

1  
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. 370.10, F.S.; authorizing  
13 the taking of saltwater species for  
14 aquacultural purposes; amending s. 370.1107,  
15 F.S.; making it unlawful to interfere with live  
16 bait traps; amending s. 370.26, F.S.;  
17 redefining the terms "marine product facility"  
18 and "marine aquaculture producer"; amending s.  
19 370.31, F.S.; providing responsibilities for  
20 the Sturgeon Production Working Group; amending  
21 s. 372.0025, F.S.; amending s. 581.145(3),  
22 F.S.; allowing water hyacinths to be sold  
23 outside the United States; providing for  
24 regulatory responsibilities over the Florida  
25 Aquaculture Policy Act; amending s. 372.65,  
26 F.S.; providing for an exemption; amending s.  
27 597.0015, F.S.; redefining the term  
28 "aquaculture producers"; amending s. 597.004,  
29 F.S.; providing for restrictions on aquaculture  
30 certificates; amending s. 597.0041, F.S.;  
31 providing for the revocation of certificates;

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

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

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

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

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

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

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

17 370.06 Licenses.--

18 (4) SPECIAL ACTIVITY LICENSES.--

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

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

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

16 370.10 Crustacea, marine animals, fish; regulations;  
17 general provisions.--

18 (2) TAKING SALTWATER SPECIES FOR EXPERIMENTAL,  
19 AQUACULTURAL, SCIENTIFIC, EDUCATION, AND EXHIBITION  
20 PURPOSES.--Notwithstanding any other provisions of general or  
21 special law to the contrary, the Fish and Wildlife  
22 Conservation Commission ~~department~~ may authorize, upon such  
23 terms, conditions, and restrictions as it may prescribe by  
24 rule, any properly accredited person to harvest or possess  
25 indigenous or nonindigenous saltwater species for  
26 experimental, scientific, education, and exhibition purposes  
27 or to harvest or possess reasonable quantities of aquacultural  
28 species for brood stock.Such authorizations may allow  
29 collection of specimens without regard to, and not limited to,  
30 size, seasonal closure, collection method, reproductive state,  
31 or bag limit. Authorizations issued under the provisions of

1 this section may be suspended or revoked by the Fish and  
2 Wildlife Conservation Commission ~~department~~ if it finds that  
3 the person has violated this section, Fish and Wildlife  
4 Conservation Commission ~~department~~ rules or orders, or terms  
5 or conditions of the authorization or has submitted false or  
6 inaccurate information in his or her application.

7 Section 4. Present subsections (3) and (4) of section  
8 370.1107, Florida Statutes, are renumbered as subsections (4)  
9 and (5), respectively, and a new subsection (3) is added to  
10 that section to read:

11 370.1107 Definition; possession of certain licensed  
12 traps prohibited; penalties; exceptions; consent.--

13 (3) It is unlawful for any person, firm, corporation,  
14 or association to possess, attempt to possess, interfere with,  
15 attempt to interfere with, or remove live bait from a live  
16 bait trap or cage of another person, firm, corporation, or  
17 association. Unlawful possession of one or more live bait  
18 traps or cages is a misdemeanor of the first degree,  
19 punishable as provided in s. 775.082 or s. 775.083.

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

23 370.26 Aquaculture definitions; marine aquaculture  
24 products, producers, and facilities.--

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

26 (a) "Marine aquaculture ~~product~~ facility" means a  
27 facility built and operated for the purpose of producing  
28 marine aquaculture products. Marine aquaculture ~~product~~  
29 facilities contain culture systems such as, but not limited  
30 to, ponds, tanks, raceways, cages, and bags used for  
31 commercial production, propagation, growout, or product

1 enhancement of marine products. Marine aquaculture ~~product~~  
2 facilities specifically do not include:

3 1. Facilities that maintain marine aquatic organisms  
4 exclusively for the purpose of shipping, distribution,  
5 marketing, or wholesale and retail sales;

6 2. Facilities that maintain marine aquatic organisms  
7 for noncommercial, education, exhibition, or scientific  
8 purposes;

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

11 4. Facilities used by marine aquarium hobbyists.

