

**Draft Rule Language: Shellfish Harvest Endorsement**  
**Agenda Item 13 B (2)**  
**September 11, 2014**

**68B-17.009 License Requirements for Commercial Harvest.**

Shellfish endorsement –

(1) Beginning July 1, 2015, except as provided in subsection (3) or for harvest from aquaculture leases pursuant to an aquaculture certificate issued by the Florida Department of Agriculture and Consumer Services, a commercial harvester may not harvest or possess hard clams for commercial purposes in or on Florida Waters or sell hard clams unless the commercial harvester is harvesting pursuant to a valid saltwater products license with a shellfish endorsement.

(2) A shellfish endorsement shall be issued only to a person with a valid saltwater products license who provides proof of completion, within the last 12 months, of a Florida Department of Agriculture and Consumer Services developed or approved training course in shellfish harvest and post-harvest practices.

(3) A commercial harvester who is harvesting pursuant to a valid saltwater products license and a valid Apalachicola Bay oyster harvesting license is exempt from the requirement to possess a shellfish endorsement.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New \_\_\_\_\_.*

**68B-27.018 Statewide Harvesting Restrictions.**

(1) Shellfish endorsement –

(a) Beginning July 1, 2015, except as provided in paragraph (c) or for harvest from aquaculture leases pursuant to an aquaculture certificate issued by the Florida Department of Agriculture and Consumer Services, a commercial harvester may not harvest or possess oysters for commercial purposes in or on Florida Waters or sell oysters unless the commercial harvester is harvesting pursuant to a valid saltwater products license with a shellfish endorsement.

(b) A shellfish endorsement shall be issued only to a person with a valid saltwater products license who provides proof of completion, within the last 12 months, of a Florida Department of Agriculture and Consumer Services developed or approved training course in shellfish harvest and post-harvest practices.

(c) A commercial harvester who is harvesting pursuant to a valid saltwater products license and a valid Apalachicola Bay oyster harvesting license is exempt from the requirement to possess a shellfish endorsement.

~~(1)~~(2) Transport and sale of oysters taken intentionally or as bycatch from public oyster reefs using trawling devices or any device towed or operated from a vessel under power or sail shall be prohibited. Oysters taken as bycatch in this manner shall be returned as soon and as reasonably close to public beds from which they were taken as is possible.

~~(2)~~(3) Oysters may be harvested by hand, while diving, swimming, leaning from vessels, or wading, and by tongs.

~~(3)~~(4) The harvest of oysters between sunset and sunrise, as established by the U.S. Weather Service, from the public reefs or from private bedding grounds is prohibited, except as provided in subsection 68B-27.016(2), F.A.C., in areas where monitoring stations have been established.

~~(4)~~(5) The use of any dredge, drag, scrape, or other mechanical device other than ordinary hand tongs in harvesting oysters for any purpose from public oyster beds in state waters is prohibited.

~~(5)~~(6) The possession of any dredge, drag, scrape, or other mechanical device other than ordinary hand tongs in or on the waters above any public oyster bed is prohibited.

~~(6)~~(7) Ordinary hand tongs may be stowed in vessels from sundown until sunrise.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 3-10-91, Formerly 46-27.018, Amended 6-7-10, \_\_\_\_\_.*