

Mullet

DRAFT RULE LANGUAGE

Draft Rule Hearing Consent Agenda – Item #1

February 20, 2019

***Note:** Proposed changes to the Mullet rule chapter include substantive changes intended to clarify that the harvest of mullet by snagging or snatch hooking is allowed (shown in green), changes intended to clarify that limitations on the harvest of mullet also apply to possession and landing of that catch (shown in blue), and non-substantive and/or clarifying changes (shown in black) proposed as part of the Marine Fisheries Rule Cleanup process. Many of these clarifying changes will be implemented via substantial rewording of existing rules that do not change the application or provisions of the rule and are therefore not shown here in strike-add format. All cases of substantial rewording are indicated above the rule number. Any new provisions added to these substantially reworded rules are indicated by underlining.*

CHAPTER 68B-39 MULLET

- 68B-39.001 Designation as Restricted Species
- 68B-39.002 Definitions
- 68B-39.003 Size Limit; Exception; Whole Condition Requirement
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- 68B-39.0041 Striped Mullet: Commercial Limits; Seasonal, Regional, and Weekend Limits
- 68B-39.0045 Striped Mullet: Seasonal Recreational and Commercial Bag Limit for Portion of Pinellas County
- 68B-39.0046 Striped Mullet: Seasonal Night Harvest Prohibition Closure for Portion of Charlotte County (Punta Gorda)
- 68B-39.0047 Allowable Harvesting Gear
- 68B-39.005 Silver Mullet: Commercial Closed Season Harvest, Statewide Regulations
- 68B-39.006 Allowable Gear; Prohibited Gear
- 68B-39.007 Prohibited Purchase and Sale
- 68B-39.008 Striped and Silver Mullet: Areas Closed to Commercial Harvest Paseo-lee Region; Seasons; Closed Areas

68B-39.001 Designation as Restricted Species.

Striped mullet and silver mullet are hereby designated as restricted species pursuant to Section 379.101(32), F.S.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-19-89, Amended 9-1-91, 11-16-98, Formerly 46-39.001, Amended 7-1-03.

[Note: The definitions that are being removed as part of the proposed rule change are no longer necessary because they are defined in rule 68B-2.001, F.A.C. (General Definitions), or rule 68B-4.002 (Gear Definitions), F.A.C., and therefore apply to the mullet regulations found in 68B-39, F.A.C.]

68B-39.002 Definitions.

As used in this rule chapter:

- (1) “East ~~R~~egion” means all Florida state Waters of the Atlantic Ocean along the east coast of Florida lying between the Florida-Georgia border and the Monroe-Dade county line, and adjacent federal ~~Exclusive Economic Zone~~ waters.
- (2) “Fork length” means ~~the length of a fish as measured from the tip of the snout to the rear center edge of the tail.~~

(3) “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 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.

(4) “Harvest for commercial purposes” means the taking or harvesting of any striped or silver mullet for purposes of sale or with intent to sell. Striped or silver mullet harvested in excess of the recreational bag limit, shall constitute harvest for commercial purposes.

(5) “Land,” when used in conjunction with the harvest of fish, means the physical act of bringing the harvested fish ashore.

(3)(6) “Silver mullet” means any fish of the species *Mugil curema* (white mullet), *Mugil trichodon gyrans* (fantail mullet), or *Mugil rubrioculus gaimardianus* (redeye mullet), or any part thereof.

(4)(7) “Striped Strip mullet,” also commonly known as black or striped mullet, means any fish of the species *Mugil cephalus*, or any part thereof.

(8) “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).

(9) “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 or any aircraft designed to maneuver on water.

(5)(10) “Weekend” means that portion of a week commencing at 12:01 a.m. on Saturday and ending at 12:01 a.m. the following Monday.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-19-89, Amended 10-1-90, 11-16-93, 7-15-96, 3-3-97, 1-1-98, Formerly 46-39.002, Amended 10-7-01, 7-1-03, _____.

(Substantial rewording of Rule 68B-39.003 follows. See Florida Administrative Code for present text.)

68B-39.003 Size Limit; Exception; Whole Condition Requirement.

