

By the Committee on Natural Resources and Senators Laurent and Kirkpatrick

312-1945A-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 resource
6 management rules, except for snook; amending s.
7 370.06, F.S.; authorizing the Fish and Wildlife
8 Conservation Commission to issue special
9 activity permits for importation and possession
10 of sturgeon; requiring that specific management
11 practices be incorporated into special activity
12 licenses; amending s. 370.081, F.S.;
13 authorizing aquaculture producers to import and
14 possess sturgeon; amending s. 370.10, F.S.;
15 authorizing the taking of saltwater species for
16 aquacultural purposes; amending s. 370.1107,
17 F.S.; making it unlawful to interfere with live
18 bait traps; amending s. 370.26, F.S.;
19 redefining the terms "marine product facility"
20 and "marine aquaculture producer"; amending s.
21 370.31, F.S.; providing responsibilities for
22 the Sturgeon Production Working Group; amending
23 s. 372.0025, F.S.; providing for regulatory
24 responsibilities over the Florida Aquaculture
25 Policy Act; amending s. 372.65, F.S.; providing
26 for an exemption; amending s. 597.0015, F.S.;
27 redefining the term "aquaculture producers";
28 amending s. 597.004, F.S.; providing for
29 restrictions on aquaculture certificates;
30 amending s. 597.0041, F.S.; providing for the
31 revocation of certificates; creating s.

1 597.0045, F.S.; providing a cultured shellfish
2 theft reward program; providing for
3 administration; providing a severability
4 clause; providing an effective date.
5

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

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

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

12 (4) Marine aquaculture producers shall be regulated by
13 the Department of Agriculture and Consumer Services. The Fish
14 and Wildlife Conservation Commission shall adopt rules, by
15 March 1, 2000, to regulate the sale of farmed red drum and
16 spotted sea trout. These rules shall specifically provide for
17 the protection of the wild resource, without restricting a
18 certified aquaculture producer pursuant to s. 597.004 from
19 being able to sell farmed fish. To that extent, these rules
20 must only require that farmed fish be kept separate from wild
21 fish and be fed commercial feed, that farmed fish be placed in
22 sealed containers, that these sealed containers must have the
23 name, address, telephone number and aquaculture certificate
24 number, issued pursuant to s. 597.004, of the farmer clearly
25 and indelibly placed on the container, and that this
26 information must accompany the fish to the ultimate point of
27 sale. Marine aquaculture products produced by a marine
28 aquaculture producer, certified pursuant to s. 597.004, are
29 exempt from Fish and Wildlife Conservation ~~Marine Fisheries~~
30 Commission resource management rules, with the exception of
31 such rules governing any fish of the genus *Centropomus*

1 ~~(snook), the genus Sciaenops (red drum), or the genus~~
2 ~~Cynoscion (spotted sea trout). Marine Fisheries Commission~~
3 ~~rules relating to the aquacultural production of red drum and~~
4 ~~spotted sea trout must be developed and adopted by the~~
5 ~~commission no later than 1 year from October 1, 1996. By July~~
6 1, 2000, the Fish and Wildlife Conservation Commission shall
7 develop procedures to allow persons possessing a valid
8 aquaculture certificate of registration to sell and transport
9 live snook produced in private ponds or private hatcheries as
10 brood stock, to stock private ponds, or for aquarium display
11 consistent with the provisions of Rule 39-23.009, Florida
12 Administrative Code.

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 Fish and Wildlife Conservation Commission
19 ~~department~~ is authorized to issue special activity licenses in
20 accordance with this section and s. 370.31, to permit the
21 importation and possession, and aquaculture of wild
22 anadromous sturgeon. The commission is also authorized to
23 issue special activity licenses, in accordance with this
24 section and s. 370.31, to permit the importation, possession,
25 and aquaculture of native and nonnative anadromous sturgeon
26 until best-management practices are implemented for the
27 cultivation of anadromous sturgeon pursuant to s. 597.004.The
28 special activity license shall provide for specific management
29 practices to prevent the release and escape of cultured
30 anadromous sturgeon and to protect indigenous populations of
31 saltwater species.

