

Fish and Wildlife Commission Meeting
September 2, 2015
Consent Agenda Item 5

NOTICE OF PROPOSED RULE

FISH AND WILDLIFE CONSERVATION COMMISSION

DIVISION: FRESHWATER FISHERIES MANAGEMENT

RULE NO.: 68A-23.010

RULE TITLE: Disposition of Illegal Fishing Devices.

PURPOSE AND EFFECT: The proposed repeal of Rule 68A-23.010 in its entirety is part of the continuing effort to review and repeal any unnecessary regulations. The repeal of this rule will not have a negative impact to FWC staff or Stakeholders. FWC's Law Enforcement Officers will continue to follow appropriate Florida Statutes and internal protocols for handling illegal fishing devices.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Tom Champeau, Director, Division of Freshwater Fisheries Management, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399 (850) 488-4066.

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-23.010 Disposition of Illegal Fishing Devices.

~~(1) In all cases of arrest and conviction for use of illegal nets, traps, boats, motors and all other fishing devices of whatever nature, or the illegal use of such devices for the taking or the attempt to take freshwater fish from the waters of the state, such net, trap, boat, motor or other device of whatever nature is declared to be a nuisance and shall be seized and carried before the court having jurisdiction of such offense and said court shall order such trap, net or fishing device forfeited to the Commission immediately after trial and conviction of the person in whose possession they were found.~~

~~(2) When any illegal net, trap or fishing device or illegally used net, trap or fishing device is found in the fresh waters of the State, and the owner of same shall not be known to the officer finding the same, such officer shall immediately procure from the county judge an order forfeiting said net, trap or fishing device to the Commission.~~

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. FS. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-21-82, Formerly 39-23.10, 39-23.010. REPEALED