

Notice of Change/Withdrawal

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NO.: RULE TITLE:

68B-44.002 Definitions

68B-44.004 Landing in Whole Condition; Transit Through State Waters

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. 45 No. 17, January 25, 2019 issue of the Florida Administrative Register.

68B-44.002 Definitions.

As used in this rule chapter:

(1) through (3) No change.

(4) “Shore-based shark fishing” means targeting or harvesting any species of shark when fishing from shore, wade fishing, or fishing from any structure attached to shore, including but not limited to bridges, piers, docks, and jetties. Fishing from shore or any structure attached to shore by or with any of the following gear or methods shall constitute shore-based shark fishing regardless of the species targeted or harvested.

(a) through (b) No change.

(c) 1. Except as provided in subparagraph 2., d~~Deploying~~ bait by any means other than casting from shore or casting while wade fishing, including but not limited to transporting or dropping the bait by or from a vessel, surf board, drone, or by swimming.

2. Except when targeting or harvesting sharks, deploying bait by means other than casting shall not constitute shore-based shark fishing if the bait is attached to a hook for which the maximum distance measured between two points inside the curve created by the hook does not exceed 1.5 inches, when measured at the widest dimension.

(5) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 4-8-92, Amended 1-1-98, Formerly 46-44.002, Amended 1-19-10, 3-21-10, 1-1-12, 7-1-19.

68B-44.004 Bag and Vessel Limits Applicable to Florida Waters; Restrictions on Possession of Prohibited Species; Transit Through Florida Waters.

(1) through (2) No change

(3) Prohibited Species –

(a) through (c) No change.

(d) A person who catches a prohibited species while fishing from shore must release such prohibited species immediately at the site of capture, without unnecessary harm. Delaying the release of a prohibited species for any period of time longer than necessary to remove the hook or other fishing tackle is prohibited. If the hook cannot be removed quickly, either the hook must be cut or the leader must be cut as close to the hook as possible in order to remove as much fishing tackle as possible without delaying release. The permissible temporary possession provisions provided for by paragraph 68B-2.002(2)(a), F.A.C., do not apply to prohibited species.

(e) A person may not remove a prohibited species from Florida Waters. The gills of a prohibited species must remain submerged and the entire length of the organism must remain in the water. ~~-This paragraph subparagraph~~ shall not be construed to prohibit temporarily lifting the head of a prohibited species from the water in order to speed removal of a hook or other fishing tackle or to require unsafe practices while fishing from shore.

(4) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 4-8-92, Amended 2-14-94, 1-1-98, Formerly 46-44.004, Amended 10-15-07, 1-19-10, 7-1-19.