

CHAPTER 597

AQUACULTURE

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597.001 Florida Aquaculture Policy Act; short title.

This chapter may be cited as the "Florida Aquaculture Policy Act."

History.—s. 1, ch. 84-90; s. 1, ch. 93-152.

597.0015 Definitions.—For purposes of this chapter, the following terms shall have the following meanings:

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

(2) "Commissioner" means the Commissioner of Agriculture.

History.—s. 7, ch. 91-187.

597.002 Legislative declaration of public policy respecting aquaculture.

—The Legislature declares that, in order to effectively support the growth of aquaculture in this state, there is a need for a state aquaculture plan that will provide for the coordination of state aquacultural efforts and the conservation and enhancement of aquatic resources and will provide mechanisms for increasing aquaculture production which may lead to the creation of new industries, job opportunities, income for aquaculturists, and other benefits to the state. The state aquaculture plan shall identify the specific problems and opportunities of the aquaculture industry. Any funds appropriated by the Legislature to the department for aquacultural research or for contracting for aquacultural research shall be used to address the problems and opportunities designated in the state aquaculture plan and shall be based on recommendations of the Aquaculture Review Council.

History.—s. 2, ch. 84-90; s. 3, ch. 90-92; s. 8, ch. 91-187.

597.0021 Legislative intent.

(1) It is the intent of the Legislature to enhance the growth of aquaculture in this state, while protecting Florida's environment.

(2) It is also the intent of the Legislature to give the department the duty to coordinate the development of aquaculture and provide assistance, without infringing on the existing responsibilities of other state agencies.

(3) Nothing in this chapter or in s. 1.01(12) shall exempt aquaculture from the regulatory authority of state agencies, unless exempted by the rules of such agencies or any provision of the Florida Statutes.

(4) The Legislature finds that aquaculture is a form of agriculture.

(5) It is the intent of the Legislature that the Aquaculture Review Council and the Aquaculture Interagency Coordinating Council are established to provide a means of communication between the aquaculture industry and the regulatory agencies.

History.—s. 1, ch. 87-367; s. 4, ch. 90-92; s. 9, ch. 91-187; s. 29, ch. 91-201; ss. 2, 6, ch. 93-152.

597.003 Powers and duties of Department of Agriculture and Consumer Services.

(1) The department is hereby designated as the lead agency in encouraging the development of aquaculture activities in the state and shall have and exercise the following functions, powers, and duties with regard to aquaculture, which is the cultivation of animal and plant life in a water environment:

(a) Coordinate the development, revision, and implementation of a state aquaculture plan.

(b) Develop memorandums of agreement, as needed, with the Department of Environmental Protection, the Florida Game and Fresh Water Fish Commission, the Florida Sea Grant Program, and other groups as provided in the state aquaculture plan.

(c) Coordinate with public and private institutional research, extension, and service programs in identifying problems and providing assistance in the development of the state aquaculture plan.

(d) Provide staff for the Aquaculture Review Council and the Aquaculture Interagency Coordinating Council.

(e) Submit to the Aquaculture Interagency Coordinating Council for their information and review the list of requests for short-term research projects received from the Aquaculture Review Council. The comments received from the coordinating council shall be forwarded by the department to the commissioner and to the chairs of the legislative committees on agriculture 1 month prior to submission of the department's legislative budget request to the Governor.

(f) Submit to the Governor and the Legislature with the legislative budget request of the department the list of research projects proposed to be funded through the department.

(g) Provide developmental assistance to the various sectors of the aquaculture industry as determined in the state aquaculture plan; provided, however, that such assistance shall not conflict with or duplicate existing State University System extension or research programs.

(h) Assist persons seeking to engage in aquaculture when problems arise when applying for the necessary permits.

(i) In cooperation with other agencies, develop and propose to the Legislature legislation necessary to implement the state aquaculture plan or to otherwise encourage the development of aquaculture activities in the state.

(2) The department may employ such persons as are necessary to perform its duties under this chapter.

