

Current as of June 11, 2009

Stone Crab Rule 68B-13 F.A.C.

Rule No	Rule Title	Effective Date
68B-13.0015	Definitions	7/22/2001
68B-13.005	Designation as Restricted Species; Season; Repeal of Special Act	7/1/2003
68B-13.006	Licenses, Endorsements, and Permits	3/1/2005
68B-13.007	Restrictions on Size and on Transport and Possession of Stone Crabs and Stone Crab Claws	7/1/2000
68B-13.008	Gear, Trap Construction, Commercial Trap Marking Requirements, Trap Working Regulations, Trap Transfer	7/13/2008
68B-13.009	Recreational Stone Crab Harvest: Bag Limit, Trap Limit, Trap Marking Requirements, Trap Pulling	7/22/2001
68B-13.010	Stone Crab Trap Limitation Program	7/13/2008
68B-13.011	Prohibitions	7/22/2001
68B-13.012	Commission Policy Regarding the Assessment of Administrative Penalties	7/22/2001

68B-13.0015 Definitions.

(1) The term “stone crab” for purposes of this chapter and Section 379.365, F.S., means any crustacean of the species *Menippe mercenaria* or *Menippe adina* or their interbreeding hybrids, or any part of such crustacean.

(2) As used in this rule chapter:

(a) “A1-certificates” are trap certificates that have never been transferred from the original certificate holder.

(b) “A2-certificates” are trap certificates that have been transferred to or from an immediate family member for which no surcharge was collected.

(c) “Active certificates” are those certificates for which all license fees, certificate fees, transfer fees and surcharges have been paid in full and are current, and the holder’s saltwater products license (SPL) and stone crab endorsement (X-number) are not inactive.

(d) “Allotted certificates” and “allocated certificates” mean the number of stone crab trap certificates assigned to an individual certificate holder and maintained by the Commission after the initial allocation is established for an individual saltwater products license number with a stone crab endorsement. The certificate balance is that number of certificates as adjusted to reflect lawful transfer of certificates into or out of the certificate holder’s trap certificate account and other adjustments as are lawful and otherwise authorized under the program.

(e) “B-certificates” are trap certificates that have been transferred outside a trap certificate holder’s immediate family and for which a surcharge is due or has been collected.

(f) “Certificate holder” is the individual who holds a valid saltwater products license with a current stone crab endorsement and received an initial allotment of trap certificates or obtained trap certificates from another trap certificate holder, or otherwise lawfully acquired trap certificates and these certificates are assigned to his/her saltwater products license/stone crab endorsement. The certificates may be active or inactive.

(g) “Commission” means the Florida Fish and Wildlife Conservation Commission.

(h) “Fair Market Value” means the actual price paid for each certificate by the transferee to the transferor.

(i) “Harvest” means the catching or taking of a stone crab by any means whatsoever, followed by a reduction of such stone crab to possession. Stone crabs caught but immediately returned to the water free, alive, and unharmed, temporarily possessed to determine compliance with size requirements or removed claws, or stored aboard a vessel temporarily until claws are removed as authorized by subsection 68B-13.007(3), F.A.C., are not harvested.

(j) “Harvest for commercial purposes” means the taking or harvesting of stone crabs for purposes of

Current as of June 11, 2009

sale, barter, trade or exchange or with intent to sell, barter, trade or exchange or in excess of the recreational bag limit.

(k) The term “immediate family” for purposes of this chapter and Section 379.365, F.S., refers to an endorsement or certificate holder’s mother, father, sister, brother, spouse, son, daughter, step-father, step-mother, step-son, step-daughter, half-sister, or half-brother.

(l) “Inactive Certificates” are those certificates which are allocated to a certificate holder but are not available for transfer or issuance of trap tags because the certificate holder has outstanding license fees, certificate fees or penalty assessments and/or the certificate holder’s saltwater products license, stone crab endorsement, or other required licenses, endorsements or authorizations are otherwise under suspension, revocation or inactive.

(m) “Incidental take endorsement” means an identification number stamped on a saltwater products license, showing that the holder of the license is authorized to harvest a limited amount of stone crab claws for commercial purposes as specified in subsection 68B-13.010(5), F.A.C. Such endorsement shall only be valid when used in conjunction with a crawfish or blue crab endorsement; also known as an “I-number”.

(n) “Initial allocation” of certificates means those certificates assigned to an eligible individual pursuant to paragraph 68B-13.010(2)(a), F.A.C.

(o) “Issued certificates” means those certificates which have been paid for, are current, and are assigned to a saltwater products license/stone crab endorsement account.

(p) “Passive reduction” means a decrease in the number of stone crab trap tags, and thus authorized traps, through a reduction in the total number of trap certificates available to the fishery incorporated into the trap certificate transfer process pursuant to subsection 68B-13.010(3), F.A.C.

(q) “Stone crab endorsement” means an identification number stamped on a saltwater products license showing that the holder of the license is authorized to harvest stone crabs for commercial purposes; also known as an “X-number”.

(r) “Stone crab trap” is any device or gear, as defined in Rule 68B-13.008, F.A.C., which is used to aid in the taking of stone crab. Only authorized stone crab traps may be used, and trap tags obtained from trap certificate allocations do not create any authorization whatsoever to use any gear not otherwise lawful to use or aid in the taking of stone crab.

(s) “Transferred certificates” means those certificates that have changed ownership pursuant to subsection 68B-13.010(3), F.A.C.

(t) “Trap certificate transfer” is the process whereby ownership of a specified number of certificates is changed by the Commission from one person to another pursuant to subsection 68B-13.010(3), F.A.C.

(u) “Trap tag” is a physical, durable, annual stone crab trap identification and authorization label, furnished by the Commission to the certificate holder. One trap tag is issued for each active trap certificate held.

(v) “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.

