



This is a summary of a proposed rule amendment that would update the reef fish rule's exception to the recreational bag limits, 68B-14.0036(8), Florida Administrative Code (F.A.C.). This is not a substantive change. Parts of Rule 68B-14.0036, F.A.C., Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Pogy, Amberjacks, Tilefish, Exception, Wholesale/Retail Purchase Exemption, have been renumbered due to rule amendments over the years, however paragraph (8), which includes two exceptions to the bag limits and creates multi-day possession limits for these exceptions, has not been updated to reflect these changes. This change would update 68B-14.0036(8), F.A.C., to reflect numbering changes that have been made to the reef fish recreational bag limits rule. Red pogy harvested from the Atlantic Ocean would not be included in the state's multi-day possession limits because they are regulated in Atlantic Ocean federal waters by a trip limit rather than a daily bag limit and are not allowed under the multi-day possession limits. These proposed draft changes would make the state's exceptions to the reef fish bag limits compatible with the federal exceptions to the reef fish bag limits.

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Rule History



- Two-day off water possession limit implemented in 1986
- Two-day charter/headboat possession limit implemented in 1994
- All managed reef fish included at time of rulemaking and compatible with federal exceptions to bag limits
- Since 1994, numbering changes have been made to the reef fish recreational bag limits rule, but the changes were not updated in the Exception paragraph of the rule
- Numbering in the Exception paragraph no longer matches the reef fish in which they were intended



The Marine Fisheries Commission (MFC, precursor to the Fish and Wildlife Conservation Commission) implemented a two-day off water possession limit in December 1986. This rule allows people that land fish legally, but are at least 100 yards away from any state waters, docks, fishing piers, or other fishing sites to possess double the bag limit of reef fish. In November 1994, the MFC implemented a two-day charter/headboat possession limit. This rule allows customers of a for-hire vessel that has adequate sleeping berths for its passengers to land and possess double the bag limit of reef fish if the trip spans more than 24 hours and they possess a receipt provided by the vessel reflecting the trip's length. When these exceptions to the reef fish bag limits were implemented all managed reef fish were included and were compatible with the federal exceptions to the bag limits.

Since 1994, amendments have been made to the reef fish recreational bag limits rule that resulted in numbering changes to the rule. However, the changes in numbering were not updated in the rule's Exception paragraph. Due to the numbering changes, the Exception paragraph no longer matches the reef fish in which it was intended. The proposed draft rule amendment would correct the numbering in the Exception paragraph of the rule to include all intended reef fish.

In order for this update to be compatible with the multi-day possession limits in federal waters of the Atlantic Ocean, red porgy harvested from the Atlantic Ocean should not be included. In federal waters of the Atlantic Ocean red porgy are regulated by a trip limit rather than a bag limit, therefore they are excluded from the multi-day possession limit.

Proposed State Recreational Rules

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

- *Update Exception paragraph to reflect numbering changes that have occurred within the reef fish recreational bag limits rule*
- *Exclude red porgy harvested from the Atlantic Ocean from Exception paragraph*



The proposed draft rule would amend the reef fish multi-day possession limit included in the Exception paragraph of Rule 68B-14.0036, F.A.C. (Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Tilefish, Exception, Wholesale/Retail Purchase Exemption) by updating 68B-14.0036(8)(a) and (b), F.A.C., to reflect numbering changes that have been made to this rule over the years. Red porgy harvested from the Atlantic Ocean would not be included in the state's multi-day possession limit because they are regulated in federal waters of the Atlantic Ocean under a trip limit rather than a daily bag limit and are not allowed under the federal multi-day possession limit. Therefore, the state's multi-day possession limit would be compatible with the federal multi-day possession limit. Below is the updated rule language:

(8) Exception.

(a) Any person harvesting pursuant to the bag limits ~~established in paragraphs (a), (b), (c), subparagraphs (d)1., and (f)1., of subsection (1), paragraphs (a) and (b) of subsection (2), and subsections (3), (4), (5), paragraphs (6)(a) and (b) 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 ~~established in paragraphs (a), (b), (c), subparagraphs (d)1., and (f)1., of subsection (1), paragraphs (a) and (b) of subsection (2), and subsections (3), (4), (5), paragraphs (6)(a) and (b) 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.

Staff Recommendation

Approve the advertised rule:

Update the Exception paragraph of 68B-14.0036 to reflect numbering changes previously made in the reef fish recreational bag limits rule, but not include red porgy harvested from the Atlantic Ocean in the Exception paragraph

* *Staff will publish a notice that the rule will become final with no further public hearing unless requested*



Staff recommends approving the proposed rule to update the Reef Fish rule's Exception paragraph, 68B-14.0036(8) F.A.C., to reflect numbering changes that have occurred in section 68B-14.0036, F.A.C., but were not updated in paragraph (8), F.A.C., the exceptions to the bag limit. Red porgy harvested from the Atlantic Ocean would not be included in the state's multi-day possession limit to be compatible with the possession limits in federal waters of the Atlantic Ocean.

Staff recommends approving the draft rule without further hearing planned prior to adoption, unless requested, and recommends that this rule become effective on July 1, 2012.

Staff has evaluated the rules under the standards of 68-1.004, F.A.C., and found them to be in compliance.