

Effective July 1, 2009

Spiny Lobster 68B-24 F.A.C.

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68B-24.001 Purpose and Intent.

(1) The primary purpose and intent of this chapter are to protect and conserve Florida's spiny lobster resources, assure the continuing health and abundance of those resources, and to provide for optimum sustained benefits and use from the resources for all the people of the state.

(2) It is the intent of this chapter to repeal and replace Chapter 29299, Special Acts of Florida, 1953, a special act relating to gear authorized to be used in the waters of Monroe County.

(3) It is also the intent of this chapter to prohibit the molestation of any eggbearing lobster.

(4) Spiny lobster is designated as a restricted species pursuant to Section 379.101(32), F.S.

(5) It is the goal of the Commission to substantially reduce the mortality of undersize spiny lobster in the fishery, by reducing the number of traps used in the fishery to the lowest number which will maintain or increase overall catch levels, promote economic efficiency in the fishery, and conserve natural resources.

Specific Authority Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, and Chapter 85-163, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, and Chapter 85-163, Laws of Fla. History—New 7-2-87, Amended 7-2-90, 3-1-92, 6-1-94, 10-4-95, Formerly 46-24.001, Amended 7-1-08.

68B-24.002 Definitions.

As used in this rule chapter:

(1) "Artificial habitat" means any material placed in the waters of the state that is reasonably suited to providing cover and habitat for spiny lobster. Such material may be constructed of, but is not limited to, wood, metal, fiberglass, concrete, or plastic, or any combination thereof, and may be fabricated for this specific purpose or for some other purpose. The term does not include fishing gear allowed by rule of the Commission, legally permitted structures, or artificial reef sites constructed pursuant to permits issued by the United States Army Corps of Engineers or by the Florida Department of Environmental Protection.

(2) "Biscayne National Park" means all state waters lying within the boundaries of Biscayne National Park, a legal description of which can be found in subsection 68B-28.004(2), F.A.C.

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(3) "Bully net" means a circular frame attached at right angles to the end of a pole and supporting a conical bag of webbing. The webbing is usually held up by means of a cord which is released when the net is dropped over a lobster.

(4) "Commercial harvester" means a person who holds a valid crawfish license or trap number, lobster trap certificates if traps are used to harvest spiny lobster or a valid commercial dive permit if harvest is by diving, and a valid saltwater products license with a restricted species endorsement issued by the Fish and Wildlife Conservation Commission.

(5) "Diving" means swimming at or below the surface of the water.

(6) "Harvest" means the catching or taking of spiny lobster by any means whatsoever, followed by a reduction of such spiny lobster to possession. Spiny lobster that are caught but immediately returned to the water free, alive and unharmed are not harvested. In addition, temporary possession of a spiny lobster for the purpose of measuring it to determine compliance with the minimum size requirements of this chapter shall not constitute harvesting such lobster, provided that it is measured immediately after taking, and immediately returned to the water free, alive and unharmed if undersized.

(7) "Hoop net" means a frame, circular or otherwise, supporting a shallow bag of webbing and suspended by a line and bridles. The net is baited and lowered to the ocean bottom, to be raised rapidly at a later time to prevent the escape of lobster.

(8) "Immediate family" refers to a commercial harvester's mother, father, sister, brother, spouse, son, daughter, step-father, step-mother, step-son, step-daughter, half-sister, half-brother, son-in-law, or daughter-in-law.

(9) "Land," when used in connection with the harvest of a spiny lobster, means the physical act of bringing the harvested lobster ashore.

(10) "Lobster trap certificates" means those certificates allotted by the Fish and Wildlife Conservation Commission pursuant to Section 379.3671(2), F.S.

(11) "Person" means any natural person, firm, entity, or corporation.

(12) "Recreational harvester" means any person other than a commercial harvester.

(13) "Spiny lobster" or "crawfish" means any crustacean of the species *Panulirus argus*, or any part thereof.

(14) "Untreated pine" means raw pine wood that has not been treated with any preservative or pine wood that has been pressure treated with no more than 0.40 pounds of chromated copper arsenate (CCA) compounds per cubic foot of wood.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-2-87, Amended 7-2-90, 3-1-92, 6-1-94, 10-4-95, Formerly 46-24.002, Amended 7-7-03, 4-1-04, 7-1-08.

68B-24.003 Minimum Size Limits.

(1) No person shall harvest or possess any spiny lobster with a carapace measurement of 3 inches or less or, if the tail is separated from the body, a tail measurement less than 5 1/2 inches not including any protruding muscle tissue, except as may be provided in subsection (3) of this rule.

