

# MEMORANDUM



**To:** Florida Fish and Wildlife Conservation Commissioners  
**From:** Jessica McCawley, Director, Marine Fisheries Management  
**Date:** February 7, 2018  
**Subject:** Spiny Lobster Trap Certificate Program – Draft Rule, Consent Agenda

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**Purpose:**

Obtain final approval of proposed draft rule amendments that would remove outdated rule language found in the Commission’s spiny lobster trap certificate program regulations (68E-18, Florida Administrative Code) that are inconsistent with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. The proposed changes will reduce confusion within the fishery and improve the clarity of Florida’s Spiny Lobster Trap Certificate Program regulations.

**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The Joint Administrative Procedures Committee (JAPC) identified outdated rule language in Chapter 68E-18, Florida Administrative Code (FAC), Spiny Lobster Trap Certificate Program, that appears to authorize the rental or leasing of spiny lobster trap tags, or that references penalties that inconsistent with statutory penalties created by the Legislature.

Rule language authorizing the rental or leasing of spiny lobster trap tags in rules 68E-18.002 and 68E-18.006, FAC, was established by the Marine Fisheries Commission in 1995, and was not updated after the leasing of spiny lobster trap tags or certificates was prohibited by the Legislature in 2003. Staff concurs that these outdated rules conflict with the provisions of s. 379.3671(2)(a)5., Florida Statutes, and can lead someone to believe that the rental or leasing of spiny lobster trap tags is still allowed. Rule language in 68E-18.003, 68E-18.006, and 68E-18.008, FAC, provides for the suspension of a licenseholder’s spiny lobster trap certificates or crawfish endorsement in certain circumstances that are inconsistent with statutory penalties created by the Legislature.

Repealing outdated or inconsistent language in these rules will create greater clarity and improve the understandability of the FWC’s spiny lobster trap certificate program regulations.

**Staff Recommendation:**

Staff recommend repealing outdated or inconsistent rule language found in rules 68E-18.002, 68E-18.003, 68E-18.006, and 68E-18.008, Florida Administrative Code, that appears to authorize the rental or leasing of spiny lobster trap tags, or that establishes penalties related to the spiny lobster trap certificate program that are inconsistent with statutory penalties created by the Legislature.

Staff also recommends the rules 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