



This document summarizes the Florida Fish and Wildlife Conservation Commission's (FWC) proposed draft rules to amend Chapters 68B-14, 68B-41, and 68B-57, Florida Administrative Code (FAC), within FWC's marine fisheries regulations to allow recreational anglers to possess and land filleted reef fish, dolphin, and wahoo if the fish were harvested in the Commonwealth of the Bahamas.

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Background – South Atlantic Council Actions



- Recreational vessels routinely travel from Florida to The Bahamas and return with legally-harvested fish
 - U.S. Coast Guard estimates 50 boats transit each day
 - Federal rules generally prohibit fish from being filleted until they are landed
- **1998:** Council created an exemption to allow anglers to bring filleted reef fish back from The Bahamas
- **2013:** Recreational anglers requested similar exemptions for dolphin and wahoo
 - Prohibiting filleted fish creates a burden and is impractical
- **2016:** Council modified requirements for bringing fish back from The Bahamas
 - Created exemptions to allow filleted dolphin and wahoo
 - Revised the requirements for filleted reef fish



It is very common for recreational vessels to travel from Florida to The Bahamas to fish. The U.S. Coast Guard estimates that 50 recreational boats transit these waters every day. These boats may remain in The Bahamas for a day or several months. When recreational anglers return to the U.S. by boat, many bring with them fish they harvested in Bahamian waters. Bahamian regulations allow recreational harvesters to fillet their harvest on the water. In general, however, federal and state regulations prohibit anglers from filleting their fish until it is landed (fish must be landed whole but may be gutted). The reason for prohibiting filleted fish is to enable law enforcement to verify angler compliance with fishing seasons, recreational bag limits, size limits, and other regulations.

In 1998, the South Atlantic Council (Council) created an exemption to allow recreational anglers to transit federal waters with filleted reef fish they caught in The Bahamas. In 2013, anglers requested that the Council also allow them to return from The Bahamas with filleted dolphin and wahoo. These anglers argued that it is impractical to return to the U.S. with large fish, like dolphin and wahoo, unfileted because they travel to The Bahamas on small, 20-40 foot sportfishing vessels, and these boats have limited cold storage capacity. Thus, storing filleted fish rather than whole fish on these boats is easier and safer from a food safety perspective.

In 2016, the Council responded to the request by creating exemptions allowing filleted dolphin and wahoo caught in The Bahamas to be transited through U.S. federal waters. They also created requirements for this exemption that would aid law enforcement in determining compliance with bag limits. These requirements were also added to the existing reef fish exemption. These regulations were approved by the U.S. Secretary of Commerce and took effect on Jan. 27, 2016.

Bahamian Sportfishing Regulations for Foreign Vessels

- Operators of private foreign vessels must clear customs and apply for a cruising permit at port of entry, and obtain a sportfishing permit to fish in Bahamian waters
 - Fish caught under the sportfishing permit may not be sold
- Possessing filleted fish in Bahamian waters is allowed



When visiting The Bahamas, operators of private foreign vessels are required to clear customs at their port of entry and apply for a cruising permit. If they want to fish, they must also obtain a sportfishing permit.

Fish caught under the sportfishing permit may not be sold and foreign vessels are prohibited from commercial fishing in Bahamian waters.

Unlike in state and federal waters, recreationally-caught fish may be filleted on the vessel in Bahamian waters. This difference in regulations has been viewed by recreational anglers as a problem.

U.S. Federal Requirements to Transit with Filleted Fish from The Bahamas



- Recreational anglers transiting South Atlantic federal waters can possess filleted reef fish, dolphin, and wahoo if the fish were caught in The Bahamas and
 - Skin remains on the fillet
 - Number of fish on board the vessel does not exceed Atlantic federal bag limits
 - 2 fillets count as 1 fish toward the bag limit
 - Vessel has valid Bahamian cruising and sportfishing permits
 - Each person on board has a valid government passport with current stamps and travel dates from The Bahamas
 - Vessel remains on a direct and continuous course through U.S. federal waters and fishing gear is properly stowed
 - Fish harvested from Bahamian waters are not sold



