

Effective July 1, 2009

Blue Crab Rule: 68B-45 F.A.C.

Rule No	Rule Title	Effective Date
68B-45.001	Purpose and Intent; Repeal of Statutory Provisions; Designation as Restricted Species	6/1/1999
68B-45.002	Definitions	10/15/2007
68B-45.003	Minimum Size Limits	6/1/1994
68B-45.004	Regulation and Prohibition of Certain Harvesting Gear	10/15/2007
68B-45.0045	Closed Seasons	7/1/2009
68B-45.005	Bag Limit	10/4/1995
68B-45.006	Other Prohibitions	7/1/2009
68B-45.007	Blue Crab Limited Entry Endorsement Program	7/31/2007
68B-45.008	Assessment of Administrative Penalties for Violations Relating to Blue Crab Management	7/1/2009

68B-45.001 Purpose and Intent; Repeal of Statutory Provisions; Designation as Restricted Species.

(1) The purpose and intent of this chapter is to protect and conserve Florida's blue crab resources and assure the continuing health and abundance of the species.

(2) It is the intent of this chapter to expressly effect the repeal of and replace the second distinct sentence of subsection (1) of Section 370.135, F.S. (1993).

(3) It is the intent of this chapter to repeal and replace Chapter 63-1217, Laws of Florida (1963), a rule of the Department of Natural Resources pursuant to subsection (5) of section 2 of Chapter 83-134, as amended by 84-121, Laws of Florida. This Special Act, applicable to Citrus County, establishes a minimum size for blue crabs harvested in the county. The Marine Fisheries Commission has determined that repeal of Chapter 63-1217, Laws of Florida (1963), a Citrus County Special Act, will not adversely affect the marine resources of Citrus County or of the State of Florida.

(4) Chapter 63-1217, Laws of Florida (1963), a rule of the Department of Natural Resources pursuant to subsection (5) of section 2 of Chapter 83-134, as amended by 84-121, Laws of Florida, is hereby repealed.

(5) Blue crabs are designated as a restricted species pursuant to Section 379.101(32), F.S.

Specific Authority Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, and Chapter 85-163, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, and Chapter 85-163, Laws of Fla. History—New 12-14-93, Amended 6-1-94, 10-4-95, Formerly 46-45.001, Amended 6-1-99.

68B-45.002 Definitions.

As used in this rule chapter:

(1) "Blue crab" means any crustacean of the species *Callinectes sapidus*, or any part thereof.

(2) "Drop net" means a small, usually circular, net with weights attached along the outer edge and a single float in the center.

(3) "Eggbearing blue crab" means a female blue crab whose eggs are extruded and deposited on the swimmerettes.

(4) "Escape ring" means a rigid ring forming the boundary of an opening placed flush with the vertical surface of the wire mesh wall of the crab trap.

(5) "Fold up trap" means a plastic or wire meshed collapsing trap that opens outward to occupy a

Effective July 1, 2009

single plane when placed on the water bottom. It is baited in the center of the base panel and encloses crabs when retrieved by means of a cord drawing together the side panels.

(6) "Gulf Seasonal Closure Region" means all state waters of the Gulf of Mexico seaward of three nautical miles from shore.

(7) "Hard shell crab" means any blue crab in intermolt condition that has a shell that is rigid and inflexible.

(8) "Mesh size" means the size of the opening or space within a polygon formed by the wire of a crab trap, to be measured at the largest dimension across such opening or space in an undistorted condition.

(9) "Harvest" means the catching or taking of a blue crab by any means whatsoever, followed by a reduction of such blue crab to possession. Blue crabs caught but immediately returned to the water free, alive, and unharmed are not harvested. Temporary possession of a blue crab for the purpose of measuring it to determine compliance with the size requirements of this chapter shall not constitute the harvesting of such blue crab, provided that it is measured on the water immediately after taking, and immediately returned to the water free, alive, and unharmed if undersized.

(10) "Harvest for commercial purposes" means the taking or harvesting of blue crab for purposes of sale or with intent to sell or in excess of the bag limit.

(11) "Immediate family" refers to a license holder's mother, father, sister, brother, spouse, son, daughter, step-father, step-mother, step-son, step-daughter, half-sister, half-brother, son-in-law or daughter-in-law.

(12) "Offshore" means all state waters seaward of the COLREGS Demarcation Line.

(13) "Peeler crab" means a hard blue crab in pre-molt condition having a new soft shell developed under the hard shell and having a definite white, pink, or red line or rim on the outer edge of the back fin or flipper, and retained specifically for soft crab shedding operations and marketed only after molting and prior to the hardening of the new shell.

(14) "Push scrape" means a mesh net or bag attached to the outer edges of a triangular or rectangular rigid frame with a handle attached that is fished by being pushed across the bottom by a person wading.

(15) "Soft shell crab" means any blue crab that has recently molted and has a shell that is tender and flexible.

(16) "Trotline" means a submerged line with bait at repetitive intervals.

(17) "Untreated pine" means raw pine wood that has not been treated with any preservative or pine wood that has been pressure treated with no more than 0.40 pounds of chromated copper arsenate (CCA) compounds per cubic foot of wood.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-14-93, Amended 6-1-94, 10-4-95, Formerly 46-45.002, Amended 7-1-03, 7-15-04, 5-26-05, 10-15-07.

68B-45.003 Minimum Size Limits.

Except as provided in subsection 68B-45.004(5), F.A.C., for crabs to be used as live bait, no person harvesting for commercial purposes shall possess any blue crabs measuring less than five inches measured from the tip of one lateral spine to the tip of the opposite lateral spine in quantities greater than 5% of the total number in each container in such person's possession. This minimum size limit does not apply to the harvest of peeler crabs.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-14-93, Amended 6-1-94, Formerly 46-45.003.

68B-45.004 Regulation and Prohibition of Certain Harvesting Gear.

