

By the Committee on General Government Appropriations and  
Representative K. Pruitt

1                                   A bill to be entitled  
2           An act relating to implementing the 1998-1999  
3           General Appropriations Act in the area of  
4           general government; providing legislative  
5           intent; amending s. 376.11, F.S.; appropriating  
6           certain funds from the Florida Coastal  
7           Protection Trust Fund for the purpose of  
8           funding beach renourishment and restoration and  
9           inlet management; amending s. 212.20, F.S.;  
10          providing for use of moneys allocated to the  
11          Solid Waste Management Trust Fund; providing  
12          for transfer of powers and duties relating to  
13          regulation of aquatic plant control from the  
14          Department of Environmental Protection to the  
15          Game and Fresh Water Fish Commission; providing  
16          for continuation of certain rules; providing a  
17          grandfather provision for persons permitted  
18          prior to the transfer; amending s. 206.606,  
19          F.S.; providing for transfer of certain funds  
20          each fiscal year to the Game and Fresh Water  
21          Fish Commission for aquatic plant management;  
22          amending ss. 369.20, 369.22, 369.25, 369.251,  
23          and 369.252, F.S., relating to regulation of  
24          aquatic plant control, to conform; amending s.  
25          581.145, F.S.; revising a reference, to  
26          conform; amending s. 370.027, F.S.; providing  
27          an exception to rulemaking authority of the  
28          Marine Fisheries Commission with respect to  
29          specified marine life; providing that marine  
30          aquaculture producers shall be regulated by the  
31          Department of Agriculture and Consumer

1 Services; amending s. 370.06, F.S.; revising  
2 provisions relating to issuance and renewal of  
3 saltwater products licenses and special  
4 activity licenses; amending s. 370.26, F.S.,  
5 relating to aquaculture definitions; defining  
6 the term "marine aquaculture facility";  
7 deleting requirements of an Aquaculture Section  
8 in the Department of Environmental Protection;  
9 providing duties of the Department of  
10 Agriculture and Consumer Services; authorizing  
11 delegation of regulatory authority for certain  
12 aquaculture facilities; amending s. 372.0225,  
13 F.S.; revising responsibilities of the Division  
14 of Fisheries of the Game and Fresh Water Fish  
15 Commission relating to freshwater organisms;  
16 amending s. 372.65, F.S.; authorizing exemption  
17 for freshwater fish dealer's license; amending  
18 s. 372.6672, F.S.; defining the term "wild  
19 alligator" for purposes of management and  
20 trapping; amending s. 403.0885, F.S.; providing  
21 exemptions from the state National Pollutant  
22 Discharge Elimination System program; amending  
23 s. 597.002, F.S.; clarifying jurisdiction over  
24 aquaculture activities; amending s. 597.003,  
25 F.S.; expanding the powers and duties of the  
26 Department of Agriculture and Consumer  
27 Services; amending s. 597.004, F.S.; revising  
28 provisions relating to aquaculture certificate  
29 of registration; transferring the Marine  
30 Fisheries Commission to the Game and Fresh  
31 Water Fish Commission; providing for future

1 repeal; providing for providing effect of veto  
2 of specific appropriation or proviso to which  
3 implementing language refers; providing  
4 applicability to other legislation; providing  
5 severability; providing an effective date.  
6

7 Be It Enacted by the Legislature of the State of Florida:  
8

9 Section 1. It is the intent of the Legislature that  
10 the implementing and administering provisions of this act  
11 apply to the fiscal year 1998-1999 General Appropriations Act  
12 in the area of general government.

13 Section 2. In order to implement Specific  
14 Appropriation 1358 of the 1998-1999 General Appropriations  
15 Act, subsection (7) of section 376.11, Florida Statutes, is  
16 amended to read:

17 376.11 Florida Coastal Protection Trust Fund.--  
18 (7) Notwithstanding subsection (4), for the 1998-1999  
19 ~~1997-1998~~ fiscal year only, up to ~~\$17~~\$11.5 million may be  
20 appropriated from the fund for the purpose of funding  
21 statewide beach renourishment, restoration, and inlet  
22 management plans. This subsection expires July 1, 1999 ~~1998~~.

23 Section 3. In order to implement Specific  
24 Appropriation 1299 of the 1998-1999 General Appropriations  
25 Act, subsection (7) of section 212.20, Florida Statutes, is  
26 amended to read:

27 212.20 Funds collected, disposition; additional powers  
28 of department; operational expense; refund of taxes  
29 adjudicated unconstitutionally collected.--

30 (7) For the 1998-1999 ~~1997-1998~~ fiscal year only, the  
31 use of funds allocated to the Solid Waste Management Trust

1 Fund shall be as provided in the General Appropriations Act.  
2 There is transferred ~~\$10~~<sup>\$6</sup> million for the surface water  
3 improvement and management program ~~and \$6 million for the~~  
4 ~~aquatic weed control program~~ from revenues provided by this  
5 section. This subsection expires July 1, 1999 ~~1998~~.

6       Section 4. All powers, duties, and functions, rules,  
7 records, personnel, property, and unexpended balances of  
8 appropriations, allocations, or other funds of the Department  
9 of Environmental Protection relating to aquatic plant control  
10 are transferred by a type two transfer, as defined in s.  
11 20.06(2), Florida Statutes, from the Department of  
12 Environmental Protection to the Game and Fresh Water Fish  
13 Commission. The rules of the Department of Environmental  
14 Protection that regulate aquatic plant control remain in  
15 effect until the Game and Fresh Water Fish Commission has  
16 adopted rules to supersede those of the Department of  
17 Environmental Protection.

18       Section 5. A person permitted by the Department of  
19 Environmental Protection under any provision of part I of  
20 chapter 369, Florida Statutes, relating to aquatic plant  
21 control, as of the effective date of this act shall be deemed  
22 to be permitted by the Game and Fresh Water Fish Commission  
23 until the expiration of the term of the person's permit.

24       Section 6. Subsection (1) of section 206.606, Florida  
25 Statutes, is amended to read:

26       206.606 Distribution of certain proceeds.--

27       (1) Moneys collected pursuant to ss. 206.41(1)(g) and  
28 206.87(1)(e) shall be deposited in the Fuel Tax Collection  
29 Trust Fund created by s. 206.875. Such moneys, exclusive of  
30 the service charges imposed by s. 215.20, and exclusive of  
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1 refunds granted pursuant to s. 206.41, shall be distributed  
2 monthly to the State Transportation Trust Fund, except that:  
3 (a) ~~\$1.25~~\$7.55 million shall be transferred to the  
4 Department of Environmental Protection in each fiscal year.  
5 The transfers must be made in equal monthly amounts beginning  
6 on July 1 of each fiscal year. ~~\$1.25 million of~~ The amount  
7 transferred shall be deposited annually in the Marine  
8 Resources Conservation Trust Fund and must be used by the  
9 Department of Environmental Protection to fund special  
10 projects to provide recreational channel marking, public  
11 launching facilities, and other boating-related activities.  
12 The Department of Environmental Protection shall annually  
13 determine where unmet needs exist for boating-related  
14 activities, and may fund such activities in counties where,  
15 due to the number of vessel registrations, insufficient  
16 financial resources are available to meet total water resource  
17 needs.