(1) Recreational size limit – There is no size limit for striped or silver mullet applicable to recreational harvesters.

(2)(a) Commercial size limit – Except as provided in paragraph (b), a commercial harvester may not harvest or land from Florida Waters or possess in or on Florida Waters a striped mullet smaller than 11 inches fork length.

(b) Exception – A commercial harvester may harvest and possess striped mullet smaller than 11 inches fork length, provided that the quantity of such fish does not exceed 10 percent of the total whole weight of all striped mullet in possession of the harvester at any time.

(3) A commercial harvester shall land each striped or silver mullet in whole condition. A commercial harvester may not possess within or without Florida Waters a striped or silver mullet that has been beheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned unless such striped or silver mullet has been previously landed. This provision will not be construed to prohibit the evisceration (gutting) of a striped or silver mullet or removal of gills from a striped or silver mullet.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-19-89, Formerly 46-39.003, Amended 7-1-03, _____.

68B-39.004 Recreational Bag Limit; Seasonal Vessel Limits.

Except as provided in Rules 68B-39.0045-.008, F.A.C.:

(1) Recreational Bag Limit – Except as provided in 68B-39.0045 for portions of Pinellas County, and 68B-39.0046 for portions of Charlotte County, a recreational harvester may not harvest or possess within or without Florida Waters or land ~~No person shall harvest, within or without the waters of the state, more than a total of 50 striped and or silver mullet in aggregate per day, in any combination of species; provided, however, that two or more harvesters aboard a single vessel in or on the waters of the state shall be subject to the vessel possession limits limit specified in paragraphs (2)(a) and (b) subsection (2).~~

(2) Recreational Vessel Limits –

(a) During the period beginning September 1 each year and continuing through January 31 of the following year, the possession

of more than 50 striped ~~and~~ or silver mullet in aggregate aboard a vessel in or on Florida Waters ~~the waters of the state~~ at any time is prohibited.

(b) During the period beginning February 1 and continuing through August 31 each year, the possession of more than 100 striped ~~and~~ or silver mullet in aggregate aboard a vessel with two or more recreational harvesters, in or on Florida Waters ~~the waters of the state~~ at any time is prohibited.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-19-89, Amended 9-1-91, 10-5-92, Formerly 46-39.004, Amended 3-30-00, 7-1-03, _____.

(New rule – **Note:** The provisions related to seasonal and regional commercial limits for striped mullet found in the proposed new rule below are currently housed in 68B-39.008, FAC (Pasco-Lee Region; Seasons; Closed Areas). The provisions related to weekend commercial limits for silver muller are currently housed in 68B-39.005, FAC (Commercial Harvest, Statewide Regulations). These provisions are being moved to this new rule in order to provide for consistency with the organization of other marine fisheries rule chapters.)

68B-39.0041 Commercial Limits: Seasonal, Regional, and Weekend Limits. *(See Appendix I for maps showing boundaries described in subparagraphs (1)(b)(1.-3.)*

(1) Striped mullet –

(a) Except as provided in paragraph (1)(b) and 68B-39.0045, 68B-39.0046, or 68B-39.008, a commercial harvester is not subject to a daily bag limit for striped mullet.

(b) During the period beginning November 1 each year and continuing through January 31 of the following year, a commercial harvester may not harvest striped mullet in excess of the recreational bag and vessel limits established by 68B-39.004 from the following waters:

1. In Manatee County, all waters of the Manatee River upstream of a line extending from a point at the eastern side of the mouth of Warner East Bayou (27°30.588'N, 82°37.098'W) in a northeasterly direction to a point at the eastern side of the mouth of Snead Island Cut (27°31.424'N, 82°36.637'W).

2. In Charlotte County, on the Peace River, upstream of a line extending from Mangrove Point (26°53.590'N, 82°05.510'W) in a northwesterly direction to a point on the shoreline at the northern bank of the eastern mouth of Myakka Cutoff (26°56.018'N, 82°08.018'W).[†]

3. In Charlotte County, all of Coral Creek upstream of its mouth on Gasparilla Sound, defined as a straight line between a point at 26°49.797'N, 82°15.742'W and a point at 26°49.797'N, 82°15.661'W.

