



153142

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/19/2013	.	
	.	
	.	
	.	

Appropriations Subcommittee on General Government (Dean)
recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(25) "Navigation rules" means:

(a) For vessels on waters outside of established
navigation lines of demarcation as specified in 33 C.F.R. part



153142

13 80, the International Navigational Rules Act of 1977, 33 U.S.C.
14 ~~appendix following~~ s. 1602, as amended, including the appendix
15 and annexes thereto, through October 1, 2012.

16 (b) For vessels on all waters not outside of such
17 established navigational lines of demarcation, as specified in
18 ~~33 C.F.R. part 80 or~~ the Inland Navigational Rules Act of 1980,
19 33 C.F.R. parts 83-90, as amended, through October 1, 2012 ~~33~~
20 ~~U.S.C. ss. 2001 et seq., as amended, including the annexes~~
21 ~~thereto, for vessels on all waters not outside of such lines of~~
22 ~~demarcation.~~

23 Section 2. Paragraph (b) of subsection (1) of section
24 328.72, Florida Statutes, is amended to read:

25 328.72 Classification; registration; fees and charges;
26 surcharge; disposition of fees; fines; marine turtle stickers.-

27 (1) VESSEL REGISTRATION FEE.-

28 (b) In 2015 ~~2013~~ and every 5 years thereafter, vessel
29 registration fees shall be adjusted ~~by the percentage change in~~
30 ~~the Consumer Price Index for All Urban Consumers since the fees~~
31 ~~were last adjusted, unless otherwise provided by general law.~~

32 The vessel registration fees shall be adjusted by being
33 multiplied by a growth factor. The growth factor shall be
34 calculated as the annual average Consumer Price Index for the
35 calendar year preceding the adjustment year, divided by the
36 annual average Consumer Price Index for the calendar year 6
37 years before the adjustment year. For purposes of this
38 calculation, the term "Consumer Price Index" means that version
39 of the Consumer Price Index for All Urban Consumers, U.S. City
40 Average, all items, as initially reported by the United States
41 Department of Labor, Bureau of Labor Statistics, which is not



153142

42 seasonally adjusted. The fee adjustments shall be rounded to the
43 nearest 50 cents and paragraph (a) shall be updated by the
44 Division of Law Revision and Information to reflect the new
45 amounts. The adjustment applies to the total fee and not the
46 county portion. By February 1 of each year in which an
47 adjustment is scheduled to occur, the Fish and Wildlife
48 Conservation Commission shall submit a report to the President
49 of the Senate and the Speaker of the House of Representatives
50 detailing how the increase in vessel registration fees will be
51 requested for use ~~used~~ within the agency. The vessel
52 registration fee increases shall take effect July 1 of each
53 adjustment year.

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

56 379.101 Definitions.—In construing these statutes, where
57 the context does not clearly indicate otherwise, the word,
58 phrase, or term:

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

60 (a) For purposes of part VII ~~of this chapter, with the~~
61 ~~exception of ss. 379.363, 379.3635, 379.364, 379.3711, 379.3712,~~
62 ~~379.372, 379.373, 379.374, 379.3751, 379.3752, 379.3761,~~
63 ~~379.3762, and 379.377,~~ and for purposes of s. 379.355, citizens
64 of the United States who have continuously resided in this state
65 for 1 year before applying for a, ~~next preceding the making of~~
66 ~~their application for~~ hunting, fishing, or other license, ~~for~~
67 ~~the following period of time, to wit: For 1 year in the state~~
68 ~~and 6 months in the county when applied to all fish and game~~
69 ~~laws not related to freshwater fish and game.~~ However, for
70 purposes of ss. 379.363, 379.3635, 379.364, 379.3711, 379.3712,



153142

71 379.372, 379.373, 379.374, 379.3751, 379.3752, 379.3761, and
72 379.3762, the term "resident" or "resident of Florida" means a
73 citizen of the United States who has continuously resided in
74 this state for 6 months before applying for a hunting, fishing,
75 or other license.