1 (d) The conditions and specific management practices
2 established in this section shall ~~may~~ be incorporated into
3 permits and authorizations issued pursuant to chapter 253,
4 chapter 373, chapter 403, or this chapter, when incorporating
5 such provisions is in accordance with the aquaculture permit
6 consolidation procedures. No separate issuance of a special
7 activity license is required when conditions and specific
8 management practices are incorporated into permits or
9 authorizations under this paragraph. Implementation of this
10 section to consolidate permitting actions does not constitute
11 rules within the meaning of s. 120.52.

12 Section 3. Subsection (6) is added to section 370.081,
13 Florida Statutes, 1998 Supplement, to read:

14 370.081 Illegal importation or possession of
15 nonindigenous marine plants and animals; rules and
16 regulations.--

17 (6) Aquaculture producers certified pursuant to s.
18 597.004 may import and possess nonindigenous marine plants and
19 marine animals, except those specifically listed in subsection
20 (2) or prohibited by rule of the Fish and Wildlife
21 Conservation Commission.

22 Section 4. Subsection (2) of section 370.10, Florida
23 Statutes, 1998 Supplement, is amended to read:

24 370.10 Crustacea, marine animals, fish; regulations;
25 general provisions.--

26 (2) TAKING SALTWATER SPECIES FOR EXPERIMENTAL,
27 AQUACULTURAL, SCIENTIFIC, EDUCATION, AND EXHIBITION
28 PURPOSES.--Notwithstanding any other provisions of general or
29 special law to the contrary, the Fish and Wildlife
30 Conservation Commission ~~department~~ may authorize, upon such
31 terms, conditions, and restrictions as it may prescribe by

1 rule, any properly accredited person to harvest or possess
2 indigenous or nonindigenous saltwater species for
3 experimental, scientific, education, and exhibition purposes
4 or to harvest or possess reasonable quantities of aquacultural
5 species for brood stock. Such authorizations may allow
6 collection of specimens without regard to, and not limited to,
7 size, seasonal closure, collection method, reproductive state,
8 or bag limit. Authorizations issued under the provisions of
9 this section may be suspended or revoked by the Fish and
10 Wildlife Conservation Commission ~~department~~ if it finds that
11 the person has violated this section, Fish and Wildlife
12 Conservation Commission ~~department~~ rules or orders, or terms
13 or conditions of the authorization or has submitted false or
14 inaccurate information in his or her application.

15 Section 5. Present subsections (3) and (4) of section
16 370.1107, Florida Statutes, are renumbered as subsections (4)
17 and (5), respectively, and a new subsection (3) is added to
18 that section to read:

19 370.1107 Definition; possession of certain licensed
20 traps prohibited; penalties; exceptions; consent.--

21 (3) It is unlawful for any person, firm, corporation,
22 or association to possess, attempt to possess, interfere with,
23 attempt to interfere with, or remove live bait from a live
24 bait trap or cage of another person, firm, corporation, or
25 association. Unlawful possession of one or more live bait
26 traps or cages is a misdemeanor of the first degree,
27 punishable as provided in s. 775.082 or s. 775.083.

28 Section 6. 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 7. Section 370.31, Florida Statutes, is
25 amended to read:

26 370.31 Commercial production of sturgeon.--

27 (1) INTENT.--The Legislature finds and declares that
28 there is a need to encourage the continuation and advancement
29 of work being done on aquaculture sturgeon production in
30 keeping with the state's legislative public policy regarding
31 aquaculture provided in chapter 597. It also finds that it is

1 in the state's economic interest to promote the commercial
2 production and stock enhancement of sturgeon. It is therefore
3 the intent of the Legislature to hereby create a Sturgeon
4 Production Working Group.

5 (2) CREATION.--The Sturgeon Production Working Group
6 is created within the Department of Environmental Protection
7 and shall be composed of six members as follows:

8 (a) The head of the sturgeon research program or
9 designee from the University of Florida, Institute of Food and
10 Agricultural Sciences. Such member shall be appointed by the
11 University of Florida's Vice President for Agricultural
12 Affairs.

