

Bill No. CS for SB 1316

Barcode 900558

CHAMBER ACTION

Senate

House

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The Committee on Environmental Preservation (Argenziano)
recommended the following amendment:

Senate Amendment (with title amendment)

On page 23, between lines 13 and 14,

insert:

Section 12. Subsection (1) of section 253.002, Florida
Statutes, is amended to read:

253.002 Department of Environmental Protection, water
management districts, and Department of Agriculture and
Consumer Services; duties with respect to state lands.--

(1) The Department of Environmental Protection shall
perform all staff duties and functions related to the
acquisition, administration, and disposition of state lands,
title to which is or will be vested in the Board of Trustees
of the Internal Improvement Trust Fund. However, upon the
effective date of rules adopted pursuant to s. 373.427, a
water management district created under s. 373.069 shall
perform the staff duties and functions related to the review
of any application for authorization to use board of

Bill No. CS for SB 1316

Barcode 900558

1 trustees-owned submerged lands necessary for an activity
2 regulated under part IV of chapter 373 for which the water
3 management district has permitting responsibility as set forth
4 in an operating agreement adopted pursuant to s. 373.046(4);
5 ~~and effective July 1, 2000,~~ the Department of Agriculture and
6 Consumer Services shall perform the staff duties and functions
7 related to the review of applications and compliance with
8 lease conditions for use of board of trustees-owned submerged
9 lands under authorizations or leases issued pursuant to ss.
10 253.67-253.75 and 597.010. Unless expressly prohibited by law,
11 the board of trustees may delegate to the department any
12 statutory duty or obligation relating to the acquisition,
13 administration, or disposition of lands, title to which is or
14 will be vested in the board of trustees. The board of trustees
15 may also delegate to any water management district created
16 under s. 373.069 the authority to take final agency action,
17 without any action on behalf of the board, on applications for
18 authorization to use board of trustees-owned submerged lands
19 for any activity regulated under part IV of chapter 373 for
20 which the water management district has permitting
21 responsibility as set forth in an operating agreement adopted
22 pursuant to s. 373.046(4). This water management district
23 responsibility under this subsection shall be subject to the
24 department's general supervisory authority pursuant to s.
25 373.026(7). The board of trustees may also delegate to the
26 Department of Agriculture and Consumer Services the authority
27 to take final agency action on behalf of the board on
28 applications to use board of trustees-owned submerged lands
29 for any activity for which that department has responsibility
30 pursuant to ss. 253.67-253.75 and 597.010. However, the board
31 of trustees shall retain the authority to take final agency

Bill No. CS for SB 1316

Barcode 900558

1 | action on establishing any areas for leasing, new leases,
 2 | expanding existing lease areas, or changing the type of lease
 3 | activity in existing leases. Upon issuance of an aquaculture
 4 | lease or other real property transaction relating to
 5 | aquaculture, the Department of Agriculture and Consumer
 6 | Services must send a copy of the document and the accompanying
 7 | survey to the Department of Environmental Protection.

8 | Section 13. Section 253.67, Florida Statutes, is
 9 | amended to read:

10 | 253.67 Definitions.--As used in ss. 253.67-253.75:

11 | (1) "Aquaculture" means the cultivation of aquatic and
 12 | associated organisms.

13 | (2) "Aquaculture activity" means an activity as
 14 | determined by board rule, which is related to the production
 15 | of aquaculture products, including activities related to
 16 | harvesting, sorting, grading, holding, storing, and
 17 | transporting such products, and activities pertaining to
 18 | aquaculture support docks.

19 | ~~(3)(2)~~ "Board" means the Board of Trustees of the
 20 | Internal Improvement Trust Fund.

21 | ~~(4)(3)~~ "Department" means the Department of
 22 | Agriculture and Consumer Services.

23 | ~~(5)(4)~~ "Water column" means the vertical extent of
 24 | water, including the surface thereof, above a designated area
 25 | of submerged bottom land.

26 | Section 14. Section 253.68, Florida Statutes, is
 27 | amended to read:

28 | 253.68 Authority to lease submerged land and water
 29 | column.--

30 | (1) To the extent that it is not contrary to the
 31 | public interest, and subject to limitations contained in ss.

