

Agenda Item 11 B (2)
Draft Rule Language
Restricted Species Endorsement – Draft Rule
June 2014 Commission Meeting

68B-2.006 Restricted Species ~~License Exemption~~ Endorsement.

(1) A restricted species endorsement on the saltwater products license is required to sell to a licensed wholesale dealer those species which the state, by law or rule, has designated as “restricted species.” This endorsement shall be issued only to a person who is at least 16 years of age, or to a firm certifying that over 25 percent of its income or \$5,000 of its income, whichever is less, is attributable to the sale of saltwater products pursuant to a saltwater products license issued under this paragraph or a similar license from another state. This endorsement may also be issued to a for-profit corporation if it certifies that at least \$5,000 of its income is attributable to the sale of saltwater products pursuant to a saltwater products license issued under this paragraph or a similar license from another state. However, if at least 50 percent of the annual income of a person, firm, or for-profit corporation is derived from charter fishing, the person, firm, or for-profit corporation must certify that at least \$2,500 of the income of the person, firm, or corporation is attributable to the sale of saltwater products pursuant to a saltwater products license issued under this paragraph or a similar license from another state, in order to be issued the endorsement. Such income attribution must apply to at least 1 of the last 3 years. For the purpose of this section, “income” means that income that is attributable to work, employment, entrepreneurship, pensions, retirement benefits, and social security benefits.

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

(3) The commission may require verification of such income for all restricted species endorsements issued pursuant to this paragraph. Acceptable proof of income earned from the sale of saltwater products shall be:

- a. Copies of trip ticket records generated pursuant to this subsection (marine fisheries information system), documenting qualifying sale of saltwater products;
- b. Copies of sales records from locales other than Florida documenting qualifying sale of saltwater products;
- c. A copy of the applicable federal income tax return, including Form 1099 attachments, verifying income earned from the sale of saltwater products;
- d. Crew share statements verifying income earned from the sale of saltwater products; or
- e. A certified public accountant’s notarized statement attesting to qualifying source and amount of income.

(4) Notwithstanding any other provision of law, any person who owns a retail seafood market or restaurant at a fixed location for at least 3 years, who has had an occupational license for 3 years before January 1, 1990, who harvests saltwater products to supply his or her retail store, and who has had a saltwater products license for 1 of the past 3 license years before January 1, 1990, may provide proof of his or her verification of income and sales value at the person’s retail seafood market or restaurant and in his or her saltwater products enterprise by affidavit and shall thereupon be issued a restricted species endorsement.

(5) Exceptions from income requirements shall be as follows:

- a. A permanent restricted species endorsement shall be available to those persons age 62 and older who have qualified for such endorsement for at least 3 of the last 5 years.
- b. Active military duty time shall be excluded from consideration of time necessary to qualify and shall not be counted against the applicant for purposes of qualifying.
- c. Upon the sale of a used commercial fishing vessel owned by a person, firm, or corporation possessing or eligible for a restricted species endorsement, the purchaser of such vessel shall be exempted from the qualifying income requirement for the purpose of obtaining a restricted species endorsement for a complete license year after purchase of the vessel.

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

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

f. A permanent restricted species endorsement shall, upon application, also be issued on an individual saltwater products license to a person age 70 or older who has held a saltwater products license for at least 3 of the last 5 license years.

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

h. (1) An honorably discharged resident military veteran certified by the United States Department of Veterans Affairs or its predecessor or by any branch of the United States Armed Forces to be at least 10% permanently service-connected disabled, upon proof of the same, shall not be required to provide documentation of the income requirement with the initial application for a restricted species endorsement. Documentation of the income requirement shall be required beginning with the renewal of the restricted species endorsement after such veteran has possessed a valid restricted species endorsement for a complete license year. This exemption may only be issued on an individual saltwater products license and is a one-time exemption. A restricted species endorsement shall be issued on an individual saltwater products license thereafter where such disabled resident veteran documents that at least \$2500 of such person's income is attributable to the sale of saltwater products.

i. (2) Beginning July 1, 2014, a resident military veteran who applies to the Commission within 48 months after an honorable discharge from any branch of the United States Armed Forces, the Reserves, the Florida National Guard, or the U.S. Coast Guard shall not be required to provide documentation of the income requirement with the initial application for a restricted species endorsement. Documentation of the income requirement shall be required beginning with the renewal of the restricted species endorsement after such veteran has possessed a valid restricted species endorsement for a complete license year. This exemption may only be issued on an individual saltwater products license and is a one-time exemption per military enlistment.

j. (3) Until June 30, 2014, a resident military veteran who applies to the Commission and who received an honorable discharge from any branch of the United States Armed Forces, the Reserves, the Florida National Guard, or the U.S. Coast Guard between September 11, 2001, and June 30, 2014, shall not be required to provide documentation of the income requirement with the initial application for a restricted species endorsement. Documentation of the income requirement shall be required beginning with the renewal of the restricted species endorsement after such veteran has possessed a valid restricted species endorsement for a complete license year. This exemption may only be issued on an individual saltwater products license.