

By the Committee on Environmental Preservation and Conservation;  
and Senators Dean and Simpson

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1 A bill to be entitled  
2 An act relating to the Fish and Wildlife Conservation  
3 Commission; amending s. 327.02, F.S.; revising the  
4 definition of the term "navigation rules" for purposes  
5 of provisions relating to vessels; amending s.  
6 379.101, F.S.; revising the definition of the term  
7 "resident" or "resident of Florida" for purposes of  
8 provisions relating to recreational and  
9 nonrecreational activity licenses; providing for  
10 certain evidence of residence; revising the definition  
11 of the term "resident alien" to remove a county  
12 residency requirement; amending s. 379.353, F.S.;  
13 exempting individuals participating in certain outdoor  
14 recreational events from requirements for a hunting or  
15 fishing license or permit; amending s. 379.354, F.S.;  
16 revising the number of days the commission may  
17 designate as free fishing days each year; amending s.  
18 379.361, F.S.; revising requirements for a restricted  
19 species endorsement on a saltwater products license;  
20 providing an effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24 Section 1. Subsection (25) of section 327.02, Florida  
25 Statutes, is amended to read:

26 327.02 Definitions ~~of terms used in this chapter and in~~  
27 ~~chapter 328.~~—As used in this chapter and in chapter 328, unless  
28 the context clearly requires a different meaning, the term:

29 (25) "Navigation rules" means:

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30       (a) For vessels on waters outside of established  
31 navigational lines of demarcation as specified in 33 C.F.R. part  
32 80, the International Navigational Rules Act of 1977, 33 U.S.C.  
33 ~~appendix following~~ s. 1602, as amended, including the appendix  
34 and annexes thereto, through October 1, 2012.

35       (b) For vessels on all waters not outside of such  
36 established navigational lines of demarcation, as specified in  
37 ~~33 C.F.R. part 80 or the Inland Navigational Rules Act of 1980,~~  
38 33 C.F.R. parts 83-90, as amended, through October 1, 2012 ~~33~~  
39 ~~U.S.C. ss. 2001 et seq., as amended, including the annexes~~  
40 ~~thereto, for vessels on all waters not outside of such lines of~~  
41 ~~demarcation.~~

42       Section 2. Subsections (30) and (31) of section 379.101,  
43 Florida Statutes, are amended to read:

44       379.101 Definitions.—In construing these statutes, where  
45 the context does not clearly indicate otherwise, the word,  
46 phrase, or term:

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

48       (a) For purposes of part VII ~~of this chapter, with the~~  
49 ~~exception of ss. 379.363, 379.3635, 379.364, 379.3711, 379.3712,~~  
50 ~~379.372, 379.373, 379.374, 379.3751, 379.3752, 379.3761,~~  
51 ~~379.3762, and 379.377, and for purposes of s. 379.355, citizens~~  
52 ~~of the United States who have continuously resided in this state~~  
53 ~~for 1 year before applying for a, next preceding the making of~~  
54 ~~their application for hunting, fishing, or other license, for~~  
55 ~~the following period of time, to wit: For 1 year in the state~~  
56 ~~and 6 months in the county when applied to all fish and game~~  
57 ~~laws not related to freshwater fish and game. However, for~~  
58 purposes of ss. 379.363, 379.3635, 379.364, 379.3711, 379.3712,

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59 379.372, 379.373, 379.374, 379.3751, 379.3752, 379.3761, and  
60 379.3762, the term "resident" or "resident of Florida" means a  
61 citizen of the United States who has continuously resided in  
62 this state for 6 months before applying for a hunting, fishing,  
63 or other license.

64 (b) For purposes of part VI ~~of this chapter, except with~~  
65 ~~the exception of s. 379.355;~~ and for purposes of ~~ss. 379.363,~~  
66 ~~379.3635, 379.364, 379.3711, 379.3712, 379.372, 379.373,~~  
67 ~~379.374, 379.3751, 379.3752, 379.3761, 379.3762, and 379.377,~~  
68 ~~any person who has continually resided in the state for 6 months~~  
69 ~~or~~

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

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

78 a. A current Florida voter information card;

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

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

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

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

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88 ~~6 months in the county~~ and can provide documentation from the  
89 Bureau of Citizenship and Immigration Services evidencing  
90 permanent residency status in the United States. For the  
91 purposes of this chapter, a "resident alien" shall be considered  
92 a "resident."

