

Shrimp

PROPOSED FINAL RULE LANGUAGE

Final Public Hearing Consent Agenda Item # 4

October 2, 2019

68B-31.006 Definitions
68B-31.009 Statewide Food Shrimp Production Restrictions
68B-31.015 Northeast Florida Shrimping: Definition
68B-31.0155 Northeast Florida Shrimping: Closed Season; Allowable Harvest Days; Commercial Food Shrimp Production License and Transferability; Definition of Term “Legal State Holidays” for Purposes of Section 379.247(8)(a), F.S.; Closed Areas

68B-31.006 Definitions.

As used in rule 68B-31.005, F.A.C., through the remainder of the chapter:

(1) through (6) No change.

(7) “Daylight hours” means the period beginning 1/2 hour before official sunrise and continuing through 1/2 hour after official sunset, each day.

(7) through (27) renumbered (8) through (28). No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-92, Amended 3-16-93, 11-29-93, 10-3-94, 6-3-96, 6-1-99, Formerly 46-31.006, Amended 12-2-99, 3-1-05, 11-15-19.

68B-31.009 Statewide Food Shrimp Production Restrictions.

The following requirements shall apply to each person harvesting shrimp in or on the waters of the state as a food shrimp producer. Each such person shall also comply with the regional food shrimp production requirements of rules 68B-31.010 through 68B-31.015, F.A.C., and the area or seasonal closures in the remainder of the chapter.

(1) through (5) No change.

(6) Each person harvesting shrimp in or on the waters of the state as a food shrimp producer shall possess a valid saltwater products license with a restricted species endorsement. ~~Persons harvesting shrimp within the inland waters of Nassau, Duval, St. Johns, Putnam, Flagler, or Clay Counties as a food shrimp producer must also possess a valid license for such purpose issued as provided in section 379.247, F.S.~~

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-92, Amended 11-29-93, 1-1-96, 7-16-96, Formerly 46-31.009, Amended 12-2-99, 3-1-05, 11-12-18, 11-15-19.

68B-31.015 Northeast Florida Shrimping: Definition.

~~For purposes of section 379.247, F.S., the term “daylight hours” means the period beginning 1/2 hour before official sunrise and continuing through 1/2 hour after official sunset, each day.~~

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-92, Amended 1-1-96, Formerly 46-31.015. Repealed 11-15-19.

68B-31.0155 Northeast Florida Shrimping: Closed Season; Allowable Harvest Days; Commercial Food Shrimp Production License and Transferability; Definition of Term “Legal State Holidays” for Purposes of Section 379.247(8)(a), F.S.; Closed Areas.

The following provisions shall apply in all inland waters of Nassau, Duval, St. Johns, Putnam, Flagler, and Clay counties.

~~(1) No person shall harvest any shrimp d~~During the months of April and May each year, ~~no person shall harvest any shrimp in or from the inshore waters of Nassau, Duval, St. Johns, Putnam, Flagler, and Clay Counties.~~

(2) The use of a trawl by either a live bait shrimp producer or food shrimp producer shall be limited to the daylight hours.

(3) Notwithstanding the prohibitions contained in section 379.247(4)(c) and (7)(a), F.S.,

(a) The taking of food shrimp shall not take place on Saturdays or Sundays.

(b) Except for the Friday after Thanksgiving, the taking of food shrimp shall not take place on legal state holidays. For the purposes of this subsection, "legal state holidays" means the paid holidays observed by all state agencies pursuant to section 110.117(1), F.S.

(4) Commercial Food Shrimp Production License – In addition to the license requirements provided in 68B-31.009, F.A.C., a person acting as a food shrimp producer within the inland waters of Nassau, Duval, St. Johns, Putnam, Flagler, or Clay Counties shall also possess a valid Commercial Food Shrimp Production License, issued pursuant to section 379.247, F.S.

(a) The number of Food Shrimp Production Licenses issued by the Commission in any one year shall be limited to those active in the base year, 1976, and renewed annually since 1976.

(b) Renewal requirement – Failure to renew or transfer the Commercial Food Shrimp Production License by June 30 of each year will result in forfeiture of the license.

(c) Transferability – Notwithstanding the provisions contained in section 379.247(4)(d), F.S., a Commercial Food Shrimp Production License shall be transferable upon approval of the Commission under the following conditions:

1. A person who wishes to transfer the Commercial Food Shrimp Production License shall submit a notarized Commercial Food Shrimp Production License Transfer Form that has been signed by both parties to the transaction and postmarked and sent by United States Postal Service certified mail or hand delivered within 72 hours of the final notarized signature, to the Commission between May 1 and the end of February. Requests received by the Commission before May 1 or postmarked after the end of February of the current license year will not be processed. The Commercial Food Shrimp Production License Transfer Form (Form DMF-FSP 1000 (November 2019)), is incorporated herein by reference and available at <http://www.flrules.org/gateway/reference.asp?No=Ref-XXXXX>.

2. A Commercial Food Shrimp Production License shall not be transferred or renewed until all license fees, surcharges, and any other outstanding fees, fines, or penalties owed to the Commission by either party to the transaction have been paid in full. The seller must surrender the license to the Commission to complete the transfer.

3. In the event of the death or permanent disability of a person holding a Commercial Food Shrimp Production License, the license may be transferred by the license holder or the executor of the estate to a member of his or her immediate family within 12 months of the date of death or disability and upon payment of all outstanding fees, fines, or penalties to the Commission in full.

~~For purposes of section 379.247(8)(a), F.S., the term "legal state holidays" means the paid holidays observed by all state agencies pursuant to sections 110.117(1)(a)-(j), F.S.~~

~~(5)(3) No person shall harvest any shrimp in any tributary of the following named waterbodies in Nassau and Duval Counties. Shrimp harvest is allowed in each waterbody proper.~~

~~(a) through (k) No change.~~

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 10-3-94, Formerly 46-31.0155, Amended 11-15-19.