

By Representative Bronson

1                                   A bill to be entitled  
2           An act relating to aquaculture; amending s.  
3           370.027, F.S.; revising rulemaking authority  
4           relating to marine aquaculture products;  
5           amending s. 370.06, F.S.; revising provisions  
6           relating to issuance of certain special  
7           activity licenses and consolidation of permits;  
8           amending s. 370.081, F.S.; providing an  
9           exemption from provisions relating to  
10          importation or possession of nonindigenous  
11          marine plants and animals; amending s. 370.10,  
12          F.S.; authorizing taking saltwater species from  
13          the wild for certain purposes; amending s.  
14          370.26, F.S.; revising definitions; amending  
15          ss. 372.0225 and 372.65, F.S.; clarifying  
16          respective responsibilities of the Division of  
17          Fisheries of the Game and Fresh Water Fish  
18          Commission and the Department of Agriculture  
19          and Consumer Services with respect to  
20          freshwater organisms, aquaculture products, and  
21          regulation of holders of aquaculture  
22          certificates of registration; deleting  
23          authority of the commission to require a tag  
24          and fee for cultured game fish sold; amending  
25          s. 597.0015, F.S.; revising a definition;  
26          amending s. 597.004, F.S.; revising provisions  
27          relating to aquaculture certificates of  
28          registration and sale of aquaculture products;  
29          amending s. 597.0041, F.S., relating to  
30          prohibited acts and penalties; creating s.  
31          597.0045, F.S.; providing a program of rewards

1 for information regarding illegal possession or  
2 harvest of shellfish; providing for rules;  
3 providing for funding; providing an effective  
4 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. Marine  
14 aquaculture products produced by a marine aquaculture  
15 producer, certified pursuant to s. 597.004, are exempt from  
16 Marine Fisheries Commission resource management rules, ~~with~~  
17 ~~the exception of such rules governing any fish of the genus~~  
18 ~~Centropomus (snook), the genus Sciaenops (red drum), or the~~  
19 ~~genus Cynoscion (spotted sea trout). Marine Fisheries~~  
20 ~~Commission rules relating to the aquacultural production of~~  
21 ~~red drum and spotted sea trout must be developed and adopted~~  
22 ~~by the commission no later than 1 year from October 1, 1996.~~

23 Section 2. Paragraphs (b), (d), and (e) of subsection  
24 (4) of section 370.06, Florida Statutes, 1998 Supplement, are  
25 amended to read:

26 370.06 Licenses.--

27 (4) SPECIAL ACTIVITY LICENSES.--

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 and, ~~possession,~~ ~~and~~  
31 ~~aquaculture~~ of wild anadromous sturgeon. The special activity

1 license shall provide for the protection of ~~specific~~  
2 ~~management practices to prevent the release and escape of~~  
3 ~~cultured anadromous sturgeon and to protect~~ indigenous  
4 populations of saltwater species.

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

16 (e) The department is authorized to issue special  
17 activity licenses in accordance with ss. 370.071, 370.101, and  
18 this section; aquaculture permit consolidation procedures in  
19 s. 370.26(2)~~(3)(a)~~; and rules of the Marine Fisheries  
20 Commission to permit the capture and possession of saltwater  
21 species protected by law and used as stock for artificial  
22 cultivation and propagation.

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

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

28 (6) Aquaculture producers certified pursuant to s.  
29 597.004 may import and possess nonindigenous marine plants and  
30 marine animals, except those specifically listed in subsection  
31 (2) or prohibited by rule of the department.

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

3           370.10 Crustacea, marine animals, fish; regulations;  
4 general provisions.--

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

24           Section 5. Paragraphs (a) and (b) of subsection (1) of  
25 section 370.26, Florida Statutes, 1998 Supplement, are amended  
26 to read:

27           370.26 Aquaculture definitions; marine aquaculture  
28 products, producers, and facilities.--

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

30           (a) "Marine aquaculture ~~product~~ facility" means a  
31 facility built and operated for the purpose of producing

1 marine aquaculture products. Marine aquaculture ~~product~~  
2 facilities contain culture systems such as, but not limited  
3 to, ponds, tanks, raceways, cages, and bags used for  
4 commercial production, propagation, growout, or product  
5 enhancement of marine products. Marine aquaculture ~~product~~  
6 facilities specifically do not include:

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

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

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

15 4. Facilities used by marine aquarium hobbyists.

