

Proposed

253.67 Definitions.--As used in ss. [253.67-253.75](#):

(1) "Aquaculture" means the cultivation of aquatic organisms and associated activities, including, but not limited to, grading, sorting, transporting, harvesting, holding, storing, growing, and planting.

(2) "Board" means the Board of Trustees of the Internal Improvement Trust Fund.

(3) "Department" means the Department of Agriculture and Consumer Services.

(4) "Private Residential Use" means a use for private, recreational or leisure purposes for a single family residence, cottage or other such single dwelling unit, or a non-commercial multi-family development, including condominiums under Chapter 718, Cooperatives under Chapter 719, and Homeowner Associations under Chapter 720, including resident owned mobile home parks, where the owners of such dwelling units own an undivided interest in the common areas or properties associated with such dwelling units or an interest in a not for profit entity which owns and operates the common areas or properties for the use and benefit of the owners and occupants. Further, such use shall not permit the leasing or assignment of the right to use to (i) an individual or entity that is not an owner or an occupant of the multi-family development, or (ii) an individual or utilizing the submerged land to engaged in commercial activities such as foodservice, marinas with private or public members that are not also owners or occupants of the multi-family development or (iii) use by the public for any fee based service, other than maintenance fees or assessments due from unit owners or occupants.

~~(4)~~(5) "Water column" means the vertical extent of water, including the surface thereof, above a designated area of submerged bottom land.

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253.68 Authority to lease or use submerged lands and water column for aquaculture activities.--

(1) To the extent that it is not contrary to the public interest, and subject to limitations contained in ss. [253.67](#)-[253.75](#), the board of trustees may lease or authorize the use of submerged lands to which it has title for the conduct of aquaculture activities and grant exclusive use of the bottom and the water column to the extent required by such activities. "Aquaculture activities" means any activities, as determined by board rule, related to the production of aquacultural products, including, but not limited to, producing, storing, handling, grading, sorting, transporting, harvesting, and aquaculture support docking. In addition to Aquaculture Activities, such leases may be entered into for Private Residential Uses, as defined in this Chapter. Such leases or authorizations may permit use of the submerged land and water column for either commercial or experimental purposes. However, a resolution of objection adopted by a majority of the county commission of a county within whose boundaries the proposed leased area would lie, if the boundaries were extended to the extent of the interest of the state, may be filed with the board of trustees within 30 days of the date of the first publication of notice as required by s. [253.70](#). Prior to the granting of any such leases or authorizations, the board shall by rule establish and publish guidelines to be followed when considering applications for lease or authorization. Such guidelines shall be designed to protect the public's interest in submerged lands and the publicly owned water column.

(2)(a) The Legislature finds that the state's ability to supply fresh seafood and other aquaculture products has been diminished by a combination of factors, including a diminution of the resources and restrictions on the harvest of certain marine species. The Legislature declares that it is in the state's economic, resource enhancement, and food production interests to promote aquaculture production of food and nonfood aquatic species by facilitating the review and approval processes for authorizing the use of sovereignty submerged land or the water column; simplifying environmental permitting; supporting educational, research, and demonstration programs; and assisting certain local governments to develop aquaculture as a means to promote economic development. The Legislature declares that aquaculture shall be recognized as a practicable resource management alternative to produce marine aquaculture products, to protect and conserve natural resources, to reduce competition for natural stocks, and to augment and restore natural populations. Therefore, for the purpose of this section, the Legislature declares that aquaculture is in the public interest.

(b) It shall be the policy of the state to foster aquaculture development when the aquaculture activity is consistent with state resource management goals, environmental protection, proprietary interests, and the state aquaculture plan.

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253.71 The lease contract.--When the board has determined that the proposed lease is not incompatible with the public interest and that the applicant has demonstrated his or her capacity to perform the operations upon which the application is based, it may proceed to consummate a lease contract having the following features in addition to others deemed desirable by the board:

(1) **TERM.**--The maximum initial terms shall be 10 years. Leases shall be renewable for successive terms up to the same maximum upon agreement of the parties.

