

1
2 An act relating to conservation of plants and
3 animals; amending s. 370.0605, F.S.; deleting
4 the \$10 for 10 days saltwater fishing license;
5 amending s. 372.57, F.S.; providing for a
6 recreational user permit fee to hunt, fish, or
7 otherwise use for outdoor recreational
8 purposes, land leased by Game and Fresh Water
9 Fish Commission from private nongovernmental
10 owners; providing for the sale of specified
11 lands by the Board of Trustees of the Internal
12 Improvement Trust Fund; clarifying provisions
13 with respect to special use permits; increasing
14 to age 64 or older the age to obtain a
15 permanent hunting or fishing license for a
16 certain fee; revising provisions with respect
17 to a lifetime sportsman's license and a
18 lifetime freshwater fishing license; revising
19 provisions with respect to 5-year licenses;
20 reducing a 5-year hunting license fee; amending
21 s. 372.672, F.S.; providing an additional use
22 for funds in the Florida Panther Research and
23 Management Trust Fund; amending s. 372.674,
24 F.S.; providing reference to the Florida
25 Panther Research and Management Trust Fund with
26 respect to environmental education; amending
27 ss. 372.921, 372.922, F.S.; providing for
28 payment of expenses relative to wildlife seized
29 or taken by the Game and Freshwater Fish
30 Commission; amending s. 253.72, F.S.;
31 establishing wild harvest setbacks from

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

1 delegation of regulatory authority for certain
2 aquaculture facilities; amending s. 372.0225,
3 F.S.; revising responsibilities of the Division
4 of Fisheries of the Game and Fresh Water Fish
5 Commission relating to freshwater organisms;
6 amending s. 372.65, F.S.; authorizing exemption
7 for freshwater fish dealer's license; amending
8 s. 372.6672, F.S.; removing obsolete language
9 relating to state-sanctioned sales of alligator
10 hides; amending s. 372.6673, F.S.; providing
11 for a portion of the fees assessed for
12 alligator egg collection permits to be
13 transferred to the General Inspection Trust
14 Fund to be used for certain purposes; amending
15 s. 372.6674, F.S.; providing for a portion of
16 the fees assessed for alligator hide validation
17 tags to be transferred to the General
18 Inspection Trust Fund to be used for certain
19 purposes; amending s. 373.046, F.S.; clarifying
20 jurisdiction over aquaculture activities;
21 amending s. 373.406, F.S.; providing exemption
22 for management and storage of surface water;
23 amending s. 403.0885, F.S.; providing
24 exemptions from the state National Pollutant
25 Discharge Elimination System program; amending
26 s. 403.814, F.S.; revising and clarifying
27 provisions relating to aquaculture general
28 permits; amending s. 597.002, F.S.; clarifying
29 jurisdiction over aquaculture activities;
30 amending s. 597.003, F.S.; expanding the powers
31 and duties of the Department of Agriculture and

1 Consumer Services relating to regulation of
2 aquaculture; amending s. 597.004, F.S.;
3 revising provisions relating to aquaculture
4 certificate of registration; providing for
5 shellfish and nonshellfish certification;
6 providing for rules, waiver of liability,
7 compliance, and reports; amending s. 597.005,
8 F.S.; providing for a list of prioritized
9 research needs; providing an effective date.

10

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

12

13 Section 1. Paragraph (a) of subsection (2) of section
14 370.0605, Florida Statutes, is amended to read:

15 370.0605 Saltwater fishing license required; fees.--

16 (2) Saltwater fishing license fees are as follows:

17 (a)1. For a resident of the state, ~~\$10 for a 10-day~~
18 ~~license and~~ \$12 for a 1-year license.19 2. For a resident of the state, \$60 for 5 consecutive
20 years from the date of purchase.21 3. For a nonresident of the state, \$5 for a 3-day
22 license, \$15 for a 7-day license, and \$30 for a 1-year
23 license.24 4. For purposes of this section, "resident" has the
25 same meaning as that found in s. 372.001.26 Section 2. Paragraphs (b) and (f) of subsection (4) of
27 section 372.57, Florida Statutes, are amended, paragraph (g)
28 is added to said subsection, and subsection (7), paragraphs
29 (c) and (d) of subsection (8), and subsections (9), (11), and
30 (14) of that section are amended, to read:

31

1 372.57 Licenses and permits; exemptions; fees.--No
2 person, except as provided herein, shall take game, freshwater
3 fish, or fur-bearing animals within this state without having
4 first obtained a license, permit, or authorization and paid
5 the fees hereinafter set forth, unless such license is issued
6 without fee as provided in s. 372.561. Such license, permit,
7 or authorization shall authorize the person to whom it is
8 issued to take game, freshwater fish, or fur-bearing animals
9 in accordance with law and commission rules. Such license,
10 permit, or authorization is not transferable. Each license or
11 permit must bear on its face in indelible ink the name of the
12 person to whom it is issued and other information requested by
13 the commission. Such license, permit, or authorization issued
14 by the commission or any agent must be in the personal
15 possession of the person to whom issued while taking game,
16 freshwater fish, or fur-bearing animals. The failure of such
17 person to exhibit such license, permit, or authorization to
18 the commission or its wildlife officers, when such person is
19 found taking game, freshwater fish, or fur-bearing animals, is
20 a violation of law. A positive form of identification is
21 required when using an authorization, a lifetime license, a
22 5-year license, or when otherwise required by the license or
23 permit. The lifetime licenses and 5-year licenses provided
24 herein shall be embossed with the name, date of birth, the
25 date of issuance, and other pertinent information as deemed
26 necessary by the commission. A certified copy of the
27 applicant's birth certificate shall accompany all applications
28 for a lifetime license for residents 12 years of age and
29 younger.

