

By Senator Dean

5-00216-13

2013448

1 A bill to be entitled
2 An act relating to the Fish and Wildlife Conservation
3 Commission; amending s. 327.02, F.S.; revising the
4 definition of the term "navigation rules" for purposes
5 of provisions relating to vessels; amending s.
6 379.101, F.S.; revising the definition of the term
7 "resident" or "resident of Florida" for purposes of
8 provisions relating to recreational and
9 nonrecreational activity licenses; providing for
10 certain evidence of residence; revising the definition
11 of the term "resident alien" to remove a county
12 residency requirement; amending s. 379.353, F.S.;
13 exempting individuals participating in certain outdoor
14 recreational events from requirements for a hunting or
15 fishing license or permit; amending s. 379.354, F.S.;
16 revising the number of days the commission may
17 designate as free fishing days each year; amending s.
18 379.361, F.S.; revising requirements for a restricted
19 species endorsement on a saltwater products license;
20 providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Subsection (25) of section 327.02, Florida
25 Statutes, is amended to read:

26 327.02 Definitions ~~of terms used in this chapter and in~~
27 ~~chapter 328.~~—As used in this chapter and in chapter 328, unless
28 the context clearly requires a different meaning, the term:

29 (25) "Navigation rules" means:

5-00216-13

2013448

30 (a) For vessels on waters outside of established
31 navigation lines of demarcation as specified in 33 C.F.R. part
32 80, the International Navigational Rules Act of 1977, 33 U.S.C.
33 ~~appendix following~~ s. 1602, as amended, including the appendix
34 and annexes thereto, through October 1, 2012.

35 (b) For vessels on all waters not outside of such
36 ~~established navigational lines of demarcation, as specified in~~
37 ~~33 C.F.R. part 80 or the Inland Navigational Rules Act of 1980,~~
38 33 C.F.R. parts 83-90, as amended, through October 1, 2012 ~~33~~
39 ~~U.S.C. ss. 2001 et seq., as amended, including the annexes~~
40 ~~thereto, for vessels on all waters not outside of such lines of~~
41 ~~demarcation.~~

42 Section 2. Subsections (30) and (31) of section 379.101,
43 Florida Statutes, are amended to read:

44 379.101 Definitions.—In construing these statutes, where
45 the context does not clearly indicate otherwise, the word,
46 phrase, or term:

47 (30) "Resident" or "resident of Florida" means:

48 (a) For purposes of part VII ~~of this chapter, with the~~
49 ~~exception of ss. 379.363, 379.3635, 379.364, 379.3711, 379.3712,~~
50 ~~379.372, 379.373, 379.374, 379.3751, 379.3752, 379.3761,~~
51 ~~379.3762, and 379.377, and for purposes of s. 379.355, citizens~~
52 ~~of the United States who have continuously resided in this state~~
53 ~~for 1 year before applying for a, next preceding the making of~~
54 ~~their application for hunting, fishing, or other license, for~~
55 ~~the following period of time, to wit: For 1 year in the state~~
56 ~~and 6 months in the county when applied to all fish and game~~
57 ~~laws not related to freshwater fish and game. However, for~~
58 purposes of ss. 379.363, 379.3635, 379.364, 379.3711, 379.3712,

5-00216-13

2013448

59 379.372, 379.373, 379.374, 379.3751, 379.3752, 379.3761, and
60 379.3762, the term "resident" or "resident of Florida" means a
61 citizen of the United States who has continuously resided in
62 this state for 6 months before applying for a hunting, fishing,
63 or other license.

64 (b) For purposes of part VI ~~of this chapter, except with~~
65 ~~the exception of s. 379.355;~~ and for purposes of ~~ss. 379.363,~~
66 ~~379.3635, 379.364, 379.3711, 379.3712, 379.372, 379.373,~~
67 ~~379.374, 379.3751, 379.3752, 379.3761, 379.3762, and 379.377,~~
68 ~~any person who has continually resided in the state for 6 months~~
69 ~~or~~

70 1. Any member of the United States Armed Forces who is
71 stationed in the state and his or her family members residing
72 with such member; or

73 2. Any person who has declared Florida as his or her only
74 state of residence as evidenced by one of the following:

75 a. A valid Florida driver license or identification card
76 with a Florida address and not marked as "Valid in Florida
77 Only";

78 b. A current Florida Voter Information Card;

79 c. A sworn statement manifesting and evidencing domicile in
80 Florida in accordance with s. 222.17;

81 d. A current Florida Homestead Exemption; or

82 e. For a child younger than 18 years of age, a driver
83 license or identification card as described in sub-subparagraph
84 a., a student identification card from a Florida school, or,
85 when accompanied by his or her parent at the time of purchase,
86 the parent's proof of residency.

