

1                   A bill to be entitled  
2           An act relating to aquaculture; amending s.  
3           253.72, F.S.; establishing wild harvest  
4           setbacks from shellfish leases; amending s.  
5           370.027, F.S.; providing an exception to  
6           rulemaking authority of the Marine Fisheries  
7           Commission with respect to specified marine  
8           life; providing that marine aquaculture  
9           producers shall be regulated by the Department  
10          of Agriculture and Consumer Services; amending  
11          s. 370.06, F.S.; revising provisions relating  
12          to issuance and renewal of saltwater products  
13          licenses and special activity licenses;  
14          authorizing issuance of special activity  
15          licenses for the use of special gear or  
16          equipment, the importation and possession of  
17          sturgeon, the harvest of certain shellfish, and  
18          the capture of certain saltwater species;  
19          authorizing permit consolidation procedures;  
20          providing activity license terms; amending s.  
21          370.081, F.S.; revising provisions relating to  
22          the importation of nonindigenous marine plants  
23          and animals; amending s. 370.10, F.S.;  
24          authorizing the harvesting or possession of  
25          saltwater species for experimental, scientific,  
26          education, and exhibition purposes; amending s.  
27          370.16, F.S.; establishing wild harvest  
28          setbacks from shellfish leases; amending s.  
29          370.26, F.S.; relating to aquaculture  
30          definitions; defining the term "marine product  
31          facility" and revising definition of the term

1 "marine aquaculture product"; authorizing  
2 delegation of regulatory authority for certain  
3 aquaculture facilities; deleting requirements  
4 of an Aquaculture Section in the Department of  
5 Environmental Protection; providing duties of  
6 the Department of Agriculture and Consumer  
7 Services; authorizing delegation of regulatory  
8 authority for certain aquaculture facilities;  
9 amending s. 372.0225, F.S.; revising  
10 responsibilities of the Division of Fisheries  
11 of the Game and Fresh Water Fish Commission  
12 relating to freshwater organisms; amending s.  
13 372.65, F.S.; authorizing exemption for  
14 freshwater fish dealer's license; amending s.  
15 372.6672, F.S.; removing obsolete language  
16 relating to state-sanctioned sales of alligator  
17 hides; amending s. 372.6673, F.S.; providing  
18 for a portion of the fees assessed for  
19 alligator egg collection permits to be  
20 transferred to the General Inspection Trust  
21 Fund to be used for certain purposes; amending  
22 s. 372.6674, F.S.; providing for a portion of  
23 the fees assessed for alligator hide validation  
24 tags to be transferred to the General  
25 Inspection Trust Fund to be used for certain  
26 purposes; amending s. 373.046, F.S.; clarifying  
27 jurisdiction over aquaculture activities;  
28 providing exemption for management and storage  
29 of surface water; amending s. 403.0885, F.S.;  
30 providing exemptions from the state National  
31 Pollutant Discharge Elimination System program;

1 amending s. 403.814, F.S.; revising and  
2 clarifying provisions relating to aquaculture  
3 general permits; amending s. 597.002, F.S.;  
4 clarifying jurisdiction over aquaculture  
5 activities; amending s. 597.003, F.S.;  
6 expanding the powers and duties of the  
7 Department of Agriculture and Consumer Services  
8 relating to regulation of aquaculture; amending  
9 s. 597.004, F.S.; revising provisions relating  
10 to aquaculture certificate of registration;  
11 amending s. 597.005, F.S.; providing for a list  
12 of prioritized research needs; providing an  
13 effective date.

14

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

16

17 Section 1. Notwithstanding any other legislation  
18 passed and either signed by the Governor or allowed to become  
19 law without signature to the contrary, the Legislature intends  
20 that this bill be its full and total intent, regardless of  
21 when it is presented to the Secretary of State.

22

23 Section 2. Subsection (3) is added to section 253.72,  
24 Florida Statutes, to read:

25

26 253.72 Marking of leased areas; restrictions on public  
27 use.--

28

29 (3) To assist in protecting shellfish aquaculture  
30 products produced on leases authorized pursuant to this  
31 chapter and chapter 370, harvesting shellfish is prohibited  
within a distance of 25 feet outside lawfully marked lease  
boundaries or within setback and access corridors within

31

1 specifically designated high-density aquaculture lease areas  
2 and aquaculture use zones.

3 Section 3. Subsections (1), (2), and (4) of section  
4 370.027, Florida Statutes, are amended to read:

5 370.027 Rulemaking authority with respect to marine  
6 life.--

7 (1) Pursuant to the policy and standards in s.  
8 370.025, the Marine Fisheries Commission is delegated full  
9 rulemaking authority over marine life, with the exception of  
10 marine aquaculture products produced by an individual  
11 certified under s. 597.004 and endangered species, subject to  
12 final approval by the Governor and Cabinet sitting as the  
13 Board of Trustees of the Internal Improvement Trust Fund, in  
14 the areas of concern herein specified. The commission is  
15 instructed to make recommendations annually to the Governor  
16 and Cabinet regarding the marine fisheries research priorities  
17 and funding of the Department of Environmental Protection. All  
18 administrative and enforcement responsibilities which are  
19 unaffected by the specific provisions of this act continue to  
20 be the responsibility of the Department of Environmental  
21 Protection. The authority to regulate fishing gear in  
22 residential, manmade saltwater canals is specifically not  
23 delegated to the commission and is retained by the  
24 Legislature.