30 (4) In addition to any license required by this
31 chapter, the following permits and fees for certain hunting,

1 fishing, and recreational uses, and the activities authorized
2 thereby, are:

3 (b)1. Management area permits to hunt, fish, or
4 otherwise use for outdoor recreational purposes, land owned,
5 leased, or managed by the commission or the State of Florida
6 for the use and benefit of the commission, up to \$25 annually.
7 Permits, and fees thereof, for short-term use of land which is
8 owned, leased, or managed by the commission may be established
9 by rule of the commission for any activity on such lands.
10 Such permits and fees may be in lieu of or in addition to the
11 annual management area permit. Other than for hunting or
12 fishing, the provisions of this paragraph shall not apply on
13 any lands not owned by the commission, unless the commission
14 shall have obtained the written consent of the owner or
15 primary custodian of such lands.

16 2. A recreational user permit fee to hunt, fish, or
17 otherwise use for outdoor recreational purposes, land leased
18 by the commission from private nongovernmental owners, except
19 for those lands located directly north of the Apalachicola
20 National Forest, east of the Ochlockonee River until the point
21 the river meets the dam forming Lake Talquin, and south of the
22 closest federal highway. The fee for this permit shall be
23 based upon economic compensation desired by the landowner,
24 game population levels, desired hunter density, and
25 administrative costs. The permit fee shall be set by
26 commission rule on a per-acre basis. On property currently in
27 the private landowner payment program, the prior year's
28 landowner payment shall be used to augment the landowner lease
29 fee so as to decrease the permit fee for the users of that
30 property. The spouse and dependent children of a permittee are
31 exempt from the permit fee when engaged in outdoor

1 recreational activities other than hunting in the company of
2 the permittee. Notwithstanding any other provision of this
3 chapter, there are no other exclusions, exceptions, or
4 exemptions from this permit fee. The landowner lease fee, less
5 an administrative permit fee of up to \$25 per permit, shall be
6 remitted to the landowner as provided in the lease agreement
7 for each area.

8 (f) A special use permit for limited entry hunting or
9 fishing, where such hunting or fishing is authorized by
10 commission rule, shall be up to \$100 per day but shall not
11 exceed \$250 per week. Notwithstanding any other provision of
12 this chapter, there are no exclusions, exceptions, or
13 exemptions from this fee.In addition to the fee, the
14 commission may charge each applicant for a special use permit
15 a nonrefundable application fee of up to \$10.

16 (g) The fee for a permanent hunting and fishing
17 license for a resident 64 years of age or older is \$12.

18 (7) A resident lifetime sportsman's license authorizes
19 the holder to engage in the following noncommercial
20 activities:

21 (a) To take or attempt to take or possess freshwater
22 fish, marine fish, and game, consistent with state and federal
23 regulations and rules of the commission and the Department of
24 Environmental Protection in effect at the time of taking.

25 (b) All activities authorized by a management area
26 permit, a muzzle-loading gun permit, a turkey permit, an
27 archery permit, a Florida waterfowl permit, a snook permit,
28 and a crawfish permit.

29 ~~(c) All activities for which an additional license,~~
30 ~~permit, or fee may be required to take or attempt to take or~~
31 ~~possess freshwater fish, marine fish, and game, imposed~~

1 ~~subsequent to the date of purchase of the resident lifetime~~
2 ~~sportsman's license.~~

3 (8) The fee for a resident lifetime sportsman's
4 license is:

5 (c) 13 ~~13-63~~ years of age or older.....\$1,000

6 ~~(d) 64 years of age or older.....\$12~~

7 (9) A resident lifetime hunting license authorizes the
8 holder to engage in the following noncommercial activities:

9 (a) To take or attempt to take or possess game
10 consistent with state and federal regulations and rules of the
11 commission in effect at the time of taking.

12 (b) All activities authorized by a management area
13 permit, excluding fishing, a muzzle-loading gun permit, a
14 turkey permit, an archery permit, and a Florida waterfowl
15 permit.

16 ~~(c) All activities for which an additional license,~~
17 ~~permit, or fee may be required to take or attempt to take or~~
18 ~~possess game, imposed subsequent to the date of purchase of~~
19 ~~the resident lifetime hunting license.~~

20 (11) A resident lifetime freshwater fishing license
21 authorizes the holder to engage in the following noncommercial
22 activities:

23 (a) To take or attempt to take or possess freshwater
24 fish consistent with state and federal regulations and rules
25 of the commission in effect at the time of taking.

26 (b) All activities authorized by a management area
27 permit, excluding hunting.