(2) Silver mullet –

(a) Except as provided in paragraph (2)(b) and in 68B-39.008, a commercial harvester is not subject to a daily bag limit for silver mullet.

(b)1. On any weekend during the period beginning July 1 each year and continuing through January 31 of the following year, the harvest for commercial purposes of silver mullet is prohibited. On any such weekend all harvesters are subject to the recreational bag, possession, and landing limits specified in 68B-39.004.

2. A commercial harvester who has lawfully harvested silver mullet prior to the beginning of any such weekend may possess, aboard a vessel, silver mullet in quantities greater than the recreational bag limit after the weekend begins, if the vessel is tied up to the docking facilities of a licensed wholesale saltwater products dealer, the vessel was docked at the facility prior to the beginning of the weekend, and the person is in the process of landing the silver mullet at the dealer's facility.

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

68B-39.0045 Striped Mullet: Seasonal Recreational and Commercial Bag Limit for Portion of Pinellas County.

(1) During the period beginning October 1 each year and continuing through ~~the following~~ January 31 of the following year ~~each year~~, no recreational or commercial harvester person, including those harvesting pursuant to Rules 68B 39.005 and 68B 39.008,

[†] This point has been modified slightly in order to be easier to reference on the water. See map in Appendix I.

F.A.C., shall may harvest or possess within the areas described in subsection ~~(2)~~(3), more than five striped mullet per day. During this period, the possession of more than five striped mullet aboard a vessel in these areas is prohibited, regardless of the number of recreational or commercial harvesters aboard However, if there are two or more harvesters aboard a single vessel in the areas described in subsection (3), the vessel possession limit specified in subsection (2) shall apply.

~~(2) The possession of more than 5 striped mullet aboard a vessel in the areas described in subsection (3) is prohibited.~~

~~(2)~~(3) The closure area shall include all of the following waters:

(a)1. Riveria Bay and Bayou Grande, commonly known as Papy's Bayou, together with their interconnecting waters.

2. Placido Bayou, commonly known as Smack's Bayou, Snell Isle Harbour, and Coffee Pot Bayou, together with the portion of Tampa Bay lying between said Bayous.

(b) All connecting waters west of the following line: Beginning at the easternmost point of Second Avenue NE and extending 1,013 feet (338 yards) into Tampa Bay to 27°46.417'N, 82°37.347'W, then proceeding north to Coffee Pot Bayou Daybeacon 3 (27°47.117'N, 82°36.931'W); then proceeding north to Smacks Bayou Daybeacon 3 (27°47.407'N, 82°36.377'W); then proceeding in a northerly direction along a line 200 yards east of the shoreline and running parallel to the shoreline to a point approximately 750 feet north of the southern edge of Weedon Island at 27°49.643'N, 82°35.444'W.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-5-92, Formerly 46-39.0045, Amended 7-1-03, 4-13-17, _____.

68B-39.0046 Striped Mullet: Seasonal Night Harvest Prohibition Closure for Portion of Charlotte County (Punta Gorda)

(1) During the period beginning November 1 each year and continuing through the last day of February of the following year, no recreational or commercial harvester person, including those harvesting pursuant to Rules 68B-39.005 and 68B-39.008, F.A.C., shall harvest or attempt to harvest, ~~within the area described in subsection (2),~~ any striped mullet within the area described in subsection (2), during the period beginning 6:00 p.m. each evening and continuing until 6:00 a.m. the following morning. No person may shall possess any striped mullet in; or on, or above the waters of the area during this nightly closure.

