

NOTICE OF PROPOSED RULEMAKING

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE CHAPTER TITLE: Shrimping and Trapping: Closed Areas and Seasons

RULE TITLES:	RULE NOS.:
Citrus-Hernando Shrimping and Trapping Closed Areas and Seasons.	68B-38.001
Southwest Florida Seasonal Shrimp Closures.	68B-38.002
Taylor County Shrimp Closure.	68B-38.003

PURPOSE AND EFFECT: The purpose of these rule amendments is to delete references to Sections 370.1105 and 370.15, Florida Statutes, which statutes will be repealed, and replace them with references to Commission rules. 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: The definition of the term "trapping" in subsection (7) of Rule 68B-38.001, F.A.C., is amended to delete references to several Florida Statutes and replace them with a single reference to new Rule 68B-4.020 regarding trapping. Subsection (1) of Rule 68B-38.002, and subsection (4) of Rule 68B-38.003, F.A.C., are amended to delete obsolete references to a live bait shrimping license and substitute reference to the live bait shrimping rule of the FWC.

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-38.001 Citrus-Hernando Shrimping and Trapping Closed Areas and Seasons.

(1) - (6) No Change.

(7) "Trapping" means deployment of any device for harvesting crabs, fish, or other animals, which device captures by entrapping such animals within its walls, including, but not limited to any trap authorized in Rule ~~68B-4.020~~ ~~68B-13.008~~, ~~68B-14.005~~, ~~68B-24.006~~, or ~~68B-45.004~~, or in Section ~~370.1105~~, Florida Statutes.

*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, Amended 7-1-03,\_\_\_\_\_.*

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 ~~shrimp production~~ ~~shrimping~~ pursuant to ~~Rule 68B-31.008~~ 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:

	North	West
Point	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) - (3) No Change.

*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) - (3) No Change.

(4) A person operating as ~~possessing~~ a live bait shrimp producer ~~shrimping license issued~~

~~by the Fish and Wildlife Conservation Commission pursuant to Rule 68B-31.008 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) No Change.

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

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.