28 ~~(c) All activities for which an additional license,~~
29 ~~permit, or fee may be required to take or attempt to take or~~
30 ~~possess freshwater fish, imposed subsequent to the date of~~
31 ~~purchase of the resident lifetime freshwater fishing license.~~

1 (14) The following 5-year licenses are authorized:

2 (a) A 5-year freshwater fishing license for a resident
3 to take or attempt to take or possess freshwater fish in this
4 state for 5 consecutive years is \$60 and authorizes the holder
5 to engage in ~~the following~~ noncommercial activities:

6 ~~1. to take or attempt to take or possess freshwater~~
7 ~~fish consistent with state and federal regulations and rules~~
8 ~~of the commission in effect at the time of taking.~~

9 ~~2. All activities authorized by a management area~~
10 ~~permit, excluding hunting.~~

11 ~~3. All activities for which an additional license,~~
12 ~~permit, or fee is required to take or attempt to take or~~
13 ~~possess freshwater fish, imposed subsequent to the date of~~
14 ~~purchase of the 5-year resident freshwater fishing license~~
15 ~~until the date of expiration.~~

16 (b) A 5-year hunting license for a resident to take or
17 attempt to take or possess game in this state for 5
18 consecutive years is \$55~~\$270~~ and authorizes the holder to
19 engage in ~~the following~~ noncommercial activities:

20 ~~1. to take or attempt to take or possess game~~
21 ~~consistent with state and federal regulations and rules of the~~
22 ~~commission in effect at the time of taking.~~

23 ~~2. All activities authorized by a management area~~
24 ~~permit, excluding fishing, a muzzle-loading gun permit, a~~
25 ~~turkey permit, an archery permit, and a Florida waterfowl~~
26 ~~permit.~~

27 ~~3. All activities for which an additional license,~~
28 ~~permit, or fee may be required to take or attempt to take or~~
29 ~~possess game, imposed subsequent to the date of purchase of~~
30 ~~the 5-year resident hunting license until the date of~~
31 ~~expiration.~~

1 Section 3. Paragraph (d) is added to subsection (2) of
2 section 372.672, Florida Statutes, to read:

3 372.672 Florida Panther Research and Management Trust
4 Fund.--

5 (2) Money from the fund shall be spent only for the
6 following purposes:

7 (d) To fund and administer education programs
8 authorized in s. 372.674.

9 Section 4. Paragraphs (b), (d), and (e) of subsection
10 (6) and subsection (7) of section 372.674, Florida Statutes,
11 are amended to read:

12 372.674 Environmental education.--

13 (6) The advisory council shall:

14 (b) Develop a recommended priority list for projects
15 to be funded through the Florida Panther Research and
16 Management Trust Fund and the Save the Manatee Trust Fund and
17 review and evaluate projects implemented through the fund.

18 (d) Cooperate with the Department of Education in
19 evaluating annual project proposals for projects to be funded
20 through the Florida Panther Research and Management Trust Fund
21 and the Save the Manatee Trust Fund to develop and distribute
22 model instructional materials for use in environmental
23 education to integrate environmental education into the
24 general curriculum of public school districts, community
25 colleges, and universities.

26 (e) Cooperate with the Department of Environmental
27 Protection in evaluating annual proposals for projects to be
28 funded through the Florida Panther Research and Management
29 Trust Fund and the Save the Manatee Trust Fund that can
30 promote an understanding about environmental protection
31 programs and activities administered by the department.

1 (7) The Game and Fresh Water Fish Commission shall
2 review the recommended list of projects to be funded from the
3 Florida Panther Research and Management Trust Fund and the
4 Save the Manatee Trust Fund by August of each year and make a
5 final determination of projects to receive grants from
6 available appropriations by the Legislature. The commission
7 shall act upon the recommended list within 45 days after
8 receipt of the list.

9 Section 5. Subsections (5), (6), (7), and (8) of
10 section 372.921, Florida Statutes, are renumbered as
11 subsections (6), (7), (8), and (9), respectively, and a new
12 subsection (5) is added to said section to read:

13 372.921 Exhibition of wildlife.--

14 (5) In instances where wildlife is seized or taken
15 into custody by the commission, said owner or possessor of
16 such wildlife shall be responsible for payment of all expenses
17 relative to the capture, transport, boarding, veterinary care,
18 or other costs associated with or incurred due to seizure or
19 custody of wildlife. Such expenses shall be paid by said owner
20 or possessor upon any conviction or finding of guilt of a
21 criminal or noncriminal violation, regardless of adjudication
22 or plea entered, of any provision of chapter 372 or chapter
23 828, or rule of the commission or if such violation is
24 disposed of under s. 921.187. Failure to pay such expense may
25 be grounds for revocation or denial of permits to such
26 individual to possess wildlife.

