

CHAPTER 68B-2

GENERAL

68B-2.001 General Definitions

68B-2.002 Return of Marine Organisms to Water; Permissible Temporary Possession

68B-2.003 License Required for Harvest or Possession of an Organism Regulated by Division 68B

68B-2.004 Recreational and Commercial Harvest on the Same Trip

68B-2.005 Vessel Operator Responsibility

68B-2.007 Prohibition of Possession, Transport, Purchase, or Sale of Illegally-Caught Saltwater Products

68B-2.008 Trap Placement

68B-2.001 General Definitions

As used in Division 68B, F.A.C.:

(1) "Biscayne National Park" means all waters lying within the boundaries of Biscayne National Park, whether within or without the waters of the State of Florida, as depicted on NOAA nautical charts for coastal Florida waters and as described as follows:

Beginning at the northwest corner of Section 35, Township 55 South, Range 40 East, Tallahassee Meridian;

Thence easterly 1,978.35 feet, more or less, along the north line of said Section 35 to a point on the center line of Old Cutler Road, as shown on Sheet 11 of 14 Sheets of Part Three of the drawings titled Metropolitan Dade County, Florida, Bulkhead Line, and recorded in Plat Book No. 74, Page 3 of the Public Records of Dade County, Florida, February 23, 1962;

Thence southwesterly 2,700 feet, more or less, along the center line of said Old Cutler Road to a point, said point being the intersection with the center line of S. W. 176 Street;

Thence easterly along the extension of the center line of S. W. 176 Street bearing North 87°39'08" East, 700 feet, more or less, to the Point of Beginning;

Thence South 80°53'53" East, 30,000 feet, more or less, to a point on the Intracoastal Waterway;

Thence northeasterly along the Intracoastal Waterway 28,950 feet, more or less, to a point of intersection with Latitude 25°40'16" North;

Thence east along the Parallel at Latitude 25°40'16" North 6,600 feet, more or less, to a point on the southwest side of a cable area lying generally South of Cape Florida (said cable area shown on the National Oceanic and Atmospheric Administration Nautical Chart 11451);

Thence southeasterly along the southwest side of the cable area 18,000 feet, more or less, to a point where the southwest line of said cable area deflects to the right (said point being approximately at Latitude 25°38'40" North);

Thence east 14,000 feet, more or less, to a point of intersection with the 10 fathom line (water depth of 60 feet);

Thence southerly along the 10 fathom line (60 foot depth curve line), 133,000 feet, more or less, to a point on the North line of the Key Largo Coral Reef Marine Sanctuary (also known as John Pennekamp Coral Reef State Park), at Latitude 25°17'36" North, Longitude 80°10'00" West;

Thence northwesterly along the boundary of the Preserve and State Park 21,000 feet, more or less, to Latitude 25°20'06" North, Longitude 80°12'36" West;

Thence southwesterly 9,400 feet, more or less, to a point on the Monroe-Dade County line at Latitude 25°19'55" North, Longitude 80°14'18" West;

Thence northwesterly 11,100 feet, more or less, along the meanderings of said County line to a point in Broad Creek, located about mid-channel between Swan Key and the easternmost tip of Broad Key, Latitude 25°21'04" North, Longitude 80°15'25" West;

Thence northwesterly 10,350 feet, more or less, to a point adjacent to flashing red light marker "14" in Card Sound at the south end of the Intracoastal Waterway Channel through Cutter Bank, Latitude 25°21'58" North, Longitude 80°17'01" West;

Thence continue across the open waters of Card Sound North 77°00'00" West 16,400 feet, more or less, to a point on the west line of Section 15, Township 58 South, Range 40 East. Said west line also being a portion of the western boundary of the Turkey Point Wilderness Area as established by an agreement entitled "Deed", recorded in Book 7624, Page 457-464 of the Official Records of Dade County, Florida, March 22, 1972;

Thence northerly along the west line of Section 15, Section 10, and Section 3 to a point, said point being the northwest corner of Section 3, all in Township 58 South, Range 40 East. The west line of Section 15, Section 10, and Section 3 also being a portion of the western boundary of the Turkey Point Wilderness Area;