History.—s. 3, ch. 84-90; s. 1, ch. 86-111; s. 5, ch. 87-367; s. 2, ch. 88-377; s. 10, ch. 91-187; s. 3, ch. 93-152; s. 467, ch. 94-356.

597.005 Aquaculture Review Council.—

(1) COMPOSITION.—There is created within the department the Aquaculture Review Council to consist of nine members as follows: the chair of the State Agricultural Advisory Council or designee; the chair of the Aquaculture Interagency Coordinating Council; and seven additional members to be appointed by the commissioner, including an alligator farmer, a food fish farmer, a shellfish farmer, a tropical fish farmer, an aquatic plant farmer, a representative of the commercial fishing industry, and a representative of the aquaculture industry at large. Members shall be appointed for 4-year terms. Each member shall be selected from no fewer than two or more than three nominees submitted by recognized statewide organizations representing each industry segment or the aquaculture industry at large. In the absence of nominees, the commissioner shall appoint persons who otherwise meet the qualifications for appointment to the council. Members shall serve until their successors are duly qualified and appointed. An appointment to fill a vacancy shall be for the unexpired portion of the term.

(2) MEETINGS; PROCEDURES; RECORDS.—

(a) The members of the council shall meet at least quarterly; shall elect a chair, a vice chair, a secretary, and an industry representative to the Aquaculture Interagency Coordinating Council; and shall use accepted rules of procedure. The terms of such officers shall be for 1 year.

(b) The council shall meet at the call of its chair, at the request of a majority of its membership, at the request of the department, or at such times as may be prescribed by its rules of procedure. However, the council shall hold a joint annual meeting with the Aquaculture Interagency Coordinating Council.

(c) A majority of the members of the council constitutes a quorum for all purposes, and an act by a majority of such quorum at any meeting constitutes an official act of the council.

(d) The council secretary shall keep a complete record of the proceedings of each meeting, which record shall include the names of the members present and the actions taken. Such records shall be kept on file with the department, and these records and other documents about matters within the jurisdiction of the council shall be subject to inspection by the members of the council.

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

(a) Formulate and recommend to the commissioner rules and policies governing the business of aquaculture by studying and evaluating aquacultural issues.

(b) Annually submit to the commissioner a list of recommendations for short-term research projects designed to solve specific problems designated in the state aquaculture plan.

(c) On a quarterly basis, review and discuss problems that serve as barriers to the growth and development of aquaculture.

(d) For any problem that cannot be solved through simple cooperation or negotiation, provide an issue analysis to the Aquaculture Interagency Coordinating Council and to the chairs of the legislative appropriations committees. The analysis shall include, but not be limited to, specific facts and industry hardships, regulatory provisions, questions relative to the issue, and suggestions for solving the problem.

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(4) EXPENSES; PER DIEM.—Members of the council shall receive expenses and per diem for travel, including attendance at meetings, as allowed state officers and employees pursuant to s. 112.061.

History.—ss. 5, 8, ch. 84-90; s. 7, ch. 87-367; ss. 3, 5, 6, ch. 88-377; s. 5, ch. 90-92; s. 11, ch. 91-187; ss. 4, 6, ch. 93-152.

597.006 Aquaculture Interagency Coordinating Council.—

(1) CREATION.—The Legislature finds and declares that there is a need for interagency coordination with regard to aquaculture by the following agencies: the Department of Agriculture and Consumer Services, the Department of Commerce, the Department of Community Affairs, the Department of Environmental Protection, the Department of Labor and Employment Security, the Marine Fisheries Commission, the Game and Fresh Water Fish Commission, the statewide consortium of universities under the Florida Institute of Oceanography, Florida Agricultural and Mechanical University, the Institute of Food and Agricultural Sciences at the University of Florida, the Florida Sea Grant Program, and each water management district. It is therefore the intent of the Legislature to hereby create an Aquaculture Interagency Coordinating Council to act as an advisory body as defined in s. 20.03(9).