27 Section 6. Subsections (4), (5), and (6) of section
28 372.922, Florida Statutes, are renumbered as subsections (5),
29 (6), and (7), respectively, and a new subsection (4) is added
30 to said section to read:

31 372.922 Personal possession of wildlife.--

1 (4) In instances where wildlife is seized or taken
2 into custody by the commission, said owner or possessor of
3 such wildlife shall be responsible for payment of all expenses
4 relative to the capture, transport, boarding, veterinary care,
5 or other costs associated with or incurred due to seizure or
6 custody of wildlife. Such expenses shall be paid by said owner
7 or possessor upon any conviction or finding of guilt of a
8 criminal or noncriminal violation, regardless of adjudication
9 or plea entered, of any provision of chapter 372 or chapter
10 828, or rule of the commission or if such violation is
11 disposed of under s. 921.187. Failure to pay such expense may
12 be grounds for revocation or denial of permits to such
13 individual to possess wildlife.

14 Section 7. Notwithstanding any other legislation
15 passed and either signed by the Governor or allowed to become
16 law without signature to the contrary, the Legislature intends
17 that this bill be its full and total intent, regardless of
18 when it is presented to the Secretary of State.

19 Section 8. Subsection (3) is added to section 253.72,
20 Florida Statutes, to read:

21 253.72 Marking of leased areas; restrictions on public
22 use.--

23 (3) To assist in protecting shellfish aquaculture
24 products produced on leases authorized pursuant to this
25 chapter and chapter 370, 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 Section 9. Subsections (1), (2), and (4) of section
31 370.027, Florida Statutes, are amended to read:

1 370.027 Rulemaking authority with respect to marine
2 life.--

3 (1) Pursuant to the policy and standards in s.
4 370.025, the Marine Fisheries Commission is delegated full
5 rulemaking authority over marine life, with the exception of
6 marine aquaculture products produced by an individual
7 certified under s. 597.004 and endangered species, subject to
8 final approval by the Governor and Cabinet sitting as the
9 Board of Trustees of the Internal Improvement Trust Fund, in
10 the areas of concern herein specified. The commission is
11 instructed to make recommendations annually to the Governor
12 and Cabinet regarding the marine fisheries research priorities
13 and funding of the Department of Environmental Protection. All
14 administrative and enforcement responsibilities which are
15 unaffected by the specific provisions of this act continue to
16 be the responsibility of the Department of Environmental
17 Protection. The authority to regulate fishing gear in
18 residential, manmade saltwater canals is specifically not
19 delegated to the commission and is retained by the
20 Legislature.

21 (2) Exclusive rulemaking authority in the following
22 areas relating to marine life, with the exception of marine
23 aquaculture products produced by individuals certified under
24 s. 597.004 and endangered species, is vested in the
25 commission; any conflicting authority of any division or
26 bureau of the department or any other agency of state
27 government is withdrawn as of the effective date of the rule
28 proposed by the commission and approved by the Governor and
29 Cabinet, and the inconsistent rule, or the inconsistent part
30 thereof, is superseded to the extent of the inconsistency:

31 (a) Gear specifications;

- 1 (b) Prohibited gear;
- 2 (c) Bag limits;
- 3 (d) Size limits;
- 4 (e) Species that may not be sold;
- 5 (f) Protected species;
- 6 (g) Closed areas, except for public health purposes;
- 7 (h) Quality control, except for oysters, clams,
- 8 mussels, and crabs, unless such authority is delegated to the
- 9 Department of Agriculture and Consumer Services;
- 10 (i) Seasons; and
- 11 (j) Special considerations relating to eggbearing
- 12 females.
- 13 (4) Marine aquaculture producers shall be regulated by
- 14 the Department of Agriculture and Consumer Services. Marine
- 15 aquaculture products produced by a marine aquaculture
- 16 producer, certified pursuant to s. 597.004, are exempt from
- 17 Marine Fisheries Commission resource management rules, with
- 18 the exception of such rules governing any fish of ~~or~~ the genus
- 19 Centropomus (snook), the genus Sciaenops (red drum), or the
- 20 genus Cynoscion (spotted sea trout). Marine Fisheries
- 21 Commission rules relating to the aquacultural production of
- 22 red drum and spotted sea trout must be developed and adopted
- 23 by the commission no later than 1 year from October 1, 1996.
- 24 Section 10. Paragraph (a) of subsection (2) and
- 25 subsection (4) of section 370.06, Florida Statutes, are
- 26 amended to read:
- 27 370.06 Licenses.--
- 28 (2) SALTWATER PRODUCTS LICENSE.--
- 29 (a) Every person, firm, or corporation that sells,
- 30 offers for sale, barter, or exchanges for merchandise any
- 31 saltwater products, or which harvests saltwater products with

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

1 must apply to at least 1 year out of the last 3 years. For the
2 purpose of this section "income" means that income which is
3 attributable to work, employment, entrepreneurship, pensions,
4 retirement benefits, and social security benefits. To renew an
5 existing restricted species endorsement, marine aquaculture
6 producers possessing a valid saltwater products license with a
7 restricted species endorsement may apply income from the sale
8 of marine aquaculture products to licensed wholesale dealers.

