

By the Committees on Appropriations; and Environmental Preservation and Conservation; and Senators Dean and Simpson

576-04660-13

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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. 328.72,  
6 F.S.; deleting the automatic adjustment of vessel  
7 registration fees every 5 years; amending s. 379.101,  
8 F.S.; revising the definition of the term "resident"  
9 or "resident of Florida" for purposes of provisions  
10 relating to recreational and nonrecreational activity  
11 licenses; providing for certain evidence of residence;  
12 revising the definition of the term "resident alien"  
13 to remove a county residency requirement; amending s.  
14 379.353, F.S.; exempting individuals participating in  
15 certain outdoor recreational events from requirements  
16 for a hunting or fishing license or permit; amending  
17 s. 379.354, F.S.; deleting a provision that provides  
18 for an automatic adjustment of recreational hunting  
19 and fishing license fees every 5 years; revising the  
20 number of days the commission may designate as free  
21 fishing days each year; amending s. 379.361, F.S.;  
22 revising requirements for a restricted species  
23 endorsement on a saltwater products license; providing  
24 an effective date.

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

27  
28 Section 1. Subsection (25) of section 327.02, Florida  
29 Statutes, is amended to read:

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

33 (25) "Navigation rules" means:

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

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

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

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

50 (1) VESSEL REGISTRATION FEE.-

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

55 Class A-1-Less than 12 feet in length, and all canoes to  
56 which propulsion motors have been attached, regardless of  
57 length: \$5.50 for each 12-month period registered.

58 Class A-2-12 feet or more and less than 16 feet in length:

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59 \$16.25 for each 12-month period registered.

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

61 Class 1-16 feet or more and less than 26 feet in length:

62 \$28.75 for each 12-month period registered.

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

64 Class 2-26 feet or more and less than 40 feet in length:

65 \$78.25 for each 12-month period registered.

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

67 Class 3-40 feet or more and less than 65 feet in length:

68 \$127.75 for each 12-month period registered.

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

70 Class 4-65 feet or more and less than 110 feet in length:

71 \$152.75 for each 12-month period registered.

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

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

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

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

78

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

81 ~~(b) In 2013 and every 5 years thereafter, vessel~~  
82 ~~registration fees shall be adjusted by the percentage change in~~  
83 ~~the Consumer Price Index for All Urban Consumers since the fees~~  
84 ~~were last adjusted, unless otherwise provided by general law. By~~  
85 ~~February 1 of each year in which an adjustment is scheduled to~~  
86 ~~occur, the Fish and Wildlife Conservation Commission shall~~  
87 ~~submit a report to the President of the Senate and the Speaker~~

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88 ~~of the House of Representatives detailing how the increase in~~  
89 ~~vessel registration fees will be used within the agency. The~~  
90 ~~vessel registration fee increases shall take effect July 1 of~~  
91 ~~each adjustment year.~~

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

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

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

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

114 (b) For purposes of part VI ~~of this chapter, except with~~  
115 ~~the exception of s. 379.355; and for purposes of ss. 379.363,~~  
116 ~~379.3635, 379.364, 379.3711, 379.3712, 379.372, 379.373,~~

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117 ~~379.374, 379.3751, 379.3752, 379.3761, 379.3762, and 379.377,~~  
118 ~~any person who has continually resided in the state for 6 months~~  
119 ~~or~~

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

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

128 a. A current Florida voter information card;

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

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

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

136 (31) "Resident alien" means ~~shall mean~~ those persons who  
137 have continuously resided in this state for at least 1 year ~~and~~  
138 ~~6 months in the county~~ and can provide documentation from the  
139 Bureau of Citizenship and Immigration Services evidencing  
140 permanent residency status in the United States. For the  
141 purposes of this chapter, a "resident alien" shall be considered  
142 a "resident."