(1) Except as provided in subsections (2), (3), (4), (5) and (6) below, the following types of gear shall be the only types of gear allowed for the harvest of blue crab in or from state waters:

(a) Traps meeting the following specifications:

1. Traps shall be constructed of wire with a minimum mesh size of 1 1/2 inches and have throats or

Effective July 1, 2009

entrances located only on a vertical surface. Beginning on January 1, 1995, traps shall have a maximum dimension of 24 inches by 24 inches by 24 inches or a volume of 8 cubic feet and a degradable panel that meets the specifications of subsection (7) of this rule.

2. All traps shall have a buoy or a time release buoy attached to each trap or at each end of a weighted trotline which buoy shall be constructed of styrofoam, cork, molded polyvinyl chloride, or molded polystyrene, be of sufficient strength and buoyancy to float, and be of such color, hue and brilliancy to be easily distinguished, seen, and located. Buoys shall be either spherical in shape with a diameter no smaller than 6 inches or some other shape so long as it is no shorter than 10 inches in the longest dimension and the width at some point exceeds 5 inches. No more than 5 feet of any buoy line attached to a buoy used to mark a blue crab trap or attached to a trotline shall float on the surface of the water.

3. Each trap used for harvesting blue crab for commercial purposes shall have the harvester's blue crab endorsement number permanently affixed to it. Each buoy attached to such a trap shall have the number permanently affixed to it in legible figures at least two inches high. The buoy color and license number shall also be permanently and conspicuously displayed on any vessel used for setting the traps and buoys, so as to be readily identifiable from the air and water, in the following manner:

a. From the Air – The buoy design approved by the Commission shall be displayed and be permanently affixed to the uppermost structural portion of the vessel and displayed horizontally with the painted design up. If the vessel is an open design (such as a skiff boat), in lieu of a separate display, one seat shall be painted with buoy assigned color with permit numbers, unobstructed and no smaller than 10 inches in height, painted thereon in contrasting color. Otherwise, the display shall exhibit the harvester's approved buoy design, unobstructed, on a circle 20 inches in diameter, outlined in a contrasting color, together with the permit numbers permanently affixed beneath the circle in numerals no smaller than 10 inches in height.

b. From the Water – The buoy design approved by the Commission shall be displayed and be permanently affixed vertically to both the starboard and port sides of the vessel near amidship. The display shall exhibit the harvester's approved buoy design, unobstructed, on a circle 8 inches in diameter, outlined in a contrasting color, together with the permit numbers permanently affixed beneath the circle in numerals no smaller than 4 inches in height.

4. The buoy attached to each trap used to harvest blue crab, other than those used to harvest for commercial purposes, shall have a legible "R", at least two inches high, permanently affixed to it. The trap shall have the harvester's name and address permanently affixed to it in legible letters. The buoy requirements of this subparagraph shall not apply to traps fished from a dock.

5. Each trap with a mesh size of 1 1/2 inches or larger shall have at least three unobstructed escape rings installed, each with a minimum inside diameter of 2 3/8 inches. One such escape ring shall be located on a vertical outer surface adjacent to each crab retaining chamber.

6. Each throat (entrance) in any trap used to harvest blue crabs shall be horizontally oriented, i.e., the width of the opening where the throat meets the vertical wall of the trap and the opening of the throat at its farthest point from the vertical wall, inside the trap, is greater than the height of any such opening. No such throat shall extend farther than 6 inches into the inside of any trap, measured from the opening where the throat meets the vertical wall of the trap to the opening of the throat at its farthest point from the vertical wall, inside the trap.

7. Subparagraphs 1. through 6. shall not apply to any trap used to harvest blue crabs for other than commercial purposes, which trap has a volume of no more than 1 cubic foot and is fished from a vessel, a dock, or from shore.

- (b) Dip or landing net.
- (c) Drop net.
- (d) Fold-up trap.
- (e) Hook and line gear.
- (f) Push scrape.
- (g) Trotline.

Effective July 1, 2009

(2)(a) Peeler crabs may be harvested in traps constructed of wire with a minimum mesh size of one inch and with the throats or entrances located only on a vertical surface. Such traps shall have a maximum dimension of 24 inches by 24 inches by 24 inches or a volume of 8 cubic feet and a degradable panel.

(b) Each trap used to harvest peeler crabs shall have buoys and be identified as described in subparagraph (a)2., and (a)3. or (a)4. of this subsection.

(c) All peeler crabs harvested must be kept in a container separate from other blue crabs.

(d) Each trap used to harvest peeler crabs shall only be baited with live male blue crabs. Male crabs so used as bait to attract female blue crabs into peeler traps may be periodically fed with no more than a single bait fish. Any trap used to harvest blue crabs that is baited with anything other than live male blue crabs shall meet the requirements of paragraph (1)(a) of this rule.

(3) In addition to the allowable gear provided for in subsections (1) and (2) above, blue crabs harvested in fresh water may be harvested with gear permitted by the Commission.

(4) Blue crabs may be harvested as an incidental bycatch of shrimp trawls lawfully harvesting shrimp, provided the amount of blue crabs so harvested does not exceed 200 pounds of blue crabs per vessel per trip.

(5) Blue crabs not meeting the size requirements contained in Rule 68B-45.003, F.A.C., may be harvested as a directed catch by or with a dip or landing net or as bycatch of live bait shrimp trawls, provided the total amount of blue crab harvested in either case does not exceed 10 gallons per person or per vessel per day, whichever is less. Undersized blue crabs so harvested shall be maintained alive and shall be sold, bought, bartered, or exchanged solely for use as live bait. Blue crabs harvested as bycatch of live bait shrimp trawls shall be counted for purposes of determining compliance with subsections (4) above and (6) below. No person harvesting blue crabs as a directed catch by or with a dip or landing net shall, on the same trip, harvest blue crabs using any other gear.

(6) Blue crabs may be harvested as an incidental bycatch of other species lawfully harvested with other types of gear so long as the amount does not exceed the bag limit specified in Rule 68B-45.005, F.A.C., and does not violate any other applicable provision of law.

