

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 1118

SPONSOR: Senator Laurent

SUBJECT: Aquaculture

DATE: March 5, 1999

REVISED: 03/17/99 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Akhavein</u>	<u>Poole</u>	<u>AG</u>	<u>Fav/1 amendment</u>
2.	_____	_____	<u>NR</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This bill exempts marine aquaculture products from Fish and Wildlife Conservation Commission rules to clarify that aquaculture is to be regulated differently from the state's wild resources. It deletes the aquaculture of anadromous sturgeon from special activity licenses, allowing farm raised sturgeon to be raised the same as other aquaculture species. It also allows reasonable quantities of brood stock to be taken from the wild for aquacultural purposes. The bill clarifies that the Department of Agriculture and Consumer Services is responsible for carrying out the provisions of the Florida Aquaculture Policy Act. It also provides for restrictions on and revocation of aquaculture certificates.

This bill amends sections 370.027, 370.06, 370.10, 370.26, 372.0025, 372.65, 597.0015, 597.004, and 597.0041, Florida Statutes.

II. Present Situation:

Aquaculture Regulation

Aquaculture is the cultivation of aquatic organisms. Although the Department of Agriculture and Consumer Services (department) is currently designated as the lead agency in encouraging the development of aquaculture in the state, numerous other state agencies have been or still are involved in aquaculture activities. Most of these activities involve developmental assistance or regulation. Developmental assistance involves those activities that are intended to promote the growth of the aquaculture industry and includes aquaculture research, demonstration of aquaculture production and management techniques, dissemination of aquaculture information, and marketing. Regulation involves activities that are intended to protect the state's natural resources. Since potential environmental risks associated with aquacultural activities can be high, the aquaculture industry has been subject to a number of regulations designed to protect natural and environmental resources. Some of these regulations limit industry growth.

In 1996, the Legislature passed legislation which required the Department of Environmental Protection to streamline complex and duplicative state regulations and permitting procedures for aquaculture activities. In 1998, the Legislature transferred the regulatory authority for aquaculture to the department, with the exception of those areas required by federal law, rule, or cooperative agreement to be regulated by another agency. Since this transfer, staff from the affected agencies, including the Department of Environmental Protection, the Game and Fresh Water Fish Commission, and the five water management districts have met to work on the transfer of regulation to the department.

Game and Fresh Water Fish Commission

Passage of Article IV, Section 9 of the Florida Constitution in 1974 created the Florida Game and Fresh Water Fish Commission which has regulatory and executive powers of the state with respect to wild animal life and fresh water aquatic life. In 1983, the Florida Legislature created the Marine Fisheries Commission with full rulemaking authority over marine life, with the exception of endangered species and the type of gear used in residential, manmade saltwater canals. On November 3, 1998, the voters approved Constitutional Revision #5 which establishes the Fish and Wildlife Conservation Commission on July 1, 1999. The Game and Fresh Water Fish Commission and the Marine Fisheries Commission will be dissolved on that same date. This bill amends statutes relating to aquaculture to recognize the creation of the new Fish and Wildlife Conservation Commission.

Sturgeon

Sturgeon are fish that are and have traditionally been highly valued in world markets for meat and roe (caviar). Reportedly, the roe alone can sell for between \$200 and \$300 per pound. Sturgeon offer significant potential for aquaculture as has been demonstrated in California and Europe which have successfully commercialized cultured sturgeon. The Institute of Food and Agricultural Sciences of the University of Florida has developed technology to commercially produce sturgeon aquaculturally in Florida. This technology is internationally sought.

Though the technology exists to commercially produce sturgeon meat and roe, there are a host of complex federal policies, permits, and regulations to sort through before such production is possible. Currently, ch. 370, F.S., prohibits the importation, possession, and aquaculture of anadromous sturgeon without a special activity license issued by the Department of Environmental Protection. The purpose of this license is to provide for specific management practices to prevent the release and escape of cultured anadromous sturgeon and to protect indigenous populations of saltwater species.

Sale of Aquaculture Products

Currently, aquaculture products, except shellfish, snook, spotted sea trout, red drum, and freshwater aquatic species identified in ch. 372, F.S., and rules of the Game and Fresh Water Fish Commission, may be sold without restriction so long as product origin can be identified. The Commission requires that a tag be attached to cultured game fish before they are sold. The tags are 5 cents each and are furnished by the Commission.

III. Effect of Proposed Changes:

Section 1. Amends s. 370.027, F.S., to exempt marine aquaculture products from Fish and Wildlife Conservation Commission rules.

Section 2. Amends s. 370.06, F.S., to allow the aquaculture of anadromous sturgeon without a Special Activity License issued by the Department of Environmental Protection. Requires specific management practices to be incorporated into special activity licenses.

Section 3. Amends s. 370.10, F.S., to allow reasonable quantities of saltwater species to be taken for brood stock for aquacultural purposes.

Section 4. Amends s. 370.26, F.S., to change the term “marine product facility” to “marine aquaculture facility.” Redefines the term “marine aquaculture producer” to mean a person holding an aquaculture certificate pursuant to s. 597.004, F.S., to produce marine aquaculture products.

Section 5. Amends s. 372.0225, F.S., to clarify that the Department of Agriculture and Consumer Services has regulatory authority over the Florida Aquaculture Policy Act.

Section 6. Amends s. 372.65, F.S., to exempt any individual or business issued an aquaculture certificate from the requirements of ch. 372, F.S., with respect to aquaculture products authorized under such certificate. Eliminates a requirement that aquacultured game fish be tagged with tags furnished by the Game and Fresh Water Fish Commission. Eliminates the Commission’s authority to assess a fee of not more than five cents for each tag.

Section 7. Amends s. 597.0015, F.S., to redefine the term “aquaculture producers” to mean those persons engaging in the production of aquaculture products and certified under s. 597.004, F.S.

Section 8. Amends s. 597.004, F.S., to clarify that this chapter does not supersede the authority under chapters 372, 373, or 403, F.S., to regulate alligator farms and alligator farmers. Changes a reference to the Game and Fresh Water Fish Commission to the Fish and Wildlife Conservation Commission. Removes snook, spotted sea trout, red drum, and freshwater aquatic species identified in ch. 372, F.S., from an exception, allowing these aquaculture products to be sold without restriction so long as product origin can be identified. Requires any person whose certificate of registration has been revoked or suspended to reapply to the Department of Agriculture and Consumer Services for certification.

Section 9. Amends s. 597.0041, F.S., to provide for revocation of an aquaculture certificate when a person has been convicted of taking aquaculture species raised at a certified facility.

Section 10. Provides that this act shall take effect July 1, 1999.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

This bill eliminates the handling and attaching of tags to aquacultured game fish. The private sector will no longer be required to obtain tags from the Game and Fresh Water Fish Commission at a cost of five cents per tag.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

#1 by Agriculture and Consumer Services:

This amendment allows freshwater species, rather than restricted freshwater species, identified by rules of the Fish and Wildlife Conservation Commission to be sold without restriction so long as product origin can be identified.

