

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Environmental Preservation and Conservation

BILL: CS/SB 448

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Dean

SUBJECT: Fish and Wildlife Conservation Commission

DATE: March 11, 2013      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hinton	Uchino	EP	<b>Fav/CS</b>
2.			AGG	
3.			AP	
4.				
5.				
6.				

**Please see Section VIII. for Additional Information:**

- |                              |                                     |   |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

CS/SB 448 addresses several issues related to the Fish and Wildlife Conservation Commission (FWC, Commission).

The committee substitute (CS) removes antiquated references to federal boating navigation laws and inserts correct references.

The CS removes a requirement for an individual to continuously reside in the state for six months in order to obtain a resident recreational hunting or fishing license; however, residency is still required and may be proven by specified documents. The CS also removes a requirement for resident saltwater fishermen to continuously reside in a Florida county for six months before obtaining a resident saltwater products license (SPL). The requirement that a commercial fisherman has to reside in the state continuously for one year is retained.

The CS treats resident aliens as residents of Florida after providing proof that they have continuously resided in the state for a year. The CS removes the requirement that resident aliens prove they have continuously resided in a specific Florida county for six months.

The CS provides an exemption from the requirement to purchase a recreational hunting or fishing license to all persons participating in an FWC-permitted event where the primary purpose of the event is rehabilitation or enjoyment for disabled veterans or for active duty military personnel, military reservists, members of the Florida National Guard, members of the U.S. Coast Guard, and members of the U.S. Coast Guard Reserves.

The CS authorizes the Commission to increase the total number of license-free recreational saltwater and freshwater fishing days from two to four, annually.

Finally, the CS provides assistance to veterans who wish to become commercial fishermen by waiving certain income requirements for one year.

This CS substantially amends, the following sections of the Florida Statutes: 327.02, 379.101, 379.353, 379.354 and 379.361.

## **II. Present Situation:**

### **Navigation Rules**

There are two sets of navigation rules vessels must follow in the near and off shore waters of the state. Vessels operating inside the lines of demarcation, a line defined in the Code of Federal Regulations (C.F.R.)<sup>1</sup> and marked on most navigation charts, follow the United States Inland Navigation Rules. Vessels operating on the seaward side of the line of demarcation follow the International Navigational Rules, defined in United States Code (U.S.C.).

Pursuant to the International Navigation Rules Act of 1977, the United States adopted the International Regulations for Preventing Collisions at Sea to govern vessel conduct when operating on federal waters.<sup>2</sup> The rules also cover lights, shapes, and sound signals and are used to ascertain fault in boating accidents. Inland navigation rules, for use on the landward side of the line of demarcation, are promulgated by the United States and are almost identical to the International Navigation Rules.

In 1988, Florida established the following definition of “navigational rules”, which included both the Inland and International Navigational Rules by reference, as they existed at the time:

‘Navigation rules’ means the International Navigational Rules Act of 1977, in effect on June 1, 1983, for vessels on waters outside of established navigational lines of demarcation as specified in Part 80 of Title 33 of the Code of Federal Regulations or the Inland Navigational Rules Act of 1980, in effect on December 24, 1981, for vessels on all waters not outside of such lines of demarcation.<sup>3</sup>

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<sup>1</sup> 33 C.F.R. part 80 provides detailed descriptions of the navigational lines of demarcation. They tend to be close to shore and are sometimes described using physical markers such as the tip of a jetty to the end of a pier.

<sup>2</sup> These regulations, known as COLREGS, are promulgated by the International Maritime Organization, a United Nations organization that has responsibility for the safety and security of shipping and the prevention of marine pollution by ships. <http://www.imo.org>. (last visited March 6, 2013). The Coast Guard enforces the COLREGS, referred to as the International Navigation Rules, in U.S. waters.

<sup>3</sup> Section 327.02(21), F.S., enacted in 1988 by SB 341, ch. 88-133, Laws of Florida.

This was amended in 2000 so that the definition of “navigational rules” in former s. 327.02(23), F.S., meant:

[T]he International Navigational Rules Act of 1977, 33 U.S.C. appendix following s. 1602, as amended, including the annexes thereto, for vessels on waters outside of established navigational lines of demarcation as specified in 33 C.F.R. part 80 or the Inland Navigational Rules Act of 1980, 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.<sup>4</sup>

Effective May 17, 2010, the Inland Navigation Rules were moved from the U.S.C. to the C.F.R. Consequently, s. 327.02(25), F.S., now refers to a section of the U.S.C. that no longer exists.

