

ENROLLED
CS/CS/CS/HB 333

2013 Legislature

1
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. 328.72,
6 F.S.; deleting provisions for periodic adjustments of
7 certain fees based on changes in the Consumer Price
8 Index; amending s. 379.101, F.S.; revising the
9 definition of the term "resident" or "resident of
10 Florida" for purposes of provisions relating to
11 recreational and nonrecreational activity licenses;
12 providing for certain evidence of residence; revising
13 the definition of the term "resident alien" to remove
14 a county residency requirement; amending s. 379.353,
15 F.S.; exempting specified persons participating in
16 certain outdoor recreational events from requirements
17 for hunting and fishing licenses and permits; amending
18 s. 379.354, F.S.; deleting provisions for periodic
19 adjustments of certain fees based on changes in the
20 Consumer Price Index; revising the number of days the
21 commission may designate as free fishing days each
22 year; amending s. 379.361, F.S.; revising requirements
23 for a restricted species endorsement on a saltwater
24 products license; providing an effective date.

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

27
28 Section 1. Subsection (25) of section 327.02, Florida

ENROLLED
CS/CS/CS/HB 333

2013 Legislature

29 Statutes, is amended to read:

30 327.02 Definitions ~~of terms used in this chapter and in~~
31 ~~chapter 328.~~—As used in this chapter and in chapter 328, unless
32 the context clearly requires a different meaning, the term:

33 (25) "Navigation rules" means:

34 (a) For vessels on waters outside of established
35 navigation lines of demarcation as specified in 33 C.F.R. part
36 80, the International Navigational Rules Act of 1977, 33 U.S.C.
37 ~~appendix following~~ s. 1602, as amended, including the appendix
38 and annexes thereto, through October 1, 2012.

39 (b) For vessels on all waters not outside of such
40 established navigational lines of demarcation, as specified in
41 ~~33 C.F.R. part 80 or~~ the Inland Navigational Rules Act of 1980,
42 33 C.F.R. parts 83-90, as amended, through October 1, 2012 ~~33~~
43 ~~U.S.C. ss. 2001 et seq., as amended, including the annexes~~
44 ~~thereto, for vessels on all waters not outside of such lines of~~
45 ~~demarcation.~~

46 Section 2. Subsection (1) of section 328.72, Florida
47 Statutes, is amended to read:

48 328.72 Classification; registration; fees and charges;
49 surcharge; disposition of fees; fines; marine turtle stickers.—

50 (1) VESSEL REGISTRATION FEE.—

51 ~~(a)~~ Vessels that are required to be registered shall be
52 classified for registration purposes according to the following
53 schedule, and the registration certificate fee shall be in the
54 following amounts:

55 Class A-1—Less than 12 feet in length, and all canoes to
56 which propulsion motors have been attached, regardless of

ENROLLED
CS/CS/CS/HB 333

2013 Legislature

57 length: \$5.50 for each 12-month period registered.
58 Class A-2-12 feet or more and less than 16 feet in length:
59 \$16.25 for each 12-month period registered.

60 (To county): 2.85 for each 12-month period registered.

61 Class 1-16 feet or more and less than 26 feet in length:
62 \$28.75 for each 12-month period registered.

63 (To county): 8.85 for each 12-month period registered.

64 Class 2-26 feet or more and less than 40 feet in length:
65 \$78.25 for each 12-month period registered.

66 (To county): 32.85 for each 12-month period registered.

67 Class 3-40 feet or more and less than 65 feet in length:
68 \$127.75 for each 12-month period registered.

69 (To county): 56.85 for each 12-month period registered.

70 Class 4-65 feet or more and less than 110 feet in length:
71 \$152.75 for each 12-month period registered.

72 (To county): 68.85 for each 12-month period registered.

73 Class 5-110 feet or more in length: \$189.75 for each 12-
74 month period registered.

75 (To county): 86.85 for each 12-month period registered.

76 Dealer registration certificate: \$25.50 for each 12-month
77 period registered.

78 The county portion of the vessel registration fee is derived
79 from recreational vessels only.

80 ~~(b) In 2013 and every 5 years thereafter, vessel~~
81 ~~registration fees shall be adjusted by the percentage change in~~
82 ~~the Consumer Price Index for All Urban Consumers since the fees~~
83 ~~were last adjusted, unless otherwise provided by general law. By~~
84 ~~February 1 of each year in which an adjustment is scheduled to~~

ENROLLED
CS/CS/CS/HB 333

2013 Legislature

85 ~~occur, the Fish and Wildlife Conservation Commission shall~~
86 ~~submit a report to the President of the Senate and the Speaker~~
87 ~~of the House of Representatives detailing how the increase in~~
88 ~~vessel registration fees will be used within the agency. The~~
89 ~~vessel registration fee increases shall take effect July 1 of~~
90 ~~each adjustment year.~~

