

**Spiny Lobster Trap Certificate Program
Consent Agenda – Item #2**

DRAFT RULE LANGUAGE

Draft Rule Hearing: February 7, 2018

68E-18.002 Definitions.

(1) through (17) No change.

~~(18) “Temporary transfers” means any use of a valid trap tag issued pursuant to an active trap certificate by someone other than the owner of the certificate. This includes but is not limited to leasing, renting, loaning, lending or other commercial or non-commercial arrangement for the use of the tag during the fishing season. If the owner suffers a hardship or emergency that requires another person to pull the owners traps in response to the hardship or emergency, this use is not subject to the transfer fee under the provisions of a temporary transfer. However, the pull must be authorized and documented pursuant to subsection 68B-24.006(7), F.A.C.~~

~~(18)(19) “Trap reduction schedule” means the reduction schedule established by the FWC in Rule 68B-24.009, F.A.C., as provided for in Section 379.3671(3), F.S.~~

~~(19)(20) “Trap tag” or “lobster trap tag” is a physical, durable, annual lobster trap identification and authorization label, furnished annually by the Commission to the certificate holder. One trap tag may be obtained by the certificate holder for each trap certificate held. The trap tag must be firmly affixed to the lobster trap each fishing season in order to place the trap in the water and use the trap to aid in the taking of lobster.~~

Rulemaking Authority Art IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History–New 5-16-95, Formerly 62R-18.002, Amended 7-1-01, 4-11-04, 7-15-04, 5-1-11,_____.

68E-18.003 Certificate Allocations and Fees.

(1) through (5) No change.

~~(6) Any payment by an invalid check is cause for suspension of all current certificates if valid payment is not received within thirty days of notification of the invalid check. Payment shall include any returned check charges incurred by the Commission.~~

~~(6)(7) Certificates shall not be issued or allocated until all licenses, fees, and surcharges have been paid in full and are current, and the holder’s SPL and C-number are not otherwise inactive.~~

~~(7)(8) Trap tags shall not be issued to certificate holders until all licenses, certificate fees, surcharges and any other outstanding fees to the Commission have been paid in full and are current, and the holder’s SPL, C-number, and certificates are not otherwise inactive.~~

~~(8)(9) Reasons or circumstances resulting in inactive certificates include:~~

- ~~(a) A certificate holder has his SPL suspended, revoked, or fails to renew his SPL;~~
- ~~(b) A certificate holder has his C-number suspended, revoked, or fails to renew his C-number;~~
- ~~(c) The annual certificate fees have not been paid in full;~~
- ~~(d) The certificate holder is deceased;~~
- ~~(e) The certificates or necessary licenses are in arrears on payment of required annual fees; and,~~
- ~~(f) The certificate holder has failed to obtain such additional authorizations or endorsements to licenses.~~

Rulemaking Authority Article IV, Section 9 Fla. Const. Law Implemented 379.3671 FS. History–New 5-16-95, Formerly 62R-18.003, Amended 7-1-12,_____.

68E-18.006 Rental or Leasing of Trap Tags.

Rulemaking Authority Article IV, Section 9 Fla. Const. Law Implemented 379.3671 FS. History–New 5-16-95, Formerly 62R-18.006, Repealed_____.

68E-18.008 Suspension of Certificates and Crawfish Endorsement.

Rulemaking Authority Article IV, Section 9 Fla. Const. Law Implemented 379.3671 FS. History—New 5-16-95, Formerly 62R-18.008, Repealed _____.