

By the Committee on Agriculture and Representative Bronson

1 A bill to be entitled
2 An act relating to aquaculture; amending s.
3 253.72, F.S.; establishing wild harvest
4 setbacks from shellfish leases; amending s.
5 370.06, F.S.; authorizing issuance of special
6 activity licenses for the use of special gear
7 or equipment, the importation and possession of
8 sturgeon and nonindigenous saltwater species,
9 the harvest of certain shellfish, and the
10 capture of certain saltwater species;
11 authorizing permit consolidation procedures;
12 providing activity license terms; amending s.
13 370.081, F.S.; revising provisions relating to
14 the importation of nonindigenous marine plants
15 and animals; amending s. 370.10, F.S.;
16 authorizing the harvesting or possession of
17 saltwater species for experimental, scientific,
18 education, and exhibition purposes; amending s.
19 370.16, F.S.; establishing wild harvest
20 setbacks from shellfish leases; amending s.
21 370.26, F.S.; defining the term "marine
22 aquaculture facility" and revising definition
23 of the term "marine aquaculture product";
24 authorizing delegation of regulatory authority
25 for certain aquaculture facilities; amending s.
26 372.6672, F.S.; removing obsolete language
27 relating to state-sanctioned sales of alligator
28 hides; amending s. 372.6673, F.S.; providing
29 for a portion of the fees assessed for
30 alligator egg collection permits to be
31 transferred to the General Inspection Trust

1 Fund to be used for certain purposes; amending
2 s. 372.6674, F.S.; providing for a portion of
3 the fees assessed for alligator hide validation
4 tags to be transferred to the General
5 Inspection Trust Fund to be used for certain
6 purposes; amending s. 373.046, F.S.; clarifying
7 jurisdiction over aquaculture activities;
8 amending s. 403.814, F.S.; clarifying
9 provisions relating to aquaculture general
10 permits; amending s. 597.005, F.S.; providing
11 for a list of prioritized research needs;
12 providing an effective date.

13

14 Be It Enacted by the Legislature of the State of Florida:

15

16 Section 1. Subsection (3) is added to section 253.72,
17 Florida Statutes, to read:

18 253.72 Marking of leased areas; restrictions on public
19 use.--

20 (3) To assist in protecting shellfish aquaculture
21 products produced on leases authorized pursuant to this
22 chapter and chapter 370, harvesting shellfish is prohibited
23 within a distance of 25 feet outside lawfully marked lease
24 boundaries or within setback and access corridors within
25 specifically designated high-density aquaculture lease areas
26 and aquaculture use zones.

27 Section 2. Subsection (4) of section 370.06, Florida
28 Statutes, is amended to read:

29 370.06 Licenses.--

30 (4) SPECIAL ACTIVITY LICENSES.--

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1 (a) A special activity license is required for any
2 person to use gear or equipment not authorized in this chapter
3 or rule of the Marine Fisheries Commission for harvesting
4 saltwater species. In accordance with this chapter, s. 16,
5 Art. X of the State Constitution, and rules of the Marine
6 Fisheries Commission, the department may issue special
7 activity licenses for the use of nonconforming gear or
8 equipment, including, but not limited to, trawls, seines and
9 entangling nets, traps, and hook and line gear, to be used in
10 harvesting saltwater species for scientific and governmental
11 purposes, and where allowable, for innovative fisheries. The
12 department may prescribe by rule application requirements and
13 terms, conditions, and restrictions to be incorporated into
14 each special activity license. This subsection does not apply
15 to gear or equipment used by certified marine aquaculturists
16 to harvest marine aquaculture products.~~Any person who seeks~~
17 ~~to use special gear or equipment in harvesting saltwater~~
18 ~~species must purchase a special activity license as specified~~
19 ~~by law to engage in such activities. The department may issue~~
20 ~~special activity licenses, in accordance with s. 370.071, to~~
21 ~~permit the cultivation of oysters, clams, mussels, and crabs~~
22 ~~when such aquaculture activities relate to quality control,~~
23 ~~sanitation, and public health regulations. The department may~~
24 ~~prescribe by rule special terms, conditions, and restrictions~~
25 ~~for any special activity license.~~

26 (b) The department is authorized to issue special
27 activity licenses in accordance with this section and s.
28 370.31, to permit the importation, possession, and aquaculture
29 of anadromous sturgeon. The special activity license shall
30 provide for specific best management practices to prevent the
31 release and escape of cultured anadromous sturgeon and to

1 protect indigenous populations of saltwater species ~~from~~
2 ~~sturgeon-borne disease.~~

3 (c) The department is authorized to issue special
4 activity licenses, in accordance with s. 370.071, to permit
5 the harvest or cultivation of oysters, clams, mussels, and
6 crabs when such activities relate to quality control,
7 sanitation, public health regulations, innovative technologies
8 for aquaculture activities, or the protection of shellfish
9 resources provided in this chapter.

