

NOTICE OF PROPOSED RULEMAKING
FISH AND WILDLIFE CONSERVATION COMMISSION
DIVISION: Division of Marine Fisheries Management

RULE NOS.:

68B-8.002
68B-8.003
68B-8.006
68B-8.007
68B-8.008
68B-8.009
68B-8.010
68B-8.011
68B-8.012
68B-8.013
68B-8.014

RULE TITLES:

Definitions.
General Conditions and Restrictions.
Scientific Research Special Activity License
Education/Exhibition Special Activity License
Florida Marine Science Educators Certification
Prohibited Species Collection Criteria
Stock Collection and Release Special Activity License
Aquaculture Broodstock Collection Special Activity License
Snook Special Activity License
Non-Conforming Gear Special Activity License
Marine Chemical Special Activity License

PURPOSE AND EFFECT: The purpose of the amendments to 68B-8.002 is to define or re-define terms that are used throughout the rule, and the effect will be that applicants will have the ability to better understand what activities require a Special Activity License without the need for agency interpretation. The purpose of the amendments to 68B-8.003 is to improve customer service by increasing application windows, incorporating other agencies within the application review process, reduction of documentation requirements, and clarification of activities that require licensing, and the effect will be that proposed activities will be better reviewed by appropriate subject matter experts both within and outside of the agency and applicants will not be required to provide documentation that is not serving a management purpose. The purpose of the amendments to 68B-8.006 is to expand the types of activities that can be conducted pursuant to a Scientific Research Special Activity License, and the effect will be to provide more flexibility to conduct necessary restoration activities with guidance from the agency through a licensed process. The purpose of the amendments to 68B-8.007 is to modify display requirements for the benefit of marine animals collected for education or exhibition purposes, and the effect will be that the agency will be better able to ensure that such collections will not result in mortality to the specimens collected. The purpose of the amendments to 68B-8.008 is to clarify that the Florida Marine Science Educators Certification is not limited to marine species, and the effect will be to lessen the need for agency staff to provide clarification to potential applicants. The purpose of the amendments to 68B-8.009 is to provide applicants with more concise criteria regarding how requests to collect prohibited species are evaluated through the adoption by reference of standards currently established in agency policy, and the effect will be that the FWC will be better able to substantiate license denials that are based on standards currently contained in the policy. The purpose of the amendments to 68B-8.010 is to provide clarification of activities that involve releases of marine organisms and require licensing, update genetic standards for release activities including incorporation by reference of a genetic risk assessment flow chart, and modify health certification requirements based on recommendations made by participants of a Marine Animal Health workshop held by the agency in January 2008. The effect of the amendments to 68B-8.010 will be that the genetic and health standards by which release activities are evaluated will better protect the wild stocks of marine organisms from potential impacts from such activities. The purpose of the amendments to 68B-8.011 is to provide for clarification on the eligibility requirements for receiving an aquaculture broodstock collection Special Activity License, and the effect will be that consistency will be provided between the activities that the FWC licenses and activities that are licensed by the Department of Agriculture and Consumer Services. The purpose of the amendments to 68B-8.012 is to address the exchange of aquacultured snook, and the effect will be that activities which include the transfer of snook that are not sold will be required to meet the same standards as those snook that are sold. The purpose of the amendments to 68B-8.013 is to allow for scientific researchers to apply for and receive a Gear Innovation Special Activity License which is currently only restricted to commercial fishers, and the effect will be that researchers will have the ability to participate in the development of new, more conservation oriented fishing gear. The purpose and effect of the amendments to 68B-8.014 is to provide consistency with recent changes to the agency's licensing requirements for the Marine Life fishery.

SUMMARY: The proposed rule amendments will define or re-define terms that are used throughout the rules, update incorporated application forms, clarify activities that require licensing, address new issues identified by stakeholders and FWC staff, and update or add agency policies and remove obsolete rule language. These proposed amendments will improve the ability of the FWC to manage activities that do not conform to established regulations, and reflect the Marine Special Activity License Program's progress and development within the agency.

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.

SPECIFIC 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:

DATE AND TIME: During the regular meeting of the Commission, 8:30 a.m. to 5:00 p.m., February 4-5, 2009, each day.

PLACE: Sandestin Golf and Beach Resort, 9300 Emerald Coast Parkway West, Destin, FL, 32550

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, (850) 487-1764.

THE FULL TEXT OF THE PROPOSED RULE IS AS FOLLOWS:

CHAPTER 68B-8 MARINE SPECIAL ACTIVITY LICENSE PROGRAM

68B-8.002 Definitions.

(1) "Anadromous" means species of fish that live in sea ~~ocean~~ waters and migrate to fresh or estuarine waters to spawn.

(2) "Atlantic Region" for purposes of a Snook SAL, means all or part of counties encompassed by the St. Johns Water Management District and the South Florida Water Management District, except Charlotte County, Collier County, Glades County, Hendry County, Highlands County, Lee County, and Monroe County.

(3) "Bred in Captivity" or "Captive Bred" refers to eggs or organisms, born or otherwise produced in captivity from broodstock that mated or otherwise transferred gametes in captivity (if reproduction is sexual), or from broodstock that were in captivity when development of the progeny began (if development is asexual).

~~(4)~~ "Broodstock" means sexually mature organisms of both genders capable of producing gametes or offspring now or in the future for artificial cultivation purposes. Broodstock includes organisms captured to conduct immediate source spawning or for long-term retention.

(5) "Captivity" means when eggs or live organisms are held in a controlled or selected aquatic environment that has boundaries designed to prevent such eggs or live organisms from entering or leaving the controlled environment.

(6) "Catadromous" means species of fish that live in fresh or estuarine waters and migrate to sea waters to spawn.

~~(7)~~ "Certified aquaculture facility" means a facility that has a valid aquaculture certificate of registration issued by DOACS pursuant to Section 597.004, F.S., and is constructed and maintained in accordance with Aquaculture Best Management Practices, Rule 5L-3.004, F.A.C.

~~(8)~~ "DOACS" means Department of Agriculture and Consumer Services.

