

Final Rule Language
Goliath Grouper
68B-14, F.A.C.
Agenda Item 9A
March 3, 2022

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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 inches, no greater than 36 inches.

(c) through (f) renumbered as (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-14.00355 Size Limits for Importation and Sale.

(1) through (2) No change.

(3) No person shall purchase or sell a Nassau grouper or goliath grouper or possess a Nassau grouper or goliath grouper for either purpose ~~The possession, purchase, sale, or exchange of any Nassau grouper or goliath grouper is prohibited.~~

(4) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-03, Amended 9-16-05, 7-1-06, 7-1-07, 4-1-08, 8-27-09, 3-23-12, 7-9-15, 11-17-16, 1-1-17, 8-24-17, 7-1-19, 7-1-22.

68B-14.0036 Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Tilefish, Exception, Wholesale/Retail Purchase Exemption.

(1) No change.

(2) Grouper.

(a) through (f) No change.

~~(g) Nassau grouper and goliath grouper.~~ No person shall harvest in or from state waters, nor possess while in or on the waters of the state, or land, any Nassau grouper ~~or goliath grouper~~. The purchase, sale, or exchange of any Nassau grouper ~~or goliath grouper~~ is prohibited.

(h) Goliath grouper.

1. Except as provided in rule 68B-14.0091, F.A.C., no person shall harvest or land a goliath grouper from Florida Waters or possess a goliath grouper.

2. A recreational harvester who meets the requirements of subsection 68B-14.0091(1), F.A.C., shall not harvest or land from Florida Waters more than one goliath grouper per open harvest season. Such person may not possess more than one goliath grouper. Such fish shall not be counted for purposes of the aggregate grouper bag and possession limit prescribed in paragraph (a).

3. The purchase, sale, or exchange of any goliath grouper is prohibited.

(3) through (6) No change.

(7) Tilefish.

(a) No change.

(b) Blueline tilefish. Except for the closed season in ~~paragraph subsection 68B-14.0039(4)(b) 68B-14.0039(b),~~ F.A.C., no recreational harvester shall harvest in or from state waters of the Atlantic Ocean and all waters of Monroe County nor possess in or on the state waters of the Atlantic Ocean and all waters of Monroe County more than three blueline tilefish per person per day (consistent with the Federal Standard established in 50 C.F.R. §622.187(b)(2) as of February 27, 2020). Such fish shall be counted for purposes of the aggregate grouper bag and possession limit for the Atlantic Ocean and all waters of Monroe County prescribed in paragraph (2)(a).

(8) No change.

(9) Exception. The exceptions provided in paragraphs (9)(a)-(d) below do not apply to red porgy harvested from the Atlantic Ocean nor goliath grouper harvested from Florida Waters.

(a) Any person harvesting pursuant to the bag limits of this rule ~~and, with the exclusion of red porgy harvested from the Atlantic Ocean,~~ who has fished for more than one day, may possess double the bag limit once such person has landed the fish, departed the fishing site and is no longer within 100 yards of any state waters, docks, fishing piers, or other fishing sites.

(b) Consistent with Federal Standards in the Atlantic Ocean, any person harvesting pursuant to the bag limits of this rule, ~~with the exclusion of red porgy,~~ who has fished aboard a charter vessel or headboat on a vessel for hire trip that spans more than 24 hours may possess no more than two daily bag limits if each passenger is issued and has in possession a receipt issued on behalf of the vessel that verifies the length of the trip (consistent with requirements established in 50 C.F.R. §622.187(c)(1)(i) as of March 26, 2021).

(c) Consistent with Federal Standards in the Atlantic Ocean, any person harvesting pursuant to the bag limits of this rule, ~~with the exclusion of red porgy,~~ who has fished aboard a headboat on a vessel for hire trip that spans more than 48 hours and can document that fishing was conducted on at least three days may possess no more than three daily bag limits if each passenger is issued and has in possession a receipt issued on behalf of the vessel that verifies the length of the trip (consistent with requirements established in 50 C.F.R. §622.187(c)(1)(ii) as of March 26, 2021).

(d) No change.

(10) Wholesale/retail purchase exemption. Except as provided in ~~paragraphs paragraph (2)(d) and (2)(h),~~ the possession limits of this rule do not apply to any licensed seafood dealer, or to any fish purchased from a licensed wholesale or retail seafood dealer. The burden shall be upon the person claiming the benefit of this exemption to show, by receipts, bills of sale, or other appropriate documentation, that such fish were purchased from a licensed wholesale or retail seafood dealer. Failure to maintain such receipts, bills of sale, or other appropriate documentation shall constitute a violation of this rule.

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 46-14.0036, Amended 10-22-99, 1-1-00, 3-6-00, 3-1-01, 1-1-03, 1-3-05, 9-16-05, 1-1-06, 7-1-06, 7-1-07, 4-1-08, 1-6-09, 8-27-09, 10-16-09, 1-19-10, 12-30-11, 7-1-12, 6-10-13(4), 6-10-13(8), 3-13-14, 5-7-15, 7-1-16, 11-17-16, 1-1-17, 5-30-17, 8-24-17, 1-16-18, 7-1-19, 4-1-20, 1-1-21, 8-25-21, 7-1-22.

68B-14.0039 Recreational Grouper and Tilefish Seasons.

(1) through (2) No change.

(3) Goliath Grouper.