Law enforcement officers charge vessel operators operating unlawfully in state waters under s. 327.33, F.S., which references the “navigation rules” defined in s. 327.02(25), F.S. That section needs to be amended to correctly reference the federal rule for inland navigation. The reference to the International Navigational Rules Act, which governs vessel navigation outside the lines of demarcation, still refers to the correct section of the U.S.C.

### **Hunting and Fishing License Residency Requirements**

Part VI of ch. 379, F.S., specifically addresses licenses for recreational activities regulated by the Commission, and part VII addresses non-recreational (or commercial) licenses. Florida offers both resident and nonresident licenses for both recreational and commercial fishing and hunting activities.

For the purposes of purchasing recreational hunting and fishing licenses, a resident is defined in s. 379.101(30)(b), F.S., as an individual who continuously resides in the state for a period of six months.

For the purposes of ch. 379, F.S., a “resident alien” is considered a “resident” and must provide documentation from the Bureau of Citizenship and Immigration Services to prove permanent residency in the United States.

For the purposes of purchasing commercial hunting and fishing licenses, a resident is defined in s. 379.101(30)(a), F.S., as an individual who continuously resides in the state for a period of one year and also continuously resides in a specific Florida county for six months. There is currently no mechanism for verifying a person’s length of county residency.

The state residency requirement is six months for the following non-recreational/commercial licenses for:

- Freshwater fish dealers licenses;

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<sup>4</sup> Former s. 327.02(23), F.S. (2005).

- Haul seine and trawl permits;
- Fur and hide dealers licenses;
- Private game preserves and farms licenses;
- Private hunting preserve licenses;
- Licenses for capturing, keeping, possessing, transporting, or exhibiting venomous reptiles, reptiles of concern, conditional reptiles, or prohibited reptiles;
- Licenses for taking and possession of alligators;
- Exhibition or sale of wildlife;
- Personal possession of wildlife; and
- Tag fees for sale of Lake Okeechobee game fish.<sup>5</sup>

According to the FWC, the rationale for requiring license applicants to establish that they have continuously resided in Florida for six months in order to acquire a recreational hunting or fishing license is that it prevents temporary visitors in Florida from getting the benefit of a resident license.

Since Florida implemented changes associated with the Federal REAL ID Act of 2005,<sup>6</sup> beginning in 2010, U.S. citizens wishing to get a Florida driver license or Florida identification card must provide proof of identification, proof of a social security number, and proof of residential address.<sup>7</sup> Primary identification may be proved by providing one of the following:

- Original or certified copy of a United States birth certificate;
- Valid United States Passport or Passport Card;
- Consular Report of Birth Abroad;
- Certificate of Naturalization, Form N-550 or Form N-570; or
- Certificate of Citizenship, Form N-560 or Form N-561.
- When necessary, marriage certificates, court orders, or divorce decrees must be provided to tie the name on the primary identification to the name the customer would like to place on the driver license or identification card.

Non-citizens must prove primary identification by providing one of the following:

- Valid, unexpired Permanent Resident Card (Green card, Form I-551);
- I-551 stamp in passport or on I-94;
- Immigration Judges Order, with the customer's A-number, granting asylum;
- I-797, with the customer's A-number, stating the customer has been granted asylum; or
- I-797 or another form from the Bureau of Citizenship and Immigration Services, with the customer's A-number, stating the customer's application for Refugee status is approved.

Proof of an applicant's social security number may be satisfied by providing one of the following:

- Social Security Card;

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<sup>5</sup>Section 379.101(30)(b), F.S. *See* ss. 379.363, 379.3635, 379.364, 379.3711, 379.3712, 379.372, 379.373, 379.374, 379.3751, 379.3752, 379.3761, 379.3762, and 379.377, F.S.

<sup>6</sup> REAL ID Act of 2005, Pub. Law. No. 109-13, 109<sup>th</sup> Cong. (2005). Implemented in Florida by the Florida Department of Highway Safety and Motor Vehicles.

<sup>7</sup> Section 322.08(2)(a-c), F.S.

- W-2 form;
- Pay check;
- SSA-1099; or
- Any 1099.

