

FISH AND WILDLIFE CONSERVATION COMMISSION

68A FRESHWATER FISH AND WILDLIFE

CHAPTER 68A-1 GENERAL: OWNERSHIP, SHORT TITLE, SEVERABILITY AND DEFINITIONS

68A-1.001	Short Title.
68A-1.002	Regulation of Wild Animal Life and Freshwater Aquatic Life in the State.
68A-1.003	Regulations Are Severable.
68A-1.004	Definitions.

68A-1.001 Short Title.

These rules and regulations shall be designated as the Wildlife Code of the State of Florida and shall be in full force and effect.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented 120.53 FS, Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Formerly 39-1.01, 39-1.001.

68A-1.002 Regulation of Wild Animal Life and Freshwater Aquatic Life in the State.

All freshwater aquatic life in the waters within the jurisdiction of the State of Florida, whether such waters or the lands upon which such waters occur are privately owned or otherwise, is subject to the regulation of the Commission. All wild animal life within the jurisdiction of the State of Florida, whether such wild animal life is privately owned or otherwise, is subject to the regulation of the Commission. The Commission shall regulate migratory birds consistent with the laws of the United States governing the conservation and protection of all migratory birds.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 6-21-82, Formerly 39-1.02, Amended 4-12-98, Formerly 39-1.002.

68A-1.003 Regulations Are Severable.

The provisions of these regulations are hereby declared to be severable, and if any provision or the application thereof be held invalid, the remainder thereof shall not be affected thereby and the Commission declares it would have established the remaining provisions notwithstanding any such invalidity.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented 120.53 FS. History--New 8-1-79, Formerly 39-1.03, 39-1.003.

68A-1.004 Definitions.

The following definitions are for the purpose of carrying out the provisions of the rules of the Fish and Wildlife Conservation Commission relating to wild animal life and freshwater aquatic life. As used herein, the singular includes the plural. The following shall be construed respectively to mean:

- (1) Airboat – Any boat, sled, sea skiff or swamp boat pushed, pulled or propelled by airpower generated by a motor of more than 25 horsepower.
- (2) Alligator exhibit – A facility in which alligators are confined in such a manner that the general public may view the reptiles, with or without fee.
- (3) Alligator farm – A facility in which alligators, hatchlings and eggs have been lawfully reduced to private control, confinement and possession and from which alligators, their hides, meat and products may be sold.
- (4) Alligator hatchling – Any alligator that is less than nine inches in length measured in a straight line along the belly from the tip of the snout to the rear margin of the cloacal vent.
- (5) All-terrain vehicle – An engine-powered vehicle with wheels or tracks of less than a 60-inch wheelbase measured from the center of the forward wheel or hub to the center of the rearmost wheel or hub.
- (6) Amphibians – All members of the class Amphibia (for example frogs, toads, mudpuppies, newts and salamanders).
- (7) Antlered deer – Any deer having one or more antlers at least five inches in length visible above the hairline.
- (8) Antlerless deer – Any deer, except a spotted fawn, that is without antlers or whose antlers are less than five inches in length visible above the hairline.
- (9) Archery season – The calendar period during which certain game may be taken only by the use of a bow.
- (10) Artificial bait – Any fish lure that is not a natural food for fish.
- (11) Artificially propagated game – Game that is hatched or born and raised in captivity. The term "artificially propagated" is synonymous with the term "pen raised."
- (12) Bag limit – The maximum number of individual specimens of fish or wildlife which may lawfully be taken or possessed by one person in a specified time.
- (13) Birds – The various forms of wildlife belonging to the class Aves, having both feathers and wings.
- (14) Bird sanctuary – An area established for the protection of birds and other wildlife in which hunting is prohibited in developed areas in the interest of safety, unless otherwise provided by specific regulation of the Commission.

(15) Black bass – Any bass included in the genus *Micropterus*.

(16) Bow – A device consisting of flexible material having a string connecting its two ends for the purpose of discharging arrows; which propels arrows only by the energy stored by the drawing of the device; which has a minimum draw weight of 35 pounds; which is hand-held, hand-drawn and hand-released; which is not equipped with a device that can mechanically hold the bowstring in the drawn (ready to fire) position; and which may include mechanical bowstring release devices provided they are only hand-held.

(17) Bush hook – A single line with a single hook attached to a tree, bush, shore or other structure.

(18) Candidate species – A species, subspecies, or isolated population of a species or subspecies, which has been determined by the Commission to warrant listing under Rules 68A-27.003, 68A-27.004 or 68A-27.005, F.A.C., but for which actual listing in the aforementioned rules is pending development of a management plan.

(19) Closed season – The calendar period during which the taking of freshwater fish or wildlife is prohibited.

(20) Commission – The Fish and Wildlife Conservation Commission, established pursuant to Article IV, Section 9, Florida Constitution.

(21) Common carrier – Railroad companies, airlines, water carriers, express companies, stage or bus companies, persons or companies operating stages, buses or airplanes, or any such person, firm, or corporation certified as a common carrier by the appropriate state or federal agency.

(22) Critical wildlife area – An area established by the Commission which is regulated to minimize the adverse impact on wildlife due to man-caused disturbance or destruction.

(23) Crossbow – A device consisting of a bow affixed to a stock for discharging quarrels, bolts, or arrows and which utilizes a non-hand-held locking mechanism to maintain the device in a drawn or ready-to-discharge condition.

(24) Daylight hours – The time of day from one-half hour before sunrise until one-half hour after sunset.

(25) Direct take – Intentionally pursuing, hunting, capturing, killing, or destroying fish or wildlife or the nests, eggs, homes or dens of fish or wildlife.

(26) Endangered species – As designated by the Commission, a species, subspecies, or isolated population of a species or subspecies which is so few or depleted in number or so restricted in range or habitat due to any man-made or natural factors that it is in imminent danger of extinction as determined by (a), (b), (c), (d) or (e) below:

(a) Population reduction in the form of either:

1. An observed, estimated, inferred or suspected reduction of at least 80% over the previous ten years or three generations, whichever is longer, based on, and specifying, any of the following:

a. Direct observation

b. An index of abundance appropriate for the species

c. A decline in area of occupancy, extent of occurrence or quality of habitat

d. Actual or potential levels of exploitation

e. The effects of introduced species, hybridization, pathogens, pollutants, competitors or parasites

2. A reduction of at least 80%, projected or suspected to be met within the next ten years or three generations, whichever is longer, based on, and specifying, any of 1.b., 1.c., 1.d. or 1.e. above.

(b) Extent of occurrence estimated to be less than 40 square miles or area of occupancy estimated to be less than 4 square miles, and estimates indicating any two of the following:

1. Severity fragmented or known to exist at only a single location.

2. Continuing decline, observed, inferred or projected, in any of the following:

a. Extent of occurrence

b. Area of occupancy

c. Area, extent and/or quality of habitat

d. Number of locations or subpopulations

e. Number of mature individuals

3. Extreme fluctuations in any of the following:

a. Extent of occurrence

b. Area of occupancy

c. Number of locations or subpopulations

d. Number of mature individuals

(c) Population estimated to number fewer than 250 mature individuals and either:

1. An estimated continuing decline of at least 25% within three years or one generation, whichever is longer, or

2. A continuing decline, observed, projected or inferred, in numbers of mature individuals and population structure in the form of either:

a. Severe fragmentation (that is, no subpopulation estimated to contain more than 50 mature individuals).

b. All individuals are in a single subpopulation.

(d) Population estimated to number less than 50 mature individuals.

(e) Quantitative analysis showing the probability of extinction in the wild is at least 50% within ten years or three generations, whichever is longer.

- (27) Executive director – The administrative head of the Commission.
- (28) Falconry – The sport of taking quarry by means of a trained raptor.
- (29) Fawn deer – Any native deer with visible spots.
- (30) Freshwater fish – All of the species that are indigenous to fresh water.
- (31) Freshwater game fish:
- (a) The following members of the Genus *Micropterus*:
1. Largemouth bass (*Micropterus salmoides*)
 2. Redeyed (Shoal) bass (*Micropterus coosae*)
 3. Suwannee bass (*Micropterus notius*)
 4. Spotted bass (*Micropterus punctulatus*)
- (b) The following members of the Genus *Pomoxis*:
1. Black crappie (*Pomoxis nigromaculatus*)
 2. White crappie (*Pomoxis annularis*)
- (c) The following fishes commonly called panfish:
1. Bluegill (*Lepomis macrochirus*)
 2. Redear (*Lepomis microlophus*)
 3. Redbreast (*Lepomis auritus*)
 4. Flier (*Centrarchus macropterus*)
 5. Warmouth (*Lepomis gulosus*)
 6. Longear (*Lepomis megalotis*)
 7. Mud sunfish (*Acantharchus pomotis*)
 8. Shadow bass (*Ambloplites ariommus*)
 9. Spotted sunfish (*Lepomis punctatus*)
- (d) Freshwater white bass (*Morone chrysops*).
- (e) Striped bass (*Morone saxatilis*).
- (f) White bass-striped bass hybrid and its reciprocal known locally as sunshine bass.
- (g) All members of the genus *Cichla* commonly known as peacock bass including the butterfly peacock (*Cichla ocellaris*) and speckled peacock (*Cichla temensis*).
- (32) Fish management area – A pond, lake, or other body of water established for the management of freshwater fish, on which public fishing or other outdoor recreation is permitted in accordance with regulations specifically provided for each individual area.
- (33) Furbearers – Raccoon, opossum, skunk, nutria, beaver, coyote, fox, bobcat, otter, mink, weasel, and round-tailed muskrat.
- (34) Game – Game mammals and game birds.
- (35) Game birds – Wild turkey, quail, rails, snipe, woodcock, ducks, geese, brant, dove, coot, gallinule, and non-native species generally considered game such as pheasant, chukar partridge, and coturnix quail.
- (36) Game farm – An area or establishment where game is produced by artificial propagation.
- (37) Game mammals – Deer, gray squirrel, rabbits, wild hogs in those areas where specified, and non-native species generally considered game such as elk, antelope and buffalo.
- (38) Gun – Shotgun, rifle, pistol, revolver, air gun, gas gun, blow gun, bow, crossbow, or any other device mechanically propelling an arrow, spear, or other projectile.
- (39) Legal game – Antlered Deer, gray squirrel, rabbit, wild hog (in specified areas), quail, rail, snipe, woodcock, duck, dove, coot and gallinule during open seasons established by Rule 68A-13.003, or 68A-13.004, unless otherwise stipulated for a particular species in a regulation established for a specific wildlife management area.
- (40) Light – Any artificial light for use in taking wildlife or freshwater fish.
- (41) Mammals – Wildlife belonging to the class *Mammalia*, having hair and feeding their young on milk.
- (42) Migratory birds – All birds included in the Migratory Bird Treaty Act, 16 U.S.C. 703-711.
- (43) Migratory game birds – Ducks, geese, brant, rail or marsh hen, coot, gallinule, snipe, woodcock and doves.
- (44) Muzzleloading gun – A firearm using black powder or a non-nitro-cellulose substitute and fired by wheel lock, flintlock or percussion cap ignition and which is not adaptable to the use of any self-contained cartridge ammunition.
- (45) Muzzleloading gun season – The designated period during which certain game may be taken only by the use of a muzzleloading gun.
- (46) Non-game fish – Bowfin, common carp, catfish, eels, gar, shad, shiners, tilapia, killifish, suckers, topminnows and fishes except grass carp, not listed as freshwater game fish and not taken for sport.
- (47) Non-performing wildlife – Wildlife which is exhibited to the public in a mobile cage or enclosure and is not removed from such enclosure for regular exercise or performing activities.
- (48) Non-protected birds – Birds for which no closed season or bag limit is established.
- (49) Non-protected mammals – Mammals for which no closed season or bag limit is established.
- (50) Open season – The calendar period during which freshwater fish or wildlife may be lawfully taken.
- (51) Performing wildlife – Wildlife that is rehearsed, controlled, or monitored by a trainer and can accomplish a consistent routine conducted under the discipline of the trainer.

- (52) Person – Includes individuals, associations, partnerships, and corporations, unless the context should otherwise require.
- (53) Personal pet – Wildlife maintained in captivity primarily for personal use or enjoyment.
- (54) Possession – The word "possession" whenever used in these rules shall mean any one of the following:
- (a) Manual possession
 - (b) Physical possession
 - (c) Control or custody
 - (d) Possession in one's clothing, attire or equipment
 - (e) Possession in or about a vessel, vehicle or beast of burden under one's custody or control, including but not limited to compartments, drawers, pockets, trunks, and similar places in and about such vessel, vehicle, or beast of burden.
- (55) Possession limit – The maximum number of individual specimens of freshwater fish or wildlife which may be lawfully possessed.
- (56) Prepared alligator meat – Alligator meat that is cooked or cured in a manner allowing it to be consumed by humans without further preparation.
- (57) Private lands – Lands not owned by, or under any contractual use agreement with, any governmental body.
- (58) Private hunting preserve – An area designated and licensed by an individual or concern on which artificially propagated game is taken.
- (59) Private pond – Any man-made body of water that is located entirely within the property of the owner of the water body and has no surface water connection to public waters.
- (60) Raptor – A bird which is a member of the Accipitridae (except the bald eagle) or Falconidae family; or a great horned owl.
- (61) Regions – The following geographical portions of the state:
- (a) Southwest Region: Charlotte, DeSoto, Hardee, Highlands, Hillsborough, Lee, Manatee, Pasco, Pinellas, Polk and Sarasota counties.
 - (b) North Central Region: Alachua, Baker, Bradford, Citrus, Clay, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Levy, Madison, Suwannee, Taylor and Union counties.
 - (c) Northwest Region: Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton and Washington counties.
 - (d) South Region: Broward, Collier, Dade, Glades, Hendry, Martin, Monroe, Okeechobee, Palm Beach and St. Lucie counties.
 - (e) Northeast Region: Brevard, Duval, Flagler, Indian River, Lake, Marion, Nassau, Orange, Osceola, Putnam, Seminole, Sumter, St. Johns and Volusia counties.
- (62) Reptiles – All members of the class Reptilia (for example, alligators, caimans, crocodiles, turtles, lizards and snakes).
- (63) Resident game birds – Wild turkey and quail.
- (64) Restricted hunting area – An area established in which hunting is prohibited in developed areas in the interest of safety unless otherwise provided by specific permit.
- (65) Rough fish – Common carp, gars, gizzard shad, threadfin shad, suckers, tilapia and bowfin.
- (66) Sell – The transfer of property or other things to a buyer for an agreed price. The term shall include all lesser acts related thereto, such as attempting to sell, offering to sell, to barter, exchange, or trade.
- (67) Set line – See bush hook.
- (68) Small game – Game species other than deer, wild hog or wild turkey.
- (69) Small game season – The calendar period during which small game may be taken, provided that migratory game birds may be taken only during seasons established under Rules 68A-13.003 and 68A-13.008, F.A.C.
- (70) Snare – A trapping device consisting of a noose designed to capture wildlife.
- (71) Snatch hook – Any device which includes one or more hooks used for the purpose of hooking fish other than in the mouth. A gaff hook used for landing fish taken by hook and line or rod and reel shall not be included in the meaning of the term.
- (72) Special season – The calendar period during which specified game species may be hunted only by the use of a designated hunting device at a time other than the general hunting season for that species.
- (73) Species of special concern – As designated by the Commission, a species, subspecies, or isolated population of a species or subspecies which is facing a moderate risk of extinction in the future, as determined by (a), (b), (c), (d) or (e) below:
- (a) Population reduction in the form of either:
 1. An observed, estimated, inferred or suspected reduction of at least 20% over the last ten years or three generations, whichever is longer, based on, and specifying, any of the following:
 - a. Direct observation
 - b. An index of abundance appropriate for the species
 - c. A decline in area of occupancy, extent of occurrence and/or quality of habitat
 - d. Actual or potential levels of exploitation
 - e. The effects of introduced species, hybridization, pathogens, pollutants, competitors or parasites
 2. A reduction of at least 20%, projected or suspected to be met within the next ten years or three generations, whichever is longer, based on, and specifying, any of 1.b., 1.c., 1.d. or 1.e. above.
 - (b) Extent of occurrence estimated to be less than 7,700 square miles or area of occupancy estimated to be less than 770 square miles, and estimates indicating any two of the following:

1. Severely fragmented or known to exist at only a single location.
 2. Continuing decline, observed, inferred or projected, in any of the following:
 - a. Extent of occurrence
 - b. Area of occupancy
 - c. Area, extent and/or quality of habitat
 - d. Number of locations or subpopulations
 - e. Number of mature individuals
 3. Extreme fluctuations in any of the following:
 - a. Extent of occurrence
 - b. Area of occupancy
 - c. Number of locations or subpopulations
 - d. Number of mature individuals
 - (c) Population estimated to number fewer than 10,000 mature individuals and either:
 1. An estimated continuing decline of at least 10% within ten years or three generations, whichever is longer; or
 2. A continuing decline, observed, projected, or inferred, in numbers of mature individuals and population structure in the form of either:
 - a. Severely fragmented (i.e., no subpopulation estimated to contain more than 1,000 mature individuals).
 - b. All individuals are in a single subpopulation.
 - (d) Population very small or restricted in the form of either of the following:
 1. Population estimated to number fewer than 1,000 mature individuals
 2. Population is characterized by an acute restriction in its area of occupancy (less than 40 square miles) or in the number of locations (fewer than 5)
 - (e) Quantitative analysis showing the probability of extinction in the wild is at least 10% within 100 years.
- (74) Spring turkey season – The designated spring period during which only gobblers or bearded turkeys may be taken.
- (75) Steel trap – Any mechanical device (other than a snare, household mousetraps or devices commonly used to take household and lawn nuisance rodents) designed and used to take wildlife by seizing and holding a part of the body.
- (76) Take – The term shall include taking, attempting to take, pursuing, hunting, molesting, capturing, or killing any wildlife or freshwater fish, or their nests or eggs by any means whether or not such actions result in obtaining possession of such wildlife or freshwater fish or their nests or eggs.
- (77) Threatened species – As designated by the Commission, a species, subspecies, or isolated population of a species or subspecies which is facing a very high risk of extinction in the future, as determined by (a), (b), (c), (d) or (e) below:
- (a) Population reduction in the form of either of the following:
 1. An observed, estimated, inferred, or suspected reduction of at least 50% over the last ten years or three generations, whichever is longer, based on, and specifying, any of the following:
 - a. Direct observation
 - b. An index of abundance appropriate for the species
 - c. A decline in area of occupancy, extent of occurrence and/or quality of habitat
 - d. Actual or potential levels of exploitation
 - e. The effects of introduced species, hybridization, pathogens, pollutants, competitors or parasites
 2. A reduction of at least 50%, projected or suspected to be met within the next ten years or three generations, whichever is longer, based on, and specifying, any of 1.b., 1.c., 1.d. or 1.e. above.
 - (b) Extent of occurrence estimated to be less than 2,000 square miles or area of occupancy estimated to be less than 200 square miles, and estimates indicating any two of the following:
 1. Severely fragmented or known to exist at no more than five locations
 2. Continuing decline, observed, inferred or projected, in any of the following:
 - a. Extent of occurrence
 - b. Area of occupancy
 - c. Area, extent and/or quality of habitat
 - d. Number of locations or subpopulations
 - e. Number of mature individuals
 3. Extreme fluctuations in any of the following:
 - a. Extent of occurrence
 - b. Area of occupancy
 - c. Number of locations or subpopulations
 - d. Number of mature individuals
 - (c) Population estimated to number fewer than 2,500 mature individuals and either:
 1. An estimated continuing decline of at least 20% within five years or two generations, whichever is longer; or
 2. A continuing decline, observed, projected, or inferred, in numbers of mature individuals and population structure in the form of either:

- a. Severely fragmented (i.e., no subpopulation estimated to contain more than 250 mature individuals)
 - b. All individuals are in a single subpopulation.
 - (d) Population estimated to number fewer than 250 mature individuals.
 - (e) Quantitative analysis showing the probability of extinction in the wild is at least 20% within 20 years or five generations, whichever is longer.
 - (78) To close – To prohibit the taking of wildlife or freshwater fish.
 - (79) To open – To permit the taking of wildlife or freshwater fish during the open season.
 - (80) Transport – Shipping, transporting, carrying, importing, exporting, receiving or delivering for shipment, transportation or carriage or export.
 - (81) Triploid grass carp – Freshwater fish also called white amur, belonging to the family Cyprinidae and known scientifically as *Ctenopharyngodon idella*, which have been genetically altered to contain three sets of chromosomes, thus rendering them functionally sterile. Only such fish as have been determined to be triploid by the producer using scientifically accepted methods and verified by the use of a Coulter Counter by the Commission or by the U.S. Fish and Wildlife Service are included in this definition.
 - (82) Trotline – A multiple hook and line device consisting of a main line to which shorter lines are attached at intervals.
 - (83) Untanned skin – Any skin or hide that has not been processed beyond the fleshed, salted or stretched stage.
 - (84) Wild hog – A hog on a "wild hog area" which can not be legally claimed as a domestic hog in private ownership.
 - (85) Wild hog area – A designated area on which hunting of "wild hog" may be permitted only at such times and under such rules as provided by the Commission.
 - (86) Wildlife – All wild or non-domestic birds, mammals, fur-bearing animals, reptiles and amphibians.
 - (87) Wildlife and environmental area – Endangered or environmentally unique habitats which shall have as their primary management objective the protection and conservation of their endangered or unique resources. Outdoor recreation will be specifically provided for in regulations established for each area when such use does not conflict with the primary management objectives.
 - (88) Wildlife management area – An area of private or public ownership established for the management of wildlife or freshwater fish on which hunting, fishing or other outdoor recreation may be permitted only at such times and under such regulations as are specifically provided for each individual area.
- Wildlife management area – Such an area upon which the users are subject to the management area stamp requirements of Section 372.57(4)(b), F.S., excluding lands owned by the United States of America, Department of Defense.
- (89) Wildlife refuge – An area within which the taking of wildlife is prohibited and the taking of freshwater fish is prohibited when so provided by the order establishing the refuge.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-15-81, 11-17-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-1.04, Amended 6-1-86, 5-10-87, 10-8-87, 3-1-88, 4-13-88, 4-27-89, 4-11-90, 7-1-92, 4-20-93, 3-1-94, 7-1-94, 4-1-96, 11-23-97, 7-1-98, 6-23-99, Formerly 39-1.004, Amended 7-1-00, 5-1-01, 5-1-03.

CHAPTER 68A-2 ORGANIZATION, PRACTICE, PROCEDURE AND POLICIES

68A-2.004	General Description of Agency Organization and Operations.
68A-2.005	General Information Concerning Agency.
68A-2.009	Adoption of Uniform Rules of Procedure.
68A-2.013	Subject Matter Index; Official Reporter.
68A-2.014	Minority Business Enterprise Procurement Activities.

68A-2.004 General Description of Agency Organization and Operations.

(1) The administrative functions of the Commission are centralized in the office of the executive director and delegated to the divisions of administrative services, law enforcement, fisheries, wildlife, and the offices of informational services and environmental services as follows:

(2) The Division of Administrative Services has the responsibility of planning, budgeting and disbursing the Commission's funds; maintaining the central office; and interacting with potential and current employees and their personnel needs. The position of records technician within the division is designated as agency clerk for purpose of filing of agency orders issued pursuant to the exercise of authority granted to the Commission by state statute.

(3) The Division of Law Enforcement's responsibilities include the following areas of law enforcement: crime prevention through the maintenance of a uniformed force; regulation of the importation, sale, use and possession of wild animal and freshwater aquatic life; enforcement of boating safety laws; assistance to other law enforcement agencies; inspections related to dredging, filling and pollution violations; training of personnel; and provision of radio communications systems.

(4) The Division of Fisheries' responsibilities include the management of lakes and streams for the production and wise use of freshwater aquatic life; research on aquatic life and its environment; propagation and distribution of selected species of fish and the application of scientific knowledge to the formulation of rules governing the resource. Functions of the division are implemented by management, research and aquatic plant management bureaus.

(5) The Division of Wildlife is responsible for acquiring and managing land for public hunting; restoration of wildlife species in depleted or unstocked wildlife habitat; research on both game and non-game species of wildlife; and recommendations on rules for both the harvest and protection of wildlife. The functions of the division are implemented by management and research sections.

(6) The Office of Informational Services is responsible for the collection and dissemination of information relative to hunting, fishing and wildlife and natural resource conservation to the sportsmen and citizens of Florida and the nation. This office is also responsible for instilling in the public an awareness and an understanding of measures for conserving fishery and wildlife resources. Included are efforts to promote efficiency on the part of the public in the management, use and production of resources and resource commodities.

(7) The Office of Environmental Services' responsibilities fall into two major categories, environmental assessment and technical assistance. The assessment function provides biological reports to appropriate regulatory agencies detailing the effects that private and public development projects will have on fish and wildlife resources. The technical assistance program provides fish and wildlife technical information and recommendations to land planning processes at all levels of government and to the private sector.

Specific Authority 120.53(1)(a) FS. Law Implemented 120.52(10), 120.53(1)(a) FS. History—New 8-1-79, Formerly 39-2.04, Amended 12-23-87, Formerly 39-2.004.

68A-2.005 General Information Concerning Agency.

(1) The Commission headquarters is located at 620 South Meridian Street, Tallahassee, Florida 32399-1600, and is open for business between the hours of 8:00 a.m. and 5:00 p.m. on all week days, except State holidays. Regional offices are located at:

- (a) 3900 Drane Field Road, Lakeland, Florida 33811
- (b) Route 7, Box 440, Lake City, Florida 32055
- (c) 3911 Highway 2321, Panama City, Florida 32409
- (d) 8535 Northlake Boulevard, West Palm Beach, Florida 33412
- (e) 1239 Southwest Tenth Street, Ocala, Florida 34474

(2) The citizens of the State can make requests and procure general information, rules and regulations, and other printed material at the Tallahassee office or any of the five (5) regional offices. Hunting and fishing licenses are not sold at these offices but may be purchased at any tax collector's office or through his subagents.

(3) The Commission holds public business meetings on a regular basis, convening at various locations around the State. Notice of these meetings is published in the Florida Administrative Weekly periodical as well as by news releases. Copies of meeting agendas can be obtained from Commission headquarters in Tallahassee and from the Commission website at www.state.fl.us/fwc/.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented 120.525 FS. History—New 8-1-79, Formerly 39-2.05, 39-2.005, Amended 5-1-01.

68A-2.009 Adoption of Uniform Rules of Procedure.

The Uniform Rules of Procedure, Chapter 28, Florida Administrative Code, shall be the procedural rules of the Fish and Wildlife Conservation Commission.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 120.54(5) FS. History—New 8-1-79, Formerly 39-2.09, Amended 10-28-97, Formerly 39-2.009.

68A-2.013 Subject Matter Index; Official Reporter.

The Commission designates Florida Administrative Law Reports (FALR) as its official reporter for purposes of publishing and indexing by subject matter all Commission orders rendered pursuant to exercise of authority granted to the Commission by state statute.

Specific Authority 120.53(4) FS. Law Implemented 120.53(2)(b), (c), (4) FS. History—New 12-23-87, Formerly 39-2.013.

68A-2.014 Minority Business Enterprise Procurement Activities.

(1) The Executive Director shall designate a senior level employee as a Minority Enterprise Assistance Officer who shall be responsible for overseeing the Commission's minority business enterprise utilization activities.

(2) To achieve the minority business enterprise procurement goals set forth in Section 287.042, F.S., the Commission shall:

(a) Adopt and periodically review the minority business enterprise utilization plan;

(b) Participate in minority trade fairs throughout the State of Florida;

(c) Provide the local Federal Small Business Development Center with copies of all formal solicitations for contractual services, supplies and commodities;

(d) Update the vendor file quarterly based on the certified minority business enterprise directory issued quarterly by the Department of General Services;

(e) Mail certification forms and offer assistance to minority vendors listed in its vendor file who have not yet been certified;

(f) Identify areas that may be reserved for bidding only by certified minority business enterprises;

(g) Schedule, when feasible and practical, presolicitation or prebid meetings for the purpose of informing certified minority business enterprises of contracting and subcontracting opportunities;

(h) Make purchases under \$10,000, whenever economically feasible and practicable, from certified minority business enterprises;

(i) Assure timely payment to vendors and contractors as provided in Section 215.422, F.S.;

(j) The Division of Administrative Services will work with the Minority Business Enterprise Assistance Office to identify certified minority enterprises for a particular industry; and

(k) To the extent practicable, large contracts (\$50,000 and above) will be divided into smaller contracts to afford opportunities to certified minority business enterprises.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 287.042, 287.0947 FS. History—New 12-12-88, Amended 8-23-92, Formerly 39-2.014.

CHAPTER 68A-3 WILDLIFE OFFICERS: APPOINTMENT, POWERS AND DUTIES

- 68A-3.002 Powers of Wildlife Officers and Other Designated Assistants.
68A-3.004 Wildlife Reserve Program.

68A-3.002 Powers of Wildlife Officers and Other Designated Assistants.

(1) The Fish and Wildlife Conservation Commission, the executive director and each wildlife officer are constituted peace officers with the power to make arrests for violation of the laws of the state in accordance with the provisions of s. 372.07, F.S.

(2) Other duly authorized assistants as designated by the executive director are empowered to enforce all laws or rules relating to wild animal life and freshwater aquatic life in accordance with the provisions of subsection (2), s. 372.07, F.S.

(3) Those state officers who are vested with powers of arrest and those municipal police officers and deputy sheriffs acting within the scope of their police jurisdiction are empowered to enforce all laws or rules relating to wild animal life and freshwater aquatic life.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented 372.07 FS. History--New 8-1-79, Amended 6-21-82, Formerly 39-3.02, 39-3.002.

68A-3.004 Wildlife Reserve Program.

(1) The executive director may appoint or remove qualified persons as members of the Wildlife Reserve Program. Such wildlife reservists shall serve without salary in the furtherance of Commission functions.

(2) The operations, practices, and procedures of the wildlife reserve program are set forth in a manual known as the Wildlife Reserve Policy and Procedures Manual and any amendments thereto filed with the Secretary of State are adopted herein and incorporated by reference.

(3) Those reservists who are certified under the laws of Florida relating to standards and training of police officers may exercise the powers set forth in s. 372.07(2), F.S.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented 372.07 FS. History--New 8-1-79, Amended 6-21-82, 7-1-84, Formerly 39-3.04, 39-3.004.

CHAPTER 68A-4 GENERAL PROHIBITIONS AND REQUIREMENTS

68A-4.001	General Prohibitions.
68A-4.002	Possession of Gun While Using a Light Prohibited.
68A-4.004	Possession of Wildlife or Freshwater Fish or the Carcasses Thereof.
68A-4.005	Introduction of Foreign Wildlife or Freshwater Fish or Carriers of Disease.
68A-4.0051	Importation of Deer, Elk and Other Wildlife Species in the Family of Cervidae.
68A-4.006	Obligation to Permit Search or Inspection.
68A-4.007	Exclusion of Certain Areas from Open Season.
68A-4.008	Taking Wildlife on Roads and Rights-of-Way Prohibited.
68A-4.081	Hunting Prohibited on Certain Water Control District Roads; Closing Procedure.

68A-4.001 General Prohibitions.

(1) No wildlife or freshwater fish or their nests, eggs, young, homes or dens shall be taken, transported, stored, served, bought, sold, or possessed in any manner or quantity at any time except as specifically permitted by these rules nor shall anyone take, poison, store, buy, sell, possess or wantonly or willfully waste the same except as specifically permitted by these rules.

(2) The use of gasoline or any other chemical or gaseous substances to drive wildlife from their retreats is prohibited.

(3) Intentionally feeding black bears, foxes, raccoons, or sandhill cranes is prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 6-21-82, Formerly 39-4.01, Amended 4-1-96, Formerly 39-4.001, Amended 5-13-02.

68A-4.002 Possession of Gun While Using a Light Prohibited.

The displaying or use of a light at night in a place where wildlife or freshwater fish might be found and in a manner capable of disclosing the presence of wildlife or freshwater fish, together with the possession of a gun by one or more persons then and there in the presence of each other is prohibited. The possession of a gun by one or more persons then and there in the presence of each other while displaying or using a light at night shall constitute prima facie evidence of possession by such persons for the purpose of taking wildlife or freshwater fish in violation of this section.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.664, 372.99(2) FS. History--New 8-1-79, Amended 6-21-82, Formerly 39-4.02, 39-4.002.

68A-4.004 Possession of Wildlife or Freshwater Fish or the Carcasses Thereof.

(1) Whenever the taking or possession of wildlife or freshwater fish is prohibited, the possession of any carcass or portion of the carcass of such wildlife or freshwater fish is prohibited. The possession of any wildlife or freshwater fish showing evidence of being taken by any unlawful method is prohibited. Wildlife or freshwater fish lawfully taken during the open season and properly identified may be possessed and stored in freezers or freezer lockers except when otherwise provided in Rule 68A-12.004 or 68A-23.006, F.A.C.

(2) No person shall possess the carcass or parts thereof of any member of the species *felis concolor* (cougar or panther), unless such carcass or parts thereof is of an animal for which possession was permitted under Rule 68A-6.002 or 68A-6.0011, F.A.C., or was lawfully acquired outside this state and is possessed in accordance with subsection 68A-12.004(10), F.A.C.

(3) Black bass, striped bass and white bass or their hybrids, peacock bass, or black crappie and panfish (for black crappie and panfish, only in waters where minimum-length or slot-size limits for these fish apply) may not be filleted, nor their head or tail fin removed, until the angler has completed fishing for the day.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 6-4-81, 6-21-82, Formerly 39-4.04, Amended 5-10-87, 7-1-89, 7-1-96, Formerly 39-4.004, Amended 7-1-00.

68A-4.005 Introduction of Foreign Wildlife or Freshwater Fish or Carriers of Disease.

(1) It shall be unlawful for any person to possess, transport or otherwise bring into the state or to release or introduce in the state any wildlife or freshwater fish that is not native to the state unless such person shall first secure a permit from the Commission. Such permit shall be granted only after duly authorized agents have made such investigation and inspection of the wildlife or freshwater fish as may be deemed necessary, provided that this rule shall not apply to ring-necked or Mongolian pheasants or coturnix quail.

(2) Nothing in this rule shall prohibit the Commission or its duly authorized agents from bringing into the state or releasing or introducing any wildlife or freshwater fish.

(3) No person shall release or introduce in the state any wildlife, freshwater fish or any other organism that might reasonably be expected to transmit any disease to wildlife or freshwater fish.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.26, 372.265 FS. History--New 8-1-79, Amended 6-21-82, 7-1-84, Formerly 39-4.05, 39-4.005.

68A-4.0051 Importation of Deer, Elk and Other Wildlife Species in the Family of Cervidae.

In addition to other requirements of Chapter 372, F.S., and Chapter 68A, F.A.C., and in order to prevent the introduction of Chronic Wasting Disease (CWD) into the captive and wild deer of this state, no person shall violate Department of Agriculture and Consumer Services Rule 5C-26, F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History-New 10-16-02, Amended 2-27-03.

68A-4.006 Obligation to Permit Search or Inspection.

It is hereby made the duty of every person participating in the privileges of taking or possessing wildlife, freshwater fish or parts thereof as authorized by these rules to allow wildlife officers to ascertain whether the requirements of these rules are being followed. No person shall refuse or obstruct such inspection by any authorized officer of the state.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented 372.07 FS, Art. IV, Sec. 9, Fla. Const. History-New 8-1-79, Amended 6-21-82, Formerly 39-4.06, 39-4.006, Amended 2-27-03.

68A-4.007 Exclusion of Certain Areas from Open Season.

(1) Whenever reference is made in these rules to open season or provision is made to permit the taking or possession of wildlife or freshwater fish, it shall be construed to mean to authorize the taking or possession of wildlife or freshwater fish only in open territory and shall not include state parks or recreation areas or the grounds of any of the state universities, colleges, schools, experiment stations, plant boards, hospitals or correctional institutions or state-operated fish hatcheries unless such taking or possession is authorized by the superintendent; nor upon any refuges, bird sanctuaries, restricted hunting areas or management areas established by the Commission unless specifically provided otherwise.

(2) Lands to be managed by the Game and Fresh Water Fish Commission or by the Florida Division of Forestry or the water management districts for hunting, fishing and other related outdoor recreational activities may be closed to the taking of wildlife or freshwater fish by executive order to protect fish and wildlife resources. Such executive closure orders shall be issued on an interim basis until appropriate fish and wildlife resource and public-use assessments are made by the Commission and until the area is formally established under Rule 68A-14.001, F.A.C. Lands closed by executive order shall remain closed to the taking or possession of wildlife and freshwater fish for a period of time not to exceed one year. Lands closed pursuant to this subsection shall be posted as closed to the taking of wildlife and freshwater fish.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.121 FS. History-New 8-1-79, Formerly 39-4.07, Amended 10-28-97, Formerly 39-4.007, Amended 6-23-99.

68A-4.008 Taking Wildlife on Roads and Rights-of-Way Prohibited.

(1) It shall be unlawful to take or attempt to take wildlife (except for the collection of amphibians or reptiles without the use of a gun) on, upon or from the right-of-way of any federal, state or county-maintained road whether paved or otherwise. Taking or attempting to take wildlife (except for the collection of amphibians and reptiles without the use of a gun) while such wildlife is on or upon the right-of-way of any federal, state or county-maintained road whether paved or otherwise, is prohibited.

(2) The display or use of a gun on, or upon the right-of-way of any federal, state or county-maintained road in a manner capable of taking wildlife is prohibited.

(3) Federal, state or county-maintained roads may be specifically excepted by Commission order. Requests for the exception of certain roads from the provisions herein shall be made by formal action taken at a public meeting of the County Commission, and may be granted upon affirmation by the County Commission that the following criteria have been met:

(a) Roads or portions thereof subject to exception shall be unpaved, and shall not be scheduled for paving for at least three (3) years from the date of request.

(b) Roads or portions thereof subject to exception shall be no less than two (2) uninterrupted linear miles in length.

(c) No exception shall be made for any portion of road which lies within 3/10 of a mile of any dwelling, church, school, commercial building or other occupied structure, or which lies adjacent to the boundary of any property, the owner or lessee of which objects to the proposed exception.

(d) Roads or portions thereof excepted under the provisions herein shall be posted, at the expense of the County Commission, with signs at intervals of 500 feet or as otherwise directed by the Commission and shall include the phrase: "Right of Way Hunting permitted: The _____ County Commission and the Florida Fish and Wildlife Conservation Commission."

(e) A determination that the exception would not endanger the public, livestock, crops or other property.

Prior to final action by the Commission, the Commission staff shall furnish a recommendation on the proposed exception to the County Commission which shall review it before a public meeting and then advise the Commission of any public comments or concerns.

(4) All federal, state or county-maintained roads within wildlife management areas are open to the taking of wildlife except perimeter roads adjacent to or outside of such management areas. Federal, state or county-maintained roads within management areas may be closed to taking wildlife by use of a gun by specific management area regulation.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-83, Formerly 39-4.08, Amended 6-11-87, 6-7-88, 6-15-89, Formerly 39-4.008, Amended 5-1-03.

68A-4.081 Hunting Prohibited on Certain Water Control District Roads; Closing Procedure.

(1) Roads constructed, maintained and controlled by a water control district operating under provisions of Chapter 298, F.S., may be closed to hunting in the following manner.

(a) The district board of supervisors shall request such action by formal resolution, accompanied by a map clearly identifying each road affected.

(b) Upon receipt of the request, the executive director shall investigate to ensure that such action would not result in unreasonable denial of lawful hunting or would unreasonably encroach upon the rights of contiguous property owners.

(c) Upon a satisfactory finding, and approval of the Commission, the district board of supervisors shall at their expense erect and maintain notices at the entrance and exit of each affected road in a manner adequate to notify the public of such closure.

(2) The prohibitions of subsections 68A-4.008(1) and (2), F.A.C., shall apply to such district roads of the following:

(a) Joshua Water Control District – DeSoto County.

(b) County Line Drainage District – Lee County.

(c) East Charlotte Drainage District – Charlotte County.

(d) Flagler Estates Road and Water Control District – St. Johns and Flagler Counties.

(e) Ranger Drainage District – Orange County.

(f) Coquina Water Control District – Okeechobee County (Peavine Trail and East Line Road only).

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-85, Amended 5-10-87, 1-6-94, 12-25-95, Formerly 39-4.081.

CHAPTER 68A-5 LICENSES AND PERMITS: ISSUANCE AND REVOCATION

- 68A-5.001 Issuance of Statutory Licenses, Stamps and Permits; Issuance of Duplicates.
- 68A-5.004 General Regulations Relating to Licenses, Permits and Other Authorizations.
- 68A-5.005 Quota Hunt Permits and Special-Opportunity Permits - Application; Selection; Issuance.
- 68A-5.006 Designation of Free-Freshwater Fishing Weekend; License Requirements and Regulation Compliance.

68A-5.001 Issuance of Statutory Licenses, Stamps and Permits; Issuance of Duplicates.

(1) If the license holder is unable to present his duplicate issuance identification card to the county tax collector as provided in subsection (3) of this section, the license holder may make application for lost duplicate issuance as follows:

(a) Sign a statement under oath and notarized on an application for lost duplicate license or stamp (form number S-066, effective June 1, 1986, furnished by the Commission to the county tax collector, which form is incorporated herein by reference) that the original license or stamp purchased by the license holder has been lost or destroyed, and specifying the type of original license or stamp for which duplicate application is made, the issuing entity of each such original license or stamp, and the place and date of issuance of each such original license or stamp.

(b) Pay the fee provided in Section 372.60, F.S., to the tax collector for each such license or stamp for which lost duplicate application is made.

(c) Upon validation, dating and signing of the lost duplicate application by the tax collector, the tax collector shall mail or deliver a copy of the lost duplicate application to the Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600. The tax collector shall furnish the original validated, dated and signed lost duplicate application to the applicant. Such original shall serve in lieu of, and shall grant all of the privileges and impose all of the duties of, the original license or stamp lawfully issued.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-4-81, 6-21-82, Formerly 39-5.01, Amended 6-1-86, 10-30-89, 12-25-95, Formerly 39-5.001.

68A-5.004 General Regulations Relating to Licenses, Permits and Other Authorizations.

(1) Applications for any license, permit or other authorization issued by the Commission shall be denied based upon any of the following grounds:

(a) Submission by the applicant of materially false information in the application or other supporting documentation relating to the license, permit, or other authorization.

(b) Failure of the applicant to meet eligibility requirements or criteria for issuance of the license, permit or other authorization.

(2) Applications for any license, permit or other authorization issued by the Commission may be denied based upon any of the following grounds:

(a) A conviction of any criminal or noncriminal violation, regardless of adjudication or plea entered, by the applicant of any provision of Chapter 372, F.S., or rules of the Commission, or similar laws or rules in another jurisdiction, that relate to the subject matter of the application sought.

(b) Submission by the applicant of materially false information in any previously submitted application or supporting documentation relating to the application.

(c) Failure by the applicant to comply with the provisions of subsection (3) in any previously issued license, permit or other authorization. In determining whether denial is appropriate based on the grounds listed in paragraphs (2)(a)-(c), the Commission shall consider the factors enumerated in subsection (5) hereof.

(3) Those persons issued any license, permit or other authorization by the Commission shall:

(a) Maintain complete and correct written records as required by Commission license, permit, other authorization or regulations.

(b) Submit complete and correct reports as required by Commission license, permit, other authorization or regulations.

(c) Open records and facilities of operation under the license, permit, or other authorization, to inspection by an authorized representative of the Commission.

(d) Fully comply with the conditions set forth for operations under a license, permit or other authorization.

(e) Fully comply with Chapter 372, F.S., and rules of the Commission.

(4) Failure to comply with any of the provisions of subsection (3) may result in the suspension, revocation or non-renewal of any license, permit or other authorization. In addition, the Commission may suspend, revoke, or deny renewal of any license, permit or other authorization issued by the Commission if the licensee or permittee defaults on his appearance bond, is convicted or found guilty, regardless of adjudication, of a violation of Chapter 372, F.S., or the rules of the Commission, or if such violation is disposed of under Section 921.187, F.S., regardless of adjudication. A plea of nolo contendere shall be considered a conviction for purposes of disciplinary action imposed under Chapter 372, F.S., and the rules of the Commission.

(5) Except for the denial of an application pursuant to subsection (1), the following factors shall be considered by the Commission in determining whether to deny, suspend, revoke or deny renewal of any license, permit or other authorization:

(a) The severity of the conduct;

- (b) The danger to the public created or occasioned by the conduct;
 - (c) The existence of prior violations of Chapter 372, F.S., or the rules of the Commission;
 - (d) The length of time a licensee or permittee has been licensed or permitted;
 - (e) The effect of denial, suspension, revocation or non-renewal upon the applicant, licensee, or permittee's existing livelihood;
 - (f) Attempts by the applicant, licensee or permittee to correct or prevent violations, or the refusal or failure of the applicant, licensee or permittee to take reasonable measures to correct or prevent violations;
 - (g) Related violations by an applicant, licensee or permittee in another jurisdiction;
 - (h) The deterrent effect of denial, suspension, revocation or non-renewal;
 - (i) Any other mitigating or aggravating factors.
- (6) The provisions of this rule shall not be construed so as to prohibit, limit, or otherwise affect any civil action or criminal prosecution, so as to limit the ability of the Commission to enter into binding stipulations with affected parties in accordance with Section 120.57(3), F.S., or so as to affect the authority of a court to require forfeiture of any license, permit or other authorization issued pursuant to Chapter 372, F.S., as provided by law.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.84 FS. History--New 8-1-79, Amended 6-21-82, 7-1-84, 7-1-85, Formerly 39-5.04, Amended 4-19-90, 6-20-90, 4-20-93, Formerly 39-5.004.

68A-5.005 Quota Hunt Permits and Special-Opportunity Permits - Application; Selection; Issuance.

(1) Application – Applicants for quota hunt permits and special-opportunity permits as designated by Rule 68A-15.005, F.A.C., shall submit a properly completed application on forms furnished by the Commission, only via U.S. mail or by a commercially established messenger or courier service, or by online computer services, to the address specified on the application. For purposes of this rule, the Commission hereby adopts and incorporates herein the following application forms:

- (a) Regular Quota Hunt Application (form number QA-100, effective June 1, 1987), available from Commission offices, county tax collectors and their subagents.
- (b) Special Quota Hunt Application (form number QA-200, effective June 1, 1987), available from Commission offices, county tax collectors and their subagents.
- (c) Spring Turkey Quota Hunt Application (form number QA-300, effective June 1, 1987), available from Commission offices and county tax collectors.
- (d) Track Quota Hunt Application (form number QA-400, effective June 1, 1990), available from Commission offices.
- (e) Airboat Quota Hunt Application (form number QA-500, effective June 1, 1990), available from Commission offices.
- (f) Mobility-Impaired Quota Hunt Application (form number QA-800, effective April 3, 1997), available from Commission offices.
- (g) Mobility-Impaired Eligibility Certification Application (form number QA-801, effective April 3, 1997), available from Commission offices.
- (h) Youth Hunt Quota Hunt Application (form number QA-700, effective June 1, 1990), available from Commission offices.
- (i) Special-Opportunity Hunt Application (form number QA-900, effective June 23, 1999), available from Commission offices.
- (j) Special-Opportunity Spring Turkey Hunt Application (form number QA-901, effective June 23, 1999), available from Commission offices.

(2) Selection – Unless other procedures are set forth in the application for a particular hunt or in specific area regulations, selection of quota hunt permits and special-opportunity permits shall be as provided in this rule.

(a) Selection of recipients of regular and special quota permits in the number specified in Rule 68A-15.005, F.A.C., shall be by computer random selection from applications received, not postmarked, from June 1-11 unless June 11 falls on a Saturday or Sunday, at which time the random selection shall be from applications received from June 1 through the first Monday after June 11. Applicants who submit a spring turkey quota hunt application during this application period and who include a rejection notice from the previous year's random selection for each applicant on the application shall be included in a preference random selection, held prior to the regular random selection.

(b) Selection of recipients of spring turkey quota permits on wildlife management areas in the number specified in Rule 68A-15.005, F.A.C., shall be by computer random selection from applications received, not postmarked, beginning November 1, unless November 1 falls on a Saturday or Sunday, at which time the beginning date shall be the first Monday after November 1 and ending nine days thereafter. Applicants who submit a spring turkey quota hunt application during this application period and who include a rejection notice from the previous year's random selection for each applicant on the application shall be included in a preference random selection, held prior to the regular random selection.

(c) Selection of recipients of track, airboat, mobility-impaired and youth hunt quota permits shall be by computer random selection from applications received, not postmarked, beginning the second Wednesday in July and ending 16 days thereafter.

(d) In those situations in which the authorized number of quota permits exceeds the applications during the initial period, recipients of such permits shall be selected on a first-come, first-served basis.

(e) Except as otherwise specified below, recipients of special-opportunity permits shall be selected by random computer selection from completed current-year applications received before or on June 15, irrespective of postmark date, unless June 15 falls on a Saturday or Sunday, at which time the random selection shall be from applications received by or on the first Monday after June 15.

(f) Recipients of special-opportunity spring turkey permits shall be selected by random computer selection from completed current-year applications received, not postmarked, on or before October 15, unless October 15 falls on a Saturday or Sunday, at which time the random selection shall be from applications received through the first Monday after October 15.

(g) Special-opportunity permits, other than special-opportunity spring turkey permits, for which permit or license fees are not received by July 15, unless July 15 falls on a Saturday or Sunday, at which time the fees must be received by the first Monday after July 15, irrespective of postmark date, will be forfeited. A second-round random drawing shall be conducted to assign special-opportunity permits forfeited after July 15. Special-opportunity permits assigned during the second-round drawing for which permit or license fees are not received by August 15, unless August 15 falls on a Saturday or Sunday, at which time the fees must be received by the first Monday after August 15, irrespective of postmark date, will be forfeited. A third-round random drawing will be conducted to assign special-opportunity permits forfeited after August 15.

(h) In those instances where the number of special-opportunity permits available exceeds the number of applicants on August 15, the remaining permits will be issued as applications are received.

(i) Special-opportunity spring turkey permits for which permit fees are not received by November 30, (unless November 30 falls on a Saturday or Sunday, at which time the fees must be received by the first Monday after November 30), irrespective of postmark date, shall be forfeited. A second-round random drawing shall be conducted to assign forfeited special-opportunity turkey permits.

(j) The number of applicants selected for special-opportunity permits shall equal the number to be issued as specified in Rule 68A-15.005, F.A.C.

(k) Applicants may submit more than one application for each special-opportunity hunt.

(l) Applicants will be limited to one permit per person, per hunt.

(m) No more than ten percent of the special-opportunity permits for each specific hunt shall be issued to non-residents provided that at least one permit may be available to a non-resident in the event that the ten percent calculation results in a number less than one.

(3) Issuance.

(a) Quota permits for the regular, special, and spring turkey hunts shall be issued without cost to applicants who, unless exempt, have provided proof of purchase of a wildlife management area stamp, sportsman's license, lifetime sportsman's license, lifetime hunting license or 5-year hunting license, and who were selected as provided in this rule.

(b) Quota permits for the track and airboat hunts shall be issued without cost to applicants who have provided proof of current vehicle or vessel registration and who were selected as provided in this rule.

(c) No person shall be eligible for issuance of more than one spring turkey, one airboat, one youth hunt or one track quota hunt permit.

(d) No person shall be eligible for issuance of more than one regular and one special quota permit until after the first Friday in October; at which time applicants may submit applications according to subsection (1) to obtain additional permits.

(e) No person shall be eligible for issuance of more than one mobility-impaired quota permit until after the third Friday in August, at which time applicants may submit applications according to subsection (1) to obtain additional permits.

(f) An applicant whose name appears on more than one regular or more than one special quota hunt application before or on the first Friday in October shall be rejected. An applicant whose name appears on more than one mobility-impaired quota hunt application before or on the third Friday in August shall be rejected. An applicant whose name appears on more than one spring turkey or more than one youth hunt quota application shall be rejected. An applicant who submits more than one airboat or track quota hunt application for the same airboat or track vehicle will have his/her applications rejected.

(g) Participants in the mobility-impaired hunt shall be restricted to persons who are paraplegic, hemiplegic or quadriplegic, permanently dependent upon a wheelchair for ambulation, permanently required to use assisting aids to walk, permanently required to use braces or prosthesis on both legs, or who have had complete single-leg amputations.

(h) No person shall be eligible for issuance of more than one mobility-impaired quota permit for the same hunt. No person shall be eligible for issuance of a mobility-impaired quota permit, unless the person has a completed mobility-impaired eligibility certification application (form QA-801) on record with the Commission.

(i) Special-opportunity permits shall be issued to those selected applicants who have submitted a non-refundable application fee as established by Rule 68A-9.007, F.A.C., applied as prescribed in this section, met requirements of this and other applicable rules and statutes relating to wildlife management areas and small game hunting areas, and paid the permit or license fees established by Rule 68A-9.007, F.A.C., and, where applicable, Section 372.6673, F.S.

(4) Duplicate Quota and Special-Opportunity Permits – A replacement permit may be issued to the original permittee following loss, destruction or non-receipt of mail upon submission of a written statement to the executive director, attesting to the non-delivery or setting forth circumstances leading to the loss or destruction of the original permit. No person shall be eligible for more than one replacement permit per season. The original permit shall be invalid upon the issuance of a duplicate permit. The use or possession of an original permit that has been invalidated by the issuance of a duplicate permit is prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.57(4)(f) FS. History—New 7-1-85, Formerly 39-5.05, Amended 6-1-86, 5-10-87, 4-13-88, 7-1-89, 4-11-90, 4-14-92, 6-1-97, 4-12-98, 6-23-99, Formerly 39-5.005, Amended 5-13-02, 7-28-02, 5-1-03.

68A-5.006 Designation of Free-Freshwater Fishing Weekend; License Requirements and Regulation Compliance.

Notwithstanding the provisions of Section 372.57, F.S., any person may take or attempt to take freshwater fish for noncommercial purposes during “Free-Freshwater Fishing Weekend” without obtaining or possessing a license as otherwise required by that section. “Free-Freshwater Fishing Weekend” is hereby designated as that period, commencing at 12:01 a.m. on the first Saturday in April, and ending at 11:59 p.m. on the first Sunday in April, or such other weekend period as may be specified by order of the Commission. Any person taking or attempting to take freshwater fish during said period shall comply with all other laws or regulations governing the holders of freshwater fishing licenses, and all other conditions and limitations regulating the taking of freshwater fish as are imposed by law or rule.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021, 372.57 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.57 FS. History—New 6-20-90, Amended 2-25-99, Formerly 39-5.006.

CHAPTER 68A-6 WILDLIFE AS PERSONAL PETS

68A-6.0011	Possession of Wildlife in Captivity; Permit Requirements.
68A-6.002	Categories of Captive Wildlife.
68A-6.0021	Possession or Transfer of Class I Wildlife as Personal Use Wildlife; Transfer of Wildlife.
68A-6.0022	Possession of Wildlife in Captivity; Permits.
68A-6.0023	General Regulations Governing Possession of Captive Wildlife.
68A-6.003	Structural Caging Requirement for Class I, II and III Wildlife.
68A-6.004	Standard Caging Requirements for Captive Wildlife.
68A-6.0041	Exceptions to Standard Caging Requirements for Captive Wildlife.
68A-6.0042	Elephant Rides.
68A-6.005	Transportation Requirements for Wildlife; Caging Requirements for Performing and Non-Performing Animals.
68A-6.006	Dealing in Exotic or Pet Birds: Records.

68A-6.0011 Possession of Wildlife in Captivity; Permit Requirements.

(1) Except as otherwise provided in this Title, no person shall possess any native or non-native wildlife in captivity except as authorized by permit issued in accordance with ss. 372.921 or 372.922, F.S., and as provided in this chapter.

(2) The provisions of this chapter shall not apply to entities operating solely as research facilities, which are registered and regulated as such in accordance with Animal Welfare Act (7 U.S.C. 2131, et. seq.) and regulations promulgated thereunder.

(3) The provisions of this chapter shall not apply to persons possessing the following non-native wildlife species exclusively for the purpose of production of meat, skins or hides, feathers or progeny thereof, and not for personal possession or public display or exhibition:

- (a) Ostrich
- (b) Cassowary
- (c) Rhea
- (d) Emu

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021, 372.921, 372.922 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.921, 372.922 FS. History—New 6-21-82, Amended 7-5-84, Formerly 39-6.011, Amended 6-1-86, 5-10-87, 4-13-88, 12-19-89, 7-1-90, 4-20-93, Formerly 39-6.0011.

68A-6.002 Categories of Captive Wildlife.

(1) The Commission hereby establishes the following categories of wildlife:

(a) Class I:

1. Chimpanzees (*genus Pan*)
2. Gorillas (*genus Gorilla*)
3. Gibbons (*genus Hylobates*)
4. Drills and mandrills (*genus Mandrillus*)
5. Orangutans (*genus Pongo*)
6. Baboons (*genus Papio*)
7. Siamangs (*genus Symphalangus*)
8. Gelada baboons (*genus Theropithecus*)
9. Snow leopards (*Panthera uncia*)
10. Leopards (*Panthera pardus*)
11. Jaguars (*Panthera onca*)
12. Tigers (*Panthera tigris*)
13. Lions (*Panthera leo*)
14. Bears (family Ursidae)
15. Rhinoceros (family Rhinocerotidae)
16. Elephants (family Elephantidae)
17. Hippopotamuses (family Hippopotamidae)
18. Cape buffalos (*Syncerus caffer caffer*)
19. Crocodiles (except dwarf and Congo) (family Crocodylidae)
20. Gavials (family Gavialidae)
21. Black caimans (*Melanosuchus niger*)
22. Komodo dragons (*Varanus komodoensis*)

(b) Class II:

1. Howler monkeys (*genus Alouatta*)
2. Uakaris (*genus Cacajao*)
3. Mangabeys (*genus Cercocebus*)

4. Guenons (*genus Ceropithecus*)
5. Bearded sakis (*genus Chiropotes*)
6. Guereza monkeys (*genus Colobus*)
7. Celebes black apes (*genus Cynopithecus*)
8. Idris (*genus Indri*)
9. Macaques (*genus Macaca*)
10. Langurs (*genus Presbytis*)
11. Douc langurs (*genus Pygathrix*)
12. Snub-nosed langurs (*genus Phinopithecus*)
13. Proboscis monkeys (*genus Nasalis*)
14. Serval (*Leptailurus serval*)
15. European and Canadian lynx (*Lynx lynx*)
16. Cougars, panthers (*Puma concolor*)
17. Bobcats (*Lynx rufus*)
18. Cheetahs (*Acinonyx jubatus*)
19. Caracals (*Caracal caracal*)
20. African golden cats (*Profelis aurata*)
21. Temminck's golden cats (*Profelis temmincki*)
22. Fishing cats (*Prionailurus viverrina*)
23. Ocelots (*Leopardus pardalis*)
24. Clouded leopards (*Neofelis nebulosa*)
25. Coyotes (*Canis latrans*)
26. Gray wolves (*Canis lupus*) (including wolf x domestic hybrids which are 25 percent or less domestic dog)
27. Red wolves (*Canis niger*) (including wolf x domestic hybrids which are 25 percent or less domestic dog)
28. Asiatic jackals (*Canis aureus*)
29. Black-backed jackals (*Canis mesomelas*)
30. Side-striped jackals (*Canis adustus*)
31. Indian dholes (*Cuon alpinus*)
32. African hunting dogs (*Lycaon pictus*)
33. Wolverines (*Gulo gulo*)
34. Honey badgers (*Mellivora capensis*)
35. American badgers (*Taxides taxus*)
36. Old World badgers (*Meles meles*)
37. Binturongs (*Arctictis binturong*)
38. Hyenas (all species) (*family Hyaenidae*)
39. Dwarf crocodiles (*Osteolaemus tetraspis*)
40. Alligators, caimans (except American alligator) (*family Alligatoridae*)
41. Ostrich (*Struthio camelus*)
42. Cassowary (*Casuaris spp.*)

(c) Class III: All other wildlife not listed herein, except those for which a permit is not required pursuant to Rule 68A-6.0022, F.A.C.

(2) Except as provided in s. 68A-6.0021, Class I wildlife shall not be possessed for personal use.

(3) Persons possessing any captive wildlife for purposes of public display or sale shall obtain a permit as specified in s. 372.921, F.S.

(4) Persons possessing Class II wildlife as personal use wildlife shall purchase a permit as provided in s. 372.922, F.S.

(5) Persons possessing Class III wildlife as personal use wildlife shall obtain a no-cost permit from the Executive Director. American alligators shall not be possessed as personal use wildlife and shall be possessed only in accordance with permits issued under Rule 68A-9.002, F.A.C., ss. 372.6673 or 372.921, Florida Statutes.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.921, 372.922 FS. History--New 8-1-79, Amended 12-3-79, 6-4-81, 6-21-82, Formerly 39-6.02, Amended 6-1-86, 7-1-90, 7-1-92, 9-15-96, Formerly 39-6.002.

68A-6.0021 Possession or Transfer of Class I Wildlife as Personal Use Wildlife; Transfer of Wildlife.

(1) Any Class I wildlife possessed for personal use on August 1, 1980, shall be eligible for a permit in accordance with the provisions for Class II wildlife. No other Class I wildlife shall be kept for personal use.

(2) It shall be unlawful for any person to buy, sell, or transfer any wildlife to or from an unpermitted entity within Florida. The recipient's name, address and the permit or license number if required shall be entered in the transferor's records and made available for inspection upon request of Commission employees for a period of one year after the transfer.

(3) Persons possessing Class I wildlife for personal use shall comply with all provisions of this chapter relating to the personal use of wildlife.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021, 372.022, 372.922 FS. Law Implemented 372.16, 372.86, 372.921, 372.922 FS. History—New 6-21-82, Formerly 39-6.021, Amended 6-1-86, 4-11-90, Formerly 39-6.0021.

68A-6.0022 Possession of Wildlife in Captivity; Permits.

(1) Permits to possess wildlife in captivity, issued pursuant to ss. 372.921 or 372.922, F.S., and the provisions of this chapter, shall authorize the keeping of captive wildlife, of the type and number specified in applications approved by the Commission, in accordance with law and Commission rules. Captive wildlife maintained under permit shall, unless otherwise authorized, be maintained only at the facility specified in the permit application and approved by the Commission.

(2) No permit shall be required to possess the following wildlife for personal use, unless possession of a species is otherwise regulated by other rules of the Commission:

- (a) Reptiles, amphibians (nonvenomous, unprotected)
- (b) Gerbils, hedgehogs
- (c) Honey possums, sugar gliders, brushtailed possums
- (d) Shell parakeets
- (e) Rats and mice
- (f) Canaries
- (g) Moles; shrews
- (h) Rabbits
- (i) Squirrels; chipmunks
- (j) Ferrets (domestic; European)
- (k) Lovebirds
- (l) Guinea pigs
- (m) Cockatiels
- (n) Hamsters
- (o) Parrots
- (p) Finches
- (q) Myna birds
- (r) Toucans
- (s) Doves; ringed, ruddy, and diamond
- (t) Button quail
- (u) Prairie dogs
- (v) Chinchillas

(3) No permit shall be required for the sale of poultry, hamsters, guinea pigs, domestic rats and mice, gerbils, or chameleons (Anolis).

(4) No permit shall be issued to any person to possess Class III wildlife for personal use unless such person can provide documentation of the following:

(a) Be 16 years of age or older.

(b) Application for permits to possess Class III shall include the satisfactory completion of a questionnaire developed by the Commission that assesses the applicant's knowledge of general husbandry, nutritional, and behavioral characteristics. Applicants for permits to possess capuchin, spider, or woolly monkeys shall meet the experience and examination requirements for Class II primates and shall maintain such wildlife in cages or enclosures which meet the structural requirements as specified in Rule 68A-6.003(2)(e), F.A.C.

(c) Be able to provide satisfactory caging facilities as required in the standard caging requirements, Rule 68A-6.004, F.A.C., within 30 days of notification of tentative approval for a permit.

(d) Ensure that the conditions under which the wildlife will be held shall not constitute a threat to the public or to the animal.

(5) Qualification requirements for a permit to possess Class I or Class II wildlife:

(a) All applicants shall qualify for permits as follows:

1. Age Requirement: Applicants to possess Class I or Class II wildlife shall be at least 18 years of age.

2. Applicants shall not have been convicted of any violation of captive wildlife regulations, any offense involving the illegal commercialization of wildlife, or offenses involving cruelty to animals, within three (3) years of the date of application.

3. Experience Requirement for Class I permits:

a. Applicants shall demonstrate no less than one (1) year of substantial practical experience (to consist of no less than 1000 hours) in the care, feeding, handling and husbandry of the species for which the permit is sought, or other species, within the same biological order (except ratites which shall be in the same biological sub-order), which are substantially similar in size, characteristics, care and nutritional requirements to the species for which the permit is sought.

b. For purposes of demonstrating compliance, applicants shall submit documentation of such experience, including:

- I. A description of the specific experience acquired.
- II. The dates the experience was obtained and the specific location(s) where acquired.
- III. References of no less than two (2) individuals having personal knowledge of the applicant's stated experience.

Additional documentation may include records of prior permits for the keeping of captive wildlife, employment records, and any other competent documentation of the requisite experience.

c. Documented educational experience in zoology or other relevant biological sciences, obtained at the college or technical school level or above, may substitute for up to six months or 500 hours of the required experience.

4. Experience and examination requirements for Class II permits:

a. Applicants may qualify for a permit for Class II wildlife by documenting one year of experience (to consist of no less than 1000 hours) as defined in 68A-6.0022(5)(a)3.a.-c. above. If the applicant is unable to document such experience, as an alternative, the applicant may take a written examination. The successful completion of a written examination for the particular species or family, administered by the Division of Law Enforcement, together with the documentation of not less than 100 hours of substantial practical experience (with documentation and compliance procedures as noted in 68A-6.0022(5)(a)3. above) in the care, feeding, handling and husbandry of the species or family for which the permit is sought may be substituted for the one-year/1,000-hour requirement. Upon receipt of an application, the Commission shall notify the applicant of the time and place of the next examination. Applicant scoring at least 80 percent correct on the examination shall be deemed as meeting the examination requirement for the particular species or family.

b. The above requirements shall not apply to applicants for permits to possess ostriches, rheas, emus, cassowaries or coyotes when possessed for purposes other than public exhibition or personal use.

5. Facility Requirements:

a. Applicants for permits to possess wildlife in captivity shall specify the location of the facility at which captive wildlife shall be maintained, and such facility shall be inspected and approved by the Commission prior to issuance of the permit.

b. In order to assure public safety, Class I and Class II wildlife shall only be kept in appropriate neighborhoods and, accordingly, facilities that house such wildlife shall meet the requirements of this rule subsection. Compliance with these requirements is a necessary condition for licensure. For purposes of this subsection, a "facility" means the site at which Class I or Class II carnivores are kept or exhibited. Applicants shall submit documentation verifying that the construction of the facility, its cages and enclosures is not prohibited by county ordinance and, if within a municipality, municipal ordinance.

c. Notwithstanding any other requirements of this rule, facilities licensed prior to the effective date of this section may sell or transfer their interests, including their approved classification(s) of wildlife, (excluding licenses) to other qualified investor or owners for possession, and such facility may remain in the same location. New or prospective owners shall be qualified to receive the classifications of wildlife applied for and shall complete applications for licenses to receive same. The transfer shall not occur until a final on-site inspection is conducted by Commission personnel and the license is approved and issued. Other than facilities meeting the requirements of Rule 68A-6.0022(5)(a)5.b.(I), F.A.C., Class I wildlife shall not be possessed in multi-unit dwellings or in any premises consisting of less than one-quarter acre of land area. Other than facilities meeting the requirements of Rule 68A-6.0022(5)(a)5.b.(II), F.A.C., Class II wildlife shall not be possessed in multi-unit dwellings unless the dwelling in which they are housed is equipped with private entrance, exit, and yard area.

(I) Additional facility requirements for Class I Carnivores (lions, tigers, leopards, snow leopards, jaguars, and bears):

(A) The facility shall not be constructed on less than five (5) contiguous acres of property owned or leased by the applicant. If leased, the lease shall be for a term of not less than one year from the date of application and such lease is subject to initial and annual review and approval by the Commission as a condition of granting said license.

(B) The facility shall have a "buffer zone" of not less than 35 feet between the caging and the facility property line.

(C) The cages of the facility shall be bounded by a fence of not less than eight (8) feet in height, constructed of not less than 11½ gauge chain link, or equivalent, to prevent escape from the property of any wildlife that may escape the primary caging.

(II) Additional facility requirements for the following Class II carnivores: cougars; panthers, clouded leopards, and Class II Canidae:

(A) The facility shall not be constructed on less than two and one-half (2½) contiguous acres of property owned or leased by the applicant. If leased, the lease shall be for a term of not less than one year from the date of application and such lease is subject to initial and annual review and approval by the Commission as a condition of granting said license.

(B) The facility shall contain a "buffer zone" of not less than 35 feet between the caged wildlife and the facility property line.

(C) The cages of the facility shall be bounded by a fence of not less than eight (8) feet in height, constructed of not less than 11½ gauge chain link, or equivalent, or, as an alternative, a fence of not less than six (6) feet in height, with a 2-foot, 45 degree, inward angle overhang. The inward angle fencing and vertical fencing shall be constructed of 11½ gauge chain link or equivalent. This fencing is to prevent escape from the property of any wildlife that may escape from primary caging.

(D) The above requirements shall be effective July 1, 2000, but shall not apply to those facilities licensed to possess captive wildlife species prior to that date. After July 1, 2000, those licensees that desire to expand their inventory to include a family of Class I or Class II species not previously authorized at their facility location shall comply with the requirements herein. Requests to upgrade wildlife classification authorization shall be considered new applications for license purposes.

68A-6.0023 General Regulations Governing Possession of Captive Wildlife.

(1) No person shall maintain captive wildlife in any unsafe or unsanitary condition, or in a manner which results in threats to the public safety, or the maltreatment or neglect of such wildlife.

(2) Caging Requirements:

(a) All wildlife possessed in captivity shall, except when supervised and controlled in accordance with subsection (3) hereof, be maintained in cages or enclosures constructed and maintained in compliance with the provisions of Rules 68A-6.003 and 68A-6.004, F.A.C.

(b) Cages or enclosures housing captive wildlife shall be sufficiently strong to prevent escape and to protect the caged animal from injury, and shall be equipped with structural safety barriers to prevent any physical contact with the caged animal by the public, except for contacts as authorized under subsection (3) of this rule. Structural barriers may be constructed from materials such as fencing, moats, landscaping, or close-mesh wire, provided that materials used are safe and effective in preventing public contact.

(c) All cages or enclosures less than 1,000 square feet shall be covered at the top to prevent escape (except paddocks, reptile enclosures and habitats specified below). Class I or Class II wildlife shall not be kept in uncovered enclosures that are less than 1,000 square feet, except as specified in Rule 68A-6.004, F.A.C. For the purpose of this section, the following definitions apply:

1. Paddocks: Areas enclosed by fencing, railing or other Commission-approved structures which allow animals to graze or browse.

2. Reptile enclosures: Areas encompassed by smooth walls or other Commission-approved materials which provide safe keeping of venomous and non-venomous snakes, crocodilians and other reptiles.

3. Open air habitats or moated areas: Areas enclosed by Commission-approved fences, walls, or moats which provide safe keeping of species specified in Rule 68A-6.004, F.A.C.

(d) Caging considered unsafe or otherwise not in compliance herewith shall be reconstructed or repaired within 30 days after notification of such condition. In the event such condition results in a threat to human safety or the safety of the wildlife maintained therein, the wildlife maintained therein shall, at the direction of the Commission, be immediately placed in an approved facility, at the expense of the permittee, owner, or possessor, until such time as the unsafe condition is remedied. In instances where wildlife is seized or taken into custody by the Commission, said permittee, owner, or possessor of such wildlife shall be responsible for payment of all expenses relative to the animal's capture, transport, boarding, veterinary care, or other costs associated with or incurred due to such seizures or custody. Such expenses shall be paid by said permittee, owner, or possessor upon any conviction or finding of guilt of a criminal or noncriminal violation, regardless of adjudication or plea entered, of any provision of Chapters 372 or 828, F.S., or rules of the Commission, or if such violation is disposed of under s. 921.187, F.S. Failure to pay such expenses shall be grounds for revocation or denial of permits to such individuals to possess wildlife.

(3) Unconfined captive wildlife shall be maintained under rigid supervision and control, so as to prevent injuries to members of the public. No captive wildlife shall be tethered outdoors unsupervised. To provide for public safety, all wildlife shall be controlled in such a manner as to prevent physical contact with the public, except as follows:

(a) Public contact exhibition.

1. General: All wildlife that will be used for contact with the public shall have been evaluated by the exhibitor to insure compatibility with the uses intended. All wildlife shall be exhibited in a manner that prevents injuries to the public and the wildlife. The exhibitor shall take reasonable sanitary precautions to minimize the possibility of disease or parasite transmission which could adversely affect the health or welfare of citizens or wildlife. When any conditions exists that results in a threat to human safety, or the welfare of the wildlife, the animal(s) shall, at the direction of a Commission officer, be immediately removed from public contact for an interval necessary to correct the unsafe or deficient condition.

2. Class I wildlife shall only be permitted to come into physical contact with the public in accordance with the following:

a. Full contact: For the purpose of this section, full contact is defined as situations in which an exhibitor or employee handler maintains proximate control and supervision, while temporarily surrendering physical possession or custody of the animal to another. Full contact with Class I wildlife is authorized only as follows:

I. Class I cats (Felidae only) that weigh not more than twenty-five (25) pounds;

II. Chimpanzees, orangutans, and gorillas that are not less than six (6) months of age and weigh not more than twenty-five pounds;

III. Gibbons and siamangs not less than four (4) months of age and not more than two (2) years of age;

IV. Elephants as approved in Rule 68A-6.0042, F.A.C.

b. Incidental contact: For the purpose of this section, incidental contact is defined as situations in which an exhibitor or employee handler maintains control, possession and supervision of the animal while permitting the public to come into contact with it. Incidental contact with Class I wildlife is authorized only as follows:

I. Class I carnivores that weigh not more than 40 pounds;

II. Chimpanzees, orangutans, and gorillas that are not less than six (6) months of age and weigh not more than 40 pounds;

III. Gibbons and siamangs that are not less than four (4) months of age: no maximum poundage or age limit.

IV. Elephants

3. Public contact or handling intervals for Class I wildlife shall be limited as to frequency, intensity, and duration so that such handling will not adversely affect the health, welfare, or safety of the animals, nor expose the public to injury.

(4) Any condition which results in wildlife escaping from its enclosure, cage, leash, or other constraint, or which results in injury to any person, shall be considered a violation of subsection 68A-6.0023(1) hereof.

(5) Sanitation and Nutritional Requirements:

(a) Sanitation, water disposal, and waste disposal shall be in accordance with all applicable local, state, and federal regulations.

(b) Water: Clean drinking water shall be provided daily. Any water containers used shall be clean. Reptiles and amphibians that do not drink water from containers and those in an inactive season or period shall be provided water in a manner and at such intervals as to ensure their health and welfare. All pools, tanks, water areas and water containers provided for swimming, wading or drinking shall be clean. Enclosures shall provide drainage for surface water and runoff.

(c) Food: Food shall be of a type and quantity that meets the nutritional requirements for the particular species, and shall be provided in an unspoiled and uncontaminated condition. Clean containers shall be used for feeding.

(d) Waste: Fecal and food waste shall be removed daily from inside, under, and around cages and stored or disposed of in a manner which prevents noxious odors or pests. Cages and enclosures shall be ventilated to prevent noxious odors.

(e) Cleaning and maintenance: Hard floors within cages or enclosures shall be cleaned a minimum of once weekly. Walls of cages and enclosures shall be spot cleaned daily. The surfaces of housing facilities, including perches, shelves and any furniture-type fixtures within the facility, shall be cleaned weekly, and shall be constructed in a manner and made of materials that permits thorough cleaning. Cages or enclosures with dirt floors shall be raked a minimum of once every three days and all waste material shall be removed. Any surface of cages or enclosures that may come into contact with animal(s) shall be free of excessive rust that prevents the required cleaning or that affects the structural strength. Any painted surface that may come into contact with wildlife shall be free of peeling or flaking paint.

(6) No person shall possess any wildlife requiring a permit for personal use, or any wildlife for sale or exhibition, without documentation of the source and supplier of such wildlife.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.021, 372.921, 372.922 FS. History--New 7-1-90, Amended 2-1-98, Formerly 39-6.0023.

68A-6.003 Structural Caging Requirement for Class I, II and III Wildlife.

(1) In addition to the standard caging requirements set forth in Rule 68A-6.004, F.A.C., Class I and Class II animals shall be caged in accordance with the following requirements:

(a) A fence sufficient to deter entry by the public, which shall be a minimum of five (5) feet in height, shall be present around the premises wherein Class I or Class II animals are housed or exercised outdoors.

(b) All cages or enclosures of Class I and Class II animals except paddocks, approved open air habitats, or outdoor reptile enclosures shall be equipped with a safety entrance. A safety entrance is defined as a protected, secure area that can be entered by a keeper that prevents animal escape and safeguards the keeper, or a device that can be activated by a keeper that prevents animal escape and safeguards entry. Such entrances shall include: A double-door mechanism, interconnecting cages, a lock-down area, or other comparable devices, subject to Commission approval, that will prevent escape and safeguard the keeper. Safety entrances shall be constructed of materials that are of equivalent strength as that prescribed for cage construction for that particular species.

(c) All cages or enclosures constructed of chain link or other approved materials shall be well braced and securely anchored at ground level to prevent escape by digging or erosion. Cages shall be constructed using metal clamps, ties or braces of equivalent strength as the material required for cage construction for the particular species.

(2) Additional requirements for specific species shall be as follows:

(a) Group I – Chimpanzees (over 50 pounds), gorillas, orangutans.

1. Outdoor facilities – Cage construction materials shall consist of steel bars, two-inch galvanized pipe, masonry block or their strength equivalent.

2. Indoor facilities – Potential escape routes shall be equipped with steel bars, two-inch galvanized pipe or equivalent in rooms where the wildlife is maintained.

(b) Group II – Chimpanzees (up to 50 pounds), drills, mandrills, baboons, snow leopards, jaguars, tigers, lions, bears.

1. Outdoor facilities – Cage construction materials shall consist of not less than nine-gauge chain link or equivalent.

2. Indoor facilities – Potential escape routes shall be equipped with wire or grating of not less than nine-gauge or equivalent.

(c) Group III – Rhinoceros, elephants, hippopotamus, cape buffalos.

Indoor and outdoor facilities – Construction materials shall consist of steel bars, masonry block or equivalent.

(d) Group IV – Crocodiles, gavials, alligators, caimans, komodo dragons.

Outdoor facilities – Bounded by a fence at least five feet in height of not less than 11 1/2 gauge chain link or equivalent.

(e) Group V – Gibbons, siamangs, patas monkeys, howler monkeys, uakaris, mangabeys, guenons, bearded sakis, guereza monkeys, celesbes black apes, indris, macaques, langurs, proboscis monkeys, spider monkeys, woolly monkeys, and capuchin monkeys, leopards, cougars, clouded leopards, cheetahs, ocelots, servals, lynx, bobcats, caracals, African golden cats, Temminck's golden cats, fishing cats, wolves, coyotes, Asiatic jackals, Indian dholes, African hunting dogs, binturongs, and Old World badgers.

1. Outdoor facilities – Construction material shall consist of not less than 11 1/2 gauge chain link or equivalent.
2. Indoor facilities – Potential escape routes shall be equipped with wire or grating not less than 11 1/2 gauge or equivalent.

(f) Group VI – Wolverines, honey badgers, American badgers, and hyenas.

1. Outdoor facilities – Cage construction materials shall consist of not less than 9 gauge chain link or equivalent.

2. Indoor facilities – Potential escape routes shall be equipped with wire or grating of not less than 9 gauge chain link or equivalent.

(g) Group VII – Ostrich, cassowary.

Outdoor facilities – Bounded by a fence of at least six feet in height of not less than 11 1/2 gauge chain link or equivalent.

(h) Group VIII – Class III mammals (except spider, woolly, and capuchin monkeys) and Varanidae (except Komodo dragon)

1. Outdoor facilities – Cage construction materials shall consist of not less than 14-gauge wire or strength equivalent material.

2. Indoor facilities – Rooms may serve as enclosures provided that:

a. Construction materials equal or exceed the strength equivalent for outside caging.

b. Potential escape routes are secured, or the animal is supervised to ensure against escape.

c. The size of the room(s) equals or exceeds that required for cages and enclosures in Rule 68A-6.004, F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.921, 372.922 FS. History–New 8-1-79, Amended 6-21-82, Formerly 39-6.03, Amended 6-1-86, 7-1-90, 7-1-92, 2-1-98, Formerly 39-6.003.

68A-6.004 Standard Caging Requirements for Captive Wildlife.

(1) No captive wildlife shall be confined in any cage or other enclosure which contains more individual animals, or is smaller in dimension than as specified in this section, or is not equipped as specified in this section, except as defined in Rule 68A-6.0041, F.A.C., or as authorized in accordance with the following:

(a) Requests for deviations from standard caging or enclosure requirements may be granted to allow for different size configuration (length, width and height) if the required square footage is adequate and if the locomotory needs of the animal(s) are not compromised. Wet or dry moats may be substituted for the required fencing for retaining some species of wildlife. Any proposed deviations from the standard caging or enclosure requirements, or proposals to use wet or dry moats to substitute for fencing, must be approved in writing by the Commission prior to the use of the cage or enclosure for housing animals.

(2) Definitions: Where specified in this section, wildlife cages and enclosures shall be equipped to provide for the protection and welfare of the animals. Such equipment includes, but is not limited to:

(a) Shelter, nest box or den: A structure that protects captive wildlife from the elements (weather conditions). Such structures may vary in size depending on the security and biological needs of the species. They are particularly described as follows:

1. Shelter: A structure which shall provide protection from the elements and from extremes in temperature that are detrimental to the health and welfare of the animal. When vegetation and landscaping is available to serve as protection from the elements, access to a shelter shall also be provided during inclement weather conditions. Such shelter shall be attached to or adjacent to the paddock, habitat, or enclosure.

2. Nest box or den: An enclosed shelter that provides a retreat area within, attached to, or adjacent to a cage or enclosure of specified size, which shall provide protection from the elements and from extremes in temperature that are detrimental to the health and welfare of the animal.

(b) Elevated platform or perching area: A surface or structure, either natural or manmade, positioned above the floor, or above the grade level of the cage or enclosure, that will provide a resting area for the animal(s).

(c) Original floor area: The total square footage required for the initial number of animals specified. For example, this is calculated by finding the new total area required for 4 squirrel monkeys when the original floor area equals 20' for 1 or 2 animals (4' x 5' x 5' high). For each additional animal, there is an increase in cage or enclosure size by 25 percent of original floor area. For two additional monkeys: 25% x 20' x 2 animals = 10'; add 10' to 20' = 30 total square feet of floor area required for 4 monkeys. New cages or enclosures can be 6' x 5' x 5' high, or any width/length dimension that equals or exceeds the increased cage or enclosure space.

(d) Gnawing and chewing items: Natural or artificial materials that provide for the health of teeth, so as to, keep teeth sharp, wear down enamel and promote general oral hygiene. Gnawing items include, but are not limited to, logs and trees. Chewing items include, but are not limited to, woody stems, knuckle bones, and rawhide objects; suitability dependent upon species.

(3) Primates: Additional cage or enclosure requirements for primates: In addition to requirements of this section, each cage or enclosure shall have an accessible device to provide physical stimulation or manipulation compatible with the species. Such device shall be noninjurious, and may include, but is not limited to, boxes, balls, mirrors or foraging items.

(a) Prosimians:

1. Small (e.g., bush babies, loris, potto, angwantibo, tarsiers, and mouse, dwarf, forked, marked, and sportive lemurs)

a. For one or two animals, a cage 3 feet by 3 feet, 4 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

b. Each cage shall have perching area(s) and nest box(es) that will accommodate all animals in the enclosures simultaneously. Each cage shall also have climbing apparatus.

2. Medium (e.g., lemurs: ruffed, cata, true, gentle, avahi, aye-aye)

a. For one or two animals, a cage 4 feet by 5 feet, 6 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

b. Each cage shall have perching area(s) and nest box(es) that will accommodate all animal(s) in the enclosure simultaneously. Each cage shall also have climbing apparatus.

3. Large (e.g., sifakas, indris)

a. For one or two animals, a cage 6 feet by 6 feet, 6 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

b. Each cage shall have perching area(s) and nest box(es) that will accommodate all animal(s) in the enclosure simultaneously. Each cage shall also include climbing apparatus.

(b) New World Monkeys:

1. Tamarins and Marmosets.

a. For one or two animals, a cage 3 feet by 3 feet, 4 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

b. Each cage shall have perching area(s) and nest box(es) that will accommodate all animal(s) in the enclosure simultaneously. Each cage shall also include climbing apparatus.

2. Squirrels, titis, owls, talapoin and similar sized monkeys.

a. For one or two animals, a cage 4 feet by 5 feet, 5 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

b. Each cage shall have perching areas and nest box(es) that will accommodate all animals in the enclosure simultaneously. Each cage shall also have climbing apparatus.

3. Medium-sized New World monkeys (e.g., capuchins, sakis, uakaris)

a. For one or two animals, a cage 6 feet by 6 feet, 6 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

b. Each cage shall have perching area(s) and shelter(s) that will accommodate all animals in the enclosure simultaneously. Each cage shall also have climbing apparatus.

4. Large arboreal monkeys (e.g., howlers, spiders, woolly, woolly spider)

a. For one or two animals, a cage 6 feet by 6 feet, 8 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

b. Each cage shall have perching area(s) and shelter(s) that will accommodate all animal(s) in the enclosure simultaneously. Each cage shall also have horizontal climbing apparatus.

(c) Old World Monkeys

1. Macaques, guenons, mangabeys, patas, langurs, colobus, proboscis, simakobu, snub-nosed, and similar sized monkeys.

a. For one or two animals, a cage 6 feet by 8 feet, 6 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

b. Each cage shall have perching area(s) and shelter(s) that will accommodate all animals in the enclosure simultaneously. Each cage shall have horizontal climbing apparatus.

2. Baboons, mandrills and drills

a. For one or two animals, a cage 10 feet by 8 feet, 6 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

b. Each cage shall have perching area(s) and shelter(s) that will accommodate all animals in the enclosure simultaneously. Each cage shall have horizontal climbing apparatus.

(d) Apes:

1. Gibbons and siamangs

a. For one or two animals, a cage 8 feet by 10 feet, 8 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

b. Each cage shall have perching area(s) and shelter(s) that will accommodate all animals in the enclosure simultaneously. Each cage shall have horizontal climbing apparatus.

c. Wet or dry moats may be substituted for the required fencing provided prior Commission written approval has been obtained. For island exhibits, wet moats shall be used that are no less than 24 feet wide, with 50 percent of the water having a depth twice the height of the tallest animal.

2. Chimpanzees and orangutans

a. For one animal under 50 pounds, a cage 8 feet by 6 feet, 6 feet high. For each additional animal double the original floor area. For one or two animals over 50 pounds, a cage 20 feet by 12 feet, 8 feet high. For each additional animal, increase cage size by 50 percent of original floor area.

b. Each cage shall have perching area(s) and shelter(s) that shall accommodate all animals in the enclosure simultaneously. Each cage shall have horizontal climbing apparatus.

c. Wet or dry moats may be substituted for the required fencing provided prior Commission written approval has been obtained. For island exhibits, wet moats shall be used that are no less than 24 feet wide, with 50 percent of the water having a depth twice the height of the tallest animal.

3. Gorillas

a. For one or two animals, a cage 28 feet by 24 feet, 10 feet high. For each additional animal, increase cage size by 50 percent of original floor area.

b. Each cage shall have a platform(s) large enough to accommodate all animals simultaneously; such platform(s) shall be elevated three feet. Each cage shall also have shelter(s) large enough to accommodate all animals in the enclosure simultaneously.

c. Wet or dry moats may be substituted for the required fencing provided prior Commission written approval has been obtained. For island exhibits, wet moats shall be used that are no less than 24 feet wide, with 50 percent of the water having a depth twice the height of the tallest animal.

(4) Carnivores and Certain Omnivores with Similar Requirements:

(a) Wild felines.

In addition to requirements of this section, each cage or enclosure shall be equipped with a shelter(s)/nest box(es) large enough to accommodate all the animals in the enclosure simultaneously. Each enclosure shall have an accessible device to provide physical stimulation or manipulation compatible with the species. Such device shall be noninjurious, and may include, but is not limited to, boxes, balls, bones, barrels, drums, rawhide, pools, etc.

1. African and Asian lions; tigers

a. For one or two animals, a cage 24 feet by 10 feet, 8 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

b. Each cage shall have an elevated platform(s) that shall accommodate all animal(s) simultaneously. Each cage shall have a claw log, unless the animal(s) front claws have been removed.

c. Outdoor cages over 1,000 square feet (uncovered) shall have vertical jump walls at least 10 feet high, with a 2-foot, 45 degree, inward angle overhang, or jump walls at least 12 feet high, without an overhang. The inward angle fencing shall be made of the same material as the vertical fencing. Wet or dry moats may be substituted for the required fencing provided prior Commission written approval has been obtained.

2. Jaguars, leopards, and cougars

a. For one or two animals, a cage 20 feet by 10 feet, 8 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

b. Each cage shall have an elevated platform(s) that shall accommodate all animals in the enclosure simultaneously. Each cage shall have a claw log, unless the animal(s) front claws have been removed.

c. Outdoor cages over 1,000 square feet (uncovered) for cougars shall have vertical jump walls at least 10 feet high, with a 4-foot, 45 degree, inward angle overhang. Leopards and jaguars shall not be kept in uncovered enclosures except in facilities with wet or dry moats, which have been previously approved in writing by the Commission.

3. Lesser cats (e.g., bobcats, lynx, ocelots, caracal, serval, margay, fishing cats, jungle cats, Teminick's cats, golden cats)

a. For one or two animals, a cage 12 feet by 6 feet, 6 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

b. Each cage shall have an elevated platform(s) that shall accommodate all animals in the enclosure simultaneously. Each cage shall have a claw log, unless the animal(s) front claws have been removed.

4. Small cats (e.g., Geoffroy's cats, jaguarundis, leopard cats, wildcats (*Felis silvestris*), mountain cats, pampas cats, marbled cats, pallas' cats, sand cats, oncilla/tiger cats, black-footed cats, flat-headed cats, kodkods, rusty-spotted cats)

a. For one or two animals, a cage 6 feet by 6 feet, 6 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

b. Each cage shall have an elevated platform(s) that shall accommodate all animals in the enclosure simultaneously. Each cage shall have a claw log, unless the animal(s) front claws have been removed.

5. Cheetahs

a. For one or two animals, a cage 40 feet by 20 feet, 8 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

b. Each cage shall have an elevated platform(s) that shall accommodate all animals in the enclosure simultaneously.

(b) Bears.

In addition to the requirements of this section, each cage or enclosure shall be equipped with a shelter(s) that shall accommodate all animals in the enclosure simultaneously. Each enclosure shall have an accessible device to provide physical stimulation or manipulation compatible with the species. Such device shall be noninjurious, and may include, but is not limited to boxes, balls, bones, barrels, drums, climbing apparatus, foraging items, etc.

1. Black bears, Asiatic, sloth, spectacled.

a. For one animal, a cage 20 feet by 20 feet, 8 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

b. Each cage shall have an elevated platform(s) for resting. Each cage shall have a 4 foot by 6 foot pool of water, 3 feet deep.

2. Sun bears.

a. For one animal, a cage 20 feet by 10 feet, 8 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

b. Each cage shall have an elevated platform(s) for resting. Each cage shall have a 3 foot by 4 foot pool of water, 2 feet deep.

3. Brown bears (e.g., European, grizzly, Kodiak) and polar bears.

a. For one animal, a cage 24 feet by 32 feet, 10 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

b. Each cage shall have an elevated platform(s) for resting. Each cage shall have a 6 foot by 10 foot pool of water, 4 feet deep, except for polar bears, which shall have a 10 foot by 10 foot pool, 5 feet deep.

(c) Raccoons, coati-mundis, olingos, kinkajous, ringtail (cacomistles)

In addition to the requirements for this section, each cage or enclosure shall have an accessible device to provide physical stimulation or manipulation compatible with the species. Such device shall be noninjurious, and may include, but is not limited to, boxes, balls, mirrors, climbing apparatus, foraging items, etc.

1. For up to two animals, a cage 6 feet by 8 feet, 6 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

2. Each cage shall have perching area(s) and nest box(es) that will accommodate all animals in the enclosure simultaneously.

(d) Pandas (red)

In addition to the requirements for this section, each cage or enclosure shall have an accessible device to provide physical stimulation or manipulation compatible with the species. Such device shall be noninjurious, and may include, but is not limited to, climbing apparatus, foraging/browse items, pools of water, etc.

1. For one animal, a cage 10 feet by 10 feet, 8 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

2. Each cage shall have perching area(s) that will accommodate all animals in the enclosure simultaneously.

3. Shelter must be provided at all times to protect animals from excessive heat.

(e) Badgers, weasels and polecats, skunks, fishers, ferrets, otters, wolverines, minks, martins, civets, genets, mongoose, and binturong.

In addition to the requirements for this section, each cage or enclosure shall have an accessible device to provide physical stimulation or manipulation compatible with the species. Such device shall be noninjurious, and may include, but is not limited to, boxes, balls, PVC tubing, etc. Each cage shall have a shelter(s)/den(s)/nest box(es) that will accommodate all animals in the enclosure simultaneously.

1. Small (e.g., ferrets, weasels, polecats, skunks)

a. For one or two animals, a cage 5 feet by 4 feet, 3 feet high. For each additional animal, increase the cage size by 25 percent of original floor area.

b. Each cage shall be equipped with chewing items.

2. Arboreal (e.g., martins, fishers, genets, small or medium civets)

a. For one or two animals, a cage 6 feet by 4 feet, 6 feet high. For each additional animal, increase the cage size by 25 percent of original floor area.

b. Each cage shall be equipped with perching areas, climbing apparatus, and chewing items.

3. Medium (e.g., badger)

a. For one or two animals, a cage 6 feet by 6 feet, 4 feet high. For each additional animal, increase the cage size by 25 percent of original floor area.

b. Each cage shall have chewing items and an area of sufficient depth to provide for digging.

4. Large (e.g., wolverine, binturong, African civet)

a. For one or two animals, a cage 10 feet by 10 feet, 6 feet high. For each additional animal, increase the cage size by 25 percent of original floor area.

5. Aquatic (e.g., common river otters, sea otters, giant river otter). For sea otters, specifications will be as required by Federal regulations, incorporated herein by reference as found in Title 9 C.F.R., Chapter I Part 3, Subpart E.

a. For one or two animals, a cage 10 feet by 10 feet, 6 feet high. For each additional animal, increase the cage size by 25 percent of original floor space.

b. Each cage shall have a 8 foot by 4 foot pool of water, 2.5 feet deep. For each additional animal, increase pool size by 25 percent of original pool area. Dry resting areas shall be provided.

(f) Rodents.

In addition to the requirements for this section, each cage or enclosure shall have an accessible device to provide physical stimulation or manipulation compatible with the species. Such device shall be noninjurious, and may include, but is not limited to, boxes, balls, PVC tubing, browse, etc. Each cage shall have shelters or nest box(es) that will accommodate all animals in the enclosure simultaneously.

1. Small aquatic rodents (e.g., Florida water rat, muskrat)

a. For one or two animals, a cage 4 feet by 6 feet, 4 feet high. For each additional animal, increase the cage size by 25 percent of original floor area.

b. Each cage shall have a pool of water, 2 feet by 2 feet, 1 foot deep.

c. Each cage shall have gnawing items.

2. Medium aquatic rodents (e.g., nutria, mountain beaver)

- a. For one or two animals, a cage 8 feet by 6 feet, 4 feet high. For each additional animal, increase the cage size by 25 percent of original floor space.
- b. Each cage shall have a pool of water, 3 feet by 2 feet, 2 feet deep.
- c. Each cage shall have gnawing items.
- 3. Large aquatic rodents (e.g., capybara, beaver)
 - a. For one or two animals, a cage 10 feet by 10 feet, 6 feet high. For each additional animal, increase the cage size by 25 percent of original floor space.
 - b. Each cage shall have a 6 foot by 8 foot pool of water, 3 feet deep. For each additional animal, increase the pool size by 25 percent of original floor area.
 - c. Each cage shall have gnawing items.
- 4. Large rodents (e.g., porcupines, caviies, paca, pacarana, agoutis)
 - a. Caviies, paca, pacarana, agoutis and similar sized ground dwelling rodents
 - (I) For one or two animals, a cage 6 feet by 4 feet, 3 feet high. For each additional animal, increase the cage size by 25 percent of original floor area.
 - (II) Each cage shall have gnawing items.
 - b. South and North American porcupines.
 - (I) For one to two animals, a cage 8 feet by 6 feet, 6 feet high. For each additional animal, increase cage size by 25 percent of original floor area.
 - (II) Each cage shall have gnawing items, perching areas and climbing apparatus.
 - c. Old World porcupines (e.g., crested, bush tailed, and similar sized animals)
 - (I) For one to two animals, a cage 8 feet by 8 feet, 6 feet high. For each additional animal, increase cage size by 25 percent of original floor area.
 - (II) Each cage shall have gnawing items and browse. Each cage shall also have perching areas and climbing apparatus except for crested porcupines.
- 5. Squirrels and tree shrews
 - a. Arboreal squirrels/tree shrews
 - (I) For up to two animals, a cage 4 feet by 4 feet, 6 feet high. For each additional animal, increase cage size by 25 percent of original floor area.
 - (II) Each cage shall have climbing apparatus and gnawing items.
 - b. Terrestrial squirrels
 - (I) Small prairie dogs, chipmunks
 - (A) For up to two animals, a cage 3 feet by 3 feet, 2 feet high. For each additional animal, increase the cage size by 25 percent of original floor area.
 - (B) Each cage shall have gnawing items.
 - (II) Large (e.g., marmots, ground hogs)
 - (A) For up to two animals, a cage 4 feet by 4 feet, 4 feet high. For each additional animal, increase the cage size by 25 percent of original floor area.
 - (B) Cage floors shall have an area of sufficient depth that provides for digging. Each cage shall have gnawing items.
 - (g) Wild rabbits, hares, and picas.
 - 1. For up to two animals, a cage 6 feet by 4 feet, 3 feet high. For each additional animal, increase the cage size by 25 percent of original floor area.
 - 2. Each cage shall have gnawing items.
- (h) Wild Canids. In addition to the requirements of this section, each cage or enclosure shall be equipped with a shelter(s)/den(s) that shall accommodate all the animals in the enclosure simultaneously. Each enclosure shall have an accessible device to provide physical stimulation or manipulation compatible with the species. Such device shall be noninjurious, and may include, but is not limited to boxes, balls, bones, barrels, drums, rawhide, pools, etc.
 - 1. Foxes, small (e.g., Fennec, kit)
 - a. For one or two animals, a cage 6 feet by 4 feet, 4 feet high. For each additional animal, increase cage size by 25 percent of original floor area.
 - b. Each cage shall have an elevated platform(s) that shall accommodate all animals in the enclosure simultaneously.
 - 2. Foxes (e.g., red, grey, Arctic, bat eared, bush dogs)
 - a. For one or two animals, a cage 8 feet by 6 feet, 6 feet high. For each additional animal, increase cage size by 25 percent of original floor area.
 - b. Each cage shall have an elevated platform(s) that shall accommodate all animals in the enclosure simultaneously.
 - 3. Wolves (e.g., gray wolf, except red wolf, maned wolf, hyenas, African wild dogs, Cape hunting dogs)
 - a. For one or two animals, a cage 20 feet by 10 feet, 6 feet high. For each additional animal, increase cage size by 25 percent of original floor area.
 - b. Each cage shall have an elevated platform(s) that shall accommodate all animals in the enclosure simultaneously.

c. Outdoor cages over 1,000 square feet (uncovered) shall have vertical jump walls at least 8 feet high, with a 45 degree inward angle overhang 2 feet wide or, jump walls 10 feet high without an overhang.

4. Coyotes, jackals, Asian wild dogs, red wolf, dingoes.

a. For one or two animals, a cage 20 feet by 8 feet, 6 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

b. Each cage shall have an elevated platform(s) that shall accommodate all animals in the enclosure simultaneously.

c. Outdoor cages over 1,000 square feet (uncovered) shall have vertical jump walls at least 8 feet high with a 45 degree, inward angle overhang 2 feet wide or, jump walls 10 feet high without an overhang.

(I) Marsupials.

In addition to requirements of this section, each enclosure shall be equipped with a shelter(s) or nest box(es) that shall accommodate all the animals in the enclosure simultaneously. When vegetation or landscaping is available to serve as protection from the elements, access to a shelter shall also be provided during inclement weather conditions. Such shelter shall be attached to or adjacent to the paddock, habitat, or enclosure. Each paddock, habitat, or enclosure shall have an accessible device to provide physical stimulation or manipulation compatible with the species. Such device shall be noninjurious, and may include, but is not limited to, browsing and grazing material.

1. Kangaroo (e.g., red, grey)

For one or two animals, a paddock enclosing 625 square feet, 8 feet high. For each additional animal, increase the cage by 25 percent of original floor area.

2. Walleroos and large wallabies (e.g., rock wallabies, and similar sized species)

For one or two animals, a paddock enclosing 500 square feet, 8 feet high. For each additional animal, increase the cage by 25 percent of original floor area.

3. Hare wallabies, forest wallabies (e.g., dama, potorros, rat kangaroos, and similar sized species)

For one or two animals, a paddock enclosing 100 square feet, 6 feet high. For each additional animal, increase the cage by 25 percent of original floor area.

4. Tree kangaroos (arboreal)

a. For one or two animals, a cage or enclosure 10 feet by 8 feet, 8 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

b. Each cage shall have perching area(s) and nest box(es) that shall accommodate all animals in the enclosure simultaneously. Each cage shall have horizontal climbing apparatus.

5. Ringtail opossums, gliders, pygmy possums, brushtail possums, cuscus, bandicoots

a. Small (e.g., pygmy opossums)

(I) For one or two animals, a cage or enclosure 2 feet by 2 feet, 4 feet high. For each additional animal, increase cage size by 25 percent of original floor space.

(II) Each cage shall have perching area(s) and nest box(es) that shall accommodate all animals in the enclosure simultaneously. Each cage shall have a horizontal climbing apparatus.

b. Gliders (e.g., sugar glider, Family Petauridae)

(I) For one or two animals, a cage or enclosure 4 feet by 4 feet, 4 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

(II) Each cage shall have perching area(s) and nest box(es) that shall accommodate all animals in the enclosure simultaneously. Each cage shall have a horizontal climbing apparatus.

c. Ringtail possums (Family Pseudocheiridae)

(I) For one or two animals, a cage or enclosure 4 feet by 3 feet, 3 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

(II) Each cage shall have perching area(s) and nest box(es) that shall accommodate all animals in the enclosure simultaneously. Each cage shall have a horizontal climbing apparatus.

d. Cuscuses and brushtail possums (Phalangeridae)

(I) For one or two animals, a cage or enclosure 4 feet by 4 feet, 4 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

(II) Each cage shall have perching area(s) and nest box(es) that shall accommodate all animals in the enclosure simultaneously. Each cage shall have a horizontal climbing apparatus.

e. Bandicoots.

For one or two animals, a cage or enclosure 4 feet by 3 feet, 3 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

6. Marsupial carnivores (Dasyuridae)

a. Small (e.g., 3 striped marsupial mouse)

For one or two animals, a covered cage or enclosure 1 foot by 2 feet, 1 foot high. For each additional animal, increase cage size by 25 percent of original floor area.

b. Large (e.g., Tasmanian tiger cat, Tasmanian devil, marsupial cat)

For one or two animals, a cage or enclosure 4 feet by 6 feet, 4 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

7. American (New World) opossums/possums and honey possum

a. Small (e.g., mouse opossums, honey possum: *Tarsipes rostratus*)

(I) For one or two animals, a cage or enclosure 2 feet by 2 feet, 2 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

(II) Each cage shall have perching area(s) and nest box(es) that shall accommodate all animals in the enclosure simultaneously. Each cage shall have horizontal climbing apparatus.

b. Large (e.g., American, yapok, four-eyed, woolly, bushy-tailed, and similar sized animals)

(I) For one or two animals, a cage or enclosure 4 feet by 4 feet, 6 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

(II) Each cage shall have perching area(s) and nest box(es) that shall accommodate all animals in the enclosure simultaneously. Each cage shall have horizontal climbing apparatus.

8. Wombats.

For one or two animals, a cage, enclosure, or paddock 10 feet by 10 feet, 6 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

9. Koalas.

Indoor facilities with natural light sources such as windows and skylights shall be provided. Temperature extremes shall be avoided. The ambient temperature shall not be lower than 55°F nor exceed 85°F.

a. For one or two animals, a cage, or enclosure, 8 feet by 10 feet, 8 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

b. Each cage shall have perching area(s) and horizontal climbing apparatus.

c. Shade must be provided at all times and such animals must be protected from the heat.

(j) Hedgehogs, tenrecs, and solendons.

1. For one or two animals, a cage 2 feet by 2 feet, 2 feet high. For each additional animal, increase the cage length by 50 percent.

2. Each cage shall have perching area(s) and nest box(es) that shall accommodate all animals in the enclosure simultaneously.

(k) Edentates (e.g., armadillos, pangolins, anteaters, sloth)

1. All armadillos except giant armadillo

a. For one or two animals, a cage or enclosure, 4 feet by 4 feet, 4 feet high. For each additional animal, increase the cage length by 25 percent.

b. Cage floors shall include an area of sufficient depth to provide for digging. Each cage shall be provided with a den(s) that shall accommodate all animals in the enclosure simultaneously.

2. Giant armadillo

a. For one or two animals, a cage 10 feet by 12 feet, 6 feet high. For each additional animal, increase the cage length by 25 percent.

b. Cage floors shall include an area of sufficient depth to provide for digging. Each cage shall be provided with a den(s) that shall accommodate all animals in the enclosure simultaneously.

3. Pangolin

a. For one or two animals, a cage 10 feet by 10 feet, 8 feet high. For each additional animal, increase the cage size by 25 percent of original floor area.

b. Cage floors shall include an area of sufficient depth to provide for digging. Climbing apparatus shall be provided for arboreal species. A pool or tub of water shall be provided that shall accommodate the animal(s). Each cage shall be provided with a den(s) that shall accommodate all animals in the enclosure simultaneously.

4. Anteaters and armadillos

a. Small anteaters

(I) For one or two animals, a cage 8 feet by 8 feet, 6 feet high. For each additional animal, increase the cage length by 25 percent.

(II) Cage floors shall include an area of sufficient depth to provide for digging. Climbing apparatus shall be provided for arboreal species. Each cage shall be provided with arboreal nest box(es) that shall accommodate all animals in the enclosure simultaneously.

b. Giant anteaters and armadillos

(I) For one or two animals, a cage 10 feet by 12 feet, 6 feet high. For each additional animal, increase the cage size by 25 percent of original floor area.

(II) Cage floor shall include an area of sufficient depth to provide for digging. Climbing apparatus shall be provided for arboreal species. Each cage shall be provided with a den(s) that shall accommodate all animals in the enclosure simultaneously.

5. Sloth (e.g., two-toed and three-toed).

In addition to the requirements for this section, each cage or enclosure shall have an accessible device to provide physical stimulation or manipulation compatible with the species. Such device shall be noninjurious, and may include, but is not limited to, natural or artificial trees, tree limbs, etc. Each cage shall have a shelter(s) or den(s) or nest box(es).

a. For one or two animals, a cage 4 feet by 6 feet, 8 feet high. For each additional animal, increase the cage length by 25 percent.

b. Each cage shall have perching area(s) and nest box(es) that shall accommodate all animals in the enclosure simultaneously. Each cage shall have horizontal climbing apparatus large enough to accommodate all animals in the enclosure simultaneously.

(l) Bats

1. Bats with a wingspread from 2-6 feet

a. For up to 6 animals, an enclosure 21 feet by 21 feet, 6 feet high. Each enclosure shall be designed to encourage uninterrupted flight by incorporating a center structure to impede cross flights. The available flight area shall be no less than 1.5 times the wingspread of the largest bat in the enclosure. The center structure may incorporate nest boxes, feeding stations, trees, resting shelves, perches, columns, etc. For each additional animal, increase the enclosure size by 15 percent of the original floor area.

b. Each cage shall have perching areas and nest box(es) that shall accommodate all animals in the enclosure simultaneously. Each cage shall have climbing apparatus.

2. Bats with a wingspread less than 2 feet.

a. The enclosure shall be large enough to permit aerial maneuvering within the enclosure.

b. Each cage shall have perching areas and nest box(es) that shall accommodate all animals in the enclosure simultaneously. Each cage shall have climbing apparatus.

(m) Odd- and even-toed animals

In addition to the enclosure requirements for this paragraph, each enclosure shall have a shelter(s).

1. Equids (e.g., zebras, asses) and large non-cursorial bovids (e.g., wild cattle, African buffalo, bison)

For one or two animals, a paddock enclosing 1,250 square feet, 6 feet high. For each additional animal, increase paddock by 25 percent of the original footage.

2. Cervids (deer family) and cursorial bovids (antelope)

a. Large (e.g., elk, sambar, red deer, sable antelope, eland, wildebeest, and deer and antelope of similar size)

For one or two animals, a paddock enclosing 1,250 square feet, 8 feet high. For each additional animal, increase paddock by 25 percent of the original footage.

b. Medium (e.g., white-tailed, fallow, axis, sika, pronghorn, deer and antelope of similar size)

For one or two animals, a paddock enclosing 800 square feet, 8 feet high. For each additional animal, increase paddock by 25 percent of the original footage.

c. Small (e.g., roe, dikdik, muntjac, brocket, pudu, Chinese water deer, musk deer, deer and antelope of similar size)

For one or two animals, a paddock enclosing 450 square feet, 5 feet high. For each additional animal, increase paddock by 25 percent of the original footage.

3. Camelids (e.g., vicuna and guanaco)

a. For one or two animals, a paddock enclosing 800 square feet, 6 feet high. For each additional animal, increase paddock by 25 percent of the original footage.

b. Giraffes, okapi

For one or two animals, a paddock enclosing 1,500 square feet, 8 feet high. For each additional animal, increase paddock by 25 percent of the original footage.

4. Tapirs

a. For one or two animals, a paddock enclosing 500 square feet, 6 feet high. For each additional animal, increase paddock by 25 percent of the original footage.

b. Each enclosure shall have a pool of water, 60 square feet, 3 feet deep, equipped with a ramp or steps. For each additional animal, increase pool surface area by 25 percent of original area.

5. Wild swine (Suidae) and peccaries

For one or two animals, a paddock enclosing 200 square feet, 4 feet high. For each additional animal, increase paddock by 25 percent of the original footage.

6. Wild goats/sheep (Caprinae) (e.g., musk ox, goral, serow, takin)

For one or two animals, a paddock enclosing 500 square feet, 8 feet high. For each additional animal, increase paddock by 25 percent of the original footage.

(n) Elephants

1. Non-performance.

For one animal in a non-performing static facility, a paddock enclosing 1,500 square feet, 6 feet high, with access to a shelter. For each additional animal, increase paddock size by 50 percent of the original area. Elephants which are tethered within such enclosure shall be provided with daily unrestrained movement periods, unless daily tethering is necessary due to the following situations:

a. Elephant needs restraining due to a training period;

b. Elephant is aggressive toward people or other animals in the compound;

c. Elephant is undergoing medical treatment or research;

d. Elephant is restrained for security or breeding purposes;

e. Constant tethering shall not exceed 14 days without a written justification from a veterinarian. Tethering shall permit normal postural movement of the elephant.

2. Performing

a. For one performing animal, a paddock enclosing not less than 700 square feet, 6 feet high, with access to a shelter. For each additional performing animal, increase paddock size by 50 percent of the original area. Elephants may be tethered in such enclosure; however, such restraint shall permit normal postural movements.

b. No facility shall utilize the performing elephant paddock dimensions prior to written approval by the Commission. To obtain such approval, the permittee shall provide written documentation to the Commission of exercise intervals and scheduled performances. The exercise intervals shall be of such frequency, intensity and duration as to provide for the health and welfare of the animal over an extended period. Such information shall be verifiable by Commission personnel through inspections.

c. When not kept in a paddock, performing, or being exercised, elephants shall either be (1) tethered, or (2) enclosed by an electric fence under the direct, on site, supervision of at least one qualified trainer/handler (see Rule 68A-6.0042(2), (3)(c), F.A.C.), in an area not accessible to the public.

(o) Rhinos

1. For one animal, a paddock enclosing 1,500 square feet, 5 feet high. For each additional animal, increase the paddock by 50 percent of original paddock area.

2. Access to a shelter shall be provided at all times.

(p) Hippopotamus (e.g., Nile and pygmy)

1. Nile

a. For one animal, a paddock enclosing 1,500 square feet, 5 feet high, with a pool of water, 120 square feet, 5 feet deep, equipped with a ramp or steps. For each additional animal, increase paddock and pool surface area by 50 percent of original area.

b. Access to a shelter shall be provided.

2. Pygmy

a. For up to two animals, a paddock enclosing 600 square feet, 4 feet high, with a pool of water 80 square feet, 3 feet deep, equipped with a ramp or steps. For each additional animal, increase paddock and pool surface area by 25 percent of original area.

b. Access to a shelter shall be provided.

(q) Reptiles and amphibians

1. Reptiles

a. Snakes and glass lizards

In addition to requirements of this section, each enclosure shall be provided with an environment or devices that allow for temperature regulation necessary to insure the well-being of the species. The environment or devices shall be noninjurious, and may include, but are not limited to hot rocks, artificial lights, natural sunlight and heat strips. Each enclosure shall be provided with a noninjurious substrate such as newspaper, processed wood shavings, rocks, sand or indoor-outdoor carpet. Such substrate shall be disposed of or sanitized at intervals sufficient to insure the health of the animal(s). Enclosure sizes for all snakes and glass lizards shall be based upon the length of the longest specimen in the enclosure.

For up to two specimens, a cage or enclosure having a perimeter equal to the length of the longest specimen, the width of the cage shall not be less than 20 percent of the length of the longest specimen. The width of the enclosure shall not be required to exceed 3 feet. For each additional specimen, increase perimeter by 10 percent.

b. Lizards (other than glass lizards).

In addition to requirements of this section, each enclosure shall be provided with an environment or devices that allow for temperature regulation necessary to ensure the well-being of the species. The environment and devices shall be noninjurious, and may include, but are not limited to hot rocks, artificial lights, natural sunlight and heat strips. Each enclosure shall be provided with a noninjurious substrate, such as gravel, newspaper, processed wood shavings, rocks, sand, or indoor-outdoor carpet. Such substrate shall be disposed of or sanitized at intervals sufficient to insure the health of the animal(s).

(I) Lizards up to 6 inches in length.

For one or two lizards, a cage 12 inches by 8 inches, 6 inches high. For each additional lizard, increase size by one inch in length and width.

(II) Lizards 7 to 12 inches in length

For one or two lizards, a cage 20 inches by 10 inches, 12 inches high. For each additional lizard, increase size by two inches in length and width.

(III) Lizards 13 to 24 inches in length

For one or two lizards, an enclosure 30 inches by 12 inches, 12 inches high. For each additional lizard, increase size by three inches in length and width.

(IV) Lizards 25 to 36 inches in length

For one or two lizards an enclosure 36 inches by 12 inches, 16 inches high. For each additional lizard, increase enclosure size by 10 inches or 25% in length and width.

(V) Lizards 37 inches to 6 feet in length

For one or two lizards, an enclosure 6 feet by 3 feet, 4 feet high. For each additional lizard, increase the enclosure by 25 percent of the original floor area.

(VI) Lizards over 6 feet in length

For one or two lizards, an enclosure 9 feet by 6 feet, 4.5 feet high. For each additional lizard, increase the enclosure by 25 percent of original floor area.

c. Turtles (other than tortoises and box turtles)

In addition to requirements of this section, each enclosure shall be provided with an environment or devices that allow for temperature regulation necessary to insure the well-being of the species. The environment and devices shall be noninjurious, and may include, but are not limited to artificial lights and natural sunlight. Each enclosure shall be provided with a noninjurious substrate, such as gravel, rocks or sand. Each enclosure shall have a pool of water that will allow submersion of the largest turtle. For soft-shelled turtles, a non-abrasive pool bottom is required.

Enclosure sizes for all turtles shall be based upon the size of the largest specimen in the enclosure.

For one or two turtles, an enclosure with an area at least five times the shell length, by two times the shell width of the largest turtle. The pool area shall equal no less than two times the shell width, by two times the shell length of the largest turtle. A dry resting area equal to the size of the shell of the largest turtle shall be provided. For each additional specimen, increase original floor and pool area by 10 percent.

d. Tortoises and box turtles.

In addition to requirements of this section, each enclosure shall be provided with an environment or devices that allow for temperature regulation necessary to insure the well-being of the species. The environment and devices shall be noninjurious, and may include, but are not limited to artificial lights and natural sunlight. Each cage shall be provided with a noninjurious substrate, such as gravel, rocks, newspaper, sand or indoor-outdoor carpet. Such substrate shall be kept clean.

Enclosure sizes for all tortoises and box turtles shall be based upon the size of the largest specimen in the enclosures.

For one or two tortoises or box turtles, an enclosure with a floor area 10 times the shell size of the largest specimen in the enclosure. For additional specimens, the floor area available for movement shall be twice the floor area covered by the combined body mass of all animals in the enclosure.

e. Crocodilians

(I) For one animal, an enclosure of sufficient size to permit moving and turning both on a dry area and in a pool of water, the water being of sufficient depth to permit submersion.

(II) For additional animals, the combined area covered by all their bodies shall not exceed 50 percent of enclosure area.

f. Amphibians.

Aquatic amphibians shall be kept in water filled tanks, or aquaria. Semi-aquatic amphibians shall be kept in enclosures, tanks, or aquaria, with a water area and a dry area that shall permit moving and turning. Both the dry area and the water area shall provide room to accommodate all animals in the enclosure simultaneously.

(r) Birds.

Perching birds shall be provided with a perch of a diameter sufficient to prevent the meeting of the bird's claws, and of sufficient height to prevent floor contact. Perches and perching areas shall be sufficient to accommodate all birds in the enclosure simultaneously. Perches shall be constructed in a manner and of materials that provide for effective cleaning or replacement to insure the health of the birds. Enclosures shall be provided with shelter(s).

1. Psittacine and small Passerines

a. Large (e.g., large cockatoos, large macaws, including Palm cockatoos, green-winged and similar sized birds)

For one or two birds, a cage providing space sufficient to permit perching without the tail feathers touching the floor and provide for head clearance with normal posturing, with a minimum cage dimension to allow full extension of both wings. These measurements shall be based on the largest bird in the enclosure. For each additional bird, increase perimeter by 25 percent.

b. Medium (e.g., medium-sized parrots, lorries and large conures including Amazons, Patagonian and similar sized birds).

For one or two birds, a cage 18 inches by 18 inches, 2 feet high. For each additional bird, increase perimeter by 25 percent.

c. Small (e.g., parrots, cockatiels, lorries and parakeets)

For up to four birds, a cage 1 foot by 2 feet, 10 inches high. For each additional bird, increase perimeter by 25 percent.

d. Very-small (e.g., canaries, finches, and similar-sized birds (except hummingbirds)).

For up to 2 birds, a cage 8 inches by 8 inches, 8 inches high. For each additional bird, increase perimeter by 25 percent.

e. Hummingbirds and sunbirds.

For up to 5 birds, a cage 4 feet by 2 feet by 2 feet. For each additional bird, increase original floor area by 10 percent.

f. Small and medium passerine birds (e.g., jays, doves, pigeons, starlings and other similar-sized birds)

For up to two birds, a cage 3 feet by 2 feet, 3 feet high. For each additional bird, increase perimeter by 25 percent.

g. Large passerine (e.g., ravens, crows, magpies, small hornbills and similar-sized birds)

For up to two birds, a cage 4 feet by 4 feet, 6 feet high. For each additional bird increase original floor area by 25 percent.

h. Ground hornbills, Indian great hornbills, crowned pigeons and similar sized birds

(I) For up to three birds, a cage having 144 square feet of floor area, 6 feet high, with a perch elevated 4 feet above the floor.

(II) For each additional bird, increase cage original floor area by 25 percent.

2. Waterfowl.

- a. Small to Medium (e.g., green-winged teal, mallard and similar sizes ducks, geese)
 - (I) For up to four birds, a cage with 75 square feet of land area and 7.5 square feet of water area.
 - (II) For each additional adult bird, increase enclosure and pool size by 25 percent.
- b. Large (e.g., geese, swans, and similar size)
 - (I) For up to four birds, an enclosure with 150 square feet of land and 15 square feet of water area.
 - (II) For each additional adult bird, increase enclosure and pool size by 25 percent.
- 3. Eagles, hawks, owls, vultures, toucanets
 - a. For each bird, an enclosure 2 wingspreads by 3 wingspreads. The roof shall be of sufficient height to permit bird to perch erect on the highest perch.
 - b. For each additional bird, increase cage length by 50 percent and width by 25 percent.
 - c. Birds of prey used for falconry demonstrations shall be kept as specified in Rule 68A-9.005(4), F.A.C.
- 4. Large ground-dwelling (e.g., Congo peafowl, Javan peafowl, curassows, wild turkeys, brush turkeys (moundbuilders), large grouse, capricali, and sage hen) (exhibit only)
 - a. For up to five birds, a cage having 144 square feet of floor, 6 feet high, with the perch elevated 4 feet above the floor.
 - b. For each additional bird, increase original floor area by 10 percent.
- 5. Lesser game birds (e.g., pheasants, wild guinea fowl, tragopans, snowcocks, partridge, grouse, chachlachs, guans) (exhibit only)
 - a. For up to five birds, a cage having 100 square feet of floor, 6 feet high, with the perch elevated 30 inches.
 - b. For each additional bird, increase original floor area 10 percent.
- 6. Quail (e.g., bob-white quail, scaled quail, button quail, and other species) (exhibit only)
 - a. For a pair, a cage 2 feet by 2 feet, 1 foot high.
 - b. For each additional animal, increase original floor area by 10 percent.
- 7. Wading birds (e.g., flamingos, ibises, spoonbills, herons, egrets, cranes, storks and their allies) and certain shore birds (plovers and sandpipers)
 - a. For up to five, a cage of 144 square feet, with a wading pool of water covering 14 square feet.
 - b. For each additional bird, increase original floor area by 25 percent.
- 8. Diving, skimming fish-eaters (e.g., pelicans, cormorants, anhinga, frigate birds, gannets, boobies, albatrosses, sheerwaters, petrels, sheepbills)
 - a. For up to two birds, a cage of 144 square feet, one half of which will be a pool of water, 18 inches deep.
 - b. For each additional bird, increase original paddock area by 25 percent.
- 9. Penguins (e.g., Humboldts, Emperor, King, Jackass, etc.), puffins, murre, auks
 - a. Puffins, murre, auks
 - For up to two birds, a cage of 100 square feet, one half of which shall be a pool of water, three feet deep. For each additional animal, increase original floor area and pool size by 25 percent.
 - b. Penguins-large (e.g., Emperor, King, and southernmost species)
 - For up to two birds, a cage of 100 square feet, one half of which shall be a pool of water, three feet deep with flowing water, 55-degree Fahrenheit or less. For each additional animal, increase original floor area and pool size by 25 percent.
 - c. Penguins-small (e.g., Humboldts, blackfoot and northernmost species)
 - For up to two birds, a cage of 80 square feet, one half of which shall be a pool of water, two feet deep. For each additional bird, increase original floor area and pool size by 25 percent.
 - 10. Ratites (e.g., ostrich, rhea, emu, cassowary)
 - a. For one or two birds, a paddock enclosing 500 square feet, four feet high (six feet for ostriches) with an attached shaded, protected area.
 - b. For each additional bird, increase original paddock area by 25 percent.

(5) Effective date: All cage and enclosure requirements in this rule shall not take effect until January 1, 2000, for those licensed or permitted prior to December 31, 1997.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.921, 372.922 FS. History—New 8-1-79, Amended 6-22-80, 6-4-81, Formerly 39-9.03, Amended 6-21-82, Formerly 39-6.04, Amended 5-10-87, 4-13-88, 7-1-90, 9-1-90, 4-14-92, 2-1-98, Formerly 39-6.004.

68A-6.0041 Exceptions to Standard Caging Requirements for Captive Wildlife.

Wildlife may be temporarily housed in cages or enclosures smaller than the sizes set forth in Rule 68A-6.004, F.A.C., only under the following circumstances:

- (1) For transport and for performing and non-performing animals as specified in Rule 68A-6.005, F.A.C.
- (2) Wildlife being held for sale by those persons properly licensed pursuant to ss. 372.921 or 372.16, F.S., or for veterinary care, or quarantine may be temporarily housed or caged in smaller cages or enclosures for a period not to exceed 60 days. With written notification to the Commission, this period may be extended in circumstances where a licensed veterinarian has certified that a longer holding period is medically necessary in the interests of the health, safety and welfare of the subject animals or the

public. Medical records concerning all animals for which an extension of the 60-day period is obtained shall be maintained at the facility and shall be made available for inspection, upon request, by Commission personnel. The caging or enclosure of all wildlife temporarily held under this section shall not be smaller than that required for the caged animal to stand up, lie down, and turn around without touching the sides of the enclosure or another animal. All wildlife thus caged or housed shall be permanently marked or their enclosures shall be permanently marked, so as to be traceable to written records indicating the date the wildlife was placed in temporary holding. Such records shall be maintained and made available for inspection by Commission personnel. Commission personnel shall direct dealers to mark wildlife temporarily if, upon inspection, there is no record indicating the date the wildlife was placed in temporary holding.

(3) The standard caging requirements, as defined in Rule 68A-6.004, F.A.C., except for the fencing requirements, shall not apply to facilities possessing ratites (ostriches, rheas, emus, and cassowaries) for propagation purposes only and not for public exhibition or as personal pets.

(4) Newborn and juvenile mammals may be temporarily kept in enclosures below the standard caging requirements and are exempted from the multi-unit/land requirements. Rule 68A-6.0022(5)(c), F.A.C., and structural strength requirements, Rule 68A-6.003, F.A.C., as follows:

(a) Newborn mammals may be kept in incubation and rearing facilities. Nursing young may be maintained with their parents with no increase in required cage size for the adult animal for up to twelve weeks, provided that documentation is available to show the age of the young. Such time may be extended with a veterinarian's statement, showing that such size cage is required for the continued health and welfare of the animals until a certain date.

(b) Juvenile mammals may be kept in enclosures that meet or exceed the size specification in subsection (2) of this section provided that:

1. Written documentation is available to verify the age of the animal.
2. The animal is marked or otherwise identifiable.
3. The animal shall be provided space for exercise on a daily basis.

4. Cages that meet the standard caging requirements shall be provided for Class I and Class II carnivores when they reach 25 pounds or six months of age, whichever comes first. Class III carnivores shall be provided cages that meet the standard caging requirements at six months of age. Class I, II, and III primates shall be provided cages that meet standard caging requirements at twelve (12) months of age.

(5) Hatchling/fledgling birds and newborn reptiles and amphibians may be held in enclosures that allow for normal postural movements and social adjustments that ensure the health and sanitary needs of the animals.

(6) Birds held temporarily for exhibit only and not for sale may be kept in show cages or enclosures for a maximum of three (3) days, provided that, such birds have sufficient space for perching without touching the sides, top, or bottom of the cage and the health and sanitary needs of the birds are met. Water shall be available in the show cages at all times.

(7) Reptiles and amphibians held temporarily for herptile shows, expositions, and exhibits may be kept for a maximum of three (3) days in enclosures that allow for normal postural movements and social adjustments and that ensure the health and sanitary needs of the animals.

(8) Cages or enclosures for mobility-impaired animals shall meet standard caging requirements, unless it can be demonstrated that such cage or enclosure, or its required accessories, are detrimental to the health or welfare of the animal. In such cases, written documentation by a veterinarian confirming the need for such exemption shall be maintained by the permittee and made available to Commission employees upon request.

(9) For animals held at exotic animal auctions, flea markets, and animal swap meets, said animals may be kept in enclosures that meet the size requirements of subsection (2) provided that such wildlife is maintained in accordance with subsection (9)(a)-(g) below. The owner of said wildlife shall be responsible for the welfare of such animals, unless such wildlife is consigned to an auctioneer or other sales representative, at which time the consignee shall be responsible.

(a) Wildlife shall be transported and held in non-injurious enclosures, under conditions that provide fresh air without injurious drafts, and shall be provided protection from the elements.

(b) Wildlife shall be protected from temperature extremes that could be detrimental to the health and welfare of the animals.

(c) Birds and mammals shall be watered at least twice during each twelve hour period.

(d) Fecal and food waste shall be removed from the wildlife's enclosures daily.

(e) Wildlife held in the same enclosures shall be kept in compatible groups.

(f) Wildlife cages/enclosures shall not be stacked over other cages/enclosures unless excreta is prevented from entering lower cages/enclosures.

(g) Sick or injured wildlife shall be afforded prompt veterinary treatment.

The owner of said wildlife shall be responsible for the welfare of such animals, unless such wildlife is consigned to an auctioneer or other sales representative, at which time the consignee shall be responsible.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.16, 372.921, 372.922 FS. History--New 7-1-90, Amended 7-1-92, 2-1-98, Formerly 39-6.0041.

68A-6.0042 Elephant Rides.

(1) No person, firm, or corporation shall use elephants for rides without first obtaining special authorization. Such authorization shall be affixed to the authorized entity's license issued under Section 372.921, F.S., as provided in this section.

(2) Qualifications for Elephant Ride Authorization.

(a) Safety record: Applicants for elephant ride authorization shall include in their initial application or application renewal, information that will identify, by drawings and/or photographs, the animal(s) that will be used in the rides. The application, or application renewal, shall also include a certified statement on the complete safety record of the animal(s). No elephant that has caused a serious injury or death to a handler, trainer, member of the public, or other person within five years prior to application, shall be used for rides. Incidents that occurred prior to the five-year period may be reviewed by the Commission for possible exclusion of the elephant for rides, in accordance with the following factors:

1. The circumstances surrounding the injuries caused by the elephant.
2. The seriousness or extent of injuries, or number of individuals affected.
3. The number of incidents in which the elephant was involved.

The Commission shall have final approval authority regarding the use of elephants authorized for rides following consideration of the above factors. In addition, if an elephant(s) is involved in a safety incident subsequent to the approval of the application, but prior to entering the State of Florida, or while performing in the state, Commission law enforcement personnel may direct the animal to be removed from all exhibition activities until the conclusion of the investigation or prosecution.

(b) Safeguards: Applicants shall provide documentation of safeguards to insure public safety. This documentation shall include:

1. An emergency plan for protecting the public that specifies what to do in case of elephant incidents; where tranquilizing equipment or firearms are kept; who is to use tranquilizing equipment, and when they shall be used to capture, control, or destroy escaped or out-of-control animals.

2. Such equipment, and an employee trained in the use of such equipment, shall be on the premises at all times that such wildlife is in a public contact situation.

(c) Experienced supervision: All elephant rides shall be supervised by a minimum of one qualified handler and one assistant. Applicants shall provide documentation that the handler has had not less than six months of experience in elephant handling. Such handler and assistant shall be in the immediate presence of the elephant at all times when the elephant is in a position to be in direct contact with the public. Applicants shall include the names of handlers and the experience documentation in their initial application, and in their renewal application thereafter.

(d) Barriers: A protective physical barrier shall be present between the elephant and the public at all elephant ride sites. Such barrier shall prevent bystanders from touching the animal. Applicants shall include in their application package photos or drawings of barriers they intend to use and a description of materials used to construct such barriers.

Specific Authority Art. IV, Sec. 9, Fla Const. Law Implemented Art. IV, Sec. 9, Fla Const. History—New 2-1-98, Formerly 39-6.0042.

68A-6.005 Transportation Requirements for Wildlife; Caging Requirements for Performing and Non-Performing Animals.

(1) General requirements for transporting wildlife in vehicles. No vehicle shall be used in transporting any wildlife except as follows:

(a) Vehicles shall be equipped to provide fresh air without injurious drafts and adequate protection from the elements to all animals.

(b) The animal traveling area shall be free of engine exhaust fumes.

(c) Fecal and food wastes shall be removed from the animal quarters daily.

(d) Animal cages shall have openings for emergency removal of wildlife.

(e) Wildlife in transport shall be protected from extremes in temperature that could be detrimental to the health and welfare of the animal.

(f) Wildlife transported in the same cage area shall be in compatible groups.

(g) The animal's cage or enclosure shall be of sufficient strength and security to prevent escape. The cage or enclosure shall be large enough to ensure that each specimen has sufficient space to turn, stand erect, and lie naturally. Provided, however that certain species may be restricted in their movements according to professionally acceptable standards when such freedom of movement would constitute a danger to the animals, their handlers, or other persons. Elephants shall be tethered during transport (except nursing young).

(h) Wildlife shall not be placed in enclosures over other specimens unless each enclosure is fitted with floor which prevents excreta from entering lower enclosures.

(i) Wildlife shall be watered twice daily and fed daily.

(2) Mobile Exhibits – Performing Animals. No mobile exhibit shall utilize the performing animal caging dimensions prior to approval by the Commission. To obtain such approval, the permittee shall provide written schedules to the Commission of wildlife exercise intervals and scheduled performances. The exercise intervals shall be of such frequency, intensity and duration as to provide for the health and welfare of the animal over an extended period, provided that the animals shall not be caged without

exercise or performances for more than a 72-hour period. Performing and exercise information shall be verifiable by Commission personnel through inspections. Performing animals used in mobile exhibits shall not be confined in any cage or enclosure that is smaller in dimension; or is not equipped as follows:

(a) Class I and Class II Carnivores (i.e., lions, tigers, jaguars, leopards, pumas, bears, hyenas, wolves).

For a single animal, a cage which shall permit the animal to turn or stand on all fours with head clearance, and confined in such a manner so that no animal can injure another. For Class I animals, cages shall be constructed of steel, case hardened aluminum, alloy, or strength equivalent material. If bars are used, bars shall be spaced no more than 2 inches apart. For Class II animals, cage construction shall not be less than 11 1/2 gauge chain link or strength equivalent material. Cages of Class I and Class II animals that the public can access, shall be equipped with a physical barrier, which is made of a material to prevent the public from coming in contact with the animals. All cages shall have secure locking devices.

(b) Primates, Class I and Class II. For a single animal, a cage which shall permit the animal to turn and stand erect with head clearance, confined in such a manner so that no animal can injure another. For Class I animals, cages shall be constructed of steel, case hardened aluminum, alloy or strength equivalent material. If bars are used, bars shall be spaced no more than 2 inches apart. For Class II animals, cage construction shall not be less than 11 1/2 gauge chain link or strength equivalent material. Cages of Class I and Class II animals that the public can access, shall be equipped with a physical barrier, which is made of a material to prevent the public from coming in contact with the animals. All cages shall have secure locking devices.

(c) Elephants. When not performing or being exercised, elephants shall either be:

1. Securely tethered.

2. Enclosed by an electric fence, under the supervision of at least one qualified handler in accordance with Rule 68A-6.0042(2)(c), F.A.C., and in an area not accessible to the public.

(d) Class III Animals. For a single animal, a cage which shall permit the animal to turn and stand on all fours, or stand erect, with head clearance, confined in such a manner so that no animal can injure another.

(e) Time limitation on smaller travel caging allowed for housing performing animals. For performing wildlife possessed by traveling zoos and other traveling acts, wildlife shall be housed in cages or enclosures that meet or exceed the specifications as provided in Rule 68A-6.004, F.A.C., whenever such wildlife is housed in such travel cages or enclosures for more than 90 days. Performing wildlife shall not be kept in cages or enclosures below the size required by the standard caging requirements for more than a total of 90 days out of each 120 day period. Such mobile exhibits shall provide an itinerary of planned exhibition times and locations with annual renewal applications.

(3) Mobile Exhibits – Non-Performing Animals. Non-performing wildlife in mobile exhibits shall not be confined in any cage or enclosure that is smaller in dimension or is not equipped as follows:

(a) Class I and Class II Carnivores (i.e., lions, tigers, jaguars, leopards, pumas, bears, hyenas, wolves).

For a single animal, the cage length shall be double the body length (excluding tail), with a width that is equal to the body length, and a height that permits the animal to stand on all fours with head clearance. For two or more animals kept together, add one-third more cage length for each additional animal. For Class I animals, cages shall be constructed of steel, case hardened aluminum, alloy or strength equivalent material. If bars are used, bars shall be spaced no more than 2 inches apart. For Class II animals, cage construction shall not be less than 11 1/2 gauge chain link or strength equivalent material. Cages of Class I and Class II animals that the public can access, shall be equipped with a physical barrier, which is made of a material to prevent the public from coming in contact with the animals. All cages shall have secure locking devices.

(b) Primates. All cages shall be well ventilated and shall have secure locking devices. Each cage shall have an overhead pull bar and a seat. For two or more animals kept together, add one-third more cage length for each additional animal. For Class I animals, cages shall be constructed of steel, case hardened aluminum, alloy or strength equivalent material. If bars are used, bars shall be spaced no more than 2 inches apart. For Class II animals, cage construction shall not be less than 11 1/2 gauge chain link or strength equivalent material. Cages of Class I and Class II animals that the public can access, shall be equipped with a physical barrier, which is made of a material to prevent the public from coming in contact with the animals.

1. Gorillas. For a single animal, a cage 8 feet by 8 feet, with a height at least 2 feet over the standing height of the animal.

2. Orangutan. For a single animal, a cage 7 feet by 7 feet, with a height at least two feet over standing height of the animal.

3. Adult chimpanzee. For a single animal, a cage 6 1/2 feet by 6 1/2 feet, with a height at least two feet over standing height of the animal.

4. Chimpanzees up to 50 pounds and macaques. For a single animal, a cage 5 feet by 5 feet, with a height at least two feet over standing height of the animal.

(c) Elephants. For one animal in a non-performing capacity, a paddock that is double the body length in length and equal to the body length in width. For two or more animals kept together, increase square footage by one third for each additional animal. Other than for exercise periods, elephants not kept in a paddock shall either be:

1. Securely tethered.

2. Enclosed by an electric fence under the direct, on-site supervision of a least one qualified handler in accordance with Rule 68A-6.0042(2)(c), F.A.C., and in an area not accessible to the public.

(d) Class III animals (except reptiles). For a single animal, the cage length shall be double the body length (excluding tail), with a width that is equal to the body length, and a height that will permit the animal to stand on all fours, or stand erect, with head clearance. For two or more animals kept together, add one third more cage length for each additional animal.

(e) Time limitation on smaller travel caging allowed for housing non-performing animals. For non-performing wildlife possessed by traveling zoos and other traveling acts, wildlife shall be housed in standard cage specifications as provided in Rule 68A-6.004, F.A.C., whenever such wildlife is present in such travel cages or enclosures for more than 45 days. Non-performing wildlife shall not be kept in cages or enclosures below the size required by the standard caging requirements for more than a total of 45 days out of each 90 day period. Such mobile exhibits shall provide an itinerary of planned exhibition times and locations with annual renewal applications.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.921, 372.922 FS. History—New 8-1-79, Amended 6-22-80, 6-4-81, Formerly 39-9.03, Amended 6-21-82, Formerly 39-6.05, Amended 5-10-87, 2-1-98, Formerly 39-6.005.

68A-6.006 Dealing in Exotic or Pet Birds: Records.

(1) Any person engaging in the business of breeding or the purchase or sale of exotic birds or birds customarily kept as pets shall be licensed as provided in s. 372.921, F.S.

(2) Any person who sells or transfers any live non-native bird to another shall maintain documentation for a period of 24 months following such sale or transfer. Such documentation shall include:

(a) The name and complete address of the recipient.

(b) The date of sale or transfer.

(c) The number and species of birds sold.

(3) All records of sales or transfers shall be open to inspection by Commission personnel and to authorized agents of state or federal public health agencies.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.921 FS. Law Implemented 372.921 FS. History—New 6-21-82, Formerly 39-6.06, 39-6.006.

CHAPTER 68A-9 MISCELLANEOUS PERMITS

68A-9.002	Permits to Take Wildlife or Freshwater Fish for Justifiable Purposes.
68A-9.004	Permits for Hunting or Other Recreational Use on Wildlife Management Areas.
68A-9.005	Falconry.
68A-9.006	Wildlife Rehabilitation Permit.
68A-9.007	Special-use Permits; Short-term Use Permits; Fees; Special-Opportunity Hunting and Fishing.

68A-9.002 Permits to Take Wildlife or Freshwater Fish for Justifiable Purposes.

(1) The executive director may issue permits authorizing the taking or possession of wildlife or freshwater fish or their nests or eggs for scientific, educational, exhibition, propagation, management or other justifiable purposes. Such permits shall be subject to such terms, conditions and restrictions as may be prescribed therein, provided that no such permits shall be operative as to migratory birds unless the holder thereof has a permit from the U.S. Fish and Wildlife Service permitting the taking, exhibiting, or possession of such birds, their nests or eggs. Failure to abide by all terms and conditions stipulated in any written permit issued by the executive director shall be a violation of this section.

(2) Employees of the Commission may take wildlife or freshwater fish or their nests or eggs for scientific, educational, propagation, exhibition or other justifiable purposes when such taking has been authorized by the executive director or is essential to the performance of their assigned duties. The authority granted under this section shall not be construed to exempt any person from purchasing hunting or fishing licenses as required by Section 372.57, F.S. The executive director may issue permits authorizing the taking or managing of wildlife or freshwater fish for specified commercial purposes.

(3) The Executive Director shall issue permits to fishing tournaments, with 10 or more participants, to allow temporary possession of fish not meeting applicable size restrictions, provided that all fish caught in the tournament are live-released following weigh-in, that fish are handled in accordance with the Commission's scientific guidelines, and that reports of fish taken in the tournament are made available to the Commission. Applications for permits shall be made on FWC Form BT-1000, effective July 1, 1992, incorporated herein by reference and obtainable at the Commission's Tallahassee and regional offices.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 6-4-81, 6-21-82, Formerly 39-9.02, Amended 12-25-95, 4-1-96, Formerly 39-9.002, Amended 7-1-02.

68A-9.004 Permits for Hunting or Other Recreational Use on Wildlife Management Areas.

(1) In addition to other licenses, permits and stamps required by law, stamp requirements for hunting, camping, fishing, or other recreational uses on lands owned, leased or managed by the Commission or the State of Florida for the use and benefit of the Commission shall be as provided by Section 372.57(4)(b), F.S.

(a) The cost of permits as required for hunting on wildlife management areas as provided by Section 372.57(4)(b)1., F.S., shall be \$25.

(b) The cost of recreational user permits as required for hunting on the following privately owned wildlife management areas as provided by Section 372.57(4)(b)2., F.S., shall be:

1. Nassau WMA – \$197
2. San Pedro Bay WMA – \$225
3. Blue Water Creek – \$180
4. Flint Rock – \$206
5. Twelve Mile Swamp – \$425

(c) The total number of permits available for each of the following privately owned wildlife management areas established pursuant to Section 372.57(4)(b)2., F.S., shall be:

1. Nassau WMA – 600
2. San Pedro Bay WMA – 355
3. Blue Water Creek – 400
4. Flint Rock – 350
5. Twelve Mile Swamp – 200

(d) Recreational user permits required for hunting on privately owned wildlife management areas shall also authorize the permittee to engage in all activities authorized for wildlife management area permits.

(e) Recreational user permits for privately owned wildlife management areas designated herein shall be non-transferable.

(f) A recreational use permit for privately owned wildlife management areas designated herein shall be renewable for two consecutive years provided that proper application and payment is received prior to June 1.

(2) Additional stamp requirements may be promulgated for each individual wildlife management area and are set forth in Chapter 68A-15, F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented 372.121, 372.57, 375.313 FS. History--New 8-1-79, Amended 6-4-81, 6-21-82, Formerly 39-9.04, Amended 6-2-86, 11-1-89, 7-16-98, 5-13-99, Formerly 39-9.004, Amended 7-1-00, 5-29-01, 7-22-01, 6-2-02, 7-28-02, 5-1-03.

68A-9.005 Falconry.

(1) No person shall possess any raptor for falconry purposes without a joint state-federal permit from the executive director, approved by the director of the U.S. Fish and Wildlife Service, except as provided in paragraph (9)(e) of this rule. No falconry permit shall be issued to any person failing to qualify on a written examination, nor to any person under 14 years of age. No person may take a golden eagle without special federal authorization.

(2) Permit conditions:

(a) A permittee may transfer a raptor to another permittee in the State without special authorization. A permittee may trade or transfer a raptor to another permittee in an interstate transaction if the prior written approval of the state agency which issued the permit is obtained and no money or other consideration is involved in the transaction.

(b) By July 31 of each year, each permittee shall report the following information to the Commission:

1. A listing of all raptors in his possession on July 31 of the year in which the report is filed by species, marker number, sex, age and the date and source of acquisition.

2. A listing of all raptors possessed or acquired since the previous annual report but no longer possessed, including the same information as indicated in subpart (b)1., the disposition and the date of disposition.

(c) A permit is valid when issued and expires December 31 of the third calendar year after it is issued unless a different period is specified on the permit.

(d) No raptor may be taken, possessed or transported in violation of this section.

(e) Feathers that are molted or feathers from deceased captive birds may be retained and exchanged by permittees only for imping purposes.

(3) Falconers examination and classification:

(a) An applicant shall make written application and will be notified of the time and place of the next scheduled falconry examination. Those applicants scoring at least 80 percent on the examination shall be classified according to the following criteria:

1. Apprentice class.

a. Permittee shall be sponsored by a holder of a General or Master falconry permit for the first two years in which an Apprentice permit is held. A sponsor may not have more than three apprentices at any one time.

b. Permittee may possess one raptor and may not obtain more than one raptor for replacement during any 12-month period. The permittee may possess only a red-tailed hawk (*Buteo jamaicensis*) or a red-shouldered hawk (*Buteo lineatus*).

2. General class.

a. Permittee shall be at least 18 years old and shall have at least two years' experience in the practice of falconry at the apprentice level.

b. Permittee may possess two raptors and may not obtain more than two raptors for replacement birds during any 12-month period; and may not possess any golden eagle or any raptor listed as "threatened" or "endangered."

3. Master class.

a. Permittee shall have at least five years' experience in the practice of falconry at the general class level.

b. Permittee may possess three raptors, and may not obtain more than two raptors for replacement birds during any 12-month period.

(b) A permittee may not possess any raptor listed as "endangered"; or possess any golden eagle for falconry purposes unless authorized in writing by the director of the U.S. Fish and Wildlife Service; or possess as part of his three-bird limitation more than one raptor listed as "threatened" and then only in accordance with prior written approval by the director of the U.S. Fish and Wildlife Service.

(4) Facilities and equipment:

(a) Before a falconry permit is issued, the applicant's raptor housing facilities and falconry equipment shall be inspected and certified by Commission representatives as meeting the following standards:

1. Outdoor (weathering) facilities shall be required and be fenced and covered with netting, wire or roof. The enclosed area shall be large enough to ensure the bird can not strike the fence when flying from a perch. Adequate perches and protection from excessive sun, wind and inclement weather shall be provided for each bird.

2. Indoor facilities or mews (optional) shall be large enough to allow easy access for caring for the raptors housed in a facility. If more than one raptor is to be kept in the mews, the raptors shall be tethered or separated by partitions and the area for each bird shall be large enough to allow the bird to fully extend its wings. There shall be at least one window protected by a grating spaced narrower than the width of the bird's body and a secure door that can be easily closed. The floor of the mews shall permit easy cleaning and shall be well drained. Adequate perches shall be provided.

(b) Equipment; minimum standards – The applicant shall possess:

1. Jesses – One pair of Aylmeri jesses or similar type, constructed of pliable, high-quality leather or suitable synthetic material.

2. Leashes and swivels – One flexible, weather-resistant leash and one strong swivel of acceptable falconry design. Snap-type swivels, such as harness snaps, shall not be considered adequate.

3. Bath container – One suitable container two to six inches deep and wider than the length of the raptor.

4. Outdoor perches – One weathering area of acceptable design for each raptor.

5. Weighing device – A scale graduated to increments of not more than 1/2 ounce.

(5) Temporary holding facilities: A raptor may be transported or held in temporary facilities for a period not to exceed 30 days. Such facilities shall be provided with an adequate perch and protected from external temperatures and excessive disturbance.

(6) Standards for maintenance and sanitation requirements: All facilities and equipment shall be kept in a serviceable, safe and sanitary manner. Clean water shall be provided for bathing and drinking. Tethering areas shall be free of obstructions that might entangle the raptor.

(7) Inspections:

(a) A Commission representative shall inspect the applicant's facility for keeping the raptor prior to the issuance of a falconry permit and shall report the conditions observed. Periodic inspections thereafter shall be made and the inspector shall make written reports thereof to the executive director. Refusal to permit inspection of facilities may result in denial of issuance or revocation of the raptor permit.

(b) In the event an inspection report indicates mistreatment or lack of adequate facilities to properly care for any raptor and if, following notice, the permittee fails to correct the deficiency within 48 hours the executive director may revoke the raptor permit and confiscate any raptors in possession.

(8) Marking:

(a) A falconer may not possess for falconry purposes any peregrine falcon (*Falco peregrinus*), gyrfalcon (*Falco rusticolus*), or Harris' hawk (*Parabuteo unicinctus*) unless such bird is banded either with a seamless numbered band provided by the U.S. Fish and Wildlife Service or a permanent nonreusable band provided by the U.S. Fish and Wildlife Service.

(b) The alteration, counterfeiting or defacing of a marker is prohibited except that permittees may remove the rear tab on markers and may smooth any imperfect surface provided that integrity of the marker and number are not altered.

(9) Capturing raptors; restrictions:

(a) Up to two young birds not yet capable of flight (eyasses) may only be taken by a general or master falconer during the periods of March 17 through April 30 and May 17 through June 30.

(b) First year (passage) birds may be taken only during the periods of September 15 through October 31 and December 1 through January 12.

(c) A marked raptor may be retrapped at any time.

(d) Only great horned owls (*Bubo virginianus*) may be taken when over one year old, except that any raptor (other than endangered or threatened raptors taken under depredation or other special permits) may be used for falconry by general and master falconers.

(e) Residents of a state other than Florida who hold valid falconry permits in their state of residence may take raptors in Florida, and possess and transport raptors so taken, under authority of a permit issued by the executive director. Requests for raptor take permits from nonresidents shall include a copy of the applicant's joint state-federal falconry permit; a list of the species, number, and age of raptors proposed to be taken; a list of all other raptors held under the applicant's joint state-federal falconry permit; and a description of the general area where raptors will be taken. Permit issuance will be based on consideration of the population status of the species requested; whether or not the species requested is listed by the Commission or U.S. Fish and Wildlife Service as threatened, endangered, or of special concern; the number of raptors to be taken; and the permit class of the applicant. Applicants for nonresident raptor take permits shall adhere to the restrictions on take and possession limits for Florida residents as provided in this rule section, and shall submit to the Commission a list of all raptors taken and the location(s) where they were captured.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-21-82, 7-1-84, Formerly 39-9.05, Amended 4-14-92, 7-1-94, Formerly 39-9.005.

68A-9.006 Wildlife Rehabilitation Permit.

(1)(a) No person shall possess any sick, injured, orphaned, or otherwise impaired wildlife for rehabilitation purposes without a permit from the executive director in accordance with this rule section and, if possessing migratory birds, a joint state-federal permit from the executive director, approved by the director of the United States Fish and Wildlife Service.

(2) Application requirements:

(a) An applicant shall make written application to the Commission by completing the Wildlife Rehabilitator Application Form (FWC Form 2000 WR, effective 11-6-94, and incorporated herein by reference and available at the Commission's Tallahassee and regional offices). An applicant must be 18 years of age, or older.

(b) An applicant shall include in the permit application the name, address and telephone number of a veterinarian, who will assist the applicant by providing consulting and referral services regarding rehabilitation and treatment.

(c) After December 31, 1994, any person not permitted as a wildlife rehabilitator in the State of Florida shall obtain a wildlife rehabilitator's permit to perform wildlife rehabilitation services and shall qualify for a permit by one of the following methods:

1. Experience requirement: Applicants shall have no less than one (1) year of experience (consisting of no less than 1000 hours) in the care of sick, injured, orphaned, or otherwise impaired wildlife. Applicants shall submit written documentation of such experience, including a description of the specific experience acquired, and the dates and location where acquired. In addition, the application shall submit references from no less than two individuals, one of whom shall be a permitted rehabilitator, who shall

state, based upon personal knowledge, that the applicant possesses the stated experience. Additional documentation may consist of records of prior permits for rehabilitation issued by other states or the United States Fish and Wildlife Service, employment records of wildlife rehabilitative facilities, or other competent documentation of experience.

2. Written examination: If the applicant is unable to document the requisite experience, the applicant may substitute for said experience by successful completion of a written examination administered by the Division of Law Enforcement. Upon receipt of an application, the Commission will notify the applicant of the time and place of the next scheduled rehabilitation examination. Applicants scoring at least 80 percent on the examination shall be approved for a permit, subject to a satisfactory inspection of the permittee's rehabilitation facility.

(d) An applicant for a permit shall provide satisfactory caging and other facilities to humanely house and treat wildlife within thirty (30) days of notification of approval of the application, unless otherwise specified in the Commission facility inspection report issued pursuant to subsection (3).

(e) A rehabilitation permit shall not be required for care or treatment of exotic or non-native wildlife, provided that persons possessing Class I or Class II exotic wildlife are licensed according to Rule 68A-6.002, F.A.C.

(f) In addition to the above requirements, applications shall be subject to general application requirements and standards of Rule 68A-5.004, F.A.C.

(3) The inspection requirements for wildlife rehabilitation facilities are as follows:

(a) Commission personnel shall inspect and approve an applicant's facility for keeping sick and injured wildlife and shall submit a written report to the inspections coordinator prior to the issuance of a rehabilitation permit. In the event an inspection report reveals that the facility is inadequate to properly care for wildlife, the applicant shall have 30 days from notification to correct these deficiencies. The applicant may then request a reinspection for approval of the facility after the 30-day period.

(b) Commission personnel may enter and inspect a permittee's rehabilitation facility to determine whether or not the permittee is in compliance with applicable laws and regulations. Complete, accurate written records shall be kept by the permittee and shall be made available for examination by Commission personnel.

(c) If an inspection of a rehabilitation facility reveals a violation of Commission regulations governing wildlife, the Commission shall require compliance as to pen specification and caging requirements in accordance with Rule 68A-6, F.A.C. If such violations pose an immediate threat to the proper recovery or health of the wildlife, at the direction of the Commission, the wildlife shall be removed and relocated to an approved facility or released.

(4) Standards for Wildlife Rehabilitation.

(a) Care, disposition, dispersal, or release of wildlife, their carcasses, parts, products or progeny shall be as follows:

1. Wildlife shall be rehabilitated in such a manner as to be able and ready to survive release into the wild. Species of native wildlife that fully recover shall be released into the wild. The release of native wildlife shall occur at or near the point of capture, or onto habitat where such wildlife naturally occur, and which will biologically support the species.

2. Wildlife undergoing rehabilitation or medical treatment shall not be exhibited. Permittees may keep wildlife with permanent physical impairments for educational display under permit in accordance with Section 372.921, F.S., and Chapter 68A-6, F.A.C.

3. When wildlife has been diagnosed as "psychologically impaired or imprinted" by an independent rehabilitator and a veterinarian it shall not be considered non-releasable unless such finding is approved by the Commission.

4. Permittees shall place non-releasable wildlife in a properly licensed exhibition, educational, or breeding facility.

5. Wildlife may be transferred or relocated to other licensed rehabilitation facilities at the discretion of the Commission to facilitate alternative treatments and optimum care.

6. When euthanasia of wildlife is necessary, euthanasia shall be humane.

(b) All permanently impaired wildlife kept by the permittee shall be maintained in enclosures that meet or exceed the minimum pen specifications of Rule 68A-6.004, F.A.C., except as otherwise authorized by the Commission. Permittees shall not transfer wildlife to unauthorized individuals without first obtaining prior approval from the Commission.

(c) Unless otherwise authorized by subsection (4) or the permit, Commission approval must be obtained prior to the disposition or dispersal of wildlife, their carcasses, parts, products or progeny thereof, possessed under the provision of this permit.

(d) Birds and other animals that die while in the custody of the permittee shall be completely destroyed or, subject to the approval of the Commission, be offered to a museum, university or other educational facility.

(e) All permittees shall keep a daily log on each animal entering the facility for treatment. The log shall include a record of the animal's treatment, condition, and disposition. Such records shall be subject to inspection by Commission personnel. Permittees shall submit reports of such records to the Commission upon request.

(f) Wildlife shall be cared for at the facility listed in the wildlife rehabilitator permit, except under the following circumstances:

1. The volume of wildlife needing care is beyond the capacity of the permittee's facilities; or

2. When continuous care of wildlife is required; or

3. Insufficient space is available for volunteers to work with the number of wildlife requiring treatment.

Under these conditions, volunteer workers may care for specimens off-premise on a temporary basis. Each permittee is authorized to have up to ten (10) volunteers to aid in the off-premise rehabilitation of wildlife. A current listing of the name and address of off-premise volunteers shall be kept by the permittee. Upon submission of biannual permit renewal information to the Commission, permittees shall submit a listing of all off-premise volunteers who have assisted the facility during the permit period. Volunteers keeping migratory birds off-premise shall record their daily work time in a log book on a daily basis. Those volunteers who care for

native mammals only are not required to record daily work time. All volunteers are responsible for maintaining a log of the animals cared for off-premise, to include a record of treatment, condition, and disposition. Volunteers shall possess a copy of the rehabilitation permit when temporarily possessing wildlife off-premise. The permittee shall be fully responsible for the volunteer's treatment and possession of the wildlife.

(g) All wildlife shall be kept in accordance with general requirements governing captive wildlife, pens and caging set forth in Rules 68A-6.004, 68A-6.0041 and 68A-6.0023, F.A.C.

(h) Wildlife shall be maintained in humane conditions and within compatible groups, provided with appropriate food, and kept in sanitary manner to provide optimum conditions for recovery. Cages or enclosures housing wildlife shall be constructed so as to prevent escape and protect the caged animal from injury. Such cages or enclosures shall be free of sharp edges, projections, or objects detrimental to the animal(s) safety, or, objects that impede the movement of the animal(s).

(i) Permittees shall not refuse to accept wildlife in need of care, except when:

1. the permittee does not have appropriate space or facilities; or

2. the permittee lacks experience or expertise with the species of wildlife so as to present a danger to the wildlife, the permittee or the public. However, the permittee shall provide referrals to the nearest rehabilitator where appropriate care may be provided.

(j) Permittees receiving any species classified as endangered shall notify the Tallahassee office of the Commission's Division of Law Enforcement within seventy-two (72) hours of the receipt of the wildlife.

(k) Permittees or their volunteers shall not require a fee associated with wildlife rehabilitation services, nor shall permittees or their volunteers require fees for rehabilitation services, including the pick-up, delivery, or acceptance, of sick, injured, orphaned or otherwise impaired wildlife. This limitation shall not apply to professional fees charged by a licensed veterinarian.

(l) Permittees or their volunteers shall not represent themselves as agents of the Commission. Permittees or their volunteers shall not enter upon the property of another for the purpose of taking possession of wildlife unless authorized by the owner, lessee, or custodian of the property.

(m) A permit is valid when issued and expires December 31, of the second calendar year after issuance, unless otherwise specified for migratory birds by the United States Fish and Wildlife Service.

(5) Under certain emergency conditions, such as oil spills, hurricanes, floods, and other natural or manmade disasters, the Commission may impose additional restrictions or provide for permit exemptions as may be necessary to safeguard affected wildlife such as, but not limited to, the coordination and direction of rehabilitation permittees and their facilities, the assignment of zones for implementing rehabilitative services, and the authorization of additional volunteers to aid in the capture and treatment of wildlife.

(6) The permit may be subject to revocation, suspension, or non-renewal in accordance with Rule 68A-5.004, F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-6-94, Formerly 39-9.006.

68A-9.007 Special-use Permits; Short-term Use Permits; Fees; Special-Opportunity Hunting and Fishing.

Special-use permits, short-term use permits, and fees for such permits are hereby established as follows:

(1) Limited entry (special hunting and fishing) opportunities for which special-use permits are required shall be established by rule or, for small-game areas, by order of the Executive Director pursuant to Rule 68A-13.007, F.A.C., subject to the following provisions:

(a) Special hunting and fishing opportunities shall be established on land owned, leased or managed by the Commission or the State of Florida based on its suitability as determined by relative abundance of fish and game species, habitat availability, and accessibility of the area for public use.

(b) There shall be no exemptions to the requirement for a special-use permit for special hunting and fishing opportunities.

(c) A management area permit shall not be required for special-opportunity hunting or fishing.

(d) Special-use permits shall be valid only for the dates and times specified on the permit.

(e) Special-use permits shall be transferable, except that special-opportunity dove hunt permits shall not be transferable after the date and time they become effective.

(2) The Commission establishes fees for special-use permits and non-refundable application fees as follows:

(a) Except as otherwise provided in this paragraph, the fee for a special-opportunity deer hunt permit is \$175 for 7 days and the application fee is \$5.

1. The fee for a special-opportunity deer hunt permit for Fort Drum Wildlife Management Area is \$50.

2. The fee for a special-opportunity deer hunt permit for Green Swamp WMA (West Unit) and Lake Panasoffkee WMA is \$100 each.

(b) Except as otherwise provided in this paragraph, the fee for a special-opportunity turkey hunt permit is \$175 for 7 days and the application fee is \$5.

1. The fee for a special-opportunity turkey hunt permit for Fort Drum W.M.A. is \$50.

2. The fee for a special-opportunity turkey hunt permit for Green Swamp WMA (West Unit) and Lake Panasoffkee WMA is \$100 each.

(c) The fee for a special-opportunity dove hunt permit is \$35 per day. Under a special-opportunity dove hunt permit, one minor under 16 years of age may accompany an adult permittee and may hunt under the supervision and in the presence of the permittee as specified in Section 790.22, F.S., provided that the permittee and minor collectively may take only one daily bag limit. Notwithstanding other provisions in this chapter, the minor shall be considered to be in possession of a permit for the purpose of access to the special-opportunity dove hunt.

(d) The fee for a special-opportunity dove hunt combination permit is \$45 per day. Under the combination permit, one minor under 16 years of age may accompany an adult permittee and may hunt under the supervision and in the presence of the permittee as specified in Section 790.22, F.S., provided that the permittee and the minor may each take one daily bag limit of doves. Notwithstanding other provisions of this chapter, the minor shall be considered to be in the possession of a permit for the purpose of access to the special-opportunity dove hunt.

(e) The fee for an annual special-opportunity dove field permit is \$150. Under the annual permit, one minor child under 16 years of age may accompany an adult permittee and may hunt under the supervision and in the presence of the permittee as specified in Section 790.22, F.S., provided that the permittee and minor may each take one daily bag limit of doves. This permit shall be non-transferable and shall be valid only for the dove field specified. Up to one-half of the daily quota for each special-opportunity dove field will be available as annual permits.

(f) Except as otherwise provided in this paragraph, the fee for a special-opportunity hog hunt permit is \$50 per day and the application fee is \$5.

1. The fee for the special-opportunity hog hunt permit on the Ft. Drum W.M.A. is \$50 per hunt.

2. The fee for a special-opportunity hog hunt permit on Green Swamp WMA (West Unit) and Lake Panasoffkee WMA is \$75 each.

(g) The fee for a special-opportunity fishing permit is \$50 per day and the application fee is \$5.

(h) The fee for a special-opportunity quail hunt permit is \$100 per day and the application fee is \$5.

(i) The fee for a special-opportunity released-quail hunt permit is \$100 for 4 days, and the application fee is \$5.

(3) Short-term use permits are hereby established to hunt, fish or otherwise use for any outdoor recreational purposes, land owned, leased or managed by the Commission or the State of Florida for the use and benefit of the Commission as specified below. Such permits are required for these uses on the specified areas in addition to other licenses, permits and stamps required by law, except that short-term permits shall not be required for persons possessing an annual management area permit and as otherwise specified below.

(4) The Commission establishes short-term permits and fees as follows:

(a) Tenoroc Fish Management Area.

1. A daily-use permit is \$3.

2. For groups of 25 to 100 people, a daily-use permit is \$75.

3. For groups of 101 people or more, a daily-use permit is \$150.

4. The following persons are excluded from the management area permit or short-term use permit requirements:

a. Users of the Commission shooting range.

b. Persons participating in Commission-sponsored meetings or activities.

c. Users exempt from the fishing license requirement by Section 370.0605(5), Florida Statutes (1996 Supp.).

(b) Andrews WMA, Three Lakes WMA, Fred C. Babcock/Cecil M. Webb WMA, Chassahowitzka WMA, J.W. Corbett WMA, and those portions of Hilochee WMA in Lake county.

1. A daily-use permit for outdoor recreational activities other than hunting is \$3 per person or \$6 per non-commercial vehicle.

2. For groups of 25 to 100 people, a daily-use permit is \$75.

3. For groups of 101 people or more, a daily-use permit is \$150.

4. A daily-use permit shall not be required for persons participating in Commission-sponsored meetings or activities.

5. A daily-use permit shall not be required for persons using the Florida Trail for recreational hiking.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.57 FS. History—New 9-15-96, Amended 1-9-97, 6-1-97, 4-12-98, 4-15-99, Formerly 39-9.007, Amended 7-1-00, 5-13-02.

CHAPTER 68A-10 COMMERCIAL LICENSES

68A-10.003 Fur and Hide Dealer's License.

68A-10.003 Fur and Hide Dealer's License.

Agents of fur and hide dealers shall make delivery of furs or hides only to the dealer he represents.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented 372.66 FS. History—New 8-1-79, Amended 6-21-82, Formerly 39-10.03, 39-10.003.

CHAPTER 68A-11 BOATS AND VEHICLES

- 68A-11.001 Registration of Off-Road Vehicles. (Repealed)
- 68A-11.003 Use of Motorboats on Certain Waters; Permits.
- 68A-11.005 Use of Tracked Vehicles in the South Region.
- 68A-11.0051 Tracked Vehicles Used for Recreational Purposes in South Region.
- 68A-11.007 Vehicular Access: Eleven-Mile Road, Big Cypress Wildlife Management Area.
- 68A-11.008 Vehicle Regulation for Everglades Holiday Park.

68A-11.003 Use of Motorboats on Certain Waters; Permits.

(1)(a) No person shall operate any boat propelled by an internal-combustion engine on Lake Iamonia or Carr Lake in Leon County at any time during the regular open season for taking ducks and coots established in subsection 68A-13.003(1), F.A.C., except as authorized by permit from the executive director.

(b) Permits for the use of such boats on Lake Iamonia shall be issued only to those persons having real property in the lake for the sole purpose of ingress or egress to such real property.

(2) No person shall operate any boat propelled by an internal combustion engine of more than five horsepower on Lake Miccosukee in Leon or Jefferson Counties at any time during the regular open season for taking ducks and coots established in paragraph 68A-13.003(1)(a), F.A.C.

(3) The above restrictions shall not apply during the early September duck season established in paragraph 68A-13.003(3)(a), F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const., ch. 65-1841, ch. 85-361, Laws of Florida. Law Implemented ch. 65-1841, ch. 85-361, Laws of Florida. History—New 6-21-82, Amended 10-1-85, 11-27-85, Formerly 39-11.03, Amended 7-1-94, Formerly 39-11.003.

68A-11.005 Use of Tracked Vehicles in the South Region.

In the South Region, no person shall take wildlife or freshwater fish from any tracked vehicle that does not meet the following specifications:

(1) Maximum structure capable of bearing the weight of a person shall be no more than:

(a) Eight feet wide including any swing-out seat, outrigger or other protrusions.

(b) Six feet high measured from the lowest bottom surface.

(2) Engine – After January 1, 1982, tracked vehicles shall be powered by no more than one six-cylinder engine with the following specifications:

(a) Gasoline powered.

(b) No more than 250 cubic-inch-displacement.

(c) Equipped with no more than one two-barrel carburetor.

(d) Muffled with standard automotive muffling device.

(e) Shall not be modified to increase horsepower.

(3) Track width – After January 1, 1982, the minimum track width shall be 16 inches.

(4) Tracked vehicles affixed with a TRG decal prior to January 1, 1982, shall be exempt from the engine limitations in subsection (2).

(5) All tracked vehicles used in the South Region to take wildlife or freshwater fish shall be inspected to determine compliance with this section prior to being issued a permanent TR registration decal.

(6) TRG or TR permanent registration decals shall be displayed on the left front in a prominent and visible location.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-21-82, Amended 7-1-85, Formerly 39-11.05, Amended 6-8-87, Formerly 39-11.005, Amended 1-1-03.

68A-11.0051 Tracked Vehicles Used for Recreational Purposes in South Region.

No person shall use any tracked vehicle that does not meet the specifications set forth in Rule 68A-11.005, F.A.C., for any recreational purpose on public lands in the South Region.

Specific Authority Art. IV, Sec. 9, Fla. Const., 375.313 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 375.313 FS. History—New 7-1-84, Formerly 39-11.051, 39-11.0051.

68A-11.007 Vehicular Access: Eleven-Mile Road, Big Cypress Wildlife Management Area.

(1) No person shall operate any unauthorized vehicle on that portion of the Big Cypress Wildlife Management Area known as Eleven-mile Road and posted as closed.

(2) Only the following vehicles are authorized:

(a) Petroleum-industry vehicles.

(b) Vehicles of persons hired to carry out the activities essential to oil exploration and production.

(c) Government vehicles.

(d) Vehicles of the mineral owners whose lands are in active exploration or production.

(3) Eleven-mile Road is not a public road and use will be limited to those vehicles authorized in (2) so as to protect endangered species known to inhabit the area.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021, 375.313 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 375.313 FS. History--New 7-1-83, Formerly 39-11.07, 39-11.007.

68A-11.008 Vehicle Regulation for Everglades Holiday Park.

All "off-road vehicles" as defined in Section 375.312, F.S., are hereby prohibited from access to those public lands known as Everglades Holiday Park more fully described as follows:

Tracts 50, 62 and 63 of Everglades Land Company subdivision of the south one-half of Section 28, Township 50 South, Range 39 East, according to the plat thereof recorded in Plat Book 2, Page 1, of the Public Records of Dade County, Florida.

Specific Authority 375.313 FS. Law Implemented 375.311, 375.313 FS. History--New 7-27-83, Formerly 39-11.08, 39-11.008.

CHAPTER 68A-12 RULES RELATING TO GAME

68A-12.002	General Methods of Taking Game; Prohibitions.
68A-12.003	Protection of Certain Deer and Turkey; Tagging of Deer and Turkey; Evidence of Sex Required.
68A-12.004	Possession or Sale of Birds or Mammals; Taxidermy Operations and Mounting Requirements.
68A-12.005	Transportation of Wild Birds or Game.
68A-12.006	Sale of Pen-raised Quail.
68A-12.007	Hunting Dogs; Molesting Game in Closed Season; Training; Field Trials; Prohibited for Certain Hunting.
68A-12.008	Use of Pen-raised Quail for Training Bird Dogs.
68A-12.009	Taking Destructive Birds and Mammals.
68A-12.010	Regulations Governing the Operation of Private Hunting Preserves.

68A-12.002 General Methods of Taking Game; Prohibitions.

- (1) No person may take any game birds, crows or game mammals except as herein provided.
- (2) Resident game birds, crows and game mammals may be taken only during the daytime between one-half hour before sunrise and one-half hour after sunset in the open season established by the Commission, provided that the hours in which the hunting of gobblers or bearded turkeys is permitted during the spring season shall be from one-half hour before sunrise until sunset.
- (3) Game birds, crows or game mammals may be taken with any of the following:
 - (a) Shotgun – Shotguns used for taking migratory birds shall be not larger than 10 gauge and incapable of holding more than three shells in magazine and chamber combined.
 - (b) Rifle or pistol.
 1. No silencer-equipped or fully automatic firearm may be used.
 2. Firearms using any rimfire cartridge are prohibited for taking deer.
 3. The use of non-expanding, full metal case (military ball) ammunition is prohibited for taking deer.
 4. The possession of any center-fire semi-automatic rifle having a magazine capacity of more than five rounds while hunting is prohibited.
 5. Muzzleloading guns of less than .40 caliber firing a single bullet or of less than 20 gauge firing two or more balls, are prohibited for taking deer.
 6. No person shall possess any modern firearm while muzzleloading gun hunting during any special muzzleloading gun season.
 - (c) Falcon.
 - (d) Bow or crossbow.
 1. The possession or use of arrows having explosive or drug-administering heads while hunting is prohibited.
 2. Any arrow used in the hunting of deer, hog or turkey shall be equipped with a broadhead that has a minimum of two sharpened edges with a minimum width of 7/8 inches.
 3. Hunting with a bow equipped with sights or aiming devices with electronic computational capabilities or light projection (laser) features during any archery season is prohibited.
 4. No person shall possess any firearm or crossbow while archery hunting during any special archery season.
 - (e) Dogs may be used as an aid to taking game mammals and game birds other than turkeys unless otherwise prohibited.
- (4) Game may be taken from stationary, drifting or manually-propelled watercraft including sail or motor-powered vessels, provided the motor is shut off or the sails furled and the vessel's progress from such motor or sail has ceased.
- (5) Non-migratory game may be taken from stationary vehicles.
- (6) The taking of fawn deer, panther or swimming deer is prohibited.
- (7) No person shall:
 - (a) Take any wildlife from a moving motorized vehicle, aircraft or boat (except as provided in subsection 4 hereof), or use such vehicle, aircraft or boat to herd or drive wildlife.
 - (b) Take wildlife or freshwater fish in the South Region from any tracked vehicle not in compliance with Rule 68A-11.005, F.A.C., or possess any bow and arrow on an airboat during any early archery season in Dade County.
 - (c) Take or attempt to take any game with the aid of live decoys, recorded game calls or sounds, set guns, artificial light, net, trap, snare, drug, or poison.
 - (d) Take any game on any land or waters upon which corn, wheat, grain or any other food or substance has been deposited by other than normal agricultural harvesting or planting except as provided by subsection (8). Migratory game birds may be taken in accordance with regulations established by the U.S. Department of the Interior.
 - (e) Place, expose or distribute any soporific, anesthetic, tranquilizer, hypnotic or similar drug or chemical preparation by baits or by other means whereby game birds or game animals may be affected, unless authorized by written permit from the executive director.
 - (f) Take any turkey while it is on the roost.
- (8)(a) Game feeders may be maintained for the purpose of propagating quail, turkey, and other wild game under natural conditions.

(b) Non-migratory game other than wild turkey may be taken in proximity to game feeding stations which are maintained with feed throughout the year provided that each feeding station shall have been maintained at least six months prior to the taking of game in proximity thereof. Wild turkey may not be taken if the hunter is less than 100 yards from the feeding station.

(9) The taking of non-protected mammals or non-protected birds is not restricted to the methods of taking or prohibitions included herein except as provided in Rule 68A-24.002, F.A.C.

(a) Non-protected mammals.

1. Armadillo.
2. Black or Norway rat.
3. House mouse.

(b) Non-protected birds.

1. English sparrow.
2. Starling.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-4-81, 11-17-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-12.02, Amended 6-1-86, 4-11-90, 4-14-92, 4-20-93, 3-1-94, 3-30-95, 4-1-96, 12-28-98, Formerly 39-12.002.

68A-12.003 Protection of Certain Deer and Turkey; Tagging of Deer and Turkey; Evidence of Sex Required.

(1) It is unlawful for any person to take or possess any unbearded turkey hen during any gobbler season or any antlerless deer within the state unless authorized by these rules.

(2) Positive evidence of sex identification, including the head, shall remain on deer taken or killed within the state and on all turkey taken during any gobbler season when taking of turkey hens is prohibited so long as such deer or turkey is kept in camp or forest or is en route to the domicile of its possessor or until such deer or turkey has been cooked or stored at the domicile of its possessor.

(3) Deer and turkey may be dismembered in the field or camp but each portion shall have a tag affixed to it identifying the name, address, hunting license number (if a hunting license is required) of the person who killed it, the date and location at which it was taken, and shall be readily traceable to the portion of the animal bearing the sex identification.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 5-19-80, 6-21-82, Formerly 39-12.03, Amended 4-11-90, Formerly 39-12.003.

68A-12.004 Possession or Sale of Birds or Mammals; Taxidermy Operations and Mounting Requirements.

(1) The possession for sale or the purchase or sale of birds, game mammals or the carcass or any part thereof whether produced in this state or transported from any other state or country is unlawful except as authorized herein.

(2) Game legally taken may be stored in public cold storage, refrigerators, ice houses or ice boxes when packaged or tagged and clearly marked with the owner's name and license number (if license is required).

(3) Lawfully taken game may be prepared and served at any public eating place to persons who have killed such game and are in possession of a valid hunting license, if license is required.

(4) Game produced on a licensed game farm may be sold and transported in the state at any time for any lawful purpose as herein provided.

(5) Game not native to the state, except those designated in subsections (6), (7), (10) and (12) of this rule, when lawfully acquired may be sold or transported in the state and said game may be served in restaurants or any other public eating places.

(6) Quail or any other bird that might be mistaken for quail when dressed for the market may not be sold except as provided in Rule 68A-12.006, F.A.C.

(7) The sale of deer (venison) is prohibited except:

(a) Live deer may be sold by licensed game farms and transported alive for propagation purposes only.

(b) Deer (venison) from species of deer not native to the state may be sold. Non-native deer (venison) may be sold uncooked to the public provided:

1. Non-native deer (venison) may only be sold uncooked when packaged in a tamper-proof container with a label stating "NON-NATIVE VENISON (species identified) PRODUCED ON A LICENSED GAME FARM." The label shall identify the species of deer contained in the container.

2. No person shall possess any venison for commercial consumptive purposes without being in possession of documentation that the venison is from non-native species produced on a licensed game farm or hunting preserve or otherwise legally acquired.

(c) This section shall not supersede any rules of any state or Federal agency or any laws regarding quality control, inspections, transportation, sale or regulation of foodstuff and meat products.

(8) The foregoing shall not prohibit the sale or purchase of articles manufactured from the heads, horns, hides, teeth and feet of game mammals lawfully taken.

(9) When lawfully taken, the feathers or skins of non-protected or resident game birds or the skins of deer, squirrels, rabbits or wild hog may be sold.

(10) The transportation or possession of a carcass, skull or untanned skin of any cougar is prohibited unless the cougar was legally taken or acquired and the carcass, skull or untanned skin of that cougar has attached thereto a tag bearing the name and address of the possessor, and the date when and specific place where the cougar was taken or acquired. In addition the possessor of the carcass, skull or untanned skin shall have in his possession documentation that the cougar was legally taken, acquired or exported from the state or country of origin.

(11) Taxidermy operations and mounting requirements:

(a) Any person engaged in taxidermy shall tag all carcasses (whole specimens), untanned hides, and uncured animal parts of fish and wildlife, possessed or received with the name of the person taking or acquiring such fish or wildlife, the person's address, and date taken or acquired. As an alternative to individual tagging, persons engaged in taxidermy may choose to use a log book and numbering system. The log book shall contain the name of the person taking or acquiring such fish or wildlife, the person's address and the date taken or acquired. The carcass, untagged hide, or uncured animal part shall be assigned a number, which shall be affixed to the specimen so as to be readily identifiable and traceable to the log book information. The log book shall be kept on premises for inspection by Commission personnel.

(b) After fish or wildlife carcasses, hides, and parts have been cured or mounted, tagging or maintaining a log account is required only for the following:

1. All nongame migratory birds as listed in the Federal Migratory Bird Treaty Act and as adopted by Rule 68A-13.002, F.A.C.
2. All species listed by the Commission as Endangered or Threatened, and any Species of Special Concern for which there is no bag limit or open season established by the Commission or other state agency.
3. All furbearing animals or non-game mammals for which there is no established open season.
4. All alligators not tagged with CITES tags.
5. All fawn deer.

(c) Persons engaged in taxidermy shall not possess nor mount fish and wildlife carcasses listed in subparagraphs 68A-12.004(11)(b)1.-5., F.A.C., nor their parts (except for road-killed fox) without a permit from the Commission, except as provided herein. The procedure for obtaining permits for mounting shall be as follows:

1. Persons wishing to possess or mount such specimens or have such services performed, shall make application by letter to the Commission for such permit.
2. A dated copy of the letter of application shall be kept with the specimen, or the specimen shall be numbered and traceable to the letter of application kept in a log book.
3. The letter of application shall include a description of the specimen, an explanation of how the specimen was acquired, and the date of application.
4. The specimen shall not be maintained for over 90 days without a permit from the Commission.
5. Specimens for which permits are not issued for mounting shall be buried, incinerated, or otherwise disposed of as directed by Commission law enforcement personnel.

(d) The criteria for evaluation and issuance of permits for the mounting of protected species as listed in subparagraphs 68A-12.004(11)(b)1.-5., F.A.C., shall be as follows:

1. For nongame migratory birds – Permits are issued only for educational display purposes to schools, nonprofit educational institutions, museums, or facilities operated by a municipal, county, state, or other public entity.
2. For listed species referenced in Rules 68A-27.003, 68A-27.004 and 68A-27.005, F.A.C. – Permits are issued only in accordance with the requirements of subsections 68A-27.002, F.A.C.
3. For furbearing wildlife or nongame mammals – Permits are issued only when the specimen was legally acquired. No permit shall be required for road-killed fox.
4. For alligators – Permits for the mounting of untagged alligators are issued only for educational display purposes to schools or nonprofit educational institutions, museums, or facilities operated by a municipal, county, state, or other public entity.
5. For fawn deer – Permits for the mounting of fawn deer for possession by private individuals or businesses are issued only where the fawn was legally acquired or for educational display in schools, nonprofit educational institutions, museums, or facilities operated by a municipal, county, state, or other public entity.

(e) No permit shall be required for the mounting of carcasses, green hides, or uncured parts of:

1. Frozen or preserved specimens of game birds, game mammals, or furbearing animals that were legally taken during the open season.
2. Specimens of game birds, game mammals, fox squirrel, otter, bobcat or mink that were killed on roads or highways.

(12) The sale or purchase of any bear carcass or any part thereof is prohibited. The sale or purchase of any taxidermal specimen of a black bear is prohibited. The sale or purchase of a taxidermal specimen of any other species of bear is prohibited unless it was legally taken or acquired and has attached thereto a tag bearing the name and address of the possessor and the date when and the specific place where it was taken or acquired. In addition the possessor shall have in his possession documentation that the specimen was legally taken, acquired, or exported from the state or country of origin. The possession or transportation of any carcass or untanned skin of any bear is prohibited unless it was legally taken or acquired and has attached thereto a tag bearing the name and address of the possessor, the species, and the date when and specific place where it was taken or acquired. In addition the possessor of the carcass or untanned skin shall have in his possession documentation that it was legally taken, acquired or exported from the state or country of origin.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-4-81, 6-21-82, 7-5-84, Formerly 39-12.04, Amended 5-10-87, 6-8-87, 4-20-94, 8-7-97, Formerly 39-12.004.

68A-12.005 Transportation of Wild Birds or Game.

(1) A person may transport the possession limit of lawfully taken game.

(2) A person may at any time possess mounted specimens of game, including heads, antlers, hides or feet, and the skins of game birds lawfully taken.

(3) Lawfully taken game may be shipped by the person who took such game provided that each package shall be marked on the outside to show the names and addresses of both the shipper and the addressee, and the numbers and kinds of game contained therein.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-21-82, Formerly 39-12.05, 39-12.005.

68A-12.006 Sale of Pen-raised Quail.

(1) Any person complying with the provisions of this section may sell pen-raised quail at any time for food or hunting purposes.

(2) Only quail produced on a licensed game farm may be sold.

(3) All quail sold alive shall have affixed to the carton in which they are being transported the name, address and license number of the game farm where they were produced and the name and address of the consignee.

(4) All quail sold dressed for food purposes shall have stamped on their carcasses or on a sealed container in which each individual quail shall be placed, the game farm license number and year for which the license is valid, the name of the state which issued the license, and the name of the game farm to whom the license was issued. The stamping of individual quail carcasses is not required from quail being sold directly to the consumer and not for resale.

(5) Each person holding a game farm license and propagating quail for sale shall keep permanent records. Such records shall include the number of bird carcasses sold, to whom sold, the date of sale and the address of the vendee or consignee. The premises and records of such licensed farmer shall be subject to examination and inspection by any agent of the Commission or any peace officer without the issuance of any warrant. Each such licensee shall annually report to the Commission the number and types of game produced and the disposition of such game.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-21-82, Formerly 39-12.06, 39-12.006.

68A-12.007 Hunting Dogs; Molesting Game in Closed Season; Training; Field Trials; Prohibited for Certain Hunting.

(1) All dogs used for taking or attempting to take, trailing, pursuing, or molesting wildlife shall wear a collar or tag which shall legibly display the name and address of the owner of the dog. No person shall use any dog to take or attempt to take, trail, pursue or molest wildlife unless such dog is wearing a collar or tag displaying the information required above.

(2) The purpose and intent of this subsection is to empower the Fish and Wildlife Conservation Commission, upon the complaint of a landowner or lessee, to enforce against the unauthorized use of dogs for hunting. No person owning, having the care of, or using any dog shall permit such dog to trail, pursue or molest wildlife on the lands of another person without written permission from the landowner or lessee of said lands. Written permission shall be in the possession of each person using such dog on the lands of another person, and shall be presented for inspection upon request of any Commission wildlife officer or other law enforcement officer as referred to in subsection 68A-3.002(3), F.A.C.

(3) No person owning or having the care of any dog shall knowingly or negligently permit such dog to trail, pursue or otherwise molest game during the closed season except as herein provided.

(4) Bird dogs may be trained during the closed season for taking quail with the aid of a pistol firing a blank or a solid ball or as provided by Rule 68A-12.008, F.A.C.

(5) Deer dogs may be trained during the closed season for taking deer when such dogs are constantly attached to a leash or rope in the hands of the trainer. Deer dogs may be allowed to run free for training purposes only during the period beginning the first Saturday of October and continuing 19 days thereafter, except in the Northwest Zone when the period shall begin the last Saturday of October and continue for 19 days thereafter. The possession of any gun while training deer dogs is prohibited.

(6) No field trials for dogs shall be conducted on any wildlife management area without Commission permit, except that a permit from the applicable landowner or primary area manager shall constitute sufficient authorization on wildlife management areas not owned by the Commission and having a designated field trial area. Participation in organized field trials shall not constitute hunting.

(7) During archery or muzzleloading gun season dogs on leash may be used for trailing wounded game mammals.

(8) While archery or muzzleloading gun hunting during special seasons the taking of deer or wild hog by the use or aid of dogs is prohibited.

(9) Taking turkey by aid of a dog is prohibited at any time.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-22-80, 6-21-82, 7-27-83, 7-5-84, 7-1-85, Formerly 39-12.07, Amended 4-11-90, 3-1-94, 7-1-94, 9-7-97, Formerly 39-12.007, Amended 12-9-99.

68A-12.008 Use of Pen-raised Quail for Training Bird Dogs.

(1) Pen-raised quail may be taken by shotgun on private lands for the purpose of dog training provided that such quail are banded before release.

(2)(a) Pen-raised quail may be trapped provided that each trap so used shall be tagged with the name and address of the user.

(b) All quail used for this purpose shall be identified with bands showing the name of a game farm, private hunting preserve, or the individual using them.

(c) Any wild quail that may be trapped in this process shall be immediately released.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-21-82, Formerly 39-12.08, 39-12.008.

68A-12.009 Taking Destructive Birds and Mammals.

(1) The prohibitions contained in Chapters 68A-12 and 68A-24, F.A.C., shall not prevent persons from killing destructive mammals except deer or bear on their own property by means other than gun and light, steel traps or poison, provided that they may be killed only within the immediate locality where damage is occurring.

(2) Bear or deer damaging personal property may not be taken unless authorized by a permit issued by the executive director.

(3) As provided in Section 372.99, F.S., deer damaging agricultural crops may be taken as authorized by permit issued by the executive director. A written application (GFC Form DDPA 1000, effective July 1, 1998, adopted and incorporated herein by reference and available from the Commission's regional offices) shall be required before more than five (5) depredating deer tags are issued to a person for a specific property within a calendar year.

(4) The use of a gun and light at night, poison, steel traps, or other traps may be authorized by permit issued by the executive director for the purpose of killing destructive birds or mammals.

(5)(a) Blackbirds, cowbirds, grackles or crows may be taken when committing or about to commit depredations upon ornamental trees, agricultural crops, livestock or wildlife.

(b) Other migratory non-game birds, except birds listed in Chapter 68A-27, F.A.C., committing or about to commit depredations upon ornamental trees, agricultural crops, livestock or wildlife, or when concentrated in a manner as to constitute a health hazard or public nuisance may be killed under authority of a special permit issued by the U.S. Fish and Wildlife Service if such permit is required.

(c) Double-crested cormorants may be taken as provided by 16 U.S.C. Section 712 only at freshwater commercial aquaculture facilities certified by the Florida Department of Agriculture and Consumer Services and at state-operated freshwater hatcheries. Double-crested cormorants shall be disposed of within the boundary of the aquaculture facility by burial or incineration only. By July 31 of each year, each certified aquaculture facility shall report to the Commission the number of cormorants killed and the associated dates for the previous 12-month period from July 1 through June 30 on form AQUAFRM.380, which is incorporated herein by reference and is effective 9-21-98.

(6) Destructive or nuisance wildlife may be taken on another's property by any person or entity only at the property owner's request and if authorized by a permit issued by the executive director, except that family members of or persons with an employee-employer relationship with the property owner, may do so without such permit as provided in subsection 68A-12.009(1), F.A.C.

(7)(a) Birds or mammals listed in Chapter 68A-27, F.A.C., that pose an imminent jeopardy to aircraft safety and human lives, may be harassed by airport operators or their agents on airport property on, or within 300 ft. of the edge of, runways, taxiways, and the tarmac, in order to prevent collisions between aircraft and wildlife.

(b) For purposes of subsection 68A-12.009(7), F.A.C., harass shall mean the persistent, non-injurious disturbance to disperse wildlife without physical capture or direct handling.

(c) Airport personnel may take deer on airport property if their presence poses a potential threat to aircraft safety and human lives. Deer may be killed with the use of a gun and light at night. Other methods of taking deer may be authorized by permit under subsection 68A-12.009(3), F.A.C. Carcasses of deer killed under this rule shall be buried, incinerated on-site or donated to a charitable, non-profit institution or agency. No deer carcasses killed under this rule shall be retained for use by airport personnel.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-4-81, 6-21-82, 7-1-85, Formerly 39-12.09, Amended 4-14-92, 4-12-98, 6-23-98, 9-21-98, Formerly 39-12.009.

68A-12.010 Regulations Governing the Operation of Private Hunting Preserves.

(1) The executive director may issue a license as provided by Section 372.661, F.S., for the establishment and operation of a private hunting preserve to allow the release and taking of captive-raised native and non-native game animals, as specified herein. Application for such license shall be made on Form GFC 333 (incorporated herein by reference, effective April 15, 1992 and available at the Commission's Tallahassee and regional offices). No hunting preserve license shall be issued until the premises of such preserve has been inspected by a representative of the Commission and the requirements of this section have been met.

(2) A hunting preserve shall consist of not more than 10,000 acres, including water area, and be owned or leased by the applicant. For the hunting of game mammals, the land shall be located wholly within a legally fenced tract. The boundaries of all preserves shall be posted with signs bearing the words "Licensed Hunting Preserve" which shall be placed at intervals of not more than 500 feet and easily visible from any point of ingress or egress. No hunting preserve shall be located within one mile of any wildlife management area, refuge or park established by state or federal law or regulation unless:

(a) The operation of such hunting preserve does not conflict with the management objectives of the affected wildlife management area, refuge or park;

(b) The owner or manager of the affected refuge or park shall be notified of the application and shall be given the opportunity to submit comments or recommendations;

(c) The proposed hunting preserve poses no significant adverse impacts to wildlife or public safety on the affected wildlife management area, refuge or park.

(3) In the event the property is under lease to the applicant, said lease shall be for a term of not less than one year from date of application and such lease is subject to review and approval by the Commission as a condition to the granting of said license.

(4) All laws, rules, or regulations pertaining to hunting or pertaining to game shall apply on all hunting preserves except as follows:

(a) The taking of carnivorous animals is prohibited on hunting preserves. Only game birds and game mammals of the following families: Cervidae (such as deer and elk), Suidae (hog), Bovidae (such as buffalo and antelope) shall be taken on hunting preserves.

(b) Game mammals shall not be taken on hunting preserves while boxed or caged and shall be taken only in accordance with the following conditions and methods:

1. Cervidae (deer family) shall be free-roaming on not less than 200 acres, with a minimum of 100 acres covered with woody vegetation. The hunting of Cervidae with dogs is prohibited, provided that a leashed dog shall be allowed for trailing. The preserve shall be completely enclosed with an eight-foot deer-proof fence.

2. Bovidae (such as buffalo and antelope) shall be free-roaming on not less than 300 acres, with a minimum of 200 acres covered with grassy vegetation. The hunting of Bovidae with dogs is prohibited, provided that a leashed dog shall be allowed for trailing. The preserve shall be completely enclosed with an eight-foot deer-proof fence.

3. Suidae (hog) shall be free-roaming on not less than 100 acres, with a minimum of 50 acres covered with woody vegetation. For hunting hogs with dogs the area shall be a minimum of 300 acres, with 200 acres covered with woody vegetation.

(5) Game mammals may be kept in small enclosures only for veterinary, breeding, transportation or other management purposes and shall not be hunted on the same day of release or transport into the minimum acreage required for taking the species.

(6) The hunting of game mammals that were produced, raised, or held at a zoological attraction, or that are tame game mammals is prohibited. For the purpose of this section, "tame game mammal" shall be defined as one that does not exhibit the flight characteristics or normal for the species when found in the wild. When tame game mammals are maintained in hunting areas for breeding or other purposes, they shall be readily identifiable with a fluorescent collar or other marking device.

(7) Game mammals shall not be taken by non-owners or non-lessees within 50 yards of a supplemental feeding station.

(8) Commission rules prohibiting the taking of game birds over live decoys or bait shall not apply when properly identified captive-reared game birds are being taken.

(9) Motorized vehicles shall not be used to drive game mammals, nor shall game mammals be taken from moving motorized vehicles.

(10) There shall be no bag limit for captive-reared game taken on hunting preserves. Such game may be trapped on the premises of said preserve, provided that any wild game trapped in such operation shall be immediately released.

(11) Open season for taking native game birds shall be from October 1 to April 20. The open season for taking native game mammals shall coincide with the established open season for the species established in the zone wherein the hunting preserve is located. White tailed deer of either sex may be taken from September 1 until March 20. Non-native hoofed stock and non-native game birds may be taken year-round on licensed hunting preserves.

(12) With respect to waterfowl, only captive-reared mallards and captive-reared, Florida-strain mottled ducks may be released for shooting and only in accordance with the provisions of this rule. Such birds may not be handled so as to attract wild waterfowl. No person shall be permitted to shoot game farm ducks on any hunting preserve situated on a marsh, lake, river or any other place where there are concentrations of wild waterfowl or if the operation of the preserve attracts concentrations of wild waterfowl. Mallards may be released for shooting on hunting preserves, including preserves denoted as either private or commercial on GFC Form 333, only until June 30, 2008, and only in accordance with the following:

(a) Produce documentary evidence of having commercially released mallards for shooting during the period January 1, 1998 through December 31, 2000;

(b) Have been continuously licensed per Section 372.661, F.S., since July 1, 2001; and

(c) No more than 9,000 mallards shall be released by a permittee during the open season.

(13) Florida-strain mottled ducks (mottled ducks) may be released for shooting purposes on hunting preserves only in accordance with the following. Preserves shall:

(a) Obtain mottled ducks only from validly permitted in-state breeding facilities or from out-of-state breeding facilities with which the Commission has an agreement for the taking, raising and reimportation of mottled ducks in compliance with subsections (13) and (14) of this rule;

(b) Maintain and provide upon request complete records including certificates of origin for mottled ducks, the number of mottled ducks released annually, and daily harvest records indicating how many of which species of ducks were killed and whether the ducks were wild or released;

(c) Release only mottled ducks meeting minimum standards for genetic purity as determined by the Commission. Purity standards shall be based on phenotypic characteristics or, when available, genetic characteristics that provide the best available indicators of whether a bird is a pure, Florida-strain mottled duck; and

(d) Be subject to inspection by the Commission.

(14) In order to establish a source of captive-reared, Florida-strain mottled ducks for release on hunting preserves, the Executive Director shall:

(a) Permit the removal of mottled duck eggs and/or birds from the wild for breeding on a limited number of breeding facilities. The number of eggs and/or birds made available by permit for breeding facilities shall be no greater than one-half of the number that the Executive Director determines may be removed from the wild population without negative impacts to the population. This number shall be estimated conservatively, using the best available biological information, so as to safeguard the welfare of the wild mottled duck population in Florida;

(b) Determine the number of breeding facilities to which Florida-strain mottled ducks and/or eggs shall be made available based on the number of ducks and/or eggs an individual breeding facility would need to establish a sustainable captive population and on the number of eggs and/or ducks to be removed from the wild;

(c) Use the following criteria to determine which breeding facilities shall be eligible to receive ducks or eggs. The proposed facility shall:

1. Document a history of successfully breeding ducks;

2. Adhere to accepted husbandry standards to assure safe and optimum breeding of mottled ducks;

3. Possess all required state and federal licenses and permits; and

4. Not have been adjudicated guilty or pled nolo contendere to any wildlife or game law violation in the state of Florida or other jurisdiction.

(d) Select breeding facilities that shall be permitted to receive ducks and/or eggs based on a random drawing from a pool of breeding facilities that meet the criteria listed in paragraph (14)(c); and

(e) Enter into agreements with breeding facilities receiving eggs and/or ducks. Mottled ducks produced at facilities with such agreements shall be eligible for release in Florida subject to license and permitting requirements of these rules. Such agreements shall include the following specific requirements for the breeding facility:

1. Rights of inspection;

2. Separation of mottled ducks from other stock;

3. Marking of birds; and

4. Protocols for culling possible hybrids.

(15) Operators shall maintain documents to demonstrate that birds being released and hunted on the preserve are in healthy condition and were legally produced at a licensed game farm or preserve. All captive reared ducks and turkeys to be taken on preserves shall be banded to identify point of origin. No wild turkeys nor wild ducks shall be taken over baited-areas, nor during the closed season prescribed by the Commission for the region in which the preserve is located.

(16) Hunting preserves shall be equipped and operated in such manner as to provide sufficient food and humane treatment for the game kept thereupon. The premises, pens, and facilities of all hunting preserves shall be maintained in a sanitary condition. All game harvested shall be taken by humane method as specified by Commission rules for the species. Injured or wounded mammals shall be immediately euthanized, transported to a veterinarian for treatment, or treated by the owner.

(17) Operators importing hooved stock from out-of-state, or from foreign countries, shall maintain copies of all importation permits and health records as required by the Department of Agriculture and Consumer Services and the United States Department of Agriculture. Such records shall be made available for inspection upon request of any Commission employee.

(18) Prior to being transported from a preserve, all carcasses, parts, and meat of game taken on preserves shall be properly identified with a tag or label with the name of the licensee, the name of the preserve, and the date such game is being transported from the preserve. In the case of transporting a quantity of game birds, where individual marking is not practical, the container being used to transport such game shall be tagged or labeled as specified above.

(19) Except for those preserves licenses as provided in Section 372.661(2), F.S., a hunting license as provided by law shall be required of all persons taking game on any hunting preserve.

(20) There shall be a registration book on each hunting preserve in which the name, address, hunting license number (or nature of the exemption), and quantity of game taken by each person hunting on the preserve is recorded. All records and the physical facilities and installations of any hunting preserve shall be open to inspection upon request by personnel of the Commission.

(21) A complete annual report of all game mammals released and taken on said preserve up until June 30 of each year shall be furnished to the Commission by July 31 of each year.

(22) The minimum acreage provisions of subparagraphs (4)(b)1.-3. and the yardage requirement in subsection (7), shall not apply to those operations licensed prior to July 1, 1996.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-4-81, 6-21-82, 7-1-83, Formerly 39-12.10, Amended 8-5-86, 4-11-90, 4-15-92, 10-20-96, 6-23-99, Formerly 39-12.010, Amended 5-29-01, 11-3-02.

CHAPTER 68A-13 GENERAL HUNTING REGULATIONS

- 68A-13.001 Open Season for Taking Game; Bag and Possession Limits.
- 68A-13.002 Migratory Birds; Adoption of Federal Statutes and Regulations.
- 68A-13.003 Hunting Regulations for Ducks, Geese, and Coots.
- 68A-13.004 Open Season for Taking and Bag Limits for Non-Migratory Game and Issuance of Antlerless Deer Permits.
- 68A-13.006 Hunting on National Wildlife Refuges.
- 68A-13.007 Hunting Regulations on Public Small-Game Hunting Areas.
- 68A-13.008 Hunting Regulations for Migratory Birds Other than Ducks and Coots.

68A-13.001 Open Season for Taking Game; Bag and Possession Limits.

(1) The open seasons for taking game shall be those specific periods designated by rule of the Commission. The Commission shall establish annual seasons during which game mammals and game birds may lawfully be taken and the daily bag and possession limits of such game mammals and game birds.

(2) The Commission shall compile in pamphlet form all rules adopted in sufficient number as to make a copy available to all purchasers of hunting licenses.

(3) No person shall in any one day take more game than the daily bag limit or possess more than the maximum number of game birds or game animals allowed by the regulations of the Commission.

(4) No person shall take any game during the open season at any time other than during the shooting hours established for the species.

(5) Non-native game birds released by private individuals may be hunted only during the open season for quail except on licensed hunting preserves. Other non-native game birds or game animals may be taken only during the open season for the particular species established annually by the Commission.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-21-82, Formerly 39-13.01, 39-13.001.

68A-13.002 Migratory Birds; Adoption of Federal Statutes and Regulations.

(1) The following United States statutes are hereby adopted as rules of the Commission and are incorporated herein by reference.

(a) The Migratory Bird Treaty Act, 16 U.S.C. Sections 703-711 and 16 U.S.C. Section 712.

(b) The Migratory Bird Conservation Act, 16 U.S.C. Section 715.

(c) The Migratory Bird Hunting Stamp Act, 16 U.S.C. Sections 718-718h.

(2) Rules and regulations adopted by the U.S. Department of the Interior, Fish and Wildlife Service, pursuant to the statutes listed in subsection (1), cited as Title 50, Code of Federal Regulations, Chapter 1, Subchapters A, B and C, are hereby adopted as rules of the Commission and are incorporated herein by reference.

(3) 16 U.S.C., Section 460 K, and 50 CFR, Chapter 1, Subchapter C, Part 25, of the U.S. Department of the Interior, Fish and Wildlife Service, relating to wildlife or freshwater fish on national wildlife refuges or national wildlife management areas are hereby adopted as rules of the Commission on such refuges and wildlife management areas and are incorporated herein by reference.

(4) Regulations of the U.S. Department of the Interior, Fish and Wildlife Service, specifically Title 50 CFR, Part 21, Subpart C, Section 21.30, relating to raptor propagation, except as modified below, are hereby adopted as rules of the Commission and are incorporated herein by reference.

(a) No person shall possess any raptor for captive propagation purposes in Florida without a raptor propagation permit from the executive director and a raptor propagation permit approved by the director of the U.S. Fish and Wildlife Service. Application for state raptor propagation permits shall be by copy of the application for the federal raptor propagation permit as written in the Code of Federal Regulations, Title 50, Part 21, Subpart C, Section 21.30.

(b) Permittees shall provide copies of all annual reports required by regulations written in the Code of Federal Regulations, Title 50, Part 21, Subpart C, Section 21.30, to the Commission by January 31 of each year. The applicant's facility shall be available for inspection by Commission representatives during reasonable hours. Records required in federal regulations written in the Code of Federal Regulations, Title 50, Part 21, Subpart C, Section 21.30, shall be made available for inspection by Commission representatives upon request. Applicants and permittees shall be subject to the general regulations relating to licenses, permits and other authorizations as set forth in Rule 68A-5.004, F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Formerly 39-13.02, Amended 7-1-94, 8-11-98, Formerly 39-13.002.

68A-13.003 Hunting Regulations for Ducks, Geese, and Coots.

The Commission has approved the following regulations and bag limits for taking ducks, geese, and coots:

(1) Duck, light goose, and coot season:

(a) Open season:

1. First phase – Opening the Saturday before Thanksgiving and closing the Sunday following Thanksgiving.
2. Second phase – Opening 50 days prior to the last Sunday in January and closing the last Sunday in January.
3. Pintail season – The first phase and the first 21 days of the second phase as specified in this paragraph (1)(a).

(b) In Leon County (except below or within the ordinary high water line for Lake Talquin and the Ochlockonee River) and below the ordinary high water line for Lake Miccosukee in Jefferson County, waterfowl hunting is permitted only on Wednesdays, Saturdays and Sundays during the open season. In addition to Wednesdays, Saturdays and Sundays, waterfowl hunting is permitted on Thanksgiving and the day after; December 24, 25, 26 and 31; January 1 and 2; Martin Luther King, Jr. Day (if occurring during the open season described in paragraph (1)(a), above); and the first, last, and next-to-the-last days of the open season in paragraph (1)(a), above.

(c) Waterfowl hunting is permitted only on Wednesdays, Saturdays and Sundays during the open season in the State waters of the Gulf of Mexico in Hernando County north of Raccoon Point (south boundaries of Sections 35 and 36, T-21-S, R-16-E) and east of Saddle Key as designated by posted signs.

(d) In addition to the open season specified in paragraph (1)(a) above, a “Youth Waterfowl Hunt” will be held on the first Saturday and Sunday following the last Sunday in January. Youth hunters must be under 16 years of age and must be accompanied by a non-hunting adult at least 18 years of age. Daily bag limits and species restrictions for ducks, geese, and coots will be as described in paragraphs (1)(f) and (g), and subsection (4). Florida gallinules (common moorhens) may also be taken on the “Youth Waterfowl Hunt;” bag and possession limits for this species will be as specified in Rule 68A-13.008, F.A.C.

(e) Shooting hours: One-half hour before sunrise until sunset.

(f) Limits: The possession limit for ducks and coots shall be two days’ bag limit. There shall be no possession limit for light geese. Light geese include only snow (including blue) and Ross’ geese.

1. Ducks: The daily bag limit for ducks is six, including no more than four mallards, of which only two can be females, three scaup, four scooters, two wood ducks, two redheads, one pintail (only during the pintail season), one black duck, one Florida duck (mottled duck), and one fulvous whistling-duck. In addition to the daily bag limit for ducks, the daily bag limit for mergansers is five, only one of which may be a hooded merganser.

2. Light geese: The daily bag limit for light geese is 15.

3. Coots: The daily bag limit for coots is 15.

(g) Light geese may only be taken north and west of the Suwannee River.

(2) General restrictions:

(a) The taking of harlequin ducks, canvasbacks, brant or geese other than light geese as specified in subsection (1) and Canada geese as specified in subsection (4) is prohibited. The taking of pintails is prohibited except during pintail season.

(b) It shall be illegal to possess shotshells loaded with any type of shot other than steel or other nontoxic shot approved for use by the Fish and Wildlife Service, U.S. Department of the Interior, when hunting ducks, geese, or coots.

(3) Special September duck season:

(a) Open season: opening the Saturday prior to the last Wednesday in September and closing four days thereafter.

(b) Shooting hours: One-half hour before sunrise until sunset.

(c) Limits:

1. Daily bag: The daily bag limit shall be four teal and wood ducks in the aggregate per day, no more than two of which shall be wood ducks.

2. Possession: The possession limit shall be eight teal and wood ducks in the aggregate, no more than four of which shall be wood ducks.

(4) Canada goose season:

(a) Open season:

1. First phase – Opening the Saturday prior to the last Wednesday in September and closing four days thereafter.

2. Second phase – Opening the Saturday before Thanksgiving and closing the Sunday following Thanksgiving.

3. Third phase – December 1 through January 30.

4. Canada geese may be taken only in the Florida waters of Lake Seminole in Jackson County that are south of SR 2, north of the Jim Woodruff Dam, and east of SR 271.

(b) Shooting hours: One-half hour before sunrise until sunset.

(c) Limits:

1. Daily bag: The daily bag limit is five Canada geese.

2. Possession: The possession limit is ten Canada geese.

(5) Falconry:

(a) Ducks, mergansers, light geese, and coots may be taken from one-half hour before sunrise until sunset by the use of a falcon during the open season. The daily bag limit for all migratory game bird species shall be three, singly or in the aggregate, and two days’ bag may be possessed. Light geese may only be taken north and west of the Suwannee River.

(b) Open season for ducks (including mergansers), light geese, and coots: October 30 through November 12. Opening 8 days after the last Sunday in January and closing 25 days thereafter. The open season specified in paragraph (1)(a) and paragraph (3)(a) of this rule.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 10-23-79, 8-19-80, 9-29-81, 8-30-82, 7-27-83, 8-13-84, 8-13-85, 10-1-85, Formerly 39-13.03, Amended 8-5-86, 8-24-87, 8-18-88, 12-12-88, 8-17-89, 10-30-89, 8-9-90, 10-31-90, 8-22-91, 10-31-91, 8-23-92, 10-22-92, 9-2-93, 10-28-93, 11-6-94, 10-23-95, 10-20-96, 8-7-97, 10-28-97, 11-12-98, 6-23-99, Formerly 39-13.003, Amended 11-7-00, 5-13-02, 5-1-03.

68A-13.004 Open Season for Taking and Bag Limits for Non-Migratory Game and Issuance of Antlerless Deer Permits.

The open season and bag limits for non-migratory game shall be as follows unless otherwise amended by the Commission, provided that regulations for hunting on wildlife management areas shall be as established by specific rule.

(1) Bag and possession limits:

(a) Deer: Possession limit, four; daily bag as follows:

1. Two (2) antlered deer during the antlered deer, muzzleloading gun or archery/muzzleloading gun seasons.

2. One (1) antlered and 1 antlerless deer or 2 antlered deer during the antlerless deer season.

3. Two (2) antlerless deer, or 2 antlered deer, or 1 antlered and 1 antlerless deer during the archery season.

4. Antlerless deer taken under the authority of an antlerless deer permit issued under subsection (3) of this rule shall be included in the daily bag, but the aggregate daily bag of antlerless and antlered deer shall not exceed 2.

