

By Representative Horan

1 A bill to be entitled
2 An act relating to saltwater plants and
3 animals; amending s. 370.01, F.S.; defining the
4 term "nonindigenous saltwater species";
5 amending s. 370.06, F.S.; authorizing the
6 Department of Environmental Protection to
7 consider the protection of indigenous species
8 when issuing special activities licenses or
9 aquaculture permits; amending s. 370.081, F.S.;
10 authorizing possession of nonindigenous
11 saltwater species for aquaculture or scientific
12 purposes; amending s. 370.10, F.S.; authorizing
13 the possession of saltwater species for
14 experimental, scientific, and exhibitional
15 purposes; amending s. 370.14, F.S.; requiring
16 imported shipments of crawfish to be available
17 for inspection by the department; requiring
18 that weight receipts be sent to a Florida
19 Marine Patrol Office; revising permitholder
20 report requirements; creating s. 370.1405,
21 F.S.; requiring crawfish reports by dealers
22 during closed season; providing penalties for
23 violation; providing effective dates.

24

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

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27 Section 1. Subsection (27) is added to section 370.01,
28 Florida Statutes, 1996 Supplement, to read:

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30 370.01 Definitions.--In construing these statutes,
31 where the context does not clearly indicate otherwise, the
word, phrase, or term:

1 (27) "Nonindigenous saltwater species" means any
2 saltwater organism that does not originate in Florida
3 saltwaters or in geographic subregions therein, and includes
4 human-created hybrids of saltwater organisms.

5 Section 2. Subsection (4) of section 370.06, Florida
6 Statutes, 1996 Supplement, is amended to read:

7 370.06 Licenses.--

8 (4) SPECIAL ACTIVITY LICENSES.--

9 (a) Any person who seeks to use special gear or
10 equipment in harvesting saltwater species must purchase a
11 special activity license as specified by law to engage in such
12 activities. ~~The department may issue special activity~~
13 ~~licenses, in accordance with s. 370.071, to permit the~~
14 ~~cultivation of oysters, clams, mussels, and crabs when such~~
15 ~~aquaculture activities relate to quality control, sanitation,~~
16 ~~and public health regulations.~~ The department may prescribe
17 by rule special terms, conditions, and restrictions for any
18 special activity license.

19 (b) The department may issue special activities
20 licenses, in accordance with ss. 370.071 and 370.081 and
21 aquaculture permit consolidation procedures in s. 370.26 to
22 permit the cultivation of indigenous and nonindigenous
23 saltwater species when the aquaculture activities relate to
24 quality control, sanitation, public health regulations, and
25 protection of indigenous populations of saltwater species.

26 Section 3. Section 370.081, Florida Statutes, is
27 amended to read:

28 370.081 Illegal importation or possession of
29 nonindigenous marine plants and animals; rules and
30 regulations.--

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1 (1) It is unlawful to import or possess any marine
2 plant or marine animal, not indigenous to the state, which,
3 due to the stimulating effect of the waters of the state on
4 procreation, may endanger or infect the marine resources of
5 the state or pose a human health hazard, except as provided in
6 this section ~~subsection (4)~~.

7 (2) Marine animals not to be imported shall include,
8 but are not limited to, all species of the following:

9 (a) Sea snakes (Family Hydrophiidae), except as
10 provided in subsection (4);

11 ~~(b) Rabbitfishes (Family Siganidae);~~

12 (b)(c) Weeverfishes (Family Trachinidae); and

13 (c)(d) Stonefishes (Genus Synanceja).

14 (3) The department is authorized to adopt, pursuant to
15 chapter 120, rules and regulations to include any additional
16 marine plant or marine animal which may endanger or infect the
17 marine resources of the state or pose a human health hazard.

18 (4) A zoological park and aquarium may import sea
19 snakes of the family Hydrophiidae for exhibition purposes,
20 only under the following conditions:

21 (a) Only male sea snakes may be possessed.

22 (b) A zoological park and aquarium possessing sea
23 snakes shall not be located in a coastal county and shall have
24 no contiguous connection with any waters of the state.