If an applicant does not have a social security number, he or she has to provide a letter from the Social Security Administration indicating that a social security number was never issued to the applicant and one proof of identification from a list of acceptable documents.

Finally, applicants must supply two items that provide proof of a Florida residential address. Acceptable documents include a Florida voter registration card, a Florida vehicle registration or title, and a utility bill less than two months old.<sup>8</sup>

Federal agencies will continue to accept valid, unexpired, but not yet Federal REAL ID-compliant Florida licenses or identification cards for official purposes until December 1, 2014, for individuals born after December 1, 1964, and for everyone else until December 1, 2017. After those dates, federal agencies will no longer accept a drivers license or identification card unless it is Real ID compliant.

According to the FWC, the FWC's licensing system is set up to automatically access the Florida Department of Highway Safety and Motor Vehicles' (DHSMV's) records when applicants for a recreational hunting or fishing licenses provide their current customer numbers, their social security numbers, or their driver license numbers, in conjunction with their dates of birth.

### **Disabled Veterans and Military Recreational Hunting and Fishing License Exemption**

Florida residents and visitors wishing to hunt or fish for sport and personal use of harvested fish and wildlife, as opposed to commercial uses, must purchase a recreational hunting, saltwater fishing, or freshwater fishing license<sup>9</sup> unless they qualify for one of the following exemptions:

- Any child under 16 years of age;
- Any person hunting or freshwater fishing on her or his homestead property, or on the homestead property of the person's spouse or minor child; or any minor child hunting or freshwater fishing on the homestead property of her or his parent;
- Any resident who is a member of the United States Armed Forces and not stationed in this state, when home on leave for 30 days or less, upon submission of orders;
- Any resident fishing for recreational purposes only, within her or his county of residence with live or natural bait, using poles or lines not equipped with a fishing line retrieval mechanism. This exemption does not apply to residents fishing in a legally established fish management area;

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<sup>8</sup> An exhaustive list of requirements to get a Florida Drivers License or identification card, including a full list of documents considered acceptable to prove ID in lieu of proof of a social security number and documents needed to prove Florida residential address, may be found at: <http://www.dmvflorida.org/drivers-license-identification.shtml> (last visited Feb. 11, 2013).

<sup>9</sup> Recreational hunting and fishing licenses and permit fees may be found at: <http://myfwc.com/license/recreational/> (last visited February 11, 2013).

- Any person freshwater fishing in a fish pond of 20 acres or less that is located entirely within the private property of the fish pond owner;
- Any person freshwater fishing in a fish pond that is licensed in accordance with s. 379.356, F.S.
- Any person fishing who has been accepted as a client for developmental disabilities services by the Department of Children and Family Services, provided the department furnishes proof thereof;
- Any resident saltwater fishing from land or from a structure fixed to the land who has been determined eligible by the Department of Children and Family Services for the food assistance program, temporary cash assistance, or the Medicaid programs. A benefit issuance or program identification card issued by the Department of Children and Family Services or the Florida Medicaid program of the Agency for Health Care Administration shall serve as proof of program eligibility. The client must have in his or her possession the ID card and positive proof of identification when fishing;
- Any person saltwater fishing from a vessel licensed pursuant to s. 379.354(7), F.S.;
- Any person saltwater fishing from a vessel the operator of which is licensed pursuant to s. 379.354(7), F.S.;
- Any person saltwater fishing who holds a valid saltwater products license issued under s. 379.361(2), F.S.;
- Any person saltwater fishing for recreational purposes from a pier licensed under s. 379.354, F.S.;
- Any resident fishing for mullet in fresh water who has a valid Florida freshwater fishing license;
- Any resident 65 years of age or older who has in her or his possession proof of age and residency. A no-cost license under this paragraph may be obtained from any tax collector's office upon proof of age and residency and must be in the possession of the resident during hunting, freshwater fishing, and saltwater fishing activities;
- Any employee of the commission who takes freshwater fish, saltwater fish, or game as part of employment with the commission, or any other person authorized by commission permit to take freshwater fish, saltwater fish, or game for scientific or educational purposes;
- Any resident recreationally freshwater fishing who holds a valid commercial fishing license issued under s. 379.363(1)(a), F.S.<sup>10</sup>

According to the FWC, there are about 225,000 active duty military personnel who claim Florida as their state of residence.<sup>11</sup> There were roughly 59,000 active duty military personnel and 39,000 military reservists living in Florida as of June 30, 2012. The FWC routinely receives requests from various veterans organizations to waive the requirement that their participants purchase a recreational hunting or fishing license when those participants are recreating or are rehabilitating military or disabled veterans.<sup>12</sup> Currently, the Commission does not have the authority to waive the licensing requirement.

