

NOTICE OF PROPOSED RULEMAKING

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE CHAPTER TITLE: Stone Crabs

RULE TITLES:

RULE NOS.:

Licenses, Endorsements, and Permits for

Experimental, Scientific and Exhibitional Purposes.

68B-13.006

PURPOSE AND EFFECT: The purpose of this rule amendment is to include in an existing rule the substance of Section 370.13(3), relating to depredation permits, and strike archaic language from the rule. This matter is within the constitutional authority of the Fish and Wildlife Conservation Commission. The effect of adopting this rule amendment will be to allow the repeal of the affected statute.

SUMMARY: The language of existing subsection (2) of Rule 68B-13.006, F.A.C., referring to issuance of permits to collect and possess whole stone crabs for certain purposes in accordance with Section 370.10(2), Florida Statutes, is stricken and replaced with provisions for the issuance of depredation permits to aquaculture producers.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m. to 5:00 p.m., each day, February 2-4, 2005.

PLACE: Edgewater Beach Resort, 11212 Front Beach Road, Panama City Beach, Florida.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting the ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

THE FULL TEXT OF THE PROPOSED RULE IS AS FOLLOWS:

68B-13.006 Licenses, Endorsements, and Permits ~~for Experimental, Scientific and Exhibitional Purposes.~~

(1)(a) Except as provided in subsection 68B-13.010(5), F.A.C., in addition to a saltwater products license, a stone crab endorsement is required in order to harvest stone crabs for commercial purposes. This endorsement shall only be issued to a person, firm or corporation that possess a valid restricted species endorsement on their saltwater products license issued pursuant to Section 370.06, Florida Statutes.

(b) Until July 1, 2002, no stone crab endorsements shall be renewed or replaced except those endorsements that were active during the 2000-2001 fiscal year. Renewal of such endorsements shall be made by the endorsement holder or an immediate family member on the endorsement holder's behalf, prior to September 30, 2001. Failure to renew by September 30, 2001, shall lead to the deactivation of the holder's endorsement.

(2) Notwithstanding the requirements of paragraph (1)(a) and subsections (1) and (2) of Rule 68B-13.010, any aquaculture producer, as defined in Section 597.0015(2), Florida Statutes, authorized to produce marine aquaculture products and engaged in the culture of shellfish may possess and use up to 75 stone crab traps for the sole purpose of taking destructive or nuisance stone crabs within 1 mile of the producer's aquaculture shellfish beds if they first obtain a depredation permit from the Commission. Stone crabs taken

~~under this subsection may not be sold, bartered, exchanged, or offered for sale, barter, or exchange. In accordance with Section 370.10(2), Florida Statutes, the Fish and Wildlife Conservation Commission may issue permits to collect and possess whole stone crabs, dead or alive, solely for experimental, scientific, educational or exhibitional purposes.~~

*Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History—New 7-1-00, Amended 8-5-01,\_\_\_\_\_.*

NAME OF PERSON(S) ORIGINATING PROPOSED RULE: Mr. Mark Robson.

NAME OF SUPERVISOR WHO APPROVED THE PROPOSED RULE: Kenneth D. Haddad,  
Executive Director.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 2004.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN F.A.W.: October 1, 2004.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.