25 (2) Exclusive rulemaking authority in the following  
26 areas relating to marine life, with the exception of marine  
27 aquaculture products produced by individuals certified under  
28 s. 597.004 and endangered species, is vested in the  
29 commission; any conflicting authority of any division or  
30 bureau of the department or any other agency of state  
31 government is withdrawn as of the effective date of the rule

1 proposed by the commission and approved by the Governor and  
2 Cabinet, and the inconsistent rule, or the inconsistent part  
3 thereof, is superseded to the extent of the inconsistency:

4 (a) Gear specifications;

5 (b) Prohibited gear;

6 (c) Bag limits;

7 (d) Size limits;

8 (e) Species that may not be sold;

9 (f) Protected species;

10 (g) Closed areas, except for public health purposes;

11 (h) Quality control, except for oysters, clams,  
12 mussels, and crabs, unless such authority is delegated to the  
13 Department of Agriculture and Consumer Services;

14 (i) Seasons; and

15 (j) Special considerations relating to eggbearing  
16 females.

17 (4) Marine aquaculture producers shall be regulated by  
18 the Department of Agriculture and Consumer Services. Marine  
19 aquaculture products produced by a marine aquaculture  
20 producer, certified pursuant to s. 597.004, are exempt from  
21 Marine Fisheries Commission resource management rules, with  
22 the exception of such rules governing any fish of ~~or~~ the genus  
23 *Centropomus* (snook), the genus *Sciaenops* (red drum), or the  
24 genus *Cynoscion* (spotted sea trout). Marine Fisheries  
25 Commission rules relating to the aquacultural production of  
26 red drum and spotted sea trout must be developed and adopted  
27 by the commission no later than 1 year from October 1, 1996.

28 Section 4. Paragraph (a) of subsection (2) and  
29 subsection (4) of section 370.06, Florida Statutes, are  
30 amended to read:

31 370.06 Licenses.--

1 (2) SALTWATER PRODUCTS LICENSE.--

2 (a) Every person, firm, or corporation that sells,  
3 offers for sale, barter, or exchanges for merchandise any  
4 saltwater products, or which harvests saltwater products with  
5 certain gear or equipment as specified by law, must have a  
6 valid saltwater products license, except that the holder of an  
7 aquaculture certificate under s. 597.004 is not required to  
8 purchase and possess a saltwater products license in order to  
9 possess, transport, or sell marine aquaculture products. Each  
10 saltwater products license allows the holder to engage in any  
11 of the activities for which the license is required. The  
12 license must be in the possession of the licenseholder or  
13 aboard the vessel and shall be subject to inspection at any  
14 time that harvesting activities for which a license is  
15 required are being conducted. A restricted species endorsement  
16 on the saltwater products license is required to sell to a  
17 licensed wholesale dealer those species which the state, by  
18 law or rule, has designated as "restricted species." This  
19 endorsement may be issued only to a person who is at least 16  
20 years of age, or to a firm certifying that over 25 percent of  
21 its income or \$5,000 of its income, whichever is less, is  
22 attributable to the sale of saltwater products pursuant to a  
23 license issued under this paragraph or a similar license from  
24 another state. This endorsement may also be issued to a  
25 for-profit corporation if it certifies that at least \$5,000 of  
26 its income is attributable to the sale of saltwater products  
27 pursuant to a license issued under this paragraph or a similar  
28 license from another state. However, if at least 50 percent of  
29 the annual income of a person, firm, or for-profit corporation  
30 is derived from charter fishing, the person, firm, or  
31 for-profit corporation must certify that at least \$2,500 of

1 the income of the person, firm, or corporation is attributable  
2 to the sale of saltwater products pursuant to a license issued  
3 under this paragraph or a similar license from another state,  
4 in order to be issued the endorsement. Such income attribution  
5 must apply to at least 1 year out of the last 3 years. For the  
6 purpose of this section "income" means that income which is  
7 attributable to work, employment, entrepreneurship, pensions,  
8 retirement benefits, and social security benefits. To renew an  
9 existing restricted species endorsement, marine aquaculture  
10 producers possessing a valid saltwater products license with a  
11 restricted species endorsement may apply income from the sale  
12 of marine aquaculture products to licensed wholesale dealers.

13 1. The department is authorized to require  
14 verification of such income. Acceptable proof of income earned  
15 from the sale of saltwater products shall be:

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

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

21 c. A copy of the applicable federal income tax return,  
22 including Form 1099 attachments, verifying income earned from  
23 the sale of saltwater products;

24 d. Crew share statements verifying income earned from  
25 the sale of saltwater products; or

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

28

29 Any provision of this section or any other section of the  
30 Florida Statutes to the contrary notwithstanding, any person  
31 who owns a retail seafood market and/or restaurant at a fixed

1 location for at least 3 years who has had an occupational  
2 license for 3 years prior to January 1, 1990, who harvests  
3 saltwater products to supply his or her retail store and has  
4 had a saltwater products license for 1 of the past 3 years  
5 prior to January 1, 1990, may provide proof of his or her  
6 verification of income and sales value at the person's retail  
7 seafood market and/or restaurant and in his or her saltwater  
8 products enterprise by affidavit and shall thereupon be issued  
9 a restricted species endorsement.

10 2. Exceptions from income requirements shall be as  
11 follows:

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

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

18 c. Upon the sale of a used commercial fishing vessel  
19 owned by a person, firm, or corporation possessing or eligible  
20 for a restricted species endorsement, the purchaser of such  
21 vessel shall be exempted from the qualifying income  
22 requirement for the purpose of obtaining a restricted species  
23 endorsement for a period of 1 year after purchase of the  
24 vessel.

25 d. Upon the death or permanent disablement of a person  
26 possessing a restricted species endorsement, an immediate  
27 family member wishing to carry on the fishing operation shall  
28 be exempted from the qualifying income requirement for the  
29 purpose of obtaining a restricted species endorsement for a  
30 period of 1 year after the death or disablement.

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1 e. A restricted species endorsement may be issued on  
2 an individual saltwater products license to a person age 62 or  
3 older who documents that at least \$2,500 is attributable to  
4 the sale of saltwater products pursuant to the provisions of  
5 this paragraph.

