

comply with Rule 61J2-10.030, F.A.C. For the reasons stated, “Rental Search” is not exempt from the definition of “broker” in Chapter 475, Florida Statutes.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite #N802, Orlando, Florida 32801.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**FISH AND WILDLIFE CONSERVATION COMMISSION**

NOTICE IS HEREBY GIVEN THAT FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION has issued an order disposing of the petition for declaratory statement filed by Norman S. Cannella, Sr. on January 27, 2011. The following is a summary of the agency’s disposition of the petition:

1. Paragraph 68B-4.018(2)(b), F.A.C., prohibits the use of breakaway gear during the months of April, May and June in the Boca Grande Pass. Subsection 68B-4.002(1), F.A.C., defines breakaway gear as “any bob, float, weight, lure, or spoon that is affixed to a fishing line or hook with wire, line, rubberbands, plastic ties, or other fasteners designed to break off when a fish is caught.”
2. Petitioner proposes to use a modified jig without a built in hook. The jig would have “a hook...attached to the top of the jig body using a plastic zip tie that can be cut or broken off of the jig body.” The fact that the zip tie can be “cut or broken off” does not mean that the jig head is designed to break off when a fish is caught; thus, this jig would not meet the definition of breakaway gear in subsection 68B-4.002(1), F.A.C. and would not be prohibited by paragraph 68B-4.018(2)(b), F.A.C., under the given facts.
3. The remainder of the description Petitioner includes in his Petition for Declaratory Statement of the design of the jig is not in violation of any of the rules of the Commission.
4. In paragraph 10 of his Petition, Petitioner proposes to use the jig during the months of April, May and June using a technique he describes in detail. Subsection 68B-32.004(2), F.A.C., prohibits “the harvest or attempted harvest of any tarpon in or from state waters by spearing, snagging or snatch hooking.” subsection 68B-32.002(3), F.A.C., defines snagging and snatch hooking as “the intentional catch of a fish by any device intended to impale or hook the fish by any part of its body other than the mouth.” In the petition, Petitioner states that the express intent of the series of actions he will take is to

“ensur[e] the hook point . . . makes contact with the tarpon’s head or body.” Petitioner also asserts that “[i]n most instances, tarpon caught using this technique will be hooked outside of their mouths.” With this stated intent, hooking the tarpon as described would violate subsections 68B-32.004(2) and 68B-32.002(3), F.A.C.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Mr. Bud Vielhauer, General Counsel, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

**Section VIII  
Notices of Petitions and Dispositions  
Regarding the Validity of Rules**

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

**NONE**

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

**Section IX  
Notices of Petitions and Dispositions  
Regarding Non-rule Policy Challenges**

**NONE**

**Section X  
Announcements and Objection Reports of  
the Joint Administrative Procedures  
Committee**

**NONE**