

Gulf Red Snapper
FINAL RULE LANGUAGE

Final Public Hearing
Agenda Item #5B

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CHAPTER 68B-14
REEF FISH

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68B-14.001 Purpose and Intent, Designation as Restricted Species.

(1) Purpose and intent.

(a) The purpose of this chapter is to protect and replenish Florida's reef fish resources by imposing minimum size limits, recreational bag limits, and restrictions on gear used to harvest the families, genera and species listed herein.

(b) The prohibitions contained in this chapter are not intended to supersede or conflict with provisions of any federal management plan or regulations operative in Exclusive Economic Zone (EEZ) waters adjacent to Florida waters.

(c) The regulations in this chapter apply in all state waters and, in the absence of any regulations for the following species in federal waters, apply in adjacent federal EEZ waters.

1. Grouper.
 - a. Coney.
 - b. Graysby.
 - c. Misty grouper.
 - d. Red hind.
 - e. Rock hind.
2. Snapper.
 - a. Black snapper.
 - b. Dog snapper.
 - c. Mahogany snapper.
 - d. Schoolmaster.
 - e. Wenchman.

(d) The size limit, bag limit, and seasons for red snapper harvested recreationally in the Gulf of Mexico apply to all recreational harvesters within or without Florida waters, except for recreational harvesters on a vessel that has been issued a valid federal Charter/Headboat permit for Gulf Reef Fish pursuant to 50 C.F.R. §622.20(b) any time during the fishing year. Vessels for hire that do not possess aboard the vessel a valid federal Gulf of Mexico Charter/Headboat permit for Reef Fish pursuant to 50 C.F.R. §622.20(b) are prohibited from fishing for or possessing red snapper in federal EEZ waters of the Gulf of Mexico.

(2) Designation as restricted species. The following species are hereby designated as restricted species pursuant to section 379.101(32), F.S.:

- (a) Amberjacks – Genus *Seriola*:
 1. Almaco jack – *Seriola rivoliana*.
 2. Banded rudderfish – *Seriola zonata*.

3. Greater amberjack – *Seriola dumerili*.
4. Lesser amberjack – *Seriola fasciata*.
- (b) Groupers and Sea Basses – Family Serranidae:
 1. Bank sea bass – *Centropristis ocyurus*.
 2. Black grouper – *Mycteroperca bonaci*.
 3. Black sea bass – *Centropristis striata*.
 4. Coney – *Epinephelus fulvus*.
 5. Gag – *Mycteroperca microlepis*.
 6. Graysby – *Epinephelus cruentatus*.
 7. Misty grouper – *Epinephelus mystacinus*.
 8. Red grouper – *Epinephelus morio*.
 9. Red hind – *Epinephelus guttatus*.
 10. Rock hind – *Epinephelus adscensionis*.
 11. Rock sea bass – *Centropristis philadelphica*.
 12. Scamp – *Mycteroperca phenax*.
 13. Snowy grouper – *Epinephelus niveatus*.
 14. Speckled hind – *Epinephelus drummondhayi*.
 15. Warsaw grouper – *Epinephelus nigritus*.
 16. Yellowedge grouper – *Epinephelus flavolimbatus*.
 17. Yellowfin grouper – *Mycteroperca venenosa*.
 18. Yellowmouth grouper – *Mycteroperca interstitialis*.
- (c) Snappers – Family Lutjanidae:
 1. Black snapper – *Apsilus dentatus*.
 2. Blackfin snapper – *Lutjanus buccanella*.
 3. Cubera snapper – *Lutjanus cyanopterus*.
 4. Dog snapper – *Lutjanus jocu*.
 5. Gray (mangrove) snapper – *Lutjanus griseus*.
 6. Lane snapper – *Lutjanus synagris*.
 7. Mahogany snapper – *Lutjanus mahogoni*.
 8. Mutton snapper – *Lutjanus analis*.
 9. Queen snapper – *Etelis oculatus*.
 10. Red snapper – *Lutjanus campechanus*.
 11. Schoolmaster – *Lutjanus apodus*.
 12. Silk snapper – *Lutjanus vivanus*.
 13. Vermilion snapper – *Rhomboplites aurorubens*.
 14. Wenchman – *Pristipomoides aquilonaris*.
 15. Yellowtail snapper – *Ocyrus chrysurus*.
- (d) Gray triggerfish – *Balistes capriscus*.
- (e) Hogfish – *Lachnolaimus maximus*.
- (f) Red porgy – *Pagrus pagrus*.
- (g) Golden tilefish – *Lopholatilus chamaeleonticeps*.
- (h) Blueline tilefish – *Caulolatilus microps*.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New 7-29-85, Amended 12-11-86, 2-1-90, 12-31-92, 3-31-94, 12-31-98, Formerly 46-14.001, Amended 1-1-00, 1-1-03, 7-1-07, 7-1-16, 7-1-19.