76 (b) For purposes of part VI ~~of this chapter, except with~~
77 ~~the exception of s. 379.355;~~ and for purposes of ss. 379.363,
78 379.3635, 379.364, 379.3711, 379.3712, 379.372, 379.373,
79 379.374, 379.3751, 379.3752, 379.3761, 379.3762, and 379.377,
80 any person who has continually resided in the state for 6 months
81 ~~or~~

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

85 2. Any person who has declared Florida as his or her only
86 state of residence as evidenced by a valid Florida driver
87 license or identification card with both a Florida address and
88 residency verified by the Department of Highway Safety and Motor
89 Vehicles, or, in the absence thereof, one of the following:

90 a. A current Florida voter information card;

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

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

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

98 (31) "Resident alien" means ~~shall mean~~ those persons who
99 have continuously resided in this state for at least 1 year ~~and~~



153142

100 ~~6 months in the county~~ and can provide documentation from the
101 Bureau of Citizenship and Immigration Services evidencing
102 permanent residency status in the United States. For the
103 purposes of this chapter, a "resident alien" shall be considered
104 a "resident."

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

107 379.353 Recreational licenses and permits; exemptions from
108 fees and requirements.—

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

111 (q) Those persons exempted by commission permit issued
112 under this paragraph. The commission may issue a permit for an
113 outdoor recreational event for which the primary purpose is the
114 rehabilitation or enjoyment of veterans certified by the United
115 States Department of Veterans Affairs or its predecessor or by
116 any branch of the United States Armed Forces to have any
117 service-connected disability percentage rating of zero percent
118 or higher, active duty or reserve duty service members of any
119 branch of the United States Armed Forces, the United States
120 Coast Guard, military reserves, the Florida National Guard, or
121 the United States Coast Guard Reserve. A permit issued under
122 this paragraph shall exempt such veterans, service members,
123 their immediate family members and one additional person
124 designated to assist each veteran certified to be a disabled
125 veteran, from having to possess a hunting, freshwater fishing,
126 or saltwater fishing license for the duration of the event. For
127 purposes of this exemption, the term "immediate family members"
128 means parents, spouses, and children. The commission shall



129 promulgate rules to implement this paragraph. Factors for the
130 commission to consider in determining to issue a permit under
131 this paragraph include, but are not limited to, hunting and
132 fishing seasons, time frame or duration of the event, species
133 concerns, and the number of such permits granted to the
134 organizer of the event during the calendar year the permit is
135 requested.

136 Section 5. Paragraph (b) of subsection (1) and subsection
137 (15) of section 379.354, Florida Statutes, are amended to read:
138 379.354 Recreational licenses, permits, and authorization
139 numbers; fees established.-

140 (1) LICENSE, PERMIT, OR AUTHORIZATION NUMBER REQUIRED.-

141 (b) In 2015 ~~2013~~ and every 5 years thereafter, license ~~and~~
142 ~~permit~~ fees established in subsections (4) and (5) shall be
143 adjusted ~~by the percentage change in the Consumer Price Index~~
144 ~~for All Urban Consumers since the fees were last adjusted,~~
145 unless otherwise provided by general law. The license fees shall
146 be adjusted by being multiplied by a growth factor. The growth
147 factor shall be calculated as the annual average Consumer Price
148 Index for the calendar year preceding the adjustment year,
149 divided by the annual average Consumer Price Index for the
150 calendar year 6 years before the adjustment year. For purposes
151 of this calculation, the term "Consumer Price Index" means that
152 version of the Consumer Price Index for All Urban Consumers,
153 U.S. City Average, all items, as initially reported by the
154 United States Department of Labor, Bureau of Labor Statistics,
155 which is not seasonally adjusted. The fee adjustments shall be
156 rounded to the nearest 50 cents and updated by the Division of
157 Law Revision and Information in their respective subsections to



153142

158 reflect the new amounts. By February 1 of each year in which an
159 adjustment is scheduled to occur, the Fish and Wildlife
160 Conservation Commission shall submit a report to the President
161 of the Senate and the Speaker of the House of Representatives
162 detailing how the increase in license ~~and permit~~ fees will be
163 requested for use ~~used~~ within the agency. The license ~~and permit~~
164 fee increases shall take effect July 1 of each adjustment year.