~~(9)~~ "Educational purpose" means an activity that uses marine organisms to identify or interpret some aspect of an organism's taxonomy, behavior, physiology, or ecology; to conduct laboratory activities; to provide instruction on field techniques; or to explain marine resource management issues to individuals formally enrolled in an instructional setting.

(10) "Estuarine" means the part of a river or stream or other body of water having unimpaired connection with the open sea, where the sea water is measurably diluted with fresh water, and extending upstream to where ocean-derived salts measure less than 0.5 parts per thousand.

~~(11)~~ "Exhibitional purpose" means an activity that uses marine organisms for the primary purpose of display in a facility open to the general public on a scheduled basis, and whose operational activities have a marine related component.

(128) “FMSEA Certification” means documentation validating the completion of the Florida Marine Science Educators Association workshop.

(139) “Gulf Region” for purposes of a Snook SAL, means Charlotte County, Collier County, Glades County, Hendry County, Highlands County, Lee County, Monroe County, and all or part of counties encompassed by the Southwest Florida Water Management District, the Suwanee River Water Management District, and the Northwest Florida Water Management District.

(1410) “Hard bottom” means any living natural or artificial reef (including coral reefs, oyster reefs, and worm reefs) or varying biological assemblages of marine organisms attached to hard substrate.

(1544) “Harvest” means the catching, taking, or molesting of a marine organism by any means whatsoever, followed by a reduction of such organism or part thereof to possession. A marine organism that is caught and immediately returned to the water free, alive, and unharmed is not harvested.

(1612) “Marine organism” means an organism a species of animal, including anadromous and catadromous organisms, fish and plants that has a natural portion of its life cycle that is dependent upon marine or estuarine waters that is indigenous to salt water, but excluding striped bass (*Morone saxatilis*), American eels (*Anguila rostrata*), non-living shells, marine reptiles, marine mammals, and birds.

(1713) “Marine turtle permit” means a permit issued pursuant to Section 379.2431(1), F.S. and Chapter 68E-1, F.A.C.

(1814) “Nonprofit corporation” means a corporation that is designated as non-profit pursuant to 26 U.S.C. 501(c)3 and has a current letter of determination of tax exempt status.

(1945) “Person” means an individual, firm, entity, or corporation.

(2046) “Prohibited species” means a marine organism for which harvest, possession, or sale is prohibited in Title 68B, F.A.C. or Chapter 379, F.S.

(21) “Release” means the intentional or unintentional introduction, reintroduction or relocation of eggs or organisms that have been held in captivity, into waters of the state, including municipal waters.

(2247) “Scientific research” means an activity that uses marine organisms to conduct one or more of the following:

(a) Research activity that involves the application of rigorous, systematic, and objective procedures of observation, measurement, and experiment to obtain reliable and pertinent data using an experimental design, controls, and data analysis to test a stated hypothesis.

(b) Monitoring activity that involves making technical and scientific observations as a means of gathering data according to a predetermined study plan.

(c) ~~Restoration/Repair~~ activity that facilitates mitigation or recovery of damaged hard bottom marine organisms and includes subsequent monitoring to measure the success of the restoration/repair effort.

(2318) “Snook” means any fish of the genus *Centropomus*, or any part thereof.

(2449) “Special Activity License” or “SAL” means a license issued pursuant to Chapter 68B-8, F.A.C.

(2520) “Stock enhancement” means the process of releasing many organisms into a self-sustaining, naturally reproducing population of the same native species, in order to increase the number of breeders in that population. Stock enhancement represents an attempt to offset harvesting pressure or to expand stock size based upon a presumed underutilized carrying capacity of the environment.

(2624) “Stock restoration” means the captive breeding and release of marine organisms to maintain or re-establish the demographic stability and biological diversity of a non self-sustaining (inviable) or locally extirpated natural population (stock) until such time that a naturally self-sustaining stock can be re-established.

(2722) “Third party contractor” is an entity that is paid for services rendered to collect or transport marine organisms on behalf of a SAL holder, or paid to provide expertise as an agent or consultant for the collection or transport of marine organisms on behalf of a SAL holder. Salaried staff or faculty, non-salaried volunteers, students, interns, or visiting principle investigators who do not receive monetary compensation for their collection assistance are not third party contractors.

PROPOSED EFFECTIVE DATE: As soon as possible after adoption.

68B-8.003 General Conditions and Restrictions.

(1) ELIGIBILITY.

(a) A SAL or FMSEA Certification will not be issued to a person and no person ~~may~~ shall conduct activities under a SAL if, during the 36-month period prior to the application or activity, that person has been charged with a violation of a rule in ~~Title Titles 68A through E, F.A.C.~~; Chapter 370, 372 or 379, F.S.; or 50 CFR Parts 622, 635, 640, 648, 654, 660, or 679 unless that person has received a final disposition of acquittal or dismissal of such charged violation.

(b) A Stock Collection and Release SAL, an Aquaculture Broodstock Collection SAL, or a Snook SAL will not be issued to a person and no person ~~shall~~ may conduct activities under such SAL, if that person has been charged with a violation of a provision of Section 597.004, F.S., or Rule 5L-3.004, F.A.C.

(c) A SAL will not be issued for an activity that is allowed under the marine recreational fishing regulations, with the exception of an Aquaculture Broodstock Collection SAL.

(d) A SAL will not be issued to a third party contractor.

(2) APPLICATION, ISSUANCE, AND LICENSE PERIODS.

(a) A person may apply for and be issued a SAL at any time and a SAL ~~shall~~ may be valid for 12 months from the date of issuance with the following exceptions:

1. The period of validity of a Scientific Research SAL will be based on the duration of the proposed activity, provided that the duration is no longer than is necessary to achieve its stated purpose and it does not exceed 36 months from the date of issuance. The period of validity for a Scientific Research SAL issued for prohibited species ~~shall~~ may not exceed 12 months from the date of issuance.