25 (c) Each zoological park and aquarium possessing sea
26 snakes shall provide quarterly reports to the department
27 regarding the number of each species of sea snakes on the
28 premises and any changes in inventory resulting from death or
29 additions by importation.

30 (d) Sea snakes shall not be released into the waters
31 of the state.

1 (e) Each zoological park and aquarium possessing sea
2 snakes shall post with the department a \$1 million letter of
3 credit. The letter of credit shall be in favor of the State of
4 Florida, Department of Environmental Protection, for use by
5 the department to remove any sea snake accidentally or
6 intentionally introduced into waters of the state. The letter
7 of credit shall be written in the form determined by the
8 department. The letter of credit shall provide that the
9 zoological park and aquarium is responsible for the sea snakes
10 within that facility and shall be in effect at all times that
11 the zoological park and aquarium possesses sea snakes.

12 (f) A zoological park and aquarium shall not barter,
13 sell, or trade sea snakes within this state.

14 (g) A zoological park and aquarium that imports sea
15 snakes may bring the sea snakes into this state only by
16 airplane that may only land at an airport located in a
17 noncoastal county within this state.

18 (h) A zoological park and aquarium possessing sea
19 snakes shall abide by all statutory and regulatory
20 requirements of the Game and Fresh Water Fish Commission with
21 respect to venomous reptiles.

22 (5) The department may authorize the importation,
23 cultivation, or possession of nonindigenous saltwater species
24 within the state for aquaculture or scientific purposes, and
25 shall implement the following reasonable measures to prevent
26 the release of those species into Florida's environment.

27 (a) Marine aquaculture producers certified under s.
28 370.26 and s. 597.004 or entities accredited under s.
29 370.10(2) are the only persons eligible for the authorization
30 and are required to submit evidence of eligibility to the
31 department for approval.

1 (b) Eligible persons seeking authority to import,
2 culture, or possess nonindigenous saltwater species shall
3 submit to the department a written statement of intent and
4 project description.

5 (c) A facility plan submitted under s. 370.26 must
6 incorporate operating standards to eliminate or reduce the
7 risk of organisms, their larva, sperm, and eggs or any
8 associated pathogens from being released into the waters of
9 the state. The department shall consider at least the
10 following in evaluating the operating standards:

- 11 1. Potential negative impacts to native populations;
- 12 2. Status of sources of seed or progeny;
- 13 3. Status as disease-free stocks;
- 14 4. Adequacy of escape protection measures and
15 contingency plans;
- 16 5. Consistency with other federal, state, and local
17 law and compliance with other permits; and
- 18 6. Appropriate effluent controls.

19 (d) The department may require reasonable access for
20 inspection, and may require additional disease screening,
21 disease treatment or disinfection, or quarantine or
22 extermination of diseased organisms. Costs associated with the
23 capture and eradication of escaped stocks may be assessed to
24 the originating facility.

25 (e) Authorizations under this section must be issued
26 concurrent with approvals for activities under s. 370.26 and
27 s. 370.10(2), or in the form of a letter signed by the
28 department secretary.

29 (6) Any application under chapter 369, chapter 370,
30 chapter 373, chapter 403, or s. 597.004 which may result in
31

1 the release of nonindigenous saltwater species into waters of
2 the state are subject to this section.

3 ~~(7)(5)~~ It is unlawful to release into the waters of
4 the state any nonindigenous marine plant or marine animal
5 whether or not included in subsection (2) or prohibited by
6 rules and regulations adopted pursuant to subsection (3) or
7 authorized by subsection (4).