68B-14.002 Definitions.

For purposes of this chapter, except where the context clearly requires otherwise:

- (1) “Atlantic Ocean” means that body of water south and east of the line beginning at the point where the Natural Resources

Boundary Line intersects 83 deg. W. longitude (24 deg. 29 min. N. latitude), thence north along 83 deg. W. longitude to where it intersects 24 deg. 35 min. N. latitude (near the Dry Tortugas), thence eastward along that parallel through Rebecca Shoal and the Quicksand Shoal to 82 deg. 13 min. W. longitude, then following the Territorial Sea Boundary south and east to the point it intersects 24 deg. 33 min. N. latitude, thence eastward along that parallel to the point where it intersects Key West, then continuing along a line eastward to the terminus of U.S. Highway 1 to the point where it intersects the mainland at the east end of Florida Bay.

(2) “Charter vessel” means a vessel operated by a captain licensed by the United States Coast Guard to carry passengers for hire.

~~(3) “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)(4) “Goliath grouper” means any fish of the species *Epinephelus itajara*, or any part thereof.~~

~~(4)(5) “Gulf of Mexico” means that body of water north and west of the line described in the definition of “Atlantic Ocean” contained in subsection (1), of this rule.~~

~~(6) “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~~

~~(5)(7) “Harvest for commercial purposes” means the taking or harvesting of fish for purposes of sale or with intent to sell or in excess of established bag limits.~~

~~(6)(8) “Headboat” means a vessel that holds a valid Certificate of Inspection issued from the U.S. Coast Guard to carry passengers for hire when it carries a passenger who pays a fee or when there are more than three persons aboard, including operator and crew.~~

~~(9) “Land,” when used in connection with the harvest of a fish, means the physical act of bringing the harvested fish ashore.~~

~~(10) “Nassau grouper” means any fish of the species *Epinephelus striatus*, or any part thereof.~~

~~(11) “Person” means any natural person, firm, entity or corporation.~~

~~(12) “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).~~

~~(13) “Total length” means the straight line distance from the most forward point of the head with the mouth closed, to the farthest tip of the tail with the tail compressed or squeezed, while the fish is lying on its side.~~

~~(14) “Trip” means a fishing trip of whatever duration which begins with departure of the fishing vessel from a dock, berth, beach, seawall, or ramp and which terminates with return to a dock, berth, beach, seawall, or ramp.~~

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-29-85, Amended 12-11-86, 2-1-90, 12-31-92, 3-1-94, 1-1-98, 12-31-98, Formerly 46-14.002, Amended 1-1-00, 1-1-03, 7-1-06, 8-26-14.

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

(1) Snapper.

(a) Aggregate bag limit. Except as provided elsewhere in this rule, no recreational harvester shall harvest within or without Florida waters, nor possess within or without Florida waters, more than a total of 10 snapper per day, in any combination of species.

(b) Gray (mangrove) snapper. Except as provided elsewhere in this rule, no recreational harvester shall harvest in or from state waters, nor possess while in or on state waters, more than 5 gray (mangrove) snapper per day. Such bag and possession limit shall be counted for purposes of the aggregate snapper bag and possession limit prescribed in paragraph (a).

(c) Red snapper. Except as provided elsewhere in this ~~chapter 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 2 red snapper per day, nor shall a recreational harvester harvest in or from state waters of the Gulf of Mexico, nor possess while in or on state waters of the Gulf of Mexico, more than 2 red snapper per day. On any vessel licensed to carry customers wherein a fee is paid, either directly or indirectly, for the purpose of taking or attempting to take marine fish in the Gulf of Mexico, the applicable bag and possession limit specified in this rule shall not extend to the operator of such vessel or any person employed as a crewman of such vessel. Such bag and possession limit shall be counted for purposes of the aggregate snapper bag and possession limit prescribed in paragraph (a),

only if harvested in or from state waters.