13 (b) One representative from the Department of
14 Environmental Protection to be appointed by the Secretary of
15 Environmental Protection.

16 (c) One representative from the Fish and Wildlife
17 Conservation Game and Fresh Water Fish Commission to be
18 appointed by the executive director of the Fish and Wildlife
19 Conservation Game and Fresh Water Fish Commission.

20 (d) One representative from the Department of
21 Agriculture and Consumer Services to be appointed by the
22 Commissioner of Agriculture.

23 (e) Two representatives from the aquaculture industry
24 to be appointed by the Aquaculture Review Council.

25 (3) MEETINGS; PROCEDURES; RECORDS.--The working group
26 shall meet at least twice a year and elect, by a quorum, a
27 chair, vice chair, and secretary. ~~However, the working group~~
28 ~~shall call its first meeting within 1 month after October 1,~~
29 ~~1996.~~

30 (a) The chair of the working group shall preside at
31 all meetings and shall call a meeting as often as necessary to

1 carry out the provisions of this section. To call a meeting,
2 the chair shall solicit an agreement to meet from at least two
3 other working group members and then notify any remaining
4 members of the meeting.

5 (b) The secretary shall keep a complete record of the
6 proceedings of each meeting, which includes the names of the
7 members present at each meeting and the actions taken. Such
8 records shall be kept on file with the Department of
9 Environmental Protection with copies filed with the Department
10 of Fisheries and Aquatic Sciences ~~Aquatics~~ at the University
11 of Florida. The records shall be public records pursuant to
12 chapter 119.

13 (c) A quorum shall consist of one representative from
14 the Department of Environmental Protection, one representative
15 from the Institute of Food and Agricultural Sciences, and at
16 least two other members.

17 (4) PURPOSE AND RESPONSIBILITIES.--The purpose of the
18 Sturgeon Production Working Group is to coordinate the
19 implementation of ~~establish~~ a state sturgeon production
20 management plan ~~aquaculture program~~ to promote the commercial
21 production and stock enhancement of sturgeon in Florida. In
22 carrying out this purpose, the working group shall:

23 (a) Establish a state sturgeon production management
24 plan ~~aquaculture program~~ to inform public or private
25 interested parties of how to aquaculturally produce sturgeon
26 for commercial purposes and for stock enhancement. The
27 sturgeon production management plan ~~program~~ shall:

28 1. Provide the regulatory policies for the commercial
29 production of ~~Determine how~~ sturgeon ~~can be produced~~
30 ~~commercially for its~~ meat and roe, including a strategy for
31

1 obtaining the required permits, licenses, authorizations, or
2 certificates in the state.

3 2. Provide the management practices for culturing
4 sturgeon and ensure that aquacultural development does not
5 impede the recovery and conservation of wild sturgeon
6 populations.

7 3. Establish priorities for research needed to support
8 the commercial production of sturgeon and the recovery of
9 native stocks in the state.

10 (b) Support management strategies to permit the
11 commercial production of native and nonnative sturgeon,
12 including the distribution of captive-bred Gulf sturgeon to
13 approved certified aquaculture facilities.

14 (c) Support the development of a cooperative sturgeon
15 conservation program to coordinate conservation, habitat, and
16 resource management programs for native sturgeon, including an
17 evaluation of how stock enhancement can facilitate the
18 conservation and recovery of native sturgeon populations.

19 (d) Seek federal cooperation to implement the sturgeon
20 production management plan, including federal designation of
21 captive-bred sturgeon as distinct population segments to
22 distinguish cultivated stocks from wild native populations.

23 (e) Develop enforcement guidelines to ensure continued
24 protection of wild native sturgeon populations.

25 (f) In furtherance of the purposes and
26 responsibilities of the Sturgeon Production Working Group, the
27 state shall:

28 1. Establish a program to coordinate conservation and
29 aquaculture activities for native sturgeon.

30 2. Develop a conservation plan for native sturgeon.

31

1 3. Initiate the process to petition for delisting
2 captive-bred shortnose sturgeon.