8 Section 4. Subsection (2) of section 370.10, Florida
9 Statutes, is amended to read:

10 370.10 Crustacea, marine animals, fish; regulations;
11 general provisions.--

12 (2) TAKING SALTWATER SPECIES ~~ANIMALS~~ FOR EXPERIMENTAL,
13 SCIENTIFIC, AND EXHIBITIONAL PURPOSES.--Notwithstanding any
14 other provisions of general or special law to the contrary,
15 the department may authorize ~~issue permits~~, upon such terms,
16 conditions, and restrictions as it may prescribe by rule, ~~to~~
17 any properly accredited person ~~permitting him or her~~ to
18 collect and possess indigenous or nonindigenous saltwater
19 species ~~animals~~ for experimental, scientific, and exhibitional
20 purposes. Such authorizations ~~permits~~ may allow collection of
21 specimens without regard to, and not limited to, size,
22 seasonal closure, collection method, reproductive state, or
23 bag limit. Authorizations ~~Permits~~ issued under ~~the provisions~~
24 ~~of~~ this section may be suspended or revoked by the department
25 if it finds that the permitholder has violated this section,
26 department rules or orders, or terms or conditions of the
27 authorization ~~permit~~ or has submitted false or inaccurate
28 information in his or her application.

29 Section 5. Subsection (8) of section 370.14, Florida
30 Statutes, 1996 Supplement, is amended to read:

31 370.14 Crawfish; regulation.--

1 (8)(a) By a special permit granted by the Division of
2 Law Enforcement, a Florida-licensed seafood dealer may
3 lawfully import, process, and package saltwater crawfish or
4 uncooked tails of the species *Panulirus argus* during the
5 closed season. However, crawfish landed under special permit
6 shall not be sold in the state.

7 (b) The licensed seafood dealer importing any such
8 crawfish under the permit shall, 12 hours prior to the time
9 the seagoing vessel or airplane delivering such imported
10 crawfish enters the state, notify the Division of Law
11 Enforcement as to the seagoing vessel's name or the airplane's
12 registration number and its captain, location, and point of
13 destination.

14 (c) At the time the crawfish cargo is delivered to the
15 permitholder's place of business, the crawfish cargo shall be
16 weighed ~~in the presence of the marine patrol officer, and~~
17 shall be available for inspection by the Department of
18 Environmental Protection. A signed receipt of such quantity in
19 pounds shall be forwarded furnished to said officer, which
20 receipt shall be filed by the marine patrol officer with the
21 Division of Law Enforcement's local Florida Marine Patrol
22 office within 48 hours after shipment weigh-in completion. If
23 requested by the department, the weigh-in process will be
24 delayed up to 4 hours to allow for a department representative
25 to be present during the process Enforcement.

26 (d) Within 48 hours after shipment weigh-in completion
27 ~~from the time the receipt is given to the marine patrol~~
28 ~~officer,~~ the permitholder shall submit to the Division of Law
29 Enforcement, on forms provided by the division, a sworn report
30 of the quantity in pounds of the saltwater crawfish received,
31 which report shall include the location of said crawfish and a

1 sworn statement that said crawfish were taken at least 50
2 miles from Florida's shoreline. The landing of crawfish or
3 crawfish tails from which the eggs, swimmerettes, or pleopods
4 have been removed; the falsification of information as to area
5 from which crawfish were obtained; or the failure to file the
6 report called for in this section shall be grounds to revoke
7 the permit.

8 (e) Each permitholder shall keep throughout the period
9 of the closed season copies of the bill of sale or invoices
10 covering each transaction involving crawfish imported under
11 this permit. Such invoices and bills shall be kept available
12 at all times for inspection by the division.

13 Section 6. Effective October 1, 1997, section
14 370.1405, Florida Statutes, is created to read:

15 370.1405 Crawfish reports by dealers during closed
16 season required.--

17 (1) Within 3 days after the commencement of the closed
18 season for the taking of saltwater crawfish, each and every
19 seafood dealer, either retail or wholesale, intending to
20 possess crawfish, crawfish tails, or crawfish meat during
21 closed season shall submit to the Department of Environmental
22 Protection, on forms provided by the department, a sworn
23 report of the quantity, in pounds, of saltwater whole
24 crawfish, crawfish tails, and crawfish meat in the dealer's
25 name or possession as of the date the season closed. This
26 report shall state the location and number of pounds of whole
27 crawfish, crawfish tails, and crawfish meat. The department
28 shall not accept any reports not delivered or postmarked by
29 midnight of the 3rd calendar day after the commencement of the
30 closed season, and any stocks of crawfish reported therein are
31 declared a nuisance and may be seized by the department.

