

CHAPTER 68B-22 RED DRUM (REDFISH)

68B-22.001	Purpose and Intent; Repeal of Certain Laws; Designation as Protected Species.
68B-22.002	Definitions.
68B-22.003	Size Limits.
68B-22.005	Bag and Possession Limits; Sale Prohibited.
68B-22.006	Other Prohibitions; Applicability.
68B-22.007	Catch-Hold-and-Release Tournament Exemption.

68B-22.001 Purpose and Intent; Repeal of Certain Laws; Designation as Protected Species.

(1) The purpose and intent of this chapter is to protect, manage, conserve and replenish Florida's depleted red drum (redfish) resource, species *Sciaenops ocellatus*, which has suffered extreme declines in abundance in recent years.

(2) Accordingly, it is the intent of this chapter to repeal and replace those portions of Section 370.11(2)(a)4., Florida Statutes, dealing with redfish. This chapter is not intended, and shall not be construed, to repeal any other portion of Section 370.11(2)(a)4., Florida Statutes; any other subdivision of Section 370.11, Florida Statutes; or any other general or local law directly or indirectly relating to or providing protection for the redfish resource.

(3) Redfish are hereby declared and designated a protected species. The purposes of this designation are to increase public awareness of the need for extensive conservation action in order to prevent this resource from becoming endangered and to encourage voluntary conservation practices, including catch-and-release practices for all redfish caught unless they are needed for food.

Specific Authority Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New 9-12-85, Amended 1-1-89, 6-3-91, Formerly 46-22.001.

68B-22.002 Definitions.

(1) "Catch, hold and release", means the intentional release of a live redfish, possessed in a live well or recirculating tank aboard a boat, for the purpose of harvesting another redfish.

(2) "Fishing pier" means a platform extending from shore over water, used primarily to provide a means for persons to harvest or attempt to harvest fish therefrom. The term shall not be construed to include any residential dock, marina, or facility at which vessels are launched or moored, but shall include any abandoned bridge serving the function of a fishing pier.

(3) "Fishing tournament", as used in this chapter, means a fishing competition involving 50 or more participants that has written rules and regulations, requires an entry fee, and awards prizes to competitors.

(4) "FWC" means the Florida Fish and Wildlife Conservation Commission.

(5) "Harvest" means the catching or taking of a fish by any means whatsoever, followed by a reduction of such fish to possession. Fish that are caught but immediately returned to the water free, alive and unharmed are not harvested. In addition, temporary possession of a fish for the purpose of measuring it to determine compliance with the minimum or maximum size requirements of this chapter shall not constitute harvesting such fish, provided that it is measured immediately after taking, and immediately returned to the water free, alive and unharmed if undersize or oversize. A person engaged in catch, hold, and release pursuant to Rule 68B-22.007, F.A.C., shall not be considered to have harvested a redfish if it is released alive.

(6) "Land," when used in conjunction with the harvest of a fish, means the physical act of bringing the harvested fish ashore.

(7) "Person" means any natural person, firm, entity or corporation.

(8) "Red drum" or "redfish" means any fish of the species *Sciaenops ocellatus*, or any part thereof. "Native redfish" means any redfish harvested from waters subject to the jurisdiction of the Fish and Wildlife Conservation Commission and the State of Florida.

(9) "Spearing" means the catching or taking of a fish by bow hunting, gigging, spearfishing, or by any device used to capture a fish by piercing the body. Spearing does not include the catching or taking of a fish by a hook with hook and line gear or by snagging (snatch hooking).

(10) "Total length" means the straight line distance from the most forward point of the head with the mouth closed, to the farthest tip of the tail with the tail compressed or squeezed, while the fish is lying on its side.

(11) "Vessel" means and includes every description of water craft used or capable of being used as a means of transportation on water, including nondisplacement craft and any aircraft designed to maneuver on water.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 9-12-85, Amended 2-12-87, 1-1-89, 1-1-96, 1-1-98, Formerly 46-22.002, Amended 3-17-04, 7-1-06.

68B-22.003 Size Limits.

No person shall harvest in or from the waters of the State of Florida at any time, or unnecessarily destroy, any redfish of total length less than 18 inches, nor greater than 27 inches.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 9-12-85, Amended 2-12-87, 1-1-89, Formerly 46-22.003.

68B-22.005 Bag and Possession Limits; Sale Prohibited.

(1) Bag Limits – Except as provided for in Rule 68B-22.007, F.A.C., no person shall harvest more than one native redfish per day, nor possess more than one native redfish while in, on, or above the waters of the state or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters. Elsewhere, no person shall possess more than two native redfish at any time.

