

# MEMORANDUM



**To:** Florida Fish and Wildlife Conservation Commissioners  
**From:** Jessica McCawley, Director, Marine Fisheries Management  
**Date:** September 26, 2018  
**Subject:** Spiny Lobster Trap Certificate Program – Draft Rule, Consent Agenda

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**Purpose:**

Obtain final approval of proposed draft rule amendments to amend outdated rule language found in the Commission’s spiny lobster trap certificate program regulations (68E-18, Florida Administrative Code) that are inconsistent with statutory provisions provided by the Legislature.

**Summary:**

The Joint Administrative Procedures Committee (JAPC) identified outdated rule language in Chapter 68E-18, Florida Administrative Code (FAC), Spiny Lobster Trap Certificate Program, that appears to implement administrative penalties for violations involving untagged spiny lobster traps that are inconsistent with statutory penalties recently amended by the Legislature.

Rule 68E-18.010, FAC, was created in 2002 and provides for the suspension of a license holder’s spiny lobster endorsement or revocation of a license holder’s saltwater fishing privileges in certain circumstances that are inconsistent with statutory penalties authorized in Section 379.3671(2)(c)4., Florida Statutes, that were amended by the Legislature in 2007 and in 2016.

Amendments to this rule will repeal or amend outdated penalties that are different from those established more recently by the Legislature. This rulemaking will create greater clarity, reduce confusion and improve the understandability of the FWC’s spiny lobster trap certificate program regulations.

**Staff Recommendation:**

Staff recommend approval of the proposed rule changes for spiny lobster trap certificate program in 68E-18.010, FAC.

Staff also recommends the rule be advertised and filed for adoption without further hearing, unless requested by a member of the public.

**Staff Contact and/or Presenter:**

Melissa Recks, Division of Marine Fisheries Management