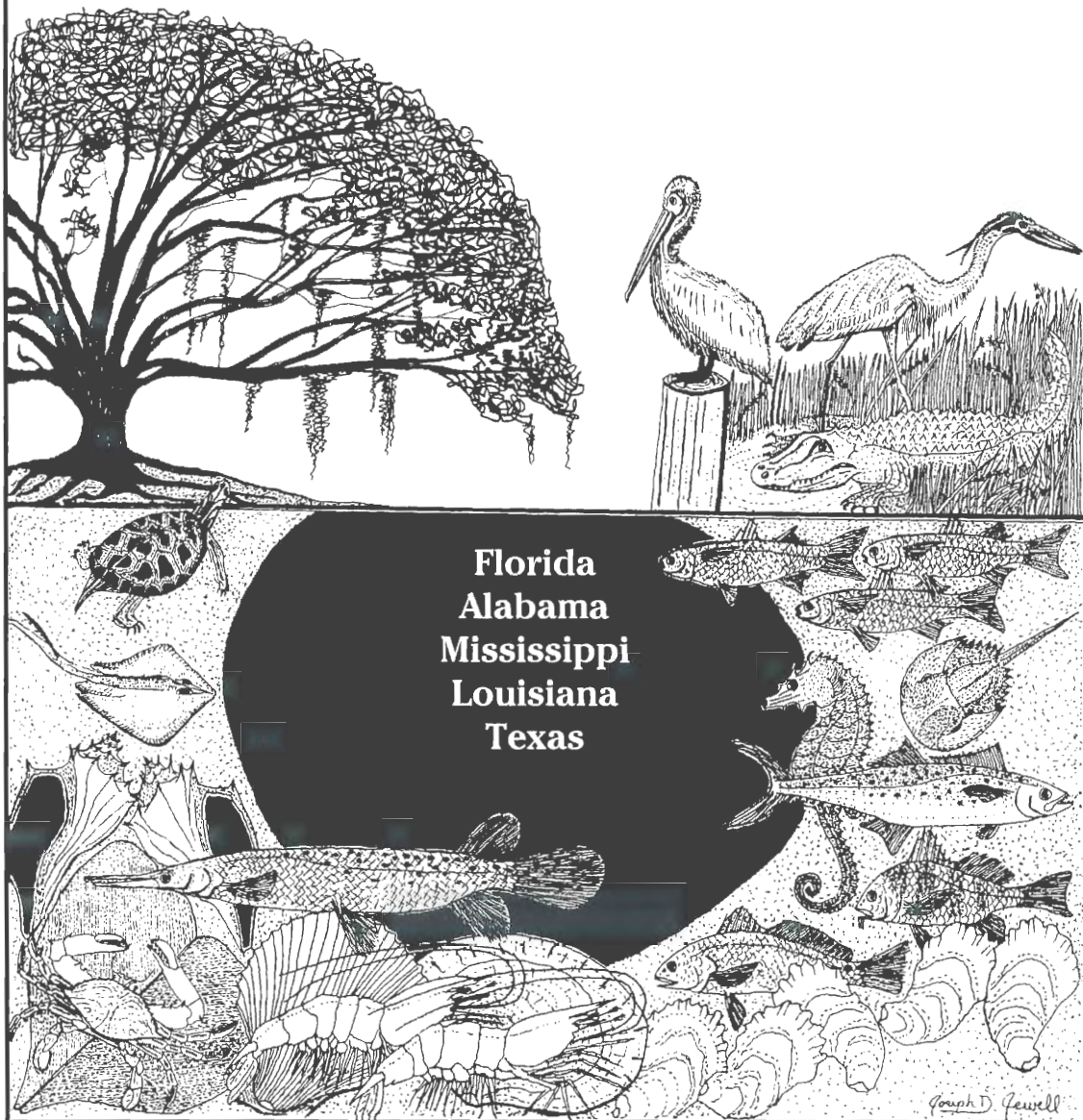


GULF STATES MARINE FISHERIES COMMISSION

Netting Regulations  
for the  
Gulf States





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Gulf States Marine Fisheries Commission  
P.O. Box 726  
Ocean Springs, MS 39566-0726



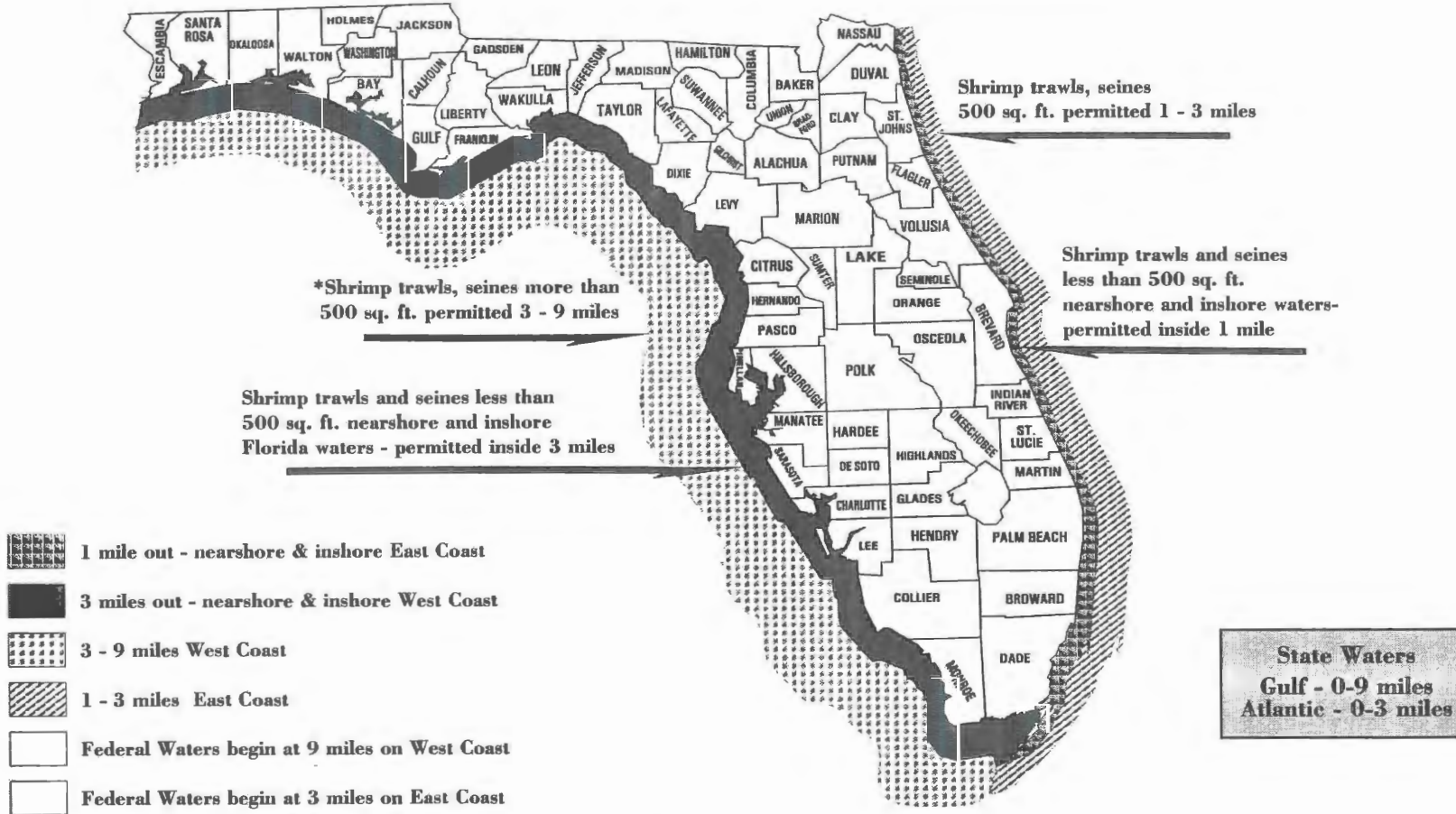


Florida



# Net Guidelines

ARTICLE X SECTION 16 - FLORIDA CONSTITUTION





# Fact Sheet

## FLORIDA CONSTITUTION LIMITING MARINE NET FISHING EFFECTIVE JULY 1, 1995

1. Prohibits the use of all gill or entangling nets in all State Waters. Does not include cast nets.

### State Waters

East Coast - Out to 3 miles

West Coast - Out to 9 miles

2. Prohibits the use of other nets over 500 square feet of mesh area in nearshore and inshore Florida waters, Includes Cast Nets.

May use no more than two such nets from a vessel.

May not connect the nets.

May use only one such net if not on a vessel.

### Nearshore and Inshore Florida Waters

East Coast - Out to 1 mile

West Coast - Out to 3 miles

3. This section does not apply to the use of nets for Scientific Research or Governmental Purpose. Requires special activity license to be issued by State.
4. Penalty - As provided in 370.021(2)(a),(b),(c),(6) and (7) Florida Statutes.

### 1st Conviction

Not more than 60 days Imprisonment  
\$100 to \$500 Fine or Both

### 2nd Conviction within 12 months

Not more than 6 months Imprisonment  
\$250 to \$1000 Fine or Both

### Second Conviction within 24 months

(same rule over 100 lbs. of finfish)  
Additional \$5 per pound

### Violation Over 1000 lbs. Finfish

Additional penalty equal to  
wholesale value of Finfish

5. Related Florida Statutes and Rules  
Florida Statute 370.092 - Carriage of Proscribed Nets Across Florida Waters  
Requires a permit to transport nets prohibited by article X, Section 16 of the Constitution - gill and entangling nets and those over 500 sq are feet.

There is no charge for the permit. The permit must be on board and the number displayed. The displayed number must be 10" in height and identifiable from the air and water.

Vessels containing or transporting prohibited nets shall proceed as directly, continuously and expeditiously as possible.

### Exceptions to Permit Requirements

1. Vessels that are docked.
2. Vessels using nets in aquaculture operations.
3. Vessels anchored in state waters as long as no fish are enmeshed in the gill or entangling nets.
4. Vessels containing trawl nets as long as the trawl's doors or frame are not deployed in the water.
5. Vessels displaying a federal EEZ permit number may display the letter "N" immediately following the federal number and be in compliance with the permit requirements.
6. Vessels containing or transporting DRY nets which are rolled, folded or properly stowed in sealed containers so as to make their immediate use impractical.

6. Additional Penalties

F.S. 370.092 provides for the following penalties for violations of Article X, Section 16 or any rules the MFC implements for gear restrictions upon conviction:

First conviction within 7 years  
90 day suspension of SPL

Second conviction within 7 years  
Lifetime revocation of SPL and \$5,000 fine

Third conviction within 7 years  
Lifetime revocation of SPL and \$5,000 fine.

# Net Guidelines

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

## DIVISION OF LAW ENFORCEMENT

On July 1, 1995, the Florida Marine Patrol, in cooperation with the Florida Department of Law Enforcement, Florida Game and Freshwater Fish Commission, Florida Highway Patrol, Florida Park Patrol, and Florida Department of Transportation, will begin enforcement of Article X, Section 16 of the Florida Constitution.

This is a constitutional amendment that limits marine net fishing in Florida waters. It limits the use of nets for catching saltwater finfish, shellfish, or other marine animals by prohibiting the use of gill and other entangling nets in all Florida waters. Please see fact sheet enclosed in this form for additional information.

Persons violating this section shall be prosecuted and punished pursuant to the penalties provided in Section 370.021 (2)(A)(B)(C)6. and 7., Florida Statutes (1991).

If you have any questions as to the legal status of your net, please call the nearest field office of the Florida Marine Patrol by dialing

1-800-DIAL-FMP (1-800-342-5367)





CONSTITUTION  
OF THE  
STATE OF FLORIDA

ARTICLE X

Section 16. Limiting Marine Net Fishing.

(a) The marine resources of the State of Florida belong to all of the people of the state and should be conserved and managed for the benefit of the state, its people, and future generations. To this end the people hereby enact limitations on marine net fishing in Florida waters to protect saltwater finfish, shellfish, and other marine animals from unnecessary killing, overfishing, and waste.

(b) For the purpose of catching or taking any saltwater finfish, shellfish, or other marine animals in Florida waters:

1. No gill nets or other entangling nets shall be used in any Florida waters; and

2. In addition to the prohibition set forth in 1., no other type of net containing more than 500 square feet of mesh area shall be used in nearshore and inshore Florida waters. Additionally, no more than two such nets, which shall not be connected, shall be used from any vessel, and no person not on a vessel shall use more than one such net in nearshore and inshore Florida waters.

(c) For purposes of this section:

1. "Gill net" means one or more walls of netting which captures saltwater finfish by ensnaring or entangling them in the meshes of the net by the gills, and "entangling net" means a drift net, trammel net, stab net, or any other net which captures saltwater finfish, shellfish, or other marine animals by causing all or part of heads, fins, legs, or other body parts to become entangled or ensnared in the meshes of the net, but a hand thrown cast net is not a gill net or entangling net;

2. "Mesh area" of a net means the total area of netting with the meshes open to comprise the maximum square footage. The square footage shall be calculated using standard mathematical formulas for geometric shapes. Seines and other rectangular nets shall be calculated using the maximum length and maximum width of the netting. Trawls and other bag type nets shall be calculated as a cone using the maximum circumference of the net mouth to derive the radius, and the maximum length from the net mouth to the tail end of the net to derive the slant height. Calculations for any other nets or combination type nets shall be based on the shapes of the individual components;

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

4. "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 coastal, intracoastal or inland, and any part thereof; and

5. "Nearshore and inshore Florida waters" means all Florida



waters inside a line three miles seaward of the coastline along the Gulf of Mexico and inside a line one mile seaward of the coastline along the Atlantic Ocean.

(d) This section shall not apply to the use of nets for scientific research or governmental purposes.

(e) Persons violating this section shall be prosecuted and punished pursuant to the penalties provided in section 370.021(2)(a), (b), (c) 6. and 7., and (e), Florida Statutes (1991), unless and until the legislature enacts more stringent penalties for violations hereof. On and after the effective date of this section, law enforcement officers in the state are authorized to enforce the provisions of this section in the same manner and authority as if a violation of this section constituted a violation of Chapter 370, Florida Statutes (1991).

(f) It is the intent of this section that implementing legislation is not required for enforcing any violations hereof, but nothing in this section prohibits the establishment by law or pursuant to law of more restrictions on the use of nets for the purpose of catching or taking any saltwater finfish, shellfish, or other marine animals.

(g) If any portion of this section is held invalid for any reason, the remaining portion of this section, to the fullest extent possible, shall be severed from the void portion and given the fullest possible force and application.

(h) This section shall take effect on the July 1 next occurring after approval hereof by the vote of the electors.



waters inside a line three miles seaward of the coastline along the Gulf of Mexico and inside a line one mile seaward of the coastline along the Atlantic Ocean.

(d) This section shall not apply to the use of nets for scientific research or governmental purposes.

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(g) If any portion of this section is held invalid for any reason, the remaining portion of this section, to the fullest extent possible, shall be severed from the void portion and given the fullest possible force and application.

(h) This section shall take effect on the July 1 next occurring after approval hereof by the vote of the electors.



hand and without use of any motor-driven boat or vehicle.

(b)1. No recreational net may be set or hauled within 100 feet of any other recreational or commercial net.

2. No recreational net shall be used after the hours of sunset and before sunrise between May 1 and September 15 of each year.

3. Unless the user of a recreational net is also a holder of a permit specified in subsection (4), no user of a recreational net shall retain on the beach, in a vehicle on the beach, or in a boat, during the time that such net is in use, more than one bushel container of fish per net in use. All fish in excess of one bushel container per net and all unwanted species taken shall be returned alive to the waters when caught.

(6) Any nets, boats, vehicles, or paraphernalia used in violation of the provisions of this section may be seized and, upon conviction of the offender, may be confiscated or destroyed by order of the court as provided by s. 370.061.

**History.**—s. 1, ch. 77-310, s. 3, ch. 78-404, s. 1, ch. 79-328, s. 7, ch. 83-134; s. 2, ch. 84-121, s. 1, ch. 85-163; ss. 7, 17, ch. 85-234, s. 123, ch. 92-279, s. 55, ch. 92-326; s. 222, ch. 94-356.

**Note.**—Repealed effective July 1, 1985, by s. 7, ch. 83-134, as amended by s. 2, ch. 84-121, and by s. 1, ch. 85-163, which further provides that if the Governor and Cabinet have not adopted appropriate rules by July 1, 1985, this section shall remain in force until such rules are effective. Section 9, ch. 83-134, provides that, prior to the adoption of rules amending, readopting, or repealing those provisions set forth in s. 7, the Marine Fisheries Commission shall hold a public hearing thereon, and no such amendment, reoption, or repeal shall be acted upon until it has been determined, based upon appropriate findings of fact, that such action will not adversely affect the resource.

**370.083 Special acts prohibited.**—Pursuant to s. 11(a)(21), Art. III of the State Constitution, the Legislature hereby prohibits special laws or general laws of local application affecting the sale or purchase of speckled sea trout or weakfish in the state.

**History.**—s. 2, ch. 75-272

**370.09 Industrial hazards; oil deposits discharge prohibited.**—It is unlawful for any person to discharge, flow, drain or deposit oil or to suffer or permit oil to be discharged, flowed, drained or deposited upon or into any of the salt waters of the state, either from or out of any vessel, barge, or other floating craft, or from any wharf, mill, mine, factory or other establishment or place whatever.

**History.**—s. 2, ch. 28145, 1953

**370.092 Carriage of proscribed nets across Florida waters.**—

(1)(a) This section applies to all vessels containing or otherwise transporting in or on Florida waters any gill net or other entangling net and to all vessels containing or otherwise transporting in or on Florida waters any net containing more than 500 square feet of mesh area.

(b) This section does not apply to vessels containing or otherwise transporting in or on Florida waters dry nets which are rolled, folded, or otherwise properly stowed in sealed containers so as to make their immediate use as fishing implements impracticable.

(2) The department is authorized to create and administer a net transit permit program, upon this act becoming a law. The department shall issue a permit to:

(a) Persons and vessels that engage in lawful fishing operations using beyond Florida waters gill nets or other entangling nets

(b) Persons and vessels that engage in lawful fishing operations using beyond nearshore and inshore Florida waters nets containing more than 500 square feet of mesh area.

(3) Beginning July 1, 1995, every vessel containing or otherwise transporting in or on Florida waters any gill net or other entangling net shall display the number of the permit issued pursuant to subsection (2). No person shall operate such a vessel unless the permit is on board and the permit number is displayed in a manner prescribed in subsection (5).

(4) Beginning July 1, 1995, every vessel containing or otherwise transporting in or on nearshore and inshore Florida waters any net containing more than 500 square feet of mesh area shall display the number of the permit issued pursuant to subsection (2). No person shall operate such a vessel unless the permit is on board and the permit number is properly displayed in the manner prescribed in subsection (5).

(5) The permit number required by this section shall be permanently and conspicuously displayed on the vessel so as to be readily identifiable from the air and the water. The display shall be as follows:

(a) The characters shall be in block characters of good proportion not less than 10 inches in height and shall read from left to right.

(b) The characters shall be of a solid color which will contrast with the background and shall be so maintained as to be clearly visible and legible.

(c)1. The permit number shall be displayed horizontally facing up on the uppermost structural portion of the vessel or similar area so as to be clearly visible from the air.

2. The permit number shall be permanently displayed on both the port and starboard sides of the vessel near amidships or on the vessel's superstructure so as to be clearly visible from the water.

(d) Notwithstanding any other provision of this act to the contrary, any vessel which displays a permit number required to fish in the federal Exclusive Economic Zone (EEZ) shall be in compliance with this act by displaying the letter N immediately following the number required to fish in the EEZ.

(6) Every vessel containing or otherwise transporting in or on Florida waters any gill net or other entangling net and every vessel containing or otherwise transporting in or on nearshore and inshore Florida waters any net containing more than 500 square feet of mesh area shall proceed as directly, continuously, and expeditiously as possible. Exceptions shall be provided for docked vessels, for vessels which utilize nets in aquaculture operations, for vessels anchored in state waters as long as no marine species are enmeshed in the gill or entangling nets on board, and for vessels containing trawl nets as long as the trawl's doors or frame are not deployed in the water. Otherwise, hovering, drifting, and other similar activities inconsistent with the direct, continuous, and expeditious transit of such vessels shall be evidence of the unlawful use of such nets. The presence of fish in such a net is not evidence of the unlawful use of the net if the vessel is otherwise in compliance with this section.

(7) A permit issued pursuant to this section is free of charge, need not be renewed, and is valid until:





(a) There is a change in interest or ownership of the vessel for which a permit was issued; or

(b) The department rescinds or revokes the permit as provided in subsection (8).

(8)(a) The department may rescind a permit if it determines that the permit application contained false, fraudulent, or misleading information.

(b) In addition to being subject to the other penalties provided in this chapter, any violation of s. 16, Art. X of the State Constitution or any rules of the Marine Fisheries Commission which implement the gear prohibitions and restrictions specified therein shall be considered a major violation; and any person, firm, or corporation convicted of such violation shall be subject to the following additional penalties:

1. For a first major violation within a 7-year period, suspension of the saltwater products license for 90 days.

2. For a second major violation within a 7-year period, a civil penalty of \$5,000 and suspension of the saltwater products license for 12 months.

3. For a third and subsequent major violation within a 7-year period, a civil penalty of \$5,000, lifetime revocation of the saltwater products license, and forfeiture of all gear and equipment used in the violation.

(c) During the period of license suspension or revocation under this section, the licensee may not fish from any vessel that is harvesting those saltwater products involved in the violation which resulted in the suspension or revocation.

(d) Rescission and revocation proceedings under this section shall be governed by chapter 120.

(9) The department is authorized to make and adopt reasonable rules, regulations, and orders, including emergency rules, to implement this section.

History.—s. 7, ch. 95-414

### 370.10 Crustacea, marine animals, fish; regulations; general provisions.—

(1) OWNERSHIP OF FISH, SPONGES, ETC.—All fish, shellfish, sponges, oysters, clams, and crustacea found within the rivers, creeks, canals, lakes, bayous, lagoons, bays, sounds, inlets, and other bodies of water within the jurisdiction of the state, and within the Gulf of Mexico and the Atlantic Ocean within the jurisdiction of the state, excluding all privately owned enclosed fish ponds not exceeding 150 acres, are the property of the state and may be taken and used by its citizens and persons not citizens, subject to the reservations and restrictions imposed by these statutes. No water bottoms owned by the state shall ever be sold, transferred, dedicated, or otherwise conveyed without reserving in the people the absolute right to fish thereon, except as otherwise provided in these statutes.

(2) TAKING SALTWATER ANIMALS FOR EXPERIMENTAL, SCIENTIFIC, AND EXHIBITIONAL PURPOSES. Notwithstanding any other provisions of general or special law to the contrary, the department may issue permits, upon such terms, conditions, and restrictions as it may prescribe by rule, to any properly accredited person permitting him or her to collect and possess saltwater animals for experimental, scientific, and exhibitional purposes. Such permits may allow collection of speci-

mens without regard to, and not limited to, size, seasonal closure, collection method, reproductive state, or bag limit. Permits issued under the provisions of this section may be suspended or revoked by the department if it finds that the permit holder has violated this section, department rules or orders, or terms or conditions of the permit or has submitted false or inaccurate information in his or her application.

History.—s. 2, ch. 28145, 1953; ss. 25, 35, ch. 69-106; s. 284, ch. 71-136; s. 1, ch. 78-70; s. 1, ch. 80-90; s. 221, ch. 81-259; s. 8, ch. 85-234; s. 557, ch. 95-148.

### 370.101 Saltwater fish; regulations.—

(1) The Division of Marine Resources is authorized to establish weight equivalencies when minimum lengths of saltwater fish are established by law, in those cases where the fish are artificially cultivated.

(2) A special activity license may be issued by the division pursuant to s. 370.06 for catching and possession of fish protected by law after it has first established that such protected specimens are to be used as stock for artificial cultivation.

(3) No permit may be issued pursuant to subsection (2) until the division determines that the artificial cultivation activity complies with the provisions of ss. 253.67-253.75 and any other specific provisions contained within this chapter regarding leases, licenses, or permits for maricultural activities of each saltwater fish, so that the public interest in such fish stocks is fully protected.

History.—s. 1, ch. 67-546; ss. 25, 35, ch. 69-106; s. 1, ch. 78-78; s. 78, ch. 79-164; s. 8, ch. 86-240.

### 370.102 State preemption of power to regulate.—

The power to regulate the taking or possession of saltwater fish, as defined in s. 370.01, is expressly reserved to the state. This section does not prohibit a local government from prohibiting, for reasons of protecting the public health, safety, or welfare, saltwater fishing from real property owned by that local government.

History.—s. 1, ch. 73-208, s. 1, ch. 89-273.

### 370.103 Agreements with Federal Government for the preservation of saltwater fisheries; authority of department.—

The Department of Environmental Protection is authorized and empowered to enter into cooperative agreements with the Federal Government or agencies thereof for the purpose of preserving saltwater fisheries within and without state waters and for the purpose of protecting against overfishing, waste, depletion, or any abuse whatsoever. Such authority includes the authority to enter into cooperative agreements whereby the Division of Law Enforcement of the department is empowered to enforce federal statutes and rules pertaining to fisheries management. When differences between state and federal laws occur, state laws shall take precedence.

History.—s. 1, ch. 83-225; s. 223, ch. 94-356.

### 370.11 Fish; regulation.—

(1) CATCHING FOOD FISH FOR PURPOSES OF MAKING OIL PROHIBITED.—No person shall take any food fish from the waters under the jurisdiction of the state, for the purpose of making oil, fertilizer or compost therefrom. Purse seines may be used, for the taking of nonfood fish for the purpose of making oil, fertilizer or compost.



	CHAPTER 46-3 LOCAL LAWS		
		46-3.017	Repeal of Chapter 79-437, Laws of Florida (1979), Charlotte County Special Act. (Repealed)
46-3.001	Repeal of Chapter 63-1652, Laws of Florida, Monroe County Special Act. (Repealed)	46-3.018	Repeal of Chapter 29292, Laws of Florida (1953), Monroe County Special Act. (Repealed)
46-3.002	Repeal of Chapter 21138, Laws of Florida; Closure of Certain Areas of Caloosahatchee River in Lee County to Netting; Exceptions. (Repealed)	46-3.019	Repeal of Chapter 19704, Laws of Florida (1939), Brevard County Special Act. (Repealed)
46-3.003	Repeal of Chapter 16572, Laws of Florida (1933), Monroe County Special Act. (Repealed)	46-3.020	Repeal of Chapter 28966, Laws of Florida (1953), as Amended, Citrus County Special Act. (Repealed)
46-3.004	Repeal of Dade County Special Acts. (Repealed)	46-3.021	Repeal of Chapter 57-1794, Laws of Florida (1957), St. Lucie County Special Act. (Repealed)
46-3.005	Repeal of St. Johns County Special Acts. (Repealed)	46-3.022	Repeal of Chapter 65-967, Laws of Florida (1965), Brevard, Indian River, and St. Lucie Counties Special Act. (Repealed)
46-3.006	Repeal of Chapter 81-202, Laws of Florida (1981), Wakulla County Special Act. (Repealed)	46-3.023	Repeal of Chapter 83-383, Laws of Florida (1983), Charlotte County Special Act. (Repealed)
46-3.007	Repeal of Sections of Chapter 17493, Laws of Florida (1935), Bay County Special Act. (Repealed)	46-3.024	Repeal of Chapter 12602, Laws of Florida (1927), Clay County Special Act. (Repealed)
46-3.008	Repeal, Amendment, and Readoption of Sections of Chapter 70-973, Laws of Florida (1970), as amended by Chapter 73-652, Laws of Florida (1973), Volusia County Special Act.	46-3.025	Repeal and Readoption of Portions of Collier and Lee Counties Special Acts. (Repealed)
46-3.009	Brevard County: Turkey Creek and Crane Creek Gear Specifications; Definitions.	46-3.026	Repeal of Dixie and Levy Counties Special Acts. (Repealed)
46-3.010	Repeal of Chapter 57-1252, Laws of Florida (1957), Dade County Special Act. (Repealed)	46-3.027	Repeal and Readoption of Portions of Chapter 25788, Laws of Florida (1949), as Amended by Chapter 70-668, Laws of Florida (1970), Duval County Special Act. (Repealed)
46-3.011	Repeal and Readoption of Portions of Chapter 61-2566, Laws of Florida (1961), Okaloosa County Special Act.	46-3.028	Repeal and Readoption of Portions of Escambia and Santa Rosa Counties Special Acts.
46-3.012	Repeal of Escambia and Santa Rosa Counties Special Acts. (Repealed)	46-3.029	Repeal and Readoption of Portions of Chapter 69-1097, Laws of Florida (1969), as Amended by Chapter 70-707, Laws of Florida (1970), and Chapter 73-482 (1973), Hernando County Special Act.
46-3.013	Repeal of Portions of Chapter 24111, Laws of Florida (1947), as Amended by Chapter 25423, Laws of Florida (1949), Special Acts of Bay, Washington, Walton, and Okaloosa Counties. (Repealed)	46-3.030	Repeal of Chapter 67-2111, Laws of Florida (1967), Hillsborough County Special Act. (Repealed)
46-3.014	Repeal of Bay, Gulf, Franklin, and Wakulla Counties Special Acts. (Repealed)	46-3.031	Repeal and Readoption of Portions of Chapter 21365, Laws of Florida (1941), Manatee County Special Act.
46-3.015	Repeal of Chapter 79-292, Laws of Florida (1979), Taylor, Dixie, Levy, Citrus, Pasco and Hernando Counties Special Act. (Repealed)	46-3.032	Repeal of Portions of Chapter 71-770, Laws of Florida (1971), Martin County Special Act.
46-3.016	Repeal of Chapter 83-190, Laws of Florida (1983), Hernando, Pasco, and Citrus Counties Special Act. (Repealed)	46-3.033	Repeal of a Portion of Chapter 65-2435, Laws of Florida (1965), Pasco County Special Act. (Repealed)

- 46-3.034 Repeal and Readoption of Portions of Chapter 29432, Laws of Florida (1953), Pinellas County Special Act. (Repealed)
- 46-3.035 Repeal and Readoption of Portions of Sarasota County Special Acts. (Repealed)
- 46-3.036 Repeal of Chapter 70-962, Laws of Florida (1970), Taylor County Special Act. (Repealed)
- 46-3.037 Repeal and Readoption of Portions of Chapter 7613, Laws of Florida (1917), Walton County Special Act. (Repealed)
- 46-3.038 Repeal of Chapter 61-1914, Laws of Florida (1961), as Amended, Brevard County Special Act. (Repealed)
- 46-3.039 Repeal of Chapter 31152, Laws of Florida (1955), Pasco County Special Act. (Repealed)
- 46-3.040 Repeal of Chapter 21605, Laws of Florida (1941), Taylor County Special Act. (Repealed)

**46-3.001 Repeal of Chapter 63-1652, Laws of Florida, Monroe County Special Act.**

*Specific Authority 370.027(2) FS., Section 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.027 FS., Section 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 7-2-87, Repealed 1-1-96.*

**46-3.002 Repeal of Chapter 21138, Laws of Florida; Closure of Certain Areas of Caloosahatchee River in Lee County to Netting; Exceptions.**

*Specific Authority 370.027(2) FS., Section 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., Section 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 5-1-88, Amended 9-1-93, Repealed 1-1-96.*

**46-3.003 Repeal of Chapter 16572, Laws of Florida (1933), Monroe County Special Act.**

*Specific Authority 370.027(2) FS., section 2, Chapter 83-134, Laws of Florida. Law Implemented 370.027 FS., section 2, Chapter 83-134, Laws of Florida. History—New 1-1-89, Repealed 1-1-96.*

**46-3.004 Repeal of Dade County Special Acts.**

*Specific Authority 370.027(2) FS., section 2 of Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.027 FS., section 2 of Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 1-1-89, Repealed 1-1-96.*

**46-3.005 Repeal of St. Johns County Special Acts.**

*Specific Authority 370.027(2) FS., section 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.027 FS., Section 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 1-1-89, Repealed 1-1-96.*

**46-3.006 Repeal of Chapter 81-202, Laws of Florida (1981), Wakulla County Special Act.**

*Specific Authority 370.027(2) FS., section 2, Chapter 83-134, Laws of Florida. Law Implemented 370.025, 370.027 FS., section 2, Chapter 83-134, Laws of Florida. History—New 9-10-89, Repealed 1-1-96.*

**46-3.007 Repeal of Sections of Chapter 17493, Laws of Florida (1935), Bay County Special Act.**

*Specific Authority 370.027(2) FS., Section 2, Chapter 83-134, Laws of Florida. Law Implemented 370.027 FS., Section 2, Chapter 83-134, Laws of Florida. History—New 10-19-89, Amended 4-18-90, Repealed 1-1-96.*

**46-3.008 Repeal, Amendment, and Readoption of Sections of Chapter 70-973, Laws of Florida (1970), as Amended by Chapter 73-652, Laws of Florida (1973), Volusia County Special Act.**

(1) The Marine Fisheries Commission has determined that repeal and readoption of portions of Chapter 70-973, Laws of Florida (1970), as amended by Chapter 73-652, Laws of Florida (1973), a Volusia County Special Act, will not adversely affect the marine resources of Volusia County or of the State of Florida. The law provides for the regulation of fishing and fisheries-related activities in the saltwaters of Volusia County.

(2) Chapter 70-973, Laws of Florida (1970), as amended by Chapter 73-652, Laws of Florida (1973), a rule of the Department of Environmental Protection (formerly the Department of Natural Resources) pursuant to paragraph (5)(c) of Section 2 of Chapter 83-134, Laws of Florida, is hereby repealed.

(3) This section intended to readopt certain provisions of Chapter 70-973, Laws of Florida (1970), as amended by Chapter 73-652, Laws of Florida (1973), as a Commission rule. As of the effective date of this section, the aforesaid Chapter 70-973, Laws of Florida (1970), as amended by Chapter 73-652, Laws of Florida (1973), as readopted, shall read as follows:

(a) It is unlawful for any person, firm or corporation to harvest or attempt to harvest marine species of fish in the inland saltwaters of Volusia County in any way or with any appliance other than with the ordinary cast net, rod and reel, or hook and line except as provided otherwise in Section 46-3.008, F.A.C.

(b) It is unlawful for any person, firm or corporation to fish or cause to be fished with any haul seine, in any of the saltwaters of Volusia County.

(c) It is unlawful to set or place any beach or haul seine within 100 yards of any bridge, pier, dock or other establishment.

(d) It is unlawful to dump any foul or refuse fish or any other litter of any type on the land or in the inland saltwaters of Volusia County.

(e) It is unlawful, except as provided otherwise in this section, for any person to use any beach or haul seine in the catching of fish within 500 feet of the high water mark on the ocean beaches, in or adjacent to any municipality or within 500 feet of



- 46-3.034 Repeal and Readoption of Portions of Chapter 29432, Laws of Florida (1953), Pinellas County Special Act. (Repealed)
- 46-3.035 Repeal and Readoption of Portions of Sarasota County Special Acts. (Repealed)
- 46-3.036 Repeal of Chapter 70-962, Laws of Florida (1970), Taylor County Special Act. (Repealed)
- 46-3.037 Repeal and Readoption of Portions of Chapter 7613, Laws of Florida (1917), Walton County Special Act. (Repealed)
- 46-3.038 Repeal of Chapter 61-1914, Laws of Florida (1961), as Amended, Brevard County Special Act. (Repealed)
- 46-3.039 Repeal of Chapter 31152, Laws of Florida (1955), Pasco County Special Act. (Repealed)
- 46-3.040 Repeal of Chapter 21605, Laws of Florida (1941), Taylor County Special Act. (Repealed)

**46-3.001 Repeal of Chapter 63-1652, Laws of Florida, Monroe County Special Act.**

*Specific Authority 370.027(2) FS., Section 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.027 FS., Section 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 7-2-87, Repealed 1-1-96.*

**46-3.002 Repeal of Chapter 21138, Laws of Florida; Closure of Certain Areas of Caloosahatchee River in Lee County to Netting; Exceptions.**

*Specific Authority 370.027(2) FS., Section 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., Section 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 5-1-88, Amended 9-1-93, Repealed 1-1-96.*

**46-3.003 Repeal of Chapter 16572, Laws of Florida (1933), Monroe County Special Act.**

*Specific Authority 370.027(2) FS., section 2, Chapter 83-134, Laws of Florida. Law Implemented 370.027 FS., section 2, Chapter 83-134, Laws of Florida. History—New 1-1-89, Repealed 1-1-96.*

**46-3.004 Repeal of Dade County Special Acts.**

*Specific Authority 370.027(2) FS., section 2 of Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.027 FS., section 2 of Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 1-1-89, Repealed 1-1-96.*

**46-3.005 Repeal of St. Johns County Special Acts.**

*Specific Authority 370.027(2) FS., section 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.027 FS., Section 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 1-1-89, Repealed 1-1-96.*

**46-3.006 Repeal of Chapter 81-202, Laws of Florida (1981), Wakulla County Special Act.**

*Specific Authority 370.027(2) FS., section 2, Chapter 83-134 Laws of Florida. Law Implemented 370.025, 370.027 FS., section 2, Chapter 83-134, Laws of Florida. History—New 9-10-89, Repealed 1-1-96.*

**46-3.007 Repeal of Sections of Chapter 17493, Laws of Florida (1935), Bay County Special Act.**

*Specific Authority 370.027(2) FS., Section 2, Chapter 83-134, Laws of Florida. Law Implemented 370.027 FS., Section 2, Chapter 83-134, Laws of Florida. History—New 10-19-89, Amended 4-18-90, Repealed 1-1-96.*

**46-3.008 Repeal, Amendment, and Readoption of Sections of Chapter 70-973, Laws of Florida (1970), as Amended, by Chapter 73-652, Laws of Florida (1973), Volusia County Special Act.**

(1) The Marine Fisheries Commission has determined that repeal and readoption of portions of Chapter 70-973, Laws of Florida (1970), as amended by Chapter 73-652, Laws of Florida (1973), a Volusia County Special Act, will not adversely affect the marine resources of Volusia County or of the State of Florida. The law provides for the regulation of fishing and fisheries-related activities in the saltwaters of Volusia County.

(2) Chapter 70-973, Laws of Florida (1970), as amended by Chapter 73-652, Laws of Florida (1973), a rule of the Department of Environmental Protection (formerly the Department of Natural Resources) pursuant to paragraph (5)(c) of Section 2 of Chapter 83-134, Laws of Florida, is hereby repealed.

(3) This section intended to readopt certain provisions of Chapter 70-973, Laws of Florida (1970), as amended by Chapter 73-652, Laws of Florida (1973), as a Commission rule. As of the effective date of this section, the aforesaid Chapter 70-973, Laws of Florida (1970), as amended by Chapter 73-652, Laws of Florida (1973), as readopted, shall read as follows:

(a) It is unlawful for any person, firm or corporation to harvest or attempt to harvest marine species of fish in the inland saltwaters of Volusia County in any way or with any appliance other than with the ordinary cast net, rod and reel, or hook and line except as provided otherwise in Section 46-3.008, F.A.C.

(b) It is unlawful for any person, firm or corporation to fish or cause to be fished with any haul seine, in any of the saltwaters of Volusia County.

(c) It is unlawful to set or place any beach or haul seine within 100 yards of any bridge, pier, dock or other establishment.

(d) It is unlawful to dump any foul or refuse fish or any other litter of any type on the land or in the inland saltwaters of Volusia County.

(e) It is unlawful, except as provided otherwise in this section, for any person to use any beach or haul seine in the catching of fish within 500 feet of the high water mark on the ocean beaches, in or adjacent to any municipality or within 500 feet of



the jetties of any inlet, or within 500 feet of the line connecting the seaward ends of the jetties of any inlet or between the jetties of any inlet in Volusia County.

(f) Except as provided in this paragraph, shrimp harvest in Volusia County shall be conducted pursuant to Chapter 46-31, F.A.C., and Sections 370.15 and 370.156, Florida Statutes. The following requirements shall apply to shrimp harvest in all waters of Volusia County landward of the Colregs Demarcation Line:

1. Only recreational and live bait shrimp production shall be allowed in this area.

2. Wing nets, each with a perimeter no greater than 26 feet, landing or dip nets, push nets, and cast nets shall be the only form of allowable gear for live bait shrimp production in this area.

3. No person harvesting shrimp in this area shall conduct such harvest from a vessel under power.

4. Live bait shrimp production using wing nets is prohibited in this area from March 1 through June 30 of each year.

(g) No person may stockpile on a lease, oysters taken from approved public bars.

(h) No person, firm or corporation shall set or place, or cause to be set or placed, any trap or other device for the taking of crabs for any purpose in the inland saltwaters of Volusia County, unless such trap or device is buoyed with a device other than glass, attached to each such trap or device used for taking crabs, buoy to be of sufficient strength and buoyancy to continuously remain afloat and must be of such hue and brilliancy as to be easily seen and located. Provided further, that each crab trap or device used for taking crabs must have a permit number attached permanently both to the trap and to the buoy. This permit number shall be issued by the Department of Environmental Protection (formerly the Department of Natural Resources) upon the receipt of application for such number by the owner of such trap or device. The design of the application and of the permit numbers shall be determined by said department. The trap permit number must be painted in legible figures not less than three inches high on each buoy marking the set of any trap or other device used for taking crab. A person may use traps for taking crabs for personal consumption without a buoy and without a permit if the traps or lines attached to the traps are held by the person and provided the size of the traps does not exceed 24 inches in their largest dimension when closed or 48 inches in the largest dimension when open. No trap may be abandoned or discarded in or along the shore of the waters of Volusia County. Not more than 200 crab traps shall be fished under one permit. No buoyed crab traps shall be left unattended for more than 72 hours, weather permitting. No buoyed crab traps shall be placed within 100 yards of any bridge or dock where fishing is legal from that bridge or dock except that persons with written permission of the owner of a dock may place legal traps closer to that dock.

*Specific Authority 370.027(2) FS., s. 2, Chapter 83-134,*

*Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 10-19-89, Amended 1-9-91, 1-1-92, 7-1-92, 11-26-92, 10-3-94, 9-30-96.*

#### 46-3.009 Brevard County: Turkey Creek and Crane Creek Gear Specifications; Definitions.

(1) No person shall harvest or attempt to harvest any fish in or from the waters of Turkey Creek or Crane Creek, except with the following gear:

(a) Hook and line gear.

(b) Landing or dip net.

(c) Cast net.

(d) A crab trap specifically allowed by Rule 46-13.002, F.A.C., or Section 370.135, Florida Statutes.

(2) The phrase "waters of Turkey Creek or Crane Creek" means all waters of those two creeks in Brevard County, including any tributary emptying into said creeks, westward of a line drawn between the two easternmost points of land at the respective mouths of the creeks.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 4-18-90.*

#### 46-3.010 Repeal of Chapter 57-1252, Laws of Florida (1957), Dade County Special Act.

*Specific Authority 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 1-1-92, Repealed 1-1-96.*

#### 46-3.011 Repeal and Readoption of Portions of Chapter 61-2566, Laws of Florida (1961), Okaloosa County Special Act.

(1) The Marine Fisheries Commission has determined that repeal and readoption of portions of Chapter 61-2566, Laws of Florida (1961), an Okaloosa County Special Act, will not adversely affect the marine resources of Okaloosa County or of the State of Florida. The law closes certain areas of the county to shrimp trawling, places size limits on trawl gear used in Choctawhatchee Bay, and limits dead shrimp possession by live bait shrimp producers.

(2) Chapter 61-2566, Laws of Florida (1961), a rule of the Department of Natural Resources pursuant to section 2, paragraph (5)(b) of Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida, is hereby repealed.

(3) Closed Areas for Food Shrimp Production in Okaloosa County—No person shall harvest shrimp as a food shrimp producer, as defined in Rule 46-31.006, in the following waters of Okaloosa County:

(a) All the waters of Five Mile Bayou west of the State Road 85 bridge crossing said bayou.

(b) All the waters of Chula Vista Bayou, Don's Bayou, Little Bayou, and Garnier Bayou north of the State Road 85 bridge crossing Garnier Bayou.  
*Specific Authority 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter*

84-121, Laws of Florida. History—New 1-1-92

**46-3.012 Repeal of Escambia and Santa Rosa Counties Special Acts.**

*Specific Authority* 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 1-1-92, Repealed 1-1-96.

**46-3.013 Repeal of Portions of Chapter 24111, Laws of Florida (1947), as Amended by Chapter 25423, Laws of Florida (1949), Special Acts of Bay, Washington, Walton, and Okaloosa Counties.**

*Specific Authority* 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027, FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 1-1-92, Repealed 1-1-96.

**46-3.014 Repeal of Bay, Gulf, Franklin, and Wakulla Counties Special Acts.**

*Specific Authority* 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 1-1-92, Repealed 1-1-96.

**46-3.015 Repeal of Chapter 79-292, Laws of Florida (1979), Taylor, Dixie, Levy, Citrus, Pasco and Hernando Counties Special Act.**

*Specific Authority* 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 1-1-92, Repealed 1-1-96.

**46-3.016 Repeal of Chapter 83-190, Laws of Florida (1983), Hernando, Pasco, and Citrus Counties Special Act.**

*Specific Authority* 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 1-1-92, Repealed 1-1-96.

**46-3.017 Repeal of Chapter 79-437, Laws of Florida (1979), Charlotte County Special Act.**

*Specific Authority* 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 1-1-92, Repealed 1-1-96.

**46-3.018 Repeal of Chapter 29292, Laws of Florida (1953), Monroe County Special Act.**

*Specific Authority* 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 1-1-92, Repealed 1-1-96.

**46-3.019 Repeal of Chapter 19704, Laws of Florida (1939), Brevard County Special Act.**

*Specific Authority* 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 3-1-92, Repealed 1-1-96.

**46-3.020 Repeal of Chapter 28966, Laws of Florida (1953), as Amended, Citrus County Special Act.**

*Specific Authority* 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 3-1-92, Repealed 1-1-96.

**46-3.021 Repeal of Chapter 57-1794, Laws of Florida (1957), St. Lucie County Special Act.**

*Specific Authority* 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 3-1-92, Repealed 1-1-96.

**46-3.022 Repeal of Chapter 65-967, Laws of Florida (1965), Brevard, Indian River, and St. Lucie Counties Special Act.**

*Specific Authority* 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 11-26-92, Repealed 1-1-96.

**46-3.023 Repeal of Chapter 83-383, Laws of Florida (1983), Charlotte County Special Act.**

*Specific Authority* 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 11-26-92, Repealed 1-1-96.

**46-3.024 Repeal of Chapter 12602, Laws of Florida (1927), Clay County Special Act.**

*Specific Authority* 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 11-26-92, Repealed 1-1-96.

**46-3.025 Repeal and Readoption of Portions of Collier and Lee Counties Special Acts.**

*Specific Authority* 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 11-26-92, Repealed 1-1-96.

**46-3.026 Repeal of Dixie and Levy Counties Special Acts.**

*Specific Authority* 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of

84-121, Laws of Florida. History—New 1-1-92.

**46-3.012 Repeal of Escambia and Santa Rosa Counties Special Acts.**

*Specific Authority 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 1-1-92, Repealed 1-1-96.*

**46-3.013 Repeal of Portions of Chapter 24111, Laws of Florida (1947), as Amended by Chapter 25423, Laws of Florida (1949), Special Acts of Bay, Washington, Walton, and Okaloosa Counties.**

*Specific Authority 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027, FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 1-1-92, Repealed 1-1-96.*

**46-3.014 Repeal of Bay, Gulf, Franklin, and Wakulla Counties Special Acts.**

*Specific Authority 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 1-1-92, Repealed 1-1-96.*

**46-3.015 Repeal of Chapter 79-292, Laws of Florida (1979), Taylor, Dixie, Levy, Citrus, Pasco and Hernando Counties Special Act.**

*Specific Authority 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 1-1-92, Repealed 1-1-96.*

**46-3.016 Repeal of Chapter 83-190, Laws of Florida (1983), Hernando, Pasco, and Citrus Counties Special Act.**

*Specific Authority 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 1-1-92, Repealed 1-1-96.*

**46-3.017 Repeal of Chapter 79-437, Laws of Florida (1979), Charlotte County Special Act.**

*Specific Authority 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 1-1-92, Repealed 1-1-96.*

**46-3.018 Repeal of Chapter 29292, Laws of Florida (1953), Monroe County Special Act.**

*Specific Authority 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 1-1-92, Repealed 1-1-96.*

**46-3.019 Repeal of Chapter 19704, Laws of Florida (1939), Brevard County Special Act.**

*Specific Authority 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 3-1-92, Repealed 1-1-96.*

**46-3.020 Repeal of Chapter 28966, Laws of Florida (1953), as Amended, Citrus County Special Act.**

*Specific Authority 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 3-1-92, Repealed 1-1-96.*

**46-3.021 Repeal of Chapter 57-1794, Laws of Florida (1957), St. Lucie County Special Act.**

*Specific Authority 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 3-1-92, Repealed 1-1-96.*

**46-3.022 Repeal of Chapter 65-967, Laws of Florida (1965), Brevard, Indian River, and St. Lucie Counties Special Act.**

*Specific Authority 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 11-26-92, Repealed 1-1-96.*

**46-3.023 Repeal of Chapter 83-383, Laws of Florida (1983), Charlotte County Special Act.**

*Specific Authority 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 11-26-92, Repealed 1-1-96.*

**46-3.024 Repeal of Chapter 12602, Laws of Florida (1927), Clay County Special Act.**

*Specific Authority 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 11-26-92, Repealed 1-1-96.*

**46-3.025 Repeal and Readoption of Portions of Collier and Lee Counties Special Acts.**

*Specific Authority 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 11-26-92, Repealed 1-1-96.*

**46-3.026 Repeal of Dixie and Levy Counties Special Acts.**

*Specific Authority 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of*





*Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 11-26-92. Repealed 1-1-96.*

**46-3.027 Repeal and Readoption of Portions of Chapter 25788, Laws of Florida (1949), as Amended by Chapter 70-668, Laws of Florida (1970), Duval County Special Act.**

*Specific Authority 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 11-26-92. Repealed 1-1-96.*

**46-3.028 Repeal and Readoption of Portions of Escambia and Santa Rosa Counties Special Acts.**

(1) The Marine Fisheries Commission has determined that the repeal of the following Escambia and Santa Rosa County Special Acts or portions thereof, as enumerated in subsection (2), and that the readoption of portions of Chapter 7584, Laws of Florida (1917), and of Chapter 78-502, Laws of Florida (1978), in conjunction with the adoption of comprehensive gear rules in Chapter 46-4, F.A.C., will not adversely affect the marine resources of these counties or of the State of Florida.

(2) The following special acts and portions thereof applicable to Escambia and Santa Rosa Counties, rules of the Department of Natural Resources pursuant to section 2, subsection (5) of Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida, are hereby repealed pursuant to the following schedule:

(a) Section 2 of Chapter 78-501, Laws of Florida (1978), is repealed effective January 1, 1995. Applicable to Escambia County, this section establishes a minimum mesh size for nets in the county.

(b) Chapter 78-502, Laws of Florida (1978), a law regulating net size and the use of nets applicable to Escambia and Santa Rosa Counties is repealed effective January 1, 1993.

(c) Chapter 7584, Laws of Florida (1917), is repealed effective January 1, 1993. Applicable to Santa Rosa County, this law establishes a minimum mesh size and minimum length for seines used in the county.

(3) Use of Purse Seines Prohibited in Escambia and Santa Rosa Counties — Except as provided in this subsection, no person shall fish with, set, or place any purse seine in the saltwaters of Escambia and Santa Rosa Counties landward of the Colregs Demarcation Line. The Marine Fisheries Commission finds that the harvest of menhaden by purse seine in the inside waters of Escambia and Santa Rosa Counties during the summer months serves the public purpose of avoiding the nuisance and public health problems associated with menhaden die-offs during these months. The Commission also finds that this harvest will not adversely affect the long-term abundance of menhaden in the area, if appropriate restrictions on seasonal and total annual harvest are adopted.

Accordingly, menhaden (any species of the genus *Brevoortia*) may be harvested in the inside waters of these counties (landward of the Colregs Demarcation Line) by or with the use of a purse seine, subject to the following conditions:

(a) The fishing season for the commercial harvest of menhaden in the inside waters of Escambia and Santa Rosa Counties shall open on June 1 of each year and close on May 31 of the following year, unless closed earlier pursuant to paragraphs (b) or (c).

(b) If the total commercial harvest of menhaden in these counties during the period beginning on June 1 and ending on October 31 of each year is not projected to reach 1,000,000 pounds, the menhaden purse seine season for the inside waters of Escambia and Santa Rosa Counties shall be closed on November 1 by the Secretary of the Department of Environmental Protection upon notice and in the manner provided in Section 120.52(16)(d), Florida Statutes. If the season is closed pursuant to this paragraph, it shall not reopen until the following June 1.

(c) If the total commercial harvest of menhaden in these counties during a particular season is projected to reach 3,000,000 pounds before May 31, the menhaden purse seine season for the inside waters of Escambia and Santa Rosa Counties shall be closed on the date such harvest is projected to reach that amount by the Secretary of the Department of Environmental Protection upon notice and in the manner provided in Section 120.52(16)(d), Florida Statutes. If the season is closed pursuant to this paragraph, it shall not reopen until the following June 1.

(d) The total commercial harvest of menhaden in Escambia and Santa Rosa Counties during a particular commercial fishing season shall consist of those menhaden commercially harvested by all forms of gear from all waters of these counties and waters of the federal Exclusive Economic Zone (EEZ) contiguous to such waters, based on projections from official statistics collected and maintained by the Florida Department of Environmental Protection pursuant to Florida's Marine Fisheries Information System, Chapter 16R-5, F.A.C. The count shall begin with menhaden harvested on or after June 1 and continue until May 31 of the following year or until the harvest limit prescribed in paragraph (c) is reached, whichever occurs first.

(e) The following gear and area restrictions shall apply to any person harvesting menhaden by or with the use of any purse seine in the inside waters of Escambia and Santa Rosa Counties:

1. No person shall harvest menhaden in these waters by or with the use of a purse seine from any vessel with a documented length of 40 feet or greater.

2. No purse seine with a total length longer than 400 yards shall be fished with, set, or placed in the water pursuant to this subsection.

3. No person harvesting menhaden pursuant to this subsection shall fish with, set, or place any purse seine in the waters of Big Lagoon, Santa

Rosa Sound, Escambia Bay north of the railroad trestle across the bay just north of the Interstate 10 bridge, Blackwater Bay north of the respective Interstate 10 bridge across the bay, or in any bayou in the inside waters of these counties, except Bayou Texar and Bayou Chico. For the limited purposes of this subsection, this subparagraph shall supersede the provisions of section 1 of Chapter 78-501, Laws of Florida.

4. No person harvesting menhaden pursuant to this subsection shall fish with, set, or place any purse seine in the waters of Escambia or Santa Rosa Counties during any weekend (between official sunset on Friday through official sunrise on the following Monday) or on any state holiday as specified in Section 110.117(1), Florida Statutes.

5. Species other than menhaden harvested as an incidental bycatch in the course of purse seine harvest pursuant to this subsection shall not be deemed to have been unlawfully harvested if the combined whole weight of such bycatch does not exceed two percent by weight of all fish in possession of the harvester in or on the inside waters of Escambia or Santa Rosa Counties at any time, except that any fish for which the Marine Fisheries Commission has established a bag limit shall not be retained and shall be released free, alive, and unharmed.

