

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, and the harvest of certain shellfish;
18 authorizing permit consolidation procedures;
19 amending s. 370.081, F.S.; revising provisions
20 relating to the importation of nonindigenous
21 marine plants and animals; amending s. 370.10,
22 F.S.; authorizing the harvesting or possession
23 of saltwater species for experimental,
24 scientific, education, and exhibition purposes;
25 amending s. 370.16, F.S.; establishing wild
26 harvest setbacks from shellfish leases;
27 amending s. 370.26, F.S.; relating to
28 aquaculture definitions; defining the term
29 "marine product facility" and revising
30 definition of the term "marine aquaculture
31 product"; deleting requirements of an

1 Aquaculture Section in the Department of
2 Environmental Protection; providing duties of
3 the Department of Agriculture and Consumer
4 Services; authorizing delegation of regulatory
5 authority for certain aquaculture facilities;
6 amending s. 372.0225, F.S.; revising
7 responsibilities of the Division of Fisheries
8 of the Game and Fresh Water Fish Commission
9 relating to freshwater organisms; amending s.
10 372.65, F.S.; authorizing exemption for
11 freshwater fish dealer's license; amending s.
12 372.6672, F.S.; removing obsolete language
13 relating to state-sanctioned sales of alligator
14 hides; amending s. 372.6673, F.S.; providing
15 for a portion of the fees assessed for
16 alligator egg collection permits to be
17 transferred to the General Inspection Trust
18 Fund to be used for certain purposes; amending
19 s. 372.6674, F.S.; providing for a portion of
20 the fees assessed for alligator hide validation
21 tags to be transferred to the General
22 Inspection Trust Fund to be used for certain
23 purposes; amending s. 373.046, F.S.; clarifying
24 jurisdiction over aquaculture activities;
25 amending s. 373.406, F.S.; providing exemption
26 for management and storage of surface water;
27 amending s. 403.0885, F.S.; providing
28 exemptions from the state National Pollutant
29 Discharge Elimination System program; amending
30 s. 403.814, F.S.; revising and clarifying
31 provisions relating to aquaculture general

1 permits; amending s. 597.002, F.S.; clarifying
2 jurisdiction over aquaculture activities;
3 amending s. 597.003, F.S.; expanding the powers
4 and duties of the Department of Agriculture and
5 Consumer Services relating to regulation of
6 aquaculture; amending s. 597.004, F.S.;
7 revising provisions relating to aquaculture
8 certificate of registration; providing for
9 shellfish and nonshellfish certification;
10 providing for rules, waiver of liability,
11 compliance, and reports; amending s. 597.005,
12 F.S.; providing for a list of prioritized
13 research needs; providing an 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 Section 2. Subsection (3) is added to section 253.72,
23 Florida Statutes, to read:

24 253.72 Marking of leased areas; restrictions on public
25 use.--

26 (3) To assist in protecting shellfish aquaculture
27 products produced on leases authorized pursuant to this
28 chapter and chapter 370, harvesting shellfish is prohibited
29 within a distance of 25 feet outside lawfully marked lease
30 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:

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) and (10) of section
2 403.814, Florida Statutes, are amended, and subsection (11) is
3 added to said section, to read:

4 403.814 General permits; delegation.--

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

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

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

27 Section 18. Section 597.002, Florida Statutes, is
28 amended to read:

29 597.002 Legislative declaration of public policy
30 respecting aquaculture.--The Legislature declares that
31 aquaculture is agriculture and, as such, the Department of

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

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

25 597.003 Powers and duties of Department of Agriculture
26 and Consumer Services.--

27 (1) The department is hereby designated as the lead
28 agency in encouraging the development of aquaculture in the
29 state and shall have and exercise the following functions,
30 powers, and duties with regard to aquaculture:
31

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

6 Section 20. Section 597.004, Florida Statutes, is
7 amended to read:

8 597.004 Aquaculture certificate of registration.--

9 (1) SHELLFISH CERTIFICATION.--

10 ~~(a)~~ Any person engaging in shellfish aquaculture must
11 be certified by the department. The applicant for a
12 certificate of registration shall submit the following to the
13 department:

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

15 ~~(b)2.~~ Company name.

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

17 ~~(d)4.~~ Legal property description of all aquaculture
18 facilities.

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

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

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

23 (2) NONSHELLFISH CERTIFICATION.--

24 (a) Any person engaging in nonshellfish aquaculture,
25 except as otherwise provided in this section, must be
26 certified by the department. The applicant for a certificate
27 of registration for nonshellfish products shall submit the
28 following to the department:

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

30 2. Documentation that the rules adopted herein have
31 been complied with in accordance with paragraph (b) below.

1 (b) The department, in consultation with the
2 Department of Environmental Protection, the water management
3 districts, environmental groups, and representatives from the
4 affected farming groups, shall adopt rules to:

5 1. Specify the requirement of best-management
6 practices to be implemented by property owners and
7 leaseholders.

