

Florida Fish and Wildlife Conservation Commission

Legislative Affairs Office

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2015 Session Legislative Proposal Tarpon Tag

Title: Modify Tarpon Tag Requirements

Submitted by: Division of Marine Fisheries Management

I. Summary of the Proposal

This proposal would modify the tarpon tag requirements in part to reflect its management since mid-2013 as a catch-and-release only species, except when in pursuit of an International Game Fish Association (IGFA) record. The proposal eliminates the angler reporting requirements for the tarpon tag because with such limited harvest, the information is no longer critical and FWC can get the harvest information from IGFA. The proposal also repeals the requirement that Tax Collectors return their unused tarpon tags by Aug. 15 every year, and modifies the effective date of the tarpon tag to the calendar year, January to December. The tag is currently valid from July to June, which is in the middle of the height of the tarpon fishing season (summer). This change will allow the angler to acquire only one tarpon tag during the height of the tarpon fishing season. This proposal is supported by the Bonefish Tarpon Trust, Coastal Conservation Association, IGFA, and International Federation of Fly Fishers.

II. Present Situation

In June 2013, the Florida Fish and Wildlife Conservation Commission (Commission) approved a series of changes to the state's tarpon tag rules. In particular, the Commission voted to manage tarpon as a catch-and-release only species, limiting the use of tarpon tags to harvest and possession while in pursuit of an IGFA record. To implement this direction, 68B-32.001, FAC (Purpose and Intent), was created to convey in rule that tarpon are managed as a catch-and-release only fishery. The tarpon tag specifications were also moved from 68B-32.003 (Tarpon Tags: Required for Possession; Report; Annual Issuance; Taxidermy; Limitation on Number of Tags Issued Annually; Limitation on Number of Tags Issued to Professional Fishing Guides) to 68B-32.009, FAC, and required that all tarpon other than those harvested in pursuit of an IGFA world or state record be released, with the former rule being eliminated as part of the marine fisheries rule cleanup process. In addition, the recreational bag limit of two that was previously found in 68B-32.004 (Restrictions on Possession of Tarpon; Commercial Harvest Prohibited) was eliminated and replaced with language that prohibited harvest and unnecessarily destroying tarpon.

Additional changes to 68B-32.004 that accompanied the move to make tarpon catch-and-release only included codifying an allowance for temporary possession of tarpon for

the purposes of photography, measuring length and girth, and taking a scientific sample, but requiring that all tarpon greater than 40 inches fork length remain in the water at all times.

The final changes that were made also need to be addressed in Florida Statutes. These changes were incorporated into 68B-32.009, and included eliminating the reporting requirements for the tarpon tag and modifying the issuance dates from July 1 – June 30 to the calendar year, January – December. Reporting requirements are no longer relevant given there is only one instance where a tarpon tag can be used, and any additional harvest information can be gathered from the IGFA for those fish submitted for a record. Currently, the tarpon tag effective date as set by law, terminates at the end of June, which is in the middle of tarpon season. This requires anglers to purchase a new tag in the middle of the height of tarpon season. These last two provisions are present in both FWC rule and Florida Statutes, and have only been modified in rule. Florida Statutes now needs to be updated in order to be consistent with the changes approved by the Commission.

As part of this rule package, all of the regulations described above were also extended into federal waters off Florida and the entire tarpon chapter was reformatted and standardized as part of a marine fisheries rule cleanup process.

The pertinent regulations with respect to tarpon and this proposal are:

- Tarpon is catch-and-release only throughout state and federal waters (68B-32.001, 68B-32.004), except that
 - Recreation harvest of a single tarpon per person per year is allowed in pursuit of an IGFA world or state record, when done in conjunction with a tarpon tag (68B-32.009)
 - Tarpon tag validity coincides with the calendar year (Jan – Dec; 68B-32.009)
 - Tarpon tag transfer is only allowed from a professional fishing guide to customer (68B-32.009)
 - Tarpon tags cost \$50 each (379.357, F.S.)
 - A tarpon tag must be securely attached through the lower jaw of any tarpon harvested (68B-32.009, 379.357 F.S.)
 - No more than one tarpon may be possessed aboard any vessel on a single day (68B-32.009)
- Temporary possession of tarpon for the limited of purposes of photography, measuring length and girth, and taking a scientific sample is allowed so long as tarpon greater than 40 inches fork length are not removed from the water (68B-32.004)
- Possession of tarpon for commercial purposes and purchase/sale of tarpon is prohibited (68B-332.007)
- Taxidermists may possess and ship any reasonable number of tarpon as long as the taxidermist can establish the individual ownership of each tarpon (68B-32.007) and each tarpon tag remains with the tarpon during any subsequent storage or shipment (68B-32.009)

Current law requires Tax Collectors to return all unused tarpon tags to FWC by Aug. 15, every year. Since tarpon tags have their effective date printed on them, they cannot be used outside of the tag year, so there is no need for FWC to recover the unused tags.

The current scientific reference to tarpon in the s, 379.357, F.S. is *megalops atlantica*. The correct scientific name is *Megalops atlanticus*.

III. Effect of Proposed Changes in the Bill

The effects of the proposed statutory changes would be to correct the scientific name for tarpon to *Megalops atlanticus*, change the tarpon tag effective date to a calendar year so each tag will remain valid during the height of the tarpon season, eliminate the angler reporting requirements, and repeal the Aug. 15 annual deadline for Tax Collectors to return all unused tarpon tags to FWC. These updates would make the Florida Administrative Code and Florida Statutes consistent with respect to tarpon tag regulations, and eliminate confusion over how the tag program is administered.

IV. Impact on All Pertinent Statutes/Rules/Constitution

The proposal would require statutory changes to chapter 379.357. Corresponding changes have already been made to FWC tarpon regulations in 68B-32, FAC.

A. Does the proposed legislation conflict with existing federal law or regulations? If so, what laws and/or regulations?

No.

B. Does the proposed legislation raise significant constitutional concerns under the United States or Florida Constitutions (e.g. separation of powers, access to the courts, equal protection, free speech, establishment clause, and impairment of contracts)?

No.

C. Is the proposed legislation likely to generate litigation and, if so, from what interest groups or parties?

Not anticipated.

V. Affected Agencies and Groups

The following organizations support the proposal: Bonefish Tarpon Trust, Coastal Conservation Association, International Game Fish Association, and International Federation of Fly Fishers.

VI. Fiscal Impact

A. On FWC

- No fiscal impact is anticipated
- There may be a fiscal/workload impact but it can be absorbed in FWC's base operations
- A fiscal or staff impact is anticipated and is estimated in the table below

Revenues	FY 2011-12 Source/Amount/FTE	FY 2012-13 Source/Amount/FTE	FY 2013-14 Source/Amount/FTE
1. Recurring			
2. Non-recurring			
Expenditures			
1. Recurring			
2. Non-recurring			

FWC fiscal comments or explanation:

B. On Other State Agencies

None

C. On Private Sector

Will likely purchase fewer tarpon tags, due to change in effective date for tag would change to the calendar year

D. On Local Governments

None

E. Tax/Fee Issues

None