18 (b) \$6.30 million shall be transferred to the Game and  
19 Fresh Water Fish Commission each fiscal year. The transfers  
20 must be made in equal monthly amounts beginning on July 1 of  
21 each fiscal year.~~The amount transferred remaining proceeds of~~  
22 ~~the annual transfer~~ shall be deposited in the Aquatic Plant  
23 Control Trust Fund and must be used for aquatic plant  
24 management, including nonchemical control of aquatic weeds,  
25 research into nonchemical controls, and enforcement  
26 activities. Beginning in fiscal year 1998-1999 ~~1993-1994~~, the  
27 Game and Fresh Water Fish Commission ~~department~~ shall allocate  
28 at least \$1 million of such funds to the eradication of  
29 melaleuca.

30 (c) ~~(b)~~ \$1.25 million shall be transferred to the State  
31 Game Trust Fund in the Game and Fresh Water Fish Commission in

1 each fiscal year. The transfers must be made in equal monthly  
2 amounts beginning on July 1 of each fiscal year, and must be  
3 used for recreational boating activities of a type consistent  
4 with projects eligible for funding under the Florida Boating  
5 Improvement Program administered by the Department of  
6 Environmental Protection, and freshwater fisheries management  
7 and research.

8 (d)~~(c)~~ \$1.5 million per year shall be transferred to  
9 the Board of Regents and shall be spent solely for purposes of  
10 s. 334.065.

11 Section 7. Effective July 1, 1999, subsection (1) of  
12 section 206.606, Florida Statutes, as amended by section 8 of  
13 chapter 96-321, Laws of Florida, is amended to read:

14 206.606 Distribution of certain proceeds.--

15 (1) Moneys collected pursuant to ss. 206.41(1)(g) and  
16 206.87(1)(e) shall be deposited in the Fuel Tax Collection  
17 Trust Fund. Such moneys, after deducting the service charges  
18 imposed by s. 215.20, the refunds granted pursuant to s.  
19 206.41, and the administrative costs incurred by the  
20 department in collecting, administering, enforcing, and  
21 distributing the tax, which administrative costs may not  
22 exceed 2 percent of collections, shall be distributed monthly  
23 to the State Transportation Trust Fund, except that:

24 (a) \$1.25~~\$7.55~~ million shall be transferred to the  
25 Department of Environmental Protection in each fiscal year.  
26 The transfers must be made in equal monthly amounts beginning  
27 on July 1 of each fiscal year. ~~\$1.25 million of~~ The amount  
28 transferred shall be deposited annually in the Marine  
29 Resources Conservation Trust Fund and must be used by the  
30 Department of Environmental Protection to fund special  
31 projects to provide recreational channel marking, public

1 launching facilities, and other boating-related activities.  
2 The Department of Environmental Protection shall annually  
3 determine where unmet needs exist for boating-related  
4 activities, and may fund such activities in counties where,  
5 due to the number of vessel registrations, insufficient  
6 financial resources are available to meet total water resource  
7 needs.

8 (b) \$6.30 million shall be transferred to the Game and  
9 Fresh Water Fish Commission each fiscal year. The transfers  
10 must be made in equal monthly amounts beginning on July 1 of  
11 each fiscal year. The amount transferred ~~remaining proceeds~~  
12 ~~of the annual transfer~~ shall be deposited in the Aquatic Plant  
13 Control Trust Fund and must be used for aquatic plant  
14 management, including nonchemical control of aquatic weeds,  
15 research into nonchemical controls, and enforcement  
16 activities. Beginning in fiscal year 1998-1999 ~~1993-1994~~, the  
17 Game and Fresh Water Fish Commission ~~department~~ shall allocate  
18 at least \$1 million of such funds to the eradication of  
19 melaleuca.

20 (c) ~~(b)~~ \$1.25 million shall be transferred to the State  
21 Game Trust Fund in the Game and Fresh Water Fish Commission in  
22 each fiscal year. The transfers must be made in equal monthly  
23 amounts beginning on July 1 of each fiscal year, and must be  
24 used for recreational boating activities of a type consistent  
25 with projects eligible for funding under the Florida Boating  
26 Improvement Program administered by the Department of  
27 Environmental Protection, and freshwater fisheries management  
28 and research.

29 (d) ~~(c)~~ \$1.5 million per year shall be transferred to  
30 the Board of Regents and shall be spent solely for purposes of  
31 s. 334.065.

1           Section 8. Section 369.20, Florida Statutes, is  
2 amended to read:

3           369.20 Florida Aquatic Weed Control Act.--

4           (1) This section may be cited ~~act shall be known~~ as  
5 the "Florida Aquatic Weed Control Act."

6           (2) The Game and Fresh Water Fish Commission  
7 ~~Department of Environmental Protection~~ shall direct the  
8 control, eradication, and regulation of noxious aquatic weeds  
9 and direct the research and planning related to these  
10 activities, as provided in this section, excluding the  
11 authority to use fish as a biological control agent, so as to  
12 protect human health, safety, and recreation and, to the  
13 greatest degree practicable, prevent injury to plant and  
14 animal life and property.

15           (3) It shall be the duty of the commission ~~department~~  
16 to guide and coordinate the activities of all public bodies,  
17 authorities, agencies, and special districts charged with the  
18 control or eradication of aquatic weeds and plants. ~~It may~~  
19 ~~delegate all or part of such functions to the Game and Fresh~~  
20 ~~Water Fish Commission.~~

21           (4) The commission ~~department~~ shall also promote,  
22 develop, and support research activities directed toward the  
23 more effective and efficient control of aquatic plants. In  
24 the furtherance of this purpose, the commission ~~department~~ is  
25 authorized to:

26           (a) Accept donations and grants of funds and services  
27 from both public and private sources;

28           (b) Contract or enter into agreements with public or  
29 private agencies or corporations for research and development  
30 of aquatic plant control methods or for the performance of  
31 aquatic plant control activities;



1 (c) Construct, acquire, operate, and maintain  
2 facilities and equipment; and

3 (d) Enter upon, or authorize the entry upon, private  
4 property for purposes of making surveys and examinations and  
5 to engage in aquatic plant control activities; and such entry  
6 shall not be deemed a trespass.

7 (5) The commission ~~Department of Environmental~~  
8 ~~Protection~~ may disburse funds to any special district or other  
9 local authority charged with the responsibility of controlling  
10 or eradicating aquatic plants, upon:

11 (a) Receipt of satisfactory proof that such district  
12 or authority has sufficient funds on hand to match the state  
13 funds herein referred to on an equal basis;

14 (b) Approval by the commission ~~department~~ of the  
15 control techniques to be used by the district or authority;  
16 and

17 (c) Review and approval of the program of the district  
18 or authority by the commission ~~department~~ to be in conformance  
19 with the state control plan.

20 (6) The commission ~~department~~ shall adopt, amend, or  
21 repeal all rules as necessary to carry out the duties,  
22 obligations, and powers set forth in this section and perform  
23 any other acts necessary for the proper administration,  
24 enforcement, or interpretation of this section, including  
25 creating general permits and exemptions and adopting rules and  
26 forms governing reports.