(d) Vermilion snapper. 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 5 vermilion snapper per day (consistent with the Federal Standard established in 50 C.F.R. §622.187(b)(5) as of January 16, 2013). No recreational harvester shall harvest in or from state waters of the Gulf of Mexico, nor possess while in or on state waters of the Gulf of Mexico, more than 10 vermilion snapper per day. Such bag and possession shall not be counted for purposes of the aggregate snapper bag and possession limits prescribed in paragraph (a).

(e) Gulf lane snapper. Lane snapper harvested in state waters of the Gulf of Mexico shall not be subject to nor counted for purposes of determining compliance with the bag and possession limits established in paragraph (a).

(f) Cubera snapper.

1. Cubera snapper of a total length less than thirty inches (30") shall be included in the aggregate snapper bag and possession limit established in paragraph (a), and the exception provided in subsection (9).

2. No recreational harvester shall harvest in or from state waters, nor possess while in or on state waters, more than 2 cubera snapper 30 inches in total length or larger per day, and no more than 2 such cubera snapper shall be possessed aboard any vessel in or on state waters at any time. Such larger cubera snapper shall not be included in the aggregate snapper bag and possession limit prescribed in paragraph (a).

(g) Mutton snapper. No recreational harvester shall harvest in or from state waters, nor possess while in or on state waters, more than 5 mutton snapper per day. Such bag and possession limit shall be counted for purposes of the aggregate snapper bag and possession limit prescribed in paragraph (a).

(2) Grouper.

(a) Aggregate bag limit. Except as provided elsewhere in this rule, no recreational harvester shall harvest within or without Florida waters, nor possess within or without Florida waters, more than a total of 4 grouper per day in the Gulf of Mexico excluding waters of Monroe County in any combination of species, or more than a total of 3 grouper per day in the Atlantic Ocean and all waters of Monroe County, in any combination of species.

(b) Gag and black grouper.

1. Except as provided elsewhere in this rule, in all state waters of the Atlantic Ocean and all state waters of Monroe County, within the aggregate bag and possession limit established in paragraph (a), no more than 1 fish may be a gag or a black grouper. No recreational harvester may harvest in or from state waters of the Atlantic Ocean or in or from state waters of Monroe County, nor possess while in or on the waters of the Atlantic Ocean or in or on state waters of Monroe County, more than 1 such fish.

2. Except as provided elsewhere in this rule, in all state waters of the Gulf of Mexico, except in all waters of Monroe County, within the aggregate bag and possession limit established in paragraph (a), no more than 2 fish may be gag grouper. No recreational harvester may harvest in or from state waters of the Gulf of Mexico, nor possess while in or on the waters of the Gulf of Mexico, except in all waters of Monroe County, more than 2 gag grouper.

(c) Red grouper. Except as provided elsewhere in this rule, in all state waters of the Gulf of Mexico, except in all waters of Monroe County, within the the aggregate bag and possession limit established in paragraph (2)(a), no more than 2 fish may be red grouper (consistent with the Federal Standard established in 50 C.F.R. §622.38(b)(2) as of May 7, 2015). No recreational harvester may harvest in or from state waters of the Gulf of Mexico, nor possess while in or on the waters of the Gulf of Mexico, except in all waters of Monroe County, more than 2 red grouper.

(d) Gag, red and black grouper. In all state waters of the Gulf of Mexico, except in all waters of Monroe County, the daily bag and possession limit for captains and crew on for-hire vessels is zero.

(e) Speckled hind and Warsaw grouper. No recreational harvester shall harvest in or from state waters, nor possess while in or on state waters, more than one speckled hind or more than one Warsaw grouper per day, and no more than one of each species shall be possessed aboard any vessel in or on state waters, at any time. Such fish shall be counted for purposes of the aggregate grouper bag and possession limit prescribed in paragraph (a).

(f) Snowy grouper. 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 one snowy grouper per day. Such fish shall be counted for purposes of the aggregate grouper bag and possession limit prescribed in paragraph (a).

(g) Nassau grouper and goliath grouper. No person shall harvest in or from state waters, nor possess while in or on the waters of the state, or land, any Nassau grouper or goliath grouper. The purchase, sale, or exchange of any Nassau grouper or goliath grouper

is prohibited.

(3) Hogfish.