(7) A trap shall be considered to have a degradable panel if one of the following methods is used in construction of the trap:

(a) The trap lid tie-down strap is secured to the trap at one end by a single loop of untreated jute twine. The trap lid must be secured so that when the jute degrades, the lid will no longer be securely closed.

(b) The trap lid tie-down strap is secured to the trap at one end with a corrodible loop composed of non-coated steel wire measuring 24 gauge or thinner. The trap lid must be secured so that when the loop degrades, the lid will no longer be securely closed.

(c) The trap lid tie-down strap is secured to the trap at one end by an untreated pine dowel no larger than 2 inches in length by 3/8 inch in diameter. The trap lid must be secured so that when the dowel degrades, the lid will no longer be securely closed.

(d) The trap contains at least one sidewall with a rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. This opening must be laced, sewn, or otherwise obstructed by a single length of untreated jute twine knotted only at each end and not tied or looped more than once around a single mesh bar. When the jute degrades, the opening in the sidewall of the trap will no longer be obstructed.

(e) The trap contains at least one sidewall with a rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. This opening must be obstructed with an untreated pine slat or slats no thicker than 3/8 inch. When the slat degrades, the opening in the sidewall of the trap will no longer be obstructed.

(f) The trap contains at least one sidewall with a rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. The opening may either be laced, sewn, or otherwise obstructed by non-coated steel wire measuring 24 gauge or thinner or be obstructed with a panel of ferrous single-dipped galvanized wire mesh made of 24 gauge or thinner wire. When the wire or wire mesh

Effective July 1, 2009

degrades, the opening in the sidewall of the trap will no longer be obstructed.

(g) The trap contains at least one sidewall with a rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. The opening may be obstructed with a rectangular panel made of any material, fastened to the trap at each of the four corners of the rectangle by galvanized staples 16 gauge or thinner, rings made of non-coated 24 gauge or thinner wire, or single strands of untreated jute twine. When the corner fasteners degrade, the panel will fall away and the opening in the sidewall of the trap will no longer be obstructed.

(8) No person shall harvest or attempt to harvest blue crabs with any trap seaward of nine nautical miles from shore on the Gulf of Mexico or seaward of three nautical miles from shore on the Atlantic Ocean.

(9)(a) Except as provided in paragraph (c), no person shall harvest any blue crabs for commercial purposes with any trap unless such person possesses a valid saltwater products license to which is affixed both a blue crab endorsement and a restricted species endorsement.

(b) Notwithstanding Section 370.135(2)(a), F.S. (2006); effective July 1, 2006, and until July 1, 2007, no blue crab endorsements, except those endorsements that were active during the 2005-2006 fiscal year, shall be renewed or replaced. Persons or corporations holding a blue crab endorsement that was active in the 2005-2006 fiscal year or an immediate family member of that person must request renewal of the blue crab endorsement before September 30, 2006. All provisions of Sections 379.366(2)(a), (b), F.S., shall continue to apply to the issuance and renewal of blue crab endorsements with the applicable dates specified in this paragraph.

(c) Notwithstanding the requirements of paragraph (a), any aquaculture producer, as defined in Section 597.0015(2), F.S., authorized to produce marine aquaculture products and engaged in the culture of shellfish may possess and use up to 75 blue crab traps for the sole purpose of taking destructive or nuisance blue crabs within 1 mile of the producer's aquaculture shellfish beds if they first obtain a depredation permit from the Commission. Blue crabs taken under this subsection may not be sold, bartered, exchanged, or offered for sale, barter, or exchange.

(10) During any time of the year when it is legal to transport blue crab traps, a harvester may seek permission from the Division of Law Enforcement to allow another person to transport, deploy, pull, or retrieve his or her traps. Permission will 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, which statement also shall contain the following:

(a) The reason the harvester needs to have his or her traps pulled;

(b) The numbers of the saltwater products license and blue crab endorsement of both the harvester seeking to have the traps pulled and the person who will be pulling the traps;

(c) The buoy colors of the harvester seeking such permission;

(d) The name and number of the vessel to be used by the person who will be pulling the traps;

(e) The general locations of the pulling activity of the vessel to be engaged in pulling the traps; and

(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-SL4590 (01-06) (Blue Crab Trap Pulling Petition), herein incorporated by reference, and 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 statement from the other person, attesting to his/her willingness and ability to pull these traps during this

Effective July 1, 2009

time period as well as an awareness of all rules governing the blue crab fishery. 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.

Specific 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.

68B-45.0045 Closed Seasons.

(1) In order to facilitate the identification and removal of lost and abandoned traps the following restrictions shall apply.

(a) The use of traps to harvest blue crabs is prohibited for a period of up to ten days annually in the following regions:

1. All waters of the St. Johns River, its associated lakes and tributaries from west of the St. Johns River's intersection with the Intracoastal Canal through and including Lake Hellen Blazes from January 16 through January 25;

2. All waters of Nassau, Duval, Clay, St. Johns, Putnam, Flagler, and Volusia counties from August 20 through August 29, however, not including waters listed in subparagraph (1)(a)1. of this paragraph;

3. All waters of Brevard, Indian River, St. Lucie, Martin, and Palm Beach counties from August 10 through August 19, however, not including waters listed in subparagraph (1)(a)1. of this paragraph;

4. All waters of Broward, Miami-Dade, Monroe, Collier, Lee, Charlotte, DeSoto, Sarasota, Manatee, Hillsborough, Pinellas, and Pasco counties from July 10 through July 19;

5. All waters of Wakulla, Jefferson, Taylor, Dixie, Levy, Citrus, and Hernando counties and including all waters of the Ochlockonee River and Ochlockonee Bay from July 20 through July 29;

6. All waters of Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, and Franklin counties from January 5 through January 14, however, excluding all waters of the Ochlockonee River and Ochlockonee Bay.

