

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:
 30 (a) For vessels on waters outside of established
 31 navigational 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,
 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 a valid Florida driver
 75 license or identification card with both a Florida address and
 76 residency verified by the Department of Highway Safety and Motor
 77 Vehicles, or, in the absence thereof, one of the following:

78 a. A current Florida voter information card;

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

81 c. Proof of a current Florida homestead exemption; or

82 d. For a child younger than 18 years of age, a student
 83 identification card from a Florida school, or, when accompanied
 84 by his or her parent at the time of purchase, the parent's proof

85 | of residency.

86 | (31) "Resident alien" means ~~shall mean~~ those persons who
 87 | have continuously resided in this state for at least 1 year ~~and~~
 88 | ~~6 months in the county~~ and can provide documentation from the
 89 | Bureau of Citizenship and Immigration Services evidencing
 90 | permanent residency status in the United States. For the
 91 | purposes of this chapter, a "resident alien" shall be considered
 92 | a "resident."

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

95 | 379.353 Recreational licenses and permits; exemptions from
 96 | fees and requirements.—

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

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

113 Florida National Guard, or a member of the United States Coast
114 Guard Reserve.

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

117 379.354 Recreational licenses, permits, and authorization
118 numbers; fees established.—

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

134 Section 5. Paragraph (b) of subsection (2) of section
135 379.361, Florida Statutes, is amended to read:

136 379.361 Licenses.—

137 (2) SALTWATER PRODUCTS LICENSE.—

138 (b)1. A restricted species endorsement on the saltwater
139 products license is required to sell to a licensed wholesale
140 dealer those species which the state, by law or rule, has

141 designated as "restricted species." This endorsement may be
142 issued only to a person who is at least 16 years of age, or to a
143 firm certifying that over 25 percent of its income or \$5,000 of
144 its income, whichever is less, is attributable to the sale of
145 saltwater products pursuant to a saltwater products license
146 issued under this paragraph or a similar license from another
147 state. This endorsement may also be issued to a for-profit
148 corporation if it certifies that at least \$5,000 of its income
149 is attributable to the sale of saltwater products pursuant to a
150 saltwater products license issued under this paragraph or a
151 similar license from another state. However, if at least 50
152 percent of the annual income of a person, firm, or for-profit
153 corporation is derived from charter fishing, the person, firm,
154 or for-profit corporation must certify that at least \$2,500 of
155 the income of the person, firm, or corporation is attributable
156 to the sale of saltwater products pursuant to a saltwater
157 products license issued under this paragraph or a similar
158 license from another state, in order to be issued the
159 endorsement. Such income attribution must apply to at least 1 of
160 the last 3 years. For the purpose of this section, "income"
161 means that income that is attributable to work, employment,
162 entrepreneurship, pensions, retirement benefits, and social
163 security benefits.

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

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

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

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

178 c. A copy of the applicable federal income tax return,
179 including Form 1099 attachments, verifying income earned from
180 the sale of saltwater products;

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

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

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

196 5.4. Exceptions from income requirements shall be as

197 follows:

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

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

204 c. Upon the sale of a used commercial fishing vessel owned
205 by a person, firm, or corporation possessing or eligible for a
206 restricted species endorsement, the purchaser of such vessel
207 shall be exempted from the qualifying income requirement for the
208 purpose of obtaining a restricted species endorsement for a
209 complete license ~~period of 1~~ year after purchase of the vessel.

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

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

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

224 g. Any resident who is certified to be totally and

225 permanently disabled by the Railroad Retirement Board, by the
226 United States Department of Veterans Affairs or its predecessor,
227 or by any branch of the United States Armed Forces, or who holds
228 a valid identification card issued by the Department of
229 Veterans' Affairs pursuant to s. 295.17, upon proof of the same,
230 or any resident certified to be disabled by the United States
231 Social Security Administration or a licensed physician, upon
232 proof of the same, shall be exempted from the income
233 requirements if he or she also has held a saltwater products
234 license for at least 3 of the last 5 license years before ~~prior~~
235 ~~to~~ the date of the disability. A restricted species endorsement
236 issued under this paragraph may be issued only on an individual
237 saltwater products license.

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

253 | least \$2,500 of his or her income is attributable to the sale of
254 | saltwater products.

255 | i. Beginning July 1, 2014, a resident military veteran who
256 | applies to the commission within 48 months after receiving an
257 | honorable discharge from any branch of the United States Armed
258 | Forces, the United States Coast Guard, the military reserves,
259 | the Florida National Guard, or the United States Coast Guard
260 | Reserve is not required to provide documentation for the income
261 | requirement with his or her initial application for a restricted
262 | species endorsement. Documentation for the income requirement is
263 | required beginning with the renewal of the restricted species
264 | endorsement after such veteran has possessed a valid restricted
265 | species endorsement for a complete license year. This exemption
266 | applies only to issuance of the endorsement on an individual
267 | saltwater products license and may only be applied one time per
268 | military enlistment.

269 | j. Until June 30, 2014, a resident military veteran who
270 | applies to the commission and who received an honorable
271 | discharge from any branch of the United States Armed Forces, the
272 | United States Coast Guard, the military reserves, the Florida
273 | National Guard, or the United States Coast Guard Reserve between
274 | September 11, 2001, and June 30, 2014, is not required to
275 | provide documentation for the income requirement with his or her
276 | initial application for a restricted species endorsement.
277 | Documentation for the income requirement is required beginning
278 | with the renewal of the restricted species endorsement after
279 | such veteran has possessed a valid restricted species
280 | endorsement for a complete license year. This exemption applies

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281 | only to issuance of the endorsement on an individual saltwater
282 | products license.

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