(2) The provisions of subsection (1), ~~shall~~ apply within the following described area of Punta Gorda, Charlotte County, Florida: Beginning at 26°55.578'N, 82°04.232'W, then proceeding due north to 26°55.618'N, 82°04.232'W, then proceeding westerly, southerly, and easterly along a line parallel to and 300 feet seaward of the shoreline to 26°52.437'N, 82°03.618'W, then proceeding easterly to 26°52.405'N, 82°01.427'W, then proceeding northerly to 26°53.466'N, 82°01.394'W at the western right-of-way of U.S. Highway 41, then proceeding northwesterly along the western right-of-way of U.S. Highway 41 to 26°55.455'N, 82°02.847'W, then proceeding westerly to 26°55.473'N, 82°03.751'W, then proceeding due north to 26°55.578'N, 82°03.751'W, then proceeding due west to the point of beginning Commence at a point 300 feet north of the intersection of the eastern boundary of Section 11, T41S, R22E, with the mean high water line of the Peace River; thence, run westerly, southerly, and easterly along a line parallel to and 300 feet waterward of the mean high water line of the Peace River and Charlotte Harbor to the intersection of said line with the southern boundary of Section 25, T41S, R22E; thence, run easterly, along the southern boundary of said Section 25 and the southern boundary of Sections 30 and 29, T41S, R23E, to the southeast corner of said Section 29; thence, run northerly, along the eastern boundary of said Section 29 and the eastern boundary of Section 20, T41S, R23E, to its intersection with the westerly right-of-way line of US Highway 41; thence, run northwesterly, along said right of way line, to its intersection with the northern boundary of the south half of Section 7, T41S, R23E; thence, run westerly, along the northern boundary of the south half of said Section 7 and the northern boundary of the south half of Section 12, T41S, R22E, to the southeast corner of the northwest quarter of said Section 12; thence, run northerly, along the eastern boundary of the northwest quarter of said Section 12 to a point due east of the point of beginning; thence, run west to the point of beginning.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 2-24-98, Formerly 46-39.0046, Amended 7-1-03, _____.

68B-39.0047 Allowable Harvesting Gear

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-3-97, Amended 1-1-98, 11-16-98, 12-31-98, Formerly 46-39.0047, Amended 12-2-99, 7-1-01, 7-1-03, Repealed _____.

(Substantial rewording of Rule 68B-39.005 follows. See Florida Administrative Code for present text.)

68B-39.005 Silver Mullet: Commercial Closed Season Harvest, Statewide Regulations.

During the period beginning February 1 and continuing through the last day of February each year, the harvest for commercial purposes of silver mullet in the East Region is prohibited. During this period in this region, all harvesters are subject to the recreational bag, possession, and landing limits specified in Rule 68B-39.004.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-19-89, Amended 10-1-90, 9-1-91, 11-16-93, 3-3-97, 11-16-98, Formerly 46-39.005, Amended 7-1-03, 7-13-08, 4-13-17, _____.

(New rule – **Note:** The provisions related to allowable and prohibited gear found in the proposed new rule below are currently housed in 68B-39.0047, FAC, Allowable Harvesting Gear, and are being moved to this new rule in order to provide for consistency with the organization of other marine fisheries rule chapters.)

68B-39.006 Allowable Gear; Prohibited Gear.

- (1) A person may harvest or attempt to harvest striped mullet or silver mullet only by or with the use of the following gear:
- (a) Cast net with a stretched length (the distance from the horn at the center of the net, with the net gathered and pulled taut, to the lead line) no greater than 14 feet, provided that no more than two such nets shall be fished from any vessel at any time.
 - (b) Beach or haul seine with a total area (the mesh area plus the area of any other attached material that adds to the fishing surface of the net) no larger than 500 square feet, provided that no more than two such nets unconnected shall be fished from any vessel at any time.
 - (c) Hook and line gear.
 - (d) Snagging or snatch hooking.
 - (e) Spearing; except spearfishing is prohibited in fresh water.
- (2) The simultaneous possession of any species of mullet (genus *Mugil*) in excess of the recreational bag limit specified in 68B-39.004, and any gill or entangling net is prohibited. Simultaneous possession shall include possession of mullet and gill or entangling nets on separate vessels or vehicles where such vessels or vehicles are operated in coordination with one another, including vessels towed by another vessel.
- (3) A person may not harvest or attempt to harvest any striped mullet or silver mullet with gear not expressly permitted in subsection (1).