(b) All traps must be removed from the water before 12:01 a.m. local time on the first day of each regional closure. Traps found in state waters during the closures are declared to be a public nuisance and shall be disposed of in the manner approved by the Commission. Traps may be returned to the water after 12:01 a.m. local time on the day following each regional closure.

(c) Closures listed in subparagraphs (1)(a)2., 3., 4., 5., and 6. extend to three nautical miles offshore.

(d) Closures listed in paragraph (1)(a) may be reduced in duration if it is determined by the Executive Director of the Commission that the number of lost and abandoned traps in the region will take less time to remove than the time listed in paragraph (1)(a).

(e) Closures do not apply to traps secured to private property, such as a dock, or to authorized gear listed in paragraphs 68B-45.004(1)(b)-(g), F.A.C.

(2) In the Gulf Seasonal Closure Region, no blue crab trap, including any trap used to harvest peeler crabs, may be placed in the water, fished, or soaked during the period beginning September 20 and continuing through October 4 each year.

(3) In the 2009/2010 fishing season, no trap retrieval fees will be assessed for blue crab traps collected through the Commission's Trap Retrieval Program.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-09.

Effective July 1, 2009

68B-45.005 Bag Limit.

Except for persons harvesting pursuant to a saltwater products license with a blue crab endorsement and a restricted species endorsement, no person shall harvest in or from state waters in any one day or possess while in or on state waters, more than 10 gallons of whole blue crabs.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-14-93, Amended 10-4-95, Formerly 46-45.005.

68B-45.006 Other Prohibitions.

(1) The harvest, possession, purchase, or sale of eggbearing blue crabs is prohibited. Eggbearing blue crabs found in traps shall be immediately returned to the water free, alive and unharmed. The practice of stripping or otherwise molesting eggbearing blue crabs in order to remove the eggs is prohibited and the harvest, possession, purchase, or sale of blue crab from which the eggs, egg pouch, or bunion has been removed is prohibited.

(2) Traps used to harvest blue crabs or peeler crabs may be worked during daylight hours only. The pulling of traps from one hour after official sunset until one hour before official sunrise is prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-14-93, Formerly 46-45.006, Amended 7-1-03, 7-15-04, 7-1-09.

68B-45.007 Blue Crab Effort Management Program.

(1) Beginning in the 2007/2008 license year, in addition to a valid saltwater products license and a valid restricted species endorsement, a blue crab effort management endorsement number is required to harvest or possess blue crab in quantities greater than the recreational bag limit or to sell blue crab.

(2) The Commission shall notify all holders of a 2004/2005 commercial saltwater products license with a restricted species endorsement and an existing blue crab endorsement of their initial eligibility or denial of a blue crab effort management endorsement. Those notified will indicate either their acceptance of the initial award of a blue crab effort management endorsement number by completion of an acceptance application (Form DMF-SL4500, Blue Crab Effort Management Endorsement Application (09-06), incorporated herein by reference) or submit an application to appeal (Form DMF-SL4510, Application for Appeal of Blue Crab Effort Management Endorsement (09-06), incorporated herein by reference), as specified in paragraph (11)(b).

(3)(a) Except for those qualifying for a non-transferable blue crab effort management endorsement as specified in subsection (6), the Blue Crab Effort Management Endorsement Application must be received by the Commission no later than September 30, 2007. An applicant may be a person, firm, or corporation.

(b) In order to qualify for a blue crab effort management endorsement number other than a V-N endorsement issued pursuant to subsection (6), an applicant must have held a valid saltwater products license with a valid restricted species endorsement and a blue crab endorsement pursuant to Section 379.366, F.S., at the time of application and establish landings as specified in paragraph (3)(c).

(c) Qualified blue crab effort management endorsement number applicants must have documented blue crab landings in quantities as specified in subsection (4) or (5) pursuant to Commission trip ticket records generated under the provisions of Rule Chapter 68E-5, F.A.C., during at least one of the following three license years: July 1, 2000 through June 30, 2001, July 1, 2001 through June 30, 2002, or July 1, 2002 through June 30, 2003. Qualifying landings must have been received by the FWC by August 1, 2003; applicants lacking sufficient blue crab landings during the qualifying years may have their eligibility for a blue crab effort management endorsement considered by the blue crab effort management endorsement appeals board as specified in subsection (11).

(4) Hard Shell Blue Crab Endorsement (V-H). The hard shell blue crab effort management endorsement is required to harvest commercial quantities of hard shell blue crab using gears as authorized in subsection 68B-45.004(1), F.A.C.

(a) In order to obtain a V-H endorsement on a saltwater products license, an applicant must have

Effective July 1, 2009

documented landings of hard shell blue crab equal to or greater than 500 pounds during any one of the qualifying years as specified in paragraph (3)(c). Persons holding more than one saltwater products license, none of which individually have 500 pounds of hard shell blue crab landings, may qualify for a single V-H endorsement if the sum of hard shell blue crab landings listed on multiple saltwater products licenses that have a restricted species endorsement and current blue crab endorsement is equal to or greater than 500 pounds.

(b) An applicant qualifying for a V-H endorsement pursuant to paragraph (4)(a) may receive a unique endorsement number on each additional saltwater products license with a restricted species endorsement and current blue crab endorsement if the applicant has hard shell blue crab landings equal to or greater than 7,500 pounds on each such license during any one of the qualifying landings years as specified in paragraph (3)(c).

(c) An applicant will be issued a unique V-H endorsement number for each qualifying saltwater products license.

(d) Once eligible, a qualifying applicant shall be entitled to deploy up to 600 hard shell blue crab traps in any state waters and an additional 400 hard shell blue crab traps in offshore state waters in the Gulf of Mexico per V-H endorsement number.

(e) Persons holding a hard shell V-H endorsement number shall be allowed to land a maximum bycatch of 150 peeler crabs daily and operate up to three peeler crab shedding tanks.