Thence easterly along the north line of Section 3, Township 58 South, Range 40 East, passing Turtle Point, over the waters of Biscayne Bay, passing the Metropolitan Dade County, Florida, Bulkhead Line to a point on a line 350 feet easterly of and parallel to the Metropolitan Dade County, Florida, Bulkhead Line as shown on Sheet 6 of 12 Sheets of Part Five of the drawings titled Metropolitan Dade County, Florida, Bulkhead Line, and recorded in Plat Book No. 74, Page 5 of the Public Records of Dade County, Florida, May 10, 1963. The north line of Section 3, Township 58 South, Range 40 East, also being the north boundary of the Turkey Point Wilderness Area;

Thence northerly along line a 350 feet easterly of and parallel to the Metropolitan Dade County, Florida, Bulkhead Line (as shown on Sheets 5 and 6 of 12 Sheets of Part Five of the drawings titled Metropolitan Dade County, Florida, Bulkhead Line, and recorded in Plat Book No. 74, Page 5 of the Public Records of Dade County, Florida, May 10, 1963), passing and going around Turkey Point to the intersection with a line being the extension eastward of the south boundary of Homestead Bayfront Park;

Thence westerly along the south line of Homestead Bayfront Park to the southwest corner thereof;

Thence northerly along the west line of Homestead Bayfront Park to the northwest corner of said park, also being the southwest corner of Section 9, Township 57 South, Range 40 East;

Thence easterly along the north line of Homestead Bayfront Park (also the south line of Section 9, Township 57 South, Range 40 East), 1,870 feet, more or less, to a point;

Thence North 00°35'00" West, 4,080 feet, more or less, to a point;

Thence North 04°35'00" West, 3,360 feet, more or less, to a point;

Thence North 17°05'00" East, 1,995 feet, more or less, to a point;

Thence North 39°10'00" East, 2,260 feet, more or less, to a point;

Thence North 18°25'00" West, 1,080 feet, more or less, to a point;

Thence North 17°20'00" East, 2,820 feet, more or less, to a point;

Thence North 03°00'00" East, 3,500 feet, more or less, to a point;

Thence North 17°45'00" East, 3,380 feet, more or less, to a point on the southwesterly bank of Goulds Canal;

Thence southeasterly along the southwesterly bank of Goulds Canal 2,200 feet, more or less, to a point;

Thence northeasterly crossing Goulds Canal to a point on a tip of land being the southeasterly-most tip of a triangular shaped parcel of land lying between Goulds Canal and Black Creek (also known as C-1 Canal);

Thence northwesterly following the northeastern shoreline of the above-mentioned triangular shaped parcel of land 300 feet, more or less, to a point;

Thence North 45°15'00" East, 525 feet, more or less, to a point;

Thence North 32°00'00" West, 2,980 feet, more or less, to a point;

Thence North 0°30'00" West, 640 feet, more or less, to a point;

Thence northeasterly to a point on the north line of Section 22, Township 56 South, Range 40 East, said point being 3,330 feet east of the northwest corner of Section 22, Township 56 South, Range 40 East;

Thence easterly along the north line of Section 22 to the Northwest corner of Section 23, Township 56 South, Range 40 East;

Thence easterly along the north line of said Section 23, 460 feet, more or less, to a point;

Thence North 17°54'00" East, 2,780 feet, more or less, to a point on the north line of the south half of Section 14, Township 56 South, Range 40 East;

Thence North 14°25'00" East, 320 feet, more or less, to a point;

Thence North 09°25'00" East, 980 feet, more or less, to a point;

Thence North 00°50'00" West, 1,045 feet, more or less, to a point;

Thence North 14°00'00" East, 255 feet, more or less, to a point;

Thence North 25°45'00" East, 600 feet, more or less, to a point;

Thence North 16°50'00" East, 495 feet, more or less, to a point;

Thence North 27°00'00" East, 255 feet, more or less, to a point;

Thence North 26°25'00" East, 1,050 feet, more or less, to a point;

Thence North 22°25'00" East, 640 feet, more or less, to a point;

Thence North 08°15'00" East, 410 feet, more or less, to a point;