9 1. The department is authorized to require
10 verification of such income. Acceptable proof of income earned
11 from the sale of saltwater products shall be:

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

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

17 c. A copy of the applicable federal income tax return,
18 including Form 1099 attachments, verifying income earned from
19 the sale of saltwater products;

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

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

24
25 Any provision of this section or any other section of the
26 Florida Statutes to the contrary notwithstanding, any person
27 who owns a retail seafood market and/or restaurant at a fixed
28 location for at least 3 years who has had an occupational
29 license for 3 years prior to January 1, 1990, who harvests
30 saltwater products to supply his or her retail store and has
31 had a saltwater products license for 1 of the past 3 years

1 prior to January 1, 1990, may provide proof of his or her
2 verification of income and sales value at the person's retail
3 seafood market and/or restaurant and in his or her saltwater
4 products enterprise by affidavit and shall thereupon be issued
5 a restricted species endorsement.

6 2. Exceptions from income requirements shall be as
7 follows:

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

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

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

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

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

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

5
6 At least one saltwater products license bearing a restricted
7 species endorsement shall be aboard any vessel harvesting
8 restricted species in excess of any bag limit or when fishing
9 under a commercial quota or in commercial quantities, and such
10 vessel shall have a commercial vessel registration. This
11 subsection does not apply to any person, firm, or corporation
12 licensed under s. 370.07(1)(a)1. or (b) for activities
13 pursuant to such licenses. A saltwater products license may be
14 issued in the name of an individual or a valid boat
15 registration number. Such license is not transferable. A decal
16 shall be issued with each saltwater products license issued to
17 a valid boat registration number. The saltwater products
18 license decal shall be the same color as the vessel
19 registration decal issued each year pursuant to s.
20 327.11(5)(7)and shall indicate the period of time such
21 license is valid. The saltwater products license decal shall
22 be placed beside the vessel registration decal and, in the
23 case of an undocumented vessel, shall be placed so that the
24 vessel registration decal lies between the vessel registration
25 number and the saltwater products license decal. Any saltwater
26 products license decal for a previous year shall be removed
27 from a vessel operating on the waters of the state. A resident
28 shall pay an annual license fee of \$50 for a saltwater
29 products license issued in the name of an individual or \$100
30 for a saltwater products license issued to a valid boat
31 registration number. A nonresident shall pay an annual license

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

31 (4) SPECIAL ACTIVITY LICENSES.--

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

26 (b) The department is authorized to issue special
27 activity licenses in accordance with this section and s.
28 370.31, to permit the importation, possession, and aquaculture
29 of anadromous sturgeon. The special activity license shall
30 provide for specific ~~best~~ management practices to prevent the
31 release and escape of cultured anadromous sturgeon and to

1 protect indigenous populations of saltwater species from
2 ~~sturgeon-borne disease.~~

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

12 (d) The conditions and specific management practices
13 established in this section may be incorporated into permits
14 and authorizations issued pursuant to chapter 253, chapter
15 370, chapter 373, or chapter 403, when incorporating such
16 provisions is in accordance with the aquaculture permit
17 consolidation procedures. No separate issuance of a special
18 activity license is required when conditions and specific
19 management practices are incorporated into permits or
20 authorizations under this paragraph. Implementation of this
21 section to consolidate permitting actions does not constitute
22 rules within the meaning of s. 120.52.

23 Section 11. Subsections (1), (2), and (5) of section
24 370.081, Florida Statutes, are amended to read:

25 370.081 Illegal importation or possession of
26 nonindigenous marine plants and animals; rules and
27 regulations.--

28 (1) It is unlawful to import or possess any marine
29 plant or marine animal, not indigenous to the state, which,
30 due to the stimulating effect of the waters of the state on
31 procreation, may endanger or infect the marine resources of

1 the state or pose a human health hazard, except as provided in
2 this section ~~subsection (4)~~.

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

5 (a) Sea snakes (Family Hydrophiidae), except as
6 provided in subsection (4);

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

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

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

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

15 Section 12. Subsection (2) of section 370.10, Florida
16 Statutes, is amended to read:

17 370.10 Crustacea, marine animals, fish; regulations;
18 general provisions.--

19 (2) TAKING SALTWATER SPECIES ~~ANIMALS~~ FOR EXPERIMENTAL,
20 SCIENTIFIC, EDUCATION, AND EXHIBITION ~~EXHIBITIONAL~~
21 PURPOSES.--Notwithstanding any other provisions of general or
22 special law to the contrary, the department may authorize
23 ~~issue permits~~, upon such terms, conditions, and restrictions
24 as it may prescribe by rule, ~~to~~ any properly accredited person
25 to harvest or permitting him or her to collect and possess
26 indigenous or nonindigenous saltwater species animals for
27 experimental, scientific, education, and exhibition
28 ~~exhibitional~~ purposes. Such authorizations ~~permits~~ may allow
29 collection of specimens without regard to, and not limited to,
30 size, seasonal closure, collection method, reproductive state,
31 or bag limit. Authorizations ~~Permits~~ issued under the

1 provisions of this section may be suspended or revoked by the
2 department if it finds that the person ~~permitholder~~ has
3 violated this section, department rules or orders, or terms or
4 conditions of the authorization ~~permit~~ or has submitted false
5 or inaccurate information in his or her application.

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

8 370.16 Oysters and shellfish; regulation.--

9 (12) PROTECTION OF OYSTER AND CLAM REEFS AND
10 SHELLFISH.--

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

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

23 (c) The division shall provide the Legislature
24 annually with recommendations for the development and the
25 proper protection of the rights of the state and private
26 holders therein with respect to the oyster and clam business.