(5) Soft Shell Blue Crab Endorsement (V-S). The soft shell blue crab effort management endorsement is required to harvest peeler blue crabs in excess of the bycatch limit established in paragraph (4)(e) using gears as authorized in subsection 68B-45.004(2), F.A.C., or to produce soft shell blue crabs with more than three (3) shedding tanks.

(a) In order to obtain a V-S endorsement number on a saltwater products license, an applicant must have documented landings of soft shell or peeler blue crabs equal to or greater than 750 crabs during any one of the qualifying years as specified in paragraph (3)(c). Persons holding more than one saltwater products license, none of which individually have 750 soft shell or peeler blue crabs, may qualify for a V-S endorsement number if the sum of soft shell or peeler blue crab landings listed on multiple licenses is equal to or greater than 750 soft shell or peeler blue crabs.

(b) An applicant that qualifies for a single V-S endorsement number pursuant to paragraph (5)(a) may receive a unique V-S endorsement number on one additional saltwater products license if such license has documented landings of soft shell blue crab or peeler crab landings equal to or greater than 2,500 crabs during any one of the qualifying landings years specified in paragraph (3)(c).

(c) An applicant will be issued a unique V-S endorsement number for each qualifying saltwater products license.

(d) Once eligible, the holder of a V-S endorsement number as specified in paragraph (a) shall be entitled to fish up to 400 peeler crab traps as specified in subsection 68B-45.004(2), F.A.C., in state waters.

(e) Persons holding a V-S endorsement number as specified in paragraph (b) shall be entitled to fish up to 250 peeler crab traps as specified in subsection 68B-45.004(2), F.A.C., in state waters in addition to those specified in paragraph (d).

(6) Non-transferable blue crab effort management endorsement (V-N). Persons will qualify for the V-N endorsement if they held a valid saltwater products license with a valid restricted species endorsement and a blue crab endorsement pursuant to Section 379.366, F.S., at the time of application, have had no convictions for violations associated with gears defined in subsection 68B-4.002(3) or (4), F.A.C., since July 1, 1995, and have documented landings using such gears pursuant to Commission trip tickets generated for the Marine Information System under Rule Chapter 68E-5, F.A.C., prior to July 1, 1995, or, sold nets to the state according to the provisions of the net buy back program, Chapter 95-414, Laws of Florida. Qualifying landings must have been received by the Marine Information System no later than August 1, 1995.

(a) The non-transferable blue crab effort management endorsement cannot be sold or otherwise

Effective July 1, 2009

transferred to any other person as described in subsection (15) or (16).

(b) The holder of a non-transferable blue crab effort management endorsement number shall be entitled to purchase up to 100 hard shell blue crab trap tags that will allow them to deploy a like number of hard shell blue crab traps in any state waters where blue crab traps are allowed.

(c) Applicants qualifying for a V-N blue crab effort management endorsement number pursuant to this subsection may apply for the endorsement by completing and submitting application Form DMF-SL4570, Non-Transferable Blue Crab Effort Management Endorsement (09-06), incorporated herein by reference.

(d) Applicants must submit their application to the Commission no later than September 30, 2007. An applicant may be a person, firm, or corporation.

(e) Applicants qualifying pursuant to subsection (6) will only be eligible for one V-N endorsement.

(f) Applicants initially denied a V-N endorsement number may appeal their denial by submitting a completed appeals application form (DMF-4580, Application for Appeal of the Non-Transferable Blue Crab Limited Entry Endorsement (09-06), hereby incorporated by reference), to the Director of the Division of Marine Fisheries Management by September 30, 2007.

(g) The Executive Director of the Commission or his designee shall consider disputes or problems of applicants appealing their initial denial of a V-N award.

(h) The burden of proof shall be on the appellant to demonstrate through either: 1) copies of trip tickets or other proof of landings described in paragraph (a) legitimate sales to a licensed wholesale dealer that were not reported by the wholesale dealer or included in the agencies database, or 2) proof of sales to the state according to the provisions of the net buy back program, Chapter 95-414, Laws of Florida.

(i) The holder of a V-N blue crab effort management endorsement number shall be subject to the same trap tag requirements described in subsection (7).

(j) The holder of a V-N blue crab effort management endorsement number shall be subject to the same renewal criteria described in subsection (9).

(k) The holder of a V-N blue crab effort management endorsement number shall be subject to the renewal criteria described in paragraph (10)(a).

(l) The holder of a V-N blue crab effort management endorsement number shall not be eligible to serve either on the blue crab limited entry appeals board described in subsection (11) or the advisory board described in subsection (12).

(m) The holder of a V-N endorsement number shall be subject to the requirements of subsections (13) and (14).

(n) If the holder of a V-N blue crab effort management endorsement number purchases a V-H endorsement described in subsection (4) or a V-S endorsement described in subsection (5), the non-transferable endorsement shall be forfeited.

(7) Trap Tags.

(a) Trap tags shall only be issued to holders of a current valid saltwater products license with a restricted species endorsement and a blue crab effort management endorsement number.

(b) Beginning July 1, 2007, each trap used for the directed harvest of blue crabs must have securely fastened thereto a current trap tag issued annually by the Commission. Each such tag shall be manufactured by a Commission vendor and made of durable plastic or similarly durable material and shall have printed thereon the holder's blue crab effort management endorsement number. To facilitate enforcement and record keeping, such tags shall be issued each year in a color different from those used in the preceding three years. Traps with tags that are not securely fastened shall be considered untagged for enforcement purposes.

(c) Blue crab trap tags shall only be issued to natural persons. For the purpose of this section, the term "natural person" or "person" refers to a human being and does not include a firm, organization, partnership, association, corporation, or other business or legal entity or group or combination. A corporation that holds a blue crab effort management endorsement number shall designate one individual to whom they are assigning their trap tags.

