



This document summarizes a draft rule amendment for the Florida Fish and Wildlife Conservation Commission's (Commission) Trap Pulling Petition rules for spiny lobster (68B-24.006), blue crab (68B-45.004), and stone crab (68B-13.008), Florida Administrative Code (F.A.C.).

The Trap Pulling Petition rules allow a commercial fisherman to delegate another person to pull his traps. The purpose of this proposed rule amendment is to improve the enforceability of these rules by requiring the delegate to contact FWC dispatch when pulling traps and by requiring notary evidence on the form.

Staff recommends approving the draft rule without further hearing planned prior to adoption, unless requested.

Author: Mason Smith and Carly Canion
Report Date: October 22, 2012

Background

- Trap Pulling Petition forms
 - Spiny lobster, blue crab, and stone crab
 - Allow one commercial fisher to authorize a delegate fisher or crew to pull their traps
- Law Enforcement requested updated forms
 - New notary section
 - Requirement to notify FWC dispatch on each day authorized
 - More complete instructions for filling out the forms



Trap Pulling Petition forms exist for three commercial trap fisheries: spiny lobster, blue crab, and stone crab. These forms allow one commercial fisherman to authorize a delegate (must also be a registered commercial fisherman with all licenses/endorsements required) to pull his traps. The current forms include information from the commercial fishermen requesting and the delegate receiving the authorization, as well as the dates the trap pulling will be conducted.

Law Enforcement (LE) requested that these forms be updated to improve the enforceability of delegates pulling traps. The updates include a new notary section, a requirement to notify FWC dispatch on each day authorized to pull traps, and more complete instructions for filling out the forms.

Proposed Draft Rule: Trap Pulling Petition Forms



68B-24.006 Gear: Traps, Buoys, Identification Requirements, Prohibited Devices

- *Update Commission form DMF-SL5030 for spiny lobster*

68B-45.004 Regulation and Prohibition of Certain Harvesting Gear

- *Update Commission form DMF-SL4590 for blue crab*

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

- *Update Commission form DMF-SL3030 for stone crab*



The proposed draft rule would amend 68B-24.006, 68B-45.004, and 68B-13.008, F.A.C., to update the Trap Pulling Petition forms for spiny lobster, blue crab, and stone crab. This would require the fishermen making the authorization request to complete the form in the presence of an official notary and to require the delegate to call FWC Dispatch to establish a float plan for each day traps will be pulled by the delegate.

Staff Recommendation

Approve the proposed draft rule:

- Require Trap Pulling Petition forms be completed in presence of an official notary
- Require all authorized delegate trap pullers to call and establish a float plan with FWC Dispatch prior to pulling traps each day

Make rule effective on February 1, 2013

- * *Staff will publish a notice that the rule will become final with no further public hearing unless requested*



Staff recommends approving the proposed draft rule amendments, which would implement the request of LE to require the fishermen to complete the forms in the presence of an official notary and to require delegate fishermen to call FWC Dispatch prior to pulling traps each day.

Staff also recommends approving the draft rule without further hearing planned prior to adoption, unless requested, as allowed by Section 120.53, F.S. and making the rule effective on February 1, 2013.

Staff has evaluated the rule under the standards of 68-1.004, F.A.C., and found it to be in compliance.