

NOTICE OF PROPOSED RULEMAKING

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE CHAPTER TITLE: Rules Relating to Freshwater Fish

RULE TITLES:

RULE NOS.:

Bag Limits, Length Limits, Open Season: Freshwater Fish.

68A-23.005

PURPOSE AND EFFECT: The proposed rule amendment eliminates the black crappie minimum length regulation, which has failed to improve the quality of fishing on Lake Monroe. The proposed rule allows anglers to take black crappie in accordance with the general statewide regulations for this species (no minimum length limit), which simplifies regulations and should increase angling effort for this species on the lake.

SUMMARY: The proposed rule eliminates the 12-inch minimum length limit on black crappie in Lake Monroe.

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:

68A-23.005 Bag Limits, Length Limits, Open Season: Freshwater Fish.

(1) - (7) No Change.

(8) In that portion of the state south and east of the Suwannee River to the line established by reference to certain counties in subsection (9) below, bag or length limits or areas closed to fishing are as follows:

(a) Black bass – no person shall kill or possess any black bass that is less than 14 inches in total length.

(b) Striped bass and sunshine bass – the daily aggregate bag limit of striped bass and sunshine bass shall be 20, no more than 6 of which may be more than 24 inches total length.

(c) Fishing is prohibited in Silver Glen Springs in Lake and Marion counties and in Salt Springs in Marion County and within 50 yards of the springs. Fishing is prohibited from the headwaters of Rainbow Springs to a point one mile downstream on Rainbow River within Marion County.

~~(d) Lake Monroe: no person shall kill or possess any black crappie less than 12 inches in total length.~~

(d) ~~(e)~~ No person shall kill or possess any black bass in the following areas:

1. In Wildcat Lake within the boundaries of the Ocala National Forest.
2. In the St. Johns River Water Management Area, in Indian River County (commonly known as Farm-13 and including the Stickmarsh).
3. In the St. Johns River Water Management-owned area formerly known as the S.N. Knight

Farm in Indian River County.

(e) ~~(f)~~ Edward Medard Reservoir, Hillsborough County: No person shall kill or possess any black bass that is 15 inches or more in total length and less than 24 inches in total length. No person shall take in any one day more than 3 black bass.

(f) ~~(g)~~ In waters adjoining Saddle Creek Fish Management Area, Polk County, confined by Morgan Combee Road, U.S. Highway 92 and Fish Hatchery Road, no person shall kill or possess any black bass that is 15 inches or more in total length and less than 24 inches in total length. No person shall take in any one day more than 3 black bass.

(g) ~~(h)~~ Lake Weohyakapka (Walk-in-Water), Polk County, including all contiguous residential waterways, Weohyakapka (Walk-in-Water) Creek north to the point located 100 yards south of State Road 60, and Tiger Creek west to the point 100 yards west of Walk-in-the-Water Rd.: No person shall kill or possess any black bass that is 15 inches or more in total length and less than 24 inches in total length. No person shall take in any one day more than 3 black bass of which only one may be 24 inches or longer.

(h) ~~(i)~~ Lake Okeechobee: No person shall kill or possess any black bass that is 13 inches or more in total length and less than 18 inches in total length. Lake Okeechobee is defined as any point lakeward of a boundary line delineated by the following points:

Intersection of St. Rd. 78 and U.S. 441, U.S. 441 SE to St. Rd. 5 ("80")

St. Rd. 5 ("80") to St. Rd. 25 (U.S. 27)

St. Rd. 25 (U.S. 27) to St. Rd. 78

St. Rd. 78 to U.S. 441

Including:

Harney Pond Canal (C-41) north of St. Rd. 78 to South Florida Water Mgmt. District (SFWMD) structure S-71 Indian Prairie Canal (C-40) north of St. Rd. 78 to SFWMD structure S-72 All of Taylor Creek and Nubbin Slough in Okeechobee County C-38/Kissimmee River south of SFWMD structure S-65E to St. Rd. 78

(9) No Change.

PROPOSED EFFECTIVE DATE: July 1, 2005.

*Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 5-19-80, 6-4-81, 6-21-82, 7-1-83, Formerly 39-23.05, Amended 2-27-86, 5-10-87, 3-1-88, 4-13-88, 7-1-89, 4-11-90, 7-1-92, 8-23-92, 4-20-93, 7-1-94, 9-15-94, 4-1-96, 7-1-98, 10-20-98, Formerly 39-23.005, Amended 7-1-00, 7-1-01, 7-1-04,\_\_\_\_\_.*

NAME OF PERSON(S) ORIGINATING PROPOSED RULE: Mr. Darrell Scovell.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2004.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN F.A.W.: December 17,  
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.