3 4. Initiate the process to petition for delisting
4 captive-bred Gulf sturgeon.

5 (g) Establish a sturgeon broodstock committee composed
6 of fishery scientists, fish farmers, and agency
7 representatives to manage the taking of wild sturgeon for
8 brood fish and spawning.

9 (h) Establish the Cooperative Broodstock Development
10 and Husbandry Board composed of fishery scientists, fish
11 farmers, and agency representatives to establish standards and
12 criteria for the management and maintenance of captive-reared
13 sturgeon, to collect biological data, and to administer the
14 Cooperative Broodstock Development and Husbandry Program.

15 ~~2. Determine how sturgeon can be used for stock~~
16 ~~enhancement in areas designated by the Department of~~
17 ~~Environmental Protection in consultation with the Sturgeon~~
18 ~~Production Working Group.~~

19 ~~(b) Seek federal help and cooperation in obtaining the~~
20 ~~appropriate permits to establish the state sturgeon~~
21 ~~aquaculture program.~~

22 ~~(c) Prepare a state sturgeon production and stock~~
23 ~~enhancement plan to implement the state sturgeon aquaculture~~
24 ~~program. The plan shall include, but not be limited to, the~~
25 ~~following:~~

26 ~~1. Research needed to support the commercial~~
27 ~~production of sturgeon for meat and roe and stock enhancement~~
28 ~~in the state.~~

29 ~~2. Studies needed to determine the economic impact on~~
30 ~~the state and the best marketing strategies for producing~~
31 ~~sturgeon for its meat and roe.~~

1 ~~3. Permits and other requirements currently needed to~~
2 ~~commercially produce sturgeon and enhance sturgeon stock in~~
3 ~~the state and a strategy for obtaining such permits or~~
4 ~~requirements.~~

5 ~~4. The timetable for implementation and completion of~~
6 ~~the plan's components.~~

7 ~~5. The implementation date for the state sturgeon~~
8 ~~aquaculture program.~~

9 ~~(d) Prepare a report to be submitted within 1 year~~
10 ~~after October 1, 1996, to the Governor, the President of the~~
11 ~~Senate, the Speaker of the House of Representatives, and the~~
12 ~~chairs of the legislative ways and means, appropriations, and~~
13 ~~agriculture committees. This report shall include, but not be~~
14 ~~limited to:~~

15 ~~1. The status of the state sturgeon aquaculture~~
16 ~~program.~~

17 ~~2. The status of the state sturgeon production and~~
18 ~~stock enhancement plan.~~

19 ~~3. Other Florida public or private agencies, if any,~~
20 ~~doing research on sturgeon production.~~

21 ~~4. Any recommendations necessary to carry out the~~
22 ~~purpose of this section.~~

23 Section 8. Subsection (2) of section 372.0225, Florida
24 Statutes, 1998 Supplement, is amended to read:

25 372.0225 Freshwater organisms.--

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

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

3 Section 9. 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 10. Subsection (2) of section 597.0015,
31 Florida 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 11. Paragraphs (b), (c), (d), and (h) of
7 subsection (2), subsection (4), paragraph (a) of subsection
8 (5), and subsection (6) of section 597.004, Florida Statutes,
9 1998 Supplement, are amended to read:

10 597.004 Aquaculture certificate of registration.--

11 (2) NONSHELLFISH CERTIFICATION.--

12 (b) The department, in consultation with the
13 Department of Environmental Protection, the water management
14 districts, environmental groups, and representatives from the
15 affected farming groups, shall adopt rules to:

16 1. Specify the requirement of best-management
17 practices to be implemented by holders of aquaculture
18 certificates of registration ~~property owners and leaseholders.~~

19 2. Establish procedures for holders of aquaculture
20 certificates of registration ~~property owners and leaseholders~~
21 to submit the notice of intent to comply with best-management
22 practices.

23 3. Establish schedules for implementation of
24 best-management practices, and of interim measures that can be
25 taken prior to adoption of best-management practices. Interim
26 measures may include the continuation of regulatory
27 requirements in effect on June 30, 1998.

