

By Senator Laurent

17-880-99

1 A bill to be entitled
 2 An act relating to aquaculture; amending s.
 3 370.027, F.S.; providing that marine
 4 aquaculture products are exempt from Fish and
 5 Wildlife Conservation Commission rules;
 6 amending s. 370.06, F.S.; deleting the
 7 aquaculture of anadromous sturgeon from
 8 licensure; requiring that specific management
 9 practices be incorporated into special activity
 10 licenses; amending s. 370.10, F.S.; authorizing
 11 the taking of saltwater species for
 12 aquacultural purposes; amending s. 370.26,
 13 F.S.; redefining the terms "marine product
 14 facility" and "marine aquaculture producer";
 15 amending s. 372.0025, F.S.; providing for
 16 regulatory responsibilities over the Florida
 17 Aquaculture Policy Act; amending s. 372.65,
 18 F.S.; providing for an exemption; amending s.
 19 597.0015, F.S.; redefining the term
 20 "aquaculture producers"; amending s. 597.004,
 21 F.S.; providing for restrictions on aquaculture
 22 certificates; amending s. 597.0041, F.S.;
 23 providing for the revocation of certificates;
 24 providing an effective date.

25
 26 Be It Enacted by the Legislature of the State of Florida:

27
 28 Section 1. Subsection (4) of section 370.027, Florida
 29 Statutes, 1998 Supplement, is amended to read:

30 370.027 Rulemaking authority with respect to marine
 31 life.--

1 (4) Marine aquaculture producers shall be regulated by
2 the Department of Agriculture and Consumer Services. Marine
3 aquaculture products produced by a marine aquaculture
4 producer, certified pursuant to s. 597.004, are exempt from
5 Fish and Wildlife Conservation ~~Marine Fisheries~~ Commission
6 resource management rules, ~~with the exception of such rules~~
7 ~~governing any fish of the genus Centropomus (snook), the genus~~
8 ~~Sciaenops (red drum), or the genus Cynoscion (spotted sea~~
9 ~~trout). Marine Fisheries Commission rules relating to the~~
10 ~~aquacultural production of red drum and spotted sea trout must~~
11 ~~be developed and adopted by the commission no later than 1~~
12 ~~year from October 1, 1996.~~

13 Section 2. Paragraphs (b) and (d) of subsection (4) of
14 section 370.06, Florida Statutes, 1998 Supplement, are amended
15 to read:

16 370.06 Licenses.--

17 (4) SPECIAL ACTIVITY LICENSES.--

18 (b) The department is authorized to issue special
19 activity licenses in accordance with this section and s.
20 370.31, to permit the importation and, ~~possession,~~ ~~and~~
21 ~~aquaculture~~ of wild anadromous sturgeon. The special activity
22 license shall provide for the protection of specific
23 ~~management practices to prevent the release and escape of~~
24 ~~cultured anadromous sturgeon and to protect~~ indigenous
25 populations of saltwater species.

26 (d) The conditions and specific management practices
27 established in this section shall ~~may~~ be incorporated into
28 permits and authorizations issued pursuant to chapter 253,
29 chapter 373, chapter 403, or this chapter, when incorporating
30 such provisions is in accordance with the aquaculture permit
31 consolidation procedures. No separate issuance of a special

1 activity license is required when conditions and specific
2 management practices are incorporated into permits or
3 authorizations under this paragraph. Implementation of this
4 section to consolidate permitting actions does not constitute
5 rules within the meaning of s. 120.52.

6 Section 3. Subsection (2) of section 370.10, Florida
7 Statutes, 1998 Supplement, is amended to read:

8 370.10 Crustacea, marine animals, fish; regulations;
9 general provisions.--

10 (2) TAKING SALTWATER SPECIES FOR EXPERIMENTAL,
11 AQUACULTURAL, SCIENTIFIC, EDUCATION, AND EXHIBITION
12 PURPOSES.--Notwithstanding any other provisions of general or
13 special law to the contrary, the department may authorize,
14 upon such terms, conditions, and restrictions as it may
15 prescribe by rule, any properly accredited person to harvest
16 or possess indigenous or nonindigenous saltwater species for
17 experimental, scientific, education, and exhibition purposes
18 or to harvest or possess reasonable quantities of aquacultural
19 species for brood stock. Such authorizations may allow
20 collection of specimens without regard to, and not limited to,
21 size, seasonal closure, collection method, reproductive state,
22 or bag limit. Authorizations issued under the provisions of
23 this section may be suspended or revoked by the department if
24 it finds that the person has violated this section, department
25 rules or orders, or terms or conditions of the authorization
26 or has submitted false or inaccurate information in his or her
27 application.

28 Section 4. Paragraphs (a) and (b) of subsection (1) of
29 section 370.26, Florida Statutes, 1998 Supplement, are amended
30 to read:

31

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

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

4 (a) "Marine aquaculture product facility" means a
5 facility built and operated for the purpose of producing
6 marine aquaculture products. Marine aquaculture product
7 facilities contain culture systems such as, but not limited
8 to, ponds, tanks, raceways, cages, and bags used for
9 commercial production, propagation, growout, or product
10 enhancement of marine products. Marine aquaculture product
11 facilities 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 in which the activity does not require
19 an aquaculture certification pursuant to s. 597.004; or

20 4. Facilities used by marine aquarium hobbyists.

