

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: CS/HB 669 Largemouth Bass

SPONSOR(S): Environment, Agriculture & Flooding Subcommittee; Trabulsy and others

TIED BILLS: **IDEN./SIM. BILLS:** CS/CS/SB 1018

FINAL HOUSE FLOOR ACTION: 115 Y's

0 N's

GOVERNOR'S ACTION: Approved

SUMMARY ANALYSIS

CS/HB 669 passed the House on April 27, 2021, as CS/CS/SB 1018.

The Department of Agriculture and Consumer Services (DACS) serves as the state's lead aquaculture agency and works to coordinate the development and regulation of aquaculture to protect and conserve Florida's natural resources. There are an estimated 1,500 species of fish, plants, mollusks, crustaceans, and reptiles grown in the aquaculture industry in Florida.

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

The bill authorizes the sale of Florida largemouth bass (*Micropterus salmoides floridanus*) by an aquaculture producer certified by DACS so long as the product of origin can be identified.

The bill requires FWC to adopt rules to require any facility that cultures Florida largemouth bass to maintain stock acquisition documentation or records of genetic testing.

The bill does not appear to have a fiscal impact on the state or local governments.

The bill was approved by the Governor on June 11, 2021, ch. 2021-79, L.O.F., and will become effective on July 1, 2021.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Background

Sale of Aquaculture Products

The Department of Agriculture and Consumer Services (DACS) serves as the state's lead aquaculture agency and works to coordinate the development and regulation of aquaculture to protect and conserve Florida's natural resources. There are an estimated 1,500 species of fish, plants, mollusks, crustaceans, and reptiles grown in the aquaculture industry in Florida.¹

In order to raise aquatic species for commercial sale, entities must acquire an aquaculture certificate of registration from DACS.² The certificate authorizes the certificate holder to plant, harvest, and sell aquaculture products; entitles the holder to the same benefits provided to other agricultural producers, including tax benefits; and reduces the number of permits the holder must obtain from other agencies.³

Applicants for the certificate must submit their name, the company name, their complete mailing address, a legal property description of all aquaculture facilities, the actual physical street address for each aquaculture facility, a description of production facilities, a description of the aquaculture products to be produced, an annual registration fee of \$100, documentation of compliance with DACS rules, and, for some applicants, a certificate of training.⁴ Each applicant is also required to comply with DACS-approved best management practices to ensure proper effluent treatment.⁵ Upon approval, DACS issues the applicant an aquaculture certificate of registration for a period of one year, which must be renewed each June 30 with the accompanying fee.⁶

Certified aquaculture producers and dealers are permitted to sell aquaculture products except those otherwise prohibited by law and those for which the origin of the product is unknown.⁷ Specifically prohibited species include shellfish, snook, any fish of the genus *Micropterus*, and prohibited restricted freshwater and marine species identified by the Fish and Wildlife Conservation Commission (FWC).⁸

Largemouth Bass

The largemouth bass (*Micropterus salmoides*) is the best known and most popular game fish in North America. It is distinguishable from other black bass because the upper jaw extends beyond the rear edge of the eye, and the first and second dorsal fins are separated by a deep dip.⁹ There are many subspecies of largemouth bass, including the Florida largemouth bass and the northern largemouth bass, which are regulated differently.

The Florida largemouth bass (*Micropterus salmoides floridanus*), also the state freshwater fish of Florida, may only be purchased from permitted hatcheries with pure Florida largemouth bass stocks authenticated by FWC.¹⁰ However, northern black largemouth bass (*Micropterus salmoides salmoides*)

¹ DACS, *Division of Aquaculture*, available at <https://www.fdacs.gov/Divisions-Offices/Aquaculture> (last visited Feb. 26, 2020).

² DACS, *Aquaculture Certificate of Registration*, available at <https://www.fdacs.gov/Agriculture-Industry/Aquaculture/Aquaculture-Certificate-of-Registration> (last visited Feb. 26, 2020).

³ *Id.*

⁴ Section 597.004(1), F.S.; r. 5L-3.005(1)(i), F.A.C.

⁵ Section 597.004(2), F.S.; r. 5L-3.005, F.A.C.

⁶ Section 597.004(6)(a), F.S.

⁷ Section 597.004(5), F.S.

⁸ *Id.*

⁹ FWC, *Largemouth Bass*, available at <https://myfwc.com/wildlifehabitats/profiles/freshwater/largemouth-bass/> (last visited Mar. 3, 2021).

¹⁰ FWC, *Restricted Species*, available at <https://myfwc.com/fishing/freshwater/regulations/release/> (last visited Mar. 3, 2021).

are on the conditional nonnative species list¹¹ and are therefore prohibited from sale, possession, or transport unless otherwise authorized by FWC.¹² Currently, both the Florida largemouth bass and the Northern largemouth bass are prohibited from being cultured and sold as food.¹³

Effect of the Bill

The bill authorizes the sale of Florida largemouth bass (*Micropterus salmoides floridanus*) by an aquaculture producer certified by DACS so long as the product of origin can be identified.

The bill requires FWC to adopt rules to require any facility that cultures Florida largemouth bass to maintain stock acquisition documentation or records of genetic testing.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may have an indeterminate positive fiscal impact on certified aquaculture producers and dealers associated with the ability to offer Florida largemouth bass for sale.

D. FISCAL COMMENTS:

None.

¹¹ Conditional nonnative species are nonnative species that pose a risk to native fish and wildlife or to the ecology of native wildlife communities. FWC, *Conditional Nonnative Species List*, available at <https://myfwc.com/wildlifehabitats/nonnatives/conditional-species-list/> (last visited Mar. 3, 2021); r. 68-5.004(1)(r), F.A.C.

¹² FWC, *Restricted Species*, available at <https://myfwc.com/fishing/freshwater/regulations/release/> (last visited Mar. 3, 2021).

¹³ Rule 68A-23.009(2)(c), F.A.C.