28 4. Establish a system to assure the implementation of
29 best-management practices, including recordkeeping
30 requirements.

31

1 Rules adopted pursuant to this subsection shall become
2 effective pursuant to the applicable provisions of chapter
3 120, but must be submitted to the President of the Senate and
4 the Speaker of the House of Representatives for review by the
5 Legislature. The rules shall be referred to the appropriate
6 committees of substance and scheduled for review during the
7 first available regular session following adoption. Except as
8 otherwise provided by operation of law, such rules shall
9 remain in effect until rejected or modified by act of the
10 Legislature.

11 (c) Notwithstanding any provision of law, the
12 Department of Environmental Protection is not authorized to
13 institute proceedings against any person certified under this
14 section to recover any costs or damages associated with
15 contamination of groundwater or surface water, or the
16 evaluation, assessment, or remediation of contamination of
17 groundwater or surface water, including sampling, analysis,
18 and restoration of potable water supplies, where the
19 contamination of groundwater or surface water is determined to
20 be the result of aquaculture practices, provided the holder of
21 an aquaculture certificate of registration ~~property owner or~~
22 ~~leaseholder~~:

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

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

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

1 (d) There is a presumption of compliance with state
2 groundwater and surface water standards if the holder of an
3 aquaculture certificate of registration ~~property owner or~~
4 ~~leaseholder~~ implements best-management practices that have
5 been verified by the Department of Environmental Protection to
6 be effective at representative sites and complies with the
7 following:

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

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

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

17 (h) Any alligator producer with an alligator farming
18 license and permit to establish and operate an alligator farm
19 shall be issued an aquaculture certificate of registration
20 pursuant to subsection (1) above. This chapter does not
21 supersede the authority under chapter 372, chapter 373, or
22 chapter 403 to regulate alligator farms and alligator farmers.

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

30 (a) Aquaculture products shall be identified by an
31 aquaculture certificate of registration number from harvest to

1 point of sale. Any person who possesses aquaculture products
2 must show, by appropriate receipt, bill of sale, bill of
3 lading, or other such manifest where the product originated.

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

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

15 (5) SALE OF AQUACULTURE PRODUCTS.--

16 (a) Aquaculture products, except shellfish, snook, and
17 any fish of the genus Micropterus, and prohibited and
18 restricted freshwater and marine species identified by snook,
19 spotted sea trout, red drum, and freshwater aquatic species
20 identified in chapter 372 and rules of the Fish and Wildlife
21 Conservation Game and Fresh Water Fish Commission, may be sold
22 by an aquaculture producer certified pursuant to s. 597.004
23 without restriction so long as product origin can be
24 identified.

25 (6) REGISTRATION AND RENEWALS.--

26 (a) Each aquaculture producer must apply for an
27 aquaculture certificate of registration with the department
28 and submit the appropriate fee. Upon department approval, the
29 department shall issue the applicant an aquaculture
30 certificate of registration for a period not to exceed of 1
31 year. Beginning July 1, 1997, and each year thereafter, each

1 aquaculture certificate of registration must be renewed with
2 fee, pursuant to this chapter, on July 1.

3 (b) The department shall send notices of registration
4 to all aquaculture producers of record requiring them to
5 register for an aquaculture certificate. Renewal notices shall
6 be sent to the registrant 60 days preceding the termination
7 date of the certificate of registration. Prior to the
8 termination date, the registrant must return a completed
9 renewal form with fee, pursuant to this chapter, to the
10 department.

11 (c) Any person whose certificate of registration has
12 been revoked or suspended must reapply to the department for
13 certification.

14 Section 12. Subsection (3) of section 597.0041,
15 Florida Statutes, is amended to read:

16 597.0041 Prohibited acts; penalties.--

17 (3) Any person certified under this chapter who has
18 been convicted of taking aquaculture species raised at a
19 certified facility shall have his or her certificate ~~license~~
20 revoked for 5 years by the Department of Agriculture and
21 Consumer Services pursuant to the provisions and procedures of
22 s. 120.60.