2. ~~The period of validity of a~~ An Education/Exhibition SAL involving the collection of ~~issued for prohibited species may only be applied for April 1 through April 30 or October 1 through October 31, is January 1 through December 31 of the year applied for. An application must be postmarked or hand-delivered to the Commission not later than November 1 before the year applied for and will be issued or denied by February 1 of that year.~~

3. An Aquaculture Broodstock Collection SAL is only valid so long as the SAL holder also holds a valid aquaculture certificate of registration issued pursuant to 597.004, F.S. and 5L-3, F.A.C.

~~43.~~ The period of validity of a Governmental Purpose SAL will be based on the duration of the proposed activity, provided that it is no longer than is necessary to achieve its stated purpose.

~~54.~~ The period of validity of a Nonprofit SAL is 36 months.

(b). A person may apply for and shall be issued a FMSEA Certification upon completion of workshop training and a FMSEA Certification is valid for 36 months.

(3) No change.

(4) SCOPE OF AUTHORITY. A SAL or FMSEA Certification does not authorize any activity outside of state waters, within zoned areas of the Florida Keys National Marine Sanctuary, or within the boundaries of any ~~state or federal park, with the exception of areas under the jurisdiction of state parks that are designated as shellfish harvesting areas.~~ For purposes of this subsection, “zoned areas of the Florida Keys National Marine Sanctuary” means Sanctuary Preservation Areas, Special Use Areas, Research Only Areas, and Ecological Reserves.

(5) LAW ENFORCEMENT NOTIFICATION. The holder of a SAL or FMSEA Certification must notify the nearest Commission Law Enforcement Dispatch Center not later than 24 hours prior to conducting activities under a SAL or FMSEA Certification. Notification ~~shall~~ may consist of a float plan detailing locations, dates, and times of activities. Deviations from the float plan are permitted only after 24-hour advance notification to the nearest Commission Law Enforcement Dispatch Center. Float plans are valid for the duration of the SAL or FMSEA Certification unless rescinded by the SAL or FMSEA Certification holder.

(6) AUTHORIZED PERSONNEL.

(a) No more than 10 individuals ~~shall~~ may be authorized to conduct activities pursuant to a SAL unless justification for additional personnel is provided by the applicant and additional personnel are necessary to achieve the stated purpose of the SAL, ~~except that no more than three individuals in addition to the applicant may be authorized to conduct activities pursuant to a Marine Chemical SAL issued to a commercial harvester of marine life species.~~

(b) No change.

(7) RELEASE OF MARINE ORGANISMS. No marine organism that has been maintained in captivity ~~shall~~ may be released unless the release is authorized by a SAL or FMSEA Certification or the release is conducted in accordance with the “Florida Fish and Wildlife Conservation Commission Policy on the Release of Marine

Organisms, February 2009". The "Florida Fish and Wildlife Conservation Commission Policy on the Release of Marine Organisms" is hereby adopted as a rule of the Commission and is incorporated herein by reference as of 7/1/04. However, the release restrictions of this subsection do not apply to:

(a) No change.

(b) The use of a marine organism for bait, provided that the bait is not an aquacultured product.

(c) No change.

(d) Releases associated with aquaculture activities or aquacultured products that have the potential to impact wild stocks (e.g. net pens, aquacultured bait), provided that the FWC has entered into a written agreement with the Department of Agriculture and Consumer Services that addresses how the conduct of such activities will be governed in a manner that preserves the health and genetic diversity of the wild stock native to Florida waters and the adjacent EEZ.

(8) TAGGING OF MARINE ORGANISMS. No marine organism shall be tagged unless such tagging activity has been authorized pursuant to a SAL or FMSEA Certification. The tagging restrictions of this subsection do not apply to directors of a fishing tournament or their designee, who may tag up to five (5) fish per tournament for purposes of awarding prizes to tournament participants. For purposes of this section, a "tag" means any internal or external device or other marking, placed in or on an organism for the purpose of identification.

(98) REPORTING REQUIREMENTS. Required reporting documentation must be submitted within 30 days after expiration of the SAL.

(109) TRANSFERABILITY OF MARINE ORGANISMS.

(a) – (b) No change.

(1140) POSSESSION AFTER LICENSE OR CERTIFICATION SAL EXPIRATION. The Commission recognizes that a marine organism collected pursuant to a SAL or FMSEA Certification may need to be retained for a period of time that extends beyond the expiration date of the SAL or FMSEA Certification issued for its harvest. For this purpose, the following conditions must be met for marine organisms collected pursuant to a SAL or FMSEA Certification to be legally possessed beyond the expiration of a SAL or FMSEA Certification:

(a) All documentation required for reporting must be submitted to the Commission within 30 days of expiration of the SAL.

~~(b) Within 60 days of expiration or within 30 days of receipt of the reporting documentation, the Commission will return to the SAL holder a Commission authenticated copy of the SAL holder's reporting documentation. The documentation will serve as the official list of what was legally harvested pursuant to the SAL and may be possessed after expiration.~~

~~(c) During the 60 days immediately following the expiration date of a SAL or FMSEA Certification, the original SAL or FMSEA Certification or a Commission authenticated copy is sufficient documentation to authorize possession of a marine organism harvested pursuant to a SAL or FMSEA Certification. This allows sufficient time for the submission of the reporting documentation and return of an authenticated copy of the documentation to the SAL holder. After 60 days from the expiration date, the entity in possession of the marine organism harvested pursuant to an expired SAL must maintain the original SAL or a Commission authenticated copy, and a Commission authenticated copy of the reporting documentation. Such documentation must be promptly produced at the request of an authorized law enforcement officer.~~

(1244) SALE OF MARINE ORGANISMS. A marine organism harvested pursuant to a SAL or FMSEA Certification shall may not be sold or consumed unless it was harvested pursuant to a Gear Innovation SAL, Governmental Purpose SAL, Dredge SAL, or a Nonprofit Corporation SAL, and the sale was conducted in accordance with any condition of sale required by such SAL.

(1342) CONSUMPTION OF MARINE ORGANISMS. A marine organism harvested pursuant to a SAL or FMSEA Certification shall may not be consumed unless the marine organism was harvested pursuant to a Gear Innovation SAL, Governmental Purpose SAL, or Dredge SAL.

