

Notice of Change for Trap Rules  
Consent Agenda Item 3  
April 17, 2013

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries Management

RULE NO.:      RULE TITLE:

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

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., published in Vol. \_\_\_\_, No. \_\_\_\_, (date), issue of the Florida Administrative Weekly.

Proposed amendment to Rule 68B-13.008 has been changed to include the following revised subsection (4):

(4) TRAP WORKING REGULATIONS.

(a) through (b) NO CHANGE

(c) During any time of the year when it is legal to transport stone crab traps, a harvester shall ~~may~~ obtain permission from the Division of Law Enforcement to allow another person to transport, deploy, pull, or retrieve his or her traps. Permission shall ~~may~~ be granted upon receipt of a written statement signed by both the commercial harvester seeking to have his or her traps pulled and the person designated to pull the traps. Such written statement shall contain the following:

1. through 5. NO CHANGE

6. The dates the other person will be transporting, deploying, pulling or retrieving the traps.

Permission to pull traps in this manner shall be obtained daily by telephone from the Division of Law Enforcement for a maximum of 5 days without renewal or extension of the request. Permission to have traps pulled by another person for a longer period of time, must be based on extraordinary circumstances such as severe personal or family illness or accident or major equipment problem, and shall be obtained through petition to the Division of Law Enforcement on Commission Form DMF-SL3030 (02-13) (Stone Crab Trap Pulling Petition) found online at: [www.flrules.org](http://www.flrules.org), herein incorporated by reference, and shall ~~will~~ be granted upon such conditions as the division deems appropriate for the protection of the resource. It shall be the responsibility of the commercial harvester, or a member of the harvester's immediate family, to petition the division. The petition shall include a complete description of the extraordinary circumstances with corroborating documentation, the amount of additional time requested, the number of traps to be pulled, and a ~~signed~~ notarized statement from the other person, attesting to his/her willingness and ability to pull these traps during this time period as well as an awareness of all rules governing the stone crab fishery. The person designated to pull the petitioner's traps is required to establish a float plan with Division of Law Enforcement Dispatch for each day traps will be pulled prior to pulling traps. If the person designated to pull the petitioner's traps does not possess a saltwater products license with restricted species and stone crab endorsements, the petitioner, as the license holder of record must possess a vessel saltwater products license and shall be held accountable for the designee's compliance with all regulations governing the stone crab fishery.

(d) through (e) NO CHANGE

*Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History--New 7-1-00, Amended 7-22-01, 7-15-04, 7-13-08, \_\_\_\_\_.*

No other changes were made to the rule amendments as proposed.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries Management

RULE NO.:       RULE TITLE:

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

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., published in Vol. \_\_\_\_, No. \_\_\_\_, (date), issue of the Florida Administrative Weekly.

Proposed amendment to Rule 68B-24.006 has been changed to include the following revised subsection (7):

(7) During any time of the year when it is legal to transport spiny lobster traps, a harvester ~~shall~~ ~~may~~ obtain permission from the Division of Law Enforcement to allow another person to transport, deploy, pull, or retrieve his or her traps. Permission ~~shall~~ ~~may~~ be granted upon receipt of a written statement signed by both the commercial harvester seeking to have his or her traps pulled and the person designated to pull the traps. Such written statement shall contain the following:

(a) through (e) NO CHANGE

(f) The dates the other person will be transporting, deploying, pulling or retrieving the traps.

Permission to pull traps in this manner shall be obtained daily by telephone from the Division of Law Enforcement for a maximum of 5 days without renewal or extension of the request. Permission to have traps pulled by another person for a longer period of time, must be based on extraordinary circumstances such as severe personal or family illness or accident or major equipment problem, and shall be obtained through petition to the Division of Law Enforcement on Commission Form DMF-SL5030 (02-13) (Spiny Lobster Trap Pulling Petition) found online at: [www.flrules.org](http://www.flrules.org), herein incorporated by reference, and ~~shall~~ ~~will~~ be granted upon such conditions as the division deems appropriate for the protection of the resource. It shall be the responsibility of the commercial harvester, or a member of the harvester's immediate family, to petition the division. The petition shall include a complete description of the extraordinary circumstances with corroborating documentation, the amount of additional time requested, the number of traps to be pulled, and a ~~signed~~ notarized statement from the other person, attesting to his/her willingness and ability to pull these traps during this time period as well as an awareness of all rules governing the spiny lobster fishery. The person designated to pull the petitioner's traps is required to establish a float plan with Division of Law Enforcement Dispatch for each day traps will be pulled prior to pulling traps. If the person designated to pull the petitioner's traps does not possess a saltwater products license with restricted species and a crawfish endorsement, the petitioner, as the license holder of record must possess a vessel saltwater products license and shall be held accountable for the designee's compliance with all regulations governing the spiny lobster fishery. Permission to pull another's traps shall not be granted to a person holding a commercial dive permit.

*Specific 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, 10-4-95, 9-30-96, 6-1-99, Formerly 46-24.006, Amended 7-1-01, 7-9-02, 7-7-03, 4-1-04, 7-1-08, \_\_\_\_\_.*

No other changes were made to the rule amendments as proposed.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries Management

RULE NO.:       RULE TITLE:

68B-45.004       Regulation and Prohibition of Certain Harvesting Gear

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., published in Vol. \_\_\_\_, No. \_\_\_\_, (date), issue of the Florida Administrative Weekly.

Proposed amendment to Rule 68B-45.004 has been changed to include the following revised subsection (10):

(10) During any time of the year when it is legal to transport blue crab traps, a harvester shall ~~may~~ seek permission from the Division of Law Enforcement to allow the use of another vessel owned by the same harvester or another person to transport, deploy, pull, or retrieve his or her traps. Permission shall ~~will~~ be granted upon receipt of a written statement signed by the commercial harvester seeking to have his or her traps pulled and by the person designated to pull the traps, if applicable, which statement also shall contain the following:

(a) through (e) NO CHANGE

(f) The dates the other person or vessel will be transporting, deploying, pulling or retrieving the traps.

Permission to pull traps in this manner shall be obtained daily by telephone from the Division of Law Enforcement for a maximum of 5 days without renewal or extension of the request. Permission to have traps pulled using another vessel owned by the same harvester or by another person for a longer period of time must be based on extraordinary circumstances such as severe personal or family illness or accident or major equipment problem, and shall be obtained through petition to the Division of Law Enforcement on Commission Form DMF-SL4590 (02-13) (Blue Crab Trap Pulling Petition) found online at: [www.flrules.org](http://www.flrules.org), herein incorporated by reference, and shall ~~will~~ be granted upon such conditions as the Division deems appropriate for the protection of the resource. It shall be the responsibility of the commercial harvester, or a member of the harvester's immediate family, to petition the Division. The petition shall include a complete description of the extraordinary circumstances with corroborating documentation, the amount of additional time requested, the number of traps to be pulled, and ~~if designating another person, a signed~~ a notarized statement from the other person, attesting to his/her willingness and ability to pull these traps during this time period as well as an awareness of all rules governing the blue crab fishery ~~spiny lobster fishery~~. The person designated to pull the petitioner's traps is required to establish a float plan with Division of Law Enforcement Dispatch for each day traps will be pulled prior to pulling traps. If the person designated to pull the petitioner's traps does not possess a saltwater products license with restricted species and a blue crab endorsement, the petitioner, as the license holder of record must possess a vessel saltwater products license and shall be held accountable for the designee's compliance with all regulations governing the blue crab fishery.

(g) 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, \_\_\_\_\_.*

No other changes were made to the rule amendments as proposed.