The new federal regulations allow anglers to bring filleted dolphin, wahoo, and reef fish into U.S. federal waters from The Bahamas when the following conditions are met:

- Skin must remain on any fillet of reef fish, dolphin, or wahoo. This allows law enforcement to identify the species and ensure compliance with bag limits.
- Vessels may not have on board more fish than allowed by U.S. Atlantic federal bag or vessel limits. When determining how many fish are on board the vessel, two fillets regardless of size count as one fish. For example, if an angler fillets one dolphin into 14 pieces, for the purpose of this rule, he is in possession of seven fish.
- The vessel must have valid Bahamian cruising and sportfishing permits.
- Each person on board the vessel must have a valid government passport with current stamps and dates from The Bahamas to serve as proof that the vessel is coming from The Bahamas.
- The vessel must remain on a direct and continuous course through U.S. federal waters and fishing gear must be properly stowed. This requirement prevents fishing in U.S. waters when returning from The Bahamas with filleted fish. If a vessel with filleted fish aboard were to stop and fish in federal waters, they would be unable to prove the fillets were harvested in The Bahamas and not the U.S.
- Fish harvested under this exemption may not be sold.

Need for State Rulemaking

- State rules currently require reef fish, dolphin, and wahoo to remain whole until landed
- State rule changes to allow anglers transiting state waters to possess and land filleted reef fish, dolphin, and wahoo when returning from The Bahamas would
 - Create consistency with Atlantic federal regulations
 - Reduce confusion for anglers
 - Benefit Florida residents and tourists



Current state rules require reef fish, dolphin, and wahoo to remain whole until they are landed. Thus, state rulemaking would be necessary to create consistency with federal regulations allowing anglers to return from The Bahamas by boat with filleted fish. Rulemaking is only required for reef fish, dolphin, and wahoo. Consistent regulations in Atlantic state and federal waters would reduce confusion for recreational anglers.

This action would not only benefit Floridians, but also tourists who depart from Florida ports to travel to The Bahamas.

Proposed Draft Rules – Reef Fish



68B-14.0035 Other Prohibitions and Exception

- Create an exception to land filleted reef fish* that were harvested in The Bahamas
 - Skin must remain on the fillet
 - Compliance with Atlantic federal bag and possession limits
 - Possession of valid Bahamian cruising and sportfishing permits
 - Possession of valid government passports with current Bahamian stamps and travel dates
 - When transiting through state waters, gear must be stowed and travel must be continuous
- For the purpose of this rule, 2 fillets count as 1 fish toward the bag limit
- Fish landed under this exception may not be sold or purchased



**This rule would apply to all species managed as snapper-grouper by the South Atlantic Council*

The proposed rules would modify 68B-14, FAC, to allow recreational anglers to possess and land filleted reef fish when they return to Florida after fishing in The Bahamas. This exception would only apply to species managed as “snapper-grouper” by the South Atlantic Council in 50 CFR § 622. The proposed draft rule would require (1) skin to remain on fillets; (2) compliance with Atlantic federal bag and vessel limits; (3) possession of valid Bahamian cruising and sportfishing permits; (4) possession of valid government passports with current Bahamian stamps and travel dates; and (5) when transiting through state waters, gear must be stowed and travel must be continuous. For the purpose of the proposed rule, two fillets would count as one fish toward the bag limit. Reef fish landed under this proposed exception may not be sold or purchased.

