee hereinafter
29 authorized, recommend to the governors and legislatures of the
30 various signatory states legislation dealing with the
31 conservation of the marine, shell and anadromous fisheries of

1 with the provisions of Article II the participation of such
2 state in the action of the commission shall be limited to such
3 species of anadromous fish.

4
5 ARTICLE IX
6

7 Nothing in this compact shall be construed to limit the
8 powers of any signatory state or to repeal or prevent the
9 enactment of any legislation or the enforcement of any
10 requirement by any signatory state imposing additional
11 conditions to conserve its fisheries.

12
13 ARTICLE X
14

15 Continued absence of representation or of any
16 representative on the commission from any state party hereto
17 shall be brought to the attention of the governor thereof.

18
19 ARTICLE XI
20

21 The states party hereto agree to make annual
22 appropriations to the support of the commission in proportion
23 to the primary market value of the products of their
24 fisheries, exclusive of cod and haddock, as recorded in the
25 most recent published reports of the Fish and Wildlife Service
26 of the United States Department of the Interior, provided no
27 state shall contribute less than \$200 per annum and the annual
28 contribution of each state above the minimum shall be figured
29 to the nearest \$100.

30 The compacting states agree to appropriate initially
31 the annual amounts scheduled below, which amounts are

1 calculated in the manner set forth herein, on the basis of the
2 catch record of 1938. Subsequent budgets shall be recommended
3 by a majority of the commission and the cost thereof allocated
4 equitably among the states in accordance with their respective
5 interests and submitted to the compacting states.

6
7 Schedule of Initial Annual
8 State Contributions

9	Maine.....	\$700
10	New Hampshire.....	200
11	Massachusetts.....	2,300
12	Rhode Island.....	300
13	Connecticut.....	400
14	New York.....	1,300
15	New Jersey.....	800
16	Delaware.....	200
17	Maryland.....	700
18	Virginia.....	1,300
19	North Carolina.....	600
20	South Carolina.....	200
21	Georgia.....	200
22	Florida.....	1,500

23
24 ARTICLE XII

25
26 This compact shall continue in force and remain binding
27 upon each compacting state until renounced by it.
28 Renunciation of this compact must be preceded by sending 6
29 months' notice in writing of intention to withdraw from the
30 compact to the other states party hereto.

1 (2) COMMISSIONERS; APPOINTMENT AND REMOVAL.--In
2 pursuance of Article III of said compact there shall be three
3 members (hereinafter called commissioners) of the Atlantic
4 States Marine Fisheries Commission (hereinafter called
5 commission) from this state. The first commissioner from this
6 state shall be the Executive Director of the Fish and Wildlife
7 Conservation Commission, ex officio, and the term of any such
8 ex officio commissioner shall terminate at the time he or she
9 ceases to hold said office of Executive Director of the Fish
10 and Wildlife Conservation Commission, and his or her successor
11 as commissioner shall be his or her successor as executive
12 director. The second commissioner from this state shall be a
13 legislator appointed on a rotating basis by the President of
14 the Senate or the Speaker of the House of Representatives,
15 beginning with the appointment of a member of the Senate, and
16 ~~member of the house committee on commerce and reciprocal trade~~
17 ~~(of the State of Florida, ex officio, designated by said house~~
18 ~~committee on commerce and reciprocal trade), and the term of~~
19 any such ~~ex officio~~ commissioner shall terminate at the time
20 he or she ceases to hold said legislative office ~~as~~
21 ~~commissioner on interstate cooperation, and his or her~~
22 ~~successor as commissioner shall be named in like manner.~~ The
23 Governor (subject to confirmation by the Senate), shall
24 appoint a citizen as a third commissioner who shall have a
25 knowledge of, and interest in, the marine fisheries problem.
26 The term of said commissioner shall be 3 years and the
27 commissioner shall hold office until a successor shall be
28 appointed and qualified. Vacancies occurring in the office of
29 such commissioner from any reason or cause shall be filled by
30 appointment by the Governor (subject to confirmation by the
31 Senate), for the unexpired term. The Executive Director of the

1 Fish and Wildlife Conservation Commission as ex officio
2 commissioner may delegate, from time to time, to any deputy or
3 other subordinate in his or her department or office, the
4 power to be present and participate, including voting, as his
5 or her representative or substitute at any meeting of or
6 hearing by or other proceeding of the commission. The terms of
7 each of the initial three members shall begin at the date of
8 the appointment of the appointive commissioner, provided the
9 said compact shall then have gone into effect in accordance
10 with Article II of the compact; otherwise, they shall begin
11 upon the date upon which said compact shall become effective
12 in accordance with said Article II. Any commissioner may be
13 removed from office by the Governor upon charges and after a
14 hearing.