(4) Minimum Mesh Size for Gill and Trammel Nets in Escambia and Santa Rosa Counties — Until January 1, 1995, no person shall fish with, set or place in the saltwater of Escambia or Santa Rosa Counties any gill or trammel net with a stretched mesh of less than 2½ inches.

(5) Minimum Seine Length in Santa Rosa County — Beginning January 1, 1993 the use of a seine less than 350 yards in length in the saltwaters of Santa Rosa County is prohibited.

*Specific Authority 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 11-26-92, Amended 8-3-94.*

46-3.029 Repeal and Readoption of Portions of Chapter 69-1097, Laws of Florida (1969), as Amended by Chapter 70-707, Laws of Florida (1970), and Chapter 73-482 (1973), Hernando County Special Act.

(1) The Marine Fisheries Commission has determined that the repeal and readoption of portions of Chapter 69-1097, Laws of Florida (1969), as amended by Chapter 70-707, Laws of Florida (1970), and Chapter 73-482, Laws of Florida (1973), a Hernando County Special Act, in conjunction with the adoption of comprehensive gear rules in Chapter 46-4, F.A.C., will not adversely affect the marine resources of Hernando County or of the State of Florida. The law prohibits stop netting, establishes a minimum mesh size and length for nets and seines, and provides for law enforcement and penalties.

(2) Chapter 69-1097, Laws of Florida (1969), as amended by Chapter 70-707, Laws of Florida (1970), and Chapter 73-482, Laws of Florida

(1973), a rule of the Department of Environmental Protection (formerly the Department of Natural Resources) pursuant to section 2, subsection 5 of Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida, is hereby repealed effective January 1, 1993.

(3) Prohibition of the Use of a Beach or Haul Seine from a Vessel Under Power — Beginning January 1, 1993, no person shall harvest fish from the saltwater of Hernando County south of Raccoon Point, with a beach or haul seine from:

(a) A vessel propelled by any type of gasoline or diesel engine or engines, motor or motors, inboard or outboard; or

(b) Any vessel being pulled, towed, or pushed by another vessel which is propelled by any type of gasoline or diesel engine or engines, motor or motors, whether inboard or outboard.

*Specific Authority 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 11-26-92, Amended 9-30-96.*

46-3.030 Repeal of Chapter 67-2111, Laws of Florida (1967), Hillsborough County Special Act.

*Specific Authority 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 11-26-92, Repealed 1-1-96.*

46-3.031 Repeal and Readoption of Portions of Chapter 21365, Laws of Florida (1941), Manatee County Special Act.

(1) The Marine Fisheries Commission has determined that the repeal and readoption of portions of Chapter 21365, Laws of Florida (1941), a Manatee County Special Act, in conjunction with the adoption of comprehensive gear rules in Chapter 46-4, F.A.C., will not adversely affect the marine resources of Manatee County or the State of Florida. This law prohibits the use of certain gear in certain bodies of water in Manatee County and prescribes the gear which may be used.

(2) Chapter 21365, Laws of Florida (1941), a rule of the Department of Natural Resources pursuant to section 2, paragraph (5)(b) of Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida, is hereby repealed effective January 1, 1993.

(3) Closed Areas for Fishing in Manatee County — Beginning on January 1, 1993 no person shall fish with, set, or place any seine, haul seine, drag net, gill net, stop net, or any other seine or net, in the waters of the Manatee River and any of its tributaries and in the waters of Terra Ceia Bay and any of its tributaries, bayous and inlets in Manatee County, Florida as specified in paragraph (3)(a), except as expressly authorized in paragraph (3)(b).

(a) For purposes of this Rule, the Manatee River is defined as all the waters of the river and its tributaries lying east of a line drawn from Davis Point, sometimes called Bishop's Point, due north



Rosa Sound, Escambia Bay north of the railroad trestle across the bay just north of the Interstate 10 bridge, Blackwater Bay north of the respective Interstate 10 bridge across the bay, or in any bayou in the inside waters of these counties, except Bayou Texar and Bayou Chico. For the limited purposes of this subsection, this subparagraph shall supersede the provisions of section 1 of Chapter 78-501, Laws of Florida.

4. No person harvesting menhaden pursuant to this subsection shall fish with, set, or place any purse seine in the waters of Escambia or Santa Rosa Counties during any weekend (between official sunset on Friday through official sunrise on the following Monday) or on any state holiday as specified in Section 110.117(1), Florida Statutes.

5. Species other than menhaden harvested as an incidental bycatch in the course of purse seine harvest pursuant to this subsection shall not be deemed to have been unlawfully harvested if the combined whole weight of such bycatch does not exceed two percent by weight of all fish in possession of the harvester in or on the inside waters of Escambia or Santa Rosa Counties at any time, except that any fish for which the Marine Fisheries Commission has established a bag limit shall not be retained and shall be released free, alive, and unharmed.

(4) Minimum Mesh Size for Gill and Trammel Nets in Escambia and Santa Rosa Counties — Until January 1, 1995, no person shall fish with, set or place in the saltwater of Escambia or Santa Rosa Counties any gill or trammel net with a stretched mesh of less than 2½ inches.

(5) Minimum Seine Length in Santa Rosa County — Beginning January 1, 1993 the use of a seine less than 350 yards in length in the saltwaters of Santa Rosa County is prohibited.

*Specific Authority: 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 11-26-92, Amended 8-3-94.*

**46-3.029 Repeal and Readoption of Portions of Chapter 69-1097, Laws of Florida (1969), as Amended by Chapter 70-707, Laws of Florida (1970), and Chapter 73-482 (1973), Hernando County Special Act.**

(1) The Marine Fisheries Commission has determined that the repeal and readoption of portions of Chapter 69-1097, Laws of Florida (1969), as amended by Chapter 70-707, Laws of Florida (1970), and Chapter 73-482, Laws of Florida (1973), a Hernando County Special Act, in conjunction with the adoption of comprehensive gear rules in Chapter 46-4, F.A.C., will not adversely affect the marine resources of Hernando County or of the State of Florida. The law prohibits stop netting, establishes a minimum mesh size and length for nets and seines, and provides for law enforcement and penalties.

(2) Chapter 69-1097, Laws of Florida (1969), as amended by Chapter 70-707, Laws of Florida (1970), and Chapter 73-482, Laws of Florida

(1973), a rule of the Department of Environmental Protection (formerly the Department of Natural Resources) pursuant to section 2, subsection 5 of Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida, is hereby repealed effective January 1, 1993.

(3) Prohibition of the Use of a Beach or Haul Seine from a Vessel Under Power — Beginning January 1, 1993, no person shall harvest fish from the saltwater of Hernando County south of Raccoon Point, with a beach or haul seine from:

(a) A vessel propelled by any type of gasoline or diesel engine or engines, motor or motors, inboard or outboard; or

(b) Any vessel being pulled, towed, or pushed by another vessel which is propelled by any type of gasoline or diesel engine or engines, motor or motors, whether inboard or outboard.

*Specific Authority: 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 11-26-92, Amended 9-30-96.*

**46-3.030 Repeal of Chapter 67-2111, Laws of Florida (1967), Hillsborough County Special Act.**

*Specific Authority: 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 11-26-92, Repealed 1-1-96.*

**46-3.031 Repeal and Readoption of Portions of Chapter 21365, Laws of Florida (1941), Manatee County Special Act.**

(1) The Marine Fisheries Commission has determined that the repeal and readoption of portions of Chapter 21365, Laws of Florida (1941), a Manatee County Special Act, in conjunction with the adoption of comprehensive gear rules in Chapter 46-4, F.A.C., will not adversely affect the marine resources of Manatee County or the State of Florida. This law prohibits the use of certain gear in certain bodies of water in Manatee County and prescribes the gear which may be used.

(2) Chapter 21365, Laws of Florida (1941), a rule of the Department of Natural Resources pursuant to section 2, paragraph (5)(b) of Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida, is hereby repealed effective January 1, 1993.

(3) Closed Areas for Fishing in Manatee County — Beginning on January 1, 1993 no person shall fish with, set, or place any seine, haul seine, drag net, gill net, stop net, or any other seine or net, in the waters of the Manatee River and any of its tributaries and in the waters of Terra Ceia Bay and any of its tributaries, bayous and inlets in Manatee County, Florida as specified in paragraph (3)(a), except as expressly authorized in paragraph (3)(b).

(a) For purposes of this Rule, the Manatee River is defined as all the waters of the river and its tributaries lying east of a line drawn from Davis Point, sometimes called Bishop's Point, due north



to the north bank thereof, and Terra Ceia Bay is defined as all the waters of the bay and its tributaries, bayous and inlets east of a line drawn from Snead's Point to Terra Ceia Point.

(b) Fishing with a common hand cast net, as defined in Rule 46-4.002(2), or a common bait net, defined as one not over 100 feet in length and not over 4 feet in depth, is permitted in all of the areas described in paragraph (3)(a). In Terra Ceia Bay, as defined in paragraph (3)(a), no person shall use a gill net with a mesh size of less than 3 inches stretched mesh.

*Specific Authority 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 11-26-92.*

**46-3.032 Repeal of Portions of Chapter 71-770, Laws of Florida (1971), Martin County Special Act.**

(1) The Marine Fisheries Commission has determined that the repeal of portions of Chapter 71-770, Laws of Florida (1971), a Special Act of Martin County, in conjunction with the adoption of comprehensive gear rules in Chapter 46-4, F.A.C., will not adversely affect the marine resources of these counties or of the State of Florida. The portions of the law being repealed regulate gill net mesh, allowable twine and the manner of measuring mesh.

(2) Sections 4 and 5 of Chapter 71-770, Laws of Florida (1971), a rule of the Department of Environmental Protection (formerly the Department of Natural Resources) pursuant to section 2, subsection 5 of Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida, are repealed effective January 1, 1995.

(3) Allowable Nets in Martin County — Beginning January 1, 1993, no person shall fish with, set, or place in the inside waters of Martin County any net or trap except for the following:

(a) Minnow seines not over thirty feet long used only for catching bait;

(b) Cast nets;

(c) Landing or dip nets;

(d) Crab traps authorized pursuant to Rule Chapter 46-45, Florida Administrative Code.

*Specific Authority 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 11-26-92, Amended 9-30-96.*

**46-3.033 Repeal of a Portion of Chapter 65-2435, Laws of Florida (1965), Pasco County Special Act.**

*Specific Authority 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter*

*84-121, Laws of Florida. History—New 11-26-92. Repealed 1-1-96*

**46-3.034 Repeal and Readoption of Portions of Chapter 29432, Laws of Florida (1953), Pinellas County Special Act.**

*Specific Authority 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 11-26-92, Repealed 1-1-96.*

**46-3.035 Repeal and Readoption of Portions of Sarasota County Special Acts.**

*Specific Authority 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 11-26-92, Amended 8-15-94, Repealed 1-1-96.*

**46-3.036 Repeal of Chapter 70-962, Laws of Florida (1970), Taylor County Special Act.**

*Specific Authority 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 11-26-92, Repealed 1-1-96.*

**46-3.037 Repeal and Readoption of Portions of Chapter 7613, Laws of Florida (1917), Walton County Special Act.**

*Specific Authority 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 11-26-92, Repealed 1-1-96.*

**46-3.038 Repeal of Chapter 61-1914, Laws of Florida (1961), as Amended, Brevard County Special Act.**

*Specific Authority 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-21, Laws of Florida. History—New 2-16-93, Repealed 1-1-96.*

**46-3.039 Repeal of Chapter 31152, Laws of Florida (1955), Pasco County Special Act.**

*Specific Authority 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 11-29-93, Repealed 1-1-96.*

**46-3.040 Repeal of Chapter 21605, Laws of Florida (1941), Taylor County Special Act.**

*Specific Authority 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 11-29-93, Repealed 1-1-96.*



CHAPTER 46-4  
GEAR SPECIFICATIONS AND PROHIBITED  
GEAR

46-4.017

Gear Specifications for the Southwest Region: Exceptions to Statewide Net Gear Requirements; Areas Closed to Net Fishing; J. N. "Ding" Darling National Wildlife Refuge/Sanibel Conservation Zone; Blind Pass Seasonal Closure to Net Fishing; Definition.

- 46-4.002 Gear Definitions.
- 46-4.0025 Other Definitions.
- 46-4.004 Use of Power With Certain Gear Prohibited in Inside Waters; Exceptions; Definition.
- 46-4.005 Repeal and Replacement of Section 370.08(7), Florida Statutes; Specialized Gear, Special Activity Licenses.
- 46-4.006 Gill Net Maximum Mesh Specification. (Repealed)
- 46-4.007 Gear Specifications for Certain East Coast Counties: Closure of Certain Martin County Waters to Seine Fishing; Repealing and Readopting a Portion of Section 6 of Chapter 71-770, Laws of Florida, a Martin County Special Act.
- 46-4.008 Statewide Net Tending and Marking Requirements; Definitions; Repeal of Section 370.082, Florida Statutes.
- 46-4.0081 Statewide Net Gear Specifications; Soaking Requirements; Definition; Exceptions.
- 46-4.0085 Recreational Gear: Gill and Trammel Nets and Certain Seines Prohibited. (Repealed)
- 46-4.0086 Hook and Line Gear: Tending Requirement.
- 46-4.0087 Longlines: Use and Possession in or on State Waters Prohibited; Exception.
- 46-4.009 Monofilament Line and Netting: Prohibition of Intentional Discard, Recovery Requirements, Recommendations for Appropriate Disposal.
- 46-4.010 Prohibition of Fishing With Motorized Vessels in Lake Avoca, Pinellas County.
- 46-4.011 Prohibition of Net Fishing in Faka Union River, Collier County.
- 46-4.012 Powerheads: Use to Harvest Fish in State Waters Prohibited; Definition.
- 46-4.013 Limitation on Use of Spotter Planes.
- 46-4.014 Southwest Florida Purse Seine Restrictions: Gear Specifications; Area Limitation; Local Law Repeals.
- 46-4.015 Gear Specifications for the Panhandle Region: Recreational Net Fishing; Areas Closed to Net Fishing.
- 46-4.016 Gear Specifications for the Big Bend Region: Recreational Net Fishing. (Repealed)

46-4.002 Gear Definitions. As used in Title 46, F.A.C., unless otherwise defined:

(1) "Cast net" means a cone-shaped net thrown by hand and designed to spread out and capture fish as the weighted circumference sinks to the bottom and comes together when pulled by a line.

(2) "Gill net" means a wall of netting suspended vertically in the water, with floats across the upper margin and weights along the bottom margin which captures fish by entangling them in the meshes, usually by the gills.

(3) "Hook and line gear" means any handline, rod, reel, or any pole to which hook and line are attached, as well as any bob, float, weight, lure, plug, spoon, or standard bait attached thereto, with a total of ten or fewer hooks.

(4) "Landing or dip net" means a hand-held net consisting of a mesh bag suspended from a circular, oval, or rectangular rigid frame attached to a handle.

(5) "Longline gear" means any single line or series of connected lines to which more than ten hooks are attached and which is used to harvest fish.

(6) "Multiple hook" means two or more fishhooks bound together to comprise a single unit or any hook with a single shank and eye and two or more pointed ends, used to impale fish.

(7) "Powerhead" means any device employing an explosive charge or a release of compressed gas, usually attached to a speargun, spear, pole, or stick (known as a "bangstick"), which detonates upon contact.

(8) "Seine" means a small-meshed net suspended vertically in the water, with floats along the top margin and weights along the bottom margin, which encloses and concentrates fish, and does not usually entangle them in the meshes.

(a) "Beach or haul seine" means a seine that is hauled or dragged over the bottom into shallow water or onto the beach, either by hand or with power winches.

(b) "Purse seine" means a seine that is pulled into a circle around fish with rings attached to the lower margin below the lead line to allow a purse line to be drawn to close the bottom of the seine.

(9) "Spotter plane" means any aircraft as defined in Section 330.27(1), Florida Statutes, used for aerial identification of the location of fish so that a vessel may be directed to the fish.

(10) "Stab or sink net" means a gill or trammel net, that sinks to the bottom when placed, set, or fished in water deeper than its hanging depth.

(11) "Trammel net" means a net constructed of



two or more walls of netting hung from the same cork and lead lines, with one wall having a larger mesh than the other(s), which traps a fish in a pocket of netting when the fish pushes the smaller mesh wall through a mesh in the larger mesh wall.

(12) "Underwater breathing apparatus" means any apparatus, whether self-contained or connected to a distant source of air or other gas, whereby a person wholly or partially submerged in water is able to obtain or reuse air or any other gas or gasses for breathing without returning to the surface of the water.

(13) "Wing", with reference to a seine, means a panel of netting on one or both ends of the seine, which panel has a larger mesh than the main body of the seine and is used to guide fish into the main body of the seine.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 1-1-89, Amended 11-26-92.*

**46-4.0025 Other Definitions.** As used in this chapter, unless otherwise defined:

(1) "Diving" means wholly or partially submerging oneself in the water, either equipped with a face mask or snorkel or underwater breathing apparatus.

(2) "Harvest" means the catching or taking of any fish by any means whatsoever, followed by a reduction of such fish to possession.

(3) "Inside waters" means all state waters landward of the Colregs Demarcation Line.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 11-26-92.*

**46-4.004 Use of Power With Certain Gear Prohibited in Inside Waters; Exceptions; Definition.**

(1) No person shall use other than manual means to drag, sweep, retrieve, or gather in any beach or haul seine fished in nearshore and inshore Florida waters.

(2) This rule shall not be construed to prohibit the use of a vessel under power to set or position beach or haul seine in the waters of the state, where otherwise allowed.

(3) This rule shall not be construed to allow the use of a beach or haul seine in any county where such use is otherwise prohibited by law or rule.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 10-19-89, Amended 11-26-92, 9-30-96.*

**46-4.005 Repeal and Replacement of Section 370.08(7), Florida Statutes; Specialized Gear, Special Activity Licenses.**

(1) This rule is intended to effect the repeal and replacement of subsection (7) of Section 370.08, Florida Statutes.

(2) No person shall use any gear or equipment to harvest any marine fish, which gear is not allowed by rule of the Marine Fisheries Commission or by Chapter 370, Florida Statutes, unless such person has first obtained a special activity license from the Division of Marine Resources of the Department of Natural Resources

pursuant to this rule. The Marine Fisheries Commission has determined that such special activity licenses are in the best interests of management and conservation of Florida's marine fishery resources in three distinct situations as specified in this rule.

(a) Gear Innovation — A person possessing a saltwater products license shall be issued a special activity license to test innovative gear not otherwise meeting applicable gear specifications if the following criteria are satisfied:

1. The person shall have at least five year's experience as a commercial harvester in this state, with demonstrated landings of the species sought to be taken with the innovative gear over that time period. If the species to be targeted is a restricted species, the person shall have a restricted species endorsement affixed to his saltwater products license.

2. The area in which the innovative gear is to be tested shall be specified and a working knowledge of this area shall be demonstrated. The gear shall not be tested in an area where the particular gear is otherwise expressly prohibited.

3. The gear to be used shall be described in enough detail to allow the Department to assess likely impacts on marine habitat and species other than the one targeted. No license shall be issued for the use of any gear that is determined likely to capture any protected (as designated by rule of the Marine Fisheries Commission), threatened, or endangered species or incidentally harvest species otherwise lawfully harvested in an amount exceeding 5% of the combined whole weight of the targeted species. Satisfaction of this criterion is required for issuance of a license for any gear not meeting the tending requirements in Rule 46-4.008 or the maximum length and soak time requirements of Rule 46-4.0081.

4. The gear shall be tested during times when the season is open for harvest of the species being targeted and shall be marked in compliance with Rule 46-4.008, F.A.C. The quantities expected to be harvested shall not exceed any applicable daily harvest limit and the person seeking the license shall agree not to sell any amount harvested in excess of such limits.

5. A log of activities, area, time fished, and other details specified by the Division shall be maintained throughout any gear testing. Results of the gear testing shall be reported to the Division on a regular basis and in a manner deemed reasonable by the Division. Additionally, the appropriate district office of the Marine Patrol and the Division of Marine Resources shall be notified prior to each deployment of the gear. This notification shall occur in a timely fashion to allow the Division to assign or require an on-board observer to view the deployment. All records relating to the testing, including logs and trip tickets, shall be available for inspection by the Division at any reasonable time.

6. A special activities license issued pursuant to this paragraph shall not be renewed or reissued

two or more walls of netting hung from the same cork and lead lines, with one wall having a larger mesh than the other(s), which traps a fish in a pocket of netting when the fish pushes the smaller mesh wall through a mesh in the larger mesh wall.

(12) "Underwater breathing apparatus" means any apparatus, whether self-contained or connected to a distant source of air or other gas, whereby a person wholly or partially submerged in water is able to obtain or reuse air or any other gas or gasses for breathing without returning to the surface of the water.

(13) "Wing", with reference to a seine, means a panel of netting on one or both ends of the seine, which panel has a larger mesh than the main body of the seine and is used to guide fish into the main body of the seine.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 1-1-89, Amended 11-26-92.*

**46-4.0025 Other Definitions.** As used in this chapter, unless otherwise defined:

(1) "Diving" means wholly or partially submerging oneself in the water, either equipped with a face mask or snorkel or underwater breathing apparatus.

(2) "Harvest" means the catching or taking of any fish by any means whatsoever, followed by a reduction of such fish to possession.

(3) "Inside waters" means all state waters landward of the Colregs Demarcation Line.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 11-26-92.*

**46-4.004 Use of Power With Certain Gear Prohibited in Inside Waters; Exceptions; Definition.**

(1) No person shall use other than manual means to drag, sweep, retrieve, or gather in any beach or haul seine fished in nearshore and inshore Florida waters.

(2) This rule shall not be construed to prohibit the use of a vessel under power to set or position beach or haul seine in the waters of the state, where otherwise allowed.

(3) This rule shall not be construed to allow the use of a beach or haul seine in any county where such use is otherwise prohibited by law or rule.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 10-19-89, Amended 11-26-92, 9-30-96.*

**46-4.005 Repeal and Replacement of Section 370.08(7), Florida Statutes; Specialized Gear, Special Activity Licenses.**

(1) This rule is intended to effect the repeal and replacement of subsection (7) of Section 370.08, Florida Statutes.

(2) No person shall use any gear or equipment to harvest any marine fish, which gear is not allowed by rule of the Marine Fisheries Commission or by Chapter 370, Florida Statutes, unless such person has first obtained a special activity license from the Division of Marine Resources of the Department of Natural Resources

pursuant to this rule. The Marine Fisheries Commission has determined that such special activity licenses are in the best interests of management and conservation of Florida's marine fishery resources in three distinct situations as specified in this rule.

(a) Gear Innovation — A person possessing a saltwater products license shall be issued a special activity license to test innovative gear not otherwise meeting applicable gear specifications if the following criteria are satisfied:

1. The person shall have at least five year's experience as a commercial harvester in this state, with demonstrated landings of the species sought to be taken with the innovative gear over that time period. If the species to be targeted is a restricted species, the person shall have a restricted species endorsement affixed to his saltwater products license.

2. The area in which the innovative gear is to be tested shall be specified and a working knowledge of this area shall be demonstrated. The gear shall not be tested in an area where the particular gear is otherwise expressly prohibited.

3. The gear to be used shall be described in enough detail to allow the Department to assess likely impacts on marine habitat and species other than the one targeted. No license shall be issued for the use of any gear that is determined likely to capture any protected (as designated by rule of the Marine Fisheries Commission), threatened, or endangered species or incidentally harvest species otherwise lawfully harvested in an amount exceeding 5% of the combined whole weight of the targeted species. Satisfaction of this criterion is required for issuance of a license for any gear not meeting the tending requirements in Rule 46-4.008 or the maximum length and soak time requirements of Rule 46-4.0081.

4. The gear shall be tested during times when the season is open for harvest of the species being targeted and shall be marked in compliance with Rule 46-4.008, F.A.C. The quantities expected to be harvested shall not exceed any applicable daily harvest limit and the person seeking the license shall agree not to sell any amount harvested in excess of such limits.

5. A log of activities, area, time fished, and other details specified by the Division shall be maintained throughout any gear testing. Results of the gear testing shall be reported to the Division on a regular basis and in a manner deemed reasonable by the Division. Additionally, the appropriate district office of the Marine Patrol and the Division of Marine Resources shall be notified prior to each deployment of the gear. This notification shall occur in a timely fashion to allow the Division to assign or require an on-board observer to view the deployment. All records relating to the testing, including logs and trip tickets, shall be available for inspection by the Division at any reasonable time.

6. A special activities license issued pursuant to this paragraph shall not be renewed or reissued





unless all conditions of the license which implement these criteria were met for the prior license period.

7. This paragraph shall not be construed to allow the issuance of a special activity license for nonconforming gear used in the harvest of sponges.

(b) Public Purpose — A person possessing a saltwater products license shall be issued a special activities license to use gear not otherwise meeting applicable gear specifications if such use is found by the Division to be for a public purpose and each of the following criteria is satisfied:

1. Issuance shall be based upon the written request of a municipal or county government or a state agency. The request shall establish necessity for the use of nonconforming gear in furtherance of the public health, safety, or welfare.

2. The species to be targeted shall not be any protected (as designated by rule of the Marine Fisheries Commission), restricted, threatened, or endangered species. The Division shall not issue any license pursuant to this paragraph unless it is satisfied that no incidentally harvested species otherwise lawfully harvested will exceed 5% of the combined whole weight of the targeted species.

3. The area in which the nonconforming gear is to be used shall be specified and shall be limited to the minimum area necessary to satisfy the established public purpose.

4. The time during which the nonconforming gear is to be used shall be specified and shall be limited to the minimum time necessary to satisfy the established public purpose.

5. The quantity of the targeted species to be harvested with the nonconforming gear shall be specified, shall not threaten the continuing health and abundance of the species, and shall be the minimum quantity necessary to satisfy the established public purpose.

6. A log of activities, area, time fished, and other details specified by the Division shall be maintained throughout the period of nonconforming gear use. Results of such use shall be reported to the Division on a regular basis and in a manner deemed reasonable by the Division. Additionally, the Marine Patrol and the Division of Marine Resources shall be notified prior to each deployment of the gear. This notification shall occur in a timely fashion to allow the Division to assign an on-board observer to view the deployment. All records relating to the nonconforming gear use, including logs and trip tickets, shall be available for inspection by the Division at any reasonable time.

7. A special activities license issued pursuant to this paragraph shall not be renewed or reissued unless all conditions of the license which implement these criteria were met for the prior license period.

(c) Scientific Purpose — A public or private institution of higher learning or secondary school, a private marine research institute or corporation, a state agency, or a person contracting with such an entity shall be issued a special activity license to use gear not otherwise meeting applicable gear

specifications if such use is found by the Division to be for a scientific purpose and the following criteria are satisfied:

1. Issuance shall be based upon existence of a plan for scientific research of marine organisms, to advance or confirm the existing body of scientific knowledge regarding such organisms, or a course outline for a marine science class involving field examination of marine species. The issuance of a license pursuant to this paragraph shall not obviate the need for a permit issued pursuant to Section 370.10(2) or Section 370.101(2), Florida Statutes.

2. The area in which the nonconforming gear is to be used shall be specified and shall be limited to the minimum area necessary to satisfy the established scientific purpose.

3. The time during which the nonconforming gear is to be used shall be specified and shall be limited to the minimum time necessary to satisfy the established scientific purpose.

4. The gear to be used shall not be designed to kill targeted species unless it is required to accomplish the scientific purpose. Any species that are harvested shall not be sold, unless the applicant is a nonprofit charitable corporation pursuant to 26 U.S.C. 501(c)3 and holds a current letter of determination of such tax exempt status.

5. A log of activities, area, time fished, and other details specified by the Division shall be maintained throughout the period of nonconforming gear use. Any reports detailing scientific results of the gear use shall be provided to the Division.

6. A special activities license issued pursuant to this paragraph shall not be renewed or reissued unless all conditions of the license which implement these criteria were met for the prior license period.

*Specific Authority: 370.027(2) FS., s. 7, Chapter 83-134, Laws of Florida, as amended by s. 2, Chapter 84-121, Laws of Florida, and s. 1, Chapter 85-163, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 7, Chapter 83-134, Laws of Florida, as amended by s. 2, Chapter 84-121, Laws of Florida, and s. 1, Chapter 85-163, Laws of Florida. History—New 4-18-90, Amended 11-26-92, 9-1-93.*

#### 46-4.006 Gill Net Maximum Mesh Specification.

*Specific Authority: 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 3-20-91, Repealed 9-30-96.*

46-4.007 Gear Specifications for Certain East Coast Counties: Closure of Certain Martin County Waters to Seine Fishing; Repealing and Readopting a Portion of Section 6 of Chapter 71-770, Laws of Florida, a Martin County Special Act. The requirements in this rule shall apply in the areas of the east coast counties indicated.

(1) During the period beginning September 1 of each year and continuing through the last day of February of the following year, no person shall fish with, set, or place any beach or haul seine in the following described waters of Martin County:

(a) All of the St. Lucie River, North and South Forks, west of the U.S. Highway 1 (Roosevelt)

Bridge.

(b) All inland waters, including the Intracoastal Waterway, Hole-in-the-wall, Great Pocket, North Jupiter Narrows, Peck Lake, and South Jupiter Narrows, from a line running between Rocky Point and the conjunction of the Colregs Demarcation Line and South Point at the St. Lucie Inlet, southward to the State Road 708 Bridge.

(2)(a) It is the intent of this rule to repeal section 6 of Chapter 71-770, Laws of Florida, which regulates the number and length of nets used in the inside waters of Martin County. Paragraph (b) of this subsection readopts a prohibition previously a part of section 6 of Chapter 71-770, Laws of Florida.

(b) In the inside waters of Martin County, no person shall retrieve or gather up any gill or trammel net by pulling such net upon the shore. The "inside waters of Martin County" means all state waters of the county landward of the Colregs Demarcation Line. This provision shall not be construed to allow net fishing in any area closed to such fishing by subsection (1) of this rule.

(c) The Marine Fisheries Commission has determined that the repeal and readoption of a portion of section 6 of Chapter 71-770, Laws of Florida, will not adversely affect the marine resources of Martin County or of the State of Florida.

*Specific Authority: 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by s. 1, Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by s. 1, Chapter 84-121, Laws of Florida. History—New 7-4-91, Amended 1-23-94, 1-3-95, 9-30-96.*

#### 46-4.008 Statewide Net Tending and Marking Requirements; Definitions; Repeal of Section 370.082, Florida Statutes.

(1) Each net fished with, set, or placed in the water shall be tended. Until May 1, 1994, in Nassau, Duval, and St. Johns Counties only, the requirements of this subsection shall not apply to any person fishing with, setting, or placing a net seaward of the Colregs Demarcation Line during the period beginning January 1 and continuing through April 30 of each year.

(2) Each net fished with, set, or placed in the water shall be marked in the following manner:

(a) During the period beginning one hour before official sunrise and ending one hour after official sunset, an international orange float with a diameter of at least 12 inches or an end buoy equipped with a high flier (a vertical rod rising at least 24 inches above the surface of the water) displaying a net signal flag shall be affixed at each end of the cork line of the net. The net signal flag shall be triangular, have dimensions no smaller than 12" x 18" x 18", and have a white circle at least 6 inches in diameter on a field of bright orange. During the period beginning one hour after official sunset and ending one hour before official sunrise, a white light visible 360° from a distance of not less than one mile shall be affixed at each end of the cork line of the net. If one end of a net is retained aboard the vessel during a fishing

operation, such end need not be marked with float, high flier with net signal flag, or light. At all times, corks or floats of contrasting color shall be affixed at no greater than 100-yard intervals along the cork line of the net.

(b) Each such float, high flier with net signal flag, light, and cork or float of contrasting color shall be legibly marked with a saltwater products license number which matches either:

1. The saltwater products license number issued for the vessel on which the net is possessed or from which the net is deployed, or

2. The saltwater products license number of the operator of the vessel on which the net is possessed or from which the net is deployed.

(3) Definitions. — For purposes of this rule:

(a) The term "tend" means that the person fishing with, setting, or placing the net in the water is either:

1. Within 300 yards of the net and using vessel movement and noise to force fish into the meshes of the net where they become entangled or trapped; or

2. Within 50 yards of the net if the vessel used is not in constant motion; or

3. Physically present at the net if the net is fished from shore or from a structure attached to shore.

(b) The term "net" shall be construed broadly to include all manner of gill and trammel nets and seines, except purse seines.

(4) This rule shall not be construed to allow net fishing in closed areas or the use of any fishing gear otherwise prohibited by law or rule.

(5) It is the intent of this rule to expressly effect the repeal of and replace Section 370.082, Florida Statutes. The Marine Fisheries Commission has determined that the repeal of this law will not adversely affect the marine resources of the State of Florida.

*Specific Authority: 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 5-1-92, Amended 7-18-94.*

#### 46-4.0081 Statewide Net Gear Specifications; Soaking Requirements; Definition; Exceptions.

(1) Except as provided herein and in subsection (3), beginning January 1, 1993, unless otherwise specified, the following gear specifications shall apply in all state waters:

(a) No person shall fish with, set, or place in the water or possess aboard a vessel while on the water any net with a total length greater than 600 yards.

(b) No more than one net shall be fished with, set, or placed in the water from a single vessel at any one time.

(c) No more than two nets shall be possessed aboard a vessel at any one time, including any net being fished; provided, however, that the two nets shall have stretched mesh sizes that differ by at least 1/4 inch or depths that differ by at least 25 meshes.

(d) No person shall tie or otherwise fasten together two or more nets in any manner so as to fish with, set, or place in the water a net exceeding

Bridge.

(b) All inland waters, including the Intracoastal Waterway, Hole-in-the-wall, Great Pocket, North Jupiter Narrows, Peck Lake, and South Jupiter Narrows, from a line running between Rocky Point and the conjunction of the Colregs Demarcation Line and South Point at the St. Lucie Inlet, southward to the State Road 708 Bridge.

(2)(a) It is the intent of this rule to repeal section 6 of Chapter 71-770, Laws of Florida, which regulates the number and length of nets used in the inside waters of Martin County. Paragraph (b) of this subsection readopts a prohibition previously a part of section 6 of Chapter 71-770, Laws of Florida.

(b) In the inside waters of Martin County, no person shall retrieve or gather up any gill or trammel net by pulling such net upon the shore. The "inside waters of Martin County" means all state waters of the county landward of the Colregs Demarcation Line. This provision shall not be construed to allow net fishing in any area closed to such fishing by subsection (1) of this rule.

(c) The Marine Fisheries Commission has determined that the repeal and readoption of a portion of section 6 of Chapter 71-770, Laws of Florida, will not adversely affect the marine resources of Martin County or of the State of Florida.

*Specific Authority 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by s. 1, Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by s. 1, Chapter 84-121, Laws of Florida. History—New 7-4-91, Amended 1-23-94, 1-3-95, 9-30-96.*

#### 46-4.008 Statewide Net Tending and Marking Requirements; Definitions; Repeal of Section 370.082, Florida Statutes.

(1) Each net fished with, set, or placed in the water shall be tended. Until May 1, 1994, in Nassau, Duval, and St. Johns Counties only, the requirements of this subsection shall not apply to any person fishing with, setting, or placing a net seaward of the Colregs Demarcation Line during the period beginning January 1 and continuing through April 30 of each year.

(2) Each net fished with, set, or placed in the water shall be marked in the following manner:

(a) During the period beginning one hour before official sunrise and ending one hour after official sunset, an international orange float with a diameter of at least 12 inches or an end buoy equipped with a high flier (a vertical rod rising at least 24 inches above the surface of the water) displaying a net signal flag shall be affixed at each end of the cork line of the net. The net signal flag shall be triangular, have dimensions no smaller than 12" x 18" x 18", and have a white circle at least 6 inches in diameter on a field of bright orange. During the period beginning one hour after official sunset and ending one hour before official sunrise, a white light visible 360° from a distance of not less than one mile shall be affixed at each end of the cork line of the net. If one end of a net is retained aboard the vessel during a fishing

operation, such end need not be marked with float, high flier with net signal flag, or light. At all times, corks or floats of contrasting color shall be affixed at no greater than 100-yard intervals along the cork line of the net.

(b) Each such float, high flier with net signal flag, light, and cork or float of contrasting color shall be legibly marked with a saltwater products license number which matches either:

1. The saltwater products license number issued for the vessel on which the net is possessed or from which the net is deployed, or

2. The saltwater products license number of the operator of the vessel on which the net is possessed or from which the net is deployed.

(3) Definitions. — For purposes of this rule:

(a) The term "tend" means that the person fishing with, setting, or placing the net in the water is either:

1. Within 300 yards of the net and using vessel movement and noise to force fish into the meshes of the net where they become entangled or trapped; or

2. Within 50 yards of the net if the vessel used is not in constant motion; or

3. Physically present at the net if the net is fished from shore or from a structure attached to shore.

(b) The term "net" shall be construed broadly to include all manner of gill and trammel nets and seines, except purse seines.

(4) This rule shall not be construed to allow net fishing in closed areas or the use of any fishing gear otherwise prohibited by law or rule.

(5) It is the intent of this rule to expressly effect the repeal of and replace Section 370.082, Florida Statutes. The Marine Fisheries Commission has determined that the repeal of this law will not adversely affect the marine resources of the State of Florida.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 3-1-92, Amended 7-18-94.*

#### 46-4.0081 Statewide Net Gear Specifications; Soaking Requirements; Definition; Exceptions.

(1) Except as provided herein and in subsection (3), beginning January 1, 1993, unless otherwise specified, the following gear specifications shall apply in all state waters:

(a) No person shall fish with, set, or place in the water or possess aboard a vessel while on the water any net with a total length greater than 600 yards.

(b) No more than one net shall be fished with, set, or placed in the water from a single vessel at any one time.

(c) No more than two nets shall be possessed aboard a vessel at any one time, including any net being fished; provided, however, that the two nets shall have stretched mesh sizes that differ by at least ¼ inch or depths that differ by at least 25 meshes.

(d) No person shall use or otherwise fasten together two or more nets in any manner so as to fish with, set, or place in the water a net exceeding





the 600-yard limit specified in paragraph (a).

(e) No person shall soak a net for more than one hour, beginning when the first mesh is placed in the water and ending either when the first mesh is retrieved back aboard the vessel or on shore or the gathering or pursing of the net is begun to facilitate retrieval back aboard the vessel, whichever occurs sooner. Once either the first mesh is retrieved back aboard the vessel or on shore or the gathering or pursing is begun, the netting operation shall be continuous until the net is completely removed from the water. Until May 1, 1994, in Nassau, Duval, and St. Johns Counties only, the requirements of this paragraph shall not apply to any person fishing with, setting, or placing a net seaward of the Colregs Demarcation Line during the period beginning January 1 and continuing through April 30 of each year.

(f) Beginning January 1, 1995, no person shall fish with, set, or place in the water any gill or trammel net with a mesh size smaller than 3 inches stretched mesh.

(g) No person shall fish with, set, or place in the water any seine with a mesh size larger than 2 inches stretched mesh, excluding the wing portions of the seine.

(2) For purposes of this rule, the term "net" shall be construed broadly to include all manner of gill and trammel nets and seines, except purse seines and cast nets.

(3) Exceptions. —

(a) This rule shall not apply to persons in transit through state waters to fish in or return from the waters of another state or from federal Exclusive Economic Zone (EEZ) waters, where the use of the net gear in possession is otherwise legal.

(b) This rule shall not be construed to supersede the requirements of Rules 46-3.008(3)(c)3., 46-3.028(5), 46-3.029(3) and (4), and 46-3.037(3).  
*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 11-26-92, Amended 4-12-93.*

#### 46-4.0085 Recreational Gear: Gill and Trammel Nets and Certain Seines Prohibited.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 11-26-92, Repealed 9-30-96.*

46-4.0086 Hook and Line Gear: Tending Requirement. Beginning January 1, 1993, hook and line gear used in or on the waters of the State shall be tended. The term "tended" for purposes of this rule means that the person fishing the gear is physically present at the terminus of the gear.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 11-26-92.*

46-4.0087 Longlines: Use and Possession in or on State Waters Prohibited; Exception. Beginning January 1, 1993, no person shall fish with, set, or place in state waters any longline gear. Except for persons in transit through state waters to fish in and return from the waters of another state or from federal Exclusive Economic Zone (EEZ) waters where the use of such gear is legal, no person shall possess aboard any vessel in or on state waters any

longline gear.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 11-26-92.*

#### 46-4.009 Monofilament Line and Netting: Prohibition of Intentional Discard, Recovery Requirements, Recommendations for Appropriate Disposal.

(1) No person shall intentionally discard any monofilament fishing line or monofilament netting into or onto the waters of the state. Waste monofilament fishing line and monofilament netting shall be disposed of on land and, if the material is possessed aboard a vessel, it shall be safely kept aboard the vessel until such disposal can be accomplished.

(2) Any person recovering monofilament fishing line or monofilament netting from the waters of the state shall dispose of such material pursuant to subsection (1) of this rule. If the volume or condition of such material precludes the proper disposal thereof, the person shall notify the Marine Patrol of its location.

(3) Each person operating a vessel in or on the waters of the state is encouraged to designate a container aboard the vessel for waste disposal of monofilament fishing line, monofilament netting, and any other nondegradable material.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 3-1-92.*

#### 46-4.010 Prohibition of Fishing With Motorized Vessels in Lake Avoca, Pinellas County. No person shall use any gasoline or electric motorized vessel to seek, take, or attempt to take any fish in or on Lake Avoca in Pinellas County.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 3-1-92.*

46-4.011 Prohibition of Net Fishing in Faka Union River, Collier County. No person shall fish with, set, or place any net other than a cast net or landing or dip net, in the waters of the Faka Union River (also known as the Faka Union Canal), or any tributary thereof, in Collier County, between 25°54'52" North latitude southward to the mouth of the river, defined as a straight line between green marker 49 and red marker 50 extended on either side to the adjacent mangrove shorelines.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 3-1-92.*

#### 46-4.012 Powerheads: Use to Harvest Fish in State Waters Prohibited; Definition. Beginning January 1, 1993:

(1) No person shall use any powerhead to harvest any fish in state waters. Powerheads may be possessed while diving in state waters for the purpose of personal protection.

(2) The possession of any fish that has been harvested with a powerhead, aboard a vessel fishing or at rest in state waters, shall constitute a violation of this rule.

(3) The term "harvest" for purposes of this rule means the catching or taking of a fish by killing or wounding it, followed by a reduction of such fish

to possession.

(4) This rule shall not be construed to effect the repeal of subsection (5) of Section 370.08, Florida Statutes.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 11-26-92, Amended 7-15-96.*

**46-4.013 Limitation on Use of Spotter Planes.** Beginning January 1, 1993, no person shall harvest any marine fish in any waters of the state with the aid of any spotter plane, except for those species allowed to be harvested with a purse seine pursuant to Section 370.08(3), Florida Statutes.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 11-26-92, Amended 9-30-96.*

**46-4.014 Southwest Florida Purse Seine Restrictions: Gear Specifications; Area Limitation; Local Law Repeals.**

(1) In the areas of Pinellas, Hillsborough, and Manatee Counties specified in subsection (2), no person shall use any purse seine with a total length in excess of 600 yards or with a depth greater than 1,500 meshes

(2) In Pinellas, Hillsborough, and Manatee Counties, no person shall fish with, set, or place any purse seine in the following described area:

All waters of Pinellas, Hillsborough, and Manatee Counties east of a line 3 miles west and running parallel to the Colregs Demarcation Line, between the Pinellas-Pasco County line on the north and the Manatee-Sarasota County line on the south.

(3)(a) The Marine Fisheries Commission has determine that repeal of the Pinellas and Manatee special acts or portions thereof, as enumerated in paragraph (b), in conjunction with the adoption of the substantive provisions of this rule, will not adversely affect the marine resources of these counties or of the State of Florida.

(b) The following special acts or portions of special acts applicable to Pinellas or Manatee Counties, rules of the Department of Environmental Protection (formerly the Department of Natural Resources) pursuant to section 2, subsection (5) of Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida, are hereby repealed:

1. Section 1 of Chapter 81-472, Laws of Florida (1981). Applicable to Pinellas County, this provision deals with pursing type nets used to take baitfishes in Pinellas County.

2. Section 1 of Chapter 70-795, Laws of Florida (1970), as amended by Chapter 80-540, Laws of Florida (1980). Applicable to Manatee County, this provision deals with pursing type nets used to take certain baitfishes in Manatee County.

*Specific Authority 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 7-1-93, Amended 9-30-96.*

**46-4.015 Gear Specifications for the Panhandle Region: Recreational Net Fishing; Areas Closed to Net Fishing.** The requirements in this rule shall apply in the Panhandle Region, which shall include the state waters of Gulf, Bay, Walton, Okaloosa, Santa Rosa, and Escambia Counties.

(1) No person shall fish with, set, or place any beach or haul seine in the waters of the region described in this subsection to harvest or attempt to harvest any marine fish.

(a) All the waters of Lake Wimico and its tributaries, including the Jackson River from its confluence with the Apalachicola River westward to the lake, Depot Creek, the Intracoastal Waterway from a line intersecting each shoreline drawn through Flashing Red Marker 10 on the north and Green Marker 1 on the south (near the eastern end of East Bay) eastward to the lake, and the Gulf County Canal from the U.S. Highway 98 (Highland View) Bridge northeastward to the Intracoastal Waterway.

(b) All the waters of Sandy Creek, its tributaries, and within 100 yards of its mouth in East Bay, in Bay County. The mouth of Sandy Creek shall be construed to be the narrowing of the waterbody near 30°03'30" N. Latitude.

(c) All of the waters of Walkley Bayou (also known as Bull Bayou), its tributaries, and within 100 yards of its mouth in East Bay, in Bay County.

(d) All of the waters of Farndale Bayou (also known as Maddox Bayou), its tributaries, and within 100 yards of its mouth in East Bay, in Bay County.

(e) All of the waters of Cook's Bayou (also known as Laird Bayou), its tributaries, and within 100 yards of its mouth in East Bay, in Bay County. The mouth of Cook's Bayou shall be construed to be the narrowing of the waterbody just south of 30°07'25" N. Latitude.

(f) All of the waters of Callaway Bayou and its tributaries north of a straight line beginning at Wilson Point on the west and running northeasterly to Green Point on the east, in Bay County.

(g) All of the waters of Doty's Cove (also known as Emmon's Cove), its tributaries, and within 100 yards of its mouth in East Bay, in Bay County.

(h) All of the waters of Martin Lake and its tributaries east of U.S. Business Highway 98 in Bay County.

(i) All of the waters of Watson Bayou, its tributaries, and within 100 yards of its mouth in East Bay, in Bay County.

(j) All of the waters of Massalina Bayou and its tributaries northeast of Beach Drive, in Bay County.

(k) All of the waters of Johnson Bayou and its tributaries north of Beach Drive, in Bay County.

(l) All of the waters of Mill Bayou, its tributaries, and within 100 yards of its mouth in North Bay, in Bay County.

(m) All of the waters of Pretty Bayou, its tributaries, and within 100 yards of its mouth in West Bay, in Bay County.



to possession.

(4) This rule shall not be construed to effect the repeal of subsection (5) of Section 370.08, Florida Statutes.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 11-26-92, Amended 7-15-96.*

**46-4.013 Limitation on Use of Spotter Planes.** Beginning January 1, 1993, no person shall harvest any marine fish in any waters of the state with the aid of any spotter plane, except for those species allowed to be harvested with a purse seine pursuant to Section 370.08(3), Florida Statutes.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 11-26-92, Amended 9-30-96.*

**46-4.014 Southwest Florida Purse Seine Restrictions: Gear Specifications; Area Limitation; Local Law Repeals.**

(1) In the areas of Pinellas, Hillsborough, and Manatee Counties specified in subsection (2), no person shall use any purse seine with a total length in excess of 600 yards or with a depth greater than 1,500 meshes.

(2) In Pinellas, Hillsborough, and Manatee Counties, no person shall fish with, set, or place any purse seine in the following described area:

All waters of Pinellas, Hillsborough, and Manatee Counties east of a line 3 miles west and running parallel to the Colregs Demarcation Line, between the Pinellas-Pasco County line on the north and the Manatee-Sarasota County line on the south.

(3)(a) The Marine Fisheries Commission has determine that repeal of the Pinellas and Manatee special acts or portions thereof, as enumerated in paragraph (b), in conjunction with the adoption of the substantive provisions of this rule, will not adversely affect the marine resources of these counties or of the State of Florida.

(b) The following special acts or portions of special acts applicable to Pinellas or Manatee Counties, rules of the Department of Environmental Protection (formerly the Department of Natural Resources) pursuant to section 2, subsection (5) of Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida, are hereby repealed:

1. Section 1 of Chapter 81-472, Laws of Florida (1981). Applicable to Pinellas County, this provision deals with pursing type nets used to take baitfishes in Pinellas County.

2. Section 1 of Chapter 70-795, Laws of Florida (1970), as amended by Chapter 80-540, Laws of Florida (1980). Applicable to Manatee County, this provision deals with pursing type nets used to take certain baitfishes in Manatee County.

*Specific Authority 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 7-1-93, Amended 9-30-96.*

**46-4.015 Gear Specifications for the Panhandle Region: Recreational Net Fishing; Areas Closed to Net Fishing.** The requirements in this rule shall apply in the Panhandle Region, which shall include the state waters of Gulf, Bay, Walton, Okaloosa, Santa Rosa, and Escambia Counties.

(1) No person shall fish with, set, or place any beach or haul seine in the waters of the region described in this subsection to harvest or attempt to harvest any marine fish.

(a) All the waters of Lake Wimico and its tributaries, including the Jackson River from its confluence with the Apalachicola River westward to the lake, Depot Creek, the Intracoastal Waterway from a line intersecting each shoreline drawn through Flashing Red Marker 10 on the north and Green Marker 1 on the south (near the eastern end of East Bay) eastward to the lake, and the Gulf County Canal from the U.S. Highway 98 (Highland View) Bridge northeastward to the Intracoastal Waterway.

(b) All the waters of Sandy Creek, its tributaries, and within 100 yards of its mouth in East Bay, in Bay County. The mouth of Sandy Creek shall be construed to be the narrowing of the waterbody near 30°03'30" N. Latitude.

(c) All of the waters of Walkley Bayou (also known as Bull Bayou), its tributaries, and within 100 yards of its mouth in East Bay, in Bay County.

(d) All of the waters of Farmdale Bayou (also known as Maddox Bayou), its tributaries, and within 100 yards of its mouth in East Bay, in Bay County.

(e) All of the waters of Cook's Bayou (also known as Laird Bayou), its tributaries, and within 100 yards of its mouth in East Bay, in Bay County. The mouth of Cook's Bayou shall be construed to be the narrowing of the waterbody just south of 30°07'25" N. Latitude.

(f) All of the waters of Callaway Bayou and its tributaries north of a straight line beginning at Wilson Point on the west and running northeasterly to Green Point on the east, in Bay County.

(g) All of the waters of Doty's Cove (also known as Emmon's Cove), its tributaries, and within 100 yards of its mouth in East Bay, in Bay County.

(h) All of the waters of Martin Lake and its tributaries east of U.S. Business Highway 98 in Bay County.

(i) All of the waters of Watson Bayou, its tributaries, and within 100 yards of its mouth in East Bay, in Bay County.

(j) All of the waters of Massalina Bayou and its tributaries northeast of Beach Drive, in Bay County.

(k) All of the waters of Johnson Bayou and its tributaries north of Beach Drive, in Bay County.

(l) All of the waters of Mill Bayou, its tributaries, and within 100 yards of its mouth in North Bay, in Bay County.

(m) All of the waters of Pretty Bayou, its tributaries, and within 100 yards of its mouth in West Bay, in Bay County.



(n) All of the waters of Burnt Mill Creek (or Bayou) north of a straight line beginning at Graze Point on the west and running southeasterly to Cedar Point on the east, in Bay County.

(o) All of the waters of Crooked Creek and its tributaries north of a straight line beginning at Crooked Point on the west and running northeasterly to Doyle Point on the east, in Bay County.

(p) All of the waters of Lake Powell and Phillips Inlet, their tributaries, and within 100 yards of the mouth of Phillips Inlet in the Gulf of Mexico, in Bay and Walton Counties.

(q) All of the waters of Pippin Lake, its tributaries, and within 100 yards of its mouth in Choctawhatchee Bay, in Okaloosa County.

(r) All of Blackwater Bay and its tributaries north of the Interstate 10 Bridge, in Santa Rosa County.

(2)(a) The Marine Fisheries Commission has determined that repeal of Chapter 19694, Laws of Florida (1939), as amended by Chapter 63-1112, Laws of Florida (1963), and Chapter 71-534, Laws of Florida (1971), Bay County special acts, in conjunction with the adoption of subsection (3) of this rule, will not adversely affect the marine resources of Bay County or of the State of Florida. Applicable to Bay County, these special acts close certain local small bodies of water in the county to nets.

(b) Chapter 19694, Laws of Florida (1939), as amended by Chapter 63-1112, Laws of Florida (1963), and Chapter 71-534, Laws of Florida (1971), rules of the Department of Environmental Protection (formerly the Department of Natural Resources) pursuant to section 2, subsection (5) of Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida, is hereby repealed.

*Specific Authority 370.027(2) FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 3-16-93, Amended 9-30-96.*

#### 46-4.016 Gear Specifications for the Big Bend Region: Recreational Net Fishing.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 9-1-93, Repealed 9-30-96.*

46-4.017 Gear Specifications for the Southwest Region: Exceptions to Statewide Net Gear Requirements; Areas Closed to Net Fishing; J. N. "Ding" Darling National Wildlife Refuge/Sanibel Conservation Zone; Blind Pass Seasonal Closure to Net Fishing; Definition. The requirements in this rule shall apply in the Southwest Region, which shall include the state waters of Collier, Lee, Charlotte, Sarasota, Manatee, Hillsborough, and Pinellas Counties.

(1) In Manatee, Sarasota, Charlotte, Lee, and Collier Counties, a two net seine, consisting of a main net and unattached wing, may be possessed and fished if the following operational requirements and specifications are met:

(a) Neither seine shall have a mesh area exceeding 500 square feet and the two seines shall not be connected.

(b) One end of the main net shall be anchored on the shore.

(c) During the period beginning one hour after official sunset and ending one hour before official sunrise, a boat with a white light visible 360° from a distance of not less than one mile shall be anchored at the most seaward point of the seine.

(d) The seine shall not be soaked for more than 12 hours, beginning when the first mesh is placed in the water and ending when the first mesh is retrieved on shore. Once the first mesh is retrieved on shore, the net retrieval and fish cleaning operation shall be continuous until all parts of the net are completely removed from the water.

(e) The tending requirements of Rule 46-4.008(1) shall be observed.

(f) The seine allowed by this subsection shall not be fished in the inside waters of the counties to which this subsection applies. This shall not be construed to prohibit the anchoring of the main net on shore, when the remainder of the main net and the wing are fished outside the Colregs Demarcation Line.

(2) During the period beginning on November 1 of each year and continuing through January 31 of the following year, no person shall fish with, set, or place any beach or haul seine in the waters of the region described in this subsection to harvest or attempt to harvest any marine fish.

(a) All the waters of the Gordon River in Collier County and its tributaries north of U.S. 41.

(b) All the waters of the Imperial River in Lee County and its tributaries, including those connecting the Imperial River with Big Hickory Bay, upstream of a line immediately east of the intersection of channels connecting the River with Fish Trap Bay and Little Hickory Bay, which line runs between 26°20'09" N. Latitude, 81°50'18" W. Longitude on the east side of the river to 26°20'09" N. Latitude, 81°50'20" W. Longitude on the west side of the river.

