

Biscayne National Park
PROPOSED FINAL RULE LANGUAGE

Final Public Hearing
Agenda Item # 5C

February 19, 2020

[NEW RULE CHAPTER]
CHAPTER 68B-7
Biscayne National Park

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68B-7.001 Application of Rules to State and Federal Waters.

The regulations in this chapter apply in all state and federal waters of Biscayne National Park.

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

68B-7.002 Definitions.

As used in this rule chapter:

- (1) “Bluestriped grunt” means any fish of the species *Haemulon sciurus*, or any part thereof.
- (2) “Gray snapper” (also known as Mangrove snapper) means any fish of the species *Lutjanus griseus*, or any part thereof.
- (3) “Gray triggerfish” means any fish of the species *Balistes capricus*, or any part thereof.
- (4) “Hogfish” means any fish of the species *Lachnolaimus maximus*, or any part thereof.
- (5) “Lane snapper” means any fish of the species *Lutjanus synagris*, or any part thereof.
- (6) “Major Finfish Aggregate” includes any fish of the following species, or any part thereof:
 - (a) Gray snapper,
 - (b) Lane snapper,
 - (c) Mutton snapper,
 - (d) Schoolmaster,
 - (e) Yellowtail snapper,
 - (f) Black grouper (*Mycteroperca bonaci*),
 - (g) Red grouper (*Epinephelus morio*),
 - (h) Graysby (*Epinephelus cruentatus*),
 - (i) Coney (*Epinephelus fulvus*),
 - (j) Red hind (*Epinephelus guttatus*),
 - (k) Rock hind (*Epinephelus adscensionis*),
 - (l) Hogfish,
 - (m) Gray triggerfish,
 - (n) Ocean triggerfish (*Canthidermis sufflamen*),
 - (o) Banded rudderfish (*Seriola zonata*),
 - (p) Greater amberjack (*Seriola dumerili*),
 - (q) Lesser amberjack (*Seriola fasciata*),
 - (r) Crevalle jack (*Caranx hippos*),
 - (s) Yellow jack (*Carangoides bartholomaei*)
 - (t) Knobby porgy (*Calamus nodosus*),

- (u) Jolthead porgy (*Calamus bajonado*),
- (v) Sheepshead porgy (*Calamus penna*),
- (w) Whitebone porgy (*Calamus leucosteus*),
- (x) Grunts (any species of the family Haemulidae),
- (y) Blue runner (*Caranx crysos*),
- (z) Great barracuda (*Sphyraena barracuda*),
- (aa) Permit (*Trachinotus falcatus*),
- (bb) Pompano (*Trachinotus carolinus*),
- (cc) African pompano (*Alectis ciliaris*),
- (dd) Gulf flounder (*Paralichthys albigutta*),
- (ee) Southern flounder (*Paralichthys lethostigma*),
- (ff) Summer flounder (*Paralichthys dentatus*),
- (gg) Fringed flounder (*Etropus crossotus*),
- (hh) Spotted seatrout (*Cynoscion nebulosus*),
- (ii) Red drum, also known as redfish (*Sciaenops ocellatus*),
- (jj) Black drum (*Pogonias cromis*),
- (kk) Snook (any fish of the genus *Centropomus*),
- (ll) Tripletail (*Lobotes surinamensis*),
- (mm) Sheepshead (*Archosargus probatocephalus*),
- (nn) Ladyfish (*Elops saurus*), and
- (oo) Silver Jenny (*Eucinostomus gula*)
- (7) “Mutton snapper” means any fish of the species *Lutjanus analis*, or any part thereof.
- (8) “Red grouper” means any fish of the species *Epinephelus morio*, or any part thereof.
- (9) “Schoolmaster” means any fish of the species *Lutjanus apodus*, or any part thereof.
- (10) “White grunt” means any fish of the species *Haemulon plumierii*, or any part thereof.
- (11) “Yellowtail Snapper” means any fish of the species *Ocyrus chrysurus*, or any part thereof.

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

68B-7.003 Park-Specific Size Limits; Transit of Undersize Fish.

