

Goliath Grouper
Notice of Change/Withdrawal
Agenda Item 9A
March 3, 2022

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NO.: RULE TITLE:

68B-14.0035	Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper
68B-14.005	Regulation and Prohibition of Certain Harvesting Gear: Allowable Gear, Incidental Bycatch, Violation
68B-14.008	Open and Closed Areas for Recreational Harvest of Goliath Grouper
68B-14.0091	Recreational Goliath Grouper Harvest Permits; Goliath Grouper Tag Specifications; Harvest Reporting Requirements.

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 48 No. 30, February 14, 2022, issue of the Florida Administrative Register.

68B-14.0035 Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper. No person shall land, possess, unnecessarily destroy, purchase, exchange, sell or offer for sale any of the following species harvested in or from state waters, of a length less than set forth as follows:

(1) through (3) No change.

(4) Grouper (measured in terms of total length), except as provided in Rule 68B-7.003, F.A.C., for harvest from Biscayne National Park.

(a) through (b) No change.

(c) Goliath grouper no less than 24 ~~20~~ inches, no greater than 36 inches.

(d) through (g) No change.

(5) through (7) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-31-98, Amended 3-1-99, Formerly 46-14.0035, Amended 1-1-00, 1-1-01, 1-1-01, 1-1-03, 9-16-05, 7-1-06, 7-1-07, 4-1-08, 1-6-09, 8-27-09, 3-23-12, 6-10-13, 7-9-15, 1-4-16, 6-1-16, 7-1-16, 11-17-16, 1-1-17, 8-24-17, 1-16-18, 7-23-18, 1-15-19, 7-1-19, 7-1-20, 7-1-22.

68B-14.005 Regulation and Prohibition of Certain Harvesting Gear: Allowable Gear, Incidental Bycatch, Violation.

(1) Allowable gear. Except as provided in subsection (2) (~~3~~), the following shall be the only gear types and methods allowed for the harvest in or from state waters of any of the species specified in subsection 68B-14.001(2), F.A.C.:

(a) through (c) No change.

(2) ~~Allowable gear for goliath grouper.~~

~~(a) A person may harvest or attempt to harvest a goliath grouper from Florida Waters only by or with the use of hook and line gear.~~

~~(b) Required gear for goliath grouper. For a person onboard a vessel in or on Florida Waters harvesting goliath grouper, the vessel must possess onboard and such person must use the gear specified in subparagraphs 1. and 2.~~

~~1. Non stainless steel circle hooks. Non stainless steel circle hooks are required to be used on hook and line gear when fishing with natural baits. "Circle hook" means a fishing hook designed and manufactured so that the point is not offset and is turned perpendicularly back to the shank to form a general circular or oval shape.~~

~~2. Dehooking devices. At least one dehooking device is required and must be used to remove hooks embedded in goliath grouper with minimum damage. The dehooking device must be constructed to allow the hook to be secured and the barb shielded without re-engaging during the removal process. The dehooking device must be blunt, and all edges rounded. The device must be of a size appropriate to secure the range of hook sizes used for goliath grouper.~~

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~~(3)~~ Incidental bycatch. No person shall harvest in or from state waters any of the species specified in subsection 68B-14.001(2), F.A.C., by or with the use of any gear other than those types of gear specified in subsection (1); provided, however, that such fish harvested as an incidental bycatch of other species lawfully harvested with other types of gear shall not be deemed to be unlawfully harvested in violation of this section, if:

(a) through (b) No change.

~~(3)~~~~(4)~~ Required gear in the Gulf reef fish fishery. Beginning June 1, 2008, for a person on board a vessel harvesting any of the species listed in subsection 68B-14.001(2), F.A.C., the vessel must possess on board and such person must use the gear specified in paragraphs (a) and (b).

(a) through (b) No change.

~~(4)~~~~(5)~~ Required gear in the Atlantic Ocean reef fish fishery. For a person on board a vessel harvesting any of the species listed in subsection 68B-14.001(2), F.A.C., the vessel must possess on board and such person must use the gear specified in paragraphs (a)(b), and (c).

(a) through (c) No change.

~~(5)~~~~(6)~~ Violation. Possession of any of the species specified in subsection 68B-14.001(2), F.A.C., beyond the bycatch allowance in paragraph ~~(2)~~~~(a)~~ ~~(3)~~~~(a)~~, aboard a vessel fishing in state waters, while also in possession of unauthorized gear, constitutes a violation of subsections (1) and ~~(2)~~ ~~(3)~~.

(6) Allowed and Prohibited Gear and Method of Harvest for Goliath Grouper –

(a) Allowed Gear for Goliath Grouper. A person may harvest or attempt to harvest a goliath grouper from Florida Waters only by or with the use of hook and line gear.

(b) Required gear for goliath grouper. For a person onboard a vessel in or on Florida Waters harvesting goliath grouper, the vessel must possess onboard and such person must use the gear specified in subparagraphs 1. and 2.

1. Non-stainless steel circle hooks. Non-stainless steel circle hooks are required to be used on hook and line gear when fishing with natural baits. “Circle hook” means a fishing hook designed and manufactured so that the point is not offset and is turned perpendicularly back to the shank to form a general circular or oval shape.