(1443) ISSUANCE AND RENEWAL AND REISSUE. A SAL or FMSEA Certification issued pursuant to this chapter will not be issued or renewed or reissued unless all conditions of a prior SAL or FMSEA Certification held by the applicant were met, and the reporting requirements for the prior SAL were properly and timely submitted.

(1544) SUSPENSION AND REVOCATION. The Commission will suspend or revoke a SAL or FMSEA Certification if it finds that the SAL or FMSEA Certification holder has violated any provision in Chapter 379, F.S., Commission rules or orders, or terms or conditions of the SAL or FMSEA Certification, or has submitted false or inaccurate information in his or her application. Suspensions and revocations will be imposed in accordance with Chapters 120 and 379, F.S.

PROPOSED EFFECTIVE DATE: As soon as possible after adoption.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-04, Amended _____.

68B-8.006 Scientific Research Special Activity License.

(1) **PURPOSE.** The purpose of a Scientific Research SAL is to accommodate the need for the scientific community to conduct research, monitoring, and hard bottom restoration or mitigation~~reparation~~ activities that enhance the greater body of knowledge in support of fisheries management, resource conservation and enhancement, and public health. If conducting research, the proposed activity must ensure that study results will be presented in sufficient detail and clarity to allow for replication, or at a minimum, offer the opportunity to build systematically on findings. If conducting monitoring, the proposed activity must ensure that collected data will be analyzed to detect physical or biological changes over time in marine organisms, their populations, or communities. If conducting restoration or mitigation~~reparation~~, the proposed activity must ensure that species such as oysters, corals, sponges, sea fans, sea whips, and other hard bottom marine organisms are repaired in the event that they are damaged, and the effectiveness of the restoration or mitigation~~reparation~~ activity is evaluated by subsequent monitoring.

(2) **ELIGIBILITY.** A Scientific Research SAL may be issued only to the following:

(a) – (b) No change.

(c) A member of the scientific or technical staff of a marine research institute, laboratory, corporation, or organization with demonstrated experience conducting successful hard bottom restoration or mitigation~~reparation~~ activities.

(d) – (e) No change.

(3) **FEES AND APPLICATION.**

(a) No change.

(b) An applicant for a Scientific Research SAL must complete and submit a Scientific Research SAL application form provided by the Commission (Form DMF-SRSAL04 (2/092/04)).

(4) **EVALUATION CRITERIA.** In addition to the evaluation criteria set forth in subsection 68B-8.004(2), F.A.C., an application for a Scientific Research SAL will be evaluated based on the following criteria as applicable to the request:

(a) – (b) No change.

(c) Documented experience conducting successful hard bottom restoration or mitigation~~reparation~~ activities.

(5) **REPORTING REQUIREMENTS.** A SAL holder must submit the following:

(a) An activity report detailing all SAL-related harvest or sampling activities that resulted in the permanent retention of marine organisms. The activity report is a report other than any publications or technical, monitoring, or final reports. The activity report must include common and scientific names of the marine organisms harvested (both targeted and incidental), numbers and sizes harvested, locations of harvest by county, and disposition of all marine organisms harvested~~any mortalities that may have occurred~~. The activity report for a Scientific Research SAL involving prohibited species must also include the specific harvesting gear used ~~and the current disposition of the organism~~. If mortality of a prohibited species occurred during harvest or subsequent possession, the report must indicate the cause of death if known ~~and the disposition of the prohibited species~~. If SAL-related activities did not result in the permanent retention or mortality of any marine organism, the SAL holder must submit a statement to that effect.

(b) – (c) No change.

PROPOSED EFFECTIVE DATE: As soon as possible after adoption.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-04, Amended _____.

68B-8.007 Education/Exhibition Special Activity License.

(1) – (2) No change.

(3) **INELIGIBLE APPLICANTS.** The Commission shall~~may~~ deny an application for an Education/Exhibition

SAL by an applicant who can reasonably be expected to qualify for a FMSEA Certification. Such person must pursue FMSEA Certification.

(4) FEES AND APPLICATION.

(a) No change.

(b) An applicant for an Education/Exhibition SAL must complete and submit an Education/Exhibition SAL application form provided by the Commission (Form DMF-ESAL~~02~~ (2/092/04)).

(5) EVALUATION CRITERIA. In addition to the evaluation criteria set forth in subsection 68B-8.004(2), F.A.C., an application for an Education/Exhibition SAL will be evaluated based on the following criteria as applicable to the request:

(a) – (d) No change.

(e) The physical environment in which the species will be maintained and any potential maintenance or husbandry concerns. This includes consideration of the expected life span and maximum anticipated size of the species, and whether or not the facility is adequate to accommodate the marine organism for the remainder of its life.

(6) REPORTING REQUIREMENTS. A SAL holder must submit an activity report detailing all SAL-related harvest or sampling activities that resulted in the permanent retention of marine organisms. The activity report is a report other than any publications or technical, monitoring, or final reports. The activity report must include common and scientific names of the marine organisms harvested (both targeted and incidental), numbers and sizes harvested, locations of harvest by county, and disposition of all marine organisms harvested. The activity report for a Education/Exhibition SAL involving prohibited species must also include the specific harvesting gear used. If mortality of a prohibited species occurred during harvest or subsequent possession, the report must indicate the cause of death if known ~~any mortalities that may have occurred.~~ If SAL-related activities did not result in the permanent retention or mortality of any marine organism, the SAL holder must submit a statement to that effect.

PROPOSED EFFECTIVE DATE: As soon as possible after adoption.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-1-04, Amended _____.

68B-8.008 Florida Marine Science Educators Association Certification.

(1) PURPOSE. This section describes a Commission partnership with the Florida Marine Science Educators Association (FMSEA) that provides an alternative to the formal SAL application process to conduct educational activities with aquatic organisms. The FMSEA Certification is a more streamlined process designed to cater to the smaller collecting needs of the educational community as opposed to the larger and more complex collecting needs of SAL holders. A FMSEA Certification holder is exempt from a number of saltwater and freshwater resource regulations to allow him or her to collect and possess aquatic~~marine~~ organisms for educational purposes.

(2) No change.

