

1 A bill to be entitled

2 An act relating to shellfish harvesting; amending s.  
3 597.010, F.S.; revising provisions for the harvest of  
4 shellfish from natural reefs and submerged lands;  
5 defining the term "shellfish"; prohibiting the harvest  
6 of shellfish by dredges or mechanical harvesting  
7 devices unless specifically authorized in certain  
8 submerged land or perpetual shellfish leases;  
9 providing for the Board of Trustees of the Internal  
10 Improvement Trust Fund instead of the Department of  
11 Agricultural and Consumer Services to authorize the  
12 harvest of shellfish by dredges or mechanical  
13 harvesting devices in submerged land leases and  
14 perpetual shellfish leases; revising conditions for  
15 such authorization; providing that conditions for the  
16 use of dredges or mechanical harvesting devices in  
17 submerged lands leases may be provided as special  
18 conditions in aquaculture leases; revising provisions  
19 authorizing the Fish and Wildlife Conservation  
20 Commission to collect fees and issue special activity  
21 licenses for vessels using dredges or mechanical  
22 harvesting devices to harvest shellfish; providing  
23 penalties; providing an effective date.

24  
25 Be It Enacted by the Legislature of the State of Florida:  
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27 Section 1. Subsection (18) of section 597.010, Florida  
 28 Statutes, is amended to read:

29 597.010 Shellfish regulation; leases.—

30 (18) HARVESTING SHELLFISH ~~REMOVING OYSTERS, CLAMS, OR~~  
 31 ~~MUSSELS FROM NATURAL REEFS AND SUBMERGED LANDS; LICENSES, ETC.;~~  
 32 ~~PENALTY.—~~

33 (a) Shellfish may be harvested from natural reefs and  
 34 submerged lands by common hand tongs or by hand while scuba  
 35 diving, free diving, leaning from vessels, or wading. As used in  
 36 this subsection, the term "shellfish" means oysters, clams,  
 37 mussels, and scallops.

38 (b) Shellfish may not be harvested by a dredge or  
 39 mechanical harvesting device from:

40 1. Public shellfish beds in Apalachicola Bay unless the  
 41 use of a dredge or mechanical harvesting device is specifically  
 42 authorized in a submerged land lease under chapter 253 before  
 43 July 1, 1989.

44 2. Natural reefs or submerged lands unless the use of a  
 45 dredge or mechanical harvesting device is specifically  
 46 authorized in a submerged land lease under chapter 253 or a  
 47 perpetual shellfish lease under chapter 379.

48 ~~(a) It is unlawful to use a dredge or any means or~~  
 49 ~~implement other than hand tongs in removing oysters from the~~  
 50 ~~natural or artificial state reefs or beds. This restriction~~  
 51 ~~shall apply to all areas of Apalachicola Bay for all shellfish~~  
 52 ~~harvesting, excluding private grounds leased or granted by the~~

53 ~~state prior to July 1, 1989, if the lease or grant specifically~~  
 54 ~~authorizes the use of implements other than hand tongs for~~  
 55 ~~harvesting. Except in Apalachicola Bay, upon the payment of \$25~~  
 56 ~~annually, for each vessel or boat using a dredge or machinery in~~  
 57 ~~the gathering of clams or mussels, a special activity license~~  
 58 ~~may be issued by the Fish and Wildlife Conservation Commission~~  
 59 ~~pursuant to subsection (15) or s. 379.361 for such use to such~~  
 60 ~~person.~~

61 (c)(b) Approval by The Board of Trustees of the Internal  
 62 Improvement Trust Fund may authorize the department to harvest  
 63 of shellfish by a dredge or other mechanical harvesting device  
 64 in a submerged land lease under chapter 253 or perpetual  
 65 shellfish lease under chapter 379. Such authorization means from  
 66 privately held shellfish leases or grants in Apalachicola Bay  
 67 shall include, but is not be limited to, the following  
 68 conditions:

69 1. A submerged land lease under chapter 253 may authorize  
 70 the use of a dredge or other mechanical harvesting device if the  
 71 public health, safety, and welfare and natural resources are not  
 72 adversely impacted. Except as provided in a perpetual shellfish  
 73 lease under chapter 379, this subparagraph does not apply to  
 74 Apalachicola Bay ~~The use of any mechanical harvesting device~~  
 75 ~~other than ordinary hand tongs for taking shellfish for any~~  
 76 ~~purpose from public shellfish beds in Apalachicola Bay shall be~~  
 77 ~~unlawful.~~

78 2. The possession or use of a dredge or any mechanical

79 harvesting device on the waters of this state ~~Apalachicola Bay~~  
 80 from 5 p.m. until sunrise is prohibited ~~shall be unlawful~~.

81 3. Leaseholders ~~or grantees~~ shall notify the department at  
 82 least ~~no less than~~ 48 hours before ~~prior to~~ each day's use of a  
 83 dredge or mechanical harvesting device ~~scrape~~ in order for the  
 84 department to notify the Fish and Wildlife Conservation  
 85 Commission that a dredge or mechanical harvesting device will be  
 86 deployed.

87 4. Only two dredges or mechanical harvesting devices  
 88 ~~scrapes~~ per lease ~~or grant~~ may be possessed or used ~~operated~~ at  
 89 any one time.

90 5. Each vessel using ~~used for the transport or deployment~~  
 91 ~~of~~ a dredge or mechanical harvesting device ~~scrape~~ shall  
 92 prominently display the lease ~~or grant~~ number or numbers, in  
 93 numerals that are ~~which~~ are at least 12 inches high and at least  
 94 6 inches wide, in such a manner that the lease ~~or grant~~ number  
 95 or numbers are readily identifiable from ~~both~~ the air and the  
 96 water.

97 (d) Any condition for the use of a dredge or mechanical  
 98 harvesting device provided in a submerged lands lease under  
 99 chapter 253 may be provided as a special lease condition in an  
 100 aquaculture lease pursuant to s. 253.71(7).

101 (e) The Fish and Wildlife Conservation Commission may  
 102 issue a special activity license pursuant to subsection (15) or  
 103 s. 379.361 upon the payment of a \$25 annual fee for each vessel  
 104 using a dredge or mechanical harvesting device to harvest

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105 shellfish. This paragraph does not apply to Apalachicola Bay.

106 (f) Any violation of this subsection ~~paragraph~~ or of any  
107 other statutes, rules, or conditions referenced in the lease  
108 agreement is ~~shall be considered~~ a violation of the license and  
109 shall result in revocation of the lease or a denial of use or  
110 future use of a dredge or mechanical harvesting device.

111 ~~(c) Oysters may be harvested from natural or public or~~  
112 ~~private leased or granted grounds by common hand tongs or by~~  
113 ~~hand, by scuba diving, free diving, leaning from vessels, or~~  
114 ~~wading. In Apalachicola Bay, this provision shall apply to all~~  
115 ~~shellfish.~~

116 Section 2. This act shall take effect July 1, 2016.

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