

## Bay Scallops

### DRAFT RULE LANGUAGE

#### Draft Rule Hearing Agenda Item # 5.D.

February 20, 2019

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#### **68B-18.004 Recreational Bag and Vessel Limits; Commercial Harvest Prohibited.**

(1) Recreational Limits – ~~This subsection will not be construed to authorize the harvest or possession of bay scallops in the portions of Florida Waters that are closed to the harvest of bay scallops as provided in Rule 68B-18.008, F.A.C.~~

(a) Bag Limit – A person may not harvest or land per day from Florida Waters or possess in or on Florida Waters more than 2 gallons of whole bay scallops in the shell, or more than 1 pint of bay scallop meat.

(b) Vessel Limit – The persons aboard a vessel in or on Florida Waters may not collectively possess more than 10 gallons of whole bay scallops in the shell, or 1/2 gallon of bay scallop meat, regardless of the number of licensed or licensed-exempt harvesters aboard. This provision will not be construed to authorize harvest or possession of bay scallops in excess of the applicable bag limits.

(c) For the purpose of determining compliance with this rule, if a person is in possession of whole bay scallops in the shell and bay scallop meat at the same time, the bay scallop meat will be converted to its “in the shell” equivalent by counting each pint of bay scallop meat as 2 gallons of whole bay scallops in the shell.

(2) Commercial Harvest Prohibited – A person may not harvest bay scallops for commercial purposes from Florida Waters. In or on Florida Waters, a person may not possess a bay scallop for commercial purposes.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 6-13-85, Amended 3-1-95, Formerly 46-18.004, Amended 9-1-13, \_\_\_\_\_.*

#### **68B-18.005 Closed Seasons for Harvest of Bay Scallops.**

During the closed season for bay scallops a person may not harvest or land a bay scallop from Florida Waters or possess a bay scallop in or on Florida Waters. The closed season for bay scallops begins on September 25 each year and continues through June 30 ~~the Friday prior to July 1~~ of the following year.

PROPOSED EFFECTIVE DATE: January 1, 2020.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 6-13-85, Amended 3-1-95, Formerly 46-18.005, Amended 9-1-13, 11-26-14, 01-01-2020.*

#### **68B-18.008 Areas Open and Closed Areas to the Harvest of Bay Scallops; Transit of Bay Scallops from Open Through Closed Areas.**

(1) Open area – The following area is open to the harvest of bay scallops: ~~all includes~~ Florida Waters along the Gulf of Mexico north of the Pasco-Hernando County Line (latitude 28°-degrees, 26.016' minutes North Latitude) and east and southeast of a line extending due south from the west bank at the mouth of Mexico Beach Canal in Bay County (longitude 85°-degrees, 25.84' minutes West Longitude). ~~A person may only harvest or possess a bay scallop in or on Florida Waters in the area open to the harvest of bay scallops, or land a bay scallop in the area open to the harvest of bay scallops.~~

(2) Closed areas – All Florida Waters except those included in subsection (1) are closed to the harvest of bay scallops.

(a) A person may not harvest a bay scallop from Florida Waters that are closed to the harvest of bay scallops.

(b) Except as provided in subsection (3), a person may not possess a bay scallop in or on Florida Waters that are closed to the harvest of bay scallops or land a bay scallop from Florida Waters that are closed to the harvest of bay scallops.

(3) Transit provisions – Bay scallops lawfully harvested from an area that is open to the harvest of bay scallops may be possessed aboard a vessel and transported directly through an area that is closed to the harvest of bay scallops and landed provided that the vessel is in continuous and direct transit from the area that is open to harvest to the place where the vessel is regularly docked, moored, or otherwise stored.

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

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