8 2. Establish procedures for property owners and
9 leaseholders to submit the notice of intent to comply with
10 best-management practices.

11 3. Establish schedules for implementation of
12 best-management practices, and of interim measures that can be
13 taken prior to adoption of best-management practices.

14 4. Establish a system to assure the implementation of
15 best-management practices, including recordkeeping
16 requirements.

17 Rules adopted pursuant to this subsection shall become
18 effective pursuant to the applicable provisions of chapter
19 120, but must be submitted to the President of the Senate and
20 the Speaker of the House of Representatives for review by the
21 Legislature. The rules shall be referred to the appropriate
22 committees of substance and scheduled for review during the
23 first available regular session following adoption. Except as
24 otherwise provided by operation of law, such rules shall
25 remain in effect until rejected or modified by act of the
26 Legislature.

27 (c) Notwithstanding any provision of law, the
28 Department of Environmental Protection is not authorized to
29 institute proceedings against any person certified under s.
30 597.004 to recover any costs or damages associated with
31 contamination of groundwater or surface water, or the

1 evaluation, assessment, or remediation of contamination of
2 groundwater or surface water, including sampling, analysis,
3 and restoration of potable water supplies, where the
4 contamination of groundwater or surface water is determined to
5 be the result of aquaculture practices, provided the property
6 owner or leaseholder:

7 1. Provides the department with a notice of intent to
8 implement applicable best-management practices adopted by the
9 department;

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

13 3. Implements practicable interim measures identified
14 and adopted by the department which can be implemented
15 immediately, or according to rules adopted by the department.

16 (d) There is a presumption of compliance with state
17 groundwater and surface water standards if the property owner
18 or leaseholder implements best-management practices that have
19 been verified by the Department of Environmental Protection to
20 be effective at representative sites and complies with the
21 following:

22 1. Provides the department with a notice of intent to
23 implement applicable best-management practices adopted by the
24 department;

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

28 3. Implements practicable interim measures identified
29 and adopted by the department which can be implemented
30 immediately, or according to rules adopted by the department.

31

1 (e) The department shall provide, by December 31,
2 1999, to the President of the Senate and the Speaker of the
3 House of Representatives, a progress report concerning the
4 development, implementation, and effectiveness of
5 best-management practices to prevent contamination of
6 groundwater and surface water.

7 (f) This section does not limit federally delegated
8 regulatory authority.

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

13 (h)~~(c)~~ Any alligator producer with an alligator
14 farming license and permit to establish and operate an
15 alligator farm pursuant to the provisions and rules of chapter
16 372~~shall be issued an aquaculture certificate of registration~~
17 pursuant to subsection (1) above.

18 (3)~~(2)~~ FEES.--

19 (a) Effective July 1, 1997, all fees collected
20 pursuant to this section shall be deposited into the General
21 Inspection Trust Fund in the Department of Agriculture and
22 Consumer Services.

23 (b) ~~For each aquaculture certificate of registration~~
24 ~~issued pursuant to this section for freshwater fish operations~~
25 ~~under chapter 372, \$40 shall be deposited into the State Game~~
26 ~~Trust Fund in the Game and Fresh Water Fish Commission from~~
27 ~~the General Inspection Trust Fund in the Department of~~
28 ~~Agriculture and Consumer Services.~~

29 (4)~~(3)~~ IDENTIFICATION OF AQUACULTURE
30 PRODUCTS.--Aquaculture products shall be identified while
31 possessed, processed, transported, or sold as provided in this

1 subsection, except those subject to the requirements of
2 chapter 372 and the rules of the Game and Fresh Water Fish
3 Commission as they relate to alligators only.

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

9 (b) Marine aquaculture products shall be transported
10 in containers that separate such product from wild stocks, and
11 shall be identified by tags or labels that are securely
12 attached and clearly displayed.

13 (c) Each aquaculture registrant who sells food
14 products labeled as "aquaculture or farm raised" must have
15 such products containerized and clearly labeled in accordance
16 with s. 500.11. Label information must include the name,
17 address, and aquaculture certification number. This
18 requirement is designed to segregate the identity of wild and
19 aquaculture products.

20 ~~(5)(4)~~ SALE OF AQUACULTURE PRODUCTS.--

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

26 (b) Aquaculture shellfish must be sold and handled in
27 accordance with shellfish handling regulations of the
28 Department of Environmental Protection established to protect
29 public health.

30 ~~(6)(5)~~ REGISTRATION AND RENEWALS.--

31

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

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

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

23 597.005 Aquaculture Review Council.--

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

26 (i) Provide the Governor, the President of the Senate,
27 the Speaker of the House of Representatives, and the chairs of
28 legislative committees having primary jurisdiction over either
29 the subject of aquaculture or the budget of the Department of
30 Agriculture and Consumer Services, by August 1 of each year, a
31

1 list of prioritized research needs critical to development of
2 the aquaculture industry.

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

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