

## Trap Fisheries

### PROPOSED RULE LANGUAGE

#### Final Public Hearing Agenda Item 12 B

September 27, 2018

##### **68B-45.011 Recreational Blue Crab Trap Registration Requirement. [NEW]**

The purpose and intent of this rule is to improve recreational harvest data collection capabilities and estimates of trap effort for the recreational blue crab trap fishery by identifying the population of recreational harvesters participating in this trap fishery.

(1)(a) Recreational harvesters are required to report their intention to harvest or attempt to harvest blue crabs using traps in the upcoming year. A recreational harvester may not deploy a trap authorized by paragraph 68B-45.004(1)(a) or by subsections 68B-45.004(2)-(3) or harvest from or attempt to harvest from, fish with, set, or place such a trap in or on Florida Waters, unless that person has reported their intention to do so by completing the Recreational Blue Crab Trap Registration within the previous 12 months. Upon completion of the Recreational Blue Crab Trap Registration, a recreational harvester will be assigned a series of five recreational blue crab trap identification numbers.

(b) Under Section 379.401(1), F.S., failure to file reports required of persons who hold recreational licenses is a non-criminal infraction.

(2) Proof of registration required in subsection (1) must be in the personal possession of the recreational harvester while the recreational harvester is harvesting or attempting to harvest blue crabs with a trap authorized by paragraph 68B-45.004(1)(a) or subsections 68B-45.004(2)-(3) in or on Florida Waters, or in possession of a blue crab trap authorized by paragraph 68B-45.004(1)(a) or subsections 68B-45.004(2)-(3) or blue crab harvested from such traps in or on Florida Waters.

(3) Persons meeting the criteria outlined in paragraphs 379.353(2)(a), (i), (j), and (o), F.S., are exempt from the reporting requirement established by this rule.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New \_\_\_\_\_.

##### **68B-45.004 Regulation and Prohibition of Certain Harvesting Gear.**

(1) Except as provided in subsections (2), (3), (4), (5) and (6), below, the following types of gear shall be the only types of gear allowed for the harvest of blue crab in or from state waters:

(a) Traps meeting the following specifications:

1. through 3. No change.

4. a. In addition to the requirements of subparagraph (1)(a)2., the buoy attached to each trap used to harvest blue crab, other than those used to harvest for commercial purposes, shall have a legible “R”, at least two inches high, permanently affixed to it. A buoy is not required on a trap fished from a dock.

b. Each trap used to harvest blue crab, other than those used to harvest for commercial purposes, shall have the harvester’s full name, and address, and unless exempt pursuant to 68B-45.011(3), a valid recreational blue crab trap identification number assigned by the annual Recreational Blue Crab Trap Registration pursuant to Rule 68B-45.011, permanently affixed to it in legible letters. ~~The buoy requirements of this subparagraph shall not apply to traps fished from a dock.~~

5. through 7. No change.

(b) through (g) No change.

(2) through (10) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 12-14-93, Amended 6-1-94, 1-1-95, 10-4-95, 9-30-96, 1-1-98, 6-1-99, Formerly 46-45.004, Amended 2-28-02, 10-21-04, 3-1-05, 3-30-06, 9-21-06, 10-15-07, 1-26-11, 6-19-13, \_\_\_\_\_.

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

(1)-(2) No Change.

(3) TRAP MARKING REQUIREMENTS.

(a) 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. A buoy is not required on a trap fished from a dock.

(b) Each trap shall have the harvester’s full name, and address, and unless exempt pursuant to paragraph (4)(d), a valid recreational stone crab trap identification number assigned by the Recreational Stone Crab Trap Registration pursuant to subsection (4), permanently affixed to it in legible letters. The buoy requirements of this subparagraph shall not apply to traps fished from a dock.

(4) REPORTING REQUIREMENT. The purpose and intent of this subsection is to improve recreational harvest data collection capabilities and estimates of trap effort for the recreational stone crab trap fishery by identifying the population of recreational harvesters participating in this trap fishery.

(a) Recreational harvesters are required to report their intention to harvest or attempt to harvest stone crabs using traps in the upcoming year. A recreational harvester may not deploy a stone crab trap authorized by subsection 68B-13.008(2) or harvest from or attempt to harvest from, fish with, set, or place such a trap within or without Florida Waters, unless that person has reported their intention to do so by completing the Recreational Stone Crab Trap Registration within the previous 12 months. Upon completion of the Recreational Stone Crab Trap Registration, a recreational harvester will be assigned a series of five recreational stone crab trap identification numbers.

(b) Under Section 379.401(1), F.S., failure to file reports required of persons who hold recreational licenses is a non-criminal infraction.

(c) Proof of registration required in paragraph (a) must be in the personal possession of the recreational harvester while the recreational harvester is harvesting from or attempting to harvest from, fish with, set, or place a stone crab trap authorized by subsection 68B-13.008(2) within or without Florida Waters, or in possession of a stone crab trap authorized by subsection 68B-13.008(2) within or without Florida Waters.

(d) Persons meeting the criteria outlined in paragraphs 379.353(2)(a), (i), (j), and (o), F.S., are exempt from the reporting requirement established by this subsection.

(5)(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.

*Rulemaking 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) No change.

(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. through 10. No change.

~~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. renumbered as 11.

~~12.~~ 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, or
- d. The certificate holder is deceased.

14. renumbered as 13.

14. In the event a holder's trap certificates are inactive pursuant to sub-subparagraphs 12.a.-12.c. for a period of 3 years, the certificates shall be considered abandoned and permanently removed from the pool of available certificates.

(b) through (d) No change.

(3) through (7) No change.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const., 379.365 FS. History—New 7-1-00, Amended 7-22-01, 6-2-02, 7-1-03, 7-15-04, 7-13-08, 5-1-11, 7-1-11, 12-28-16, \_\_\_\_\_.*

**68B-24.005 Seasons.**

(1) through (2) No change.

(3) Harvesters of spiny lobster using traps may bait and place their traps in the water beginning on the Saturday immediately following the recreational sport season established in subsection (2) 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 10 ~~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 10 ~~5~~-day retrieval period, or a total of up to 20 ~~15~~ days after the close of the spiny lobster season, upon the following conditions:

(a) through (d) No change.

(5) No change.

*Rulemaking 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, Amended \_\_\_\_\_.*