

**Draft Rule Language: Lionfish
Consent Agenda Item #1
September 10, 2014**

68-5.005 Lionfish.

(1) through (5) No Change

(6) Any person engaged in aquaculture who possesses a valid certificate of registration from the Department of Agriculture and Consumer services issued pursuant to Chapter 597, F.S., and who is authorized to possess such species in accordance with Chapter 597, F.S., may raise juvenile or adult lionfish lawfully harvested from Florida waters or adjacent waters.

(7) Except for the activities authorized by a Conditional/Prohibited/Nonnative Species permit as provided in (8) below, the harvest or possession of lionfish eggs or larvae for any purposes other than destruction is prohibited.

(8) The intentional breeding of lionfish or cultivation of lionfish eggs or larvae in captivity is prohibited except as authorized by Conditional/Prohibited/Nonnative species permit as provided in paragraphs (a) through (f) below:

(a) Eligibility.

1. A permit for research involving lionfish cultivation shall be issued only to a principal investigator who is a faculty member of a college or university, is affiliated with an accredited institution, or is a member of a federal, state or county agency.

2. Permits shall be issued only for the purposes of researching lionfish population control measures or mitigating negative impacts to native species and ecosystems.

(b) Lionfish cultivation held outdoors may only be held in a water body that has the lowest point of the top edge of its levee, dike, bank, or tank at an elevation of at least one foot above the 100-year flood elevation determined by reference to elevation maps issued by the National Flood Insurance Program, U.S. Department of Homeland Security. Such water body shall have no water discharge or shall be constructed with a barrier system designed to prevent escape of adults, juveniles, and eggs in the water effluent discharged from the permittee's property.

(c) Lionfish cultivation held indoors may only be held in culture systems having no water discharge, having a water discharge through a closed drain system, or other system designed to prevent discharge of water containing adults, juveniles and eggs from the permittee's property.

(d) A detailed research proposal shall accompany the application for the permit. The proposal shall state the research objectives, methodology and study duration, and outline planned safeguards to assure proper containment of the species. An annual record of progress toward the research project objectives shall be maintained, and such research proposal and record of progress shall be available for inspection upon request of Commission personnel.

(e) The permit shall expire 12 months from the date of issuance and shall not be renewed until a detailed report of research findings is received and approved by the Commission. The report shall include a description of activities undertaken in the permit period, progress toward research project objectives, and proposed additional activities to be undertaken during any renewal period. Such reports are public records subject to the requirements for public disclosure under Chapter 119, F.S.

(f) Any escape or release of lionfish, or the eggs thereof, shall be reported immediately to the Commission.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—
New 8-1-14, Amended—*

68B-5.006 Lionfish.

(1) through (5) No change.

(6) In accordance with Rule 68-5.005, F.A.C., the intentional breeding of lionfish or cultivation of lionfish eggs or larvae in captivity is prohibited except as authorized by Conditional/Prohibited/Nonnative species permit.

(7) Except for activities authorized by Conditional/Prohibited/Nonnative species permit, the harvest or possession of lionfish eggs or larvae for any purpose other than destruction is prohibited.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—
New 8-21-13, Amended 8-1-14,*