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<sup>10</sup> Section 379.353(2), F.S.

<sup>11</sup> Military personnel stationed in Florida may claim Florida as their state of residency. They can continue to claim Florida residency even when they are subsequently stationed outside of Florida.

<sup>12</sup> FWC, *Senate Bill 448 Legislative Analysis* (2013)(on file with the Senate Committee on Environmental Preservation and Conservation).

## Free Fishing Days

Section 379.354(15), F.S., allows the Commission to designate two saltwater and two freshwater recreational fishing days per year, during which a recreational fishing license requirement is waived. All other laws regulating fishing, such as seasons, bag limits, and size limits, remain in effect for all anglers during the free fishing days.

The FWC cites several benefits to recreational license-free fishing days such as:

- They are an excellent way for Florida's residents and visitors to be introduced to the sport of saltwater and freshwater fishing;
- They create an immediate economic impact on the state by drawing tourists to Florida and by getting residents and visitors out on the water who travel, purchase fuel, stay in hotels, and buy fishing gear;
- Free fishing days create a long-term economic impact by introducing new participants to the sport of fishing, who may later buy fishing gear and boats, as well as encourage repeat visits to the state;
- License-free fishing days are a great way to emphasize the importance of outdoor recreation, conservation, and the economic benefits of recreational fishing in Florida.<sup>13</sup>

The Commission often designates license-free fishing days that fall on holiday weekends or that take place during a time of year where fishing opportunities are high and popular fish are available for harvest. Commission outreach events, as well as national media and public service announcements, are used to promote free fishing dates.<sup>14</sup>

Recreational saltwater and freshwater fishing has a combined economic impact on Florida of more than \$8.3 billion and nearly 80,000 jobs. Currently, there are an estimated 1,286,000 residential saltwater anglers in the state; 716,000 out-of-state saltwater anglers; 1,155,000 residential freshwater anglers; and 262,000 out-of-state freshwater anglers.<sup>15</sup>

## Veterans Exemption from Commercial Fishing License Requirements

In Florida, a saltwater products license (SPL) is required to commercially harvest or sell all saltwater products. Commercial harvest is defined by the FWC as harvest over the recreational bag limit, use of certain gear as authorized by law, or possession of more than 100 pounds per person per day of a species with no established bag limit. Possession of two or fewer fish with no established bag limit is not considered commercial harvest even if over 100 pounds.<sup>16</sup> A saltwater product is defined in statute as any species of saltwater fish, marine plant, or echinoderm, except shells, and salted, cured, canned, or smoked seafood.<sup>17</sup>

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<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> FWC, *Commercial Saltwater Product Licenses – Introduction*, <http://www.myfwc.com/license/saltwater/commercial-fishing/new-applicants/> (last visited Feb. 13, 2013).

<sup>17</sup> Section 379.101(36), F.S.

Florida offers three types of SPLs:<sup>18</sup>

- An individual SPL authorizes one individual person to engage in commercial fishing activities from the shore or a vessel. The Individual SPL is not tied to any one vessel and is issued in the individual’s name.
- A crew SPL is also issued in an individual’s name and authorizes the named individual to engage in commercial fishing activities from shore or a vessel. It also authorizes each person who is fishing with the named individual aboard a vessel to engage in such activities. This means the license holder can take a crew out on any vessel to harvest saltwater fish and the SPL covers the crew as well.
- A vessel SPL is issued to a valid commercial vessel registration number and authorizes each person aboard that registered vessel to engage in commercial saltwater fishing activities. Unlike the first two SPLs, the vessel SPL is tied to a vessel rather than a person.