(2) The carapace (head, body, or front section) measurement shall be determined by beginning at the anteriormost edge (front) of the groove between the horns directly above the eyes, then proceeding along the middorsal line (middle of the back) to the rear edge of the top part of the carapace, excluding any translucent membrane. The tail (segmented portion) shall be measured lengthwise along the top middorsal line (middle of the back) of the entire tail until the rearmost extremity is reached; provided, the tail measurement shall be conducted with the tail in a flat straight position with the tip of the tail closed.

(3) The holder of a valid crawfish license or trap number, lobster trap certificates, and a valid saltwater products license issued by the Fish and Wildlife Conservation Commission may harvest and possess, while on the water, undersized spiny lobster not exceeding 50 per boat and 1 per trap aboard each boat if used exclusively for luring, decoying, or otherwise attracting noncaptive spiny lobster into traps. Such undersized spiny lobster shall be kept alive, while in possession, in a shaded continuously circulating live

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well with pump capacity to totally replace the water at least every 8 minutes and large enough to provide at least 3/4 gallon of seawater per lobster. All undersized lobster so maintained shall be released to the water alive and unharmed immediately upon leaving the trap lines and prior to 1 hour after official sunset.

(4) Spiny lobster harvested in Florida waters shall remain in a whole condition at all times while on or below the waters of the state and the practice of wringing or separating the tail (segmented portion) from the body (carapace and head) section is prohibited on state waters. Possession of spiny lobster tails that have been wrung or separated, on or below the waters of the state, is prohibited, unless the spiny lobster are being imported pursuant to Rule 68B-24.0045, F.A.C., or were harvested outside the waters of the state and the wringing or separation was pursuant to a federal permit allowing such wringing or separation. In the latter case, the federal permit shall be present and accompany any wrung or separated spiny lobster tails while possessed on or below the waters of the state.

(5) No person shall harvest or attempt to harvest spiny lobster by diving unless he possesses, while in the water, a measuring device capable of being used to perform the carapace measurement described in subsection (2). Each measurement performed by such a person shall occur in the water.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-2-87, Amended 7-2-90, 3-1-92, 6-1-94, Formerly 46-24.003, Amended 7-9-02.

68B-24.0035 Special Recreational Crawfish License.

(1) A special recreational crawfish license is required to harvest spiny lobster from state waters in excess of the bag limit established for recreational harvesters in subsection (1) of Rule 68B-24.004, F.A.C., but not in excess of the special bag limit established in subsection (3) of that rule.

(2) A special recreational crawfish license will be issued and renewed pursuant to the following criteria:

(a) Each person applying for a license shall submit a completed form (Form DMF-SL2400 (3-05), incorporated herein by reference) provided by the Commission, together with the fee required by Section 379.355, F.S.

(b) No license will be issued to a person who did not possess a crawfish trap number (crawfish endorsement) and a saltwater products license during the 1993-1994 license year.

(c) A license will not be issued to a person who has a crawfish endorsement at the time of application.

(d) A special recreational crawfish license is not valid unless the holder also possesses a valid recreational crawfish permit required by Section 379.354(8)(d), F.S.

(e) Each applicant must agree to file quarterly reports with the Commission detailing the amount of spiny lobster harvested by the licenseholder in the previous quarter together with the amount harvested by other recreational harvesters aboard the licenseholder's vessel. The Commission will not renew the special recreational crawfish license of any licenseholder who has not complied with this reporting requirement.

(f) Each license issued must be renewed by June 30 of that license year for the following license year. Licenses that are not so renewed shall expire, and may be reissued by the Commission to new applicants otherwise qualified under this rule. A special recreational crawfish license is not transferable.

(g) The number of licenses issued in any license year shall not exceed the number issued for the 1994-1995 license year (520 licenses). Beginning with the 2012-2013 license year and every year thereafter, no special recreational crawfish license will be issued or renewed by the Commission.

(3) No person issued a special recreational crawfish license may also possess a crawfish endorsement.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-1-05.

68B-24.004 Bag Limit.

(1) Except as provided in subsections (2), (3), and (4), the harvest from state waters, or possession while on or below such water, of more than 6 spiny lobster per recreational harvester per day, is prohibited.

(2)(a) Except in Monroe County and in Biscayne National Park, during the first day of the two-day sport season specified in Rule 68B-24.005, F.A.C., no recreational harvester shall harvest more than 12

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spiny lobster, or possess more than 12 spiny lobster, whether on or off the waters of the state. During the second day of the two-day sport season, no recreational harvester shall harvest or possess while in or on state waters more than 12 spiny lobster, or possess more than 24 spiny lobster once such harvester has landed and departed the state waters.