91 Section 3. Subsections (30) and (31) of section 379.101,
92 Florida Statutes, are amended to read:

93 379.101 Definitions.—In construing these statutes, where
94 the context does not clearly indicate otherwise, the word,
95 phrase, or term:

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

97 (a) For purposes of part VII ~~of this chapter, with the~~
98 ~~exception of ss. 379.363, 379.3635, 379.364, 379.3711, 379.3712,~~
99 ~~379.372, 379.373, 379.374, 379.3751, 379.3752, 379.3761,~~
100 ~~379.3762, and 379.377, and for purposes of s. 379.355, a citizen~~
101 ~~citizens~~ of the United States who has ~~have~~ continuously resided
102 in this state for 1 year before applying for a, ~~next preceding~~
103 ~~the making of their application for~~ hunting, fishing, or other
104 license, ~~for the following period of time, to wit: For 1 year in~~
105 ~~the state and 6 months in the county when applied to all fish~~
106 ~~and game laws not related to freshwater fish and game. However,~~
107 for purposes of ss. 379.363, 379.3635, 379.364, 379.3711,
108 379.3712, 379.372, 379.373, 379.374, 379.3751, 379.3752,
109 379.3761, and 379.3762, the term "resident" or "resident of
110 Florida" means a citizen of the United States who has
111 continuously resided in this state for 6 months before applying
112 for a hunting, fishing, or other license.

113 (b) For purposes of part VI ~~of this chapter, except with~~
 114 ~~the exception of s. 379.355;~~ and for purposes of ~~ss. 379.363,~~
 115 ~~379.3635, 379.364, 379.3711, 379.3712, 379.372, 379.373,~~
 116 ~~379.374, 379.3751, 379.3752, 379.3761, 379.3762, and 379.377,~~
 117 any person who has continually resided in the state for 6 months
 118 ~~or~~

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

122 2. Any person who has declared Florida as his or her only
 123 state of residence as evidenced by a valid Florida driver
 124 license or identification card with both a Florida address and a
 125 Florida residency verified by the Department of Highway Safety
 126 and Motor Vehicles, or, in the absence thereof, one of the
 127 following:

128 a. A current Florida voter information card;

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

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

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

136 (31) "Resident alien" means a person ~~shall mean those~~
 137 ~~persons~~ who has ~~have~~ continuously resided in this state for at
 138 least 1 year ~~and 6 months in the county~~ and can provide
 139 documentation from the Bureau of Citizenship and Immigration
 140 Services evidencing permanent residency status in the United

ENROLLED
CS/CS/CS/HB 333

2013 Legislature

141 States. For the purposes of this chapter, a "resident alien" is
142 ~~shall be~~ considered a "resident."

143 Section 4. Paragraph (q) is added to subsection (2) of
144 section 379.353, Florida Statutes, to read:

145 379.353 Recreational licenses and permits; exemptions from
146 fees and requirements.—

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

149 (q) Any person exempted pursuant to this paragraph by
150 commission permit for an outdoor recreational event the primary
151 purpose of which is the rehabilitation or enjoyment of disabled
152 veterans certified by the United States Department of Veterans
153 Affairs or its predecessor or by any branch of the United States
154 Armed Forces to have a service-connected disability percentage
155 rating of zero or higher or active duty or reserve duty
156 servicemembers of any branch of the United States Armed Forces,
157 the United States Coast Guard, military reserves, the Florida
158 National Guard, or the United States Coast Guard Reserve. A
159 permit issued for an event pursuant to this paragraph shall
160 exempt disabled veterans and active duty or reserve duty
161 servicemembers, the immediate family of such disabled veterans
162 and servicemembers, and one additional person designated to
163 assist a disabled veteran, from possessing a hunting, freshwater
164 fishing, or saltwater fishing license or permit for the duration
165 of the event. For purposes of this exemption, the term
166 "immediate family" means a parent, spouse, or child. The factors
167 to be considered by the commission in determining whether to
168 issue a permit for an event pursuant to this paragraph shall

ENROLLED
CS/CS/CS/HB 333

2013 Legislature

169 include, but are not limited to, hunting and fishing seasons,
 170 timeframe or duration of the event, species concerns, and the
 171 number of such permits granted to the organizer of the event
 172 during the calendar year for which the permit is requested. The
 173 commission shall adopt rules to implement this paragraph.