87 (31) "Resident alien" means ~~shall mean~~ those persons who

5-00216-13

2013448

88 have continuously resided in this state for at least 1 year ~~and~~
89 ~~6 months in the county~~ and can provide documentation from the
90 Bureau of Citizenship and Immigration Services evidencing
91 permanent residency status in the United States. For the
92 purposes of this chapter, a "resident alien" shall be considered
93 a "resident."

94 Section 3. Paragraph (q) is added to subsection (2) of
95 section 379.353, Florida Statutes, to read:

96 379.353 Recreational licenses and permits; exemptions from
97 fees and requirements.—

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

100 (q) Any person participating in an outdoor recreational
101 event authorized by commission permit for the primary purpose of
102 rehabilitation or enjoyment of veterans certified by the United
103 States Department of Veterans Affairs or its predecessor or by
104 any branch of the United States Armed Forces to have any
105 service-connected disability percentage rating, active duty
106 personnel of any branch of the United States Armed Forces or the
107 United States Coast Guard, members of the military reserves, or
108 members of the Florida National Guard. This exemption applies to
109 any person participating in such an event regardless of whether
110 the person is active duty military personnel, a veteran with a
111 disability, or a member of the military reserves.

112 Section 4. Subsection (15) of section 379.354, Florida
113 Statutes, is amended to read:

114 379.354 Recreational licenses, permits, and authorization
115 numbers; fees established.—

116 (15) FREE FISHING DAYS.—The commission may designate by

5-00216-13

2013448__

117 rule no more than 4 ~~2~~ consecutive or nonconsecutive days in each
118 year as free freshwater fishing days and no more than 4 ~~2~~
119 consecutive or nonconsecutive days in each year as free
120 saltwater fishing days. Notwithstanding any other provision of
121 this chapter, any person may take freshwater fish for
122 noncommercial purposes on a free freshwater fishing day and may
123 take saltwater fish for noncommercial purposes on a free
124 saltwater fishing day, without obtaining or possessing a license
125 or permit or paying a license or permit fee as prescribed in
126 this section. A person who takes freshwater or saltwater fish on
127 a free fishing day must comply with all laws, rules, and
128 regulations governing the holders of a fishing license or permit
129 and all other conditions and limitations regulating the taking
130 of freshwater or saltwater fish as are imposed by law or rule.

131 Section 5. Paragraph (b) of subsection (2) of section
132 379.361, Florida Statutes, is amended to read:

133 379.361 Licenses.—

134 (2) SALTWATER PRODUCTS LICENSE.—

135 (b)1. A restricted species endorsement on the saltwater
136 products license is required to sell to a licensed wholesale
137 dealer those species which the state, by law or rule, has
138 designated as "restricted species." This endorsement may be
139 issued only to a person who is at least 16 years of age, or to a
140 firm certifying that over 25 percent of its income or \$5,000 of
141 its income, whichever is less, is attributable to the sale of
142 saltwater products pursuant to a saltwater products license
143 issued under this paragraph or a similar license from another
144 state. This endorsement may also be issued to a for-profit
145 corporation if it certifies that at least \$5,000 of its income

5-00216-13

2013448

146 is attributable to the sale of saltwater products pursuant to a
147 saltwater products license issued under this paragraph or a
148 similar license from another state. However, if at least 50
149 percent of the annual income of a person, firm, or for-profit
150 corporation is derived from charter fishing, the person, firm,
151 or for-profit corporation must certify that at least \$2,500 of
152 the income of the person, firm, or corporation is attributable
153 to the sale of saltwater products pursuant to a saltwater
154 products license issued under this paragraph or a similar
155 license from another state, in order to be issued the
156 endorsement. Such income attribution must apply to at least 1 of
157 the last 3 years. For the purpose of this section, "income"
158 means that income that is attributable to work, employment,
159 entrepreneurship, pensions, retirement benefits, and social
160 security benefits.

161 2. To renew an existing restricted species endorsement, a
162 marine aquaculture producer possessing a valid saltwater
163 products license with a restricted species endorsement may apply
164 income from the sale of marine aquaculture products to licensed
165 wholesale dealers.

