

# MEMORANDUM



**To:** Florida Fish and Wildlife Conservation Commissioners

**From:** Dr. Thomas Eason, Director, Division of Habitat and Species Conservation

**Date:** September 8, 2016

**Subject:** Consent Item: Marine Turtle Permit Rule, 68E-1, Notice of Change

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## **Purpose:**

To request final adoption of the Marine Turtle Permit Rule, Chapter 68E-1, Florida Administrative Code (FAC) with changes in response to comments submitted by the Joint Administrative Procedures Committee (JAPC) and approval to publish a Notice of Change (NOC).

## **Summary:**

FWC authorizes all research, education, and conservation work with five species of federally listed threatened and endangered marine turtles in accordance with authority granted in Florida Statutes and through implementation of Chapter 68E-1, FAC. Staff received permission to advertise amendments to the existing rule at the April 13<sup>th</sup>, 2016 Commission meeting and the draft amended rule was published May 6, 2016. Following receipt of stakeholder comments, staff requested and received approval to publish a NOC to address those comments at the June 22, 2016 Commission meeting. That NOC was published on June 24, 2016 and on that same date staff received comments from the JAPC. A public hearing was not requested in response to the rule changes. It is the JAPC's responsibility to ensure that rules adopted by the executive branch agencies do not create new law, but rather stay within the authority specifically delegated by the legislature. Since Chapter 68E-1 is a part of the Commission's statutory authority, addressing comments submitted by the JAPC is important to ensure that the new rule is enforceable. Additional amendments to the draft rule and the handbook are proposed to address the JAPC's comments.

Staff proposes modifying language in the draft rule and guidance document to:

- modify or delete language throughout the rule to improve clarity;
- add specific language to the handbook for materials incorporated by reference as required by FAC Rule 1-1.013; and
- remove or revise references to technical documents that are not being incorporated by reference.

The full text of the changes will be provided at <http://www.myfwc.com/license/wildlife/marine-turtle-permit/>.

## **Staff Recommendation:**

Staff requests approval to publish a Notice of Change and then file the rule as amended for adoption.

## **Staff Contact and/or Presenter:**

Carol Knox, Section Leader, Imperiled Species Management (Presenter)  
Dr. Robbin Trindell, Biological Administrator III, Imperiled Species Management