The cost for each license:

<b>SPL Type</b>	<b>Florida Resident</b>	<b>Non-Resident</b>	<b>Alien</b>
Individual	\$50.00	\$200.00	\$300.00
Crew	\$150.00	\$600.00	\$900.00
Vessel	\$100.00	\$400.00	\$600.00

In addition to an SPL, a restricted species endorsement (RS) is required to commercially harvest and sell the following species: amberjack, bluefish, cobia, dolphin, black drum, flounder, golden tilefish, most types of grouper, hogfish (hog snapper), jack, king and Spanish mackerel, mullet, permit fish, pompano, red porgy, rudderfish, sea bass, spotted seatrout, sheepshead, most types of snapper, tripletail, wahoo, blue crab, stone crab, spiny lobster, and most types of shrimp.<sup>19</sup>

There is no cost to acquire an RS. In order to receive one, however, licensed commercial fishermen must qualify by showing proof of landings (actual saltwater products harvested and brought to shore) reported under their SPLs that indicate either \$5,000 or 25 percent of their total annual income during one of the previous three years was attributable to reported landings and sales of saltwater products to a Florida wholesale dealer. Current exemptions from this rule are:

- A person age 62 or older must provide acceptable proof of \$2,500 in sales of saltwater products to a licensed wholesale dealer during any 12 consecutive months in the last 36 months;
- A person age 70 or older will be granted a permanent exemption to the income requirements if the applicant's license records show that the SPL was held three out of the last five years;
- A disabled resident must provide acceptable proof of disability from the Railroad Retirement Board, U.S. Dept. of Veterans Affairs, U.S. Armed Forces, Social Security Administration, or a licensed physician and must have held the SPL for three of the last five years prior to the date of disability;
- A military veteran must provide acceptable proof of income. However, active duty may be excluded when calculating the previous 36 months and will not be counted for purposes of determining qualifying time.

<sup>18</sup> Section 379.361(2)(e)1.-3., F.S.

<sup>19</sup> FWC, *Commercial Food and Bait Species*, <http://www.myfwc.com/license/saltwater/commercial-fishing/restricted-species/> (last visited Feb. 13, 2013).



- Upon the sale of a used commercial fishing vessel owned by a person, firm, or corporation possessing or eligible to possess an RS, the purchaser is exempted from the income requirement for one year;
- If a person possessing an RS dies or becomes permanently disabled, an immediate family member who wishes to carry on the fishing operation is exempted from the income requirement for one year.<sup>20</sup>

During fiscal year 2011-2012, 12,752 SPLs were issued in Florida. Of those, 9,191 had an RS.<sup>21</sup>

According to the Florida Department of Veterans Affairs, there are approximately 1,651,000 veterans residing in Florida. There are approximately 249,000 veterans with some percentage of disability rating from service-connected disabilities in Florida. There are approximately 223,000 Florida veterans of Operation Iraqi Freedom and Operation Enduring Freedom (post 9/11 missions) who list Florida as their home of record. Approximately 47 percent of Florida's veterans are over age 65.

### **Rule 68B-2.006, F.A.C.**

On November 11, 2012, the FWC promulgated Rule 68B-2.006, F.A.C. The rule provides assistance to certain military veterans who wish to become commercial fishermen and obtain the RS endorsement issued on an SPL by waiving the income requirement for one year.

The FWC was created by passage of Revision #5 to the Florida Constitution during the November 1998 General Election,<sup>22</sup> as implemented by the 1999 General Session of the Legislature. Since the adoption of the constitutional amendment, there has been some uncertainty and debate over how far the FWC's constitutional authority reaches as it pertains to marine species. The Florida Supreme Court has provided some clarity,<sup>23</sup> but it is unclear whether the FWC has the authority under the Florida Constitution to adopt a rule exempting the income requirement for certain veterans, or if the FWC needs the Legislature to grant it the authority in statute in order for the rule to be effective.

### **III. Effect of Proposed Changes:**

**Section 1:** The CS amends s. 327.02, F.S., to remove an outdated reference to federal law and to insert the proper reference. The CS will ensure continued enforceability of the statute by including a reference to the federal law in effect on October 1, 2012. The CS will not change the way any vessels or vessel-related activities are currently being enforced in state waters under the current statute.

**Section 2:** The CS amends s. 379.101, F.S., to allow individuals to purchase a Florida resident recreational hunting or fishing license without having to continuously reside in the state for six

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<sup>20</sup> FWC, *Qualifying for the Restricted Species Endorsement (RS)*, <http://myfwc.com/license/saltwater/commercial-fishing/qualifying-for-rs/> (last visited Feb. 13, 2013).

<sup>21</sup> FWC, *Senate Bill 448 Legislative Analysis* (2013)(on file with the Senate Committee on Environmental Preservation and Conservation).