(3) WORKSHOP CURRICULUM. FMSEA Certification requires successful completion of a training workshop. The primary workshop objective is to promote best practices in the collection and maintenance of aquatic organisms for educational activities. A curriculum has been established to achieve the primary workshop objective and includes but is not limited to:

(a) Rationale for collecting aquatic~~marine~~ organisms.

(b) Alternatives to the collection of live aquatic~~marine~~ organisms.

(c) – (d) No change.

(e) Minimization of aquatic~~marine~~ organism mortality.

(f) – (i) No change.

(4) CERTIFICATION DOCUMENTATION. Upon successful completion of the training workshop, a participant receives a certification that is authorized by both FMSEA and Commission representatives. The certification:

(a) – (b) No change.

(c) Specifies the fresh and saltwater areas in which harvest of aquatic~~marine~~ organisms is allowed.

(d) No change.

(5) GENERAL CONDITIONS AND RESTRICTIONS. The holder of a FMSEA Certification is subject to the

General Conditions and Restrictions in paragraphs 68B-8.003(1)(a), (2)(b), subsections (3), (4), (5), paragraph (6)(b), subsections (7), ~~(8)~~, ~~(9)~~, ~~(10)~~, (11), ~~and~~ ~~(12)~~, ~~(13)~~, ~~(14)~~, and ~~(15)~~, F.A.C.

PROPOSED EFFECTIVE DATE: As soon as possible after adoption.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-04, Amended _____.

68B-8.009 Prohibited Species Collection Criteria.

(1) – (3) No change.

(4) EVALUATION CRITERIA.

(a) In addition to the evaluation criteria set forth in subsection 68B-8.004(2), F.A.C., an application for a Scientific Research SAL involving prohibited species will be evaluated based on the following criteria:

1. – 6. No change.

7. If any species requested on an SAL application form is listed by the FWC as Endangered, Threatened, or a Species of Special Concern, additional evaluation criteria for such species set forth in 68A-27, F.A.C. or Chapter 379, F.S. if applicable, will be applied.

(b) In addition to the evaluation criteria set forth in subsection 68B-8.004(2), F.A.C., an application for an Education/ Exhibition SAL involving prohibited species will be evaluated based on the following criteria:

1. – 5. No change.

6. Whether or not acquisition of the prohibited species is in compliance with the facility's collecting plan or acquisition policy, including any facility disposition or deaccession policies that ~~are~~ may be relevant to the requested prohibited species in the future.

~~7. The physical environment in which the prohibited species will be maintained and any potential maintenance or husbandry concerns. This includes consideration of the expected life span and maximum anticipated size of the prohibited species, and whether or not the facility is adequate to accommodate the marine organism for the remainder of its life.~~

~~7~~8. The current inventory of all prohibited species located at the facility.

~~8~~9. Whether or not non-prohibited species could be utilized in lieu of prohibited species to meet educational or exhibitional objectives.

~~9~~10. Whether or not prohibited species collection from Florida waters or the adjacent EEZ is the only option for acquiring the prohibited species, or if the prohibited species may be acquired from areas where the stock is not prohibited from harvest, from captive breeding programs, through loan from another aquarium, or from an aquaculture facility.

10. Whether or not the requested collection is consistent with the “Florida Fish and Wildlife Conservation Commission Marine Prohibited Species Policy, February 2009” which is hereby adopted as a rule of the Commission and is incorporated herein by reference.

PROPOSED EFFECTIVE DATE: As soon as possible after adoption.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-04, Amended _____.

68B-8.010 Stock Collection and Release Special Activity License.

(1) PURPOSE. The purpose of a Stock Collection and Release SAL is to ensure that activities which involve the collection of broodstock or wild stock and the release of captive-bred offspring or captive-reared wild stock for scientific research, stock enhancement, ~~or~~ stock restoration, ~~put-and-take fisheries,~~ purposeful introductions or aquaculture purposes are conducted in a manner that preserves the health and genetic diversity of the wild stock native to Florida waters and the adjacent EEZ. Scientific research, stock enhancement, ~~or~~ stock restoration, ~~put-and-take fisheries,~~ purposeful introductions or aquaculture activities that are conducted to fulfill mitigation requirements established by other state or federal agencies are not exempt from the provisions and requirements of this rule.

(2) EXEMPTIONS. Releases associated with aquaculture activities or aquacultured products that have the

potential to impact wild stocks (e.g. net pens, aquacultured bait) will not require authorization pursuant to a Stock Collection and Release SAL provided that the FWC has entered into a written agreement with the Department of Agriculture and Consumer Services that addresses how the conduct of such activities will be governed in a manner that preserves the health and genetic diversity of the wild stock native to Florida waters and the adjacent EEZ.

~~(32)~~ ELIGIBILITY. A Stock Collection and Release SAL may be issued only to the following:

(a) No change.

(b) An owner, director, or manager of a certified aquaculture facility that holds a valid aquaculture certificate of registration issued pursuant to 597.004, F.S. and 5L-3, F.A.C.

~~(43)~~ FEES AND APPLICATION.

(a) The processing fee for a Stock Collection and Release SAL is \$25.00. A processing fee is non-refundable.

(b) An applicant for a Stock Collection and Release SAL must complete and submit a Stock Collection and Release SAL application provided by the Commission (Form DMF-SCRSAL03 ~~(2/092/04)~~).

