

**CHAPTER 68B-55**  
**TRAP RETRIEVAL AND TRAP DEBRIS REMOVAL**

68B-55.001	Definitions
68B-55.002	Retrieval of Trap Debris
68B-55.003	Trap Retrieval Program Funded Pursuant to Section 370.143, Florida Statutes
68B-55.004	Retrieval of Derelict Traps and Traps Located in Areas Permanently Closed to Trapping
68B-55.005	Recovery of Traps in Area of Major Natural Disaster

**68B-55.001 Definitions.**

As used in this chapter:

- (1) "Closed season" means that specified period of time during which harvest is prohibited.
- (2) "Trap debris" means any piece of a trap, or any combination of such pieces not constituting a fishable trap.
- (3) "Derelict trap" means any trap during any closed season for the species, or any fishable trap during the open season that lacks more than two of the following elements:
  - (a) Buoy.
  - (b) Line.
  - (c) Current Commission-issued trap tag (if required).
  - (d) Current license.
- (4) "Fishable trap" means a trap that has 6 intact sides and at least two of the following elements:
  - (a) Buoy.
  - (b) Line.
  - (c) Current Commission-issued trap tag (if required).
  - (d) Identification.
- (5) "Fishery Participant Organization" means a group of commercial fishermen all of whom possess a current saltwater products license and a blue crab, stone crab or spiny lobster endorsement. For the purpose of participation in the retrieval of derelict traps this means participants who receive and possess written permission from each other to bring their traps into land or move them back into line, who work under law enforcement supervision to retrieve traps, or who prepare a plan for Commission authorization pursuant to this rule.
- (6) "Trap" means legal harvesting gear as authorized in Rule 68B-4.020, F.A.C.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-03, Amended 3-1-05, 10-15-07.*

**68B-55.002 Retrieval of Trap Debris.**

- (1) Local, state, or federal governmental entities, nonprofit nongovernmental organizations, fishery participant organizations, or other community or citizens groups are hereby authorized to remove trap debris from shoreline areas landward of mean low water, and from mangroves or other shoreline vegetation when they organize, promote, and participate in coastal cleanup events for the purpose of removing marine debris.
- (2) Except as provided in subsection (3), other coastal cleanup events for the purpose of removing trap debris from all other areas of state waters shall only be undertaken with prior authorization from the Commission, to assure that such removal is adequately supervised.
- (3) Local, state, or federal government personnel may remove trap debris located in areas that are permanently closed to trapping without prior authorization from the Commission.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-03, Amended 10-15-07.*

**68B-55.003 Trap Retrieval Program Funded Pursuant to Sections 379.368 and 379.2424, F.S.**

- (1) Traps shall be retrieved by Commission personnel or by a contractor under direct oversight of such personnel, by any approved persons through either a cooperative agreement with federal, state, or local governments, or with fishery participant organizations acting in conjunction with the Commission.
- (2) For each trap retrieved pursuant to this section, the following information shall be documented:

- (a) The intended species targeted by the trap.
- (b) Owner identification/endorsement number.
- (c) Presence or absence of a required tag.
- (d) Commercial or recreational trap.
- (e) Location of trap.
- (f) Buoy colors.

(3) The Commission's Division of Law Enforcement office, in the area most appropriate to the cleanup, shall be notified by the Commission program administrator, no less than 24 hours prior to commencement of trap retrieval under this program, and on each day thereafter until cleanup ceases.

(4) Trap owners affected by a disaster, pursuant to Section 379.368(3), F.S., will be allowed ten calendar days after notification to claim traps from a Commission authorized storage area. Unclaimed traps will be properly disabled and disposed of as trap debris.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-03.*

#### **68B-55.004 Retrieval of Derelict Traps and Traps Located in Areas Permanently Closed to Trapping.**

(1) During the closed season for the harvest of any species for which traps are allowable gear, and after any authorized trap retrieval period together with any extensions, traps are considered to be derelict and may be retrieved as part of coastal cleanup events conducted by local, state, or federal government entities, nonprofit nongovernmental organizations, fishery participant organizations, or other community or citizens groups. Except as provided in subsection (3), such events shall only be undertaken with prior authorization from the Commission, to assure that such removal is adequately supervised but without the mandatory reporting required in Rule 68B-55.003, F.A.C.

(2) During the open season for harvest of any species for which traps are allowable gear, retrieval of derelict traps may occur at any time deemed appropriate by the Commission. Commission employees, local, state, or federal personnel, or members of a fishery participant organization may retrieve derelict traps. Except as provided in subsection (3), retrieval other than by Commission personnel shall only be pursuant to a Commission approved plan. The plan shall include the operational area and time period proposed, authorized personnel, the number of vessels, methods of disposition, and number and qualifications of supervisory personnel. An approved plan shall also include notification of the Commission's Division of Law Enforcement no less than 24 hours prior to commencement of retrieval under this program with final float plan information including contact information, vessel registration numbers, trip times, and number of days.

(3) Local, state, or federal government personnel may retrieve traps located in areas that are permanently closed to trapping without prior authorization from the Commission.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-03, Amended 10-15-07.*

#### **68B-55.005 Recovery of Traps in Area of Major Natural Disaster.**

(1) In the event of an executive order issued by the Governor of the State of Florida declaring an emergency resulting from a major natural disaster such as a hurricane, tropical storm, or similar weather occurrence, upon a finding that the disaster has caused massive trap losses in any fishery regulated by the Commission, the Executive Director of the Fish and Wildlife Conservation Commission will issue an order declaring a trap emergency in the affected area or in a specified part thereof. Such order shall serve to activate the following provisions of this rule.

(2) The trap emergency will be in the area and during the period specified in the activation order.

(3) Each harvester in the affected trap fishery may designate persons authorized to recover and possess traps of the harvester. Such designation shall be on an Emergency Trap Recovery Designation Affidavit (FWC Form DMF-SL5500), which form is hereby incorporated by reference. The original of the affidavit shall be retained by the harvester. A copy of the affidavit will be filed with the nearest office of the Commission's Division of Law Enforcement and also provided to each person authorized to recover and possess traps of the harvester. The affidavit shall be valid from the date the notarized form is received by the Commission's Division of Law Enforcement until the end of that license year.

(4) Persons authorized to recover and possess traps of a harvester will be allowed to do so only in the area and during the period specified in the activation order. Each such person shall possess and maintain available for inspection a copy of the affidavit while the person is engaged in recovering or possessing the harvester's traps.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 10-15-07.*