Thence North 07°10'00" West, 460 feet, more or less, to a point;

Thence North 14°45'00" West, 440 feet, more or less, to a point;

Thence North 19°50'00" West, 260 feet, more or less, to a point;

Thence North 30°06'00" West, 1,235 feet, more or less, to a point;

Thence North 00°06'00" West, 1,410 feet, more or less, to a point;

Thence North 55°52'30" West, 590 feet, more or less, to a point;

Thence North 05°45'00" East, 1,980 feet, more or less, to a point;

Thence North 16°45'00" West, 950 feet, more or less, to a point;

Thence North 88°40'00" East, 470 feet, more or less, to a point;

Thence North 05°00'00" West, 2,035 feet, more or less, to a point on the south line of Section 35, Township 55 South, Range 40 East;

Thence North 06°07'30" East, 2,900 feet, more or less, to a point, the Point of Beginning.

(2) "Coastline" means the territorial sea base line for the State of Florida established pursuant to the laws of the United States of America.

(3) "Commercial Harvester" means a person who is harvesting or in possession of an organism or part of an organism for the purpose of selling or with the intent to sell the organism or part of the organism.

(4) "Commission" means the Florida Fish and Wildlife Conservation Commission.

(5) "Crew member" means an individual onboard a vessel who is compensated (monetarily or otherwise) for any service performed in relation to the operation of the vessel or the activities carried out by those onboard the vessel.

(6) "Diving" means swimming at or below the surface of the water.

(7) "F.A.C." means the Florida Administrative Code.

(8) "F.S." means the Florida Statutes.

(9) "Florida Waters" means the waters of the Atlantic Ocean, the Gulf of Mexico, the Straits of Florida, and any other bodies of water under the jurisdiction of the State of Florida, whether marine, coastal, or inland, and any part thereof. Florida Waters include any potential fishing site adjacent to the water like a dock, pier, boat ramp, bridge, shore, beach, or other location from which fishing could occur and any parking location adjacent to a potential fishing site.

(10) "For Commercial Purposes" means engaging in an activity regulated by Division 68B, F.A.C., for the purpose of selling an organism or part of an organism or with the intent to sell an organism or part of an organism. For Commercial Purposes includes harvest or possession of marine organisms in an amount that is at least two times the recreational bag limit for the organism being taken or harvested.

(11) "Fork Length" means the straight-line distance from the most forward point of the fish with the mouth closed, to the rear center edge of the tail.

(12) "Harvest" means the catching or taking of an organism followed by a reduction of the organism to possession. Harvest includes the unnecessary harming or killing of an organism regardless of possession.

(13) "Inside waters" means all state waters landward of the COLREGS Demarcation Line, as depicted or described on NOAA nautical charts for coastal Florida waters.

(14) "Land," when used in connection with the harvest of an organism, means the physical act of bringing the harvested organism ashore.

(15) "Lower jaw fork length" means the straight-line measurement of a fish from the tip of the lower jaw to the fork of the caudal fin. The measurement is not made along the curve of the body.

(16) "Nearshore and inshore Florida waters" means all Florida waters inside a line three nautical miles seaward of the coastline along the Gulf of Mexico and inside a line one nautical mile seaward of the coastline along the Atlantic Ocean.

(17) "Person" includes a natural person, firm, corporation or other entity.

(18) "Purchase" means to receive an organism or part of an organism in exchange for any form of consideration (money, objects, services, or otherwise) with or without a transfer in possession. Purchase includes offering to purchase an organism or part of an organism.

(19) "Recreational Harvester" means a person who is engaging in an activity regulated by Division 68B, F.A.C. or Chapter 379, F.S. who is not a commercial harvester as defined in 68B-X.001, F.A.C.

(20) "Seafood dealer" means a wholesale seafood dealer, a retail seafood dealer, or a restaurant licensed by the state.

(21) "Sell" means to receive any form of consideration (money, objects, services, or otherwise) in exchange for an organism with or without a transfer in possession. Sell includes offering to sell an organism or part of an organism.

(22) "Snagging" or "snatch hooking" means the intentional catch of a fish by any device intended to impale or hook the fish by any part of its body other than the mouth.