(2) **RENTAL FEES.**--

(a) The lease contract for Aquaculture Activities shall specify such amount of rental per acre of leased bottom as may be agreed to by the parties and shall take the form of fixed rental to be paid throughout the term of the lease. Beginning January 1, 1990, a surcharge of \$5 per acre, or any fraction of an acre, per annum shall be levied upon each lease according to the guidelines set forth in s. [597.010\(7\)](#). Beginning January 1, 2001, the surcharge shall be increased to \$10 per acre, or any fraction of an acre, per annum.

(b) The lease contract for Private Residential Uses shall specify such amount of rental per acre of leased bottom as may be agreed to by the parties and shall take the form of fixed rental to be paid throughout the term of the lease. A surcharge of \$10 per acre, or any fraction of an acre, per annum shall be levied upon each lease according to the guidelines set forth in s. [597.010\(7\)](#). Notwithstanding anything herein to the contrary, Private Residential Uses shall be exempt from all "lease charges", which shall include but not be limited to all fees, taxes, or surcharges including fees upon transfers of the fee simple or beneficial ownership in units in multi-family residential developments engaged in Private Residential Uses, as follows: (i) as to single family residences, cottages or other such single family dwelling unit and with a dock which is designed to moor no more than two boats, and docks with mooring for no more than four boats located on property lines between two upland single family residences where the dock is shared for use by both upland single family residences, no Lease Charge shall apply to such portion of the submerged land used that has an area less than or equal to an area ten times the riparian waterfront frontage of the affected waterbody of the applicant, or the square footage attendant to providing a single dock in accordance with the criteria for private residential single family docks, whichever is greater, and (ii) as to Private Residential Use for multi-family developments, with dock(s) which is designed to moor no more boats than the number of units within the multi-family development, no Lease Charge shall apply to such portion of the submerged land used that has an area less than or equal to an area ten times the riparian waterfront frontage of the affected waterbody of the applicant times the number of units in the multi-family development.

~~(b)~~(c) All leases shall stipulate for the payment of the initial term's first year's annual rental within 30 days of the date of execution of the lease instrument, and payment of the annual rental fee for all succeeding years throughout the term of the lease on or before the anniversary date. Failure of the lessee to pay such rent within 30 days of such date shall constitute ground for cancellation of the lease and forfeiture to the state of all works, improvements, and animal and plant life in and upon the leased land and water column.

(3) **MAXIMUM AREA TO BE LEASED.**--The board shall not lease a larger area of submerged land to any single lessee than has been demonstrated to be within the lessee's capacity to utilize efficiently and consistent with the public interest. However, the board may hold a reasonable area of adjacent bottom land in reserve for the time when a holder of an experimental lease will begin operation under a commercial lease. Successful conduct of aquaculture activities on an experimental basis may be accepted as a demonstration of capacity to conduct such operations on a commercial basis.

(4) **PERFORMANCE REQUIREMENTS.**--Failure of the lessee to perform effective cultivation shall constitute ground for cancellation of the lease and forfeiture to the state of all the works,

improvements, and animal and plant life in and upon the leased land and water column. Effective cultivation shall consist of the grow out of the aquaculture product according to the business plan provided in the lease contract.

(5) DISPOSITION OF IMPROVEMENTS AT TERMINATION OF CONTRACT.--Each contract entered into under this act shall stipulate the disposition of improvements and assets upon the leased lands and waters, including animal and plant life resulting from aquaculture activities.

(6) ASSIGNABILITY OF LEASES.--Leases granted under this act shall be assignable in whole or in part with the approval of the board.

(7) SPECIAL LEASE CONDITIONS.--Leases granted under this section may contain special lease conditions that provide for flexibility in surveying and posting lease boundaries, incorporate conditions necessary to issue permits pursuant to part IV of chapter 373 and chapter 403, and provide for special activities related to aquaculture and resource management.