Bill No. CS for SB 1316

Barcode 900558

1 | 253.67-253.75, the board of trustees may lease or authorize
2 | the use of submerged lands to which it has title for the
3 | conduct of aquaculture activities and grant exclusive use of
4 | the bottom and the water column to the extent required by such
5 | activities. Such authorizations or leases may permit
6 | ~~authorize~~ use of the submerged land and water column for
7 | ~~either~~ commercial or experimental purposes. However, a
8 | resolution of objection adopted by a majority of the county
9 | commission of a county within whose boundaries the proposed
10 | leased area would lie, if the boundaries were extended to the
11 | extent of the interest of the state, may be filed with the
12 | board of trustees within 30 days of the date of the first
13 | publication of notice as required by s. 253.70. Prior to the
14 | granting of any such authorizations or leases, the board
15 | shall, by rule, establish and publish ~~a list of~~ guidelines to
16 | be followed when considering applications for authorizations
17 | or lease. Such guidelines shall be designed to protect the
18 | public's interest in submerged lands and the publicly owned
19 | water column.

20 | (2)(a) The Legislature finds that the state's ability
21 | to supply fresh seafood and other aquaculture products has
22 | been diminished by a combination of factors, including a
23 | diminution of the resources and restrictions on the harvest of
24 | certain marine species. The Legislature declares that it is
25 | in the state's economic, resource enhancement, and food
26 | production interests to promote aquaculture production of food
27 | and nonfood aquatic species by facilitating the review and
28 | approval processes for authorizing the use of leasing
29 | sovereignty submerged land or the water column; simplifying
30 | environmental permitting; supporting educational, research,
31 | and demonstration programs; and assisting certain local

Bill No. CS for SB 1316

Barcode 900558

1 governments to develop aquaculture as a means to promote
 2 economic development. The Legislature declares that
 3 aquaculture shall be recognized as a practicable resource
 4 management alternative to produce marine aquaculture products,
 5 to protect and conserve natural resources, to reduce
 6 competition for natural stocks, and to augment and restore
 7 natural populations. Therefore, for the purpose of this
 8 section, the Legislature declares that aquaculture is in the
 9 public interest.

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

15 Section 15. Section 253.74, Florida Statutes, is
 16 amended to read:

17 253.74 Penalties.--

18 (1) Any person who conducts aquaculture activities in
 19 excess of those authorized by ~~lease agreement with the board~~
 20 or who conducts such activities on state-owned submerged lands
 21 without having previously obtained board authorization is
 22 ~~leased the same shall be~~ guilty of a misdemeanor and subject
 23 to imprisonment for not more than 6 months or fine of not more
 24 than \$1,000, or both. In addition to such fine and
 25 imprisonment, all works, improvements, animal and plant life
 26 involved in the project, may be forfeited to the state.

27 (2) Any person who is found by the department to have
 28 violated the provisions of chapter 403 or chapter 597 is shall
 29 ~~be~~ subject to having his or her lease of state-owned submerged
 30 lands canceled.

31 Section 16. Subsection (1) of section 253.75, Florida

Bill No. CS for SB 1316

Barcode 900558

1 Statutes, is amended to read:

2 253.75 Studies and recommendations by the department
3 and the Fish and Wildlife Conservation Commission; designation
4 of recommended traditional and other use zones; supervision of
5 aquaculture operations.--

6 (1) Prior to the granting of any authorization ~~lease~~
7 under this act, the board shall request comments by the Fish
8 and Wildlife Conservation Commission when the application
9 relates to bottom land covered by fresh or salt water. Such
10 comments shall be based on such factors as an assessment of
11 the probable effect of the proposed use ~~lease~~ on the
12 conservation of fish or wildlife or other programs under the
13 constitutional or statutory authority of the Fish and Wildlife
14 Conservation Commission.

15
16 (Redesignate subsequent sections.)

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19 ===== T I T L E A M E N D M E N T =====

20 And the title is amended as follows:

21 On page 3, line 12, after the semicolon,

22
23 insert:

24 amending s. 253.002, F.S.; clarifying
25 provisions; amending s. 253.67, F.S.; providing
26 definitions; amending s. 253.68, F.S.;
27 conforming provisions; amending s. 253.74,
28 F.S.; conforming provisions; providing a
29 penalty; amending s. 253.75, F.S.; conforming
30 provisions;

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