27 Section 14. Subsections (1), (2), (3) and (6) of
28 section 370.26, Florida Statutes, are amended to read:

29 370.26 Aquaculture definitions; marine aquaculture
30 products, ~~and~~ producers, and facilities.--

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

1 (a) "Marine product facility" means a facility built
2 and operated for the purpose of producing marine products.
3 Marine product facilities contain culture systems such as, but
4 not limited to, ponds, tanks, raceways, cages, and bags used
5 for commercial production, propagation, growout, or product
6 enhancement of marine products. Marine product facilities
7 specifically do not include:

8 1. Facilities that maintain marine aquatic organisms
9 exclusively for the purpose of shipping, distribution,
10 marketing, or wholesale and retail sales;

11 2. Facilities that maintain marine aquatic organisms
12 for noncommercial, education, exhibition, or scientific
13 purposes;

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

16 4. Facilities used by marine aquarium hobbyists.

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

20 ~~(c)(b)~~ "Marine aquaculture product" means any product
21 derived from marine aquatic organisms that are owned and
22 propagated, ~~and~~ grown, or produced under controlled conditions
23 by a person holding an aquaculture certificate pursuant to s.
24 597.004. Such product does not include organisms harvested
25 from the wild for depuration, wet storage, or relayed for the
26 purpose of controlled purification. Marine aquaculture
27 products are considered saltwater products for the purposes of
28 this chapter, except the holder of an aquaculture certificate
29 is not required to purchase and possess a saltwater products
30 license in order to possess, transport, or sell marine
31 aquaculture products pursuant to s. 370.06. To renew an

1 existing restricted species endorsement, marine aquaculture
2 producers possessing a valid saltwater products license with a
3 restricted species endorsement may apply income from the sales
4 of marine aquaculture products to licensed wholesale dealers.
5 Income from the sales of marine aquaculture products shall not
6 be eligible for the purpose of acquiring a new restricted
7 species endorsement.The holder of an aquaculture certificate
8 must purchase and possess a saltwater products license in
9 order to possess, transport, or ~~and~~ sell saltwater products
10 not specifically provided for in s. 597.004.

11 (2) The Department of Environmental Protection shall
12 encourage the development of aquaculture and the production of
13 aquaculture products.

14 ~~(3) The department shall establish an Aquaculture~~
15 ~~Section within the Bureau of Marine Resource Regulation and~~
16 ~~Development within the Division of Marine Resources.~~

17 ~~(a)~~ The department ~~Aquaculture Section~~ shall develop a
18 process consistent with this section that would consolidate
19 permits, general permits, special activity licenses, and other
20 regulatory requirements to streamline the permitting process
21 and result in effective regulation of aquaculture activities.
22 This process shall provide for a single application and
23 application fee for marine aquaculture activities which are
24 regulated by the department. Procedures to consolidate
25 permitting actions under this section do not constitute rules
26 within the meaning of s. 120.52.

27 ~~(3)(b)~~ The Department of Agriculture and Consumer
28 Services ~~Aquaculture Section~~ shall act as a clearinghouse for
29 aquaculture applications ~~submitted to the department~~, and act
30 as a liaison between the Division of Marine Resources, the
31 Division of State Lands, the Department of Environmental

1 Protection district offices, other divisions within the
2 Department of Environmental Protection, and the water
3 management districts. The Department of Agriculture and
4 Consumer Services shall be responsible for regulating marine
5 aquaculture producers, except as specifically provided herein.

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

21 Section 15. Subsection (1) of section 372.0225,
22 Florida Statutes, is amended to read:

23 372.0225 Freshwater organisms.--

24 (1) The Division of Fisheries of the Game and Fresh
25 Water Fish Commission, in order to manage the promotion,
26 marketing, and quality control of all freshwater organisms
27 produced in Florida and utilized commercially so that such
28 organisms shall be used to produce the optimum sustained yield
29 consistent with the protection of the breeding stock, is
30 directed and charged with the responsibility of:

31

1 (a) Providing for the regulation of the promotion,
2 marketing, and quality control of freshwater organisms
3 produced in Florida and utilized commercially.

4 (b) Regulating the processing of commercial freshwater
5 organisms on the water or on the shore.

6 (c) Providing documentation standards and statistical
7 record requirements with respect to commercial freshwater
8 organism catches.

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

10 (d)~~(e)~~ Conducting scientific, economic, and other
11 studies and research on all freshwater organisms produced in
12 the state and used commercially.