(b) In Monroe County and in Biscayne National Park, during the first day of the two-day sport season specified in Rule 68B-24.005, F.A.C., no recreational harvester shall harvest more than 6 spiny lobster, or possess more than 6 spiny lobster, whether on or off the waters of the state. During the second day of the two-day sport season, no recreational harvester shall harvest or possess while in or on the waters of Monroe County or Biscayne National Park more than 6 spiny lobster, or possess more than 12 spiny lobster in said county or in said park once such harvester has landed and departed those waters. Pursuant to Rule 68B-24.0065, F.A.C., John Pennekamp Coral Reef State Park in Monroe County is closed to spiny lobster harvest during the two-day sport season.

(3) Special Recreational Crawfish (Spiny Lobster) Bag Limit – No person who possesses a valid special recreational crawfish license issued by the Fish and Wildlife Conservation Commission pursuant to Rule 68B-24.0035, F.A.C., shall harvest in any one day during the regular season specified in subsection 68B-24.005(1), F.A.C., more spiny lobster than the amounts specified below for the respective fishing seasons; provided, however, when one or more persons possessing a valid special recreational crawfish license are aboard a single vessel in or on state waters, together with any number of regular recreational harvesters, no more than the specified amount of spiny lobster for the applicable fishing season shall be possessed aboard such vessel. The specified bag limit is not applicable during the 2-day sport season established in subsection (2).

(a) 2003-2004 – 50.

(b) 2004-2005 – 45.

(c) 2005-2006 – 40.

(d) 2006-2007 – 35.

(e) 2007-2008 – 30.

(f) 2008-2009 – 25.

(g) 2009-2010 – 20.

(h) 2010-2011 – 15.

(i) 2011-2012 – 10.

(j) Beginning with the 2012-2013 season and for each season thereafter, all recreational harvesters shall be subject to the bag limit specified in subsection (1).

(4) No person shall harvest or possess, while on or below the water, more spiny lobster than the limit established in subsection (1), unless such person:

(a) Is engaged in the lawful importation of spiny lobster pursuant to Rule 68B-24.0045, F.A.C.;

(b) Is a commercial harvester as defined in subsection 68B-24.002(4), F.A.C.

(c) Until March 31, 2012, possesses a current valid special recreational crawfish license issued by the Fish and Wildlife Conservation Commission pursuant to Section 379.355, F.S.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-2-87, Amended 7-2-90, 7-1-92, 6-1-94, 10-4-95, Formerly 46-24.004, Amended 7-9-02, 7-7-03, 3-1-05.

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68B-24.0045 Importation of Spiny Lobster; Documentation and Other Requirements.

(1) Documentation Requirements During Open Season – During the open season specified in subsection 68B-24.005(1), F.A.C., a person may possess wrung spiny lobster tails or possess spiny lobster in excess of the bag limit specified in subsection 68B-24.004(1), F.A.C., while on state waters, if such person is also in possession of appropriate receipt(s), bill(s) of sale, or bill(s) of lading to show that the spiny lobster were purchased in a foreign country and are entering the state in international commerce. Failure to maintain such documentation or to promptly produce same at the request of any duly authorized law enforcement officer shall constitute violation of this rule.

(2) Sale of Imported Spiny Lobster During the Closed Season, Documentation – Notwithstanding the provisions of Sections 379.367, F.S., spiny lobster tails that have been imported into Florida from a foreign country may be sold during the closed harvesting season of April 1 through August 5 of each year, if such spiny lobster tails are accompanied with the appropriate receipts(s), bill(s) of sale, or bill(s) of lading to show that the spiny lobster were harvested and purchased in a foreign country and are entering the state in international commerce. Such documentation shall accompany the lobster through retail or restaurant sale. Failure to maintain such documentation or to promptly produce same at the request of any duly authorized law enforcement officer shall constitute violation of this rule.

(3) Each spiny lobster imported pursuant to this rule shall comply with the minimum size requirements specified in subsection 68B-24.003(1), F.A.C., and the prohibitions relating to eggbearing spiny lobster specified in subsection 68B-24.007(1), F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-2-90, Amended 10-4-95, Formerly 46-24.0045, Amended 6-2-02.

68B-24.005 Seasons.

(1) Except as provided in subsection (2) of this rule, the season for harvest of spiny lobster in state waters shall be August 6 of each year through March 31 of the following year. No person shall harvest, attempt to harvest, or have in his possession, regardless of where taken, any spiny lobster during the closed season of April 1 through August 5 of each year, except pursuant to subsection (2), for storage and distribution of lawfully possessed inventory stocks as provided by special permit issued by the Commission pursuant to Section 379.367, F.S.

(2) There shall be a sport season for recreational harvesters of spiny lobster, which season shall occur during the last Wednesday and successive Thursday of July each year. During this sport season, the following special restrictions shall apply:

(a) No person shall harvest spiny lobster by any means other than by diving or with the use of a bully net or hoop net.