(b) Turkey: daily bag, 1; spring season bag, 2; all fall seasons bag, 2; possession limit, 2.

(c) Quail, gray squirrel, and rabbit: daily bag 12 of each species; possession limit 24 of each species; daily falconry bag 2 quail, 12 gray squirrels and 12 rabbits; falconry possession limit 4 quail, 24 gray squirrels and 24 rabbits.

(d) Wild hog: daily bag, 1; possession limit, 2.

(2) Open seasons:

(a) Antlered deer:

1. South Zone comprised of the counties of Broward, Charlotte, Collier (except that portion lying south of State Road 84, west of State Road 29, north of U.S. Highway 41 and east of the western boundary of the Fakahatchee Strand State Preserve where there will be no open season), Dade, DeSoto (south of State Road 70), Glades, Hendry, Highlands (south of State Road 70), Lee, Martin, Manatee (south of State Road 70), Monroe (except in the Florida Keys where there will be no open season), Okeechobee (south of State Road 70), St. Lucie (south of State Road 70), Sarasota and Palm Beach: Opening the last Saturday in October and closing 71 days thereafter.

2. Central Zone comprised of the counties of Alachua, Baker, Bradford, Brevard, Citrus, Clay, Columbia, DeSoto (north of State Road 70), Dixie, Duval, Flagler, Gilchrist, Hamilton, Hardee, Hernando, Highlands (north of State Road 70), Hillsborough, Indian River, Jefferson (north of U.S. Highway 27, east of State Road 59 and south of U.S. Highway 98), Lafayette, Lake, Levy, Madison, Manatee (north of State Road 70), Marion, Nassau, Okeechobee (north of State Road 70), Orange, Osceola, Pasco, Pinellas, Polk, Putnam, St. Johns, St. Lucie (north of State Road 70), Seminole, Sumter, Suwannee, Taylor, Union, Volusia, Leon (north of U.S. Highway 27 and east of State Road 155) and Wakulla (south of U.S. Highway 98 and east of the St. Marks River): Opening the second Saturday in November and closing 71 days thereafter.

3. Northwest Zone comprised of the counties of Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Okaloosa, Santa Rosa, Walton and Washington, Leon (except that portion north of U.S. Highway 27 and east of State Road 155), Jefferson (south of U.S. Highway 27, west of State Road 59 and north of U.S. Highway 98), and Wakulla (except that portion south of U.S. Highway 98 and east of the St. Marks River): Opening the fourth Thursday in November and closing 3 days thereafter and reopening the second Saturday in December and closing 67 days thereafter.

(b) Antlerless deer:

1. During the eighth through fourteenth day of the antlered deer season in the South Zone except those portions of the eastern Everglades south of the Tamiami Trail (U.S. 41) and east of Everglades National Park, or in Collier County south of Alligator Alley (S.R. 84).

2. During the eighth through fourteenth day of the antlered deer season in the Central Zone.

3. During the twelfth through eighteenth day of the antlered deer season in the Northwest Zone.

(c) Turkey:

1. Fall season (gobblers or bearded turkeys only):

During the last 58 days of the antlered deer season in the South Zone; during the first 58 days of the antlered deer season in the Central Zone; and during the first 41 days of the antlered deer season in the Northwest Zone except in Holmes County where there will be no open season.

2. Spring season (gobblers or bearded turkeys only):

Opening on the first Saturday of March and closing 36 days thereafter in the South Zone. Opening on the third Saturday of March and closing 36 days thereafter in the Central and Northwest Zones except in Holmes County where there will be no open season.

(d) Quail: Opening the second Saturday of November and closing 113 days thereafter. Opening October 1 and closing March 31 for falconry.

(e) Gray squirrel: Opening the second Saturday of November and closing 113 days thereafter. Opening October 1 and closing March 31 for falconry.

No open season on fox squirrels.

(f) Rabbit: Throughout the year.

(g) Wild hog: During open seasons for deer.

(h) Notwithstanding the provisions of paragraphs (2)(a)-(g) deer of either sex, gobblers or bearded turkeys, gray squirrel, quail and wild hog may be taken where same are legal game, during an archery season opening 49 days prior to the first day of the antlered deer season and closing 29 days thereafter in the South Zone, opening 49 days prior to the first day of the antlered deer season and closing 29 days thereafter in the Central Zone, and opening 40 days prior to the first day of the antlered deer season and closing 29 days thereafter in the Northwest Zone except that turkey may not be taken in Holmes County.

(i) Notwithstanding the provisions of paragraphs (2)(a), (b), (c), (d), (e), and (h), antlered deer, gobblers or bearded turkeys, gray squirrel, quail and wild hogs may be taken:

1. During a muzzleloading gun season opening 14 days prior to the first day of the antlered deer season and closing 8 days thereafter in the South Zone; opening 14 days prior to the first day of the antlered deer season and closing 8 days thereafter in the Central Zone, and opening 6 days prior to the first day of the antlered deer season and closing 2 days thereafter in the Northwest Zone except that turkey may not be taken in Holmes County.

2. During an archery/muzzleloading gun season in the Northwest Zone opening the day following the last day of the antlered deer season and closing 10 days thereafter, provided that turkeys may not be taken.

(3) Issuance of antlerless deer permits to landowners – Antlerless deer may be taken under permit from the executive director during the muzzleloading gun, archery/muzzleloading gun, and antlered deer seasons in accordance with the following:

(a) The owners of the property (not less than 640 acres or not less than 150 acres if the applicant land is contiguous to land receiving antlerless deer permits) where the antlerless deer are to be taken shall make written application (on GFC Form ADPA 1000, effective July 1, 1998, adopted and incorporated herein by reference, and available from the Commission's regional offices) to the executive director showing proof of ownership of the land in question. A group of landowners may apply jointly provided the aggregate contiguous acreage is at least 640 acres.

(b) A Commission biologist shall assess the status of the deer population and recommend the number of antlerless deer to be removed.

(c) Upon approval, the Division of Wildlife shall furnish to the landowner an identifying tag for each antlerless deer to be taken from the approved area. These tags may be issued to individual persons at the discretion of the landowner.

(d) Each person who takes an antlerless deer shall immediately lock the identifying tag to the carcass of the deer. Antlerless deer may not be possessed unless the identifying tag has been locked on the carcass. Each tag shall remain locked on the carcass until the deer is dismembered and stored at the hunter's domicile.

(e) The landowner to whom the permit and the identifying antlerless deer tags are furnished shall maintain records on forms (GFC Form ADR 1001, effective July 1, 1998, adopted and incorporated herein by reference) furnished by the Commission.

(f) Records of all antlerless deer taken shall be returned to the Commission within 30 days following the close of the deer season.

(g) Commission personnel shall be granted access to collect biological specimens and data on antlerless deer taken under the provisions of this subsection.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 5-19-80, 6-4-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-13.04, Amended 6-1-86, 5-10-87, 6-8-87, 5-1-88, 7-1-89, 7-1-90, 7-1-91, 7-1-92, 7-1-93, 3-1-94, 7-1-94, 7-1-96, 10-28-97, 4-27-98, 12-28-98, Formerly 39-13.004, Amended 7-1-01, 5-13-02, 10-16-02.

68A-13.006 Hunting on National Wildlife Refuges.

Hunting shall be permitted in accordance with regulations established by the Secretary of the Interior.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-20-79, Amended 6-22-80, 6-4-81, 7-29-82, 7-27-83, 10-27-83, 8-13-84, 8-13-85, Formerly 39-13.06, Amended 8-5-86, 8-24-87, 8-18-88, 8-17-89, 8-9-90, 8-22-91, Formerly 39-13.006.

68A-13.007 Hunting Regulations on Public Small-Game Hunting Areas.

(1) Public small-game hunting areas shall be established and regulated as follows:

(a) All areas for public small-game hunting shall be posted as a wildlife management area.

(b) Specific small-game hunting areas shall be established by order of the executive director, and regulations for these specific areas that differ from the general regulations as set forth in this rule shall be established by posting on the area and through publishing in a newspaper of general circulation or through notice by broadcasting in an electronic media.

(c) Establishment and regulation will be dependent upon conditions existing for specific areas at the time when small-game hunting is allowed statewide.

(2) The general regulations for public small-game hunting areas shall be as follows:

(a) Legal game for each public small-game hunting area shall be as identified in the specific area regulations. Legal game shall be limited to small game, frogs, and all legal fish, except that wild hogs may be included as legal game when necessary for management purposes, and alligators and alligator eggs and hatchlings may be established as legal to take pursuant to Rules 68A-25.031, 68A-25.032 and 68A-25.042, F.A.C.

(b) A daily use permit shall be required for hunting on any public small-game hunting area unless excepted by specific area regulations.

(c) Vehicles may be operated only on named and numbered roads and may be parked only in designated parking areas. Vehicles may not be operated on named and numbered roads designated by area regulations as closed to vehicular traffic or temporarily closed by administrative action and posting notice of such on those roads because of inclement weather, poor road conditions, construction or management activities or wildlife surveys.

(d) Waterfowl retrievers, bird dogs, and other dogs with a shoulder height of 17 inches or less may be used for hunting during open seasons unless prohibited by specific area regulation. Dogs not normally used for hunting may be possessed provided they are kept under restraint.

(e) Shooting hours for ducks and coots – From the beginning of the shooting hours established pursuant to Rule 68A-13.003, F.A.C., until noon. Shooting hours for mourning doves and white-winged doves – Noon to sunset. Shooting hours for other legal game shall be provided by specific area regulation.

(f) The possession of firearms other than bang sticks by persons permitted to take alligators and shotguns is prohibited unless otherwise provided by specific area regulation.

(g) Airboats, outboard motors larger than 10 horsepower, tracked vehicles, motorcycles, and all-terrain vehicles are prohibited unless otherwise provided by specific area regulation.

(h) Construction or use of permanent blinds or structures is prohibited.

(i) Tampering with or destruction of equipment, improvements, and water control structures is prohibited.

(j) Public access is prohibited in portions of public hunting areas that are posted as “Closed” or “Restricted.”

(k) Releasing wildlife of any species is prohibited unless authorized by permit from the executive director.

(l) Fishing and general public access are permitted as provided by specific area regulation.

(m) Camping is permitted only in designated camp sites.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-4-82, Formerly 39-13.07, Amended 7-1-89, 7-1-96, Formerly 39-13.007, Amended 4-30-00.

68A-13.008 Hunting Regulations for Migratory Birds Other than Ducks and Coots.

The Commission has approved the following regulations and bag limits for taking crows and migratory game birds other than ducks and coots:

(1) Mourning doves and white-winged doves:

(a) Open seasons:

1. First phase – Opening the first Saturday of October and closing sunset 23 days thereafter.

2. Second phase – Opening 12 days prior to Thanksgiving and closing sunset on the Sunday after Thanksgiving, statewide.

3. Third phase – Opening the second Saturday of December and closing sunset 29 days thereafter statewide.

(b) Shooting hours: Noon until sunset during the first phase and one-half hour before sunrise until sunset during the second and third phases.

(c) Limits:

1. Daily bag: 12.

2. Possession: 24.

3. The daily bag limit of doves shall be 12 mourning and white-winged doves in the aggregate of which no more than four may be white-winged doves. Possession limit of white-winged doves shall be eight.

(2) Rails and gallinules (Common moorhens):

(a) Open season: September 1 through November 9.

(b) Shooting hours: One-half hour before sunrise until sunset.

(c) Limits:

1. Rails: Clapper and king.

a. Daily bag: 15.

b. Possession: 30, singly or in the aggregate.

2. Rails: Virginia and sora.

a. Daily bag: 25.

b. Possession: 25, singly or in the aggregate.

3. Florida gallinules (common moorhens):

a. Daily bag: 15.

b. Possession: 30.

(3) Woodcock:

(a) Open season: Opening the third Saturday of December and closing sunset 29 days thereafter.

(b) Shooting hours: One-half hour before sunrise until sunset.

(c) Limits:

1. Daily bag: three.

2. Possession: six.

(4) Snipe:

(a) Open season: November 1 through February 15.

(b) Shooting hours: One-half hour before sunrise until sunset.

(c) Limits:

1. Daily bag: eight.

2. Possession: 16.

(5) Crow:

(a) Open season:

1. First phase – Opening the second Saturday of November and closing 71 days thereafter.

2. Second phase – On Saturdays and Sundays only starting the second Saturday in May through 176 days thereafter.

(6) Falconry:

(a) Migratory game birds other than ducks and coots may be taken from one-half hour before sunrise to sunset by the use of a falcon during the open season. The daily bag limit for all migratory bird species shall be three birds, singly or in the aggregate, and two days' bag may be possessed.

(b) Open seasons:

1. Mourning doves and white-winged doves: Opening the first Saturday of October and closing sunset 106 days thereafter.

2. Rails: Opening September 1 and closing December 16.

3. Florida gallinules (common moorhens): Opening September 1 and closing December 14.

4. Woodcock: Opening November 24 and closing 106 days thereafter.

5. Snipe: November 1 through February 15.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-17-89, Amended 8-9-90, 8-22-91, 8-23-92, 9-2-93, 9-15-94, 9-15-96, 9-7-97, Formerly 39-13.008, Amended 7-1-01.

CHAPTER 68A-14 ESTABLISHMENT ORDERS FOR DESIGNATED AREAS

68A-14.001 Establishment Orders.

68A-14.0011 Opening or Closing Areas Other Than Restricted Hunting Areas, Bird Sanctuaries or Critical Wildlife Areas; General.

68A-14.001 Establishment Orders.

Whenever the Commission establishes an area to be a wildlife management area; a wildlife and environmental area; a refuge; a bird sanctuary; a restricted hunting area; a critical wildlife area; a fish management area; or a miscellaneous area, it shall do so by an establishment order.

(1) The establishment order shall recite, at least, the following:

(a) The legal description of the area to be established.

(b) Any terms and conditions under which the area is established.

(2) The establishment orders shall be kept by the Commission in its headquarters office and lists of all orders establishing an area as a wildlife management area; a wildlife and environmental area; a wildlife refuge; a bird sanctuary; a restricted hunting area; a critical wildlife area; a fish management area; a wild hog area or a miscellaneous area shall be kept by the Commission in its headquarters office and shall be available to the public for inspection.

(3) Public small-game hunting areas may be established within wildlife management areas, wildlife and environmental areas, and fish management areas pursuant to Rule 68A-13.007, F.A.C., for the purpose of designating dove-hunt only areas. Regulations for each public small-game hunting area so established shall supercede regulations for the wildlife management area, wildlife management area, wildlife and environmental area, or fish management area within which it occurs.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-21-82, Formerly 39-14.01, Amended 10-28-97, Formerly 39-14.001, Amended 6-30-99, 12-20-99, 7-18-00, 5-1-03.

68A-14.0011 Opening or Closing Areas Other Than Restricted Hunting Areas, Bird Sanctuaries or Critical Wildlife Areas; General.

The Commission may establish refuges, wildlife management areas, fish management areas, wildlife and environmental areas, wild hog areas and miscellaneous areas and regulate and manage the lands or water therein in the best interest of the state; and in furtherance thereof:

(1) Open or close any lake, stream or river or parts thereof, any county or part of a county to the taking of wildlife or freshwater fish for the purpose of establishing, protecting, or managing wildlife or freshwater fish, and prohibit hunting, trapping or fishing within such areas.

(2) All closed waters or lands shall be posted and it shall be unlawful for any person to deface, remove or change any posters or signs placed by the Commission or its cooperating agents.

(3) Open or close any lake, stream or river or parts thereof, any county or part of a county to the taking of wildlife or freshwater fish when it is found or believed that an emergency exists where, absent such action on the part of the Commission, harm or disaster to the wildlife or fish population within the area under consideration might occur. Such opening or closing action shall become effective immediately as prescribed by emergency order adopted by the Commission.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.121 FS. History—New 6-21-82, Formerly 39-14.011, Amended 11-23-97, Formerly 39-14.0011.

CHAPTER 68A-15 TYPE I WILDLIFE MANAGEMENT AREAS

68A-15.004	General Regulations Relating to Wildlife Management Areas.
68A-15.005	Quota Permits; Antlerless Deer Permits; Special-Opportunity Permits.
68A-15.006	Regulations Relating to Miscellaneous Areas.
68A-15.061	Specific Regulations for Wildlife Management Areas - Southwest Region.
68A-15.062	Specific Regulations for Wildlife Management Areas - North Central Region.
68A-15.063	Specific Regulations for Wildlife Management Areas - Northwest Region.
68A-15.064	Specific Regulations for Wildlife Management Areas - South Region.
68A-15.065	Specific Regulations for Wildlife Management Areas - Central Region.

68A-15.004 General Regulations Relating to Wildlife Management Areas.

(1) General prohibitions: Hunting, fishing or trapping is prohibited on any portion of any wildlife management area posted as closed to hunting, fishing or trapping. Hunting, fishing, trapping, camping or other usage related to such activity on any wildlife management area shall only be at the time and in the manner provided by the regulations for the particular wildlife management area. All legal methods for taking fish or wildlife will be permitted, unless prohibited under the rules governing a particular area.

(2) Permits required:

(a) A wildlife management area stamp as provided by Section 372.57, F.S., in addition to all regular license requirements, is required for persons, except those exempted in subsection (3) hereof, to hunt, trap or be in possession of a gun, trap or other device for taking wildlife or fur-bearing animals on a wildlife management area.

(b) A short-term use permit or special-use permit is mandatory on those wildlife management areas where required by regulations for that area. On areas where short-term use permits (daily or multi-day permits) are authorized, holders of such permits shall possess or display a valid short-term use permit receipt in the manner specified on the receipt. Access to areas open to special-opportunity deer, hog (still hunt only), and wild turkey hunting is prohibited by persons not in possession of the appropriate special-opportunity hunt permit except that a non-permitted individual may accompany a permittee. While hunting or scouting, a non-permitted individual may accompany a permittee and participate in the hunt but shall not occupy a vehicle separate from the permittee or possess a gun, and shall be in the immediate vicinity (25 feet or less) of the permittee. Persons using the Florida Trail for through-hiking are exempt from the permit requirements of this paragraph.

(c) A wildlife management area stamp shall be required of any person, except those exempted in subsection (3) hereof, who engages in any outdoor recreation activity on the J. W. Corbett and Cecil M. Webb areas (except for organized group activity under contractual agreement with the Commission). Members of a stampholder's family (includes spouse and dependent children) traveling in the company of a stampholder are exempt from these recreational stamp requirements.

(d) A written authorization or permit issued by the Department of Defense, in addition to licensing as required by Section 372.57, F.S., shall be required to hunt, fish or frog on any Wildlife Management Area owned by the United States of America, Department of Defense. This authorization or permit shall be displayed for inspection upon the request of any law enforcement officer.

(3) Permit exceptions: Persons exempted by Section 372.57, F.S., those persons who possess a gun on Osceola, Ocala and Apalachicola Wildlife Management Areas for the exclusive purpose of shooting at a Commission authorized shooting range, persons in possession of a special-use permit; persons engaging in activities pursuant to Rule 68A-25.032 or 68A-25.042, F.A.C.; or persons hunting, fishing or frogging on lands owned by the United States of America, Department of Defense, are excepted from wildlife management area stamp requirements.

(4) Legal to hunt:

(a) Turkeys may not be taken during any fall season in which firearms may be used unless otherwise provided for a specific area. Notwithstanding provisions in Rule 68A-13.004, F.A.C., turkeys of either sex may be taken during muzzleloading and general gun seasons as specifically provided by area rule. The hours in which the hunting of gobblers or bearded turkeys is permitted during the spring season shall be from one-half hour before sunrise until 1 p.m.

(b) Only species which are legal to take in the region where the wildlife management area lies, unless otherwise provided for a specific area, may be taken.

(c) During the spring turkey season, the hunting or taking of any other species of wildlife is prohibited unless otherwise provided for a specific area.

(d) Turkey of either sex or antlerless deer may be taken during archery seasons unless otherwise provided by specific area regulation.

(e) Antlerless deer may be taken during gun seasons only by hunters possessing valid antlerless deer permits or as otherwise provided by specific area regulation.

(f) On any wildlife management areas where an antlered deer quota is established by order, no person shall take antlered deer after the quota for antlered deer is attained.

(g) Fox squirrels may not be taken.

(h) Game may be taken by falconry during established statewide seasons that coincide with periods when wildlife management areas are otherwise open for public use or hunting unless prohibited by specific area regulation. Dogs may be used during falconry only during those periods when the use of dogs for hunting is permitted by specific area regulation.

(5) Hunters:

(a) Authorized hunting equipment or dogs (if permitted by area regulations) may be taken on the area after 8 a.m. one day before the opening of the season and shall be removed from the area before 6 p.m. one day following the close of the season unless otherwise provided by specific area regulations.

(b) Driving a metal object into any tree, or hunting from a tree in which a metal object has been driven, is prohibited.

(6) Guns:

(a) No person shall possess any gun on any wildlife management area during any period in which hunting by the use of a gun is prohibited unless otherwise authorized by permit from the executive director.

(b) The possession of a firearm or crossbow is prohibited on any wildlife management area during established seasons for archery hunting unless otherwise stipulated in a regulation established for a specific area. The possession of a gun (except a muzzleloading gun) is prohibited on any wildlife management area during seasons for muzzleloading gun hunting. The possession of a gun is prohibited on any wildlife management area during any season open only for the taking of fur-bearing animals or frogs unless otherwise stipulated in a regulation established for a specific area.

(c) No person shall have any gun under his control while under the influence of alcohol or drugs.

(d) The possession of center-fire rifles is prohibited during small game season.

(e) The possession of any firearm containing shells or cartridges, or any capped or primed muzzleloading gun is prohibited on any public campsite or check station area. The discharge of firearms is prohibited on, from or across any campsite or check station area.

(f) Centerfire shotguns are permitted during established area seasons when one or more migratory game birds are legal to take except when prohibited by specific area rule.

(7) Dogs:

(a) Dogs may be used for hunting during open seasons unless prohibited by regulations for the particular management area. The Executive Director or designee shall issue permits to raccoon hunting organizations that are sanctioned by the United Kennel Club, American Kennel Club, Professional Kennel Club, or similar sanctioning entity to allow raccoon hunting during otherwise closed seasons and at times and places designated in the permit. Permits may be issued only in areas where this activity will not negatively impact wildlife, where adjoining landowner conflicts will be minimal, where cooperating landowners are in agreement with the permit conditions, and when not in conflict with other user groups.

(b) No person shall knowingly or negligently allow any dog to pursue or molest any wildlife during any period in which the taking of such wildlife by the use of dogs is prohibited.

(c) No person shall possess any dog during any period in which the taking of wildlife by the use of dogs is prohibited provided that dogs not normally used for hunting and kept under restraint may be possessed.

(d) Dogs on leashes may be used for trailing wounded game unless otherwise prohibited under specific area regulations.

(8) Camping:

(a) Camping during open season shall be limited to designated campsites except under special rules for particular wildlife management areas. Camping is permitted during closed season unless prohibited by specific area regulations.

(b) When camping is permitted on any wildlife management area, authorized camping equipment may be taken on the area after 8:00 a.m. one day before the opening of each season and shall be removed from the area before 6:00 p.m. one day following the close of each season unless otherwise provided by specific area regulations.

(9) Vehicles:

(a) No motor vehicle shall be operated on any part of any wildlife management area designated by area regulations as closed to vehicular traffic or temporarily closed by administrative action and posting notice of such on those areas because of inclement weather, poor road conditions, construction or management activities or wildlife surveys. The use of two-wheeled motor-powered vehicles or all-terrain vehicles is prohibited on any roads or trails not open to or used by other vehicles unless otherwise provided by specific area regulation.

(b) No person shall park any vehicle in a manner which obstructs a road, gate or firelane.

(10) Grain and food: No person shall place, expose or distribute any grain or other food for wildlife on any wildlife management area except as authorized by permit from the executive director. No person shall take wildlife on any land or waters upon which grain or other food has been deposited, provided that quail may be hunted in proximity to established game feeders.

(11) Release of wildlife: No person shall release wildlife of any species on any wildlife management area unless authorized by permit from the executive director.

(12) Plants:

(a) No person shall cut or destroy any tree on, or remove any tree, shrub, or protected plant (as designated in Section 581.185, F.S.) from, any wildlife management area without written permission from the landowner or primary land manager.

(b) No person shall possess or remove saw palmetto berries from any wildlife management area where the Commission is the landowner or lead managing agency without written permission.

(c) No person shall remove plants, rocks, minerals, animal life, other natural resources or parts thereof where the Commission is the landowner or lead managing agency without written authorization from the Executive Director or designee in accordance with the criteria of Rule 68A-9.002, F.A.C.

(13) Alligators: Notwithstanding any other provision in Chapter 15, F.A.C., the harvest of alligators, their eggs or hatchlings may be conducted on wildlife management areas in accordance with Commission order(s) and Rules 68A-25.031, 68A-25.032 and 68A-25.042, F.A.C. Guns and bait may be possessed and used for taking alligators by alligator hunt participants as specified in Rule 68A-25.042 or 68A-25.032, F.A.C., whichever is applicable, and persons taking alligators pursuant to those rules on wildlife management areas shall not be required to check in and out at a check station, or check any alligators taken. A private landowner making his lands available for use in the wildlife management area system may participate in an alligator management program on such lands in accordance with Rule 68A-25.032, F.A.C.

(14) Public access is prohibited in areas posted as "Restricted" for protection of threatened or endangered species or environmentally sensitive areas.

(15) Fishing and Frogging:

(a) Fishing or frogging are permitted only during the seasons specifically established for these activities under the particular wildlife management area.

(b) Shooting frogs is permitted only during hunting seasons established for the particular wildlife management area and only with guns that are legal to use during each particular open hunting season.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.57 FS. History—New 8-1-79, Amended 6-4-81, 6-21-82, 6-9-83, 9-27-83, 7-5-84, 7-1-85, Formerly 39-15.04, Amended 5-7-86, 5-10-87, 4-13-88, 8-18-88, 4-19-90, 4-4-91, 4-14-92, 10-22-92, 7-26-94, 11-6-94, 3-30-95, 10-23-95, 9-15-96, 6-1-97, 7-1-98, 12-28-98, 4-15-99, Formerly 39-15.004, Amended 7-1-00, 6-2-02, 5-1-03.

68A-15.005 Quota Permits; Antlerless Deer Permits; Special-Opportunity Permits.

(1) During the first nine days of the general hunting season and at other times specified herein, a quota or special-opportunity permit in addition to other license, permit and stamp requirements, shall be required for any person while hunting on wildlife management areas, wildlife and environmental areas, and fish management areas or specified units thereof, identified in this rule. Those persons exempt from license requirements by Section 372.57(1), F.S., or stamp requirements by Section 372.57(4), F.S., or persons age 65 or over who have obtained a Florida lifetime hunting or lifetime sportsman's license are also exempt from quota permit requirements on all areas except those specified by "(no exemptions)" in this rule. Quota, antlerless deer and special-opportunity permits shall be in the hunter's possession and shall be displayed upon request by any Commission employee. Quota, antlerless deer, and special-opportunity permits shall be transferable, except that quota, antlerless deer, and special-opportunity permits issued to exempt persons shall be transferable only to another exempt person, and application for same, if necessary, shall be made in accordance with Rule 68A-5.005, F.A.C.

(2) The maximum number of quota and special-opportunity permits to be issued for each wildlife management area, fish management area, or wildlife and environmental area shall be maintained on a list titled "Quota and special-opportunity permits," effective July 1, 2003, incorporated herein by reference and kept by the Commission at its headquarters office and regional offices.

(3) Antlerless deer permits will be issued on specified wildlife management areas or wildlife and environmental areas during such hunting seasons or portions thereof as may be ordered by the Executive Director. Estimated deer density, estimated carrying capacity of available habitat and management objectives will be considered in determining the number of antlerless deer permits to be issued. Antlerless deer permits shall be transferable. No person shall take any antlerless deer on a management area unless authorized by permit or by area regulations.

(4) No person shall sell, purchase or offer to purchase any quota permit or any antlerless deer permit.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 5-19-80, 6-22-80, 12-29-80, 6-4-81, 8-4-81, 6-21-82, 7-29-82, 7-1-83, 7-5-84, 7-1-85, 9-19-85, Formerly 39-15.05, Amended 5-7-86, 6-10-86, 5-10-87, 6-8-87, 10-8-87, 4-13-88, 6-7-88, 7-1-89, 7-1-90, 9-1-90, 7-1-91, 7-2-91, 7-1-92, 8-23-92, 7-1-93, 7-1-94, 3-30-95, 6-20-95, 8-15-95, 4-1-96, 6-27-96, 9-15-96, 10-20-96, 6-1-97, 8-7-97, 11-23-97, 7-1-98, 7-2-98, 8-11-98, 12-28-98, 5-13-99, Formerly 39-15.005, Amended 12-9-99, 4-30-00, 7-1-01, 8-1-01, 11-1-01, 5-13-02, 10-16-02, 5-1-03.

68A-15.006 Regulations Relating to Miscellaneous Areas.

(1) The Commission may establish specific regulations for wild hog areas and miscellaneous areas to regulate and manage the lands or waters therein in the best interest of the state.

(2) Kissimmee River Public Use Area.

(a) Open season:

1. Non-migratory game – Zonal seasons established under Rule 68A-13.004, F.A.C., except that open season for rabbit shall be during the zonal squirrel season only.

2. Migratory game birds – Statewide regulations established under Rules 68A-13.003 and 68A-13.008, F.A.C., except that open season for crow shall be during the first phase of crow season only.

3. Furbearers – During the zonal antlered deer season only except that bobcat, and otter may be taken only after November 30.

4. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, furbearers, fish, and frogs. Wild hogs may be taken only during open seasons for deer. Antlerless deer may be taken only during the archery seasons and during the eighth and ninth days of the antlered deer seasons for the South and Central Zones, as applicable, established in Rule 68A-13.004, F.A.C. Bag and possession limits and shooting hours shall be those established under Rules 68A-13.003, 68A-13.004 and 68A-13.008, F.A.C., except that shooting hours for turkeys during the spring season shall be from one-half hour before sunrise until 1 p.m., and there shall be no bag or size limits on wild hogs.

(c) General regulations:

1. The possession of guns shall be prohibited in the marshes and uplands except during the period beginning on the opening day of rail season established in Rule 68A-13.008, F.A.C., and ending on the closing day of spring turkey season established in Rule 68A-13.004, F.A.C. Center-fire rifles are prohibited. The marshes shall be those lands outside the Kissimmee River channel, the C-38 canal, and the Istokpoga canal. In posted archery/muzzleloading gun areas, only bows may be used during the zonal archery season, only muzzleloading guns may be used during the muzzleloading gun season, only bows may be used during the antlered deer season, and only bows and muzzleloading guns may be used during spring turkey season.

2. Shooting frogs shall be permitted only during hunting seasons established for this area and only with guns that are legal to use during each particular open hunting season.

3. All public use shall be prohibited in those areas posted as closed to afford protection to biologically sensitive resources or sites, protection of archeological or cultural resources, or for public safety reasons. Hunting shall be prohibited within 300 yards of any active construction site.

4. The use of airboats is prohibited in those areas posted as closed to airboat use.

Specific Authority Art. IV, Sec 9, Fla. Const. Law Implemented Art IV, Sec 9, Fla. Const. History--New 12-9-99, Amended 5-13-02, 5-1-03.

68A-15.061 Specific Regulations for Wildlife Management Areas - Southwest Region.

(1) Green Swamp Wildlife Management Area.

(a) Open season:

1. General gun – November 8 through January 4.

2. Archery – September 20 through October 19, Fridays, Saturdays and Sundays only.

3. Small game – January 10 through February 8, Saturdays and Sundays only.

4. Spring turkey – March 20 through April 25.

5. Fishing and frogging – Permitted during periods in which hunting is allowed; and Saturdays and Sundays from May 1 to June 13. Fishing and frogging is permitted at all other times provided that access is by foot only.

(b) Legal to take: All legal game, fish, frogs and furbearers. No bag or size limit restrictions on wild hogs.

(c) Camping: Permitted only at designated campsites during archery, general gun and spring turkey seasons. Permitted only at the Rock Ridge Road campsite during the designated fishing and frogging season and 471 campsite during the designated small game season. Camping along the Green Swamp Hiking Trail (Florida Trail) is prohibited except by written permission from the Southwest Florida Water Management District.

(d) General regulations:

1. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.

2. Only tents, trailers or self-propelled camping vehicles may be used for camping.

3. No deer or hog shall be quartered or otherwise dismembered until checked and tagged.

4. Hunters may enter or exit the area at designated access points only during hours in which check stations are in operation.

5. Hunting with dogs (other than bird dogs) is prohibited.

6. No person shall operate a motorized vehicle except during established open seasons or by written permission of the Southwest Florida Water Management District. Motorized vehicles may be operated only on named or numbered roads. Bicycles may be operated only on named or numbered roads and designated bicycle trails. During the designated fishing and frogging season Tanic Grade, Powder Grade and Levee Road north of Main Grade will be closed to vehicle traffic. Designated unimproved roads are open only during the fishing and frogging season.

7. Tracked vehicles, airboats, motorcycles or all-terrain vehicles are prohibited. Horses are permitted with the written permission of the Southwest Florida Water Management District.

8. Camps shall be removed by 8:00 p.m., January 4, April 18 and June 13 from the Rock Ridge campground and by February 8 and April 18 from the 471 campground.

9. Hunting during the small game season shall be permitted only in that portion of the area located in T24S, R23E, Sections 7, 8, 17, 18, 19, 20, 29, 30 and 32 and those portions of Sections 16, 21, 28 and 33 south of Bull Barn and west of Levee Roads; and T25S, R23E, Section 5 and those portions of Sections 4 and 9 south of Main, west of Levee and north of Tram Grades and those portions of Sections 7, 8 and 18 along the Withlacoochee River and bounded by state fence.

(2) Green Swamp Wildlife Management Area – West Unit.

(a) Open season:

1. Special-opportunity turkey – March 20-23, March 29 through April 1, April 3-6, 12-15 and 17-20.

2. Special-opportunity archery – November 1-4 and 20-23.

3. Special-opportunity general gun – December 5-8, 16-19 and January 1-4.
4. Special-opportunity hog-still – February 6-8.
5. Special-opportunity hog-dog – February 18-20.
6. Small game – January 9-11 and 23-25.
7. Fishing and frogging – Permitted throughout the year.
8. Trapping – Prohibited.

(b) Legal to take: All legal game and wild hogs. Turkeys may be taken only during the special-opportunity turkey hunts. The bag limit for turkey shall be one gobbler (or bearded turkey) per special-opportunity turkey hunt permit. One antlered deer may be taken per special-opportunity deer hunt permit. Antlerless deer (except spotted fawns) may be taken by antlerless deer permit only. Taking of antlered deer not having at least one antler with four or more points is prohibited. Only hogs may be taken during the special-opportunity hog-still and special-opportunity hog-dog seasons. No bag or size limits on wild hogs. Fish and frogs throughout the year.

(c) Camping: Camping is permitted at designated campsites during hunting season and at other times by permit from the Southwest Water Management District. Kitchen stoves, refrigerators, and freezers, unless contained in mobile campers are prohibited. Lumber, sheet metal or other building materials is prohibited. Each camper shall assure that their campsite is clean at all times. The alteration, defacing, moving, tampering in any way with official markings of campsites is prohibited.

(d) General regulations:

1. Hunters must enter and exit the area at the designated entrance and register at the hunt headquarters.
2. Vehicles may be operated only on named or numbered roads. Horses and bicycles may be ridden only on designated trails.
3. The use of tracked vehicles, airboats, motorcycles or all-terrain vehicles is prohibited. The use of horses is prohibited during the special-opportunity hunts.
4. No game shall be dismembered until checked at the hunt headquarters.
5. Individuals in possession of a special-opportunity hunt permit shall have vehicle access to the area from sunrise to sunset on the day preceding the hunt.
6. Only shotguns may be used during the special-opportunity spring turkey hunts.
7. Shotguns are prohibited during the special-opportunity archery hunts.
8. The use of dogs, other than bird dogs and dogs with a shoulder height of 15 inches or less during the small game season, is prohibited except that no more than three dogs per quota hunt permit may be used during the special-opportunity hog-dog season.
9. During the special-opportunity hog-dog season, a permit shall be required for each group of two hunters, and only one gun may be possessed per permit.

(3) Fred C. Babcock/Cecil M. Webb Wildlife Management Area.

(a) Open season:

1. General gun – October 25 through November 2.
2. Small game:
 - a. November 8-16, and
 - b. November 19 through January 11 on Wednesdays, Thursdays, Saturdays, Sundays only and November 28.
3. Fishing and frogging – Throughout year.
4. Archery – September 6-7.
5. Quail – Wednesday, Thursday, Saturday, and Sunday – November 12-16, 19-23, 26-30, December 3-7, 10-14 and 17-21.

(b) Legal to take:

1. General gun – deer, hog, fish and frogs only. Hogs may be taken only on the first day of the general gun season. Bag limit of one hog per quota hunt permit.
2. Small game – all legal game (except deer, hog and turkey), fish, frogs and furbearers. Quail may be taken only during the quail season and only within assigned zones.
3. Archery – deer, hog, fish and frogs only. Bag limit of one hog per vehicle per day.
4. Taking of antlered deer not having at least one forked antler and having one or more antlers at least 5 inches in length visible above the hairline is prohibited. The forked antler shall have at least two points one inch or greater in length.
5. Quail – all legal game (except deer, hog and turkey), fish, frogs and furbearers. Bag limit for quail is 6 per day. Quail may be taken in Zones A and B by daily quail permit issued on a first-come, first-served basis at the check station. The quota for daily quail permits shall be 10 permits, per zone, for Zones A and B (no exemptions). Daily quail permits for Zones A and B shall be non-transferable.

(c) Camping: Permitted on designated campsites according to provisions of general regulation number 5.

(d) General regulations:

1. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.
2. Users may enter the designated campsite at anytime. All users shall enter the remainder of the management area via Tucker Grade (I-75 side). During archery season, hunters shall enter the area no earlier than 5:30 a.m. and shall exit no later than 9:00 p.m. During all other periods open to hunting, hunters shall enter the area no earlier than 5:00 a.m. and shall exit no later than 8:00 p.m. During periods closed to hunting, users shall enter the area no earlier than one-half (1/2) hour before sunrise and shall exit no later than one-half (1/2) hour after sunset.

3. Hunting will be permitted on the field trial area and Boy Scout area during the following periods:

- a. General gun – October 25 through November 2, by walking hunters.
- b. Small game season on Wednesdays and Thursdays only, by walking hunters, provided that the taking of quail is prohibited.
- c. Field trial quail – January 24-25.
- d. Archery season – by walking hunters.

4. The use of motorcycles, all-terrain vehicles or airboats is prohibited.

5. Hunting camps may be set up after 8:00 a.m. October 17 and shall be removed by 9:00 p.m. the last day of the small game season. Camping is permitted from 5:00 p.m. Friday to 9:00 p.m. Sunday and on Memorial Day, Independence Day, Martin Luther King Jr. Day, and Labor Day during the remainder of the year.

6. Bird dogs may be trained in designated areas during the bird dog training season, September 13 through February 8. Dogs shall be caged or leashed in camp areas. Hunting with dogs during the general gun season is prohibited. During quail season, bird dogs may be trained on Mondays, Tuesdays, and Fridays only.

7. During closed seasons vehicles may be operated only on named or numbered roads in the recreational area lying south of the northern boundaries of Sections 19, 20 and 21, Township 41S, Range 24E and west of the first north-south fence line east of the Seaboard Grade. The operation of vehicles is prohibited in Sections 13, 14, 23 and 24, Township 42S, Range 24E and the west 1/2 of Section 19, Township 42S, Range 25E.

8. The name, address and telephone number of the person responsible for each campsite shall be visibly affixed to camping shelters.

9. Persons may use the shooting range during periods when hunting is not allowed on the area, provided that access shall only be along the most direct route on Tucker Grade between the shooting range and the check station. Guns transported to the shooting range shall be unloaded and cased. Possession of a gun during periods when hunting is not allowed is prohibited except on the shooting range and that portion of Tucker Grade directly between the shooting range and the check station. During periods open to hunting, persons possessing a gun on that portion of the area other than the shooting range or that portion of Tucker Grade directly between the range and the check station shall comply with all stamp and license requirements specified in Section 372.57, F.S., and Commission rules. Users shall not enter the shooting range before sunrise and shall exit the shooting range by sunset.

10. No person shall operate a vehicle off named or numbered roads, except during the general gun and small game seasons or when training bird dogs without guns in the recreation area during the bird dog training season.

11. Vehicular access for scouting shall be permitted one week prior to the archery season on named and numbered roads only.

12. During the quail season, shotguns shall be plugged to a three-shell capacity with a one-piece filler that cannot be removed without disassembling the gun.

(4) Fred C. Babcock/Cecil M. Webb Wildlife Management Area – Yucca Pens Unit.

(a) Open season:

1. General gun – October 25 through November 2.
2. Small Game – November 8 through January 11 on Wednesdays, Thursdays, Saturdays, Sundays only and November 28.
3. Muzzleloading gun – October 10-12.
4. Fishing and frogging – Throughout the year.

(b) Legal to take:

1. General Gun – deer, hog, fish and frogs only.
2. Small Game – all legal game (except deer, hog and turkey), fish, frogs and furbearers. Bag limit for quail is 6 per day.
3. Muzzleloading gun – deer, hog, fish and frogs only.

(c) Camping prohibited.

(d) General Regulations:

1. Muzzleloading gun and general gun hunters shall check in and out during check station hours at the designated check station when entering or exiting the area and check all game taken.

2. Small game hunters shall check in and out at the Babcock/Webb check station and check all game taken.

3. All other users shall check in and out at a designated check station.

4. On hunting days, users may enter the management area only through the designated entrance(s) no earlier than 5:00 a.m. and shall exit no later than 8:00 p.m. On days closed to hunting, users may enter the area only through designated entrances no earlier than one-half hour before sunrise and shall exit no later than one-half hour after sunset.

5. The use of motorcycles, all-terrain vehicles or airboats is prohibited.

6. Hunting with dogs during the muzzleloading gun and general gun season is prohibited. The use of dogs, other than retrievers, bird dogs and dogs with a shoulder height of 15 inches or less is prohibited.

7. Motorized vehicles may be operated only on named and numbered roads.

8. Horses are prohibited during periods in which hunting is allowed. At other times, horses may be ridden but only on named and numbered roads or designated trails.

(5) Upper Hillsborough Wildlife Management Area.

(a) Open season:

1. Archery – December 6-14 and January 3-11, Saturdays and Sundays only.
2. Muzzleloading gun – November 8-30, Saturdays and Sundays only.

3. Small game – January 17 through February 1, Saturdays and Sundays only.
4. Spring turkey – March 24-25, March 31 through April 1, April 7-8, 14-15 and 21-22.
5. Fishing and frogging – Permitted year-round.
- (b) Legal to take: All legal game, fish, frogs, and furbearers. No bag or size limit restrictions on wild hogs.
- (c) Camping: Prohibited except at designated campsite during periods when hunting is allowed or by written permission from the Southwest Florida Water Management District.
- (d) General regulations:
 1. No deer, turkey or hog may be dismembered or quartered until checked and tagged.
 2. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.
 3. Tracked vehicles, airboats, motorcycles and all-terrain vehicles are prohibited.
 4. Horses are prohibited during periods when hunting is allowed, but are permitted at other times with written permission from the Southwest Florida Water Management District.
 5. Motorized vehicles may be operated only on roads designated as open to vehicular traffic.
 6. Bicycles may be operated only on named or numbered roads or designated bicycle trails.
 7. During periods not open for hunting, access to the area is limited to pedestrians.
 8. Hunting with dogs other than bird dogs is prohibited.
 9. Only tents, trailers or self-propelled camping vehicles may be used for camping.
 10. Guns and camping equipment may be taken into the area beginning 3:00 p.m. the day before each hunting period and shall be removed by 8 p.m. the last day of each hunting period except during spring turkey season when guns and camping equipment shall be removed by 5 p.m. the last day of each hunt.
 11. During the small game season, only shotguns are permitted. During the spring turkey season only muzzleloading guns, shotguns and bows and arrows are permitted.
- (6) Arbuckle Wildlife Management Area.
- (a) Open season:
 1. Archery – October 11-31.
 2. Muzzleloading gun – November 1-9.
 3. General gun hog – November 15-23, Saturdays and Sundays only.
 4. Spring turkey – March 23-25, April 6-8 and 20-22.
 5. Fishing – Permitted year-round. Frogging – Prohibited.
- (b) Legal to take: All legal game (except turkeys shall be legal to take only during spring turkey season), furbearers and fish. Deer bag limit – one per day. Wild hog bag limit – no bag or size limits. During the general gun hog season, only wild hog may be taken. During the spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota hunt permit.
- (c) Camping is permitted at the designated campground located off Rucks Dairy Road; at designated campsites along the Florida Trail; and at other sites by Special-Use Permit issued the by the Division of Forestry.
- (d) General regulations:
 1. Hunters shall check in and out at the check station and shall check all game taken. Hunters shall enter and exit only at designated entrances.
 2. No deer or turkey shall be dismembered until checked at the check station.
 3. Hunting with dogs is prohibited.
 4. Vehicles may be operated only on named or numbered roads. Horses are prohibited during periods when the area is open to hunting. During periods closed to hunting, horses may be ridden but only on firebreaks, named or numbered roads or designated horse trails.
 5. The use of all-terrain vehicles, tracked vehicles, or airboats is prohibited.
 6. Only tents, trailers or self-propelled camping vehicles may be used for camping.
 7. No person shall operate a boat propelled by an internal combustion engine.
- (7) Kicco Wildlife Management Area.
- (a) Open season:
 1. Archery – September 20 through October 19, Saturdays and Sundays only.
 2. Muzzleloading gun – October 25 through November 2, Saturdays and Sundays only.
 3. General gun hog – November 8 through December 7, Saturdays and Sundays only.
 4. Small game – December 13 through January 4.
 5. Spring turkey – March 20 through April 25, Saturdays and Sundays only.
 6. Fishing, frogging and other recreational use – Permitted year-round.
- (b) Legal to take: All legal game, fish, frogs, and furbearers, except bobcat, and otter. Turkey bag limit – one per quota permit. No size or bag limit on wild hogs. During the general gun hog season, only wild hogs may be taken.
- (c) Camping: Prohibited except at designated campsites during periods when hunting is allowed and at designated campsites along the Florida Trail or with written permission from the South Florida Water Management District.
- (d) General regulations:

1. The use of motorized vehicles and airboats is prohibited. Horses are prohibited except by written permission from the South Florida Water Management District.

2. Fires other than campfires at designated campsites are prohibited.

3. The possession or use of centerfire or rimfire rifles or pistols is prohibited.

4. Hunters shall check in and out at the check station when entering or exiting the area and shall check all game taken.

5. Only tents, trailers or self-propelled camping vehicles may be used for camping.

6. No deer, turkey, or hog may be dismembered or quartered until checked and tagged at the check station.

7. Hunting with dogs is prohibited during the archery, muzzleloading gun and general gun seasons. The use of dogs, other than retrievers, bird dogs and dogs with a shoulder height of 15 inches or less is prohibited during the small game season.

8. The portion of the area north and east of River Ranch Road shall be open to hunting only during the general gun hog season.

(8) Hickory Hammock Wildlife Management Area.

(a) Open season:

1. Special-opportunity wild hog – September 13-14 and 20-21 and January 10-11.

2. Muzzleloading gun – October 25-26.

3. General gun – November 8-9.

4. Small game – November 10 through January 4.

5. Early duck – In the September season as established by Rule 68A-13.003, F.A.C., until noon.

6. Migratory game birds – During the migratory game bird seasons as established by Rules 68A-13.003 and 68A-13.008, F.A.C. During the duck and coot season, hunting is limited to the period one-half hour before sunrise until noon.

7. Falconry – During the falconry season as established by Rules 68A-13.004 and 68A-13.008, F.A.C.

8. Spring turkey – March 25-27 and April 15-17.

9. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish, frogs and furbearers except wild hogs may be taken only during the special opportunity wild hog hunts. Taking of antlered deer not having at least one forked antler and having one or more antlers at least five inches in length visible above the hairline is prohibited. The forked antler shall have at least two points one inch greater in length. The bag limit for antlered deer shall be one per quota hunt permit. No size or bag limits on wild hogs. During spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota permit.

(c) Camping: Permitted at designated campsites for through-hikers on the Florida National Scenic Trail. Permitted for others in possession of a special-use license issued by the South Florida Water Management District.

(d) General regulations:

1. The possession or use of centerfire or rimfire rifles is prohibited.

2. Hunting with dogs is prohibited except retrievers, bird dogs, and dogs with a shoulder height of 15 inches or less may be used during small game season.

3. Vehicles are prohibited except in designated parking areas.

4. The use of tracked vehicles, motorcycles or three or four wheelers (ATVs) is prohibited.

5. Hunters shall check in at a designated check station when entering and exiting the area, and check all game taken during special-opportunity wild hog and spring turkey seasons.

6. A special-opportunity permit is required of any person participating in the special-opportunity wild hog hunts.

7. No deer, wild hog, or turkey shall be dismembered until checked at the station.

(9) Walk-in-the-Water Wildlife Management Area.

(a) Open season:

1. Archery – September 27 through October 12.

2. Muzzleloading gun – October 24-26.

3. General gun hog – January 10-18.

4. Small game – November 15 through December 7 and January 31 through February 15.

5. Fishing – Permitted throughout the year. Frogging is prohibited.

(b) Legal to take: All legal game (except turkeys) and fish. Deer bag limit – one per day. Wild hog bag limit – no size or bag limits. During the general gun hog season only wild hogs may be taken.

(c) Camping: Permitted at designated campgrounds. Permitted at other sites by special-use permit from the Division of Forestry.

(d) General regulations:

1. The use of dogs, other than bird dogs, retrievers and dogs with a shoulder height of 15 inches or less, is prohibited. The use of any dog during the general gun hog season is prohibited.

2. Hunters shall check in at a designated check station when entering and exiting the area, and record all game taken.

3. Motorized vehicles may be operated only on named or numbered roads.

4. All vehicles shall be parked in designated parking areas.

5. The use of all-terrain vehicles, tracked vehicles or airboats is prohibited.

6. The use of horses is prohibited during the archery, muzzleloading gun, and general gun hog seasons. At other times, horses may be ridden but only on firebreaks, named or numbered roads or designated horse trails.

7. Only tents, trailers or self-propelled camping vehicles may be used for camping.

8. All persons shall enter and exit only at designated entrances.

(10) Hilochee Wildlife Management Area.

(a) Open season:

1. Special-opportunity dove – The first, second, and fourth Saturdays only during the first phase; the first and third Saturdays only during the second phase; and the first, third, and fifth Saturdays only during the third phase of the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C.

2. Spring turkey – March 26-28 and April 9-11.

3. Muzzleloading gun – October 31 through November 2.

4. General gun hog – November 28-30, January 9-11 and 16-18.

5. Small game – January 23 through February 1.

6. Archery – October 17-19.

7. Fishing – Permitted on Peat Lake, Little Peat Lake, Hidden Lake, Stock Lake, and Turtle Pond by those in possession of a Hilochee Fishing Permit. The possession of nets (except dip nets), fish traps, trotlines, set lines, minnow seines, cast nets, or bush hooks is prohibited. Fishing is permitted on Saturdays only and during daylight hours only. Ten fishing permits shall be available for each Saturday. Permits shall be nontransferable with no exemptions.

(b) Legal to take: All legal game, fish (as provided below), and furbearers. Taking of antlered deer not having one forked antler and having one or more antlers at least 5 inches in length visible above the hairline is prohibited. The forked antler shall have at least two points one inch or greater in length. There shall be no size or bag limit restrictions on wild hogs. During the spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota hunt permit. During the general gun hog season, only wild hogs may be taken. During the special-opportunity dove hunts, only mourning and white-winged doves may be taken.

1. No person shall kill or possess any largemouth bass from Peat Lake, Little Peat Lake, Stock Lake, Hidden Lake, and Turtle Pond. No person shall take, in any one day, more than 20 bluegill, 10 black crappie, or 6 catfish. No person shall kill or possess any bluegill less than 8 inches total length or black crappie less than 10 inches total length.

(c) Camping: Prohibited.

(d) General Regulations:

1. Persons shall possess a special-opportunity dove hunt permit to hunt in posted dove fields.

2. All users shall enter and exit the area through designated entrances. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken. Special-opportunity dove hunters may enter the area one hour before shooting time and shall exit the area by one hour after sunset.

3. Hunting with dogs other than bird dogs and retrievers is prohibited, except that during small game season dogs with a shoulder height of 15 inches or less may be used.

4. Motorized vehicles may be operated only on named or numbered roads and shall be parked in designated parking areas or within 25 feet of a named or numbered road.

5. Special-opportunity dove hunters must hunt from assigned stations in the posted dove fields. Hunt station assignments may be transferred at the hunt headquarters.

6. Shooting hours for special-opportunity dove hunts shall be from noon until sunset.

7. The use of tracked vehicles, motorcycles, all-terrain vehicles, or horses is prohibited, except that horses are permitted on named and numbered roads or designated trails during periods closed to hunting.

8. During periods when the area is closed to hunting, public access other than by foot, bicycle, or horse is prohibited, except that motorized vehicles shall be permitted one day prior to the archery, muzzleloading gun, general gun hog, and spring turkey hunts, and by individuals in possession of a valid fishing permit.

9. No deer, wild hog, or turkey shall be dismembered until checked at a check station.

10. Operation of any boat propelled by an internal combustion engine is prohibited.

(11) Lake Marion Creek Wildlife Management Area.

(a) Open season:

1. Archery – September 20-22 and 26-28.

2. Muzzleloading gun – October 25-27.

3. General gun – November 8-10 and 14-16.

4. Small game – December 5-7 and 12-14.

5. Spring turkey – March 20-22 and April 2-4 and 16-18.

6. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish and furbearers. One antlered deer may be taken per quota hunt permit. No more than one antlerless deer may be taken per archery quota permit. Antlerless deer may be taken by permit only during the muzzleloading and general gun seasons. There shall be no size or bag limit restrictions on wild hogs. During the spring turkey season, the bag limit for turkey shall be one gobbler (or bearded turkey) per quota hunt permit.

(c) Camping: Prohibited during hunting seasons. Permitted at other times by individuals in possession of a special-use license issued by the South Florida Water Management District.

(d) General regulations:

1. The use of tracked vehicles, motorcycles, airboats, horses, or all-terrain vehicles is prohibited.
 2. Hunters shall check in and out at a designated check station when entering and exiting the area and shall check all game taken.
 3. Vehicles may be operated only on named or numbered roads and shall be parked in designated parking areas or within 25 feet of a named or numbered road.
 4. No deer, wild turkey or wild hog shall be dismembered until checked at a check station.
 5. Entry into or exit from the area at locations other than designated entrances is prohibited.
 6. Hunting with dogs other than bird dogs and retrievers is prohibited, except that during small game season dogs with a shoulder height of 15 inches or less may be used.
- (12) Avon Park Air Force Range Wildlife Management Area.
- (a) Open Season:
1. Archery – September 20 through October 19 in areas and during days specified by the Installation Commander.
 2. Muzzleloading gun – October 25 through November 2 in areas and during days specified by the Installation Commander.
 3. General gun – November 8 through January 18 in areas and during days specified by the Installation Commander.
 4. Small game – December 29 through February 29 in areas and during days specified by the Installation Commander.
 5. Spring turkey – March 20 through April 25 in areas and during days specified by the Installation Commander.
 6. Antlerless deer – November 15-21 in areas and during days specified by the Installation Commander.
 7. Trapping – Prohibited.
 8. Fishing and frogging – During periods when hunting is allowed and at other times specified by the Installation Commander.
- (b) Legal to take: All legal game, wild hogs, fish, frogs, turtles, and furbearers. Antlered deer, wild hogs, and quail may be taken only during days specified by the Installation Commander. There shall be no size or bag limit restrictions on wild hogs.
- (c) Camping: In areas and during periods specified by the Installation Commander.
- (d) General Regulations:
1. Hunters and individuals accompanying hunters must wear a minimum of 500 square inches of daylight fluorescent orange material above the waist as an outer garment when in any hunt area during muzzleloading gun, general gun, or small game seasons, except those hunting waterfowl on the Kissimmee or Arbuckle marshes.
 2. Loaded, capped, or primed guns are prohibited and ammunition must be physically separated from guns at check stations, public campsites, the Outdoor Recreation Office, within 50 feet of Frostproof, Kissimmee, or Van Eeghan roads, while being transported through the Main Base, or in vehicles parked or being driven on designated roads. The only exception is that loaded, un-capped muzzleloading guns may be possessed in the aforementioned areas, and muzzleloading guns may be cleared in the muzzleloading gun pits located at Willingham and Morgan Hole campgrounds.
 3. Pistols with barrels longer than nine inches are prohibited.
 4. The possession or use of rifles, except muzzleloading rifles, is prohibited.
 5. Shotguns are prohibited during the archery season.
 6. Hunting with or possession of dogs is prohibited in areas designated by the Installation Commander.
 7. During the general gun season, hunting in the designated dog-hunt areas is restricted to hunters using dogs, unless hunting waterfowl in the Kissimmee or Arbuckle marshes. No tree stands may be erected in the designated dog-hunt areas.
 8. Running of dogs after sunset and before sunrise is prohibited.
 9. Hunting and the possession of guns are prohibited in the Sandy Point Wildlife Refuge.
 10. Vehicles may be operated only on roads designated by the Installation Commander. No person shall operate a vehicle off of named or numbered roads, except hunters with bird dogs in the designated vehicle-bird dog areas during the small game season.
 11. The use of vehicles is prohibited between 10:00 p.m. and 4:30 a.m. except on Frostproof and Kissimmee roads, or in case of emergency.
 12. Hunters shall sign in and out and check all game taken at the Outdoor Recreation Office.
 13. Hunters may enter and exit the area only at entry points designated by the Installation Commander.
 14. Use of all-terrain vehicles and airboats are prohibited.
 15. Public access is prohibited in areas designated as “Closed” by the Installation Commander.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 375.313 FS. History—New 6-21-82, Amended 7-1-83, 11-17-83, 7-5-84, 10-1-84, 7-1-85, 9-19-85, 5-7-86, 5-10-87, 6-8-87, 10-8-87, 5-1-88, 7-1-89, 7-1-90, 7-1-91, 7-2-91, 7-1-92, 8-23-92, 7-1-93, 7-1-94, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 8-7-97, 7-1-98, 10-20-98, 12-28-98, 7-1-99, Formerly 39-15.061, Amended 12-9-99, 3-30-00, 7-1-00, 7-1-01, 5-13-02, 5-25-03.

68A-15.062 Specific Regulations for Wildlife Management Areas - North Central Region.

- (1) Camp Blanding Wildlife Management Area.
 - (a) Open season:
 1. General gun – November 8 through January 4.

2. Spring turkey – Hunters shall be afforded at least five days hunting in Spring Turkey Zones A, B and C, and at least five days hunting in Spring Turkey Zones D, E and F with specific hunt dates to be determined by and at the discretion of the Camp Blanding Base Commander.

3. Archery – September 24-26 and October 1-3, north of State Road 16 and County Road 215 and east of County Road 225 only, and November 8 through January 4 in designated archery area west of County Road 225 and north of Yerkes Road only.

4. Supervised youth – The Saturday and Sunday prior to Columbus Day, and the Saturday and Sunday 12 and 13 days (respectively) after Columbus Day, site to be determined.

5. Muzzleloading gun – October 8-10 and 15-17, north of State Road 16 and County Road 215 and east of County Road 225 only.

6. Fishing – Permitted only on designated fish management areas.

7. Trapping – December 1 through January 4, only in portion of area north of State Road 16 and County Road 215 and east of County Road 225.

(b) Legal to take: All legal game, fish and furbearers. Turkeys of either sex may be taken during the archery and muzzleloading gun seasons and the Monday, Tuesday and Wednesday before Thanksgiving Day. Taking of antlered deer not having at least one forked antler and having one or more antlers at least 5 inches in length visible above the hairline is prohibited. The forked antler shall have at least two points one inch or greater in length. Antler restrictions shall not apply during the supervised youth hunt. During the supervised youth hunts, only wild hogs and one antlered or antlerless deer may be taken per youth.

(c) Camping: Prohibited.

(d) General regulations:

1. After the first nine days of the general gun season, a daily quota of hunters will be admitted at the check stations as follows: still hunt, 480; south of State Road 16 and north of Dade Road, 200; south of Impact Road, 120.

2. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.

3. Guns or dogs (where legal) may be taken into the area one hour before sunrise and shall be removed each day of the hunting seasons by one hour after sunset.

4. Hunting with dogs other than bird dogs is prohibited in that portion of the area north of State Road 16 and east of County Road 225, and in the walk-in area south of Dade Road to north of Impact Road during the general gun season.

5. Vehicles may be operated only on paved or graded roads in that portion of that area north of State Road 16 and east of County Road 225. The use of vehicles south of Dade Road, east of Whitmore Road and north of Impact Road is prohibited.

6. During the spring turkey quota hunts, hunters will be assigned to a zone and shall hunt only in the zone to which he is assigned. Persons assigned to Zone A shall use only Barker and Black Creek roads to enter and exit the area. Vehicles may be operated only on graded or paved roads. Hunters may enter the area at 5 a.m. each day and shall exit by 1 p.m. of each hunt day. During spring turkey hunts, only hunters participating in the hunt are permitted in the area.

7. Public access is prohibited in the designated dud area.

8. Hunting hogs by use of dogs is prohibited.

9. Only shotguns are permitted during the supervised youth and spring turkey seasons.

10. Shotguns are prohibited during the archery season.

11. Still hunters entering the area west of State Road 21, south of Dade Road, and east of Moncrief Road, and north of Impact Road, must obtain a daily permit at Check Station No. 1 or 3 before entering the area.

12. During the supervised youth hunt, only persons under 16 years of age but not younger than eight years of age, and under the supervision and in the presence of an adult, not younger than 18 years of age as provided in Section 790.22, F.S., may hunt.

13. The possession or consumption of intoxicating beverages or drugs is prohibited.

14. Fires are prohibited.

15. The use of all-terrain vehicles (ATVs) is prohibited, except as authorized by written permit from the Base Commander.

(2) Cypress Creek Wildlife Management Area.

(a) Open season:

1. Spring turkey – March 20-28.

2. Archery – September 20 through October 5.

3. Muzzleloading gun – October 24-26.

4. Fishing – Permitted throughout the year.

5. Small game – the Saturday before Thanksgiving through the second Sunday after Thanksgiving.

(b) Legal to take: Deer, turkey, hogs, gray squirrel, rabbit, raccoon, and fish. No size or bag limit on hogs.

(c) Camping: Prohibited during periods when the area is open to hunting. During the periods closed to hunting, camping is by permit only from the Suwannee River Water Management District.

(d) General regulations:

1. Hunting with dogs, other than bird dogs and dogs with a shoulder height of 15 inches or less, is prohibited.

2. Vehicles may be operated only on Roline and Turner Bridge Roads.

(3) Gulf Hammock Wildlife Management Area.

(a) Open season:

1. General gun – November 8 through January 4.

2. Spring turkey – March 20 through April 25.
 3. Archery – September 20 through October 19.
 4. Fishing and frogging – Permitted only during periods when hunting is allowed.
 - (b) Legal to take: All legal game, fish, frogs and furbearers. Wild hogs may not be taken after the first 23 days of general gun season.
 - (c) Camping: Permitted only at designated campsites during periods in which hunting is allowed.
 - (d) General regulations:
 1. Camps may be set up beginning one day before each hunting period and shall be removed from campsites within one day following the close of each hunt period. Camping is limited to tents, trailers and self-propelled vehicles.
 2. Vehicles may be operated only on established roads.
 3. Public access is permitted only when hunting is allowed and on the Friday prior to archery and spring turkey season and on the consecutive Friday, Saturday, and Sunday prior to the general gun season.
 4. Public access to the area is permitted only at designated entrances. Public access during periods when hunting is permitted is limited to entering the area no earlier than one hour before legal shooting hours and exiting the area no later than one hour after legal shooting hours.
 5. Fires other than campfires are prohibited.
- (4) Lake Butler Wildlife Management Area.
- (a) Open season:
 1. General gun – November 8 through January 4.
 2. Small game – January 5 through February 29 in still hunt areas only.
 3. Spring turkey – March 20 through April 25.
 4. Archery – September 20 through October 19 in the still hunt area only.
 5. Duck and coot – During the duck and coot season established by Rule 68A-13.003, F.A.C.
 6. Fishing and frogging – Throughout year.
 7. Trapping – January 5 through March 1.
 - (b) Legal to take: All legal game, fish, frogs and furbearers.
 - (c) Camping: Permitted only at designated campsites along the Florida Trail.
 - (d) General regulations:
 1. Hunting with dogs other than bird dogs is prohibited in that portion of the area lying south of Road 32.
 2. Licensed trappers may possess .22 rimfire rifles or pistols from January 5 through March 1.
 3. Vehicles may be operated only on named or numbered roads in the still hunt portion of the area during the general gun and spring turkey seasons.
 4. Dogs may be taken into the dog hunting area November 8 and shall be removed by January 4.
 5. During the general gun season, hunting as specified by paragraph 68A-24.002(2)(b), F.A.C., is permitted except south of Road 32.
 6. Taking of wildlife by use of a gun on or from rights-of-way of Possum Trot Road and Elijah Dobson Road is prohibited as provided by Rule 68A-4.008, F.A.C.
 7. Shotguns are prohibited during the archery season.
 8. The hunting or taking of hogs by the use of dogs is prohibited.
 9. Fires are permitted only in fire-rings at designated campsites along the Florida Trail.
- (5) Lochloosa Wildlife Management Area.
- (a) Open season:
 1. General gun – November 8 through January 4.
 2. Spring turkey – March 20 through April 25.
 3. Archery – September 20 through October 19.
 4. Muzzleloading gun – October 24-26.
 5. Duck and coot – During the duck and coot season established by Rule 68A-13.003, F.A.C.
 6. Fishing and frogging – Throughout year.
 7. Trapping – December 1 through January 4 in the still hunt portion of the area only.
 - (b) Legal to take: All legal game, fish, frogs and furbearers. No size or bag limit on hogs.
 - (c) Camping: Camping allowed only by permit from the St. Johns River Water Management District, and only at the designated campsite.
 - (d) General regulations:
 1. Hunting with dogs other than bird dogs is prohibited west of County Road 325 and north of County Road 2082 during general gun season.
 2. The taking of hogs by the use of dogs is prohibited.
 3. Vehicles are prohibited year-round in the still hunt areas west of and including Old Rail Bed Road, south of County Road 346, and north of County Road 2082. Vehicles are restricted to established roads in the remaining portion of the area. Non-motorized bicycles are permitted, but may be ridden only on established roads.

4. During the general gun season, hunting as specified by paragraph 68A-24.002(2)(b), F.A.C., is permitted except west of C.R. 325.

5. Taking of wildlife by use of a gun on or from the rights-of-way of County Roads 325 and 346 is prohibited as provided by Rule 68A-4.008, F.A.C.

6. Hunting with dogs is prohibited during the archery and muzzleloading gun seasons.

7. Fires are prohibited on the area.

8. Horses are permitted only during periods closed to hunting. Horses may be ridden only on established roads.

(6) Osceola Wildlife Management Area.

(a) Open season:

1. General gun – November 8 through January 4.

2. Small game – January 5 through February 29.

3. Spring turkey – March 20 through April 25.

4. Archery – September 20 through October 12.

5. Muzzleloading gun – October 17-24 in the still hunt area only.

6. Fox, raccoon, opossum and bobcat – August 2 through September 23 in the dog hunt portion of the area only from sunset to sunrise.

7. Early duck – In the September season established by Rule 68A-13.003, F.A.C.

8. Fishing and frogging – Throughout year.

9. Trapping – January 5 through March 1.

(b) Legal to take: All legal game, fish, frogs, furbearers. Wild hogs may be taken only during the archery, muzzleloading gun, general gun and small game hunts. No size or bag limits on wild hogs.

(c) Camping: Throughout the year but only on designated campsites during general gun season on that portion of the area designated and posted as National Forest lands. On that portion of the area designated and posted as State Forest lands, camping is permitted throughout the year only at designated sites and only by permit from the Division of Forestry.

(d) General regulations:

1. The western dog hunt area includes that portion of the area bounded on the west by Forest Service Road 237; on the south by Forest Service Road 263 and County Road 250; on the east by Forest Service Roads 233, 232, 262, 214, 272 and 270; and on the north by the National Forest Service boundary to the junction with Forest Service Road 237. The eastern dog hunt area includes those lands bounded by the following roads and survey lines: Begin at the intersection of County Road 125 and the northern boundary of the National Forest, proceed south on County Road 125 to the eastern boundary of the National Forest, then south and west along the National Forest boundary to County Road 229, then north along County Roads 229 and 250, then west along Forest Service Road 232, then northwest along Forest Service Road 235 until it becomes Forest Road 39, then generally north along Forest Road 39, then northwest along Forest Road 46, then west along Forest Road 36 to the Baker County/Columbia County line, then north along the west side of Section 31, Township 1 South, Range 19 East, to the northwest corner of Section 30, Township 1 South, Range 19 East, then east along the north boundary of Section 30, Township 1 South, Range 19 East, to the NE corner of the NW 1/4 of the NW 1/4 Section 29, Township 1 North, Range 19 East, then south to the south boundary of Section 29, Township 1 South, Range 19 East, then east to the southeast corner of Section 27, Township 1 South, Range 19 East, then north along the east side of Section 27, Township 1 South, Range 19 East, to the northwest corner of Section 23, Township 1 South, Range 19 East, then east to Forest Road 5, then northwest along Forest Road 5 until it becomes Forest Service Road 297, then along Forest Service Road 297 to Forest Service Road 295, then northwest and eventually northeast along Forest Service Road 295 to State Road 2, then southeast along State Road 2 to Eddy Grade, then south along Eddy Grade to the junction of Forest Road 3, then west along Forest Road 3, southwest, west, and then south along Forest Road 4, then southeast along Forest Road 24 until it intersects the northern boundary of Section 5, Township 1 South, Range 20 East, then east along the Base Line to the Northeast corner of the Northwest 1/4 of Section 3, Township 1 South, Range 20 East, then south along the east boundary of the West 1/2 of Section 3, Township 1 South, Range 20 East to the southwest corner of the North 1/2 of the Northeast 1/4 of Section 10, Township 1 South, Range 20 East, then east back to the beginning point on County Road 125. Except for these areas, the possession or use of dogs other than bird dogs or retrievers is prohibited. However, leashed or caged dogs may be kept at the East Tower, Sandhill and West Tower hunt camps during the general gun season.

2. Deer dogs may be trained from October 25 through November 3, except in the still hunt area.

3. Taking of wildlife by use of a gun on or from the rights-of-way of Interstate 10, County Roads 250, 250A, 229, 127 and 125, Forest Service Road 236 (between U.S. 90 and C.R. 250), and State Road 2 is prohibited as provided by Rule 68A-4.008, F.A.C.

4. Vehicles shall be restricted to numbered roads during the periods November 1 through January 15 in that portion of the still hunt area south of Interstate 10 and east of Forest Service Road 236, and August 1 through January 15 in that portion of the western dog hunt area north of Forest Service Road 262. Vehicles shall be restricted to numbered roads on those lands lying north and northeast of Forest Service Road 200, west of Forest Service Road 255, north of Forest Service Road 232, north of Forest Service Road 212, and north of Forest Service Road 212-A in Baker County; and those lands lying north of Forest Road 36 in Columbia County.

5. All deer taken must be checked at a check station. No deer shall be dismembered until checked at a check station.

6. Operation of a vehicle in areas posted as closed to vehicles is prohibited.

7. Shotguns are permitted on the area during the early experimental duck season established by Rule 68A-13.003, F.A.C., but only by hunters meeting the permit and license requirements for hunting ducks.

8. No person shall transport dogs, other than bird dogs or retrievers, through the still hunt area to the western dog hunt area except on Forest Service Road 285; on Forest Service Road 236 eastward from US 441; on Forest Service Road 263; on Forest Service Road 262 east from US 441; on Forest Service Road 233 north from County Road 250; on Forest Service Road 233 east from US 441 to its juncture with Forest Service Road 237 and then north on Forest Service Road 237 to the boundary of the dog hunt area, and on Forest Service Road 232 west from the east dog hunt area.

(7) Big Bend Wildlife Management Area – Tide Swamp Unit.

(a) Open season:

1. General gun – November 8 through January 4.
2. Archery – September 20 through October 19.
3. Muzzleloading gun – October 24-26.
4. Small game – January 5 through February 29.
5. Fishing and frogging – Throughout year.
6. Early duck – In the September season established by Rule 68A-13.003, F.A.C.
7. Duck and coot – During the duck and coot season established by Rule 68A-13.003, F.A.C.
8. Spring turkey – March 20 through April 25.
9. Trapping – January 5 through March 1.

(b) Legal to take: All legal game, fish, frogs and furbearers.

(c) Camping: Prohibited, except primitive overnight camping shall be permitted at designated sites at Piney Point, by permit only from the Commission, for those individuals utilizing the Big Bend Saltwater Paddling Trail from September 11 through June 30 only. This permit shall be valid for through-paddlers only and shall be valid for one night only.

(d) General regulations:

1. Possession or use of dogs other than waterfowl retrievers and bird dogs is prohibited.
2. Motorized vehicles may be operated only on named or numbered roads from September 1 through April 30. From May 1 through August 31 all motorized vehicles shall be operated only on Dallus Creek Road, Hagen's Cove Road, and Bradley Springs Road.
3. Hunters shall check in and out at a check station when entering or exiting the area and shall check all game taken during the general gun, archery, muzzleloading gun, and spring turkey seasons.
4. During the archery, muzzleloading gun, general gun, and spring turkey seasons no person shall enter or exit the area except through the designated check stations on the Dallus Creek Road and Tide City Mainline.
5. Fires are prohibited.
6. Taking of wildlife by use of a gun on or from the right-of-way of County Road 361 is prohibited as provided by Rule 68A-4.008, F.A.C.
7. The use of all-terrain vehicles (ATVs) is prohibited.
8. During the archery, muzzleloading gun, general gun, and spring turkey seasons hunters shall obtain a daily hunt permit, issued at either check station, when entering the area and retain it in their possession while on the area.
9. During the first phase of the mourning dove season, doves may be hunted but only on Saturdays and only on designated dove hunt areas (fields).
10. Shotguns are permitted on the area during the early experimental duck season established by Rule 68A-13.003, F.A.C., and on Saturdays during the mourning dove season established by Rule 68A-13.008, F.A.C.
11. Dove hunting in the special dove hunt area (dove field) is permitted only on Saturdays of the mourning dove season established by Rule 68A-13.008, F.A.C. Hunters requesting access to the dove field during all phases of the mourning dove season must secure and have in possession while on the area a dove field permit from the Dallus Creek Check Station. Thirty (30) dove field permits will be issued on a first-come, first-served basis beginning one (1) hour before legal shooting hours. As a dove hunter leaves the field, this permit may be issued to another hunter by the check station attendant. All doves taken must be checked at the check station. Dove hunters must have a regular 9-day quota hunt permit if hunting during the first 9 days of the general gun season.

(8) Big Bend Wildlife Management Area – Spring Creek Unit.

(a) Open season:

1. General gun – November 8 through January 4.
2. Archery – September 20 through October 19.
3. Small game – January 5 through February 29.
4. Spring turkey – March 20 through April 25.
5. Trapping – January 5 through March 1.
6. Early duck – In the September season established by Rule 68A-13.003, F.A.C.
7. Duck and coot – During the duck and coot season established by Rule 68A-13.003, F.A.C.
8. Fishing and frogging – Throughout year.

(b) Legal to take: All legal game, fish, frogs and furbearers.

(c) Camping: Prohibited, except primitive overnight camping shall be permitted at designated sites at Spring Warrior Creek, by permit only from the Commission, for those individuals utilizing the Big Bend Saltwater Paddling Trail from September 11 through June 30 only. This permit shall be valid for through-paddlers only and shall be valid for one night only.

(d) General regulations:

1. Hunters shall check in and out at a check station when entering or exiting the area and shall check all game taken during the archery, general gun and spring turkey seasons and on Saturdays during the mourning dove season established by Rule 68A-13.008, F.A.C.

2. Motorized vehicles may be operated only on named or numbered roads from September 1 through April 30. From May 1 through August 31, motorized vehicles may be operated only on Spring Creek Road.

3. Waterfowl hunting from permanent blinds or structures is prohibited.

4. During the general gun and spring turkey seasons and on Saturdays of the mourning dove season established by Rule 68A-13.008, F.A.C., hunters shall obtain a daily hunt permit from the check station and retain it in their possession while on the area.

5. Fires are prohibited.

6. During the first phase of the mourning dove season, doves may be hunted but only on Saturdays and only on designated dove hunt areas (fields).

7. Shotguns are permitted on the area during the early experimental duck season established by Rule 68A-13.003, F.A.C., and on Saturdays during the first phase of the mourning dove season established by Rule 68A-13.008, F.A.C.

8. Dove hunting in the special dove hunt area (dove field) is permitted only on Saturdays of the mourning dove season established by Rule 68A-13.008, F.A.C. Hunters requesting access to the dove field during all phases of the mourning dove season must secure and have in possession while on the area a dove field permit from the Spring Creek Check Station. Ten (10) dove field permits will be issued on a first-come, first-served basis beginning one (1) hour before legal shooting hours. As a dove hunter leaves the field, this permit may be issued to another hunter by the check station attendant. All doves taken must be checked at the check station. Dove hunters must have a regular 9-day quota permit if hunting during the first 9 days of the general gun season.

9. Hunting raccoon and opossum as specified in paragraph 68A-24.002(2)(b), F.A.C., is permitted only during the general gun and small game seasons.

10. Hunting with dogs is prohibited during the archery season except that waterfowl retrievers and bird dogs may be used during the early experimental duck season established by Rule 68A-13.003, F.A.C., and on Saturdays during the first phase of the mourning dove season established by Rule 68A-13.008, F.A.C.

(9) Big Bend Wildlife Management Area – Hickory Mound Unit.

(a) Open season:

1. General gun – November 8 through January 4.

2. Small game – January 5 through February 29.

3. Spring turkey – March 20 through April 25.

4. Archery – September 20 through October 19.

5. Early duck – Mondays, Wednesdays, and Saturdays on the Hickory Mound Impoundment and permitted every day of the season on the remainder of the area as established by Rule 68A-13.003, F.A.C.

6. Duck and coot – Mondays, Wednesdays, Saturdays and the first day of each phase of the duck and coot season on the Hickory Mound Impoundment and permitted every day of the season on the remainder of the area as established by Rule 68A-13.003, F.A.C.

7. Fishing and frogging – Throughout the year.

8. Trapping – January 5 through March 1.

(b) Legal to take: All legal game, fish, frogs and furbearers.

(c) Camping: Prohibited, except primitive overnight camping shall be permitted at designated sites at Rock Island, by permit only from the Commission, for those individuals utilizing the Big Bend Saltwater Paddling Trail from September 11 through June 30 only. This permit shall be valid for through-paddlers only and shall be valid for one night only.

(d) General regulations,

1. Duck and coot shooting hours for the Hickory Mound Impoundment: From the beginning of shooting hours established pursuant to Rule 68A-13.003, F.A.C., until noon.

2. Airboats or vehicles are prohibited inside the Hickory Mound Impoundment Area. Gas-powered outboard motors are prohibited in the Hickory Mound Impoundment from August 31 until March 31. Gas-powered outboard motors of 4 h.p. or less are permitted in the Hickory Mound Impoundment from April 1 through August 30.

3. Commercial fishing or crabbing is prohibited in the Hickory Mound Impoundment.

4. Possession of shotguns within the Hickory Mound Impoundment is allowed only during days when duck and coot hunting is permitted.

5. The discharge of any firearm from the Hickory Mound Impoundment dikes is prohibited.

6. Hunters shall check in and out at a designated check station when entering or exiting the area and shall check all game taken during the archery, general gun, spring turkey, early duck and regular duck and coot seasons. Hunters shall obtain a daily hunt permit upon checking in and retain it in their possession while on the area.

- 7. Only shotguns or bows and arrows are permitted in the Hickory Mound Impoundment.
- 8. Motorized vehicles may be operated only on named or numbered roads from September 1 through April 30. From May 1 through August 31, motorized vehicles may be operated only on Cow Creek Grade, Coker Road, Swartz Tram west of Cow Creek Grade and J.C. Franklin Grade.
- 9. During the general gun and small game seasons, hunting as specified by paragraph 68A-24.002(2)(b), F.A.C., is permitted.
- 10. Hunting from permanent blinds or structures in the Hickory Mound Impoundment is prohibited.
- 11. Fires are prohibited.
- 12. Hunting with dogs is prohibited during the archery season except that waterfowl retrievers may be used during the early duck season.

(10) Big Bend Wildlife Management Area – Jena Unit.

(a) Open season:

- 1. General gun – November 8 through January 4.
- 2. Spring turkey – March 20 through April 25.
- 3. Small game – January 5 through February 29.
- 4. Fishing and frogging – Permitted throughout the year.
- 5. Early duck – In the September season established by Rule 68A-13.003, F.A.C.
- 6. Duck and coot – During the duck and coot season established by Rule 68A-13.003, F.A.C.
- 7. Trapping – January 5 through March 1.

(b) Legal to take: All legal game, fish, frogs and furbearers.

(c) Camping: Prohibited, except primitive overnight camping shall be permitted at designated sites at the mouth of Sink Creek, by permit only from the Commission, for those individuals utilizing the Big Bend Saltwater Paddling Trail from September 11 through June 30 only. This permit shall be valid for through-paddlers only and shall be valid for one night only.

(d) General regulations:

- 1. Fires are prohibited.

2. On that portion of the area south of County Road 358, west of Gentle Woods Road (north of Rocky Creek) and west of County Road 361 (south of Rocky Creek) motorized vehicles may be operated only on named or numbered roads from November 1 through April 30; and only on Sand Ridge Road, Road No. 2, Sink Creek Road and Rocky Creek Landing Road during the remainder of the year. On the remainder of the area vehicles may be operated only on established roads.

3. During the general gun and small gun seasons, hunting as specified by paragraph 68A-24.002(2)(b), F.A.C., is permitted.

4. Taking of wildlife by use of a gun on or from the rights-of-way of County Roads 351 and 361 is prohibited as provided by Rule 68A-4.008, F.A.C.

5. Taking of wild hogs by the use of dogs is prohibited.

6. Dogs with a shoulder height of more than 17 inches may not be used for deer hunting.

7. Hunters shall check in and out at a check station when entering and exiting the area, and shall check all game taken during the general gun and spring turkey seasons. Hunters shall obtain a daily use permit upon checking in and retain it in their possession while on the area.

(11) Big Bend Wildlife Management Area – Snipe Island Unit.

(a) Open season:

- 1. Archery – September 20 through October 19.
- 2. Muzzleloading gun – October 24-26.
- 3. General gun – November 8-30.
- 4. Small game – January 3 through February 1.
- 5. Spring turkey – March 20 through April 11.
- 6. Trapping – January 3 through March 1.
- 7. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish, frogs and furbearers. The bag limit for antlered deer shall be one per day. The bag limit for wild turkeys shall be one per person per season. No size or bag limit on wild hogs.

(c) Camping: Prohibited.

(d) General Regulations:

- 1. The use of tracked vehicles, airboats, motorcycles or all-terrain vehicles is prohibited.
- 2. Fires are prohibited.

3. Vehicles shall be operated only on named and numbered roads from September 1 through April 30. From May 1 to August 31, vehicles shall be operated only on Mandalay Road and Snipe Island Grade.

4. All hunters shall check in and out at the check station on Mandalay Road or Snipe Island Grade when entering and exiting the area. Hunters shall check all game taken. When check stations are unmanned, hunters shall use self-service check stations.

5. The possession or use of dogs other than waterfowl retrievers and bird dogs is prohibited.

6. Horses are permitted only during periods closed to hunting.

(12) PCS Phosphate Wildlife Management Area.

(a) Open season:

1. Duck and coot – Wednesdays and Saturdays of the duck and coot season and Wednesdays and Saturdays of the experimental duck season in September, established pursuant to Rule 68A-13.003, F.A.C.

2. Fishing and frogging – Prohibited during periods open to hunting; allowed on other days if in possession of written permission from landowner.

(b) Legal to take: Ducks and coots only. Legal shooting hours: From the beginning of shooting hours established pursuant to Rule 68A-13.003, F.A.C., until noon.

(c) Camping: Prohibited.

(d) General regulations:

1. Hunters shall check in and out at a check point when entering and exiting the area and shall check all game taken.

2. Public access is prohibited, except by those persons with written permission from the landowner or by hunters on days open to hunting. Hunters may enter the area beginning at 5:00 a.m. and shall exit the area by 1:00 p.m.; except that scouting is permitted during daylight hours two days prior to each phase of the waterfowl seasons.

3. The use of any boat motor, except electric motors, is prohibited.

4. The possession or use of rifles or pistols is prohibited.

5. Wading and the use of tube boats is prohibited.

6. Discharge of firearms from dikes is prohibited.

7. The possession of lead shot is prohibited while in a boat or blind.

8. Vehicles may be operated only on designated portions of roads and may only be parked at designated parking areas.

9. Hunting with dogs is prohibited, except that waterfowl retrievers may be used.

(13) Raiford Wildlife Management Area.

(a) Open season:

1. Archery – September 20 through October 5.

2. Muzzleloading gun – October 24-26.

3. Archery and muzzleloading gun – November 8-16.

4. Spring turkey – March 20-28.

5. Fishing and frogging – During periods in which hunting is allowed.

(b) Legal to take: All legal game, fish, frogs, and furbearers. Wild turkeys may be taken during the muzzleloading gun and archery/muzzleloading gun seasons.

(c) Camping: Prohibited.

(d) General regulations:

1. Hunting with dogs is prohibited except that bird dogs are permitted during the archery and muzzleloading gun season.

2. Hunters shall enter and exit that portion of the WMA that is east of County Road 125 and south of the New River via Shack Road gate or 267th Street.

3. During archery, muzzleloading gun, and archery/muzzleloading gun seasons, hunters are allowed on the area from 1.5 hours before sunrise until 1.5 hours after sunset. During spring turkey season, hunters are allowed on the area from 1.5 hours before sunrise until 1:30 p.m.

4. Vehicles are prohibited in the walk-in area south and west of C.R. 125. In the remainder of the area, vehicles may be operated only on named or numbered roads.

5. Only bows and muzzleloading rifles and muzzleloading shotguns are permitted.

6. Fires are prohibited.

7. Public access is prohibited except during periods open to hunting and the weekend prior to each hunting period. No person shall enter the area during the muzzleloading gun, archery/muzzleloading gun and spring turkey seasons except those hunters possessing Raiford quota hunt permits for the appropriate season and those hunters exempt from quota hunt permit requirements pursuant to Rule 68A-15.005, F.A.C.

8. Hunters shall check in and out at the self-service check station near the Shack Road gate when entering or exiting the area and shall record all game taken.

(14) Cedar Key Scrub Wildlife Management Area.

(a) Open season:

1. General gun – November 8-16.

2. Archery – September 20 through October 5.

3. Muzzleloading gun – October 24-26.

(b) Legal to take: Antlered deer during the general gun and muzzleloading gun hunts and any deer except spotted fawns during the archery hunts; wild hogs of any size; and gray squirrels.

(c) Camping: Prohibited.

(d) General regulations:

1. Fires are prohibited.

2. Hunting with dogs is prohibited.

3. Vehicles are prohibited on the area except at designated parking areas.

4. Hunters shall check in and out at the self-service check station when entering or exiting the area and shall record all game taken.

5. Taking of wildlife by use of a gun on or from the rights-of-way of State Road 24 and County Road 347 is prohibited as provided by Rule 68A-4.008, F.A.C.

6. Handguns are prohibited.

(15) Andrews Wildlife Management Area.

(a) Open season:

1. Archery – September 26-28 and October 3-5.
2. Muzzleloading gun – October 24-26 and October 31 through November 2.
3. General gun – November 14-16.
4. Small game – January 2-4 and 9-11.
5. Spring turkey – March 26-28 and April 16-18.
6. Supervised deer-hog youth hunt – October 11-12 and 18-19.
7. Fishing and frogging – Throughout the year.

(b) Legal to take: All legal game, fish, frogs and furbearers. The bag limit shall be one deer per quota hunt permit. No size or bag limit on wild hogs.

(c) Camping: Prohibited.

(d) General regulations:

1. A quota permit shall be required for each hunter entering the area. The hunter quota has been divided proportionately between zones as follows:

- a. Archery – A-4, B-10, C-12, D-12, E-6, F-16.
- b. Muzzleloading gun and general gun, small game, and supervised youth hunts – A-3, B-7, C-7, D-9, E-4, F-10.
- c. Spring turkey – A-2, B-5, C-5, D-7, E-3, F-8.

2. No person shall hunt in any zone other than that to which he is assigned by zone tag. Zone tags shall not be transferred. All hunters shall wear zone tags visibly. Zone tags shall be returned to the check station before exiting the area. Zone tags may be reserved for the next day.

3. Hunters shall check in and out at a check station when entering or exiting the area, and shall check all game taken.

4. Vehicles may be operated only on designated portions of named or numbered roads. During periods when the area is closed to hunting, persons may enter the area no earlier than one-half hour before sunrise and shall exit no later than one-half hour after sunset. Horses and all-terrain vehicles are prohibited on the area.

5. Hunting with dogs is prohibited.

6. During the supervised youth hunts, only persons under sixteen years of age but not younger than eight years of age, and under the supervision and in the presence of an adult no younger than 18 years of age as provided in Section 790.22, F.S., may hunt.

7. During open hunting seasons access to the area shall be restricted to individuals with a valid quota hunt permit for the area.

8. During periods open to hunting, no person shall enter the area prior to one hour before legal shooting hours or exit the area after one hour past legal shooting hours.

9. During periods open to hunting entry to or exit from the area at locations other than the check station via CR 211 is prohibited.

10. Fires are prohibited.

(16) Big Shoals Wildlife Management Area.

(a) Open season:

1. Archery – September 22-27, September 29 through October 4 and October 6-11.
2. Muzzleloading gun – October 24-26 and October 31 through November 2.
3. Small game – December 15-20 and 22-27.
4. Spring turkey – March 25-27 and April 15-17.
5. Fishing – Permitted throughout the year.

(b) Legal to take: During the archery season only antlerless and antlered deer, wild hogs, either-sex turkeys, rabbit, and gray squirrel may be taken. During the muzzleloading gun season only antlered deer, wild hogs, rabbits and gray squirrels may be taken. During the small game season only rabbits and gray squirrels may be taken. During the spring turkey season only bearded turkeys or gobblers may be taken. No bag or size limit on wild hogs. All legal fish.

(c) Camping: Camping is permitted but only at designated sites and only with a permit from the Suwannee River Water Management District.

(d) General regulations:

1. No person shall hunt in any zone other than that to which he is assigned by zone tag. Zone tags shall not be transferred. All hunters shall wear zone tags visibly.

2. Hunters shall check in and out at a check station when entering or exiting the area, and shall check all game taken.

3. During hunting periods, access for hunters will be only through the check station on CR 135.

4. Vehicles may be operated only on designated portions of named or numbered roads. The use of tracked vehicles, motorcycles, airboats or all-terrain vehicles is prohibited on the area. Horses are permitted on roads open to vehicular use or on designated horse trails.

5. Hunting with dogs is prohibited.

6. Persons may enter the area no earlier than one and one-half (1 1/2) hours before sunrise and shall exit no later than one and one-half (1 1/2) hours after sunset year around.

(17) Twin Rivers Wildlife Management Area.

(a) Open season:

1. Archery – September 20 through October 5.
2. Muzzleloading gun – October 24-26.
3. General gun – November 8-18.
4. Small game – November 29 through December 21.
5. Spring turkey – March 26-28 and April 16-18.
6. Fishing – Throughout the year.

(b) Legal to take: Antlered deer, wild hogs, turkey (archery and spring turkey season only), gray squirrel, quail and rabbit. Antlerless deer may be taken during the archery season. The bag limit for deer is one per person per season for each of the following seasons: archery, muzzleloading gun and general gun. No size or bag limit on hogs. The bag limit for turkey is one per person per hunt during the archery season and one per 3-day hunt period during the spring turkey season. All legal fish.

(c) Camping: Prohibited during periods open to hunting, and by landowner permit during periods closed to hunting.

(d) General regulations:

1. A quota permit shall be required for each hunter entering area. The quota has been divided proportionately between zones as follows: Archery, Muzzleloading Gun and General Gun, A-5, B-35, C-20; Spring Turkey, A-4, B-15, C-5.
2. Hunters shall check in and out at the check station on Highway 90 in Zone B during the archery, muzzleloading gun, general gun and spring turkey seasons and report all game taken.
3. During hunting periods, access will be restricted to individuals with valid quota hunt permits.
4. During archery, muzzleloading gun, general gun and spring turkey seasons, no person shall hunt in any zone other than that for which he has a zone tag.
5. Hunters shall obtain a zone tag when they check in at the check station and keep it in their possession while hunting on the area.

6. Horses are permitted only during daylight hours on designated roads and only during periods closed to hunting.

7. Vehicles may be operated only during daylight hours and only on the following roads: Zone A – Spring Road (only during the period from the first Monday after the close of the spring turkey season through Labor Day) and Loop Road; Zone B – Withlacoochee Road, Powerline Road, Loop Road and West Road; Zone C – Road A, Road B, Road C, Road 1, Road 2, Road 3, and Springs Road.

8. All-terrain vehicles are prohibited on the area.

9. Persons may enter and exit the area only on the following roads and trails: Zone A – Loop Road; Zone B – Withlacoochee Road, Powerline Road, Loop Road and West Road; Zone C – Road A, Road B, Road C, Road 1, Road 2, Road 3, Springs Road, and the Florida Trail.

10. Hunting with dogs is prohibited except during the small game season.

11. Wild hogs may not be transported alive.

(18) Twin Rivers Wildlife Management Area – Blue Springs Unit.

(a) Open season: Bird Dog Training – Tuesdays and Thursdays in October.

(b) Camping: Prohibited during periods open to hunting and by landowner permit during periods closed to hunting.

(c) General regulations:

1. Hunting with dogs other than bird dogs is prohibited.
2. A bird dog training permit, as provided by Rule 68A-9.007 and 68A-12.007, F.A.C., shall be required of each group entering the area to train bird dogs. A group for the purpose of bird dog training shall include up to four persons and up to six dogs.
3. Bird dog training hours shall be from 8:00 a.m. until 5:00 p.m.
4. Hunters and persons participating in bird dog training shall enter and exit the area only at designated entrances.
5. Bird dog training permits are available first-come, first-served at the Olustee Field Office.
6. Motorized vehicles are prohibited except in designated parking areas or on designated roads.
7. The possession of firearms other than blank-firing pistols is prohibited during the bird dog training season.
8. Public access is permitted for hiking, bicycling, and horseback riding.
9. Fires are prohibited.

(19) Jennings Forest Wildlife Management Area.

(a) Open season:

1. Archery – September 20 through October 5.
2. Supervised small game – October 11-19, east of Black Creek only.
3. Muzzleloading gun – October 24-26.

4. General gun – November 8-23.
5. Small game – January 9 through February 8, Fridays, Saturdays and Sundays only.
6. Spring turkey – March 20-23 and 24-28.
7. Fishing – Throughout the year.

(b) Legal to take: All legal game, fish and furbearers except bobcat and otter. During the archery, muzzleloading gun and general gun seasons, the bag limit for deer shall be one per quota hunt permit. During the spring turkey season, the bag limit for turkeys shall be one gobbler (bearded turkey) per quota hunt permit. No size or bag limits on wild hogs.

(c) Camping: Primitive camping allowed year-round at designated sites, by permit from the Division of Forestry.

(d) General Regulations:

1. Vehicles may be operated only on named or numbered roads. During periods closed to hunting, vehicle use of these roads is restricted to daylight hours only.

2. Tracked vehicles, airboats, or all-terrain vehicles are prohibited.

3. Hunting with dogs is prohibited except that bird dogs are permitted during the small game season.

4. During all hunting periods, access shall be restricted to individuals with a valid quota hunt permit, except during the small game and supervised small game seasons.

5. During periods closed the hunting, public access is permitted during daylight hours only. Horses are permitted on roads, firelines and designated trails during periods closed to hunting and during small game and supervised small game seasons.

6. Hunters shall check in and out at a check station when entering or exiting the area and shall report all game taken.

7. During the supervised small game season, only persons under 16 years of age and their adult supervisor may hunt, as provided in Section 790.22, F.S.

8. The possession of guns is prohibited in or on permitted wildlife viewing structures.

9. Bicycles are permitted throughout the year and shall be restricted to roads and firelines.

(20) Holton Creek Wildlife Management Areas.

(a) Open season:

1. Mobility-impaired general gun – October 10-12, 24-26, October 31 through November 2 and December 12-14.

2. Mobility-impaired spring turkey – March 26-28 and April 16-18.

3. Fishing – Throughout the year.

(b) Legal to take: Any deer (except spotted fawns), wild hogs, bearded turkey, gray squirrel and rabbit. The bag limit shall be one deer and one turkey per quota hunt permit. No size or bag limit on hogs. All legal fish.

(c) Camping: Prohibited during periods open to hunting. During periods closed to hunting, camping is allowed only with a permit from the landowner.

(d) General regulations:

1. Hunters shall check in and out at the designated check station and report all game taken.

2. During hunting periods, access will be restricted to individuals with valid quota hunt permits and hikers using the Florida Trail.

3. Horses are permitted only during daylight hours on designated roads and only during periods closed to hunting.

4. Vehicles may be operated from one and one-half hours before sunrise until one and one-half hours after sunset and only on designated portions of named or numbered roads.

5. The use of tracked vehicles, airboats, motorcycles or all-terrain vehicles is prohibited except all-terrain vehicles may be used by certified mobility-impaired hunters during all hunts.

6. Persons may enter and exit the area only on Road 1 and the Florida Trail.

7. Hunting with dogs is prohibited.

8. All mobility-impaired hunters are required to attend a pre-hunt orientation meeting.

(21) Steinhatchee Falls Wildlife Management Area.

(a) Open season:

1. Archery – September 20 through October 5.

2. Muzzleloading gun – October 24-26.

3. General gun – November 8-16.

4. Small game – November 29 through December 14.

5. Spring turkey – March 20 through April 4.

6. Fishing – Throughout the year.

(b) Legal to take: Antlered deer, wild hogs, gray squirrel, rabbit and all legal fish. Bearded turkey may be taken only during the archery and spring turkey season. Migratory game birds may be taken only during the small game seasons. There shall be no bag or size limit on wild hogs.

(c) Camping: Prohibited during periods open to hunting. During periods closed to hunting, camping is allowed only with a permit from the landowner.

(d) General regulations:

1. Fires are prohibited.

2. Hunting with dogs is prohibited.

3. Vehicles may be operated only on designated portions of named or numbered roads.
4. The use of tracked vehicles, airboats, motorcycles, horses and all-terrain vehicles is prohibited.
5. During periods closed to hunting, access shall be restricted to daylight hours only.
6. Entry into or exit from the area at locations other than the entrances designated on the hunt map is prohibited.
7. Wild hogs may not be transported alive from the area.

(22) Goethe Wildlife Management Area.

(a) Open season:

1. Archery – September 20 through October 5.
2. Muzzleloading gun – October 24-26.
3. General gun (still hunt) – November 8-11.
4. General gun (dog hunt) – November 12-16.
5. Small game – November 22 through December 7.
6. Spring turkey – March 20-28.
7. Fishing – Throughout the year.

(b) Legal to take: All legal game and furbearers. Feral hogs may be taken during any period when possession of a gun is otherwise authorized with no size or bag limit restrictions. All legal fish.

(c) Camping – Prohibited during periods when the area is open to hunting. During periods closed to hunting, camping is by special permit only from the Division of Forestry.

(d) General Regulations:

1. Vehicles may be operated only on named or numbered roads unless otherwise posted as closed.
2. Taking wildlife by use of a gun on or from the rights-of-way of State Road 121 or county roads 343, 326, 337, or 336 is prohibited as provided by Rule 68A-4.008, F.A.C.
3. Fires are permitted only at locations specified by the Division of Forestry.
4. Hunting with dogs is prohibited during the general gun still hunt season, archery season, and muzzleloading gun season. Hunting with dogs other than bird dogs is prohibited during the small game season.
5. The use of tracked vehicles, airboats, and all-terrain vehicles is prohibited. Horses are permitted only on roads and designated horse trails.
6. Entry into or exit from the area at locations other than the entrances designated on the hunt map is prohibited.
7. Dogs with a shoulder height of more than 17 inches are prohibited during the general gun dog hunt.
8. The portion of the area north of Hospital Road and east of County Road 337 (also known as Hog Pond Tract) shall be open for hunting only during the small game season.
9. Hunters shall check all deer, hogs, and turkeys at one of the area check stations before leaving the area.

(23) San Pedro Bay Wildlife Management Area.

(a) Open season:

1. General gun – November 8 through January 4.
2. Small game – January 5 through February 29.
3. Spring turkey – March 20 through April 25.
4. Archery – September 20 through October 19.
5. Muzzleloading gun – October 24-26.
6. Early duck – In the September season established by Rule 68A-13.003, F.A.C.
7. Fishing and frogging – During periods the area is open.
8. Trapping – January 5 through March 1.

(b) Legal to take: All legal game, fish, frogs, and furbearers. Wild hogs may be taken only during the archery season, muzzleloading gun season, and the first 30 days of general gun season.

(c) Camping: Prohibited.

(d) General regulations:

1. Deer dogs may be trained on the area between the established muzzleloading gun season and general gun season.
2. Hunting with dogs is prohibited during the archery season except that waterfowl retrievers and bird dogs may be used during the early experimental duck season established by Rule 68A-13.003, F.A.C.
3. Motorized vehicles may be operated only on established roads. Vehicular traffic is prohibited on roads identified and posted as closed.
4. Public access to the area is prohibited from one and one-half (1 1/2) hours after sunset to one and one-half (1 1/2) hours before sunrise.
5. Vehicles may only enter and exit the area at designated entrances.
6. Horses are permitted only during periods closed to hunting.
7. Fires are prohibited.
8. Access is permitted only by individuals possessing a valid recreational user permit except as provided by Section 372.57, F.S.
9. Hunters shall check in an out at a check station when entering and exiting the area and shall check all game taken.

(24) Citrus Wildlife Management Area.

(a) Open season:

1. General gun – December 13-14 and January 3-4.
2. Small game – January 5 through February 29.
3. Muzzleloading gun – December 6-7 and 27-28.
4. Archery – November 8-30.
5. Fishing and frogging – Throughout year.

(b) Legal to take: All legal game (except turkeys), fish, frogs and furbearers. During the archery, muzzleloading gun and general gun seasons, antlerless deer may be taken by permit only. No size or bag limit for wild hogs.

(c) Camping: Permitted in designated campsites only.

(d) General regulations:

1. Only bird dogs may be used for hunting during the small game season. Dogs are prohibited at other times except as authorized.
2. The use of all-terrain vehicles is prohibited.
3. Vehicles may be operated only on named or numbered roads.
4. No deer shall be dismembered or removed until checked at the check station.
5. The use of horses for hunting is prohibited except during the small game season.
6. Hunting quail is prohibited between Trail 16 and State Road 480.
7. Bird dogs may be used during authorized field trials.
8. Bird dogs may be trained in the area between Trail 16 and Trail 20 October 1 through 31. Scheduled bird dog trial events are authorized only in the area between Trail 16 and County Road 480.
9. Only tents, trailers or self-propelled camping vehicles may be used for camping.
10. Taking of wildlife by use of a gun on or from rights-of-way of all paved roads is prohibited as provided by Rule 68A-4.008, F.A.C.
11. Camping equipment may not be taken into the area prior to 14 days before the archery season and shall be removed by 6:00 p.m. six days after the close of the small game season.
12. Persons operating vehicles shall enter and exit only at designated entrances.
13. Horses are restricted to named or numbered roads and designated horse trails.

(25) Flying Eagle Wildlife Management Area.

(a) Open season:

1. Archery – September 27 through October 5.
2. Muzzleloading gun – October 24-26.
3. General gun – November 8-16.
4. Small game – November 21-23 and December 12-14.
5. Spring turkey – March 20-23 and 24-28.
6. Early duck – In September, season established by Rule 68A-13.003, F.A.C.
7. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish, frogs and furbearers (except otter). Antlerless deer may be taken by permit only during the muzzleloading gun and general gun seasons. No size or bag limit on wild hogs.

(c) Camping: Prohibited during periods open for hunting.

(d) General regulations:

1. During periods when the area is closed to hunting, public access other than on foot, bicycle or horseback is prohibited.
2. Hunting with dogs is prohibited except that waterfowl retrievers and bird dogs are allowed during small game and early duck seasons.
3. The possession of centerfire and rimfire rifles is prohibited.
4. Vehicles may be operated only on named or numbered roads and shall be parked within 25 feet of those roads.
5. The use of tracked vehicles, motorcycles or all-terrain vehicles is prohibited. The use of horses is prohibited during periods when hunting is allowed. During periods when the area is closed to hunting, horses may be ridden only on designated roads and marked trails.
6. Hunters shall check in and out at the check station when entering and exiting the area and check all game taken.
7. No deer, wild hog or turkey shall be dismembered until checked at the check station.
8. During the early duck season, shooting hours are from one-half hour before sunrise until 12:00 noon each day.

(26) Potts Wildlife Management Area.

(a) Open season:

1. Spring turkey – March 20-23 and 24-28.
2. Archery – October 4-12.
3. Muzzleloading gun – October 31 through November 2.
4. General gun hog-dog – November 14-16.
5. Small game – December 5-7, January 2-4, and January 30 through February 1.

6. Fishing and frogging – Permitted throughout the year.

7. Trapping – Prohibited.

(b) Legal to take: All legal game, wild hogs, fish, and frogs. The bag limit for turkey shall be one gobbler (or bearded turkey) per spring turkey quota hunt permit. No size or bag limit on wild hogs. Only wild hogs may be taken during the general gun hog-dog hunt.

(c) Camping: Camping is permitted at designated campsites during hunting season and at other times by permit from the Southwest Florida Water Management District. Kitchen stoves, refrigerators, and freezers, unless contained in mobile campers are prohibited. Lumber, sheet metal or other building materials is prohibited. Each camper shall assure that their campsite is clean at all times. The altering, defacing, moving, or tampering in any way with official markings of campsites is prohibited.

(d) General regulations:

1. During periods when the area is closed to hunting, public access other than on foot, bicycle or horseback is prohibited unless by permit from the Southwest Florida Water Management District.

2. Vehicles may be operated only on named or numbered roads and shall be parked within 25 feet of those roads. Bicycles may be ridden only on designated trails.

3. The use of tracked vehicles, motorcycles or all-terrain vehicles is prohibited. During periods when the area is closed to hunting, horses may be ridden only on designated roads and designated trails.

4. Hunters shall check in and out at the check station when entering or exiting the area and shall check all game taken.

5. No game shall be dismembered until checked at the check station.

6. Only tents, trailers or self-propelled camping vehicles may be used for camping.

7. The name and address and telephone number of the person responsible for each campsite shall be visibly affixed to the camping shelter.

8. The use of dogs, other than bird dogs and dogs with a shoulder height of 15 inches or less during the small game season, is prohibited except that dogs may be used during the general gun hog-dog season. During the general gun hog-dog season, no more than 3 dogs per quota permit shall be allowed.

9. During the general gun hog-dog season, a permit shall be required for each group of two hunters, and only one gun may be possessed per permit.

(27) Homosassa Wildlife Management Area.

(a) Open season:

1. Small game – November 8-30 and December 20 through January 4.

2. General gun hog – February 5-8 and 19-22.

3. Special-opportunity spring turkey – March 20-26 and April 3-9.

4. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: Only wild hogs may be taken during the hog season. There is no bag or size limit restrictions on hogs. All legal small game and furbearers may be taken during the small game season. Wild turkeys may only be taken during the special-opportunity spring turkey season. The bag limit for turkeys shall be one gobbler (or bearded turkey) per special-opportunity permit. Fish and frogs are legal to take throughout the year.

(c) Camping: Prohibited.

(d) General regulations:

1. The use of dogs, other than bird dogs and dogs with a shoulder height of 15 inches or less, is prohibited. Hunting hogs with dogs is prohibited.

2. Vehicles may be operated only on named or numbered roads. Bicycles may be operated only on named or numbered roads and designated firelines.

3. Vehicles shall be parked within 25 feet of a named or numbered road.

4. The use of tracked vehicles, airboats, all-terrain vehicles or horses is prohibited.

5. Hunters shall enter and exit the area at designated entrances and register at the hunt headquarters.

6. Public access to the area is prohibited during the period from 8:00 p.m. to 5:00 a.m.

7. A special-opportunity hunt permit shall be required for every person entering the area during special-opportunity hunts.

8. The possession of centerfire rifles is prohibited.

(28) Croom Wildlife Management Area.

(a) Open season:

1. Muzzleloading gun – October 24-26.

2. General gun – November 8-30.

3. Small game – December 1 through February 29.

4. Spring turkey – March 23-25, April 6-8 and 20-22.

5. Fox, raccoon and bobcat – December 11 through March 7. Hunting is permitted from 5:00 p.m. Thursday to sunrise Sunday with dogs only. No guns allowed.

6. Fishing and frogging – Throughout year.

(b) Legal to take: All legal game, fish, frogs and furbearers. No size or bag limit on wild hogs. During spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota hunt permit.

(c) Camping: Permitted only at designated campsites. A permit issued by the Division of Forestry is required at the Silver Lake, Twin Ponds, Hog Island, River Junction and East Hunt campsites.

(d) General regulations:

1. Hunting with dogs is prohibited November 8-30. Hunting with dogs other than bird dogs is prohibited December 1-10, except that dogs may be used for hunting fox, raccoon or bobcat during the fox, raccoon and bobcat season, and dogs with a shoulder height of 15 inches or less may be used to hunt small game during the small game season in the portion of the area south of the Tucker Hill Croom graded road, bounded on the east by Croom-Rital Road to its juncture with the boundary fence of the Croom Motorcycle area located in Sections 17, 18, 19, 30, 31 and those parts of Sections 7 and 8 lying south of the old railroad right-of-way, Township 22 South, Range 21 East, and thence bounded by said boundary fence. Trailing dogs on a leash are permitted.

2. Motorcycles and all-terrain vehicles may be operated off roads in Sections 17, 18, 19, 30, 31 and those parts of Sections 7 and 8 lying south of the old railroad right-of-way, Township 22 South, Range 21 East (Croom Motorcycle area) only. Operation of motorcycles and all-terrain vehicles in this area is permitted throughout the year but all such vehicles shall be permitted by the state Division of Forestry. Vehicles may be operated only on named or numbered roads in that portion of the area lying outside the Croom Motorcycle Area, but such vehicles must be properly licensed under Chapter 320, F.S., or otherwise legal to operate on public roads. During the general gun, muzzleloading gun, spring turkey and small game seasons, all-terrain vehicles are prohibited on that portion of the area lying outside the Croom Motorcycle Area.

3. Horses are prohibited during the general gun and muzzleloading gun seasons. Horses may be ridden only on named or numbered roads or on designated horse trails.

4. The possession of firearms is prohibited at all times in Sections 17, 18, 19, 30, 31 and those parts of Sections 7 and 8 lying south of the old railroad right-of-way, Township 22 South, Range 21 East.

5. Only tents, trailers or self-propelled camping vehicles may be used for camping.

6. During the general gun, spring turkey, and muzzleloading gun seasons, all game taken shall be checked at the check station, and no turkey shall be dismembered until checked at the check station.

7. The possession of guns is prohibited on the Withlacoochee State Trail. Hunters shall only use designated crossings to transport guns across the State Trail.

(29) Chassahowitzka Wildlife Management Area.

(a) Open season:

1. Archery – September 20 through October 19.

2. Muzzleloading gun – October 24-26.

3. General gun – November 8 through January 4.

4. Duck and coot – Wednesdays, Saturdays and Sundays of the duck and coot season established by Rule 68A-13.003, F.A.C.

5. Fishing, frogging and other recreational use – Permitted year-round.

6. Small game – November 27 through January 4.

7. Spring turkey – March 27-30 and March 31 through April 4.

(b) Legal to take: All legal game, fish, frogs and furbearers. The taking of bobcat and otter is prohibited. No size or bag limit on wild hogs. The bag limit for turkeys shall be one gobbler (or bearded turkey) per spring turkey quota hunt permit.

(c) Camping: Prohibited.

(d) General regulations:

1. Dogs are prohibited south of County Road 550. Hunting with dogs other than retrievers or bird dogs is prohibited west of the Main grade, on the U.S. Fish and Wildlife Service portion of the property and east of the Swamp grade. Dogs with a shoulder height greater than 17 inches are prohibited in that portion of the area lying east of the Main grade and west of the Swamp grade.

2. Fires are prohibited.

3. Waterfowl hunting from permanent blinds or structures is prohibited.

4. Decoys and boats must be removed from the management area daily.

5. Vehicles shall be operated only on named or numbered roads.

6. All persons shall enter and exit only at designated entrances. Hunters shall check in and out at a check station and check all game taken.

7. The use of tracked vehicles, motorcycles, or all-terrain vehicles is prohibited.

8. The possession or consumption of intoxicating beverages is prohibited south of County Road 550.

9. Public access is prohibited from sunset to sunrise south of County Road 550.

10. That portion of the area east of U.S. Highway 19 shall be open for small game hunting only.

(30) Devil's Hammock Wildlife Management Area.

(a) Open season:

1. Archery – September 20-23, 24-28 and September 29 through October 5.

2. Muzzleloading gun – October 24-26.

3. General gun – November 8-11 and 12-16.

4. Small game – December 6-21.

5. Spring turkey – March 20-23 and 24-28.

- 6. Trapping – Prohibited.
- 7. Fishing – Permitted year-round.
- (b) Legal to take: Deer, gray squirrel, rabbit, wild hogs, game birds, and fish. No size or bag limits on wild hogs.
- (c) Camping: Prohibited during periods open to hunting and at designated sites by group camping permit only from the Levy County Commission during periods closed to hunting.
- (d) General regulations:
 - 1. The use of tracked vehicles, airboats, motorcycles or all-terrain vehicles is prohibited.
 - 2. Vehicles shall be operated only on named and numbered roads.
 - 3. Public access shall be permitted from one and one-half hours before sunrise to one and one-half hours after sunset. The public shall enter and exit the area at designated entrances only.
 - 4. Hunters shall check in and out at the check station on SR 24 and check all game taken during the archery, muzzleloading gun, general gun, and spring turkey seasons. During small game season, hunters shall sign in and out upon entry or exit at the designated entrances.
 - 5. Hunting with dogs other than waterfowl retrievers and bird dogs is prohibited.
 - 6. Horses and bicycles are prohibited during periods open to hunting.
- (31) Mallory Swamp Wildlife Management Area.
 - (a) Open season:
 - 1. Archery – September 20 through October 19.
 - 2. Muzzleloading gun – October 25 through November 2.
 - 3. General gun – November 8 through January 4.
 - 4. Small game – January 5 through February 1.
 - 5. Spring turkey – March 20 through April 4.
 - 6. Duck and coot – During the duck and coot season and the early duck season in September established pursuant to Rule 68A-13.003. F.A.C.
 - 7. Trapping – January 5 through March 1.
 - 8. Fishing and frogging – Throughout the year.
 - (b) Legal to take: All legal game, fish, frogs and furbearers. No size or bag limits on wild hogs.
 - (c) Camping: Prohibited.
 - (d) General regulations:
 - 1. Dogs with a shoulder height of more than 17 inches are prohibited during the general gun season. Hunting with dogs other than bird dogs is prohibited in that portion of the area lying west of Crapps Tower Grade and north of L.A. Bennett Grade, and in that portion of the area lying west of Crapps Tower Grade and south of Deserter’s Hammock Road.
 - 2. During the muzzleloading gun and general gun seasons, hunters shall check all game taken at the check station.
 - 3. The use of tracked vehicles, airboats, motorcycles or all-terrain vehicles is prohibited. Horses are permitted only on roads and designated horse trails during daylight hours and only during periods closed to hunting.
 - 4. Motorized vehicles may be operated only on established roads. Vehicular traffic is prohibited on roads identified and posted as closed.
 - 5. Public access to the area shall be prohibited from one and one-half (1 1/2) hours after sunset to one and one-half (1 1/2) hours before sunrise.
 - 6. Fires are prohibited.
 - 7. Licensed trappers may possess .22 rimfire rifles or pistols from February 3 through March 1.
- (32) Middle Aucilla Wildlife Management Area.
 - (a) Open season:
 - 1. General gun – November 8 through January 4.
 - 2. Muzzleloading gun – October 25 through November 2.
 - 3. Small game – January 5 through February 29.
 - 4. Archery – September 20 through October 19.
 - 5. Spring turkey – March 20 through April 24.
 - 6. Trapping: Prohibited.
 - 7. Fishing: Permitted throughout the year.
 - (b) Legal to take: All legal game, fish, and furbearers. Wild hogs may be taken during the small game season; no size or bag limit on wild hogs.
 - (c) Camping: Prohibited.
 - (d) General Regulations:
 - 1. Vehicles may be operated only on designated roads.
 - 2. The use of all-terrain vehicles is prohibited.
 - 3. Fires are prohibited.
 - 4. Possession of dogs, other than bird dogs or waterfowl retrievers, is prohibited.

5. A quota permit is required of all hunters entering the area during open hunting seasons, except during the small game season.

6. Hunting hogs by the use of dogs is prohibited.

(33) Little River Wildlife Management Area.

(a) Open season:

1. Archery – September 20-22, 27-29 and October 4-6.

2. Muzzleloading gun – October 24-26.

3. Small game – November 29 through December 3 and December 20-24.

4. Fishing – Permitted throughout the year.

5. Trapping – Prohibited.

(b) Legal to take - Deer, wild hogs, rabbit, gray squirrel, and all legal fish. No size or bag limit on wild hogs.

(c) Camping - Permitted only by landowner permit.

(d) General regulations:

1. Vehicles may be operated only on the powerline roads.

2. The use of all-terrain vehicles is prohibited.

3. All persons shall enter and exit only at designated entrances.

4. Hunting with dogs is prohibited.

5. Fires are prohibited.

6. A quota permit is required of all hunters entering the area during open hunting seasons, except during the small game season.

(34) Troy Springs Wildlife Management Area.

(a) Open season:

1. Small game – November 8 through January 4, except on Sundays, and only in that portion of the area known as the Adams Tract located northeast of U.S. 27, east and south of County Road 251, and southwest of the Suwannee River.

2. Fishing – Permitted throughout the year.

(b) Legal to take – Wild hogs, rabbit, gray squirrel, and fish only. No size or bag limit on hogs.

(c) Camping – Permitted year-round on Ruth Springs and Walker tracts. Permitted only during periods closed to hunting on the Adams Tract. A written permit from the Suwannee River Water Management District is required for all camping.

(d) General regulations:

1. Vehicles may be operated only on named or numbered roads.

2. The use of all-terrain vehicles is prohibited.

3. Hunting with dogs is prohibited.

4. Public access is permitted only through designated access points.

5. Fires are prohibited except in designated camping area.

(35) Bayard Wildlife Management Area.

(a) Open season:

1. Archery – September 20 through October 5 and November 15-23.

2. Muzzleloading gun – October 25 through November 2.

3. Spring Turkey – The first three days of the Central Zone season, and the Friday, Saturday, and Sunday of the third and fifth weekends of the Central Zone season.

4. Trapping – Prohibited.

5. Fishing and frogging - Permitted throughout the year.

(b) Legal to take - All legal game, fish, frogs, and furbearers. The bag limit shall be one deer per hunt permit; wild hogs of any size with no bag limit may be taken during any hunt except spring turkey.

(c) Camping - Permitted by hunt permit holders at the designated sites in Area 3 only during periods open to hunting; year-round at designated sites in Area 1 only; and during non-hunting periods at designated campsites in Areas 2 and 3 only.

(d) General regulations:

1. Hunting with dogs is prohibited.

2. Vehicles may be operated only on named or numbered roads.

3. Vehicles may be parked only at designated parking areas.

4. The use of tracked vehicles, motorcycles, or all-terrain vehicles is prohibited.

5. During hunting periods, public access is restricted to those individuals with valid hunt permits.

6. All hunters must check in and out at the designated check station and check all game taken.

7. Horses are permitted throughout the year in Area 1 but only during non-hunting periods in Areas 2, 3 and 4.

8. Horses and non-motorized bicycles may be used only on named or numbered roads and designated trails.

9. Vehicular access is permitted on all hunt days plus the weekend and the day before all hunts except spring turkey season when it shall be permitted only on hunt days and the day before each hunt.

10. A hunt permit is not required for fishing or frogging during periods closed to hunting.

11. Hunting is prohibited in Area 1.

12. Hunt permits are transferable.
13. Only shotguns may be used during the spring turkey season.
14. Vessels may be used to access the area from the St. Johns River.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.121, 375.313 FS. History—New 6-21-82, Amended 7-1-83, 11-17-83, 7-5-84, 7-1-85, 2-16-86, 5-7-86, 6-10-86, 11-27-86, 5-10-87, 5-1-88, 6-7-88, 7-1-89, 8-17-89, 7-1-90, 9-1-90, 7-1-91, 7-2-91, 7-1-92, 7-2-92, 8-23-92, 10-22-92, 7-1-93, 7-1-94, 2-9-95, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 7-1-98, 7-2-98, 7-1-99, Formerly 39-15.062, Amended 12-9-99, 7-1-00, 7-1-01, 11-11-01, 6-2-02, 10-16-02, 5-25-03.

68A-15.063 Specific Regulations for Wildlife Management Areas - Northwest Region.

(1) Apalachee Wildlife Management Area.

(a) Open season:

1. General gun – November 27-30 and December 13 through February 15 (Mondays, Wednesdays and Fridays closed to hunting in Zones A and B).
2. Archery – October 18 through November 16.
3. Fishing and frogging – Throughout year.
4. Muzzleloading gun – November 21-23.
5. Early duck – On Tuesdays, Thursdays, Saturdays and Sundays of the September season established by Rule 68A-13.003, F.A.C.

6. Duck and coot – On Tuesdays, Thursdays, Saturdays and Sundays of the duck and coot season established in Rule 68A-13.003, F.A.C.

7. Dove – On Tuesdays, Thursdays, Saturdays and Sundays of the dove season established in Rule 68A-13.008, F.A.C.

8. Quail (Zone A) – December 23 through January 11 (Mondays, Wednesdays and Fridays closed to hunting).

(b) Legal to take: All legal game, fish, frogs and furbearers. Antlerless deer may be taken during the general gun season by permit only. Quail may be taken in Zone A only during the archery, and muzzleloading gun, and during the quail season by permit only.

(c) Camping: Prohibited.

(d) General regulations:

1. Hunting with dogs in Zones A and B is prohibited except that bird dogs and retrievers are permitted during the general gun, muzzleloading gun, early duck, duck and coot, dove, and quail seasons.

2. Dove and waterfowl may be hunted in accordance with federal migratory bird regulations on Tuesdays, Thursdays, Saturdays and Sundays.

3. Vehicles may be operated only on named or numbered roads.

4. The possession or use of rifles is prohibited, except during the muzzleloading gun season.

5. Hunters shall check in and out at a check station when entering and exiting Zone A and shall check all game taken when hunting in Zone.

6. Taking of wildlife by use of a gun on or from rights-of-way of County Road 271 is prohibited as provided by Rule 68A-4.008, F.A.C.

7. Two hundred zone tags will be issued for Zone A on a first-come, first-served basis at the check station. A zone tag is not required in Zones B or C.

8. During quail season, taking quail after 3:00 p.m. Central Standard Time is prohibited.

(2) Apalachicola Wildlife Management Area.

(a) Open season:

1. General gun – November 27-30 and December 13 through February 4.

2. Small game – November 8-26, December 1-12 and February 5-29.

3. Spring turkey – March 20 through April 25.

4. Archery – October 18 through November 16.

5. Muzzleloading gun – November 21-23.

6. Muzzleloading gun and archery – February 19-29.

7. Early duck – In the September season established by Rule 68A-13.003, F.A.C.

8. Fox, raccoon, opossum and bobcat – October 1 through February 29 in that portion of the area in Liberty County lying west of State Road 65 (except in that portion of the area lying north and east of the Florida River and Larkins Slough) and in that portion in Leon County and Wakulla County south of State Road 267 bounded on the east by Forest Roads 313, F.H. 13 and 356, on the south by Forest Roads 357 and 349, on the west by Forest Roads 348 and F.H. 13, 314, 309, and 344. No guns may be used prior to November 27.

9. Trapping – February 5 through March 1.

10. Fishing and frogging – Throughout year.

(b) Legal to take: All legal game, fish, frogs and furbearers. Bearded turkeys or gobblers may be taken from November 27-30 and from December 13-24. Wild hogs may be taken only during the archery, muzzleloading gun, general gun, archery and muzzleloading and small game hunts. No size or bag limits on wild hogs.

(c) Camping: Throughout year.

(d) General regulations:

1. Camping is permitted only on designated campsites during general gun season.
2. Bird dogs may be trained from June 1 through February 29. Deer dogs may be trained from October 25 through November 13 in that portion of the area open to hunting fox, raccoon, opossum and bobcats.
3. Dove hunting is permitted during the first phase of the established dove season.
4. During the November 8 through February 29 period, hunting as specified by paragraph 68A-24.002(2)(b), F.A.C., is permitted.
5. Taking of wildlife by use of a gun on or from rights-of-way of State Road 267, 67, 375, 65, 299, 368, 369, 260, 373, 263, 379, 12 or that portion of County Road 22 east of the Ochlockonee River is prohibited as provided by Rule 68A-4.008, F.A.C.
6. Hunting with dogs, other than bird dogs and retrievers, is prohibited in that portion of the area lying west and south of State Road 375 and east of the Ochlockonee River; also those lands lying north and east of the Florida River and Larkins Slough.
7. Taking of deer is prohibited on or from the rights-of-way of State Road 375 and 50 yards outward from the rights-of-way.
8. The use of all-terrain vehicles is prohibited on that portion of the area posted as Northwest Florida Water Management District lands.

(3) Apalachicola Wildlife Management Area – Bradwell Unit.

(a) Open season:

1. General gun – November 27-30 and December 13-17.
2. Archery – October 18 through November 2.
3. Muzzleloading gun – November 21-23.
4. Small game – November 8-16.
5. Spring turkey – March 20-21 and April 2-4.
6. Early duck – In the September season established by Rule 68A-13.003, F.A.C.
7. Fishing and frogging – Throughout the year.

(b) Legal to take: All legal game, fish, frogs, and furbearers. Antlerless deer may be taken by permit only. The bag limit for antlered deer shall be one per quota hunt permit. During spring turkey season, the bag limit for turkey shall be one gobbler or bearded turkey per quota hunt permit. Wild hogs may be taken only during the archery, muzzleloading gun, and general gun hunts. No size or bag limit on wild hogs.

(c) Camping: Prohibited.

(d) General Regulations:

1. Vehicles may be operated only on named or numbered roads and may be parked only at designated parking areas.
2. Hunting with dogs, other than bird dogs and retrievers, is prohibited.

(4) Blackwater Wildlife Management Area.

(a) Open season:

1. General gun – November 27-30 and December 13 through February 4.
2. Small game – November 8-26, December 1-12 and February 5-29.
3. Spring turkey – March 20 through April 25.
4. Archery – October 18 through November 16.
5. Muzzleloading gun – November 21-23, in the still hunt area only (except in the field trial area).
6. Muzzleloading gun and archery – February 19-29, in the still hunt area only (except in the field trial area). January 16-18 in the designated field trial area only.
7. Fox, raccoon, opossum and bobcat – May 1 through March 14, north of State Road 4 (except in the still hunt area).
8. Dove – During the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C., (except on the field trial area).
9. Fishing and frogging – Throughout year except on fish hatchery.

(b) Legal to take: All legal game, fish, frogs and furbearers. During the January 16-18 archery/muzzleloading gun season on the field trial portion of the area any deer (daily bag limit one) except spotted fawns may be taken. Feral hogs may be taken during any period when possession of a gun is otherwise authorized with no size or bag limit on wild hogs.

(c) Camping: Throughout year at designated campsites only.

(d) General regulations:

1. That portion known as the field trial area which is bounded by Coldwater Creek on the northwest, the western boundary of Blackwater State Forest to the west and south, State Road 191 on the southeast, and on a line running west 3/4 mile from the intersection of State Road 191 and Forest Road 64 (Spanish Trail), then north one mile and then three miles west to Coldwater Creek at a point 1/2 mile northeast of the Coldwater Recreation Area shall be open to deer hunting only during the archery season

before November 1 and during the January 16-18 archery/muzzleloading gun season and for mourning doves during the first phase of the dove season (Saturdays and Wednesdays only) and the second phase of the dove season (Wednesdays only), and the third phase of the dove season (Wednesdays only) until January 1 on fields posted as open to dove hunting.

2. Hunting with dogs other than bird dogs and retrievers is prohibited in the still hunt area, which includes that portion of the area south of State Road 4 and that portion of the area north of State Road 4 and east of Hurricane Lake Road and Beaver Creek Highway and south of the Brake Fork Fireline, west of Eadie Cotton Road, south of Peaden Bridge Road, east of Sherman Kennedy Road, north of Mattie Kennedy Road and Kennedy Bridge Road, east of Bullard Church Road and east of Ashburn Fork Fireline; and that portion of the area west of Mason West Road and west of Simmons Road from its intersection with Mason West Road to Camp Henderson Road.

3. During fox, raccoon, opossum and bobcat season, hunting as specified in paragraph 68A-24.002(2)(b), F.A.C., is permitted.

4. Vehicles may be operated only on established roads except south of State Road 4 and west of County Road 191 where vehicles may be operated only on named or numbered roads.

5. Dogs are prohibited in the field trial area except as specifically authorized by permit.

6. The discharge of any gun within 300 yards of a public campsite is prohibited.

7. Taking of wildlife by use of a gun on, upon or from rights-of-way of State Road 4, 191, 189 and 2; U.S. Highway 90; County Highway 180; Carpenter Road from County Road 191 to Juniper Creek; Forest Road 31, 47, 25, 86, 23, 72, 48, 6 and the paved portions of Forest Roads 57, 2 and 9 is prohibited as provided by Rule 68A-4.008, F.A.C.

8. The use of airboats, tracked vehicles, or all-terrain vehicles on the area is prohibited, except by Division of Forestry use permit.

9. Vehicles are prohibited on the Florida Gas Transmission Line and from March 1 through September 30 in all of Sections 32 and 33 and portions of Sections 27, 28 and 34, Township 4 North, Range 26 West and all of Section 9 and portions of Sections 5, 8, 14, 15, 16 and 17, Township 3 North, Range 26 West all as posted as Environmental Enhancement Area.

(5) Blackwater Wildlife Management Area – Hutton Unit.

(a) Open season:

1. Archery – October 18-26.

2. Muzzleloading gun – November 21-23.

3. Quail – November 8-9, 19-20, and 29-30, December 8-9, 13-14, 22-23, and 27-28.

4. General gun – January 17-25.

5. Spring turkey – March 20-22, April 2-4, and 16-18.

6. Fishing and Frogging – Throughout the year.

(b) Legal to take: All legal game, fish, frogs and furbearers except that only quail may be taken during the quail season. Taking quail is prohibited except during the quail season. The bag limit for quail is 12 per hunting group each day. A group for the purpose of quail hunting shall include up to three persons. Taking of antlered deer not having at least one forked antler and having one or more antlers at least 5 inches in length visible above the hairline is prohibited. The forked antler shall have at least two points one inch or greater in length. The bag limit for antlered deer shall be one per quota hunt permit. During spring turkey season, the bag limit shall be one gobbler or bearded turkey per quota hunt permit. No size or bag limit on wild hogs.

(c) Camping – permitted at designated sites only.

(d) General Regulations:

1. During hunting seasons, vehicular access is permitted only by individuals possessing quota hunt permits. Vehicles may be operated only on named or numbered roads and shall enter and exit only at the designated entrance as indicated on the hunt map.

2. Hunters shall check in and out at the check station when entering and exiting the area and shall check all game taken.

3. Hunting with dogs other than bird dogs or retrievers is prohibited.

4. Taking quail after 3:00 p.m. Central Standard Time is prohibited.

5. The possession or use of all-terrain vehicles is prohibited.

6. The possession or use of firearms other than shotguns is prohibited during the quail season.

(6) Blackwater Wildlife Management Area – Carr Unit.

(a) Open season:

1. Quail: November 8-11, 13-16, 20-23, 27-30, December 4-7, 11-14, 18-21, 25-28, January 1-4, 8-11, 15-18, 22-25, January 29 through February 1, 5-8, 12-15 and 19-22.

(b) Legal to take: Quail. The daily bag limit is 12 quail per person. For each hunt, one group consisting of no more than four members may release and take quail.

(c) Camping: Prohibited.

(d) General regulations:

1. A special opportunity quail hunt permit (no exemptions) as provided in Rule 68A-9.007, F.A.C., shall be required for each group entering the area to release or take quail.

2. Each group may release pen-raised quail within the designated boundaries, as indicated on the hunt map. Release of quail is prohibited, except during each day of the hunt and the day before the first day of each hunt. Released quail shall be purchased from a licensed game farm and transported as provided in subsection 68A-12.006(3), F.A.C.

3. Vehicles may be operated only on named or numbered roads, and shall enter and exit only at the designated entrance.

4. Hunters shall sign in and out of the special-opportunity released-quail area when entering and exiting the area, and shall record all game taken.

5. Hunting with dogs other than bird dogs or retrievers is prohibited.

6. The possession or use of all-terrain vehicles is prohibited.

7. The possession or use of firearms other than shotguns is prohibited.

8. Fires are prohibited.

(7) Edward Ball Wildlife Management Area.

(a) Open season:

1. General gun – November 27-30 and December 13 through February 4 (Mondays, Tuesdays and Wednesdays closed to hunting after December 21 in the dog-hunt area only).

2. Archery – October 18 through November 16.

3. Muzzleloading gun and archery – February 19-29 (Mondays, Tuesdays and Wednesdays closed to hunting).

4. Early duck – In the September season established by Rule 68A-13.003, F.A.C.

5. Dove – First phase established by Rule 68A-13.008, F.A.C.

6. Fishing – Permitted year-round.

7. Trapping – January 1 through February 1 in that portion south of the Intracoastal Canal by permit from the Panama City regional office only.

(b) Legal to take: All legal game, fish and furbearers.

(c) Camping: Prohibited

(d) General regulations:

1. Vehicles may be operated only on established roads.

2. Hunting deer with dogs is prohibited south of the Intracoastal Waterway.

3. Bird dogs may be used during the muzzleloading gun and archery season.

4. The use of all-terrain vehicles is prohibited.

5. Operation of a vehicle is prohibited from 11 p.m. to 4 a.m. Eastern Standard Time during the general gun season.

6. No person shall operate a vehicle south of the gate on the Catfish Creek Canal Levee Road.

7. No person shall operate a vehicle on the area from March 15 through September 15.

(8) Joe Budd Wildlife Management Area.

(a) Open season:

1. Archery – December 12 through January 11 (Fridays, Saturdays and Sundays only).

2. Archery and muzzleloading gun – January 16 through February 1 (Fridays, Saturdays and Sundays only).

3. Small game – October 4 through December 7 (Saturdays and Sundays only).

4. Spring turkey – March 20 through April 25 (Saturdays and Sundays only).

5. Fishing and other recreational use – Permitted during daylight hours when hunting is not allowed.

(b) Legal to take: All legal game including turkey of either sex, fish, frogs and furbearers. During the small game hunts, doves (Saturdays only, during phases established by Rule 68A-13.008, F.A.C.), quail and squirrel may be taken. Antlerless deer may be taken during the archery and muzzleloading gun season by permit only. No size or bag limit on wild hogs.

(c) Camping: Prohibited, except at the High Bluff campground by permit from the Division of Forestry.

(d) General regulations:

1. Vehicles may be operated only on designated roads.

2. Hunting with dogs is prohibited except that bird dogs and retrievers are permitted during small game hunts.

3. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.

4. No person shall hunt in any zone other than that for which he has obtained a zone tag permit. All hunters shall wear zone tags visibly.

5. Only bows or muzzleloading guns may be used during spring turkey seasons.

6. Shotguns are prohibited during the archery season, and centerfire shotguns are prohibited during the archery and muzzleloading gun season.

7. No person shall enter the area during any period in which the entry gate is closed.

8. Entry into the area is prohibited from one-half hour before sunrise until one hour after sunrise and from one hour before sunset to one-half hour after sunset during the archery, and archery/muzzleloading gun seasons. During spring turkey season, entry is prohibited from one-half hour before sunrise until one hour after sunrise.

9. All persons entering or exiting the area may do so only at a designated entrance as indicated on the hunt map.

10. Guns are prohibited when the area is closed to hunting, except at the designated campsite.

11. Taking or attempting to take wildlife by use of a gun on or from the rights-of-way of High Bluff Road or County Road 268 is prohibited as provided by Rule 68A-4.008, F.A.C.

(9) Robert Brent Wildlife Management Area.

(a) Open season:

1. General gun – November 27-30 and December 13 through February 4.

2. Small game – November 8-26, December 1-12 and February 5-29.

3. Spring turkey – March 20 through April 25.
4. Archery – October 18 through November 16.
5. Muzzleloading gun – November 21-23.
6. Archery and muzzleloading gun – February 19-29.
7. Dove – During the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C.
8. Fishing and frogging – Throughout year.
9. Trapping – January 1 through March 1 in still hunt areas by permit from the Panama City regional office only.

(b) Legal to take: All legal game, fish, frogs and furbearers. Bearded turkeys or gobblers may be taken from November 27-30 and from December 13-24. Taking of antlered deer not having at least one forked antler and having one or more antlers at least 5 inches in length visible above the hairline is prohibited. The forked antler shall have at least two points one inch or greater in length.

(c) Camping: Prohibited.

(d) General regulations:

1. The taking of wild hogs by the use of dogs is prohibited.
2. The use of all-terrain vehicles is prohibited.
3. Vehicles may be operated only on established roads. Vehicle access and use may be further modified in the event of a reduction in acreage in the WMA.
4. Vehicular access into the portion of the still hunt area lying east of S.R. 65 will be limited to designated hunting days and for a period of one week prior to the archery and general gun seasons for scouting. Hunters shall enter and exit the area through Road 2, Road 1 or Road 114 only.
5. Hunting with dogs other than bird dogs is prohibited in the still hunt area (that portion of the area lying east of State Road 65).
6. Taking of wildlife by use of a gun on or from rights-of-way of State Roads 65, 271, 270 or 12 is prohibited as provided by Rule 68A-4.008, F.A.C.

7. Hunters shall check in and out at a designated check station when entering and exiting the still hunt portion of the area and shall check all game taken, during the muzzleloading gun, general gun and archery/muzzleloading gun seasons.

8. Taking or attempting to take wildlife on, upon or from the rights-of-way of Roads 1 and 2 is prohibited.

(10) Blue Water Creek Wildlife Management Area.

(a) Open season:

1. General gun – November 27-30 and December 13 through February 4.
2. Small game – February 21-29 (Saturdays and Sundays only).
3. Archery – October 18 through November 16.
4. Spring turkey – March 20 through April 25.
5. Archery and muzzleloading gun – February 5-18.
6. Muzzleloading gun – November 21-23.
7. Fishing and frogging – Prohibited except during designated hunting days and pre-hunt scouting periods.

(b) Legal to take: All legal game, fish, and furbearers. Taking of antlered deer not having at least one forked antler and having one or more antlers at least 5 inches in length visible above the hairline is prohibited. The forked antler shall have at least two points one inch or greater in length.

(c) Camping: Prohibited.

(d) General regulations:

1. Vehicles may be operated only on graded roads or maintained fire lanes.
2. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.
3. Hunting with dogs other than bird dogs is prohibited.
4. Access to the area is permitted only by individuals possessing a valid recreational user permit except as provided by Section 327.57, F.S., and shall be limited to designated hunting days and for a period of one week prior to the archery season and one day prior to the muzzleloading gun, general gun, and spring turkey seasons for pre-hunt scouting.
5. All hunters shall exit the area through check stations not later than one hour after sunset.
6. The use of all-terrain vehicles (ATV's) is prohibited.
7. The display or use of a gun on or upon Firebreak 1 or within 300 yards of an active timber harvest or tree planting operation, in a manner capable of taking wildlife is prohibited.

(11) Point Washington Wildlife Management Area.

(a) Open season:

1. General gun – November 27-30 and December 13 through February 4.
2. Small game – November 8-26, December 1-12 and February 5-29.
3. Spring turkey – March 20 through April 25.
4. Archery – October 18 through November 16.
5. Muzzleloading gun – November 21-23.
6. Archery and muzzleloading gun – February 19-29.

7. Fishing and frogging – Throughout year.
8. Trapping – January 1 through February 1.
- (b) Legal to take: All legal game, fish, frogs and furbearers. No size or bag limit on wild hogs.
- (c) Camping: Prohibited.
- (d) General regulations:
 1. Vehicles may be operated only on established roads.
 2. The taking of wild hogs by the use of dogs is prohibited.
 3. Hunting with dogs other than bird dogs is prohibited.
 4. Bird dogs may be trained throughout the year except during the spring turkey season.
 5. Migratory game birds may be hunted during the early duck, dove and rail seasons.
 6. The use of all-terrain vehicles is prohibited.
 7. Taking of wildlife by use of a gun on or from rights-of-way of U.S. 98 is prohibited as provided by Rule 68A-4.008, F.A.C.
 8. Persons operating vehicles shall enter and exit at designated entrances only.

(12) Talquin Wildlife Management Area.

(a) Open season:

1. General gun – November 28-30 and December 13 through January 4 (Fridays, Saturdays and Sundays only).
2. Small game – January 9 through February 29 (Fridays, Saturdays and Sundays only).
3. Archery – October 18 through November 16 (Fridays, Saturdays and Sundays only).
4. Spring turkey – March 20 through April 25 (Saturdays and Sundays only).
5. Early duck – In the September season established by Rule 68A-13.003, F.A.C.
6. Fishing and other recreational uses – Permitted during daylight hours when hunting is not allowed.

(b) Legal to take: All legal game, fish and furbearers. Antlerless deer (daily bag one) may be taken January 3. No size or bag limit on wild hogs.

(c) Camping: Prohibited.

(d) General regulations:

1. Vehicles may be operated only on numbered roads.
2. Hunting with dogs other than bird dogs or retrievers is prohibited.
3. All hunters entering onto or exiting from this area may do so only at a designated entrance as indicated on the hunt map.
4. Hunters shall check in and out at the check station on January 3 and check all game taken.
5. Guns are prohibited when the area is closed to hunting.

(13) Ochlockonee River Wildlife Management Area.

(a) Open season:

1. Archery and muzzleloading gun – November 28-30 and December 13 through January 4 (Fridays, Saturdays and Sundays only).
2. Small game – January 9 through February 29 (Fridays, Saturdays and Sundays only).
3. Archery – October 18 through November 16 (Fridays, Saturdays and Sundays only).
4. Spring turkey – March 20 through April 25 (Saturdays and Sundays only).
5. Fishing and other recreational uses – Permitted during daylight hours when hunting is not allowed.

(b) Legal to take: All legal game including gobblers or bearded turkeys, fish, frogs and furbearers. No size or bag limit on wild hogs.

(c) Camping: Prohibited.

(d) General regulations:

1. Vehicles may be operated only on numbered roads.
2. Hunting with dogs other than bird dogs or retrievers is prohibited.
3. Modern shotguns, muzzleloading guns and bows are permitted during the spring turkey season.
4. All hunters entering onto or exiting from this area may do so only at a designated entrance as indicated on the hunt map.
5. Guns are prohibited when the area is closed to hunting.

(14) Tate's Hell Wildlife Management Area.

(a) Open season:

1. General gun – November 27-30 and December 13 through February 4.
2. Small game – November 8-26, December 1-12 and February 5-29.
3. Archery – October 18 through November 16.
4. Muzzleloading gun – November 21-23.
5. Muzzleloading gun and archery – February 19-29.
6. Early duck – In September season as established by Rule 68A-13.003, F.A.C.
7. Duck and coot – As established by Rule 68A-13.003, F.A.C.
8. Dove – As established by Rule 68A-13.008, F.A.C.
9. Spring turkey – March 20 through April 25.
10. Trapping – February 1 through March 1.

11. Fishing and frogging – Throughout the year.

(b) Legal to take: All legal game, fish, frogs and furbearers. No size or bag limit on wild hogs.

(c) Camping: Prohibited, except at designated sites by permit from the Division of Forestry.

(d) General regulations:

1. Deer dogs may be trained from October 25 through November 13.

2. During the general gun and small game seasons, hunting as specified by paragraph 68A-24.002(2)(b), F.A.C., is permitted.

3. Vehicles may be operated only on designated roads. Airboats, all-terrain vehicles and tracked vehicles are prohibited.

4. In the still hunt area, which includes that portion of the area east of Whiskey George Creek and south of Dry Bridge Road, hunting with dogs other than bird dogs and retrievers is prohibited.

5. Taking of wildlife by use of a gun on or from the rights-of-way of State Road 67 is prohibited as provided by Rule 68A-4.008, F.A.C.

(15) Tate's Hell Wildlife Management Area – Womack Creek Unit.

(a) Open season:

1. Archery – October 18-26.

2. Muzzleloading gun – November 21-23.

3. Small game – November 8 through February 4.

4. General gun still – November 27-30 and December 13-21.

5. General gun dog – December 24 through January 5.

6. Early duck – In September as established by Rule 68A-13.003, F.A.C.

7. Spring turkey – March 20-23, April 1-4 and 8-11.

8. Trapping – February 1 through March 1.

9. Fishing and frogging – Throughout the year.

(b) Legal to take: All legal game, fish, frogs, and furbearers. No size or bag limit on wild hogs.

(c) Camping: Prohibited, except at designated sites by permit from the Division of Forestry.

(d) General regulations:

1. Hunting with dogs, other than bird dogs, retrievers and dogs with a shoulder height of 15 inches or less, is prohibited except during the general gun dog hunt.

2. Vehicles may be operated only on designated roads.

3. The possession of airboats, all-terrain vehicles, or tracked vehicles is prohibited.

4. Taking of wildlife by use of a gun on or from the rights-of-way of State Road 67 is prohibited as provided by Rule 68A-4.008, F.A.C.

(16) Aucilla Wildlife Management Area.

(a) Open season:

1. General gun – November 8 through January 4.

2. Small game – January 5 through February 29.

3. Spring turkey – March 20 through April 25.

4. Archery – September 20 through October 19.

5. Muzzleloading gun – October 24-26.

6. Early duck – In the September season established by Rule 68A-13.003, F.A.C.

7. Duck and coot – During the duck and coot season established by Rule 68A-13.003, F.A.C.

8. Fishing and frogging – Throughout the year except on those portions of the area closed to public access during specified periods. Fishing and frogging in those areas are permitted only when they are open to public access.

9. Trapping – January 5 through March 1.

(b) Legal to take: All legal game, fish, frogs and furbearers. Wild hogs may be taken only during the archery season, muzzleloading gun season, and the first 23 days of general gun season. Antlerless deer may not be taken during the archery season.

(c) Camping: Prohibited.

(d) General regulations:

1. The taking of wild hogs by the use of dogs is prohibited.

2. Hunting with dogs other than bird dogs or waterfowl retrievers is prohibited south of U.S. 98 and on those lands lying north of Goose Pasture Road east of the Aucilla River.

3. Hunters entering the area via the Western Sloughs check station must possess a daily hunt permit (available at the check station) and shall check all game taken.

4. Public access is prohibited north of U.S. Highway 98 and west of the Wacissa River, other than during periods when public hunting is allowed, and seven days before each open hunting season except that portion of the area bounded on the west by Firebreak 14, on the east by the Wacissa River, on the north and west by the southern boundary of Section 11, the western boundary of Sections 12 and 1, and the northern boundary of Section 1, Township 3 South, Range 3 East, and on the south by the western and northern boundaries of Section 12, the eastern boundary of Section 1, Township 4 South, Range 3 East, and the northern boundary of Section 6, Township 4 South, Range 4 East, which will be open for public access throughout the year.

5. Vehicles may be operated only on designated roads.

6. During the general gun and small game seasons, hunting as specified by paragraph 68A-24.002(2)(b), F.A.C., is permitted.
7. Taking of wildlife by use of a gun on or from the rights-of-way of U.S. 98 is prohibited as provided by Rule 68A-4.008, F.A.C.
8. Fires are prohibited.
9. The use of all-terrain vehicles (ATVs) is prohibited.
10. Shotguns are permitted on the area during the early experimental duck season established by Rule 68A-13.003, F.A.C.
11. Hunting with dogs is prohibited during the archery season, except that waterfowl retrievers may be used during the early duck season.
12. On that portion of the area south of U.S. 98, hunting shall be restricted to small game.
 - (17) Flint Rock Wildlife Management Area.
 - (a) Open season:
 1. Muzzleloading gun – October 24-26.
 2. General gun – November 8 through January 4.
 3. Small game – January 5 through February 29.
 4. Spring turkey – March 20 through April 25.
 5. Archery – September 20 through October 19.
 6. Early duck – In the September season established by Rule 68A-13.003, F.A.C.
 7. Duck and coot – During the duck and coot season established by Rule 68A-13.003, F.A.C.
 8. Fishing and frogging – Permitted during periods the area is open for access.
 9. Trapping – January 5 through March 1.
 - (b) Legal to take: All legal game, fish, frogs, and furbearers. Taking of antlered deer not having at least one forked antler and having one or more antlers at least 5 inches in length visible above the hairline is prohibited. The forked antler shall have at least two points one inch or greater in length. Wild hogs may be taken only during the archery season, muzzleloading gun season and the first 23 days of general gun season.
 - (c) Camping: Prohibited.
 - (d) General regulations:
 1. Hunting with dogs other than waterfowl retrievers and bird dogs is prohibited.
 2. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.
 3. Access is permitted only by individuals possessing a valid recreational user permit except as provided by Section 372.57, F.S., and only during periods open to hunting and 7 days before each open hunting season.
 4. Vehicles may be operated only on designated roads, and vehicular access is restricted to designated entrances.
 5. Taking of wildlife by use of a gun on or from the right-of-way of State Road 59 is prohibited as provided by subsection 68A-4.008(4), F.A.C.
 6. Fires are prohibited.
 7. The use of all-terrain vehicles (ATVs) is prohibited.
 - (18) Pine Log Wildlife Management Area.
 - (a) Open season:
 1. Archery – October 18 through November 2.
 2. Muzzleloading gun – November 21-23.
 3. General gun – November 27-30, January 24-27, and January 28 through February 1.
 4. Small game – December 6-31.
 5. Spring turkey – March 20 through April 4.
 6. Fishing and frogging – Throughout the year.
 - (b) Legal to take: All legal game, fish, frogs, and furbearers.
 - (c) Camping: Permitted at designated sites only.
 - (d) General Regulations:
 1. Vehicles may be operated only on named or numbered roads and shall enter and exit at designated entrances only.
 2. Hunting with dogs other than bird dogs and retrievers is prohibited.
 3. The use of all-terrain vehicles is prohibited.
 4. Taking of wildlife by use of a gun on or from the rights-of-way of State Road 79 or County Road 2296 is prohibited as provided by Rule 68A-4.008, F.A.C.
 5. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.
 6. Firearms and crossbows are prohibited in the archery-only area, delineated as that portion of the area lying north of Pine Log Creek, south of Environmental Road, and west of State Road 79.
 - (19) Eglin AFB Wildlife Management Area.
 - (a) Open season:
 1. Archery – October 18 through November 16 in areas and during days specified by the Installation Commander.
 2. Muzzleloading gun – November 21-23 in areas specified by the Installation Commander.

3. General gun – November 27-30, December 13 through February 8 in areas and during days specified by the Installation Commander.

4. Archery and muzzleloading gun – February 9-29 in areas and during days specified by the Installation Commander.

5. Small game – November 8 through February 29 in areas and during days specified by the Installation Commander.

6. Dove – In areas and during days specified by the Installation Commander in accordance with Rule 68A-13.008, F.A.C.

7. Spring turkey – March 20 through April 25 in areas and during days specified by the Installation Commander.

8. Raccoon, fox, opossum, and bobcat – May 15 through August 31 in areas specified by the Installation Commander.

9. Trapping – December 1 through March 1 in areas specified by the Installation Commander.

10. Fishing and frogging – Throughout the year.

(b) Legal to take: All legal game, fish, frogs and furbearers. Antlerless deer may be taken during established seasons by permit from the Installation.

(c) Camping: Prohibited, except at designated campsites.

(d) General regulations:

1. Possession of or hunting with dogs other than bird dogs or retrievers is prohibited in areas specified by the Installation Commander.

2. Vehicles may be operated only on named or numbered roads except those posted as closed.

3. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken in areas specified by the Installation Commander.

4. Taking of wildlife by use of a gun on or from the rights-of-way of any paved Eglin road, Range Roads 200, 213, 234, and the portion of Range Road 211 from Highway 85 west to Range Road 610, and all other roads posted as such, is prohibited as provided by Rule 68A-4.008, F.A.C.

5. Use of trotlines or bush hooks is prohibited.

6. During November 8 through February 29, hunting as specified by paragraph 68A-24.002(2)(b), F.A.C., is permitted.

7. Use of all-terrain vehicles is prohibited, except by permit.

8. Dogs may be trained in areas and at times specified by the Installation Commander.

(20) Escambia River Wildlife Management Area.

(a) Open season:

1. General gun – November 27-30 and December 13-31.

2. Archery – October 18 through November 16.

3. Muzzleloading gun – November 21-23.

4. Archery and muzzleloading gun – January 1 through February 4 and February 19-29.

5. Small game – November 8 through February 29.

6. Spring turkey – March 20 through April 25.

7. Fox, raccoon, opossum, and bobcat – November 1 through July 31 except during spring turkey season.

8. Migratory game birds – Migratory game birds during seasons established by Rules 68A-13.003 and 68A-13.008, F.A.C.

9. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish, frogs and furbearers.

(c) Camping: Permitted throughout the area and limited to tents, trailers, or self-propelled camping vehicles only. Kitchen stoves, refrigerators, and freezers are prohibited, unless contained in mobile campers. Lumber, sheet metal or other building materials are prohibited.

(d) General regulations:

1. Vehicles may be operated only on named or numbered roads.

2. Hunting with dogs, other than bird dogs or retrievers, is prohibited on Parker and Morgan Islands (except in accordance with paragraph 68A-24.002(2)(b), F.A.C., when hunting raccoon) and in that portion of the area north of State Road 184, Mineral Springs Road in Santa Rosa County, and Bogia Road in Escambia County.

3. The use of all-terrain vehicles is prohibited.

4. Taking of wildlife by use of a gun on or from rights-of-way of State Road 184 and all other paved roads located within the area is prohibited as provided by Rule 68A-4.008, F.A.C.

5. Raccoon may be taken by the use of firearms only during November 1 through March 1.

(21) Tyndall AFB Wildlife Management Area.

(a) Open season:

1. Archery – October 18 through November 16 during days specified by the Installation Commander.

2. Muzzleloading gun – November 21-23.

3. General gun – November 27-30 and December 13 through February 18 during days specified by the Installation Commander.

4. Supervised youth – November 22-23, December 6-7 and December 20-21 (only in areas designated by the Installation Commander).

5. Spring turkey – March 20 through April 25 during days specified by the Installation Commander.

6. Small game – November 8 through February 29 during days specified by the Installation Commander.

7. Migratory game birds – During days specified by the Installation Commander within seasons established by Rules 68A-13.003 and 68A-13.008, F.A.C.

8. Fishing and frogging – Throughout year except in areas posted as closed.

(b) Legal to take: All legal game, fish, frogs and furbearers. Taking of antlered deer not having at least one forked antler and having one or more antlers at least 5 inches in length visible above the hairline is prohibited. Antler restrictions shall not apply during the supervised youth hunt. Antlerless deer may be taken during established seasons by permit from the Installation Commander.

(c) Camping: Prohibited, except in designated areas.

(d) General regulations:

1. Hunting with dogs other than bird dogs or retrievers is prohibited.

2. Taking of wildlife by use of a gun on or from the rights-of-way of U.S. 98 is prohibited as provided by Rule 68A-4.008, F.A.C.

3. Use of trotlines or bush hooks is prohibited.

(22) Choctawhatchee River Wildlife Management Area.

(a) Open season:

1. Archery – October 18 through November 16.

2. Muzzleloading gun – November 21-23.

3. General gun – November 27-30 and December 13 through February 4 except Holmes Creek Unit and East River Island.

4. Small game – November 8 through February 29.

5. Archery and muzzleloading gun – February 19-29. Holmes Creek Unit and East River Island November 27-30, December 13 through February 4 and February 19-29.

6. Spring turkey – March 20 through April 25 only in that portion of the area south of the pipeline right-of-way located up river (north) of Cedar Log Landing (Walton County) and Billy Lee Landing (Washington County).

7. Migratory game birds – Migratory game birds during seasons established by Rules 68A-13.003 and 68A-13.008, F.A.C.

8. Fishing and frogging – Throughout the year.

9. Trapping – December 1 through March 1 in still hunt areas and February 1 through March 1 in dog hunt areas.

(b) Legal to take: All legal game (except turkey shall not be taken in that portion of the area north of the pipeline right-of-way), fish, frogs and furbearers.

(c) Camping: Permitted throughout the area and limited to tents, trailers, or self-propelled camping vehicles only. Kitchen stoves, refrigerators, and freezers are prohibited, unless contained in mobile campers. Lumber, sheet metal or other building materials are prohibited.

(d) General regulations:

1. Vehicles may be operated only on named or numbered roads.

2. Hunting with dogs, other than bird dogs or retrievers, is prohibited in still hunt areas. Designated still hunt areas are north of U.S. Highway 90, Holmes Creek Unit (those lands in Washington County lying east of C.R. 284), and East River Island (those lands in Township 1 North, Ranges 17 and 18 West which are bounded on the south and east by East River and on the west and north by Choctawhatchee River).

3. The use of all-terrain vehicles is prohibited.

(23) Upper Chipola River Wildlife Management Area.

(a) Open season:

1. Archery – October 18 through November 16.

2. Muzzleloading gun – November 21-23.

3. General gun – November 27-30 and December 13 through January 1.

4. Small game – November 8 through February 29.

5. Archery and muzzleloading gun – February 21-22 and 28-29.

6. Spring turkey – March 20 through April 25.

7. Migratory game birds – Migratory game birds during seasons established by Rules 68A-13.003 and 68A-13.008, F.A.C.

8. Fishing and frogging – Throughout the year.

9. Trapping – December 1 through March 1.

(b) Legal to take: All legal game, fish, frogs and furbearers.

(c) Camping: Prohibited, except at designated campsites or by permit from Northwest Florida Water Management District.

(d) General regulations:

1. Vehicles may be operated only on named or numbered roads.

2. Taking or attempting to take deer with the aid of dogs is prohibited.

3. The use of all-terrain vehicles is prohibited.

(24) Yellow River Wildlife Management Area.

(a) Open seasons except in the Grassy Point area:

1. Archery – October 18 through November 16.

2. Muzzleloading gun – November 21-23.

3. General gun – November 27-30 and December 13 through February 4.
4. Small game – November 8 through February 29.
5. Archery and muzzleloading gun – February 19-29.
6. Spring turkey – March 20 through April 25.
7. Migratory game birds – Migratory game birds during seasons established by Rules 68A-13.003 and 68A-13.008, F.A.C.
8. Fishing and frogging – Throughout the year.
9. Trapping – December 1 through March 1.

(b) Open seasons in the Grassy Point area (the area south of Weaver River):

1. General gun – November 27-30 and January 24 through February 1.
2. Archery – October 18 through November 2.
3. Muzzleloading gun – November 21-23.
4. Spring turkey – March 20-21, April 3-4 and 17-18.
5. Small game – November 8-20.
6. Fishing and frogging – Throughout the year.

(c) Legal to Take: All legal game, fish, frogs and furbearers.

(d) Camping: Prohibited south of Weaver Road, except at designated campsites or by permit from the Northwest Florida Water Management District. Permitted throughout the area north of Weaver Road and limited to tents, trailers, or self-propelled camping vehicles only. Kitchen stoves, refrigerators, and freezers are prohibited, unless contained in mobile campers. Lumber, sheet metal or other building materials are prohibited.

(e) General regulations:

1. Vehicles may be operated only on named or numbered roads.
2. Hunting with dogs, other than bird dogs or retrievers, is prohibited.
3. The use of all-terrain vehicles is prohibited.

(25) Econfina Creek Wildlife Management Area.

(a) Open season except in the mobility-impaired, Cat Creek, and Fitzhugh Carter areas.

1. Archery – October 18 through November 16.
2. Muzzleloading gun – November 21-23.
3. General gun – November 27-30 and December 13 through February 4.
4. Small game – November 8 through February 29.
5. Archery and muzzleloading gun – February 19-29.
6. Spring turkey – March 20 through April 25.
7. Raccoon – November 8 through March 19 and April 26 through July 31.
8. Duck and coot – During duck and coot season as established by Rule 68A-13.003, F.A.C.
9. Fishing and frogging – Permitted throughout the year.

(b) Open seasons in the mobility-impaired hunt area (area south of County Road 388):

1. General gun – November 28-30, January 16-18, 23-25, January 30 through February 1 and February 4-6.
2. Spring turkey – March 20-21, 26-28, April 2-4, 9-11, 16-18 and 23-25.
3. Fishing and frogging – Permitted throughout the year.

(c) Open seasons in the Cat Creek (area south of State Road 20 and north of County Road 388) and Fitzhugh Carter (area west of State Road 77) areas:

1. Archery – October 18 through November 2.
2. Muzzleloading gun – November 21-23.
3. General gun – November 27-30, January 24-27 and January 28 through February 1.
4. Small game – December 6-21.
5. Spring turkey – March 20-22, April 2-4 and 16-18.
6. Special September duck – In the September season established by Rule 68A-13.003, F.A.C. (Fitzhugh Carter area only).
7. Fishing and frogging – Permitted throughout the year except that fishing is prohibited in the Fitzhugh Carter area.

(d) Legal to Take: All legal game, fish (except in the Fitzhugh Carter area), frogs and furbearers. In the mobility-impaired hunt area, antlerless deer (bag limit of one per three-day hunt) may be taken during general gun hunts only by persons possessing valid mobility-impaired certificates.

(e) Camping: Permitted only at designated sites or by permit from Northwest Florida Water Management District.

(f) General regulations:

1. Vehicles may be operated only on named or numbered roads except in the mobility-impaired hunt area by persons possessing mobility-impaired certificates.

2. Hunting with dogs, other than bird dogs or retrievers, is prohibited west of State Road 77, south of State Road 20, east of Econfina Creek, west of Econfina Road and south of Greenhead Road, and north of Duma Jack Road except that dogs may be used to take raccoons (except in the mobility-impaired hunt area).

3. The use of all-terrain vehicles is prohibited except in the mobility-impaired hunt area by persons possessing mobility-impaired certificates.

4. The possession or consumption of intoxicating beverages is prohibited.

5. Persons hunting in the mobility-impaired area must possess a valid mobility-impaired certificate and mobility-impaired hunt permit, or accompany a person possessing a valid mobility-impaired certificate and mobility-impaired hunt permit.

6. Taking of wildlife by use of a gun on or from rights-of-way of Thomas Road, Rattlesnake Road, Strickland Road, Porter Pond Road, Duma Jack/Deadening Road, Econfina Road, Greenhead Road, Hampshire Boulevard, S.R. 20, or C.R. 388 is prohibited.

7. Horses are prohibited on the Fitzhugh Carter Area.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-21-82, Amended 7-1-83, 7-5-84, 7-1-85, 5-7-86, 5-10-87, 6-8-87, 5-1-88, 7-1-89, 7-1-90, 9-1-90, 7-1-91, 9-1-91, 7-1-92, 7-2-92, 7-1-93, 3-1-94, 7-1-94, 7-1-95, 7-2-95, 8-15-95, 7-1-96, 7-2-96, 6-1-97, 12-3-97, 7-1-98, 7-2-98, 8-11-98, 7-1-99, Formerly 39-15.063, Amended 11-17-99, 7-1-00, 7-1-01, 7-22-01, 6-2-02, 5-1-03.

68A-15.064 Specific Regulations for Wildlife Management Areas - South Region.

(1) J. W. Corbett Wildlife Management Area.

(a) Open season:

1. General gun – November 1 through December 28.

2. Small game – December 29 through February 8.

3. Spring turkey – March 6 through April 11 (Saturdays and Sundays only).

4. Archery – August 23 through September 14.

5. Muzzleloading gun – September 27 through October 12.

6. Raccoon season – December 29 through February 8.

7. Fishing and frogging – Permitted throughout the year except when area is closed to public access.

(b) Legal to take: All legal game, fish, furbearers and frogs. Deer daily bag one, annual bag two; hog annual bag one. Only hogs with a shoulder height of 20 or more inches may be taken. The taking of hogs will be permitted during the archery and muzzleloading gun seasons, and the first 9 days of the general gun season. Turkeys may not be taken during the archery season.

(c) Camping: Permitted continuously during archery through general gun seasons, and on Fridays, Saturdays and Sundays only during the remainder of the year when the area is open.

(d) General regulations:

1. The use of rifles is prohibited within one-fourth mile of the Seaboard Coastline Railroad, the Pratt-Whitney fence and Mecca Farms.

2. The use or possession of airboats, tracked vehicles, motorized two-wheeled vehicles or all-terrain vehicles on the area is prohibited.

3. All persons shall check in and out at a check station when entering and exiting the area and shall check all game taken. People through-hiking on the Florida Trail may enter or exit the area through the Florida Trail.

4. Camping is permitted from the beginning of archery season through general gun seasons, only on designated campsites. Campsites are available on a first-come, first-served basis. Each camper shall assure that their campsite is clean at all times. At least camping areas L and M (and 1/2 of B during archery season only) shall be designated for short-term camping, with camping being limited to no longer than three days. Campsites may be set up and occupied no earlier than 8:00 a.m. the day prior to the opening of archery season and all vehicles, camps, tents, and other camping equipment and litter removed no later than 24 hours after the close of the general gun season. The alteration, defacing, moving or tampering in any way with official markings of campsites is prohibited. Only tents, trailers, or self-propelled camping vehicles may be used for camping. Kitchen stoves, refrigerators, and freezers, unless contained in mobile campers, lumber, sheet metal or other building materials is prohibited. For the remainder of the year when the area is open camping is permitted at designated campsites on Fridays, Saturdays, and Sundays only but campsites may not be left unattended for more than 24 hours.

5. During the archery season, vehicles may be operated only on improved and designated unimproved roads. During the spring turkey season, vehicles may be operated only on the Stumpers grade and on improved and designated unimproved roads west of and including the North and South grades.

6. During open periods other than designated hunting seasons, motorized vehicles may be operated only on the North, South, and Stumper's grades, on trail 6, and on the Tomato Field grade east of the Big Gopher canal.

7. No deer or hog shall be quartered, or dismembered in the hunt area or removed from the area unless checked at a check station.

8. Dogs shall be removed the last day of the small game season. Dogs other than bird dogs, dogs with a shoulder height of 15 inches or less, or raccoon dogs are prohibited after the last day of the general gun season. Dogs, except bird dogs during small game season, are prohibited in the still hunt area, delineated as that portion of the area starting at the junction of the South Grade and the Main Canal, then south on the South Grade to the Indian Trails Outfall Canal, then south, east, and south along the wildlife management area boundary, then west along the L-8 Canal to its junction with the Big Gopher Canal, then northeast along the Big

Gopher Canal to its junction with the Tomato Field Grade, then east along the Tomato Field Grade to its junction with the Tomato Field, then along the western boundary of the Tomato Field to its junction with the Main Canal, then northeast along the Main Canal to the point of beginning.

9. Deer dogs and bird dogs may be trained beginning 14 days prior to the opening of the general gun season and ending 5 days prior to the opening of the general gun season. The possession of guns is prohibited.

10. Vehicles may be operated only on improved and designated unimproved roads within the still hunt area.

11. During raccoon season, firearms and dogs as specified in paragraph 68A-24.002(2)(b), F.A.C., may be used except in the still hunt area.

12. The possession or consumption of intoxicating beverages is prohibited.

13. Unauthorized planting of trees and shrubs is prohibited.

14. Public access is permitted throughout the year except from the Sunday two weeks prior to the opening of archery season until 8:00 a.m. the day prior to the archery season. Hiking on the Florida Trail is permitted throughout the year.

15. Fires other than campfires are prohibited.

16. Dogs, vehicles, firearms and crossbows are prohibited in the archery still hunt area, delineated as that portion of the area lying north of the Stumpers Grade, east of the powerline, south and west of Game Canal to the buggy bridge and west of the youth camp road to the intersection of the Stumpers Grade except that vehicles may be used on established roads to access parking lots at the youth camp, shooting range and nature interpretive center, and firearms and crossbows may be possessed at Commission functions specifically authorizing their use.

17. Hunting on or from the nature trail, boardwalk, entrance road or parking lot in the archery still hunt area is prohibited.

18. Archery equipment may be used for hunting during the established muzzleloading gun season in the archery still-hunt area. All legal to take regulations for muzzleloading gun season shall apply when using archery equipment during this time period.

(2) Hole Land Wildlife Management Area.

(a) Open season:

1. General gun – Walk, October 18-26.

2. General gun – Vehicle, November 1-16 (tracked vehicles and airboats only). Deer hunting by permit only during the general gun-vehicle season.

3. Archery – August 23 through September 14.

4. Muzzleloading gun – September 27 through October 12.

5. Migratory game birds – migratory game birds except crows during seasons established by Rules 68A-13.003 and 68A-13.008, F.A.C.

6. Fishing and frogging – Throughout year.

(b) Legal to take: All legal game (except turkeys), fish, frogs and furbearers. During the archery season only antlered deer may be taken. The bag limit of hogs shall be one per day; annual bag two. During the general gun-vehicle season, a bag limit of one hog per day per vehicle shall apply. The bag limit of deer shall be one during archery season, one during muzzleloading gun season, one during general gun-walk season and one per tag during the general gun-vehicle season.

(c) Camping – Permitted in accordance with the provisions below.

(d) General regulations:

1. During the archery, muzzleloading gun, and general-gun walk seasons, only all-terrain vehicles are permitted for hunting and all other vehicles are prohibited in the area except on levees. Airboats are prohibited during the archery, muzzleloading, general gun-walk, and general gun-vehicle season except on days when duck and coot hunting is allowed under Rule 68A-13.003, F.A.C., and by general gun-vehicle hunt permittees. If an all-terrain vehicle is in motion, no person shall hunt from or occupy any platform or structure attached thereto which is 4 feet or more in height (as measured from the lowest bottom surface of the all-terrain vehicle), and such vehicle shall not have handlebars more than 4 feet in height (as measured from the lowest bottom surface of the all-terrain vehicle).

2. Vehicles are prohibited on tree islands, strands or wildlife islands.

3. A general gun-vehicle permit is required of any person to operate a vehicle during the general gun-vehicle season. General gun-vehicle permits and tags are not transferable.

4. All hunters shall check out at a check station and record their game harvest.

5. During the general gun-vehicle season, all deer taken shall be immediately tagged.

6. Vehicles are prohibited from the end of the duck and coot season established by Rule 68A-13.003, F.A.C., through April 30.

7. Rifles and pistols are prohibited after the end of the general gun-vehicle season.

8. Hunting with dogs is permitted only during the general gun-vehicle season, except that retrievers may be used during waterfowl season.

9. Persons may enter and exit the area from the L-5 or Miami Canal Levee only.

10. During the general gun-vehicle hunt, the area is closed to walk hunting.

11. Fires other than campfires are prohibited.

12. Vehicles are prohibited on all levees except the L-5 and Miami Canal Levees.

13. Only tents, trailers or self-propelled camping vehicles may be used for camping. Camps may not be set up in the area prior to 7 days before archery season and all vehicles, camps, tents and other camping equipment and litter must be removed no later than 6 p.m. seven days after the close of the general gun season. The erection of any permanent structure is prohibited.

14. Camping during the period from 8 days following the close of the general gun season to 8 days prior to the archery season is permitted but only on Fridays, Saturdays and Sundays, and camps may not be left unattended for more than 24 hours during this period.

15. Camping is permitted only on the L-5 Levee and the Miami Canal Levee.

16. The construction of docks of any type is prohibited.

17. No person shall operate any vessel outside of Water Management District canals unless it is equipped with an orange flag at least 10 inches wide and 12 inches long and displayed at a minimum height of 10 feet above the bottom of the vessel.

18. The display or use of a gun on or upon the L-5 or Miami Canal levees in a manner capable of taking wildlife is prohibited.

(e) Notwithstanding any other provisions of this subsection, alligator hunt participants may operate airboats throughout the area when taking alligators.

(3) Everglades and Francis S. Taylor Wildlife Management Area.

(a) Open season:

1. General gun – Walk, October 18-26, Conservation Areas 3A North and 2 only. November 29 through December 28 in that portion of the area between the Old Miami Canal (Mud Canal) and the New Miami Canal in Conservation Area 3A North only.

2. General gun – Vehicle (airboats and tracked vehicles only), November 1-16, in Conservation Areas 3A North, 3A South, 2, and the Francis S. Taylor Wildlife Management Area by permit only.

3. Archery – August 23 through September 14, Conservation Area 3A North only.

4. Muzzleloading gun – September 27 through October 12, in Conservation Area 3A North only.

5. Duck, coot and snipe – Ducks and coots during the duck and coot season established by Rule 68A-13.003, F.A.C., and snipe during the snipe season established by Rule 68A-13.008, F.A.C.

6. Fishing and frogging – Throughout year.

(b) Legal to take: All legal game (except turkeys), fish, frogs and furbearers. Taking of antlered deer not having at least one forked antler and having one or more antlers at least 5 inches in length visible above the hairline is prohibited. The forked antler shall have at least two points one inch or greater in length. During the archery season only antlered deer may be taken. The bag limit of hogs shall be one per day and two annually. During the general gun-vehicle season, a bag limit of one hog per day per vehicle shall apply. The bag limit of deer shall be one per season during archery, muzzleloading gun and general gun-walk seasons and one per tag during the general gun-vehicle season.

(c) Camping: Permitted in accordance with the provisions below.

(d) General regulations:

1. Possession of guns on the levee bordering the Hillsboro Canal (L-39) is prohibited.

2. The possession of rifles or pistols is prohibited after the end of general gun-walk season in Conservation Area 3A, and after the general gun-vehicle season in Conservation Area 2 and the Francis S. Taylor Wildlife Management Area.

3. Vehicles and airboats are prohibited on tree islands, wildlife islands or tree strands. Vehicles and airboats are prohibited in that portion of the area between the Old Miami Canal (Mud Canal) and the New Miami Canal.

4. During the archery, muzzleloading gun and general gun-walk seasons, only all-terrain vehicles are permitted for hunting. If an all-terrain vehicle is in motion, no person shall hunt from or occupy any platform or structure attached thereto which is 4 feet or more in height (as measured from the lowest bottom surface of the all-terrain vehicle), and such vehicle shall not have handlebars more than 4 feet in height (as measured from the lowest bottom surface of the all-terrain vehicle).

5. Access into Conservation Area 2A during the general gun-walk season is permitted only from the L-6 Levee.

6. During archery, muzzleloading gun, and general gun-walk seasons, airboats and other vehicles except all-terrain vehicles are prohibited in Conservation Area 3A North and Conservation Area 2 during legal shooting hours. Archery equipment, muzzleloading guns, and guns may be transported on boats (other than airboats) and all-terrain vehicles in Conservation Area 3A North and Conservation Area 2 during the archery, muzzleloading gun and general gun-walk seasons respectively.

7. A general gun-vehicle permit is required of any person to operate a vehicle during the general gun-vehicle season. General gun-vehicle permits will be given to both tracked vehicle and airboat hunters. General gun-vehicle permits and tags are not transferable.

8. During the general gun-vehicle season, all deer taken shall be immediately tagged.

9. On Saturdays and Sundays during the general gun-vehicle season deer and hogs may not be quartered or dismembered or removed from the area until checked at a check station.

10. During the general gun-vehicle season, Conservation Areas 3A North, 3A South, 2, and the Francis S. Taylor Wildlife Management Area are closed during legal shooting hours to vehicles and airboats except those authorized by permit. Frogging (by airboat only) is permitted from one hour after sunset to one hour before sunrise.

11. Unauthorized vehicles are prohibited on the L-28 levee.

12. Taking of wildlife by use of a gun on or from rights-of-way of State Road 84, U.S. 41 or U.S. 27 is prohibited as provided by Rule 68A-4.008, F.A.C.

13. Hunting with dogs is permitted only during the general gun-vehicle season except that retrievers may be used during waterfowl season.

14. During the general gun-vehicle hunt, walk hunting is prohibited.

15. Fires other than campfires are prohibited.

16. Only tents, trailers or self-propelled camping vehicles may be used for camping. Camps may not be set up in the area prior to 7 days before archery and all vehicles, camps, tents and other camping equipment and litter must be removed no later than 6:00 p.m. seven days after the close of the general gun season. The erection of any permanent structure is prohibited.

17. Camping during the period from 8 days following the close of the general gun season to 8 days prior to the archery season is permitted but only on Fridays, Saturdays and Sundays and camps may not be left unattended for more than 24 hours during this period.

18. Overnight camping is prohibited in areas posted as closed to camping.

19. The construction of docks of any type is prohibited.

20. No person shall operate any vessel outside of Water Management District canals unless it is equipped with an orange flag at least 10 inches wide and 12 inches long and displayed at a minimum height of 10 feet above the bottom of the vessel.

21. Dogs may be trained in Francis S. Taylor Wildlife Management Area beginning the first Saturday in October and ending nine days thereafter. The possession of guns in the Francis S. Taylor Wildlife Management Area during the dog training season is prohibited.

22. The display or use of a gun on or upon the L-4 or L-5 levees in a manner capable of taking wildlife is prohibited.

(e) Notwithstanding any other provisions of this subsection, alligator hunt participants:

1. May operate airboats throughout the area when taking alligators, and

2. May transport guns specified in Rule 68A-15.004, F.A.C., by airboat for the purpose of taking alligators.

(4) Rotenberger Wildlife Management Area.

(a) Open season:

1. General gun – Walk, October 18-26.

2. General gun – Vehicle (airboats and tracked vehicles only), November 1-16 by quota permit only.

3. Archery – August 23 through September 14.

4. Muzzleloading gun – September 27 through October 12.

5. Duck, coot and snipe – Ducks and coots during the duck and coot season established by Rule 68A-13.003, F.A.C., and snipe during the snipe season established by Rule 68A-13.008, F.A.C.

6. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game (except turkeys), furbearers, fish and frogs. During the archery season only antlered deer may be taken. Hog daily bag limit one; two annually. During the general gun-vehicle season, a bag limit of one hog per day per vehicle shall apply. The bag limit of deer shall be one per season during archery, one during the muzzleloading gun and one during the general gun-walk seasons and one per tag during the general gun-vehicle season.

(c) Camping: Permitted in accordance with the provisions below.

(d) General regulations:

1. A general gun permit is required to hunt during the general gun-vehicle season. General gun-vehicle permits and tags are not transferable.

2. Vehicles are prohibited from the end of the duck and coot season established by Rule 68A-13.003, F.A.C., through April 30.

3. Vehicles are prohibited on wildlife islands, tree islands, or tree strands.

4. The possession of rifles and pistols is prohibited after the end of the general gun-vehicle season.

5. Deer taken during the general gun-vehicle seasons shall be immediately tagged.

6. All hunters shall check out at a check station and record their game harvest.

7. Camping is permitted only on the Miami Canal, Manley Ditch and Powerline levees. Only tents, trailers or self-propelled camping vehicles may be used for camping. Camps may not be set up in the area prior to 7 days before archery and all vehicles, camps, tents and other camping equipment and litter must be removed no later than 6:00 p.m. seven days after the close of the general gun-vehicle season. Kitchen stoves, refrigerators and freezers, unless contained in mobile campers, lumber, sheet metal or other building materials is prohibited. The erection of any permanent structure is prohibited.

8. Camping during the period from 8 days following the close of the general gun season to 8 days prior to the archery season is permitted but only on Fridays, Saturdays and Sundays, and camps may not be left unattended for more than 24 hours during this period.

9. The construction of docks of any type is prohibited.

10. During the archery, muzzleloading gun and general gun-walk season only all-terrain vehicles are permitted for hunting. If an all-terrain vehicle is in motion, no person shall hunt from or occupy any platform or structure attached thereto which is 4 feet or more in height (as measured from the lowest bottom surface of the all-terrain vehicle), and such vehicle shall not have handlebars more than 4 feet in height (as measured from the lowest bottom surface of the all-terrain vehicle). Other vehicles may be operated only on levees.

11. The area is closed to all vehicles and airboats during the general gun-vehicle season except those authorized by permit.

12. Hunting with dogs is allowed only during the general gun vehicle season, except that retrievers may be used during the duck and coot season established by Rule 68A-13.003, F.A.C., and during the snipe season established by Rule 68A-13.008, F.A.C.

13. Fires other than campfires are prohibited.

14. During the general gun-vehicle hunt, walk hunting is prohibited.

15. Persons may enter and exit the area from the L-4, Powerline, Miami Canal and Manley Ditch levees only.

16. No person shall operate any vessel outside of Water Management District canals unless it is equipped with an orange flag at least 10 inches wide and 12 inches long and displayed at a minimum height of 10 feet above the bottom of the vessel.

17. The display or use of a gun on or upon the L-4, Powerline, Manley Ditch or Miami Canal levees in a manner capable of taking wildlife is prohibited.

(5) Big Cypress Wildlife Management Area.

(a) Open season:

1. General gun – Twelve days prior to Thanksgiving day through January 1 except during those years when January 1 falls on a Thursday, Friday, or Saturday, in which case the season would close on the following Sunday in the Stairsteps, Bear Island, Turner River, Corn Dance, and Loop units.

2. Small game – The day following the close of general gun season through February 1.

3. Archery – August 30 through September 28 in all units and twelve days prior to Thanksgiving day through January 1, except during those years when January 1 falls on a Thursday, Friday or Saturday, in which case the season would close on the following Sunday in the Deep Lake Unit only.

4. Muzzleloading gun – October 4-19, except in the Deep Lake Unit.

5. Spring turkey – March 6 through April 11.

6. Early duck – In the September season as established by Rule 68A-13.003, F.A.C., except on the Bear Island and Deep Lake Units.

7. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, including only deer with at least one antler five inches in length, fish, frogs, snails, and furbearing animals (except bobcat and otter). The taking of raccoons with a gun and light is prohibited. The taking of antlerless deer is prohibited. The taking of turkeys during the archery season is prohibited. Deer, turkey and hog bag limit one per day; two annually.

(c) Camping – Permitted in accordance with the general regulations of the National Park Service.

(d) General regulations:

1. Camping is permitted on the Bear Island Unit by the use of tents, trailers, and self-propelled vehicles at designated campsites only. Camping is permitted on designated campsites on other units. Primitive camping is not limited to designated campsites except on Bear Island.

2. Hunting with dogs (other than bird dogs and waterfowl retrievers) is prohibited. Hunting deer or hogs with dogs is prohibited. All dogs are prohibited in the Loop unit. The possession of dogs (other than bird dogs and waterfowl retrievers for hunting purposes) is prohibited except as authorized by National Park Service regulations. Leashed dogs may not be used for trailing wounded game.

3. The removal of any plant is prohibited.

4. All vehicles used off-road shall have a National Park Service registration.

5. Vehicular use by the public on Eleven-mile Road or the Florida Trail is prohibited. Vehicles may cross Eleven-mile Road at designated and marked crossing points only. Only vehicles equipped with pneumatic tires may be operated on the Jetport Road. Parking of vehicles is prohibited on the paved portion of the Jetport Road.

6. All hunters shall check in at a designated check station when entering the area, retain in their possession a check station pass while hunting and check out at the same check station when exiting the area and shall check all game taken. Deer, hogs and turkey may be divided or consumed in the field but each portion shall be identified by the number of the license of the person killing it and be readily traceable to the portion of the animal bearing sex identification. Jaw bones of the deer shall be saved for use by the Commission.

7. Public access inside any fenced portion of the Jetport property is prohibited.

8. Taking of wildlife by use of a gun on or from rights-of-way of County Roads 839, 841, 837 or Burns Road or State Road 84 or 94 or U.S. 41 is prohibited as provided by Rule 68A-4.008, F.A.C.

9. The intentional destruction, defacement or removal of any natural or cultural feature or nonrenewable resource is prohibited.

10. Draining or dumping refuse or wastes from any trailer or other vehicle is prohibited.

11. The collection of plants, rocks, minerals, animal life, or other natural objects is permitted only in accordance with written permits obtained in advance from the National Park Service.

12. Constructing a building or other structures is prohibited, unless permitted by the National Park Service.

13. Fires are permitted only on designated camping areas or in back country campsites and must be completely extinguished prior to the user leaving the campsite.

14. No person shall enter or exit the area north of I-75 by any route except via the north end of Turner River Road through the Bear Island check station or at other designated entry points along I-75.

15. No person shall use an airboat to take wildlife, frogs or fish or for other recreational uses on the area unless such airboat is equipped with an orange flag at least 10 inches wide and 12 inches long displayed at a minimum height of 10 feet above the bottom of the vessel.

16. The use of guns other than muzzleloading guns or bow and arrow in the Deep Lake Unit is prohibited.

(6) Frog pond – Dade County.

(a) Open season:

Dove – The first second and fourth Saturdays only during the first phase; the first and third Saturdays only during the second phase; and the first, third, and fifth Saturdays only during the third phase of the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C.

(b) Shooting hours: Noon until sunset.

(c) Legal to take: Mourning and white-winged doves.

(d) General regulations:

1. Persons must possess a special-opportunity dove permit to hunt doves.

2. All hunters shall check in and out at a designated check station when entering or exiting the area. Hunters may enter the area beginning at 11:00 a.m. and must exit the area by one (1) hour after sunset.

3. Possession of firearms other than shotguns is prohibited. Possession of shotshells containing shot sizes other than No. 7 1/2, 8, 8 1/2, and 9 is prohibited.

4. Hunting with dogs other than retrievers is prohibited.

5. The use of vehicles off established roads is prohibited.

6. Hunt stations shall be assigned on a first-come, first-served basis at the check station. Hunters shall be within 100 feet of their assigned hunt station marker when taking or attempting to take doves.

(7) Okaloacoochee Slough Wildlife Management Area.

(a) Open season:

1. Archery – September 6-12 and 13-21.

2. Muzzleloading gun – October 11-13.

3. General gun – October 25-28 and October 29 through November 2.

4. General gun hog – November 15-21.

5. Small game – November 22 through December 14.

6. Spring turkey – March 6-9 and 10-14.

7. Dove – Saturdays only during the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C.

8. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish, frogs and furbearers. During the archery, muzzleloading gun, general gun and general gun hog seasons, the bag limit for deer and wild hogs shall be one each per quota permit. Only wild hogs with a shoulder height of 20 inches or greater may be taken. Only wild hogs may be taken during the general gun hog season. The taking of antlerless deer is prohibited during archery season. During the spring turkey season, the bag limit for turkey shall be one gobbler (or bearded turkey) per quota permit.

(c) Camping: Camping is permitted only at designated campsites during archery, muzzleloading gun, general gun, spring turkey and general gun hog seasons by individuals or parties in possession of a quota hunt permit. During the remainder of the year, camping is permitted by Special-Use Permit issued by Division of Forestry. Only tents, trailers, or self-propelled camping vehicles may be used for camping.

(d) General regulations:

1. Hunting with dogs is prohibited except bird dogs and retrievers may be used on posted dove fields during established dove hunts and throughout the area during small game season.

2. The use of tracked vehicles, airboats, or all-terrain vehicles is prohibited.

3. Vehicles may be operated only on named or numbered roads and numbered trails during the archery, muzzleloading gun, general gun, and general gun hog seasons by individuals possessing a quota permit. During the remainder of the year, vehicles may be operated only on named roads, or numbered roads.

4. Horses are prohibited during periods open to hunting except during the small game season. Horses are permitted on named or numbered roads or designated trails only.

5. Hunters shall check in and out at a designated check station when entering and exiting the area and shall check all game taken.

6. No deer, hog or turkey shall be dismembered until checked at a check station.

7. Fires other than campfires are prohibited.

8. Shooting hours for dove hunts shall be from noon until sunset. Hunters may enter the posted field one hour before shooting time and shall exit the field within one hour after sunset.

9. Dove hunters shall hunt from assigned stations in the posted field. Hunt station assignments may be transferred at the check station.

10. Dove field permits shall be issued on a first-come, first-served basis at the check station on the day of each dove hunt.

(8) Fisheating Creek Wildlife Management Area.

(a) Open season:

1. Archery – September 12-14 and 19-21 west of U.S. Highway 27 only.
2. Muzzleloading gun – October 10-12 and 17-19 west of U.S. Highway 27 only.
3. General gun – October 31 through November 2 and November 21-23 west of U.S. Highway 27 only.
4. Spring turkey – March 6-9, 12-15, 19-22, 26-29 and April 2-5 west of U.S. Highway 27 only.
5. Special-opportunity spring turkey – March 6-12 and 20-26 east of U.S. Highway 27 only.
6. General gun hog – December 6-7 west of U.S. Highway 27 only.
7. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish and furbearers except that turkeys may not be taken during the archery season. The bag limit for antlered deer shall be one per quota hunt permit. Wild hogs may be taken with no size or bag limit. During the spring turkey and special-opportunity spring turkey seasons, the bag limit for turkey shall be one gobbler (or bearded turkey) per permit. During the general gun hog season, only wild hogs may be taken.

(c) Camping: Primitive camping is permitted year-round throughout the area, except at the concessionaire-operated public campground in Palmdale. Camping at the Palmdale campground shall be by permit only.

(d) General regulations:

1. Entry into or exit from the area at locations other than designated entrances is prohibited.

2. The use of any vehicle, including but not limited to tracked vehicles, all-terrain vehicles, or motorcycles, is prohibited. The use of personal watercraft or horses is prohibited. The use of airboats is prohibited west of the “head of the bushes.” An airboat use permit issued by the Commission shall be required for all airboats operating in the management area. All public use shall be prohibited in areas posted as “closed” so as to afford protection to biologically sensitive resources or sites, protection of archeological or cultural resources, or for public safety reasons.

3. Hunters shall check in and out at a check station located at the Palmdale campground when entering and exiting the area and shall check all game taken.

4. Public access, other than by foot, bicycle, or boat, is prohibited. Entry into or exit from locations other than via Fisheating Creek at its intersections with C.R. 731, and at U.S. 27 in Palmdale, and at the Mainstreet access at Palmdale, and at S.R. 78 near Lakeport, is prohibited, except that vehicular access is permitted in the Palmdale campground.

5. Hunting with dogs is prohibited.

6. No deer, wild hog or turkey shall be dismembered until checked at a check station.

7. Only tents, trailers, or self propelled camping vehicles may be used for camping.

8. Fires other than campfires are prohibited.

(9) Picayune Strand Wildlife Management Area.

(a) Open season:

1. Archery – September 6-12 and 13-21.
2. Muzzleloading gun – October 11-13.
3. General gun – October 25-28 and October 29 through November 2.
4. Small game – November 8-23.
5. Spring turkey – March 6-9 and 10-14.
6. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish, frogs and furbearers. During the archery, muzzleloading gun, and general gun seasons, the bag limit for deer and wild hogs shall be one each per quota permit. Only wild hogs with a shoulder height of 15 inches or greater may be taken. The taking of antlerless deer and turkey is prohibited during archery season. During the spring turkey season, the bag limit for turkey shall be one gobbler (or bearded turkey) per quota permit.

(c) Camping: Camping is permitted by Special-Use Permit issued by the Division of Forestry. Only tents, trailers, or self-propelled camping vehicles may be used for camping.

(d) General regulations:

1. Hunting with dogs is prohibited except bird dogs and retrievers may be used during the small game season.

2. The use of tracked vehicles, airboats, or all-terrain vehicles is prohibited.

3. Vehicles may be operated only on named or numbered roads and trails.

4. Hunters shall check in and out at a designated check station when entering and exiting the area and shall check all game taken.

5. No deer, hog or turkey shall be dismembered until checked at a check station.

6. Fires other than campfires are prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.121, 375.313 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 375.313 FS. History--New 6-21-82, Amended 7-1-83, 7-27-83, 9-27-83, 7-5-84, 7-1-85, 5-7-86, 8-5-86, 5-10-87, 8-24-87, 5-1-88, 6-7-88, 7-1-89, 7-1-90, 9-1-90, 7-1-91, 7-1-92, 7-1-93, 7-1-94, 7-1-95, 8-15-95, 7-1-96, 9-15-96, 10-20-96, 6-1-97, 8-7-97, 7-1-98, 7-2-98, 7-1-99, Formerly 39-15.064, Amended 11-17-99, 7-1-00, 7-1-01, 6-2-02, 2-27-03, 5-1-03.

68A-15.065 Specific Regulations for Wildlife Management Areas - Northeast Region.

(1) Bull Creek Wildlife Management Area.

(a) Open season:

1. General gun – November 8 through January 4.
2. Small game – January 5 through February 29.
3. Spring turkey – March 20 through April 25.
4. Archery – September 20 through October 19. A special quota permit will be required for the September 20-21 hunt.
5. Muzzleloading gun – October 24-26.
6. Fishing and frogging – Throughout year.

(b) Legal to take: All legal game, wild hogs, fish, frogs and furbearers (except bobcat and otter). Any deer except spotted fawns may be taken during the archery season. During the muzzleloading gun and general gun seasons, antlerless deer may be taken by permit only. There shall be no bag or size limit restrictions on wild hogs.

(c) Camping: Permitted only at designated campgrounds during periods in which hunting is allowed and throughout the year at designated campsites on the Florida National Scenic Trail provided that access to area is via the Trail. Camping equipment may be taken onto the area after 8 a.m. seven days prior to the opening of archery season and shall be removed from the area before 6 p.m. seven days following the end of the spring turkey season. Camping shall be allowed from 8 a.m. one day prior to each season through 6 p.m. one day following each season. Only tents, trailers or self-propelled camping vehicles may be used for camping.

(d) General regulations:

1. Persons hunting on the Crabgrass Creek portion of the area shall have a daily permit issued from the check station in their possession and shall enter and exit at the designated entrance point on Crabgrass Road.
2. Vehicles or horses may be used only on named or numbered roads except that off-road vehicle use is permitted during small game season. During archery, muzzleloading gun and general gun seasons, vehicles may not be operated on Cemetery Road beyond the cemetery.
3. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken. Persons engaging in recreational activities other than hunting shall register upon entering and exiting the area.
4. No deer or hog shall be quartered or otherwise dismembered in the hunt area.
5. Motorcycles, airboats or tracked vehicles are prohibited.
6. The name, address and telephone number of the person responsible for each campsite shall be visibly affixed to camping shelters.
7. The possession of centerfire rifles is prohibited during spring turkey season.
8. Hunting with dogs is prohibited except that bird dogs are allowed during the general gun and small game seasons.

(2) Ft. McCoy Wildlife Management Area.

(a) Open season:

1. General gun – November 8 through January 4.
2. Small game – January 5-25.
3. Archery – September 20 through October 19.
4. Muzzleloading gun – October 24-26.
5. Spring turkey – March 20 through April 25.
6. Fishing and frogging – Permitted during periods in which hunting is allowed.

(b) Legal to take: All legal game, fish, frogs and furbearers. Wild hogs may be taken only during archery or muzzleloading gun seasons and during the first 9 days of the general gun season.

(c) Camping: Permitted during periods in which hunting is allowed at designated campsite only.

(d) General regulations:

1. Only tents, trailers or self-propelled camping vehicles may be used for camping.
2. Vehicles may be operated only on named or numbered roads.
3. Persons operating vehicles shall enter and exit only at designated entrances.
4. Hunting with dogs is prohibited, except bird dogs may be used during the small game season.
5. The area is closed to public access except during periods when hunting is allowed.
6. Taking of wildlife by use of a gun on or from rights-of-way of all paved roads or Gooski Road is prohibited as provided by Rule 68A-4.008, F.A.C.
7. The possession of center-fire rifles is prohibited during spring turkey season.

(3) Georgia-Pacific Wildlife Management Area.

(a) Open season:

1. General gun – November 8 through January 4.
2. Small game – January 5 through February 29.
3. Spring turkey – March 20 through April 25.
4. Archery – September 20 through October 19.
5. Fishing and frogging – During periods open to hunting. Permitted throughout the year in Rice Creek Sanctuary.

(b) Legal to take: All legal game, fish, frogs and furbearers.

(c) Camping: Prohibited.

(d) General regulations:

1. Hunting with dogs is prohibited, except bird dogs may be used during the small game season.
2. The possession or use of pistols or rifles other than .22 caliber rimfire or muzzleloading rifles is prohibited. Rifles or pistols are prohibited during spring turkey season.
3. Hunters shall enter or exit the area only at designated entrances, register upon entering and record all game taken.
4. Airboats, tracked vehicles, horses and all-terrain vehicles are prohibited.
5. Vehicles may be operated only on named or numbered roads.
6. The area is closed to public access except during periods when hunting is allowed.
7. Taking of wildlife by use of a gun on or from rights-of-way of all paved roads is prohibited as provided by Rule 68A-4.008, F.A.C.

(4) Ocala Wildlife Management Area.

(a) Open season:

1. General gun – November 8 through January 4.
2. Small game – January 5 through February 29.
3. Archery – September 20 through October 19.
4. Muzzleloading gun – October 24-26, on the Church Lake, Hopkins Prairie and Lake Delancy Management Units only.
5. Fox, bobcat and raccoon – November 8 through April 11.
6. Early duck – In the September season established by Rule 68A-13.003, F.A.C.
7. Spring turkey – March 25-28, April 1-4, 8-11 and 15-18, except that portion of the Pipeline Unit south of S.R. 40 and west of S.R. 19.
8. Trapping – December 1 through March 1, except in that portion of the Pipeline Management Unit south of S.R. 40, east of County Road 183 AV, and west of SR 19.
9. Fishing and frogging – Throughout year.

(b) Legal to take:

1. All legal game (except antlerless deer), fish, frogs and furbearers. During the spring turkey season the bag limit shall be one gobbler or bearded turkey per quota hunt permit. Deer may only be taken in the Church Lake Unit during the archery season, muzzleloading gun season and the first 9 days of the general gun season. Deer daily bag one, no season bag.

2. Furbearing animals – During the November 8 through March 1 period, hunting as specified in paragraph 68A-24.002(2)(b), F.A.C., is permitted only in the Pipeline and Church Lake Management Units. Raccoons may also be hunted, with dogs only, from March 1 through April 11 only in that portion of the Pipeline Management Unit south of S.R. 40, east of C.R. 183 AV and west of S.R. 19. The hunting of fox and bobcat by the use of dogs only shall be permitted from January 5 through April 11, only in that portion of the Pipeline Management Unit south of S.R. 40, east of C.R. 183 AV, and west of S.R. 19.

(c) Camping – Throughout year.

(d) General regulations:

1. Camping is permitted by the use of tents, trailers, or self-propelled camping vehicles only on designated campsites during the general gun season.

2. No deer or turkey shall be dismembered or transported out of the hunt area until checked at a check station.

3. All management units will be open for the taking of doves during all phases of the dove season.

4. Hunting with dogs is prohibited in the Hopkins Prairie and Lake Delancy management units, except bird dogs and retrievers are allowed during small game, early duck, dove, and duck and coot seasons. Caged or leashed hunting dogs may be transported on established numbered roads.

5. Taking of wildlife by use of a gun on or from rights-of-way of all paved roads, Forest Road 538 from State Road 42 to County Road 445, Forest Road 573, Forest Road 588, Blue Creek Lodge Road, Forest Road 10 east of Forest Road 65, Forest Road 65 south of Forest Road 10, Forest Road 79 south of Forest Road 76 or that portion of any road adjacent to posted lands, and all Forest Service, county and state roads in the Church Lake Unit is prohibited as provided by Rule 68A-4.008, F.A.C.

6. Bow and arrow may be used to take nongame fish, except catfish, in Salt Springs Run (Marion County).

7. Deer dogs may be trained only in the Pipeline Unit, beginning 14 days prior to the opening of the general gun season and ending nine days thereafter.

8. Dogs may be used to pursue rabbits from January 5 through April 11 in that portion of the Pipeline Management Unit south of S.R. 40, east of C.R. 183 AV, and west of S.R. 19.

9. The possession of center-fire rifles is prohibited during the spring turkey season.

(e) The Ocala Wildlife Management Area consists of four management units described as follows:

1. Hopkins Prairie Unit – Starting at the junction of F.R. 88 and S.R. 40, then north on F.R. 88 to its junction with C.R. 314, then northeast on C.R. 314 to its junction with S.R. 19, then north on S.R. 19 to its junction with Salt Springs Run, then southeast along Salt Springs Run to the wildlife management area boundary, then south along the wildlife management area boundary to its junction with Juniper Creek, then west along Juniper Creek to its junction with S.R. 19, then north on S.R. 19 to its junction with

the north boundary of the Juniper Springs Wilderness Area, then west along the north boundary of the Juniper Springs Wilderness Area to its junction with F.R. 65, then south on F.R. 65 to its junction with S.R. 40, then west on S.R. 40 to its junction with F.R. 88 and the point of beginning.

2. Lake Delancy Unit – Starting at the junction of the wildlife management area boundary (Oklawaha River) and C.R. 316, then north, east, and south along the wildlife management area boundary to its junction with Salt Springs Run, then northwest along Salt Springs Run to its junction with S.R. 19, then south on S.R. 19 to its junction with C.R. 314, then southwest on C.R. 314 to its junction with F.R. 88, then north on F.R. 88 to its junction with C.R. 316, then west on C.R. 316 to its junction with the Wildlife Management Area boundary and the point of beginning.

3. Pipeline Unit – Starting at the junction of S.R. 40 and the western boundary of the wildlife management area, then north along the wildlife management area boundary to its junction with C.R. 316, then east on C.R. 316 to its junction with F.R. 88, then south on F.R. 88 to its junction with S.R. 40, then east on S.R. 40 to its junction with S.R. 19, then north on S.R. 19 to its junction with Juniper Creek, then east along Juniper Creek to its junction with the wildlife management area boundary, then along the wildlife management area boundary southeast, then west to its junction with C.R. 183 AV, then north on C.R. 183 AV to its junction with S.R. 40, then west on S.R. 40 to its junction with S.R. 314A, then north on S.R. 314A to its junction with S.R. 314, then southwest on S.R. 314 to its junction with S.R. 40 then west on S.R. 40 to the wildlife management area boundary and the point of beginning.

4. Church Lake Unit – Starting at the junction of S.R. 40 and C.R. 314, then northeast on C.R. 314 to its junction with C.R. 314A, then south on C.R. 314A to its junction with S.R. 40, then east on S.R. 40 to its junction with C.R. 183 AV, then south on C.R. 183 AV to its junction with the wildlife management area boundary, then west and north along the wildlife management area boundary to its junction with S.R. 40, then east on S.R. 40 to its junction with C.R. 314 and the point of beginning.

(5) Richloam Wildlife Management Area.

(a) Open season:

1. General gun – November 8 through January 4.
2. Spring turkey – March 20 through April 25.
3. Archery – September 20 through October 19.
4. Fishing and frogging – Throughout year except on fish hatchery.
5. Trapping – January 5 through March 1.

(b) Legal to take: All legal game (except antlerless deer), fish, frogs and furbearers. No size or bag limit on wild hogs.

(c) Camping: Permitted at designated campsites.

(d) General regulations:

1. Hunters shall enter or exit the area at designated entrances located on State Roads 471, 50, 565, Lacoochee Grade and Center Grade.

2. Only tents, trailers, temporary shelters and self-propelled camping vehicles may be used for camping.

3. Hunters shall check all game taken at a check station before leaving the area.

4. Vehicles may be operated only on named or numbered roads.

5. Airboats, all-terrain vehicles, and tracked vehicles are prohibited.

6. During archery and spring turkey season camping is permitted only at Pless Place campsite.

7. The taking of hogs by the use of dogs is prohibited.

8. Licensed trappers may possess a .22 caliber rimfire rifle or pistol during the trapping season.

9. The possession of center-fire rifles is prohibited during the spring turkey season.

10. Taking of wildlife by use of a gun on or from rights-of-way of all paved roads or Clay Sink or Lacoochee Road is prohibited as provided by Rule 68A-4.008, F.A.C.

11. Camping equipment may not be taken into the area prior to 14 days before each hunting season and shall be removed by 6 p.m. six days after the close of each hunting season.

(6) Richloam Wildlife Management Area – Baird Unit.

(a) Open season:

1. Archery – September 20 through October 5.

2. Muzzleloading gun – October 24-26.

3. General gun – November 8-16.

4. Spring turkey – March 20-22, 26-28 and April 2-4.

5. Small game – November 29 through December 14 and January 17 through February 8.

6. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish, frogs and furbearers. Antlerless deer may be taken by permit only during the muzzleloading gun and general gun seasons. No size or bag limits on hogs.

(c) Camping: Prohibited.

(d) General regulations:

1. Hunting with dogs is prohibited, except that waterfowl retrievers, bird dogs, and dogs with a shoulder height of 15 inches or less, may be used during small game season.

2. Vehicles may be operated only on named or numbered roads. Bicycles may be operated only on named or numbered roads and designated fire lanes.

3. The use of tracked vehicles, airboats, all-terrain vehicles or horses is prohibited.

4. During periods when the area is closed to hunting, public access other than on foot (pedestrian) or bicycle is prohibited by permit from the Division of Forestry.

5. During archery, muzzleloading gun, general gun, and spring turkey seasons, hunters shall check in at a designated check station when entering and exiting the area, and check all game taken.

6. Public access to the area is prohibited during the period from 8:00 p.m. to 4:30 a.m.

7. Small game hunters shall sign in and out upon entry or exit and record their harvest at a game registration box.

8. A quota hunt permit shall be required for every hunter entering the area during the first 9 days of archery, muzzleloading gun, general gun, and spring turkey hunts.

9. Possession of guns is prohibited on the James A. Van Fleet State Trail except at designated crossings. Hunters shall transport guns across the State Trail only at designated crossings.

(7) Three Lakes Wildlife Management Area.

(a) Open season:

1. General gun – November 8 through January 4.

2. Small game – January 5 through February 29.

3. Spring turkey – March 20 through April 25.

4. Archery – September 20 through October 19.

5. Early duck – In the September season established by Rule 68A-13.003, F.A.C., in that area between Prairie Lakes Unit and Canoe Creek Road only.

6. Muzzleloading gun – October 24-26.

7. General gun for mobility impaired – October 31 through November 2.

8. General gun-dog – December 4-7, 18-21 and 25-28 in that area between the Florida Turnpike and U.S. 441 only.

9. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish, alligators as specified in Rule 68A-25.047, F.A.C., frogs and furbearers. Hogs may be taken only during the archery, muzzleloading gun, general gun for the mobility-impaired, and the general gun seasons with no size or bag limit. Taking of hogs during the general gun-dog seasons shall be prohibited.

(c) Camping: Permitted only at designated hunter campsites during the periods in which hunting is allowed and at designated campsites on the Florida Trail throughout the year. Camping equipment may be taken onto the area after 8:00 a.m. seven days prior to the opening of archery season and shall be removed from the area before 6:00 p.m. seven days following the end of the spring turkey season. Camping shall be allowed from 8 a.m. one day prior to each season through 6:00 p.m. one day following each season.

(d) General regulations:

1. During the first two days of archery season, the muzzleloading gun season and the general gun season except the general gun-dog hunts, the quota of hunters will be admitted daily as follows: 441 check station – 375; Canoe Creek check station – 50; State Road 60 check station – 200. During the general gun-dog hunts, the quota of hunters for the 441 check station will be 100 by special quota permit east of the Florida Turnpike and 100 daily permits issued at the check station for west of the Florida Turnpike.

2. Only tents, trailers and self-propelled camping vehicles may be used for camping.

3. Vehicles may be operated only on named or numbered roads except during the general gun for mobility impaired and small game seasons. During general gun-dog hunts, quota permit holders may operate vehicles on named or numbered roads and established firebreaks in that area between the Florida Turnpike and U.S. 441.

4. Motorcycles, airboats or tracked vehicles are prohibited except that airboats may be transported to and from the Lake Jackson Public Boat Ramp and may be operated on that portion of Lake Jackson outside the area posted as restricted to airboat access for the protection of environmentally sensitive areas in accordance with subsection 68A-15.004(14), F.A.C.

5. Hunting with dogs other than bird dogs is prohibited except during the general gun-dog hunts when dogs with a shoulder height of 17 inches or less may be used for deer hunting east of the Florida Turnpike.

6. Bird dogs and dogs with a shoulder height of 15 inches or less may be used during the small game season.

7. No deer or hog shall be quartered or otherwise dismembered until it has been checked and tagged at a check station.

8. All users shall enter and exit the area through designated entrances except persons hiking through on the Florida Trail. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.

9. Taking of wildlife by use of a gun on or from rights-of-way of all paved roads is prohibited as provided by Rule 68A-4.008, F.A.C.

10. The possession of center-fire rifles is prohibited during the spring turkey season.

11. During the general gun for mobility-impaired season, hunting is permitted only in that portion of the area east of Canoe Creek Road.

All persons participating in the general gun for mobility impaired season shall check in and out at the U.S. 441 check station when entering and exiting the hunt area.

12. Each person hunting during the general gun for mobility impaired season must possess a special quota hunt permit.

13. Horses may only be ridden on named and numbered roads, except that horses may be ridden on firelines during the general gun-dog season in that portion of the area east of the Florida Turnpike by hunters possessing quota hunt permits for the general gun-dog season. During the small game season, persons hunting from horseback are not restricted to named and numbered roads.

(e) Notwithstanding any other provisions of this subsection, alligator hunt participants may operate airboats throughout the area when taking alligators except that airboats are not allowed in those portions of the area posted as restricted to airboat access for the protection of environmentally sensitive areas as specified above.

(8) Prairie Lakes Unit, Three Lakes Wildlife Management Area.

(a) Open season:

1. Archery – September 26-28 and October 3-5.
2. Muzzleloading gun – October 24-26.
3. General gun – November 14-16 and 21-23.
4. Small game – December 6-28.
5. Spring turkey – March 20-22, April 2-4 and 16-18.
6. Fishing and frogging – Permitted throughout the year.
7. General gun hog – November 28-30 and January 2-4.