Proposed Draft Rules – Dolphin

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

- Create an exception to land filleted dolphin that was harvested in The Bahamas
 - Skin must remain on the fillet
 - Compliance with Atlantic federal bag and possession limits
 - Possession of valid Bahamian cruising and sportfishing permits
 - Possession of valid government passports with current Bahamian stamps and travel dates
 - When transiting through state waters, gear must be stowed and travel must be continuous
- For the purpose of this rule, 2 fillets count as 1 fish toward the bag limit

68B-41.007 Prohibited Sale; Vessel for Hire Exception

- Fish landed under this exception may not be sold or purchased



The proposed rules would modify 68B-41, FAC, to allow recreational anglers to possess and land filleted dolphin when they return to Florida after fishing in The Bahamas. The proposed draft rule would require (1) skin to remain on fillets; (2) compliance with Atlantic federal bag and vessel limits; (3) possession of valid Bahamian cruising and sportfishing permits; (4) possession of valid government passports with current Bahamian stamps and travel dates; and (5) when transiting through state waters, gear must be stowed and travel must be continuous. For the purpose of the proposed rule, two fillets would count as one fish toward the bag limit. Dolphin landed under this proposed exception may not be sold or purchased.

Proposed Draft Rules – Wahoo

68B-57.003 Landed in Whole Condition Requirement and Exception

- *Create an exception to land filleted wahoo that was harvested in The Bahamas*
 - *Skin must remain on the fillet*
 - *Compliance with Atlantic federal bag and possession limits*
 - *Possession of valid Bahamian cruising and sportfishing permits*
 - *Possession of valid government passports with current Bahamian stamps and travel dates*
 - *When transiting through state waters, gear must be stowed and travel must be continuous*
- *For the purpose of this rule, 2 fillets count as 1 fish toward the bag limit*

68B-57.007 Prohibited Sale

- *Fish landed under this exception may not be sold or purchased*



The proposed rules would modify 68B-57, FAC, to allow recreational anglers to possess and land filleted wahoo when they return to Florida after fishing in The Bahamas. The proposed draft rule would require (1) skin to remain on fillets; (2) compliance with Atlantic federal bag and vessel limits; (3) possession of valid Bahamian cruising and sportfishing permits; (4) possession of valid government passports with current Bahamian stamps and travel dates; and (5) when transiting through state waters, gear must be stowed and travel must be continuous. For the purpose of the proposed rule, two fillets would count as one fish toward the bag limit. Wahoo landed under this proposed exception may not be sold or purchased.

Staff Recommendation



Approve draft rules to

- Create exceptions allowing anglers to possess and land filleted reef fish, dolphin, and wahoo that were caught in The Bahamas
 - Skin must remain on the fillet
 - Anglers must comply with Atlantic federal bag and vessel limits
 - 2 fillets count as 1 fish toward the bag limit
 - Vessel must have valid Bahamian cruising and sportfishing permits
 - Passengers must possess a valid government passport with current Bahamian stamps and travel dates
 - Travel through state waters is continuous and gear remains stowed
- Prohibit sale of fish landed under these exceptions



If approved by the Commission, the draft rules will be noticed and filed without further hearing unless requested and be effective as soon as possible

Staff recommend approving the proposed draft rules to create exceptions allowing anglers aboard a vessel to possess and land filleted reef fish, dolphin, and wahoo that were caught in The Bahamas. Under these exceptions, skin must remain on the fillet; anglers must comply with Atlantic federal bag and vessel limits; vessels must have valid Bahamian cruising and sportfishing permits; passengers must possess a valid government passport with current Bahamian stamps and travel dates; and travel through state waters must be continuous and gear must remain stowed. For the purpose of determining compliance with bag limits, two fillets would count as one fish. Under these exemptions, sale and purchase would be prohibited.

If the Commission approves the proposed rule amendments, the draft rules will be noticed and filed without further hearing unless requested and become effective as soon as possible.

Staff have evaluated the rules under the standards of 68-1.004, FAC, and found them to be in compliance.

The following slides are considered backup material and are not anticipated to be part of the actual presentation to the Commission



Grouper and Tilefish Recreational Bag Limits

Fish	Atlantic State	Atlantic Federal	Bahamian
Gag and Black Grouper	1 gag or black grouper/person within the 3-fish grouper aggregate		20 fish/vessel or 60 lbs./vessel
Snowy Grouper	1/person within the 3-fish grouper aggregate		
Other Groupers	3/person within the 3-fish grouper aggregate		
Golden Tilefish	1/person within the 3-fish grouper aggregate		
Blueline Tilefish	2 fish or 100 lbs., whichever is greater	1/vessel within the 3- fish grouper aggregate	
Sand Tilefish	2 fish or 100 lbs., whichever is greater	3/person within the 3-fish grouper aggregate	
Nassau Grouper	Prohibited	Prohibited	
Goliath Grouper	Prohibited	Prohibited	



This table lists recreational bag and vessel limits for grouper and tilefish in Florida state waters, U.S. South Atlantic federal waters, and Bahamian waters.