(b) In Monroe County only, no person shall harvest spiny lobster:

1. By diving at night (from 1 hour after official sunset until 1 hour before official sunrise).

2. In or from the waters of John Pennekamp Coral Reef State Park, pursuant to Rule 68B-24.0065, F.A.C.

(3) Harvesters of spiny lobster using traps may bait and place their traps in the water beginning on August 1 of each year. Harvest or sale of spiny lobster from such traps during the “soak” period prior to the beginning of the season is prohibited.

(4) All traps used for harvest of spiny lobster shall be removed from state waters by April 5 of each year. All spiny lobster taken from traps after the close of a season on March 31 shall be returned to the water free, alive, and unharmed. The Division of Law Enforcement of the Fish and Wildlife Conservation Commission shall grant an extension for the retrieval of traps up to a maximum of 10 days after the expiration of the 5-day retrieval period, or a total of up to 15 days after the close of the spiny lobster season, upon the following conditions:

(a) A harvester or his lawfully designated agent shall request, in writing, permission for an extension of the period for retrieval of traps. The request shall specify the harvester’s name and the appropriate license

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or trap number, the approximate number of traps and their location, the identity of the boat to be used for trap retrieval, the boat owner's name, the period of additional time needed for trap retrieval, and the reasons for the request.

(b) On the day that trap removal begins, and on each subsequent day that it continues, the Commission's Division of Law Enforcement shall be advised in person or by telephone of the remaining trap locations and landing site.

(c) Reasons for granting an extension shall be limited to hazardous weather (small craft warnings, at a minimum), medical emergencies that make it impossible for the harvester to operate a boat, or equipment breakdown.

(d) Nothing in this subsection shall authorize the harvest, landing, or sale of any spiny lobster during the closed season.

(5) Except as provided in subsections (3) and (4) of this rule for trap soaking and retrieval periods, no person shall transport on the water, fish with, set, or place any spiny lobster trap or part thereof during the closed season. Any such trap remaining in the water or abandoned during the closed season (following any extension for retrieval as provided in subsection (4) and prior to the soak period authorized in subsection (3) is declared to be a public nuisance and shall be disposed of in the manner approved by the Commission's Division of Law Enforcement. This provision shall be in addition to any penalty imposed by law.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-2-87, Amended 7-2-90, 3-1-92, 7-1-92, 6-1-94, Formerly 46-24.005.

68B-24.0055 Commercial Requirements; Appeals.

(1) Section 379.367, F.S., requires each person using traps to harvest spiny lobster or taking spiny lobster in commercial quantities to purchase and possess a trap number, also known as a crawfish endorsement or crawfish license. A crawfish endorsement is hereby required to harvest spiny lobster for commercial purposes, and shall only be issued to a person, firm, or corporation that possesses a valid saltwater products license with a restricted species endorsement. "Harvest for commercial purposes" means the taking or harvesting of spiny lobster for purposes of sale or with intent to sell or in excess of established bag limits.

(2) Beginning in the 2004-2005 fishing season, in addition to a valid saltwater products license with a restricted species endorsement and a valid crawfish endorsement, a commercial dive permit is required to harvest spiny lobster in commercial quantities by diving. This permit will be in the form of the letter D being added to the end of the existing crawfish number. Application for issuance of a commercial dive permit shall be made on a form provided by the Commission (Form DMF-SL0610 (4-04), Commercial Dive Permit Application), incorporated herein by reference.

(a) The applicant must have documented commercial dive lobster landings pursuant to Commission trip ticket records generated under the provisions of Rule Chapter 68E-5, F.A.C., during the license year July 1, 2000 through June 30, 2001, July 1, 2001 through June 30, 2002, or during the license year July 1, 2002 through June 30, 2003.

(b) Commercial dive permits will not be issued to or renewed for applicants who own one or more lobster trap certificates. Trap certificates may only be transferred during the period June 15 to March 1 each year. An applicant who is otherwise eligible to receive a commercial dive permit in 2004-2005 but holds lobster trap certificates after March 1, 2004, may receive a commercial dive permit if the commission is directed in writing to deactivate his/her lobster trap certificate account. Failure on the part of such an applicant to obtain the commercial dive permit for the 2004-2005 season is a waiver of eligibility for the dive permit until such a time that the commission authorizes issuance of new commercial dive permits.

(c) Effective January 1, 2005 and until July 1, 2010, no new commercial dive permits will be issued and no commercial dive permit will be renewed or replaced except those that were active during the 2004-2005 fishing season. Existing permits may only be issued to a single saltwater products license with a valid

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crawfish endorsement and a valid restricted species endorsement. Beginning in the 2005-2006 license year and in subsequent license years until July 1, 2010, persons holding a commercial dive permit that was active during the 2004-2005 license year or an immediate family member of that person must request renewal of the commercial dive permit before September 30 of each year. Failure to renew the commercial dive permit by September 30 of each year will result in forfeiture of the permit.