166 3. The commission may ~~is authorized to~~ require verification
167 of such income for all restricted species endorsements issued
168 pursuant to this paragraph. Acceptable proof of income earned
169 from the sale of saltwater products shall be:

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

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

5-00216-13

2013448

175 c. A copy of the applicable federal income tax return,
176 including Form 1099 attachments, verifying income earned from
177 the sale of saltwater products;

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

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

182 4. Notwithstanding any other provision of law, any person
183 who owns a retail seafood market or restaurant at a fixed
184 location for at least 3 years, who has had an occupational
185 license for 3 years before ~~prior to~~ January 1, 1990, who
186 harvests saltwater products to supply his or her retail store,
187 and who has had a saltwater products license for 1 of the past 3
188 license years before ~~prior to~~ January 1, 1990, may provide proof
189 of his or her verification of income and sales value at the
190 person's retail seafood market or restaurant and in his or her
191 saltwater products enterprise by affidavit and shall thereupon
192 be issued a restricted species endorsement.

193 5.4. Exceptions from income requirements shall be as
194 follows:

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

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

201 c. Upon the sale of a used commercial fishing vessel owned
202 by a person, firm, or corporation possessing or eligible for a
203 restricted species endorsement, the purchaser of such vessel

5-00216-13

2013448

204 shall be exempted from the qualifying income requirement for the
205 purpose of obtaining a restricted species endorsement for a
206 complete license ~~period of 1~~ year after purchase of the vessel.

207 d. Upon the death or permanent disablement of a person
208 possessing a restricted species endorsement, an immediate family
209 member wishing to carry on the fishing operation shall be
210 exempted from the qualifying income requirement for the purpose
211 of obtaining a restricted species endorsement for a complete
212 license ~~period of 1~~ year after the death or disablement.

213 e. A restricted species endorsement may be issued on an
214 individual saltwater products license to a person age 62 or
215 older who documents that at least \$2,500 of such person's income
216 is attributable to the sale of saltwater products.

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

221 g. Any resident who is certified to be totally and
222 permanently disabled by the Railroad Retirement Board, by the
223 United States Department of Veterans Affairs or its predecessor,
224 or by any branch of the United States Armed Forces, or who holds
225 a valid identification card issued by the Department of
226 Veterans' Affairs pursuant to s. 295.17, upon proof of the same,
227 or any resident certified to be disabled by the United States
228 Social Security Administration or a licensed physician, upon
229 proof of the same, shall be exempted from the income
230 requirements if he or she also has held a saltwater products
231 license for at least 3 of the last 5 license years before ~~prior~~
232 ~~to~~ the date of the disability. A restricted species endorsement

5-00216-13

2013448

233 issued under this paragraph may be issued only on an individual
234 saltwater products license.

235 h. An honorably discharged, resident military veteran
236 certified by the United States Department of Veterans Affairs or
237 its predecessor or by any branch of the United States Armed
238 Forces to have a service-connected permanent disability rating
239 of 10 percent or higher, upon providing proof of such disability
240 rating, is not required to provide documentation for the income
241 requirement with his or her initial application for a restricted
242 species endorsement. Documentation for the income requirement is
243 required beginning with the renewal of the restricted species
244 endorsement after such veteran has possessed a valid restricted
245 species endorsement for a complete license year. This exemption
246 applies only to issuance of the endorsement on an individual
247 saltwater products license and may only be applied one time per
248 military enlistment. In order to renew the restricted species
249 endorsement on an individual saltwater products license, the
250 veteran must document that at least \$2,500 of his or her income
251 is attributable to the sale of saltwater products.

252 i. Until June 30, 2014, a resident military veteran who
253 applies to the commission and who received an honorable
254 discharge from any branch of the United States Armed Forces, the
255 United States Coast Guard, the military reserves, or the Florida
256 National Guard between September 11, 2001, and June 30, 2014, is
257 not required to provide documentation for the income requirement
258 with his or her initial application for a restricted species
259 endorsement. Documentation for the income requirement is
260 required beginning with the renewal of the restricted species
261 endorsement after such veteran has possessed a valid restricted

5-00216-13

2013448

262 species endorsement for a complete license year. This exemption
263 applies only to issuance of the endorsement on an individual
264 saltwater products license.

265 j. Beginning July 1, 2014, a resident military veteran who
266 applies to the commission within 48 months after receiving an
267 honorable discharge from any branch of the United States Armed
268 Forces, the United States Coast Guard, the military reserves, or
269 the Florida National Guard is not required to provide
270 documentation for the income requirement with his or her initial
271 application for a restricted species endorsement. Documentation
272 for the income requirement is required beginning with the
273 renewal of the restricted species endorsement after such veteran
274 has possessed a valid restricted species endorsement for a
275 complete license year. This exemption applies only to issuance
276 of the endorsement on an individual saltwater products license
277 and may only be applied one time per military enlistment.

278 Section 6. This act shall take effect July 1, 2013.