(b) Legal to take: All legal game, fish and furbearers. During the archery, muzzleloading gun and general gun seasons, antlerless deer may be taken by permit only. The bag limit for antlered deer shall be one per quota hunt permit. During the spring turkey season the bag limit for turkey shall be one gobbler or bearded turkey per quota hunt permit. Only hogs may be taken during the general gun hog season. There shall be no bag or size limit restrictions on hogs.

(c) Camping – Primitive camping is allowed year-round in designated campsites only and only by permit.

(d) General regulations:

1. A quota hunt permit shall be required for every hunter entering the area.
2. The possession of centerfire rifles is prohibited during the spring turkey season.
3. Hunting with dogs is prohibited except that bird dogs may be used during the general gun and small game seasons.
4. Vehicles or horses may be operated only on named or numbered roads.
5. Motorcycles, airboats and tracked vehicles are prohibited except that airboats may be transported to and from the Lake Jackson Public Boat Ramp and may be operated on that portion of Lake Jackson outside the area posted as restricted to airboat access for the protection of environmentally sensitive areas in accordance with subsection 68A-15.004(14), F.A.C.
6. All users shall enter and exit the area through designated entrances except persons hiking through on the Florida Trail. Hunters shall check in and out at the check station when entering and exiting the area and shall check all game taken.
7. No deer, hog or turkey shall be disemboweled until checked at the check station.

(9) Tiger Bay Wildlife Management Area.

(a) Open season:

1. General gun – November 8 through January 4.
2. Archery – September 20 through October 19.
3. Muzzleloading gun – October 24-26.
4. Small game – January 5 through February 29.
5. Spring turkey – March 20-22, April 2-4 and 16-18.
6. Fishing and frogging – Permitted year-round. Fish may be taken only by hook and line or rod and reel and only during daylight hours.

(b) Legal to take: All legal game, fish, except as provided below, frogs and furbearers. No size or bag limit on wild hogs.

1. Rattlesnake Pond and adjoining canals: No person shall kill or possess any black bass. No person shall possess more than six catfish. No person shall take in any one day more than 20 panfish, in the aggregate. No person shall kill or possess any bluegill or redear sunfish less than eight inches total length.

(c) Camping: Prohibited.

(d) General regulations:

1. Vehicles may be operated only on named or numbered roads.
2. Vehicles shall enter or exit the area only at designated entrances.
3. All persons shall register at designated entrances and record their game or fish harvest upon leaving.
4. Hunting with dogs except bird dogs is prohibited.
5. Taking of wildlife by use of a gun on or from rights-of-way of all paved roads is prohibited as provided by Rule 68A-4.008, F.A.C.
6. Airboats, tracked vehicles, and all-terrain vehicles are prohibited.
7. Use of boats is prohibited on Ranch Pond.
8. No person shall operate any boat powered by an internal combustion engine on Woody Pond, Bear Pond, or Rattlesnake Pond and its adjoining canals.

(10) Tiger Bay Wildlife Management Area – Rima Ridge Unit.

(a) Open season:

1. General gun – November 8-16.

2. Archery – September 20 through October 5.
3. Muzzleloading gun – October 24-26.
4. Small game – November 20 through December 28.
5. Spring turkey – March 20-22, April 2-4 and April 16-18.
6. Fishing and frogging – Permitted throughout the year.
7. Trapping – Trapping is prohibited.

(b) Legal to take: All legal game, turkeys, fish, frogs and furbearers. During the archery, muzzleloading gun and general gun seasons, the bag limit for deer shall be one per hunter. No size or bag limit on wild hogs. During the spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota permit.

(c) Camping: Permitted only by permit from the Florida Division of Forestry.

(d) General regulations:

1. Vehicles may be operated only on named or numbered roads. Horses and bicycles are permitted only on roads, firelines, and designated trails.

2. Vehicles shall enter or exit the area only at designated entrances.

3. All persons shall register at designated entrances and record their game or fish harvest upon leaving.

4. Hunting with dogs is prohibited except bird dogs and dogs with a shoulder height of 15" or less may be used for hunting small game.

5. The use of airboats, tracked vehicles and all-terrain vehicles is prohibited.

6. No person shall operate any boat powered by an internal combustion engine on Scoggin and Indian lakes.

(11) Relay Wildlife Management Area.

(a) Open season:

1. General gun – November 8 through January 4.
2. Archery – September 20 through October 19 (Fridays, Saturdays and Sundays only).
3. Muzzleloading gun – October 24-26.
4. Small game – January 5 through February 29.
5. Spring turkey – March 20 through April 25.
6. Fishing and frogging – Permitted during periods open to hunting.

(b) Legal to take: All legal game, fish, frogs and furbearers.

(c) Camping: Permitted only during periods open to hunting except during small game season. Camping is permitted only at designated campsites by permit from The Plum Creek Timber Company.

(d) General regulations:

1. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.

2. Vehicles or horses may be used only on named or numbered roads.

3. The area is closed to public access except during periods when hunting is allowed.

4. Possession of centerfire rifles (other than muzzleloading) or pistols is prohibited.

5. Camping equipment may be brought onto the area only during the weekend before the archery season and during periods when hunting is allowed on the area.

(12) Tosohatchee Wildlife Management Area.

(a) Open season:

1. Archery – September 25-28 and October 2-5.
2. Muzzleloading gun – October 9-12 and 16-19.
3. General gun – November 13-16 and 21-23.
4. Spring turkey – March 20-22, April 2-4, and 16-18.
5. General gun-hog – January 9-15 and 23-29.

(b) Legal to take: Any deer except spotted fawn, turkeys and wild hogs. No other wildlife species may be taken. A limit of one antlerless and one antlered deer per quota permit is established. No size or bag limit on wild hogs. Only wild hogs may be taken during the general gun-hog season. Turkeys may be taken only during the spring turkey season.

(c) Camping: Permitted only at the designated through-trail campsites along the Florida Trail.

(d) General regulations:

1. A quota permit shall be required for every hunter entering the area, except during the general gun-hog season when a quota permit will be required for each group of two hunters. During the general gun-hog season only the hunter possessing the quota permit may possess a gun.

2. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.

3. Vehicles may be operated only on named or numbered roads and may be parked only at designated parking areas.

4. Airboats, tracked vehicles and all-terrain vehicles are prohibited. Horses and motorcycles are prohibited during periods when the area is open to hunting.

5. Handguns are prohibited. The possession of centerfire rifles is prohibited during the spring turkey season.

6. Hunting with dogs is prohibited except that dogs may be used during the general gun-hog hunts. During general gun-hog hunts no more than 3 dogs per quota permit are permitted.

7. Taking of wildlife by use of a gun on or from rights-of-way of all paved roads is prohibited as provided by Rule 68A-4.008, F.A.C.

(13) Seminole Ranch Wildlife Management Area.

(a) Open season:

1. Archery – October 3-5 and 10-12.
2. Muzzleloading gun – October 25-26 and November 1-2.
3. General gun – November 14-16.
4. Small game – November 22-23 and 29-30 and December 6-7.
5. Spring turkey – March 20-22, 26-28 and April 2-4.
6. General gun hog – February 7-13.
7. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish and furbearers (except bobcat and otter). A limit of one antlerless and one antlered deer per person per hunt is established. Any deer (except spotted fawn) may be taken during the archery season. Antlerless deer may be taken by permit only during the muzzleloading and general gun seasons. There shall be no size limit or bag limit restrictions on wild hogs. Only wild hogs may be taken during the general gun-hog season.

(c) Camping: Permitted only at the designated through-trail campsite along the Florida Trail provided access to the area is by the Florida Trail.

(d) General regulations:

1. Hunters shall check in and out at the check station when entering or exiting the area and shall check all game taken.
2. Vehicles may be operated only on named or numbered roads and may be parked only at designated parking areas.
3. Airboats, tracked vehicles, motorcycles and all-terrain vehicles are prohibited. Horses are prohibited during periods open to hunting. Horses are permitted during periods closed to hunting, but may be ridden only on named or numbered roads or designated trails.

4. Taking of wildlife by use of a gun on or from the rights-of-way of Wheeler or Echo Road is prohibited as provided by Rule 68A-4.008, F.A.C.

5. Hunting with dogs is prohibited, except that dogs may be used during the general gun-hog season, and bird dogs may be used during small game season. During the general gun-hog season, no more than 3 dogs per quota hunt permit shall be allowed.

6. During the spring turkey season only shotguns are permitted. Centerfire rifles are prohibited during the general gun hunts.

7. The possession of handguns is prohibited.

8. No deer, hog or turkey shall be dismembered until checked at the check station.

9. During the early duck and duck and coot seasons as established by Rule 68A-13.003, F.A.C., waterfowl hunting will be permitted on bodies of water connected to the St. Johns River only. Access will be by the St. Johns River only. Hunters are not required to check in and out.

10. During the general gun-hog season, a quota permit shall be required for each group of two hunters and only one gun may be possessed per permit.

(14) Jumper Creek Wildlife Management Area.

(a) Open season:

1. Archery – September 20 through October 19.
2. Muzzleloading gun – October 24-26.
3. General gun – November 8 through January 4.
4. Small game – January 5-25.
5. Spring turkey – March 20 through April 25.
6. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game (except antlerless deer), fish, frogs and furbearers. No size or bag limit on wild hogs.

(c) Camping: Permitted year-round only at Shell Island primitive campsite.

(d) General regulations:

1. Vehicles may be operated only on named or numbered roads and may be parked only at designated parking areas.
2. Airboats and tracked vehicles are prohibited.
3. Hunting with dogs is prohibited. Waterfowl retrievers may be used during small game and early duck seasons, and bird dogs may be used during small game season.

4. During the early duck season as established by Rule 68A-13.003, F.A.C., waterfowl hunting will be permitted on Jumper Creek with access from the Withlacoochee River only.

5. The possession of center-fire rifles is prohibited during the spring turkey season.

(15) Rock Springs Run Wildlife Management Area.

(a) Open season:

1. Archery – September 26-28 and October 3-5.
2. Muzzleloading gun – October 10-12 and 17-19.
3. General gun – November 7-9 and 14-16.
4. Small game – November 29-30, December 6-7 and January 3-4.

(b) Legal to take: Only deer and wild hogs may be taken during the archery, general gun and muzzleloading gun seasons. Any deer except spotted fawn may be taken during archery season. Antlerless deer may be taken by antlerless deer permit only during the muzzleloading gun and general gun seasons. Only rabbits, gray squirrels and bobwhite quail may be taken during the small game season. The bag limit for deer shall be one antlered and one antlerless deer per quota permit. No size or bag limit on wild hogs.

(c) Camping: Prohibited.

(d) General regulations:

1. Handguns are prohibited.
2. Hunting with dogs is prohibited except bird dogs during small game season.
3. Vehicles may be operated only on named or numbered roads and may only be parked at designated parking areas.
4. Airboats, tracked vehicles, motorcycles and all-terrain vehicles are prohibited. Horses are prohibited during periods when the area is open to hunting, except during small game season.
5. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.
6. No deer shall be dismembered until checked at a check station.
7. A quota hunt permit shall be required for every hunter entering the area.

(16) Guana River Wildlife Management Area.

(a) Open season:

1. Duck and coot – Lake Ponte Vedra shall be open in the September season established pursuant to Rule 68A-13.003, F.A.C., and the first day of each phase and on Wednesday and Saturday of the duck and coot season established pursuant to Rule 68A-13.003, F.A.C.

2. General gun – November 14-16 and 21-23.

3. Muzzleloading gun – October 24-26 and October 31 through November 2.

4. Archery – October 10-12 and 17-19.

5. Small game – November 28-30, December 5-7, January 2-4, 9-11, 16-18 and 23-25.

6. Fishing – Permitted at all times on Lake Ponte Vedra from Guana Dam to a line two miles north of the dam, and on the remainder of Lake Ponte Vedra and the interior freshwater lakes only from February 10 through November 10.

7. Rails and moorhens – In the rail and moorhen season established by Rule 68A-13.008, F.A.C., and only in the marsh adjacent to the intercoastal waterway.

(b) Legal to take: All legal game (except turkeys), fish, frogs and furbearers. Taking of wild hogs during the last two weekends of the small game season is prohibited. Legal shooting hours for ducks and coots: From the beginning of legal shooting hours established pursuant to Rule 68A-13.003, F.A.C., until noon.

(c) Camping: Prohibited.

(d) General regulations:

1. A quota of 100 waterfowl hunters will be filled on a first-come, first-served basis at the check station each day.

2. Scouting is permitted one day prior to each 3-day hunt during the archery, muzzleloading, general gun, and small game hunts from 7:00 a.m. until 9:00 p.m. during Eastern Daylight Saving Time and from 7:00 a.m. until 8:00 p.m. during Eastern Standard Time. Waterfowl scouting is permitted on Lake Ponte Vedra from 5:00 a.m. until 5:00 p.m. Eastern Standard Time on the Saturday prior to the opening of each phase of the regular duck and coot season established in Rule 68A-13.003, F.A.C.

3. Hunting with dogs is prohibited, except bird dogs and retrievers are allowed during small game season and waterfowl season.

4. Waterfowl hunting from permanent blinds or structures is prohibited.

5. Hunting ducks or coots with lead shot is prohibited.

6. The use of airboats, tracked vehicles, motorcycles or all-terrain vehicles is prohibited.

7. Vessels with internal combustion engines larger than 10 h.p. are prohibited on Lake Ponte Vedra.

8. Hunters shall check in and out at the check station when entering or exiting the area and shall check all game taken. Hunters shall check out at the check station by 9:00 p.m. during Daylight Savings Time and 8:00 p.m. during Eastern Standard Time.

9. That portion of Lake Ponte Vedra from the Guana Dam to a point one-half mile north is closed to hunting except for alligator hunting pursuant to Rule 68A-25.042, F.A.C.

10. Fish may be taken with hook and line only.

11. Fishing with more than three poles or three rods and reels is prohibited.

12. Vehicles may be operated only on named or numbered roads.

13. All waterfowl must be checked at the check station prior to 1:00 p.m.

14. During periods when the upland portion is closed to hunting or scouting, public access to the upland portion is restricted to walk-in only from the Guana Dam and the Roscoe Boulevard Extension entrances only. During periods when the upland portion is open to hunting or scouting, public access to the upland portion is restricted to the Guana Dam entrance only. The Roscoe Boulevard Extension entrance shall be open for public access only from sunrise to sunset.

15. The possession or use of gill nets, trawls, seines, gigs, or spear guns is prohibited in Lake Ponte Vedra, except that gigs may be used to harvest frogs. The use of cast nets or gigs from the Guana Dam to 50 yards north of the dam is prohibited.

16. The use of boats within 50 yards of the Guana Dam Water Control Structure is prohibited.

17. The possession of guns at the visitor interpretive center or on the wildlife observation towers or nature trail board walk is prohibited.

18. Public access to the Guana Dam water control structure or any portion thereof is prohibited.

19. Lake Ponte Vedra shall be open for recreational use from Guana Dam to a line two miles north of the dam at all times, and on the remainder of Lake Ponte Vedra and the interior lakes only from February 10 through November 10.

20. Horses and bicycles may be used only on named or numbered roads, established trails and firelines, except where prohibited for public safety. Horses shall be prohibited during the archery, muzzleloading gun, general gun and small game seasons.

21. Authorized hunting equipment may be taken on the area after 8 a.m. one day before the opening of the archery season and shall be removed from the area before 6 p.m. one day following the close of the final small-game season.

(e) Notwithstanding any other provisions of this subsection, alligator hunt participants may use airboats and outboard motors larger than 10 h.p. on Lake Ponte Verda when taking alligators.

(17) Half Moon Wildlife Management Area.

(a) Open season:

1. Archery – October 3-5 and 10-12.
2. Muzzleloading gun – October 24-26.
3. General gun – November 8-10 and 14-16.
4. Small game – November 28-30, December 5-7 and 12-14.
5. General gun hog – January 10-11 and 17-18.
6. Spring turkey – March 26-28, April 2-4 and 9-11.
7. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish, frogs and furbearers. Taking of antlered deer not having at least one forked antler and having one or more antlers at least 5 inches in length visible above the hairline is prohibited. The forked antler shall have at least two points one inch or greater in length. During the archery, muzzleloading gun, and general gun seasons, antlerless deer may be taken by permit only. During the archery, muzzleloading gun and general gun seasons the bag limit for antlered deer shall be one per quota hunt permit. During the spring turkey season, the bag limit for turkey shall be one gobbler (or bearded turkey) per quota hunt permit. No bag or size limit on wild hogs.

(c) Camping – Prohibited.

(d) General regulations:

1. During periods when the area is closed to hunting public access other than on foot (pedestrian), horseback (equestrian), or by bicycle is prohibited.

2. Hunting with dogs is prohibited except bird dogs and dogs with a shoulder height of 15 inches or less may be used during the small game season.

3. Vehicles may be operated only on named or numbered roads and shall not be parked further than 25 feet from a named or numbered road or parking area.

4. The use of tracked vehicles, airboats, motorcycles or all-terrain vehicles is prohibited. The use of horses is prohibited during the archery, muzzleloading gun, general gun and spring turkey seasons.

5. Hunters shall check in and out at the check station when entering or exiting the area and shall check all game taken.

6. No deer, hog or turkey shall be dismembered until checked at the check station.

7. A quota hunt permit shall be required for every hunter entering the area.

8. Vehicular access is permitted one day prior to each hunt during the archery, muzzleloading gun, general gun, and spring turkey hunts from 8 a.m. until 6 p.m.

(18) Caravelle Ranch Wildlife Management Area.

(a) Open season:

1. Archery – September 20-28.
2. Supervised small game – October 5-13.
3. Muzzleloading gun – October 24-26.
4. General gun – November 8-16.

5. Special-opportunity dove – The first and second Saturdays only during the first phase; the third Saturday only during the second phase; and the first, third and fifth Saturday only during the third phase the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C.

6. Small game – November 20 through January 4 (Thursdays, Fridays, Saturdays and Sundays only).

7. Spring turkey – March 20-23 and 24-28.

8. Fishing and frogging – Permitted throughout the year.

9. During the supervised small game season, only persons under 16 years of age and their adult supervisor may hunt, as provided in Section 790.22, F.S.

(b) Legal to take: All legal game, wild hogs, fish, frogs and furbearers (except bobcat and otter). During the archery, muzzleloading gun and general gun seasons the bag limit for deer shall be one per hunter. There shall be no bag or size limit restrictions on wild hogs. During the spring turkey season the bag limit for turkey shall be one gobbler (or bearded turkey) per hunter.

(c) Camping: Camping is permitted in designated campsites during the hunting season. During nonhunting periods, camping is permitted only in primitive campsites.

(d) General regulations:

1. Vehicles may be operated only on named or numbered roads.
2. Hunting with dogs is prohibited except bird dogs may be used during the general gun and small game seasons and on the posted dove fields during special-opportunity dove hunts.
3. The use of tracked vehicles, airboats, motorcycles or all-terrain vehicles is prohibited.
4. Hunters shall check in and out at the check station when entering and exiting the area and shall check all game taken.
5. During periods when the area is closed to hunting public access other than on foot (pedestrian), or horseback (equestrian), or by bicycle is prohibited.
6. Persons shall possess a special-opportunity dove hunt permit to hunt in posted dove fields.
7. Shooting hours for special-opportunity dove hunts shall be from noon until sunset. Hunters may enter the area one hour before shooting time and shall exit the area by one hour after sunset.
8. Special-opportunity dove hunters shall hunt from assigned stations in the posted field. Hunt station assignments may be transferred at the check station.

(19) Lake George Wildlife Management Area.

(a) Open season:

1. Archery – September 20 through October 19.
2. Muzzleloading gun – October 24-26.
3. General gun – November 8-23.
4. Small game – November 24 through February 29.
5. Spring turkey – March 20-22, April 2-4, and 16-18.
6. Fishing and frogging – Throughout the year.

(b) Legal to take: All legal game, wild hogs, fish, frogs and furbearers (except bobcat and otter). No bag or size limit restrictions on wild hogs.

(c) Camping: Camping is prohibited during the general gun season. During the remainder of the year camping is permitted only by permit from the St. Johns River Water Management District.

(d) General regulations:

1. Vehicles may be operated only on named or numbered roads.
2. The use of tracked vehicles, airboats, or all-terrain vehicles is prohibited except as provided by permit from the St. Johns River Water Management District in that portion of the area north of County Road 305.
3. Bird dogs or retrievers only may be used during the general gun and small game seasons.

(20) Lake George Wildlife Management Area – Dexter/Mary Farm Unit.

(a) Open season:

1. Small game – November 22 through December 7 and December 20 through January 4.
2. Special-opportunity turkey – March 20-26, April 3-9 and 17-23.
3. General gun hog – January 10-13, 14-19, 20-25.
4. Special-opportunity dove – The first, second and fourth Saturdays only during the first phase; the first and third Saturdays only during the second phase; and the first, third and fourth Saturdays only during the third phase of the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C. No dove hunting is permitted on posted dove fields other than on these dates.
5. Fishing and frogging – Permitted throughout the year.
6. Archery – September 20 through October 5.
7. Muzzleloading gun – October 24-26.
8. General gun – November 8-16.

(b) Legal to take: All legal small game, fish, frogs and furbearers.

1. One deer with at least one antler having three or more points of at least one inch in length or one antlerless deer (except spotted fawns) may be taken per quota hunt permit during the archery season. One deer with at least one antler having three or more points of at least one inch in length may be taken per quota hunt permit during the muzzleloading gun and general gun seasons. Turkeys may be taken only during special-opportunity turkey hunts. The bag limit for turkey shall be one gobbler or bearded turkey per special-opportunity turkey hunt permit. Only hogs may be taken during the general gun hog season. No size or bag limit on hogs.

2. Jenkins' Pond: Fish may be taken only by hook and line or rod and reel and only during daylight hours. No person shall kill or possess any black bass. No person shall take in any one day more than 20 panfish, in the aggregate. No person shall kill or possess any bluegill or redear sunfish less than eight inches in total length.

(c) Camping: Camping is permitted at designated campsites during special-opportunity turkey hunts and at other times by permit from the Division of Forestry.

(d) General regulations:

1. The use of dogs, other than bird dogs and dogs with a shoulder height of 15 inches or less during the small game season and on the posted dove fields during special-opportunity dove hunts, is prohibited.

2. Vehicles and bicycles may be operated only on named or numbered roads.

3. The use of tracked vehicles, airboats, or all-terrain vehicles is prohibited.

4. The Bluffton Recreation Area shall be open throughout the year from sunrise to sunset via the St. Johns River Road only. During periods when the Dexter/Mary Farms Unit is closed to hunting, vehicle access to areas other than the Bluffton Recreation Area is allowed only by permit from the Division of Forestry. Individuals in possession of a special-opportunity turkey hunt permit shall have vehicular access to the Dexter/Mary Farms Unit from sunrise to sunset on the Saturday and Sunday preceding the hunt.

5. Hunters shall enter and exit the area at designated entrances, and register at the hunt headquarters.

6. Deer, turkeys, and hogs must be checked at the hunt headquarters prior to being dismembered or taken from the area.

7. Persons shall possess a special-opportunity dove hunt permit to hunt in posted dove fields.

8. Shooting hours for special-opportunity dove hunts shall be from noon until sunset. Hunters may enter the area one hour before shooting time and shall exit the area by one hour after sunset.

9. Hunters shall hunt from assigned hunt stations in the posted dove fields. Hunt station assignments may be transferred at the hunt headquarters.

10. Use of boats is prohibited on Jenkins' Pond.

11. During non-hunting periods, public access to the area is prohibited during the period from sunset to sunrise, unless camping at designated camping areas.

(e) The Dexter/Mary Farms Unit of the Lake George Wildlife Management Area consists of three hunt management zones. These zones are described as follows:

1. Zone A – That part of the management area falling within: Township 15S, Range 28E, Sections 27, 28, 29, 32, 33 and 34; and Township 16S, Range 28E, Sections 3, 4, 5, 9, 10, 15 and 16.

2. Zone B – That part of the management area falling within: Township 15S, Range 28E, Sections 25, 26, 35 and 36; and Township 16S, Range 28E, Sections 1, 2, 11 and 12.

3. Zone C – That part of the management area falling within: Township 15S, Range 29E, Sections 19, 20, 28, 29, 30, 31, 32 and 33; and Township 16S, Range 29E, Sections 3, 5 and 6.

(21) Seminole Forest Wildlife Management Area.

(a) Open season:

1. Archery – September 20-23 and 24-28.

2. Muzzleloading gun – October 24-26.

3. General gun – November 29 through December 2 and December 3-7.

4. Small game – January 10-25 (Saturdays and Sundays only).

5. Spring turkey – March 20-23 and 24-28.

6. General gun for mobility-impaired – October 17-19.

7. Fishing and frogging – During periods open to hunting and at other times as access is permitted by the Department of Agriculture and Consumer Affairs, Division of Forestry and these rules. Fish may be taken only by hook and line or rod and reel. Oaks and Bear Ponds are open to fishing only during daylight hours.

(b) Legal to take: All legal game, fish, except as provided below, frogs and furbearers except otter and bobcat. Antlerless deer may be taken by permit only during muzzleloading gun and general gun seasons. No size or bag limit on wild hogs.

1. Bear Pond: No person shall kill or possess any black bass. No person shall possess more than six catfish. No person shall take in any one day more than 20 panfish, in the aggregate. No person shall kill or possess any bluegill or redear sunfish less than eight inches total length.

2. Oaks Pond: Fishing is prohibited, except by permit issued pursuant to subsection 68A-9.002(1), F.A.C. No person shall take in any one day more than 4 freshwater fish including catfish and fish generally known as panfish such as bream, crappie (speckled perch), shellcracker, or warmouth in the aggregate. No person shall kill or possess any black bass.

(c) Camping: Permitted only at approved primitive campsites along designated hiking trails during periods closed to hunting.

(d) General regulations:

1. Hunting with dogs is prohibited except bird dogs may be used during the small game season.

2. Vehicles shall not be parked further than 25 feet from designated roads or parking areas.

3. The use of horses, tracked vehicles, airboats, or all-terrain vehicles is prohibited during periods when hunting is allowed, except that all-terrain vehicles may be used during the general gun for mobility-impaired season, and horses may be used during the small game season. During periods when the area is closed to hunting, public access is regulated by the Division of Forestry.

4. Hunters shall check in and out at the check station when entering and exiting the area and shall check all game taken.

5. Vehicles may be operated only on named or numbered roads except during the general gun for mobility-impaired season.

6. No deer, wild hog or turkey shall be dismembered until checked at the check station.

7. Use of boats is prohibited on Bear Pond and Oaks Pond.

(22) Triple N Ranch Wildlife Management Area.

(a) Open season:

1. General gun hog – January 23-25, January 30 through February 1 and February 6-8.
2. Special-opportunity deer – October 25 through 31 and November 8-14.
3. Small game – November 22 through January 18.
4. Special-opportunity turkey – March 20-26, April 3-9 and 17-23.
5. Fishing and frogging – Permitted throughout the year.
6. Trapping – Prohibited.

(b) Legal to take: Wild hogs, with a daily bag of 2, no size limit. One antlered deer may be taken per special-opportunity deer hunt permit. Antlerless deer (except spotted fawns) may be taken by antlerless deer permit only. Taking antlered deer not having at least one antler with four or more points is prohibited. All legal small game and furbearers during the small game season. Turkey during the special-opportunity turkey hunts. The bag limit for turkey shall be one gobbler (or bearded turkey) per special-opportunity turkey hunt permit. Fish and frogs throughout the year.

(c) Camping: Permitted only at designated campsites during periods open to hunting.

(d) General regulations:

1. Only tents, trailers or self-propelled camping vehicles may be used for camping.
2. Vehicles or horses may be used only on named and numbered roads except that horses are not restricted to roads during the small game season.
3. Horses are prohibited during periods when hunting is allowed except that hunters may hunt from horseback during the small game season.
4. Hunting with dogs is prohibited except bird dogs and dogs with a shoulder height of 15 inches or less may be used during the small game season.
5. The use of tracked vehicles, airboats, motorcycles or all-terrain vehicles is prohibited.
6. Hunters shall enter and exit the area at the designated entrance and register at the hunt headquarters. Persons entering the area for purposes other than hunting shall register upon entering and exiting the area. During periods when the area is closed to hunting, public access other than on foot (pedestrian), horseback (equestrian), or by bicycle is prohibited, except that vehicular access is permitted to the parking area at the hunt headquarters on Road 1 and the parking area at the south end of Crabgrass Road.
7. Individuals in possession of a special-opportunity hunt permit may have vehicle access to the area from sunrise to sunset on the Saturday and Sunday preceding the hunt.
8. Hogs, deer and turkeys must be checked at the hunt headquarters prior to being dismembered and taken from the area.
9. Public access to the area is prohibited during the period from 8 p.m. to 5 a.m., unless camping at designated camping areas during hunts.

(23) Etoniah Creek Wildlife Management Area.

(a) Open season:

1. Archery – September 20 through October 5.
2. Muzzleloading gun – October 24-26.
3. General gun – November 8-16.
4. Small game – Thanksgiving Day through the first weekend in January.
5. Spring turkey – March 20-22, 26-28 and April 2-4.
6. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, wild hogs, fish, frogs and furbearers. During the archery, muzzleloading gun and general gun seasons, the bag limit for deer shall be one per quota permit. There shall be no bag or size limit restrictions on wild hogs. During the spring turkey season the bag limit for turkeys shall be one gobbler (or bearded turkey) per hunter.

(c) Camping: Authorized only by permit from the Division of Forestry.

(d) General regulations:

1. Hunting with dogs is prohibited except bird dogs and dogs with a shoulder height of 15 inches or less may be used during the small game season only.
2. Vehicles and bicycles may be operated only on named or numbered roads.
3. The use of tracked vehicles, airboats, or all-terrain vehicles is prohibited.
4. During periods when the area is closed to hunting, public access other than on foot (pedestrian), horseback (equestrian), or bicycle is prohibited. Horses are prohibited during periods when the area is open to hunting, except during the small game season.
5. Hunters shall check in at a designated check station when entering and exiting the area, and record all game taken.

(24) Little Big Econlockhatchee Wildlife Management Area – Kilbee Unit.

(a) Open season:

1. Archery – October 3-5 and 10-12.
2. Muzzleloading gun – October 31 through November 2.
3. General gun – November 14-16.
4. Small game – December 6-21 (Saturdays and Sundays only).
5. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish, frogs and furbearers. Antlerless deer may be taken by permit only during the muzzleloading gun and general gun seasons. No size or bag limit on wild hogs.

(c) General regulations:

1. Hunting with dogs is prohibited, except that bird dogs may be used during the small game season.
2. The use of horses is permitted except in areas open to hunting during the hunting season.
3. Hunters shall check in at a check station when entering and exiting the area and record all game taken.
4. Vehicles may be operated only on named and numbered roads and must be parked at designated parking areas.
5. No deer, turkey or wild hog shall be dismembered until checked at a check station.
6. The use of tracked vehicles, airboats, or all terrain vehicles is prohibited.

(25) Lake Panasoffke Wildlife Management Area.

(a) Open season:

1. Special-opportunity turkey – March 25-28, April 6-9 and 22-25.
2. Special-opportunity archery – September 25-28, October 2-5 and 14-17, October 30 through November 2, November 11-14, 27-30, December 9-12 and January 1-4.
3. Special-opportunity hog-still – January 30 through February 1.
4. Special-opportunity hog-dog – February 11-13.
5. Small game – January 16-18 and 23-25.
6. Fishing and frogging – Permitted throughout the year.
7. Trapping – Prohibited.

(b) Legal to take: All legal game and wild hogs. Turkeys may be taken only during the special-opportunity turkey hunts. The bag limit for turkey shall be one gobbler (or bearded turkey) per special-opportunity turkey hunt permit. One antlered deer may be taken per special-opportunity deer hunt permit. Antlerless deer (except spotted fawns) may be taken by antlerless deer permit only. Taking of antlered deer not having at least one antler with four or more points is prohibited. Only hogs may be taken during the special-opportunity hog-still and special-opportunity hog-dog seasons. No bag or size limits on wild hogs. Fish and frogs throughout the year.

(c) Camping: Camping is permitted at designated campsites during hunting season and at other times by permit from the Southwest Water Management District. Kitchen stoves, refrigerators, and freezers, unless contained in mobile campers are prohibited. Lumber, sheet metal or other building materials is prohibited. Each camper shall assure that their campsite is clean at all times. The alteration, defacing, moving, tampering in any way with official markings of campsites is prohibited.

(d) General regulations:

1. Hunters must enter and exit the area at the designated entrance and register at the hunt headquarters.
2. Vehicles may be operated only on named or numbered roads and shall be parked within 25 feet of those roads. Horses and bicycles may be ridden only on designated trails.
3. The use of tracked vehicles, motorcycles, or all-terrain vehicles is prohibited. The use of horses is prohibited during the special-opportunity hunts.
4. No game shall be dismembered until checked at the hunt headquarters.
5. Operation of a vehicle on the area is prohibited during the period from 8:00 p.m. to 5:00 a.m., unless camping at designated campsites during special-opportunity hunts or by permit from the Southwest Florida Water Management District.
6. During periods when the area is closed to hunting, vehicular access is restricted to the main entrance road to the horse stable facility. Individuals in possession of a special-opportunity hunt permit shall have vehicle access to the area from 8 a.m. to 6 p.m. on the day preceding the hunt.
7. Only shotguns may be used during the special-opportunity spring turkey hunts.
8. Shotguns are prohibited during the special-opportunity archery hunts.
9. Only tents, trailers or self-propelled camping vehicles may be used for camping.
10. The name, address and telephone number of the person responsible for each campsite shall be visibly affixed to the camping shelter.
11. The use of dogs, other than bird dogs and dogs with a shoulder height of 15 inches or less during the small game season, is prohibited except that dogs may be used during the special-opportunity hog-dog season. During the special-opportunity hog-dog season, no more than 3 dogs per special-opportunity permit shall be allowed.
12. During the special-opportunity hog-dog season, a permit shall be required for each group of two hunters, and only one gun may be possessed per permit.

(26) Ross Prairie Wildlife Management Area.

(a) Open season:

Supervised small game – October 11-17, November 15-21, December 13-19 and January 10-16.

(b) Legal to take: All legal small game and furbearers.

(c) Camping: Permitted at designated campsites only.

(d) General regulations:

1. Motorized vehicles are prohibited except in designated parking areas. Horses and bicycles are permitted only on roads, firelines, and designated trails.

2. All hunters shall enter or exit the area only at designated entrances.
3. All hunters shall register at designated entrances and record their game harvest upon leaving.
4. Hunting with dogs is prohibited except bird dogs and dogs with a shoulder height of 15" or less may be used for hunting small game.

5. The use of airboats, tracked vehicles and all-terrain vehicles is prohibited.

6. The possession of firearms other than shotguns is prohibited.

7. During the supervised small game season, only persons under 16 years of age and their adult supervisor may hunt, as provided in Section 790.22, F.S.

(27) Buck Lake Wildlife Management Area.

(a) Open season:

1. Archery – September 20-28 and September 29 through October 5.

2. Muzzleloading gun – October 24-26.

3. General gun – November 8-11 and 12-16.

4. Small game – November 29 through December 14.

5. Spring turkey – March 20-23 and 24-28.

6. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish, frogs and furbearers (except bobcat and otter). A limit of one antlerless and one antlered deer per person per hunt is established. Antlerless deer may be taken by permit only during muzzleloading gun and general gun season. No size or bag limit on wild hogs. During the spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota hunt permit.

(c) Camping: Prohibited during periods open for hunting. During periods closed to hunting, camping is subject to St. Johns River Water Management District public use regulations.

(d) General regulations:

1. Hunting with dogs is prohibited except bird dogs may be used during the small game season.

2. Airboats, tracked vehicles, motorcycles, all-terrain vehicles, and horses are prohibited except that horses are permitted on named and numbered roads or designated trails during periods closed to hunting.

3. Hunters shall enter and exit the area at a designated entrance.

4. Vehicles may be operated only on named or numbered roads and may be parked only in designated parking areas or within 25 feet of a named or numbered road.

5. No deer, wild hog or turkey shall be dismembered until checked at a check station.

6. During periods when the area is closed to hunting, public access other than by foot, horseback or bicycle is prohibited.

(28) Nassau Wildlife Management Area.

(a) Open season:

1. General gun – November 8 through January 4.

2. Small game – January 5 through February 29.

3. Spring turkey – March 20 through April 25.

4. Archery – September 20 through October 19.

5. Muzzleloading gun – October 24-26.

6. Fishing and frogging – During periods the area is open for hunting or scouting.

7. Trapping – January 5 through March 1.

(b) Legal to take: All legal game, fish, frogs and furbearers.

(c) Camping: Prohibited.

(d) General regulations:

1. The possession or use of dogs other than bird dogs and waterfowl retrievers is prohibited during the general gun season.

2. Vehicles may be operated only on named or numbered roads.

3. Hunting with dogs is prohibited during the archery and muzzleloading gun seasons.

4. Fires are prohibited.

5. Vehicles are prohibited on the area from 1.5 hours after sunset to 1.5 hours before sunrise. Vehicles may only enter and exit the area at designated locations.

6. Access to the area is permitted only by individuals possessing a valid recreational use permit and only from the Saturday prior to the archery season through the last day of the spring turkey season.

(29) Cary Wildlife Management Area.

(a) Open season:

1. Archery – October 11-12, November 1-2 and 15-16, December 6-7 and 20-21.

2. Muzzleloading gun – December 27-28 and January 10-11.

3. Bird dog training – October through January, Wednesdays, Saturdays and Sundays, except during scheduled hunting periods.

(b) Legal to take: All legal game except that only wild hogs and antlered deer may be taken during the muzzleloading gun season. No size or bag limit on wild hogs.

(c) Camping: Prohibited.

(d) General regulations:

1. Fires are prohibited.
2. Hunting with dogs is prohibited except that bird dogs are permitted during bird dog training season.
3. Vehicles may be operated on designated roads only.
4. The use of all-terrain vehicles (ATVs) is prohibited.
5. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.
6. On that portion of the area open for hunting, horses are allowed only on established roads during periods when hunting is permitted.
7. The possession of firearms other than blank-firing pistols is prohibited during bird dog training season.

(30) Fort Drum Wildlife Management Area.

(a) Open season:

1. Special-opportunity deer – November 8-14.
2. Small game – December 6-21.
3. Special-opportunity turkey – March 20-26, April 3-9 and 17-23.
4. Special-opportunity wild hog – October 3-5, 10-12 and 17-19.
5. Fishing – Permitted throughout the year.

(b) Legal to take: All legal game and fish. Turkeys may be taken only during the special-opportunity turkey hunts. The bag limit for turkey shall be one gobbler (or bearded turkey) per special-opportunity turkey hunt permit. One antlered deer per special-opportunity deer hunt permit. Antlerless deer (except spotted fawns) may be taken by antlerless deer permit only. Taking of antlered deer not having at least one antler with four or more points is prohibited. No bag or size limit on wild hogs. Taking of wild hogs during the special-opportunity turkey hunt is prohibited.

(c) Camping: Permitted only at designated campsites.

(d) General regulations:

1. Hunting with dogs other than bird dogs and retrievers during the small game season is prohibited.
2. Hunters shall enter and exit at Gate 1 only and check in and out at the designated check station when entering or exiting the area.
3. During nonhunting periods, access shall be through designated points only along State Road 60.
4. During periods open to hunting, vehicles may be operated only on named or numbered roads. During the remainder of the year, vehicles may be operated only on Entrance Road.
5. Persons participating in the special-opportunity deer, turkey or wild hog hunts must be in possession of a special-opportunity hunt permit.

6. During special-opportunity hunts, only permittees may use tents, trailers or self-propelled camping vehicles at designated campsites. During the remainder of the year, only tent camping shall be permitted and only at designated campsites.

7. The use of tracked vehicles, airboats, motorcycles, or all-terrain vehicles is prohibited.

8. Horses are permitted only during nonhunting periods and permitted only on designated trails.

(31) Ocklawaha River Wildlife Management Area – Gores Landing Unit.

(a) Open season:

1. Archery – September 20 through October 5.
2. Muzzleloading gun – October 24-26.
3. General gun – November 8-16.
4. Small game – November 29 through December 14.
5. Spring turkey – March 20-23 and 24-28.
6. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, wild hogs, fish, frogs and furbearers. During archery, muzzleloading gun, and general gun seasons, the bag limit for deer shall be one per hunter. There shall be no bag or size limits on wild hogs. During the spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per hunter.

(c) Camping: Prohibited.

(d) General regulations:

1. Vehicles may be operated only on named or numbered roads during hunting season only.
2. Hunting with dogs is prohibited except bird dogs and retrievers may be used during the small game season.
3. Hunters shall enter and exit the area at designated entrances or from the Ocklawaha River.
4. The use of tracked vehicles, motorcycles, or all-terrain vehicles is prohibited.

(32) Seminole Forest Wildlife Management Area – Lake Tracy Unit.

(a) Open season:

1. Archery – September 20-22.
2. Muzzleloading gun – October 24-26.
3. General gun – November 8-10.
4. Spring turkey – March 20-22 and 26-28.

5. Fishing and frogging – During periods open to hunting and at other times as access is permitted by the Division of Forestry and these rules.

(b) Legal to take: All legal game, fish, frogs and furbearers. No size or bag limit on wild hogs.

(c) General regulations:

1. Hunting with dogs is prohibited.

2. Vehicles may be operated only on named and numbered roads and shall be parked at designated parking areas.

3. The use of horses, tracked vehicles, airboats, or all-terrain vehicles is prohibited during periods when hunting is permitted.

During periods when the area is closed to hunting, public access is regulated by the Division of Forestry.

4. Hunters shall enter and exit the area only at designated entrances, register upon entering, and record all game taken.

(33) Twelve Mile Swamp Wildlife Management Area.

(a) Open season:

1. Archery – September 20 through October 19.

2. Muzzleloading gun – October 24-26.

3. General gun – November 8 through January 4.

4. Small game – January 5 through February 29.

5. Spring turkey – March 20 through April 25.

6. Fishing and frogging – During periods open for hunting or scouting.

7. Trapping – January 5 through March 1.

(b) Legal to take: All legal game, fish, frogs and furbearers. Taking antlered deer not having at least one antler with three or more points one inch or more in length is prohibited.

(c) Camping: Prohibited.

(d) General regulations:

1. The possession or use of dogs other than bird dogs and waterfowl retrievers is prohibited.

2. Vehicles may be operated only on named and numbered roads.

3. Fires are prohibited.

4. Vehicles are prohibited on the area from 1.5 hours after sunset to 1.5 hours before sunrise. Vehicles may only enter and exit the area at designated locations.

5. Access to the area is permitted only by individuals possessing a valid recreational use permit and only from the Saturday two weeks prior to the archery season through the last day of the spring turkey season.

6. Horses are prohibited.

7. The use of tracked vehicles, airboats, motorcycles or all-terrain vehicles is prohibited.

(34) Upper St. Johns River Marsh Wildlife Management Area.

(a) Open season:

1. Archery – September 20 through October 19.

2. Muzzleloading gun – October 25 through November 2.

3. General gun – November 8 through January 18.

4. Small game – January 19 through February 29.

5. Spring turkey – March 20 through April 25.

6. Trapping – Prohibited.

7. Fishing and frogging – Permitted year-round.

8. Waterfowl may be hunted in accordance with federal migratory bird regulations.

(b) Legal to take – All legal game, furbearers, fish, and frogs. Antlerless deer may be taken during the period November 15-16. Turkey of either sex may be taken during the muzzleloading gun season. The period of November 8 through January 4 is open for bearded turkey only. No bag or size limits on wild hogs. Wild hogs may be taken during the archery, muzzleloading gun, general gun, and small game season.

(c) Camping – Permitted in designated campsites only.

(d) General regulations:

1. Motorized tracked or wheeled vehicles are prohibited, except on Fellsmere Grade and Lawton Road. Motorized boats are prohibited in those portions of the area posted as a walk-in only.

2. The possession of any firearm containing shells or cartridges or any capped or primed muzzleloading gun is prohibited on Fellsmere Grade, C-54 right-of-way, and all levees.

3. Only tent camping is permitted, and only at designated campsites.

4. Taking of wildlife by use of a gun on or from the right-of-way of the Fellsmere Grade is prohibited as provided by Rule 68A-4.008, F.A.C.

5. The possession or use of any device capable of discharging, emitting spray, or introducing any pollutants is prohibited.

6. The use of any air-powered boat or outboard motors greater than 10 horsepower is prohibited as posted in the Blue Cypress Water Management Area.

7. During the duck and coot season in the Stick Marsh/Farm 13, Kenansville Lake, and as posted in the Blue Cypress Water Management Area, the possession or use of guns other than shotguns is prohibited.

8. A quota hunt permit is not required for fishing or frogging.
 9. Public access is prohibited from within 1,000 feet of any posted construction site.
 10. Hunting with dogs is prohibited except bird dogs may be used during the small game, duck and coot seasons, and dogs may be used for hog hunting during the period January 21-25.
 11. Airboats must launch and load from the water at the designated airboat launch area when using the Blue Cypress Water Management Area.
 12. Airboats must cross levees at designated airboat crossings.
 13. Bush hooks are prohibited.
 14. Public access on Levee 74 North is allowed only at designated entrances.
- (35) Ralph E. Simmons Memorial Wildlife Management Area.
- (a) Open season:
 1. General gun – November 15-23.
 2. Archery – September 20-28.
 3. Muzzleloading gun – October 25 through November 2.
 4. General gun for mobility-impaired – October 11-14.
 5. Small game – December 15-28 and January 31 through February 8.
 6. Trapping – Prohibited.
 7. Spring turkey – The first three days of the Central Zone season, and the Friday, Saturday, and Sunday of the third and fifth weekends of the Central Zone season.
 8. Fishing and frogging – Permitted throughout the year.
 - (b) Legal to take – All legal game, furbearers, fish and frogs. Antlerless deer during the general gun for mobility-impaired hunt. The bag limit shall be one antlered deer and one antlerless deer per quota hunt permit. Wild hogs of any size with no bag limit.
 - (c) Camping – During periods open to hunting, hunters in possession of a quota permit shall only camp in designated campgrounds. During periods closed to hunting, camping in designated campgrounds is allowed only by permit from the Florida Division of Forestry. Camping at primitive campsites along the St. Marys River is allowed throughout the year on a first-come first-served basis.
 - (d) General regulations:
 1. Hunting with dogs is prohibited except bird dogs may be used during the small game season.
 2. Vehicles may be operated only on named or numbered roads except that mobility-impaired hunters may use tracked vehicles, all-terrain vehicles, and horses throughout the area during the general gun for mobility-impaired season.
 3. Vehicles may be parked only at designated parking areas.
 4. Vehicular access is permitted on all hunt days plus the weekend and day before all hunts except spring turkey, and small game seasons when it shall be permitted only on hunt days and the day before each hunt. The use of tracked vehicles, motorcycles, or all-terrain vehicles is prohibited.
 5. During hunting periods, public access is restricted to those individuals with valid hunt permits. No more than two non-disabled helpers may accompany a mobility-impaired permit holder. Non-disabled helpers may not hunt or possess firearms during the general gun for mobility-impaired season.
 6. All hunters must check in and out at the designated check station and check all game taken.
 7. Horses are prohibited during periods open to hunting except when used by mobility-impaired hunters. During periods closed to hunting, horses may be used only on named or numbered roads and designated trails.
 8. Non-motorized bicycles may be used only on named or numbered roads and designated trails.
- (36) Dunns Creek Wildlife Management Area.
- (a) Open season:
 1. Archery – September 20 through October 5 and November 15-23.
 2. Muzzleloading gun – October 25 through November 2.
 3. Wild hog – January 17-25.
 4. Spring turkey – March 20-22, April 2-4 and 16-18.
 5. Trapping – Prohibited.
 6. Fishing and frogging – Permitted throughout the year.
 - (b) Legal to take – All legal game, fish, frogs, and furbearers. The bag limit shall be one antlered and one antlerless deer per quota hunt permit. No bag or size limits on wild hogs.
 - (c) Camping – Permitted at designated campsites only.
 - (d) General regulations:
 1. Hunting with dogs is prohibited.
 2. Vehicles may be operated only on named or numbered roads.
 3. Vehicles may be parked only at designated parking areas.
 4. The use of tracked vehicles, motorcycles, or all-terrain vehicles is prohibited.
 5. During hunting periods, public access is restricted to those individuals with valid hunt permits.
 6. All hunters shall check in and out at the check station and check all game taken.

7. During periods closed to hunting, horses may be used only on named or numbered roads and designated trails.
8. Non-motorized bicycles may be used only on named or numbered roads and designated trails.
9. Vehicular access is permitted on all hunt days plus the weekend and day before all hunts except spring turkey season when it shall be permitted only on hunt days and the day before each hunt.
10. The possession of rimfire or centerfire rifles or pistols is prohibited during the spring turkey and wild hog seasons.
11. Vessels may be used to access the area from Dunns Creek.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 373.121, 375.313 FS. History—New 6-21-82, Amended 6-29-82, 7-1-83, 7-5-84, 10-1-84, 7-1-85, 5-7-86, 5-10-87, 5-1-88, 7-1-89, 12-19-89, 7-1-90, 7-1-91, 7-2-91, 7-2-92, 7-1-93, 7-1-94, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 7-1-98, 7-2-98, 8-11-98, 12-28-98, 7-1-99, Formerly 39-15.065, Amended 12-20-99, 7-1-00, 12-26-00, 7-1-01, 6-2-02, 7-28-02, 5-1-03.

CHAPTER 68A-16 TYPE II WILDLIFE MANAGEMENT AREAS

- 68A-16.004 General Regulations Relating to Type II Wildlife Management Areas. (Repealed)
- 68A-16.005 Specific Regulations on Type II Wildlife Management Areas. (Repealed)

CHAPTER 68A-17 WILDLIFE AND ENVIRONMENTAL AREAS

68A-17.004 General Regulations Relating to Wildlife and Environmental Areas.

68A-17.005 Specific Regulations for Wildlife and Environmental Areas.

68A-17.004 General Regulations Relating to Wildlife and Environmental Areas.

(1) General prohibitions: Hunting, fishing or trapping is prohibited on any portion of any wildlife and environmental area posted as closed to hunting, fishing or trapping. Hunting, fishing, trapping, camping or other usage related to such activity on any wildlife and environmental area shall only be at the time and in the manner provided by the regulations for the particular wildlife and environmental area.

(2) Permits required:

(a) All regular licenses are required for persons, except those exempted in subsection (3) hereof, to hunt, trap or be in possession of a gun, trap or other device for taking wildlife or fur-bearing animals on a wildlife and environmental area.

(b) A wildlife management area stamp as provided by Section 372.57, F.S., in addition to all regular license requirements, is required for persons, except those exempted in subsection (3) hereof, to hunt, trap or be in possession of a gun, trap or other device for taking wildlife or fur-bearing animals on a wildlife and environmental area.

(c) A short-term use permit or special-use permit is mandatory on those wildlife and environmental areas where required by regulations for that area. On areas where short-term use permits (daily or multi-day permits) are authorized, holders of such permits shall possess or display a valid short-term use permit receipt in the manner specified on the receipt. Access to areas open to special-opportunity deer, hog, and wild turkey hunting is prohibited by persons not in possession of the appropriate special-opportunity hunt permit except persons using the Florida Trail for recreational hiking.

(3) Permit exceptions: Persons exempted by Section 372.57, F.S., persons utilizing the Apalachicola River Wildlife and Environmental Area for recreational activities, and persons in possession of a special-use permit are excepted from wildlife management area stamp requirements.

(4) Legal to Hunt: Legal game shall be only those game species identified in specific area regulations.

(a) Notwithstanding provisions in Rule 68A-13.004, F.A.C., turkeys of either sex may be taken as provided by specific area regulation.

(b) The hours in which the hunting of gobblers or bearded turkeys is permitted during the spring season shall be from one-half hour before sunrise until 1 p.m.

(5) Hunters:

(a) Authorized hunting equipment or dogs (if permitted by area regulations) may be taken on the area after 8:00 a.m. one day before the opening of the season and shall be removed from the area before 6:00 p.m. one day following the close of the season unless otherwise provided by specific area regulations.

(b) Driving a metal object into any tree, or hunting from a tree in which a metal object has been driven, is prohibited.

(6) Guns:

(a) No person shall possess any gun on any wildlife and environmental area during any period in which hunting by the use of a gun is prohibited unless otherwise authorized by permit from the executive director.

(b) The possession of a firearm or crossbow is prohibited on any wildlife and environmental area during established seasons for archery hunting unless otherwise stipulated in a regulation established for a specific area. The possession of a gun (except a muzzleloading gun) is prohibited on any wildlife and environmental area during seasons for muzzleloading gun hunting. The possession of a gun is prohibited on any wildlife and environmental area during any season open only for the taking of fur-bearing animals or frogs unless otherwise stipulated in a regulation established for a specific area.

(c) No person shall have any gun under his control while under the influence of alcohol or drugs.

(d) The possession of center-fire rifles is prohibited during small game season.

(e) The possession of any firearm containing shells or cartridges, or any capped or primed muzzleloading gun is prohibited on any public campsite or check station area. The discharge of firearms is prohibited on, from or across any campsite or check station area.

(7) Dogs:

(a) Dogs may be used for hunting during open seasons unless prohibited by regulations for the particular wildlife and environmental area.

(b) No person shall knowingly or negligently allow any dog to pursue or molest any wildlife during any period in which the taking of such wildlife by the use of dogs is prohibited.

(c) No person shall possess any dog during any period in which the taking of wildlife by the use of dogs is prohibited provided that dogs not normally used for hunting and kept under restraint may be possessed.

(8) Camping:

(a) Camping is prohibited unless otherwise authorized under specific area regulations.

(b) No persons shall bring building materials onto the area or erect permanent or semi-permanent structures.

(9) Vehicles:

(a) No motor vehicle shall be operated on any part of any wildlife and environmental area designated by area regulations as closed to vehicular traffic or temporarily closed by administrative action and posting notice of such on those areas because of inclement weather, poor road conditions, construction or management activities or wildlife surveys. The use of two-wheeled motor-powered vehicles or all-terrain vehicles is prohibited on any roads or trails not open to or used by other vehicles unless otherwise provided by specific area regulation.

(b) No person shall park any vehicle in a manner which obstructs a road, gate or firelane.

(10) Grain and food: No person shall place, expose or distribute any grain or other food for wildlife on any wildlife and environmental area except as authorized by permit from the executive director. No person shall take wildlife on any land or waters upon which grain or other food has been deposited. No person shall provide food for wildlife on any wildlife and environmental area.

(11) Release of wildlife: No person shall release wildlife of any species on any wildlife and environmental area.

(12) Plants:

(a) No person shall cut or destroy any tree on, or remove any tree, shrub, or protected plant (as designated in Section 581.185, F.S.) from any wildlife and environmental area unless authorized by the landowner or the Commission. Planting of trees, shrubs or other vegetation is prohibited unless authorized by the landowner or the Commission.

(b) No person shall possess or remove saw palmetto berries from any wildlife and environmental area where the Commission in the landowner or lead managing agency without written permission.

(13) The disturbance or removal of any manmade or cultural materials (such as shell middens, graves or other archaeologically or historically significant materials or sites) or natural materials (such as coral or lighter pine) is prohibited.

(14) Alligators: Notwithstanding any other provision in Chapter 68A-17, F.A.C., the harvest of alligators, their eggs or hatchlings may be conducted on wildlife and environmental areas in accordance with Commission order(s) and Rules 68A-25.031, 68A-25.032, and 68A-25.042, F.A.C. Guns and bait may be possessed and used for taking alligators by alligator hunt participants as specified in Rule 68A-25.042 or 68A-25.032, F.A.C., whichever is applicable, and persons taking alligators pursuant to those rules on wildlife and environmental areas shall not be required to check in and out at a check station or check any alligators taken.

(15) Public access is prohibited in areas posted as "Restricted" for protection of threatened or endangered species or environmentally sensitive areas.

(16) Fishing and Frogging: Fishing or frogging are permitted throughout the year unless otherwise provided under specific area regulations.

(17) Fires: All fires are prohibited unless otherwise provided under specific area regulations.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.57 FS. History—New 4-12-98, Amended 12-28-98, Formerly 39-17.004, Amended 7-1-00.

68A-17.005 Specific Regulations for Wildlife and Environmental Areas.

(1) Southwest Region.

(a) Little Gator Creek – Pasco County.

1. The designated wood stork rookery area is closed to public access.
2. The disturbance or removal of any tree or plant is prohibited.
3. Fishing is permitted on the Withlacoochee River only.
4. Unauthorized public access is prohibited.

5. The possession of dogs or trapping devices is prohibited.

(b) Hickey Creek Mitigation Park – Lee County.

1. Hunting or possession of guns is prohibited.
2. Unauthorized removal, cutting, or possession of live or dead trees or plants is prohibited.
3. Camping or campfires are prohibited.
4. The possession of dogs, horses, or other pets or livestock is prohibited.
5. Access is restricted to foot traffic only.
6. Access is prohibited from one-half hour after sunset to one-half hour before sunrise.
7. The release of any wildlife on the area is prohibited.

(c) Platt Branch Mitigation Park – Highlands County.

1. Hunting or possession of guns is prohibited.
2. Unauthorized removal, cutting, or possession of live or dead trees or plants is prohibited.
3. Camping or campfires are prohibited.
4. The possession of dogs, horses, or other pets or livestock is prohibited.
5. Access is restricted to foot traffic only.
6. The release of any wildlife on the area is prohibited.

(d) Lake Wales Ridge – Highlands County.

1. The use of motorized vehicles is prohibited.
2. Horseback riding is allowed by permit only.

(e) Bullfrog Creek Mitigation Park – Hillsborough County.

1. The possession of dogs, horses, or other pets or livestock is prohibited.
2. Access is restricted to foot traffic only.

(f) Lake Wales Ridge Wildlife and Environmental Area – Royce Unit – Highlands County.

1. Open seasons:

- a. General gun – November 14-16.
- b. Small game – December 5-7 and 19-21, January 16-18 and 23-25.
- c. Spring turkey – March 20-22 and April 2-4.
- d. Fishing and frogging – Permitted throughout the year.

2. Legal to take: All legal game, wild hogs, fish, frogs, and furbearers. The bag limit for antlered deer shall be one per quota hunt permit. During the spring turkey season, the bag limit for turkey shall be one gobbler (or bearded turkey) per quota hunt permit. There shall be no size or bag limit restrictions on wild hogs.

3. General regulations:

- a. The use of tracked vehicles, motorcycles, airboats, or all-terrain vehicles is prohibited. Horses and bicycles may be used only on firebreaks and named or numbered roads. The use of horses is prohibited during the general gun and spring turkey seasons.
- b. Vehicles may be operated only on named or numbered roads and shall be parked in designated parking areas or within 25 feet of a named or numbered road.
- c. During periods when the area is closed to hunting, public access other than by foot, bicycle, or horseback is prohibited, except that motorized vehicles shall be permitted on Royce Road year-round and shall be permitted on all named and numbered roads one day prior to the general gun and spring turkey hunts.
- d. During periods when the area is open to hunting, entry or exit at locations other than designated entrances is prohibited.
- e. Hunters shall check in and out at the designated check station when entering and exiting the area and shall check all game taken.
- f. Hunting with dogs is prohibited except bird dogs and retrievers may be used during the small game season. Hunting hogs with dogs is prohibited.

(2) North Central Region.

(a) Santa Fe Swamp – Bradford County.

1. Open season (hunting prohibited at other times):

- a. Archery – September 20 through October 19.
- b. Muzzleloading gun – October 24-26.
- c. Archery and muzzleloading gun – November 8 through January 4.
- d. Spring turkey – March 20 through April 25.
- e. Fishing is permitted throughout the year.

2. Legal to take: Wild hogs, gray squirrel, rabbit, and deer with one or more antlers at least five inches in length. Deer (except spotted fawns) and turkey of either sex may be taken during the archery season. Only bearded turkey or gobblers may be taken during the spring turkey season. No size or bag limit on hogs.

3. General regulations:

- a. Public access into the area is allowed on Cow Pen Road and Little Santa Fe Lake only.
- b. Vehicles are prohibited except in the designated parking area.
- c. Centerfire or rimfire rifles, shotguns, pistols, and crossbows are prohibited.
- d. Hunting with dogs is prohibited.
- e. Wild hogs may not be transported alive.

(b) Perry Oldenburg Mitigation Park – Hernando County.

1. Hunting or possession of firearms is prohibited.
2. Fires are prohibited.
3. Disturbance or removal of any trees or plants is prohibited.
4. Possession of dogs or trapping devices is prohibited.
5. Access shall be restricted to foot traffic only. No motorized vehicles or horseback riding shall be allowed.
6. Camping is prohibited.

(c) Fort White Mitigation Park – Gilchrist County.

1. The possession of dogs, horses, or other pets or livestock is prohibited.
2. Access is restricted to foot traffic only.

(d) Chinsegut – Hernando County.

1. Unauthorized public access is prohibited on that portion of the area lying east of C.R. 581. Access is permitted by foot traffic only on that portion of the area lying south of the intersection of U.S. 41 and C.R. 581 and west of U.S. 41 known as the Big Pine Tract.

2. Fishing is prohibited.
3. The possession of dogs or trapping devices is prohibited.

(e) Suwannee Ridge – Hamilton County.

1. Open season:
 - a. Mobility-impaired general gun – October 10-12, 24-26, October 31 through November 2 and December 12-14.
 - b. Mobility-impaired spring turkey – March 26-28 and April 16-18.
 - c. Fishing – Throughout year.
2. Legal to take: Any deer (except spotted fawn), wild hogs, bearded turkey (during spring turkey season only), gray squirrel, and rabbit. The bag limit shall be two deer or two bearded turkeys per quota permit. Only mobility-impaired hunters may take an antlerless deer.
3. General regulations:
 - a. Hunters shall check in and out at the designated check station on Holton Creek WMA and report all game taken.
 - b. During hunting periods, access will be restricted to certified mobility-impaired hunters with quota hunt permits and one additional person per permit holder who may also participate in the hunt. Only one quota hunt permit may be utilized per individual per hunt.
 - c. Vehicles may be operated only from one and one-half hours before sunrise until one and one-half hours after sunset, only on designated portions of named or numbered roads during periods open to hunting and one day prior.
 - d. The use of tracked vehicles, airboats, motorcycles, or all-terrain vehicles is prohibited, except all-terrain vehicles may be used during mobility-impaired hunts only, during all hunts.
 - e. Hunters shall enter and exit through Holton Creek WMA Road 2 only. The area may be accessed during non-hunting periods by use of the Adams Grade parking area.
 - f. All hunt participants are required to attend a pre-hunt orientation meeting.
 - g. The possession of dogs or horses is prohibited.
 - h. During non-hunting periods, access is restricted to foot traffic only.
- (3) Northwest Region.
 - (a) Judges Cave – Jackson County.
 1. Hunting or possession of guns is prohibited.
 2. Unauthorized public access is prohibited.
 3. Judges Cave will be closed to entry from March 15 through September 15.
 4. Fires are prohibited.
 5. The disturbance or removal of any tree or plant is prohibited.
 - (b) Apalachicola River – Gulf, Franklin, and Liberty counties.
 1. Hunting shall be allowed only during the open seasons established for migratory birds in Rules 68A-13.003 and 68A-13.008, F.A.C., and during open seasons established for deer, turkey, quail, squirrel, and wild hogs in Rule 68A-13.004, F.A.C., except for the following:
 - a. Antlerless deer may only be taken during the archery season.
 - b. Turkeys of either sex may only be taken during the archery and muzzleloading gun seasons.
 - c. General gun season shall open the fourth Thursday in November and close three days thereafter and reopen the second Saturday in December and close 53 days thereafter.
 - d. During the first phase of dove seasons established by Rule 68A-13.008, F.A.C., doves may be taken in posted dove fields on Saturdays only.
 2. Furbearers may be taken in accordance with the provisions of Rule 68A-24.002, F.A.C., except the use or possession of dogs is prohibited during the spring turkey season.
 3. General regulations:
 - a. Camping is limited to tents, trailers, or self-propelled camping vehicles only. Camping is permitted throughout the area, except where posted as no camping. Kitchen stoves, refrigerators, and freezers, unless contained in mobile campers, lumber, sheet metal, or other building materials is prohibited.
 - b. Unauthorized removal or cutting of trees or plants is prohibited.
 - c. No person shall operate a vehicle south of the gate on the Catfish Creek Canal Levee Road.
 - d. The use of dogs other than bird dogs or retrievers on posted dove fields is prohibited during the first phase of dove season.
 - e. Persons hunting doves in posted dove fields shall check in and out at the check station when entering and exiting the area and check all doves taken.
 - f. During the first phase of dove season, all hunters are prohibited from entering posted dove fields until one hour before shooting time and shall exit posted dove fields by one hour after sunset. During the second and third phases of dove season, dove hunters are prohibited from entering posted dove fields until one hour before shooting time and shall exit posted dove fields by one hour after sunset.
 - g. Vehicles may be operated only on named or numbered roads.
 - h. Fires other than campfires are prohibited.
 - i. Hunting with dogs, other than bird dogs or retrievers, is prohibited in that portion of the area posted as Northwest Florida Water Management District lands and on those lands lying east of East Bay and Cash Bayou.
 - j. The use of all-terrain vehicles is prohibited in that portion of the area posted as Northwest Florida Water Management District lands and on those lands lying east of East Bay and Cash Bayou.

(c) L. Kirk Edwards – Leon County.

1. Open season: gray squirrel – during the open season for gray squirrel established in Rule 68A-13.004, F.A.C.

2. Migratory game birds may be taken during seasons established in Rules 68A-13.003 and 68A-13.008, F.A.C.

(4) South Region.

(a) Southern Glades – Dade County.

1. Open season:

a. Archery – September 6 through October 5.

b. Muzzleloading gun – October 10-12.

c. General gun – October 25 through November 30.

d. Ducks, coots, and snipe – During the seasons established for these species in Rules 68A-13.003 and 68A-13.008, F.A.C.

e. Fishing is permitted throughout the year.

f. Frogging – December 1 through March 1.

2. Legal to take: Deer with one or more antlers at least five inches in length and wild hogs with a shoulder height of 15 inches or more. Ducks, coots, and snipe may be taken during seasons established for these species in Rules 68A-13.003 and 68A-13.008, F.A.C.

3. General regulations:

a. Dogs are prohibited except waterfowl retrievers may be used during the duck, coot, and snipe seasons.

b. The possession of any firearm containing shells or cartridges or capped or primed muzzleloading guns is prohibited on levees, improved roads, and at check stations. The discharge of guns is prohibited on, from, or across any check station, levee, or improved road.

c. Hunting or discharge of any firearm east of the C-109 road, within 500 yards of the Dade Work Camp, or any building or structure is prohibited.

d. The use of tracked vehicles, buggies, airboats, motorcycles, and all-terrain vehicles is prohibited in the area except that airboats may be used in Units 1 and 4 from December 1 through March 1 and outboard motor boats may be used within canals, and vehicles may be operated on named or numbered roads.

e. Vehicles shall not be parked in such a manner as to obstruct roads, gates, or trails.

(b) John G. and Susan H. Dupuis Jr. – Palm Beach County.

1. Open season:

a. Archery – September 5-7, 12-14 and 19-21.

b. Muzzleloading gun – October 3-5, 10-12 and 17-19.

c. General gun – October 24-26 and October 31 through November 2.

d. General gun for mobility-impaired – November 8-9.

e. General gun hog – November 11-13, 18-20, 25-27 and December 2-4. Wild hogs only. No bag or size limit.

f. Spring turkey – March 9-11, 19-21 and 26-28.

g. Small game – December 6 through January 25.

h. Trapping is prohibited.

i. Fishing is permitted when public access is allowed.

j. Frogging is prohibited.

2. Legal to take:

a. Antlered deer with at least one forked antler and having one or more antlers at least five inches in length visible above the hairline. The forked antler shall have at least two points one inch or greater in length. Antlerless deer (except spotted fawns) may be taken during the archery season and by permit only during the muzzleloading gun, general gun, and general gun mobility-impaired seasons. The bag limit for deer shall be one per quota hunt permit. Wild hogs may be taken with no size or bag limit.

b. Spring turkey season – Gobblers or bearded turkeys only. The bag limit for turkey shall be one per quota hunt permit.

c. Small game season – Quail, gray squirrel, rabbit, armadillo, bobcat, raccoon, opossum, coyote, and skunk. Any migratory game bird may be taken during those portions of seasons established for these species in Rules 68A-13.003 and 68A-13.008, F.A.C., that coincide with the small game season.

3. Camping – During the archery, muzzleloading gun, general gun, general gun for mobility-impaired, spring turkey, and general gun hog seasons, no person shall camp on the area except those possessing a current Dupuis quota hunt permit. Camping is permitted only in the campsite adjacent to Gate 3. During the remainder of the year, camping is permitted only at designated primitive sites on hiking trails, the General Use campground on Jim Lake Grade, and at the designated equestrian staging area at Gate 3. Small game hunters shall utilize the General Use campground on Jim Lake Grade or the primitive sites on the hiking trails.

4. General regulations:

a. Unauthorized removal or cutting of live or dead trees or plants is prohibited.

b. Fires are prohibited except at designated areas.

c. Hunting over bait or placing bait or other food for wildlife is prohibited.

d. Hunting or the possession of guns is prohibited in areas posted as closed.

e. The possession or consumption of intoxicating beverages is prohibited.

f. Dogs are prohibited except bird dogs and retrievers are permitted during the small game season.

g. Vehicles may be operated only on named roads and designated parking areas except during the general gun for mobility-impaired season when all-terrain vehicles can be used off roads.

h. The use of tracked vehicles, buggies, airboats, motorcycles, or all-terrain vehicles is prohibited except all-terrain vehicles may be used during the general gun for mobility-impaired season.

i. Horses are prohibited during the archery, muzzleloading gun, general gun, general gun for mobility-impaired, spring turkey, and general gun hog seasons. During the remainder of the year horses may be used only on designated equestrian trails and named or numbered roads. The use of horses on all other roads and trails is prohibited. Persons horseback riding on the area shall enter and exit only at Gate 3.

j. During the archery, muzzleloading gun, general gun, general gun for mobility-impaired, spring turkey, and general gun hog seasons, hunters shall check in and out at the check station at Gate 3 and check all game taken. No deer, hog, or turkey may be dismembered until checked at the check station. During the small game season, hunters shall enter and exit the area through Gate 1.

k. During the small game season and periods when the area is closed to hunting, vehicle access is through Gate 1 and hiking access is through Gate 2 by foot only. People through-hiking on the Florida Trail may enter or exit the area through the Florida Trail.

l. During the archery, muzzleloading gun, general gun, general gun for mobility-impaired, spring turkey, and general gun hog seasons, no person shall enter or exit the area except through Gate 3 and all such persons shall possess a quota hunt permit for the area.

m. Only tents, trailers, or self-propelled camping vehicles may be used for camping.

n. The designated campsite for hunters is at Gate 3 and may be used by hunters only during the archery, muzzleloading gun, general gun, general gun for mobility-impaired, spring turkey, and general gun hog seasons. Authorized camping equipment may be taken on the area after 8:00 a.m. one day before each three-day hunt of the archery, muzzleloading gun, general gun, general gun hog, general gun for mobility-impaired, and spring turkey seasons. Authorized camping equipment shall be removed from the area before 5:00 p.m. one day following each three-day hunt of the archery, muzzleloading gun, general gun, general gun hog, general gun for mobility-impaired, and spring turkey seasons.

o. Each person hunting during the general gun for mobility-impaired season shall possess quota hunt permit for the hunt.

p. Each hunter participating in the general gun for mobility-impaired season is required to attend a pre-hunt orientation meeting.

q. Mobility-impaired hunters may be accompanied by another person who shall not be required to meet hunting license, permit, or stamp requirements, provided he or she assists the mobility-impaired hunter in a non-hunting capacity.

r. The possession or use of firearms other than shotguns is prohibited during the small game season.

s. The discharge of firearms within 1/4 mile of the hiking trail campsites is prohibited.

(c) CREW – Collier and Lee counties.

1. Open season:

a. Archery hog hunt – September 6-14, Corkscrew Marsh Unit only.

b. Muzzleloading gun hog hunt – October 11-19, Corkscrew Marsh Unit only.

c. Trapping is prohibited.

2. Legal to take: Wild hogs (no bag or size limit).

3. Camping: Primitive camping is allowed at designated sites with written authorization from the South Florida Water Management District.

4. General regulations:

a. The use of trailers or recreational vehicles for camping is prohibited.

b. Fires other than campfires at approved campsites are prohibited.

c. Unauthorized removal, cutting, or possession of live or dead trees or plants is prohibited.

d. Dogs are prohibited, except that dogs not normally used for hunting and kept under restraint may be possessed. No person shall allow any dog to pursue or molest wildlife.

e. The use of tracked vehicles, motorcycles, all-terrain vehicles, or vessels, except canoes or kayaks, is prohibited.

f. Vehicles may be operated only on named or numbered roads designated for vehicles.

g. The use or possession of horses is restricted to designated equestrian trails.

h. Persons may enter and exit the area only at designated access points and hunters must check in and out at the designated check station.

i. Persons may not enter the Corkscrew Marsh Unit before sunrise and must exit the area before sunset.

(d) Florida Keys – Monroe County.

1. Hunting or possession of firearms or guns is prohibited.

2. Fishing is permitted throughout the year.

3. Camping is prohibited.

4. General regulations:

a. Fires are prohibited.

b. Constructing or erecting a permanent or semi-permanent structure is prohibited.

c. Dogs are prohibited, except that dogs not normally used for hunting and kept under restraint may be possessed. No person shall allow any dog to pursue or molest wildlife.

d. Unauthorized disturbance, detachment, possession, or removal of any plant or animal, dead or alive, is prohibited.

e. Unauthorized planting of trees, shrubs, or other vegetation is prohibited.

f. No person shall place, expose, or distribute any grain or other food for wildlife except as authorized by permit from the Executive Director.

g. No person shall release wildlife or any species on the area.

h. The disturbance or removal of any man-made, cultural, or natural materials or features, or non-renewable resources is prohibited.

i. Vehicles may be operated only on named or numbered roads.

j. No person shall park any vehicle in a manner which obstructs a road, gate, or firelane.

k. Public access is prohibited in areas posted as "Restricted" for protection of threatened or endangered species or environmentally sensitive areas.

l. The use of tracked vehicles, motorcycles, or all-terrain vehicles is prohibited.

m. Vessels may be launched at designated ramps only.

(e) John C. and Marianna Jones WEA – Palm Beach and Martin counties.

1. Open season:

a. Archery – September 6-12 and 13-21.

b. Muzzleloading gun – October 11-13.

c. General gun – October 25-28 and October 29 through November 2.

d. Small game – November 8-23.

e. Fishing and frogging – Permitted throughout the year.

2. Legal to take: Deer, wild hog, quail, gray squirrel, rabbit, armadillo, raccoon, opossum, coyote, skunk, and migratory game birds as established by Rules 68A-13.003 and 68A-13.008, F.A.C., when migratory game bird season coincides with the archery, muzzleloading gun, general gun, or small game season. The bag limit for deer shall be one each per quota permit. No size or bag limits on wild hogs. The taking of antlerless deer is prohibited during the archery season.

3. Camping: Camping is permitted at designated primitive sites. Only tents may be used for camping.

4. General regulations:

a. Unauthorized removal or cutting of live or dead trees or plants is prohibited.

b. Fires are prohibited except at designated camping sites.

c. Vehicles may be operated only on named or numbered roads and in designated parking areas. Vehicles are prohibited on the Old Jupiter Grade.

d. The use of tracked vehicles, buggies, airboats, motorcycles, and all-terrain vehicles is prohibited.

e. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.

f. No deer shall be dismembered until checked at a check station.

g. Dogs are prohibited except bird dogs and retrievers may be used for hunting during the small game season.

h. Centerfire and rimfire rifles are prohibited.

i. Horses may be used only on designated equestrian trails and named or numbered roads.

(5) Northeast Region.

(a) Brannan Field Mitigation Park – Duval and Clay counties.

1. Hunting or possession of firearms is prohibited.

2. Possession of dogs or trapping devices is prohibited.

3. Access shall be restricted to foot traffic only. No motorized vehicles or horseback riding shall be allowed.

(b) Split Oak Forest Mitigation Park – Orange and Osceola counties.

1. Hunting or possession of firearms is prohibited.

2. Fires are prohibited.

3. Disturbance or removal of any trees or plants is prohibited.

4. Possession of dogs or trapping devices is prohibited.

5. Access shall be restricted to foot traffic at designated access points or horseback riding which shall be allowed only by permit.

6. Access is prohibited from one-half hour after sunset to one-half hour before sunrise.

7. Camping is prohibited.

8. The release of any wildlife on the area is prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-83, Amended 11-30-83, 7-1-84, 8-21-85, Formerly 39-17.05, Amended 6-1-86, 8-13-87, 8-18-88, 8-17-89, 4-11-90, 7-1-91, 10-31-91, 4-14-92, 4-20-93, 7-1-94, 9-15-94, 3-30-95, 8-15-95, 7-1-96, 4-3-97, 10-28-97, 7-1-98, 8-11-98, 7-1-99, Formerly 39-17.005, Amended 7-1-00, 5-1-01, 6-2-02, 5-25-03.

CHAPTER 68A-18 WILDLIFE REFUGES

68A-18.004 Regulations in Wildlife Refuges.

68A-18.005 State Parks Established as Wildlife Refuges. (Repealed)

68A-18.004 Regulations in Wildlife Refuges.

No person shall take or possess any wildlife on any area established as a wildlife refuge; or take or possess any freshwater fish on any area closed to the taking of freshwater fish. In any wildlife refuge, no person shall be in possession of a gun, dog, trap or other device for taking wildlife. In any refuge where taking freshwater fish is prohibited, no person shall be in possession of any device for taking freshwater fish.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.121 FS. History—New 8-1-79, Amended 6-21-82, 7-1-84, Formerly 39-18.04, 39-18.004.

CHAPTER 68A-19 BIRD SANCTUARIES OR COLONIAL NESTING SITES

- 68A-19.002 Establishment of Restricted Hunting Areas, and Bird Sanctuaries, Procedure.
- 68A-19.004 Regulations in Bird Sanctuaries.
- 68A-19.005 Establishment and Protection of Critical Wildlife Areas.
- 68A-19.006 Taking Game in Restricted Hunting Areas.

68A-19.002 Establishment of Restricted Hunting Areas, and Bird Sanctuaries, Procedure.

(1) The Commission may establish bird sanctuaries for the protection of all birds and other wildlife and restricted hunting areas within any developed area upon the written request of the local governmental body having jurisdiction over such areas. In requesting establishment of such restricted hunting areas or bird sanctuaries, the governing body shall, by proper resolution or ordinance, officially agree to assume the responsibility for enforcement of regulations of the Commission which apply to such areas, including posting the area boundary with signs bearing the words "RESTRICTED HUNTING AREA, Hunting by Special Permit Only" or "BIRD SANCTUARY, No Hunting" established by Rule 68A-19.002, F.A.C." which shall be placed at intervals of no more than 500 feet, be easily visible from any point of ingress or egress and provide other necessary notice of such area to the public. Said governing body shall agree to instruct its duly authorized law enforcement personnel to enforce said regulations within the area.

(2) Following receipt of the request of the governing body the Commission shall, through its staff, investigate to ensure that the tract under consideration is sufficiently developed as to preclude recreational hunting in the interest of safety and that its closure will not result in a denial of reasonable and lawful hunting opportunity.

(3) Action by the Commission for the establishment of restricted hunting areas or bird sanctuaries as recommended by its staff shall be taken at its July and January meetings.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-21-82, Formerly 39-19.02, Amended 5-10-87, 11-23-97, Formerly 39-19.002.

68A-19.004 Regulations in Bird Sanctuaries.

No person shall take any wildlife in any bird sanctuary using a gun unless such taking is authorized by specific rule relating to such sanctuary.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 120.53 FS. History—New 8-1-79, Formerly 39-19.04, Amended 4-14-92, 9-7-97, 11-23-97, Formerly 39-19.004.

68A-19.005 Establishment and Protection of Critical Wildlife Areas.

(1) Critical wildlife areas may be established by the Commission with prior concurrence in such designation by the owner of the property wherein the area is situated. All areas shall be described in the order with sufficient specificity as to permit identification and shall be posted by the Commission so as to provide due notice as to the identity and status of the area. The order establishing the critical wildlife area shall contain the dates during which the tract shall be accorded maximum protection from human or vehicular disturbance.

(2) No person shall take or disturb any wildlife within any critical wildlife area during the period designated by the order establishing such area. No person shall enter or operate a vehicle within any critical wildlife area during any period in which public access is prohibited by the order establishing such area. No person shall knowingly allow a dog under their care to enter or remain upon a critical wildlife area during any period in which public access is prohibited by the order establishing such area.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 11-17-81, 6-21-82, Formerly 39-19.05, Amended 4-14-92, Formerly 39-19.005.

68A-19.006 Taking Game in Restricted Hunting Areas.

No person shall take any wildlife in any restricted hunting area using a gun unless such taking is authorized by a permit issued by the executive director or his or her designee. Such permits may be issued on an annual basis upon application by a landowner or lessee under the following conditions:

(1) The taking of wildlife by the use of a gun would not endanger the safety of the public.

(2) The taking of wildlife is subject to all applicable Commission regulations governing hunting such as bag limits, possession limits and hours of shooting.

(3) At all times while hunting, the permit to take wildlife shall be in the possession of the landowner, lessee or their guests and invitees.

(4) The executive director or his designee shall consult with the appropriate unit of local government prior to taking action on the request for permit.

Specific Authority Art. IV, Sec. 9, Fla Const. Law Implemented Art. IV, Sec. 9, Fla Const. History—New 11-4-97, Formerly 39-19.006.

CHAPTER 68A-20 FISH MANAGEMENT AREAS

- 68A-20.004 Regulations in Fish Management Areas.
68A-20.005 Specific Fish Management Area Regulations.

68A-20.004 Regulations in Fish Management Areas.

No person shall take fish in any fish management area except as provided by rules of the Commission.

(1) Any person fishing on a fish management area shall be licensed to take fish as provided by Section 372.57, F.S., unless exempt by law.

(2) All Fish Management Area lakes are open to fishing, except as provided in Rule 68A-20.005, F.A.C. The possession of fishing devices or fishing tackle is prohibited on any fish management area closed to fishing.

(3) Methods of taking freshwater fish shall be as established for the state in Rule 68A-23.002, F.A.C., except as provided under the rules established for a particular fish management area in Rule 68A-20.005, F.A.C. The possession of nets, fish traps, trotlines, set lines or bush hooks is prohibited unless specifically authorized in Rule 68A-20.005, F.A.C. Minnow seines or cast nets may be used for the taking of bait.

(4) Daily bag limits or length limits for certain freshwater fish shall be as provided below:

(a) Channel catfish – six fish, no length limit.

(b) Freshwater gamefish – as established in Rule 68A-23.005, F.A.C., except as specified in Rule 68A-20.005, F.A.C.

(5) Persons entering or leaving fish management areas having designated entry points shall enter or leave only at such designated points.

(6) Fishing is prohibited in those waters posted as closed to fishing.

(7) Fish management areas or portions thereof may be temporarily closed to public access in the event of ongoing fish management activities or other conditions in which public access or use would negatively impact the area and its fishery, or endanger public safety. Notice of the closure of any fish management area or portion thereof shall be posted at all public access points during the closure period, and to the extent circumstances permit, prior public notice of any such closure shall be afforded through publication in a newspaper of general circulation in the area affected. Entry into any fish management area or portion thereof closed in accordance with this provision is prohibited.

(8) No person shall intentionally release freshwater fish or wildlife of any species into any fish management area that were obtained outside the area unless authorized by permit from the executive director. Requests for permits to intentionally release freshwater fish or wildlife into fish management areas shall be subject to the criteria of Rule 68A-9.002, F.A.C., and Sections 372.26 and 372.265, F.S.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-4-81, 6-21-82, Formerly 39-20.04, Amended 5-10-87, 7-1-92, 7-1-94, 4-1-96, 7-1-97, 7-1-98, Formerly 39-20.004.

68A-20.005 Specific Fish Management Area Regulations.

(1) Northwest Region:

(a) Juniper Bay Lake, Walton County.

(b) Lake Victor, Holmes County:

1. The use of boats propelled by gasoline motors is prohibited.
2. Motor vehicles are prohibited on dams, spillways and fishing fingers.

(c) Merritts Mill Pond, Jackson County:

1. The possession of rifles or gigs is prohibited.
2. Trotlines may be used.
3. No person shall take in any one day more than 10 redear sunfish (shellcracker).
4. No person shall kill or possess any redear sunfish that is less than 10 inches in total length.
5. No daily creel limit for channel catfish.

(d) Hurricane Lake, Okaloosa County:

1. No person shall kill or possess any black bass than 18 inches in total length.
2. The use of boats propelled by gasoline motors is prohibited.
3. Motor vehicles are prohibited on dams, spillways and fishing fingers.

(e) Karick Lake, Okaloosa County:

1. No person shall kill or possess any black bass.
2. The use of boats propelled by gasoline motors is prohibited.
3. Motor vehicles are prohibited on dams, spillways and fishing fingers.

(f) Lake Stone, Escambia County:

1. The use of boats propelled by gasoline motors is prohibited.
2. Motor vehicles are prohibited on dams, spillways and fishing fingers.

(g) Bear Lake, Santa Rosa County:

1. The use of boats propelled by gasoline motors is prohibited.
2. Motor vehicles are prohibited on dams, spillways and fishing fingers.

(h) Joe Budd Pond, Gadsden County.

1. Closed to fishing, except as follows:

a. From 12:01 a.m. the first Saturday of July to 12:01 a.m. Tuesday following Labor Day, open to fishing on weekends and Labor Day.

b. Open to fishing by permit for Commission-sanctioned events throughout the year.

2. No person shall take in any one day more than 10 sunshine bass.
3. No person shall kill or possess any black bass less than 16 inches in total length.
4. No person shall take in any one day more than 20 panfish, in the aggregate.
5. The use of boats propelled by gasoline motors is prohibited.
6. Motor vehicles are prohibited on dam, spillway and earthen fishing fingers.

(i) Lake Piney Z, Leon County:

1. Swimming, possession of firearms or possession of alcoholic beverages is prohibited.
2. Water craft shall be allowed only as prescribed by the City of Tallahassee.
3. Motor vehicles are prohibited on dams, spillways and earthen fishing fingers.
4. Use or possession of minnow seines or castnets is prohibited.
5. No person shall kill or possess any black bass.
6. No person shall take in any one day more than 20 panfish, in the aggregate.
7. Access prohibited from sunset until sunrise.

(2) North Central Region:

(a) Camp Blanding area, Clay County: closed to fishing from one-half hour after sunset until one-half hour before sunrise and during National Guard training encampments.

Magnolia and Lowery lakes.

1. Guns are prohibited except during the designated hunting season for Camp Blanding Wildlife Management Area.
2. Camping is prohibited.
3. Picnicking and boat launching are permitted only at designated areas.
4. All watercraft shall be operated at idle speed.
5. During periods closed to hunting, vehicles may be operated only on roads to designated access areas.
6. During periods closed to hunting, the use of three-wheeled vehicles and motorcycles is prohibited.

(b) Lakes Lochloosa, Orange and Newnans, Alachua County:

1. Trotlines having a gallon-size plastic float at each end may be used provided that such lines shall be sunk to the bottom or to a minimum depth of four feet.

2. No daily bag limit for channel catfish.

3. Orange Lake, including waters lakeward (south and east) of County Road 346 and in waters west of U.S. Highway 301:

No person shall kill or possess any black bass that is 15 inches or more in total length and less than 24 inches in total length and no person shall take in any one day more than three black bass.

4. Lochloosa Lake, including Tadpole Creek, Lochloosa Creek, and Cross Creek:

No person shall kill or possess any black bass that is 15 inches or more in total length and less than 24 inches in total length and no person shall take in any one day more than 3 black bass.

(c) Suwannee Lake, Suwannee County:

1. Camping is prohibited.

2. Motor vehicles are prohibited on dam and fishing fingers.

3. Discharge of firearms is prohibited.

4. Possession of alcoholic beverages is prohibited.

5. Access to the area from 30 minutes after sunset until 30 minutes before sunrise for any use other than fishing and the launching and loading of boats is prohibited.

6. No daily bag limit for channel catfish.

7. No person shall kill or possess any black bass less than 18 inches in total length.

8. No person shall kill or possess any black crappie less than 10 inches in total length.

(d) Koon Lake, Lafayette County:

1. Discharge of firearms is prohibited.

2. No daily bag limit for channel catfish.

(e) Watertown Lake, Columbia County:

1. The discharge of firearms is prohibited.

2. Watercraft shall be operated at idle speed before 10:00 a.m. and after 4:00 p.m. daily.

3. No person shall kill or possess any black bass less than 16 inches in total length.

4. No person shall take in any one day more than 10 black crappie. No person shall kill or possess any black crappie less than 10 inches in total length.

5. No person shall take in any one day more than 20 panfish, in the aggregate.
- (f) Montgomery Lake, Columbia County:
1. No person shall kill or possess any black bass less than 16 inches in total length.
 2. Boats are restricted to idle speed-no wake.
 3. No person shall take in any one day more than 10 black crappie. No person shall kill or possess any black crappie less than 10 inches in total length.
4. No person shall take in any one day more than 20 panfish, in the aggregate.
- (g) Ronnie Van Zant Park Pond, Clay County:
1. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.
 2. Boats or any floating vessel or apparatus prohibited.
 3. Swimming and camping prohibited.
 4. No person 16 years old or older shall fish unless accompanied by an angler less than 16 years of age.
 5. Fishing permitted only with hook and line or rod and reel.
 6. No nets allowed except dip nets.
 7. No person shall kill or possess any black bass less than 16 inches in total length.
 8. No person shall take in any one day more than 20 panfish, in the aggregate.
- (h) Lang Lake, Hamilton County:
1. The use of boats propelled by gasoline motors is prohibited.
 2. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.
 3. No person shall kill or possess any black bass less than 18 inches in total length.
 4. No person shall take in any one day more than 20 panfish, in the aggregate.
 5. No person shall kill or possess any black crappie less than 10 inches in length.
- (i) Eagle Lake, Hamilton County:
1. The use of boats propelled by gasoline motors is prohibited.
 2. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.
 3. Swimming and possession of firearms is prohibited.
- (j) Alligator Lake, Columbia County: fishing is prohibited in Ponderosa Pond except by permit issued pursuant to subsection 68A-9.002(1), F.A.C.
- (k) Lake Rachael, Madison County:
1. The use of boats propelled by gasoline motors is prohibited.
 2. No person shall kill or possess any black bass.
 3. Discharge of Firearms is prohibited.
- (3) Northeast Region:
- (a) Lake Panasoffkee, Sumter County: No daily bag limit for channel catfish. Trotlines may be used.
- (b) Chain of Lakes, Lake County:
Cook, Winona, Palatamaha, Crescent, Louisa, Minnehaha, Hiawatha, Minneola, Wilson, Susan and Cherry lakes.
1. No daily bag limit for channel catfish.
 2. Trotlines may be used from sunset until 9:00 a.m.
- (c) Lake Griffin, Lake County:
1. No daily bag limit for channel catfish.
 2. Trotlines may be used, provided that trotlines are prohibited from 9:00 a.m. Friday until one hour before sunset Sunday. Trotlines shall also be prohibited from 9:00 a.m. until one hour before sunset Monday through Thursday from May 1 through October 31. No trotline shall be secured to or fished within 50 yards of a private pier or dock.
- (d) Pellicer Pond, Flagler County
- (e) Lake Dias, Volusia County: No daily bag limit for channel catfish.
- (f) Fox Lake, Brevard County:
1. No daily bag limit for channel catfish.
 2. The use of airboats for fishing or frogging is prohibited.
- (g) South Lake, Brevard County:
1. The use of airboats for fishing and frogging is prohibited.
 2. Trotlines may be used.
 3. No daily bag limit for channel catfish.
- (h) Lake Lorna Doone, Orange County:
1. Swimming, possession of firearms or possession of alcoholic beverages is prohibited.
 2. Boats are prohibited.
 3. No person shall take in any one day more than 20 panfish, in the aggregate.
- (i) Lake Richmond, Orange County:
1. Swimming, possession of firearms or possession of alcoholic beverages is prohibited.
 2. Boats are prohibited.

3. No person shall take in any one day more than 20 panfish, in the aggregate.

(j) Lake Ivanhoe, Orange County:

1. Swimming, possession of firearms or possession of alcoholic beverages is prohibited.
2. No person shall take in any one day more than 20 panfish, in the aggregate.

(k) Lake Santiago in Demetree Park, Orange County:

1. Swimming, possession of firearms or possession of alcoholic beverages is prohibited.
2. Boats are prohibited.
3. No person shall take in any one day more than 20 panfish, in the aggregate.

(l) Hal Scott Lake, Orange County:

1. Swimming, possession of firearms or possession of alcoholic beverages is prohibited.
2. Boats with gasoline motors are prohibited.
3. Cast nets are prohibited.
4. No person shall kill or possess any black bass.
5. No person shall take in any one day more than 20 panfish, in the aggregate.

(m) Secret Lake Park, Seminole County:

1. Swimming, possession of firearms or possession of alcoholic beverages is prohibited.
2. Personal water craft are prohibited.
3. Cast nets are prohibited.
4. No person shall take in any one day more than 20 panfish, in the aggregate.
5. No person shall kill or possess any black bass.

(n) Lake Dot, Seminole County:

1. Swimming, possession of firearms or possession of alcoholic beverages is prohibited.
2. Boats propelled by gasoline motors are prohibited.
3. Cast nets are prohibited.
4. No person shall take in any one day more than 20 panfish, in the aggregate.
5. No person shall kill or possess any black bass.

(o) All waters in Bear Creek Park, Orange County:

1. Swimming, possession of firearms or possession of alcoholic beverages is prohibited.
2. Use or possession of cast nets is prohibited.
3. No person shall take in any one day more than 20 panfish, in the aggregate.

(p) All waters in Shadow Bay Park, Orange County:

1. Swimming, possession of firearms or possession of alcoholic beverages is prohibited.
2. Use or possession of cast nets is prohibited.
3. No person shall take in any one day more than five bluegill. No person shall kill or possess any bluegill less than 12 inches in total length.
4. No person shall kill or possess any black bass.
5. No person shall take in any one day more than one channel catfish. No person shall kill or possess any channel catfish less than 30 inches in total length.

(q) Clear Lake, Orange County:

1. Swimming, possession of firearms or possession of alcoholic beverages is prohibited.
2. Cast nets are prohibited.

(r) Kirkman Pond, Orange County:

1. Swimming, possession of firearms or possession of alcoholic beverages is prohibited.
2. Use or possession of cast nets is prohibited.
3. No person shall take in any one day more than five bluegill. No person shall kill or possess any bluegill less than 12 inches in total length.
4. No person shall kill or possess any black bass.

(s) Lake Lawne, Orange County:

1. Swimming, possession of firearms or possession of alcoholic beverages is prohibited.
2. Cast nets are prohibited.

(t) Starke Lake, Orange County:

1. No daily bag limit for channel catfish.
2. Use or possession of cast nets or minnow seines is prohibited.

(u) Turkey Lake, Orange County:

1. Swimming, possession of firearms or possession of alcoholic beverages is prohibited.
2. Cast nets are prohibited.
3. No person shall take in any one day more than 20 panfish, in the aggregate.
4. No person shall kill or possess any black bass.

5. Use of boats propelled by gasoline motors is prohibited, except for special events sanctioned by the city of Orlando or the Commission.

(v) Lake Underhill, Orange County:

1. Swimming, possession of firearms or possession of alcoholic beverages is prohibited.
2. Cast nets are prohibited.
3. No person shall take in any one day more than 20 panfish.
4. No person shall kill or possess any black bass.

(w) East Lake Tohopekaliga, Osceola County:

1. Nongame fish may be taken by castnets, dip nets, seines, trotlines, set lines, bush hooks, and traps as specified in Rules 68A-23.002, 68A-23.003 and 68A-23.004, F.A.C.
2. No daily bag limit for channel catfish.

(x) Lake Jackson, Osceola County:

1. No person shall kill or possess any black bass.
2. No person shall kill or possess any black crappie that is less than 12 inches in total length.
3. Use or possession of cast nets, minnow lift nets, or minnow seines is prohibited.
4. No daily bag limit for channel catfish.

(y) Lake Marian, Osceola County:

1. Nongame fish may be taken by castnets, dip nets, seines, trotlines, set lines, bush hooks, and traps as specified in Rules 68A-23.002, 68A-23.003 and 68A-23.004, F.A.C.
2. No daily bag limit on channel catfish.

(z) Lakes Tohopekaliga (West Lake Tohopekaliga), Cypress, Hatchineha and Kissimmee, Osceola County:

1. Nongame fish may be taken by castnets, dip nets, seines, trotlines, set lines, bush hooks, and traps as specified in Rules 68A-23.002, 68A-23.003 and 68A-23.004, F.A.C.
2. No daily bag limit on channel catfish.

(aa) St. Augustine Road Ponds, St. Augustine Road, North Pond and South Pond – Duval County:

1. The use of boats propelled by a gasoline motor is prohibited.
2. No person shall kill or possess any black bass less than 16 inches in total length.
3. No person shall take in any one day more than 20 panfish, in the aggregate.
4. Swimming, possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.
5. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.

(bb) Oceanway Pond, Duval County:

1. Swimming, possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.
2. The use of boats propelled by a gasoline motor is prohibited.
3. No person shall take in any one day more than 20 panfish, in the aggregate.
4. No person shall kill or possess any black bass less than 16 inches in total length.
5. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.

(cc) Hanna Park Ponds, Duval County:

1. Possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.
2. The use of boats propelled by a gasoline motor is prohibited.
3. No person shall kill or possess any black bass less than 16 inches in total length.
4. No person shall take in any one day more than 20 panfish, in the aggregate.
5. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.

(dd) Pope Duval East Pond – Duval County:

1. Swimming, possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.
2. The use of boats propelled by a gasoline motor is prohibited.
3. No person shall kill or possess any black bass less than 16 inches in total length.
4. No person shall take in any one day more than 20 panfish, in the aggregate.
5. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.

(ee) Pope Duval West Pond, Duval County:

1. Swimming, possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.
2. The use of boats propelled by a gasoline motor is prohibited.
3. No person shall take in any one day more than 20 panfish, in the aggregate.
4. No person shall kill or possess any black bass less than 16 inches in total length.
5. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.

(ff) Bethesda Pond, Duval County:

1. The use of boats propelled by a gasoline motor is prohibited.
2. No person shall kill or possess any black bass less than 16 inches in total length.
3. No person shall take in any one day more than 20 panfish, in the aggregate.
4. Swimming, possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.

5. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.

(gg) Huguenot Pond, Duval County:

1. The use of boats propelled by a gasoline motor is prohibited.
2. No person shall kill or possess any black bass less than 16 inches in total length.
3. No person shall take in any one day more than 20 panfish, in the aggregate.
4. Swimming, possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.
5. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.

(hh) Crystal Springs Park – Duval County:

1. No person between the ages of 16 years and 64 years shall fish unless accompanied by an angler less than 16 years of age; by an angler 65 years of age or older; by angler who has been certified by the U.S. Veterans Administration, U.S. Social Security Administration, by any branch of the U.S. Armed Services, or by a licensed physician in this State to be totally and permanently disabled and has obtained a permanent license issued pursuant to Section 372.561(5), F.S.; or by an angler with proof of acceptance as a client for developmental services by the Department of Children and Family Services.

2. No person shall kill or possess any black bass less than 16 inches in total length.
3. No person shall take in any one day more than 20 panfish, in the aggregate.
4. Swimming, possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.
5. The use of boats is prohibited.
6. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.

(ii) Blue Cypress, Indian River County:

1. No daily bag limit for channel catfish.
2. Trotlines may be used.

(4) Southwest Region:

(a) Lake Tarpon, Pinellas County:

1. No daily bag limit for channel catfish.
2. Trotlines may be used from sunset each day until 9:00 a.m. the following morning, Sunday through Thursday.

(b) Lake Seminole, Pinellas County:

1. No daily bag limit for channel catfish.
2. Trotlines may be used from sunset until 9:00 a.m.

(c) Lake Thonotosassa, Hillsborough County:

1. No daily bag limit for channel catfish.
2. Trotlines may be used from sunset each day until 9:00 a.m. the following morning, Sunday through Thursday.

(d) Lake Parker, Polk County:

1. No daily bag limit for channel catfish.
2. Wire traps may be used for non-game fish.

(e) Saddle Creek, Polk County:

1. Use or possession of cast nets is prohibited.
2. No person shall kill or possess any black bass that is 15 inches or more in total length and less than 24 inches in total length.
3. No person shall take in any one day more than 3 black bass.

(f) Lake Crago, Polk County:

1. Wire traps may be used for taking non-game fish.
2. Trotlines may be used from sunset until 9:00 a.m.
3. No daily bag limit for channel catfish.

(g) Manatee Lake, Manatee County:

1. Trotlines may be used from sunset each day until 9:00 a.m. the following morning, Sunday through Thursday.
2. The use of outboard motors over 20 h.p. is prohibited.
3. No daily bag limit for channel catfish.

(h) Webb Lake, Charlotte County:

1. The use of boats propelled by gasoline motors is prohibited.
2. No person shall kill or possess any bluegill or redear sunfish less than eight inches in total length. No persons shall take in any one day more than 20 panfish, in the aggregate.
3. No person shall kill or possess any black bass.
4. Vehicles shall be used only on designated roads.
5. Fishing shall be allowed only during designated hours as posted.

(i) Marl Pits 1, 2 and 3, Charlotte County:

1. No person shall kill or possess any black bass.
2. Marl pits 1 and 3: No person shall kill or possess any bluegill or redear sunfish less than eight inches in total length. No person shall take in any one day more than 20 panfish, in the aggregate.
3. Marl Pit 2: No person shall kill or possess any bluegill or redear sunfish less than 10 inches. No person shall take in any one day more than 10 bluegill or redear sunfish.

(j) Tenoroc Fish Management Area:

1. General regulations:

a. All visitors shall check in and out at the Tenoroc Fish Management Area headquarters, the designated entry point.

b. Fishing, hunting, or trapping is allowed only by permit issued by the Commission. All anglers and hunters, except alligator hunt participants when taking alligators, shall check in and out at the headquarters and deposit their valid fishing or hunting license with the custodian unless otherwise instructed.

c. Days and hours of operation and quotas shall be as designated by the Commission and posted at the area headquarters. Quotas for each lake shall be specified predicated upon an objective of achieving a catch rate (measured as number of bass caught per hour of fishing) of 0.30 largemouth bass per hour for each lake. If angler success for largemouth bass in any lake remains below 0.30 largemouth bass per hour for three consecutive months, quotas may be adjusted until success reaches or exceeds 0.30 largemouth bass per hour. Fishing is permitted in designated lakes only. All other lakes and restricted areas so posted are closed to public fishing. Any lake may be temporarily closed to public access for management purposes or in the event that access to the lake exposes the public to danger by posting notice in the headquarters. Quotas for open lakes may be temporarily increased by up to 50 percent of the specified quota in the event other lakes are closed due to fish management efforts, special recreational events, construction projects, road repairs or unsafe access conditions. Normal lake quotas will be reinstated upon completion of management efforts, special events, construction projects, road repairs, or improvement of unsafe access conditions.

d. No person shall take in any one day more than six sunshine bass.

e. No person shall take in any one day more than 10 black crappie. No person shall kill or possess any crappie that is less than 10 inches in total length.

f. Fish may not be filleted, nor their head or tail fin removed, until the angler has checked out at the headquarters.

g. No person shall kill or possess any black bass unless otherwise specified for a Tenoroc lake by this rule section.

h. During closed seasons, guns are prohibited except on the shooting range and that portion of the Tenoroc Mine Road between the front entrance and the shooting range. Guns transported to and from the shooting range shall be unloaded and cased.

i. No person shall have any gun under his or her control while under the influence of alcohol or drugs.

j. Dogs are prohibited unless leashed or as provided by Rule 68A-13.007, F.A.C.

k. Public access is prohibited in areas posted as "Restricted" for protection of threatened or endangered species, or environmentally sensitive areas.

l. Motor vehicles may be operated only on named roads, designated parking areas, and boat ramps as designated in the area use brochure.

m. No person shall park any vehicles in a manner that obstructs a road, boat ramp, gate or firelane.

n. Swimming and float tubes are prohibited.

o. Use of cast nets and minnow seines are prohibited.

p. No person shall operate any boat propelled by an internal combustion engine unless otherwise specified for a Tenoroc lake by this rule section.

2. Specific regulations:

a. Lakes B and 5.

(I) No person shall operate any boat at more than idle speed-no wake. Idle speed-no wake is the minimum speed necessary to maintain steerage.

(II) No person shall kill or possess any black bass that is 15 inches or more in total length.

(III) No person shall kill or possess more than two black bass.

b. Picnic Lake.

(I) No person shall kill or possess more than two black bass.

(II) No person shall kill or possess any black bass that is 15 inches or more in total length.

c. Lakes East Pasture, West Pasture and Derby.

(I) No boats permitted.

(II) Closed to fishing unless authorized by permit issued by the Commission for Commission-sanctioned events or as specified in sub-sub-subparagraph 68A-20.005(4)(j)2.c.(III), (IV), and (V), F.A.C., below.

(III) No person shall fish unless that person has been certified by the U.S. Veterans Administration, U.S. Social Security Administration, by any branch of the U.S. Armed Services, or by a licensed physician in this State to be totally and permanently disabled and has obtained a permanent license issued pursuant to Section 372.561(5), F.S.; or unless that person presents proof of acceptance as a client for retardation services by the Department of Children and Family Services.

(IV) In addition to the above, one properly licensed person may also be allowed to fish if accompanying or assisting a permitted individual described above.

(V) No person 16 years of age or older shall fish on Derby Lake unless accompanied by a child under 16 years of age.

(VI) No person shall take in any one day more than 20 panfish, in the aggregate, on Derby Lake.

(VII) No person shall kill or possess any bluegill or redear sunfish less than eight inches in total length on Derby Lake.

d. Cemetery Lake.

(I) No boats permitted.

(II) No person shall take in any one day more than 20 panfish, in the aggregate.

(III) No person shall kill or possess any bluegill or redear sunfish less than eight inches in total length.

e. Hydrilla Lake shall be established as a Special-Opportunity Fishing Lake. Fishing is authorized only by special-use permit issued pursuant to Rule 68A-9.007, F.A.C.

(I) No person shall obtain a permit to fish more than once in any of the four-month periods, January through April, May through August, September through December.

(II) No person shall take in any one day more than 20 panfish, in the aggregate.

(III) No person shall kill or possess any bluegill or redear sunfish less than eight inches in total length.

3. Notwithstanding any provisions of this subparagraph, special-opportunity alligator hunt participants may possess and use guns and baits as specified in Rule 68A-25.042, F.A.C., when taking alligators.

(k) Freedom Lake Park, Pinellas County:

1. The use or possession of castnets or minnow seines is prohibited.
2. No person shall kill or possess any black bass.
3. No person shall take in any one day more than 20 panfish, in the aggregate.
4. Swimming, possession of firearms or possession of alcoholic beverages is prohibited.

(l) Dover District Park Lake, Hillsborough County:

1. The use or possession of castnets or minnow seines is prohibited.
2. No person shall kill or possess any black bass.
3. No person shall take in any one day more than 20 panfish, in the aggregate.
4. Swimming, possession of firearms or possession of alcoholic beverages is prohibited.

(m) Steven J. Wortham Park Lake, Hillsborough County:

1. The use or possession of castnets or minnow seines is prohibited.
2. No person shall kill or possess any black bass.
3. No person shall take in any one day more than 20 panfish, in the aggregate.
4. Swimming, possession of firearms or possession of alcoholic beverages is prohibited.

(n) Al Lopez Park Lake, Hillsborough County:

1. The use or possession of castnets or minnow seines is prohibited.
2. No person shall kill or possess any black bass.
3. No person shall take in any one day more than 20 panfish, in the aggregate.
4. Swimming or possession of firearms is prohibited.

(o) Walsingham Park Lake, Pinellas County:

1. The use of possession of cast nets or minnow seines is prohibited.
2. Swimming, possession of firearms or possession of alcoholic beverages is prohibited.
3. No person shall operate any boat propelled by an internal combustion engine.
4. No person shall kill or possess any black bass.
5. No person shall kill or possess more than 20 bluegill and redear sunfish in aggregate.
6. No person shall kill or possess more than 10 black crappie. No person shall kill or possess any black crappie less than 10 inches in total length.
7. No person shall kill or possess more than four sunshine bass or palmetto bass. No person shall kill or possess any sunshine bass or palmetto bass less than 10 inches in total length.
8. No person shall take in any one day more than 20 panfish, in the aggregate.

(p) Middle Lake, Pasco County:

1. All watercraft shall be operated at idle speed.
2. Swimming, possession of firearms, camping, or open fires at the boat launch site are prohibited.
3. No person shall take in any one day more than 20 panfish, in the aggregate. No person shall kill or possess any bluegill or redear sunfish less than 8 inches in total length.
4. No person shall take in any one day more than 10 black crappie. No person shall kill or possess any black crappie less than 10 inches in total length.

(q) Lake Istokpoga, Highlands County:

1. Lake Istokpoga Fish Management Area including Arbuckle Creek south of HWY 98, Istokpoga Creek and Istokpoga Canal west of County Road 621, C41-A Canal west of S-68 water control structure and Josephine Creek east of Seaboard Coast Line Railroad: no person shall kill or possess any black bass that is 15 inches or more in total length and less than 24 inches in total length. No person shall take in any one day more than 3 black bass of which only one may be 24 inches or longer.
2. No daily bag limit for channel catfish.

3. Nongame fish may be taken by castnets, dip nets, seines, trotlines, set lines, bush hooks and wire traps as specified in Rules 68A-23.002, 68A-23.003 and 68A-23.004, F.A.C.

(r) Bobby Hicks Park Pond, Hillsborough County:

1. Use or possession of castnets or minnow seines is prohibited.
2. No person shall kill or possess any black bass.
3. No person shall take in any one day more than 20 panfish, in the aggregate.

4. No person shall take in any one day more than 10 black crappie. No person shall kill or possess any black crappie less than 10 inches in total length.

5. Swimming or possession of firearms is prohibited.

6. No person shall operate any boat propelled by an internal combustion engine.

(s) Gadsden Park Pond, Hillsborough County:

1. Use or possession of castnets or minnow seines is prohibited.

2. No person shall kill or possess any black bass.

3. No person shall take in any one day more than 20 panfish, in the aggregate.

4. No person shall take in any one day more than 10 black crappie. No person shall kill or possess any black crappie less than 10 inches in total length.

5. Swimming or possession of firearms is prohibited.

6. No person shall operate any boat propelled by an internal combustion engine.

(t) Cargill Fort Meade Mine, Polk and Hardee counties:

1. General regulations:

a. All anglers shall check in and out at the Cargill Fort Meade Mine creel station, the designated entry point, unless otherwise instructed.

b. Fishing is allowed only by daily permit issued by the Commission.

c. Days and hours of operation and quotas shall be as designated by the Commission and posted at the Cargill Fort Meade Mine creel station. Fishing is permitted in designated lakes only. All other lakes and restricted areas so posted are closed to public fishing. Any lake may be temporarily closed to public access for management purposes, or in the event that access to the lake exposes the public to danger, by posting notice at the creel station.

d. No person shall kill or possess any black bass unless otherwise specified.

e. Daily bag limit for sunshine bass shall be six.

f. Daily bag limit for black crappie shall be 10. No person shall kill or possess any crappie that is less than 10 inches in total length.

g. Fish may not be filleted, nor their head or tail fin removed, until the angler has checked out at the creel station. Disposal of fish remains is prohibited.

h. Guns are prohibited.

i. Motor vehicles may be operated only on designated roads, parking areas and boat ramps.

j. No person shall park any vehicle in a manner that obstructs a road, boat ramp, gate, or fire lane.

k. Swimming and float tubes are prohibited.

l. Rough fish may be removed from designated lakes by cast nets and minnow seines at the discretion of the landowner.

m. No person shall operate any boat propelled by an internal combustion engine of more than 10 horsepower.

2. Specific regulations:

a. Haul Road Pit.

(I) No person shall kill or possess any black bass that is 15 inches or more in total length.

(II) No person shall kill or possess more than two black bass.

b. Long Pond (LP2 West) – No boats permitted.

(u) Hardee County Park, Hardee County – All water bodies closed to fishing.

(5) South Region:

(a) Palm Lake, St. Lucie County:

Boats propelled by gasoline motors are prohibited.

(b) Lake Okechee, Palm Beach County:

1. No person shall kill or possess any black bass.

2. No person shall operate any boat propelled by an internal combustion engine.

3. No person shall take in any one day more than 20 panfish, in the aggregate. No person shall kill or possess any bluegill or redear sunfish less than eight inches in total length.

(c) The north most Tropical Park Lake, Dade County:

1. No person shall kill or possess any black bass.

2. No person shall take in any one day more than 20 panfish, in the aggregate. No person shall kill or possess any bluegill or redear sunfish less than eight inches in total length.

(d) Plantation Heritage Park Lake, Broward County:

1. No person shall kill or possess any black bass.

2. No person shall take in any one day more than 20 panfish, in the aggregate. No person shall kill or possess any bluegill or redear sunfish less than eight inches in total length.

(e) Caloosa Park Lake, Palm Beach County:

1. No person shall kill or possess any black bass.

2. No person shall take in any one day more than 20 panfish, in the aggregate. No person shall kill or possess any bluegill or redear sunfish less than eight inches in total length.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 2-19-80, 5-19-80, 6-4-81, 9-28-81, 6-21-82, 7-1-83, 11-17-83, 7-1-84, 7-1-85, Formerly 39-20.05, Amended 2-27-86, 6-1-86, 5-10-87, 4-13-88, 7-1-89, 7-1-90, 4-11-91, 7-1-91, 7-2-92, 8-23-92, 4-20-93, 7-1-94, 8-15-95, 10-23-95, 4-1-96, 2-16-97, 6-1-97, 6-29-97, 1-1-98, 7-1-98, 11-2-98, Formerly 39-20.005, Amended 4-30-00, 7-1-00, 10-10-00, 4-1-01, 7-1-01, 10-9-01, 7-1-02, 1-1-03, 7-1-03.

CHAPTER 68A-21 WILD HOG AREAS

68A-21.002 Establishment.

68A-21.004 General Regulations Relating to Wild Hog Areas.

68A-21.002 Establishment.

The Commission shall establish wild hog areas as set forth in 68A-14.0011.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-21-82, Formerly 39-21.02, 39-21.002.

68A-21.004 General Regulations Relating to Wild Hog Areas.

(1) Wild hog may be taken only during the season and in the manner established by the Commission.

(2) Wild hog may not be transported alive from the area where they are found.

(3) No person shall take or possess any wild hog having a shoulder height of less than 15 inches unless otherwise provided by specific regulation.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-4-81, 6-21-82, Formerly 39-21.04, 39-21.004.

CHAPTER 68A-22 MISCELLANEOUS AREAS

68A-22.001 Establishment.

68A-22.001 Establishment.

The Commission shall establish miscellaneous areas as set forth in 68A-14.001 and 68A-14.0011.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-21-82, Formerly 39-22.01, 39-22.001.

CHAPTER 68A-23 RULES RELATING TO FRESHWATER FISH

68A-23.002	General Methods of Taking Freshwater Fish.
68A-23.003	Commercial Fishing Devices; Provision for Use in Certain Waters.
68A-23.004	Lawful Methods for Using Trotlines and Bush Hooks or Set Lines.
68A-23.005	Bag Limits, Length Limits, Open Season: Freshwater Fish.
68A-23.006	Prohibiting Possession of Freshwater Game Fish Under Certain Conditions.
68A-23.007	Use of Fish for Bait.
68A-23.008	Introduction of Non-Native Aquatic Species in the Waters of the State; Provisions for Sale and Inspection of Fish for Bait or Propagation Purpose; Diseased Fish.
68A-23.009	Sale and Transportation of Freshwater Fish.
68A-23.0091	Regulations Governing Establishment and Operation of Game Fish Aquaculture Facilities.
68A-23.0092	Regulations Governing Game Fish Aquaculture Processing Facilities.
68A-23.010	Disposition of Illegal Fishing Devices.
68A-23.012	Special Regulations on Lake Okeechobee.
68A-23.0131	Special Regulations for Lake Seminole and the St. Marys River.
68A-23.015	Regulations Governing the Taking and Possession of Freshwater Mussels.
68A-23.088	Regulations Governing Grass Carp.

68A-23.002 General Methods of Taking Freshwater Fish.

(1) No person may take any freshwater fish except as herein provided.

(2) Freshwater game fish may be taken only by hook and line or rod and reel unless otherwise provided.

(3) Nongame fish may be taken by hook and line, rod and reel or by trotlines, set lines or bush hooks (as specified in Rule 68A-23.004, F.A.C.), or by traps, nets or other devices as specified in Rule 68A-23.003, F.A.C. Nongame fish may be taken for personal use by any person possessing a valid freshwater fishing license by the use of not more than one slat basket or one wire trap, made as specified in Rule 68A-23.003, F.A.C., in those waters where the use of wire traps or slat baskets is permitted for commercial purposes as specified in subsection 68A-23.003(2), F.A.C. Nongame fish may be taken at night by bow and arrow and gigs and during daylight hours by manually operated spears, gigs, snatch hooks, crossbow or bow and arrow from a boat or from shore except at the spillways of the Eureka and Rodman Dams on the Oklawaha River or on the spillway of the Jim Woodruff Dam on the Apalachicola River or in Dade County canals south of the C-4 and east of the L-31N and L-31W canals inclusively. Nongame fish may be taken by the use of cast nets in the Southwest Region, except that possession or use of cast nets in waters adjoining Saddle Creek Fish Management Area, Polk County, confined by Morgan Combee Road, U.S. Highway 92 and Fish Hatchery Road are prohibited. Nongame fish may be taken with cast nets in the Northeast Region, except in Duval, Indian River, and Nassau counties or those St. Johns River Water Management Areas of Lake County formerly known as Long Farm, S.N. Knight Lisbon Farm (both parcels north and south of the Yale-Griffin canal), S.N. Knight Leesburg Farm, Lowrie Brown Farm, Eustis Muck Farm, and Walker Ranch. Nongame fish may be taken by use of cast nets in Citrus, Glades, and Hernando counties.

(4) Nongame fish may be taken at night, from September 1 to May 1 by the following methods in the designated waters of the following counties:

(a) By portable impoundments in the non-navigable streams:

1. Bay County.
2. Calhoun County.

(b) By nets not more than 100 feet in length having a minimum three-inch stretched mesh, in the lakes of:

1. Bay County – Except Deer Point Lake.
2. Calhoun County – Except the Dead Lakes.
3. Holmes County – Except Lake Victor.
4. Jackson County – Except Lake Seminole, and Merritts Mill Pond.
5. Washington County.

(5) Freshwater fish may not be taken by underwater swimming or diving or by use of any free-floating unattached devices, firearms, explosives, electricity, spear guns; by poison, or by any other deleterious substance or force unless specifically authorized by this chapter.

(6) Minnows of non-game fish excluding catfish may be taken:

(a) By the use of a dip net not over four feet in diameter.

(b) By the use of a trap not exceeding 24 inches in length, and 12 inches in diameter having a funnel entrance not more than one inch in spread.

(c) By the use of a cast net having a mesh size not greater than one inch stretched.

(d) By the use of a minnow seine having a mesh size not greater than one inch stretched and not to exceed 20 feet in length and four feet in depth.

(7) The use or possession of dynamite, traps, nets, seines, baskets, spear guns, any device capable of producing an electrical current sufficient to stun or shock freshwater fish, or any other fishing device or equipment except hook and line, rod and reel, bush hook, set line or trotline is expressly prohibited in or upon the fresh waters of the state unless specifically permitted by these rules or under permit issued by the executive director.

(8) The use of dip nets for taking freshwater game fish or catfish is prohibited except that landing nets may be used for boating fish caught by rod and reel or hook and line.

(9) Possession of any freshwater fish together with any device which is prohibited for taking such freshwater fish is unlawful, except that game fish may be possessed together with the bait catching devices as provided in subsection 68A-23.002(6), F.A.C.

(10) Persons licensed in accordance with Section 372.65, F.S., may use seines, traps, nets, baskets, or other harvesting methods to take cultured game or nongame fish from private ponds used for commercial aquaculture purposes.

(11) Owners of any natural or man-made pond less than 10 acres in size located entirely within the property of the owner, and having no surface water connections to public waters may use seines, traps, nets, baskets, or other harvesting methods, not prohibited by subsection (5) hereof, to take game or nongame fish from said ponds for non-commercial purposes. The number and size of game fish taken are not subject to general creel, possession or length limits, provided such game fish remain on the property of the pond owner.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 5-19-80, 6-4-81, 6-21-82, 7-1-84, Formerly 39-23.02, Amended 6-1-86, 4-13-88, 7-1-89, 7-1-90, 4-20-93, 7-1-93, 7-1-94, 7-1-95, 4-1-96, 7-1-98, 4-15-99, Formerly 39-23.002, Amended 7-1-00, 7-1-01.

68A-23.003 Commercial Fishing Devices; Provision for Use in Certain Waters.

(1) Persons licensed under Section 372.65, F.S., may use certain commercial fishing devices only in the manner and in the areas specified in this rule, except as specified in subsection 68A-23.002(10), F.A.C. Any game fish taken by these devices shall be immediately returned to the water unharmed.

(2) Wire traps and slat baskets:

(a) Species to be taken – Non-game fish and turtles (as prescribed by Rule 68A-25.002, F.A.C.).

(b) Location and number of traps and baskets.

1. In Trout River east of Interstate 95, Broward River, Dunn Creek and in that portion of the St. Johns River from the Seaboard Coastline bridge in Duval County upstream to State Road 46 (Mims Bridge) including Doctors Lake, Crescent Lake, Dunns Creek and Lakes Beresford, Woodruff, Dexter, Monroe and Harney, except Lake Jesup, 80 per licensee.

a. Wire traps and slat baskets are prohibited within 100 feet of the mouths of the following tributaries: Getout Creek, Blue Springs Run, Wekiva River, Deep Creek, Alexander Springs Creek, Spring Garden Creek, Shell Creek and DeLeon Springs Creek.

b. Wire traps and slat baskets are prohibited in the main channel of the St. Johns River from a point immediately south of Lake Monroe to State Road 46 (except Lake Harney) from January 1 to March 31.

c. Wire traps and slat baskets are prohibited within 25 yards of vegetation in Crescent Lake except from June 1 through August 31.

2. In the part of the main channel of the St. Marys River downstream from the railroad bridge paralleling U.S. Highway 17; wire traps and baskets, 80 per licensee.

3. In Lake Okeechobee: Regulations pertaining to wire traps fished in Lake Okeechobee are contained in Rule 68A-23.012, F.A.C.

4. In Lakes Apopka, West Tohopekaliga, Cypress, Hatchineha, and Kissimmee; wire traps and baskets, 40 in the aggregate per licensee.

5. In the Santa Fe, Suwannee (and its tributary, the Withlacoochee), and Apalachicola rivers, except in the section between U.S. Highway 90 and Jim Woodruff Dam; also the Apalachicola River tributaries except that portion of the Chipola River upstream from Dead Lakes Dam; and in Lake Seminole in Jackson County, 20 slat baskets, per licensee. No wire traps permitted.

6. In Lake Istokpoga and Red Beach Lake in Highlands County and in Lakes Arbuckle, Crago, Banana, Buffum, Davenport, Henry, Gibson, Marion, Reedy, Surveyors, Vann, Effie, Hancock, Hunter, Parker, Rosalie, and Tiger in Polk County, 40 wire traps, per licensee.

7. In those other specific areas as designated by rule of the Commission.

(c) Specifications.

1. Wiretraps.

a. Maximum length – Seven feet.

b. Maximum width – 32 inches.

c. Mesh – Minimum one inch.

d. Type – Two funnels in one end.

e. Depth – At least three feet of clearance between the highest point on the trap and the water surface.

2. Slat baskets.

a. Maximum length – Six feet.

b. Maximum diameter – 32 inches.

- c. Construction – Of slats with openings of at least one and one-half inch in the head or upstream end.
- d. Depth – At least three feet of clearance between the highest point on the basket and the water surface.
- e. Funnel opening – Maximum diameter of smallest funnel opening two inches, except under pressure.
- (d) Removal – Traps or baskets not being fished shall be removed from the water.
- (3) Pound nets: The use of pound nets shall be prohibited, except that established pound net sites registered with the Commission by December 31, 1982, may be fished only by the registered claimant or his designee. Such pound net registration shall not be transferable to any other person.
 - (a) Species to be taken – Non-game fish and turtles (as prescribed by Rule 68A-25.002, F.A.C.).
 - (b) Locations – In the St. Johns River from the Shands Bridge in Clay County south to the southern Putnam County line and in Dunns Creek.
 - (c) Specifications.
 - 1. Maximum size
 - a. Widest dimension – 20 feet.
 - b. Leads shall not exceed 200 feet in length.
 - 2. Minimum mesh – Not less than two inches stretched.
 - 3. Pilings shall extend at least two feet above high water mark and shall be marked with reflective material at least six inches in width, visible 360 degrees.
 - 4. Depth – In waters not less than six feet.
 - (4) Hoop nets:
 - (a) Species to be taken – Non-game fish and turtles (as prescribed by Rule 68A-25.002, F.A.C.).
 - (b) Maximum number – 100 per licensee.
 - (c) Locations.
 - 1. In Trout River east of Interstate 95, Broward River, Dunn Creek and in that portion of the St. Johns River from the Seaboard Coastline bridge in Duval County upstream to State Road 46 (Mims Bridge) including Crescent Lake, Dunns Creek and lakes Beresford, Woodruff, Dexter, Monroe and Harney, except Lake Jesup.
 - 2. Hoop nets are prohibited within 100 feet of the mouths of the following St. Johns tributaries: Getout Creek, Blue Springs Run, Wekiva River, Deep Creek, Alexander Springs Creek, Spring Garden Creek, Shell Creek and DeLeon Springs Creek.
 - 3. Hoop nets are prohibited within 25 yards of vegetation in Crescent Lake except from June 1 through August 31.
 - 4. Hoop nets are prohibited in the main channel of the St. Johns River from a point immediately south of Lake Monroe to State Road 46 (except in Lake Harney) from January 1 to March 31.
 - (d) Specifications.
 - 1. Maximum diameter – Five feet.
 - 2. Mesh size – Not less than two inches stretched throughout, nor more than 2 1/2 inches stretched rearward of the attachment of the second funnel.
 - 3. Depth – At least three feet of clearance between the highest point of the hoop net and the water surface.
 - 4. A cross or other restrictive device shall be attached to the inside of the first funnel opening in order to exclude manatees. This device shall be constructed so as to prevent cylindrical objects seven inches or more in diameter from entering the front funnel opening.
 - 5. Second funnel opening shall be designed to discourage or prevent the entrance of game fish by restricting said opening with twine or webbing.
 - (5) Minnow lift nets:
 - (a) Species to be taken – Non-game fish and turtles (as prescribed by Rule 68A-25.002, F.A.C.).
 - (b) Maximum number – 10 per licensee.
 - (c) Specifications.
 - 1. Maximum dimensions – 12 feet square.
 - 2. Maximum mesh – One inch stretched.
 - 3. Markings – Poles shall be marked with reflective material at least six inches in width, visible 360 degrees.
 - 4. A permanent tag bearing the name and address of the owner shall be attached to the pull pole of the lift net.
 - (d) Area specific regulations: No minnow lift nets shall be fished in the St. Johns River Water Management Areas of Lake County formerly known as Long Farm, S.N. Knight Lisbon Farm (both parcels north and south of the Yale-Griffin canal), S.N. Knight Leesburg Farm, Lowrie Brown Farm, Eustis Muck Farm and Walker Ranch.
 - (6) Minnow seine:
 - (a) Species to be taken – Non-game fish (except catfish) and turtles (as prescribed by Rule 68A-25.002, F.A.C.).
 - (b) Specifications.
 - Nets for use in public waters: maximum length 40 feet; no pocket permitted; maximum mesh, one inch stretched.
 - (7) Eel traps and pots:
 - (a) Species to be taken – nongame fish may be taken from the waters of the state with eel traps or pots having one inch by one-half inch wire mesh.

(b) In waters other than those specified in paragraph (2)(b) of this section, such eel traps and pots, in addition to having a one inch by one-half inch wire mesh, shall be of the following types and specifications:

1. Square "carolina" – type pots
 - a. Maximum dimensions – 24 inches by 24 inches by 18 inches.
 - b. Maximum diameter of any and all funnel openings – two inches.
2. Cylindrical "shotgun" – type pots
 - a. Maximum dimensions – four feet by 18 inches.
 - b. Maximum diameter of any and all funnel openings – two inches.

(8) Blue crab pots and traps may be fished in fresh water. Blue crab pot and trap specifications and use shall be as prescribed in rules of the Marine Fisheries Commission.

(9) Permits may be issued by the executive director to authorize the operation of haul seines in specified areas.

(a) Southwest Region haul seine permits:

1. A maximum of five haul seine permits may be issued for use of haul seines in lakes in the Southwest Region. Permits shall be issued to applicants on a first-come, first-served basis as determined by receipt of a completed haul seine permit application (Haul Seine Permit Application Form HSSR2, effective 7-1-97, incorporated herein by reference and obtainable at the Southwest Region Office, 3900 Drane Field Road, Lakeland, Florida 33811-1299).

2. After all permits are issued, the Southwest Region Office shall maintain a waiting list of haul seine permit applicants on a first-come, first-serve basis, as determined from receipt of completed applications. Applicants wishing to maintain their status on the Southwest Region Haul Seine Waiting List shall notify the Southwest Region in writing between June 1 and July 1 of each year.

3. When a permit becomes available, the first applicant on the waiting list will be notified by the Commission. Within 120 days from date of notification, the applicant must verify that he or she possesses all equipment, including boats, motors, and nets or provide evidence such as lease agreements, bills of sale, or other documents indicating how equipment will be obtained and that the applicant has been licensed in accordance with ss. 372.65 and 372.651, F.S. Applicants failing to meet the equipment requirements and other criteria in this section shall be denied a Southwest Region Haul Seine Permit. Haul seine permittees may not share equipment. No person shall be issued more than one haul seine permit, and permits are not transferable.

4. Haul seines are authorized to be used on the following lakes in Polk County: Banana, Bonnet, Bonny, Garfield, Hancock, Hollingsworth, Howard, Hunter, Lulu, Parker and Shipp. A lake may be closed temporarily to use of haul seines by administrative action for aquatic resource management purposes, or other conditions in which use of haul seines would negatively impact the lake and its fishery or endanger public safety. Haul seine permittees shall be provided written notice 48 hours prior to closure of a lake by administrative action. Haul seines may be used in lakes in the Southwest Region other than those specified in this section in accordance with provisions of Rule 68A-9.002, F.A.C.

5. Subject to Commission approval in accordance with subsection 68A-5.004(2), F.A.C., a permittee may designate in writing two assistant captains to fish in lieu of the permittee. The permittee or designated assistant captains shall be aboard the haul seine boat whenever fishing. Assistant captains shall be changed only by written request and approval of the Commission. A designated assistant captain shall work for only one permittee. Permittees shall maintain responsibility for the lawful operation of equipment used under the permit and for the proper live return to the water of all game fish taken pursuant to haul seine operations. Haul seines shall be attended continuously. The haul seine permit shall be aboard the vessel operating or transporting haul seine equipment.

6. Haul seine permittees or designated assistant captains shall fish at least 10 days annually from July 1 through June 30 of the following year. Failure to fish 10 days annually may result in revocation or non-renewal of a Southwest Region Haul Seine Permit in accordance with Rule 68A-5.004, F.A.C.

7. Haul seines shall be no more than 1,800 yards in length and at least eight feet in depth. Mesh size must be at least two-and-one-half inch stretched mesh in the pocket, doubles and bunt or footing circle; and two-and-one-half to four-and-one-half inch stretch mesh over the remaining length of net.

8. Non-game fish and turtles (as prescribed in Rule 68A-25.002, F.A.C.) may be harvested from haul seines. All gamefishes caught shall be returned immediately to the lake being fished.

9. Only one haul seine net shall be used per day by permittees or their designated captains. Haul seines shall be deployed no earlier than one-half hour before sunrise. No haul seines shall be operated after sunset. Prior to fishing each day, permittees shall notify the dispatch center of the Southwest Region office by telephone when nets will be fished and on what waterbody. Seines shall be operated Monday through Friday only. Seine operations are not allowed on the following days: New Year's Day, Martin Luther King, Jr. Day (third Monday in January), Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Friday after Thanksgiving Day, and Christmas Day.

10. No haul seines shall be deployed or operated within 100 yards of any dock, boat ramp, or canal, or within 100 yards of any waterski course authorized in accordance with Chapters 253 and 403, F.S., and Rule 18-21.005, F.A.C.

11. Denial, revocation, suspension, or non-renewal of haul seine permits or designations of assistant captains shall be administered in accordance with provisions of this rule section and Rule 68A-5.004, F.A.C. Permittees shall provide evidence of valid licenses required pursuant to ss. 372.65 and 372.651, F.S., prior to renewal of the Southwest Region Haul Seine Permit. A Southwest Region Haul Seine Harvest Report (GFC Form HSRR1, effective 7-1-97, incorporated herein by reference and obtainable at the Southwest Region Office) shall be completed by each permittee and furnished to the Southwest Region Office by June 1 of each year.

(b) Provisions for use of haul seines on Lake Okeechobee are as specified in Rule 68A-23.012, F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.65 FS. History—New 8-1-79, Amended 10-23-79, 5-19-80, 6-22-80, 6-4-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-23.03, Amended 6-1-86, 4-13-88, 7-1-90, 1-1-92, 7-1-92, 10-22-92, 4-20-93, 7-1-95, 4-1-96, 7-1-97, 7-1-98, Formerly 39-23.003.

68A-23.004 Lawful Methods for Using Trotlines and Bush Hooks or Set Lines.

(1) Trotlines, bush hooks or set lines are permitted statewide except in that portion of the Ochlockonee River between State Road 20 and the Lake Talquin Power Dam; that portion of the Apalachicola River between U.S. Highway 90 and the Jim Woodruff Dam; Bear Gully Lake in Seminole County; the Oklawaha River upstream from the Eureka Bridge; Lake Jackson in Walton County; Silver Lake on the Withlacoochee River; Lakes Jessamine and Holden in Orange County; Triplett lakes in Seminole County; Lake Helen in Volusia County; in Martin County east of the Sunshine State Parkway; in that portion of the St. Johns River and its tributaries south of State Road 46 and north of U.S. Highway 192, including lakes Poinsett, Winder and Washington. Trotlines are prohibited in Little Bay Lake in Orange County except under permit.

(2) Trotlines are permitted in the portion of the St. Johns River lying between U.S. Highway 17-92 and State Road 46 provided that from 9:00 a.m. on Saturday until sunset on Sunday all trotlines shall be sunk to the bottom or to a minimum depth of four feet during daylight hours. From January 1 until March 31, trotlines shall be prohibited from 9:00 a.m. until sunset in the waters of the main channel of the St. Johns River from a point immediately south of Lake Monroe to State Road 46, excluding Lake Harney. Trotlines are prohibited from 9:00 a.m. until sunset in the Oklawaha River below the Rodman Dam.

(3) In lakes Beauclair, Carlton, Dora, Eustis, Griffin, Harris and Yale, no trotline shall be allowed from 9:00 a.m. Friday until one hour before sunset Sunday. Trotlines shall also be prohibited from 9:00 a.m. until one hour before sunset Monday through Thursday from May 1 through October 31. No trotline shall be secured to or fished within 50 yards of a private pier or dock.

(4) In East Lake Tohopekaliga, trotlines are permitted only from sunset Sunday until midnight Friday of each week and only during the period from sunset each day until 9:00 a.m. the following morning.

(5) Trotlines are prohibited from 9:00 a.m. until sunset in the waters of the following lakes:

(a) Lake County – Cherry, Cook, Crescent, Hiawatha, Johns, Louisa, Minnehaha, Minneola, Palatlahaha, Susan, Wilson, and Winona.

(b) Orange County – Butler, Chase, Conway, Down, Fish, Isleworth, Johns, Mable, Maitland, Misell, Osceola, Picket, Sheen, Starke, Tibet Butler and Virginia.

(c) Polk County – All lakes except Arbuckle, Crooked, Hancock, Rosalie, Tiger and Walk-in-Water.

(6) A trotline limited to 25 hooks may be used for taking non-game fish for personal use. Persons operating more than 25 bush hooks or set lines or a trotline using more than 25 hooks are considered to be fishing commercially and shall be licensed as provided in Section 372.65, F.S. All game fish taken by trotlines, bush hooks or set lines shall be immediately returned unharmed to the water and it is unlawful to possess any game fish while operating trotlines, bush hooks or set lines.

(7) Trotlines are prohibited in Lake Talquin during daylight hours.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 5-19-80, 6-4-81, 6-21-82, Formerly 39-23.04, Amended 12-12-88, 4-4-91, 4-14-92, 4-1-96, Formerly 39-23.004.

68A-23.005 Bag Limits, Length Limits, Open Season: Freshwater Fish.

(1) The open season for fishing shall be from July 1 until June 30 of the following year, except as otherwise provided by these rules.

(2) This rule does not apply to game fish lawfully acquired for aquarium use in accordance with Rule 68A-23.009, F.A.C.

(3) No person shall have in his possession more than two days' bag limit of freshwater game fish. In any water body where there are specific regulations as to bag limits, minimum length, maximum length, or protected length limits for any species, which are different from the general regulations, the specific regulations supersede the general provisions of this rule section.

(4) Bag or length limits for lakes designated as Fish Management Areas shall be as specified in Rules 68A-20.004 and 68A-20.005, F.A.C.

(5) Bag or length limits for lakes within designated boundaries of Wildlife Management Areas shall be as specified in Rules 68A-15.061, 68A-15.062, 68A-15.063, 68A-15.064, 68A-15.065, F.A.C.

(6) State-wide bag limits: Except as otherwise provided in these rules, no person shall take in any one day more than the following:

(a) Five (5) black bass, of which only one may be 22 inches or longer.

(b) Twenty-five (25) crappie.

(c) Fifty (50) in the aggregate for all other panfish.

(d) Two (2) butterfly peacock bass, only one (1) of which can be greater than 17 inches total length. No person shall kill or possess any speckled peacock bass.

(7) In that portion of the state north and west of the Suwannee River (including in the Suwannee River and in any tributary river, creek or stream of the Suwannee River), bag or length limits are as follows:

(a) Black bass – no person shall kill or possess any black bass that is less than 12 inches in total length.

(b) Striped bass, white bass, or sunshine bass – no person shall kill or possess more than 3 striped bass nor any striped bass less than 18 inches total length. The daily aggregate bag limit of white bass, striped bass and sunshine bass shall be 20.

(c) Lake Seminole (Northwest Florida) – see Rule 68A-23.0131, F.A.C., for bag or length limits for certain freshwater game fishes.

(d) Lake Talquin (including that portion of the Ochlockonee River lying between Lake Talquin and the railroad trestle that is located immediately below U.S. Highway 90, that portion of the Little River lying between Lake Talquin and County Road 268, that portion of the Rocky Comfort Creek lying between Lake Talquin and County Road 65-B, and that portion of Bear Creek lying between Lake Talquin and Bear Creek Road, those portions of Ocklawaha and Hammock creeks lying between Lake Talquin and State Road 267, those portions of Blount's, Freeman [Stoutamire], and Harvey and Polk creeks lying between Lake Talquin and State Road 20):

1. Black bass – No person shall kill or possess any black bass less than 14 inches in total length.

2. Crappie – No person shall kill or possess any crappie less than 10 inches in total length.

(e) Lake Jackson proper, including Little Lake Jackson west of Highway 27, Megginis Arm of Lake Jackson north of Interstate 10, and Fords Arm of Lake Jackson west of Meridian Road: No person shall kill or possess any black bass less than 18 inches in total length.

(8) In that portion of the state south and east of the Suwannee River to the line established by reference to certain counties in Section (9) below, bag or length limits or areas closed to fishing are as follows:

(a) Black bass – no person shall kill or possess any black bass that is less than 14 inches in total length.

(b) Striped bass and sunshine bass – the daily aggregate bag limit of striped bass and sunshine bass shall be 20, no more than 6 of which may be more than 24 inches total length.

(c) Fishing is prohibited in Silver Glen Springs in Lake and Marion counties and in Salt Springs in Marion County and within 50 yards of the springs. Fishing is prohibited from the headwaters of Rainbow Springs to a point one mile downstream on Rainbow River within Marion County.

(d) Lake Monroe: no person shall kill or possess any black crappie less than 12 inches in total length.

(e) No person shall kill or possess any black bass in the following areas:

1. In designated lakes within the boundaries of the Ocala National Forest known as: Crooked, Wildcat, Grasshopper, Lou, Echo, Quarry Fish Pond and Hopkins Prairie.

2. In the St. Johns River Water Management Area, in Indian River County (commonly known as Farm-13 and including the Stickmarsh).

3. In the St. Johns River Water Management-owned area formerly known as the S.N. Knight Farm in Indian River County.

4. In the St. Johns River Water Management Areas of Lake County formerly known as Long Farm, S.N. Knight Lisbon Farm (both parcels north and south of the Yale-Griffin Canal), S.N. Knight Leesburg Farm, Lowrie Brown Farm, Eustis Muck Farm, and Walker Ranch.

(f) Edward Medard Reservoir, Hillsborough County: No person shall kill or possess any black bass that is 15 inches or more in total length and less than 24 inches in total length. No person shall take in any one day more than 3 black bass.

(g) In waters adjoining Saddle Creek Fish Management Area, Polk County, confined by Morgan Combee Road, U.S. Highway 92 and Fish Hatchery Road, no person shall kill or possess any black bass that is 15 inches or more in total length and less than 24 inches in total length. No person shall take in any one day more than 3 black bass.

(h) Lake Weohyakapka (Walk-in-Water), Polk County, including all contiguous residential waterways, Weohyakapka (Walk-in-Water) Creek north to the point located 100 yards south of State Road 60, and Tiger Creek west to the point 100 yards west of Walk-in-the-Water Rd.: No person shall kill or possess any black bass that is 15 inches or more in total length and less than 24 inches in total length. No person shall take in any one day more than 3 black bass of which only one may be 24 inches or longer.

(i) Lake Okeechobee: No person shall kill or possess any black bass that is 13 inches or more in total length and less than 18 inches in total length.

Lake Okeechobee is defined as any point lakeward of a boundary line delineated by the following points:

Intersection of St. Rd. 78 and U.S. 441, U.S. 441 SE to St. Rd. 5 ("80")

St. Rd. 5 ("80") to St. Rd. 25 (U.S. 27)

St. Rd. 25 (U.S. 27) to St. Rd. 78

St. Rd. 78 to U.S. 441

Including:

Harney Pond Canal (C-41) north of St. Rd. 78 to South Florida Water Mgmt. District (SFWMD) structure S-71

Indian Prairie Canal (C-40) north of St. Rd. 78 to SFWMD structure S-72

All of Taylor Creek and Nubbin Slough in Okeechobee County

C-38/Kissimmee River south of SFWMD structure S-65E to St. Rd. 78

(9) In the counties of Martin (except: north of a line from the St. Lucie Inlet along the south shore of the St. Lucie River to the St. Lucie Canal, north of the St. Lucie Canal, and west of U.S. Highway 441), Palm Beach (east of U.S. Highway 441 and south of State Road 80), Hendry (south of State Road 80), Broward, Collier, Dade, Lee (south of State Road 80), and Monroe, no person shall take in any one day more than one (1) black bass fourteen inches or greater in total length.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 5-19-80, 6-4-81, 6-21-82, 7-1-83, Formerly 39-23.05, Amended 2-27-86, 5-10-87, 3-1-88, 4-13-88, 7-1-89, 4-11-90, 7-1-92, 8-23-92, 4-20-93, 7-1-94, 9-15-94, 4-1-96, 7-1-98, 10-20-98, Formerly 39-23.005, Amended 7-1-00, 7-1-01.

68A-23.006 Prohibiting Possession of Freshwater Game Fish Under Certain Conditions.

(1) Freshwater game fish legally caught may be kept on the premises of wholesale or retail businesses or in public cold storage, refrigerators, ice houses or ice boxes when properly tagged showing the name, license number and address of the owner clearly written thereon.

(2) The provisions of this section shall not apply to properly tagged game fish which were taken in accordance with Rule 68A-23.012, F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-21-82, Formerly 39-23.06, Amended 5-10-87, Formerly 39-23.006.

68A-23.007 Use of Fish for Bait.

(1) No person shall use any species of black bass, peacock bass or any part thereof as bait. Whole pickerel or bream or portions thereof may be used for bait purposes by persons catching the fish but in no case shall they be used as bait for trotlines, bush hooks or in any manner other than on pole and line or rod and reel. Fish commonly called panfish produced by persons possessing a valid certificate of registration from the Department of Agriculture and Consumer Services may be sold and used for bait provided fish are four inches or less in total length.

(2) No live goldfish or carp shall be transported into the state for bait purposes or possessed or used for bait for the purpose of taking freshwater fish in any waters.

(3) Bait minnows may be taken as provided by Rule 68A-23.002, F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-21-82, Formerly 39-23.07, Amended 7-1-98, Formerly 39-23.007, Amended 7-1-00.

68A-23.008 Introduction of Non-Native Aquatic Species in the Waters of the State; Provisions for Sale and Inspection of Fish for Bait or Propagation Purpose; Diseased Fish.

(1) No person shall transport into the state, introduce, or possess for any purpose that might be reasonably expected to result in liberation into the waters of the state, any aquatic species not native to the state, without having secured a permit from the Commission, except:

(a) Fathead or tuffy minnow (*Pimephales promelas*).

(b) Variable platy (*Xiphophorus variatus*).

(2) Restricted non-native aquatic species:

(a) The following aquatic species or hybrids thereof may be possessed only under permit from the executive director.

1. Bighead carp (*Aristichthys nobilis*).

2. Bony-tongue fishes [family *Osteoglossidae*, all species except Silver arowana (*Osteoglossum bicirrhosum*)].

3. Dorados (genus *Salminus*, all species).

4. Freshwater stingrays (family *Potamotrygonidae*, all species).

5. Grass carp (*Ctenopharyngodon idella*); restrictions and requirements described in Rule 68A-23.088, F.A.C.

6. Nile perches (genus *Lates*, all species).

7. Silver carp (*Hypophthalmichthys molitrix*).

8. Snail or black carp (*Mylopharyngodon piceus*).

9. Tilapias [*Tilapia (Oreochromis) aurea*, *T. (O.) hornorum*, *T. (O.) mossambica* and *Tilapia (O.) nilotica*]. *T. (O.) aurea* may be possessed, cultured, and transported without permit in the following areas: North Central Region, Citrus and Hernando counties only; Northeast Region, all counties, except Duval and Nassau; South and Southwest regions.

10. Walking catfish (*Clarias batrachus*).

11. Australian red claw crayfish (*Cherax quadricarinatus*; tank culture systems only).

12. Blue catfish (*Ictalurus furcatus*), except north and west of the Suwannee River blue catfish may be possessed without permit.

13. Red swamp crayfish (*Procambarus clarkii*) and white river crayfish (*Procambarus zonangulus*), except that pond aquaculture is prohibited. Red swamp crayfish and white river crayfish may be possessed west of the Apalachicola River or imported for direct sale to food wholesalers and food retailers for re-sale to consumers without permit.

(b) Prior to the issuance of such permit, the facilities where the restricted aquatic species are to be kept and waters where their use is intended may be inspected by Commission personnel to assure that adequate safeguards exist to prevent escape or accidental release into the waters of the state. Permits for restricted aquatic species may be issued by the Commission subject to the following:

1. Restricted aquatic species held outdoors may only be held in a water body that has the lowest point of the top edge of its levee, dike, bank, or tank at an elevation of at least one foot above the 100-year flood elevation determined by reference to elevation maps issued by the National Flood Insurance Program, U.S. Department of Housing and Urban Development. Such water

body shall have no water discharge or shall be constructed with a fish barrier system designed to prevent escape of adult fish, juvenile fish and fish eggs in the water effluent discharged from the permittee's property. Such water body also shall be inaccessible to the public.

2. Restricted aquatic species held indoors may only be held in culture systems having no water discharge, having a water discharge through a closed drain system, or other system designed to prevent discharge of water containing adult and juvenile fish and fish eggs from the permittee's property.

(c) Permits may be granted for research or to commercial import or export facilities or public aquaria involved in educational efforts. Permits shall not be issued for display in private aquaria.

(d) Any person engaged in aquaculture who possesses a valid certificate of registration from the Department of Agriculture and Consumer Services issued pursuant to Chapter 597, F.S., and who is authorized to possess restricted aquatic species in accordance with such chapter is exempt from the permit requirement in paragraph 68A-23.008(2)(a), F.A.C.

(3) Prohibited non-native aquatic species:

(a) No person shall import, sell, possess or transport in state any of the following live aquatic species or hybrids thereof:

1. African electric catfishes (family Malapteruridae, all species).
2. African tigerfishes (subfamily Hydrocyninae, all species).
3. Airbreathing catfishes (family Clariidae, all species except *Clarias batrachus*).
4. Candiru catfishes (family Trichomycteridae, all species).
5. Freshwater electric eels (family Electrophoridae, all species).
6. Lampreys (family Petromyzonidae, all species).
7. Piranhas and pirambebas (subfamily Serrasalminae, all species).
8. Snakeheads (family Channidae, all species).
9. Tilapias [(*Tilapia*, *Sarotherodon* and *Oreochromis* genera) all species except *Tilapia (Oreochromis) aurea*, *T. (O.) hornorum*, *T. (O.) mossambica* and *Tilapia (O.) nilotica*].
10. Trahiras or tigerfishes (family Erythrinidae, all species).
11. Airsac catfishes (family Heteropneustidae, all species).
12. Green sunfish (*Lepomis cyanellus*).
13. Australian crayfish (Genus *Cherax*, except for tank aquaculture of *Cherax quardricarinatus*).
14. Zebra mussels (*Dreissena polymorpha*).
15. Mitten crabs (genus *Eriocheir*), or any part thereof.

(b) Limited exceptions to this subsection may be made by permit for viewing at large public aquaria or for research, provided Commission-approved maximum security requirements are met. Research permits for prohibited aquatic species shall be subject to the following:

1. The research permit shall expire 12 months from the date of issuance.
2. A detailed research proposal shall accompany the application for the research permit. Such proposal shall state with particularity the research objectives, methodology and study duration, and outline planned safeguards that shall assure proper containment of the species.
3. A detailed annual report of research findings, which shall include a description of activities undertaken in the permit period, progress toward research project objectives and proposed activities to be undertaken in the ensuing months, shall be submitted prior to renewal of the research permit. Receipt and approval by the Commission is a condition precedent to renewal of the research permit. This information shall be available for public dissemination.

4. All research on prohibited fishes shall be conducted in indoor facilities in containers or tanks having no water discharge or having a water discharge through a closed drain system that terminates in a dry-bed, wastewater pond.

5. No research, or viewing at large public aquaria, permits shall be granted for piranhas and pirambebas (subfamily Serrasalminae, all species).

(4) No person shall allow or permit any freshwater aquatic organism not native to the state to remain in the waters of any propagating pool or pond which is no longer maintained or operated for the production of such non-native species.

(5) The presence of any species designated in subsection (2) or (3) in any propagating pool or pond shall constitute possession by the owner or operator of the pool or pond.

(6) Hatcheries shall maintain written records such as shipping tickets, invoices, bills of lading, or other records of sales, purchases, or transfers showing numbers of organisms in the shipment, source of supply or disposition of imported freshwater fish. Such records shall be maintained until December 31 of the following year.

(7) Any representative of the Commission may inspect all records, ponds, pools, vehicles and other facilities used to produce, grow, store or transport freshwater fish. Inspection may be made of such facilities wherein foreign or non-native species of freshwater fish are propagated for any commercial purpose so as to determine that such species or their eggs are not allowed to escape into the waters of the state or to determine whether freshwater aquatic organisms are infected or diseased. In the event that an epizootic aquatic disease among cultured aquatic organisms presents a threat to public health or to the fish or wildlife resources, freshwater aquatic organisms exposed or exhibiting such disease may be quarantined, confiscated or destroyed as a public nuisance without compensation to anyone having a financial interest in such organisms.

(8) Any fish or aquatic organism which may be discovered in ponds, pools, vehicles or other facilities and which in the determination of the executive director would be detrimental to freshwater fish if released or placed in the waters of the state, shall be confiscated and destroyed as a public nuisance.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-4-81, 6-21-82, 7-1-84, Formerly 39-23.08, Amended 4-13-88, 7-1-89, 10-30-89, 7-1-92, 7-1-94, 4-12-98, Formerly 39-23.008, Amended 10-10-00, 7-1-01, 7-1-02.

68A-23.009 Sale and Transportation of Freshwater Fish.

(1) No person shall sell, purchase, attempt to purchase or sell, or transport any freshwater game fish unless otherwise authorized by specific rule of the Commission. Any person transporting game fish in excess of legal possession limits shall possess documentation that said fish have been acquired legally and are being legally transported.

(a) Holders of valid fishing licenses or persons exempt from such licenses may transport their legal possession limit.

(b) No common carrier shall knowingly transport or receive for transportation any freshwater game fish unless such shipment is accompanied by a bill of lading showing the name of the shipper, total weight of each species of fish shipped, and the date of the shipment.

(c) Persons possessing a valid aquaculture certificate of registration from the Department of Agriculture and Consumer Services may sell and transport live game fish produced in private ponds or private hatcheries as brood stock, to stock private ponds, or for aquarium display. Game fish commonly called panfish as defined in Rule 68A-1.004, F.A.C., may be sold live as bait provided fish are less than four inches in total length.

(2) Freshwater non-game fish may be taken and sold as provided by law and these rules.

(3) No person shall sell or possess for the purpose of sale any freshwater fish without having in his possession a bill of sale or other documentary evidence showing the name and address of the supplier of any such fish.

(4) The foregoing shall not prohibit the sale or purchase of mounted specimens of lawfully taken freshwater fish.

(5) Any person transporting fish or frogs for a holder of any commercial license issued under provisions of Section 372.65, F.S., shall be in possession of documentation that such license has been issued and is valid.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.0225, 372.65 FS. History—New 8-1-79, Amended 6-21-82, 7-1-84, Formerly 39-23.09, Amended 9-30-86, 4-11-90, 6-20-90, 4-12-98, Formerly 39-23.009.

68A-23.0091 Regulations Governing Establishment and Operation of Game Fish Aquaculture Facilities.

(1) Game fish, except members of the genus *Micropterus*, may be cultured and sold as food provided:

(a) Game fish have been privately produced and cultured in private ponds.

(b) As specified in Section 372.65, F.S., persons culturing game fish as food shall possess a valid aquaculture certificate of registration from the Department of Agriculture and Consumer Services as required in Section 597.004, F.S.

(2) Prior to being transported or sold for food:

(a) Each game fish shall have an identifying tag attached securely to any part of the fish except the fins or tail. Such tags shall be furnished by the Commission to game fish processors at a cost not to exceed five cents (\$.05) as may be established by the Commission at the time of sale. Tags shall be acquired in lots of one thousand (1,000). All tags remain the property of the Commission until such time as the tagged commodity is prepared for consumption. The game fish processor shall not transfer, loan or relinquish custody and control of any tags that he or she acquires prior to actual tagging, without prior written approval of the executive director, nor shall any tags be transported or removed from the designated processing location. All tags will be engraved with a lot number, and the permittee is responsible for their security. It shall be unlawful to produce, manufacture or possess any facsimile or counterfeit tag.

(b) Game fish produced at the licensee's facility may be sold untagged directly to a game fish aquaculture processing facility established in accordance with Rule 68A-23.0092, F.A.C. or shipped live out-of-state. The operator of each vehicle used to transport game fish shall possess a copy of the licensee's aquaculture game fish license while possessing or transporting such fish.

(c) Hybrids between striped bass (*Morone saxatilis*) and white bass (*Morone chrysops*) are exempt from provisions of paragraphs 68A-23.0091(2)(a) and (b), F.A.C. In lieu of the provisions of paragraphs 68A-23.0091(2)(a) and (b), F.A.C., there are the following requirements:

1. Any persons possessing striped bass-white bass hybrids for purposes of sale as food shall possess and maintain appropriate invoices or bills of lading issued by the person culturing game fish showing quantities shipped, description of product, and product destination, including name of purchaser and seller.

2. Any shipment of striped bass-white bass hybrids must be accompanied by the information set forth in subparagraph 1.

(3) Persons culturing game fish shall log each game fish transaction, except retail sales to consumers, on the prescribed Commission form (GFC Form 1105, AF, effective June 1990, incorporated herein by reference and obtainable at the Commission's Tallahassee and Regional offices). Information logged shall include:

(a) Name and address of the buyer, date of transaction.

(b) Pounds of fish sold by species or number of fish sold by species.

(c) Transaction reports shall be forwarded monthly to Commission office prescribed on the form.

(4) Persons culturing game fish may be permitted as game fish aquaculture processors, in accordance with Rule 68A-23.0092, F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.0225, 372.65 FS. History—New 6-20-90, Amended 6-20-95, 7-1-98, Formerly 39-23.0091.

68A-23.0092 Regulations Governing Game Fish Aquaculture Processing Facilities.

(1) Game fish aquaculture processing facilities may be established and operated only under permit from the executive director, and shall be licensed in accordance with Section 372.65, F.S. Permits for a game fish aquaculture processing facility shall be issued in accordance with the following:

(a) Applicants shall submit an application on the form provided by the Commission (GFC Form 1102 AP, effective June 1990, incorporated herein by reference and available at the Commission's Tallahassee and Regional offices) and evidence of compliance with the license provisions of Section 372.65, F.S., at least thirty (30) days prior to the proposed date of operation.

(b) The executive director may deny issuance of a game fish aquaculture processing facility permit for any person who has been convicted of any violation of Section 372.65, F.S., or rules of the Commission relating to illegal taking or sale of any game fish species within the preceding two years. Such denial shall be conducted in accordance with standards and criteria promulgated in Rule 68A-5.004, F.A.C.

(c) Retail establishments such as restaurants, fish markets, and grocery stores shall not be eligible for game fish aquaculture processing permits.

(2) Game fish, except members of the genus *Micropterus*, which are produced by persons possessing a valid aquaculture certificate of registration from the Department of Agriculture and Consumer Services may be sold and transported as food for human consumption. Unless otherwise authorized by rules of the Commission, no person shall sell cultured game fish as food except game fish tagged or processed and packaged in a game fish aquaculture processing facility permitted in accordance with these rules.

(3) Game fish sold as food shall only be sold and possessed for sale in compliance with applicable sanitation and permit requirements of the Florida Department of Agriculture and Consumer Services, Florida Department of Health and Rehabilitative Services, the county health department of the county where subject processing facility is located and other federal, state or local authorities.

(4) Game fish aquaculture processors shall maintain written records on the prescribed Commission form (GFC Form 1100 AP, effective June 1990, incorporated herein by reference and obtainable at the Commission's Tallahassee and Regional offices) of all game fish purchases and sales as food, excepting retail sales to consumers, and shall include the following information:

(a) Purchase records shall include: name of the seller, date of transaction, and amount (in pounds) and kinds (species) of fish purchased.

(b) Records of sales shall include: name and address of purchaser, date of transaction, amount (in pounds) and kinds (species) of fish sold.

(5) All game fish tagged or processed and packaged for sale as food shall remain tagged or in the original package until prepared for consumption or secondarily processed, such as for smoking. A game fish aquaculture processing facility may repackage game fish purchased from other game fish processing facilities.

(6) Packages containing lawfully acquired game fish packaged as food and labeled or tagged in accordance with these rules may be shipped in intrastate and interstate commerce. However, such shipments may require compliance with rules and regulations of the Federal Government and any state the fish transit through or are received in.

(7) Game fish aquaculture processors and their designated employees may receive and possess at the processing facility lawfully acquired live and untagged game fish for processing as food provided game fish may only be received from persons possessing a valid certificate of registration from the Department of Agriculture and Consumer Service.

(8) Prior to being transported from game fish processing facilities for sale as food, game fish shall be tagged or packaged in accordance with the following:

(a) Tagging: Each fish shall have an identifying tag affixed securely to any part of the fish except the fins or tail. Such tags shall be furnished by the Commission to game fish processors at a cost not to exceed five cents (\$.05) as may be established by the Commission at the time of sale. Tags shall be acquired in lots of one thousand (1,000). All tags remain the property of the Commission until such time as the tagged commodity is prepared for consumption. The game fish processor shall not transfer, loan or relinquish custody and control of any tags that he or she acquires prior to actual tagging, without prior written approval of the executive director, nor shall any tags be transported or removed from the designated processing location. All tags will be engraved with a lot number, and the permittee is responsible for their security. It shall be unlawful to produce, manufacture or possess any facsimile or counterfeit tag.

(b) Packaging: Each package of fish processed for sale as food shall be sealed with a seal furnished by the Commission upon payment of the cost of seals, and labeled to indicate the processor supplying the game fish, the date packaged, the species, and the number of pounds of fish, fillets, steaks, or other processed forms enclosed, or packaged in an approved tamper-proof package and labeled in a fashion approved by the executive director. Each package shall be used to package fish or parts thereof only one time.

(9) Except as provided in Rule 68A-23.0091, F.A.C., no person shall sell any game fish as food which has not been tagged, processed or packaged in a permitted game fish aquaculture or processing facility as provided in this section.

(10) Game fish sold as food originating in other states may be imported and sold in Florida under permit issued by the Executive Director. In addition to such other terms as may be specified by permit to assure protection of the resource and compliance with the laws of the state of origin, importation of game fish shall be conditioned upon the following:

(a) All game fish imported and sold as food shall either be tagged with a tag or sealed in a package approved by the Commission, or be imported in tamper-proof packages stamped or otherwise labeled to indicate such fish were processed in accordance with applicable health and sanitation requirements and laws of the state of origin.

(b) Each package shall be labeled to identify the state of origin; the producer, processor and wholesaler; the destination of such fish; species and number of pounds of fish enclosed; and the date packaged.

(c) Written records of all transactions undertaken pursuant to permit shall be maintained and shall include the source of all fish, the name of the seller and buyer, date of sale, and the amount sold.

(d) Packages shall be used to package fish only one time, and fish shall remain in such package until sold or prepared for consumption.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.0225, 372.65 FS. History—New 6-20-90, Amended 4-4-91, 7-1-98, Formerly 39-23.0092.

68A-23.010 Disposition of Illegal Fishing Devices.

(1) In all cases of arrest and conviction for use of illegal nets, traps, boats, motors and all other fishing devices of whatever nature, or the illegal use of such devices for the taking or the attempt to take freshwater fish from the waters of the state, such net, trap, boat, motor or other device of whatever nature is declared to be a nuisance and shall be seized and carried before the court having jurisdiction of such offense and said court shall order such trap, net or fishing device forfeited to the Commission immediately after trial and conviction of the person in whose possession they were found.

(2) When any illegal net, trap or fishing device or illegally used net, trap or fishing device is found in the fresh waters of the State, and the owner of same shall not be known to the officer finding the same, such officer shall immediately procure from the county judge an order forfeiting said net, trap or fishing device to the Commission.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-21-82, Formerly 39-23.10, 39-23.010.

68A-23.012 Special Regulations on Lake Okeechobee.

(1) Freshwater game fish (except black bass, striped bass, or black crappie) may be possessed for commercial purposes by persons licensed in accordance with Sections 372.65 and 372.651, F.S., within the area of Lake Okeechobee bounded on the east by Highway 441 from Okeechobee City to Belle Glade; on the south by State Road 80 from Belle Glade to South Bay; on the south and west by Highway 27 from South Bay north to the junction of Highway 27 and State Road 78; on the west and north by State Road 78 north to the junction of Highway 441; and in the incorporated city limits of all municipalities located on such boundary roads and highways as provided by this section. Such fish may be harvested, for commercial purposes, only under permit by the use of haul seines and as specified herein. All freshwater game fish shall be transported to the designated tagging station and immediately tagged as specified herein. Only permitted and licensed haul seiners may be tagging agents and may only tag fish caught pursuant to their own haul seine operation.

(a) Each haul seiner is responsible for tagging his own fish as provided herein. Prior to transporting any untagged game fish within the boundary designated above, the haul seiner shall:

1. Designate in writing to the Commission, the route over which said haul seiner will transport untagged game fish to the tagging station.

2. No deviation from the above shall be allowed and the haul seiner will be held responsible for adherence to all of the requirements of this rule. Any violation will subject the haul seiner to loss of permits issued.

(b) It shall be unlawful to possess commercial quantities of freshwater game fish as defined in Section 372.9903, F.S., on the waters of Lake Okeechobee or its tributaries within the boundary delineated in subsection (1) from one-half hour after sunset until one-half hour before sunrise.

(c) The commercial harvest of game fish by any method from any area other than by haul seine as provided herein is prohibited.

(2) No peninsular cooter (*Chrysemys floridana peninsularis*), Florida red-bellied turtle (*Chrysemys nelsoni*), Florida snapping turtle (*Chelydra osceola*), or Florida soft-shelled turtle (*Trionyx ferox*) having a carapace length less than eight inches may be taken or sold.

(3) Length of season:

(a) The length of the fishing season for all types of commercial gear shall be set by the Commission.

(b) Seines shall be operated only Monday through Friday. The lake is closed to seines on state holidays:

1. New Year's Day.

2. Memorial Day.

3. Independence Day.
4. Labor Day.
5. Veterans Day.
6. Thanksgiving Day.
7. Friday after Thanksgiving Day.
8. Christmas Day.
9. Others as they are designated.

(c) Each permit shall be fished at least two (2) days per week, averaged annually, unless otherwise authorized by the assistant executive director due to exigent circumstances. Failure to comply may result in non-renewal of said permit.

(4) Permits for haul seines:

(a) Haul seines as specified herein may be used by persons licensed under Sections 372.65 and 372.651, F.S., for taking non-game fish, bluegill, redear sunfish (shellcracker), and warmouth under authority of a permit from the executive director. A maximum of 10 haul seine permits shall be issued to applicants on a first-come, first-served basis upon submission of the gear license fee, except as otherwise provided in this rule. After all available permits have been issued, the Commission shall maintain the first-come, first-served status of said applicants on a list. As permits become available for issuance, the executive director shall issue said permits to the applicants on said list in chronological order, except as otherwise provided in this rule. Upon being notified that they have been selected for inclusion in the program, the applicants shall, within 60 days, provide evidence that they have purchased and possess all necessary equipment, including boat(s), motor(s) and net(s), and have designated an assistant/captain. Failure to comply will result in denial of said permit. Equipment shall not be shared by permittees.

(b) A permittee shall maintain responsibility for the lawful operation of equipment used under the permit and for the proper live return to the water or tagging of all game fish taken pursuant to said operation. A permittee shall be responsible for ensuring that the permit is aboard the vessel operating or transporting such equipment.

(c) If fish are transported ashore prior to termination of haul seine operations, the haul seine gear license shall remain with a vessel operating the gear and the Lake Okeechobee haul seine permit shall accompany the fish to a designated tagging station.

(d) The executive director may refuse to issue the permit to any person who has been convicted of a violation of Chapter 372, F.S., or the rules of the Commission.

(e) Such permit shall be subject to revocation as provided in Rule 68A-5.004, F.A.C.

(f) No person shall be issued more than one permit for a haul seine. The permittee or his one designated assistant/captain must be aboard the boat whenever fishing. Said designated assistant/captain shall be designated in writing, approved and such written designation maintained on file with the Commission. Said designation may be changed only upon a showing of good cause, in writing, and approved by the assistant executive director or his designate. A designated assistant/captain may work for only one permittee.

(5) Commercial gear specifications and restrictions:

(a) Haul seines:

1. Net specifications – Not less than 500 yards nor more than 1,600 yards in length, having not more than 250 yards of not less than two-and-one-half-inch stretched mesh in the pocket, doubles, and bunt or footing circle (including the width of the pocket); and not more than 200 additional yards of not less than three-inch stretched mesh; the remaining length of the net to consist of not less than three-and-one-half-inch stretched mesh. Mesh size in any portion of the net shall not exceed four-and-one-half-inch stretched mesh. Distance from the lead line to the float line shall be no less than ten feet.

2. Haul seines 500 to 1,000 yards in length shall be pulled by one boat only, and one end of the haul seine shall remain stationary during seining operations.

3. No purse seine, purse gill net or net using rings or other devices on the lead line through which a purse line is drawn shall be used as a haul seine.

4. Haul seine float lines shall be marked at 200-yard intervals with a floating fluorescent-orange marker buoy.

5. Closed areas:

a. Haul seines shall not be used or operated in Pelican Bay; in Fisheating Creek Bay north and west of a line from the weather beacon approximately one mile east of the north end of Observation Shoal (designated R "2" on National Oceanic and Atmospheric Administration, National Ocean Survey chart #11428, edition 16) to the westernmost point of Horse Island; that area north and west of a line from the white navigation light at latitude 27 degrees 5 minutes north, longitude 80 degrees 47 minutes west (designated FL 4 sec. 27 ft. 5M on National Oceanic and Atmospheric Administration, National Ocean Survey chart #11428, edition 16) to Henry Creek Lock; that area south of a line connecting the northernmost point of Kreamer Island to the northernmost point of Ritta Island; or in any rim canal, river mouth, channel, within that area shoreward of the boundary delineated by the commercial fishing boundary buoys, or within one statute mile of any rooted, emergent aquatic vegetation. Latitude and longitude coordinates shall be established to further describe boundary lines as defined in this section. Latitude and longitude coordinates so established shall be incorporated in the permit issued pursuant to subsection 68A-23.012(4), F.A.C.

b. All other areas of Lake Okeechobee shall be open to haul seines authorized by permit.

6. No haul seine may be operated within 50 yards of any legal trotline.

7. Haul seines may be laid out and closed no earlier than three hours before sunrise but no fish shall be taken from the waters prior to one-half hour before sunrise. No haul seines shall be operated after sunset.

8. All haul seines in Lake Okeechobee shall be attended continuously.

9. Before fishing each day, permittee shall telephonically notify the dispatch center of the Commission's South Regional Office when he will fish and in what general area.

(b) Boats:

1. Any boat pulling a seine shall display a 12-x-18-inch fluorescent-orange flag having a white circle at a minimum height of eight feet above the deck. Said flag will bear, within the white circle, the permittee's permit number in numerals not less than 10 inches in height.

2. The haul seine permit shall display the hull identification number and FL number of the haul seine boat(s) used. Should a different boat be used, the permittee shall request an amendment to his permit, in writing, from the assistant executive director or his designate.

(c) Wire catfish traps:

1. Persons licensed in accordance with Section 372.65, F.S., may use up to 80 wire catfish traps in the waters of Lake Okeechobee excluding its tributaries.

2. No person shall possess any freshwater game fish while transporting catfish taken from any wire catfish trap.

3. No wire traps shall be placed in that area shoreward of the commercial fishing boundary buoys and bounded on the east by Taylor Creek Lock and on the west by the mouth of the Kissimmee River, excluding any part of the area designated as North Lake Shoal on National Oceanic and Atmospheric Administration, National Ocean Survey chart #11428, edition 16.

4. Trap specifications:

a. Maximum length – 5 feet.

b. Maximum height – 18 inches.

c. Maximum width – 32 inches.

d. Mesh – Of tarred or vinyl-coated wire not less than one inch nor more than one and one-half inches.

e. Type – Two funnels in one end with a trap door on the inside funnel. The trap door must remain closed except under pressure.

f. Maximum diameter of smallest outer funnel opening – 6 inches.

g. Maximum diameter of smallest inner funnel opening – 5 inches.

h. Depth – At least three feet of clearance between the highest point on the submerged trap and the water surface.

5. Each trap shall be identified by a marking bearing the name of the permittee.

(d) Trotlines: Trotlines shall be marked with a flag every 1,000 yards and with a gallon-sized buoy every 500 yards between flags when fished lakeward of the boundary delineated by the commercial fishing boundary buoys.

(6) Tagging:

(a) No person shall possess or transport any freshwater game fish in excess of the possession limit established by Rule 68A-23.005, F.A.C., outside the area of Lake Okeechobee as described in subsection (1) unless each fish has an identifying tag affixed securely to any part of the fish except the fins or tail. Such tags shall be furnished by the Commission in accordance with the provisions of this rule, and the Commission shall be the sole source of supply. It shall be unlawful to produce, manufacture or possess any facsimile or counterfeit tag not supplied by the Commission. Property rights to such tags shall be vested in, and such tags shall remain the property of, the Commission as long as such tags are within the state. No person shall possess any unlocked or unused fish tag which is unattached to a fish outside the area of Lake Okeechobee as described in subsection (1), except as otherwise authorized by the Commission. Tags shall be issued to permittee by lot number and the permittee shall be held responsible for their security.

(b) Each permittee shall be responsible for the tagging of his own fish and only said permittee shall purchase tags. Tags will be provided by the Commission at a cost of five cents per tag. Permittees shall be responsible for the proper tagging of their fish and are strictly liable for any misappropriation thereof. Fish shall be tagged immediately upon arrival at the tagging site and prior to storage or, if a delay is necessary, shall be labeled so as to be readily traceable to the permittee. Permittees shall execute a contract of agreement with the Commission (GFC Form TA 1000, effective April 15, 1992 incorporated herein by reference, and available from the Commission) to tag fish at a designated location, and may be required to relinquish all tagging rights upon receipt of verified information and belief by the executive director that the permittee has violated any commercial fishing regulation governing Lake Okeechobee. In determining whether to require a permittee to relinquish his tagging rights, the executive director shall consider the standards and criteria set forth in Rule 68A-5.004, F.A.C. Breach of contract shall result in immediate denial of the delivery of fish tags by the Commission to the tagging agent.

(c) No permittee shall transfer, loan or relinquish custody and control of any unused fish tags delivered to him nor shall any tags be transported or removed from the designated tagging station premises without the specific prior approval of an authorized representative of the Commission.

(d) No permittee or his employee shall sell untagged game fish from said permittee's designated tagging station at any time.

(e) Permittees shall be strictly liable for compliance herewith.

(7) Reports:

(a) Permittees shall maintain records of operation as designated by the Commission, maintain accounting records on forms furnished by the Commission, and report the number and total weight by species of fish harvested to the Commission each week. All such reports shall be made available for inspection by representatives of the Commission at all times. Reports are due no later than 5:00 p.m. on the Wednesday following the week reported. Failure to file said reports will result in failure to issue tags.

(b) Each freshwater fish dealer within the designated area shall forward to the Commission each week a report showing the amount and kinds of fish purchased or handled during the previous week and the license number of the person from whom the fish were purchased on forms furnished by the Commission. Reports are due within 30 days of the reporting periods.

(c) Failure to submit such reports for the reporting period may constitute grounds for revocation of, or denial of renewal of such license, permit or tagging agreement. Such revocation of, or denial of renewal of such license, permit, or tagging agreement shall be in accordance with standards and criteria promulgated in Rule 68A-5.004, F.A.C.

(8) Sale, transportation and handling of fish:

(a) No untagged game fish shall be sold for consumption. Any licensed freshwater fish dealer may sell, ship or transport lawfully tagged game fish taken from Lake Okeechobee as provided by Section 372.65, F.S. Legally tagged game fish may be shipped or transported provided that a bill of lading showing the name of the shipper, amounts of species of fish shipped, and the date of the shipment, accompanies the fish. No common carrier shall knowingly ship, transport or receive for transportation any freshwater game fish unless such information accompanies the shipment.

(b) Each fish container shall be available for inspection by a duly authorized employee of the Commission. Untagged game fish undesirable for human consumption because of size or spoilage may be processed for other commercial purposes with prior approval by an authorized agent of the Commission. All non-game fish taken in seines shall be removed from the water. Upon approval of an authorized representative of the Commission, non-game fish which have been processed by cooking may be used as bait for haul grounds.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.651, 372.653 FS. History—New 8-1-79, Amended 11-8-79, 5-19-80, 6-22-80, 6-15-81, 6-21-82, 12-14-82, 7-1-84, 7-1-85, 9-19-85, Formerly 39-23.12, Amended 6-1-86, 2-21-88, 4-4-91, 4-15-92, 7-1-97, 7-1-98, Formerly 39-23.012.

68A-23.0131 Special Regulations for Lake Seminole and the St. Mary's River.

(1) Any person having in his possession a valid and appropriate sport fishing license issued by the State of Georgia or the State of Florida may take fish by hook and line or rod and reel in the following described waters:

(a) In the waters of and on the banks of the waters of Lake Seminole – Bounded on the west by Florida State Road No. 271, on the south by the Jim Woodruff Dam, on the east by a line immediately east of the Chattahoochee Marina, also known as the Booster Club, running northwest across the lake to the tip of land at the junction of the Flint and Chattahoochee Rivers, west of Spring Creek; and on the north by the Herman Talmadge Bridge across the Chattahoochee River.

(b) In the waters of and on the banks of the waters of the St. Mary's River – Not including its tributaries.

(2) Persons under 16 years of age may fish without a license in all of the waters hereinabove described. Any person aged 65 years or older who is a resident of Georgia and who is exempt from fishing license requirements by the State of Georgia, and any Florida resident who is age 65 or older and who has obtained a free permanent fishing license as provided in Section 372.561, F.S., may fish in all of the waters hereinabove described.

(3) No person shall take, catch or have in possession on the above-described waters more than the daily bag limit for any species of game fish, or take, catch or have in possession more than 50 in the aggregate of all species of game fish.

(a) The daily bag limit for Lake Seminole is as follows:

1. Black bass – 10 (all of which must be 12 inches or greater in total length).

2. Striped bass, striped bass-white bass hybrid and white bass in the aggregate – 15 (only 2 of which may be 22 inches or greater in total length).

3. Bream – Bluegill, redbreast, rock bass and all other species of bream – 50.

4. Crappie – 30.

5. Pickerel – Chain, grass and redbfin – 15.

(b) The daily bag limit for the St. Mary's River is as follows:

1. Black bass – 10 (all of which must be 12 inches or greater in total length).

2. Striped bass – 2 (all of which must be 22 inches or greater in length).

3. Striped bass-white bass hybrid or white bass – 15.

4. Bream – bluegill, redbreast, rock bass and all other species of bream – 50.

5. Crappie – 30.

6. Pickerel – Chain, grass and redbfin – 15.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.57, 372.97, 372.971 FS. History—New 6-21-82, Formerly 39-23.131, Amended 6-2-86, 8-9-90, 6-11-92, Formerly 39-23.0131.

68A-23.015 Regulations Governing the Taking and Possession of Freshwater Mussels.

(1) Taking living or dead freshwater mussels for the purpose of sale or selling living or dead freshwater mussels, is prohibited.

(2) No person shall take more than 10 freshwater mussels or 20 half-shells of the families Unionidae and Margaritiferidae (Phylum Mollusca, Class Pelecypoda) per day. No person shall possess more than two days' bag limit (20 individual mussels or 40 half-shells) of any mussels of these families. Permits for taking or possession of freshwater mussels of the families Unionidae and Margaritiferidae in excess of prescribed bag or possession limits shall be issued in accordance with Rule 68A-9.002, F.A.C.

(3) Except as provided in Rule 68A-23.008, F.A.C., freshwater mussels from families other than Unionidae and Margaritiferidae, such as the Asian clam *Corbicula fluminea*, may be taken for bait or personal use.

(4) Mussels shall be taken by hand-picking only. Use of brailles, crowfoot bars, or other mechanical methods for taking freshwater mussels is prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-1-96, Formerly 39-23.015.

68A-23.088 Regulations Governing Grass Carp.

(1) No person shall take, possess, sell or otherwise transfer, buy or otherwise receive, transport or stock any grass carp without first obtaining a permit therefor from the Commission. Any grass carp inadvertently taken must be immediately returned unharmed to the water.

(2) Permits for grass carp other than triploid grass carp: Grass carp, other than triploid grass carp, may be possessed only as authorized by permit issued by the Commission for the production of triploid grass carp and subject to the following:

(a) Grass carp, other than triploid grass carp, held outdoors may only be held in a water body that has the lowest point of the top edge of its levee, dike or bank or tank at an elevation of at least one foot above the 100-year flood elevation determined by reference to elevation maps issued by the National Flood Insurance Program, U.S. Department of Housing and Urban Development. Such water body shall have no water discharge. Such water body shall be inaccessible to the public at all times by being securely enclosed by fences with locked gates or by the presence of the permittee or his agents guarding such water body and forbidding public access to such water body.

(b) Grass carp, other than triploid grass carp, held indoors may only be held in a container or tank having no water discharge or having a water discharge through a closed drain system that terminates in a dry-bed, waste-water pond. Such dry-bed, waste-water pond shall not be contiguous to any natural water body nor discharge its waters to any other water body at any time.

(c) Grass carp, other than triploid grass carp, may not be possessed in any number exceeding the number authorized by the permit. Grass carp, other than triploid grass carp, that are produced as a by-product in the production of triploid grass carp shall be destroyed, unless such grass carp that are produced as by-product do not cause the permittee to exceed the number of grass carp, other than triploid grass carp, that the permittee is authorized to possess by permit.

(3) Permits for triploid grass carp:

Triploid grass carp may be possessed, stocked, sold, transferred or transported only as authorized by permit issued by the Commission subject to the following:

(a) Triploid grass carp may be held outdoors only in a water body upon which is placed a structure installed in such a manner as to prevent escape of the triploid grass carp from the water body, or in a water body having a natural configuration that forecloses escape of such triploid grass carp. Such structure or configuration shall be maintained by the permittee as long as triploid grass carp remain in the water body.

(b) No person shall sell or otherwise transfer any triploid grass carp, except as authorized by permit from the Commission in addition to any license required for such transfer or sale by Section 372.65, F.S. No person shall sell or otherwise transfer any triploid grass carp unless the recipient of such grass carp has a permit as provided by this section. A copy of such recipient's permit shall be maintained in the transferor's records for a period of one year following such transfer and made available for inspection upon request of the Commission. Any grass carp sold or otherwise transferred shall be certified as triploid grass carp as provided in Rule 68A-1.004, F.A.C. prior to such sale or transfer or prior to transporting such grass carp for such sale or transfer. The transferor shall furnish to the Commission a report within 30 days following each calendar quarter indicating the transferor's permit number; the name, address and permit number of each recipient of such triploid grass carp; the date of each sale or other transfer; and the number of triploid grass carp sold or transferred, for each sale or other transfer made during the calendar quarter.

(c) No person shall transport any triploid grass carp without having a copy of the Commission permit authorizing such transportation accompanying the shipment of triploid grass carp, and without such shipment containing only triploid grass carp, certified as provided in Rule 68A-1.004, F.A.C., and the certificate shall accompany such shipment of triploid grass carp.

(d) The Commission may deny an application for a permit to stock triploid grass carp in any water body, other than a private pond, if such proposed stocking is inconsistent with the principal or planned use of the water body, the optimum sustained use by the public of the water body's living aquatic resources, or sound biological management principles.

(e) Notwithstanding the provisions of (3)(d) of this section, the Commission may grant an application for a research permit to possess or stock triploid grass carp for legitimate research purposes, subject to the following:

1. The research permit shall expire 12 months from the date of issuance.

2. A detailed research proposal shall accompany the application for the research permit. Such proposal shall state with particularity the research objectives and justifications, research project schedule, research methodology, and safeguards that shall assure that any detrimental effect upon the water body or its living aquatic resources will not be of a permanent or substantial nature.

3. A detailed annual report of research findings, which shall include a description of activities undertaken in the permit period, progress toward research project objectives and proposed activities to be undertaken in the ensuing months, shall be submitted prior to renewal of the research permit. Receipt and approval by the Commission is a condition precedent to renewal of the research permit.

(4) All places where grass carp are possessed shall be subject to inspection by Commission personnel at any time. Such inspection may include obtaining blood samples from grass carp for purposes of ascertaining ploidy.

Specific Authority Art. IV, Sec. 9, Fla. Const., 369.22, 372.021 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 369.22, 372.26 FS. History—New 6-1-86, Amended 7-1-89, 7-1-90, 7-1-92, Formerly 39-23.088.

CHAPTER 68A-24 RULES RELATING TO FUR-BEARING ANIMALS AND POSSESSION OF HIDES

- 68A-24.002 Methods of Taking Fur-Bearing Animals; Possession; Open Season.
- 68A-24.003 License and Tagging Requirements.
- 68A-24.004 Fur and Hide Dealers: Operations, Reporting Requirements.
- 68A-24.005 Transporting and Shipping Live Raccoons.

68A-24.002 Methods of Taking Fur-Bearing Animals; Possession; Open Season.

(1) Certain furbearers and those non-protected mammals as listed in subsection 68A-12.002(9), F.A.C., may be taken by guns, live traps and snares during specified open seasons. Live traps and snares shall be visited at intervals not exceeding 24 hours.

(2) Fur-bearing animals may be taken in accordance with the following:

(a) Raccoon, coyote, opossum, skunk, nutria, beaver and non-protected mammals may be taken throughout the year by the use of guns, dogs, live traps or snares, and may be possessed or transported alive only as authorized by Chapter 68A-6, F.A.C.

(b) Raccoon or opossum may be taken at night by the aid of a light and dogs, with .22 rimfire firearms other than .22 magnum, or with a single-shot .410 gauge shotgun using shot no larger than No. 6 provided that no such firearm shall be loaded at any time except immediately prior to the shooting of a treed or bayed raccoon or opossum. The hunting of raccoon or opossum under the provisions of this paragraph by display or use of a light from a moving vehicle, boat or animal is prohibited.

(c) Bobcat or otter may be taken only from December 1 through March 1 by live traps, guns, dogs or snares. Fox and bobcats may be chased by the use of free-running dogs throughout the year. The possession of a gun while hunting fox is prohibited. The possession of a gun while chasing bobcat is prohibited from March 2 through November 30. No person shall kill or possess fox unless authorized by permit from the executive director.

(d) The taking or possession of mink, weasel, round-tailed muskrat or Key Vaca raccoon is prohibited.

(3) No person shall use, place, or maintain any set gun or steel trap for the purpose of taking or attempting to take wildlife.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-22-80, 6-4-81, 6-21-82, 7-1-83, 7-5-84, 7-1-85, Formerly 39-24.02, Amended 10-8-87, 4-11-90, Formerly 39-24.002, Amended 5-13-02.

68A-24.003 License and Tagging Requirements.

(1) Persons taking or possessing any fur-bearing animal or part thereof for commercial purposes shall be licensed as provided by Sections 372.57(2)(h) and (2)(i) and 372.66, F.S., and may sell such animals in accordance with the provisions of this chapter. Any person licensed to hunt as provided by Sections 372.57(2)(d), (2)(e), and (2)(f), F.S., exempt from hunting licensure under Section 372.57(1)(a) or (1)(b), F.S., or who has obtained a free permanent hunting license as provided in Section 372.561, F.S., may take fur-bearing animals only by shooting or by the use of dogs for non-commercial purposes and may possess one bobcat or otter skin without meeting the tagging requirements of this section.

(2) Persons holding valid furbearer licenses may sell tagged or untagged skins of bobcat or otter to licensed fur dealers or agents only during the period of December 1 to March 31.

(3) Fur dealers or agents licensed pursuant to Section 372.66, F.S., shall tag all untagged skins of bobcat or otter immediately upon receipt with a furbearer tag issued by the Commission.

(a) Tags shall be furnished by the Commission to fur dealers who shall account for the disposition of used tags and return all unused tags by April 15.

(b) The possession of untanned skins of bobcat or otter is prohibited during the period of April 1 to November 30 unless each skin has been tagged with the furbearer tag.

(4) Skins of bobcat or otter shall not be transported, shipped, carried, exported or otherwise removed from the state unless each skin is tagged with the Commission furbearer tag.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021, 372.66 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.57, 372.66 FS. History—New 8-1-79, Amended 6-22-80, 6-4-81, 6-21-82, Formerly 39-24.03, Amended 6-2-86, 5-10-87, Formerly 39-24.003.

68A-24.004 Fur and Hide Dealers: Operations, Reporting Requirements.

(1) No fur or hide dealer or buyer shall buy or possess any untanned skin of any fur-bearing animal acquired from any person not licensed in accordance with Sections 372.57(2)(h) and (2)(i), F.S., or any untanned hide of an alligator acquired from any person not licensed as an alligator trapper, processor or farmer under Section 372.6673, F.S., or as a hide dealer under Section 372.66, F.S. Every fur or hide dealer shall maintain written records of all purchases of untanned skins of any animal as set forth in subsection (2). Untanned skins possessed or stored on the premises of a dealer or agent buyer for another person shall be tagged to show the name, address, date received and license number of the owner.

(2) Fur and hide dealers and their agents purchasing skins during the following report periods shall file reports with the executive director as follows: separate reports for December 1 through 15, December 16 through 31, January, February and March which shall be filed within ten days following each report period. Dealers and their agents dealing in raccoon, opossum, skunk, nutria or beaver during the period of April 1 to November 30 shall file a report for that period no later than December 10. Dealers and their agents dealing in alligator hides shall file a report each 14 days during the open season for alligators as specified in Rule

68A-25.042, F.A.C., and an annual summary by January 30. Report forms will be furnished by the Commission, and reports will contain the fur and hide dealer's or agent's name, the seller's name and license number, and the number of hides of each species purchased. Copies of reports documenting purchases of alligator skins shall be maintained at the dealer's and agent's places of business during the open season for alligators; copies of reports documenting purchases of other skins shall be maintained at the dealer's and agent's places of business during the furbearer season.

(3) The written records of fur and hide transactions shall be made available for inspection by wildlife officers during regular business hours.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.57, 372.66, 372.6672, 372.6673 FS. History--New 8-1-79, Amended 6-22-80, 6-4-81, 6-21-82, Formerly 39-24.04, Amended 6-2-86, 6-7-88, 2-4-89, 4-11-90, 4-1-96, Formerly 39-24.004.

68A-24.005 Transporting and Shipping Live Raccoons.

No person shall transport within, into, or from the state any wild-trapped, live raccoon.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 120.53 FS. History--New 8-1-79, Amended 7-5-84, Formerly 39-24.05, 39-24.005.

CHAPTER 68A-25 RULES RELATING TO REPTILES

68A-25.002	General Provisions for Taking, Possession and Sale of Reptiles.
68A-25.003	Taking and Disposal of Nuisance-Alligators Statewide.
68A-25.004	Regulations Governing the Operation of Alligator Farms.
68A-25.006	Exhibiting and Caging Poisonous or Venomous Reptiles.
68A-25.021	Regulations Governing the Validation and Sale of Alligator Hides. (Repealed)
68A-25.031	Regulations Governing Alligator Egg and Hatchling Collections on Lands Not Included in Alligator Management Programs on Private Lands.
68A-25.032	Regulations Governing the Establishment of Alligator Management Programs on Private Lands.
68A-25.042	Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale.
68A-25.047	Regulations Governing the Harvest of Alligators on Special-Opportunity Alligator Hunt Areas. (Repealed)
68A-25.052	Regulations Governing the Processing of Alligators and the Sale of Alligator Meat and Parts.

68A-25.002 General Provisions for Taking, Possession and Sale of Reptiles.

(1) No person shall buy, sell, take, possess, transport, or import any American alligator, or any part thereof, or the nests or eggs of any American alligator except under permit from the executive director, as otherwise provided by this Title, or as follows:

(a) Lawfully acquired, unskinned alligator carcasses with CITES tags legally affixed; skinned alligator carcasses with the CITES tag number and, if applicable, harvest tag number recorded on an attached tag; untanned hides with CITES tags legally affixed; and alligator feet, viscera, and skeletal parts may be bought, sold, possessed, transported, and imported without a permit provided that untanned alligator hides may only be bought by persons licensed pursuant to s. 372.66, F.S., and that records of transfers of alligator feet, viscera, and skeletal parts shall be maintained as specified in Rule 68A-25.052, F.A.C.

(b) Persons permitted pursuant to s. 372.921, F.S., and their employees may transport live, lawfully-possessed, untagged alligators to Florida locations for exhibition purposes and persons permitted pursuant to s. 372.921, F.S., may sell, and they and their employees may transport, such alligators to:

1. Other persons permitted pursuant to s. 372.921, F.S.;
2. To persons permitted to receive such alligators; or
3. To persons out of state, provided that all transports/transfers conducted pursuant to subparagraphs 68A-25.002(b)1., 2. and 3., F.A.C., shall be documented on a Captive Alligator and Egg Transportation/Transfer Document (FWC Form 1006AF).
4. All originating exhibitor/seller(s) acting pursuant to this paragraph shall complete and sign the Captive Alligator and Egg Transportation/Transfer Document before the transport, obtain the signature of the recipient on the document, if appropriate, and forward the document to the Commission's Division of Law Enforcement, Tallahassee Office, within 30 days following the date of transport. A copy of the completed document must accompany the alligators during transport.

(2) Notwithstanding other provisions in this Title, untagged, lawfully-acquired, cured, and mounted crocodylian trophies; untagged, tanned crocodylian hides; and manufactured goods wholly or partly composed of crocodylian hide or other parts may be possessed, transported, and imported without a permit, but may only be sold in accordance with the following:

(a) Documentary evidence of the source of acquisition of such crocodylian products held for sale shall be maintained until the products are sold. Such products held for sale and documentary evidence of the source of acquisition shall be subject to inspection by Commission personnel during reasonable hours.

(b) No person shall sell such crocodylian products manufactured from a species declared to be endangered or threatened by the U.S. Fish and Wildlife Service or the Commission.

(c) No person shall sell any crocodylian product manufactured in the form of a stuffed baby crocodylian less than three feet in length as measured from the tip of the snout to the tip of the tail.

(3) Any alligator, crocodile, caiman or similar reptile, or any part thereof, seized or otherwise acquired by the Commission may be sold.

(4) The records of individuals or concerns selling any species of crocodylian will be subject to inspection and such individuals or concerns shall have in their possession invoices or other documentary evidence of the suppliers of such crocodylians. The advertisement or representation of any crocodylian other than American alligator, and meat and parts thereof, as alligator or "gator" and of caimans, and meat and parts thereof, as crocodile is prohibited.

(5) No person shall use, be in possession of or attend any hook, peg or other such device baited in such a manner as to be capable of taking alligators and suspended so that the bait is above water or submerged less than six inches except nuisance-alligator trappers taking nuisance alligators pursuant to Rule 68A-25.003, F.A.C., and except as otherwise provided in Rules 68A-25.032 and 68A-25.042, F.A.C.

(6) Freshwater turtles may be taken as prescribed in Rules 68A-23.012 and 68A-23.003, F.A.C., and manually or by baited hooks, bow, dip nets, traps so designed that any freshwater fish taken therein may escape, or by spearing only during daylight hours. The taking of turtles by bucket traps, snares, or shooting with firearms is prohibited. No person shall buy, sell, or possess for sale any alligator snapping turtle (*Macrochelys temmincki*), box turtle (*Terrapene carolina*), Barbour's map turtle (*Graptemys barbouri*), Escambia River map turtle (*Graptemys ernsti*), diamondback terrapin (*Malaclemys terrapin*), river cooter (*Pseudemys*

concinna), or loggerhead musk turtle (*Sternotherus minor*), or parts thereof. No person shall possess more than two Barbour's map turtles, two Escambia River map turtles, two diamondback terrapins, two river cooters, two box turtles, two loggerhead musk turtles, or one alligator snapping turtle unless authorized by permit from the executive director as provided in Rules 68A-5.004, 68A-9.002, and 68A-27.002, F.A.C. River cooters may not be taken from 15 April to 31 July.

(7) No softshell turtles (*Apalone* spp.) or their eggs may be taken from the wild during the period 1 May to 31 July.

(8) No person shall possess more than 50 eggs taken from the wild in the aggregate of species of freshwater turtle native to Florida except as authorized by permit from the Executive Director as provided in Rules 68A-5.004, 68A-9.002, and 68A-27.002, F.A.C. Eggs of those turtle species enumerated in subsection 68A-25.002(6), F.A.C., are subject to the same possession limits as apply for those turtles. The purchase or sale of turtle eggs taken from the wild is prohibited.

(9) No person shall buy, sell, take or possess any gopher tortoise (*Gopherus polyphemus*), or any part thereof, unless authorized by permit from the executive director as provided in Rules 68A-5.004, 68A-9.002, and 68A-27.002, F.A.C.

(10) Possession of gopher tortoises may be authorized by permit from the executive director when the owner can demonstrate that such tortoise(s) was (were) legally acquired and possessed before July 1, 1988.

(11) No person shall possess any turtle or tortoise on which paint has been applied to its shell or body parts, provided that water-soluble, non-toxic identifying marking may be used in turtle racing contests.

(12) No person shall buy, sell or possess for sale any Florida pine snake (*Pituophis melanoleucus mugitus*), nor shall any person possess more than one Florida pine snake, except that said restrictions shall not apply to amelanistic (= "albino") specimens.

(13) Reptiles may be taken throughout the year in any manner not conflicting with other provisions of these rules.

(14) On or after July 1, 1990 any person or entity not currently permitted to possess or exhibit venomous reptiles must qualify for a permit by meeting the following criteria:

(a) Submit documentation in accordance with the criteria specified in paragraph 68A-6.0022(5)(c), F.A.C., showing a minimum of one (1) year substantial practical experience in the care, feeding, handling and husbandry of the family of venomous reptiles for which the permit is sought.

(b) Shall not have been convicted of a violation of venomous reptile regulations for three (3) years prior to application for such permit.

(c) Must be at least 18 years old at the time of application.

(15) No leopard tortoise (*Geochelone pardalis*) or African spurred tortoise (*Geochelone sulcata*) shall be imported or transported into this state, without a special permit issued by the Commission. The basis for the issuance of such permit shall include:

(a) That each shipment is accompanied by a veterinary certificate stating that all specimens are free from external parasites;

(b) That all shipping containers used to transport such tortoises are incinerated within 24 hours;

(c) Such other conditions as may be necessary to insure that no tortoise infested with ticks capable of transmitting the Heartwater disease is imported into Florida.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.6672, 372.6673, 372.86, 372.921, 372.922 FS. History—New 8-1-79, Amended 6-4-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-25.02, Amended 6-1-86, 5-10-87, 10-8-87, 4-13-88, 2-14-89, 7-1-89, 7-1-90, 4-14-92, 4-1-96, 9-15-96, 4-12-98, 7-1-99, Formerly 39-25.002, Amended 4-30-00.

68A-25.003 Taking and Disposal of Nuisance-Alligators Statewide.

(1) No person other than nuisance-alligator trappers designated by the executive director shall take, possess and kill alligators as authorized herein. No nuisance-alligator trapper shall take, possess or kill any alligator except as authorized herein.

(2) Qualification and liability of nuisance-alligator trappers:

(a) Shall reside in the region where the nuisance-alligator trapper is authorized to take, possess or kill alligators.

(b) Shall possess the experience and ability to handle wild alligators.

(c) Shall be capable of supplying all equipment necessary to take alligators.

(d) Shall have sufficient time to adequately and efficiently take designated alligators.

(e) Shall not have been convicted of violating any law or rule relating to the illegal taking of crocodylians within five years of the date of application, or within ten years of the date of application if such conviction involved endangered crocodylians.

(f) Shall assume personal liability for health, welfare and safety while acting as a nuisance-alligator trapper.

(g) Those persons employed by alligator farms or engaged in alligator farming shall not be eligible to participate as a nuisance-alligator trapper. However, nothing herein shall prohibit the employment of nuisance-alligator trappers by alligator farm permittees for the taking of alligators or alligator eggs from the wild in accordance with Commission rules.

(3) Selection and review:

(a) Applicants and qualifications for appointment shall be reviewed by a selection board appointed in each region by the executive director. The board shall conduct a personal interview and consider each applicant's qualification and personal background. The names of those applicants nominated by the board shall be submitted to the executive director for final consideration and appointment. The number of appointments shall be based on need.

(b) Selected nuisance-alligator trappers shall enter into a contract and be licensed as an alligator trapper under s. 372.6673, F.S., to take and possess alligators in accordance with this rule.

(4) Conditions governing operations of authorized nuisance-alligator trappers:

(a) The nuisance-alligator trapper will be issued a permit assigning in writing a specific nuisance alligator complaint by the designated regional coordinator. Only the alligator(s) specifically designated in the nuisance-alligator complaint may be taken. No nuisance-alligator trapper shall possess any live alligator for more than 24 hours except as directed by the coordinator.

(b) When warranted under exigent circumstances or when immediate attention is required, the regional coordinator may authorize a nuisance-alligator trapper to relocate an alligator less than four feet in length.

(c) Nuisance-alligator trappers may collect oviducal eggs from gravid nuisance alligators and the orphaned eggs from the nests of female nuisance alligators, as authorized by the Commission, for the transfer of said eggs to alligator farms permitted as eligible to receive eggs and hatchlings from the wild pursuant to Rule 68A-25.004, F.A.C.

(d) No alligator shall be taken by the use or aid of a firearm without specific written authorization or without authorization by a Commission law enforcement officer at the scene.

(e) An alligator CITES tag furnished by the Commission shall be locked through the skin of the alligator within six (6) inches of the tip of the tail immediately upon killing. The identifying alligator CITES tag shall remain attached to the alligator hide until the hide is tanned, taxidermy mounted, or exported from the state. CITES tags shall be used only one time, and the possession of any alligator hide not tagged as prescribed herein is prohibited, and such hide shall be subject to seizure and forfeiture to the Commission under the provisions of s. 372.73, F.S.

(f) An alligator harvest report form (FWC Form 1001AT, incorporated by reference herein, effective April 30, 2000) provided by the Commission shall be completed by the trapper within 24 hours of taking each alligator and prior to the transfer of the carcass to another person. The trapper shall submit a legible copy of each completed alligator harvest report form to the Commission's Tallahassee Office, 620 South Meridian Street, Tallahassee, FL 32399-1600 for receipt by January 15 of the following year.

(g) All unused CITES tags must be returned by the permittee to the Commission's Tallahassee Office, 620 South Meridian Street, Tallahassee, FL 32399-1600, by January 15 of the following year. It shall be a violation of this section for any person to possess any unused CITES tag(s) from the previous year after January 15.

(h) Five dollars (\$5) shall be expended by the Commission or its designee on marketing and education for each CITES tag used under the provisions of this rule contingent upon an annual appropriation by the legislature for marketing and education activities.

(i) The meat from alligators taken that is not discarded shall be processed or sold in accordance with Rule 68A-25.052, F.A.C.

(j) Each nuisance-alligator trapper may have up to three alligator trapping agents, licensed under s. 372.6673, F.S. Such agents are authorized to conduct nuisance-alligator trapping activities under the direction of the nuisance-alligator trapper. Such activities may be performed by the agents in the absence of the nuisance-alligator trapper. The nuisance-alligator trapper shall be held accountable for the conduct of his agents. Any confirmed misconduct may result in termination of the nuisance-alligator trapper's contract or the revocation of the nuisance-alligator trapper's or agents' licenses as prescribed by Rule 68A-5.004, F.A.C.

(k) CITES tags shall remain the property of the Commission until affixed as provided herein. No person except an authorized nuisance-alligator trapper and his agents shall possess any unused CITES tag at any time, and such nuisance-alligator trapper shall insure that all CITES tags issued to him shall remain in his or his agents' possession.

(l) Assignments of alligators to be taken and the issuance of CITES tags to a nuisance-alligator trapper shall be discontinued upon receipt of verified information and belief by the executive director that the nuisance-alligator trapper has:

1. Attempted to generate alligator complaints,
2. Taken alligators in excess of authorization,
3. Failed to promptly respond to an assigned complaint,
4. Been convicted of a violation of any regulation concerned with the commercialization of wildlife or freshwater fish,
5. Violated any portion of this rule, or
6. Demonstrated an inability to carry out the assigned duties as required by contract or rule. Following a review by the appropriate regional review board in which the alleged misconduct is confirmed, the contract of the nuisance-alligator trapper shall be breached and terminated.

(5) Sale of alligator parts: Parts of alligators may only be sold in accordance with Rules 68A-25.002 and 68A-25.052, F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.6672, 372.6673 FS. History--New 8-1-79, Amended 10-23-79, 6-22-80, 6-4-81, 6-21-82, 7-1-85, Formerly 39-25.03, Amended 6-1-86, 12-23-87, 5-5-88, 2-14-89, 4-11-90, 4-14-92, 3-30-95, 4-1-96, Formerly 39-25.003, Amended 4-30-00.

68A-25.004 Regulations Governing the Operation of Alligator Farms.

Alligator farms may be established and operated and alligators, eggs, and hides may be possessed by alligator farmers and their agents subject to the following:

(1) Definitions:

(a) Breeding stock is defined as all alligators six (6) feet or greater in length that are maintained in outdoor enclosures for propagation purposes.

(b) Rearing stock is defined as all alligators other than breeding stock on a farm.

(2) Licensing and permitting:

(a) An alligator farm may be established and operated only pursuant to and in accordance with provisions of a permit issued by the executive director or his designee.

(b) Alligator farm permittees and their agents shall be licensed at a fee of \$250 and \$50, respectively, as required by s. 372.6673, F.S.

(c) An alligator farm may be licensed and permitted separately on a parcel contiguous with another alligator farm provided the following criteria are met to ensure maintenance of separate inventories on the farms:

1. The applicant shall submit a copy of the current deed or leaseholder agreement in the prospective farm, along with a detailed map or drawing to scale, depicting the farm's boundaries. Such boundaries shall be readily identifiable on the ground and shall show a clear demarcation between the farms.

2. A fence, wall, or equivalent structure, not less than six feet high, and constructed of not less than 11 1/2 gauge chain link, or equivalent, shall separate the borders of ponds or outdoor tanks of the adjacent farm, when they are not separated by a minimum of 100 feet of dry land.

3. When buildings are used for alligator grow-out, they shall be separate for each farm.

4. Egg incubators, if provided, shall be in buildings separate from those of any other contiguous farm.

5. Rearing tanks on the respective farms shall be separately drainable.

6. Farm buildings and outside tanks on the respective farm, that are not separated by a minimum of 100 feet, shall be visibly marked with the name of the farm or other identifier to facilitate inventory inspections.

(d) Farms that are located on non-contiguous properties shall be required to have separate alligator farming licenses and farm permits.

(e) Alligator farms permitted as eligible to receive eggs and hatchlings taken from the wild under provisions in Rules 68A-25.031 and 68A-25.032, F.A.C., shall provide a minimum of 2,000 square feet of rearing tank(s).

(f) A maximum of 30 permits may be issued that grant farmers authority to take alligator hatchlings under subsection 68A-25.031(1), F.A.C., and a maximum of 30 permits may be issued that grant farmers the first opportunity to participate in the collection and distribution of eggs taken from the wild under subsections 68A-25.031(2) and (3), F.A.C. Such permits shall be issued by the executive director as follows:

1. Permits shall be issued to applicants on a first-come, first-served basis as determined by receipt of a written application.

2. After the issuance of all available permits, the Commission shall maintain on a first-come, first-served basis waiting lists for issuance of permits. Applicants wishing to maintain their status on said waiting lists must notify the Commission in writing between December 1 and December 31 of each year.

3. Prior to July 1, 2000, when a permit becomes available, the first applicant on the respective list shall be so notified. Said applicant shall have 10 days after notification to purchase a farming license and 180 days to meet the eligibility criteria for alligator farm facilities specified herein. The applicant may be issued a permit following an inspection and a determination that these requirements have been met. Such applicants who fail to meet these requirements shall be dropped from the list and required to reapply for reinstatement to the list.

4. On or after July 1, 2000, when a permit becomes available, notice of such availability shall be published in the Florida Administrative Weekly.

a. Persons wishing to apply for an available permit shall do so in writing within 30 days of publication of the notice in the Florida Administrative Weekly. Persons whose applications are received more than 30 days after publication of the notice shall not be eligible for assignment of the available permit, irrespective of the postmark date on their application. Only persons licensed as alligator farmers pursuant to s. 372.6673, F.S., may apply, and only one application per person will be accepted.

b. Available permits shall be assigned based on a random drawing of qualified applicants.

c. Individuals assigned an available permit on the respective list shall be so notified. Said applicant shall have 180 days after notification to meet the eligibility criteria for alligator farm facilities specified herein. The applicant may be issued a permit following an inspection and determination that these requirements have been met.

5. No person shall be issued more than one permit for an alligator farm eligible to receive alligator eggs and one permit for an alligator farm eligible to receive alligator hatchlings taken from the wild as specified in this paragraph.

6. Failure of a permittee to participate in the egg collection and distribution under Rule 68A-25.031, F.A.C., for two consecutive years shall result in revocation of the respective permit issued pursuant to this paragraph.

7. Failure of a permittee to participate in the hatchling collections under Rule 68A-25.031, F.A.C., for two consecutive years shall result in revocation of the respective permit issued pursuant to this paragraph.

(g) Permits to establish and operate alligator farms are not transferable except when incident to a bona fide sale or other ownership transfer of the facility, provided the application of the purchaser is approved by the Commission in accordance with rules and regulations of the Commission.

(h) No one shall transfer a permit or interest in a permit to a relative or to any other person or change executive officers or directors when the Commission has notified the permittee in writing that revocation or non-renewal proceedings have been or will be brought against the permit, or when a permittee, executive officer, director, or person holding an interest in the permit or business has been arrested, charged, indicted, or convicted, or has appealed the conviction, of a crime which is disqualifying under Commission rules or regulations. It shall be a violation of this section to transfer or attempt to transfer any permit or interest in a permit or business or change executive officers or directors contrary to the provisions of this section. The term "relative" with

respect to this section means an individual who is related to the permittee, executive officer, director, or person holding an interest as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepsister, stepbrother, half brother, or half sister.

(i) The executive director shall not issue an alligator farm permit to any person who has been convicted of any violation of s. 372.663 or s. 372.664, F.S., or the rules of the Commission relating to the illegal taking of any crocodilian species:

1. For five (5) years following such conviction; or

2. For ten (10) years following, if such conviction involves the taking of an endangered crocodilian species. The executive director shall revoke any alligator farm permit of persons convicted of any violation of s. 372.663 or s. 372.664, F.S., or the rules of the Commission relating to the illegal taking of any crocodilian species.

(j) Upon revocation or non-renewal of an alligator farm permit as provided in Rule 68A-5.004, F.A.C., the permittee shall have six (6) months to dispose of legally acquired alligator stock. The alligator farm and stock may not be sold or otherwise disposed of to any alligator farm of which the permittee or a relative is an officer, director, or principal or holds any interest.

