

By the Committee on Agriculture and Representative Bronson

1 A bill to be entitled
2 An act relating to aquaculture; amending s.
3 370.027, F.S.; providing an exception to
4 rulemaking authority of the Marine Fisheries
5 Commission with respect to specified marine
6 life; providing that marine aquaculture
7 producers shall be regulated by the Department
8 of Agriculture and Consumer Services; amending
9 s. 370.06, F.S.; revising provisions relating
10 to issuance and renewal of saltwater products
11 licenses and special activity licenses;
12 amending s. 370.26, F.S., relating to
13 aquaculture definitions; defining the term
14 "marine aquaculture facility"; deleting
15 requirements of an Aquaculture Section in the
16 Department of Environmental Protection;
17 providing duties of the Department of
18 Agriculture and Consumer Services; authorizing
19 delegation of regulatory authority for certain
20 aquaculture facilities; amending s. 372.0225,
21 F.S.; revising responsibilities of the Division
22 of Fisheries of the Game and Fresh Water Fish
23 Commission relating to freshwater organisms;
24 amending s. 372.65, F.S.; authorizing exemption
25 for freshwater fish dealer's license; amending
26 s. 403.0885, F.S.; providing exemptions from
27 the state National Pollutant Discharge
28 Elimination System program; amending s.
29 597.002, F.S.; clarifying jurisdiction over
30 aquaculture activities; amending s. 597.003,
31 F.S.; expanding the powers and duties of the

1 Department of Agriculture and Consumer Services
2 relating to regulation of aquaculture; amending
3 s. 597.004, F.S.; revising provisions relating
4 to aquaculture certificate of registration;
5 providing an effective date.
6

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

9 Section 1. Subsections (1), (2), and (4) of section
10 370.027, Florida Statutes, are amended to read:

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

13 (1) Pursuant to the policy and standards in s.
14 370.025, the Marine Fisheries Commission is delegated full
15 rulemaking authority over marine life, with the exception of
16 marine aquaculture products produced by an individual
17 certified under s. 597.004 and endangered species, subject to
18 final approval by the Governor and Cabinet sitting as the
19 Board of Trustees of the Internal Improvement Trust Fund, in
20 the areas of concern herein specified. The commission is
21 instructed to make recommendations annually to the Governor
22 and Cabinet regarding the marine fisheries research priorities
23 and funding of the Department of Environmental Protection. All
24 administrative and enforcement responsibilities which are
25 unaffected by the specific provisions of this act continue to
26 be the responsibility of the Department of Environmental
27 Protection. The authority to regulate fishing gear in
28 residential, manmade saltwater canals is specifically not
29 delegated to the commission and is retained by the
30 Legislature.
31

1 (2) Exclusive rulemaking authority in the following
2 areas relating to marine life, with the exception of marine
3 aquaculture products produced by individuals certified under
4 s. 597.004 and endangered species, is vested in the
5 commission; any conflicting authority of any division or
6 bureau of the department or any other agency of state
7 government is withdrawn as of the effective date of the rule
8 proposed by the commission and approved by the Governor and
9 Cabinet, and the inconsistent rule, or the inconsistent part
10 thereof, is superseded to the extent of the inconsistency:
11 (a) Gear specifications;
12 (b) Prohibited gear;
13 (c) Bag limits;
14 (d) Size limits;
15 (e) Species that may not be sold;
16 (f) Protected species;
17 (g) Closed areas, except for public health purposes;
18 (h) Quality control, except for oysters, clams,
19 mussels, and crabs, unless such authority is delegated to the
20 Department of Agriculture and Consumer Services;
21 (i) Seasons; and
22 (j) Special considerations relating to eggbearing
23 females.
24 (4) Marine aquaculture producers shall be regulated by
25 the Department of Agriculture and Consumer Services. Marine
26 aquaculture products produced by a marine aquaculture
27 producer, certified pursuant to s. 597.004, are exempt from
28 Marine Fisheries Commission resource management rules, with
29 the exception of such rules governing any fish of ~~or~~ the genus
30 Centropomus (snook), the genus Sciaenops (red drum), or the
31 genus Cynoscion (spotted sea trout). Marine Fisheries

1 Commission rules relating to the aquacultural production of
2 red drum and spotted sea trout must be developed and adopted
3 by the commission no later than 1 year from October 1, 1996.