(c) All of the Estero River in Lee County and its tributaries, including those connecting the Estero River with Rocky Bay, upstream of the mouth of the river, which is east of a line that runs between 26°25'52" N. Latitude, 81°50'29" W. Longitude on the north side of the river mouth to 26°25'51" N. Latitude, 81°50'28" W. Longitude on the south side of the river mouth.

(d) All of Hendry Creek in Lee County and its tributaries, upstream of the mouth of the river, which is north of a line that runs between Dixon Point at 26°27'27" N. Latitude, 81°50'29" W. Longitude on the west side of the river mouth and the northernmost edge of the mouth of Mullock Creek at 26°27'39" N. Latitude, 81°52'06" W. Longitude on the east side of the river mouth.

(e) All of the Mayakka River in Charlotte and Sarasota Counties and its tributaries north and west of State Road 776 at El Jobean.

(f) All of the Alafia River in Hillsborough County and its tributaries east of U.S. Highway 41

at Gibsonton.

(g) All of the Hillsborough River in Hillsborough County and its tributaries north of the Platt Street Bridge in Tampa.

(3) J. N. "Ding" Darling National Wildlife Refuge/Sanibel Conservation Zone — Within the following described area in proximity to Sanibel Island in Lee County, no person shall harvest or attempt to harvest any marine species from any vessel to which is attached or which contains a simultaneously operating internal combustion engine.

Beginning at the mean high water line at a point due north from the intersection of Dixie Beach Boulevard and Woodring Road, and proceeding north (waterward) 300 feet; thence generally westerly at a set distance of 300 feet offset from the irregular contours of the mangrove shoreline and continuing 300 feet waterward of the Wulfert Keys to the center line of Blind Pass; thence southwest to the Gulf of Mexico at a point 300 feet waterward of the center of Blind Pass; thence southeast to the southeastern extent of the mouth of Clam Bayou Pass, and including all waterways, bays, creeks, and bayous landward of the

boundary line.

(4) Blind Pass Seasonal Closure to Net Fishing — Within the following described area, during the period beginning on November 1 of each year and continuing through January 31 of the following year, no person shall fish with, set, or place in the water any cast net.

Beginning at the northern side of the mouth of Dinken Bayou (also known as Jenkins Bayou) on Sanibel Island and proceeding southwesterly to the south side of the mouth of Roosevelt Channel on Captiva Island; thence following the shoreline of Captiva Island southwesterly to the conjunction of Captiva Island with the Colregs Demarcation Line on the northwest side of the mouth of Blind Pass on the Gulf of Mexico; thence following the Colregs Demarcation Line to the southeast side of the mouth of Blind Pass on Sanibel Island; thence northeasterly to the southern side of the mouth of Dinken Bayou; thence continuously along the interior shoreline of Dinken Bayou to the point of beginning.

*Specific Authority: 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 9-1-93, Amended 9-30-96.*

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at Gibsonton.

(g) All of the Hillsborough River in Hillsborough County and its tributaries north of the Platt Street Bridge in Tampa.

(3) J. N. "Ding" Darling National Wildlife Refuge/Sanibel Conservation Zone — Within the following described area in proximity to Sanibel Island in Lee County, no person shall harvest or attempt to harvest any marine species from any vessel to which is attached or which contains a simultaneously operating internal combustion engine.

Beginning at the mean high water line at a point due north from the intersection of Dixie Beach Boulevard and Woodring Road, and proceeding north (waterward) 300 feet; thence generally westerly at a set distance of 300 feet offset from the irregular contours of the mangrove shoreline and continuing 300 feet waterward of the Wulfert Keys to the center line of Blind Pass; thence southwest to the Gulf of Mexico at a point 300 feet waterward of the center of Blind Pass; thence southeast to the southeastern extent of the mouth of Clam Bayou Pass, and including all waterways, bays, creeks, and bayous landward of the

boundary line.

(4) Blind Pass Seasonal Closure to Net Fishing — Within the following described area, during the period beginning on November 1 of each year and continuing through January 31 of the following year, no person shall fish with, set, or place in the water any cast net.

Beginning at the northern side of the mouth of Dinken Bayou (also known as Jenkins Bayou) on Sanibel Island and proceeding southwesterly to the south side of the mouth of Roosevelt Channel on Captiva Island; thence following the shoreline of Captiva Island southwesterly to the conjunction of Captiva Island with the Colregs Demarcation Line on the northwest side of the mouth of Blind Pass on the Gulf of Mexico; thence following the Colregs Demarcation Line to the southeast side of the mouth of Blind Pass on Sanibel Island; thence northeasterly to the southern side of the mouth of Dinken Bayou; thence continuously along the interior shoreline of Dinken Bayou to the point of beginning.

*Specific Authority: 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 9-1-93, Amended 9-30-96.*

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**CHAPTER 46-23  
SPANISH MACKEREL**

46-23.001	Purpose, Intent and Repeal of Other Laws; Designation as Restricted Species.
46-23.002	Definitions.
46-23.003	Gear Specifications and Prohibited Gear.
46-23.004	Commercial Fishing Season for Spanish Mackerel; Commercial Vessel Limits.
46-23.005	Recreational Bag Limit for Spanish Mackerel.
46-23.006	Other Prohibitions.

**ANNOTATIONS**

*Constitutionality*

*U.S. District Court concluded that Chapter 46-23, Florida Administrative Code, violates the Equal Protection Clause of the United States Constitution insofar as it restricts Florida commercial fishermen from fishing in federal waters. Court also concluded that said rule chapter violates the Commerce Clause of the United States Constitution insofar as it interferes with the commerce between States. Furthermore, Court concluded that provisions of Chapter 46-23, F.A.C. which limit commercial mackerel fishing where federal regulations allow it were pre-empted by 50 C.F.R. Part 642.2(c). Accordingly, Court issued permanent injunction against the enforcement of subject rule chapter. Southeastern Fisheries Association, Inc. v. Martinez, 772 F. Supp. 1263 (S.D. Fla. 1991).*

**46-23.001 Purpose, Intent and Repeal of Other Laws; Designation as Restricted Species.**

(1) The purpose and intent of this chapter are to protect, manage, conserve and replenish Florida's Spanish mackerel resource, species *Scomberomorus maculatus*. Accordingly, this chapter is intended to repeal section 370.08(7), Florida Statutes.

(2) If any provision of this chapter is held to be an invalid exercise of delegated legislative authority, it is the intent of the Commission that the invalidity not affect other provisions of the chapter which can be given effect without the invalid provision, and to this end, the provisions of this chapter are declared to be severable.

(3) Spanish mackerel are hereby designated as a restricted species pursuant to section 370.01(20), Florida Statutes.

*Specific Authority 370.01(20), 370.027(2) FS., Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.01(20), 370.025, 370.027 FS., sections 7 and 9 of Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 11-28-85, Amended 10-30-86, 12-10-87, 10-1-88, 10-19-89, 9-30-96.*

**46-23.002 Definitions.**

(1) "Charter vessel" means a boat or vessel, including what is commonly known as a "headboat", whose captain or operator is licensed by the U.S. Coast Guard to carry passengers and whose passengers fish for a fee. The "crew" of a charter vessel means those individuals who receive monetary or other compensation from the vessel owner, captain, or operator or from the passengers

who are engaged in fishing from the vessel as anglers.

(2) "Commercial harvest," "harvest for commercial purposes," or words of similar import, when used in connection with the harvest of Spanish mackerel, means the taking or harvesting of any Spanish mackerel for purposes of sale or with intent to sell. Spanish mackerel harvested from state waters in excess of the recreational bag limit shall constitute harvest for commercial purposes.

(3) "Commission" means the Florida Marine Fisheries Commission.

(4) "East Coast Region" means state waters along the east coast of Florida north of the Dade-Monroe County line in the Atlantic Ocean.

(5) "Harvest" means the catching or taking of a fish by any means whatsoever, followed by a reduction of such fish to possession. Fish that are caught but immediately returned to the water free, alive and unharmed are not harvested.

(6) "Land", when used in connection with the harvest of a fish, means the physical act of bringing the harvested fish ashore.

(7) "Person" means any natural person, firm, entity or corporation.

(8) "Recreational harvester" means a person harvesting Spanish mackerel for other than commercial purposes.

(9) "Spanish mackerel" means any fish of the species *Scomberomorus maculatus*, or any part thereof.

(10) "Vessel" means and includes every description of water craft used or capable of being used as a means of transportation on water, including nondisplacement craft and any aircraft designed to maneuver on water.

(11) "West Coast Region" means state waters of the Atlantic Ocean south and west of the Dade-Monroe County line in the Atlantic Ocean and all state waters of the Gulf of Mexico.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 11-28-85, Amended 10-30-86, 10-1-88, 10-1-90, 11-29-93, 9-30-96.*

**46-23.003 Gear Specifications and Prohibited Gear.** The harvest or attempted harvest of any Spanish mackerel by or with the use of any gear other than a beach or haul seine, a cast net, or hook and line gear is prohibited.

*Specific Authority 370.027(2) FS., Law Implemented 370.025, 370.027 FS. History—New 11-28-85, Amended 10-30-86, 12-10-87, 10-1-88, 2-16-93, 11-29-93, 9-30-96.*

**46-23.004 Commercial Fishing Season for Spanish Mackerel; Commercial Vessel Limits.**

(1) East Coast Region.

(a) Persons harvesting Spanish mackerel for commercial purposes from waters of the East Coast Region shall have a season that begins on the regional season opening date of April 1 of each year and continues through March 31 of the following year. These persons shall be subject to the following commercial vessel limits:

1. Except as provided in subparagraph 2. of this subsection, no person harvesting Spanish mackerel

for commercial purposes shall harvest or land from a single vessel in any one day more than 1,500 pounds of Spanish mackerel. During this period, the possession of more than 1,500 pounds of Spanish mackerel aboard a single vessel in or on state waters at any time, is prohibited.

2. Beginning November 1 of each year the unlimited harvest of Spanish mackerel per vessel per day is allowed on Mondays, Wednesdays, and Fridays, until the date the unlimited harvest of Spanish mackerel in adjacent federal Exclusive Economic Zone (EEZ) waters is closed. From that date, until the end of the season (March 31), no person shall harvest, possess while in or on the waters of the state, or land from a single vessel in any one day within this region, more than 1500 pounds of Spanish mackerel.

(b) For purposes of this subsection:

1. A "day" starts at 6:00 a.m., local time, and extends for 24 hours. For example, Monday starts at 6:00 a.m. on Monday and extends until 6:00 a.m. on Tuesday. A person aboard a vessel terminating a trip prior to 6:00 a.m., but who possesses Spanish mackerel aboard the vessel after that time shall not be considered to possess Spanish mackerel in excess of the daily limits provided the vessel is not underway after 6:00 a.m. and such Spanish mackerel are unloaded prior to 6:00 p.m. following termination of the trip.

2. Transfer of Spanish mackerel harvested for commercial purposes between vessels within this region is prohibited.

(2) West Coast Region. Persons harvesting Spanish mackerel for commercial purposes from waters of the West Coast Region shall have a season that begins on the regional season opening date of April 1 of each year and continues through March 31 of the following year. If at any time during the season, adjacent federal Exclusive Economic Zone (EEZ) waters are closed to commercial harvest of Spanish mackerel, a limit of 500 pounds per vessel per day shall apply for the remainder of the season. During this period, no person shall harvest from state waters or land from a single vessel in any one day within this region more than 500 pounds of Spanish mackerel.

(3) Notice of the closure of each season segment described in paragraph (1)(a) or subsection (2) of this rule shall be given by the Secretary of the Department of Environmental Protection in the manner provided in s. 120.52(16)(d), Florida Statutes.

(4) For purposes of subsection (2) of this rule, the total regional commercial harvest of Spanish mackerel during a particular commercial fishing season shall consist of those Spanish mackerel harvested for commercial purposes by all forms of gear from the waters of the West Coast Region and the Exclusive Economic Zone of the United States (EEZ) contiguous to such waters, based on projections from official statistics collected and maintained by the Florida Department of Environmental Protection (DEP) pursuant to Florida's Marine Fisheries Information System, Chapter 16R-5, F.A.C., and the National Marine

Fisheries Service (NMFS). The count shall be conducted by the Fishery Statistics Section of the Department of Environmental Protection, Division of Marine Resources, and shall commence with Spanish mackerel commercially harvested on and after the regional season opening date of each year and continue until the regional season closing date of the following year.

(5) Nothing in this section shall be construed to permit the harvest of Spanish mackerel from any area, during any time, or utilizing any form of gear where same is otherwise prohibited by law.

*Specific Authority 120.52(16)(d), 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 10-30-86, Amended 12-10-87, 10-1-88, 11-1-89, 10-1-90, 11-26-92, 11-29-93, 9-30-96, 12-2-96.*

#### 46-23.005 Recreational Bag Limit for Spanish Mackerel.

(1) No recreational harvester shall harvest more than 10 Spanish mackerel per day from waters of the state.

(2)(a) No recreational harvester shall possess, while in or on the waters of the state or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters, more than 10 Spanish mackerel, whether harvested from state waters or from adjacent federal waters.

(b) The captain or crew of a charter vessel may each temporarily possess more than the applicable possession limit for Spanish mackerel, once the vessel is docked, for the limited purposes of transporting, cleaning, or storing fish for customers, so long as the fish are segregated in bags or other containers by customer and the customer has given written authorization to the captain to temporarily possess the fish for such limited purposes. The authorization shall remain attached to the bag or container containing the fish until they are returned to the customer.

(3) No recreational harvester, while on any vessel in state waters, shall transfer any Spanish mackerel to any other vessel.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 10-30-86, Amended 12-10-87, 10-1-88, 10-1-90, 11-26-92, 2-14-94.*

#### 46-23.006 Other Prohibitions.

(1) It is unlawful for any person to possess, transport, buy, sell, exchange or attempt to buy, sell or exchange any Spanish mackerel harvested in violation of this chapter.

(2) The prohibitions of this chapter apply as well to any and all persons operating a vessel in state waters, who shall be deemed to have violated any prohibition which has been violated by another person aboard such vessel.

(3) All Spanish mackerel harvested from Florida waters shall be landed in a whole condition. The possession, while on state waters, of Spanish mackerel that have been deheaded, sliced, divided, filleted, ground, skinned, scaled or deboned is prohibited. Mere evisceration or "gutting" of Spanish mackerel, or mere removal of gills from Spanish mackerel, before landing is not prohibited.

*Specific Authority 370.027 FS., Chapter 83-134, Laws of*



for commercial purposes shall harvest or land from a single vessel in any one day more than 1,500 pounds of Spanish mackerel. During this period, the possession of more than 1,500 pounds of Spanish mackerel aboard a single vessel in or on state waters at any time, is prohibited.

2. Beginning November 1 of each year the unlimited harvest of Spanish mackerel per vessel per day is allowed on Mondays, Wednesdays, and Fridays, until the date the unlimited harvest of Spanish mackerel in adjacent federal Exclusive Economic Zone (EEZ) waters is closed. From that date, until the end of the season (March 31), no person shall harvest, possess while in or on the waters of the state, or land from a single vessel in any one day within this region, more than 1500 pounds of Spanish mackerel.

(b) For purposes of this subsection:

1. A "day" starts at 6:00 a.m., local time, and extends for 24 hours. For example, Monday starts at 6:00 a.m. on Monday and extends until 6:00 a.m. on Tuesday. A person aboard a vessel terminating a trip prior to 6:00 a.m., but who possesses Spanish mackerel aboard the vessel after that time shall not be considered to possess Spanish mackerel in excess of the daily limits provided the vessel is not underway after 6:00 a.m. and such Spanish mackerel are unloaded prior to 6:00 p.m. following termination of the trip.

2. Transfer of Spanish mackerel harvested for commercial purposes between vessels within this region is prohibited.

(2) West Coast Region. Persons harvesting Spanish mackerel for commercial purposes from waters of the West Coast Region shall have a season that begins on the regional season opening date of April 1 of each year and continues through March 31 of the following year. If at any time during the season, adjacent federal Exclusive Economic Zone (EEZ) waters are closed to commercial harvest of Spanish mackerel, a limit of 500 pounds per vessel per day shall apply for the remainder of the season. During this period, no person shall harvest from state waters or land from a single vessel in any one day within this region more than 500 pounds of Spanish mackerel.

(3) Notice of the closure of each season segment described in paragraph (1)(a) or subsection (2) of this rule shall be given by the Secretary of the Department of Environmental Protection in the manner provided in s. 120.52(16)(d), Florida Statutes.

(4) For purposes of subsection (2) of this rule, the total regional commercial harvest of Spanish mackerel during a particular commercial fishing season shall consist of those Spanish mackerel harvested for commercial purposes by all forms of gear from the waters of the West Coast Region and the Exclusive Economic Zone of the United States (EEZ) contiguous to such waters, based on projections from official statistics collected and maintained by the Florida Department of Environmental Protection (DEP) pursuant to Florida's Marine Fisheries Information System, Chapter 16R-5, F.A.C., and the National Marine

Fisheries Service (NMFS). The count shall be conducted by the Fishery Statistics Section of the Department of Environmental Protection, Division of Marine Resources, and shall commence with Spanish mackerel commercially harvested on and after the regional season opening date of each year and continue until the regional season closing date of the following year.

(5) Nothing in this section shall be construed to permit the harvest of Spanish mackerel from any area, during any time, or utilizing any form of gear where same is otherwise prohibited by law.

*Specific Authority 120.52(16)(d), 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 10-30-86, Amended 12-10-87, 10-1-88, 11-1-89, 10-1-90, 11-26-92, 11-29-93, 9-30-96, 12-2-96.*

#### 46-23.005 Recreational Bag Limit for Spanish Mackerel.

(1) No recreational harvester shall harvest more than 10 Spanish mackerel per day from waters of the state.

(2)(a) No recreational harvester shall possess, while in or on the waters of the state or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters, more than 10 Spanish mackerel, whether harvested from state waters or from adjacent federal waters.

(b) The captain or crew of a charter vessel may each temporarily possess more than the applicable possession limit for Spanish mackerel, once the vessel is docked, for the limited purposes of transporting, cleaning, or storing fish for customers, so long as the fish are segregated in bags or other containers by customer and the customer has given written authorization to the captain to temporarily possess the fish for such limited purposes. The authorization shall remain attached to the bag or container containing the fish until they are returned to the customer.

(3) No recreational harvester, while on any vessel in state waters, shall transfer any Spanish mackerel to any other vessel.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 10-30-86, Amended 12-10-87, 10-1-88, 10-1-90, 11-26-92, 2-14-94.*

#### 46-23.006 Other Prohibitions.

(1) It is unlawful for any person to possess, transport, buy, sell, exchange or attempt to buy, sell or exchange any Spanish mackerel harvested in violation of this chapter.

(2) The prohibitions of this chapter apply as well to any and all persons operating a vessel in state waters, who shall be deemed to have violated any prohibition which has been violated by another person aboard such vessel.

(3) All Spanish mackerel harvested from Florida waters shall be landed in a whole condition. The possession, while on state waters, of Spanish mackerel that have been deheaded, sliced, divided, filleted, ground, skinned, scaled or deboned is prohibited. Mere evisceration or "gutting" of Spanish mackerel, or mere removal of gills from Spanish mackerel, before landing is not prohibited. *Specific Authority 370.027 FS., Chapter 83-134, Laws of*



*Florida, as amended by Chapter 84-121, Laws of Florida.  
Law Implemented 370.025, 370.027, 370.028 FS.  
History—New 10-30-86, Amended 10-1-88.*

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**CHAPTER 46-24  
SPINY LOBSTER (CRAWFISH) AND  
SLIPPER LOBSTER**

46-24.001	Purpose and Intent.
46-24.002	Definitions.
46-24.003	Minimum Size Limits.
46-24.004	Bag Limit.
46-24.0045	Importation of Spiny Lobster During Open Season; Documentation Requirements.
46-24.005	Seasons.
46-24.0055	Exportation During Closed Season By Mariculture Operations; Conditions. (Repealed)
46-24.006	Gear: Traps, Buoys, Identification Requirements, Prohibited Devices.
46-24.0065	Special Provisions for John Pennekamp Coral Reef State Park in Monroe County: Closure During Two-day Sport Season; Closure of Coral Formation Protection Zones.
46-24.007	Other Prohibitions.
46-24.008	Slipper Lobster, Prohibitions Relating to Eggbearing Slipper Lobster.
46-24.009	Trap Reduction Schedule.

**46-24.001 Purpose and Intent.**

(1) The primary purpose and intent of this chapter are to protect and conserve Florida's spiny lobster resources, assure the continuing health and abundance of those resources, and to provide for optimum sustained benefits and use from the resources for all the people of the state.

(2) It is the intent of this chapter to repeal and replace Chapter 29299, Special Acts of Florida, 1953, a special act relating to gear authorized to be used in the waters of Monroe County.

(3) It is also the intent of this chapter to prohibit the molestation of eggbearing slipper lobster.

(4) Spiny lobster is designated as a restricted species pursuant to Section 370.01(20), Florida Statutes.

(5) It is the goal of the Commission to substantially reduce the mortality of undersize spiny lobster in the fishery, by reducing the number of traps used in the fishery to the lowest number which will maintain or increase overall catch levels, promote economic efficiency in the fishery, and conserve natural resources.

*Specific Authority 370.01(20), 370.027(2), 370.142(3) F.S., s. 8 of Chapter 83-134, Laws of Florida, as amended by s. 2 of Chapter 84-121 and s. 1 of Chapter 85-163, Laws of Florida. Law Implemented 370.01(20), 370.025, 370.027, 370.142 F.S., s. 8 of Chapter 83-134, Laws of Florida, as amended by s. 2 of Chapter 84-121 and s. 1 of Chapter 85-163, Laws of Florida. History—New 7-2-87, Amended 7-2-90, 3-1-92, 6-1-94, 10-4-95.*

**46-24.002 Definitions.** As used in this rule chapter:

(1) "Bully net" means a circular frame attached at right angles to the end of a pole and supporting a conical bag of webbing. The webbing is usually

held up by means of a cord which is released when the net is dropped over a lobster.

(2) "Commercial harvester" means a person who holds a valid crawfish license or trap number, lobster trap certificates if traps are used to harvest spiny lobster, and a valid saltwater products license issued by the Department of Environmental Protection. Beginning August 1, 1994, "commercial harvester" shall mean a person who holds a valid crawfish license or trap number, lobster trap certificates if traps are used to harvest spiny lobster, and a valid saltwater products license with a restricted species endorsement issued by the Department of Environmental Protection.

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

(4) "Harvest" means the catching or taking of spiny lobster by any means whatsoever, followed by a reduction of such spiny lobster to possession. Spiny lobster that are caught but immediately returned to the water free, alive and unharmed are not harvested. In addition, temporary possession of a spiny lobster for the purpose of measuring it to determine compliance with the minimum size requirements of this chapter shall not constitute harvesting such lobster, provided that it is measured immediately after taking, and immediately returned to the water free, alive and unharmed if undersized.

(5) "Hoop net" means a frame, circular or otherwise, supporting a shallow bag of webbing and suspended by a line and bridles. The net is baited and lowered to the ocean bottom, to be raised rapidly at a later time to prevent the escape of lobster.

(6) "Land," when used in connection with the harvest of a spiny lobster, means the physical act of bringing the harvested lobster ashore.

(7) "Lobster trap certificates" mean those certificates allotted by the Department of Environmental Protection pursuant to Section 370.142(2), Florida Statutes.

(8) "Person" means any natural person, firm, entity, or corporation.

(9) "Recreational harvester" means any person other than a commercial harvester.

(10) "Slipper lobster," also known as Spanish, sand, shovelnose, and bulldozer lobster, means any crustacean of the species *Scyllarides nodifer*, or any part thereof.

(11) "Spiny lobster" or "crawfish" means any crustacean of the species *Panulirus argus*, or any part thereof.

(12) "Untreated pine" means raw pine wood that has not been treated with any preservative or pine wood that has been pressure treated with no more than 0.40 pounds of chromated copper arsenate (CCA) compounds per cubic foot of wood.

*Specific Authority 370.027(2) F.S. Law Implemented 370.025, 370.027 F.S. History—New 7-2-87, Amended 7-2-90, 3-1-92, 6-1-94, 10-4-95.*

**46-24.003 Minimum Size Limits.**

(1) No person shall harvest or possess any spiny lobster with a carapace measurement of 3 inches or

less or, if the tail is separated from the body, a tail measurement less than 5½ inches not including any protruding muscle tissue, except as may be provided in subsection (3) of this rule.

(2) The carapace (head, body, or front section) measurement shall be determined by beginning at the anteriormost edge (front) of the groove between the horns directly above the eyes, then proceeding along the middorsal line (middle of the back) to the rear edge of the top part of the carapace, excluding any translucent membrane. The tail (segmented portion) shall be measured lengthwise along the top middorsal line (middle of the back) of the entire tail until the rearmost extremity is reached; provided, the tail measurement shall be conducted with the tail in a flat straight position with the tip of the tail closed.

(3) The holder of a valid crawfish license or trap number, lobster trap certificates, and a valid saltwater products license issued by the Department of Environmental Protection may harvest and possess, while on the water, undersized spiny lobster not exceeding 50 per boat or 1 per trap aboard each boat, whichever is greater, if used exclusively for luring, decoying, or otherwise attracting noncaptive spiny lobster into traps. Such undersized spiny lobster shall be kept alive, while in possession, in a shaded continuously circulating live well with pump capacity to totally replace the water at least every 8 minutes and large enough to provide at least ¾ gallon of seawater per lobster. All undersized lobster so maintained shall be released to the water alive and unharmed immediately upon leaving the trap lines and prior to 1 hour after official sunset.

(4) Spiny lobster harvested in Florida waters shall remain in a whole condition at all times while on or below the waters of the state and the practice of wringing or separating the tail (segmented portion) from the body (carapace and head) section is prohibited on state waters. Possession of spiny lobster tails that have been wrung or separated, on or below the waters of the state, is prohibited, unless the spiny lobster are being imported pursuant to Rule 46-24.0045 or were harvested outside the waters of the state and the wringing or separation was pursuant to a federal permit allowing such wringing or separation. In the latter case, the federal permit shall be present and accompany any wrung or separated spiny lobster tails while possessed on or below the waters of the state.

(5) No person shall harvest or attempt to harvest spiny lobster by diving unless he possesses, while in the water, a measuring device capable of being used to perform the carapace measurement described in subsection (2). Each measurement performed by such a person shall occur in the water.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 7-2-87, Amended 7-2-90, 3-1-92, 6-1-94.*

#### 46-24.004 Bag Limit.

(1) Except as provided in subsections (2), (3), and (4), the harvest from state waters, or

possession while on or below such water, of more than 6 spiny lobster per recreational harvester per day or 24 spiny lobster per boat, whichever is greater, is prohibited.

(2)(a) Except in Monroe County, during the first day of the two-day sport season specified in Rule 46-24.005, no recreational harvester shall harvest more than 12 spiny lobster, or possess more than 12 spiny lobster, whether on or off the waters of the state. During the second day of the two-day sport season, no recreational harvester shall harvest or possess while in or on state waters more than 12 spiny lobster, or possess more than 24 spiny lobster once such harvester has landed and departed the state waters.

(b) In Monroe County, during the first day of the two-day sport season specified in Rule 46-24.005, no recreational harvester shall harvest more than 6 spiny lobster, or possess more than 6 spiny lobster, whether on or off the waters of the state. During the second day of the two-day sport season, no recreational harvester shall harvest or possess while in or on the waters of Monroe County more than 6 spiny lobster, or possess more than 12 spiny lobster in said county once such harvester has landed and departed the Monroe County waters. Pursuant to Rule 46-24.0065, John Pennekamp Coral Reef State Park in Monroe County is closed to spiny lobster harvest during the two-day sport season.

(3) Special Recreational Crawfish (Spiny Lobster) Bag Limit — No person who possesses a valid special recreational crawfish license issued by the Department of Environmental Protection pursuant to Section 370.063, Florida Statutes, shall harvest in any one day during the regular season specified in Rule 46-24.005(1), more than 50 spiny lobster; provided, however, when two or more such harvesters are aboard a single vessel in or on state waters, no more than 50 spiny lobster shall be possessed aboard such vessel, irrespective of the number of regular recreational harvesters also aboard.

(4) No person shall harvest or possess, while on or below the water, more spiny lobster than the limit established in subsection (1), unless such person:

(a) Is engaged in the lawful importation of spiny lobster pursuant to Rule 46-24.0045;

(b) Possesses a current valid crawfish license or trap number issued by the Department of Environmental Protection pursuant to Section 370.14(2)(a), Florida Statutes, and a current valid saltwater products license with a restricted species endorsement; or

(c) Possesses a current valid special recreational crawfish license issued by the Department of Environmental Protection pursuant to Section 370.063, Florida Statutes.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 7-2-87, Amended 7-2-90, 7-1-92, 6-1-94, 10-4-95.*

#### 46-24.0045 Importation of Spiny Lobster During Open Season; Documentation Requirements. During the open season specified

less or, if the tail is separated from the body, a tail measurement less than 5½ inches not including any protruding muscle tissue, except as may be provided in subsection (3) of this rule.

(2) The carapace (head, body, or front section) measurement shall be determined by beginning at the anteriormost edge (front) of the groove between the horns directly above the eyes, then proceeding along the middorsal line (middle of the back) to the rear edge of the top part of the carapace, excluding any translucent membrane. The tail (segmented portion) shall be measured lengthwise along the top middorsal line (middle of the back) of the entire tail until the rearmost extremity is reached; provided, the tail measurement shall be conducted with the tail in a flat straight position with the tip of the tail closed.

(3) The holder of a valid crawfish license or trap number, lobster trap certificates, and a valid saltwater products license issued by the Department of Environmental Protection may harvest and possess, while on the water, undersized spiny lobster not exceeding 50 per boat or 1 per trap aboard each boat, whichever is greater, if used exclusively for luring, decoying, or otherwise attracting noncapive spiny lobster into traps. Such undersized spiny lobster shall be kept alive, while in possession, in a shaded continuously circulating live well with pump capacity to totally replace the water at least every 8 minutes and large enough to provide at least ¾ gallon of seawater per lobster. All undersized lobster so maintained shall be released to the water alive and unharmed immediately upon leaving the trap lines and prior to 1 hour after official sunset.

(4) Spiny lobster harvested in Florida waters shall remain in a whole condition at all times while on or below the waters of the state and the practice of wringing or separating the tail (segmented portion) from the body (carapace and head) section is prohibited on state waters. Possession of spiny lobster tails that have been wrung or separated, on or below the waters of the state, is prohibited, unless the spiny lobster are being imported pursuant to Rule 46-24.0045 or were harvested outside the waters of the state and the wringing or separation was pursuant to a federal permit allowing such wringing or separation. In the latter case, the federal permit shall be present and accompany any wrung or separated spiny lobster tails while possessed on or below the waters of the state.

(5) No person shall harvest or attempt to harvest spiny lobster by diving unless he possesses, while in the water, a measuring device capable of being used to perform the carapace measurement described in subsection (2). Each measurement performed by such a person shall occur in the water.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 7-2-87, Amended 7-2-90, 3-1-92, 6-1-94.*

#### 46-24.004 Bag Limit.

(1) Except as provided in subsections (2), (3), and (4), the harvest from state waters, or

possession while on or below such water, of more than 6 spiny lobster per recreational harvester per day or 24 spiny lobster per boat, whichever is greater, is prohibited.

(2)(a) Except in Monroe County, during the first day of the two-day sport season specified in Rule 46-24.005, no recreational harvester shall harvest more than 12 spiny lobster, or possess more than 12 spiny lobster, whether on or off the waters of the state. During the second day of the two-day sport season, no recreational harvester shall harvest or possess while in or on state waters more than 12 spiny lobster, or possess more than 24 spiny lobster once such harvester has landed and departed the state waters.

(b) In Monroe County, during the first day of the two-day sport season specified in Rule 46-24.005, no recreational harvester shall harvest more than 6 spiny lobster, or possess more than 6 spiny lobster, whether on or off the waters of the state. During the second day of the two-day sport season, no recreational harvester shall harvest or possess while in or on the waters of Monroe County more than 6 spiny lobster, or possess more than 12 spiny lobster in said county once such harvester has landed and departed the Monroe County waters. Pursuant to Rule 46-24.0065, John Pennekamp Coral Reef State Park in Monroe County is closed to spiny lobster harvest during the two-day sport season.

(3) Special Recreational Crawfish (Spiny Lobster) Bag Limit — No person who possesses a valid special recreational crawfish license issued by the Department of Environmental Protection pursuant to Section 370.063, Florida Statutes, shall harvest in any one day during the regular season specified in Rule 46-24.005(1), more than 50 spiny lobster, provided, however, when two or more such harvesters are aboard a single vessel in or on state waters, no more than 50 spiny lobster shall be possessed aboard such vessel, irrespective of the number of regular recreational harvesters also aboard.

(4) No person shall harvest or possess, while on or below the water, more spiny lobster than the limit established in subsection (1), unless such person:

(a) Is engaged in the lawful importation of spiny lobster pursuant to Rule 46-24.0045;

(b) Possesses a current valid crawfish license or trap number issued by the Department of Environmental Protection pursuant to Section 370.14(2)(a), Florida Statutes, and a current valid saltwater products license with a restricted species endorsement; or

(c) Possesses a current valid special recreational crawfish license issued by the Department of Environmental Protection pursuant to Section 370.053, Florida Statutes.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 7-2-87, Amended 7-2-90, 7-1-92, 6-1-94, 10-4-95.*

#### 46-24.0045 Importation of Spiny Lobster During Open Season; Documentation Requirements. During the open season specified





in Rule 46-24.005(1), a person may possess wrung spiny lobster tails or possess spiny lobster in excess of the bag limit specified in Rule 46-24.004(1), while on state waters, if such person is also in possession of appropriate receipt(s), bill(s) of sale, or bill(s) of lading to show that the spiny lobster were purchased in a foreign country and are entering the state in international commerce. Failure to maintain such documentation or to promptly produce same at the request of any duly authorized law enforcement officer shall constitute violation of this rule.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 7-2-90, Amended 10-4-95.*

#### 46-24.005 Seasons.

(1) Except as provided in subsection (2) of this rule, the season for harvest of spiny lobster in state waters shall be August 6 of each year through March 31 of the following year. No person shall harvest, attempt to harvest, or have in his possession, regardless of where taken, any spiny lobster during the closed season of April 1 through August 5 of each year, except pursuant to subsection (2), for storage and distribution of lawfully possessed inventory stocks as provided by Section 370.141, Florida Statutes, or by special permit issued by the Department of Environmental Protection pursuant to Section 370.14(8)—(9), Florida Statutes.

(2) There shall be a sport season for recreational harvesters of spiny lobster, which season shall occur during the last Wednesday and successive Thursday of July each year. During this sport season, the following special restrictions shall apply:

(a) No person shall harvest spiny lobster by any means other than by diving or with the use of a bully net or hoop net.

(b) In Monroe County only, no person shall harvest spiny lobster:

1. By diving at night (from 1 hour after official sunset until 1 hour before official sunrise).

2. In or from the waters of John Pennkamp Coral Reef State Park, pursuant to Rule 46-24.0065.

(3) Harvesters of spiny lobster using traps may bait and place their traps in the water beginning on August 1 of each year. Harvest or sale of spiny lobster from such traps during the "soak" period prior to the beginning of the season is prohibited.

(4) All traps used for harvest of spiny lobster shall be removed from state waters by April 5 of each year. All spiny lobster taken from traps after the close of a season on March 31 shall be returned to the water free, alive, and unharmed. The Division of Law Enforcement of the Department of Environmental Protection shall grant an extension for the retrieval of traps up to a maximum of 10 days after the expiration of the 5-day retrieval period, or a total of up to 15 days after the close of the spiny lobster season, upon the following conditions:

(a) A harvester or his lawfully designated agent shall request, in writing, permission for an

extension of the period for retrieval of traps. The request shall specify the harvester's name and the appropriate license or trap number, the approximate number of traps and their location, the identity of the boat to be used for trap retrieval, the boat owner's name, the period of additional time needed for trap retrieval, and the reasons for the request.

(b) On the day that trap removal begins, and on each subsequent day that it continues, the Division of Law Enforcement shall be advised in person or by telephone of the remaining trap locations and landing site.

(c) Reasons for granting an extension shall be limited to hazardous weather (small craft warnings, at a minimum), medical emergencies that make it impossible for the harvester to operate a boat, or equipment breakdown.

(d) Nothing in this subsection shall authorize the harvest, landing, or sale of any spiny lobster during the closed season.

(5) Except as provided in subsections (3) and (4) of this rule for trap soaking and retrieval periods, no person shall transport on the water, fish with, set, or place any spiny lobster trap or part thereof during the closed season. Any such trap remaining in the water or abandoned during the closed season (following any extension for retrieval as provided in subsection (4) and prior to the soak period authorized in subsection (3)) is declared to be a public nuisance and shall be disposed of in the manner approved by the Division of Law Enforcement of the Department of Environmental Protection. This provision shall be in addition to any penalty imposed by law.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 7-2-87, Amended 7-2-90, 3-1-92, 7-1-92, 6-1-94.*

#### 46-24.0055 Exportation During Closed Season By Mariculture Operations; Conditions.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 7-2-90, Amended 6-1-94, Repealed 11-27-96.*

#### 46-24.006 Gear: Traps, Buoys, Identification Requirements, Prohibited Devices.

(1) No commercial harvester shall harvest lobster by any means other than by diving, by the use of a bully net or hoop net, or by the use of traps as specified in this subsection.

(2) No person shall, in state waters, fish with, set, place, or cause to be fished with, set, or placed, any trap except a wood trap or plastic trap meeting the following specifications:

(a) Wood slat traps shall be no larger in dimension than 3 feet, by 2 feet, by 2 feet, or the volume equivalent. Such traps may be reinforced with wire mesh no heavier than 9 gauge, which shall only be affixed to the wood slats constituting the vertical surfaces of such traps.

(b) Plastic traps shall be no larger in dimension than 3 feet, by two feet, by 2 feet, or the volume equivalent, and shall have a degradable panel no smaller than 6 inches in length and 4 inches in width located on the top horizontal section of the trap. The panel shall only be considered degradable

if it is constructed of cypress or untreated pine slats no thicker than  $\frac{3}{4}$  inch.

(c) The throats or entrances to all traps used to harvest spiny lobster shall be located on the top horizontal section of the trap, and shall be measured using the inside dimensions of the throat. If the throat is longer in one dimension, the throat size in the longer dimension shall not be smaller than 6 inches and in the shorter dimension shall not be smaller than  $3\frac{1}{2}$  inches. If the throat is round or square, the throat size shall not be smaller than  $5\frac{1}{2}$  inches in diameter or per side, respectively.

(3) All traps shall have a buoy or a time release buoy attached to each spiny lobster trap or at each end of a weighted trap trawline which shall be a minimum of six inches in diameter and constructed of styrofoam, cork, molded polyvinyl chloride, or molded polystyrene, and shall be of sufficient strength and buoyancy to float and of such color, hue, and brilliancy as to be easily distinguished, seen, and located. Landward of the Territorial Sea Line, no more than 15 feet of any buoy line attached to a buoy used to mark spiny lobster trap or trawline shall float on the surface of the water.

(4) Each trap and buoy used to harvest spiny lobster shall have the commercial harvester's current crawfish license or trap number permanently affixed in legible figures or the recreational harvester's trap number. On each buoy, the affixed number shall be at least 2 inches high. The buoy color and license or trap number shall also be permanently and conspicuously displayed on any vessel used by a commercial harvester for

setting traps and buoys, so as to be readily identifiable from the air and water, in the following manner:

(a) From the Air — The buoy design approved by the Department of Environmental Protection shall be displayed and be permanently affixed to the uppermost structural portion of the vessel and displayed horizontally with the painted design up. The display shall exhibit the harvester's approved buoy design, unobstructed, on a circle 20 inches in diameter, outlined in a contrasting color, together with the permit numbers permanently affixed beneath the circle in numerals no smaller than 10 inches in height.

(b) From the Water — The buoy design approved by the Department of Environmental Protection shall be displayed and be permanently affixed vertically to both the starboard and port sides of the vessel near amidship. The display shall exhibit the harvester's approved buoy design, unobstructed, on a circle 8 inches in diameter, outlined in a contrasting color, together with the permit numbers permanently affixed beneath the circle in numerals no smaller than 4 inches in height.

(5) Except as provided herein, no numbers shall be used to identify traps or buoys other than the commercial harvester's current crawfish license or trap numbers, the recreational harvester's trap number, or numbers designating federal permits. Ownership of spiny lobster traps used by any commercial harvester may be transferred to other persons, so long as the following conditions are



if it is constructed of cypress or untreated pine slats no thicker than  $\frac{3}{4}$  inch.

(c) The throats or entrances to all traps used to harvest spiny lobster shall be located on the top horizontal section of the trap, and shall be measured using the inside dimensions of the throat. If the throat is longer in one dimension, the throat size in the longer dimension shall not be smaller than 6 inches and in the shorter dimension shall not be smaller than  $3\frac{1}{2}$  inches. If the throat is round or square, the throat size shall not be smaller than  $5\frac{1}{2}$  inches in diameter or per side, respectively.

(3) All traps shall have a buoy or a time release buoy attached to each spiny lobster trap or at each end of a weighted trap trotline which shall be a minimum of six inches in diameter and constructed of styrofoam, cork, molded polyvinyl chloride, or molded polystyrene, and shall be of sufficient strength and buoyancy to float and of such color, hue, and brilliancy as to be easily distinguished, seen, and located. Landward of the Territorial Sea Line, no more than 15 feet of any buoy line attached to a buoy used to mark spiny lobster trap or trotline shall float on the surface of the water.

(4) Each trap and buoy used to harvest spiny lobster shall have the commercial harvester's current crawfish license or trap number permanently affixed in legible figures or the recreational harvester's trap number. On each buoy, the affixed number shall be at least 2 inches high. The buoy color and license or trap number shall also be permanently and conspicuously displayed on any vessel used by a commercial harvester for

setting traps and buoys, so as to be readily identifiable from the air and water, in the following manner:

(a) From the Air — The buoy design approved by the Department of Environmental Protection shall be displayed and be permanently affixed to the uppermost structural portion of the vessel and displayed horizontally with the painted design up. The display shall exhibit the harvester's approved buoy design, unobstructed, on a circle 20 inches in diameter, outlined in a contrasting color, together with the permit numbers permanently affixed beneath the circle in numerals no smaller than 10 inches in height.

(b) From the Water — The buoy design approved by the Department of Environmental Protection shall be displayed and be permanently affixed vertically to both the starboard and port sides of the vessel near amidship. The display shall exhibit the harvester's approved buoy design, unobstructed, on a circle 8 inches in diameter, outlined in a contrasting color, together with the permit numbers permanently affixed beneath the circle in numerals no smaller than 4 inches in height.

(5) Except as provided herein, no numbers shall be used to identify traps or buoys other than the commercial harvester's current crawfish license or trap numbers, the recreational harvester's trap number, or numbers designating federal permits. Ownership of spiny lobster traps used by any commercial harvester may be transferred to other persons, so long as the following conditions are



met.

(a) The person acquiring ownership of such traps shall notify the Division of Law Enforcement of the Department of Environmental Protection within five days of acquiring ownership as to the number of traps purchased, the vendor, and the license or trap number currently displayed on the traps, and shall request issuance of a crawfish license or trap number if the person does not possess same.

(b) Buoys shall be renumbered and recolored at the first pulling of traps.

(c) The new license or trap number shall be permanently attached to the traps prior to their being set at the beginning of the next open season.

(d) The new owner shall retain a valid bill of sale.

(6) Each commercial harvester who harvests spiny lobster by diving shall permanently and conspicuously display on the boat used in such diving a "divers-down flag" symbol on an identification placard, which symbol shall have dimensions no less than 16 inches by 20 inches. The term "divers-down flag" shall have the meaning ascribed in Section 861.065(3), Florida Statutes. The commercial harvester's current crawfish license or trap number shall be permanently affixed to the diagonal stripe on the placard in legible figures to provide ready identification from the air and water.

(7) Permission to pull or work traps belonging to another, during the regular season, may be granted by the Division of Law Enforcement of the Department of Environmental Protection. Such permission shall be granted by the Division only upon receipt of a written statement signed by the commercial harvester or recreational harvester detailing license or trap number and buoy colors. Additionally, the harvester shall list the license or trap number, buoy colors, and audit numbers of the harvester and general locations of the pulling activity of the boat engaged in pulling or working the traps. Permission to pull traps in this manner shall be obtained daily; however, extension of

permission may be obtained by telephone for up to a maximum of 5 days.

(8) No person shall harvest or attempt to harvest spiny lobster using any device which will or could puncture, penetrate, or crush the exoskeleton (shell) or the flesh of the lobster, and the use of such devices as part of, or in conjunction with, any trap is also prohibited.

(9) No person shall harvest or attempt to harvest spiny lobster using or with the aid of bleach or any other chemical solution. The simultaneous possession of spiny lobster and any plastic or other container capable of ejecting liquid, by any person engaged in diving, is prohibited.

*Specific Authority: 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 7-2-87, Amended 7-2-90, 3-1-92, 7-1-92, 6-1-94, 10-4-95, 9-30-96*

**46-24.0065 Special Provisions for John Pennekamp Coral Reef State Park in Monroe County: Closure During Two-day Sport Season; Closure of Coral Formation Protection Zones.**

(1) During the two-day sport season established in Rule 46-24.005(2), there shall be no harvest of spiny lobster in John Pennekamp Coral Reef State Park. Except for persons transiting park waters in a vessel, no person shall possess any spiny lobster in or on the waters of the park during this period. Possession of spiny lobster during this period aboard any vessel from which a person is diving, within the boundaries of the park, is prohibited.

(2) The Marine Fisheries Commission finds that lobster harvest in the coral formation areas of John Pennekamp Coral Reef State Park is inconsistent with maintenance of the valuable marine resources contained in and supported by such formations and with the purposes of the park.

(a) During the regular spiny lobster season established in Rule 46-24.005(1), no person shall harvest or attempt to harvest any species of the Genera *Panulirus* or *Scyllarides*, or deploy any trap, in the following described areas of John Pennekamp Coral Reef State Park, each of which is a polygon bounded by the lines connecting the coordinates as expressed by latitude and longitude:

Name of Area	Plot Corner	North Latitude	West Longitude
1. Turtle Rocks	North	25°18.6'	80°13.35'
	East	25°18.05'	80°12.8'
	South	25°16.49'	80°13.95'
	West	25°16.95'	80°14.55'
2. Basin Hill N.	North	25°14.6'	80°16.0'
	East	25°14.42'	80°15.72'
	South	25°14.00'	80°16.00'
	West	25°14.25'	80°16.3'
3. Basin Hill E.	North	25°14.34'	80°15.58'
	East	25°14.1'	80°15.35'
	South	25°13.62'	80°15.58'
	West	25°13.82'	80°16.08'
4. Basin Hill S.	North	25°13.95'	80°16.6'
	East	25°13.42'	80°16.1'
	South	25°12.4'	80°17.08'
	West	25°12.75'	80°17.65'

5. Higdon's Reef	North	25°08.6'	80°18.74'
	East	25°08.4'	80°18.55'
	South	25°07.8'	80°19.2'
	West	25°08.0'	80°19.36'
6. Cannon Patch	North	25°06.95'	80°20.5'
	East	25°06.6'	80°20.15'
	South	25°05.95'	80°20.7'
	West	25°06.05'	80°21.75'
7. Mosquito Bank N.	North	25°04.85'	80°23.00'
	East	25°04.7'	80°22.2'
	South	25°03.6'	80°23.05'
	West	25°04.21'	80°23.40'
8. Mosquito Bank S.E.	North	25°04.15'	80°22.3'
	East	25°04.15'	80°22.1'
	South	25°03.3'	80°22.9'
	West	25°03.3'	80°23.1'
9. Three Sisters N.	North	25°02.75'	80°23.75'
	East	25°02.55'	80°23.3'
	South	25°01.09'	80°24.05'
10. Three Sisters S.	North	25°01.75'	80°23.78'
	South	25°01.42'	80°24.1'
	West	25°01.67'	80°24.4'

(b) Within the areas described in paragraph (a), no person shall possess while in or on the water or aboard any vessel, any species of the Genera *Panulirus* or *Scyllarides*.

(c) Within John Pennekamp Coral Reef State Park, no person shall harvest any species of the Genera *Panulirus* or *Scyllarides*, or deploy any trap, from or within any patch reef. The term "patch reef" means any coral formation, consisting of a roughly circular area of hard corals, soft corals, and a mixture of other benthic invertebrates.

(d) The term "trap" for purposes of this subsection means any trap used to harvest or attempt to harvest spiny lobster as allowed by Rule 46-24.006, stone crabs as allowed by Rule 46-13.002(2), or blue crab trap as allowed by Rule 46-45.004(1).

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS History—New 6-1-94, 10-4-95.*

**46-24.007 Other Prohibitions.**

(1) The harvest or possession of eggbearing spiny lobster is prohibited. Eggbearing spiny lobster found in traps shall be immediately returned to the water free, alive, and unharmed. The practice of stripping or otherwise molesting eggbearing spiny lobster in order to remove the eggs is prohibited and the possession of spiny lobster or spiny lobster tails from which eggs, swimmerettes, or pleopods have been removed or stripped is prohibited.

(2) Spiny lobster traps may be worked during daylight hours only, and the pulling of traps from 1 hour after official sunset until 1 hour before official sunrise is prohibited.

(3) No spiny lobster traps shall be set, placed, or caused to be set or placed at, on, or below the waters of the state within 100 feet of the intracoastal waterway or within 100 feet of any bridge or sea wall.

(4) No person shall harvest spiny lobster by diving at night (from 1 hour after official sunset

until 1 hour before official sunrise) in excess of the bag limit prescribed in Rule 46-24.004.

(5) The directed harvest of spiny lobster by the use of any net or trawl, other than a landing or dip net, bully net with a diameter no larger than 3 feet, or hoop net with a diameter no larger than 10 feet, is prohibited. Spiny lobster harvested by the use of any net or trawl as an incidental bycatch of other target species lawfully harvested shall not be deemed to be unlawfully harvested in violation of this subsection if the combined whole weight of all spiny lobster so harvested does not exceed 5% of the total whole weight of all species lawfully in possession of the harvester at any time. For purposes of this subsection, the term "net or trawl" shall not include any hand-held net.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 7-2-87, Amended 7-2-90, 10-4-95.*

**46-24.008 Slipper Lobster; Prohibitions Relating to Eggbearing Slipper Lobster.** The harvest or possession of eggbearing slipper lobster is prohibited eggbearing slipper lobster found in traps shall be immediately returned to the water free, alive, and unharmed. The practice of stripping or otherwise molesting eggbearing slipper lobster in order to remove the eggs is prohibited and the possession of slipper lobster tails from which eggs, swimmerettes, or pleopods have been removed or stripped is prohibited.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027(2) FS. History—New 7-2-87, Amended 7-2-90.*

**46-24.009 Trap Reduction Schedule.**

(1)(a) Except as provided in paragraph (b), beginning with the season commencing on August 6, 1993, the maximum number of lobster trap certificates issued each season by the Department of Environmental Protection pursuant to Section 370.142, Florida Statutes, shall be 10 percent fewer than the total issued for the immediately previous

5. Higdon's Reef	North	25°08.6'	80°18.74'
	East	25°08.4'	80°18.55'
	South	25°07.8'	80°19.2'
	West	25°08.0'	80°19.36'
6. Cannon Patch	North	25°06.95'	80°20.5'
	East	25°06.6'	80°20.15'
	South	25°05.95'	80°20.7'
	West	25°06.05'	80°21.75'
7. Mosquito Bank N.	North	25°04.85'	80°23.00'
	East	25°04.7'	80°22.2'
	South	25°03.6'	80°23.05'
	West	25°04.21'	80°23.40'
8. Mosquito Bank S.E.	North	25°04.15'	80°22.3'
	East	25°04.15'	80°22.1'
	South	25°03.3'	80°22.9'
	West	25°03.3'	80°23.1'
9. Three Sisters N.	North	25°02.75'	80°23.75'
	East	25°02.55'	80°23.3'
	South	25°01.09'	80°24.05'
10. Three Sisters S.	North	25°01.75'	80°23.78'
	South	25°01.42'	80°24.1'
	West	25°01.67'	80°24.4'

(b) Within the areas described in paragraph (a), no person shall possess while in or on the water or aboard any vessel, any species of the Genera *Panulirus* or *Scyllarides*.

(c) Within John Pennekamp Coral Reef State Park, no person shall harvest any species of the Genera *Panulirus* or *Scyllarides*, or deploy any trap, from or within any patch reef. The term "patch reef" means any coral formation, consisting of a roughly circular area of hard corals, soft corals, and a mixture of other benthic invertebrates.

(d) The term "trap" for purposes of this subsection means any trap used to harvest or attempt to harvest spiny lobster as allowed by Rule 46-24.006, stone crabs as allowed by Rule 46-13.002(2), or blue crab trap as allowed by Rule 46-45.004(1).

*Specific Authority* 370.027(2) FS. *Law Implemented* 370.025, 370.027 FS. *History*—New 6-1-94, 10-4-95.

**46-24.007 Other Prohibitions.**

(1) The harvest or possession of eggbearing spiny lobster is prohibited. Eggbearing spiny lobster found in traps shall be immediately returned to the water free, alive, and unharmed. The practice of stripping or otherwise molesting eggbearing spiny lobster in order to remove the eggs is prohibited and the possession of spiny lobster or spiny lobster tails from which eggs, swimmerettes, or pleopods have been removed or stripped is prohibited.

(2) Spiny lobster traps may be worked during daylight hours only, and the pulling of traps from 1 hour after official sunset until 1 hour before official sunrise is prohibited.

(3) No spiny lobster traps shall be set, placed, or caused to be set or placed at, on, or below the waters of the state within 100 feet of the intracoastal waterway or within 100 feet of any bridge or sea wall.

(4) No person shall harvest spiny lobster by diving at night (from 1 hour after official sunset

until 1 hour before official sunrise) in excess of the bag limit prescribed in Rule 46-24.004.

(5) The directed harvest of spiny lobster by the use of any net or trawl, other than a landing or dip net, bully net with a diameter no larger than 3 feet, or hoop net with a diameter no larger than 10 feet, is prohibited. Spiny lobster harvested by the use of any net or trawl as an incidental bycatch of other target species lawfully harvested shall not be deemed to be unlawfully harvested in violation of this subsection if the combined whole weight of all spiny lobster so harvested does not exceed 5% of the total whole weight of all species lawfully in possession of the harvester at any time. For purposes of this subsection, the term "net or trawl" shall not include any hand-held net.

*Specific Authority* 370.027(2) FS. *Law Implemented* 370.025, 370.027 FS. *History*—New 7-2-87, Amended 7-2-90, 10-4-95.

**46-24.008 Slipper Lobster; Prohibitions Relating to Eggbearing Slipper Lobster.** The harvest or possession of eggbearing slipper lobster is prohibited eggbearing slipper lobster found in traps shall be immediately returned to the water free, alive, and unharmed. The practice of stripping or otherwise molesting eggbearing slipper lobster in order to remove the eggs is prohibited and the possession of slipper lobster tails from which eggs, swimmerettes, or pleopods have been removed or stripped is prohibited.

*Specific Authority* 370.027(2) FS. *Law Implemented* 370.025, 370.027(2) FS. *History*—New 7-2-87, Amended 7-2-90.