(23) "Total length" means the straight-line distance from the most forward point of the fish 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.

(24) A “trip” begins when a vessel departs from a dock, berth, beach, seawall, or ramp, and terminates when the vessel returns to a dock, berth, beach, seawall, or ramp, regardless of the amount of time between the departure and return of the vessel.

(25) “Vessel” includes any water craft used or capable of being used as a means of transportation on water. Vessel includes nondisplacement craft and any aircraft designed to maneuver on water.

(26) “Vessel for Hire” means a vessel that is operated by a captain licensed by the United States Coast Guard and pursuant to 379.354(7) F.S. to carry passengers for hire and has one or more passengers onboard who are paying a fee (directly or indirectly) to take or pursue an organism regulated by Division 68B, F.A.C.

68B-2.002 Return of Marine Organisms to Water; Permissible Temporary Possession

(1) This subsection applies to all marine finfish and any marine invertebrate regulated by Division 68B, F.A.C., with the exception of 68B-26, F.A.C. All persons catching or taking but not retaining for use any such marine organism shall immediately release such marine organism at the site of capture. No person may unnecessarily harm or destroy any such organism. No such organism may be placed or deposited on any bank, shore, beach or other place out of the water.

(2) Permissible Temporary Possession

(a) Unless temporary possession is expressly prohibited for a particular species, a person may temporarily possess an organism for purposes of identifying the species, photographing, or determining compliance with applicable regulations.

(b) A person who temporarily possesses an organism pursuant to paragraph (2)(a) must immediately return the organism to the water unharmed.

(c) A person must also comply with other restrictions on temporary possession that may be established for a particular species.

68B-2.003 License Required for Harvest or Possession of a Marine Organism Regulated

(1) Recreational Harvester – A recreational harvester may not harvest, attempt to harvest, or possess in or on Florida Waters a marine organism unless the recreational harvester is in possession of a valid recreational saltwater fishing license. This provision does not apply to a recreational harvester who is otherwise exempt from state recreational licensing requirements.

(2) Commercial Harvester –

(a) Saltwater Products – A commercial harvester may not harvest, attempt to harvest, or possess in or on Florida Waters or sell a marine organism unless the commercial harvester is in possession of a valid saltwater products license.

(b) Restricted Species – A commercial harvester may not harvest or possess in or on Florida Waters or sell an organism that has been designated as a restricted species in Division 68B, F.A.C., unless the commercial harvester is in possession of a valid saltwater products license with a restricted species endorsement.

68B-2.004 Recreational and Commercial Harvest on the Same Trip

On a single trip, a person must either be a recreational harvester or a commercial harvester for each species they harvest or possess. If a person is harvesting or is in possession of an organism for commercial purposes, that person may not harvest or possess an organism of the same species for recreational purposes on the same trip. If a person is harvesting or is in possession of an organism for recreational purposes, that person may not harvest or possess an organism of the same species for commercial purposes on the same trip. In addition, no person aboard a vessel may harvest or possess an organism for recreational purposes if an organism of the same species is harvested or possessed by another person aboard the vessel for commercial purposes on the same trip. No person aboard a vessel may harvest or possess an organism for commercial purposes if an organism of the same species is harvested or possessed by another person for recreational purposes on the same trip.

68B-2.005 Vessel Operator Responsibility

The operator of a vessel in Florida Waters is responsible for ensuring that the persons aboard the vessel comply with the applicable provisions of Division 68B, F.A.C. If a person aboard a vessel in Florida Waters violates a provision of Division 68B, F.A.C., the operator of the vessel is also in violation of that provision.

68B-2.007 Prohibition of Possession, Transport, Purchase, or Sale of Illegally-Caught Marine Organisms

Except for a law enforcement officer acting in an enforcement capacity, no person may possess, transport, purchase, or sell any marine organisms harvested in violation of any of the requirements of Division 68B, F.A.C., or of 379, F.S.

68B-2.008 Trap Placement

It is unlawful for any person to place traps in the navigation channels of the intracoastal waterways, or in navigation channels maintained and marked by the United States Army Corps of Engineers, United States Coast Guard, State of Florida, or any county or municipal government.

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