174 Section 5. Subsections (1) and (15) of section 379.354,
 175 Florida Statutes, are amended to read:

176 379.354 Recreational licenses, permits, and authorization
 177 numbers; fees established.—

178 (1) LICENSE, PERMIT, OR AUTHORIZATION NUMBER REQUIRED.—

179 ~~(a)~~ Except as provided in s. 379.353, no person shall take
 180 game, freshwater or saltwater fish, or fur-bearing animals
 181 within this state without having first obtained a license,
 182 permit, or authorization number and paid the fees set forth in
 183 this chapter. Such license, permit, or authorization number
 184 shall authorize the person to whom it is issued to take game,
 185 freshwater or saltwater fish, or fur-bearing animals, and
 186 participate in outdoor recreational activities in accordance
 187 with the laws of the state and rules of the commission.

188 ~~(b) In 2013 and every 5 years thereafter, license and~~
 189 ~~permit fees established in subsections (4) and (5) shall be~~
 190 ~~adjusted by the percentage change in the Consumer Price Index~~
 191 ~~for All Urban Consumers since the fees were last adjusted,~~
 192 ~~unless otherwise provided by general law. By February 1 of each~~
 193 ~~year in which an adjustment is scheduled to occur, the Fish and~~
 194 ~~Wildlife Conservation Commission shall submit a report to the~~
 195 ~~President of the Senate and the Speaker of the House of~~
 196 ~~Representatives detailing how the increase in license and permit~~

ENROLLED
CS/CS/CS/HB 333

2013 Legislature

197 | ~~fees will be used within the agency. The license and permit fee~~
198 | ~~increases shall take effect July 1 of each adjustment year.~~

199 | (15) FREE FISHING DAYS.—The commission may designate by
200 | rule no more than 4 ~~2~~ consecutive or nonconsecutive days in each
201 | year as free freshwater fishing days and no more than 4 ~~2~~
202 | consecutive or nonconsecutive days in each year as free
203 | saltwater fishing days. Notwithstanding any other provision of
204 | this chapter, any person may take freshwater fish for
205 | noncommercial purposes on a free freshwater fishing day and may
206 | take saltwater fish for noncommercial purposes on a free
207 | saltwater fishing day, without obtaining or possessing a license
208 | or permit or paying a license or permit fee as prescribed in
209 | this section. A person who takes freshwater or saltwater fish on
210 | a free fishing day must comply with all laws, rules, and
211 | regulations governing the holders of a fishing license or permit
212 | and all other conditions and limitations regulating the taking
213 | of freshwater or saltwater fish as are imposed by law or rule.

214 | Section 6. Paragraph (b) of subsection (2) of section
215 | 379.361, Florida Statutes, is amended to read:

216 | 379.361 Licenses.—

217 | (2) SALTWATER PRODUCTS LICENSE.—

218 | (b)1. A restricted species endorsement on the saltwater
219 | products license is required to sell to a licensed wholesale
220 | dealer those species which the state, by law or rule, has
221 | designated as "restricted species." This endorsement may be
222 | issued only to a person who is at least 16 years of age, or to a
223 | firm certifying that over 25 percent of its income or \$5,000 of
224 | its income, whichever is less, is attributable to the sale of

ENROLLED
CS/CS/CS/HB 333

2013 Legislature

225 saltwater products pursuant to a saltwater products license
 226 issued under this paragraph or a similar license from another
 227 state. This endorsement may also be issued to a for-profit
 228 corporation if it certifies that at least \$5,000 of its income
 229 is attributable to the sale of saltwater products pursuant to a
 230 saltwater products license issued under this paragraph or a
 231 similar license from another state. However, if at least 50
 232 percent of the annual income of a person, firm, or for-profit
 233 corporation is derived from charter fishing, the person, firm,
 234 or for-profit corporation must certify that at least \$2,500 of
 235 the income of the person, firm, or corporation is attributable
 236 to the sale of saltwater products pursuant to a saltwater
 237 products license issued under this paragraph or a similar
 238 license from another state, in order to be issued the
 239 endorsement. Such income attribution must apply to at least 1 of
 240 the last 3 years. For the purpose of this section, "income"
 241 means that income that is attributable to work, employment,
 242 entrepreneurship, pensions, retirement benefits, and social
 243 security benefits.

244 2. To renew an existing restricted species endorsement, a
 245 marine aquaculture producer possessing a valid saltwater
 246 products license with a restricted species endorsement may apply
 247 income from the sale of marine aquaculture products to licensed
 248 wholesale dealers.