(a) In the Atlantic Ocean and south of 25°09' North Latitude in the Gulf of Mexico, no recreational harvester shall harvest in or from state waters, nor possess while in or on state waters, more than 1 hogfish per day (consistent with the Federal Standard established in 50 C.F.R. §622.187(b)(3)(ii) as of August 24, 2017).

(b) In the Gulf of Mexico north of 25°09' North Latitude, no recreational harvester shall harvest in or from state waters, nor possess while in or on state waters, more than 5 hogfish per day (consistent with the Federal Standard established in 50 C.F.R. §622.38(b)(7) as of August 24, 2017).

(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 7 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) Red porgy. No recreational harvester shall harvest from state waters of the Atlantic Ocean more than 3 red porgy per day, nor possess more than 3 such fish while in, on, or above state waters of the Atlantic Ocean or on any dock, pier, bridge, beach, or any fishing site adjacent to such waters.

(6) Amberjacks. Except as allowed for those persons harvesting for commercial purposes pursuant to Rule 68B-14.0045, F.A.C.:

(a) Greater amberjack. No person shall harvest from state waters, more than 1 greater amberjack per day, nor possess more than 1 such fish while in, on, or above the waters of the state or on any dock, pier, bridge, beach, or any fishing site adjacent to such waters.

(b) Banded rudderfish and lesser amberjack. No person shall harvest from state waters, more than an aggregate bag limit of 5 banded rudderfish and lesser amberjack per day either individually or in combination, nor possess more than 5 such fish while in, on, or above the waters of the state or on any dock, pier, bridge, beach or any fishing site adjacent to such waters.

(7) Tilefish. No recreational harvester shall harvest in or from state waters of the Atlantic Ocean nor possess in or on the state waters of the Atlantic Ocean more than one golden tilefish per person per day. Such fish shall be counted for purposes of the aggregate grouper bag and possession limit prescribed in paragraph (2)(a).

(8) Gray Triggerfish.

(a) Except as provided elsewhere in this rule, no recreational harvester shall harvest in or from state waters of the Gulf of Mexico nor possess in or on the state waters of the Gulf of Mexico more than one gray triggerfish at any time (consistent with the Federal Standard established in 50 C.F.R. §622.38(b)(5) as of June 10, 2013).

(b) Except as provided elsewhere in this rule, no recreational harvester shall harvest in or from state waters of the Atlantic Ocean nor possess in or on the state waters of the Atlantic Ocean more than 10 gray triggerfish at any time.

(9) Exception.

(a) Any person harvesting pursuant to the bag limits of this rule, with the exclusion of red porgy harvested from the Atlantic Ocean, who has fished for more than one day, may possess double the bag limit once such person has landed the fish, departed the fishing site and is no longer within 100 yards of any state waters, docks, fishing piers, or other fishing sites.

(b) Any person harvesting pursuant to the bag limits of this rule, with the exclusion of red porgy harvested from the Atlantic Ocean, who has fished aboard a charter vessel or headboat on a trip that spans more than 24 hours may possess and land double the bag limit if the vessel has a sleeping berth for each passenger aboard the vessel and each such passenger possess a receipt issued on behalf of the vessel that verifies the length of the trip.

(10) Wholesale/retail purchase exemption. Except as provided in paragraph (2)(d), the possession limits of this rule do not apply to any licensed seafood dealer, or to any fish purchased from a licensed wholesale or retail seafood dealer. The burden shall be upon the person claiming the benefit of this exemption to show, by receipts, bills of sale, or other appropriate documentation, that such fish were purchased from a licensed wholesale or retail seafood dealer. Failure to maintain such receipts, bills of sale, or other appropriate documentation 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 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, 11-17-16, 1-1-17, 5-30-17, 8-24-17, 1-16-18, 7-1-19, _____.

68B-14.0038 Recreational Snapper Seasons.