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

15 Section 6. Section 370.31, Florida Statutes, is  
16 amended to read:

17 370.31 Commercial production of sturgeon.--

18 (1) INTENT.--The Legislature finds and declares that  
19 there is a need to encourage the continuation and advancement  
20 of work being done on aquaculture sturgeon production in  
21 keeping with the state's legislative public policy regarding  
22 aquaculture provided in chapter 597. It also finds that it is  
23 in the state's economic interest to promote the commercial  
24 production and stock enhancement of sturgeon. It is therefore  
25 the intent of the Legislature to hereby create a Sturgeon  
26 Production Working Group.

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

30 (a) The head of the sturgeon research program or  
31 designee from the University of Florida, Institute of Food and

1 Agricultural Sciences. Such member shall be appointed by the  
2 University of Florida's Vice President for Agricultural  
3 Affairs.

4 (b) One representative from the Department of  
5 Environmental Protection to be appointed by the Secretary of  
6 Environmental Protection.

7 (c) One representative from the Fish and Wildlife  
8 Conservation ~~Game and Fresh Water Fish~~ Commission to be  
9 appointed by the executive director of the Fish and Wildlife  
10 Conservation ~~Game and Fresh Water Fish~~ Commission.

11 (d) One representative from the Department of  
12 Agriculture and Consumer Services to be appointed by the  
13 Commissioner of Agriculture.

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

16 (3) MEETINGS; PROCEDURES; RECORDS.--The working group  
17 shall meet at least twice a year and elect, by a quorum, a  
18 chair, vice chair, and secretary. ~~However, the working group~~  
19 ~~shall call its first meeting within 1 month after October 1,~~  
20 ~~1996.~~

21 (a) The chair of the working group shall preside at  
22 all meetings and shall call a meeting as often as necessary to  
23 carry out the provisions of this section. To call a meeting,  
24 the chair shall solicit an agreement to meet from at least two  
25 other working group members and then notify any remaining  
26 members of the meeting.

27 (b) The secretary shall keep a complete record of the  
28 proceedings of each meeting, which includes the names of the  
29 members present at each meeting and the actions taken. Such  
30 records shall be kept on file with the Department of  
31 Environmental Protection with copies filed with the Department

1 of Fisheries and Aquatic Sciences ~~Aquatics~~ at the University  
2 of Florida. The records shall be public records pursuant to  
3 chapter 119.

4 (c) A quorum shall consist of one representative from  
5 the Department of Environmental Protection, one representative  
6 from the Institute of Food and Agricultural Sciences, and at  
7 least two other members.

8 (4) PURPOSE AND RESPONSIBILITIES.--The purpose of the  
9 Sturgeon Production Working Group is to coordinate the  
10 implementation of ~~establish~~ a state sturgeon production  
11 management plan ~~aquaculture program~~ to promote the commercial  
12 production and stock enhancement of sturgeon in Florida. In  
13 carrying out this purpose, the working group shall:

14 (a) Establish a state sturgeon production management  
15 plan ~~aquaculture program~~ to inform public or private  
16 interested parties of how to aquaculturally produce sturgeon  
17 for commercial purposes and for stock enhancement. The  
18 sturgeon production management plan ~~program~~ shall:

19 1. Provide the regulatory policies for the commercial  
20 production of ~~Determine how~~ sturgeon ~~can be produced~~  
21 ~~commercially for its~~ meat and roe, including a strategy for  
22 obtaining the required permits, licenses, authorizations, or  
23 certificates in the state.

24 2. Provide the management practices for culturing  
25 sturgeon and ensure that aquacultural development does not  
26 impede the recovery and conservation of wild sturgeon  
27 populations.

28 3. Establish priorities for research needed to support  
29 the commercial production of sturgeon and the recovery of  
30 native stocks in the state.

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1           (b) Support management strategies to permit the  
2 commercial production of native and nonnative sturgeon,  
3 including the distribution of captive-bred Gulf sturgeon to  
4 approved certified aquaculture facilities.