15 Section 4. Subsection (2) of section 370.20, Florida
16 Statutes, is amended to read:

17 370.20 Gulf States Marine Fisheries Compact;
18 implementing legislation.--

19 (2) MEMBERS OF COMMISSION; TERM OF OFFICE.--In
20 pursuance of article III of said compact, there shall be three
21 members (hereinafter called commissioners) of the Gulf States
22 Marine Fisheries Commission (hereafter called commission) from
23 the State of Florida. The first commissioner from the State of
24 Florida shall be the Executive Director of the Fish and
25 Wildlife Conservation Commission, ex officio, and the term of
26 any such ex officio commissioner shall terminate at the time
27 he or she ceases to hold said office of Executive Director of
28 the Fish and Wildlife Conservation Commission, and his or her
29 successor as commissioner shall be his or her successor as
30 executive director. The second commissioner from the State of
31 Florida shall be a legislator appointed on a rotating basis by

1 the President of the Senate or the Speaker of the House of
2 Representatives, beginning with the appointment of a member of
3 the House of Representatives,~~and a member of the house~~
4 ~~committee on commerce and reciprocal trade (of the State of~~
5 ~~Florida ex officio, designated by said house committee on~~
6 ~~commerce and reciprocal trade),~~and the term of any such ~~ex~~
7 ~~officio~~ commissioner shall terminate at the time he or she
8 ceases to hold said legislative office ~~as commissioner on~~
9 ~~interstate cooperation, and his or her successor as~~
10 ~~commissioner shall be named in like manner.~~ The Governor
11 (subject to confirmation by the Senate) shall appoint a
12 citizen as a third commissioner who shall have a knowledge of
13 and interest in the marine fisheries problem. The term of said
14 commissioner shall be 3 years and the commissioner shall hold
15 office until a successor shall be appointed and qualified.
16 Vacancies occurring in the office of such commissioner from
17 any reason or cause shall be filled by appointment by the
18 Governor (subject to confirmation by the Senate) for the
19 unexpired term. The Executive Director of the Fish and
20 Wildlife Conservation Commission, as ex officio commissioner,
21 may delegate, from time to time, to any deputy or other
22 subordinate in his or her department or office, the power to
23 be present and participate, including voting, as his or her
24 representative or substitute at any meeting of or hearing by
25 or other proceeding of the commission. The terms of each of
26 the initial three members shall begin at the date of the
27 appointment of the appointive commissioner, provided the said
28 compact shall then have gone into effect in accordance with
29 article II of the compact; otherwise they shall begin upon the
30 date upon which said compact shall become effective in
31 accordance with said article II.

1 Any commissioner may be removed from office by the
2 Governor upon charges and after a hearing.

3 Section 5. Paragraph (a) of subsection (6) of Section
4 370.25, Florida Statutes, is amended to read:

5 370.25 Artificial reef program; grants and financial
6 and technical assistance to local governments.--

7 (6) It is unlawful for any person to:

8 (a) Place artificial-reef-construction materials in
9 state waters outside zones permitted under the terms and
10 conditions defined in any artificial-reef permits issued by
11 the United States Army Corps of Engineers or by the Department
12 of Environmental Protection ~~Fish and Wildlife Conservation~~
13 ~~Commission~~.

14 Section 6. Section 374.977, Florida Statutes, is
15 amended to read:

16 374.977 Inland navigation districts; manatee
17 protection speed zones, responsibility for sign posting.--Each
18 inland navigation district shall be responsible for posting
19 and maintaining regulatory markers, as approved by the Fish
20 and Wildlife Conservation Commission ~~Department of~~

21 ~~Environmental Protection~~, for manatee protection speed zones.

22 Such responsibility shall not be limited to the intracoastal
23 waterway, but shall include all waters within each member
24 county for which regulatory markers must be posted. Sign
25 locations shall be jointly selected by the Fish and Wildlife
26 Conservation Commission ~~Department of Environmental Protection~~
27 and the appropriate inland navigation district, pending
28 necessary federal, state and local approvals. Should an inland
29 navigation district lack the resources or otherwise be unable
30 to carry out its sign posting and maintenance duties, this
31 responsibility shall then be assumed by the Fish and Wildlife

1 Conservation Commission ~~Department of Environmental~~
2 ~~Protection.~~

3 Section 7. State agencies and water management
4 districts that manage lands for public hunting are encouraged
5 to authorize the release and feeding of breeder-raised and
6 wild quail on such lands to increase quail hunting
7 opportunities and replenish quail population in the state.

8 Section 8. This act shall take effect July 1, 2001.

9
10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
11 COMMITTEE SUBSTITUTE FOR
12 CS/SB 1204

13 Removes Section 6 from the bill, which exempted residents
14 certified to be disabled by the Railroad Retirement Board from
15 hunting and saltwater and freshwater fishing license fees.
16 Section 6 also provided that the exemption from hunting and
17 fishing license fees for residents certified as totally and
18 permanently disabled by the U.S. Department of Veterans
19 Affairs, the U.S. Armed Forces, or the U.S. Social Security
20 Administration, includes both saltwater and freshwater fishing
21 licenses.

22 Provides that state agencies and water management districts
23 that manage lands for public hunting are encouraged to
24 authorize the release and feeding of breeder-raised and wild
25 quail on such lands to increase quail hunting opportunities
26 and replenish quail population in the state.
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