(d) An applicant who possesses both an individual saltwater products license and a vessel saltwater products license shall be considered to have only one saltwater products license for purposes of issuing a commercial dive permit. Landings reported on all the applicant's individual and vessel saltwater products licenses shall be used for determining if the applicant meets the criteria for receiving a single commercial dive permit specified in this subsection.

(e) In the event of death or disability of a person holding an active commercial dive permit, the permit may be transferred by the person or the executor of the estate to a member of his or her immediate family.

(f) Appeals. The Director of the Division of Marine Fisheries, or one or more designees of the director, shall consider disputes and other problems arising from the initial denial of the commercial dive permit. The Director shall submit a recommendation to the Executive Director of the Commission for resolution of the appeal, which recommendation shall either allot a permit to the appellant or uphold the denial of a permit.

1. An appeal of the initial denial of a commercial dive permit is initiated by submission of a completed appeals form (Form DMF-SL 0620 (04-04), incorporated herein by reference) to the Director of the Division of Marine Fisheries before May 1, 2004.

2. The burden of proof shall be on an appellant to demonstrate, through copies of trip tickets or other proof of landings, legitimate sales to a licensed wholesale dealer that were not reported by the dealer during the qualifying years or included in the agency landings database as of January 31, 2004.

3. The Executive Director of the Commission may accept or disapprove the recommendations of the Director of the Division of Marine Fisheries, with notice given in writing to each party in the dispute explaining the reasons for the final decision. The action of the Executive Director of the Commission constitutes final agency action, and is appealable pursuant to the requirements of Chapter 120, Florida Statutes.

(3) The commercial spiny lobster dive permit authorizes the holder to harvest spiny lobster in commercial quantities.

(a) A commercial dive permit may be issued only on a vessel saltwater products license.

(b) A commercial dive permit may only be issued on one of the holder's vessel saltwater products licenses in any one fishing year.

(c) A corporation that holds a commercial dive permit must designate a person who is thereby authorized to represent and harvest under the corporation's dive permit.

(4) Commercial harvest limits:

(a) Beginning August 6, 2004, persons harvesting lobster commercially by diving in Broward, Dade, Monroe, Collier, and Lee Counties or adjacent federal EEZ waters shall be subject to a daily vessel harvest and possession limit of 250 spiny lobsters per day. For purposes of this paragraph, persons shall be considered to be harvesting lobster by diving if they are harvesting pursuant to a saltwater products license with a restricted species endorsement and crawfish license with a commercial dive permit and are simultaneously in possession of any artificial underwater breathing apparatus or gear.

(b) No more than 250 spiny lobsters shall be possessed aboard or landed from any vessel within these counties regardless of the number of commercial harvesters on board harvesting pursuant to this subsection.

(5) Persons harvesting lobster commercially by use of a bully net shall be subject to a daily harvest and possession limit of 250 spiny lobsters per day. No more than 250 spiny lobsters shall be possessed aboard or landed from any vessel which has been used for such commercial harvest, regardless of the number of such commercial harvesters on board the vessel.

Specific Authority Art IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History--New 7-1-01,

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Amended 7-7-03, 4-1-04, 7-15-04.

68B-24.006 Gear: Traps, Buoys, Identification Requirements, Prohibited Devices.

(1) No commercial harvester shall harvest lobster by any means other than by diving, by the use of a bully net or hoop net, or by the use of traps as specified in this subsection.

(2) No person shall, in state waters, fish with, set, place, or cause to be fished with, set, or placed, any trap except a wood trap or plastic trap meeting the following specifications:

(a) Wood slat traps shall be no larger in dimension than 3 feet, by 2 feet, by 2 feet, or the volume equivalent. Such traps may be reinforced with wire mesh no heavier than 9 gauge, which shall only be affixed to the wood slats constituting the vertical surfaces of such traps. Beginning August 1, 2003, wire-reinforced wooden slat traps shall be constructed with wood slats that are a minimum of 1 1/4 inches wide, with a maximum spacing between slats of 2 1/4 inches.

(b) Plastic traps shall be no larger in dimension than 3 feet, by 2 feet, by 2 feet, or the volume equivalent, and shall have a degradable panel no smaller than 6 inches in length and 4 inches in width located on the top horizontal section of the trap. The panel shall only be considered degradable if it is constructed of cypress or untreated pine slats no thicker than 3/4 inch.