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

10  
11 At least one saltwater products license bearing a restricted  
12 species endorsement shall be aboard any vessel harvesting  
13 restricted species in excess of any bag limit or when fishing  
14 under a commercial quota or in commercial quantities, and such  
15 vessel shall have a commercial vessel registration. This  
16 subsection does not apply to any person, firm, or corporation  
17 licensed under s. 370.07(1)(a)1. or (b) for activities  
18 pursuant to such licenses. A saltwater products license may be  
19 issued in the name of an individual or a valid boat  
20 registration number. Such license is not transferable. A decal  
21 shall be issued with each saltwater products license issued to  
22 a valid boat registration number. The saltwater products  
23 license decal shall be the same color as the vessel  
24 registration decal issued each year pursuant to s.  
25 327.11(5)~~(7)~~ and shall indicate the period of time such  
26 license is valid. The saltwater products license decal shall  
27 be placed beside the vessel registration decal and, in the  
28 case of an undocumented vessel, shall be placed so that the  
29 vessel registration decal lies between the vessel registration  
30 number and the saltwater products license decal. Any saltwater  
31 products license decal for a previous year shall be removed

1 from a vessel operating on the waters of the state. A resident  
2 shall pay an annual license fee of \$50 for a saltwater  
3 products license issued in the name of an individual or \$100  
4 for a saltwater products license issued to a valid boat  
5 registration number. A nonresident shall pay an annual license  
6 fee of \$200 for a saltwater products license issued in the  
7 name of an individual or \$400 for a saltwater products license  
8 issued to a valid boat registration number. An alien shall pay  
9 an annual license fee of \$300 for a saltwater products license  
10 issued in the name of an individual or \$600 for a saltwater  
11 products license issued to a valid boat registration number.  
12 Any person who sells saltwater products pursuant to this  
13 license may sell only to a licensed wholesale dealer. A  
14 saltwater products license must be presented to the licensed  
15 wholesale dealer each time saltwater products are sold, and an  
16 imprint made thereof. The wholesale dealer shall keep records  
17 of each transaction in such detail as may be required by rule  
18 of the Department of Environmental Protection not in conflict  
19 with s. 370.07(6), and shall provide the holder of the  
20 saltwater products license with a copy of the record. It is  
21 unlawful for any licensed wholesale dealer to buy saltwater  
22 products from any unlicensed person under the provisions of  
23 this section, except that a licensed wholesale dealer may buy  
24 from another licensed wholesale dealer. It is unlawful for any  
25 licensed wholesale dealer to buy saltwater products designated  
26 as "restricted species" from any person, firm, or corporation  
27 not possessing a restricted species endorsement on his or her  
28 saltwater products license under the provisions of this  
29 section, except that a licensed wholesale dealer may buy from  
30 another licensed wholesale dealer. The Department of  
31 Environmental Protection shall be the licensing agency, may

1 contract with private persons or entities to implement aspects  
2 of the licensing program, and shall establish by rule a marine  
3 fisheries information system in conjunction with the licensing  
4 program to gather fisheries data.

5 (4) SPECIAL ACTIVITY LICENSES.--

6 (a) A special activity license is required for any  
7 person to use gear or equipment not authorized in this chapter  
8 or rule of the Marine Fisheries Commission for harvesting  
9 saltwater species. In accordance with this chapter, s. 16,  
10 Art. X of the State Constitution, and rules of the Marine  
11 Fisheries Commission, the department may issue special  
12 activity licenses for the use of nonconforming gear or  
13 equipment, including, but not limited to, trawls, seines and  
14 entangling nets, traps, and hook and line gear, to be used in  
15 harvesting saltwater species for scientific and governmental  
16 purposes, and where allowable, for innovative fisheries. The  
17 department may prescribe by rule application requirements and  
18 terms, conditions, and restrictions to be incorporated into  
19 each special activity license. This subsection does not apply  
20 to gear or equipment used by certified marine aquaculturists  
21 to harvest marine aquaculture products. Any person who seeks  
22 to use special gear or equipment in harvesting saltwater  
23 species must purchase a special activity license as specified  
24 by law to engage in such activities. The department may issue  
25 special activity licenses, in accordance with s. 370.071, to  
26 permit the cultivation of oysters, clams, mussels, and crabs  
27 when such aquaculture activities relate to quality control,  
28 sanitation, and public health regulations. The department may  
29 prescribe by rule special terms, conditions, and restrictions  
30 for any special activity license.

31

1           (b) The department is authorized to issue special  
 2 activity licenses in accordance with this section and s.  
 3 370.31, to permit the importation, possession, and aquaculture  
 4 of anadromous sturgeon. The special activity license shall  
 5 provide for specific ~~best~~ management practices to prevent the  
 6 release and escape of cultured anadromous sturgeon and to  
 7 protect indigenous populations of saltwater species ~~from~~  
 8 ~~sturgeon-borne disease~~.

9           (c) The department is authorized to issue special  
 10 activity licenses, in accordance with s. 370.071, to permit  
 11 the harvest or cultivation of oysters, clams, mussels, and  
 12 crabs when such activities relate to quality control,  
 13 sanitation, public health regulations, innovative technologies  
 14 for aquaculture activities, or the protection of shellfish  
 15 resources provided in this chapter, unless such authority is  
 16 delegated to the Department of Agriculture and Consumer  
 17 Services, pursuant to a memorandum of understanding.