~~(54)~~ EVALUATION CRITERIA. In addition to the evaluation criteria set forth in subsection 68B-8.004(2), F.A.C., an application for a Stock Collection and Release SAL will be evaluated via genetic risk assessment using the flowchart entitled, "Decision Process for the Genetic Risk Assessment of Release Activities Involving Marine Organisms, February 2009" (which is hereby adopted as a rule of the Commission and is incorporated herein by reference) and based on information contained in the applicant's Hatchery and Genetic Management Plan (HGMP) that must be submitted as part of the application process. The information requested in the HGMP is designed to address four primary genetic concerns: potential impacts from translocations of non-indigenous genes, potential impacts from propagation-related genetic changes in cultured fish, potential impacts from excessive genetic input into natural populations, and indirect genetic impacts. ~~based on the applicant's genetic management plan. The principal goal of the plan must be the preservation and maintenance of the genetic diversity of potentially impacted natural populations. This plan must include the following information as applicable to the proposed activity:~~

~~(a) Geographical delineation of genetic management units for potentially impacted wild fish. A genetic management unit is defined as the total genetic information (gene pools) possessed by members of a natural population (stock). A natural population is a genetically distinct group of marine organisms whose members interbreed in the wild within their own group to produce subsequent generations of young.~~

~~(b) Management practices that will be employed to ensure that genetic material is not artificially transferred between natural stocks.~~

~~(c) Management practices that will be employed to minimize genetic impacts from propagation-related genetic changes in cultured organisms intended for release, such as inbreeding, domestication, and artificial selection.~~

~~(d) Management practices that ensure potential escapement rates and planned maximum numbers of organisms to be released per unit of time per location pose no short- or long-term threat to the genetic diversity of natural stocks via excessive genetic input.~~

~~(65)~~ RELEASE REQUIREMENTS.

(a) A Stock Collection and Release SAL holder must coordinate all release activities with the Commission and obtain written authorization prior to conducting any release. A release ~~shall~~ may not be conducted without written authorization from the Commission.

(b) No change.

(c) Captive-bred or captive-reared marine organisms ~~A cultured marine organism will not be authorized for release if natural populations of the same species exist and the organism has been genetically modified by non-native (exogeneous) gene insertion.~~

~~(d) Hatchery-reared finfish~~ authorized for release must be distinguishable from wild marine organisms ~~finfish~~ so that estimates of project success may be obtained through monitoring. The method used to identify captive-bred or captive-reared marine organisms ~~hatchery-reared finfish~~ is at the discretion of the SAL holder conducting the release. Potential distinguishing methods include but are not limited to internal or external mechanical tags, chemical marks, or genetic tags. All costs incurred in the fulfillment of this provision or any other provision of Rule 68B-8.010, F.A.C., will be the responsibility of the SAL holder.

~~(de)~~ Prior to release, a representative sample of the marine organisms targeted for release must be submitted for a health examination. This examination must be conducted under the direction of a United States Department of Agriculture-certified veterinarian with fish health experience, or an American Fisheries Society-certified fish pathologist or fish health inspector. Exam results must be summarized in a USDA Health Certificate or a letter. The certificate or letter must state that the organisms are appear to be normal, healthy, and ~~are~~ suitable for release into the wild. ~~The health examination will not be required when organisms are released in a larval form or cannot be readily~~

~~evaluated using standard diagnostic protocols due to their size at release.~~

(76) REPORTING AND MONITORING REQUIREMENTS. A Stock Collection and Release SAL holder must submit the following:

(a) An activity report detailing all SAL-related harvest, ~~sampling~~, and release activities. The activity report is a report other than any publications or technical, monitoring, or final reports. The activity report must include common and scientific names of the marine organisms harvested and released (both targeted and incidental), numbers and sizes harvested and released, locations of harvest and release by county, and disposition of all marine organisms harvested. The activity report for a Stock Collection and Release SAL involving prohibited species must also include the specific harvesting gear used. If mortality of a prohibited species occurred during harvest or subsequent possession, the report must indicate the cause of death if known~~any mortalities that may have occurred.~~

(b) No change.

(c) A post-release genetic monitoring program ~~shall~~may be required if there was insufficient information to the genetic management plan submitted by the applicant does not provide the information necessary to determine the genetic impact of activities under the SAL, or if evaluation of the proposed activity determines that the genetic risks have not been minimized.

PROPOSED EFFECTIVE DATE: As soon as possible after adoption.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-04, Amended _____.

68B-8.011 Aquaculture Broodstock Collection Special Activity License.

(1) No change.

(2) ELIGIBILITY. An Aquaculture Broodstock Collection SAL may be issued only to the following:

(a) No change.

(b) An owner, director, or manager of a certified aquaculture facility that holds a valid aquaculture certificate of registration issued pursuant to 597.004, F.S. and 5L-3, F.A.C.

(3) FEES AND APPLICATION.

(a) No change.

(b) An applicant for an Aquaculture Broodstock Collection SAL must complete and submit an Aquaculture Broodstock Collection SAL application provided by the Commission (Form DMF-ABCSAL04 (2/092/04)).

(4) No change.

(5) REPORTING REQUIREMENTS. A SAL holder must submit an activity report detailing all SAL-related harvest or sampling activities that resulted in the permanent retention of marine organisms. The activity report is a report other than any publications or technical, monitoring, or final reports. The activity report must include common and scientific names of the marine organisms harvested (both targeted and incidental), numbers and sizes harvested, locations of harvest by county, and disposition of all marine organisms harvested. The activity report for a Aquaculture Broodstock Collection SAL involving prohibited species must also include the specific harvesting gear used. If mortality of a prohibited species occurred during harvest or subsequent possession, the report must indicate the cause of death if known~~any mortalities that may have occurred.~~ If SAL-related activities did not result in the permanent retention or mortality of any marine organism, the SAL holder must submit a statement to that effect.

PROPOSED EFFECTIVE DATE: As soon as possible after adoption.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-04, Amended _____.

68B-8.012 Snook Special Activity License.

(1) PURPOSE. Unless authorized by the Commission pursuant to a Snook SAL, the harvest of snook as broodstock for commercial aquaculture production purposes, or the possession, transport, transfer, sale, receipt or purchase of snook broodstock progeny is prohibited. The purpose of a Snook SAL is to allow such activities to

occur, and to ensure that they are conducted in a manner that preserves the health and genetic diversity of the wild stock native to Florida waters and the adjacent EEZ.

(2) ELIGIBILITY.

(a) A Snook SAL for the harvest of broodstock and production, possession, transport, transfer or sale of the broodstock progeny may be issued only to an owner, director, or manager of a certified aquaculture facility that does not directly discharge production unit water to surface waters of the state.

(b) A Snook SAL for the receipt, purchase and possession of broodstock progeny may be issued only to the following:

1. – 3. No change.

(3) FEES AND APPLICATION.

(a) No change.

