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576-02742-13

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on General Government)

A bill to be entitled

An act relating to the Fish and Wildlife Conservation Commission; amending s. 327.02, F.S.; revising the definition of the term "navigation rules" for purposes of provisions relating to vessels; amending s. 328.72, F.S.; revising and clarifying provisions relating to the calculation of automatic adjustments to vessel registration fees; amending s. 379.101, F.S.; revising the definition of the term "resident" or "resident of Florida" for purposes of provisions relating to recreational and nonrecreational activity licenses; providing for certain evidence of residence; revising the definition of the term "resident alien" to remove a county residency requirement; amending s. 379.353, F.S.; exempting individuals participating in certain outdoor recreational events from requirements for a hunting or fishing license or permit; amending s. 379.354, F.S.; revising and clarifying provisions relating to the calculation of automatic adjustments to recreational hunting and fishing licenses; revising the number of days the commission may designate as free fishing days each year; amending s. 379.361, F.S.; revising requirements for a restricted species endorsement on a saltwater products license; providing an effective date.

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



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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 navigational lines of demarcation as specified in 33 C.F.R. part 80, the International Navigational Rules Act of 1977, 33 U.S.C. appendix following s. 1602, as amended, including the appendix and annexes thereto, through October 1, 2012.

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

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

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

(1) VESSEL REGISTRATION FEE.—

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



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57 multiplied by a growth factor. The growth factor shall be
58 calculated as the annual average Consumer Price Index for the
59 calendar year preceding the adjustment year, divided by the
60 annual average Consumer Price Index for the calendar year 6
61 years before the adjustment year. For purposes of this
62 calculation, the term "Consumer Price Index" means that version
63 of the Consumer Price Index for All Urban Consumers, U.S. City
64 Average, all items, as initially reported by the United States
65 Department of Labor, Bureau of Labor Statistics, which is not
66 seasonally adjusted. The fee adjustments shall be rounded to the
67 nearest 50 cents and paragraph (a) shall be updated by the
68 Division of Law Revision and Information to reflect the new
69 amounts. The adjustment applies to the total fee and not the
70 county portion. By February 1 of each year in which an
71 adjustment is scheduled to occur, the Fish and Wildlife
72 Conservation Commission shall submit a report to the President
73 of the Senate and the Speaker of the House of Representatives
74 detailing how the increase in vessel registration fees will be
75 requested for use used within the agency. The vessel
76 registration fee increases shall take effect July 1 of each
77 adjustment year.

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

80 379.101 Definitions.—In construing these statutes, where
81 the context does not clearly indicate otherwise, the word,
82 phrase, or term:

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

84 (a) For purposes of part VII ~~of this chapter, with the~~
85 ~~exception of ss. 379.363, 379.3635, 379.364, 379.3711, 379.3712,~~



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86 ~~379.372, 379.373, 379.374, 379.3751, 379.3752, 379.3761,~~
87 ~~379.3762, and 379.377,~~ and for purposes of s. 379.355, citizens
88 of the United States who have continuously resided in this state
89 for 1 year before applying for a, next preceding the making of
90 their application for hunting, fishing, or other license, for
91 the following period of time, to wit: For 1 year in the state
92 and 6 months in the county when applied to all fish and game
93 laws not related to freshwater fish and game. However, for
94 purposes of ss. 379.363, 379.3635, 379.364, 379.3711, 379.3712,
95 379.372, 379.373, 379.374, 379.3751, 379.3752, 379.3761, and
96 379.3762, the term "resident" or "resident of Florida" means a
97 citizen of the United States who has continuously resided in
98 this state for 6 months before applying for a hunting, fishing,
99 or other license.

100 (b) For purposes of part VI ~~of this chapter, except with~~
101 ~~the exception of s. 379.355;~~ and for purposes of ss. ~~379.363,~~
102 ~~379.3635, 379.364, 379.3711, 379.3712, 379.372, 379.373,~~
103 ~~379.374, 379.3751, 379.3752, 379.3761, 379.3762, and 379.377,~~
104 ~~any person who has continually resided in the state for 6 months~~
105 ~~or~~

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

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

114 a. A current Florida voter information card;



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

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

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

122 (31) "Resident alien" means ~~shall mean~~ those persons who
123 have continuously resided in this state for at least 1 year ~~and~~
124 ~~6 months in the county~~ and can provide documentation from the
125 Bureau of Citizenship and Immigration Services evidencing
126 permanent residency status in the United States. For the
127 purposes of this chapter, a "resident alien" shall be considered
128 a "resident."