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

145 379.353 Recreational licenses and permits; exemptions from

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146 fees and requirements.-

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

149 (q) Those persons exempted by commission permit issued  
150 under this paragraph. The commission may issue a permit for an  
151 outdoor recreational event for which the primary purpose is the  
152 rehabilitation or enjoyment of veterans certified by the United  
153 States Department of Veterans Affairs or its predecessor or by  
154 any branch of the United States Armed Forces to have any  
155 service-connected disability percentage rating of zero percent  
156 or higher, active duty or reserve duty service members of any  
157 branch of the United States Armed Forces, the United States  
158 Coast Guard, military reserves, the Florida National Guard, or  
159 the United States Coast Guard Reserve. A permit issued under  
160 this paragraph shall exempt such veterans, service members,  
161 their immediate family members and one additional person  
162 designated to assist each veteran certified to be a disabled  
163 veteran, from having to possess a hunting, freshwater fishing,  
164 or saltwater fishing license for the duration of the event. For  
165 purposes of this exemption, the term "immediate family members"  
166 means parents, spouses, and children. The commission shall  
167 promulgate rules to implement this paragraph. Factors for the  
168 commission to consider in determining to issue a permit under  
169 this paragraph include, but are not limited to, hunting and  
170 fishing seasons, time frame or duration of the event, species  
171 concerns, and the number of such permits granted to the  
172 organizer of the event during the calendar year the permit is  
173 requested.

174 Section 5. Subsections (1) and (15) of section 379.354,

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175 Florida Statutes, are amended to read:

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

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

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

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

199 (15) FREE FISHING DAYS.-The commission may designate by  
200 rule no more than 4 ~~2~~ consecutive or nonconsecutive days in each  
201 year as free freshwater fishing days and no more than 4 ~~2~~  
202 consecutive or nonconsecutive days in each year as free  
203 saltwater fishing days. Notwithstanding any other provision of

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204 this chapter, any person may take freshwater fish for  
205 noncommercial purposes on a free freshwater fishing day and may  
206 take saltwater fish for noncommercial purposes on a free  
207 saltwater fishing day, without obtaining or possessing a license  
208 or permit or paying a license or permit fee as prescribed in  
209 this section. A person who takes freshwater or saltwater fish on  
210 a free fishing day must comply with all laws, rules, and  
211 regulations governing the holders of a fishing license or permit  
212 and all other conditions and limitations regulating the taking  
213 of freshwater or saltwater fish as are imposed by law or rule.

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

216 379.361 Licenses.—

217 (2) SALTWATER PRODUCTS LICENSE.—

218 (b)1. A restricted species endorsement on the saltwater  
219 products license is required to sell to a licensed wholesale  
220 dealer those species which the state, by law or rule, has  
221 designated as "restricted species." This endorsement may be  
222 issued only to a person who is at least 16 years of age, or to a  
223 firm certifying that over 25 percent of its income or \$5,000 of  
224 its income, whichever is less, is attributable to the sale of  
225 saltwater products pursuant to a saltwater products license  
226 issued under this paragraph or a similar license from another  
227 state. This endorsement may also be issued to a for-profit  
228 corporation if it certifies that at least \$5,000 of its income  
229 is attributable to the sale of saltwater products pursuant to a  
230 saltwater products license issued under this paragraph or a  
231 similar license from another state. However, if at least 50  
232 percent of the annual income of a person, firm, or for-profit



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233 corporation is derived from charter fishing, the person, firm,  
234 or for-profit corporation must certify that at least \$2,500 of  
235 the income of the person, firm, or corporation is attributable  
236 to the sale of saltwater products pursuant to a saltwater  
237 products license issued under this paragraph or a similar  
238 license from another state, in order to be issued the  
239 endorsement. Such income attribution must apply to at least 1 of  
240 the last 3 years. For the purpose of this section, "income"  
241 means that income that is attributable to work, employment,  
242 entrepreneurship, pensions, retirement benefits, and social  
243 security benefits.

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

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

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

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

258 c. A copy of the applicable federal income tax return,  
259 including Form 1099 attachments, verifying income earned from  
260 the sale of saltwater products;

261 d. Crew share statements verifying income earned from the

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262 sale of saltwater products; or

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

265 4. Notwithstanding any other provision of law, any person  
266 who owns a retail seafood market or restaurant at a fixed  
267 location for at least 3 years, who has had an occupational  
268 license for 3 years before ~~prior to~~ January 1, 1990, who  
269 harvests saltwater products to supply his or her retail store,  
270 and who has had a saltwater products license for 1 of the past 3  
271 license years before ~~prior to~~ January 1, 1990, may provide proof  
272 of his or her verification of income and sales value at the  
273 person's retail seafood market or restaurant and in his or her  
274 saltwater products enterprise by affidavit and shall thereupon  
275 be issued a restricted species endorsement.

276 5.4. Exceptions from income requirements shall be as  
277 follows:

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

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

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

290 d. Upon the death or permanent disablement of a person

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

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

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

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

318 h. An honorably discharged, resident military veteran  
319 certified by the United States Department of Veterans Affairs or

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

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

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

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