**46-24.009 Trap Reduction Schedule.**

(1)(a) Except as provided in paragraph (b), beginning with the season commencing on August 6, 1993, the maximum number of lobster trap certificates issued each season by the Department of Environmental Protection pursuant to Section 370.142, Florida Statutes, shall be 10 percent fewer than the total issued for the immediately previous





season. These reductions shall apply to all lobster trap certificate holders.

(b) Notwithstanding paragraph (a), the 10 percent reduction in the maximum number of lobster trap certificates scheduled for the 1996-1997 spiny lobster season shall not take place. The maximum number of lobster trap certificates issued for the 1996-1997 spiny lobster season shall be the maximum applicable to the 1995-1996 spiny lobster season.

(2) It is the intention of the Marine Fisheries Commission to annually review and evaluate the impact of the trap reduction schedule on the spiny lobster fishery. Should it become necessary to suspend or reverse the reduction schedule, the Commission shall initiate rulemaking to amend subsection (1) of this rule.

*Specific Authority 370.027(2), 370.142(3) FS. Law Implemented 370.025, 370.027, 370.142 FS. History—New 3-1-92, Amended 6-1-94, 6-3-96.*



CHAPTER 46-31  
SHRIMP

- 46-31.001 Northeast Florida Live Bait Shrimp Fishery; Purpose and Intent.
- 46-31.002 Definitions.
- 46-31.003 Live Bait Shrimp Trawl Gear Specifications.
- 46-31.0035 Trawls: Allowed Use; Maximum Square Footage of Mesh Area; Definitions.
- 46-31.004 Trawl Gear Specifications: Turtle Excluder Devices Required; Exceptions; Definitions.
- 46-31.0045 Otter Trawl Gear Specifications: Bycatch Reduction Devices.
- 46-31.005 Purpose and Intent; Repeal of Certain General and Special Acts.
- 46-31.006 Definitions.
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- 46-31.015 Northeast Florida Shrimping: Definition.
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- 46-31.018 Northwest Region Closed Areas; Repealed Special Acts.

46-31.001 Northeast Florida Live Bait Shrimp Fishery; Purpose and Intent. The purpose and intent of Rules 46-31.001 through 46-31.003, F.A.C., are to impose gear specifications for the type of trawls used to harvest live bait shrimp in the nearshore and inshore Florida waters of

Nassau, Duval, St. Johns, Putnam, Flagler, and Clay Counties. The gear specifications are designed to limit the harvest capacity of live bait shrimpers, making their limited catch more valuable as live bait shrimp than as dead shrimp.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 12-11-86, Amended 1-1-96.*

**46-31.002 Definitions.** As used in Rules 46-31.001 through 46-31.003:

(1) "Licensed live bait shrimp producer" means any individual licensed by the Department of Environmental Protection to employ the use of any trawl for the taking of shrimp within the nearshore and inshore Florida waters of Nassau, Duval, St. Johns, Putnam, Flagler, or Clay Counties.

(2) "Trawl" or "trawl net" means a net in the form of an elongated bag with the mouth kept open by various means and fished by being towed or dragged on the bottom.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 12-11-86, Amended 1-1-96.*

## ANNOTATIONS

*Proposed amendments — validity*

*Marine Fisheries Commission is without authority to adopt proposed Rule 46-31.002, F.A.C., mandating use of turtle exclusionary devices (TEDs) on all trawl nets in state waters. Section 370.027, F.S., excludes from Commission's rulemaking authority power to promulgate rules relating to endangered species, and primary goal of requiring use of TEDs is to protect endangered sea turtles. Concerned Shrimpers of America, Inc. v. Marine Fisheries Commission (DOAH 89-4220R), 12 FALR 48 (1989).*

*Turtle exclusionary devices*

*Adoption of emergency Rule 46ER89-3, F.A.C., requiring use of turtle exclusionary devices (TEDs) on most trawls, is within Marine Fisheries Commission's authority. Section 370.27, F.S., vests Commission with some, albeit not exclusive, power to promulgate rules regarding endangered species, particularly when such rules relate to gear specifications or other subject matter areas over which Commission has exclusive rulemaking authority. Clear policy of Florida law is to protect marine life and environment, and it would, thus, be inconsistent to maintain that Commission has no power to protect endangered species. State v. Davis, Fla., 556 So. 2d 1104 (1990).*

**46-31.003 Live Bait Shrimp Trawl Gear Specifications.**

(1) A licensed live bait shrimp producer is allowed the use of one trawl for the harvest of live bait shrimp. The opening or entrance to the trawl net shall be formed and limited by attachment of the net mesh to line of not less than 1/8 inch diameter. Such line shall be securely attached so as to form a continuous perimeter around the leading edge of the net. Attachment of the net mesh to such line shall be made at intervals of not more than 12 inches along the entire length of the line. The perimeter so formed shall not exceed 60 feet, measured from point to point along the line forming the leading edge of the net, and the net shall be no larger in mesh area than specified by Rule 46-31.0035(2). No webbing, mesh, panels, or similar devices shall be used in conjunction with

the trawl net in any manner so as to precede or enlarge the opening or entrance to the net, or have the effect of diverting saltwater products into the opening or entrance to the net.

(2) No person shall operate or fish any otter trawl, or possess any otter trawl that is rigged for fishing aboard any vessel, in the Northeast Florida Live Bait Shrimp Fishery, which trawl does not have a bycatch reduction device (BRD) installed therein meeting the requirements of Rule 46-31.0045.

(3) No licensed live bait shrimp producer shall use any other type of gear or any trawl net not in conformance with the specifications of subsections (1) and (2).

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 12-11-86, Amended 1-1-96, 6-3-96.*

#### 46-31.0035 Trawls: Allowed Use; Maximum Square Footage of Mesh Area; Definitions.

(1) Trawls are hereby declared to be allowable gear for the directed harvest of shrimp, as defined in Rule 46-31.006(19), only. To the extent that other marine species are harvested with a trawl as an incidental bycatch of the directed harvest of shrimp, the quantity of such other species that may be retained are subject to the limits specified in other chapters of Title 46 of the Florida Administrative Code.

(2) No person shall operate or fish in nearshore and inshore Florida waters any trawl with a net or bag containing more than 500 square feet of mesh area.

(3) For purposes of this chapter:

(a) "Mesh area" of a net means the total area of netting with the meshes open to comprise the maximum square footage. The square footage shall be calculated using standard mathematical formulas for geometric shapes. The mesh area of a trawl shall be calculated as a cone using the maximum circumference of the net mouth to derive the radius, and the maximum length of the net with meshes open from the center of the headrope at the net mouth to the tail end of the net to derive the slant height.

(b) "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.

(c) "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 coastal, intracoastal or inland, and any part thereof.

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

(e) The term "unconnected" shall be construed to mean two trawls independently towed from a single vessel, except that two trawls each of which is attached to a sled in lieu of the inner door of each trawl shall be considered unconnected if a separation of at least 10 feet is maintained at all times during trawling.

*Specific Authority Art. X, Section 16, Florida Constitution, 370.027(2) FS. Law Implemented Art. X, Section 16, Florida Constitution, 370.025, 370.027 FS. History—New 1-1-96.*

#### 46-31.004 Trawl Gear Specifications: Turtle Excluder Devices Required; Exceptions; Definitions.

(1) Except as provided in subsection (2):

(a) No person shall operate or fish in any waters of the state any trawl that does not have a qualified turtle excluder device (TED) installed therein.

(b) No person shall possess, aboard any vessel in or on state waters, any trawl rigged for fishing that does not have a qualified turtle excluder device (TED) installed therein.

(2) The requirement in subsection (1) shall not apply to the following types of gear:

(a) A single try net meeting the requirements of Rule 46-31.009(3).

(b) A roller frame trawl with all of the following features and specifications:

1. A rectangular rigid frame to keep the mouth of the trawl open while being towed.

2. The lower horizontal beam of the frame has rollers to allow the trawl to roll over the bottom and any obstructions while being towed.

3. The trawl opening is shielded by a grid of vertical bars spaced no more than 3 inches apart.

4. The trawl is towed by attaching a line or towing cable to a tongue located above or at the center of the upper beam of the frame.

5. The trawl has no doors attached to keep the mouth of the trawl open.

(c) A trawl being used as part of a public or private experimentation pursuant to authorization issued by the Director, Southeast Region, National Marine Fisheries Service, as provided in 50 C.F.R. s. 227.72(e)(4)(iv), Oct. 1, 1987. Written authorization shall be maintained aboard the vessel with such a trawl at all times.

(3) No person shall rig or alter the turtle excluder device (TED) installed in any trawl in any manner so as to render the TED nonfunctioning or ineffective in excluding sea turtles from the trawl.

(4) For purposes of this rule:

(a) "Perimeter" means the opening or entrance to the trawl formed and limited by attachment of the net mesh to line, which line is securely attached so as to form a continuous perimeter around the leading edge of the net. The perimeter so formed is measured from point to point along the line forming the leading edge of the net.

(b) "Qualified turtle excluder device" or "TED" means:

1. Any one of six devices approved and described by the National Marine Fisheries Service in 50 C.F.R. s. 227.72(e)(4)(ii)(A) — (F), Oct. 1, 1987 (as amended by Vol. 52 Fed. Reg. No. 192, p. 37154, Oct. 5, 1987, and by Vol. 53 Fed. Reg. No. 170, p. 33821, Sept. 1, 1988). The devices are commonly known as the NMFS TED, Cameron TED, Matagorda TED, Georgia TED, Morrison TED, and Parrish TED.

2. Any additional device certified and approved

the trawl net in any manner so as to precede or enlarge the opening or entrance to the net, or have the effect of diverting saltwater products into the opening or entrance to the net.

(2) No person shall operate or fish any otter trawl, or possess any otter trawl that is rigged for fishing aboard any vessel, in the Northeast Florida Live Bait Shrimp Fishery, which trawl does not have a bycatch reduction device (BRD) installed therein meeting the requirements of Rule 46-31.0045.

(3) No licensed live bait shrimp producer shall use any other type of gear or any trawl net not in conformance with the specifications of subsections (1) and (2).

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 12-11-86, Amended 1-1-96, 6-3-96.*

#### 46-31.0035 Trawls: Allowed Use; Maximum Square Footage of Mesh Area; Definitions.

(1) Trawls are hereby declared to be allowable gear for the directed harvest of shrimp, as defined in Rule 46-31.006(19), only. To the extent that other marine species are harvested with a trawl as an incidental bycatch of the directed harvest of shrimp, the quantity of such other species that may be retained are subject to the limits specified in other chapters of Title 46 of the Florida Administrative Code.

(2) No person shall operate or fish in nearshore and inshore Florida waters any trawl with a net or bag containing more than 500 square feet of mesh area.

(3) For purposes of this chapter:

(a) "Mesh area" of a net means the total area of netting with the meshes open to comprise the maximum square footage. The square footage shall be calculated using standard mathematical formulas for geometric shapes. The mesh area of a trawl shall be calculated as a cone using the maximum circumference of the net mouth to derive the radius, and the maximum length of the net with meshes open from the center of the headrope at the net mouth to the tail end of the net to derive the slant height.

(b) "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.

(c) "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 coastal, intracoastal or inland, and any part thereof.

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

(e) The term "unconnected" shall be construed to mean two trawls independently towed from a single vessel, except that two trawls each of which is attached to a sled in lieu of the inner door of each trawl shall be considered unconnected if a separation of at least 10 feet is maintained at all times during trawling.

*Specific Authority Art. X, Section 16, Florida Constitution, 370.027(2) FS. Law Implemented Art. X, Section 16, Florida Constitution, 370.025, 370.027 FS. History—New 1-1-96.*

#### 46-31.004 Trawl Gear Specifications: Turtle Excluder Devices Required; Exceptions; Definitions.

(1) Except as provided in subsection (2):

(a) No person shall operate or fish in any waters of the state any trawl that does not have a qualified turtle excluder device (TED) installed therein.

(b) No person shall possess, aboard any vessel in or on state waters, any trawl rigged for fishing that does not have a qualified turtle excluder device (TED) installed therein.

(2) The requirement in subsection (1) shall not apply to the following types of gear:

(a) A single try net meeting the requirements of Rule 46-31.009(3).

(b) A roller frame trawl with all of the following features and specifications:

1. A rectangular rigid frame to keep the mouth of the trawl open while being towed.

2. The lower horizontal beam of the frame has rollers to allow the trawl to roll over the bottom and any obstructions while being towed.

3. The trawl opening is shielded by a grid of vertical bars spaced no more than 3 inches apart.

4. The trawl is towed by attaching a line or towing cable to a tongue located above or at the center of the upper beam of the frame.

5. The trawl has no doors attached to keep the mouth of the trawl open.

(c) A trawl being used as part of a public or private experimentation pursuant to authorization issued by the Director, Southeast Region, National Marine Fisheries Service, as provided in 50 C.F.R. s. 227.72(e)(4)(iv), Oct. 1, 1987. Written authorization shall be maintained aboard the vessel with such a trawl at all times.

(3) No person shall rig or alter the turtle excluder device (TED) installed in any trawl in any manner so as to render the TED nonfunctioning or ineffective in excluding sea turtles from the trawl.

(4) For purposes of this rule:

(a) "Perimeter" means the opening or entrance to the trawl formed and limited by attachment of the net mesh to line, which line is securely attached so as to form a continuous perimeter around the leading edge of the net. The perimeter so formed is measured from point to point along the line forming the leading edge of the net.

(b) "Qualified turtle excluder device" or "TED" means:

1. Any one of six devices approved and described by the National Marine Fisheries Service in 50 C.F.R. s. 227.72(e)(4)(ii)(A) — (F), Oct. 1, 1987 (as amended by Vol. 52 Fed. Reg. No. 192, p. 37154, Oct. 5, 1987, and by Vol. 53 Fed. Reg. No. 170, p. 33821, Sept. 1, 1988). The devices are commonly known as the NMFS TED, Cameron TED, Matagorda TED, Georgia TED, Morrison TED, and Parrish TED.

2. Any additional device certified and approved





by the National Marine Fisheries Service as demonstrating a turtle exclusion rate of at least 97% pursuant to 50 C.F.R. s. 227.72(e)(4)(iii), Oct. 1, 1987.

(c) "Rigged for fishing" means the trawl is shackled, tied, or connected to trawl doors or boards and tow cables and is in a condition ready to fish.

(d) "Trawl" means a net in the form of an elongated bag with the mouth kept open by various means and fished by being towed or dragged on the bottom.

*Specific Authority: 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 6-11-90, Amended 1-1-92, 3-16-93, 1-1-96.*

#### 46-31.0045 Otter Trawl Gear Specifications: Bycatch Reduction Devices.

(1) Where required on a regional basis by rule of this chapter, no person shall operate or fish any otter trawl, or possess any otter trawl that is rigged for fishing aboard any vessel, which trawl does not have a bycatch reduction device (BRD) installed therein meeting the requirements of this rule.

(2) No person shall rig or alter the bycatch reduction device (BRD) installed in any trawl in any manner so as to render the BRD nonfunctioning or ineffective in excluding species other than shrimp from the trawl.

(3) A BRD shall be deemed to meet the requirements of this subsection if it is one of two types specified herein:

(a) Florida Finfish Excluder — This device shall consist of at least one rigid steel or aluminum exit opening frame sewn into each trawl. Each exit opening frame shall be at least 12 inches in length and have an apex of three bars pointing forward to orient the exit opening in the direction of the mouth of the trawl. The opening thus created shall be in the shape of a parallelogram or oval and no smaller than 36 square inches in area and 5 inches across the opening in the shortest dimension. The opening formed by each frame shall be no further forward in the cod end than 70% of the distance between the draw string (tie-off rings) and the beginning of the tail bag (excluding any extension). The frame shall be installed on the top side of the cod end, no more than 15 meshes to the side of the centerline.

(b) Extended Funnel BRD — This device consists of a funnel of small mesh netting within a cylinder of large mesh netting, held open by at least one semi-rigid hoop, which trawl section is located behind the turtle excluder device (TED). One side of the funnel is extended vertically to provide a passage for shrimp to the cod end and create an area of reduced waterflow to allow for fish escapement through the larger mesh outer netting. This BRD shall meet the following specifications:

1. The small mesh funnel and large mesh section shall be positioned within an extension section constructed of no smaller than 1½ inch stretched mesh nylon netting, no less than 120 meshes in circumference. The portion of the extension in front of the large mesh section shall

be no less than 6½ meshes long, and the section behind the large mesh section shall be no shorter than 23 meshes in length.

2. The small mesh funnel shall be constructed of no less than 1½ inch stretched mesh netting. This component shall have a circumference of no less than 120 meshes at the leading edge and no less than 104 meshes at the trailing edge. The short side of the funnel shall be at least 36 inches long, while approximately ½ of the opposite side of the funnel shall extend at least 22 inches further toward the trailing edge of the funnel. The leading edge of the funnel shall be attached no less than 3 meshes forward of the large mesh leading edge. At least 7 meshes of the short side of the funnel shall be attached to the back section of extension webbing on the top and bottom at least 8 meshes back from the trailing edge of the large mesh section.

3. The larger mesh outer section shall consist of no smaller than 8 inch stretched mesh netting cut on the bar. The section shall have a circumference no smaller than 19 meshes and a length of at least 3 meshes.

4. The leading edge of the large mesh section shall be attached to one semi-rigid hoop with a minimum diameter of 24 inches constructed of plastic-coated trawl cable. It shall be installed at least 5 meshes behind the trailing edge of the large mesh section. If a soft TED is used, a second hoop of identical construction shall be installed at the leading edge of the funnel.

*Specific Authority: 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 6-3-96.*

#### 46-31.005 Purpose and Intent; Repeal of Certain General and Special Acts.

(1) The purpose and intent of Rules 46-31.006 through 46-31.015 are to protect and conserve Florida's shrimp resources and to provide comprehensive, uniform management rules for shrimping to eliminate inconsistent, piecemeal local regulation of shrimp harvest.

(2) It is the intent of these rules to expressly effect the repeal of and replace subsections (1), (2), (3), and portions of subsection (6) of Section 370.15, Florida Statutes, paragraphs (4)(c), (d), and (e), and portions of subsection (5) of Section 370.153, Florida Statutes, and Section 370.157, Florida Statutes. It is the intent of these rules to repeal the last three distinct sentences of subsection (6) of Section 370.15, Florida Statutes, and paragraphs (b) and (d) of subsection (5) of Section 370.153, Florida Statutes. The Marine Fisheries Commission has determined that the repeal of these provisions will not adversely affect the shrimp resources of the State of Florida.

(3) The adoption of these rules is intended to coincide with the repeal of certain special acts (local laws) or portions thereof, which are rules of the Department of Natural Resources pursuant to subsection (5) of section 2 of Chapter 83-134, as amended by Chapter 84-121, Laws of Florida. These repeals are accomplished in Rules 46-3.010 through 46-3.018.

(4) Repeal of portions of Chapter 24111, Laws of Florida (1947), as amended by Chapter 25423, Laws of Florida (1949) —

(a) The Marine Fisheries Commission hereby finds and declares that the repeal of Section 1 of Chapter 24111, Laws of Florida (1947), as amended by Chapter 25423, Laws of Florida (1949), special acts applicable to Bay, Okaloosa, and Washington Counties, will not adversely affect the marine resources of those counties or of the State of Florida. The law closes all the inside waters of these counties to all shrimp harvest of shrimp from July 1 through September 30 each year and from December 1 through March 31 of the succeeding year.

(b) Section 1 of Chapter 24111, Laws of Florida (1947), as amended by Chapter 25423, Laws of Florida (1949), a rule of the Department of Environmental Protection (formerly the Department of Natural Resources) pursuant to section 2, paragraph (5)(a) of Chapter 83-134, Laws of Florida, is hereby repealed.

*Specific Authority 370.027(2) FS., sections 2, 8, and 9, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., sections 2, 8, and 9, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 1-1-92, Amended 9-30-96.*

46-31.006 Definitions. As used in Rules 46-31.005 through the remainder of the chapter:

(1) "Baiting" means the harvest of shrimp by cast net, in the vicinity of poles or stakes driven into the bottom, after a bait (substance used to attract shrimp) has been released in the area.

(2) "Bar measurement" means the mesh size of a net as measured by the distance from the center of a knot to the center of an adjacent knot.

(3) "Big Bend Region" means all state waters of Jefferson, Taylor, Dixie, Levy, Citrus, Hernando, and Pasco Counties, and all state waters of Wakulla County east of the following described line:

Beginning at the St. Marks Lighthouse, proceed southerly on a straight line to flashing channel marker #1; thence, southerly in a straight line to a point on the state waters boundary where a straight line from flashing channel marker #1 to flashing bell buoy #24 intersects with said boundary.

(4) "Body," as it relates to a part of a shrimp trawl net, means the forward, larger portion of a trawl, extending from wing to wing and from the leading edge of the net to the point of tail (cod end) attachment.

(5) "Brine Box" means a container holding water that has a higher salinity than the surrounding seawater that is generally used aboard a vessel to separate harvested shrimp from bycatch.

(6) "Cod end," also known as the "tail" or "bag" of a shrimp trawl, means the terminal cylinder of heavy webbing in which the catch is concentrated as the trawl is fished and which is closed at its rearmost extent by means of purse line or draw string.

(7) "Food shrimp producer" means a person

who is not a live bait shrimp producer, but is harvesting shrimp in quantities greater than the bag limit specified in Rule 46-31.007.

(8) "Frame net" means a net in the form of an elongated bag kept open by a rigid frame that is buoyed by floats and is not fished or dragged along the bottom.

(9) "Harvest" means the catching or taking of shrimp by any means whatsoever, followed by a reduction of such shrimp to possession.

(10) "Inshore waters" means all state waters landward of the Colregs Demarcation Line.

(11) "Land," when used in conjunction with the harvest of shrimp, means the physical act of bringing the harvested shrimp ashore.

(12) "Live bait shrimp producer" means any person harvesting shrimp pursuant to a valid license issued as provided in Section 370.15(8) or Section 370.153(3)(a), Florida Statutes.

(13) "Northeast Region" means all state waters of Nassau, Duval, St. Johns, Flagler, Volusia, and Brevard Counties, including all of the St. Johns River.

(14) "Northwest Region" means all state waters of Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, and Franklin Counties, and all state waters of Wakulla County west of the line described in subsection (3) of this rule.

(15) "Otter trawl" means a trawl with its mouth kept open by means of boards or "doors" on each side.

(16) "Perimeter" means the opening or entrance to a shrimp net or trawl formed and limited by attachment of the net mesh to a line or frame, which line or frame is securely attached so as to form a continuous perimeter around the leading edge of the net. The perimeter so formed is measured from point to point along the line or frame forming the leading edge of the net.

(17) "Push net" means a mesh net or bag attached to the outer edges of a triangular or rectangular rigid frame with a handle attached that is fished by being pushed across the bottom by a person wading.

(18) "Roller frame trawl" means a trawl with all of the following features:

(a) A rectangular rigid frame to keep the mouth open while being towed.

(b) The lower horizontal beam of the frame has rollers to allow the trawl to roll over the bottom and any obstructions while being towed.

(c) The trawl opening is shielded by a grid of vertical bars.

(d) The trawl is towed by attaching a line or towing cable to a tongue located above or at the center of the upper horizontal beam of the frame.

(e) The trawl has no doors attached to keep the mouth of the trawl open.

(19) "Shrimp" means any decapod crustacean of the species *Penaeus aztecus* (brown shrimp), *Penaeus brasiliensis* (pinkspotted shrimp), *Penaeus duorarum* (pink shrimp), *Penaeus setiferus* (white shrimp), *Trachypenaeus constrictus* (roughneck shrimp), *Trachypenaeus similis* (roughback shrimp), and *Xiphopenaeus kroyeri* (seabob).

(4) Repeal of portions of Chapter 24111, Laws of Florida (1947), as amended by Chapter 25423, Laws of Florida (1949) —

(a) The Marine Fisheries Commission hereby finds and declares that the repeal of Section 1 of Chapter 24111, Laws of Florida (1947), as amended by Chapter 25423, Laws of Florida (1949), special acts applicable to Bay, Okaloosa, and Washington Counties, will not adversely affect the marine resources of those counties or of the State of Florida. The law closes all the inside waters of these counties to all shrimp harvest of shrimp from July 1 through September 30 each year and from December 1 through March 31 of the succeeding year.

(b) Section 1 of Chapter 24111, Laws of Florida (1947), as amended by Chapter 25423, Laws of Florida (1949), a rule of the Department of Environmental Protection (formerly the Department of Natural Resources) pursuant to section 2, paragraph (5)(a) of Chapter 83-134, Laws of Florida, is hereby repealed.

*Specific Authority: 370.027(2) FS., sections 2, 8, and 9, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., sections 2, 8, and 9, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 1-1-92, Amended 9-30-96.*

**46-31.006 Definitions.** As used in Rules 46-31.005 through the remainder of the chapter:

(1) "Baiting" means the harvest of shrimp by cast net, in the vicinity of poles or stakes driven into the bottom, after a bait (substance used to attract shrimp) has been released in the area.

(2) "Bar measurement" means the mesh size of a net as measured by the distance from the center of a knot to the center of an adjacent knot.

(3) "Big Bend Region" means all state waters of Jefferson, Taylor, Dixie, Levy, Citrus, Hernando, and Pasco Counties, and all state waters of Wakulla County east of the following described line:

Beginning at the St. Marks Lighthouse, proceed southerly on a straight line to flashing channel marker #1; thence, southerly in a straight line to a point on the state waters boundary where a straight line from flashing channel marker #1 to flashing bell buoy #24 intersects with said boundary.

(4) "Body," as it relates to a part of a shrimp trawl net, means the forward, larger portion of a trawl, extending from wing to wing and from the leading edge of the net to the point of tail (cod end) attachment.

(5) "Brine Box" means a container holding water that has a higher salinity than the surrounding seawater that is generally used aboard a vessel to separate harvested shrimp from bycatch.

(6) "Cod end," also known as the "tail" or "bag" of a shrimp trawl, means the terminal cylinder of heavy webbing in which the catch is concentrated as the trawl is fished and which is closed at its rearmost extent by means of purse line or draw string.

(7) "Food shrimp producer" means a person

who is not a live bait shrimp producer, but is harvesting shrimp in quantities greater than the bag limit specified in Rule 46-31.007.

(8) "Frame net" means a net in the form of an elongated bag kept open by a rigid frame that is buoyed by floats and is not fished or dragged along the bottom.

(9) "Harvest" means the catching or taking of shrimp by any means whatsoever, followed by a reduction of such shrimp to possession.

(10) "Inshore waters" means all state waters landward of the Colregs Demarcation Line.

(11) "Land," when used in conjunction with the harvest of shrimp, means the physical act of bringing the harvested shrimp ashore.

(12) "Live bait shrimp producer" means any person harvesting shrimp pursuant to a valid license issued as provided in Section 370.15(8) or Section 370.153(3)(a), Florida Statutes.

(13) "Northeast Region" means all state waters of Nassau, Duval, St. Johns, Flagler, Volusia, and Brevard Counties, including all of the St. Johns River.

(14) "Northwest Region" means all state waters of Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, and Franklin Counties, and all state waters of Wakulla County west of the line described in subsection (3) of this rule.

(15) "Otter trawl" means a trawl with its mouth kept open by means of boards or "doors" on each side.

(16) "Perimeter" means the opening or entrance to a shrimp net or trawl formed and limited by attachment of the net mesh to a line or frame, which line or frame is securely attached so as to form a continuous perimeter around the leading edge of the net. The perimeter so formed is measured from point to point along the line or frame forming the leading edge of the net.

(17) "Push net" means a mesh net or bag attached to the outer edges of a triangular or rectangular rigid frame with a handle attached that is fished by being pushed across the bottom by a person wading.

(18) "Roller frame trawl" means a trawl with all of the following features:

(a) A rectangular rigid frame to keep the mouth open while being towed.

(b) The lower horizontal beam of the frame has rollers to allow the trawl to roll over the bottom and any obstructions while being towed.

(c) The trawl opening is shielded by a grid of vertical bars.

(d) The trawl is towed by attaching a line or towing cable to a tongue located above or at the center of the upper horizontal beam of the frame.

(e) The trawl has no doors attached to keep the mouth of the trawl open.

(19) "Shrimp" means any decapod crustacean of the species *Penaeus aztecus* (brown shrimp), *Penaeus brasiliensis* (pinkspotted shrimp), *Penaeus duorarum* (pink shrimp), *Penaeus setiferus* (white shrimp), *Trachypenaeus constrictus* (roughneck shrimp), *Trachypenaeus similis* (roughback shrimp), and *Xiphopenaeus kroyeri* (seabob).



(20) "Southeast Region" means all state waters of Indian River, St. Lucie, Martin, Palm Beach, Broward, Dade, and Monroe Counties.

(21) "Southwest Region" means all state waters of Pinellas, Hillsborough, Manatee, Sarasota, Charlotte, Lee, and Collier Counties.

(22) "Tampa Bay" means all waters of the bay east and north of the Sunshine Skyway Bridge (U.S. 19 and Interstate 275).

(23) "Trawl" means a net in the form of an elongated bag with the mouth kept open by various means and fished by being towed or dragged on

the bottom.

(24) "Trip" means a fishing trip of whatever duration which begins with departure of the fishing vessel from a dock, berth, beach, seawall, or ramp and which terminates with return to a dock, berth, beach, seawall, or ramp.

(25) "Try net" means a small otter trawl used to test waters for the presence or size of shrimp.

(26) "Wing net" means a net in the form of an elongated bag kept open by a rigid frame that is attached to either side of a vessel, and is not towed



behind a vessel or dragged along the bottom.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 1-1-92, Amended 3-16-93, 11-29-93, 10-3-94, 6-3-96.*

**46-31.007 Statewide Recreational Shrimping Restrictions.** Except for persons harvesting shrimp commercially as either a food shrimp producer or a live bait shrimp producer, each person harvesting shrimp in or on the waters of the state shall comply with the requirements specified in this rule.

(1) Bag Limit —

(a) No person shall harvest more than five gallons of shrimp, heads on, per day; provided, however, that two or more harvesters aboard a single vessel in or on the waters of the state shall be subject to the vessel possession limit specified in paragraph (b).

(b) The possession of more than five gallons of shrimp, heads on, aboard a vessel in or on the waters of the state or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters, at any time is prohibited.

(c) All shrimp harvested pursuant to this rule shall be landed in a whole condition. The deheading of such shrimp before landing is prohibited.

(2) Allowable Gear — No person subject to the requirements of this rule shall use any type of gear to harvest shrimp other than those types of gear specified herein:

(a) Landing or dip net with an opening no larger than 96 inches around the perimeter.

(b) Cast net with a radius no greater than 12 1/2 feet.

(c) Push net.

(d) One frame net with an opening no larger than 16 feet around the perimeter, if deployed from a vessel or from a structure other than an operational bridge or causeway or catwalk attached to such bridge or causeway.

(e) Shrimp traps meeting the requirements of Section 370.15(5), Florida Statutes.

(f) Beach or haul seine with a mesh area no larger than 500 square feet.

(3) Baiting — A person harvesting shrimp pursuant to this rule may use a cast net in conjunction with nonmetal poles to bait shrimp if such use is in compliance with the following restrictions.

(a) No more than 5 poles shall be set at any one time by any person.

(b) Each pole may not exceed one inch in diameter.

(c) Poles shall be driven into the bottom, set no closer than 10 yards apart, and the distance between the first and last pole shall not exceed 50 yards.

(d) Poles shall only be set, fished, and retrieved during daylight hours. The term "daylight hours" means the period beginning 1/2 hour before official sunrise and continuing through 1/2 hour after official sunset, each day. All poles shall be removed each day by 1/2 hour after official sunset.

(e) Each pole shall be marked with white

reflective tape.

(f) No pole shall be set within 50 yards of any dock, pier, public boat landing or ramp, seawall, jetty, or bridge.

(g) Poles shall be tended at all times. The term "tend" means that the harvester is within 100 yards of the nearest pole at all times.

(h) Persons harvesting shrimp by this method shall be subject to the bag limit specified in subsection (1).

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 1-1-92, Amended 1-1-96, 6-3-96.*

**46-31.008 Statewide Live Bait Shrimp Production Restrictions.** Each person harvesting shrimp in or on the waters of the state as a live bait shrimp producer shall comply with the requirements specified in this rule.

(1) Allowable Gear —

(a) Except as provided in paragraph (b) for the Northeast Region, no person shall harvest shrimp as a live bait shrimp producer with any type of gear other than a roller frame trawl meeting the following specifications:

1. Neither the upper or lower horizontal beam on a roller frame trawl so used is greater than 16 feet in length.

2. The vertical bars shielding the trawl opening are spaced no more than 3 inches apart.

3. No more than two such trawls, unconnected, shall be towed by a single vessel at any time.

4. The netting of the trawl shall be no larger in mesh area than specified by Rule 46-31.0035(2).

(b) In the Northeast Region, except as provided for Volusia County in Rule 46-3.008(3)(g), no person shall harvest shrimp as a live bait shrimp producer with any type of gear other than those specified herein:

1. A roller frame trawl meeting the specifications prescribed in paragraph (a) of this subsection.

2. An otter trawl meeting the specifications of Rule 46-31.003.

(c) No trawl shall be used for live bait shrimp production that has a mesh size less than 5/8 inch bar measurement in the body of the net and less than 1/2 inch bar measurement in the cod end.

(2) Live Well Requirements —

(a) Except as provided in paragraph (b), each person harvesting shrimp in or on the waters of the state as a live bait shrimp producer shall have aboard the vessel being used for such harvest a continuously circulating live well with a capacity of at least 16 cubic feet of water for the purpose of maintaining harvested shrimp in a healthy condition. Each person selling live bait shrimp as a wholesale or retail dealer shall store and transport such shrimp in a continuously circulating live well, with a capacity of at least 64 cubic feet of water in the storage facility and 32 cubic feet of water on any delivery vehicle, for the purpose of maintaining the shrimp in a healthy condition until transfer of possession upon sale.

(b) In Nassau, Duval, St. Johns, and Flagler Counties, shrimp harvested as live bait pursuant to



behind a vessel or dragged along the bottom.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 1-1-92, Amended 3-16-93, 11-29-93, 10-3-94, 6-3-96.*

**46-31.007 Statewide Recreational Shrimping Restrictions.** Except for persons harvesting shrimp commercially as either a food shrimp producer or a live bait shrimp producer, each person harvesting shrimp in or on the waters of the state shall comply with the requirements specified in this rule.

(1) Bag Limit —

(a) No person shall harvest more than five gallons of shrimp, heads on, per day; provided, however, that two or more harvesters aboard a single vessel in or on the waters of the state shall be subject to the vessel possession limit specified in paragraph (b).

(b) The possession of more than five gallons of shrimp, heads on, aboard a vessel in or on the waters of the state or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters, at any time is prohibited.

(c) All shrimp harvested pursuant to this rule shall be landed in a whole condition. The deheading of such shrimp before landing is prohibited.

(2) Allowable Gear — No person subject to the requirements of this rule shall use any type of gear to harvest shrimp other than those types of gear specified herein:

(a) Landing or dip net with an opening no larger than 96 inches around the perimeter.

(b) Cast net with a radius no greater than 121/2 feet.

(c) Push net.

(d) One frame net with an opening no larger than 16 feet around the perimeter, if deployed from a vessel or from a structure other than an operational bridge or causeway or catwalk attached to such bridge or causeway.

(e) Shrimp traps meeting the requirements of Section 370.15(5), Florida Statutes.

(f) Beach or haul seine with a mesh area no larger than 500 square feet.

(3) Baiting — A person harvesting shrimp pursuant to this rule may use a cast net in conjunction with nonmetal poles to bait shrimp if such use is in compliance with the following restrictions.

(a) No more than 5 poles shall be set at any one time by any person.

(b) Each pole may not exceed one inch in diameter.

(c) Poles shall be driven into the bottom, set no closer than 10 yards apart, and the distance between the first and last pole shall not exceed 50 yards.

(d) Poles shall only be set, fished, and retrieved during daylight hours. The term "daylight hours" means the period beginning 1/2 hour before official sunrise and continuing through 1/2 hour after official sunset, each day. All poles shall be removed each day by 1/2 hour after official sunset.

(e) Each pole shall be marked with white

reflective tape.

(f) No pole shall be set within 50 yards of any dock, pier, public boat landing or ramp, seawall, jetty, or bridge.

(g) Poles shall be tended at all times. The term "tend" means that the harvester is within 100 yards of the nearest pole at all times.

(h) Persons harvesting shrimp by this method shall be subject to the bag limit specified in subsection (1).

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 1-1-92, Amended 1-1-96, 6-3-96.*

**46-31.008 Statewide Live Bait Shrimp Production Restrictions.** Each person harvesting shrimp in or on the waters of the state as a live bait shrimp producer shall comply with the requirements specified in this rule.

(1) Allowable Gear —

(a) Except as provided in paragraph (b) for the Northeast Region, no person shall harvest shrimp as a live bait shrimp producer with any type of gear other than a roller frame trawl meeting the following specifications:

1. Neither the upper or lower horizontal beam on a roller frame trawl so used is greater than 16 feet in length.

2. The vertical bars shielding the trawl opening are spaced no more than 3 inches apart.

3. No more than two such trawls, unconnected, shall be towed by a single vessel at any time.

4. The netting of the trawl shall be no larger in mesh area than specified by Rule 46-31.0035(2).

(b) In the Northeast Region, except as provided for Volusia County in Rule 46-3.008(3)(g), no person shall harvest shrimp as a live bait shrimp producer with any type of gear other than those specified herein:

1. A roller frame trawl meeting the specifications prescribed in paragraph (a) of this subsection.

2. An otter trawl meeting the specifications of Rule 46-31.003.

(c) No trawl shall be used for live bait shrimp production that has a mesh size less than 5/8 inch bar measurement in the body of the net and less than 1/2 inch bar measurement in the cod end.

(2) Live Well Requirements —

(a) Except as provided in paragraph (b), each person harvesting shrimp in or on the waters of the state as a live bait shrimp producer shall have aboard the vessel being used for such harvest a continuously circulating live well with a capacity of at least 16 cubic feet of water for the purpose of maintaining harvested shrimp in a healthy condition. Each person selling live bait shrimp as a wholesale or retail dealer shall store and transport such shrimp in a continuously circulating live well, with a capacity of at least 64 cubic feet of water in the storage facility and 32 cubic feet of water on any delivery vehicle, for the purpose of maintaining the shrimp in a healthy condition until transfer of possession upon sale.

(b) In Nassau, Duval, St. Johns, and Flagler Counties, shrimp harvested as live bait pursuant to



this rule shall be constantly maintained in wet live storage condition to minimize mortality. All such shrimp harvested by use of allowable trawling gear shall be directly and expeditiously transported from the harvesting vessel to onshore facilities on the premises of a licensed wholesale or retail saltwater products dealer with equipment functioning to maintain the quality of shrimp delivered in a live, healthy condition. Shrimp so delivered shall be placed in a tank of clean saline, aerated water at that facility and shall be maintained alive throughout all handling and storage processes. Equipment to maintain live bait shrimp during harvest pursuant to this rule and during subsequent transport and storage shall, at a minimum, meet the following requirements.

1. Vessel requirements — Each vessel engaged in the harvest of live bait shrimp in these counties pursuant to this rule shall be equipped with a watertight tank, containing a minimum of 16 cubic feet of continuously aerated saline water during such harvest and during transport of any live bait shrimp.

2. Vehicle requirements — Each vehicle used to transport live bait shrimp harvested in these counties pursuant to this rule shall be equipped with a watertight tank, containing a minimum of 32 cubic feet of continuously aerated saline water during transport and holding on the vehicle.

3. Storage requirements — Each facility used to store live bait shrimp harvested pursuant to this rule, on the premises of a licensed wholesale or retail saltwater products dealer, shall be equipped with a watertight tank, containing a minimum of 32 cubic feet of continuously aerated saline water during storage.

(3) No person harvesting shrimp in or on the waters of the state shall operate as a live bait shrimp producer and as a food shrimp producer or a recreational harvester on the same trip. No person shall sell or offer for sale shrimp harvested pursuant to a live bait shrimping license as anything other than bait; provided, however, that shrimp harvested pursuant to a live bait shrimping license in the waters of Nassau, Duval, St. Johns, and Flagler Counties shall not be sold or offered for sale as anything other than live bait.

(4) Each person harvesting shrimp in or on the waters of the state as a live bait shrimp producer shall land such shrimp from the harvesting vessel. The transfer of such shrimp to another vessel while in or on the waters of the state is prohibited.

(5)(a) Except as provided in paragraph (b) for the specified waters of the Northeast Region, no person harvesting shrimp in or on the waters of the state as a live bait shrimp producer shall possess aboard the vessel at any time more than 5 gallons of dead shrimp, heads on.

(b) In the inshore waters of Nassau and Duval Counties, no person harvesting shrimp as a live bait shrimp producer shall possess aboard the vessel at any time more than 1 gallon of dead shrimp, heads on.

*Specific Authority* 370.027(2) FS. *Law Implemented* 370.025, 370.027 FS. *History—New* 1-1-92, *Amended* 10-3-94, 1-1-96.

**46-31.009 Statewide Food Shrimp Production Restrictions.** The following requirements shall apply to each person harvesting shrimp in or on the waters of the state as a food shrimp producer. Each such person shall also comply with the regional food shrimp production requirements of Rules 46-31.010 through 46-31.015 and the area or seasonal closures in the remainder of the chapter.

(1) Size Limit —

(a) Each person harvesting shrimp in or on state waters as a food shrimp producer shall possess shrimp that are of legal size. Shrimp shall be considered of legal size if all the shrimp in possession of the harvester are determined to have an average count not exceeding 47 shrimp per pound with the heads on or 70 shrimp per pound with the heads off. An average count shall be determined separately for the two portions of the catch consisting of heads-on and heads-off shrimp. The average count shall be determined by sampling the catch at five different locations selected randomly to be as widely separated within the catch or portion of the catch as practicable. Each sample shall consist of at least one pound of shrimp. The counts of each of these five samples shall be averaged to determine the average count for the catch or portion of the catch. This subsection shall not apply to any seabob (*Xiphopenaeus kroyeri*) in possession of the harvester.

(b) Beginning January 1, 1994, the size limit provisions of paragraph (a) shall not apply in the Big Bend Region.

(c) Beginning July 1, 1996, the size limit provisions of paragraph (a) shall not apply in the Northeast Region.

(d) The size limit provisions of paragraph (a) shall not apply in any of the waters of the Northwest Region east of the line formed by 85°13.50' West Longitude.

(2) No person harvesting shrimp in or on state waters as a food shrimp producer shall use a brine box to separate shrimp from other species or possess a brine box aboard the vessel used for such harvest.

(3)(a) A person harvesting shrimp in or on nearshore and inshore Florida waters where the use of otter trawls is allowed may use a single try net with a headrope length not greater than 10 feet and a perimeter around the leading edge of the net not greater than 30 feet if such try net is pulled immediately in front of another trawl or is not connected to another trawl in any way. Such try net shall have a mesh size no smaller than that allowed in this chapter for trawls in the region where used. The try net shall be no larger in mesh area than specified by Rule 46-31.0035(2) and shall be considered as one of the two unconnected trawls allowed in those regions where two trawls are allowed for food shrimp production.

(b) A person harvesting shrimp in or on the waters of the state other than nearshore and inshore

Florida waters where the use of otter trawls is allowed may use a single try net with a headrope length not greater than 20 feet and a perimeter around the leading edge of the net greater than 60 feet if such try net is pulled immediately in front of another trawl or trawls or is not connected to another trawl in any way. Such try net shall have a mesh size no smaller than that allowed in this chapter for trawls in the region where used.

(4) No person harvesting shrimp in or on the waters of the state shall operate as a food shrimp producer and as a live bait shrimp producer or recreational harvester on the same trip.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 1-1-92, Amended 11-29-93, 1-1-96, 7-16-96.*

**46-31.010 Northwest Region Food Shrimp Production Gear Specifications.** Each person harvesting shrimp in the Northwest Region as a food shrimp producer shall comply with the requirements specified in this rule.

(1) Allowable Gear — No person shall harvest shrimp in the nearshore and inshore Florida waters of the region as a food shrimp producer with any type of gear other than:

(a) A roller frame trawl meeting the following specifications:

1. Neither the upper or lower horizontal beam on a roller frame trawl so used is greater than 16 feet in length.

2. The vertical bars shielding the trawl opening are spaced no further than 3 inches apart.

3. No more than two such trawls, unconnected, shall be towed by a single vessel at any time.

4. The netting of the trawl shall be no larger in mesh area than specified by Rule 46-31.0035(2).

(b) No more than two unconnected otter trawls, each with a perimeter around the leading edge of the net not greater than 66 feet and a net no larger in mesh area than specified by Rule 46-31.0035(2). The two otter trawls allowed in the nearshore and inshore Florida waters of this region shall include any try net being towed.

(2) No trawl shall be used for food shrimp production in the inshore waters of the Northwest Region that has a mesh size less than 3/4 inch bar measurement in the body of the net and 5/8 inch bar measurement in the cod end. In any trawl with a rigid turtle excluder device (TED), the section of netting surrounding the device shall have a mesh size no smaller than 1/2 inch bar measurement and shall be no more than 50 meshes in total length.

(3) No otter trawl shall be used for food shrimp production in the Northwest Region that is not in compliance with Rule 46-31.004.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 1-1-92, Amended 1-1-96.*

**46-31.011 Big Bend Region Food Shrimp Production Gear Specifications.** Each person harvesting shrimp in the Big Bend Region as a food shrimp producer shall comply with the requirements specified in this rule.

(1) Allowable Gear — No person shall harvest

shrimp in the region as a food shrimp producer with any type of gear other than a roller frame trawl meeting the following specifications:

(a) Neither the upper or lower horizontal beam on a roller frame trawl so used is greater than 16 feet in length. If used in nearshore or inshore Florida waters of the region, the netting of the trawl shall be no larger in mesh area than specified by Rule 46-31.0035(2).

(b) The vertical bars shielding the trawl opening are spaced no further than 3 inches apart.

(c) No such trawl shall have a mesh size less than 3/4 inch bar measurement in the body of the net and 5/8 inch bar measurement in the cod end.

(d) In the nearshore and inshore Florida waters of the region, no more than two such trawls, unconnected, shall be towed by a single vessel at any time. In all other waters of the region, no more than four such trawls shall be towed by a single vessel at any time.

(2) Each person harvesting shrimp in the region as a food shrimp producer shall comply with Rule 46-38.003.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 1-1-92, Amended 1-1-96.*

**46-31.012 Southwest Region Food Shrimp Production Gear Specifications.** Each person harvesting shrimp in the Southwest Region as a food shrimp producer shall comply with the requirements specified in this rule.

(1) Allowable Gear — No person shall harvest shrimp in the nearshore and inshore Florida waters of the region as a food shrimp producer with any type of gear other than:

(a) A roller frame trawl meeting the following specifications:

1. Neither the upper or lower horizontal beam on a roller frame trawl so used is greater than 16 feet in length.

2. The vertical bars shielding the trawl opening are spaced no further than 3 inches apart.

3. No more than two such trawls, unconnected, shall be towed by a single vessel at any time.

4. The netting of the trawl shall be no larger in mesh area than specified by Rule 46-31.0035(2).

(b) An otter trawl meeting any one of the following specifications:

1. Except in Tampa Bay, in all waters of the region landward of the territorial sea base line, a single otter trawl with a perimeter around the leading edge of the net not greater than 66 feet and a mesh area no larger than specified by Rule 46-31.0035(2).

2. In all waters of the region between the territorial sea base line and a line three miles seaward of and parallel to said line, no more than two unconnected otter trawls, each with a perimeter around the leading edge of the net not greater than 66 feet and a mesh area no larger than specified by Rule 46-31.0035(2). The two otter trawls allowed in these waters shall include any try net being towed.

3. In Tampa Bay, no more than two unconnected otter trawls, each with a perimeter



Florida waters where the use of otter trawls is allowed may use a single try net with a headrope length not greater than 20 feet and a perimeter around the leading edge of the net greater than 60 feet if such try net is pulled immediately in front of another trawl or trawls or is not connected to another trawl in any way. Such try net shall have a mesh size no smaller than that allowed in this chapter for trawls in the region where used.

(4) No person harvesting shrimp in or on the waters of the state shall operate as a food shrimp producer and as a live bait shrimp producer or recreational harvester on the same trip.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 1-1-92, Amended 11-29-93, 1-1-96, 7-16-96.*

**46-31.010 Northwest Region Food Shrimp Production Gear Specifications.** Each person harvesting shrimp in the Northwest Region as a food shrimp producer shall comply with the requirements specified in this rule.

(1) Allowable Gear — No person shall harvest shrimp in the nearshore and inshore Florida waters of the region as a food shrimp producer with any type of gear other than:

(a) A roller frame trawl meeting the following specifications:

1. Neither the upper or lower horizontal beam on a roller frame trawl so used is greater than 16 feet in length.

2. The vertical bars shielding the trawl opening are spaced no further than 3 inches apart.

3. No more than two such trawls, unconnected, shall be towed by a single vessel at any time.

4. The netting of the trawl shall be no larger in mesh area than specified by Rule 46-31.0035(2).

(b) No more than two unconnected otter trawls, each with a perimeter around the leading edge of the net not greater than 66 feet and a net no larger in mesh area than specified by Rule 46-31.0035(2). The two otter trawls allowed in the nearshore and inshore Florida waters of this region shall include any try net being towed.

(2) No trawl shall be used for food shrimp production in the inshore waters of the Northwest Region that has a mesh size less than 3/4 inch bar measurement in the body of the net and 5/8 inch bar measurement in the cod end. In any trawl with a rigid turtle excluder device (TED), the section of netting surrounding the device shall have a mesh size no smaller than 1/2 inch bar measurement and shall be no more than 50 meshes in total length.

(3) No otter trawl shall be used for food shrimp production in the Northwest Region that is not in compliance with Rule 46-31.004.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 1-1-92, Amended 1-1-96.*

**46-31.011 Big Bend Region Food Shrimp Production Gear Specifications.** Each person harvesting shrimp in the Big Bend Region as a food shrimp producer shall comply with the requirements specified in this rule.

(1) Allowable Gear — No person shall harvest

shrimp in the region as a food shrimp producer with any type of gear other than a roller frame trawl meeting the following specifications:

(a) Neither the upper or lower horizontal beam on a roller frame trawl so used is greater than 16 feet in length. If used in nearshore or inshore Florida waters of the region, the netting of the trawl shall be no larger in mesh area than specified by Rule 46-31.0035(2).

(b) The vertical bars shielding the trawl opening are spaced no further than 3 inches apart.

(c) No such trawl shall have a mesh size less than 3/4 inch bar measurement in the body of the net and 5/8 inch bar measurement in the cod end.

(d) In the nearshore and inshore Florida waters of the region, no more than two such trawls, unconnected, shall be towed by a single vessel at any time. In all other waters of the region, no more than four such trawls shall be towed by a single vessel at any time.

(2) Each person harvesting shrimp in the region as a food shrimp producer shall comply with Rule 46-38.003.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 1-1-92, Amended 1-1-96.*

**46-31.012 Southwest Region Food Shrimp Production Gear Specifications.** Each person harvesting shrimp in the Southwest Region as a food shrimp producer shall comply with the requirements specified in this rule.

(1) Allowable Gear — No person shall harvest shrimp in the nearshore and inshore Florida waters of the region as a food shrimp producer with any type of gear other than:

(a) A roller frame trawl meeting the following specifications:

1. Neither the upper or lower horizontal beam on a roller frame trawl so used is greater than 16 feet in length.

2. The vertical bars shielding the trawl opening are spaced no further than 3 inches apart.

3. No more than two such trawls, unconnected, shall be towed by a single vessel at any time.

4. The netting of the trawl shall be no larger in mesh area than specified by Rule 46-31.0035(2).

(b) An otter trawl meeting any one of the following specifications:

1. Except in Tampa Bay, in all waters of the region landward of the territorial sea base line, a single otter trawl with a perimeter around the leading edge of the net not greater than 66 feet and a mesh area no larger than specified by Rule 46-31.0035(2).

2. In all waters of the region between the territorial sea base line and a line three miles seaward of and parallel to said line, no more than two unconnected otter trawls, each with a perimeter around the leading edge of the net not greater than 66 feet and a mesh area no larger than specified by Rule 46-31.0035(2). The two otter trawls allowed in these waters shall include any try net being towed.

3. In Tampa Bay, no more than two unconnected otter trawls, each with a perimeter





around the leading edge of the net not greater than 66 feet and a mesh area no larger than specified by Rule 46-31.0035(2). The two otter trawls allowed in Tampa Bay shall include any try net being towed.

(2) No trawl shall be used for food shrimp production in the inshore waters of the Southwest Region that has a mesh size less than 7/8 inch bar measurement in the body of the net and 3/4 inch bar measurement in the cod end. In any trawl with a rigid turtle excluder device (TED), the section of netting surrounding the device shall have a mesh size no smaller than 5/8 inch bar measurement and shall be no more than 50 meshes in total length.

(3) No otter trawl shall be used for food shrimp production in the Southwest Region that is not in compliance with Rule 46-31.004.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 1-1-92, Amended 1-1-96.*

**46-31.013 Southeast Region Food Shrimp Production Gear Specifications.** No person shall harvest shrimp in the nearshore and inshore Florida waters of the Southeast Region as a food shrimp producer with any type of gear other than:

(1) A wing net meeting the following specifications:

(a) No wing net shall have an opening larger than 28 feet around the perimeter.

(b) No more than two unconnected wing nets shall be attached to or fished from a single vessel.

(c) No wing net shall be fished by towing or dragging it over the bottom.

(d) Each wing net shall be no larger in mesh area than specified by Rule 46-31.0035(2).

(2) A frame net deployed from a vessel meeting the following specifications:

(a) No frame net shall have an opening larger than 28 feet around the perimeter.

(b) No more than one frame net shall be fished from a single vessel and no frame net shall be fished from a vessel also using wing nets.

(c) No frame net shall be fished by towing or dragging it over the bottom.

(d) Each frame net shall be no larger in mesh area than specified by Rule 46-31.0035(2).

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 1-1-92, Amended 1-1-96, 6-3-96.*

**46-31.014 Northeast Region Food Shrimp Production Gear Specifications.** Each person harvesting shrimp in the Northeast Region as a food shrimp producer shall comply with the requirements specified in this rule.

(1) Allowable Gear — Except as provided for Volusia County in Rule 46-3.008(3)(g), no person shall harvest shrimp in the nearshore and inshore Florida waters of the region as a food shrimp producer with any type of gear other than:

(a) A roller frame trawl meeting the following specifications:

1. Neither the upper or lower horizontal beam on a roller frame trawl so used is greater than 16 feet in length.

2. The vertical bars shielding the trawl opening are spaced no further than 3 inches apart.

3. No more than two such trawls, unconnected, shall be towed by a single vessel at any time.

4. The netting of the trawl shall be no larger in mesh area than specified by Rule 46-31.0035(2).

(b) No more than two unconnected otter trawls, each with a perimeter around the leading edge of the net not greater than 66 feet and a mesh area no larger than specified by Rule 46-31.0035(2). The two otter trawls allowed in these waters shall include any try net being towed.

(2) No trawl shall be used for food shrimp production in the inshore waters of the Northeast Region that has a mesh size less than 7/8 inch bar measurement in the body of the net and 3/4 inch bar measurement in the cod end. In any trawl with a rigid turtle excluder device (TED), the section of netting surrounding the device shall have a mesh size no smaller than 1/2 inch bar measurement and shall be no more than 50 meshes in total length.

(3) No otter trawl shall be used for food shrimp production in the Northeast Region that is not in compliance with Rule 46-31.004.

