

Summary of Proposed Changes
Restricted Species Endorsement (68B-2.006, FAC)

Final Public Hearing: April 15, 2015



Vessel purchase exemption

Change

- The exemption would be limited to individuals purchasing commercial fishing vessels 16 feet and longer
Prevents an individual from qualifying through purchase of an extremely small vessel that could not feasibly be used to commercially fish and prevents sellers from titling fictitious vessels for the purposes of selling RS qualification (homemade vessels 16 feet and larger must be inspected by law enforcement in order to receive a title)
- Buyer's RS would only be attached to the purchased vessel (currently applies to any RS issued to the buyer)
Prevents an individual from buying a vessel that could not feasibly be used to commercially fish with the intent of using this exemption to gain an RS for use on a vessel the individual already owns
- Seller must qualify for the RS by means other than the vessel purchase exemption
Prevent sellers from selling vessels over multiple years (by buying back their own vessels to requalify for the RS) without ever selling any fish to qualify for the endorsement themselves

Clarify

- Vessel must be commercially registered with the state or USCG by the seller at time of sale and buyer at time of RS application
Helps verify that the vessels used to qualify for this exemption are in fact commercial vessels
- Buyer must still be the registered owner the vessel at the time of RS application
Limit opportunities for multiple people to gain this exemption through a series of rapid sales of a single vessel, all of which occur before the first buyer even applies for an RS

Disability documentation

Change

- Adds workers' compensation determination of disablement as an acceptable form of verifying a disability
Provide additional flexibility in certifying a disablement
- Provide a form for disability certification by a licensed physician
Ensure all necessary information is included in an application and expedites issuance of RS

Income verification

Change

- Provide a form for statement of income by a CPA

Ensure all necessary information is included in an application and expedites issuance of RS

Clarify

- Qualifying sales of saltwater products must be to a licensed wholesale dealer

Provide consistency with regulations for the sale of commercially caught fish in Florida Statutes

- Clearly list acceptable ways to verify income

Clarify what income verification methods are valid for income from the sale of saltwater products and overall annual income

- Federal income tax forms submitted must be complete

Ensure all necessary information is included in an application

- Age 62 and older: qualifying sales must be from one of last three years

This is consistent with all other similar exemptions

Death or disablement of a family member

Change

- Extend application period from one to three years

Provide increased flexibility for family members to deal with other aspects of losing a family member without the immediate pressure to get the fishing business up and running again

- Waive income requirements for one full license year after issuance (instead of one license year after qualifying event)

Allows ample time for the applicant to qualify for an RS by another means

- Include definition for “immediate family” (this proposed change has been added since the February draft rule hearing)

The phrase “immediate family” used in RS qualification requirements is not currently defined in a rule that applies to this section of regulation. Including a definition for this in 68B-2.001 will provide a consistent interpretation of this phrase. The proposed definition is consistent with the definition used in multiple other marine fisheries rules.

Clarify

- The RS held by the person who dies or is disabled must have been valid at that time

Maintains the intent of the exemption

Remove outdated language

Remove

- Affidavit demonstrating retail sales by harvester before 1990 removed as a way to verify fishing income

Sales from recent years do not apply and no one has qualified by this mechanism in many years, making this form of income verification outdated

- Veteran’s exemption that expired June 30, 2014

This portion of the exemption has expired and its removal will have no effect on the current veteran’s exemption, which went into effect on July 1, 2014