(a) Goliath Grouper Open Season. In all areas open to harvest of goliath grouper as provided in rule 68B-14.008,

F.A.C., the open season for the recreational harvest of goliath grouper shall be March 1 through May 31 each year.

(b) Goliath Grouper Closed Season. No person shall harvest or land from Florida Waters a goliath grouper from June 1 through the last day of February of the following year. Except as provided in rule 68B-14.0091, F.A.C., no person shall possess a goliath grouper from June 1 through the last day of February of the following year.

(3) renumbered as (4). No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 1-6-09, Amended 8-27-09, 1-19-10, 6-17-11, 3-23-12, 5-9-13, 10-31-13, 6-1-16, 7-1-16, 8-31-17, 1-1-21, 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), 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) through (5) No change.

(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 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 Dry Tortugas National Park.

(2) Closed Areas – All Florida Waters of Martin through Miami-Dade counties, all Florida Waters of the Atlantic Ocean in Monroe County, 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) No person shall harvest or land a goliath grouper from Florida Waters that are closed to the harvest of goliath grouper.

(b) No person shall possess a goliath grouper in or on Florida Waters that are closed to the harvest of goliath grouper.

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.

(1) No person shall harvest or land a goliath grouper from Florida Waters or possess a goliath grouper unless:

(a) Such person has been issued a recreational goliath grouper harvest permit pursuant to subsection (2);

(b) Such person has been issued a goliath grouper tag pursuant to subsection (3) and a valid goliath grouper tag is securely attached around the lower jawbone of the goliath grouper immediately upon harvest; and,

(c) Such harvest or possession is consistent with other applicable provisions of Chapter 68B-14, F.A.C.

(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. An applicant may only submit one application for a recreational goliath grouper harvest permit during any single application period; however an applicant may elect to apply for one or more permit category, defined as follows:

a. A “Category I” recreational goliath grouper permit is valid within all Florida Waters open to the harvest of goliath grouper as provided by subsection 68B-14.008(1), F.A.C.

b. A “Category II” recreational goliath grouper permit is valid within all Florida Waters open to the harvest of goliath grouper as provided by subsection 68B-14.008(1), F.A.C., excluding all waters of Everglades National Park. A person issued a Category II recreational goliath grouper harvest permit may not harvest or land a goliath grouper from Everglades National Park or possess a goliath grouper within Everglades National Park.

2. Upon application, each applicant must pay a \$10 non-refundable application fee and must agree to pay a 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) Applicants for a recreational goliath grouper harvest permit shall:

1. Not have received a disposition other than acquittal or dismissal for a violation of any provision of chapters 369, 379, or 828, F.S., or of a rule of the Commission or of other similar laws or rules in this or any other jurisdiction that relate to hunting or fishing, within a period of five (5) years preceding the date of application.

2. Not have previously been issued a recreational goliath grouper harvest permit for the current application year.

3. Have timely submitted required harvest reporting for any recreational goliath grouper harvest permits issued to the applicant prior to the current application year.

(c) One goliath grouper tag will be issued with each recreational goliath grouper harvest permit.

(d) A person shall not be issued more than one recreational goliath grouper harvest permit for any single harvest period. A recreational goliath grouper harvest permit shall be valid only for the permit category and the harvest period indicated thereon. For the purpose of this rule, “harvest period” means the open harvest season established in paragraph 68B-14.0039(3)(a), F.A.C.

(f) Recreational goliath grouper harvest permits are not transferable.

(g) The Commission may not issue more than a total of 200 recreational goliath grouper harvest permits for any single harvest period. No more than 50 such permits shall be Category I recreational goliath grouper harvest permits.

(3) Goliath Grouper Tags –

(a) One goliath grouper tag will be issued with each recreational goliath grouper harvest permit issued pursuant to subsection (2).

(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) Validity of Goliath Grouper Tags –

1. A goliath grouper tag is only valid for the harvest, possession, and landing of one goliath grouper.

2. A goliath grouper tag is only valid for the recreational goliath grouper harvest permit category and the harvest period indicated thereon.

3. A goliath grouper tag is not transferable. The sale, purchase, transfer, or exchange of a goliath grouper tag to any person other than the original recreational goliath grouper harvest permit holder is prohibited.

(d) Except as provided in paragraph (e), the 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) Harvest Reporting Requirements –

(a) A person who harvests a goliath grouper under a recreational goliath grouper permit issued pursuant to subsection (2) must report such harvest and harvest data within 24 hours after harvest to the Commission's online harvest reporting system, available at: <https://GoOutdoorsFlorida.com> and through the Fish|Hunt Florida app on Apple and Android devices.

(b) A person who has been issued a recreational goliath grouper harvest permit and does not harvest a goliath grouper must report that no harvest occurred to the Commission's harvest reporting system within 24 hours after the assigned harvest period closes.

(c) In addition to the information required in paragraph (a), a person who harvests a goliath grouper under a recreational goliath grouper harvest permit must provide a biological sample of such goliath grouper if required by the terms of the permit.

(d) Under Section 379.401(1), F.S., failure to file reports required of persons who hold recreational licenses is a non-criminal infraction.

(5) No person is exempt from the permitting or tagging requirements of this rule.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const., 379.354, FS, Law Implemented Art. IV, Sec. 9, Fla. Const., 379.354 FS. History– New 7-1-22.