(3) Record keeping requirements:

(a) Permittees shall maintain inventory records of the number of alligator eggs and alligators in each incubator, tank, pond, and enclosure. The source and disposition of eggs and alligators added to or removed from each incubator, rearing tank, and breeding stock enclosure shall be accurately recorded. Such inventory, source, and disposition records shall be kept on the farm on an Alligator Farm Inventory Record (FWC Form 1004AF, effective June 30, 1992, which is incorporated herein by reference and may be obtained at the Commission's Tallahassee office) or in a manner that is substantially in compliance with the required record keeping.

(b) Shipping tickets, invoices or bills of lading, Hatchling Collection Forms (FWC Form 1002AF), Alligator Egg and Hatchling Transfer Documents (FWC Form 1003AF), Public Waters Alligator Egg Transfer Documents (FWC Form 1005AF), Captive Alligator and Egg Transportation/Transfer Documents (FWC Form 1006AF), and records of all hide sales or transfers shall be maintained and kept at the farm to show source of supply or disposition of alligator stock.

(c) Records required under this subsection shall be maintained until December 31 of the following year.

(4) Reporting requirements:

(a) An Alligator Farm Annual Report (FWC Form 1000AF, effective July 1, 1994, which is incorporated to this rule by reference and may be obtained at the Commission's Tallahassee office) shall be completed at the conclusion of each calendar year and submitted to the Commission's division of law enforcement by January 31.

(b) Failure to submit complete reports that accurately reflect farm records as required by this section shall be punishable as provided in s. 372.83(1)(a), F.S.

(5) Inspection and inventory requirements:

(a) Commission personnel may, during reasonable hours, enter and inspect all alligator farmers' places of business, farm buildings, farm lands, vessels, and motor vehicles that are used or are of a type that could be used in the production, storage, sale, or transportation within this state of any alligators, their eggs, meat, or hides; inspect all records or documents pertaining thereto; and conduct partial inventories to determine if the permittee is in compliance with applicable laws and regulations.

(b) A complete inventory of all rearing stock may be scheduled, conducted, and directed by Commission personnel during reasonable hours to determine an accurate count of alligators present on a farm under one or more of the following conditions:

1. Upon bona fide sale or transfer of farm ownership.

2. Upon two or more failures during a calendar year to maintain complete alligator farming records.

3. Prior to the transfer of alligator stock upon revocation or non-renewal of an alligator farming permit.

4. When a partial inventory reveals a discrepancy of ten (10) percent or more in inventory records. A partial inventory is defined as counting the alligators in not more than three (3) rearing tanks or counting ten (10) percent of the entire reported inventory, whichever is greater.

5. When the annual report submitted by a permittee indicates a discrepancy that cannot be reconciled between the permittee's records of his total inventory and the Commission's computed total number of alligators that should be present on a farm based on the previous years' annual reports and records of receipts, dispositions, harvests, and transfers of eggs and alligators, provided that the permittee shall have seven (7) days to resolve such discrepancies to the satisfaction of the Commission.

(c) No inventory of breeding stock shall be made without the written approval of the executive director.

(d) The alligator farm permittee shall provide all labor, equipment, and materials necessary to conduct inventories. Failure to abide by this requirement shall result in the suspension of all unused CITES tags and suspension of authorization to transfer alligators and alligator eggs as provided for in subsection 68A-25.004(8), F.A.C., until the inventory is completed.

(e) It shall be a violation of this section, punishable as provided in s. 372.83(2)(e), F.S., if a total physical inventory reveals a discrepancy in the recorded numbers of alligators by a farmer in excess of ten (10) percent. Any CITES tags that have been issued to the farm permittee in excess of the number of harvestable alligators actually present on the farm, as revealed by the inventory, shall be seized by Commission personnel and returned to the Commission.

(f) The permittee shall make all captively produced alligator eggs that are incubated on the farm available for inspection by August 1 of each nesting year. Such eggs shall be made available for inspection during reasonable hours in containers having not more than one layer of eggs at each incubation facility on the alligator farm. Only viable alligator eggs will be credited to the egg inventory. Eggs laid after August 1 may be collected and added to the egg inventory only if egg development characteristics indicate a laying date after August 1, and nests are verified by Commission personnel prior to being collected.

(6) Specifications for alligator farms:

(a) Pens or holding facilities shall be constructed in a manner to prevent the escape of any alligator contained in such pen or facility or entrance by any alligator from outside such pen or facility. The ponds and outdoor tanks of all farms licensed to exhibit wildlife under s. 372.921, F.S., shall conform to the fencing requirements for alligators as provided in Rule 68A-6.003, F.A.C. Farms not licensed to exhibit wildlife shall not be required to meet such standards.

(b) Alligators less than four (4) feet in length shall be kept in readily drainable rearing tanks of concrete, fiberglass, plastic, or metal construction or other materials approved by the executive director that will ensure their secure and humane confinement.

(c) Alligator farm permittees shall furnish alligator housing of sufficient size and design as provided by Rules 68A-6.004 and 68A-6.0023, F.A.C.

(7) Harvest of alligators:

(a) Any alligator killed under the authority of this section or that dies on a farm shall be recorded in the farm inventory records and either tagged within 24 hours with a CITES tag, furnished at no cost to the alligator farm permittee by the Commission, or destroyed. The CITES tag shall remain attached to the alligator hide until the hide is tanned, taxidermy mounted, or exported from the state. CITES tags shall be used only one time. The possession of any alligator hide or carcass not tagged as prescribed herein or any unskinned, untagged, frozen alligator carcass is prohibited, and such hides and carcasses shall be subject to seizure and forfeiture to the Commission under the provisions of s. 372.73, F.S.

(b) Alligator meat not discarded shall be processed or sold in accordance with Rule 68A-25.052, F.A.C.

(c) Parts of alligators may be sold as provided in Rule 68A-25.052, F.A.C.

(d) Tagged, unskinned alligator carcasses and tagged hides may be sold or otherwise disposed of.

(e) Property rights to unused CITES tags issued to alligator farm permittees shall be vested in the Commission, and unused CITES tags shall remain the property of the Commission. No person except the alligator farm permittee or his licensed agents shall possess any unused CITES tag at any time.

(f) All unused CITES tags shall be returned to the Commission with the annual report by January 31 of the following year. It shall be a violation of this section for any person to possess any unused CITES tag(s) from the previous year after January 31.

(8) Transfer of alligator eggs and live, untagged alligators from alligator farms:

(a) Alligator eggs and live, untagged alligators may be sold and may be transferred but only to other licensed alligator farms; to exhibitors licensed pursuant to s. 372.921, F.S.; to persons permitted to receive such eggs or alligators; or to persons out of state.

(b) The transfer of any alligator egg or live, untagged alligator from an alligator farm premises shall be documented on a Captive Alligator and Egg Transportation/Transfer Document (FWC Form 1006AF, effective April 30, 2000, which is incorporated herein by reference and may be obtained at the Commission's Tallahassee office). The originating farm permittee shall complete and sign the Captive Alligator and Egg Transportation/Transfer Document before the transfer, obtain the signature of the recipient on the document, and forward the document to the Commission's Division of Law Enforcement, Tallahassee Office, within 30 days following the date of transfer. A copy of the completed document must accompany the alligators or alligator eggs during transport.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.6673 FS. History—New 8-1-79, Amended 6-21-82, Formerly 39-25.04, Amended 8-24-87, 6-7-88, 2-14-89, 4-11-90, 4-4-91, 4-15-92, 7-1-94, 3-30-95, 4-1-96, 9-15-96, 11-12-98, Formerly 39-25.004, Amended 4-30-00.

68A-25.006 Possession, Exhibition and Caging Venomous Reptiles: Prohibited Species.

(1) Any person who keeps, possesses or exhibits poisonous or venomous reptiles shall comply with ss. 372.86, 372.87, 372.88, 372.89, 372.90 and 372.91, F.S.

(2) Venomous reptiles shall be kept enclosed in cages, cases, pits or enclosures of the following specifications:

(a) Cage may be constructed of a variety of materials including: plate glass of at least one-quarter inch thickness, break-resistant plastic of similar strength, concrete reinforced with wire, sheet metal, molded fiberglass, plywood or interlocking lumber that has been treated to be impervious to moisture and is not less than one-half inch in thickness, or other materials which provide equivalent stability and security against escape and unauthorized intrusion. Cages and doors to cages shall be sealed. The doors of each cage shall be securely locked to prevent unauthorized intrusion.

(b) A room may contain poisonous reptiles in cages that are not locked provided that such a room is locked to prevent unauthorized intrusion, is inaccessible to unauthorized personnel, is constructed and maintained as to be escape-proof, and, for commercial facilities, has been inspected and approved as conforming to these rules by Commission personnel prior to use.

(c) Outdoor open-topped enclosures:

1. For venomous reptiles native to the United States, the floors of outdoor cages shall be of concrete or masonry construction at least two inches in thickness. Sides shall be of similar construction, at least eight inches in thickness, or strength equivalent, with a minimum height of four feet above the floor of the enclosure. Outdoor enclosures need not have concrete or masonry flooring if the enclosure meets the following additional specifications:

- a. The enclosure shall have concrete or masonry walls, at least eight inches in thickness, or strength equivalent.
- b. The enclosure shall have footers made of concrete, or strength equivalent, extending not less than three feet below the grade level, outside the perimeter.
- c. The corners of enclosure shall be designed or guarded to prevent the escape of reptiles by climbing.
- d. All landscaping of the enclosure shall be arranged to insure that vegetation or other structures do not allow for the escape of reptiles.

2. Entrance doors shall be kept securely locked on all outdoor enclosures to prevent escape and unauthorized intrusion and the enclosure shall be equipped with barriers to prevent visitors from falling into enclosures that are constructed below ground level.

3. For venomous reptile species not native to the United States, all outdoor enclosures shall be topped with close-meshed wire or an equivalent barrier to provide additional security.

(3) All species of snakes commonly known as sea snakes or sea kraits, belonging to the families *Elapidae*, *Hydrophiidae* or *Laticaudidae* are prohibited from being imported or possessed, except under the provisions of s. 370.081(4), F.S.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented 370.081, 372.86, 372.87, 372.88, 372.89, 372.90, 372.91, 372.92 FS. History—New 8-1-79, Amended 6-21-82, Formerly 39-25.06, Amended 5-10-87, 4-1-96, 9-15-96, Formerly 39-25.006, Amended 11-17-99.

68A-25.031 Regulations Governing Alligator Egg and Hatchling Collections on Lands Not Included in Alligator Management Programs on Private Lands.

(1) Conditions governing alligator hatchling collections:

(a) Only alligator farmers permitted as eligible to receive hatchlings from the wild as specified in paragraph 68A-25.004(2)(f), F.A.C., and licensed as specified in s. 372.6673, F.S., (hereinafter referred to as farm permittees) and their agents licensed as specified in s. 372.6673, F.S., shall be authorized to take alligator hatchlings under this subsection. Alligator hatchlings may only be taken according to provisions of a hatchling collection permit and only from locales specifically designated in the permit.

(b) Alligator hatchling collection quota limits will be established by the Executive Director for individual counties or other specified management units. Such quotas will be from zero to 500 and will be based on the quantity of alligator habitat in each individual county and the best biological information that indicates the number of hatchlings that can be removed from the system without long-term adverse impacts on population levels. The maximum and minimum numbers of alligator hatchlings that a farm permittee may request and take are 1,000 and 50, respectively.

(c) Assignment of counties or specified management units will be based on the preference identified by applicants on application forms and a random drawing.

(d) Assignment of all alligator hatchling collection areas to farm permittees will be conducted at least once every three (3) years, and the assignment of relinquished collection areas will be conducted in intervening years. Farm permittees who wish to request the assignment of hatchling collection areas will identify their preferred collection areas and total number of alligator hatchlings requested for the year on application forms (FWC Form 1001AF, effective date April 1, 1996, incorporated herein by reference and available at the Commission's Tallahassee office) provided by the Commission. Completed applications must be received by the Commission by June 15 of each year. For purposes of this rule, receipt shall mean actual receipt in the Commission's Tallahassee Office, on or before the deadline, by U.S. Mail, express delivery, hand-delivery or by facsimile (fax) copy. Applications received after June 15 will not be accepted irrespective of the postmark date.

(e) Each farm permittee selected in the assignment process will be authorized to receive a hatchling collection permit and a number of hatchling tags up to the combined collection quotas for the hatchling collection areas assigned to him. Each farm permittee shall remit hatchling tag fees for the total collection quota of each hatchling collection area that is assigned to him and from which he would like to take hatchlings. Upon receipt of hatchling tag fees, the Commission will issue a hatchling collection permit and the total authorized number of hatchling tags to the farm permittee. The fee for alligator hatchling tags provided under this section shall be fixed, pursuant to s. 372.6674, F.S., at a cost of \$5 each.

(f) Any assigned alligator hatchling collection area may be voluntarily surrendered or transferred to another eligible farm permittee prior to issuance of the hatchling collection permit for the area in a given year provided that a written request for such surrender or transfer and payment for transferred area quotas is received by the Commission by December 1 of each year.

(g) Alligator hatchling collection areas and their associated collection quotas for which hatchling tag fees are not received by December 1 of each year shall revert to a pool of available collection areas and may be reassigned the following year. In years in which all collection areas are not assigned, any new farm permittee not previously assigned collection areas shall be given priority in the reassignment of areas from the pool of available collection areas until each new farm permittee is assigned the minimum quota established each year under paragraph (1)(b).

(h) Permittees shall obtain alligator hatchling tags from the Commission in a quantity not to exceed their assigned alligator hatchling collection quota for the time specified by their permit.

(i) Alligator hatchling collections may be conducted under the conditions set forth under this subsection from September 15 through December 1.

(j) Permittees or their agent(s) shall not collect wild alligator hatchlings until receipt of permittee's written report by the Commission's Division of Law Enforcement, Tallahassee, identifying the total, calendar-year, hatchling production and the number of remaining viable eggs on the permittee's alligator farm as of September 10 or later of each year. Notwithstanding provisions for inventories in Rule 68A-25.004, F.A.C., the Commission may inventory a permittee's total egg inventory and hatchling production.

(k) Alligator hatchlings shall not be collected pursuant to this subsection from egg collection areas established under subsections (2) and (4), from lands included in alligator management programs established under Rule 68A-25.032, F.A.C., or from areas designated by the executive director as closed to such collections in order to provide for scientific studies or as necessary to protect alligator populations.

(l) Alligator hatchlings shall be immediately tagged upon capture with alligator hatchling tags, except that hatchlings captured from a boat shall be tagged no later than immediately upon return to shore. A hatchling collection form (FWC Form 1002AF, effective date April 1, 1996, incorporated herein by reference) provided by the Commission must be completed prior to leaving the collection site and shall accompany the hatchlings at all times until they are delivered to the permittee's alligator farm. Hatchling collection forms shall be submitted to the Commission's Tallahassee Office, 620 South Meridian Street, Tallahassee, FL 32399-1600 by December 16. No person shall possess any untagged alligator hatchlings acquired pursuant to this section.

(m) Alligator hatchlings shall be transported and housed in suitable facilities as provided in Rule 68A-6.005, F.A.C., and transported to the permitted alligator farm within fifteen (15) days following collection.

(n) Alligator hatchling tags issued to a permittee shall remain the sole property of the Commission until attached as provided herein. In addition to the permittee, only persons licensed as alligator farming agents under the permittee's license and any licensed alligator farmer who is authorized to do so by the permittee may possess unused hatchling tags and take alligator hatchlings as specified in the permit and this section. Persons licensed as alligator farming agents other than those licensed under the permittee's alligator farming license are not authorized to possess unused hatchling tags or to take hatchlings pursuant to this section. Licensees taking hatchlings independent of the permittee shall be in possession of a copy of the harvest permit. The permittee shall be strictly liable to ensure that all alligator hatchling tags remain in his possession, the possession of licensed alligator farmers he has authorized to take hatchlings, or the possession of his licensed agent(s).

(o) All unused alligator hatchling tags issued pursuant to this section shall be returned to the Commission's Tallahassee Office, 620 South Meridian Street, Tallahassee, FL 32399-1600 by December 16 each year.

(2) Establishment of Type A egg collection areas, groups, coordinators, and quotas:

(a) Type A alligator egg collection areas shall be established by the Executive Director that are suitable for surveying, establishment of quotas, and collection based upon habitat characteristics, expected nest densities, and anticipated costs of surveys and collections.

(b) Egg collection permits shall be issued for no more than two groups of eligible alligator farmers.

(c) Farmers permitted as eligible to receive eggs from the wild as specified in paragraph 68A-25.004(2)(e), F.A.C., and licensed as specified in s. 372.6673, F.S., who wish to participate in egg collections shall apply and identify, in writing, the collection group in which they elect to participate. Farmers also permitted as eligible to participate in the collection and distribution of eggs as specified in paragraph 68A-25.004(2)(f), F.A.C., may identify the person for whom they vote to be permitted as the egg collection coordinator (herein referred to as coordinator). Applications must be received by the Commission by April 1 of each year. For purposes of this rule, receipt shall mean actual receipt on or before the deadline in the Commission's Tallahassee Office by U.S. Mail, express delivery, hand-delivery, or facsimile (fax) copy. Applications received after April 1 will not be accepted irrespective of the postmark date. The Executive Director shall issue permits to direct and conduct egg collections on behalf of group participants to the individuals receiving the majority of the votes from eligible voting members in each group. Each coordinator shall be licensed as an alligator farmer as specified in s. 372.6673, F.S., prior to being issued a permit.

(d) Quotas for the number of nests that may be opened on each collection area shall be determined by Commission biologists conducting surveys and will not exceed fifty percent (50%) of the nests observed during those surveys.

(e) The proportion of the total nest quota to be assigned to a collection group will be calculated as the number of farms permitted pursuant to paragraph 68A-25.004(2)(f), F.A.C., participating in that collection group on April 1, divided by the total number of farms permitted pursuant to paragraph 68A-25.004(2)(f), F.A.C., participating in either collection group.

(3) Procedures and requirements for alligator egg collections on Type A egg collection areas:

(a) Coordinators shall solicit the participation of group members as follows:

1. Farmers permitted pursuant to paragraph 68A-25.004(2)(f), F.A.C., shall be given the first opportunity to contribute fee payments for nests assigned to their group.

2. In the event that farmers permitted pursuant to paragraph 68A-25.004(2)(f), F.A.C., do not contribute fee payments for all nests assigned to the group, farmers in the group not permitted pursuant to paragraph 68A-25.004(2)(f), F.A.C., shall be given the opportunity to contribute fee payments for the remaining nest quota.

(b) Within five working days of receiving notice from the Commission of the group's total nest quota and collection area assignments, each coordinator shall purchase 25 egg fee permits at a cost of \$5 per egg for each nest in the quota from which he intends to collect eggs and shall indicate the percentage of the fees that was paid by farmers in the group not permitted pursuant to

paragraph 68A-25.004(2)(f), F.A.C. If payment is not made for the full nest quota, the coordinator shall provide notice in writing with the fee payment of the areas from which he does not intend to collect eggs and, if a partial quota is to be collected from an area, shall specify the area and the number of nests to be collected from that area. Only one area may be specified from which a partial quota will be collected.

(c) Any nest quota for which fee payment and notice are not received as specified in paragraph (3)(b), above, shall be assigned to the other collection group provided that the group's coordinator submits fee payment and notice for the quota to be transferred within five working days of notification as specified in paragraph (3)(b).

(d) Coordinators shall be issued Alligator Egg Fee Assessment Records (FWC Form 1007AF, effective April 1, 1996, which is incorporated herein by reference) by the Commission that document the number of eggs for which payment was received and permits specifying the areas, quotas, and requirements for egg collections.

(e) Permits shall expire August 7 of each year, except that the Executive Director may extend the expiration date upon request of a group coordinator if collections are delayed for reasons outside of the control of the coordinator and collectors and a concerted effort has been made to complete the collections before August 7. Any quota unused upon expiration of the permit shall be assigned to the other collection group upon purchase of the requisite number of egg permits by the other group's coordinator.

(f) Alligator egg collections may be conducted only according to provisions of the egg collection permit and only from locations and during periods specified in the permit.

(g) Each coordinator shall be solely responsible for making fee payments, informing participants in the collection of permit requirements, ensuring that permit requirements are met, meeting reporting requirements, conducting egg collections, and equitably distributing eggs to group participants.

(h) Egg collections shall only be conducted under the supervision of Commission personnel.

(i) Prior to egg collection, the coordinator shall request approval of collection dates, exit points, and egg inspection sites for each collection area from the Executive Director or his designee. Egg inspection sites at locations different from approved exit points shall be approved by the Executive Director or his designee only in extenuating circumstances or when shelter from inclement weather and utilities suitable for egg inspection are not available at the exit point. Commission personnel shall be provided the opportunity to inventory eggs at the exit point and to supervise the transport of eggs from the exit point to such approved egg inspection sites.

(j) Farmers in each collection group shall be given equal opportunity to participate in the egg collection and distribution; farmers in each group who are not permitted pursuant to paragraph 68A-25.004(2)(f), F.A.C., shall be entitled to receive a share of the eggs collected from each area in proportion to the percentage of the group's fees that they paid.

(k) Eggs may only be taken under this rule by alligator farmers in the collection group, the egg collection coordinator, and their agents licensed as specified in s. 372.6673, F.S.

(l) The number of nests opened on each egg collection area shall not exceed the quota established pursuant to paragraph (2)(d). All eggs from each opened nest shall be collected.

(m) The coordinator shall possess Alligator Egg Fee Assessment Records that indicate an available balance of no less than one egg collection permit for each egg collected.

(n) All eggs collected each day shall be presented in a single layer for inspection to Commission personnel at the designated egg inspection site. The coordinator may select eggs to be retained and shall mark said eggs in a manner designated by the Commission. A fee of \$5 per egg shall be assessed for every egg retained as recorded on Alligator Egg Fee Assessment Records. All remaining eggs shall be surrendered to Commission personnel at the egg inspection site. Each egg collection coordinator shall be refunded fees assessed under this provision for eggs retained from egg collections areas for which he/she has paid for the survey costs not to exceed the amount he/she paid for such surveys as documented by Commission flight records and helicopter flight time invoices.

(o) Each collection day at the egg inspection site, the coordinator shall record the number of eggs retained on one or more Alligator Egg Fee Assessment Records, sign the form(s) to verify the number of eggs retained and balance to be collected, obtain the signature on the form(s) of the Commission staff person supervising the collection, and submit a copy of the form(s) to such staff person.

(p) Each collection day at the egg inspection site the coordinator shall provide Commission personnel completed copies of FWC form 1005AF (effective June 26, 1994, incorporated herein by reference and available at the Commission's Tallahassee office) signed by the coordinator and indicating the number of eggs to be transferred to each participating farm or to a designated temporary storage facility. Eggs may be temporarily stored at the designated storage facility for up to 15 days following collection before transfer to the participating farms.

(q) Eggs may only be transferred to the designated temporary storage facility or to farms participating in the egg collection group. The coordinator shall be responsible for ensuring that a copy of FWC form 1005AF is completed for each transfer of eggs and that a copy of the completed form, signed by the coordinator, accompanies the eggs during any such transfer. Any physical transfer of eggs must be accomplished within two days of completion and signing of the form by the coordinator.

(r) Each participating farmer receiving eggs shall sign the accompanying copy of FWC form 1005AF and submit it to the Commission within ten days of the transferral date to document the addition of those eggs to their farm inventory.

(s) Of the \$5 fee per egg assessed under (3)(n), \$1 shall be expended on alligator marketing and education.

(4) Type B egg collection area establishment procedures and requirements:

(a) Alligator habitat occurring on public lands may be established as a Type B egg collection area provided that:

1. The alligator habitat is not accessible to the general public without written authorization or permit, and
2. The area has not been established as an alligator harvest management unit pursuant to Rule 68A-25.042, F.A.C., and
3. A determination is made by the Executive Director, based on costs and benefits of surveys and collections, that said alligator habitat is unsuitable for establishment as a Type A egg collection area.

(b) A governmental body with management authority over public lands or an authorized lessee of public lands may apply for establishment of a Type B egg collection area according to the application procedures specified for alligator management programs on private lands in Rule 68A-25.032, F.A.C.

(c) Procedures and requirements governing application review, permit issuance, and the taking of eggs shall be as specified in Rule 68A-25.032, F.A.C., for alligator management programs on private lands.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.6672, 372.6673, 372.6674 FS. History--New 8-24-87, Amended 6-7-88, 2-14-89, 4-11-90, 4-15-92, 4-29-93, 6-26-94, 3-30-95, 4-1-96, 9-15-96, 4-12-98, Formerly 39-25.031, Amended 4-30-00, 5-13-02.

68A-25.032 Regulations Governing the Establishment of Alligator Management Programs on Private Lands.

Alligator management programs designed for the taking of alligator eggs and hatchlings and the trapping of non-hatchling alligators on private lands may only be established under the following conditions:

(1) Alligator Management Program – Application and review procedures.

(a) The owner or authorized lessee of property containing alligator habitat (as described in FWC form 1000PW) shall make written application, on forms provided by the Commission (Alligator Management Program Application, FWC form 1000PW, effective April 12, 1998, is incorporated to the rule by reference and may be obtained from the Commission's Tallahassee and regional offices), for establishment of an Alligator Management Program each calendar year. A group of landowners or authorized lessees may apply jointly provided their properties are adjoining. Lands owned or leased by water control districts recognized per Chapter 298, F.S., excepting water management districts created per s. 373.069, F.S., shall be construed as private lands for purposes of this rule.

(b) Alligator habitat inventories contained in Alligator Management Program Applications shall be verified by an individual who is designated as an associate wildlife biologist or a certified wildlife biologist under The Wildlife Society's Program for Certification of Professional Wildlife Biologists, The Wildlife Society, 5410 Grosvenor Lane, Bethesda, MD 20814; or who is designated as an associate ecologist, ecologist, or senior ecologist under the Ecological Society of America's Certification Program, ESA Center for Environmental Studies, Arizona State University, Tempe, AZ 85287-3211; or who is designated as an associate fisheries scientist or a certified fisheries scientist under the American Fisheries Society's Professional Certification Program, American Fisheries Society, 5410 Grosvenor Lane, Suite 110, Bethesda, MD 20814-2199; or who is a full Member of the Society of American Foresters, 5400 Grosvenor Lane, Bethesda, MD 20814. Non-hatchling alligator, hatchling and nest surveys contained in said applications shall be verified by an individual who is designated as a certified wildlife biologist by The Wildlife Society's Program for Certification of Professional Wildlife Biologists.

(c) Applicants may incorporate by reference in their annual application the habitat inventories and non-hatchling alligator surveys referenced in paragraph (1)(b) above that were previously submitted by the applicant and that remain on file with the Commission provided that habitat conditions have not changed on the property. New applicants for previously permitted properties must submit newly verified habitat inventories and non-hatchling alligator surveys as specified in paragraph (1)(b) above.

(d) Upon review and approval of timely submitted applications, individuals designated in the application (hereinafter referred to as designees) shall be entitled to receive permits to take alligators, eggs, or hatchlings on the permitted property in accordance with permit provisions and provisions of this rule.

(e) Applicants may identify one designee for taking non-hatchling alligators, one designee for taking alligator eggs, and one designee for taking alligator hatchlings. Requests to change a designee shall be in writing.

(f) Designees shall be licensed in accordance with the provisions of s. 372.6673, F.S., prior to the issuance of their permits. A permittee's agents shall be licensed prior to said agents taking alligators or alligator eggs and prior to relocating nuisance alligators.

(g) Permits shall be issued to designee within 60 days following receipt of a complete application meeting the criteria established herein (applicants should submit applications at least 60 days prior to the opening of the harvest period to ensure timely issuance of harvest permits and tags prior to the opening of the harvest period). Permits may be denied, pursuant to Rule 68A-5.004, F.A.C., to designees who have previously failed to return unused tags and completed forms as specified herein.

(2) Procedures governing the issuance of harvest permits and the taking of non-hatchling alligators.

(a) Harvest quotas for non-hatchling alligators may be requested by submitting the following information:

1. A habitat inventory (as described in FWC form 1000PW) demonstrating at least 1,000 acres of alligator habitat, or
2. A habitat inventory (as described in FWC form 1000PW) demonstrating at least 1,000 acres of alligator habitat and an alligator population survey, or

3. An alligator population survey documenting a population of no less than 100 alligators greater than 4 feet in length.

(b) With respect to alligator population surveys submitted pursuant to subparagraphs (2)(a)2. and 3.:

1. Only one alligator population survey may be submitted each year.

2. A harvest quota may be requested without submitting a current alligator population survey in the year immediately following two consecutive years of alligator population surveys, and in alternate years thereafter, provided the surveyed areas and survey methodologies are comparable between surveys.

(c) Upon review of the habitat inventory or the alligator population survey, Commission biologists shall recommend to the Executive Director or his designee a harvest quota not to exceed 15% of the projected population of alligators greater than 4 feet in length for the permitted property. Such recommended quotas shall be based upon the best biological information that indicates the number of alligators that can be removed from the system without long-term adverse impacts on population levels. Upon approval of harvest quotas by the executive director or his designee, the Commission shall furnish the designee a harvest permit and an alligator CITES tag for each non-hatchling alligator to be taken from the approved area. Harvest permits shall expire on December 31 of each year, and associated CITES tags may not be used after that date.

(d) Alligators greater than nine feet in length and alligators less than six feet in length may be taken from April 1 through August 31 and non-hatchling alligators may be taken from September 1 through March 31.

(e) Alligators may be taken by the use of firearms, live traps, sethooks, and snares; baited, wooden pegs less than two (2) inches in length attached to a hand-held restraining line; harpoons, gigs, and snatch hooks; and manually operated spears, spearguns, gig-equipped bang sticks, crossbows, and bows with projectiles attached to a restraining line. Sethooks may only be used during the period September 1 through March 31. The use of firearms other than bang sticks and gig-equipped bang sticks is prohibited from sunset to sunrise.

(f) In addition to the designee, his licensed agents and any licensed alligator trapper may take non-hatchling alligators provided they are authorized to do so by the designee. Authorized licensees taking non-hatchling alligators independently of the designee shall be in possession of a copy of the harvest permit. Persons licensed as alligator trapping agents other than those licensed under the permittee's alligator trapping license are not authorized to take alligators pursuant to this subsection.

(g) Any alligators captured shall be killed before the permittee or his authorized licensee leaves the property described in the Alligator Management Program Application (FWC form 1000PW). An identifying alligator CITES tag issued by the Commission shall be locked through the skin of the alligator within six (6) inches of the tip of the tail immediately upon killing or, if the alligator is killed from or in a boat, no later than immediately upon return to shore and before leaving the property. If there is a permitted alligator processing facility on the property, alligators must be tagged immediately upon capture except that alligators captured from a boat must be tagged no later than immediately upon return to shore and before leaving the property. The identifying alligator CITES tag shall remain attached to the alligator hide until the hide is tanned, taxidermy mounted, or exported from the state. CITES tags shall be used only one time, and the possession of any alligator hide not tagged as prescribed herein is prohibited, and such hide shall be subject to seizure and forfeiture to the Commission under the provisions of s. 372.73, F.S.

(h) An alligator harvest report form (FWC form 1001AT, effective May 28, 2000, is incorporated to the rule by reference and may be obtained from the Commission's Tallahassee and regional offices), provided by the Commission, must be completed by the permittee within 24 hours of taking each alligator and prior to the transfer of the carcass to another person. The permittee shall submit a legible copy of each completed alligator harvest report form to the Commission's Tallahassee Office, 620 South Meridian Street, Tallahassee, FL 32399-1600 for receipt by January 15 of the following year.

(i) Five dollars (\$5) shall be expended by the Commission or its designee on marketing and education for each CITES tag used under the provisions of this rule contingent upon an annual appropriation by the legislature for marketing and education activities.

(3) Procedures governing the issuance of collection permits and the taking of alligator eggs and hatchlings.

(a) Alligator eggs and hatchlings may only be collected from properties containing more than 1,000 acres of alligator habitat as described in an alligator habitat inventory submitted as part of FWC form 1000PW, or from properties for which an alligator nest or hatchling pod survey is submitted which results in establishment of quotas of at least five (5) nests or five (5) pods, respectively, as specified in paragraphs (3)(b) to (d), below.

(b) Designees who wish to harvest alligator eggs shall submit an alligator nest survey to the Commission by August 1 of each year, and designees who wish to harvest alligator hatchlings shall submit to the Commission an alligator hatchling pod inventory by November 1 of each year, as specified in the Alligator Management Program Application (FWC form 1000PW).

(c) Commission biologists shall assess the status of the alligator population based on available habitat and survey information provided by the applicant's designee and recommend to the executive director or his designee the number of alligator eggs and/or hatchlings to be collected.

(d) Upon approval of quotas by the executive director or his designee, the Commission shall issue the applicant's designee a harvest permit and alligator hatchling tags or an Alligator Egg Fee Assessment Record (FWC Form 1007AF) following receipt of hatchling tag or egg permit fees. Alligator hatchling tags provided under this subsection shall be fixed, pursuant to s. 372.6674, F.S., at a cost of \$5 each and alligator egg fee permits provided under this subsection shall be fixed, pursuant to s. 372.6673, F.S., at a cost of \$2 each.

(e) In addition to the procedures detailed in (3)(b) through (d) above, following receipt by the Commission of a written request for an alligator egg collection permit (supervised) and issuance of such permit, eggs may be collected from up to 50% of the nests observed during an on-site survey by an individual meeting the requirements for verifying nest surveys in paragraph (1)(b) of this rule, provided the permittee has submitted a fee of \$2 per egg to be collected and has been issued one or more Alligator Egg Fee Assessment Records by the Commission that document the number of eggs for which payment was received. Such collections shall only be conducted under the direct supervision of said individual according to the provisions of the collection permit. The permittee

must submit to the Commission a map of the locations of all alligator nests observed during the on-site survey within 15 days following the expiration date of the egg collection permit. The nest location map must be verified by an individual meeting the requirements for verifying nest surveys in paragraph (1)(b) of this rule.

(f) Alligator eggs and/or hatchlings may be taken only at the times and under the conditions set forth in the collection permit. Hatchlings shall be tagged immediately upon capture with an alligator hatchling tag provided by the Commission, except that hatchlings captured from a boat shall be tagged no later than immediately upon return to shore and before leaving the property. An Alligator Egg Fee Assessment Record (FWC Form 1007AF, effective April 1, 1996, which is incorporated herein by reference and may be obtained at the Commission's Tallahassee office) must be completed and signed by the permittee to document all retained eggs on the day of collection and prior to transporting the eggs from the property or to a licensed farm facility. A copy of such Alligator Egg Fee Assessment Record must remain with the eggs until the eggs are transferred to a licensed farm facility.

(g) In addition to the designee, his licensed agents and any licensed alligator farmer may take alligator eggs or hatchlings as provided in the harvest permit provided they are authorized to do so by the designee. Authorized licensees taking alligator hatchlings or eggs independently of the designee shall be in possession of a copy of the harvest permit. Persons licensed as alligator farming agents other than those licensed under the permittee's alligator farming license are not authorized to take alligator eggs or hatchlings pursuant to this subsection.

(h) Persons issued permits shall maintain complete records of eggs or hatchlings taken, and shall complete and return within 15 days an alligator transfer document (FWC form 1003AF, effective April 10, 1994) provided by the Commission for eggs or hatchlings transferred to alligator farm facilities permitted under Rule 68A-25.004, F.A.C.

(i) Alligator eggs or hatchlings taken under this rule must be transferred within 15 days of taking to farms permitted as eligible to receive eggs and hatchlings from the wild as specified in Rule 68A-25.004, F.A.C.

(4) Commission personnel shall be granted access to any lands or facilities permitted hereunder in order to verify application information submitted hereunder and to collect biological data on and specimens from alligators, their eggs or hatchlings, provided that specimens shall only be collected when necessary for the management of the species. All required records shall be made available to inspection by the Commission.

(5) All tags issued under this rule shall remain the sole property of the Commission until used as provided herein, and may be possessed only by the permittee, licensees he has authorized to take alligators, or his licensed agent(s) prior to such use. The permittee shall be strictly liable in ensuring that all unused tags remain in his possession, the possession of licensees he has authorized to take alligators, or the possession of his licensed agent(s), and that all unused tags are returned to the Commission's Tallahassee Office, 620 South Meridian Street, Tallahassee, FL 32300-1600, within 15 days following permit expiration.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.6672 FS. History—New 5-5-88, Amended 2-14-89, 4-11-90, 4-4-91, 4-15-92, 10-22-92, 4-29-93, 4-10-94, 3-30-95, 4-1-96, 9-15-96, 4-12-98, Formerly 39-25.032, Amended 5-28-00, 10-10-00, 5-13-02.

68A-25.042 Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale.

No person shall take non-hatchling alligators from the wild except as provided herein and under other applicable rules of the Commission.

(1) Establishment of alligator management units and harvest quotas:

(a) Management units comprised of specified wetlands, lakes, rivers or other water bodies that may be reasonably grouped for the purposes of study, analysis or management and that are suitable for harvest based on habitat characteristics, accessibility, and estimated alligator densities shall be established by executive order.

(b) Annual harvest quotas for each management unit shall be established by the executive director, or his designee, and shall be based upon an evaluation of on-site habitat or population inventories for each management unit. The harvest quota for a management unit shall be based on the best estimate of the number of alligators that can be removed from the unit without long-term adverse impacts on population levels and shall not exceed 15 percent of the projected population of alligators greater than 4 feet in length for that unit.

(2) Application procedures:

(a) Each applicant shall submit one current-year alligator harvest permit application (FWC form 1000AT, effective April 30, 2000, is incorporated into this rule by reference and may be obtained at the Commission's Tallahassee and regional offices); an alligator trapping license application and fee payment for an alligator trapping license as required by s. 372.6673, F.S., or evidence of possession of an alligator trapping license valid through October 8 of the current year; and \$20 for two CITES tags, pursuant to s. 372.6674, F.S. Only those complete application packages received at the address on the alligator harvest permit application after 8:00 a.m., May 1 of each year shall be accepted. Multiple applications received in one envelope shall not be accepted.

(b) Applicants for alligator harvest permits shall:

1. Be 18 years of age or older by September 1 in the current application year.
2. Submit only one completed harvest permit application.

3. Not have been convicted of any violation of ss. 372.663 or 372.664, F.S., or rules of the Commission relating to the illegal taking of any crocodylian species:

- a. For a period of five (5) years preceding the date of application; or

b. For a period of ten (10) years preceding the date of application if such conviction involved the taking of an endangered crocodylian species.

4. Identify their preferred management units on the harvest permit application.

5. Identify their preferred harvest periods on the harvest permit application.

(3) Procedures governing the selection of applicants and the issuance of harvest permits:

(a) Application packages meeting the requirements of subsection (2), above, and received each day beginning May 1 shall be randomly selected on a daily basis for permit issuance until all available permits are issued.

(b) A harvest permit shall be issued to each elected applicant for his/her highest ranked, available harvest unit and harvest period choices. Should a harvest permit not be available for any of the applicant's choices of harvest units and harvest periods, the applicant's fees shall be returned.

(c) Two CITES tags shall be issued with each harvest permit, except that two harvest tags bearing the letters "MER" shall also be issued with harvest permits for management units for which the best available scientific data indicates the average mercury concentrations in alligators therein exceeds the Federal limit for legal sale of the meat.

(d) Harvest permits shall be valid only for the management unit and harvest period indicated thereon, and harvest permits and their associated harvest tags, if issued, and CITES tags are not transferable.

(4) Alligator trapping requirements:

(a) Alligators may only be taken in accordance with the provisions of the alligator harvest permit.

(b) Alligators may be taken from 1/2 hour before sunset to 1/2 hour after sunrise during the harvest period specified in the harvest permit. Harvest periods shall be from 1/2 hour before sunset on October 1 through 1/2 hour after sunrise on October 8, and from either 1/2 hour before sunset on September 1 through 1/2 hour after sunrise on September 8, or 1/2 hour before sunset on September 8 through 1/2 hour after sunrise on September 15, or 1/2 hour before sunset on September 15 through 1/2 hour after sunrise on September 22, or 1/2 hour before sunset on September 22 through 1/2 hour after sunrise on October 1, except as otherwise provided in the harvest permit.

(c) Only non-hatchling alligators may be taken.

(d) Alligators may be taken only by the use of baited, wooden pegs less than two (2) inches in length attached to a hand-held restraining line and hand-held snares, harpoons, gigs, snatch hooks, and manually operated spears, spearguns, crossbows and bows with projectiles attached to a restraining line. The use of baited hooks, gig-equipped bang sticks, or firearms for taking alligators is prohibited except that bang sticks are permitted for taking alligators attached to a restraining line. Any persons actively participating in the taking of alligators as provided herein shall possess an alligator trapping license or alligator trapping agent's license.

(e) Alligators may only be taken in the area specified in the alligator harvest permit.

(f) The permittee's agents licensed pursuant to s. 372.6673, F.S., and any licensed alligator trapper may take alligators as provided in the harvest permit but only in the presence of the permittee. Persons licensed as alligator trapping agents other than those licensed under the permittee's alligator trapping license are not authorized to take alligators pursuant to this section.

(g) Alligators shall be killed immediately upon capture.

(h) Immediately upon killing, a CITES tag issued by the Commission and a harvest tag, if issued, shall be locked through the skin of the carcass within six (6) inches of the tip of the tail. The CITES tag shall remain attached to the alligator hide until the hide is tanned, taxidermy mounted, or exported from the state. The harvest tag, if issued, shall remain attached to the alligator until processing. CITES tags shall be used only one time, and the possession of any alligator hide not tagged as prescribed herein is prohibited, and such hide shall be subject to seizure and forfeiture to the Commission under the provisions of s. 372.73, F.S.

(i) An alligator harvest report form (FWC form 1001AT, effective April 30, 2000) provided by the Commission shall be completed by the permittee within 24 hours of taking each alligator and prior to the transfer of the carcass to another person. The permittee shall submit a legible copy of the alligator harvest report form to the Commissioner's Tallahassee Office, 620 South Meridian Street, Tallahassee, FL 32399-1600 for receipt no later than October 22.

(j) Tags issued under this section shall remain the property of the Commission until affixed as provided herein. Tags issued pursuant to this section may be possessed only by the permittee or his licensed agents prior to use. The permittee shall be strictly liable in ensuring that possession of unused tags is limited to persons authorized under this rule.

(k) All unused CITES tags shall be refundable and shall be returned by the permittee to the Commission's Tallahassee Office, 620 South Meridian Street, Tallahassee, FL 32399-1600, no later than October 22. It shall be a violation of this section for any person to possess any unused CITES tag(s) issued pursuant to this section after October 22. Permits may be denied, pursuant to Rule 68A-5.004, F.A.C., to applicants who have previously failed to return unused tags and complete forms as specified herein.

(5) Alligator processing and sale of parts.

(a) Alligator meat not discarded shall be processed or sold in accordance with Rule 68A-25.052, F.A.C.

(b) Commission personnel shall be granted access to collect biological data on and specimens from any alligators taken under the provisions of this rule, provided that specimens shall only be taken when necessary for the management of the species.

(6) Nothing herein shall prohibit the executive director from establishing special restrictions or exemptions from this rule for the purpose of conducting experimental alligator harvests on designated areas pursuant to Rule 68A-9.002, F.A.C.

68A-25.052 Regulations Governing the Processing of Alligators and the Sale of Alligator Meat and Parts.

(1) Meat from legally acquired alligators that is not discarded and not processed for sale shall be packaged and labeled to indicate the CITES tag number and license holder's name in indelible ink on each package.

(2) Meat from alligators taken pursuant to Rule 68A-25.042, F.A.C., to which harvest tags have been affixed bearing the letters "MER" as part of the tag numbers may not be sold for human consumption and if not discarded must be permanently and visibly labeled "NOT FOR SALE, Recommend: NOT FOR HUMAN CONSUMPTION."

(3) Alligator meat may only be sold if imported or if processed from carcasses skinned in a permitted alligator processing facility and processed and packaged in such a facility as provided in this section.

(4) Alligator processing facilities may be established and operated only under permit from the executive director and shall be licensed as required by s. 372.6673, F.S. The criteria for issuance of an alligator processing facility permit are as follows:

(a) Persons may indicate their intent to establish an alligator processing facility when submitting their alligator trapping, alligator farming, or alligator processing license application, or if already licensed under s. 372.6673, F.S., they may submit a written request for an alligator processing facility permit to the Commission's Bureau of Licensing and Permitting, Tallahassee Office, at least 30 days prior to the proposed date of operation. Such application or written request shall include a copy of the current food permit from the Department of Agriculture and Consumer Services for the proposed facility.

(b) The executive director shall not issue an alligator processing facility permit or shall revoke said permit for any person who has been convicted of any violation of ss. 372.663 or 372.664, F.S., or the rules of the Commission relating to the illegal taking of any crocodylian species:

1. For five (5) years following such conviction; or

2. For ten (10) years following, if such conviction involves the taking of an endangered crocodylian species.

(5) Provisions for the operation of alligator processing facilities:

(a) Alligator processors and their designated employees as provided by permit may receive and possess legally acquired, tagged, unskinned alligator carcasses and skinned alligator carcasses with the CITES tag number and, if applicable, the harvest tag number recorded on an attached tag for processing of meat and hides provided:

For alligators taken pursuant to Rules 68A-25.003, 68A-25.032, and 68A-25.042, F.A.C., the alligator harvest report form (FWC form 1001AT, effective April 30, 2000) shall be completed and signed immediately upon receipt, and shall be further completed upon processing to indicate the amount of meat packaged. A copy of the harvest report form shall accompany the carcass until processing.

2. Written records of the number, source, and disposition of all alligator carcasses received, bought, sold, or transferred, including copies of Alligator Harvest Report Forms (FWC form 1001AT), shall be maintained for a period of one year following sale, transfer, or disposal of the carcass, meat, hides, or parts thereof.

(b) Commission personnel shall be granted access to any permitted facility to collect biological specimens from and data on any alligators possessed under this subsection, provided that specimens shall only be collected when necessary for the management of the species.

(c) Processing and storage facilities and all Commission required records shall be subject to inspection by Commission personnel during reasonable hours.

(d) Meat processed or re-processed for sale must be packaged in a sealed, tamper-proof package (a package that must be permanently and noticeably altered if opened to remove or add meat). Each package must be permanently labeled to indicate the name of the processor processing the alligator(s), the CITES tag number(s) from the alligator(s) from which the meat was taken, the date packaged, and the number of pounds of meat enclosed. Each package and label shall be used to package meat only one time.

(6) Provisions for the sale of alligator meat:

(a) Written records of all alligator meat sales, with the exception of retail sales to the customer, shall be maintained for a period of one year following sale, and shall include the name of the seller and buyer, date of sale, and amount sold. Such records shall be open to inspection by Commission personnel during reasonable hours.

(b) All alligator meat purchased shall remain in the original package until the meat is re-processed or prepared for consumption, and packages shall be used to package meat only one time.

(c) Packages containing lawfully acquired alligator meat packaged and labeled in accordance with this rule may be shipped in intrastate or interstate commerce.

(7) Provisions for the importation of alligator meat to Florida:

(a) Meat must be acquired and processed in accordance with the applicable health and sanitation requirements and laws of the state of origin.

(b) All imported alligator meat shall be shipped in a tamper-proof package.

(c) Each package of imported alligator meat shall be labeled with a seal to identify the state of origin, the processor, the number of pounds of meat enclosed, and the date packaged.

(8) The feet, viscera or skeletal parts of lawfully acquired alligators may be retained or transferred provided that all transfers, with the exception of retail sales to the consumer, shall be documented in writing to indicate the kind and quantity of items and date transferred and the name and address of each recipient, and such records shall be maintained for a period of one year.

(9) Manufactured goods wholly or partly composed of alligator hide, organs, teeth, or skull, or other skeletal material may only be sold in accordance with provisions of Rule 68A-25.002, F.A.C.

(10) These requirements shall not be construed to supersede the regulatory authority of any federal, state or local entity regarding the processing or handling of food products, but shall be deemed supplemental thereto. Alligators processed hereunder shall be handled and processed in compliance with all applicable sanitation and permit requirements of the Florida Department of Agriculture and Consumer Services, the county health department of the county in which the facility is located, and any other federal, state, or local authorities.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.6672, 372.6673 FS. History—New 5-5-88, Amended 2-14-89, 4-11-90, 4-1-96, 9-15-96, 6-1-97, 4-12-98, 4-15-99, Formerly 39-25.052, Amended 4-30-00.

CHAPTER 68A-26 RULES RELATING TO AMPHIBIANS

68A-26.002 Regulations Relating to the Taking of Amphibians.

68A-26.002 Regulations Relating to the Taking of Amphibians.

(1) Frogs may be taken throughout the year by gigs, clubs, blow guns, hook and line, or manually; or by shooting during daylight hours.

(2) Amphibians other than frogs may be taken throughout the year in any manner not conflicting with other provisions of these rules and regulations except that when seines, nets or traps are used, the provisions of Chapter 68A-23, F.A.C., relating to the taking of bait minnows and other freshwater fish shall apply.

(3) Any person taking for sale or selling frogs shall be licensed as provided by s. 372.65, F.S.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.65 FS. History—New 8-1-79, Amended 6-4-81, 6-21-82, Formerly 39-26.02, 39-26.002.

CHAPTER 68A-27 RULES RELATING TO ENDANGERED OR THREATENED SPECIES

68A-27.0011	Killing Endangered Species.
68A-27.0012	Procedures for Listing, Delisting and Reclassifying Endangered, Threatened and Species of Special Concern.
68A-27.002	Provision for Harassment of Endangered, Threatened and Species of Special Concern on Airport Property.
68A-27.0021	Designation of Candidate Species; Prohibitions; Permits.
68A-27.003	Designation of Endangered Species; Prohibitions; Permits.
68A-27.004	Designation of Threatened Species; Prohibitions; Permits.
68A-27.005	Designation of Species of Special Concern; Prohibitions; Permits.
68A-27.006	Reward Program.

68A-27.0011 Killing Endangered Species.

No person shall kill, attempt to kill or wound any endangered species as designated in Rule 68A-27.003, F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-84, Formerly 39-27.011, Amended 4-13-88, Formerly 39-27.0011.

68A-27.0012 Procedures for Listing, Delisting and Reclassifying Endangered, Threatened and Species of Special Concern.

(1) Petition to list, delist, or reclassify a species in Rules 68A-27.003, 68A-27.004 or 68A-27.005, F.A.C.

(a) Persons wishing to add, delete or reclassify species in Rules 68A-27.003, 68A-27.004 or 68A-27.005, F.A.C., shall submit a written petition to the Commission.

1. Petitions shall be clearly identified as such, and must contain the following in order to be considered complete:

a. The rule to which the species is proposed to be added, removed from or reclassified to,

b. The name, address and signature of the petitioner, and

c. Sufficient information on the biology and distribution of the species to warrant investigation of its status using the criteria contained in definitions of endangered, threatened or species of special concern in Rule 68A-1.004, F.A.C.

(b) Incomplete petitions will be returned to the petitioner with insufficiencies clearly noted in writing. Corrected petitions may be resubmitted for consideration.

(c) Complete petitions will be evaluated in accordance with the provisions in subsection (2).

(d) If, in the opinion of the Executive Director, immediate inclusion of a species in Rule 68A-27.003(1), F.A.C., is essential to prevent imminent extinction, such listing may be effected on a temporary basis not to exceed 240 days. Such emergency listings shall be approved by the Commission at the next scheduled meeting. The Commission shall conduct the evaluations prescribed in (2) and (3) of this subsection to determine the appropriate final classification of the species.

(2) Review of petitions to determine biological status; Phase 1.

(a) The Commission shall establish a deadline for completion of the biological review of each complete petition.

(b) The Commission shall provide notice by mail to parties who request such notification and shall publish in the Florida Administrative Weekly a solicitation of information on the biological status of the petitioned species. Written comments regarding biological status shall be accepted by the Commission for a period of no less than 45 days following public notice.

(c) The Commission shall summarize information provided in the petition, information obtained from the public and other available biological data on status of the petitioned species into a preliminary biological status report. The preliminary biological status report shall contain a recommended classification for the petitioned species consistent with the available biological data and based on the criteria established in Rule 68A-1.004, F.A.C.

(d) The Commission shall designate a biological review panel with a minimum of three scientists with demonstrated knowledge and expertise pertaining to species conservation and management. This panel shall independently evaluate information compiled on the petitioned species' biological status relative to its proposed classification in Rules 68A-27.003, 68A-27.004 or 68A-27.005, F.A.C.

(e) The biological status report and the information referenced in subparagraph (c) shall be provided to members of the panel of scientific experts for the review mandated in (d) of this subsection. Panel members shall have no fewer than 45 days to review the document and provide recommendations to the Commission.

(f) The Commission shall consider the final biological status report, biological recommendations from the panel of scientific experts and public testimony regarding biological status in making a final determination whether addition, deletion or reclassification of the petitioned species in Rules 68A-27.003, 68A-27.004 or 68A-27.005, F.A.C., is warranted.

(g) If the petitioned species is determined by the Commission to warrant inclusion in Rules 68A-27.003, 68A-27.004 or 68A-27.005, F.A.C., the Commission shall:

1. Specify the appropriate listing category for the species based on biological status.

2. Establish a deadline for completion of Phase 2 for the species as described in subsection (3) below, considering the recommendation of Commission employees and other interested parties.

3. If the species is not already listed in Rules 68A-27.003, 68A-27.004 or 68A-27.005, F.A.C., it shall be added to the list of candidate species in Rule 68A-27.0021, F.A.C., and the protective provisions therein shall apply to the species.

(3) Development of management plans, regulations, permit requirements for candidate species; Phase 2.

(a) Within 45 days following designation of a candidate species, the Commission shall provide notice by mail to parties who request such notification and shall publish in the Florida Administrative Weekly a solicitation of information on the conservation needs of the species, and any economic and social factors that should be considered in its management.

(b) The Commission shall use information obtained from the public and other available information to develop a draft management plan for each candidate species that addresses:

1. Biological status as determined in Phase 1,
2. Conservation objectives,
3. Recommended management actions,
4. Recommended Commission regulations and incentives,
5. Anticipated economic and social impacts of implementing or not implementing the recommended conservation actions.

(c) The Commission shall provide notice by mail to parties who request such notification and shall publish in the Florida Administrative Weekly a notice of the availability of the draft management plan. Written comments regarding conservation recommendations and expected economic and social impacts of implementation of the management plan shall be accepted by the Commission for a period of no less than 45 days following public notice.

(d) Final Commission action on the petition shall include:

1. Deletion of the species from Rule 68A-27.0021, F.A.C. if appropriate, and addition to and/or deletion from Rules 68A-27.003, 68A-27.004 or 68A-27.005, F.A.C., in accordance with the determination made in (2) of this subsection.

2. A determination on any proposed regulations in the management plan.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-23-99, Formerly 39-27.0012.

68A-27.002 Provision for Harassment of Endangered, Threatened and Species of Special Concern on Airport Property. Species of birds and mammals protected in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C., may be harassed on airport property as specified in Rule 68A-12.009(7), F.A.C., if aircraft safety and human lives are in imminent jeopardy.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-21-82, 7-1-84, 7-1-85, Formerly 39-27.02, Amended 6-1-86, 5-10-87, 4-13-88, 4-11-90, 6-23-98, 6-23-99, Formerly 39-27.002.

68A-27.0021 Designation of Candidate Species; Prohibitions; Permits.

(1) The species in subsection (3) are hereby declared to be candidate species for inclusion in Rules 68A-27.003, 68A-27.004 or 68A-27.005, F.A.C.

(2) No person shall engage in direct take of any candidate species except as authorized by specific permit from the Executive Director.

(3) The following species are hereby declared to be candidate species: none.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-23-99, Formerly 39-27.0021, Amended 4-30-00, 5-1-01.

68A-27.003 Designation of Endangered Species; Prohibitions; Permits.

The following species are hereby declared to be endangered and shall be afforded the protective provisions specified.

(1) No person shall pursue, molest, harm, harass, capture, possess, or sell any of the endangered species included in this subsection, or parts thereof or their nests or eggs except as authorized by specific permit, permits being issued only when the permitted activity will clearly enhance the survival potential of the species.

- (a) Pillar coral (*Dendrogyra cylindrus*)
- (b) Blackmouth shiner (*Notropis melanostomus*)
- (c) Okaloosa darter (*Etheostoma okaloosae*)
- (d) Shortnose sturgeon (*Acipenser brevirostrum*)
- (e) American crocodile (*Crocodylus acutus*)
- (f) Atlantic green turtle (*Chelonia mydas mydas*)
- (g) Atlantic hawksbill turtle (*Eretmochelys imbricata imbricata*)
- (h) Atlantic ridley turtle (*Lepidochelys kempi*)
- (i) Leatherback turtle (*Dermochelys coriacea*)
- (j) Mud turtle (*Kinosternon bauri*) (lower keys population only)
- (k) Wood stork (*Mycteria americana*)
- (l) Snail kite (*Rostrhamus sociabilis plumbeus*)
- (m) Peregrine falcon (*Falco peregrinus*)
- (n) Ivory-billed woodpecker (*Campephilus principalis*)
- (o) Bachman's warbler (*Vermivora bachmanii*)

- (p) Kirtland's warbler (*Dendroica kirtlandii*)
- (q) Florida grasshopper sparrow (*Ammodramus savannarum floridanus*)
- (r) Cape Sable seaside sparrow (*Ammodramus maritimus mirabilis*)
- (s) Gray bat (*Myotis grisescens*)
- (t) Indiana bat (*Myotis sodalis*)
- (u) Florida mastiff bat (*Eumops glaucinus floridanus*)
- (v) Silver rice rat (*Oryzomys argentatus*)
- (w) Choctawhatchee beach mouse (*Peromyscus polionotus allophrys*)
- (x) Perdido Key beach mouse (*Peromyscus polionotus trissyllepsis*)
- (y) St. Andrews beach mouse (*Peromyscus polionotus peninsularis*)
- (z) Anastasia Island beach mouse (*Peromyscus polionotus phasma*)
- (aa) Key Largo cotton mouse (*Peromyscus gossypinus allapaticola*)
- (bb) Key Largo woodrat (*Neotoma floridana smalli*)
- (cc) Florida saltmarsh vole (*Microtus pennsylvanicus dukecampbelli*)
- (dd) Lower Keys marsh rabbit (*Sylvilagus palustris hefneri*)
- (ee) West Indian manatee (*Trichechus manatus*)
- (ff) Florida panther (*Felis concolor coryi*)
- (gg) Key deer (*Odocoileus virginianus clavium*)
- (hh) Atlantic right whale (*Eubalaena glacialis*)
- (ii) Finback whale (*Balaenoptera physalus*)
- (jj) Sei whale (*Balaenoptera borealis*)
- (kk) Humpback whale (*Megaptera novaeangliae*)
- (ll) Sperm whale (*Physeter catodon*)
- (mm) Schaus' swallowtail butterfly (*Heraclides aristodemus ponceanus*)
- (nn) Stock Island tree snail (*Orthalicus reses*)

(2) In addition to prohibitions and permit requirements in (1), no person shall feed endangered species listed in this subsection by hand or by placing any food that serves to attract such species. Key deer (*Odocoileus virginianus clavium*)

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-22-80, 7-1-83, 7-1-84, 7-1-85, Formerly 39-27.03, Amended 6-1-86, 5-10-87, 4-27-89, 9-14-93, 6-23-99, Formerly 39-27.003.

68A-27.004 Designation of Threatened Species; Prohibitions; Permits.

(1) The following species are hereby declared to be threatened, and shall be afforded the protective provisions specified.

(a) No person shall take, possess, transport, molest, harass or sell any of the threatened species included in this subsection or parts thereof or their nests or eggs except as authorized by specific permit from the Executive Director, permits being issued only for scientific or conservation purposes and only upon a showing by the applicant that the permitted activity will not have a negative impact on the survival potential of the species.

1. Crystal darter (*Ammocrypta asprella*)
2. Key silverside (*Menidia conchorum*)
3. Loggerhead sea turtle (*Caretta caretta*)
4. Blue-tailed mole skink (*Eumeces egregius lividus*)
5. Sand skink (*Neoseps reynoldsi*)
6. Big Pine Key ringneck snake (*Diadophis punctatus acricus*)
7. Miami black-headed snake (*Tantilla oolitica*)
8. Short-tailed snake (*Stilosoma extenuatum*)
9. Florida brown snake (*Storeria dekayi victa*) (lower keys population only)
10. Florida ribbon snake (*Thamnophis sauritus sackeni*) (lower keys population only)
11. Indigo snake (*Drymarchon corais couperi*)
12. Atlantic salt marsh water snake (*Nerodia fasciata taeniata*)
13. Bald eagle (*Haliaeetus leucocephalus*)
14. Southeastern kestrel (*Falco sparverius paulus*)
15. Crested caracara (*Polyborus plancus*)
16. Florida sandhill crane (*Grus canadensis pratensis*)
17. Roseate tern (*Sterna dougalli*)
18. Least tern (*Sterna albifrons*)
19. White-crowned pigeon (*Columba leucocephala*)
20. Scrub jay (*Aphelocoma coerulescens*)
21. Red-cockaded woodpecker (*Picoides borealis*)
22. Snowy plover (*Charadrius alexandrinus*)

23. Piping plover (*Charadrius melodus*)
24. Mangrove fox squirrel (*Sciurus niger avicennia*)
25. Florida black bear (*Ursus americanus floridanus*) (other than those found in Baker and Columbia counties or in Apalachicola National Forest or which are held in captivity under permit)
26. Everglades mink (*Mustela vison evergladensis*)
27. Southeastern beach mouse (*Peromyscus polionotus niveiventris*)

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 6-22-80, 7-1-83, 7-1-85, Formerly 39-27.04, Amended 6-1-86, 5-10-87, 4-27-89, 6-23-99, Formerly 39-27.004.

68A-27.005 Designation of Species of Special Concern; Prohibitions; Permits.

(1) The following species are hereby declared to be of special concern, and shall be afforded the protective provisions specified.

(a) No person shall take, possess, transport, or sell any species of special concern included in this paragraph or parts thereof or their nests or eggs except as authorized by Commission regulations or by permit from the executive director or by statute or regulation of any other state agency, permits being issued upon reasonable conclusion that the permitted activity will not be detrimental to the survival potential of the species.

(b) The following species were listed prior to January 1, 2001, and have been further categorized by the numbers in parentheses under the following criteria: (1) has a significant vulnerability to habitat modification, environmental alteration, human disturbance, or human exploitation which, in the foreseeable future, may result in its becoming a threatened species unless appropriate protective or management techniques are initiated or maintained; (2) may already meet certain criteria for designation as a threatened species but for which conclusive data are limited or lacking; (3) may occupy such an unusually vital or essential ecological niche that should it decline significantly in numbers or distribution other species would be adversely affected to a significant degree; (4) has not sufficiently recovered from past population depletion, and (5) occurs as a population either intentionally introduced or being experimentally managed to attain specific objectives, and the species of special concern prohibitions in Rule 68A-27.002, F.A.C., shall not apply to species so designated, provided that the intentional killing, attempting to kill, possession or sale of such species is prohibited.

1. Atlantic sturgeon (*Acipenser oxyrhynchus*) (1)
2. Lake Eustis pupfish (*Cyprinodon variegatus hubbsi*) (1)
3. Saltmarsh topminnow (*Fundulus jenkinsi*) (1)
4. Rivulus (*Rivulus marmoratus*) (1)
5. Southern tessellated darter (*Etheostoma olmstedi maculaticeps*) (1)
6. Harlequin darter (*Etheostoma histrio*) (1)
7. Shoal bass (*Micropterus sp.*) (1, 2)
8. Suwannee bass (*Micropterus notius*) (1)
9. Key blenny (*Starksia starcki*) (1)
10. Gopher frog (*Rana areolata*) (1, 2)
11. Pine Barrens treefrog (*Hyla andersonii*) (1)
12. Florida bog frog (*Rana okalossae*) (2)
13. Georgia blind salamander (*Haideotriton wallacei*) (1, 2)
14. Alligator snapping turtle (*Macrochelys temmincki*) (1)
15. Suwannee cooter (*Chrysemys concinna suwanniensis*) (1, 2)
16. Barbour's map turtle (*Graptemys barbouri*) (1, 2)
17. Gopher tortoise (*Gopherus polyphemus*) (1, 2, 3)
18. American alligator (*Alligator mississippiensis*) (1, 3)
19. Florida key mole skink (*Eumeces egregius egregius*) (1)
20. Red rat snake (*Elaphe guttata guttata*) (lower keys population only) (1)
21. Brown pelican (*Pelecanus occidentalis*) (1)
22. Florida pine snake (*Pituophis melanoleucus mugitus*) (2)
23. Little blue heron (*Egretta caerulea*) (1, 4)
24. Osprey (*Pandion haliaetus*) (Monroe County population only) (1, 2)
25. Black skimmer (*Rynchops niger*) (1)
26. White ibis (*Eudocimus albus*) (2)
27. Snowy egret (*Egretta thula*) (1)
28. Reddish egret (*Egretta rufescens*) (1, 4)
29. Tricolored heron (*Egretta tricolor*) (1, 4)
30. Roseate spoonbill (*Ajaia ajaja*) (1, 4)
31. Whooping crane (*Grus americana*) (5)
32. Limpkin (*Aramus guarauna*) (1)

33. American oystercatcher (*Haematopus palliatus*) (1, 2)
34. Burrowing owl (*Athene cunicularia*) (1)
35. Marian's marsh wren (*Cistothorus palustris marianae*) (1)
36. Worthington's marsh wren (*Cistothorus palustris griseus*) (1)
37. Scott's seaside sparrow (*Ammodramus maritimus peninsulae*) (1)
38. Wakulla seaside sparrow (*Ammodramus maritimus juncicolus*) (1)
39. Sherman's fox squirrel (*Sciurus niger shermani*) (1, 2)
40. Eastern chipmunk (*Tamias striatus*) (1)
41. Florida mouse (*Podomys floridanus*) (1)
42. Sherman's short-tailed shrew (*Blarina brevicauda shermanii*) (2)
43. Homosassa shrew (*Sorex longirostris eionis*) (2)
44. Sanibel Island rice rat (*Oryzomys palustris sanibelli*) (1, 2)
45. Florida tree snail (*Liguus fasciatus*) (1)
46. Bluenose shiner (*Ptreonotropis welaka*) (1, 2)
47. Black Creek crayfish (*Procambarus pictus*) (1)
48. Econfinna crayfish (*Procambarus econfinae*) (1)
49. Sims Sink crayfish (*Procambarus erythrops*) (1)

(2) No person shall directly take any Flatwoods salamander (*Ambystoma cingulatum*) or parts thereof or their eggs except as authorized by Commission rule or by permit from the executive director.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-22-80, 6-21-82, 7-1-84, 7-1-85, Formerly 39-27.05, Amended 6-1-86, 5-10-87, 4-27-89, 10-22-92, 5-26-94, 6-23-99, Formerly 39-27.005, Amended 2-27-01, 5-1-01.

68A-27.006 Reward Program.

In order to implement a reward program for the illegal killing, wounding or wrongful possession of endangered or threatened species as defined herein the Commission establishes the following schedule and procedures.

(1) The Commission will receive information through its WATS lines in the respective regional offices of the five regions. The party calling in the information will be identified by a code only and all names, if given, will be kept confidential unless the party specifically authorizes the use of his name. Information will be given to the party on the method to maintain contact with the Commission in order to properly pursue the matter.

(2) Upon conviction based upon the information received the party supplying information which leads to such conviction will be transmitted funds determined by a predetermined schedule in the following manner:

(a) If the party authorizes the use of his name a check in the appropriate amount will be forwarded directly to the party.

(b) If this party desires to remain anonymous a check in the appropriate amount will be made out to the regional enforcement supervisor and the regional manager of the involved region. After endorsement by both parties the check will be cashed and the money delivered by the regional enforcement supervisor and the regional manager to the party at a mutually agreeable time and place.

(3) Payment for information received which leads to a conviction will be according to the following schedule:

(a) Category I – Conviction for the unlawful taking or attempting to take or possession of an endangered or threatened species will be \$250.

(b) Category II – Conviction for selling or attempting to sell or for the unlawful taking or attempting to take or for possession of more than one endangered or threatened species will be \$500.

(c) Category III – Conviction for either a category I or a category II offense where the circumstances of the case show a flagrant or total disregard for the concept of the threatened or endangered species program, payment of an amount to be determined by the Commission on an individual case basis.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.073 FS. History—New 10-23-79, Amended 7-1-83, Formerly 39-27.06, 39-27.006.

CHAPTER 68A-28 FLORIDA WATERFOWL STAMP CONTEST

- 68A-28.002 Florida Waterfowl Stamp Design Contest. (Repealed)
- 68A-28.003 Florida Wild Turkey Stamp Design Contest. (Repealed)

CHAPTER 68A-30 INDEXING, MANAGEMENT AND AVAILABILITY OF FINAL ORDERS

68A-30.001	Authority and Purpose of Chapter.
68A-30.002	Public Access to Index and Orders.
68A-30.003	Final Orders Indexed.
68A-30.004	Numbering of Final Orders.
68A-30.005	System for Indexing Final Orders.
68A-30.006	Maintenance of Records.

68A-30.001 Authority and Purpose of Chapter.

Chapter 68A-30, regarding the indexing, management, and availability of final orders, is promulgated pursuant to Section 120.533, Florida Statutes, and Chapter 1S-6, Florida Administrative Code, and has been approved by the Department of State pursuant to Section 120.53(2)(c), Florida Statutes. The purpose of this chapter is to provide public access to and availability of final orders issued by the agency.

Specific Authority Art. IV, Sec. 9, Fla. Const., 120.533 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 120.53 FS. History—New 6-11-92, Formerly 39-30.001.

68A-30.002 Public Access to Index and Orders.

(1) The agency shall make final orders accessible to the public by sequentially numbering and indexing final orders in accordance with this chapter, and making final orders and the subject matter index available to the public.

(2) The following shall be made available for public inspection and copying, at no more than cost:

(a) All final orders issued by the agency.

(b) The current subject matter index required by this chapter.

(3) The Agency Clerk or other person assigned by the agency shall assist the public in obtaining information pertaining to agency orders.

(4) The agency maintains and stores its orders and subject matter index at the Farris Bryant Building, 620 South Meridian Street, Tallahassee, Florida 32399-1600. The office is open between the hours of 8:00 a.m. and 5:00 p.m., excluding holidays and weekends.

(5) In addition, the agency shall comply with the requirements of Chapter 1S-6, Florida Administrative Code, by the publication of the text of agency orders and a subject matter index thereto by the agency's designated reporter, the Florida Administrative Law Reports.

Specific Authority Art. IV, Sec. 9, Fla. Const., 120.533 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 120.53 FS. History—New 6-11-92, Formerly 39-30.002.

68A-30.003 Final Orders Indexed.

All agency final orders issued pursuant to Sections 120.565, 120.57(1), (2), or (3), Florida Statutes, shall be indexed in accordance with the provisions of this chapter.

Specific Authority Art. IV, Sec. 9, Fla. Const., 120.533 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 120.53 FS. History—New 6-11-92, Formerly 39-30.003.

68A-30.004 Numbering of Final Orders.

In addition to any internal case or file number which may be assigned by the agency, or any case or file number which may be assigned by the Division of Administrative Hearings, all final orders required to be indexed pursuant to this chapter shall be sequentially numbered, as rendered, using a two-part number separated by a dash. The first part, preceding the dash, shall indicate the year in which that order is rendered, and the second part shall indicate the numerical sequence of the order issued for that year, beginning with number 1 each new calendar year. The assigned agency designation prefix, which is "GFC," shall precede the two-part number.

Specific Authority Art. IV, Sec. 9, Fla. Const., 120.533 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 120.533 FS. History—New 6-11-92, Formerly 39-30.004.

68A-30.005 System for Indexing Final Orders.

(1) The index required by this chapter shall be arranged in an orderly and logical fashion intended to facilitate the efficient and accurate retrieval of final orders. The index shall be arranged in accordance with the following:

(a) The index shall be alphabetically arranged by main subject headings taken from the Florida Statutes index, the rule chapter headings within this title, or such other main subject headings as are appropriate to facilitate ease of indexing and retrieval of final orders. The applicable titles of citations of the Florida Statutes or agency rules construed within the final order may determine the main subject headings and subheadings within the index. New main subject headings, subheadings, and sub-subheadings may be added when necessary.

(b) Main subject headings shall be all capital letters and shall be flush left on the page, followed by relevant subheadings which shall be initial caps and lower case letters indented. Subheadings and sub-subheadings, as necessary, at equal indentations shall be alphabetized. The numbers of final orders shall be listed sequentially in an indentation immediately below the applicable heading, subheading, or sub-subheading.

(c) Cross references shall be utilized where appropriate to direct the user to subject headings which may contain relevant information. Related key words (specific words, terms or phrases) and common and colloquial words shall be listed and cross referenced to the appropriate main subject headings.

(2) The main subject headings shall be consulted by the agency's indexer and subsequent similar entries shall be indexed under the existing appropriate heading. The index shall be cumulative, and final orders required to be indexed shall be incorporated into the index within 120 days of rendition of the order.

(3) The Agency Clerk is hereby designated as the party responsible for maintaining the index required by this chapter.

(4) In addition and supplemental to the index required by this chapter, the agency shall continue to maintain the subject matter index compiled by its official reporter, as designated in Rule 68A-2.013, F.A.C. Copies of said index and the reported orders of the agency are available by subscription through the Florida Administrative Law Reports.

Specific Authority Art. IV, Sec. 9, Fla. Const., 120.533 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 120.53 FS. History—New 6-11-92, Formerly 39-30.005.

68A-30.006 Maintenance of Records.

Final orders that comprise final agency action and that must be indexed pursuant to this chapter shall be permanently maintained by the agency pursuant to the retention schedule approved by the Department of State, Division of Library and Information Services.

Specific Authority Art. IV, Sec. 9, Fla. Const., 120.533 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 120.53 FS. History—New 6-11-92, Formerly 39-30.006.

68B MARINE FISHERIES

CHAPTER 68B-1 ORGANIZATION, PRACTICE AND PROCEDURE

68B-1.001	Organization.
68B-1.002	General Course and Method of Operations; Meetings; Workshops; Methods for the Public to Obtain Information.
68B-1.003	Notice of Commission Meetings and Workshops; Agenda; Minutes.
68B-1.004	Rulemaking; Adoption Procedures.
68B-1.005	Declaratory Statements.
68B-1.006	Proceedings to Determine Substantial Interests of a Party.
68B-1.007	Official Reporter.
68B-1.008	Delegations by Governor and Cabinet.
68B-1.009	Statutes Affecting Commission.

68B-1.001 Organization.

(1) The Marine Fisheries Commission is established by Chapter 83-134, Laws of Florida, and is composed of seven members each of whom has resided in the state for five years or more and is appointed by the Governor, and confirmed by the Senate.

(2) The Commission is created within the Board of Trustees of the Internal Improvement Trust Fund, of which the Governor and Cabinet, sitting as the Board of Trustees, are the agency head. All rules of the Commission must be approved by the Board of Trustees pursuant to Section 370.027, Florida Statutes.

(3) The Commission headquarters is at Suite 106, 2540 Executive Center Circle, West, Tallahassee, Florida 32301, telephone (850)487-0554, where the Commission may be contacted during office hours of 8:00 a.m. to 5:00 p.m., Monday through Friday except state holidays.

(4) The Commission's officers are its chairman, who presides, and a vice chairman, who presides in the absence of the chairman. There shall be an election of chairman and vice chairman of the Commission each year. Nominations are in order for each of the offices. Any Commissioner may nominate any Commissioner, including himself or herself, for either of the two offices. Nominations shall be seconded like other motions. Nominations will be accepted for both offices, and elections will be handled separately. A Commissioner may decline a nomination. The election for each office will proceed with each Commissioner writing his or her choice on a ballot with the Commissioner's name. If a majority of votes is not received by one candidate, a revote will be taken on the two candidates receiving the most votes. Voting continues until one candidate receives a majority of the votes. The election shall be placed automatically on the agenda for the first scheduled meeting of the Commission after October 1 each year. The election shall be on the agenda at such meeting. If no such meeting is scheduled, the Executive Director shall schedule and properly notice a Commission meeting specifically for the election of chairman and vice chairman to be held on the last Friday prior to December 15. The newly elected chairman and vice chairman shall assume office on January 1 following the election.

(5) The Commission employs an executive director, who is its administrative officer, responsible for the administration of the actions of the Commission, and its agent for service of process. The executive director is also clerk of the Commission, responsible to keep minutes of meetings of the Commission and to maintain its records. The clerk's office is located in the Commission's headquarters, Suite 106, 2540 Executive Center Circle, West, Tallahassee, Florida 32301, telephone (850)487-0554. The Commission also employs an assistant executive director, who assists the executive director and serves as administrative officer and clerk of the Commission in the absence of the executive director; a general counsel, who is legal counsel to the Commission; and such other staff as may be provided according to law.

Specific Authority 120.53(1), 370.027(2) FS. Law Implemented 120.53(1), 370.026 – .029 FS. History—New 11-25-85, Amended 3-15-87, 8-25-92, Formerly 46-1.001.

68B-1.002 General Course and Method of Operations; Meetings; Workshops; Methods for the Public to Obtain Information.

(1) Commission meetings are scheduled by the chairman at regular intervals and at various locations around the state. A quorum of four Commissioners is necessary to transact business at a meeting of the Commission; however, Commission action requires assent by four Commissioners or more voting at a meeting of the Commission.

(2) Workshops may be conducted within Commission meetings, or at other times and locations by one or more Commissioners and/or staff members. Workshops shall be conducted in accordance with Chapter 28-2, F.A.C. No official votes are to be taken or policy adopted during a workshop, but when workshops are held during Commission meetings, votes may be taken or policy adopted after the workshop is closed.

(3) Smoking of tobacco or any other substances shall be prohibited at any Commission meeting, workshop or rulemaking hearing.

(4) All public records of the Commission are available at the Commission office for public inspection pursuant to the Florida Public Records Law, Chapter 119, Florida Statutes, during office hours. Copies of Commission records on particular subjects will be furnished upon payment of the actual cost of copying such records.

Specific Authority 120.53(1), 370.027(3)(a) FS. Law Implemented 119.07, 120.53(1), 286.011, 370.025-.027 FS. History—New 11-25-85, Formerly 46-1.002.

68B-1.003 Notice of Commission Meetings and Workshops; Agenda; Minutes.

(1) Except in emergencies, at least seven days public notice shall be given of any meeting of the Commission, any meeting of a committee of Commissioners, and any workshop. The public notice shall be given by publication in Florida Administrative Weekly, and shall state:

- (a) the date, time and place of the meeting or workshop;
- (b) a brief description of the nature, subjects and purposes of the meeting or workshop;
- (c) the address where persons may obtain a copy of the agenda; and

(d) that if a person decides to appeal any official decision made at the Commission meeting, a record of the proceedings will be required, and the person intending to appeal may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence necessary for the appeal. If the Commission has arranged for any part of the proceedings to be recorded by a court reporter, the notice will so state.

(2) A separate notice complying with Rule 68B-1.004(2), F.A.C. of this chapter shall be given if a rulemaking hearing is to be conducted at a Commission meeting.

(3) The executive director, following priorities for action established by the Commission and under supervision of the chairman, shall prepare a meeting or workshop notice and agenda, which shall be available for receipt by the public at least seven days before the meeting or workshop. A particular item of business shall be placed on the agenda for the next regular meeting upon a majority vote of the Commission. An opportunity shall be provided at each meeting for consideration of motions relating to such items or for specifying a date by which time those items must be considered by the Commission. The agenda may be changed before or at the meeting or workshop for good cause stated by the presiding officer and recorded in the minutes of the meeting or in the report of any workshop conducted between Commission meetings.

(4) Persons wishing to receive by mail notices or agendas of meetings or workshops may so advise the executive director at the Commission's office, furnishing a mailing address in writing.

(5) The clerk will keep the minutes of each meeting of the Commission, which shall be corrected or approved by the Commission at a subsequent meeting.

(6) On call by the presiding officer the Commission may meet without first having complied with the public notice and agenda requirements of subsection (1) and (3) to act on emergency matters affecting the public health, safety or welfare. The executive director shall, as soon as practicable and before the meeting, notify the major wire services and at least one major newspaper or television or radio station in the area where the meeting is taking place, stating the time, date and purpose of the meeting. After the meeting the Commission shall publish in Florida Administrative Weekly the time, date and place of the emergency meeting, the reasons why an emergency meeting was necessary, and a description of the action taken.

(7) The Commission shall follow the procedures set forth in Chapter 28-8, F.A.C., for any meetings conducted by means of telecommunications technology.

Specific Authority 120.53(1), (6), 370.027(3)(a) FS. Law Implemented 120.53(1), (6), 120.54(9), 286.0105 FS. History—New 11-25-85, Amended 3-15-87, Formerly 46-1.003.

68B-1.004 Rulemaking; Adoption Procedures.

(1) Rulemaking may be initiated by the Commission or by a substantially affected person as provided in Chapter 120, Florida Statutes, and Chapter 28-3, F.A.C.

(2) Rulemaking by the Commission shall be initiated by giving notice as provided in Section 120.54(1), Florida Statutes, and shall proceed in compliance with Chapter 120, Florida Statutes and, except as otherwise provided by these rules, substantially as provided by Chapter 28-3, F.A.C. In emergency rulemaking, the Commission shall comply with Section 120.54(9), Florida Statutes.

(3) Any petition for rulemaking filed pursuant to Section 120.54(5), Florida Statutes, shall conform to the requirements of Section 28-3.011, F.A.C. The Commission shall then act on such petition in accordance with Section 120.54(5), Florida Statutes and Chapter 28-3, F.A.C.

(4) A rulemaking hearing shall be conducted in accordance with Section 120.54, Florida Statutes and Chapter 28-3, F.A.C. and shall, unless otherwise ordered in accordance with these rules, proceed substantially as follows:

(a) The proposed rule will be presented to the Commission by the testimony of a presenting witness, in narrative or summary form or in response to questions. The presenting witness may be the executive director, a Commissioner, or other person designated by the presiding officer to explain the proposed rule, its policy, its relationship to statutory policies and standards set out in Sections 370.025 and 370.027, Florida Statutes, and its probable effectiveness to achieve a statutory purpose. The presenting witness shall identify any policy considerations countervailing as well as those supporting the proposed rule.

(b) Any person present shall be heard on any issue under consideration, subject to control by the presiding officer of irrelevant, repetitious or unduly extended comment.

(c) In the rulemaking hearing and in meetings and workshops preparatory for rulemaking the Commission shall act upon the best available evidence, but shall not be bound by technical rules of evidence. Pertinent material submitted to the Commission within 21 days after publishing the notice of the rulemaking hearing, or submitted at the hearing, shall be considered by the Commission and made a part of the record. The general counsel may identify other pertinent material, including material previously considered, such as staff reports, position papers, minutes of prior meetings and workshops, marine life surveys and studies, proceedings of federal regulatory agencies, and published literature, and such material may, in the discretion of the Commission, be made a part of the record.

(d) At the conclusion of all evidence and argument, the presiding officer will entertain and the Commission will debate and vote on any motion by a Commissioner, seconded by another, to adopt, the withdraw in whole or in part, to amend, to adopt as amended, to defer consideration of, or otherwise to act upon the proposed rule. In such deliberations the Commission shall follow such rules of order as to the Commission shall appear fair and productive of a sound final decision.

(5) Before adopting any rule amending or repealing any rule derived from local laws identified in Section 2(5)(a), (b), or (c) of Ch. 83-134, Laws of Florida, or amending, readopting or repealing any provision of a statute identified in Sections 6, 7, or 8 of Ch. 83-134, Laws of Florida, as amended by Ch. 84-121, Laws of Florida, the Commission or, at the direction of the Commission, one or more Commissioners or staff members, shall hold a public hearing. When acting on rules derived from such local laws, a hearing shall be held in the county or counties affected. Notice of that hearing shall be given and the hearing shall be conducted as prescribed by Rule 68B-1.003, F.A.C. of this chapter or, if the hearing is a formal rulemaking hearing, as prescribed by Rule 68B-1.004, F.A.C. of this chapter. Before that hearing or thereafter, the Commission may initiate rulemaking so affecting the subject rule or statute and, complying with other rulemaking requirements of this chapter, may take final action at any meeting site. Before recommending approval of any such action to the Governor and Cabinet, the Commission shall determine, upon appropriate findings of fact, that such action will not adversely affect the resource. No rule of the Commission, being silent as to the amendment, readoption or repeal of any such rule or statute, shall be construed as amending, readopting or repealing such rule or statute.

(6) Rules of the Commission derived from local laws identified in Section 2(5)(a), (b) or (c) of ch. 83-134, Laws of Florida, shall be excluded from publication in Florida Administrative Code unless specifically designated by the Commission for publication, and those rules may be inspected or copied in the office of the Commission. However, any amendment or repeal of such rules shall be undertaken in accordance with applicable provisions of Ch. 120, Florida Statutes and Ch. 83-134, Laws of Florida, as amended by Ch. 84-121, Laws of Florida.

Specific Authority 120.53(1), 370.027(3)(a) FS. Law Implemented 120.53(1), 120.54, 370.025, 370.027 FS, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History—New 11-25-85, Amended 3-15-87, 8-25-92, 6-17-93, Formerly 46-1.004.

68B-1.005 Declaratory Statements.

Any person requesting a declaratory statement from the Commission shall do so in the manner provided in Section 120.565, Florida Statutes, and Chapter 28-4, F.A.C.

Specific Authority 120.53(1), 370.027(3)(a) FS. Law Implemented 120.53, 120.565 FS. History—New 11-25-85, Formerly 46-1.005.

68B-1.006 Proceedings to Determine Substantial Interests of a Party.

Any proceeding in which the substantial interests of a party are to be determined by the Commission shall be conducted in accordance with the provisions of Section 120.57, Florida Statutes, the Model Rules of Procedure, Title 28, F.A.C., and applicable rules of the Department of Natural Resources as set forth in Title 16, F.A.C., regarding procedures before the Governor and Cabinet.

Specific Authority 120.53(1), 370.027(3)(a) FS. Law Implemented 120.53(1), 120.57 FS. History—New 11-25-85, Formerly 46-1.006.

68B-1.007 Official Reporter.

Florida Administrative Law Reports shall be the official reporter of the Commission for purposes of publishing and indexing by subject matter orders issued following proceedings pursuant to Section 120.57, Florida Statutes. Orders other than those arising from proceedings pursuant to Section 120.57, Florida Statutes, shall be filed in the offices of the Commission.

Specific Authority 120.53(4), 370.027(3)(a) FS. Law Implemented 120.53(4) FS. History—New 11-25-85, Formerly 46-1.007.

68B-1.008 Delegations by Governor and Cabinet.

(1) The Governor and Cabinet, as head of the Department of Natural Resources, has delegated authority to act in the following areas to the Commission or its designee:

(a) To approve the transfer of appropriations pursuant to Section 216.292, Florida Statutes.

(b) To administer personnel rules for career service employees and persons paid from OPS and to administer personnel actions for employees exempt from the career service system.

(c) To add, delete and transfer authorized positions within each budget entity in accordance with Sections 216.262 and 216.141, Florida Statutes.

(d) To administer travel and per diem expenses of public officers, employees and authorized persons on official business, pursuant to Sections 112.061 and 370.026(3), Florida Statutes.

(e) To negotiate, execute and enter into contracts and agreements, except as provided in paragraph (h), required for operation of the Commission or to carry out programs approved by the Legislature or Governor and Cabinet; except, however, this delegation shall exclude awards of commodity contracts by the Department of General Services.

(f) To expend appropriated funds and make purchases including operating capital outlay to carry out day-to-day operations of the Commission. However, all purchases over \$25,000 which are not made from a state contract established by the Department of General Services shall be reported at least quarterly.

(g) To execute contracts and orders approved by or on behalf of the Governor and Cabinet.

(h) To contract for consultant and professional services up to \$25,000. However, selection of consultant and professional services, other than sole source, shall be by procedures set forth in the Consultants' Competitive Negotiation Act, Section 287.055, Florida Statutes, or other competitive selection process established by rule.

(i) To enter into leases of real property for Commission operations.

(j) To designate appropriate officials or employees to act as custodians of the records of the Commission and to accept service of process on behalf of the Commission in accordance with law.

(k) To bring suit in the name of the Commission and in consultation with the Attorney General, or to defend suit in the name of the Commission.

(l) To settle claims, actions, causes of action and legal proceedings brought against the Commission or its employee acting within the scope of his or her employment. Such settlement authority shall be limited to \$25,000.

(m) To accept donations and gifts of property or grants of money on behalf of the Commission in compliance with the law, provided such gifts are unencumbered and have no impact on any other agency of the state.

(n) To respond in behalf of the Department to petitions filed pursuant to Sections 120.54 and 120.57(1) and (2), Florida Statutes, and to issue declaratory statements pursuant to Section 120.565, Florida Statutes.

(o) To approve memberships in professional and other organizations in which state funds appropriated to the Commission will be used for payments or dues pursuant to Section 216.345, Florida Statutes.

(p) To perform other such functions as may be necessary to supervise, direct, conduct and administer the day-to-day duties of the Commission as authorized by law or by rules and policies adopted by the Governor and Cabinet.

(2) When a matter which is the subject of a delegation approved in subsection (1) becomes controversial or when extraordinary events arise concerning a delegated action, that matter shall be brought before the Governor and Cabinet for their decision. Final action on all department actions which result in a Recommended Order being issued pursuant to Section 120.57, Florida Statutes, shall be taken by the Governor and Cabinet.

(3) In addition to the delegations listed in subsection (1), the Governor and Cabinet may from time to time in the future approve additional delegations to the Commission when adopting other rules. A person interested in a particular program or subject should review the specific rules of that program or subject.

Specific Authority 120.53, 370.027(3)(a) FS. Law Implemented 20.05, 120.53 FS. History—New 11-25-85, Formerly 46-1.008.

68B-1.009 Statutes Affecting Commission.

The following chapters and sections of Florida Statutes and Laws of Florida affect the operation of the Commission, and may be of interest to persons doing business with the Commission:

(1) Sections 370.025-.029, Florida Statutes, and Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida, relating to the Marine Fisheries Commission.

(2) Chapter 120, Florida Statutes, the Administrative Procedure Act.

(3) Chapter 119, Florida Statutes, the Public Records Act.

(4) Section 286.011, Florida Statutes, commonly called the "Sunshine Law."

(5) Chapter 112, Part III, Florida Statutes, Code of Ethics for Public Officers and Employees.

Specific Authority 120.53(1), 370.027(3)(a) FS. Law Implemented 120.53(1) FS. History—New 11-25-85, Formerly 46-1.009.

CHAPTER 68B-3 LOCAL LAWS

- 68B-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.
- 68B-3.009 Brevard County: Turkey Creek and Crane Creek Gear Specifications; Definitions.
- 68B-3.011 Repeal and Readoption of Portions of Chapter 61-2566, Laws of Florida (1961), Okaloosa County Special Act.
- 68B-3.028 Repeal and Readoption of Portions of Escambia and Santa Rosa Counties Special Acts.
- 68B-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.
- 68B-3.031 Repeal and Readoption of Portions of Chapter 21365, Laws of Florida (1941), Manatee County Special Act.
- 68B-3.032 Repeal of Portions of Chapter 71-770, Laws of Florida (1971), Martin County Special Act.

68B-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 salt waters of Volusia County in any way or with any appliance other than with the ordinary cast net, rod and reel, pinfish trap meeting the specifications of Section 370.1105(1)(b), F.S., or hook and line except as provided otherwise in Rule 68B-3.008, F.A.C. Legal size flounders may be taken by the means of a barbed spear, with not more than three (3) prongs.

(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 salt waters of Volusia County.

(c) It is unlawful to set or place any beach or haul seine within one hundred (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 salt waters 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 five hundred (500) feet of the high water mark on the ocean beaches, in or adjacent to any municipality or within five hundred (500) feet of the jetties of any inlet, or within five hundred (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 68B-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 for the taking of crabs for any purpose in the inland salt waters of Volusia County, unless such trap meets all the requirements of Rule Chapter 68B-45, F.A.C. A person may use traps for taking crabs for personal consumption if such person meets all the requirements for blue crab harvest with a trap for other than commercial purposes as established by Rule Chapter 68B-45, F.A.C. No trap may be abandoned or discarded in or along the shore of the waters of Volusia County. Not more than two hundred (200) crab traps shall be fished under one (1) permit. No buoyed crab traps shall be left unattended for more than seventy-two (72) hours, weather permitting. No buoyed crab traps shall be placed within one hundred (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 Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New 10-19-89, Amended 1-9-91, 1-1-92, 7-1-92, 11-26-92, 10-3-94, 9-30-96, 7-30-97, Formerly 46-3.008, Amended 10-16-02.

68B-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 68B-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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 4-18-90, Formerly 46-3.009.

68B-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 68B-31.006, F.A.C., 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 Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New 1-1-92, Formerly 46-3.011.

68B-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 Counties 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 68B-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 or 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 120.81(5), 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 120.81(5), 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 62R-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 saltwaters of Escambia or Santa Rosa Counties any gill or trammel net with a stretched mesh of less than 2 5/8 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 Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History–New 11-26-92, Amended 8-3-94, Formerly 46-3.028.

68B-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 68B-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 saltwaters 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 Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History–New 11-26-92, Amended 9-30-96, Formerly 46-3.029.

68B-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 68B-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 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 68B-4.002(2), F.A.C., 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 Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New 11-26-92, Formerly 46-3.031.

68B-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 68B-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 68B-45, Florida Administrative Code.

Specific Authority Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New 11-26-92, Amended 9-30-96, Formerly 46-3.032.

CHAPTER 68B-4 GEAR SPECIFICATIONS AND PROHIBITED GEAR

68B-4.002	Gear Definitions.
68B-4.0025	Other Definitions.
68B-4.004	Use of Power With Certain Gear Prohibited in Inside Waters; Exceptions; Definition. (Repealed)
68B-4.005	Repeal and Replacement of Section 370.08(7), Florida Statutes; Specialized Gear, Special Activity Licenses.
68B-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. (Repealed)
68B-4.008	Statewide Seine Tending and Marking Requirements; Repeal of Section 370.082, Florida Statutes.
68B-4.0081	Statewide Net Gear Specifications; Soaking Requirements; Definitions; Cast Net Specifications.
68B-4.0086	Hook and Line Gear: Tending Requirement.
68B-4.0087	Longlines: Use and Possession in or on State Waters Prohibited; Exception.
68B-4.009	Monofilament Line and Netting: Prohibition of Intentional Discard, Recovery Requirements, Recommendations for Appropriate Disposal.
68B-4.010	Prohibition of Fishing with Motorized Vessels in Lake Avoca, Pinellas County.
68B-4.011	Prohibition of Net Fishing in Faka Union River, Collier County.
68B-4.012	Diving: Powerheads and Rebreathers, Use to Harvest Fish in State Waters Prohibited; Definition; Spearfishing Marine Species in Fresh Water Prohibited.
68B-4.013	Limitation on Use of Spotter Planes.
68B-4.014	Southwest Florida Purse Seine Restrictions: Gear Specifications; Area Limitation; Local Law Repeals.
68B-4.015	Gear Specifications for the Panhandle Region: Recreational Net Fishing; Areas Closed to Net Fishing.
68B-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.

68B-4.002 Gear Definitions.

As used in Title 68B, F.A.C., unless otherwise defined:

- (1) "Cast net" means a circular 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) "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 parts of heads, fins, legs, or other body parts to become entangled or ensnared in the meshes or in pockets of the net. This term does not include a cast net.
- (3) "Gill net" means one or more walls of netting which captures fish by ensnaring or entangling them in the meshes of the net by the gills. This term does not include a cast net.
- (4) "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.
- (5) "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.
- (6) "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.
- (7) "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 square footage of seines and other rectangular nets shall be calculated using the maximum length and maximum width of the netting.
- (8) "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.
- (9) "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.
- (10) "Rebreather" means a closed circuit or semi-closed circuit underwater breathing apparatus that recycles and recirculates all or part of the gas mixture supplied for breathing. A rebreather is distinguished from other underwater breathing apparatuses by the inclusion of a scrubber (a component that removes carbon dioxide from the breathing gas) and a counterlung (a waterproof bag that allows the diver's exhaled breath to be captured for scrubbing and recycling back to the diver for inhalation).
- (11) "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 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.

(12) “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.

(13) “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.

(14) “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.

(15) “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.

(16) “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.

(17) The term “net” or “netting” shall be broadly construed to include all manner or combination of mesh or webbing or any other solid or semi-solid fabric or other material used to comprise a device that is used to take or harvest marine life.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Art. X, Sec. 16, Fla. Const. History—New 1-1-89, Amended 11-26-92, 1-1-97, 4-27-98, Formerly 46-4.002, Amended 12-2-99.

68B-4.0025 Other Definitions.

As used in this chapter, unless otherwise defined:

(1) “Coastline” means the territorial sea base line for the State of Florida established pursuant to the laws of the United States of America.

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

(3) “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.

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

(5) “Inside waters” means all state waters landward of the Colregs Demarcation Line.

(6) “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.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Art. X, Sec. 16, Fla. Const. History—New 11-26-92, Amended 1-1-97, Formerly 46-4.0025.

68B-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 Commission or by Chapter 370, Florida Statutes, unless such person has first obtained a special activity license from the Division of Marine Fisheries pursuant to this rule. The 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 years’ 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 Division 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 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 68B-4.008, F.A.C., or the maximum length and soak time requirements of Rule 68B-4.0081, F.A.C.

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 68B-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 Fisheries 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 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 Fisheries 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 Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New 4-18-90, Amended 11-26-92, 9-1-93, Formerly 46-4.005.

68B-4.008 Statewide Seine Tending and Marking Requirements; Repeal of Section 370.082, Florida Statutes.

(1) Each seine fished with, set, or placed in the water shall be tended.

(2)(a) Each seine fished with, set, or placed in the water shall be legibly marked at each end with the saltwater products license number of the person in possession of the seine or of the vessel on which the seine is possessed or the name and address of the person possessing the seine if such person is a recreational harvester.

(b) Each gill net or entangling net possessed aboard a vessel shall be permanently and legibly marked at each end 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) For purposes of this rule, the term “tend” means that the person fishing with, setting, or placing the seine in the water is physically present at the seine.

(4) This rule shall not be construed to allow seine 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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Art. X, Sec. 16, Fla. Const. History—New 3-1-92, Amended 7-18-94, 4-27-98, Formerly 46-4.008.

68B-4.0081 Statewide Net Gear Specifications; Soaking Requirements; Definitions; Cast Net Specifications.

(1) The following gear specifications shall apply in all state waters:

(a) No person shall fish with, set, or place in Florida waters any gill or entangling net.

(b) No person shall soak a beach or haul seine for more than one hour, beginning when the first mesh is placed in the water and ending when the first mesh is retrieved back aboard the vessel or on shore. Once the first mesh is retrieved, the seine operation shall be continuous until the net is completely removed from the water.

(2) The following net gear specifications shall apply in nearshore and inshore Florida waters:

(a) No person shall fish with, set, or place in the water any net with a mesh area greater than 500 square feet.

(b) No more than two nets shall be fished with, set, or placed in the water from a single vessel at any one time. No more than one net shall be fished with, set, or placed in the water by any person not on a vessel.

(c) No person shall connect, 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 500 square feet limit specified in paragraph (a).

(d) Beginning January 1, 1998, no person shall fish with, set, or place in the water any seine with a mesh size larger than 2 inches stretched mesh.

(3) Cast Nets.

(a) The Fish and Wildlife Conservation Commission finds that the maximum specifications established for cast nets in paragraph (b) are appropriate to allow the largest cast nets that can be reasonably, practically, and effectively thrown by hand to take marine species in nearshore and inshore Florida waters, within the 500-square foot limit imposed by Article X, Section 16(b) of the State Constitution.

(b) No person shall fish with, set, or place in nearshore and inshore Florida waters any cast net with a stretched length (the distance from the horn at the center of the net, with the net gathered and pulled taut, to the lead line) greater than 14 feet. No more than two cast nets shall be fished in such waters from a single vessel at any time.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Art. X, Sec. 16, Fla. Const. History—New 11-26-92, Amended 4-12-93, 1-1-97, 4-27-98, Formerly 46-4.0081, Amended 12-2-99.

68B-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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-26-92, Formerly 46-4.0086.

68B-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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-26-92, Formerly 46-4.0087.

68B-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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-1-92, Formerly 46-4.009.

68B-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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-1-92, Formerly 46-4.010.

68B-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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-1-92, Formerly 46-4.011.

68B-4.012 Diving: Powerheads and Rebreathers, Use to Harvest Fish in State Waters Prohibited; Definition; Spearfishing Marine Species in Fresh Water Prohibited.

(1) Powerheads.

(a) 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.

(b) 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 subsection.

(c) The term “harvest” for purposes of this subsection means the catching or taking of a fish by killing or wounding it, followed by a reduction of such fish to possession.

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

(2) Rebreathers.

(a) No person diving in state waters by means of a rebreather shall harvest any marine species. Use of rebreathers for any nonconsumptive purpose is allowed in state waters.

(b) The possession of any fish that has been harvested by a person diving in state waters by means of a rebreather, aboard a vessel fishing or at rest in state waters, shall constitute a violation of this subsection.

(c) The term “harvest” for purposes of this subsection means the catching or taking of a marine species by any means, followed by a reduction of the species to possession, whether or not the species has been killed or wounded.

(3) Spearfishing: No person shall harvest or attempt to harvest any marine species by the use of any hand or mechanically propelled, single or multi-pronged spear or lance, barbed or barbless, while diving in fresh water.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-26-92, Amended 7-15-96, 1-1-97, Formerly 46-4.012, Amended 7-1-01.

68B-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, Formerly 46-4.013.

68B-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 determined 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 Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New 7-1-93, Amended 9-30-96, Formerly 46-4.014.

68B-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 water body 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 Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New 3-16-93, Amended 9-30-96, Formerly 46-4.015.

68B-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 3600 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 clearing operation shall be continuous until all parts of the net are completely removed from the water.

(e) The tending requirements of subsection 68B-4.008(1), F.A.C., 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 Myakka 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 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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 9-1-93, Amended 9-30-96, Formerly 46-4.017.

CHAPTER 68B-5 MISCELLANEOUS

- 68B-5.002 John Pennekamp Coral Reef State Park: Prohibition on Harvest of Certain Species, Size Limit; Trappers to Comply with Rule 68B-24.0065.
- 68B-5.003 Warren Bayou (Bay County) Special Seasonal Harvest Closure.
- 68B-5.005 Divers: Fish Feeding Prohibited; Prohibition of Fish Feeding for Hire; Definitions.

68B-5.002 John Pennekamp Coral Reef State Park: Prohibition on Harvest of Certain Species, Size Limit; Trappers to Comply with Rule 68B-24.0065.

(1) No person shall take, kill, or possess any of the following fish in John Pennekamp Coral Reef State Park:

- (a) Angelfishes – Family Pomacanthidae.
- (b) Basslets – Family Grammidae.
- (c) Batfishes – Family Ogcocephalidae.
- (d) Bigeyes – Family Priacanthidae.
- (e) Bonnetmouths – Family Inermiidae.
- (f) Butterflyfishes – Family Chaetodontidae.
- (g) Cardinalfishes – Family Apogonidae.
- (h) Clingfishes – Family Gobiesocidae.
- (i) Clinids – Family Clinidae.
- (j) Combtooth blennies – Family Blenniidae.
- (k) Congers – Family Congridae.
- (l) Cornetfishes – Family Fistulariidae.
- (m) Damsel­fishes – Family Pomacentridae.
- (n) Dragonets – Family Callionymidae.
- (o) Drums – Genera *Equetus* and *Odontoscion*.
- (p) False morays – Family Xenocongridae.
- (q) Frogfishes (Sargassumfishes) – Family Antennariidae.
- (r) Goatfishes – Family Mullidae.
- (s) Gobies – Family Gobiidae.
- (t) Hawkfishes – Family Cirrhitidae.
- (u) Jawfishes – Family Opistognathidae.
- (v) Morays – Family Muraenidae.
- (w) Muraenesocids – Family Muraenesocidae.
- (x) Parrotfishes – Family Scaridae.
- (y) Pikeblennies – Family Chaenopsidae.
- (z) Porcupinefishes – Family Diodontidae.
- (aa) Puffers – Family Tetraodontidae.
- (bb) Sand stargazers – Family Dactyloscopidae.
- (cc) Scorpionfishes – Family Scorpaenidae.
- (dd) Sea basses – Genera *Hypoplectrus*, *Serranus*, *Schultzea*, *Paranthias*, *Liopropoma*, and *Diplec­trum* and the species *Epinephelus itajara* (jewfish).
- (ee) Sea chubs – Family Kyphosidae.
- (ff) Seahorses and Pipefishes – Family Syngnathidae.
- (gg) Snake eel – Family Ophichthidae.
- (hh) Soapfishes – Family Grammistidae.
- (ii) Soles – Family Soleidae.
- (jj) Spaghetti eels – Family Moringuidae.
- (kk) Squirrelfishes – Family Holocentridae.
- (ll) Stargazers – Family Uranoscopidae.
- (mm) Surgeonfishes – Family Acanthuridae.
- (nn) Sweepers – Family Pempheridae.
- (oo) Threadfins – Family Polynemidae.
- (pp) Toadfishes – Family Batrachoididae.
- (qq) Tonguefishes – Family Cynoglossidae.
- (rr) Triggerfishes and Filefishes – Family Balistidae.
- (ss) Trumpetfishes – Family Aulostomidae.
- (tt) Trunkfishes – Family Ostraciidae.
- (uu) Wrasses – Genera *Clepticus*, *Halichoeres*, *Hemipteronotus*, *Thalassoma*, *Decodon*, *Doratonotus*, and *Bodianus*.

(2) Size Limit – No person shall take, kill, or possess any fish in John Pennekamp Coral Reef State Park smaller than 8 inches in total length. This subsection shall not apply to those species for which a specific minimum size limit has been otherwise established by law or rule or to any of the following fish:

- (a) Anchovies – Family Engraulidae.
- (b) Grunts – Family Haemulidae.
- (c) Halfbeaks and Flying Fishes – Family Exocoetidae.
- (d) Jacks – Family Carangidae.
- (e) Mulletts – Family Mugilidae.
- (f) Pinfish – Species *Lagodon Rhomboides*.
- (g) Sardines – Family Clupeidae.

(3) Persons harvesting spiny lobster or other species of the Genera *Panulirus* or *Scyllarides*, in John Pennekamp Coral Reef State Park, or using traps to harvest spiny lobster, stone crabs, or blue crabs within the park, shall comply with the provisions of Rule 68B-24.0065, F.A.C.

Specific Authority Art. IV, Sec. 9, Fla Const. Law Implemented Art. IV, Sec. 9, Fla Const. History–New 7-3-89, Amended 6-1-94, Formerly 46-5.002.

68B-5.003 Warren Bayou (Bay County) Special Seasonal Harvest Closure.

(1) No person shall harvest marine fish, during the months of January, February, November, and December of each year, in any of the waters of Warren Bayou, its tributaries, including the discharge canal from the Lansing Smith Power Plant, or within 100 yards of the mouth of Warren Bayou, in Bay County.

(2) For purposes of this rule, the term "harvest" means the catching or taking of any fish by any means whatsoever, followed by a reduction of such fish to possession.

Specific Authority Art. IV, Sec. 9, Fla Const. Law Implemented Art. IV, Sec. 9, Fla Const. History–New 3-16-93, Formerly 46-5.003.

68B-5.005 Divers: Fish Feeding Prohibited; Prohibition of Fish Feeding for Hire; Definitions.

(1) No diver shall engage in the practice of fish feeding.

(2) No person shall operate any vessel for hire for the purpose of carrying passengers to any site in the saltwaters of the state to engage in fish feeding or to allow such passengers to observe fish feeding.

(3) For purposes of this rule:

(a) "Diver" means any person who is wholly or partially submerged in the water, and is equipped with a face mask, face mask and snorkel, or underwater breathing apparatus.

(b) "Fish feeding" means the introduction of any food or other substance into the water by a diver for the purpose of feeding or attracting marine species, except for the purpose of harvesting such marine species as otherwise allowed by rules of the Fish and Wildlife Conservation Commission.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 1-1-02.

CHAPTER 68B-6 FLORIDA KEYS NATIONAL MARINE SANCTUARY

- 68B-6.001 Definitions.
68B-6.002 Designation of Boundaries of Ecological Reserve, Sanctuary Preservation Areas, and Special-Use Area.
68B-6.003 Florida Keys National Marine Sanctuary: Prohibited Activities in Specified State Waters.

68B-6.001 Definitions.

As used in this rule chapter:

(1) "Coral" means the corals of the Class Hydrozoa (stinging and hydrocorals); the Class Anthozoa, Subclass Hexacorallia, Order Scleractinia (stony corals) and Antipatharia (black corals).

(2) "Ecological Reserve" means an area of the Sanctuary consisting of contiguous, diverse habitats, within which uses are subject to conditions, restrictions and prohibitions, including access restrictions, intended to minimize human influences, to provide natural spawning, nursery, and permanent residence areas for the replenishment and genetic protection of marine life, and also to protect and preserve natural assemblages of habitats and species within areas representing a broad diversity of resources and habitats found within the Sanctuary.

(3) "Fish" means finfish, mollusks, crustaceans, and all forms of marine animal and plant life other than marine mammals and birds.

(4) "Fishing" means:

(a) The catching, taking, or harvesting of fish;

(b) The attempted catching, taking, or harvesting of fish;

(c) Any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(d) Any operation at sea in support of, or in preparation for, any activity described in paragraphs (a) through (c). Such term does not include any scientific research activity which is conducted by a scientific research vessel.

(5) "Modified lampara net" means a purse seine which has at least one wing that is not part of the pursing section of the seine, used to harvest baitfish near the top of the water column. The wing is used to skim the water surface as the net is drawn in and fish are herded into the pursing section to be harvested with a dip net.

(6) "Not available for immediate use" means not readily accessible for immediate use, e.g., by being stowed unbaited in a cabin, locker, rod holder, or similar storage area, or by being securely covered or lashed to a deck or bulkhead.

(7) "Sanctuary" means the Florida Keys National Marine Sanctuary.

(8) "Sanctuary Preservation Area" means an area of the Sanctuary than encompasses a discrete, biologically important area, within which uses are subject to conditions, restrictions and prohibitions, including access restrictions, to avoid concentrations of uses that could result in significant declines in species populations or habitat, to reduce conflicts between uses, to protect areas that are critical for sustaining important marine species or habitats, or to provide opportunities for scientific research.

(9) "Special-use Area" means an area of the Sanctuary set aside for scientific research and educational purposes, recovery or restoration of Sanctuary resources, monitoring, to prevent use or user conflicts, to facilitate access and use, or to promote public use and understanding of Sanctuary resources.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-97, Amended 11-16-98, Formerly 46-6.001.

68B-6.002 Designation of Boundaries of Ecological Reserve, Sanctuary Preservation Areas, and Special-Use Area.

(1) WESTERN SAMBOS ECOLOGICAL RESERVE – For purposes of the restrictions specified in Rule 68B-6.003, F.A.C., the Western Sambos Ecological Reserve shall consist of all state waters located within the following geographic boundary coordinates:

Point	Latitude	Longitude
1	24°33.70'N	81°40.80'W
2	24°28.40'N	81°41.90'W
3	24°28.50'N	81°43.70'W
4	24°33.50'N	81°43.10'W

(2) SANCTUARY PRESERVATION AREAS – For purposes of the restrictions specified in Rule 68B-6.003, F.A.C., the respective sanctuary preservation areas shall consist of all state waters within the following sets of geographic boundary coordinates:

CHEECA ROCKS

Point	Latitude	Longitude
1	24°54.42'N	80°36.91'W
2	24°54.25'N	80°36.77'W
3	24°54.10'N	80°37.00'W
4	24°54.22'N	80°37.15'W

EASTERN DRY ROCKS

Point	Latitude	Longitude
1	24°27.92'N	81°50.55'W
2	24°27.73'N	81°50.33'W
3	24°27.47'N	81°50.80'W
4	24°27.72'N	81°50.86'W

HENS AND CHICKENS

Point	Latitude	Longitude
1	24°56.38'N	80°32.86'W
2	24°56.21'N	80°32.63'W
3	24°55.86'N	80°32.95'W
4	24°56.04'N	80°33.19'W

NEWFOUND HARBOR KEY

Point	Latitude	Longitude
1	24°37.10'N	81°23.34'W
2	24°36.85'N	81°23.28'W
3	24°36.74'N	81°23.80'W
4	24°37.00'N	81°23.66'W

ROCK KEY

Point	Latitude	Longitude
1	24°27.48'N	81°51.35'W
2	24°27.30'N	81°51.15'W
3	24°27.21'N	81°51.60'W
4	24°27.45'N	81°51.65'W

SAND KEY

Point	Latitude	Longitude
1	24°27.58'N	81°52.29'W
2	24°27.01'N	81°52.32'W
3	24°27.02'N	81°52.95'W
4	24°27.61'N	81°52.94'W

(3) EASTERN SAMBOS SPECIAL-USE AREA – For purposes of the restrictions specified in Rule 68B-6.003, F.A.C., the Eastern Sambos Special-use Area shall consist of all state waters located within the following geographical boundary coordinates:

Point	Latitude	Longitude
1	24°29.84'N	81°39.59'W
2	24°29.55'N	81°39.35'W
3	24°29.37'N	81°39.96'W
4	24°29.77'N	81°40.03'W

(4) TORTUGAS NORTH ECOLOGICAL RESERVE - For purposes of the restrictions specified in Rule 68B-6.003, F.A.C., the Tortugas North Ecological Reserve shall consist of all state waters located within the following geographic boundary coordinates:

Point	Latitude	Longitude
1	24°46.00'N	83°06.00'W
2	24°45.40'N	82°54.00'W
3	24°45.30'N	82°48.00'W
4	24°43.32'N	82°48.00'W
5	24°43.32'N	82°52.00'W
6	24°43.00'N	82°54.00'W
7	24°39.00'N	82°58.00'W
8	24°39.00'N	83°06.00'W

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-97, Formerly 46-6.002, Amended 7-1-01.

68B-6.003 Florida Keys National Marine Sanctuary: Prohibited Activities in Specified State Waters.

(1) ECOLOGICAL RESERVE AND SANCTUARY PRESERVATION AREAS – The following activities are prohibited within the Western Sambos Ecological Reserve, Tortugas North Ecological Reserve, and the Cheeca Rocks, Eastern Dry Rocks, Hens and Chickens, Newfound Harbor Key, Rock Key, and Sand Key Sanctuary Preservation Areas, described in Rule 68B-6.002, F.A.C.:

(a) Possessing, moving, harvesting, removing, taking, damaging, disturbing, breaking, cutting, spearing, or otherwise injuring any coral, marine invertebrate, fish, bottom formation, algae, seagrass or other living or dead organism, including shells, or attempting any of these activities. However, fish, invertebrates, and marine plants may be possessed aboard a vessel in an Ecological Reserve or Sanctuary Preservation Area, provided such vessel is in continuous transit through such reserve or area and such resources are stowed in a cabin, locker, or similar storage area prior to entering and during transit through such reserve or area.

(b) Except as provided in subparagraphs 1. and 2. below, fishing by any means. However, gear capable of harvesting fish may be aboard a vessel in an Ecological Reserve or Sanctuary Preservation Area (other than Sand Key), provided such gear is not available for immediate use when entering and during transit through such Ecological Reserve or Sanctuary Preservation Area. The following fishing activities are allowed as indicated:

1. Catch and release fishing by trolling is allowed in the Sand Key Sanctuary Preservation Area.

2. The harvest of baitfish species (ballyhoo, balao, halfbeaks, or herring only) is allowed in the Sanctuary Preservation Areas specified in Rule 68B-6.002(2), F.A.C., subject to the following conditions:

a. No person shall engage in such harvest except pursuant to a valid permit issued for such purpose by the National Marine Sanctuary Division of the National Ocean Service on behalf of the Florida Keys National Marine Sanctuary.

b. In the Newfound Harbor Key Sanctuary Preservation Area, harvest pursuant to this subparagraph shall only be by means of a cast net with a stretched length (the distance from the horn at the center of the net, with the net gathered and pulled taut, to the lead line) no greater than 14 feet. In the Cheeca Rocks, Eastern Dry Rocks, Hens and Chickens, Rock Key, and Sand Key Sanctuary Preservation Areas, harvest pursuant to this subparagraph shall only be by means of a cast net or modified lampara net.

c. All bycatch (species other than ballyhoo, balao, halfbeaks, or herring) shall be returned to the water alive.

d. Contact with or disturbance of the seabed is prohibited.

e. Harvest of baitfish in the Sanctuary Preservation Areas specified herein by the use of any gear other than those specifically allowed in this subparagraph is prohibited.

(c) Touching living or dead coral, including but not limited to, standing on a living or dead coral formation.

(d) Except for passage without interruption through the area, for law enforcement purposes, or for purposes of monitoring pursuant to 15 C.F.R. §922.164(d)(2), violating a temporary access restriction imposed by the Director of the Office of Ocean and Coastal Resource Management of the National Oceanic and Atmospheric Administration or designee pursuant to 15 C.F.R. §922.164(d)(2).

(2) EASTERN SAMBOS SPECIAL-USE AREA – The Eastern Sambos Special-use Area is a “research only area” set aside to provide for scientific research or education relating to protection and management, through the issuance of a National Marine Sanctuary General or Historical Resources Permit pursuant to 15 C.F.R. §922.166. Except as may be authorized pursuant to such a permit, within the Eastern Sambos Special-use Area described in Rule 68B-6.002, F.A.C., the following activities are prohibited:

(a) Possessing, moving, harvesting, removing, taking, damaging, disturbing, breaking, cutting, spearing, or otherwise injuring any coral, marine invertebrate, fish, bottom formation, algae, seagrass or other living or dead organism, including shells, or attempting any of these activities.

(b) Fishing by any means.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-97, Amended 11-16-98, Formerly 46-6.003, Amended 12-2-99, 7-1-01.

CHAPTER 68B-11 THE BISCAYNE BAY-CARD SOUND SPINY LOBSTER SANCTUARY

- 68B-11.001 Purpose and Boundaries.
- 68B-11.002 Definitions.
- 68B-11.003 Molesting, Taking or Trapping Spiny Lobster in Sanctuary Prohibited Without Special Permit; Penalties for Violation.
- 68B-11.004 Violation of Sanctuary Rules; Passage Through and Temporary Safe Refuge in Sanctuary with Spiny Lobster Aboard Allowed Under Certain Conditions.

68B-11.001 Purpose and Boundaries.

(1) The waters of Biscayne Bay, Card Sound, and Little Card Sound hereinafter described are declared to be a nursery sanctuary for the purpose of protecting the spiny lobster. The boundaries of the sanctuary are as follows:

Begin at the intersection of the northern right-of-way of State Road 905A and the western mean high water line of Little Card Sound (said point of beginning being approximately 800 feet south and 2300 feet west of the northeast corner of Section 13, Township 59 South, Range 39 East, Dade County); thence northerly along the western mean high water line of Little Card Sound, Card Sound, and Biscayne Bay to a point located at the intersection of the western mean high water line of Biscayne Bay and the eastern end of the southern shoreline of the canal marking the northern boundary of Matheson Hammock Park (which canal shoreline also marks the southern boundary of Old Cutler Bay Section 5, according to the plat thereof, as recorded in the public records of Dade County, Florida, Plat Book 85, page 25); thence southeasterly along a straight line connecting said point with the southernmost point on the mean high water line of Key Biscayne (Cape Florida); thence southerly along a straight line to the northernmost point on the mean high water line of Soldier Key; thence southerly along the eastern mean high water line of Soldier Key to the southernmost point on the mean high water line of Soldier Key; thence southerly along a straight line to the northernmost point on the mean high water line of the northernmost key in the Ragged Keys; thence southerly along the eastern mean high water lines of the islands forming the Ragged Keys, with straight connecting lines between such islands at the points where the islands are closest to each other, to the southernmost point on the mean high water line of the southernmost key in the Ragged Keys; thence southerly along a straight line to the northernmost point on the mean high water line of Boca Chita Key; thence southerly along the eastern mean high water line of Boca Chita Key to the southernmost point on the mean high water line of Boca Chita Key; thence southerly along a straight line to the northernmost point on the mean high water line of Sands Key; thence southerly along the eastern mean high water line of Sands Key to the northeasternmost headland of Sands Cut; thence southeasterly along a straight line to the northeasternmost point on the mean high water line of Elliot Key; thence southerly along the eastern mean high water line of Elliot Key to the southernmost point on the mean high water line of Elliot Key (Christmas Point); thence southerly along a straight line across the mouth of Caesar Creek to the easternmost point on the mean high water line of Old Rhodes Key; thence southerly along the eastern mean high water line of Old Rhodes Key to the southernmost point on the mean high water line of Old Rhodes Key; thence southwesterly along a straight line across the mouth of Old Rhodes Channel to the easternmost point on the mean high water line of Swan Key; thence southwesterly along the eastern mean high water line of Swan Key to the southernmost point on the mean high water line of Swan Key; thence southwesterly in a straight line across the mouth of Broad Creek to the easternmost point on the mean high water line of Palo Alto Key; thence southwesterly along the eastern mean high water line of Palo Alto Key to the northeasternmost headland of Angelfish Creek; thence southwesterly in a straight line across the mouth of Angelfish Creek to the easternmost point on the mean high water line of Angelfish Key; thence southwesterly along the eastern mean high water line of Angelfish Key, crossing Little Angelfish Creek and Pumpkin Creek along straight headland-to-headland lines, to a point on the mean high water line of Key Largo at the southwestern headland of Pumpkin Creek; thence northerly along the mean high water line of Key Largo, following the western shoreline of Pumpkin Creek to the northernmost point on the mean high water line of Key Largo; thence southwesterly along the mean high water line of Key Largo, following the southeastern shoreline of Little Pumpkin Creek, and continuing southwesterly along the mean high water line of Key Largo to its intersection with the northern right-of-way of State Road 905A, crossing Steamboat Creek and all other creeks along straight headland-to-headland lines; thence northwesterly along the northern right-of-way of State Road 905A to the point of beginning.

The western boundary of the sanctuary from the point of beginning to the northern boundary of Matheson Hammock Park, includes all natural and artificial waterways tidally connected to Little Card Sound, Card Sound, and Biscayne Bay.

(2) The Biscayne Bay-Card Sound Spiny Lobster Sanctuary described herein is depicted on the following map:

SEE FLORIDA ADMINISTRATIVE CODE FOR “MAP”

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-3-84, Formerly 46-11.01, Formerly 46-11.001.

68B-11.002 Definitions.

For the purpose of this chapter, except where the context clearly requires otherwise:

(1) "Headland" means a point on the mean high water line of a coast at or near the mouth of a creek, canal, cut or other waterway, at which there is an appreciable change in direction of the general trend of the coast.

(2) "Headland-to-headland line" means a straight line joining the headlands on either side of the mouth of a creek, canal, cut or other waterway and utilized for the purpose of establishing a boundary line between the waters of such creek, canal, waterway or cut and the waters of the adjoining ocean, bay or sound.

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

(4) "Spiny lobster" means any spiny lobster (also commonly known as Florida crawfish or salt water crawfish) of the species *Panulirus argus*, or any part thereof.

(5) "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.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-3-84, Formerly 46-11.02, 46-11.002.

68B-11.003 Molesting, Taking or Trapping Spiny Lobster in Sanctuary Prohibited Without Special Permit; Penalties for Violation.

It is unlawful for any person to molest, take or trap any spiny lobster, for any purpose, within the boundaries of the sanctuary, unless such person holds a special permit issued by the Fish and Wildlife Conservation Commission. The Commission may issue a special permit for the taking of spiny lobster within the sanctuary for scientific, educational or management purposes, prescribing such terms as the Commission deems necessary. Any person who violates or otherwise fails to comply with this chapter is guilty of a misdemeanor of the second degree, punishable as provided in Section 775.082 or 775.083, Florida Statutes.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-3-84, Formerly 46-11.03, 46-11.003.

68B-11.004 Violation of Sanctuary Rules; Passage Through and Temporary Safe Refuge in Sanctuary with Spiny Lobster Aboard Allowed Under Certain Conditions.

The presence of spiny lobster aboard a vessel within the boundaries of the sanctuary, while one or more persons from such vessel are overboard, is prohibited and constitutes a violation of this chapter by all persons aboard and overboard from such vessel; provided, however, that nothing in this chapter shall prevent any person, while lawfully possessing spiny lobster taken or trapped outside the boundaries of the sanctuary, or any vessel having such lawfully possessed spiny lobster aboard, from:

(1) Passing through the sanctuary, so long as no one from such vessel is overboard while inside the boundaries of the sanctuary; or

(2) Seeking temporary safe refuge or anchorage within the sanctuary, so long as no one from such vessel is overboard while inside the boundaries of the sanctuary.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-3-84, Formerly 46-11.04, Amended 7-15-96, Formerly 46-11.004.

CHAPTER 68B-12 KING MACKEREL RESOURCE RENEWAL

- 68B-12.001 King Mackerel Gulf-Atlantic Fishery; Resource Renewal Policy; Designation as Restricted Species.
- 68B-12.002 Definitions.
- 68B-12.0035 Size Limit.
- 68B-12.004 Bag Limits.
- 68B-12.0045 Recreational Season; Season Closure.
- 68B-12.0046 Commercial Fishing Season for King Mackerel in the Gulf-Atlantic Fishery; Commercial Season Segments, Vessel and Landing Limits.
- 68B-12.006 Other Prohibitions.

68B-12.001 King Mackerel Gulf-Atlantic Fishery; Resource Renewal Policy; Designation as Restricted Species.

(1) The purpose of this chapter is to renew and assure the continuing health and abundance of the king mackerel fishery in Florida waters of the Gulf of Mexico and Atlantic Ocean herein designated as the Florida Gulf-Atlantic Fishery. This measure is founded upon evidence publicly received and reviewed at length by the Commission, deemed to be the best available information, that the king mackerel Gulf-Atlantic Fishery is dangerously depleted through excessive harvesting by commercial and recreational harvesters alike, and is at risk of further depletion, to the detriment of commercial and recreational harvesters as well as to the resource.

(2) This chapter is intended to complement the provisions of Rule Chapter 68B-30, F.A.C., which regulate the Atlantic king mackerel fishery.

(3) Measures to reduce fishing pressure on the Gulf-Atlantic group of king mackerel include recreational bag and possession limits, regional season harvest limits and daily vessel harvest and landing limits for commercial harvesters, and season closure for commercial harvesters to coincide with commercial harvest closure in adjacent federal (EEZ) waters.

(4) King mackerel is hereby designated a restricted species pursuant to Section 370.01(20), Florida Statutes.

Specific Authority Art. IV, Sec. 9, Fla Const. Law Implemented Art. IV, Sec. 9, Fla Const. History—New 12-20-84, Formerly 46-12.01, Amended 11-13-86, 11-1-88, 10-1-90, Formerly 46-12.001.

68B-12.002 Definitions.

For the purpose of this chapter, except where the context clearly requires otherwise:

(1) "Commission" means the Florida Fish and Wildlife Conservation Commission.

(2) "Eastern Region" means all state waters of the Atlantic Ocean north of a line extended due east from the coastal boundary between Dade and Monroe counties and south of a line extended due east from the coastal boundary between Volusia and Flagler counties, between November 1 of each year and March 31 of the following year.

(3) "Gulf-Atlantic Fishery" means all Florida waters of the Gulf of Mexico and the Atlantic Ocean designated as follows, and all king mackerel in those waters: Between November 1 and March 31 the Florida Gulf-Atlantic Fishery consists of all Florida waters in the Gulf of Mexico and all Florida waters in the Atlantic Ocean south of a line extended due east from the coastal boundary between Volusia and Flagler counties (29 deg. 25 min. N. latitude). Between April 1 and October 31 of each year, the Gulf-Atlantic Fishery consists of all Florida waters in the Gulf of Mexico north of a line extended due west from the coastal boundary between Monroe and Collier counties (25 deg. 48 min. N. latitude).

(4) "Harvest," used in reference to activities of a person or a boat, means catching a king mackerel in or from the water by any means, then reducing the fish to possession. A king mackerel that is caught but immediately returned to the water free, alive and unharmed is not harvested.

(5) "Harvest for commercial purposes" means the taking or harvesting of any king mackerel for purposes of sale or with intent to sell. King mackerel harvest in excess of the bag limit shall constitute harvest for commercial purposes.

(6) "King mackerel," also commonly referred to as "kingfish," means any fish of the species *Scomberomorus cavalla*.

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

(8) "Western Region" means all state waters of the Atlantic Ocean south and west of a line due east from the coastal boundary between Dade and Monroe counties and all state waters of the Gulf of Mexico, between November 1 of each year and March 31 of the following year, and all state waters of the Gulf of Mexico north of a line extended due west from the coastal boundary between Monroe and Collier counties, between April 1 and October 31 of each year.

Specific Authority Art. IV, Sec. 9, Fla Const. Law Implemented Art. IV, Sec. 9, Fla Const. History—New 12-20-84, Formerly 46-12.02, Amended 11-13-86, 11-1-88, 10-1-90, 7-15-96, Formerly 46-12.002.

68B-12.0035 Size Limit.

(1) No person shall harvest from the waters of the Gulf-Atlantic Fishery or land any king mackerel with a fork length less than 24 inches, measured from the tip of the snout to the rear center edge of the tail.

(2) All king mackerel shall be landed in a whole condition. The possession, while in or on state waters, on any public or private fishing pier, or on a bridge or catwalk attached to a bridge from which fishing is allowed, or on any jetty, of any such fish that has 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.

(3) It is the intent of this rule and Rule 68B-30.0025, F.A.C. to expressly repeal and replace Section 370.11(2)(a)3., Florida Statutes, and the remainder of Section 370.11(2)(a), Florida Statutes, as these provisions pertain to king mackerel.

Specific Authority Art. IV, Sec. 9, Fla Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121 and Chapter 85-163, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121 and Chapter 85-163, Laws of Fla. History—New 11-29-93, Amended 6-3-96, Formerly 46-12.0035, Amended 10-22-99.

68B-12.004 Bag Limits.

(1) Except as provided in Rule 68B-12.0046, F.A.C., each person harvesting king mackerel from the Gulf-Atlantic fishery shall be subject to a bag limit of two fish per person, per day, unless and until the bag limit is reduced to one fish per person, per day pursuant to Rule 68B-12.0045(2), F.A.C.

(2) Except as provided in Rule 68B-12.0046, F.A.C., no person shall possess while in, on, or above the waters of the Gulf-Atlantic fishery or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters, more than the applicable bag limit for king mackerel specified in subsection (1) of this rule.

(3) Possession of king mackerel in excess of the bag limit specified in subsection (1) of this rule by any person aboard a vessel fishing in the Gulf-Atlantic fishery constitutes a violation of this rule.

(4) Annual Season Harvest Limit Adjustment – The goal of the Commission is to rebuild the king mackerel spawning stock biomass in the Gulf-Atlantic fishery, consistent with federal management measures, if in the best interests of the fishery and residents of the state, so that the species is no longer considered overfished and maximum practicable sustainable stock abundance may be maintained. To achieve that goal the Commission will manage the recreational Gulf-Atlantic fishery by means of fishery-wide two-step bag and possession limits without season closures. It is the intention of the Commission to adjust no more frequently than on an annual basis the bag and possession limits specified in subsections (1) and (2) of this rule, if adjustment is necessary to attain progress toward the goal stated above. The following procedure shall be used by the Commission to annually adjust the recreational bag and possession limits, if necessary:

(a) Any adjustment to the bag and possession limits shall be applicable beginning on July 1 and be in effect for at least one calendar year. Once adjusted, the bag and possession limits shall remain in place until adjusted again pursuant to this subsection.

(b) By June 1 of each year in which adjustment of the recreational bag and possession limits is contemplated for the coming season, the Commission shall hold a public hearing to which all interested persons are invited. The meeting shall be noticed in accordance with Section 120.525, Florida Statutes.

(c) The adjusted bag and possession limits shall be published by notice in the Florida Administrative Weekly and in at least three major newspapers in coastal regions of the state within the fishery. The notices shall be published by June 15.

Specific Authority Art. IV, Sec. 9, Fla Const. Law Implemented Art. IV, Sec. 9, Fla Const. History—New 12-20-84, Formerly 46-12.04, Amended 11-13-86, 11-1-88, 10-1-90, 7-15-96, Formerly 46-12.004.

68B-12.0045 Recreational Season; Season Closure.

(1) The king mackerel fishing season for harvesters subject to the bag limit established in Rule 68B-12.004(1), F.A.C. in the Gulf-Atlantic fishery shall be July 1 of each year through June 30 of the following year.

(2) If the harvest of king mackerel in federal Exclusive Economic Zone (EEZ) waters adjacent to the Gulf-Atlantic fishery is closed to all harvesters prior to the end of the season specified in subsection (1), the season for harvest of king mackerel under the bag limit established in Rule 68B-12.004(1), F.A.C. in the Gulf-Atlantic fishery shall continue until the following July 1 under a bag limit of one fish per person, per day, upon notice given by the Commission, in the manner provided in s. 120.81(5), Florida Statutes.

Specific Authority Art. IV, Sec. 9, Fla Const. Law Implemented Art. IV, Sec. 9, Fla Const. History—New 11-13-86, Amended 11-1-88, 10-1-90, Formerly 46-12.0045.

68B-12.0046 Commercial Fishing Season for King Mackerel in the Gulf-Atlantic Fishery; Commercial Season Segments, Vessel and Landing Limits.

(1) Any person harvesting or possessing king mackerel in excess of the bag and possession limits specified in Rule 68B-12.004, F.A.C. in the Gulf-Atlantic fishery shall also possess a valid saltwater products license with a restricted species endorsement and a federal commercial permit to harvest king mackerel from the Gulf Migratory Group.

(2) For purposes of regulating the commercial harvest of king mackerel in the Gulf-Atlantic fishery, the fishery is divided into two regions, the Eastern Region and the Western Region. Harvest in each region is governed by daily vessel and landing limits, as specified in subsections (3) and (4) of this rule.

(3) Eastern Region – Persons harvesting king mackerel for commercial purposes from waters of the Eastern Region shall have a season that begins on November 1 of each year and continues through March 31 of the following year, unless closed sooner by operation of this subsection.

(a) These persons shall be subject to a commercial vessel limit of 50 king mackerel per vessel per day unless adjacent federal Exclusive Economic Zone (EEZ) waters are closed to commercial harvest of king mackerel. During this time, no person shall possess while in or on the waters of the region or land from a single vessel in any one day within this region more than 50 king mackerel.

(b) Should adjacent federal Exclusive Economic Zone (EEZ) waters be closed to commercial harvest, commercial harvest within this region shall be prohibited from the date the 50 king mackerel season ends pursuant to paragraph (a) until the next season begins on the following November 1. During this closed season, no person shall possess while in or on the waters of the region or land within the region any king mackerel harvested for commercial purposes.

(4) Western Region – Persons harvesting king mackerel for commercial purposes from waters of the Western Region shall have a season that begins on July 1 of each year and continues through June 30 of the following year, unless closed sooner by operation of this subsection. These persons shall be subject to commercial vessel limits effective during segments of the season as follows:

(a) Harvest of king mackerel shall be limited to 1250 pounds of fish per vessel per day from July 1 until the date the daily commercial vessel limit in adjacent federal Exclusive Economic Zone (EEZ) waters is reduced to 500 pounds of king mackerel.

(b) A limit of 500 pounds of king mackerel per vessel per day shall apply from the date the 1250 pounds of fish per vessel per day season segment ends pursuant to paragraph (a) until the adjacent federal Exclusive Economic Zone (EEZ) waters are closed to commercial harvest of king mackerel. During this season segment, no person shall possess while in or on the waters of the region or land from a single vessel in any one day within this region more than 500 pounds of king mackerel.

(c) Harvest of king mackerel for commercial purposes within this region shall be prohibited from the date the 500 pound season segment ends pursuant to paragraph (b) until the next season begins on the following July 1. During this closed season, no person shall land within the region any king mackerel harvested for commercial purposes.

(d) Notwithstanding paragraphs (a) and (b), if at any time during the season adjacent federal Exclusive Economic Zone (EEZ) waters are closed to commercial harvest of king mackerel, the season for the commercial harvest of king mackerel in the region shall close pursuant to paragraph (c).

(5) Notice of the closure of each season segment described in subsections (3) and (4) of this rule shall be given by the Commission in the manner provided in s. 120.81(5), Florida Statutes.

Specific Authority Art. IV, Sec. 9, Fla Const. Law Implemented Art. IV, Sec. 9, Fla Const. History—New 10-1-90, Amended 12-4-91, 11-29-93, 12-28-95, 1-1-97, 1-1-98, Formerly 46-12.0046.

68B-12.006 Other Prohibitions.

(1) No person shall possess, transport, buy, sell, exchange or offer to buy, sell or exchange any king mackerel harvested in violation of any provision or condition of this chapter.

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

Specific Authority Art. IV, Sec. 9, Fla Const. Law Implemented Art. IV, Sec. 9, Fla Const. History—New 11-13-86, Formerly 46-12.006.

CHAPTER 68B-13 STONE CRABS

68B-13.0015	Definitions.
68B-13.002	Stone Crabs, Regulation. (Repealed)
68B-13.005	Designation as Restricted Species; Season.
68B-13.006	Licenses, Endorsements, and Permits for Experimental, Scientific and Exhibitional Purposes.
68B-13.007	Restrictions on Size and on Transport and Possession of Stone Crabs and Stone Crab Claws.
68B-13.008	Gear, Trap Construction, Commercial Trap Marking Requirements, Trap Working Regulations, Trap Transfer.
68B-13.009	Recreational Stone Crab Harvest: Bag Limit, Trap Limit, Trap Marking Requirements, Trap Pulling.
68B-13.010	Stone Crab Trap Limitation Program.
68B-13.011	Prohibitions.
68B-13.012	Commission Policy Regarding the Assessment of Administrative Penalties.

68B-13.0015 Definitions.

(1) The term “stone crab” for purposes of this chapter and Section 370.13, Florida Statutes, means any crustacean of the species *Menippe mercenaria* or *Menippe adina* or their interbreeding hybrids, or any part of such crustacean.

(2) As used in this rule chapter:

(a) “A1-certificates” are trap certificates that have never been transferred from the original certificate holder.

(b) “A2-certificates” are trap certificates that have been transferred to or from an immediate family member for which no surcharge was collected.

(c) “Active certificates” are those certificates for which all license fees, certificate fees, transfer fees and surcharges have been paid in full and are current, and the holder’s saltwater products license (SPL) and stone crab endorsement (X-number) are not inactive.

(d) “Allotted certificates” and “allocated certificates” mean the number of stone crab trap certificates assigned to an individual certificate holder and maintained by the Commission after the initial allocation is established for an individual saltwater products license number with a stone crab endorsement. The certificate balance is that number of certificates as adjusted to reflect lawful transfer of certificates into or out of the certificate holder’s trap certificate account and other adjustments as are lawful and otherwise authorized under the program.

(e) “B-certificates” are trap certificates that have been transferred outside a trap certificate holder’s immediate family and for which a surcharge is due or has been collected.

(f) “Certificate holder” is the individual who holds a valid saltwater products license with a current stone crab endorsement and received an initial allotment of trap certificates or obtained trap certificates from another trap certificate holder, or otherwise lawfully acquired trap certificates and these certificates are assigned to his/her saltwater products license/stone crab endorsement. The certificates may be active or inactive.

(g) “Commission” means the Florida Fish and Wildlife Conservation Commission.

(h) “Fair Market Value” means the actual price paid for each certificate by the transferee to the transferor.

(i) “Harvest” means the catching or taking of a stone crab by any means whatsoever, followed by a reduction of such stone crab to possession. Stone crabs caught but immediately returned to the water free, alive, and unharmed, temporarily possessed to determine compliance with size requirements or removed claws, or stored aboard a vessel temporarily until claws are removed as authorized by subsection 68B-13.007(3), F.A.C., are not harvested.

(j) “Harvest for commercial purposes” means the taking or harvesting of stone crabs for purposes of sale, barter, trade or exchange or with intent to sell, barter, trade or exchange or in excess of the recreational bag limit.

(k) The term “immediate family” for purposes of this chapter and Section 370.13, Florida Statutes, refers to an endorsement or certificate holder’s mother, father, sister, brother, spouse, son, daughter, step-father, step-mother, step-son, step-daughter, half-sister, or half-brother.

(l) “Inactive Certificates” are those certificates which are allocated to a certificate holder but are not available for transfer or issuance of trap tags because the certificate holder has outstanding license fees, certificate fees or penalty assessments and/or the certificate holder’s saltwater products license, stone crab endorsement, or other required licenses, endorsements or authorizations are otherwise under suspension, revocation or inactive.

(m) “Incidental take endorsement” means an identification number stamped on a saltwater products license, showing that the holder of the license is authorized to harvest a limited amount of stone crab claws for commercial purposes as specified in subsection 68B-13.010(5), F.A.C. Such endorsement shall only be valid when used in conjunction with a crawfish or blue crab endorsement; also known as an “I-number”.

(n) “Initial allocation” of certificates means those certificates assigned to an eligible individual pursuant to paragraph 68B-13.010(2)(a), F.A.C.

(o) “Issued certificates” means those certificates which have been paid for, are current, and are assigned to a saltwater products license/stone crab endorsement account.

(p) "Passive reduction" means a decrease in the number of stone crab trap tags, and thus authorized traps, through a reduction in the total number of trap certificates available to the fishery incorporated into the trap certificate transfer process pursuant to subsection 68B-13.010(3), F.A.C.

(q) "Stone crab endorsement" means an identification number stamped on a saltwater products license showing that the holder of the license is authorized to harvest stone crabs for commercial purposes; also known as an "X-number".

(r) "Stone crab trap" is any device or gear, as defined in Rule 68B-13.008, F.A.C., which is used to aid in the taking of stone crab. Only authorized stone crab traps may be used, and trap tags obtained from trap certificate allocations do not create any authorization whatsoever to use any gear not otherwise lawful to use or aid in the taking of stone crab.

(s) "Transferred certificates" means those certificates that have changed ownership pursuant to subsection 68B-13.010(3), F.A.C.

(t) "Trap certificate transfer" is the process whereby ownership of a specified number of certificates is changed by the Commission from one person to another pursuant to subsection 68B-13.010(3), F.A.C.

(u) "Trap tag" is a physical, durable, annual stone crab trap identification and authorization label, furnished by the Commission to the certificate holder. One trap tag is issued for each active trap certificate held.

(v) "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.

(w) "X-number" is another term for stone crab endorsement; derived from the letter "X", which when used with a number on a saltwater products license, represents the license holder's stone crab endorsement.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-25-87, Amended 10-4-95, Formerly 46-13.0015, Amended 7-1-00, 7-22-01.

68B-13.005 Designation as Restricted Species; Season.

(1) Stone crabs are hereby designated as a restricted species pursuant to Section 370.01(21), Florida Statutes.

(2) The season for the harvest, possession and sale of stone crab claws shall be from October 15 through May 15, each year. No person, firm or corporation, shall harvest, or have in his or her possession, regardless of where taken, or sell or offer for sale, any stone crab of any size, or any parts thereof, from May 16 through October 14, each year, except for stone crab claws, placed in inventory by a wholesale or retail dealer as defined in Section 370.07, Florida Statutes, prior to May 16 of each year.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History—New 7-1-00.

68B-13.006 Licenses, Endorsements, and Permits for Experimental, Scientific and Exhibitional Purposes.

(1)(a) Except as provided in subsection 68B-13.010(5), F.A.C., in addition to a saltwater products license, a stone crab endorsement is required in order to harvest stone crabs for commercial purposes. This endorsement shall only be issued to a person, firm or corporation that possess a valid restricted species endorsement on their saltwater products license issued pursuant to Section 370.06, Florida Statutes.

(b) Until July 1, 2002, no stone crab endorsements shall be renewed or replaced except those endorsements that were active during the 2000-2001 fiscal year. Renewal of such endorsements shall be made by the endorsement holder or an immediate family member on the endorsement holder's behalf, prior to September 30, 2001. Failure to renew by September 30, 2001, shall lead to the deactivation of the holder's endorsement.

(2) In accordance with Section 370.10(2), Florida Statutes, the Fish and Wildlife Conservation Commission may issue permits to collect and possess whole stone crabs, dead or alive, solely for experimental, scientific, educational or exhibitional purposes.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History—New 7-1-00, Amended 8-5-01.

68B-13.007 Restrictions on Size and on Transport and Possession of Stone Crabs and Stone Crab Claws.

(1) Except as provided in subsection (3) of this rule, and in subsection (2) of Rule 68B-13.006, F.A.C., it is unlawful to harvest, possess, sell, or offer for sale any stone crab claw at any time which has a forearm (propodus) of less than 2 3/4 inches in length, measured by a straight line from the elbow to the tip of the lower immovable finger. The forearm shall be deemed to be the largest section of the claw assembly that has both a movable and immovable finger and is located farthest from the body of the crab.

(2) Except as provided in subsection (3) of this rule, and in subsection (2) of Rule 68B-13.006, F.A.C., it is unlawful for any person, firm, or corporation to possess or transport by boat, land vehicle, airplane, or other conveyance any intact stone crab or stone crab body whether dead or alive. Only legal sized claws of stone crabs may be possessed or transported.

(3) Live stone crabs may be held on board a vessel while it is at sea until such time as the claws are removed, provided the crabs are held in shaded containers and wet with sea water every 30 minutes, or more often if necessary, to keep the crabs in a damp condition. Containers shall not be stacked in a manner which compresses the crabs.

(4) It is unlawful to remove claws from egg-bearing female stone crabs or to have any egg-bearing female stone crab on board a vessel.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History—New 7-1-00.

68B-13.008 Gear, Trap Construction, Commercial Trap Marking Requirements, Trap Working Regulations, Trap Transfer.

(1) GEAR. It is unlawful to use any device in the taking of stone crabs that can puncture, crush, or injure the crab body, such as spears, grains, grabs, hooks, or similar devices.

(2) TRAP CONSTRUCTION. No person, firm, or corporation shall transport on the water, fish with, or cause to be fished with, set, or placed, in the harvest of stone crabs, any trap which does not meet the following requirements:

(a) Each trap shall be constructed of either wood, plastic, or wire.

(b) Such traps shall have a maximum dimension of 24 inches, by 24 inches, by 24 inches or a volume of 8 cubic feet.

(c)1. The throat or entrance to all wood and plastic traps shall be located on the top horizontal section of the trap. If the throat is longer in one dimension, the throat size in the longer dimension shall not exceed 5 1/2 inches and in the shorter dimension shall not exceed 3 1/2 inches. If the throat is round, the throat size shall not exceed 5 inches in diameter.

2. Each throat (entrance) in any wire trap used to harvest stone crabs shall be horizontally oriented. The width of the opening where the throat meets the vertical wall of the trap and the opening of the throat at its farthest point from the vertical wall, inside the trap, shall be greater than the height of any such opening. No such throat shall extend farther than 6 inches into the inside of any trap, measured from where the throat opening meets the vertical wall of the trap to the throat opening at its farthest point from the vertical wall, inside the trap.

3. Each wire trap used to harvest stone crabs shall have at least three unobstructed escape rings installed on a vertical outer surface, each with a minimum diameter of 2 3/8 inches. One such escape ring shall be located on a vertical outer surface adjacent to each crab retaining chamber.

4. Each plastic or wire trap used to harvest stone crabs shall have a degradable panel.

a. A plastic trap shall be considered to have a degradable panel if it contains at least one sidewall with a rectangular opening no smaller in either dimension than that of the throat. This opening must be obstructed with a cypress or untreated pine slat or slats no thicker than 3/4 inch. When the slat degrades, the opening in the sidewall of the trap will no longer be obstructed.

b. A wire trap shall be considered to have a degradable panel if one of the following methods is used in construction of the trap:

(I) The trap lid tie-down strap is secured to the trap at one end by a single loop of untreated jute twine. The trap lid must be secured so that when the jute degrades, the lid will no longer be securely closed.

(II) The trap lid tie-down strap is secured to the trap at one end with a corrodible loop composed of non-coated steel wire measuring 24 gauge or thinner. The trap lid must be secured so that when the loop degrades, the lid will no longer be securely closed.

(III) The trap lid tie-down strap is secured to the trap at one end by an untreated pine dowel no larger than 2 inches in length by 3/8 inch in diameter. The trap lid must be secured so that when the dowel degrades, the lid will no longer be securely closed.

(IV) The trap contains at least one sidewall with a vertical rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. This opening must be laced, sewn, or otherwise obstructed by a single length of untreated jute twine knotted only at each end and not tied or looped more than once around a single mesh bar. When the jute degrades, the opening in the sidewall of the trap will no longer be obstructed.

(V) The trap contains at least one sidewall with a vertical rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. This opening must be obstructed with an untreated pine slat or slats no thicker than 3/8 inch. When the slat degrades, the opening in the sidewall of the trap will no longer be obstructed.

(VI) The trap contains at least one sidewall with a vertical rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. The opening may either be laced, sewn, or otherwise obstructed by non-coated steel wire measuring 24 gauge or thinner or be obstructed with a panel of ferrous single-dipped galvanized wire mesh made of 24 gauge or thinner wire. When the wire or wire mesh degrades, the opening in the sidewall of the trap will no longer be obstructed.

(VII) The trap contains at least one sidewall with a vertical rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. The opening may be obstructed with a rectangular panel made of any material, fastened to the trap at each of the four corners of the rectangle by rings made of non-coated 24 gauge or thinner wire or single strands of untreated jute twine. When the corner fasteners degrade, the panel will fall away and the opening in the sidewall of the trap will no longer be obstructed.

(3) COMMERCIAL TRAP MARKING REQUIREMENTS.

(a) Each trap used must have the trap owner's stone crab endorsement number permanently attached. In addition, the stone crab endorsement number shall be affixed in legible figures at least two inches high on each buoy used. A valid commercial saltwater products license with the corresponding stone crab endorsement number must be on the boat and the license and stone crab claws shall be subject to inspection at all times. Except as provided in paragraph (4)(c) of this rule, no more than two stone crab endorsement numbers shall be used on a single vessel.

(b) A buoy or time release buoy shall be attached to each trap or at each end of a weighted trap trotline. The buoy shall be constructed of styrofoam, cork, molded polyvinyl chloride, or molded polystyrene, be of sufficient strength and buoyancy to float, and be of such color, hue, and brilliancy as to be easily distinguished, seen, and located. Buoys shall be either spherical in shape with a diameter no smaller than 6 inches or some other shape so long as it is no shorter than 10 inches in the longest dimension and the width at some point exceeds 5 inches. No more than 5 feet of any buoy line attached to a buoy used to mark a stone crab trap or attached to a trotline shall float on the surface of the water.

(c) The buoy color and endorsement number shall also be permanently and conspicuously displayed on any vessel used by a person harvesting for commercial purposes for setting and collecting said traps and buoys, so as to be readily identifiable from the air and water, in the following manner:

1. From the Air – The buoy design approved by the Commission 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 endorsement number permanently affixed beneath the circle in numerals no smaller than 10 inches in height.

2. From the Water – The buoy design approved by the Commission 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 endorsement number permanently affixed beneath the circle in numerals no smaller than 4 inches in height.

(4) TRAP WORKING REGULATIONS.

(a) It is unlawful for any person to place traps in the navigation channels of the intracoastal waterways, or in navigation channels maintained and marked by the Corps of Engineers, Coast Guard, State of Florida, or any county or municipal government.

(b) Traps may be worked during daylight hours only, and the pulling of traps from one hour after official sunset until one hour before official sunrise is prohibited.

(c) During any time of the year when it is legal to transport stone crab traps, a harvester may obtain permission from the Division of Law Enforcement to allow another person to transport, deploy, pull, or retrieve his or her traps. Permission may be granted upon receipt of a written statement signed by both the commercial harvester seeking to have his or her traps pulled and the person designated to pull the traps. Such written statement shall contain the following:

1. The reason the harvester needs to have his or her traps pulled;
2. The numbers of the saltwater products license and stone crab endorsement of both, the harvester seeking to have the traps pulled and the person who will be pulling the traps;
3. The buoy colors of the harvester seeking such permission;
4. The name and number of the vessel to be used by the person who will be pulling the traps;
5. The general locations of the pulling activity of the vessel to be engaged in pulling the traps; and
6. The dates the other person will be transporting, deploying, pulling or retrieving the traps.

Permission to pull traps in this manner shall be obtained daily by telephone from the Division of Law Enforcement for a maximum of 5 days without renewal or extension of the request. Permission to have traps pulled by another person for a longer period of time, must be based on extraordinary circumstances such as severe personal or family illness or accident or major equipment problem, and shall be obtained through petition to the Division of Law Enforcement on Commission Form DMF-SL3030 (07-01) (Stone Crab Trap Pulling Petition), herein incorporated by reference, and will be granted upon such conditions as the division deems appropriate for the protection of the resource. It shall be the responsibility of the commercial harvester, or a member of the harvester’s immediate family, to petition the division. The petition shall include a complete description of the extraordinary circumstances with corroborating documentation, the amount of additional time requested, the number of traps to be pulled, and a signed statement from the other person, attesting to his/her willingness and ability to pull these traps during this time period as well as an awareness of all rules governing the stone crab fishery. If the person designated to pull the petitioner’s traps does not possess a saltwater products license with restricted species and stone crab endorsements, the petitioner, as the license holder of record must possess a vessel saltwater products license and shall be held accountable for the designee’s compliance with all regulations governing the stone crab fishery.

(d) Except as provided in paragraph (e) of this subsection, it shall be unlawful to transport on the water, fish with, set, or place, or cause to be fished with, set, or placed, any trap or part thereof during the closed stone crab season, except that traps may be placed in the water and baited 10 days prior to the opening of the stone crab season and shall be removed within five days after the close of the stone crab season. However, the Division of Law Enforcement of the Fish and Wildlife Conservation Commission will grant an extension for the retrieval of traps for up to a maximum of ten days after the expiration of the five-day grace period, or a total of up to 15 days after the close of the stone crab season, upon the following conditions:

1. The trap owner or the owner’s lawfully designated agent shall request, in writing, permission for an extension of the grace period for retrieval of traps. The request shall specify the owner’s name and trap number, the name 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 reason(s) for the request.

2. On the day that trap retrieval commences, and on each subsequent day that trap retrieval continues, the Division of Law Enforcement must be advised in person or by telephone of the trap locations and landing site.

3. Reasons for granting an extension shall be limited to:

- a. Hazardous weather at the end of the season or during the trap retrieval period.
- b. Medical emergencies which make it impossible for the owner to operate a boat.
- c. Equipment breakdown.

4. Nothing herein shall authorize the landing or sale of any stone crab or stone crab claw during the closed season.

(e) Any traps, floats or ropes in the water more than ten days prior to the opening of the stone crab season or remaining in the water or otherwise abandoned during the closed season (following the grace period and any extensions thereof for retrieval of traps) are declared to be public nuisances and shall be disposed of in a manner approved by the Division of Law Enforcement. This provision shall be in addition to any penalty imposed by law.

(5) TRAP TRANSFER. Ownership of stone crab traps may be transferred to other persons, firms or corporations, so long as the following conditions are met:

(a) The person or entity acquiring ownership of such stone crab traps must notify the Division of Law Enforcement within five days of acquiring ownership and prior to placing or setting the traps in the water, as to the number of traps purchased, the vendor and the endorsement number currently displayed on the traps, and in addition, shall request issuance of a stone crab endorsement if such person or entity does not currently have one.

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

(c) The new endorsement number must be permanently attached to the traps prior to setting such traps in the following open season.

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

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History—New 7-1-00, Amended 7-22-01.

68B-13.009 Recreational Stone Crab Harvest: Bag Limit, Trap Limit, Trap Marking Requirements, Trap Pulling.

(1) BAG LIMIT. Except for persons harvesting pursuant to a saltwater products license with a stone crab endorsement or an incidental take endorsement and a restricted species endorsement, each harvester of stone crab claws is subject to a daily bag limit of 1 gallon of stone crab claws; provided, however, that no more than 2 gallons shall be possessed aboard any vessel at any time.

(2) TRAP LIMIT. Except for persons holding a saltwater products license with restricted species and stone crab endorsements, no person harvesting stone crabs pursuant to this subsection shall harvest from, fish with, set, or place in the waters of the state more than 5 stone crab traps. Any such traps shall meet all requirements for stone crab traps specified in Rule 68B-13.008, F.A.C., in subsection (2) and in paragraphs (3)(b), (4)(a), (b), (d), and (e).

(3) TRAP MARKING REQUIREMENTS. The buoy attached to each trap used to harvest stone crabs, other than those used to harvest for commercial purposes, shall have a legible “R”, at least two inches high, permanently affixed to it. The trap shall have the harvester’s name and address permanently affixed to it in legible letters. The buoy requirements of this subparagraph shall not apply to traps fished from a dock.

(4) TRAP PULLING. Except for persons harvesting pursuant to a saltwater products license with a stone crab endorsement and a restricted species endorsement, no person shall use any means other than manual means to pull stone crab traps in or from the waters of the State of Florida.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History—New 7-1-00, Amended 7-22-01.

68B-13.010 Stone Crab Trap Limitation Program.

(1) PURPOSE AND INTENT. Rapid growth of Florida’s stone crab trap industry has led to an excessive number of traps in the water, declining yields per trap, and an increase in conflicts between stone crabbers and shrimp trawlers. The expanding number of traps, buoys and ropes impede navigation and damage hard bottom and sea grass beds. In an effort to solve these problems, the Fish and Wildlife Conservation Commission is establishing a trap limitation program for the stone crab fishery in which the principal goal is to stabilize the fishery while generating an optimum sustainable yield utilizing the fewest number of traps.

(2) CERTIFICATES AND TRAP TAGS. Each holder of a stone crab trap endorsement must have a certificate on record for each stone crab trap used or possessed in or on the water. In addition, attached to each trap shall be a tag, issued annually by the Commission, which corresponds to a valid certificate.

(a) Certificates.

1. A person is eligible for the initial allocation of stone crab trap certificates if he or she possessed a saltwater products license (SPL) with a restricted species endorsement and a stone crab endorsement during the 1999/2000 fishing season, and can establish pursuant to Commission trip ticket records generated under the provisions of Section 370.07(6), Florida Statutes, that he or she had at least 300 pounds of stone crab claw landings associated with any one SPL, during any one fishing season from 1993/1994 through 1998/1999. A SPL with less than 300 pounds is not eligible to receive stone crab trap certificates.

2. Once eligible, a person will qualify for the initial allocation of certificates for each SPL based on whichever is less, the number of traps listed on the SPL application, or the pounds of claws landed divided by 2, as reported through the trip ticket program during any one of the applicable fishing seasons. The number of certificates allocated will be based on the highest cumulative total of qualified certificates for each SPL during one fishing season, 1995/1996 through 1997/1998.

a. A person who possesses an individual SPL and a vessel SPL with the number of traps listed only on one license’s application form and landings primarily reported on the other license shall be considered to have only one SPL for purpose of this section and allocated trap certificates as described above.

b. A person who has purchased another’s stone crab business, between July 1, 1995 and July 1, 2000 shall receive the trap certificates allocated to the seller, without a passive reduction, provided that they can submit documentation showing that the seller’s landings history was specifically part of the sale-purchase agreement. Acceptable documentation includes a copy of a

contract or bill of sale specifically identifying landings history as one of the items included in the sale of the business or a letter from the seller to the Commission stating that he/she is the recipient of the original trap certificate allocation and describing what specifically was included in the sale of the business. The seller of a stone crab business that included the landings history cannot receive an additional allocation of certificates based on landings subsequent to sale of that business. Any trap certificates obtained through purchase of a stone crab business after July 1, 2000 will be subject to passive reduction at the time of transfer.

3. Certificates shall only be issued to natural persons. For the purposes of this section, the term "natural person", or "person", refers to a human being and does not include a firm, organization, partnership, association, corporation, or other business or legal entity or group or combination. All endorsement holders other than natural persons shall designate the person or persons to whom they are assigning their certificates and the number thereof to each, if more than one person is designated, on Commission Form DMF-SL3070 (07-01) (Certificate Designation for Business or Corporation), incorporated herein by reference.

4. A firm, organization, partnership, association, corporation, or other business entity or legal entity or group or combination can neither receive an initial allocation nor purchase and possess in their name stone crab trap certificates.

5. Certificates shall only be issued to persons who possess a current year saltwater products license with a stone crab endorsement, neither of which are under suspension or revocation.

6. The Commission shall notify all holders of a 1999/2000 saltwater products license with a stone crab endorsement of their initial allocation of stone crab trap certificates; those persons will indicate either their acceptance of or intent to appeal the initial allocation on Commission Forms DMF-SL3050 (07-01) (Statement of Acceptance or Appeal of Stone Crab Certificate Allocation), and DMF-SL 3060 (07-01) (Application for Appeal/Review of Stone Crab Trap Certificate Allocation), incorporated herein by reference.

7. In no event shall any person, firm, corporation, or other business entity, possess or control, directly or indirectly, more than 1% of the total available certificates issued in any fishing season.

8. Certificates will only be issued in whole numbers; there are no fractional certificates.

9. There must be one or more certificates allocated to a certificate holder in order for the certificate holder to have a trap certificate account established. A person may have a saltwater products license/stone crab endorsement with no trap certificates; a person may not receive trap certificates without a stone crab endorsement.

10. Partial payment of annual certificate fees will not be accepted. However, upon receipt of the trap certificate billing statement for 2002/2003 stone crab trap tags, a certificate holder may submit fees for only those trap certificates that they wish to retain in their account. Any trap certificates for which the fees are not paid at that time will be forfeited and permanently removed from the fishery.

11. Any payment of certificate fees by an invalid check is cause for suspension of all current certificates if valid payment is not received within thirty days of notification of insufficient funds. Payment shall include any returned check charges incurred by the Commission.

12. Stone crab trap certificates and tags shall not be issued to certificate holders until all license fees, certificate fees, surcharges and any other outstanding fees owed the Commission have been paid in full and are current and the certificate holder's SPL, stone crab endorsement are not otherwise inactive.

13. Trap certificates are considered to be inactive if:

- a. The certificate holder fails to renew his/her saltwater products license or has his/her license suspended or revoked;
- b. The certificate holder does not renew his/her stone crab endorsement or the endorsement has been suspended or revoked;
- c. All annual certificate fees have not been paid in full;
- d. The certificate holder is deceased;

14. The fees for unpaid certificates will accumulate each year a certificate holder fails to pay his or her annual certificate fee. In the event a holder's annual certificate fee is not paid for a period of 3 years, the certificates shall be considered abandoned and permanently removed from the pool of available certificates. All prior certificate fees must be paid in order to keep certificates current and avoid a declaration of abandonment.

(b) Trap tags. Beginning October 1, 2002, each trap used for the directed harvest of stone crabs in state waters or adjacent federal waters shall, in addition to having the stone crab endorsement number permanently attached as required in paragraph 68B-13.008(3)(a), F.A.C., also have firmly affixed thereto a current trap tag issued annually by the Commission. Each such tag shall be made of durable plastic or material similarly durable and shall have printed thereon the owner's endorsement number. The number of trap tags issued to each endorsement holder shall not exceed the number of trap certificates held by the endorsement holder at the time of issuance. To facilitate enforcement and record keeping, such tags shall be issued each year in a different color from that of each of the previous 3 years. Traps with tags which are not firmly affixed by nails, staples, or otherwise securely fastened as may be provided by the Commission, shall be considered untagged for enforcement purposes. A federal stone crab trap tag issued by the National Marine Fisheries Service meets the requirements of this rule for traps fished in federal waters or in transit to federal waters.

(c) Lost or damaged tags may be replaced using Commission Form DMF-SL3010 (07-01) (Stone Crab Trap Tag Replacement Application (with NOAA/National Marine Fisheries Service Report of Lost or Stolen Fish and Shellfish Traps Form)), herein incorporated by reference, and upon proper verification of loss as defined in (e) below, and payment of the replacement tag fee. Damaged tags must be returned to the Commission.

(d) Cost of the replacement tags for tags lost in the event of a major natural disaster will reasonably reflect the actual cost incurred by the Commission, which is construed to include shipping and handling fees.

(e) Notification of lost or damaged tags shall be a written report made to the Commission on the NOAA/National Marine Fisheries Service Report of Lost or Stolen Fish and Shellfish Traps Form, which may be obtained from the local Division of Law Enforcement offices. The report shall include the certificate holder's name, license number, endorsement number, and tag numbers lost, location or area tags lost in, and circumstances of the loss.

(3) CERTIFICATE TRANSFERABILITY AND PASSIVE REDUCTION. After initial issuance, trap certificates are transferable on a market basis and may be transferred for a fair market value agreed upon between the transferor and transferee.

(a) Transfer window. Trap certificates shall only be transferred from the trap certificate account of one person to the account of another during the period August 1 through March 1 each year. However, requests to transfer trap certificates received after February 15 may not be completed during the current season if all required information and fees are not also received at that time.

(b) Both the purchaser and seller of stone crab trap certificates must hold a valid saltwater products license with a stone crab endorsement at the time of transfer.

(c) A person who intends to close their trap certificate account by transferring all of their trap certificates to another person, and does not qualify for the restricted species endorsement, shall be exempt from the restricted species requirement of paragraph 68B-13.006(1)(a), F.A.C.

(d) Transfer of any certificates shall, within 72 hours thereof, be reported on Commission Form DMF-SL3000 (07-01) (Stone Crab Trap Certificate Transfer Application), incorporated herein by reference, which has been signed by both parties, notarized and hand delivered or sent by certified mail, return receipt requested, to the Commission for recording in the seller's and purchaser's trap certificate accounts. No transfer of any certificates will be effective, resulting in the issuance of transfer tags, until:

1. The Commission receives the notarized transfer form from the seller; and
2. The Commission receives a notarized copy of the bill of sale from the purchaser; and
3. All outstanding license fees, endorsement fees, trap tag fees, transfer fees, surcharges and any other charges owed to the Commission by either party in the transaction are paid; and
4. The saltwater products license, stone crab endorsement, and all certificates or other required licenses, endorsements or authorizations held by both parties in the transaction are not suspended, revoked, or inactive.

(e) The certificate holder transferring his/her trap certificates shall designate in detail which type of certificates (A1, A2 or B) are being transferred, and in what combinations thereof. B-certificates will be reduced prior to A-certificates at the time of transfer.

(f) Upon the sale or transfer of certificates outside the immediate family of the certificate holder, the number of certificates received by the purchaser shall be reduced by the following percentages depending on the overall number of certificates available to harvesters throughout the state at the time of sale:

1. If more than 1 1/2 million certificates are available, there shall be a 25 percent reduction in the number of certificates received by the purchaser.
2. If more than 1 1/4 million, but fewer than 1 1/2 million certificates are available, there shall be a 22 1/2 percent reduction in the number of certificates received by the purchaser.
3. If more than 1 million, but fewer than 1 1/4 million certificates are available, there shall be an 18 1/2 percent reduction in the number of certificates received by the purchaser.
4. If more than 3/4 of a million, but fewer than 1 million certificates are available, there shall be a 15 percent reduction in the number of certificates received by the purchaser.
5. If more than 600,000, but fewer than 3/4 of a million certificates are available, there shall be a 10 percent reduction in the number of certificates received by the purchaser.
6. When 600,000 certificates or fewer are available, there shall be no percentage reduction in the number of certificates received by the purchaser.

(g) If the percentage reduction results in a fractional number, that fraction, which represents a partial trap certificate/trap, will be rounded off to the nearest whole number, representing a whole trap certificate/trap. Only whole trap certificates will be removed from an account during reduction.

(h) The Commission will maintain records of all certificates and their transfers and annually provide each endorsement holder with a statement of their certificate account.

(i) In the event of death or disability, endorsements and certificates may be transferred to a member of the immediate family without the family member being subject to any transfer fees or a reduction in the number of certificates transferred. However, certificates will only be transferred if all outstanding license fees, endorsement fees, trap tag fees, surcharges and any other charges owed by either party to the Commission are paid, and both parties' saltwater products license, stone crab endorsement, and all certificates or other required licenses, endorsements or authorizations are not suspended, revoked or inactive.

(j) A person is eligible for the reduced transfer fee of Section 370.13(1)(b)2., Florida Statutes, if he/she:

1. Has crew share statements and IRS Forms 1099 and 1040 or IRS Forms W2 and 1040 showing participation in the stone crab fishery as a crew member on a properly licensed vessel during at least one of two previous stone crab fishing seasons;
2. Qualifies for a restricted species endorsement;

3. Is sponsored by a captain who has knowledge and expertise in the stone crab fishery with annual landings of stone crab claws of at least 1000 pounds in any two of the previous three stone crab seasons and who certifies, on Commission Form DMF-SL3020 (07-01) (Eligible Mate, Stone Crab Certificate Sponsorship Form), incorporated herein by reference, that the person is knowledgeable and possesses skills necessary for participation in the stone crab fishery; and

4. Has not received an initial allocation of one or more stone crab trap certificates from the Commission.

A person requesting the reduced transfer fee shall submit their request, with supporting eligibility documentation, at the same time they submit the stone crab trap certificate transfer application (Form DMF-SL 3000 (07-01)) to report their first purchase of trap certificates. Once eligible, a person will receive the reduced transfer fee on all purchases of trap certificates made within a 12 month period beginning with the date of first purchase.

(k) Each year as the numbers of certificates are reduced, the Commission may make up to 5% of the total amount of reduced certificates available to persons properly licensed and qualified to harvest stone crabs pursuant to the requirements of this rule chapter.

(4) LEASING PROHIBITED. The leasing of stone crab certificates or the corresponding trap tags is prohibited.

(5) INCIDENTAL TAKE ENDORSEMENT. Persons possessing valid crawfish or blue crab endorsements may land and sell 5 gallons of stone crab claws per day if the stone crab claws are harvested from legal crawfish or blue crab traps and the crawfish or blue crab endorsement holder also possesses a valid stone crab incidental take endorsement. Application for an incidental take endorsement shall be on Commission Form DMF-SL2800 (07-01) (Application for a Stone Crab Incidental Take Endorsement (I#)), incorporated herein by reference.

(6) NO VESTED RIGHTS. The stone crab trap limitation program does not create any vested rights for endorsement or certificate holders whatsoever and may be altered or terminated by the Commission as necessary to protect the stone crab resource, the participants in the fishery, or the public interest.

(7) TRAP CERTIFICATE ADVISORY AND APPEALS BOARD. There is hereby established the Trap Certificate Advisory and Appeals Board. Such board shall consider and advise the Commission on disputes and other problems arising from the implementation of the stone crab trap limitation program. The board may also provide information to the Commission on the operation of the trap limitation program.

(a)1. Board Composition. The board shall consist of a member of the Commission staff appointed by the executive director, and eight members appointed by the executive director according to the following criteria, except as otherwise provided in subparagraph 2.:

a. All appointed members other than the commission staff person, shall be stone crab trap certificate holders, none of whom are appealing their trap certificate allotment. Two shall hold fewer than 200 certificates, two shall hold at least 200 but no more than 750 certificates, two shall hold more than 750 but not more than 2,000 certificates, and two shall hold more than 2,000 certificates.

b. At least one member shall come from each of the following regions:

(I) Wakulla, Taylor, Dixie, or Levy Counties;

(II) Citrus, Hernando, Pasco, Pinellas, or Hillsborough Counties; and

(III) Manatee, Sarasota, Charlotte, or Lee Counties.

c. The remaining five members of the board shall come from Collier, Monroe and Dade Counties.

d. At least one appointed member shall be a person of Hispanic origin capable of speaking conversational English and Spanish.

2. If there are not enough individuals that meet the above-referenced criteria, the executive director of the Commission may fill any position on the initial board with an individual who does not fulfill the requirements of subparagraph 1. However, as soon as individuals are available that meet the requirements of subparagraph 1., the executive director may replace any individual who does not meet the above-referenced criteria, and fill the position on the board with the qualified appointees. The executive director of the commission shall replace any board member who is cited for and convicted of a violation of Chapter 68B-13, F.A.C., or who misses more than two scheduled meetings of the board without approval from the board chair with another stone crab fisherman from any region.

3. Stone crab endorsement holders wanting to be considered for appointment to the Trap Certificate Technical Advisory and Appeals Board shall make their request on Commission form DMF-SL3080 (07-01) (Application for Stone Crab Trap Certificate Technical Advisory and Appeals Board), incorporated herein by reference.

(b) Meetings. The staff member of the Commission appointed by the executive director shall sit on the board as a voting member, and shall call the organizational meeting of the board. The board shall annually elect a chair and a vice chair. There shall be no limitation on successive terms that may be served by a chair or vice chair. The board shall meet at the call of its chair, at the request of a majority of its membership, at the request of the Commission, or at such times as may be prescribed by its procedural rules. Official action of the board shall require a majority vote of the total membership of the board present at the meeting.

(c) Expenses. Members of the board shall receive no compensation, however, they shall be reimbursed for per diem and travel expenses as provided in Section 112.061, Florida Statutes.

(d) Final Action. Upon reaching a decision on any dispute or problem brought before it, including any decision involving the initial allocation of certificates under paragraph (f), the board shall submit such decision as a recommendation to the executive director of the Commission. The executive director may accept, alter, or disapprove any decision of the board, with notice given in

writing to the board and to each party in the dispute explaining the reasons for the alteration or the disapproval. The action of the executive director of the Commission constitutes final agency action, and is appealable pursuant to the requirements of Chapter 120, Florida Statutes.

(e) Board Authority. In addition to those certificates allotted pursuant to the initial eligibility provisions established in paragraph (2)(a), up to 180,000 trap certificates may be allotted by the board to make recommendations on allocations to settle disputes or other problems arising from implementation of the trap limitation program, and for special circumstances.

1. Disputes arising from the implementation of the trap limitation program shall cover those problems arising from implementation of the program during the 2000-2001 and 2001-2002 fishing seasons.

2. Special circumstances shall include but are not limited to the following:

a. Fishermen who can demonstrate that they were affected by Chapter 73-432, Laws of Florida (1973), which limited fishermen in Citrus, Dixie, Levy, and Taylor Counties to 600 stone crab traps per boat.

b. Persons who had landings, but did not record any traps on their saltwater products license application during the qualifying years and therefore did not receive an initial trap certificate allocation.

c. Persons who can demonstrate through copies of trip tickets, legitimate sales to a licensed wholesale dealer which were not reported by the dealer or included in the agency landings database.

d. Persons who worked together on the same boat but operated as separate business entities, each with their own SPL and stone crab endorsement, but who reported their landings or who had their landings reported on a single SPL. Under such circumstances the boards may divide the number of certificates allotted between the two people; however, each person must agree to the division prescribed by the board.

e. Persons displaced by Article X, Section 16, of the Florida Constitution who do not otherwise qualify for the stone crab limited entry program and who can demonstrate through landings that their net fishing occurred from Wakulla through Monroe Counties. Such persons shall qualify for 100 trap certificates if they can demonstrate that they:

(I) Sold nets to the state according to the provisions of the net buy back program, Section 370.0805(5), Florida Statutes;

(II) Invested money in the stone crab fishery by the 1999/2000 fishing season;

(III) Produced at least 300 pounds of claws since July 1, 1995; and

(IV) Have no record of net violations since July 1, 1995.

3. Any trap certificates not allotted by July 1, 2002, shall become permanently unavailable.

4. All appeals for additional certificates or other disputes must be filed with the board, on a form established by the commission, before October 1, 2001.

(f) In determining eligibility and initial allotment of traps for the trap reduction program, when a fisherman disagrees with commission records regarding the number of traps fished by the fisherman during a particular qualifying year, the burden of proof shall be on the fisherman to establish the number of traps fished, through trip tickets or copies of his or her SPL applications.

(g) Dissolution. On July 1, 2003, the board shall be dissolved.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History—New 7-1-00, Amended 7-22-01, 6-2-02.

68B-13.011 Prohibitions.

(1) It is unlawful for a person to possess or use any other gear or device designed to attract and enclose or otherwise aid in the taking of stone crabs with a trap that does not meet the specifications of this rule chapter.

(2) It is unlawful for a person to possess or use stone crab trap tags without having the necessary number of certificates on record.

(3) It is unlawful for any person to remove the contents of another harvester's trap without the trap owner providing his or her consent pursuant to the requirements of this rule chapter. Such unauthorized removal constitutes theft.

(4) It is unlawful for any person to willfully molest any stone crab trap, line, or buoy that is the property of any license holder, without the permission of that license holder.

(5) It is unlawful for any person to use a stone crab trap tag not issued to them by the commission, or to use an expired tag.

(6) It is unlawful for any person to make, alter, forge, counterfeit, or reproduce a stone crab trap tag.

(7) It is unlawful for any person to have in his or her possession a forged, counterfeit, or imitation stone crab trap tag.

(8) It is unlawful for any person to barter, trade, sell, supply, agree to supply, aid in supplying, or give away a stone crab trap tag or certificate unless such action is duly authorized by the commission as provided by commission rules.

(9) It is unlawful for any person to harvest stone crab claws out of season.

(10) It is unlawful to fraudulently report the actual value of transferred stone crab certificates.

(11) It is unlawful for a person to possess or use a stone crab trap in or on state waters or adjacent federal waters without having firmly affixed thereto the trap tag required by this rule. A federal stone crab trap tag issued by the National Marine Fisheries Service meets the tagging requirements of this rule only for traps fished in the federal waters of the Gulf of Mexico or in transit to the federal waters.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History—New 7-1-00, Amended 7-22-01.

68B-13.012 Commission Policy Regarding the Assessment of Administrative Penalties.

(1) It shall be the policy of the Commission to assess administrative penalties pursuant to Section 370.13(2)(a), Florida Statutes, for conviction of a violation involving use of stone crab traps without current year trap tags (paragraph 68B-13.010(2)(b) and subsections 68B-13.011(5) and (11), F.A.C.), as follows:

(a) For a first conviction:

1. Involving 20 or fewer untagged stone crab traps – \$25 per untagged trap;
2. Involving 21 or more untagged stone crab traps – \$1000 and suspension of the stone crab endorsement for the remainder of the fishing season.

(b) For a second conviction occurring within 24 months of any previous such conviction:

1. Involving 5 or fewer untagged stone crab traps – \$50 per untagged trap;
2. Involving 6 up to and including 20 untagged stone crab traps – \$75 per untagged trap and suspension of the stone crab endorsement for 12 calendar months;
3. Involving 21 or more untagged stone crab traps – \$2000 and suspension of the stone crab endorsement for 12 calendar months.

(c) For a third conviction occurring within 36 months of two previous such convictions:

1. Involving 5 or fewer untagged stone crab traps – \$100 per untagged trap and suspension of the stone crab endorsement for 24 calendar months;
2. Involving 6 up to and including 20 untagged stone crab traps – \$2500 and suspension of the stone crab endorsement for 24 calendar months;
3. Involving 21 or more untagged stone crab traps – \$5000 and suspension of the stone crab endorsement for 24 calendar months.

(d) For a fourth conviction occurring within 48 months of three previous such violations, regardless of the number of untagged stone crab traps involved – permanent revocation of the saltwater products license, all endorsements and associated fishing privileges.

(2) It shall be the policy of the Commission to assess administrative penalties pursuant to Section 370.13(2)(a) and (c), Florida Statutes, for conviction of a violation involving the possession or use of any stone crab trap tags not issued by the Commission or the unlawful making, altering, forging, counterfeiting or reproducing of stone crab trap tags (subsections 68B-13.011(5), (6) and (7), F.A.C.), as follows:

(a) For a first conviction:

1. Involving 15 or fewer illegal stone crab trap tags – \$1000;
2. Involving 16 or more illegal stone crab trap tags – \$1000 and suspension of the stone crab endorsement for the remainder of the license year.

(b) For a second conviction occurring within 24 months of a previous such violation:

1. Involving 10 or fewer illegal stone crab trap tags – \$1000 and suspension of the stone crab endorsement for 12 calendar months;
2. Involving 11 or more illegal stone crab trap tags – \$2000 and suspension of the stone crab endorsement for 12 calendar months.

(c) For a third conviction occurring within 36 months of two previous such violations:

1. Involving 5 or fewer illegal stone crab trap tags – \$3000 and suspension of the stone crab endorsement for 24 calendar months;
2. Involving 6 or more illegal stone crab trap tags – \$5000 and suspension of the stone crab endorsement for 24 calendar months.

(d) For a fourth conviction occurring within 48 months of three previous such violations, regardless of the number of illegal stone crab trap tags involved, permanent revocation of the saltwater products license, all endorsements and associated fishing privileges.

(3) It shall be the policy of the Commission to assess administrative penalties pursuant to Section 370.13(2)(a) and (c), Florida Statutes, for conviction of a violation involving the sale, barter, trade, loan, or giving of stone crab trap certificates or trap tags without authorization from the Commission (subsection 68B-13.011(8), F.A.C.) as follows:

(a) For a first conviction:

1. Involving 5 or fewer stone crab trap certificates or trap tags – \$1000;
2. Involving 6 or more stone crab trap certificates or trap tags – \$1000 and suspension of the stone crab endorsement for the remainder of the fishing season.

(b) For a second conviction occurring within 24 months of a previous such violation:

1. Involving 5 or fewer stone crab trap certificates or trap tags – \$1000 and suspension of the stone crab endorsement for 12 calendar months;
2. Involving 6 or more stone crab trap certificates or trap tags – \$2000 and suspension of the stone crab endorsement for 12 calendar months.

(c) For a third conviction occurring within 36 months of two previous such violations:

1. Involving 5 or fewer stone crab trap certificates or trap tags – \$3000 and suspension of the stone crab endorsement for 24 calendar months;

2. Involving 6 or more stone crab trap certificates or trap tags – \$5000 and suspension of the stone crab endorsement for 24 calendar months.

(d) For a fourth conviction occurring within 48 months of three previous such violations, regardless of the number of stone crab trap tags involved, permanent revocation of the saltwater products license, all endorsements and associated fishing privileges.

(4) It shall be the policy of the Commission to assess an administrative penalty pursuant to Section 370.13(2)(d), Florida Statutes, for conviction of a violation involving fraudulently reporting the actual value of stone crab trap certificates on the Commission's trap certificate transfer form (subsection 68B-13.011(10), F.A.C.) as follows:

(a) If the difference between the actual value and the reported value of the trap certificate(s) is less than 25% of the actual value – suspension of the purchaser's stone crab endorsement for six calendar months.

(b) If the difference between the actual value and the reported value of the trap certificate(s) is between 25% and 49.9% of the actual value – suspension of the purchaser's stone crab endorsement for 12 calendar months and a fine in the amount equal to the original surcharge owed the Commission.

(c) If the difference between the actual value and the reported value of the trap certificate(s) is equal to or greater than 50% of the actual value – permanent revocation of the purchaser's stone crab endorsement and a fine in an amount equal to twice the original surcharge owed the Commission.

(5) It shall be the policy of the Commission to assess an administrative penalty pursuant to Section 370.13(2)(c), Florida Statutes, for conviction of a violation involving the willful molestation of a stone crab trap, trap line or buoy without permission of that license holder (subsection 68B-13.011(4), F.A.C.) as follows:

(a) For a first conviction – \$2500 and suspension of the stone crab endorsement or incidental take endorsement for 12 calendar months;

(b) For a second and each of all subsequent such convictions – \$5000 and suspension of the stone crab or incidental take endorsement for 24 calendar months.

(6) It shall be the policy of the Commission to assess an administrative penalty of \$5000 and permanently revoke all saltwater products license privileges, including all saltwater products licenses, permits, endorsements and trap certificates pursuant to s. 370.13(2)(b), Florida Statutes, for conviction of a violation involving theft of trap contents (subsection 68B-13.011(3), F.A.C.).

(7) It shall be the policy of the Commission to assess an administrative penalty of \$5000 and suspend the applicable endorsement pursuant to Section 370.13(2)(c)5., Florida Statutes, for conviction of a violation involving commercial harvest of stone crabs during the time period when that person's stone crab endorsement or incidental take endorsement is under suspension.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-22-01.

CHAPTER 68B-14 REEF FISH

68B-14.001	Purpose and Intent, Designation as Restricted Species.
68B-14.002	Definitions.
68B-14.0035	Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper.
68B-14.00355	Size Limits for Importation and Sale.
68B-14.0036	Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Exception, Wholesale/Retail Purchase Exemption.
68B-14.0038	Recreational Red Snapper Season Closure.
68B-14.0045	Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits.
68B-14.005	Regulation and Prohibition of Certain Harvesting Gear: Allowable Gear, Incidental Bycatch, Violation.
68B-14.006	Other Prohibitions.

68B-14.001 Purpose and Intent, Designation as Restricted Species.

(1) Purpose and intent.

(a) The purpose of this chapter is to protect and replenish Florida's reef fish resources by imposing minimum size limits, recreational bag limits, and restrictions on gear used to harvest the families, genera and species listed herein.

(b) The prohibitions contained in this chapter are not intended to supersede or conflict with provisions of any federal management plan or regulations operative in Exclusive Economic Zone (EEZ) waters adjacent to Florida waters.

(2) Designation as restricted species. The following species are hereby designated as restricted species pursuant to Section 370.01(21), Florida Statutes:

(a) Amberjacks – Genus *Seriola*:

1. Almaco jack – *Seriola rivoliana*.
2. Banded rudderfish – *Seriola zonata*.
3. Greater amberjack – *Seriola dumerili*.
4. Lesser amberjack – *Seriola fasciata*.

(b) Groupers and Sea Basses – Family Serranidae:

1. Bank sea bass – *Centropristis ocyurus*.
2. Black grouper – *Mycteroperca bonaci*.
3. Black sea bass – *Centropristis striata*.
4. Coney – *Epinephelus fulvus*.
5. Gag – *Mycteroperca microlepis*.
6. Graysby – *Epinephelus cruentatus*.
7. Misty grouper – *Epinephelus mystacinus*.
8. Red grouper – *Epinephelus morio*.
9. Red hind – *Epinephelus guttatus*.
10. Rock hind – *Epinephelus adscensionis*.
11. Rock sea bass – *Centropristis philadelphica*.
12. Scamp – *Mycteroperca phenax*.
13. Snowy grouper – *Epinephelus niveatus*.
14. Speckled hind – *Epinephelus drummondhayi*.
15. Tiger grouper – *Mycteroperca tigris*.
16. Warsaw grouper – *Epinephelus nigritus*.
17. Yellowedge grouper – *Epinephelus flavolimbatus*.
18. Yellowfin grouper – *Mycteroperca venenosa*.
19. Yellowmouth grouper – *Mycteroperca interstitialis*.

(c) Snappers – Family Lutjanidae:

1. Black snapper – *Apsilus dentatus*.
2. Blackfin snapper – *Lutjanus buccanella*.
3. Cubera snapper – *Lutjanus cyanopterus*.
4. Dog snapper – *Lutjanus jocu*.
5. Gray (mangrove) snapper – *Lutjanus griseus*.
6. Lane snapper – *Lutjanus synagris*.
7. Mahogany snapper – *Lutjanus mahogoni*.
8. Mutton snapper – *Lutjanus analis*.
9. Queen snapper – *Etelis oculatus*.
10. Red snapper – *Lutjanus campechanus*.
11. Schoolmaster – *Lutjanus apodus*.
12. Silk snapper – *Lutjanus vivanus*.

13. Vermilion snapper – *Rhomboplites aurorubens*.
14. Wenchman – *Pristipomoides aquilonaris*.
15. Yellowtail snapper – *Ocyrus chrysurus*.
- (d) Gray triggerfish – *Balistes caprisacus*.
- (e) Hogfish – *Lachnolaimus maximus*.
- (f) Red porgy – *Pagrus pagrus*.

Specific Authority Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New 7-29-85, Amended 12-11-86, 2-1-90, 12-31-92, 3-31-94, 12-31-98, Formerly 46-14.001, Amended 1-1-00, 1-1-03.

68B-14.002 Definitions.

For purposes of this chapter, except where the context clearly requires otherwise:

(1) “Atlantic Ocean” means that body of water south and east of the line beginning at the point where the Natural Resources Boundary Line intersects 83 deg. W. longitude (24 deg. 29 min. N. latitude), thence north along 83 deg. W. longitude to where it intersects 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) “Charter vessel” means a vessel operated by a captain licensed by the United States Coast Guard to carry passengers for hire.

(3) “Fork length” means the length of a fish as measured from the tip of the snout to the rear center edge of the tail.

(4) “Goliath grouper” means any fish of the species *Epinephelus itajara*, or any part thereof.

(5) “Gulf of Mexico” means that body of water north and west of the line described in the definition of “Atlantic Ocean” contained in subsection (1) of this rule.

(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 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.

(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) “Headboat” means a vessel that holds a valid Certificate of Inspection issued from the U.S. Coast Guard to carry passengers for hire when it carries a passenger who pays a fee or when there are more than three persons aboard, including operator and crew.

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

(10) “Nassau grouper” means any fish of the species *Epinephelus striatus*, or any part thereof.

(11) “Person” means any natural person, firm, entity or corporation.

(12) “Recreational harvester” means any person, other than a person harvesting for commercial purposes, who harvests fish in or from the waters of the State of Florida.

(13) “Spearing” means the catching or taking of a fish by bow hunting, gigging, spearfishing, or by any device used to capture a fish by piercing the body. Spearing does not include the catching or taking of a fish by a hook with hook and line gear or by snagging (snatch hooking).

(14) “Total length” means the length of a fish as measured from the tip of the snout to the tip of the tail.

(15) “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.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-29-85, Amended 12-11-86, 2-1-90, 12-31-92, 3-1-94, 1-1-98, 12-31-98, Formerly 46-14.002, Amended 1-1-00, 1-1-03.

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) Amberjacks (measured in terms of fork length)
 - (a) Banded rudderfish no less than 14 inches, no greater than 22 inches.
 - (b)1. Greater amberjack harvested recreationally 28 inches.
 2. Greater amberjack harvested commercially 36 inches.
 - (c) Lesser amberjack no less than 14 inches, no greater than 22 inches.
- (2) Black sea bass 10 inches total length
- (3) Gray triggerfish 12 inches total length
- (4) Grouper (measured in terms of total length)

- (a)1. Black grouper harvested recreationally from the Atlantic Ocean and all waters of Monroe County 24 inches.
- 2. Black grouper harvested recreationally from the Gulf of Mexico except from all waters of Monroe County 22 inches.
- (b) Black grouper harvested commercially 24 inches.
- (c)1. Gag harvested recreationally from the Atlantic Ocean and all waters of Monroe County 24 inches.
- 2. Gag harvested recreationally from the Gulf of Mexico except from all waters of Monroe County 22 inches.
- (d) Gag harvested commercially 24 inches.
- (e) Red grouper 20 inches.
- (f)1. Scamp harvested from the Atlantic Ocean and all waters of Monroe County 20 inches.
- 2. Scamp harvested from the Gulf of Mexico except from all waters of Monroe County 16 inches.
- (g) Yellowfin grouper 20 inches.
- (h) Yellowmouth grouper 20 inches.
- (5) Hogfish 12 inches fork length.
- (6) Red porgy harvested in waters of the Atlantic Ocean 14 inches total length.
- (7) Snapper (measured in terms of total length)
 - (a) Blackfin snapper 12 inches.
 - (b) Cubera snapper 12 inches.
 - (c) Dog snapper 12 inches.
 - (d)1. Gray (mangrove) snapper harvested recreationally 10 inches.
 - 2. Gray (mangrove) snapper harvested commercially 12 inches.
 - (e) Lane snapper 8 inches.
 - (f) Mahogany snapper 12 inches.
 - (g) Mutton snapper 16 inches.
 - (h) Queen snapper 12 inches.
 - (i) Red snapper harvested from the Atlantic Ocean 20 inches.
 - (j)1. Red snapper harvested recreationally from the Gulf of Mexico 16 inches.
 - 2. Red snapper harvested commercially from the Gulf of Mexico 15 inches.
 - (k) Silk snapper 12 inches.
 - (l) Schoolmaster snapper 10 inches.
 - (m) Vermilion snapper harvested recreationally 10 inches.
 - (n)1. Vermilion snapper harvested commercially from the Atlantic Ocean 12 inches.
 - 2. Vermilion snapper harvested commercially from the Gulf of Mexico 10 inches.
 - (o) Yellowtail snapper 12 inches.

Specific 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.

68B-14.00355 Size Limits for Importation and Sale.

(1) No person shall possess for purposes of sale, purchase, sell, or exchange any of the following species of a length less than set forth as follows:

- (a) Black sea bass 10 inches total length.
- (b) Greater amberjack 36 inches fork length.
- (c) Gray triggerfish 12 inches total length.
- (d) Grouper (measured in terms of total length).
 - 1. Black grouper 24 inches.
 - 2. Gag 24 inches.
 - 3. Red grouper 20 inches.
 - 4. Scamp 16 inches.
 - 5. Yellowfin grouper 20 inches.
- (e) Hogfish 12 inches fork length.
- (f) Snapper (measured in terms of total length).
 - 1. Cubera snapper 12 inches.
 - 2. Dog snapper 12 inches.
 - 3. Gray (mangrove) snapper 12 inches.
 - 4. Lane snapper 8 inches.
 - 5. Mahogany snapper 12 inches.
 - 6. Mutton snapper 16 inches.
 - 7. Red snapper 15 inches.
 - 8. Schoolmaster snapper 10 inches.
 - 9. Vermilion snapper 10 inches.

10. Yellowtail snapper 12 inches.

(2) Minimum size limits do not apply to the possession, purchase, sale, or exchange of the following species that have been imported from another state or foreign country: banded rudderfish, lesser amberjack, yellowmouth grouper, blackfin snapper, queen snapper, silk snapper, or red porgy.

(3) The possession, purchase, sale, or exchange of any Nassau grouper or goliath grouper is prohibited.

(4) A person may possess any species listed in subsection 68B-14.001(2), F.A.C., that have been imported into Florida from another state or foreign country, provided that those species comply with the provisions specified in subsections (1) and (2) of this section, and the purchaser possesses a receipt(s), bill(s) of sale, or bill(s) of lading to show that the fish were harvested and purchased in another state or foreign country and are entering the state in interstate or international commerce. Such documentation shall accompany the fish through retail or restaurant sale. 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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-03.

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

(1) Snapper.

(a) Aggregate bag limit. Except as provided elsewhere in this rule, no recreational harvester shall harvest in or from state waters, nor possess while in or on state waters, more than a total of 10 snapper per day, in any combination of species.

(b) Gray (mangrove) snapper. Except as provided elsewhere in this rule, no recreational harvester shall harvest in or from state waters, nor possess while in or on state waters, more than 5 gray (mangrove) snapper per day. Such bag and possession limit shall be counted for purposes of the aggregate snapper bag and possession limit prescribed in paragraph (a).

(c) Red snapper. Except as provided elsewhere in this rule, no recreational harvester shall harvest in or from state waters of the Atlantic Ocean, nor possess while in or on state waters of the Atlantic Ocean, more than 2 red snapper per day, nor shall a recreational harvester harvest in or from state waters of the Gulf of Mexico, nor possess while in or on state waters of the Gulf of Mexico, more than 4 red snapper per day. Such bag and possession limit shall be counted for purposes of the aggregate snapper bag and possession limit prescribed in paragraph (a).

(d)1. Atlantic vermilion snapper. Except as provided elsewhere in this rule, no recreational harvester shall harvest in or from state waters of the Atlantic Ocean, nor possess while in or on state waters of the Atlantic Ocean, more than 10 vermilion snapper per day. Such bag and possession shall not be counted for purposes of the aggregate snapper bag and possession limits prescribed in paragraph (a).

2. Gulf vermilion snapper. Vermilion snapper harvested in state waters of the Gulf of Mexico shall not be subject to nor counted for purposes of determining compliance with the bag and possession limits established in paragraph (a).

(e) Gulf lane snapper. Lane snapper harvested in state waters of the Gulf of Mexico shall not be subject to nor counted for purposes of determining compliance with the bag and possession limits established in paragraph (a).

(f) Cubera snapper.

1. Cubera snapper of a length less than 30 inches shall be included in the aggregate snapper bag and possession limit established in paragraph (a), and the exception provided in a subsection (7).

2. No recreational harvester shall harvest in or from state waters, nor possess while in or on state waters, more than 2 cubera snapper 30 inches in total length or larger per day, and no more than 2 such cubera snapper shall be possessed aboard any vessel in or on state waters at any time. Such larger cubera snapper shall not be included in the aggregate snapper bag and possession limit prescribed in paragraph (a).

(2) Grouper.

(a) Aggregate bag limit. Except as provided elsewhere in this rule, no recreational harvester shall harvest in or from state waters, nor possess while in or on state waters, more than a total of 5 grouper per day, in any combination of species.

(b) Gag and black grouper. Except as provided elsewhere in this rule, in all state waters of the Atlantic Ocean and all state waters of Monroe County, within the aggregate bag and possession limit established in paragraph (a), no more than 2 fish may be gag or black grouper, either individually or in combination. No recreational harvester may harvest in or from state waters of the Atlantic Ocean or in or from state waters of Monroe County, nor possess while in or on the waters of the Atlantic Ocean or in or on state waters of Monroe County, more than 2 such fish.

(c) Speckled hind and Warsaw grouper. No recreational harvester shall harvest in or from state waters, nor possess while in or on state waters, more than one speckled hind or more than one Warsaw grouper per day, and no more than one of each species shall be possessed aboard any vessel in or on state waters, at any time. Such fish shall be counted for purposes of the aggregate grouper bag and possession limit prescribed in paragraph (a).

(d) 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.

(3) Hogfish. Except as provided elsewhere in this rule, no recreational harvester shall harvest in or from state waters, nor possess while in or on state waters, more than 5 hogfish per day.

(4) Black sea bass. Except as provided elsewhere in this rule, no recreational harvester shall harvest in or from state waters of the Atlantic Ocean, nor possess while in or on state waters of the Atlantic Ocean, more than 20 black sea bass per day.

(5) Red porgy. No recreational harvester shall harvest from state waters of the Atlantic Ocean more than 1 red porgy per day, nor possess more than 1 such fish while in, on, or above state waters of the Atlantic Ocean or on any dock, pier, bridge, beach, or any fishing site adjacent to such waters.

(6) Amberjacks. Except as allowed for those persons harvesting for commercial purposes pursuant to Rule 68B-14.0045, F.A.C.:

(a) Greater amberjack. No person shall harvest from state waters, more than 1 greater amberjack per day, nor possess more than 1 such fish 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.

(b) Banded rudderfish and lesser amberjack. No person shall harvest from state waters, more than an aggregate bag limit of 5 banded rudderfish and lesser amberjack per day either individually or in combination, nor possess more than 5 such fish 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.

(7) Exception.

(a) Any person harvesting pursuant to the bag limits established in paragraphs (a), (b), (c), (d)1., and (f)1., of subsection (1), paragraphs (a) and (b) of subsection (2), and subsections (3), (4), (5), (6)(a) and (b) of this rule, 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) Any person harvesting pursuant to the bag limits established in paragraphs (a), (b), (c), (d)1., and (f)1., of subsection (1), paragraphs (a) and (b) of subsection (2), and subsections (3), (4), (5), (6)(a) and (b) of this rule, who has fished aboard a charter vessel or headboat on a trip that spans more than 24 hours may possess and land double the bag limit if the vessel has a sleeping berth for each passenger aboard the vessel and each such passenger possess a receipt issued on behalf of the vessel that verifies the length of the trip.

(8) Wholesale/retail purchase exemption. Except as provided in paragraph (2)(c), 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.

Specific 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.

68B-14.0038 Recreational Red Snapper Season.

In all state waters of the Gulf of Mexico, the season for the recreational harvest and possession of red snapper shall be from April 15 through October 31, each year. Except for persons harvesting red snapper for commercial purposes pursuant to Rule 68B-14.0045, F.A.C., from November 1 through April 14, no person shall harvest in or from state waters of the Gulf of Mexico, nor possess while in or on state waters of the Gulf of Mexico, any red snapper.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-20-98, Formerly 46-14.0038, Amended 12-30-99.

68B-14.0045 Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits.

(1) Licenses.

(a) Each person harvesting any of the species listed in subsection 68B-14.001(2), F.A.C., for commercial purposes in state waters shall possess a valid saltwater products license with a restricted species endorsement and

1. If fishing in state waters of the Atlantic Ocean, either a valid transferable commercial permit or a trip-limited commercial permit for South Atlantic snapper-grouper;

2. If fishing in state waters of the Gulf of Mexico, a valid commercial vessel permit for Gulf reef fish, and if fishing for red snapper, a Class 1 or Class 2 Gulf red snapper license. The requirement of a valid commercial vessel permit for Gulf reef fish shall not apply to the harvest of bank sea bass, black sea bass, rock sea bass, or red porgy for commercial purposes in the Gulf of Mexico.

(b) No person harvesting for commercial purposes pursuant to this subsection shall sell or attempt to sell any of the indicated species, or any part of the indicated species, without possessing and presenting to the purchaser the state and federal licenses and permits specified in paragraph (a). No wholesale dealer, as defined in Section 370.07(1), Florida Statutes, shall purchase any of these species, or any part thereof, without confirming that the seller thereof possesses the state and federal licenses and permits specified in this rule.

(2) Season Closures.

(a) Persons harvesting any of the species listed in subsection 68B-14.001(2), F.A.C., for commercial purposes shall have a season that begins on January 1 and continues through December 31 each year.

(b) If at any time adjacent federal Exclusive Economic Zone (EEZ) waters are closed to commercial harvest of any of the species listed in subsection 68B-14.001(2), F.A.C., corresponding state waters shall also be closed to commercial harvest of the species affected by the federal closure, beginning from the date of such closure until federal waters are reopened to the commercial harvest of such species.

(c) During the period of any closure pursuant to paragraph (b), the harvest, possession, or landing in quantities greater than the bag limits specified in Rule 68B-14.0036, F.A.C., and the purchase, sale or exchange, of any species to which the closure applies, is prohibited.

(d) The closure specified in paragraph (b), and the prohibitions specified in paragraph (c), shall not apply when the species to which the closure applies is legally harvested outside the waters of the closed area. Any person possessing such species during the time period of a closure shall establish the chain of possession from the initial transaction after harvest, by appropriate receipt(s), bill(s) of sale, or bill(s) of lading, to show that such species originated from a point outside the closed area. 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 subsection.

(e)1. During the months of March and April each year, the harvest, possession, or landing in quantities greater than the recreational bag limits specified in Rule 68B-14.0036, F.A.C., and the purchase, sale, or exchange, of gag grouper, or black grouper harvested from state waters of the Atlantic Ocean and from all state waters of Monroe County, is prohibited.

2. Beginning February 15 and continuing through March 14 of each year, the harvest, possession, or landing in quantities greater than the recreational bag limits specified in Rule 68B-14.0036, F.A.C., and the purchase, sale, or exchange, of gag grouper, black grouper, or red grouper harvested from state waters of the Gulf of Mexico, except from all waters of Monroe County, is prohibited.

(f) During the months of March, April and May of each year, the harvest and possession in quantities greater than the recreational bag limits specified in Rule 68B-14.0036, F.A.C., and the purchase, sale and exchange of any species of amberjack harvested from state waters, is prohibited.

(g) Beginning January 1 and continuing through April 30 each year, no person harvesting for commercial purposes shall harvest in or from state waters of the Atlantic Ocean, nor possess while in or on state waters of the Atlantic Ocean, any red porgy; provided, however, a person harvesting other species for commercial purposes during this closure may harvest and possess one red porgy. During this closed season, the purchase, sale, or exchange of any red porgy harvested from state waters of the Atlantic Ocean is prohibited.

(3) Bag and Trip Limits.

(a) Snapper.

1. Cubera snapper. No person harvesting for commercial purposes shall harvest in or from state waters more than 2 cubera snapper 30 inches in total length or larger per day and no more than 2 such cubera snapper shall be possessed aboard any vessel in or on state waters, at any time.

2. Mutton snapper. During May and June of each year, no person harvesting for commercial purposes shall possess more than 10 mutton snapper per day or 10 mutton snapper per trip, whichever is more restrictive.

3. Red snapper. No person harvesting for commercial purposes shall harvest in or from state waters of the Atlantic Ocean, more than 2 red snapper per day. No person harvesting for commercial purposes shall harvest in or from state waters of the Gulf of Mexico, more than 4 red snapper per day.

(b) Grouper.

1. Nassau grouper and goliath grouper. No person harvesting for commercial purposes 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.

2. Speckled hind and Warsaw grouper. No person shall harvest in or from state waters any speckled hind or Warsaw grouper for commercial purposes and the purchase, sale, or exchange of such fish is prohibited.

(c) Amberjack.

1. Except during the three-month closed season specified in paragraph (2)(f), no more than 1,000 pounds of greater amberjack harvested in or from state waters of the Atlantic Ocean shall be possessed aboard any vessel or landed from such a vessel per day.

2. No person harvesting for commercial purposes shall, on the same trip, harvest or possess greater amberjack pursuant to the bag limit specified in subsection 68B-14.0036(6), F.A.C.

(d) Red Porgy. Except during the closed season specified in paragraph (2)(g), no more than 50 pounds of red porgy shall be possessed aboard any vessel in or on state waters of the Atlantic Ocean, or landed from such a vessel, per day.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 2-1-90, Amended 12-31-92, 10-18-93, 3-1-94, 6-15-95, 1-1-96, 11-27-96, 12-31-98, 3-1-99, Formerly 46-14.0045, Amended 1-1-00, 3-6-00, 1-1-01, 3-1-01, 6-1-01, 1-1-03.

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) Hook and line gear.

(b) A black sea bass trap meeting the requirements of Section 370.1105(1)(c), Florida Statutes. Additionally, each such trap shall comply with the following specifications:

1. Biodegradable panel. For purposes of Section 370.1105(1)(c), Florida Statutes, a black sea bass trap shall be considered to have a "biodegradable panel" or a "degradable panel" if one of the following methods is used in construction of the trap:

a. The trap lid tie-down strap is secured to the trap at one end by a single loop of untreated jute twine. The trap lid must be secured so that when the jute degrades, the lid will no longer be securely closed.

b. The trap lid tie-down strap is secured to the trap at one end with a corrodible loop composed of non-coated steel wire measuring 24 gauge or thinner. The trap lid must be secured so that when the loop degrades, the lid will no longer be securely closed.

c. The trap lid tie-down strap is secured to the trap at one end by an untreated pine dowel no larger than 2 inches in length by 3/8 inch in diameter. The trap lid must be secured so that when the dowel degrades, the lid will no longer be securely closed.

d. The trap contains at least one sidewall with a vertical rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. This opening must be laced, sewn, or otherwise obstructed by a single length of untreated jute twine knotted only at each end and not tied or looped more than once around a single mesh bar. When the jute degrades, the opening in the sidewall of the trap will no longer be obstructed.

e. The trap contains at least one sidewall with a vertical rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. This opening must be obstructed with an untreated pine slat or slats no thicker than 3/8 inch. When the slat degrades, the opening in the sidewall of the trap will no longer be obstructed. "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.

f. The trap contains at least one sidewall with a vertical rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. The opening may either be laced, sewn, or otherwise obstructed by non-coated steel wire measuring 24 gauge or thinner or be obstructed with a panel of ferrous single-dipped galvanized wire mesh made of 24 gauge or thinner wire. When the wire or wire mesh degrades, the opening in the sidewall of the trap will no longer be obstructed.

g. The trap contains at least one sidewall with a vertical rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. The opening may be obstructed with a rectangular panel made of any material, fastened to the trap at each of the four corners of the rectangle by rings made of non-coated 24 gauge or thinner wire or single strands of untreated jute twine. When the corner fasteners degrade, the panel will fall away and the opening in the sidewall of the trap will no longer be obstructed.

2. Escape vents. All black sea bass traps shall have an unobstructed escape vent opening on at least two opposite vertical sides, excluding top and bottom, that complies with one of the following minimum sizes:

a. A rectangular vent, 1.125 inches (2.9 cm) by 5.75 inches (14.6 cm).

b. A circular vent, 2 inches (5.1 cm) in diameter.

c. A square vent with sides of 1.75 inches (4.4 cm) measured inside the square.

(c) Sparring. This provision shall not be construed to allow the use of any powerhead, bangstick, or handheld device employing an explosive charge for the harvest in state waters of any snapper or grouper listed in Rule 68B-14.001, F.A.C.

(2) 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) The quantity of such fish so harvested does not exceed the bag and possession limits established in Rule 68B-14.0036, F.A.C.; and

(b) The harvesting of such fish would not violate any other provision of applicable law.

(3) 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), aboard a vessel fishing in state waters, while also in possession of unauthorized gear, constitutes a violation of subsections (1) and (2).

Specific 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.

68B-14.006 Other Prohibitions.

(1) Possession of any fish in excess of any applicable bag limit or smaller than any minimum size limit established by this chapter by any person aboard a vessel fishing in state waters constitutes a violation of this chapter.

(2) No person shall possess, transport, buy, sell, exchange or offer to buy, sell or exchange any fish harvested in violation of this chapter.

(3) 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.

(4) All fish harvested from Florida or adjacent federal Exclusive Economic Zone (EEZ) waters pursuant to the requirements of this chapter 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 such fish that have been deheaded, sliced, divided, filleted, ground, skinned, scaled or deboned is prohibited. Mere evisceration or “gutting” of fish, or mere removal of gills from fish, before landing is not prohibited. Preparation of fish for immediate consumption on board the vessel from which the fish were caught is not prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-11-86, Amended 2-1-90, 7-15-96, 12-31-98, Formerly 46-14.006.

CHAPTER 68B-15 STURGEON

68B-15.001 Sturgeon, Statewide.

68B-15.001 Sturgeon, Statewide.

(1) No person, firm or corporation shall take, kill, disturb, mutilate, molest, harass or destroy any sturgeon of the species *Acipenser oxyrinchus*, unless by accident in the course of normal fishing activities. Any sturgeon accidentally caught shall be returned unharmed to the water immediately.

(2) In accordance with Section 370.10(2), Florida Statutes, the Fish and Wildlife Conservation Commission may issue permits to collect and possess sturgeon for experimental, scientific and exhibitional purposes.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-25-84, Formerly 46-15.01, 46-15.001.

CHAPTER 68B-16 QUEEN CONCH

- 68B-16.001 Queen Conch, Purpose and Intent.
- 68B-16.002 Definitions.
- 68B-16.003 Queen Conch, Regulation.
- 68B-16.005 Queen Conch, Regulation in Federal Waters Contiguous to Florida.

68B-16.001 Queen Conch, Purpose and Intent.