(c) The throats or entrances to all traps used to harvest spiny lobster shall be located on the top horizontal section of the trap, and shall be measured using the inside dimensions of the throat. If the throat is longer in one dimension, the throat size in the longer dimension shall not be smaller than 6 inches and in the shorter dimension shall not be smaller than 3 1/2 inches. If the throat is round or square, the throat size shall not be smaller than 5 1/2 inches in diameter or per side, respectively.

(3) All traps shall have a buoy or a time release buoy attached to each spiny lobster trap or at each end of a weighted trap trotline which shall be a minimum of six inches in diameter and constructed of styrofoam, cork, molded polyvinyl chloride, or molded polystyrene, and shall be of sufficient strength and buoyancy to float and of such color, hue, and brilliancy as to be easily distinguished, seen, and located. Landward of the Territorial Sea Line, no more than 15 feet of any buoy line attached to a buoy used to mark spiny lobster trap or trotline shall float on the surface of the water.

(4) Each trap and buoy used to harvest spiny lobster shall have the commercial harvester's current crawfish license or trap number permanently affixed in legible figures. Each such trap shall also have firmly affixed thereto a current trap tag issued annually by the Commission. Traps with tags that are not firmly affixed by nails, staples, or otherwise securely fastened as may be provided by the Commission, shall be considered untagged for enforcement purposes. On each buoy, the affixed crawfish license or trap number shall be at least 2 inches high. The buoy color and license or trap number shall also be permanently and conspicuously displayed on any vessel used by a commercial harvester for setting traps and buoys, so as to be readily identifiable from the air and water, in the following manner:

(a) From the Air – The buoy design approved by the Commission shall be displayed and be permanently affixed to the uppermost structural portion of the vessel and displayed horizontally with the painted design up. The display shall exhibit the harvester's approved buoy design, unobstructed, on a circle 20 inches in diameter, outlined in a contrasting color, together with the permit numbers permanently affixed beneath the circle in numerals no smaller than 10 inches in height.

(b) From the Water – The buoy design approved by the Commission shall be displayed and be permanently affixed vertically to both the starboard and port sides of the vessel near amidship. The display shall exhibit the harvester's approved buoy design, unobstructed, on a circle 8 inches in diameter, outlined in a contrasting color, together with the permit numbers permanently affixed beneath the circle in numerals no smaller than 4 inches in height.

(5) Except as provided herein, no numbers shall be used to identify traps or buoys other than the commercial harvester's current crawfish license or trap numbers or numbers designating federal permits. Ownership of spiny lobster traps used by any commercial harvester may be transferred to other persons, so long as the following conditions are met:

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(a) The person acquiring ownership of such traps shall notify the Division of Law Enforcement within five days of acquiring ownership as to the number of traps purchased, the vendor, and the license or trap number currently displayed on the traps, and shall request issuance of a crawfish license or trap number if the person does not possess same.

(b) Buoys shall be renumbered and recolored at the first pulling of traps.

(c) The new license or trap number shall be permanently attached to the traps prior to their being set at the beginning of the next open season.

(d) The new owner shall retain a valid bill of sale.

(6) Each commercial harvester who harvests spiny lobster by diving shall permanently and conspicuously display on the boat used in such diving a "divers-down flag" symbol on an identification placard, which symbol shall have dimensions no less than 16 inches by 20 inches. The term "divers-down flag" shall have the meaning ascribed in Section 861.065(3), Florida Statutes. The commercial harvester's current crawfish license shall be permanently affixed to the diagonal stripe on the placard in legible figures to provide ready identification from the air and water. In addition to the "divers-down flag" symbol, the commercial diver permit number shall also be permanently and conspicuously displayed on any vessel used by a commercial diver to harvest spiny lobster, so as to be readily identifiable from the air and water, in the following manner:

(a) From the Air – The commercial dive permit number shall be displayed and be permanently affixed to the uppermost structural portion of the vessel in numerals no smaller than 10 inches in height. If the vessel is an open design, in lieu of a separate display, one seat shall be painted with the permit numbers unobstructed and no smaller than 10 inches in height.

(b) From the Water – The commercial dive permit number shall be displayed and be permanently affixed vertically to both the starboard and port sides of the vessel in numerals no smaller than 4 inches in height.

(7) During any time of the year when it is legal to transport spiny lobster traps, a harvester may obtain permission from the Division of Law Enforcement to allow another person to transport, deploy, pull, or retrieve his or her traps. Permission may be granted upon receipt of a written statement signed by both the commercial harvester seeking to have his or her traps pulled and the person designated to pull the traps. Such written statement shall contain the following:

(a) The reason the harvester needs to have his or her traps pulled;

(b) The numbers of the saltwater products license and crawfish endorsement of both, the harvester seeking to have the traps pulled and the person who will be pulling the traps;

(c) The buoy colors of the harvester seeking such permission;

(d) The name and number of the vessel to be used by the person who will be pulling the traps;

(e) The general locations of the pulling activity of the vessel to be engaged in pulling the traps; and

(f) The dates the other person will be transporting, deploying, pulling or retrieving the traps.