21 (b) "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 Section 5. Subsection (2) of section 372.0225, Florida
25 Statutes, 1998 Supplement, is amended to read:

26 372.0225 Freshwater organisms.--

27 (2) The responsibility with which the Division of
28 Fisheries is charged under subsection (1) shall in no way
29 supersede or duplicate the responsibilities of the Department
30 of Agriculture and Consumer Services under chapter 500, the
31 Florida Food Safety Act, chapter 597, the Florida Aquaculture

1 Policy Act, and the rules adopted thereunder ~~under that~~
2 ~~chapter~~.

3 Section 6. Paragraph (g) of subsection (1) of section
4 372.65, Florida Statutes, 1998 Supplement, is amended to read:

5 372.65 Freshwater fish dealer's license.--

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

23 (g) Any individual or business issued an aquaculture
24 certificate, pursuant to s. 597.004, shall be exempt from the
25 requirements of this chapter with respect to aquaculture
26 products authorized under such certificate. ~~The commission is~~
27 ~~authorized to require that cultured game fish sold be tagged~~
28 ~~and to assess a fee of not more than 5 cents for each tag,~~
29 ~~which shall be furnished by the commission.~~

30 Section 7. Subsection (2) of section 597.0015, Florida
31 Statutes, is amended to read:

1 597.0015 Definitions.--For purposes of this chapter,
2 the following terms shall have the following meanings:

3 (2) "Aquaculture producers" means those persons
4 engaging in the production ~~and sale~~ of aquaculture products
5 and certified under s. 597.004.

6 Section 8. Paragraph (h) of subsection (2), subsection
7 (4), paragraph (a) of subsection (5), and subsection (6) of
8 section 597.004, Florida Statutes, 1998 Supplement, are
9 amended to read:

10 597.004 Aquaculture certificate of registration.--

11 (2) NONSHELLFISH CERTIFICATION.--

12 (h) Any alligator producer with an alligator farming
13 license and permit to establish and operate an alligator farm
14 shall be issued an aquaculture certificate of registration
15 pursuant to subsection (1) above. This chapter does not
16 supercede the authority under chapter 372, chapter 373, or
17 chapter 403 to regulate alligator farms and alligator farmers.

18 (4) IDENTIFICATION OF AQUACULTURE
19 PRODUCTS.--Aquaculture products shall be identified while
20 possessed, processed, transported, or sold as provided in this
21 subsection, except those subject to the ~~requirements of~~
22 ~~chapter 372 and the rules of the~~ Fish and Wildlife
23 Conservation Game and Fresh Water Fish Commission as they
24 relate to alligators only.

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

30 (b) Marine aquaculture products shall be transported
31 in containers that separate such product from wild stocks, and

1 shall be identified by tags or labels that are securely
2 attached and clearly displayed.

3 (c) Each aquaculture registrant who sells food
4 products labeled as "aquaculture or farm raised" must have
5 such products containerized and clearly labeled in accordance
6 with s. 500.11. Label information must include the name,
7 address, and aquaculture certification number. This
8 requirement is designed to segregate the identity of wild and
9 aquaculture products.

10 (5) SALE OF AQUACULTURE PRODUCTS.--

11 (a) Aquaculture products, except shellfish, and
12 restricted freshwater species identified by ~~snook, spotted sea~~
13 ~~trout, red drum, and freshwater aquatic species identified in~~
14 ~~chapter 372 and rules of the Fish and Wildlife Conservation~~
15 ~~Game and Fresh Water Fish Commission~~, may be sold without
16 restriction so long as product origin can be identified.

17 (6) REGISTRATION AND RENEWALS.--

18 (a) Each aquaculture producer must apply for an
19 aquaculture certificate of registration with the department
20 and submit the appropriate fee. Upon department approval, the
21 department shall issue the applicant an aquaculture
22 certificate of registration for a period not to exceed ~~of~~ 1
23 year. Beginning July 1, 1997, and each year thereafter, each
24 aquaculture certificate of registration must be renewed with
25 fee, pursuant to this chapter, on July 1.

26 (b) The department shall send notices of registration
27 to all aquaculture producers of record requiring them to
28 register for an aquaculture certificate. Renewal notices shall
29 be sent to the registrant 60 days preceding the termination
30 date of the certificate of registration. Prior to the
31 termination date, the registrant must return a completed

1 renewal form with fee, pursuant to this chapter, to the
2 department.

3 (c) Any person whose certificate of registration has
4 been revoked or suspended must reapply to the department for
5 certification.

6 Section 9. Subsection (3) of section 597.0041, Florida
7 Statutes, is amended to read:

8 597.0041 Prohibited acts; penalties.--

9 (3) Any person certified under this chapter who has
10 been convicted of taking aquaculture species raised at a
11 certified facility shall have his or her certificate ~~license~~
12 revoked for 5 years by the Department of Agriculture and
13 Consumer Services pursuant to the provisions and procedures of
14 s. 120.60.

15 Section 10. This act shall take effect July 1, 1999.

16

17 *****

18 SENATE SUMMARY

19 Exempts marine aquaculture products from Fish and
20 Wildlife Conservation Commission rules. Deletes the
21 aquaculture of anadromous sturgeon from special activity
22 licenses. Requires that conditions and specific
23 management practices be incorporated into special
24 activity permits. Authorizes the taking of saltwater
25 species for aquacultural purposes. Redefines specific
26 terms relating to aquaculture. Clarifies regulatory
27 responsibility over the Florida Aquaculture Policy Act.
28 Provides for restrictions on and revocation of
29 aquaculture certificates.

25

26

27

28

29

30

31