(1) The purpose and intent of this chapter are to repeal and replace Section 370.113, Florida Statutes in its entirety. Prior to the effective date of this chapter, Section 370.113, Florida Statutes, regulated the taking of queen conch from waters of the State of Florida. In recent years, a combination of habitat destruction, overfishing and other causes has resulted in a severe decline in the abundance of queen conch, to the point that the resource cannot support any further harvest level until existing stocks have been able to replenish themselves. Accordingly, this chapter prohibits taking, harvesting, or harming queen conch, species *Strombus gigas*.

(2) Pursuant to Section 370.027(2)(f), Florida Statutes, the queen conch, species *Strombus gigas*, is hereby declared and designated a protected species. The purposes of designation as a protected species are to increase public awareness of the need for extensive conservation action in order to prevent this resource from becoming endangered, to encourage voluntary conservation practices, and to enlist the assistance of the general public in enforcing the stringent measures imposed by this chapter.

(3) This chapter is not intended to prohibit collectors from taking dead or empty queen conch shells, so long as no living queen conch is killed, mutilated or removed from its shell in connection with such taking. The Commission recognizes the common practice of drilling or tapping a hole through the spire of the queen conch shell to facilitate removing the live conch or conch meat from such shell, and further recognizes that this method is the only practical means, while on the water, of separating the live queen conch or conch meat from its shell. In order to provide for effective enforcement of the prohibition against killing live queen conch, subsection 68B-16.003(5), F.A.C of this chapter provides that possession of such a shell while in or on the water constitutes a violation of this chapter.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-17-85, Amended 12-11-86, 1-1-91, 7-15-96, Formerly 46-16.001.

68B-16.002 Definitions.

For the purpose of this chapter, except where the context clearly requires otherwise:

(1) "Commission" means the Florida Fish and Wildlife Conservation Commission.

(2) "Land," when used in conjunction with the harvest of queen conch, means the physical act of bringing a harvested queen conch ashore.

(3) "Queen conch" means any queen conch of the species *Strombus gigas*, or any part thereof.

(4) "Person" means any natural person, firm, entity of corporation.

(5) "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.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-17-85, Amended 6-21-90, Formerly 46-16.002.

68B-16.003 Queen Conch, Regulation.

(1) No person shall take or harvest any queen conch from the land or waters of the State of Florida, or possess, transport, or land any queen conch, wherever harvested, except as provided in subsections (3), (4), and (5) below.

(2) No person shall kill, molest, harm, or mutilate any queen conch anywhere within the borders of the State of Florida.

(3) The provisions of this chapter shall not be applicable to queen conch imported from another country; provided, however, that any wholesale or retail dealer in queen conch meat, queen conch shells or products made from queen conch shells shall maintain invoices, receipts, bills of sale, bills of lading, or other documentation affirmatively showing that all queen conch meat, queen conch shells or parts of queen conch shells in such dealer's inventory were imported from a foreign country.

(4) In accordance with Section 370.10(2), Florida Statutes, the Commission may issue permits to collect and possess queen conch for experimental, scientific and exhibitional purposes.

(5) It is not unlawful for any person to take or possess queen conch shells from the land or waters of the State of Florida, so long as such shells do not contain any living queen conch at the time of taking, and so long as a living queen conch is not killed, mutilated, or removed from its shell prior to taking such shell; provided further, that possession by any person, while in or on the waters of the State of Florida, of conch meat or of any queen conch shell having an off-center hole larger than 1/16 inch in diameter through its spire shall constitute a violation of this chapter.

(6) The presence of queen conch aboard a vessel in, on or above the waters of the State of Florida, while one or more persons from such vessel are overboard, shall constitute prima facie evidence that such queen conch were harvested from state waters in violation of this chapter.

(7) Any queen conch which is accidentally caught during the course of other lawful fishing activity shall not be deemed to be taken, harvested, possessed or molested in violation of this chapter, so long as such queen conch is returned immediately to the water, unharmed.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 6-17-85, Amended 6-21-90, 7-15-96, Formerly 46-16.003.

68B-16.005 Queen Conch, Regulation in Federal Waters Contiguous to Florida.

The prohibitions and presumptions contained in Section 68B-16.003, F.A.C. of this chapter, relating to the taking, harvesting, possessing, transporting, killing, molesting, harming and/or mutilating of queen conch within the State of Florida, apply as well to persons aboard Florida registered vessels while in the Fisheries Conservation Zone (FCZ) of the United States directly contiguous to Florida waters.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 12-11-86, Formerly 46-16.005.

CHAPTER 68B-17 HARD CLAMS

68B-17.002	Definitions.
68B-17.003	Hard Clams, Minimum Size Limits.
68B-17.004	Hard Clams, Hours of Taking and Transporting.
68B-17.005	Regulation of Vessels and Harvesting Gear.
68B-17.007	Recreational Bag Limit.

68B-17.002 Definitions.

As used herein:

- (1) "Closed area" means any area in which the taking or harvesting of hard clams is prohibited pursuant to any applicable rule, order or other action of the Department of Agriculture and Consumer Services or the Fish and Wildlife Conservation Commission.
- (2) "Commission" means the Florida Fish and Wildlife Conservation Commission.
- (3) "Department" means the Florida Department of Agriculture and Consumer Services.
- (4) "Hard Clam" refers to any species of wild or feral hard clam of the Genus Mercenaria.
- (5) "Florida Marine Patrol" means the Division of Law Enforcement of the Commission.
- (6) "Person" means any natural person, firm or corporation.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-85, Formerly 46-17.02, Amended 4-11-94, 11-27-96, Formerly 46-17.002.

68B-17.003 Hard Clams, Minimum Size Limits.

(1)(a) It is unlawful to take or harvest in or from the waters of the State of Florida or sell any hard clam measuring less than 1 inch in thickness across the hinge.

(b) Hard clams shall be sorted immediately after they are taken. However, no more than one bushel of unsorted hard clams shall be possessed aboard any vessel while in or on the waters of the state at any time. Possession of unsorted hard clams aboard vessels observed under power is prohibited. All such hard clams less than 1 inch in thickness across the hinge shall be returned alive immediately after sorting to the place where taken; provided, however, that possession of up to 3% undersize hard clams, by count, of the hard clams in any individual bag, package or container shall not constitute a violation of this section.

(2) It is unlawful to buy, sell, exchange, barter or possess hard clams taken or harvested in violation of this chapter.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-85, Formerly 46-17.03, Amended 3-15-87, 11-1-89, 4-11-94, 11-27-96, Formerly 46-17.003.

68B-17.004 Hard Clams, Hours of Taking and Transporting.

It is unlawful to take, attempt to take, possess or transport in, on or above the waters of the State of Florida any hard clams during the hours commencing one-half hour after official sunset and ending one-half hour before official sunrise, as established and published by the U.S. Weather Service; provided, however, that this section shall not apply to any dredge operation permitted under Rule 68B-17.005(3), F.A.C. of this chapter.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-85, Formerly 46-17.04, 46-17.004.

68B-17.005 Regulation of Vessels and Harvesting Gear.

(1) Hard clams may be taken only by use of feet; hands; rakes having not less than 7/8 inch of clear space between the teeth on the horizontal harvesting surface of the rake and not less than 7/8 clear space between the bars or dividers of any basket attached thereto; and tongs having not less than 7/8 inch clear space between the teeth on the horizontal harvesting surface of the tongs and not less than 7/8 inch clear space between the bars or dividers of any basket attached thereto. No wire or net shall be used in the basket of any implement used to take hard clams manually.

(2) It is unlawful to use any rake, dredge or other mechanical device to harvest hard clams in any grass bed.

(3)(a) No rake, dredge or other mechanical device used to harvest hard clams shall be pulled under power, except by Special Activity License issued by the Commission according to the provisions of Section 370.16(16)(a), Florida Statutes.

(b) If any rake, dredge or other mechanical device is being used manually to harvest hard clams, the engine of any vessel used in connection with such harvest shall be turned off during all times such manual harvesting gear is in use.

(4) All vessels that are used in connection with harvesting or transporting hard clams shall be equipped with a shade, which must be used to shield such clams from the sun at all times. In addition, all such vessels engaged in the harvest of hard clams shall be equipped with one or more cull boards or cull racks, constructed in accordance with subsection (5) below.

(5) All devices used to sort hard clams, including but not limited to cull racks, shall have a clear space between the bars or other dividers. Such clear space shall remain unobstructed and no wire, netting or other material may be used that would prevent clams less than 1 inch in size from falling through such spaces.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-85, Formerly 46-17.05, Amended 3-15-87, 4-11-94, 11-27-96, Formerly 46-17.005.

68B-17.007 Recreational Bag Limit.

Except for persons harvesting hard clams pursuant to a saltwater products license, no person shall harvest in or from the waters of the state more than one five gallon bucket of hard clams (unshucked) per person per day; provided, however, that the possession of more than two five gallon buckets of hard clams (unshucked) aboard any vessel with two or more such persons is prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 4-11-94, Formerly 46-17.007.

CHAPTER 68B-18 BAY SCALLOPS

68B-18.002	Definitions.
68B-18.003	Statewide Open and Closed Seasons and Areas for Harvesting Bay Scallops.
68B-18.004	Allowable Gear for Harvesting Bay Scallops.
68B-18.005	Bag Limit.
68B-18.0055	Prohibition of Sale and Commercial Harvest.

68B-18.002 Definitions.

For the purpose of this chapter, except where the context clearly requires otherwise:

(1) “Bay scallop” means any scallop of the species *Argopecten irradians*, or any part of the meat thereof.

(2) “Harvest for commercial purposes” means the taking or harvesting of any bay scallop for purposes of sale or with intent to sell.

(3) “Harvest” means the catching or taking of a marine species by any means whatsoever, followed by a reduction of such marine species to possession. Marine species that are caught but immediately returned to the water free, alive, and unharmed are not harvested.

(4) “Land” when used in connection with the harvest of a marine species, means the physical act of bringing the harvested marine species ashore.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-13-85, Amended 6-15-94, 3-1-95, Formerly 46-18.002.

68B-18.003 Statewide Open and Closed Seasons and Areas for Harvesting Bay Scallops.

(1) Bay scallops shall only be harvested during the open season, which is from July 1 through September 10 of each year.

(2) No person shall harvest in or from the waters of the state, land, or possess while in or on the waters of the state any bay scallop during the period beginning on September 11 of each year and continuing through June 30 of the following year.

(3)(a) The harvest of bay scallops is allowed only in state waters along the Gulf of Mexico north of the Pasco-Hernando County Line (latitude 28 degrees, 26.016 minutes North) and east and southeast of a line extending due south from the west bank at the mouth of Mexico Beach Canal in Bay County (longitude 85 degrees, 25.84 minutes West). Any bay scallops harvested and possessed pursuant to this subsection shall only be landed within the area where harvest is herein allowed. The possession while in or on the waters of the state or landing of bay scallops outside the open area specified by this subsection is prohibited.

(b) It is the intent of the Fish and Wildlife Conservation Commission to annually review and evaluate the status and health of the bay scallop fishery. Should it become necessary to close any area presently open to bay scalloping, or should the bay scallop resource recover sufficiently to allow the opening of an area presently closed to bay scalloping, the Commission shall initiate rulemaking to amend paragraph (a) of this subsection.

(4) The prohibition against possession in subsection (3) of this rule shall not apply to:

(a) Bay scallops that have been legally harvested in another state and have entered the State of Florida in interstate commerce. The burden shall be upon any person possessing such bay scallops 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 to show that such bay scallops originated from a point outside the waters of the State of Florida and entered the state in interstate commerce. Failure to maintain such documentation or to promptly produce such documentation at the request of any duly authorized law enforcement officer shall constitute a violation of this rule.

(b) Bay scallops that are possessed for experimental, scientific, or exhibitional purposes pursuant to a permit issued by the Fish and Wildlife Conservation Commission as authorized by Section 370.10(2), Florida Statutes, or as stock for artificial cultivation pursuant to a special activity license issued by the Commission as authorized by Section 370.101(2), Florida Statutes.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-13-85, Amended 6-15-94, 3-1-95, 7-15-96, 7-1-97, Formerly 46-18.003, Amended 6-2-02.

68B-18.004 Allowable Gear for Harvesting Bay Scallops.

(1) Bay scallops shall only be harvested by hand or by or with the use of a landing or dip net.

(2) No person shall harvest in or from state waters any bay scallop by or with the use of any gear other than those types specified in subsection (1). Any bay scallop harvested by or with the use of any other type of gear shall be immediately returned to the water free, alive, and unharmed. The possession of any bay scallop and any trawl, drag, dredge, or net, other than a landing or dip net, aboard any vessel is prohibited. No person shall land in the state any bay scallop harvested by or with the use of any gear other than those types specified in subsection (1).

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-13-85, Amended 3-1-95, Formerly 46-18.004.

68B-18.005 Bag Limit.

Each harvester of bay scallops is subject to a bag limit of 2 gallons of whole bay scallops in the shell, or 1 pint of bay scallop meat, per day; provided, however, that no more than 10 gallons of whole bay scallops in the shell, or 1/2 gallon of bay scallop meat shall be possessed aboard any vessel at any time. For the purpose of determining compliance with this rule, in any situation involving simultaneous possession of whole bay scallops in the shell and bay scallop meat, the meat possessed shall be converted to its “in the shell” equivalent by counting each pint of meat as 2 gallons of whole bay scallops in the shell.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-13-85, Amended 3-1-95, Formerly 46-18.005.

68B-18.0055 Prohibition of Sale and Commercial Harvest.

(1) No person shall purchase, sell, or exchange any bay scallop, or harvest any bay scallop for commercial purposes.

(2) Subsection (1) shall not apply to bay scallops that have been legally harvested in another state and have entered the State of Florida in interstate commerce. The burden shall be upon any person possessing such bay scallops 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 to show that such bay scallops originated from a point outside the waters of the State of Florida and entered the state in interstate commerce. Failure to maintain such documentation or to promptly produce such documentation at the request of any duly authorized law enforcement officer shall constitute a violation of this rule.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-1-95, Amended 7-15-96, Formerly 46-18.0055.

CHAPTER 68B-19 COBIA

68B-19.001	Definitions.
68B-19.002	Cobia, Size Limit.
68B-19.004	Bag Limit.

68B-19.001 Definitions.

For purposes of this chapter, except where the context clearly requires otherwise:

- (1) “Cobia”, also referred to in some areas as ling, means any fish of the species *Rachycentron canadum*.
- (2) “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.
- (3) “Fork length” means the length of a fish as measured from the tip of the snout to the rear center edge of the tail.
- (4) “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.
- (5) “Land”, when used in connection with the harvest of a fish, means the physical act of bringing the harvested fish ashore.
- (6) “Person” means any natural person, firm, entity or corporation.
- (7) “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.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-13-85, Amended 1-1-90, Formerly 46-19.001, Amended 3-22-01.

68B-19.002 Cobia, Size Limit.

(1) No person shall harvest in or from the waters of the state or sell or offer for sale any cobia with a fork length less than 33 inches.

(2) All cobia 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 cobia that has been deheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned is prohibited. Mere evisceration or “gutting” of cobia, or mere removal of gills, before landing is not prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-13-85, Amended 1-1-90, 8-31-98, Formerly 46-19.002, Amended 3-22-01.

68B-19.004 Designation as Restricted Species; Bag and Possession Limits.

(1) Cobia are hereby designated as a restricted species pursuant to s. 370.01(21), Florida Statutes.

(2) Bag Limits:

(a) Recreational Daily Bag Limit – Except as provided in paragraph (b), no person shall harvest more than 1 cobia per day from waters of the state. No such person shall possess more than 1 cobia while fishing in, on, or above the waters of the state or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters.

(b) Commercial Daily Bag Limit – No person who fishes pursuant to a valid saltwater products license with a restricted species endorsement shall harvest more than 2 cobia per day from waters of the state. No such person shall possess more than 2 cobia while fishing in, on, or above the waters of the state or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters.

(c) Vessel Possession Limit – Whether fishing pursuant to paragraph (a) or (b), the possession of more than the applicable daily bag limit of cobia multiplied by the number of persons fishing aboard any vessel, or 6 cobia, whichever is less, is prohibited. On any single trip aboard a vessel, harvest of cobia shall either be recreational pursuant to paragraph (a) or commercial pursuant to paragraph (b), and the possession of recreational and commercial bag limits simultaneously aboard a vessel is prohibited.

(3) The possession limits of this rule shall not apply to any licensed seafood dealer or customer thereof possessing a receipt evidencing purchase of cobia.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-90, Formerly 46-19.004, Amended 3-22-01.

CHAPTER 68B-20 SPEARING: BOW HUNTING, GIGGING, AND SPEARFISHING

- 68B-20.002 Definitions.
68B-20.003 Spearing, Statewide Regulation; Prohibition Against Powerheads, Bangsticks, and Rebreathers; Repeal of Certain Special Acts.
68B-20.005 Prohibited Harvest of Certain Species.

68B-20.002 Definitions.

- (1) "Bow Hunting" means the catching or taking of a fish through the instrumentality of a bow and arrow or a crossbow and arrow, or quarrel.
- (2) "Bow" means a device consisting of a flexible material having string connecting its two ends for the purpose of discharging arrows, which propels the arrows only by the energy stored by the drawing of the device.
- (3) "Crossbow" means a device consisting of a bow affixed to a stock for discharging quarrels or arrows and which utilizes a hand-held locking mechanism to maintain the device in a drawn or ready-to-discharge condition.
- (4) "Gigging" means the catching or taking of a fish through the instrumentality of a single or multi-pronged gig or spear, barbed or barbless, deployed at or above the surface of the water.
- (5) "Spearfishing" means the catching or taking of a fish through the instrumentality of a hand or mechanically propelled, single or multi-pronged spear or lance, barbed or barbless, operated by a person swimming at or below the surface of the water.
- (6) "Spearing" means the catching or taking of a fish by bow hunting, gigging, spearfishing, or by any device used to capture a fish by piercing its body. Spearing does not include the catching or taking of a fish by a hook with hook and line gear or by snagging (snatch hooking).

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-17-85, Amended 1-1-98, Formerly 46-20.002.

68B-20.003 Spearing, Statewide Regulation; Prohibition Against Powerheads, Bangsticks, and Rebreathers; Repeal of Certain Special Acts.

- (1) Spearing is lawful in all salt waters and salt tributaries located in the State of Florida except:
- (a) As provided in Section 370.172, Florida Statutes; and
- (b) As prohibited in this chapter, and elsewhere in Title 68B, Florida Administrative Code.
- (2) Spearfishing is hereby prohibited:
- (a) Within 100 yards of all public bathing beaches.
- (b) Within 100 yards of all commercial or public fishing piers.
- (c) Within 100 yards of that portion of any bridge where public fishing is legally permitted.
- (d) Within 100 feet of the unsubmerged portion of any jetty, except that spearfishing shall be allowed along the last 500 yards of any jetty that extends more than 1,500 yards from the shoreline.
- (e) In or on any body of water under the jurisdiction of the Division of Recreation and Parks of the Department of Environmental Protection. Possession of spearing equipment in or on any body of water under the jurisdiction of the Division of Recreation and Parks is prohibited except when such equipment is not loaded and is properly stored upon watercraft passing nonstop through such marine waters.
- (3) The taking of fish by spearing shall be subject to and consistent with present and future bag limits, size limits, and seasons applicable to other fishermen of this state.
- (4) The sale of fish lawfully taken by spearing shall be subject to the same regulations and limitations applicable to other fishermen in this state.
- (5) Nothing in this chapter shall be construed as allowing the taking, harvesting, molesting or killing of any fish by spearing when taking, harvesting, molesting or killing such fish is otherwise prohibited by law.
- (6) It is unlawful to buy, sell, offer to buy or sell, exchange, transport or possess any fish, or part thereof, taken or harvested in violation of this chapter.
- (7) The use of powerheads, bangsticks, and rebreathers is prohibited as specified in Rule 68B-4.012, Florida Administrative Code.
- (8)(a) The Marine Fisheries Commission hereby finds and declares that the repeal of Chapter 61-1913, Laws of Florida (1961), and Chapter 65-1281, Laws of Florida (1965), special acts of Brevard County, Chapter 63-1220, Laws of Florida (1963), special act of Citrus County, Chapter 27473, Laws of Florida (1951), special act of Collier County, Chapter 65-1622, Laws of Florida (1965), special act of Hernando County, Chapter 30829, Laws of Florida (1955), special act of Hillsborough County, Chapter 65-2079, Laws of Florida (1965), special act of Pasco County, and Chapters 57-1842, Laws of Florida (1957), 57-1852, Laws of Florida (1957) and 57-1854, Laws of Florida (1957), special acts of Sarasota County, all of which relate to spearing, will not adversely affect the marine resources of those counties or of the State of Florida.

(b) Chapter 61-1913, Laws of Florida (1961), and Chapter 65-1281, Laws of Florida (1965), special acts of Brevard County, Chapter 63-1220, Laws of Florida (1963), special act of Citrus County, Chapter 27473, Laws of Florida (1951), special act of Collier County, Chapter 65-1622, Laws of Florida (1965), special act of Hernando County, Chapter 30829, Laws of Florida (1955), special act of Hillsborough County, Chapter 65-2079, Laws of Florida (1965), special act of Pasco County, and Chapters 57-1842, Laws of Florida (1957), 57-1852, Laws of Florida (1957) and 57-1854, Laws of Florida (1957), special acts of Sarasota County, all of which are rules 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, and Section 2, Paragraph (5)(b) of Chapter 84-121, Laws of Florida, are all hereby repealed.

Specific Authority Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New 6-17-85, Amended 1-1-98, Formerly 46-20.003.

68B-20.005 Prohibited Harvest of Certain Species.

The spearing of the following species and species groups is prohibited:

- (1) Billfish (species of the genus *Xiphias*, *Istiophorus*, *Makaira*, and *Tetrapturus*).
- (2) Sturgeon (*Acipenser oxyrinchus*).
- (3) Tarpon (*Megalops atlanticus*).
- (4) Bonefish (*Albula vulpes*).
- (5) Jewfish (*Epinephelus itajara*).
- (6) Nassau grouper (*Epinephelus striatus*).
- (7) Permit (*Trachinotus falcatus*).
- (8) Pompano (*Trachinotus carolinus*).
- (9) African pompano (*Alectis ciliaris*).
- (10) Sharks as defined in Rule 68B-44.002, Florida Administrative Code.
- (11) Spotted eagle ray (*Aetobatus narinari*).
- (12) Manta ray (species of the genus *Manta* and *Mobula*).
- (13) Snook (species of the genus *Centropomus*).
- (14) Red drum (*Sciaenops ocellatus*).
- (15) Spotted seatrout (*Cynoscion nebulosus*).
- (16) Weakfish (*Cynoscion regalis*).
- (17) Tripletail (*Lobotes surinamensis*).
- (18) Surgeonfish (family *Acanthuridae*).
- (19) Trumpetfish (family *Aulostomidae*).
- (20) Angelfish and butterflyfish (family *Chaetodontidae*).
- (21) Porcupinefish (family *Diodontidae*).
- (22) Cornetfish (family *Fistulariidae*).
- (23) Squirrelfish (family *Holocentridae*).
- (24) Trunkfish (family *Ostraciidae*).
- (25) Damsel fish (family *Pomacentridae*).
- (26) Parrotfish (family *Scaridae*).
- (27) Pipefish and Seahorse (family *Syngnathidae*).
- (28) Puffers (family *Tetraodontidae*).

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-98, Formerly 46-20.005.

CHAPTER 68B-21 SNOOK

- 68B-21.0015 Definitions.
- 68B-21.002 Designation of Snook as a Protected Species.
- 68B-21.003 Prohibition of Sale of Snook.
- 68B-21.004 Seasons.
- 68B-21.005 Size Limits.
- 68B-21.006 Bag and Possession Limits.
- 68B-21.007 Restrictions on Gear and Methods Used to Take Snook.
- 68B-21.008 Snook Culture and Sale for Use in Private Ponds or Aquariums.

68B-21.0015 Definitions.

(1) "Atlantic Region" means all or part of counties encompassed by the St. Johns Water Management District, and the South Florida Water Management District, except Charlotte County, Collier County, Glades County, Hendry County, Highlands County, Lee County, and Monroe County.

(2) "Certified aquaculture facility" when used in conjunction with the culture of snook, means any aquaculture systems constructed and maintained in accordance with Aquaculture Best Management Practices, Rule 5L-3.004, F.A.C., that do not directly discharge production unit water to surface waters of the state.

(3) "Gulf Region" means Charlotte County, Collier County, Glades County, Hendry County, Highlands County, Lee County, Monroe County and all or part of counties encompassed by the Southwest Florida Water Management District, the Suwannee River Water Management District, and the Northwest Florida Water Management District.

(4) "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 requirement 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.

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

(6) "Snook" means unless the context requires otherwise, any fish of the genus *Centropomus*, or any part thereof.

(7) "Snook Special Activity License" or "SSAL" is a permit that allows certified aquaculture facilities to collect, possess, and transport regional wild broodstock and possess, transport, and sell cultured broodstock progeny. A SSAL also allows certified aquaculture facilities, regional private pond owners, fully contained aquariums, and other fully contained exhibitional display facilities that are open to the public to possess broodstock progeny purchased from certified aquaculture facilities.

(8) "Spearing" means the catching or taking of a fish by bow hunting, gigging, spearfishing, or by any device used to capture a fish by piercing the body. Spearing does not include the catching or taking of a fish by a hook with hook and line gear or by snagging (snatch hooking).

(9) "State waters of the Atlantic Ocean" means all waters of the state in the Atlantic Region, including all state waters of the Atlantic Ocean and all inland waters of the region, including all waters of Lake Okeechobee and the Kissimmee River.

(10) "State waters of the Gulf of Mexico" means all waters of the state in the Gulf Region, including all state waters of the Gulf of Mexico and all inland waters of the region, excluding all waters of Lake Okeechobee and the Kissimmee River.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-9-87, Amended 1-1-98, Formerly 46-21.0015, Amended 1-1-02, 5-13-02.

68B-21.002 Designation of Snook as a Protected Species.

The snook, species *Centropomus undecimalis*, is hereby declared and designated a protected species. The purposes of designation as a protected species are to increase public awareness of the need for extensive conservation action in order to prevent this resource from becoming endangered; and to encourage voluntary conservation practices, including catch-and-release practices for all snook caught unless they are needed for food.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-23-85, Formerly 46-21.002.

68B-21.003 Prohibition of Sale of Snook.

(1) It is unlawful for any person, firm or corporation to buy, sell, trade, barter or exchange snook in any form or manner, or to receive anything of value for any snook with or without changing possession thereof, except as provided in Rule 68B-21.008, F.A.C.

(2) It is unlawful for any wholesale or retail seafood dealer or restaurant to possess, buy, sell, or store any snook or part thereof, or permit any snook or part thereof to be possessed, bought, sold or stored on, in, or about the premises or vehicles where such wholesale or retail seafood business or restaurant is carried on or conducted; provided, however, that snook which have been

lawfully harvested, or parts thereof, may be kept on the premises of a restaurant for the limited purpose of preparing such snook for consumption by the angler who harvested them, so long as such snook or parts thereof are packaged or on strings with tags bearing the name and address of the owner clearly written thereon.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-23-85, Formerly 46-21.003, Amended 5-13-02.

68B-21.004 Seasons.

(1) No person, firm or corporation shall kill, harvest or have in its possession, regardless of where taken, any snook during the following closed periods, in the indicated areas:

(a) Statewide, during the period beginning December 15 of each year and continuing through January 31 of the following year.

(b) In all state waters of the Atlantic Ocean north and east of the Dade-Monroe County Line, except in waters of Everglades National Park, during the months of June, July or August.

(c) In all state waters of the Atlantic Ocean south and west of the Dade-Monroe County Line, in all state waters of the Gulf of Mexico, and in waters of Everglades National Park, during the months of May, June, July, or August.

(2) Exceptions to the closed seasons established by this rule shall only be granted by special permit issued by the Commission pursuant to Section 370.10(2), Florida Statutes, for experimental, scientific, or exhibitional purposes.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-23-85, Amended 7-9-87, 3-1-94, Formerly 46-21.004, Amended 1-1-02.

68B-21.005 Size Limits.

(1) It is unlawful for any person, firm or corporation to kill, harvest or possess any snook that measures less than 26 inches or greater than 34 inches in total length (measured from the most forward point of the lower jaw to the tip of the tail).

(2) All snook harvested from Florida waters shall be landed in a whole condition. The possession, while on state waters, of snook that have been deheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned is prohibited. Mere evisceration or “gutting” of snook, or mere removal of gills from snook, before landing is not prohibited. Preparation of snook for immediate consumption on board the vessel from which the fish were caught is not prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-23-85, Amended 7-9-87, 3-1-94, 12-31-98, Formerly 46-21.005.

68B-21.006 Bag and Possession Limits. –

(1) In all state waters of the Atlantic Ocean north and east of the Dade-Monroe County Line, except in waters of Everglades National Park, no person, firm or corporation shall kill or harvest more than two snook per day during the open season, nor possess more than two snook at any time during the open season.

(2) In all state waters of the Atlantic Ocean south and west of the Dade-Monroe County Line, in all state waters of the Gulf of Mexico, and in waters of Everglades National Park, no person, firm, or corporation shall kill or harvest more than one snook per day during the open season, nor possess more than one snook at any time during the open season.

(3) On any vessel licensed to carry customers wherein a fee is paid, either directly or indirectly, for the purpose of taking or attempting to take marine fish, the applicable bag and possession limit specified in this rule shall not extend to the operator of such vessel or any person employed as a crewman of such vessel.

(4) No person harvesting snook pursuant to subsection (1) shall possess or land such snook in the area specified in subsection (2).

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-23-85, Amended 3-1-94, 12-31-98, Formerly 46-21.006, Amended 1-1-02.

68B-21.007 Restrictions on Gear and Methods Used to Take Snook.

(1) The taking or attempted taking of snook within or without state waters is prohibited except by use of hook and line gear. For purposes of this chapter, the phrase “hook and line gear” includes any rod and reel or any pole to which such hook and line are attached, as well as any bob, float, weight, lure, plug, spoon and/or standard bait attached thereto. However, the harvest of snook within or without state waters by or with the use of any treble hook in conjunction with live or dead natural bait is prohibited.

(2) It is unlawful to take or attempt to take snook by use of any net, seine or trap, or by use of any gang hook, multiple hooks, snatch hooks, or by spearing, or by any device designed or intended to impale or hook the fish by any part of its body other than its mouth, or by use of any other device not specifically permitted in subsection (1) of this section. What is commonly called snook snatching is prohibited within or without the waters of this state.

(3) It is unlawful for any person, firm, or corporation while fishing, using, transporting or possessing any net, seine, trap or other fishing device not specifically permitted in subsection (1) of this rule to have in its possession any snook. This prohibition shall not apply to possession aboard a vessel of a single cast net if it is secured and stored off the deck of the vessel. Any snook accidentally taken by any trap, net or seine shall not be deemed to be possessed in violation of this rule if such snook is immediately returned to the water free, alive and unharmed.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-23-85, Amended 7-9-87, 3-1-94, 1-1-98, Formerly 46-21.007, Amended 6-29-00.

68B-21.008 Snook Culture and Sale for Use in Private Ponds or Aquariums.

(1) SNOOK SPECIAL ACTIVITY LICENSE (SSAL) – The Fish and Wildlife Conservation Commission intends to issue SSALs to valid aquaculture certificate holders collecting and possessing wild broodstock for purposes of snook aquaculture, and possessing, transporting, and selling broodstock progeny. The Commission also intends to issue SSALs to owners of certified aquaculture facilities, regional private ponds, fully contained aquariums, and other fully contained exhibitional facilities that are open to the public and purchase aquacultured broodstock progeny from certified aquaculture facilities. Certified aquaculture facilities possessing SSALs for the purposes of possessing, transporting, and selling live broodstock progeny to owners of other certified aquaculture facilities, regional private ponds, fully contained aquariums, and other fully contained exhibitional facilities open to the public, shall meet each of the following criteria:

(a) The applicant must possess a valid aquaculture certificate of registration issued by the Department of Agriculture and Consumer Services, pursuant to Section 597.004, Florida Statutes.

(b) The applicant must own a certified aquaculture facility that is constructed and maintained in accordance with Aquaculture Best Management Practices, Rule 5L-3.004, F.A.C., and that does not directly discharge production unit water to surface waters of the state.

(c) The applicant must complete and submit a SSAL application provided by the FWC (Division of Marine Fisheries Form DMF SSAL-03(7-02)) that includes information showing the location of the facility within either the Gulf or Atlantic Region, the number of specimens to be collected, the area of collection, the gear used for harvest, the time period of harvest, a description of the facility, and information indicating the training and experience of the applicant to successfully engage in snook aquaculture. Proof of DACS aquaculture certification must also be submitted with a completed SSAL application.

(d) No applicant shall receive a SSAL who, in the previous three years, has been charged with violating any provision of Titles 68A through 68E, F.A.C., Chapter 370, Florida Statutes, or Chapter 372, Florida Statutes, and who has received a judicial disposition other than acquittal or dismissal on such charges.

(e) The applicant agrees to all conditions specified in Rule 68E-3.004, F.A.C.

(2) SALE OF SNOOK PRODUCED AT AQUACULTURE FACILITIES – Persons culturing snook pursuant to a SSAL shall sell broodstock progeny of any size only to owners of other certified aquaculture facilities, regional private ponds, fully contained aquariums, and other exhibitional display facilities, provided that the following criteria and conditions are met:

(a) Certified aquaculture facilities, regional private ponds, fully contained aquariums, and other fully contained exhibitional facilities that purchase snook broodstock progeny from a certified aquaculture facility must be located within the state of Florida and within the same region as that facility.

(b) Certified aquaculture facilities, regional private ponds, fully contained aquariums, and other fully contained exhibitional facilities that possess snook broodstock progeny purchased from certified aquaculture facilities shall possess a valid SSAL issued for that purpose. A SSAL will only be issued for private ponds that do not discharge water to surface waters of the state and that are located or designed so that the minimum control elevation is at least one-foot above the 100-year flood elevation.

(c) The holder of a SSAL issued for purposes of possessing, collecting, transporting, and selling live broodstock progeny produced in certified aquaculture facilities shall provide information from the FWC to each purchaser of snook, stating that the intentional release of snook into the wild is prohibited, and once delivered, those snook cannot be sold. Any snook removed from the private property, fully contained aquarium, or other fully contained exhibitional facility must conform to regional size limits, bag limits, and seasonal closures.

(d) The holder of a SSAL issued for purposes of possessing, collecting, transporting, and selling live broodstock progeny produced in certified aquaculture facilities shall provide a bill of sale or other documentary evidence to each purchaser of snook and shall maintain records of such sales. The bill of sale or other documentary evidence should include the name, address, and aquaculture certificate number of the certified aquaculture facility, the name and address of the person purchasing the snook, the date of purchase, the quantity of snook purchased, and the exact location where the snook are being stocked.

(3) PAY-TO-FISH PONDS – Owners of private ponds that are stocked with snook from certified aquaculture facilities may charge a fee to harvest snook in such ponds, provided:

(a) Snook are not sold on a per-pound or per-fish basis.

(b) Snook removed from the private property on which the pay-to-fish pond is located conform to regional size limits, bag limits, and closed seasons, as follows:

1. In the Atlantic Region, snook removed from the private property on which a pay-to-fish pond is located are subject to size limits, bag limits, possession limits, and closed seasons specified in paragraphs 68B-21.004(1)(a)-(b), Rule 68B-21.005, and subsection 68B-21.006(1), F.A.C.

2. In the Gulf Region, snook removed from the private property on which a pay-to-fish pond is located are subject to size limits, bag limits, possession limits, and closed seasons specified in paragraphs 68B-21.004(1)(a) and (c), Rule 68B-21.005, and subsection 68B-21.006(2), F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 5-13-02.

CHAPTER 68B-22 RED DRUM (REDFISH)

68B-22.001	Purpose and Intent; Repeal of Certain Laws; Designation as Protected Species.
68B-22.002	Definitions.
68B-22.003	Size Limits.
68B-22.005	Bag and Possession Limits; Sale Prohibited.
68B-22.006	Other Prohibitions; Applicability.

68B-22.001 Purpose and Intent; Repeal of Certain Laws; Designation as Protected Species.

(1) The purpose and intent of this chapter is to protect, manage, conserve and replenish Florida's depleted red drum (redfish) resource, species *Sciaenops ocellatus*, which has suffered extreme declines in abundance in recent years.

(2) Accordingly, it is the intent of this chapter to repeal and replace those portions of Section 370.11(2)(a)4., Florida Statutes, dealing with redfish. This chapter is not intended, and shall not be construed, to repeal any other portion of Section 370.11(2)(a)4., Florida Statutes; any other subdivision of Section 370.11, Florida Statutes; or any other general or local law directly or indirectly relating to or providing protection for the redfish resource.

(3) Redfish are hereby declared and designated a protected species. The purposes of this designation are to increase public awareness of the need for extensive conservation action in order to prevent this resource from becoming endangered and to encourage voluntary conservation practices, including catch-and-release practices for all redfish caught unless they are needed for food.

Specific Authority Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New 9-12-85, Amended 1-1-89, 6-3-91, Formerly 46-22.001.

68B-22.002 Definitions.

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

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

(5) "Red drum" or "redfish" means any fish of the species *Sciaenops ocellatus*, or any part thereof. "Native redfish" means any redfish harvested from waters subject to the jurisdiction of the Fish and Wildlife Conservation Commission and the State of Florida.

(6) "Spearing" means the catching or taking of a fish by bow hunting, gigging, spearfishing, or by any device used to capture a fish by piercing the body. Spearing does not include the catching or taking of a fish by a hook with hook and line gear or by snagging (snatch hooking).

(7) "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.

(8) "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.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 9-12-85, Amended 2-12-87, 1-1-89, 1-1-96, 1-1-98, Formerly 46-22.002.

68B-22.003 Size Limits.

No person shall harvest in or from the waters of the State of Florida at any time, or unnecessarily destroy, any redfish of total length less than 18 inches, nor greater than 27 inches.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 9-12-85, Amended 2-12-87, 1-1-89, Formerly 46-22.003.

68B-22.005 Bag and Possession Limits; Sale Prohibited.

(1) Bag Limits – No person shall harvest more than one native redfish per day, nor possess more than one native redfish 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. Elsewhere, no person shall possess more than two native redfish at any time.

(2) Sale of Native Redfish Prohibited – The purchase, sale, or exchange of any native redfish is prohibited. This prohibition, however, does not apply to legally harvested non-native redfish that have entered the State of Florida in interstate commerce. The burden shall be upon any person possessing such redfish 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 to show that such redfish originated from a point outside the waters of the State of Florida, 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.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 2-12-87, Amended 1-1-89, 6-3-91, 1-1-96, Formerly 46-22.005.

68B-22.006 Other Prohibitions; Applicability.

(1) The harvest of any redfish in or from state waters by or with the use of any multiple hook in conjunction with live or dead natural bait is prohibited. Spearing or snagging (snatch hooking) of redfish in or from state waters is prohibited.

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

(3) No operator of a vessel in or on state waters shall allow the possession aboard the vessel of any redfish not in compliance with established bag limits, size limits, seasons or any prohibited gear as specified in this chapter or in Chapter 68B-4, F.A.C.

(4) All redfish harvested from Florida waters shall be landed in a whole condition. The possession, while in or on state waters, on any public or private fishing pier, or on a bridge or catwalk attached to a bridge from which fishing is allowed, or on any jetty, of any redfish that has been deheaded, sliced, divided, filleted, ground, skinned, scaled or deboned is prohibited. Mere evisceration or "gutting" of redfish, or mere removal of gills from redfish, before landing is not prohibited. Preparation of redfish for immediate consumption on board the vessel from which the fish were caught is not prohibited.

(5) Provisions of this rule chapter shall not apply to redfish artificially spawned and raised in commercial aquaculture facilities. Failure to maintain appropriate receipt(s), bill(s), bill(s) of sale, or bill(s) of lading, that such redfish were artificially spawned and raised in commercial aquaculture facilities, shall constitute a violation of this rule.

(6) The simultaneous possession aboard a vessel of any gill net or entangling net together with any redfish is prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 2-12-87, Amended 6-3-91, 1-1-96, 1-1-98, Formerly 46-22.006.

CHAPTER 68B-23 SPANISH MACKEREL

68B-23.001	Purpose, Intent and Repeal of Other Laws; Designation as Restricted Species.
68B-23.002	Definitions.
68B-23.003	Gear Specifications and Prohibited Gear.
68B-23.0035	Size Limit.
68B-23.004	Commercial Fishing Season for Spanish Mackerel; Commercial Vessel Limits.
68B-23.005	Recreational Bag Limit for Spanish Mackerel.
68B-23.006	Other Prohibitions.

68B-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(21), Florida Statutes.

Specific Authority Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New 11-28-85, Amended 10-30-86, 12-10-87, 10-1-88, 10-19-89, 9-30-96, Formerly 46-23.001.

68B-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 Fish and Wildlife Conservation 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) "Spearing" means the catching or taking of a fish by bow hunting, gigging, spearfishing, or by any device used to capture a fish by piercing the body. Spearing does not include the catching or taking of a fish by a hook with hook and line gear or by snagging (snatch hooking).

(11) "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.

(12) "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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-28-85, Amended 10-30-86, 10-1-88, 10-1-90, 11-29-93, 9-30-96, 1-1-98, Formerly 46-23.002.

68B-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, hook and line gear, or by spearing, is prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-28-85, Amended 10-30-86, 12-10-87, 10-1-88, 2-16-93, 11-29-93, 9-30-96, 1-1-98, Formerly 46-23.003.

68B-23.0035 Size Limit.

(1) No person shall harvest from state waters, possess while in or on state waters, or land any Spanish mackerel with a fork length less than 12 inches, measured from the tip of the snout to the rear center edge of the tail.

(2) All Spanish mackerel 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 Spanish mackerel that has been deheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned is prohibited. Mere evisceration or "gutting" of Spanish mackerel, or mere removal of gills before landing is not prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-1-99, Formerly 46-23.0035.

68B-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 commercial vessel limits effective during segments of the season as follows:

1. Beginning on April 1 and continuing through November 30 of each year, no person harvesting Spanish mackerel for commercial purposes shall harvest or land from a single vessel in any one day more than 3,500 pounds of Spanish mackerel. During this season segment, the possession of more than 3,500 pounds of Spanish mackerel aboard a single vessel in or on state waters at any time, is prohibited.

2. Beginning December 1 of each year, until the date the unlimited harvest of Spanish mackerel in adjacent federal Exclusive Economic Zone (EEZ) waters is closed:

a. On Monday through Friday during this period, no person harvesting Spanish mackerel for commercial purposes shall harvest in any one day from state waters of this region, or possess at any time while fishing in state waters of this region, more than 3,500 pounds of Spanish mackerel.

b. On Saturday through Sunday during this period, no person harvesting Spanish mackerel for commercial purposes shall harvest in any one day from state waters of this region, or possess at any time while fishing in state waters of this region, more than 1,500 pounds of Spanish mackerel.

3. A limit of 1,500 pounds of Spanish mackerel per vessel per day shall apply from the date the unlimited harvest of Spanish mackerel is closed in adjacent federal Exclusive Economic Zone (EEZ) waters until the date the commercial vessel limit in such federal waters is reduced to 500 pounds of Spanish mackerel. During this season segment, no person shall 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 1,500 pounds of Spanish mackerel.

4. A limit of 500 pounds of Spanish mackerel per vessel per day shall apply from the date the 1500-pound season segment ends until the end of the season on March 31. During this season segment, no person shall 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 500 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 Executive Director of the Fish and Wildlife Conservation Commission in the manner provided in s. 120.81(5), 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 Commission pursuant to Florida's Marine Fisheries Information System, Chapter 68E-5, F.A.C., and the National Marine Fisheries Service (NMFS). The count shall be conducted by the Fishery Statistics Section of the Florida Marine Research Institute, 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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. 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, 1-1-98, Formerly 46-23.004, Amended 1-1-01.

68B-23.005 Recreational Bag Limit for Spanish Mackerel.

(1) No recreational harvester shall harvest more than 15 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 15 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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-30-86, Amended 12-10-87, 10-1-88, 10-1-90, 11-26-92, 2-14-94, 1-1-98, Formerly 46-23.005, Amended 7-1-00.

68B-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.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-30-86, Amended 10-1-88, Formerly 46-23.006, Amended 6-1-99.

CHAPTER 68B-24 SPINY LOBSTER (CRAWFISH) AND SLIPPER LOBSTER

68B-24.001	Purpose and Intent.
68B-24.002	Definitions.
68B-24.003	Minimum Size Limits.
68B-24.004	Bag Limit.
68B-24.0045	Importation of Spiny Lobster; Documentation and Other Requirements.
68B-24.005	Seasons.
68E-24.0055	Commercial Licensing Requirements.
68B-24.006	Gear: Traps, Buoys, Identification Requirements, Prohibited Devices.
68B-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.
68B-24.007	Other Prohibitions.
68B-24.008	Slipper Lobster; Prohibitions Relating to Eggbearing Slipper Lobster.
68B-24.009	Trap Reduction Schedule.

68B-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 Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, and Chapter 85-163, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, and Chapter 85-163, Laws of Fla. History—New 7-2-87, Amended 7-2-90, 3-1-92, 6-1-94, 10-4-95, Formerly 46-24.001.

68B-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 Fish and Wildlife Conservation Commission. 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 Fish and Wildlife Conservation Commission.

(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" means those certificates allotted by the Fish and Wildlife Conservation Commission 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 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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-2-87, Amended 7-2-90, 3-1-92, 6-1-94, 10-4-95, Formerly 46-24.002.

68B-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 5 1/2 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 Fish and Wildlife Conservation Commission may harvest and possess, while on the water, undersized spiny lobster not exceeding 50 per boat and 1 per trap aboard each boat 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 3/4 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 68B-24.0045, F.A.C., 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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-2-87, Amended 7-2-90, 3-1-92, 6-1-94, Formerly 46-24.003, Amended 7-9-02.

68B-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 68B-24.005, F.A.C., 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 68B-24.005, F.A.C., 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 68B-24.0065, F.A.C., 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 Fish and Wildlife Conservation Commission pursuant to Section 370.063, Florida Statutes, shall harvest in any one day during the regular season specified in subsection 68B-24.005(1), F.A.C., more than 50 spiny lobster; provided, however, when one or more persons possessing a valid special recreational crawfish license are aboard a single vessel in or on state waters, together with any number of regular recreational harvesters, no more than 50 spiny lobster shall be possessed aboard such vessel.

(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 68B-24.0045, F.A.C.;

(b) Possesses a current valid crawfish license or trap number issued by the Fish and Wildlife Conservation Commission 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 Fish and Wildlife Conservation Commission pursuant to Section 370.063, Florida Statutes.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-2-87, Amended 7-2-90, 7-1-92, 6-1-94, 10-4-95, Formerly 46-24.004, Amended 7-9-02.

68B-24.0045 Importation of Spiny Lobster; Documentation and Other Requirements.

(1) Documentation Requirements During Open Season – During the open season specified in subsection 68B-24.005(1), F.A.C., a person may possess wrung spiny lobster tails or possess spiny lobster in excess of the bag limit specified in subsection 68B-24.004(1), F.A.C., 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.

(2) Sale of Imported Spiny Lobster During the Closed Season, Documentation – Notwithstanding the provisions of Sections 370.14(7)-(9), Florida Statutes, spiny lobster tails that have been imported into Florida from a foreign country may be sold during the closed harvesting season of April 1 through August 5 of each year, if such spiny lobster tails are accompanied with the appropriate receipts(s), bill(s) of sale, or bill(s) of lading to show that the spiny lobster were harvested and purchased in a foreign country and are entering the state in international commerce. Such documentation shall accompany the lobster through retail or restaurant sale. 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.

(3) Each spiny lobster imported pursuant to this rule shall comply with the minimum size requirements specified in subsection 68B-24.003(1), F.A.C., and the prohibitions relating to eggbearing spiny lobster specified in subsection 68B-24.007(1), F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-2-90, Amended 10-4-95, Formerly 46-24.0045, Amended 6-2-02.

68B-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 Commission 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 Pennekamp Coral Reef State Park, pursuant to Rule 68B-24.0065, F.A.C.

(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 Fish and Wildlife Conservation Commission 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 Commission’s 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 Commission's Division of Law Enforcement. This provision shall be in addition to any penalty imposed by law.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-2-87, Amended 7-2-90, 3-1-92, 7-1-92, 6-1-94, Formerly 46-24.005.

68B-24.0055 Commercial Licensing Requirements.

Section 370.14, Florida Statutes, requires each person using traps to harvest spiny lobster or taking spiny lobster in commercial quantities to purchase and possess a trap number, also known as a crawfish endorsement or crawfish license. A crawfish endorsement is hereby required to harvest spiny lobster for commercial purposes, and shall only be issued to a person, firm, or corporation that possesses a valid saltwater products license with a restricted species endorsement. "Harvest for commercial purposes" means the taking or harvesting of spiny lobster for purposes of sale or with intent to sell or in excess of established bag limits.

Specific Authority Art IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History--New 7-1-01.

68B-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. Beginning August 1, 2003, wire-reinforced wooden slat traps shall be constructed with wood slats that are a minimum of 1 1/4 inches wide, with a maximum spacing between slats of 2 1/4 inches.

(b) Plastic traps shall be no larger in dimension than 3 feet, by 2 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 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 1/2 inches. If the throat is round or square, the throat size shall not be smaller than 5 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. Each such trap shall also have firmly affixed thereto a current trap tag issued annually by the Commission. Traps with tags that are not firmly affixed by nails, staples, or otherwise securely fastened as may be provided by the Commission, shall be considered untagged for enforcement purposes. On each buoy, the affixed crawfish license or trap 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 Commission 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 Commission 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 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 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. Such permission shall be granted by the Division only upon receipt of a written statement signed by the commercial 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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-2-87, Amended 7-2-90, 3-1-92, 7-1-92, 6-1-94, 10-4-95, 9-30-96, 6-1-99, Formerly 46-24.006, Amended 7-1-01, 7-9-02.

68B-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 subsection 68B-24.005(2), F.A.C., 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 Fish and Wildlife Conservation 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 subsection 68B-24.005(1), F.A.C., 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:

1.	Name of Area	Plot Corner	North	West
			Latitude	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 68B-24.006, F.A.C., stone crabs as allowed by subsection 68B-13.002(2), F.A.C., or blue crab trap as allowed by subsection 68B-45.004(1), F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 6-1-94, Amended 10-4-95, Formerly 46-24.0065.

68B-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 68B-24.004, F.A.C.

(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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-2-87, Amended 7-2-90, 10-4-95, Formerly 46-24.007.

68B-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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-2-87, Amended 7-2-90, Formerly 46-24.008.

68B-24.009 Trap Reduction Schedule.

(1) Except as otherwise provided in this rule, beginning with the 2001-2002 license year, the maximum number of lobster trap certificates issued each season by the Commission pursuant to Section 370.142, Florida Statutes, shall be reduced each season by 4 percent from the total issued for the immediately previous season. These reductions shall be achieved through passive reductions pursuant to subsection (2). If in any year such passive reduction does not amount to 4 percent of available certificates, an active reduction shall be applied pursuant to subsection (3) to all lobster trap certificate holders to achieve the 4 percent target. If in any year, passive reductions pursuant to subsection (2) exceed 4 percent of available certificates, the number of certificates in excess of 4 percent shall be applied to meet the 4 percent reduction target for the following year. Once the number of lobster trap certificates is reduced through this passive/active mechanism to 400,000, there shall be no further reduction in the number of lobster trap certificates issued each year.

(2) Passive Reduction – Upon the sale or transfer of certificates outside the immediate family of the certificate holder, the number of certificates received by the purchaser shall be reduced by 25 percent. Additionally, certificates forfeited due to conviction for theft from a spiny lobster trap pursuant to Section 370.142(2)(c)3., Florida Statutes, or reverting to the Commission for nonpayment of certificate fees pursuant to Section 370.142(2)(c)7., Florida Statutes, shall be included as trap certificates passively reduced in a license year.

(3) Active Reduction – If the total passive reduction in lobster trap certificates pursuant to subsection (2) in any license year does not total 4 percent of the certificates available during that season, an additional reduction in the number of available certificates shall be made at the end of the season in the appropriate percentage to achieve the 4 percent target reduction for that year. This reduction shall be applied on a pro rata basis to all lobster trap certificate accounts.

(4) The term “immediate family” for purposes of this rule refers to a lobster trap certificate holder’s mother, father, sister, brother, spouse, son, daughter, step-father, step-mother, step-son, step-daughter, half-sister, or half-brother.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-1-92, Amended 6-1-94, 6-3-96, 3-5-97, Formerly 46-24.009, Amended 6-29-00, 7-1-01.

CHAPTER 68B-25 TAMPA BAY

- 68B-25.001 Tampa Bay Park; Purpose; Closure of Certain Waters to Net Gear.
- 68B-25.002 E. G. Simmons Park; Closure of Park Waters to Net Gear.
- 68B-25.003 Old Tampa Bay: Repeal of Local Laws; Prohibition of Certain Gear.

68B-25.001 Tampa Bay Park; Purpose; Closure of Certain Waters to Net Gear.

(1) The purpose of this rule is to minimize user group conflicts within the boundaries of Tampa Bay Park in Hillsborough County, while maintaining reasonable access by all user groups to the marine resources in the waters of that park.

(2) The following waters of Old Tampa Bay in Hillsborough County are closed to the harvest of all fishes by net, excluding the use of common hand cast nets:

The waters of all creeks, canals, bayous, tributaries, bays, and inlets and all waters within 100 yards of the mouths of such bodies of water, between the southeast side of the mouth of Rocky Creek to the northwest side of the mouth of Double Branch Creek.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-9-87, Formerly 46-25.001.

68B-25.002 E. G. Simmons Park; Closure of Park Waters to Net Gear.

(1) The waters of E. G. Simmons Park in Hillsborough County are closed to the harvest of all fishes by net, excluding the use of common hand cast nets or hand-held landing or dip nets. The possession of any net, other than a common hand cast net or hand-held landing or dip net, within the park is prohibited.

(2) "E. G. Simmons Park" or "park," as used in this rule, means all land and water lying within the boundaries of E. G. Simmons Park in Hillsborough County as marked by the Hillsborough County Parks and Recreation Department.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-1-88, Formerly 46-25.002.

68B-25.003 Old Tampa Bay: Repeal of Local Laws; Prohibition of Certain Gear.

(1) Chapter 15379, Laws of Florida (1931), as amended by Chapter 18740, Laws of Florida (1937), a rule of the Department of Natural Resources pursuant to paragraph (5)(a) of section 2 of Chapter 83-134, Laws of Florida, is hereby repealed. The Marine Fisheries Commission has determined that repeal of this law affecting Pinellas and Hillsborough Counties, in conjunction with adoption of the substantive portions of this rule will not adversely affect the marine resources of the two counties or of the State of Florida.

(2) No person shall harvest any fish in and on the waters of Old Tampa Bay north of the Gandy Bridge, including any creek or bayou emptying into such waters, except with the following gear:

- (a) Hook and line gear.
- (b) Landing or dip net.
- (c) Cast net.
- (d) Gill or trammel net.
- (e) A crab trap specifically allowed by Rule 68B-13.002, F.A.C., or s. 370.135, Florida Statutes.
- (f) A shrimp trap specifically allowed by s. 370.15(5), Florida Statutes.

Specific Authority Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New 1-1-90, Formerly 46-25.003.

CHAPTER 68B-26 SOUTHWEST FLORIDA SHELLS

- 68B-26.002 Definitions.
68B-26.003 Live Shellfish, Regulation.

68B-26.002 Definitions.

As used in this chapter:

- (1) "City of Sanibel" means the municipality created by Chapter 74-606, Laws of Florida, with corporate limits as specified therein.
- (2) "Live shellfish" means any living mollusk (*Phylum Mollusca*) or echinoderm (*Phylum Echinodermata*), excluding oysters (*Crassostrea virginica*), hard clams (*Mercenaria* spp.), and sunray venus clams (*Macrocallista nimbosa*), bay scallops (*Argopecten irradians*), and coquinas (*Genus Donax*).
- (3) "Harvest" means the catching or taking of live shellfish by any means whatsoever, followed by a reduction of such shellfish to possession. Temporary possession of a shell for the purpose of determining whether it contains a live shellfish shall not constitute harvest, so long as such shellfish is not harmed in any manner.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-15-87, Amended 9-1-93, 1-1-95, Formerly 46-26.002.

68B-26.003 Live Shellfish, Regulation.

- (1) Lee County Live Shellfish Restrictions – No person shall:
 - (a) Harvest any live shellfish within Lee County.
 - (b) Possess, in Lee County between the mean high water line and the county limits in the Gulf of Mexico, any live shellfish at any time.
- (2) Manatee County Live Shellfish Restrictions – Except as provided in subsection (3), beginning July 1, 1996, no person shall:
 - (a) Harvest more than 2 live shellfish of any single species, per day, within Manatee County.
 - (b) Possess, in that area of Manatee County between the mean high water line and the seaward extent of state waters within the county, more than two live shellfish of any single species at any time.
- (3) Pursuant to Section 370.10(2), Florida Statutes, the Fish and Wildlife Conservation Commission may issue permits to harvest or possess more live shellfish of any single species within Lee County or Manatee County than provided for in subsections (1) and (2) of this rule, for experimental, scientific, or exhibitional purposes.
- (4) It is lawful to harvest any shell within Lee County or within Manatee County, so long as such shell does not contain any live shellfish at the time of harvest and so long as a live shellfish is not killed, mutilated, or removed from its shell prior to such harvest.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-15-87, Amended 9-1-93, 1-1-95, 4-1-96, Formerly 46-26.003, Amended 8-3-00, 2-28-02.

CHAPTER 68B-27 OYSTERS

- 68B-27.013 Definitions.
- 68B-27.014 Statewide Bag Limits on Oyster Harvesting.
- 68B-27.015 Oyster Size Limit.
- 68B-27.016 Oyster Harvest Monitoring.
- 68B-27.017 Apalachicola Bay Oyster Harvesting Restrictions.
- 68B-27.018 Statewide Harvesting Restrictions.
- 68B-27.019 Seasons.
- 68B-27.020 Applicability to Oysters on Leased Parcels.

68B-27.013 Definitions.

As used in this chapter:

- (1) "Apalachicola Bay" or "Bay" means all waters within St. George Sound, East Bay, Apalachicola Bay, St. Vincent Sound in Franklin County, and Indian Lagoon in Gulf County, including canals, channels, rivers, and creeks.
- (2) "Bag" means any container holding an amount of culled shellstock equal to the volume of two five-gallon buckets, one ten-gallon bucket, or sixty pounds.
- (3) "Certified oyster house" means a shellfish shipper, repacker, shucker-packer, or depuration processor who possesses a shellfish processing plant certification license from the Department.
- (4) "Closed area" means any area in which the taking or harvesting of oysters is prohibited pursuant to any applicable rule, order or other action of the Department or the Florida Fish and Wildlife Conservation Commission.
- (5) "Commission" means the Florida Fish and Wildlife Conservation Commission.
- (6) "Cull" means to sort oysters immediately after they are taken out of the water, discarding oysters which are not of legal size, and cleaning mud, bedding shell, and other debris off of those retained that are legal size. Culling takes place over the bar from which the oysters were harvested and includes replacing and scattering all undersize oysters and bedding shell on the reefs from which the oysters were taken.
- (7) "Department" means the Florida Department of Agriculture and Consumer Services.
- (8) "Harvest" means the taking of oysters by any means whatsoever, followed by a reduction of such oysters to possession. Oysters that are taken but immediately returned to the water free, alive, and unharmed, are not harvested. In addition, temporary possession of oysters for the purpose of culling shall not constitute harvesting such oysters, provided that, after culling, they are immediately returned to the water, free, alive, and unharmed if undersize.
- (9) "Harvest for commercial purposes" means to harvest oysters with the intent to sell. Sale of oysters in any amount shall automatically result in such oysters being characterized as commercially harvested.
- (10) "Harvest for recreational purposes" means to harvest oysters for personal consumption only.
- (11) "Oyster" means any wild or feral mollusk of the species *Crassostrea virginica*.
- (12) "Shellstock" means shellfish which remain in their shells.
- (13) "Tolerance" means the allowable deviation in size from size limits prescribed in this chapter.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 3-10-91, Amended 11-29-93, 11-27-96, Formerly 46-27.013.

68B-27.014 Statewide Bag Limits on Oyster Harvesting.

- (1) Commercial Bag Limit.
 - (a) Except as provided in paragraph (b), in all counties of the state, no person shall harvest or take for commercial purposes more than twenty (20) bags of oysters per person or vessel, whichever is less, per day.
 - (b) Beginning October 1 each year and continuing through June 30 of the following year, in Apalachicola Bay, each person who harvests or takes oysters for commercial purposes shall be subject to a bag limit of twenty (20) bags of oysters per day. On any vessel in the bay during this period, a vessel limit equal to twenty (20) bags of oysters times the number of persons aboard the vessel harvesting or taking oysters for commercial purposes shall apply and possession of more than this number of bags of oysters aboard such a vessel in the bay is prohibited. Paragraph (a) shall apply in Apalachicola Bay to all commercial harvesters during the rest of the year.
- (2) In all counties of the state, no person harvesting oysters for recreational purposes shall possess more than two (2) bags per person or vessel, whichever is less, per day. The possession of more than two bags of oysters per person or vessel, whichever is less, per day by such a harvester shall constitute a violation of this rule.
- (3) No person shall harvest for recreational and commercial purposes within any one day.
- (4) When vessels are connected in any way, for example by towing, no person shall claim more than one bag limit for all vessels so connected.
- (5) Possession of oysters in excess of the applicable bag limit aboard a vessel harvesting oysters in or on the waters above any public oyster bed is prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-10-91, Amended 11-29-93, 7-15-96, Formerly 46-27.014, Amended 6-1-99.

68B-27.015 Oyster Size Limit.

(1) Except as provided in subsection (3) of this rule, no person shall harvest, possess while in or on the waters of the state, or land, any oyster less than three (3) inches in greatest dimension. Oysters which are three (3) inches or more in greatest dimension shall be legal size.

(2) Each person harvesting oysters from the waters of this state shall cull such oysters, unless otherwise provided in this chapter, or unless otherwise permitted by the Department for the purpose of planting or relaying as provided by law.

(3) Tolerances. There shall be two types of tolerances allowed with regard to the size of oysters harvested in or on waters of the state.

(a) Tolerance for Attached Oysters. In instances in which culled oysters less than three (3) inches in greatest dimension are attached to legal size oysters such that to separate them would destroy either oyster, a person may harvest, possess while in or on the waters of the state, and land such undersize attached oysters provided that such oysters number no more than 15% of the oysters in any bag or equivalent container. The legal size oysters to which the undersize oysters are attached shall be counted separately from the attached oysters.

(b) Tolerance for Individual, Unattached Oysters. A person may harvest, possess while in or on the waters of the state, and land oysters less than three (3) inches in greatest dimension, provided, that such oysters number no more than 5% of the oysters in any bag or equivalent container.

(4) For purposes of this rule, the term “land” means the physical act of bringing harvested oysters ashore.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-10-91, Formerly 46-27.015, Amended 10-7-01.

68B-27.016 Oyster Harvest Monitoring.

(1) All persons harvesting oysters for commercial purposes from areas where monitoring stations are in operation shall:

- (a) Before leaving the waters of these areas, pass through a monitoring station;
- (b) Before arriving at a monitoring station, place all oysters on board their vessels in bags;
- (c) Place all bags containing oysters in plain view on their vessel(s); and
- (d) Declare all oysters on board for inspection.

(2) In water bodies where monitoring stations have been established, the harvest or possession on the water of oysters is prohibited from the posted daily closing time of the station until official sunrise the following day, as established by the U.S. Weather Service.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-10-91, Amended 11-29-93, Formerly 46-27.016.

68B-27.017 Apalachicola Bay Oyster Harvesting Restrictions.

In addition to all other provisions of this chapter, the following provisions shall apply to Apalachicola Bay:

- (1) No person shall harvest or take oysters for commercial purposes from the waters of Apalachicola Bay:
 - (a) On any Friday or Saturday from July 1 through September 30 of each year.
 - (b) On any Saturday or Sunday from October 1 through November 15 of each year.

(2)(a) Except as provided in paragraph (b) and when Apalachicola Bay is not closed for public health purposes, oysters may be harvested in the bay for commercial purposes any day of the week during the period beginning on November 16 each year and continuing through June 30 of the following year.

(b) If during the period specified in paragraph (a), the Department's Shellfish Assessment and Enhancement Section, through its regular monitoring of the abundance of oyster resources on Cat Point Bar and East Hole Bar in the bay, through the Standard Resource Management Protocol (a scale based on scientific sampling that provides a predictive index of the number of oysters available for harvest), establishes that such resources cannot sustain a harvest of 300 bags of oysters per acre, the harvest of oysters for commercial purposes from the bay on Saturday and Sunday of each week for the remainder of the period is prohibited. The Commission shall give notice of such weekend closure in the manner provided in Section 120.81(5), Florida Statutes. The weekend closure shall begin no sooner than one week following such notice.

(3) Harvesting oysters for recreational purposes as provided in Rule 68B-27.014, F.A.C., shall be permitted on any day provided the Bay is not closed for public health reasons.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-10-91, Amended 11-29-93, Formerly 46-27.017, Formerly 46-27.017, Amended 6-1-99.

68B-27.018 Statewide Harvesting Restrictions.

(1) Transport and sale of oysters taken intentionally or as bycatch from public oyster reefs using trawling devices or any device towed or operated from a vessel under power or sail shall be prohibited. Oysters taken as bycatch in this manner shall be returned as soon and as reasonably close to public beds from which they were taken as is possible.

(2) Oysters may be harvested by hand, while diving, swimming, leaning from vessels, or wading, and by tongs.

(3) The harvest of oysters between sunset and sunrise, as established by the U.S. Weather Service, from the public reefs or from private bedding grounds is prohibited, except as provided in subsection 68B-27.016(2), F.A.C., in areas where monitoring stations have been established.

(4) The use of any dredge, drag, scrape, or other mechanical device other than ordinary hand tongs in harvesting oysters for any purpose from public oyster beds in state waters is prohibited.

(5) The possession of any dredge, drag, scrape, or other mechanical device other than ordinary hand tongs in or on the waters above any public oyster bed is prohibited.

(6) Ordinary hand tongs may be stowed in moored vessels from sundown until sunrise provided said vessels are not moored on or in waters above any public oyster bed or privately controlled or owned bottoms.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-10-91, Formerly 46-27.018.

68B-27.019 Seasons.

(1) In all areas of the state, no person shall harvest oysters on the public reefs of this state, or have such oysters in possession, from July 1 through September 30 of each year, except in the following areas or circumstances:

(a) In Apalachicola Bay, the harvest or possession of oysters on the public reefs is allowed from July 1 through September 30 of each year only in the areas specified in paragraph 68D-7.005(6)(c), F.A.C.

(b) As otherwise provided in this chapter or in Section 370.16, Florida Statutes.

(c) In Wakulla, Dixie, and Levy Counties, no person shall harvest or possess oysters on public reefs from June 1 through August 31 each year.

(2) The possession of oysters during the closed seasons specified in this chapter constitutes a violation of this rule.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-10-91, Amended 10-3-94, 7-15-96, Formerly 46-27.019.

68B-27.020 Applicability to Oysters on Leased Parcels.

The harvest of oysters from submerged lands which have been leased for shellfish culture by the State of Florida shall be carried out in compliance with all the provisions of this chapter unless the harvest is exempted from such compliance by specific provisions in valid lease(s) applicable to particular parcels in question.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-10-91, Formerly 46-27.020.

CHAPTER 68B-28 SPONGES

- 68B-28.002 Definitions.
- 68B-28.003 Diving: Open and Closed Areas.
- 68B-28.0035 Commercial Sponge Size Limit.
- 68B-28.0036 Recreational Bag Limit; commercial Licensing Requirements.
- 68B-28.004 Biscayne National Park: Harvest of Sponges Prohibited.

68B-28.002 Definitions.

(1) "Diving" means wholly or partially submerging oneself in the water, either equipped with a face mask or snorkel or underwater breathing apparatus. "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 the water is able to obtain or reuse air or any other gas or gases for breathing without returning to the surface of the water.

(2) "Land," when used in conjunction with the harvest of a sponge, means the physical act of bringing the harvested sponge ashore.

(3) For purposes of this rule chapter and Section 370.17, Florida Statutes:

(a) "Sponge" means any animal of the Phylum Porifera.

(b) "Commercial sponge" means any animal of the Order Dictyoceratida. This Order includes the sheepswool, yellow, grass, glove, finger, wire, reef, and velvet sponges.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-1-88, Amended 5-5-91, Formerly 46-28.002.

68B-28.003 Diving: Open and Closed Areas.

(1) The taking of commercial sponges by diving is prohibited in all waters of the State of Florida, except as allowed in subsections (2) and (3).

(2) The taking of commercial sponges by diving is allowed in all state waters north of a line extended due west from the southernmost point of Egmont Key, northward and westward to the north-south line represented by 840 W. longitude, which meets the coast near Cabell Point on the eastern border of Jefferson County.

(3) The taking of commercial sponges by diving is allowed in all state waters beyond three nautical miles from the shoreline south of a line extended due west from the southernmost point of Egmont Key, southward and eastward to a line extended due west from the coastal boundary between Monroe and Collier Counties (25°, 48 min. N. latitude).

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-1-88, Amended 10-1-90, Formerly 46-28.003.

68B-28.0035 Commercial Sponge Size Limit.

Notwithstanding the provisions of Section 370.17(3), Florida Statutes, no person shall harvest in or from the waters of the state, possess while in or on the waters of the state, land, or sell any commercial sponge, or piece thereof, measuring, when wet, less than 5 inches in greatest dimension, measured across the top of the sponge.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 5-13-02.

68B-28.0036 Recreational Bag Limit; Commercial Licensing Requirements.

(1) Beginning July 1, 2002, except as provided in subsection (2), no person shall harvest within or without the waters of the state in any one day, possess while in or on the waters of the state, or land more than 10 pieces of commercial sponge.

(2) Beginning July 1, 2002, no person shall harvest within or without the waters of the state, possess while in or on the waters of the state, or land more pieces of commercial sponge than the amount specified in subsection (1), or sell any commercial sponge, unless such person possesses a valid saltwater products license with a sponge endorsement.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 5-13-02.

68B-28.004 Biscayne National Park: Harvest of Sponges Prohibited.

(1) Beginning December 1, 1991:

(a) No person shall harvest any sponge in or from the waters of Biscayne National Park.

(b) No person shall possess any sponge within Biscayne National Park.

(c) No person shall land any sponge harvested in or from the waters of Biscayne National Park.

(2) For purposes of this rule chapter, "Biscayne National Park" means all waters lying within the boundaries of Biscayne National Park, whether within or without the waters of the State of Florida, described as follows:

Beginning at the northwest corner of Section 35, Township 55 South, Range 40 East, Tallahassee Meridian;

Thence easterly 1,978.35 feet, more or less, along the north line of said Section 35 to a point on the center line of Old Cutler Road, as shown on Sheet 11 of 14 Sheets of Part Three of the drawings titled Metropolitan Dade County, Florida, Bulkhead Line, and recorded in Plat Book No. 74, Page 3 of the Public Records of Dade County, Florida, February 23, 1962;

Thence southwesterly 2,700 feet, more or less, along the center line of said Old Cutler Road to a point, said point being the intersection with the center line of S. W. 176 Street;

Thence easterly along the extension of the center line of S. W. 176 Street bearing North 87° 39' 08" East, 700 feet, more or less, to the Point of Beginning;

Thence South 80° 53' 53" East, 30,000 feet, more or less, to a point on the Intracoastal Waterway;

Thence northeasterly along the Intracoastal Waterway 28,950 feet, more or less, to a point of intersection with Latitude 25° 40' 16" North;

Thence east along the Parallel at Latitude 25° 40' 16" North 6,600 feet, more or less, to a point on the southwest side of a cable area lying generally South of Cape Florida (said cable area shown on the National Oceanic and Atmospheric Administration Nautical Chart 11451);

Thence southeasterly along the southwest side of the cable area 18,000 feet, more or less, to a point where the southwest line of said cable area deflects to the right (said point being approximately at Latitude 25° 38' 40" North);

Thence east 14,000 feet, more or less, to a point of intersection with the 10 fathom line (water depth of 60 feet);

Thence southerly along the 10 fathom line (60 foot depth curve line), 133,000 feet, more or less, to a point on the North line of the Key Largo Coral Reef Marine Sanctuary (also known as John Pennekamp Coral Reef State Park), at Latitude 25° 17' 36" North, Longitude 80° 10' 00" West;

Thence northwesterly along the boundary of the Preserve and State Park 21,000 feet, more or less, to Latitude 25° 20' 06" North, Longitude 80° 12' 36" West;

Thence southwesterly 9,400 feet, more or less, to a point on the Monroe-Dade County line at Latitude 25° 19' 55" North, Longitude 80° 14' 18" West;

Thence northwesterly 11,100 feet, more or less, along the meanderings of said County line to a point in Broad Creek, located about mid-channel between Swan Key and the easternmost tip of Broad Key, Latitude 25° 21' 04" North, Longitude 80° 15' 25" West;

Thence northwesterly 10,350 feet, more or less, to a point adjacent to flashing red light marker "14" in Card Sound at the south end of the Intracoastal Waterway Channel through Cutter Bank, Latitude 25° 21' 58" North, Longitude 80° 17' 01" West;

Thence continue across the open waters of Card Sound North 77° 00' 00" West 16,400 feet, more or less, to a point on the west line of Section 15, Township 58 South, Range 40 East. Said west line also being a portion of the western boundary of the Turkey Point Wilderness Area as established by an agreement entitled "Deed", recorded in Book 7624, Page 457-464 of the Official Records of Dade County, Florida, March 22, 1972;

Thence northerly along the west line of Section 15, Section 10, and Section 3 to a point, said point being the northwest corner of Section 3, all in Township 58 South, Range 40 East. The west line of Section 15, Section 10, and Section 3 also being a portion of the western boundary of the Turkey Point Wilderness Area;

Thence easterly along the north line of Section 3, Township 58 South, Range 40 East, passing Turtle Point, over the waters of Biscayne Bay, passing the Metropolitan Dade County, Florida, Bulkhead Line to a point on a line 350 feet easterly of and parallel to the Metropolitan Dade County, Florida, Bulkhead Line as shown on Sheet 6 of 12 Sheets of Part Five of the drawings titled Metropolitan Dade County, Florida, Bulkhead Line, and recorded in Plat Book No. 74, Page 5 of the Public Records of Dade County, Florida, May 10, 1963. The north line of Section 3, Township 58 South, Range 40 East, also being the north boundary of the Turkey Point Wilderness Area;

Thence northerly along line 350 feet easterly of and parallel to the Metropolitan Dade County, Florida, Bulkhead Line (as shown on Sheets 5 and 6 of 12 Sheets of Part Five of the drawings titled Metropolitan Dade County, Florida, Bulkhead Line, and recorded in Plat Book No. 74, Page 5 of the Public Records of Dade County, Florida, May 10, 1963), passing and going around Turkey Point to the intersection with a line being the extension eastward of the south boundary of Homestead Bayfront Park;

Thence westerly along the south line of Homestead Bayfront Park to the southwest corner thereof;

Thence northerly along the west line of Homestead Bayfront Park to the northwest corner of said park, also being the southwest corner of Section 9, Township 57 South, Range 40 East;

Thence easterly along the north line of Homestead Bayfront Park (also the south line of Section 9, Township 57 South, Range 40 East), 1,870 feet, more or less, to a point;

Thence North 00° 35' 00" West, 4,080 feet, more or less, to a point;

Thence North 04° 35' 00" West, 3,360 feet, more or less, to a point;

Thence North 17° 05' 00" East, 1,995 feet, more or less, to a point;

Thence North 39° 10' 00" East, 2,260 feet, more or less, to a point;

Thence North 18° 25' 00" West, 1,080 feet, more or less, to a point;

Thence North 17° 20' 00" East, 2,820 feet, more or less, to a point;

Thence North 03° 00' 00" East, 3,500 feet, more or less, to a point;

Thence North 17° 45' 00" East, 3,380 feet, more or less, to a point on the southwesterly bank of Goulds Canal;

Thence southeasterly along the southwesterly bank of Goulds Canal 2,200 feet, more or less, to a point;

Thence northeasterly crossing Goulds Canal to a point on a tip of land being the southeasterly-most tip of a triangular shaped parcel of land lying between Goulds Canal and Black Creek (also known as C-1 Canal);

Thence northwesterly following the northeastern shoreline of the above-mentioned triangular shaped parcel of land 300 feet, more or less, to a point;

Thence North 45° 15' 00" East, 525 feet, more or less, to a point;

Thence North 32° 00' 00" West, 2,980 feet, more or less, to a point;

Thence North 0° 30' 00" West, 640 feet, more or less, to a point;

Thence northeasterly to a point on the north line of Section 22, Township 56 South, Range 40 East, said point being 3,330 feet East of the northwest corner of Section 22, Township 56 South, Range 40 East;

Thence easterly along the north line of Section 22 to the Northwest corner of Section 23, Township 56 South, Range 40 East;

Thence easterly along the north line of said Section 23, 460 feet, more or less, to a point;

Thence North 17° 54' 00" East, 2,780 feet, more or less, to a point on the north line of the south half of Section 14, Township 56 South, Range 40 East;

Thence North 14° 25' 00" East, 320 feet, more or less, to a point;

Thence North 09° 25' 00" East, 980 feet, more or less, to a point;

Thence North 00° 50' 00" West, 1,045 feet, more or less, to a point;

Thence North 14° 00' 00" East, 255 feet, more or less, to a point;

Thence North 25° 45' 00" East, 600 feet, more or less, to a point;

Thence North 16° 50' 00" East, 495 feet, more or less, to a point;

Thence North 27° 00' 00" East, 255 feet, more or less, to a point;

Thence North 26° 25' 00" East, 1,050 feet, more or less, to a point;

Thence North 22° 25' 00" East, 640 feet, more or less, to a point;

Thence North 08° 15' 00" East, 410 feet, more or less, to a point;

Thence North 07° 10' 00" West, 460 feet, more or less, to a point;

Thence North 14° 45' 00" West, 440 feet, more or less, to a point;

Thence North 19° 50' 00" West, 260 feet, more or less, to a point;

Thence North 30° 06' 00" West, 1,235 feet, more or less, to a point;

Thence North 00° 06' 00" West, 1,410 feet, more or less, to a point;

Thence North 55° 52' 30" West, 590 feet, more or less, to a point;

Thence North 05° 45' 00" East, 1,980 feet, more or less, to a point;

Thence North 16° 45' 00" West, 950 feet, more or less, to a point;

Thence North 88° 40' 00" East, 470 feet, more or less, to a point;

Thence North 05° 00' 00" West, 2,035 feet, more or less, to a point on the south line of Section 35, Township 55 South, Range 40 East;

Thence North 06° 07' 30" East, 2,900 feet, more or less, to a point, the Point of Beginning.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 5-5-91, Formerly 46-28.004.

CHAPTER 68B-29 SARDINES

- 68B-29.002 Definitions.
68B-29.003 Commercial Fishing Season and Harvest Limits for Sardines in the West Central Florida Region; Extraordinary Harvest Limitations.
68B-29.004 Prohibition of Commercial Sardine Harvest in Tampa Bay Area.

68B-29.002 Definitions.

(1) "Commercial harvest," when used in connection with the harvest of sardines, means harvest for purposes of sale or with intent to sell. Use of a net or seine to harvest sardines, other than with a cast net or haul or beach seine less than 100 feet in length, shall constitute harvest for commercial purposes.

(2) "Harvest" means the catching or taking of a fish by any means whatever, 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.

(3) "Sardine" means any fish of the species *Sardinella aurita*, commonly known as Spanish sardine, or *Sardinella brasiliensis*, commonly known as orangespot sardine, or any part thereof.

(4) "West Central Florida Region" means the state waters of Pinellas, Hillsborough, and Manatee Counties.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 4-1-89, Amended 7-15-96, Formerly 46-29.002.

68B-29.003 Commercial Fishing Season and Harvest Limits for Sardines in the West Central Florida Region; Extraordinary Harvest Limitations.

(1) The fishing season for commercial harvest of sardines in the West Central Florida Region shall open on April 1 of each year and close on March 31 of the following year, unless closed earlier pursuant to subsection (2).

(2) If the total commercial harvest of sardines in the West Central Florida Region during a particular season, counted as provided in subsection (3), is projected to reach 4,100,000 pounds before March 31, the sardine season for the region shall be closed on the date such harvest is projected to reach that amount, by the Executive Director of the Fish and Wildlife Conservation Commission upon notice and in the manner provided in s. 120.81(5), Florida Statutes.

(3) The total commercial harvest of sardines in the West Central Florida Region during a particular commercial fishing season shall consist of those sardines commercially harvested by all forms of gear from waters of the West Central Florida region and waters of the federal Exclusive Economic Zone (EEZ) contiguous to such waters, based on projections from official statistics collected and maintained by the Fish and Wildlife Conservation Commission pursuant to Florida's Marine Fisheries Information System, Chapter 68D-5, F.A.C. The count shall begin with sardines commercially harvested on and after April 1 and continue until March 31 of the following year or until the harvest limit prescribed in subsection (2) is reached, whichever occurs first.

(4) If the commercial fishing season for sardines is closed in the region prior to March 31 pursuant to subsection (2), a limit of 500 pounds of sardines per vessel per day shall apply in the region from the date of such closure through the following March 31.

(5) Notwithstanding subsections (1) through (4) of this rule and until the repeal of this subsection, a limit of 500 pounds of sardines per vessel per day shall apply in the West Central Florida Region. No person shall possess while in or on the waters of the region aboard a single vessel, or land within the region from a single vessel during a single day, more than 500 pounds of sardines. This subsection shall not be construed to prohibit the possession of more than 500 pounds of frozen or partially frozen processed packaged sardines for use as bait or the transiting of state waters with such bait to fish in federal Exclusive Economic Zone (EEZ) waters adjacent to the region. It is the intent of the Fish and Wildlife Conservation Commission to continue the 500-pound daily vessel limit established by this subsection until the Commission has made a finding that sardines in the West Central Florida Region have recovered to the extent that a higher, safe level of harvest is advisable.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 4-1-89, Amended 1-1-91, 1-1-95, Formerly 46-29.003.

68B-29.004 Prohibition of Commercial Sardine Harvest in Tampa Bay Area.

No person shall engage in the commercial harvest of sardines at any time in the following described area:

All waters of Pinellas, Hillsborough, and Manatee Counties east of a line 500 yards 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.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 4-1-89, Formerly 46-29.004.

CHAPTER 68B-30 KING MACKEREL - ATLANTIC FISHERY

- 68B-30.001 King Mackerel Atlantic Fishery; Purpose and Intent; Designation as Restricted Species.
- 68B-30.002 Definitions.
- 68B-30.0025 Size Limit.
- 68B-30.003 Commercial Harvest Limits; Recreational Bag Limit; Gear Specifications.
- 68B-30.004 Seasons.
- 68B-30.006 Other Prohibitions.

68B-30.001 King Mackerel Atlantic Fishery; Purpose and Intent; Designation as Restricted Species.

(1) The purpose and intent of this chapter are to protect, manage, conserve, and replenish Florida's Atlantic Group of king mackerel, species *Scomberomorus cavalla*. The chapter is intended to complement Rule Chapter 68B-12, F.A.C., which regulates the Gulf-Atlantic King Mackerel fishery. Initial measures to reduce fishing pressure on the Atlantic group of king mackerel include special bag limits, bag limits for other harvesters, and season closure for harvesters fishing under the special bag limit to coincide with closures in adjacent federal (EEZ) waters.

(2) King mackerel is hereby designated a restricted species pursuant to Section 370.01(21), Florida Statutes.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-15-87, Amended 11-1-88, Formerly 46-30.001.

68B-30.002 Definitions.

As used in this Chapter:

(1) "Atlantic fishery" means Florida waters designated as follows, and all king mackerel in those waters: Between November 1 and March 31 of the following years, the Atlantic fishery consists of all Florida waters in the Atlantic Ocean north of a line extended due east from the coastal boundary between Volusia and Flagler counties (29 deg. 25 min. N. latitude). Between April 1 and October 31 of each year, the Atlantic fishery consists of all Florida waters in the Atlantic Ocean and all Florida waters in the Gulf of Mexico south of a line extended due west from the coastal boundary between Monroe and Collier Counties (25 deg. 48 min. N. latitude).

(2) "Harvest," used in reference to activities of a person or a boat, means catching a king mackerel in or from the water by any means, then reducing the fish to possession. A king mackerel that is caught but immediately returned to the water free, alive, and unharmed is not harvested.

(3) "King mackerel", also commonly referred to as "kingfish", means any fish of the species *Scomberomorus cavalla*, or any part thereof.

(4) "Spearing" means the catching or taking of a fish by bow hunting, gigging, spearfishing, or by any device used to capture a fish by piercing the body. Spearing does not include the catching or taking of a fish by a hook with hook and line gear or by snagging (snatch hooking).

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-15-87, Amended 11-1-88, 1-1-98, Formerly 46-30.002.

68B-30.0025 Size Limit.

(1) No person shall harvest from the waters of the Atlantic Fishery or land any king mackerel with a fork length less than 24 inches, measured from the tip of the snout to the rear center edge of the tail.

(2) All king mackerel shall be landed in a whole condition. The possession, while in or on state waters, on any public or private fishing pier, or on a bridge or catwalk attached to a bridge from which fishing is allowed, or on any jetty, of any 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.

(3) It is the intent of this rule and Rule 68B-12.0035, F.A.C. to expressly repeal and replace Section 370.11(2)(a)3., Florida Statutes, and the remainder of Section 370.11(2)(a), Florida Statutes, as these provisions pertain to king mackerel.

Specific Authority Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, and Chapter 85-163, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, and Chapter 85-163, Laws of Fla. History—New 11-29-93, Amended 7-15-96, Formerly 46-30.0025, Amended 10-22-99.

68B-30.003 Commercial Harvest Limits; Recreational Bag Limit; Gear Specifications.

(1) Commercial Harvest Limits. Persons holding a Florida resident, nonresident, or alien saltwater products license with a restricted species endorsement and a federal commercial permit to harvest king mackerel from the Atlantic Migratory Group, may harvest king mackerel from the Atlantic fishery upon the following conditions:

(a) The king mackerel so harvested may not be possessed in, on, or above state waters outside the Atlantic fishery; and

(b) The season for harvest of king mackerel from the Atlantic fishery has not been closed pursuant to Rule 68B-30.004, F.A.C.;

and

(c) The following commercial daily vessel harvest limits shall apply in the indicated counties. During the specified periods, no more than the applicable commercial daily vessel harvest limit shall be possessed aboard any vessel subject to this subsection.

1. Persons harvesting king mackerel in the state waters of Nassau, Duval, St. Johns, and Flagler Counties shall be subject to a year round commercial vessel limit of 3,500 pounds per vessel, per day.

2. Beginning April 1, and continuing through October 31 each year, persons harvesting king mackerel in the state waters of Volusia County, shall be subject to a commercial vessel limit of 3,500 pounds per vessel, per day.

3. Beginning April 1, and continuing through October 31 each year, persons harvesting king mackerel in the state waters of Brevard, Indian River, St. Lucie, Martin, Palm Beach, Broward, and Dade Counties, shall be subject to a commercial vessel limit of 75 king mackerel per vessel, per day.

4. Beginning April 1, and continuing through October 31 each year, persons harvesting king mackerel in the state waters of Monroe County, shall be subject to a commercial vessel limit of 1,250 pounds per vessel, per day.

(2) Recreational Bag Limit. Any person harvesting king mackerel from the Atlantic fishery who does not meet the requirements and conditions established in subsection (1), shall be subject to a bag limit of two fish per person, per day.

(3) Possession of king mackerel in excess of the bag limits established in this rule by any person aboard a vessel fishing in the Atlantic fishery shall constitute a violation of this rule.

(4) Prohibited Gear. No person shall harvest king mackerel in the Atlantic fishery other than with hook and line gear, or by spearing.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-15-87, Amended 11-1-88, 1-1-97, 1-1-98, Formerly 46-30.003, Amended 12-21-00.

68B-30.004 Seasons.

(1) The king mackerel fishing season for harvesters subject to either bag limit established in Rule 68B-30.003, F.A.C. in the Atlantic fishery shall be April 1 of each year through March 31 of the following year, unless the season is closed earlier pursuant to subsection (2).

(2) If the commercial season for harvest of king mackerel in federal Exclusive Economic Zone (EEZ) waters adjacent to the Atlantic fishery is closed prior to the end of the season specified in subsection (1), the season for harvest of king mackerel under the special bag limit established in Rule 68B-30.003(1), F.A.C. in the Atlantic fishery shall also close, upon notice given by the Fish and Wildlife Conservation Commission, in the manner provided in s. 120.81(5), Florida Statutes. In case of such early season closure, all harvesters shall be subject to the bag limit for other harvesters established in Rule 68B-30.003(2), F.A.C. Once the season for harvest of king mackerel under the special bag limit closes, harvest under that bag limit shall not resume until the season is reopened on the following April 1.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-15-87, Amended 11-1-88, Formerly 46-30.004.

68B-30.006 Other Prohibitions.

(1) No person shall possess, transport, buy, sell, exchange or offer to buy, sell or exchange any king mackerel harvested in violation of any provision or condition of this chapter.

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

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-15-87, Formerly 46-30.006.

CHAPTER 68B-31 SHRIMP

- 68B-31.001 Northeast Florida Live Bait Shrimp Fishery; Purpose and Intent.
- 68B-31.002 Definitions.
- 68B-31.003 Live Bait Shrimp Trawl Gear Specifications.
- 68B-31.0035 Trawls: Allowed Use; Maximum Square Footage of Mesh Area; Definitions.
- 68B-31.004 Trawl Gear Specifications: Turtle Excluder Devices Required; Exceptions; Definitions.
- 68B-31.0045 Otter Trawl Gear Specifications: Bycatch Reduction Devices.
- 68B-31.005 Purpose and Intent; Repeal of Certain General and Special Acts.
- 68B-31.006 Definitions.
- 68B-31.007 Statewide Recreational Shrimping Restrictions.
- 68B-31.008 Statewide Live Bait Shrimp Production Restrictions.
- 68B-31.009 Statewide Food Shrimp Production Restrictions.
- 68B-31.010 Northwest Region Food Shrimp Production Gear Specifications.
- 68B-31.011 Big Bend Region Food Shrimp Production Gear Specifications.
- 68B-31.012 Southwest Region Food Shrimp Production Gear Specifications.
- 68B-31.013 Southeast Region Food Shrimp Production Gear Specifications.
- 68B-31.0135 Southeast Region: Biscayne Bay (Dade County) Food Shrimp Production Season and Weekly Closures.
- 68B-31.014 Northeast Region Food Shrimp Production Gear Specifications.
- 68B-31.015 Northeast Florida Shrimping: Definition.
- 68B-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.
- 68B-31.0156 Florida East Coast Shrimp Bed: Repeal of Section 370.156, Florida Statutes; Seasonal Food Shrimp Production Closure; Exception; Definition.
- 68B-31.016 Tortugas Shrimp Beds: Repeal of Section 370.151(2), Florida Statutes; Redescription of Tortugas Shrimp Beds; Closed Areas.
- 68B-31.017 Big Bend Region Closed Areas; Seasonal Closures.
- 68B-31.018 Northwest Region Closed Areas; Repealed Special Acts.

68B-31.001 Northeast Florida Live Bait Shrimp Fishery; Purpose and Intent.

The purpose and intent of Rules 68B-31.001 through 68B-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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-11-86, Amended 1-1-96, Formerly 46-31.001.

68B-31.002 Definitions.

As used in Rules 68B-31.001 through 68B-31.003, F.A.C.:

(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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-11-86, Amended 1-1-96, Formerly 46-31.002.

68B-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 subsection 68B-31.0035(2), F.A.C. 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 68B-31.0045, F.A.C.

(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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-11-86, Amended 1-1-96, 6-3-96, Formerly 46-31.003.

68B-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 subsection 68B-31.006(19), F.A.C., or calico scallops, as authorized in Rule 68B-53.003, F.A.C., 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 68B 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. IV, Sec. 9, and Art. X, Sec. 16, Florida Const. Law Implemented Art. IV, Sec. 9, and Art. X, Sec. 16, Florida Const. History—New 1-1-96, Amended 3-1-99, Formerly 46-31.0035.

68B-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 subsection 68B-31.009(3), F.A.C.

(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. Section 227.72(e)(4)(iv), Oct. 1, 1987. Written authorization shall be maintained aboard the vessel with such a trawl at all times.

(d) A trawl authorized for use in the directed harvest of calico scallops by Rule 68B-53.003, F.A.C.

(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. Section 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. Section 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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-11-90, Amended 1-1-92, 3-16-93, 1-1-96, 3-1-99, Formerly 46-31.004.

68B-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 exit opening frame made of no smaller than 1/4-inch steel or aluminum rod 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 1 5/8 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 6 1/2 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 1 3/8 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 1/2 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.

(c) It is the intention of the Fish and Wildlife Conservation Commission that additional Bycatch Reduction Devices certified as allowable by the National Marine Fisheries Service will be added by amendment to this subsection pursuant to the procedures afforded by Section 120.54(6), Florida Statutes.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-3-96, Amended 8-17-98, Formerly 46-31.0045.

68B-31.005 Purpose and Intent; Repeal of Certain General and Special Acts; Designation of Shrimp as Restriction Species.

(1) The purpose and intent of Rules 68B-31.006 through 68B-31.015, F.A.C., 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 Sections 370.153 and 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 Environmental Protection pursuant to subsection (5) of section 2 of Chapter 83-134, as amended by Chapter 84-121, Laws of Florida.

(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.

(5) Beginning January 1, 2001, shrimp are hereby designated as a restricted species pursuant to Section 370.01(21), Florida Statutes.

Specific Authority Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History–New 1-1-92, Amended 9-30-96, Formerly 46-31.005, Amended 12-2-99.

68B-31.006 Definitions.

As used in Rules 68B-31.005, F.A.C., 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 68B-31.007, F.A.C., or with a gear authorized for the specific region in Rules 68B-31.010 through 68B-31.014, F.A.C.

(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(6) or 370.153(3)(a), Florida Statutes, in addition to a valid saltwater products license with a restricted species endorsement. Beginning January 1, 2001, the saltwater products license must include a restricted species endorsement.

(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), *Farfantepenaeus brasiliensis* (pinkspotted shrimp), *Farfantepenaeus duorarum* (pink shrimp), *Litopenaeus setiferus* (white shrimp), *Rimapenaeus constrictus* (roughneck shrimp), *Rimapenaeus similis* (roughback shrimp), and *Xiphopenaeus kroyeri* (seabob).

(20) "Skimmer trawl" means a trawl with the following features:

(a) A rigid "L"-shaped or triangular metal frame that is deployed amidship from either side of the harvesting vessel.

(b) The inboard portion of the frame is attached to the vessel, while the outboard portion runs along the seabed on a skid or "shoe".

(c) The net mouth or perimeter is hung along the outer edges of the frame and kept open with a bullet weight holding the lower inboard corner of the net mouth on the bottom.

(d) A tickler chain may be attached below the lead line between the shoe and the bullet weight.

(e) The trawl is pushed alongside the harvesting vessel and generally fishes the entire water column.

(21) "Southeast Region" means all state waters of Indian River, St. Lucie, Martin, Palm Beach, Broward, Dade, and Monroe Counties.

(22) "Southwest Region" means all state waters of Pinellas, Hillsborough, Manatee, Sarasota, Charlotte, Lee, and Collier Counties.

(23) "Tampa Bay" means all waters of the bay east and north of the Sunshine Skyway Bridge (U.S. 19 and Interstate 275).

(24) "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.

(25) "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.

(26) "Try net" means a small otter trawl used to test waters for the presence or size of shrimp.

(27) "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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 1-1-92, Amended 3-16-93, 11-29-93, 10-3-94, 6-3-96, Formerly 46-31.006, Amended 6-1-99, 12-2-99.

68B-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 stretched length (the distance from the horn at the center of the net, with the net gathered and pulled taut, to the lead line) no greater than 14 feet.

(c) Push net.

(d) 1. Except as provided in subparagraph 2., 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.

2. Frame nets shall not be considered an allowable gear for persons harvesting shrimp pursuant to this rule in any waters of the Southeast Region in Dade County.

(e) Shrimp traps meeting the requirements of Section 370.15(3), 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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 1-1-92, Amended 1-1-96, 6-3-96, Formerly 46-31.007, Amended 12-2-99.

68B-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 nor 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 subsection 68B-31.0035(2), F.A.C.

(b) In the Northeast Region, except as provided for Volusia County in paragraph 68B-3.008(3)(f), F.A.C., 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 68B-31.003, F.A.C.

(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 – 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.

(a) Vessel requirements – Each vessel engaged in the harvest of live bait shrimp 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.

(b) Vehicle requirements – Each vehicle used to transport live bait shrimp harvested 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.

(c) 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.

(6) Each person harvesting shrimp in or on the waters of the state as a live bait shrimp producer shall possess a valid license issued as provided in Section 370.15(6) or 370.153(3)(a), Florida Statutes, and a valid saltwater products license with a restricted species endorsement. Beginning January 1, 2001, the saltwater products license must include a restricted species endorsement.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-92, Amended 10-3-94, 1-1-96, Formerly 46-31.008, Amended 12-2-99, 2-28-02.

68B-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 68B-31.010 through 68B-31.015, F.A.C., 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) The size limit provisions of paragraph (a) shall not apply in:

1. The Big Bend Region.
2. The Northeast Region.
3. Any of the waters of the Northwest Region east of the line formed by 85° 13.50' West Longitude.
4. Any waters of the Southeast Region in Dade County.

(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 subsection 68B-31.0035(2), F.A.C., 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.

(5) Beginning January 1, 2001, each person harvesting shrimp in or on the waters of the state as a food shrimp producer shall possess a valid saltwater products license with a restricted species endorsement.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-92, Amended 11-29-93, 1-1-96, 6-3-96, 7-16-96, Formerly 46-31.009, Amended 12-2-99.

68B-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 nor 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 subsection 68B-31.0035(2), F.A.C.

(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 subsection 68B-31.0035(2), F.A.C. The two otter trawls allowed in the nearshore and inshore Florida waters of this region shall include any try net being towed.

(c) No more than two unconnected skimmer trawls meeting the following specifications:

1. The perimeter around the leading edge of any skimmer trawl shall not exceed 56 feet.
2. No more than two skimmer trawls, unconnected other than being attached to the same vessel, shall be deployed from a single vessel at any time.
3. The netting of a skimmer trawl shall be no larger in mesh area than specified by subsection 68B-31.0035(2), F.A.C.

(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 or skimmer trawl shall be used for food shrimp production in the Northwest Region that is not in compliance with Rule 68B-31.004, F.A.C.

(4) In the Northwest Region, no person harvesting shrimp as a food shrimp producer shall operate or fish any otter or skimmer trawl, or possess any otter or skimmer 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 68B-31.0045, F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-92, Amended 1-1-96, 8-17-98, 6-1-99, Formerly 46-31.010, Amended 5-2-01, 1-1-03.

68B-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 nor 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 subsection 68B-31.0035(2), F.A.C.

(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 68B-38.003, F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-92, Amended 1-1-96, Formerly 46-31.011.

68B-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 nor 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 subsection 68B-31.0035(2), F.A.C.

(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 subsection 68B-31.0035(2), F.A.C.

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 subsection 68B-31.0035(2), F.A.C. 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 subsection 68B-31.0035(2), F.A.C. 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 68B-31.004, F.A.C.

(4) In the Southwest 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 68B-31.0045, F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-92, Amended 1-1-96, 8-17-98, Formerly 46-31.012.

68B-31.013 Southeast Region Food Shrimp Production Gear Specifications.

(1) 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:

(a) A wing net meeting the following specifications:

1. No wing net shall have an opening larger than 28 feet around the perimeter.
2. No more than two unconnected wing nets shall be attached to or fished from a single vessel.
3. No wing net shall be fished by towing or dragging it over the bottom.
4. Each wing net shall be no larger in mesh area than specified by subsection 68B-31.0035(2), F.A.C.

(b) A frame net deployed from a vessel meeting the following specifications:

1. No frame net shall have an opening larger than 28 feet around the perimeter.

2. 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.

3. No frame net shall be fished by towing or dragging it over the bottom.

4. Each frame net shall be no larger in mesh area than specified by subsection 68B-31.0035(2), F.A.C.

(2) In all waters of the Southeast Region outside nearshore and inshore Florida waters, 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 68B-31.0045, F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-92, Amended 1-1-96, 6-3-96, 8-17-98, Formerly 46-31.013.

68B-31.0135 Southeast Region: Biscayne Bay (Dade County) Food Shrimp Production Season and Weekly Closures.

(1) No person shall engage in food shrimp production in any waters of the Southeast Region in Dade County, except during the open season for such production. The open season shall begin on November 1 each year and continue through May 31 of the following year, subject to the weekly closures specified in subsection (2).

(2) During the open season specified in subsection (1), no person shall engage in food shrimp production in any waters of the Southeast Region in Dade County during the period each week beginning at 6:00 a.m. on Saturday and ending at 6:00 a.m. on Sunday.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-2-99, Amended 12-21-00.

68B-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 paragraph 68B-3.008(3)(f), F.A.C., 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 nor 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 subsection 68B-31.0035(2), F.A.C.

(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 subsection 68B-31.0035(2), F.A.C. 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 68B-31.004, F.A.C.

(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 68B-31.0045, F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-92, Amended 1-1-96, 6-3-96, Formerly 46-31.014.

68B-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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-92, Amended 1-1-96, Formerly 46-31.015.

68B-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. Mary’s 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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-3-94, Formerly 46-31.0155.

68B-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 Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New 4-18-95, Formerly 46-31.0156.

68B-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 Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New 1-1-92, Amended 3-1-95, 7-15-96, Formerly 46-31.016.

68B-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:

North

West

Point	Latitude	Longitude
B	28° 16.68'	82° 47.21'
C	28° 18.28'	82° 45.68'
D	28° 26.93'	82° 45.95'
E	28° 28.43'	82° 44.49'
F	28° 43.53'	82° 45.22'
G	28° 44.38'	82° 46.71'
H	28° 57.91'	82° 47.53'
I	28° 59.41'	82° 50.41'
J	29° 03.28'	82° 50.66'
K	29° 06.91'	82° 57.81'
L	29° 03.38'	83° 01.42'
M	29° 07.30'	83° 08.78'
N	29° 22.98'	83° 15.89'
O	29° 29.58'	83° 26.72'
P	29° 38.25'	83° 26.66'
Q	29° 43.36'	83° 34.39'
R	29° 52.40'	83° 40.11'
S	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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 11-29-93, Formerly 46-31.017, Amended 7-9-02.

68B-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 Carrabelle 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.

(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 and 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 Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New 7-16-96, Formerly 46-31.018.

CHAPTER 68B-32 TARPON

- 68B-32.002 Definitions.
68B-32.003 Tarpon Tags: Limitation on Number of Tags Issued Annually; Limitation on Number of Tags Issued to Professional Fishing Guides.
68B-32.004 Gear Restriction.

68B-32.002 Definitions.

As used in this rule chapter:

- (1) "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.
- (2) "Professional fishing guide" means the captain or operator of a boat or vessel who is licensed by the U.S. Coast Guard to carry paying passengers and whose passengers pay a fee to fish for tarpon.
- (3) "Spearing" means the catching or taking of a fish by bow hunting, gigging, spearfishing, or by any device used to capture a fish by piercing the body. Spearing does not include the catching or taking of a fish by a hook with hook and line gear or by snagging (snatch hooking).
- (4) "Tarpon" means any fish of the species *Megalops atlanticus*, or any part thereof.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-30-88, Amended 1-1-98, Formerly 46-32.002.

68B-32.003 Tarpon Tags: Limitation on Number of Tags Issued Annually; Limitation on Number of Tags Issued to Professional Fishing Guides.

- (1) In any license year, the total number of tarpon tags issued pursuant to Section 370.062, Florida Statutes, shall not exceed 2,500.
- (2) Each professional fishing guide may purchase tarpon tags for subsequent transfer to individual customers; provided, however, that the total number of tags issued during any license year to professional fishing guides shall not exceed 1,250.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-30-88, Amended 11-1-89, 10-1-90, 12-4-91, 11-26-92, 11-29-93, 1-1-95, 1-1-96, 11-27-96, 11-12-97, 11-16-98, Formerly 46-32.003.

68B-32.004 Gear Restriction.

The harvest or attempted harvest of any tarpon in or from state waters by spearing is prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-98, Formerly 46-32.004.

CHAPTER 68B-33 BILLFISH AND SWORDFISH

- 68B-33.001 Purpose and Intent.
- 68B-33.002 Definitions.
- 68B-33.003 Marlin and Sailfish Possession Limits; Prohibition of Harvest for Spearfish; Prohibition of Sale; Exception; Gear Restrictions.
- 68B-33.0034 Swordfish: Recreational Bag and Possession Limits.
- 68B-33.0035 Swordfish: Federal Permit Required for Sale.
- 68B-33.004 Size Limits.
- 68B-33.005 Billfish and Swordfish: Recreational Catch Reporting.

68B-33.001 Purpose and Intent.

The purpose and intent of this chapter are to protect and conserve Florida's billfish and swordfish resources and increase public awareness of and concern for billfish through promotion of catch-and-release and other conservation practices and prohibition of sale.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-31-88, Formerly 46-33.001, Amended 10-1-02.

68B-33.002 Definitions.

(1) As used in this chapter, "billfish" means any fish of the following species, or any part thereof:

- (a) *Makaira nigricans* (blue marlin).
- (b) *Tetrapturus albidus* (white marlin).
- (c) *Tetrapturus pfluegeri* (longbill spearfish).
- (d) *Tetrapturus belone* (Mediterranean spearfish).
- (e) *Tetrapturus georgei* (roundscale spearfish).
- (f) *Istiophorus platypterus* (sailfish).

(2) The term "swordfish" means any fish of the species *Xiphias gladius*, or any part thereof. Swordfish shall not be considered a "billfish," for purposes of this chapter.

(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 determining the species or for measuring the fish to determine compliance with the minimum size requirements of this chapter, shall not constitute harvesting such fish, provided that it is examined and measured immediately after taking, and immediately returned to the water free, alive and unharmed if it is a protected species or if undersize.

(4) "Lower jaw fork length" means the straight-line measurement of a fish from the tip of the lower jaw to the fork of the caudal fin. The measurement is not made along the curve of the body.

(5) "Cleithrum to keel length" means the length of a fish measured along the body contour, i.e., a curved measurement, from the point of the cleithrum that provides the shortest possible measurement along the body contour to the anterior portion of the caudal keel. The cleithrum is the semicircular bony structure at the posterior edge of the gill opening.

(6) "Dressed weight" means the weight of a fish after it has been dressed. "Dress" means to process a fish by removal of head, viscera, and fins, but does not include removal of the backbone, halving, quartering, or otherwise further reducing the carcass.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-31-88, Formerly 46-33.002, Amended 8-26-99, 10-1-02.

68B-33.003 Marlin and Sailfish Possession Limits; Prohibition of Harvest for Spearfish; Prohibition of Sale; Exception; Gear Restrictions.

(1) Except as provided in subsection (4), no person shall possess more than one blue marlin, white marlin or sailfish, either individually or in combination at any time. Possession of more than one such fish within the state shall constitute a violation of this rule.

(2) No person shall harvest in or from state waters, nor possess while in or on the waters of the state, or land, any longbill spearfish, Mediterranean spearfish, or any roundscale spearfish. The purchase, sale, or exchange of any such spearfish is prohibited.

(3) Except as provided in subsection (4), no person, firm, or corporation shall buy, sell, trade, barter, or exchange billfish in any form or manner, or receive anything of value for any billfish with or without changing possession thereof. This subsection shall not be construed to prohibit billfish tournaments that award monetary or other prizes, so long as all other requirements of this chapter are met.

(4) The possession limit and prohibition of sale contained in this rule shall not apply to the following situations:

(a) Blue marlin, white marlin or sailfish, may be kept on the premises of a wholesale or retail seafood business or restaurant for the limited purpose of smoking such fish for the harvesters thereof, so long as each such fish or part is packaged or otherwise clearly labeled to indicate the name and address of the owner and no portion of the fish is exchanged for the service.

(b) Blue marlin, white marlin, or sailfish, may be transported by and kept on the premises of a taxidermist for the limited purpose of mounting such fish for the harvesters thereof, so long as each such fish is clearly labeled to indicate the name and address of the owner and no portion of the fish is exchanged for the service.

(5) The possession of any billfish aboard a vessel fishing in state waters with longline gear or any gill or trammel net is prohibited.

(6) The taking or attempted taking of billfish in or from state waters is prohibited except by use of hook and line gear.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-31-88, Amended 7-15-96 Formerly 46-33.003, Amended 8-26-99.

68B-33.0034 Swordfish: Recreational Bag and Possession Limits.

(1) Except as provided in subsection (2), no person shall harvest more than one swordfish per day or possess more than one swordfish while in or on the waters of the state; provided, however, that the possession of more than three swordfish aboard any vessel with three or more persons is prohibited.

(2) This rule shall not apply to persons fishing pursuant to a saltwater products license and a federal Limited Access Permit (LAP) for swordfish issued pursuant to 50 C.F.R. § 635.4(f).

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 4-2-03.

68B-33.0035 Swordfish: Federal Permit Required for Sale.

No person harvesting swordfish within or without the waters of the state shall sell, offer for sale, trade, barter, exchange, or receive anything of value for any swordfish without possessing and presenting to the buyer thereof a valid saltwater products license and a federal Limited Access Permit (LAP) for swordfish issued pursuant to 50 C.F.R. § 635.4(f).

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-1-02.

68B-33.004 Size Limits.

(1) No person shall harvest, possess in or on the waters of the state, or land, any blue marlin with a lower jaw fork length less than 99 inches.

(2) No person shall harvest, possess in or on the waters of the state, or land, any white marlin with a lower jaw fork length less than 66 inches.

(3) No person shall harvest, possess in or on the waters of the state, or land, any sailfish with a lower jaw fork length less than 63 inches.

(4) No person shall harvest, possess in or on the waters of the state, or land, any swordfish that is less than 47 inches lower jaw fork length, 29 inches cleithrum to keel length, or 33 pounds dressed weight. A swordfish that is damaged by shark bites may be retained only if the remainder of the carcass is at least 47 inches lower jaw fork length, 29 inches cleithrum to keel length, or 33 pounds dressed weight.

(5) All billfish shall be landed in a whole condition. The possession, while in or on state waters, or landing, of any billfish that has 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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-26-99, Amended 10-1-02, 4-2-03.

68B-33.005 Billfish and Swordfish: Recreational Catch Reporting.

Any person harvesting a billfish in state waters pursuant to subsection 68B-33.003(1), F.A.C., or a swordfish pursuant to subsection 68B-33.0034(1), F.A.C., shall report each non-tournament landing of such fish as required by 50 C.F.R. § 635.5(c)(2). For purposes of this rule, the term “non-tournament landing” means any billfish or swordfish brought ashore that was harvested other than in a fishing competition in which participants must register or otherwise enter or in which a prize or award is offered for catching or landing such fish.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 4-2-03.

CHAPTER 68B-34 BONEFISH

68B-34.002 Definitions.

68B-34.003 Bonefish Size Limit; Bag and Possession Limits; Exception, Gear Restriction.

68B-34.002 Definitions.

(1) "Bonefish" means any fish of the species *Albula vulpes*, or any part thereof.

(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. Temporary possession of a fish for the purpose of measuring it to determine compliance with size limits imposed by this chapter shall not constitute harvest, provided it is measured immediately after taking and immediately returned to the water free, alive, and unharmed if undersized.

(3) "Spearing" means the catching or taking of a fish by bow hunting, gigging, spearfishing, or by any device used to capture a fish by piercing the body. Spearing does not include the catching or taking of a fish by a hook with hook and line gear, or by snagging (snatch hooking).

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-1-88, Amended 1-1-98, Formerly 46-34.002.

68B-34.003 Bonefish Size Limit; Bag and Possession Limits; Exception, Gear Restriction.

(1) No person shall harvest in or from the waters of the state at any time, or unnecessarily destroy, any bonefish of total length less than 18 inches.

(2) No person shall kill or harvest from the waters of the state more than one bonefish per day, nor possess more than one bonefish at any time.

(3) The possession limit imposed by this rule shall not apply to bonefish kept on the premises of a taxidermist for the limited purpose of mounting bonefish for the harvesters thereof, so long as each such fish is clearly labeled to indicate the name and address of the owner.

(4) The harvest or attempted harvest of any bonefish in or from state waters by spearing is prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-1-88, Amended 1-1-98, Formerly 46-34.003.

CHAPTER 68B-35 POMPANO, AFRICAN POMPANO, AND PERMIT

- 68B-35.001 Purpose and Intent; Repeal of Certain Laws; Designation as Restricted Species, Aquaculture Exemption for Pompano.
- 68B-35.002 Definitions.
- 68B-35.003 Size and Bag Limits; Prohibition of Sale.
- 68B-35.004 Gear Specifications and Prohibited Gear.
- 68B-35.005 Commerical Pompano Harvest Requirements: Pompano Endorsement Criteria; Pompano Special Activity License Criteria; State Waters Pompano Daily Harvest Limits and License Requirements for Sale or Purchase.

68B-35.001 Purpose and Intent; Repeal of Certain Laws; Designation as Restricted Species, Aquaculture Exemption for Pompano.

(1) The purpose and intent of this chapter are to protect and conserve Florida's pompano, African pompano, and permit resources and assure the continuing health and abundance of these species.

(2) It is the intent of this chapter to expressly repeal and replace Section 370.11(2)(a)2., Florida Statutes, and the remainder of Section 370.11(2)(a), Florida Statutes, as it pertains to pompano, and Section 370.1125, Florida Statutes, pertaining to permit.

(3) Pompano, African pompano, and permit, are hereby designated as restricted species pursuant to Section 370.01(20), Florida Statutes.

(4) Provisions of this rule chapter shall not apply to pompano artificially spawned and raised in commercial aquaculture facilities. However, anyone possessing such fish or offering such fish for sale or exchange shall maintain and be able to produce documentation, such as appropriate receipt(s), bill(s) of sale, or bill(s) of lading, to establish the chain of possession from the initial transaction after harvest at the facility. Failure to maintain such documentation shall constitute a violation of this rule chapter.

Specific Authority Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, and Chapter 85-163, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, and Chapter 85-163, Laws of Fla. History—New 7-1-89, Amended 1-1-96, Formerly 46-35.001.

68B-35.002 Definitions.

As used in this rule chapter:

(1) "African pompano" means any fish of the species *Alectis ciliaris*, or any part thereof.

(2) "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.

(3) "Length" means the length of a fish as measured from the most forward point of the head to the rear center edge of the tail.

(4) "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.

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

(6) "Pompano" means any fish of the species *Trachinotus carolinus*, or any part thereof.

(7) "Permit" means any fish of the species *Trachinotus falcatus*, or any part thereof.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-89, Amended 1-1-96, Formerly 46-35.002.

68B-35.003 Size and Bag Limits; Prohibition of Sale.

(1) Size Limits –

(a) No person shall harvest in or from state waters, or possess while in or on state waters, any pompano or permit, with a length less than 10 inches, or greater than 20 inches. No person shall purchase, sell, or exchange any pompano or permit with a length less than 10 inches, or greater than 20 inches.

(b) No person shall harvest in or from state waters, or possess while in or on state waters, any African pompano with a length less than 24 inches.

(c) All pompano, African pompano, and permit shall be landed in whole condition. The possession, while in or on state waters, on any public or private fishing pier, or on a bridge or catwalk attached to a bridge from which fishing is allowed, or on any jetty, of any 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.

(2) Bag Limits –

(a) Except for persons harvesting pompano or permit pursuant to a valid saltwater products license with a restricted species endorsement, persons harvesting pompano from federal EEZ waters pursuant to Rule 68B-35.005, F.A.C., or persons harvesting pompano as bycatch in a federal gill net fishery for other species pursuant to paragraph 68B-35.004(3)(c), F.A.C., no person shall harvest in or from state waters more than a total of 10 pompano or permit per day, in any combination of species, nor possess while in or on state waters more than 10 such fish. No more than one (1) of such fish shall exceed 20 inches length.

(b) Each harvester of African pompano is subject to a bag limit of 2 African pompano per day; however, no more than 2 African pompano shall be possessed aboard any vessel while in or on state waters at any time.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-89, Amended 1-1-96, Formerly 46-35.003, Amended 11-1-01.

68B-35.004 Gear Specifications and Prohibited Gear.

(1) The harvest of pompano, African pompano, or permit in or from state waters by or with the use of any multiple hook in conjunction with live or dead natural bait, or the landing of such fish so harvested, is prohibited. Snagging (snatch hooking) of pompano, African pompano, or permit in or on state waters is also prohibited.

(2)(a) The harvest or attempted harvest of any African pompano or permit in or from state waters, by or with the use of any gear other than a hook and line gear is prohibited.

(b) The harvest or attempted harvest of any pompano in state waters 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.

(3) Except as provided in this subsection, no person shall simultaneously possess aboard any vessel in state waters any pompano together with any gill or entangling net.

(a) Such possession is allowed by persons who have harvested pompano in adjacent federal Exclusive Economic Zone (EEZ) waters and who possess a valid saltwater products license with a restricted species endorsement and a pompano endorsement issued pursuant to subsection 68B-35.005(1), F.A.C., only in the following areas of state waters:

1. In the area of state waters between 25°09' North Latitude and 26°00' North Latitude, between Cape Sable and Hurricane Pass.

2. In specified state waters, upon designation by the Executive Director of the Commission, after a total of at least 1,500 pounds of pompano have been landed on two different observer trips where pompano are caught, by a person taking pompano pursuant to subsection 68B-35.005(2), F.A.C., harvested with a gill or entangling net in federal EEZ waters adjacent to such specified state waters on each trip.

(b) Such possession is allowed by persons who have harvested pompano in adjacent federal EEZ waters and who possess a valid Pompano Special Activity License issued pursuant to subsection 68B-35.005(2), F.A.C.

(c) Such possession is allowed by persons who have harvested pompano in adjacent federal EEZ waters as an incidental bycatch in gill or entangling nets fished for other species, which persons possess a valid saltwater products license with a restricted species endorsement and provided the amount of all pompano aboard such vessel at any time does not exceed 100 individual fish.

(d) Paragraphs (a), (b), and (c) shall not apply to any person or vessel returning from federal EEZ waters that stops to fish in state waters or otherwise fails to meet all requirements of Section 370.092, Florida Statutes.

(4) Each pompano gill or entangling net possessed in state waters or used in federal EEZ waters pursuant to subsection (3) shall meet the following specifications, except that the mesh size requirement in paragraph (c) shall not apply to the exception in paragraph (3)(c):

(a) Such net shall not be less than 400 yards in length, along the cork line and along the lead line.

(b) Such net shall be at least 70 meshes deep at its shallowest point.

(c) Such net shall have a mesh size of at least 4½ inches stretched mesh, throughout the net.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., Art. X, Sec. 16, Fla. Const., 370.021(3) FS. History—New 7-1-89, Amended 1-1-96, Formerly 46-35.004, Amended 11-1-01.

68B-35.005 Commercial Pompano Harvest Requirements: Pompano Endorsement Criteria; Pompano Special Activity License Criteria; State Waters Pompano Daily Harvest Limits and License Requirements for Sale or Purchase.

(1) POMPANO ENDORSEMENT - No person shall be issued a pompano endorsement on their saltwater products license without first meeting each of the following criteria:

(a) The applicant must possess a Vessel Saltwater Products License with a Restricted Species Endorsement.

(b) The applicant must own a commercially registered vessel no smaller than 22 feet in documented length, except in the case of a vessel with the primary power mounted forward of the center point of the vessel, in which case the vessel shall not be smaller than 25 feet in documented length.

(c) No applicant shall receive a pompano endorsement who, in the previous three license years, has been charged with violating any provision of Article X, Section 16 of the State Constitution, Section 370.092 or 370.093, Florida Statutes, or subsection 68B-4.0081(2), F.A.C., and who has received a judicial disposition other than acquittal or dismissal on such charges.

(2) POMPANO SPECIAL ACTIVITY LICENSE (PSAL) – The Fish and Wildlife Conservation Commission intends to issue PSALs to qualified commercial fishers to allow them to use gill and entangling nets for an exploratory fishery to harvest pompano in federal Exclusive Economic Zone (EEZ) waters adjacent to state waters, for the sole purpose of establishing that a federal waters fishery exists in specific areas. No person shall be issued a PSAL without first meeting each of the following criteria and conditions:

(a) The applicant must possess a Vessel Saltwater Products License with a Restricted Species Endorsement.

(b) The applicant must own a commercially registered vessel no smaller than 22 feet in documented length, except in the case of a vessel with the primary power mounted forward of the center point of the vessel, the vessel shall not be smaller than 25 feet in documented length.

(c) The applicant must have documented landings of pompano of at least 2,000 pounds from state waters or from federal EEZ waters during any continuous 24-month period.

(d) No applicant shall receive a PSAL who, in the previous three license years, has been charged with violating any provision of Article X, Section 16 of the State Constitution, Section 370.092 or 370.093, Florida Statutes, or subsection 68B-4.0081(2), F.A.C., and who has received a judicial disposition other than acquittal or dismissal on such charges.

(e) Any person issued a PSAL must agree to notify the Division of Law Enforcement, by submission of a float plan, at least 24 hours prior to all exploratory fishing trips pursuant to the license. The licenseholder shall submit a trip report, after all exploratory fishing trips using the trip ticket record, to the Division of Marine Fisheries within 72 hours of completion of each trip. The licenseholder must agree to take an FWC observer aboard once she/he has used the PSAL to determine the extent of the fishery. The PSAL will contain a condition requiring notification of FWC's Marine Research Institute at least 48 hours prior to any trip the licenseholder intends to allow placement of an observer on board the vessel. The named licenseholder/vessel owner must always be on board during exploratory fishing trips.

(f) PSALs will be issued at any time during the fishing year and they will be valid for a period of six (6) months. The licenseholder may apply for a single six-month extension of the PSAL. If during that extension, no federal waters gill or entangling net fishery is established pursuant to subparagraph 68B-35.004(3)(a)2., F.A.C., the licenseholder is barred for a period of one year from the expiration of the extension from applying for another PSAL.

(g) The licenseholder must acknowledge that violation of any of the terms or conditions stated in the license may result in the revocation of the license or denial of a requested extension.

(3) STATE WATERS DAILY COMMERCIAL HARVEST LIMITS – Persons harvesting pompano in state waters pursuant to a saltwater products license with a restricted species endorsement, shall be subject to a daily harvest and landing limit of 250 individual pompano; provided, however, that no more than 250 pompano harvested pursuant to this subsection shall be possessed aboard any vessel at any time. Such persons are subject to the gear limitations of paragraph 68B-35.004(2)(b), F.A.C.

(a) No person shall sell more than 250 individual pompano per day, unless such person possesses either a valid PSAL or a valid Pompano Endorsement, in addition to a saltwater products license with a restricted species endorsement.

(b) No wholesale dealer shall purchase more than 250 individual pompano per day from any person who does not possess and present to the dealer either a valid PSAL or a valid Pompano Endorsement, in addition to a saltwater products license with a restricted species endorsement.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., Art. X, Sec. 16, Fla. Const., 370.021(3) F.S. History–New 11-1-01.

CHAPTER 68B-36 BLACK DRUM

68B-36.001	Purpose and Intent.
68B-36.002	Definitions.
68B-36.003	Size Limits; Prohibition of Sale of Larger Black Drum.
68B-36.004	Bag and Commercial Limits.
68B-36.005	Other Prohibitions.

68B-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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-89, Formerly 46-36.001.

68B-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.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-89, Amended 7-15-96, 9-30-96, Formerly 46-36.002.

68B-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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-89, Formerly 46-36.003.

68B-36.004 Bag and Commercial 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 Daily Harvest 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:

(a) 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.

(b) While fishing state waters from land or any dock, pier, bridge, jetty, or other fishing site adjacent to state waters, no more than 500 pounds of black drum per day.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-89, Amended 8-31-98, Formerly 46-36.004.

68B-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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-89, Formerly 46-36.005.

CHAPTER 68B-37 SPOTTED SEATROUT

68B-37.001	Purpose and Intent; Repeal of Other Laws; Designation as Restricted Species.
68B-37.002	Definitions.
68B-37.003	Size Limits.
68B-37.004	Regional Bag Limits; Closed Seasons.
68B-37.005	Commercial Season and Daily Harvest Limit.
68B-37.006	Gear Specifications and Prohibited Gear; Bycatch Allowance.

68B-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 68B-37.001, 68B-37.002, 68B-37.003, 68B-37.004, 68B-37.005, and 68B-37.006, F.A.C. shall take effect on November 1, 1989.

Specific Authority Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, and Chapter 85-163, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, and Chapter 85-163, Laws of Fla. History—New 11-1-89, Formerly 46-37.001.

68B-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 a line running due west from the westernmost point of Fred Howard Park Causeway (28°9.35'N., 82°48.398'W.), which is approximately 1.17 miles south 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 southern boundary of the Northwest Region on the Gulf of Mexico in Pinellas County, as specified in subsection (6), 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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-1-89, Amended 1-1-96, 8-1-96, Formerly 46-37.002, Amended 7-1-00.

68B-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 68B-37.004(1), F.A.C. 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 20 inches.

(b) A person harvesting under a regional bag limit established in Rule 68B-37.004(1), F.A.C. 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 20 inches.

(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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 11-1-89, Amended 1-1-96, 8-1-96, Formerly 46-37.003, Amended 7-1-00.

68B-37.004 Regional Bag Limits; Closed Seasons.

(1) Regional bag limits – Except as provided in Rule 68B-37.005, F.A.C. 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) South Region – Four (4) spotted seatrout.

(b) Northwest and Northeast Regions – Five (5) 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) 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.

(b) Northwest and Northeast Regions – Beginning on February 1 and continuing through the last day of February each year, the harvest of spotted seatrout is closed in the Northwest and Northeast Regions. During this closed season, no person shall land any spotted seatrout harvested in the South Region in the Northwest or Northeast Region.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 11-1-89, Amended 1-1-96, 8-1-96, Formerly 46-37.004, Amended 7-1-00.

68B-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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 11-1-89, Amended 1-1-96, Formerly 46-37.005.

68B-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.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-1-89, Amended 1-1-96, Formerly 46-37.006.

CHAPTER 68B-38 SHRIMPING AND STONECRABBING: CLOSED AREAS AND SEASONS

- 68B-38.001 Citrus-Hernando Shrimping and Stonecrabbing Closed Areas and Seasons.
- 68B-38.002 Southwest Florida Seasonal Shrimp Closures.
- 68B-38.003 Taylor County Shrimp Closure.

68B-38.001 Citrus-Hernando Shrimping and Stonecrabbing Closed Areas and Seasons.

(1) For purposes of regulating shrimping and stonecrabbing in the state waters of Citrus and Hernando Counties, five zones are hereby established as described in subsection (2) and depicted on the following map:

SEE FLORIDA ADMINISTRATIVE CODE FOR “MAP”

(2) The zones established in subsection (1) are described as follows:

(a) ZONE I – Bounded by a continuous line connecting the following points expressed by latitude and longitude (Loran notations are unofficial and are included only for the convenience of fishermen):

Point	North Latitude	West Longitude	Loran Chain 7980			
			W	X	Y	Z
A	28° 59.500'	82° 50.410'	14416.5	31409.4	45259.1	62895.3
B	28° 59.500'	83° 00.166'	14396.0	31386.3	45376.8	63000.0
C	28° 26.016'	82° 59.783'	14301.5	31205.9	45103.2	63000.0
D	28° 26.016'	82° 56.900'	14307.0	31212.2	45080.0	62981.3
T	28° 27.766'	82° 55.150'	14315.2	31225.8	45080.0	62970.0
E	28° 41.650'	82° 55.416'	14353.7	31300.2	45193.9	62970.0
F	28° 41.650'	82° 56.150'	14352.4	31298.6	45199.4	62975.0
G	28° 48.933'	82° 56.316'	14372.6	31337.2	45260.0	62975.0
H	28° 54.080'	82° 51.100'	14393.9	31371.8	45260.0	62937.0
I	28° 54.080'	82° 47.500'			45229.5	62910.0
W	28° 57.910'	82° 47.530'	14410			62910
X	28° 59.410"	82° 50.410'	14410			62930

Thence northerly to Point A

(b) ZONE II – Bounded by a continuous line connecting the following points expressed by latitude and longitude (Loran notations are unofficial and are included only for the convenience of fishermen):

Point	North Latitude	West Longitude	Loran Chain 7980			
			W	X	Y	Z
I	28° 54.080'	82° 47.500'			45229.5	62910.0
H	28° 54.080'	82° 51.100'			45260.0	62937.0
K	28° 50.983'	82° 54.266'	14381.6	31351.8	45260.0	62960.0
L	28° 41.650'	82° 53.933'	14356.2	31303.0	45181.7	62960.0
M	28° 41.650'	82° 45.100'			45111.5	62900.0
J	28° 43.530'	82° 45.220'	14375.0			62900.0
Z	28° 44.380'	82° 46.710'	14375.0			62910.0

Thence northerly to Point I

(c) ZONE III – Bounded by a continuous line connecting the following points expressed by latitude and longitude (Loran notations are unofficial and are included only for the convenience of fishermen):

Point	North Latitude	West Longitude	Loran Chain 7980			
			W	X	Y	Z
P	28° 40.000'	82° 53.133'	14352.9	31295.7	45161.8	62955.0
Q	28° 40.000'	82° 47.966'	14361.3	31305.4	45120.0	62920.0
R	28° 35.233'	82° 47.783'	14348.6	31280.6	45080.0	62920.0
U	28° 30.850'	82° 52.150'	14329.1	31248.6	45080.0	62949.9
S	28° 30.850'	82° 52.916'	14327.7	31247.0	45086.6	62955.0

Thence northerly to Point P

(d) ZONE IV – Bounded by a continuous line connecting the following points expressed by latitude and longitude (Loran notations are unofficial and are included only for the convenience of fishermen):

North	West	Loran Chain 7980
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Point	Latitude	Longitude	W	X	Y	Z
E	28° 41.650'	82° 55.416'	14353.7	31300.2	45193.9	62970.0
N	28° 41.650'	82° 53.200'	14357.4	31304.4	45176.0	62955.0
S	28° 30.850'	82° 52.916'	14327.7	31247.0	45086.6	62955.0
O	28° 30.850'	82° 55.183'	14323.7	31242.4	45104.9	62970.0

Thence northerly to Point E

(e) ZONE V – Bounded by a continuous line connecting the following points expressed by latitude and longitude (Loran notations are unofficial and included only for the convenience of fishermen):

Point	North	West	Loran Chain 7980			
	Latitude	Longitude	W	X	Y	Z
F	28° 41.650'	82° 56.150'	14352.4	31298.6	45199.4	62975.0
G	28° 48.933'	82° 56.316'	14372.6	31337.2	45260.0	62975.0
K	28° 50.983'	82° 54.266'	14381.6	31351.8	45260.0	62960.0
L	28° 41.650'	82° 53.933'	14356.2	31303.0	45181.7	62960.0

Thence west to Point F

(3) No person shall operate any trawl in the following zones during the time periods indicated:

(a) ZONES I and III – Beginning on October 5 of each year and continuing through May 20 of the following year.

(b) ZONE IV – Beginning on December 2 of each year and continuing through April 1 of the following year.

(c) ZONE V – Beginning on December 1 of each year and continuing through March 15 of the following year.

(4) No person shall fish with, set, or place any stonecrab trap in the following zones during the time periods indicated:

(a) ZONE II – Beginning on October 5 of each year and continuing through May 20 of the following year.

(b) ZONE IV – Beginning on October 5 of each year and continuing through December 1 of the same year and beginning on April 2 of each year and continuing through May 20 of the same year.

(c) ZONE V – Beginning on October 5 of each year and continuing through November 30 of the same year and beginning on March 16 of each year and continuing through May 20 of the same year.

(5) This rule shall not be construed as allowing shrimping or stonecrabbing in areas or during times as may be otherwise prohibited by law or rule.

(6) “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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-1-89, Amended 2-24-98, Formerly 46-38.001.

68B-38.002 Southwest Florida Seasonal Shrimp Closures.

(1) From October 1 of each year and continuing through May 31 of the following year, no person shall operate any trawl, except a trawl used for live bait shrimping pursuant to license issued by the Fish and Wildlife Conservation Commission as required by Section 370.15(8), Florida Statutes, within the following described area of state waters off the southwest coast of Florida:

Beginning with Bell Buoy No. 8 (Point H) in the Boca Grande ship channel; thence easterly to the northernmost extent of the Colregs Demarcation Line at the northern end of Cayo Costa; thence following the Colregs Demarcation Line southerly and easterly along the shorelines of and across the passes between Cayo Costa, North Captiva Island, Captiva Island, Sanibel Island, Estero Island, the unnamed island southwest of Black Island, Big Hickory Island, Little Hickory Island, and Wiggins Island to the point south of Wiggins Pass where the Colregs Demarcation Line meets 26° 16.0' North Latitude; thence due west to Point Z, and following a continuous line from Point Z through points A, B, C, D, E, F and G; thence northwesterly to the point of beginning at Bell Buoy No. 8 (Point H). Points Z, A, B, C, D, E, F, and G are expressed as follows by latitude and longitude:

Point	North	West
	Latitude	Longitude
Z	26°16.00'	81°58.50'
A	26°17.23'	81°55.55'
B	26°22.31'	81°59.00'
C	26°20.25'	82°04.39'
D	26°22.00'	82°10.79'
E	26°26.05'	82°15.55'
F	26°34.40'	82°18.90'
G	26°38.28'	82°16.92'

(2) The areas described in subsections (1) and (3) are depicted on the following map:

SEE FLORIDA ADMINISTRATIVE CODE FOR “MAP”

(3) Beginning October 1 each year and continuing through May 31 of the following year, no person shall operate any trawl within state waters of the Gulf of Mexico east of a line drawn between the following described points:

Point	North Latitude	West Longitude
Z	26°16.0'	81°58.5'
Y	26°00.0'	82°04.0'
X	25°09.0'	81°47.6'
W	24°54.5'	81°50.5'
V	24°49.3'	81°46.4'

U is the point where the line beginning at Point W extended through Point V intersects U.S. Highway 1 just east of Boca Chica Key.

(4) “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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-1-89, Amended 11-16-98, Formerly 46-38.002, Amended 6-1-99.

68B-38.003 Taylor County Shrimp Closure.

(1) The Marine Fisheries Commission has determined that the repeal of Chapter 83-112, Laws of Florida, a Taylor County special act, in conjunction with the adoption of the substantive portions of this rule, will not adversely affect the marine resources of Taylor County or of the State of Florida.

(2) Chapter 83-112, Laws of Florida, a rule of the Department of Natural Resources pursuant to section 2(5)(c) of Chapter 83-134, Laws of Florida, as amended by section 1 of Chapter 84-121, Laws of Florida, is hereby repealed.

(3) Except as provided in subsection (4), no person shall operate any trawl within the following described area of state waters off Taylor County:

Beginning at a point on the shoreline of the Gulf of Mexico on the north side of the channel at Steinhathee; thence westerly along the line of navigational buoys marking the north side of said channel to flashing light number "1" marking the outer extent of said channel (29° 39.21'N., 83° 27.21'W.); thence westerly to navigational flashing light number “18” (29° 40.045'N., 83° 35.218'W.); thence northwesterly to navigational flashing light number “22” (29° 53.253'N., 83° 53.01'W.); thence north-northwesterly to a privately maintained flashing light at Gamble Point near the mouth of the Aucilla River (30° 04.38'N., 83° 59.20'W.); thence southeasterly along the shoreline along the Gulf of Mexico to the point of beginning.

(4) A person possessing a live bait shrimping license issued by the Fish and Wildlife Conservation Commission pursuant to Section 370.15, Florida Statutes, may operate a trawl or trawls within the area described in subsection (3) if each of the following conditions is met:

(a) The person is harvesting live bait shrimp using no more than two roller frame trawls.

(b) Neither the upper or lower horizontal beam on a roller frame trawl so used is greater than 15 feet in length.

(5) As used in this rule:

(a) “Roller frame trawl” means a 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 horizontal beam of the frame.

5. The trawl has no doors attached to keep the mouth of trawl open.

(b) “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 Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New 1-1-91, Formerly 46-38.003, Amended 8-5-01.

CHAPTER 68B-39 MULLET

68B-39.001	Purpose and Intent; Repeal of Certain General and Special Acts; Designation as Restricted Species.
68B-39.002	Definitions.
68B-39.003	Size Limit; Exception.
68B-39.004	Bag Limit.
68B-39.0045	Seasonal Bag Limit for Portion of Pinellas County.
68B-39.0046	Seasonal Night Closure for Portion of Charlotte County (Punta Gorda).
68B-39.0047	Allowable Harvesting Gear.
68B-39.005	Commercial Harvest, Statewide Regulations.
68B-39.008	Pasco-Lee Region; Seasons; Closed Areas.

68B-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 Environmental Protection 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(21), Florida Statutes.

Specific Authority Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New 10-19-89, Amended 9-1-91, 11-16-98, Formerly 46-39.001.

68B-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 harvested in excess of the recreational 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) "Skimmer net" means a net in the form of an elongated bag kept open by a rigid L-shaped frame together with a weight. Such nets are deployed in tandem on either side of a vessel and are not towed or dragged along the sea bottom.

(7) "Spearing" means the catching or taking of a fish by bow hunting, gigging, spearfishing, or by any device used to capture a fish by piercing the body. Spearing does not include the catching or taking of a fish by a hook with hook and line gear, or by snagging (snatch hooking).

(8) "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.

(9) "Weekend" means that portion of a week commencing at 12:01 a.m. on Saturday and ending at 12:01 a.m. the following Monday.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-19-89, Amended 10-1-90, 11-16-93, 7-15-96, 3-3-97, 1-1-98, Formerly 46-39.002, Amended 10-7-01.

68B-39.003 Size Limit; Exception.

(1) A person harvesting pursuant to Rules 68B-39.005 and 68B-39.011, F.A.C., 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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-19-89, Formerly 46-39.003.

68B-39.004 Bag Limit.

Except as provided in Rules 68B-39.0045-.008, F.A.C.:

(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)(a) During the period beginning September 1 each year and continuing through January 31 of the following year, the possession of more than 50 mullet aboard a vessel in or on the waters of the state at any time is prohibited.

(b) During the period beginning February 1 and continuing through August 31 each year, the possession of more than 100 mullet aboard a vessel in or on the waters of the state at any time is prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-19-89, Amended 9-1-91, 10-5-92, Formerly 46-39.004, Amended 3-30-00.

68B-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 68B-39.005 and 68B-39.008, F.A.C., 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 (W 1/2) of the southwest quarter (SW 1/4) to the northwest (NW) corner of said west half (W 1/2) of the southwest quarter (SW 1/4) 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 (W 1/2) of the west half (W 1/2) of the northeast quarter (NE 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 1/2) of the north half (N 1/2) of the unsurveyed Section sixteen (16) thence west (W) to the intersection of the south (S) line of the north half (N 1/2) of the north half (N 1/2) of Section seventeen (17) with the shoreline 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 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 1/2) of the southwest quarter (SW 1/4) to the northwest (NW) corner of said west half (W 1/2) of the southwest quarter (SW 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 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 (W 1/2) of the west half (W 1/2) of the northeast quarter (NE 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 1/2) of the north half (N 1/2) of the north half (N 1/2) of Section seventeen (17) with the shoreline 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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 10-5-92, Formerly 46-39.0045.

68B-39.0046 Seasonal Night Closure for Portion of Charlotte County (Punta Gorda).

(1) During the period beginning on November 1 each year and continuing through the last day of February of the following year, no person, including those harvesting pursuant to Rules 68B-39.005 and 68B-39.008, F.A.C., shall harvest or attempt to harvest, within the area described in subsection (2), any mullet during the period beginning 6:00 p.m. each evening and continuing until 6:00 a.m. the following morning. No person shall possess any mullet in, on, or above the waters of the area during this nightly closure.

(2) The provisions of subsection (1) shall apply within the following described area of Punta Gorda, Charlotte County, Florida: Commence at a point 300 feet north of the intersection of the eastern boundary of Section 11, T41S, R22E, with the mean high water line of the Peace River; thence, run westerly, southerly, and easterly along a line parallel to and 300 feet waterward of the mean high water line of the Peace River and Charlotte Harbor to the intersection of said line with the southern boundary of Section 25, T41S, R22E; thence, run easterly, along the southern boundary of said Section 25 and the southern boundary of Sections 30 and 29, T41S, R23E, to the southeast corner of said Section 29; thence, run northerly, along the eastern boundary of said Section 29 and the eastern boundary of Section 20, T41S, R23E, to its intersection with the westerly right-of-way line of U.S. Highway 41; thence, run northwesterly, along said right-of-way line, to its intersection with the northern boundary of the south half of Section 7, T41S, R23E; thence, run westerly, along the northern boundary of the south half of said Section 7 and the northern boundary of the south half of Section 12, T41S, R22E, to the southeast corner of the northwest quarter of said Section 12; thence, run northerly, along the eastern boundary of the northwest quarter of said Section 12 to a point due east of the point of beginning; thence, run west to the point of beginning.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 2-24-98, Formerly 46-39.0046.

68B-39.0047 Allowable Harvesting Gear.

(1) The harvest or attempted harvest of any mullet by or with the use of any gear or method other than the following is prohibited.

(a) Cast net with a stretched length (the distance from the horn at the center of the net, with the net gathered and pulled taut, to the lead line) no greater than 14 feet, provided that no more than two such nets shall be fished from any vessel at any time.

(b) Beach or haul seine with a total area (mesh area plus the area of any other attached material that adds to the fishing surface of the net) no larger than 500 square feet, provided that no more than two such nets unconnected shall be fished from any vessel at any time.

(c) Until January 1, 2000, skimmer net meeting the following specifications:

1. No skimmer net shall have an opening larger than 28 feet around the perimeter.

2. No more than two skimmer nets shall be attached to or fished from a single vessel.

3. No skimmer net shall have a total area (mesh area plus the area of any other attached material that adds to the fishing surface of the net) larger than 500 square feet. No skimmer net shall be longer than 30 feet long in a stretched condition.

4. The bag of any skimmer net shall be constructed of no smaller than #12 dipped nylon mesh. The use of monofilament netting material in any part of the net is prohibited. The mesh size in the final 8 feet of the net shall not exceed 3 1/2 inches stretched mesh and the mesh size in the remainder of the net shall not exceed 4 1/2 inches stretched mesh.

5. No skimmer net shall come in contact with the sea bottom while being deployed from a vessel under power.

(d) Hook and line gear.

(e) Spearfishing; except spearfishing is prohibited in fresh water.

(2) No person shall possess or sell or offer for sale any mullet harvested in state waters with any gear not specifically allowed in subsection (1) of this rule.

(3) The simultaneous possession of any species of mullet (*Genus Mugil*) in excess of the recreational bag limit imposed by Rule 68B-39.004, F.A.C., and any gill or entangling net as defined in subsection (c) of Article X, Section 16 of the State Constitution, is prohibited. Simultaneous possession shall include possession of mullet and gill or entangling nets on separate vessels or vehicles where such vessels or vehicles are operated in coordination with one another, including vessels towed behind another vessel.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-3-97, Amended 1-1-98, 11-16-98, 12-31-98, Formerly 46-39.0047, Amended 12-2-99, 7-1-01.

68B-39.005 Commercial Harvest, Statewide Regulations.

(1) Any person harvesting mullet in excess of the bag limit established by Rule 68B-39.004, F.A.C., shall be governed by the statewide regulations contained in this rule and by the specific regional requirements contained in Rule 68B-39.008, F.A.C. 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 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.

(3)(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 68B-39.004, F.A.C., 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.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-19-89, Amended 10-1-90, 9-1-91, 11-16-93, 3-3-97, 11-16-98, Formerly 46-39.005.

68B-39.008 Pasco-Lee Region; 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) 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 68B-39.004, F.A.C., 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.

(a) 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.

(b) 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.

(c) In Charlotte County, all of Coral Creek upstream of its mouth on Gasparilla Sound.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-19-89, Amended 10-1-90, 10-5-92, 9-1-93, 11-29-93, 3-3-97, Formerly 46-39.008.

CHAPTER 68B-40 AMBERJACK

- 68B-40.001 Purpose and Intent; Designation as Restricted Species. (Repealed)
- 68B-40.002 Definitions. (Repealed)
- 68B-40.003 Size Limits; Prohibition of Sale of Undersize Fish. (Repealed)
- 68B-40.004 Bag Limits. (Repealed)
- 68B-40.005 Harvest for Commercial Purposes, Seasonal Prohibition from Sale. (Repealed)

CHAPTER 68B-41 DOLPHIN

- 68B-41.002 Definitions.
- 68B-41.003 Size Limit, Prohibition of Sale.
- 68B-41.004 Bag Limits.
- 68B-41.005 Gear Specifications and Prohibited Gear; Bycatch Allowance.

68B-41.002 Definitions.

As used in this rule chapter:

- (1) "Dolphin" means any fish of the species *Coryphaena hippurus*, or any part thereof.
- (2) "Fork length" means the length of a fish as measured from the tip of the snout to the rear center edge of the tail.
- (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 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.
- (4) "Harvest for commercial purposes" means the taking or harvesting of any dolphin for purposes of sale or with intent to sell. The harvest of any dolphin in excess of the bag limit specified in Rule 68B-41.004, F.A.C. shall constitute harvest for commercial purposes.
- (5) "Land," when used in conjunction with the harvest of a fish, means the physical act of bringing the harvested fish ashore.
- (6) "Spearing" means the catching or taking of a fish by bow hunting, gigging, spearfishing, or by any device used to capture a fish by piercing the body. Spearing does not include the catching or taking of a fish by a hook with hook and line gear, or by snagging (snatch hooking).

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-91, Amended 7-15-96, 1-1-98, Formerly 46-41.002.

68B-41.003 Size Limit, Prohibition of Sale.

- (1) No person shall buy, sell, or exchange any dolphin with a fork length less than 20 inches.
- (2) No person harvesting for commercial purposes shall harvest, possess while in or on the waters of the state, or land any dolphin with a fork length less than 20 inches.
- (3) No person harvesting for commercial purposes shall land any dolphin in other than a whole condition. The possession by such a person, while in or on state waters, of dolphin that have been deheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned is prohibited. Mere evisceration or "gutting" of dolphin, or mere removal of gills, before landing is not prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-91, Formerly 46-41.003.

68B-41.004 Bag Limits.

Except for a person possessing a valid saltwater products license, no person shall harvest or land more than 10 dolphin per day, nor possess more than 10 dolphin at any time while in or on the waters of the state.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-91, Formerly 46-41.004.

68B-41.005 Gear Specifications and Prohibited Gear; Bycatch Allowance.

- (1) Except as provided in subsection (2), dolphin shall only be harvested, within or without waters of the State of Florida, by:
 - (a) Hook and line gear.
 - (b) Longline gear (outside state waters only).
 - (c) Spearing.
- (2) Dolphin shall not be harvested with any type of gear other than one specified in subsection (1); provided, however, that dolphin harvested as an incidental bycatch of other species lawfully harvested with other types of gear shall not be deemed in violation of subsection (1) if the quantity of dolphin so harvested does not exceed the recreational bag limit established in Rule 68B-41.004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-91, Amended 1-1-98, Formerly 46-41.005.

CHAPTER 68B-42 MARINE LIFE

68B-42.001	Purpose and Intent; Designation of Restricted Species; Definition of “Marine Life Species”.
68B-42.002	Definitions.
68B-42.003	Prohibition of Harvest: Longspine Urchin, Bahama Starfish.
68B-42.0035	Live Landing and Live Well Requirements.
68B-42.0036	Harvest in Biscayne National Park Prohibited; Exception.
68B-42.004	Size Limits.
68B-42.005	Bag Limit.
68B-42.006	Commercial Season, Harvest Limits.
68B-42.007	Gear Specifications and Prohibited Gear.
68B-42.008	Live Rock: Harvest in State Waters Prohibited; Aquacultured Live Rock Harvest and Landing Allowed.
68B-42.009	Prohibition on the Taking, Destruction, or Sale of Marine Corals and Sea Fans; Exception; Repeal of Section 370.114, Florida Statutes.

68B-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 Fish and Wildlife Conservation 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 Ogcocephalidae.
- (f) Clingfish – Any species of the Family Gobiidae.
- (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) Porkfish – *Anisotremus virginicus*.
- (n) High-hat, Jackknife-fish, Spotted drum, Cubbyu – Any species of the genus *Equetus* of the Family Sciaenidae.
- (o) Reef Croakers – Any of the species *Odontocion dentex*.
- (p) Sweepers – Any species of the Family Pempheridae.
- (q) Butterflyfish – Any species of the Family Chaetodontidae.
- (r) Angelfish – Any species of the Family Pomacanthidae.
- (s) Damselfish – Any species of the Family Pomacentridae.
- (t) Hawkfish – Any species of the Family Cirrhitidae.
- (u) Wrasse/hogfish/razorfish – Any species of the Family Labridae, except hogfish, *Lachnolaimus maximus*.
- (v) Parrotfish – Any species of the Family Scaridae.
- (w) Jawfish – Any species of the Family Opistognathidae.
- (x) Blennies – Any species of the Families Clinidae or Blenniidae.
- (y) Sleepers – Any species of the Family Eleotrididae.
- (z) Gobies – Any species of the Family Gobiidae.
- (aa) Tangs and surgeonfish – Any species of the Family Acanthuridae.
- (bb) Filefish/triggerfish – Any species of the Family Balistidae, except gray triggerfish, *Balistes capriscus* and ocean triggerfish, *Canthidermis sufflamen*.
- (cc) Trunkfish/cowfish – Any species of the Family Ostraciidae.
- (dd) 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) Starsnails – Any of the species *Lithopoma americanum* or *Australium phoebium*.

(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 furcatus*.

3. Blue-legged or tricolor hermit crab – *Clibanarius tricolor*.

4. Thinstripe hermit crab – *Clibanarius vittatus*.

5. Polkadotted hermit crab – *Phimochirus operculatus*.

6. Spotted porcelain crab – *Porcellana sayana*.

7. Nimble spray or urchin crab – *Percnon gibbesi*.

8. 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 lilies – 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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-91, Amended 7-1-92, 1-1-95, 6-1-99, Formerly 46-42.001, Amended 10-7-01.

68B-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 subsection 68B-4.002(4), F.A.C., 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 68B-42.001, F.A.C., or any part thereof.

(13) "Tropical ornamental marine life species" means any species included in subsection (2) or (3) of Rule 68B-42.001, F.A.C., or any part thereof.

(14) "Tropical ornamental marine plant" means any species included in subsection (4) of Rule 68B-42.001, F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-91, Amended 7-1-92, 1-1-95, 7-15-96, Formerly 46-42.002.

68B-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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-91, Amended 7-1-92, Formerly 46-42.003.

68B-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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-92, Formerly 46-42.0035.

68B-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 subsection 68B-28.004(2), F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-92, Formerly 46-42.0036.

68B-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 (1 1/2) inches for:

a. Gray angelfish (*Pomacanthus arcuatus*).

b. French angelfish (*Pomacanthus paru*).

2. One-and-three-quarters (1 3/4) 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) Porkfish – No person shall harvest, possess while in or on the waters of this state, or land any porkfish (*Anisotremus virginicus*) of total length less than 1 1/2 inches.

(6) Cuban (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 Cuban (spotfin) hogfish (*Bodianus pulchellus*) of total length less than 3 inches.

(c) No person shall harvest, possess while in or on the waters of this state, or land any Spanish hogfish (*Bodianus rufus*) or Cuban (spotfin) hogfish (*Bodianus pulchellus*) of total length greater than 8 inches.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-91, Amended 7-1-92, 1-1-95, 7-15-96, Formerly 46-42.004, Amended 6-1-99.

68B-42.005 Bag Limit.

(1) Except as provided in Rule 68B-42.006, F.A.C., or subsection (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 68B-42.006, F.A.C., 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 68B-42.006, F.A.C., 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 octocorals 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 Executive Director of the Fish and Wildlife Conservation Commission, in the manner provided in Section 120.81(5), Florida Statutes.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-91, Amended 1-1-95, Formerly 46-42.005.

68B-42.006 Commercial Season, Harvest Limits.

(1)(a) Except as provided in subsection 68B-42.008(7), F.A.C., 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 68B-42.005, F.A.C., unless such person possesses a valid saltwater products license with both a marine life fishery endorsement and a restricted species endorsement issued by the Fish and Wildlife Conservation Commission.

(b) Notwithstanding Section 370.06(2)(d)2.a., Florida Statutes, effective July 1, 2002, and until July 1, 2005, a marine life fishery endorsement may not be issued, except that those endorsements that were active during the 2001-2002 fiscal year may be renewed. In 2002 and in subsequent years until July 1, 2005, persons or corporations holding a marine life fishery endorsement that was active in the 2001-2002 fiscal year or an immediate family member of that person must request renewal of the marine life fishery endorsement before September 30 of each year. All provisions of Sections 370.06(2)(d)1., 2. d.-g., and 3., Florida Statutes, shall continue to apply to the issuance and renewal of marine life fishery endorsements with the applicable dates specified in this paragraph.

(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) A limit of 75 porkfish (*Anisotremus virginicus*) per person per day, and a maximum possession limit of 150 porkfish at any time aboard a vessel with two or more persons licensed as required in subsection (1).

(d) A limit of 50 Spanish hogfish (*Bodianus rufus*) and 50 Cuban (spotfin) hogfish (*Bodianus pulchellus*) per person per day, and a maximum possession limit of 100 of either at any time aboard a vessel with two or more persons licensed as required in subsection (1).

(e) 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 Executive Director of the Fish and Wildlife Conservation Commission, in the manner provided in Section 120.81(5), 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.

(f) A limit of 400 giant Caribbean or "pink-tipped" anemones (Genus *Condylactus*) per vessel per day.

(g) A limit of one gallon of starsnails (*Lithopoma americanum* or *Australium phoebium*) per person per day, and a maximum possession limit of 2 gallons at any time aboard a vessel with two or more persons licensed as required in subsection (1).

(h) A limit of one quart of blue-legged or tricolor hermit crabs (*Clibanarius tricolor*) per person or per vessel each day, whichever is less.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-91, Amended 7-1-92, 1-1-95, Formerly 46-42.006, Amended 6-1-99, 2-28-02.

68B-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 3/4 inch stretched mesh.

(c) Drop net, with a maximum dimension not exceeding 12 feet and a mesh size not exceeding 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 Fish and Wildlife Conservation Commission 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 Fish and Wildlife Conservation Commission 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 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 68B-42.005, F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-91, Amended 7-1-92, 1-1-95, 9-30-96, Formerly 46-42.007.

68B-42.008 Live Rock: Harvest in State Waters Prohibited; Aquacultured Live Rock Harvest and Landing Allowed.

- (1) No person shall harvest or possess for sale 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 an Aquaculture Certificate issued by the Florida Department of Agriculture and Consumer Services pursuant to Chapter 597, Florida Statutes, and a federal Live Rock Aquaculture Permit issued by the National Marine Fisheries Service under 50 C.F.R. Part 638.
- (3) Subsection (1) shall not apply to:
 - (a) Any person possessing an Aquaculture Certificate issued by the Florida Department of Agriculture and Consumer Services pursuant to Chapter 597, Florida Statutes, 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 subsection 68B-42.005(4) or paragraph 68B-42.006(2)(c), F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-92, Amended 10-18-93, 1-1-95, Formerly 46-42.008, Amended 6-1-99.

68B-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 paragraph 68B-42.008(3)(a), F.A.C., 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 paragraph 68B-42.008(3)(a), F.A.C., 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 Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New 1-1-95, Amended 7-15-96, Formerly 46-42.009.

CHAPTER 68B-43 BLUEFISH

- 68B-43.001 Purpose and Intent; Repeal of Statutory Provisions; Designation as Restricted Species.
68B-43.002 Definitions.
68B-43.003 Size Limit; Bluefish to be Landed in Whole Condition.
68B-43.004 Bag Limits.
68B-43.005 East Coast Commercial Harvest: Daily Vessel Harvest and Possession Limit; Season Harvest Limit; Gear Specifications.

68B-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 Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, and Chapter 85-163, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, and Chapter 85-163, Laws of Fla. History—New 7-1-93, Formerly 46-43.001.

68B-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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-17-93, Formerly 46-43.002.

68B-43.003 Size Limit; Bluefish to be Landed in Whole Condition.

(1) No person shall harvest, land, or sell or offer for sale 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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-17-93, Amended 8-31-98, Formerly 46-43.003.

68B-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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-17-93, Formerly 46-43.004.

68B-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 Executive Director of the Fish and Wildlife Conservation Commission upon notice and in the manner provided in Section 120.81(5), 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 68B-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 Fish and Wildlife Conservation Commission pursuant to Florida's Marine Fisheries Information System, Chapter 68D-5, F.A.C., and the National Marine Fisheries Service (NMFS). The count shall be conducted by the Fishery Statistics Section of the Florida Marine Research Institute 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 fish 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 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 3600 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.

2. 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:

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.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-17-93, Amended 10-4-95, Formerly 46-43.005.

CHAPTER 68B-44 SHARKS AND RAYS

68B-44.002	Definitions.
68B-44.003	Bag Limit Applicable to State Waters, Gear Restriction.
68B-44.004	Practice of Finning Prohibited; Removal of Fins from Sharks Harvested in State Waters Prohibited; Compliance with Federal Requirements; Filleting Prohibited.
68B-44.005	Commercial Harvest of Sharks: Federal Permit Required.
68B-44.006	Commercial Season; Season Closure; Prohibition of Sale.
68B-44.008	Protected Species: Sawfishes, Basking Shark, Whale Shark, White Shark, Sand Tiger Shark, Bigeye Sand Tiger Shark, Manta Ray, and Spotted Eagle Ray; Prohibition of Harvest, Landing, and Sale.

68B-44.002 Definitions.

As used in this rule chapter:

(1) "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.

(2) "Harvest for commercial purposes" means the taking or harvest of a marine organism for purposes of sale or with intent to sell.

(3) "Finning" means removing the fins of a shark and returning the remainder of the shark to the water.

(4) "Land," when used in connection with the harvest of marine organisms, means the physical act of bringing the harvested organism ashore.

(5) "Ray" means any species of the Order Rajiformes, or any part thereof.

(6) "Shark" means any of the following species or any part thereof (excluding fins unattached as authorized in this chapter):

(a) Large coastal species:

1. Great hammerhead – *Sphyrna mokarran*.
2. Scalloped hammerhead – *Sphyrna lewini*.
3. Smooth hammerhead – *Sphyrna zygaena*.
4. White shark – *Carcharodon carcharias*.
5. Nurse shark – *Ginglymostoma cirratum*.
6. Bignose shark – *Carcharhinus altimus*.
7. Blacktip shark – *Carcharhinus limbatus*.
8. Bull shark – *Carcharhinus leucas*.
9. Caribbean reef shark – *Carcharhinus perezii*.
10. Dusky shark – *Carcharhinus obscurus*.
11. Galapagos shark – *Carcharhinus galapagensis*.
12. Lemon shark – *Negaprion brevirostris*.
13. Narrowtooth shark – *Carcharhinus brachyurus*.
14. Night shark – *Carcharhinus signatus*.
15. Sandbar shark – *Carcharhinus plumbeus*.
16. Silky shark – *Carcharhinus falciformis*.
17. Spinner shark – *Carcharhinus brevipinna*.
18. Tiger shark – *Galeocerdo cuvieri*.
19. Bigeye sand tiger – *Odontaspis noronhai*.
20. Sand tiger shark – *Odontaspis taurus*.

(b) Small coastal species:

1. Atlantic angel shark – *Squatina dumerili*.
2. Bonnethead – *Sphyrna tiburo*.
3. Atlantic sharpnose shark – *Rhizoprionodon terraenovae*.
4. Blacknose shark – *Carcharhinus acronotus*.
5. Caribbean sharpnose shark – *Rhizoprionodon porosus*.
6. Finetooth shark – *Carcharhinus isodon*.
7. Smalltail shark – *Carcharhinus porosus*.

(c) Pelagic species:

1. Bigeye sixgill shark – *Hexanchus vitulus*.
2. Sevengill shark – *Heptranchias perlo*.
3. Sixgill shark – *Hexanchus griseus*.
4. Longfin mako – *Isurus paucus*.
5. Porbeagle shark – *Lamna nasus*.
6. Shortfin mako – *Isurus oxyrinchus*.

7. Blue shark – *Prionace glauca*.
8. Oceanic whitetip shark – *Carcharhinus longimanus*.
9. Bigeye thresher – *Alopias superciliosus*.
10. Thresher shark – *Alopias vulpinus*.

(7) "Spearing" means the catching or taking of a fish by bow hunting, gigging, spearfishing, or by any device used to capture a fish by piercing the body. Spearing does not include the catching or taking of a fish by a hook with hook and line gear, or by snagging (snatch hooking).

Specific 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.

68B-44.003 Bag Limit Applicable to State Waters, Gear Restriction.

(1) No person shall harvest in or from the waters of the state more than one shark per day; provided, however, that the possession of more than two sharks harvested from state waters aboard any vessel with two or more persons is prohibited.

(2) The harvest or attempted harvest of any shark in or from state waters by spearing is prohibited.

Specific 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 46-44.003.

68B-44.004 Practice of Finning Prohibited; Removal of Fins from Sharks Harvested in State Waters Prohibited; Compliance with Federal Requirements; Filleting Prohibited.

(1) No person shall engage in the practice of finning.

(2) No person shall remove any fin of any shark harvested in state waters while in or on such waters or prior to the shark being landed.

(3) Persons returning from federal Exclusive Economic Zone (EEZ) waters adjacent to state waters with sharks or shark fins harvested there shall not stop in state waters to fish and shall land any shark or shark fins in the proportion specified in 50 C.F.R. § 678.21(a)(2).

(4) No person shall fillet any shark while in or on state waters. The possession while in or on state waters of any shark that has been sliced, divided, filleted, ground, skinned, scaled, or deboned, is prohibited. Mere evisceration or "gutting" of such fish, mere removal of gills, or removal of the heads and tails, is not prohibited.

Specific 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.

68B-44.005 Commercial Harvest of Sharks: Federal Permit Required.

No person shall harvest sharks in or from the waters of the state for commercial purposes or sell any shark harvested from such waters unless such person is in possession of a valid federal annual vessel permit for sharks issued pursuant to 50 C.F.R. § 678.4 or written authorization of such harvest or sale from the Regional Director of the National Marine Fisheries Service pursuant to 50 C.F.R. § 678.27.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 4-8-92, Amended 2-14-94, Formerly 46-44.005.

68B-44.006 Commercial Season; Season Closure; Prohibition of Sale.

(1) All persons harvesting sharks for commercial purposes shall have a season that begins on July 1 of each year and continues through June 30 of the following year, unless closed earlier pursuant to subsection (2).

(2)(a) If at any time during the period beginning on July 1 and continuing through December 31 each year, the harvest of large or small coastal sharks for commercial purposes in waters of the federal Exclusive Economic Zone (EEZ) adjacent to Florida waters is closed, the season for harvest of all sharks for commercial purposes in state waters shall be closed from the date of such federal closure until the following January 1.

(b) If at any time during the period beginning on January 1 and continuing through June 30 each year, the harvest of large or small coastal sharks for commercial purposes in waters of the federal Exclusive Economic Zone (EEZ) adjacent to Florida waters is closed, the season for harvest of all sharks for commercial purposes in state waters shall be closed from the date of such federal closure until the following July 1.

(c) Notice of state waters commercial season closure shall be given by the Executive Director of the Fish and Wildlife Conservation Commission in the manner provided in § 120.81(5), Florida Statutes.

(3) During the period of any state waters closure pursuant to subsection (2), the harvest of any shark for commercial purposes in or from state waters is prohibited.

(4) During any state waters commercial closure pursuant to subsection (2) and continuing until harvest of sharks for commercial purposes is allowed, no person shall purchase, sell, or exchange any shark or shark fin harvested from state waters, except that such prohibition shall not apply to trade in shark carcasses or fins that were harvested, offloaded, and purchased, sold, or exchanged prior to the notice of state waters closure given by the Commission pursuant to paragraph (2)(c) of this rule. The purchase, sale, or exchange prohibition shall be announced in such notice.

Specific 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 46-44.006.

68B-44.008 Protected Species: Sawfishes, Basking Shark, Whale Shark, White Shark, Sand Tiger Shark, Bigeye Sand Tiger Shark, Manta Ray, and Spotted Eagle Ray; Prohibition of Harvest, Landing, and Sale.

(1) Pursuant to Section 370.027(2)(f), Florida Statutes, the smalltooth sawfish (*Pristis pectinata*), largetooth sawfish (*Pristis pristis*), basking shark (*Cetorhinus maximus*), whale shark (*Rhincodon typus*), white shark (*Carcharodon carcharias*), sand tiger shark (*Odontaspis taurus*), bigeye sand tiger (*Odontaspis noronhai*), manta ray (species of the genus *Manta* and *Mobula*), and spotted eagle ray (*Aetobatus narinari*) are hereby declared and designated protected species. The purposes of this designation are to increase public awareness of the need for extensive conservation action in order to prevent these resources from becoming endangered and to encourage voluntary conservation practices.

(2) No person shall harvest, possess, land, purchase, sell, or exchange any smalltooth sawfish, largetooth sawfish, basking shark, whale shark, white shark, sand tiger shark, bigeye sand tiger shark, manta ray, or spotted eagle ray, or any part of any of these species.

Specific 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 46-44.008.

CHAPTER 68B-45 BLUE CRAB

68B-45.001	Purpose and Intent; Repeal of Statutory Provisions; Designation as Restricted Species.
68B-45.002	Definitions.
68B-45.003	Minimum Size Limits.
68B-45.004	Regulation and Prohibition of Certain Harvesting Gear.
68B-45.005	Bag Limit.
68B-45.006	Other Prohibitions.

68B-45.001 Purpose and Intent; Repeal of Statutory Provisions; Designation as Restricted Species.

(1) The purpose and intent of this chapter is to protect and conserve Florida's blue crab 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 the second distinct sentence of subsection (1) of Section 370.135, Florida Statutes.

(3) It is the intent of this chapter to repeal and replace Chapter 63-1217, Laws of Florida (1963), a rule of the Department of Natural Resources pursuant to subsection (5) of section 2 of Chapter 83-134, as amended by 84-121, Laws of Florida. This Special Act, applicable to Citrus County, establishes a minimum size for blue crabs harvested in the county. The Marine Fisheries Commission has determined that repeal of Chapter 63-1217, Laws of Florida (1963), a Citrus County Special Act, will not adversely affect the marine resources of Citrus County or of the State of Florida.

(4) Chapter 63-1217, Laws of Florida (1963), a rule of the Department of Natural Resources pursuant to subsection (5) of section 2 of Chapter 83-134, as amended by 84-121, Laws of Florida, is hereby repealed.

(5) Blue crabs are designated as a restricted species pursuant to Section 370.01(20), Florida Statutes.

Specific Authority Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, and Chapter 85-163, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, and Chapter 85-163, Laws of Fla. History—New 12-14-93, Amended 6-1-94, 10-4-95, Formerly 46-45.001, Amended 6-1-99.

68B-45.002 Definitions.

As used in this rule chapter:

(1) "Blue crab" means any crustacean of the species *Callinectes sapidus*, or any part thereof.

(2) "Drop net" means a small, usually circular, net with weights attached along the outer edge and a single float in the center.

(3) "Eggbearing blue crab" means a female blue crab whose eggs are extruded and deposited on the swimmerettes.

(4) "Escape ring" means a rigid ring forming the boundary of an opening placed flush with the vertical surface of the wire mesh wall of the crab trap.

(5) "Fold up trap" means a pyramid-shaped plastic or wire meshed collapsing trap, with a square base panel and triangular-shaped side panels, that opens outward to occupy a single plane when placed on the water bottom. It is baited in the center of the base panel and encloses crabs when retrieved by means of a cord drawing together the topmost points of the side triangles.

(6) "Mesh size" means the size of the opening or space within a polygon formed by the wire of a crab trap, to be measured at the largest dimension across such opening or space in an undistorted condition.

(7) "Harvest" means the catching or taking of a blue crab by any means whatsoever, followed by a reduction of such blue crab to possession. Blue crabs caught but immediately returned to the water free, alive, and unharmed are not harvested. Temporary possession of a blue crab for the purpose of measuring it to determine compliance with the size requirements of this chapter shall not constitute the harvesting of such blue crab, provided that it is measured on the water immediately after taking, and immediately returned to the water free, alive, and unharmed if undersized.

(8) "Harvest for commercial purposes" means the taking or harvesting of blue crab for purposes of sale or with intent to sell or in excess of the bag limit.

(9) "Peeler crab" means a hard blue crab in pre-molt condition having a new soft shell developed under the hard shell and having a definite white, pink, or red line or rim on the outer edge of the back fin or flipper, and retained specifically for soft crab shedding operations and marketed only after molting and prior to the hardening of the new shell.

(10) "Push scrape" 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.

(11) "Trotline" means a submerged line with bait at repetitive intervals.

(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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-14-93, Amended 6-1-94, 10-4-95, Formerly 46-45.002.

68B-45.003 Minimum Size Limits.

Except as provided in subsection 68B-45.004(5), F.A.C., for crabs to be used as live bait, no person harvesting for commercial purposes shall possess any blue crabs measuring less than five inches measured from the tip of one lateral spine to the tip of the opposite lateral spine in quantities greater than 5% of the total number in each container in such person's possession. This minimum size limit does not apply to the harvest of peeler crabs.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-14-93, Amended 6-1-94, Formerly 46-45.003.

68B-45.004 Regulation and Prohibition of Certain Harvesting Gear.

(1) Except as provided in subsections (2), (3), (4), (5) and (6) below, the following types of gear shall be the only types of gear allowed for the harvest of blue crab in or from state waters:

(a) Traps meeting the following specifications:

1. Traps shall be constructed of wire with a minimum mesh size of 1 1/2 inches and have throats or entrances located only on a vertical surface. Beginning on January 1, 1995, traps shall have a maximum dimension of 24 inches by 24 inches by 24 inches or a volume of 8 cubic feet and a degradable panel that meets the specifications of subsection (7) of this rule.

2. All traps shall have a buoy or a time release buoy attached to each trap or at each end of a weighted trotline which buoy shall be constructed of styrofoam, cork, molded polyvinyl chloride, or molded polystyrene, be of sufficient strength and buoyancy to float, and be of such color, hue and brilliancy to be easily distinguished, seen, and located. Buoys shall be either spherical in shape with a diameter no smaller than 6 inches or some other shape so long as it is no shorter than 10 inches in the longest dimension and the width at some point exceeds 5 inches. No more than 5 feet of any buoy line attached to a buoy used to mark a blue crab trap or attached to a trotline shall float on the surface of the water.

3. Each trap used for harvesting blue crab for commercial purposes shall have the harvester's blue crab endorsement number permanently affixed to it. Each buoy attached to such a trap shall have the number permanently affixed to it in legible figures at least two inches high. The buoy color and license number shall also be permanently and conspicuously displayed on any vessel used for setting the 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 Commission shall be displayed and be permanently affixed to the uppermost structural portion of the vessel and displayed horizontally with the painted design up. If the vessel is an open design (such as a skiff boat), in lieu of a separate display, one seat shall be painted with buoy assigned color with permit numbers, unobstructed and no smaller than 10 inches in height, painted thereon in contrasting color. Otherwise, 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 Commission 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.

4. The buoy attached to each trap used to harvest blue crab, other than those used to harvest for commercial purposes, shall have a legible "R", at least two inches high, permanently affixed to it. The trap shall have the harvester's name and address permanently affixed to it in legible letters. The buoy requirements of this subparagraph shall not apply to traps fished from a dock.

5. Each trap with a mesh size of 1 1/2 inches or larger shall have at least three unobstructed escape rings installed, each with a minimum inside diameter of 2 3/8 inches. One such escape ring shall be located on a vertical outer surface adjacent to each crab retaining chamber.

6. Each throat (entrance) in any trap used to harvest blue crabs shall be horizontally oriented, i.e., the width of the opening where the throat meets the vertical wall of the trap and the opening of the throat at its farthest point from the vertical wall, inside the trap, is greater than the height of any such opening. No such throat shall extend farther than 6 inches into the inside of any trap, measured from the opening where the throat meets the vertical wall of the trap to the opening of the throat at its farthest point from the vertical wall, inside the trap.

7. Subparagraphs 1. through 6. shall not apply to any trap used to harvest blue crabs for other than commercial purposes, which trap has a volume of no more than 1 cubic foot and is fished from a vessel, a dock, or from shore.

(b) Dip or landing net.

(c) Drop net.

(d) Fold-up trap with a square base panel no larger than one foot square.

(e) Hook and line gear.

(f) Push scrape.

(g) Trotline.

(2)(a) Peeler crabs may be harvested in traps constructed of wire with a minimum mesh size of one inch and with the throats or entrances located only on a vertical surface. Such traps shall have a maximum dimension of 24 inches by 24 inches by 24 inches or a volume of 8 cubic feet and a degradable panel.

(b) Each trap used to harvest peeler crabs shall have buoys and be identified as described in subparagraph (a)2., and (a)3. or (a)4. of this subsection.

(c) All peeler crabs harvested must be kept in a container separate from other blue crabs.

(d) Each trap used to harvest peeler crabs shall only be baited with live male blue crabs. Any trap used to harvest blue crabs that is baited with anything other than live male blue crabs shall meet the requirements of paragraph (1)(a) of this rule.

(3) In addition to the allowable gear provided for in subsections (1) and (2) above, blue crabs harvested in fresh water may be harvested with gear permitted by the Commission.

(4) Blue crabs may be harvested as an incidental bycatch of shrimp trawls lawfully harvesting shrimp, provided the amount of blue crabs so harvested does not exceed 200 pounds of blue crabs per vessel per trip.

(5) Blue crabs not meeting the size requirements contained in Rule 68B-45.003, F.A.C., may be harvested as a directed catch by or with a dip or landing net or as bycatch of live bait shrimp trawls, provided the total amount of blue crab harvested in either case does not exceed 10 gallons per person or per vessel per day, whichever is less. Undersized blue crabs so harvested shall be maintained alive and shall be sold, bought, bartered, or exchanged solely for use as live bait. Blue crabs harvested as bycatch of live bait shrimp trawls shall be counted for purposes of determining compliance with subsections (4) above and (6) below. No person harvesting blue crabs as a directed catch by or with a dip or landing net shall, on the same trip, harvest blue crabs using any other gear.

(6) Blue crabs may be harvested as an incidental bycatch of other species lawfully harvested with other types of gear so long as the amount does not exceed the bag limit specified in Rule 68B-45.005, F.A.C., and does not violate any other applicable provision of law.

(7) A trap shall be considered to have a degradable panel if one of the following methods is used in construction of the trap:

(a) The trap lid tie-down strap is secured to the trap at one end by a single loop of untreated jute twine. The trap lid must be secured so that when the jute degrades, the lid will no longer be securely closed.

(b) The trap lid tie-down strap is secured to the trap at one end with a corrodible loop composed of non-coated steel wire measuring 24 gauge or thinner. The trap lid must be secured so that when the loop degrades, the lid will no longer be securely closed.

(c) The trap lid tie-down strap is secured to the trap at one end by an untreated pine dowel no larger than 2 inches in length by 3/8 inch in diameter. The trap lid must be secured so that when the dowel degrades, the lid will no longer be securely closed.

(d) The trap contains at least one sidewall with a vertical rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. This opening must be laced, sewn, or otherwise obstructed by a single length of untreated jute twine knotted only at each end and not tied or looped more than once around a single mesh bar. When the jute degrades, the opening in the sidewall of the trap will no longer be obstructed.

(e) The trap contains at least one sidewall with a vertical rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. This opening must be obstructed with an untreated pine slat or slats no thicker than 3/8 inch. When the slat degrades, the opening in the sidewall of the trap will no longer be obstructed.

(f) The trap contains at least one sidewall with a vertical rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. The opening may either be laced, sewn, or otherwise obstructed by non-coated steel wire measuring 24 gauge or thinner or be obstructed with a panel of ferrous single-dipped galvanized wire mesh made of 24 gauge or thinner wire. When the wire or wire mesh degrades, the opening in the sidewall of the trap will no longer be obstructed.

(g) The trap contains at least one sidewall with a vertical rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. The opening may be obstructed with a rectangular panel made of any material, fastened to the trap at each of the four corners of the rectangle by rings made of non-coated 24 gauge or thinner wire or single strands of untreated jute twine. When the corner fasteners degrade, the panel will fall away and the opening in the sidewall of the trap will no longer be obstructed.

(8) No person shall harvest or attempt to harvest blue crabs with any trap seaward of nine nautical miles from shore on the Gulf of Mexico or seaward of three nautical miles from shore on the Atlantic Ocean.

(9)(a) No person shall harvest any blue crabs for commercial purposes with any trap unless such person possesses a valid saltwater products license to which is affixed both a blue crab endorsement and a restricted species endorsement.

(b) Notwithstanding Section 370.135(2)(a), Florida Statutes, effective July 1, 2002, and until July 1, 2005, no blue crab endorsements, except those endorsements that were active during the 2001-2002 fiscal year, shall be renewed or replaced. In 2002 and in subsequent years until July 1, 2005, persons or corporations holding a blue crab endorsement that was active in the 2001-2002 fiscal year or an immediate family member of that person must request renewal of the blue crab endorsement before September 30 of each year. All provisions of Sections 370.135(2)(c)-(e), Florida Statutes, shall continue to apply to the issuance and renewal of blue crab endorsements with the applicable dates specified in this paragraph.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-14-93, Amended 6-1-94, 1-1-95, 10-4-95, 9-30-96, 1-1-98, Formerly 46-45.004, Amended 6-1-99, 2-28-02.

68B-45.005 Bag Limit.

Except for persons harvesting pursuant to a saltwater products license with a blue crab endorsement and a restricted species endorsement, no person shall harvest in or from state waters in any one day or possess while in or on state waters, more than 10 gallons of whole blue crabs.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-14-93, Amended 10-4-95, Formerly 46-45.005.

68B-45.006 Other Prohibitions.

(1) The harvest, possession, purchase, or sale of eggbearing blue crabs is prohibited. Eggbearing blue crabs found in traps shall be immediately returned to the water free, alive and unharmed. The practice of stripping or otherwise molesting eggbearing blue crabs in order to remove the eggs is prohibited and the harvest, possession, purchase, or sale of blue crab from which the eggs, egg pouch, or bunion has been removed is prohibited.

(2) Traps used to harvest blue crabs or peeler crabs may be worked during daylight hours only. The pulling of traps from one hour after official sunset until one hour before official sunrise is prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-14-93, Formerly 46-45.006.

CHAPTER 68B-46 HORSESHOE CRABS

68B-46.001 Definitions.

68B-46.002 Horseshoe Crabs Harvest Restrictions: License Requirements, Gear Specifications, Daily Bag and Possession Limits.

68B-46.001 Definitions.

As used in this rule chapter:

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

(2) "Horseshoe crab" means any arthropod of the species *Limulus polyphemus*, or any part thereof.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-30-00.

68B-46.002 Horseshoe Crabs Harvest Restrictions: License Requirements, Gear Specifications, Daily Bag and Possession Limits.

(1) No person shall harvest, possess, or sell any horseshoe crab unless that person possesses a valid saltwater products license. Horseshoe crabs shall be considered saltwater products for purposes of Section 370.07(6), Florida Statutes.

(2) The harvest or attempted harvest of any horseshoe crab by or with the use of any means or gear other than by hand or gig is prohibited.

(3)(a) Except as provided in paragraph (b), no person shall harvest in any day, within or without the waters of the state, land, or possess while in or on the waters of the state more than 25 horseshoe crabs. No such person shall possess more than 25 horseshoe crabs 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.

(b)1. The following bag and possession limits apply to a person with a valid saltwater products license with a marine life endorsement:

a. No such person shall harvest in any one day, within or without the waters of the state, land, or possess while in or on the waters of the state more than 100 horseshoe crabs.

b. No such person shall possess more than 100 horseshoe crabs 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. The following bag and possession limits apply to a person with a valid saltwater products license and a valid permit to harvest eels commercially in the freshwaters of the state:

a. No such person shall harvest in any one day, within or without the waters of the state, land, or possess while in or on the saltwaters of the state more than 100 horseshoe crabs.

b. No such person shall possess more than 100 horseshoe crabs while in, on, or above the saltwaters of the state or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters.

3. The following provisions apply to each person collecting horseshoe crabs for biomedical purposes:

a. No person shall collect horseshoe crabs for biomedical purposes without possessing a valid Horseshoe Crab Biomedical Collecting Permit. This is not a harvesting permit, but rather allows the holder to temporarily possess horseshoe crabs for the purpose of collecting the blood of the animal.

b. Horseshoe crabs collected for biomedical purposes shall be handled so as to minimize injury, maintained alive, and released alive in the area where collected.

c. Persons possessing a valid Horseshoe Crab Biomedical Collecting Permit are exempted from bag and possession limits specified in paragraph (a) of this subsection if the horseshoe crabs collected are maintained and released alive.

d. The Horseshoe Crab Biomedical Collection Permit shall be renewed each year if the holder files the report required in sub-paragraph e.

e. Each person holding a Horseshoe Crab Biomedical Collection Permit shall file with the Division of Marine Fisheries by May 1 each year a report detailing the use of horseshoe crabs. Such reports will be filed on forms provided by the Division (Form DMF-HSC001 (7-02)) and will include a monthly account of the number of crabs collected, areas where horseshoe crabs were collected, statement of percent mortality up to the point of release, and a certification that collected horseshoe crabs are solely used by the biomedical facility for biomedical purposes and not for other purposes.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-30-00, Amended 7-9-02.

CHAPTER 68B-47 WEAKFISH

68B-47.001	Definitions.
68B-47.002	Size Limits.
68B-47.003	Bag Limits.
68B-47.004	Gear Restriction.

68B-47.001 Definitions.

As used in this chapter:

(1) "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.

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

(3) "Spearing" means the catching or taking of a fish by bow hunting, gigging, spearfishing, or by any device used to capture a fish by piercing the body. Spearing does not include the catching or taking of a fish by a hook with hook and line gear, or by snagging (snatch hooking).

(4) "Total length" means the length of a fish as measured from the tip of the snout to the tip of the tail.

(5) "Weakfish," also known as gray seatrout or yellow-mouth trout, means any fish of the species *Cynoscion regalis*, or any part thereof.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-17-95, Amended 1-1-98, Formerly 46-47.001.

68B-47.002 Size Limits.

(1) No person shall harvest, within or without the waters of the state, possess, or land any weakfish with a total length less than 12 inches.

(2) No person shall purchase, sell, or exchange any weakfish with a total length less than 12 inches.

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

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-17-95, Formerly 46-47.002.

68B-47.003 Bag Limits.

Except for a person possessing a valid saltwater products license, no person shall harvest or land more than 4 weakfish per day, nor possess more than 4 weakfish at any time while in or on the waters of the state.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-17-95, Formerly 46-47.003.

68B-47.004 Gear Restriction.

The harvest or attempted harvest of any weakfish in or from state waters by spearing is prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-98, Formerly 46-47.004.

CHAPTER 68B-48 FLOUNDER AND SHEEPSHEAD

- 68B-48.001 Purpose and Intent; Repeal of Section 370.11(2)(a)2., F.S.; Designation as Restricted Species, Aquaculture Exemption.
- 68B-48.002 Definitions.
- 68B-48.003 Size and Bag Limits.
- 68B-48.004 Gear Specifications and Prohibited Gear.

68B-48.001 Purpose and Intent; Repeal of Section 370.11(2)(a)2., F.S.; Designation as Restricted Species, Aquaculture Exemption.

(1) The purpose and intent of this chapter are to protect and conserve Florida's flounder and sheepshead resources and assure the continuing health and abundance of these species.

(2) It is the intent of this subsection to expressly effect the repeal of and replace Section 370.11(2)(a)2., Florida Statutes, and the remainder of Section 370.11(2)(a), Florida Statutes, as it pertains to flounder.

(3) Flounder and Sheepshead are hereby designated as restricted species pursuant to Section 370.01(20), Florida Statutes.

(4) Provisions of this rule chapter shall not apply to flounder or sheepshead artificially spawned and raised in commercial aquaculture facilities. However, anyone possessing such fish or offering such fish for sale or exchange shall maintain and be able to produce documentation, such as appropriate receipt(s), bill(s) of sale, or bill(s) of lading, to establish the chain of possession from the initial transaction after harvest at the facility. Failure to maintain such documentation shall constitute a violation of this rule chapter.

Specific Authority Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, and Chapter 85-163, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, and Chapter 85-163, Laws of Fla. History—New 1-1-96, Formerly 46-48.001.

68B-48.002 Definitions.

As used in this 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) "Flounder" means any fish of the species *Paralichthys albigutta* (Gulf flounder), *Paralichthys lethostigma* (Southern flounder), *Paralichthys dentatus* (summer flounder), or *Etropus crossotus* (fringed flounder), or any part thereof.

(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) "Length" means the length of a fish as measured from the most forward point of the head to the rear center edge of the tail.

(6) "Sheepshead" means any fish of the species *Archosargus probatocephalus*.

(7) "Sparring" means the catching or taking of a fish by bow hunting, gigging, spearfishing, or by any device used to capture a fish by piercing the body. Sparring does not include the catching or taking of a fish by a hook with hook and line gear, or by snagging (snatch hooking).

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-96, Amended 1-1-98, Formerly 46-48.002.

68B-48.003 Size and Bag Limits.

(1) Size Limits

(a) No person shall harvest in or from state waters, possess while in or on state waters, or sell or offer for sale any flounder or any sheepshead with a total length less than 12 inches.

(b) All flounder and sheepshead shall be landed in whole condition. The possession, while in or on state waters, on any public or private fishing pier, or on a bridge or catwalk attached to a bridge from which fishing is allowed, or on any jetty, of any 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.

(2) Bag Limits – Except for persons harvesting pursuant to a valid saltwater products license:

(a) No person shall harvest in or from state waters more than a total of 10 flounder per day, nor possess while in or on state waters more than 10 such fish.

(b) No person shall harvest in or from state waters more than a total of 15 sheepshead per day, nor possess while in or on state waters more than 15 such fish.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-96, Amended 1-1-97, 8-31-98, Formerly 46-48.003.

68B-48.004 Gear Specifications and Prohibited Gear.

(1) The harvest of flounder or sheepshead in or from state waters by or with the use of any multiple hook in conjunction with live or dead natural bait, or the landing of such fish so harvested, is prohibited. Snagging (snatch hooking) of such fish in or on state waters is also prohibited.

(2) Allowable Gear

(a) Except as provided in paragraph (b), the harvest or attempted harvest of any flounder or sheepshead by or with the use of any gear other than a beach or haul seine, cast net, hook and line gear, or by spearing, is prohibited.

(b) Paragraph (a) shall not apply to a person possessing a valid saltwater products license who harvests flounder or sheepshead using gear not specifically authorized for the respective species by paragraph (a) as an incidental bycatch of other target species lawfully harvested, provided that the number of flounder so harvested and in possession of such person at any time does not exceed 50 lbs., or the number of sheepshead so harvested and in possession of such person at any time does not exceed 50 lbs.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-96, Amended 1-1-97, 1-1-98, Formerly 46-48.004.

CHAPTER 68B-49 TRIPLETAIL

- 68B-49.001 Definitions.
- 68B-49.002 Size and Bag Limits, Daily Commercial Vessel Limit, Designation as Restricted Species.
- 68B-49.003 Gear Specifications and Prohibited Gear.

68B-49.001 Definitions.

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

(4) "Spearing" means the catching or taking of a fish by bow hunting, gigging, spearfishing, or by any device used to capture a fish by piercing the body. Spearing does not include the catching or taking of a fish by a hook with hook and line gear, or by snagging (snatch hooking).

(5) "Tripletail" means any fish of the species *Lobotes surinamensis*, or any part thereof.

(6) "Total length" means the length of a fish as measured from the most forward point of the head to the rear center edge of the tail.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-96, Amended 1-1-98, Formerly 46-49.001.

68B-49.002 Size and Bag Limits, Daily Commercial Vessel Limit, Designation as Restricted Species.

(1) Size Limits.

(a) No person shall harvest in or from state waters, possess while in or on state waters, or sell or offer for sale any tripletail with a total length less than 15 inches.

(b) All tripletail shall be landed in whole condition. The possession, while in or on state waters, on any public or private fishing pier, or on a bridge or catwalk attached to a bridge from which fishing is allowed, of any tripletail 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.

(2) Bag Limit and Daily Commercial Vessel Limit.

(a) Except for persons possessing a valid saltwater products license with a restricted species endorsement, no person shall harvest in or from state waters more than a total of 2 tripletail per day, nor possess while in or on state waters more than 2 such fish.

(b) Each person possessing a valid saltwater products license with a restricted species endorsement, shall be subject to a limit of 10 tripletail per day, provided however, that no more than 10 such fish shall be possessed aboard any vessel while in or on state waters, irrespective of the number of commercial harvesters aboard.

(3) Tripletail is hereby designated a restricted species pursuant to Section 370.01(20), Florida Statutes.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-96, Amended 8-31-98, Formerly 46-49.002.

68B-49.003 Gear Specifications and Prohibited Gear.

(1) The harvest of tripletail in or from state waters by or with the use of any multiple hook in conjunction with live or dead natural bait, or the landing of such fish so harvested, is prohibited. Spearing or snagging (snatch hooking) of such fish in or on state waters is also prohibited.

(2) The harvest or attempted harvest of any tripletail by or with the use of any gear other than hook and line gear is prohibited.

(3) Subsection (2) shall not apply to a person possessing a valid saltwater products license with a restricted species endorsement who harvests tripletail using other than hook and line gear as an incidental bycatch of other target species lawfully harvested, if the number of tripletail so harvested and in possession of such person at any time does not exceed the bag limit specified in Rule 68B-49.002(2)(a), F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-96, Amended 1-1-98, Formerly 46-49.003.

CHAPTER 68B-50 BAITFISH TRAWL FISHERIES

- 68B-50.001 Baitfish Trawls: Allowed for Directed Harvest of Listed Species in Northwest Region; Bycatch Allowance; Open Areas and Seasons; Gear Specifications; Definitions.
- 68B-50.002 Tarp Purse Seine Pilot Program for Certain Counties: Baitfish Annual Season Harvest Limits.

68B-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 specification 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.

(c) 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.

(d) No baitfish trawl shall be deployed or fished that has a mesh size less than 1 1/4 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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-3-96, Formerly 46-50.001.

68B-50.002 Tarp Purse Seine Pilot Program for Certain Counties: Baitfish Annual Season Harvest Limits.

(1) This rule shall govern the harvest of the following baitfish species in the region comprised by Wakulla, Franklin, Gulf, Bay, Okaloosa, and Walton Counties:

- (a) Anchovy (Family *Engraulidae*).
- (b) Blue runner (*Caranx crysos*).
- (c) Atlantic thread herring (*Opisthonema oglinum*).
- (d) Ladyfish (*Elops saurus*).
- (e) Chub mackerel (*Scomber japonicus*).
- (f) Menhaden (Genus *Brevoortia*).
- (g) Spanish sardines (*Sardinella aurita*).
- (h) Round scad (*Decapterus punctatus*).
- (i) Little tunny (*Euthynnus alletteratus*).

(2)(a) The season for commercial harvest of each of the species listed in subsection (1) in the region shall begin on July 1 of each year and continue through June 30 of the following year, unless closed earlier for a particular species pursuant to paragraph (b) of this subsection.

(b) If, during the established season for a species listed in subsection (1), the total harvest of that species in the region is projected to reach the season commercial harvest limit specified in subsection (3) prior to the June 30 close of the season, the season for the species shall be closed on the date that such harvest is projected to reach that limit, by the Executive Director of the Fish and Wildlife Conservation Commission upon notice and in the manner provided in Section 120.81(5), Florida Statutes.

(3) Annual Commercial Season Harvest Limits for the Region.

(a) The annual season commercial harvest limits in the region for the species listed in subsection (1) are as follows:

- 1. Anchovy – 85,000 pounds.
- 2. Blue runner – 508,000 pounds.
- 3. Thread herring – 308,000 pounds.
- 4. Ladyfish – 2,088,000 pounds.
- 5. Chub mackerel – 72,000 pounds.
- 6. Menhaden – 2,415,000 pounds.
- 7. Spanish sardines – 943,000 pounds.
- 8. Round scad – 999,000 pounds.
- 9. Little tunny – 392,000 pounds.

(b) The total commercial harvest of any one of these species for the region during a particular season shall consist of those fish commercially harvested by all forms of gear from waters of the counties of the region and adjacent Exclusive Economic Zone (EEZ) waters, based on projections from official statistics collected and maintained by the Fish and Wildlife Conservation Commission pursuant to Florida's Marine Fisheries Information System. The count shall begin with those fish commercially harvested on and after July 1 of each year and continue until June 30 of the following year or until the harvest limit prescribed in paragraph (a) of this subsection is reached, whichever occurs first.

(c) If the commercial fishing season for any of the species governed by this rule is closed in the region prior to June 30, the commercial harvest of the species affected, in the counties of the region, is prohibited until the following July 1.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-12-97, Formerly 46-50.002.

CHAPTER 68B-51 JELLYFISH

68B-51.001 Jellyfish: Gear Specifications and Prohibited Gear; Bycatch Prohibition; Definitions.

68B-51.001 Jellyfish: Gear Specifications and Prohibited Gear; Bycatch Prohibition; Definitions.

(1) Gear Specification 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 12 1/2 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 3 1/2 inch stretched mesh in the wing portion of the trawl, a minimum mesh size no less than 1 1/2 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 3 1/2 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 3 1/2 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 3 1/2 inch stretched mesh in the wing portion of the trawl, and a minimum mesh size of 1 1/2 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 Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-96, Formerly 46-51.001.

CHAPTER 68B-52 SHAD AND RIVER HERRING

68B-52.001 Shad and River Herring: Repeal of Section 370.11(3), F.S., and Repeal of Chapter 21417, Laws of Florida (1941), Chapter 29466, Laws of Florida (1953), and Chapter 59-1771, Laws of Florida (1959); Prohibited Gear; Bag Limits; Definitions.

68B-52.001 Shad and River Herring: Repeal of Section 370.11(3), F.S., and Repeal of Chapter 21417, Laws of Florida (1941), Chapter 29466, Laws of Florida (1953), and Chapter 59-1771, Laws of Florida (1959); Prohibited Gear; Bag Limits; Definitions.

(1)(a) Repeal of Section 370.11(3), Florida Statutes – It is the intent of this rule to expressly effect the repeal of, and replace, Section 370.11(3), Florida Statutes.

(b)1. Repeal of Chapter 21417, Laws of Florida (1941), Chapter 29466, Laws of Florida (1953), and Chapter 59-1771, Laws of Florida (1959) – The Marine Fisheries Commission has determined that repeal of Chapter 21417, Laws of Florida (1941), a Nassau County Special Act, Chapter 29466, Laws of Florida (1953), a Putnam County Special Act, as it pertains to *Alosa sapidissima*, *Alosa aestivalis*, or *Alosa mediocris*, and Chapter 59-1771, Laws of Florida (1953), a Putnam County Special Act, will not adversely affect the marine resources of either Nassau or Putnam Counties, or of the State of Florida. Chapter 21417, Laws of Florida, establishes an open season for the taking of any species of shad in the tidal waters of Nassau County. Chapter 29466, Laws of Florida, establishes closed areas and gear specifications for the species specified above. Chapter 59-1771, Laws of Florida, amends a fishing season established for the taking of shad or herring in Chapter 29466.

2. Chapter 21417, Laws of Florida (1941), Chapter 29466, Laws of Florida (1953), and Chapter 59-1771, Laws of Florida (1959), rules of the Department of Environmental Protection (formerly 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, are hereby repealed.

(2) Prohibited Gear – The harvest or attempted harvest of any shad or river herring, by or with the use of any gear other than hook and line gear, is prohibited. Shad and river herring harvested by or with the use of any gear other than hook and line, shall be returned to the water free, alive, and unharmed. Temporary possession of any shad or river herring in order to release such fish back into the water, is not prohibited.

(3) Bag Limits – No person shall harvest in or from state waters, more than an aggregate bag limit of 10 American shad, Alabama shad, and hickory shad per day, nor possess at anytime more than 10 such fish.

(4) Definitions – For purposes of this rule:

(a) "Alabama shad" means any fish of the species *Alosa alabamae*, or any part thereof.

(b) "American shad" means any fish of the species *Alosa sapidissima*, or any part thereof.

(c) "Blueback herring" means any fish of the species *Alosa aestivalis*, or any part thereof.

(d) "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 that water free, alive, and unharmed, are not harvested.

(e) "Hickory shad" means any fish of the species *Alosa mediocris*, or any part thereof.

(f) "River herring", as used in this chapter, shall include any fish of the species *Alosa aestivalis* (blueback herring), or any part thereof.

(g) "Shad", as used in this chapter shall mean any fish of the species *Alosa alabamae* (Alabama shad), *Alosa sapidissima* (American shad), *Alosa mediocris* (hickory shad), or any part thereof.

Specific Authority Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, and Chapter 85-163, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, and Chapter 85-163, Laws of Fla. History—New 1-7-97, Formerly 46-52.001.

CHAPTER 68B-53 CALICO SCALLOPS

- 68B-53.001 Definitions.
68B-53.002 Size Limit.
68B-53.003 Harvest Requirements: Harvest for Commercial Purposes; Gear Specifications; Closed Areas.

68B-53.001 Definitions.

As used in this chapter:

- (1) "Calico scallop" means any scallop of the species *Argopecten gibbus*, or any part of the meat or viscera thereof.
- (2) "Harvest for commercial purposes" means the taking or harvesting of any calico scallop for purposes of sale or with intent to sell or by means of any trawl.
- (3) "Harvest" means the catching or taking of a marine species by any means whatsoever, followed by a reduction of such marine species to possession. Calico scallops that are temporarily possessed for the purpose of determining compliance with the size limit imposed by this chapter shall not be considered harvested if those that are undersize are returned to the water immediately after sorting.
- (4) The term "land", when used in conjunction with the harvest of calico scallops, means the physical act of bringing the harvested calico scallop ashore.
- (5) "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. "Otter trawl" means a trawl with its mouth kept open by means of boards or "doors" on each side.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 3-1-99, Formerly 46-53.001.

68B-53.002 Size Limit.

Each harvester and processor of calico scallops shall possess calico scallops that are of legal size. Calico scallops shall be considered of legal size if a one pound sample of calico scallop meats, taken from any single container possessed by the harvester or processor, contains no more than 250 individual meats. If containers are possessed, the capacity of which is less than one pound, a sample taken to determine compliance with this rule may be made up of the contents of more than one container. Each sample containing more than 250 calico scallop meats shall constitute a separate violation of this size limit.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 3-1-99, Formerly 46-53.002.

68B-53.003 Harvest Requirements: Harvest for Commercial Purposes; Gear Specifications; Closed Areas.

(1) No person shall harvest calico scallops within or without the waters of the state or land any calico scallop unless such person possesses a valid saltwater products license.

(2) No person shall harvest calico scallops for commercial purposes within or without the waters of the state using any gear other than an otter trawl meeting the following specifications:

(a) No such trawl shall be towed for more than 25 minutes, beginning when the trawl is placed in the water and ending when the trawl is completely removed from the water.

(b) In the areas where the use of such trawls is allowed by subsection (3), no more than two unconnected otter trawls, each with a headrope no longer than 40 feet, a perimeter around the leading edge of the net not greater than 120 feet, and a mesh area not greater than 500 square feet, shall be deployed from any vessel.

(c) No such trawl shall be deployed or fished that has a mesh size anywhere in the trawl body or bag less than 3 inches stretched mesh or that has a twine size smaller than #84.

(d) No such trawl shall be used for the directed harvest of any species other than calico scallops. Any bycatch of other species shall be immediately returned to the water where caught.

(e) Such trawls, to the extent that they meet each provision of this rule, shall be exempt from the Turtle Excluder Device (TED) requirement of Rule 68B-31.004, F.A.C., and the applicable regional Bycatch Reduction Device (BRD) requirement of Rule Chapter 68B-31, F.A.C.

(3) No otter trawl shall be used in the directed harvest of calico scallops within the following areas:

(a) All state waters of Jefferson, Taylor, Dixie, Levy, Citrus, Hernando, Pasco, Pinellas, and Hillsborough 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.

(b) All state waters shoreward of a line one mile seaward of the Colregs Demarcation Line, except that in Wakulla, Franklin, and Gulf Counties, all state waters shoreward of a line three miles seaward of the Colregs Demarcation Line.

(c) All waters closed to the use of otter trawls for the harvest of shrimp, during the time periods indicated, pursuant to the following Marine Fisheries Commission rules:

1. Rule 68B-31.0156, F.A.C.
2. Rule 68B-31.016, F.A.C.

3. Rule 68B-38.001, F.A.C.

4. Rule 68B-38.002, F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 3-1-99, Formerly 46-53.003.

CHAPTER 68B-54 BLUE LAND CRABS

68B-54.001	Definitions.
68B-54.002	Statewide Open and Closed Seasons for Harvesting Blue Land Crabs.
68B-54.003	Allowable Gear for Harvesting Land Crabs.
68B-54.004	Bag Limit.
68B-54.005	Other Prohibitions, Exception.

68B-54.001 Definitions.

For the purposes of this chapter, except where the context requires otherwise:

- (1) “Blue Land Crab” means any crab of the species *Cardisoma guanhumi*, or any part thereof.
- (2) “Harvest” means the catching or taking of a blue land crab by any means whatsoever, followed by a reduction of such blue land crab to possession.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 2-27-03.

68B-54.002 Statewide Open and Closed Seasons for Harvesting Blue Land Crabs.

(1) Blue land crabs shall only be harvested during the open season, which is from November 1 of each year through June 30 of the following year.

(2) No person shall harvest, attempt to harvest, or possess any blue land crab during the period beginning on July 1 and continuing through October 31 of each year.

(3) The prohibition against possession in subsection (2) of this rule shall not apply to blue land crabs that are possessed for experimental, scientific, or exhibitional purposes pursuant to a permit issued by the Fish and Wildlife Conservation Commission as authorized by Section 370.10(2), Florida Statutes, or as stock for artificial cultivation pursuant to a Special Activity License issued by the commission as authorized by Section 370.101(2), Florida Statutes.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 2-27-03.

68B-54.003 Allowable Gear for Harvesting Land Crabs.

(1) Blue land crabs shall only be harvested by hand or with the use of a landing or dip net.

(2) No person shall harvest any blue land crab by or with the use of any gear other than those types specified in subsection (1). Any blue land crab harvested by or with the use of any other type of gear shall be immediately released free, alive and unharmed.

(3) No person shall harvest or attempt to harvest blue land crabs using or with the aid of bleach or any other chemical solution.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 2-27-03.

68B-54.004 Bag Limit.

(1) No person shall harvest in any one day or possess at any time more than 20 blue land crabs.

(2) The possession limit in subsection (1) shall not apply to any licensed wholesale or retail seafood dealer or restaurant, or to any person who has purchased blue land crabs from a licensed wholesale or retail seafood dealer or restaurant. 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 blue land crabs were purchased from a licensed wholesale or retail seafood dealer or restaurant. Failure to maintain such receipts, bills of sale, or other appropriate documentation shall constitute a violation of this rule.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 2-27-03.

68B-54.005 Other Prohibitions, Exception.

(1) The harvest, possession, purchase, or sale of eggbearing blue land crabs is prohibited. The practice of stripping or otherwise molesting eggbearing blue land crabs in order to remove the eggs is prohibited and the harvest, possession, purchase or sale of blue land crabs from which the eggs, egg pouch, or bunion has been removed is prohibited.

(2) No person shall harvest or attempt to harvest any blue land crab on, upon, or from the right-of-way of any federal, state, or county-maintained road, whether paved or otherwise, or from any state park. The harvest or attempted harvest of any blue land crab while such crab is on or upon the right-of-way of any federal, state, or county-maintained road, whether paved or otherwise, or in a state park, is prohibited.

(3) The prohibitions of this chapter shall not apply to blue land crabs that have been legally harvested in another state or country and have entered the State of Florida in interstate or international commerce. The burden shall be upon any person possessing such blue land crabs 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 to show that such blue land crabs originated from a point outside of the State of Florida and entered the state in interstate or international commerce. Failure to maintain such documentation or to promptly produce such documentation at the request of any duly authorized law enforcement officer shall constitute a violation of this chapter.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 2-27-03.

CHAPTER 68B-56 BALLYHOO

68B-56.001	Definitions.
68B-56.002	Commercial Licensing Requirements; Appeals.
68B-56.003	Allowable Commercial Harvesting Gear.
68B-56.004	Commercial Season; Season Closure; Daily Harvest and Possession Limits.

68B-56.001 Definitions.

For the purpose of this chapter, except where the context requires otherwise:

- (1) “Ballyhoo”, also commonly known as halfbeaks, means any fish of the genera *Hemiramphus* or *Hyporhamphus*, or any part thereof.
- (2) “Harvest for commercial purposes” means the taking or harvesting of fish for purposes of sale or with intent to sell.
- (3) “Immediate family” refers to an endorsement holder’s mother, father, sister, brother, spouse, son, daughter, step-father, step-mother, step-son, step-daughter, half-sister, or half-brother.
- (4) “Lampara net” means a modified purse seine that has a section constituting a bag, with rings through which a draw rope is used to close the bag.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art.IV, Sec. 9, Fla. Const. History—New 5-1-03.

68B-56.002 Commercial Licensing Requirements; Appeals.

(1) Beginning September 1, 2003, no person shall engage in the directed harvest of ballyhoo for commercial purposes with a lampara net unless such person possesses a valid saltwater products license with both a purse seine endorsement and a lampara net endorsement.

(2) Application for issuance of a lampara net endorsement shall be made on a form provided by the Commission (Form DMF-SL4000 (5-03), incorporated herein by reference). Persons shall be issued a lampara net endorsement on their saltwater products license based on the following criteria:

(a) The applicant must possess a saltwater products license (SPL) with a purse seine endorsement during the 2002-2003 license year.

(b) The applicant must have documented landings of at least 10,000 pounds of ballyhoo or 55,000 individual ballyhoo, pursuant to Commission trip ticket records generated under the provisions of Rule Chapter 68E-5, F.A.C., during any one license year between July 1, 2000, and June 30, 2002, or during the period between July 1, 2002, and November 21, 2002. Only trip tickets received by the Commission by January 31, 2003, shall be considered for qualification for a lampara net endorsement pursuant to this paragraph.

(c) An applicant who possesses both an individual SPL and a vessel SPL shall be considered to have only one SPL for purpose of issuing a lampara net endorsement. Landings reported on both the applicant’s individual SPL and vessel SPL shall be combined for determining if the applicant meets the criteria for receiving a lampara net endorsement specified in paragraph (b).

(d) In lieu of the requirements specified in paragraph (b), a person who has purchased another ballyhoo fisher’s vessel between July 1, 2001, and the date this rule becomes effective shall receive a lampara net endorsement, provided that the seller’s entire ballyhoo landing history was specifically part of the sale-purchase agreement and the seller’s landings are sufficient to meet the criteria in paragraph (b). Additional proof of purchased ballyhoo landings history is a copy of a contract or bill of sale specifically identifying the seller’s ballyhoo landings history as one of the items included in the sale of the vessel, or a letter from the seller to the Commission describing what specifically was included in the sale of the vessel.

(3) Beginning in the 2004-2005 license year and until July 1, 2008, only persons holding a valid lampara net endorsement during the 2003-2004 license year will be eligible for issuance of a lampara net endorsement renewal and no new endorsements will be issued during the period.

(a) Beginning in the 2004-2005 license year and in subsequent license years until July 1, 2008, persons, corporations, or other entities holding a lampara net endorsement that was active in the 2003-2004 license year or an immediate family member of that person must request renewal of the lampara net endorsement before September 30 of each year. Failure to renew the lampara net endorsement by September 30 of each year will result in forfeiture of the endorsement. The Florida Fish and Wildlife Conservation Commission may consider extending the moratorium on issuance of lampara net endorsements at any time prior to July 1, 2008.

(b) Lampara net endorsements shall not be renewed if at least 10,000 pounds of ballyhoo or 55,000 individual ballyhoo are not landed by the endorsement holder in any one of the three most recent license years prior to application for renewal of the endorsement.

(c) Until such time that a fee is required for a lampara net endorsement, lampara net endorsement holders shall continue to renew their purse seine endorsement, as specified in Section 370.06(1), F.S.

(d) In the event of death or disability of a person holding an active lampara net endorsement, the endorsement may be transferred by the person or the executor of the person’s estate to a member of his or her immediate family.

(4) Appeals. The Director of the Division of Marine Fisheries, or one or more designees of the director, shall consider disputes and other problems arising from the initial denial of lampara net endorsements. The Director shall submit a recommendation to the Executive Director of the Commission for resolution of the appeal, which will recommend either allocation of an endorsement to the appellant or upholding the denial of an endorsement.

(a) An appeal of the initial denial of a lampara net endorsement is initiated by submission of a completed appeals form (Form DMF-SL4050 (5-03), incorporated herein by reference) to the Director of the Division of Marine Fisheries before October 1, 2003.

(b) The burden of proof shall be on an appellant to demonstrate, through copies of trip tickets or other proof of landings, legitimate sales to a licensed wholesale dealer that were not reported by the dealer during the qualifying years or included in the agency landings database as of January 31, 2003.

(c) The Executive Director of the Commission may accept or disapprove the recommendation of the Director of the Division of Marine Fisheries, with notice given in writing to each party in the dispute explaining the reasons for the final decision. The action of the Executive Director of the Commission constitutes final agency action, and is appealable pursuant to the requirements of Chapter 120, Florida Statutes.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art.IV, Sec. 9, Fla. Const. History–New 5-1-03.

68B-56.003 Allowable Commercial Harvesting Gear.

(1) Except as provided for in subsection (2), the harvest or attempted harvest of ballyhoo for commercial purposes with any gear or method other than the following is prohibited:

(a) Lampara net.

(b) Cast net meeting the requirements of subsection 68B-4.0081(3), F.A.C.

(c) Hook and line gear.

(d) Landing or dip net.

(2) Incidental Take – A person without a lampara net endorsement may harvest ballyhoo as an incidental bycatch in purse seines, or in lampara nets while fishing for other species, provided that the person possesses a valid saltwater products license with a purse seine endorsement, and provided that no more than the amount of ballyhoo allowed by paragraph 68B-56.004(2)(c), F.A.C.. is possessed aboard the vessel at any time.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art.IV, Sec. 9, Fla. Const. History–New 5-1-03.