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

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

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

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

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117 promulgate rules to implement this paragraph. Factors for the  
118 commission to consider in determining to issue a permit under  
119 this paragraph include, but are not limited to, hunting and  
120 fishing seasons, time frame or duration of the event, species  
121 concerns, and the number of such permits granted to the  
122 organizer of the event during the calendar year the permit is  
123 requested.

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

126 379.354 Recreational licenses, permits, and authorization  
127 numbers; fees established.—

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

143 Section 5. Paragraph (b) of subsection (2) of section  
144 379.361, Florida Statutes, is amended to read:

145 379.361 Licenses.—

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146 (2) SALTWATER PRODUCTS LICENSE.—

147 (b)1. A restricted species endorsement on the saltwater  
148 products license is required to sell to a licensed wholesale  
149 dealer those species which the state, by law or rule, has  
150 designated as "restricted species." This endorsement may be  
151 issued only to a person who is at least 16 years of age, or to a  
152 firm certifying that over 25 percent of its income or \$5,000 of  
153 its income, whichever is less, is attributable to the sale of  
154 saltwater products pursuant to a saltwater products license  
155 issued under this paragraph or a similar license from another  
156 state. This endorsement may also be issued to a for-profit  
157 corporation if it certifies that at least \$5,000 of its income  
158 is attributable to the sale of saltwater products pursuant to a  
159 saltwater products license issued under this paragraph or a  
160 similar license from another state. However, if at least 50  
161 percent of the annual income of a person, firm, or for-profit  
162 corporation is derived from charter fishing, the person, firm,  
163 or for-profit corporation must certify that at least \$2,500 of  
164 the income of the person, firm, or corporation is attributable  
165 to the sale of saltwater products pursuant to a saltwater  
166 products license issued under this paragraph or a similar  
167 license from another state, in order to be issued the  
168 endorsement. Such income attribution must apply to at least 1 of  
169 the last 3 years. For the purpose of this section, "income"  
170 means that income that is attributable to work, employment,  
171 entrepreneurship, pensions, retirement benefits, and social  
172 security benefits.

173 2. To renew an existing restricted species endorsement, a  
174 marine aquaculture producer possessing a valid saltwater

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175 products license with a restricted species endorsement may apply  
176 income from the sale of marine aquaculture products to licensed  
177 wholesale dealers.

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

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

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

187 c. A copy of the applicable federal income tax return,  
188 including Form 1099 attachments, verifying income earned from  
189 the sale of saltwater products;

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

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

194 4. Notwithstanding any other provision of law, any person  
195 who owns a retail seafood market or restaurant at a fixed  
196 location for at least 3 years, who has had an occupational  
197 license for 3 years before ~~prior to~~ January 1, 1990, who  
198 harvests saltwater products to supply his or her retail store,  
199 and who has had a saltwater products license for 1 of the past 3  
200 license years before ~~prior to~~ January 1, 1990, may provide proof  
201 of his or her verification of income and sales value at the  
202 person's retail seafood market or restaurant and in his or her  
203 saltwater products enterprise by affidavit and shall thereupon

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204 be issued a restricted species endorsement.

205 ~~5.4.~~ Exceptions from income requirements shall be as  
206 follows:

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

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

213 c. Upon the sale of a used commercial fishing vessel owned  
214 by a person, firm, or corporation possessing or eligible for a  
215 restricted species endorsement, the purchaser of such vessel  
216 shall be exempted from the qualifying income requirement for the  
217 purpose of obtaining a restricted species endorsement for a  
218 complete license ~~period of 1~~ year after purchase of the vessel.

219 d. Upon the death or permanent disablement of a person  
220 possessing a restricted species endorsement, an immediate family  
221 member wishing to carry on the fishing operation shall be  
222 exempted from the qualifying income requirement for the purpose  
223 of obtaining a restricted species endorsement for a complete  
224 license ~~period of 1~~ year after the death or disablement.

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

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

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

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

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262 least \$2,500 of his or her income is attributable to the sale of  
263 saltwater products.

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

278 j. Until June 30, 2014, a resident military veteran who  
279 applies to the commission and who received an honorable  
280 discharge from any branch of the United States Armed Forces, the  
281 United States Coast Guard, the military reserves, the Florida  
282 National Guard, or the United States Coast Guard Reserve between  
283 September 11, 2001, and June 30, 2014, is not required to  
284 provide documentation for the income requirement with his or her  
285 initial application for a restricted species endorsement.  
286 Documentation for the income requirement is required beginning  
287 with the renewal of the restricted species endorsement after  
288 such veteran has possessed a valid restricted species  
289 endorsement for a complete license year. This exemption applies  
290 only to issuance of the endorsement on an individual saltwater

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291 products license.

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