Snapper, Porgy, and Grunt Recreational Bag Limits

Fish	Atlantic State	Atlantic Federal	Bahamian
Gray (Mangrove) Snapper	5/person within the 10-fish snapper aggregate	10/person within the 10-fish snapper aggregate	20 fish/vessel or 60 lbs./vessel
Cubera Snapper	10/person <30 in. within the 10-fish snapper aggregate; 2/person and 2/vessel ≥30 in. outside of the aggregate		
Vermilion Snapper	5/person		
Red Snapper	2/person	No Possession	
Other Snappers	10/person within the 10-fish snapper aggregate		
Red Porgy	3/person		
Other Porgies	2 fish or 100 lbs., whichever is greater	20/person within the 20-fish snapper-grouper aggregate	
Grunts	2 fish or 100 lbs., whichever is greater	20/person within the 20-fish snapper-grouper aggregate	



This table lists recreational bag and vessel limits for snappers, porgies, and grunts in Florida state waters, U.S. South Atlantic federal waters, and Bahamian waters.

Other Reef Fish Recreational Bag Limits

Fish	Atlantic State	Atlantic Federal	Bahamian
Gray Triggerfish	10/person	20/person within the 20-fish snapper-grouper aggregate	20 fish/vessel or 60 lbs./vessel
Atlantic Spadefish	2 fish or 100 lbs., whichever is greater	20/person within the 20-fish snapper-grouper aggregate	
Black Sea Bass	5/person		
Greater Amberjack	1/person		
Banded Rudderfish	5/person in aggregate with lesser amberjack	20/person within the 20-fish snapper-grouper aggregate	
Lesser Amberjack	5/person in aggregate with banded rudderfish	20/person within the 20-fish snapper-grouper aggregate	
Other Reef Fish	2 fish or 100 lbs., whichever is greater	20/person within the 20-fish snapper-grouper aggregate	



This table lists recreational bag and vessel limits for triggerfish, spadefish, sea bass, jacks, and other reef fish in Florida state waters, U.S. South Atlantic federal waters, and Bahamian waters.

Dolphin and Wahoo Recreational Bag Limits

Fish	Atlantic State	Atlantic Federal	Bahamian
Wahoo	2/person		18/vessel in combination with dolphin, wahoo, king mackerel, and tuna
Dolphin	10/person and 60/vessel		



This table lists recreational bag and vessel limits for dolphin and wahoo in Florida state waters, U.S. South Atlantic federal waters, and Bahamian waters.

U.S. Customs and Border Protection Requirements



- Operators of small recreational vessels arriving in the U.S. from a foreign port or place are required to report their arrival to Customs and Border Protection immediately
 - Must report in person, unless registered for the Small Vessel Reporting System (SVRS)
 - Failure to report can result in civil penalties up to \$10,000
- Small Vessel Reporting System (SVRS)
 - Facilitated customs and immigration clearance via phone for recreational, low-risk boaters
 - U.S. and Canadian citizens, nationals, and lawful permanent residents are eligible



When arriving in the U.S. from The Bahamas or any other foreign place, operators of small recreational vessels are required by federal law to report their arrival to U.S. Customs and Border Protection immediately. Operators must report in person unless they have registered for the Small Vessel Reporting System. Failure to report can result in civil penalties up to \$10,000.

The Small Vessel Reporting System, or SVRS, was created to facilitate customs and immigration clearance for recreational, low-risk boaters. The SVRS allows enrollees to report their arrival by phone instead of in person. All U.S. and Canadian citizens, nationals, and lawful permanent residents are eligible to enroll in the program.