(w) “X-number” is another term for stone crab endorsement; derived from the letter “X”, which when used with a number on a saltwater products license, represents the license holder’s stone crab endorsement.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-25-87, Amended 10-4-95, Formerly 46-13.0015, Amended 7-1-00, 7-22-01.

68B-13.005 Designation as Restricted Species; Season; Repeal of Special Act.

(1) Stone crabs are hereby designated as a restricted species pursuant to Section 379.101(32), FS.

(2) The season for the harvest, possession and sale of stone crab claws shall be from October 15 through May 15, each year. No person, firm or corporation, shall harvest, or have in his or her possession, regardless of where taken, or sell or offer for sale, any stone crab of any size, or any parts thereof, from May 16 through October 14, each year, except for stone crab claws, placed in inventory by a wholesale or

Current as of June 11, 2009

retail dealer as defined in Section 379.414, Florida Statutes, prior to May 16 of each year.

(3) Chapter 73-432, Laws of Florida, relating to the maximum allowed number of stone crab traps fished per boat in Citrus, Dixie, Levy, and Taylor Counties, is hereby repealed.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History—New 7-1-00, Amended 7-1-03.

68B-13.006 Licenses, Endorsements, and Permits.

(1)(a) Except as provided in subsection 68B-13.010(5), F.A.C., in addition to a saltwater products license, a stone crab endorsement is required in order to harvest stone crabs for commercial purposes. This endorsement shall only be issued to a person, firm or corporation that possess a valid restricted species endorsement on their saltwater products license issued pursuant to Section 379.361, F.S.

(b) Until July 1, 2002, no stone crab endorsements shall be renewed or replaced except those endorsements that were active during the 2000-2001 fiscal year. Renewal of such endorsements shall be made by the endorsement holder or an immediate family member on the endorsement holder's behalf, prior to September 30, 2001. Failure to renew by September 30, 2001, shall lead to the deactivation of the holder's endorsement.

(2) Notwithstanding the requirements of paragraph (1)(a) and subsections (1) and (2) of Rule 68B-13.010, F.A.C., any aquaculture producer, as defined in Section 597.0015(2), Florida Statutes, authorized to produce marine aquaculture products and engaged in the culture of shellfish may possess and use up to 75 stone crab traps for the sole purpose of taking destructive or nuisance stone crabs within 1 mile of the producer's aquaculture shellfish beds if they first obtain a depredation permit from the Commission. Stone crabs taken under this subsection may not be sold, bartered, exchanged, or offered for sale, barter, or exchange.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History—New 7-1-00, Amended 8-5-01, 3-1-05.

68B-13.007 Restrictions on Size and on Transport and Possession of Stone Crabs and Stone Crab Claws.

(1) Except as provided in subsection (3) of this rule, and in subsection (2) of Rule 68B-13.006, F.A.C., it is unlawful to harvest, possess, sell, or offer for sale any stone crab claw at any time which has a forearm (propodus) of less than 2 3/4 inches in length, measured by a straight line from the elbow to the tip of the lower immovable finger. The forearm shall be deemed to be the largest section of the claw assembly that has both a movable and immovable finger and is located farthest from the body of the crab.

(2) Except as provided in subsection (3) of this rule, and in subsection (2) of Rule 68B-13.006, F.A.C., it is unlawful for any person, firm, or corporation to possess or transport by boat, land vehicle, airplane, or other conveyance any intact stone crab or stone crab body whether dead or alive. Only legal sized claws of stone crabs may be possessed or transported.

(3) Live stone crabs may be held on board a vessel while it is at sea until such time as the claws are removed, provided the crabs are held in shaded containers and wet with sea water every 30 minutes, or more often if necessary, to keep the crabs in a damp condition. Containers shall not be stacked in a manner which compresses the crabs.

(4) It is unlawful to remove claws from egg-bearing female stone crabs or to have any egg-bearing female stone crab on board a vessel.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History—New 7-1-00.

Current as of June 11, 2009

68B-13.008 Gear, Trap Construction, Commercial Trap Marking Requirements, Trap Working Regulations, Trap Transfer.

(1) GEAR. It is unlawful to use any device in the taking of stone crabs that can puncture, crush, or injure the crab body, such as spears, grains, grabs, hooks, or similar devices.

(2) TRAP CONSTRUCTION. No person, firm, or corporation shall transport on the water, fish with, or cause to be fished with, set, or placed, in the harvest of stone crabs, any trap which does not meet the following requirements:

(a) Each trap shall be constructed of either wood, plastic, or wire.

(b) Such traps shall have a maximum dimension of 24 inches, by 24 inches, by 24 inches or a volume of 8 cubic feet.

(c)1. The throat or entrance to all wood and plastic traps shall be located on the top horizontal section of the trap. If the throat is longer in one dimension, the throat size in the longer dimension shall not exceed 5 1/2 inches and in the shorter dimension shall not exceed 3 1/2 inches. If the throat is round, the throat size shall not exceed 5 inches in diameter.

2. Each throat (entrance) in any wire trap used to harvest stone crabs shall be horizontally oriented. The width of the opening where the throat meets the vertical wall of the trap and the opening of the throat at its farthest point from the vertical wall, inside the trap, shall be greater than the height of any such opening. No such throat shall extend farther than 6 inches into the inside of any trap, measured from where the throat opening meets the vertical wall of the trap to the throat opening at its farthest point from the vertical wall, inside the trap.

3. Each wire trap used to harvest stone crabs shall have at least three unobstructed escape rings installed on a vertical outer surface, each with a minimum diameter of 2 3/8 inches. One such escape ring shall be located on a vertical outer surface adjacent to each crab retaining chamber.