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

ENROLLED
CS/CS/CS/HB 333

2013 Legislature

- 253 a. Copies of trip ticket records generated pursuant to
 254 this subsection (marine fisheries information system),
 255 documenting qualifying sale of saltwater products;
- 256 b. Copies of sales records from locales other than Florida
 257 documenting qualifying sale of saltwater products;
- 258 c. A copy of the applicable federal income tax return,
 259 including Form 1099 attachments, verifying income earned from
 260 the sale of saltwater products;
- 261 d. Crew share statements verifying income earned from the
 262 sale of saltwater products; or
- 263 e. A certified public accountant's notarized statement
 264 attesting to qualifying source and amount of income.
- 265 4. Notwithstanding any other provision of law, any person
 266 who owns a retail seafood market or restaurant at a fixed
 267 location for at least 3 years, who has had an occupational
 268 license for 3 years before ~~prior to~~ January 1, 1990, who
 269 harvests saltwater products to supply his or her retail store,
 270 and who has had a saltwater products license for 1 of the past 3
 271 license years before ~~prior to~~ January 1, 1990, may provide proof
 272 of his or her verification of income and sales value at the
 273 person's retail seafood market or restaurant and in his or her
 274 saltwater products enterprise by affidavit and shall thereupon
 275 be issued a restricted species endorsement.
- 276 ~~5.4.~~ Exceptions from income requirements shall be as
 277 follows:
- 278 a. A permanent restricted species endorsement shall be
 279 available to those persons age 62 and older who have qualified
 280 for such endorsement for at least 3 of the last 5 years.

ENROLLED
CS/CS/CS/HB 333

2013 Legislature

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

284 c. Upon the sale of a used commercial fishing vessel owned
285 by a person, firm, or corporation possessing or eligible for a
286 restricted species endorsement, the purchaser of such vessel
287 shall be exempted from the qualifying income requirement for the
288 purpose of obtaining a restricted species endorsement for a
289 complete license ~~period of 1~~ year after purchase of the vessel.

290 d. Upon the death or permanent disablement of a person
291 possessing a restricted species endorsement, an immediate family
292 member wishing to carry on the fishing operation shall be
293 exempted from the qualifying income requirement for the purpose
294 of obtaining a restricted species endorsement for a complete
295 license ~~period of 1~~ year after the death or disablement.

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

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

304 g. Any resident who is certified to be totally and
305 permanently disabled by the Railroad Retirement Board, by the
306 United States Department of Veterans Affairs or its predecessor,
307 or by any branch of the United States Armed Forces, or who holds
308 a valid identification card issued by the Department of

ENROLLED
CS/CS/CS/HB 333

2013 Legislature

309 Veterans' Affairs pursuant to s. 295.17, upon proof of the same,
310 or any resident certified to be disabled by the United States
311 Social Security Administration or a licensed physician, upon
312 proof of the same, shall be exempted from the income
313 requirements if he or she also has held a saltwater products
314 license for at least 3 of the last 5 license years before ~~prior~~
315 ~~to~~ the date of the disability. A restricted species endorsement
316 issued under this paragraph may be issued only on an individual
317 saltwater products license.

318 h. An honorably discharged, resident military veteran
319 certified by the United States Department of Veterans Affairs or
320 its predecessor or by any branch of the United States Armed
321 Forces to have a service-connected permanent disability rating
322 of 10 percent or higher, upon providing proof of such disability
323 rating, is not required to provide documentation for the income
324 requirement with his or her initial application for a restricted
325 species endorsement. Documentation for the income requirement is
326 required beginning with the renewal of the restricted species
327 endorsement after such veteran has possessed a valid restricted
328 species endorsement for a complete license year. This exemption
329 applies only to issuance of the endorsement on an individual
330 saltwater products license and is a one-time exemption. In order
331 to renew the restricted species endorsement on an individual
332 saltwater products license, the veteran must document that at
333 least \$2,500 of his or her income is attributable to the sale of
334 saltwater products.

335 i. Beginning July 1, 2014, a resident military veteran who
336 applies to the commission within 48 months after receiving an

ENROLLED
CS/CS/CS/HB 333

2013 Legislature

337 honorable discharge from any branch of the United States Armed
338 Forces, the United States Coast Guard, the military reserves,
339 the Florida National Guard, or the United States Coast Guard
340 Reserve is not required to provide documentation for the income
341 requirement with his or her initial application for a restricted
342 species endorsement. Documentation for the income requirement is
343 required beginning with the renewal of the restricted species
344 endorsement after such veteran has possessed a valid restricted
345 species endorsement for a complete license year. This exemption
346 applies only to issuance of the endorsement on an individual
347 saltwater products license and may only be applied one time per
348 military enlistment.

349 j. Until June 30, 2014, a resident military veteran who
350 applies to the commission and who received an honorable
351 discharge from any branch of the United States Armed Forces, the
352 United States Coast Guard, the military reserves, the Florida
353 National Guard, or the United States Coast Guard Reserve between
354 September 11, 2001, and June 30, 2014, is not required to
355 provide documentation for the income requirement with his or her
356 initial application for a restricted species endorsement.
357 Documentation for the income requirement is required beginning
358 with the renewal of the restricted species endorsement after
359 such veteran has possessed a valid restricted species
360 endorsement for a complete license year. This exemption applies
361 only to issuance of the endorsement on an individual saltwater
362 products license.

363 Section 7. This act shall take effect July 1, 2013.