5           (c) Support the development of a cooperative sturgeon  
6 conservation program to coordinate conservation, habitat, and  
7 resource management programs for native sturgeon, including an  
8 evaluation of how stock enhancement can facilitate the  
9 conservation and recovery of native sturgeon populations.

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

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

16           (f) In furtherance of the purposes and  
17 responsibilities of the Sturgeon Production Working Group, the  
18 state shall:

19           1. Establish a program to coordinate conservation and  
20 aquaculture activities for native sturgeon.

21           2. Develop a conservation plan for native sturgeon.

22           3. Initiate the process to petition for delisting  
23 captive-bred shortnose sturgeon.

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

26           (g) Establish a sturgeon broodstock committee composed  
27 of fishery scientists, fish farmers, and agency  
28 representatives to manage the taking of wild sturgeon for  
29 brood fish and spawning.

30           (h) Establish the Cooperative Broodstock Development  
31 and Husbandry Board composed of fishery scientists, fish

1 farmers, and agency representatives to establish standards and  
2 criteria for the management and maintenance of captive-reared  
3 sturgeon, to collect biological data, and to administer the  
4 Cooperative Broodstock Development and Husbandry Program.

5 ~~2. Determine how sturgeon can be used for stock~~  
6 ~~enhancement in areas designated by the Department of~~  
7 ~~Environmental Protection in consultation with the Sturgeon~~  
8 ~~Production Working Group.~~

9 ~~(b) Seek federal help and cooperation in obtaining the~~  
10 ~~appropriate permits to establish the state sturgeon~~  
11 ~~aquaculture program.~~

12 ~~(c) Prepare a state sturgeon production and stock~~  
13 ~~enhancement plan to implement the state sturgeon aquaculture~~  
14 ~~program. The plan shall include, but not be limited to, the~~  
15 ~~following:~~

16 ~~1. Research needed to support the commercial~~  
17 ~~production of sturgeon for meat and roe and stock enhancement~~  
18 ~~in the state.~~

19 ~~2. Studies needed to determine the economic impact on~~  
20 ~~the state and the best marketing strategies for producing~~  
21 ~~sturgeon for its meat and roe.~~

22 ~~3. Permits and other requirements currently needed to~~  
23 ~~commercially produce sturgeon and enhance sturgeon stock in~~  
24 ~~the state and a strategy for obtaining such permits or~~  
25 ~~requirements.~~

26 ~~4. The timetable for implementation and completion of~~  
27 ~~the plan's components.~~

28 ~~5. The implementation date for the state sturgeon~~  
29 ~~aquaculture program.~~

30 ~~(d) Prepare a report to be submitted within 1 year~~  
31 ~~after October 1, 1996, to the Governor, the President of the~~

1 ~~Senate, the Speaker of the House of Representatives, and the~~  
2 ~~chairs of the legislative ways and means, appropriations, and~~  
3 ~~agriculture committees. This report shall include, but not be~~  
4 ~~limited to:~~

5       1. ~~The status of the state sturgeon aquaculture~~  
6 ~~program.~~

7       2. ~~The status of the state sturgeon production and~~  
8 ~~stock enhancement plan.~~

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

11       4. ~~Any recommendations necessary to carry out the~~  
12 ~~purpose of this section.~~

13       Section 7. Subsection (2) of section 372.0225, Florida  
14 Statutes, 1998 Supplement, is amended to read:

15       372.0225 Freshwater organisms.--

16       (2) The responsibility with which the Division of  
17 Freshwater Fisheries is charged under subsection (1) shall in  
18 no way supersede or duplicate the responsibilities of the  
19 Department of Agriculture and Consumer Services under chapter  
20 500, the Florida Food Safety Act, chapter 597, the Florida  
21 Aquaculture Policy Act, and the rules adopted thereunder ~~under~~  
22 ~~that chapter.~~

23       Section 8. Paragraph (g) of subsection (1) of section  
24 372.65, Florida Statutes, 1998 Supplement, is amended to read:

25       372.65 Freshwater fish dealer's license.--

26       (1) No person shall engage in the business of taking  
27 for sale or selling any frogs or freshwater fish, including  
28 live bait, of any species or size, or importing any exotic or  
29 nonindigenous fish, until such person has obtained a license  
30 and paid the fee therefor as set forth herein. The license  
31 issued shall be in the possession of the person to whom issued