27 (7) No person or public agency shall control,  
28 eradicate, remove, or otherwise alter any aquatic weeds or  
29 plants in waters of the state unless a permit for such  
30 activity has been issued by the commission ~~department~~, or  
31 unless the activity is in waters expressly exempted by

1 ~~department~~ rule of the commission. The commission ~~department~~  
2 shall develop standards by rule which shall address, at a  
3 minimum, chemical, biological, and mechanical control  
4 activities; an evaluation of the benefits of such activities  
5 to the public; specific criteria recognizing the differences  
6 between natural and artificially created waters; and the  
7 different amount and quality of littoral vegetation on various  
8 waters. Applications for a permit to engage in aquatic plant  
9 control activities shall be made to the commission ~~department~~.  
10 In reviewing such applications, the commission ~~department~~  
11 shall consider the criteria set forth in subsection (2).

12 (8) As an exemption to all permitting requirements in  
13 this section and ss. 369.22 and 369.25, in all freshwater  
14 bodies, except aquatic preserves designated under chapter 258  
15 and Outstanding Florida Waters designated under chapter 403, a  
16 riparian owner may physically or mechanically remove  
17 herbaceous aquatic plants and semiwoody herbaceous plants,  
18 such as shrub species and willow, within an area delimited by  
19 up to 50 percent of the property owner's frontage or 50 feet,  
20 whichever is less, and by a sufficient length waterward from,  
21 and perpendicular to, the riparian owner's shoreline to create  
22 a corridor to allow access for a boat or swimmer to reach open  
23 water. All unvegetated areas shall be cumulatively considered  
24 when determining the width of the exempt corridor. Physical  
25 or mechanical removal does not include the use of any  
26 chemicals or any activity that requires a permit pursuant to  
27 part IV of chapter 373.

28 (9) A permit issued pursuant to this section for the  
29 application of herbicides to waters in the state for the  
30 control of aquatic plants, algae, or invasive exotic plants is  
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1 exempt from the requirement to obtain a water pollution  
2 operation permit pursuant to s. 403.088.

3 Section 9. Section 369.22, Florida Statutes, is  
4 amended to read:

5 369.22 Nonindigenous aquatic plant control.--

6 (1) This section may be cited ~~shall be known~~ as the  
7 "Florida Nonindigenous Aquatic Plant Control Act."

8 (2) For the purpose of this section, the following  
9 words and phrases shall have the following meanings:

10 (a) "Commission Department" means the Game and Fresh  
11 Water Fish Commission Department of Environmental Protection.

12 (b) "Aquatic plant" is any plant growing in, or  
13 closely associated with, the aquatic environment and includes  
14 "floating," "emersed," "submersed," and "ditch bank" species.

15 (c) "Nonindigenous aquatic plant" is any aquatic plant  
16 that is nonnative to the State of Florida and has certain  
17 characteristics, such as massive productivity, choking  
18 density, or an obstructive nature, which render it  
19 detrimental, obnoxious, or unwanted in a particular location.

20 (d) A "maintenance program" is a method for the  
21 control of nonindigenous aquatic plants in which control  
22 techniques are utilized in a coordinated manner on a  
23 continuous basis in order to maintain the plant population at  
24 the lowest feasible level as determined by the commission  
25 department.

26 (e) An "eradication program" is a method for the  
27 control of nonindigenous aquatic plants in which control  
28 techniques are utilized in a coordinated manner in an attempt  
29 to kill all the aquatic plants on a permanent basis in a given  
30 geographical area.

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1           (f) A "complaint spray program" is a method for the  
2 control of nonindigenous aquatic plants in which weeds are  
3 allowed to grow unhindered to a given level of undesirability,  
4 at which point eradication techniques are applied in an effort  
5 to restore the area in question to a relatively low level of  
6 infestation.

7           (g) "Waters" means rivers, streams, lakes, navigable  
8 waters and associated tributaries, canals, meandered lakes,  
9 enclosed water systems, and any other bodies of water.

10           (h) "Intercounty waters" means any waters which lie in  
11 more than one county or form any part of the boundary between  
12 two or more counties, as determined by the commission  
13 ~~department~~.

14           (i) "Intracounty waters" means any waters which lie  
15 wholly within the boundaries of one county as determined by  
16 the commission ~~department~~.

17           (j) "Districts" means ~~the six water management~~  
18 ~~districts created by law and named, respectively, the~~  
19 ~~Northwest Florida Water Management District, the Suwannee~~  
20 ~~River Water Management District, the St. Johns River Water~~  
21 ~~Management District, the Southwest Florida Water Management~~  
22 ~~District, the Central and Southern Florida Flood Control~~  
23 ~~District, and the Ridge and Lower Gulf Coast Water Management~~  
24 ~~District; and on July 1, 1975, shall mean the five water~~  
25 management districts created by chapter 73-190, Laws of  
26 Florida, and named, respectively, the Northwest Florida Water  
27 Management District, the Suwannee River Water Management  
28 District, the St. Johns River Water Management District, the  
29 Southwest Florida Water Management District, and the South  
30 Florida Water Management District.

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1           (3) The Legislature recognizes that the uncontrolled  
2 growth of nonindigenous aquatic plants in the waters of  
3 Florida poses a variety of environmental, health, safety, and  
4 economic problems. The Legislature acknowledges the  
5 responsibility of the state to cope with the uncontrolled and  
6 seemingly never-ending growth of nonindigenous aquatic plants  
7 in the waters throughout Florida. It is, therefore, the intent  
8 of the Legislature that the state policy for the control of  
9 nonindigenous aquatic plants in waters of state responsibility  
10 be carried out under the general supervision and control of  
11 the commission ~~department~~, and that the state itself be  
12 responsible for the control of such plants in all intercounty  
13 waters; but that control of such plants in intracounty waters  
14 be the designated responsibility of the appropriate unit of  
15 local or county government, special district, authority, or  
16 other public body. It is the intent of the Legislature that  
17 the control of nonindigenous aquatic plants be carried out  
18 primarily by means of maintenance programs, rather than  
19 eradication or complaint spray programs, for the purpose of  
20 achieving more effective control at a lower long-range cost.  
21 It is also the intent of the Legislature that the commission  
22 ~~department~~ guide, review, approve, and coordinate all  
23 nonindigenous aquatic plant control programs within each of  
24 the water management districts as defined in paragraph (2)(j).  
25 It is the intent of the Legislature to account for the costs  
26 of nonindigenous aquatic plant maintenance programs by  
27 watershed for comparison management purposes.

28           (4) The commission ~~department~~ shall supervise and  
29 direct all maintenance programs for control of nonindigenous  
30 aquatic plants, as provided in this section, excluding the  
31 authority to use fish as a biological control agent, so as to

1 protect human health, safety, and recreation and, to the  
2 greatest degree practicable, prevent injury to plant, fish,  
3 and animal life and to property.

4 (5) When state funds are involved, or when waters of  
5 state responsibility are involved, it is the duty of the  
6 commission ~~department~~ to guide, review, approve, and  
7 coordinate the activities of all public bodies, authorities,  
8 state agencies, units of local or county government,  
9 commissions, districts, and special districts engaged in  
10 operations to maintain, control, or eradicate nonindigenous  
11 aquatic plants, except for activities involving biological  
12 control programs using fish as the control agent. The  
13 commission ~~department~~ may delegate all or part of such  
14 functions to any appropriate state agency, special district,  
15 unit of local or county government, commission, authority, or  
16 other public body. However, special attention shall be given  
17 to the keeping of accounting and cost data in order to prepare  
18 the annual fiscal report required in subsection (7).

