

Spotted Seatrout
PROPOSED FINAL RULE LANGUAGE

Final Public Hearing
Agenda Item # 11B

December 12, 2019

68B-37.002 Definitions.

As used in Chapter 68B-37, F.A.C.:

(1) “Big Bend Region” means all Florida Waters and adjacent federal waters of the Gulf of Mexico lying east of 85°13.76’ West Longitude in Gulf County and north of a line running due east and due west from the westernmost point of Fred Howard Park Causeway (28°9.35’N, 82°48.398’W), and all waters of Indian Lagoon in Gulf County.

(2) “Central East Region” means all Florida Waters and adjacent federal waters lying south of the southern boundary of the Northeast Region as specified in subsection (3), north of the Palm Beach-Broward county line, and north of a line extending due east from a point where the Palm Beach-Broward county line meets the Atlantic Ocean (26°19.260’N, 80°04.464’W).

~~(3)(4) “Northeast Region” means all Florida Waters and adjacent federal waters lying south north of the Flagler-Volusia county line to the Florida-Georgia border, north of the Flagler-Volusia county line, and north of a line extending due east from a point where the Flagler-Volusia county line meets the Atlantic Ocean (29°25.632’N, 81°06.150’W) and adjacent federal waters.~~

~~(2) “Northwest Region” means all Florida Waters lying north and west of a line running due west from the westernmost point of Fred Howard Park Causeway (28°9.35’N., 82°48.398’W.), which is approximately 1.17 miles south of the Pasco-Pinellas County Line, to the Florida-Alabama border, and adjacent federal Exclusive Economic Zone waters.~~

~~(3) “Southeast Region” means all Florida Waters lying south of the Flagler-Volusia County Line and north of Miami-Dade-Monroe County Line at Card Sound, and adjacent federal Exclusive Economic Zone waters.~~

(4) “South Southwest Region” means all Florida Waters and adjacent federal waters lying south and west of the southern boundary of the Central East Region as specified in subsection (2) Miami-Dade-Monroe County Line at Card Sound and south of the southern boundary of the Big Bend Northwest Region in the Gulf of Mexico in Pinellas County, as specified in subsection (1)(2), and adjacent federal waters.

(5) “Spotted seatrout” means a fish of the species *Cynoscion nebulosus*, or any part thereof.

(6) “Western Panhandle Region” means all Florida Waters and adjacent federal waters lying east of the Florida-Alabama border, west of the western boundary of the Big Bend Region as specified in subsection (1), and north of 28°09.35’ North Latitude (approximately 1.17 miles south of the Pasco-Pinellas county line).

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-1-89, Amended 1-1-96, 8-1-96, Formerly 46-37.002, Amended 7-1-00, 7-1-06, 2-1-12, 9-1-13, _____.

68B-37.003 Size Limits for Recreational and Commercial Harvest; Whole Condition Requirement.

(1) Minimum and Maximum Size Limits –

(a) Recreational Minimum and Maximum Size Limits –

1. Except as provided in subparagraph 2., a recreational harvester may not harvest or possess within or without Florida Waters or land a spotted seatrout that is less than 15 inches or greater than 19 20 inches in total length.

2.a. Except as provided in sub-subparagraph (1)(a)2.b., a recreational harvester may harvest and possess, within or without Florida Waters, and land only 1 spotted seatrout per day that is greater than 19 20 inches in total length. This provision will not be construed to authorize harvest or possession of spotted seatrout of any size in excess of the applicable bag limits.

b. Recreational harvesters aboard a vessel within or without Florida Waters may not collectively harvest or land more than 1 spotted seatrout per day that is greater than 19 inches total length or possess more than 1 spotted seatrout that is greater than 19 inches total length.

(b) Commercial Minimum and Maximum Size Limits ~~Limit~~ – A commercial harvester may not harvest or possess within or without Florida Waters or land a spotted seatrout that is less than 15 inches or greater than 24 inches in total length.

(2) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-1-89, Amended 1-1-96, 8-1-96, Formerly 46-37.003, Amended 7-1-00, 2-1-12, 9-1-13,_____.

68B-37.004 Regional Recreational Bag Limits; Bag Limit for Captain and Crew on For-hire Trips; Commercial Bag, Vessel, and Landing Limits.

(1) Recreational Bag Limits – A recreational harvester may not harvest or land per day ~~from Florida Waters~~ or possess at any time more spotted seatrout than the specified bag limit established in this subsection within the following identified regions:

(a) Western Panhandle Region – Three (3) spotted seatrout ~~Southeast and Southwest Regions – Four (4) spotted seatrout.~~

(b) Big Bend Region ~~Northwest Region~~ – Five (5) spotted seatrout.

(c) South Region – Three (3) spotted seatrout.

(d) Northeast Region – Five (5) ~~Six (6)~~ spotted seatrout.

(e) Central East Region – Two (2) spotted seatrout.

(2) Captain and Crew Harvest Prohibited – On a vessel for hire, a person who is the captain or a crew member may not harvest or possess a spotted seatrout.

(3) ~~(2)~~ Commercial Limits –

(a) Bag Limit – A commercial harvester may not harvest within or without Florida Waters or land more than 50 ~~75~~ spotted seatrout per day or possess within or without Florida Waters more than 50 ~~75~~ spotted seatrout.

