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68B-44 Sharks and Rays Florida Administrative Code

68B-44.002 Definitions.

As used in this rule chapter:

(1) “Finned” means one or more fins are no longer naturally attached to the body of the shark. A shark with fins naturally attached, either wholly or partially, is not considered finned.

(2) “Fork 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.

(3) “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.

(4) “Harvest for commercial purposes” means the taking or harvesting of a marine organism for purposes of sale, barter, trade or exchange or with intent to sell, barter, trade or exchange.

(5) “Land,” when used in connection with the harvest of marine organisms, means the physical act of bringing the harvested organism ashore.

(6) “Ray” means any species of the Order Rajiformes, or any part thereof.

(7) “Shark” means any of the following species or any part thereof:

(a) Large coastal species:

1. Blacktip shark – *Carcharhinus limbatus*.
2. Bull shark – *Carcharhinus leucas*.
3. Great hammerhead – *Sphyrna mokarran*.
4. Lemon shark – *Negaprion brevirostris*.
5. Nurse shark – *Ginglymostoma cirratum*.
6. Scalloped hammerhead – *Sphyrna lewini*.
7. Smooth hammerhead – *Sphyrna zygaena*.
8. Spinner shark – *Carcharhinus brevipinna*.
9. Tiger shark – *Galeocerdo cuvier*.

(b) Small coastal species:

1. Atlantic sharpnose shark – *Rhizoprionodon terraenovae*.
2. Blacknose shark – *Carcharhinus acronotus*.
3. Bonnethead – *Sphyrna tiburo*.
4. Finetooth shark – *Carcharhinus isodon*.

(c) Pelagic species:

1. Blue shark – *Prionace glauca*.

2. Oceanic whitetip shark – *Carcharhinus longimanus*.
3. Porbeagle shark – *Lamna nasus*.
4. Shortfin mako – *Isurus oxyrinchus*.
5. Thresher shark – *Alopias vulpinus*.

(d) Smooth Dogfish – any species of the Genus *Mustelus*.

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

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 is prohibited except by use of hook and line gear.

(3) The harvest of any shark, within the waters of the state, by or with the use of any multiple hook in conjunction with live or dead natural bait is prohibited.

(4) Snagging (snatch hooking) of shark in or from state waters is prohibited.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 4-8-92, Amended 1-1-98, Formerly 46-44.003, Amended 1-19-10.

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

(1) All sharks harvested from State of Florida waters shall be landed in a whole condition. Except as provided for in subsection (2), the possession, while in or on the waters of the state, on any public or private fishing pier, or on a bridge or catwalk attached to a bridge from which fishing is allowed, of any shark that has had the head removed, been divided, filleted, ground, skinned, finned, or had the caudal (tail) fin removed is prohibited. Mere evisceration or “gutting” of such fish or slicing the base of the caudal fin to bleed the carcass as long as the caudal fin remains attached before landing is not prohibited.

(2) The landing requirements contained in this section, possession and bag limit restrictions contained in Rule 68B-44.003, F.A.C., and the prohibited species contained in Rule 68B-44.008, F.A.C., shall not apply to lawful commercial harvest in federal waters when such harvest is transported directly through state waters with gear appropriately stowed. Transit shall be direct, continuous and expeditious from the place where lawful harvest occurred to the place where the vessel is regularly docked, moored, or otherwise stored or to the place of the licensed wholesale dealer where the catch is to be sold. For the purpose of this section appropriately stowed means a longline may be left on the drum if all gangions and hooks are disconnected and stowed below deck. Hooks cannot be baited. All buoys must be disconnected from the gear; however buoys may remain on deck. A rod and reel must be stowed securely. Terminal gear (i.e., hooks, leaders, sinkers, flashers, or baits) must be disconnected and stowed separately from the fishing apparatus. Sinkers must be disconnected from the down rigger and stowed separately. Gillnets must be rolled, folded, or otherwise properly and securely stowed in sealed containers or compartments so as to make their immediate use as fishing implements impracticable.

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

68B-44.005 Commercial Harvest of Sharks: Federal Permit Required.

(1) 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. § 635.4 or written authorization of such harvest or sale from the Regional Director of the National Marine Fisheries Service pursuant to 50 C.F.R. § 635.32.

(2) A harvester required to hold the federal annual vessel permit for sharks pursuant to subsection (1) may only sell to a holder of a valid federal Atlantic shark dealer permit pursuant to 50 C.F.R. § 635.4.