4. Each plastic or wire trap used to harvest stone crabs shall have a degradable panel.

a. A plastic trap shall be considered to have a degradable panel if it contains at least one sidewall with a rectangular opening no smaller in either dimension than that of the throat. This opening must be obstructed with a cypress or untreated pine slat or slats no thicker than 3/4 inch. When the slat degrades, the opening in the sidewall of the trap will no longer be obstructed.

b. A wire trap shall be considered to have a degradable panel if one of the following methods is used in construction of the trap:

(I) The trap lid tie-down strap is secured to the trap at one end by a single loop of untreated jute twine. The trap lid must be secured so that when the jute degrades, the lid will no longer be securely closed.

(II) The trap lid tie-down strap is secured to the trap at one end with a corrodible loop composed of non-coated steel wire measuring 24 gauge or thinner. The trap lid must be secured so that when the loop degrades, the lid will no longer be securely closed.

(III) The trap lid tie-down strap is secured to the trap at one end by an untreated pine dowel no larger than 2 inches in length by 3/8 inch in diameter. The trap lid must be secured so that when the dowel degrades, the lid will no longer be securely closed.

(IV) The trap contains at least one sidewall with a rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. This opening must be laced, sewn, or otherwise obstructed by a single length of untreated jute twine knotted only at each end and not tied or looped more than once around a single mesh bar. When the jute degrades, the opening in the sidewall of the trap will no longer be obstructed.

(V) The trap contains at least one sidewall with a rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. This opening must be obstructed with an untreated pine slat or slats no thicker than 3/8 inch. When the slat degrades, the opening in the sidewall of the trap will no longer be obstructed.

(VI) The trap contains at least one sidewall with a rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. The opening may either be laced, sewn, or otherwise

Current as of June 11, 2009

obstructed by non-coated steel wire measuring 24 gauge or thinner or be obstructed with a panel of ferrous single-dipped galvanized wire mesh made of 24 gauge or thinner wire. When the wire or wire mesh degrades, the opening in the sidewall of the trap will no longer be obstructed.

(VII) The trap contains at least one sidewall with a rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. The opening may be obstructed with a rectangular panel made of any material, fastened to the trap at each of the four corners of the rectangle by galvanized staples 16 gauge or thinner, rings made of non-coated 24 gauge or thinner wire or single strands of untreated jute twine. When the corner fasteners degrade, the panel will fall away and the opening in the sidewall of the trap will no longer be obstructed.

(3) COMMERCIAL TRAP MARKING REQUIREMENTS.

(a) Each trap used must have the trap owner's stone crab endorsement number permanently attached. In addition, the stone crab endorsement number shall be affixed in legible figures at least two inches high on each buoy used. A valid commercial saltwater products license with the corresponding stone crab endorsement number must be on the boat and the license and stone crab claws shall be subject to inspection at all times. Except as provided in paragraph (4)(c) of this rule, no more than two stone crab endorsement numbers shall be used on a single vessel.

(b) A buoy or time release buoy shall be attached to each trap or at each end of a weighted trap trotline. The buoy shall be constructed of styrofoam, cork, molded polyvinyl chloride, or molded polystyrene, be of sufficient strength and buoyancy to float, and be of such color, hue, and brilliancy as to be easily distinguished, seen, and located. Buoys shall be either spherical in shape with a diameter no smaller than 6 inches or some other shape so long as it is no shorter than 10 inches in the longest dimension and the width at some point exceeds 5 inches. No more than 5 feet of any buoy line attached to a buoy used to mark a stone crab trap or attached to a trotline shall float on the surface of the water.

(c) The buoy color and endorsement number shall also be permanently and conspicuously displayed on any vessel used by a person harvesting for commercial purposes for setting and collecting said traps and buoys, so as to be readily identifiable from the air and water, in the following manner:

1. 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 endorsement number permanently affixed beneath the circle in numerals no smaller than 10 inches in height.

2. 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 endorsement number permanently affixed beneath the circle in numerals no smaller than 4 inches in height.

(4) TRAP WORKING REGULATIONS.

(a) It is unlawful for any person to place traps in the navigation channels of the intracoastal waterways, or in navigation channels maintained and marked by the Corps of Engineers, Coast Guard, State of Florida, or any county or municipal government.

(b) Traps may be worked during daylight hours only, and the pulling of traps from one hour after official sunset until one hour before official sunrise is prohibited.

(c) During any time of the year when it is legal to transport stone crab 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:

1. The reason the harvester needs to have his or her traps pulled;
2. The numbers of the saltwater products license and stone crab endorsement of both, the harvester

Current as of June 11, 2009

seeking to have the traps pulled and the person who will be pulling the traps;

3. The buoy colors of the harvester seeking such permission;
4. The name and number of the vessel to be used by the person who will be pulling the traps;
5. The general locations of the pulling activity of the vessel to be engaged in pulling the traps; and
6. 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-SL3030 (07-01) (Stone Crab 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 stone crab fishery. If the person designated to pull the petitioner's traps does not possess a saltwater products license with restricted species and stone crab endorsements, 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 stone crab fishery.

(d) Except as provided in paragraph (e) of this subsection, it shall be unlawful to transport on the water, fish with, set, or place, or cause to be fished with, set, or placed, any trap or part thereof during the closed stone crab season, except that traps may be placed in the water and baited 10 days prior to the opening of the stone crab season and shall be removed within five days after the close of the stone crab season. However, the Division of Law Enforcement of the Fish and Wildlife Conservation Commission will grant an extension for the retrieval of traps for up to a maximum of ten days after the expiration of the five-day grace period, or a total of up to 15 days after the close of the stone crab season, upon the following conditions:

1. The trap owner or the owner's lawfully designated agent shall request, in writing, permission for an extension of the grace period for retrieval of traps. The request shall specify the owner's name and trap number, the name 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 reason(s) for the request.