(1) Red Snapper Open Seasons. Pursuant to Section 120.81(5), F.S., the Commission shall give notice of red snapper open seasons for all waters of the Gulf of Mexico. ~~In all state waters of the Gulf of Mexico, the season for the recreational harvest and possession of red snapper shall be electronically at: www.myfwc.com/fishing/saltwater/recreational/snappers/.~~

~~(a) Saturdays and Sundays beginning the first Saturday in May;~~

~~(b) Each day of the week beginning the Saturday before Memorial Day through the Sunday following July 4;~~

~~(c) Fridays, Saturdays, and Sundays from September 1 through October 31 as well as Labor Day.~~

(2) Red Snapper Closed Seasons. Except for persons harvesting red snapper for commercial purposes pursuant to Rule 68B-14.0045, F.A.C., no person shall harvest in or from state waters of the Gulf of Mexico any red snapper outside of the open season established by the procedure in subsection (1). ~~identified in subsection (1). Recreational harvest shall be prohibited starting November 1 each year and shall not reopen until the first Saturday in May the following year. If October 31 falls on a Saturday, the last day of harvest will be Sunday, November 1.~~

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-20-98, Formerly 46-14.0038, Amended 12-30-99, 3-12-09, 8-7-09, 10-16-09, 6-4-10, 10-8-10, 7-22-11, 7-6-12, 5-31-13, 10-31-13, 5-24-14, 5-23-15, 5-7-16, 5-23-17, _____.

68B-14.006 Other Prohibitions and Exception.

(1) Possession of any fish in excess of any applicable bag limit or smaller than any minimum size limit established by this chapter by any person aboard a vessel fishing in state waters constitutes a violation of this chapter. Vessels for-hire that possess aboard the vessel a valid federal Gulf of Mexico Charter/Headboat Permit for Reef Fish pursuant to 50 C.F.R. §622.20(b), while fishing for other species in or on state waters, may be in possession of red snapper that were legally harvested in adjacent EEZ waters during the federal season for recreational harvest by the federal for-hire component established by the National Marine Fisheries Service and published in the *Federal Register*.

(2) No person shall possess, transport, buy, sell, exchange or offer to buy, sell or exchange any fish harvested in violation of this chapter.

(3) The prohibitions of this chapter apply as well to any and all persons operating a vessel in state waters, who shall be deemed to have violated any prohibition which has been violated by another person aboard such vessel.

(4) Landed in Whole Condition Requirement – Except as provided elsewhere in this rule, all fish harvested from Florida or adjacent federal Exclusive Economic Zone (EEZ) waters pursuant to the requirements of this chapter shall be landed in a whole condition. The possession, while in or on state waters, on any public or private fishing pier, on a bridge or catwalk attached to a bridge from which fishing is allowed, or on any jetty, of such fish that have been deheaded, sliced, divided, filleted, ground, skinned, scaled or deboned is prohibited. Mere evisceration or “gutting” of fish, or mere removal of gills from fish, before landing is not prohibited. Preparation of fish for immediate consumption on board the vessel from which the fish were caught is not prohibited.

(5) Landed in Whole Condition Exception – Recreational anglers that lawfully harvest species listed as South Atlantic Snapper-Grouper in Table 4 of Appendix A to 50 C.F.R. §622 (as of June 22, 2016), in waters of the Commonwealth of the Bahamas are exempt from the requirement to land such fish in whole condition under the following conditions:

(a) Skin must remain intact on the entire fillet of any fish carcass as specified in 50 C.F.R. §622.186 (as of January 27, 2016).

(b) A person or vessel that lawfully harvests fish in Bahamian waters and transits through Florida waters must comply with the bag and possession limits specified in 50 C.F.R. §622.187 (as of January 27, 2016), and the seasons specified in 50 C.F.R. §622.183-184 (as of January 27, 2016). Two fillets of fish, regardless of the length of each fillet, is equivalent to one fish.

(c) Valid Bahamian fishing and cruising permits are on board the vessel.

(d) Each person on the vessel has a valid government passport with current stamps and dates from the Commonwealth of the Bahamas.

(e) The vessel is in transit through state waters with fishing gear appropriately stowed. For the purpose of this rule, a vessel is in transit when it is on a direct and continuous course through state waters and no one aboard the vessel fishes in state waters. For the purpose of this rule, fishing gear appropriately stowed means that terminal gear (i.e., hook, leader, sinker, flasher, or bait) used with an automatic reel, bandit gear, buoy gear, handline, or rod and reel must be disconnected and stowed separately from such fishing gear. Sinkers must be disconnected from the down rigger and stowed separately.

(f) Fish harvested from Bahamian waters and transited to Florida pursuant to the requirements specified in this rule may not be sold or purchased.

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, 7-15-96,

12-31-98, Formerly 46-14.006, Amended 9-13-16.

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