165 (15) FREE FISHING DAYS.—The commission may designate by
166 rule no more than 4 ~~2~~ consecutive or nonconsecutive days in each
167 year as free freshwater fishing days and no more than 4 ~~2~~
168 consecutive or nonconsecutive days in each year as free
169 saltwater fishing days. Notwithstanding any other provision of
170 this chapter, any person may take freshwater fish for
171 noncommercial purposes on a free freshwater fishing day and may
172 take saltwater fish for noncommercial purposes on a free
173 saltwater fishing day, without obtaining or possessing a license
174 or permit or paying a license or permit fee as prescribed in
175 this section. A person who takes freshwater or saltwater fish on
176 a free fishing day must comply with all laws, rules, and
177 regulations governing the holders of a fishing license or permit
178 and all other conditions and limitations regulating the taking
179 of freshwater or saltwater fish as are imposed by law or rule.

180 Section 6. Paragraph (b) of subsection (2) of section
181 379.361, Florida Statutes, is amended to read:

182 379.361 Licenses.—

183 (2) SALTWATER PRODUCTS LICENSE.—

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



153142

187 designated as "restricted species." This endorsement may be
188 issued only to a person who is at least 16 years of age, or to a
189 firm certifying that over 25 percent of its income or \$5,000 of
190 its income, whichever is less, is attributable to the sale of
191 saltwater products pursuant to a saltwater products license
192 issued under this paragraph or a similar license from another
193 state. This endorsement may also be issued to a for-profit
194 corporation if it certifies that at least \$5,000 of its income
195 is attributable to the sale of saltwater products pursuant to a
196 saltwater products license issued under this paragraph or a
197 similar license from another state. However, if at least 50
198 percent of the annual income of a person, firm, or for-profit
199 corporation is derived from charter fishing, the person, firm,
200 or for-profit corporation must certify that at least \$2,500 of
201 the income of the person, firm, or corporation is attributable
202 to the sale of saltwater products pursuant to a saltwater
203 products license issued under this paragraph or a similar
204 license from another state, in order to be issued the
205 endorsement. Such income attribution must apply to at least 1 of
206 the last 3 years. For the purpose of this section, "income"
207 means that income that is attributable to work, employment,
208 entrepreneurship, pensions, retirement benefits, and social
209 security benefits.

210 2. To renew an existing restricted species endorsement, a
211 marine aquaculture producer possessing a valid saltwater
212 products license with a restricted species endorsement may apply
213 income from the sale of marine aquaculture products to licensed
214 wholesale dealers.

215 3. The commission may ~~is authorized to~~ require verification



153142

216 of such income for all restricted species endorsements issued
217 pursuant to this paragraph. Acceptable proof of income earned
218 from the sale of saltwater products shall be:

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

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

224 c. A copy of the applicable federal income tax return,
225 including Form 1099 attachments, verifying income earned from
226 the sale of saltwater products;

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

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

231 4. Notwithstanding any other provision of law, any person
232 who owns a retail seafood market or restaurant at a fixed
233 location for at least 3 years, who has had an occupational
234 license for 3 years before ~~prior to~~ January 1, 1990, who
235 harvests saltwater products to supply his or her retail store,
236 and who has had a saltwater products license for 1 of the past 3
237 license years before ~~prior to~~ January 1, 1990, may provide proof
238 of his or her verification of income and sales value at the
239 person's retail seafood market or restaurant and in his or her
240 saltwater products enterprise by affidavit and shall thereupon
241 be issued a restricted species endorsement.

242 5.4. Exceptions from income requirements shall be as
243 follows:

244 a. A permanent restricted species endorsement shall be



153142

245 available to those persons age 62 and older who have qualified
246 for such endorsement for at least 3 of the last 5 years.

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

250 c. Upon the sale of a used commercial fishing vessel owned
251 by a person, firm, or corporation possessing or eligible for a
252 restricted species endorsement, the purchaser of such vessel
253 shall be exempted from the qualifying income requirement for the
254 purpose of obtaining a restricted species endorsement for a
255 complete license ~~period of 1~~ year after purchase of the vessel.

256 d. Upon the death or permanent disablement of a person
257 possessing a restricted species endorsement, an immediate family
258 member wishing to carry on the fishing operation shall be
259 exempted from the qualifying income requirement for the purpose
260 of obtaining a restricted species endorsement for a complete
261 license ~~period of 1~~ year after the death or disablement.