19 (6) The commission ~~department~~ may disburse funds to  
20 any district, special district, or other local authority for  
21 the purpose of operating a maintenance program for controlling  
22 nonindigenous aquatic plants and other noxious aquatic plants  
23 in the waters of state responsibility upon:

24 (a) Receipt of satisfactory proof that such district  
25 or authority has sufficient funds on hand to match the state  
26 funds herein referred to on an equal basis;

27 (b) Approval by the commission ~~department~~ of the  
28 maintenance control techniques to be used by the district or  
29 authority; and

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1           (c) Review and approval of the program of the district  
2 or authority by the commission ~~department~~ to be in conformance  
3 with the state maintenance control plan.

4           (7) The commission ~~department~~ shall submit an annual  
5 report on the status of the nonindigenous aquatic plant  
6 maintenance program to the President of the Senate, the  
7 Speaker of the House of Representatives, and the Governor and  
8 Cabinet by January 1 of the following year. This report shall  
9 include a statement of the degree of maintenance control  
10 achieved by individual nonindigenous aquatic plant species in  
11 the intercounty waters of each of the water management  
12 districts for the preceding county fiscal year, together with  
13 an analysis of the costs of achieving this degree of control.  
14 This cost accounting shall include the expenditures by all  
15 governmental agencies in the waters of state responsibility.  
16 If the level of maintenance control achieved falls short of  
17 that which is deemed adequate by the commission ~~department~~,  
18 then the report shall include an estimate of the additional  
19 funding that would have been required to achieve this level of  
20 maintenance control. All measures of maintenance program  
21 achievement and the related cost shall be presented by water  
22 management districts so that comparisons may be made among the  
23 water management districts, as well as with the state as a  
24 whole.

25           (8) The commission ~~department~~ shall have the authority  
26 to cooperate with the United States and to enter into such  
27 cooperative agreements or commitments as the commission  
28 ~~department~~ may determine necessary to carry out the  
29 maintenance, control, or eradication of water hyacinths,  
30 alligator weed, and other noxious aquatic plant growths from  
31 the waters of the state and to enter into contracts with the

1 United States obligating the state to indemnify and save  
2 harmless the United States from any and all claims and  
3 liability arising out of the initiation and prosecution of any  
4 project undertaken under this section. However, any claim or  
5 claims required to be paid under this section shall be paid  
6 from money appropriated to the nonindigenous aquatic plant  
7 control program.

8 ~~(9) The department may delegate various nonindigenous~~  
9 ~~aquatic plant control and maintenance functions to the Game~~  
10 ~~and Fresh Water Fish Commission. The commission shall, in~~  
11 ~~accepting commitments to engage in nonindigenous aquatic plant~~  
12 ~~control and maintenance activities, be subject to the rules of~~  
13 ~~the department, except that the commission shall regulate,~~  
14 ~~control, and coordinate the use of any fish for aquatic weed~~  
15 ~~control in fresh waters of the state. In addition, the~~  
16 ~~commission shall render technical and other assistance to the~~  
17 ~~department in order to carry out most effectively the purposes~~  
18 ~~of s. 369.20. However, nothing herein shall diminish or~~  
19 ~~impair the regulatory authority of the commission with respect~~  
20 ~~to the powers granted to it by s. 9, Art. IV of the State~~  
21 ~~Constitution.~~

22 (9)~~(10)~~ The commission ~~department~~ is directed to use  
23 biological agents, excluding fish, for the control of  
24 nonindigenous aquatic plants.

25 (10)~~(11)~~ The commission ~~department~~ shall adopt, amend,  
26 or repeal all rules as necessary to carry out the duties,  
27 obligations, and powers set forth in this section and perform  
28 any other acts necessary for the proper administration,  
29 enforcement, or interpretation of this section, including  
30 adopting rules and forms governing reports.

31



1           ~~(11)(12)~~ No person or public agency shall control,  
2 eradicate, remove, or otherwise alter any nonindigenous  
3 aquatic plants in waters of the state unless a permit for such  
4 activity has been issued by the commission ~~department~~, or  
5 unless the activity is in waters expressly exempted by  
6 ~~department~~ rule of the commission. The commission ~~department~~  
7 shall develop standards by rule which shall address, at a  
8 minimum, chemical, biological, and mechanical control  
9 activities; an evaluation of the benefits of such activities  
10 to the public; specific criteria recognizing the differences  
11 between natural and artificially created waters; and the  
12 different amount and quality of littoral vegetation on various  
13 waters. Applications for a permit to engage in aquatic plant  
14 control activities shall be made to the commission ~~department~~.  
15 In reviewing such applications, the commission ~~department~~  
16 shall consider the criteria set forth in subsection (4).

17           Section 10. Section 369.25, Florida Statutes, is  
18 amended to read:

19           369.25 Aquatic plants; definitions; permits; powers of  
20 commission ~~department~~; penalties.--

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

22           (a) "Aquatic plant" means any plant, including a  
23 floating, emersed, submersed, or ditch bank species, growing  
24 in, or closely associated with, an aquatic environment and  
25 includes any part or seed of such plant.

26           (b) "Commission ~~Department~~" means the Game and Fresh  
27 Water Fish Commission ~~Department of Environmental Protection~~.

28           (c) "Nonnursery cultivation" means the tending of  
29 aquatic plant species for harvest in the natural environment.

30           (d) "Noxious aquatic plant" means any part, including,  
31 but not limited to, seeds or reproductive parts, of an aquatic

1 plant which has the potential to hinder the growth of  
2 beneficial plants, interfere with irrigation or navigation, or  
3 adversely affect the public welfare or the natural resources  
4 of this state.

5 (e) "Person" includes a natural person, a public or  
6 private corporation, a governmental entity, or any other kind  
7 of entity.

8 (2) No person shall engage in any business involving  
9 the importation, transportation, nonnursery cultivation,  
10 collection, sale, or possession of any aquatic plant species  
11 without a permit issued by the commission ~~department or the~~  
12 ~~Department of Agriculture and Consumer Services~~. No person  
13 shall import, transport, nonnursery cultivate, collect, sell,  
14 or possess any noxious aquatic plant listed on the prohibited  
15 aquatic plant list established by the commission ~~department~~  
16 without a permit issued by the commission ~~department or the~~  
17 ~~Department of Agriculture and Consumer Services~~. No permit  
18 shall be issued until the commission ~~department~~ determines  
19 that the proposed activity poses no threat or danger to the  
20 waters, wildlife, natural resources, or environment of the  
21 state.

22 (3) The commission ~~department~~ has the following  
23 powers:

24 (a) To make such rules governing the importation,  
25 transportation, nonnursery cultivation, collection, and  
26 possession of aquatic plants as may be necessary for the  
27 eradication, control, or prevention of the dissemination of  
28 noxious aquatic plants ~~that are not inconsistent with rules of~~  
29 ~~the Department of Agriculture and Consumer Services~~.

30 (b) To establish by rule lists of aquatic plant  
31 species regulated under this section, including those exempted

1 from such regulation, ~~provided the Department of Agriculture~~  
2 ~~and Consumer Services and the Game and Fresh Water Fish~~  
3 ~~Commission approve such lists prior to the lists becoming~~  
4 ~~effective.~~

5 (c) To evaluate an aquatic plant species through  
6 research or other means to determine whether such species  
7 poses a threat or danger to the waters, wildlife, natural  
8 resources, or environment of the state.