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

(New rule – **Note:** The provisions related to the prohibited purchase and sale of silver and striped mullet found in the proposed new rule below are currently housed in 68B-39.005, FAC, Commercial Harvest, Statewide Regulations, and are being moved to this new rule in order to provide for consistency with the organization of other marine fisheries rule chapters.)

68B-39.007 Prohibited Purchase and Sale.

- (1) A person may not purchase or sell any silver mullet harvested on any weekend during the period beginning on July 1 each year and continuing through January 31 of the following year.
- (2) A person may may not purchase or sell any silver mullet harvested from waters of the East Region during the period beginning February 1 and continuing through the last day of February each year.
- (3) A person may not purchase or sell any striped or silver mullet harvested in waters of the Atlantic Ocean or Gulf of Mexico offshore of the three nautical mile line or offshore of the Everglades National Park Line, as described in 68B-39.008.

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

(Substantial rewording of Rule 68B-39.008 follows. See Florida Administrative Code for present text.)

68B-39.008 Striped and Silver Mullet: Areas Closed to Commercial Harvest ~~Paseo Lee Region; Seasons; Closed Areas.~~

A person may not harvest [or possess](#) striped or silver mullet for commercial purposes in waters of the Atlantic Ocean or Gulf of Mexico offshore of the three nautical mile line (formerly known as the territorial sea line) or offshore of the Everglades National Park Line, which shall commence at a point on the three nautical mile line at 25°47.342'N, 81°33.184'W, thereafter going due northeast to 25°49.209'N, 81°31.099'W, thereafter going in a southerly direction following the Western boundary of the Everglades National Park to the lighted buoy #2 at 24°52.294'N, 80°53.184'W, thereafter going in a southwesterly direction to a point on the three nautical mile line at 24°51.664'N, 80°53.836'W, at which point it shall terminate.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-19-89, Amended 10-1-90, 10-5-92, 9-1-93, 11-29-93, 3-3-97, Formerly 46-39.008, Amended 7-1-03, _____.

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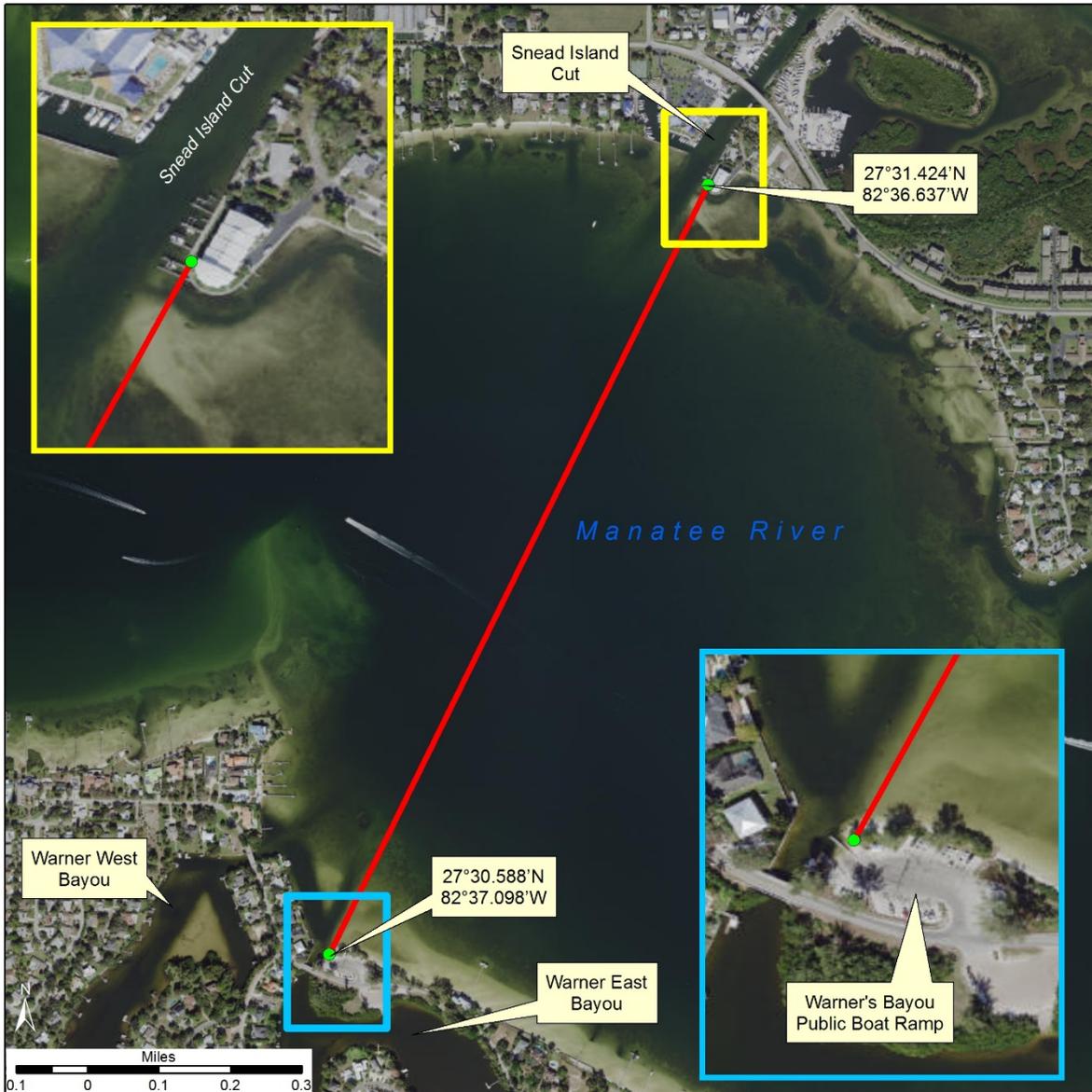
Appendix I.