1 (2) Failure to submit a report as described in
2 subsection (1) or reporting a greater or lesser amount of
3 whole crawfish, crawfish tails, or crawfish meat than is
4 actually in the dealer's possession or name is a major
5 violation of this chapter, punishable as provided in s.
6 370.021(2), s. 370.07(6)(b), or both. The department shall
7 seize the entire supply of unreported or falsely reported
8 whole crawfish, crawfish tails, or crawfish meat, and shall
9 carry the same before the court for disposal. The dealer shall
10 post a cash bond in the amount of the fair value of the entire
11 quantity of unreported or falsely reported crawfish as
12 determined by the judge. After posting the cash bond, the
13 dealer shall have 24 hours to transport said products outside
14 the limits of Florida for sale as provided by s. 370.061.
15 Otherwise, the product shall be declared a nuisance and
16 disposed of by the department according to law.

17 (3) All dealers having reported stocks of crawfish may
18 sell or offer to sell such stocks of crawfish; however, such
19 dealers shall submit an additional report on the last day of
20 each month during the duration of the closed season. Reports
21 shall be made on forms supplied by the department. Each dealer
22 shall state on this report the number of pounds sold during
23 the report period and the pounds remaining on hand. In every
24 case, the amount of crawfish sold and the amount reported on
25 hand shall equal the amount remaining on hand in the last
26 submitted report. Reports postmarked later than midnight on
27 the 3rd calendar day of each month during the duration of the
28 closed season will not be accepted by the department. Dealers
29 for which late supplementary reports are not accepted by the
30 department, must show just cause why their entire stock of
31 whole crawfish, crawfish tails, or crawfish meat should not be

1 seized by the department. Whenever a dealer fails to make the
2 monthly supplementary report as described in this subsection,
3 the dealer may be subject to the following civil penalties as
4 follows:

5 (a) For a first violation, the department shall assess
6 a civil penalty of \$500.

7 (b) For a second violation within the same crawfish
8 closed season, the department shall assess a civil penalty of
9 \$1,000.

10 (c) For a third violation within the same crawfish
11 closed season, the department shall assess a civil penalty of
12 \$2,500 and may seize said dealer's entire stock of whole
13 crawfish, crawfish tails, or crawfish meat and carry the same
14 before the court for disposal. The dealer shall post a cash
15 bond in the amount of the fair value of the entire remaining
16 quantity of crawfish as determined by the judge. After posting
17 the cash bond, a dealer shall have 24 hours to transport said
18 products outside the limits of Florida for sale as provided by
19 s. 370.061. Otherwise, the product shall be declared a
20 nuisance and disposed of by the department according to law.

21 (4) All seafood dealers shall at all times during the
22 closed season make their stocks of whole crawfish, crawfish
23 tails, or crawfish meat available for inspection by the
24 department.

25 (5) Each dealer in whole crawfish, crawfish tails, or
26 crawfish meat shall keep throughout the period of the crawfish
27 closed season copies of the bill of sale or invoice covering
28 each transaction involving whole crawfish, crawfish tails, or
29 crawfish meat. Such invoices and bills shall be kept available
30 at all times for inspection by the department.

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1 Section 7. Except as otherwise provided herein, this
2 act shall take effect July 1, 1997.

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HOUSE SUMMARY

Authorizes the Department of Environmental Protection to consider the protection of indigenous species when issuing special activities licenses or aquaculture permits. Defines the term "nonindigenous saltwater species." Authorizes the possession of these species for aquacultural, experimental, scientific, and exhibitional purposes. Requires that imported shipments of crawfish be available for inspection by the department and that weight receipts be sent to a local Florida Marine Patrol Office within 48 hours after the weigh-in of a shipment. Revises permit holder report requirements. Requires crawfish reports by dealers during closed seasons and provides penalties for violation.