18           (d) The conditions and specific management practices  
 19 established in this section may be incorporated into permits  
 20 and authorizations issued pursuant to chapter 253, chapter  
 21 370, chapter 373, or chapter 403, when incorporating such  
 22 provisions is in accordance with the aquaculture permit  
 23 consolidation procedures. No separate issuance of a special  
 24 activity license is required when conditions and specific  
 25 management practices are incorporated into permits or  
 26 authorizations under this paragraph. Implementation of this  
 27 section to consolidate permitting actions does not constitute  
 28 rules within the meaning of s. 120.52.

29           Section 5. Subsections (1), (2), and (5) of section  
 30 370.081, Florida Statutes, are amended to read:

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1           370.081 Illegal importation or possession of  
2 nonindigenous marine plants and animals; rules and  
3 regulations.--

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

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

12           (a) Sea snakes (Family Hydrophiidae), except as  
13 provided in subsection (4);

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

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

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

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

22           Section 6. Subsection (2) of section 370.10, Florida  
23 Statutes, is amended to read:

24           370.10 Crustacea, marine animals, fish; regulations;  
25 general provisions.--

26           (2) TAKING SALTWATER SPECIES ~~ANIMALS~~ FOR EXPERIMENTAL,  
27 SCIENTIFIC, EDUCATION, AND EXHIBITION ~~EXHIBITIONAL~~  
28 PURPOSES.--Notwithstanding any other provisions of general or  
29 special law to the contrary, the department may authorize  
30 ~~issue permits~~, upon such terms, conditions, and restrictions  
31 as it may prescribe by rule, ~~to~~ any properly accredited person

1 to harvest or ~~permitting him or her to collect and~~ possess  
 2 indigenous or nonindigenous saltwater species animals for  
 3 experimental, scientific, education, and exhibition  
 4 ~~exhibitional~~ purposes. Such authorizations ~~permits~~ may allow  
 5 collection of specimens without regard to, and not limited to,  
 6 size, seasonal closure, collection method, reproductive state,  
 7 or bag limit. Authorizations ~~Permits~~ issued under the  
 8 provisions of this section may be suspended or revoked by the  
 9 department if it finds that the person ~~permitholder~~ has  
 10 violated this section, department rules or orders, or terms or  
 11 conditions of the authorization ~~permit~~ or has submitted false  
 12 or inaccurate information in his or her application.

13 Section 7. Subsection (12) of section 370.16, Florida  
 14 Statutes, is amended to read:

15 370.16 Oysters and shellfish; regulation.--

16 (12) PROTECTION OF OYSTER AND CLAM REEFS AND  
 17 SHELLFISH.--

18 (a) The Division of Marine Resources shall improve,  
 19 enlarge, and protect the natural oyster and clam reefs of this  
 20 state to the extent it may deem advisable and the means at its  
 21 disposal will permit.

22 (b) The division shall also, to the same extent,  
 23 assist in protecting shellfish aquaculture products produced  
 24 on the leased or granted reefs in the hands of lessees or  
 25 grantees from the state. Harvesting shellfish is prohibited  
 26 within a distance of 25 feet outside lawfully marked lease  
 27 boundaries or within setback and access corridors within  
 28 specifically designated high-density aquaculture lease areas  
 29 and aquaculture use zones.

30 (c) The division shall provide the Legislature  
 31 annually with recommendations for the development and the

1 proper protection of the rights of the state and private  
2 holders therein with respect to the oyster and clam business.

3 Section 8. Subsections (1), (2), (3) and (6) of  
4 section 370.26, Florida Statutes, are amended to read:

5 370.26 Aquaculture definitions; marine aquaculture  
6 products, ~~and~~ producers, and facilities.--

7 (1) As used in this section, the term:

8 (a) "Marine product facility" means a facility built  
9 and operated for the purpose of producing marine products.

10 Marine product facilities contain culture systems such as, but  
11 not limited to, ponds, tanks, raceways, cages, and bags used  
12 for commercial production, propagation, growout, or product  
13 enhancement of marine products. Marine product facilities  
14 specifically do not include:

15 1. Facilities that maintain marine aquatic organisms  
16 exclusively for the purpose of shipping, distribution,  
17 marketing, or wholesale and retail sales;

18 2. Facilities that maintain marine aquatic organisms  
19 for noncommercial, education, exhibition, or scientific  
20 purposes;

21 3. Facilities in which the activity does not require  
22 an aquaculture certification pursuant to s. 597.004; or

23 4. Facilities used by marine aquarium hobbyists.

24 (b) ~~(a)~~ "Marine aquaculture producer" means a person  
25 holding an aquaculture certificate pursuant to s. 597.004 to  
26 produce marine aquaculture products for sale.

27 (c) ~~(b)~~ "Marine aquaculture product" means any product  
28 derived from marine aquatic organisms that are owned and  
29 propagated, ~~and~~ grown, ~~or~~ produced under controlled conditions  
30 by a person holding an aquaculture certificate pursuant to s.  
31 597.004. Such product does not include organisms harvested

1 from the wild for depuration, wet storage, or relayed for the  
2 purpose of controlled purification. Marine aquaculture  
3 products are considered saltwater products for the purposes of  
4 this chapter, except the holder of an aquaculture certificate  
5 is not required to purchase and possess a saltwater products  
6 license in order to possess, transport, or sell marine  
7 aquaculture products pursuant to s. 370.06. To renew an  
8 existing restricted species endorsement, marine aquaculture  
9 producers possessing a valid saltwater products license with a  
10 restricted species endorsement may apply income from the sales  
11 of marine aquaculture products to licensed wholesale dealers.  
12 Income from the sales of marine aquaculture products shall not  
13 be eligible for the purpose of acquiring a new restricted  
14 species endorsement.The holder of an aquaculture certificate  
15 must purchase and possess a saltwater products license in  
16 order to possess, transport, or ~~and~~ sell saltwater products  
17 not specifically provided for in s. 597.004.