Manatee County, Manatee River

68B-39.0041(1)(b)1., FAC:

(b) During the period beginning November 1 each year and continuing through January 31 of the following year, a commercial harvester may not harvest striped mullet in excess of the recreational bag limit established by 68B-39.004 from the following waters:

1. In Manatee County, all waters of the Manatee River upstream of a line extending from a point at the eastern side of the mouth of Warner East Bayou (27°30.588'N, 82°37.098'W) in a northeasterly direction to a point at the eastern side of the mouth of Snead Island Cut (27°31.424'N, 82°36.637'W).



Charlotte County, Peace River

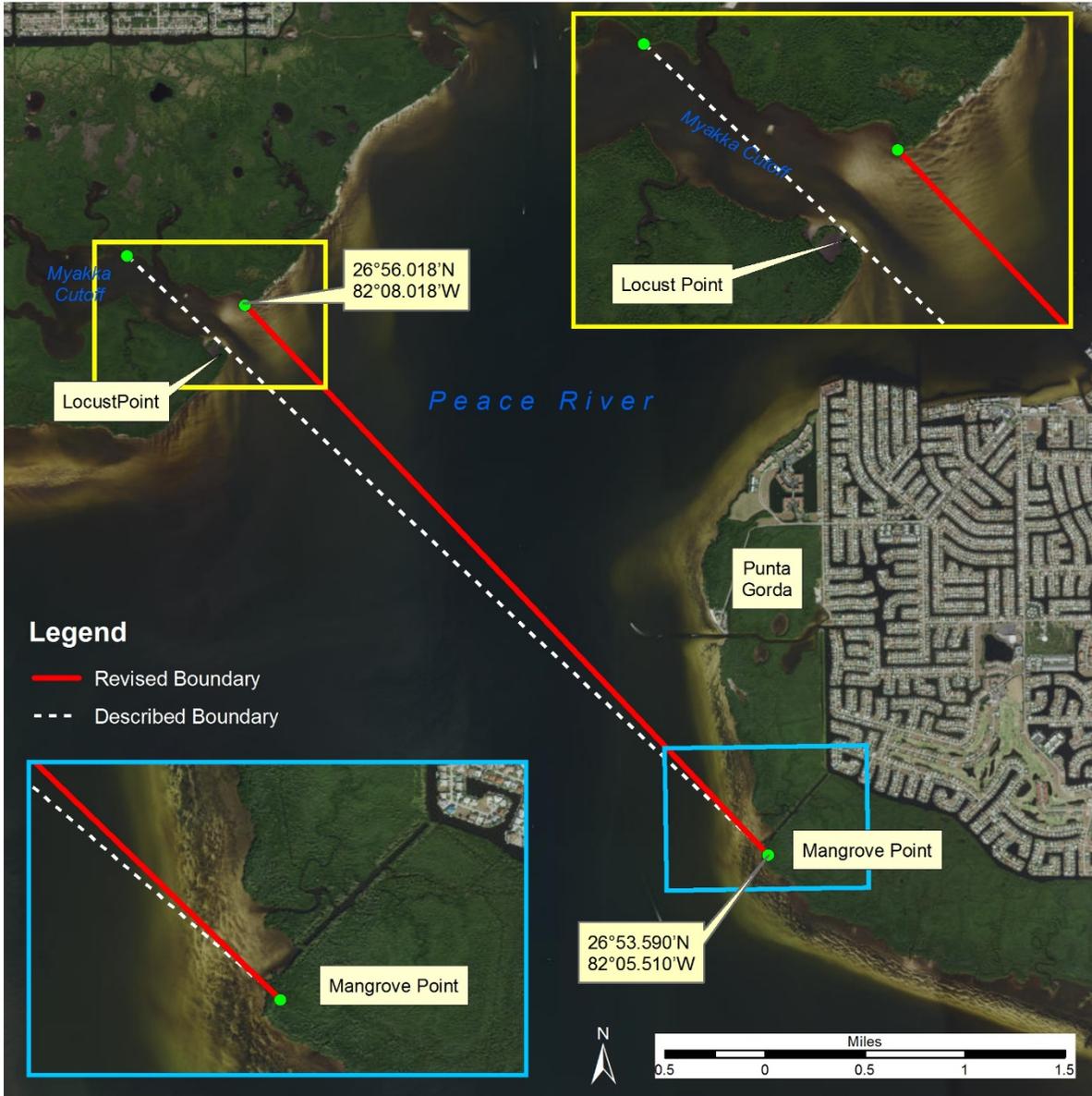
68B-39.0041(1)(b)2., FAC:

(b) During the period beginning November 1 each year and continuing through January 31 of the following year, a commercial harvester may not harvest striped mullet in excess of the recreational bag limit established by 68B-39.004 from the following waters:

2. In Charlotte County, on the Peace River, upstream of a line extending from Mangrove Point (26°53.590'N, 82°05.510'W) in a northwesterly direction to a point on the shoreline at the northern bank of the eastern mouth of Myakka Cutoff (26°56.018'N, 82°08.018'W).*