1 while such person is engaging in the business of taking for  
2 sale or selling freshwater fish or frogs, is not transferable,  
3 shall bear on its face in indelible ink the name of the person  
4 to whom it is issued, and shall be affixed to a license  
5 identification card issued by the commission. Such license is  
6 not valid unless it bears the name of the person to whom it is  
7 issued and is so affixed. The failure of such person to  
8 exhibit such license to the commission or any of its wildlife  
9 officers when such person is found engaging in such business  
10 is a violation of law. The license fees and activities  
11 permitted under particular licenses are as follows:

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

19 Section 9. Subsection (3) of section 581.145, Florida  
20 Statutes, is amended to read:

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

23 (3) Notwithstanding any other provision of state or  
24 federal law, the Department of Agriculture and Consumer  
25 Services shall issue, by request, a permit to the aquaculture  
26 producer to engage in the business of exporting water  
27 hyacinths (*Eichhornia* spp.) only to countries other than the  
28 United States ~~Canada~~ and only when such water hyacinths are  
29 cultivated in a nursery for the sole purpose of exportation  
30 and the aquaculture activity has been certified by the  
31 Department of Agriculture and Consumer Services. In

1 accordance with any appropriate federal law or United States  
2 treaty, no Florida aquaculture producer shall ship water  
3 hyacinths to countries other than the United States~~Canada~~  
4 under such a permit for the purpose of importing water  
5 hyacinths back into the United States, nor shall drop  
6 shipments be made to any other destination within the United  
7 States. This provision shall in no way restrict or interfere  
8 with the Department of Environmental Protection's efforts, or  
9 those of any other agency or local government with  
10 responsibilities for the management of noxious aquatic plants,  
11 to control or eradicate noxious nonnursery aquatic plants,  
12 including water hyacinths. This provision shall not be a  
13 consideration in the approval or the release of biological  
14 control agents for water hyacinths or any other noxious  
15 aquatic plants.

16 Section 10. Subsection (2) of section 597.0015,  
17 Florida Statutes, is amended to read:

18 597.0015 Definitions.--For purposes of this chapter,  
19 the following terms shall have the following meanings:

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

23 Section 11. Paragraphs (b), (c), (d), and (h) of  
24 subsection (2), subsection (4), paragraph (a) of subsection  
25 (5), and subsection (6) of section 597.004, Florida Statutes,  
26 1998 Supplement, are amended to read:

27 597.004 Aquaculture certificate of registration.--

28 (2) NONSHELLFISH CERTIFICATION.--

29 (b) The department, in consultation with the  
30 Department of Environmental Protection, the water management  
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1 districts, environmental groups, and representatives from the  
2 affected farming groups, shall adopt rules to:

3 1. Specify the requirement of best-management  
4 practices to be implemented by holders of aquaculture  
5 certificates of registration ~~property owners and leaseholders.~~

6 2. Establish procedures for holders of aquaculture  
7 certificates of registration ~~property owners and leaseholders~~  
8 to submit the notice of intent to comply with best-management  
9 practices.

10 3. Establish schedules for implementation of  
11 best-management practices, and of interim measures that can be  
12 taken prior to adoption of best-management practices. Interim  
13 measures may include the continuation of regulatory  
14 requirements in effect on June 30, 1998.

15 4. Establish a system to assure the implementation of  
16 best-management practices, including recordkeeping  
17 requirements.

18 Rules adopted pursuant to this subsection shall become  
19 effective pursuant to the applicable provisions of chapter  
20 120, but must be submitted to the President of the Senate and  
21 the Speaker of the House of Representatives for review by the  
22 Legislature. The rules shall be referred to the appropriate  
23 committees of substance and scheduled for review during the  
24 first available regular session following adoption. Except as  
25 otherwise provided by operation of law, such rules shall  
26 remain in effect until rejected or modified by act of the  
27 Legislature.

