

## HOUSE OF REPRESENTATIVES STAFF 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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Environment, Agriculture & Flooding Subcommittee	17 Y, 0 N, As CS	Melkun	Moore
2) State Affairs Committee	21 Y, 0 N	Melkun	Williamson

### SUMMARY ANALYSIS

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.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED 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.<sup>1</sup>

In order to raise aquatic species for commercial sale, entities must acquire an aquaculture certificate of registration from DACS.<sup>2</sup> 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.<sup>3</sup>

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.<sup>4</sup> Each applicant is also required to comply with DACS-approved best management practices to ensure proper effluent treatment.<sup>5</sup> 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.<sup>6</sup>

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.<sup>7</sup> 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).<sup>8</sup>

##### 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.<sup>9</sup> 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.<sup>10</sup> However, northern black largemouth bass (*Micropterus salmoides salmoides*)

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

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

<sup>3</sup> *Id.*

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

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

<sup>6</sup> Section 597.004(6)(a), F.S.

<sup>7</sup> Section 597.004(5), F.S.

<sup>8</sup> *Id.*

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

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

are on the conditional nonnative species list<sup>11</sup> and are therefore prohibited from sale, possession, or transport unless otherwise authorized by FWC.<sup>12</sup> Currently, both the Florida largemouth bass and the Northern largemouth bass are prohibited from being cultured and sold as food.<sup>13</sup>

### **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.

#### **B. SECTION DIRECTORY:**

Section 1. Amends s. 597.004, F.S., to authorize the sale of largemouth bass.

Section 2. Provides an effective date of July 1, 2021.

### **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.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

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<sup>11</sup> 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.

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

<sup>13</sup> Rule 68A-23.009(2)(c), F.A.C.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

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.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On March 23, 2021, the Environment, Agriculture & Flooding Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment required FWC to adopt certain rules and authorized the sale of only Florida largemouth bass (*Micropterus salmoides floidanus*).

This analysis is drafted to the committee substitute as approved by the Environment, Agriculture & Flooding Subcommittee.