68B-56.004 Commercial Season; Season Closure; Daily Harvest and Possession Limits.

(1) Commercial Season – The season for harvest of ballyhoo for commercial purposes with a lampara net, within or without the waters of the State of Florida, shall begin on September 1 of each year and continue through July 31 of the following year. During the period beginning August 1 and continuing through August 31 of each year, no person shall harvest ballyhoo in or from state waters or adjacent federal Economic Exclusive Zone (EEZ) waters with a lampara net.

(2) Commercial Vessel Limits.

(a) A person possessing a valid saltwater products license with a lampara net endorsement shall harvest and land no more than 10 boxes of ballyhoo per vessel per day, and no more than one trip may be conducted during a single day. The possession of more than 10 boxes of ballyhoo aboard any such vessel is prohibited. All boxes used to store ballyhoo aboard a vessel shall have a lid, a base, and four sides that are rectangular or square in dimension, and each box shall be no larger in dimension than 4.25 feet, by 2 feet, by 2 feet, or the volume equivalent (17 feet³).

(b) Except as provided for in paragraph (c), a person possessing a valid saltwater products license without a lampara net endorsement shall not harvest or sell more than 5 gallons of ballyhoo per day or possess more than 5 gallons of ballyhoo aboard any vessel.

(c) Incidental Take – A person possessing a valid saltwater products license with a purse seine endorsement may harvest, as an incidental bycatch in a purse seine or lampara net, while fishing for other species, and sell, no more than 10 gallons of ballyhoo per day and no more than 10 gallons of ballyhoo shall be possessed aboard such person's vessel at any time.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art.IV, Sec. 9, Fla. Const. History–New 5-1-03.

CHAPTER 68C-22 THE FLORIDA MANATEE SANCTUARY ACT

68C-22.001	Scope.
68C-22.002	Definitions.
68C-22.003	Regulated Activities.
68C-22.004	Management Provisions.
68C-22.005	Lee County Zones.
68C-22.006	Brevard County Zones.
68C-22.007	Indian River County Zones.
68C-22.008	St. Lucie County Zones.
68C-22.009	Palm Beach County Zones.
68C-22.010	Broward County Zones.
68C-22.011	Citrus and Associated County (Parts of Levy and Hernando) Zones.
68C-22.012	Volusia and Associated County (Parts of Putnam, Lake, Seminole and Flagler) Zones.
68C-22.013	Hillsborough County Zones.
68C-22.014	Manatee County Zones.
68C-22.015	Charlotte County (and Part of DeSoto County) Zones.
68C-22.018	Turkey Creek Zones Established. (Repealed)
68C-22.021	Manatee Cove Zone Established. (Repealed)
68C-22.022	Hillsborough County - Big Bend Zones Established.
68C-22.023	Collier County Zones.
68C-22.024	Martin County Zones.
68C-22.025	Dade County Zones.
68C-22.026	Sarasota and Associated County (Parts of Manatee and Charlotte) Zones.
68C-22.027	Duval County and Associated County (Parts of Clay and St. Johns) Zones.

68C-22.001 Scope.

(1) The "Florida Manatee Sanctuary Act" was adopted to protect the West Indian (Florida) manatee or sea cow (*Trichechus manatus*) in the waters of the State of Florida from disturbance, harassment, injury or harm in part by regulating as mandated in subsections 370.12(2)(f), (g), (h), (i), (j), (k), (l), (m), (n), and (o), F.S., motorboat speeds and vessel operations in the critical areas of manatee concentration.

(2) As required by Section 370.12(2), F.S., the Commission shall only establish manatee protection zones in areas where manatee sightings are frequent and it can be generally assumed, based on all available information, that they inhabit these areas on a regular, periodic or continuous basis. To make this determination, the Commission shall use all available scientific information as well as any other available, relevant, and reliable information. The information considered by the Commission shall include the following (when available):

- (a) Manatee mortality data;
- (b) Aerial survey data;
- (c) Satellite telemetry data;
- (d) VHF radio telemetry data;
- (e) Manatee sightings, observations and notes made by researchers or other qualified observers (such as park personnel, law enforcement officers, etc.);
- (f) Studies and reports pertaining to manatee distribution, relative abundance, habitat, behavior, or other manatee information;
- (g) Scar catalog (photo identification) data;
- (h) Expert opinions; and
- (i) Any other site-specific information which is available.

(3) In establishing manatee protection zones as provided above, the Commission shall take into consideration, in relation to manatee protection needs, the rights of boaters, fishermen, and waterskiers (as they apply under Section 370.12(2)(j), F.S.). Recognizing that regulations governing the speed and operation of motorboats in manatee use areas constitute the most direct mechanism for protecting manatees from harmful impacts and death in areas frequented by motorboats, the Commission shall utilize the standards provided under paragraph (3)(a), below, in determining the likelihood of threats to manatees associated with manatee protection needs, vessel activity and waterway characteristics in critical areas. Following such a determination, the Commission shall establish such boater restrictions as are justified by manatee protection needs. The Commission shall not establish restrictions which may result in undue interference with the rights of boaters, fishermen, and waterskiers (as they apply under Section 370.12(2)(j), F.S.).

(a) The Commission utilizes the following standards in determining the likelihood of threat to the survival of West Indian (Florida) manatee associated with vessel activity and waterway characteristics in areas of regular, frequent, periodic, or continuous manatee use:

1. A threat to manatees exists if, due to the nature or frequency of known boating activity in the area, the absence of adequate speed restrictions will likely result in either:

- a. Injury or death to manatees;
- b. Disruption of the manatee's regular use, behavior or migratory patterns; or
- c. Disturbance which would lead to or cause destruction of essential manatee habitat.

2. In determining that a threat to manatees exists, the Commission will consider, but not be limited to an examination of, the following factors:

- a. The proximity and degree of known boating activities to areas with presumed patterns of manatee use on the basis of all available information;
- b. Seasonal and/or year-round patterns of manatee use;
- c. The number of manatees known or assumed to occur in, or seasonally use, the area on the basis of all available information;
- d. The manatee mortality trends within the area;
- e. The existence of features within the area which are essential to the survival of, or are known to attract, manatees, such as seagrasses or other food sources, favorable water depths, and fresh or warm water sources; and
- f. The characteristics of the waterway in question in relation to known boating activity patterns.

(b) In consideration of balancing the rights of fishermen, boaters and waterskiers to use waters for recreational and commercial purposes (as applicable under Section 370.12(2)(j), F.S.), with the necessity for boat speed regulation to protect manatees in identified manatee use areas, the Commission shall (1) designate within these areas limited lanes or corridors to provide for higher speed (greater than 25 mph) motorboat travel, or (2) not regulate sufficient portions of these areas in order to accommodate activities that require higher speeds, upon a finding that such areas are needed and will not result in serious threats to manatees or their habitat. A serious threat to manatees exists if, due to the nature or frequency of known boating activity in relation to manatee use in the area, the provision for higher speed corridors or unregulated areas will more likely than not result in death or injury to manatees within these areas.

Specific Authority 370.12(2)(f)-(i), (k), (n), (o) FS. Law Implemented 370.12(2)(d), (f)-(k), (m), (n), (o) FS. History--New 3-19-79, Formerly 16N-22.01, Amended 12-30-86, 6-16-93, 9-9-93, Formerly 16N-22.001, Amended 5-31-95, 6-25-96, 5-12-98, Formerly 62N-22.001.

68C-22.002 Definitions.

When used in these rules, the following words shall have the indicated meanings unless the context clearly indicates otherwise:

(1) "Critical areas" means portions of waters of the State of Florida as defined by subsections 370.12(2)(f), (g), (h), (i), (j), (k), (n), and (o), F.S.

(2) "Idle speed" means the minimum speed that will maintain the steerageway of a motorboat.

(3) "Idle speed zone" means an area where vessels may not be operated at greater than Idle Speed, as defined in subsection 68C-22.002(2), F.A.C.

(4) "Miles" means statute miles.

(5) "Motorboat" means any boat or vessel propelled or powered by machinery.

(6) "Motorboats prohibited zone" means an area where the entry of vessels being propelled or powered by machinery is prohibited. These zones do not apply to vessels using other means of propulsion (e.g., sails, oars, or poles, etc.) provided that propelling machinery, if fitted, is not being used and, to the maximum extent possible, said machinery is raised out of the water.

(7) "Slow speed" means the speed at which a vessel proceeds when it is fully off plane and completely settled into the water. Vessels shall not be operated at a speed that creates an excessive wake or other hazardous condition which endangers other vessels under the existing circumstances. This required level of protection for the safety of vessels and vessel operators is also intended to provide adequate protection for manatees and is therefore adopted because of its familiarity to vessel operators. Due to the different speeds at which vessels of different sizes and configurations may travel while in compliance with this definition, there is no specific numerical speed assigned to Slow Speed.

A vessel is NOT proceeding at Slow Speed if it is: (1) on a plane; (2) in the process of coming off plane and settling into the water or coming up onto plane; or (3) creating an excessive wake or other hazardous condition which endangers other vessels.

A vessel IS proceeding at Slow Speed if it is fully off plane and completely settled into the water and not creating an excessive wake or other hazardous condition which endangers other vessels.

(8) "Slow speed zone" means an area where vessels may not be operated at greater than Slow Speed, as defined in subsection 68C-22.002(7), F.A.C.

(9) "Caution zone" means an area where manatees frequently inhabit on a somewhat regular basis and motorboat operators are advised to use caution so as not to strike a manatee.

(10) "Waters" means waters of the State of Florida.

(11) "Maximum 25 MPH Speed Zone" means a controlled area within which a vessel's speed made good over the bottom, measured in statute miles, shall not exceed 25 miles per hour. Although it is the intention of the Commission to allow those vessels capable of attaining a planing configuration at 25 MPH to do so, this speed limit shall not be construed as permitting the reckless or careless operation of a vessel, in violation of Section 327.33, F.S., or authorizing any vessel to travel at an unsafe speed, in violation of 33 U.S.C. s. 2006, as adopted pursuant to Section 327.33, F.S., by reason of:

(a) Having an elevated bow which restricts visibility, or

(b) Producing an excessive wake which endangers other vessels or natural resources of the state.

(12) "Maximum 30 MPH Speed Zone" means a controlled area within which a vessel's speed made good over the bottom measured in statute miles, shall not exceed 30 miles per hour. Although it is the intention of the Commission to allow those vessels capable of attaining a planing configuration at 30 MPH to do so, this speed limit shall not be construed as permitting the reckless or careless operation of a vessel, in violation of Section 327.33, F.S., or authorizing any vessel to travel at an unsafe speed, in violation of 33 U.S.C. s. 2006, as adopted pursuant to Section 327.33, F.S., by reason of:

(a) Having an elevated bow which restricts visibility, or

(b) Producing an excessive wake which endangers other vessels or natural resources of the state.

(13) "Maximum 35 MPH Speed Zone" means a controlled area within which a vessel's speed made good over the bottom, measured in statute miles, shall not exceed 35 miles per hour. Although it is the intention of the Commission to allow those vessels capable of attaining a planing configuration at 35 MPH to do so, this speed limit shall not be construed as permitting the reckless or careless operation of a vessel, in violation of Section 327.33, F.S., or authorizing any vessel to travel at an unsafe speed, in violation of 33 U.S.C. s. 2006, as adopted pursuant to Section 327.33, F.S., by reason of:

(a) Having an elevated bow which restricts visibility, or

(b) Producing an excessive wake which endangers other vessels or natural resources of the state.

(14) "Shoreline" means the point where the water meets the land at any point in time.

(15) "General Contour of the Shoreline" means a line defined as the most waterward of the outside edge of emergent aquatic vegetation, if present, or a line of Mean Low Water as defined in Chapter 177, Part II, Florida Statutes, as approximated on NOAA nautical charts. Waters lying landward of this line are to be included up to the shoreline, as defined under subsection (14), above. Emergent aquatic vegetation shall include plants rooted in the ground that extend above the surface of the water.

(16) "Channel" means a marked navigation channel, unless otherwise described or designated, and is not intended to mean an access or side channel unless otherwise designated for the purpose of regulation.

(17) "No entry zone" means a limited area of critical importance as a safe haven for manatees to rest, feed, reproduce, give birth, nurse or otherwise habituate undisturbed by human activity. No vessel of any kind, whether power-driven or non-motorized, as referenced in section 1(b), Article VII, of the Florida Constitution, including every description of watercraft, barge, and airboat, shall be permitted within the designated area. No other vessel or flotation device, including but not limited to a seaplane, sailboard, surfboard, raft, or any other water toy or other like object intended for or capable of use as a means of transportation on the water, shall be permitted within the designated area, nor shall other human activities including but not limited to diving, snorkeling, swimming, fishing (except from an adjacent bank or bridge when using poles or lines which are not equipped with a fishing line retrieval mechanism, e.g., a cane pole), and the introduction by persons of food or other objects, that involves disturbance of these waters or the manatees so inhabiting them, be permitted within such a designated area, except as provided under Rule 68C-22.003, F.A.C.

(18) "Authorized Resident" means any person owning a fee or leasehold interest in real property or a boating facility immediately adjacent to a motorboats prohibited zone or a no entry zone.

(19) "Vessel" is synonymous with boat, as referenced in section 1(b), Article VII, of the State Constitution, and includes every description of watercraft, barge, and airboat other than a seaplane on the water used or capable of being used as a means of transportation on water.

(20) "Rights of Boaters, Fishermen and Waterskiers" (as they apply under Section 370.12(2)(j), F.S.), means that boaters, fisherpersons and waterskiers have the right to use the waters of the State of Florida for recreational or commercial purposes in a manner consistent with all applicable federal, state and local laws and regulations. Such laws and regulations include, but are not limited to, those governing the operation and safety of vessels on the water to promote public safety, environmental/natural resource protection, and/or responsible use of the waters of the State.

(21) "Undue Interference" (as used in Section 370.12(2)(j), F.S.), refers to a regulation which exceeds that which is warranted based upon all information available, either in degree or in geographic scope, for the protection of manatees in the waters subject to the regulation. A Commission regulation restricting the operation and speed of motorboat traffic is excessive if the regulation (a) encompasses a larger geographic area or time frame than is warranted for the protection of the manatee, (b) sets speed limits which are more restrictive than are warranted to protect the manatee, (c) encompasses an area where the Commission has not determined that a likelihood of threat to manatees exists, or (d) fails to provide limited lanes or corridors providing for higher speed motorboat travel, as called for in paragraph 68C-22.001(3)(b), F.A.C. Determination of the likelihood of threat will be made as set forth in paragraph 68C-22.001(3)(a), F.A.C.

(22) "Planing" means riding on or near the water's surface as a result of the hydrodynamic forces on a vessel's hull, sponsons, foils or other surfaces. A vessel is considered "on plane" when it is being operated at or above the speed necessary to keep the vessel planing.

(23) "Wake" means all changes in the vertical height of the water's surface caused by the passage of a vessel including, a vessel's bow wave, stern wave, and propeller wash.

(24) “Harassment” means any intentional or negligent act or omission which creates the likelihood of causing an injury to a manatee by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, breeding, feeding or sheltering. The intentional provision of any type of food to manatees not in captivity shall be considered harassment under this definition, unless authorized by a valid federal or state permit.

(25) “Maximum 20 MPH Speed Zone” means a controlled area within which a vessel’s speed made good over the bottom, measured in statute miles, shall not exceed 20 miles per hour. Although it is the intention of the Commission to allow those vessels capable of attaining a planing configuration at 20 MPH to do so, this speed limit shall not be construed as permitting the reckless or careless operation of a vessel, in violation of Section 327.33, F.S., or authorizing any vessel to travel at an unsafe speed, in violation of 33 U.S.C. s. 2006, as adopted pursuant to Section 327.33, F.S., by reason of:

- (a) Having an elevated bow which restricts visibility, or
- (b) Producing an excessive wake which endangers other vessels or natural resources of the state.

Specific Authority 370.12(2)(f)-(i), (k), (n), (o) FS. Law Implemented 370.12(2)(d), (f)-(k), (m), (n), (o) FS. History—New 3-19-79, Amended 11-23-83, Formerly 16N-22.02, Amended 12-30-86, 12-24-90, 12-25-91, 6-16-93, 9-9-93, Formerly 16N-22.002, Amended 5-31-95, 6-25-96, 5-12-98, Formerly 62N-22.002.

68C-22.003 Regulated Activities.

(1) General Guidelines and Application Procedures: This rule sets forth criteria pertaining to the regulation of the speed and operation of vessel traffic and other activities which are otherwise prohibited by Chapter 68C-22, F.A.C. Permits for such regulated activities shall be issued only as provided hereunder. Permits shall be issued only upon a finding by the Commission that activities as described in this section will not pose a serious threat to manatees, and that such activities are justified. Determinations of justification of need will be made based on the criteria given under each specific subsection. Permits shall not be granted for activities within “Motorboats Prohibited” or “No Entry” zones, except as explicitly provided for in this section.

(a) In considering applications for permits under this section, a “serious threat to manatees” exists if, due to the nature, location, or frequency of the activity proposed, its conduct can be reasonably expected to result in either (1) injury or death to manatees, (2) a significant disruption of the manatee’s normal use, behavior or migratory patterns, or (3) disturbance which would lead to or cause destruction of essential manatee habitat. In making its determination, the Commission’s examination will include an evaluation of the following factors:

1. Patterns of manatee use of the area, both seasonal and year-round;
2. The number of manatees known or assumed to occur in or seasonally use the area;
3. The manatee mortality trends within the area;
4. The existence of features within the area which are essential to the survival of, or are known to attract, manatees, such as seagrasses or other food sources, favorable water depths, and fresh or warm water sources;
5. The cumulative effect of the requested activities in light of other permits previously granted or currently being considered by the Commission and known vessel traffic patterns and densities in the area; and
6. The characteristics of the waterway and of the vessel(s)/motor(s) which would be operated by the applicant.

(b) Applications for permits to conduct activities described in this section should be submitted as far in advance of the requested activities as possible and must be submitted to the Chief of the Office of Environmental Services, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399. Information which must be submitted is described in each specific subsection. If an application does not contain sufficient information to enable the Office to evaluate the request, the Office shall request any needed information within 30 days of receipt of the request. The Office shall respond by letter (issuing a permit or denying the request) as quickly as is practical and must respond within 90 days of receipt of all necessary information.

(c) When issuing a permit, the Commission may place conditions on the permit as necessary to protect manatees. Examples of types of conditions which may be specified include seasonal constraints, use of screens or barriers, restrictions on types of permitted activities, restrictions relative to time of day, day of week, or weather conditions when permits are in effect, use of specialized equipment (e.g., propeller guards or jet drives, speedometers) when feasible and such use would not defeat the purpose of the requested activity, additional water quality precautions, sea grass protection or protection of associated marine life or vegetation, temporary marking or permit display, limitations on intensity of activity, pre-activity monitoring, use of manatee observers, and after-activity reports. The specific conditions, if any, that are placed on a permit will be dependent on the specifics of the request. Acceptance of the permit shall constitute evidence that the recipient agrees to comply with the conditions set forth in the permit.

(d) The Commission retains the right to modify or rescind a permit should information become available indicating that the permitted activity is likely to create a serious threat to manatees or that the permit (in its current form) is not needed by the recipient. Before a permit is modified or rescinded, the permit holder shall be given an opportunity to discuss with the Commission the reasons for the modification or rescission. Unless an immediate threat to manatees is likely, the Commission shall wait at least 30 days after notifying the permit holder before taking action on the permit. If a single manatee is struck or killed by a vessel operating pursuant to a permit under these provisions, the permit shall be immediately re-evaluated by the Commission to determine if the permit needs to be modified or rescinded.

(e) Receipt of a permit does not release a holder from the duty to comply with all federal, state, and local regulations (other than Chapter 68C-22, F.A.C.), governing the operation of vessels on navigable waterways or pertaining to protection of the West Indian (Florida) manatee. Permit issuance does not constitute authorization for the recipient to kill, injure, or harass a manatee while operating under a permit.

(f) Failure to comply with the permit or associated conditions, or any finding of fraudulent use or application for said permit, shall be cause for the immediate revocation of the permit.

(2) Law Enforcement: Any authorized law enforcement officer may engage in any activity otherwise prohibited by Chapter, 68C-22, F.A.C., if:

(a) The officer is acting in the performance of his or her official duties, and entry into a "Motorboats Prohibited" or "No Entry" zone as defined in Rule 68C-22.002, F.A.C., is reasonably warranted; or

(b) The activity is being conducted to directly protect manatees, to enhance the propagation or survival of manatees, or it is reasonably required to enforce other provisions of Chapter 68C-22, F.A.C.

(3) Emergency Situations: Any person may engage in water-born activity otherwise prohibited by Chapter 68C-22, F.A.C., if such activity is reasonably necessary to prevent the loss of life or property due to emergency circumstances, or to render emergency assistance.

(4) General Activities: For the purpose of issuing authorizations to allow the performance of certain activities which are otherwise prohibited by Chapter 68C-22, F.A.C., (including activities prohibited by "Motorboats Prohibited" or "No Entry" zones as defined in Rule 68C-22.002, F.A.C., as provided in subsection (1), permits shall be issued by the Commission only upon both a showing of a justification of need by the applicant and a determination of an absence of serious threat to manatees in association with the requested activity. Permits shall only be issued for activities which: are necessary to carry out a prerequisite of permitting by federal, state, or local governments (or are a condition to or are otherwise authorized by a valid permit), are necessary for habitat restoration or environmental protection purposes, are necessary for other scientific or educational purposes or for the enhancement of propagation or survival of the manatee, or are necessary for purposes of construction, maintenance, or repair to adjacent property owner's facilities including maintenance dredging and debris removal. Permitted activities may not, either intentionally or negligently, molest, harass, collide with, injure or harm manatees. When operating under a permit within "Motorboats Prohibited" or "No Entry" zones, vessels shall be operated at no greater than idle speed.

(a) Permits are non-transferable and shall only be considered upon written application as specified hereunder. Copies of any associated permits must be submitted with the request. The application must, at a minimum, contain enough information to demonstrate:

1. The nature and scope of the activity to be conducted within the restricted area, including the number of vessels to be involved, the type and configuration of the vessels, and the maximum speeds necessary;

2. The specific area within which the activity would be conducted, described in the application and depicted on a nautical chart;

3. The period of time for which the permit is needed, limited to specific dates if possible; and

4. Justification for conducting the activity within waters regulated for manatee protection, clearly demonstrating why an alternative site is unsuitable or unavailable.

(b) Permits granted under the provisions of this subsection shall be effective only for the time period specified in the permit, and only in the areas specified in the notice.

(5) Resident Access to Limited Entry Areas: Any authorized resident or his/her guests who must cross a "Motorboats Prohibited" or "No Entry" zone as defined in Rule 68C-22.002, F.A.C., for the sole purpose of water access by boat to private residences, boat houses, or boat docks, shall be authorized access by obtaining and affixing an identifying insignia to his/her vessel. Motorboats shall be operated at no greater than idle speed while within the zone.

(a) To obtain authorization, authorized residents must submit a signed letter providing the following information and documentation:

1. The name, mailing address, and telephone number of the authorized resident;

2. A description of the vessel(s) to be permitted, including a copy(ies) of the current vessel registration(s);

3. A map showing the location of the property to which access is required in relation to the "No Entry" or "Motorboats Prohibited" zone;

4. Verification of property ownership, rental or lease. For property owners, acceptable forms of verification include the property's tax assessment, a current utilities or telephone bill, or a mortgage agreement. For residents renting or leasing the property, acceptable forms of verification include the rental or lease agreement, or a current utilities or telephone bill. To be acceptable, the document used for verification must be in the authorized resident's name.

(b) Upon review and approval of the application by the Office of Environmental Services, an identifying decal or other insignia shall be issued, free of charge, to authorized residents. (Two (2) insignias or decals per authorized resident shall also be issued free of charge for use by authorized guests, with additional guest decals available upon justification of need).

(6) Commercial Fishing and Professional Guiding: The following provisions pertain to qualifying commercial fishermen and professional fishing guides. In those speed zones wherein such intent was provided and specified at the time of zone establishment and as provided in subsection (1), permits shall be issued by the Commission only upon both a showing of a justification of need by the applicant and a determination of an absence of serious threat to manatees in association with the requested activity.

(a) In considering applications for permits under this subsection, a justification of need will be based on a finding of hardship. A hardship will be found to exist if an applicant can demonstrate the following:

1. Commercial fishing or professional guiding, as appropriate, is either:

a. The applicant's principal occupation, in that a majority of the applicant's work week is spent in pursuit of that occupation; or

b. A significant source of income for the applicant, in that a minimum of 25% of the applicant's gross annual income is attributable to revenue derived from that occupation;

2. The applicant's customary fishing or guiding practices would be significantly curtailed as a result of the restrictions for which a permit is sought in that at least 25% of the applicant's gross annual income would be lost if a permit is not granted because sufficient alternative sites or methods for carrying out the activity in question are not available to the applicant; and

3. The applicant's compliance with the restrictions for which a permit is sought will result in a significant economic or physical burden being borne by the applicant.

(b) Upon a determination by the Office of Environmental Services that such a permit will not result in serious threats to manatees and that a hardship exists as a result of the speed restrictions imposed, commercial fishermen fulfilling the following requirements shall be granted a permit;

1. Possession of a current Saltwater Products License issued pursuant to Section 370.06, F.S., or of an equivalent freshwater license issued pursuant to Section 372.65, F.S., (if only freshwater species are taken), a current commercial vessel registration, and any other license(s) as may be required of commercial fishermen to operate within the particular county in which a permit is sought; and;

2. Completion of the permit application referenced in paragraph (6)(d) hereunder, including submittal of copies of all documents required in subparagraph (b)1., above.

(c) Upon a determination by the Office of Environmental Services that such a permit will not result in serious threats to manatees and that a hardship exists as a result of the speed restrictions imposed, professional fishing guides fulfilling the following requirements shall be granted a permit:

1. Possession of a current commercial vessel registration;

2. Possession of a current license from the U.S. Coast Guard authorizing the carriage of passengers for hire on the waters for which the permit is sought;

3. Possession of a current saltwater fishing license in accordance with Section 370.0605, F.S., for vessels carrying customers wherein a fee is paid directly or indirectly (if saltwater species are taken);

4. Possession of other current occupational license(s) as may be required of professional fishing guides to operate within the particular county in which the permit is sought; and

5. Completion of the permit application referenced in paragraph (6)(d) hereunder, including submittal of copies of all documents required in subparagraphs (c)1. through (c)4., above.

(d) A permit application form ("Application for Permit, Manatee Protection Zones"), Form No. FWC 68C-22.003-6 (6/96), which is hereby incorporated by reference, may be obtained from the Fish and Wildlife Conservation Commission, Office of Environmental Services, 620 South Meridian Street, Tallahassee, FL 32399, or from the Division of Law Enforcement office as designated under specific manatee protection zone rule provisions. The form shall include items for completion by commercial fishermen and professional fishing guides, imparting information necessary: (1) to show a justification of need by the applicant; and (2) for the Commission to make a determination as to the potential impacts of allowing the requested activities within specified regulated areas.

(e) Acceptance of a permit shall constitute evidence that the recipient agrees to maintain speeds of 20 mph or less at all times while operating under a permit within the restricted area and to comply with any and all conditions set forth within the permit. (Examples of other types of conditions which may be specified to promote manatee protection are described in subsection 68C-22.003(1), F.A.C.)

(f) Permits granted under the provisions of this section shall be effective only for the time period specified in the permit, and only in the areas specified in the notice. Permits may only be utilized by the fisherman or guide in whose name it is issued, only while aboard the vessel identified on the permit, and only when engaged in their customary fishing or guiding practices, as applicable. For guides, permits apply only when paying customers are aboard.

(7) Testing of Motors or Vessels by Manufacturers: The following provisions pertain to boat motor and vessel testing operations by manufacturers. As provided in subsection (1), permits shall be issued by the Commission only upon both a showing of justification of need by the applicant and a determination of an absence of serious threat to manatees in association with the requested activity. Permits shall be in effect for five (5) years, or for a shorter period if requested by the applicant, and shall only be issued upon written application as specified within paragraph (7)(a) hereunder. Permits are non-transferable and shall only be issued from speed restrictions appearing in Chapter 68C-22, F.A.C., which were established after June 1, 1990.

(a) Permits shall be granted only upon:

1. Submission of a request in writing to the Office of Environmental Services clearly stating:

a. The geographic areas within which testing is to be conducted (The written description shall be accompanied by navigational charts or boater guide maps clearly indicating the proposed test course location and route);

b. The types of vessels/motors to be tested;

c. The estimated number of motors or vessels to be tested annually;

- d. The estimated maximum number of motors or vessels to be tested at any one time within the restricted area;
 - e. The estimated maximum speeds at which vessels will travel during the tests; and
 - f. The estimated number of qualified employees to work as vessel operators, and a brief description of their qualifications.
2. Submission of a statement of justification of need to utilize specific waterways or specific portions of waterways within areas for which manatee speed zone protection has been established, clearly demonstrating a substantial hardship (economic, operational or other) to the manufacturer. Such a statement must detail why, and under what circumstances, other waters are inappropriate for such testing purposes.

(b) Acceptance of a permit shall constitute evidence that the recipient (and his/her authorized employees) agrees to:

- 1. Carry on the vessel a copy of the permit and, an identification as an employee of a corporation or firm actively engaged in the manufacture of boat motors or vessels;
- 2. Unless otherwise provided in the permit, operate only between sun-up and sundown, Monday through Friday, and sun-up Saturday through noon, not on Sundays or on state-recognized holidays; and
- 3. Comply with any and all conditions set forth in the permit. (Examples of other types of conditions which may be specified to promote manatee protection are described in subsection 68C-22.003(1), F.A.C.)

(c) For the purposes of this rule, the following definitions shall apply:

- 1. Testing – The act by a manufacturer of evaluating a boat motor or vessel for the purposes of determining its operational characteristics. Such operational characteristics shall include, but not be limited to, those pertaining to product designs, endurance, performance, and safety.
- 2. Boat motor manufacturer – An entity engaged in the production of boat motors from basic components for the purpose of sale.
- 3. Vessel manufacturer – An entity engaged in the production of vessels from basic components for the purpose of sale.
- 4. Vessel – Vessel is synonymous with boat, as referenced in Section 1(b), Article VII, of the State Constitution, and includes every description of watercraft, barge, and airboat other than a seaplane on the water used or capable of being used as a means of transportation on water.

(8) Resident Access Through Speed-controlled Areas: For the sole purpose of allowing ingress and egress to persons who must travel through speed zones established under Chapter 68C-22, F.A.C., to access private residences, boat houses, or boat docks, except as provided under subsections (4) and (5) above, who would otherwise be physically precluded water access because of speed restrictions (such that shoaling or other physical factors would require residents to exceed such speed restrictions), the Commission shall grant a non-transferable resident permit upon a demonstration of just cause, as set forth in paragraph (8)(a) hereunder, and upon a finding that issuance of such a permit will not pose a serious threat to manatees.

(a) The Office of Environmental Services, upon review by the Division of Law Enforcement, will consider a request for such a resident permit upon the receipt of a signed explanatory letter of intent from the affected resident clearly demonstrating:

- 1. The need to exceed speed restrictions for ingress and egress purposes;
- 2. Justification for traveling at speeds greater than those established within designated zone on the basis of vessel and boat motor types/horsepower;
- 3. Evidence of property ownership or residency in said property;
- 4. Areas, as marked on an accompanying map and clearly described with permanent landmarks, where shoaling or other physical circumstances warrant exception to restrictive provisions, and the minimum area/distance required for travel at speeds greater than those established within the designated zone; and
- 5. Description(s) and vessel registration number(s) for vessel(s) owned by said resident for which a permit is requested.

(b) Acceptance of a permit shall constitute evidence that the recipient agrees to maintain speeds of 25 MPH or less at all times while operating under a permit unless otherwise provided in the permit, to hold said permit on the vessel at all times, and to comply with any and all conditions set forth within the permit. (Examples of other types of conditions which may be specified to promote manatee protection are described in subsection 68C-22.003(1), F.A.C.)

(c) Permits granted under the provisions of this subsection shall be effective only for the time period specified in the permit, and only in the areas specified in the notice.

(d) If the area for which a permit has been issued is dredged, the permit recipient shall so notify the Commission.

(9) Boat Races: The following provisions pertain to powerboat racing. In those speed zones wherein such intent was provided and specified at the time of zone establishment and as provided in subsection (1), permits shall be issued by the Commission only upon both a showing of a justification of need by the applicant and a determination of an absence of serious threat to manatees in association with the requested activity. Permits are non-transferable and shall only be considered upon written application as specified hereunder.

(a) The application must, at a minimum, contain enough information to demonstrate:

- 1. The nature and scope of the racing event, including estimated numbers of vessels to be involved, the nature and configuration of the vessels, and the maximum speeds anticipated;
- 2. The specific area within which the racing event is requested, described in the application and depicted on a nautical chart;
- 3. The intended date(s) of the racing event; and
- 4. Justification for holding the racing event within waters regulated for manatee protection, clearly demonstrating why an alternative site is unsuitable or unavailable.

(b) Failure to comply with the permit or associated conditions, or any finding of fraudulent use or application for said permit, shall be cause for the immediate revocation of the permit, including suspension of permit privileges prior to or during the permitted event. (Examples of types of conditions which may be specified to promote manatee protection are described in subsection 68C-22.003(1), F.A.C.)

(c) If a single manatee is struck or killed by a vessel operating above the posted speed limit pursuant to a permit under these provisions, the permit shall be automatically and immediately rescinded.

(d) Permits granted under the provisions of this subsection shall be effective only for the time period specified in the permit, and only in the areas specified in the permit.

Specific Authority 370.12(2)(f)-(i), (k), (n), (o) FS. Law Implemented 370.12(2)(d), (f)-(k), (m), (n), (o) FS. History—New 3-19-79, Formerly 16N-22.03, Amended 12-30-86, 8-28-90, 12-25-91, 6-16-93, Formerly 16N-22.003, Amended 6-25-96, 5-12-98, Formerly 62N-22.003.

68C-22.004 Management Provisions.

(1) Appropriate zones are established for the purpose of regulating the speed and operation of motorboat traffic by taking into consideration the safety and well-being of the manatees in those state waters designated in subsection 370.12(2)(f), (g), (h), (i), (j), (k), (l), (n), F.S., safety of the boating public, inconvenience to the boating public and natural marine habitat protection.

(2) Such zones shall be marked by large signs conforming to the Florida Uniform Waterway Marking System in accordance with Sections 327.40 and 327.41, F.S., provided with reflectorized paint or attached units and situated in locations where they will be highly visible to the boating public.

(3) Regulations restricting motorboat speed and operation, as set forth under this chapter, are not intended to supersede any existing regulations duly established by federal, state, or local authority which are more restrictive in nature. Permitted markers as posted are presumptive evidence of intended zone boundaries.

Specific Authority 370.12(2)(f) FS. Law Implemented 370.12(2)(f) FS. History—New 3-19-79, Formerly 16N-22.04, Amended 12-30-86, 12-25-91, Formerly 16N-22.004, 62N-22.004.

68C-22.005 Lee County Zones.

(1) The Commission hereby designates the waters within Lee County, as described below, as areas where manatee sightings are frequent and where it can be assumed that manatees inhabit on a regular, periodic or continuous basis. The Commission has further determined that a likelihood of threat to manatees exists in these waters as a result of manatees and motorboats using the same areas. The purpose of this rule is to protect manatees from harmful collisions with motorboats and from harassment by regulating the speed and operation of motorboats within these designated areas. This rule will also provide additional habitat protection. In balancing the rights of fishermen, boaters, and water skiers to use these waterways for recreational and commercial purposes (as applicable under Section 370.12(2)(j), F.S.), with the need to provide manatee protection, the Commission has examined the need for unregulated areas or higher speed travel corridors through regulated areas. Such areas or corridors are provided in those locations where the Commission determined, on the basis of all available information, (1) there is a need for the area or corridor and (2) the area or corridor will not result in serious threats to manatees or their habitat. Unregulated areas or higher speed corridors are not provided in locations where both of the above findings were not made.

(2) The following year-round and seasonal zones are established, which shall include all associated and navigable tributaries, lakes, creeks, coves, bays, backwaters, canals, and boat basins unless otherwise designated or excluded. Access to the NO ENTRY zones designated in paragraph (2)(a) will be provided in accordance with procedures set forth in subsection (4), hereunder, and applicable provisions of Rule 68C-22.003, F.A.C.

(a) NO ENTRY (November 15 – March 31) – Tice Power Plant Area: All waters of the discharge canal north of the general contour of the northern shoreline of the Orange River and south of State Road No. 80; and all waters of the intake canal south of the general contour of the southern shoreline of the Caloosahatchee River on the northeast side of the power plant.

(b) IDLE SPEED (All Year) – All waters of the Orange River south of the river's confluence with the Caloosahatchee River and west of the centerline of Buckingham Road, except as otherwise designated under paragraph (2)(a).

(c) IDLE SPEED (All Year)/ICW CHANNEL 25 MPH (April 1 – November 14) – All waters of the Caloosahatchee River east of the centerline of the Seaboard Coastline Railroad trestle that crosses Beautiful Island and west of a line that bears 147° from a point (approximate latitude 26°41'59" North, approximate longitude 81°47'25" West) on the southernmost tip of the mangrove peninsula at the west end of Thompson Cutoff. The portion of the marked Intracoastal Waterway (Okeechobee Waterway) channel in this area is regulated at Idle Speed between November 15 and March 31 and at a maximum speed of 25 mph for the remainder of the year.

(d) SLOW SPEED (All Year) –

1. North Matlacha Pass Area: All waters of Matlacha Pass, south of a line that bears 90° and 270° from Matlacha Pass Green Channel Marker "77" (approximate latitude 26°40'00" North, approximate longitude 82°06'00" West), and north of Pine Island Road (State Road No. 78), excluding the portion of the marked channel otherwise designated under subparagraph (2)(h)3. and the following areas:

a. Buzzard Bay Area: All waters of Buzzard Bay east and northeast of a line beginning at a point (approximate latitude 26°40'00" North, approximate longitude 82°05'20" West) on the southwest shoreline of an unnamed mangrove island east of Matlacha Pass Green Channel Marker "77" and bearing 219° to the northeasternmost point (approximate latitude 26°39'58" North, approximate longitude 82°05'23" West) of another unnamed mangrove island, then running along the eastern shoreline of said island to its southeasternmost point (approximate latitude 26°39'36" North, approximate longitude 81°05'09" West), then bearing 115° to the westernmost point (approximate latitude 26°39'34" North, approximate longitude 82°05'05" West) of the unnamed mangrove island to the southeast, then running along the western shoreline of said island to its southwesternmost point (approximate latitude 26°39'22" North, approximate longitude 82°04'53" West), then bearing 123° to the northwesternmost point (approximate latitude 26°39'21" North, approximate longitude 82°04'52" West) of an unnamed mangrove island, then running along the western shoreline of said island to its southeasternmost point (approximate latitude 26°39'09" North, approximate longitude 82°04'44" West), then bearing 103° to the northwesternmost point (approximate latitude 26°39'08" North, approximate longitude 82°04'41" West) of a peninsula on the unnamed mangrove island to the southeast, then running along the southwestern shoreline of said island to its southeasternmost point (approximate latitude 26°38'51" North, approximate longitude 82°04'18" West), then bearing 99° to the southernmost point (approximate latitude 26°38'50" North, approximate longitude 82°04'03" West) of the unnamed mangrove island to the east, then bearing 90° to the line's terminus at a point (approximate latitude 26°38'50" North, approximate longitude 82°03'55" West) on the eastern shoreline of Matlacha Pass.

b. North Pine Island Creek and Matlacha Area: All waters of Pine Island Creek and Matlacha Pass north of Pine Island Road and west and southwest of a line beginning at a point (approximate latitude 26°39'29" North, approximate longitude 82°06'29" West) on the western shoreline of Matlacha Pass and bearing 160° to the westernmost point (approximate latitude 26°39'25" North, approximate longitude 82°06'28" West) of an unnamed island, then running along the western shoreline of said island to its southernmost point (approximate latitude 26°39'18" North, approximate longitude 82°06'24" West), then bearing 128° to the northernmost point (approximate latitude 26°39'12" North, approximate longitude 82°06'17" West) of an unnamed mangrove island to the south, then running along the eastern shoreline of said island to its southeasternmost point (approximate latitude 26°39'00" North, approximate longitude 82°06'09" West), then bearing 138° to a point (approximate latitude 26°38'45" North, approximate longitude 82°05'53" West) on the northern shoreline of Bear Key, then running along the northern shoreline of Bear Key to its easternmost point (approximate latitude 26°38'44" North, approximate longitude 82°05'46" West), then bearing 85° to the westernmost point (approximate latitude 26°38'45" North, approximate longitude 82°05'32" West) of Deer Key, then running along the northern shoreline of Deer Key to its easternmost point (approximate latitude 26°38'46" North, approximate longitude 82°05'22" West), then bearing 103° to the northwesternmost point (approximate latitude 26°38'45" North, approximate longitude 82°05'17" West) of the unnamed mangrove island to the east, then running along the western shoreline of said island to its southernmost point (approximate latitude 26°38'30" North, approximate longitude 82°05'04" West), then bearing 106° to the westernmost point (approximate latitude 26°38'30" North, approximate longitude 82°04'57" West) of the unnamed island to the southeast, then running along the northern and eastern shorelines of said island to a point (approximate latitude 26°38'23" North, approximate longitude 82°04'51" West) on its eastern shoreline, then bearing 113° to the northernmost point of West Island (approximate latitude 26°38'21" North, approximate longitude 82°04'37" West), then running along the western shoreline of West Island to the point where the line intersects Pine Island Road.

2. Matlacha Pass and San Carlos Bay Area: All waters of Matlacha Pass, St. James Creek, and San Carlos Bay, south of Pine Island Road (State Road No. 78), north of a line 500 feet northwest of and parallel to the main marked channel of the Intracoastal Waterway, west of a line that bears 302° from Intracoastal Waterway Green Channel Marker "99" (approximate latitude 26°31'00" North, approximate longitude 82°00'52" West), and east of a line that bears 360° from Intracoastal Waterway Red Channel Marker "10" (approximate latitude 26°29'16" North, approximate longitude 82°03'35" West), excluding the portions of the marked channels otherwise designated under subparagraphs (2)(h)4. and (2)(h)5. and the following areas:

a. Matlacha Area: All waters of Matlacha Pass south of Pine Island Road and west of the western shoreline of West Island and a line beginning at the southernmost point (approximate latitude 26°37'25" North, approximate longitude 82°04'17" West) of West Island and bearing 149° to the northernmost point (approximate latitude 26°37'18" North, approximate longitude 82°04'12" West) of the unnamed mangrove island to the south, then running along the eastern shoreline of said island to its southernmost point (approximate latitude 26°36'55" North, approximate longitude 82°04'02" West), then bearing 163° to the line's terminus at a point (approximate latitude 26°36'44" North, approximate longitude 82°03'58" West) on the eastern shoreline of Little Pine Island.

b. East Matlacha Pass/Pontoon Bay Area: All waters of Matlacha Pass, Pontoon Bay, and associated embayments south of Pine Island Road and east of a line beginning at a point (approximate latitude 26°38'12" North, approximate longitude 82°03'46" West) on the northwestern shoreline of the embayment on the east side of Matlacha Pass, immediately south of Pine Island Road and then running along the eastern shoreline of the unnamed island to the south to its southeasternmost point (approximate latitude 26°37'30" North, approximate longitude 82°03'22" West), then bearing 163° to the northwesternmost point of the unnamed island to the south, then running along the western shoreline of said island to its southernmost point (approximate latitude 26°37'15" North, approximate longitude 82°03'15" West), then bearing 186° to the line's terminus at a point (approximate latitude 26°37'10" North, approximate longitude 82°03'16" West) on the eastern shoreline of Matlacha Pass.

c. South Pine Island Creek Area: All waters of Pine Island Creek south of Pine Island Road; and all waters of Matlacha Pass, Rock Creek, and the Mud Hole, west of a line beginning at a point (approximate latitude 26°33'52" North, approximate longitude 82°04'53" West) on the western shoreline of Matlacha Pass and bearing 22° to a point (approximate latitude 26°34'09" North,

approximate longitude 82°04'45" West) on the southern shoreline of the unnamed island to the northeast, then running along the southern and eastern shorelines of said island to a point (approximate latitude 26°34'15" North, approximate longitude 82°04'39" West) on its northeastern shoreline, then bearing 24° to a point (approximate latitude 26°34'21" North, approximate longitude 82°04'36" West) on the southern shoreline of the large unnamed island to the north, then running along the southern and eastern shorelines of said island to a point (approximate latitude 26°34'31" North, approximate longitude 82°04'29" West) on its eastern shoreline, then bearing 41° to the southernmost point (approximate latitude 26°34'39" North, approximate longitude 82°04'22" West) of another unnamed island to the northeast, then running along the eastern shoreline of said island to its northwesternmost point (approximate latitude 26°35'22" North, approximate longitude 82°04'07" West), then bearing 2° to the southernmost point (approximate latitude 26°35'32" North, approximate longitude 82°04'07" West) of the unnamed island to the north, then running along the eastern shoreline of said island to its northernmost point (approximate latitude 26°35'51" North, approximate longitude 82°03'59" West), then bearing 353° to the line's terminus at a point (approximate latitude 26°36'08" North, approximate longitude 82°04'01" West) on the eastern shoreline of Little Pine Island.

d. Punta Blanca Bay and Punta Blanca Creek: All waters of Punta Blanca Bay and Punta Blanca Creek, east of the eastern shoreline of Matlacha Pass and east and north of the eastern and northern shorelines of San Carlos Bay.

3. Punta Rassa and Shell Creek Area: All waters of San Carlos Bay and Punta Rassa Cove east of a line that bears 352° from the northernmost tip of the northern peninsula on Punta Rassa (approximate latitude 26°29'44" North, approximate longitude 82°00'33" West), and south of a line that bears 122° from Intracoastal Waterway Green Channel Marker "99" (approximate latitude 26°31'00" North, approximate longitude 82°00'52" West), including all waters of Shell Creek and associated waterways.

4. Big Shell Island and Shell Point Area: All waters of San Carlos Bay and the Caloosahatchee River, including the residential canals of Cape Coral, northeast of a line that bears 302° and 122° from Intracoastal Waterway Green Channel Marker "99" (approximate latitude 26°31'00" North, approximate longitude 82°00'52" West), west of a line that bears 346° from Intracoastal Waterway Green Channel Marker "93" (approximate latitude 26°31'37" North, approximate longitude 81°59'46" West), and north and northwest of the general contour of the northwestern shoreline of Shell Point and a line that bears approximately 74° from the northernmost tip (approximate latitude 26°31'31" North, approximate longitude 81°59'57" West) of Shell Point to said Intracoastal Waterway Green Channel Marker "93," excluding the portion of the Intracoastal Waterway (ICW) channel otherwise designated under subparagraph (2)(h)6.

5. Caloosahatchee River Area:

a. Cape Coral to North Fort Myers Area: All waters of the Caloosahatchee River, Hancock Creek, and associated waterways of Cape Coral and North Fort Myers, east of a line that bears 346° from Intracoastal Waterway Green Channel Marker "93" (approximate latitude 26°31'37" North, approximate longitude 81°59'46" West), west of a line that bears 160° from a point (approximate latitude 26°39'25" North, approximate longitude 81°53'17" West) on the northern shoreline of the Caloosahatchee River approximately 1600 feet southwest of the centerline of U.S. Highway No. 41, and north and northwest of a line 1/4 mile south and southeast of and parallel to the general contour of the northern shoreline of the Caloosahatchee River, excluding the marked channel of the Intracoastal Waterway.

b. Shell Point to Fort Myers Area: All waters of the Caloosahatchee River, Deep Lagoon, and Whiskey Creek, southeast of a line that bears approximately 74° from the northernmost tip (approximate latitude 26°31'31" North, approximate longitude 81°59'57" West) of Shell Point to Intracoastal Waterway Green Channel Marker "93" (approximate latitude 26°31'37" North, approximate longitude 81°59'46" West), west of a line 1100 feet southwest of and parallel to the centerline of the U.S. Highway No. 41 Bridge, and south and southeast of a line 1/4 mile north and northwest of and parallel to the general contour of the southern shoreline of the Caloosahatchee River, excluding the marked channel of the Intracoastal Waterway.

c. Fort Myers Area: All waters of the Caloosahatchee River northeast of a line 1100 feet southwest of and parallel to the centerline of the U.S. Highway No. 41 Bridge, southwest of the eastern side of the easternmost Edison Memorial Bridge, and southeast of a line 1/4 mile north and northwest of and parallel to the general contour of the southern shoreline of the Caloosahatchee River.

d. Fort Myers to Seaboard Coastline Railroad Area: All waters of the Caloosahatchee River and Billy Creek east of the eastern side of the easternmost Edison Memorial Bridge, and west of the centerline of the Seaboard Coastline Railroad trestle near Beautiful Island, excluding the portion of the marked Intracoastal Waterway channel otherwise designated under subparagraph (2)(h)7.

e. All cutoffs, oxbows, boat basins, and canals off of the Caloosahatchee River, including Owl Creek and Trout Creek, east of the centerline of the State Road No. 31 Bridge and west of the W.P. Franklin Lock and Water Control Structure.

f. W.P. Franklin Lock and Water Control Structure Area: All waters of the Caloosahatchee River within 1/4 mile east of the easternmost end of the lock and within 1/4 mile west of the westernmost end of the lock.

6. Fort Myers Beach Area: All waters of Matanzas Pass east of a line that bears 360° from the northernmost tip (approximate latitude 26°27'56" North, approximate longitude 82°58'04" West) of Estero Island, west of a line that bears 340° from a point (approximate latitude 26°25'56" North, approximate longitude 81°54'25" West) on the northern tip of an unnamed mangrove peninsula on the northeastern shoreline of Estero Island, and south and southwest of the general contour of the southwestern shorelines of the islands forming the northern shoreline of Matanzas Pass, a line that bears 312° from the northwesternmost point of Julies Island (approximate latitude 26°26'37" North, approximate longitude 81°54'57" West), a line that bears 104° from a point

(approximate latitude 26°27'23" North, approximate longitude 81°56'16" West) on the southeastern tip of San Carlos Island, and a line that bears 313° from the northwesternmost point (approximate latitude 26°28'01" North, approximate longitude 82°57'17" West) of San Carlos Island.

7. San Carlos Island and Pelican Bay Area: All waters of Pelican Bay north of the general contour of the northeastern shoreline of San Carlos Island, east of a line that bears 313° from the northwesternmost point (approximate latitude 26°28'01" North, approximate longitude 82°57'17" West) of San Carlos Island, and west of the centerline of San Carlos Boulevard (State Road No. 865).

8. Tenmile Canal and Mullock Creek Area: All waters of Mullock Creek west of U.S. Highway No. 41, and east and northeast of a line that bears 135° and 315° from Red Channel Marker "18" (approximate latitude 26°27'46" North, approximate longitude 81°52'00" West) and all waters of Tenmile Canal south of a line (approximate latitude 26°30'00" North) 200 feet north of the centerline of U.S. Highway No. 41, excluding the portion of Mullock Creek otherwise designated under paragraph (2)(i).

9. Intrepid Waters, Fish Trap Bay, and Imperial River Area: All waters of Intrepid Waters, Fish Trap Bay, and the Imperial River south of a line that bears 90° from a point (approximate latitude 26°20'51" North, approximate longitude 81°50'33" West) on the eastern shoreline of Little Hickory Island, north of the Lee County/Collier County line, and west of the centerline of the State Road No. 887 bridge, excluding the portion of the marked channel otherwise designated under subparagraph (2)(h)10.

(e) SLOW SPEED (All Year)/ICW CHANNEL 25 MPH (April 1 – November 14) – All waters of the Caloosahatchee River and Thompson Cutoff, east of a line that bears 160° from a point (approximate latitude 26°41'59" North, approximate longitude 81°47'25" West) on the southernmost tip of the mangrove peninsula at the western end of Thompson Cutoff, and west of a line that bears 180° from a point (approximate latitude 26°42'10" North, approximate longitude 81°46'42" West) on the northern shoreline of the Caloosahatchee River at the eastern end of Thompson Cutoff, except as otherwise designated under paragraph (2)(a). The portion of the marked Intracoastal Waterway (Okeechobee Waterway) channel in this area is regulated at Slow Speed between November 15 and March 31 and at a maximum speed of 25 mph for the remainder of the year.

(f) SLOW SPEED (April 1 – November 15)/25 MPH (Remainder of Year) –

1. Hurricane Bay Area: All waters of Hurricane Bay east of the centerline of San Carlos Boulevard (State Road No. 865), north of the general contour of the northeastern shoreline of San Carlos Island and a line that bears 104° from a point (approximate latitude 26°27'23" North, approximate longitude 81°56'16" West) on the southeastern tip of San Carlos Island, and northwest of Hell Peckney Bay, excluding the portions of the marked channels otherwise designated under subparagraph (2)(h)8.

2. Hell Peckney Bay Area: All waters of Hell Peckney Bay southeast of Hurricane Bay, northeast of the northern shorelines of Julies Island and the unnamed island immediately northwest of Julies Island and a line that bears 312° from the northwesternmost point of Julies Island (approximate latitude 26°26'37" North, approximate longitude 81°54'57" West), northwest of Estero Bay, and southwest of a line beginning at the southernmost point (approximate latitude 26°27'23" North, approximate longitude 81°55'11" West) of an unnamed mangrove peninsula in northwest Hell Peckney Bay and bearing 191° to the northernmost point (approximate latitude 26°27'19" North, approximate longitude 81°55'11" West) of an unnamed mangrove island, then running along the northern shoreline of said island to its southeasternmost point (approximate latitude 26°27'11" North, approximate longitude 81°55'05" West), then bearing 115° to a point (approximate latitude 26°27'03" North, approximate longitude 81°54'47" West) on the northwest shoreline of an unnamed mangrove island, then running along the northern shoreline of said island to its northeasternmost point (approximate latitude 26°27'02" North, approximate longitude 81°54'33" West), and then bearing 37° to the line's terminus at the westernmost point of an unnamed mangrove peninsula in eastern Hell Peckney Bay.

3. North Estero Bay and Hendry Creek Area: All waters of Hendry Creek south of a line that bears 270° from a point (approximate latitude 26°28'40" North, approximate longitude 81°52'56" West) on the eastern shoreline of Hendry Creek; and all waters of Estero Bay southeast and east of Hell Peckney Bay, a line that bears 340° from a point (approximate latitude 26°25'56" North, approximate longitude 81°54'25" West) on the northern tip of an unnamed mangrove peninsula on the northeastern shoreline of Estero Island, and the northern shoreline of Estero Island, south of Hendry Creek and a line that bears 135° and 315° from Red Channel Marker "18" (approximate latitude 26°27'46" North, approximate longitude 81°52'00" West) in Mullock Creek, and north of a line that bears 72° from the northernmost point (approximate latitude 26°24'22" North, approximate longitude 81°52'34" West) of Black Island, including the waters of Buccaneer Lagoon at the southern end of Estero Island, but excluding the portions of the marked channels otherwise designated under subparagraph (2)(h)9., the Estero River, and the waters of Big Carlos Pass east of a line beginning at a point (approximate latitude 26°24'34" North, approximate longitude 81°53'05" West) on the eastern shoreline of Estero Island and bearing 36° to a point (approximate latitude 26°24'40" North, approximate longitude 81°53'00" West) on the southern shoreline of Coon Key, south of a line beginning at a point (approximate latitude 26°24'36" North, approximate longitude 81°52'30" West) on the eastern shoreline of Coon Key and bearing 106° to a point (approximate latitude 26°24'39" North, approximate longitude 81°52'34" West) on the southwestern shoreline of the unnamed mangrove island north of Black Island, and west of a line beginning at a point (approximate latitude 26°24'36" North, approximate longitude 81°52'30" West) on the southern shoreline of said unnamed mangrove island north of Black Island and bearing 192° to the northernmost point (approximate latitude 26°24'22" North, approximate longitude 81°52'34" West) of Black Island.

4. South Estero Bay and Big Hickory Bay Area: All waters of Estero Bay and Big Hickory Bay south of a line that bears 72° from the northernmost point (approximate latitude 26°24'22" North, approximate longitude 81°52'34" West) of Black Island, east of the centerline of State Road No. 865 (but including the waters of the embayment on the eastern side of Black Island and the waters inshore of the mouth of Big Hickory Pass that are west of State Road No. 865), and north of a line that bears 90° from a point

(approximate latitude 26°20'51" North, approximate longitude 81°50'33" West) on the eastern shoreline of Little Hickory Island, excluding Spring Creek, the portions of the marked channels otherwise designated under subparagraph (2)(h)9., and the portion of Big Hickory Bay otherwise designated under subparagraph (2)(h)11.

(g) SLOW SPEED (April 1 – November 15)

1. Cayo Costa/ Pelican Bay Area: All waters of Pelican Bay south and west of a line that bears 320° from a point (approximate latitude 26°41'32" North, approximate longitude 82°14'23" West) on the northern end of Punta Blanca Island, north and northwest of a line that bears 80° from the southernmost tip of Primo Point (approximate latitude 26°40'28" North, approximate longitude 82°14'06" West), and west and southwest of the western shoreline of Punta Blanca Island.

2. North Captiva Island Area: All waters of Safety Harbor west and northwest of a line that bears 198° from the southeasternmost tip (approximate latitude 26°35'56" North, approximate longitude 82°12'50" West) of the peninsula lying on the northeastern side of Safety Harbor.

3. Captiva Island and Sanibel Island Area: All waters of Pine Island Sound and San Carlos Bay south of a line that bears 90° from the northernmost tip (approximate latitude 26°23'11" North, approximate longitude 82°11'55" West) of Captiva Island, west of a line that bears 360° from the northernmost tip (approximate latitude 26°28'08" North, approximate longitude 82°03'35" West) of Woodrings Point, west and south of a line 1/4 mile east of and parallel to the general contour of the eastern shoreline of Captiva Island and Buck Key, southwest and south of a line 1/4 mile northeast and north of and parallel to the general contour of the northeastern and northern shoreline of Sanibel Island and Wulfert Keys, including all waters of Tarpon Bay and associated bayous, canals and channels east of the centerline of the Sanibel-Captiva Road bridge, excluding the portion of the marked channel otherwise designated under subparagraph (2)(h)1.

4. Chino Island, York Island, and St. James City Area: All canals and boat basins of St. James City and the waters known as Long Cut and Short Cut; and all waters of Pine Island Sound and San Carlos Bay south of a line beginning at the southernmost tip (approximate latitude 26°31'28" North, approximate longitude 82°06'19" West) of a mangrove peninsula on the western shore of Pine Island approximately 2200 feet north of Galt Island and bearing 309° to the southeasternmost point (approximate latitude 26°31'32" North, approximate longitude 82°06'25" West) of another mangrove peninsula, then running along the southern shoreline of said peninsula to its southwesternmost point (approximate latitude 26°31'40" North, approximate longitude 82°06'38" West), then bearing 248° to a point (approximate latitude 26°31'40" North, approximate longitude 82°06'39" West) on the eastern shoreline of an unnamed mangrove island, then running along the southern shoreline of said island to its southwesternmost point (approximate latitude 26°31'39" North, approximate longitude 82°06'44" West), then bearing 206° to the line's terminus at the northernmost point of the Mac Keever Keys (approximate latitude 26°31'09" North, approximate longitude 82°07'09" West), east of a line beginning at said northernmost point of the Mac Keever Keys and running along and between the general contour of the western shorelines of said keys to a point (approximate latitude 26°30'27" North, approximate longitude 82°07'08" West) on the southernmost of the Mac Keever Keys, then bearing 201° to a point (approximate latitude 26°30'01" North, approximate longitude 82°07'19" West) approximately 150 feet due east of the southeasternmost point of Chino Island, then bearing approximately 162° to Red Intracoastal Waterway Channel Marker "22" (approximate latitude 26°28'57" North, approximate longitude 82°06'55" West), then bearing approximately 117° to the line's terminus at Red Intracoastal Waterway Channel Marker "20" (approximate latitude 26°28'45" North, approximate longitude 82°06'38" West), north of a line beginning at said Red Intracoastal Waterway Channel Marker "20" and bearing 86° to a point (approximate latitude 26°28'50" North, approximate longitude 82°05'48" West) 1/4 mile south of York Island, then running parallel to and 1/4 mile south of the general contour of the southern shorelines of York Island and Pine Island to the line's terminus at a point on a line bearing 360° from Red Intracoastal Waterway Channel Marker "10" (approximate latitude 26°29'16" North, approximate longitude 82°03'35" West), and west and southwest of the general contour of the western and southern shorelines of Pine Island and a line that bears 360° from said Red Intracoastal Waterway Channel Marker "10," excluding the portion of the marked channel otherwise designated under subparagraph (2)(h)2.

(h) 25 MPH (All Year) –

1. Wulfert Channel: All waters within the marked channel known as Wulfert Channel, which connects Pine Island Sound with the Gulf of Mexico through Blind Pass, east of the centerline of the Sanibel-Captiva Road Bridge and west of a line 1/4 mile east of and parallel to the general contour of the eastern shoreline of Sanibel Island. This restriction is in effect only between April 1 and November 15.

2. Cherry Estates Channel: All waters of the marked channel that runs adjacent to the power lines from the Cherry Estates area of St. James City into Pine Island Sound, east of the western boundary of the zone designated under subparagraph (2)(g)4., and west of a line perpendicular to the power lines that begins at the easternmost point (approximate latitude 26°30'25" North, approximate longitude 82°06'15" West) of the mangrove island on the north side of the power lines approximately 1800 feet southwest of the Galt Island Causeway. This restriction is in effect only between April 1 and November 15. This designation only applies if a channel is marked in accordance with permits issued by all applicable state and federal authorities. In the absence of a properly permitted channel, this area is as designated under subparagraph (2)(g)4.

3. North Matlacha Pass Channel: All waters within the main marked channel in Matlacha Pass south of Green Channel Marker "77" (approximate latitude 26°40'00" North, approximate longitude 82°06'00" West) and north of a line perpendicular to the channel at a point in the channel 1/4 mile northwest of the Pine Island Road Bridge.

4. South Matlacha Pass Channel: All waters within the main marked channel in Matlacha Pass south of a line perpendicular to the channel at a point in the channel 1/4 mile southeast of the Pine Island Road Bridge, and north of a line 500 feet northwest of and parallel to the main marked channel of the Intracoastal Waterway (just north of Green Channel Marker "1").

5. South Matlacha Pass/Sword Point Channel: All waters within the marked channel in Matlacha Pass that intersects the main Matlacha Pass channel near Green Channel Marker "15" (approximate latitude 26°31'57" North, approximate longitude 82°03'38" West) and intersects the main marked channel of the Intracoastal Waterway near Green Channel Marker "101" (approximate latitude 26°30'39" North, approximate longitude 82°01'00" West).

6. ICW channel, Shell Point Area: All waters of the marked Intracoastal Waterway channel between Green Channel Marker "99" (approximate latitude 26°31'00" North, approximate longitude 82°00'52" West) and Green Channel Marker "93" (approximate latitude 26°31'37" North, approximate longitude 81°59'46" West).

7. ICW channel, Fort Myers to Seaboard Coastline Railroad: All waters of the marked Intracoastal Waterway (Okeechobee Waterway) channel east of the eastern side of the easternmost Edison Memorial Bridge and west of the centerline of the Seaboard Coastline Railroad trestle near Beautiful Island.

8. Hurricane Bay channels: All waters within the main marked channel of Hurricane Bay east of the centerline of San Carlos Boulevard (State Road No. 865) and north of where the channel enters Matanzas Pass at Green Channel Marker "5" (approximate latitude 26°27'22" North, approximate longitude 81°56'12" West); and all waters within that portion of the channel leading to Bayside Estates south of Green Channel Marker "23" (approximate latitude 26°28'27" North, approximate longitude 81°56'39" West).

9. Estero Bay Area channels: All waters within the portions of the marked channels of Estero Bay and Big Hickory Bay as described below:

a. North Estero Bay Channel: All waters of the main marked North-South channel in northern Estero Bay from Green Channel Marker "37" (approximate latitude 26°26'02" North, approximate longitude 81°54'29" West) to Green Channel Marker "57" (approximate latitude 26°25'08" North, approximate longitude 81°53'29" West).

b. South Estero Bay Channel: All waters of the main marked North-South channel in southern Estero Bay south of a line beginning at a point (approximate latitude 26°24'36" North, approximate longitude 81°52'30" West) on the southern shoreline of the unnamed mangrove island north of Black Island and bearing 192° to the northernmost point (approximate latitude 26°24'22" North, approximate longitude 81°52'34" West) of Black Island, and north and east of Red Channel Marker "62" (approximate latitude 26°21'31" North, approximate longitude 81°51'20" West) in Broadway Channel; and all waters within the portion of the marked channel leading to the Gulf of Mexico through New Pass, west of the North-South channel and east of State Road No. 865.

c. Mullock Creek Channel: All waters of the marked channel leading to Mullock Creek north of a line beginning at a point (approximate latitude 26°24'36" North, approximate longitude 81°52'30" West) on the eastern shoreline of Coon Key and bearing 106° to a point (approximate latitude 26°24'39" North, approximate longitude 81°52'34" West) on the southwestern shoreline of the unnamed mangrove island north of Black Island, and south of Red Channel Marker "18" (approximate latitude 26°27'46" North, approximate longitude 81°52'00" West).

d. Estero River Channel: All waters of the marked channel leading from the Mullock Creek Channel to the Estero River, west of the mouth of the Estero River. This designation only applies if a channel is marked in accordance with permits issued by all applicable state and federal authorities. In the absence of a properly permitted channel, this area is as designated under subparagraph (2)(f)3.

e. Alternate Route Channel: All waters of the marked channel commonly known as Alternate Route Channel, with said channel generally running between Channel Marker "1" (approximate latitude 26°24'29" North, approximate longitude 81°51'53" West) and Channel Marker "10" (approximate latitude 26°24'00" North, approximate longitude 81°51'09" West).

f. Coconut Channel: All waters of the marked channel commonly known as Coconut Channel, with said channel generally running between Channel Marker "1" (approximate latitude 26°23'44" North, approximate longitude 81°50'55" West) and Channel Marker "23" (approximate latitude 26°24'00" North, approximate longitude 81°50'30" West).

g. Southern Passage Channel: All waters of the marked channel commonly known as Southern Passage Channel, with said channel generally running between Channel Marker "1" (approximate latitude 26°22'58" North, approximate longitude 81°51'57" West) and Channel Marker "22" (approximate latitude 26°23'27" North, approximate longitude 81°50'46" West).

h. Spring Creek Channel: All waters of the marked channel leading from the Southern Passage Channel to Spring Creek, west of the mouth of Spring Creek.

10. Fish Trap Bay Channel: That portion of the marked channel in Fish Trap Bay beginning at Channel Marker "90" (approximate latitude 26°20'42" North, approximate longitude 81°50'33" West) and ending at Channel Marker "101" (approximate latitude 26°20'09" North, approximate longitude 81°50'26" West).

11. Big Hickory Bay Area: All waters of Big Hickory Bay north of a line that bears 90° from a point (approximate latitude 26°20'51" North, approximate longitude 81°50'33" West) on the eastern shoreline of Little Hickory Island, west of a line beginning at a point (approximate latitude 26°20'48" North, approximate longitude 81°50'24" West) on the southern shoreline of Big Hickory Bay and bearing 338° to a point (approximate latitude 26°21'39" North, approximate longitude 81°50'48" West) on the water in the northwestern end of Big Hickory Bay near the eastern end of Broadway Channel, south of a line beginning at said point on the water in the northwestern end of Big Hickory Bay and bearing 242° to the northernmost point (approximate latitude 26°21'39" North, approximate longitude 81°50'50" West) of the unnamed mangrove island south of Broadway Channel, and east of the

eastern shoreline of said mangrove island and a line beginning at the southernmost point of said island (approximate latitude 26°21'07" North, approximate longitude 81°50'58" West) and bearing 167° to a point on Little Hickory Island (approximate latitude 26°21'03" North, approximate longitude 81°50'57" West).

(i) DEPTH-DEPENDENT SLOW SPEED or 25 MPH – All waters of Mullock Creek, excluding side creeks and embayments, between Red Channel Marker “18” (approximate latitude 26°27'46" North, approximate longitude 81°52'00" West) and Green Channel Marker “47” (approximate latitude 26°28'11" North, approximate longitude 81°51'34" West). Slow Speed is required in this area whenever the controlling water depth is greater than two feet. Speeds of up to 25 MPH are allowed whenever the controlling water depth is two feet or less. For the purposes of this zone, the controlling water depth shall be defined as the water depth at the shallowest point of the creek between channel markers “18” and “47” as measured along the route that runs over the deepest water available.

(3) Commercial Fishing and Professional Fishing Guide Permits: The following provisions pertain to the issuance of permits to allow individuals engaged in commercial fishing and professional fishing guide activities to operate their vessels in specified areas at speeds greater than the speed limits established under subsection (2) above. Procedures related to the application for and the review and issuance of these permits are as set forth in Rule 68C-22.003, F.A.C.

(a) Permits shall be limited as follows:

1. Permits shall only be available for the zones or portions of zones described under subparagraphs (2)(d)1. through (2)(d)4., (2)(d)9., (2)(f)2. through (2)(f)4., (2)(g)1., (2)(g)3., and (2)(g)4.

2. Permits shall not apply on weekends or on the holidays identified in Section 110.117, F.S.

(b) Permit applications may be obtained at the Florida Marine Patrol, District 3B office, 2423 Edwards Drive, Ft. Myers, Florida, or by contacting the Florida Fish and Wildlife Conservation Commission, Mail Station OES-BPS, 620 South Meridian Street, Tallahassee, Florida 32399, (850)922-4330.

(4) Access to the NO ENTRY zones designated in paragraph (2)(a) above will be allowed for Florida Power and Light Company employees or their authorized agents provided that entry into the zones is necessary to conduct activities associated with maintenance, emergency operations or environmental monitoring. The Commission must receive notification of the activity prior to its commencement. In the event of an emergency activity, the Commission shall be notified no more than two weeks after the activity has been commenced. All vessels used in the operation or associated with the activity shall be operated at no greater than Idle Speed while within the zones and must have an observer on board to look for manatees. All routine activities associated with maintenance and environmental monitoring shall be halted when manatees are seen in the zones. Activities that are halted because of manatee presence may only proceed after the manatee(s) leave the area of their own volition.

(5) The zones described in subsection 68C-22.005(2), F.A.C., above are shown on the following maps, labeled “Lee County Manatee Protection Zones.” The maps are intended to be depictions of the above-described zones. In the event of conflict between the two, the above descriptions shall prevail.

SEE FLORIDA ADMINISTRATIVE CODE FOR “LEE COUNTY MANATEE PROTECTION ZONES OVERVIEW AND MAPS 1 THORUGH 6”

Specific Authority 370.12(2)(f), (m), (n) FS. Law Implemented 370.12(2)(d), (f), (i), (j), (m), (n) FS. History—New 3-19-79, Formerly 16N-22.05, Amended 12-5-89, Formerly 16N-22.005, 62N-22.005, Amended 11-30-99, 7-17-01.

68C-22.006 Brevard County Zones.

(1) The Commission hereby designates the waters within Brevard County, as described below, as areas where manatee sightings are frequent and where it can be assumed that manatees inhabit on a regular, periodic or continuous basis. The Commission has further determined that a likelihood of threat to manatees exists in these waters as a result of manatees and motorboats using the same areas. The primary purpose of this rule is to protect manatees from harmful collisions with motorboats and from harassment by regulating the speed and operation of motorboats within these designated areas. A secondary purpose is to protect manatee habitat. In balancing the rights of fishers, boaters, and water skiers to use these waterways for recreational and commercial purposes (as applicable under Section 370.12(2)(j), F.S.), with the need to provide manatee protection, the Commission has examined the need for unregulated areas or higher speed travel corridors through regulated areas. Such areas or corridors are provided in those locations where the Commission determined, on the basis of all available information, (1) there is a need for the area or corridor and (2) the area or corridor will not result in serious threats to manatees or their habitat. Unregulated areas or higher speed corridors are not provided in locations where both of the above findings were not made.

(2) The following year-round and seasonal zones are established, which shall include all associated and navigable tributaries, lakes, creeks, coves, bays, backwaters, canals, and boat basins unless otherwise designated or excluded. As used in this rule, ICW means the Intracoastal Waterway. Access to the NO ENTRY and MOTORBOATS PROHIBITED zones designated in paragraphs (2)(a) and (b) will be provided in accordance with procedures set forth in subsection (4), hereunder, and applicable provisions of Rule 68C-22.003, F.A.C.

(a) NO ENTRY (November 15 – March 31)

1. Indian River, Reliant Corporation Delespine Power Plant Area: All waters within the discharge canal of the Reliant Corporation Delespine power plant, and; All waters southerly of a line extending eastward from and following the same bearing as the southernmost seawall of the power plant discharge canal, with said line bearing approximately 70°, westerly of a line 250 feet east of and parallel to the western shoreline of the Indian River, and northerly of the jetty on the north side of the power plant intake canal.

2. Indian River, FPL Frontenac Power Plant Area: All waters in the vicinity of the Florida Power and Light (FPL) Frontenac power plant southerly of a line connecting the northern guy wires of the power poles immediately north of the FPL Unit 2 discharge area from the western shoreline of the Indian River to the third power pole east of the western shoreline (approximately 1,650 feet east of the shoreline), and westerly of a line running from said third power pole to the easternmost point (approximate latitude 28°28'07" North, approximate longitude 80°45'19" West) of the jetty on the north side of the FPL intake canal.

(b) MOTORBOATS PROHIBITED (All Year, except as noted)

1. Indian River, Reliant Corporation Delespine Power Plant Area: All waters in the vicinity of the Reliant Corporation Delespine power plant southerly of a line bearing 90° from a point (approximate latitude 28°29'41" North, approximate longitude 80°46'35" West) on the western shoreline of the Indian River 95 feet north of the northernmost seawall of the power plant discharge canal, westerly of a line 250 feet east of and parallel to the western shoreline of the Indian River, and northerly of a line extending eastward from and following the same bearing as the southernmost seawall of the power plant discharge canal, with said line bearing approximately 70°. This zone is in effect from November 15 through March 31.

2. C-54 Canal: All waters of the C-54 Canal (South Florida Water Management District Canal 54) east of the spillway (approximate latitude 27°49'50" North, approximate longitude 80°32'24" West) and west of a line drawn perpendicular to the northern shoreline of the C-54 Canal at a point (approximate latitude 27°49'55" North, approximate longitude 80°32'00" West) on the northern shoreline 2,500 feet east of the spillway.

(c) IDLE SPEED (All Year, except as noted)

1. Indian River, Power Plant Area: All waters west of the western boundary of the ICW channel, south of a line bearing 90° from a point (approximate latitude 28°30'13" North, approximate longitude 80°46'48" West) on the western shoreline of the Indian River approximately three-fourths of a mile north of the Delespine power plant discharge canal, and north of a line bearing 90° from a point (approximate latitude 28°27'27" North, approximate longitude 80°45'43" West) on the western shoreline of the Indian River approximately three-fourths of a mile south of the Frontenac power plant discharge canal, except as otherwise designated under paragraph (2)(a) and subparagraph (b)1. This zone is in effect from November 15 through March 31.

2. Banana River, Cape Canaveral Area: All waters north of a line bearing 270° from the southwesternmost point (approximate latitude 28°23'29" North, approximate longitude 80°37'10" West) of Long Point in Cape Canaveral to a point (approximate latitude 28°23'29" North, approximate longitude 80°37'49" West) in the Banana River approximately 3,500 feet west of Long Point, and east of a line bearing 331° from said point in the Banana River to a point (approximate latitude 28°24'16" North, approximate longitude 80°38'19" West) on the State Road 528 Causeway (west of State Road 401).

3. Banana River, Manatee Cove Area: All waters of Manatee Cove (on the east side of the Banana River, just south of State Road 520) east of a line at the mouth of the cove running between a point (approximate latitude 28°21'21" North, approximate longitude 80°36'52" West) on the northern shoreline and a point (approximate latitude 28°21'09" North, approximate longitude 80°36'51" West) on the southern shoreline.

4. Turkey Creek: All waters of Turkey Creek north and east (downstream) of Melbourne-Tillman Drainage District structure MS-1 and south and west of a line at the mouth of Turkey Creek that runs from the southeasternmost point (approximate latitude 28°02'21" North, approximate longitude 80°34'48" West) of Castaway Point to the northeasternmost point (approximate latitude 28°02'14" North, approximate longitude 80°34'43" West) of Palm Bay Point.

5. Sebastian Inlet Area: All waters of the cove on the northern side of Sebastian Inlet (commonly known as Campbell Cove) northwest of a line running between the two rock jetties at the entrance to the cove.

6. Sebastian River Area: All waters of the North Prong of Sebastian River, and; All waters of the North Fork Sebastian River (also known as Sebastian Creek) and the C-54 Canal west of a north-south line from a point (approximate latitude 27°50'08" North, approximate longitude 80°31'02" West) on the northern shoreline of the North Fork Sebastian River at the intersection of the river and the North Prong and east of a line drawn perpendicular to the northern shoreline of the C-54 Canal at a point (approximate latitude 27°49'55" North, approximate longitude 80°32'00" West) on the northern shoreline 2,500 feet east of the spillway.

(d) SLOW SPEED (All Year)

1. Mosquito Lagoon: All waters west of the ICW channel, south of the Volusia County/Brevard County line, and north of ICW channel marker "43," and; All waters of Mosquito Lagoon (including the ICW channel) south of ICW channel marker "43," southwest of a line commencing at ICW channel marker "43" and then running to ICW channel marker "45" and then on a bearing of 132° for a distance of 1,000 feet to the line's terminus at a point in Mosquito Lagoon (approximate latitude 28°44'35" North, approximate longitude 80°44'35" West), and north of a line running from said point in Mosquito Lagoon on a bearing of 221° to the western shoreline of Mosquito Lagoon.

2. Indian River, Turnbull Basin Area: All waters south and east of a line commencing at a point (approximate latitude 28°44'36" North, approximate longitude 80°46'19" West) on the eastern shoreline of Turnbull Basin (about one mile north of Haulover Canal) and then bearing 193° to a point 1,500 feet northwest of the ICW channel, then running in a southwesterly direction 1,500 feet northwest of and parallel with the ICW channel to a point (approximate latitude 28°41'22" North, approximate

longitude 80°49'05" West) 1,500 feet northwest of ICW channel marker "12," and then running in a southerly direction 1,500 feet west of and parallel with the ICW channel to the Florida East Coast Railroad Bridge, including all waters west of the ICW channel and south of an east-west line 1,500 feet north of the point where the Florida East Coast Railroad Bridge crosses over the ICW, but excluding the ICW channel as designated under subparagraph (2)(e)2.

3. Indian River, Titusville Area: All waters west of the ICW channel south of the Florida East Coast Railroad Bridge and north of the State Road 402 Bridge and Causeway.

4. Indian River, State Road 402 (Max Brewer Causeway) to State Road 405 (NASA Parkway): All waters within 2,000 feet of the general contour of the western shoreline of the Indian River, excluding the ICW channel where the channel is less than 2,000 feet from the western shore; All waters within one mile of the general contour of the eastern shoreline of the Indian River south and east of a point (approximate latitude 28°36'04" North, approximate longitude 80°44'44" West) on the western shoreline of Peacock's Pocket (northwest of Banana Creek), and; All waters south of an east-west line 3,400 feet north of the point where the State Road 405 Bridge crosses over the ICW, excluding the ICW channel as designated under subparagraph (2)(e)3.

5. Indian River, State Road 405 (NASA Parkway) to State Road 528 (Bennett Causeway): All waters north of an east-west line 3,000 feet south of the point where the State Road 405 Bridge crosses over the ICW, excluding the ICW channel as designated under subparagraph (2)(e)3.; All waters west of the ICW channel and north of the overhead power transmission line that crosses the western shoreline of the Indian River approximately 1,200 feet north of State Road 528, excepting those areas otherwise designated for seasonal regulation under subparagraphs (2)(a), (b)1., and (c)1. when said seasonal zones are in effect; All waters south of said overhead power transmission line and west of a north-south line running through the second power pole east of the western shoreline; All waters within one-half mile of the eastern shoreline of the Indian River north of a point (approximate latitude 28°25'47" North, approximate longitude 80°43'24" West) on the eastern shoreline of the Indian River 1,500 feet south of the canal on the southern side of Meadow Lark Lane, including all waters of Rinkers Canal, and; All waters east of the ICW channel and south of the overhead power transmission line that crosses the eastern shoreline of the Indian River approximately 3,900 feet north of State Road 528.

6. Indian River, State Road 528 (Bennett Causeway) to State Road 518 (Eau Gallie Causeway): All waters within 1,000 feet of the general contour of the western shoreline of the Indian River; All waters south of State Road 528 and within 500 feet of the State Road 528 Causeway, within 500 feet of the State Road 520 Causeway, within 500 feet of the State Road 404 Causeway, and north of State Road 518 and within 500 feet of the State Road 518 Causeway; All waters within 1,000 feet of the general contour of the eastern shoreline of the Indian River between State Road 528 and State Road 520; All waters east of the ICW channel from State Road 520 to an east-west line 300 feet south of the southernmost point (approximate latitude 28°19'22" North, approximate longitude 80°42'00" West) of the spoil island east of ICW channel marker "80," and; All waters within 500 feet of the general contour of the eastern shoreline of the Indian River south of the aforementioned east-west line and north of State Road 404 (Pineda Causeway).

7. Indian River, State Road 518 (Eau Gallie Causeway) to Cape Malabar: All waters within 1,000 feet of the general contour of the eastern shoreline of the Indian River; All waters south of State Road 518 and within 500 feet of the State Road 518 Causeway and within 500 feet of the State Road 192 Causeway; All waters within 1,000 feet of the general contour of the western shoreline of the Indian River south of State Road 518 and north of the easternmost point (approximate latitude 28°02'24" North, approximate longitude 80°34'48" West) of Castaway Point (including all waters of the Eau Gallie River and Crane Creek), and; All waters south of said easternmost point of Castaway Point, north of Cape Malabar, and west of a line commencing at a point (approximate latitude 28°02'29" North, approximate longitude 80°34'38" West) in the Indian River 1,000 feet northeast of said easternmost point of Castaway Point, then bearing 130° to the westernmost point (approximate latitude 28°02'15" North, approximate longitude 80°34'19" West) of the spoil site west of ICW channel marker "14," then bearing 153° to the westernmost point (approximate latitude 28°01'32" North, approximate longitude 80°33'55" West) of the spoil site southwest of ICW channel marker "15," then bearing 138° to the line's terminus at a point (approximate latitude 28°01'12" North, approximate longitude 80°33'35" West) in the Indian River approximately 2,400 feet northeast of Cape Malabar.

8. Indian River, Cape Malabar to Grant: All waters within 1,000 feet of the general contour of the eastern shoreline of the Indian River south of Cape Malabar and north of a point (approximate latitude 27°55'59" North, approximate longitude 80°30'30" West) on the eastern shoreline of the Indian River (north of Mullet Creek); All waters south of Cape Malabar, north of the spoil island between ICW channel markers "25" and "27," and west of a line commencing at a point (approximate latitude 28°01'12" North, approximate longitude 80°33'35" West) in the Indian River approximately 2,400 feet northeast of Cape Malabar, then bearing 157° to the easternmost point (approximate latitude 28°00'26" North, approximate longitude 80°33'13" West) of the spoil site between ICW channel markers "16" and "17," then bearing 152° to the easternmost point (approximate latitude 27°59'21" North, approximate longitude 80°32'35" West) of the spoil island west of ICW channel marker "22," then bearing 166° to the line's terminus at the easternmost point (approximate latitude 27°57'50" North, approximate longitude 80°32'10" West) of the spoil island between ICW channel markers "25" and "27," All waters within 1,000 feet of the general contour of the western shoreline of the Indian River south of said spoil island between ICW channel markers "25" and "27," and north of ICW channel marker "35," and; All waters west of the ICW channel between ICW channel markers "35" and "38."

9. Indian River, Grant to the Indian River County Line: All waters west of the ICW channel between ICW channel marker "38" and the Brevard County/Indian River County line, including those waters east of the centerline of the U.S. 1 Bridge over the Sebastian River, and; All waters within 1,500 feet of the general contour of the eastern shoreline of the Indian River, south of a

point (approximate latitude 27°55'59" North, approximate longitude 80°30'30" West) on the eastern shoreline of the Indian River (north of Mullet Creek) and north of an east-west line running through ICW channel marker "59" (approximate latitude 27°51'38" North, approximate longitude 80°28'57" West), including those waters within 1,500 feet west of the westernmost edge of the Mullet Creek Islands, within 1,500 feet west of the westernmost edge of the islands south of Mathers Cove, within 1,500 feet west of the westernmost edge of Long Point, and within 1,500 feet west of the westernmost extensions of Campbell Pocket south to said east-west line running through ICW channel marker "59," and; All waters of the Indian River and Sebastian Inlet east of the ICW channel, south of said east-west line running through ICW channel marker "59," north of the Brevard County/Indian River County line, and west of a line 200 feet southwest of and parallel with the centerline of the State Road A1A Bridge, except as otherwise designated under subparagraph (2)(c)5. and excluding the marked Sebastian Inlet channel.

10. Sebastian River Area: All waters of the Sebastian River (including waters also known as San Sebastian Bay), the South Fork San Sebastian River (also known as St. Sebastian River, Sebastian River and Sebastian Creek), and the North Fork Sebastian River (also known as Sebastian Creek) within Brevard County west of the centerline of the U.S. 1 Bridge and east of a north-south line from a point (approximate latitude 27°50'08" North, approximate longitude 80°31'02" West) on the northern shoreline of the North Fork Sebastian River at the intersection of the river and the North Prong of Sebastian River.

11. Canaveral Barge Canal: All waters of the Canaveral Barge Canal east of the general contour of the eastern shoreline of the Indian River and west of the general contour of the western shoreline of the Banana River.

12. Sykes Creek and Kiwanis Basin: All waters of Sykes Creek and Kiwanis Basin south of the Canaveral Barge Canal and north of the centerline of State Road 520.

13. Newfound Harbor: All waters south of State Road 520 and within 1,000 feet of the State Road 520 Bridge and Causeway; All waters within 1,000 feet of the general contour of the western shoreline of Newfound Harbor north of the runway for the Merritt Island Airport (approximately one mile south of State Road 520), and; All waters within 1,000 feet of the general contour of the eastern shoreline of Newfound Harbor and an extension of said shoreline to a point 1,000 feet south of Buck Point.

14. Banana River, North of State Road 528: All waters within 1,500 feet of the general contour of the western shoreline of the Banana River south of a point (approximate latitude 28°26'10" North, approximate longitude 80°39'35" West) on the shoreline near Kars Park on the boundary of the federal No Motor zone; All waters south of an east-west line running through the westernmost point (approximate latitude 28°24'42" North, approximate longitude 80°38'34" West) of the first spoil island north of the Canaveral Locks (commonly known as Ski Island), including those waters in Port Canaveral west of State Road 401, and; All waters east and south of a line commencing at the northernmost point (approximate latitude 28°24'44" North, approximate longitude 80°38'32" West) of Ski Island, then running to the southernmost point (approximate latitude 28°24'55" North, approximate longitude 80°38'31" West) of the second spoil island north of the Canaveral Locks, then following the eastern shoreline of said spoil island to its northernmost point, then bearing 6° to a point (approximate latitude 28°25'09" North, approximate longitude 80°38'29" West) in the Banana River underneath the overhead power transmission line south of the third spoil island north of Canaveral Locks, then following said transmission line (which is the boundary of the federal No Motor zone) in an easterly direction to the line's terminus at a point (approximate latitude 28°25'16" North, approximate longitude 80°36'13" West) on the eastern shoreline of the Banana River.

15. Banana River, State Road 528 to State Road 520: All waters south of State Road 528, east of a line bearing 180° from the easternmost point (approximate latitude 28°24'18" North, approximate longitude 80°38'53" West) of the central State Road 528 Causeway, and north of an east-west line 1,000 feet south of the point where the State Road 528 Bridge crosses over the main Banana River channel, except as otherwise designated under subparagraph (2)(c)2.; All waters west of a line running from a point (approximate latitude 28°24'16" North, approximate longitude 80°39'30" West) on the State Road 528 Causeway east of the western State Road 528 Relief Bridge to a point (approximate latitude 28°21'26" North, approximate longitude 80°39'32" West) on the State Road 520 Causeway approximately 1,200 feet west of the water storage tanks, and; All waters south of a line bearing 270° from the southwesternmost point (approximate latitude 28°23'29" North, approximate longitude 80°37'10" West) of Long Point in Cape Canaveral to a point (approximate latitude 28°23'29" North, approximate longitude 80°37'49" West) in the Banana River approximately 3,500 feet west of Long Point, and east of a line bearing 174° from said point in the Banana River to a point (approximate latitude 28°21'28" North, approximate longitude 80°37'35" West) on the State Road 520 Causeway approximately 1,000 feet west of Cape Canaveral Hospital Complex.

16. Banana River, Cocoa Beach Area: All waters east of a line bearing 186° from the westernmost point (approximate latitude 28°21'26" North, approximate longitude 80°38'52" West) of the State Road 520 Causeway east of the main Banana River channel, and within 1,000 feet south of the State Road 520 Causeway; All waters within 1,000 feet of the general contour of the western shoreline of the Banana River, south of State Road 520 and north of Buck Point and an extension of said shoreline to a point 1,000 feet south of Buck Point, excluding the main Banana River channel where the channel is less than 1,000 feet from the western shoreline, and; All waters east of a line commencing at a point (approximate latitude 28°21'25" North, approximate longitude 80°38'30" West) on the State Road 520 Causeway (approximately 2,000 feet east of the State Road 520 Bridge over the main Banana River channel), then bearing 190° to a point (approximate latitude 28°19'15" North, approximate longitude 80°38'55" West) in the Banana River approximately 1,900 feet west of the northwesternmost point of the Cocoa Beach Municipal Park, then bearing 270° to a point (approximate latitude 28°18'38" North, approximate longitude 80°38'55" West) in the Banana River approximately 1,700 feet west of the southwesternmost point of the Cocoa Beach Municipal Park, then bearing 171° for approximately 3,000 feet to a point (approximate latitude 28°18'07" North, approximate longitude 80°38'50" West) in the Banana River east of channel

marker "15," then bearing 124° to a point (approximate latitude 28°16'52" North, approximate longitude 80°36'45" West) in the Banana River 1,000 feet west of the eastern shoreline of the Banana River, then heading in a southerly direction 1,000 feet west of and parallel with the eastern shoreline of the Banana River to the line's terminus at a point (approximate latitude 28°15'51" North, approximate longitude 80°36'38" West) in the Banana River near the northern boundary of Patrick Air Force Base.

17. Banana River, South of Cocoa Beach to State Road 404 (Pineda Causeway): All waters south of an east-west line running through the southernmost point (approximate latitude 28°16'19" North, approximate longitude 80°39'25" West) of the more southerly of the two islands east of Macaw Way (on Merritt Island) and west of a line bearing 162° from said southernmost point to State Road 404; All waters south and east of the overhead power transmission line in the Banana River adjacent to Patrick Air Force Base, and; All waters north of the centerline of State Road 404 and within 2,000 feet of the State Road 404 Bridges and Causeway, excluding the main Banana River channel as designated under subparagraph (2)(e)5.

18. Banana River, South of State Road 404 (Pineda Causeway): All waters south of the centerline of State Road 404, including those waters east of a line bearing 270° from the southernmost point (approximate latitude 28°08'32" North, approximate longitude 80°36'15" West) of Merritt Island (commonly known as Dragon Point) to the Eau Gallie Causeway, excluding the main Banana River channel as designated under subparagraph (2)(e)5.

(e) 25 MPH (All Year)

1. Mosquito Lagoon: All waters in the ICW channel south of the Volusia County/Brevard County line and north of ICW channel marker "43" (north of Haulover Canal).

2. Indian River, Turnbull Basin and Titusville Area: All waters in the ICW channel southwest of ICW channel marker "1" (southwest of Haulover Canal) and north of an east-west line 1,200 feet south of the point where the Florida East Coast Railroad Bridge crosses over the ICW.

3. Indian River, State Road 405 (NASA Parkway) Area: All waters in the ICW channel south of an east-west line 3,400 feet north of the point where the State Road 405 Bridge crosses over the ICW and north of an east-west line 3,000 feet south of the point where the State Road 405 Bridge crosses over the ICW.

4. South Indian River Area: All waters in the ICW channel south of ICW channel marker "59" and north of the Brevard County/Indian River County line.

5. South Banana River Area: All waters in the main Banana River channel south of a point in the channel 2,000 feet north of the State Road 404 Bridge, and north of a point (approximate latitude 28°09'15" North, approximate longitude 80°36'32" West) in the channel on the northern boundary of the local Idle Speed zone approximately 1,900 feet north of the Mathers Bridge.

(3) Commercial Fishing and Professional Fishing Guide Permits: The following provisions pertain to the issuance of permits to allow individuals engaged in commercial fishing and professional fishing guide activities to operate their vessels in specified areas at speeds greater than the speed limits established under subsection (2) above. Procedures related to the application for and the review and issuance of these permits are as set forth in Rule 68C-22.003, F.A.C.

(a) Permits shall be limited as follows:

1. Permits shall only be available for the zones or portions of zones described under subparagraphs (2)(d)1. through (2)(d)9., and (2)(d)13. through (2)(d)18.

2. Permits shall not apply on weekends or on the holidays identified in Section 110.117, F.S.

(b) Permit applications may be obtained at the Commission's Law Enforcement office at 1-A Max Brewer Memorial Parkway in Titusville or by contacting the Commission at Mail Station OES-BPS, 620 South Meridian Street, Tallahassee, Florida 32399 (850)922-4330.

(4) Access to the NO ENTRY and MOTORBOATS PROHIBITED zones is allowed for Reliant Corporation employees or their authorized agents (for the zones designated under subparagraphs (2)(a)1. and (b)1.) and for Florida Power and Light Company employees or their authorized agents (for the zone designated under subparagraph (2)(a)2.) provided that entry into the zones is necessary to conduct activities associated with power plant maintenance, emergency operations or environmental monitoring. The Commission must receive notification of the activity prior to its commencement. In the event of an emergency activity, the Commission shall be notified no more than one week after the activity has been commenced. All vessels used in the operation or associated with the activity shall be operated at no greater than Idle Speed while within the zones and must have an observer on board to look for manatees.

(5) The zones described in subsection 68C-22.006(2), F.A.C., are depicted on the following maps, labeled "Brevard County Manatee Protection Zones." The maps are intended as depictions of the above-described zones. In the event of conflict between the maps and descriptions, the descriptions shall prevail.

(6) The amendments of subsections 68C-22.006(2) through (5), F.A.C., as approved by the commission on May 23, 2001, shall become effective when the requisite regulatory signage is posted or erected in the designated waterway or segment of waterway of Brevard County or six months from the date the rule amendments are filed for adoption, whichever is sooner.

SEE FLORIDA ADMINISTRATIVE CODE FOR "BREVARD COUNTY MANATEE PROTECTION ZONES MAPS"

Specific Authority 370.12(2)(f), (k), (m), (n) FS. Law Implemented 370.12(2)(d), (f), (j), (k), (m), (n) FS. History—New 3-19-79, Formerly 16N-22.06, Amended 12-20-89, 8-28-90, 7-25-91, 8-18-92, Formerly 16N-22.006, Amended 10-12-94, 12-29-98, Formerly 62N-22.006, Amended 6-24-02.

68C-22.007 Indian River County Zones.

(1) For the purpose of protecting manatees and manatee habitat in Indian River County, the following year-round and seasonal zones are established, which shall include all associated and navigable tributaries, lakes, creeks, coves, bends, backwaters, canals, channels and boat basins, unless otherwise designated or excluded:

(a) IDLE SPEED ZONE (Year-round) –

1. Indian River, Sebastian River Area: All waters within 1000 feet of the westerly shoreline of Indian River, southerly of a line which bears North 90°00'00" East (True) running through the northernmost point of land of the peninsula over which U.S. Highway 1 (State Road 5) passes (approximate latitude 27°51'12" North, approximate longitude 80°29'27" West), and northerly of a line which bears North 90°00'00" East (True) from a point on the westerly shoreline of Indian River 700 feet northwesterly of the intersection of the extension of the centerline of County Road 505 with the westerly shoreline of Indian River (approximate latitude 27°50'46" North, approximate longitude 80°29'05" West);

2. 110th Street Area: All waters of the canals immediately north and south of 110th Street, westerly of the general contour of the westerly shoreline of Indian River;

3. Island Harbor Road Area: All waters of the marina between North Island Harbor Road and South Island Harbor Road, westerly of the general contour of the westerly shoreline of Indian River;

4. Durrance Road Area: All waters of the canals southerly of Durrance Road, northerly of 93rd Lane, and westerly of the general contour of the westerly shoreline of Indian River;

5. Hobart Lodge Marina Area: All waters of the Hobart Lodge Marina canals, westerly of a line which bears South 00°00'00" West (True) from the easternmost tip of the peninsula on the northerly shoreline of the southernmost canal (approximate latitude 27°44'10" North, approximate longitude 80°25'07" West);

6. Grand Harbor Development Marina Area: All waters of the Grand Harbor Development Marina, all waters of the canal system northerly of the Grand Harbor Development Marina in Sections 11, 13 and 14, Township 32 South, Range 39 East, and those waters of the North Canal, westerly of the general contour of the westerly shoreline of Indian River Narrows, and easterly of the centerline of U.S. Highway 1;

7. Johns Island Creek Area: All waters of Johns Island Creek and associated canals or waterways, southerly of a line which bears North 90°00'00" East (True) running through the northernmost tip of an unnamed island (approximate latitude 27°42'20" North, approximate longitude 80°23'01" West), northerly and easterly of a line which bears North 00°00'00" East (True) running through the westernmost tip of a peninsula (approximate latitude 27°41'01" North, approximate longitude 80°22'51" West);

8. Indian River, Vero Beach Area: Those waters of the main canal and associated waters, westerly of the general contour of the westerly shoreline of Indian River, and easterly of the flood gate located approximately 200 feet easterly of Country Club Drive; and all waters of those canals southerly of Royal Palm Boulevard, northerly of Harbor Drive South, and westerly of the general contour of the westerly shoreline of the Indian River, excepting that area otherwise designated for seasonal regulation under (1)(e) when said seasonal zone is in effect;

9. South Canal Area: All waters of South Canal and associated waters, westerly of the general contour of the westerly shoreline of Indian River, and easterly of the centerline of U.S. Highway 1 (State Road 5);

10. Crawford Creek Area: All waters of Crawford Creek northerly of a line which bears South 70°00'00" West (True) from the southernmost tip of Crawford Point (approximate latitude 27°35'29" North, approximate longitude 80°21'52" West);

11. River Shores Development Area: All waters of the canals north and south of 12th Place S. E. in Sections 29 and 30, Township 33 South, Range 40 East, westerly of the general contour of the westerly shoreline of Indian River;

12. Vero Shores Area: All waters of the Vero Shores canals westerly of the general contour of the westerly shoreline of Indian River; and

13. Indian River, Porpoise Point to Head Cove Area: All waters of Indian River within 1000 feet of the general contour of the westernmost shoreline of Porpoise Point and the Moorings residential development including all waters of Porpoise Bay, Head Cove Pocket, Head Cove and all associated waters, southerly of a line which bears South 90°00'00" West (True) from the westernmost point of the shoreline of Porpoise Point (approximate latitude 27°35'30" North, approximate longitude 80°20'51" West), northerly of a line which bears South 90°00'00" West from the westernmost point of an unnamed island at the southern end of Head Cove (approximate latitude 27°34'28" North, approximate longitude 80°20'22" West), and northerly of the westerly extension of the northerly shoreline of the canal between Island Drive and Harbor Lane.

(b) SLOW SPEED ZONE (Year-round) –

1. St. Sebastian River Area: All navigable waters of the St. Sebastian River (also commonly known as Sebastian River, San Sebastian River and Sebastian Creek, and including those waters known as San Sebastian Bay), and the South Fork St. Sebastian River within Indian River County westerly and southwesterly of the centerline of the U.S. 1 Bridge, and northerly of the centerline of the S.R. 512 Bridge;

2. Indian River Area: All waters of the Indian River and Indian River Narrows including Vossinbury Creek, westerly of a line 100 feet westerly of and parallel with the westerly boundary of the main marked channel of the Atlantic Intracoastal Waterway, southerly of the Indian River County/Brevard County line, and northerly of the Indian River County/St. Lucie County line, except as otherwise excluded or designated for alternative regulation;

3. Indian River, Sebastian Inlet Area: All waters of Indian River and Sebastian Inlet, unless otherwise designated, exclusive of the marked Sebastian Inlet channel and any extension of said channel to be marked by local, state, or federal government (portions of which may be otherwise designated for regulation), southerly of the Indian River County/Brevard County line, northerly of a line which bears North 60°00'00" East (True) from Red Intracoastal Waterway Channel Marker "64" (latitude 27°50'21" North, longitude 80°28'16" West), easterly of a line 100 feet easterly of and parallel with the easterly boundary of the main marked channel of the Atlantic Intracoastal Waterway, and southwesterly of a line 200 feet southwesterly of and parallel with the centerline of the State Road A1A Bridge;

4. Indian River, Coconut Point to Big Slough Area: All waters within 600 feet of the general contour of the easterly shoreline of Indian River, southerly of a line which bears North 60°00'00" East (True) from Red Intracoastal Waterway Channel Marker "64" (latitude 27°50'21" North, longitude 80°28'16" West), and northwesterly of a line which bears North 45°00'00" East (True) from the northernmost point of Black Point (approximate latitude 27°48'40" North, approximate longitude 80°26'24" West);

5. Indian River, Big Slough to Wabasso Beach Road Bridge Area – All waters of Big Slough, North Hole and South Hole southeasterly of a line which bears North 45°00'00" East (True) from the northernmost point of Black Point (approximate latitude 27°48'40" North, approximate longitude 80°26'24" West); Collins Hole, Turtle Pen Slough and those waters of Indian River within 600 feet of the general contour of the northerly and westerly shoreline of the Black Point peninsula, the general contour of the northerly, westerly and southerly shoreline of Roseate Island, and the general contour of the southwesterly shoreline of Sprat Point, all waters of Sprat Creek and East Channel northeasterly and easterly of the general contour of the northeasterly shoreline of Roosevelt Island, the easterly shoreline of North Horseshoe Island, Horseshoe Island, Plug Island and Preachers Island; and those waters of Indian River easterly of a line 100 feet easterly of and parallel with the easterly boundary of the main marked Channel of the Atlantic Intracoastal Waterway, southerly of a line which bears North 90°00'00" East (True) running through Flashing Green Intracoastal Waterway Channel Marker "71" (latitude 27°47'29" North, longitude 80°26'40" West), southeasterly, southerly and southwesterly of a line 600 feet northwesterly, northerly and northeasterly of the general contour of the northwesterly, northerly and easterly shoreline of Pauls Island, and westerly of the general contour of the westerly shoreline of Middle Island, Nelson Island and Horseshoe Island and Preachers Island, and northerly of the centerline of the Wabasso Beach Road (County Road 510) Bridge;

6. Indian River, Wabasso Beach Road Bridge to Erwin Cove Area: All waters of Indian River and Indian River Narrows, including Michael Creek, Johns Island Creek, Chambers Cove, Stingray Creek, McCullers Cove, Jandrew Cove, Bethel Creek, Riomar Creek, North Creek, South Creek and Erwin Cove, easterly of a line 100 feet easterly of and parallel with the easterly boundary of the main marked channel of the Atlantic Intracoastal Waterway, southerly of the centerline of the Wabasso Beach Road (County Road 510) Bridge, and northerly of a line which bears North 65°30'00" East (True) running through Green Intracoastal Waterway Channel Marker "149" (latitude 27°37'24" North, longitude 80°22'08" West), except as otherwise designated, LESS: all waters of Gifford Cut easterly of the general contour of the westerly shoreline of Gifford Cut, said general contour line extending across the mouth of any tributary or backwater area, westerly of the general contour of the easterly shoreline of Gifford Cut, said general contour line extending across the mouth of any tributary or backwater area, southerly of a line which bears North 90°00'00" East (True) running through the northernmost tip of a peninsula (approximate latitude 27°40'36" North, approximate longitude 80°22'37" West), and northerly of a line which bears North 90°00'00" East (True) from the southernmost tip of a small unnamed island (approximate latitude 27°40'02" North, approximate longitude 80°22'17" West);

7. Jungle Trail Narrows to Hole-in-the-Wall Island Area: All waters of the Indian River, Jungle Trails Narrows, and associated waters, south of a line bearing 40° from a point (approximate latitude 27°45'20.6" North, approximate longitude 80°24'37.6" West) on the northeastern shoreline of Pine Island, north of a line bearing 80° from a point (approximate latitude 27°43'09.2" North, approximate longitude 80°24'03.2" West) on the eastern shoreline of Hole-in-the-Wall Island to a point (approximate latitude 27°43'11.9" North, approximate longitude 80°23'45.6" West) on the western shoreline of Barker Island, west of the eastern shoreline of Jungle Trail Narrows and a line bearing 194° from a point (approximate latitude 27°43'29.8" North, approximate longitude 80°23'36.6" West) on the eastern shoreline to a point (approximate latitude 27°43'19.8" North, approximate longitude 80°23'39.5" West) on the northern shoreline of Barker Island, and east of a line that begins at a point (approximate latitude 27°43'09.2" North, approximate longitude 80°24'03.2" West) on the eastern shoreline of Hole-in-the-Wall Island and runs northerly along the shoreline of Hole-in-the-Wall Island for a distance of 1290 feet to another point (approximate latitude 27°43'21.8" North, approximate longitude 80°24'05.3" West) on the eastern shoreline of Hole-in-the-Wall Island, then bears 19° to a point (approximate latitude 27°43'32.3" North, approximate longitude 80°24'01.1" West) on the southwestern shoreline of Pine Island, and then runs southeasterly then northerly along the southwestern and then eastern shorelines of Pine Island to the line's terminus at a point (approximate latitude 27°45'20.6" North, approximate longitude 80°24'37.6" West) on the northeastern shoreline of Pine Island, excepting those waters of the Atlantic Intracoastal Waterway channel and associated waters otherwise designated under sub-subparagraph (1)(d)1.b.

8. Indian River, Porpoise Point to St. Lucie County Line Area: All waters of Indian River and Round Island Creek easterly of a line 100 feet easterly or and parallel with the easterly boundary of the main marked channel of the Atlantic Intracoastal Waterway, southerly of a line which bears South 90°00'00" West (True) from the westernmost point of the shoreline of Porpoise Point (approximate latitude 27°35'30" North, approximate longitude 80°20'51" West), and northerly of the Indian River County/St. Lucie County line, except as otherwise designated for alternative regulation; and

9. Atlantic Intracoastal Waterway, Merrill Barber Bridge Area: That portion of the main marked channel of the Atlantic Intracoastal Waterway and those waters within 100 feet of the eastern and western boundaries of said channel described as follows: Southerly of Green Intracoastal Waterway Channel Marker "137" (latitude 27°39'31" North, longitude 80°22'37" West), and northerly of the centerline of the Merrill Barber (State Road 60) Bridge.

(c) SLOW SPEED ZONE (November 1 through April 30)/UNREGULATED REMAINDER OF YEAR –

1. Indian River, Sebastian Inlet Marina to Duck Point Area: All waters of Indian River easterly of a line 600 feet easterly of and parallel with the general contour of the westerly shoreline of Indian River, westerly of a line 100 feet westerly of and parallel with the westerly boundary of the main marked channel of the Atlantic Intracoastal Waterway, southerly of a line which bears North 67°00'00" East (True) running through Red Intracoastal Waterway Channel Marker "66" (latitude 27°49'33" North, longitude 80°27'54" West), and northerly of a line which bears North 90°00'00" East (True) running through Green Intracoastal Waterway Channel Marker "75" (latitude 27°46'17" North, longitude 80°25'49" West); and those waters of Indian River easterly of a line 100 feet easterly of and parallel with the easterly boundary of the main marked channel of the Atlantic Intracoastal Waterway, westerly of a line 1600 feet northeasterly of and parallel with the centerline of the main marked channel of the Atlantic Intracoastal Waterway, southerly of a line which bears North 67°00'00" East (True) running through Red Intracoastal Waterway Channel Marker "66" (latitude 27°49'33" North, longitude 80°27'54" West), and northerly of a line which bears North 90°00'00" East (True) running through Flashing Green Intracoastal Waterway Channel Marker "67" (latitude 27°48'45" North, longitude 80°27'29" West).

2. Indian River, Hobart Lodge to Grand Harbor Development Area: All waters of Indian River, east of the general contour of the western shoreline of Indian River, north and west of a line that begins at a point (approximate latitude 27°43'21.8" North, approximate longitude 80°24'05.3" West) on the eastern shoreline of Hole-in-the-Wall Island then bears 19° to a point (approximate latitude 27°43'32.3" North, approximate longitude 80°24'01.1" West) on the southwestern shoreline of Pine Island and then runs northerly along the western shoreline of Pine Island, south and west of a line bearing 80° from a point (approximate latitude 27°43'09.2" North, approximate longitude 80°24'03.2" West) on the eastern shoreline of Hole-in-the-Wall Island to a point 100 feet west of the western boundary of the Atlantic Intracoastal Waterway, then running southerly 100 feet west of and parallel with the western boundary of the main marked channel of the Atlantic Intracoastal Waterway, southerly of a line which bears 90° from a point (approximate latitude 27°44'19.4" North, approximate longitude 80°25'18.4" West) on the western shoreline of the Indian River located 1000 feet north of the easternmost tip of the peninsula on the northern shoreline of the southernmost canal of the Hobart Lodge Marina canals (approximate latitude 27°44'10" North, approximate longitude 80°25'07" West), and north of a line which bears 90°, running through Red Intracoastal Waterway Channel Marker "120" (latitude 27°42'04" North), longitude 80°23'28" West).

3. Indian River, Crawford Point to Indian River County/St. Lucie County Line Area: All waters of Indian River, westerly of a line 100 feet westerly of and parallel with the westerly boundary of the main marked channel of the Atlantic Intracoastal Waterway, southerly of a line which bears South 90°00'00" West (True) from the westernmost point of the shoreline of Porpoise Point (approximate latitude 27°35'40" North, approximate longitude 80°20'50" West), and northerly of the Indian River County/St. Lucie County line; and

(d) MAXIMUM 30 MPH ZONE (Year-round) –

1. Atlantic Intracoastal Waterway Areas: Those portions of the main marked channel of the Atlantic Intracoastal Waterway, including those waters within 100 feet of its eastern and western boundaries, described as follows:

a. Southerly of the Brevard County/Indian River County line and northerly of Flashing Green Intracoastal Waterway Channel Marker "67" (latitude 27°48'45" North, longitude 80°27'29" West);

b. South of Red Intracoastal Waterway Channel Marker "78" (approximate latitude 27°45'53.7" North, approximate longitude 80°25'17.3" West), and north of a line bearing 80° from a point (approximate latitude 27°43'09.2" North, approximate longitude 80°24'03.2" West) on the eastern shoreline of Hole-in-the-Wall Island to a point (approximate latitude 27°43'11.9" North, approximate longitude 80°23'45.6" West) on the western shoreline of Barker Island;

c. South of a line bearing 80° from a point (approximate latitude 27°43'09.2" North, approximate longitude 80°24'03.2" West) on the eastern shoreline of Hole-in-the-Wall Island to a point (approximate latitude 27°43'11.9" North, approximate longitude 80°23'45.6" West) on the western shoreline of Barker Island, and north of Green Intracoastal Waterway Channel Marker "137" (approximate latitude 27°39'30.9" North, approximate longitude 80°22'36.8" West);

d. Southerly of the centerline of the Merrill Barber (State Road 60) Bridge and northerly of a line which bears North 65°30'00" East (True) running through Green Intracoastal Waterway Channel Marker "149" (approximate latitude 27°37'24" North, longitude 80°22'08" West); and

e. Southerly of a line which bears South 90°00'00" West (True) from the westernmost point of the shoreline of Porpoise Point (approximate latitude 27°35'40" North, approximate longitude 80°21'51" West), and northerly of the Indian River County/St. Lucie County line.

2. Sebastian Inlet Channel Area: That portion of the Sebastian Inlet channel commencing at a point in a line 100 feet easterly of and parallel with the easterly boundary of the main marked channel of the Atlantic Intracoastal Waterway located 850 feet northwesterly of Red Intracoastal Waterway Channel Marker "64" (latitude 27°50'21" North, longitude 80°28'16" West) as measured along said Intracoastal Waterway, thence North 45°00'00" East (True) approximately 3000 feet to the southwesterly end of the following described submerged land:

A parcel of submerged land lying in Sections 19, 20 & 30, Township 30 South, Range 39 East, more particularly described as follows: Commencing at the South East corner of Section 20, Township 30 South, Range 39 East, Indian River County, Florida, with coordinates in the Florida State Plane Coordinate System (East Zone) of Northing = 1,278,661.00, Easting = 679,740.59; run N 88°24'20" W a distance of 3863.85 feet to a point; thence run N 25°08'47" W a distance of 1376.36 feet to the POINT OF BEGINNING with coordinates in the Florida State Plane Coordinate System (East Zone) of Northing = 1,280,014.43, Easting = 675,293.38; thence run N 41°23'01" W a distance of 70.71 feet; thence run S 84°50'30" W a distance of 845.40 feet; thence run S 67°44'43" W a distance of 541.87 feet; thence run S 55°37'36" W a distance of 512.66 feet; thence run S 43°57'27" W a distance of 598.03 feet; thence run S 30°34'21" W a distance of 549.47 feet; thence run S 31°04'16" W a distance of 796.59 feet to a point of intersection with the easterly right-of-way line of cut no. 2 of the Intracoastal Waterway (1,750 foot right-of-way); thence run S 13°55'45" E a distance of 70.71 feet along said easterly right-of-way line; thence leaving said easterly right-of-way line, run N 76°04'15" E a distance of 70.71 feet; thence run N 43°41'31" E a distance of 826.00 feet; thence run N 29°54'28" E a distance of 494.12 feet; thence run N 48°34'30" E a distance of 524.99 feet; thence run N 55°04'52" E a distance of 488.05 feet; thence run N 71°31'49" E a distance of 538.22 feet; thence run N 85°23'45" E a distance of 299.90 feet; thence run N 53°16'48" E a distance of 515.49 feet to the POINT OF BEGINNING, containing an area of 23.29 acres more or less.

And including all waters described within the above submerged land, and that part of the Sebastian Inlet channel to a point 1000 feet North 90°00'00" East (True) from the easterly end of the above-described submerged land.

The exact boundaries of the above-described Sebastian Inlet channel are contingent upon the configuration of said channel subsequent to dredging and actual marking of the channel by appropriate jurisdictional authority.

(e) NO ENTRY ZONE (November 15 through March 31) – Vero Beach Power Plant Area: All waters of the westernmost of the three north-south canals immediately north of the Vero Beach Municipal Power Plant (north of 17th Street) and those waters of the east-west entrance canal west of a line bearing 174° from the southernmost point (approximate latitude 27°38'03.0" North, approximate longitude 80°22'41.0" West) of the western shoreline of the middle north-south canal.

(f) UNREGULATED AREAS –

1. Indian River, North of Wabasso Beach Road Bridge Area: All waters of Indian River easterly of a line 600 feet easterly of and parallel with the westerly shoreline of Indian River, westerly of a line 100 feet westerly of and parallel with the westerly boundary of the main marked channel of the Atlantic Intracoastal Waterway, southerly of a line which bears South 58°00'00" West (True) running through Green Intracoastal Waterway Channel Marker "75" (latitude 27°46'17" North, longitude 80°25'49" West), northwesterly of a line 200 feet northwesterly of and parallel with the centerline of the Wabasso Beach Road (County Road 510) Bridge, and southwesterly and northwesterly of a line 600 feet southwesterly and northwesterly of the general contour of the southwesterly and northwesterly shoreline of Wabasso Island;

2. Indian River, South of Wabasso Beach Road Bridge Area: All waters of Indian River, easterly of a line 1000 feet easterly of and parallel with the westerly shoreline of the Indian River, southeasterly of a line 200 feet southeasterly of and parallel with the centerline of the Wabasso Beach Road (County Road 510) Bridge, westerly of the general contour of the westerly shorelines of Wabasso and Pine Islands, southwesterly of the centerline of the Live Oak Drive Bridge connecting Wabasso and Pine Islands, and northerly of a line which bears North 90°00'00" East (True) located 1000 feet northerly of the easternmost tip of the peninsula on the northerly shoreline of the southernmost canal of the Hobart Lodge Marina canals (approximate latitude 27°44'10" North, approximate longitude 80°25'07" West); and

3. Indian River, Erwin Cove to Porpoise Point Area – All waters of Indian River, exclusive of the main marked channel of the Atlantic Intracoastal Waterway and those waters within 100 feet of the easterly and westerly boundaries of said main marked channel, southerly of a line which bears North 65°30'00" East (True) running through Green Intracoastal Waterway Channel Marker "149" (latitude 27°37'24" North, approximate longitude 80°22'08" West), and northerly of a line which bears South 90°00'00" West (True) from the westernmost point of the shoreline of Porpoise Point (approximate latitude 27°35'40" North, approximate longitude 80°20'51" West).

(2) For the purpose of exempting qualifying commercial fishermen and professional fishing guides from certain speed zone restrictions, as provided under subsection 68C-22.003(6), F.A.C., the following conditions, and procedures for exemption application shall apply:

(a) Exemptions shall apply seasonally and year-round to zones, or portions of zones, specified as follows:

1. Year-round exemptions, with speeds not to exceed 20 MPH, will be considered within the zones described or partially described in subparagraphs (1)(b)2., 4., 5., and 6., above;

2. Year-round exemptions, for the purpose of setting nets to encircle fish only, will be considered within the zones described or partially described in subparagraphs (1)(b)2., 3., 6., and 7., above; and

3. Seasonal exemptions (from November 1 through April 30) for the purpose of setting nets to encircle fish only will be considered in the zone described or partially described in subparagraphs (1)(c)3. and 4.

4. Seasonal exemptions (from November 1 through April 30), with speeds not to exceed 20 MPH, will be considered in the zones described or partially described in subparagraphs (1)(c)1. and 2.

(b) A recipient of an exemption must maintain speeds of less than 20 MPH at all times within the restricted area, and comply with any and all conditions specified within the notice of exemption as well as under all appropriate provisions of this rule and subsection 68C-22.003(6), F.A.C.

(c) Exemptions granted will not apply on weekends (sunrise on Saturday through sunset on Sunday) or on state-recognized holidays (sunrise to sunset).

(d) Any commercial fisherman or professional fishing guide fulfilling the requirements set forth under subsection 68C-22.003(6), F.A.C., may apply for the exemption, one of which shall be required for each vessel so operated, by completing the application form specified. Applications for exemption in accordance with the provisions of this rule may be obtained from the Fish and Wildlife conservation Commission, Division of Law Enforcement office, 1-A Max Brewer Memorial Parkway, Titusville, Florida 32796-2885 (telephone (407)383-2740).

(3) The zones described in subsection 68C-22.007(1), F.A.C., are depicted on the following maps labeled "Indian River County Manatee Protection Zones." The maps are intended as depictions of the above-described zones. In the event of conflict between the maps and descriptions, the descriptions shall prevail.

(4) The amendments to Rule 68C-22.007, F.A.C., as approved by the Commission on September 12, 2002, shall take effect as soon as the regulatory markers are posted.

SEE FLORIDA ADMINISTRATIVE CODE FOR "MAPS 1 THROUGH 4"

Specific Authority 370.12(2)(g), (n), (o) FS. Law Implemented 370.12(2)(d), (g), (k), (n), (o) FS. History--New 3-19-79, Formerly 16N-22.07, Amended 12-3-87, 8-28-90, 10-21-91, 8-18-92, Formerly 16N-22.007, 62N-22.007, Amended 12-12-02.

68C-22.008 St. Lucie County Zones.

(1) The Commission designates those portions of the Indian River and North Fork St. Lucie River, including all associated waters, within St. Lucie County as areas where manatees are frequently sighted. The Commission has further determined that manatees are assumed to inhabit these waters periodically or continuously. This rule is for the purpose of regulating the speed and operation of motorboats in portions of these designated areas in St. Lucie County.

(2) For the purpose of regulating the speed and operation of motorboats within St. Lucie County, the following year-round and seasonal zones are established, which shall include all associated and navigable tributaries, lakes, creeks, coves, bends, backwaters, canals, and boat basins unless otherwise designated or excluded: (Access to the NO ENTRY and MOTORBOATS PROHIBITED zones designated below in paragraphs (2)(a) and (2)(b), respectively, will be provided in accordance with procedures set forth in subsection (4), hereunder, and applicable provisions under Rule 68C-22.003, F.A.C.)

(a) NO ENTRY ZONE (Year-round) – Harbor Branch Area: Those waters of the Harbor Branch waterway including all associated canals and boat basins westerly of a due south line from the westernmost point of the rail system associated with the hoist on the northern side and near the western end of said Harbor Branch waterway (approximate latitude 27°32'03" North, approximate longitude 80°21'24" West).

(b) MOTORBOATS PROHIBITED ZONE (November 15 through March 31)/IDLE SPEED ZONE (Remainder of Year) – Moore's Creek Area: Those waters of Moore's Creek lying westerly of the general contour of the westerly shoreline of Indian River, and easterly of the centerline of the Indian River Drive Bridge.

(c) IDLE SPEED ZONE (Year-round) –

1. Harbor Branch Area: Those waters of the Harbor Branch waterway including all associated canals and boat basins, westerly of a line drawn across the eastern extremities of the north and south jetties at the entrance of said waterway and easterly of a due south line from the westernmost point of the rail system associated with the hoist on the northern side and near the western end of said Harbor Branch waterway (approximate latitude 27°32'03" North, approximate longitude 80°21'24" West);

2. Garfield Cut Area: Those waters of Garfield Cut, including the canal system of the Queens Cove residential development and all other associated waters easterly and northeasterly of a line which bears North 11°00'00" West from a point on the westerly side of Garfield Point (approximate latitude 27°30'54" North, approximate longitude 80°19'38" West), with said line running approximately through privately maintained channel marker "8";

3. Jack Island Area: Those waters lying easterly and northeasterly of Jack Island, northerly of lines which bear North 65°00'00" West and North 65°00'00" East from the northeasternmost tip of an unnamed mangrove island lying on the south side of Snapper Cut (approximate latitude 27°29'17" North, approximate longitude 80°18'49" West), and southerly of a line which bears East from the southernmost tip of a peninsula near the north end of the easterly side of Jack Island (approximate latitude 27°30'13" North, approximate longitude 80°18'33" West), including the waters of the bay immediately west of said peninsula and the canals of Coastal Coves residential area;

4. Ft. Pierce Cut, Wildcat Cove Area: Those waters of Ft. Pierce Cut and Wildcat Cove, including the canal system of the Coral Cove development, northeasterly of a line which bears North 60°00'00" West from a point approximately 2640 feet northeasterly of Cook Point on the southeasterly side of the Ft. Pierce Cut (approximate latitude 27°29'08" North, approximate longitude 80°18'28" West);

5. North Beach Causeway to Delaware Avenue Area: Those waters of Indian River, westerly of a line 100 feet westerly of and parallel with the westerly boundary of the Atlantic Intercoastal Waterway, southerly of the centerline of the North Beach Causeway Bridge, and northerly of a line which bears South 69°00'00" West running through Green Atlantic Intracoastal Waterway Channel Marker "189" (latitude 27°26'39" North, longitude 80°18'44" West), including those waters of Taylor Creek easterly of the centerline of the North 25th Street Bridge and those waters of Belcher Canal easterly of the salinity control structure located near the North 14th Street Bridge, except as designated for alternative regulation under paragraph (2)(b);

6. Little Mud Creek Area: Those waters of Little Mud Creek, easterly of a line which bears approximately South 27°00'00" East from the tip of a peninsula on the northerly shoreline of Little Mud Creek (approximate latitude 27°22'38" North, approximate longitude 80°15'36" West) to the westernmost tip of a peninsula on the southerly shoreline of Little Mud Creek (approximate latitude 27°22'30" North, approximate longitude 80°15'33" West), and westerly of the centerline of the U.S. Highway A-1-A Bridge;

7. Big Mud Creek Area: Those waters of Big Mud Creek, easterly of a line which bears North 25°00'00" East from the northernmost tip of Herman Bay Point (approximate latitude 27°20'58" North, approximate longitude 80°15'32" West), and westerly of the centerline of the U.S. Highway A-1-A Bridge.

(d) SLOW SPEED ZONE (Year-round) –

1. Blue Hole Point Area: Those waters of Indian River, channel included, southerly of the Indian River County/St. Lucie County line, and northerly of an East-West line running through Green Atlantic Intracoastal Waterway Channel Marker "173" (latitude 27°31'14" North, longitude 80°20'18" West), including the waters of Big Starvation Cove, the unnamed backwater northeasterly of Big Starvation Cove in the Northwest 1/4 of Section 3, Township 34 South, Range 40 East, and all the waters of Blue Hole Creek, except as otherwise designated for alternative regulation under subparagraphs (2)(c)1. and (2)(h)1.;

2. Indrio to North Beach Causeway Area: Those waters within 600 feet of the general contour of the westerly shoreline of Indian River, southerly of an East-West line running through Green Atlantic Intracoastal Waterway Channel Marker "173" (latitude 27°31'14" North, longitude 80°20'18" West), and northerly of the centerline of the North Beach Causeway Bridge;

3. Snapper Cut, Southern Jack Island Area: Those waters of the Indian River within 300 feet of the general contour of the westerly and southwesterly shoreline of Jack Island, southerly and southeasterly of a line which bears West from a point on the westerly shoreline of Jack Island (approximate latitude 27°29'38" North, approximate longitude 80°19'19" West) and northerly and northwesterly of a line which bears North 41°00'00" East from the northwesterly tip (approximate latitude 27°29'12" North, approximate longitude 80°19'02" West) of the unnamed mangrove island that forms the southern boundary of Snapper Cut; and all waters of Snapper Cut and the Indian River easterly and southeasterly of a line which bears North 41°00'00" East from said northwesterly tip of the unnamed mangrove island southerly of Jack Island, southwesterly of a line which bears North 65°00'00" West from the northeasternmost tip of said unnamed mangrove island (approximate latitude 27°29'17" North, approximate longitude 80°18'49" West), and northerly of the northern shoreline of said unnamed mangrove island that forms the southern boundary of Snapper Cut;

4. Ft. Pierce Inlet Area: Those waters of Indian River and the Ft. Pierce Inlet, northeasterly of a line 100 feet northeasterly of and parallel with the northeasterly boundary of the main marked channel of the Atlantic Intracoastal Waterway, westerly and northwesterly of a line which bears South from a point on the northerly shoreline of Ft. Pierce Inlet approximately 800 feet southwesterly of the southerly end of Beach Boulevard (approximate latitude 27°28'20" North, approximate longitude 80°17'45" West), southerly of the centerlines of the North Beach Causeway bridges, and northerly of the general contour of the northerly shoreline of Causeway Island and the centerline of the South Beach Causeway Bridge, except as designated for alternative regulation under subparagraphs (2)(e)2. and (2)(g)1. and excepting the following described waters: Those waters of Indian River southeasterly of the general contour of the southerly shoreline of the North Beach Causeway, northeasterly of a line which bears South 30°00'00" East from the southernmost tip of a peninsula near the southwest end of said causeway (approximate latitude 27°28'20" North, approximate longitude 80°19'14" West), northeasterly of a line which bears North 65°00'00" West from a Red Isophase 6 Second Range Light (latitude 27°28'02" North, longitude 80°18'56" West), northwesterly of a line which bears approximately North 80°00'00" East from said Red Isophase 6 Second Range Light, westerly of the general contour of the westerly shoreline of the unnamed mangrove island westerly of the privately maintained channel leading to Jim Island, and southwesterly of a line which bears North 30°00'00" West from the northernmost tip of said unnamed mangrove island (approximate latitude 27°28'22" North, approximate longitude 80°18'40" West); also excepting those waters of Tucker Cove, northwesterly of a line which bears North 30°00'00" East from the easternmost tip of Coon Island (approximate latitude 27°28'25" North, approximate longitude 80°17'55" West), northeasterly of a line which bears approximately North 50°00'00" West from said easternmost tip of Coon Island to the easternmost tip of the small unnamed island immediately north of the eastern end of Coon Island, northeasterly of the general contour of the northeasterly shoreline of said unnamed island, and northeasterly of a line which bears approximately North 35°00'00" West from the northernmost tip of said unnamed island to the easternmost tip of a peninsula on the westerly shore of Tucker Cove (approximate latitude 27°28'34" North, approximate longitude 80°18'13" West);

5. Causeway Island Area: Those waters of Indian River northeasterly of a line 100 feet northeasterly of and parallel with the northeasterly boundary line of the main marked channel of the Atlantic Intracoastal Waterway, southerly of the centerline of the South Beach Causeway Bridge and the general contour of the southerly shoreline of Causeway Island, southwesterly of a line 2500 feet northeasterly of and parallel with said northeasterly boundary line, and northerly of a line which bears North 69°00'00" East running through Green Atlantic Intracoastal Waterway Channel Marker "189" (latitude 27°26'39" North, longitude 80°18'44"

West); those waters of Indian River and Faber Cove lying northerly and northeasterly of an East-West line which runs through private red channel marker "12A" (approximate latitude 27°27'41" North, approximate longitude 80°18'04" West); and those waters of Indian River lying northerly of the northern boundary of the privately maintained channel on the south side of Causeway Island, northeasterly of a line 2500 feet northeasterly of and parallel with the northeasterly boundary of the main marked channel of said Intracoastal Waterway, southerly and southwesterly of said East-West line which runs through private red channel marker "12A," and southerly of the general contour of the southerly shoreline of Causeway Island;

6. Delaware Avenue to St. Lucie County/Martin County Line Area: Those waters of Indian River westerly of a line 200 feet southwesterly of and parallel with the southwesterly boundary line of the main marked channel of the Atlantic Intracoastal Waterway, southeasterly of a line which bears South 69°00'00" West running through Green Atlantic Intracoastal Waterway Channel Marker "189" (latitude 27°26'39" North, longitude 80°18'44" West), and northerly of the St. Lucie County/Martin County line;

7. Hook Point to Bear Point Cove Area: Those waters of the Indian River within 1000 feet of the general contour of the easterly shoreline of said Indian River, southerly of a due West line from a point on said easterly shoreline (approximate latitude 27°26'03" North, approximate longitude 80°17'51" West), said point lying approximately 5800 feet southerly of Hook Point, and northerly and westerly of a line which bears South from the southern tip of Bear Point (approximate latitude 27°25'41" North, approximate longitude 80°17'18" West); and those waters of Bear Point Cove northerly of a line which bears West from a point located on the easterly shoreline of Indian River (approximate latitude 27°25'30" North, approximate longitude 80°16'56" West), easterly of a line that bears South from the southern tip of Bear Point (approximate latitude 27°25'41" North, approximate longitude 80°17'18" West), and northeasterly of a line that bears South 85°00'00" East from a point on the aforementioned line bearing South located 1000 feet southerly of the southerly shoreline of Bear Point to a point on aforementioned line bearing West located 1000 feet westerly of the easterly shoreline of Indian River;

8. Bear Point Cove to Herman Bay Area: Those waters of the Indian River within 1000 feet of the general contour of the easterly shoreline of the Indian River, southerly of a line which bears West from a point on the easterly shoreline of the Indian River (approximate latitude 27°25'30" North, approximate longitude 80°16'56" West), and northerly of a line which bears West from the southernmost tip of a peninsula on the northwesterly shoreline of Herman Bay (approximate latitude 27°20'18" North, approximate longitude 80°14'55" West); and those waters easterly of a line that bears North 04°00'00" East from a point 1000 feet West of the westernmost tip of Herman Bay Point (approximate latitude 27°20'55" North, approximate longitude 80°15'36" West) and those waters of Pete Stones Creek and Middle Cove lying southwesterly of the centerlines of the U.S. Highway A-1-A bridges, excepting the waters of Blind Creek and those waters designated for alternative regulation under subparagraphs (2)(c)6. and (2)(c)7.;

9. Nettles Island Area: Those waters of the Indian River, including associated canals and boat basins lying southeasterly of a line which bears South 35°00'00" West from the southernmost tip of a mangrove peninsula (approximate latitude 27°17'30" North, approximate longitude 80°13'40" West) to a point 600 feet northwesterly of the northwest tip of Nettles Island, northeasterly of a line 600 feet southwesterly of and parallel with the general contour of the southwesterly shoreline of Nettles Island, and northerly and northeasterly of a line which bears North 85°00'00" West from a point on the easterly shoreline of the Indian River (approximate latitude 27°16'03" North, approximate longitude 80°12'52" West) to a point 600 feet southwesterly of the southwest tip of Nettles Island; and those waters (including all associated canals and boat basins) lying within 600 feet of the general contour of the easterly shoreline of the Indian River southerly of a line which bears North 85°00'00" West from a point on the easterly shoreline of the Indian River (approximate latitude 27°16'03" North, approximate longitude 80°12'52" West) and northerly of the St. Lucie County/Martin County line;

10. North Fork St. Lucie River Area: Those portions of North Fork St. Lucie River described as follows:

a. Those waters within 600 feet of the general contour of the southwesterly shoreline of said river, northwesterly of the St. Lucie County/Martin County line, and westerly and southerly of a line which bears South from the easternmost tip of the peninsula between North Fork St. Lucie River and Blakeslee Creek (approximate latitude 27°14'32" North, approximate longitude 80°19'16" West), including all navigable waters of Blakeslee Creek, but excluding the waters of Brill and Winters creeks;

b. Those waters within 600 feet of the general contour of the northeasterly shoreline of said river, northwesterly of the St. Lucie County/Martin County line, and northerly and easterly of a line which bears East 600 feet from the southernmost tip of Greenridge Point (approximate latitude 27°14'28" North, approximate longitude 80°18'42" West), including all navigable waters of Howard Creek;

c. Those waters of Kitching Cove northwesterly of a line which bears North 60°00'00" East from the easternmost tip of a peninsula on the westerly shore of Kitching Cove (approximate latitude 27°14'44" North, approximate longitude 80°19'17" West);

d. Those waters of C-24 Diversion Canal westerly of the centerline of the Florida Turnpike (Sunshine State Parkway) and easterly of the canal control structure located approximately 2100 feet westerly of said centerline;

e. Those waters within 1300 feet downstream and 1800 feet upstream of said river's confluence with C-24 Diversion Canal; those waters of the C-24 Diversion Canal easterly of the centerline of the Southbend Boulevard Bridge; and all waters of Mud Cove and Long Creek, including the canal north of Port St. Lucie Boulevard that connects Long Creek to said river;

f. Those waters westerly of approximate longitude 80°19'05" West, northerly of approximate latitude 27°18'07" North, southerly of approximate latitude 27°18'15" North, and easterly of Coral Reef Street, including the waters of the creek and canal easterly of Coral Reef Street;

g. Those waters within 1000 feet upstream and 2300 feet downstream of said river's confluence with the waterway lying south of Calmosa Drive, including said waterway and the waterway lying west of Degan Drive;

h. Those waters northeasterly of the south end of the cut through located approximately 1000 feet northwesterly of the centerline of the Prima Vista Boulevard Bridge and those waters easterly and northeasterly of the north end of said cut through located approximately 2300 feet northwesterly of said centerline;

i. All other navigable side creeks and canals not described above or otherwise designated (as depicted on Maps 5-8).

(e) SLOW SPEED ZONE (November 15 through April 30)/MAXIMUM 30 MPH SPEED ZONE (Remainder of Year) –

1. Intracoastal Waterway, Ft. Pierce Inlet Area: That portion of the main marked channel of the Atlantic Intracoastal Waterway, and those waters within 100 feet of the eastern and western boundaries of said channel, southeasterly of the centerline of the North Beach Causeway Bridge, and northerly of a line which bears North 69°00'00" East running through Green Atlantic Intracoastal Waterway Channel Marker "189" (latitude 27°26'39" North, longitude 80°18'44" West); and

2. Shark Cut, Ft. Pierce Inlet Area: That portion of Shark Cut (Swash Channel) within the channel to be marked by local government (said marked channel to generally follow the contours of the natural channel and not to exceed 25° feet in width), northwesterly of the northern boundary line of the main marked east-west channel leading out of Ft. Pierce Inlet and southeasterly of the northeastern boundary of the main marked channel of the Atlantic Intracoastal Waterway.

(f) SLOW SPEED ZONE (November 15 through April 15) – Fish House Cove Area: Those waters of Indian River and Fish House Cove easterly and northeasterly of a line 100 feet easterly of and parallel with the northeasterly boundary of the main marked channel of the Atlantic Intracoastal Waterway, southerly of an East-West line running through Green Atlantic Intracoastal Waterway Channel Marker "173" (latitude 27°31'14" North, longitude 80°20'18" West), westerly of the general contour of the easterly shoreline of the Indian River and Fish House Cove and a line which bears North 11°00'00" West from a point on the westerly side of Garfield Point (approximate latitude 27°30'54" North, approximate longitude 80°19'38" West), northerly of the general contour of the southerly shoreline of Fish House Cove and the northwesterly shoreline of an unnamed island on the north side of Old Inlet and a line which bears North 45°00'00" East from the northernmost tip of said unnamed island (approximate latitude 27°30'22" North, approximate longitude 80°19'39" West), and northerly and northwesterly of a line which bears South 71°00'00" West from a point on the southwestern shoreline of last said unnamed island (approximate latitude 27°30'10" North, approximate longitude 80°19'43" West), including the waters of the privately maintained channel leading into Garfield Cut from a line 100 feet northeasterly of and parallel with the northeasterly boundary of the main marked channel of the Atlantic Intracoastal Waterway, except as designated for alternative regulation under subparagraph (2)(c)2.

(g) MAXIMUM 25 MPH SPEED ZONE (Year-round) –

1. Coon Island, Jim Island Area: That portion of the privately maintained channel westerly of Coon Island and southerly and easterly of Jim Island, northerly and northwesterly of a line bearing North 67°00'00" East from Green Beacon "5" (approximate latitude 27°28'08" North, approximate longitude 80°18'28" West) and southerly and southeasterly of a line bearing East from Green Beacon "11" (approximate latitude 27°28'41" North, approximate longitude 80°18'38" West), and;

2. North Fork St. Lucie River, North of Port St. Lucie Boulevard Area: Those waters of North Fork St. Lucie River, Five Mile Creek and Ten Mile Creek lying between the general contour of the shorelines (excepting associated and navigable tributaries, oxbows, lakes, creeks, coves, backwaters, canals and boat basins, and those waters designated for alternative regulation under subparagraph (2)(d)10.), northerly of approximate latitude 27°18'15" North, including those waters of the cut-through beginning at a point located approximately 1000 feet northeasterly of the centerline of Prima Vista Boulevard and terminating at a point approximately 2300 feet northwesterly of said centerline (as depicted on Maps 6-8).

(h) MAXIMUM 30 MPH SPEED ZONE (Year-round) –

1. Blue Hole Point Area: That portion of the main marked channel of the Atlantic Intracoastal Waterway and those waters within 100 feet of the eastern and western boundaries of said channel, southerly of the Indian River County/St. Lucie County line, and northerly of a line which bears North 77°00'00" East running through Green Atlantic Intracoastal Waterway Channel Marker "171" (latitude 27°32'10" North, longitude 80°20'33" West), and;

2. North Fork St. Lucie River, Greenridge Point to Port St. Lucie Boulevard Area: Those waters of the North Fork St. Lucie River lying between the general contour of the shorelines of the river (excepting associated and navigable tributaries, oxbows, lakes, creeks, coves, backwaters, canals and boat basins, and those waters designated for alternative regulation under subparagraph (2)(d)10.), northerly of a line which bears East from the easternmost tip of the peninsula between North Fork St. Lucie River and Blakeslee Creek (approximate latitude 27°14'32" North, approximate longitude 80°19'16" West), and southerly of approximate latitude 27°18'07" North (as depicted on Maps 5-6);

(3) For the purpose of exempting qualifying commercial fishermen and professional fishing guides from certain speed zone restrictions, as provided under subsection 68C-22.003(6), F.A.C., the following limitations and procedures for exemption application shall apply:

(a) Exemptions shall be considered seasonally or year-round in zones, or portions of zones, described under subparagraphs (2)(d)1. through (2)(d)9. and under paragraph (2)(f).

(b) A recipient of an exemption must maintain speeds of 20 MPH or less at all times within the restricted area and comply with all conditions specified within the notice of exemption, under the provisions of this rule or subsection 68C-22.003(6), F.A.C.

(c) Exemptions granted will not apply on weekends and state-recognized holidays.

(d) Any commercial fisherman or professional fishing guide fulfilling the requirements set forth under subsection 68C-22.003(6), F.A.C., shall be considered for an exemption, one of which shall be required for each vessel so operated, by completing the application form specified. Applications for exemption in accordance with the provisions of this rule may be obtained from the Fish and Wildlife Conservation Commission, Division of Law Enforcement Office, 1300 Marcinski Road, Jupiter, FL 33477 (telephone (407) 624-6935).

(4) Access to the NO ENTRY and MOTORBOATS PROHIBITED zones designated in paragraphs (2)(a) and (2)(b), above, will be allowed as follows:

(a) Research vessels affiliated with the Harbor Branch Oceanographic Institute will be authorized access to the NO ENTRY zone designated in paragraph (2)(a) for ingress and egress purposes only, in accordance with applicable provisions of Rule 68C-22.003, F.A.C.

(b) Operators of sailboats who are leasing dock space from the public marina within the seasonal MOTORBOATS PROHIBITED zone designated in paragraph (2)(b) will be authorized access to said dock space for ingress and egress purposes only, in accordance with subsection 68C-22.003(5), F.A.C.

(c) Exemptions for access to the zones designated in paragraphs (2)(a) and (2)(b), if applied for and granted, will be issued to the owners of the respective upland facilities, with guest passes being issued for individual vessels. The owner/operator of the upland facility shall be responsible for issuing guest passes to operators of vessels prior to said vessels entering the respective zones and shall be responsible for informing recipients of guest passes of all applicable restrictions and requirements. For identification purposes, guest passes must be prominently displayed on the vessel while the vessel is within the subject restricted area.

(d) Operators of vessels within the zones designated in paragraphs (2)(a) or (2)(b) are to take extreme care while operating within the zones so as not to, either intentionally or negligently, molest, harass, injure, or otherwise harm manatees. Operators will not be held harmless from any actions on their part that result in the harassment, injury or death of a manatee while operating their vessels within these zones.

(5) The zones described in subsection 68C-22.008(2), F.A.C., are depicted on the following maps, labelled “St. Lucie County Manatee Protection Zones” and dated July 1994, which shall replace all previously published maps. Maps provided are intended as depictions of the above-described zones. In the event of conflict between the two, the above descriptions shall prevail.

SEE FLORIDA ADMINISTRATIVE CODE FOR “MAPS 1 THROUGH 9”

Specific Authority 370.12(2)(f), (n), (o) FS. Law Implemented 370.12(2)(f), (4)(n), (o) FS. History—New 3-19-79, Formerly 16N-22.08, Amended 8-16-94, Formerly 16N-22.008, 62N-22.008.

68C-22.009 Palm Beach County Zones.

(1) For the purpose of regulating the speed and operation of motorboat traffic within the following manatee protection areas between the dates of November 15 and March 31 of each year, paragraphs (b), (d), and (e); year-round but seasonally-differentiated, paragraph (g); and year-round, paragraphs (a), (c), and (f), the Palm Beach County manatee protection zones are established as follows:

(a) IDLE SPEED ZONE (Year-round) –

1. All waters along the westerly side of Lake Worth, bounded to the north by the southern edge of the Port of Palm Beach Turning Basin, and that line representing its westward extension, west to the mainland; bounded to the south by an east-west line one mile south of an east-west line drawn along the southern end of Peanut Island; bounded to the east by the western boundary of the marked channel of the Atlantic Intracoastal Waterway; and bounded to the west by the western shoreline of Lake Worth, unless otherwise designated under paragraph (1)(e).

2. All waters within 300 feet of the general contour of the shoreline, including associated backwaters and canals, along the easterly side of Lake Worth from a straight line drawn from Lake Worth Inlet channel flashing red marker “10” through flashing green marker “9” and southeasterly extension thereof, southeasterly to the shore of Palm Beach Island, south to an east-west line one mile south of an east-west line drawn along the southern end of Peanut Island, excluding that partially marked navigation channel south of Lake Worth Inlet along the easterly side of Lake Worth, running from daymark R “2” to daymark R “6” and thence southerly, paralleling the eastern shoreline (except as designated under paragraph (1)(b) for seasonal regulation).

3. All waters with a northerly limit being a line drawn perpendicular to the centerline of the Atlantic Intracoastal Waterway at the northerly end of the fender system of the SR 707 Bridge, the easterly limit being a due north line drawn across Jupiter Inlet from the western tip of the jetty at DuBois Park to the southwest corner of Jupiter Island (and including the small waterbody immediately adjacent to and southerly of said jetty), the westerly limit being a line drawn perpendicular to the channel of the Loxahatchee River at the northwest end of the fender system of the Florida East Coast Railroad Bridge adjacent to the SR 811 (Alternate A-1-A) Bridge, and the southerly limit being a line drawn perpendicular to the channel of the Atlantic Intracoastal Waterway at the southerly end of the fender system of the SR 706 (Indiantown Road) Bridge, including all waters of and tributaries to Sawfish Bay and the Jupiter River, and excluding the main marked channel of the Atlantic Intracoastal Waterway.

(b) IDLE SPEED ZONE (Seasonal) – All waters of Lake Worth bounded to the north by a line drawn from Lake Worth Inlet channel flashing red marker “10” running westerly along the line of channel markers marking the northern edge of the Port of Palm Beach Turning Basin and westerly extension thereof, westward to the mainland; bounded to the northeast by a straight line drawn

from flashing red marker “10” through flashing green marker “9” and southeasterly extension thereof, southeasterly to the shoreline of Palm Beach Island; bounded to the east by the eastern shoreline of Lake Worth; bounded to the west by the western shoreline of Lake Worth; and bounded to the south by an east-west line one mile south of an east-west line drawn along the southern end of Peanut Island, which are not otherwise designated under paragraph (1)(e).

(c) SLOW SPEED (Year-round) –

1. All waters from a line drawn perpendicular to the centerline of the Atlantic Intracoastal Waterway at the north end of the fender system of the Palmetto Park Road Bridge, southward to the south end of the fender system of the Camino Real Boulevard Bridge southerly of Lake Boca Raton, including all of Lake Boca Raton eastward to the Ocean Avenue (SR A-1-A) Bridge over the Boca Raton Inlet.

2. All waters from marker “56” (lat 26°22'26.380" N, long 80°04'25.390" W) in the northerly end of Lake Wyman southward to marker “63” (lat 26°21'38.240" N, long 80°04'25.670" W).

3. All waters along the westerly side of Lake Worth, bounded to the north by an east-west line one mile south of an east-west line drawn along the southern end of Peanut Island; bounded to the east by the western boundary of the marked channel of the Atlantic Intracoastal Waterway; bounded to the south by the Flagler Memorial Bridge (A1A); and, bonded to the west by the western shoreline of Lake Worth.

4. All waters within 300 feet of the general contour of the shoreline from an east-west line one mile south of an east-west line drawn along the southern end of Peanut Island south to the Lantana Avenue (SR 812) Bridge in Lantana, including those nearshore waters within 300 feet of all islands, whether natural or manmade; excluding (a) the main marked channel of the Atlantic Intracoastal Waterway, and (b) that partially marked navigation channel south of Lake Worth Inlet along the easterly side of Lake Worth, running from daymark R “2” to daymark R “6” and thence southerly, paralleling the eastern shoreline, south to Flagler Memorial Bridge.

5. All waters within 300 feet of the general contour of the shoreline in the Loxahatchee River, including associated backwaters and canals, from a line drawn perpendicular to the centerline of the Loxahatchee River at the northwest end of the fender system of the Florida East Coast Railroad Bridge adjacent to the SR 811 (Alternate A1A) Bridge westward to the Loxahatchee River Road Bridge (easterly end of the C-18 Canal) on the Southwest Fork, to the Martin County/Palm Beach County line on the Northwest Fork, and to the Tequesta Drive Bridge on the North Fork.

6. All waters from the Martin County/Palm Beach County line southerly to a line drawn perpendicular to the centerline of the Atlantic Intracoastal Waterway at the northerly end of the fender system of the SR 707 Bridge, excluding the main marked channel of the Atlantic Intracoastal Waterway.

7. All waters within 300 feet of the general contour of the shoreline in the northerly end of Lake Worth from the A1A Bridge south to the Blue Heron Boulevard Bridge, excluding the main marked channel of the Atlantic Intracoastal Waterway, and including all associated backwaters and canals and the shorelines of Munyon Island and Little Munyon Island, and the shorelines of all other islands, whether natural or manmade (unless otherwise designated), and including the additional waters described as follows:

a. All waters bounded: on the northwest by a line from the northerly end of Munyon Island northeasterly to the eastern shore of Lake Worth, measured along a perpendicular to said eastern shore; on the west by the eastern shores of Munyon Island and Little Munyon Island, by a line drawn between them at the shortest distance, and by a line drawn from the southerly end of Little Munyon Island to the westerly extension of Pine Point Road (where said westerly extension intersects the eastern shoreline of Lake Worth); and on the southerly and easterly by the shoreline of Lake Worth including the shallow northerly extension of these waters lying easterly of A-1-A and southerly of Turtle Beach Road.

b. All waters northerly of the Blue Heron Boulevard (or Riviera Beach) Bridge, westerly of the marked channel of the Intracoastal Waterway, and southerly of a line drawn from marker “32” (lat 26°47'44" N, long 80°02'51.5" W), west to the mainland.

8. All waters within 300 feet of the general contour of the shoreline, including associated backwaters and canals, along the easterly side of Lake Worth from the Blue Heron Boulevard Bridge south to a straight line drawn from Lake Worth Inlet channel flashing red marker “10” through flashing green marker “9” and southeasterly extension thereof, southeasterly to the shore of Palm Beach Island, including those nearshore waters within 300 feet of Peanut Island and all other islands, whether natural or manmade; excluding:

a. The Lake Worth Inlet easterly of a line running southward from the southwest corner of Singer Island to the southern shore of the Inlet,

b. The Lake Worth Inlet Channel westerly of said line, and

c. The main marked channel of the Atlantic Intracoastal Waterway.

9. All waters within 300 feet of the general contour of the shoreline (including the shoreline of all islands, whether natural or manmade), excluding the main marked navigation channel of the Atlantic Intracoastal Waterway, and including associated backwaters and canals, on the westerly side of Lake Worth from the Blue Heron Boulevard Bridge south to a line of channel markers marking the northern boundary of the Port of Palm Beach Turning Basin, and westward extension thereof.

10. All waters, including associated backwaters, from the Lantana Avenue Bridge (SR 812) in Lantana south to an east-west line running through flashing red marker “52” approximately 0.6 mile northerly of the East Ocean Avenue Bridge in Boynton Beach, excluding:

- a. The Atlantic Intracoastal Waterway channel;
- b. The area within 300 feet westerly of the western boundary of the Atlantic Intracoastal Waterway channel northerly of an east-west line running through flashing red marker "48";
- c. The area within 300 feet east of the eastern boundary of the Intracoastal Waterway channel from 300 feet southerly of the southerly end of Hypoluxo Island to an east-west line drawn along the northern edge of Pine Island (or "Beer Can Island");
- d. The portion of the backwater area to the east of Hypoluxo Island designated under sub-subparagraph (1)(c)11.g.; and
- e. The marked east-west channel of Boynton Inlet from its confluence with the Atlantic Ocean west to the marked channel of the Atlantic Intracoastal Waterway.

11. All waters within 50 feet of the general contour of the shoreline, including associated backwaters and canals unless otherwise designated, and excluding the marked navigation channel of the Atlantic Intracoastal Waterway, as follows:

- a. In Lake Worth Creek from the Indiantown Bridge (SR 706) southward to its confluence with Lake Worth;
- b. In Little Lake Worth;
- c. From an east-west line running through flashing red marker "52" approximately 0.6 mile northerly of the East Ocean Avenue Bridge in Boynton Beach southward to marker "56" (lat 26°22'26.380" N, long 80°04'25.390" W), in the northerly end of Lake Wyman in Boca Raton;
- d. From the south end of the fender system of the Camino Real Boulevard Bridge southerly of Lake Boca Raton southward approximately 1.3 miles to the Palm Beach County/Broward County line;
- e. Along the northerly (Palm Beach County) side of the Hillsboro Canal (separating Palm Beach and Broward counties) from the Atlantic Intracoastal Waterway west to the west side of Military Trail (SR 809);
- f. That portion of the El Rio Canal from its intersection with the Hillsboro Canal north to SR 798;
- g. Those backwaters east of Hypoluxo Island from the Lantana Avenue Bridge to a line 50 feet northerly of the north end of the island lying easterly of the southerly end of Hypoluxo Island; and
- h. From a line drawn perpendicular to the centerline of the Atlantic Intracoastal Waterway running through marker "63" southward to a line drawn perpendicular to the centerline of the Atlantic Intracoastal Waterway at the north end of the fender system of the Palmetto Park Road (SR 798) Bridge.

12. All waters within the C-18 Canal from the Loxahatchee River Road Bridge westward to Structure S-46.

13. All backwaters, canals and tributaries off of Lake Worth Creek, including those waterbodies known as Jonathan's Landing, Admiral's Cove, and Frenchman's Creek.

14. All waters from the northerly confluence of the North Palm Beach Waterway and Lake Worth Creek (Intracoastal Waterway) southward in the North Palm Beach Waterway to its confluence with the C-17 Canal (Earman River), westward in the C-17 Canal to the saltwater intrusion dam (S-44) approximately 4100 feet west of the intersection of the North Palm Beach Waterway and the C-17 Canal, and eastward in the C-17 Canal to its confluence with Lake Worth, inclusive of all connecting waters southerly of the confluence of the North Palm Beach Waterway and the C-17 Canal.

15. All waters within the backwater area northerly of the Spanish River Boulevard Bridge in Boca Raton, westerly of the Atlantic Intracoastal Waterway, and southerly of NE 51st Street and easterly extension thereof.

16. All waters of the North Fork of the Loxahatchee River from the Tequesta Drive Bridge north to the Martin County/Palm Beach County line, excluding the main marked navigation channel.

17. All waters of the West Palm Beach (C-51) Canal easterly of US 1 (Structure S-155) to its confluence with the Atlantic Intracoastal Waterway.

18. All waters of the Boynton (C-16) Canal easterly of US 1 (Structure S-41) to its confluence with the Atlantic Intracoastal Waterway.

19. All waters of the C-15 Canal easterly of US 1 (Structure S-40) to its confluence with the Atlantic Intracoastal Waterway.

(d) SLOW SPEED (Seasonal) –

1. All waters southerly of an east-west line parallel to and one mile south of an east-west line drawn along the southern end of Peanut Island and northerly of an east-west line parallel to and 1.75 miles south of an east-west line drawn along the southern end of Peanut Island.

2. All waters of the Loxahatchee River from the northwesterly end of the fender system of the Florida East Coast Railroad Bridge adjacent to the SR 811 (Alternate A1A) Bridge westward up the river and northwesterly to the Palm Beach County/Martin County line, excluding the main (posted) navigation channel to within 1/8 mile westerly of the northwesterly end of the fender system of the Florida East Coast Railroad Bridge.

3. All waters of the North Fork of the Loxahatchee River from its confluence with the Loxahatchee River north to the Tequesta Drive Bridge, excluding the main (posted) navigation channel.

4. All waters of the Southwest Fork of the Loxahatchee River from its confluence with the Loxahatchee River west to the Loxahatchee River Road Bridge.

5. All waters within 100 feet of the general contour of the north and south shores of Jupiter Inlet respectively from a north-south line drawn through the westerly ends of the Jupiter Inlet concrete seawalls, located approximately 600 feet west of the inlet's confluence with the Atlantic Ocean at the southeastern tip of Jupiter Island, westerly to a north-south line drawn from the

western tip of the jetty at DuBois Park to the southwest corner of Jupiter Island, excluding those waters lying waterward of each of two east-west lines drawn from the westerly ends of said seawalls westward to their point of intersection with the above-described 100-foot shoreline boundary.

6. All waters of Lake Worth bounded to the north by an east-west line drawn perpendicular to the centerline of the Atlantic Intracoastal Waterway at the north shoreline of Phil Foster Island approximately 650 feet north of the centerline of the Blue Heron Boulevard (Riviera Beach) Bridge; bounded to the east by the eastern shoreline of Lake Worth; bounded to the west by the western shoreline of Lake Worth; bounded to the south by a line drawn from flashing red marker "10" running westerly along the line of channel markers marking the northern edge of the Port of Palm Beach Turning Basin and westerly extension thereof, westward to the mainland, and bounded to the southeast by a straight line drawn from flashing red marker "10" through flashing green marker "9", and southerly extension thereof, southeasterly to the shore of Palm Beach Island, excluding those waters within the Lake Worth Inlet easterly of a line running southward from the southwest corner of Singer Island to the southern shore of the inlet.

(e) MOTORBOATS PROHIBITED ZONE. – All waters lying within Lake Worth, commencing at a point exactly 300 feet north of the northeast corner of the Riviera Beach Power Plant discharge canal, thence easterly to a point 100 feet west of the western boundary of the Intracoastal Waterway channel, lying within Township 42 South and Range 43 East; thence running southerly parallel to and 100 feet west of the western boundary of the Intracoastal Waterway channel for a distance of 700 feet to a point within Township 43 South and Range 43 East; thence westerly to the shoreline to a point 300 feet south of the southeast corner of the discharge canal; thence northerly 300 feet to the southeast corner of the discharge canal; thence westerly 150 feet, northerly 100 feet, and easterly 150 feet to the northeast corner of the discharge canal (inclusive of the entire waterbody comprising the Riviera Beach Power Plant discharge canal); thence northerly 300 feet to the point of origin. The precise boundaries and effective period of the zone will be posted each year between November 15 and March 31.

(f) MAXIMUM 25 MPH ZONE (Year-round) – All waters as described below: That portion of the main marked channel of the Atlantic Intracoastal Waterway from the Martin County/Palm Beach County line southerly to a line drawn perpendicular to the centerline of the Atlantic Intracoastal Waterway at the northerly end of the fender system of the SR 707 Bridge.

(g) MAXIMUM 30 MPH ZONE (June 1 through September 30)/MAXIMUM 25 MPH ZONE (Remainder of Year) – All waters as described below, except where otherwise designated or posted for more restrictive regulation for the purpose of manatee protection or boating safety:

1. That portion of the Atlantic Intracoastal Waterway, to within 50 feet of the general contour of the shoreline and including the main marked channel, from a line drawn perpendicular to the centerline of the Atlantic Intracoastal Waterway at the south end of the fender system of the State Road 706 (Indiantown) Bridge southerly to the intersection of Lake Worth Creek and Lake Worth;

2. That portion of the Atlantic Intracoastal Waterway, to within 50 feet of the general contour of the shoreline and including the main marked channel, from an east-west line running through flashing red marker "52" southerly to the Palm Beach County/Broward County line; and

3. That portion of the marked channel of the Atlantic Intracoastal Waterway east of Boynton Canal from an east-west line running through flashing red marker "48" southerly to an east-west line running through flashing red marker "52".

(2) Any races involving power-driven vessels within areas designated for regulation under the provisions of this rule shall be approved by all appropriate permitting agencies including but not limited to the U.S. Coast Guard, and shall receive prior approval from the Commission.

(3) Regulations restricting motorboat speed and operation, as set forth herein, are not intended to supersede any existing regulations duly established by federal, state, or local authority which are more restrictive in nature. Where differing regulations exist, regulatory markers posted shall reflect the most restrictive requirement. Permitted markers as posted are presumptive evidence of zone boundaries, as intended.

(4) Those waters designated under subparagraphs (1)(a)1. and 2., (1)(b), (1)(c)3., 4., 8. and 9., and (1)(d)1. and 6., wherein protection zones were previously established and enforced (as adopted March 19, 1979), shall remain unaffected by exemption provisions for the purpose of boat/motor testing as set forth under subsection 68C-22.003(7), F.A.C.

(5) The zones described in subsection 68C-22.009(1), F.A.C., herein are depicted on the following maps, labeled "Palm Beach County Manatee Protection Zones, Map A through Map F" dated November 1990, on a map labeled "Palm Beach County, 25-MPH Manatee Protection Zones, Jupiter Sound Area" dated February 1991, and on three maps labeled "Palm Beach County 25 MPH and Summer Season 30 MPH Manatee Protection Zones" with each respectively depicting the "Lake Worth Creek Area" and "Southern ICW Area (Maps 1 and 2)" dated March 1993, the latter three of which shall replace the three previously published maps labeled "Palm Beach County, 25-MPH Manatee Protection Zones" dated February 1991 and respectively depicting the "Lake Worth Creek Area" and Southern ICW Area (Maps 1 and 2): (Maps provided herewith are intended as depictions of the above-described zones. In the event of conflict between the two, the above descriptions shall prevail.)

SEE FLORIDA ADMINISTRATIVE CODE FOR "MAPS A THROUGH F, PALM BEACH COUNTY JUPITER SOUND AREA, PALM BEACH COUNTY LAKE WORTH CREEK AREA, MAP 1 AND MAP 2"

Specific Authority 370.12(2)(n) FS. Law Implemented 370.12(2)(n) FS. History—New 3-19-79, Formerly 16N-22.09, Amended 2-15-90, 12-24-90, 3-13-91, 7-20-93, Formerly 16N-22.009, 62N-22.009.

68C-22.010 Broward County Zones.

(1) For the purpose of regulating the speed and operation of motorboats within Broward County, the following year-round and seasonal zones are established, which shall include the described waters between the general contour of each shoreline exclusive of all associated and navigable tributaries, lakes, creeks, coves, bends, backwaters, canals, channels and boat basins unless otherwise specifically described for inclusion: (Seasonal limits, if they apply, are specified within each zone classification.)

(a) NO ENTRY ZONE (Year-round) –

1. Port Everglades Power Plant Area – Those waters of the discharge canal of the Florida Power & Light Company’s Port Everglades Power Plant, easterly of the discharge point at the plant, and northerly of a fence line located approximately 500 feet northerly of and parallel with the southerly line of Section 24, Township 50 South, Range 42 East; and those waters of the tributaries and associated waters southerly of the general contour of the southerly shoreline of the discharge canal (approximately along the southerly line of said Section 24); and

2. Lauderdale Power Plant Site Area – Those waters of the cooling canal system of the Florida Power & Light Company’s Lauderdale Power Plant, southerly of the southerly edge of the State Road 84 Bridge, westerly of S.W. 30th Avenue, southerly and easterly of the southerly and easterly shoreline of South New River Canal and northerly of the general contour of the northerly shoreline of Dania Cut-off Canal.

(b) IDLE SPEED ZONE (Year-round) – North New River Canal, South New River Canal Area: Those waters of South Fork New River, North New River Canal and South New River Canal to include its associated backwaters, westerly of the southerly extension of the centerline of S.W. 27th Avenue, easterly of the southerly extension of the centerline of S.W. 34th Avenue (New River Drive) and northerly of a line which bears North 65°00'00" West (True) from an angle point in the westerly boundary of Florida Power & Light Company’s Lauderdale Power Plant site 460 feet south of the northwest corner of said plant site, to include those waters of Florida Power & Light Company’s canal that connects to South Fork New River lying northerly of the southerly edge of the State Road 84 Bridge.

(c) IDLE SPEED ZONE (November 15 through March 31)/SLOW SPEED ZONE (Remainder of year) –

1. Port Everglades Power Plant Area – Those waters of the Atlantic Intracoastal Waterway, shoreline to shoreline, southerly of a line which bears North 90°00'00" East (True) from an angle point in the seawall on the westerly shore of the Atlantic Intracoastal Waterway (latitude 26°05'09" North, longitude 80°06'52" West) and northerly of a line which bears North 90°00'00" East (True) located 200 feet southerly of a sign post along the easterly shore of the Atlantic Intracoastal Waterway (latitude 26°05'09" North, longitude 80°06'52" West) and northerly of a line which bears North 90°00'00" East (True) located 200 feet southerly of a sign post along the easterly shore of the Atlantic Intracoastal Waterway (latitude 26°04'18" North, longitude 80°06'50" West) to include those waters of the discharge canal of Florida Power & Light Company’s Port Everglades Power Plant, southerly and easterly of a fence line located approximately 500 feet northerly of the southerly line of Section 24, Township 50 South, Range 42 East, and northerly of the general contour of the southerly shoreline of the discharge canal, and all waters of Whiskey Creek northwesterly of the centerline of the northernmost Ocean Drive Bridge; and

2. South New River Canal, Dania Cut-off Canal Area – Those waters of South New River Canal southerly of a line which bears North 90°00'00" East (True) located 600 feet southwest (as measured along the centerline of South New River Canal) of the centerline of the southerly of two Florida Power & Light Company’s transmission lines located approximately 1,900 feet southerly of the northeasterly corner of Section 25, Township 50 South, Range 41 East, and northeasterly of a line which bears North 16°00'00" West (True) from the northernmost point of the easterly seawall of the residential canal westerly of S.W. 42nd Terrace (approximate latitude 26°04'01" North, approximate longitude 80°12'13" West), to include the associated backwaters within the Lauderdale Power Plant site; that part of Dania Cut-off Canal westerly of the northerly extension of the centerline of S.W. 33rd Avenue and easterly of the general contour of the southeasterly shoreline of South New River Canal; and those waters of the associated canals southerly of Dania Cut-off Canal, westerly of S.W. 33rd Avenue and easterly of the general contour of the southeasterly shoreline of South New River Canal.

(d) SLOW SPEED ZONE (Year-round) –

1. Port Everglades Area – Those waters of New River, Stranahan River (to include the associated waters of the canal system of Rio Vista Development easterly of Cordova Road and that canal and associated boat basin southerly of S.E. 15th Street), Port Everglades Turning Basin, Lake Mable, and the Atlantic Intracoastal Waterway, southwest (as measured along the centerline of South New River Canal) of the centerline of the southerly of two Florida Power & Light Company’s transmission lines located approximately 1,900 feet southerly of the northeasterly corner of Section 25, Township 50 South, Range 41 East, and northeasterly of a line which bears North 16°00'00" West (True) from the northernmost point of the easterly seawall of the residential canal westerly of S.W. 42nd Terrace (approximate latitude 26°04'01" North, approximate longitude 80°12'13" West), to include the associated backwaters within the Lauderdale Power Plant site; that part of Dania Cut-off Canal westerly of the northerly extension of the centerline of S.W. 33rd Avenue and easterly of the general contour of the southeasterly shoreline of South New River Canal; and those waters of the associated canals southerly of Dania Cut-off Canal, westerly of S.W. 33rd Avenue and easterly of the general contour of the southeasterly shoreline of South New River Canal.

2. Dania Cut-off Canal Area – Those waters of the Atlantic Intracoastal Waterway, shoreline to shoreline, southerly of a line which bears North 90°00'00" East (True) located 200 feet southerly of a sign post along the easterly shore of the Atlantic Intracoastal Waterway (latitude 26°04'18" North, longitude 80°06'50" West), and northerly of a line which bears North 90°00'00" East (True) from the southernmost tip of a peninsula on the westerly side of the Atlantic Intracoastal Waterway (latitude 26°02'55" North, longitude 80°06'59" West);

3. Whiskey Creek Area – Those waters of Whiskey Creek, southeasterly of the centerline of the northernmost Ocean Drive Bridge, and easterly of the general contour of the easterly shoreline of the Atlantic Intracoastal Waterway; and that portion of Whiskey Creek westerly of the general contour of the westerly shoreline of the Atlantic Intracoastal Waterway and southerly of the general contour of the southerly shoreline of Dania Cut-off Canal;

4. Hillsboro Canal Area – Those waters within 50 feet of the general contour of the southerly and southwesterly shoreline of Hillsboro Canal, northerly of the westerly extension of the general contour of the northerly shoreline of Deerfield Island Park (Capone Island), and easterly of the westerly side of the Military Trail (Powerline Road, State Road 845) Bridge; all waters of Hillsboro canal, shoreline to shoreline to include the associated boat basins and backwaters southwesterly of the southwesterly shoreline of Hillsboro Canal, southerly of the westerly extension of the general contour of the northerly shoreline of Deerfield Island Park (Capone Island), and westerly of the general contour of the westerly shoreline of the Atlantic Intracoastal Waterway; and those waters of the Atlantic Intracoastal Waterway, shoreline to shoreline, southerly of a line which bears North 89°00'00" East (True) from the southernmost tip of Deerfield Island Park (latitude 26°18'45" North, longitude 80°04'56" West), and northerly of a line drawn perpendicular to the centerline of the waterway 525 feet southerly of the centerline of the Hillsboro Boulevard (State Road 810) Bridge;

5. Pompano Canal Area – Those waters of Pompano Canal, northerly of the general contour of the northerly shoreline of Cypress Creek, and southeasterly of the centerline of the Cypress Road Bridge;

6. Cypress Creek Area – Those waters of Cypress Creek westerly of the centerline of the U.S. Highway 1 (State Road 5) Bridge, and easterly of the salinity control structure located approximately 300 feet easterly of Dixie Highway (State Road 811) Bridge;

7. Middle River Area – Those waters of South Fork Middle River westerly of the centerline of the U.S. Highway 1 (State Road 5) Bridge, and easterly of the centerline of the N.W. 31st Avenue Bridge; and those waters of North Fork Middle River westerly of the centerline of the U.S. Highway 1 (State Road 5) Bridge, southerly of the centerline of the Oakland Park Boulevard (State Road 816) Bridge, and easterly of the river's intersection with South Fork Middle River, near Interstate Highway I-95 (state Road 9);

8. New River Area – Those waters of New River, Tarpon River, North Fork New River and South Fork New River, northwesterly of Cordova Road, easterly of the salinity control structure in North Fork New River located approximately 600 feet westerly of N.W. 34th Avenue, and easterly of the southerly extension of the centerline of S.W. 27th Avenue across South Fork New River, to include the waters of Marina Bay (located approximately 500 feet west of the northeast corner of Section 20, Township 50 South, Range 42 East);

9. North New River Canal Area – Those waters of North New River Canal, westerly of the southerly extension of the centerline of S.W. 34th Avenue (New River Drive), and easterly of the salinity control structures located approximately 1000 feet northerly of and approximately 1400 feet southeasterly of the intersection of East Holloway Canal and North New River Canal to include all waters of the canal system of Plantation Isles Development;

10. South New River Canal Area – Those waters of South New River Canal, southerly of South Fork New River, and easterly of the westerly edge of the S.W. 100th Avenue (Golden Shoe Road) Bridge, except as otherwise designated for alternative regulation;

11. Dania Cut-off Canal Area – Those waters of Dania Cut-off Canal westerly of the general contour of the westerly shoreline of the Atlantic Intracoastal Waterway, and easterly of the northerly extension of the centerline of S.W. 33rd Avenue; and

12. C-10 Canal Area – Those waters of C-10 Canal, southerly of the general contour of the southerly shoreline of Dania Cut-off Canal, and northerly of the centerline of the Hollywood Boulevard (State Road 820) Bridge.

(e) SLOW SPEED ZONE (Weekends, November 15 through March 31) – This restrictive designation shall apply on weekends (from 7:00 a.m. to 7:00 p.m. Saturday and Sunday) for the following described waters: Atlantic Intracoastal Waterway Area – Those waters of the Atlantic Intracoastal Waterway, shoreline to shoreline, southerly of the Palm Beach County-Broward County line, and northerly of a line which bears North 50°00'00" West (True) from the westernmost angle point of the seawall at Burnham Point (latitude 26°06'06" North, longitude 80°06'32" West), to include those waters of the boat basins easterly of New River Sound, southerly of East Las Olas Boulevard and northerly of Burnham Point; and those waters westerly of New River Sound, southerly of East Las Olas Boulevard and northerly of Idlewild Drive, except as otherwise designated for more restrictive regulation.

(f) SLOW SPEED ZONE (November 15 through March 31) –

1. Hillsboro Inlet Area – Those waters of the Atlantic Intracoastal Waterway, shoreline to shoreline, southerly of a line which bears North 90°00'00" East (True) running through Red Atlantic Intracoastal Waterway Channel Marker "68A" (latitude 26°16'33" North, longitude 80°04'52" West), and northerly of a line which bears North 90°00'00" East (True) located 300 feet southerly of the centerline of the N.E. 14th Street (State Road 814) Bridge, to include those waters of Hillsboro Bay and Hillsboro Inlet northwesterly of a line drawn perpendicular to the centerline of the inlet channel 150 feet northwest of the seaward extremities of the Hillsboro Inlet jetties;

2. Dania Beach Boulevard, Sheridan Street Area: Those waters westerly of the westerly boundary of the main marked channel of the Atlantic Intracoastal Waterway southerly of the northerly shoreline of the bay westerly of the peninsula on the westerly side of the Atlantic Intracoastal Waterway (latitude 26°02'55" North, longitude 80°06'59" West) located approximately 1,600 feet south of Dania Beach Boulevard, and northerly of a line which bears North 90°00'00" East (True) located approximately 1,940 feet south of Dania Beach Boulevard.

(g) MAXIMUM 25 MPH/SLOW SPEED BUFFER ZONE (Year-round) – This restrictive designation shall include a Slow Speed designation for all waters within 50 feet of the shorelines, and a maximum 25 MPH speed limit designation for all waters outside the 50-foot shoreline buffer (and including portions of the Atlantic Intracoastal Waterway channel where it is marked), within the following areas: Atlantic Intracoastal Waterway Area – all waters of the Atlantic Intracoastal Waterway not otherwise designated for more restrictive regulation (whether on weekends, seasonally, or year-round) within Broward County, from the Palm Beach County-Broward County line southerly to the Broward County-Dade County line.

(2) The following provisions pertain to issuance of permits within Atlantic Intracoastal Waterway areas for the purpose of powerboat racing. The following conditions, limitations, and procedures for application shall apply:

(a) Procedures related to the application for, as well as review and issuance of, these permits shall be as set forth in Rule 68C-22.003, F.A.C.

(b) Permits shall be limited as follows:

1. Permits shall be considered only for racing events to be held within the area between the southerly end of the fender system of the East Las Olas Bridge and a line which bears North 50°00'00" West (True) from the westernmost angle point of the seawall at Burnham Point (latitude 26°06'32" North, longitude 80°06'32" West);

2. Permits shall be considered only for racing events to be held between April 1 and October 31; and

3. Permits shall be considered only for racing events to be held during daylight hours.

(3) Access to the discharge canal adjacent to the Florida Power and Light Port Everglades Power Plant discharge point (and northerly of the referenced fence line) as designated as a No Entry Zone under paragraph (1)(a)1., above, shall be permitted for enforcement, emergency, and repair vessels and for other vessels for engineering or research purposes in association with operations of the Port Authority or the Commission. No permit or letter of authorization from the Commission is needed for these parties.

(4) The zones described in subsection 68C-22.010(1), F.A.C., herein are depicted on the following maps (numbered 1 – 10 and labelled "Broward County Manatee Protection Zones"), dated February 1993 for identification: (Maps provided are intended as depictions of the above-described zones. In the event of conflict between the two, the descriptions shall prevail. Zones depicted on the February 1993 maps shall supersede those zones depicted on previously-published maps associated with Rule 68C-22.010, F.A.C., in like geographic areas. The February 1993 maps shall become effective for purposes of this rule concurrent with its effective date.)

SEE FLORIDA ADMINISTRATIVE CODE FOR "MAPS 1 THROUGH 10"

Specific Authority 370.12(2)(f), (n), (o) FS. Law Implemented 370.12(2)(f)6., (n), (o) FS. History--New 3-19-79, Formerly 16N-22.10, Amended 12-5-89, 6-16-93, Formerly 16N-22.010, Amended 12-18-94, 6-25-96, Formerly 62N-22.010.

68C-22.011 Citrus and Associated County (Parts of Levy and Hernando) Zones.

(1) For the purpose of protecting manatees and manatee habitat in Citrus County and within closely associated portions of Levy and Hernando counties, the following year-round and seasonal zones are established, which shall include all associated and navigable tributaries, lakes, creeks, coves, bays, backwaters, canals, channels, and boat basins, unless otherwise designated or excluded: (Seasonal limits, if they apply, are specified within each zone classification.)

(a) CAUTION ZONE (Year-round)/25 MPH MAXIMUM SPEED – Withlacoochee River: That part of the Withlacoochee River easterly of a line which bears South 00°00'00" West (True) running through Green Channel Marker "37" (latitude 29°00'04" North, longitude 82°46'11" West) and westerly of a line which bears approximately South 00°00'00" East (True) from a point on the northerly shoreline of the Withlacoochee River (approximate latitude 29°00'05" North, approximate longitude 82°45'22" West).

(b) SLOW SPEED ZONE (Year-round) –

1. Withlacoochee River: That part of the Withlacoochee River northeasterly of a line which bears South 38°00'00" East (True) from the intersection of the northwesterly shoreline of the Withlacoochee River with the westerly shoreline of the Cormorant/Egret Canal (approximate latitude 29°01'05" North, approximate longitude 82°43'37" West) and northwesterly of the general contour of the southerly shoreline of the Bypass Channel on the northerly side of the Cross Florida Barge Canal in the Northeast Quarter of Section 12, Township 17 South, Range 16 East, including that portion of the Bypass Channel westerly of the spillway.

2. Homosassa River Area:

a. All waters outside the main marked channel of the Homosassa River northerly of a line which bears North 90°00'00" East (True) from the easternmost tip of an unnamed island southerly of Shell Island (approximate latitude 28°46'02" North, approximate longitude 82°41'18" West) passing through the southernmost shoreline of a small unnamed island to the westerly shoreline of a large unnamed island (approximate latitude 28°46'02" North, approximate longitude 82°41'03" West), northeasterly of a line which bears South 10°00'00" East (True) from a point on the southern shoreline of Shell Island (approximate latitude 28°46'07" North,

approximate longitude 82°41'24" West) passing through the easternmost shoreline of a small unnamed mangrove island to the unnamed island south of Shell Island (approximate latitude 28°46'03" North, approximate longitude 82°41'23" West), southeasterly of a line which bears North 35°00'00" East (True) from the easternmost point of Shell Island (approximate latitude 28°46'07" North, approximate longitude 82°41'22" West) to a point on the southeasterly shoreline of a peninsula of the unnamed island north of Shell Island (approximate latitude 28°46'03" North, approximate longitude 82°41'17" West), southerly of a line which bears South 90°00'00" West (True) from a point on the southwesterly shoreline of an unnamed island southerly of False Channel (approximate latitude 28°46'23" North, approximate longitude 82°40'55" West) to the easterly shoreline of an unnamed island (approximate latitude 28°46'23" North, approximate longitude 82°40'59" West), southeasterly of a line which bears North 25°00'00" East (True) from the northeasternmost tip of a peninsula of the unnamed island southerly of False Channel (approximate latitude 28°46'31" North, approximate longitude 82°40'38" West) to the southernmost shoreline of a peninsula northerly of False Channel (approximate latitude 28°46'37" North, approximate longitude 82°40'36" West), southerly of a line which bears South 90°00'00" West (True) from a point on the easterly shoreline of the Salt River near the northerly line of Section 36, Township 19 South, Range 16 East (approximate latitude 28°47'20" North, approximate longitude 82°38'26" West) to the westerly shoreline of Salt River, westerly of a line which bears South 12°00'00" West from the southernmost tip of the shoreline of Lashley Point (approximate latitude 28°47'08" North, approximate longitude 82°38'08" West) to the southerly shoreline of the Homosassa River, and northerly of a line which bears South 90°00'00" West from the northernmost tip of a peninsula on the easterly shore of Petty Creek (approximate latitude 28°46'42" North, approximate longitude 82°38'45" West) to the westerly shoreline of Petty Creek, except as otherwise designated in paragraph 68C-22.011(1)(l), F.A.C.; and

b. That part of the Homosassa River and Halls River easterly of a line which bears North 00°00'00" East (True) running through the northernmost tip of the westernmost shoreline of a canal serving the Trade Winds Marina (approximate latitude 28°47'37" North, approximate longitude 82°36'22" West), westerly of the easterly line of Section 29, Township 19 South, Range 17 East, and southerly of a line being the easterly extension of the northerly shoreline of the Nature's Resort Canal from a point on the northerly shoreline of said canal (approximate latitude 28°48'12" North, approximate longitude 82°36'25" West).

3. Crystal River Area – Waters of Crystal River as follows:

a. That part of Crystal River easterly of a line which bears North 00°00'00" East (True) running through the daybeacon north of Shell Island (latitude 28°55'34" North, longitude 82°41'38" West), northwesterly of a line which bears North 45°00'00" East (True) running through the daybeacon northeasterly of Shell Island (latitude 28°55'32" North, longitude 82°41'26" West), northerly of the northerly shoreline of Shell Island and southerly of the unnamed island northerly of Shell Island and a line which bears North 27°00'00" West (True) running through the aforementioned daybeacon northeasterly of Shell Island (latitude 28°55'32" North, longitude 82°41'26" West); and

b. That part of Crystal River easterly of a line which bears North 00°00'00" East (True) running through a point approximately 300 feet easterly of the centerline of the trail leading to "The Rocks" on the northerly side of the river (longitude 82°38'26" West), westerly of a line which bears North 00°00'00" East (True) from the centerline of the unimproved dirt road (approximate longitude 82°38'18" West) approximately 350 feet westerly of the easterly line of Section 24, Township 18 South, Range 16 East; and that part of Salt River southwesterly of Crystal River, easterly of a line which bears North 00°00'00" East (True) from a point on the northeasterly shoreline of the unnamed island northwesterly of Little Coon Gap (approximate latitude 28°54'04" North, approximate longitude 82°39'17" West), northeasterly of a line which bears North 30°00'00" West (True) from a point on the westernmost point of the unnamed island southeasterly of Little Coon Gap (approximate latitude 25°53'58" North, approximate longitude 82°39'17" West) and northwesterly of a line which bears North 78°00'00" West (True) from the southernmost point of the peninsula on the southeasterly shoreline of Coon Gap (approximate latitude 25°53'48" North, approximate longitude 82°39'02" West).

(c) SLOW SPEED ZONE (November 15 through April 30)/MAXIMUM 25 MPH ZONE (Remainder of Year) – Florida Power Corporation Effluent Canal Area: All waters of the Florida Power Corporation Effluent Canal westerly of the eastern terminus of the effluent canal, and that part of Crystal Bay lying easterly of a line which bears approximately North 45°00'00" East (True) from a point on the northerly side of a spit of land being the westerly extension of the southerly shoreline of the effluent canal, said point being located approximately 1500 feet easterly of the westerly tip of said spit (approximate latitude 29°57'34" North, approximate longitude 82°44'22" West) to the southernmost tip of the unnamed island (approximate latitude 29°57'58" North, approximate longitude 82°43'56" West), and southerly of a line which bears approximately South 75°00'00" East (True) from the southernmost tip of said unnamed island to the southernmost tip of a peninsula (approximate latitude 29°57'54" North, approximate longitude 82°43'40" West).

(d) SLOW SPEED ZONE (March 1 through August 31)/MAXIMUM 25 MPH ZONE (Remainder of Year) – Withlacoochee River Area:

1. That part of the main marked channel of the Withlacoochee River northeasterly of a line which bears South 53°00'00" East (True) running through Green Channel Marker "33" (latitude 28°59'51" North, longitude 82°46'42" West) and southwesterly of a line which bears South 00°00'00" West (True) running through Green Channel Marker "37" (latitude 29°00'04" North, longitude 82°46'11" West);

2. That part of the Withlacoochee River northeasterly of a line which bears approximately South 65°00'00" East (True) from a point on the northerly shoreline of the Withlacoochee River (approximate latitude 29°00'05" North, approximate longitude 82°45'22" West) and southerly of a line which bears South 38°00'00" East (True) from the intersection of the northwesterly shoreline of the Withlacoochee River with the westerly shoreline of the Cormorant/Egret Canal (approximate latitude 29°01'05" North, approximate longitude 82°43'37" West);

3. That part of the Withlacoochee River southeasterly of the general contour of the southerly shoreline of the Cross Florida Barge Canal and westerly of the Inglis Lock (at the westerly end of Lake Rousseau); and

4. That part of Bennetts Creek southerly of the general contour of the southerly shoreline of the Withlacoochee River and East Pass northerly of a line which bears approximately South 75°00'00" West (True) from the southernmost tip of a peninsula (approximate latitude 28°59'41" North, approximate longitude 82°44'48" West) to the southernmost tip of a peninsula of an unnamed island southwesterly of East Pass (approximate latitude 28°59'37" North, approximate longitude 82°45'03" West), northeasterly of a line which bears North 50°00'00" West (True) from the northernmost tip of said unnamed island (approximate latitude 28°59'52" North, approximate longitude 82°45'17" West) to the easternmost tip of Chambers Island (approximate latitude 28°59'53" North, approximate longitude 82°45'19" West), easterly of a line which bears South 00°00'00" West (True) from a point on the northerly shoreline of the Withlacoochee River (approximate latitude 29°00'05" North, approximate longitude 82°45'22" West), and southwesterly of a line which bears approximately South 65°00'00" East (True) from the aforementioned point on the northerly shoreline of the Withlacoochee River.

(e) SLOW SPEED ZONE (April 1 through August 31)/MAXIMUM 25 MPH ZONE (Remainder of Year) – Chassahowitzka River: That part of the Chassahowitzka River northeasterly of a line which bears North 35°00'00" West (True) from a point on the northwesterly shoreline of Johns Island (approximate latitude 28°41'23" North, approximate longitude 82°38'27" West) to a point on the easternmost tip of a peninsula of an unnamed island (approximate latitude 28°41'37" North, approximate longitude 82°38'38" West), southerly of a line which bears North 90°00'00" East (True) from a point on the northeasternmost tip of a peninsula of an unnamed island (approximate latitude 28°41'49" North, approximate longitude 82°38'34" West) to the southerly shoreline of an unnamed island (approximate latitude 28°41'49" North, approximate longitude 82°38'31" West), westerly of the easterly line of the Southwest 1/4 of Section 28, Township 20 South, Range 17 East, southeasterly of a line which bears South 30°00'00" West (True) from the westernmost tip of a peninsula of an unnamed island on the northerly shore of Pumpkin Creek (approximate latitude 28°41'57" North, approximate longitude 82°38'18" West) to a point on the northeasterly shoreline of an unnamed island on the southerly shore of Pumpkin Creek (latitude 28°41'53" North, longitude 82°38'22" West), southeasterly of a line which bears North 40°00'00" East (True) from a point on the northeasterly shoreline of an unnamed island on the southerly shore of Gator Creek (approximate latitude 28°42'16" North, approximate longitude 82°37'28" West) to a point on the southwesterly shoreline of an unnamed island on the northerly shore of Gator Creek (approximate latitude 28°42'19" North, approximate longitude 82°37'24" West), southeasterly of a line which bears North 35°00'00" East (True) from a point on the northeasterly shoreline of an unnamed island on the southwesterly shore of Little Gator Creek (approximate latitude 28°42'20" North, approximate longitude 82°37'18" West) to a point on the southwesterly shoreline of an unnamed island on the northeasterly shore of Little Gator Creek (approximate latitude 28°42'22" North, approximate longitude 82°37'17" West), easterly of a line which bears North 00°00'00" East (True) running through the easternmost tip of an unnamed island (approximate latitude 28°42'51" North, approximate longitude 82°36'57" West), southeasterly of a line which bears North 35°00'00" East (True) from a point on the southwesterly shoreline of Stevenson Creek (approximate latitude 28°43'06" North, approximate longitude 82°36'55" West) to a point on the northeasterly shoreline of Stevenson Creek (approximate latitude 28°43'17" North, approximate longitude 82°36'54" West), northwesterly of a line which bears North 35°00'00" East (True) from a point on the southwesterly shoreline of May Creek (approximate latitude 28°41'31" North, approximate longitude 82°38'07" West) to a point on the northeasterly shoreline of May Creek (approximate latitude 28°41'33" North, approximate longitude 82°38'05" West), northwesterly of a line which bears North 60°00'00" East (True) from a point on the southwesterly shoreline of Ryle Creek (approximate latitude 28°42'07" North, approximate longitude 82°37'08" West) to a point on the northeasterly shoreline of Ryle Creek (approximate latitude 28°42'08" North, approximate longitude 82°37'07" West), northwesterly of a line which bears North 45°00'00" East (True) from the northernmost tip of the westerly shoreline of Crawford Creek (approximate latitude 28°42'17" North, approximate longitude 82°36'54" West) to a point on the northernmost tip of the easterly shoreline of Crawford Creek (approximate latitude 28°42'18" North, approximate longitude 82°36'52" West), and westerly of a line which bears North 00°00'00" East (True) from a point on the southerly shoreline of Johnson Creek (approximate latitude 28°42'42" North, approximate longitude 82°36'37" West) to a point on the northerly shoreline of Johnson Creek (approximate latitude 28°42'43" North, approximate longitude 82°36'37" West).

(f) SLOW SPEED ZONE (September 1 through April 30) – Kings Bay: That part of Kings Bay southeasterly of a line which bears North 53°00'00" East (True) from the northeasternmost point of an island on the southwesterly shore of Crystal River (approximate latitude 28°53'32" North, approximate longitude 82°36'23" West) to the southwesternmost point of a peninsula of Magnolia Shores (approximate latitude 28°53'38" North, approximate longitude 82°36'16" West), northerly of a line which bears North 67°00'00" East (True) from the northeasternmost tip of a peninsula over which West Auld Road passes on the southwesterly shore of Kings Bay (approximate latitude 28°53'04" North, approximate longitude 82°36'05" West) to the southernmost tip of a point of land on the northeasterly shoreline of Kings Bay (approximate latitude 28°53'13" North, approximate longitude 82°35'43" West), and southwesterly of a line which bears North 35°00'00" West (True) from the northernmost tip of Bonita Isle (approximate

latitude 28°53'27" North, approximate longitude 82°35'51" West) to a point on the southeasternmost tip of a peninsula of Magnolia Shores (approximate latitude 28°53'38" North, approximate longitude 82°36'01" West), except as otherwise designated under sub subparagraph (1)(i)1.d.

(g) SLOW SPEED ZONE (October 1 through April 30)/MAXIMUM 25 MPH ZONE (Remainder of Year) –

1. Homosassa River Area: Waters of the Homosassa River as follows:

a. That part of the Homosassa River easterly of a line which bears South 12°00'00" West (True) from the southernmost tip of the shoreline of Lashley Point (approximate latitude 28°47'08" North, approximate longitude 82°38'08" West) to the southerly shoreline of the Homosassa River, westerly of a line which bears North 00°00'00" East (True) through a point 100 feet westerly of the northernmost tip of the western shoreline of Otter Creek (approximate latitude 28°46'55" North, approximate longitude 82°37'19" West) and that part of Price Creek southerly of a line which bears North 65°00'00" West (True) running through the southernmost tip of an unnamed island (approximate latitude 28°47'38" North, approximate longitude 82°38'04" West) including the canals and associated waters of the residential development on the south side of the Homosassa River in Section 31, Township 19 South, Range 17 East; and

b. That part of the Homosassa River easterly of the easterly line of Section 31, Township 19 South, Range 17 East and westerly of a line which bears North 00°00'00" East (True) running through the northernmost tip of the westernmost shoreline of a canal serving the Trade Winds Marina (approximate latitude 28°47'37" North, approximate longitude 82°36'22" West).

2. Halls River: That part of Halls River northerly of a line being the easterly extension of the northerly shoreline of the Nature's Resort Canal from a point on the northerly shoreline of said canal (approximate latitude 28°48'12" North, approximate longitude 82°36'25" West).

(h) MAXIMUM 25 MPH ZONE IN CENTRAL CORRIDOR, SLOW SPEED OUTSIDE –

1. Crystal River Area: The Commission will mark a central corridor in the below-described Crystal River area, which shall be designated a "Maximum 25 MPH Zone" (year-round). All other waters outside the corridor within the below-described area shall be designated as Slow Speed.

2. Those waters of the Crystal River included within this designation are as follows:

a. That part of Crystal River including South Pass and Little South Pass northeasterly of a line which bears approximately North 20°00'00" West (True) from the westernmost point of the shoreline of Fort Island (approximate latitude 28°54'38" North, approximate longitude 82°41'46" West) to the southernmost point of the shoreline of Shell Island (approximate latitude 28°55'04" North, approximate longitude 82°41'57" West), southeasterly of a line which bears North 45°00'00" East (True) running through the daybeacon northeasterly of Shell Island (latitude 28°55'32" North, longitude 82°41'26" West) and westerly of a line which bears North 00°00'00" East (True) running through a point approximately 300 feet easterly of the centerline of the trail leading to "The Rocks" on the northerly side of the river (longitude 82°38'26" West); and

b. That part of Crystal River easterly of a line which bears North 00°00'00" East (True) from the centerline of the unimproved dirt road (approximate longitude 82°38'18" West) approximately 350 feet westerly of the easterly line of Section 24, Township 18 South, Range 16 East and northwesterly of a line which bears North 53°00'00" East (True) from the northeasternmost point of an island on the southwesterly shore of Crystal River (approximate latitude 28°53'32" North, approximate longitude 82°36'23" West) to the southwesternmost point of a peninsula of Magnolia Shores (approximate latitude 28°53'38" North, approximate longitude 82°36'16" West), except those canals and associated waters otherwise designated under sub subparagraph (1)(i)1.a.

(i) IDLE SPEED ZONE (Year-round) –

1. Crystal River Area: Waters of the Crystal River and Kings Bay as follows:

a. Those canals and associated waters north and south of Crystal River easterly of a line which bears North 00°00'00" East (True) from the centerline of the unimproved dirt road (approximate longitude 82°38'18" West) approximately 350 feet westerly of the easterly line of Section 24, Township 18 South, Range 16 East and westerly of the centerline of Commanche Street including all waters associated with the Indian River Canal;

b. That part of Kings Bay northeasterly of a line which bears North 35°00'00" West (True) from the northernmost tip of Bonita Isle (approximate latitude 28°53'27" North, approximate longitude 82°35'51" West) to a point on the southeasternmost tip of a peninsula of Magnolia Shores (approximate latitude 28°53'38" North, approximate longitude 82°36'01" West) including the associated waters of Magnolia Shores, Cedar Cove, Hunter's Spring Bay and the canals of the Springs of Paradise subdivision northerly of Paradise Point Road;

c. That part of Kings Bay southerly and southeasterly of a line which bears South 23°00'00" West (True) from the southernmost tip of a point of land on the northeasterly shoreline of Kings Bay (approximate latitude 28°53'13" North, approximate longitude 82°35'43" West) to the northernmost tip of Warden Key (approximate latitude 28°52'52" North, approximate longitude 82°35'53" West), and southerly and southwesterly of a line which bears South 40°00'00" East (True) from a point on the northeasternmost tip of a peninsula over which West Auld Road passes on the southwesterly shore of Kings Bay (approximate latitude 28°53'04" North, approximate longitude 82°36'05" West) to the aforementioned northernmost tip of Warden Key; and

d. Those waters separating the island of Crystal Shore Estates from the mainland, southerly of the centerline of Pine Street, and westerly of the general contour of the westerly shoreline of Kings Bay being a line bearing South 50°00'00" East from the southernmost tip of the island (approximate latitude 28°53'26" North, approximate longitude 82°36'23" West), and all waters of that drainage canal westerly of the general contour of the westerly shoreline of Kings Bay, the mouth of which is located approximately 400 feet southerly of the southernmost tip of the island of Crystal Shore Estates.

2. Homosassa River Area:

a. That part of the Homosassa River easterly of a line which bears North 17°00'00" West (True) from a point on the western shoreline of Shell Island (approximate latitude 28°46'12" North, approximate longitude 82°41'43" West) to the southernmost tip of a peninsula on the southern shoreline of the unnamed island north of Shell Island (approximate latitude 28°46'15" North, approximate longitude 82°41'44" West) and northwesterly of a line which bears North 35°00'00" East (True) from the easternmost point of Shell Island (approximate latitude 28°46'07" North, approximate longitude 82°41'22" West) to a point on the southeasterly shoreline of a peninsula of the unnamed island north of Shell Island (approximate latitude 28°46'03" North, approximate longitude 82°41'17" West);

b. That part of the Homosassa River easterly of a line which bears North 00°00'00" East (True) through a point 100 feet westerly of the northernmost tip of the western shoreline of 2 Otter Creek (approximate latitude 28°46'55" North, approximate longitude 82°37'19" West) and westerly of the easterly line of Section 31, Township 19 South, Range 17 East, including that part of Otter Creek and associated waters northerly of the centerline of Mason Creek Road;

c. That part of the Homosassa River easterly of the easterly line of Section 29, Township 19 South, Range 17 East, except as otherwise designated under (1)(m);

d. The canals and associated waters of the residential development northerly of the Homosassa River and easterly of Price Creek and westerly of a line which bears North 00°00'00" East (True) through a point 100 feet westerly of the northernmost tip of the western shoreline of Otter Creek (approximate latitude 28°46'55" North, approximate longitude 82°37'19" West);

e. The canals and associated waters of the residential development southeasterly of Halls River Road (State Road 490-A), northerly of the Homosassa River and westerly of Halls River; and

f. All waters of the Nature's Resort Canal and associated waters in Section 29, Township 19 South, Range 17 East.

3. Withlacoochee River Area: All waters of Crooked Creek, northerly of the general contour of the northerly shoreline of the Withlacoochee River, and southerly of a line bearing North 60°00'00" East (True) from the intersection of the general contour of the southerly shoreline of Bird Creek with the general contour of the westerly shoreline of Crooked Creek (approximate latitude 29°00'35" North, approximate longitude 82°44'58" West).

(j) IDLE SPEED (September 1 through April 30) – Kings Bay: That part of Kings Bay southeasterly of a line which bears North 67°00'00" East (True) from the northeasternmost tip of a peninsula over which West Auld Road passes on the southwesterly shore of Kings Bay (approximate latitude 28°53'04" North, approximate longitude 82°36'05" West) to the southernmost tip of a point of land on the northeasterly shoreline of Kings Bay (approximate latitude 28°53'13" North, approximate longitude 82°35'43" West), northwesterly of a line which bears South 23°00'00" West (True) from the aforementioned point on the northeasterly shoreline of Kings Bay (approximate latitude 28°53'13" North, approximate longitude 82°35'43" West) to the northernmost tip of Warden Key (approximate latitude 28°52'52" North, approximate longitude 82°35'53" West) and northeasterly of a line which bears South 40°00'00" East (True) from a point on the northeasternmost tip of a peninsula over which West Auld Road passes on the southwesterly shore of Kings Bay (approximate latitude 28°53'04" North, approximate longitude 82°36'05" West) to the aforementioned northernmost tip of Warden Key.

(k) MAXIMUM 35 MPH/25 MPH NIGHTTIME ZONE (May 1 through August 31) –

1. Kings Bay: That part of Kings Bay southeasterly of a line which bears North 53°00'00" East (True) from the northeasternmost point of an island on the southwesterly shore of Crystal River (approximate latitude 28°53'32" North, approximate longitude 82°36'23" West) to the southwesternmost point of a peninsula of Magnolia Shores (approximate latitude 28°53'38" North, approximate longitude 82°36'16" West), northerly of a line which bears North 67°00'00" East (True) from the northeasternmost tip of a peninsula over which West Auld Road passes on the southwesterly shore of Kings Bay (approximate latitude 28°53'04" North, approximate longitude 82°36'05" West) to the southernmost tip of a point of land on the northeasterly shoreline of Kings Bay (approximate latitude 28°53'13" North, approximate longitude 82°35'43" West), and southwesterly of a line which bears North 35°00'00" West (True) from the northernmost tip of Bonita Isle (approximate latitude 28°53'27" North, approximate longitude 82°35'51" West) to a point on the southeasternmost tip of a peninsula of Magnolia Shores (approximate latitude 28°53'38" North, approximate longitude 82°36'01" West).

2. Kings Bay: That part of Kings Bay southeasterly of a line which bears North 67°00'00" East (True) from the northeasternmost tip of a peninsula over which West Auld Road passes on the southwesterly shore of Kings Bay (approximate latitude 28°53'04" North, approximate longitude 82°36'05" West) to the southernmost tip of a point of land on the northeasterly shoreline of Kings Bay (approximate latitude 28°53'13" North, approximate longitude 82°35'43" West), northwesterly of a line which bears South 23°00'00" West (True) from the aforementioned point on the northeasterly shoreline of Kings Bay (approximate latitude 28°53'13" North, approximate longitude 82°35'43" West) to the northernmost tip of Warden Key (approximate latitude 28°52'52" North, approximate longitude 82°35'53" West) and northeasterly of a line which bears South 40°00'00" East (True) from a point on the northeasternmost tip of a peninsula over which West Auld Road passes on the southwesterly shore of Kings Bay (approximate latitude 28°53'04" North, approximate longitude 82°36'05" West) to the aforementioned northernmost tip of Warden Key.

(l) MAXIMUM 25 MPH ZONE (Year-round) –

1. All waters of the gulf coast area of Citrus, Levy and Hernando counties, southerly of a line which bears North 90°00'00" East (True) from a point which lies 1500 feet North 00°00'00" East (True) of Green Channel Marker "35" (latitude 28°59'55" North, longitude 82°46'32" West) marking the channel entrance to the Withlacoochee River, northerly of a line running due west from a

point on the northwesterly shoreline of Johns Island (approximate latitude 28°41'23" North, approximate longitude 82°38'27" West) and easterly of a sinuous line which is 1000 feet westerly of the general contour of the outer shorelines of the westernmost islands of Citrus County and the above-described portions of Levy and Hernando counties (said sinuous line is generally described as running from the aforementioned point 1500 feet north of Green Channel Marker "35", southerly through Marker "35"; 1000 feet southwesterly of the southerly tip of Chambers Island; 1000 feet westerly of the westerly shoreline of Captain Joe Island, the small unnamed island southwesterly of the southern end of Lutrell Island and Drum Island; through the westerly boundary of Demory Gap; through Flashing Green Channel Marker "47" (latitude 28°56'49" North, longitude 82°45'12" West); through the northerly boundary of Tin Pan Gap; 1000 feet westerly of Black Point, the westernmost tip of Shell Island, the western shoreline of the small unnamed island west of Fort Island, the western shoreline of the unnamed island in Section 21, Township 18 South, Range 16 East, the northwesterly shoreline of Sandy Hook Island, Shark Point, Mangrove Point, the unnamed island north of Long Point, Long Point, Green Point, the unnamed islands north and south of Grey Mare Pass; 500 feet westerly of the westerly shoreline of Rock Island; 1000 feet southwesterly of the southwesterly shoreline of Roach Key and the southwesterly shorelines of the westerly islands of "The Suncoast Keys" group of islands; 200 feet northeasterly of Ship Rock; 1000 feet westerly of Greenleaf Key, Mendit Key, Long Point, and Drum Key; 1000 feet westerly and southerly of Chassahowitzka Point Island; 1000 feet southwesterly of the southwesterly shorelines of the westerly islands of the "Northwest Keys" group of islands and the unnamed triangular island northwest of Sugar Spot Island; and 1000 feet westerly of the westerly shoreline of Buckhorn Key); except as otherwise designated for regulation.

2. Cross Florida Barge Canal: That part of the Cross Florida Barge Canal and Cross Florida Barge Canal Channel northeasterly of a line which bears South 22°00'00" East (True) running through Red Channel Marker "24" (latitude 28°57'37" North, longitude 82°50'07" West) and southwesterly of the westerly end of the Inglis Lock.

3. Those waters of the main marked channel of the Homosassa River, as described in sub subparagraph (1)(b)2.a. above.

4. All inland waters of Citrus County, except as otherwise designated above.

(m) NO ENTRY ZONE (November 15 through March 31)/IDLE SPEED (Remainder of Year) – Blue Waters Area of the Homosassa River:

1. Those waters southwest of a line bearing 145° from a point (approximate latitude 28°47'57.6" North, approximate longitude 82°35'23.6" West) on the southeastern shoreline of the peninsula on the north side of Blue Waters to a point (approximate latitude 28°47'55.7" North, approximate longitude 82°35'22.7" West) on the southeastern shoreline of Blue Waters (said line runs between the existing Restricted Area signs posted by the Homosassa Springs State Wildlife Park) and north of a line beginning at a point (approximate latitude 28°47'56.3" North, approximate longitude 82°35'27.1" West) on the southwestern shoreline of the peninsula on the north side of Blue Waters and bearing 139° for a distance of 117 feet to a point (approximate latitude 28°47'55.4" North, approximate longitude 82°35'26.2" West) in the water, and then bearing 91° for a distance of approximately 224 feet to the line's terminus at a point (approximate latitude 28°47'55.4" North, approximate longitude 82°35'23.7" West) on the southeastern shoreline of Blue Waters north of the River Pavilion of the Homosassa Springs State Wildlife Park;

2. Those waters south of a line 40 feet north of and parallel to the general contour of the southern shoreline of the Homosassa River at Blue Waters, east of a north-south line from the point (approximate latitude 28°47'54.2" North, approximate longitude 82°35'29.8" West) where the southern shoreline of the Homosassa River at Blue Waters intersects the eastern shoreline of the first canal downstream of Blue Waters, and west of a line bearing 21° from a point (approximate latitude 28°47'53.2" North, approximate longitude 82°35'25.1" West) on the southern shoreline of the Homosassa River at Blue Waters approximately 270 feet northwest of the West Fishbowl Drive Bridge.

(2) For the purpose of exempting qualifying commercial fishermen and professional fishing guides from certain speed zone restrictions, as provided under subsection 68C-22.003(6), F.A.C., the following conditions, and procedures for exemption application shall apply:

(a) Exemptions shall apply to zones, or portions of zones, specified as follows for the purpose of setting nets to encircle fish only. Exemptions shall be considered year-round for waters described within paragraphs 1. and 2. below, and shall be considered for the period of November 15 through January 31 for the waters described in paragraph 3., below:

1. That portion of the Crystal River outside the marked channel (within areas designated as Slow Speed) generally from the Gulf of Mexico to its confluence with the Salt River, as described in sub subparagraph (1)(h)2.a., above.

2. That portion of the Homosassa River outside the marked channel (within areas designated as Slow Speed), generally from the Gulf of Mexico easterly to a north-south line running through channel marker "58", as partially described in sub-subparagraph (1)(b)2.a., above.

3. That portion of the coastal waters of Citrus County adjacent to the Florida Power Corporation Effluent Canal, as partially described in paragraph (1)(c), above.

(b) A recipient of an exemption must maintain speeds of less than 20 MPH at all times within the restricted area, and comply with any and all conditions specified within the notice of exemption as well as under the provisions of this rule and subsection 68C-22.003(6), F.A.C.

(c) Exemptions granted will not apply on weekends or state-recognized holidays.

(d) Any commercial fisherman or professional fishing guide fulfilling the requirements set forth under subsection 68C-22.003(6), F.A.C., may apply for the exemption, one of which shall be required for each vessel so operated, by completing the application form specified. Applications for exemption in accordance with the provisions of this rule may be obtained from the Fish and Wildlife Conservation Commission, Division of Law Enforcement offices, 10247 North Suncoast Boulevard, Crystal River, FL 34428-6715, (telephone (352) 447-1633).

(3) The zones described in subsection 68C-22.011(1), F.A.C., are depicted on the following maps labeled "Citrus and Associated Counties Manatee Protection Zones." The maps are intended as depictions of the above-described zones. In the event of conflict between the maps and descriptions, the descriptions shall prevail.

(4) The amendments to Rule 68C-22.011, F.A.C., as approved by the Commission on September 12, 2002, shall take effect as soon as the regulatory markers are posted.

SEE FLORIDA ADMINISTRATIVE CODE FOR "MAPS 1, 1A, 1B, 2, 2A, 2B, 3, 4, 4A, 5 AND 5A"

Specific Authority 370.12(2)(g), (i), (n), (o) FS. Law Implemented 370.12(2)(d), (g), (i), (k), (n), (o) FS. History--New 3-19-79, Amended 2-23-81, 12-4-85, Formerly 16N-22.11, Amended 1-27-92, Formerly 16N-22.011, 62N-22.011, Amended 11-14-02.

68C-22.012 Volusia and Associated County (Parts of Putnam, Lake, Seminole and Flagler) Zones.

(1) The Commission designates those portions of the St. Johns River basin and the Halifax/Indian River and Tomoka River basin within Volusia and adjacent counties as areas where manatees are frequently sighted. The Commission has further determined that they are assumed to inhabit these waters periodically or continuously. This rule is for the purpose of regulating the speed and operation of motorboats in portions of these designated areas in Volusia County as well as in counties adjacent to Volusia County in portions of the St. Johns River basin and in portions of the Halifax/Indian River and Tomoka River basin. In addition to Volusia County, waters within the following counties are regulated within the provisions of this rule: Putnam, Lake, and Seminole (St. Johns River basin); and Flagler (Halifax River). In balancing the rights of fishermen, boaters, and waterskiers to use these waterways for recreational and commercial purposes (as applicable under Section 370.12(2)(j), F.S.), with the need to provide manatee protection, the Commission has examined the need for higher speed travel corridors through regulated areas. Such corridors are provided in those areas where the Commission determined, on the basis of all available information, (1) there is a need for the corridor and (2) the corridor will not result in serious threats to manatees or their habitat (as defined in Rule 68C-22.001, F.A.C.). Higher speed corridors are not provided in areas where both of the above findings were not made.

