

NOTICE OF PROPOSED RULEMAKING

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE CHAPTER TITLE: Sponges

RULE TITLES:

RULE NOS.:

Commercial Sponge Size Limit.

68B-28.0035

PURPOSE AND EFFECT: The purpose of this rule amendment is to include in Rule 68B-28.0035 the substance of Section 370.17(2), Florida Statutes, relating to the size of hooks that may be used to harvest commercial sponges. This matter is within the constitutional authority of the Fish and Wildlife Conservation Commission. The effect of adopting this rule amendment will be to allow the repeal of the affected statutes.

SUMMARY: A reference to Section 370.17(3), Florida Statutes, is deleted from Rule 68B-28.0035, F.A.C., the current language of which is numbered subsection (1). A new subsection (2) is added to the rule to impose a 5-inch hook size requirement for the commercial sponge fishery.

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-28.0035 Commercial Sponge Size Limit.

~~(1) Notwithstanding the provisions of Section 370.17(3), Florida Statutes,~~ No person shall harvest in or from the waters of the state, possess while in or on the waters of the state, land, or sell any commercial sponge, or piece thereof, measuring, when wet, less than 5 inches in greatest dimension, measured across the top of the sponge.

(2) Any hook used to remove a commercial sponge from the bottom shall have a width of 5 inches. The use of a hook with a width larger or smaller than 5 inches is prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 5-13-02, 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.