(4) In the Northeast Region, no person harvesting shrimp as a food shrimp producer shall operate or fish any otter trawl, or possess any otter trawl that is rigged for fishing aboard any vessel, which trawl does not have a bycatch reduction device (BRD) installed therein meeting the requirements of Rule 46-31.0045.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 1-1-92, Amended 1-1-96, 6-3-96.*

**46-31.015 Northeast Florida Shrimping: Definition.** For purposes of Section 370.153, Florida Statutes, the term "daylight hours" means the period beginning 1/2 hour before official sunrise and continuing through 1/2 hour after official sunset, each day.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 1-1-92, Amended 1-1-96.*

**46-31.0155 Northeast Florida Shrimping: Closed Season; Definition of Term "Legal State Holidays" for Purposes of Section 370.153(8)(a), Florida Statutes; Closed Areas.**

(1) During the months of April and May each year, no person shall harvest any shrimp in or from the inshore waters of Nassau, Duval, St. Johns, Putnam, Flagler, and Clay Counties.

(2) For purposes of Section 370.153(8)(a), Florida Statutes, the term "legal state holidays" means the paid holidays observed by all state agencies pursuant to Section 110.117(1)(a)—(j), Florida Statutes.

(3) No person shall harvest any shrimp in any tributary of the following named waterbodies in Nassau and Duval Counties. Shrimp harvest is allowed in each waterbody proper.

(a) St. Marys River.

(b) Bells River.

(c) Jolly River.

(d) Amelia River.

- (e) Jackson Creek.
- (f) Nassau River.
- (g) Back River.
- (h) South Amelia River.
- (i) Lanceford Creek.
- (j) Tiger Creek and Tiger Basin, easterly of 81°30'08" W. Longitude.
- (k) North fork of Alligator Creek.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 10-3-94.*

**46-31.0156 Florida East Coast Shrimp Bed: Repeal of Section 370.156, Florida Statutes; Seasonal Food Shrimp Production Closure; Exception; Definition.**

(1) It is the intent of this rule to effect the repeal of and replace Section 370.156, Florida Statutes. The Marine Fisheries Commission has determined that the repeal and replacement of this statutory provision will not adversely affect the shrimp resources of the counties of the Florida East Coast Shrimp Bed or of the State of Florida.

(2)(a) Except as provided in paragraph (b), no person shall operate as a food shrimp producer during the months of April or May each year in any waters of the Florida East Coast Shrimp Bed.

(b) Paragraph (a) shall not apply to any person operating as a food shrimp producer during these two months in state waters east of 81°20'00" West Longitude and north of 31°20'00" North Latitude.

(3) For purposes of this rule the term "Florida East Coast Shrimp Bed" means all state waters of Nassau, Duval, Clay, Putnam, St. Johns, Flagler, Volusia, Seminole, Brevard, Indian River, and St. Lucie Counties.

*Specific Authority 370.027(2) FS., s. 8, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 8, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 4-18-95.*

**46-31.016 Tortugas Shrimp Beds: Repeal of Section 370.151(2), Florida Statutes; Redescription of Tortugas Shrimp Beds; Closed Areas.**

(1) It is the intent of this rule to expressly effect the repeal of and replace subsection (2) of Section 370.151, Florida Statutes. The Marine Fisheries Commission has determined that the repeal and replacement of this provision will not adversely affect the shrimp resources of the State of Florida.

(2) For purposes of this rule and Section 370.151, Florida Statutes, Tortugas Shrimp Beds are described as follows:

Begin at a point located at 25°52.9' North latitude and 81°37.95' West longitude (Coon Key Light in Collier County); thence proceed on a straight line to a point which is located at 24°50.9' North latitude and 81°51.3' West longitude; thence proceed on a straight line to a point located at 24°40.1' North latitude and 82°26.7' West longitude (New Grounds Shoals Light); thence proceed on a straight line to a point located at 24°34.7' North latitude and 82°35.1' West longitude (Rebecca Shoals

Light); thence proceed on a straight line due east to a point located at 24°35.1' North latitude and 82°13.2' West longitude; thence proceed along the Territorial Sea boundary to a point located at 24°27.2' North latitude and 81°58.9' West longitude; thence proceed due east to Sand Key Light; thence proceed northerly to the abandoned lighthouse located in the southwest portion of Key West; thence along the south and east meandered shoreline of the Florida Keys and the connecting viaducts between said Keys to a point located at 80°30.0' West longitude; thence north until a point on the mainland is reached; thence proceed west and north along the coast of the mainland of Florida until a point is located due north of Coon Key Light in Collier County; thence due south to a point located at 25°52.9' North latitude and 81°37.95' West longitude (Coon Key Light), the point of beginning.

(3) No person shall operate as a food shrimp producer within the area known as the Tortugas Shrimp Beds, except as may be specifically authorized by federal regulations for the portion of the area lying in federal Exclusive Economic Zone (EEZ) waters. Within state waters of the Tortugas Shrimp Beds, possession aboard a vessel of more than 5 gallons of dead shrimp heads on or off, simultaneously with the deployment of any shrimp trawl from the vessel shall constitute a violation of this subsection.

*Specific Authority 370.027(2) FS., sections 8 and 9, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., sections 8 and 9, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 1-1-92, Amended 3-1-95, 7-15-96.*

**46-31.017 Big Bend Region Closed Areas; Seasonal Closures.**

(1) Beginning January 1, 1994, no person shall harvest shrimp in the areas of Wakulla, Jefferson, Taylor, Dixie, Levy, Citrus, Hernando, and Pasco Counties landward of the line described as:

Beginning at Bailey's Bluff in Pasco County (Point A); thence northerly to Point B; thence northeasterly to Point C; thence northerly to Point D; thence northeasterly to Point E; thence northerly to Point F; thence northwesterly to Point G; thence northerly to Point H; thence northwesterly to Point I; thence northerly to Point J; thence northwesterly to Point K; thence southwesterly to Point L; thence northwesterly to Point M; thence northerly to Point N; thence northwesterly to Point O; thence northerly to Point P; thence northwesterly to Point Q; thence northerly to Point R; thence northwesterly to Point S; thence southwesterly to flashing channel marker #1 in St. Marks Channel; thence northerly to the St. Marks Lighthouse. Points B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, and S are expressed as follows by longitude and latitude and Loran notations (Loran notations are unofficial and are included only for the convenience of fishers.):

- (e) Jackson Creek.
- (f) Nassau River.
- (g) Back River.
- (h) South Amelia River.
- (i) Lanceford Creek.
- (j) Tiger Creek and Tiger Basin, easterly of 81°30'08" W. Longitude.
- (k) North fork of Alligator Creek.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 10-3-94.*

**46-31.0156 Florida East Coast Shrimp Bed: Repeal of Section 370.156, Florida Statutes; Seasonal Food Shrimp Production Closure; Exception; Definition.**

(1) It is the intent of this rule to effect the repeal of and replace Section 370.156, Florida Statutes. The Marine Fisheries Commission has determined that the repeal and replacement of this statutory provision will not adversely affect the shrimp resources of the counties of the Florida East Coast Shrimp Bed or of the State of Florida.

(2)(a) Except as provided in paragraph (b), no person shall operate as a food shrimp producer during the months of April or May each year in any waters of the Florida East Coast Shrimp Bed.

(b) Paragraph (a) shall not apply to any person operating as a food shrimp producer during these two months in state waters east of 81°20'00" West Longitude and north of 31°20'00" North Latitude.

(3) For purposes of this rule the term "Florida East Coast Shrimp Bed" means all state waters of Nassau, Duval, Clay, Putnam, St. Johns, Flagler, Volusia, Seminole, Brevard, Indian River, and St. Lucie Counties.

*Specific Authority 370.027(2) FS., s. 8, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 8, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 4-18-95.*

**46-31.016 Tortugas Shrimp Beds: Repeal of Section 370.151(2), Florida Statutes; Redescription of Tortugas Shrimp Beds; Closed Areas.**

(1) It is the intent of this rule to expressly effect the repeal of and replace subsection (2) of Section 370.151, Florida Statutes. The Marine Fisheries Commission has determined that the repeal and replacement of this provision will not adversely affect the shrimp resources of the State of Florida.

(2) For purposes of this rule and Section 370.151, Florida Statutes, Tortugas Shrimp Beds are described as follows:

Begin at a point located at 25°52.9' North latitude and 81°37.95' West longitude (Coon Key Light in Collier County); thence proceed on a straight line to a point which is located at 24°50.9' North latitude and 81°51.3' West longitude; thence proceed on a straight line to a point located at 24°40.1' North latitude and 82°26.7' West longitude (New Grounds Shoals Light); thence proceed on a straight line to a point located at 24°34.7' North latitude and 82°35.1' West longitude (Rebecca Shoals

Light); thence proceed on a straight line due east to a point located at 24°35.1' North latitude and 82°13.2' West longitude; thence proceed along the Territorial Sea boundary to a point located at 24°27.2' North latitude and 81°58.9' West longitude; thence proceed due east to Sand Key Light; thence proceed northerly to the abandoned lighthouse located in the southwest portion of Key West; thence along the south and east meandered shoreline of the Florida Keys and the connecting viaducts between said Keys to a point located at 80°30.0' West longitude; thence north until a point on the mainland is reached; thence proceed west and north along the coast of the mainland of Florida until a point is located due north of Coon Key Light in Collier County; thence due south to a point located at 25°52.9' North latitude and 81°37.95' West longitude (Coon Key Light), the point of beginning.

(3) No person shall operate as a food shrimp producer within the area known as the Tortugas Shrimp Beds, except as may be specifically authorized by federal regulations for the portion of the area lying in federal Exclusive Economic Zone (EEZ) waters. Within state waters of the Tortugas Shrimp Beds, possession aboard a vessel of more than 5 gallons of dead shrimp heads on or off, simultaneously with the deployment of any shrimp trawl from the vessel shall constitute a violation of this subsection.

*Specific Authority 370.027(2) FS., sections 8 and 9, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., sections 8 and 9, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 1-1-92, Amended 3-1-95, 7-15-96.*

**46-31.017 Big Bend Region Closed Areas; Seasonal Closures.**

(1) Beginning January 1, 1994, no person shall harvest shrimp in the areas of Wakulla, Jefferson, Taylor, Dixie, Levy, Citrus, Hernando, and Pasco Counties landward of the line described as:

Beginning at Bailey's Bluff in Pasco County (Point A); thence northerly to Point B; thence northeasterly to Point C; thence northerly to Point D; thence northeasterly to Point E; thence northerly to Point F; thence northwesterly to Point G; thence northerly to Point H; thence northwesterly to Point I; thence northerly to Point J; thence northwesterly to Point K; thence southwesterly to Point L; thence northwesterly to Point M; thence northerly to Point N; thence northwesterly to Point O; thence northerly to Point P; thence northwesterly to Point Q; thence northerly to Point R; thence northwesterly to Point S; thence southwesterly to flashing channel marker #1 in St. Marks Channel; thence northerly to the St. Marks Lighthouse. Points B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, and S are expressed as follows by longitude and latitude and Loran notations (Loran notations are unofficial and are included only for the convenience of fishers.):





Point	Loran Chain		Y	Z	North	West
	W	X			Latitude	Longitude
B			44930	62920	28° 16.68'	82° 47.21'
C			44930	62910	28° 18.28'	82° 45.68'
D			45000	62910	28° 26.93'	82° 45.95'
E			45000	62900	28° 28.43'	82° 44.49'
F	14375			62900	28° 43.53'	82° 45.22'
G	14375			62910	28° 44.38'	82° 46.71'
H	14410			62910	28° 57.91'	82° 47.53'
I	14410			62930	28° 59.41'	82° 50.41'
J	14420			62930	29° 03.28'	82° 50.66'
K	14420		45420		29° 06.91'	82° 57.81'
L	14405		45420		29° 03.38'	83° 01.42'
M	14405			63060	29° 07.30'	83° 08.78'
N	14440			63110	29° 22.98'	83° 15.89'
O	14440			63190	29° 28.22'	83° 26.58'
P	14470			63190	29° 38.25'	83° 26.66'
Q	14475			63250	29° 43.36'	83° 34.39'
R	14495			63295	29° 52.40'	83° 40.11'
S	14495		46450		30° 00.04'	84° 07.63'

(2) No person shall harvest shrimp in the Big Bend Region as a food shrimp producer during the period beginning July 1 and continuing through August 31 of each year.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 11-29-93.*

**46-31.018 Northwest Region Closed Areas; Repealed Special Acts.**

(1) Pursuant to public hearings held in the affected counties on June 26, 27, and 29, 1989, as required by paragraph (5)(d) of section (2) of Chapter 83-134, Laws of Florida, and after making specific findings of fact required by the same provision, the Marine Fisheries Commission hereby repeals the following special acts, or portions thereof, which were made rules of the Department of Environmental Protection (formerly the Department of Natural Resources) by section 2, subsection (5) of Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida:

(a) Subsections (2), (3), (4), (5), (6), (8), (9), (10), (11), and (13) of section 4 of Chapter 65-905, Laws of Florida, as amended by Chapters 68-77 and 76-380, Laws of Florida. Applicable to Wakulla, Franklin, and Gulf Counties, these provisions of the special acts deal with prescribed shrimp count, shrimping gear specifications, State Board of Conservation authority to close areas to shrimping, and a prescribed shrimp sampling regime.

(b) Chapter 67-1063, Laws of Florida, as amended by Chapter 81-377, Laws of Florida. Applicable to Franklin County, these special acts deal with prescribed shrimp count, sampling regime, and areas and times for shrimping.

(c) Chapter 72-546, Laws of Florida, as amended by Chapter 79-460, Laws of Florida. Applicable to Franklin County, these special acts provide for open and closed seasons for shrimp harvest east of the Bryant Patton Bridge in Apalachicola Bay and St. George Sound.

(2) The following described waters of Franklin County are closed to the harvest of shrimp

year-round:

(a) All inland waters north of the John Gorrie Bridge in Apalachicola Bay, beginning at the west end of the John Gorrie Memorial Bridge (U.S. Highway 98), then following the shoreline, including all bays and tributaries north of the bridge, northerly, easterly, then southerly back to the east end of John Gorrie Memorial Bridge, then westerly across the bridge to the point of beginning.

(b) All inland waters of the Carabelle River and its tributaries upriver of a straight line beginning at 29°50.17' North Latitude, 84°39.78' West Longitude and ending at 29°50.17' North Latitude, 84°39.57' West Longitude.

(c) All waters of Sheepshead Bayou internal to St. Vincent Island.

(d) All waters of Big Bayou adjacent to and internal to St. Vincent Island south of a straight line beginning at 29°41.00' North Latitude, 85°10.00' West Longitude and ending at 29°40.20' North Latitude, 85°08.20' West Longitude.

(3) All waters of Apalachicola Bay and St. Vincent Sound in Franklin County are closed to the harvest of shrimp between the hours of official sunrise and official sundown, beginning on July 15 and continuing through September 14 each year.

(4) The waters of Franklin County within the following described boundaries are closed to the harvest of shrimp beginning on September 15 and continuing through December 31 each year:

In St. George Sound, beginning at Royal Bluff, 29°47.50' North Latitude, 84°45.00' West Longitude; thence southwesterly to ICWW Marker #8, 29°44.50' North Latitude, 84°45.70' West Longitude; thence along the south boundary of the ICWW Channel to ICWW Marker #21, 29°43.50' North Latitude, 84°48.50' West Longitude; thence northwesterly to 29°45.00' North Latitude, 84°51.20' West Longitude; thence easterly along the shoreline of St. George Sound to the point of beginning, including all waters of Yents Bayou within the closure area.

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(5) The waters of Franklin County within the following described boundaries are closed to the harvest of shrimp beginning on March 1 and continuing through May 31 each year:

In Apalachicola Bay, beginning at Green Point, 29°42.50' North Latitude, 85°02.00' West Longitude; thence southwesterly to St. Vincent Point, 29°40.50' North Latitude, 85°04.50' West Longitude; thence easterly to flashing Channel Marker #1; thence southeasterly to Apalachicola Shipping Channel Marker #2; thence northerly along the eastern boundary of the Apalachicola Shipping Channel to the western landfall of the John Gorrie Memorial Bridge (U.S. Highway 98); thence westerly along the shoreline of Apalachicola Bay to the point of beginning.

(6) All waters of Indian Lagoon and St. Vincent Sound in Gulf County are closed to the harvest of shrimp year-round.

(7) All waters of Ochlockonee Bay and the Ochlockonee River and its tributaries in Franklin and Wakulla Counties west of the U.S. Highway 98 Bridge across the bay and all waters of Chaires Creek south of its mouth on Ochlockonee Bay in Franklin County are closed to the harvest of

shrimp year-round.

(8) All waters of Apalachee Bay and all tributaries, bays, or bayous in Wakulla County landward of the following described line are closed to food shrimp production and live bait shrimp production year-round:

Beginning at the St. Marks Lighthouse, proceed southerly on a straight line to flashing St. Marks Channel Marker #1, 30°01.47' North Latitude, 84°10.57' West Longitude; thence westerly to Shell Point Channel Marker #1, 30°02.79' North Latitude, 84°17.17' West Longitude; thence southwesterly to 30°01.67' North Latitude, 84°20.24' West Longitude; thence southwesterly to 29°59.90' North Latitude, 84°21.80' West Longitude; thence southeasterly to 29°58.60' North Latitude, 84°20.23' West Longitude, at the Colregs Demarcation Line; thence southerly along the Colregs Demarcation Line to the shoreline at Ochlockonee Point.

*Specific Authority 370.027(2) FS., s. 2, Ch. 83-134, Laws of Florida, as amended by Ch. 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Ch. 83-134, Laws of Florida, as amended by Ch. 84-121, Laws of Florida History—New 7-16-96.*



(5) The waters of Franklin County within the following described boundaries are closed to the harvest of shrimp beginning on March 1 and continuing through May 31 each year:

In Apalachicola Bay, beginning at Green Point, 29°42.50' North Latitude, 85°02.00' West Longitude; thence southwesterly to St. Vincent Point, 29°40.50' North Latitude, 85°04.50' West Longitude; thence easterly to flashing Channel Marker #1; thence southeasterly to Apalachicola Shipping Channel Marker #2; thence northerly along the eastern boundary of the Apalachicola Shipping Channel to the western landfall of the John Gorrie Memorial Bridge (U.S. Highway 98); thence westerly along the shoreline of Apalachicola Bay to the point of beginning.

(6) All waters of Indian Lagoon and St. Vincent Sound in Gulf County are closed to the harvest of shrimp year-round.

(7) All waters of Ochlockonee Bay and the Ochlockonee River and its tributaries in Franklin and Wakulla Counties west of the U.S. Highway 98 Bridge across the bay and all waters of Chaires Creek south of its mouth on Ochlockonee Bay in Franklin County are closed to the harvest of

shrimp year-round.

(8) All waters of Apalachee Bay and all tributaries, bays, or bayous in Wakulla County landward of the following described line are closed to food shrimp production and live bait shrimp production year-round:

Beginning at the St. Marks Lighthouse, proceed southerly on a straight line to flashing St. Marks Channel Marker #1, 30°01.47' North Latitude, 84°10.57' West Longitude; thence westerly to Shell Point Channel Marker #1, 30°02.79' North Latitude, 84°17.17' West Longitude; thence southwesterly to 30°01.67' North Latitude, 84°20.24' West Longitude; thence southwesterly to 29°59.90' North Latitude, 84°21.80' West Longitude; thence southeasterly to 29°58.60' North Latitude, 84°20.23' West Longitude, at the Colregs Demarcation Line; thence southerly along the Colregs Demarcation Line to the shoreline at Ochlockonee Point.

*Specific Authority 370.027(2) FS., s. 2, Ch. 83-134, Laws of Florida, as amended by Ch. 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., s. 2, Ch. 83-134, Laws of Florida, as amended by Ch. 84-121, Laws of Florida History—New 7-16-96.*



CHAPTER 46-36  
BLACK DRUM

*Specific Authority 370.027(2) FS Law Implemented 370.025, 370.027 FS History—New 7-1-89. Amended 7-15-96, 9-30-96.*

- 46-36.001 Purpose and Intent.
- 46-36.002 Definitions
- 46-36.003 Size Limits; Prohibition of Sale of Larger Black Drum.
- 46-36.004 Bag and Commercial Vessel Limits.
- 46-36.005 Other Prohibitions.

46-36.001 Purpose and Intent.

(1) The purpose and intent of this chapter are to protect and conserve Florida's black drum resources and assure the continuing health and abundance of the species.

(2) Black drum are hereby designated as a restricted species, pursuant to Section 370.01(20), Florida Statutes.

*Specific Authority 370.01(20), 370.027(2) FS. Law Implemented 370.01(20), 370.025, 370.027 FS. History—New 7-1-89.*

46-36.002 Definitions. As used in this chapter:

(1) "Black drum" means any fish of the species *Pogonias cromis*, or any part thereof.

(2) "Commercial harvest" means the taking or harvesting of any black drum for purposes of sale or with intent to sell. Black drum harvested in excess of the recreational bag limit shall constitute commercial harvest.

(3) "Harvest" means the catching or taking of a fish by any means whatsoever, followed by a reduction of such fish to possession. Fish that are caught but immediately returned to the water free, alive, and unharmed are not harvested. In addition, temporary possession of a fish for the purpose of measuring it to determine compliance with the minimum or maximum size requirements of this chapter shall not constitute harvesting such fish, provided that it is measured immediately after taking, and immediately returned to the water free, alive, and unharmed if undersize or oversize.

(4) "Land", when used in connection with the harvest of a fish, means the physical act of bringing the harvested fish ashore.

(5) "Total length" means the length of a fish as measured from the tip of the snout to the tip of the tail.

(6) "Vessel" means and includes every description of water craft used or capable of being used as a means of transportation on water, including nondisplacement craft and any aircraft designed to maneuver on water.

**46-36.003 Size Limits; Prohibition of Sale of Larger Black Drum.** No person shall harvest, within or without the waters of the state, or land any black drum of total length less than 14 inches, nor greater than 24 inches, except that a person not engaged in the commercial harvest of black drum may harvest, possess while in or on the waters of the state, and land no more than one black drum per day of total length greater than 24 inches. No person engaged in the commercial harvest of black drum shall possess, while in or on the waters of the state, land, or sell any black drum of total length greater than 24 inches.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 7-1-89.*

**46-36.004 Bag and Commercial Vessel Limits.**

(1) Bag Limit — Except as provided in subsection (2), no person shall harvest more than 5 black drum per day, within or without the waters of the state, nor possess more than 5 black drum while in, on, or above the waters of the state or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters.

(2) Commercial Vessel Limit — A person possessing a valid saltwater products license with a restricted species endorsement may harvest, within or without the waters of the state, and possess, while in or on the waters of the state, no more than 500 pounds of black drum per vessel per day. The use of more than one vessel per such commercial harvester is prohibited for purposes of this rule.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 7-1-89.*

**46-36.005 Other Prohibitions.**

(1) The harvest of black drum within or without the waters of the state by or with the use of any multiple hook in conjunction with live or dead natural bait, or the landing of black drum so harvested, is prohibited. Snagging (snatch hooking) of black drum within or without the waters of the state is also prohibited.

(2) All black drum shall be landed in a whole condition. The possession, while in or on state waters, of black drum that have been deheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned is prohibited. Mere evisceration or "gutting" of black drum, or mere removal of gills, before landing is not prohibited.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 7-1-89.*



**CHAPTER 46-37  
SPOTTED SEATROUT**

- 46-37.001 Purpose and Intent; Repeal of Other Laws; Designation as Restricted Species.
- 46-37.002 Definitions.
- 46-37.003 Size Limits.
- 46-37.004 Regional Bag Limits; Closed Seasons.
- 46-37.005 Commercial Season and Daily Harvest Limit.
- 46-37.006 Gear Specifications and Prohibited Gear; Bycatch Allowance.

**46-37.001 Purpose and Intent; Repeal of Other Laws; Designation as Restricted Species.**

(1) The purpose and intent of this chapter are to protect and conserve Florida's spotted seatrout resources and assure the continuing health and abundance of those resources.

(2) It is the intent of this chapter to expressly repeal and replace Section 370.11(2)(a)4., Florida Statutes, and the remainder of Section 370.11(2)(a), Florida Statutes, as it pertains to "saltwater speckled trout or spotted weak fish."

(3) It is the intent of this chapter to expressly repeal Subsection (1) of section 5 of Chapter 65-905, Laws of Florida, as amended by Chapter 81-403, Laws of Florida, and Chapter 65-1983, Laws of Florida. These laws are special acts relating to Gulf, Franklin, and Okaloosa Counties, respectively.

(4) Spotted seatrout are hereby designated as a restricted species pursuant to Section 370.01(20), Florida Statutes.

(5) Rules 46-37.001, 46-37.002, 46-37.003, 46-37.004, 46-37.005, and 46-37.006 shall take effect on November 1, 1989.

*Specific Authority 370.01(20), 370.027(2) FS., s. 7 of Chapter 83-134, as amended by Chapter 84-121 and s. 1 of Chapter 85-163, Laws of Florida. Law Implemented 370.01(20), 370.025, 370.027 FS., s. 7 of Chapter 83-134, as amended by Chapter 84-121 and s. 1 of Chapter 85-163, Laws of Florida. History—New 11-1-89.*

**46-37.002 Definitions.** As used in this rule chapter:

(1) "Fishing pier" means a platform extending from shore over water, used primarily to provide a means for persons to harvest or attempt to harvest fish therefrom. The term shall not be construed to include any residential dock, marina, or facility at which vessels are launched or moored, but shall include any abandoned bridge serving the function of a fishing pier.

(2) "Harvest" means the catching or taking of a fish by any means whatsoever, followed by a reduction of such fish to possession. Fish that are caught but immediately returned to the water free, alive, and unharmed are not harvested. In addition, temporary possession of a fish for the purpose of measuring it to determine compliance with the minimum or maximum size requirements of this chapter shall not constitute harvesting such fish, provided that it is measured immediately after

taking, and immediately returned to the water free, alive, and unharmed if undersize or oversize.

(3) "Harvest for commercial purposes" means the taking or harvesting of any spotted seatrout for purposes of sale or with intent to sell. The harvest of spotted seatrout in excess of the applicable recreational bag limit shall constitute harvest for commercial purposes.

(4) "Land", when used in connection with the harvest of a fish, means the physical act of bringing the harvested fish ashore.

(5) "Northeast Region" means all state waters lying north of the Flagler-Volusia County Line to the Florida-Georgia border, and adjacent federal Exclusive Economic Zone (EEZ) waters.

(6) "Northwest Region" means all state waters north and west of the Pasco-Pinellas County Line to the Florida-Alabama border, and adjacent federal Exclusive Economic Zone (EEZ) waters.

(7) "South Region" means state waters lying between the Flagler-Volusia County Line on the Atlantic Ocean and the Pinellas-Pasco County Line on the Gulf of Mexico and adjacent federal Exclusive Economic Zone (EEZ) waters.

(8) "Spotted seatrout" means any fish of the species *Cynoscion nebulosus*, or any part thereof.

(9) "Total length" means the length of a fish as measured from the most forward point of the head to the hindmost point of the tail.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 11-1-89, Amended 1-1-96, 8-1-96.*

**46-37.003 Size Limits.**

(1)(a) Recreational Size Limits — Except as provided in paragraph (b), a person subject to a regional bag limit specified in Rule 46-37.004(1) shall not harvest, possess while in or on the waters of the state, or land any spotted seatrout with a total length smaller or larger than the regional size limits indicated in this paragraph:

1. In the Northeast Region and South Region, a total length less than 15 inches or greater than 20 inches.

2. In the Northwest Region, a total length less than 15 inches or greater than 24 inches.

(b) A person harvesting under the bag limit established in Rule 46-37.004 may harvest, possess while in or on the waters of the state, and land no more than one spotted seatrout per day with a total length greater than the applicable regional maximum size limit specified in paragraph (a) of this subsection.

(2) Commercial Size Limit — A person harvesting for commercial purposes shall not harvest, possess while in or on the waters of the state, or land any spotted seatrout with a total length less than 15 inches or greater than 24 inches. No person shall buy, sell, or exchange any spotted seatrout with a total length less than 15 inches or greater than 24 inches.

(3) All spotted seatrout harvested in or from Florida or adjacent federal Exclusive Economic Zone (EEZ) waters shall be landed in a whole condition. The possession, while in or on state

waters, on any public or private fishing pier, on a bridge or catwalk attached to a bridge from which fishing is allowed, or on any jetty, of a spotted seatrout that has been deheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned is prohibited. Mere evisceration or "gutting" of spotted seatrout, or mere removal of gills before landing is not prohibited.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 11-1-89, Amended 1-1-96, 8-1-96.*

#### **46-37.004 Regional Bag Limits; Closed Seasons.**

(1) Regional bag limits — Except as provided in Rule 46-37.005 and subject to the closed seasons specified in subsection (2), no person shall harvest more spotted seatrout per day or possess at any time, while in, on, or above the waters of the state or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters, more spotted seatrout than the specified bag limit established in this subsection within the following identified regions:

(a) Northeast Region and South Region — Five (5) spotted seatrout.

(b) Northwest Region — Seven (7) spotted seatrout.

(2) Regional season closures — No person shall harvest any spotted seatrout within the specified region during the closed seasons established in this subsection. During the specified closed season, the possession of spotted seatrout while in or on the waters of the specified region or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters is prohibited.

(a) Northeast Region — Beginning on December 1 of each year and continuing through the last day of February of the following year, the season for harvest of spotted seatrout is closed in the Northeast Region. During this closed season, no person shall land any spotted seatrout harvested in the South or Northwest Region in the Northeast Region.

(b) South Region — Beginning on November 1 and continuing through December 31 each year, the season for the harvest of spotted seatrout is closed in the South Region. During this closed season, no person shall land any spotted seatrout harvested in the Northeast or Northwest Region in the South Region.

(c) Northwest Region — Beginning on February 1 and continuing through the last day of February each year, the harvest of spotted seatrout is closed in the Northwest Region. During this closed season, no person shall land any spotted seatrout harvested in the Northeast or South Region in the Northwest Region.

*Specific Authority 370.27(2) FS. Law Implemented 370.025, 370.027 FS. History—New 11-1-89, Amended 1-1-96, 8-1-96.*

#### **46-37.005 Commercial Season and Daily Harvest Limit.**

(1) Commercial Season — The harvest of spotted seatrout for commercial purposes shall be

limited each year to the period beginning June 1 and continuing through August 31. Such harvest is limited to persons possessing a valid saltwater products license with a restricted species endorsement.

(2) Prohibition of Sale — Once the commercial season specified in subsection (1) is closed, the purchase, sale, or exchange of spotted seatrout harvested from Florida or adjacent federal Exclusive Economic Zone (EEZ) waters is prohibited, beginning on the date specified in paragraph (a) and continuing through the following May 31.

(a) This prohibition shall be effective beginning 5 days after the season specified in subsection (1) is closed.

(b) This prohibition shall not apply to spotted seatrout legally harvested outside Florida or adjacent federal Exclusive Economic Zone (EEZ) waters, which spotted seatrout have entered the State of Florida in interstate commerce. The burden shall be upon any person possessing spotted seatrout during the period sale is prohibited to establish the chain of possession from the initial transaction after harvest, by appropriate receipt(s), bill(s) of sale, or bill(s) of lading, and to show that such spotted seatrout originated from a point outside Florida or adjacent federal Exclusive Economic Zone (EEZ) waters, and entered the state in interstate commerce. Failure to maintain such documentation or to promptly produce same at the request of any duly authorized law enforcement officer shall constitute a violation of this rule.

(3) Commercial Daily Harvest Limit — Each person harvesting spotted seatrout for commercial purposes pursuant to subsection (1) of this rule shall be governed by a daily harvest limit of 75 spotted seatrout per day. No such harvester shall possess while in or on state waters more than 75 spotted seatrout; provided, however, that the possession of more than 75 spotted seatrout aboard any vessel in or on state waters, irrespective of the number of commercial licensees aboard, is prohibited. The landing of more than 75 spotted seatrout from a single vessel in any single day is prohibited. The towing of any vessel in order to exceed the commercial daily harvest limit established by this subsection is prohibited.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 11-1-89, Amended 1-1-96.*

#### **46-37.006 Gear Specifications and Prohibited Gear; Bycatch Allowance.**

(1) The harvest of any spotted seatrout, within or without the waters of the state, by or with the use of any multiple hook in conjunction with live or dead natural bait is prohibited. Snagging (snatch hooking) of spotted seatrout in or from state waters is prohibited.

(2) The harvest or attempted harvest of any spotted seatrout by or with the use of any gear other than a cast net or hook and line gear is prohibited.

(3) The simultaneous possession aboard a vessel of any gill net or entangling net together with any



waters, on any public or private fishing pier, on a bridge or catwalk attached to a bridge from which fishing is allowed, or on any jetty, of a spotted seatrout that has been deheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned is prohibited. Mere evisceration or "gutting" of spotted seatrout, or mere removal of gills before landing is not prohibited.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 11-1-89, Amended 1-1-96, 8-1-96.*

#### **46-37.004 Regional Bag Limits; Closed Seasons.**

(1) Regional bag limits — Except as provided in Rule 46-37.005 and subject to the closed seasons specified in subsection (2), no person shall harvest more spotted seatrout per day or possess at any time, while in, on, or above the waters of the state or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters, more spotted seatrout than the specified bag limit established in this subsection within the following identified regions:

(a) Northeast Region and South Region — Five (5) spotted seatrout.

(b) Northwest Region — Seven (7) spotted seatrout.

(2) Regional season closures — No person shall harvest any spotted seatrout within the specified region during the closed seasons established in this subsection. During the specified closed season, the possession of spotted seatrout while in or on the waters of the specified region or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters is prohibited.

(a) Northeast Region — Beginning on December 1 of each year and continuing through the last day of February of the following year, the season for harvest of spotted seatrout is closed in the Northeast Region. During this closed season, no person shall land any spotted seatrout harvested in the South or Northwest Region in the Northeast Region.

(b) South Region — Beginning on November 1 and continuing through December 31 each year, the season for the harvest of spotted seatrout is closed in the South Region. During this closed season, no person shall land any spotted seatrout harvested in the Northeast or Northwest Region in the South Region.

(c) Northwest Region — Beginning on February 1 and continuing through the last day of February each year, the harvest of spotted seatrout is closed in the Northwest Region. During this closed season, no person shall land any spotted seatrout harvested in the Northeast or South Region in the Northwest Region.

*Specific Authority 370.27(2) FS. Law Implemented 370.025, 370.027 FS. History—New 11-1-89, Amended 1-1-96, 8-1-96.*

#### **46-37.005 Commercial Season and Daily Harvest Limit.**

(1) Commercial Season — The harvest of spotted seatrout for commercial purposes shall be

limited each year to the period beginning June 1 and continuing through August 31. Such harvest is limited to persons possessing a valid saltwater products license with a restricted species endorsement.

(2) Prohibition of Sale — Once the commercial season specified in subsection (1) is closed, the purchase, sale, or exchange of spotted seatrout harvested from Florida or adjacent federal Exclusive Economic Zone (EEZ) waters is prohibited, beginning on the date specified in paragraph (a) and continuing through the following May 31.

(a) This prohibition shall be effective beginning 5 days after the season specified in subsection (1) is closed.

(b) This prohibition shall not apply to spotted seatrout legally harvested outside Florida or adjacent federal Exclusive Economic Zone (EEZ) waters, which spotted seatrout have entered the State of Florida in interstate commerce. The burden shall be upon any person possessing spotted seatrout during the period sale is prohibited to establish the chain of possession from the initial transaction after harvest, by appropriate receipt(s), bill(s) of sale, or bill(s) of lading, and to show that such spotted seatrout originated from a point outside Florida or adjacent federal Exclusive Economic Zone (EEZ) waters, and entered the state in interstate commerce. Failure to maintain such documentation or to promptly produce same at the request of any duly authorized law enforcement officer shall constitute a violation of this rule.

(3) Commercial Daily Harvest Limit — Each person harvesting spotted seatrout for commercial purposes pursuant to subsection (1) of this rule shall be governed by a daily harvest limit of 75 spotted seatrout per day. No such harvester shall possess while in or on state waters more than 75 spotted seatrout; provided, however, that the possession of more than 75 spotted seatrout aboard any vessel in or on state waters, irrespective of the number of commercial licensees aboard, is prohibited. The landing of more than 75 spotted seatrout from a single vessel in any single day is prohibited. The towing of any vessel in order to exceed the commercial daily harvest limit established by this subsection is prohibited.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 11-1-89, Amended 1-1-96.*

#### **46-37.006 Gear Specifications and Prohibited Gear; Bycatch Allowance.**

(1) The harvest of any spotted seatrout, within or without the waters of the state, by or with the use of any multiple hook in conjunction with live or dead natural bait is prohibited. Snagging (snatch hooking) of spotted seatrout in or from state waters is prohibited.

(2) The harvest or attempted harvest of any spotted seatrout by or with the use of any gear other than a cast net or hook and line gear is prohibited.

(3) The simultaneous possession aboard a vessel of any gill net or entangling net together with any



spotted seatrout is prohibited.

370.025, 370.027 FS. History—New 11-1-89, Amended  
1-1-96.

Specific Authority 370.027(2) FS. Law Implemented



CHAPTER 46-39  
MULLET

- 46-39.001 Purpose and Intent; Repeal of Certain General and Special Acts; Designation as Restricted Species.
- 46-39.002 Definitions.
- 46-39.003 Size Limit; Exception.
- 46-39.0035 Recreational Harvest Seasons.
- 46-39.004 Bag Limit.
- 46-39.0045 Seasonal Bag Limit for Portion of Pinellas County.
- 46-39.005 Commercial Harvest, Statewide Regulations.
- 46-39.006 Panhandle Region; Gear Restrictions; Seasons.
- 46-39.007 Wakulla-Hernando Region; Gear Restrictions; Seasons. (Repealed)
- 46-39.008 Pasco-Lee Region; Gear Restrictions; Seasons; Closed Areas.
- 46-39.009 Collier-Monroe Gulf Region; Gear Restrictions; Seasons. (Repealed)
- 46-39.010 East Coast Region; Gear Restrictions; Seasons. (Repealed)
- 46-39.011 St. Johns River Region; Gear Restrictions; Seasons. (Repealed)
- 46-39.012 Lake Okeechobee Region: Mullet Harvest Restrictions. (Repealed)

**46-39.001 Purpose and Intent; Repeal of Certain General and Special Acts; Designation as Restricted Species.**

(1) The purpose and intent of this chapter are to protect and conserve Florida's mullet resources and assure the continuing health and abundance of the species.

(2) It is the intent of this chapter to expressly effect the repeal of and replace Section 370.11(2)(a)7., Florida Statutes, and the remainder of Section 370.11(2)(a), Florida Statutes, as it pertains to mullet.

(3) It is the intent of this chapter to repeal and replace the following special acts (local laws), which are rules of the Department of Natural Resources pursuant to subsection (5) of section 2 of Chapter 83-134, as amended by Chapter 84-121, Laws of Florida.

(a) Chapter 21429, Laws of Florida (1941), which regulates the taking of mullet in Okaloosa County.

(b) Chapter 26115, Laws of Florida (1949), which regulates the taking of mullet in Palm Beach County.

(c) Chapter 57-1320, Laws of Florida (1957), which allows the taking of mullet smaller than 12 inches in length for bait and provides for the licensing of mullet dealers, in Flagler County.

(d) Chapter 61-1998, Laws of Florida (1961), which regulates the taking of mullet in Citrus County.

(e) Chapter 69-948, Laws of Florida (1969), which allows the taking of mullet smaller than 12 inches in length for bait and provides for the licensing of mullet dealers, in Clay County.

(4) Mullet are hereby designated as a restricted species pursuant to Section 370.01(20), Florida Statutes, except that such designation shall not apply to mullet in the Panhandle Region as described in Rule 46-39.006.

*Specific Authority 370.01(20), 370.027(2) FS., section 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.01(20), 370.025, 370.027 FS., section 2, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 10-19-89, Amended 9-1-91.*

**46-39.002 Definitions.** As used in this rule chapter:

(1) "Fork length" means the length of a fish as measured from the tip of the snout to the rear center edge of the tail.

(2) "Harvest" means the catching or taking of a fish by any means whatsoever, followed by a reduction of such fish to possession. Fish that are caught but immediately returned to the water free, alive, and unharmed are not harvested. In addition, temporary possession of a fish for the purpose of measuring it to determine compliance with the minimum size requirements of this chapter shall not constitute harvesting such fish, provided that it is measured immediately after taking, and immediately returned to the water free, alive, and unharmed if undersize.

(3) "Harvest for commercial purposes" means the taking or harvesting of any mullet for purposes of sale or with intent to sell. Mullet harvest by or with the use of any type of net or seine, other than a cast net, or in excess of the bag limit, shall constitute harvest for commercial purposes.

(4) "Land," when used in conjunction with the harvest of fish, means the physical act of bringing the harvested fish ashore.

(5) "Mullet", also commonly known as black or striped mullet, means any fish of the species *Mugil cephalus*, or any part thereof.

(6) "Spotter plane" means any aircraft as defined in Section 330.27(1), Florida Statutes, used for aerial identification of the location of fish so that a vessel may be directed to the fish.

(7) "Vessel" means and includes every description of water craft used or capable of being used as a means of transportation on water, including nondisplacement craft or any aircraft designed to maneuver on water.

(8) "Weekend" means that portion of a week commencing at noon on Friday and ending at noon the following Monday.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 10-19-89, Amended 10-1-90, 11-16-93, 7-15-96.*

**46-39.003 Size Limit; Exception.**

(1) A person harvesting pursuant to Rules 46-39.005 through 46-39.011 shall not harvest or possess, while in or on the waters of the state, a quantity of mullet smaller in size than 11 inches fork length, which quantity exceeds 10 percent of the total whole weight of all mullet in possession of the harvester at any time.

(2) All mullet harvested for commercial purposes within or without the waters of the state

shall be landed in a whole condition. The possession, while in or on state waters, of a mullet harvested for commercial purposes that has been deheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned is prohibited. Mere evisceration or "gutting" of such mullet, or mere removal of gills before landing is not prohibited.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 10-19-89.*

#### 46-39.0035 Recreational Harvest Seasons.

(1) No person shall harvest mullet in or from state waters during the ten consecutive 24-hour periods beginning at noon on the fourth Friday of December each year.

(2) During the closure period specified in subsection (1), no person shall:

(a) Possess any mullet, while in or on the waters of the state; provided, however, that this prohibition shall not apply to a person possessing mullet, aboard a vessel, that has been cut into sections or eviscerated ("gutted") for use as bait, if such person does not also possess aboard the vessel any net, other than a landing or dip net.

(b) Land any mullet.

(3) The closure period specified in subsection (1) shall operate to supersede the special harvest provisions of Rule 46-39.0045.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 11-16-93.*

#### 46-39.004 Bag Limit. Except as provided in Rules 46-39.0045 — 46-39.011:

(1) No person shall harvest, within or without the waters of the state, more than 50 mullet per day; provided, however, that two or more harvesters aboard a single vessel in or on the waters of the state shall be subject to the vessel possession limit specified in subsection (2).

(2) The possession of more than 50 mullet aboard a vessel in or on the waters of the state at any time is prohibited.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 10-19-89, Amended 9-1-91, 10-5-92.*

#### 46-39.0045 Seasonal Bag Limit for Portion of Pinellas County.

(1) During the period beginning October 1 and continuing through the following January 31 each year, no person, including those harvesting pursuant to Rules 46-39.005 and 46-39.008, shall harvest within the areas described in subsection (3), more than five mullet per day. However, if there are two or more harvesters aboard a single vessel in the areas described in subsection (3), the vessel possession limit specified in subsection (2) shall apply.

(2) The possession of more than 5 mullet aboard a vessel in the areas described in subsection (3) is prohibited.

(3) The closure area shall include the following described areas:

(a)1. Riveria Bay and Bayou Grande, commonly known as Papy's Bayou, together with their interconnecting waters, the entrance to which is

defined by a line running from the southeast (SE) corner of the west half (W1/2) of the southwest quarter (SW1/4) to the northwest (NW) corner of said west half (W1/2) of the southwest quarter (SW1/4) of Section thirty-four (34), Township thirty (30) south, Range seventeen (17) east.

2. Placido Bayou, commonly known as Smack's Bayou, Snell Isle Harbour, and Coffee Pot Bayou, together with certain inlets and shore indentions of Tampa Bay, and a portion of Tampa Bay lying between said Bayous, the entrance of which is defined by a line running from the intersection of the east (E) line of the west half (W1/2) of the west half (W1/2) of the northeast quarter (NE1/4) of Section nine (9) with the shore line of Tampa Bay, thence south (S) to the south (S) line of the north half (N1/2) of the north half (N1/2) of the unsurveyed Section sixteen (16) thence west (W) to the intersection of the south (S) line of the north half (N1/2) of the north half (N1/2) of Section seventeen (17) with the shore line of Tampa Bay, being in and a part of Township thirty-one (31) south, Range seventeen (17) east.

(b) Beginning at the end point of Second Avenue NE (at the point that Second Avenue NE intersects with the Municipal "Pierhead"), proceed north to Marker 3 — 27' 47. 33N 082' 36. 65W — in St. Petersburg Small Boat Channel "L" (better known as "Coffee Pot Channel"); then proceed north to Marker 3 — 27' 47.46N 082' 36.13W — in St. Petersburg Small Boat Channel "N" (better known as "Snell Isle Channel"); then proceed north following the shoreline 200 yards offshore to a point approximately 750' north of the southern edge of Weedon's Island. Then proceed south following the shoreline of Weedon Island to Tampa Bay to the entrance of the waters of Bayou Grande (commonly known as Papy's Bayou) running south along the entrance which is defined by a line running from the southeast (SE) corner of the west half (W1/2) of the southwest quarter (SW1/4) to the northwest (NW) corner of said west half (W1/2) of the southwest quarter (SW1/4) of Section thirty-four (34), Township thirty (30) south, Range seventeen (17) east. Then proceed southeast along the shoreline legally described as Venetian Isles Subdivision, Unit 6, Block 14, Lots 1 — 13; then proceed south across Tampa Bay to a point that intersects with the shoreline legally described as Venetian Isles Subdivision, Unit 4, Block 11, Lots 24 and 25; then proceed southeast in Tampa Bay to the intersection with the shoreline legally described as Venetian Isles, Unit 2, Block 7, Lot 17; then proceed southeast in Tampa Bay to the intersection with the shoreline legally described as Venetian Isles Subdivision, Block 8, Lots 16 and 17; then proceed southeast in Tampa Bay to the intersection with the shoreline legally described as Venetian Isles Subdivision, Unit Five, Block 12, Lot 16; then proceed southeast in Tampa Bay to the point of intersection legally described as Venetian Isles Subdivision, Unit Seven, Block 16, Lot 15;



shall be landed in a whole condition. The possession, while in or on state waters, of a mullet harvested for commercial purposes that has been deheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned is prohibited. Mere evisceration or "gutting" of such mullet, or mere removal of gills before landing is not prohibited.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 10-19-89.*

**46-39.0035 Recreational Harvest Seasons.**

(1) No person shall harvest mullet in or from state waters during the ten consecutive 24-hour periods beginning at noon on the fourth Friday of December each year.

(2) During the closure period specified in subsection (1), no person shall:

(a) Possess any mullet, while in or on the waters of the state; provided, however, that this prohibition shall not apply to a person possessing mullet, aboard a vessel, that has been cut into sections or eviscerated ("guted") for use as bait, if such person does not also possess aboard the vessel any net, other than a landing or dip net.

(b) Land any mullet.

(3) The closure period specified in subsection (1) shall operate to supersede the special harvest provisions of Rule 46-39.0045.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 11-16-93.*

**46-39.004 Bag Limit.** Except as provided in Rules 46-39.0045 — 46-39.011:

(1) No person shall harvest, within or without the waters of the state, more than 50 mullet per day; provided, however, that two or more harvesters aboard a single vessel in or on the waters of the state shall be subject to the vessel possession limit specified in subsection (2).

(2) The possession of more than 50 mullet aboard a vessel in or on the waters of the state at any time is prohibited.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 10-19-89, Amended 9-1-91, 10-5-92.*

**46-39.0045 Seasonal Bag Limit for Portion of Pinellas County.**

(1) During the period beginning October 1 and continuing through the following January 31 each year, no person, including those harvesting pursuant to Rules 46-39.005 and 46-39.008, shall harvest within the areas described in subsection (3), more than five mullet per day. However, if there are two or more harvesters aboard a single vessel in the areas described in subsection (3), the vessel possession limit specified in subsection (2) shall apply.

(2) The possession of more than 5 mullet aboard a vessel in the areas described in subsection (3) is prohibited.

(3) The closure area shall include the following described areas:

(a)1. Riveria Bay and Bayou Grande, commonly known as Papy's Bayou, together with their interconnecting waters, the entrance to which is

defined by a line running from the southeast (SE) corner of the west half (W1/2) of the southwest quarter (SW1/4) to the northwest (NW) corner of said west half (W1/2) of the southwest quarter (SW1/4) of Section thirty-four (34), Township thirty (30) south, Range seventeen (17) east.

2. Placido Bayou, commonly known as Smack's Bayou, Snell Isle Harbour, and Coffee Pot Bayou, together with certain inlets and shore indentions of Tampa Bay, and a portion of Tampa Bay lying between said Bayous, the entrance of which is defined by a line running from the intersection of the east (E) line of the west half (W1/2) of the west half (W1/2) of the northeast quarter (NE1/4) of Section nine (9) with the shore line of Tampa Bay, thence south (S) to the south (S) line of the north half (N1/2) of the north half (N1/2) of the unsurveyed Section sixteen (16) thence west (W) to the intersection of the south (S) line of the north half (N1/2) of the north half (N1/2) of Section seventeen (17) with the shore line of Tampa Bay, being in and a part of Township thirty-one (31) south, Range seventeen (17) east.

(b) Beginning at the end point of Second Avenue NE (at the point that Second Avenue NE intersects with the Municipal "Pierhead"), proceed north to Marker 3 — 27' 47.33N 082' 36.65W — in St. Petersburg Small Boat Channel "L" (better known as "Coffee Pot Channel"); then proceed north to Marker 3 — 27' 47.46N 082' 36.13W — in St. Petersburg Small Boat Channel "N" (better known as "Snell Isle Channel"); then proceed north following the shoreline 200 yards offshore to a point approximately 750' north of the southern edge of Weedon's Island. Then proceed south following the shoreline of Weedon Island to Tampa Bay to the entrance of the waters of Bayou Grande (commonly known as Papy's Bayou) running south along the entrance which is defined by a line running from the southeast (SE) corner of the west half (W1/2) of the southwest quarter (SW1/4) to the northwest (NW) corner of said west half (W1/2) of the southwest quarter (SW1/4) of Section thirty-four (34), Township thirty (30) south, Range seventeen (17) east. Then proceed southeast along the shoreline legally described as Venetian Isles Subdivision, Unit 6, Block 14, Lots 1 — 13; then proceed south across Tampa Bay to a point that intersects with the shoreline legally described as Venetian Isles Subdivision, Unit 4, Block 11, Lots 24 and 25; then proceed southeast in Tampa Bay to the intersection with the shoreline legally described as Venetian Isles, Unit 2, Block 7, Lot 17; then proceed southeast in Tampa Bay to the intersection with the shoreline legally described as Venetian Isles Subdivision, Block 8, Lots 16 and 17; then proceed southeast in Tampa Bay to the intersection with the shoreline legally described as Venetian Isles Subdivision, Unit Five, Block 12, Lot 16; then proceed southeast in Tampa Bay to the point of intersection legally described as Venetian Isles Subdivision, Unit Seven, Block 16, Lot 15;



then proceed southeast in Tampa Bay to a point of intersection legally described as the shoreline as Venetian Isles Subdivision, Unit 8, Block 17, Lots 47 and 48; then proceed south along the shoreline of the Venetian Isles Subdivision, Unit 8, Block 17, Lots 16 — 46; then proceed west along the property line of Venetian Isles Subdivision, Unit 8, Block 17, Lot 15; then proceed west in Tampa Bay to a point of intersection legally described as Venetian Isles Subdivision, Unit 3, Block 9, Lot 17; then proceed southwest in Tampa Bay to a point of intersection at the shoreline legally described as the Revised Plat of Overlook Section of Shore Acres, Block 1, Lot 1; then proceed southwest along the shoreline legally described as the Revised Plat of the Overlook Section of Shore Acres, Block 1 and Block 2, Lots 1 — 34; proceed in Tampa Bay to the entrance of Placido Bayou (commonly known as Smack's Bayou), Snell Isle Harbour, and Coffee Pot Bayou, together with certain inlets and shore indentions of Tampa Bay, and a portion of Tampa Bay lying between said Bayous, the entrance of which is defined by a line running from the intersection of the east (E) line of the west half (W½) of the west half (W½) of the northeast quarter (NE¼) of Section nine (9) with the shoreline of Tampa Bay, thence south (S) to the south (S) line of the north half (N½) of the north half (N½) of the north half (N½) of Section seventeen (17) with the shore line of Tampa Bay, being in and a part of Township thirty-one (31) south, range seventeen (17) east; then proceed south along the shoreline of the City-owned property identified as Flora Wylie, North Shore and Vinoy Parks; then proceed west along the shoreline of Fifth Avenue NE to the intersection with Bayshore Drive NE; then proceed south along the shoreline of Tampa Bay adjacent to Bay Shore Drive NE; then proceed east along the northern shoreline adjacent to Second Avenue NE from Locust St. NE (extended) for a distance of 2200' to the point of beginning (POB).

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 10-5-92.*

#### 46-39.005 Commercial Harvest, Statewide Regulations.

(1) Any person harvesting mullet in excess of the bag limit established by Rule 46-39.004 shall be governed by the statewide regulations contained in this rule and by the regional requirements contained in Rules 46-39.006 through 46-39.012. Except in the Panhandle Region as provided in Rule 46-39.006(3), such person shall either possess a valid saltwater products license with a restricted species endorsement or be aboard a vessel with another person so qualified.

(2) No person shall use any gill net or trammel net to harvest mullet which has a mesh size less than 3 inches stretched mesh. This minimum mesh size shall apply during those portions of the year not regionally regulated as to mesh size in Rules 46-39.006 through 46-39.011.

(3) No person shall harvest mullet for commercial purposes in water of the Atlantic

Ocean or Gulf of Mexico offshore of the "three nautical mile line" (formerly known as the territorial sea line) except that, in the Collier-Monroe Gulf Region, no person shall harvest mullet for commercial purposes offshore of the Everglades National Park Line. Such line shall commence at a point on the three nautical mile line due southwest of the West Pass Marker, 81° 31' 12" W longitude, 25° 49' 03" N latitude, thereafter going due northeast to the West Pass Marker, thereafter going in a southerly direction following the Western boundary of the Everglades National Park to the lighted buoy # 2 at 80° 52.9' W longitude, 24° 52.3' N latitude, thereafter 240° True (or 242° magnetic) to the three nautical mile line, at which point it shall terminate.

(4)(a) Except as provided in paragraph (c) of this subsection, no person shall harvest, possess while in or on the waters of the state, or land in any one day mullet in quantities greater than the bag limit specified in Rule 46-39.004 on any weekend during the period beginning on July 1 of each year and ending on January 31 of the following year.

(b) No person shall purchase, sell, or exchange, or offer to purchase, sell, or exchange any mullet harvested on any weekend during the period beginning on July 1 of each year and ending on January 31 of the following year.