10 (d) The department is authorized to issue special
11 activity licenses in accordance with this section and ss.
12 370.071 and 370.101, aquaculture permit consolidation
13 procedures in s. 370.26(3)(a), and rules of the Marine
14 Fisheries Commission to permit the capture and possession of
15 saltwater species protected by law and used as stock for
16 artificial cultivation and propagation.

17 (e) The department is authorized to issue special
18 activity licenses in accordance with this section, s. 370.081,
19 and aquaculture permit consolidation procedures in s.
20 370.26(3)(a) to permit the importation and possession of
21 nonindigenous saltwater species for the production of marine
22 aquaculture products in marine aquaculture facilities. The
23 license shall provide specific management practices to prevent
24 the release and escape of cultured species and to protect
25 indigenous populations of saltwater species and aquaculture
26 facilities.

27 (f) The conditions and specific management practices
28 established in this section may be set forth in special
29 activity licenses or may be incorporated into permits and
30 authorizations issued pursuant to chapter 253, chapter 370,
31 chapter 373, or chapter 403, when incorporating such

1 provisions is in accordance with the aquaculture permit
2 consolidation procedures. No separate issuance of a special
3 activity license is required when conditions and specific
4 management practices are incorporated into permits or
5 authorizations under this paragraph. Implementation of this
6 section to consolidate permitting actions does not constitute
7 rules within the meaning of s. 120.52.

8 (g) Notwithstanding the provisions of subsection (6),
9 special activity licenses issued pursuant to this section
10 shall be for terms not to exceed 20 years.

11 Section 3. Subsections (1), (2), and (5) of section
12 370.081, Florida Statutes, are amended to read:

13 370.081 Illegal importation or possession of
14 nonindigenous marine plants and animals; rules and
15 regulations.--

16 (1) It is unlawful to import or possess any marine
17 plant or marine animal, not indigenous to the state, which,
18 due to the stimulating effect of the waters of the state on
19 procreation, may endanger or infect the marine resources of
20 the state or pose a human health hazard, except as provided in
21 this section ~~subsection (4)~~.

22 (2) Marine animals not to be imported shall include,
23 but are not limited to, all species of the following:

24 (a) Sea snakes (Family Hydrophiidae), except as
25 provided in subsection (4);

26 ~~(b) Rabbitfishes (Family Siganidae);~~

27 (b)(c) Weeverfishes (Family Trachinidae); and

28 (c)(d) Stonefishes (Genus Synanceja).

29 (5) It is unlawful to release into the waters of the
30 state any nonindigenous saltwater species ~~marine plant or~~
31 ~~marine animal~~ whether or not included in subsection (2) or

1 prohibited by rules and regulations adopted pursuant to
2 subsection (3) or authorized by subsection (4).

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

5 370.10 Crustacea, marine animals, fish; regulations;
6 general provisions.--

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

25 Section 5. Subsection (12) of section 370.16, Florida
26 Statutes, is amended to read:

27 370.16 Oysters and shellfish; regulation.--

28 (12) PROTECTION OF OYSTER AND CLAM REEFS AND
29 SHELLFISH.--

30 (a) The Division of Marine Resources shall improve,
31 enlarge, and protect the natural oyster and clam reefs of this

1 state to the extent it may deem advisable and the means at its
2 disposal will permit.

3 (b) The division shall also, to the same extent,
4 assist in protecting shellfish aquaculture products produced
5 on the leased or granted reefs in the hands of lessees or
6 grantees from the state. Harvesting shellfish is prohibited
7 within a distance of 25 feet outside lawfully marked lease
8 boundaries or within setback and access corridors within
9 specifically designated high-density aquaculture lease areas
10 and aquaculture use zones.