Effective July 1, 2009

(d) Each person who possesses a blue crab effort management endorsement number must annually submit a blue crab effort management endorsement trap tag order application form (DMF-SL4520 (05-05), incorporated herein by reference) within the time frame specified in paragraph (e) stating the number of tags they wish to receive, up to the maximum specified in subsection (4) or (5).

(e) Blue crab effort management endorsement trap tag order applications for each license year will only be accepted from February 1 through March 15 of the prior license year, except as specified in paragraph (f).

(f) Additional authorized trap tags not ordered within the time frame specified in paragraph (e) may only be ordered in blocks of 50 tags.

(g) Blue crab trap tags shall not be issued to blue crab effort management endorsement holders until all license fees and any other outstanding fees owed the Commission have been paid in full and are current and the tag holder's saltwater products license with valid restricted species endorsement and blue crab effort management endorsement are not otherwise inactive.

(h) Lost or damaged tags may be replaced using Commission Form DMF-SL4530 (05-05), Blue Crab Trap Tag Replacement Application, incorporated herein by reference, and upon proper verification of loss as provided in paragraph (i). Damaged tags must be immediately returned to the Commission.

(i) As part of the Blue Crab Trap Tag Replacement Application (DMF-SL 4530 (05-05)), the applicant shall provide the tag holder's name, saltwater products license number, blue crab effort management endorsement number, the number of tags that were lost, location or area where the tags were lost, and circumstances under which the tags were lost.

(8) Effective September 30, 2007, no additional blue crab effort management endorsements will be issued except to applicants qualifying as specified in subsection (18), and no blue crab effort management endorsement will be renewed or replaced except those that were issued pursuant to subsection (4), (5), (6) or (11).

(9) Beginning in the 2008/2009 license year, each holder of a blue crab effort management endorsement number, or an immediate family member of such holder in the case of an individual, must renew the endorsement number each license year before September 30. Failure to renew the endorsement number by September 30 of any year will result in forfeiture of the endorsement number.

(10) Requalification. Beginning with license year 2010/2011, the holder of a blue crab effort management endorsement number, except those qualifying as specified in subsection (18), must requalify for the endorsement number by documenting landings on such endorsement as specified in paragraph (a) or (b) in at least one of the previous three license years. Each endorsement number will then be valid for three years from the date of requalification, but must still be renewed annually as required by subsection (8). Except for the V-I endorsement specified in subsection (18), any blue crab effort management endorsement number not meeting the requalification criteria as specified in paragraph (a) or (b) will not be renewed.

(a) In order to requalify a V-H or a V-N endorsement number, an applicant for requalification must document landings equal to or exceeding 500 pounds of hard shell blue crabs. Persons wishing to also requalify V-H endorsement numbers on additional saltwater products licenses must document landings equal to or exceeding 7,500 pounds of hard shell blue crabs on each of those licenses.

(b) In order to requalify a V-S endorsement number, an applicant for requalification must document landings equal to or exceeding 750 soft crabs or peeler crabs. Persons wishing to also requalify a V-S endorsement number on an additional saltwater products license must document landings equal to or exceeding 2,500 soft crabs or peeler crabs on that license.

(11) Blue Crab Appeals Board. The Executive Director of the Commission shall appoint an appeals board composed of six blue crab effort management endorsement holders or wholesale seafood dealers and one Commission staff member to consider disputes or problems arising from the initial denial of a blue crab effort management endorsement.

(a) The six members of the appeals board will consist of at least four members that qualify for a V-H endorsement number and at least one that qualifies for a V-S endorsement number. No member may have

Effective July 1, 2009

appealed their initial blue crab effort management endorsement award.

(b) The burden of proof shall be on an appellant to demonstrate, through copies of trip tickets or other proof of landings, legitimate sales to a licensed wholesale dealer that were not reported by the wholesale dealer during the qualifying years or included in the agency landings database as of August 1, 2003.

(c) Criteria for issuance of blue crab effort management endorsement numbers by the appeals board on grounds of hardship shall be established by the Blue Crab Advisory Board.

(d) After disputes are considered, a recommendation shall be submitted to the Executive Director of the Commission, or his designee, for resolution of the appeal, which recommendation shall either allot an endorsement number to the appellant or uphold the denial of an endorsement number. Notice will be given in writing to the appellant explaining the reasons for the final decision. The action of the Executive Director of the Commission constitutes final agency action, and is appealable pursuant to the requirements of Chapter 120, F.S.

(12) Blue Crab Advisory Board. There is hereby established the Blue Crab Advisory Board. Such board shall consider and advise the Commission on the operation of the effort management program and any problems in the fishery.

(a) The board shall consist of a member of the Commission staff appointed by the Executive Director of the Commission, and eight members appointed by the Executive Director of the Commission according to the following criteria, except as otherwise provided in paragraph (b).

1. All appointed members other than the commission staff person shall be holders of a blue crab effort management endorsement holders and shall not have been convicted of any violations of Chapter 68B-45, F.A.C., within the last six (6) years. At least two shall have blue crab landings equal to or greater than 5,000 pounds during the preceding license year and at least two shall have landings less than 5,000 pounds during such license year.

2. At least five appointed members shall hold a V-H endorsement number, and at least two shall hold a V-S endorsement number.

3. At least one member shall come from each of the following regions of Florida:

a. Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, Franklin, Wakulla counties;

b. Jefferson, Taylor, Dixie, Levy, Citrus, Hernando, Pasco counties;

c. Pinellas, Hillsborough, Manatee, Sarasota, Charlotte, Lee, Collier counties;

d. Indian River, St. Lucie, Martin, Palm Beach, Broward, Dade, Monroe counties;

e. Nassau, Duval, Clay, St. Johns, Putnam, Flagler, Volusia, Brevard counties.

(b) If there are not enough individuals that meet the above-referenced criteria, the Executive Director of the Commission may fill any position on the initial board with an individual who does not fulfill the requirements of subparagraph (11)(a)3. However, as soon as individuals are available that meet such requirements, the Executive Director of the Commission may reconstitute the board with qualified appointees. The Executive Director of the Commission shall replace any board member who is cited for and convicted of a violation of Chapter 68B-45, F.A.C., or who misses more than two scheduled meetings of the board without approval from the board chair, with another blue crab fisherman from any region.