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

7 370.06 Licenses.--

8 (2) SALTWATER PRODUCTS LICENSE.--

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

1 for-profit corporation if it certifies that at least \$5,000 of
2 its income is attributable to the sale of saltwater products
3 pursuant to a license issued under this paragraph or a similar
4 license from another state. However, if at least 50 percent of
5 the annual income of a person, firm, or for-profit corporation
6 is derived from charter fishing, the person, firm, or
7 for-profit corporation must certify that at least \$2,500 of
8 the income of the person, firm, or corporation is attributable
9 to the sale of saltwater products pursuant to a license issued
10 under this paragraph or a similar license from another state,
11 in order to be issued the endorsement. Such income attribution
12 must apply to at least 1 year out of the last 3 years. For the
13 purpose of this section "income" means that income which is
14 attributable to work, employment, entrepreneurship, pensions,
15 retirement benefits, and social security benefits. To renew an
16 existing restricted species endorsement, marine aquaculture
17 producers possessing a valid saltwater products license with a
18 restricted species endorsement may apply income from the sale
19 of marine aquaculture products to licensed wholesale dealers.

20 1. The department is authorized to require
21 verification of such income. Acceptable proof of income earned
22 from the sale of saltwater products shall be:

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

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

28 c. A copy of the applicable federal income tax return,
29 including Form 1099 attachments, verifying income earned from
30 the sale of saltwater products;

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

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

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

18 2. Exceptions from income requirements shall be as
19 follows:

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

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

26 c. Upon the sale of a used commercial fishing vessel
27 owned by a person, firm, or corporation possessing or eligible
28 for a restricted species endorsement, the purchaser of such
29 vessel shall be exempted from the qualifying income
30 requirement for the purpose of obtaining a restricted species
31

1 endorsement for a period of 1 year after purchase of the
2 vessel.

3 d. Upon the death or permanent disablement of a person
4 possessing a restricted species endorsement, an immediate
5 family member wishing to carry on the fishing operation shall
6 be exempted from the qualifying income requirement for the
7 purpose of obtaining a restricted species endorsement for a
8 period of 1 year after the death or disablement.

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

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

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

1 registration decal issued each year pursuant to s.
2 327.11(5)~~(7)~~ and shall indicate the period of time such
3 license is valid. The saltwater products license decal shall
4 be placed beside the vessel registration decal and, in the
5 case of an undocumented vessel, shall be placed so that the
6 vessel registration decal lies between the vessel registration
7 number and the saltwater products license decal. Any saltwater
8 products license decal for a previous year shall be removed
9 from a vessel operating on the waters of the state. A resident
10 shall pay an annual license fee of \$50 for a saltwater
11 products license issued in the name of an individual or \$100
12 for a saltwater products license issued to a valid boat
13 registration number. A nonresident shall pay an annual license
14 fee of \$200 for a saltwater products license issued in the
15 name of an individual or \$400 for a saltwater products license
16 issued to a valid boat registration number. An alien shall pay
17 an annual license fee of \$300 for a saltwater products license
18 issued in the name of an individual or \$600 for a saltwater
19 products license issued to a valid boat registration number.
20 Any person who sells saltwater products pursuant to this
21 license may sell only to a licensed wholesale dealer. A
22 saltwater products license must be presented to the licensed
23 wholesale dealer each time saltwater products are sold, and an
24 imprint made thereof. The wholesale dealer shall keep records
25 of each transaction in such detail as may be required by rule
26 of the Department of Environmental Protection not in conflict
27 with s. 370.07(6), and shall provide the holder of the
28 saltwater products license with a copy of the record. It is
29 unlawful for any licensed wholesale dealer to buy saltwater
30 products from any unlicensed person under the provisions of
31 this section, except that a licensed wholesale dealer may buy