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

131 379.353 Recreational licenses and permits; exemptions from
132 fees and requirements.-

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

135 (q) Those persons exempted by commission permit issued
136 under this paragraph. The commission may issue a permit for an
137 outdoor recreational event for which the primary purpose is the
138 rehabilitation or enjoyment of veterans certified by the United
139 States Department of Veterans Affairs or its predecessor or by
140 any branch of the United States Armed Forces to have any
141 service-connected disability percentage rating of zero percent
142 or higher, active duty or reserve duty service members of any
143 branch of the United States Armed Forces, the United States



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144 Coast Guard, military reserves, the Florida National Guard, or
145 the United States Coast Guard Reserve. A permit issued under
146 this paragraph shall exempt such veterans, service members,
147 their immediate family members and one additional person
148 designated to assist each veteran certified to be a disabled
149 veteran, from having to possess a hunting, freshwater fishing,
150 or saltwater fishing license for the duration of the event. For
151 purposes of this exemption, the term "immediate family members"
152 means parents, spouses, and children. The commission shall
153 promulgate rules to implement this paragraph. Factors for the
154 commission to consider in determining to issue a permit under
155 this paragraph include, but are not limited to, hunting and
156 fishing seasons, time frame or duration of the event, species
157 concerns, and the number of such permits granted to the
158 organizer of the event during the calendar year the permit is
159 requested.

160 Section 5. Paragraph (b) of subsection (1) and subsection
161 (15) of section 379.354, Florida Statutes, are amended to read:

162 379.354 Recreational licenses, permits, and authorization
163 numbers; fees established.—

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

165 (b) In 2015 ~~2013~~ and every 5 years thereafter, license ~~and~~
166 ~~permit~~ fees established in subsections (4) and (5) shall be
167 adjusted ~~by the percentage change in the Consumer Price Index~~
168 ~~for All Urban Consumers since the fees were last adjusted,~~
169 unless otherwise provided by general law. The license fees shall
170 be adjusted by being multiplied by a growth factor. The growth
171 factor shall be calculated as the annual average Consumer Price
172 Index for the calendar year preceding the adjustment year,



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173 divided by the annual average Consumer Price Index for the
174 calendar year 6 years before the adjustment year. For purposes
175 of this calculation, the term "Consumer Price Index" means that
176 version of the Consumer Price Index for All Urban Consumers,
177 U.S. City Average, all items, as initially reported by the
178 United States Department of Labor, Bureau of Labor Statistics,
179 which is not seasonally adjusted. The fee adjustments shall be
180 rounded to the nearest 50 cents and updated by the Division of
181 Law Revision and Information in their respective subsections to
182 reflect the new amounts. By February 1 of each year in which an
183 adjustment is scheduled to occur, the Fish and Wildlife
184 Conservation Commission shall submit a report to the President
185 of the Senate and the Speaker of the House of Representatives
186 detailing how the increase in license ~~and permit~~ fees will be
187 requested for use ~~used~~ within the agency. The license ~~and permit~~
188 fee increases shall take effect July 1 of each adjustment year.

189 (15) FREE FISHING DAYS.—The commission may designate by
190 rule no more than 4 ~~2~~ consecutive or nonconsecutive days in each
191 year as free freshwater fishing days and no more than 4 ~~2~~
192 consecutive or nonconsecutive days in each year as free
193 saltwater fishing days. Notwithstanding any other provision of
194 this chapter, any person may take freshwater fish for
195 noncommercial purposes on a free freshwater fishing day and may
196 take saltwater fish for noncommercial purposes on a free
197 saltwater fishing day, without obtaining or possessing a license
198 or permit or paying a license or permit fee as prescribed in
199 this section. A person who takes freshwater or saltwater fish on
200 a free fishing day must comply with all laws, rules, and
201 regulations governing the holders of a fishing license or permit



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202 and all other conditions and limitations regulating the taking
203 of freshwater or saltwater fish as are imposed by law or rule.

204 Section 6. Paragraph (b) of subsection (2) of section
205 379.361, Florida Statutes, is amended to read:

206 379.361 Licenses.—

207 (2) SALTWATER PRODUCTS LICENSE.—

208 (b)1. A restricted species endorsement on the saltwater
209 products license is required to sell to a licensed wholesale
210 dealer those species which the state, by law or rule, has
211 designated as "restricted species." This endorsement may be
212 issued only to a person who is at least 16 years of age, or to a
213 firm certifying that over 25 percent of its income or \$5,000 of
214 its income, whichever is less, is attributable to the sale of
215 saltwater products pursuant to a saltwater products license
216 issued under this paragraph or a similar license from another
217 state. This endorsement may also be issued to a for-profit
218 corporation if it certifies that at least \$5,000 of its income
219 is attributable to the sale of saltwater products pursuant to a
220 saltwater products license issued under this paragraph or a
221 similar license from another state. However, if at least 50
222 percent of the annual income of a person, firm, or for-profit
223 corporation is derived from charter fishing, the person, firm,
224 or for-profit corporation must certify that at least \$2,500 of
225 the income of the person, firm, or corporation is attributable
226 to the sale of saltwater products pursuant to a saltwater
227 products license issued under this paragraph or a similar
228 license from another state, in order to be issued the
229 endorsement. Such income attribution must apply to at least 1 of
230 the last 3 years. For the purpose of this section, "income"



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231 means that income that is attributable to work, employment,
232 entrepreneurship, pensions, retirement benefits, and social
233 security benefits.