2. On the day that trap retrieval commences, and on each subsequent day that trap retrieval continues, the Division of Law Enforcement must be advised in person or by telephone of the trap locations and landing site.

3. Reasons for granting an extension shall be limited to:

- a. Hazardous weather at the end of the season or during the trap retrieval period.
- b. Medical emergencies which make it impossible for the owner to operate a boat.
- c. Equipment breakdown.

4. Nothing herein shall authorize the landing or sale of any stone crab or stone crab claw during the closed season.

(e) Any traps, floats or ropes in the water more than ten days prior to the opening of the stone crab season or remaining in the water or otherwise abandoned during the closed season (following the grace period and any extensions thereof for retrieval of traps) are declared to be public nuisances and shall be disposed of in a manner approved by the Division of Law Enforcement. This provision shall be in addition to any penalty imposed by law.

(5) TRAP TRANSFER. Ownership of stone crab traps may be transferred to other persons, firms or corporations, so long as the following conditions are met:

Current as of June 11, 2009

(a) The person or entity acquiring ownership of such stone crab traps must notify the Division of Law Enforcement within five days of acquiring ownership and prior to placing or setting the traps in the water, as to the number of traps purchased, the vendor and the endorsement number currently displayed on the traps, and in addition, shall request issuance of a stone crab endorsement if such person or entity does not currently have one.

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

(c) The new endorsement number must be permanently attached to the traps prior to setting such traps in the following open season.

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

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History--New 7-1-00, Amended 7-22-01, 7-15-04, 7-13-08.

68B-13.009 Recreational Stone Crab Harvest: Bag Limit, Trap Limit, Trap Marking Requirements, Trap Pulling.

(1) BAG LIMIT. Except for persons harvesting pursuant to a saltwater products license with a stone crab endorsement or an incidental take endorsement and a restricted species endorsement, each harvester of stone crab claws is subject to a daily bag limit of 1 gallon of stone crab claws; provided, however, that no more than 2 gallons shall be possessed aboard any vessel at any time.

(2) TRAP LIMIT. Except for persons holding a saltwater products license with restricted species and stone crab endorsements, no person harvesting stone crabs pursuant to this subsection shall harvest from, fish with, set, or place in the waters of the state more than 5 stone crab traps. Any such traps shall meet all requirements for stone crab traps specified in Rule 68B-13.008, F.A.C., in subsection (2) and in paragraphs (3)(b), (4)(a), (b), (d), and (e).

(3) TRAP MARKING REQUIREMENTS. The buoy attached to each trap used to harvest stone crabs, other than those used to harvest for commercial purposes, shall have a legible "R", at least two inches high, permanently affixed to it. The trap shall have the harvester's name and address permanently affixed to it in legible letters. The buoy requirements of this subparagraph shall not apply to traps fished from a dock.

(4) TRAP PULLING. Except for persons harvesting pursuant to a saltwater products license with a stone crab endorsement and a restricted species endorsement, no person shall use any means other than manual means to pull stone crab traps in or from the waters of the State of Florida.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History--New 7-1-00, Amended 7-22-01.

68B-13.010 Stone Crab Trap Limitation Program.

(1) PURPOSE AND INTENT. Rapid growth of Florida's stone crab trap industry has led to an excessive number of traps in the water, declining yields per trap, and an increase in conflicts between stone crabbers and shrimp trawlers. The expanding number of traps, buoys and ropes impede navigation and damage hard bottom and sea grass beds. In an effort to solve these problems, the Fish and Wildlife Conservation Commission is establishing a trap limitation program for the stone crab fishery in which the principal goal is to stabilize the fishery while generating an optimum sustainable yield utilizing the fewest number of traps.

(2) CERTIFICATES AND TRAP TAGS. Each holder of a stone crab trap endorsement must have a certificate on record for each stone crab trap used or possessed in or on the water. In addition, attached to each trap shall be a tag, issued annually by the Commission, which corresponds to a valid certificate.

(a) Certificates.

1. A person is eligible for the initial allocation of stone crab trap certificates if he or she possessed a saltwater products license (SPL) with a restricted species endorsement and a stone crab endorsement during the 1999/2000 fishing season, and can establish pursuant to Commission trip ticket records generated under the provisions of Section 379.365, F.S., that he or she had at least 300 pounds of stone crab claw landings

Current as of June 11, 2009

associated with any one SPL, during any one fishing season from 1993/1994 through 1998/1999. A SPL with less than 300 pounds is not eligible to receive stone crab trap certificates.

2. Once eligible, a person will qualify for the initial allocation of certificates for each SPL based on whichever is less, the number of traps listed on the SPL application, or the pounds of claws landed divided by 2, as reported through the trip ticket program during any one of the applicable fishing seasons. The number of certificates allocated will be based on the highest cumulative total of qualified certificates for each SPL during one fishing season, 1995/1996 through 1997/1998.

a. A person who possesses an individual SPL and a vessel SPL with the number of traps listed only on one license's application form and landings primarily reported on the other license shall be considered to have only one SPL for purpose of this section and allocated trap certificates as described above.

b. A person who has purchased another's stone crab business, between July 1, 1995 and July 1, 2000 shall receive the trap certificates allocated to the seller, without a passive reduction, provided that they can submit documentation showing that the seller's landings history was specifically part of the sale-purchase agreement. Acceptable documentation includes a copy of a contract or bill of sale specifically identifying landings history as one of the items included in the sale of the business or a letter from the seller to the Commission stating that he/she is the recipient of the original trap certificate allocation and describing what specifically was included in the sale of the business. The seller of a stone crab business that included the landings history cannot receive an additional allocation of certificates based on landings subsequent to sale of that business. Any trap certificates obtained through purchase of a stone crab business after July 1, 2000 will be subject to passive reduction at the time of transfer.

