

Oyster Aquaculture Submerged Lands Leasing Fact Sheet



F L O R I D A

Responsible Agency:

Florida Department of Agriculture and Consumer Services – Division of Aquaculture (DACs)

Leasing Fees & Rental Payments:

- Application Processing Fee: \$200
- Annual Rental Fees for Water Bottoms: \$16.73 per acre annually + \$10 per acre surcharge for bottom aquaculture leases (statutory minimum; actual fees fluctuate, tied to Consumer Price Index)
- Annual Rental Fees for Water Column: \$33.46 per acre annually + \$10 per acre surcharge for water column leases (statutory minimum; actual fees fluctuate, tied to Consumer Price Index)

Aquaculture Lease Requirements:

- Activity must be water-dependent;
- Activity must be designed to minimize or eliminate adverse impacts on fish and wildlife habitat, including: sea grasses, endangered or threatened species, wetland vegetation, and water quality;
- Activity cannot be contrary to the public interest;
- Application must include:
 - Description of potential impacts to the area ecology;
 - Name and address of all landowners within 500 feet of the parcel;
 - Proof of published notice of application in local newspaper.

Additional Provisions for Nearshore Leases:

- Cannot infringe on riparian rights;
- Non-riparian applicant within 100 feet of shore (or existing structures) must provide letter of concurrence from upland owner;
- If applicant is riparian owner, must provide local zoning and specific use of the upland property.

Distinctions between On-bottom and Off-bottom Culture:

Florida provides that you can lease the bottoms or water column for aquaculture activities.

- On-bottom leasing:
 - Includes water bottoms and six inches of the water column above the bottom.
- Water column leasing:
 - Includes water column from six inches above the water bottoms to the water surface.

Other Restrictions on Aquaculture Activities:

- For aquaculture leases, DACS works with state and local agencies to identify and designate sovereign lands and waters that are suitable for aquaculture development.
 - Although DACS identifies suitable areas, the applicant can identify other areas as well.
- Areas leased for oyster aquaculture must be 10 acres or less.
- If the leased area is in an aquatic preserve, research reserve, marine sanctuary or state park, the activity needs to be compatible with the area's management plan and other statutory requirements.
- The leased area must be setback from other activities, channels, or structures to ensure safety and resource management and facilitate enforcement.
- Leases cannot prevent public access to harvestable resources.



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