(b) An applicant for a Snook SAL must complete and submit a Snook SAL application form provided by the Commission (Form DMF-SSAL05 (2/092/04)).

(4) EVALUATION CRITERIA. In addition to the evaluation criteria set forth in subsection 68B-8.004(2), F.A.C., an applicant for a Snook SAL for the harvest of broodstock, and production, possession, transport, transfer or sale of the broodstock progeny will be evaluated based on the following criteria:

(a) The number and sex of snook requested for broodstock harvest.

(b) – (h) No change.

(5) TRANSFER OR SALE OF BROODSTOCK PROGENY.

(a) A holder of a Snook SAL issued for the harvest of broodstock, and production, possession, transport, transfer or sale of the broodstock progeny may transfer or sell broodstock progeny only to a holder of a valid Snook SAL for the receipt, purchase and possession of broodstock progeny.

(b) A holder of a Snook SAL issued for the harvest of broodstock, and production, possession, transport, transfer or sale of the broodstock progeny must provide transfer documentation, a bill of sale or other documentary evidence to each receiver or purchaser of broodstock progeny, and must maintain a record of each transactionsale. The transfer documentation, bill of sale or other documentary evidence must include the name, address, and aquaculture certificate number of the certified aquaculture facility conducting the transactionsale, the name and address of the entity receiving or purchasing the broodstock progeny, the transaction date of purchase, the quantity of progeny transferred or purchased, the receiver's purchaser's Snook SAL number, and the exact location where the progeny are being stocked or maintained.

(6) PAY-TO-FISH PONDS. A Snook SAL holder who is an owner of a private pond, operates it as a pay-to-fish facility, and whose pond is stocked with progeny obtained/purchased from a certified aquaculture facility that is a Snook SAL holder may charge a fee to harvest snook in such ponds, provided:

(a) – (b) No change.

(7) REPORTING REQUIREMENTS. A Snook SAL holder for the harvest of broodstock and production, possession, transport, transfer or sale of broodstock progeny must submit the following:

(a) An activity report detailing all SAL-related harvest or sampling activities that resulted in the permanent retention of marine organisms/snook. The activity report must include common and scientific names of the marine organisms harvested (both targeted and incidental), numbers and sizes of snook harvested, locations of harvest by county, and disposition of all marine organisms harvested~~any mortalities that may have occurred~~. If SAL-related activities did not result in the permanent retention or mortality of any marine organism, the SAL holder must submit a statement to that effect.

(b) Documentation of each transfer or sale of progeny sold, as specified in paragraph 68B-8.012(5)(b), F.A.C.

PROPOSED EFFECTIVE DATE: As soon as possible after adoption.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-04, Amended _____.

68B-8.013 Non-Conforming Gear Special Activity Licenses and Exemptions.

(1) BACKGROUND. No person ~~shall~~may use any gear or equipment to harvest a marine organism if the gear is not allowed by rule of the Commission, Chapter 379, F.S., or the Constitution of the State of Florida unless such person has first obtained authorization for such gear via a SAL or an exemption. The use of non-conforming gear

~~shall~~ may be authorized in a Scientific Research SAL or a Stock Collection and Release SAL for scientific research purposes if the use of non-conforming gear is specifically requested in an application for such SAL and the use is justified.

(2) OTHER AUTHORIZATIONS FOR USE OF NON-CONFORMING GEAR. The use of non-conforming gear may also be authorized under a SAL as follows:

(a) – (d) No change.

(3) GEAR MARKING/TENDING. If the proposed gear use includes an in-water set time, a ~~A~~ SAL or exemption issued for non-conforming gear ~~shall~~ may contain special gear marking or tending requirements so that the Commission may responsibly monitor gear use and ensure that activities are restricted to the minimum amount necessary to achieve the stated purpose of the SAL or exemption.

(4) No change.

(5) GEAR INNOVATION SPECIAL ACTIVITY LICENSE.

(a) No change.

(b) ELIGIBILITY. A Gear Innovation SAL may be issued only to an individual meeting the criteria under subparagraph 1 or 2 below~~the following~~:

1. An individual who holds all of the applicable commercial harvesting licenses, permits, or endorsements required for the fishery requested for harvest pursuant to the SAL and.

~~(a)2. An individual who h~~ Has at least five years experience as a commercial harvester in Florida and has landings of the species targeted for harvest with the innovative gear and.

~~(b)3. An individual who h~~ Has working knowledge of the area where the gear will be tested.

2. An applicant eligible to receive a Scientific Research SAL pursuant to Rule 68B-8.006, F.A.C.

(c) FEES AND APPLICATION.

1. No change.

2. An applicant for a Gear Innovation SAL must complete and submit a Gear Innovation SAL application form provided by the Commission (Form DMF-GISAL06 (2/092/04)).

(d) No change.

(e) GENERAL CONDITIONS AND RESTRICTIONS.

1. The SAL holder ~~shall~~ may only operate in areas designated by the SAL. The gear ~~shall~~ may not be used in areas that would otherwise be closed to the commercial harvest of the targeted species.

2. – 4. No change.

(f) No change.

(6) No change.

(7) GOVERNMENTAL PURPOSE GEAR EXEMPTION.

(a) PURPOSE. The purpose of a Governmental Purpose Gear Exemption is to allow for the use of net gear that does not conform to Article X, Section 16 of the Florida Constitution to conduct activities permitted, provided, or required by a governmental agency. A Governmental Purpose Gear Exemption ~~shall~~ may only be issued in conjunction with a Marine Turtle Permit, an Education/Exhibition SAL, or a Stock Collection and Release SAL.

(b) – (c) No change.

(8) NONPROFIT CORPORATION SPECIAL ACTIVITY LICENSE.

(a) No change.

(b) ELIGIBILITY. To obtain a Nonprofit Corporation SAL a nonprofit corporation must meet the following criteria:

1. The bylaws of the nonprofit corporation must provide for, and its activities must include, the harvest of marine organisms for purposes of research, education, and exhibition that further the knowledge of marine biology, marine life, and the marine environment and.