18 (2) The Department of Environmental Protection shall  
19 encourage the development of aquaculture and the production of  
20 aquaculture products.

21 ~~(3) The department shall establish an Aquaculture~~  
22 ~~Section within the Bureau of Marine Resource Regulation and~~  
23 ~~Development within the Division of Marine Resources.~~

24 (a) The department ~~Aquaculture Section~~ shall develop a  
25 process consistent with this section that would consolidate  
26 permits, general permits, special activity licenses, and other  
27 regulatory requirements to streamline the permitting process  
28 and result in effective regulation of aquaculture activities.  
29 This process shall provide for a single application and  
30 application fee for marine aquaculture activities which are  
31 regulated by the department. Procedures to consolidate



1 permitting actions under this section do not constitute rules  
2 within the meaning of s. 120.52.

3 (3)(b) The Department of Agriculture and Consumer  
4 Services Aquaculture Section shall act as a clearinghouse for  
5 aquaculture applications ~~submitted to the department~~, and act  
6 as a liaison between the Division of Marine Resources, the  
7 Division of State Lands, the Department of Environmental  
8 Protection district offices, other divisions within the  
9 Department of Environmental Protection, and the water  
10 management districts. The Department of Agriculture and  
11 Consumer Services shall be responsible for regulating marine  
12 aquaculture producers, except as specifically provided herein.

13 (6) Until ~~such time that~~ aquaculture general permits  
14 under s. ~~403.814403.088~~ can be expanded and developed, the  
15 department shall establish criteria to temporarily permit  
16 aquaculture activities that may be presumed not to result in  
17 adverse environmental impacts. The criteria developed pursuant  
18 to this subsection do not constitute rules within the meaning  
19 of s. 120.52. Permit application fees under this subsection  
20 shall be no more than that established for a general permit.  
21 The department may delegate to the water management districts  
22 the regulatory authority for aquaculture facilities subject to  
23 the temporary general permitting criteria of this subsection.  
24 During the period prior to development of a general permit  
25 under s. ~~403.814403.088~~, the department shall establish a  
26 compliance plan based on monitoring results that will assist  
27 in the development of the general permit.

28 Section 9. Subsection (1) of section 372.0225, Florida  
29 Statutes, is amended to read:

30 372.0225 Freshwater organisms.--  
31

1           (1) The Division of Fisheries of the Game and Fresh  
2 Water Fish Commission, in order to manage the promotion,  
3 marketing, and quality control of all freshwater organisms  
4 produced in Florida and utilized commercially so that such  
5 organisms shall be used to produce the optimum sustained yield  
6 consistent with the protection of the breeding stock, is  
7 directed and charged with the responsibility of:

8           (a) Providing for the regulation of the promotion,  
9 marketing, and quality control of freshwater organisms  
10 produced in Florida and utilized commercially.

11           (b) Regulating the processing of commercial freshwater  
12 organisms on the water or on the shore.

13           (c) Providing documentation standards and statistical  
14 record requirements with respect to commercial freshwater  
15 organism catches.

16           ~~(d) Regulating aquacultural facilities.~~

17           (d)(e) Conducting scientific, economic, and other  
18 studies and research on all freshwater organisms produced in  
19 the state and used commercially.

20           Section 10. Paragraph (g) of subsection (1) of section  
21 372.65, Florida Statutes, is amended to read:

22           372.65 Freshwater fish dealer's license.--

23           (1) No person shall engage in the business of taking  
24 for sale or selling any frogs or freshwater fish, including  
25 live bait, of any species or size, or importing any exotic or  
26 nonindigenous fish, until such person has obtained a license  
27 and paid the fee therefor as set forth herein. The license  
28 issued shall be in the possession of the person to whom issued  
29 while such person is engaging in the business of taking for  
30 sale or selling freshwater fish or frogs, is not transferable,  
31 shall bear on its face in indelible ink the name of the person

1 to whom it is issued, and shall be affixed to a license  
2 identification card issued by the commission. Such license is  
3 not valid unless it bears the name of the person to whom it is  
4 issued and is so affixed. The failure of such person to  
5 exhibit such license to the commission or any of its wildlife  
6 officers when such person is found engaging in such business  
7 is a violation of law. The license fees and activities  
8 permitted under particular licenses are as follows:

9 (g) Any individual or business issued an aquaculture  
10 certificate, pursuant to s. 597.004, shall be exempt with  
11 respect to aquaculture products authorized under such  
12 certificate ~~from the aquaculture game fish license and the~~  
13 ~~resident freshwater fish dealer's license.~~ The commission is  
14 authorized to require that cultured game fish sold be tagged  
15 and to assess a fee of not more than 5 cents for each tag,  
16 which shall be furnished by the commission.

17 Section 11. Subsections (3) and (4) of section  
18 372.6672, Florida Statutes, are amended to read:

19 372.6672 Alligator management and trapping program  
20 implementation; commission authority.--

21 ~~(3) The commission shall provide adequate notice of~~  
22 ~~state-sanctioned sales and may maintain a list of known hide~~  
23 ~~buyers and provide notice of state sales by mail. Nothing~~  
24 ~~herein shall authorize the commission to engage in marketing~~  
25 ~~or promotion of the sale of alligator hides or products other~~  
26 ~~than by providing the public notice described herein. The~~  
27 ~~commission is authorized to market alligator hides or products~~  
28 ~~obtained as a result of its law enforcement actions or its~~  
29 ~~nuisance alligator control programs.~~

30 (3)~~(4)~~ The powers and duties of the commission  
31 hereunder shall not be construed so as to supersede the

1 regulatory authority or lawful responsibility of the  
2 Department of Health and Rehabilitative Services, the  
3 Department of Agriculture and Consumer Services, or any local  
4 governmental entity regarding the processing or handling of  
5 food products, but shall be deemed supplemental thereto.