(2) For the purpose of regulating the speed and operation of motorboats in order to protect manatees within portions of the St. Johns River Basin, year-round and seasonal zones are established as follows:

(a) SLOW SPEED ZONE (Year-round) – The following described zones shall include all navigable waters and all associated and navigable tributaries, lakes, creeks, coves, bends, backwaters, canals, mosquito ditches, and boat basins, unless otherwise designated or excluded:

1. Lake George Area: All waters within 750 feet of the general contour of the westerly shoreline of Lake George and the St. Johns River southerly of a line bearing North 90°00'00" East (True) running through Flashing Red Channel Marker "68" (latitude 29°23'32" North, longitude 81°39'27" West) near Black Point and northerly of a line bearing South 20°00'00" East (True) running through the southernmost point of Rocky Point (approximate latitude 29°20'13" North, approximate longitude 81°39'30" West); and, all waters within 1500 feet of the general contour of the westerly shoreline of Lake George southwesterly of a line bearing South 20°00'00" East (True) running through the southernmost point of Rocky Point and westerly of the main marked channel at the confluence of the St. Johns River at the southerly end of Lake George, and northerly of a line bearing North 70°00'00" East (True) which lies 830 feet North 20°00'00" West (True) of Flashing Red Channel Marker "18" (latitude 29°12'05" North, longitude 81°34'20" West), excepting Salt Springs Creek; and that part of Lake George lying northeasterly of a line 600 feet southwesterly of and parallel with the centerline of the main marked channel at the southerly end of Lake George, southerly of a line which bears North 90°00'00" East (True) running through the north end of the jetty, westerly of a line which bears North 45°00'00" West (True) running from the shoreline at the northern tip of Zinder Point (approximate latitude 29°12'14" North, approximate longitude 81°34'10" West) and northerly of a line bearing North 70°00'00" East (True) which lies 830 feet North 20°00'00" West (True) of Flashing Red Channel Marker 18 (latitude 29°12'05" North, longitude 81°24'20" West);

2. St. Johns River from Lake George to Lake Dexter: Waters southerly of a line bearing North 70°00'00" East (True) which lies 830 feet North 20°00'00" West (True) of Flashing Red Channel Marker "18" (latitude 29°12'05" North, longitude 81°34'20" West) and northerly of a line which bears North 90°00'00" East (True) running through Flashing Red Channel Marker "8" (latitude 29°07'24" North, longitude 81°30'19" West), as follows:

a. Within 50 feet of the general contour of the shoreline of the St. Johns River proper; and

b. Within all tributaries, lakes, creeks, backwaters, coves, canals, and boat basins associated with the afore-described portion of the St. Johns River, including Blue Creek, Cross Creek, Hitchens Creek, Payne Creek, Axle Creek, and Morrison Creek;

3. West end of Lake Dexter: All waters outside the main marked channel of the Florida Intracoastal Waterway within that portion of Lake Dexter southerly of a line which bears North 90°00'00" East (True) running through Flashing Red Channel Marker "8" (latitude 29°07'24" North, longitude 81°30'19" West), and westerly of a line which bears North 00°00'00" East (True) running from the shoreline of Dexter Point through the shoreline of the northernmost point of the west end of Dexter Island (approximate

latitude 29°06'06" North, approximate longitude 81°29'56" West), inclusive of waters northerly of a line which bears North 90°00'00" East (True) running through the shoreline of the northernmost point of Dexter Island (approximate latitude 29°06'06" North, approximate longitude 81°29'56" West);

4. Lake Dexter Area: All waters within 1500 feet of the general contour of the shoreline of Lake Dexter easterly of a line which bears North 00°00'00" East (True) running from the shoreline of Dexter Point through the general contour of the shoreline of the northernmost point of the west end of Dexter Island (approximate latitude 29°06'06" North, approximate longitude 81°29'56" West), and westerly of a line which bears North 00°00'00" East (True) running through the westernmost tip of the shoreline of the large unnamed island at the eastern end of the lake (approximate latitude 29°06'40" North, approximate longitude 81°27'43" West);

5. Lake Dexter/Tick Island Area: All waters within the general contour of the shoreline of those portions of Lake Dexter and Tick Island Creek easterly of a line which bears North 00°00'00" East (True) running through the westernmost tip of the shoreline of the large unnamed island at the eastern end of Lake Dexter (approximate latitude 29°06'40" North, approximate longitude 81°27'43" West) and westerly of a line which bears North 55°00'00" East (True) running from the shoreline of Tick Island to the shoreline of the westernmost point of the south bank of Cypress Branch (approximate latitude 29°06'54" North, approximate longitude 81°25'54" West), except as described under subparagraph (2)(a)6., below;

6. Eph Creek, Tick Island Mud Lake, Harry's Creek Area: All waters of Eph Creek, Cross Creek, Tick Island Mud Lake, Taylor Creek, Harry's Creek and Honey Creek southerly of the confluence of Lake Dexter with Eph Creek, easterly of the confluence of the St. Johns River with Cross Creek, westerly of the confluence of Lake Woodruff with Harry's Creek, and northeasterly of the confluence of Honey Creek with the St. Johns River;

7. Lake Woodruff Area: All waters within 1500 feet of the general contour of the shoreline of Lake Woodruff southerly of a line which bears North 55°00'00" East (True) running from the general contour of the shoreline of Tick Island to the general contour of the shoreline of the westernmost point of the south bank of Cypress Branch (approximate latitude 29°06'54" North, approximate longitude 81°25'54" West), excepting Spring Garden Creek;

8. Scoggin Creek Area: All waters of Scoggin Creek southerly of the confluence of Lake Woodruff with Scoggin Creek; including the canal southwesterly of the southwesterly shore of Lake Woodruff, easterly of Harry's Creek, and westerly of Norris Dead River;

9. Norris Dead River, Zeigler Dead River, Highland Park Canal Area: All waters of Norris Dead River and Scoggin Lake southerly of Lake Woodruff, all waters of Zeigler Dead River, all waters of Highland Park Canal, all waters of Blue Peter Lake, and Daisy Lake, and all other associated waters south of Lake Woodruff and east of the St. Johns River;

10. Spring Garden Creek Area: All waters within Spring Garden Creek northeasterly of a line which bears North 55°00'00" West (True) running through the shoreline from the tip of a point of land on the southerly bank of Spring Garden Creek (approximate latitude 29°06'47" North, approximate longitude 81°24'10" West) and southerly of a line which bears North 50°00'00" East (True), running through the northerly tip of an unnamed island (approximate latitude 29°07'03" North, approximate longitude 81°24'10" West);

11. St. Johns River – Lake Dexter to Honey Creek Area: Waters southerly of a line which bears North 90°00'00" East (True) running through the shoreline of the northernmost point of the west end of Dexter Island (approximate latitude 29°06'00" North, approximate longitude 81°29'56" West) and northerly of a line running between Flashing Red Channel Marker "32" (latitude 29°01'59" North, longitude 81°24'14" West) and Green Channel Marker "31", as follows:

a. Within 50 feet of the general contour of the shoreline of the St. Johns River proper; and

b. Within all tributaries, lakes, and creeks associated with the above-described portion of the St. Johns River, including Stagger Mud Lake, Stagger Creek, Alexander Spring Creek, Kimball Lake, Lee Lake, Adams Lake, Get Out Creek, Twin Lakes, Horseshoe Mud Lake, the St. Francis Dead River, and Honey Creek;

12. St. Johns River – Honey Creek to Beresford Peninsula Canal Area: Waters of the St. Johns River southerly of a line running between Flashing Red Channel Marker "32" (latitude 29°01'59" North, longitude 81°24'14" West) and Green Channel Marker "31" and northerly of a line which bears North 45°00'00" West (True) from the shoreline of the westernmost tip of the northeasterly bank of the unnamed finger canal of the Beresford Peninsula (approximate latitude 28°58'40" North, approximate longitude 81°21'33" West) to the shoreline of the western bank of the St. Johns River, as follows:

a. Within 50 feet of the general contour of the shoreline of the St. Johns River proper; and

b. Within all tributaries, lakes, and creeks associated with the above-described portion of the St. Johns River, including Mud Lake, Shell Creek, and Dean Dead River;

13. St. Johns River – Beresford Peninsula Canal to Lake Beresford Area: All waters of the St. Johns River southerly of a line which bears North 45°00'00" West (True) from the shoreline of the westernmost tip of the northeasterly bank of the unnamed finger canal of the Beresford Peninsula (approximate latitude 28°58'40" North, approximate longitude 81°21'33" West) to the shoreline of the western bank of the St. Johns River and westerly of a line which bears North 90°00'00" East (True) running through Flashing Red Channel Marker "60" (latitude 28°58'42" North, longitude 81°21'00" West);

14. Hontoon Dead River Area: All waters of the Hontoon Dead River lying southerly and southwesterly of longitude 81°21'41" West at the St. Johns River near the Beresford Peninsula, including navigable portions of Snake Creek and the unnamed canals connecting Hontoon Dead River with the St. Johns River and their associated waters;

15. Lake Beresford Area: Waters of Lake Beresford as follows:

a. All waters lying northerly of latitude 29°00'04" North;

b. All waters within 300 feet of the general contour of the easterly and westerly shorelines of Lake Beresford southerly of latitude 29°00'04" North, and northerly of a line which bears North 90°00'00" East (True), running through the "snag" near the western shore of Lake Beresford (approximate latitude 28°58'48" North, approximate longitude 81°20'56" West); and

c. All waters within 1,000 feet of the general contour of the westerly, southerly, and easterly shorelines lying southerly of a line which bears North 90°00'00" East (True) running through the "snag" near the western shore of Lake Beresford (approximate latitude 28°58'48" North, approximate longitude 81°20'56" West);

16. St. Johns River – Lake Beresford to Lake Monroe Area: Waters southerly of a line which bears North 90°00'00" East (True) running through Flashing Green Channel Marker "63" (latitude 28°58'26" North, longitude 81°20'47" West) and northerly of the end of the fender system on the easterly side of the Interstate Highway 4 Bridge at the west end of Lake Monroe as follows, except as otherwise designated for seasonal or year-round regulation in paragraphs (2)(b), (c), (d) and (f):

a. All waters outside the main marked channel of the St. Johns River;

b. Those waters of the St. Johns River, from shoreline to shoreline including the marked channel, southerly of a line bearing North 90°00'00" East (True) running through Flashing Green Channel Marker "67" (latitude 28°57'30" North, longitude 81°21'01" West) and northerly of a line bearing North 90°00'00" East (True) running through Flashing Green Channel Marker "69" (latitude 28°56'55" North, longitude 81°20'46" West), and those waters from shoreline to shoreline including the marked channel southerly of a line bearing South 25°00'00" East (True) running through Green Channel Marker "75" (latitude 28°56'16" North, longitude 81°20'49" West) and northerly of a line bearing North 90°00'00" East (True) running through Flashing Green Channel Marker "81" (latitude 28°55'22" North, longitude 81°21'08" West); and

c. All tributaries, creeks, lakes, bays, coves, canals, boat basins, discharge canals, and backwaters associated with the above-described portions of the St. Johns River, including Beresford Bend, Dutchmans Bend, Florida Bend, Volusia Cove, Coxetter's Bend, Emanuel Bend, Guyan Cove, The Big Whirl, July Slough, Butcher's Bend, Butcher's Pen Slough, and Alexander Slough; and

d. Those waters of the Wekiva River south of its confluence with the St. Johns River and north of a due East line running from the easternmost point of land (approximate latitude 28°52'19" North, approximate longitude 81°22'13" West) on the westerly shoreline of said Wekiva River at the south side of an inlet finger leading to the south end of Chub Slough.

17. Lake Monroe Area: All waters approximately within 3000 feet of the general contour of the westerly and northerly shoreline of Lake Monroe, east of the end of the fender system on the easterly side of the Interstate Highway 4 Bridge, northerly of the northern boundary of the marked channel of the Florida Intracoastal Waterway (or as posted, with all waters to include those generally northwest of a line drawn from Red Channel Marker "4" to Green Channel Marker "13"), and northwesterly of a line which bears South 50°00'00" West (True) from the westernmost point of Stone Island, (approximate latitude 28°51'12" North and approximate longitude 81°14'45" West) inclusive of all waters of Bethel Creek Cove, and excluding the marked channel running southerly and west of the City of Enterprise.

(b) SLOW SPEED ZONE (Seasonal – October 15 through April 15): St. Johns River, Lake Beresford to Channel Marker "67" Area: All waters of the St. Johns River, inclusive of all marked channels and all associated waters unless otherwise designated or excluded, southerly of a line which bears North 90°00'00" East (True) running through Flashing Green Channel Marker "63" (latitude 28°58'26" North, longitude 81°20'47" West) and northerly of a line which bears North 90°00'00" East (True) running through Flashing Green Channel Marker "67" (latitude 28°57'30" North, longitude 81°21'01" West).

(c) IDLE SPEED ZONE (Year-round): St. Johns River/Blue Spring Area: All waters of the St. Johns River southerly of a line which bears North 90°00'00" East (True) running through Flashing Green Channel Marker "69" (latitude 28°56'55" North, longitude 81°20'46" West) and northerly of a line which bears South 25°00'00" East (True) running through Green Channel Marker "75" (latitude 28°56'16" North, longitude 81°20'49" West), including Blue Spring Run and all other associated waters except as otherwise designated under paragraph (2)(d), hereunder.

(d) MOTORBOATS PROHIBITED ZONE (Seasonal – October 15 through April 15) – All waters of Blue Spring Run from its confluence with the St. Johns River to and including the Spring's headwaters.

(e) MAXIMUM 30 MPH/25 MPH NIGHTTIME ZONE (Year-round) – Waters of the St. Johns River and associated lakes, as follows:

1. Lake George to Lake Dexter Area: All waters of the St. Johns River to within 50 feet of the general contour of the shoreline, and including the main marked channel, southerly of a line bearing North 70°00'00" East (True) which lies 830 feet North 20°00'00" West (True) of Flashing Red Channel Marker "18" (latitude 29°12'05" North, longitude 81°34'20" West) and northerly of a line which bears North 90°00'00" East (True) running through Flashing Red Channel Marker "8" (latitude 29°07'24" North, longitude 81°30'19" West);

2. Lake Dexter: All waters of Lake Dexter, except as otherwise designated under subparagraph (2)(a)4., above;

3. Lake Woodruff: All waters of Lake Woodruff, except as otherwise designated under subparagraph (2)(a)7., above;

4. Lake Dexter to Honey Creek Area: All waters of the St. Johns River to within 50 feet of the general contour of the shoreline, including the main marked channel, southerly of a line which bears North 90°00'00" East (True) running through the shoreline of the northernmost point of Dexter Island (approximate longitude 29°06'00" North, approximate latitude 81°29'56" West) and northerly of a line running between Flashing Red Channel Marker "32" (latitude 29°01'59" North, longitude 81°24'14" West) and Green Channel Marker "31" and;

5. Lake Beresford: All waters of Lake Beresford, except as otherwise designated under subparagraph (2)(a)15., above.

(f) MAXIMUM 25 MPH ZONE (Year-round) – Waters of the St. Johns River and associated lakes, as follows:

1. Honey Creek to Beresford Peninsula Canal Area: All waters of the St. Johns River to within 50 feet of the general contour of the shoreline, including the main marked channel, southerly of a line running between Flashing Red Channel Marker “32” (latitude 29°01'59" North, longitude 81°24'14" West) and Green Channel Marker “31” and northerly of a line which bears North 45°00'00" West (True) from the shoreline of the westernmost tip of the northeasterly bank of the unnamed finger canal of the Beresford Peninsula (approximate latitude 28°58'40" North, approximate longitude 81°21'33" West); and

2. Lake Beresford to Lake Monroe Area: All waters of the main marked channel of the Florida Intracoastal Waterway, except as otherwise designated for seasonal or year-round regulation under paragraphs (2)(a), (b), (c), and (d), above, southerly of a line which bears North 90°00'00" East (True) running through Flashing Green Channel Marker “63” (latitude 28°58'26" North, longitude 81°20'47" West) and northerly/northwesterly of the end of the fender system on the easterly side of the Interstate Highway 4 Bridge at the west end of Lake Monroe.

(3) For the purpose of regulating the speed and operation of motorboats within portions of the Halifax River, Indian River basin and Tomoka River zones are established as follows:

(a) SLOW SPEED ZONE (Year-round) – The following described zones shall include all navigable waters and all associated and navigable tributaries, lakes, creeks, coves, bends, backwaters, canals, mosquito ditches, and boat basins, unless otherwise designated or excluded:

1. Halifax River, Halifax Creek and Smith Creek Area: All waters of Smith Creek, Halifax Creek, and the Halifax River, excluding the main marked channel of the Atlantic Intracoastal Waterway (designated for regulation under subparagraph (3)(d)1., below), southerly of a line which bears North 67°00'00" East (True) located 2000 feet South 29°00'00" East (True) of Red Intracoastal Waterway Channel Marker “22” (latitude 29°26'28" North, longitude 81°06'58" West), northerly of a line which bears North 72°00'00" East (True) running through Green Intracoastal Waterway Channel Marker “9” (latitude 29°19'54" North, longitude 81°04'06" West) and easterly of the general contour of the easterly shoreline of the islands lying westerly of the Intracoastal Waterway Channel between the general contour of the shoreline of the southernmost tip of a peninsula (approximate latitude 29°22'28" North, approximate longitude 81°05'12" West) and a point which lies 600 feet South 72°00'00" West (True) from the aforementioned Green Intracoastal Waterway Channel Marker “9”;

2. Area westerly of Smith Creek: All waters within the backwater area lying southwestly of a line which bears approximately North 30°00'00" West (True) from the general contour of the shoreline at the northernmost tip of an island (approximate latitude 29°25'56" North, approximate longitude 81°06'40" West) to the general contour of the shoreline of the westerly bank of Smith Creek and southwestly of a line which bears approximately South 15°00'00" East (True) from the general contour of the shoreline at the southeastern tip of the aforementioned island (approximate latitude 29°25'32" North, approximate longitude 81°06'29" West) to the general contour of the shoreline of the westerly bank of Smith Creek, near Green Intracoastal Waterway Channel Marker “23”;

3. Bulow Creek Area: All waters of Bulow Creek within Volusia County westerly of the westerly bank of Halifax Creek, with its boundary for this purpose being a line bearing approximately South 35°00'00" East (True) running through Red Intracoastal Waterway Channel Marker “24” (latitude 29°24'45" North, longitude 81°06'17" West);

4. Tomoka Basin and Halifax River Area: All waters within 300 feet of the general contour of the shoreline of Tomoka Basin, northerly of a line which bears approximately North 90°00'00" East (True) running from the shoreline of a peninsula on the westerly bank of the mouth of Tomoka River (approximate latitude 29°20'50" North, approximate longitude 81°05'19" West) to the shoreline of the easterly bank of the Tomoka River at the northernmost tip of a peninsula (approximate latitude 29°20'50" North, approximate longitude 81°05'17" West) and that part of Tomoka Basin and Halifax River westerly of the easterly shoreline of the islands lying westerly of the Intracoastal Waterway Channel between the shoreline of the southernmost tip of a peninsula (approximate latitude 29°22'28" North, approximate longitude 81°05'12" West) and a point which lies 600 feet South 72°00'00" West (True) from Green Intracoastal Waterway Channel Marker “9” (latitude 29°19'54" North, longitude 81°04'06" West) and southerly of Green Intracoastal Waterway Channel Marker “9” and northerly of a line which is 600 feet northerly of and parallel with the centerline of Seabreeze Bridge (State Road 430);

5. Tomoka River, Strickland, Thompson, and Dodson creeks Area: All waters of Strickland, Thompson, and Dodson creeks; and all waters of Tomoka River, southerly of a line which bears North 65°00'00" East (True) running through a point on the shoreline of the east bank of the Tomoka River northerly of its confluence with Strickland Creek (approximate latitude 29°20'19" North, approximate longitude 81°05'09" West) and northeasterly of latitude 29°19'00" North;

6. Tomoka River/Alligator Island Area: All waters of Tomoka River, southerly of a line 100 feet northwesterly of and parallel with a line bearing North 49°00'00" East running through the northwesternmost point of Alligator Island (approximate latitude 29°17'10" North, approximate longitude 81°06'14" West), and northerly of a line 100 feet southwestly of and parallel with a line bearing South 65°00'00" East running through the southwesternmost point of Alligator Island (approximate latitude 29°16'36" North, approximate longitude 81°06'21" West);

7. Halifax River/Daytona Beach Area: All waters of the Halifax River, inclusive of the main marked channel of the Atlantic Intracoastal Waterway and any other marked channels, southerly of a line which is 600 feet northerly of and parallel with the centerline of Seabreeze Bridge (State Road 430) and northerly of a line which bears North 60°00'00" East (True) running through Red Intracoastal Waterway Channel Marker “40” (latitude 29°12'06" North, longitude 81°00'21" West), except as otherwise described in subparagraph (3)(e)1., hereunder;

8. Halifax River/Daytona Beach and Port Orange Area: All waters within 300 feet of the general contour of the shoreline of the Halifax River, southerly of a line which bears North 60°00'00" East (True) running through Red Intracoastal Waterway Channel Marker "40" (latitude 29°12'06" North, longitude 81°00'21" West), northerly of a line which bears North 68°00'00" East (True) running through Green Intracoastal Waterway Channel Marker "57" (latitude 29°08'32" North, longitude 80°58'17" West) between the shoreline of Halifax Estates on the east and the shoreline of an unnamed island on the west, and northerly of a line which bears North 70°00'00" East (True) from a point on the westerly bank of Halifax River (approximate latitude 29°07'43" North, approximate longitude 80°58'41" West) to the shoreline of an unnamed island (approximate latitude 29°07'53" North, approximate longitude 80°58'12" West), except as otherwise described in subparagraph (3)(e)2., hereunder;

9. Halifax River/Port Orange and Live Oak Point Area: All waters of the Halifax River outside the main marked channel of the Atlantic Intracoastal Waterway southerly of a line which bears North 68°00'00" East (True) running through Green Intracoastal Waterway Channel Marker "57" (latitude 29°08'32" North, longitude 80°58'17" West), and northerly of a line bearing North 50°00'00" East (True) running through Red Intracoastal Waterway Channel Marker "8" (latitude 29°04'07" North, longitude 80°56'25" West);

10. Halifax River/Wilbur Bay area: All waters of Halifax River and Wilbur Bay easterly of the westerly shoreline of various islands lying northerly of a line which bears North 90°00'00" East (True) running through Flashing Green Intracoastal Waterway Channel Marker "67" (latitude 29°06'48" North, longitude 80°57'20" West) and southerly of a line which bears North 68°00'00" East (True) running through Green Intracoastal Waterway Channel Marker "57" (latitude 29°08'32" North, longitude 80°58'17" West);

11. Halifax River/Fozzard Creek Area: All waters of the Halifax River, and all waters of Fozzard Creek, Mill Creek, and Tenmile Creek, westerly of the easterly shoreline of the islands lying westerly of the main marked channel of the Atlantic Intracoastal Waterway, southerly of a line which bears North 70°00'00" East (True) from a point on the westerly bank of Halifax River (approximate latitude 29°07'43" North, approximate longitude 80°58'41" West) to the shoreline of an unnamed island (approximate latitude 29°07'53" North, approximate longitude 80°58'12" West), northerly of a line which bears South 57°00'00" East (True) running from a point on the shoreline near the southerly end of Riverside Drive (approximate latitude 29°06'17" North, approximate longitude 80°58'05" West) to a point on the shoreline of an unnamed marsh island (approximate latitude 29°06'00" North, approximate longitude 80°57'35" West), except as otherwise designated in subparagraph (3)(c)2., hereunder;

12. Dead End Creek Area: All waters of Dead End Creek, southwesterly of the easterly shoreline of an unnamed marsh island, its shoreline being a line approximately 350 feet southwesterly of and parallel with the centerline of the Atlantic Intracoastal Waterway Channel running southerly of Green Channel Marker "69";

13. Rose Bay Area: All waters within 300 feet of the general contour of the shoreline of Rose Bay, southerly of a line which bears South 57°00'00" East (True) running from a point on the shoreline near the southerly end of Riverside Drive (approximate latitude 29°06'17" North, approximate longitude 80°58'05" West) to a point on the shoreline of an unnamed marsh island (approximate latitude 29°06'00" North, approximate longitude 80°57'35" West) and northeasterly of the southeasterly extension of the centerline of Harbor Road being a line bearing approximately South 30°00'00" East (True) from a point on the shoreline (approximate latitude 29°05'55" North, approximate longitude 80°58'06" West), excepting any marked channels which are otherwise designated;

14. Spruce Creek, Murray Creek Area: All waters of Spruce Creek, excluding marked channels as designated in subparagraph (3)(c)5.b. hereunder, northerly and easterly of the centerline of U.S. Highway 1 (State Road 5), southwesterly of the southeasterly extension of the centerline of Harbor Road being a line bearing approximately South 30°00'00" East (True) from a point on the general contour of the shoreline (approximate latitude 29°05'55" North, approximate longitude 80°58'06" West) and westerly of a line across the mouth of Spruce Creek which line is 300 feet westerly of and parallel with the centerline of the Intracoastal Waterway right of way running southerly from Flashing Red Intracoastal Waterway Channel Marker "4" (latitude 29°05'15" North, longitude 80°57'01" West); and, that part of Murray Creek, southerly of the centerline of U.S. Highway 1 (State Road 5);

15. Spruce Creek Area: All navigable waters of Spruce Creek westerly of the centerline of the main track of the Florida East Coast Railroad, and easterly of a line 750 feet easterly of and parallel with the westerly line of Section 38, Township 16 South, Range 33 East (or approximately two-thirds of a mile west of the centerline of the main track of the Florida East Coast Railroad), except as otherwise described in sub subparagraph (3)(c), 5.a. hereunder;

16. Strickland Bay, Turnbull Bay Area: All waters within 300 feet of the general contour of the shoreline of Strickland Bay, westerly of the centerline of U.S. Highway 1 (State Road 5) and easterly of the centerline of the main track of the Florida East Coast Railroad, and within 300 feet of the general contour of the shoreline of Turnbull Bay, northerly of a line 650 feet northerly of and parallel with the centerline of the Turnbull Bay Road Bridge crossing Turnbull Creek; and, all waters of Turnbull Creek, southerly of a line 650 feet northerly of and parallel with the centerline of the Turnbull Bay Road Bridge crossing Turnbull Creek, excepting any marked channels which are otherwise designated in subparagraph (3)(c)4., hereunder;

17. Halifax River/North Indian River/Ponce de Leon Cut Area: All waters of the Ponce de Leon Cut area within the Halifax River/North Indian River, inclusive of the main marked channel of the Atlantic Intracoastal Waterway and any other marked channels, southerly of a line bearing North 65°00'00" East (True) running through Red Intracoastal Waterway Channel Marker "8"

(latitude 29°04'07" North, longitude 80°56'25" West), and westerly of a line bearing South 25°00'00" East (True) from the easternmost point of an unnamed island located northwesterly of Flashing Green Intracoastal Waterway Channel Marker "19" (latitude 29°03'26" North, longitude 80°54'53" West);

18. Ponce de Leon Inlet Area: Those waters of Ponce de Leon Inlet, shoreline to shoreline, northerly of a line bearing North 90°00'00" East (True) running through Red Intracoastal Waterway Channel Marker "20" (latitude 29°03'19" North, longitude 80°54'45" West) and southerly of a line bearing South 73°00'00" West (True) running through the Flashing Green Channel Marker standing 10 feet above water at the end of the concrete piling west of and adjacent to the U.S. Coast Guard Station located south of the Inlet; those waters northerly of a line bearing North 90°00'00" East (True) located 700 feet North 00°00'00" East (True) of the southwesternmost point of a peninsula in the inlet (approximate latitude 29°04'21" North, approximate longitude 80°55'26" West), westerly of the Inlet to their confluence with Ponce de Leon Cut; and, those waters of Rockhouse Creek westerly of a line drawn from the easternmost point of the northern shoreline of Rockhouse Creek to the northernmost point of the southern shoreline of the Creek, thence to the confluence of these waters with Ponce de Leon Cut;

19. Indian River North/Cook Creek area: All waters of Indian River North, southerly of a line bearing North 90°00'00" East (True) running through Red Intracoastal Waterway Channel Marker "20" (latitude 29°03'19" North, longitude 80°54'53" West) and northerly of the centerline of the North Causeway Bridge, also known as the Coronado Beach Bridge (State Road 44), except as otherwise described in subparagraph (3)(d)6., hereunder;

20. Hunter Creek, Smyrna Creek, Inlet Creek, Cook Creek Area: All waters of Hunter Creek, Smyrna Creek, Inlet Creek, Cook Creek and other associated waters of Indian River, southwesterly of Ponce de Leon Cut, westerly of Indian River and northerly of the centerline of the North Causeway Bridge (State Road 44);

21. Indian River North/New Smyrna Beach Area: All waters of Indian River North, including the main marked channel of the Atlantic Intracoastal Waterway and all waters of Sheephead Cut, southerly of the centerline of the North Causeway Bridge, also known as Coronado Beach Bridge, (State Road 44) and northerly of a line bearing North 65°00'00" East (True) running through Green Intracoastal Waterway Channel Marker "43" (latitude 29°01'10" North, longitude 80°55'00" West);

22. Indian River North/Edgewater, Packwood Place Area: All waters of Indian River North, westerly of the western boundary of the main marked channel of the Atlantic Intracoastal Waterway, southerly of a line bearing North 65°00'00" East (True) running through Green Intracoastal Waterway Channel Marker "43" (latitude 29°01'10" North, longitude 80°55'00" West) and northerly of a line bearing North 62°00'00" East (True) running through Flashing Green Intracoastal Waterway Channel Marker "65" (latitude 28°56'23" North, longitude 80°52'05" West); and those waters of Indian River North, easterly of the eastern boundary of the main marked channel of the Atlantic Intracoastal Waterway, southerly of a line bearing North 65°00'00" East (True) running through Green Intracoastal Waterway Channel Marker "43" (latitude 29°01'10" North, longitude 80°55'00" West), and northerly of a line bearing North 65°00'00" East running through Green Channel Marker "47" (latitude 29°00'29" North, longitude 80°54'34" West); and, those waters of Indian River North easterly of and within 750 feet of the eastern boundary of the main marked channel of the Atlantic Intracoastal Waterway southerly of the line running through Green Channel Marker "47" and northerly of a line which bears North 65°00'00" East (True) through Flashing Green Channel Marker "49," (latitude 29°00'00" North, longitude 80°54'21" West), and those waters easterly of the eastern boundary of the main marked channel of the Atlantic Intracoastal Waterway southerly of the line running through Flashing Green Intracoastal Waterway Marker "49," northerly of the line running through Flashing Green Intracoastal Channel Marker "65," and westerly of a line drawn along, and running between, the western shorelines of the islands immediately east of the channel;

23. Indian River North/Packwood Place, Oak Hill Area: All waters of Indian River North, inclusive of the main marked channel of the Atlantic Intracoastal Waterway, southerly of a line bearing North 62°00'00" East (True) running through Flashing Green Intracoastal Waterway Channel Marker "65" (latitude 28°56'23" North, longitude 80°52'05" West), northerly of a line bearing North 60°00'00" East (True) running through Green Can Buoy "9A" (latitude 28°52'03" North, longitude 80°49'51" West) and westerly of a line drawn along, and running between, the westerly shorelines of the islands immediately easterly of the channel;

24. Indian River/Mosquito Lagoon Area: All waters of the Indian River westerly of the westerly boundary of the main marked channel of the Atlantic Intracoastal Waterway, southerly of a line bearing North 60°00'00" East (True) running through Green Can Buoy "9A" (latitude 28°52'03" North, longitude 80°49'51" West) and northerly of the Volusia County/Brevard County line; and

25. Mosquito Lagoon/Bethune Beach Subdivision Area: Mosquito Lagoon/Bethune Beach Subdivision Area: All waters of Mosquito Lagoon, westerly of the easterly shoreline of Mosquito Lagoon (generally west of the Bethune Beach Subdivision), southeasterly of a line which bears South 31°00'00" West running through the southwesternmost point of a marsh peninsula (approximate latitude 28°57'26" North, approximate longitude 80°51'02" West) located approximately one half mile northwest of the overhead transmission lines crossing Mosquito Lagoon, northerly of a line which bears South 70°00'00" West running through the northwesternmost point of an unnamed marsh island (approximate latitude 28°56'30" North, approximate longitude 80°50'11" West) located approximately one mile southeast of the above-described transmission lines (approximately one mile northeast of Turtle Mound), and easterly of a line drawn along, and running between, the eastern shorelines of the three easternmost unnamed marsh islands generally between the two above-described lines.

(b) IDLE SPEED ZONE (Year-round) – Those waters of Tomoka River, inclusive of associated and navigable tributaries, lakes, creeks, coves, bends, backwaters, canals, mosquito ditches, and boat basins, as follows, unless otherwise designated or excluded:

1. Lying southerly of a line which bears approximately North 90°00'00" East (True) running from the shoreline of a peninsula on the westerly bank of the mouth of Tomoka River (approximate latitude 29°20'50" North, approximate longitude 81°05'19" West) to the shoreline of the easterly bank of Tomoka River at the northernmost tip of a peninsula (approximate latitude 29°20'50" North, approximate longitude 81°05'17" West) and northerly of a line which bears North 65°00'00" East (True) running through a point on the shoreline of the east bank of the Tomoka River northerly of its confluence with Strickland Creek (approximate latitude 29°20'19" North, approximate longitude 81°05'09" West);

2. Lying southerly of Latitude 29°19'00" North and northeasterly of the centerline of U.S. Highway 1; and

3. Lying southwesterly of a line 300 feet northeasterly of and parallel with the centerline of Interstate Highway 95 and northerly of the northerly right of way line of Old Tomoka Road.

(c) MAXIMUM 25 MPH ZONE (Year-round) –

1. Tomoka River Area: All waters of Tomoka River, southerly of a line 100 feet southwesterly of and parallel with a line bearing South 65°00'00" East running through the southwesternmost point of Alligator Island (approximate latitude 29°16'36" North, approximate longitude 81°06'21" West), and northerly of a line 300 feet northeasterly of and parallel with the centerline of Interstate Highway 95. All navigable creeks, coves, canals, boat basins, mosquito ditches, and backwater areas associated with the above-described portion of Tomoka River shall be designated Slow Speed;

2. Halifax River/Fozzard Creek Area: All waters within marked channels (as may be posted by local government) within the westernmost portion of the Halifax River (generally north of Rose Bay) westerly of the main marked channel of the Atlantic Intracoastal Waterway as described for regulation in subparagraph (3)(a)11., except that waters of Fozzard Creek, Tenmile Creek, and Mill Creek shall remain Slow Speed throughout;

3. Rose Bay Area: All waters of Rose Bay southerly of a line which bears South 57°00'00" East (True) running from a point on the shoreline near the southerly end of Riverside Drive (approximate latitude 29°06'17" North, approximate longitude 80°58'05" West) to a point on the shoreline of an unnamed marsh island (approximate latitude 29°06'00" North, approximate longitude 80°57'35" West) and northeasterly of the southeasterly extension of the centerline of Harbor Road being a line bearing approximately South 30°00'00" East (True) from a point on the shoreline (approximate latitude 29°05'55" North, approximate longitude 80°58'06" West), except as otherwise designated in subparagraph (3)(a)13., above, but including any marked channels as may be posted by local government;

4. Strickland Bay, Turnbull Bay Area: All waters of Strickland Bay westerly of the centerline of U.S. Highway 1 (State Road 5) and easterly of the centerline of the main track of the Florida East Coast Railroad, and all waters of Turnbull Bay northerly of a line 650 feet northerly of and parallel with the centerline of the Turnbull Bay Road Bridge crossing Turnbull Creek, except as otherwise designated in subparagraph (3)(a)16., above, but including any marked channels as may be posted by local government; and

5. Spruce Creek Area:

a. Spruce Creek (West of RR Bridge): All waters within the marked channel of Spruce Creek (as may be posted by local government), westerly of the centerline of the main track of the Florida East Coast Railroad and easterly of a line 750 feet easterly of and parallel with the westerly line of Section 38, Township 16 South, Range 33 East (or approximately two-thirds of a mile west of the centerline of the main track of the Florida East Coast Railroad); and

b. Spruce Creek (Murray Creek Area): All waters within the marked channel of Spruce Creek (as may be posted by local government) northeasterly of the centerline of U.S. Highway 1 (State Road 5) and westerly of a line across the mouth of Spruce Creek which line is 300 feet westerly of a parallel with the centerline of the right of way of the Atlantic Intracoastal Waterway running southerly from Flashing Red Intracoastal Waterway Channel Marker "4" (latitude 29°05'15" North, longitude 80°57'01" West).

(d) MAXIMUM 30 MPH/25 MPH NIGHTTIME ZONE (Year-round) – Waters of the Halifax River, Indian River, and Tomoka River basin as follows:

1. Halifax Creek/Halifax River Area: All waters within the main marked channel of the Atlantic Intracoastal Waterway southerly of a line which bears North 67°00'00" East (True) located 2000 feet South 29°00'00" East (True) of Red Intracoastal Waterway Channel Marker "22" (latitude 29°26'28" North, longitude 81°06'58" West) and northerly of a line which bears North 72°00'00" East (True) running through Green Intracoastal Waterway Channel Marker "9" (latitude 29°19'54" North, longitude 81°04'06" West);

2. Tomoka Basin, Halifax River Area: All waters of Tomoka Basin and Halifax River northerly of a line which bears approximately North 90°00'00" East (True) running from the shoreline of a peninsula on the westerly bank of the mouth of Tomoka River (approximate latitude 29°20'50" North, approximate longitude 81°05'19" West) to the shoreline of the easterly bank of Tomoka River at the northernmost tip of a peninsula (approximate latitude 29°20'50" North, approximate longitude 81°05'17" West) and that part of Tomoka Basin and Halifax River westerly of the easterly shoreline of the islands lying westerly of the Intracoastal Waterway Channel between the shoreline of the southernmost tip of a peninsula (approximate latitude 29°22'28" North, approximate longitude 81°05'12" West) and a point which lies 600 feet South 72°00'00" West (True) from Green Intracoastal Waterway Channel Marker "9" (latitude 29°19'54" North, longitude 81°04'06" West) and southerly of Green Intracoastal Waterway Channel Marker "9" and northerly of a line which is 600 feet northerly of and parallel with the centerline of Seabreeze Bridge (State Road 430), including the main marked channel of the Atlantic Intracoastal Waterway, excepting those waters otherwise described in subparagraph (3)(a)4., above;

3. Halifax River/Daytona Beach and Port Orange Area: All waters of the Halifax River not otherwise described in subparagraphs (3)(a)8. and (3)(e)2. southerly of a line which bears North 60°00'00" East (True) running through Red Intracoastal Waterway Channel Marker "40" (latitude 29°12'06" North, longitude 81°00'21" West), northerly of a line which bears North 68°00'00" East (True) running through Green Intracoastal Waterway Channel Marker "57" (latitude 29°08'32" North, longitude 80°58'17" West) between the shoreline of Halifax Estates on the east and the shoreline of an unnamed island on the west, and northerly of a line which bears North 70°00'00" East (True) from a point on the westerly bank of Halifax River (approximate latitude 29°07'43" North, approximate longitude 80°58'41" West) to the shoreline of an unnamed island (approximate latitude 29°07'53" North, approximate longitude 80°58'12" West);

4. Halifax River/Port Orange and Live Oak Point Area: All waters of the Halifax River within the main marked channel of the Atlantic Intracoastal Waterway, southerly of a line which bears North 68°00'00" East (True) running through Green Intracoastal Waterway Channel Marker "57" (latitude 29°08'32" North, longitude 80°58'17" West), and northerly of a line bearing North 65°00'00" East (True) running through Red Intracoastal Waterway Channel Marker "8" (latitude 29°04'07" North, longitude 80°56'25" West);

5. Ponce de Leon Inlet Area: All waters of the Ponce de Leon Inlet area not otherwise described for regulation under subparagraph (3)(a)18., above, easterly of Ponce de Leon Cut, westerly of the easterly shorelines of Halifax River and Indian River North, southerly of a line bearing North 90°00'00" East (True) running from the southwesternmost point of a peninsula in the inlet (approximate latitude 29°04'21" North, approximate longitude 80°55'26" West), and, in Halifax River, southerly of a line located 700 feet North 00°00'00" East (True) of and parallel with the above-described line (southerly of red marker "2" (approximate latitude 29°04'31" North, approximate longitude 80°55'48" West), in the channel leading to Lighthouse Marina and northwesterly of a line bearing South 73°00'00" West (True) running through the Flashing Green Channel Marker standing 10 feet above water at the end of the concrete piling west of and adjacent to the U.S. Coast Guard Station located south of the Inlet;

6. Indian River North/Cook Creek Area: Those waters of the Indian River North southerly of a line which bears North 90°00'00" East (True) running through Red Intracoastal Waterway Channel Marker "20" (latitude 29°03'20" North, longitude 80°54'43" West), westerly of the general contour of the easterly shoreline of Indian River North, northerly of a line 150 feet southerly of and parallel with the center line of "Due East Street," and easterly of the westerly boundary of the main marked channel of the Atlantic Intracoastal Waterway; and

7. Indian River North/Mosquito Lagoon Area: All waters of Indian River and Mosquito Lagoon, except as otherwise designated in subparagraphs (3)(a)22., (3)(a)23., (3)(a)24., and (3)(a)25., southerly of a line bearing North 65°00'00" East (True) running through Green Intracoastal Waterway Channel Marker "47" (latitude 29°00'29" North, longitude 80°54'34" West) and northerly of the Volusia County/Brevard County line, and that section of the Atlantic Intracoastal Waterway channel southerly of a line bearing North 65°00'00" East running through Green Intracoastal Waterway Channel Marker "43" (latitude 29°01'10" North, longitude 80°55'00" West) and northerly of a line bearing North 62°00'00" East running through Flashing Green Intracoastal Waterway Channel Marker "65" (latitude 28°56'23" North, longitude 80°52'05" West), and that section of the Atlantic Intracoastal Waterway channel southerly of a line bearing North 60°00'00" East (True) running through Green Can Buoy "9A" (latitude 28°52'03" North, longitude 80°49'51" West) and northerly of the Volusia County/Brevard County line, excepting those waters of Callalisa Creek northerly of a line which bears North 60°00'00" East (True) running through Flashing Green Intracoastal Waterway Channel Marker "49" (latitude 29°00'04" North, longitude 80°54'21" West).

(e) MAXIMUM 35 MPH/25 MPH NIGHTTIME ZONE – The following zones are established year-round for watersports use purposes:

1. Seabreeze Bridge Area: That part of the Halifax River easterly of a line 100 feet easterly of and parallel with the eastern boundary of the Atlantic Intracoastal Waterway Channel, southerly of an east-west line running 50 feet south of the southern end of the fender system of the Seabreeze Bridge (State Road 430) and the shoreline of the unnamed peninsula under the Bridge, and northerly of a line 500 feet northerly of and parallel with the centerline of the Main Street Bridge; and

2. Dunlawton Bridge Area: That part of the Halifax River westerly of a line 100 feet westerly of and parallel with the western boundary of the marked Atlantic Intracoastal Waterway Channel, to within 100 feet of the westerly and southerly shorelines, southerly of a line 2150 feet northerly of and parallel with the centerline of Dunlawton Avenue Bridge (State Road A1A) and northerly of the centerline of Dunlawton Avenue Bridge.

(f) SLOW SPEED ZONE (APRIL 1 THROUGH AUGUST 31)/MAXIMUM 25 MPH ZONE (REMAINDER OF YEAR) –

1. Tomoka River Area: The waters of Tomoka River southwesterly of the centerline of U.S. Highway 1 and northerly of a line 100 feet northwesterly of and parallel with a line bearing North 49°00'00" East running through the northwesternmost point of Alligator Island (approximate latitude 29°17'10" North, approximate longitude 81°06'14" West). All navigable creeks, coves, canals, boat basins, mosquito ditches, and backwater areas associated with the above-described portion of Tomoka River shall be designated Slow Speed (year-round); and

2. Spruce Creek Area: All navigable waters of Spruce Creek westerly of a line 750 feet easterly of and parallel with the westerly line of Section 38, Township 16 South, Range 33 East (or approximately two-thirds of a mile west of the centerline of the main track of the Florida East Coast Railroad).

(4) For the purpose of exempting qualifying commercial fishermen and professional fishing guides from certain speed zone restrictions, as provided under subsection 68C-22.003(6), F.A.C., the following limitations, and procedures for exemption application, shall apply:

(a) Exemptions shall be considered seasonally or year-round in zones, or portions of zones, as follows:

1. St. Johns River Basin: Seasonal exemptions will be considered within zones described in subparagraphs (2)(a)4., 5., 7., 9., 14. and 17., with the period of exemption being November 1 through March 31; year-round exemptions will be considered within the zones described in subparagraph (2)(a)1.

2. Halifax River/Indian River Area: Year-round exemptions will be considered within the zone described in subparagraph (3)(a)14. and within a portion of the zone described in subparagraph (3)(a)23.; seasonal exemptions will be considered within the zones described in subparagraphs (3)(a)22., 23., and 24. from November 1 through March 31.

(b) A recipient of an exemption must maintain speeds of less than 20 MPH at all times within the restricted area, and comply with the conditions specified within the notice of exemption as well as under the provisions of this rule and subsection 68C-22.003(6), F.A.C. Examples of conditions which may be specified to promote manatee protection include seasonal constraints or days of week/holiday limitations, limitations on types of fishing activities allowed, and limitations on areas within which exemptions apply within designated manatee protection zones.

(c) Exemptions granted will not apply on weekends or state-recognized holidays.

(d) Any commercial fisherman or professional fishing guide fulfilling the requirements set forth under subsection 68C-22.003(6), F.A.C., may apply for the exemption, one of which shall be required for each vessel so operated, by completing the application form specified. Applications for exemption in accordance with the provisions of this rule may be obtained from the Fish and Wildlife Conservation Commission, Division of Law Enforcement offices at 1-A Max Brewer Memorial Parkway, Titusville, FL 32796 (telephone (407) 383-2740 or 1239 S.W. 10th Street, Ocala, FL 34474, (telephone (352) 732-1225).

(5) For the purpose of exemption from speed restrictions for airboat operation within certain areas of the St. Johns River region (not withstanding applicable federal regulations prohibiting airboat use in portions of said areas), the following limitations shall apply:

(a) Protection zones established under paragraph (2)(a) above are exempt as specified and conditioned hereunder:

1. Areas exempt from speed restrictions shall include waters with a depth of less than two feet, as follows:

a. The Lake George area (including waters regulated as slow speed northerly to Black Point), except within 600 feet of the jetties at the southern end of Lake George;

b. The Lake Woodruff area, except in those waters within one-half mile of the Lake's confluence with Tick Island Creek, Harry's Creek, Spring Garden Creek, and the Norris Dead River;

c. The Lake Monroe Area.

2. Exemptions shall apply within the waters of tributaries, creeks, and associated backwater areas meeting the following criteria, except as provided under subparagraph (5)(a)3., hereunder:

a. Waters are at a distance of more than one-half mile from their confluence with the St. Johns River proper;

b. Waters are less than two feet deep from shore to shore (but excluding from consideration those waters less than two feet deep which are adjacent to deeper navigable waters, except as provided under subparagraph (5)(a)1.);

c. Waters are not within or adjacent to, or directly associated with (as for bends, oxbows), the main channel of the St. Johns River.

3. Areas excluded from consideration for exemption are:

a. The Norris Dead River, Zeigler Dead River, Blue Peter Lake, Daisy Lake, and Highland Park Canal;

b. Hontoon Dead River;

c. St. Francis Dead River; and

d. Mud Lake, Shell Creek, and associated waters.

(6) For the purpose of considering conditional exemptions from speed restrictions within certain of the Halifax River areas for the purpose of powerboat racing, the following conditions, limitations, and procedures for application shall apply:

(a) Exemption application shall be submitted, at least 90 days prior to the event requested, to the Chief, Office of Environmental Services, 620 South Meridian Street, Tallahassee, FL 32399. The letter of application must clearly state:

1. The nature and scope of the boat race, including estimated numbers and nature/configuration of vessels racing and maximum speeds anticipated;

2. The specific area within which the race is requested, described within the letter of application and depicted on a National Ocean Survey nautical chart;

3. The intended month and day (if known) of the requested event; and

4. Justification for holding the event within waters regulated for manatee protection, clearly demonstrating why an alternative site is unsuitable for the racing event.

(b) Exemption consideration shall be limited as follows:

1. Exemptions will be considered only within the area between the S.R. 600 Carlton Blank Bridge and the Orange Avenue Memorial Bridge; and

2. The season of exemption consideration shall be from October 1 through February 15; and

3. Exemptions shall be considered only during daylight hours.

(c) Upon receipt of a letter of exemption, an exemption recipient must comply with all applicable provisions of this rule and with any and all conditions and limitations within the non-transferable letter of exemption as well as with any specific notice requirements as may be requested by the Division of Law Enforcement. Failure to comply with exemption conditions, and any finding of fraudulent use and/or application for said exemption, shall be cause for its immediate revocation, including a suspension of exemption privileges prior to or during the exempted event.

(7) The zones described in subsections 68C-22.012(1), (2), and (3), F.A.C., are depicted on the following maps, labelled “Manatee Protection Zones – St. Johns River Basin, Volusia and Associated Counties,” dated May 1994, and “Manatee Protection Zones – Halifax and Indian River Areas, Volusia and Associated Counties,” dated May 1994, which shall replace the previously published maps. (Maps provided are intended as depictions of the abovedescribed zones. In the event of conflict between the two, the above descriptions shall prevail.)

SEE FLORIDA ADMINISTRATIVE CODE FOR “MAPS A THROUGH H AND 1 THROUGH 10”

Specific Authority 370.021(1), 370.12(2)(f), (n), (o) FS. Law Implemented 370.12(2)(d), (f), (n), (o) FS. History–New 3-19-79, Formerly 16N-22.12, Amended 12-5-89, 7-25-91, 6-23-94, Formerly 16N-22.012, Amended 5-31-95, Formerly 62N-22.012.

68C-22.013 Hillsborough County Zones.

(1) The Commission hereby designates the waters within Hillsborough County, as described below, as areas where manatee sightings are frequent and where it can be assumed that manatees inhabit on a regular, periodic or continuous basis. The Commission has further determined that a likelihood of threat to manatees exists in these waters as a result of manatees and motorboats using the same areas. The primary purpose of this rule is to protect manatees from harmful collisions with motorboats and from harassment by regulating the speed and operation of motorboats within these designated areas. A secondary purpose is to protect manatee habitat. In balancing the rights of fishers, boaters, and water skiers to use these waterways for recreational and commercial purposes (as applicable under Section 370.12(2)(k), F.S.), with the need to provide manatee protection, the Commission has examined the need for unregulated areas or higher speed travel corridors through regulated areas. Such areas or corridors are provided in those locations where the Commission determined, on the basis of all available information, that (1) there is a need for the area or corridor and (2) the area or corridor will not result in serious threats to manatees or their habitat. Unregulated areas or higher speed corridors are not provided in locations where both of the above findings were not made.

(2) The following zones are established, which shall include all associated and navigable tributaries, lakes, creeks, coves, bends, backwaters, canals, and boat basins unless otherwise designated or excluded.

(a) SLOW SPEED (All Year) Alafia River: All waters in the Alafia River outside of the main marked channel east of a line bearing 360° from a point (approximate latitude 27°51'10.0" North, approximate longitude 82°23'55.2" West) on the southern shoreline of the Alafia River at the river’s confluence with Hillsborough Bay, and west of the centerline of the U.S. Highway 41 Bridge.

(b) 25 MPH (All Year)

1. Alafia River, West of U.S. Highway 41: All waters in the main marked channel of the Alafia River east of a line bearing 360° from a point (approximate latitude 27°51'10.0" North, approximate longitude 82°23'55.2" West) on the southern shoreline of the Alafia River at the river’s confluence with Hillsborough Bay, and west of the centerline of the U.S. Highway 41 Bridge.

2. Alafia River, U.S. Highway 41 to Interstate 75: All waters of the Alafia River east of the centerline of the U.S. Highway 41 Bridge and west of the centerline of the Interstate 75 Bridge.

(3) The zones described in subsection 68C-22.013(2), F.A.C., are depicted on the following map, labeled “Hillsborough County Manatee Protection Zones.” The map is intended as a depiction of the above-described zones. In the event of conflict between the map and descriptions, the descriptions shall prevail.

(4) The amendments to Rule 68C-22.013, F.A.C., as approved by the Commission on September 12, 2002, shall take effect as soon as the regulatory markers are posted.

SEE FLORIDA ADMINISTRATIVE CODE FOR “ALAFIA RIVER MAP”

Specific Authority 370.12(2)(g), (n) FS. Law Implemented 370.12(2)(d), (g), (k), (n) FS. History–New 3-19-79, Formerly 16N-22.13, 16N-22.013, 62N-22.013, Amended 12-12-02.

68C-22.014 Manatee County Zones.

(1) The Commission hereby designates the waters within Manatee County, as described below, as areas where manatee sightings are frequent and where it can be assumed that manatees inhabit on a regular, periodic or continuous basis. The Commission has further determined that a likelihood of threat to manatees exists in these waters as a result of manatees and motorboats using the same areas. The primary purpose of this rule is to protect manatees from harmful collisions with motorboats and from harassment by regulating the speed and operation of motorboats within these designated areas. A secondary purpose is to protect manatee habitat. In balancing the rights of fishers, boaters, and water skiers to use these waterways for recreational and commercial purposes (as applicable under Section 370.12(2)(k), F.S.), with the need to provide manatee protection, the

Commission has examined the need for unregulated areas or higher speed travel corridors through regulated areas. Such areas or corridors are provided in those locations where the Commission determined, on the basis of all available information, that (1) there is a need for the area or corridor and (2) the area or corridor will not result in serious threats to manatees or their habitat. Unregulated areas or higher speed corridors are not provided in locations where both of the above findings were not made.

(2) The following zones are established, which shall include all associated and navigable tributaries, lakes, creeks, coves, bays, backwaters, canals, and boat basins unless otherwise designated or excluded.

(a) IDLE SPEED (All Year) Snead Cut: All waters of the waterway commonly referred to as "Snead Cut" (connecting Terra Ceia Bay and the Manatee River) northeast of the northern shoreline of the Manatee River and southwest of the southwestern shoreline of Terra Ceia Bay.

(b) SLOW SPEED (All Year).

1. Western Terra Ceia Bay Area: All waters within 500 feet of the general contour of the following shorelines:

a. South Side of Rattlesnake Key: North and east of a line bearing 110° from a point (approximate latitude 27°32'54.8" North, approximate longitude 82°37'46.9" West) on the eastern shoreline of Terra Ceia Point and west and northwest of a line bearing 221° from the easternmost point (approximate latitude 27°33'19.4" North, approximate longitude 82°36'13.9" West) of Rattlesnake Key at Flounder Pass.

b. North Side of Snead Island: All shorelines of the unnamed mangrove island immediately north of Snead Island and, on the northern and eastern sides of Snead Island, east of a line bearing 23° from a point (approximate latitude 27°32'19.5" North, approximate longitude 82°38'04.3" West) on the northern shoreline of Snead Island west of Emerson Bayou and north and west of Snead Cut, except as otherwise designated under paragraph (2)(a) and sub-paragraph (2)(b)2.b.

2. Terra Ceia Bay Area:

a. All waters within 500 feet of the general contour of all shorelines of Bird Key, the northern shoreline of Terra Ceia Bay east of Flounder Pass and north of a line bearing 90° from the southwesternmost point (approximate latitude 27°33'21.1" North, approximate longitude 82°36'10.9" West) of the peninsula at the southeastern end of Flounder Pass, and the southeastern and eastern shorelines of Terra Ceia Bay east and north of Snead Cut, except as otherwise designated under paragraph (2)(a) and sub-paragraph (2)(b)2.b.

b. All waters of Terra Ceia Bay south of a line bearing 296° from a point (approximate latitude 27°31'50.5" North, approximate longitude 82°35'48.5" West) on the southeastern shoreline of Terra Ceia Bay; All waters of Terra Ceia Bay north of a line bearing 320° from a point (approximate latitude 27°33'40.5" North, approximate longitude 82°34'12.2" West) on the northeastern shoreline of Terra Ceia Bay and south of Terra Ceia Bayou, and; All waters of Peterson Bayou.

3. Terra Ceia Bayou: All waters within 500 feet of the general contour of the shorelines of Terra Ceia Bayou, including those waters of Frog Creek southeast of the centerline of the Terra Ceia Road Bridge and those waters of McMullen Creek west of the centerline of the Bayshore Road Bridge.

(c) 25 MPH (All Year) Western Terra Ceia Bay/Flounder Pass Area: All waters of Flounder Pass south of a line bearing 106° from a point (approximate latitude 27°33'38.1" North, approximate longitude 82°36'24.7" West) on the northeastern shoreline of Rattlesnake Key; All waters of Terra Ceia Bay east of a line bearing 203° from a point (approximate latitude 27°32'52.2" North, approximate longitude 82°37'49.6" West) on the southeastern shoreline of Terra Ceia Point and west of a line beginning at a point (approximate latitude 27°32'33.3" North, approximate longitude 82°36'22.0" West) on the eastern shoreline of the unnamed mangrove island immediately north of Snead Island and bearing 44° to a point (approximate latitude 27°33'05.0" North, approximate longitude 82°35'48.9" West) in Terra Ceia Bay east of Bird Key, and then bearing 360° to the line's terminus at a point (approximate latitude 27°33'31.8" North, approximate longitude 82°35'48.9" West) on the northern shoreline of Terra Ceia Bay, except as otherwise designated under subparagraph (2)(b)1. and sub-subparagraph (2)(b)2.a.

(3) The zones described in subsection 68C-22.014(2), F.A.C., are depicted on the following map, labeled "Manatee County Manatee Protection Zones." The map is intended as a depiction of the above-described zones. In the event of conflict between the map and descriptions, the descriptions shall prevail.

(4) Rule 68C-22.014, F.A.C., as approved by the Commission on September 12, 2002, shall take effect as soon as the regulatory markers are posted.

SEE FLORIDA ADMINISTRATIVE CODE FOR MANATEE PROTECTION ZONES MAP

Specific Authority 370.12(2)(g), (n) FS. Law Implemented 370.12(2)(d), (g), (k), (n) FS. History—New 12-12-02.

68C-22.015 Charlotte County (and Part of DeSoto County) Zones.

(1) The Commission hereby designates the waters within Charlotte County and DeSoto County, as described below, as areas where manatee sightings are frequent and where it can be assumed that manatees inhabit on a regular, periodic or continuous basis. The Commission has further determined that a likelihood of threat to manatees exists in these waters as a result of manatees and motorboats using the same areas. The primary purpose of this rule is to protect manatees from harmful collisions with motorboats and from harassment by regulating the speed and operation of motorboats within these designated areas. A secondary purpose is to protect manatee habitat. In balancing the rights of fishers, boaters, and water skiers to use these waterways for recreational and commercial purposes (as applicable under Section 370.12(2)(k), F.S.), with the need to provide manatee protection, the

Commission has examined the need for unregulated areas or higher speed travel corridors through regulated areas. Such areas or corridors are provided in those locations where the Commission determined, on the basis of all available information, that (1) there is a need for the area or corridor and (2) the area or corridor will not result in serious threats to manatees or their habitat. Unregulated areas or higher speed corridors are not provided in locations where both of the above findings were not made.

(2) The following zones are established, which shall include all associated and navigable tributaries, lakes, creeks, coves, bays, backwaters, canals, and boat basins unless otherwise designated or excluded. As used in this rule, ICW means the Intracoastal Waterway.

(a) IDLE SPEED (All Year).

1. Turtle Bay, Southeast Entrance: Those waters east and southeast of a line beginning at the easternmost point (approximate latitude 26°46'23.2" North, approximate longitude 82°10'30.8" West) of a small unnamed island in the Gallagher Keys (at the southern end of Turtle Bay) and bearing 360° for a distance of approximately 2605 feet to a point (approximate latitude 26°46'49.1" North, approximate longitude 82°10'31.0" West) in Turtle Bay, and then bearing 68° to a point (approximate latitude 26°47'01.1" North, approximate longitude 82°09'59.0" West) on the eastern shoreline of Turtle Bay north of Cape Haze, and north and northwest of a line beginning at said easternmost point of a small unnamed island in the Gallagher Keys and bearing approximately 128° to the southwesternmost point (approximate latitude 26°46'20.1" North, approximate longitude 82°10'26.4" West) of the small unnamed island to the southeast, and then bearing 106° for a distance of approximately 960 feet to a point (approximate latitude 26°46'17.5" North, approximate longitude 82°10'16.2" West) in Charlotte Harbor, and then bearing 40° to a point (approximate latitude 26°46'50.5" North, approximate longitude 82°09'46.4" West) on the shoreline east of Cape Haze, excluding the waters in the embayment north of this point.

2. Turtle Bay, Mid-bay Area: Those waters inside of a polygon defined by the following coordinates: latitude 26°47'10.3" North, longitude 82°10'54.5" West (southwest); latitude 26°47'22.3" North, longitude 82°10'50.5" West (northwest); latitude 26°47'19.7" North, longitude 82°10'40.5" West (northeast), and; latitude 26°47'07.6" North, longitude 82°10'44.4" West (southeast).

(b) SLOW SPEED (All Year).

1. Lemon Bay Area: All waters of Lemon Bay south of the Sarasota/Charlotte County line, north of the Boca Grande Causeway, and west of State Road (SR) 775 (south of SR 776 on Gottfried Creek), excluding the ICW channel and the marked channel through Stump Pass as designated under subparagraph (2)(c)1. and the marked channels in Placida Harbor as designated under subparagraph (2)(c)2. Also excluded from this zone are the portion of the waterway known as "Ski Alley" south of a line bearing 258° from the northernmost point (approximate latitude 26°54'47.3" North, approximate longitude 82°21'03.7" West) of Peterson Island, and the areas described below:

a. The following portion of the Stump Pass area is excluded from the zone designated under subparagraph (2)(b)1.: Those waters southeast of "Ski Alley" and a line bearing 45° from a point (approximate latitude 26°54'03.6" North, approximate longitude 82°20'26.5" West) on the southeastern end of Peterson Island, southwest of a line bearing 106° from a point (approximate latitude 26°54'16.1" North, approximate longitude 82°20'21.2" West) on Whidden Key to the northernmost point (approximate latitude 26°54'12.8" North, approximate longitude 82°20'07.3" West) of the unnamed island southeast of Whidden Key, and northwest of a line bearing 49° from the northernmost point (approximate latitude 26°53'53.1" North, approximate longitude 82°20'17.9" West) of Thornton Key to a point on said unnamed island southeast of Whidden Key;

b. The following portion of the Gasparilla Pass area is excluded from the zone designated under subparagraph (2)(b)1.: Those waters southwest of a line beginning at a point (approximate latitude 26°49'26.2" North, approximate longitude 82°16'56.3" West) on Little Gasparilla Island and bearing 142° to a point (approximate latitude 26°49'12.3" North, approximate longitude 82°16'44.0" West) on Bird Key, then following the general contour of the northern and northeastern shorelines of Bird Key to a point (approximate latitude 26°49'03.6" North, approximate longitude 82°16'34.1" West) on the eastern shoreline of Bird Key, and then bearing 105° to the line's terminus at the southernmost point (approximate latitude 26°49'01.2" North, approximate longitude 82°16'24.0" West) of the middle causeway island of the Boca Grande Causeway.

2. Peace River, US 41 Bridge to Interstate 75 (I-75) Bridge: Those waters within 1000 feet of the general contour of shorelines of the Peace River east of the centerline of the southbound US 41 Bridge and west of the centerline of the southbound I-75 Bridge, including all waters northeast of a line beginning at a point (approximate latitude 26°57'39.5" North, approximate longitude 82°01'15.2" West) on the southbound I-75 Bridge (approximately 1000 feet south of Bird Key) and then bearing 289° to a point (approximate latitude 26°57'58.7" North, approximate longitude 82°02'18.3" West) on the northern shoreline of the Peace River.

3. Peace River, Interstate 75 (I-75) Bridge to Harbor Heights Area: All waters east of the centerline of the southbound I-75 Bridge, south and southwest of a line bearing 310° through Channel Marker "24," and west of Shell Creek, excluding the main marked channel of the Peace River and the corridor north of Long Island and east of Bird Key as designated under subparagraph (2)(c)4., and the waters east of a line beginning at a point (approximate latitude 26°58'01.0" North, approximate longitude 81°59'24.3" West) on the southern shoreline of the Peace River (northeast of Harbor Avenue) and bearing 345° for a distance of approximately 1216 feet to the southernmost point (approximate latitude 26°58'12.8" North, approximate longitude 81°59'27.8" West) of the peninsula to the north.

4. Shell Creek: All waters of Shell Creek east of the Peace River and west of the dam located approximately two miles upstream (east) of the US 17 Bridge over Shell Creek, including the cut that connects Shell Creek to the Peace River north of Channel Marker "24" but excluding that portion of Shell Creek otherwise designated under subparagraph (2)(c)6.

5. Hunter Creek: All waters of Hunter Creek, Jim Long Lake, and associated waterways north of a line bearing 143° from a point (approximate latitude 27°00'57.2" North, approximate longitude 81°58'36.1" West) on the western shoreline of Hunter Creek (south of Jim Long Lake), and east of the general contour of the eastern shoreline of the Peace River.

6. Deep Creek: All waters of Deep Creek and associated waterways west of the general contour of the western shoreline of the Peace River.

(c) 25 MPH (All Year).

1. Lemon Bay Area: Those waters in the ICW channel south of the Sarasota/Charlotte County line and north of the Boca Grande Causeway, and; those waters in the marked channel in North Stump Pass northeast of a line bearing 106° from a point (approximate latitude 26°54'16.1" North, approximate longitude 82°20'21.2" West) on Whidden Key to the northernmost point (approximate latitude 26°54'12.8" North, approximate longitude 82°20'07.3" West) of the unnamed island southeast of Whidden Key.

2. Placida Harbor Area: All waters in the marked channel that runs from the ICW to Gasparilla Pass on the northwest side of the Boca Grande Causeway, and; all waters in the marked channel that runs in a general east-west direction from the marina and boat ramp basin on the northwest side of Boca Grande Causeway, across the ICW, to Little Gasparilla Island. This designation only applies if the channels are marked in accordance with permits issued by all applicable state and federal authorities and if the channel locations and marking schemes are approved in advance by the Commission. In the absence of properly permitted and approved channels, these areas are as designated under subparagraph (2)(b)1.

3. Turtle Bay: All waters of Turtle Bay, except as otherwise designated under subparagraph (2)(a)2., west and northwest of a line beginning at the easternmost point (approximate latitude 26°46'23.2" North, approximate longitude 82°10'30.8" West) of a small unnamed island in the Gallagher Keys (at the southern end of Turtle Bay) and bearing 360° for a distance of approximately 2605 feet to a point (approximate latitude 26°46'49.1" North, approximate longitude 82°10'31.0" West) in Turtle Bay, and then bearing 68° to a point (approximate latitude 26°47'01.1" North, approximate longitude 82°09'59.0" West) on the eastern shoreline of Turtle Bay, north of the northern shorelines of the unnamed islands in the Gallagher Keys and lines directly connecting said shorelines, and east of a line beginning at the northwesternmost point (approximate latitude 26°46'27.8" North, approximate longitude 82°11'24.9" West) of the westernmost of the unnamed islands in the Gallagher Keys and bearing 298° to the easternmost point (approximate latitude 26°46'28.6" North, approximate longitude 82°11'27.0" West) of the unnamed island to the northwest, then following said island's eastern shoreline to its northernmost point (approximate latitude 26°46'37.0" North, approximate longitude 82°11'33.0" West), then bearing 356° to the southernmost point of Eagle Nest Island (approximate latitude 26°46'42.3" North, approximate longitude 82°11'33.0" West), then following said island's eastern shoreline to its easternmost point (approximate latitude 26°47'00.4" North, approximate longitude 82°11'25.3" West), then bearing 42° for a distance of approximately 2700 feet to a point (approximate latitude 26°47'20.2" North, approximate longitude 82°11'05.5" West) on the southern end of a large unnamed island on the west side of Turtle Bay, then following said island's eastern shoreline to a point (approximate latitude 26°48'10.7" North, approximate longitude 82°10'58.3" West) on the northern end of said island, then bearing 3° to the line's terminus on the western shoreline of Turtle Bay west of Cash Mound.

4. Peace River, Interstate 75 (I-75) Bridge to Harbor Heights Area: All waters in the main marked channel of the Peace River east of the centerline of the southbound I-75 Bridge, and southwest of Channel Marker "24", and all waters within 150 feet of a line beginning at a point (approximate latitude 26°57'35.6" North, approximate longitude 82°00'58.2" West) in the main marked channel of the Peace River south of Bird Key and bearing 32° to a point (approximate latitude 26°57'49.4" North, approximate longitude 82°00'48.6" West) east of Bird Key, then bearing 22° to a point (approximate latitude 26°58'11.2" North, approximate longitude 82°00'39.2" West) northeast of Bird Key and northwest of Long Island, then bearing 48° to a point (approximate latitude 26°58'28.4" North, approximate longitude 82°00'18.2" West) west of the southern end of the unnamed island north of Long Island, then bearing 27° to a point (approximate latitude 26°58'44.7" North, approximate longitude 82°00'09.1" West) west of the northern end of said unnamed island north of Long Island, and then bearing 63° to the line's terminus at a point (approximate latitude 26°58'53.8" North, approximate longitude 81°59'49.9" West) in the Peace River northwest of Channel Marker "24."

5. Peace River, North of Harbor Heights Area: All waters of the Peace River and associated waterways, northeast of a line bearing 310° through Channel Marker "24" and south of the SR 761 Bridge in DeSoto County, except as otherwise designated under subparagraphs (2)(b)5. and (2)(b)6., and excluding those waters of Whidden Bay and the waterways associated with the bay west and northwest of the general contour of the western shoreline of the Peace River.

6. Shell Creek: All waters of Shell Creek west of the Railroad Trestle and east of a line bearing 172° from the southernmost point (approximate latitude 26°58'43.3" North, approximate longitude 81°59'28.6" West) of the peninsula on the eastern side of the cut that connects Shell Creek to the Peace River north of Channel Marker "24," excluding the embayments and associated waterways immediately north of Shell Creek.

7. Lower Hunter Creek: All waters of Hunter Creek south of a line bearing 143° from a point (approximate latitude 27°00'57.2" North, approximate longitude 81°58'36.1" West) on the western shoreline of Hunter Creek (south of Jim Long Lake), and east of the general contour of the eastern shoreline of the Peace River.

(3) The zones described in subsection 68C-22.015(2), F.A.C., are depicted on the following maps, labeled "Charlotte County Manatee Protection Zones." The maps are intended as depictions of the above-described zones. In the event of conflict between the maps and descriptions, the descriptions shall prevail.

(4) Rule 68C-22.015, F.A.C., as approved by the Commission on September 12, 2002, shall take effect as soon as the regulatory markers are posted.

SEE FLORIDA ADMINISTRATIVE CODE FOR CHARLOTTE COUNTY - MANATEE PROTECTION ZONES - MAP 1, MAP 2, MAP 3, AND MAP 4

Specific Authority 370.12(2)(n) FS. Law Implemented 370.12(2)(d), (k), (n) FS. History—New 12-12-02.

68C-22.022 Hillsborough County – Big Bend Zones Established.

For the purpose of regulating the speed and operation of motorboat traffic between the dates of November 15 and March 31 of each year, Hillsborough County – Big Bend zones are established as follows:

(1) MOTORBOAT PROHIBITED ZONE.

That part of the waters of Tampa Bay in the Big Bend area of Hillsborough County, Florida, lying below the Mean High Water Line within the following described tract:

Commence at the Southeast corner of Fractional Section 9, Township 31 South, Range 19 East, Hillsborough County, Florida, and run thence North 250 feet more or less to the Tampa Electric Company, concrete bulkhead; thence run Westerly along said concrete bulkhead a distance of 1230 feet; thence run South 400 feet more or less to the Tampa Electric Company, steel bulkhead; thence run Easterly along said steel bulkhead to its intersection with the Mean High Water Line; thence meander along the Mean High Water Line, Northerly and Easterly to the intersection of the Southerly boundary extended, of said Fractional Section 9; thence run Easterly to the Point of Beginning.

(2) IDLE SPEED ZONE.

That part of the waters of Tampa Bay in the Big Bend area of Hillsborough County, Florida, lying below the Mean High Water Line within the following described tract:

Commence at the Southeast Corner of Fractional Section 9, Township 31 South, Range 19 East, Hillsborough County, Florida, and run thence North 250 feet more or less to the Tampa Electric Company, concrete bulkhead; thence run Westerly along said concrete bulkhead a distance of 1230 feet to the Point of Beginning, continue thence Westerly along said concrete bulkhead and its extension a distance of 3250 feet more or less to the Southwest corner of a spoil island and the intersection of the Mean High Water Line of Tampa Bay; thence meander Northwesterly along said Mean High Water Line of said spoil island a distance of 1858 feet; thence run due West a distance of 660 feet; thence run South 14° West, a distance of 2310 feet; thence run due East a distance of 660 feet more or less to a point on the Mean High Water Line of Tampa Bay on the Westerly boundary of Apollo Beach; thence meander Northeasterly along said Mean High Water Line a distance of 413 feet more or less to a point, Easterly a distance of 1853 feet more or less to a point, Southwesterly a distance of 340 feet more or less to a point; thence run due East a distance of 3383 feet more or less to the intersection with the Mean High Water Line of the Waters of Tampa Bay; thence meander Northerly and Easterly along said Mean High Water Line a distance of 360 feet more or less to the intersection with the Tampa Electric Company, steel bulkhead; thence run Westerly along said steel bulkhead to a point due South of the Point of Beginning; thence run North 400 feet more or less to the Point of Beginning.

(3) CAUTION SPEED ZONE.

That part of the waters of Tampa Bay in the Big Bend area of Hillsborough County, Florida, lying below the Mean High Water Line within the following described tract:

That part of Sections 16, 17, and 21, Township 31 South, Range 19 East, Hillsborough County, Florida, lying below the Mean High Water Line of Tampa Bay, bounded on the South by Apollo Beach Boulevard; on the West by the Westerly shoreline of the Apollo Beach fill; on the North by the North boundary of said Sections 16 and 17 as they may be extended Westerly; on the East by the Westerly boundary of the East 1/4 of said Section 21 and Westerly of the Mean High Water Line of Tampa Bay in said Section 16. LESS and except those waters described as “MOTORBOAT PROHIBITED ZONE” or “IDLE SPEED ZONE” in subsections (1) and (2), respectively, of this rule section.

Specific Authority 370.021(2) FS. Law Implemented 370.12(2)(i), (j), (n) FS. History—New 12-30-86, Formerly 16N-22.022, 62N-22.022.

SEE FLORIDA ADMINISTRATIVE CODE FOR “HILLSBOROUGH COUNTY - BIG BEND ZONES MAP”

68C-22.023 Collier County Zones.

(1) The Commission hereby designates the waters within Collier County, as described below, as areas where manatees are frequently seen. The Commission has further determined that manatees are assumed to inhabit these waters periodically or continuously. This rule is for the purpose of regulating the speed and operation of motorboats in portions of these designated areas. In balancing the rights of fishermen, boaters, and waterskiers to use these waterways for recreational and commercial purposes (as applicable under Section 370.12(2)(j), F.S.), with the need to provide manatee protection, the Commission has examined the need for higher speed corridors through regulated areas. Such corridors are provided in those areas where the Commission determined, on the basis of all available information, (1) there is a need for the corridor and (2) the corridor will not result in serious threats to manatees or their habitat (as defined in Rule 68C-22.001, F.A.C.). Higher speed corridors are not provided in areas where both of

the above findings were not made. Regulations described herein which affect the Faka Union Canal area are unchanged from those adopted in 1983, and amended in 1988, which formerly appeared in Rule 68C-22.0161, F.A.C. Zones described herein are in effect year-round and include all associated and navigable tributaries, lakes, creeks, coves, backwaters, canals, and boat basins unless otherwise designated or excluded.

(a) NO ENTRY – Henderson Creek/Enchanting Shores area: All waters of the basin and canal adjacent to the Enchanting Shores Trailer Park, east of a line bearing 20° beginning at a point (approximate latitude 26°02'54" N, approximate longitude 81°14'28" W) on the southern shoreline of the canal approximately 50 feet east of where the canal flows into Henderson Creek (all said waters being located in Section 11, Township 51 South, Range 26 East).

(b) IDLE SPEED (channel included) –

1. Naples Bay area: All waters of Naples Bay and associated waters south of the US 41 bridge and north of an east-west line running through channel marker "33" (approximate latitude 26°07'46" N, approximate longitude 81°47'28" W), including the waters of Crayton Cove;

2. Gordon Pass/Port Royal area: All waters of Gordon Pass and associated waters northeast of lines which bear 160° and 340° from channel marker "7A" (approximate latitude 26°05'39" N, approximate longitude 81°47'56" W) and west and southwest of a line which bears approximately 143° from the southeasternmost point (approximate latitude 26°05'49" N, approximate longitude 81°47'51" W) of the peninsula north of channel marker "10" to the northeasternmost point (approximate latitude 26°05'46" N, approximate longitude 81°47'48" W) of the peninsula south of channel marker "10"; and all waters of the bay and canal system north of Admiralty Bay, including all waters of Man of War Cove, Smugglers Bay, and Morgan's Cove;

3. Henderson Creek area: All waters of Henderson Creek and associated waters east of State Road 951, except as designated under paragraph (1)(a);

4. Marco Island/Collier Bay area: All waters of Marco River, Collier Bay, Marco Bay, and associated waters, south of the Isle of Capri, Stingaree Island, and a straight line connecting their southern shorelines, east of a line which bears 180° from the westernmost point of the Isle of Capri (approximate latitude 25°58'28" N, approximate longitude 81°44'22" W), and south and west of a line beginning at a point on Stingaree Island (approximate latitude 25°58'30" N, approximate longitude 81°43'27" W) and bearing 180° to channel marker "15" and then bearing approximately 154° to the line's ending point on the northernmost point of the peninsula containing Orange Court (approximate latitude 25°57'57" N, approximate longitude 81°43'16" W);

5. Caxambas Bay/Roberts Bay area: All waters of Caxambas Bay, Roberts Bay, and associated waters, north of a line beginning at a point on the shoreline of Marco Island (approximate latitude 25°54'29" N, approximate longitude 81°43'04" W) (west of channel marker "4") and bearing approximately 106° to the westernmost point of the unnamed island north of Dickman's Island, then running along the northern shoreline of said island to its easternmost point, and then bearing approximately 92° through channel marker "13" to the line's ending point on the shoreline of Horrs Island, and west of a line beginning at a point on Horrs Island (approximate latitude 25°54'13" N, approximate longitude 81°41'15" W) and bearing 0° to the southeasternmost point of Pass Key (approximate latitude 25°54'26" N, approximate longitude 81°41'15" W), then running along the eastern shoreline of said key to its northernmost point, then bearing approximately 338° to the southernmost point of David Key (approximate latitude 25°54'47" N, approximate longitude 81°41'24" W), then running along the southwestern shoreline of said key to its westernmost point, and then bearing 270° to the line's ending point on the shoreline of Marco Island;

6. Goodland Bay area: All waters of Goodland Bay and associated waters, south of a line beginning at a point on the shoreline of Marco Island (approximate latitude 25°55'34" N, approximate longitude 81°39'08" W) and bearing 45° through channel marker "10" to a point on the shoreline of the unnamed island northeast of channel marker "10", then running along the southern shoreline of said unnamed island to its easternmost point, then running 600 feet north of and parallel with the shoreline of Marco Island to the northwesternmost point of the small unnamed island east of Goodland, then running along the western shoreline of said unnamed island to its southwesternmost point, and then bearing approximately 190° to the line's ending point (approximate latitude 25°55'21" N, approximate longitude 81°38'31" W) on the northwestern shoreline of the large unnamed island east of channel marker "6", and north of a line beginning at a point (approximate latitude 25°55'15" N, approximate longitude 81°38'27" W) on the shoreline of the large unnamed island east of channel marker "6" and bearing 245° through said channel marker to the northernmost point of the large mangrove island south of Goodland, then bearing approximately 270° to the easternmost point of the small unnamed island immediately west of said island, then running along the southern shoreline of said island to its southwesternmost point, and then bearing 290° to the line's ending point on the shoreline of Marco Island (approximate latitude 25°55'10" N, approximate longitude 81°39'06" W);

7. Faka Union Canal/Port of the Islands area: All waters of Faka Union Canal and associated waters, south of the Tamiami Trail Bridge (US 41), and north of an east-west line 500 feet south of the southernmost east-west canal;

8. Everglades City/Barron River: All waters of the Barron River and associated waters north and east of the mouth of the river (beginning just northeast of channel marker "1") and west of the State Road 29 Bridge.

(c) SLOW SPEED (channel included) –

1. Wiggins Pass/Vanderbilt Lagoon area: All waters of Wiggins Pass, Wiggins Bay, Water Turkey Bay, Vanderbilt Lagoon, and associated waters, east of a line which bears 180° from the southernmost point of Wiggins Island (approximate latitude 26°17'17" N, approximate longitude 81°49'55" W), south of a line beginning at the southeasternmost point of Wiggins Island (approximate latitude 26°17'25" N, approximate longitude 81°49'38" W) and bearing approximately 78° to the southernmost point of the first small unnamed island to the east, then running along the southeastern shoreline of said unnamed island to its easternmost

point, then bearing approximately 21° to the southwesternmost point of the unnamed island to the northeast, then running along the southern shoreline of said island to its easternmost point, then bearing approximately 80° to the southwesternmost point of the large unnamed island to the east (approximate latitude 26°17'29" N, approximate longitude 81°49'31" W), then running along the southern shoreline of said island to its southeasternmost point, then bearing approximately 100° to the southwesternmost point of the small unnamed island to the southeast (approximate latitude 26°17'29" N, approximate longitude 81°49'26" W), then running along the southern and eastern shorelines of said island to its easternmost point, then bearing approximately 25° to the easternmost point of the small unnamed island to the northeast, and then bearing approximately 350° to the line's ending point at the southwesternmost point of the peninsula (approximate latitude 26°17'36" N, approximate longitude 81°49'24" W) to the north of said unnamed island (all these islands being north of the marked channel leading into Wiggins Bay), and north and west of a line at the southern end of Wiggins Bay beginning at the northeasternmost point of the peninsula west of the Cocohatchee River (approximate latitude 26°17'16" N, approximate longitude 81°48'58" W) and bearing 90° to its ending point on the eastern shoreline of said river, including all waters of Water Turkey Bay and Vanderbilt Lagoon;

2. Gordon River area: All waters of the Gordon River, Rock Creek, and associated waters, north of the US 41 bridge;

3. The Narrows: All waters east of Keewadin Island known as "The Narrows" south of channel marker "52" (approximate latitude 26°03'22" N, approximate longitude 81°46'44" W) and north of channel marker "47" (approximate latitude 26°02'34" N, approximate longitude 81°46'31" W);

4. Flotilla Passage area: All waters of Flotilla Passage; all waters within 300 feet of the State Road 951 bridge over the Marco River (Judge Jolly Bridge) and those waters within 300 feet of shore between Flotilla Passage and said bridge; and all waters within 600 feet of the State Road 951 bridge over McIlvane Bay;

5. Goodland Bay area: All waters of Goodland Bay south of channel marker "15" in the Marco River (north of the State Road 92 bridge over Goodland Bay), except as designated under subparagraph (1)(b)6.;

6. Faka Union Canal area: All waters of Faka Union Canal, Faka Union Bay, and associated waters, south of an east-west line 500 feet south of the southernmost east-west canal and north of a line in Faka Union Bay beginning at the southernmost point of the peninsula (approximate latitude 25°54'02" N, approximate longitude 81°31'02" W) north of channel marker "42" and bearing 107° to the line's ending point on the eastern shoreline of Faka Union Bay (said line running through a point in the marked channel 16,468 feet south of the above-described northern boundary as formerly described in Rule 68C-22.0161, F.A.C.);

7. Everglades City/Chokoloskee Bay area: All waters of Chokoloskee Bay and associated waters south of a line beginning at a point on the northern shoreline of the bay (approximate latitude 25°51'15" N, approximate longitude 81°23'47" W) and bearing 180° to the northernmost point of Bear Island, then running along the western shoreline of said island to its southwesternmost point, then bearing approximately 225° to the line's ending point at the southernmost point of the unnamed spoil island (approximate latitude 25°50'50" N, approximate longitude 81°24'04" W) north of channel marker "27", north of a line beginning at the aforementioned southernmost point of the unnamed spoil island north of channel marker "27" and bearing approximately 113° to channel marker "5" (approximate latitude 25°50'31" N, approximate longitude 81°23'16" W), and then bearing approximately 135° to the line's ending point on the boundary of Everglades National Park (approximate latitude 25°49'57" N, approximate longitude 81°22'38" W) 1,200 feet west of the Chokoloskee Causeway, and south of the Chokoloskee Causeway.

(d) 30 MPH IN CHANNEL/SLOW SPEED OUTSIDE OF CHANNEL – All channels that are duly permitted by applicable state and federal authorities are included in the 30 mph channel designation. Local channels that are not duly permitted (including those marked by PVC pipes or similar materials) are not included.

1. Little Hickory Bay/Bonita Shores area: All waters of Little Hickory Bay and associated waters south of the Lee County line and north of a line beginning at a point on the western shoreline of Little Hickory Bay (approximate latitude 26°19'26" N, approximate longitude 81°50'15" W) and bearing 90° to the southernmost point of the peninsula containing Third Street West in Bonita Shores (approximate latitude 26°19'26" N, approximate longitude 81°49'58" W), and then bearing 125° to the line's ending point on the eastern shoreline of Little Hickory Bay;

2. Wiggins Pass/South Wiggins Island area: All waters south of a line beginning at a point on the eastern shoreline of Wiggins Island (approximate latitude 26°18'09" N, approximate longitude 81°49'48" W) at the narrow section of the waterway north of Wiggins Pass and bearing 90° to the line's ending point on the eastern shoreline of said waterway, and north of a line beginning at the southeasternmost point of Wiggins Island (approximate latitude 26°17'25" N, approximate longitude 81°49'38" W) and bearing approximately 78° to the southernmost point of the first small unnamed island to the east, then running along the southeastern shoreline of said unnamed island to its easternmost point, then bearing approximately 21° to the southwesternmost point of the unnamed island to the northeast, then running along the southern shoreline of said island to its easternmost point, then bearing approximately 80° to the southwesternmost point of the large unnamed island to the east (approximate latitude 26°17'29" N, approximate longitude 81°49'31" W), then running along the southern shoreline of said island to its southeasternmost point, then bearing approximately 100° to the southwesternmost point of the small unnamed island to the southeast (approximate latitude 26°17'29" N, approximate longitude 81°49'26" W), then running along the southern and eastern shorelines of said island to its easternmost point, then bearing approximately 25° to the easternmost point of the small unnamed island to the northeast, and then bearing approximately 350° to the line's ending point at the southwesternmost point of the peninsula (approximate latitude 26°17'36" N, approximate longitude 81°49'24" W) to the north of said unnamed island (all these islands being north of the marked channel leading into Wiggins Bay);

3. Naples Bay/Dollar Bay area: All waters of Naples Bay, Haldeman Creek, Admiralty Bay, Dollar Bay, and associated waters, south of an east-west line running through channel marker "33" (approximate latitude 26°07'46" N, approximate longitude 81°47'28" W) and north of channel marker "52" (approximate latitude 26°03'22" N, approximate longitude 81°46'44" W), except as designated under subparagraph (1)(b)2.;

4. Inland Waterway/Halloway Island area: All waters south of channel marker "47" (approximate latitude 26°02'34" N, approximate longitude 81°46'31" W), west of a north-south line at the north end of Halloway Island running through the westernmost point (approximate latitude 26°02'34" N, approximate longitude 81°46'18" W) of the small unnamed island at the north end of Rookery Bay and at the south end of Halloway Island west of a north-south line running through channel marker "27A" (approximate latitude 26°00'53" N, approximate longitude 81°45'15" W), and north of a line beginning at a point on Keewadin Island (approximate latitude 26°01'04" N, approximate longitude 81°45'53" W) and bearing 90° to the northernmost point of Little Marco Island, then running along the eastern shoreline to a point on said island (approximate latitude 26°00'46" N, approximate longitude 81°45'30" W) south of channel marker "28A", then bearing approximately 107° to the line's ending point at the northwesternmost point of Cannon Island (approximate latitude 26°00'43" N, approximate longitude 81°45'20" W);

5. Johnson Bay area: All waters of Johnson Bay and associated waters, east of a north-south line at the north end of Cannon Island running through channel marker "27A" (approximate latitude 26°00'53" N, approximate longitude 81°45'15" W) and at the south end of Cannon Island east of a line bearing approximately 135° from the southernmost point of the unnamed island south of Cannon Island (approximate latitude 25°58'40" N, approximate longitude 81°44'35" W) to the westernmost point of the Isle of Capri (approximate latitude 25°58'29" N, approximate longitude 81°44'23" W), south of Hall Bay, and north of the Isle of Capri, excluding the unnamed bays and backwater areas north and east of Johnson Bay;

6. Henderson Creek/Hall Bay area: All waters of Henderson Creek, Hall Bay, and associated waters, west of State Road 951, north and east of Johnson Bay, and south and east of a line beginning at a point on the southeastern shore of Halloway Island (approximate latitude 26°01'12" N, approximate longitude 81°44'43" W) and bearing 90° to the southwesternmost point (approximate latitude 26°01'12" N, approximate longitude 81°44'40" W) of the large unnamed island separating Rookery Bay and Hall Bay, then running along the eastern shoreline of said island to its northeasternmost point, then bearing approximately 15° to the southwesternmost point of the unnamed island to the northeast, then running along the eastern shoreline of said island to its southeasternmost point, then bearing approximately 62° to the line's ending point at a point (approximate latitude 26°01'33" N, approximate longitude 81°44'15" W) on the southwestern shoreline of the peninsula forming the northwestern boundary of Henderson Creek;

7. Tarpon Bay/North Marco River area: All waters of Tarpon Bay, Marco River, and associated waters, south of the Isle of Capri, east of a line which bears 180° from the westernmost point of the Isles of Capri (approximate latitude 25°58'28" N, approximate longitude 81°44'22" W), and north and west of State Road 951, except as designated under subparagraphs (1)(b)4. and (1)(c)4.;

8. South Marco River/Addison Bay area: All waters of Marco River, Sanctuary Sound, Georgia Fruit Farm Creek, Bear Point Cove, Three Island Cove, the Muddies, Addison Bay, and associated waters, east of State Road 951, south of Unknown Bay, Upper Addison Bay, and the unnamed bays and backwater areas north and east of Bear Point Cove, Three Island Cove, and Addison Bay, and north of channel marker "15" in the Marco River (north of the State Road 92 bridge over Goodland Bay), except as designated under subparagraph (1)(c)4.;

9. Caxambas Pass/Helen Key area: All waters of Caxambas Pass, Caxambas Bay, and associated waters, south of Marco Island, Horrs Island, and a line beginning at a point on the shoreline of Marco Island (approximate latitude 25°54'29" N, approximate longitude 81°43'04" W) (west of channel marker "4") and bearing approximately 106° to the westernmost point of the unnamed island north of Dickman's Island, then running along the northern shoreline of said island to its easternmost point, and then bearing approximately 92° through channel marker "13" to the line's ending point on the shoreline of Horrs Island, east of a line beginning at the southwesternmost point of Marco Island (approximate latitude 25°54'28" N, approximate longitude 81°43'43" W) and bearing 165° to a point in Caxambas Pass (approximate latitude 25°54'15" N, approximate longitude 81°43'39" W), then bearing approximately 100° to the line's ending point on the northernmost point of Dickman's Point (approximate latitude 25°54'10" N, approximate longitude 81°43'02" W), north and east of Kice Island, Helen Key and a line beginning at a point on the eastern shoreline of Kice Island (approximate latitude 25°53'13" N, approximate longitude 81°41'14" W) and bearing 48° to the northwesternmost point of the large unnamed island between Kice Island and Helen Key, then bearing approximately 48° to the line's ending point at the westernmost point of Helen Key (approximate latitude 25°53'24" N, approximate longitude 81°41'02" W), and west of a north-south line through channel marker "3" (north of Helen Key), excluding the waters of Grassy Bay and Little Grassy Bay;

10. Coon Key Pass/Goodland area: All waters of Coon Key Pass, Blue Hill Creek, and associated waters, south of Marco Island and a line beginning at a point (approximate latitude 25°55'15" N, approximate longitude 81°38'27" W) on the shoreline of the large unnamed island east of channel marker "6" and bearing 245° through said channel marker to the northernmost point of the large mangrove island south of Goodland, then bearing approximately 270° to the easternmost point of the small unnamed island immediately west of said island, then running along the southern shoreline of said island to its southwesternmost point, and then bearing 290° to the line's ending point on the shoreline of Marco Island (approximate latitude 25°55'10" N, approximate longitude 81°39'06" W), east of a line beginning at a point on the southern shoreline of Marco Island (approximate latitude 25°55'08" N, approximate longitude 81°39'19" W) and bearing 180° to the northern shoreline of Horrs Island, then running along the eastern

shoreline of Horrs Island to the line's ending point at a point on the shoreline of Horrs Island (approximate latitude 25°54'49" N, approximate longitude 81°39'14" W), north of a line beginning at the aforementioned point on the shoreline of Horrs Island and bearing 90° to the northwesternmost point of an unnamed island east of Horrs Island (approximate latitude 25°54'49" N, approximate longitude 81°39'11" W), then running along the northern shoreline of said island to its easternmost point, then bearing approximately 115° to the westernmost point of the large unnamed island to the east (approximate latitude 25°54'44" N, approximate longitude 81°39'00" W), then running along the northern and eastern shorelines of said island to its southeasternmost point, then bearing approximately 38° to the line's ending point (approximate latitude 25°54'37" N, approximate longitude 81°38'10" W) at the southernmost point of the large unnamed island east of channel marker "6".

(e) 30 MPH IN CHANNEL/20 MPH OUTSIDE OF CHANNEL – All channels that are duly permitted by applicable state and federal authorities are included in the 30 mph channel designation. Local channels that are not duly permitted (including those marked by PVC pipes or similar materials) are not included.

1. Little Hickory Bay area: All waters of Little Hickory Bay and associated waters south of a line beginning at a point on the western shoreline of Little Hickory Bay (approximate latitude 26°19'26" N, approximate longitude 81°50'15" W) and bearing 90° to the southernmost point of the peninsula containing Third Street West in Bonita Shores (approximate latitude 26°19'26" N, approximate longitude 81°49'58" W), and then bearing 125° to the line's ending point on the eastern shoreline of Little Hickory Bay, and north of a line beginning at a point on the eastern shoreline of Wiggins Island (approximate latitude 26°18'09" N, approximate longitude 81°49'48" W) at the narrow section of the waterway north of Wiggins Pass and bearing 90° to the line's ending point on the eastern shoreline of said waterway;

2. Cocohatchee River area: All waters of the Cocohatchee River and associated waters south and east of a line at the southern end of Wiggins Bay beginning at the northeasternmost point of the peninsula west of the Cocohatchee River (approximate latitude 26°17'16" N, approximate longitude 81°48'58" W) and bearing 90° to its ending point on the eastern shoreline of said river;

3. Rookery Bay area: All waters of Rookery Bay and associated waters east of the Narrows section of the Inland Waterway and a north-south line at the north end of Halloway Island running through the westernmost point (approximate latitude 26°02'34" N, approximate longitude 81°46'18" W) of the small unnamed island at the north end of Rookery Bay, and north of a line beginning at a point on the southeastern shore of Halloway Island (approximate latitude 26°01'12" N, approximate longitude 81°44'43" W) and bearing 90° to the southwesternmost point (approximate latitude 26°01'12" N, approximate longitude 81°44'40" W) of the large unnamed island separating Rookery Bay and Hall Bay, then running along the eastern shoreline of said island to its northeasternmost point, then bearing approximately 15° to the southwesternmost point of the unnamed island to the northeast, then running along the eastern shoreline of said island to its southeasternmost point, then bearing approximately 62° to the line's ending point at a point (approximate latitude 26°01'33" N, approximate longitude 81°44'15" W) on the southwestern shoreline of the peninsula forming the northwestern boundary of Henderson Creek;

4. McIlvane Bay area: All waters of McIlvane Bay, the unnamed bays and backwater areas north and east of Johnson Bay, and associated waters, north of Flotilla Passage, the Isle of Capri, and Johnson Bay, except as designated under subparagraph (1)(c)4.;

5. Unknown Bay/Upper Addison Bay area: All waters of Unknown Bay, Upper Addison Bay, and associated waters, north of Bear Point Cove, Three Islands Cove, and Addison Bay;

6. Barfield Bay/Blue Hill Bay area: All waters of Barfield Bay, Blue Hill Creek, and associated waters, north of Horrs Island, north and east of a line beginning at a point on Horrs Island (approximate latitude 25°54'13" N, approximate longitude 81°41'15" W) and bearing 0° to the southeasternmost point of Pass Key (approximate latitude 25°54'26" N, approximate longitude 81°41'15" W), then running along the eastern shoreline of said key to its northernmost point, then bearing approximately 338° to the southernmost point of David Key (approximate latitude 25°54'47" N, approximate longitude 81°41'24" W), then running along the southwestern shoreline of said key to its westernmost point, then bearing 270° to the line's ending point on the shoreline of Marco Island, and west of a line beginning at a point on the southern shoreline of Marco Island (approximate latitude 25°55'08" N, approximate longitude 81°39'19" W) and bearing 180° to the northern shoreline of Horrs Island;

7. Palm Bay/Sugar Bay area: All waters of Palm Bay, Sugar Bay, Mud Bay, and associated waters, east of Goodland Bay, the large unnamed island east of channel marker "6", and a line beginning at the southernmost point of said unnamed island (approximate latitude 25°54'37" N, approximate longitude 81°38'10" W) and bearing approximately 157° to the line's ending point at a point on the northwestern shoreline of Tripod Key (approximate latitude 25°54'30" N, approximate longitude 81°38'07" W);

8. Ten Thousand Islands/Faka Union Bay/Chokoloskee Bay area: All waters of the Ten Thousand Islands area (including those waters of the Blackwater River, Blackwater Bay, Faka Union Bay, and Chokoloskee Bay), east of Palm Bay, Sugar Bay, Tripod Key, and a line beginning at a point on Tripod Key (approximate latitude 25°54'15" N, approximate longitude 81°37'33" W) and bearing approximately 170° to the westernmost point of the large unnamed island northeast of Brush Island, then bearing approximately 174° to the northwesternmost point of Brush Island, then running along the western shoreline of Brush Island to the line's ending point at the southernmost point of said island (approximate latitude 25°53'26" N, approximate longitude 81°37'22" W), and north of the Monroe County line and a line connecting the southern shorelines of all the outermost islands of the Ten Thousand Islands area, excluding all waters within the boundaries of Everglades National Park, and areas otherwise designated under subparagraphs (1)(b)7., (1)(b)8., (1)(c)6., and (1)(c)7.

(2) Commercial Fishing and Professional Guiding Permits: The following provisions pertain to the issuance of permits to allow commercial fishermen and professional fishing guides to operate their vessels in specified areas at speeds greater than the speed limits established under subsection (1) above. Procedures related to the application for and the review and issuance of these permits are as set forth in Rule 68C-22.003, F.A.C.

(a) Permits shall be limited as follows:

1. Permits shall only be issued for the zones or portions of zones described under subparagraphs (1)(c)5. and (1)(d)4. through (1)(d)9.;

2. Permits shall not authorize the recipient to operate at speeds greater than 20 MPH, and;

3. Permits shall not apply on weekends or state-recognized holidays.

(b) Permit applications may be obtained at the Fish and Wildlife Conservation Commission, Division of Law Enforcement Office, 2423 Edwards Drive, Fort Myers, FL 33901, (telephone (941) 332-6971).

(3) The zones described in subsection 68C-22.023(1), F.A.C., are depicted on the following maps, labelled "Collier County Manatee Protection Zones" and dated April 1997. These maps shall replace all previously published maps. Maps provided are intended as depictions of the above-described zones. In the event of conflict between the two, the above descriptions shall prevail.

SEE FLORIDA ADMINISTRATIVE CODE FOR "MAPS 1 THROUGH 9 AND MAP COVERAGES"

Specific Authority 370.12(2)(f), (n), (o) FS. Law Implemented 370.12(2)(f)11, (n), (o) FS. History—New 8-28-90, Formerly 16N-22.023, Amended 6-5-97, 62N-22.023.

68C-22.024 Martin County Zones.

(1) For the purpose of regulating the speed and operation of motorboats year-round, the Martin County zones are established as follows:

(a) SLOW SPEED ZONE –

1. All navigable inland waters within Martin County within 600 feet waterward of the general contour of the shoreline, unless otherwise designated or excepted, inclusive of all associated backwaters, bayous, creeks, and canals (unless specifically excluded or otherwise designated), and excepting marked or maintained navigation channels unless otherwise designated. The following areas are specifically excluded from this designation: the C-23 Canal west of the South Florida Water Management District water control structure "S-48"; the Lake Okeechobee Waterway southwesterly of St. Lucie Locks; the Lake Okeechobee rim canal; and nearshore waters immediately adjacent to the "Jensen Beach Causeway Islands" (under the Jensen Beach Bridge, on the easterly side of the Atlantic Intracoastal Waterway) and immediately adjacent to the "Stuart Causeway Islands" (under the Ocean Boulevard (Stuart Causeway) Bridge, on the easterly side of the Atlantic Intracoastal Waterway) except as provided under paragraph (a)(9) hereunder. Waters so regulated within this designation shall include, but not be limited to, the following:

a. That portion of the St. Lucie River within Martin County, westerly to the St. Lucie County/Martin County line (and inclusive of those waters westward in the C-23 Canal to the South Florida Water Management District water control structure "S-48"), southerly (in the South Fork) to the centerline of the Palm City Bridge, and easterly/southeasterly to an east-west line drawn from Hell Gate Point to the eastern shore of the St. Lucie River, excluding that portion of the North Fork of the St. Lucie River known as "Ski Point," or "Speedy Point," northwesterly of the Roosevelt/U.S. 1 Bridge (beginning at a line running through day mark "R 2" and the southwesterly extreme of said point, running northerly for a distance of 500 feet following the general contour of the shoreline), and excluding the main marked channel of the St. Lucie River.

b. In the "cross roads" area of the intersection of the St. Lucie River and the Indian River, that portion from an east-west line drawn from Hell Gate Point to the eastern shore of the St. Lucie River, thence:

(I) Southerly, southeasterly, and northerly, following the contour of the shoreline, to a northern boundary represented by an east-west line drawn from daymark "G 235" (lat 27°10'38.477" N, long 80°11'03.939" W) to the western side of the Indian River, excluding the main marked channel of the St. Lucie River; and

(II) Southerly and easterly, along the western and southern shoreline, to the western boundary of the main marked channel of the Atlantic Intracoastal Waterway, excluding the main marked channel of the St. Lucie River.

c. On the east side of the Indian River, that portion northerly of an east-west line, drawn from day mark "R 230" (lat 27°11'53.51" N, long 80°11'16.28" W) to the eastern shore of the Indian River, north to the Martin County/St. Lucie County line, excluding that portion of the waterfront area commonly known as "Cat Cove" lying within 600 feet of the shoreline with the southerly limit being 200 feet northeasterly of the Ocean Boulevard (Stuart Causeway) Bridge and the northerly limit being .25 mile northerly of the Ocean Boulevard (Stuart Causeway) Bridge.

2. All waters of the St. Lucie River/Okeechobee Waterway, outside of the main marked navigation channel, from the centerline of the Palm City Bridge southward to the St. Lucie Locks.

3. All waters lying outside of the marked Atlantic Intracoastal Waterway channel from the St. Lucie Inlet southward to the Martin County/Palm Beach County line, inclusive of those waterbodies commonly known as "Peck Lake," "Hole in the Wall," and "The Narrows," unless otherwise designated or excepted.

4. All waters within that waterbody commonly known as "Manatee Pocket," inclusive of "Manatee Creek."

5. Those portions of the Atlantic Intracoastal Waterway within its main marked channel, as follows:

a. Between day marks "G 13" (lat 27°08'30.120" N, long 80°09'43.590" W) and "R 16" (lat 27°07'39.560" N, long 80°09'05.720" W);

b. Between an east-west line drawn perpendicular to the centerline of the Atlantic Intracoastal Waterway 50 feet north of day mark "R 44" (lat 29°00'26" N, long 80°05'45" W) and day mark "G 49" (lat 26°59'16.060" N, long 80°05'26.820" W); and

c. From day mark "G 21" (lat 27°06'31" N, long 80°08'30" W) south to the north end of the fender system of the SR 708 Bridge.

6. All waters of the Loxahatchee River lying outside of the marked navigation channel from the Martin County/Palm Beach County line northward through the boundaries of the Jonathan Dickinson State Park.

7. All waters within Martin County westerly of the marked Atlantic Intracoastal Waterway channel in the Indian River from day mark "G 235" (lat 27°10'38.477" N, long 80°11'03.939" W) northward to the Martin County/St. Lucie County line.

8. All waters within Martin County near the "cross roads" area of the intersection of the Indian River and the St. Lucie River lying easterly of the marked Atlantic Intracoastal Waterway channel of the Indian River, with the southerly limit being a line running eastward from day mark "G 235" (lat 27°10'38.477" N, long 80°11'03.939" W), the northerly limit being a line running eastward from day mark "R 230" (lat 27°11'53.510" N, long 80°11'16.280" W), and the easterly limit being the eastern shoreline of the Indian River. (The actual legal and enforceable boundaries of this zone will be established by markers or buoys, upon marking and posting of the area.)

9. All waters within Martin County within the immediate vicinity of, and within 200 feet of all faces of, all bridges, locks and other water control structures, unless otherwise designated.

10. All waters within the north and south 100 feet of the "oxbow" adjacent to the main section of the old St. Lucie River, South Fork as described in subparagraph (1)(b)5., hereunder. (The actual legal and enforceable boundaries of this zone will be established by markers or buoys, upon marking and posting of the area.)

(b) MAXIMUM 25 MPH ZONE –

1. All waters within Martin County within the "cross roads" area of the intersection of the Indian River and the St. Lucie River, unless otherwise designated and which are outside of the Slow Speed Zone, with the northerly limit in the Indian River being an east-west line drawn from shore to shore through day mark "G 235" (lat 27°10'38.477" N, long 80°11'03.939" W), the southerly limit being day mark "G 1" (lat 27°09'43.649" N, long 80°10'39.947" W) at the Great Pocket, the westerly/northwesterly limit being an east-west line drawn from Hell Gate Point to the eastern shore of the St. Lucie River, and the easterly limit being the waterward extreme of the entrance to the St. Lucie Inlet.

2. All waters within 600 feet of the general contour of the shoreline easterly of the Atlantic Intracoastal Waterway within the "cross roads" area described in subparagraph (1)(b)1., above, inclusive of private channels and the channel commonly known as "Sailfish Point."

3. All waters within the marked channel of the Atlantic Intracoastal Waterway, unless otherwise designated, from day mark "G 1" (lat 27°09'43.649" N, long 80°10'39.947" W) in the Indian River Great Pocket southward to the Martin County/Palm Beach County line.

4. All waters of the St. Lucie/Okeechobee Waterway, within its marked channel in the St. Lucie River, from the centerline of the Palm City Bridge to the St. Lucie Locks.

5. All waters within the "oxbow" section of the old St. Lucie River South Fork outside of the canalized portion of the South Fork, easterly of Midway Island, between day mark "37" (lat 27°08'57.380" N, long 80°15'37.730" W) and day mark "39" (lat 27°08'18.580" N, long 80°15'44.170" W) and that portion of the old river branching off of the oxbow and to the south of it, in the form of a lake. That portion described in subparagraph (1)(a)10. above shall be excluded from this designation.

6. All waters within the marked navigation channel of the Loxahatchee River from the Martin County/Palm Beach County line northward through the boundaries of the Jonathan Dickinson State Park.

7. All waters in the Indian River within the marked channel of the Atlantic Intracoastal Waterway from day mark "R 230" (lat 27°11'53.51" N, long 80°11'16.28" W) to day mark "G 235" (lat 27°10'38.477" N, long 80°11'03.939" W).

(2) That portion of Lake Okeechobee within Martin County is exempt from speed restrictions under the provisions of this rule.

(3) Those waters designated under sub subparagraphs (1)(a)1.b., (1)(a)3., (1)(a)5., (1)(a)6., (1)(b)1., (1)(b)3., and (1)(b)6., wherein protection zones were previously established and enforced (as adopted March 19, 1979), shall remain unaffected by exemption provisions for the purpose of boat/motor testing as set forth under subsection 68C-22.003(7), F.A.C.

(4) It is provided that any motorboat operator who has reason to believe that a manatee may be present within 200 feet shall operate his or her vessel at no greater than Idle Speed.

(5) For the purpose of exempting qualifying commercial fishermen and professional fishing guides from certain speed zone restrictions, as provided under subsection 68C-22.003(6), F.A.C., the following conditions, and procedures for exemption application, shall apply:

(a) Exemptions shall apply to zones described under subparagraphs (1)(a)1., 2., 3., 4., 6., 7., 8., 9., and 10., above, except as conditioned hereunder. From November 15 through March 31, exemptions shall be considered within the zones described under subparagraph (1)(a)3. (within those waters lying outside the marked channel of the Atlantic Intracoastal Waterway) only for the purpose of setting nets.

(b) A recipient of such an exemption must maintain speeds of less than 20 mph at all times within the restricted area, and comply with any and all conditions specified within the notice of exemption, as well as under the provisions of this rule.

(c) Exemptions granted will not apply on weekends or state-recognized holidays (except during the period from November 15 through March 31, when exemptions may apply on state-recognized holidays).

(d) Any commercial fishermen or professional fishing guide fulfilling the requirements set forth under subsection 68C-22.003(6), F.A.C., may apply for said exemption, one of which shall be required for each vessel so operated, by completing the application form specified. Applications for exemption in accordance with the provisions of this rule may be obtained from the Fish and Wildlife Conservational Commission, Division of Law Enforcement Office, 13000 Marcinski Road, Jupiter, FL 33477, (telephone (561) 624-6935).

(6) Regulations restricting motorboat speed and operation, as set forth herein, are not intended to supersede any existing regulations duly established by federal, state, or local authority which are more restrictive in nature. Permitted markers as posted are presumptive evidence of zone boundaries, as intended.

(7) The zones described in subsection 68C-22.024(1), F.A.C., herein are depicted on the following maps, labeled "Martin County Manatee Protection Zones, Map A through Map D" and dated November 1990: (Maps provided herewith are intended as depictions of the abovedescribed zones. In the event of conflict between the two, the above descriptions shall prevail.)

SEE FLORIDA ADMINISTRATIVE CODE FOR "MAPS A THROUGH D"

Specific Authority 370.12(2)(f), (g), (n) FS. Law Implemented 370.12(2)(f), (g), (n) FS. History—New 12-24-90, Formerly 16N-22.024, 62N-22.024.

68C-22.025 Dade County Zones.

(1) For the purpose of regulating the speed and operation of motorboats within Dade County, the following year-round and seasonal zones are established, which shall include all associated and navigable tributaries, lakes, creeks, coves, bends, backwaters, canals, channels and boat basins, unless otherwise designated or excluded: (Provisions setting forth procedures for resident access to "No Entry" and "Motorboats Prohibited" Zones are given under Rule 68C-22.003, F.A.C.)

(a) SLOW SPEED ZONE (Year-round) –

1. Dumfoundling Bay Area – All waters of Dumfoundling Bay and all those waters northerly of Dumfoundling Bay through which the Intracoastal Waterway passes, including the main marked channel of the Intracoastal Waterway, southerly of the Dade/Broward County line easterly of a line across the entrance of the canal to Maule Lake which bears North 90°00'00" East (True) from a point on the southerly shoreline of said canal (approximate latitude 25°56'17" North, approximate longitude 80°08'02" West) and northerly of the southerly shoreline of Dumfoundling Bay (approximate latitude 25°56'15" North), and including all canals and waterways connecting thereto, except as otherwise designated under paragraph (1)(b);

2. Maule Lake Area – All waters of Maule Lake northerly of a line which bears North 90°00'00" East (True) from a point at the intersection of the southern shoreline of Royal Glades Canal with the western shoreline of Oleta River (approximate latitude 25°55'43" North, approximate longitude 80°09'02" West), easterly of Salinity Control Structure S-29 in the Royal Glades Canal and easterly of the centerline of the Biscayne Boulevard (U.S. Highway 1) Bridge over the Oleta River, southerly of a line across the entrance to Little Lake Maule which bears North 90°00'00" East (True) from the southernmost tip of land on the west side of the entrance to Little Lake Maule (approximate latitude 25°56'18" North, approximate longitude 80°08'27" West), including the canal connecting Maule Lake with Dumfoundling Bay and all of the canals lying westerly of N.E. 35th Avenue;

3. Biscayne Creek Area – All waters of Biscayne Creek including the main marked channel of the Intracoastal Waterway southerly of the southerly shoreline of Dumfoundling Bay (approximate latitude 25°56'15" North), easterly of a line across the mouth of the Oleta River which bears North 07°00'00" West (True) from a point on the southerly shoreline of Oleta River (approximate latitude 25°55'43" North, approximate longitude 80°07'52" West) and northerly of a line which bears North 90°00'00" East (True) running through Flashing Red Intracoastal Waterway Channel Marker "60" (latitude 25°55'20" North, longitude 80°07'47" West);

4. Snake Creek, Royal Glades Canal Area – All waters of Snake Creek and Royal Glades Canal westerly of Salinity Control Structure S-29 in the Royal Glades Canal near the southwest end of Maule Lake and southeasterly of the centerline of the Interstate Highway 95 (State Road 9) Bridge, including all waters of Sky Lake and Little Sky Lake;

5. Oleta State Park Area – All waters of Biscayne Bay and Indian Creek southerly of a line which bears North 90°00'00" East (True) running through Flashing Red Intracoastal Waterway Channel Marker "60" (latitude 25°55'20" North, longitude 80°07'47" West), easterly of the centerline of the Biscayne Boulevard (U.S. Highway 1) Bridge over L Arch Creek, westerly of the centerline of the Collins Avenue (U.S. Highway A1A) Bridge and northerly of the centerline of the Broad Causeway, 96th Street Bridges, excepting therefrom those portions of the main marked channel of the Intracoastal Waterway lying between Flashing Green Intracoastal Waterway Channel Marker "3" (latitude 25°55'10" North, longitude 80°07'34" West) and Flashing Green Intracoastal Waterway Channel Marker "5" (latitude 25°54'34" North, longitude 80°07'31" West) and between Flashing Green Intracoastal Waterway Channel Marker "9" (latitude 25°53'59" North, longitude 80°07'57" West) and the centerline of the Broad Causeway Bridge;

6. Broad Causeway to John F. Kennedy (79th Street) Causeway Area – Those waters of Biscayne Bay westerly of the western boundary of the main marked channel of the Intracoastal Waterway and those waters of Biscayne Bay and Indian River easterly of the easterly boundary of the main marked channel of the Intracoastal Waterway and easterly of a line 1000 feet westerly of the

general contour of the westerly shorelines of Indian Creek Village Island, the unnamed peninsula of land over which Stillwater Drive passes, the northerly shoreline of Biscayne Point, and easterly of the eastern boundary of the marked channel of the Meloy or East Channel, southerly of the centerline of the Broad Causeway, 96th Street Bridges and northerly of the centerline of the John F. Kennedy Causeway, 71st Street Bridges; and those waters of Biscayne Bay easterly of the easterly boundary of the main marked channel of the Intracoastal Waterway, westerly of the westerly boundary of the marked channel of the Meloy or East Channel, northerly of the centerline of the John F. Kennedy Causeway Bridges, and southerly of the following described line: BEGIN at Green Intracoastal Waterway Channel Marker "21" (latitude 25°51'32" North, longitude 80°09'49" West); thence North 90°00'00" East (True) to a line 1000 feet easterly of and parallel with the seawall on the eastern side of Harbor Island; thence southerly along said parallel line to a line which bears South 90°00'00" West (True) from the westernmost point of the southerly shoreline of the Normandy Waterway (approximate latitude 25°51'10" North, approximate longitude 80°08'48" West); thence easterly along said line to the easterly boundary of the marked channel of the Meloy or East Channel and the TERMINATION of said line, except as otherwise designated under paragraphs (1)(b), (1)(g), and (1)(h);

7. John F. Kennedy (79th Street) Causeway to Julia Tuttle Causeway Area – All waters of Biscayne Bay, Indian Creek and Surprise Lake exclusive of the main marked channels of the Intracoastal Waterway and the Meloy or East Channel southerly of the centerline of the John F. Kennedy Causeway and 71st Street Bridges and northerly of the centerline of the Julia Tuttle Causeway and Arthur Godfrey Road Bridges; excepting therefrom the waters of Little River westerly of the general contour of the westerly shoreline of Biscayne Bay; and except as otherwise designated under paragraphs (1)(b), (1)(g), and (1)(i);

8. Julia Tuttle Causeway to Venetian Causeway Area – Those waters of Biscayne Bay westerly of the westerly boundary of the main marked channel of the Intracoastal Waterway and those waters of Biscayne Bay and Sunset Lake easterly of the easterly boundary of the marked channel of the Meloy or East Channel, all southerly of the centerline of the Julia Tuttle Causeway and Arthur Godfrey Road Bridges and northerly of the centerline of the Venetian Causeway Bridges; and that part of Biscayne Bay easterly of the easterly boundary of the main marked channel of the Intracoastal Waterway, westerly of the westerly boundary of the marked channel of the Meloy or East Channel, southerly of the centerline of the Julia Tuttle Causeway Bridges and northerly of the following described line: BEGIN at Flashing Green Intracoastal Waterway Channel Marker "45" (latitude 25°47'48" North, longitude 80°10'45" West); thence South 78°00'00" East (True) to a line which is 2500 feet perpendicularly distant southeasterly of and parallel with the eastern boundary of the main marked channel of the Intracoastal Waterway; thence northeasterly along said parallel line to a line which is 1000 feet southerly of and parallel with the southerly shoreline of the island over which the Julia Tuttle Causeway (36th Street) passes; thence easterly along said parallel line 3500 feet, more or less, to the easternmost line of concrete pilings; thence southerly along the line of the concrete pilings to a line which bears North 90°00'00" East (True) running through a piling marking the Meloy or East Channel (approximate latitude 25°48'00" North, approximate longitude 80°09'01" West); thence east along said line to the westerly boundary of the marked channel of the Meloy or East Channel and the POINT OF TERMINATION; and that part of Biscayne Bay easterly of the easterly boundary of the main marked channel of the Intracoastal Waterway and westerly of the easterly boundary of the marked channel of the Meloy or East Channel, southerly of the following described line: a line 1000 feet northerly of and parallel with the general contour of the northerly shorelines of Biscayne, San Marco, San Manno, DiLido and Rivo Alto Islands (except that part lying northerly of the southernmost row of concrete pilings approximately 750 feet northerly of DiLido Island) and southerly of a line which bears North 90°00'00" East (True) from the northernmost tip of Rivo Alto Island (latitude 25°47'38" North) from a point 1000 feet easterly of the easterly shoreline of Rivo Alto Island to the easterly boundary of the marked channel of the Meloy or East Channel, except as otherwise designated under paragraphs (1)(b), (1)(g), and (1)(h);

9. Venetian Causeway to MacArthur Causeway Area – All waters of Biscayne Bay, Collins Canal and Indian Creek, including the main marked channel of the Intracoastal Waterway southerly of the centerline of the Venetian Causeway and Arthur Godfrey Road Bridges and northerly of the centerline of the MacArthur Causeway Bridges, except as otherwise designated under paragraphs (1)(g), and (1)(i);

10. MacArthur Causeway to Miami River Area – Those waters of Biscayne Bay westerly of the westerly boundary of the main marked channel of the Intracoastal Waterway southerly of the centerline of the MacArthur Causeway Bridge and northerly of the northerly boundary of the channel entrance to the Miami River; and those waters of Biscayne Bay easterly of the easterly boundary of the main marked channel of the Intracoastal Waterway, southerly of the extension of the line of the northerly seawall of Dodge Island northwesterly to the easterly boundary of the main marked channel of the Intracoastal Waterway, northerly of a line which bears approximately North 82°00'00" East (True) from the northeasternmost tip of Claughton Island to a corner of the seawall on the southerly side of Dodge Island (approximate latitude 25°46'18" North, approximate longitude 80°10'17" West) and westerly and southwesterly of the following described line: BEGIN at a point on the southwesterly shoreline of Dodge Island (approximate latitude 25°46'28" North, approximate longitude 80°10'46" West); thence South 27°00'00" West (True) a distance of 700 feet; thence South 43°00'00" East (True) a distance of 800 feet; thence North 26°00'00" East (True) a distance of 600 feet more or less to the southerly boundary of Fisherman's Channel; thence South 64°00'00" East (True) along the southerly boundary of Fisherman's Channel a distance of 1200 feet more or less to the aforementioned line running from the northeasternmost tip of Claughton Island to a corner of the seawall on the southerly side of Dodge Island for the POINT OF TERMINATION;

11. Claughton Island, Point View Area – Those waters of Biscayne Bay southerly of the line of the northerly seawall of Claughton Island extended from Brickell Point on the mainland to the northerly seawall of Claughton Island, northerly of a line being the southeasterly extension of the centerline of S.W. 15th Road and westerly of a line 1000 feet easterly of the general

contour of the westerly shoreline of Biscayne Bay opposite Point View to a point 100 feet easterly of the easterly boundary of the main marked channel of the Intracoastal Waterway at a point which bears south 75°00'00" East (True) from a point on the southernmost tip of Claughton Island (approximate latitude 25°45'48" North, approximate longitude 80°11'06" West);

12. Point View to Cutler Area – All waters within 1000 feet of the general contour of the westerly shoreline of Biscayne Bay southerly of a line being the southeasterly extension of the centerline of S.W. 15th Road and northerly of a line which bears North 90°00'00" East (True) from the southern edge of Cutler Drain Canal No. C-100 to include all waters within 1000 feet each way of the centerline of the privately maintained channel northeasterly of Chicken Key to a point 1000 feet southeasterly of Red Channel Marker "2" (latitude 25°36'41" North, longitude 80°16'25" West), all waters within 1000 feet of the shoreline of all islands (natural or artificial) associated with this area, all waters of Cutler Drain Canal No. C-100 easterly of the control gate located approximately 750 feet easterly of Old Cutler Road, all waters of Snapper Creek Canal No. C-2 southeasterly of the floodgate located approximately 500 feet north and 200 feet east of the intersection of Killian Drive and S.W. 57th Avenue and all waters associated with the canal system surrounding Gables Estates, the Park area north of Gables Estates, Isla Dorado, Isla Grande and the canals west, south and east of Isla Marina; excepting therefrom waters of the Coral Gables Waterway;

13. Black Point to Turkey Point Area – All waters within 1000 feet of the general contour of the westerly shoreline of Biscayne Bay southerly of a line 1000 feet northerly of and parallel with the northerly edge of the breakwater on the north side of Black Creek Canal and Goulds Canal Channel including all waters within 1000 feet of the outer edges of the breakwaters north and south of said Channel to a point 1000 feet southeasterly of the easternmost end of the breakwater (approximate latitude 25°31'39" North, approximate longitude 80°18'25" West) and northwesterly of a line which bears North 60°00'00" East (True) from the easternmost point of the shoreline at Turkey Point (approximate latitude 25°26'18" North, approximate longitude 80°19'03" West) to include all waters within 1000 feet each way of the centerline of the marked channel of "North Canal" to a point 1000 feet easterly of Flashing Red Channel Marker "2" (latitude 25°27'46" North, longitude 80°19'11" West) and all waters within 1000 feet of the shoreline of all islands (natural or artificial) associated with this area, all waters of Florida City Canal easterly of a line located 1000 feet westerly of and parallel with a line which bears North 00°00'00" East (True) from the intersection of the westerly shoreline of Biscayne Bay with the southerly shoreline of the Florida City Canal (approximate latitude 25°26'52" North, approximate longitude 80°19'51" West), Mowry Canal No. C-103 easterly of the gauging station located immediately east of Canal No. L 31 E., Military Canal easterly of the flood gate located immediately east of Canal No. L 31 E., and Princeton Canal No. C-102 easterly of the control gate located approximately 250 feet easterly of Canal No. L 31 E., except as otherwise designated in paragraph (1)(c);

14. Norris Cut Area – All waters of Norris Cut southwesterly of Fisher and, northeasterly of Virginia Key, easterly of a line which bears approximately South 12°00'00" West (True) from a point on the southwestern shoreline of Fisher Island (approximate latitude 25°45'44" North, approximate longitude 80°08'57" West) to a point on the northwestern shoreline of Virginia Key (approximate latitude 25°45'24" North, approximate longitude 80°09'02" West) and westerly of a line which bears approximately South 15°00'00" West (True) from a point on the southernmost tip of the shoreline of Fisher Island (approximate latitude 25°45'19" North, approximate longitude 80°08'25" West) to a point on the shoreline of the northernmost tip of a peninsula of Virginia Key (approximate latitude 25°44'50" North, approximate longitude 80°08'33" West) including all waters of Lamar Lake; and that part of Biscayne Bay within 1000 feet of the southwesterly and westerly shorelines of Fisher Island and the westerly shoreline extended northerly, westerly of the aforementioned line which bears approximately South 12°00'00" West (True) from a point on the southwestern shoreline of Fisher Island and southerly of the southerly boundary of Fisherman's Channel;

15. Key Biscayne Area – All waters of Biscayne Bay within 1000 feet of the southwesterly shoreline of Virginia Key southeasterly of a line which bears South 75°00'00" West (True) from the intersection of the centerline of Rickenbacker Causeway with the centerline of the northernmost entrance to the Seaquarium (latitude 25°44'09" North, longitude 80°09'57" West) and southwesterly of a line 1000 feet southwesterly of and parallel with the centerline of Bear Cut Bridge; all waters of Bear Cut between the centerline of Bear Cut Bridge and a line 1000 feet southwesterly of and parallel with the centerline of Bear Cut Bridge; all waters of Biscayne Bay within 1000 feet of the general contour of the westerly and southerly shoreline of the island of Key Biscayne southwesterly of a line 1000 feet southwesterly of and parallel with the centerline of Bear Cut Bridge and westerly of a line which bears South 00°00'00" West (True) from the Cape Florida Old Lighthouse Tower (latitude 25°39'58" North, longitude 80°09'22" West); and all waters within 1000 feet of the shoreline of all islands (natural or artificial) associated with this area;

16. Biscayne Canal Area – All waters of Biscayne Canal westerly of the general contour of the western shoreline of Biscayne Bay and southeasterly of the southeasterly edge of the Interstate Highway 95 (State Road 9) Bridge and including an unnamed lake and associated waters in Sections 14, 22 and 23, Township 52 South, Range 41 East, southerly of Biscayne Canal, southeasterly of Interstate Highway 95 (State Road 9) and easterly of a line approximately 100 feet westerly of and parallel with the centerline of N.W. 19th Avenue, except as otherwise designated for seasonal regulation;

17. Tamiami Canal, Blue Lagoon Area – All waters of the Tamiami Canal and Blue Lagoon Lakes southwesterly of the general contour of the southwestern shoreline of the Miami River and easterly of the centerline of Red Road (State Road 959), except as otherwise designated under paragraph (1)(j), hereunder;

18. Intracoastal Waterway, Green Channel Marker "21" to Claughton Island Area – All waters of Biscayne Bay not otherwise described as a speed restrictive zone easterly of the westerly boundary of the main marked channel of the Intracoastal Waterway and westerly of a line 100 feet easterly of and parallel with the easterly boundary of the main marked channel of the Intracoastal

Waterway southerly of Green Intracoastal Waterway Channel Marker "21" (latitude 25°51'32" North, longitude 80°09'49" West) and northerly of a line which bears South 75°00'00" East (True) from a point on the southernmost tip of Cloughton Island (approximate latitude 25°45'48" North, approximate longitude 80°11'06" West);

19. Aerojet Canal No. C-111 Area – All waters of the Aerojet Canal No. C-111 northwesterly of the general contour of the northwesterly shoreline of Manatee Bay and southeasterly of a line perpendicular to the canal at a point 300 feet northwesterly of the control gate near the boat ramp in the Southwest 1/4 of Section 16, Township 59 South, Range 39 East (approximate latitude 25°17'13" North, approximate longitude 80°26'32" West);

20. Little Lake Maule Area – Those waters of Little Lake Maule easterly of the general contour of the easterly shoreline of the main body of Little Lake Maule (approximate longitude 80°08'23" West);

21. MacArthur Causeway to Rickenbacker Causeway Area – Those waters of Biscayne Bay exclusive of the main marked channel of the Intracoastal Waterway within 1000 feet of the general contour of the northerly shoreline of the islands over which Rickenbacker Causeway passes and within 1000 feet of the centerline of the William M. Powell Bridge, southeasterly of a line 1000 feet southeasterly of and parallel with the general contour of the westerly shoreline of Biscayne Bay, and southwesterly of the northwesterly extension of the general contour of the southerly shoreline of the Marine Stadium, including the boat basin northeasterly of the easterly end of the William M. Powell Bridge; and

22. Flagler Memorial Monument Area – Those waters of Biscayne Bay lying within 100 feet of the general contour of the southwesterly, northwesterly and northeasterly shoreline of the Flagler Memorial Monument Island, southwesterly of a line which bears North 52°00'00" West (True) running through Red Nun Bouy "2" (latitude 25°47'05" North, longitude 80°09'01" West), westerly of a line bearing North 90°00'00" East (True) running through Red Nun Bouy "2", northerly of latitude 25°47'00" North, and northeasterly of a line which bears North 52°00'00" West (True) located 100 feet southwesterly of the southwesternmost tip of the Flagler Memorial Monument Island.

(b) SLOW SPEED ZONE (November 15 through April 30)/MAXIMUM 30 MPH ZONE (Remainder of Year) –

1. Meloy or East Channel, Surprise Lake to Sunset Islands Area – Those waters of the Marked Channel of the Meloy or East Channel southerly of a line bearing South 75°00'00" East (True) running through Red Channel Marker "16" (latitude 25°49'10" North, longitude 80°08'24" West) and northerly of a line which bears North 90°00'00" East (True) running through Red Channel Marker "22" (latitude 25°48'24" North, longitude 80°08'56" West);

2. Dumfoundling Bay Area – Those waters within the main marked channel of the Intracoastal Waterway, southerly of the northerly boundary of the main marked channel leading westerly from the Intracoastal Waterway (approximate latitude 25°56'58" North, approximate longitude 80°07'37" West) and northerly of a line which bears South 57°00'00" East (True) running through Flashing Red Intracoastal Waterway Channel Marker "52" (latitude 25°56'26" North, longitude 80°07'52" West);

3. Broad Causeway to John F. Kennedy Causeway Area – Those waters within the main marked channel of the Intracoastal Waterway, southerly of a line which bears South 55°00'00" East (True) running through Green Intracoastal Waterway Channel Marker "21" (latitude 25°51'32" North, longitude 80°09'49" West), and northerly of a line which bears South 86°00'00" East (True) running through Red Privately Maintained Channel Marker "2" (latitude 25°51'00" North, longitude 80°10'17" West); and

4. John F. Kennedy Causeway to Venetian Causeway Area – Those waters within the main marked channel of the Intracoastal Waterway, southerly of a line which bears South 86°00'00" East (True) running through Green Intracoastal Waterway Channel Marker "31" (latitude 25°49'57" North, longitude 80°10'18" West), and northerly of a line 100 feet northerly of and parallel with the centerline of the Venetian Causeway Bridge.

(c) IDLE SPEED ZONE (Year-round) –

1. Little Lake Maule Area – All waters of Little Lake Maule northerly of a line across the entrance to Little Lake Maule which bears North 90°00'00" East (True) from the southernmost tip of land on the west side of the entrance to Little Lake Maule (approximate latitude 25°56'18" North, approximate longitude 80°08'27" West) and westerly of the general contour of the easterly shoreline of the main body of Little Lake Maule (approximate longitude 80°08'23" West);

2. Oleta River Northwesterly of Maule Lake Area – Those waters of Oleta River northwesterly of the centerline of the Biscayne Boulevard (U.S. Highway 1) Bridge;

3. Little River Area – Those waters of Little River north and south of Belle Meade Island westerly of the general contour of the westerly shoreline of Biscayne Bay and southerly of Salinity Control Structure S-27, except as otherwise designated for seasonal regulation;

4. Miami River Area – Those waters of Biscayne Bay southerly of the northerly shoreline of the Miami River and the northerly boundary of the Miami River Channel, northerly of the northerly seawall of Cloughton Island and said line extended from Brickell Point on the mainland to the northerly seawall of Cloughton Island, and westerly of the western boundary of the main marked channel of the Intracoastal Waterway; and all waters of the Miami River southeasterly of the centerline of State Road 953 (S.E. 8th Avenue, N.W. 42nd Avenue) including all waters of Palmer Lake, the South Fork of the Miami River easterly of N.W. 37th Avenue (Douglas Road) and Seybold Canal, excluding waters of the Tamiami Canal;

5. Coral Gables Canal Area – Those waters of the Coral Gables Waterway westerly of the general contour of the westerly shoreline of Biscayne Bay and northerly of the general contour of the northerly shoreline of Isla Marina, and those waters of the Coral Gables Canal easterly of the centerline of the Alhambra Circle Bridge including that canal northeasterly of the Coral Gables Canal northerly of Avenue Vilabella and westerly of Riviera Drive, that portion of the canal loop westerly of the Coral Gables

Canal, northerly of Alhambra Circle, southerly of the Elevated Bridge, and that portion of the canal loop running through the University of Miami Campus and adjacent to the Biltmore Golf Course, northerly of the centerline of the Pisano Avenue Bridge, except as otherwise designated for seasonal regulation;

6. Black Creek Canal Area – Those waters of the Black Creek Canal and the Black Point Marina Basin southerly of a line bearing North 60°00'00" East (True) located 50 feet southeasterly of the southernmost tip of the shoreline of the peninsula northeast of the entrance to the Black Point Marina Basin (approximate latitude 25°32'23" North); those waters of the Goulds Canal easterly of the southerly extension of the centerline of S.W. 87th Avenue; and those waters of Biscayne Bay within the channel representing the extension of the Black Creek and Goulds Canals to a point opposite the easterly end of the breakwater on the northerly side of said channel (approximate latitude 25°31'39" North, approximate longitude 80°18'25" West);

7. Oleta River Area – All waters of the Oleta River southerly of a line which bears North 90°00'00" East (True) from a point at the intersection of the southern shoreline of Royal Glades Canal with the western shoreline of Oleta River (approximate latitude 25°55'43" North, approximate longitude 80°09'02" West) and westerly of a line across the mouth of the Oleta River at Biscayne Creek which bears North 07°00'00" West (True) from a point on the southerly shoreline of Oleta River (approximate latitude 25°55'43" North, approximate longitude 80°07'52" West); and

8. Convoy Point Area – Those waters of North Canal and the channel of North Canal, westerly of the easterly shoreline of the waterway leading into Convoy Point, and easterly of the centerline of the North Cal Drive Bridge to include the waterways of Convoy Point and the boat basins of Homestead Bayfront County Park.

(d) MOTORBOATS PROHIBITED ZONE (Year-round) – Fisher Island Area: Those waters of the Atlantic Ocean within 400 feet of the general contour of the southeasterly shoreline of Fisher Island southerly of the breakwater on the southerly side of Government Cut and northerly of a line which bears South 50°00'00" East (True) from a point on the southernmost tip of the shoreline of Fisher Island (approximate latitude 25°45'19" North, approximate longitude 80°08'25" West).

(e) NO ENTRY ZONE (Year-round) –

1. Virginia Key Area – Those waters of Biscayne Bay westerly of the westerly shoreline of Virginia Key, northerly of the northerly shoreline of the peninsula of land on the northerly side of the Marine Stadium, southeasterly of a line bearing North 33°00'00" East (True) from the northwesternmost tip of the shoreline of said peninsula (approximate latitude 25°45'03" North, approximate longitude 80°10'23" West) and southerly of a line bearing North 56°00'00" West (True) from a point on the northwestern shoreline of Virginia Key (approximate latitude 25°45'24" North, approximate longitude 80°09'02" West); and

2. Black Creek Canal Area – Those waters of the Black Creek Canal and the Black Point Marina Basin southerly of Salinity Control Structure S-21 and northerly of a line bearing North 60°00'00" East (True) located 50 feet southeasterly of the southernmost tip of the shoreline of the peninsula northeast of the entrance to the Black Point Marina Basin (approximate latitude 25°32'23" North).

(f) NO ENTRY ZONE (November 15 through April 30) –

1. Biscayne Canal Area – Those waters of the Biscayne Canal southeasterly of Salinity Control Structure S-28 and westerly of the southerly extension of the easterly shoreline of the small basin northerly of and associated with the Biscayne Canal near N.E. 10th Court, including all waters within said basin;

2. Little River Area – Those waters of Little River westerly of the centerline of the Biscayne Boulevard (U.S. Highway 1) Bridge and southerly of Salinity Control Structure S-27; and

3. Coral Gables Canal Area – Those waters of the Coral Gables Canal northwesterly of the centerline of the Elevated Bridge northwesterly of and parallel with U.S. Highway 1 and southerly of the centerline of the Bird Road (S.W. 40th Street) Bridge including that part of the canal loop and associated portions of this water system westerly of the Coral Gables Canal adjacent to the Biltmore Golf Course northerly of the centerline of the Pisano Avenue Bridge, that canal northeasterly of the Coral Gables Canal northerly of Avenue Vilabella and westerly of Riviera Drive, and that part of the canal loop and associated portions of this water system westerly of the Coral Gables Canal northeasterly of Alhambra Circle, southerly of U.S. Highway 1 and northwesterly of the northerly extension of the centerline of Trionto Street.

(g) MAXIMUM 30 MPH ZONE –

1. Oleta State Park Area – Those waters within the main marked channel of the Intracoastal Waterway lying between Flashing Green Intracoastal Waterway Channel Marker "3" (latitude 25°55'10" North, longitude 80°07'34" West) and Flashing Green Intracoastal Waterway Channel Marker "5" (latitude 25°54'34" North, longitude 80°07'31" West) and between Flashing Green Intracoastal Waterway Channel Marker "9" (latitude 25°53'59" North, longitude 80°07'57" West) and a line bearing South 55°00'00" East (True) located 300 feet South 35°00'00" West (True) of the centerline of the Broad Causeway Bridge as measured along the centerline of the Intracoastal Waterway;

2. John F. Kennedy Causeway to Julia Tuttle/Venetian Causeway Area – Those waters within the marked channel of the Meloy or East Channel southerly of a line which bears South 90°00'00" West (True) from the westernmost point of the southerly shoreline of the Normandy Waterway (approximate latitude 25°51'10" North, approximate longitude 80°08'48" West) and northerly of a line which bears North 90°00'00" East (True) running through a piling marking the Meloy or East Channel (approximate latitude 25°48'00" North, approximate longitude 80°09'01" West), except as otherwise designated for seasonal regulation under paragraph (1)(b); and

3. Venetian Causeway to MacArthur Causeway Area – Those waters within the channel commonly known as the Meloy or East Channel (to be marked upon zone establishment) generally southerly of marker R “30” and a line which bears North 90°00'00" East (True) from the northernmost tip of Rivo Alto Island (latitude 25°47'38" North), such channel passing through the opening of the Venetian Causeway bascule bridge, and northerly of the centerline of the easternmost span of the MacArthur Causeway Bridge.

(h) SLOW SPEED ZONE (November 15 through April 30)/MAXIMUM 35 MPH ZONE (Remainder of Year) –

1. Broad Causeway to John F. Kennedy Causeway Area – Those waters of Biscayne Bay, easterly of the easterly boundary of the marked channel of the Meloy or East Channel and the northerly extension of said channel near Flashing Red Channel Marker “2” (latitude 25°52'08" North, longitude 80°08'41" West), southerly of a line which bears North 90°00'00" East (True) located 200 feet southerly of the southernmost tip of Indian Creek Village Island, westerly of a line which bears North 00°00'00" East (True) located 200 feet westerly of the westerly tip of the unnamed peninsula of land over which Stillwater Drive passes, southerly of a line 200 feet southerly of and parallel with the general contour of the southerly shoreline of said unnamed peninsula, northwesterly and northerly of a line 200 feet northwesterly and northerly of the general contour of the northerly shoreline of that island over which Cleveland Road passes, and northerly of said line extended westerly to the easterly boundary of the marked channel of the Meloy or East Channel; and

2. Julia Tuttle Causeway to Venetian Causeway Area – Those waters of Biscayne Bay, easterly of the easterly boundary of the marked channel of the Meloy or East Channel, southerly of a line 200 feet southerly of and parallel with the general contour of the southerly shoreline of the island over which the Julia Tuttle Causeway passes, northwesterly of a line 200 feet northwesterly of and parallel with the general contour of the shoreline of Miami Beach Island in the vicinity of North Bay Road, and northerly of a line which bears North 90°00'00" East (True) located 200 feet northerly of the northernmost tip of the northernmost island of the Sunset Islands.

(i) MAXIMUM 35 MPH ZONE (Year-round) –

1. John F. Kennedy (79th Street) Causeway to Julia Tuttle Causeway Area – Those waters of Biscayne Bay, easterly of the easterly boundary of the marked channel of the Meloy or East Channel, southerly of a line which bears South 60°00'00" West (True) running through Flashing Green Channel Marker “11” (latitude 25°50'49" North, longitude 80°07'59" West), northerly of a line which bears North 90°00'00" East (True) located 1300 feet South 00°00'00" West (True) of Red Channel Marker “12B” (latitude 25°49'57" North, longitude 80°08'04" West), southwestly of a line 200 feet southwestly of and parallel with the general contour of the southwestly shoreline of La Gorce Island, westerly of a line which bears South 00°00'00" West (True) at longitude 80°07'55" West between La Gorce Island and the island on which the La Gorce Golf Course lies, and westerly of a line 200 feet westerly of and parallel with the general contour of the westerly shoreline of the island on which the La Gorce Golf Course lies; and

2. Venetian Causeway to MacArthur Causeway Area – Those waters of Biscayne Bay, westerly of the westerly boundary of the channel (to be marked upon zone establishment) commonly known as the Meloy or East Channel, northerly of a line which bears North 90°00'00" East (True) located 200 feet northerly of the northernmost tip of Star Island, northeasterly of a line which is 200 feet northeasterly of and parallel with the general contour of the northeasterly shoreline of Hibiscus Island, southeasterly of a line which bears South 25°00'00" West running through the southernmost tip of Di Lido Island (approximate latitude 25°47'18" North, approximate longitude 80°09'32" West), southerly of a line which bears North 90°00'00" East (True) located 200 feet southerly of the southernmost tip of Rivo Alto Island, southerly of a line which bears North 90°00'00" East (True) easterly of Rivo Alto Island located 300 feet northerly of the southernmost tip of Rivo Alto Island, and southeasterly of a line 200 feet southeasterly of and parallel with the general contour of the southeasterly shorelines of Di Lido and Rivo Alto Islands, excepting therefrom the Flagler Memorial Monument Area designated under paragraph (1)(a).

(j) MAXIMUM 35 MPH ZONE (Transitional) – The waters herein described shall be designated a 35 MPH zone for explicit use by personal watercraft for a period of one year from the effective date of this rule. After said one-year period, the below described area shall revert to designation as Slow Speed, year-round. Blue Lagoon Lakes Area: That portion of the northerly body of Blue Lagoon Lake, westerly of a line which bears North 00°00'00" East (True) running through the easternmost tip of a peninsula (approximate latitude 25°46'54" North, approximate longitude 80°16'37" West) LESS that portion of the northerly 200 feet of the lake easterly of a line 200 feet easterly of and parallel with the general contour of the westerly shoreline of the lake.

(2) The zones described in subsection 68C-22.025(1), F.A.C., herein are depicted on the following maps, labeled “Dade County Manatee Protection Zones, Maps 1-9,” inclusive of insets and associated maps, dated October 1991 for identification: (Maps provided are intended as depictions of the above-described zones. In the event of conflict between the two, the above descriptions shall prevail. The October 1991 maps shall become effective for purposes of this rule concurrent with its effective date.)

SEE FLORIDA ADMINISTRATIVE CODE FOR “MAPS 1, 1 WEST, 2, 2 WEST, INSET A, INSET B, 3, 3A WEST, 3B WEST, 4 EAST, 4 WEST, 5 WEST, 5 EAST, 6, 7, INSET C, 8 AND 9”

Specific Authority 370.12(2)(f), (g), (n) FS. Law Implemented 370.12(2)(f), (g), (n) FS. History—New 12-25-91, Formerly 16N-22.025, 62N-22.025.

68C-22.026 Sarasota and Associated County (Parts of Manatee and Charlotte) Zones.

(1) The purpose of this rule is to protect manatees and manatee habitat in Sarasota County as well as in the waters of counties adjacent to Sarasota County in portions of Sarasota Bay and Big Slough. In addition to Sarasota County, waters within the following counties are regulated within the provisions of this rule: Manatee County (Sarasota Bay) and Charlotte County (Big Slough). (Provisions setting forth procedures for resident access to "No Entry" zones are given under Rule 68C-22.003, F.A.C.)

(2) For the purpose of establishing safe havens and regulating the speed and operation of motorboats within the coastal waters of Sarasota County and associated waters in Manatee County, the following year-round zones are established, which shall include all associated and navigable tributaries, lakes, creeks, coves, bays, backwaters, canals, channels and boat basins, unless otherwise designated or excluded:

(a) SLOW SPEED ZONE –

1. Buttonwood Harbor, Cranes Bayou Area: All waters of Sarasota Bay, including Buttonwood Harbor and Cranes Bayou, easterly of the general contour of the shoreline of Longboat Key, westerly and southwesterly of the following described line: Begin at the westernmost point of a peninsula known as Buttonwood Point (approximate latitude 27°23'08" North, approximate longitude 82°37'47" West); thence approximately North 05°00'00" East (True) to the southernmost tip of Whale Key (approximate latitude 27°23'30" North, approximate longitude 82°37'44" West); thence approximately North 50°00'00" West (True) to the northernmost point of the second unnamed island Northwesterly of Whale Key (approximate latitude 27°23'44" North, approximate longitude 82°38'02" West); thence approximately North 65°00'00" West (True) to the easternmost tip of White Key (approximate latitude 27°23'53" North, approximate longitude 82°38'26" West) for the Point of Termination, southwesterly of the southern and southwestern shoreline of White Key and southerly of a line which bears North 90°00'00" East (True) running through the westernmost tip of White Key (approximate latitude 27°24'04" North, approximate longitude 82°38'40" West);

2. Whitaker Bayou Area: All waters of Whitaker Bayou southerly of the centerline of the 27th Street Bridge, and that part of Sarasota Bay within 300 feet of the easterly shoreline of Sarasota Bay, southerly of a line which bears North 90°00'00" West (True) from a point at the intersection of the northern shoreline of Whitaker Bayou with the easterly shoreline of Sarasota Bay (approximate latitude 27°21'11" North, approximate longitude 82°33'09" West), and northerly of the westerly extension of the seawall forming the northern shore of the entrance to the Hyatt Boat Basin;

3. New Pass: All waters of New Pass, southwesterly of a line which bears North 67°00'00" West (True) running from Green Day Marker "11" (latitude 27°20'13" North, longitude 82°34'37" West) to the northernmost tip of Quick Point on Longboat Key (approximate latitude 27°20'19" North, approximate longitude 82°34'57" West), southwesterly of a line which bears South 40°00'00" East (True) from Green Day Marker "11", and northeasterly of a line which bears North 40°00'00" West (True) running through Green Day Marker "9" (latitude 27°19'55" North, longitude 82°35'01" West);

4. City Island Lagoon Area: All waters of Sarasota Bay, including the City Island Lagoon area, and inclusive of all channels, northwesterly of the general contour of the shoreline of Coon Key and the centerline of the John Ringling Boulevard Bridges (connecting Bird Key to Coon Key and Coon Key to St. Armands Key), northeasterly of the general contour of the shoreline of St. Armands Key and the shoreline of City Island adjacent to John Ringling Parkway running northwesterly from St. Armands Key and the centerline of the John Ringling Parkway Bridge connecting St. Armands Key to City Island, southeasterly and easterly of the general contour of the shoreline of City Island, and southwesterly of a line bearing 147° from a point (approximate latitude 27°20'08.6" North, approximate longitude 82°34'21.1" West) on the eastern shoreline of City Island to a point (approximate latitude 27°19'31.6" North, approximate longitude 82°33'53.6" West) on Bird Key at the northwestern abutment of the John Ringling Causeway Bridge connecting Bird Key with Coon Key;

5. Lido Key Area: All waters of Sarasota Bay lying southeasterly of the centerline of the John Ringling Boulevard Bridges (connecting Bird Key to Coon Key, Coon Key to St. Armands Key and St. Armands Key to Lido Key), southerly of the general contour of the shoreline of Coon Key and St. Armands Key, easterly of Lido Key, westerly of Bird Key and the centerline of the Bird Key Drive Bridges, southwesterly of the centerline of the Wild Turkey Lane Bridge, and northerly of a line which bears approximately South 56°00'00" West (True) from the southernmost point of Bird Key and terminates at the general contour of the shoreline of Lido Key at the northerly tip of a peninsula (approximate latitude 27°18'23" North, approximate longitude 82°33'55" West), including any associated creeks, canals, boat basins, and/or backwater areas, except as otherwise designated under paragraph (2)(e);

6. Hudson Bayou Area: All waters of Hudson Bayou to its headwaters and that part of Sarasota Bay within 300 feet of the general contour of the easterly shoreline of Sarasota Bay, southerly of a line which bears North 90°00'00" West (True) from a point at the intersection of the northerly shoreline of Hudson Bayou with the easterly shoreline of Sarasota Bay (approximate latitude 27°19'28" North, approximate longitude 82°32'29" West), and northerly of a line which bears North 90°00'00" West (True) from a point at the intersection of the southeasterly lot line of Lot 149, Harbor Acres Subdivision, Section 2, Plat Book 4, Page 63 of the Public Records of Sarasota County, Florida, with the shoreline of Sarasota Bay (approximate latitude 27°18'57" North, approximate longitude 82°32'43" West);

7. Roberts Bay Area (north): All waters of Roberts Bay southerly of the centerline of the Siesta Drive Bridge (State Road 789) (connecting Bay Island with the mainland) and northerly of a line located 1700 feet northerly of and parallel with a line which bears North 78°00'00" East (True) running through Flashing Green Intracoastal Waterway Channel Marker "73" (latitude 27°16'22"

North, longitude 82°32'37" West), including Hansen Bayou, southerly of the general contour of the northerly shoreline of Siesta Key, South Coconut Bayou, Coconut Bayou, and all waters associated with the Grand Canal waterway system throughout Siesta Key, except as otherwise designated under paragraphs (2)(d) and (2)(e);

8. Little Sarasota Bay, Phillippi Creek Area: All waters of Little Sarasota Bay and Phillippi Creek, including the channel of the Intracoastal Waterway, southerly of a line located 1700 feet northerly of and parallel with a line which bears North 78°00'00" East (True) running through Flashing Green Intracoastal Waterway Channel Marker "73" (latitude 27°16'22" North, longitude 82°32'37" West), northerly of a line which bears North 55°00'00" East (True) and runs through Red Intracoastal Waterway Channel Marker "62" (latitude 27°15'12" North, longitude 82°31'49" West), and southwesterly of the Phillippi Creek dam located northeasterly of the Tuttle Avenue Bridge;

9. Little Sarasota Bay, North Creek Area: All waters of Little Sarasota Bay, including all waters of Blind Pass Lagoon, Midnight Pass Lagoon, North Creek and Catfish Creek to the headwaters of said creeks, southerly of a line which bears North 55°00'00" East (True) and runs through Red Intracoastal Waterway Channel Marker "62" (latitude 27°15'12" North, longitude 82°31'49" West), and northerly of a line which bears North 90°00'00" East (True) and runs through the southerly tip of the first unnamed island South of Red Intracoastal Waterway Channel Marker "40" (latitude 27°12'11" North, longitude 82°30'05" West), except as otherwise designated under paragraph (2)(e);

10. Little Sarasota Bay, Dryman Bay Area: All waters of Little Sarasota Bay and Dryman Bay southerly of the northernmost edge of the Blackburn Point Bridge (connecting Casey Key to the mainland) and northerly of a line which bears North 60°00'00" East (True) and runs through Green Intracoastal Waterway Channel Marker "29" (latitude 27°10'07" North, longitude 82°29'19" West), except as otherwise designated under paragraph (2)(e);

11. South Creek Area: All waters of South Creek to the dam in Oscar Scherer State Park, Dryman Bay and Blackburn Bay southerly of a line which bears North 60°00'00" East (True) and runs through Green Intracoastal Waterway Channel Marker "29" (latitude 27°10'07" North, longitude 82°29'19" West), and northerly of a line which bears North 90°00'00" East (True) and runs through Flashing Green Intracoastal Waterway Channel Marker "23" (latitude 27°09'37" North, longitude 82°29'03" West);

12. Blackburn Bay Area: All waters of Blackburn Bay southerly of a line which bears North 90°00'00" East (True) and runs through Flashing Green Intracoastal Waterway Channel Marker "23" (latitude 27°09'37" North, longitude 82°29'03" West), and northerly of a line which bears North 90°00'00" East (True) and runs through Green Intracoastal Waterway Channel Marker "13" (latitude 27°07'54" North, longitude 82°28'14" West), except as otherwise designated under paragraph (2)(e);

13. Blackburn Bay, Lyons Bay, Dona Bay, Shakett Creek and Venice Inlet Area: All waters of Blackburn Bay, Lyons Bay, Dona Bay, Venice Inlet, and Shakett Creek to the control structure southwesterly of Interstate Highway 75 (State Road 93), including Fox Creek and Salt Creek to the headwaters of said creeks, southerly of a line which bears North 90°00'00" East (True) and runs through Green Intracoastal Waterway Channel Marker "13" (latitude 27°07'54" North, longitude 82°28'14" West), northerly of a line which bears approximately North 68°00'00" East (True) running through Flashing Red Intracoastal Waterway Channel Marker "16" (latitude 27°06'46" North, longitude 82°27'36" West) to the northernmost tip of Enchanted Island Subdivision, Plat Book 18, Page 31 of the Public Records of Sarasota County, Florida, easterly of a line which bears North 08°00'00" West (True) located 350 feet North 90°00'00" West (True) of Green Venice Inlet Day Beacon "5" (latitude 27°06'45" North, longitude 82°27'54" West);

14. Roberts Bay (south) Area: Those waters of Roberts Bay, as follows, except as otherwise designated under paragraph (2)(e):

a. Those waters of Roberts Bay southerly of a line which bears approximately North 68°00'00" East (True) running through Flashing Red Intracoastal Waterway Channel Marker "16" (latitude 27°06'46" North, longitude 82°27'36" West) to the northernmost tip of Enchanted Island Subdivision, Plat Book 18, Page 31 of the Public Records of Sarasota County, Florida, and westerly of a line which bears North 00°00'00" East (True) running through Red Intracoastal Waterway Channel Marker "12" (latitude 27°06'33" North, longitude 82°27'19" West); and

b. Those waters of Roberts Bay easterly of a line which bears North 00°00'00" East (True) running through Red Intracoastal Waterway Channel Marker "12" (latitude 27°06'33" North, longitude 82°27'19" West), northwesterly of a line which bears North 60°00'00" East (True) running through Red Intracoastal Waterway Channel Marker "8" (latitude 27°06'26" North, longitude 82°26'54" West), southerly of the northerly boundary of the main marked channel of the Intracoastal Waterway between Red Intracoastal Waterway Channel Marker "12" and Flashing Red Intracoastal Waterway Channel Marker "10" (latitude 27°06'33" North, longitude 82°27'00" West), and southerly of a line which bears North 60°00'00" East (True) running from Flashing Red Intracoastal Waterway Channel Marker "10" to the easterly shoreline of Roberts Bay;

15. Roberts Bay (South), Curry Creek and Blackburn Canal Area: Those waters of Roberts Bay within 100 feet of the general contour of the easterly shoreline of that part of Roberts Bay westerly of U.S. Highway 41, northerly of a line which bears North 60°00'00" East (True) running from Flashing Red Intracoastal Waterway Channel Marker "10" to the easterly shoreline of Roberts Bay, and easterly of a line which bears South 00°00'00" West (True) from the intersection of the easterly line of Lot 10, Block 19, Nokomis Subdivision, Plat Book 1, Page 11 of the Public Records of Sarasota County, Florida, with the northerly shoreline of Roberts Bay, and all waters of Curry Creek from Roberts Bay to the Myakka River, and all waters of Blackburn Canal to its headwaters;

16. Hatchett Creek: All waters of Hatchett Creek westerly of the centerline of U.S. Highway 41, (Venice By-Pass), southerly of a line which bears North 60°00'00" East (True) running through Red Intracoastal Waterway Channel Marker "8" (latitude 27°06'26" North, longitude 82°26'54" West), and northerly of a line which bears North 25°00'00" East (True) located 400 feet southeasterly of the centerline of the U.S. 41 (Business) Bridge, as measured along the centerline of the Intracoastal Waterway;

17. Country Club Estates Area: All waters of the boat basin serving the Country Club Estates mobile home park, southwesterly of the general contour of the southwesterly shoreline of the Venice Airport Canal; and

18. Alligator Creek, Lemon Bay Area: All waters of Alligator Creek southwesterly of the centerline of the U.S. Highway 41 Bridge, and Lemon Bay southeasterly of a line which bears North 50°00'00" East (True) running through Red Intracoastal Waterway Channel Marker "52" (latitude 27°02'46" North, longitude 82°26'00" West), and northerly of the Sarasota/Charlotte County line, except as otherwise designated under paragraphs (2)(b) and (2)(e).

(b) IDLE SPEED ZONE –

1. Hyatt Boat Basin: All water of the Hyatt Boat Basin and that portion of Sarasota Bay lying easterly of a line from a point 300 feet North 90°00'00" West (True) from the corner of the seawall at the southwest corner of the Hyatt site to Red Day Marker "4" (latitude 27°20'12" North, longitude 82°33'06" West), northerly of a line which bears North 90°00'00" East (True) and runs through Red Day Marker "4", and southerly of the westerly extension of the seawall forming the northern shore of the entrance to said Hyatt Boat Basin; and

2. Forked Creek Area: All waters of:

a. Forked Creek, Waterford Canal, Windsor Canal, Greenlawn Channel, Fairview Channel and North Branch; and

b. Lemon Bay, inclusive of the channel leading into Forked Creek, southeasterly of a line located 400 feet northwesterly of and parallel with the centerline of the channel leading into Forked Creek, northwesterly of a line located 400 feet southeasterly of and parallel with the centerline of the channel leading into Forked Creek, northeasterly of a line located 200 feet northeasterly of and parallel with the northeasterly boundary of the main marked channel of the Intracoastal Waterway.

(c) NO ENTRY ZONE – Pansy Bayou: All waters of that body of water commonly known as Pansy Bayou (being that body of water north and west of St. Armands Key, easterly of Lido Key, and westerly of the centerline of John Ringling Parkway, also known as State Road 780), lying northerly of the centerline of John Ringling Boulevard.

(d) MAXIMUM 35 MPH ZONE –

1. Roberts Bay (north) Area: Those waters of Roberts Bay surrounding the spoil island commonly referred to as "Skiers Island" located approximately 800 feet westerly of the Intracoastal Waterway near Flashing Green Intracoastal Waterway Channel Marker "79" (latitude 27°17'17" North, longitude 82°32'46" West), bounded on the north by a line which bears North 90°00'00" East (True) located 300 feet northerly of the northernmost tip of the shoreline of the spoil island, bounded on the south by a line which bears North 90°00'00" East (True) located 300 feet southerly of the southernmost tip of the shoreline of the spoil island, bounded on the west by a line 300 feet westerly of and parallel with the general contour of the westerly shoreline of the spoil island, and bounded on the east by the westerly boundary of the main marked channel of the Intracoastal Waterway; and

2. Roberts Bay (south) Area: Those waters of Roberts Bay, easterly of a line which bears North 00°00'00" East (True) running through Red Intracoastal Waterway Channel Marker "12" (latitude 27°06'33" North, longitude 82°27'19" West), northerly of the northerly boundary of the main marked channel of the Intracoastal Waterway between Red Intracoastal Waterway Channel Marker "12" and Flashing Red Intracoastal Waterway Channel Marker "10" (latitude 27°06'33" North, longitude 82°27'00" West), northerly of a line which bears North 60°00'00" East (True) running from Flashing Red Intracoastal Waterway Channel Marker "10" to the easterly shoreline of Roberts Bay, and easterly to within 100 feet of the general contour of the easterly shoreline of that part of Roberts Bay westerly of U.S. Highway 41, northerly of a line which bears North 60°00'00" East (True) running from Flashing Red Intracoastal Waterway Channel Marker "10" to the easterly shoreline of Roberts Bay, and easterly of a line which bears South 00°00'00" West (True) from the intersection of the easterly line of Lot 10, Block 19, Nokomis Subdivision, Plat Book 1, Page 11 of the Public Records of Sarasota County, Florida, with the northerly shoreline of Roberts Bay.

(e) MAXIMUM 25 MPH ZONE –

1. Lido Key Area: All waters of the unnamed main marked channel lying southeasterly of the centerline of the John Ringling Boulevard Bridge connecting Bird Key to Coon Key, and northerly of a line which bears approximately South 56°00'00" West (True) from the southernmost point of Bird Key and terminates at the general contour of the shoreline of Lido Key at the northerly tip of a peninsula (approximate latitude 27°18'23" North, approximate longitude 82°33'55" West);

2. Roberts Bay (north): All waters of the main marked channel of the Intracoastal Waterway southerly of the centerline of the Siesta Drive Bridge (State Road 789) connecting Bay Island with the mainland, and northerly of a line located 1700 feet northerly of and parallel with a line which bears North 78°00'00" East (True) running through Flashing Green Intracoastal Waterway Channel Marker "73" (latitude 27°16'22" North, longitude 82°32'37" West);

3. Little Sarasota Bay, North Creek Area: All waters of the main marked channel of the Intracoastal Waterway southerly of a line which bears North 55°00'00" East (True) and runs through Red Intracoastal Waterway Channel Marker "62" (latitude 27°15'12" North, longitude 82°31'49" West), and northerly of a line which bears North 90°00'00" East (True) and runs through the southerly tip of the first unnamed island south of Red Intracoastal Waterway Channel Marker "40" (latitude 27°12'11" North, longitude 82°30'05" West);

4. Little Sarasota Bay, Dryman Bay Area: All waters of the main marked channel of the Intracoastal Waterway southerly of the northernmost edge of the Blackburn Point Bridge (connecting Casey Key to the mainland) and northerly of a line which bears North 60°00'00" East (True) and runs through Green Intracoastal Waterway Channel Marker "29" (latitude 27°10'07" North, longitude 82°29'19" West);

5. Blackburn Bay Area: All waters of the main marked channel of the Intracoastal Waterway southerly of a line which bears North 90°00'00" East (True) and runs through Flashing Green Intracoastal Waterway Channel Marker "23" (latitude 27°09'37" North, longitude 82°29'03" West), and northerly of a line which bears North 90°00'00" East (True) and runs through Green Intracoastal Waterway Channel Marker "13" (latitude 27°07'54" North, longitude 82°28'14" West);

6. Roberts Bay (south) Area: All waters of the main marked channel of the Intracoastal Waterway southerly of a line which bears approximately North 68°00'00" East (True) running through Flashing Red Intracoastal Waterway Channel Marker "16" (latitude 27°06'46" North, longitude 82°27'36" West) and northwesterly of a line which bears North 60°00'00" East (True) running through Red Intracoastal Waterway Channel Marker "8" (latitude 27°06'26" North, longitude 82°26'54" West);

7. Venice Airport Canal: All waters of the Venice Airport Canal, southerly of a line which bears North 25°00'00" East (True) located 400 feet southeasterly of the centerline of the U.S. 41 (Business) Bridge, as measured along the centerline of the Intracoastal Waterway, and northwesterly of a line which bears North 50°00'00" East (True) running through Red Intracoastal Waterway Channel Marker "52" (latitude 27°02'46" North, longitude 82°26'00" West), except those waters associated with Red Lake; and

8. Lemon Bay Area: All waters of the main marked channel of the Intracoastal Waterway southeasterly of a line which bears North 50°00'00" East (True) running through Red Intracoastal Waterway Channel Marker "52" (latitude 27°02'46" North, longitude 82°26'00" West), and northerly of the Sarasota County/Charlotte County line.

(3) For the purpose of establishing safe havens and regulating the speed and operation of motorboats within the Myakka River-Big Slough area of Sarasota County and associated waters of Charlotte County, the following year-round and seasonal zones are established, which shall include all associated and navigable tributaries, lakes, creeks, coves, bends, backwaters, canals, channels and boat basins, unless otherwise designated or excluded:

(a) SLOW SPEED ZONE –

1. Myakka River Area: All waters of the Myakka River northwesterly of the Sarasota County/Charlotte County line and southwesterly of the westerly line of the Myakka River State Park, said line being the westerly line of Section 7, Township 38 South, Range 20 East, including any associated waters in and around the Warm Mineral Springs development, and Deer Prairie Creek to its headwaters, excluding the section of Salt Creek and Warm Mineral Springs upstream (northeast) of the weir (approximate latitude 27°03'16.8" North, approximate longitude 82°15'51.7" West) located approximately 2300 feet downstream (southwest) of the headwaters of Warm Mineral Springs and also excluding the area otherwise designated for seasonal regulation under paragraph (3)(b) when said seasonal zone is in effect; and

2. Big Slough Area: Those waters of Big Slough (Myakkahatchee Creek per various plats of Port Charlotte Subdivision recorded in the Public Records of Sarasota County, Florida), inclusive of all channels, northeasterly of the Myakka River, and southwesterly of the dam northerly of U.S. Highway 41 (State Route 45).

(b) NO ENTRY ZONE (November 15 – March 15) – Warm Mineral Springs/Salt Creek Area: Those waters of Salt Creek and Warm Mineral Springs north of U.S. Highway 41, south of the weir (approximate latitude 27°03'16.8" North, approximate longitude 82°15'51.7" West) located approximately 2300 feet downstream (southwest) of the headwaters of Warm Mineral Springs, and west of a line bearing 7° from a point (approximate latitude 27°02'56.3" North, approximate longitude 82°15'42.9" West) on the southern shoreline of Salt Creek approximately 2600 feet east of the confluence with the Warm Mineral Springs run.

(4) For the purpose of exempting qualifying commercial fishermen and professional fishing guides from certain speed zone restrictions, as provided under subsection 68C-22.003(6), F.A.C., the following conditions and procedures for exemption application shall apply:

(a) Exemptions shall apply seasonally and year-round to zones, or portions of zones, specified as follows:

1. Year-round exemptions, with speeds not to exceed 20 MPH, will be considered within the zone partially described in subparagraph (2)(a)9.;

2. Seasonal exemptions, with speeds not to exceed 20 MPH, from December 1 through February 28 will be considered within the zones described or partially described in subparagraphs (2)(a)7., (2)(a)8., (2)(a)10., (2)(a)11., (2)(a)12., (2)(a)13., (2)(a)14., (2)(a)15., and (2)(a)16.;

3. Seasonal exemptions, for the purpose of setting nets to encircle fish only, from March 1 through November 30 will be considered within the zones described or partially described in subparagraphs (2)(a)10., (2)(a)12., (2)(a)13. and, (2)(a)15.;

4. Seasonal exemptions, for the purpose of setting nets to encircle fish only, from December 1 through February 28 will be considered within the zone partially described in subparagraph (2)(a)18.;

5. Year-round exemptions, for the purpose of setting nets to encircle fish only, will be considered within the zones partially described in subparagraphs (2)(a)1., (2)(a)9., and (2)(a)18.

(b) A recipient of an exemption must maintain speeds of less than 20 MPH at all times within the restricted area, and comply with any and all conditions specified within the notice of exemption as well as under the provisions of this rule and subsection 68C-22.003(6), F.A.C.

(c) Exemptions granted will not apply on weekends or state-recognized holidays.

(d) Any commercial fisherman or professional fishing guide fulfilling the requirements set forth under subsection 68C-22.003(6), F.A.C., may apply for the exemption, one of which shall be required for each vessel so operated, by completing the application form specified. Applications for exemption in accordance with the provisions of this rule may be obtained from the Florida Marine Patrol District No. 4 Office, 5110 Gandy Boulevard, Tampa, Florida 33611 (telephone (814) 272-2516).

(5) The following condition shall apply to the "Watersports Area" so described as a Maximum 35 MPH Zone in subparagraph (2)(d)1.: Waterskiing and similar watersports activities shall be conducted in a counter-clockwise direction around the spoil island commonly referred to as "Skiers Island."

(6) The zones described in subsections 68C-22.026(2) and (3), F.A.C., are depicted on the following maps labeled "Sarasota County Manatee Protection Zones." The maps are intended as depictions of the above-described zones. In the event of conflict between the maps and descriptions, the descriptions shall prevail.

(7) The amendments to Rule 68C-22.026, F.A.C., as approved by the Commission on September 12, 2002, shall take effect as soon as the regulatory markers are posted.

SEE FLORIDA ADMINISTRATIVE CODE FOR "MAPS 1 THROUGH 6"

Specific Authority 370.12(2)(g), (n), (o) FS. Law Implemented 370.12(2)(d), (f), (k), (n), (o) FS. History—New 1-27-92, Formerly 16N-22.026, 62N-22.026, Amended 12-12-02.

68C-22.027 Duval County and Associated County (Parts of Clay and St. Johns) Zones.

(1) The Commission hereby designates the waters within Duval County, Clay County, and St. Johns County, as described below, as areas where manatee sightings are frequent and where it can be assumed that manatees inhabit on a regular, periodic or continuous basis. The Commission has further determined that a likelihood of threat to manatees exists in these waters as a result of manatees and motorboats using the same areas. The purpose of this rule is to protect manatees from harmful collisions with motorboats and from harassment by regulating the speed and operation of motorboats within these designated areas. This rule will also provide additional habitat protection. All of the zones set forth below are in effect year-round and, unless otherwise stated, all zones exclude all associated waterways (tributaries, lakes, creeks, coves, bends, backwaters, canals, basins, etc.) unless explicitly included.

(a) SLOW SPEED ZONE, SHORE-TO-SHORE.

1. Atlantic Intracoastal Waterway, Sisters Creek – All waters of Sisters Creek, including the Atlantic Intracoastal Waterway Channel, south of an East-West line running through Flashing Green Atlantic Intracoastal Waterway Channel Marker "83" (approximate latitude 30°24'04" North, approximate longitude 81°27'16" West), and northeast of a line which bears 310° from the southwestern corner of a seawall at the southwestern tip of Fanning Island (approximate latitude 30°23'19" North, approximate longitude 81°27'41" West) and including those backwaters east of Sisters Creek lying southwest of a line which bears 140° from the southernmost tip of Shell Island (approximate latitude 30°23'52" North, approximate longitude 81°27'21" West);

2. Atlantic Intracoastal Waterway, South of the St. Johns River – All waters of the Atlantic Intracoastal Waterway, channel included, southwest of a line which bears 280° North from the westernmost tip (approximate latitude 30°22'44" North, approximate longitude 81°27'30" West) of a peninsula west of Sherman Point on the southern side of the St. Johns River, north of a line which bears 62° running through a point 600 feet north of and on a bearing of 332° from Flashing Green Atlantic Intracoastal Waterway Channel Marker "9" (approximate latitude 30°22'21" North, approximate longitude 81°27'01" West), northeast of the general contour of the northeastern shoreline of Great Marsh Island and a line which bears 137° from the easternmost tip of Great Marsh Island (approximate latitude 30°22'29" North, approximate longitude 81°27'17" West), and west of a line which bears 360° from the northernmost tip (approximate latitude 30°22'29" North, approximate longitude 81°27'05" West) of the unnamed island east of Green Atlantic Intracoastal Waterway Channel Marker "7";

3. Julington Creek and Durbin Creek Area – All waters of Julington Creek and Durbin Creek east of a line that bears 180° from a point (approximate latitude 30°07'59" North, approximate longitude 81°36'02" West) on the northern shoreline of Julington Creek at the mouth of Oilfield Creek and west of a line that bears 180° from a point (approximate latitude 30°08'01" North, approximate longitude 81°35'43" West) on the northern shoreline of Julington Creek 300 feet east of the southern extension of Hood Landing Road (and extending south across Durbin Creek to its southern shoreline).

(b) SLOW SPEED SHORELINE BUFFER ZONE.

1. St. Johns River, St. Johns Point to Reddie Point – Those waters of the St. Johns River lying within 300 feet of the general contour of the northern and southern shorelines of the river, excluding the federally-marked channels, west of a line that runs from the northeasternmost point of St. Johns Point at the mouth of the river to the southeasternmost point of Wards Bank, east of a line which bears 360° from the easternmost point of Sandfly Point (approximate latitude 30°23'10" North, approximate longitude 81°38'03" West) across the mouth of the Trout River, and north of a line that runs from said easternmost point of Sandfly Point to the northernmost point of Reddie Point (approximate latitude 30°23'22" North, approximate longitude 81°37'13" West); included in this zone are those waters lying within 300 feet of the general contour of the shorelines of Blount Island and of the northern shoreline of Quarantine Island (Bartram Island) between the island's easternmost and westernmost points and those waters leading into Mayport Basin within 300 feet of the general contour of the shorelines, excluding the federally-marked channel, east of a line which bears 180° from the easternmost tip of the peninsula on the northern side of Mayport Basin (approximate latitude 30°23'51"

North, approximate longitude 81°24'16" West); also included in this zone are those waters within 300 feet of the general contour of the shorelines of the Broward River and Dunn Creek south of the centerline of the Heckscher Drive (State Road 105) Bridges, and those waters within 300 feet of the general contour of the shorelines of all associated waterways on the north side of the river that are east of where Nichols Creek and San Carlos Creek enter the river and south of the centerline of the Heckscher Drive (State Road 105) Bridges, except as otherwise designated in paragraph (1)(a);

2. Mill Cove – Those waters within 300 feet of the general contour of the southern shoreline of Mill Cove, west of the westernmost point of Pauline Island and east of the northernmost point of Reddie Point (approximate latitude 30°23'22" North, approximate longitude 81°37'13" West);

3. Trout River – Those waters within 300 feet of the general contour of the shorelines of the Trout River west of a line that bears 360° from the easternmost point of Sandfly Point (approximate latitude 30°23'10" North, approximate longitude 81°38'03" West) across the mouth of the Trout River and east of the Interstate 95 Bridge;

4. St. Johns River, Reddie Point to Fuller Warren Bridge Area – Those waters described below, excluding the federally-marked Florida Intracoastal Waterway channel:

a. Within 300 feet of the general contour of the western (and northern) shoreline of the St. Johns River, south (upriver) of a line that runs from the easternmost point of Sandfly Point (approximate latitude 30°23'10" North, approximate longitude 81°38'03" West) to the northernmost point of Reddie Point (approximate latitude 30°23'22" North, approximate longitude 81°37'13" West) and north and east (downriver) of the Fuller Warren Bridge, including all associated waterways and all waters of Long Branch Creek easterly of the Buffalo Avenue/Wigmore Street Bridge;

b. Within 900 feet of the general contour of the eastern shoreline of the St. Johns River, south (upriver) of a line that runs from the easternmost point of Sandfly Point (approximate latitude 30°23'10" North, approximate longitude 81°38'03" West) to the northernmost point of Reddie Point (approximate latitude 30°23'22" North, approximate longitude 81°37'13" West) and north (downriver) of a line that bears 90° from a point (approximate latitude 30°19'57" North, approximate longitude 81°36'54" West) in the river located 900 feet from the eastern shoreline of the river, and; all waters of the river east of a line that runs from said point to the northernmost point of Exchange Island (approximate latitude 30°19'50" North, approximate longitude 81°36'55" West);

c. Within 300 feet of the general contour of the eastern shoreline of the St. Johns River, south of a line that bears 90° from the northernmost point of Exchange Island (approximate latitude 30°19'50" North, approximate longitude 81°36'55" West) and north of a line that bears 90° from a point (approximate latitude 30°19'19" North, approximate longitude 81°36'59" West) on the eastern shoreline of Exchange Island;

d. Within 600 feet of the general contour of the southern (eastern) shoreline of the St. Johns River, west of a line that bears 180° from the southernmost point of Exchange Island (approximate latitude 30°19'18" North, approximate longitude 81°37'05" West) and north and east of the Fuller Warren Bridge, including all waters of Miller Creek north of the Atlantic Boulevard (State Road 10) Bridge, and; all waters of the St. Johns River and the Arlington River east and south of a line that runs from the waterward end of the southern terminus of the 300-foot buffer described in sub subparagraph (1)(b)4.c. to the waterward end of the eastern terminus of the 600-foot buffer described in this paragraph, and west and north of a line that bears approximately 225° from the southernmost tip of a peninsula on the northern side of the Arlington River (approximate latitude 30°19'07" North, approximate longitude 81°36'38" West) to a point on the southern side of the Arlington River, east of Empire Point (approximate latitude 30°18'57" North, approximate longitude 81°36'47" West);

5. St. Johns River, Fuller Warren Bridge to the South Duval County Line – Those waters of the St. Johns River, south of the centerline of the Fuller Warren Bridge, north of the centerline of the Buckman (Interstate 295) Bridge (the Duval County/Clay County line) on the western shore, and west and north of the centerline of the San Jose Boulevard (State Road 13) Bridge crossing Julington Creek on the eastern shore, including: those waters of Big Fishweir Creek east of the centerline of the Herschel Street Bridge; those waters northeast of and within 500 feet of the centerline of the Ortega (Grand Avenue) Bridge; those waters of Pirates Cove (also referred to as the Venetia Yacht Basin); those waters of Mulberry Cove northwest of a line that runs from a point (approximate latitude 30°13'05" North, approximate longitude 81°40'31" West) on the northern shoreline of the cove to another point (approximate latitude 30°12'56" North, approximate longitude 81°40'46" West) on the southern shoreline; those waters of Marco Lake; those waters of Craig Creek west of the centerline of the Hendricks Avenue (State Road 13) Bridge; and those waters of Goodby's Creek. Except for the waters northeast of the Ortega (Grand Avenue) Bridge as described above, the waters described in this paragraph shall be subject to a variable-width shoreline buffer whose width is as set forth in subsection (2) of this rule;

6. Ortega River Area – Those waters within 300 feet of the general contour of the shorelines of the Ortega River, including all associated waterways, south of the centerline of the Ortega (Grand Avenue) Bridge, north of the centerline of the Timuquana Bridge for the buffer along the eastern shoreline, and east of the southernmost point (approximate latitude 30°15'57" North, approximate longitude 81°43'36" West) of the peninsula that forms the northern shoreline of the Cedar River for the buffer along the western shoreline, including all waters within 300 feet south of the centerline of the Ortega (Grand Avenue) Bridge and all waters within 300 feet of either side of the Roosevelt Boulevard Bridge;

7. Julington Creek – All waters of Julington Creek within 450 feet of either side of the centerline of the San Jose Boulevard (State Road 13) Bridge and those waters within 300 feet of the general contour of the shorelines of Julington Creek and all associated waterways, east of the centerline of the San Jose Boulevard (State Road 13) Bridge and west of a line that bears 180° from a point (approximate latitude 30°07'59" North, approximate longitude 81°36'02" West) on the northern shoreline of Julington Creek at the mouth of Oilfield Creek;

8. St. Johns River in St. Johns County, Julington Creek to Nature’s Hammock Road North – Those waters of the St. Johns River in St. Johns County, west and south of the centerline of the San Jose Boulevard (State Road 13) Bridge, and north of the western extension of Nature’s Hammock Road North. The waters described in this paragraph shall be subject to a variable-width shoreline buffer whose width is as set forth in subsection (2) of this rule;

9. St. Johns River in Clay County, Buckman Bridge to Peter Branch – Those waters of the St. Johns River in Clay County, south of the centerline of the Buckman (Interstate 295) Bridge and north of a line that bears 90° from a point on the shoreline (approximate latitude 30°06’05" North, approximate longitude 81°41’24" West) located 300 feet south of Peter Branch. The waters described in this paragraph shall be subject to a variable-width shoreline buffer whose width is as set forth in subsection (2) of this rule;

10. Doctors Lake and Doctors Inlet Area – Those waters of Doctors Lake, Duck Creek, and Swimming Pen Creek, and including those waters of Doctors Inlet within 500 feet of either side of the centerline of the U.S. Highway 17 Bridge. Except for the waters of Doctors Inlet described above, the waters described in this paragraph shall be subject to a variable-width shoreline buffer whose width is as set forth in subsection (2) of this rule.

(2) The width of the variable-width shoreline buffer referenced in subparagraphs (1)(b)5., 8., 9., and 10., above is as follows: The buffer includes at a minimum all waters within 500 feet of the general contour of the shoreline. Where there are docks that extend out farther than 300 feet into the waterway, the buffer extends out beyond the 500-foot line to include all waters shoreward of a line that runs 200 feet beyond and parallel to the dock line. For the purposes of this rule, the dock line shall be defined as a line that runs between the ends of successive docks.

(3) The zones described in subsection 68C-22.027(1), F.A.C., above are depicted on the following maps, labeled “Duval and Associated County Manatee Protection Zones”. The maps are intended to be depictions of the above-described zones. In the event of conflict between the two, the above descriptions shall prevail.

SEE FLORIDA ADMINISTRATIVE CODE FOR “MAPS 1 THROUGH 5”

Specific Authority 370.12(2)(m) FS. Law Implemented 370.12(2)(d),(m) FS. History—New 12-22-92, Amended 6-16-93, Formerly 16N-22.027, 62N-22.027, Amended 8-1-00.

CHAPTER 68D-16 DERELICT VESSELS

68D-16.029 Derelict Vessel Removal Grant Program.

68D-16.029 Derelict Vessel Removal Grant Program.

(1) In the event monies are appropriated by the Legislature for the funding of the Derelict Vessel Removal Grant Program for a given fiscal year, the Executive Director may award said grants only to coastal local governments based on these criteria.

(a) The degree to which the designated derelict vessels pose a threat to public health or safety, the environment, navigation or the aesthetic condition of the general vicinity within the jurisdiction of the grant applicant.

(b) The total number of derelict vessels within the jurisdiction of the grant applicant.

(c) The degree to which the designated derelict vessels will be used in the construction of permitted artificial reef sites.

(d) The projected cost effectiveness of the grant applicant's proposed derelict vessel removal program.

(e) The degree of commitment of the grant applicant to maintain coastal waters free of derelict vessels and its record for seeking legal action against those owners who abandon vessels in the waters of the state.

(f) The timeliness and completeness of the grant application received from the applicant.

(2) No vessel shall be eligible for removal with grant funds, unless and until, said vessel has been designated and marked as a derelict vessel by the Division of Law Enforcement. Such designation and marking shall be considered made when the division assigns a case number to the vessel and completes a derelict vessel report on it.

(3) Authorized disposal sites for derelict vessels shall be limited to permitted artificial reef sites and permitted landfill locations. Any exceptions must be approved in writing by the Executive Director.

(4) A grant applicant shall provide a completed grant application to the Commission no later than August 1st of a given fiscal year, except for Fiscal Year 1985-86 in which said application must be provided to the Commission prior to January 1st. This application shall be submitted on Form No. DVGrant.199 which is hereby incorporated by reference. This form is entitled, "Application for Derelict Vessel Removal Grant" effective date 7/1/99, and may be obtained by contacting the Fish and Wildlife Conservation Commission, Division of Law Enforcement.

(5) The Executive Director may within 30 days after the established submission closing date make the award of said grants pursuant to the criteria set forth in (1) above. Said grants may be awarded for the removal and disposal of all or part of the vessels designated on a given grant application. In the event the dollar amount of the awarded grant applications is less than the allocated funds or the Executive Director determines that any or all of the submitted applications do not adequately meet the established award criteria, or any of the designated derelict vessels contained within an awarded grant are removed prior to their removal with grants funds, the Executive Director may solicit additional applications from potential applicants for the balance of the allocated funds not expended pursuant to the grant program.

(6) A grant recipient shall administer the removal and disposal of designated derelict vessels as an independent governmental authority and not as an agent or representative of the Commission. In the event the Executive Director determines that a derelict vessel(s) included in a grant constitutes an immediate hazard to navigation or determines after consultation with the Department of Health that a vessel constitutes an immediate hazard to the public's health and safety, the Executive Director may suspend the grant procedures set forth in this rule and initiate emergency procedures under s. 823.11, F.S.

(7) No grant monies for the removal and disposal of a given derelict vessel shall be paid to the grant recipient until said vessel has been legally removed and such removal and disposal properly documented by the grant recipient. Certification as to the removal and disposal of any designated derelict vessel during a given month shall be made by the submission to the Commission of Form DVGrant2.199, hereby incorporated by reference, along with a properly executed invoice. This form is entitled "Disposition Certificate for Derelict Vessels, effective 7/1/99, and may be obtained by contacting the Fish and Wildlife Conservation Commission, Division of Law Enforcement. Such request for reimbursement shall be made by the grant recipient on a monthly basis and shall be accompanied by a monthly status report and the required certification form. Only costs directly associated with the actual removal and disposal of a designated derelict vessel(s) including the removal of pollutants are eligible for reimbursement from the grant program.

(8) All grants made pursuant to this rule shall be subject to pre-audit and post-audit by the Commission or its representative.

Specific Authority 376.15(2)(c) FS. Law Implemented 376.15(2)(b) FS. History—New 11-11-85, Formerly 16N-16.29, Amended 5-20-86, Formerly 16N-16.029, 62N-16.029.

CHAPTER 68D-18 FLORIDA INTRACOASTAL WATERWAY MARKERS

- 68D-18.004 Special Purpose Marker Buoys.
68D-18.005 Restricted Areas.

68D-18.004 Special Purpose Marker Buoys.

(1) In order that special purpose marker buoys shall not be mistaken for aids to navigation or regulatory markers, they shall be of cylindrical shape of white with 6 inch international orange rings spaced 6 inches apart over the entire length of the buoy. Surface of buoy must extend a minimum of 48 inches above the water line.

(2) These markers are to be used by the Fish and Wildlife conservation Commission and other organizations to mark or outline areas for special marine events.

(3) Request for these buoys will be processed in the same manner as waterway markers.

(4) Organizations to which the special purpose markers are authorized will assume the responsibility for their placement, removal, maintenance and proper storage.

(5) These buoys will not be permanently positioned in the water and may not be left in position.

Specific Authority 327.41 FS. Law Implemented 327.41 FS., ch. 72-55, Laws of Florida. History--New 10-20-72, Readopted 9-30-75, Formerly 16B-18.04, 16N-18.04, 16N-18.004, 62N-18.004.

68D-18.005 Restricted Areas.

No person, municipality, county or other governmental entity shall place any regulatory markers in, on or over the Florida Intracoastal Waterway or its shore without a permit from the Division of Law Enforcement.

Any municipality or county or other governmental entity desiring to have a regulatory marker installed shall make application to the Division of Law Enforcement pursuant to Section 327.41, Florida Statutes, and also accompanying the application shall be a map locating the approximate placement of the markers, a statement of the control markers desired and a statement of the purpose of the markers.

Any municipality, county or other governmental entity, after receiving a permit, shall install and maintain and remove the regulatory waterway markers at its expense and as directed by the Division of Law Enforcement.

Specific Authority 341.41 FS. Law Implemented 327.41 FS., ch. 72-55, Laws of Florida. History--New 10-20-72, Readopted 9-30-75, Formerly 16B-18.05, 16N-18.05, 16N-18.005, 62N-18.005.

CHAPTER 68D-23 UNIFORM WATERWAY MARKERS IN FLORIDA WATERS

68D-23.003	Placement of Regulatory Markers in Waters of the State. (Repealed)
68D-23.101	Intent.
68D-23.102	Scope.
68D-23.103	Definitions.
68D-23.104	Placement of Markers.
68D-23.105	Criteria for Approval of Regulatory Markers.
68D-23.106	Permit Conditions.
68D-23.107	Federal System Adopted.
68D-23.108	Specifications for Markers.
68D-23.109	Additional Specifications for Information and Regulatory Markers.
68D-23.110	Inspection and Certification.
68D-23.111	Enforcement.
68D-24.112	Exemptions.

68D-23.101 Intent.

(1) It is the intent of this chapter:

(a) To provide for uniformity in design, construction and coloring of markers so that all vessel operators may readily recognize, identify and distinguish between authorized markers and unlawfully placed markers;

(b) To provide a means by which the Division and its officers and all other law enforcement officers charged with the enforcement of this chapter may determine with reasonable certainty which boating restricted areas are lawfully established and marked;

(c) To provide a grace period until December 31, 2003, during which time all markers shall be brought into conformity with the provisions of Chapter 327, F.S., this chapter, and Part 62 of Title 33 of the Code of Federal Regulations, and to provide for the removal of all nonconforming markers after that date; and

(d) To insure that regulatory markers noticing boating restricted areas created pursuant to Sections 327.22, 327.60 and 370.12, F.S., are authorized only for the purposes of protecting human life and limb, vessel traffic safety and maritime property, and manatees.

(2) It is further the intent of this chapter that no boating restricted area be established, continued in effect, or enforced for the purpose of noise abatement or for the protection of shoreline, shore-based structures, or upland property from vessel wake or shoreline wash. As provided in Section 327.33(2), F.S., "vessel wake and shoreline wash resulting from the reasonable and prudent operation of a vessel shall, absent negligence, not constitute damage or endangerment to property." The wake resulting from the reasonable and prudent operation of a vessel is a force which should be anticipated by the owners of property adjacent to the navigable waters of this state.

(3) The Division will not issue any permit authorizing the placement of regulatory markers for:

(a) Ordinances that apply within the Florida Intracoastal Waterway, in violation of Section 327.60(2), F.S.;

(b) Ordinances adopted pursuant to Section 370.12(2)(o), F.S., until such ordinances have been reviewed and approved by the commission, and provided that such ordinances do not apply within the marked navigation channel of the Florida Intracoastal Waterway nor to the waters within 100 feet of said channel;

(c) Ordinances that discriminate against personal watercraft, in violation of Section 327.60(1), F.S.;

(d) Ordinances regulating the anchoring of non-live-aboard vessels in navigation, in violation of Section 327.60(2), F.S.

(4) Where conflicting speed or operational restrictions are established by law or pursuant to law, the more restrictive shall be posted and shall apply.

(5) Regulatory markers placed pursuant to a permit issued as provided herein shall be prima facie evidence of the boundaries of boating restricted areas and the speed or operational restrictions imposed therein.

Specific Authority 327.40, 327.41 FS. Law Implemented 327.40, 327.41 FS. History—New 12-23-01.

68D-23.102 Scope.

The provisions of this chapter prescribe the procedures by which the Division permits and regulates the placement of markers in, on, and over the waters of this state and the shores thereof. This chapter also provides for the design, construction, characteristics and coloring of all markers placed in, on, and over the waters of this state and the shores thereof by adopting by reference the United States Aids to Navigation System, Part 62 of Title 33 of the Code of Federal Regulations.

Specific Authority 327.40, 327.41 FS. Law Implemented 327.40, 327.41 FS. History—New 12-23-01.

68D-23.103 Definitions.

(1) For purposes of this chapter and Chapters 68C-22 and 68D-24, F.A.C., the following definitions shall apply:

(a) "Aid to navigation" means any device external to a vessel intended to assist a navigator to determine position or safe course, or to warn of dangers or obstructions to navigation.

(b) "Information marker" means a device external to a vessel intended to provide the mariner with information concerning matters other than dangers or obstructions to navigation, or regulatory matters.

(c) "Regulatory marker" means a device used to alert the mariner to various warnings or regulatory matters such as horsepower, speed, or wake restrictions.

(d) "Mooring buoy" means a device that is permanently secured to the bottom of a body of water and to which a vessel may be secured when not underway.

(e) "Buoy" means any device designed to float which is anchored in the waters of the state and which is used to convey a message or carry a sign.

(f) "Sign" means an object which displays a message and which is attached to another object such as a piling, buoy, structure, or the land itself.

(g) "Symbol" means the orange geometric shape displayed on an information or regulatory marker. The meanings associated with the orange geometric shapes are as follows:

1. A vertical open-faced diamond signifies danger;

2. A vertical diamond shape having a cross centered within indicates that all vessels or certain classes of vessels are excluded from the marked area;

3. A circular shape indicates that certain operating restrictions are in effect within the marked area; and

4. A square or rectangular shape will contain directions or instructions lettered within the shape.

(h) "Display area" means the area on an information marker or regulatory marker within which the symbol is displayed.

(i) "Boating restricted area" means an area of the waters of the state within which the operation of vessels is subject to specified restrictions or from which vessels are excluded.

(j) "Shore" means that area of land immediately adjacent or contiguous to the waters of the state such that a sign or marker erected thereon is readily visible to the operator of a vessel who might reasonably believe that the sign or marker displays navigational, regulatory or other information relevant to the operation of the vessel.

(k) "Florida Intracoastal Waterway" means:

1. All waters within the right-of-way of the Atlantic Intracoastal Waterway, the Georgia state line north of Fernandina to Miami; the Port Canaveral lock and canal to the Atlantic Intracoastal Waterway; the Atlantic Intracoastal Waterway, Miami to Key West; the Okeechobee Waterway Route 1 across Lake Okeechobee; the Gulf Intracoastal Waterway, Anclote to Fort Myers; the Gulf Intracoastal Waterway, Carrabelle to Tampa Bay; the Gulf Intracoastal Waterway, Carrabelle to Anclote open bay section (using the Gulf of Mexico); and the Gulf Intracoastal Waterway, Carrabelle to the Alabama state line west of Pensacola; and

2. All waters from shoreline to shoreline within the Okeechobee Waterway, Stuart to Fort Myers, not including Route 1 across Lake Okeechobee; the St. Johns River, Jacksonville to Sanford; and, the Apalachicola, Chattahoochee, and Flint Rivers in Florida.

(l) "Uniform State Waterway Marking System" means the system of aids to navigation, information markers, regulatory markers, and mooring buoys, as specified in Part 66 of Title 33 of the Code of Federal Regulations.

(m) "United States Aids to Navigation System" means the system of aids to navigation, information markers, regulatory markers, and mooring buoys, as specified in Part 62 of Title 33 of the Code of Federal Regulations.

(n) "Private Aid to Navigation" means an aid to navigation the establishment of which is authorized by a permit issued by the United States Coast Guard pursuant to Part 66 of Title 33 of the Code of Federal Regulations.

(o) "Maritime property" means vessels and their engines, tackle, gear, equipment, appurtenances, furnishings, cargoes, stores, personal property then on board belonging to the vessels' occupants, and such other similar property as is consistent with the general maritime law of the United States. This definition does not include littoral or riparian property, the shores thereof, seawalls, docks, wharfs, or other property intentionally and permanently attached to the shore.

(2) When used on markers, the terms:

(a) "Idle Speed No Wake" and "Idle Speed" may be used interchangeably and mean that a vessel must proceed at a speed no greater than that which will maintain steerageway and headway. At no time is any vessel required to proceed so slowly that the operator is unable to maintain control over the vessel or any other vessel or object that it has under tow.

(b) "Slow Speed" and "Slow Speed Minimum Wake" may be used interchangeably and mean that a vessel must be fully off plane and completely settled into the water. The vessel must then proceed at a speed which is reasonable and prudent under the prevailing circumstances so as to avoid the creation of an excessive wake or other hazardous condition which endangers or is likely to endanger other vessels or other persons using the waterway. A vessel that is:

1. Operating on plane is not proceeding at this speed;

2. In the process of coming off plane and settling into the water or coming up onto plane is not proceeding at this speed;

3. Operating at a speed that creates a wake which unreasonably or unnecessarily endangers other vessels or other persons using the waterway, or is likely to do so, is not proceeding at this speed;

4. Completely off plane and which has fully settled into the water and is proceeding at a reasonable and prudent speed with little or no wake is proceeding at this speed.

“Slow Speed” and “Slow Speed Minimum Wake” are the preferred terms. “Slow Down Minimum Wake” markers may continue to be used for restricted areas authorized prior to January 1, 2001, except when such a restricted area is contiguous to an Idle Speed No Wake boating restricted area.

(c) “Caution zone” means an area presenting a significant risk of navigational hazard, an area frequently inhabited by manatees on a somewhat regular basis, or other area similarly requiring that vessels be operated with particular alertness and caution so as to avoid endangering life, limb, vessel traffic safety or maritime property, or manatees.

(d) “Vessel exclusion zone” means an area from which all vessels or certain classes of vessels are excluded. Examples include:

1. “No Vessels” or “Swim Area” – All vessels of any type are prohibited from entering the marked area.
2. “No Motorized Vessels” or “No Motorboats” or “Motorboats Prohibited” – All vessels equipped with any mechanical means of propulsion are prohibited from entering the marked area, even if the mechanical means of propulsion is not in use.
3. “No Power-driven Vessels” – All vessels equipped with any mechanical means of propulsion are prohibited from entering the marked area unless the mechanical means of propulsion is not in use and, if possible to do so, is tilted or raised out of the water.
4. “No Internal Combustion Motors” – All vessels equipped with internal combustion motors (e.g.: gasoline or diesel motors) for propulsion are prohibited from entering the marked area, even if the motor is not in use.
5. “Manually Propelled Vessels Only” – All vessels other than those propelled by oars, paddles, or poles are prohibited from entering the marked area. Vessels equipped with mechanical means of propulsion may enter the marked area only if the mechanical means of propulsion is not in use and, if possible to do so, is tilted or raised out of the water.

6. “No Entry Area” – All vessels and all persons, either in vessels or swimming, diving, or wading, are prohibited from entering the marked area.

(e) “Miles per hour” and “MPH” mean speed made good over the bottom measured in statute miles. A specific number will be posted in conjunction with “miles per hour” or “MPH” and is the maximum speed at which a vessel may lawfully be operated within the marked area. Although it is the intention of the Commission to allow those vessels capable of attaining a planing configuration at posted numerical speed limit to do so, this posted speed limit shall not be construed as permitting the reckless or careless operation of a vessel, in violation of Section 327.33, F.S., or authorizing any vessel to travel at an unsafe speed, in violation of navigation rule 6 as adopted pursuant to Section 327.33, F.S., by reason of:

1. Having an elevated bow which restricts visibility, or
2. Producing an excessive wake or other hazardous condition which endangers or is likely to endanger other vessels, other persons using the waterway, or natural resources of the state.

(f) “Wake,” when used in conjunction with a numerical size limit, means all changes in the vertical height of the water’s surface caused by the passage of a vessel including, but not limited to, a vessel’s bow wave, stern wake, and propeller wash, measured from the ambient tide level to the crest of the vessel’s wake at a distance of not less than 25 feet from the vessel.

(g) “Holiday” means:

1. New Year’s Day.
2. Birthday of Martin Luther King, Jr., the third Monday in January.
3. Memorial Day.
4. Independence Day, the Fourth of July.
5. Labor Day.
6. Columbus Day.
7. Veterans’ Day, November 11.
8. Thanksgiving Day.
9. Friday after Thanksgiving.
10. Christmas Day.
11. If any of these holidays falls on Saturday, the preceding Friday shall be observed as a holiday. If any of these holidays falls on Sunday, the following Monday shall be observed as a holiday.

(3) The division may authorize the use of other terminology on regulatory markers if the message is clear, unambiguous, and accurately describes a lawfully imposed restriction.

Specific Authority 327.40, 327.41, 327.46, 370.12 FS. Law Implemented 327.40, 327.41, 327.46, 370.12 FS. History—New 12-23-01.

68D-23.104 Placement of Markers.

(1) No person, municipality, county or other governmental entity shall place, cause to be placed, or maintain in place any marker in, on or over the waters of the state or the shores thereof without a permit from the division.

(2) Any person, municipality, county, or other governmental entity desiring to place a marker shall make application to the division on the Florida Uniform Waterway Marker Application form, FWC/DLE 153(01/2001), which is adopted and incorporated herein by reference. Application forms may be obtained by submitting a request to: Fish and Wildlife Conservation Commission, Division of Law Enforcement, Office of Boating Safety and Waterway Management, 620 South Meridian Street, Tallahassee, Florida 32399-1600. Each application must include:

(a) A scale drawing no larger than 8½ inches by 11 inches, reproducible on standard office photocopying equipment, showing the approximate placement of the proposed markers with each proposed marker labeled to correspond to the list required below. If the application is for regulatory markers, the drawing must also depict the exact boundaries of the proposed boating restricted area.

(b) A list of the markers proposed, labeled to correspond to the drawing required above.

(c) A statement of the specifications for the markers proposed, including:

1. A description giving each marker's size, shape, color, height above mean high water, and number, letter or message;
2. A description of the type, size, shape, and material used for any structure which will support the markers;
3. A statement of the color, characteristic, height above mean high water, intensity, and nominal range of any light which will be placed on the markers;
4. A statement of the type signal (whistle, horn, bell, etc.) and characteristic for any audible fog signal.
5. The latitude and longitude expressed in degrees, minutes, and seconds or degrees and decimal minutes of the location where each marker will be placed.

(d) A statement of the purpose for placing the proposed markers. If the application is for regulatory markers, this statement must include the purpose for regulating vessel operation and a statement of the facts and circumstances justifying the establishment of the restriction on speed or operation.

(e) A statement listing the names or titles of the individuals responsible for the placement and maintenance of the markers along with an address and a contact telephone number for each individual.

(f) If the application is for regulatory markers, the applicant must enclose therewith proof of the lawful imposition of restrictions on the speed or operation of vessels for which the regulatory markers are requested, as follows:

1. A copy of an ordinance adopted pursuant to Section 327.22, F.S., which imposes the restriction only upon vessels resident within the county or municipality imposing the restriction; or
2. A copy of an ordinance adopted pursuant to Section 327.60, F.S., which imposes the restriction for reasons of vessel traffic safety or public safety; or
3. A copy of an ordinance adopted by a county or municipality and approved by the commission pursuant to paragraph 370.12(2)(o), F.S., which imposes the restriction for reasons of manatee protection; or
4. A copy of the statute, special act, rule, regulation, order, or other instrument which imposes the restriction for reasons other than public safety or manatee protection, and a statement of the specific authority under which the restriction is imposed.

(3) Upon receipt of all statements and other documents specified above, the division will:

(a) Determine whether or not there exists a conflict with the provisions of Chapter 327, F.S., or any amendments thereto or regulations thereunder, for ordinances adopted pursuant to Section 327.60, F.S.

(b) Forward the request to the Bureau of Protected Species Management for review and approval pursuant to paragraph 370.12(2)(o), F.S., for ordinances adopted thereunder.

(c) For regulatory markers, determine whether or not the markers as proposed would clearly mark the area as a boating restricted area and adequately notice mariners of the restrictions imposed on vessel speed or operation.

(d) Determine whether or not the placement of the proposed markers in the proposed locations would create an unreasonable hazard to navigation.

(e) Determine whether the proposed markers conform to the United States Aids to Navigation System.

(4) The division may consult, coordinate, or cooperate with any other governmental entity having concurrent jurisdiction over the waters for which the permit is requested.

(5) After obtaining the requested permit, the applicant must install, inspect, maintain, and remove the permitted marker at its own expense and as directed by the division.

Specific Authority 327.40, 327.41 FS. Law Implemented 327.40, 327.41 FS. History—New 12-23-01.

68D-23.105 Criteria for Approval of Regulatory Markers.

(1) The division shall find a valid vessel traffic safety or public safety purpose is presented for ordinances adopted pursuant to Section 327.60, F.S., under the following facts and circumstances:

(a) For an Idle Speed-No Wake boating restricted area, if the area is:

1. Within 500 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways more than 300 feet wide and within 300 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways not exceeding 300 feet wide.
2. Within 500 feet of fuel pumps or dispensers at any marine fueling facility which sells motor fuel to the general boating public on waterways more than 300 feet wide and within 300 feet of the fuel pumps or dispensers at any licensed terminal facility which sells motor fuel to the general boating public on waterways not exceeding 300 feet wide.
3. Inside or within 300 feet of any lock structure.
4. An area where boating accident reports, uniform boating citations, vessel traffic studies, or other creditable data demonstrate a high risk of collision or where any significant vessel wake would be likely to endanger life, limb, vessel traffic safety or maritime property.

(b) For a Slow Speed Minimum Wake boating restricted area if the area is:

1. Within 300 feet of any bridge fender system.
2. Within 300 feet of any bridge span presenting a vertical clearance of less than 25 feet or a horizontal clearance of less than 100 feet.
3. Within 300 feet of a confluence of water bodies presenting a blind corner, a bend in a narrow channel or fairway, or such other area where an intervening obstruction to visibility may obscure other vessels or other users of the waterway.
4. Subject to unsafe levels of vessel traffic congestion.
5. Subject to hazardous water levels or currents, or containing other navigational hazards.
6. An area that accident reports, uniform boating citations, vessel traffic studies, or other creditable data demonstrate to present a significant risk of collision or a significant threat to public safety.

(c) For a numerical speed limit boating restricted area if the area is:

1. Subject to unsafe levels of vessel traffic.
2. Subject to hazardous water levels or currents or containing other navigational hazards.
3. An area that accident reports, uniform boating citations, vessel traffic studies, or other creditable data demonstrate to present a risk of collision or a risk to public safety.

4. An area within which a proposed numerical speed limit is less restrictive than the speed limit in place for the surrounding area if hazardous tides or currents require that vessels operate faster than the surrounding speed limit in order to properly maintain maneuvering ability and headway or if the geographic configuration of the area and levels of vessel traffic density indicate that higher speeds do not pose a threat to life, limb, property, or manatees. Any dispute concerning the threat to manatees shall be resolved as provided in paragraph 370.12(2)(o), F.S.

(d) For vessel exclusion zones if the area is:

1. Designated as a public bathing beach or swim area.
2. Reserved exclusively as a canoe trail or otherwise limited to vessels under oars or under sail.
3. Reserved exclusively for a particular activity and user group separation must be imposed to protect the safety of those participating in such activity.

(e) For other boating restricted areas (caution zone, no skiing, no parasailing, one-way vessel traffic, etc.) if the area is one that accident reports, uniform boating citations, vessel traffic studies, or other creditable data demonstrate to present a risk to vessel traffic safety or public safety.

(2)(a) An ordinance for the protection of manatees, adopted pursuant to paragraph 370.12(2)(o), F.S., must be reviewed and approved by the commission before any regulatory marker implementing such an ordinance may be installed. Any disagreement on the provisions of such an ordinance shall be resolved as provided in said paragraph.

(b) In order to avoid a duplicate review and approval process, the division shall defer to the findings of the commission. Therefore, upon the review of such an ordinance and the commission's approval of the ordinance upon a finding that manatees are frequently sighted, that manatees can be generally assumed to inhabit the area periodically or continuously, and that the restrictions imposed are justified and necessary for the protection of manatees or their habitat, the division shall find a valid manatee safety purpose is presented.

Specific Authority 327.40, 327.41 FS. Law Implemented 327.40, 327.41, 370.12 FS. History—New 12-23-01.

68D-23.106 Permit Conditions.

(1) All permits issued pursuant to this chapter are subject to the following conditions:

(a) Placement of these markers must be as requested in the application. Any deviation will require that the applicant apply to have the permit amended.

(b) The applicant must display the permit number on each marker and the ordinance number, municipal code section number, or rule number (etc.) on each regulatory marker. These numbers must be displayed in black, block characters approximately one inch in height.

1. The permit number must be displayed in the lower left corner on the face of each regulatory marker. The ordinance number, municipal code section number, or rule number (etc.) must be displayed in the lower right corner on the face of each regulatory marker.

2. All markers other than regulatory markers must display the permit number. This display shall be placed at any location on the marker where it can easily be read, including the reverse side of a sign, provided that it does not interfere with the message of the marker.

(c) Upon completion of the installation of markers, the applicant must notify the division in writing within 10 working days. If the latitude and longitude of each marker, as installed, is different from that listed in the application, this notification must include the correct latitude and longitude in degrees, minutes, and seconds.

(d) All markers must be maintained in proper condition at all times. A discrepancy exists whenever a marker is not exactly as described in the approved application or is destroyed, damaged, moved, or is otherwise unserviceable or not watching properly. The applicant must immediately report any discrepancy in the marker to the division by telephone, telefacsimile or other similarly rapid means of communication. Unless the applicant's permit expressly provides for a longer period, the applicant must correct any discrepancy within not more than 30 days and must notify the division when the correction is accomplished.

(e) Authorization by the division for the placement of a marker does not authorize any invasion of private rights, nor grant any exclusive privileges, nor does it obviate the necessity of complying with any other federal, state or local laws or regulations.

(f) All permits issued pursuant to this chapter are contingent upon the consent of and, if necessary, the issuance of appropriate permits by the United States Army Corps of Engineers authorizing the placement of structures for the support of the proposed markers. Consent may be by nationwide permit, regional permit, letter permit, authorization letter, statement of no objection, or other similar means.

(g) All permits issued pursuant to this chapter are contingent upon the consent of and, if necessary, the issuance of appropriate permits by the United States Coast Guard authorizing the establishment of private aids to navigation pursuant to Part 66 of Title 33 of the Code of Federal Regulations.

(h) All permits issued pursuant to this chapter authorizing the placement of markers, buoys, or signs on submerged lands, or other property or structure not owned by the applicant are contingent upon the applicant receiving the written consent of the owner of the submerged lands, other property, or structure to the placement of said signs and providing a copy of such consent to the division.

(i) By accepting any permit and placing the markers authorized therein, the applicant other than a governmental entity, to the extent authorized by law, agrees and promises to hold harmless the State of Florida and its agencies, employees, agents, or successors from fault with respect to any claim or claims arising from alleged negligence in the placement, maintenance, operation and removal of any and all markers placed by applicants pursuant to such permits. The applicant other than a governmental entity further agrees to indemnify the State of Florida for any and all legal fees and costs incurred in defense of any suit brought against the State as a result of alleged negligence by applicant in the placement, maintenance, operation or removal of the markers.

(j) Applicants for permits to place regulatory markers or the governmental entities establishing the rules, ordinances, or other actions imposing the regulations must provide for the enforcement of operating restrictions noticed by said markers.

Specific Authority 327.40, 327.41 FS. Law Implemented 327.40, 327.41 FS. History—New 12-23-01.

68D-23.107 Federal System Adopted.

(1) The following are adopted and incorporated by reference:

(a) The United States Aids to Navigation System, Part 62 of Title 33 of the Code of Federal Regulations;

(b) The United States Coast Guard Aids to Navigation – Administration Manual (Comdtinst M16500.7);

(c) The United States Coast Guard Aids to Navigation – Technical Manual (Comdtinst M16500.3A).

(2) All markers and mooring buoys placed or maintained in, on or over the waters of the state or the shores thereof shall conform to the United States Aids to Navigation System.

(a) Until December 31, 2003, channel markers and obstruction markers conforming to the Uniform State Waterway Marking System may continue to be used on waters of this state that are not navigable waters of the United States.

(b) No person, municipality, county or other governmental entity shall place any new marker or replace any existing marker unless such new or replacement marker or mooring buoy conforms to the United States Aids to Navigation System and all other provisions of this chapter.

(c) On or before December 31, 2003, all markers in, on or over the waters of the state or the shores thereof shall be brought into conformity with the United States Aids to Navigation System and all other provisions of this chapter, or removed from the waters or shores of the state.

