

**Notice of Change to Final Rule
68B-14.0045 and 68B-14.005, FAC
April 17, 2013
Consent Agenda Item 2**

FISH AND WILDLIFE CONSERVATION COMMISSION

DIVISION: Marine Fisheries

RULE NO.: RULE TITLE:

68B-14.0045	Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits
68B-14.005	Regulation and Prohibition of Certain Harvesting Gear: Allowable Gear, Incidental Bycatch, Violation

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., published in Vol. 38, No. 58, (10/25/12), issue of the Florida Administrative Weekly.

Proposed amendment to Rule 68B-14.0045 has been changed to include the following new subparagraph:

(1) Licenses.

(a) Each person harvesting any of the species listed in subsection 68B-14.001(2), F.A.C., for commercial purposes in state waters shall possess a valid saltwater products license with a restricted species endorsement and:

1. through 3. No change.

4. For a person to use a black sea bass trap in the Atlantic Ocean, a valid South Atlantic black sea bass pot endorsement as defined in 50 C.F.R. § 622.4(a)(2)(xv) (as of January 22, 2013) and a valid commercial South Atlantic snapper-grouper unlimited permit must be issued to and possessed aboard the vessel.

(b) through (d) No change.

(2) through (3) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 2-1-90, Amended 12-31-92, 10-18-93, 3-1-94, 6-15-95, 1-1-96, 11-27-96, 12-31-98, 3-1-99, Formerly 46-14.0045, Amended 1-1-00, 3-6-00, 1-1-01, 3-1-01, 6-1-01, 1-1-03, 7-15-04, 5-20-05, 9-16-05, 3-10-06, 7-1-07, 4-1-08, 8-27-09, 1-19-10, 1-12-11, _____.

Proposed amendment to Rule 68B-14.005 has been changed to include the following new subparagraphs and subparagraph:

(1) Allowable gear. Except as provided in subsection (2), the following shall be the only gear types and methods allowed for the harvest in or from state waters of any of the species specified in subsection 68B-14.001(2), F.A.C.:

(a) No change.

(b) A black sea bass trap must have a valid identification tag issued by the National Marine Fisheries Service attached when fished in the Atlantic Ocean. Traps shall only be used north of Latitude 27° North in the Gulf of Mexico and north of Latitude 28°35.1'North in the Atlantic Ocean (due east of the NASA Vehicle Assembly Building, Cape Canaveral, FL). Each such trap shall comply with the following:

1. Each trap in the Atlantic Ocean shall comply with the definition of sea bass pots in 50 C.F.R. § 622.2 (as of January 22, 2013).

2. No change.

3. A biodegradable panel shall be part of each trap used to take black sea bass. Each trap in the Atlantic Ocean shall comply with the degradable panel and mesh size requirements for black sea bass pots defined in 50 C.F.R. § 622.40 (as of January 22, 2013). A black sea bass trap in the Gulf of Mexico shall be considered to have a "biodegradable panel" or a "degradable panel" if one of the following methods is used in construction of the trap:

a. through g. No change.

4. No change.

5. Trap marking requirements.

a. No change.

b. Each black sea bass trap in the water or onboard a vessel in the Atlantic Ocean must have a valid identification tag issued by National Marine Fisheries Service attached pursuant to 50 C.F.R. § 622.40(d)(1)(i)(D) (as of January 22, 2013).

c. No change.

6. through 8. No change.

(c) No change.

(2) through (5) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-11-86, Amended 2-1-90, 3-1-94, 10-4-95, 7-15-96, 1-1-98, 12-31-98, 6-1-99, Formerly 46-14.005, Amended 1-1-03, 3-1-05, 7-17-05, 7-1-07, 3-12-08, 4-1-08, 1-19-10, ____.

No other changes were made to the rule amendments as proposed.