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

19 Section 6. Subsection (2) of section 372.0225, Florida  
20 Statutes, 1998 Supplement, is amended to read:

21 372.0225 Freshwater organisms.--

22 (2) The responsibility with which the Division of  
23 Fisheries is charged under subsection (1) shall in no way  
24 supersede or duplicate the responsibilities of the Department  
25 of Agriculture and Consumer Services under chapter 500, the  
26 Florida Food Safety Act, or under chapter 597, the Florida  
27 Aquaculture Policy Act, and the rules adopted thereunder ~~under~~  
28 ~~that chapter~~.

29 Section 7. Paragraph (g) of subsection (1) of section  
30 372.65, Florida Statutes, 1998 Supplement, is amended to read:

31 372.65 Freshwater fish dealer's license.--

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

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

25           Section 8. Subsection (2) of section 597.0015, Florida  
26 Statutes, is amended to read.

27           597.0015 Definitions.--For purposes of this chapter,  
28 the following terms shall have the following meanings:

29           (2) "Aquaculture producers" means those persons  
30 engaging in the production ~~and sale~~ of aquaculture products  
31 and certified pursuant to s. 597.004.

1           Section 9. Paragraphs (b), (c), (d), and (h) of  
2 subsection (2), subsection (4), paragraph (a) of subsection  
3 (5), and paragraph (a) of subsection (6) of section 597.004,  
4 Florida Statutes, 1998 Supplement, are amended, and paragraph  
5 (c) is added to subsection (6) of said section, to read:

6           597.004 Aquaculture certificate of registration.--

7           (2) NONSHELLFISH CERTIFICATION.--

8           (b) The department, in consultation with the  
9 Department of Environmental Protection, the water management  
10 districts, environmental groups, and representatives from the  
11 affected farming groups, shall adopt rules to:

12           1. Specify the requirement of best-management  
13 practices to be implemented by holders of aquaculture  
14 certificates of registration ~~property owners and leaseholders~~.

15           2. Establish procedures for holders of aquaculture  
16 certificates of registration ~~property owners and leaseholders~~  
17 to submit the notice of intent to comply with best-management  
18 practices.

19           3. Establish schedules for implementation of  
20 best-management practices, and of interim measures that can be  
21 taken prior to adoption of best-management practices.

22           4. Establish a system to assure the implementation of  
23 best-management practices, including recordkeeping  
24 requirements.

25  
26 Rules adopted pursuant to this paragraph ~~subsection~~ shall  
27 become effective pursuant to the applicable provisions of  
28 chapter 120, but must be submitted to the President of the  
29 Senate and the Speaker of the House of Representatives for  
30 review by the Legislature. The rules shall be referred to the  
31 appropriate committees of substance and scheduled for review

1 during the first available regular session following adoption.  
2 Except as otherwise provided by operation of law, such rules  
3 shall remain in effect until rejected or modified by act of  
4 the Legislature.

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

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

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

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

26 (d) There is a presumption of compliance with state  
27 groundwater and surface water standards if the holder of an  
28 aquaculture certificate of registration ~~property owner or~~  
29 ~~leaseholder~~ implements best-management practices that have  
30 been verified by the Department of Environmental Protection to  
31



1 be effective at representative sites and complies with the  
2 following:

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

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

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

12 (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~~. Nothing in this chapter  
16 shall be construed to supersede the authority under chapter  
17 372, chapter 373, or chapter 403 to regulate alligator farms  
18 and alligator farmers.