11 (c) The division shall provide the Legislature
12 annually with recommendations for the development and the
13 proper protection of the rights of the state and private
14 holders therein with respect to the oyster and clam business.

15 Section 6. Subsections (1) and (6) of section 370.26,
16 Florida Statutes, are amended to read:

17 370.26 Aquaculture definitions; marine aquaculture
18 products, ~~and producers, and facilities.~~--

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

20 (a) "Marine aquaculture facility" means a facility
21 built and operated for the purpose of producing marine
22 aquaculture products. Marine aquaculture facilities contain
23 culture systems such as, but not limited to, ponds, tanks,
24 raceways, cages, and bags used for commercial production,
25 propagation, growout, or product enhancement of marine
26 aquaculture products. Marine aquaculture facilities
27 specifically do not include:

28 1. Facilities that maintain marine aquatic organisms
29 exclusively for the purpose of shipping, distribution,
30 marketing, or wholesale and retail sales;
31

1 2. Facilities that maintain marine aquatic organisms
2 for noncommercial, education, exhibition, or scientific
3 purposes;

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

6 4. Facilities used by marine aquarium hobbyists.

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

10 ~~(c)(b)~~ "Marine aquaculture product" means any product
11 derived from marine aquatic organisms that are owned and
12 propagated, and grown, or produced under controlled conditions
13 by a person holding an aquaculture certificate pursuant to s.
14 597.004. Such product does not include organisms harvested
15 from the wild for depuration, wet storage, or relayed for the
16 purpose of controlled purification. Marine aquaculture
17 products are considered saltwater products for the purposes of
18 this chapter, except the holder of an aquaculture certificate
19 is not required to purchase and possess a saltwater products
20 license in order to possess, transport, or sell marine
21 aquaculture products pursuant to s. 370.06. To renew an
22 existing restricted species endorsement, marine aquaculture
23 producers possessing a valid saltwater products license with a
24 restricted species endorsement may apply income from the sales
25 of marine aquaculture products to licensed wholesale dealers.
26 Income from the sales of marine aquaculture products shall not
27 be eligible for the purpose of acquiring a new restricted
28 species endorsement. The holder of an aquaculture certificate
29 must purchase and possess a saltwater products license in
30 order to possess, transport, ~~or~~ and sell saltwater products
31 not specifically provided for in s. 597.004.

1 (6) ~~Until such time that~~ aquaculture general permits
2 under s. 403.088 can be expanded and developed, the department
3 shall establish criteria to temporarily permit aquaculture
4 activities that may be presumed not to result in adverse
5 environmental impacts. The criteria developed pursuant to this
6 subsection do not constitute rules within the meaning of s.
7 120.52. Permit application fees under this subsection shall be
8 no more than that established for a general permit. The
9 department may delegate to the water management districts the
10 regulatory authority for aquaculture facilities subject to the
11 temporary general permitting criteria of this subsection.
12 During the period prior to development of a general permit
13 under s. 403.088, the department shall establish a compliance
14 plan based on monitoring results that will assist in the
15 development of the general permit.

16 Section 7. Subsection (3) of section 372.6672, Florida
17 Statutes, is amended to read:

18 372.6672 Alligator management and trapping program
19 implementation; commission authority.--

20 (3) ~~The commission shall provide adequate notice of~~
21 ~~state-sanctioned sales and may maintain a list of known hide~~
22 ~~buyers and provide notice of state sales by mail. Nothing~~
23 ~~herein shall authorize the commission to engage in marketing~~
24 ~~or promotion of the sale of alligator hides or products other~~
25 ~~than by providing the public notice described herein.~~The
26 commission is authorized to market alligator hides or products
27 obtained as a result of its law enforcement actions or its
28 nuisance alligator control programs.

29 Section 8. Subsection (4) of section 372.6673, Florida
30 Statutes, is amended to read:

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1 372.6673 Taking and possession of alligators; trapping
2 licenses; fees.--

3 (4) No person shall take any alligator egg occurring
4 in the wild or possess any such egg unless such person has
5 obtained, or is a licensed agent of another person who has
6 obtained, an alligator egg collection permit. The alligator
7 egg collection permit shall be required in addition to the
8 alligator farming license provided in paragraph (2)(d). The
9 commission is authorized to assess a fee for issuance of the
10 alligator egg collection permit of up to \$5 per egg authorized
11 to be taken or possessed pursuant to such permit, of which \$1
12 per egg, excluding eggs collected on private wetland
13 management areas, shall be transferred to the General
14 Inspection Trust Fund, to be administered by the Department of
15 Agriculture and Consumer Services for the purpose of providing
16 marketing and education services with respect to alligator
17 products produced in this state, notwithstanding other
18 provisions in this chapter.