1 from another licensed wholesale dealer. It is unlawful for any
2 licensed wholesale dealer to buy saltwater products designated
3 as "restricted species" from any person, firm, or corporation
4 not possessing a restricted species endorsement on his or her
5 saltwater products license under the provisions of this
6 section, except that a licensed wholesale dealer may buy from
7 another licensed wholesale dealer. The Department of
8 Environmental Protection shall be the licensing agency, may
9 contract with private persons or entities to implement aspects
10 of the licensing program, and shall establish by rule a marine
11 fisheries information system in conjunction with the licensing
12 program to gather fisheries data.

13 (4) SPECIAL ACTIVITY LICENSES.--

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

28 (b) The department is authorized to issue special
29 activity licenses in accordance with this section and s.
30 370.31, to permit the importation, possession, and aquaculture
31 of anadromous sturgeon. The special activity license shall

1 provide for specific ~~best~~ management practices to prevent the
2 release and escape of cultured anadromous sturgeon and to
3 protect indigenous populations of saltwater species from
4 sturgeon-borne disease.

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

7 370.26 Aquaculture definitions; marine aquaculture
8 products, ~~and~~ producers, and facilities.--

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

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

18 1. Facilities that maintain marine aquatic organisms
19 exclusively for the purpose of shipping, distribution,
20 marketing, or wholesale and retail sales;

21 2. Facilities that maintain marine aquatic organisms
22 for noncommercial, education, exhibition, or scientific
23 purposes;

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

26 4. Facilities used by marine aquarium hobbyists.

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

30 (c)~~(b)~~ "Marine aquaculture product" means any product
31 derived from marine aquatic organisms that are owned and

1 propagated, ~~and~~ grown, or produced under controlled conditions
2 by a person holding an aquaculture certificate pursuant to s.
3 597.004. Such product does not include organisms harvested
4 from the wild for depuration, wet storage, or relayed for the
5 purpose of controlled purification. Marine aquaculture
6 products are considered saltwater products for the purposes of
7 this chapter, except the holder of an aquaculture certificate
8 is not required to purchase and possess a saltwater products
9 license in order to possess, transport, or sell marine
10 aquaculture products pursuant to s. 370.06. The holder of an
11 aquaculture certificate must purchase and possess a saltwater
12 products license in order to possess, transport, or ~~and~~ sell
13 saltwater products not specifically provided for in s.
14 597.004.

15 (2) The Department of Environmental Protection shall
16 encourage the development of aquaculture and the production of
17 aquaculture products.

18 ~~(3) The department shall establish an Aquaculture~~
19 ~~Section within the Bureau of Marine Resource Regulation and~~
20 ~~Development within the Division of Marine Resources.~~

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

31

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

11 (6) ~~Until such time that~~ aquaculture general permits
12 under s. 403.088 can be expanded and developed, the department
13 shall establish criteria to temporarily permit aquaculture
14 activities that may be presumed not to result in adverse
15 environmental impacts. The criteria developed pursuant to this
16 subsection do not constitute rules within the meaning of s.
17 120.52. Permit application fees under this subsection shall be
18 no more than that established for a general permit. The
19 department may delegate to the water management districts the
20 regulatory authority for aquaculture facilities subject to the
21 temporary general permitting criteria of this subsection.
22 During the period prior to development of a general permit
23 under s. 403.088, the department shall establish a compliance
24 plan based on monitoring results that will assist in the
25 development of the general permit.

