

By Senator Hutson

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1 A bill to be entitled
 2 An act relating to shellfish harvesting; amending s.
 3 597.010, F.S.; revising provisions for the harvest of
 4 shellfish from natural reefs and submerged lands;
 5 defining the term "shellfish"; prohibiting the harvest
 6 of shellfish by dredges or mechanical harvesting
 7 devices unless specifically authorized in certain
 8 submerged land or perpetual shellfish leases;
 9 providing for the Board of Trustees of the Internal
 10 Improvement Trust Fund instead of the Department of
 11 Agricultural and Consumer Services to authorize the
 12 harvest of shellfish by dredges or mechanical
 13 harvesting devices in submerged land leases and
 14 perpetual shellfish leases; revising conditions for
 15 such authorization; providing that conditions for the
 16 use of dredges or mechanical harvesting devices in
 17 submerged lands leases may be provided as special
 18 conditions in aquaculture leases; revising provisions
 19 authorizing the Fish and Wildlife Conservation
 20 Commission to collect fees and issue special activity
 21 licenses for vessels using dredges or mechanical
 22 harvesting devices to harvest shellfish; providing
 23 penalties; providing an effective date.

24
 25 Be It Enacted by the Legislature of the State of Florida:

26
 27 Section 1. Subsection (18) of section 597.010, Florida
 28 Statutes, is amended to read:

29 597.010 Shellfish regulation; leases.—

30 (18) HARVESTING SHELLFISH REMOVING OYSTERS, CLAMS, OR
 31 MUSSELS FROM NATURAL REEFS AND SUBMERGED LANDS; LICENSES, ETC.;
 32 PENALTY.—

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33 (a) Shellfish may be harvested from natural reefs and
34 submerged lands by common hand tongs or by hand while scuba
35 diving, free diving, leaning from vessels, or wading. As used in
36 this subsection, the term "shellfish" means oysters, clams,
37 mussels, and scallops.

38 (b) Shellfish may not be harvested by a dredge or
39 mechanical harvesting device from:

40 1. Public shellfish beds in Apalachicola Bay unless the use
41 of a dredge or mechanical harvesting device is specifically
42 authorized in a submerged land lease under chapter 253 before
43 July 1, 1989.

44 2. Natural reefs or submerged lands unless the use of a
45 dredge or mechanical harvesting device is specifically
46 authorized in a submerged land lease under chapter 253 or a
47 perpetual shellfish lease under chapter 379.

48 ~~(a) It is unlawful to use a dredge or any means or~~
49 ~~implement other than hand tongs in removing oysters from the~~
50 ~~natural or artificial state reefs or beds. This restriction~~
51 ~~shall apply to all areas of Apalachicola Bay for all shellfish~~
52 ~~harvesting, excluding private grounds leased or granted by the~~
53 ~~state prior to July 1, 1989, if the lease or grant specifically~~
54 ~~authorizes the use of implements other than hand tongs for~~
55 ~~harvesting. Except in Apalachicola Bay, upon the payment of \$25~~
56 ~~annually, for each vessel or boat using a dredge or machinery in~~
57 ~~the gathering of clams or mussels, a special activity license~~
58 ~~may be issued by the Fish and Wildlife Conservation Commission~~
59 ~~pursuant to subsection (15) or s. 379.361 for such use to such~~
60 ~~person.~~

61 (c) ~~(b)~~ Approval by The Board of Trustees of the Internal

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62 Improvement Trust Fund may authorize the department to harvest
63 of shellfish by a dredge or other mechanical harvesting device
64 in a submerged land lease under chapter 253 or perpetual
65 shellfish lease under chapter 379. Such authorization means from
66 privately held shellfish leases or grants in Apalachicola Bay
67 shall include, but is not be limited to, the following
68 conditions:

69 1. A submerged land lease under chapter 253 may authorize
70 the use of a dredge or other mechanical harvesting device if the
71 public health, safety, and welfare and natural resources are not
72 adversely impacted. Except as provided in a perpetual shellfish
73 lease under chapter 379, this subparagraph does not apply to
74 Apalachicola Bay ~~The use of any mechanical harvesting device~~
75 ~~other than ordinary hand tongs for taking shellfish for any~~
76 ~~purpose from public shellfish beds in Apalachicola Bay shall be~~
77 ~~unlawful.~~

78 2. The possession or use of a dredge or any mechanical
79 harvesting device on the waters of this state ~~Apalachicola Bay~~
80 from 5 p.m. until sunrise is prohibited ~~shall be unlawful.~~

81 3. Leaseholders ~~or grantees~~ shall notify the department at
82 least no less than 48 hours before ~~prior to~~ each day's use of a
83 dredge or mechanical harvesting device ~~scrape~~ in order for the
84 department to notify the Fish and Wildlife Conservation
85 Commission that a dredge or mechanical harvesting device will be
86 deployed.

87 4. Only two dredges or mechanical harvesting devices
88 ~~serapes~~ per lease ~~or grant~~ may be possessed or used ~~operated~~ at
89 any one time.

90 5. Each vessel using ~~used for the transport or deployment~~

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91 ~~of~~ a dredge or mechanical harvesting device ~~scrape~~ shall
92 prominently display the lease ~~or grant~~ number or numbers, in
93 numerals that ~~which~~ are at least 12 inches high and at least 6
94 inches wide, in such a manner that the lease ~~or grant~~ number or
95 numbers are readily identifiable from ~~both~~ the air and the
96 water.

97 (d) Any condition for the use of a dredge or mechanical
98 harvesting device provided in a submerged lands lease under
99 chapter 253 may be provided as a special lease condition in an
100 aquaculture lease pursuant to s. 253.71(7).

101 (e) The Fish and Wildlife Conservation Commission may issue
102 a special activity license pursuant to subsection (15) or s.
103 379.361 upon the payment of a \$25 annual fee for each vessel
104 using a dredge or mechanical harvesting device to harvest
105 shellfish. This paragraph does not apply to Apalachicola Bay.

106 (f) Any violation of this subsection ~~paragraph~~ or of any
107 other statutes, rules, or conditions referenced in the lease
108 agreement ~~is shall be considered~~ a violation of the license and
109 shall result in revocation of the lease or a denial of use or
110 future use of a dredge or mechanical harvesting device.

111 ~~(c) Oysters may be harvested from natural or public or~~
112 ~~private leased or granted grounds by common hand tongs or by~~
113 ~~hand, by scuba diving, free diving, leaning from vessels, or~~
114 ~~wading. In Apalachicola Bay, this provision shall apply to all~~
115 ~~shellfish.~~

116 Section 2. This act shall take effect July 1, 2016.