28 (c) Notwithstanding any provision of law, the  
29 Department of Environmental Protection is not authorized to  
30 institute proceedings against any person certified under this  
31 section to recover any costs or damages associated with

1 contamination of groundwater or surface water, or the  
2 evaluation, assessment, or remediation of contamination of  
3 groundwater or surface water, including sampling, analysis,  
4 and restoration of potable water supplies, where the  
5 contamination of groundwater or surface water is determined to  
6 be the result of aquaculture practices, provided the holder of  
7 an aquaculture certificate of registration ~~property owner or~~  
8 ~~leaseholder~~:

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

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

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

18 (d) There is a presumption of compliance with state  
19 groundwater and surface water standards if the holder of an  
20 aquaculture certificate of registration ~~property owner or~~  
21 ~~leaseholder~~ implements best-management practices that have  
22 been verified by the Department of Environmental Protection to  
23 be effective at representative sites and complies with the  
24 following:

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

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

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

4           (h) Any alligator producer with an alligator farming  
5 license and permit to establish and operate an alligator farm  
6 shall be issued an aquaculture certificate of registration  
7 pursuant to subsection (1) above. This chapter does not  
8 supersede the authority under chapter 372, chapter 373, or  
9 chapter 403 to regulate alligator farms and alligator farmers.

10           (4) IDENTIFICATION OF AQUACULTURE  
11 PRODUCTS.--Aquaculture products shall be identified while  
12 possessed, processed, transported, or sold as provided in this  
13 subsection, except those subject to the ~~requirements of~~  
14 ~~chapter 372 and the rules of the~~ Fish and Wildlife  
15 Conservation Game and Fresh Water Fish Commission as they  
16 relate to alligators only.

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

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

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

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

3 (5) SALE OF AQUACULTURE PRODUCTS.--

4 (a) Aquaculture products, except shellfish, snook, and  
5 any fish of the genus Micropterus, and prohibited and  
6 restricted freshwater and marine species identified by ~~snook,~~  
7 ~~spotted sea trout, red drum, and freshwater aquatic species~~  
8 ~~identified in chapter 372 and rules of the Fish and Wildlife~~  
9 ~~Conservation Game and Fresh Water Fish Commission, may be sold~~  
10 by an aquaculture producer certified pursuant to s. 597.004  
11 without restriction so long as product origin can be  
12 identified.

13 (6) REGISTRATION AND RENEWALS.--

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

22 (b) The department shall send notices of registration  
23 to all aquaculture producers of record requiring them to  
24 register for an aquaculture certificate. Renewal notices shall  
25 be sent to the registrant 60 days preceding the termination  
26 date of the certificate of registration. Prior to the  
27 termination date, the registrant must return a completed  
28 renewal form with fee, pursuant to this chapter, to the  
29 department.

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

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

6           597.0041 Prohibited acts; penalties.--

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

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

15           597.0045 Cultured shellfish theft reward  
16 program.--There is created a cultured shellfish theft reward  
17 program, to be administered by the department, for the purpose  
18 of granting rewards to persons who provide information leading  
19 to the arrest and conviction of individuals illegally  
20 possessing, harvesting, or attempting to harvest cultured  
21 shellfish.

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

1           (2) The General Inspection Trust Fund of the  
2 department may be used for the cultured shellfish theft reward  
3 program, for deposit of general revenue funds and donations  
4 received from interested individuals, and for granting rewards  
5 to persons who provide information leading to the arrest and  
6 conviction of persons illegally possessing, harvesting, or  
7 attempting to harvest cultured shellfish. The granting of  
8 rewards shall be subject to legislative appropriations to fund  
9 the program.

10           (3) The department may promote the cultured shellfish  
11 theft reward program to provide for public recognition of the  
12 rewards and to improve compliance with laws prohibiting  
13 illegal possession and harvesting of cultured shellfish.

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

20           Section 15. Notwithstanding any other legislation  
21 passed and either signed by the Governor or allowed to become  
22 law without signature to the contrary, the Legislature intends  
23 that this bill be its full and total intent, regardless of  
24 when it is presented to the Secretary of State.

25           Section 16. This act shall take effect July 1, 1999.  
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