

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.