(c) A person who has lawfully harvested mullet for commercial purposes prior to the beginning of a weekend may possess, aboard a vessel, mullet in quantities greater than the bag limit after the weekend begins, if the vessel is tied up to the docking facilities of a licensed wholesale saltwater products dealer, the vessel was docked at the facility prior to the beginning of the weekend, and the person is in the process of landing the mullet at the dealer's facility.

#### (5) Commercial Season Harvest Limits.

(a) Except as provided in paragraph (b) of this subsection, during the period beginning on July 1 and continuing through September 30 of each year, no person harvesting mullet for commercial purposes shall harvest or land from a single vessel in any one day more than 500 pounds of mullet. During this period, the possession of more than 500 pounds of mullet aboard a single vessel in or on state waters at any time is prohibited.

(b)1. During the period specified in paragraph (a), no more than 1000 pounds of mullet may be possessed aboard a single vessel in or on the waters of any region other than the Panhandle Region, as defined in Rule 46-39.006(1), and may be landed from such vessel, if there are two persons aboard the vessel fishing pursuant to separate valid saltwater products licenses with restricted species endorsements, one of which may be a vessel saltwater products license with an endorsement applicable to the vessel.

2. During the period specified in paragraph (a), no more than 1000 pounds of mullet may be possessed aboard a single vessel in or on waters of the Panhandle Region, as defined in Rule 46-39.006(1), and may be landed from such vessel, if there are two persons aboard the vessel fishing

ursuant to separate valid saltwater products licenses, one of which may be a vessel saltwater products license applicable to the vessel.

(6) Commercial Closed Seasons.

(a) In addition to the weekend closures specified in subsection (4), the harvest of mullet for commercial purposes is prohibited statewide during the ten consecutive 24-hour periods beginning at noon on the fourth Friday of December each year.

(b) During the closure period specified in paragraph (a), no person subject to this rule shall:

1. Possess any mullet, while in or on the waters of the state; provided, however, that this prohibition shall not apply to a person possessing mullet, aboard a vessel, that has been cut into sections or viscerated ("gutted") for use as bait, if such person does not also possess aboard the vessel any net, other than a landing or dip net.

2. Land any mullet.

(c) The closure period specified in paragraph (a) shall operate to supersede the special harvest provisions of Rule 46-39.008(3).

(7) No person shall harvest mullet in any waters of the state with the aid of any spotter plane.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 10-19-89, Amended 0-1-90, 9-1-91, 11-16-93.*

**ANNOTATIONS**

**Validity**

*Rule 46-39.005 regulating the various aspects of the commercial harvesting of mullet is not an invalid exercise of delegated legislative authority. The Commission conducted public hearing on amendments to this rule and changes resulted from hearing benefitting commercial fishermen. The contention that the rule discriminates against Florida citizens in favor of citizens of other states has no merit; Florida has no jurisdiction over fishermen from other states. Sigma International, Inc. v. Marine Fisheries Commission, 15 FALR 2540 (1993).*

**46-39.006 Panhandle Region; Gear Restrictions; Seasons.**

(1) For purposes of this rule "Panhandle Region" means all state waters from the Florida-Alabama border eastward to the Ochlockonee Line and shoreward of the three nautical mile line. The Ochlockonee Line shall be defined as that line drawn 112° True from Bald Point in Franklin County, through the 4 second flashing red light # 2 to the three nautical mile line formerly called the territorial sea line).

(2) During the period beginning October 1 and continuing through November 30 each year, no person shall harvest or attempt to harvest mullet with a gill or trammel net that has a mesh size less than 3½ inches stretched mesh, in the Panhandle Region.

(3) In the Panhandle Region, any person harvesting mullet in excess of the bag limit established by Rule 46-39.004 shall either possess a valid individual saltwater products license or be aboard a vessel for which a valid vessel saltwater products license has been issued.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 10-19-89, Amended 2-1-91.*

**46-39.007 Wakulla-Hernando Region; Gear Restrictions; Seasons.**

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 10-19-89, Amended 10-1-90, Repealed 1-1-96.*

**46-39.008 Pasco-Lee Region; Gear Restrictions; Seasons; Closed Areas.**

(1) For purposes of this rule, "Pasco-Lee Region" means all state waters from the Hernando-Pasco County Line southward to the Lee-Collier County Line, shoreward of the three nautical mile line.

(2)(a) During the period beginning November 1 and continuing through December 31 each year, no person shall harvest or attempt to harvest mullet with a gill or trammel net that has a mesh size less than 4 inches stretched mesh in the Pasco-Lee Region.

(b) During the period beginning November 1 of each year and continuing through January 31 of the following year, the following waters shall be closed to the harvest of mullet in excess of the bag limit established by Rule 46-39.004, during the period specified above. These closures shall not affect operation of existing closures of the same areas established by law or rule, during the remainder of the year.

1. In Manatee County, on the Manatee River upstream of a line from the eastern side of the mouth of Warner's Bayou northeasterly to the eastern side of the mouth of Tierra Ciega Cutoff.

2. In Charlotte County, on the Peace River, upstream of a line from Mangrove Point running northwesterly through the northeasternmost point of Locust Point to the shoreline in the body of water known as Myakka Cutoff.

3. In Charlotte County, all of Coral Creek upstream of its mouth on Gasparilla Sound.

(3)(a) During the period beginning October 1 and continuing through the following January 31 each year no person shall harvest or attempt to harvest mullet with a gill net, trammel net or seine in the closure area described in paragraph (d), located in Pinellas County. Provided, however, that a maximum of five mullet per person per day, or five mullet per vessel per day, whichever is less, may be harvested with a cast net in the closure area described in paragraph (d).

(b) During the period beginning October 1 and continuing through the following January 31 each year the possession of more than five mullet aboard a vessel in or on the closure area described in paragraph (d) is prohibited.

(c) During the period beginning October 1 and continuing through the following January 31 each year the possession of any net or seine, except for a single cast net, is prohibited in or on the closure area described in paragraph (d).

(d)1. Riviera Bay and Bayou Grande, commonly known as Papy's Bayou, together with their interconnecting waters, the entrance to which is defined by a line running from the southeast (SE) corner of the west half (W½) of the southwest quarter (SW¼) to the northwest (NW) corner of said west half (W½) of the southwest quarter



ursuant to separate valid saltwater products licenses, one of which may be a vessel saltwater products license applicable to the vessel.

(6) Commercial Closed Seasons.

(a) In addition to the weekend closures specified in subsection (4), the harvest of mullet for commercial purposes is prohibited statewide during the ten consecutive 24-hour periods beginning at noon on the fourth Friday of December each year.

(b) During the closure period specified in paragraph (a), no person subject to this rule shall:

1. Possess any mullet, while in or on the waters of the state; provided, however, that this prohibition shall not apply to a person possessing mullet, aboard a vessel, that has been cut into sections or eviscerated ("gutted") for use as bait, if such person does not also possess aboard the vessel any net, other than a landing or dip net.

2. Land any mullet.

(c) The closure period specified in paragraph (a) shall operate to supersede the special harvest provisions of Rule 46-39.008(3).

(7) No person shall harvest mullet in any waters of the state with the aid of any spotter plane.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 10-19-89, Amended 10-1-90, 9-1-91, 11-16-93.*

**ANNOTATIONS**

**Validity**

*Rule 46-39.005 regulating the various aspects of the commercial harvesting of mullet is not an invalid exercise of delegated legislative authority. The Commission conducted public hearing on amendments to this rule and changes resulted from hearing benefitting commercial fishermen. The contention that the rule discriminates against Florida citizens in favor of citizens of other states has no merit; Florida has no jurisdiction over fishermen from other states. Sigma International, Inc. v. Marine Fisheries Commission, 15 FALR 2540 (1993).*

**46-39.006 Panhandle Region; Gear Restrictions; Seasons.**

(1) For purposes of this rule "Panhandle Region" means all state waters from the Florida-Alabama border eastward to the Ochlockonee Line and shoreward of the three nautical mile line. The Ochlockonee Line shall be defined as that line drawn 112° True from Bald Point in Franklin County, through the 4 second flashing red light # 2 to the three nautical mile line (formerly called the territorial sea line).

(2) During the period beginning October 1 and continuing through November 30 each year, no person shall harvest or attempt to harvest mullet with a gill or trammel net that has a mesh size less than 3½ inches stretched mesh, in the Panhandle Region.

(3) In the Panhandle Region, any person harvesting mullet in excess of the bag limit established by Rule 46-39.004 shall either possess a valid individual saltwater products license or be aboard a vessel for which a valid vessel saltwater products license has been issued.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 10-19-89, Amended 9-1-91.*

**46-39.007 Wakulla-Hernando Region; Gear Restrictions; Seasons.**

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 10-19-89, Amended 10-1-90, Repealed 1-1-96.*

**46-39.008 Pasco-Lee Region; Gear Restrictions; Seasons; Closed Areas.**

(1) For purposes of this rule, "Pasco-Lee Region" means all state waters from the Hernando-Pasco County Line southward to the Lee-Collier County Line, shoreward of the three nautical mile line.

(2)(a) During the period beginning November 1 and continuing through December 31 each year, no person shall harvest or attempt to harvest mullet with a gill or trammel net that has a mesh size less than 4 inches stretched mesh in the Pasco-Lee Region.

(b) During the period beginning November 1 of each year and continuing through January 31 of the following year, the following waters shall be closed to the harvest of mullet in excess of the bag limit established by Rule 46-39.004, during the period specified above. These closures shall not affect operation of existing closures of the same areas established by law or rule, during the remainder of the year.

1. In Manatee County, on the Manatee River upstream of a line from the eastern side of the mouth of Warner's Bayou northeasterly to the eastern side of the mouth of Tierra Ciega Cutoff.

2. In Charlotte County, on the Peace River, upstream of a line from Mangrove Point running northwesterly through the northeasternmost point of Locust Point to the shoreline in the body of water known as Myakka Cutoff.

3. In Charlotte County, all of Coral Creek upstream of its mouth on Gasparilla Sound.

(3)(a) During the period beginning October 1 and continuing through the following January 31 each year no person shall harvest or attempt to harvest mullet with a gill net, trammel net or seine in the closure area described in paragraph (d), located in Pinellas County. Provided, however, that a maximum of five mullet per person per day, or five mullet per vessel per day, whichever is less, may be harvested with a cast net in the closure area described in paragraph (d).

(b) During the period beginning October 1 and continuing through the following January 31 each year the possession of more than five mullet aboard a vessel in or on the closure area described in paragraph (d) is prohibited.

(c) During the period beginning October 1 and continuing through the following January 31 each year the possession of any net or seine, except for a single cast net, is prohibited in or on the closure area described in paragraph (d).

(d)1. Riviera Bay and Bayou Grande, commonly known as Papy's Bayou, together with their interconnecting waters, the entrance to which is defined by a line running from the southeast (SE) corner of the west half (W½) of the southwest quarter (SW¼) to the northwest (NW) corner of said west half (W½) of the southwest quarter





(SW $\frac{1}{4}$ ) of Section thirty-four (34), Township thirty (30) south, Range seventeen (17) east.

2. Beginning at the end point of Second Avenue NE (at the point that Second Avenue NE intersects with the Municipal "Pierhead"), proceed north to Marker 3 — 27° 47.33N 082° 36.65W — in St. Petersburg Small Boat Channel "L" (better known as "Coffee Pot Channel"); then proceed north to Marker 3 — 27° 47.46N 082° 36.13W — in St. Petersburg Small Boat Channel "N" (better known as "Snell Isle Channel"); then proceed north following the shoreline 200 yards offshore to a point approximately 750' north of the southern edge of Weedon's Island. Then proceed south following the shoreline of Weedon Island to Tampa Bay to the entrance of the waters of Bayou Grande (commonly known as Papy's Bayou) running south along the entrance which is defined by a line running from the southeast (SE) corner of the west half (W $\frac{1}{2}$ ) of the southwest quarter (SW $\frac{1}{4}$ ) to the northwest (NW) corner of said west half (W $\frac{1}{2}$ ) of the southwest quarter (SW $\frac{1}{4}$ ) of Section thirty-four (34), Township thirty (30) south, Range seventeen (17) east. Then proceed southeast along the shoreline legally described as Venetian Isles Subdivision, Unit 6, Block 14, Lots 1 — 13; then proceed south across Tampa Bay to a point that intersects with the shoreline legally described as Venetian Isles Subdivision, Unit 4, Block 11, Lots 24 and 25; then proceed southeast in Tampa Bay to the intersection with the shoreline legally described as Venetian Isles, Unit 2, Block 7, Lot 17; then proceed southeast in Tampa Bay to the intersection with the shoreline legally described as Venetian Isles Subdivision, Block 8, Lots 16 and 17; then proceed southeast in Tampa Bay to the intersection with the shoreline legally described as Venetian Isles Subdivision, Unit Five, Block 12, Lot 16; then proceed southeast in Tampa Bay to the point of intersection legally described as Venetian Isles Subdivision, Unit Seven, Block 16, Lot 15; then proceed southeast in Tampa Bay to a point of intersection legally described at the shoreline as Venetian Isles Subdivision, Unit 8, Block 17, Lots 47 and 48; then proceed south along the shoreline of the Venetian Isles Subdivision, Unit 8, Block 17, Lots 16 — 46; then proceed west along the property line of Venetian Isles Subdivision, Unit 8, Block 17, Lot 15; then proceed west in Tampa Bay to a point of intersection legally described as Venetian Isles Subdivision, Unit 3, Block 9, Lot 17; then proceed southwest in Tampa Bay to a point of intersection at the shoreline legally described as the Revised

Plat of Overlook Section of Shore Acres, Block 1, Lot 1; then proceed southwest along the shoreline legally described as the Revised Plat of the Overlook Section of Shore Acres, Block 1 and Block 2, Lots 1 — 34; proceed in Tampa Bay to the entrance of Placido Bayou (commonly known as Smack's Bayou), Snell Isle Harbour, and Coffee Pot Bayou, together with certain inlets and shore indentions of Tampa Bay, and a portion of Tampa Bay lying between said Bayous, the entrance of which is defined by a line running from the intersection of the east (E) line of the west half (W $\frac{1}{2}$ ) of the west half (W $\frac{1}{2}$ ) of the northeast quarter (NE $\frac{1}{4}$ ) of Section nine (9) with the shoreline of Tampa Bay, thence south (S) to the south (S) line of the north half (N $\frac{1}{2}$ ) of the north half (N $\frac{1}{2}$ ) of the north half (N $\frac{1}{2}$ ) of Section seventeen (17) with the shore line of Tampa Bay, being in and a part of Township thirty-one (31) south, range seventeen (17) east; then proceed south along the shoreline of the City-owned property identified as Flora Wylie, North Shore and Vinoy Parks; then proceed west along the shoreline of Fifth Avenue NE to the intersection with Bayshore Drive NE; then proceed south along the shoreline of Tampa Bay adjacent to Bay Shore Drive NE; then proceed east along the northern shoreline adjacent to Second Avenue NE from Locust St. NE (extended) for a distance of 2200' to the point of beginning (POB).

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 10-19-89, Amended 10-1-90, 10-5-92, 9-1-93, 11-29-93.*

**46-39.009 Collier-Monroe Gulf Region; Gear Restrictions; Seasons.**

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 10-19-89, Amended 10-1-90, Repealed 1-1-96.*

**46-39.010 East Coast Region; Gear Restrictions; Seasons.**

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 10-19-89, Repealed 1-1-96.*

**46-39.011 St. Johns River Region; Gear Restrictions; Seasons.**

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.207 FS. History—New 10-19-89, Repealed 1-1-96.*

**46-39.012 Lake Okeechobee Region: Mullet Harvest Restrictions.**

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 10-1-90, Repealed 1-1-96.*



CHAPTER 46-42  
MARINE LIFE

- 46-42.001 Purpose and Intent; Designation of Restricted Species; Definition of "Marine Life Species".
- 46-42.002 Definitions.
- 46-42.003 Prohibition of Harvest: Longspine Urchin, Bahama Starfish.
- 46-42.0035 Live Landing and Live Well Requirements.
- 46-42.0036 Harvest in Biscayne National Park Prohibited; Exception.
- 46-42.004 Size Limits.
- 46-42.005 Bag Limit.
- 46-42.006 Commercial Season, Harvest Limits.
- 46-42.007 Gear Specifications and Prohibited Gear.
- 46-42.008 Live Rock: Harvest in State Waters Prohibited; Aquacultured Live Rock Harvest and Landing Allowed.
- 46-42.009 Prohibition on the Taking, Destruction, or Sale of Marine Corals and Sea Fans; Exception; Repeal of Section 370.114, Florida Statutes.

**46-42.001 Purpose and Intent; Designation of Restricted Species; Definition of "Marine Life Species".**

(1)(a) The purpose and intent of this chapter are to protect and conserve Florida's tropical marine life resources and assure the continuing health and abundance of these species. The further intent of this chapter is to assure that harvesters in this fishery use nonlethal methods of harvest and that the fish, invertebrates, and plants so harvested be maintained alive for the maximum possible conservation and economic benefits.

(b) It is the express intent of the Marine Fisheries Commission that landing of live rock propagated through aquaculture will be allowed pursuant to the provisions of this chapter.

(2) The following fish species, as they occur in waters of the state and in federal Exclusive Economic Zone (EEZ) waters adjacent to state waters, are hereby designated as restricted species pursuant to Section 370.01(20), Florida Statutes:

(a) Moray eels — Any species of the Family Muraenidae.

(b) Snake eels — Any species of the Genera *Myrichthys* and *Myrophis* of the Family Ophichthidae.

(c) Toadfish — Any species of the Family Batrachoididae.

(d) Frogfish — Any species of the Family Antennariidae.

(e) Batfish — Any species of the Family Ogocephalidae.

(f) Clingfish — Any species of the Family Gobiesocidae.

(g) Trumpetfish — Any species of the Family Aulostomidae.

(h) Cornetfish — Any species of the Family

Fistulariidae.

(i) Pipefish/seahorses — Any species of the Family Syngnathidae.

(j) Hamlet/seabass — Any species of the Family Serranidae, except groupers of the genera *Epinephalus* and *Mycteroperca*, and seabass of the genus *Centropristis*.

(k) Basslets — Any species of the Family Grammistidae.

(l) Cardinalfish — Any species of the Family Apogonidae.

(m) High-hat, Jackknife-fish, Spotted drum, Cubbyu — Any species of the genus *Equetus* of the Family Sciaenidae.

(n) Reef Croakers — Any of the species *Odontocion dentex*.

(o) Sweepers — Any species of the Family Pempheridae.

(p) Butterflyfish — Any species of the Family Chaetodontidae.

(q) Angelfish — Any species of the Family Pomacanthidae.

(r) Damsel fish — Any species of the Family Pomacentridae.

(s) Hawkfish — Any species of the Family Cirrhitidae.

(t) Wrasse/hogfish/razorfish — Any species of the Family Labridae, except hogfish, *Lachnolaimus maximus*.

(u) Parrotfish — Any species of the Family Scaridae.

(v) Jawfish — Any species of the Family Opistognathidae.

(w) Blennies — Any species of the Families Clinidae or Blenniidae.

(x) Sleepers — Any species of the Family Eleotrididae.

(y) Gobies — Any species of the Family Gobiidae.

(z) Tangs and surgeonfish — Any species of the Family Acanthuridae.

(aa) Filefish/triggerfish — Any species of the Family Balistes, except gray triggerfish, *Balistidae caprisicus*.

(bb) Trunkfish/cowfish — Any species of the Family Ostraciidae.

(cc) Pufferfish/burrfish/balloonfish — Any of the following species:

1. Balloonfish — *Diodon holocanthus*.

2. Sharpnose puffer — *Canthigaster rostrata*.

3. Striped burrfish — *Chilomycterus schoepfi*.

(3) The following invertebrate species, as they occur in waters of the state and in federal Exclusive Economic Zone (EEZ) waters adjacent to state waters, are hereby designated as restricted species pursuant to Section 370.01(20), Florida Statutes:

(a) Sponges — Any species of the Class Demospongia, except sheepswool, yellow, grass, glove, finger, wire, reef, and velvet sponges, Order Dictyoceratida.

(b) Upside-down jellyfish — Any species of the Genus *Cassiopeia*.

(c) Siphonophores/hydroids — Any species of the Class Hydrozoa, except fire corals, Order

Milleporina.

(d) Soft corals — Any species of the Subclass Octocorallia, except sea fans *Gorgonia flabellum* and *Gorgonia ventalina*.

(e) Sea anemones — Any species of the Orders Actinaria, Zoanthidea, Corallimorpharia, and Ceriantharia.

(f) Featherduster worms/calcareous tubeworms — Any species of the Families Sabellidae and Serpulidae.

(g) Star-shells — Any of the species *Astraea americana* or *Astraea phoebia*.

(h) Nudibranchs/sea slugs — Any species of the Subclass Opisthobranchia.

(i) Fileclams — Any species of the Genus *Lima*.

(j) Octopods — Any species of the Order Octopoda, except the common octopus, *Octopus vulgaris*.

(k) Shrimp — Any of the following species:

1. Cleaner shrimp and peppermint shrimp — Any species of the Genera *Periclimenes* or *Lyssmata*.

2. Coral shrimp — Any species of the Genus *Stenopus*.

3. Snapping shrimp — Any species of the Genus *Alpheus*.

(l) Crabs — Any of the following species:

1. Yellowline arrow crab — *Stenorhynchus seticornis*.

2. Furcate spider or decorator crab — *Stenocionops furcata*.

3. Thinstripe hermit crab — *Clibanarius vittatus*.

4. Polkadotted hermit crab — *Phimochirus operculatus*.

5. Spotted porcelain crab — *Porcellana sayana*.

6. Nimble spray or urchin crab — *Percnon gibbesi*.

7. False arrow crab — *Metoporphaphis calcarata*.

(m) Starfish — Any species of the Class Asteroidea, except the Bahama starfish, *Oreaster reticulatus*.

(n) Brittlestars — Any species of the Class Ophiuroidea.

(o) Sea urchins — Any species of the Class Echinoidea, except longspine urchin, *Diadema antillarum*, and sand dollars and sea biscuits, Order Clypeasteroidea.

(p) Sea cucumbers — Any species of the Class Holothuroidea.

(q) Sea lillies — Any species of the Class Crinoidea.

(4) The following species of plants, as they occur in waters of the state and in federal Exclusive Economic Zone (EEZ) waters adjacent to state waters, are hereby designated as restricted species pursuant to Section 370.01(20), Florida Statutes:

(a) Caulerpa — Any species of the Family Caulerpaceae.

(b) Halimeda/mermaid's fan/mermaid's shaving brush — Any species of the Family Halimedaceae.

(c) Coralline red algae — Any species of the Family Corallinaceae.

(5) For the purposes of Section 370.06(2)(d),

Florida Statutes, the term "marine life species" is defined to mean those species designated as restricted species in subsections (2), (3), and (4) of this rule.

*Specific Authority* 370.01(20), 370.027(2), 370.06(2)(d) *FS. Law Implemented* 370.01(20), 370.025, 370.027, 370.06(2)(d) *FS. History—New* 1-1-91, *Amended* 7-1-92, 1-1-95.

**46-42.002 Definitions.** As used in this rule chapter:

(1) "Barrier net," also known as a "fence net," means a seine used beneath the surface of the water by a diver to enclose and concentrate tropical fish and which may be made of either nylon or monofilament.

(2) "Drop net" means a small, usually circular, net with weights attached along the outer edge and a single float in the center, used by a diver to enclose and concentrate tropical fish.

(3) "Hand held net" means a landing or dip net as defined in Rule 46-4.002(4), except that a portion of the bag may be constructed of clear plastic material, rather than mesh.

(4) "Harvest" means the catching or taking of a marine organism by any means whatsoever, followed by a reduction of such organism to possession. Marine organisms that are caught but immediately returned to the water free, alive, and unharmed are not harvested. In addition, temporary possession of a marine animal for the purpose of measuring it to determine compliance with the minimum or maximum size requirements of this chapter shall not constitute harvesting such animal, provided that it is measured immediately after taking, and immediately returned to the water free, alive, and unharmed if undersize or oversize.

(5) "Harvest for commercial purposes" means the taking or harvesting of any tropical ornamental marine life species or tropical ornamental marine plant for purposes of sale or with intent to sell. The harvest of tropical ornamental marine life species or tropical ornamental marine plants in excess of the bag limit shall constitute a violation of this rule.

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

(7) "Live rock" means rock with living marine organisms attached to it.

(8) "Octocoral" means any erect, nonencrusting species of the Subclass Octocorallia, except the species *Gorgonia flabellum* and *Gorgonia ventalina*.

(9) "Slurp gun" means a self-contained, handheld device that captures tropical fish by rapidly drawing seawater containing such fish into a closed chamber.

(10) "Total length" means the length of a fish as measured from the tip of the snout to the tip of the tail.

(11) "Trawl" means a net in the form of an elongated bag with the mouth kept open by various means and fished by being towed or dragged on the bottom. "Roller frame trawl" means a trawl with all of the following features and



Milleporina.

(d) Soft corals — Any species of the Subclass Octocorallia, except sea fans *Gorgonia flabellum* and *Gorgonia ventalina*.

(e) Sea anemones — Any species of the Orders Actinaria, Zoanthidea, Corallimorpharia, and Ceriantharia.

(f) Featherduster worms/calcareous tubeworms — Any species of the Families Sabellidae and Serpulidae.

(g) Star-shells — Any of the species *Astraea americana* or *Astraea phoebia*.

(h) Nudibranchs/sea slugs — Any species of the Subclass Opisthobranchia.

(i) Fileclams — Any species of the Genus *Lima*.

(j) Octopods — Any species of the Order Octopoda, except the common octopus, *Octopus vulgaris*.

(k) Shrimp — Any of the following species:

1. Cleaner shrimp and peppermint shrimp — Any species of the Genera *Periclimenes* or *Lysmata*.

2. Coral shrimp — Any species of the Genus *Stenopus*.

3. Snapping shrimp — Any species of the Genus *Alpheus*.

(l) Crabs — Any of the following species:

1. Yellowline arrow crab — *Stenorhynchus seticornis*.

2. Furcate spider or decorator crab — *Stenocionops furcata*.

3. Thinstripe hermit crab — *Clibanarius vittatus*.

4. Polkadotted hermit crab — *Phimochirus operculatus*.

5. Spotted porcelain crab — *Porcellana sayana*.

6. Nimble spray or urchin crab — *Percnon gibbesi*.

7. False arrow crab — *Metoporphaphis calcarata*.

(m) Starfish — Any species of the Class Asteroidea, except the Bahama starfish, *Oreaster reticulatus*.

(n) Brittlestars — Any species of the Class Ophiuroidea.

(o) Sea urchins — Any species of the Class Echinoidea, except longspine urchin, *Diadema antillarum*, and sand dollars and sea biscuits, Order Clypeasteroidea.

(p) Sea cucumbers — Any species of the Class Holothuroidea.

(q) Sea lillies — Any species of the Class Crinoidea.

(4) The following species of plants, as they occur in waters of the state and in federal Exclusive Economic Zone (EEZ) waters adjacent to state waters, are hereby designated as restricted species pursuant to Section 370.01(20), Florida Statutes:

(a) Caulerpa — Any species of the Family Caulerpaceae.

(b) Halimeda/mermaid's fan/mermaid's shaving brush — Any species of the Family Halimedaceae.

(c) Coralline red algae — Any species of the Family Corallinaceae.

(5) For the purposes of Section 370.06(2)(d),

Florida Statutes, the term "marine life species" is defined to mean those species designated as restricted species in subsections (2), (3), and (4) of this rule.

*Specific Authority* 370.01(20), 370.027(2), 370.06(2)(d) *FS. Law Implemented* 370.01(20), 370.025, 370.027, 370.06(2)(d) *FS. History—New* 1-1-91, *Amended* 7-1-92, 1-1-95.

**46-42.002 Definitions.** As used in this rule chapter:

(1) "Barrier net," also known as a "fence net," means a seine used beneath the surface of the water by a diver to enclose and concentrate tropical fish and which may be made of either nylon or monofilament.

(2) "Drop net" means a small, usually circular, net with weights attached along the outer edge and a single float in the center, used by a diver to enclose and concentrate tropical fish.

(3) "Hand held net" means a landing or dip net as defined in Rule 46-4.002(4), except that a portion of the bag may be constructed of clear plastic material, rather than mesh.

(4) "Harvest" means the catching or taking of a marine organism by any means whatsoever, followed by a reduction of such organism to possession. Marine organisms that are caught but immediately returned to the water free, alive, and unharmed are not harvested. In addition, temporary possession of a marine animal for the purpose of measuring it to determine compliance with the minimum or maximum size requirements of this chapter shall not constitute harvesting such animal, provided that it is measured immediately after taking, and immediately returned to the water free, alive, and unharmed if undersize or oversize.

(5) "Harvest for commercial purposes" means the taking or harvesting of any tropical ornamental marine life species or tropical ornamental marine plant for purposes of sale or with intent to sell. The harvest of tropical ornamental marine life species or tropical ornamental marine plants in excess of the bag limit shall constitute a violation of this rule.

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

(7) "Live rock" means rock with living marine organisms attached to it.

(8) "Octocoral" means any erect, nonencrusting species of the Subclass Octocorallia, except the species *Gorgonia flabellum* and *Gorgonia ventalina*.

(9) "Slurp gun" means a self-contained, handheld device that captures tropical fish by rapidly drawing seawater containing such fish into a closed chamber.

(10) "Total length" means the length of a fish as measured from the tip of the snout to the tip of the tail.

(11) "Trawl" means a net in the form of an elongated bag with the mouth kept open by various means and fished by being towed or dragged on the bottom. "Roller frame trawl" means a trawl with all of the following features and





specifications:

(a) A rectangular rigid frame to keep the mouth of the trawl open while being towed.

(b) The lower horizontal beam of the frame has rollers to allow the trawl to roll over the bottom and any obstructions while being towed.

(c) The trawl opening is shielded by a grid of vertical bars spaced no more than 3 inches apart.

(d) The trawl is towed by attaching a line or towing cable to a tongue located above or at the center of the upper horizontal beam of the frame.

(e) The trawl has no doors attached to keep the mouth of the trawl open.

(12) "Tropical fish" means any species included in subsection (2) of Rule 46-42.001, or any part thereof.

(13) "Tropical ornamental marine life species" means any species included in subsections (2) or (3) of Rule 46-42.001, or any part thereof.

(14) "Tropical ornamental marine plant" means any species included in subsection (4) of Rule 46-42.001.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 1-1-91, Amended 7-1-92, 1-1-95, 7-15-96.*

**46-42.003 Prohibition of Harvest: Longspine Urchin, Bahama Starfish.** No person shall harvest, possess while in or on the waters of the state, or land any of the following species:

(1) Longspine urchin, *Diadema antillarum*.

(2) Bahama starfish, *Oreaster reticulatus*.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 1-1-91, Amended 7-1-92.*

**46-42.0035 Live Landing and Live Well Requirements.**

(1) Each person harvesting any tropical ornamental marine life species or any tropical ornamental marine plant shall land such marine organism alive.

(2) Each person harvesting any tropical ornamental marine life species or any tropical ornamental marine plant shall have aboard the vessel being used for such harvest a continuously circulating live well or aeration or oxygenation system of adequate size and capacity to maintain such harvested marine organisms in a healthy condition.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 7-1-92.*

**46-42.0036 Harvest in Biscayne National Park Prohibited; Exception.**

(1) No person shall harvest any tropical ornamental marine life species or any tropical ornamental marine plant within Biscayne National Park, unless such person possesses a valid collecting permit issued by the superintendent of the park.

(2) For purposes of this rule, the term "Biscayne National Park" shall mean all waters lying within the boundaries of the park as described in Rule 46-28.004(2).

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 7-1-92.*

**46-42.004 Size Limits.**

(1) Angelfishes.

(a) No person harvesting for commercial purposes shall harvest, possess while in or on the waters of the state, or land any of the following species of angelfish, of total length less than that set forth below:

1. One-and-one-half (1½) inches for:

a. Gray angelfish (*Pomacanthus arcuatus*).

b. French angelfish (*Pomacanthus paru*).

2. One-and-three-quarters (1¾) inches for:

a. Blue angelfish (*Holacanthus bermudensis*).

b. Queen angelfish (*Holacanthus ciliaris*).

3. Two (2) inches for rock beauty (*Holacanthus tricolor*).

(b) No person shall harvest, possess while in or on the waters of the state, or land any angelfish (Family Pomacanthidae), of total length greater than that specified below:

1. Eight (8) inches for angelfish, except rock beauty (*Holacanthus tricolor*).

2. Five (5) inches for rock beauty.

(c) Except as provided herein, no person shall purchase, sell, or exchange any angelfish smaller than the limits specified in paragraph (a) or larger than the limits specified in paragraph (b). This prohibition shall not apply to angelfish legally harvested outside of state waters or federal Exclusive Economic Zone (EEZ) waters adjacent to state waters, which angelfish are entering Florida in interstate or international commerce. The burden shall be upon any person possessing such angelfish for sale or exchange to establish the chain of possession from the initial transaction after harvest, by appropriate receipt(s), bill(s) of sale, or bill(s) of lading, and any customs receipts, and to show that such angelfish originated from a point outside the waters of the State of Florida or federal Exclusive Economic Zone (EEZ) waters adjacent to Florida waters and entered the state in interstate or international commerce. Failure to maintain such documentation or to promptly produce same at the request of any duly authorized law enforcement officer shall constitute a violation of this rule.

(2) Butterflyfishes.

(a) No person harvesting for commercial purposes shall harvest, possess while in or on the waters of the state, or land any butterflyfish (Family Chaetodontidae) of total length less than one (1) inch.

(b) No person shall harvest, possess while in or on the waters of the state, or land any butterflyfish of total length greater than 4 inches.

(3) Gobies. No person shall harvest, possess while in or on the waters of the state, or land any gobie (Family Gobiidae) of total length greater than 2 inches.

(4) Jawfishes. No person shall harvest, possess while in or on the waters of the state, or land any jawfish (Family Opistognathidae) of total length greater than 4 inches.

(5) Spotfin and Spanish hogfish.

(a) No person shall harvest, possess while in or on the waters of this state, or land any Spanish hogfish (*Bodianus rufus*) of total length less than 2

inches.

(b) No person shall harvest, possess while in or on the waters of this state, or land any Spanish hogfish (*Bodianus rufus*) or spotfin hogfish (*Bodianus pulchellus*) of total length greater than 8 inches.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 1-1-91, Amended 7-1-92, 1-1-95, 7-15-96.*

#### 46-42.005 Bag Limit.

(1) Except as provided in Rule 46-42.006 or subsections (3) or (4) of this rule, no person shall harvest, possess while in or on the waters of the state, or land more than 20 individuals per day of tropical ornamental marine life species, in any combination.

(2) Except as provided in Rule 46-42.006, no person shall harvest, possess while in or on the waters of the state, or land more than one (1) gallon per day of tropical ornamental marine plants, in any combination of species.

(3) Except as provided in Rule 46-42.006, no person shall harvest, possess while in or on the waters of the state, or land more than 5 angelfishes (Family Pomacanthidae) per day. Each angelfish shall be counted for purposes of the 20 individual bag limit specified in subsection (1) of this rule.

(4)(a) Unless the season is closed pursuant to paragraph (b), no person shall harvest, possess while in or on the waters of the state, or land more than 6 colonies per day of octocorals. Each colony of octocoral or part thereof shall be considered an individual of the species for purposes of subsection (1) of this rule and shall be counted for purposes of the 20 individual bag limit specified therein. Each person harvesting any octocoral as authorized by this rule may also harvest substrate within 1 inch of the perimeter of the holdfast at the base of the octocoral, provided that such substrate remains attached to the octocoral.

(b) If the harvest of octocorals in federal Exclusive Economic Zone (EEZ) waters adjacent to state waters is closed to all harvesters prior to September 30 of any year, the season for harvest of octocorals in state waters shall also close until the following October 1, upon notice given by the Secretary of the Department of Environmental Protection, in the manner provided in s. 120.52(16)(d), Florida Statutes.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 1-1-91, Amended 1-1-95.*

#### 46-42.006 Commercial Season, Harvest Limits.

(1) Except as provided in Rule 46-42.008(7), no person shall harvest, possess while in or on the waters of the state, or land quantities of tropical ornamental marine life species or tropical ornamental marine plants in excess of the bag limits established in Rule 46-42.005 unless such person possesses a valid saltwater products license with both a marine life fishery endorsement and a restricted species endorsement issued by the Department of Environmental Protection.

(2) Persons harvesting tropical ornamental

marine life species or tropical ornamental marine plants for commercial purposes shall have a season that begins on October 1 of each year and continues through September 30 of the following year. These persons shall not harvest, possess while in or on the waters of the state, or land tropical ornamental marine life species in excess of the following limits:

(a) A limit of 75 angelfish (Family Pomacanthidae) per person per day or 150 angelfish per vessel per day, whichever is less.

(b) A limit of 75 butterflyfishes (Family Chaetodonidae) per vessel per day.

(c) There shall be no limits on the harvest for commercial purposes of octocorals unless and until the season for all harvest of octocorals in federal Exclusive Economic Zone (EEZ) waters adjacent to state waters is closed. At such time, the season for harvest of octocorals in state waters shall also close until the following October 1, upon notice given by the Secretary of the Department of Environmental Protection, in the manner provided in Section 120.52(16)(d), Florida Statutes. Each person harvesting any octocoral as authorized by this rule may also harvest substrate within 1 inch of the perimeter of the holdfast at the base of the octocoral, provided that such substrate remains attached to the octocoral.

(d) A limit of 400 giant Caribbean or "pink-tipped" anemones (Genus *Condylactis*) per vessel per day.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 1-1-91, Amended 7-1-92, 1-1-95.*

#### 46-42.007 Gear Specifications and Prohibited Gear.

(1) The following types of gear shall be the only types allowed for the harvest of any tropical fish, whether from state waters or from federal Exclusive Economic Zone (EEZ) waters adjacent to state waters:

(a) Hand held net.

(b) Barrier net, with a total length not exceeding 60 feet, a depth not exceeding 8 feet at any point along the net, and a mesh size not exceeding  $\frac{3}{4}$  inch stretched mesh.

(c) Drop net, with a maximum dimension not exceeding 12 feet and a mesh size not exceeding  $\frac{3}{4}$  inch stretched mesh.

(d) Slurp gun.

(e) Quinaldine may be used for the harvest of tropical fish if the person using the chemical or possessing the chemical in or on the waters of the state meets each of the following conditions:

1. The person also possesses and maintains aboard any vessel used in the harvest of tropical fish with quinaldine a special activity license authorizing the use of quinaldine, issued by the Division of Marine Resources of the Department of Environmental Protection pursuant to Section 370.08(8), Florida Statutes.

2. The quinaldine possessed or applied while in or on the waters of the state is in a diluted form of no more than 2% concentration in solution with seawater. Prior to dilution in seawater, quinaldine

inches.

(b) No person shall harvest, possess while in or on the waters of this state, or land any Spanish hogfish (*Bodianus rufus*) or spotfin hogfish (*Bodianus pulchellus*) of total length greater than 8 inches.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 1-1-91, Amended 7-1-92, 1-1-95, 7-15-96.*

#### 46-42.005 Bag Limit.

(1) Except as provided in Rule 46-42.006 or subsections (3) or (4) of this rule, no person shall harvest, possess while in or on the waters of the state, or land more than 20 individuals per day of tropical ornamental marine life species, in any combination.

(2) Except as provided in Rule 46-42.006, no person shall harvest, possess while in or on the waters of the state, or land more than one (1) gallon per day of tropical ornamental marine plants, in any combination of species.

(3) Except as provided in Rule 46-42.006, no person shall harvest, possess while in or on the waters of the state, or land more than 5 angelfishes (Family Pomacanthidae) per day. Each angelfish shall be counted for purposes of the 20 individual bag limit specified in subsection (1) of this rule.

(4)(a) Unless the season is closed pursuant to paragraph (b), no person shall harvest, possess while in or on the waters of the state, or land more than 6 colonies per day of octocorals. Each colony of octocoral or part thereof shall be considered an individual of the species for purposes of subsection (1) of this rule and shall be counted for purposes of the 20 individual bag limit specified therein. Each person harvesting any octocoral as authorized by this rule may also harvest substrate within 1 inch of the perimeter of the holdfast at the base of the octocoral, provided that such substrate remains attached to the octocoral.

(b) If the harvest of octocorals in federal Exclusive Economic Zone (EEZ) waters adjacent to state waters is closed to all harvesters prior to September 30 of any year, the season for harvest of octocorals in state waters shall also close until the following October 1, upon notice given by the Secretary of the Department of Environmental Protection, in the manner provided in s. 120.52(16)(d), Florida Statutes.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 1-1-91, Amended 1-1-95.*

#### 46-42.006 Commercial Season, Harvest Limits.

(1) Except as provided in Rule 46-42.008(7), no person shall harvest, possess while in or on the waters of the state, or land quantities of tropical ornamental marine life species or tropical ornamental marine plants in excess of the bag limits established in Rule 46-42.005 unless such person possesses a valid saltwater products license with both a marine life fishery endorsement and a restricted species endorsement issued by the Department of Environmental Protection.

(2) Persons harvesting tropical ornamental

marine life species or tropical ornamental marine plants for commercial purposes shall have a season that begins on October 1 of each year and continues through September 30 of the following year. These persons shall not harvest, possess while in or on the waters of the state, or land tropical ornamental marine life species in excess of the following limits:

(a) A limit of 75 angelfish (Family Pomacanthidae) per person per day or 150 angelfish per vessel per day, whichever is less.

(b) A limit of 75 butterflyfishes (Family Chaetodontidae) per vessel per day.

(c) There shall be no limits on the harvest for commercial purposes of octocorals unless and until the season for all harvest of octocorals in federal Exclusive Economic Zone (EEZ) waters adjacent to state waters is closed. At such time, the season for harvest of octocorals in state waters shall also close until the following October 1, upon notice given by the Secretary of the Department of Environmental Protection, in the manner provided in Section 120.52(16)(d), Florida Statutes. Each person harvesting any octocoral as authorized by this rule may also harvest substrate within 1 inch of the perimeter of the holdfast at the base of the octocoral, provided that such substrate remains attached to the octocoral.

(d) A limit of 400 giant Caribbean or "pink-tipped" anemones (Genus *Condylactis*) per vessel per day.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 1-1-91, Amended 7-1-92, 1-1-95.*

#### 46-42.007 Gear Specifications and Prohibited Gear.

(1) The following types of gear shall be the only types allowed for the harvest of any tropical fish, whether from state waters or from federal Exclusive Economic Zone (EEZ) waters adjacent to state waters:

(a) Hand held net.

(b) Barrier net, with a total length not exceeding 60 feet, a depth not exceeding 8 feet at any point along the net, and a mesh size not exceeding  $\frac{3}{4}$  inch stretched mesh.

(c) Drop net, with a maximum dimension not exceeding 12 feet and a mesh size not exceeding  $\frac{3}{4}$  inch stretched mesh.

(d) Slurp gun.

(e) Quinaldine may be used for the harvest of tropical fish if the person using the chemical or possessing the chemical in or on the waters of the state meets each of the following conditions:

1. The person also possesses and maintains aboard any vessel used in the harvest of tropical fish with quinaldine a special activity license authorizing the use of quinaldine, issued by the Division of Marine Resources of the Department of Environmental Protection pursuant to Section 370.08(8), Florida Statutes.

2. The quinaldine possessed or applied while in or on the waters of the state is in a diluted form of no more than 2% concentration in solution with seawater. Prior to dilution in seawater, quinaldine





shall only be mixed with isopropyl alcohol or ethanol.

(f) A roller frame trawl operated by a person possessing a valid live bait shrimping license issued by the Department of Environmental Protection pursuant to Section 370.15, Florida Statutes, if such tropical fish are taken as an incidental bycatch of shrimp lawfully harvested with such trawl.

(g) A trawl meeting the following specifications used to collect live specimens of the dwarf seahorse, *Hippocampus zosterae*, if towed by a vessel no greater than 15 feet in length at no greater than idle speed:

1. The trawl opening shall be no larger than 12 inches by 48 inches.

2. The trawl shall weigh no more than 5 pounds wet when weighed out of the water.

(2) This rule shall not be construed to prohibit the use of any bag or container used solely for storing collected specimens or the use of a single blunt rod in conjunction with any allowable gear, which rod meets each of the following specifications:

(a) The rod shall be made of nonferrous metal, fiberglass, or wood.

(b) The rod shall be no longer than 36 inches and have a diameter no greater than  $\frac{3}{4}$  inch at any point.

(3) No person shall harvest in or from state waters any tropical fish by or with the use of any gear other than those types specified in subsection (1); provided, however, that tropical fish harvested as an incidental bycatch of other species lawfully harvested for commercial purposes with other types of gear shall not be deemed to be harvested in violation of this rule, if the quantity of tropical fish so harvested does not exceed the bag limits established in Rule 46-42.005.

*Specific Authority: 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 1-1-91, Amended 7-1-92, 1-1-95, 9-30-96.*

**46-42.008 Live Rock: Harvest in State Waters Prohibited; Aquacultured Live Rock Harvest and Landing Allowed.**

(1) No person shall harvest any live rock in or from state waters or land any live rock harvested in or from state waters, except as may be provided in subsection (3).

(2) No person shall sell, within the State of Florida, any live rock harvested in or from federal Exclusive Economic Zone (EEZ) waters adjacent to state waters unless such person possesses a saltwater products license with both a marine life fishery endorsement and a restricted species endorsement.

(3) Subsection (1) shall not apply to:

(a) Any person possessing a saltwater products license with a marine life endorsement harvesting and landing live rock cultured on state submerged lands leased from the State of Florida. Rock used for such culture shall be of a readily distinguishable geologic character from rock native to the area or be securely marked or tagged so as to differentiate the cultured rock from naturally

occurring live rock. The rock shall be placed on leased submerged lands by the lease-holder or a person possessing written authorization from the lease-holder.

(b) Any person lawfully harvesting substrate as part of the harvest of octocorals pursuant to Rule 46-42.005(4) or Rule 46-42.006(2)(c).

*Specific Authority: 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 7-1-92, Amended 10-18-93, 1-1-95.*

**46-42.009 Prohibition on the Taking, Destruction, or Sale of Marine Corals and Sea Fans; Exception; Repeal of Section 370.114, Florida Statutes.**

(1) Except as provided in subsection (2), no person shall take, attempt to take, or otherwise destroy, or sell, or attempt to sell, any sea fan of the species *Gorgonia flabellum* or of the species *Gorgonia ventalina*, or any hard or stony coral (Order Scleractinia) or any fire coral (Genus *Millepora*). No person shall possess any such fresh, uncleaned, or uncured sea fan, hard or stony coral, or fire coral.

(2) Subsection (1) shall not apply to:

(a) Any sea fan, hard or stony coral, or fire coral legally harvested outside of state waters or federal Exclusive Economic Zone (EEZ) waters adjacent to state waters and entering Florida in interstate or international commerce. The burden shall be upon any person possessing such species to establish the chain of possession from the initial transaction after harvest, by appropriate receipt(s), bill(s) of sale, or bill(s) of lading, and any customs receipts, and to show that such species originated from a point outside the waters of the State of Florida or federal Exclusive Economic Zone (EEZ) adjacent to state waters and entered the state in interstate or international commerce. Failure to maintain such documentation or to promptly produce same at the request of any duly authorized law enforcement officer shall constitute a violation of this rule.

(b) Any sea fan, hard or stony coral, or fire coral harvested and possessed pursuant to permit issued by the Department of Environmental Protection for scientific or educational purposes as authorized in Section 370.10(2), Florida Statutes.

(c) Any sea fan, hard or stony coral, or fire coral harvested and possessed pursuant to the aquacultured live rock provisions of Rule 46-42.008(3)(a) or pursuant to a Live Rock Aquaculture Permit issued by the National Marine Fisheries Service under 50 C.F.R. Part 638 and meeting the following requirements:

1. Persons possessing these species in or on the waters of the state shall also possess a state submerged lands lease for live rock aquaculture and a Department of Environmental Protection permit for live rock culture deposition and removal or a federal Live Rock Aquaculture Permit. If the person possessing these species is not the person named in the documents required herein, then the person in such possession shall also possess written permission from the person so named to transport aquacultured live rock pursuant to this exception.

2. The nearest office of the Florida Marine Patrol shall be notified at least 24 hours in advance of any transport in or on state waters of aquacultured live rock pursuant to this exception.

3. Persons possessing these species off the water shall maintain and produce upon the request of any duly authorized law enforcement officer sufficient documentation to establish the chain of possession from harvest on a state submerged land lease for live rock aquaculture or in adjacent Exclusive Economic Zone (EEZ) waters pursuant to a federal Live Rock Aquaculture Permit.

4. Any sea fan, hard or stony coral, or fire coral

harvested pursuant to Rule 46-42.008(3)(a) shall remain attached to the cultured rock.

(3) It is the intent of this rule to effect the repeal and replacement of Section 370.114, Florida Statutes. The Commission has determined that the repeal of this statute will not adversely affect the marine coral resources of the State of Florida.

*Specific Authority: 370.027(2) FS., Section 6, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., Section 6, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 1-1-95, Amended 7-15-96.*



2. The nearest office of the Florida Marine Patrol shall be notified at least 24 hours in advance of any transport in or on state waters of aquacultured live rock pursuant to this exception.

3. Persons possessing these species off the water shall maintain and produce upon the request of any duly authorized law enforcement officer sufficient documentation to establish the chain of possession from harvest on a state submerged land lease for live rock aquaculture or in adjacent Exclusive Economic Zone (EEZ) waters pursuant to a federal Live Rock Aquaculture Permit.

4. Any sea fan, hard or stony coral, or fire coral

harvested pursuant to Rule 46-42.008(3)(a) shall remain attached to the cultured rock.

(3) It is the intent of this rule to effect the repeal and replacement of Section 370.114, Florida Statutes. The Commission has determined that the repeal of this statute will not adversely affect the marine coral resources of the State of Florida.

*Specific Authority 370.027(2) FS., Section 6, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027 FS., Section 6, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 1-1-95, Amended 7-15-96.*



CHAPTER 46-43  
BLUEFISH

- 46-43.001 Purpose and Intent; Repeal of Statutory Provisions; Designation as Restricted Species.
- 46-43.002 Definitions.
- 46-43.003 Size Limit; Bluefish to be Landed in Whole Condition.
- 46-43.004 Bag Limits.
- 46-43.005 East Coast Commercial Harvest: Daily Vessel Harvest and Possession Limit; Season Harvest Limit; Gear Specifications.

**46-43.001 Purpose and Intent; Repeal of Statutory Provisions; Designation as Restricted Species.**

(1) The purpose and intent of this chapter are to protect and conserve Florida's bluefish resources and assure the continuing health and abundance of the species. It is also the intent of the Commission to manage bluefish in such a manner as to permit an equitable statewide commercial harvest of the species.

(2) It is the intent of this chapter to expressly effect the repeal of and replace Section 370.11(2)(a)1., Florida Statutes, and the remainder of Section 370.11(2)(a), Florida Statutes, as it pertains to bluefish.

(3) Bluefish are hereby designated as a restricted species pursuant to Section 370.01(20), Florida Statutes.

(4) This rule chapter shall take effect on July 1, 1993.

*Specific Authority 370.01(20), 370.027(2) FS., s. 7 of Chapter 83-134, as amended by Chapter 84-121 and s. 1 of Chapter 85-163, Laws of Florida. Law Implemented 370.01(20), 370.025, 370.027 FS., s. 7 of Chapter 83-134, as amended by Chapter 84-121 and s. 1 of Chapter 85-163, Laws of Florida. History—New 7-1-93.*

**46-43.002 Definitions.** As used in this rule chapter:

(1) "Atlantic Ocean" means all state and federal waters of the Atlantic Ocean along the east coast of Florida, including all state and federal waters south and east of the line beginning at the intersection of the outer boundary of the federal Exclusive Economic Zone (EEZ) and 83 deg. W. longitude, thence along that meridian northward to its intersection with 24 deg. 35 min. N. latitude (near the Dry Tortugas), thence eastward along that parallel through Rebecca Shoal and the Quicksand Shoal to 82 deg. 13 min. W. longitude, then following the Territorial Sea Boundary south and east to the point it intersects 24 deg. 33 min. N. latitude, thence eastward along that parallel to the point where it intersects Key West, then continuing along a line eastward to the terminus of U.S. Highway 1 to the point where it intersects the mainland at the east end of Florida Bay.

(2) "Bluefish" means any fish of the species *Pomatomus saltatrix*, or any part thereof.

(3) "East Central Coast Region" means all state waters of Volusia, Brevard, Indian River, St. Lucie, Martin, and Palm Beach Counties between Ponce

De Leon Inlet on the north and Jupiter Inlet on the south and all adjacent federal Exclusive Economic Zone (EEZ) waters.

(4) "East Coast Region" means all state and adjacent federal waters north of the Dade-Monroe County Line extended due east to the outer boundary of the federal Exclusive Economic Zone (EEZ).

(5) "Fork length" means the length of a fish as measured from the tip of the snout to the rear center edge of the tail.

(6) "Harvest" means the catching or taking of a fish by any means whatsoever, followed by a reduction of such fish to possession. Fish that are caught but immediately returned to the water free, alive, and unharmed are not harvested. In addition, temporary possession of a fish for the purpose of measuring it to determine compliance with the minimum or maximum size requirements of this chapter shall not constitute harvesting such fish, provided that it is measured immediately after taking, and immediately returned to the water free, alive, and unharmed if undersize or oversize.

(7) "Harvest for commercial purposes" means the taking or harvesting of fish for purposes of sale or with intent to sell or in excess of established bag limits.

(8) "Land", when used in connection with the harvest of a fish, means the physical act of bringing the harvested fish ashore.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 7-1-93.*

**46-43.003 Size Limit; Bluefish to be Landed in Whole Condition.**

(1) No person shall harvest or land any bluefish with a fork length less than 12 inches.

(2) All bluefish shall be landed in a whole condition. The possession, while in or on state waters, of such fish that have been deheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned is prohibited. Mere evisceration or "gutting" of such fish, or mere removal of gills before landing is not prohibited.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 7-1-93.*

**46-43.004 Bag Limits.** Except for those persons possessing a valid saltwater products license with a restricted species endorsement, no person shall harvest or land more than 10 bluefish per day. No such person shall possess more than 10 bluefish while in, on, or above the waters of the state or on any dock, pier, bridge, beach, or any fishing site adjacent to such waters.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 7-1-93.*

**46-43.005 East Coast Commercial Harvest: Daily Vessel Harvest and Possession Limit; Season Harvest Limit; Gear Specifications.**

(1) Commercial Vessel Limit for East Coast Region — A person possessing a valid saltwater products license with a restricted species endorsement may harvest from state or federal Exclusive Economic Zone (EEZ) waters of the East Coast Region, and land within the region, no

more than 7,500 pounds of bluefish per vessel per day. The possession of more than 7,500 pounds of bluefish aboard a single vessel in or on state waters within the region at any time is prohibited.

(2) Persons harvesting bluefish for commercial purposes from state or federal Exclusive Economic Zone (EEZ) waters of the East Coast Region shall have a season that begins on January 1 and continues through December 31 each year, unless closed earlier pursuant to the following provisions of this subsection.

(a) If the total commercial harvest of bluefish from state and federal Exclusive Economic Zone (EEZ) waters of the East Coast Region is projected to reach 877,000 pounds before December 31 of any season, the season for commercial harvest of bluefish in such waters shall be closed by the Secretary of the Department of Environmental Protection upon notice and in the manner provided in Section 120.52(16)(d), Florida Statutes. If the season is closed pursuant to this paragraph, it shall not reopen until the following January 1.

