

**NOTICE OF PROPOSED RULEMAKING  
FISH AND WILDLIFE CONSERVATION COMMISSION  
DIVISION: Division of Marine Fisheries Management**

**RULE NO.:**  
68B-14.0038

**RULE TITLE:**  
Recreational Red Snapper Season.

**PURPOSE AND EFFECT:** The purpose of these rule amendments is to modify the Commission's Reef Fish Rule to become consistent with federal reef fish regulations for red snapper in the Gulf of Mexico. Based on federally established benchmarks, the red snapper stocks in the Gulf of Mexico are overfished and have been undergoing overfishing since the late 1980's. The most recent red snapper stock assessment (2005) indicates continued overfishing is compromising the objectives of the Gulf of Mexico Fishery Management Council's red snapper rebuilding plan, which is designed to end overfishing of red snapper by 2009 and to rebuild the red snapper stock to sustainable levels by 2032. The Gulf of Mexico Fishery Management Council developed regulatory actions in Amendment 27 to their Reef Fish Fishery Management Plan, and Amendment 14 to their Shrimp Fishery Management Plan. Amendment 27/14 addresses recreational and commercial harvest of red snapper, and establishes bag limits, size limits, and seasons. The success of the red snapper rebuilding plan depends not only upon consistency with the bag limit, size limit, and the fishing season regulations in federal waters, but also with the five states in the Gulf of Mexico adopting rules that are consistent with the federal rules in Gulf state waters. Florida plays a particularly important role in the success of the red snapper rebuilding plan because Florida's recreational fishery accounts for a large proportion of the recreational red snapper catch, which is the primary source of red snapper fishing mortality in the eastern Gulf of Mexico. Not doing so will not only directly affect the rebuilding plan, but may affect Florida's recreational red snapper fishery to a greater extent if it results in further restrictions on harvest in federal waters in the future, as the majority of the state's recreational fishery occurs in federal waters. The effect of these rule amendments is that federal and state regulations will be consistently applied. Where practicable, this minimizes confusion with the public and aids enforceability.

**SUMMARY:** 68B-14.0038 F.A.C., (Recreational Red Snapper Season) would amend the Commission's Reef Fish Rule governing the recreational red snapper fishing season such that it is consistent with the recreational red snapper fishing season in federally-managed waters of the Gulf of Mexico as published in the Federal Register. The proposed rule would change the recreational red snapper fishing season from April 15 through October 31 to June 1 through September 30.

**A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.**

Any person who wishes to provide information regarding the statement of estimated regulatory costs or to provide a proposal for lower cost regulatory alternative must do so in writing within 21 days of this notice.

**SPECIFIC AUTHORITY:** Article IV, Section 9, Florida Constitution

**LAW IMPLEMENTED:** Article IV, Section 9, Florida Constitution

**THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:**

**DATE AND TIME:** During the regular meeting of the Commission, 8:30 a.m. to 5:00 p.m., February 4-5, 2009, each day.

**PLACE:** Sandestin Golf and Beach Resort, 9300 Emerald Coast Parkway West, Destin, FL., 32550

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850) 487-1764.

**THE FULL TEXT OF THE PROPOSED RULE IS AS FOLLOWS:**

**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 June 1 ~~April 15~~ through September 30 ~~October 31~~, each year. Except for persons harvesting red snapper for commercial purposes pursuant to Rule 68B-14.0045, F.A.C., from October ~~November~~ 1 through May 31 ~~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.

**PROPOSED EFFECTIVE DATE:** As soon as possible after adoption by the Commission.

*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,\_\_\_\_\_.*

**NAME OF PERSON(S) ORIGINATING PROPOSED RULE:** Mark Robson, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850) 487-0554.

**NAME OF SUPERVISOR WHO APPROVED THE PROPOSED RULE:** Florida Fish and Wildlife Conservation Commission.

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** December 4, 2008

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN F.A.W.:** December 26, 2008

**BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.**

**STATEMENT OF FACTS AND CIRCUMSTANCES JUSTIFYING PROPOSED RULE  
FISH AND WILDLIFE CONSERVATION COMMISSION  
RULE CHAPTER TITLE: REEF FISH**

**RULE NO.:**  
68B-14.0038

**RULE TITLE:**  
Recreational Red Snapper Season.

The purpose of these rule amendments is to modify the Commission's Reef Fish Rule to become consistent with federal reef fish regulations for red snapper in the Gulf of Mexico. Based on federally established benchmarks, the red snapper stocks in the Gulf of Mexico are overfished and have been undergoing overfishing since the late 1980's. The most recent red snapper stock assessment (2005) indicates continued overfishing is compromising the objectives of the Gulf of Mexico Fishery Management Council's red snapper rebuilding plan, which is designed to end overfishing of red snapper by 2009 and to rebuild the red snapper stock to sustainable levels by 2032. The Gulf of Mexico Fishery Management Council developed regulatory actions in Amendment 27 to their Reef Fish Fishery Management Plan, and Amendment 14 to their Shrimp Fishery Management Plan. Amendment 27/14 addresses recreational and commercial harvest of red snapper, and establishes bag limits, size limits, and seasons. The success of the red snapper rebuilding plan depends not only upon consistency with the bag limit, size limit, and the fishing season regulations in federal waters, but also with the five states in the Gulf of Mexico adopting rules that are consistent with the federal rules in Gulf state waters.

Florida plays a particularly important role in the success of the red snapper rebuilding plan because Florida's recreational fishery accounts for a large proportion of the recreational red snapper catch, which is the primary source of red snapper fishing mortality in the eastern Gulf of Mexico. Not doing so will not only directly affect the rebuilding plan, but may affect Florida's recreational red snapper fishery to a greater extent if it results in further restrictions on harvest in federal waters in the future, as the majority of the state's recreational fishery occurs in federal waters. The effect of these rule amendments is that federal and state regulations will be consistently applied. Where practicable, this minimizes confusion with the public and aids enforceability.

SUMMARY OF PROPOSED RULE  
FISH AND WILDLIFE CONSERVATION COMMISSION  
RULE CHAPTER TITLE: Blue Crab  
RULE NO.:  
68B-14.0038

RULE TITLE:  
Recreational Red Snapper Season.

68B-14.0038 F.A.C., (Recreational Red Snapper Season) would amend the Commission's Reef Fish Rule governing the recreational red snapper fishing season such that it is consistent with the recreational red snapper fishing season in federally-managed waters of the Gulf of Mexico as published in the Federal Register. The proposed rule would change the recreational red snapper fishing season from April 15 through October 31 to June 1 through September 30.

FEDERAL COMPARISON STATEMENT FOR PROPOSED RULE  
FISH AND WILDLIFE CONSERVATION COMMISSION

RULE CHAPTER TITLE: Blue Crab

RULE NO.:  
68B-14.0038

RULE TITLE:  
Recreational Red Snapper Season.

This proposed rule amendment creates consistency between Florida State Jurisdictional Waters and the federal red snapper rebuilding plan which is based upon a federal red snapper stock assessment. The Gulf of Mexico Fisheries Management Council is the lead agency in management of reef fish, of which red snapper is included.

SUMMARY OF PUBLIC HEARINGS FOR PROPOSED RULES  
FISH AND WILDLIFE CONSERVATION COMMISSION  
RULE CHAPTER TITLE: REEF FISH  
RULE NO.:  
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Recreational Red Snapper Season.

In developing these rule amendments, the Commission relied upon the best available scientific information, discussions with industry representatives, and public testimony gathered at federally noticed publicly hearings, and publicly noticed Commission meetings. A draft rule was presented at a publicly noticed Commission meeting on December 4, 2008 in Key West Florida.