2. Dehooking devices. At least one dehooking device is required and must be used to remove hooks embedded in goliath grouper with minimum damage. The dehooking device must be constructed to allow the hook to be secured and the barb shielded without re-engaging during the removal process. The dehooking device must be blunt, and all edges rounded. The device must be of a size appropriate to secure the range of hook sizes used for goliath grouper.

(c) Prohibited Gear and Methods of Harvest for Goliath Grouper. A person may not harvest or attempt to harvest a goliath grouper with gear or methods that are not expressly permitted in paragraph (6)(a).

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 12-11-86, Amended 2-1-90, 3-1-94, 10-4-95, 7-15-96, 1-1-98, 12-31-98, 6-1-99, Formerly 46-14.005, Amended 1-1-03, 3-1-05, 7-17-05, 7-1-07, 3-12-08, 4-1-08, 1-19-10, 6-10-13, 1-24-14, 3-15-17, 5-30-17, 1-1-21, 7-1-22.

68B-14.008 Open and Closed Areas for Recreational Harvest of Goliath Grouper.

(1) Open Areas – The areas open to the recreational harvest of goliath grouper include all Florida Waters of Nassau through ~~St. Lucie~~ ~~Martin~~ counties, all Florida Waters of the Gulf of Mexico in Monroe County, and all Florida Waters of Collier through Escambia counties, excluding all waters of the St. Lucie River and its tributaries and excluding all waters within within Dry Tortugas National Park.

(2) Closed Areas – All Florida Waters of ~~Martin~~ ~~Palm Beach~~ through Miami-Dade counties, all Florida Waters of the Atlantic Ocean in Monroe County, ~~and~~ all Florida Waters within Dry Tortugas National Park, and all Florida Waters of the St. Lucie River and its tributaries are closed to the recreational harvest of goliath grouper.

(a) through (b) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-1-22.

68B-14.0091 Recreational Goliath Grouper Harvest Permits; Goliath Grouper Tag Specifications; Harvest Reporting Requirements.

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(1) No change.

(2) Recreational Goliath Grouper Harvest Permits –

(a) Recreational goliath grouper harvest permits may be applied for through the Commission’s online licensing system during a 15 consecutive day period between October 1 and November 30 each year to be set by posting on the agency’s website.

1. No change.

2. Upon application, each applicant must pay a \$10 non-refundable application fee and must agree to pay a \$500 permit fee, as established in sub-subparagraphs a. and b. below, for the issuance of a recreational goliath grouper permit should the applicant be awarded a permit. No person is exempt from paying the special use application or permit fees.

a. The annual recreational goliath grouper permit fee for a resident, as defined in paragraph 379.101(30)(b), F.S., is \$150.

b. The annual recreational goliath grouper permit fee for a nonresident is \$500.

(b) through (g) No change.

(3) Goliath Grouper Tags –

(a) No change.

(b) Except as provided in paragraph (e), a person may not be issued more than one goliath grouper tag for any single harvest period. A person may not use a goliath grouper tag more than once.

(c) No change.

(d) Except as provided in paragraph (e), tThe Commission may not issue more than a total of 200 goliath grouper tags for any single harvest period. No more than 50 such goliath grouper tags shall be issued for Category I recreational goliath grouper harvest permits.

(e) Replacement Goliath Grouper Tags. A person who has been awarded and issued a valid recreational goliath grouper harvest permit may apply to replace a lost or damaged goliath grouper tag.

1. To apply for a replacement goliath grouper tag, an applicant must submit a signed and notarized affidavit attesting that the applicant’s goliath grouper tag was lost or damaged. Such affidavit must include the applicant’s full name, FWC recreational license customer ID number (CID), mailing address, an explanation of the circumstances that led to the applicant’s goliath grouper tag becoming lost or damaged, and a statement certifying that the applicant has not harvested a goliath grouper during the applicable harvest period. Affidavits for replacement goliath grouper tags must be submitted to Florida Fish and Wildlife Conservation Commission, Division of Marine Fisheries Management, 620 S. Meridian Street, Tallahassee, Florida 32399-1600.

2. A replacement goliath grouper tag will only be valid for the harvest period and recreational goliath grouper permit category awarded to the applicant. A replacement goliath grouper tag will not be issued to an applicant that has not been issued a valid recreational goliath grouper harvest permit for the applicable harvest period.

3. A person may not be issued more than one replacement goliath grouper tag for any single harvest period.

4. Upon issuance of a replacement goliath grouper tag, any previous goliath grouper tag issued to the applicant for the specified harvest period shall be invalid.

5. The issuance of a replacement goliath grouper tag shall not be construed to authorize harvest or possession of goliath grouper in excess of the bag limit established in paragraph 68B-14.0036(2)(h), F.A.C.

(f) Exceptions to Tag Requirement – The prohibition of possession of an untagged goliath grouper in paragraph (1)(b) does not apply to a taxidermist who removes the goliath grouper tag during the process of mounting a legally harvested goliath grouper. The taxidermist shall ensure that the removed tag remains with the goliath grouper during any subsequent storage or shipment.

(4) through (5) No change.