(b) Vessel Limits –

1. Except as provided in subparagraph 2., commercial harvesters aboard a vessel may not collectively harvest ~~no more than 75 spotted seatrout may be harvested~~ within or without Florida Waters or land more than 50 spotted seatrout per day, or possess more than 50 spotted seatrout ~~possessed aboard a vessel within or without Florida Waters, or landed per day from a vessel fishing pursuant to a vessel saltwater products license.~~

2. Two or more commercial harvesters aboard a vessel and operating pursuant to two or more valid saltwater products licenses may not collectively harvest within or without Florida Waters or land more than 100 spotted seatrout per day, or possess more than 100 spotted seatrout within or without Florida Waters. This provision will not be construed to authorize harvest or possession of spotted seatrout in excess of the applicable bag limits. ~~No more than 150 spotted seatrout may be harvested within or without Florida Waters per day, possessed aboard a vessel within or without Florida Waters, or landed per day, from:~~

a. ~~A vessel fishing pursuant to a vessel saltwater products license with at least one individually licensed commercial harvester also aboard, or~~

b. ~~A vessel with two or more individually licensed commercial harvesters aboard.~~

(c) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-1-89, Amended 1-1-96, 8-1-96, Formerly 46-37.004, Amended 7-1-00, 2-1-12, 9-1-13,_____.

68B-37.005 ~~Commercial~~ Seasons.

(1) Recreational Closed Seasons –

(a) Except as provided in paragraphs (1)(b) and (1)(c), there is no closed season for the recreational harvest of spotted seatrout.

(b) Western Panhandle Region – A person may not harvest or land a spotted seatrout from waters of the Western

Panhandle Region or possess a spotted seatrout in or on waters of the Western Panhandle Region beginning February 1 and continuing through the last day of February each year.

(c) Central East Region – A person may not harvest or land a spotted seatrout from waters of the Central East Region or possess a spotted seatrout in or on waters of the Central East Region beginning November 1 and continuing through December 31 each year.

(2) ~~(4)~~ Commercial Open Seasons – The harvest, landing, and possession of spotted seatrout for commercial purposes shall be limited each year to the period established in this subsection within the following identified regions:

(a) ~~South Southwest~~ Region, Big Bend Region, and Western Panhandle Northwest Region – Beginning June 1 and continuing through October 31.

(b) ~~Central East Southeast~~ Region – Beginning May 1 and continuing through September 30.

(c) Northeast Region – Beginning June 1 and continuing through November 30.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 11-1-89, Amended 1-1-96, Formerly 46-37.005, Amended 2-1-12, 9-1-13, _____.

68B-37.007 Purchase and Sale Prohibitions.

Sale of spotted seatrout shall adhere to the following restrictions.

(1) Except as provided in subsection (3), a seafood dealer in a closed region may only possess or sell spotted seatrout, within the first 30 days after the close of the applicable regional commercial spotted seatrout season specified in 68B-37.005(2), F.A.C., provided that such spotted seatrout are placed in the dealer's following a regional closure, inventory during the applicable commercial open season of spotted seatrout may be possessed or sold, and all spotted seatrout in inventory must be reported to the Commission on the Closed Season Spotted Seatrout Declaration Form DMF 3700 (02/12), which is hereby incorporated by reference. Copies can be obtained by contacting the Fish and Wildlife Conservation Commission, Saltwater Licenses and Permits, 620 S. Meridian Street, Tallahassee, Florida 32399 1600 or at http://www.flrules.org/Gateway/reference.asp?No_Ref_00808. Form DMF 3700 (02/12) must be submitted to the Commission by the seventh day after a regional closure and a copy shall be held at the place of business through the 30 days following a regional closure. After 30 days following a regional closure, no spotted seatrout may be possessed in a closed region, except as provided for in subsection (3).

(2) For purposes of this rule form DMF 3700 (02/12), the following counties are included in the regions:

(a) Northeast Region includes Baker, Clay, Duval, Flagler, Nassau, Putnam, and St. Johns cCounties;

(b) Central East Southeast Region includes Brevard, ~~Broward, Dade,~~ Indian River, Lake, Martin, Okeechobee, Orange, Osceola, Palm Beach, Seminole, St. Lucie, and Volusia cCounties;

(c) South Southwest Region includes Broward, Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Hillsborough, Lee, Manatee, Miami-Dade, Monroe, Pinellas, Polk, and Sarasota cCounties;

(d) Big Bend Northwest Region includes Alachua, ~~Bay, Bradford, Calhoun,~~ Citrus, Columbia, Dixie, ~~Escambia,~~ Franklin, Gadsden, Gilchrist, ~~Gulf,~~ Hamilton, Hernando, ~~Holmes, Jackson,~~ Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Marion, ~~Okaloosa,~~ Pasco, ~~Santa Rosa,~~ Sumter, Suwannee, Taylor, Union, and Wakulla, ~~Walton, and~~ Washington cCounties.

(e) Western Panhandle Region includes Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton, and Washington counties.

(3) A seafood wholesale dealer or retailer may import spotted seatrout from outside Florida during the open or closed commercial season. However, the burden shall be upon any person possessing imported spotted seatrout to establish the chain of possession from the initial transaction after harvest, by appropriate receipt(s), bill(s) of sale, or bill(s) of lading, and to show that such spotted seatrout originated from a point outside Florida, and entered the state in interstate commerce. Failure to maintain such documentation or to promptly produce same at the request of any duly authorized law enforcement officer shall constitute a violation of this rule.

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