26 Section 4. Subsection (1) of section 372.0225, Florida
27 Statutes, is amended to read:

28 372.0225 Freshwater organisms.--

29 (1) The Division of Fisheries of the Game and Fresh
30 Water Fish Commission, in order to manage the promotion,
31 marketing, and quality control of all freshwater organisms

1 produced in Florida and utilized commercially so that such
2 organisms shall be used to produce the optimum sustained yield
3 consistent with the protection of the breeding stock, is
4 directed and charged with the responsibility of:

5 (a) Providing for the regulation of the promotion,
6 marketing, and quality control of freshwater organisms
7 produced in Florida and utilized commercially.

8 (b) Regulating the processing of commercial freshwater
9 organisms on the water or on the shore.

10 (c) Providing documentation standards and statistical
11 record requirements with respect to commercial freshwater
12 organism catches.

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

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

17 Section 5. Paragraph (g) of subsection (1) of section
18 372.65, Florida Statutes, is amended to read:

19 372.65 Freshwater fish dealer's license.--

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

1 issued and is so affixed. The failure of such person to
2 exhibit such license to the commission or any of its wildlife
3 officers when such person is found engaging in such business
4 is a violation of law. The license fees and activities
5 permitted under particular licenses are as follows:

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

14 Section 6. Subsection (5) is added to section
15 403.0885, Florida Statutes, to read:

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

19 (5) Certified aquaculture operations under s. 597.004
20 whose annual production and water discharge are less than the
21 parameters established by the NPDES program are exempt from
22 wastewater management regulations if the operations are
23 authorized by the United States Environmental Protection
24 Agency and follow available best management practices,
25 including, but not limited to, those listed in the Department
26 of Agriculture and Consumer Services' publication number
27 M90G7, entitled "Best Management Practices for Aquaculture
28 Water Quality."

29 Section 7. Section 597.002, Florida Statutes, is
30 amended to read:

31

1 597.002 Legislative declaration of public policy
2 respecting aquaculture.--The Legislature declares that
3 aquaculture is agriculture and, as such, the Department of
4 Agriculture and Consumer Services shall be the primary agency
5 responsible for regulating aquaculture, any other law to the
6 contrary notwithstanding. The only exceptions are those areas
7 required by federal law, rule, or cooperative agreement to be
8 regulated by another agency. The Legislature declares that, in
9 order to effectively support the growth of aquaculture in this
10 state, there is a need for a state aquaculture plan that will
11 provide for the coordination and prioritization of state
12 aquaculture efforts and the conservation and enhancement of
13 aquatic resources and will provide mechanisms for increasing
14 aquaculture production which may lead to the creation of new
15 industries, job opportunities, income for aquaculturists, and
16 other benefits to the state. The state aquaculture plan shall
17 guide the research and development of the aquaculture
18 industry. Funds designated by the Legislature for aquaculture
19 research and development or for contracting for aquaculture
20 research and development shall be used to address the projects
21 and activities designated in the state aquaculture plan. Any
22 entity receiving legislative funding for aquaculture research
23 and development programs shall report annually to the
24 department all activities related to aquaculture to facilitate
25 coordination and compliance with the state aquaculture plan.

26 Section 8. Paragraph (j) is added to subsection (1) of
27 section 597.003, Florida Statutes, to read:

28 597.003 Powers and duties of Department of Agriculture
29 and Consumer Services.--

30 (1) The department is hereby designated as the lead
31 agency in encouraging the development of aquaculture in the

1 state and shall have and exercise the following functions,
2 powers, and duties with regard to aquaculture:

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

8 Section 9. Section 597.004, Florida Statutes, is
9 amended to read:

10 597.004 Aquaculture certificate of registration.--

11 (1) CERTIFICATION.--

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

15 1. Applicant's name/title.

16 2. Company name.

17 3. Complete mailing address.

18 4. Legal property description of all aquaculture
19 facilities.

20 5. Description of production facilities.

21 6. Aquaculture products to be produced.