(2) Sale of Native Redfish Prohibited – The purchase, sale, or exchange of any native redfish is prohibited. This prohibition, however, does not apply to legally harvested non-native redfish that have entered the State of Florida in interstate commerce. The burden shall be upon any person possessing such redfish for sale or exchange to establish the chain of possession from the initial transaction after harvest, by appropriate receipt(s), bill(s) of sale, or bill(s) of lading, and to show that such redfish originated from a point outside the waters of the State of Florida, and entered the state in interstate commerce. Failure to maintain such documentation or to promptly produce same at the request of any duly authorized law enforcement officer shall constitute a violation of this rule.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 2-12-87, Amended 1-1-89, 6-3-91, 1-1-96, Formerly 46-22.005, Amended 3-17-04.

68B-22.006 Other Prohibitions; Applicability.

(1) The harvest of any redfish in or from state waters by or with the use of any multiple hook in conjunction with live or dead natural bait is prohibited. Spearing or snagging (snatch hooking) of redfish in or from state waters is prohibited.

(2) It is unlawful for any person to possess, transport, buy, sell, exchange or attempt to buy, sell or exchange any redfish harvested in violation of this chapter.

(3) No operator of a vessel in or on state waters shall allow the possession aboard the vessel of any redfish not in compliance with established bag limits, size limits, seasons or any prohibited gear as specified in this chapter or in Chapter 68B-4, F.A.C.

(4) All redfish harvested from Florida waters shall be landed in a whole condition. The possession, while in or on state waters, on any public or private fishing pier, or on a bridge or catwalk attached to a bridge from which fishing is allowed, or on any jetty, of any redfish that has been deheaded, sliced, divided, filleted, ground, skinned, scaled or deboned is prohibited. Mere evisceration or “gutting” of redfish, or mere removal of gills from redfish, before landing is not prohibited. Preparation of redfish for immediate consumption on board the vessel from which the fish were caught is not prohibited.

(5) Provisions of this rule chapter shall not apply to redfish artificially spawned and raised in commercial aquaculture facilities. Failure to maintain appropriate receipt(s), bill(s), bill(s) of sale, or bill(s) of lading, that such redfish were artificially spawned and raised in commercial aquaculture facilities, shall constitute a violation of this rule.

(6) The simultaneous possession aboard a vessel of any gill net or entangling net together with any redfish is prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 2-12-87, Amended 6-3-91, 1-1-96, 1-1-98, Formerly 46-22.006.

68B-22.007 Catch-Hold-and-Release Tournament Exemption.

(1) Except as provided in this rule, the practice of catching, holding, and releasing redfish is prohibited. The Executive Director of the FWC, or his designee, shall issue a tournament exemption permit to the director of a catch-and-release fishing tournament to allow redfish to be caught, held, and released during the tournament, and to allow the tournament to exceed redfish bag and possession limits pursuant to subsection 68B-22.005(1), F.A.C., after redfish have been weighed-in, provided that each of the following conditions is met:

(a) Tournament anglers and tournament staff agree to attempt to release alive all redfish that are caught, including those fish that are weighed-in.

(b) Each two person team of tournament anglers possesses no more than two live redfish in the boat’s live well or recirculating tank at any one time.

(c) All boats used in the tournament contain recirculating or aerated live wells that are at least 2.4 cubic feet or 18 gallons in capacity.

(d) Dead redfish possessed by a two person team of tournament anglers are not discarded. A dead redfish is considered harvested and will count as the daily bag limit for the team of tournament anglers who harvested that fish.

(e) Redfish are maintained in an aerated recovery holding tank prior to release. Recovery holding tank requirements may be specified in the tournament exemption permit at the FWC’s discretion in order to increase survival of released redfish.

(f) The tournament provides the FWC with a description of the aerated recovery holding tank(s) used to maintain redfish alive after weigh-in.

(g) The tournament provides the FWC with a description of the location where tournament caught redfish will be released after they are weighed in. In order to increase survival of released redfish, release locations may be specified in the tournament exemption permit at the FWC’s discretion.

(h) The tournament permit holder shall submit a post-tournament report to the FWC indicating the number of fish weighed-in each day of the tournament, the number of fish weighed-in dead each day, and the number of fish that died after being weighed-in, but prior to release each day. The FWC may specify additional tournament reporting requirements as a condition of the tournament exemption permit.

(i) The tournament agrees to allow FWC staff the opportunity to collect research data and conduct research and onboard monitoring during the tournament, as needed.

(2) Application for issuance of a tournament exemption permit shall be made on a form provided by the FWC (Form DMF-SL 5000 (3-04), incorporated herein by reference). Tournament exemption permits will only be issued to catch-and-release redfish tournaments that agree to the permit conditions in subsection (1).

(3) Any anglers participating in a redfish tournament for which a tournament exemption permit has been issued shall have a copy of the permit in his or her possession at all times during tournament operating hours.

(4) Any violation of the conditions and requirements specified within the tournament exemption permit will be considered a violation of this rule.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 3-17-04.