3. Certificates shall only be issued to natural persons. For the purposes of this section, the term "natural person", or "person", refers to a human being and does not include a firm, organization, partnership, association, corporation, or other business or legal entity or group or combination. All endorsement holders other than natural persons shall designate the person or persons to whom they are assigning their certificates and the number thereof to each, if more than one person is designated, on Commission Form DMF-SL3070 (07-01) (Certificate Designation for Business or Corporation), incorporated herein by reference.

4. A firm, organization, partnership, association, corporation, or other business entity or legal entity or group or combination can neither receive an initial allocation nor purchase and possess in their name stone crab trap certificates.

5. Certificates shall only be issued to persons who possess a current year saltwater products license with a stone crab endorsement, neither of which are under suspension or revocation.

6. The Commission shall notify all holders of a 1999/2000 saltwater products license with a stone crab endorsement of their initial allocation of stone crab trap certificates; those persons will indicate either their acceptance of or intent to appeal the initial allocation on Commission Forms DMF-SL3050 (07-01) (Statement of Acceptance or Appeal of Stone Crab Certificate Allocation), and DMF-SL 3060 (07-01) (Application for Appeal/Review of Stone Crab Trap Certificate Allocation), incorporated herein by reference.

7. In no event shall any person, firm, corporation, or other business entity, possess or control, directly or indirectly, more than 1% of the total available certificates issued in any fishing season.

8. Certificates will only be issued in whole numbers; there are no fractional certificates.

9. There must be one or more certificates allocated to a certificate holder in order for the certificate holder to have a trap certificate account established. A person may have a saltwater products license/stone crab endorsement with no trap certificates; a person may not receive trap certificates without a stone crab endorsement.

10. Partial payment of annual certificate fees will not be accepted. However, upon receipt of the trap certificate billing statement for 2002/2003 stone crab trap tags, a certificate holder may submit fees for only those trap certificates that they wish to retain in their account. Any trap certificates for which the fees are not paid at that time will be forfeited and permanently removed from the fishery.

Current as of June 11, 2009

11. Any payment of certificate fees by an invalid check is cause for suspension of all current certificates if valid payment is not received within thirty days of notification of insufficient funds. Payment shall include any returned check charges incurred by the Commission.

12. Stone crab trap certificates and tags shall not be issued to certificate holders until all license fees, certificate fees, surcharges and any other outstanding fees owed the Commission have been paid in full and are current and the certificate holder's SPL, stone crab endorsement are not otherwise inactive.

13. Trap certificates are considered to be inactive if:

a. The certificate holder fails to renew his/her saltwater products license or has his/her license suspended or revoked;

b. The certificate holder does not renew his/her stone crab endorsement or the endorsement has been suspended or revoked;

c. All annual certificate fees have not been paid in full;

d. The certificate holder is deceased;

14. After the 2002/2003 fishing year, the fees for unpaid certificates will accumulate each year a certificate holder fails to pay his or her annual certificate fee. Partial payment of accumulated certificate fees will not be accepted. However, any number of certificates may be permanently surrendered by the certificate holder at any time by completing Commission Form DMF-SL0500 (7-04), incorporated herein by reference. In the event a holder's annual certificate fee is not paid for a period of 3 years, the certificates shall be considered abandoned and permanently removed from the pool of available certificates. All prior certificate fees must be paid in order to keep certificates current and avoid a declaration of abandonment.

(b) Trap tags. Beginning October 1, 2002, each trap used for the directed harvest of stone crabs in state waters or adjacent federal waters shall, in addition to having the stone crab endorsement number permanently attached as required in paragraph 68B-13.008(3)(a), F.A.C., also have firmly affixed thereto a current trap tag issued annually by the Commission. Each such tag shall be made of durable plastic or material similarly durable and shall have printed thereon the owner's endorsement number. The number of trap tags issued to each endorsement holder shall not exceed the number of trap certificates held by the endorsement holder at the time of issuance. To facilitate enforcement and record keeping, such tags shall be issued each year in a different color from that of each of the previous 3 years. Traps with tags which 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. A federal stone crab trap tag issued by the National Marine Fisheries Service meets the requirements of this rule for traps fished in federal waters or in transit to federal waters.

(c) Lost or damaged tags may be replaced using Commission Form DMF-SL3010 (07-01) (Stone Crab Trap Tag Replacement Application (with NOAA/National Marine Fisheries Service Report of Lost or Stolen Fish and Shellfish Traps Form)), herein incorporated by reference, and upon proper verification of loss as defined in paragraph (e) below, and payment of the replacement tag fee. Damaged tags must be returned to the Commission.

(d) Cost of the replacement tags for tags lost in the event of a major natural disaster will reasonably reflect the actual cost incurred by the Commission, which is construed to include shipping and handling fees.

(e) Notification of lost or damaged tags shall be a written report made to the Commission on the NOAA/National Marine Fisheries Service Report of Lost or Stolen Fish and Shellfish Traps Form, which may be obtained from the local Division of Law Enforcement offices. The report shall include the certificate holder's name, license number, endorsement number, and tag numbers lost, location or area tags lost in, and circumstances of the loss.

(3) CERTIFICATE TRANSFERABILITY AND PASSIVE REDUCTION. After initial issuance, trap certificates are transferable on a market basis and may be transferred for a fair market value agreed upon between the transferor and transferee.

(a) Transfer window. Trap certificates shall only be transferred from the trap certificate account of one

Current as of June 11, 2009

person to the account of another during the period June 15 through March 1 each year. However, requests to transfer trap certificates received after February 15 may not be completed during the current season if all required information and fees are not also received at that time.

(b) Both the purchaser and seller of stone crab trap certificates must hold a valid saltwater products license with a stone crab endorsement at the time of transfer.