22 7. Fifty dollar annual registration fee, ~~effective~~
23 ~~July 1, 1997.~~

24 (b) Any aquatic plant producer permitted ~~certified~~ by
25 the Game and Fresh Water Fish Commission ~~department~~ pursuant
26 to s. 369.25 shall also be issued an aquaculture certificate
27 of registration.

28 (c) Any alligator producer with an alligator farming
29 license and permit to establish and operate an alligator farm
30 ~~pursuant to the provisions and rules of chapter 372~~ shall be
31 issued an aquaculture certificate of registration.

1 (2) FEES.--

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

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

12 (3) IDENTIFICATION OF AQUACULTURE

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

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

23 (b) Marine aquaculture products shall be transported
24 in containers that separate such product from wild stocks, and
25 shall be identified by tags or labels that are securely
26 attached and clearly displayed.

27 (c) Each aquaculture registrant who sells food
28 products labeled as "aquaculture or farm raised" must have
29 such products containerized and clearly labeled in accordance
30 with s. 500.11. Label information must include the name,
31 address, and aquaculture certification number. This

1 requirement is designed to segregate the identity of wild and
2 aquaculture products.

3 (4) SALE OF AQUACULTURE PRODUCTS.--

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

9 (b) Aquaculture shellfish must be sold and handled in
10 accordance with shellfish handling regulations of the
11 Department of Environmental Protection established to protect
12 public health.

13 (5) REGISTRATION AND RENEWALS.--

14 (a) ~~Not later than December 1, 1996,~~Each aquaculture
15 producer must apply for an aquaculture certificate of
16 registration with the department and submit the appropriate
17 fee. Upon department approval, the department shall issue the
18 applicant an aquaculture certificate of registration ~~only~~ for
19 a the period of 1 year covering December 1, 1996, through June
20 30, 1997. ~~The department shall not require a registration fee~~
21 ~~only for the period covering December 1, 1996, through June~~
22 ~~30, 1997.~~ ~~However,~~Beginning July 1, 1997, and each year
23 thereafter, each aquaculture certificate of registration must
24 be renewed with fee, pursuant to this chapter, on July 1.

25 (b) ~~No later than October 1, 1996,~~The department
26 shall send notices of registration to all aquaculture
27 producers of record requiring them to register for an
28 aquaculture certificate. ~~Thereafter, the department shall send~~
29 a Renewal notices shall be sent notice to the registrant 60
30 days preceding the termination date of the certificate of
31 registration. Prior to the termination date, the registrant

1 must return a completed renewal form with fee, pursuant to
2 this chapter, to the department.

3 Section 10. This act shall take effect July 1 of the
4 year in which enacted.

5
6 *****

7 HOUSE SUMMARY

8
9 Provides an exception to rulemaking authority of the
10 Marine Fisheries Commission with respect to specified
11 marine life. Provides that marine aquaculture producers
12 shall be regulated by the Department of Agriculture and
13 Consumer Services. Revises provisions relating to
14 issuance and renewal of saltwater products licenses and
15 special activity licenses. Defines the term "marine
16 aquaculture facility." Deletes requirements of an
17 Aquaculture Section in the Department of Environmental
18 Protection. Provides additional duties of the Department
19 of Agriculture and Consumer Services relating to
20 aquaculture. Authorizes delegation of regulatory
21 authority for certain aquaculture facilities. Revises
22 responsibilities of the Division of Fisheries of the Game
23 and Fresh Water Fish Commission relating to freshwater
24 organisms. Authorizes exemption for freshwater fish
25 dealer's license. Provides exemptions from the state
26 National Pollutant Discharge Elimination System program.
27 Clarifies jurisdiction over aquaculture activities.
28 Expands the powers and duties of the Department of
29 Agriculture and Consumer Services relating to regulation
30 of aquaculture. Revises provisions relating to
31 aquaculture certificate of registration. See bill for
details.