(1) Park-Specific Minimum Size Limits – Except as provided in subsection (2), a person may not harvest from the waters of Biscayne National Park or possess or land in or on waters of Biscayne National Park a fish that is smaller than the following minimum size limits

- (a) Gray Triggerfish – 14 inches fork length
- (b) Grunts –
 - 1. Bluestriped grunt – 10 inches total length
 - 2. White grunt – 8 inches total length
- (b) Red Grouper – 24 inches total length
- (c) Snappers –
 - 1. Gray Snapper – 12 inches total length
 - 2. Lane Snapper – 10 inches total length
 - 3. Mutton Snapper – 19 inches total length
 - 4. Schoolmaster – 12 inches total length
 - 5. Yellowtail Snapper – 14 inches total length

(2) Transit of Undersize Fish – The size limit requirements of this rule will not apply to fish lawfully harvested from waters outside of Biscayne National Park when such fish are transported directly through Biscayne National Park waters with gear appropriately stowed. Transit shall be direct, continuous and expeditious from waters outside Biscayne National Park to the place where the vessel is regularly docked, moored, or otherwise stored. For the purpose of this subsection, appropriately stowed means hooks cannot be baited, and spear shafts shall not be inserted into any spearing device. All hook-and-line gear, spearing equipment, nets, and other harvesting equipment must be secured in a manner that makes their immediate use impracticable.

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

68B-7.004 Park-Specific Bag Limits.

(1) A recreational harvester may not harvest or possess more than 10 fish from the Major Finfish Aggregate in any combination in or on the waters of Biscayne National Park, or land more than 10 fish from the Major Finfish Aggregate within Biscayne National Park, regardless of where harvested.

(2) Nothing in this subsection shall be construed to authorize harvest of any individual species in excess of the bag limits established elsewhere in 68B, F.A.C.

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

68B-7.008 Spatial Gear and Harvest Limitations.

(1) Coral Reef Protection Areas -

(a) A person may not harvest or attempt to harvest any species of the families Palinuridae (spiny lobsters), Scyllaridae (slipper lobsters), or Synaxidae (furry lobsters) from the Coral Reef Protection Areas. Except for persons in continuous transit through a Coral Protection Area aboard a vessel, no person shall possess any species of the families Palinuridae, Scyllaridae, or Synaxidae in or on the waters of the Coral Reef Protection Areas.

(b) A person may not deploy a trap within the waters of the Coral Reef Protection Areas or harvest any marine organism from a trap within the waters of the Coral Reef Protection Areas.

(c) For purposes of this subsection, the Coral Reef Protection Areas shall consist of all waters lying within the following geographical boundaries:

1 Fowey Rocks Lighthouse CRPA

<u>Point</u>	<u>Latitude</u>	<u>Longitude</u>
<u>1</u>	<u>25° 35.616' N</u>	<u>80° 5.822' W</u>
<u>2</u>	<u>25° 35.567' N</u>	<u>80° 5.592' W</u>
<u>3</u>	<u>25° 34.423' N</u>	<u>80° 5.862' W</u>
<u>4</u>	<u>25° 34.468' N</u>	<u>80° 6.093' W</u>

2. Alina’s Reef CRPA

<u>Point</u>	<u>Latitude</u>	<u>Longitude</u>
<u>1</u>	<u>25° 23.601' N</u>	<u>80° 10.125' W</u>
<u>2</u>	<u>25° 23.284' N</u>	<u>80° 9.563' W</u>
<u>3</u>	<u>25° 22.877' N</u>	<u>80° 9.841' W</u>
<u>4</u>	<u>25° 23.194' N</u>	<u>80° 10.402' W</u>

3. Marker 3 Reef CRPA

<u>Point</u>	<u>Latitude</u>	<u>Longitude</u>
<u>1</u>	<u>25° 22.534' N</u>	<u>80° 9.679' W</u>
<u>2</u>	<u>25° 22.445' N</u>	<u>80° 9.443' W</u>
<u>3</u>	<u>25° 21.965' N</u>	<u>80° 9.663' W</u>
<u>4</u>	<u>25° 22.055' N</u>	<u>80° 9.900' W</u>

4. Lob120 Reef CRPA

<u>Point</u>	<u>Latitude</u>	<u>Longitude</u>
<u>1</u>	<u>25° 21.687' N</u>	<u>80° 11.311' W</u>
<u>2</u>	<u>25° 21.671' N</u>	<u>80° 11.023' W</u>
<u>3</u>	<u>25° 21.257' N</u>	<u>80° 11.048' W</u>
<u>4</u>	<u>25° 21.270' N</u>	<u>80° 11.338' W</u>

5. Ball Bouy CRPA

<u>Point</u>	<u>Latitude</u>	<u>Longitude</u>
<u>1</u>	<u>25° 19.379' N</u>	<u>80° 11.110' W</u>
<u>2</u>	<u>25° 19.044' N</u>	<u>80° 10.775' W</u>
<u>3</u>	<u>25° 18.732' N</u>	<u>80° 11.155' W</u>
<u>4</u>	<u>25° 19.067' N</u>	<u>80° 11.489' W</u>

(2) Convoy Point Trap-Free Zone – A person may not deploy a trap or harvest any marine organism from a trap within waters described by the following geographical boundaries: Beginning at a point at the southern end of the mouth of Mowry Canal (point 1:25° 28.195' N; 80° 20.41' W), then proceeding approximately 1,500 yards east to 25° 28.185' N; 80° 19.592' W (point

2). then approximately 760 yards south to 25° 27.811' N; 80° 19.598' W (point 3), then approximately 770 yards west to the shoreline at 25° 27.809' N; 80° 20.02' W (point 4), then running along the shoreline back to point 1.