(c) A person who intends to close their trap certificate account by transferring all of their trap certificates to another person, and does not qualify for the restricted species endorsement, shall be exempt from the restricted species requirement of paragraph 68B-13.006(1)(a), F.A.C.

(d) Transfer of any certificates shall, within 72 hours thereof, be reported on Commission Form DMF-SL3000 (07-01) (Stone Crab Trap Certificate Transfer Application), incorporated herein by reference, which has been signed by both parties, notarized and hand delivered or sent by certified mail, return receipt requested, to the Commission for recording in the seller's and purchaser's trap certificate accounts. No transfer of any certificates will be effective, resulting in the issuance of transfer tags, until:

1. The Commission receives the notarized transfer form from the seller; and
2. The Commission receives a notarized copy of the bill of sale from the purchaser; and
3. All outstanding license fees, endorsement fees, trap tag fees, transfer fees, surcharges and any other charges owed to the Commission by either party in the transaction are paid; and
4. The saltwater products license, stone crab endorsement, and all certificates or other required licenses, endorsements or authorizations held by both parties in the transaction are not suspended, revoked, or inactive.

(e) The certificate holder transferring his/her trap certificates shall designate in detail which type of certificates (A1, A2 or B) are being transferred, and in what combinations thereof. B-certificates will be reduced prior to A-certificates at the time of transfer.

(f) Upon the sale or transfer of certificates outside the immediate family of the certificate holder, the number of certificates received by the purchaser shall be reduced by the following percentages depending on the overall number of certificates available to harvesters throughout the state at the time of sale:

1. If more than 1 1/2 million certificates are available, there shall be a 25 percent reduction in the number of certificates received by the purchaser.
2. If more than 1 1/4 million, but fewer than 1 1/2 million certificates are available, there shall be a 22 1/2 percent reduction in the number of certificates received by the purchaser.
3. If more than 1 million, but fewer than 1 1/4 million certificates are available, there shall be an 18 1/2 percent reduction in the number of certificates received by the purchaser.
4. If more than 3/4 of a million, but fewer than 1 million certificates are available, there shall be a 15 percent reduction in the number of certificates received by the purchaser.
5. If more than 600,000, but fewer than 3/4 of a million certificates are available, there shall be a 10 percent reduction in the number of certificates received by the purchaser.
6. When 600,000 certificates or fewer are available, there shall be no percentage reduction in the number of certificates received by the purchaser.

(g) If the percentage reduction results in a fractional number, that fraction, which represents a partial trap certificate/trap, will be rounded off to the nearest whole number, representing a whole trap certificate/trap. Only whole trap certificates will be removed from an account during reduction.

(h) The Commission will maintain records of all certificates and their transfers and annually provide each endorsement holder with a statement of their certificate account.

(i) In the event of death or disability, endorsements and certificates may be transferred to a member of the immediate family without the family member being subject to any transfer fees or a reduction in the number of certificates transferred. However, certificates will only be transferred if all outstanding license fees, endorsement fees, trap tag fees, surcharges and any other charges owed by either party to the Commission are paid, and both parties' saltwater products license, stone crab endorsement, and all certificates or other required licenses, endorsements or authorizations are not suspended, revoked or

Current as of June 11, 2009

inactive.

(j) A person is eligible for the reduced transfer fee of Section 379.365(1)(b)2., F.S., if he/she:

1. Has crew share statements and IRS Forms 1099 and 1040 or IRS Forms W2 and 1040 showing participation in the stone crab fishery as a crew member on a properly licensed vessel during at least one of two previous stone crab fishing seasons;

2. Qualifies for a restricted species endorsement;

3. Is sponsored by a captain who has knowledge and expertise in the stone crab fishery with annual landings of stone crab claws of at least 1000 pounds in any two of the previous three stone crab seasons and who certifies, on Commission Form DMF-SL3020 (07-01) (Eligible Mate, Stone Crab Certificate Sponsorship Form), incorporated herein by reference, that the person is knowledgeable and possesses skills necessary for participation in the stone crab fishery; and

4. Has not received an initial allocation of one or more stone crab trap certificates from the Commission.

A person requesting the reduced transfer fee shall submit their request, with supporting eligibility documentation, at the same time they submit the stone crab trap certificate transfer application (Form DMF-SL 3000 (07-01)) to report their first purchase of trap certificates. Once eligible, a person will receive the reduced transfer fee on all purchases of trap certificates made within a 12 month period beginning with the date of first purchase.

(k) Each year as the numbers of certificates are reduced, the Commission may make up to 5% of the total amount of reduced certificates available to persons properly licensed and qualified to harvest stone crabs pursuant to the requirements of this rule chapter.

(4) LEASING PROHIBITED. The leasing of stone crab certificates or the corresponding trap tags is prohibited.

(5) INCIDENTAL TAKE ENDORSEMENT. Persons possessing valid crawfish or blue crab endorsements, but who do not also possess a valid stone crab endorsement, may land and sell 5 gallons of stone crab claws per day if the stone crab claws are harvested from legal crawfish or blue crab traps and the crawfish or blue crab endorsement holder also possesses a valid stone crab incidental take endorsement. Application for an incidental take endorsement shall be on Commission Form DMF-SL2800 (07-01) (Application for a Stone Crab Incidental Take Endorsement (I#)), incorporated herein by reference.

(6) NO VESTED RIGHTS. The stone crab trap limitation program does not create any vested rights for endorsement or certificate holders whatsoever and may be altered or terminated by the Commission as necessary to protect the stone crab resource, the participants in the fishery, or the public interest.

(7) STONE CRAB ADVISORY BOARD. There is hereby established the Stone Crab Advisory Board. Such board shall consider and advise the Commission on the operation of the trap limitation program and any problems in the fishery.