(b) During any season closure pursuant to paragraph (a), no person shall harvest bluefish in a quantity in excess of the bag limit established by Rule 46-43.004, possess such quantity of bluefish in or on state or federal Exclusive Economic Zone (EEZ) waters of the East Coast Region, or purchase, sell, or exchange any bluefish harvested in or from the waters of the region during the closure.

(c) For purposes of this subsection, the total commercial harvest of bluefish from state and federal Exclusive Economic Zone (EEZ) waters of the East Coast Region shall consist of those bluefish harvested for commercial purposes by all forms of gear from such waters based on projections from official statistics collected and maintained by the Florida Department of Environmental Protection (DEP) pursuant to Florida's Marine Fisheries Information System, Chapter 16R-5, F.A.C., and the National Marine Fisheries Service (NMFS). The count shall be conducted by the Fishery Statistics Section of the Department of Environmental Protection, Division of Marine Resources, and shall commence with bluefish commercially harvested on and after January 1 and continue until December 31 of each year.

(3) Gear Specifications — Each person harvesting or attempting to harvest bluefish for commercial purposes in or from state waters or federal Exclusive Economic Zone (EEZ) waters of the Atlantic Ocean adjacent to state waters shall comply with the following gear requirements:

(a) Each net fished with, set, or placed in the water shall be tended. The term "tend" means that the person fishing with, setting, or placing the net in the water is either:

1. Within 300 yards of the net and using vessel movement and noise to force fish into the meshes of the net where they become entangled or trapped; or

2. Within 50 yards of the net if the vessel used is not in constant motion.

(b) Each net fished with, set, or placed in the water shall be marked in the following manner:

1. During the period beginning one hour before official sunrise and ending one hour after official sunset, an international orange float with a diameter of at least 12 inches or an end buoy equipped with a high fier (a vertical rod rising at least 24 inches above the surface of the water) displaying a net signal flag shall be affixed at each end of the cork line of the net. The net signal flag shall be triangular, have dimensions no smaller than 12" X 18" X 18", and have a white circle at least 6 inches in diameter on a field of bright orange. During the period beginning one hour after official sunset and ending one hour before official sunrise, a white light visible 360° from a distance of not less than one mile shall be affixed at each end of the cork line of the net. If one end of a net is retained aboard the vessel during a fishing operation, such end need not be marked with float, high fier with net signal flag, or light. At all times, corks or floats of contrasting color shall be affixed at no greater than 100-yard intervals along the cork line of the net.

2. Each such float, high fier with net signal flag, light, and cork or float of contrasting color shall be legibly marked with a saltwater products license number which matches either:

a. The saltwater products license number issued for the vessel on which the net is possessed or from which the net is deployed, or

b. The saltwater products license number of the operator of the vessel on which the net is possessed or from which the net is deployed.

(c) No person shall fish with, set, or place in the water or possess aboard a vessel while on the water any net with a total length greater than 600 yards. No person shall tie or otherwise fasten together two or more nets in any manner so as to fish with, set, or place in the water a net exceeding the 600-yard limit.

(d) No more than one net shall be fished with, set, or placed in the water from a single vessel at any one time.

(e) No more than two nets shall be possessed aboard a vessel at any one time, including any net being fished; provided, however, that the two nets shall have stretched mesh sizes that differ by at least 1/4 inch or depths that differ by at least 25 meshes.

(f) No person shall soak a net for more than one hour, beginning when the first mesh is placed in the water and ending either when the first mesh is retrieved back aboard the vessel or the gathering or pursing of the net is begun to facilitate retrieval back aboard the vessel, whichever occurs sooner. Once either the first mesh is retrieved back aboard the vessel or the gathering or pursing is begun, the netting operation shall be continuous until the net is completely removed from the water.

(g) No person shall fish with, set, or place in the water any gill or trammel net with a mesh size smaller than 3 inches stretched mesh.

(h) The term "net" shall be construed broadly to include all manner of gill and trammel nets and seines, except purse seines.

more than 7,500 pounds of bluefish per vessel per day. The possession of more than 7,500 pounds of bluefish aboard a single vessel in or on state waters within the region at any time is prohibited.

(2) Persons harvesting bluefish for commercial purposes from state or federal Exclusive Economic Zone (EEZ) waters of the East Coast Region shall have a season that begins on January 1 and continues through December 31 each year, unless closed earlier pursuant to the following provisions of this subsection.

(a) If the total commercial harvest of bluefish from state and federal Exclusive Economic Zone (EEZ) waters of the East Coast Region is projected to reach 877,000 pounds before December 31 of any season, the season for commercial harvest of bluefish in such waters shall be closed by the Secretary of the Department of Environmental Protection upon notice and in the manner provided in Section 120.52(16)(d), Florida Statutes. If the season is closed pursuant to this paragraph, it shall not reopen until the following January 1.

(b) During any season closure pursuant to paragraph (a), no person shall harvest bluefish in a quantity in excess of the bag limit established by Rule 46-43.004, possess such quantity of bluefish in or on state or federal Exclusive Economic Zone (EEZ) waters of the East Coast Region, or purchase, sell, or exchange any bluefish harvested in or from the waters of the region during the closure.

(c) For purposes of this subsection, the total commercial harvest of bluefish from state and federal Exclusive Economic Zone (EEZ) waters of the East Coast Region shall consist of those bluefish harvested for commercial purposes by all forms of gear from such waters based on projections from official statistics collected and maintained by the Florida Department of Environmental Protection (DEP) pursuant to Florida's Marine Fisheries Information System, Chapter 16R-5, F.A.C., and the National Marine Fisheries Service (NMFS). The count shall be conducted by the Fishery Statistics Section of the Department of Environmental Protection, Division of Marine Resources, and shall commence with bluefish commercially harvested on and after January 1 and continue until December 31 of each year.

(3) Gear Specifications — Each person harvesting or attempting to harvest bluefish for commercial purposes in or from state waters or federal Exclusive Economic Zone (EEZ) waters of the Atlantic Ocean adjacent to state waters shall comply with the following gear requirements:

(a) Each net fished with, set, or placed in the water shall be tended. The term "tend" means that the person fishing with, setting, or placing the net in the water is either:

1. Within 300 yards of the net and using vessel movement and noise to force fish into the meshes of the net where they become entangled or trapped; or

2. Within 50 yards of the net if the vessel used is not in constant motion.

(b) Each net fished with, set, or placed in the water shall be marked in the following manner:

1. During the period beginning one hour before official sunrise and ending one hour after official sunset, an international orange float with a diameter of at least 12 inches or an end buoy equipped with a high fier (a vertical rod rising at least 24 inches above the surface of the water) displaying a net signal flag shall be affixed at each end of the cork line of the net. The net signal flag shall be triangular, have dimensions no smaller than 12" X 18" X 18", and have a white circle at least 6 inches in diameter on a field of bright orange. During the period beginning one hour after official sunset and ending one hour before official sunrise, a white light visible 360° from a distance of not less than one mile shall be affixed at each end of the cork line of the net. If one end of a net is retained aboard the vessel during a fishing operation, such end need not be marked with float, high fier with net signal flag, or light. At all times, corks or floats of contrasting color shall be affixed at no greater than 100-yard intervals along the cork line of the net.

2. Each such float, high fier with net signal flag, light, and cork or float of contrasting color shall be legibly marked with a saltwater products license number which matches either:

a. The saltwater products license number issued for the vessel on which the net is possessed or from which the net is deployed, or

b. The saltwater products license number of the operator of the vessel on which the net is possessed or from which the net is deployed.

(c) No person shall fish with, set, or place in the water or possess aboard a vessel while on the water any net with a total length greater than 600 yards. No person shall tie or otherwise fasten together two or more nets in any manner so as to fish with, set, or place in the water a net exceeding the 600-yard limit.

(d) No more than one net shall be fished with, set, or placed in the water from a single vessel at any one time.

(e) No more than two nets shall be possessed aboard a vessel at any one time, including any net being fished; provided, however, that the two nets shall have stretched mesh sizes that differ by at least 1/4 inch or depths that differ by at least 25 meshes.

(f) No person shall soak a net for more than one hour, beginning when the first mesh is placed in the water and ending either when the first mesh is retrieved back aboard the vessel or the gathering or pursing of the net is begun to facilitate retrieval back aboard the vessel, whichever occurs sooner. Once either the first mesh is retrieved back aboard the vessel or the gathering or pursing is begun, the netting operation shall be continuous until the net is completely removed from the water.

(g) No person shall fish with, set, or place in the water any gill or trammel net with a mesh size smaller than 3 inches stretched mesh.

(h) The term "net" shall be construed broadly to include all manner of gill and trammel nets and seines, except purse seines.





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BLUEFISH

(R. 10/95)  
46-43.005

*Specific Authority: 370.027(2) FS. Law Implemented  
370.025, 370.027 FS. History—New 7-1-93, Amended  
10-4-95.*

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CHAPTER 46-50  
BAITFISH TRAWL FISHERIES

46-50.001 Baitfish Trawls: Allowed for Directed Harvest of Listed Species in Northwest Region; Bycatch Allowance; Open Areas and Seasons; Gear Specifications; Definitions.

46-50.001 Baitfish Trawls: Allowed for Directed Harvest of Listed Species in Northwest Region; Bycatch Allowance; Open Areas and Seasons; Gear Specifications; Definitions.

(1) Species — Baitfish trawls shall only be used for the directed harvest of the following species, within the waters of the state specified in subsection (3) of this rule:

- (a) Menhaden — Genus *Brevoortia*.
- (b) Round herring — *Etrumeus teres*.
- (c) Scaled sardine — *Harengula jaguana*.
- (d) Atlantic thread herring — *Opisthonema oglinum*.
- (e) Sardines — Genus *Sardinella*.
- (f) Anchovies — Genus *Anchoa*.
- (g) Round scad — *Decapterus punctatus*.
- (h) Chub mackerel — *Scomber japonicus*.
- (i) Blue runner — *Caranx crysos*.
- (j) Ladyfish — *Elops saurus*.

(2) Bycatch Allowance — Species harvested as an incidental bycatch of other species lawfully harvested in a baitfish trawl pursuant to this rule, other than those listed in subsection (1), shall not be deemed to have been unlawfully harvested or landed in violation of this rule if the combined whole weight of the bycatch does not exceed ten percent by weight of all fish in possession of the harvester at any time. This allowed bycatch shall include fish that are retained and subject to the limits specified in other chapters of Title 46 of the Florida Administrative Code.

(3) Open Areas and Seasons — Baitfish trawls shall be allowable gear for the directed harvest of the species specified in subsection (1), but only in state waters seaward of the Colregs Demarcation Line in the Northwest Region, beginning on April 1 and continuing through November 15 each year. This subsection shall be effective beginning July 1, 1996, and continuing through November 15, 1998. Thereafter, baitfish trawls shall not be allowable gear in any state waters without further amendment of this rule.

(4) Gear Specifications — Any baitfish trawl used for the directed harvest of the finfish bait species listed in subsection (1) shall meet the following specifications and operational requirements:

(a) No baitfish trawl shall be towed for more than 30 minutes, beginning when the trawl is placed in the water and ending when the trawl is completely removed from the water.

(b) In the open areas specified in subsection (3), no more than two unconnected baitfish trawls, each with a perimeter around the leading edge of the net not greater than 66 feet and a mesh area not greater than 500 square feet, shall be fished or deployed from any vessel.

(d) No baitfish trawl or any part thereof shall contact the sea floor. This specification shall not be construed to prohibit the use of no more than two weights connected to the leg lines of a trawl that may contact the sea floor while the trawl is towed and fished at the surface of the water.

(e) No baitfish trawl shall be deployed or fished that has a mesh size less than 1¼ inches stretched mesh in the cod end. The use of any liner or insert in the cod end with a smaller mesh is prohibited.

(5) Definitions — For purposes of this rule:

(a) "Baitfish trawl" means a net in the form of an elongated bag with the mouth kept open by various means and buoyed by enough floats to assure that when it is towed and fished, it will be visible at and tend the surface of the water.

(b) "Cod end", also known as the "tail" or "bag" of a shrimp trawl, means the terminal cylinder of heavy webbing in which the catch is concentrated as the trawl is fished and which is closed at its rearmost extent by means of purse line or draw string.

(c) "Mesh area" of a net means the total area of netting with the meshes open to comprise the maximum square footage. The square footage shall be calculated using standard mathematical formulas for geometric shapes. The mesh area of a trawl shall be calculated as a cone using the maximum circumference of the net mouth to derive the radius, and the maximum length of the net with meshes open from the center of the headrope at the net mouth to the tail end of the net to derive the slant height.

(d) "Northwest Region" means all state waters of Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, and Franklin Counties, and all state waters of Wakulla County west of the following described line:

Beginning at the St. Marks Lighthouse, proceed southerly on a straight line to flashing channel marker #1; thence, southerly in a straight line to a point on the state waters boundary where a straight line from flashing channel marker #1 to flashing bell buoy #24 intersects with said boundary.

(e) "Perimeter" means the opening or entrance to a baitfish trawl formed and limited by attachment of the net mesh to a line or frame, which line or frame is securely attached so as to form a continuous perimeter around the leading edge of the net. The perimeter so formed is measured from point to point along the line or frame forming the leading edge of the net.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 6-3-96.*



CHAPTER 46-51  
JELLYFISH

## 46-51.001 Jellyfish: Gear Specifications and Prohibited Gear; Bycatch Prohibition; Definitions.

## 46-51.001 Jellyfish: Gear Specifications and Prohibited Gear; Bycatch Prohibition; Definitions.

(1) Gear Specifications and Prohibited Gear — Jellyfish may be harvested pursuant to the following gear specifications:

(a) In nearshore and inshore state waters, no person shall harvest or attempt to harvest any jellyfish by or with the use of any gear other than those types specified herein:

1. Cast net with a radius no greater than 12½ feet.

2. Beach or haul seine with a maximum mesh size no greater than 2 inches, and a maximum of 500 square feet of mesh area.

3. Paired trawl with a maximum of 500 square feet of mesh area, and a minimum mesh size no less than 3½ inch stretched mesh in the wing portion of the trawl, a minimum mesh size no less than 1½ inch stretched mesh in the bag portion of the trawl.

4. No more than 2 wing nets, each with a maximum of 500 square feet of mesh area, a perimeter no greater than 40 feet per net, and a minimum mesh size of no less than 3½ stretched mesh.

5. A single frame net, with a maximum of 500 square feet of mesh area, a perimeter no greater than 40 feet, and a minimum mesh size of no less than 3½ inch stretched mesh.

6. No more than two hand dip nets, each with a maximum of 500 square feet of mesh area.

(b) In state waters beyond nearshore waters, no person shall harvest or attempt to harvest any jellyfish by or with the use of any gear other than:

1. Those types of gear specified in subparagraphs 1., 2., 4., 5., and 6., of paragraph (a) of this subsection, or

2. A paired trawl, with a maximum mesh area

of 3,000 square feet, a minimum mesh size of 3½ inch stretched mesh in the wing portion of the trawl, and a minimum mesh size of 1½ inch stretched mesh in the bag portion of the trawl, nor possess aboard a vessel more than 2 paired trawls (including any trawl being fished) with a combined total maximum mesh area of 3,000 square feet.

(2) Bycatch Prohibition — The harvest of any other species as an incidental bycatch when lawfully targeting jellyfish, is prohibited. Possession of any species other than jellyfish aboard a vessel, other than for the purpose of returning such species free, alive, and unharmed to the water, is prohibited.

(3) Definitions — For purposes of this rule:

(a) "Frame net" is a net in the form of an elongated bag kept open by a rigid frame that is buoyed by floats and deployed behind a vessel, but is not dragged along the bottom.

(b) "Harvest" means the catching or taking of marine species by any means whatsoever, followed by a reduction of such species to possession. Marine species that are caught but immediately returned to the water free, alive, and unharmed are not harvested.

(c) "Jellyfish" means all species of the genera *Rophilema* and *Stomopholus*.

(d) "Land", when used in connection with the harvest of marine species, means the physical act of bringing the harvested species ashore.

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

(f) "Paired trawl" means a trawl consisting of an elongated bag of netting, with a panel of netting serving as a wing on each side of the trawl, that is either deployed behind a vessel or towed between two vessels, and does not tend the bottom.

(g) "Wing net" is a net in the form of an elongated bag kept open by a rigid frame that is attached to either side of a vessel, and is not towed behind a vessel or dragged along the bottom.

*Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 8-1-96.*

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Alabama



*Additional Regulations.*

## § 9-12-111. Lengths or widths of seines, nets, and trawls.

It shall be unlawful for any person, firm or corporation to have in possession on board a boat in the waters of Alabama or in use, any seine, trammel net, gill net or other device for the taking or catching of saltwater fish or other seafoods having in length on the cork or main top line more than 2,400 feet except on purse seines where the Commissioner of Conservation and Natural Resources may set additional length by regulation. When two or more nets are joined together, they shall be considered as one, and the total length thereof must not exceed the above limitation. All nets, seines, or trawls exceeding the prescribed length or width as set by law or regulation may be confiscated and held as evidence, and upon conviction, the nets, seines, or trawls shall be forfeited to the Department of Conservation and Natural Resources which shall dispose of forfeited items as it deems advisable. Any person violating this section or any regulation promulgated pursuant to this section shall be strictly liable and it shall not be necessary to prove any criminal intent for conviction. It shall be unlawful for any person, firm, or corporation to have in use any trawl or trawls, for the taking of shrimp or other seafoods, the total width of which exceeds the measurement as set by regulation. (Acts 1943, No. 587, p. 590, § 2; Acts 1953, No. 715, p. 969; Acts 1995, No. 95-287, § 1.)

The 1995 amendment, effective June 30, 1995, in the first sentence inserted "on board a boat in the waters of Alabama," substituted

"cork or main top line" for "lead line," substituted "2,400 feet" for "500 fathoms (3,000 feet)," and added "by regulation"; deleted the former





second sentence which read: "This measure- line rather than along the lead line"; and added  
ment shall be on shrimp crawls along the cork the present third through last sentences.

**§ 9-12-113. Licenses or permits for hook and line fishing, nets or seines.**

(a) Each license or permit issued by the Commissioner of Conservation and Natural Resources or his or her authorized agent shall state the name of the applicant.

(1) If the applicant is a resident of the State of Alabama, the applicant shall pay the following fees:

a. One hundred dollars (\$100) for commercial hook and line fishing.

b. Three hundred dollars (\$300) on each net or seine permit, plus an additional five hundred dollars (\$500) per permit for the taking of Roe Mullet and Spanish Mackerel, as defined by regulation of the Department of Conservation and Natural Resources.

c. One thousand five hundred dollars (\$1,500) for each purse seine license.

(2) Nonresidents shall pay the following fees:

a. Two hundred dollars (\$200) for commercial hook and line fishing.

b. One thousand five hundred dollars (\$1,500) for each net or seine permit, plus an additional two thousand five hundred dollars (\$2,500) per permit for the taking of Roe Mullet and Spanish Mackerel, as defined by regulation of the Department of Conservation and Natural Resources.

c. Three thousand dollars (\$3,000) for each purse seine license except where the nonresident of the State of Alabama is a resident of a state which has a reciprocal fishing agreement with the State of Alabama, in which case the fee shall be the same as the fee for an Alabama resident in that state.

(b) The net and seine permits provided for pursuant to subdivision (1) of subsection (c) shall not be transferable from one person to another for a period of three years from October 1, 1995, or until a transfer system is developed by departmental regulation, except in the case of proven physical hardship, as determined within the sole discretion of the Director of the Marine Resources Division. The Department of Conservation and Natural Resources shall by regulation establish a system for the transfer of the permits within a three year period. In establishing the system, the department shall provide that there shall be no financial gain realized by the transferor of the permits. The net and seine permits provided for pursuant to subdivision (2) of subsection (c) shall not be transferable under any circumstances, including physical hardship, and shall not be transferred to any other applicant by the department.

(c) In addition to all other requirements to be permitted pursuant to this section, except as otherwise provided for residents age 62 years or older under certain conditions as may be subsequently determined by the department, all applicants for net and seine permits shall submit the following:

(1) proof that the applicant purchased a license under this section in at least two of the five years during the period of 1989 through 1993 and proof,



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in the form of unamended original income tax returns including Alabama state income tax returns for all applicants in accordance with procedures established by departmental regulations, that the applicant recognized his or her applicable Alabama income and derived at least 50 percent of his or her gross income from the capture and sale of seafood species in at least two of the five years during the period of 1989 through 1993 and in subsequent years for annual renewal; or

(2) proof that the applicant purchased a license under this section every year from 1989 through 1993, and, unless exempt from filing under the Alabama income tax law, proof that the applicant filed an Alabama income tax return from 1989 through 1993, and in subsequent years for annual renewal.

For the license year beginning October 1, 1997, only, any permittee who obtained a net and seine permit pursuant to subdivision (2) may obtain a permit transferable in the same manner as a permit pursuant to subdivision (1) upon submitting proof in the form of unamended original income tax returns including Alabama state income tax returns for all applicants in accordance with procedures established by departmental regulations, that the applicant recognized his or her applicable Alabama income and derived at least 50 percent of his or her gross income in 1996 from the capture and sale of seafood species, provided the permittee must meet the gross income requirements to continue to renew a permit issued pursuant to subdivision (1) in subsequent years. A permittee who receives a permit pursuant to the provision in the preceding sentence may not receive a permit pursuant to subdivision (2) thereafter. The Alabama Department of Revenue shall verify, upon request, to the Director of the Marine Resources Division of the Alabama Department of Conservation and Natural Resources the income tax return of the applicant if the applicant authorizes the release of the information. Authorization by the applicant to release the information shall be a prerequisite for a permit.

(d) Only one permit shall be issued per individual. The department shall issue each permittee one decal or placard which shall be visibly displayed on the permittee's designated vessel or vessels in accordance with regulations promulgated by the Department of Conservation and Natural Resources. A permittee shall have only one net or seine in use at any time and shall be present and have the permit in his or her possession when the net or seine is in use or in transit, provided the presence of the permittee shall not be required when the boat is docked, refueling, or at a launch site.

(e) All nets and seines, except purse seines, and seines 25 feet or less, shall bear a tag showing the name and number of the permittee and any other identification as required by regulation, when the nets or seines are in use or on board a boat in the waters of Alabama. A designated vessel of 45 feet in length or less, as measured down the centerline, may have properly marked nets which are the property of the owner of the designated vessel on board the vessel but no fish may be in contact with the nets and provided that the vessel is not in motion and is moored or anchored when the permittee is not present. An initial designated vessel may be replaced by another vessel owned by the



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permittee that is no longer than 110 percent of the original vessel subject in all events to a maximum of 45 feet except in certain cases which may be waived by the Director of the Division of Marine Resources upon presentation of evidence that a permittee owned a vessel longer than 45 feet prior to the passage of this amendatory act.

(f) All permits issued shall be issued to individual persons only. A purse seine license may be issued to a person, firm, or corporation. A nonresident, as mentioned in this section, for the purposes of all permits issued, is defined to be any person who has not been continuously domiciled in this state for more than one continuous year prior to the date of the issuance of the license and for the purpose of purse seine licenses, a nonresident is defined to be any person, firm, or corporation who has not been domiciled in this state for more than one continuous year immediately prior to the date of the issuance of the license.

(g) All licenses and permits issued pursuant to this section shall expire on September 30 thereafter irrespective of the date of the issuance of the same.

(h) All nets and seines fished in an illegal manner, or in an illegal area, are declared to be a nuisance and may be confiscated, along with the entire catch, boat, motor, and any other fishing gear in the violator's possession, and all of the items may be held as evidence by any agent of the Department of Conservation and Natural Resources. After conviction of the person in whose possession the device or items were found or when the operator of the device has not been determined after a period of 30 days, the device or items shall be forfeited to the Department of Conservation and Natural Resources which shall destroy or otherwise dispose of the device or items as it shall deem advisable or in lieu of forfeiture, the court may impose additional fines.

(i) All game fish taken by nets or seines under this law shall be immediately returned to the waters where they were taken with the least possible injury to the fish. Possession of game fish in violation of this subsection will be considered as using a net or seine in an illegal manner. Saltwater game fish are defined as follows: Spotted Seatrout (*Cynoscion nebulosus*); Red Drum (*Sciaenops ocellata*); Tarpon (*Megalops atlanticus*); and those species designated by regulation of the Department of Conservation and Natural Resources. The department shall by regulation to the extent possible establish a tagging system to regulate importation or sale of the above listed species or species added by regulation.

(j) In addition to any other penalties provided in this section, a violation of this section or any regulation promulgated pursuant to this section, shall be a Class B misdemeanor punishable as provided by law; provided, however, that there shall be a mandatory minimum fine of \$1,000 for first offenses of utilizing a net or seine without the required license or permit hereunder, and any subsequent violation of subsection (a) committed within a three-year period of the date of conviction shall be a Class A misdemeanor, punishable by a mandatory minimum fine of two thousand dollars (\$2,000) and a mandatory minimum imprisonment of 10 days. Any person violating this section or any regulation promulgated pursuant to this section shall be strictly liable and it shall not be necessary to prove any criminal intent for conviction.





## § 9-12-113.1

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A 10-point system is also hereby established to provide that in the event a person is convicted of the following offenses as set out in subdivisions (1) to (5), inclusive, below in a manner so as to acquire ten or more points within a three-year period the department shall automatically and permanently revoke all licenses or permits issued and the licenses, permits, and any decal issued to that person shall be surrendered immediately by the licensee or permittee to the Director of the Division of Marine Resources upon conviction. Points shall be considered for a period of three years from the date of conviction and shall be as follows:

- (1) Sale, purchase, trade or barter of game fish, 10 points.
- (2) Fishing in closed areas, 5 points.
- (3) Retention of game fish, 5 points.
- (4) Fishing with improperly marked gear, 4 points.
- (5) Points for any other offense established or designated by regulation of the Department of Conservation and Natural Resources, shall be as provided in the regulation relating to the prohibitions of this section. (Acts 1943, No. 587, p. 590, § 4; Acts 1988, No. 88-577, p. 897, § 6; Acts 1993, No. 93-322, p. 486, § 9; Acts 1995, No. 95-287, § 2.)

The 1993 amendment, effective May 3, 1993, added the subsection (a) designation, and in subsection (a), in the first paragraph, divided the former first sentence into the present first and second sentences, and in the present first sentence, inserted "or her," and deleted "and, if" following "applicant," in the present second sentence, added "If," deleted "said" preceding "applicant," and substituted "the applicant" for "he," and substituted "the nonresident" for "such nonresident" in the present third sentence, in the present fourth sentence, substituted "shall be licensed" for "must be licensed," substituted "the seine" for "such seine," substituted "shall have the license" for "must have such license," and inserted "or her," in the present sixth sentence, deleted "firm, association or corporation" following "any person," substituted "the license" for "such license," and deleted "or in the case of a corporation which has not been continuously engaged in business in this state for more than one year prior to the date of the issuance of such license" following "the issuance of the license," in the present next-to-last sentence deleted "hereby" preceding "declared," inserted "along with any boat,

motor, or fishing gear in the violator's possession," and inserted "all of the items may be," and in the present last sentence, substituted "the device" for "such device," throughout this sentence, substituted "or items were found" for "was found," and inserted "or items" in two places, and in the second paragraph, deleted "the provisions of" preceding "this law," substituted "where" for "from whence," and substituted "were taken" for "came"; and added subsection (b).

The 1995 amendment, effective October 1, 1995, rewrote this section.

Code Commissioner's note. — In 1995, in subsection (i), the word "paragraph" was changed to "subsection" to reflect the actual code hierarchy. In subsection (j), in the first sentence of the second paragraph, "(1)-(5)" was changed to subdivisions (1) to (5), inclusive," for clarity.

Acts 1995, No. 95-287, which amended this section, provides in § 8: "Upon the effective date of this act (June 30, 1995) no additional net or seine licenses, pursuant to Section 9-12-113 of the Code of Alabama 1975, shall be issued for the fiscal year 1994-95 license year."

**§ 9-12-113.1. Selling, buying, trading, or bartering certain saltwater game fish prohibited.**

No person shall do, or attempt to do, any of the following: sell, trade, or barter, or buy, trade for, or barter for, any saltwater game fish specified in Section 9-12-113 or by regulation of the Department of Conservation and Natural Resources. The first offense of this section shall be a Class B



misdemeanor with a mandatory minimum fine of one thousand dollars (\$1,000). Any subsequent offenses shall be a Class A misdemeanor with a mandatory minimum fine of two thousand dollars (\$2,000), plus forfeiture of vehicle used in transporting the game fish. Any person violating this section or any regulation promulgated pursuant to this section shall be strictly liable and it shall not be necessary to prove any criminal intent for conviction. (Acts 1995, No. 95-287, § 3.)

**Effective date.** — The act which added this section became effective June 30, 1995.

§ 9-12-114. Licenses for wholesale and retail dealers of fresh saltwater fish. Repealed by Acts 1988, No. 88-577, p. 897, § 10, effective October 1, 1988.

§ 9-12-115. Reports of seafood dealers.

Each and every person, firm, or corporation holding a seafood dealer's license issued by the Commissioner of Conservation and Natural Resources or his or her authorized agent shall under oath make a monthly report to the Director of the Marine Resources Division of the Department of Conservation and Natural Resources on blanks provided for that purpose by the director, which report shall show in detail the weight in pounds of each species of fish purchased from commercial fishermen during the preceding month. The reports required by this section shall be in the hands of the director by the tenth day of each month for the immediately previous month, and willful failure or refusal to make the report by the required date or upon notification by the director that the report has not been received or the filing of a false report shall be deemed a violation of this section, and the Commissioner of Conservation and Natural Resources shall have the discretion to suspend or cancel the dealer's license until the provisions of this section are complied with, and the license shall not be used by any person, firm, or corporation until the dealer's license is restored by the Commissioner of Conservation and Natural Resources. The commissioner may, by regulation, require reports on a more frequent basis for those species managed under a quota system, with the same penalty provisions applicable for failure or refusal to report. The commissioner may by regulation, require the reports to be formatted to comply with gulf-wide trip tickets. (Acts 1943, No. 527, p. 590, § 6; Acts 1995, No. 95-287, § 4.)

The 1996 amendment, effective June 30, 1995, substituted "director" for "commissioner of conservation and natural resources" throughout the section; in the first sentence, substituted "seafood dealer's" for "wholesale dealer's," substituted "monthly report" for "quarterly report," and substituted "Director of the Marine Resources Division of the Department" for "commissioner"; in the second sen-

tence, substituted "tenth day of each month for the immediately previous month" for "first day of January, April, July, and October of each year," deleted "such time as" preceding "the provision of this section," and substituted "dealer's license" for "same"; and added the next-to-last and last sentences; and made nonsubstantive changes.



## § 9-12-115.1 CONSERVATION AND NATURAL RESOURCES § 9-12-119

## § 9-12-115.1. Landing and reporting requirements for certain saltwater finfish and other seafood products.

All saltwater finfish commercially harvested in the State of Alabama, except those lawfully taken by purse seine, shall be landed in this state and reported through a properly licensed Alabama seafood dealer. Other seafood products commercially harvested in this state shall be landed in this state, or in lieu thereof any subject person shall comply with any reporting procedures established by regulation of the Department of Conservation and Natural Resources. The Commissioner of the Department of Conservation and Natural Resources is hereby authorized to promulgate regulations which provide for and require reporting procedures for both resident and nonresident Alabama commercial fishermen who sell or land seafood products other than finfish outside the State of Alabama. Upon determination by the Commissioner of the Department of Conservation and Natural Resources that any subject person has failed to report as required, the commissioner may revoke any relevant commercial seafood license or permit he or she deems appropriate. Any person who violates this section or any regulation promulgated pursuant to this section, shall be guilty of a Class B misdemeanor, and upon conviction, shall be punished as provided in Sections 13A-5-7 and 13A-5-12. Any person so convicted shall be fined not less than one thousand dollars (\$1,000). Any person violating this section shall be strictly liable and it shall not be necessary to prove any criminal intent for conviction. (Acts 1995, No. 95-287, § 5.)

Effective date. — The act which added this section became effective June 30, 1995.

~~§ 9-12-119. Issuance of licenses — Fees of issuing authorities.~~

~~Judges of probate and other persons authorized and designated to issue licenses shall charge for each license issued under the provisions of this article \$1.00 in addition to the prescribed cost for each license issued, which amount shall cover services required by the provisions of this article, and shall remit the balance to the commissioner of conservation and natural resources to the credit of the marine resources fund on the first of each month. Said judges of probate and all other duly authorized and designated persons shall report to the commissioner of conservation and natural resources of the state of Alabama on the first day of each month the number and kind of licenses issued under this article and the name and post office address of the person or persons to whom issued, giving opposite each name the serial number of the license so issued and the amount of money remitted; provided, however, that if any such license is issued by the commissioner of conservation and natural resources or by any probate judge or other officer who is paid a salary for the performance of his duties as such officer, he shall be required to remit the entire amount collected to the commissioner of conservation and natural resources, except the amount charged by the issuing officer for the issuance of such license, and this amount shall be remitted to the treasurer of the county in which said license was paid. On October 1 of each year or within 10 days thereafter, each officer~~





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catching or attempting to take or catch shrimp by any trawl or trawls used together which exceed 16 feet as measured along the cork line; as well as, the taking, catching or attempting to take or catch shrimp by any trawl 16 feet or less as measured along the cork line while licensed as a commercial shrimp fisherman under section 9-12-92 or section 9-12-93.

(b) Persons, firms or corporations convicted of violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$600.00 nor more than \$900.00 for the first offense, not less than \$900.00 nor more than \$1,200.00 for the second offense and not less than \$1,200.00 nor more than \$1,500.00 for the third and subsequent offenses committed during any two consecutive years. All trawls in use at the time of the violation may be confiscated and held as evidence and upon conviction said trawls may be forfeited to the department of conservation and natural resources which shall dispose of same as it deems advisable. (Acts 1984, 2nd Ex. Sess., No. 85-50, p. 73.)

## § 9-12-123. License for use of gill net.

A recreational gill net license may be issued to anyone wishing to utilize a 300-foot or less gill net for noncommercial purposes for a fee of \$50.00. Persons taking fish from Alabama waters under the auspices of the recreational gill net license may not sell, barter, or offer for sale or barter, fish taken under this authority. (Acts 1988, No. 88-577, p. 897, § 7.)

## § 9-12-124. "Crab catcher" license for use of more than five crab traps; rules and regulations.

(a) Any person taking crabs for commercial purposes or using more than five crab traps for personal, noncommercial purposes must first obtain and have in possession a "crab catcher's" license. The fee for said license shall be \$50.00 and shall be paid to the department of conservation and natural resources.

(b) Individuals can use up to, but not more than, five crab traps for taking crabs for personal, noncommercial purposes, without said license.

(c) All crab traps and commercial crab boats must display identifying markings to be developed by regulations of the department of conservation and natural resources and it shall be unlawful to take crabs from traps belonging to another person without written authorization.

(d) The proceeds from the sale of said licenses shall be deposited to the credit of the marine resources fund and said licenses shall expire on September 30 of each year.

(e) A violation of any provision of this section shall be a Class C misdemeanor. (Acts 1988, No. 88-577, p. 897, § 8.)



STATE OF ALABAMA )

**REGULATION 95-MR-15**

**(Marine Resources)**

MONTGOMERY COUNTY )

By authority vested in me as Commissioner of Conservation and Natural Resources of the State of Alabama, as provided for by the Code of Alabama 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12, 9-12-110, and 9-12-113, I do hereby establish, proclaim and promulgate the following regulation, which has the force and effect of law:

Section 1. Rule 220-3-.03, entitled "Use of Nets and Harvest of Mullet," is hereby adopted, repealing previously adopted Rule 220-3-.03.

"220-3-.03 Use of Nets and Harvest of Mullet

(1) Roe mullet permit requirements: Any person possessing, using, or attempting to use, any commercial gill net, trammel net, or other entangling net with a mesh size of one and seven-eighths (1 7/8) inches knot to knot or larger to take or attempt to take any fish during the period of October 24 through December 31 of each year in the waters of Alabama must have a roe mullet permit as provided by Ala. Code, § 9-12-113; provided further, that any person in possession of mullet while possessing, using, or attempting to use any commercial gill net, trammel net, or other entangling net is also required to have said roe mullet permit.

(2) Spanish mackerel permit requirements: Any person possessing, using, or attempting to use, any commercial gill net, trammel net, or other entangling net in the waters of Alabama, including the territorial waters in the Gulf of Mexico, who possesses any Spanish mackerel must have a Spanish mackerel permit as provided by Ala. Code, § 9-12-113.



(c) Special October 24 - December 31 mesh size provisions: Except as otherwise provided in paragraphs (5), (6)(a), and (6)(b), from October 24 through December 31 of each year a mesh size of one and seven-eighths (1-7/8) inches knot to knot or larger shall be required for commercial gill, trammel, or other entangling nets used to take or attempt to take fish other than menhaden in the waters under the jurisdiction of the Marine Resources Division as provided by Rule 220-2-.42, except that a mesh size of one and three-eighths (1-3/8) inches knot to knot or larger, but less than one and seven-eighths (1-7/8) inches knot to knot, may be used for the taking of fishes other than mullet.

(5) Special mesh size provisions for certain rivers, bayous, creeks, or streams: It shall be unlawful to use in any rivers, bayous, creeks or streams under the jurisdiction of the Marine Resources Division as provided by Rule 220-2-.42 any gill net, trammel net, or other entangling net the mesh of which is smaller than three (3) inches knot to knot; except in those portions of the Blakely and Apalachee Rivers south of the I-10 Causeway where the minimum mesh size shall be as provided in paragraph (4) hereof. Nets shall not extend more than one half way across any river, stream, bayou or creek.

(6)(a) Special Gulf waters provisions on closures, openings, and mesh size: From January 1 through October 1 of each year, the waters of the Gulf of Mexico, including Pelican Bay, from the shoreline (including Pelican/Sand Island) out to 0.25 miles shall be closed to the commercial or recreational use of gill nets, trammel nets, other entangling nets, seines, and haul seines; except from March 15 through the Thursday before Memorial Day weekend of each year the area east of Longitude 87° 59' or Loran C line 12800 (7980 Gulf chain) to the Alabama-Florida state line will, subject to the other provisions of this regulation, be open from 6:00 p.m. to 6:00 a.m. each day; and provided that from October 2 through December 31 of each year Alabama's territorial waters in the Gulf of Mexico from the shoreline (including Pelican/Sand Island) out to 0.25 miles shall, subject to the other provisions of this regulation, be open to netting for mullet only and the minimum mesh size for nets permitted under Ala. Code, § 9-12-113, shall be one and seven-eighths (1-7/8) inches knot to knot.

(b) General Gulf waters provisions on mesh size: Except as otherwise provided in paragraphs (4)(b) and (6)(a), it shall be unlawful to use any gill net, trammel net, or other entangling net to take or attempt to take any fish in the waters of the Gulf of Mexico open to netting, including Pelican Bay, within the territorial jurisdiction of this State, the mesh of which is smaller than one and three-fourths (1-3/4) inches knot to knot.

(7) It shall be unlawful to take or attempt to take any fish in the waters of Alabama under the jurisdiction of the Marine Resources Division as provided by Rule 220-2-.42 with any seine or purse seine over twenty-five (25) feet in length with a mesh size smaller than three-fourths (3/4) inch knot to knot.

(8) There are no mesh size requirements for trawls and cast nets.

(9) It shall be unlawful to use, to take, or attempt to take fish with, or to possess on board a boat, in the waters of Alabama, any gill nets, trammel nets, or any other entangling net,





greater than 80 meshes in depth north of a line running in an eastwardly direction from the north bank of East Fowl River to Middle Bay Light to Great Point Clear.

(10) From October 24 through December 31 of each year it shall be unlawful to use any set nets (gill nets, trammel nets, or other entangling nets, etc.) in the waters of Bon Secour Bay south of the Gulf Intracoastal Waterway from Oyster Bay west to the last Waterway navigational marker and from that point southwestward to the northwestern tip of the Fort Morgan Peninsula. During this time period, this area shall be open to strike nets but these nets cannot be used within 300 feet of any pier, wharf, dock, or boat launching ramp in this area. "Strike net" means a gill net, trammel net, or other entangling net, that is set and used from a boat in a circular pattern and is not anchored or secured to the water bottom or shore and which is immediately and actively retrieved.

(11) From January 1 through the day after Labor Day of each year it shall be unlawful to use any gill net, trammel net, or other entangling net to take or attempt to take any fish in all waters inside of a meandering line beginning at the east end of Dauphin Island at the Park and Beach Board pier and running in a northwestwardly direction along the northern shore of Little Dauphin Island to its intersection with the Dauphin Island Bridge, and then northwardly along the east side of the Dauphin Island Bridge to its intersection with the Gulf Intracoastal Waterway, then westwardly along the southern edge of the Gulf Intracoastal Waterway to Aloe Bay Channel marker "BA, F1 (2+1) G 6s," then southwardly to Aloe Bay Channel marker number "2" and then to the western end of the Dauphin Island Airport runway, then eastwardly along the northern shore of Dauphin Island to the east end of Dauphin Island at the Park and Beach Board Pier.

(12) It shall be unlawful for any person, firm, or corporation to use any gill net, trammel net, seine or purse seine, or other entangling net to take or attempt to take fish in any marked navigational channel, Theodore Industrial Canal, Little Lagoon Pass, Perdido Pass, or any man-made canal (including but not limited to the following bays and canals on Dauphin Island: Quivera Bay, Polaris Lagoon, Port Royal Lagoon, Lafitte Bay, Indian Bay, Indian Canal, Buchanan Bay, Columbia Bay, Colony Cove, Spanish Bay, Barcelona Bay, Salt Creek, Government Cut (Drury Pass), and Billy Goat Hole); provided further, it shall be unlawful to use any gill net, trammel net, seine or purse seine, or other entangling net to take or attempt to take fish within 300 feet of any man-made canal or mouth of any river, stream, bayou or creek.

(13) It shall be unlawful to use gill nets, trammel nets, or other entangling nets permitted under Ala. Code, § 9-12-113, to take or attempt to take fish within 300 feet of any pier, marina, or boat launching ramp. It shall be unlawful to use any gill net, trammel net, or other entangling net to take or attempt to take fish within 300 feet of any of the following "relic" piers: Zundel's, Old Daphne Steamship, Battles, and Quarantine, within the jurisdiction of the Marine Resources Division as provided by Rule 220-2-.42; and, it shall be unlawful to use a recreational gill net licensed under Ala. Code, § 9-12-123 to take or attempt to take fish beyond 300 feet from any shoreline, and any such net set within 300 feet adjacent to, or parallel to, any pier shall not extend into the water beyond the end of the pier; provided further, it shall be unlawful to use any nets in any manner so as to prevent ingress or egress to or from any pier, wharf, dock, marina, or boat launching ramp.



(14) Gill nets permitted under Ala. Code, § 9-12-113, shall be marked at intervals of 100 feet or less along the float line with colored floats that contrast with any other floats used on the float line. Such gill nets shall be marked at intervals of 300 feet or less along the float line with the fisherman's permit number. Permit numbers will remain the same for each year.

(15) Gill and trammel nets operated in the waters of Alabama under the jurisdiction of the Marine Resources Division as provided by Rule 220-2-.42 must be constantly attended by the person licensed or permitted to operate the net.

(16) From the first day after Labor Day through October 23 of each year, possession of mullet on board a boat in the waters of Alabama with a gill net, trammel net, or other entangling net on board, or mullet taken by cast net, will be prohibited North of the Intracoastal Waterway and East of the Dauphin Island Bridge and West of the Bon Secour River Channel.

(17) There is hereby established a possession limit on mullet caught by cast net or snagging of 25 fish per boat per day or 25 fish per person per day from the shore during the period of October 24 through December 31 of each year. It shall be unlawful to possess on board a boat more than 25 mullet while cast netting or snagging in waters closed to the use of gill nets.

(18) It shall be unlawful to remove roe of mullet or otherwise process roe mullet aboard any boat or vessel within the territorial waters of this State.

(19)(a) A recreational gill net licensee shall have only one net in use at any time and shall possess only one net on board a boat in the waters of Alabama. It shall be unlawful for a recreational gill net to be on board a boat with a net, seine, or purse seine, required to be licensed or permitted under Ala. Code, § 9-12-113. It shall be unlawful to use or possess a recreational gill net in conjunction with the use or possession of any net, seine, or purse seine, required to be licensed or permitted under Ala. Code, § 9-12-113.

(b) A recreational gill net licensee shall take or possess only one standard fish box of fish per day. A standard fish box measures 15 inches by 15 inches by 24 inches.

(c) Recreational gill nets licensed under Ala. Code, § 9-12-123, shall bear a tag or float showing the name and license number of the licensee.

(20) It shall be unlawful to possess game fish in conjunction with the use or possession of any net, seine, or purse seine, required to be licensed or permitted under Ala. Code, § 9-12-113, or required to be licensed under Ala. Code, § 9-12-123. Commercial hook and line fishermen in possession of over the limit of species regulated by a bag limit shall not possess game fish.


(21) Rule 220-3-.03, entitled "Seafoods Other Than Shrimp and Oysters," as previously promulgated, is hereby expressly repealed in its entirety."




Section 2. Any person violating any of the provisions of this regulation shall be punished as provided by law.

Section 3. This regulation shall become effective on the 36th day after filing with the Legislative Reference Service.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of my office to be affixed in the City of Montgomery on this the 31st day of January, 1996.

*D/A*  
  
James D. Martin, Commissioner  
Department of Conservation  
and Natural Resources

[NOTE: The effective date of this regulation is 3-7-96].

  
JAN 1996  
Rec'd & Filed  
Legislative  
Ref. Service





STATE OF ALABAMA

I

MONTGOMERY COUNTY

I

JAN 1985

Rec'd & Filed  
Montgomery  
County  
Alabama  
Jan 1985

REGULATION 94-GF-24

(Game and Fish)

By authority vested in me as Commissioner of Conservation and Natural Resources of the State of Alabama as provided for by the Code of Alabama 1975, § 9-11-140, I do hereby establish, proclaim and promulgate the following regulation, which has the force and effect of law:

Section 1. Rule 220-2-.42, entitled "Use of Nets in Certain Areas and Size of Same - Commercial or Non-game Fish", is hereby amended on an emergency basis, to read as follows:

"220-2-.42 Use of Nets in Certain Areas and Size of Same -Commercial or Non-game Fish"

(1) It shall be unlawful for any person to take or catch, or attempt to take or catch, any commercial or non-game fish as defined in the laws of Alabama or regulations of the Department of Conservation and Natural Resources, by the use of nets (other than hoop and fyke nets) with a mesh size of less than three inches (3") knot to knot with a stretch or spread of less than six inches (6") in the public impounded waters and navigable streams of the State of Alabama, north of the following line:

Beginning at the Mississippi State line, those waters north of a meandering line following U.S. Highway 90 eastwardly to its junction with State Highway 188; State Highway 188 eastwardly to its junction with State Highway 193; State Highway 193 northwardly to its junction with State Highway 163; State Highway 163 northwardly to its intersection with Interstate Highway 10 (except all of the Theodore Industrial Canal); Interstate Highway 10 eastbound lane (except that portion of Interstate Highway 10 which lies north of State Highway 90 Battleship Parkway, in which case the line follows the Battleship Parkway) to Interstate Highway 10's intersection with U.S. Highway 98 (including Grass Bay, Chuckfey Bay, Choccolata Bay, Gustang Bay, Big Bay John, Bay Minette Basin and Bay, Little Bay John, Big Bay Bateau, Little Bay Bateau, and John's Bend); U.S. Highway 98 southwardly and eastwardly to its intersection with State Highway 59; State Highway 59 southwardly to its intersection with Baldwin County Highway 20; Baldwin County Highway 20 eastwardly to its intersection with Baldwin County Highway 95; Baldwin County Highway 95 northwardly to its intersection with U.S. Highway 98; U.S. Highway 98 eastwardly to its intersection with the western shore of Perdido Bay; then the western shore of Perdido Bay northwardly to the intersection of the Florida State Line and the mouth of the Perdido River.



(2)(a) All other gear used in commercial fishing operations north of the described meandering line will be subject to those laws, rules and regulations of the Game and Fish Division of the Department of Conservation and Natural Resources.

(2)(b) All waters south of the described meandering line, (including all of the Theodore Industrial Canal), will be subject to those laws, rules, and regulations of the Marine Resources Division of the Department of Conservation and Natural Resources.

(3) Notwithstanding any provision herein to the contrary, however, from September 1 to December 31, it shall be unlawful to possess a gill net, trammel net, or other entangling net aboard a boat in Fowl River north of Bellingrath Garden boat dock, in Dog River north and west of Perch Creek, in the Theodore Industrial Canal west of a line running north and south at Cedar Point Road (where old middle Deer River bridge was located), and in the Mobile Delta south of I&N Railroad and north of a line running two hundred fifty (250) yards north of and parallel to Highway 90 (Battleship Parkway). Furthermore, it shall be illegal to possess fish in, or in contact with, a net aboard a boat in East or West Fowl River north of I&N Railroad.



STATE OF ALABAMA )  
MONTGOMERY COUNTY )

REGULATION 96-MR-12  
(Marine Resources)

By authority vested in me as Commissioner of Conservation and Natural Resources of the State of Alabama as provided for by the Code of Alabama 1975, §§ 9-2-4, 9-2-7, 9-2-8, and 9-2-12, I do hereby establish, proclaim and promulgate the following regulation which has the force and effect of law:

Section 1. Rule No. 220-3-.36, entitled, "Closed Net Fishing Season", is hereby adopted, to read as follows:

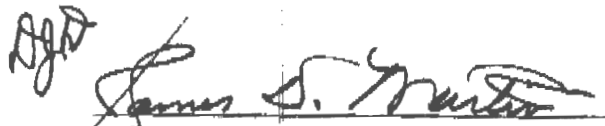
"220-3-.36 Closed Net Fishing Season

Effective November 13, 1996, there is hereby established a closed fishing season for the taking or attempting to take fish by the use of any gill net, trammel net, or other entangling net, in Old River (Baldwin County), south of a line beginning at the easternmost point of Ono Island running in a westwardly direction along the south shore of Ono Island and ending at the westernmost point of Ono Island. Any person using, or attempting to use, any gill net, trammel net, or other entangling net, in the areas of the closed season shall be in violation of this regulation."

Section 2. Any person violating any of the provisions of this regulation shall be punished as provided by law.

Section 3. This regulation shall become effective November 13, 1996.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of my office to be affixed in the City of Montgomery on this the 12th day of November, 1996.

*JDM*  
  
James D. Martin, Commissioner  
Department of Conservation  
and Natural Resources



[NOTE: The effective date of this regulation is 11-13-96].





Section 3. This regulation shall become effective on the 36th day after filing with the Legislative Reference Service.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of my office to be affixed in the City of Montgomery on this the 12th day of JANUARY, 1995.

Charley Grimsley  
Charley Grimsley, Commissioner  
Department of Conservation  
and Natural Resources

[NOTE: The effective date of this regulation is 2/17/95]



Mississippi



## ORDINANCE NO. 5.013

**AN ORDINANCE TO ESTABLISH RESTRICTIONS GOVERNING THE USE OF NETS, FISH TRAPS AND POTS WITHIN THE TERRITORIAL WATERS OF THE STATE OF MISSISSIPPI AND ESTABLISHING CERTAIN CATCH LIMITATIONS AND QUOTAS**

WHEREAS, the Mississippi Commission on Marine Resources has determined that it is in the best interest of the fisheries of the State of Mississippi to regulate areas, methods, and gear types in the saltwaters of the State of Mississippi; and

WHEREAS, the Mississippi Commission on Marine Resources has further determined that catch limitations, minimum lengths, quotas and other regulations must be imposed in order to preserve fish populations; and

WHEREAS, the Mississippi Commission on Marine Resources is authorized by Section 49-15-15 of the Mississippi Code of 1972, Annotated, to enact all regulations necessary for the protection, conservation or propagation of all commercial fish in the waters under the territorial jurisdiction of the State of Mississippi; now therefore

BE IT ORDAINED BY THE MISSISSIPPI COMMISSION ON MARINE RESOURCES THAT:

**Section 1.** DEFINITIONS:

**Mullet fishing** shall be defined as a fishing activity where the sole purpose is to catch mullet (*Mugil* sp.). It shall be unlawful for any person, firm, or corporation, while engaged in any mullet fishing activity or "set" to catch in excess of ten percent (10%) by weight of species other than mullet.

**King mackerel fishing** shall be defined as a fishing activity where the sole purpose is to catch king mackerel (*Scomberomorus cavalla*). It shall be unlawful for any person, firm, or corporation, while engaged in any net fishing activity or "set" to catch in excess of ten percent (10%) by weight of species other than king mackerel while king mackerel fishing.

**Commercial eel fishing** shall be defined as a fishing activity using traps or pots where the sole purpose is to catch American eels (*Anguilla rostrata*). It shall be unlawful for any person, firm, or corporation to retain any fish or shellfish other than adult eels while engaged in commercial eel fishing. An adult eel shall be defined as an eel at least six (6) inches in length.

**Approved degradable material** shall be defined as a material which after one (1) year of immersion in water loses at least fifty (50) percent of its tensile strength and for which a field test must be available to analyze the material for authenticity or the net must have a placard issued by the Department of Marine Resources which will be permanently attached to the net certifying that the net is made of an approved degradable material. Any material previously approved by the CMR under Ordinance 5.012 shall be deemed an "approved degradable





material" for purposes of this Ordinance, regardless of whether the material meets the fifty (50) percent loss in tensile strength after one (1) year of immersion in water.

### Section 2.

It shall be unlawful for any person, firm, or corporation to catch, take, or carry away any saltwater fish by or with any gill nets, trammel nets, purse seines, seines, fish traps, except permitted eel traps, or any other like contrivances, in the territorial waters of the State of Mississippi within twelve hundred feet (1200) of any public pier or any pier owned and operated by hotels or motels for the use of their patrons and guests for swimming and fishing or any harbor or within twelve hundred (1200) feet of the shoreline of Deer Island.

### Section 3.

It shall be unlawful for any person, firm, or corporation to catch, take or carry away any saltwater fish by or with any gill nets, trammel nets, purse seines, seines, fish traps, and other like contrivances except permitted eel traps in the following areas of the State of Mississippi;

- A) Within any river, bayou, creek, canal, stream, tributary, lake, bay, or inlet, or other water source entering into areas defined as salt waters under the jurisdiction of the Mississippi Commission on Marine Resources, except Pt. aux Chenes Bay, Middle Bay, Jose Bay, L'Isle Chaude, Heron Bay, Pascagoula Bay, south of a line beginning at a point on the shoreline at the southern terminus of range lines R7W and R6W near Camp Lamotte; thence southeasterly along the most direct line to the southernmost point of Twin Islands; thence easterly along the most direct line to the southern point of Rabbit Island; thence easterly along the most direct line to the beacon "Occ R 4 sec 100 ft" on the eastern side of Litton Shipbuilding; thence southeasterly following the shoreline to the southeasternmost point of Litton Shipbuilding; thence easterly along the most direct line to the southernmost point of land adjoining the entrance to Yazoo Lake) and South Rigolets and Biloxi Bay south of a line drawn between Marsh Point and Grand Bayou. These restrictions in subsection A) shall not apply to mullet fishing in Pascagoula Bay south of the CSX Railroad bridge.
- B) Within fifteen hundred (1500) feet from the shoreline between the U.S. Highway 90 bridge and the north shore of Bayou Caddy in Hancock County.
- C) Within an area that would block the mouth of any river, bayou, creek, canal, stream, tributary, lake, bay, inlet, channel, or other water source entering into areas defined as salt waters under the jurisdiction of the Mississippi Commission on Marine Resources. Areas defined as salt waters under the jurisdiction of the Mississippi Commission on Marine Resources are specified by Mississippi Commission on Wildlife, Fisheries and Parks Public Notice Number 2276 in accordance with Section 49-15-23 of the Mississippi Code of 1972, Annotated.