2. The nonprofit corporation must hold the applicable wholesale and retail dealers licenses and hold the applicable commercial harvesting licenses, permits, or endorsements required for the fishery requested for harvest and sale pursuant to the SAL.

(c) FEES AND APPLICATION.

1. The processing fee for a Nonprofit Corporation SAL is \$25.00. A processing fee is non-refundable.

2. An applicant for a Nonprofit Corporation SAL must complete and submit a Nonprofit Corporation SAL application form provided by the Commission (Form DMF-NPSAL07 (2/092/04)).

(d) LICENSE CONDITIONS. A Nonprofit Corporation SAL holder will be subject to the following conditions for operation:

1. A marine organism harvested pursuant to a Nonprofit Corporation SAL ~~shall~~^{may} only be sold to an entity conducting activities for scientific research, educational, or exhibitional purposes, and cannot be sold for human consumption.

2. No change.

(e) No change.

PROPOSED EFFECTIVE DATE: As soon as possible after adoption.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-04, Amended _____.

68B-8.014 Marine Chemical Special Activity License.

(1) No change.

(2) ELIGIBILITY. A Marine Chemical SAL may be issued to:

(a) A person who holds any other type of SAL.

(b) A commercial harvester of marine life species, as those species are listed in Chapter 68B-42, F.A.C., who holds a Saltwater Products License with Restricted Species endorsement, and a Marine Life Transferable Dive or Non-Transferable Dive endorsements.

(3) No change.

(4) LICENSE CONDITIONS. A Marine Chemical SAL holder is subject to the following conditions and restrictions:

(a) The use of quinaldine must be consistent with Rule 68B-42.007, F.A.C.

(b) A chemical must be used in a prudent manner so as not to cause injury or damage to non-target species or nearby sensitive species or habitats.

(c) Species harvested pursuant to a Marine Chemical SAL ~~shall~~^{may} not be sold as food for human consumption.

(5) No change.

PROPOSED EFFECTIVE DATE: As soon as possible after adoption.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-04, Amended _____.

NAME OF PERSON(S) ORIGINATING PROPOSED RULE: Mark Robson, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850) 487-0554.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 4, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN F.A.W.: December 26, 2008

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.

STATEMENT OF FACTS AND CIRCUMSTANCES JUSTIFYING PROPOSED RULES
FISH AND WILDLIFE CONSERVATION COMMISSION
DIVISION: Division of Marine Fisheries Management

RULE NOS.:

68B-8.002
68B-8.003
68B-8.006
68B-8.007
68B-8.008
68B-8.009
68B-8.010
68B-8.011
68B-8.012
68B-8.013
68B-8.014

RULE TITLES:

Definitions.
General Conditions and Restrictions.
Scientific Research Special Activity License
Education/Exhibition Special Activity License
Florida Marine Science Educators Certification
Prohibited Species Collection Criteria
Stock Collection and Release Special Activity License
Aquaculture Broodstock Collection Special Activity License
Snook Special Activity License
Non-Conforming Gear Special Activity License
Marine Chemical Special Activity License

The purpose of the amendments to 68B-8.002 is to define or re-define terms that are used throughout the rule, and the effect will be that applicants will have the ability to better understand what activities require a Special Activity License without the need for agency interpretation. The purpose of the amendments to 68B-8.003 is to improve customer service by increasing application windows, incorporating other agencies within the application review process, reduction of documentation requirements, and clarification of activities that require licensing, and the effect will be that proposed activities will be better reviewed by appropriate subject matter experts both within and outside of the agency and applicants will not be required to provide documentation that is not serving a management purpose. The purpose of the amendments to 68B-8.006 is to expand the types of activities that can be conducted pursuant to a Scientific Research Special Activity License, and the effect will be to provide more flexibility to conduct necessary restoration activities with guidance from the agency through a licensed process. The purpose of the amendments to 68B-8.007 is to modify display requirements for the benefit of marine animals collected for education or exhibition purposes, and the effect will be that the agency will be better able to ensure that such collections will not result in mortality to the specimens collected. The purpose of the amendments to 68B-8.008 is to clarify that the Florida Marine Science Educators Certification is not limited to marine species, and the effect will be to lessen the need for agency staff to provide clarification to potential applicants. The purpose of the amendments to 68B-8.009 is to provide applicants with more concise criteria regarding how requests to collect prohibited species are evaluated through the adoption by reference of standards currently established in agency policy, and the effect will be that the FWC will be better able to substantiate license denials that are based on standards currently contained in the policy. The purpose of the amendments to 68B-8.010 is to provide clarification of activities that involve releases of marine organisms and require licensing, update genetic standards for release activities including incorporation by reference of a genetic risk assessment flow chart, and modify health certification requirements based on recommendations made by participants of a Marine Animal Health workshop held by the agency in January 2008. The effect of the amendments to 68B-8.010 will be that the genetic and health standards by which release activities are evaluated will better protect the wild stocks of marine organisms from potential impacts from such activities. The purpose of the amendments to 68B-8.011 is to provide for clarification on the eligibility requirements for receiving an aquaculture broodstock collection Special Activity License, and the effect will be that consistency will be provided between the activities that the FWC licenses and activities that are licensed by the Department of Agriculture and Consumer Services. The purpose of the amendments to 68B-8.012 is to address the exchange of aquacultured snook, and the effect will be that activities which include the transfer of snook that are not sold will be required to meet the same standards as those snook that are sold. The purpose of the amendments to 68B-8.013 is to allow for scientific researchers to apply for and receive a Gear Innovation Special Activity License which is currently only restricted to commercial fishers, and the effect will be that researchers will have the ability to participate in the development of new, more conservation oriented fishing gear. The purpose and effect of the amendments to 68B-8.014 is to provide consistency with recent changes to the agency's licensing requirements for the Marine Life fishery.

The federal National Marine Fisheries Service issues Exempted Fishing Permits, which are similar to the FWC Special Activity Licenses in that they authorize the harvest of marine species for scientific research, education and exhibition purposes. The proposed amendments to the Marine Special Activity License Program rule, 68B-8, F.A.C., are complimentary to the federal Exempted Fishing Permit program and are not inconsistent.