(3) No-Trawl Zones – No person may operate a trawl in waters lying within the following geographical boundaries:

(a) All waters inshore of a line running from a point at the northern border of BNP at 25° 36.139' N; 80° 15.725' W, to a point near the terminus of Turkey Point at 25° 26.354' N; 80° 19.006' W.

(b) All waters of Biscayne National Park offshore of a line beginning at Biscayne National Park Boundary Light A (25° 40.309' N; 80° 10.736' W) and running through Biscayne Flats Daybeacon 3 (25° 39.765' N; 80° 11.018' W), Biscayne Channel Light 21 (25° 39.338' N; 80° 11.176' W), Safety Valve Bank Light 1 (25° 38.606' N; 80° 11.497' W), Safety Valve Bank Light 1A (25° 37.018' N; 80° 11.525' W), Safety Valve Bank Light 1B (25° 34.219' N; 80° 11.521' W), and Middle Featherbeds East Obstruction Daybeacon (25° 32.392' N; 80° 11.470' W), then running southeast to the northern edge of Boca Chita Key (25° 31.537' N; 80° 10.483' W), then running in a generally southern direction along the eastern boundaries of Sands Key, Elliott Key, and Old Rhodes Key to a point at the southeastern tip of Old Rhodes Key (25° 21.000' N; 80° 14.359' W), then running south to Broad Creek Daybeacon 3 at 25° 20.119' N; 80° 14.635' W.

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

CHAPTER 68B-14 REEF FISH

68B-14.0035 Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper

68B-14.0035 Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper.

No person shall land, possess, unnecessarily destroy, purchase, exchange, sell or offer for sale any of the following species harvested in or from state waters, of a length less than set forth as follows:

(1) through (2) No Change.

(3) Gray triggerfish.

(a) Except as provided in 68B-7.003, F.A.C., for harvest from Biscayne National Park, Gray triggerfish harvested in the Atlantic Ocean 12 inches fork length.

(b) No Change.

(4) Grouper (measured in terms of total length), except as provided in 68B-7.003, F.A.C., for harvest from Biscayne National Park.

(a) through (f) No Change.

(5) through (6) No Change.

(7) Snapper (measured in terms of total length), except as provided in 68B-7.003, F.A.C., for harvest from Biscayne National Park.

(a) through (l) No Change.

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 46-14.0035, Amended 1-1-00, 1-1-01, 1-1-01, 1-1-03, 9-16-05, 7-1-06, 7-1-07, 4-1-08, 1-6-09, 8-27-09, 3-23-12, 6-10-13, 7-9-15, 1-4-16, 6-1-16, 7-1-16, 11-17-16, 1-1-17, 8-24-17, 1-16-18, 7-23-18, 1-15-19, 7-1-19, _____.

SPINY LOBSTER (CRAWFISH) AND SLIPPER LOBSTER

68B-24.0067 Special Provisions for Biscayne National Park: Closure of Coral Reef Protection Areas

68B-24.0067 Special Provisions for Biscayne National Park: Closure of Coral Reef Protection Areas.

As provided in 68B-7.008, F.A.C., no person shall harvest or attempt to harvest any species of the families Palinuridae (spiny lobsters), Scyllaridae (slipper lobsters), or Synaxidae (furry lobsters), or deploy any trap, in the Coral Reef Protection Areas of Biscayne National Park.

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

CHAPTER 68B-31
SHRIMP

68B-31.0035 Trawls: Allowed Use; Maximum Square Footage of Mesh Area; Definitions

68B-31.0035 Trawls: Allowed Use; Maximum Square Footage of Mesh Area; Definitions.

(1) through (2) No Change.

(3) Biscayne National Park – As provided in 68B-7.008, F.A.C., no person shall operate a trawl within the No-Trawl Zones of Biscayne National Park.

(3) renumbered as (4) No Change.

Rulemaking Authority Art. IV, Sec. 9, and Art. X, Sec. 16, Florida Const. Law Implemented Art. IV, Sec. 9, and Art. X, Sec. 16, Florida Const. History–New 1-1-96, Amended 3-1-99, Formerly 46-31.0035, Amended _____.
