

NOTICE OF PROPOSED RULE

FISH AND WILDLIFE CONSERVATION COMMISSION

DIVISION: Marine Fisheries

RULE NO: 68B-2.010 **RULE TITLE:** Saltwater Game Fish and Sport Fish Designations

PURPOSE AND EFFECT: The purpose of the proposed rule is to increase public awareness of the need for extensive conservation action in order to prevent premier recreational fish from declining and to encourage voluntary conservation practices. Additionally, these designations are intended to increase Florida's ability to market the unique and diverse recreational fishing opportunities that exist around the state. The effect of the proposed rule is to create two designations, game fish and sport fish, for species to be named in the future.

SUMMARY: The proposed rule will create game fish and sport fish designations. Both the game fish and sport fish designations would include a prohibition on commercial harvest, possession and sale. The sport fish designation would also prohibit recreational harvest and possession, making sport fish species catch and release only. The proposed rule only creates the designations; species will be listed as a game fish or as a sport fish in the future.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: *[place an "X" in one of the choices for each of the two statements as directed by the memo on small business impacts] The agency has determined that this rule will ___or will not _X___ have an impact on small business. A SERC has ___or has not _X___ been prepared by the agency.*

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein:

The proposed rule creates designations but does not name species as either a game fish or a sport fish. Therefore there will be no regulatory costs.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for lower cost regulatory alternatives 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

A HEARING WILL BE HELD AT THE DATE, TIME, AND PLACE SHOWN BELOW:

DATE AND TIME: During the Commission's regular meeting on February 13 and 14, 2013, 8:30 a.m. to 5:00 p.m., each day .

PLACE: SeaWorld Park, 7007 SeaWorld Drive, Orlando, FL, 32821

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: Jessica McCawley, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, and (850) 487-0554.

THE FULL TEXT OF THE PROPOSED RULE IS AS FOLLOWS:

68B-2 General

68B-2.010 Saltwater Game Fish and Sport Fish Designations

(1) Intent – The game fish and sport fish designations are intended to increase public awareness of the need for extensive conservation action in order to prevent premier recreational fish from declining and to encourage voluntary conservation practices. Additionally, these designations are intended to increase Florida's ability to

market the unique and diverse recreational fishing opportunities that exist around the state.

(2) In order to elevate the status of premier recreational fish in Florida, the “game fish” designation includes the following provisions, unless otherwise authorized by the Commission:

(a) Commercial Harvest Prohibited – A person may not harvest, possess, or land a game fish for commercial purposes.

(b) Purchase and Sale Prohibited – A person may not purchase or sell a game fish.

(3) In order to elevate the status of premier recreational fish in Florida by making them catch and release only fisheries, the “sport fish” designation includes the following provisions, unless otherwise authorized by the Commission:

(a) A person may not harvest or unnecessarily destroy a sport fish.

(b) Commercial Harvest Prohibited – A person may not harvest, possess, or land a sport fish for commercial purposes.

(c) Purchase and Sale Prohibited – A person may not purchase or sell a sport fish.

PROPOSED EFFECTIVE DATE: April 1, 2013

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9. History–New, 4-1-13.

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.R.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jessica McCawley, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850) 487-0554.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN F.A.R.: December 28, 2012

**STATEMENT OF FACTS AND CIRCUMSTANCES JUSTIFYING PROPOSED RULES
FISH AND WILDLIFE CONSERVATION COMMISSION**

DIVISION: Marine Fisheries

RULE NO:

68B-2.010

RULE TITLE:

Saltwater Game Fish and Sport Fish Designations

The purpose of the proposed rule is to increase public awareness of the need for extensive conservation action in order to prevent premier recreational fish from declining and to encourage voluntary conservation practices. Additionally, these designations are intended to increase Florida's ability to market the unique and diverse recreational fishing opportunities that exist around the state. The effect of the proposed rule is to create two designations, game fish and sport fish, for species to be named as in the future.

Because these designations do not deal with any particular species, there are no federal regulations or standards regarding the same subject as this rule.

**SMALL BUSINESS IMPACT ASSESSMENT
FISH AND WILDLIFE CONSERVATION COMMISSION**

DIVISION: Marine Fisheries

RULE NO: 68B-2.010 **RULE TITLE:** Saltwater Game Fish and Sport Fish Designations

The proposed rule will not have a significant negative economic impact on a substantial number of small businesses.

**SUMMARY OF PUBLIC HEARINGS FOR PROPOSED RULES
FISH AND WILDLIFE CONSERVATION COMMISSION**

DIVISION: Marine Fisheries

RULE NO:

68B-2.010

RULE TITLE:

Saltwater Game Fish and Sport Fish Designations

A draft rule hearing on the proposed rule was held at the Commission's regularly scheduled meeting on December 5, 2012, in Apalachicola, FL. In addition to agency personnel, this hearing was attended by the public. Public comment was received and considered at the Commission's meeting. A record of any comments relating to this rule is preserved in the Commission's minutes.

In addition, two public workshops were held on December 10 and 12, 2012, in the form of a webinar. Participants could also participate via the phone.