13 Section 16. Paragraph (g) of subsection (1) of section
14 372.65, Florida Statutes, is amended to read:

15 372.65 Freshwater fish dealer's license.--

16 (1) No person shall engage in the business of taking
17 for sale or selling any frogs or freshwater fish, including
18 live bait, of any species or size, or importing any exotic or
19 nonindigenous fish, until such person has obtained a license
20 and paid the fee therefor as set forth herein. The license
21 issued shall be in the possession of the person to whom issued
22 while such person is engaging in the business of taking for
23 sale or selling freshwater fish or frogs, is not transferable,
24 shall bear on its face in indelible ink the name of the person
25 to whom it is issued, and shall be affixed to a license
26 identification card issued by the commission. Such license is
27 not valid unless it bears the name of the person to whom it is
28 issued and is so affixed. The failure of such person to
29 exhibit such license to the commission or any of its wildlife
30 officers when such person is found engaging in such business
31

1 is a violation of law. The license fees and activities
2 permitted under particular licenses are as follows:

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

11 Section 17. Subsections (3) and (4) of section
12 372.6672, Florida Statutes, are amended to read:

13 372.6672 Alligator management and trapping program
14 implementation; commission authority.--

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

24 (3)~~(4)~~ The powers and duties of the commission
25 hereunder shall not be construed so as to supersede the
26 regulatory authority or lawful responsibility of the
27 Department of Health and Rehabilitative Services, the
28 Department of Agriculture and Consumer Services, or any local
29 governmental entity regarding the processing or handling of
30 food products, but shall be deemed supplemental thereto.

31

1 Section 18. Subsection (4) of section 372.6673,
2 Florida Statutes, is amended to read:

3 372.6673 Taking and possession of alligators; trapping
4 licenses; fees.--

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

21 Section 19. Subsection (2) of section 372.6674,
22 Florida Statutes, is amended to read:

23 372.6674 Required tagging of alligators and hides;
24 fees; revenues.--The tags provided in this section shall be
25 required in addition to any license required under s.
26 372.6673.

27 (2) The commission may require that an alligator hide
28 validation tag be affixed to the hide of any alligator taken
29 from the wild and that such hide be possessed, purchased,
30 sold, offered for sale, or transported in accordance with
31 commission rule. The commission is authorized to assess a fee

1 of up to \$30 for each alligator hide validation tag issued, of
2 which \$5 per validated hide, excluding those validated from
3 public hunt programs, may be transferred to the General
4 Inspection Trust Fund, to be administered by the Department of
5 Agriculture and Consumer Services for the purpose of providing
6 marketing and education services with respect to alligator
7 products produced in this state, notwithstanding other
8 provisions in this chapter.

9 Section 20. Subsection (5) of section 373.046, Florida
10 Statutes, is amended to read:

11 373.046 Interagency agreements.--

12 (5) Notwithstanding the provisions of s. 403.927, when
13 any operating agreement is developed pursuant to subsection
14 (4):

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

17 1. All saltwater aquaculture activities located on
18 sovereignty submerged land or in the water column above such
19 land and adjacent facilities directly related to the
20 aquaculture activity.

21 ~~2. Marine and estuarine aquaculture activities that do~~
22 ~~not require a consumptive use permit under part II of this~~
23 ~~chapter.~~

24 ~~2.3.~~ Aquaculture activities that meet or exceed the
25 thresholds for aquaculture general permits authorized pursuant
26 to ss. 370.26 and ~~403.814403.088~~.

27 ~~3.4.~~ Aquaculture activities within the Northwest
28 Florida Water Management District.

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

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

7 Section 21. Subsection (8) is added to section
8 373.406, Florida Statutes, to read:

9 373.406 Exemptions.--The following exemptions shall
10 apply:

11 (8) Certified aquaculture activities under s. 597.004
12 are exempt from this part.

13 Section 22. Subsection (5) is added to section
14 403.0885, Florida Statutes, to read:

15 403.0885 Establishment of federally approved state
16 National Pollutant Discharge Elimination System (NPDES)
17 Program.--

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

27 Section 23. Subsections (8) and (10) of section
28 403.814, Florida Statutes, are amended, and subsection (11) is
29 added to said section, to read:

30 403.814 General permits; delegation.--

31

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

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

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

23 Section 24. Section 597.002, Florida Statutes, is
24 amended to read:

25 597.002 Legislative declaration of public policy
26 respecting aquaculture.--The Legislature declares that
27 aquaculture is agriculture and, as such, the Department of
28 Agriculture and Consumer Services shall be the primary agency
29 responsible for regulating aquaculture, any other law to the
30 contrary notwithstanding. The only exceptions are those areas
31 required by federal law, rule, or cooperative agreement to be

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

19 Section 25. Paragraph (j) is added to subsection (1)
20 of section 597.003, Florida Statutes, to read:

21 597.003 Powers and duties of Department of Agriculture
22 and Consumer Services.--

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

27 (j) Issue or deny any license or permit authorized or
28 delegated to the department by the Legislature or through
29 memorandum of understanding with other state or federal
30 agencies that furthers the intent of the Legislature to place
31 the regulation of aquaculture in the department.