23 Section 13. Section 597.0045, Florida Statutes, is
24 created to read:

25 597.0045 Cultured shellfish theft reward
26 program.--There is created a cultured shellfish theft reward
27 program, to be administered by the department, for the purpose
28 of granting rewards to persons who provide information leading
29 to the arrest and conviction of individuals illegally
30 possessing, harvesting, or attempting to harvest cultured
31 shellfish.

1 (1) Each person who provides information leading to
2 the arrest and conviction of an individual or individuals for
3 illegally possessing, harvesting, or attempting to harvest
4 cultured shellfish and for whom the respective state attorney
5 notifies the department of such assistance, in writing, shall
6 be eligible for a reward of up to \$2,500; except that law
7 enforcement officers and department personnel, and members of
8 their immediate families, shall not be eligible for rewards
9 under the program. The department shall, by rule, establish a
10 graduated reward payout schedule.

11 (2) The General Inspection Trust Fund of the
12 department may be used for the cultured shellfish theft reward
13 program, for deposit of general revenue funds and donations
14 received from interested individuals, and for granting rewards
15 to persons who provide information leading to the arrest and
16 conviction of persons illegally possessing, harvesting, or
17 attempting to harvest cultured shellfish. The granting of
18 rewards shall be subject to legislative appropriations to fund
19 the program.

20 (3) The department may promote the cultured shellfish
21 theft reward program to provide for public recognition of the
22 rewards and to improve compliance with laws prohibiting
23 illegal possession and harvesting of cultured shellfish.

24 Section 14. If any provision of this act or the
25 application thereof to any person or circumstances is held
26 invalid, the invalidity does not affect other provisions or
27 applications of the act which can be given effect without the
28 invalid provision or application, and to this end the
29 provisions of this act are declared severable.

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

31

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 1118

4 The Fish and Wildlife Conservation Commission shall promulgate
5 rules by March 1, 2000 to regulate the sale of farmed red drum
6 and spotted sea trout. These rules shall specifically provide
7 for the protection of the wild resource, without restricting a
8 certified aquaculture producer pursuant to s. 597.004, from
9 being able to sell farmed fish. To that extent, these rules
10 must only require that farmed fish be kept separate from wild
11 fish, be fed commercial feed, that farmed fish be placed in
12 sealed containers, that these sealed containers must have the
13 same address, telephone number, and aquaculture certificate
14 number, issued pursuant to s. 597.004, of the farmer clearly
15 and indelibly placed on the container, and that this
16 information must accompany the fish to the ultimate point of
17 sale.

18 By July 1, 2000 the Fish and Wildlife Conservation Commission
19 shall develop procedures to allow persons possessing a valid
20 aquaculture certificate of registration to sell and transport
21 live snook produced in private ponds or private hatcheries as
22 brood stock to stock private ponds, or for aquarium display
23 consistent with the provisions of rule 39-23.009, F.A.C.

24 The commission is authorized to issue special activity
25 licenses in accordance with this section and s. 370.31, to
26 permit the importation, possession, and aquaculture of native
27 and non-native anadromous sturgeon until best management
28 practices are implemented for the cultivation of anadromous
29 sturgeon pursuant to chapter 597.004.

30 It is unlawful for any person, firm, or corporation to
31 possess, attempt to possess, interfere with or remove live
bait from a live bait trap. Such a violation is a misdemeanor
of the first degree and punishable as provided in s. 773.082
or s. 775.083.

Responsibilities of the Sturgeon Production Working Group are
extensively rewritten. Among these responsibilities is the
establishment of the Cooperative Broodstock Development and
Husbandry Board composed of fishery scientists, fish farmers,
and agency representatives to establish standards and criteria
for the management and maintenance of captive-reared sturgeon
to collect biological data, and to administer the program.

A Cultured Shellfish Theft Reward Program is established in
the Department of Agriculture and Consumer Services for the
purpose of granting rewards to persons who provide information
leading to the arrest and conviction of individuals illegally
possessing, harvesting, or attempting to harvest cultured
shellfish.