

By the Committee on Water & Resource Management and  
Representative Carlton

1                                   A bill to be entitled  
2           An act relating to marine resources rulemaking;  
3           amending 370.06, F.S.; authorizing the  
4           Department of Environmental Protection to issue  
5           certain special activity licenses; authorizing  
6           rulemaking for issuance of broodstock special  
7           activities licenses; amending s. 370.12;  
8           authorizing rulemaking for issuance of special  
9           permits for marine turtles; providing a  
10          definition; 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 special  
6 activity licenses in accordance with ss. 370.06, 370.071, and  
7 370.101, aquaculture permit consolidation procedures in s.  
8 370.26(3)(a) and rules of the Marine Fisheries Commission to  
9 permit the capture and possession of saltwater species  
10 protected by law and used as stock for artificial cultivation  
11 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 Marine Fisheries  
15 Commission. Such rules may prescribe application requirements  
16 and terms, conditions, and restrictions for any such special  
17 activity license requested pursuant to this section.

18 Section 2. Paragraph (c) of subsection (1) of section  
19 370.12, Florida Statutes, is amended to read:

20 370.12 Marine animals; regulation.--

21 (1) PROTECTION OF MARINE TURTLES.--

22 (c)1. Unless otherwise provided by the federal  
23 Endangered Species Act or its implementing regulations, no  
24 person may take, possess, disturb, mutilate, destroy, cause to  
25 be destroyed, sell, offer for sale, transfer, molest, or  
26 harass any marine turtle or its nest or eggs at any time. For  
27 purposes of this subsection, "take" means an act which  
28 actually kills or injures marine turtles, and includes  
29 significant habitat modification or degradation that kills or  
30 injures marine turtles by significantly impairing essential  
31 behavioral patterns, such as breeding, feeding, or sheltering.

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

5           3. No person, firm, or corporation may possess any  
6 marine turtle, their nests, eggs, hatchlings, or parts thereof  
7 unless it is in possession of a special permit or loan  
8 agreement from the department enabling the holder to possess a  
9 marine turtle or parts thereof for scientific, educational, or  
10 exhibitional purposes, or for conservation activities such as  
11 relocating nests, eggs, or animals away from construction  
12 sites. Notwithstanding any other provisions of general or  
13 special law to the contrary, the department may issue such  
14 authorization to any properly accredited person for the  
15 purpose of marine turtle conservation upon such terms,  
16 conditions, and restrictions as it may prescribe by rule. The  
17 department shall have the authority to adopt rules to permit  
18 the possession of marine turtles pursuant to this paragraph.  
19 For the purposes of this subsection, a "properly accredited  
20 person" is defined as:

21           a. Students of colleges or universities whose studies  
22 with saltwater animals are under the direction of their  
23 teacher or professor;

24           b. Scientific or technical faculty of public or  
25 private colleges or universities;

26           c. Scientific or technical employees of private  
27 research institutions and consulting firms;

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

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- 1           e. Members in good standing or recognized and properly  
2 chartered conservation organizations, the Audubon Society, or  
3 the Sierra Club;
- 4           f. Persons affiliated with aquarium facilities or  
5 museums, or contracted as an agent therefor, which are open to  
6 the public with or without an admission fee; or
- 7           g. Persons without specific affiliations listed above,  
8 but who are recognized by the department for their  
9 contributions to marine conservation such as scientific or  
10 technical publications, or through a history of cooperation  
11 with the department in conservation programs such as turtle  
12 nesting surveys, or through advanced educational programs such  
13 as high school marine science centers.

14           Section 3. This act shall take effect upon becoming a  
15 law.

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18           HOUSE SUMMARY

19           Authorizes the Department of Environmental Protection to  
20 issue special activity licenses and to adopt rules for  
21 the issuance of broodstock special activities licenses.  
22 Revises a provision of law relating to the protection of  
23 marine turtles to authorize rulemaking for issuance of  
24 special permits for marine turtles. Defines the term  
25 "properly accredited person." See bill for details.  
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