1 Section 26. Section 597.004, Florida Statutes, is
2 amended to read:
3 597.004 Aquaculture certificate of registration.--
4 (1) SHELLFISH CERTIFICATION.--
5 ~~(a)~~ Any person engaging in shellfish aquaculture must
6 be certified by the department. The applicant for a
7 certificate of registration shall submit the following to the
8 department:
9 (a)1. Applicant's name/title.
10 (b)2. Company name.
11 (c)3. Complete mailing address.
12 (d)4. Legal property description of all aquaculture
13 facilities.
14 (e)5. Description of production facilities.
15 (f)6. Aquaculture products to be produced.
16 (g)7. Fifty dollar annual registration fee, ~~effective~~
17 ~~July 1, 1997.~~
18 (2) NONSHELLFISH CERTIFICATION.--
19 (a) Any person engaging in nonshellfish aquaculture,
20 except as otherwise provided in this section, must be
21 certified by the department. The applicant for a certificate
22 of registration for nonshellfish products shall submit the
23 following to the department:
24 1. The information requested in subsection (1) above.
25 2. Documentation that the rules adopted herein have
26 been complied with in accordance with paragraph (b) below.
27 (b) The department, in consultation with the
28 Department of Environmental Protection, the water management
29 districts, environmental groups, and representatives from the
30 affected farming groups, shall adopt rules to:
31

1 1. Specify the requirement of best-management
2 practices to be implemented by property owners and
3 leaseholders.

4 2. Establish procedures for property owners and
5 leaseholders to submit the notice of intent to comply with
6 best-management practices.

7 3. Establish schedules for implementation of
8 best-management practices, and of interim measures that can be
9 taken prior to adoption of best-management practices.

10 4. Establish a system to assure the implementation of
11 best-management practices, including recordkeeping
12 requirements.

13 Rules adopted pursuant to this subsection shall become
14 effective pursuant to the applicable provisions of chapter
15 120, but must be submitted to the President of the Senate and
16 the Speaker of the House of Representatives for review by the
17 Legislature. The rules shall be referred to the appropriate
18 committees of substance and scheduled for review during the
19 first available regular session following adoption. Except as
20 otherwise provided by operation of law, such rules shall
21 remain in effect until rejected or modified by act of the
22 Legislature.

23 (c) Notwithstanding any provision of law, the
24 Department of Environmental Protection is not authorized to
25 institute proceedings against any person certified under s.
26 597.004 to recover any costs or damages associated with
27 contamination of groundwater or surface water, or the
28 evaluation, assessment, or remediation of contamination of
29 groundwater or surface water, including sampling, analysis,
30 and restoration of potable water supplies, where the
31 contamination of groundwater or surface water is determined to

1 be the result of aquaculture practices, provided the property
2 owner or leaseholder:

3 1. Provides the department with a notice of intent to
4 implement applicable best-management practices adopted by the
5 department;

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

9 3. Implements practicable interim measures identified
10 and adopted by the department which can be implemented
11 immediately, or according to rules adopted by the department.

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

18 1. Provides the department with a notice of intent to
19 implement applicable best-management practices adopted by the
20 department;

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

24 3. Implements practicable interim measures identified
25 and adopted by the department which can be implemented
26 immediately, or according to rules adopted by the department.

27 (e) The department shall provide, by December 31,
28 1999, to the President of the Senate and the Speaker of the
29 House of Representatives, a progress report concerning the
30 development, implementation, and effectiveness of
31

1 best-management practices to prevent contamination of
2 groundwater and surface water.

3 (f) This section does not limit federally delegated
4 regulatory authority.

5 (g)(b) Any aquatic plant producer ~~permitted~~certified
6 by the department pursuant to s. 369.25 shall also be subject
7 to the requirements of this subsection ~~issued an aquaculture~~
8 ~~certificate of registration.~~

9 (h)(e) Any alligator producer with an alligator
10 farming license and permit to establish and operate an
11 alligator farm ~~pursuant to the provisions and rules of chapter~~
12 ~~372~~ shall be issued an aquaculture certificate of registration
13 pursuant to subsection (1) above.

14 (3)(2) FEES.--

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

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

25 (4)(3) IDENTIFICATION OF AQUACULTURE
26 PRODUCTS.--Aquaculture products shall be identified while
27 possessed, processed, transported, or sold as provided in this
28 subsection, except those subject to the requirements of
29 chapter 372 and the rules of the Game and Fresh Water Fish
30 Commission as they relate to alligators only.

31

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

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

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

17 (5)~~(4)~~ SALE OF AQUACULTURE PRODUCTS.--

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

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

27 (6)~~(5)~~ REGISTRATION AND RENEWALS.--

28 (a) ~~Not later than December 1, 1996,~~Each aquaculture
29 producer must apply for an aquaculture certificate of
30 registration with the department and submit the appropriate
31 fee. Upon department approval, the department shall issue the

1 applicant an aquaculture certificate of registration ~~only~~ for
2 a the period of 1 year covering ~~December 1, 1996, through June~~
3 ~~30, 1997. The department shall not require a registration fee~~
4 ~~only for the period covering December 1, 1996, through June~~
5 ~~30, 1997. However,~~ Beginning July 1, 1997, and each year
6 thereafter, each aquaculture certificate of registration must
7 be renewed with fee, pursuant to this chapter, on July 1.

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

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

19 597.005 Aquaculture Review Council.--

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

22 (i) Provide the Governor, the President of the Senate,
23 the Speaker of the House of Representatives, and the chairs of
24 legislative committees having primary jurisdiction over either
25 the subject of aquaculture or the budget of the Department of
26 Agriculture and Consumer Services, by August 1 of each year, a
27 list of prioritized research needs critical to development of
28 the aquaculture industry.

29 Section 28. This act shall take effect July 1 of the
30 year in which enacted.

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