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

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

270 g. Any resident who is certified to be totally and
271 permanently disabled by the Railroad Retirement Board, by the
272 United States Department of Veterans Affairs or its predecessor,
273 or by any branch of the United States Armed Forces, or who holds



153142

274 a valid identification card issued by the Department of
275 Veterans' Affairs pursuant to s. 295.17, upon proof of the same,
276 or any resident certified to be disabled by the United States
277 Social Security Administration or a licensed physician, upon
278 proof of the same, shall be exempted from the income
279 requirements if he or she also has held a saltwater products
280 license for at least 3 of the last 5 license years before ~~prior~~
281 ~~to~~ the date of the disability. A restricted species endorsement
282 issued under this paragraph may be issued only on an individual
283 saltwater products license.

284 h. An honorably discharged, resident military veteran
285 certified by the United States Department of Veterans Affairs or
286 its predecessor or by any branch of the United States Armed
287 Forces to have a service-connected permanent disability rating
288 of 10 percent or higher, upon providing proof of such disability
289 rating, is not required to provide documentation for the income
290 requirement with his or her initial application for a restricted
291 species endorsement. Documentation for the income requirement is
292 required beginning with the renewal of the restricted species
293 endorsement after such veteran has possessed a valid restricted
294 species endorsement for a complete license year. This exemption
295 applies only to issuance of the endorsement on an individual
296 saltwater products license and is a one-time exemption. In order
297 to renew the restricted species endorsement on an individual
298 saltwater products license, the veteran must document that at
299 least \$2,500 of his or her income is attributable to the sale of
300 saltwater products.

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



303 honorable discharge from any branch of the United States Armed
304 Forces, the United States Coast Guard, the military reserves,
305 the Florida National Guard, or the United States Coast Guard
306 Reserve is not required to provide documentation for the income
307 requirement with his or her initial application for a restricted
308 species endorsement. Documentation for the income requirement is
309 required beginning with the renewal of the restricted species
310 endorsement after such veteran has possessed a valid restricted
311 species endorsement for a complete license year. This exemption
312 applies only to issuance of the endorsement on an individual
313 saltwater products license and may only be applied one time per
314 military enlistment.

315 j. Until June 30, 2014, a resident military veteran who
316 applies to the commission and who received an honorable
317 discharge from any branch of the United States Armed Forces, the
318 United States Coast Guard, the military reserves, the Florida
319 National Guard, or the United States Coast Guard Reserve between
320 September 11, 2001, and June 30, 2014, is not required to
321 provide documentation for the income requirement with his or her
322 initial application for a restricted species endorsement.
323 Documentation for the income requirement is required beginning
324 with the renewal of the restricted species endorsement after
325 such veteran has possessed a valid restricted species
326 endorsement for a complete license year. This exemption applies
327 only to issuance of the endorsement on an individual saltwater
328 products license.

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

330
331 ===== T I T L E A M E N D M E N T =====



153142

332 And the title is amended as follows:

333 Delete everything before the enacting clause
334 and insert:

335 A bill to be entitled

336 An act relating to the Fish and Wildlife Conservation
337 Commission; amending s. 327.02, F.S.; revising the
338 definition of the term "navigation rules" for purposes
339 of provisions relating to vessels; amending s. 328.72,
340 F.S.; revising and clarifying provisions relating to
341 the calculation of automatic adjustments to vessel
342 registration fees; amending s. 379.101, F.S.; revising
343 the definition of the term "resident" or "resident of
344 Florida" for purposes of provisions relating to
345 recreational and nonrecreational activity licenses;
346 providing for certain evidence of residence; revising
347 the definition of the term "resident alien" to remove
348 a county residency requirement; amending s. 379.353,
349 F.S.; exempting individuals participating in certain
350 outdoor recreational events from requirements for a
351 hunting or fishing license or permit; amending s.
352 379.354, F.S.; revising and clarifying provisions
353 relating to the calculation of automatic adjustments
354 to recreational hunting and fishing licenses; revising
355 the number of days the commission may designate as
356 free fishing days each year; amending s. 379.361,
357 F.S.; revising requirements for a restricted species
358 endorsement on a saltwater products license; providing
359 an effective date.