19 (4) IDENTIFICATION OF AQUACULTURE  
20 PRODUCTS.--Aquaculture products shall be identified while  
21 possessed, processed, transported, or sold as provided in this  
22 subsection, except those subject to the ~~requirements of~~  
23 ~~chapter 372 and the rules of the Game and Fresh Water Fish~~  
24 Commission as they 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 ~~prohibited freshwater species identified by, snook, spotted~~  
13 ~~sea trout, red drum, and freshwater aquatic species identified~~  
14 ~~in chapter 372 and~~ rules of the Game and Fresh Water Fish  
15 Commission, may be sold by an aquaculture producer 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 (c) Any person who has had an aquaculture certificate  
27 of registration revoked or suspended must reapply to the  
28 department for certification.

29 Section 10. Subsection (3) of section 597.0041,  
30 Florida Statutes, is amended to read.

31 597.0041 Prohibited acts; penalties.--

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

7           Section 11. Section 597.0045, Florida Statutes, is  
8 created to read:

9           597.0045 Shellfish theft reward program.--There is  
10 created a shellfish theft reward program, to be administered  
11 by the department, for the purpose of granting rewards to  
12 persons who provide information leading to the arrest and  
13 conviction of individuals illegally possessing, harvesting, or  
14 attempting to harvest shellfish.

15           (1) Each person who provides information leading to  
16 the arrest and conviction of an individual or individuals for  
17 illegally possessing, harvesting, or attempting to harvest  
18 shellfish and for whom the respective state attorney notifies  
19 the department of such assistance, in writing, shall be  
20 eligible for a reward of up to \$2,500; except that law  
21 enforcement officers and department personnel, and members of  
22 their immediate families, shall not be eligible for rewards  
23 under the program. The department shall, by rule, establish a  
24 graduated reward payout schedule.

25           (2) There is established in the General Inspection  
26 Trust Fund of the department a Shellfish Theft Reward Account  
27 for deposit of general revenue funds designated for the  
28 program and donations received from interested individuals and  
29 organizations. Funds in this account shall be used for the  
30 sole purpose of granting rewards to persons who provide  
31 information leading to the arrest and conviction of

1 individuals illegally possessing, harvesting, or attempting to  
2 harvest shellfish. The granting of rewards shall be subject to  
3 legislative appropriations to fund the program.

4 (3) The department may promote the shellfish theft  
5 reward program to provide for public recognition of the  
6 rewards and to improve compliance with laws prohibiting  
7 illegal possession and harvesting of shellfish.

8 Section 12. This act shall take effect July 1, 1999.

9  
10 \*\*\*\*\*

11 HOUSE SUMMARY

12 Revises an exemption from marine fisheries commission  
13 resource management rules, for marine aquaculture  
14 products produced by a certified marine aquaculture  
15 producer. Revises provisions relating to issuance of  
16 special activity licenses with respect to anadromous  
17 sturgeon. Requires, rather than authorizes incorporation  
18 of certain licensure conditions into permits issued under  
19 separate statutory authority, to consolidate aquaculture  
20 permit procedures. Authorizes aquaculture producers to  
21 import and possess certain nonindigenous marine plants  
22 and animals. Authorizes taking reasonable quantities of  
23 saltwater species from the wild for aquacultural brood  
24 stock, and use of specialized gear therefor. Clarifies  
25 respective responsibilities of the Division of Fisheries  
26 of the Game and Fresh Water Fish Commission and the  
27 Department of Agriculture and Consumer Services, relating  
28 to freshwater organisms, aquaculture products, and  
29 regulation of holders of aquaculture certificates of  
30 registration. Removes authority of the commission to  
31 require a tag and fee for cultured game fish sold.  
Provides that a person who has had an aquaculture  
certificate of registration suspended or revoked must  
reapply to the department for certification. Creates the  
shellfish theft reward program within the department, to  
provide rewards of up to \$2,500 for information leading  
to convictions for illegal possession or harvest of  
shellfish. Provides for funding through appropriations  
and donations.