

Proposed Draft Rule Amendments for 68B-35 Florida Administrative Code

Florida Fish and Wildlife Conservation Commission Division of Marine Fisheries Management

July 30, 2012

68B-35.003 Size Limits; Prohibition of Sale; Landing in Whole Condition.

(1) Permit Size Limits –

(a) Recreational Size Limits

1. Within the Special Permit Zone, no person shall harvest, possess, or land within or without state waters, any permit with a fork length less than 22 inches, ~~except as provided in paragraph 68B-35.0035(1)(d), F.A.C.~~

2. NO CHANGE

(b) NO CHANGE

(2) through (4) NO CHANGE

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-1-89, Amended 1-1-96, Formerly 46-35.003, Amended 11-1-01, 1-1-04, 3-1-05, 8-29-11, _____.

68B-35.0035 Bag Limits.

(1) Permit Bag Limits –

(a) Recreational Bag Limit

1. Within the Special Permit Zone, no person shall recreationally harvest or possess at any time within or without state waters or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters more than one (1) permit per person per day, provided that no more than two (2) permit shall be possessed aboard any vessel at any time. The possession of any permit on a vessel that is harvesting for commercial purposes within the Special Permit Zone is prohibited, ~~except as provided in subparagraph 68B-35.0035(1)(b)2., F.A.C.~~ 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 within or without state waters, 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 crew person of such vessel.

2. NO CHANGE

(b) Commercial Bag Limit

1. NO CHANGE

2. Persons harvesting permit as incidental bycatch pursuant to paragraph 68B-35.004(5)(a), F.A.C., shall be subject to a daily harvest, landing, and possession limit of 100 permit. Possession of commercial incidental bycatch quantities of permit is prohibited within the Special Permit Zone, ~~except for Pompano Endorsement holders within the Pompano Endorsement Zone harvesting pursuant to Rule 68B-35.005, F.A.C.~~

(2) Pompano Bag Limits –

(a) NO CHANGE

(b) Pompano Commercial Daily Harvest Limits –

1. through 2. NO CHANGE

3. Purchase and Sale – At the initial sale, no wholesale dealer shall purchase more than 250 individual pompano per day from any person who does not possess and present to the dealer a valid Pompano Endorsement, in addition to a saltwater products license with a restricted species endorsement. Except for Pompano Endorsement holders harvesting within the Pompano Endorsement Zone pursuant to Rule 68B-35.005, F.A.C., no person harvesting for commercial purposes shall sell more than 250 individual pompano per day.

(3) NO CHANGE

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., Art. X, Sec. 16, Fla. Const., 379.407 FS. History–New 8-29-11, Amended _____.



68B-35.004 Gear Specifications and Prohibited Gear.

(1) through (2) NO CHANGE

(3) Permit Gear – ~~Except as provided in paragraph 68B-35.004(5)(a), F.A.C., the~~ The harvest or attempted harvest of any permit in or from state waters by or with the use of any gear other than hook and line gear is prohibited. Except as provided in paragraph 68B-35.004(5)(a), F.A.C., the ~~The~~ harvest or attempted harvest of any permit in adjacent federal EEZ waters by or with the use of any gear other than hook and line and spearing gear is prohibited.

(4) through (5) NO CHANGE

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., Art. X, Sec. 16, Fla. Const., 379.40 FS. History– New 7-1-89, Amended 1-1-96, Formerly 46-35.004, Amended 11-1-01, 1-1-04, 8-29-11, _____.

68B-35.005 Pompano Endorsement Regulations.

(1) NO CHANGE

(2) Pompano Endorsement Zone

(a) through (b) NO CHANGE

~~(c) Sale—At the initial sale, no wholesale dealer shall purchase more than 250 individual pompano per day from any person who does not possess and present to the dealer a valid Pompano Endorsement, in addition to a saltwater products license with a restricted species endorsement. No person harvesting for commercial purposes pursuant to a valid Pompano Endorsement, in addition to a saltwater products license with a restricted species endorsement shall sell more than 250 individual pompano.~~

~~(cd) Simultaneous Possession of Pompano and Gill or Entangling Nets – Simultaneous possession of any pompano together with any gill or entangling net aboard any vessel is only allowed within or without state waters, between 25°09' North Latitude and 26°00' North Latitude, between Cape Sable and Hurricane Pass, by persons who have harvested pompano within the boundaries established in paragraph 68B-35.005(2)(a), F.A.C., and who possess a valid saltwater products license with a restricted species endorsement and a Pompano Endorsement issued pursuant to subsection 68B-35.005(1), F.A.C., or pursuant to paragraph 68B-35.004(5)(a), F.A.C.~~

~~(de) The exemption established in paragraph 68B-35.005(2)(d), F.A.C., shall not apply to any person or vessel which does not return from federal EEZ waters directly, continuously, and expeditiously from the place where the lawful harvest occurred to the place where the vessel is regularly docked, moored, or otherwise stored or to the place of the licensed wholesale dealer where the catch is to be sold, or otherwise fails to meet all requirements of Section 379.2423, F.S.~~

(3) NO CHANGE

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., Art. X, Sec. 16, Fla. Const., 379.407 FS. History– New 11-1-01, Amended 1-1-04, 8-29-11, _____.

68B-35.006 Closed Season.

Inside the Special Permit Zone, no person shall harvest, possess, purchase, sell or exchange any permit within or without state waters during the months of May, June, and July of each year ~~except as provided in paragraph 68B-35.0035(1)(d), F.A.C.~~ During this closed season, the possession of permit while in or on the waters of the Special Permit Zone, including any dock, pier, bridge, beach, or other fishing site adjacent to such waters is prohibited.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., Art. X, Sec. 16, Fla. Const., 379.407 FS. History– New 8-29-11, _____.