6 Section 12. Subsection (4) of section 372.6673,  
7 Florida Statutes, is amended to read:

8 372.6673 Taking and possession of alligators; trapping  
9 licenses; fees.--

10 (4) No person shall take any alligator egg occurring  
11 in the wild or possess any such egg unless such person has  
12 obtained, or is a licensed agent of another person who has  
13 obtained, an alligator egg collection permit. The alligator  
14 egg collection permit shall be required in addition to the  
15 alligator farming license provided in paragraph (2)(d). The  
16 commission is authorized to assess a fee for issuance of the  
17 alligator egg collection permit of up to \$5 per egg authorized  
18 to be taken or possessed pursuant to such permit, of which \$1  
19 per egg, excluding eggs collected on private wetland  
20 management areas, may be transferred to the General Inspection  
21 Trust Fund, to be administered by the Department of  
22 Agriculture and Consumer Services for the purpose of providing  
23 marketing and education services with respect to alligator  
24 products produced in this state, notwithstanding other  
25 provisions in this chapter.

26 Section 13. Subsection (2) of section 372.6674,  
27 Florida Statutes, is amended to read:

28 372.6674 Required tagging of alligators and hides;  
29 fees; revenues.--The tags provided in this section shall be  
30 required in addition to any license required under s.  
31 372.6673.

1           (2) The commission may require that an alligator hide  
2 validation tag be affixed to the hide of any alligator taken  
3 from the wild and that such hide be possessed, purchased,  
4 sold, offered for sale, or transported in accordance with  
5 commission rule. The commission is authorized to assess a fee  
6 of up to \$30 for each alligator hide validation tag issued, of  
7 which \$5 per validated hide, excluding those validated from  
8 public hunt programs, may be transferred to the General  
9 Inspection Trust Fund, to be administered by the Department of  
10 Agriculture and Consumer Services for the purpose of providing  
11 marketing and education services with respect to alligator  
12 products produced in this state, notwithstanding other  
13 provisions in this chapter.

14           Section 14. Subsection (5) of section 373.046, Florida  
15 Statutes, is amended to read:

16           373.046 Interagency agreements.--

17           (5) Notwithstanding the provisions of s. 403.927, when  
18 any operating agreement is developed pursuant to subsection  
19 (4):

20           (a) The department shall have regulatory  
21 responsibility under part IV of this chapter for:

22           1. All saltwater aquaculture activities located on  
23 sovereignty submerged land or in the water column above such  
24 land and adjacent facilities directly related to the  
25 aquaculture activity.

26           ~~2. Marine and estuarine aquaculture activities that do~~  
27 ~~not require a consumptive use permit under part II of this~~  
28 ~~chapter.~~

29           ~~2.3.~~ Aquaculture activities that meet or exceed the  
30 thresholds for aquaculture general permits authorized pursuant  
31 to ss. 370.26 and ~~403.814~~403.088.

1           ~~3.4.~~ Aquaculture activities within the Northwest  
2 Florida Water Management District.

3           (b) Water management districts shall have regulatory  
4 responsibility under part IV of this chapter for aquaculture  
5 activities not retained by the department in paragraph (a).

6           (c) Upon agreement by the applicant, the department,  
7 and the applicable water management district, the department  
8 and water management district may reassign ~~deviate from~~ the  
9 regulatory responsibilities described in paragraphs (a) and  
10 (b), based on the specific aquaculture operation, to achieve a  
11 more efficient and effective permitting process.

12           Section 15. Subsection (8) is added to section  
13 373.406, Florida Statutes, to read:

14           373.406 Exemptions.--The following exemptions shall  
15 apply:

16           (8) Certified aquaculture activities under s. 597.004  
17 are exempt from this part.

18           Section 16. Subsection (5) is added to section  
19 403.0885, Florida Statutes, to read:

20           403.0885 Establishment of federally approved state  
21 National Pollutant Discharge Elimination System (NPDES)  
22 Program.--

23           (5) Certified aquaculture activities under s. 597.004  
24 that have individual production units whose annual production  
25 and water discharge are less than the parameters established  
26 by the NPDES program are exempt from wastewater management  
27 regulations for those production units only. The cumulative  
28 effects of all exempt individual production units on a farm  
29 shall also be deemed to be exempt. For purposes herein, the  
30 term "individual production units" shall be determined by rule  
31 of the Department of Agriculture and Consumer Services.

1 Section 17. Subsections (8), (9), and (10) of section  
2 403.814, Florida Statutes, are amended to read:

3 403.814 General permits; delegation.--

4 (8) An aquaculture general permit ~~under s. 403.088~~  
5 shall be established for the ~~saltwater~~ cultivation of aquatic  
6 fish and other marine organisms, except alligators, in upland  
7 aquaculture facilities when such facilities have individual  
8 production units whose annual production and water discharge  
9 meet or exceed the parameters established by the NPDES  
10 program. Activities that have individual production units  
11 whose annual production and water discharge are less than the  
12 parameters established by the NPDES program shall be regulated  
13 pursuant to s. 403.0885(5).

14 (9) The authority to issue or deny general permits  
15 developed by the department pursuant to subsection ~~subsections~~  
16 (8) ~~and (9)~~ for aquaculture facilities is hereby delegated to  
17 the water management districts when they have regulatory  
18 responsibility for the facility pursuant to s. 373.046  
19 project.

20 ~~(10) The authority to issue or deny general permits~~  
21 ~~developed by the department pursuant to subsections (8) and~~  
22 ~~(9) for aquaculture facilities is hereby delegated to the~~  
23 ~~water management districts when they have regulatory~~  
24 ~~responsibility for the project.~~

25 (10) Upon agreement by the applicant, the department,  
26 and the applicable water management district, the department  
27 and water management district may reassign the regulatory  
28 responsibilities described in s. 373.046(5)(a) and (b), based  
29 on the specific aquaculture operation, to achieve a more  
30 efficient and effective permitting process.