(c) Holders of blue crab effort management endorsement numbers wanting to be considered for appointment to the Blue Crab Advisory Board shall make their request on Commission Form DMF-SL4540 (09-06), incorporated herein by reference.

(d) The staff member of the Commission appointed by the Executive Director of the Commission shall sit on the board as a voting member. The board shall annually elect a chair and a vice chair the first meeting in the calendar year. The Commission staff member may not serve as either chair or vice chair. There shall be no limitation on successive terms that may be served by a chair or vice chair. The board shall meet at the call of its chair, at the request of a majority of its membership or at the request of the Commission. Official action of the board shall require a majority vote of the total membership of the board members present during a meeting.

(e) Board members shall serve staggered terms of up to three (3) years, provided however, that this

Effective July 1, 2009

shall not apply to the Commission staff member who serves at the pleasure of the Executive Director of the Commission.

(f) Members of the board shall receive no compensation, however, they shall be reimbursed for per diem and travel expenses as provided in Section 112.061, F.S.

(g) Upon reaching a decision on any issue brought before it, the board shall submit such decision as a recommendation to the Executive Director of the Commission. The Executive Director of the Commission may submit said recommendation to the Commission at his or her discretion.

(h) The board shall have the authority to conduct workshops with fishers to determine what problems exist in the fishery and to make recommendations to the Commission to solve those problems.

(i) On July 1, 2012, the board is dissolved unless extended by the Executive Director of the Commission.

(13) Leasing Prohibited. The leasing or renting of blue crab effort management endorsement numbers, tags, or traps is prohibited.

(14) Endorsement Holder Responsibility. The holder of a blue crab endorsement number is responsible for the actions of anyone working under that endorsement. All monies or proceeds from the sale of blue crabs landed under the blue crab effort management endorsement holder's saltwater products license shall be issued only to the endorsement holder.

(15) Transferability. After the initial issuance, the hard shell blue crab (V-H) and soft shell blue crab (V-S) effort management endorsement numbers are transferable upon approval of the Commission under the following conditions:

(a) The buyer must hold a saltwater products license with a valid restricted species endorsement and a blue crab effort management endorsement number. If a buyer does not possess a blue crab effort management endorsement number, they must hold a certificate of completion of the blue crab apprentice program as specified in paragraph (b).

(b) Persons not already holding a blue crab effort management endorsement number and wishing to purchase such an endorsement number shall complete an apprenticeship program consisting of working no fewer than fourteen (14) days fishing for blue crab with a properly licensed blue crab effort management endorsement number holder. As evidence thereof, such person must possess a blue crab effort management apprenticeship form (DMF-SL4550 (09-06), incorporated herein by reference) signed by the endorsement holder attesting to the applicant having worked no fewer than fourteen (14) days fishing for blue crabs on the endorsement holder's vessel.

(c) A person who wishes to transfer an endorsement number shall submit a notarized statement of intent within 72 hours of the final notarized signature, that has been signed by both parties to the transaction, hand delivered, or sent by United States Postal Service certified mail, return receipt requested, to the Commission. The statement of intent (Form DMF-SL 4560 (09-06), incorporated herein by reference), shall include the following information:

1. The name, address, and SPL number of seller;
2. The name, address, and SPL number of buyer; and
3. The selling price.

(d) A blue crab effort management endorsement number shall not be issued, transferred, or renewed until all license fees, surcharges, and any other outstanding fees, fines, or penalties owed to the Commission by either party to the transaction have been paid in full.

(16) In the event of the death or permanent disability of a person holding a blue crab endorsement number, the endorsement number may be transferred by the license holder or the executor of the estate to a member of his or her immediate family within 12 months of the date of death or disability and upon payment of all outstanding fees, fines, or penalties to the Commission in full.

(17) No Vested Rights. This blue crab effort management program does not create any vested rights for endorsement number holders whatsoever and may be altered or terminated by the Commission as necessary to protect the blue crab resource, the participants of the fishery, or the public interest.

Effective July 1, 2009

(18) Blue crab incidental take endorsement. Persons possessing a valid stone crab endorsement or can demonstrate landings of blue crabs caught as bycatch by shrimp gears that were used to lawfully harvest shrimp pursuant to Commission trip tickets generated for the Marine Information System under Rule Chapter 68E-5, F.A.C., will qualify for a blue crab incidental take endorsement (V-I). The holder of a V-I number shall be entitled to harvest and sell blue crab as bycatch, provided the amount does not exceed 200 pounds of blue crabs per vessel per trip.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 5-26-05, Amended 3-30-06, 9-21-06, 7-31-07.

68B-45.008 Assessment of Administrative Penalties for Violations Relating to Blue Crab Management.

(1) For conviction of a violation involving use of blue crab traps without current year trap tags pursuant to paragraph 68B-45.007(7)(b), F.A.C., the Commission shall assess administrative penalties pursuant to Section 379.366(4)(a), F.S., as follows:

(a) For a first violation:

1. Involving 20 or fewer untagged blue crab traps – \$25 per untagged trap;
2. Involving 21 or more untagged blue crab traps – \$1000.

(b) For a second violation occurring within 24 months of any previous such violation:

1. Involving 5 or fewer untagged blue crab traps – \$50 per untagged trap;
2. Involving 6 to 20 untagged blue crab traps – \$75 per untagged trap and suspension of all blue crab fishing privileges for 12 calendar months;
3. Involving 21 or more untagged blue crab traps – \$2000 and suspension of blue crab fishing privileges for 12 calendar months.