(3) No wholesale dealer, as defined in Section 379.362(1), F.S., shall purchase sharks, or any part thereof, unless such dealer is in possession of a valid federal Atlantic shark dealer permit. No wholesale dealer shall purchase sharks, or any part thereof without confirming that the seller possesses a valid Florida saltwater products license and the federal licenses and permits specified in subsection (1). This subsection applies only when a shark, or any part thereof is sold, exchanged, bartered, distributed, or landed for the first time.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 4-8-92, Amended 2-14-94, Formerly 46-44.005, Amended 10-15-07, 1-19-10.

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 January of each year and continues through December 31, unless closed earlier pursuant to subsection (2).

(2)(a) If at any time the harvest of any species of large or small coastal sharks, or pelagic sharks for commercial purposes in waters of the federal Exclusive Economic Zone (EEZ) adjacent to Florida waters is closed, corresponding state waters shall be closed to commercial harvest of the species affected by the federal closure, from the date of such closure until federal waters are reopened to the commercial harvest of such species.

(b) If at any time the harvest of any species of large or small coastal sharks, pelagic sharks, or smooth dogfish are closed in state waters of the Atlantic Ocean for commercial purposes by the Atlantic States Marine Fisheries Commission, Florida State waters of the Atlantic Ocean from the Florida-Georgia border to the border between Miami-Dade and Monroe Counties shall be closed from the date of such closure until the Atlantic States Marine Fisheries Commission reopens the fishery to the commercial harvest. For purposes of this section the border between Miami-Dade and Monroe Counties is defined as a line beginning on the east coast of Florida at the mainland at 25°20.4' N. lat, proceeding due east.

(c) During the period of any state waters closure pursuant to paragraph (a) or (b), the harvest, possession, or landing for commercial purposes, or the sale, purchase, or exchange, of any species to which the closure applies, is prohibited. These prohibitions shall not apply to trade in shark carcasses or fins that were harvested, offloaded, and purchased, sold, or exchanged prior to the closure. The burden shall be upon any person possessing such shark carcasses or fins 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. Failure to maintain such documentation or failure to promptly produce such documentation at the request of any duly authorized law enforcement officer shall constitute a violation of this rule.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 4-8-92, Amended 2-14-94, 1-1-98, Formerly 46-44.006, Amended 7-1-03, 1-19-10.

68B-44.007 Size Limit Applicable to State Waters.

No person shall harvest in or from the waters of the State of Florida at any time, or unnecessarily destroy, any shark of fork length less than 54 inches, with the exception of:

- (1) Atlantic sharpnose shark – *Rhizoprionodon terraenovae*.
- (2) Blacknose shark – *Carcharhinus acronotus*.
- (3) Blacktip shark – *Carcharhinus limbatus*.
- (4) Bonnethead – *Sphyrna tiburo*.
- (5) Finetooth shark – *Carcharhinus isodon*.
- (6) Smooth Dogfish – any species of the Genus *Mustelus*.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-19-10.

68B-44.008 Prohibited Species; Prohibition of Harvest, Landing, and Sale.

No person shall harvest, possess, land, purchase, sell, or exchange any or any part of these species:

- (1) Atlantic angel shark (*Squatina dumeril*).
- (2) Basking shark (*Cetorhinus maximus*).
- (3) Bigeye sand tiger (*Odontaspis noronhai*).

- (4) Bigeye sixgill shark (*Hexanchus nakamurai*).
- (5) Bigeye thresher (*Alopias superciliosus*).
- (6) Bignose shark (*Carcharhinus altimus*).
- (7) Caribbean reef shark (*Carcharhinus perezii*).
- (8) Caribbean sharpnose shark (*Rhizoprionodon porosus*).
- (9) Dusky shark (*Carcharhinus obscurus*).
- (10) Galapagos shark (*Carcharhinus galapagensis*).
- (11) Longfin mako (*Isurus paucus*).
- (12) Narrowtooth shark (*Carcharhinus brachyurus*).
- (13) Night shark (*Carcharhinus signatus*).
- (14) Sandbar shark (*Carcharhinus plumbeus*).
- (15) Sand tiger (*Carcharias taurus*).
- (16) Sevengill shark (*Heptranchias perlo*).
- (17) Silky shark (*Carcharhinus falciformis*).
- (18) Sixgill shark (*Hexanchus griseus*).
- (19) Smalltail shark (*Carcharhinus porosus*).
- (20) Whale shark (*Rhincodon typus*).
- (21) White shark (*Carcharodon carcharias*).
- (22) Largetooth sawfish (*Pristis pristis*).
- (23) Smalltooth sawfish (*Pristis pectinata*).
- (24) Spiny dogfish (*Squalus acanthias*).
- (25) Manta ray (species of the genus *Manta* and *Mobula*).
- (26) Spotted eagle ray (*Aetobatus narinari*).

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 4-8-92, Amended 1-1-98, Formerly 46-44.008, Amended 7-1-03, 3-9-06, 1-19-10.