*This boundary is currently described in 68B-39.008, FAC (Pasco-Lee Region; Seasons; Closed Areas), as “upstream of a line from Mangrove Point running northwesterly through the northeasternmost point of Locust Point to the shoreline in the body of water known as Myakka Cutoff.” It is not clear exactly where the northwestern extent of the described boundary intersects the shoreline in Myakka Cutoff, and the referenced landmarks are not always visually apparent from the water. The proposed change would simplify this boundary by moving the northwestern endpoint of the boundary line to a more visually prominent reference point, and would add specific Global Positioning System (GPS) coordinates. The proposed boundary change would reduce the size of the area where these seasonal commercial limits apply within the Peace River by approximately ½ square mile.



Location of the proposed revised boundary line compared to where the boundary as currently described in 68B-39.008, FAC, appears to be located.

Charlotte County, Coral Creek

68B-39.0041(1)(b)3., FAC:

(b) During the period beginning November 1 each year and continuing through January 31 of the following year, a commercial harvester may not harvest striped mullet in excess of the recreational bag limit established by 68B-39.004 from the following waters:

3. In Charlotte County, all of Coral Creek upstream of its mouth on Gasparilla Sound, defined as a straight line between a point at 26°49.797'N, 82°15.742'W and a point at 26°49.797'N, 82°15.661'W.

