

By the Committee on Natural Resources and Senator Latvala

312-1987-98

1 A bill to be entitled
2 An act relating to rulemaking authority with
3 respect to marine resources (RAB); amending s.
4 370.06, F.S.; authorizing rulemaking for
5 issuance of special-activities licenses;
6 amending s. 370.08, F.S.; authorizing the
7 adoption of rules defining food fish; amending
8 s. 370.12, F.S.; authorizing rulemaking for
9 issuance of special permits for conservation of
10 marine turtles; providing an effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Subsection (4) of section 370.06, Florida
15 Statutes, is amended to read:

16 370.06 Licenses.--

17 (4) SPECIAL ACTIVITY LICENSES.--

18 (a) Any person who seeks to use special gear or
19 equipment in harvesting saltwater species must purchase a
20 special activity license as specified by law to engage in such
21 activities. The department may issue special activity
22 licenses, in accordance with s. 370.071, to permit the
23 cultivation of oysters, clams, mussels, and crabs when such
24 aquaculture activities relate to quality control, sanitation,
25 and public health regulations. ~~The department may prescribe~~
26 ~~by rule special terms, conditions, and restrictions for any~~
27 ~~special activity license.~~

28 (b) The department is authorized to issue special
29 activity licenses in accordance with this section and s.
30 370.31, to permit the importation, possession, and aquaculture
31 of anadromous sturgeon. The special activity license shall

1 provide for best management practices to prevent the release
2 and escape of cultured anadromous sturgeon and to protect
3 indigenous populations of saltwater species from
4 sturgeon-borne disease.

5 (c) The department is authorized to issue
6 special-activity licenses in accordance with ss. 370.06,
7 370.071, and 370.101, aquaculture permit consolidation
8 procedures in s. 370.26(3)(a), and rules of the Marine
9 Fisheries Commission to permit the capture and possession of
10 saltwater species that are protected by law and used as stock
11 for artificial cultivation and propagation.

12 (d) The department is authorized to adopt rules to
13 govern the administration of special-activities licenses as
14 provided in this chapter and rules of the Florida Marine
15 Fisheries Commission. Such rules may prescribe application
16 requirements and terms, conditions, and restrictions for any
17 such special-activity license requested pursuant to this
18 section.

19 Section 2. Subsection (3) of section 370.08, Florida
20 Statutes, is amended to read:

21 370.08 Fishers and equipment; regulation.--

22 (3) USE OF PURSE SEINES, GILL NETS, POUND NETS,
23 ETC.--No person may take food fish within or without the
24 waters of this state with a purse seine, purse gill net, or
25 other net using rings or other devices on the lead line
26 thereof, through which a purse line is drawn, or pound net, or
27 have any food fish so taken in his or her possession for sale
28 or shipment. Notwithstanding any other provisions of general
29 or special law to the contrary, the department may prescribe
30 by rule a list of food fish species in addition to but not
31 inconsistent with the definition provided in s. 370.01(12).

1 The department shall have the authority to adopt rules
2 pursuant to this subsection.The provisions of this section
3 shall not apply to shrimp nets or to pound nets or purse
4 seines when used for the taking of tuna or menhaden fish only.

5 Section 3. Paragraph (c) of subsection (1) of section
6 370.12, Florida Statutes, is amended to read:

7 370.12 Marine animals; regulation.--

8 (1) PROTECTION OF MARINE TURTLES.--

9 (c)1. Unless otherwise provided by the federal
10 Endangered Species Act or its implementing regulations, no
11 person may take, possess, disturb, mutilate, destroy, cause to
12 be destroyed, sell, offer for sale, transfer, molest, or
13 harass any marine turtle or its nest or eggs at any time. For
14 purposes of this subsection, "take" means an act which
15 actually kills or injures marine turtles, and includes
16 significant habitat modification or degradation that kills or
17 injures marine turtles by significantly impairing essential
18 behavioral patterns, such as breeding, feeding, or sheltering.

19 2. Unless otherwise provided by the federal Endangered
20 Species Act or its implementing regulations, no person, firm,
21 or corporation may take, kill, disturb, mutilate, molest,
22 harass, or destroy any marine turtle.

23 3. No person, firm, or corporation may possess any
24 marine turtle, or its nests, eggs, or hatchlings, or parts
25 thereof unless it is in possession of a special permit or loan
26 agreement from the department enabling the holder to possess a
27 marine turtle or parts thereof for scientific, educational, or
28 exhibitional purposes, or for conservation activities such as
29 relocating nests, eggs, or animals away from construction
30 sites. Notwithstanding any other provisions of general or
31 special law to the contrary, the department may issue such

1 authorization to any properly accredited person for the
2 purpose of marine turtle conservation upon such terms,
3 conditions, and restrictions as it may prescribe by rule. The
4 department shall have the authority to adopt rules to permit
5 the possession of marine turtles pursuant to this paragraph.
6 For the purposes of this subsection, a "properly accredited
7 person" is defined as:

8 a. Students of colleges or universities whose studies
9 with saltwater animals are under the direction of their
10 teacher or professor;

11 b. Scientific or technical faculty of public or
12 private colleges or universities;

13 c. Scientific or technical employees of private
14 research institutions and consulting firms;

15 d. Scientific or technical employees of city, county,
16 state or federal research or regulatory agencies;

17 e. Members in good standing or recognized and properly
18 chartered conservation organizations, e.g., Audubon Society,
19 Sierra Club;

20 f. Persons affiliated with aquarium facilities or
21 museums, or contracted as an agent therefor, which are open to
22 the public with or without an admission fee; or

23 g. Persons without specific affiliations listed above,
24 but who are recognized by the department for their
25 contributions to marine conservation such as scientific or
26 technical publications, or through a history of cooperation
27 with the department in conservation programs such as turtle
28 nesting surveys, or through advanced educational programs such
29 as high school marine science centers.

30 Section 4. This act shall take effect upon becoming a
31 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
SB 1440

The committee substitute deletes provisions authorizing rulemaking authority for the management and use of state-owned uplands relating to state buffer preserves. Also deleted are provisions relating to statutory authority for rules to prescribe procedures and criteria for the inspection and approval of artificial-reef-construction material.

Provisions relating to rulemaking authority for special activity licenses are modified and clarified. Provisions are added to provide statutory authority for department rules defining food fish that cannot be taken in certain seines and nets. Provisions relating to rulemaking authority for possession of marine turtle, or its nests, eggs, or hatchlings are modified and clarified.