(2) COMPOSITION.—The head of each agency listed in subsection (1) shall designate an aquaculture coordinator to act as the aquaculture contact person regarding the statutory responsibilities of the agency and to serve as a member of the Aquaculture Interagency Coordinating Council, except that the Vice President for Agricultural Affairs of the University of Florida or designee shall represent the Institute of Food and Agricultural Sciences.

(3) MEETINGS; PROCEDURES; RECORDS.—The coordinating council shall meet at least quarterly.

(a) A chair and vice chair shall be elected by the membership and shall serve for 1 year, commencing in September. The chair shall preside at all meetings and shall call a meeting of the coordinating council as often as necessary to transact business. Meetings shall include at least one joint annual meeting with the Aquaculture Review Council. The coordinating council may designate subcommittees from time to time to assist in carrying out its responsibilities.

(b) A majority of the members shall constitute a quorum, and action by a majority of a quorum shall be official.

(c) The department shall have primary responsibility for providing administrative and staff support services for the coordinating council and shall maintain a complete record of the proceedings of each meeting, which record shall include the names of members present and the actions taken. Such records shall be kept on file with the department, and these records and other documents about matters within the jurisdiction of the coordinating council shall be subject to inspection by the members of the coordinating council.

(4) **PURPOSE AND RESPONSIBILITIES.**—The purpose of the coordinating council is to establish positive interagency cooperation to foster the development of the state's aquaculture industry. In carrying out this purpose, the coordinating council shall:

(a) Serve as a forum for the discussion and study of governmental regulations relating to aquaculture.

(b) Review and discuss aquaculture issues developed by the Aquaculture Review Council.

(c) Formulate responses to industry issues, as presented by the Aquaculture Review Council, which include solutions and policy alternatives to facilitate aquaculture development.

(d) Review the recommendations for short-term research projects submitted to the commissioner by the Aquaculture Review Council. The coordinating council shall forward any pertinent comments to the commissioner.

(e) Review the results of the aquaculture research projects funded by the department.

(f) Establish and maintain effective and cooperative linkages between member agencies, the Aquaculture Review Council, and public and private institutional research, extension, and service programs, so that recommendations for improvement are responsive to the needs of aquaculture.

(g) Prepare an annual report to be submitted by December 1 of each year to the Governor, the President of the Senate, the Speaker of the House of Representatives, the chairs of the legislative appropriations and agriculture committees, and the heads of each agency represented on the coordinating council. This report shall describe all actions and include all recommenda-

tions of the coordinating council, as well as the responsive actions taken by the agencies. This report shall provide a list of all aquaculture activities undertaken by member agencies. The list shall include the needs each activity is designed to address, the results, the funds expended on each activity, and the source of those funds.

(h) Develop guidelines for use by member agencies when reporting any aquaculture activities.

History.—ss. 6, 8, ch. 84-90; ss. 4, 5, 6, ch. 88-377; s. 6, ch. 90-92; s. 12, ch. 91-187; ss. 5, 6, ch. 93-152; s. 468, ch. 94-356.

597.007 Delegation of permitting.—Provided the data characterizing the water quality of the various types of aquaculture activities are made available to the ¹Department of Environmental Regulation by the Institute of Food and Agricultural Sciences by December 1, 1990, the ¹Department of Environmental Regulation and the water management districts are directed to begin workshops on the delegation of the permitting of aquaculture facilities from the department to the water management districts. The ¹Department of Environmental Regulation and the water management districts shall formulate a plan for the delegation of general permits, where appropriate, and shall present the plan, with recommendations for statutory changes, to the Legislature no later than March 1, 1991. In the event delegation of permitting for a particular aquaculture activity is determined to be not appropriate, the plan shall state the reasons for such determination. The first phase of delegation shall take effect no later than July 1, 1991.

History.—s. 7, ch. 90-92; s. 13, ch. 91-187.

Note.—Section 3, ch. 93-213, transferred all existing legal authorities and actions of the Department of Environmental Regulation and the Department of Natural Resources to the Department of Environmental Protection.