(a)1. Board Composition. The board shall consist of a member of the Commission staff appointed by the executive director, and eight members appointed by the executive director according to the following criteria, except as otherwise provided in subparagraph 2.:

a. All appointed members other than the commission staff person, shall be stone crab trap certificate holders. At least two shall hold fewer than 1000 certificates, at least two shall hold at least 1000 but no more than 3000 certificates, and at least two shall hold more than 3000 certificates.

b. At least one member shall come from each of the following regions:

(I) Wakulla, Taylor, Dixie, or Levy Counties;

(II) Citrus, Hernando, Pasco, Pinellas, or Hillsborough Counties; and

(III) Manatee, Sarasota, Charlotte, or Lee Counties.

(IV) Collier, Monroe and Dade Counties.

c. At least one appointed member shall be a person of Hispanic origin capable of speaking conversational English and Spanish.

d. The initial Board members will consist of the members of the stone crab Trap Certificate Advisory

Current as of June 11, 2009

and Appeals Board, which Board sunsets on July 1, 2003.

2. If there are not enough individuals that meet the above-referenced criteria, the executive director of the Commission may fill any position on the initial board with an individual who does not fulfill the requirements of subparagraph 1. However, as soon as individuals are available that meet the requirements of subparagraph 1., the executive director may replace any individual who does not meet the above-referenced criteria, and fill the position on the board with the qualified appointees. The executive director of the commission shall replace any board member who is cited for and convicted of a violation of Chapter 68B-13, F.A.C., or who misses more than two scheduled meetings of the board without approval from the board chair with another stone crab fisherman from any region.

3. Stone crab endorsement holders wanting to be considered for appointment to the Stone Crab Advisory Board shall make their request on Commission form DMF-SL3080 (07-03) (Application for Stone Crab Advisory Board), incorporated herein by reference.

(b) Meetings. The staff member of the Commission appointed by the executive director shall sit on the board as a voting member. The board shall annually elect a chair and a vice chair. There shall be no limitation on successive terms that may be served by a chair or vice chair. The board shall meet at the call of its chair, at the request of a majority of its membership, at the request of the Commission, or at such times as may be prescribed by its procedural rules. Official action of the board shall require a majority vote of the total membership of the board present at the meeting.

(c) Terms. Board members shall serve staggered terms of three years, provided however that this shall not apply to the commission staff member who serves at the pleasure of the executive director. Three terms will expire on July 1, 2004, three terms will expire on July 1, 2005, and two terms will expire on July 1, 2006.

(d) Expenses. Members of the board shall receive no compensation, however, they shall be reimbursed for per diem and travel expenses as provided in Section 112.061, Florida Statutes.

(e) Final Action. Upon reaching a decision on any problem brought before it, the board shall submit such decision as a recommendation to the executive director of the Commission. The executive director may submit said recommendation(s) to the Commission at his or her discretion.

(f) Board Authority. The Board shall have the authority to conduct workshops with fishermen to determine what problems exist in the fishery and to make recommendations to solve those problems.

(g) Dissolution. On July 1, 2011, the board shall be dissolved.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History--New 7-1-00, Amended 7-22-01, 6-2-02, 7-1-03, 7-15-04, 7-13-08.

68B-13.011 Prohibitions.

(1) It is unlawful for a person to possess or use any other gear or device designed to attract and enclose or otherwise aid in the taking of stone crabs with a trap that does not meet the specifications of this rule chapter.

(2) It is unlawful for a person to possess or use stone crab trap tags without having the necessary number of certificates on record.

(3) It is unlawful for any person to remove the contents of another harvester's trap without the trap owner providing his or her consent pursuant to the requirements of this rule chapter. Such unauthorized removal constitutes theft.

(4) It is unlawful for any person to willfully molest any stone crab trap, line, or buoy that is the property of any license holder, without the permission of that license holder.

(5) It is unlawful for any person to use a stone crab trap tag not issued to them by the commission, or to use an expired tag.

(6) It is unlawful for any person to make, alter, forge, counterfeit, or reproduce a stone crab trap tag.

(7) It is unlawful for any person to have in his or her possession a forged, counterfeit, or imitation

Current as of June 11, 2009

stone crab trap tag.

(8) It is unlawful for any person to barter, trade, sell, supply, agree to supply, aid in supplying, or give away a stone crab trap tag or certificate unless such action is duly authorized by the commission as provided by commission rules.

(9) It is unlawful for any person to harvest stone crab claws out of season.

(10) It is unlawful to fraudulently report the actual value of transferred stone crab certificates.

(11) It is unlawful for a person to possess or use a stone crab trap in or on state waters or adjacent federal waters without having firmly affixed thereto the trap tag required by this rule. A federal stone crab trap tag issued by the National Marine Fisheries Service meets the tagging requirements of this rule only for traps fished in the federal waters of the Gulf of Mexico or in transit to the federal waters.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History—New 7-1-00, Amended 7-22-01.

68B-13.012 Commission Policy Regarding the Assessment of Administrative Penalties.

(1) It shall be the policy of the Commission to assess administrative penalties pursuant to Section 379.365(2)(a), F.S., for conviction of a violation involving use of stone crab traps without current year trap tags (paragraph 68B-13.010(2)(b) and subsections 68B-13.011(5) and (11), F.A.C.), as follows:

(a) For a first conviction:

1. Involving 20 or fewer untagged stone crab traps – \$25 per untagged trap;

2. Involving 21 or more untagged stone crab traps – \$1000 and suspension of the stone crab endorsement for the remainder of the fishing season.

(b) For a second conviction occurring within 24 months of any previous such conviction:

1. Involving 5 or fewer untagged stone crab traps – \$50 per untagged trap;

2. Involving 6 up to and including 20 untagged stone crab traps – \$75 per untagged trap and suspension of the stone crab endorsement for 12 calendar months;

3. Involving 21 or more untagged stone crab traps – \$2000 and suspension of the stone crab endorsement for 12 calendar months.