234 2. To renew an existing restricted species endorsement, a
235 marine aquaculture producer possessing a valid saltwater
236 products license with a restricted species endorsement may apply
237 income from the sale of marine aquaculture products to licensed
238 wholesale dealers.

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

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

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

248 c. A copy of the applicable federal income tax return,
249 including Form 1099 attachments, verifying income earned from
250 the sale of saltwater products;

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

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

255 4. Notwithstanding any other provision of law, any person
256 who owns a retail seafood market or restaurant at a fixed
257 location for at least 3 years, who has had an occupational
258 license for 3 years before ~~prior to~~ January 1, 1990, who
259 harvests saltwater products to supply his or her retail store,



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260 and who has had a saltwater products license for 1 of the past 3
261 license years before ~~prior to~~ January 1, 1990, may provide proof
262 of his or her verification of income and sales value at the
263 person's retail seafood market or restaurant and in his or her
264 saltwater products enterprise by affidavit and shall thereupon
265 be issued a restricted species endorsement.

266 5.4. Exceptions from income requirements shall be as
267 follows:

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

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

274 c. Upon the sale of a used commercial fishing vessel owned
275 by a person, firm, or corporation possessing or eligible for a
276 restricted species endorsement, the purchaser of such vessel
277 shall be exempted from the qualifying income requirement for the
278 purpose of obtaining a restricted species endorsement for a
279 complete license ~~period of 1~~ year after purchase of the vessel.

280 d. Upon the death or permanent disablement of a person
281 possessing a restricted species endorsement, an immediate family
282 member wishing to carry on the fishing operation shall be
283 exempted from the qualifying income requirement for the purpose
284 of obtaining a restricted species endorsement for a complete
285 license ~~period of 1~~ year after the death or disablement.

286 e. A restricted species endorsement may be issued on an
287 individual saltwater products license to a person age 62 or
288 older who documents that at least \$2,500 of such person's income



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289 is attributable to the sale of saltwater products.

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

294 g. Any resident who is certified to be totally and
295 permanently disabled by the Railroad Retirement Board, by the
296 United States Department of Veterans Affairs or its predecessor,
297 or by any branch of the United States Armed Forces, or who holds
298 a valid identification card issued by the Department of
299 Veterans' Affairs pursuant to s. 295.17, upon proof of the same,
300 or any resident certified to be disabled by the United States
301 Social Security Administration or a licensed physician, upon
302 proof of the same, shall be exempted from the income
303 requirements if he or she also has held a saltwater products
304 license for at least 3 of the last 5 license years before ~~prior~~
305 ~~to~~ the date of the disability. A restricted species endorsement
306 issued under this paragraph may be issued only on an individual
307 saltwater products license.

308 h. An honorably discharged, resident military veteran
309 certified by the United States Department of Veterans Affairs or
310 its predecessor or by any branch of the United States Armed
311 Forces to have a service-connected permanent disability rating
312 of 10 percent or higher, upon providing proof of such disability
313 rating, is not required to provide documentation for the income
314 requirement with his or her initial application for a restricted
315 species endorsement. Documentation for the income requirement is
316 required beginning with the renewal of the restricted species
317 endorsement after such veteran has possessed a valid restricted



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318 species endorsement for a complete license year. This exemption
319 applies only to issuance of the endorsement on an individual
320 saltwater products license and is a one-time exemption. In order
321 to renew the restricted species endorsement on an individual
322 saltwater products license, the veteran must document that at
323 least \$2,500 of his or her income is attributable to the sale of
324 saltwater products.

325 i. Beginning July 1, 2014, a resident military veteran who
326 applies to the commission within 48 months after receiving an
327 honorable discharge from any branch of the United States Armed
328 Forces, the United States Coast Guard, the military reserves,
329 the Florida National Guard, or the United States Coast Guard
330 Reserve is not required to provide documentation for the income
331 requirement with his or her initial application for a restricted
332 species endorsement. Documentation for the income requirement is
333 required beginning with the renewal of the restricted species
334 endorsement after such veteran has possessed a valid restricted
335 species endorsement for a complete license year. This exemption
336 applies only to issuance of the endorsement on an individual
337 saltwater products license and may only be applied one time per
338 military enlistment.

339 j. Until June 30, 2014, a resident military veteran who
340 applies to the commission and who received an honorable
341 discharge from any branch of the United States Armed Forces, the
342 United States Coast Guard, the military reserves, the Florida
343 National Guard, or the United States Coast Guard Reserve between
344 September 11, 2001, and June 30, 2014, is not required to
345 provide documentation for the income requirement with his or her
346 initial application for a restricted species endorsement.



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347 Documentation for the income requirement is required beginning
348 with the renewal of the restricted species endorsement after
349 such veteran has possessed a valid restricted species
350 endorsement for a complete license year. This exemption applies
351 only to issuance of the endorsement on an individual saltwater
352 products license.

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