9 (d) To declare a quarantine against aquatic plants,  
10 including the vats, pools, or other containers or bodies of  
11 water in which such plants are growing, ~~except in aquatic~~  
12 ~~plant nurseries,~~to prevent the dissemination of any noxious  
13 aquatic plant.

14 (e) To make rules governing the application for,  
15 issuance of, suspension of, and revocation of permits under  
16 this section.

17 (f) To enter into cooperative agreements with any  
18 person as necessary or desirable to carry out and enforce the  
19 provisions of this section.

20 (g) To purchase all necessary supplies, material, and  
21 equipment and accept all grants and donations useful in the  
22 implementation and enforcement of the provisions of this  
23 section.

24 (h) To enter upon and inspect any facility or place,  
25 except aquatic plant nurseries regulated by the Department of  
26 Agriculture and Consumer Services, where aquatic plants are  
27 cultivated, held, packaged, shipped, stored, or sold, or any  
28 vehicle of conveyance of aquatic plants, to ascertain whether  
29 the provisions of this section and commission rules ~~department~~  
30 ~~regulations~~ are being complied with, and to seize and destroy,  
31 without compensation, any aquatic plants imported,

1 transported, cultivated, collected, or otherwise possessed in  
2 violation of this section or commission rules ~~department~~  
3 ~~regulations~~.

4 (i) To conduct a public information program,  
5 including, but not limited to, erection of road signs, in  
6 order to inform the public and interested parties of this  
7 section and its associated rules and of the dangers of noxious  
8 aquatic plant introductions.

9 (4) The commission ~~department~~ shall adopt rules which  
10 limit the sanctions available for violations under this  
11 section act to quarantine and confiscation:

12 (a) If the prohibited activity apparently results from  
13 natural dispersion; or

14 (b) If a small amount of noxious aquatic plant  
15 material incidentally adheres to a boat or boat trailer  
16 operated by a person who is not involved in any phase of the  
17 aquatic plant business and if that person is not knowingly  
18 violating this section act.

19 (5)(a) A ~~Any~~ person who violates any provision ~~the~~  
20 ~~provisions~~ of this section commits ~~is guilty of~~ a misdemeanor  
21 of the second degree, punishable as provided in s. 775.082 or  
22 s. 775.083.

23 (b) All law enforcement officers of the state and its  
24 agencies with power to make arrests for violations of state  
25 law shall enforce the provisions of this section.

26 Section 11. Section 369.251, Florida Statutes, is  
27 amended to read:

28 369.251 Invasive nonnative plants; prohibitions;  
29 study; removal; rules.--

30 (1) A person may not sell, transport, collect,  
31 cultivate, or possess any plant, including any part or seed,

1 of the species *Melaleuca quinquenervia*, *Schinus*  
2 *terebinthifolius*, *Casuarina equisetifolia*, *Casuarina glauca*,  
3 or *Mimosa pigra* without a permit from the Game and Fresh Water  
4 Fish Commission ~~department~~. Any person who violates this  
5 section commits a misdemeanor of the second degree, punishable  
6 by fine only, as provided in s. 775.083.

7 (2) The commission ~~department~~ shall study methods of  
8 control of plants of the species *Melaleuca quinquenervia*,  
9 *Schinus terebinthifolius*, *Casuarina equisetifolia*, *Casuarina*  
10 *glauca*, and *Mimosa pigra*. The South Florida Water Management  
11 District shall undertake programs to remove such plants from  
12 conservation area I, conservation area II, and conservation  
13 area III of the district.

14 (3) The commission ~~department~~ shall adopt rules  
15 necessary to implement this section. Possession or  
16 transportation resulting from natural dispersion, mulching  
17 operations, control and disposal, or use in herbaria or other  
18 educational or research institutions, or for other reasons  
19 determined by the commission ~~department~~ to be consistent with  
20 this section and where there is neither the danger of, nor  
21 intent to, further disperse any plant species prohibited by  
22 this section, is not subject to the permit or penalty  
23 provisions of this section.

24 Section 12. Section 369.252, Florida Statutes, is  
25 amended to read:

26 369.252 Invasive exotic plant control on public  
27 lands.--The Game and Fresh Water Fish Commission ~~department~~  
28 shall establish a program to:

29 (1) Achieve eradication or maintenance control of  
30 invasive exotic plants on public lands when the scientific  
31 data indicate that they are detrimental to the state's natural

1 environment or when the Commissioner of Agriculture finds that  
2 such plants or specific populations thereof are a threat to  
3 the agricultural productivity of the state;

4 (2) Assist state and local government agencies in the  
5 development and implementation of coordinated management plans  
6 for the eradication or maintenance control of invasive exotic  
7 plant species on public lands;

8 (3) Contract, or enter into agreements, with entities  
9 in the State University System or other governmental or  
10 private sector entities for research concerning control  
11 agents; production and growth of biological control agents;  
12 and development of workable methods for the eradication or  
13 maintenance control of invasive exotic plants on public lands;  
14 and

15 (4) Use funds in the Aquatic Plant Control Trust Fund  
16 as authorized by the Legislature for carrying out activities  
17 under this section on public lands.

18 Section 13. Subsection (2) of section 581.145, Florida  
19 Statutes, is amended to read:

20 581.145 Aquatic plant nursery registration; special  
21 permit requirements.--

22 (2) It shall be unlawful for any nursery or nursery  
23 stock dealer to import, transport, cultivate, collect, sell,  
24 or possess any noxious aquatic plant listed on the prohibited  
25 aquatic plant list established by the Game and Fresh Water  
26 Fish Commission ~~Department of Environmental Protection~~ in s.  
27 369.25(3)(b) without a special permit issued by the commission  
28 ~~department~~.

29 (a) No special permit shall be issued until the  
30 commission ~~department~~ determines that the proposed activity  
31

1 poses no threat or danger to the waters, wildlife, natural  
2 resources, agriculture, or environment of the state.

3 (b) The ~~commission department~~ may not issue a special  
4 permit with respect to a prohibited aquatic plant species if  
5 ~~it the Department of Environmental Protection~~ prohibits the  
6 importation, transportation, cultivation, collection, sale, or  
7 possession of the species.

8 Section 14. (1) The transfer from the Department of  
9 Environmental Protection to the Game and Fresh Water Fish  
10 Commission of regulatory authority over aquatic plant control,  
11 and the conforming amendments to ss. 206.606, 369.20, 369.22,  
12 369.25, 369.251, 369.252, and 581.145, Florida Statutes, by  
13 this act are to implement Specific Appropriations 1501, 1501A,  
14 1501B, 1501C, and 1501D of the 1998-1999 General  
15 Appropriations Act.

16 (2) The regulatory authority over aquatic plant  
17 control transferred to the Game and Fresh Water Fish  
18 Commission by this act shall expire June 30, 1999, and shall  
19 revert to the Department of Environmental Protection in a like  
20 type two transfer so that such authority is as it existed on  
21 June 30, 1998; and rules of the commission in effect at the  
22 time of such reversion shall remain in effect until superseded  
23 by the department, and permits issued by the commission shall  
24 be deemed to be permitted by the department until the  
25 expiration of the term of the person's permit. In addition,  
26 the amendments to ss. 206.606, 369.20, 369.22, 369.25,  
27 369.251, 369.252, and 581.145, Florida Statutes, by this act  
28 shall expire June 30, 1999, and the text of said sections  
29 shall revert to that in existence on June 30, 1998, except  
30 that any amendments to such text enacted other than by this  
31 act shall be preserved and continue to operate to the extent

1 that such amendments are not dependent upon the portions of  
2 said text which expire pursuant to the provisions of this act.  
3 The Statutory Revision Division of the Joint Legislative  
4 Management Committee, or its successor, shall include in an  
5 appropriate reviser's bill any amendments to said sections  
6 which are necessary to give effect to the legislative intent  
7 expressed in this section.