<sup>22</sup> See FLA. CONST. art. IV, s. 9.

<sup>23</sup> See *Caribbean Conservation Corp. v. Fla. Fish & Wildlife Conservation Comm'n., Inc.*, 838 So.2d 492 (Fla. 2003).

months upon submission of a valid Florida driver license or identification card with a Florida address, verified by the Department of Highway Safety and Motor Vehicles. In the absence thereof, the CS lists four other ways to verify Florida residency:

- A current Florida voter information card;
- A sworn statement manifesting and evidencing domicile in Florida in accordance with s. 222.17, F.S.;
- A current Florida homestead exemption; or
- For a child younger than 18, a driver license or identification card, a student identification card from a Florida school, or, when accompanied by his or her parent at the time of purchase, the parent's proof of residency.

The CS alters the definition of resident to eliminate the requirement that those persons applying for a resident commercial saltwater fishing license must reside continuously in a certain Florida county for six months. The requirement to reside continuously in Florida for one year is retained.

For the purposes of ch. 379, F.S., resident aliens are currently treated as residents. The CS eliminates the requirement for a resident alien to continuously reside in a certain Florida county for six months. The requirement that resident aliens must reside in Florida continuously for one year is retained.

**Section 3:** The CS amends s. 379.353, F.S., to provide an exemption from the requirement to purchase a recreational hunting or fishing license to all persons participating in a Commission-permitted event where the primary purpose of the event is for the rehabilitation or enjoyment of disabled veterans and active duty military personnel, reservists, Florida National Guard, U.S. Coast Guard members, and members of the U.S. Coast Guard Reserves.

The CS provides an exemption from the license requirement for "immediate family members," defined as parents, spouses and children, of active duty military and reservists and disabled veterans who participate in Commission-permitted events where the primary purpose of the event is for the rehabilitation or enjoyment of disabled veterans, active duty military personnel and reservists. The CS also allows an exemption for one additional person designated to assist each veteran certified to be a disabled veteran.

The CS provides a list of factors for the Commission to consider when deciding whether to issue a permit for an event where the primary purpose of the event is for the rehabilitation or enjoyment of disabled veterans, active duty military personnel and reservists.

The CS directs the Commission to promulgate rules to implement the subsection.

**Section 4:** The CS amends s. 379.354, F.S., to provide statutory authority for the Commission to offer a total of four license-free recreational saltwater fishing days and four license-free recreational freshwater fishing days to the public.

**Section 5:** The CS amends s. 379.361, F.S., to clarify the term "1 year" to mean a "complete license year" for the RS income requirement for those purchasing a used commercial fishing vessel, or for an immediate family member carrying on the fishing operation for the family member possessing the RS who has died or has become permanently disabled.

The CS clarifies that upon the sale of a used commercial fishing vessel owned by a person, firm, or corporation possessing or eligible to possess an RS, the purchaser is exempted from the income requirement for a complete license year.

The CS clarifies that when a person possessing an RS dies or becomes disabled, an immediate family member wishing to carry on the fishing operation shall be exempted from the income requirement for a complete license year.

The CS waives the income requirement to acquire an RS for one complete license year for any honorably discharged resident military veteran that is certified to have at least a 10 percent service-connected disability by the U.S. Department of Veterans Affairs or any branch of the U.S. Armed Forces. In subsequent years, veterans must document that at least \$2,500 (half the current requirement of \$5,000) of their income is attributable to the sale of saltwater products in order to renew the RS. The first-year exemption may only be applied one time per military enlistment.

The CS provides a waiver of the income requirement to acquire an RS for a complete license year until June 30, 2014, to all resident military veterans honorably discharged between September 11, 2001, and June 30, 2014, from any branch of the U.S. Armed Forces, the reserves, the Florida National Guard, the U.S. Coast Guard, or the U.S. Coast Guard Reserves. The waiver would be allowed on the RS endorsement on individual or crew SPLs, but not on vessel SPLs. The first year exemption may be applied only one time per military enlistment. After the first year, the veteran with the endorsement would be subject to the normal RS renewal requirements.

