

**NOTICE OF PROPOSED RULE
FISH AND WILDLIFE CONSERVATION COMMISSION
DIVISION: Freshwater Fisheries Management**

RULE NO: 68A-23.005 **RULE TITLE: Bag Limits, Length Limits, Open Season; Freshwater Fish**

PURPOSE AND EFFECT: The proposed rule will allow anglers participating in the TrophyCatch Program to temporarily possess in live condition, one Hall of Fame candidate bass (13 pounds or greater) over the legal length limit and bag limit until the fish is certified by FWC staff or authorized representative. The proposed rule will increase recycling of large bass and enable the FWC to document catch of trophy bass, which are the primary goals of the TrophyCatch Program.

SUMMARY: The proposed rule will increase documentation and encourage recycling of largemouth bass by allowing anglers to temporarily possess one, 13 pounds and greater bass in live condition that is over the legal length limit and bag limit until the fish is certified by FWC staff.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: *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 nature of the rule and the preliminary analysis conducted to determine whether a SERC was required

RULEMAKING AUTHORITY: Article IV, Section 9, Florida Constitution

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME, AND PLACE SHOWN BELOW;

DATE AND TIME: During the Commission's regular meeting April 17-18, 2013, 8:30 a.m. to 5:00 p.m. each day.

PLACE: Tallahassee, 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: Tom Champeau, Director, Division of Freshwater Fisheries Management, 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) through (9) No change.

(10) Anglers participating in the TrophyCatch Program in compliance with TrophyCatch Program rules and fish handling guidelines may temporarily possess in live condition one Hall of Fame candidate largemouth bass (13 pounds or greater) over the legal length limit and bag limit until the fish is certified by FWC staff or authorized representative.

PROPOSED EFFECTIVE DATE: AS SOON AS POSSIBLE AFTER COMMISSION ACTION

Rulemaking 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, 7-1-05, 7-1-06, 7-1-08, 7-1-11.

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.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tom Champeau, Director, Division of Freshwater Fisheries Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

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

STATEMENT OF FACTS AND CIRCUMSTANCES JUSTIFYING PROPOSED RULES

FISH AND WILDLIFE CONSERVATION COMMISSION

DIVISION: Freshwater Fish and Wildlife

RULE TITLES: Definitions **RULE NOS.:** 68A-1.004

The proposed rule will enhance the FWC meeting the goals of the TrophyCatch program.

There are no federal regulations or standards regarding the same subject as this rule.