8           Section 15. Subsections (1), (2), and (4) of section  
9 370.027, Florida Statutes, are amended to read:

10           370.027 Rulemaking authority with respect to marine  
11 life.--

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

29           (2) Exclusive rulemaking authority in the following  
30 areas relating to marine life, with the exception of marine  
31 species produced by individuals certified under s. 597.004 and



1 endangered species, is vested in the commission; any  
2 conflicting authority of any division or bureau of the  
3 department or any other agency of state government is  
4 withdrawn as of the effective date of the rule proposed by the  
5 commission and approved by the Governor and Cabinet, and the  
6 inconsistent rule, or the inconsistent part thereof, is  
7 superseded to the extent of the inconsistency:

- 8 (a) Gear specifications;
- 9 (b) Prohibited gear;
- 10 (c) Bag limits;
- 11 (d) Size limits;
- 12 (e) Species that may not be sold;
- 13 (f) Protected species;
- 14 (g) Closed areas, except for public health purposes;
- 15 (h) Quality control, except for oysters, clams,  
16 mussels, and crabs, unless such authority is delegated to the  
17 Department of Agriculture and Consumer Services;
- 18 (i) Seasons; and
- 19 (j) Special considerations relating to eggbearing  
20 females.

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

1           Section 16. Paragraph (a) of subsection (2) and  
2 subsection (4) of section 370.06, Florida Statutes, are  
3 amended to read:

4           370.06 Licenses.--

5           (2) SALTWATER PRODUCTS LICENSE.--

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

1 license from another state. However, if at least 50 percent of  
2 the annual income of a person, firm, or for-profit corporation  
3 is derived from charter fishing, the person, firm, or  
4 for-profit corporation must certify that at least \$2,500 of  
5 the income of the person, firm, or corporation is attributable  
6 to the sale of saltwater products pursuant to a license issued  
7 under this paragraph or a similar license from another state,  
8 in order to be issued the endorsement. Such income attribution  
9 must apply to at least 1 year out of the last 3 years. For the  
10 purpose of this section "income" means that income which is  
11 attributable to work, employment, entrepreneurship, pensions,  
12 retirement benefits, and social security benefits. To renew an  
13 existing restricted species endorsement, marine aquaculture  
14 producers possessing a valid saltwater products license with a  
15 restricted species endorsement may apply income from the sale  
16 of marine aquaculture products.

- 17 1. The department is authorized to require  
18 verification of such income. Acceptable proof of income earned  
19 from the sale of saltwater products shall be:
- 20 a. Copies of trip ticket records generated pursuant to  
21 this subsection (marine fisheries information system),  
22 documenting qualifying sale of saltwater products;
- 23 b. Copies of sales records from locales other than  
24 Florida documenting qualifying sale of saltwater products;
- 25 c. A copy of the applicable federal income tax return,  
26 including Form 1099 attachments, verifying income earned from  
27 the sale of saltwater products;
- 28 d. Crew share statements verifying income earned from  
29 the sale of saltwater products; or
- 30 e. A certified public accountant's notarized statement  
31 attesting to qualifying source and amount of income.

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

14           2. Exceptions from income requirements shall be as  
15 follows:

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

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

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

29           d. Upon the death or permanent disablement of a person  
30 possessing a restricted species endorsement, an immediate  
31 family member wishing to carry on the fishing operation shall

1 be exempted from the qualifying income requirement for the  
2 purpose of obtaining a restricted species endorsement for a  
3 period of 1 year after the death or disablement.

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

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

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

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

1 section, except that a licensed wholesale dealer may buy from  
2 another licensed wholesale dealer. The Department of  
3 Environmental Protection shall be the licensing agency, may  
4 contract with private persons or entities to implement aspects  
5 of the licensing program, and shall establish by rule a marine  
6 fisheries information system in conjunction with the licensing  
7 program to gather fisheries data.

8 (4) SPECIAL ACTIVITY LICENSES.--

9 (a) Any person who seeks to use special gear or  
10 equipment in harvesting saltwater species must purchase a  
11 special activity license as specified by law to engage in such  
12 activities. This subsection does not apply to gear or  
13 equipment used by individuals certified under s. 597.004.The  
14 department may issue special activity licenses, in accordance  
15 with s. 370.071, to permit the cultivation of oysters, clams,  
16 mussels, and crabs when such aquaculture activities relate to  
17 quality control, sanitation, and public health regulations,  
18 unless such authority is delegated to the Department of  
19 Agriculture and Consumer Services. The department may  
20 prescribe by rule special terms, conditions, and restrictions  
21 for any special activity license.

22 (b) The department is authorized to issue special  
23 activity licenses in accordance with this section and s.  
24 370.31, to permit the importation, possession, and aquaculture  
25 of anadromous sturgeon. The special activity license shall  
26 provide for specific ~~best~~ management practices to prevent the  
27 release and escape of cultured anadromous sturgeon and to  
28 protect indigenous populations of saltwater species from  
29 sturgeon-borne disease.

30 Section 17. Subsections (1), (2), (3), and (6) of  
31 section 370.26, Florida Statutes, are amended to read:

1           370.26 Aquaculture definitions; marine aquaculture  
2 products, ~~and~~ producers, and facilities.--

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

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

12           1. Facilities that maintain marine aquatic organisms  
13 exclusively for the purpose of shipping, distribution,  
14 marketing, or wholesale and retail sales;

15           2. Facilities that maintain marine aquatic organisms  
16 for noncommercial, education, exhibition, or scientific  
17 purposes;

18           3. Facilities that do not require an aquaculture  
19 certification pursuant to s. 597.004; or

20           4. Facilities used by marine aquarium hobbyists.

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

24           ~~(c)(b)~~ "Marine aquaculture product" means any product  
25 derived from marine aquatic organisms that are owned and  
26 propagated and grown or produced under controlled conditions  
27 by a person holding an aquaculture certificate pursuant to s.  
28 597.004. Such product does not include organisms harvested  
29 from the wild for depuration, wet storage, or relayed for the  
30 purpose of controlled purification. Marine aquaculture  
31 products are considered saltwater products for the purposes of



1 this chapter, except the holder of an aquaculture certificate  
2 is not required to purchase and possess a saltwater products  
3 license in order to possess, transport, or sell marine  
4 aquaculture products pursuant to s. 370.06. The holder of an  
5 aquaculture certificate must purchase and possess a saltwater  
6 products license in order to possess, transport, or ~~and~~ sell  
7 saltwater products not specifically provided for in s.  
8 597.004.

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

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

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

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

1 management districts. The Department of Agriculture and  
2 Consumer Services shall be responsible for regulating marine  
3 aquaculture producers except as specifically provided herein.

4 (6) ~~Until such time that~~ aquaculture general permits  
5 under s. 403.088 can be expanded and developed, the department  
6 shall establish criteria to temporarily permit aquaculture  
7 activities that may be presumed not to result in adverse  
8 environmental impacts. The criteria developed pursuant to this  
9 subsection do not constitute rules within the meaning of s.

