

NOTICE OF PROPOSED RULEMAKING

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE CHAPTER TITLE: Bonefish

RULE TITLES:

RULE NOS.:

Definitions.

68B-34.002

Bonefish Size Limit; Bag and Possession Limits;

Exception, Gear Restriction.

68B-34.003

PURPOSE AND EFFECT: The purpose of these rule amendments is to include in existing rules the substance of Section 370.1121, Florida Statutes, relating to the regulation of bonefish. These matters are within the constitutional authority of the Fish and Wildlife Conservation Commission. The effect of adopting these rule amendments will be to allow the repeal of the affected statutes.

SUMMARY: Rule 68B-34.002, F.A.C., is amended to insert a new definition of the term "harvest for commercial purposes" for purposes of the rule chapter. An unnecessary definition of the term "spearing" is deleted. Subsection (4) of Rule 68B-34.003, F.A.C., is amended to replace a prohibition on spearing bonefish with a requirement that bonefish be taken by hook and line gear only. A new subsection (5) is added to the rule to prohibit harvest of bonefish for commercial purposes.

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.

RULEMAKING 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:

TIME AND DATE: 8:30 a.m. to 5:00 p.m., each day, February 2-4, 2005.

PLACE: Edgewater Beach Resort, 11212 Front Beach Road, Panama City Beach, Florida.

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.

THE FULL TEXT OF THE PROPOSED RULE IS AS FOLLOWS:

68B-34.002 Definitions.

(1) - (2) No Change.

(3) "Harvest for commercial purposes" means the taking or harvesting of fish for purposes of sale, barter, trade, or exchange, or with intent to sell, barter, trade, or exchange, or in excess of established bag limits. ~~"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, Amended \_\_\_\_\_.*

68B-34.003 Bonefish Size Limit; Bag and Possession Limits; Exception, Gear Restriction.

(1) - (3) No Change.

(4) The harvest or attempted harvest of any bonefish in or from state waters ~~by spearing~~ is prohibited except by use of hook and line gear.

(5) The harvest or possession of bonefish for commercial purposes 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, Amended*

NAME OF PERSON(S) ORIGINATING PROPOSED RULE: Mr. Mark Robson.

NAME OF SUPERVISOR WHO APPROVED THE PROPOSED RULE: Kenneth D. Haddad,  
Executive Director.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 2004.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN F.A.W.: October 1, 2004.

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.