



This document summarizes a proposed amendment for the Florida Fish and Wildlife Conservation Commission’s (FWC) Spiny Lobster Trap Certificate Program rule 68E-18, Florida Administrative Code (F.A.C.). The purpose of this proposed rule amendment is to update the FWC’s rule to match the provisions of 379.3671, Florida Statute (F.S.). The Commission requested a statutory change reducing the period of time for which spiny lobster trap certificate annual fees could remain unpaid. The change has already been incorporated into statute, but the rule needs to be updated.

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Trap Certificate Review

- Lobster Trap Certificate Program
 - Established by the Legislature
 - Implemented in 1992
 - One trap may be deployed for each trap certificate
 - Goal: *to stabilize the fishery by reducing the total number of traps while maintaining catch levels*
- Unpaid trap certificates are considered abandoned and revert to FWC
 - Originally reverted to FWC after three years
 - Ad Hoc* Spiny Lobster Advisory Board recommended reducing the time to two years
 - Commission requested legislative change in 2008
 - Legislature approved the change
 - Change effective beginning 2010 – 2011
 - Already incorporated into statute
 - Rule needs to be updated



The commercial lobster trap fishery in Florida has been managed since the early 1990s with the Lobster Trap Certificate Program (LTC). This legislatively established program was implemented due to the rapid growth of the fishery. The implementing statute identified user conflicts on the water, excessive mortality of undersized lobsters, declining yield per trap, and concerns about trap debris as specific reasons for reducing the number of traps. The LTC's goal was to “stabilize the fishery by reducing the total number of traps while maintaining catch levels.”

Each trap certificate held by an individual authorizes them to place a single trap in the water. One provision of the LTC, as detailed in 379.3671, F.S., is that trap certificates are considered abandoned and revert to the FWC if the annual fees are not paid. Trap certificates which revert to the FWC are not available to be reissued and contribute to trap reduction. Initially, the certificates reverted to the FWC after fees went unpaid for three years. The *Ad Hoc* Spiny Lobster Advisory Board, which was established by the Commission in 2005, recommended reducing that timeframe to two years. Eight public workshops were held across the state to gather public input on this and other Advisory Board recommendations. In April 2008, the Commission voted to request the legislature reduce the time period after which unpaid trap certificates reverted to FWC from three years to two. The recommended change was approved by the Florida Legislature and became effective beginning with the 2010 – 2011 fishing year. This change has already been incorporated into statute and is currently being enforced. However the trap reversion provision also occurs in the Commission's rule, which needs to be updated to reflect the legislative change.

Proposed Rule Change



68E-18.003 – Certificate Allocations and Fees.

- *Update rule language to match the statute*
- *Clarify that trap certificates revert to the FWC when fees go unpaid for two years (previously three years)*



The purpose of this proposed draft rule amendment is to update 68E-18, F.A.C., to make it consistent with provisions of 379.3671, F.S.

The proposed amendment would clarify that trap certificates with unpaid annual fees revert to the FWC after a period of two years, instead of three. The update would not result in any changes to the way FWC manages the trap certificate program because FWC follows the provisions of the statute, which changed in 2010. This rule update would mirror both the current statute and FWC practices, as well as eliminate confusion about how the provision is enforced.

Staff Recommendation

Approve the proposed rule amendment:

- Update the Commission trap certificate rule to match current statute by setting the period of time after which unpaid trap certificates revert to FWC at two years

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



Staff recommends approving the advertised rule, which would update the Commission's rule regarding when trap certificates with unpaid fees revert to FWC, in order to match current statute.

Staff also recommends approving the draft rule without further hearing planned prior to adoption, unless requested, as allowed by Section 120.53, F.S.

Staff recommends the rule become effective July 1, 2012.

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