Permission to pull traps in this manner shall be obtained daily by telephone from the Division of Law Enforcement for a maximum of 5 days without renewal or extension of the request. Permission to have traps pulled by another person for a longer period of time, must be based on extraordinary circumstances such as severe personal or family illness or accident or major equipment problem, and shall be obtained through petition to the Division of Law Enforcement on Commission Form DMF-SL5030 (07-03) (Spiny Lobster Trap Pulling Petition), herein incorporated by reference, and will be granted upon such conditions as the division deems appropriate for the protection of the resource. It shall be the responsibility of the commercial harvester, or a member of the harvester's immediate family, to petition the division. The petition shall include a complete description of the extraordinary circumstances with corroborating documentation, the amount of additional time requested, the number of traps to be pulled, and a signed statement from the other person, attesting to his/her willingness and ability to pull these traps during this time period as well as an awareness of all rules governing the spiny lobster fishery. If the person designated to pull the petitioner's traps does not possess a saltwater products license with restricted species and a

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crawfish endorsement, the petitioner, as the license holder of record must possess a vessel saltwater products license and shall be held accountable for the designee's compliance with all regulations governing the spiny lobster fishery. Permission to pull another's traps shall not be granted to a person holding a commercial dive permit.

(8) No person shall harvest or attempt to harvest spiny lobster using any device which will or could puncture, penetrate, or crush the exoskeleton (shell) or the flesh of the lobster, and the use of such devices as part of, or in conjunction with, any trap is also prohibited.

(9) No person shall harvest or attempt to harvest spiny lobster using or with the aid of bleach or any other chemical solution. The simultaneous possession of spiny lobster and any plastic or other container capable of ejecting liquid, by any person engaged in diving, is prohibited.

(10) No person shall harvest any spiny lobster from artificial habitat. The harvest and possession in the water of spiny lobster in excess of the recreational bag limit is hereby prohibited within 10 yards of artificial habitat.

(11) Except as provided in subsection (7) of this rule, no more than two spiny lobster (trap) endorsement numbers (C-numbers) shall be used on a single vessel.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-2-87, Amended 7-2-90, 3-1-92, 7-1-92, 6-1-94, 10-4-95, 9-30-96, 6-1-99, Formerly 46-24.006, Amended 7-1-01, 7-9-02, 7-7-03, 4-1-04, 7-1-08.

68B-24.0065 Special Provisions for John Pennekamp Coral Reef State Park in Monroe County: Closure During Two-day Sport Season; Closure of Coral Formation Protection Zones.

(1) During the two-day sport season established in subsection 68B-24.005(2), F.A.C., there shall be no harvest of spiny lobster in John Pennekamp Coral Reef State Park. Except for persons transiting park waters in a vessel, no person shall possess any spiny lobster in or on the waters of the park during this period. Possession of spiny lobster during this period aboard any vessel from which a person is diving, within the boundaries of the park, is prohibited.

(2) The Fish and Wildlife Conservation Commission finds that lobster harvest in the coral formation areas of John Pennekamp Coral Reef State Park is inconsistent with maintenance of the valuable marine resources contained in and supported by such formations and with the purposes of the park.

(a) During the regular spiny lobster season established in subsection 68B-24.005(1), F.A.C., no person shall harvest or attempt to harvest any species of the Genera *Panulirus* or *Scyllarides*, or deploy any trap, in the following described areas of John Pennekamp Coral Reef State Park, each of which is a polygon bounded by the lines connecting the coordinates as expressed by latitude and longitude:

Name of Area	Plot Corner	North Latitude	West Longitude
1. Turtle Rocks	North	25° 18.6'	80° 13.35'
	East	25° 18.05'	80° 12.8'
	South	25° 16.49'	80° 13.95'
	West	25° 16.95'	80° 14.55'
2. Basin Hill N.	North	25° 14.6'	80° 16.0'
	East	25° 14.42'	80° 15.72'
	South	25° 14.00'	80° 16.00'
	West	25° 14.25'	80° 16.3'
3. Basin Hill E.	North	25° 14.34'	80° 15.58'
	East	25° 14.1'	80° 15.35'
	South	25° 13.62'	80° 15.58'
	West	25° 13.82'	80° 16.08'
4. Basin Hill S.	North	25° 13.95'	80° 16.6'