31

1           Section 18. Section 597.002, Florida Statutes, is  
2 amended to read:

3           597.002 Legislative declaration of public policy  
4 respecting aquaculture.--The Legislature declares that  
5 aquaculture is agriculture and, as such, the Department of  
6 Agriculture and Consumer Services shall be the primary agency  
7 responsible for regulating aquaculture, any other law to the  
8 contrary notwithstanding. The only exceptions are those areas  
9 required by federal law, rule, or cooperative agreement to be  
10 regulated by another agency. The Legislature declares that, in  
11 order to effectively support the growth of aquaculture in this  
12 state, there is a need for a state aquaculture plan that will  
13 provide for the coordination and prioritization of state  
14 aquaculture efforts and the conservation and enhancement of  
15 aquatic resources and will provide mechanisms for increasing  
16 aquaculture production which may lead to the creation of new  
17 industries, job opportunities, income for aquaculturists, and  
18 other benefits to the state. The state aquaculture plan shall  
19 guide the research and development of the aquaculture  
20 industry. Funds designated by the Legislature for aquaculture  
21 research and development or for contracting for aquaculture  
22 research and development shall be used to address the projects  
23 and activities designated in the state aquaculture plan. Any  
24 entity receiving legislative funding for aquaculture research  
25 and development programs shall report annually to the  
26 department all activities related to aquaculture to facilitate  
27 coordination and compliance with the state aquaculture plan.

28           Section 19. Paragraph (j) is added to subsection (1)  
29 of section 597.003, Florida Statutes, to read:

30           597.003 Powers and duties of Department of Agriculture  
31 and Consumer Services.--



1           (1) The department is hereby designated as the lead  
2 agency in encouraging the development of aquaculture in the  
3 state and shall have and exercise the following functions,  
4 powers, and duties with regard to aquaculture:

5           (j) Issue or deny any license or permit authorized or  
6 delegated to the department by the Legislature or through  
7 memorandum of understanding with other state or federal  
8 agencies that furthers the intent of the Legislature to place  
9 the regulation of aquaculture in the department.

10           Section 20. Section 597.004, Florida Statutes, is  
11 amended to read:

12           597.004 Aquaculture certificate of registration.--

13           (1) SHELLFISH CERTIFICATION.--

14           ~~(a)~~ Any person engaging in shellfish aquaculture must  
15 be certified by the department. The applicant for a  
16 certificate of registration shall submit the following to the  
17 department:

18           ~~(a)1.~~ Applicant's name/title.

19           ~~(b)2.~~ Company name.

20           ~~(c)3.~~ Complete mailing address.

21           ~~(d)4.~~ Legal property description of all aquaculture  
22 facilities.

23           ~~(e)5.~~ Description of production facilities.

24           ~~(f)6.~~ Aquaculture products to be produced.

25           ~~(g)7.~~ Fifty dollar annual registration fee, ~~effective~~  
26 ~~July 1, 1997.~~

27           (2) NONSHELLFISH CERTIFICATION.--

28           (a) Any person engaging in nonshellfish aquaculture,  
29 except as otherwise provided in this section, must be  
30 certified by the department. The applicant for a certificate  
31

1 of registration for nonshellfish products shall submit the  
2 following to the department:

3 1. The information requested in subsection (1) above.

4 2. Documentation that the rules adopted herein have  
5 been complied with in accordance with subsection (b) below.

6 (b) RULEMAKING.--The department, in consultation with  
7 the Department of Environmental Protection, the water  
8 management districts, environmental groups, and  
9 representatives from the affected farming groups, shall adopt  
10 rules to:

11 1. Specify the requirement of best-management  
12 practices to be implemented by property owners and  
13 leaseholders.

14 2. Establish procedures for property owners and  
15 leaseholders to submit the notice of intent to comply with  
16 best-management practices.

17 3. Establish schedules for implementation of  
18 best-management practices, and of interim measures that can be  
19 taken prior to adoption of best-management practices.

20 4. Establish a system to assure the implementation of  
21 best-management practices, including recordkeeping  
22 requirements.

23 Rules adopted pursuant to this subsection shall become  
24 effective pursuant to the applicable provisions of chapter  
25 120, but must be submitted to the President of the Senate and  
26 the Speaker of the House of Representatives for review by the  
27 Legislature. The rules shall be referred to the appropriate  
28 committees of substance and scheduled for review during the  
29 first available regular session following adoption. Except as  
30 otherwise provided by operation of law, such rules shall  
31

1 remain in effect until rejected or modified by act of the  
2 Legislature.

3 (c) WAIVER OF LIABILITY.--Not withstanding any  
4 provision of law, the Department of Environmental Protection  
5 is not authorized to institute proceedings against any person  
6 certified under s. 597.004 to recover any costs or damages  
7 associated with contamination of groundwater or surface water,  
8 or the evaluation, assessment, or remediation of contamination  
9 of groundwater or surface water, including sampling, analysis,  
10 and restoration of potable water supplies, where the  
11 contamination of groundwater or surface water is determined to  
12 be the result of aquaculture practices, provided the property  
13 owner or leaseholder:

14 1. Provides the department with a notice of intent to  
15 implement applicable best-management practices adopted by the  
16 department;

17 2. Implements applicable best-management practices as  
18 soon as practicable according to rules adopted by the  
19 department; and

20 3. Implements practicable interim measures identified  
21 and adopted by the department which can be implemented  
22 immediately, or according to rules adopted by the department.

