

**AGENDA
BOARD OF TRUSTEES
DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES
MARCH 13, 2007**

Item 1 Chapter 18-21, F.A.C., Notice of Rule Development

REQUEST: Permission to publish a notice of rule development for chapter 18-21, F.A.C..

STAFF REMARKS: The Department of Agriculture and Consumer Services (DACS) is requesting permission to begin the rule making process to amend chapter 18-21, F.A.C., to clarify DACS' duties and functions related to managing aquacultural activities on sovereignty submerged lands and to incorporate the legislative changes that occurred in 2005.

Specifically, chapter 18-21, F.A.C., needs to be amended to reflect the legislative changes listed below, to reorganize sections of the existing rule into logical parts, and to reflect that Sections 5 and 6 of 2005-157, Laws of Florida, amended chapter 253, F.A.C., to read:

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.

253.68 Authority to lease or use submerged lands ~~land~~ 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. Such leases or authorizations may permit ~~authorize~~ use of the submerged land and water column for either commercial or experimental purposes. ... Prior to the granting of any such leases or authorizations, the board shall by rule establish and publish ~~a list of~~ guidelines to be followed when considering applications for lease or authorization.

These changes need to be incorporated into the existing rule. The Joint Administrative Procedures Committee has notified DACS that a rule amendment is necessary.

(See Attachment 1, Pages 1-5)

RECOMMEND APPROVAL