This is a summary of a proposed rule to adopt federal standards that would allow for-hire captains and crew to retain recreational bag limits of vermilion snapper, groupers, and golden tilefish in state waters of the Atlantic Ocean (including Monroe County for grouper species and golden tilefish). Bag limits for snapper, grouper, and tilefish are located in the Reef Fish Rule, Chapter 68B-14, Florida Administrative Code (FAC). This action would make state regulations in the Atlantic consistent with federal action that will eliminate rules that prohibit captains and crew of for-hire vessels from retaining recreational bag limits of vermilion snapper, groupers, and tilefish in federal waters of the South Atlantic (effective Jan. 27, 2014).

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In 2009, the South Atlantic Fishery Management Council (Council) needed to reduce harvest of gag grouper and vermilion snapper to end overfishing of these species. To cut harvest rates, the Council approved a suite of management measures put in place to reduce harvest of gag grouper and vermilion snapper. Captain and crew of for-hire vessels given a zero fish bag limit for vermilion snapper, groupers, and tilefish. FWC approved consistent regulations.

In late 2009, the Commission approved similar measures for state waters of the Atlantic that prohibited captain and crew of for-hire vessels from keeping recreational bag limits of vermilion snapper, golden tilefish, and groupers. This prohibition also applied to all state waters of Monroe County for grouper and golden tilefish, which follow the Atlantic rules for groupers.

Other species of snapper, dolphin, and wahoo were still allowed to be harvested by captain and crew of for-hire vessels in both state and federal waters of the Atlantic. This inconsistency led to confusion among some for-hire fishermen who were unsure of which species they were legally able to keep.
As of Jan. 27, 2014, the federal rule that prevented captain and crew of for-hire vessels from retaining recreational bag limits of vermilion snapper, grouper, and tilefish (Amendment 27) will no longer apply in Atlantic federal waters. Management measures such as the Jan. 1 – April 30 grouper closure will continue to protect gag grouper and other groupers during the spawning season.

This rule was eliminated because it was not serving its intended purpose of limiting harvest of vermilion snapper and gag grouper. When the rule was in place, the percentage decrease in overall harvest of these species was small and not considered to be a significant source of harvest protection. In addition, the Council felt that regulations were confusing because some species could be retained but not others. By allowing captain and crew of for-hire vessels to keep recreational bag limits of all snapper grouper species, the Council could alleviate confusion among for-hire fishermen, make law enforcement more efficient, and allow captain and crew of for-hire vessels to keep these species for personal consumption. Removing this prohibition is not expected to negatively impact vermilion snapper, grouper, or tilefish stocks. Harvest of these species by captain and crew is expected to be negligible, with harvest estimated to increase by less than one percent. Public comment submitted to the Council was generally in favor of removing this rule.

Currently in Atlantic state waters, captain and crew of for-hire vessels are prohibited from retaining recreational bag limits of vermilion snapper, golden tilefish, and groupers. The following slide outlines changes that could be made to FWC rules to be consistent with this federal rule change.
Chapter 68B-14.0036, FAC, (Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Tilefish, Exception, Wholesale/Retail Purchase Exemption) would be modified to eliminate language prohibiting captain and crew of for-hire vessels from retaining recreational bag limits of vermilion snapper, groupers, and golden tilefish in state waters of the Atlantic (including Monroe County for groupers and golden tilefish).

Removing this requirement would be beneficial because it would eliminate confusion about what species captain and crew of for-hire vessels can keep for personal consumption and make state rules consistent with federal rules.

If this proposed rule amendment is approved, this decision would be final and the rule will be filed without further hearing.
Staff recommends adopting consistent state regulations for Atlantic reef fish and using the process of adopting federal standards under Chapter 120.54(6), Florida Statutes. The proposed rule amendment would allow captain and crew of for-hire vessels to keep recreational bag limits of vermilion snapper, groupers, and golden tilefish in state waters of the Atlantic. Staff also recommends making a technical change to a federal rule reference in this rule. If the Commission approves the proposed rule amendment, it would be advertised and then filed without further public hearing and become effective as soon as possible.

Staff has evaluated the rules under the standards of 68-1.004, FAC, and found them to be in compliance.
The following slides are considered back up material and are not anticipated to be part of the Commission meeting presentation.
Current state recreational regulations for Atlantic reef fish bag limits for captain and crew of for-hire vessels prohibit harvest of vermilion snapper; golden tilefish; gag, black, red, warsaw, snowy, tiger, yellowmouth, and yellowedge groupers; red hind; rock hind; speckled hind; scamp; coney; and graysby. Today, the Commission will consider removing the prohibition on captain and crew from retaining recreational bag limits of the above-listed species in state waters of the Atlantic.