

Flounder

PROPOSED DRAFT RULE LANGUAGE

Draft Rule Hearing Agenda Item # 5B

October 7, 2020

CHAPTER 68B-48 FLOUNDER

68B-48.001	Designation as Restricted Species; <u>Applicability of Rules to State and Federal Waters</u>
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68B-48.001 Designation as Restricted Species; Applicability of Rules to State and Federal Waters

- (1) Flounder is hereby designated as a restricted species pursuant to Section 379.101(32), F.S.
- (2) The regulations in this chapter apply in all Florida Waters and in adjacent federal waters.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-96, Formerly 46-48.001, Amended 9-1-13,_____.

68B-48.003 Size Limit; Landed in Whole Condition Requirement.

(1) Size Limit – A person may not harvest or possess within or without ~~or land from~~ Florida Waters or ~~possess in or on Florida Waters,~~ land a flounder that is less than 14 1/2 inches in total length.

(2) Landed in Whole Condition Requirement – A person harvesting flounder shall land each flounder in whole condition. A person may not possess within or without ~~in or on~~ Florida Waters a flounder that has been beheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned. This provision will not be construed to prohibit evisceration (gutting) of a flounder, or removal of gills from a flounder.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-96, Amended 1-1-97, 8-31-98, Formerly 46-48.003, Amended 9-1-13,_____.

68B-48.004 Recreational Bag Limits; Commercial Trip and Vessel Limits; Commercial Bycatch Allowance.

(1) Recreational Bag Limit – A recreational harvester may not harvest ~~or land from Florida Waters more than 10 flounder per day,~~ or possess within or without ~~in or on~~ Florida Waters or land more than 5 1/2 flounder per day.

(2) Commercial Limits –

(a) Commercial Bag Limit –

1. Beginning December 1 and continuing through October 14 of the following year, a commercial harvester may not harvest or possess within or without Florida Waters or land more than 150 flounder per day.

2. Beginning October 15 and continuing through November 30 each year, a commercial harvester may not harvest or possess within or without Florida Waters or land more than 50 flounder per day. ~~Except as provided in paragraph (2)(b), a commercial harvester is not subject to a harvest or possession limit for flounder.~~

(b) Commercial Vessel Limit –

1. Beginning December 1 and continuing through October 14 of the following year, the commercial harvesters aboard a vessel may not collectively harvest or possess within or without Florida Waters or land more than 150 flounder per day.

2. Beginning October 15 and continuing through November 30 each year, the commercial harvesters aboard a vessel may not

collectively harvest or possess within or without Florida Waters or land more than 50 flounder per day.

(c) (b) Commercial Flounder Bycatch Allowance – The following harvest, possession, and landing limits shall apply to the commercial harvest of flounder as incidental bycatch pursuant to subsection 68B-48.006(3), F.A.C.: ~~A commercial harvester may not harvest or land from Florida Waters more than 50 lbs of flounder per day or possess in or on Florida Waters more than 50 lbs of flounder, pursuant to subsection 68B-48.006(3), F.A.C., as incidental bycatch of gear that is being used to lawfully harvest another target species.~~

1. Except as provided subparagraph (2)(c)2., a commercial harvester may not harvest or possess within or without Florida Waters or land more than 50 flounder as incidental bycatch of gear that is being used to lawfully harvest another target species.

2. In or on federal waters adjacent to Florida Waters, a commercial harvester is subject to the following harvest, possession, and landing limits when harvesting flounder as incidental bycatch in shrimp trawls that are being used to lawfully harvest shrimp in federal waters adjacent to Florida Waters:

a. Beginning December 1 and continuing through October 14 of the following year, the commercial harvesters aboard a vessel may not collectively harvest or possess or land more than 150 flounder.

b. Beginning October 15 and continuing through November 30 each year, the commercial harvesters aboard a vessel may not collectively harvest or possess or land more than 50 flounder.

c. Transit provision – Flounder lawfully harvested as incidental bycatch in shrimp trawls in federal waters pursuant to subparagraph (2)(c)2., may be transported directly through Florida Waters and landed provided that trawl gear is appropriately stowed and the vessel is in continuous and direct transit from federal waters to the place where the vessel is regularly docked, moored, or otherwise stored or to the licensed wholesale dealer where the catch is to be sold. For the purpose of this sub-subparagraph, appropriately stowed means a trawl's doors or frame are not deployed in the water.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 1-1-96, Amended 1-1-97, 1-1-98, Formerly 46-48.004, Amended 9-1-13,_____.

68B-48.005 Seasons.

(1) Recreational Closed Season – A recreational harvester may not harvest or possess within or without Florida Waters or land a flounder beginning October 15 and continuing through November 30 each year.

(2) Commercial Closed Season – There is no closed season for flounder applicable to commercial harvesters.

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

68B-48.006 Allowed and Prohibited Gear and Methods of Harvest; Bycatch Exception.

(1) Allowed Gear and Method of Harvest – A person may harvest or attempt to harvest a flounder within or without ~~from~~ Florida Waters only by or with the use of beach or haul seine, cast net, hook and line gear, or by spearing.

(2) Prohibited Gear and Method of Harvest –

(a) A person may not harvest or attempt to harvest a flounder within or without ~~from~~ Florida Waters with gear or methods that are not expressly permitted in subsection (1).

(b) A person may not use a multiple hook in conjunction with live or dead natural bait to harvest or attempt to harvest flounder within or without ~~from~~ Florida Waters.

(c) A person may not harvest or attempt to harvest a flounder within or without ~~from~~ Florida Waters by snagging the flounder or land a flounder so harvested.

(3) Bycatch Exception – Notwithstanding subsection (1), a commercial harvester who is in possession of a valid saltwater products license with a restricted species endorsement may harvest a flounder captured as incidental bycatch of gear other than the gear expressly permitted in subsection (1), if the gear is being used to lawfully harvest another target species, only to the limits ~~limit~~ specified in paragraph 68B-48.004(2)(c) ~~68B-48.004(2)(b)~~, F.A.C. This provision will not be construed to authorize a commercial harvester to intentionally harvest a flounder by or with the use of any gear or method that is not expressly permitted in subsection (1).

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