

Consent Agenda Item #1: Atlantic Black Sea Bass – Draft Rule Language

68B-14.0036 Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Tilefish, Exception, Wholesale/Retail Purchase Exemption.

(1) through (3) No change.

(4) Black sea bass. Except as provided elsewhere in this rule, no recreational harvester shall harvest in or from state waters of the Atlantic Ocean, nor possess while in or on state waters of the Atlantic Ocean, more than 57 black sea bass per day (consistent with the Federal Standards established in 50 C.F.R. § 622.187(b)(7) as of August 12, 2016).

(5) through (10) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 12-31-98, Amended 3-1-99, Formerly 46-14.0036, Amended 10-22-99, 1-1-00, 3-6-00, 3-1-01, 1-1-03, 1-3-05, 9-16-05, 1-1-06, 7-1-06, 7-1-07, 4-1-08, 1-6-09, 8-27-09, 10-16-09, 1-19-10, 12-30-11, 7-1-12, 6-10-13(4), 6-10-13(8), 3-13-14, 5-7-15, 7-1-16, ___-__-__.

68B-14.005 Regulation and Prohibition of Certain Harvesting Gear: Allowable Gear, Incidental Bycatch, Violation.

(1) Allowable gear. Except as provided in subsection (2), the following shall be the only gear types and methods allowed for the harvest in or from state waters of any of the species specified in subsection 68B-14.001(2), F.A.C.:

(a) No change.

(b) A black sea bass trap must have a valid identification tag issued by the National Marine Fisheries Service attached when fished in the Atlantic Ocean. Traps shall only be used north of Latitude 27° North in the Gulf of Mexico and north of Latitude 28°35.1' North in the Atlantic Ocean (due east of the NASA Vehicle Assembly Building, Cape Canaveral, FL). Each such trap shall comply with the following:

1. through 4. No change.

5. Trap marking requirements.

a. Each black sea bass trap used for harvesting black sea bass shall have the trap owner's saltwater products license number permanently attached. Each buoy attached to such trap shall have the letter "B" and the owner's saltwater products license number affixed to it in legible figures at least 1.5 inches high.

b. Each black sea bass trap in the water or onboard a vessel in the Atlantic Ocean must have a valid identification tag issued by National Marine Fisheries Service attached pursuant to 50 C.F.R. § 622.40(d)(1)(i)(D) (as of January 22, 2013).

c. A buoy or time-release buoy shall be attached to each black sea bass trap or at each end of a weighted trap trotline. The buoy shall be constructed of styrofoam, cork, molded polyvinyl chloride, or molded polystyrene, be of sufficient strength and buoyancy to float, and be either white in color or the same color as the owner's blue crab or stone crab buoy colors. Buoys shall be either spherical in shape with a diameter no smaller than 6 inches or some other shape so long as it is no shorter than 10 inches in the longest dimension and the width at some point exceeds 5 inches. No more than 5 feet of any buoy line attached to a buoy used to mark a black sea bass trap or attached to a trotline shall float on the surface of the water.

d. From November 15 through April 15, buoy lines attached to black sea bass traps fished or possessed in or on state waters north of Latitude 29°00' North in the Atlantic Ocean shall comply with the marking, weak link, and breaking strength requirements in adjacent federal waters pursuant to 50 C.F.R. § 622.189(g) (as of XXX XX, XXXX). From December 1 to March 31, buoy lines attached to black sea bass traps fished or possessed in or on state waters south of Latitude 29°00' North to Latitude 28°35.1' North in the Atlantic Ocean shall comply with the marking, weak link, and breaking strength requirements in adjacent federal waters pursuant to 50 C.F.R. § 622.189(g) (as of XXX XX, XXXX).

6. through 8. No change.

(c) No change.

(2) through (5) No change.

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, 3-1-94, 10-4-95, 7-15-96, 1-1-98, 12-31-98, 6-1-99, Formerly 46-14.005, Amended 1-1-03, 3-1-05, 7-17-05, 7-1-07, 3-12-08, 4-1-08, 1-19-10, 6-10-13, 1-24-14, ___-__-__.

Commented [BE1]: Effective date will be added and rule would be filed following approval of federal rule change. If possible, state and federal rule changes will take effect on the same date.

Commented [BE2]: Effective date will be added and rule would be filed following approval of federal rule change. If possible, state and federal rule changes will take effect on the same date.