

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/CS/SB 1018

INTRODUCER: Rules Committee; Environment and Natural Resources Committee; Senators Boyd and Perry

SUBJECT: Sale of Aquaculture Products

DATE: March 31, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Becker</u>	<u>Becker</u>	<u>AG</u>	<u>Favorable</u>
2.	<u>Anderson</u>	<u>Rogers</u>	<u>EN</u>	<u>Fav/CS</u>
3.	<u>Becker</u>	<u>Phelps</u>	<u>RC</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1018 allows for Florida largemouth bass to be sold by an aquaculture producer or a dealer with a nonrecreational license from the Fish and Wildlife Conservation Commission. Florida largemouth bass may be sold without restriction, including for human consumption, so long as the product origin can be identified.

The bill takes effect July 1, 2021.

II. Present Situation:

The Department of Agriculture and Consumer Services (DACS) Division of Aquaculture (division) is Florida's lead aquaculture agency. The division coordinates and assists in the development of aquaculture and regulates aquafarms to protect and conserve Florida's natural resources.¹

DACS issues certificates of registration to aquaculture producers under s. 597.004, F.S.² Certified aquaculture producers and dealers licensed pursuant to part VII of ch. 379, F.S., are

¹ Florida Department of Agriculture and Consumer Services (DACS), *Division of Aquaculture*, <https://www.fdacs.gov/Divisions-Offices/Aquaculture> (last visited Mar. 17, 2021).

² Section 597.004(6), F.S.

permitted to sell aquaculture products³ except those otherwise prohibited by law and those for which the origin of the product is unknown.⁴ Specifically prohibited species include shellfish, snook, and any fish of the genus *Microperterus*, and prohibited and restricted freshwater and marine species identified by the Fish and Wildlife Conservation Commission (FWC).⁵

FWC, by rule, allows persons with a valid aquaculture certificate of registration to culture and sell game fish as food. However, the rule specifically excludes fish of the genus *Microperterus*.⁶

FWC also lists the northern largemouth bass (*Micropterus salmoides salmoides*) as a conditional non-native species and prohibits its possession east and south of the Suwannee River.⁷ In its agency analysis, FWC stated that this rule is a safeguard to conserve the genetic integrity of the Florida largemouth bass (*Micropterus salmoides floridanus*) and ensure that it continues to be protected from hybridization with the northern largemouth bass.⁸

III. Effect of Proposed Changes:

CS/CS/SB 1018 amends s. 597.004, F.S., to remove the species *Micropterus salmoides floridanus* (Florida largemouth bass) from the aquaculture products that are prohibited to be sold by certified aquaculture producers and dealers with a nonrecreational license from the Florida Fish and Wildlife Conservation Commission (FWC).

The bill takes effect July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

³ “Aquaculture products” means aquatic organisms and any product derived from aquatic organisms that are owned and propagated, grown, or produced under controlled conditions. Such products do not include organisms harvested from the wild for depuration, wet storage, or relay for purification. Section 597.0015(3).

⁴ Section 597.004(5), F.S.

⁵ *Id.*

⁶ Fla. Admin. Code R. 68A-23.009(2)(c).

⁷ Fla. Admin. Code R. 68-5.004(1)(r).

⁸ Florida Fish and Wildlife Conservation Commission (FWC), *Senate Bill 1018 Agency Bill Analysis* (February 23, 2021)(on file with the Senate Committee on Environment and Natural Resources).

E. Other Constitutional Issues:

None.

V. **Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Certified aquaculture producers and dealers with a nonrecreational license from FWC could see a financial benefit from the ability to offer Florida largemouth bass for sale.

C. Government Sector Impact:

FWC and DACS may incur costs related to rulemaking if it is necessary for the agencies to amend their rules based on the provisions in the bill.⁹

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill substantially amends section 597.004 of the Florida Statutes.

IX. **Additional Information:**

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Rules on March 31, 2021:

Requires the Department of Agriculture and Consumer Services to include the following in its rulemaking for aquaculture certificates of registration: A requirement that any facility that cultures *Micropeterus salmoides floridanus* (Florida largemouth bass) maintain stock acquisition documentation or records of genetic testing.

CS by Environment and Natural Resources on March 22, 2021:

Authorizes certified aquaculture producers and licensed dealers to sell Florida largemouth bass, rather than all largemouth bass.

⁹ *Id.*; DACS, *Senate Bill 1018 Agency Bill Analysis* (Feb. 15, 2021)(on file with the Senate Committee on Environment and Natural Resources).

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