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	East	25° 13.42'	80° 16.1'
	South	25° 12.4'	80° 17.08'
	West	25° 12.75'	80° 17.65'
5. Higdon's Reef	North	25° 08.6'	80° 18.74'
	East	25° 08.4'	80° 18.55'
	South	25° 07.8'	80° 19.2'
	West	25° 08.0'	80° 19.36'
6. Cannon Patch	North	25° 06.95'	80° 20.5'
	East	25° 06.6'	80° 20.15'
	South	25° 05.95'	80° 20.7'
	West	25° 06.05'	80° 21.75'
7. Mosquito Bank N.	North	25° 04.85'	80° 23.00'
	East	25° 04.7'	80° 22.2'
	South	25° 03.6'	80° 23.05'
	West	25° 04.21'	80° 23.40'
8. Mosquito Bank S.E.	North	25° 04.15'	80° 22.3'
	East	25° 04.15'	80° 22.1'
	South	25° 03.3'	80° 22.9'
	West	25° 03.3'	80° 23.1'
9. Three Sisters N.	North	25° 02.75'	80° 23.75'
	East	25° 02.55'	80° 23.3'
	South	25° 01.09'	80° 24.05'
10. Three Sisters S.	North	25° 01.75'	80° 23.78'
	South	25° 01.42'	80° 24.1'
	West	25° 01.67'	80° 24.4'

(b) Within the areas described in paragraph (a), no person shall possess while in or on the water or aboard any vessel, any species of the Genera *Panulirus* or *Scyllarides*.

(c) Within John Pennekamp Coral Reef State Park, no person shall harvest any species of the Genera *Panulirus* or *Scyllarides*, or deploy any trap, from or within any patch reef. The term "patch reef" means any coral formation, consisting of a roughly circular area of hard corals, soft corals, and a mixture of other benthic invertebrates.

(d) The term "trap" for purposes of this subsection means any trap used to harvest or attempt to harvest spiny lobster as allowed by Rule 68B-24.006, F.A.C., stone crabs as allowed by subsection 68B-13.002(2), F.A.C., or blue crab trap as allowed by subsection 68B-45.004(1), F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 6-1-94, Amended 10-4-95, Formerly 46-24.0065.

68B-24.007 Other Prohibitions.

(1) The harvest or possession of eggbearing spiny lobster, or any other species of lobster belonging to the families Palinuridae (spiny lobsters), Scyllaridae (slipper lobsters), or Synaxidae (furry lobsters) is prohibited. Eggbearing spiny lobster, or any other species of lobster in the families listed in this subsection, found in traps shall be immediately returned to the water free, alive, and unharmed. The practice of stripping or otherwise molesting eggbearing spiny lobster, or any other species of lobster in the families listed in this subsection, in order to remove the eggs is prohibited and the possession of spiny lobster or spiny lobster tails from which eggs, swimmerettes, or pleopods have been removed or stripped is prohibited.

(2) Spiny lobster traps may be worked during daylight hours only, and the pulling of traps from 1 hour after official sunset until 1 hour before official sunrise is prohibited.

(3) No spiny lobster traps shall be set, placed, or caused to be set or placed at, on, or below the waters

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of the state within 100 feet of the intracoastal waterway or within 100 feet of any bridge or sea wall.

(4) No person shall harvest spiny lobster by diving at night (from 1 hour after official sunset until 1 hour before official sunrise) in excess of the bag limit prescribed in Rule 68B-24.004, F.A.C.

(5) The directed harvest of spiny lobster by the use of any net or trawl, other than a landing or dip net, bully net with a diameter no larger than 3 feet, or hoop net with a diameter no larger than 10 feet, is prohibited. Spiny lobster harvested by the use of any net or trawl as an incidental bycatch of other target species lawfully harvested shall not be deemed to be unlawfully harvested in violation of this subsection if the combined whole weight of all spiny lobster so harvested does not exceed 5% of the total whole weight of all species lawfully in possession of the harvester at any time. For purposes of this subsection, the term "net or trawl" shall not include any hand-held net.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-2-87, Amended 7-2-90, 10-4-95, Formerly 46-24.007, Amended 7-1-08.

68B-24.008 Slipper Lobster; Prohibitions Relating to Eggbearing Slipper Lobster.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-2-87, Amended 7-2-90, Formerly 46-24.008, Repealed 7-1-08.

68B-24.009 Trap Reduction Schedule.

Upon the sale or transfer of lobster trap certificates outside the immediate family of the certificate holder, the number of certificates received by the purchaser shall be reduced by 10 percent. Once the number of lobster trap certificates is reduced through this mechanism to 400,000, there shall be no further reduction in the number of lobster trap certificates issued each year except those forfeited pursuant to Section 379.3671(2)(c)3. or Section 379.3671(2)(c)7., F.S.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 3-1-92, Amended 6-1-94, 6-3-96, 3-5-97, Formerly 46-24.009, Amended 6-29-00, 7-1-01, 4-1-04, 1-9-07, 7-1-08, 7-1-09.