

Consent Agenda Item #4: Bringing Fish Back from The Bahamas – Draft Rule

**CHAPTER 68B-14
REEF FISH**

68B-14.006 Other Prohibitions and Exception.

(1) through (3) No change.

(4) Landed in Whole Condition Requirement – Except as provided elsewhere in this rule, All fish harvested from Florida or adjacent federal Exclusive Economic Zone (EEZ) waters pursuant to the requirements of this chapter shall be landed in a whole condition. The possession, while in or on state waters, on any public or private fishing pier, on a bridge or catwalk attached to a bridge from which fishing is allowed, or on any jetty, of such fish that have been deheaded, sliced, divided, filleted, ground, skinned, scaled or deboned is prohibited. Mere evisceration or “gutting” of fish, or mere removal of gills from fish, before landing is not prohibited. Preparation of fish for immediate consumption on board the vessel from which the fish were caught is not prohibited.

(5) Landed in Whole Condition Exception – Recreational anglers that lawfully harvest species listed as South Atlantic Snapper-Grouper in Table 4 of Appendix A to 50 C.F.R. § 622 (as of - - -), in waters of the Commonwealth of the Bahamas are exempt from the requirement to land such fish in whole condition under the following conditions:

(a) Skin must remain intact on the entire fillet of any fish carcass as specified in 50 C.F.R. § 622.186 (as of December 28, 2015).

(b) A person or vessel that lawfully harvests fish in Bahamian waters and transits through Florida waters must comply with the bag and possession limits specified in 50 C.F.R. § 622.187 (as of December 28, 2015), and the seasons specified in 50 C.F.R. § 622.183-184 (as of December 28, 2015). Two fillets of fish, regardless of the length of each fillet, is equivalent to one fish.

(c) Valid Bahamian fishing and cruising permits are on board the vessel.

(d) Each person on the vessel has a valid government passport with current stamps and dates from the Commonwealth of the Bahamas.

(e) The vessel is in transit through state waters with fishing gear appropriately stowed. For the purpose of this rule, a vessel is in transit when it is on a direct and continuous course through state waters and no one aboard the vessel fishes in state waters. For the purpose of this rule, fishing gear appropriately stowed means that terminal gear (i.e., hook, leader, sinker, flasher, or bait) used with an automatic reel, bandit gear, buoy gear, handline, or rod and reel must be disconnected and stowed separately from such fishing gear. Sinkers must be disconnected from the down rigger and stowed separately.

(f) Fish harvested from Bahamian waters and transited to Florida pursuant to the requirements specified in this rule may not be sold or purchased.

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, 7-15-96, 12-31-98, Formerly 46-14.006, Amended - - -.

**CHAPTER 68B-41
DOLPHIN**

68B-41.003 Regional Recreational Size Limits; Commercial Size Limits; Landed in Whole Condition Requirement and Exception.

(1) through (2) No change.

(3) Landed in Whole Condition Requirement – Except as provided elsewhere in this rule, aA person harvesting dolphin shall land each dolphin in whole condition. A person may not possess in or on Florida Waters a dolphin that has been beheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned. This provision will not be construed to prohibit evisceration (gutting) of a dolphin, or removal of gills from a dolphin.

(a) Landed in Whole Condition Exception – Recreational anglers that lawfully harvest dolphin in waters of the Commonwealth of the Bahamas are exempt from the requirement to land dolphin in whole condition under the following conditions:

1. Skin must remain intact on the entire fillet of any dolphin carcass.

2. A person or vessel that lawfully harvests dolphin in Bahamian waters and transits through Florida waters must comply with

Commented [BM1]: Effective date will be added and rule would be filed following approval of federal rulemaking to change the species managed under the Snapper-Grouper Fishery Management Plan.

Consent Agenda Item #4: Bringing Fish Back from The Bahamas – Draft Rule

the bag and possession limits specified in 50 C.F.R. § 622.277 (as of December 28, 2015). Two fillets of dolphin, regardless of the length of each fillet, is equivalent to one fish.

3. Valid Bahamian fishing and cruising permits are on board the vessel.

4. Each person on the vessel has a valid government passport with current stamps and dates from the Commonwealth of the Bahamas.

5. The vessel is in transit through state waters with fishing gear appropriately stowed. For the purpose of this rule, a vessel is in transit when it is on a direct and continuous course through state waters and no one aboard the vessel fishes in state waters. For the purpose of this rule, fishing gear appropriately stowed means that terminal gear (i.e., hook, leader, sinker, flasher, or bait) used with an automatic reel, bandit gear, buoy gear, handline, or rod and reel must be disconnected and stowed separately from such fishing gear. Sinkers must be disconnected from the down rigger and stowed separately.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 1-1-91, Formerly 46-41.003, Amended 1-3-05, 9-1-13, - - -.

68B-41.007 Prohibited Sale; Vessel for Hire Exception.

(1) The captain of a Vessel for Hire may sell a dolphin that was harvested aboard a charter vessel pursuant to subsection 68B-41.004(1), F.A.C., if the captain is properly licensed (by both state and federal authorities) to harvest dolphin for commercial purposes.

(2) Dolphin harvested from Bahamian waters and transited to Florida pursuant to the requirements specified in paragraph 68B-41.003(3)(a) may not be sold or purchased.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 9-1-13, Amended - - -.

**CHAPTER 68B-57
WAHOO**

68B-57.003 Landed in Whole Condition Requirement and Exception.

(1) Landed in Whole Condition Requirement – Except as provided elsewhere in this rule, a person harvesting wahoo shall land each wahoo in whole condition. A person may not possess in or on Florida Waters a wahoo that has been beheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned. This provision will not be construed to prohibit evisceration (gutting) of a wahoo, or removal of gills from a wahoo.

(2) Landed in Whole Condition Exception – Recreational anglers that lawfully harvest wahoo in waters of the Commonwealth of the Bahamas are exempt from the requirement to land wahoo in whole condition under the following conditions:

(a) Skin must remain intact on the entire fillet of any wahoo carcass.

(b) A person or vessel that lawfully harvests wahoo in Bahamian waters and transits through Florida waters must comply with the bag and possession limits specified in 50 C.F.R. § 622.277 (as of December 28, 2015). Two fillets of wahoo, regardless of the length of each fillet, is equivalent to one fish.

(c) Valid Bahamian fishing and cruising permits are on board the vessel.

(d) Each person on the vessel has a valid government passport with current stamps and dates from the Commonwealth of the Bahamas.

(e) The vessel is in transit through state waters with fishing gear appropriately stowed. For the purpose of this rule, a vessel is in transit when it is on a direct and continuous course through state waters and no one aboard the vessel fishes in state waters. For the purpose of this rule, fishing gear appropriately stowed means that terminal gear (i.e., hook, leader, sinker, flasher, or bait) used with an automatic reel, bandit gear, buoy gear, handline, or rod and reel must be disconnected and stowed separately from such fishing gear. Sinkers must be disconnected from the down rigger and stowed separately.

Consent Agenda Item #4: Bringing Fish Back from The Bahamas – Draft Rule

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 9-1-13, Amended - - -.

68B-57.007 Prohibited Sale.

Wahoo harvested from Bahamian waters and transited to Florida pursuant to the requirements specified in subsection 68B-57.003(2) may not be sold or purchased.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New - - -.

DRAFT