10 120.52. Permit application fees under this subsection shall be  
11 no more than that established for a general permit. The  
12 department may delegate to the water management districts the  
13 regulatory authority for aquaculture facilities subject to the  
14 temporary general permitting criteria of this subsection.

15 During the period prior to development of a general permit  
16 under s. 403.088, the department shall establish a compliance  
17 plan based on monitoring results that will assist in the  
18 development of the general permit.

19 Section 18. Subsection (1) of section 372.0225,  
20 Florida Statutes, is amended to read:

21 372.0225 Freshwater organisms.--

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

29 (a) Providing for the regulation of the promotion,  
30 marketing, and quality control of freshwater organisms  
31 produced in Florida and utilized commercially.

1 (b) Regulating the processing of commercial freshwater  
2 organisms on the water or on the shore.

3 (c) Providing documentation standards and statistical  
4 record requirements with respect to commercial freshwater  
5 organism catches.

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

7 (d)(e) Conducting scientific, economic, and other  
8 studies and research on all freshwater organisms produced in  
9 the state and used commercially.

10 Section 19. Paragraph (g) of subsection (1) of section  
11 372.65, Florida Statutes, is amended to read:

12 372.65 Freshwater fish dealer's license.--

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

30 (g) Any individual or business issued an aquaculture  
31 certificate, pursuant to s. 597.004, shall be exempt from this

1 ~~section the aquaculture game fish license and the resident~~  
2 ~~freshwater fish dealer's license.~~ The commission is authorized  
3 to require that cultured game fish sold be tagged and to  
4 assess a fee of not more than 5 cents for each tag, which  
5 shall be furnished by the commission.

6 Section 20. Section 372.6672, Florida Statutes, is  
7 amended to read:

8 372.6672 Wild alligator management and trapping  
9 program implementation; commission authority.--

10 (1) For the purposes of this section, "wild alligator"  
11 means any alligator not bred, raised, harvested, or used on a  
12 farm.

13 (2)~~(1)~~ In any wild alligator management and trapping  
14 program that the Game and Fresh Water Fish Commission shall  
15 establish, the commission shall have the authority to adopt  
16 all rules necessary for full and complete implementation of  
17 such wild alligator management and trapping program, and, in  
18 order to ensure its lawful, safe, and efficient operation in  
19 accordance therewith, may:

20 (a) Regulate the marketing and sale of wild  
21 alligators, their hides, eggs, meat, and byproducts, including  
22 the development and maintenance of a state-sanctioned sale.

23 (b) Regulate the handling and processing of wild  
24 alligators, their eggs, hides, meat, and byproducts, for the  
25 lawful, safe, and sanitary handling and processing of same.

26 ~~(c) Regulate commercial alligator farming facilities~~  
27 ~~and operations for the captive propagation and rearing of~~  
28 ~~alligators and their eggs.~~

29 (c)~~(d)~~ Provide hide-grading services by two or more  
30 individuals pursuant to state-sanctioned sales if rules are  
31 first promulgated by the commission governing:

- 1           1. All grading-related services to be provided  
2 pursuant to this section;
- 3           2. Criteria for qualifications of persons to serve as  
4 hide-graders for grading services to be provided pursuant to  
5 this section; and
- 6           3. The certification process by which hide-graders  
7 providing services pursuant to this section will be certified.
- 8           (d)~~(e)~~ Provide sales-related services by contract  
9 pursuant to state-sanctioned sales if rules governing such  
10 services are first promulgated by the commission.
- 11           (3)~~(2)~~ All contractors of the commission for the  
12 grading, marketing, and sale of alligators and their hides,  
13 eggs, meat, and byproducts shall not engage in any act  
14 constituting a conflict of interest under part III of chapter  
15 112.
- 16           (4)~~(3)~~ The commission shall provide adequate notice of  
17 state-sanctioned sales and may maintain a list of known hide  
18 buyers and provide notice of state sales by mail. Nothing  
19 herein shall authorize the commission to engage in marketing  
20 or promotion of the sale of alligator hides or products other  
21 than by providing the public notice described herein. The  
22 commission is authorized to market alligator hides or products  
23 obtained as a result of its law enforcement actions or its  
24 nuisance alligator control programs.
- 25           (5)~~(4)~~ The powers and duties of the commission  
26 hereunder shall not be construed so as to supersede the  
27 regulatory authority or lawful responsibility of the  
28 Department of Health ~~and Rehabilitative Services~~, the  
29 Department of Agriculture and Consumer Services, or any local  
30 governmental entity regarding the processing or handling of  
31 food products, but shall be deemed supplemental thereto.

1           Section 21. Subsection (5) is added to section  
2 403.0885, Florida Statutes, to read:

3           403.0885 Establishment of federally approved state  
4 National Pollutant Discharge Elimination System (NPDES)  
5 Program.--

6           (5) Certified aquaculture operations under s. 597.004  
7 whose annual production and water discharge are less than the  
8 parameters established by the NPDES program are exempt from  
9 wastewater management regulations if the operations follow  
10 available best management practices, including, but not  
11 limited to, those listed in the Department of Agriculture and  
12 Consumer Services' publication number M90G7, entitled "Best  
13 Management Practices for Aquaculture Water Quality."

14           Section 22. Section 597.002, Florida Statutes, is  
15 amended to read:

16           597.002 Legislative declaration of public policy  
17 respecting aquaculture.--The Legislature declares that  
18 aquaculture is agriculture and, as such, the Department of  
19 Agriculture and Consumer Services shall be the primary agency  
20 responsible for regulating aquaculture, any other law to the  
21 contrary notwithstanding. The only exceptions are those areas  
22 required by federal law, rule, or cooperative agreement to be  
23 regulated by another agency. The Legislature declares that, in  
24 order to effectively support the growth of aquaculture in this  
25 state, there is a need for a state aquaculture plan that will  
26 provide for the coordination and prioritization of state  
27 aquaculture efforts and the conservation and enhancement of  
28 aquatic resources and will provide mechanisms for increasing  
29 aquaculture production which may lead to the creation of new  
30 industries, job opportunities, income for aquaculturists, and  
31 other benefits to the state. The state aquaculture plan shall

1 guide the research and development of the aquaculture  
2 industry. Funds designated by the Legislature for aquaculture  
3 research and development or for contracting for aquaculture  
4 research and development shall be used to address the projects  
5 and activities designated in the state aquaculture plan. Any  
6 entity receiving legislative funding for aquaculture research  
7 and development programs shall report annually to the  
8 department all activities related to aquaculture to facilitate  
9 coordination and compliance with the state aquaculture plan.

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

12 597.003 Powers and duties of Department of Agriculture  
13 and Consumer Services.--

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

18 (j) Issue or deny any license or permit authorized or  
19 delegated to the department by the Legislature or through  
20 memorandum of understanding with other state or federal  
21 agencies that furthers the intent of the Legislature to place  
22 the regulation of aquaculture in the department.

23 Section 24. Section 597.004, Florida Statutes, is  
24 amended to read:

25 597.004 Aquaculture certificate of registration.--

26 (1) CERTIFICATION.--

27 (a) Any person engaging in aquaculture must be  
28 certified by the department. The applicant for a certificate  
29 of registration shall submit the following to the department:

- 30 1. Applicant's name/title.
- 31 2. Company name.