23 (d) COMPLIANCE.--There is a presumption of compliance  
24 with state groundwater and surface water standards if the  
25 property owner or leaseholder implements best-management  
26 practices that have been verified by the Department of  
27 Environmental Protection to be effective at representative  
28 sites and complies with the following:

29 1. Provides the department with a notice of intent to  
30 implement applicable best-management practices adopted by the  
31 department;

1           2. Implements applicable best-management practices as  
2 soon as practicable according to rules adopted by the  
3 department; and

4           3. Implements practicable interim measures identified  
5 and adopted by the department which can be implemented  
6 immediately, or according to rules adopted by the department.

7           (e) REPORT.--The department shall provide, by December  
8 31, 1999, to the President of the Senate and the Speaker of  
9 the House of Representatives, a progress report concerning the  
10 development, implementation, and effectiveness of  
11 best-management practices to prevent contamination of  
12 groundwater and surface water.

13           (f) OTHER PROVISIONS.--This section does not limit  
14 federally delegated regulatory authority.

15           (g)~~(b)~~ Any aquatic plant producer ~~permitted~~certified  
16 by the Game and Fresh Water Fish Commission~~department~~ pursuant  
17 to s. 369.25 shall also be issued an aquaculture certificate  
18 of registration pursuant to subsection (1) above.

19           (h)~~(c)~~ Any alligator producer with an alligator  
20 farming license and permit to establish and operate an  
21 alligator farm ~~pursuant to the provisions and rules of chapter~~  
22 ~~372~~ shall be issued an aquaculture certificate of registration  
23 pursuant to subsection (1) above.

24           (2) FEES.--

25           ~~(a)~~ Effective July 1, 1997, all fees collected  
26 pursuant to this section shall be deposited into the General  
27 Inspection Trust Fund in the Department of Agriculture and  
28 Consumer Services.

29           ~~(b) For each aquaculture certificate of registration~~  
30 ~~issued pursuant to this section for freshwater fish operations~~  
31 ~~under chapter 372, \$40 shall be deposited into the State Game~~

1 ~~Trust Fund in the Game and Fresh Water Fish Commission from~~  
2 ~~the General Inspection Trust Fund in the Department of~~  
3 ~~Agriculture and Consumer Services.~~

4 (3) IDENTIFICATION OF AQUACULTURE

5 PRODUCTS.--Aquaculture products shall be identified while  
6 possessed, processed, transported, or sold as provided in this  
7 subsection, except those subject to the requirements of  
8 chapter 372 and the rules of the Game and Fresh Water Fish  
9 Commission as they relate to alligators only.

10 (a) Aquaculture products shall be identified by an  
11 aquaculture certificate of registration number from harvest to  
12 point of sale. Any person who possesses aquaculture products  
13 must show, by appropriate receipt, bill of sale, bill of  
14 lading, or other such manifest where the product originated.

15 (b) Marine aquaculture products shall be transported  
16 in containers that separate such product from wild stocks, and  
17 shall be identified by tags or labels that are securely  
18 attached and clearly displayed.

19 (c) Each aquaculture registrant who sells food  
20 products labeled as "aquaculture or farm raised" must have  
21 such products containerized and clearly labeled in accordance  
22 with s. 500.11. Label information must include the name,  
23 address, and aquaculture certification number. This  
24 requirement is designed to segregate the identity of wild and  
25 aquaculture products.

26 (4) SALE OF AQUACULTURE PRODUCTS.--

27 (a) Aquaculture products, except shellfish, snook,  
28 spotted sea trout, red drum,and freshwater aquatic species  
29 identified in chapter 372 and rules of the Game and Fresh  
30 Water Fish Commission, may be sold without restriction so long  
31 as product origin can be identified.

1           (b) Aquaculture shellfish must be sold and handled in  
2 accordance with shellfish handling regulations of the  
3 Department of Environmental Protection established to protect  
4 public health.

5           (5) REGISTRATION AND RENEWALS.--

6           (a) ~~Not later than December 1, 1996,~~Each aquaculture  
7 producer must apply for an aquaculture certificate of  
8 registration with the department and submit the appropriate  
9 fee. Upon department approval, the department shall issue the  
10 applicant an aquaculture certificate of registration ~~only~~ for  
11 a the period of 1 year covering December 1, 1996, through June  
12 30, 1997. ~~The department shall not require a registration fee~~  
13 ~~only for the period covering December 1, 1996, through June~~  
14 ~~30, 1997.~~ ~~However,~~Beginning July 1, 1997, and each year  
15 thereafter, each aquaculture certificate of registration must  
16 be renewed with fee, pursuant to this chapter, on July 1.

17           (b) ~~No later than October 1, 1996,~~The department  
18 shall send notices of registration to all aquaculture  
19 producers of record requiring them to register for an  
20 aquaculture certificate. ~~Thereafter, the department shall send~~  
21 ~~a~~ Renewal notices shall be sent ~~notice~~ to the registrant 60  
22 days preceding the termination date of the certificate of  
23 registration. Prior to the termination date, the registrant  
24 must return a completed renewal form with fee, pursuant to  
25 this chapter, to the department.

26           Section 21. Paragraph (i) is added to subsection (3)  
27 of section 597.005, Florida Statutes, to read:

28           597.005 Aquaculture Review Council.--

29           (3) RESPONSIBILITIES.--The primary responsibilities of  
30 the Aquaculture Review Council are to:

31

1           (i) Provide the Governor, the President of the Senate,  
2 the Speaker of the House of Representatives, and the chairs of  
3 legislative committees having primary jurisdiction over either  
4 the subject of aquaculture or the budget of the Department of  
5 Agriculture and Consumer Services, by August 1 of each year, a  
6 list of prioritized research needs critical to development of  
7 the aquaculture industry.

8           Section 22. This act shall take effect July 1 of the  
9 year in which enacted.

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