The CS provides a waiver of the income requirement to acquire an RS for a complete license year, beginning July 1, 2014, to all resident military veterans who apply for an RS within four years after being honorably discharged from any branch of the U.S. Armed Forces, the reserves, the Florida National Guard, the U.S. Coast Guard, or the U.S. Coast Guard Reserves. The waiver would be allowed on the RS endorsement on individual or crew SPLs, but not on vessel SPLs. The first year exemption may be applied only one time per military enlistment. After the first year, the veteran with the endorsement would be subject to the normal RS renewal requirements.

**Section 6** provides an effective date of July 1, 2013.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

**Section 3:** Active-duty military personnel and reservists, members of the Florida National Guard, members of the U.S. Coast Guard and U.S. Coast Guard Reserves, and disabled veterans, as well as immediate family members of those participating in the event and those attending in aid of disabled veterans, are exempted from having to purchase a hunting or fishing license for the Commission-permitted event.

**B. Private Sector Impact:**

**Section 2:** According to the FWC, those wishing to purchase a resident recreational fishing or hunting license but who are not eligible because they have not established their Florida residency for six months or more, will see a positive fiscal impact of the difference between the cost of a resident and nonresident license.

**Section 3:** According to the FWC, active duty military personnel, reservists, members of the Florida National Guard, the U.S. Coast Guard, the U.S. Coast Guard Reserves and disabled veterans participating in FWC-permitted hunting and fishing events for the enjoyment of active duty personnel disabled veterans, along with immediate family members and a single individual assisting a disabled veteran at the event, will be exempted from having to purchase a license for that specific event.

**Section 4:** The FWC anticipates that expanding the number of license free fishing days will have a positive but indeterminate economic impact related to the increased number of visitors to Florida.

**Section 5:** According to the FWC, there could be a positive fiscal impact, in the form of income, on veterans who enter the commercial fishing industry. On the other hand, there is a potential for a negative fiscal impact to income on current commercial fishermen holding an RS due to increased competition this section may create. The effects cannot be determined at this time.

**C. Government Sector Impact:**

**Section 2:** The impact on the Commission is indeterminate. The loss of fee revenue may be offset by an increase in the number of licenses issued.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

According to the FWC, when a person applies to the Florida Department of Highway Safety and Motor Vehicles (DMV) to get a driver license or identification card, the DMV requires proof of

residency in Florida. There may be situations in which a person who is not a valid resident (meaning they cannot provide the necessary proof of residency) would still be issued a driver license or identification card. Though the card itself may not indicate that the individual is not a resident of Florida, the DMV's records would. Since FWC's licensing system is linked to the DMV's records, the fact that a person is not a resident of Florida would be ascertainable, not from the driver license or identification card provided, but by the DMV's records connected with that license or identification card.<sup>24</sup>

There have been discussions between the Joint Administrative Procedures Committee and the FWC concerning the FWC's authority to amend the income requirement by rule. This CS gives the FWC clear legislative authority to adjust such requirements.

## VIII. Additional Information:

### A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

#### **CS by Environmental Preservation and Conservation on March 7, 2013:**

The CS makes a Florida driver license or identification card, with both a Florida address and residency verified by the Florida Department of Highway and Motor Vehicles, the primary method of verifying residency. If that is not available, the CS provides four other methods of verifying residency.

The CS adds the National Guard Reserves to the list of military branches whose members are exempted from the requirement to purchase a license for hunting or fishing events permitted by the Commission for the rehabilitation or enjoyment of veterans with service connected disabilities and/or active duty service members.

The CS exempts immediate family members of veterans or active duty personnel, and one additional person to assist each disabled veteran, from having to possess a saltwater or freshwater fishing or a hunting license when attending a Commission-permitted hunting or fishing event for the rehabilitation or enjoyment of veterans with service connected disabilities and/or reservists and active duty service members.

The CS defines "immediate family members" as parents, spouses and children of the active duty member or disabled veteran.

The CS provides several factors for the Commission to consider when deciding whether to issue a permit for a hunting or fishing event for the enjoyment or rehabilitation of reserve or active duty military personnel, reserve or active duty U.S. Coast Guard personnel, and disabled veterans.

The CS adds the National Guard Reserves to the list of military branches whose members are not required to provide documentation for the income requirement with his or her initial application for an RS.

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<sup>24</sup> FWC, *Senate Bill 448 Legislative Analysis* (2013)(on file with the Senate Committee on Environmental Preservation and Conservation).

The CS contains conforming language to make it identical to HB 333.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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