- D) Within an area formed by a line running one (1) mile from the shoreline of Cat, Ship, Horn, Petit Bois, and Round Island, or from the shoals of Telegraph Keys and Telegraph Reef (Merrill Coquille), during the period from May 15 to September 15 of each year.
- E) Within twelve hundred (1,200) feet of any private piers which extend a distance of seventy-five (75) feet or more from the shoreline, except when mullet fishing.
- F) Within three-hundred (300) feet of any private piers which extend a distance of seventy-five (75) feet or more from the shoreline when mullet fishing.
- G) All of the aforementioned piers must be in usable condition with boards spaced in such a way that persons can walk the entire distance of the pier.

#### Section 4.

Notwithstanding the provisions of Sections 2 and 3 above, it shall be unlawful for any person, firm or corporation to set, use or possess a gill or trammel net in the marine waters of the State of Mississippi contrary to the following restrictions:

- (A) From 6:00 a.m. to 6:00 p.m. no gill and trammel nets shall be set or otherwise used for the taking of aquatic life within one-half ( $\frac{1}{2}$ ) nautical mile of the shoreline or any manmade structure attached to the shoreline from Bayou Caddy in Hancock County to Marsh Point in Ocean Springs, Jackson County.
- (B) From 6:00 p.m. to 6:00 a.m. no gill and trammel nets shall be set or otherwise used for the taking of aquatic life within one-quarter ( $\frac{1}{4}$ ) nautical mile of the shoreline or any manmade structure attached to the shoreline from Bayou Caddy in Hancock County to Marsh Point in Ocean Springs, Jackson County.
- (C) It shall be unlawful for any person, firm or corporation to possess fish in, or in contact with, any gill or trammel net in a boat in the marine waters of Mississippi in the St. Louis Bay north of the CSX Railroad Bridge; in Biloxi Bay north of a line drawn between Marsh Point and Grand Bayou; in Pascagoula Bay north of the CSX Railroad bridge.
- (D) It shall be unlawful for any person, firm or corporation to set or otherwise use a gill or trammel net in the marine waters of Mississippi or to possess fish in, or in contact with, a gill or trammel net in a boat in the marine waters of Mississippi between 6:00 a.m. on Saturday mornings and 6:00 p.m. on Sunday evenings.
- (E) It shall be unlawful for any person, firm or corporation to set or otherwise use a gill or trammel net in the marine waters of Mississippi or to possess fish in, or in contact with, a gill or trammel net in a boat in the marine waters of Mississippi between 6:00 a.m. and 6:00 p.m. on legal holidays established by the Mississippi Legislature and as set forth in Miss. Code Ann. §3-3-7.



- (F) No gill or trammel net shall be set within one-quarter (1/4) nautical mile of another gill or trammel net.
- (G) Gill and trammel nets must be attended at all times from a distance of no greater than the length of the boat in use.
- (H) On and after January 1, 1997, all gill and trammel nets must be constructed of an approved degradable material. An approved degradable materials list will be on file with the Executive Director of the DMR or his designee. Any material that has not been approved by the Commission on Marine Resources (CMR) by the October 15, 1996 CMR meeting must meet the requirements of the approved degradable materials definition.

#### Section 5.

It shall be unlawful for any person, firm, or corporation to engage in commercial eel fishing activities by trap or pot in all areas defined as salt waters under the jurisdiction of the Mississippi Commission on Marine Resources by Public Notice No. 2276 in accordance with Section 49-15-23 of the Mississippi Code of 1972, Annotated, without first obtaining a commercial eel permit from the Department of Marine Resources.

#### Section 6.

It shall be unlawful for any person, firm, or corporation to use at any time trammel nets, gill nets, seines, or any other like contrivances in excess of twelve-hundred (1200) feet in length. Except when fishing gill and trammel nets between October 15 through December 15 of each year, nets must be of a mesh size of one and one half (1-1/2) inch square, three (3) inch stretch or larger, and it shall be unlawful for any boat to use more than one (1) such net. Between October 15 through December 15 of each year, gill and trammel nets must be of a mesh size of one and three-fourths (1 3/4) inch square, three and one-half (3 1/2) inch stretch or larger, and it shall be unlawful for any boat to use more than one (1) such net.

#### Section 7.

It shall be unlawful for any person, firm, or corporation other than licensed menhaden vessels engaged in menhaden fishing, to use or have in possession purse seine(s) in excess of fifteen hundred (1500) feet in length. Said nets must be of a mesh size of one-half (1/2) inch square, one (1) inch stretch or larger.

#### Section 8.

It shall be unlawful for any person, firm, or corporation to engage in commercial eel fishing as defined herein using:





- A) Traps with a diameter in excess of two (2) feet or a length in excess of four (4) feet or a muzzle or throat with an opening in excess of two (2) inches, maximum measurement.
- B) Traps with a mesh size smaller than one-half (½) inch by one (1) inch.
- C) Pots larger than twenty four (24) inches by twenty four (24) inches by fifteen (15) inches or having a throat in excess of two (2) inches, maximum measurement.

### Section 9.

It shall be unlawful for any person, firm, or corporation to leave a gill net, trammel net, purse seine, seine or any other net like contrivance governed by the restrictions set forth in this Ordinance unattended in the waters of this state, and at least one person shall be required to stand by, within one boat length of the boat using said net, at all times the net is in the water. It shall further be unlawful for any person, firm, or corporation to use or have in their possession a gill net, trammel net, seine or like contrivance on the waters of this state without a visible buoy attached every one hundred (100) feet clearly marked with the license number or owner's full name thereon.

### Section 10.

It shall be unlawful for any person, firm, or corporation to use or have in their possession in or on the waters of this state any fish traps, fish pots, eel traps, eel pots, or like contrivances that are not clearly marked with the owner's full name, permit, or license number. It shall further be unlawful for said person, firm, or corporation to fail to check and empty each trap, pot, or like contrivance at least once every forty-eight (48) hours.

### Section 11.

The Mississippi Commission on Marine Resources, in accordance with the provisions of a duly adopted Commission Management Plan, published and filed with the Secretary of State; or in accordance with a management plan developed by the Gulf of Mexico Fishery Management Council and approved by the United States Secretary of Commerce; may establish annual Total Allowable Catch (TAC) rates for commercial and recreational fishermen. Said catch rates may apply to red drum, spotted seatrout, mullet, brown shrimp, white shrimp, blue crabs, or any other species of fish or shellfish which the Commission deems necessary or advisable. Furthermore, the Commission may close a fishery or disallow the taking of any particular species of fish or shellfish by commercial fishermen, recreational fishermen or both commercial and recreational fishermen in response to catches meeting or exceeding a TAC established by order of the Commission. It shall be unlawful for any person, firm, or corporation to violate any of the provisions of such management plans as approved by the Commission or to exceed the TAC levels which may be established annually for any species of fish or shellfish.



**Section 12.**

An annual Total Allowable Catch (TAC) for commercial landings of red drum (*Sciaenops ocellatus*) has been set at thirty-five thousand (35,000) pounds, beginning October 1, 1990 and ending September 30 of each following year.

**Section 13.**

An annual Total Allowable Catch (TAC) for commercial landings of spotted seatrout (*Cynoscion nebulosus*) has been set at forty thousand (40,000) pounds, beginning October 1, 1995 and ending September 30 of each following year.

**Section 14.**

It shall further be unlawful for any person, firm or corporation to sell, offer for sale, barter, trade or purchase cobia landed in Mississippi. Cobia and any species of finfish that have an established annual quota and are landed legally elsewhere and/or transported into or within Mississippi for sale, must be accompanied by an affidavit or certificate from the regulating agency of the point of origin stating that the fish were legally landed or accompanied by a Bill of Lading if imported from a foreign country. Cobia and any species of finfish that have an established annual quota and are raised on permitted aquaculture facilities must be accompanied by a Bill of Lading with the permit number attached and may be sold below the prescribed minimum lengths.

**Section 15.**

The restrictions, with the exception of Section 11, outlined in this Ordinance do not apply to Brill nets, cast nets, drop nets for crabs, small mesh beach seines not exceeding one-hundred (100) feet in length, and having a mesh size not to exceed 1/4 inch bar-1/2 inch stretch, trawls, for the catching of shrimp, purse seines for the catching of menhaden, or nets, traps, or pots for experimental purposes approved and duly permitted by the Commission on Marine Resources.

**Section 16.**

Any person, firm, or corporation convicted of violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and penalized in accordance with Section 49-15-63 of the Mississippi Code of 1972, Annotated. Violations of more than one section or subsection of this Ordinance, or part thereof, shall be considered separate offenses and punished as such.

**Section 17.**

Each section and subsection of this Ordinance shall be declared separable, and if any section or subsection or part thereof shall be held invalid or unconstitutional, the balance of said Ordinance shall remain in full force and effect.



**This ordinance shall be in effect and be in force from and after the 1st day of January, 1997.**

**Adopted this the 19th day of November, 1996**

**MISSISSIPPI COMMISSION ON MARINE RESOURCES**

By: *Vernon Asper*  
Dr. Vernon Asper, Chairman

**MISSISSIPPI DEPARTMENT OF MARINE RESOURCES**

By: *E. G. Woods*  
E. G. Woods, Executive Director





Louisiana



R.S. 56:305

B. The name of a vessel for which a vessel license has been issued cannot be changed without prior notification to the department.

*Acts 1986, No. 904, §1.*

### SUBPART E. GEAR LICENSE

#### §305. Commercial gear license; issuance to certain nonresidents prohibited; moratorium on certain new gear license; renewals

A. A commercial fisherman must possess a commercial gear license indicating that the applicable gear fee has been paid whenever using or possessing on the fishing grounds any gear listed in Subsection B, below.

B. Residents shall pay a commercial gear fee as follows:

- (1) Butterfly nets: twenty-five dollars for each butterfly net.
- (2) Crab traps: twenty-five dollars to use any legal number of crab traps, or one dollar for each crab trap used on a trotline, not to exceed twenty-five dollars for the use of any legal number of crab traps.
- (3) Oyster dredges: twenty-five dollars for each dredge.
- (4) Gill nets:
  - (a) Twenty-five dollars to use any legal number of gill nets in the freshwater areas of the state as defined in R.S. 56:322(A) and (B).
  - (b) Two hundred fifty dollars per gill net that may only be used in the federal exclusive economic zone (EEZ) as defined in 50 Code of Federal Regulations §620.
  - (c) Two hundred fifty dollars per mullet strike net that may only be used during the special mullet season defined in R.S. 56:333 or the special spotted sea trout season defined in R.S. 56:325.3(C).
  - (d) Two hundred fifty dollars per pompano strike net that may only be used during the special pompano season defined in R.S. 56:325.4 and 406.
  - (e) All commercial gear licenses as provided for in Subparagraphs (b), (c), and (d) of this Paragraph issued to all qualified nonresidents shall be one thousand dollars.
- (5) Hoop nets: twenty-five dollars to use any legal number of hoop nets.
- (6) Purse seines/menhaden seines: five hundred five dollars for each purse seine in use.
- (7) Seines: twenty-five dollars to use any legal number of seines.
- (8) Oyster tongs: thirty dollars for each oyster tong.
- (9) Slat traps: twenty-five dollars to use any legal number of slat traps.
- (10) Trammel nets: twenty-five dollars to use any legal number of trammel nets in the freshwater areas of the state as defined in R.S. 56:322(A) and (B).
- (11) Trawls: twenty-five dollars for each trawl, except no fee is required for use of a test trawl, as defined by R.S. 56:495.1(A), when used with another trawl for which the gear fee has been paid.
- (12) Crawfish traps: twenty-five dollars to use any legal number of crawfish traps.
- (13) Castnets with a radius in excess of eight feet six inches.
- (14) Rod and reel: two hundred fifty dollars to fish in the saltwater areas of the state as defined in R.S. 56:322(A) and (B). The department may issue a saltwater commercial rod and reel gear license to each applicant only if the following conditions have been met:
  - (a) The applicant must provide positive proof that they held a valid commercial gear license for gill nets during any two years of the years 1995, 1994, and 1993.
  - (b) The applicant must provide positive proof, in the form of unamended original state and federal income tax returns, including Schedule C of the federal 1040 form, submitted in accordance with procedures established by the commission, that the applicant has derived more than fifty percent of his earned income from the capture and sale of seafood species in at least two of the three years, 1995, 1994, or 1993.
  - (c) The applicant shall not have been convicted of any fishery-related violation that constitutes a class three or greater violation.
  - (d) Each commercial rod and reel fisherman shall report his total monthly commercial take to the department in accordance with the provisions of R.S. 56:345.



R.S. 56:306.1

**§305.5. Commercial gear license for gill net; permits to be used in the EEZ; dedication and expenditure of funds collected**

A. All revenues generated from the issuance of commercial gear licenses for gill nets or permits issued under Subsection B of this Section to be used in the saltwater areas of the federal exclusive economic zone (EEZ) and the freshwater areas of the state shall be deposited to the Wildlife and Fisheries Conservation Fund to be used solely for costs associated with the issuance of commercial fishing licenses and for the enforcement of laws regulating wildlife, fish, and other aquatic life in the coastal zone of the state.

B. The secretary of the Department of Wildlife and Fisheries shall promulgate rules and regulations for the issuance of permits to persons authorized to possess gill nets, trammel nets, strike nets, and seines within the territorial boundaries of the state while traversing state waters to and from the federal exclusive economic zone. The secretary shall charge a fee of two hundred fifty dollars for each permit issued pursuant to rules and regulations promulgated under the provisions of this Subsection.

*Acts 1991, No. 887, §1, eff. Nov. 1, 1991; Acts 1995, No. 1316, §2.*

**§305.6. Moratorium on crab trap gear licenses**

Notwithstanding any other provision of the law to the contrary, on or after January 1, 1996 through December 31, 1998, no person shall be issued a commercial crab trap gear license unless that person possessed a valid commercial crab trap gear license for the year 1993, 1994, or 1995.

*Acts 1995, No. 873, §1.*

**SUBPART F. WHOLESALE/RETAIL DEALER****§306. Wholesale/retail dealer's license; place of business; employees**

A. A person buying, acquiring, or handling, by any means whatsoever, any species of fish in Louisiana for resale, including bait species, whether on a commission basis or otherwise, is a wholesale/retail dealer and must purchase a wholesale/retail dealer's license. A wholesale/retail dealer shall include but not be limited to:

- (1) The owner or operator of any fish factory, platform, or other processing plant, or
- (2) A person shipping fish out of or into the state.

B.(1) The license is in the name of the licensee and shall list the legal mailing address and the location of the place of business, and any other information required by the department. If the place of business is a vehicle, then the license shall state "vehicle" in place of the legal mailing address and location of the place of business.

(2)(a) This license, when issued to an individual, allows the licensee to operate as a wholesale/retail dealer at any point within the state and is also valid for one place of business.

(b) This license, when issued to a corporation, partnership, or any other type of association, is only valid for one place of business.

(3) If the licensee owns or operates more than one place of business, then an additional wholesale/retail dealer's license must be purchased for each additional place of business. The additional licenses shall be in the name of the operator, list the same license number as the original license, list the legal mailing address and the location of the place of business, and any other information required by the department. If the place of business is a vehicle, then the license shall state "vehicle" in place of the legal mailing address and location of the place of business.

(4) Individual employees of wholesale/retail dealers are not required to obtain a wholesale/retail dealer's license when transacting the business of the wholesale/retail dealer on the premises of the place of business, but any employee or person buying, acquiring, handling, or selling fish as a wholesale/retail dealer or for a wholesale dealer at any place other than on the premises of the place of business, must obtain a wholesale/retail dealer's license.

(5) The provisions of this Section shall not apply to a person transporting fish under the privilege of a Louisiana transport license purchased in connection with a Louisiana wholesale/retail dealer's license when that person buys fish for or on behalf of the wholesale/retail dealer to whom such transport license was issued and only transports such fish to that wholesale/retail dealer.

*Acts 1986, No. 904, §1; Acts 1990, No. 261, §1, eff. July 4, 1990.*

**§306.1. License fee; place of purchase**

A. The cost of the wholesale/retail dealer's license is one hundred five dollars for residents and four hundred five dollars for nonresidents, except that restaurants and retail grocers that sell fresh fish shall pay





R.S. 56:320.2

electric current used in shocking said fish; except a barbless spear used in salt water for taking flounder. No person shall take game fish, except catfish, by means of snagging devices (not including bow and arrow). Garfish may be taken by means of spears and bows and arrows. It shall be unlawful to possess any of the prohibited instruments, weapons, substances, or devices set out hereinabove with the intent to take fish in violation of the provisions of this Section.

D. The commission may provide by rule or regulation that no seines or gill nets authorized for use in taking fish from the waters of the state of Louisiana shall be left unattended, except as otherwise provided by this Title.

E. The commission may provide by rule and regulation for the taking of game fish with scuba gear, consistent with and in addition to other provisions of law as provided in this Section.

F. Each gill net or trammel net used to take freshwater commercial fish shall be marked with two waterproof tags with the name and license number of the fisherman legibly printed thereon, such tags to be placed at each end of the net. The secretary shall promulgate and adopt rules and regulations to establish a marking system for nets used in freshwater areas of the state sufficient to enable the department's agents to clearly identify unattended nets, as defined in R.S. 56:8(102), including the name and license number of the owner of such nets, and sufficient to enforce all laws relative to such nets. Violation of this Subsection constitutes a class three violation.

G. It shall be unlawful for any person to use or employ any aircraft including fixed wing aircraft, dirigibles, balloons, helicopters, or any other form of aerial surveillance in the airspace of this state to assist in the taking of finfish except in the fisheries of menhaden and herring-like fish as defined in Title 76, Section 311 of the Louisiana Administrative Code. Any aircraft, boat, or vessel and equipment utilized in the taking of finfish and any fish taken or possessed, except in the fisheries of menhaden and other herring-like fish, contrary to the provisions of this Subsection shall be subject to confiscation. Violation of this Subsection constitutes a class 5-A violation.

H. Violations of Subsection C of this Section and the taking of freshwater and saltwater gamefish by illegal methods shall constitute a class four violation.

I.(1) It shall be unlawful for any person to knowingly and intentionally use or employ any net to encircle a vessel or to otherwise knowingly and intentionally use or employ any vessel or fishing gear to interfere with the lawful fishing of another.

(2) It shall be unlawful for any person to knowingly and intentionally use or employ any vessel or recreational gear to interfere with the lawful commercial fishing of another.

(3) A violation of the provisions of this Subsection shall constitute a class two violation, R.S. 56:32.

*Acts 1974, No. 36, §1; Acts 1974, No. 223, §1. Amended by Acts 1976, No. 79, §1; Acts 1979, No. 278, §1; Acts 1979, No. 547, §1; Acts 1982, No. 318, §1; Acts 1984, No. 323, §1; Acts 1984, No. 516, §1; Acts 1984, No. 706, §1, eff. Jan. 1, 1986; Acts 1986, No. 114, §1; Acts 1986, No. 904, §3; Acts 1988, No. 711, §1; Acts 1988, No. 36, §1; Acts 1990, No. 372, §1, eff. July 10, 1990; Acts 1990, No. 545, §1; Acts 1990, No. 794, §1; Acts 1991, No. 270, §1; Acts 1991, No. 698, §1; Acts 1991, No. 859, §1; Acts 1991, No. 886, §1; Acts 1992, No. 50, §1; Acts 1992, No. 52, §1; Acts 1992, No. 528, §1, eff. June 29, 1992; Acts 1993, No. 62, §1; Acts 1995, No. 362, §1; Acts 1995, No. 543, §§2, 3; Acts 1995, No. 956, §1; Acts 1995, No. 1316, §2.*

*NOTE: See Acts 1986, No. 904, §5.*

**§320.1. Use and possession of certain gill nets, trammel nets, strike nets, or seines; prohibited**

A. No person shall use, possess, or have in his possession, or have aboard any vessel, a gill net, trammel net, strike net, or seine in the saltwater areas of the state as defined in R.S. 56:322(A) and (B), except as provided in R.S. 56:318 and 320.2.

B. A violation of the provisions of this Section shall constitute a class six violation.

*Acts 1995, No. 1316, §2.*

**§320.2. Federal exclusive economic zone (EEZ)**

A. The possession of gill nets, trammel nets, strike nets, or seines on or aboard any vessel in the saltwater areas of the state is prohibited unless the captain or owner of the vessel has in his immediate possession upon the vessel a permit issued by the department under R.S. 56:305.5(B).

B. While traversing state waters going to and from the waters of the federal exclusive economic zone (EEZ), all gill nets, trammel nets, strike nets, or seines shall remain on board the vessel and shall not be used while in state waters.

C. All vessels fishing in the federal exclusive economic zone (EEZ) shall comply with all applicable federal law and regulations.



320, 2 (cont'd)

R.S. 56:322

D.(1) A violation of this Section shall constitute a class six violation. In addition to any penalty imposed under this Section, any state permit issued under the provisions of R.S. 56:305.5(B) shall be immediately suspended upon a conviction for violation of this Section.

(2) No person who has had his permit suspended under this Section shall reapply for a new permit or be issued a new permit.

E. The commission shall promulgate rules and regulations as may be necessary to effectuate the provisions of this Section.

Acts 1995, No. 1316, §2.

### §321. Elevated trotlines prohibited; civil liability

A. No person shall set, maintain, take, or attempt to take fish from any trotline of which any segment of the staging line measures in excess of four feet where any portion of any hook extends above the surface of the waters of any of the bodies of waters within the state of Louisiana. However, this Section shall not apply to White Lake in Vermilion Parish and Grand Lake and Lake Misere in Cameron Parish. Any violation of the provisions of this Section shall constitute a class two violation, R.S. 56:32.

B. Such action shall be considered prima facie evidence of negligence in a civil action for damages suffered by another as a result thereof.

Acts 1974, No. 223, §1; Acts 1992, No. 854, §1; Acts 1993, No. 843, §1.

### §322. Seines or nets; size of mesh; classification as to salt or freshwater; crawfish traps

A. The legislature recognizes the historic division of the state into saltwater and freshwater areas. The legislature also recognizes that this division is based in large measure on the variations of flora and fauna found within these two divisions. The legislature further recognizes that an exact line of demarcation is insusceptible of precise location by reason of the changes in water salinity caused by winds, tides, and rains. It is, therefore, the intention of the legislature that the following described boundary line easterly from the Texas state line to the Mississippi state line shall be used in dividing the state into predominantly saltwater and predominantly freshwater areas: Louisiana Highway 82 from the Texas-Louisiana boundary to its junction with the Louisiana Highway 3147 and then along the east right of way line of Louisiana Highway 82 to its junction with the Intracoastal Waterway at Forked Island, the Intracoastal Waterway from Forked Island to Bayou Barataria to the Harvey Canal, the Harvey Canal to the Mississippi River, the Mississippi River to the Industrial Canal, the Industrial Canal to the Intracoastal Waterway, the Intracoastal Waterway to the Rigolets in Orleans Parish to the Louisville and Nashville railroad bridge, the Louisville and Nashville railroad right of way from the Orleans Parish line to the Mississippi state line.

B. The areas south of the above-described boundary line, plus the saltwater lakes known as Sabine Lake; Calcasieu Lake, including that portion of the Calcasieu Ship Channel which actually adjoins Calcasieu Lake; West and East Pass of the Calcasieu River and Oyster Bayou in Cameron Parish; Lake Maurepas; Lake Pontchartrain; Lake St. Catherine; Chef Menteur Pass; the Rigolets; Unknown Pass; Pass Manchac; and that portion of the Calcasieu Ship Channel from the Intracoastal Waterway south to the Gulf of Mexico, shall be designated as saltwater areas.

C. The following provisions shall apply to saltwater areas:

(1) Hoop nets. For the taking of commercial fish, a person may have in possession or in use hoop nets with a mesh of not less than one inch square or two inches stretched after treating with tar or copper.

(2)-(4) Repealed by Acts 1995, No. 1316, §3.

(5) Monofilament, multifilament, or other materials.

(a) Except as provided in Subparagraph (b) of this Paragraph, the use and possession of trammel nets, gill nets, and seines constructed of monofilament, multifilament, or other materials is prohibited, except as provided in R.S. 56:318 and 320.2.

(b) The nets defined in R.S. 56:66.1 and 66.2 are not prohibited, but shall not be constructed of monofilament.

(6) Purse seines.

(a) The use of purse seines for the taking of finfish, other than menhaden and herring-like species, shall be prohibited in inside waters as delineated by R.S. 56:495.

(b) The use of purse seines for the taking of finfish, other than menhaden and herring-like species, shall be prohibited in outside waters as delineated by R.S. 56:495.

(c) Except as provided in R.S. 56:324, possession of red drum or spotted sea trout on board any vessel on which a purse seine is also on board, within or without the waters of Louisiana, is prohibited. Any agent

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R.S. 56:325.3

Louisiana, whether caught within or without the territorial waters of Louisiana, after the closure is prohibited. The closure and notice of closure shall, in addition, provide that no vessel possessing or fishing any seine net, gill net, trammel net, or hoop net shall have a spotted sea trout aboard the vessel, whether caught within or without the waters of the state.

(3) Nothing in this Section shall be deemed to prohibit the possession of fish legally taken prior to the closure order.

B. The commercial taking or landing of red drum in Louisiana is prohibited. No vessel possessing or fishing any seine net, gill net, trammel net, or hoop net shall have a red drum aboard the vessel, whether caught within or without the waters of the state. Violation of the provisions of this Section constitutes a class five-B violation. Aquaculturally raised fish, as defined by R.S. 56:356, shall be exempt from the provisions of this Section.

C.(1) Notwithstanding any other provision of law to the contrary, the Louisiana Wildlife and Fisheries Commission shall establish the following two seasons for the commercial harvest of spotted sea trout with a mullet strike net: the first season shall open on Monday, November 20, 1995, and end no later than March 1, 1996; the second season shall open on Monday, November 18, 1996, and end no later than March 1, 1997; however, such seasons shall be closed prior to the dates listed in this Subsection when one million pounds of spotted sea trout have been taken commercially within Louisiana waters or landed in Louisiana, whichever occurs first. These two seasons shall exclude the commercial harvest of spotted sea trout with mullet strike nets during the period from 5:00 a.m. on Saturday through 6:00 p.m. on Sunday. There shall be no commercial taking of spotted sea trout pursuant to the provisions of this Section during the period after sunset and before sunrise. After the closure of the seasons provided in this Subsection, only a rod and reel shall be used for the commercial harvest of spotted sea trout, provided the total commercial harvest of spotted sea trout does not exceed the annual one million pound quota established by the commission. The provisions of this Section are subject to quotas and size limits as established by law and rules and regulations of the commission.

(2) The commercial taking of spotted sea trout is prohibited except by special permit issued by the Department of Wildlife and Fisheries at a cost of one hundred dollars for residents of this state and four hundred dollars for those who are nonresidents.

(3) The commercial taking of spotted sea trout during the season by using a mullet strike net in excess of one thousand two hundred feet in length or by using more than one strike net from any vessel at any time is prohibited.

(4) Each mullet strike net shall have attached to it a tag issued by the department which states the name, address, and social security number of the owner of the net and the permit number of the permit issued to commercially take spotted sea trout. The department shall not issue any tag to a person who does not have a social security number.\*

D.(1) No person shall be issued a license or permit for the commercial taking of spotted sea trout unless that person meets all of the following requirements:

(a) The person shall provide proof that he purchased a valid Louisiana commercial saltwater gill net license in any two of the years 1995, 1994, and 1993.

(b) The person shall provide copies of unamended, original income tax returns, including Schedule C from the federal form 1040, which show that the person derived more than fifty percent of his earned income from the capture and sale of seafood species in any two of the years 1995, 1994, and 1993.

(c) The person shall not have applied for or received any assistance pursuant to R.S. 56:13.1(C).

(d) The applicant shall not have been convicted of any fishery-related violations that constitute a class three or greater violation.

(2) The commission shall adopt rules and regulations for the entry of commercial fishermen into the commercial spotted sea trout fishery. Such rules shall include the provisions of Paragraph (1) of this Subsection as minimum requirements.

E. The department shall not issue nor shall any person receive more than one permit or license to commercially take spotted sea trout.

F. Any person convicted of any offense involving fisheries laws or regulations shall forfeit any permit or license issued to commercially take spotted sea trout and shall be forever barred from receiving any permit or license to commercially take spotted sea trout. Any person who, after having been barred from the commercial spotted sea trout fishery pursuant to this Subsection, violates any provision of this Section shall be penalized under the provisions of a Class 7-B violation, R.S. 56:37.

*Acts 1987, No. 382, §1; Acts 1988, No. 889, eff. July 21, 1988; Acts 1991, No. 157, §1, eff. July 2, 1991; Acts 1995, No. 1316, §2.*

\*As appears in enrolled bill.





**R.S. 56:325.6****§325.4. Commercial taking of other saltwater finfish; exceptions; mesh size**

A. During the 1995-1996 and the 1996-1997 season for taking mullet and the two seasons for taking spotted sea trout as defined in R.S. 56:325.3(C), all other species of saltwater finfish, including but not limited to black drum, sheepshead, and flounder, may be taken using a pompano strike net, as defined in R.S. 56:8(66.2). This gear license and the use of this gear for taking these species shall be prohibited after March 1, 1997. There shall be no commercial taking of finfish pursuant to the provisions of this Section during the period from 5:00 a.m. on Saturday through 6:00 p.m. on Sunday. There shall be no fishing pursuant to the provisions of this Section during the hours after sunset and before sunrise. The provisions of this Section are subject to quotas and size limits as established by law and rules and regulations of the commission.

B.(1) No person shall be issued a license or permit for the commercial taking of underutilized species unless that person meets all of the following requirements:

(a) The person shall provide proof that he purchased a valid Louisiana commercial saltwater gill net license in any two of the years 1995, 1994, and 1993.

(b) The person shall provide copies of unamended, original income tax returns, including Schedule C from the federal form 1040, which show that the person derived more than fifty percent of his earned income from the capture and sale of seafood species in any two of the years 1995, 1994, and 1993.

(c) The person shall not have applied for or received any assistance pursuant to R.S. 56:13.1(C).

(d) The applicant shall not have been convicted of any fishery-related violations that constitute a class three or greater violation.

(2) The commission shall adopt rules and regulations for the entry of commercial fishermen into the commercial fishery for these species: black drum (also known as puppy drum), sheepshead, and flounder. Such rules shall include the provisions of Paragraph (1) of this Subsection as minimum requirements.

(3) The commercial taking of black drum (also known as puppy drum), sheepshead, and flounder during the season by using a pompano strike net in excess of one thousand two hundred feet in length or by using more than one strike net from any vessel at any time is prohibited.

(4) Each pompano strike net shall have attached to it a tag issued by the department which states the name, address, and social security number of the owner of the net and the permit number of the permit issued to commercially take black drum (also known as puppy drum), sheepshead, and flounder. The department shall not issue any tag to a person who does not have a social security number.\*

C. Any person convicted of any offense involving fisheries laws or regulations shall forfeit any permit or license issued to commercially take these species and shall be forever barred from receiving any permit or license to commercially take these species. Any person who, after having been barred from the commercial taking of these species of fish pursuant to this Subsection, violates any provision of this Section shall be penalized under the provisions of a Class 7-B violation, R.S. 56:37.

D.(1) The commission shall make an annual peer reviewed and evaluated report to the legislature no later than March first that contains the following information on black drum, sheepshead, and flounder:

(a) The spawning potential ratio.

(b) A biological condition and profile of the species and stock assessment.

(2) If the report shows that the spawning potential ratio is below thirty percent, the department shall close the season within two weeks for a period of at least one year.

*Acts 1995, No. 1316, §2.*

*\*As appears in enrolled bill*

**§325.5. Repealed by Acts 1989, No. 488, §2, eff. July 1, 1989.**

**§325.6. Bait gulf menhaden; annual quota after regular closed season**

A. The Louisiana Legislature finds and declares there is great financial hardship imposed upon Louisiana crawfish, blue crab, and catfish fishermen because of insufficient supplies of bait during the winter season. This insufficiency compels Louisiana fishermen to purchase bait menhaden and other less effective baits at greatly increased costs from other sources outside the state. In order to assist these fishermen, the legislature hereby extends the regular bait gulf menhaden season by adding a quota of bait gulf menhaden to be taken during the closed season.

B. The maximum quota for the commercial harvest of bait gulf menhaden, to be used for bait only, taken within Louisiana waters or landed in Louisiana is established at three thousand metric tons, regardless of



§333. Mullet

A. The Louisiana Wildlife and Fisheries Commission shall adopt rules to regulate the taking of mullet. Such regulations, except as provided in Subsection B of this Section, shall provide for zones, permits, fees, and other provisions necessary to implement this Section.

B.(1) The season for taking mullet shall begin on the third Monday in October of each year and remain open until the third Monday in January. There shall be no commercial taking of mullet during the period from 5:00 a.m. on Saturday through 6:00 p.m. on Sunday. Mullet may not be taken commercially at any time outside of this season. There shall be no fishing pursuant to the provisions of this Section during the hours after sunset and before sunrise. The provisions of this Section are subject to quotas and size limits as established by law and rules and regulations of the commission.

(2) Mullet may only be taken commercially with a mullet strike net.

(3) The commercial taking of mullet is prohibited except by special permit issued by the Department of Wildlife and Fisheries at a cost of one hundred dollars for residents of this state and four hundred dollars for those who are nonresidents.

(4) The commercial taking of mullet during the season by using a mullet strike net in excess of one thousand two hundred feet in length or by using more than one strike net from any vessel at any time is prohibited.

(5) Each mullet strike net shall have attached to it a tag issued by the department which states the name, address, and social security number of the owner of the net and the permit number of the permit issued to commercially take mullet. The department shall not issue any tag to a person who does not have a social security number.\*

C. Notwithstanding the provisions of R.S. 56:406, in addition to other areas of the state, mullet may also be taken pursuant to the provisions of this Section in that portion of Breton and Chandeleur Sounds south and west of a line beginning at the most northerly point on the south side of Taylor Pass at Latitude 29° 23' 18" 476 N. (Y-268, 131, 65), Longitude 89° 19' 00" 803 W. (X-2, 642, 161.69); thence run North 32° 32' West for 8.74 miles to a horizontal tank battery located in the vicinity of Battledore Reef and east of Little Battledore Island; thence run North 30° 47' East for 11 miles to the Mississippi River Gulf-Outlet channel at the lighted, privately maintained marker known as station "69-A" and "70-A".

D.(1) No person shall be issued a license or permit for the commercial taking of mullet unless that person meets all of the following requirements:

(a) The person shall provide proof that he purchased a valid Louisiana commercial saltwater gill net license in any two of the years 1995, 1994, and 1993.

(b) The person shall provide copies of unamended, original income tax returns, including Schedule C from the federal form 1040, which show that the person derived more than fifty percent of his earned income from the capture and sale of seafood species in any two of the years 1995, 1994, and 1993.

(c) The person shall not have applied for or received any assistance pursuant to R.S. 56:13.1(C).

(2) The commission shall adopt rules and regulations for the entry of commercial fishermen into the commercial mullet fishery. Such rules shall include the provisions of Paragraph (1) of this Subsection as minimum requirements.

E. The department shall not issue nor shall any person receive more than one permit or license to commercially take mullet.

F. Any person convicted of any offense involving fisheries laws or regulations shall forfeit any permit or license issued to commercially take mullet and shall be forever barred from receiving any permit or license to commercially take mullet. Any person who, after having been barred from the commercial mullet fishery pursuant to this Subsection, violates any provision of this Section shall be penalized under the provisions of a Class 7-B violation, R.S. 56:37.

G.(1) The commission shall make an annual peer reviewed and evaluated report to the legislature no later than March first that contains the following information on mullet:

(a) The spawning potential ratio.

(b) A biological condition and profile of the species and stock assessment.

(2) If the report shows that the spawning potential ratio is below thirty percent, the department shall close the season within two weeks for a period of at least one year.

H. The licenses or permits provided for in this Section and in R.S. 56:305(B)(14) as to residents and nonresidents shall not be transferable from one person to another for a period of three years from August 15, 1995, or until a transfer system is developed by the commission, except in the case of proven physical hardship, as determined within the sole discretion of the commission, and in such event may only be transferred to the spouse, parent/legal guardian, or child/legal dependent of such person. The commission shall by rule establish a system for the transfer of such licenses or permits within a three-year period. In establishing such a system, the commission shall provide that there shall be no financial gain realized by the





**R.S. 56:406**

of fish for commercial purposes at any time in those two areas. Violation of this Section constitutes a class two violation.

*Acts 1974, No. 223, §2. Amended by Acts 1981, No. 837, §3; Acts 1982, No. 746, §1.*

**§402. Commercial fishing in Lake Bruin prohibited; penalty**

All catching of fish in any manner for commercial purposes in Lake Bruin including that part of the lake called Brushy and the following streams and bayous leading into or out of Lake Bruin: Bruin's Bayou, Choctaw Bayou, Ruth's Ditch, Catfish Bayou, Blue Hole, or Gillespie Ditch situated in the parish of Tensas, is prohibited. The department shall take such steps as necessary to prevent the catching of fish in any manner for commercial purposes at any time in the lake and its tributaries. The department may provide for open season and permit the taking of commercial fish from those waters for reasonable periods when in its judgment and discretion no harm would result therefrom and the taking would tend to the conservation and replenishment of the fish and aquatic life in Lake Bruin. Violation of this Section constitutes a class two violation.

*Acts 1974, No. 223, §2. Amended by Acts 1981, No. 837, §3.*

**§403. Commercial seining prohibited in Clear Lake; penalty**

No person shall seine fish for commercial purposes in Clear Lake, situated in the parish of Richland. The department shall take such steps as necessary to prevent the seining of fish for commercial purposes, at any time. Violation of this Section constitutes a class two violation.

*Acts 1974, No. 223, §1. Amended by Acts 1981, No. 837, §3.*

**§404. Use of seines, nets, or webbing in Bogue Chitto River prohibited; logging and hand grabbing of fish in Bogue Chitto River prohibited; penalty**

A. The use of seines, nets, or webbing for the taking of fish in the Bogue Chitto River from where it enters the state in the northern part of Washington Parish to where it empties into Pearl River in the parish of St. Tammany, Louisiana, is prohibited.

B. The taking of fish from logs, buckets, barrels, drums, or natural or artificial nesting areas by hand grabbing shall be prohibited in the Bogue Chitto River from where it enters the state in the northern part of Washington Parish to where it empties into Pearl River in the parish of St. Tammany, Louisiana.

C. Violation of any of the provisions of this Section constitutes a class two violation.

*Acts 1974, No. 223, §2; Acts 1988, No. 929, §1; Acts 1992, No. 528, §1, eff. June 29, 1992.*

**§405. Use of seines, nets or webbing or traps in Tchefuncte River, Lake Des Allemands, Bayou Des Allemands and Lake Salvador prohibited; exceptions; penalty**

A. The use of seines, nets, webbing or traps of any and all types, including slat traps, for the taking of fish in the Tchefuncte River or its tributaries from its origin in Washington Parish to where it empties into Lake Pontchartrain in the parish of St. Tammany, Louisiana is hereby prohibited.

B. Trawling north of the U.S. Highway 90 Bridge at Des Allemands, Louisiana and in Lake Des Allemands, its streams and tributaries is hereby prohibited.

C. Repealed by Acts 1982, No. 484, §1, eff. July 21, 1982.

D. Violation of this Section constitutes a class two violation and any seines, nets, or webbing used in violation of this law shall be confiscated.

*Acts 1974, No. 223, §2. Amended by Acts 1981, No. 837, §3.*

**§406. Use of trammel net, seine, gill net, or webbing prohibited in the waters of Breton Islands and Chandeleur Islands; exceptions; penalty**

A.(1) To promote the conservation of saltwater fish in the state, the use of any form of trammel net, seine, gill net, strike net, or webbing (ordinarily or historically used for the catching or taking of, or capable of fishing for saltwater finfish) is hereby prohibited in the waters as delineated in Paragraph (2) of this Subsection except as provided in R.S. 56:318 and 320.2.

(2) A description of the prohibited area is as follows:

(a) Beginning at the most northerly point on the south side of Taylor Pass at Lat. 29° 23' 18." 476 N (Y-268.131.65), Long. 89° 19' 00." 803 W. (X-2, 642,161.69).

(b) Thence run N. 32° 32' W. for 8 3/4 miles to a horizontal tank battery located in the vicinity of Battledore Reef and east of Little Battledore Island.





56:406 (cont'd)

R.S. 56:408

(c) Thence run N. 30° 47' E. for 11 miles to the Mississippi River Gulf-Outlet Channel at a lighted privately-maintained marker known as Station 49 at Lat. 29° 37' 16" N., Long. 89° 18' 31" W. and Station 50 at Lat. 29° 37' 19" N. and Long. 89° 18' 24" W.

(d) Thence N. 16° 10' E. for 8 1/2 miles to Point Chicot light.

(e) Thence N. 20° 10' E. for 13 1/2 miles to Mitchell Key light.

(f) Thence N. 35° 47' E. for 20 3/4 miles to Whistle Buoy at the entrance to Gulfport Channel, Lat. 30° 07' 00" N., Long. 88° 55' 08" W.

(g) Thence S. 47° 30' E. for 4 1/2 miles to a point, one mile north of Chandeleur light.

(h) Thence southeasterly running parallel to the present inside-outside water line as described in R.S. 56:495 one mile east offshore of Chandeleur, continue in a southerly direction one mile east along the Chandeleur Islands.

(i) Thence continue southerly one mile offshore east of Palos Island, Boot Island, Stake Island, Curlew Island, Errol Island, Myth Shoal and Gosier Island to the Mississippi River Gulf-Outlet.

(j) Thence southwesterly one mile east offshore of Breton Island, continuing S. 56° 45' W. for 12 miles to the point of origin.

(3)(a) It is specifically provided that nothing contained in this Section shall prohibit the use of shrimp trawls or menhaden purse seines within the described area or the use of pompano strike nets having a mesh size of not less than five inches stretched, and for the purpose of fishing pompano only shall not exceed two thousand four hundred feet in length, during the period from August first through October thirty-first of each year in waters within the described area beyond two thousand five hundred feet from land (excluding islands) and in excess of seven feet in depth.

(b) No person using any pompano strike net in the described area as provided herein shall have in his possession any edible fish, other than pompano. The provisions of this Section are subject to quotas and size limits as established by law and rules and regulations of the commission.

(c) No person may use a pompano net in the described area unless he has first obtained a special permit which the secretary shall issue and which special permit number shall be displayed on each vessel on the roof, or in such position recognizable from the air on open boats, in block letters and numerals eight inches high, width in proportion, contrasting with the background, being fully exposed to view from the air at all times.

(d) No person shall fish for pompano in Breton Sound or Chandeleur Sound during the hours after sunset and before sunrise.

(e) Each pompano strike net shall have attached to it a tag issued by the department which states the name, address, and social security number of the owner of the net and the permit number of the permit issued to commercially take pompano. The department shall not issue any tag to a person who does have a social security number.\*

B. It shall be the duty of the commission to enforce this section.

C. Violation of any of the provisions of this Section constitutes a class 5-A violation, R.S. 56:35.

D. The provisions of this Section shall be self-operative and shall require no further legislative action.

*Acts 1974, No. 223, §2; Amended by Acts 1974, No. 214, §1; Acts 1981, No. 837, §3; Acts 1982, No. 417, §1; Acts 1984, No. 516, §1; Acts 1984, No. 784, §1; Acts 1988, No. 889, §1, eff. July 21, 1988; Acts 1990, No. 875, §1; Acts 1991, No. 824, §1; Acts 1992, No. 528, §1, eff. June 29, 1992; Acts 1992, No. 590, §1; Acts 1995, No. 1316, §2.*

\*As appears in enrolled bill.

#### §407. Use of trammel nets, gill nets, and seines in certain areas of Lake Borgne prohibited

A. No person shall use any trammel net, gill net, or seine for the taking of fish, within one-half mile of the shoreline of Grand Island, commonly known as Half Moon Island, in Lake Borgne, or within one-half mile of the shoreline of Grassy Island, in Lake Borgne.

B. Violation of any of the provisions of this Section constitutes a class two violation.

*Acts 1974, No. 223, §2. Amended by Acts 1974, No. 213, §1; Acts 1992, No. 528, §1, eff. June 29, 1992.*

#### §408. Lake Maurepas; trawling prohibited; nets in certain areas prohibited

A. Trawling in Lake Maurepas is hereby prohibited.

B. The setting of any nets of any kind in Lake Maurepas within one-half mile of the beacon lights marking the mouths of the Tickfaw, Tangipahoa, Amite, and Blind Rivers and the Amite River diversion canal and Pass Manchac is hereby prohibited.



Texas



Location (County)	Daily Bag	Minimum Length (Inches)	Special Regulation
<b>Shad: gizzard and threadfin shad.</b>			
The Trinity River below Lake Livingston between Polk and San Jacinto Counties.	500 (in any combination)	No Limit	Possession Limit 1,000 in any combination.
<b>Sunfish: Bluegill, redear, green, warmouth, and longear sunfish, their hybrids and subspecies.</b>			
Purtis Creek State Park Lake (Henderson and Van Zandt).	25 (in any combination)	7	

(ii) Bag and possession limits for black drum and sheepshead do not apply to the holder of a valid Commercial Finfish Fisherman's License.

(c) Devices, means and methods.

(1) In fresh water only, it is unlawful to fish with more than 100 hooks on all devices combined.

(2) In community fishing lakes and in sections of rivers lying totally within the boundaries of state parks, game and non-game fish may be taken by pole and line only.

(3) It is unlawful to take, attempt to take, or possess fish caught in public waters of this state by any device, means, or method other than as authorized in this subsection.

(4) In salt water only, it is unlawful to fish with any device that is marked with a buoy made of a plastic bottle(s) of any color or size.

(A) Cast net. It is unlawful to use a cast net exceeding 14 feet in diameter.

(i) Only non-game fish may be taken with a cast net.

(ii) In salt water, non-game fish may be taken for bait

purposes only.

(B) Dip net.

(i) It is unlawful to use a dip net except:





(I) to aid in the landing of fish caught on other legal devices; and

(II) to take non-game fish.

(ii) In salt water, non-game fish may be taken for bait purposes only.

(C) Gaff.

(i) It is unlawful to use a gaff except to aid in landing fish caught by other legal devices, means or methods.

(ii) Fish landed with a gaff may not be below the minimum, above the maximum, or within a protected length limit.

(D) Gig. Only non-game fish may be taken with a gig.

(E) Jugline. For use in fresh water only. Non-game fish, channel catfish, blue catfish and flathead catfish may be taken with a jugline. It is unlawful to use a jugline:

(i) with invalid gear tags. Gear tags must be attached within six inches of the free-floating device, are valid for 30 days after the date set out, and must include the number of the permit to sell non-game fish taken from freshwater, if applicable;

(ii) for commercial purposes that is not marked with an orange free-floating device;

(iii) for non-commercial purposes that is not marked with a white free-floating device;

(iv) in Lake Bastrop in Bastrop County, Bell Street Lake in Tom Green County, Bellwood Lake in Smith County, Lake Bryan in Brazos County, Boerne City Park Lake in Kendall County, Dixieland Reservoir in Cameron County, and Gibbons Creek Reservoir in Grimes County.

(F) Lawful archery equipment. Only non-game fish may be taken with lawful archery equipment.

(G) Minnow trap. For use in fresh water only

(i) Only non-game fish may be taken with a minnow trap.

(ii) It is unlawful to use a minnow trap that exceeds 24 inches in length or with a throat larger than one by three inches.

(H) Perch traps. For use in salt water only.

(i) Perch traps may be used only for taking non-game fish.

(ii) Perch traps may not exceed 18 cubic feet.



(iii) Perch traps must be marked with floating visible orange buoy not less than six inches in height and six inches in width. The buoy must have a gear tag attached.

(I) Pole and line. Game and non-game fish may be taken by pole and line. It is unlawful to take or attempt to take fish with one or more hooks attached to a line or artificial lure used in a manner to foul-hook a fish (snagging or jerking). A fish is foul-hooked when caught by a hook in an area other than the fish's mouth.

(J) Purse seine (net).

(i) Purse seines may be used only for taking menhaden, only from that portion of the Gulf of Mexico within the jurisdiction of this state extending from one-half mile offshore to nine nautical miles offshore, and only during the period of time beginning the third Monday in April through the first day in November each year.

(ii) Purse seines used for taking menhaden may not be used within one mile of any jetty or pass.

(iii) The purse seine, not including the bag, shall not be less than three-fourths inch square mesh.

(K) Sail line. For use in salt water only.

(i) Non-game fish, red drum, spotted seatrout, and sharks may be taken with a sail line.

(ii) Line length shall not exceed 1,800 feet from the reel to the sail.

(iii) The sail and most shoreward float must be a highly visible orange or red color.

(iv) No float on the line may be more than 200 feet from the sail.

(v) A weight of not less than one ounce shall be attached to the line not less than four feet or more than six feet shoreward of the last shoreward float.

(vi) Reflectors of not less than two square inches shall be affixed to the sail and floats and shall be visible from all directions for sail lines operated from 30 minutes after sunset to 30 minutes before sunrise.

(vii) There is no hook spacing requirement for sail lines.

(viii) No more than one sail line may be used per fisherman.

(ix) Sail lines may not be used by the holder of a commercial fishing license.



(x) Sail lines must be attended at all times the line is fishing.

(xi) Sail lines may not have more than 30 hooks and no hook may be placed more than 200 feet from the sail.

(L) Seine.

(i) Only non-game fish may be taken with a seine.

(ii) It is unlawful to use a seine:

(I) which is not manually operated.

(II) with mesh exceeding 1/2-inch square.

(III) that exceeds 20 feet in length.

(iii) In salt water, non-game fish may taken by seine for bait purposes only.

(M) Shad trawl. For use in fresh water only.

(i) Only non-game fish may be taken with a shad trawl.

(ii) It is unlawful to use a shad trawl longer than six feet or with a mouth larger than 36 inches in diameter.

(iii) A shad trawl may be equipped with a funnel or throat and must be towed by boat or by hand.

(N) Shrimp trawl. For use in salt water only. Non-game fish taken incidental to legal shrimping operations may be retained. The term "legal shrimping operations" is defined as the use of a legal trawl in places, at times, and in manners as authorized by the department. A person taking shrimp with a trawl may not retain a catch of finfish exceeding 50% of the total trawl catch by weight of shrimp on a shrimping vessel, except that up to 1,200 live non-game fish not regulated by bag or size limits may be retained for bait between June 15 and August 14 aboard a vessel licensed for commercial bait shrimp fishing. A person using an individual bait shrimp trawl for recreational purposes may retain non-game fish in any amount for bait, except those species regulated by bag or size limits.

(O) Spear. Only non-game fish may be taken with a spear.

(P) Spear gun. Only non-game fish may be taken with spear gun.

(Q) Throwline. For use in fresh water only.

(i) Non-game fish, channel catfish, blue catfish and flathead catfish may be taken with a throwline.

(ii) It is unlawful to use a throwline in Lake Bastrop in Bastrop County, Bell Street Lake in Tom Green County, Bellwood Lake in Smith

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County, Lake Bryan in Brazos County, Boerne City Park Lake in Kendall County, Dixieland Reservoir in Cameron County, and Gibbons Creek Reservoir in Grimes County.

(R) Trotline.

(i) Non-game fish, channel catfish, blue catfish, and flathead catfish may be taken by trotline.

(ii) It is unlawful to use a trotline:

(I) with a mainline length exceeding 600 feet;

(II) with invalid gear tags. Gear tags must be attached within three feet of the first hook at each end of the trotline and are valid for 30 days after date set out;

(III) with hook interval less than three horizontal feet;

(IV) with metallic stakes; or

(V) with the main fishing line and attached hooks and stagings above the water's surface.

(iii) In fresh water, it is unlawful to use a trotline:

(I) with more than 50 hooks;

(II) in Gibbons Creek Reservoir in Grimes County, Lake Bastrop in Bastrop County, Fayette County Reservoir in Fayette County, Pinkston Reservoir in Shelby County, Lake Bryan in Brazos County, Bellwood Lake in Smith County, Dixieland Reservoir in Cameron County, Bell Street Lake in Tom Green County, and Boerne City Park Lake in Kendall County.

(iv) In salt water:

(I) it is unlawful to use a trotline:

(-a-) in or on the waters of the Gulf of Mexico within the jurisdiction of this state;

(-b-) from which red drum, sharks or spotted seatrout caught on the trotline are retained or possessed;

(-c-) not marked with yellow flagging attached to stakes or with a yellow floating buoy not less than six inches in height and six inches in width attached to end fixtures. All trotline floats must be yellow.

(-d-) placed closer than 50 feet from any other trotline, or set within 200 feet of the edge of the Intracoastal Waterway or its tributary channels. No trotline may be fished with the main fishing line and attached hooks and stagings above the water's surface;

(-e-) baited with other than natural bait, except sail lines;

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(-f-) with hooks other than circle-type hook with point curved in and having a gap (distance from point to shank) of no more than one-half inch, and with the diameter of the circle not less than five-eighths inch. Sail lines are excluded from the restrictions imposed by this clause; or

(-g-) in Aransas County in Little Bay and the water area of Aransas Bay within one-half mile of a line from Hail Point on the Lamar Peninsula, then direct to the eastern end of Goose Island, then along the southern shore of Goose Island, then along the causeway between Lamar Peninsula and Live Oak Peninsula, then along the eastern shoreline of the Live Oak Peninsula past the town of Fulton, past Nine-Mile Point, past the town of Rockport to a point at the east end of Talley Island, including that part of Copano Bay within 1,000 feet of the causeway between Lamar Peninsula and Live Oak Peninsula.

(II) No trotline or trotline components, including lines and hooks, but excluding poles, may be left in or on coastal waters between the hours of 1 p.m. on Friday through 1 p.m. on Sunday of each week, except that attended sail lines are excluded from the restrictions imposed by this clause. Under the authority of the Texas Parks and Wildlife Code, §66.206(b), in the event small craft advisories or higher marine weather advisories issued by the National Weather Service are in place at 8:00 a.m. on Friday, trotlines may remain in the water until 6:00 p.m. on Friday. If small craft advisories are in place at 1:00 p.m. on Friday, trotlines may remain in the water until Saturday. When small craft advisories are lifted by 8:00 a.m. on Saturday, trotlines must be removed by 1:00 p.m. on Saturday. When small craft advisories are lifted by 1:00 p.m. on Saturday, trotlines must be removed by 6:00 p.m. on Saturday. When small craft advisories or higher marine weather advisories are still in place at 1:00 p.m. on Saturday, trotlines may remain in the water through 1:00 p.m. on Sunday. It is a violation to tend, bait, or harvest fish or any other aquatic life from trotlines during the period that trotline removal requirements are suspended under this provision for adverse weather conditions. For purposes of enforcement, the geographic area customarily covered by marine weather advisories will be delineated by department policy;

(S) Umbrella net.

- (i) Only non-game fish may be taken with an umbrella net.
- (ii) It is unlawful to use an umbrella net with the area

within the frame exceeding 16 square feet.

**§65.78. Crabs and Ghost Shrimp.**

- (a) Bag, possession and size limits.