(d) After December 31, 2003, no person, municipality, county, or other governmental entity shall place, maintain, or permit to remain in, on or over the waters of the state or shores thereof any nonconforming marker.

(e) After December 31, 2003, all nonconforming markers in place in, on, or over the waters of the state or shores thereof shall be declared a nuisance. The division and its officers and all other law enforcement officers charged with the enforcement of Chapter 327, F.S., shall have the authority to remove or cause the removal of any such nonconforming marker.

Specific Authority 327.40, 327.41 FS. Law Implemented 327.40, 327.41 FS. History—New 12-23-01.

68D-23.108 Specifications for Markers.

(1) A marker placed in, on or over the waters of the state or shores thereof may be displayed as a buoy bearing letters, numbers or a symbol on its surface, or as a sign mounted on a buoy, piling or other structure, or as a sign on the shore.

(2) Buoyed signs and markers must extend not less than 36 inches above the surface of the water. A sign suspended above the water must have a minimum of 25 feet clearance from the mean high water mark to the bottom of the sign.

(3) A buoy whose sole purpose is to carry a sign above it shall be marked with three horizontal bands of international orange alternating with two horizontal bands of white, each band placed completely around the circumference of the buoy and occupying approximately one-fifth of the total area of the buoy's surface above the waterline. All markers shall be made of materials which will retain, despite exposure to weather and other elements, their color, shape, legibility and position.

(4) All letters on green or black backgrounds shall be white. All letters and numerals on red or white backgrounds shall be black, except that white retroreflective letters and numerals may be used on a red background. All letters and numerals shall be of block characters of good proportion, spaced in a manner which will provide maximum legibility and of a size proportionate to the size of the marker.

(5) Retroreflective materials shall be used for all displays on markers that are required to be international orange. Retroreflective materials may be used for any other portion of a marker.

Specific Authority 327.40, 327.41 FS. Law Implemented 327.40, 327.41 FS. History—New 12-23-01.

68D-23.109 Additional Specifications for Information and Regulatory Markers.

(1) All information and regulatory markers shall be white in color and shall display international orange symbols.

(2) When a buoy is used as an information or regulatory marker, it shall be white with horizontal bands of international orange placed completely around the circumference of the buoy. One band shall be at the top of the buoy body, the second band shall be placed just above the waterline so that both international orange bands are clearly visible to approaching vessels. The international orange bands shall be not less than two inches in width. The display area shall be that portion of the buoy body between the bands and shall be white. Symbols shall be centered between the international orange bands. Only a cylindrical buoy may be used. The buoy shall have a diameter of not less than nine inches.

(3) When a sign is used for an information or regulatory marker it shall be square or rectangular. It shall be white with an international orange border. The display area shall be that portion of the sign within the border. Symbols shall be centered within the display area. The size of the sign shall be appropriate to the size of the waterway where the sign is located and the nature of the vessels transiting the waterway, however, no such sign shall be smaller than three feet by three feet.

(4) Specifications for Display of Symbols.

(a) The thickness of the international orange line used to draw the borders and the symbols shall be not less than 2 inches.

(b) The height of the symbol shall be at least half and not more than two-thirds the height of the display area.

(c) The sides of the diamond shape shall slope at a thirty to forty-five degree angle from the vertical on a plane surface. Appropriate adjustments for curvature shall be made when applied to a cylindrical surface.

(d) In addition to the permit number required to be displayed under subsection 68D-23.106(7), F.A.C., every regulatory marker shall display the number of the statute, special act, rule, ordinance, or other governmental action that created the boating restricted area or other operating restriction, and the name of the municipality, county or other governmental agency which placed and maintains the marker. This number and name shall be displayed in characters not less than one inch in height and shall be placed in the lower right hand corner of the display area on each sign, and at any location on each buoy where it can easily be read, provided that it shall not interfere with the message of the marker.

Specific Authority 327.40, 327.41 FS. Law Implemented 327.40, 327.41 FS. History—New 12-23-01.

68D-23.110 Inspections and Certification.

(1) Each person holding a permit to place and maintain one or more markers must inspect all markers for which the permit was issued and report such inspection to the division triennially, beginning 36 months from the date the permit was issued or 36 months after this rule becomes effective, whichever comes later. The report must be submitted at least thirty but not more than ninety days prior to expiration of the three-year period.

(2) The required report shall consist of the following:

(a) The name of the permit holder and permit number;

(b) The name of the person or persons currently responsible for the placement and maintenance of the markers; and

(c) A statement certifying that the markers placed pursuant to the permit have been inspected during the ninety days preceding the statement and that:

1. The markers are properly maintained and in serviceable condition,

2. The markers conform to the requirements of this chapter,

3. The markers are still properly on station, and

4. The date or dates on which the markers were inspected.

(3) Failure to inspect a marker and to report the results of the inspection to the division during the specified time period shall be grounds for rescinding the permit authorizing placement of the marker and for removing or ordering the removal of the marker.

Specific Authority 327.40, 327.41 FS. Law Implemented 327.40, 327.41, 370.12 FS. History—New 12-23-01.

68D-23.111 Enforcement.

This chapter shall be enforced by the division and its officers, and any other authorized law enforcement officer as provided in Section 327.70, F.S., all of whom shall have the authority to remove or cause the removal of any marker found to be in violation of this chapter.

Specific Authority 327.40, 327.41 FS. Law Implemented 327.22, 327.40, 327.41, 327.22, 327.46, 327.60, 327.70, 370.12 FS. History—New 12-23-01.

68D-23.112 Exemptions.

(1) Nothing herein shall apply to the United States Government or its agencies, nor to any aid to navigation, marker, mooring buoy, or other similar device placed thereby.

(2) Persons establishing private aids to navigation other than regulatory markers and mooring buoys on waters of concurrent state/federal jurisdiction pursuant to the provisions of 33 CFR § 66.01 shall submit to the division a copy of their United States Coast Guard permit (CG-2554) in lieu of the materials required under Rule 68D-23.104, F.A.C. Upon receipt by this division of said copy of their permit, such private aids to navigation shall be exempt from further permitting and need not display a permit number.

(3) Regulatory markers authorized by the former Florida Department of Natural Resources prior to January 1, 1988, are exempt until December 31, 2003, from the requirement that they display a permit number. After that date, every regulatory marker without a permit number, in place in, on or over the waters of the state or shores thereof shall be declared a nuisance. The division and its officers and all other law enforcement officers charged with the enforcement of Chapter 327, F.S., shall have the authority to remove or cause the removal of any unpermitted regulatory marker. Markers authorized prior to January 1, 1988, for which no permit number was assigned shall be issued a permit number upon receipt by the division of the following:

- (a) A copy of the correspondence authorizing placement of said markers;
- (b) A statement of the specifications for the markers, including:
 - 1. A list of the markers;
 - 2. A description giving each markers size and message, and
 - 3. The latitude and longitude coordinates in degrees-minutes-seconds of the location of each marker;
 - 4. A statement that the markers have been inspected during the ninety days preceding the instant request and that:
 - a. The markers are properly maintained and in serviceable condition,
 - b. The markers conform to the requirements of this chapter,
 - c. The markers are still properly on station, and
 - d. The date or dates on which the markers were inspected.

(4) The inspection and certification requirements in Rule 68D-23.110, F.A.C., shall not apply to markers maintained by an Inland Navigation District pursuant to Section 374.997, F.S., but shall instead be specified in each permit.

- (5) The restrictions displayed on regulatory markers shall not apply:
- (a) In the case of an emergency;
 - (b) To law enforcement patrol vessels or firefighting vessels; or
 - (c) To any rescue vessel owned or operated by a governmental entity.

Specific Authority 327.40, 327.41 FS. Law Implemented 327.40, 327.41, 327.46, 370.12 FS. History—New 12-23-01.

CHAPTER 68D-24 BOATING RESTRICTED AREAS

68D-24.002	Definitions.
68D-24.003	Management Provisions.
68D-24.005	Sarasota County Boating Restricted Areas.
68D-24.006	Fort Lauderdale Boating Restricted Areas.
68D-24.008	Broward County Boating Restricted Areas.
68D-24.009	Indian River North Boating Restricted Area. (Transferred)
68D-24.010	Pinellas County Boating Restricted Areas.
68D-24.011	Okeechobee Waterway Boating Restricted Areas.
68D-24.013	Dade County Boating Restricted Areas.
68D-24.014	Manatee County Boating Restricted Area.
68D-24.015	Apalachicola River Boating Restricted Area.
68D-24.016	Duval County Boating Restricted Areas.
68D-24.017	Palm Beach County Boating Restricted Areas.
68D-24.018	St. Johns River Boating Restricted Areas.
68D-24.019	Nassau County Boating Restricted Area.
68D-24.020	Suwannee and Santa Fe River Boating Restricted Areas.
68D-24.108	Charlotte County Boating Restricted Areas.
68D-24.109	Withlacoochee River Boating Restricted Areas.
68D-24.117	Escambia County Boating Restricted Area.
68D-24.118	Flagler County Boating Restricted Area.
68D-24.136	Lee County Boating Restricted Area.
68D-24.143	Martin County Boating Restricted Areas.
68D-24.146	Okaloosa County Boating Restricted Area.
68D-24.155	St. Johns County Boating Restricted Areas.
68D-24.164	Volusia County Boating Restricted Areas.

68D-24.002 Definitions.

When used in these rules, the following words shall have the indicated meanings unless the context clearly indicates otherwise:

(1) Slow Speed Minimum Wake and Slow Down Minimum Wake indicate a boating restricted area which has been established to protect the safety of the public. Slow Speed Minimum Wake and Slow Down Minimum Wake means that a vessel must be fully off plane and completely settled into the water. It may not proceed at a speed greater than that speed which is reasonable and prudent to avoid the creation of an excessive wake or other hazardous condition under the existing circumstances.

A vessel that is:

- (a) operating on a plane is not proceeding at slow speed minimum wake;
- (b) in the process of coming off plane and settling into the water or coming up onto plane is not proceeding at slow speed minimum wake;
- (c) operating at a speed that creates a wake which unreasonably or unnecessarily endangers other vessels is not proceeding at slow speed minimum wake;
- (d) completely off plane and which has fully settled into the water and is proceeding without wake or with minimum wake is proceeding at slow speed minimum wake.

Slow speed minimum wake is the preferred term. Slow Down Minimum Wake may continue to be used except when such a restricted area is contiguous to an Idle Speed No Wake boating restricted area.

(2) Idle Speed No Wake indicates a boating restricted area which has been established to protect the safety of the public. Idle Speed No Wake means that a vessel cannot proceed at a speed greater than that speed which is necessary to maintain steerageway.

(3) "Miles per hour" means speed made good over the bottom measured in statute miles.

(4) "Wake" means all changes in the vertical height of the water's surface caused by the passage of a vessel including, but not limited to, a vessel's bow wave, stern wake, and propeller wash.

(5) "Holiday" means:

- (a) New Year's Day.
- (b) Birthday of Martin Luther King, Jr., the third Monday in January.
- (c) Memorial Day.
- (d) Independence Day, the Fourth of July.
- (e) Labor Day.
- (f) Columbus Day.
- (g) Veterans' Day, November 11.
- (h) Thanksgiving Day.
- (i) Friday after Thanksgiving.

(j) Christmas Day.

(k) If any of these holidays falls on Saturday, the preceding Friday shall be observed as a holiday. If any of these holidays falls on Sunday, the following Monday shall be observed as a holiday.

Specific Authority 327.04, 327.46, 370.021 FS. Law Implemented 327.46 FS., Ch. 86-364, Ch. 89-428, Laws of Florida. History—New 8-30-83, Formerly 16N-24.02, Amended 6-14-93, Formerly 16N-24.002, Amended 9-28-98, Formerly 62N-24.002.

68D-24.003 Management Provisions.

(1) Appropriate boating restricted areas are established for the purpose of regulating the speed and operation of vessel traffic for the safety of the public.

(2) Such boating restricted areas shall be marked in accordance with Chapter 68D-18, F.A.C., Florida Intracoastal Waterway Markers.

(3) The drawings provided in this chapter are intended to provide information to assist the boat operator in locating the boating restricted areas depicted. The text of these rules is controlling and dispositive of the exact location of the boundaries of each boating restricted area.

(4) The executive director may approve for adoption rules establishing boating restricted areas. This delegation of authority is subject to the following criteria:

(a) A local government has passed a resolution requesting or endorsing a request that a boating restricted area be established;

(b) The area is designed to protect public safety;

(c) The requested area is in the vicinity of a bridge, public boat ramp, public dock, public marina, public fueling facility, public sewage pump-out facility, or a specific navigational hazard;

(d) Personnel from the Fish and Wildlife Conservation Commission's Division of Law Enforcement confirm that the proposed area presents a danger to public safety if it remains unregulated;

(e) The rule regulates the boating restricted area at one of the following levels – "Idle Speed No Wake," "Slow Speed Minimum Wake," or "30 miles per hour";

(f) No written objection to the establishment of the proposed restricted area has been received from the United States Coast Guard, the Army Corps of Engineers, or a Navigation District established under Chapter 374, F.S.

(g) No timely request for a public hearing is received and no timely challenge to the proposed rule is filed;

(h) No correspondence or other written communication is received showing organized public opposition to the proposed rule.

Specific Authority 327.46 FS. Law Implemented 327.46 FS. History—New 8-30-83, Formerly 16N-24.03, Amended 6-14-93, Formerly 16N-24.003, 62N-24.003, Amended 6-12-00.

68D-24.005 Sarasota County Boating Restricted Areas.

(1) For the purpose of regulating the speed and operation of vessel traffic in and adjacent to the Intracoastal Waterway within Sarasota County, Florida, the following Boating Restricted Areas are established:

(a) Idle Speed No Wake Zones –

1. Stickney Point Bridge – All waters lying within and adjacent to the Intracoastal Waterway, from shoreline to shoreline, from a line drawn perpendicular to the centerline of the Intracoastal Waterway 550 feet north of the Stickney Point Bridge to a line drawn perpendicular to the centerline of the Intracoastal Waterway 650 feet south of said bridge, as depicted in drawing A.

2. Blackburn Point Bridge – All waters lying within and adjacent to the Intracoastal Waterway, from shoreline to shoreline, from a line drawn perpendicular to the centerline of the Intracoastal Waterway 650 feet north of the Blackburn Point Bridge to a line drawn perpendicular to the centerline of the Intracoastal Waterway 500 feet south of said bridge, as depicted in drawing B.

3. Albee Road Bridge – All waters lying within and adjacent to the Intracoastal Waterway, from shoreline to shoreline, from a line drawn perpendicular to the centerline of the Intracoastal Waterway 2,500 feet north of the Albee Road Bridge to a line drawn perpendicular to the centerline of the Intracoastal Waterway 1,000 feet south of said bridge, as depicted in drawing C.

4. Hatchett Creek – All waters lying within and adjacent to the Intracoastal Waterway, from shoreline to shoreline, from a line drawn perpendicular to the centerline of the Intracoastal Waterway 2,000 feet northwest of the U.S. Highway 41 (Business) Bridge to a line drawn perpendicular to the centerline of the Intracoastal Waterway 400 feet southeast of said bridge, as depicted in drawing D.

5. Venice Marine Center – All waters lying within and adjacent to the Intracoastal Waterway, from shoreline to shoreline, from a line drawn perpendicular to the centerline of the Intracoastal Waterway 400 feet north of the centerline of the Venice Marine Center boat basin channel to a line drawn perpendicular to the centerline of the Intracoastal Waterway 350 feet south of the centerline of said channel, as depicted in drawing E.

6. South Venice Ferry – All waters lying within and adjacent to the Intracoastal Waterway, from shoreline to shoreline, from a line drawn perpendicular to the centerline of the Intracoastal Waterway 500 feet northwest of the South Venice Ferry Dock to a line drawn perpendicular to the centerline of the Intracoastal Waterway 900 feet southeast of said dock, as depicted in drawing F.

(b) Sarasota County shall install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within such boating restricted areas.

(2) The boating restricted areas described in subsection 68D-24.005(1), F.A.C., are depicted on the following drawings:

SEE FLORIDA ADMINISTRATIVE CODE FOR “DRAWINGS A THROUGH F”

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History—New 8-30-83, Formerly 16N-24.05, Amended 12-21-92, Formerly 16N-24.005, 62N-24.005.

68D-24.006 Fort Lauderdale Boating Restricted Areas.

(1) For the purpose of regulating speed and operation of vessel traffic on the Intracoastal Waterway within the City of Fort Lauderdale, Florida, the following boating restricted areas are established:

(a)1. Oakland Park Boulevard Bridge – An Idle Speed No Wake zone from shoreline to shoreline, in and adjacent to the Intracoastal Waterway, and extending 1,500 feet on both sides of the Oakland Park Boulevard Bridge, as depicted in drawing A.

2. Sunrise Boulevard Bridge –

a. An Idle Speed No Wake zone from shoreline to shoreline, in and adjacent to the Intracoastal Waterway, from a line drawn perpendicular to the centerline of the waterway 2,250 feet north of the Sunrise Boulevard Bridge to a line drawn perpendicular to the centerline of the waterway 1,500 feet south of said bridge, as depicted in drawing B.

b. A Slow Speed Minimum Wake zone from shoreline to shoreline, in and adjacent to the Intracoastal Waterway, from a line drawn perpendicular to the centerline of the waterway 1,500 feet south of the Sunrise Boulevard Bridge to a line drawn perpendicular to the centerline of the waterway 1,500 feet north of the East Las Olas Bridge, as depicted in drawing B, said zone to be in effect year-round on Saturdays, Sundays and holidays as defined in Rule 68D-24.002, F.A.C.

3. East Las Olas Bridge – An Idle Speed No Wake zone from shoreline to shoreline, in and adjacent to the Intracoastal Waterway, from a line drawn perpendicular to the centerline of the waterway 1,500 feet north of the East Las Olas Bridge to a line drawn perpendicular to the centerline of the waterway 3,300 feet south of said bridge, as depicted in drawing C.

4. Stranahan River – A Slow Down Minimum Wake zone from shoreline to shoreline, in and adjacent to the Intracoastal Waterway from a line drawn perpendicular to the centerline of the waterway 3,300 feet south of the East Las Olas Bridge to a line drawn perpendicular to the centerline of the waterway 1,500 feet north of the 17th Street Causeway Bridge, as depicted in drawing C.

5. 17th Street Causeway Bridge – An Idle Speed No Wake zone from shoreline to shoreline, in and adjacent to the Intracoastal Waterway, from a line drawn perpendicular to the centerline of the waterway 1,500 feet north of the 17th Street Causeway Bridge to a line drawn perpendicular to the centerline of the waterway 800 feet south of said bridge, as depicted in drawing C.

(b) The City of Fort Lauderdale, in Broward County is empowered to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within such boating restricted area and shall install and maintain “Resume 30 MPH/15 Inch Wake Operation” markers at the boundaries of such restricted areas, except at the boundaries of adjoining zones.

(2) The boating restricted areas are depicted on the following drawings:

SEE FLORIDA ADMINISTRATIVE CODE FOR “DRAWINGS A THROUGH C”

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History—New 11-13-83, Formerly 16N-24.06, Amended 3-12-87, 12-7-89, Formerly 16N-24.006, Amended 9-28-98, Formerly 62N-24.006.

68D-24.008 Broward County Boating Restricted Areas.

(1) For the purpose of regulating speed and operation of vessels and for the purpose of alleviating public safety problems arising from increased vessels traffic on the Intracoastal Waterway in Broward County, Florida, the following boating restricted areas are established:

(a)1. Hillsboro Boulevard Bridge – An Idle Speed No Wake zone from shoreline to shoreline, in and adjacent to the Florida Intracoastal Waterway, bounded on the north by a line drawn perpendicular to the centerline of the waterway 750 feet north of the Hillsboro Boulevard Bridge and bounded on the south by a line drawn perpendicular to the centerline of the waterway 625 feet south of said bridge as depicted in drawing A.

2. Hillsboro Inlet Zones –

a. An Idle Speed No Wake zone in and adjacent to the Florida Intracoastal Waterway from shoreline to shoreline bounded on the north by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 9,750 feet north of the intersection of the centerline of the Hillsboro Inlet channel and the centerline of the Florida Intracoastal Waterway, and on the south by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 1,050 feet south of the intersection of the centerline of the Hillsboro Inlet channel and the centerline of the Florida Intracoastal Waterway, as depicted in drawing B.

b. A Slow Speed Minimum Wake zone in and adjacent to the Florida Intracoastal Waterway from shoreline to shoreline and including all waters of the Hillsboro Inlet, bounded on the west by a line drawn from headland to headland across the western end of the Hillsboro inlet at its confluence with the Florida Intracoastal Waterway, and on the east by a line drawn perpendicular to the centerline of the inlet channel 150 feet northwest of the seaward extremities of the Hillsboro Inlet jetties, as depicted in drawing B.

c. A Slow Speed Minimum Wake zone in and adjacent to the Florida Intracoastal Waterway from shoreline to shoreline bounded on the north by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 1,050 feet south of the intersection of the centerline of the Hillsboro Inlet channel and the centerline of the Florida Intracoastal Waterway and on the south by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 1,425 feet north of the North East 14th Street Bridge in Pompano Beach, as depicted in drawing B.

3. North East 14th Street Bridge – An Idle Speed No Wake zone in and adjacent to the Florida Intracoastal Waterway from shoreline to shoreline bounded on the north by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 1,425 feet north of the North East 14th Street Bridge in Pompano Beach and on the south by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 300 feet south of said bridge, as depicted in drawing B.

4. Atlantic Boulevard Bridge – An Idle Speed No Wake zone from shoreline to shoreline, in and adjacent to the Florida Intracoastal Waterway, bounded on the north by a line drawn perpendicular to the centerline of the waterway 1,350 feet north of the Atlantic Boulevard Bridge and bounded on the south by a line drawn perpendicular to the centerline of the waterway 500 feet south of said bridge, as depicted in drawing C.

5. East Commercial Boulevard Bridge – An Idle Speed No Wake zone from shoreline to shoreline, in and adjacent to the Florida Intracoastal Waterway, bounded on the north by a line drawn perpendicular to the centerline of the waterway 750 feet north of the East Commercial Boulevard Bridge and bounded on the south by a line drawn perpendicular to the centerline of the waterway 600 feet south of said bridge, as depicted in drawing D.

6. Dania Beach Boulevard Bridge – An Idle Speed No Wake zone from shoreline to shoreline, in and adjacent to the Florida Intracoastal Waterway, bounded on the north by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 850 feet north of the Dania Beach Boulevard Bridge and bounded on the south by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 1,940 feet south of said bridge, as depicted in drawing E.

7. Sheridan Street Bridge – A Slow Speed Minimum Wake zone from shoreline to shoreline, in and adjacent to the Florida Intracoastal Waterway, bounded on the north by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway, 850 feet north of the Sheridan Bridge and bounded on the south by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 750 feet south of said bridge, as depicted in drawing F.

8. Hollywood Boulevard Bridge – An Idle Speed No Wake zone from shoreline to shoreline, in and adjacent to the Florida Intracoastal Waterway, bounded on the north by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway at 2,570 feet south of the Sheridan Street Bridge and bounded on the south by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 740 feet south of the Hollywood Boulevard Bridge, as depicted in drawing G.

9. Hallandale Beach Boulevard Zones –

a. An Idle Speed No Wake zone from shoreline to shoreline, in and adjacent to the Florida Intracoastal Waterway, bounded on the north by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 2,800 feet north of the Hallandale Beach Boulevard Bridge and bounded on the south by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 1,850 feet north of said bridge, as depicted in drawing H.

b. A Slow Speed Minimum Wake zone from shoreline to shoreline, in and adjacent to the Florida Intracoastal Waterway, bounded on the north by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 300 feet north of the Hallandale Beach Boulevard Bridge and bounded on the south by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 300 feet south of said bridge, as depicted in drawing H.

(b) Thirty miles per hour/15 inch wake zone –

1. This paragraph applies to all waters of the New River Canal and the Florida Intracoastal Waterway within Broward County.

2. Except where other speed limits or operation restrictions have been lawfully established, the maximum speed on these waters is 30 miles per hour.

a. Any person who operates a vessel in excess of the 30 miles per hour maximum speed limit is guilty of a noncriminal infraction, punishable by a civil penalty. The amount of the civil penalty shall be computed in accordance with the provisions pertaining to penalties for unlawful speed under subsection 318.18(3), F.S.

b. For the purposes of enforcement of this subparagraph, law enforcement officers may use aircraft, vessels, manual or electronic timing devices, or radar. If radar is used, the provisions of Section 316.1906, F.S., shall be complied with.

c. This subparagraph shall not be interpreted to mean that 30 miles per hour is a safe speed for all vessels under all circumstances. Inland Navigation Rule 6, as adopted pursuant to subsection 327.33(3), F.S., requires that every vessel shall at all times be operated at a safe speed. Compliance with Inland Navigation Rule 6 may require speeds well under 30 miles per hour.

3. The maximum allowable wake created by any vessel on these waters, regardless of the speed or size of the vessel, is 15 inches in vertical height, measured from the ambient tide level to the crest of the vessel's wake at a distance of not less than 25 feet from the vessel. Violation of this subparagraph is a misdemeanor of the second degree, punishable as provided in Section 775.082 or Section 775.083, F.S. For purposes of enforcement of this subparagraph, law enforcement officers may use mechanical, electronic, or photographic measuring devices.

4. No person may operate any vessel on these waters in such a manner as to exceed a maximum sound level of 80 dBA, measured at a distance of not less than 50 feet from the vessel. Violation of this subparagraph, or refusal to submit to a sound level test when requested to do so by a law enforcement officer is a misdemeanor of the second degree as provided in Chapter 89-428, Laws of Florida, punishable as provided in Section 775.082 or Section 775.083, F.S.

(2) Exemption – This rule section shall not apply to any person operating a vessel as a participant in, or during officially sanctioned trial runs preceding or following, a lawfully permitted regatta or boat race.

(3) Broward County is authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within such boating restricted areas.

(4) The boating restricted areas described in 68D-24.008 are depicted on the following drawings:

SEE FLORIDA ADMINISTRATIVE CODE FOR “DRAWINGS A THROUGH H”

Specific Authority 327.04, 327.46, 370.021 FS. Law Implemented 327.46, 327.72, 327.73(1) FS., Ch. 86-364, Ch. 89-428, Laws of Florida. History—New 11-9-86, Amended 6-14-93, Formerly 16N-24.008, Amended 12-18-94, Formerly 62N-24.008.

68D-24.010 Pinellas County Boating Restricted Areas.

(1) For the purpose of regulating the speed and operation of vessel traffic on and adjacent to the Florida Intracoastal Waterway in Pinellas County, Florida, the following boating restricted areas are established:

(a) Slow Down Minimum Wake Zones

1. Pinellas Bayway Bridges – All waters lying south of the northern boundary of the right-of-way of the Florida Intracoastal Waterway between a line drawn perpendicular to the center line of the waterway 1,500 feet northwest of the Pinellas Bayway Bridge at Tierra Verde and a line drawn perpendicular to the center line of the waterway 500 feet southeast of said bridge including the waters adjacent to the Florida Intracoastal Waterway from the waterway south and west to the mean high water mark and all waters lying within the right-of-way of the Florida Intracoastal Waterway between a line drawn perpendicular to the center line of the waterway 500 feet north of span “C” of the Pinellas Bayway Bridge (State Road 682) and a line drawn perpendicular to the center line of the waterway 500 feet south of said bridge, as depicted in drawing A.

2. Corey Causeway to Treasure Island Causeway – All waters within the right-of-way of the Florida Intracoastal Waterway from a line drawn perpendicular to the center line of the waterway 800 feet east of the Corey Causeway Bridge to a line drawn perpendicular to the center line of the waterway 500 feet north of the Treasure Island Causeway Bridge, as depicted in drawing B.

3. Tom Stuart (Welch) Causeway – All waters lying north of the southern boundary of the right-of-way of the Florida Intracoastal Waterway between a line drawn perpendicular to the center line of the waterway 1,000 feet northwest of the Tom Stuart (Welch) Causeway at Madeira Beach and a line drawn perpendicular to the center line of the waterway 1,600 feet southeast of said bridge, including the waters adjacent to the Florida Intracoastal Waterway from the waterway north and east to the mean high water mark, as depicted in drawing C.

4. Park Boulevard Bridge – All waters in and adjacent to the Florida Intracoastal Waterway, from shoreline to shoreline, from a line drawn perpendicular to the center line of the waterway 2,950 feet north of the Park Boulevard Bridge to a line drawn perpendicular to the center line of the waterway 5,766 feet south of said bridge, as depicted in drawing D.

5. Indian Rocks Bridge – All waters in and adjacent to the Florida Intracoastal Waterway, from shoreline to shoreline, from a line drawn perpendicular to the center line of the waterway 1,850 feet northeast of the Indian Rocks Bridge to a line drawn perpendicular to the center line of the waterway 6,928 feet south of said bridge, as depicted on drawing E.

6. Belleair Causeway – All waters lying within the right-of-way of the Florida Intracoastal Waterway between a line drawn perpendicular to the center line of the waterway 500 feet northeast of the Belleair Causeway and a line drawn perpendicular to the center line of the waterway 500 feet southwest of said bridge, as depicted in drawing F.

7. Memorial Causeway, S. R. 60 – A Slow Speed Minimum Wake zone from the centerline of S. R. 60, to 500 feet southwest of S. R. 60 to 3,180 feet northeast of the centerline of S. R. 60 to include all waters from the western right-of-way of the Florida Intracoastal Waterway to the shoreline of the City of Clearwater, as depicted in drawing G.

8. Honeymoon Island Causeway, State Road 586 – All waters lying within the right-of-way of the Intracoastal Waterway between a line drawn perpendicular to the center line of the waterway 500 feet north of the Honeymoon Island Causeway at Dunedin and a line drawn perpendicular to the center line of the waterway 500 feet southwest of said bridge, as depicted in drawing H.

(b) Thirty miles per hour zone –

1. Except as provided in paragraph (a) above, all waters lying within the right-of-way of the Intracoastal Waterway between the Pinellas Bayway Bridge at Tierra Verde and the Honeymoon Island Causeway are designated as a 30 miles per hour maximum speed zone. For the purposes of enforcement of this subparagraph, law enforcement officers may use aircraft, vessels, manual or electronic timing devices, or radar. If radar is used, the provisions of Section 316.1906, F.S., shall be complied with.

2. This paragraph shall not be interpreted to mean that 30 miles per hour is a safe speed for all vessels under all circumstances. Inland Navigation Rule 6, as adopted pursuant to subsection 327.33(3), F.S., requires that every vessel shall at all times be operated at a safe speed. Compliance with Inland Navigation Rule 6 may require speeds well under 30 miles per hour.

(2) Pinellas County and the City of Clearwater are authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted areas and shall install and maintain “Slow Speed Minimum Wake” and “Resume Normal Safe Operation” markers at the northern and southern boundaries of the boating restricted areas.

(3) The boating restricted areas are depicted in the following drawings:

SEE FLORIDA ADMINISTRATIVE CODE FOR “DRAWINGS A THROUGH H”

Specific Authority 327.46 FS. Law Implemented 327.46 FS. History—New 9-18-88, Amended 12-7-89, Formerly 16N-24.010, Amended 10-1-96, Formerly 62N-24.010, Amended 10-2-00.

68D-24.011 Okeechobee Waterway Boating Restricted Areas.

(1) For the purpose of regulating the speed and operation of vessel traffic on the Okeechobee Waterway, the following Boating Restricted Areas are established:

(a)1. Torry Island Bridge – A Slow Speed Minimum Wake zone from shoreline to shoreline, in and adjacent to the Okeechobee Waterway in Palm Beach County, bounded on the north by a line drawn perpendicular to the centerline of the Okeechobee Waterway 400 feet north of Torry Island Bridge in Belle Glade, Palm Beach County, and bounded on the south by a line drawn perpendicular to the centerline of the Okeechobee Waterway 1,400 feet south of said bridge, as depicted in drawing A.

2. Clewiston Lock Structure – An Idle Speed No Wake zone from shoreline to shoreline in and adjacent to the Okeechobee Waterway and Cauley Cut in the vicinity of Hurricane Gate and Lock Structure S-310 in Clewiston, Hendry County, within the boundaries set forth below, as depicted in drawing B:

a. In Cauley Cut, from shoreline to shoreline, from the intersection of Cauley Cut and the Okeechobee Waterway Rim Canal to a line drawn parallel to the centerline of the Okeechobee Waterway Rim Canal 150 feet northeast of the intersection of Cauley Cut and the Okeechobee Waterway Rim Canal;

b. In the Route 1 Approach Channel leading northeast toward Port Myakka, from shoreline to shoreline, from the intersection of Route 1 Approach Channel and the Okeechobee Waterway Rim Canal to a line drawn parallel to the centerline of the Okeechobee Waterway Rim Canal 150 feet northeast of the intersection of Route 1 Approach Channel and the Okeechobee Waterway Rim Canal;

c. In the Okeechobee Waterway Rim Canal, from shoreline to shoreline, from a line drawn perpendicular to the center line of the Rim Canal 150 feet southeast of Lock Structure S-310 to a line drawn perpendicular to the center line of the Rim Canal 150 feet northwest of the intersection of the Route 1 Approach Channel and the Okeechobee Waterway Rim Canal; and,

d. In the Industrial Canal, from shoreline to shoreline, from the Okeechobee Waterway Rim Canal to and including the Lock Structure.

3. Liberty Point – A Slow Speed Minimum Wake zone from shoreline to shoreline, in and adjacent to the Okeechobee Waterway Rim Canal and Myakka Cut in Glades County, bounded on the west by a line drawn perpendicular to the centerline of the Okeechobee Waterway Rim Canal 300 feet west of Liberty Point, on the southeast by a line drawn perpendicular to the centerline of the Rim Canal 600 feet southeast of Liberty Point, and on the east by a line drawn perpendicular to the centerline of the Myakka Cut 150 east of its confluence with the Rim Canal, as depicted in drawing C.

4. Palm City Bridge (C. R. 714) – A Slow Speed Minimum Wake boating restricted area, shoreline to shoreline, in and adjacent to the Okeechobee Waterway, from 200 feet north of the centerline of the Palm City Bridge to 1,500 feet south of the centerline of the Palm City Bridge at the northern tip of the island located east of Leighton Park and the public boat ramp as depicted in drawing D.

5. St. Lucie Lock and Dam Structure, the Florida Turnpike and I-95 Bridges – A Slow Speed Minimum Wake boating restricted area, shoreline to shoreline, in and adjacent to the St. Lucie Lock and Dam easterly to 1,000 feet east of the eastern span of the northbound traffic lane of I-95, as depicted in drawing E.

6. Timer Powers Park and Boat Ramp – A Slow Speed Minimum Wake boating restricted area, shoreline to shoreline, in and adjacent to the Okeechobee Waterway, from 1,000 feet northeast of the centerline of the Timer Powers Boat Ramp to 1,000 feet southwest of the centerline of the Timer Powers Boat Ramp, as depicted in drawing F.

7. Moore Haven Lock Structure – A Slow Speed Minimum Wake boating restricted area, shoreline to shoreline, north from the lock gates 1,000 feet in and adjacent to the Okeechobee Waterway to 500 feet southwest of the lock gates, as in depicted drawing G.

(b) Martin, Palm Beach County, the City of Clewiston (in coordination and cooperation with the South Florida Water Management District), and Glades County are authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted areas, or portions thereof, located within the respective counties. These local governmental entities may enter into agreements with public or private organizations or individuals to effect this purpose.

(2) The boating restricted areas are depicted on the following drawings:

SEE FLORIDA ADMINISTRATIVE CODE FOR “DRAWINGS A THROUGH G”

Specific Authority 327.46 FS. Law Implemented 327.46 FS. History—New 1-5-88, Formerly 16N-24.011, Amended 1-8-96, Formerly 62N-24.011, Amended 10-2-00.

68D-24.013 Dade County Boating Restricted Areas.

(1) For the purpose of regulating the speed and operation of vessel traffic on and adjacent to the Intracoastal Waterway in the vicinities of Golden Beach, the North East 192nd Street Bridge, Biscayne Creek, Bakers Haulover Inlet, the Broad Causeway Bridge, the 79th Street Causeway Bridge, the Port of Miami, and the Rickenbacker Causeway Bridge in Dade County, Florida, the following Boating Restricted Areas are established:

(a)1. GOLDEN BEACH – 192nd STREET BRIDGE: A Slow Down Minimum Wake Zone from shoreline to shoreline, in and adjacent to the Intracoastal Waterway, beginning at the Dade-Broward County Line and extending to a line drawn perpendicular to the centerline of the Intracoastal Waterway 500 feet south of the North East 192nd Street Bridge.

2. BISCAYNE CREEK: An Idle Speed No Wake Zone in the Intracoastal Waterway Channel extending south from Dumfoundling Bay to Biscayne Bay, including all of Biscayne Creek.

3. BAKERS HAULOVER INLET: An Idle Speed No Wake Zone in and adjacent to the Intracoastal Waterway where the channels converge in the vicinity of the Bakers Haulover Inlet. This area is bounded as follows: on the west by the western edge of the channel of the Intracoastal Waterway; on the south by a line drawn due west from the southernmost point of the A1A Highway Bridge over the Bakers Haulover Inlet; on the east by the A1A Highway Bridge and the shoreline; and on the north by a line drawn due west from the shoreline to the south end of Atlantic Intracoastal Waterway Cut DA-8, approximately 3440 feet north of the southern boundary of this zone.

4. BROAD CAUSEWAY BRIDGE: An Idle Speed No Wake Zone in the Intracoastal Waterway Channel extending 100 yards on both sides of the Board Causeway Bridge.

5. 79th STREET CAUSEWAY BRIDGE: An Idle Speed No Wake Zone in the Intracoastal Waterway Channel extending 100 yards on both sides of the 79th Street Causeway Bridge.

6. PORT OF MIAMI: An Idle Speed No Wake Zone in the Intracoastal Waterway Channel including approximately 1.75 miles from 100 yards north of the Venetian Causeway Bascule Bridge to the southern tip of Claughton Island.

7. RICKENBACKER CAUSEWAY BRIDGE: An Idle Speed No Wake Zone in the Intracoastal Waterway Channel extending 100 yards on both sides of the Rickenbacker Causeway Bridge.

(b) Dade County is authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the restricted areas. The county may enter into agreements with public or private organizations or individuals to effect this purpose.

(2) The boating restricted areas are depicted on the following drawings:

SEE FLORIDA ADMINISTRATIVE CODE FOR “DRAWINGS A THROUGH G”

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History–New 1-5-88, Amended 8-14-89, Formerly 16N-24.013, Formerly 62N-24.013.

68D-24.014 Manatee County Boating Restricted Area.

(1) For the purpose of regulating the speed and operation of vessel traffic on and adjacent to the Florida Intracoastal Waterway within Manatee County, the following Boating Restricted Area is established:

(a) Slow Down Minimum Wake Zone – All waters lying within the channel of the Florida Intracoastal Waterway from a line drawn perpendicular to the centerline of the waterway 550 yards north of the Cortez Bridge to a line drawn perpendicular to the centerline of the waterway 250 yards south of the Cortez Bridge.

(b) Manatee County is authorized to install and maintain Slow Down Minimum Wake regulatory markers within the boating restricted area and shall install and maintain “Resume Normal Safe Operation” markers at the northern and southern boundaries of the boating restricted area.

(2) The boating restricted area is depicted on the following drawing:

SEE FLORIDA ADMINISTRATIVE CODE FOR “MANATEE COUNTY BOATING RESTRICTED AREA MAP”

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History–New 7-18-89, Formerly 16N-24.014, 62N-24.014.

68D-24.015 Apalachicola River Boating Restricted Area.

(1) For the purpose of regulating the speed and operation of vessel traffic on and adjacent to the Apalachicola River within Franklin County, the following Boating Restricted Area is established:

(a) Slow Down Minimum Wake Zone – All waters lying within the Apalachicola River, from shoreline to shoreline but not including Crooked Channel, from the John Gorrie Memorial Bridge to a line drawn perpendicular to the centerline of the river 1500 yards generally north of the John Gorrie Memorial Bridge following the thread of the river.

(b) The City of Apalachicola is authorized to install and maintain Slow Down Minimum Wake regulatory markers within the boating restricted area and shall install and maintain “Resume Normal Safe Operation” markers at the northern and southern boundaries of the boating restricted area.

(2) The boating restricted area is depicted on the following drawing:

SEE FLORIDA ADMINISTRATIVE CODE FOR “APALACHICOLA RIVER BOATING RESTRICTED AREA MAP”

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History—New 8-14-89, Formerly 16N-24.015, 62N-24.015.

68D-24.016 Duval County Boating Restricted Areas.

(1) For the purpose of regulating the speed and operation of vessel traffic on and adjacent to the Florida Intracoastal Waterway within Duval County, the following Boating Restricted Areas are established:

(a) Slow Down Minimum Wake Zones

1. Sisters Creek – All waters in and adjacent to the Florida Intracoastal Waterway within Sisters Creek, from shoreline to shoreline, from a line drawn perpendicular to the center line of the waterway 650 feet north of the Heckscher Drive Bridge to a line drawn from headland to headland across the mouth of Sisters Creek at its confluence with Saint Johns River, as depicted in drawing A.

2. Atlantic Boulevard Bridge – All waters in and adjacent to the Florida Intracoastal Waterway, from shoreline to shoreline from a line drawn perpendicular to the center line of the waterway 1,200 feet north of the Atlantic Boulevard Bridge to a line drawn perpendicular to the center line of the waterway 900 feet south of said bridge, as depicted in drawing B.

3. Beach Boulevard Bridge – All waters in and adjacent to the Florida Intracoastal Waterway, from shoreline to shoreline, from a line drawn perpendicular to the center line of the waterway 1,350 feet north of the Beach Boulevard Bridge to a line drawn perpendicular to the center line of the waterway 900 feet south of said bridge, as depicted in drawing C.

4. Saint Johns River

a. All waters of the Saint Johns River, from shoreline to shoreline, from the Florida East Coast Railroad Bridge adjacent to the Acosta Bridge to the Main Street Bridge, as depicted in drawing D.

b. All waters of the Saint Johns River, from shoreline to shoreline, from the Main Street Bridge to the Hart Bridge, as depicted in drawing D. The zone established in this sub-subparagraph shall be active and enforceable only during periods of unusually high vessel traffic density. The regulatory markers posted for vessels entering this zone shall read SLOW DOWN MINIMUM WAKE WHEN FLASHING and shall have amber or yellow lights on both sides of the circle geometric shape specified in subsection 68D-18.002(3), F.A.C. The Sheriff of Duval County shall cause the lights to alternately flash whenever the zone is active. For the purposes of this sub-subparagraph, “unusually high vessel traffic density” means vessel traffic associated with: events at Riverwalk or Metropolitan Park; regattas, races, marine parades, tournaments, or exhibitions conducted pursuant to the provisions of Section 327.48, F.S.; and legal holidays as specified in Section 683.01, F.S. The Sheriff of Duval County shall notify the Division of Law Enforcement each time the zone is activated or deactivated.

(b) Duval County is authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted areas and shall install and maintain “Resume Normal Safe Operation” markers at the boundaries of the boating restricted areas.

(2) The boating restricted areas are depicted on the following drawings:

SEE FLORIDA ADMINISTRATIVE CODE FOR “DRAWINGS A THROUGH D”

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History—New 12-7-89, Formerly 16N-24.016, 62N-24.016.

68D-24.017 Palm Beach County Boating Restricted Areas.

(1) For the purpose of regulating speed and operation of vessel traffic on the Intracoastal Waterway within Palm Beach County, Florida, the following boating restricted areas are established:

(a)1. Jupiter Inlet – An Idle Speed No Wake zone from shoreline to shoreline, in and adjacent to the Florida Intracoastal Waterway, bounded on the north by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway at the north end of the fender system of the State Road 707 Bridge, on the west by a line drawn perpendicular to the centerline of the Loxahatchee River at the northwest end of the fender system of the Florida East Coast Railroad bridge located adjacent to the State Road 811 (Alternate A-1-A) Bridge, on the south by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway at the south end of the fender system of the State Road 706 Bridge, on the east by a line drawn due north across the Jupiter Inlet from the western tip of the jetty at DuBois Park to the southwest corner of Jupiter Island, and including all waters of and tributaries to Sawfish Bay and the Jupiter River, as depicted in drawing A.

2. Bert Winters Park – An Idle Speed No Wake zone from shoreline to shoreline, in and adjacent to the Florida Intracoastal Waterway, bounded on the north by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 2,700 feet southerly of the Donald Ross Road Bridge (approximately 300 feet north of the boat ramp at Bert Winters Park) and bounded on the south by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 3,300 feet south of the said bridge (approximately 300 feet south of the boat ramp at Bert Winters Park), as depicted in drawing B.

3. Juno Park to PGA Boulevard – An Idle Speed No Wake zone from shoreline to shoreline, in and adjacent to the Florida Intracoastal Waterway, bounded on the north by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 4,300 feet north of the PGA Boulevard Bridge (approximately 300 feet north of Juno Park) and bounded on the south by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 3,000 feet south of the said bridge, as depicted in drawing C.

4. US-1 Bridge – An Idle Speed No Wake zone from shoreline to shoreline, in and adjacent to the Florida Intracoastal Waterway, bounded on the north by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway at the north end of the fender system of the U. S. Highway 1 (State Road 5) Bridge and on the south by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway from headland to headland across the mouth of Lake Worth Creek at its southern terminus at Lake Worth, as depicted in drawing D.

5. Peanut Island/Palm Beach Inlet –

a. A Slow Speed Minimum Wake zone from shoreline to shoreline, adjacent to the Florida Intracoastal Waterway including all waters of Lake Worth; bounded on the north by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway at the north shoreline of Phil Foster Island, from the mainland at Riviera Beach to Singer Island; on the southeast by a line drawn from the southwest corner of Singer Island to the nearest channel marker marking the northern edge of the Lake Worth Inlet Channel and running from channel marker to channel marker along the northern edge of the Lake Worth Inlet Channel and the Port of Palm Beach Turning Basin; and, on the south by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway, from the westernmost channel marker marking the northern edge of the Port of Palm Beach Turning Basin to the mainland, as depicted in drawing E.

b. Palm Beach County is authorized to create by ordinance within this zone a swim area from which vessels are excluded, in waters east of the right-of-way of the Florida Intracoastal Waterway adjacent to and within 150 feet of the southern shoreline of Phil Foster Park.

6. Flagler Memorial Bridge – A Slow Speed Minimum Wake zone from shoreline to shoreline, in and adjacent to the Florida Intracoastal Waterway, bounded on the north by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 2,100 feet north of the Flagler Memorial Bridge and bounded on the south by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 1,800 feet south of the said bridge, as depicted in drawing F.

7. Royal Palm Bridge – A Slow Speed Minimum Wake zone from shoreline to shoreline, in and adjacent to the Florida Intracoastal Waterway, bounded on the north by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway at the north end of the fender system of the Royal Palm (Royal Park, State Road 704) Bridge and bounded on the south by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway along the northern tip of Everglades Island, as depicted in drawing G.

8. Lantana Avenue Bridge – A Slow Speed Minimum Wake zone from shoreline to shoreline, in and adjacent to the Florida Intracoastal Waterway, bounded on the north by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway at the north end of Hypoluxo Island and bounded on the south by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway at the south end of the fender system of the Lantana Avenue (State Road 812) Bridge, as depicted in drawing H.

9. East Ocean Avenue Bridge – An Idle Speed No Wake zone from shoreline to shoreline, in and adjacent to the Florida Intracoastal Waterway, bounded on the north by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 650 feet north of the East Ocean Avenue (State Road 804) Bridge in Boynton Beach and bounded on the south by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway at the south end of the fender system of the said bridge, as depicted in drawing I.

10. Northeast 8th Street Bridge – An Idle Speed No Wake zone from shoreline to shoreline, in and adjacent to the Florida Intracoastal Waterway, bounded on the north by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway at the north end of the fender system of the Northeast 8th Street Bridge and bounded on the south by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 600 feet south of the said bridge, as depicted in drawing J.

11. East Atlantic Avenue Bridge – An Idle Speed No Wake zone from shoreline to shoreline, in and adjacent to the Florida Intracoastal Waterway, bounded on the north by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 650 feet north of the East Atlantic Avenue (State Road 806) Bridge in Delray Beach and bounded on the south by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 1,700 feet south of the said bridge at the northern terminus of the Linton Boulevard Zone, as depicted in drawing K.

12. Linton Boulevard Bridge Zones –

a. A Slow Speed Minimum Wake zone from shoreline to shoreline, in and adjacent to the Florida Intracoastal Waterway, bounded on the north by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 1,700 feet south of the East Atlantic Avenue Bridge at the southern terminus of the East Atlantic Avenue Bridge Zone (approximately one nautical mile north of the Linton Boulevard Bridge) and bounded on the south by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 2,700 feet north of the Linton Boulevard Bridge, as depicted in drawing K.

b. An Idle Speed No Wake zone from shoreline to shoreline, in and adjacent to the Florida Intracoastal Waterway, bounded on the north by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 2,700 feet north of the Linton Boulevard Bridge and bounded on the south by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway at the south end of the fender system of the Linton Boulevard (12th Street) Bridge, as depicted in drawing K.

13. Lake Boca Raton –

a. A “Slow Speed Minimum Wake” zone from shoreline to shoreline, in and adjacent to the Florida Intracoastal Waterway, 3,750 feet north of the centerline of the Palmetto Park Road (S.R. 798) Bridge, (in the vicinity of marker 63), south to 300 feet south of the centerline of the Camino Real Bridge, bounded on the east by the east end of the fender system of the Ocean Avenue (A-1-A) Bridge over the Boca Raton Inlet, and including all waters of Lake Boca Raton.

b. A “Slow Speed Minimum Wake, Weekends Only 9:00 A.M. – 7:00 P.M.” 300 feet south of the centerline of the Camino Real Bridge south to the Palm Beach/Broward County line, a distance of approximately 3,700 feet, as depicted in drawing L.

(b) Palm Beach County is authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within such boating restricted areas and shall install “Resume Normal Safe Operations” markers at the boundaries of such restricted areas, except when such boundaries adjoin manatee protection or other boating restricted areas.

(2) The boating restricted areas described in Rule 68D-24.017, F.A.C. are depicted on the following drawings:

SEE FLORIDA ADMINISTRATIVE CODE FOR “DRAWINGS A THROUGH L”

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History–New 2-28-91, Amended 8-6-92, 6-14-93, Formerly 16N-24.017, Amended 10-27-97, 3-3-99, Formerly 62N-24.017.

68D-24.018 St. Johns River Boating Restricted Areas.

(1) For the purpose of regulating the speed and operation of vessel traffic on the St. Johns River in Lake, Seminole and Volusia Counties, the following Boating Restricted Areas are established:

(a)1. Lake George Fender System: An Idle Speed No Wake boating restricted area within the fender system and associated channel at the south end of Lake George from a line drawn perpendicular to the centerline of the channel at the north end of the fender system to a line drawn perpendicular to the centerline of the channel 1,500 feet south and southeast of the south end of the fender system, as depicted in Drawing A.

2. South Moon Canal:

a. An Idle Speed No Wake boating restricted area from shoreline to shoreline in the St. Johns River and all waters of South Moon Canal, from a line drawn perpendicular to the centerline of the St. Johns River 50 feet north of the confluence of South Moon Canal and the St. Johns River to a line drawn perpendicular to the centerline of the river 850 feet south of said confluence, as depicted in Drawing B.

b. During flooding, an Idle Speed No Wake boating restricted area from shoreline to shoreline in the St. Johns River, from a line drawn perpendicular to the centerline of the St. Johns River 850 feet south of the confluence of South Moon Canal and the St. Johns River approximately 3,000 feet south to a line drawn perpendicular to the centerline of the St. Johns River 50 feet northwest of the confluence of the Jungle Den Canal, as depicted in Drawing B, to be in effect and enforceable when the St. Johns River level is 2.8 feet or higher as indicated by the St. Johns River Water Management District gauge at the S. R. 40 Bridge in Astor.

3. Jungle Den Canal:

a. An Idle Speed No Wake boating restricted area from shoreline to shoreline in the St. Johns River and all waters of the Jungle Den Canal, from a line drawn perpendicular to the centerline of the St. Johns River 50 feet northwest of the confluence of Jungle Den Canal and the St. Johns River to a line drawn perpendicular to the centerline of the river 1,050 feet south of said confluence, as depicted in Drawing C.

b. During flooding an Idle Speed No Wake boating restricted area from shoreline to shoreline in the St. Johns River, from a line drawn perpendicular to the centerline of the river 1,050 feet south of the confluence of the Jungle Den Canal approximately 3,000 feet south to a line drawn perpendicular to the centerline of the St. Johns River 600 feet north of the centerline of the Astor Bridge (S. R. 40), as depicted in Drawing C, to be in effect and enforceable when the St. Johns River level is 2.8 feet or higher as indicated by the St. Johns River Water Management District gauge at the S. R. 40 Bridge in Astor.

4. Astor Bridge: An Idle Speed No Wake boating restricted area from shoreline to shoreline in the St. Johns River from a line drawn perpendicular to the centerline of the St. Johns River 600 feet north of the centerline of the Astor Bridge (S. R. 40) to a line drawn perpendicular to the centerline of the river 2,200 feet south of the centerline of said bridge, as depicted in Drawing D.

5. Whitehair Bridge (Crows Bluff): An Idle Speed No Wake boating restricted area from shoreline to shoreline in the St. Johns River from a line drawn perpendicular to the centerline of the St. Johns River 2,275 feet northwest of the centerline of the Whitehair Bridge (S. R. 44) to a line drawn perpendicular to the centerline of the river 1,150 feet south of the centerline of said bridge, as depicted in Drawing E.

6. Hontoon Island State Park: An Idle Speed No Wake boating restricted area from shoreline to shoreline in the St. Johns River from a line drawn perpendicular to the centerline of the St. Johns River 3,600 feet northeast of the confluence of the Hontoon Dead River and the St. Johns River to a line drawn perpendicular to the centerline of the St. Johns River 1,950 feet east of the confluence of the St. Johns River and the Hontoon Dead River, as depicted in Drawing F.

7. Highbanks Boat Ramp:

a. An Idle Speed No Wake boating restricted area from shoreline to shoreline in the St. Johns River from a line drawn perpendicular to the centerline of the river 400 feet north of the boat ramp at the foot of West Highbanks Road to a line drawn perpendicular to the centerline of the river 300 feet south of said boat ramp, as depicted in Drawing G.

b. During flooding, an Idle Speed No Wake boating restricted area from shoreline to shoreline in the St. Johns River, from a line drawn perpendicular to the centerline of the river 400 feet north of the boat ramp at the foot of the West Highbanks Road to a line drawn perpendicular to the centerline of the river 1,650 feet north of said boat ramp at marker #91 and from a line drawn perpendicular with the centerline of the river 300 feet south of said boat ramp to a line drawn perpendicular to the centerline of the river 1,800 feet south of said boat ramp as depicted in Drawing G, to be in effect and enforceable when the St. Johns River level is 5.6 feet or higher as indicated by the St. Johns River Water Management District gauge at the Sanford Station.

8. Lake Monroe: An Idle Speed No Wake boating restricted area from shoreline to shoreline in the St. Johns River from a line drawn perpendicular to the centerline of the St. Johns River 3,000 feet west of the centerline of the I-4 Bridge to a line drawn parallel to the centerline of the I-4 Bridge at the east end of the fender system of said bridge, to include the Lake Monroe Park Basin, as depicted in Drawing H.

9. Mullet Lake Park: During flooding, an Idle Speed No Wake boating restricted area from shoreline to shoreline in the St. Johns River, from a line drawn perpendicular to the centerline of the river at Mullet Lake Park boat ramp to a line drawn perpendicular to the centerline of the St. Johns River 3,000 feet north of Mullet Lake Park, as depicted in Drawing I, to be in effect and enforceable when the St. Johns River level is 6.3 feet or higher as indicated by the St. Johns River Water Management District gauge at the Jessup Station.

10. Lemon Bluff:

a. An Idle Speed No Wake boating restricted area from shoreline to shoreline in the St. Johns River from a line drawn perpendicular to the centerline of the St. Johns River 800 feet northeast of the southern terminus of Lemon Bluff Road to a line drawn perpendicular to the centerline of the St. Johns River at the southern terminus of Lemon Bluff Road, as depicted in Drawing J.

b. During flooding, an Idle Speed No Wake boating restricted area from shoreline to shoreline in the St. Johns River, from a line drawn perpendicular to the centerline of the river even with the southern terminus of the Lemon Bluff Road to a line drawn perpendicular to the centerline of the St. Johns River 3,800 feet southwest of the beginning line, as depicted in Drawing J, to be in effect and enforceable when the St. Johns River level is 6.3 feet or higher as indicated by the St. Johns River Water Management District gauge at the Jessup Station.

(b) Lake, Seminole and Volusia Counties are authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted areas, or portions thereof, located within the respective counties. These counties may enter into agreements with public or private organizations or individuals to effect this purpose. Lake, Seminole and Volusia Counties are authorized to make public service announcements to notify the public of the changes in speed zones before, during and after flooding.

(2) The boating restricted areas are depicted on the following drawings:

SEE FLORIDA ADMINISTRATIVE CODE FOR “DRAWINGS A THROUGH J”

Specific Authority 327.04, 327.46 FS. Law Implemented 327.33(3), 327.46 FS. History—New 6-3-92, Formerly 16N-24.018, Amended 10-3-95, 11-21-96, 2-4-98, Formerly 62N-24.018.

68D-24.019 Nassau County Boating Restricted Area.

(1) For the purpose of regulating the speed and operation of vessel traffic on and adjacent to the Intracoastal Waterway within Nassau County, Florida, the following Boating Restricted Area is established:

(a) Fernandina Beach – An Idle Speed No Wake Zone zone from shoreline to shoreline in the Amelia River, from a line drawn perpendicular to the centerline of the Amelia River at the extended centerline of Dade Street to a line drawn perpendicular to the centerline of the Amelia River 400 feet south of the extended centerline of Cedar Street, and bounded on the west by a line drawn across the mouth of Bells River, as depicted in drawing A.

(b) Nassau County is authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within such boating restricted area.

(2) The boating restricted area described in Rule 68D-24.019, F.A.C. is depicted on the following drawing:

SEE FLORIDA ADMINISTRATIVE CODE FOR “FERNANDINA BEACH DRAWING”

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History—New 4-1-93, Formerly 16N-24.019, 62N-24.019.

68D-24.020 Suwannee and Santa Fe River Boating Restricted Areas.

For the purpose of regulating the speed and operation of vessel traffic, the Suwannee and Santa Fe River Boating Restricted Areas are established as follows:

(1) Idle Speed No Wake Zones –

(a) Suwannee River – All waters in and adjacent to the Suwannee River, from shoreline to shoreline, bounded on the north by a line drawn perpendicular to the centerline of the river at the north end of the fender system of the U.S. 27 Bridge at Branford and bounded on the south by a line drawn perpendicular to the centerline of the river 300 feet south of the boat ramp at Fowler’s Bluff.

(b) Santa Fe River – All waters in and adjacent to the Santa Fe River, from shoreline to shoreline, bounded on the north by a line drawn perpendicular to the centerline of the river at the north end of the fender system of the U.S. 27 Bridge near High Springs and bounded on the south by the Suwannee River.

(2) When in Effect – The boating restricted areas established in section (1) shall be active and enforceable only when the water level of the Suwannee River measured at Branford, Florida, is at 26 feet above sea level (3 feet below flood stage) or higher.

Specific Authority 120.54(9), 327.04, 327.46 FS. Law Implemented 327.46 FS. History–New 5-3-94, Formerly 16N-24.020, 62N-24.020.

68D-24.108 Charlotte County Boating Restricted Area.

(1) For the purpose of regulating the speed and operation of vessel traffic on and adjacent to the Intracoastal Waterway in Charlotte County, Florida, the following Boating Restricted Areas are established:

(a)1. Cape Haze – A Slow Speed Minimum Wake boating restricted area from shoreline to shoreline, in and adjacent to the Intracoastal Waterway, from a line drawn east/west across the waterway 4,982 feet south east of platted Lot Number 6 within the Cape Haze Subdivision, Section 3, Township 42S, Range 20E, in Charlotte County, Florida, to a line drawn perpendicular to the centerline of the waterway 2,552 feet northwest of said Lot, as depicted in drawing A.

2. Gasparilla Island Bridge – A Slow Speed Minimum Wake boating restricted area within the right-of-way of the Florida Intracoastal Waterway from a line drawn perpendicular to the center line of the waterway 300 feet east-southeast of the abandoned CSX railroad bridge to a line drawn perpendicular to the center line of the waterway 300 feet west-northwest of the center fender system of the Gasparilla Island Causeway Bridge, as depicted in drawing B.

3. Tom Adams Bridge – A Slow Speed Minimum Wake boating restricted area on all waters in and adjacent to the Florida Intracoastal Waterway, from shoreline to shoreline, bounded on the northwest by a line drawn parallel to the center line of the Tom Adams Bridge 300 feet northwest of the centerline of said bridge, bounded on the southwest by the shoreline and by a line drawn perpendicular to the centerline of said bridge running from the southwest terminus of the bridge northwest until it intersects with the northwest boundary line (26°56'00"N, 82°21'19"W), bounded on the southeast by a line drawn parallel to the center line of said bridge 300 feet southeast of the centerline of said bridge, and bounded on the east and northeast by the shoreline, as depicted in drawing C.

(b) Charlotte County and the Gasparilla Island Bridge Authority are authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within such boating restricted area.

(2) The boating restricted areas described in Rule 68D-24.108, F.A.C. are depicted on the following drawings:

SEE FLORIDA ADMINISTRATIVE CODE FOR THE CAPE HAZE BOATING RESTRICTED AREA DRAWING, WHICH WILL BE DESIGNED AS DRAWING A.

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History–New 6-27-95, Formerly 62N-24.108, Amended 4-10-02.

68D-24.109 Withlacoochee River Boating Restricted Areas.

For the purpose of regulating the speed and operation of vessel traffic on and adjacent to the Withlacoochee River within Citrus, Hernando, Marion, and Sumter Counties, the following Boating Restricted Areas are established:

(1) Idle Speed No Wake zones

(a) State Road 200 – All waters in and adjacent to the Withlacoochee River, from shoreline to shoreline, from the centerline of the S.R. 200 bridge south to Mile Marker 30 for a distance of 4 miles, and from the centerline of the S.R. 200 bridge north to Mile Marker 24 located at Camp Izzard boat ramp for a distance of 2 miles. This restriction shall be active and enforceable only when the water level of the Withlacoochee River measured at the Holder Gauge is at 6.0 feet and will remain in effect until the river recedes to 6.0 feet, as depicted in Drawing A.

(b) Turner Camp – All waters in and adjacent to the Withlacoochee River, from shoreline to shoreline, from the centerline of C.R. 581 north to Mile Marker 34 for a distance of .6 miles, and from the centerline of C.R. 581 south to Mile Marker 36 for a distance of 1.4 miles. This restriction shall be active and enforceable only when the water level of the Withlacoochee River measured at the Croom Gauge is at 9.0 feet and will remain in effect until the river recedes to below 9.0 feet, as depicted in Drawing B.

(c) Highway 44 – All waters in and adjacent to the Withlacoochee River, from shoreline to shoreline, from the centerline of Highway 44 bridge north to Mile Marker 38, located at Squire Court for a distance of 2 miles, and south from the centerline of the Highway 44 bridge south to Mile Marker 42 for a distance of 2 miles to Shawnee Trail. This restriction shall be active and enforceable only when the water level of the Withlacoochee River measured at the Croom Gauge is at 9.0 feet and will remain in effect until the river recedes to below 9.0 feet, as depicted in Drawing C.

(d) All waters in and adjacent to the Withlacoochee River, from shoreline to shoreline, from the centerline of C.R. 476 south one mile to Mile Marker 61. This restriction shall be active and enforceable only when the water level of the Withlacoochee River measured at the Croom Gauge is at 9.0 feet and will remain in effect until the river recedes to below 9.0 feet, as depicted in Drawing D.

(e) All waters in and adjacent to the Withlacoochee River, from shoreline to shoreline, from the Silver Lake Park boundary line, at Mile Marker 64, south to U.S. Highway 301, a distance of six miles, and from the centerline of U.S. Highway 301 south to the northern most end of the fender system of the CSX railroad bridge at Mile Marker 70, a distance of one mile. This restriction shall be active and enforceable only when the water level of the Withlacoochee River measured at the Trilby Gauge is at 12.0 feet and will remain in effect until the river recedes to below 12.0 feet, as depicted in Drawing E.

(2) Citrus, Hernando, Marion, and Sumter Counties are authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted area and shall install and maintain markers at each of the boating restricted areas for the duration of the flood period. Gauges will be monitored by the Southwest Florida Water Management District and the respective Emergency Management Offices of each county. The signage will be removed within one week after the waters have subsided.

(3) The boating restricted areas are depicted in the following drawings:

SEE FLORIDA ADMINISTRATIVE CODE FOR “DRAWINGS A THROUGH E”

Specific Authority 327.40, 327.46 FS. Law Implemented 327.46 FS. History—New 2-10-97, Formerly 62N-24.109.

68D-24.117 Escambia County Boating Restricted Area.

(1) For the purpose of regulating the speed and operation of vessel traffic on and adjacent to the Florida Intracoastal Waterway within Escambia County, the following Boating Restricted Area is established:

Florida Intracoastal Waterway between a line drawn perpendicular to the centerline of State Road 292 (Perdido Key Bridge) 5,500 feet west (30°18'43"/87°26'33") of the Perdido Key Bridge (S. R. 292) and a line drawn perpendicular to the centerline of State Road 292 (Perdido Key Bridge) 3,500 feet east (30°18'06"/87°25'00"), including the waters adjacent to the Florida Intracoastal Waterway north and south to the mean high water mark as depicted in drawing A.

(2) Escambia County is authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted area and shall install and maintain “Idle Speed No Wake” and “Resume Normal Safe Operation” markers at the east and western boundaries of the boating restricted area.

(3) The boating restricted area is depicted in the following drawing:

SEE FLORIDA ADMINISTRATIVE CODE FOR “DRAWING A”

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History—New 9-30-97, Formerly 62N-24.117.

68D-24.118 Flagler County Boating Restricted Area.

(1) For the purpose of regulating speed and operation of vessel traffic on the Florida Intracoastal Waterway in Flagler County the following boating restricted area is established:

(a) S. R. 100 Bridge – A Slow Speed Minimum Wake boating restricted area shoreline to shoreline, in and adjacent to the Florida Intracoastal Waterway, from 500 feet south of the centerline of the S. R. 100 Bridge to 1,200 feet north of the centerline of the S. R. 100 Bridge, as depicted in Drawing A.

(b) The City of Flagler Beach is authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted area. The City of Flagler Beach may enter into agreements with public or private organizations or individuals to effect this purpose.

(2) The boating restricted area is depicted on the following drawing:

SEE FLORIDA ADMINISTRATIVE CODE FOR “DRAWING A”

Specific Authority 327.04, 327.46 FS. Law Implemented 327.33(3), 327.46 FS. History—New 3-15-98, Formerly 62N-24.118.

68D-24.136 Lee County Boating Restricted Area.

(1) For the purpose of regulating the speed and operation of vessel traffic on and adjacent to the Florida Intracoastal Waterway within Lee County, the following Boating Restricted Area is established:

Caloosahatchee River at the Alva Bridge – All waters of the Florida Intracoastal Waterway, shoreline to shoreline, west from the centerline of the Alva Bridge (S.R. 78) to 300 feet west of the most western boundary of the fuel facility property (26°42'50.9"/81°36'42.1") and an informational marker will be located 300 feet west (26°42'46.2"/81°36'43.8") of the regulatory

marker and east from the centerline of the Alva Bridge (S.R. 78) to 300 feet east (26°42'49"/81°36'17") of the most eastern boundary of the Alva Public Boat Ramp and an informational marker will be located 2450 feet east (26°42'50"/81°35'53.3") of the most eastern boundary of the Alva Boat Ramp, as depicted in drawing A.

(2) Lee County is authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted area and shall install and maintain Idle Speed No Wake and "Resume Normal Safe Operation" markers at the east and western boundaries of the boating restricted area.

(3) The boating restricted area is depicted in the following drawing:

SEE FLORIDA ADMINISTRATIVE CODE FOR "DRAWING A"

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History—New 11-25-96, Formerly 62N-24.136.

68D-24.143 Martin County Boating Restricted Areas.

(1) For the purpose of regulating the speed and operation of vessel traffic on and adjacent to the Intracoastal Waterway in Martin County, Florida, the following Boating Restricted Areas are established for vessels 35 feet or more in length:

(a)1. Gleason Street Boat Ramp – A Slow Speed Minimum Wake zone from shoreline to shoreline, in and adjacent to the Intracoastal Waterway, bounded on the north by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 600 feet north of the Gleason Street Boat Ramp and on the south by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 300 feet south of said boat ramp, as depicted in drawing A. If the Gleason Street Boat Ramp is closed and its use as a transportation facility discontinued, the zone established in this paragraph shall no longer be in force or effect.

2. Jupiter Island – A Slow Speed Minimum Wake zone from shoreline to shoreline, in and adjacent to the Intracoastal Waterway, bounded on the north by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 4,350 feet south of the Hobe South (State Road 708) Bridge (at marker number 33) to the centerline of the Florida Intracoastal Waterway 8,295 feet south of said bridge (at marker 35), as depicted in drawing A.

(b) The Town of Jupiter Island is authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within such boating restricted area.

(2) The boating restricted areas described in Rule 68D-24.143, F.A.C. are depicted on the following drawing:

SEE FLORIDA ADMINISTRATIVE CODE FOR "DRAWING A"

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History—New 2-25-96, Formerly 62N-24.143.

68D-24.146 Okaloosa County Boating Restricted Area.

For the purpose of regulating the speed and operation of vessel traffic on the Florida Intracoastal Waterway within Okaloosa County, Florida, the following boating restricted area is established:

(1) Slow Speed Minimum Wake Zone.

(a) Brooks Bridge – A Slow Speed Minimum Wake zone, shoreline to shoreline, in and adjacent to the Florida Intracoastal Waterway from 2,000 feet west (30°24'01N"/86°36'20W") of the centerline of the Brooks Bridge to 900 feet east (30°24'14N"/86°35'23W") of the centerline of the Brooks Bridge in Okaloosa County, as depicted in Drawing A.

(b) Okaloosa County is authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted area.

(2) The boating restricted area is depicted in Drawing A:

SEE FLORIDA ADMINISTRATIVE CODE FOR "DRAWING A"

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History—New 11-14-01.

68D-24.155 St. Johns County Boating Restricted Areas.

(1) For the purpose of regulating speed and operation of vessel traffic on the Florida Intracoastal Waterway within St. Johns County, Florida, the following boating restricted areas are established:

(a)1. S. R. 210 – Palm Valley Bridge – An Idle Speed No Wake boating restricted area shoreline to shoreline, in and adjacent to the Florida Intracoastal Waterway, 500' north of the centerline of the S. R. 210 Bridge, south to 500' south of the centerline of the S. R. 210 Bridge, as depicted in Drawing A.

2. Vilano Beach Bridge (Tolomato River) – An Idle Speed No Wake boating restricted area shoreline to shoreline, in and adjacent to the Florida Intracoastal Waterway, 500' north of the centerline of the Vilano Beach Bridge, south to 500' south of the centerline of the Vilano Beach Bridge, as depicted in Drawing B.

3. Bridge of Lions (Matanzas River) – An Idle Speed No Wake boating restricted area shoreline to shoreline, in and adjacent to the Florida Intracoastal Waterway, 500' north of the centerline of the Bridge of Lions Bridge, south to 500' south of the centerline of the Bridge of Lions Bridge, as depicted in Drawing C.

4. S. R. 312 Bridge (Matanzas River) – An Idle Speed No Wake boating restricted area shoreline to shoreline, in and adjacent to the Florida Intracoastal Waterway, 500' north of the centerline of the S. R. 312 Bridge, south to 500' south of the centerline of the S. R. 312 Bridge, as depicted in Drawing D.

5. Crescent Beach Bridge at S. R. 206 (Mantanzas River) – An Idle Speed No Wake boating restricted area in and adjacent to the Florida Intracoastal Waterway, 500' north of the Crescent Beach Bridge, south to 500' south of the centerline of the Crescent Beach Bridge, as depicted in Drawing E.

6. Devil's Elbow Boat Ramp – A Slow Speed Minimum Wake zone from 500 feet north (29°45'16N"/81°14'58W") of the centerline of the Devil's Elbow Boat Ramp to 500 feet south (29°45'07N"/81°14'59W") of the centerline of the Devil's Elbow Boat Ramp in and adjacent to the Florida Intracoastal Waterway as depicted in Drawing F.

(b) St. Johns County is authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted areas. St. Johns County may enter into agreements with public or private organizations or individuals to effect this purpose.

(2) The boating restricted areas are depicted on the following drawings:

SEE FLORIDA ADMINISTRATIVE CODE FOR “DRAWINGS A THROUGH E”

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History–New 12-11-97, Formerly 62N-24.155, Amended 11-14-01.

68D-24.164 Volusia County Boating Restricted Areas.

(1) For the purpose of regulating the speed and operation of vessel traffic on the Florida Intracoastal Waterway (ICW) bordering eastern Volusia County, including the Indian River and the Halifax River, the following Boating Restricted Areas are established:

(a)1. Daytona Beach: An Idle Speed No Wake boating restricted area from the western shoreline to the eastern limit of the right-of-way of the ICW from a line drawn perpendicular to the centerline of the ICW 200 feet north of the Main Street Bridge to a line which is 600 feet northerly of and parallel to the centerline of northern span of the Seabreeze Bridge (S. R. 430), as depicted in drawing A.

2. New Smyrna Beach: An Idle Speed No Wake boating restricted area in and adjacent to the ICW, bounded on the north and west by the western shoreline of the Indian River North, bounded on the south by the northern shoreline of Chicken Island and a line drawn due west from the western end of Chicken Island, and bounded on the east by a line drawn due north from the eastern end of Chicken Island, as depicted in drawing B.

3. Edgewater: An Idle Speed No Wake boating restricted area from the western shoreline to the eastern limit of the right-of-way of the ICW from a line drawn perpendicular to the centerline of the ICW 300 feet north of the Kennedy Park boat ramp to a line drawn perpendicular to the centerline of the ICW 500 feet south of the Menard May Park boat ramp, as depicted in drawing C.

(b) Volusia County is authorized to install and maintain Idle Speed No Wake and Resume Normal Safe Operation markers at the beginning and end of each of these restricted areas.

(2) The restricted areas are depicted on the following maps:

SEE FLORIDA ADMINISTRATIVE CODE FOR “DRAWINGS A THROUGH C”

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History–New 4-2-87, Formerly 16N-24.009, 62N-24.009, Amended 4-12-99, Formerly 62N-24.164.

CHAPTER 68D-36 MINIMUM STANDARDS FOR MANDATORY BOATING SAFETY COURSES

- 68D-36.004 Minimum Requirements for Training Facilities and Instructors.
68D-36.008 Minimum Requirements for Boating Safety Courses.
68D-36.009 Proof of Successful Completion of the Course.

68D-36.004 Minimum Requirements for Training Facilities and Instructors.

(1) Training Facility Requirements.

(a) "Training facility" means a school or other sponsoring organization that offers to the public boating safety courses that meet the minimum standards established by the National Association of State Boating Law Administrators.

(b) Each training facility shall require its instructors to demonstrate knowledge of boating safety and the current laws and regulations pertaining to the operation of vessels, as well as teaching skills in the area of boating safety, and shall ensure that all instructors meet the qualifications set forth in subsection (2).

(c) Training facilities should make maximum use of the existing cadre of qualified instructors who have been trained through state boating safety programs, the United States Coast Guard Auxiliary, the United States Power Squadrons, the American National Red Cross, the Young Mens Christian Association, the United States Coast Guard's National Boating Safety Course, and other similar public and private boating safety oriented programs.

(d) Each training facility is responsible for maintaining an ongoing quality control program. Training facilities should periodically update or recertify their instructors. Quality of instruction will be assured through this means with each training facility, or the training facility's sponsoring organization, auditing its own program.

(e) Each training facility must teach a course of instruction, the content of which has received the prior approval of the National Association of State Boating Law Administrators. This approval is valid only for three years. Each training facility or its sponsoring organization must ensure that the course materials are resubmitted for continuing approval so as to avoid a lapse of approved status.

(2) Instructor qualifications.

(a) Each instructor shall have knowledge of boating safety, and the current laws and regulations pertaining to the operation of vessels, as well as teaching skills in the area of boating safety.

(b) Each instructor must have the knowledge, skills, and abilities necessary for the transmittal of the information necessary to implant knowledge of boating safety in students. The following skills, knowledge, and abilities are considered essential for this purpose:

1. Instructor/student communication.
2. Logical thinking.
3. Human relations and human diversity.
4. Lesson planning.
5. Teaching methods.
6. Instructional aids.
7. Handicaps to learning.
8. Evaluation of student performance.

(c) Certifications of instructors for specialized courses such as canoeing, kayaking, boardsailing, etc., that are available through the American National Red Cross, American Canoe Association, and other boating safety oriented programs are recognized. These certifications, however, are in addition to and do not eliminate the necessity of instructors possessing the knowledge, skills, and abilities set forth in paragraph (2)(b), above.

Specific Authority 327.04, 327.395, 327.731 FS. Law Implemented 327.395, 327.731 FS. History—New 12-27-88, Formerly 16N-36.004, Amended 12-29-96, Formerly 62N-36.004.

68D-36.008 Minimum Requirements for Boating Safety Courses.

(1) Each boating safety course taught pursuant to Section 327.395, F.S. or Section 327.731, F.S., shall provide a minimum of eight hours of instruction and shall include all of the following topics (the order of coverage is not important and may vary, so long as each item is covered):

(a) The vessel.

1. Vessel types; basic types and hull designs and their uses.
2. Capacity (load and horsepower); importance of checking capacity plate, and where to find it.
3. Numbering.
 - a. What vessels must be numbered (reciprocity – state of principal use).
 - b. Numbering procedures.
 - c. Display of numbers.
 - d. Documentation.
 - e. Hull identification number.

4. Equipment.

- a. Personal floatation devices; types and requirements.
- b. Navigation lights.
- c. Fire extinguisher; type and requirements.
- d. Ventilation.
- e. Flame arrestor.
- f. Sound-producing devices.
- g. Visual distress signals (depending upon location).
- h. Pollution (oil and marine sanitation devices).
- i. Recommended equipment; as necessary for location and size of craft.

(b) Preparation.

- 1. Trailering/transporting.
- 2. Awareness of environmental conditions; checking weather and water conditions before heading out.
- 3. Specific local hazards; local hazards such as large bodies of water, weather, whitewater, dams, cold-water, etc.
- 4. Float plan; how and when to complete a float plan.
- 5. Preventive maintenance and storage; include engine, boat, equipment and fuel conservation tips.

(c) Operations.

- 1. Operator responsibility (ethics); use of courtesy and common sense on the water.
 - a. Careless/reckless/negligent operation.
 - b. Alcohol, controlled substance and stressors.
 - c. Littering/pollution.
- 2. Navigation rules.
 - a. Meeting, passing, crossing; non-motorized and commercial craft situations.
 - b. Sound signals.
 - c. Navigation lights (may be covered in Equipment Section).
- 3. Aids to navigation; buoys and other waterway markers, including lateral, and/or Uniform State Systems and diver's flag.
- 4. Departure/underway.
 - a. Changes in environmental conditions; checking water and weather conditions.
 - b. Maneuvering-operating underway; keeping a lookout, basic navigation and charts or maps.
- 5. Mooring.
 - a. Docking; including information about lines and knots.
 - b. Anchoring; types of anchors, line length, etc.
- 6. Other activities and water sports such as fishing, hunting and waterskiing.
- 7. Accidents.
 - a. Causes and prevention.
 - b. Legal requirements – remaining on scene; rendering assistance; reporting accidents.
 - c. Boating accident statistics.
- 8. Responding to emergencies such as falling overboard, on board, cold-water survival, first-aid kits and repairs.

(d) State Specific Information.

- 1. Personal Watercraft Requirements.
 - a. Specific safety requirements.
 - b. Age of person onboard to operate/rent.
 - c. Operation/Night restriction-wake jumping.
- 2. Boating Safety Identification Cards.
 - a. Age requirements/engine requirements.
 - b. Photographic identification.
- 3. Vessel Safety Regulations.
 - a. Children under the age of 6 on a vessel less than 26 feet in length.
 - b. Florida adopts all federal equipment requirements.
- 4. State Divers Down Flag Requirements.
- 5. Water Skis and Aquaplane Regulations.
 - a. Must wear a Personal Floatation Device.
 - b. Must have observer or wide-angle rear view mirror.
 - c. May not ski 30 minutes after sunset, or 30 minutes before sunrise.
- 6. Manatee awareness.
- 7. Ecosystem awareness.

(2) Personal Watercraft Safety Information.

(a) In addition to the topics specified in paragraphs (c) and (d) of subsection (1), any person renting a personal watercraft must have received training in the following topics:

1. Propulsion, steering, and stopping characteristics of jet-pump vessels.
2. Location and content of manufacturers' warning labels.
3. Falling off and reboarding.
4. Applicability of Navigation Rules to personal watercraft.
5. Problems seeing other vessels and being seen by them.
6. Wake/surf jumping and other reckless operations.
7. Noise, nuisances, and environmental concerns.
8. An on-the-water demonstration and check ride to demonstrate proficiency on the personal watercraft to be rented.

(b) A livery may not lease, hire, or rent a personal watercraft to any person unless the livery displays safe operation instruction posters and offers brochures, or shows a safe operation instructional video tape, containing the following boating safety information:

1. Personal watercraft are vessels (motorboats), not toys.
2. Courtesy and common sense.
3. Wearing of a personal floatation device and using a lanyard type engine cutoff switch.
4. Propulsion, steering, and stopping characteristics of jet-pump vessels.
5. Applicability of Navigation Rules to personal watercraft.
6. Problems seeing other vessels and being seen by them.
7. Wake/surf jumping and other reckless operations.
8. Noise, nuisances, and environmental concerns.

(3) For each course, the training facility must use the following:

- (a) A boating safety workbook or text.
 - (b) A final exam of not less than 25 questions with a minimum passing score of 70 percent.
 - (c) A syllabus or course outline.
 - (d) The course objectives.
- (4) Correspondence Courses.

(a) Persons taking an approved course to obtain a boating safety identification card to document compliance with Section 327.395, F.S., may take the course by correspondence provided that, on average, the course requires approximately eight hours for completion.

(b) Convicted offenders taking an approved course to comply with the mandatory education for violators provisions of Section 327.731, F.S., must be able to prove successful completion, at his or her own expense, of a boating safety course that meets minimum standards established in subsection (1).

Specific Authority 327.04, 327.395, 327.54, 327.731 FS. Law Implemented 327.395, 327.54, 327.731 FS. History--New 12-27-88, Formerly 16N-36.008, Amended 12-29-96, Formerly 62N-36.008.

68D-36.009 Proof of Successful Completion of the Course.

(1) Approved courses and equivalency exams.

(a) Persons who have successfully completed an approved course, including a correspondence course, or an equivalency examination will be issued a boater safety identification card which is valid during the life of the person to whom it is issued. Any person required to comply with s. 327.395, F.S., unless otherwise exempted, must carry and have available for inspection this card and photographic identification whenever operating a vessel powered by a motor of 10 horsepower or greater.

(b) Persons who have passed a temporary certificate examination will be issued a boater safety temporary certificate which is valid for a period of 12 months following the date of issuance. Any person required to comply with s. 327.395, F.S., unless otherwise exempted, must carry and have available for inspection this temporary certificate and photographic identification whenever operating a vessel powered by a motor of 10 horsepower or greater.

(c) The photographic identification must include the following for the individual to whom it is issued:

1. The individual's full name.
2. The individual's current street address including: the house or lot number; the street name or number; the apartment or unit number if applicable; the city, state and ZIP code if within the United States; the city, state or province, postal code if applicable, and the country if not within the United States.
3. The individual's date of birth.
4. A photograph not more than six years old of the face of the individual.
5. The name of the governmental agency, employer, school, training facility, person, or other entity which prepared or issued the identification.

(2) Violator courses.

(a) Each instructor who teaches a boating safety course to a person mandated under Section 327.731, F.S., to successfully complete such a course, shall execute a Certification of Successful Completion of an Approved Boating Safety Course, Form FWC 20-238 (Rev. 7/1/99), for each student who successfully completes the course (Forms FWC 20-238 (Rev. 7/1/99) and FWC 20-238 (Rev. 7/1/99) may be used until existing supplies are exhausted). If a course is taught by more than one instructor, the instructor who grades the final examination shall execute the form.

(b) The instructor shall place the gold copy with the student's records and give the original, the canary copy, and the pink copy to the student.

(c) The student shall, within the 90 days first following the successful completion of the course, file the original with the clerk of the appropriate county court and shall forward the canary copy with the seal of the clerk affixed thereto to the Records Section, Division of Law Enforcement, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399.

(d) If the pink copy with the seal of the clerk of the county court affixed thereto is carried on board the vessel and is available for inspection whenever the person named thereon is operating the vessel during the ninety days following the filing of the Certificate of Successful Completion of an Approved Boating Safety Course, it shall constitute prima facie evidence to an officer charged with the enforcement of Chapter 327, F.S., that the person named thereon has complied with the provisions of Section 327.731, F.S., and may lawfully operate a vessel upon the waters of the state.

(e) Form FWC 20-238 (Rev. 7/1/99) is hereby incorporated by reference and may be obtained from the Commission at the address specified in subsection (3).

Specific Authority 327.04, 327.395, 327.731 FS. Law Implemented 327.395, 327.731 FS. History--New 12-27-88, Formerly 16N-36.009, Amended 12-29-96, Formerly 62N-36.009.

CHAPTER 68E-1 PERMITS FOR COLLECTION AND POSSESSION OF INDIGENOUS SALTWATER ANIMALS FOR EXPERIMENTAL, SCIENTIFIC, EDUCATIONAL OR EXHIBITIONAL PURPOSES

68E-1.001	Introduction and Scope.
68E-1.004	General Permit Application Procedures, Requirements and Expiration.
68E-1.005	Suspension, Revocation and Penalties.
68E-1.006	Additional Special Requirements for Marine Stony Corals, Fire Corals, Sea Fans, and Marine Turtles.
68E-1.0061	Additional Special Requirements for Any and All Marine Turtles.

68E-1.001 Introduction and Scope.

(1) Various Florida laws restrict the capture, taking or possession of various saltwater animals. These restrictions include, but are not limited to regulations pertaining to size or length of animal, area of capture, season of capture, type or size of gear and equipment, bag limit or whether the female is gravid.

(2) In an effort to properly manage the marine resources, the law also recognizes that there are justifiable reasons to lift these restrictions and allow the taking and possession of saltwater animals for scientific, educational and exhibitional purposes. Whenever the Fish and Wildlife Conservation Commission, through the Division of Marine Fisheries, determines that such experimental, educational, scientific, or exhibitional activities would not harm the resource and would be in the best public interest, it may issue permits, upon such terms, conditions, or restrictions as are necessary to carry out Section 370.10(2), F.S., and its related provisions. Therefore, and in keeping with the legislative intent, the Commission has established the following procedural requirements and conditions.

(3) Under Chapter 370, F.S., certain saltwater animals which may be collected or possessed under permit cannot be sold. These conditions and animals include, but are not limited to the following: shad and stone crab claws during closed season [Sections 370.11(3)(b), 370.13(1)(a), F.S.] salt water fishes and invertebrates under a certain size [Sections 370.11(2)(a), 370.1125(1), 370.13(1)(a), 370.17(4)(b), F.S.] all sailfish, marine turtles, sea fans (*Gorgonia ventalina* and *Gorgonia flabellum*) stony corals, claws from egg-bearing stone crabs, tarpon, snook, and bonefish [Sections 370.11(5), 370.12(1)(a), 370.114(1)(a), 370.135(3), 370.11(4), 370.111(4), 370.1121(2), F.S.].

Specific Authority 370.02, 370.021, 370.10(2) FS. Law Implemented 370.10(2), 370.021 FS. History—New 2-11-81, Formerly 16B-40.01, 16B-40.001, 16R-1.001, 62R-1.001.

68E-1.004 General Permit Application Procedures, Requirements and Expiration.

(1) The Division of Marine Fisheries does not issue permits for the collection and possession of any indigenous saltwater animals protected by Chapter 370, F.S., for experimental, educational, scientific, or exhibitional purposes in any state, federal, or local park. This responsibility lies with the various park systems. Thus an applicant must contact state, federal, or local park offices for the procedures and applications for such collections and/or permits in their boundaries.

(2) Accreditation of applicant pursuant to Section 370.10(2), F.S. Individuals meeting the following conditions are considered properly accredited persons and may be eligible to receive an annual permit to collect and possess saltwater animals for experimental, educational, scientific, and exhibitional purposes.

(a) Students of colleges or universities whose studies with saltwater animals are under the direction of their teacher or professor; or

(b) Scientific or technical faculty of public or private colleges or universities; or

(c) Scientific or technical employees of private research institutions and consulting firms; or

(d) Scientific or technical employees of city, county, state or federal research and/or regulatory agencies; or

(e) Members in good standing or recognized and properly chartered conservation organizations, e.g., Audubon Society, Sierra Club; or

(f) Persons affiliated with aquarium facilities or museums, or contracted as an agent therefor, which are open to the public with or without an admission fee; or

(g) Persons without specific affiliations listed above, but who are recognized by the Commission for their contributions to marine conservation such as scientific or technical publications, or through a history of cooperation with the Commission in conservation programs such as turtle nesting surveys, or through advanced educational programs such as high school marine science centers.

(3) The application for permits is in the form of a letter. The information required in the letter of application is as follows:

(a) Applicant's name, business address and telephone number (on letterhead stationery, if available).

(b) Applicant's affiliation and position pertinent to the collecting permit.

(c) Detailed information on the need for the permit to include: saltwater animal(s) sought; type and size of gear and equipment, general area and season of collection and purpose of the collection. Purpose must be limited to educational, scientific, experimental or exhibitional.

(d) The letter of application for applicants collecting as an agent for another entity, e.g., museum, oceanarium, aquarium, exhibit, or the like, shall state projected needs and have the original written statement of order or request attached. Those individuals so permitted as an agent for another entity, shall supply the Commission with a copy of each additional letter of request or order for protected species.

(4) The Commission will review applications and base its decision to grant or deny permits on evaluation of the following criteria: expressed need for permit, area and season of collection; saltwater animals sought, and type and size of gear and equipment to be used.

(5) All approved permit holders are required to notify the Division of Law Enforcement office nearest the collection area prior to each collection and have the permit or a true copy thereof upon their person while collecting.

(6) Permit expiration and non-transferability.

(a) All permits automatically expire January 31, of each year and may be renewed, upon application, on an annual basis.

(b) Permits are non-transferable and may be issued in more than one person's name, but not to exceed 25 names.

Specific Authority 370.02, 370.021, 370.10(2), 370.082(1), 370.08, 370.08(10)(b), 370.112(2), 370.12(1)(c), 370.114, 370.12 FS. Law Implemented 370.02, 370.021, 370.10(2), 370.082(1), 370.08, 370.08(10)(b), 370.112(2), 370.12(1)(c), 370.114, 370.12 FS. History—New 2-11-81, Amended 8-6-81, Formerly 16B-40.04, 16B-40.004, 16R-1.004, 62R-1.004.

68E-1.005 Suspension, Revocation and Penalties.

Permits issued under the provisions of this section may be suspended or revoked by the Commission if it finds that the permit holder has violated this section, Commission rules or orders, terms, or conditions of the permit or submitted false or inaccurate information in his application and the holder shall be guilty of a misdemeanor of the second degree, punishable as provided in Section 775.082, F.S. or Section 775.083, F.S.

Specific Authority 370.02, 370.021, 370.10(2) FS. Law Implemented 370.10(2) FS. History—New 2-11-81, Formerly 16B-40.05, 16B-40.005, 62R-1.005.

68E-1.006 Additional Special Requirements for Marine Stony Corals, Fire Corals, Sea Fans, and Marine Turtles.

See 68E-1.004 for general permit application procedures and requirements.

(1) The Fish and Wildlife Conservation Commission, through its Division of Marine Resources, will review applications for the taking of stony coral, fire coral and sea fans (*Gorgonia ventalina*, *Gorgonia flabellum*) for scientific or educational purposes.

(2) Marine coral permit applications must list species to be collected, the quantity of each desired and the specific collection area. The Commission may limit the species, quantities, methods, or areas to comply with the intent of the law in awarding the permit. The Commission will consider whether or not the species is a reef building coral, or is being sought from existing living coral reef areas in the final decision.

(3) Not more than five (5) colonies of each stony and fire coral species (maximum dimensions: 10-25 cm) shall be permitted to a permit holder annually. Not more than ten (10) sea fans of 10-50 cm (maximum dimension) shall be permitted to a permit holder annually. Exceptions to maximum number of individuals of each species taken may be granted to large display facilities designed to insure long term survival of exhibited colonies.

(4) Incidental catch of protected corals or sea fans from commercial fisheries operations is to be returned to the water and such incidental catch does not have to be permitted.

(5) Permit holders will submit quarterly reports in a format acceptable to the Commission on activities, reports will include species collected, size, numbers, purpose of collection and area (depth of water, compass heading and distance offshore from known site).

(6) Any person violating any of the provisions of Sections 370.114 and 370.10(2), F.S. or the implemented rules thereto shall be guilty of a misdemeanor of the second degree, punishable as provided in Section 775.082, F.S. or Section 775.083, F.S.

Specific Authority 370.02, 370.021 FS. Law Implemented 370.114, 370.10(2) FS. History—New 2-11-81, Formerly 16B-40.06, 16B-40.006, 16R-1.006, 62R-1.006.

68E-1.0061 Additional Special Requirements for Any and All Marine Turtles.

See 68E-1.004 for general permit application procedures and requirements.

(1) The Fish and Wildlife Conservation Commission may, upon application, issue permits to possess marine turtles for scientific, educational, or exhibitional purposes or to protect marine turtles, their nests, and eggs.

(2) Annual summaries shall be prepared by each permitted individual or organization on the status and accomplishment of their program. Standard reporting forms for nesting surveys and relocation of nests will be furnished by the Commission, and must be completed and submitted to the Commission annually to maintain the state permit.

(3) Tagging and releasing of marine turtles by permitted individuals is encouraged and the Fish and Wildlife Conservation Commission shall furnish tags and tag reporting forms upon request to facilitate standardization of tagging procedures and data obtained. Release and recovery data shall be included in detail in the annual summaries mentioned in (2).

(4) Facilities used for hatching and rearing of sea turtles are subject to inspection by department personnel before issuance of a permit. All such released turtles shall be tagged and data reported as provided above.

(5) Under agreement with the federal government, the issuance of a permit by the state government satisfies federal permit requirements. However, a separate state permit is required to conduct activities related to marine turtles, regardless of the applicant's possession of a federal permit.

(6) Any person violating any of the provisions of Section 370.12, F.S. shall be guilty of a misdemeanor of the first degree, punishable as provided in Section 775.082, F.S. or Section 775.083, F.S.

Any person violating or otherwise failing to comply with any of the provisions of this section of 68E-1 shall be guilty of a misdemeanor of the second degree, punishable as provided in Section 775.082, F.S. or Section 775.083, F.S.

(7) REPORTING FORM FOR PERSONS OR ORGANIZATIONS AUTHORIZED TO MAINTAIN SEA TURTLES FOR DISPLAY, REHABILITATION, OR RELEASE REPORT PERIOD 1 January _____ -31 December _____.

– Endangered –

Green (*Chelonia mydas*)

- 1) Number held more than 45 days _____
- 2) Number of mortalities of live specimens taken _____
- 3) *Number of specimens removed from the state _____

Leatherback (*Dermochelys coriacea*)

- 1) Number held more than 45 days _____
- 2) Number of mortalities of live specimens taken _____
- 3) *Number of specimens removed from the state _____

Hawksbill (*Eretmochelys imbricata*)

- 1) Number held more than 45 days _____
- 2) Number of mortalities of live specimens taken _____
- 3) *Number of specimens removed from the state _____

Atlantic ridley (*Lepidochelys kempii*)

- 1) Number held more than 45 days _____
- 2) Number of mortalities of live specimens taken _____
- 3) *Number of specimens removed from the state _____

– Threatened –

Loggerhead (*Caretta caretta*)

- 1) Number held more than 45 days _____
- 2) Number of mortalities of live specimens taken _____
- 3) *Number of specimens removed from the state _____

* Should be authorized and coordinated by state personnel for scientific study.

TP # _____

Return to:

Turtle Reporting

FWC Marine Research Laboratory

100 Eighth Avenue, S.E.

St. Petersburg, Florida 33701

Remarks may be written on the back of this form.

(8) Reporting Categories

- I. A. Organization:
- B. Principal Officer(s): List of personnel who are responsible for permit application, permit compliance, and record keeping.
- C. County:
- D. Location: Include description of boundaries which can be easily located on maps and charts, or supply a map depicting boundaries.
- II. Emergence and Nesting Activity
 - A. Total number of emergences: Include species and their total number of nesting and non-nesting (false crawl) emergences.
 - B. Total number of nests: Include species and emergences which resulted in successful nest deposition.
 - C. Date of first nest deposition: Include species if known.
 - D. Date of last nest deposition: Include species if known.
 - E. Temperature: Water temperature when first nesting occurred.
- III. Excavated Nests
 - A. Total number of nests excavated: Include each species.
 - B. Total number of eggs collected. Include each species.
 - C. Total number hatchlings released: Include each species.
- IV. Length of patrolled or surveyed nesting beach: Include complete

boundaries or surveillance for the turtle nesting activity.

- V. Schedule of nesting surveys; nightly, five nights a week, every other night, etc.
- VI. Additional comments: This category is for information that does not fit well into the basic categories above. Summaries of causes of mortalities (i.e., predation, poaching, inundation, beach cleaning, oil fouling, etc.), would be appropriately

(9) Summary of Sea Turtle Activities

TURTLE PERMIT # _____

- I. A. Organization: _____
- B. Principal Officer(s): _____
- C. County: _____
- D. Location: _____

	Loggerhead <i>Caretta caretta</i>	Green <i>Chelonia mydas</i>	Leatherback <i>Dermo- chelys coriacea</i>
II. Emergence and Nesting Activity			
A. Total number of emergences:	_____	_____	_____
B. Total number of nests:	_____	_____	_____
C. Date of first nest deposition:	_____	_____	_____
D. Date of last nest deposition:	_____	_____	_____
E. Temperature:	_____	_____	_____
III. Excavated Nests			
A. Total number of nests excavated:	_____	_____	_____
B. Total number of eggs collected:	_____	_____	_____
C. Total number of hatchlings released:	_____	_____	_____
IV. Length of patrolled nesting beach:	_____		
V. Schedule of nesting surveys:	_____		
VI. Additional comments (continue on back if necessary):	_____		

Specific Authority 370.02, 370.021, 370.10(2) FS. Law Implemented 370.12, 370.10(2), 370.021 FS. History—New 2-11-81, Formerly 16B-40.061, 16B-40.0061, 16R-1.0061, 62R-1.0061.

CHAPTER 68E-2 MARINE TURTLE GRANTS PROGRAM

68E-2.001	Intent.
68E-2.002	Definitions.
68E-2.003	Availability of Funds.
68E-2.004	Marine Turtle Grant Committee.
68E-2.005	Eligibility Criteria.
68E-2.006	General Grant Application Requirements.
68E-2.007	Grant Funding Criteria and Procedures.
68E-2.008	Disbursement of Funds.
68E-2.009	Reporting Requirements.

68E-2.001 Intent.

This rule establishes procedures for disbursement of marine turtle grants to coastal local governments, educational institutions, and Florida-based nonprofit organizations to conduct marine turtle research, conservation, and educational activities within the state in accordance with the intent of the Legislature. This chapter contains the requirements and procedures for submitting grant applications and the criteria for allocating available funds.

Specific Authority 370.12(1)(h) FS. Law Implemented 320.08058(19), 370.12(1)(h) FS. History—New 5-9-01.

68E-2.002 Definitions.

The following words, phrases, or terms as used in this rule shall have the following meanings:

- (1) “Commission” means the Florida Fish and Wildlife Conservation Commission.
- (2) “Committee” means the Marine Turtle Grants Committee, a group of at least seven members, including two nongovernmental representatives, appointed by the Executive Director of the Commission.
- (3) “Conservation” means an act carried out primarily for the purpose of protecting marine turtles, nests, and hatchlings or protecting the nesting beach or foraging habitat of any marine turtle.
- (4) “Educational institution” means public or non-public colleges, universities, nature centers, museums, zoos, aquariums, or similar institutions. Educational facilities must be regularly opened to the public for the primary purpose of providing an educational experience.
- (5) “Educational activities” means to exhibit, inform and instruct the public in the biology, habitat, or conservation needs of marine turtle species.
- (6) “Local government” means any coastal county or municipality within those counties.
- (7) “Marine turtle” means any of those animals defined in subsection 370.12(1)(b), Florida Statutes, commonly known as sea turtles.
- (8) “Marine Turtle Permit” means an authorization to conduct scientific, conservation, or educational activities involving marine turtles within or originating from Florida, issued pursuant to the provisions of Chapter 68E-1, Florida Administrative Code.

Specific Authority 370.12(1)(h) FS. Law Implemented 320.08058(19), 370.12(1)(h) FS. History—New 5-9-01.

68E-2.003 Availability of Funds.

(1) Funds generated by the sale of the Sea Turtle License Plate in excess of \$500,000, and up to 30 percent of the total annual revenue, shall be distributed to eligible entities as grants as described in this rule. Grant expenditures shall be made in the second fiscal year following revenue collection.

(2) Subject to legislative appropriations, all grant funds not disbursed during the fiscal year shall be made available for the grants program in subsequent years.

Specific Authority 370.12(1)(h) FS. Law Implemented 320.08058(19), 370.12(1)(h) FS. History—New 5-9-01.

68E-2.004 Marine Turtle Grant Committee.

(1) The Marine Turtle Grant Committee (Committee) is established within the Commission to consider and choose grant recipients from applications submitted by eligible entities. The Committee shall consist of seven members with technical knowledge and expertise in the research and management of marine turtles, their nests, hatchlings, or habitats. All Committee members shall serve at the pleasure of the Executive Director.

(2) The Executive Director shall appoint two members from federal agencies responsible for management or research activities involving marine turtles; two members from nongovernmental organizations with marine turtle interests, including at least one member representing a Florida-based nonprofit organization involved in marine turtle conservation; and three additional members.

(3) Initial appointments shall be for three, three-year terms; two, two-year terms; and two, four-year terms. Thereafter, all appointments shall be for two-year terms. If a vacancy occurs, a member shall be appointed for the remainder of the unexpired term. A member whose term has expired may continue sitting on the Committee with full rights until a replacement has been appointed. At its first meeting, the Committee shall select a chair and vice-chair to serve two-year terms by majority vote.

(4) Committee members shall not receive any compensation from the Commission pursuant to subsection 370.12(1)(h), Florida Statutes. Travel reimbursement shall be made in accordance with applicable state guidelines.

Specific Authority 370.12(1)(h) FS. Law Implemented 320.08058(19), 370.12(1)(h) FS. History—New 5-9-01.

68E-2.005 Eligibility Criteria.

(1) Coastal local governments, educational institutions, and Florida-based nonprofit organizations that actively participate in marine turtle research, conservation, and educational activities within the state are eligible to apply for grant funds.

(2) All grant applications shall be for conservation, education or research projects that clearly add to the conservation of marine turtles; that accomplish tasks included in the current recovery plans for marine turtles; and that are consistent with subsection 370.12(1)(c), Florida Statutes.

(3) Activities that shall be considered eligible for funding through the Marine Turtle Grant program include, but are not limited to:

(a) Protection of marine turtles, their nests and hatchlings from harmful activities on the nesting beach, including lights and predators.

1. Replacement or modification of existing lights that directly or indirectly illuminate the beach or create a glow that is visible from the beach or have been documented as contributing to marine turtle disorientations.

2. Purchase and installation of shields, light barriers, tinted glass or other structures that reduce or restrict the amount and direction of lights that directly or indirectly illuminate the beach or create a glow that is visible from the beach.

(b) Development, production, and distribution of educational materials, databases, and programs that promote the understanding of the life history and habitat needs of Florida's marine turtles and the protection and conservation of these species.

(c) Research directly related to the conservation of marine turtles. Such research shall provide information for the improvement of existing management strategies to protect marine turtles and may include assessments of coastal lighting; beach nourishment; coastal armoring and other shoreline protection structures; in-water distributions, developmental habitats; migration patterns; rehabilitation of injured or diseased marine turtles; epidemic diseases, including Fibropapillomatosis; fishing gear; and general life history information.

(d) Assistance for statewide nesting beach surveys and Index Nesting Beach Surveys, including materials and supplies.

(e) Assistance for the statewide stranding network, including material and supplies.

Specific Authority 370.023(1), (2), 370.12(1)(h) FS. Law Implemented 320.08058(19), 370.12(1)(h) FS. History—New 5-9-01.

68E-2.006 General Grant Application Requirements.

(1) When sufficient funds for administration of the grant program are available, the Commission will give notice of the application deadline by advertising in the Florida Administrative Weekly.

(2) Marine Turtle Grant applications and supporting documentation may be submitted to the Commission's Tallahassee headquarters between October 1 and November 15. All application materials must be received no later than November 15 and shall include all information specified in this Section.

(3) Each application shall include the following:

(a) A scope of work for the proposed action, project or study, including a complete explanation of how funds will be spent;

(b) A list of all measurable objectives and an explanation of how the project will directly promote the conservation and protection of marine turtles, their nests, hatchlings or nesting and foraging habitat;

(c) A description of methods that can be used to evaluate success of the action, project or study;

(d) A timetable for the development and implementation of the action, project, or study specifying submittal of deliverables; and

(e) A list of all persons responsible for conduct of the action, project or study, and a description of their experience, including a résumé or curriculum vitae, clearly identifying the qualifications of the principal investigator and all personnel associated with the project and their specific experience with marine turtles.

(4) All grant applications proposing research must include a description of sampling methodologies and statistical analyses.

(5) All grant applications proposing research must include either a copy of an approved Chapter 68E-1, Florida Administrative Code, Marine Turtle Permit for that specific research, if required under s. 370.10, F.S., or an application for such a permit.

Specific Authority 370.023(1), (2), 370.12(1)(h) FS. Law Implemented 320.08058(19), 370.12(1)(h) FS. History—New 5-9-01.

68E-2.007 Grant Funding Criteria and Procedures.

(1) All grant applications shall be checked for eligibility, form, and content by Commission staff. After November 15, staff shall seek only such additional information from the applicant as required to complete the Marine Turtle Permit application process pursuant to Chapter 68E-1, Florida Administrative Code.

(2) Staff shall prepare eligible grant applications, including staff review, for consideration by the Committee. Only those applications that include all information listed in Rule 68E-2.006(3) and (4) above, and which have a Marine Turtle Permit if required, shall be considered complete. Complete grant applications shall be forwarded to Committee members by February 1, who shall meet and select applications for funding by March 15.

(3) When reviewing applications, Committee members shall consider the following:

(a) The scope of the proposed activity (high priority for the project with the most benefit for the conservation of marine turtles);

(b) The duration of the proposed activity (higher priority for shorter term projects that deliver results within the first year);

(c) The relative contribution of the proposed activity to the state's marine turtle protection goals, objectives and policies (higher priority for those projects that meet more of state's goals);

(d) The relevance of the proposed activity to the recovery plans for marine turtles (higher priority for projects that are high priority in recovery plans);

(e) Qualifications and the demonstrated ability of applicant to accomplish the proposed activity;

(f) Demand and public support for the proposed activity (highest priority for greatest demonstrated support);

(g) The estimated cost of the activity (higher priority for most benefit from least cost); and

(h) The availability of more appropriate alternative funding (low priority for ongoing or funded projects).

(4) The Executive Director shall review the list of applications recommended for funding by the Committee, ensure each proposal is consistent with state law and execute final grant agreements based on available appropriations by the Legislature.

Specific Authority 370.12(1)(h) FS. Law Implemented 320.08058(19), 370.12(1)(h) FS. History--New 5-9-01.

68E-2.008 Disbursement of Funds.

(1) Upon receipt of the grant applications recommended for funding by the Committee, staff shall determine the exact amount of the grant award based on available funds and prepare a grant agreement.

(2) The grant agreement will be forwarded to the applicant to be signed by a legal representative, notarized, and returned to the Commission to be signed by the Executive Director.

(3) Grant funds shall be disbursed as outlined in the grant agreement upon receipt of an invoice documenting progress by the grantee. Deliverables shall be included with the invoice as outlined in the grant agreement.

(4) The grant period for all projects shall commence on July 1 of the fiscal year following grant approval. Individual projects shall start upon execution of the grant agreement, and conclude on June 30 of that fiscal year. Research projects that are authorized for funding during two fiscal years shall be accomplished by amending grant agreements, subject to legislative appropriations.

Specific Authority 370.12(1)(h) FS. Law Implemented 320.08058(19), 370.12(1)(h) FS. History--New 5-9-01.

68E-2.009 Reporting Requirements.

(1) Each invoice submitted for payment shall include a report detailing work accomplished, work pending, work still to be done, and any problems encountered.

(2) Quarterly progress reports shall be submitted by September, December, and March 15th for each year a project is funded. Progress reports will be a one-page summary, describing the status of the project, results to date, work still to be done and any issues or problems encountered.

(3) A final report shall be submitted by June 15 for each project. This report shall include the following:

(a) The project objectives;

(b) Methods used to implement the project;

(c) A summary of project results, including deliverables as appropriate, data summaries, etc.; and

(d) A discussion of the project, including whether the objectives were achieved, the contribution of the project to marine turtle conservation and protection, recommendations for future work, and copies of draft or published manuscripts, artwork, etc.

(4) One electronic and ten printed copies of all materials prepared using Marine Turtle Grant funds shall be provided to the Commission within 30 days of production or publication.

Specific Authority 370.023(1), (2), 370.12(1)(h) FS. Law Implemented 320.08058(19), 370.12(1)(h) FS. History--New 5-9-01.

CHAPTER 68E-3 PERMIT FOR CATCHING AND POSSESSION OF FISH PROTECTED BY LAW AS STOCK FOR ARTIFICIAL CULTIVATION

- 68E-3.001 Introduction and Scope.
- 68E-3.003 General Permit Application Procedures and Requirements.
- 68E-3.004 Review, Expiration, Revocation, Penalty.

68E-3.001 Introduction and Scope.

A number of marine fish of certain length and size are protected from capture and/or commercial exploitation. Among those protected are species which have been or may be subjects of artificial cultivation (mariculture) for commercial production, including, but not limited to, bluefish, pompano, permits, flounder, snook, mackerel, redfish, trout, weakfish, striped bass, black mullet, red grouper, jewfish, Nassau grouper, black grouper, and gag. The Commission, through its Divisions of Marine Fisheries and Law Enforcement, may issue permits to initially stock mariculture operations with protected species or to continue such stocking. The Division may cease issuing such permits when it determines that the permitted operation is not in the public's best interest.

Specific Authority 370.021 FS. Law Implemented 370.101(2), (3) FS. History—New 11-27-80, Formerly 16B-43.01, 16B-43.001, 16R-3.001, 62R-3.001.

68E-3.003 General Permit Application Procedures and Requirements.

(1) Pursuant to Section 370.101(3), F.S., no permit may be issued under Section 370.101(2), F.S., until the Department determines that the artificial cultivation activity complies with the provisions of Sections 253.67 through 253.75, F.S. or any other specific provision or rule promulgated thereto that may apply to protected species, submerged land and water column leases, licenses, or other permits.

(2) Application for permit(s) to take and possess protected fish species for mariculture stock must include the following:

(a) Copies of all permits, licenses, leases, assurances, and assessments required by Sections 253.67 through 253.75, F.S.

(b) Copies of studies, evaluations, or recommendations specifically required by Section 253.75, F.S.

(c) If the Commission determines that the information received in subsections (a) and (b) above are insufficient to properly evaluate the permit application, then the Commission may request additional information including, but not limited to; economic impact and cost effectiveness of the proposed artificial cultivation of the target species, and the biological and ecological impact of the proposed mariculture operation.

(d) A statement regarding the location and time and method of proposed capture of protected species sought for mariculture stock must accompany the application.

Specific Authority 370.02, 370.012 FS. Law Implemented 370.101(2), (3) FS. History—New 11-27-80, Formerly 16B-43.03, 16B-43.003, 16R-3.003, 62R-3.003.

68E-3.004 Review, Expiration, Revocation, Penalty.

(1) Permit applications will be reviewed and approved by the Directors of the Divisions of Law Enforcement and Marine Fisheries or designated representatives thereof. All approved permit holders are required to notify the Division of Law Enforcement office nearest the collection area prior to each collection trip.

(2) Permits may be issued at any time during the year. Permits are valid for up to one year from the date of issuance and may be renewed by application in the same manner as for the original permit. Permits are nontransferable.

(3) Permits may be forfeited and revoked for cause by the Commission. Cause for forfeiture or revocation would include, but not be limited to, violating or otherwise failing to comply with any of the provisions of Chapter 68E-3, F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-27-80, Amended 8-6-81, Formerly 16B-43.04, 16B-43.004, 16R-3.004, 62R-3.004, Amended 5-13-02.

CHAPTER 68E-4 PERMIT FOR PLACING DRUGS OR OTHER CHEMICALS IN MARINE WATERS FOR CAPTURING LIVE MARINE SPECIES (FOR PURPOSES OTHER THAN HUMAN CONSUMPTION)

68E-4.004 Permit Application Procedures and Requirements for Obtaining a Chemical Collecting Permit for Commercial Sale.

68E-4.004 Permit Application Procedures and Requirements for Obtaining a Chemical Collecting Permit for Commercial Sale.

(1) The Division may issue Special Activities Licenses, pursuant to this chapter, and as described in Chapter 68B-42, F.A.C., to those individuals who hold a valid Saltwater Products License with current Marine Life and Restricted Species Endorsements required under Chapter 370, F.S. Individuals or institutions seeking to harvest marine organisms with quinaldine or other chemicals for scientific or educational purposes may be authorized under Chapter 68E-1, F.A.C. Commercial marine life collectors, wholesale, or retail live marine species dealers who wish to use chemicals to collect live marine species for subsequent sale must:

(a) submit a completed Application Form for Collecting Permits and Special Activities Licenses, FWC33-128(16) effective 12/20/96, which is hereby incorporated by reference. Forms may be obtained by writing the Florida Fish and Wildlife Conservation Commission, Division of Marine Fisheries, 620 South Meridian Street, Tallahassee, Florida 32399;

(b) submit a copy of a current Saltwater Products License with Marine Life and Restricted Species Endorsements;

(c) submit a twenty five dollar (\$25) non-refundable license fee, check or money order only, payable to the Florida Fish and Wildlife Conservation Commission; and

(d) specify the areas in which collecting is to be done, the chemicals, maximum amounts and concentrations to be used.

(2) A Special Activities License which is issued to a wholesale or retail live marine species business establishment may have up to three individual names (collectors) listed on one license. All individuals so named must use the drugs or other chemicals in a prudent manner so as not to cause injury or damage to non-target species or nearby sensitive species or their habitats, must not use or sell the anesthetized species as food for human consumption and must use the chemicals only as consistent with Section 68B-42.007, F.A.C.

(3) The Commission will review applications and base its decision to grant, condition the use of, or deny Special Activities Licenses on evaluations of the above criteria and standards.

(4) Once issued, permits are nontransferable.

(5) Licensees shall report all landings of live marine species harvested with quinaldine by the submission of trip tickets to the Florida Marine Fisheries Information System pursuant to Chapter 68E-5, F.A.C., and ss. 370.06 and 370.07, F.S.

Specific Authority 370.013, 370.021, 370.06(8) FS. Law Implemented 370.06(4), 370.07, 370.08(8), 370.021 FS. History—New 5-21-81, Formerly 16B-44.04, 16B-44.004, 16R-4.004, Amended 5-8-96, 1-6-9, Formerly 62R-4.004.

CHAPTER 68E-5 REPORTING REQUIREMENTS FOR THE MARINE FISHERIES INFORMATION SYSTEM

68E-5.001	Introduction, Scope, and Definitions.
68E-5.002	Reporting Requirements.
68E-5.003	Record Content and Description.
68E-5.004	Data Management.
68E-5.005	Penalties.
68E-5.900	Forms.

68E-5.001 Introduction, Scope, and Definitions.

(1) The Fish and Wildlife Conservation Commission is charged with the promulgation of rules to conserve and manage the marine fishery resources of Florida. These rules must be consistent with certain standards as prescribed by law to include: concern for the continued health and abundance of the resource; measures based upon the best information available, including biological, sociological, economic, and other information deemed relevant; reasonable means and quantities for annual harvest, consistent with maximum practical sustainable stock abundance on a continuing basis; management of stocks of fish as a biological unit as possible and practical; proper quality control of marine resources that enter commerce; management decisions that are fair and equitable to all the people of the state. The Fish and Wildlife Conservation Commission, through its Divisions of Marine Fisheries and Law Enforcement must maintain a marine fisheries information system that can provide the data necessary to apply the above standards to management decisions. As part of these responsibilities, the Commission requires that licensed wholesale dealers maintain records of each purchase of saltwater fish, saltwater products, bait, or marine life from a producer in such detail as required by implementation and administration of this chapter. This chapter sets out the requirements for record keeping, the detail of such records, forms to be used, submission of records to the Commission, penalties for noncompliance, and other requirements.

(2) For the purpose of this chapter, the definitions contained in ss. 370.01, 370.07, F.S., and the following definitions apply:

(a) "Marine Life" – any saltwater fish, saltwater products, or shellfish collected for the purpose of supplying live specimens for public, educational, or hobby aquaria or preserved specimens for scientific or educational institutions.

(b) "Bait" – any saltwater fish, saltwater products, or shellfish used as a lure, attractant, or enticement for the purpose of catching other fish or shellfish.

(c) "Person" – includes individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

(d) "Producer" – any person who catches and lands saltwater fish, saltwater products, bait, or marine life from any waters of the State of Florida, contiguous saltwaters of the Exclusive Economic Zone, or international waters.

(e) "Production" – catching or otherwise obtaining saltwater fish, saltwater products, bait, or marine life from the waters of the State of Florida, contiguous waters of the Exclusive Economic Zone, or international waters, for the purpose of sale, barter, exchange or distribution.

(f) "Marine Fisheries Trip Ticket" – The multiple-part form (FWC 33-610, which is hereby incorporated by reference) provided by the Commission to wholesale dealers and others who are required to report the purchase or production of saltwater fish, saltwater products, bait, or marine life pursuant to s. 370.07(5)(a), F.S., and this chapter.

Specific Authority 370.021, 370.06(2)(a) FS. Law Implemented 370.06(2)(a), 370.07(6) FS. History—New 10-17-84, Formerly 16B-45.01, 16B-45.001, 16R-13.001, Amended 12-31-89, Formerly 16R-5.001, 62R-5.001.

68E-5.002 Reporting Requirements.

(1) Fisheries statistical information on the production of saltwater fish, saltwater products, bait, and marine life shall be reported to the Commission whenever the product is sold, exchanged, bartered, distributed, or landed for the first time. Records of subsequent sales between wholesale dealers or brokers are not required by this rule.

(2) The following persons shall report fisheries statistical information as described in Section 68E-5.003, F.A.C.

(a) Wholesale dealers who purchase or receive saltwater fish, saltwater products, bait, or marine life from a producer shall report.

(b) Wholesale or retail dealers who own, rent or lease vessel(s) intended for the production of saltwater fish, saltwater products, bait, or marine life shall report, except when the product is sold directly to another wholesale dealer. In such cases the purchasing wholesale dealer shall report.

(c) Producers who catch and land saltwater fish, saltwater products, bait, or marine life for sale direct to the consumer or interstate shipment shall report.

(d) Each producer who sells or otherwise provides saltwater fish, saltwater products, bait, or marine life to a wholesale dealer shall provide to the dealer, at the time of sale, accurate information about such production as required by this chapter.

(3) Fisheries statistical information shall be recorded on marine fisheries trip tickets supplied by the Commission or on approved alternate forms.

(4) Trip tickets, or approved alternate forms, must be maintained by the producer, wholesale dealer or retail dealer for a period not less than three (3) years from the date of the recorded transaction.

(5) An alternate form designed by wholesale dealers for their own use requires approval by the Commission and may be substituted for the marine fisheries trip ticket provided the following procedures are met and complied with:

(a) All requests for approval of an alternate form must be submitted to the Commission's Marine Research Institute, Fisheries Statistics Section, in writing prior to use. A copy of the proposed alternate form must be attached to or included with the request.

(b) The alternate form must provide identical information, follow the same format, be sequentially numbered and provide the same number of copies as the Commission's marine fisheries trip ticket to facilitate data processing and compliance with reporting distribution requirements, as listed in paragraph (7) below and in Section 370.06(2)(a)2.f., F.S.

(c) Upon receipt of a request for approval of an alternate form, the Commission will review the form for the required information, verify species information and assign a unique prefix to be placed before the dealer's invoice number (e.g., TS0000001) within five (5) work days of receipt of the request.

(d) The dealer must provide the final "proof" of the alternate trip ticket form, obtained from the printer, to the Commission for final review and approval prior to printing.

(e) The Commission will review and approve (if in compliance) and return the proof within five (5) work days to the dealer for printing.

(f) The dealer must continue to provide the Commission with the required trip ticket information on the Commission's form (FWC Form #33-610) during the review and approval process as required in paragraph (7) below.

(g) All persons that use an approved alternate form shall be responsible for all costs associated with the printing and use of such forms.

(6) Dealers may elect to submit and/or report trip ticket data on diskette via a computer program, provided that the output is compatible with the Commission's trip ticket system. A printed copy of the reported trip ticket information must be made available to the fisherman by the dealer and a printed copy must be kept on file by the dealer for inspection by the Commission pursuant to s. 370.07(6), F.S. Any computer-generated output to be used by a dealer must be reviewed for format and compatibility and approved by the Commission prior to use following the same procedures outlined in paragraph (5) above.

(7) Two copies of each marine fisheries trip ticket or approved alternate form must be received by the Commission as specified below:

(a) Wholesale dealers, who purchase or produce annually 5,000 pounds or more of species for which seasonal harvest limits or quotas have been set, or for which season closures linked to regional federal limits or quotas have been set, by rule of Fish and Wildlife Commission, or by statute must submit all marine fisheries trip tickets or approved alternate forms weekly. Dealers may choose the day of the week to begin. Marine fisheries trip tickets or approved alternate forms must be received by the Commission not later than five (5) work days after the end of that week. These wholesale dealers shall also be required to notify the Commission, prior to the harvest season, of intent to purchase or produce the quantities specified above and to provide summary landings totals on a weekly or daily basis by phone when catch totals for those time periods are likely to exceed the remaining harvest under the quota.

(b) Wholesale dealers who do not handle quantities of species as specified in paragraph (7)(a), above must submit all marine fisheries trip tickets or approved alternate forms at least monthly and not later than ten (10) work days after the end of the month for which the reports are due.

(c) Self addressed mailing envelopes shall be provided upon request to those who must report.

(d) The mailing address for all correspondence, requests for forms, envelopes, county codes, species codes, area codes, gear codes, or information, and for submission of marine fisheries trip tickets or approved alternate forms is:

Fish and Wildlife Conservation Commission
Florida Marine Research Institute
Fisheries Statistics Section
100 Eighth Avenue, S. E.
St. Petersburg, FL 33701-5095

Specific Authority 370.021, 370.06(2)(a) FS. Law Implemented 370.06(2), 370.07(6) FS. History--New 10-17-84, Formerly 16B-45.02, 16B-45.002, 16R-13.002, Amended 12-31-89, Formerly 16R-5.002, Amended 1-5-95, 6-11-95, Formerly 62R-5.002.

68E-5.003 Record Content and Description.

(1) Information required on each marine fisheries trip ticket or approved alternate form shall be recorded by persons set forth in Section 68E-5.002(2), F.A.C. and shall include the following:

(a) Saltwater Products License Number – record the seller's saltwater products license number.

(b) Wholesale Dealer License Number – record the wholesale dealer's license number.

(c) Date – record the date that the saltwater products were sold, exchanged, bartered, distributed, or landed.

(d) Time Fished – record the total amount of time (duration) of the fishing trip. Time is recorded as the time away from the dock either in hours or days. If recorded in days, put the letter D before or after the number of days. Example: 10D or D10 equals 10 days.

(e) County Landed – record the county code in which the saltwater fish, saltwater products, bait, or marine life was landed. Codes are provided to each new dealer, and as requested by mail; the address is provided in paragraph 68E-5.002(7)(d), F.A.C.

(f) Species Code – record the species code from the list of species names and their code numbers. Codes are provided to each new dealer, on the back of marine fisheries trip ticket, and as requested by mail; the address is provided in paragraph 68E-5.002(7)(d), F.A.C.

(g) Amount of Catch – record the amount of saltwater fish, saltwater products, bait, or marine life received using the appropriate species code to identify the unit of measure.

(h) Gear – indicate the gear used to catch the saltwater fish, saltwater products, bait, or marine life listed on the ticket, by checking the appropriate box or recording the gear code. Codes are provided to each new dealer, and as requested by mail; the address is provided in paragraph 68E-5.002(7)(d), F.A.C.

(i) Number of Sets – for net and longline fisheries – record the number of times fishing gear (trawls, long-lines, gill nets, purse seines) was used.

(j) Traps Pulled and Soak Time – for trap fisheries – record the number of traps pulled and the number of days since traps were last pulled.

(k) Area Fished – record the area, as defined by the Department, where the saltwater fish, saltwater products, bait, or marine life was caught. If the product was caught over more than one area, record the area where most of the product was caught. The areas and their respective codes are provided to each new dealer. They are also available upon request to the address as provided in paragraph 68E-5.002(7)(d), F.A.C.

(l) Depth – record the approximate depth where the saltwater fish, saltwater products, bait, or marine life was caught, in either feet or tens of fathoms. If recorded in tens of fathoms put the letter F before or after the number of fathoms. Example: 40F or F40 equals 400 fathoms.

(m) Price per pound – record the price paid either per pound or per unit of measure used on the dealer and Commission copies of the trip ticket.

Specific Authority 370.021, 370.06(2)(a) FS. Law Implemented 370.06(2), 370.07(6) FS. History–New 10-17-84, Formerly 16B-45.03, 16B-45.003, Amended 3-30-87, Formerly 16R-13.003, Amended 12-31-89, Formerly 16R-5.003, Amended 1-5-95, Formerly 62R-5.003.

68E-5.004 Data Management.

(1) All data received by the Commission pursuant to the requirements of Chapter 68E-5, F.A.C., shall be edited by Commission staff for accuracy and stored in the marine fisheries information system.

(2) Due to the editorial and computerization process, accurate trip ticket data will not be available for access or inquiries for at least 60 days following the month for which it is reported.

(3) Trip ticket data shall be summarized for publication as monthly and annual fishery landings bulletins. Bulletins will be available upon request to all interested parties.

(4) All requests for other than fishery landings bulletins must be submitted in writing to the Executive Director of the Commission or his designee for approval.

(5) Dealers are subject to being audited by the Commission pursuant to s. 370.07(6)(a), F.S., for compliance with the landing reporting requirements.

Specific Authority 370.021, 370.06(2)(a) FS. Law Implemented 370.06(2)(a), 370.07(6) FS. History–New 10-17-84, Formerly 16B-45.04, 16B-45.004, Amended 3-30-87, Formerly 16B-13.004, Amended 12-31-89, Formerly 16R-5.004, Amended 1-5-95, Formerly 62R-5.004.

68E-5.005 Penalties.

(1) The Commission may revoke, suspend or deny the renewal of the license of any wholesale or retail dealer for failure to make required reports, for failure or refusal to permit the examination of required records, or for falsifying any such record pursuant to s. 370.07(5), F.S.

(2) Any person violating or otherwise failing to comply with Chapter 68E-5, F.A.C., or its sections shall be guilty of a misdemeanor of the second degree, punishable as provided in Section 775.082, 775.083, or 775.084, F.S.

Specific Authority 370.02, 370.06(2)(a), 370.021, 370.07(6) FS. Law Implemented 370.021(1),(2), 370.07(6) FS. History–New 10-17-84, Formerly 16B-45.05, 16B-45.005, 16R-13.005, Amended 12-31-89, Formerly 16R-5.005, 62R-5.005.

68E-5.900 Forms.

Closed Season Crawfish Declaration Form (DEP# 30-208), is hereby incorporated by reference, and copies can be obtained by contacting the Fish and Wildlife Conservation Commission, Division of Marine Fisheries, 620 South Meridian Street, Tallahassee, Florida 32399. This form will be effective on 5-10-99.

Specific Authority 370.021, 370.1405 FS. Law Implemented 370.1405(1) FS. History–New 5-10-99, Formerly 62R-5.900.

CHAPTER 68E-9 THE FLORIDA ARTIFICIAL REEF PROGRAM

68E-9.001	Introduction and Scope.
68E-9.002	Definitions.
68E-9.003	Artificial Reef Program Application.
68E-9.004	Program Criteria for Allocating Funds.
68E-9.005	Project Application Review and Ranking Application Review.
68E-9.006	Project Funding.
68E-9.007	Forms and Instructions.

68E-9.001 Introduction and Scope.

(1) It is the intent of the Florida Fish and Wildlife Conservation Commission pursuant to statutory authority under Section 370.25, Florida Statutes, to establish a program to provide grant funding and technical assistance to coastal local governments and nonprofit corporations qualified under section 501 (c)(3) of the U. S. Internal Revenue Code for the development of artificial reefs and the monitoring and evaluation of their recreational, economic, and biological effectiveness in the predominantly marine waters of Florida and adjacent federal waters. The program is intended to accomplish the following objectives: 1) promote coordinated and effective efforts to develop artificial reefs; 2) locally enhance fishery resources; 3) increase hard bottom reef fish habitat where appropriate; 4) increase saltwater fishing and diving opportunities, and 5) facilitate artificial reef related research and monitoring.

(2) The purpose of this rule is to govern the development of state and federally funded artificial reefs, the review and ranking of project applications eligible for funding, and the administration of funds from the Florida Artificial Reef Program.

Specific Authority 370.25(2), (4) FS. Law Implemented Article IV, Section 9, Florida Constitution, 370.25 FS. History—New 7-1-01.

68E-9.002 Definitions.

(1) “Applicant” means a local coastal governmental entity or an eligible nonprofit organization qualified under s. 501 (c)(3) of the U.S. Internal Revenue Code submitting a written grant application or proposal for financial assistance.

(2) “Artificial reef” for purposes of this rule means one or more manufactured or natural objects intentionally placed on the bottom in predominantly marine waters to provide conditions believed to be favorable in sustaining, or enhancing the spawning, breeding, feeding, or growth to maturity of Florida’s managed reef associated fish species as well as to increase the productivity of other reef community resources which support fisheries. Included in this definition are artificial reefs developed with one or more of the following additional objectives: enhancement of fishing and diving opportunities, fisheries research, and fisheries conservation/preservation purposes.

(3) “Coastal local government” means any local governing body which is duly constituted under the laws of Florida and whose geographical jurisdiction covers, includes or borders the Atlantic Ocean, Gulf of Mexico, estuaries, or other predominantly marine waters.

(4) “Commission” means the Florida Fish and Wildlife Conservation Commission.

(5) “Development” for the purposes of this rule shall mean the process of creating a plan for a reef project or reef program, project site selection, obtaining permits, securing or fabricating reef materials, and transportation, and placement of artificial reef materials for the purpose of constructing an artificial reef.

(6) “Division” means the Division of Marine Fisheries in the Florida Fish and Wildlife Conservation Commission.

(7) “Evaluation” for purposes of this rule means the objective and accurate measurement of various characteristics of the artificial reef and its associated environmental related fishery and user benefits, for the purpose of judging whether the artificial reef is meeting the objectives specified for it by the grantee. Evaluation is synonymous with assessment.

(8) “Live bottom” for purposes of this rule shall mean an area that contains varying biological assemblages of perennial algal species and/or such invertebrates as sea fans, sea whips, hydroids, anemones, ascidians, sponges, bryozoans, or corals living upon and attached to naturally occurring permanent or ephemeral hard or rocky formations with rough, broken or smooth topography and of variable vertical relief. Live bottom is a subset of hard bottom which also includes living natural reefs such as tropical coral reefs, Oculina coral reefs, oyster reefs, and worm reefs, as well as artificial reefs.

(9) “Monitoring” for the purposes of this rule means the process of making technical and scientific observations at a reef site, as a means of gathering data according to a predetermined study plan in order to detect physical, biological, or recreational use patterns and changes.

(10) “Nonprofit corporation” for purposes of this rule means an organization that is a not-for-profit charitable, scientific or educational organization under 501(c)(3) of the Internal Revenue Service Code and is in full compliance with the regulations defining and governing that organization.

(11) “Permitted site” means an area with discrete boundaries inside of which one or more artificial reefs may be located and for which all required permits and authorizations have been obtained. These permits and authorizations include: artificial reef permits issued by the Florida Department of Environmental Protection and/or the Army Corps of Engineers and other permits, licenses, or authorizations required by any governing body.

(12) "Pollution" for purposes of this rule means any substances released into the waters of the state and adjacent federal waters resulting in a man-made alteration of the chemical, physical, biological, or radiological integrity of the water in quantities or levels which are potentially harmful or injurious to human health or welfare, animal or plant life, or property, including outdoor recreation.

(13) "Predominantly marine waters" means surface waters in which the chloride concentration at the surface is greater than or equal to 1,500 milligrams per liter.

(14) "Prefabricated modules" means structures specifically designed and built for use as artificial reefs and which meet the environmental safety, durability, and stability requirements of this rule, as well as providing complexity and texture which are suitable as habitat for fishes and for colonization by encrusting marine organisms.

(15) "Program" means the Florida Artificial Reef Program.

(16) "Project" means an artificial reef project involving procurement of services and/or goods which has been granted money from the Artificial Reef Program.

(17) "Project Managers" means those individuals designated to act on behalf of the applicant and the Commission on matters relating to any subsequent grant agreement.

(18) "Research" for the purposes of this rule means investigation or experimentation aimed at the discovery and interpretation of facts which may lead to improved methods for the design, construction, placement, and use of artificial reefs as fishery management tools.

(19) "Staging area" means a land-based holding area for artificial reef material where such material is stored and prepared for transportation to an approved artificial reef site.

Specific Authority 370.25(2), (4) FS. Law Implemented Article IV, Section 9, Florida Constitution, 370.25 FS. History—New 7-1-01.

68E-9.003 Artificial Reef Program Application.

(1) Applicant Eligibility. Program financial assistance is available only to coastal local governments as defined in subsection 68E-9.002(3), F.A.C., and nonprofit corporations as defined in subsection 68E-9.002(10), F.A.C. To meet project funding eligibility requirements, a nonprofit corporation must also:

(a) State in its articles of incorporation or bylaws that one of its objectives is the development or monitoring of artificial reefs;

(b) Demonstrate coordination with the appropriate coastal local government, including conceptual project approval by the local government;

(c) Have written authorization from the permit holder to use a permitted site if the permit holder is an entity other than the nonprofit corporation; and

(d) Have filed Articles of Incorporation with the Department of State prior to applying for financial assistance under this grant program and furnish the Commission with a valid letter of authorization or similar documentation of 501(c)(3) status from the Internal Revenue Service.

(2) A coastal local government or qualified nonprofit corporation interested in applying for financial assistance under the program must submit to the Commission a completed construction and/or monitoring application together with all required attachments. The construction grant application is listed as FWCC-AR01 and the monitoring grant application is listed as FWCC-AR02 in Rule 68E-9.007, F.A.C. An applicant may submit no more than one construction project application and one monitoring application per grant cycle.

(3) For complex projects beyond the scope of the standard applications, a formal project proposal is required which includes but is not limited to a detailed project description and relevant application data as provided by the application forms listed in Rule 68E-9.007, F.A.C., and in subsection 68E-9.005(3), F.A.C. In order to meet program strategic plan objectives, or complete federal grant tasks, the Commission may elect to solicit grant applications on specific topics by advertising requests for proposals in the Florida Administrative Weekly and by contacting interested parties in writing at least two months prior to the closing date for program application.

(4) Application Process. The Division shall send out a call for applications to all prospective project applicants in the first week of January. The call for applications shall include both construction and monitoring project application forms and other information as required. The application receipt deadline shall be the third Friday in March. This does not preclude the Division from providing funds for additional projects after the deadline if additional uncommitted funds become available.

Specific Authority 370.25(2), (4) FS. Law Implemented Article IV, Section 9, Florida Constitution, 370.25(2) FS. History—New 7-1-01.

68E-9.004 Program Criteria for Allocating Funds.

The following criteria establish minimum standards for the funding of artificial reef development and monitoring projects.

(1) Project Activity Eligibility. The following activities are eligible for funding under the program: engineering activities, transportation of artificial reef material, cost of project advertising, purchase or construction prefabricated modules, materials preparation, monitoring or evaluation of artificial reefs, development or updating of local, regional or state artificial reef plans, and associated studies or research needed to gather and analyze data necessary for the development or revision of such plans or to improve artificial reef management processes in Florida.

(a) Engineering activities. No more than \$5,000 or 10% (whichever is less) of project funds granted under the program may be expended for engineering services. Any funds required in excess of this amount must be provided by the applicant. For purposes of this program, engineering activities may include but need not be limited to the following:

1. Post deployment mapping of the orientation and position of the reef materials in relation to each other;

2. Observation of deployment operations including observation vessel charter, camera film and film development, video and video media, and duplication;

3. Material stability analysis; and

4. When necessary to assure accurate placement of material, costs of anchors, chain, shackles, temporary buoys, line, etc.

(b) Transportation of artificial reef materials, for purposes of this program includes:

1. Transportation of artificial reef construction material to a staging area;

2. Water transportation of material from the staging area to the artificial reef site; and

3. Rental of cranes, forklifts, or other equipment for handling material at construction, staging and artificial reef sites.

(c) Costs of advertising includes costs associated with all forms of publicity to announce bid specifications and secure vendors;

(d) Cost of purchasing natural rock and prefabricated modules which may include design and construction of the latter material;

(e) Reef material preparation costs include cleaning and any necessary inspections or laboratory analyses requiring special expertise to identify and insure removal of polluting material any necessary welding, cutting, or other modifications necessary to insure human and environmental safety; or, to enhance the habitat quality of the material;

(f) Physical monitoring, mapping, and evaluation of artificial reefs to determine the relative merit of the material and the stability and durability of the artificial reef; biological monitoring to describe the reef community and track reef community trends; evaluations to compare two or more reefs for purposes of comparing reef biological or physical characteristics;

(g) Establishment or updating of comprehensive local government, regional, or state artificial reef management plans to guide local reef development activities; and,

(h) Associated applied research, planning, economic, user, or harvest studies needed to provide documentation for the management direction to be provided in local, regional or state artificial reef plans.

(2) Reef Construction Project Eligibility. Only those artificial reef construction projects which are proposed for placement on permitted sites with permits, valid throughout the project period, designed to be in compliance with all permit terms and conditions, and whose primary objectives for development are included in the definition of an artificial reef (subsection 68E-9.002(2), F.A.C.) shall be eligible for program funding. Proposed project activities must be consistent with adopted local, state, and national artificial reef plans, and other applicable local, state and federal regulations and fishery management plans. Although a variety of coastal structures are recognized to create hard bottom habitat, projects not eligible for program funding are those whose primary objective is:

(a) Shoreline or inlet stabilization, bridge, pier, jetty or dock construction;

(b) Wave or current attenuation (breakwaters);

(c) Solid waste or dredge spoil disposal;

(d) Mitigation for damaged or destroyed habitat resulting from a specific human activity for which another party is liable;

(e) Placement of artificial reef material for the purpose of subsequently removing the material and/or its associated reef community as part of an aquaculture project; and

(f) To serve as an underwater art form, novelty or entertainment/media event.

(3) Acceptable artificial reef construction locations. Only construction projects with locations that meet all of the following criteria will be considered qualified for program funding. The proposed reef location must:

(a) Be at least 150 feet from the boundary of the permitted site to provide a buffer area if some movement of materials occurs, or if problems with placement precision arise;

(b) Be no closer than 150 feet from submerged aquatic vegetation, live bottom, coral and other natural reef structures; and

(c) Be on substrate firm enough to support the artificial reef materials proposed for deployment so that loss of reef function through subsidence will be minimized. Documentation of substrate compatibility shall include, at a minimum, identification of the specific substrate type.

(4) Artificial reef construction materials eligible for program funding. All program funded projects must demonstrate either through prior documented observation and/or based upon an engineering assessment acceptable to the Division, projected durability and stability in a 20 year return interval storm event at the depth placed. Under these conditions the permitted reef should not move off the permitted site or substantially break up with resultant loss of habitat value. Funded artificial reefs are expected to serve as an effective artificial reef for a minimum of 20 years. No artificial reef structures will be funded that consist of low density long-lived component parts that may disassociate and become prone to movement as the reef breaks down over time. Artificial reef materials must not cause pollution. The materials that will be funded in Commission artificial reef projects include clean concrete or rock, clean steel boat hulls, other clean, heavy gauge steel products with a thickness of 1/4 inch or greater, and prefabricated structures that are concrete or a mixture of clean concrete and heavy gauge steel.

Specific Authority 370.25(2), (4) FS. Law Implemented Article IV, Section 9, Florida Constitution, 370.25 FS. History—New 7-1-01.

68E-9.005 Project Application Review and Ranking Application Review.

The review of project applications will be conducted by a three person application review team designated by the Division Director. The review process will be as follows:

(1) Reef Construction Project Ranking. The application review team will competitively rank eligible artificial reef construction projects according to the following factors based upon information provided by the Applicant:

(a) Project site selection and environmental assessment.

1. Submit a bottom survey and discuss these results (up to four points);
2. An environmental assessment that justifies the project and project site based upon minimum environmental impact (up to five points);

3. Discussion of the range of wave height, current velocity, temperature, salinity, visibility, tidal range, and other physical oceanography conditions and how those factors may affect the project (up to four points); and

4. Availability of relevant prior biological, or environmental data associated with the proposed reef site or general site vicinity (up to five points).

(b) Local demand for artificial reefs based upon:

1. Demonstrated public support for the proposed artificial reef project, based upon written letters or resolutions of support less than six months old (up to five points);

2. Numbers of recreational boats 16 feet long or longer registered in the affected county (data provided by Division) (up to five points);

3. Number of one year resident and nonresident recreational fishing license holders in the affected county (data provided by Division) (up to five points); and

4. Number of charter/head boats in the affected county (data provided by the Division) (up to five points).

(c) Access. The presence of at least one navigable inlet access point regardless of location that is within 20 nautical miles of the project site (three points).

(d) Financial. Except in the case of funding steel hulled vessels pursuant to subsection 68E-9.004(4), F.A.C., providing cash match funds is not a requirement for the applicant. However the commitment of the applicant to provide funds to help construct the proposed artificial reef will be ranked in proportion to the percentage match of the project (Up to 4 points).

(e) Supply.

1. Estimated percent coverage of natural hard bottom in the multi-county area (more points allotted to lesser coverage) (data provided by Division) (up to eight points); and

2. The number of existing artificial reefs within a .25 nautical mile radius of the proposed project (more points awarded for fewer reefs) (up to four points).

(f) The applicant included specific, well defined and measurable objectives to gauge the success of the project (up to five points);

(g) The applicant's plan to measure the success of project objective achievement (up to five points);

(h) Availability of a five year local artificial reef management plan which shows a linkage with the proposed project (up to five points);

(i) Availability of a written artificial reef monitoring and assessment plan (up to five points);

(j) The applicant's project plan that addresses logistics, coordination, and staging area availability and location material (up to five points);

(k) Reef design and configuration; habitat complexity, interstitial spaces, surface area, material placement and positioning (up to 10 points);

(l) The project is an innovative project or designed to provide future monitoring potential (up to five points);

(m) Project practicality. The extent to which the project is physically and economically feasible based upon the project description and the available funding (up to five points);

(n) Demonstrated durability and stability of the reef material at the depth proposed for placement based on prior field evaluations or stability analyses (four points);

(o) Assurance of the availability of reef material for the proposed project (three points);

(p) Demonstrated involvement of a marine advisory board (two points);

(q) The applicant's historic ability of timely project completion, and compliance with grant agreement terms and conditions based upon the most recent grant agreement performance (up to five points);

(r) Number of staff and percentage of time available to undertake administrative and field aspects of project, including subsequent monitoring and assessment (up to five points);

(s) First time participation in the program by the applicant (five points);

(t) The applicant is located in an economically depressed rural coastal county (Division provides data) (five points); and

(u) Overall quality of application preparation and accuracy (up to four points).

(2) Monitoring Project Evaluation. The review of project applications will be conducted by a three person application review team designated by the Division Director. The review process will be as follows:

(a) The proposed project collects useful data that will be of value to the Commission and the applicant in determining an artificial reef's effectiveness in meeting the objectives for which the reef was constructed (up to 5 points);

- (b) Clearly stated project monitoring or assessment objectives (up to 5 points);
 - (c) The methods of data collection are clearly presented and are scientifically acceptable and proven field methods and appropriate for the specific monitoring objectives stated (up to 5 points);
 - (d) Final deliverables are clearly described in the application (up to 5 points);
 - (e) The data to be collected is transferable to the Commission in an acceptable format (up to five points);
 - (f) The applicant's historic commitment to timely project completion, and in compliance with grant agreement terms and conditions based upon the most recent monitoring grant agreement performance (up to five points);
 - (g) The qualifications, training and experience of the individuals performing the data collection and data analysis (up to five points);
 - (h) The project's cost effectiveness in relation to the quantity, quality, and type of data expected to be collected (up to five points);
 - (i) The procedures to be used to check on the quality of the data as it is collected and handled (quality assurance/quality control) (up to five points);
 - (j) Are a continuation of an ongoing multi-year project effort which has provided reliable and useful data and demonstrated high compliance with prior grant agreement terms and conditions (up to three points);
 - (k) Are endorsed by the local government reef coordinator whose county has a written artificial reef monitoring plan in place and who will provide multi-year monitoring (two points); and
 - (l) Project proposals that address unresolved scientific issues or provide data relevant to artificial reef management (up to five points).
- (3) Ranking of other complex planning, research, and evaluation projects. These projects will be funded based upon ability of the project to meet state or local artificial reef planning and management needs, availability of funds, and likelihood of successful completion of the project objectives. These project applications will include a detailed formal proposal that includes but is not limited to:
- (a) Purpose of the project and specific measurable objective(s);
 - (b) Detailed scope of work;
 - (c) Complete explanation of how funds are to be spent;
 - (d) A description of sampling methodologies and statistical analyses;
 - (e) A time table; and
 - (f) Qualifications of investigators.

Specific Authority 370.25(2), (4) FS. Law Implemented Article IV, Section 9, Florida Constitution, 370.25(2) FS. History—New 7-1-01.

68E-9.006 Project Funding.

Project funding limits. The Commission may provide up to \$60,000 per state fiscal year for an artificial reef project, based on the criteria set forth in Rule 68E-9.003, F.A.C., above. During any given funding year the combined funding available to all the applicants applying from a given county shall not exceed twenty percent of the total artificial reef project funds available. The Commission may consider project funding in excess of \$60,000 for a single project depending on the availability of funds, the total number of applications received, and the nature and scope of project applications which provide the following:

- (1) Expanded economic opportunities, particularly in depressed areas.
- (2) Research and evaluation projects on traditional or new artificial reef materials or designs.
- (3) Experimental artificial reef construction designed to:
 - (a) Provide improvements in habitat quality, durability or stability over that of conventional reuse material; and
 - (b) Provide reefs which enhance the conservation/preservation of fisheries resources through design and placement resulting in reduction of directed fishing pressure and over fishing.
- (4) Development of local or regional artificial reef management plans and supporting studies.
- (5) Multi-county regional reef construction or assessment projects.

Specific Authority 370.25(2), (4) FS. Law Implemented Article IV, Section 9, Florida Constitution, 370.25(2) FS. History—New 7-1-01.

68E-9.007 Forms and Instructions.

(1) Project Administration Forms. Information required by the Commission must be placed on the prescribed forms, titles and numbers of which are listed below. Such forms and instructions may be obtained without cost by writing:

Florida Fish and Wildlife Conservation Commission, Division of Marine Fisheries, 620 South Meridian Street Box MF-MFM, Tallahassee, Florida 32399-1600.

- (2) This list of forms includes:
 - (a) FWCC-AR01 Artificial Reef Program Construction Grant Application.
 - (b) FWCC-AR02 Artificial Reef Program Monitoring Grant Application.

Specific Authority 370.25(2), (4) FS. Law Implemented 370.25(2) FS. History—New 7-1-01.

CHAPTER 68E-18 SPINY LOBSTER TRAP CERTIFICATE PROGRAM

68E-18.001	Introduction: Purpose and Intent.
68E-18.002	Definitions.
68E-18.003	Certificate Allocations and Fees.
68E-18.004	Spiny Lobster Trap Tags.
68E-18.005	Transfer of Certificates.
68E-18.006	Rental or Leasing of Trap Tags.
68E-18.007	Trap Reduction.
68E-18.008	Suspension of Certificates and Crawfish Endorsement.
68E-18.009	Re-allotment of Reverted Certificates. (Repealed)
68E-18.010	Commission Policy Regarding the Assessment of Administrative Penalties.

68E-18.001 Introduction: Purpose and Intent.

The Legislature amended Chapter 370, Florida Statutes, to establish the Florida Spiny Lobster Trap Certificate Program, to promote stabilization, efficiency and resource protection in the lobster fishery by reducing the number of permitted traps. The following requirements, standards and regulations are established to implement and comply with the intent of Section 370.142, Florida Statutes.

Specific Authority 370.142(6) FS. Law Implemented 370.142 FS. History--New 5-16-95, Formerly 62R-18.001.

68E-18.002 Definitions.

- (1) "A1-certificates" are trap certificates that have never been transferred from the original certificate holder.
- (2) "A2-certificates" are trap certificates that have been transferred to or from an immediate family member for which no surcharge has been collected.
- (3) "Active Certificates" are those certificates for which all licenses, certificate fees, and surcharges have been paid in full and are current, and the holder's Saltwater Product License (SPL), Crawfish Endorsement (C-number), and certificates are not inactive.
- (4) "Allotted certificates" and "allocated certificates" mean the number of lobster trap certificates assigned to an individual certificate holder and maintained by the Commission after the initial allocation is established for an individual SPL number with a C-number. The certificate balance is that number of certificates as adjusted from time to time by program reductions pursuant to Fish and Wildlife Conservation Commission (FWC) rule, lawful acquisition or transfer of certificates to or from other certificate holders, and other adjustments as are lawful or otherwise appropriate under the program.
- (5) "B-certificates" are trap certificates that have been transferred outside a trap certificate holder's immediate family and for which a surcharge is due or has been collected.
- (6) "C-number" refers to the Crawfish Endorsement on a SPL.
- (7) "Certificate holder" is an individual who holds a valid SPL with a current C-number and who received an initial allotment of trap certificates, or obtained trap certificates transferred from another trap certificate holder, or otherwise has acquired trap certificates and these certificates are assigned to his or her SPL/C-number. The certificates may be active or inactive.
- (8) "Commission" means the Fish and Wildlife Conservation Commission.
- (9) "Fair market value" means the actual price paid for each certificate.
- (10) "Immediate Family" for purposes of the Lobster Trap Certificate Program means mother, father, sister, brother, spouse, son, daughter, step-son, step-daughter, step-father, step-mother, half sister, or half brother of the individual certificate holder.
- (11) "Inactive certificates" are those certificates which are allocated to a certificate holder but are not available for transfer or issuance of trap tags because the certificate holder has not paid all required license fees, certificate fees, and surcharges and/or the certificate holder's SPL, C-number, or other required licenses, endorsements or authorizations are otherwise under suspension, revocation, or inactive.
- (12) "Initial allocation" of certificates is the number of certificates established in 1993 for SPL/C-number holders at the beginning of the Lobster Trap Certificate Program based on the best benchmark year landings made by that licenseholder.
- (13) "Issued Certificates" means those certificates which have been paid for, are current, and are assigned to an SPL/C-number account.
- (14) "Lobster trap" is any device or gear, as defined in Rule 68B-24.006, Florida Administrative Code (F.A.C.), which is used to aid in the taking of lobster. Only authorized lobster traps may be used, and trap tags obtained from trap certificate allocations may only be affixed to authorized lobster traps. The use of a trap tag does not create any authorization whatsoever to use any gear not otherwise lawful to use or aid in the taking of lobster.
- (15) "Spiny lobster" or "crawfish" or "lobster" means any crustacean of the species *Panulirus argus*, or any part thereof.
- (16) "Standardized trap reduction" and "annual trap reduction" means the 4 percent annual trap reduction established pursuant to Rule 68B-24.009, F.A.C.

(17) “Transferred certificates” means a change in title from one certificate holder to another SPL and C-number holder. A transfer is a final transaction and is accomplished by submittal of a completed application, payment of all necessary fees, recording of the transfer in the Commission records, and documentation of the transfer furnished to the previous and new owner of the certificates.

(18) “Temporary transfers” means any use of a valid trap tag issued pursuant to an active trap certificate by someone other than the owner of the certificate. This includes but is not limited to leasing, renting, loaning, lending or other commercial or non-commercial arrangement for the use of the tag during the fishing season. If the owner suffers a hardship or emergency that requires another person to pull the owners traps in response to the hardship or emergency, this use is not subject to the transfer fee under the provisions of a temporary transfer. However, the pull must be authorized and documented pursuant to subsection 68B-24.006(7), F.A.C.

(19) “Transfer period” means that period of time when individuals holding trap certificates can transfer their certificates to another individual’s certificate allocation. The transfer time shall be coincident with the first placement of traps for the regular lobster season (currently August 1) and ending midnight March 1.

(20) “Trap reduction schedule” means the reduction schedule established by the FWC in Rule 68B-24.009, F.A.C., as provided for in Section 370.142(3), Florida Statutes.

(21) “Trap tag” or “lobster trap tag” is a physical, durable, annual lobster trap identification and authorization label, furnished annually by the Commission to the certificate holder. One trap tag may be obtained by the certificate holder for each trap certificate held. The trap tag must be firmly affixed to the lobster trap each fishing season in order to place the trap in the water and use the trap to aid in the taking of lobster.

Specific Authority Art IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History—New 5-16-95, Formerly 62R-18.002, Amended 7-1-01.

68E-18.003 Certificate Allocations and Fees.

(1) The number of allotted certificates is determined upon an initial allocation pursuant to establishment of the program to certificate holders that had a SPL with a C-number during the benchmark years (i.e., the 1988-1989, 1989-1990, or the 1990-1991 lobster fishing seasons) and maintained it through 1992, and/or other lawful acquisition of certificates by a certificate holder. The initial allocation was determined pursuant to Section 370.142(2)(a)1., Florida Statutes, by using a certificate holder’s highest year landings of lobster from one of the three designated benchmark years to calculate the number of certificates based on the poundage landed and reported to the Commission during the best (e.g., highest reported poundage of lobster) benchmark year.

(a) The initial allocation may be adjusted through an appeal process to the Lobster Trap Certificate Technical Advisory and Appeals Board as established in Section 370.142(2)(a)1., Florida Statutes. Subsequent adjustment of the initial allocation number of certificates by the Commission may be made based on a recommendation by the Appeals Board, or other administrative or judicial proceeding.

(b) A certificate allocation may be adjusted by transfer of certificates to or from any certificate holder to another as further described in this rule.

(c) After the initial allocations have been made to current SPL/C-number holders in the first year of the program, a person wishing to enter the fishery may acquire an SPL/C-number and obtain a certificate allocation through the transfer or other lawful acquisition of trap certificates to his or her license.

1. The allocation and number of certificates is administered and maintained by the Commission.

2. The certificate holder will be advised annually as to the number of certificates assigned to his or her C-number, the amount due to the Commission for the certificates in the current year, and any arrearage of costs or fees due.

3. Certificates will only be issued in whole numbers of certificates; there are no fractional certificates.

4. There must be one or more certificates allocated to a certificate holder in order for the certificate holder to have an allocation. A person may have an SPL/C-number with no trap certificates; a person may not have a certificate allocation without certificates assigned to their C-number.

(2) Any certificates for which the annual certificate fee is not paid for a period of three (3) years shall be considered abandoned and shall revert to the Commission. During any period of trap reduction, any certificates reverting to the Commission shall become permanently unavailable and be considered in that amount to be reduced during the next license-year period. A report of all certificates reduced is furnished by the Division of Marine Fisheries to the FWC pursuant to the annual evaluation process required in Section 370.142(3), Florida Statutes. Certificates reduced from the certificate inventory are not recoverable or otherwise available for use or reissue during the remainder of any year in which there is an annual reduction.

(3) The charges for a certificate will accumulate for each year not paid until that certificate is removed from the certificate pool pursuant to subsection (2) above. All prior certificates must be paid for to keep the allotment current, regardless of annual reduction in the allotment total.

(4) Partial payments of fees for certificates will not be accepted.

(5) Certificate fees for current year season certificates not received by the Commission by March 1 for the current lobster fishing season will not be accepted.

(6) Any payment by an invalid check is cause for suspension of all current certificates if valid payment is not received within thirty days of notification of the invalid check. Payment shall include any returned check charges incurred by the Commission.

(7) Certificates shall not be issued or allocated until all licenses, fees, and surcharges have been paid in full and are current, and the holder's SPL and C-number are not otherwise inactive.

(8) Trap tags shall not be issued to certificate holders until all licenses, certificate fees, surcharges and any other outstanding fees to the Commission have been paid in full and are current, and the holder's SPL, C-number, and certificates are not otherwise inactive.

(9) Reasons or circumstances resulting in inactive certificates include:

(a) A certificate holder has his SPL suspended, revoked, or fails to renew his SPL;

(b) A certificate holder has his C-number suspended, revoked, or fails to renew his C-number;

(c) The annual certificate fees have not been paid in full;

(d) The certificate holder is deceased;

(e) The certificates or necessary licenses are in arrears on payment of required annual fees; and,

(f) The certificate holder has failed to obtain such additional authorizations or endorsements to licenses.

Specific Authority 370.142(6) FS. Law Implemented 370.142 FS. History—New 5-16-95, Formerly 62R-18.003.

68E-18.004 Spiny Lobster Trap Tags.

(1) No lobster trap shall be used on or in the waters of the state without a current year trap tag firmly affixed thereto. Traps with tags that are not firmly affixed by nails, staples, or otherwise securely fastened as may be provided by the Commission, shall be considered untagged for enforcement purposes.

(2) Lost or damaged tags may be replaced upon proper verification of loss, as defined in subsection (3) below, and payment of the replacement tag fee designated for that year have been made. Damaged tags must be turned in to the Commission. Payment for replacement tags must be made before the replacement tags are issued to the certificate holder.

(3) Cost of replacement tags will reasonably reflect the actual cost charged to the Commission by the vendor manufacturing the tags, plus a fee of three dollars per order to cover processing and handling.

(4) Notification of lost or damaged tags shall be a written report made to the Commission of the tag numbers lost or damaged ("Spiny Lobster Trap Tag Replacement form"), Form No. FWC 30-203, September 1995, hereby incorporated by reference, may be obtained by contacting the local Division of Law Enforcement Office. In addition, a report must be filed concurrently with the local Division of Law Enforcement Office stating the location of where the traps were lost and the circumstances of the loss.

Specific Authority Art IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History—New 5-16-95, Amended 2-11-96, Formerly 62R-18.004, Amended 7-1-01.

68E-18.005 Transfer of Certificates.

(1) Trap certificates shall only be transferred by the Commission during the August 1-March 1 transfer period designated in Rule 68E-18.002, F.A.C.

(2) Payment of all outstanding license fees, trap tag fees, surcharges and any other charges owed to the Commission by either party in the transfer transaction must be completed within the transfer period. All fees and charges shall be resolved and current before any transfers shall be made by the Commission and before trap certificates and tags are issued to the receiving holder.

(3) No surcharge will be assessed for any transfer within an individual's immediate family.

(4) All transfers must be submitted on a Commission form ("Spiny Lobster Trap Tag Transfer"), Form No. FWC 20-173, December 1993, which is hereby incorporated by reference, may be obtained by contacting the local Division of Law Enforcement Office, and notarized. No other form will be accepted. Both parties to the transfer must state the value paid and received for the certificates and list the tag audit numbers included in the transfer. Fraudulent statements of value paid or received for certificates by either the transferor or transferee will result in the denial of the transfer, and refer the matter to the appropriate authorities for other disposition.

(5) The transferor shall designate in detail which certificates (A1, A2 or B) are being transferred, and in what combination thereof.

(6) The transferee shall have a valid SPL and a current C-number before any transfer will be authorized. A certificate holder who intends to close their trap certificate account by transfer of all certificates to another person's account, and who is not eligible for the restricted species endorsement, shall be exempt from the requirements of Rule 68B-24.0055, F.A.C., for purposes of completing the transfer. However, the transferor shall not be issued a crawfish endorsement on an actual saltwater products license without the restricted species endorsement. The transferee is responsible for ensuring that all transfer/surcharge fees are paid to the Commission. Transfer fees and surcharges will be assessed only on those trap certificates actually received from the transferor by the transferee.

(7) If any application for the transfer of certificates containing errors is received by the Commission after February 15, the Commission will make a reasonable effort to obtain a completed application by March 1; however, if such efforts are not successful within that time frame, the Commission will deny the request to transfer certificates during the current lobster season and return the applicable fees submitted to the applicant.

(8) If the certificate holder is deceased, the estate of the certificate holder may distribute the certificates by transferring possession of the certificates to a current SPL and C-number holder. The transfer of certificates shall be made upon lawful order of the probate court, or other lawful notice and designation pursuant to Chapter 732 or 733, Florida Statutes, by the personal representative or other person authorized by law to settle the estate. Transfers from an estate of a deceased certificate holder are subject to the ordinary fees and processing requirements of these rules and the Lobster Trap Certificate Program.

(9) Only active certificates may be transferred.

(10) Upon transfer, the transferred certificate becomes part of the receiving certificate holder's allocation of certificates.

Specific Authority Art IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History--New 5-16-95, Amended 4-7-99, Formerly 62R-18.005, Amended 7-1-01.

68E-18.006 Rental or Leasing of Trap Tags.

(1) A certificate holder who has received trap tags for a current fishing year may authorize the use of his tags by another certificate holder or person who has all current licenses and authorizations required to use lobster traps.

(2) The person owning the tags and the person who has the use of the tags must report the discrete number of each tag involved in the transaction to the Commission.

(3) The authorized use of a certificate holder's trap tags by another must be renewed each fishing season. The maximum period for this authorization is the fishing season in which the use is granted. Such written authorization must be carried aboard the vessel utilizing the trap tags authorized for use from another certificate holder.

(4) The report of the transaction must be made in writing to the local Division of Law Enforcement office before trap tags are affixed to a trap or placed in the water.

(5) Failure to report authorized use of trap tags by another will result in suspension of each tag involved for the current lobster fishing season. Only the C-number and buoy colors assigned to the vessel utilizing another's authorized trap tags shall be displayed aboard such vessel and on each trap buoy.

(6) The user may not further authorize any other person to use the tags obtained from another certificate holder pursuant to this section.

Specific Authority 370.142(6) FS. Law Implemented 370.142 FS. History--New 5-16-95, Formerly 62R-18.006.

68E-18.007 Trap Reduction.

(1) Beginning July 1, 2001, and in each subsequent year until such time as only 400,000 trap certificates are available to the fishery, the number of trap certificates shall be reduced pursuant to Rule 68B-24.009, F.A.C.

(2) If the percentage reduction results in a fractional number, that partial trap represented in the fraction will be rounded off. For example, a calculation of an annual or standardized reduction percentage times the certificate allocation yields the product 18.5; in this application, the certificate allocation would be reduced by 18 certificates. If a calculation of an annual or standardized reduction percentage times the certificate allocation yields the product 18.6; in this application, the certificate allocation would be reduced by 19 certificates. For all certificate holders, any reduction will never be less than one (1) certificate.

(3) Any certificate allocation reduced to zero trap certificates will be deleted from the Commission's active certificate allocation records. The certificate allocation may only be reduced to zero by sale or transfer of certificates out of the certificate holder's allocation, forfeiture, or other lawful process.

(4) During trap reduction, B-certificates will be reduced prior to the reduction of any A-certificates.

(5) Certificates allocated but not issued shall be included in an active reduction, should an active reduction be necessary in a given year pursuant to Rule 68B-24.009, F.A.C. Each allocation will be reduced whether the tags are purchased and issued or not.

(6) Failure to pay certificate fees and other charges in any year will not exempt a certificate holder from having their certificates reduced as part of the annual reduction. All charges and fees on active and inactive certificates must be paid, including charges and fees on certificates lost to reduction.

(7) If an individual has more than one C-number and the additional C-numbers have allocated certificates, the reduction shall apply to certificates allocated to each C-number; that is, each C-number allocation shall be reduced according to the percentage reduction authorized for that year.

Specific Authority Art IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History--New 5-16-95, Formerly 62R-18.007, Amended 7-1-01.

68E-18.008 Suspension of Certificates and Crawfish Endorsement.

(1) Falsification of information is cause for suspension of certificates and/or the C-number. Failure to comply with program rules and requirements will result in applications, transfers, and other benefits of the program being denied, and appropriate sanctions and penalties on the non-complying certificate holder, including suspension or forfeiture of certificates, being imposed.

(2) Any voided or incomplete payment, such as by an invalid or returned check, will result in the suspension of the subject certificates if full payment is not received within thirty days of notification of an invalid check or other incomplete payment. The certificates in a non-paid status will be treated pursuant to subsection 68E-18.003(2) and (3), F.A.C., thereafter.

(3) Any trap tag used by a certificate holder on unauthorized gear will be forfeited.

Specific Authority 370.142(6) FS. Law Implemented 370.142 FS. History--New 5-16-95, Formerly 62R-18.008.

68E-18.010 Commission Policy Regarding the Assessment of Administrative Penalties.

It shall be the policy of the Commission to assess administrative penalties pursuant to Section 370.142(2)(c)4., Florida Statutes, for a violation involving use of spiny lobster traps without current year trap tags as required by Section 370.142(2)(b), Florida Statutes.

(1) For a first violation of the referenced regulation, a penalty of up to \$1000 shall be assessed and the crawfish trap number (also known as the crawfish endorsement) issued pursuant to Section 370.142(2), Florida Statutes, may be suspended for the remainder of the current license year. The Commission shall assess these penalties as follows:

(a) \$25 per untagged trap for the possession or use of up to and including 20 untagged lobster traps;

(b) \$1000 and suspension of the crawfish endorsement for the remainder of the current license year for possession or use of 21 or more untagged lobster traps.

(2) For a second violation of the referenced regulation occurring within 24 months of any previous such violation, an administrative penalty of up to \$2000 shall be assessed and the crawfish endorsement may be suspended for the remainder of the current license year. The Commission shall assess these penalties as follows:

(a) \$50 per untagged trap for the possession or use of nine (9) or fewer such traps plus suspension of the crawfish endorsement for the remainder of the current license year;

(b) \$75 per untagged trap for possession or use of 10 up to and including 20 such traps plus suspension of the crawfish endorsement for the remainder of the current license year;

(c) \$2000 and suspension of the crawfish endorsement for the remainder of the current license year for possession or use of 21 or more untagged spiny lobster traps.

(3) For a third or subsequent violation within 36 months of any previous two such violations, an administrative penalty of up to \$5000 shall be assessed and the crawfish endorsement may be suspended for up to 24 months or permanently revoked or the Commission may proceed against the saltwater products license pursuant to Section 370.021(2)(e), Florida Statutes. The Commission shall assess these penalties as follows:

(a) \$100 per untagged spiny lobster trap and suspension of the crawfish endorsement for 12 months for possession or use of one (1) to nine (9) untagged traps;

(b) \$250 per untagged spiny lobster trap and suspension of the crawfish endorsement for 24 months for possession or use of 10 to 19 untagged traps;

(c) \$5000 and revocation of the crawfish endorsement and saltwater products license for possession or use of 20 or more untagged spiny lobster traps.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 370.142 FS. History--New 7-9-02.

CHAPTER 68E-19 NON-REFUNDABLE PROCESSING FEE FOR THE REPLACEMENT OF SALTWATER FISHING LICENSES, PERMITS, RETAIL DEALER LICENSES AND WHOLESALE DEALER LICENSES

- 68E-19.001 Introduction.
- 68E-19.002 Replacement License or Permit Fees.
- 68E-19.003 Saltwater Fishing License or Permit Replacement Application.

68E-19.001 Introduction.

This rule will provide a non-refundable processing fee for the replacement of saltwater fishing licenses, permits, and retail or wholesale dealers licenses, as referenced on Form FWC 30-215 (1/25/99), during any given license year.

Specific Authority 370.06 FS. Law Implemented 370.06(8) FS. History—New 6-7-99, Formerly 62R-19.001.

68E-19.002 Replacement License or Permit Fees.

(1) There will be a non-refundable \$10.00 fee assessed for each license or permit that is replaced.

(2) Any request for such a replacement license or permit may be denied, if the application form is not completely and accurately completed and signed, or if the \$10.00 fee per application is not submitted with the application.

(3) Any request for such a replacement license or permit may be denied, if there are any outstanding fees, fines or civil penalty assessments charged against the applicant's original license or permit.

Specific Authority 370.06(7),(8) FS. Law Implemented 370.06(8) FS. History—New 6-7-99, Formerly 62R-19.002.

68E-19.003 Saltwater Fishing License or Permit Replacement Application.

The application shall be incorporated and hereby referenced to and entitled "Saltwater Fishing License or Permit Replacement Application" and may be obtained by request to the Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399.

Specific Authority 370.10(2), 370.021 FS. Law Implemented 370.06(8) FS. History—New 6-7-99, Formerly 62R-19.003.

CHAPTER 68E-21 VESSEL CORRIDORS

68E-21.001 Establishment of Vessel Corridors for the Transit of Prohibited Nets Across Florida Waters During the License Reinstatement Period.

68E-21.001 Establishment of Vessel Corridors for the Transit of Prohibited Nets Across Florida Waters During the License Reinstatement Period.

(1) Purpose and Scope. This rule implements Section 370.092(4)(c)1., Florida Statutes (1995) (as amended by Chapter 96-300, Laws of Florida), by establishing vessel corridors within which persons, firms or corporations subject to saltwater license privilege suspensions resulting from a violation of Art. X, § 16, Florida Constitution, must confine their operation when carrying prohibited nets for a 12-month reinstatement period following reinstatement of suspended saltwater license privileges.

(2) Definitions. The following definitions apply for the purposes of this rule:

(a) "Commission" means the Fish and Wildlife Conservation Commission.

(b) "Prohibited nets" refers to all forms of gear, the use of which is prohibited, restricted, or otherwise limited by the provisions of article X, section 16, of the Florida Constitution or any Rules of the Commission implementing the prohibitions or restrictions therein.

(c) "Reinstatement period" means a period of twelve months following reinstatement of saltwater license privileges suspended in accordance with the provisions of Section 370.092(4)(a), Florida Statutes, during which time the resumed fishing activities remain subject to probationary conditions imposed by statute or rule. The date the reinstatement period begins is the day upon which saltwater license privileges are restored following suspension and the period shall continue for 365 calendar days from the date of reinstatement.

(d) "Reinstatement" means the restoration of saltwater license privileges heretofore suspended for a fixed period of time pursuant to Section 370.092(4)(a), Florida Statutes. Reinstatement shall occur upon the first calendar day immediately following the last calendar day of the period of saltwater license privilege suspension specified by statute.

(e) "Vessel corridor" or "corridor" means designated paths in, through or across a water body or portions thereof identified by this rule as permissible for the carriage of prohibited nets during the reinstatement period. Where a marked channel is listed as the corridor, the corridor lies within the marked boundaries of the channel. Where a direct line on a specified heading is listed as the corridor, the corridor lies within 100 yards either side of the line for a total width of 200 yards. The vessel corridor descriptions and headings are given for outbound vessels; vessels returning from sea will follow a reciprocal heading.

(f) "Miles" means nautical miles.

(3) Reinstatement Identification. Any vessel carrying or otherwise transporting prohibited nets during the reinstatement period shall at all times during the carriage of such nets display the character "R" in a prominent and conspicuous place so as to be clearly visible from the air and water. This character will identify the vessel as one operating while under the terms of the reinstatement period.

(a) The character "R" must be of a solid color which must contrast with the background color of the vessel and must be maintained so as to be clearly visible and legible. The character must be at least 10 inches in height, and must be 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, and on the roof or uppermost weather deck so as to be clearly visible from the air.

(b) It is unlawful to obstruct, cover, block, or otherwise allow this character to be concealed in any manner.

(4) Establishment of Vessel Corridors. The following vessel corridors are hereby established:

(a) St. Mary's Entrance – Beginning at the State Road 200/A1A bridge, thence north in the Intracoastal Waterway to the intersection of the Intracoastal Waterway and the St. Mary's Entrance Channel, thence directly out the entrance channel until one mile offshore if carrying non-entangling nets over 500 square feet or three miles offshore if carrying gill, trammel, or other entangling nets.

(b) St. Johns River/Mayport – Beginning at the Matthews Bridge, thence generally north and east in the marked channel of the St. John's River out of the inlet in the marked channel until one mile offshore if carrying non-entangling nets over 500 square feet or three miles offshore if carrying gill, trammel, or other entangling nets.

(c) St. Augustine Inlet – Beginning at Kings Street on the San Sebastian River in the marked channel of the river, thence directly to the Intracoastal Waterway, thence generally north in the Intracoastal Waterway to marker buoy #2, thence out the St. Augustine Inlet to marker #2, thence to the sea buoy, until one mile offshore if carrying non-entangling nets over 500 square feet or three miles if carrying gill, trammel, or other entangling nets.

(d) Port Canaveral – Beginning east of the locks in Port Canaveral, thence generally east in the marked channel until one mile offshore if carrying non-entangling nets over 500 square feet or three miles offshore if carrying gill, trammel, or other entangling nets.

(e) Ponce De Leon Inlet – Beginning at the Intracoastal Waterway and State Road 44 (South Causeway Bridge), thence in the marked channel of the Intracoastal Waterway to marker #19, thence north in the Indian River directly to the Ponce De Leon Inlet. Out the marked channel until one mile offshore if carrying non-entangling nets over 500 square feet or three miles offshore if carrying gill, trammel, or other entangling nets.

(f) Sebastian Inlet – Beginning at the Intracoastal Waterway and the State Road 510 Bridge, thence generally north in the Intracoastal Waterway to marker #63, thence to marker #20, thence directly out Sebastian Inlet, thence due east until one mile offshore if carrying non-entangling nets over 500 square feet or three miles offshore if carrying gill, trammel, or other entangling nets.

(g) Ft. Pierce Inlet – Beginning at the Riverside Marina Channel, thence directly to the Intracoastal Waterway generally south to the Fort Pierce turning basin, thence generally east in the Fort Pierce Inlet channel to the whistle buoy, thence due east until one mile offshore if carrying non-entangling nets over 500 square feet or three miles offshore if carrying gill, trammel, or other entangling nets.

(h) St. Lucie Inlet – Beginning at Manatee Pocket, thence directly to the marked channel of the Okeechobee Waterway (St. Lucie River), thence generally east to the St. Lucie Inlet Channel, thence out the channel to the whistle buoy, thence due east until one mile offshore if carrying non-entangling nets over 500 square feet or three miles offshore if carrying gill, trammel, or other entangling nets.

(i) Lake Worth Inlet – Beginning in the Intracoastal Waterway at the Blue Heron Bridge, thence generally south in the Intracoastal Waterway to the Port of Palm Beach turning basin, thence out the Lake Worth Inlet Channel to the whistle buoy, thence due east until one mile offshore if carrying non-entangling nets over 500 square feet or three miles offshore if carrying gill, trammel, or other entangling nets.

(j) Miami River/Government Cut – Beginning in the Miami River, thence to the Intracoastal Waterway, thence to the Port of Miami and out Government Cut Channel to marker #1, thence due east until one mile offshore if carrying non-entangling nets over 500 square feet or three miles offshore if carrying gill, trammel, or other entangling nets.

(k) Tavernier Creek – Beginning at the oceanside of Tavernier Creek bridge, thence generally southeast out the marked channel to marker number 1 of the channel, thence on a heading of 120 degrees (directly toward marker #12 at Conch Reef) until one mile offshore if carrying non-entangling nets over 500 square feet or three miles offshore if carrying gill, trammel, or other entangling nets.

(l) Boot Key Harbor – Beginning at Boot Key Harbor thence generally southwest in the Harbor, thence to the end of the Boot Key Harbor Channel (marker #1):

1. Boot Key Harbor Oceanside – Thence due south until one mile offshore if carrying non-entangling nets over 500 square feet or three miles offshore if carrying gill, trammel, or other entangling nets.

2. Boot Key Harbor Gulfside – Thence to Knights Key Channel generally north to Bethel Bank Light (marker #16), thence to John Sawyer Bank Light (marker #3), thence to Bullard Bank Light (marker #2), thence continuing on a bearing of 330 degrees until three miles offshore if carrying non-entangling nets over 500 square feet or nine miles offshore if carrying gill, trammel, or other entangling nets.

(m) Stock Island Channel

1. Stock Island Channel Oceanside – Beginning at marker #17 in Stock Island Channel, thence out Stock Island Channel to marker #2 until one mile offshore if carrying non-entangling nets over 500 square feet or thence due south to three miles offshore if carrying gill, trammel, or other entangling nets.

2. Stock Island Channel Gulfside – Beginning at marker #17 in Stock Island Channel, thence out Stock Island Channel to marker #2, thence on a heading of 245 degrees to the bell buoy at the entrance of the marked main ship channel, thence generally north in the marked main ship channel to marker #15, thence generally northwest to Northwest Channel out the Northwest Channel to the sea buoy (marker #1), thence due north passing Smith Shoal Light and continuing due north until three miles offshore if carrying non-entangling nets over 500 square feet or nine miles offshore if carrying gill, trammel, or other entangling nets.

(n) Everglades National Park – Proscribed gear may be transported through Everglades National Park beginning at Everglades City only over Indian Key Pass, Sand Fly Pass, Rabbit Key Pass, Chokoloskee Pass and across Chokoloskee Bay thence due west until three miles offshore if carrying non-entangling nets over 500 square feet or nine miles offshore if carrying gill, trammel, or other entangling nets.

(o) Naples Bay – Beginning at the U.S. 41 bridge at Naples Bay (Tin City), thence generally south in the marked channel to marker #19, thence generally west in the marked channel to Gordon's Pass marker #1, thence due west until three miles offshore if carrying non-entangling nets over 500 square feet or nine miles offshore if carrying gill, trammel, or other entangling nets.

(p) Punta Rassa Boat Ramp – Beginning at the Punta Rassa boat ramp at the east end of the Sanibel Bridge Causeway, thence generally west to the "A-span" of the Sanibel Bridge Causeway, thence generally southeast to marker #10 (flashing red light), continuing southeast in the marked channel to marker #8 (flashing red light), thence generally southeast to the Matanzas pass entrance channel and marker #6, continuing to marker #3, thence on a bearing of 210 degrees until three miles offshore if carrying non-entangling nets over 500 square feet or nine miles offshore if carrying gill, trammel, or other entangling nets.

(q) Gasparilla Sound – Beginning in Gasparilla Sound at the Intracoastal Waterway marker #20, thence generally south in the marked channel of the Intracoastal Waterway to the center of Boca Grande Pass, thence generally west in the marked channel to marker #3 (whistle buoy), thence due west until three miles offshore if carrying non-entangling nets over 500 square feet or nine miles offshore if carrying gill, trammel, or other entangling nets.

(r) Sarasota Bay/New Pass – Beginning in Sarasota Bay at the Tenth Street boat ramp on U.S. 41, thence generally southwest in the marked channel across Sarasota Bay and out through New Pass to marker #2 (bell buoy), thence due west until three miles offshore if carrying non-entangling nets over 500 square feet or nine miles offshore if carrying gill, trammel, or other entangling nets.

(s) Anna Maria Island/Longboat Pass – Beginning in Anna Maria Sound at the State Road 684 bridge, thence generally south/southeast in the marked Intracoastal Waterway to marker #46, thence generally south/southwest in the marked channel known as Longboat Channel to Longboat Pass. Thence in the marked channel of Longboat Pass generally southwest to marker #2 (bell buoy), thence on a bearing of 240 degrees until three miles offshore if carrying non-entangling nets over 500 square feet or nine miles offshore if carrying gill, trammel, or other entangling nets.

(t) Egmont Channel

1. Tampa Bay – Beginning at the Gandy boat ramp, thence generally west following the Gandy Bridge to the designated bridge channel, thence due south to marker #11K of the ship channel. Thence in the marked ship channel following cut K, J-2, J, G, F, E, D, C, B, and A to the Skyway Bridge. Thence generally west in the marked Mullet Key Channel, thence generally west in the marked channel known as Egmont Channel to marker #16, continuing generally west in the marked ship channel to marker #5 (whistle buoy), thence due west until three miles offshore if carrying non-entangling nets over 500 square feet or nine miles offshore if carrying gill, trammel, or other entangling nets.

2. Ft. Desoto Boat Ramp – Beginning in Mullet Key Bayou at the Fort Desoto boat ramp, thence generally north in the marked channel to the intersection of Bunces Pass Channel, thence generally west in the marked channel through Bunces Pass, thence due west until three miles offshore if carrying non-entangling nets over 500 square feet or nine miles offshore if carrying gill, trammel, or other entangling nets.

(u) Anclote River – Beginning in the Anclote River at the U.S. Highway 19 (Alternate) bridge, thence generally west in the marked channel to the head marker #2, thence north directly to marker #6, thence on a bearing of 346 degrees directly to marker #4. Thence on a bearing of 320 degrees until three miles offshore if carrying non-entangling nets over 500 square feet or nine miles offshore if carrying gill, trammel, or other entangling nets.

(v) Hernando Beach Channel – Beginning at the Hernando Beach boat ramp, thence generally west in the marked channel to the channel head marker, thence due west until three miles offshore if carrying non-entangling nets over 500 square feet or nine miles offshore if carrying gill, trammel, or other entangling nets.

(w) Crystal River – Beginning at the head of the Crystal River, thence generally west in the marked channel to the channel head marker #2, thence due west until three miles offshore if carrying non-entangling nets over 500 square feet or nine miles offshore if carrying gill, trammel, or other entangling nets.

(x) Cedar Key – Beginning at the Cedar Key boat ramp, thence generally south/southwest in the marked main ship channel to marker #1, thence due south until three miles offshore if carrying non-entangling nets over 500 square feet or nine miles offshore if carrying gill, trammel, or other entangling nets.

(y) Horseshoe Beach – Beginning at Horseshoe Beach, thence generally southwest in the marked channel to marker #2, thence on a heading of 225 degrees until three miles offshore if carrying non-entangling nets over 500 square feet or nine miles offshore if carrying gill, trammel, or other entangling nets.

(z) Keaton Beach – Beginning at Keaton Beach generally west in the marked channel to marker #1, thence on a heading of 250 degrees until three miles offshore if carrying non-entangling nets over 500 square feet or nine miles offshore if carrying gill, trammel, or other entangling nets.

(aa) Econfina River (Taylor County) – Beginning at the Econfina Landing out the river to the mouth of the river, thence on a heading of 220 degrees until three miles offshore if carrying non-entangling nets over 500 square feet or nine miles offshore if carrying gill, trammel, or other entangling nets.

(bb) Port Panacea – Beginning at Port Panacea, thence generally southeast in the marked channel to marker #3, thence on a heading of 120 degrees until three miles offshore if carrying non-entangling nets over 500 square feet or nine miles offshore if carrying gill, trammel, or other entangling nets.

(cc) Apalachicola River – Beginning at marker #8 in the Apalachicola River, thence generally south in the Intracoastal Waterway to marker #1 (turning buoy), thence on a heading of 175 degrees to marker #3 of Bob Sikes Cut. Thence in the marked channel through Bob Sikes Cut to marker #1, thence on a heading of 160 degrees until three miles offshore if carrying non-entangling nets over 500 square feet or nine miles offshore if carrying gill, trammel, or other entangling nets.

(dd) St. Joseph Bay – Beginning at the Port St. Joe city boat ramp, thence generally southwest in the marked channel (North Channel becoming Entrance Channel) to the whistle buoy, thence on a heading of 240 degrees until three miles offshore if carrying non-entangling nets over 500 square feet or nine miles offshore if carrying gill, trammel, or other entangling nets.

(ee) St. Andrews Bay – Beginning at St. Andrews Marina, thence generally southwest to marker #6, thence generally southeast following the marked channel to marker #3. Thence generally southwest in the marked channel out the inlet to the whistle buoy, thence on a heading of 240 degrees until three miles offshore if carrying non-entangling nets over 500 square feet or nine miles offshore if carrying gill, trammel, or other entangling nets.

(ff) Destin Pass

1. Alaqua Bayou – Beginning in Alaqua Bayou, thence on a heading of 220 degrees to marker 47 of the Intracoastal Waterway, thence generally west in the Intracoastal Waterway to marker 17 of the North Channel (Destin Pass), thence generally south out the marked channel (Destin Pass) to marker #3, thence due south until three miles offshore if carrying non-entangling nets over 500 square feet or nine miles offshore if carrying gill, trammel, or other entangling nets.

2. Boggy Bayou – Beginning at marker #9 in Boggy Bayou, thence generally south in the marked channel to marker #1, thence on a heading of 210 degrees to marker #53 of the Intracoastal Waterway, thence generally west to marker 17 of the North Channel (Destin Pass), thence generally south out the marked channel (Destin Pass) to marker #3, thence due south until three miles offshore if carrying non-entangling nets over 500 square feet or nine miles offshore if carrying gill, trammel, or other entangling nets.

(gg) Pensacola Pass

1. Shoreline Park Boat Ramp – Beginning at Shoreline Park boat ramp (Gulf Breeze), thence due south to the Intracoastal Waterway, thence generally west in the Intracoastal Waterway to marker #18, thence generally west in the marked channel to marker #13 at Pensacola Pass, thence generally south in the marked channel (Caucus Channel) to marker #1, thence due south until three miles offshore if carrying non-entangling nets over 500 square feet or nine miles offshore if carrying gill, trammel, or other entangling nets.

2. "A" Street/"B" Street – Beginning at the Inner Harbor Channel, thence generally south in the West Channel to marker #25 in Bay Channel, thence generally south in the marked channel to marker #18, thence generally west in the marked channel to marker #13 at Pensacola Pass, thence generally south in the marked channel (Caucus Channel) to marker #1, thence due south until three miles offshore if carrying non-entangling nets over 500 square feet or nine miles offshore if carrying gill, trammel, or other entangling nets.

(5) Allowable departures from vessel corridors designated under subsection (4): Vessels required to use the corridors established by this rule, must remain within the specified corridor at all times while carrying or transporting prohibited nets, but may operate outside the corridor for purposes of ingress or egress under the following circumstances:

(a) Vessels traveling to a designated corridor from a seafood dealer establishment at the time of departure on a fishing trip or upon return from a fishing trip to the seafood dealer establishment, for the purposes of selling lawful catches, when such seafood dealer is adjacent but not contiguous to the corridor.

(b) Vessels traveling to a designated corridor from a vessel launching or mooring site at the time of departure on a fishing trip or upon return from a fishing trip to the launching or mooring site, for the purposes of loading the vessel on a trailer or mooring the vessel, when such launching or mooring site is adjacent but not contiguous to the corridor.

(c) Vessels traveling between vessel corridors designated under subsection (4) and sites designated under this subsection shall proceed from one to the other in the most expeditious manner possible and shall utilize the most direct route available.

(6) Exceptions for Emergencies: Vessels required to use the corridors established by this rule, must remain within the specified corridor at all times while carrying or transporting prohibited nets.

(a) Deviations from the corridors established under this rule are permissible only upon affirmative showing by the operator of said vessel that one of the following bona fide emergency situations apply:

1. Cases involving bona fide medical emergencies;

2. Cases involving severe weather or sea conditions, where an alternate course must be followed when returning to shore, in order to avoid a bona fide and substantial risk to life, limb or property;

3. Cases involving significant threat from mechanical failure posing a bona fide and substantial risk to life, limb or property.

(b) Any vessel found outside the corridors established by this rule while carrying or transporting prohibited nets is in violation of the provisions of Section 370.092(4)(c), Florida Statutes. Any person seeking to avail himself of the emergency exceptions listed above as an affirmative defense has the burden to establish the existence of such an emergency by a preponderance of the evidence.

(7) Variance Provisions.

(a) The Commission recognizes that the strict application of the vessel corridors described in subsection (4) may lead to unreasonable, unfair, and unintended results in particular instances. The Commission will grant a variance to this rule when a person subject to this rule demonstrates that the purpose of the underlying statute will still be achieved and that the strict application of this rule will create a substantial hardship or would violate principles of fairness. For the purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For the purposes of this section, "principles of fairness" are violated when the literal application of the rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.

(b) Upon reinstatement of saltwater license privileges suspended pursuant to s. 370.092, Florida Statutes, or during the reinstatement period, or during the final 90 days of such suspension, an individual who is restricted to the corridors listed in subsection (4) may file a petition with the Director of the Division of Law Enforcement requesting a variance specifying an alternative corridor within which the individual may operate a vessel containing prohibited nets. In addition to any requirements mandated by uniform rules of the Administration Commission, each petition shall specify:

1. The corridor(s) in subsection (4) from which the variance is requested.

2. A description of the alternative corridor the petitioner is requesting.

3. The specific facts, including any limits or conditions the petitioner proposes for the variance, that would justify a variance for the petitioner.

4. The reason why the variance would serve the purposes of Section 370.092, Florida Statutes.

(c) Petitions may be hand delivered or mailed to: Director, Division of Law Enforcement, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399.

Specific Authority Art. X, § 16, Florida Constitution, 370.092 FS. Law Implemented 120.542, 370.092 FS. History--New 3-13-97, Formerly 62R-21.001.

CHAPTER 68E-27 THE SEAFOOD QUALITY CONTROL CODE

68E-27.001	Seafood Quality Control - Adoption and Enforcement of Sanitary Code.
68E-27.002	Definitions.
PART I	PRIMARY AND SECONDARY PRODUCTION OF SEAFOOD
68E-27.011	Enforcement.
68E-27.012	Supplies and Protection.
68E-27.013	Personnel, Health and Disease Control.
68E-27.014	Equipment and Utensils.
68E-27.015	Sanitary Facilities and Controls.
68E-27.016	Other Facilities and Operations.
68E-27.017	Inspection of Primary or Secondary Production Plants.
68E-27.018	Examination and Condemnation of Seafood.
68E-27.019	Procedure When Infection Is Suspected.
68E-27.0191	Production Plant Operation.
PART II	TRANSPORTATION OF SEAFOOD
68E-27.021	Transportation by Primary or Secondary Producers.
68E-27.022	Requirements for Boats Used for Harvesting or Transporting Seafood.
68E-27.023	Inspection of Boats Engaged in Transporting Seafood in Primary or Secondary Production.
68E-27.024	Requirements for Boats Being Used as Licensed Seafood Dealers' Establishments.
PART III	PENALTIES
68E-27.031	Penalties.

68E-27.001 Seafood Quality Control - Adoption and Enforcement of Sanitary Code.

(1) It is the intent of the Commission pursuant to statutory authority, to establish regulations and specifications, to be known as the Seafood Quality Control Code, of sanitary practices relating to the catching, handling, packaging, preserving and storing of salt water products for sale for consumption as human food.

(2) The Commission recognizes that the seafood industry is a rapidly developing industry and as such is subject to change as technological data becomes available; accordingly, it is the desire of the Commission that the code be revised as necessary such that the code, technological data and industrial practices shall be consonant with good health practices.

(3) The enforcement of the provisions of this code by the Commission or its agents shall be coordinated with and be in conjunction with any and all other state and federal agencies exercising jurisdiction over the sanitary practices of the seafood industry.

Specific Authority 370.021(1) FS. Law Implemented 370.071 FS. History--New 9-30-75, Formerly 16B-27.01, 16N-27.01, 16N-27.001, 62N-27.001.

68E-27.002 Definitions.

(1) "Product" – Any animal, plant or other material or part of an animal, plant or portion of other material any part of which was originally taken from the sea.

(2) "Primary producer" – A person, firm or corporation that uses a vessel to harvest products and who may only physically alter the product by eviscerating or deheading.

(3) "Secondary producer" – Is only that person, firm or corporation that receives products in his or its licensed secondary production plant from a primary producer. Producer is deemed to change from a primary to a secondary producer at such time as possession on the part of the secondary producer takes place.

Physical alteration of products by a secondary producer may be in the following manner only: deheading, skinning, scaling, eviscerating or removing cephalothorax.

(4) "Primary and secondary production plant" – Means any vessel used by a "primary producer" or building, used by a "secondary producer" in the production or storage of products.

(5) "Processor" – A person, firm or corporation that makes any of the following changes in any products originally derived from a primary or secondary producer.

(a) Chills products to such a temperature that the tissue and contained water of the products is solidified or frozen, except when such is done by a primary or secondary producer. This solidification will be deemed to have taken place whenever the temperature of the organism or part thereof has been reduced to less than 32° F. (0° C.).

(b) Adds internally or externally any chemical element, compound or compounds, including water to a product.

(c) Physically alters the product in any of the following ways: Dismembers, partitions, divides, grinds, slices, lacerates, presses, extends, debones (wholly or partially), segments, removes crusts, shells, coverings, hulls, chops, macerates, crushes, removes skeletal material, either external or internal. (The simple deheading, skinning, scaling, eviscerating or removing of cephalothorax of product shall not be deemed physical alteration unless packaged.)

(d) Packages in any container capable of use as human food.

(6) "Products processing plant" – Any commercial building or establishment in which products are processed or otherwise prepared and packaged for human consumption.

(7) "Food" – Means any articles used as food or drink for man or any component of such article.

(8) "Perishable food" – Any food of such type or in such condition as may spoil; provided, that foods which are in hermetically sealed containers processed by heat to prevent spoilage and properly packaged dehydrated, dry or powdered foods so low in moisture content as to preclude development of microorganisms shall not be considered to be readily perishable.

(9) "Potentially hazardous food" – Any perishable food which consists in whole or in part of products, or other ingredients capable of supporting rapid and progressive growth or infectious or toxigenic microorganisms.

(10) "Wholesome" – Products which are in sound condition, clean, free from adulteration, and otherwise suitable for human consumption.

(11) "Adulterated" – Products shall be deemed to be adulterated in accordance with provisions of Section 500.10, Florida Statutes.

(12) "Misbranded" – Products shall be deemed to be misbranded in accordance with provisions of Section 500.11, Florida Statutes.

(13) "Safe temperatures" – Temperatures of forty degrees Fahrenheit (40° F.) or below and one hundred-fifty degrees Fahrenheit (150° F.) or above as applied to potentially hazardous foods.

(14) "Sanitize" – the effective antiseptic treatment or clean surfaces of equipment and utensils by an approved process which reduces microorganism population, including pathogens, to an acceptable level.

(15) "Agriculture Commissioner" – Means the Commissioner of Agriculture of the State of Florida.

(16) "Commission" – Means the State of Florida Fish and Wildlife Conservation Commission.

(17) "Board of Health" – Means the Board of Health of the State of Florida.

Specific Authority 370.021(1) FS. Law Implemented 370.071 FS. History–New 9-30-75, Formerly 16B-27.02, 16N-27.02, 16N-27.002, 62N-27.002.

PART I PRIMARY AND SECONDARY PRODUCTION OF SEAFOOD

68E-27.011 Enforcement.

The enforcement of the provisions of this subsection of this rule shall be administered by the Commission or its agents and may be coordinated with and may be in conjunction with any and all other state and federal agencies exercising jurisdiction over the sanitary practices of the seafood industry covered herein.

Specific Authority 370.021(1) FS. Law Implemented 370.071 FS. History–New 9-30-75, Formerly 16B-27.11, 16N-27.11, 16N-27.011, 62N-27.011.

68E-27.012 Supplies and Protection.

(1) Seafood received shall be clean, wholesome, free from spoilage and safe for human consumption.

(2) Seafood while being handled in a primary or secondary production plant shall be protected from dust, flies, rodents and other vermin, toxic materials, unclean equipment and utensils, unnecessary handling, flooding by sewage, overhead leakage and all other sources of contamination.

Specific Authority 370.021 FS. Law Implemented 370.071 FS. History–New 9-30-75, Formerly 16B-27.12, 16N-27.12, 16N-27.012, 62N-27.012.

68E-27.013 Personnel, Health and Disease Control.

No person while affected with any disease in a communicable form or while a carrier of such disease or while afflicted with boils, infected wounds, sores, or an acute respiratory infection shall work in any primary or secondary production plant in any capacity in which there is likelihood of such person contaminating seafood or seafood contact surfaces with pathogenic organisms, or transmitting disease to other individuals; and no person known or suspected of being affected with any such disease or condition shall be employed in such an area or capacity. If the primary or secondary producer has reason to suspect that an employee has contracted any disease in a communicable form or has become a carrier of such disease, he shall notify the Commission immediately.

Specific Authority 370.021(1) FS. Law Implemented 370.071 FS. History–New 9-30-75, Formerly 16B-27.13, 16N-27.13, 16N-27.013, 62N-27.013.

68E-27.014 Equipment and Utensils.

(1) Equipment and facilities provided – Every primary or secondary production plant shall be provided with equipment and utensils so designed, constructed, located, installed, maintained and operated as to permit full compliance with the provisions of this subsection. The following equipment and facilities shall be provided where applicable to the operations conducted:

(a) Conveniently located refrigeration and freezer facilities of capacity adequate to maintain all potentially hazardous food at forty degrees Fahrenheit (40° F.) or below, except during necessary periods in the preparation of seafood. Where temperature requirements must be met, storage facilities shall be provided with controls which insure the maintenance of such temperatures. Each facility used for the storage of perishable seafood shall be provided with an indicating thermometer accurate to plus or minus two degrees Fahrenheit ($\pm 2^\circ$ F.), located in the warmest part of the facility and of such type and so situated that the temperature can be easily and readily observed.

(b) Conveniently located facilities with running water, waste disposal units or containers for the washing, trimming and similar preparation of seafoods.

(c) Cleaning facilities to keep all parts of the primary or secondary production plant and all seafood machinery, equipment and utensils in a clean and sanitary condition. This shall include suitable space and facilities for storing clean equipment, disposing of waste food residue, washing and sanitizing of seafood machinery, equipment and utensils and such other equipment as may be necessary for the effective, regular and periodic cleaning of the entire production plant.

(d) All surfaces which come in contact with the seafood or debris shall be readily accessible for cleaning and inspection.

(2) Cleanliness of equipment and utensils – Where machinery, equipment and utensils are used for potentially hazardous seafoods on a continuous basis, seafood contact surfaces of such equipment and utensils shall be cleaned and sanitized at scheduled intervals throughout the day as approved by the Commission. Non-seafood-contact surfaces of machinery and equipment shall be cleaned at such intervals as is necessary to keep them free of dust, dirt, seafood particles and otherwise in a clean and sanitary condition. After cleaning and until use, all seafood-contact surfaces of equipment and utensils shall be so stored and handled as to be protected from manual contact, splash, dust, dirt, insects and other contaminants.

Specific Authority 370.021(1) FS. Law Implemented 370.071 FS. History–New 9-30-75, Formerly 16B-27.14, 16N-27.14, 16N-27.014, 62N-27.014.

68E-27.015 Sanitary Facilities and Controls.

(1) Water supply – The water supply shall be adequate; of safe sanitary quality and from an approved source in accordance with provisions of the Sanitary Code of Florida, Chapter 64E-11, F.A.C. This provision, however, shall not apply to water used in washing and cleaning floors. Furthermore, crab and oyster houses are excepted from this provision. Running water under pressure shall be provided in all areas where seafood is handled and where equipment and utensils are washed.

(2) Sewage disposal – Sewage shall be disposed of in an approved manner.

(3) Plumbing – Plumbing shall be sized, installed and maintained in accordance with provisions of the Sanitary Code of Florida. It shall be sufficient to provide adequate quantities of water to required locations throughout the primary or secondary production area, prevent contamination of the water supply and properly convey sewage and liquid wastes from the production plant to the sewerage system and it shall not constitute a source of contamination of seafood, equipment or utensils or create an insanitary condition or nuisance.

(4) Toilet facilities – Each primary or secondary production plant shall be provided with adequate and conveniently located toilet facilities for its employees in accordance with provisions of the Sanitary Code of Florida. Fixtures shall be of readily cleanable sanitary design. Water closets shall be equipped with open-front type seats of smooth non-absorbent material. Toilet facilities shall be kept clean, in good repair and free from objectionable odors. Toilet rooms shall be well lighted and adequately ventilated. Toilet tissue shall be provided. Easily cleanable receptacles shall be provided for waste materials and such receptacles in toilet rooms for women shall be covered. Toilet rooms shall be completely enclosed and shall have tight-fitting self-closing doors. Such doors shall not be left open except during cleaning or maintenance. Toilet rooms shall not open directly into seafood production areas. Hand-washing signs shall be posted in each toilet room used by plant employees.

(5) Hand-washing facilities – Each primary or secondary production plant shall be provided with adequate, conveniently located lavatories equipped with hot and cold running water, hand cleaning soap or detergent and approved sanitary towels or other approved hand-drying devices in accordance with provisions of the Sanitary Code of Florida. Lavatories shall be located in or immediately adjacent to all toilet rooms and within all seafood production areas. Lavatories, soap dispensers, hand-drying devices and all other components of the hand-washing facilities shall be kept clean and in good repair. Hand-washing signs shall be posted at each lavatory station.

(6) Waste removal – Suitable containers, flumes, chutes, or conveyors shall be provided for prompt sanitary removal of waste materials from production areas of the primary or secondary production plant.

Specific Authority 370.021(1) FS. Law Implemented 370.071 FS. History–New 9-30-75, Formerly 16B-27.15, 16N-27.15, 16N-27.015, 62N-27.015.

68E-27.016 Other Facilities and Operations.

(1) Primary or secondary production plants shall be designed and equipped to provide sufficient space for sanitary handling of seafood products and thorough cleaning of all plant components.

(2) Floors – The floor surfaces in seafood production, packing and storage rooms and all rooms and areas where equipment and utensils are washed shall be constructed of smooth concrete or other impervious material. Such floors shall be free of cracks, holes or uneven surfaces and shall be graded not less than one-quarter (1/4) inch to one (1) foot to effectively drain. Sufficient drains, gutters, gratings and sewers shall be provided to insure prompt and proper removal of waste liquids and water in accordance with provisions of the Sanitary Code of Florida, Chapter 64E-11, F.A.C. All floors shall be kept clean and in good repair.

(3) Packaging materials – All containers and other packaging materials or primary or secondary production, when necessary, shall be thoroughly washed prior to use by water under pressure.

(4) Living quarters – None of the operations connected with a primary or secondary production plant shall be conducted in any room used as living or sleeping quarters. There shall be no direct opening between living quarters and a primary or secondary production plant.

(5) Animals – No dogs, cats or other pets shall be permitted in primary or secondary production plants.

Specific Authority 370.021(1) FS. Law Implemented 370.071 FS. History–New 9-30-75, Formerly 16B-27.16, 16N-27.16, 16N-27.016, 62N-27.016.

68E-27.017 Inspection of Primary or Secondary Production Plants.

(1) The Commission shall inspect all primary or secondary production plants as often as may be deemed necessary for enforcement of the provisions of this subsection for protection of the public health.

(2) Persons operating a primary or secondary production plant shall permit the Commission to examine records of the production plant to obtain pertinent information pertaining to food and supplies purchased, received or used, and employees.

Specific Authority 370.021(1) FS. Law Implemented 370.071 FS. History–New 9-30-75, Formerly 16B-27.17, 16N-27.17, 16N-27.017, 62N-27.017.

68E-27.018 Examination and Condemnation of Seafood.

Seafood may be examined or sampled while in the possession of a primary or secondary producer for laboratory examination by the Commission as often as may be necessary to determine freedom from unwholesomeness, adulteration or misbranding. No seafood intended for human consumption shall be sold or offered for sale that is unsafe or in any way likely to injure the public health. It shall be the duty of the Commission to condemn and destroy or otherwise dispose of, in the discretion of the Commission, all such seafood, sold, offered for sale or stored by the primary or secondary producer, provided that where the said producer resists such action, legal procedures shall be taken against said producer for violation of this subsection and the seafood producer shall be subject to all legal procedures provided by law.

Specific Authority 370.021(1) FS. Law Implemented 370.071 FS. History–New 9-30-75, Formerly 16B-27.18, 16N-27.18, 16N-27.018, 62N-27.018.

68E-27.019 Procedure When Infection is Suspected.

When the Commission has reasonable cause to suspect possibility of disease transmission from any primary or secondary production plant employee, the Commission shall secure a morbidity history of the suspected employee, or make such other investigation as may be indicated and take appropriate action. The Commission may require any or all of the following measures:

(1) Immediate exclusion of the employee from all primary and secondary productions plants.

(2) Immediate closure of the primary or secondary production plant concerned until, in the opinion of the Commission, no further danger of disease outbreak exists.

(3) Restriction of the employee's services to some area of the plant where there would be no danger of transmitting disease.

(4) Adequate medical and laboratory examinations of the employee or other employees and of his and their body discharges.

Specific Authority 370.021(1) FS. Law Implemented 370.071 FS. History–New 9-30-75, Formerly 16B-27.19, 16N-27.19, 16N-27.019, 62N-27.019.

68E-27.0191 Production Plant Operation.

(1) Washing shellstock – Shellstock shall be washed reasonably free of bottom sediments and detritus as soon after harvesting as practicable. The primary responsibility for washing rests with the harvester. Water used for shellstock washing shall be obtained from an approved growing area, or other sources approved by the Commission.

(2) Records – Complete and accurate dated records of purchase and sale of all shellfish shall be kept by shellfish production plants operating in the state. Records shall indicate from whom shellfish were sold. Records shall remain on file for a period of not less than thirty (30) days and made available for inspection by agents of the Commission upon request.

(3) Supervision of the shellfish production plant – The management shall designate a reliable individual accountable for compliance with provisions of this subsection having to do with production plant and personnel cleanliness.

(4) Packing and shipping shellstock – Shellstock shall be packed and shipped in clean containers under conditions which will prevent contamination and spoilage.

Specific Authority 370.021(1) FS. Law Implemented 370.071 FS. History—New 9-30-75, Formerly 16B-27.191, 16N-27.191, 16N-27.0191, 62N-27.0191.

PART II TRANSPORTATION OF SEAFOOD

68E-27.021 Transportation by Primary or Secondary Producers.

(1) Seafood while being transported shall be in an enclosed conveyance with doors closed securely, or such products must be in covered containers or otherwise wrapped or packaged to insure protection from contamination. Potentially hazardous foods shall be kept at safe temperatures during all periods of transportation delivery.

(2) Insulated containers may be used for transportation of frozen seafood; provided, that the internal temperature of the frozen seafood at no time exceeds zero degrees Fahrenheit except during necessary periods of loading and unloading. It is recommended that such containers be precooled in the freezer.

(3) No person, firm or corporation shall ship, transport or receive any fresh headless shrimp, headless or filleted fish, fresh or cooked lobster tails, fresh or cooked stone crab claws or whole cooked lobster, iced or otherwise, unless such shipment be in new containers with necessary precautions taken for sanitation or in clean and sanitized containers constructed of smooth, nonporous fiberglass, plastic or stainless steel and such containers shall have sufficient holes at the bottom so as to allow drainage, or in containers with plastic bag liners of good durable quality of not less than two mil thickness, which liners shall have sufficient holes in the bottom so as to allow drainage. The liners will be used only once and must be of sufficient size as to allow them to be folded down along the outside of the container and then folded over the top of the container in order to protect the product from contamination.

Specific Authority 370.021(1) FS. Law Implemented 370.071 FS. History—New 9-30-75, Formerly 16B-27.21, 16N-27.21, 16N-27.021, 62N-27.021.

68E-27.022 Requirements for Boats Used for Harvesting or Transporting Seafood.

(1) Boats used only for the harvesting or transporting of seafood shall be excluded from the requirements listed under Rules 68E-27.014, 68E-27.015, and 68E-27.016, F.A.C. but shall have facilities for protecting cargo from the sun and weather and from bilge and other contamination. All boats shall be provided with false bottoms and bulkheads fore and aft to prevent cargo from coming in contact with any bilge water, or other contaminants.

(2) Seafood holds, pen boards and shelf boards shall be smooth and constructed to facilitate proper cleaning.

(3) Seafood pens, pen boards and shelf boards shall be shelved where necessary to prevent crushing of the cargo.

(4) Seafood being transported shall be washed to remove excess blood, slime and viscera prior to stowing.

(5) While cargo is on a boat used for harvesting or transporting fresh seafood, finely divided ice or adequate refrigeration shall be used to preserve the quality of the seafood.

(6) Decks, holds, pen boards and shelf boards shall be thoroughly cleaned as soon as the cargo has been discharged, and shall be disinfected when necessary.

Specific Authority 370.021(1) FS. Law Implemented 370.071 FS. History—New 9-30-75, Formerly 16B-27.22, 16N-27.22, 16N-27.022, 62N-27.022.

68E-27.023 Inspection of Boats Engaged in Transporting Seafood in Primary or Secondary Production.

The Commission or its agents shall have the authority, without warrant, to board, inspect and search any boat or vehicle engaged in transporting any primary or secondary seafood, as often as may be deemed necessary for enforcement of the provisions of this subsection and for protection of the public health.

Specific Authority 370.021(1) FS. Law Implemented 370.071 FS. History—New 9-30-75, Formerly 16B-27.23, 16N-27.23, 16N-27.023, 62N-27.023.

68E-27.024 Requirements for Boats Being Used as Licensed Seafood Dealers' Establishments.

Boats being used as licensed seafood establishments or processing units shall meet the same criteria as that required of secondary producers or processing plants.

Specific Authority 370.021(1) FS. Law Implemented 370.071 FS. History—New 9-30-75, Formerly 16B-27.24, 16N-27.24, 16N-27.024, 62N-27.024.

PART III PENALTIES

68E-27.031 Penalties.

Any person, firm or corporation violating the provisions of Chapter 68E-27 shall be punished as provided by law for violation of a rule of the Commission.

Specific Authority 370.021(1) FS. Law Implemented 370.071 FS. History—New 9-30-75, Formerly 16B-27.31, 16N-27.31, 16N-27.031, 62N-27.031.