

Bay Scallops

PROPOSED FINAL RULE LANGUAGE

Final Rule Hearing Agenda Item #5D

May 1, 2019

68B-18.002 Definitions.

As used in Chapter 68B-18, F.A.C.:

(1) "Bay scallop" means a scallop of the species *Argopecten irradians*, or any part of the meat or viscera thereof.

(2) "Fenholloway – Suwannee River Zone" means all Florida Waters along the Gulf of Mexico east of a line running through Rock Island near the mouth of the Fenholloway River in Taylor County (83°49.760' West Longitude) and north of Suwannee River Alligator Pass Daybeacon 4 near the mouth of the Suwannee River in Levy County (29°15.350' North Latitude).

(3) "Pasco Zone" means all Florida Waters south of the Pasco-Hernando county line (28°26.016' North Latitude) and north of a line extending due east and due west from the Anclote Key Lighthouse (28°10.020' North Latitude), which is approximately 0.37 miles south of the Pasco-Pinellas county line, and all waters of the Anclote River and its tributaries.

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 6-15-94, 3-1-95, Formerly 46-18.002, Amended 9-1-13, _____.

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 Limits Limit –~~

~~1. Except as provided in subparagraph (a)2., 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.~~

~~2. During the period beginning June 15 and continuing through June 30 each year, a person may not harvest or land per day from the Fenholloway – Suwannee River Zone or possess in or on the Fenholloway – Suwannee River Zone more than 1 gallon of whole bay scallops in the shell, or more than 1 pint of bay scallop meat.~~

(b) ~~Vessel Limits Limit –~~

~~1. Except as provided in subparagraph (b)2., 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 more than 1/2 gallon of bay scallop meat, regardless of the number of licensed or licensed-exempt harvesters aboard.~~

~~2. During the period beginning June 15 and continuing through June 30 each year, the persons aboard a vessel in or on the Fenholloway – Suwannee River Zone may not collectively possess more than 10 gallons of whole bay scallops in the shell, or more than 1/2 gallon of bay scallop meat, regardless of the number of licensed or licensed-exempt harvesters aboard.~~

~~3. These provisions This provision will not be construed to authorize harvest or possession of bay scallops in excess of the applicable bag limits established in paragraph (a).~~

(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.

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 46-18.004, Amended 9-1-13, _____.

****The season end date for the Fenholloway – Suwannee River Zone as described below has been updated from the approved draft rule (which would have set the final day of the season to be September 10th). Staff recommends making Labor Day the final day of the open season for the Fenholloway – Suwannee River Zone.**

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

(1) Except as provided in paragraph (a) and (b), ~~During the harvest of closed season for bay scallops~~ begins on July 1 and continues through September 24 each year.

(a) Within the Fenholloway – Suwannee River Zone, the harvest of bay scallops shall be limited to an open season that begins on June 15 and continues through Labor Day each year. **

(b) Within the Pasco Zone, the harvest of bay scallops shall be limited to an open season that begins on the third Friday in July each year and continues for 10 consecutive days.

(2) A person may ~~only not~~ harvest ~~or land~~ a bay scallop from Florida Waters during the applicable open seasons established in subsection (1).

(3) Except as provided in subsection 68B-18.008(3), a person may ~~only or~~ possess a bay scallop in or on Florida Waters ~~or land a bay scallop~~ during the applicable open seasons established in subsection (1). ~~The closed season for bay scallops begins on September 25 each year and continues through 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, _____.

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 area open to the harvest of bay scallops includes all Florida Waters along the Gulf of Mexico north of the Pasco-Hernando County Line (latitude 28 degrees, 26.016 minutes North) 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) and north of a line extending due east and due west from the Anclote Key Lighthouse (28°10.020' North Latitude), which is approximately 0.37 miles south of the Pasco-Pinellas county line, and all waters of the Anclote River and its tributaries. 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 harvest or land a bay scallop in an area that is closed to harvest.

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

PROPOSED EFFECTIVE DATE: January 1, 2020.

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