(c) For a third conviction occurring within 36 months of two previous such convictions:

1. Involving 5 or fewer untagged stone crab traps – \$100 per untagged trap and suspension of the stone crab endorsement for 24 calendar months;

2. Involving 6 up to and including 20 untagged stone crab traps – \$2500 and suspension of the stone crab endorsement for 24 calendar months;

3. Involving 21 or more untagged stone crab traps – \$5000 and suspension of the stone crab endorsement for 24 calendar months.

(d) For a fourth conviction occurring within 48 months of three previous such violations, regardless of the number of untagged stone crab traps involved – permanent revocation of the saltwater products license, all endorsements and associated fishing privileges.

(2) It shall be the policy of the Commission to assess administrative penalties pursuant to Section 379.365(2)(a) and (c), F.S., for conviction of a violation involving the possession or use of any stone crab trap tags not issued by the Commission or the unlawful making, altering, forging, counterfeiting or reproducing of stone crab trap tags (subsections 68B-13.011(5), (6) and (7), F.A.C.), as follows:

(a) For a first conviction:

1. Involving 15 or fewer illegal stone crab trap tags – \$1000;

2. Involving 16 or more illegal stone crab trap tags – \$1000 and suspension of the stone crab endorsement for the remainder of the license year.

(b) For a second conviction occurring within 24 months of a previous such violation:

1. Involving 10 or fewer illegal stone crab trap tags – \$1000 and suspension of the stone crab endorsement for 12 calendar months;

2. Involving 11 or more illegal stone crab trap tags – \$2000 and suspension of the stone crab

Current as of June 11, 2009

endorsement for 12 calendar months.

(c) For a third conviction occurring within 36 months of two previous such violations:

1. Involving 5 or fewer illegal stone crab trap tags – \$3000 and suspension of the stone crab endorsement for 24 calendar months;

2. Involving 6 or more illegal stone crab trap tags – \$5000 and suspension of the stone crab endorsement for 24 calendar months.

(d) For a fourth conviction occurring within 48 months of three previous such violations, regardless of the number of illegal stone crab trap tags involved, permanent revocation of the saltwater products license, all endorsements and associated fishing privileges.

(3) It shall be the policy of the Commission to assess administrative penalties pursuant to Section 379.365(2)(a) and (c), F.S., for conviction of a violation involving the sale, barter, trade, loan, or giving of stone crab trap certificates or trap tags without authorization from the Commission (subsection 68B-13.011(8), F.A.C.) as follows:

(a) For a first conviction:

1. Involving 5 or fewer stone crab trap certificates or trap tags – \$1000;

2. Involving 6 or more stone crab trap certificates or trap tags – \$1000 and suspension of the stone crab endorsement for the remainder of the fishing season.

(b) For a second conviction occurring within 24 months of a previous such violation:

1. Involving 5 or fewer stone crab trap certificates or trap tags – \$1000 and suspension of the stone crab endorsement for 12 calendar months;

2. Involving 6 or more stone crab trap certificates or trap tags – \$2000 and suspension of the stone crab endorsement for 12 calendar months.

(c) For a third conviction occurring within 36 months of two previous such violations:

1. Involving 5 or fewer stone crab trap certificates or trap tags – \$3000 and suspension of the stone crab endorsement for 24 calendar months;

2. Involving 6 or more stone crab trap certificates or trap tags – \$5000 and suspension of the stone crab endorsement for 24 calendar months.

(d) For a fourth conviction occurring within 48 months of three previous such violations, regardless of the number of stone crab trap tags involved, permanent revocation of the saltwater products license, all endorsements and associated fishing privileges.

(4) It shall be the policy of the Commission to assess an administrative penalty pursuant to Section 379.365(2)(d), F.S., for conviction of a violation involving fraudulently reporting the actual value of stone crab trap certificates on the Commission's trap certificate transfer form (subsection 68B-13.011(10), F.A.C.) as follows:

(a) If the difference between the actual value and the reported value of the trap certificate(s) is less than 25% of the actual value – suspension of the purchaser's stone crab endorsement for six calendar months.

(b) If the difference between the actual value and the reported value of the trap certificate(s) is between 25% and 49.9% of the actual value – suspension of the purchaser's stone crab endorsement for 12 calendar months and a fine in the amount equal to the original surcharge owed the Commission.

(c) If the difference between the actual value and the reported value of the trap certificate(s) is equal to or greater than 50% of the actual value – permanent revocation of the purchaser's stone crab endorsement and a fine in an amount equal to twice the original surcharge owed the Commission.

(5) It shall be the policy of the Commission to assess an administrative penalty pursuant to Section 379.365(2)(c), F.S., for conviction of a violation involving the willful molestation of a stone crab trap, trap line or buoy without permission of that license holder (subsection 68B-13.011(4), F.A.C.) as follows:

(a) For a first conviction – \$2500 and suspension of the stone crab endorsement or incidental take endorsement for 12 calendar months;

(b) For a second and each of all subsequent such convictions – \$5000 and suspension of the stone crab or incidental take endorsement for 24 calendar months.

Current as of June 11, 2009

(6) It shall be the policy of the Commission to assess an administrative penalty of \$5000 and permanently revoke all saltwater products license privileges, including all saltwater products licenses, permits, endorsements and trap certificates pursuant to Section 379.365(2)(b), F.S., for conviction of a violation involving theft of trap contents (subsection 68B-13.011(3), F.A.C.).

(7) It shall be the policy of the Commission to assess an administrative penalty of \$5000 and suspend the applicable endorsement pursuant to Section 379.365(2)(c)1., F.S., for conviction of a violation involving commercial harvest of stone crabs during the time period when that person's stone crab endorsement or incidental take endorsement is under suspension.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-22-01.