(c) For a third violation occurring within 36 months of two previous such violations:

1. Involving 5 or fewer untagged blue crab traps – \$100 per untagged trap and suspension of all blue crab fishing privileges for 24 calendar months;
2. Involving 6 to 20 untagged blue crab traps – \$2500 and suspension of all blue crab fishing privileges for 24 calendar months;
3. Involving 21 or more untagged blue crab traps – \$5000 and suspension of all blue crab fishing privileges for 24 calendar months.

(d) For a fourth violation occurring within 48 months of three previous such violations, regardless of the number of untagged blue crab traps involved – permanent revocation of all saltwater fishing privileges, including the endorsement holder's saltwater products license, and all endorsements.

(2) For conviction of a violation involving trap theft, which is the unauthorized possession of another harvester's blue crab trap gear or removal of another harvester's blue crab trap contents, the Commission shall assess an administrative penalty of \$5000, permanently revoke all saltwater fishing privileges, including all saltwater products licenses, endorsements, and trap tags allotted to him or her by the Commission, and prohibit the transfer of all endorsements pursuant to Section 379.366(4)(b), F.S.

(3) For conviction of a violation involving the willful molestation of a blue crab trap, trap line or buoy that is the property of any licenseholder without the permission of that licenseholder, the Commission shall assess an administrative penalty pursuant to Section 379.366(4)(c), F.S., as follows:

(a) For a first violation – \$2500 and suspension of all blue crab or incidental take endorsements for 12 calendar months.

(b) For a second and each of all subsequent such violations – \$5000 and suspension of all blue crab or incidental take endorsements for 24 calendar months.

(4) For conviction of a violation involving the bartering, trading, leasing, selling, giving, supplying, conspiracy to or aid in bartering, trading, leasing or selling, or agreeing or aiding to supply a blue crab trap tag without authorization from the Commission, the Commission shall assess administrative penalties pursuant to Section 379.366(4)(c), F.S., as follows:

Effective July 1, 2009

(a) For a first violation:

1. Involving 5 or fewer blue crab trap tags – \$1000;
2. Involving 6 or more blue crab trap tags – \$1000 and suspension of all blue crab endorsements for the remainder of the license year.

(b) For a second violation occurring within 24 months of any previous such violation:

1. Involving 5 or fewer blue crab trap tags – \$1000 and suspension of all blue crab endorsements for 12 calendar months;
2. Involving 6 or more blue crab trap tags – \$2000 and suspension of all blue crab endorsements for 12 calendar months.

(c) For a third and each subsequent violation occurring within 36 months of two previous such violations:

1. Involving 5 or fewer blue crab trap tags – \$3000 and suspension of all blue crab endorsements for 24 calendar months;
2. Involving 6 or more blue crab trap tags – \$5000 and suspension of all blue crab endorsements for 24 calendar months.

(5) For conviction of a violation involving the possession or use of any blue crab trap tags not issued by the Commission or the unlawful making, altering, forging, counterfeiting or reproducing of blue crab trap tags, the Commission shall assess administrative penalties pursuant to Section 379.366(4)(c), F.S., as follows:

(a) For a first violation:

1. Involving 15 or fewer illegal blue crab trap tags – \$500;
2. Involving 16 or more illegal blue crab trap tags – \$1000.

(b) For a second violation occurring within 24 months of a previous such violation:

1. Involving 10 or fewer illegal blue crab trap tags – \$1000 and suspension of all blue crab endorsements for 12 calendar months;
2. Involving 11 or more illegal blue crab trap tags – \$2000 and suspension of all blue crab endorsements for 12 calendar months.

(c) For a third and each subsequent violation occurring within 36 months of two previous such violations:

1. Involving 5 or fewer illegal blue crab trap tags – \$3000 and suspension of all blue crab endorsements for 24 calendar months;
2. Involving 6 or more illegal blue crab trap tags – \$5000 and suspension of all blue crab endorsements for 24 calendar months.

(6) For conviction of a violation involving the possession of a number of original trap tags or replacement tags, the sum of which exceeds by one percent the number of traps allowed by Commission rules, the Commission shall assess an administrative penalty of \$5000, and suspend all blue crab endorsements for 24 months pursuant to Section 379.366(4)(c), F.S.

(7) For conviction of a violation involving the commercial harvest of blue crabs during the time period when the license holder's blue crab or incidental take endorsements are under suspension, the Commission shall assess an administrative penalty of \$5000 and suspend all blue crab or incidental take endorsements for an additional 24 months to be applied consecutively to the current suspension period pursuant to Section 379.366(4)(c), F.S.

(8) For conviction of a violation involving fraudulently reporting the actual value of a transferred blue crab endorsement, the Commission shall assess an administrative penalty pursuant to Section 379.366(4)(d), F.S., as follows:

- (a) If the difference between the actual value and the reported value of the endorsement is less than 25% of the actual value – suspension of the purchaser's blue crab endorsements for six calendar months.

Effective July 1, 2009

(b) If the difference between the actual value and the reported value of the endorsement is between 25% and 49.9% of the actual value – suspension of all the purchaser’s blue crab endorsements for 12 calendar months.

(c) If the difference between the actual value and the reported value of the endorsement is equal to or greater than 50% of the actual value – permanent revocation of all the purchaser’s blue crab endorsements.

(9) Immediately upon receiving a citation for a violation referenced in subsections (3)-(7) the commercial harvester is prohibited from transferring any blue crab endorsement until said violation is adjudicated, pursuant to Section 379.366(4)(c), F.S.

(10) If blue crab effort management endorsement privileges are suspended for a violation referenced in subsections (3)-(7) a commercial harvester is prohibited from transferring any blue crab endorsement until the period of suspension expires, pursuant to Section 379.366(4)(c), F.S.

(11) For purposes of this rule, a conviction is any judicial disposition other than acquittal or dismissal.

(12) A blue crab endorsement will not be renewed by the Commission until all fees and administrative penalties are paid in full.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const., 379.366 FS. Law Implemented Art. IV, Sec. 9, Fla. Const.; 379.366 FS. History—New 7-1-09.