19 Section 9. Subsection (2) of section 372.6674, Florida
20 Statutes, is amended to read:

21 372.6674 Required tagging of alligators and hides;
22 fees; revenues.--The tags provided in this section shall be
23 required in addition to any license required under s.
24 372.6673.

25 (2) The commission may require that an alligator hide
26 validation tag be affixed to the hide of any alligator taken
27 from the wild and that such hide be possessed, purchased,
28 sold, offered for sale, or transported in accordance with
29 commission rule. The commission is authorized to assess a fee
30 of up to \$30 for each alligator hide validation tag issued, of
31 which \$5 per validated hide, excluding those validated from

1 public hunt programs, shall be transferred to the General
2 Inspection Trust Fund, to be administered by the Department of
3 Agriculture and Consumer Services for the purpose of providing
4 marketing and education services with respect to alligator
5 products produced in this state, notwithstanding other
6 provisions in this chapter.

7 Section 10. Subsection (5) of section 373.046, Florida
8 Statutes, is amended to read:

9 373.046 Interagency agreements.--

10 (5) Notwithstanding the provisions of s. 403.927, when
11 any operating agreement is developed pursuant to subsection
12 (4):

13 (a) The department shall have regulatory
14 responsibility under part IV of this chapter for:

15 1. All saltwater aquaculture activities ~~located on~~
16 ~~sovereignty submerged land or in the water column above such~~
17 ~~land and adjacent facilities directly related to the~~
18 ~~aquaculture activity.~~

19 2. ~~Marine and estuarine aquaculture activities that do~~
20 ~~not require a consumptive use permit under part II of this~~
21 ~~chapter.~~

22 2.3. Aquaculture activities that exceed the thresholds
23 or do not meet all the criteria for aquaculture general
24 permits authorized pursuant to ss. 370.26 and 403.088.

25 3.4. Aquaculture activities within the Northwest
26 Florida Water Management District.

27 (b) Water management districts shall have regulatory
28 responsibility under part IV of this chapter for aquaculture
29 activities not retained by the department in paragraph (a).

30 (c) Upon agreement by the applicant, the department,
31 and the applicable water management district, the department

1 and water management district may reassign ~~deviate from~~ the
2 regulatory responsibilities described in paragraphs (a) and
3 (b), based on the specific aquaculture operation, to achieve a
4 more efficient and effective permitting process.

5 Section 11. Subsections (8), (9), and (10) of section
6 403.814, Florida Statutes, are amended to read:

7 403.814 General permits; delegation.--

8 ~~(8) An aquaculture general permit under s. 403.088~~
9 ~~shall be established for the saltwater cultivation of fish and~~
10 ~~other marine organisms, except alligators, in upland~~
11 ~~aquaculture facilities.~~

12 (8)(9) An aquaculture general permit under s. 403.088
13 shall be established for the freshwater cultivation of fish
14 ~~and other aquatic species animals~~, except alligators, ~~in~~
15 ~~upland aquaculture facilities.~~

16 (9)(10) The authority to issue or deny general permits
17 developed by the department pursuant to subsection ~~subsections~~
18 ~~(8) and (9)~~ for aquaculture facilities is hereby delegated to
19 the water management districts when they have regulatory
20 responsibility for the facility pursuant to s. 373.046
21 project.

22 Section 12. Paragraph (i) is added to subsection (3)
23 of section 597.005, Florida Statutes, to read:

24 597.005 Aquaculture Review Council.--

25 (3) RESPONSIBILITIES.--The primary responsibilities of
26 the Aquaculture Review Council are to:

27 (i) Provide the Governor, the President of the Senate,
28 the Speaker of the House of Representatives, and the chairs of
29 legislative committees having primary jurisdiction over either
30 the subject of aquaculture or the budget of the Department of
31 Agriculture and Consumer Services, by August 1 of each year, a

1 list of prioritized research needs critical to development of
2 the aquaculture industry.
3 Section 13. This act shall take effect July 1 of the
4 year in which enacted.
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