

Consent Item 1
February 7, 2018 Commission Meeting
Notice of Proposed Rule

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NO.: RULE TITLE:

68B-35.006 Closed Season

PURPOSE AND EFFECT: The purpose of this rule amendment is to provide for the further conservation of permit by modifying the spawning season closure for permit inside the Special Permit Zone (SPZ) established in rule 68B-35.006, Florida Administrative Code.

In 2011, the Commission developed a suite of management measures for permit in response to staff and stakeholder concerns about the potential impacts of anglers targeting spawning aggregations in the Keys and a lack of permit-specific regulations in federal waters. In addition to a variety of other changes, the SPZ was established in south Florida with separate management measures for permit intended to manage this fishery as a catch and release/trophy fishery. These management measures included a spawning season closure in May, June, and July.

Recently, stakeholders have expressed concerns that the spawning season closure for permit inside the SPZ is not providing the level of conservation to permit spawning aggregations as originally intended. Recent and on-going telemetry research confirms that spawning-size permit are visiting known multi-species spawning sites during the months of April through July.

The effect of this rule will be to add the month of April to the existing May – July spawning season closure for permit inside the SPZ.

SUMMARY: This rule will lengthen the existing spawning season closure for permit inside the SPZ by one month, making the closure run April – July. The modification will address stakeholder concerns and provide for additional conservation of permit aggregating in south Florida waters during the spawning season.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a 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

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: During the Commission's regular meeting February 7-8, 2018, 8:30 a.m. – 5:00 p.m. each day.

PLACE: Florida Public Safety Institute, 85 Academy Drive, Havana, FL, 32333.

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 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 using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jessica McCawley, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, and (850)487-0554.

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-35.006 Closed Season.

Inside the Special Permit Zone, no person shall harvest, possess, purchase, sell or exchange any permit within or without state waters during the months of April, May, June, and July of each year. During this closed season, the possession of permit while in or on the waters of the Special Permit Zone, including any dock, pier, bridge, beach, or other fishing site adjacent to such waters is prohibited.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., Art. X, Sec. 16, Fla. Const., 379.407 FS. History—New 8-29-11, Amended 11-15-12, _____.

PROPOSED EFFECTIVE DATE: April 1, 2018

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.R.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jessica McCawley, 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 7, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 5, 2017