- 1           3. Complete mailing address.
- 2           4. Legal property description of all aquaculture  
3 facilities.
- 4           5. Description of production facilities.
- 5           6. Aquaculture products to be produced.
- 6           7. Fifty dollar annual registration fee, ~~effective~~  
7 ~~July 1, 1997.~~
- 8           (b) Any aquatic plant producer permitted ~~certified~~ by  
9 the Game and Fresh Water Fish Commission ~~department~~ pursuant  
10 to s. 369.25 shall also be issued an aquaculture certificate  
11 of registration.
- 12           (c) Any alligator producer with an alligator farming  
13 license and permit to establish and operate an alligator farm  
14 ~~pursuant to the provisions and rules of chapter 372~~ shall be  
15 issued an aquaculture certificate of registration.
- 16           (2) FEES.--
- 17           ~~(a)~~ Effective July 1, 1997, all fees collected  
18 pursuant to this section shall be deposited into the General  
19 Inspection Trust Fund in the Department of Agriculture and  
20 Consumer Services.
- 21           ~~(b) For each aquaculture certificate of registration~~  
22 ~~issued pursuant to this section for freshwater fish operations~~  
23 ~~under chapter 372, \$40 shall be deposited into the State Game~~  
24 ~~Trust Fund in the Game and Fresh Water Fish Commission from~~  
25 ~~the General Inspection Trust Fund in the Department of~~  
26 ~~Agriculture and Consumer Services.~~
- 27           (3) IDENTIFICATION OF AQUACULTURE  
28 PRODUCTS.--Aquaculture products shall be identified while  
29 possessed, processed, transported, or sold as provided in this  
30 subsection, except those subject to the requirements of  
31



1 chapter 372 and the rules of the Game and Fresh Water Fish  
2 Commission as they relate to alligators only.

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

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

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

19 (4) SALE OF AQUACULTURE PRODUCTS.--

20 (a) Aquaculture products, except shellfish, snook, and  
21 endangered or threatened freshwater aquatic species ~~identified~~  
22 ~~in chapter 372 and rules of the Game and Fresh Water Fish~~  
23 ~~Commission~~, may be sold without restriction so long as product  
24 origin can be identified.

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

29 (5) REGISTRATION AND RENEWALS.--

30 (a) ~~Not later than December 1, 1996~~, Each aquaculture  
31 producer must apply for an aquaculture certificate of

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

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

19 Section 25. (1) The amendments to ss. 370.027,  
20 370.06, 370.26, 372.0225, 372.65, 372.6672, 403.0885, 597.002,  
21 597.003, and 597.004, Florida Statutes, by this act are to  
22 implement Specific Appropriations 1116 and 1118 of the  
23 1998-1999 General Appropriations Act.

24 (2) The amendments to ss. 370.027, 370.06, 370.26,  
25 372.0225, 372.65, 372.6672, 403.0885, 597.002, 597.003, and  
26 597.004, Florida Statutes, by this act shall expire June 30,  
27 1999, and the text of said sections shall revert to that in  
28 existence on June 30, 1998, except that any amendments to such  
29 text enacted other than by this act shall be preserved and  
30 continue to operate to the extent that such amendments are not  
31 dependent upon the portions of said text which expire pursuant

1 to the provisions of this act. The Statutory Revision Division  
2 of the Joint Legislative Management Committee, or its  
3 successor, shall include in an appropriate reviser's bill any  
4 amendments to said sections which are necessary to give effect  
5 to the legislative intent expressed in this section.

6       Section 26. In order to implement Specific  
7 Appropriations 1507D through 1507J of the General  
8 Appropriations Act, the Marine Fisheries Commission is  
9 transferred to the Game and Fresh Water Fish Commission by a  
10 type two transfer, as defined in s. 20.06(2), Florida  
11 Statutes. The Marine Fisheries Commission shall retain all of  
12 its current statutory powers, duties, and functions; and its  
13 administrative rules in effect immediately before the transfer  
14 shall remain in effect unless specifically changed in a manner  
15 provided by law. Subsequent to the transfer, future Marine  
16 Fisheries Commission rules, including those in process, shall  
17 be subject to the administrative procedures of chapter 120,  
18 Florida Statutes. The transfer of the Marine Fisheries  
19 Commission to the Game and Fresh Water Fish Commission by this  
20 section shall expire July 1, 1999, and the status of the  
21 Marine Fisheries Commission shall revert in a like type two  
22 transfer to the status it held on June 30, 1998; and the rules  
23 of the Marine Fisheries Commission in effect at the time of  
24 such reversion shall remain in effect until superseded in a  
25 manner provided by law.

26       Section 27. A section of this act that implements a  
27 specific appropriation or specifically identified proviso  
28 language in the 1998-1999 General Appropriations Act is void  
29 if the specific appropriation or specifically identified  
30 proviso language is vetoed. A section of this act that  
31 implements more than one specific appropriation or more than

1 one portion of specifically identified proviso language in the  
2 1998-1999 General Appropriations Act is void if all the  
3 specific appropriations or portions of specifically identified  
4 proviso language are vetoed.

5       Section 28. If any other act passed during the 1998  
6 Regular Session of the Legislature or any extension thereof  
7 contains a provision which is substantively the same as a  
8 provision in this act, but which removes or is otherwise not  
9 subject to the future repeal applied to such provision by this  
10 act, the Legislature intends that the provision in the other  
11 act shall take precedence and shall continue to operate,  
12 notwithstanding the future repeal provided by this act.

13       Section 29. If any provision of this act or the  
14 application thereof to any person or circumstance is held  
15 invalid, the invalidity shall not affect other provisions or  
16 applications of the act which can be given effect without the  
17 invalid provision or application, and to this end the  
18 provisions of this act are declared severable.

19       Section 30. This act shall take effect July 1, 1998;  
20 or, in the event this act fails to become a law until after  
21 that date, it shall operate retroactively thereto.

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HOUSE SUMMARY

For the purpose of implementing the 1998-1999 General Appropriations Act in the area of general government, appropriates certain funds from the Florida Coastal Protection Trust Fund for the purpose of funding beach renourishment and restoration and inlet management, provides for use of moneys allocated to the Solid Waste Management Trust Fund, transfers regulation of aquatic plant control from the Department of Environmental Protection to the Game and Fresh Water Fish Commission, provides an exception to rulemaking authority of the Marine Fisheries Commission with respect to specified marine life, provides that marine aquaculture producers shall be regulated by the Department of Agriculture and Consumer Services, revises provisions relating to issuance and renewal of saltwater products licenses and special activity licenses, defines the term "marine aquaculture facility," deletes requirements of an Aquaculture Section in the Department of Environmental Protection, provides additional duties of the Department of Agriculture and Consumer Services relating to aquaculture, authorizes delegation of regulatory authority for certain aquaculture facilities, revises responsibilities of the Division of Fisheries of the Game and Fresh Water Fish Commission relating to freshwater organisms, authorizes exemption for freshwater fish dealer's license, defines the term "wild alligator" for purposes of management and trapping, provides exemptions from the state National Pollutant Discharge Elimination System program, clarifies jurisdiction over aquaculture activities, expands the powers and duties of the Department of Agriculture and Consumer Services, revises provisions relating to aquaculture certificate of registration, and transfers the Marine Fisheries Commission to the Game and Fresh Water Fish Commission.