

Florida Fish and Wildlife Conservation Commission

Marine Resources

RULE NO: RULE TITLE:

68E-1.002 Introduction, Scope and Definitions

68E-1.004 General Permit Application Procedures, Requirements and Expiration

68E-1.0041 Authorizations for Marine Turtle Research, Conservation, and Educational Activities

68E-1.005 Suspension, Revocation and Penalties

68E-1.0061 Additional Special Requirements for Any and All Marine Turtles (Repealed)

THE FULL TEXT OF THE PROPOSED RULE IS:

68E-1.002 Introduction, Scope and Definitions.

(1) Florida Statutes restrict the take, possession, disturbance, mutilation, destruction, selling, transference, molestation, and harassment of marine turtles, nests, or eggs. Protection is also afforded to marine turtle habitat. A specific authorization from Commission staff is required to conduct scientific, conservation, or educational activities that directly involve marine turtles in or collected from Florida, their nests, hatchlings or parts thereof, regardless of the applicant's possession of any federal permit. The authorization may be in the form of a conservation permit, a loan agreement, or a consent permit, as described in Rule 68E-1.0041, F.A.C.

(2) Whenever the Commission determines that a request to conduct research, conservation, or educational activities with marine turtles, their nests, or hatchlings is in the public interest and will advance marine turtle recovery or protect marine turtles, their nests, or habitat, it shall issue authorizations, upon such terms, conditions, or restrictions as are necessary to ensure that the intentions of Sections 379.2431(1) (c) and (d), F.S. are not violated.

(3) Under agreement with the federal government, the issuance of a permit or other authorization by the Commission may satisfy U.S. Fish and Wildlife Service permit requirements for research, conservation, or educational activities involving Florida marine turtles. An additional permit from the National Oceanographic and Atmospheric Administration might be required for in-water work.

(4) Permits may not be issued for head starting, the practice of collecting marine turtle eggs or hatchlings solely for the purpose of raising them until they attain a larger size and then releasing them.

(5) For the purposes of this rule, the following definitions apply:

(a) "Applicant" means the individual, firm or corporation who applies for a Marine Turtle Permit from the

Commission.

(b) “Authorized personnel” means all individuals listed under a permit holder, named on their permit, and who are authorized to conduct marine turtle conservation activities at the direction of the permit holder or the lead qualified individual.

(c) “Conservation purpose” means an act carried out solely for the purpose of maintaining life or habitat of any marine turtle, their nests, hatchlings, or promoting the recovery of marine turtle populations.

(d) “Educational facility” means public or non-public colleges or universities, or nature centers, museums, zoos, aquaria, or similar institutions. Educational facilities must be regularly opened to the public for the primary purpose of providing an educational experience.

(e) “Educational purpose” means to hold marine turtles to exhibit, inform and instruct the public in their biology, habitat, or conservation needs.

(f) “Handbook” means the FWC Marine Turtle Conservation Handbook.

(g) “Hatchery” means an area of beach where authorized individuals have placed marine turtle nests in aggregated clusters in one location, with or without restraining or protective walls.

(h) “Hatchling” means any species of marine turtle, within or outside of a nest, that has recently hatched from an egg.

(i) “Marine turtle” means any marine-dwelling reptile of the families Cheloniidae or Dermochelyidae found in Florida waters or using the beach as nesting habitat, including the species: *Caretta caretta* (loggerhead turtle), *Chelonia mydas* (green turtle), *Dermochelys coriacea* (leatherback turtle), *Eretmochelys imbricata* (hawksbill turtle), and *Lepidochelys kempii* (Kemp’s ridley turtle) or hybrids of these species. For purposes of this rule, marine turtle is synonymous with sea turtle.

(j) “Monitoring” means either gathering information using a predetermined sampling plan to collect baseline information on marine turtle distributions, nesting, and productivity or assessing impacts from a state-authorized activity as required by a state or federal regulatory permit.

(k) “Nest” means an area where marine turtle eggs have been naturally deposited or subsequently relocated.

(l) “Nest relocation” means the practice of collecting eggs or excavating a nest following deposition and reburying all intact eggs.

(m) “Permit holder” means the individual, firm or corporation authorized to conduct marine turtle conservation

activities under the provisions of this Chapter.

(n) “Prudent peer review standards” means criteria or processes arising from scientific methods established or generally accepted by the scientific community to evaluate deductive models, experiments, research proposals, and results that are directed toward the validation of hypotheses or advancement of scientific knowledge.

(o) “Qualified individual” means the individual who has been approved by FWC as having the appropriate experience and knowledge as specified in this Chapter for the authorized activity.

(p) “Regulatory permit or authorization” means a permit, water quality certificate, or authorization issued pursuant to Chapters 161 or 373, F.S.

(q) “Scientific purpose” means for the purposes of conducting research or analysis using prudent experimental protocols to gain scientific knowledge and to advance conservation, population management, or biological understanding of marine turtles.

(r) “Scientific research” means an activity that involves the application of rigorous, systematic, and objective procedures of observation, measurement, and experiment to obtain reliable and pertinent data.

(s) “Special Activity License” or “SAL” means a license issued pursuant to Chapter 68B-8, F.A.C.

Rulemaking Authority 379.244(2), 379.2431(1) FS. Law Implemented 379.244(2), 379.2431(1) FS. History—New 12-9-07, Amended _____.

SUBSTANTIAL REWORDING OF RULE 68E-1.004 FOLLOWS. SEE FLORIDA ADMINISTRATIVE CODE FOR PRESENT TEXT.

68E-1.004 General Permit Application Procedures, Requirements and Expiration.

(1) Applications: Any individual, firm or corporation desiring to obtain authorization to conduct scientific, conservation, or educational activities directly involving marine turtles shall submit an application to the Commission prior to conduct of the activity. Applications shall be submitted electronically through the permitting portal on <http://myfwc.com> or submitted on the application form to the Florida Fish and Wildlife Conservation Commission, Tequesta Field Laboratory, 19100 S.E. Federal Highway, Tequesta, FL 33469 unless otherwise directed. Application for Marine Turtle Permit (FWC Form 32-101, effective 4/16) is hereby incorporated by reference and available at <https://www.flrules.org/gateway/reference.asp?NO=Ref-07543>. Application forms shall be made available by the Commission to any individuals requesting them from the above-listed submittal address,

MTP@MyFWC.com, or by telephone.

(2) Permit Criteria: An individual, firm or corporation must be a properly accredited person in accordance with Section 379.2431(1) (c), F.S., must have specific experience with marine turtles and the proposed activity, and must meet the applicable criteria in this rule to be eligible to receive authorization from the Commission to undertake activities for research, conservation, or educational purposes that involve any of the prohibited actions listed in Sections 379.2431(1)(d)1., F.S. The Commission shall not issue permits to applicants unable to demonstrate a working knowledge of current marine turtle conservation practices, to applicants lacking specific experience in conducting the requested activities, to applicants who do not meet the applicable criteria in this Chapter, or if there is no demonstrated need for the project.

(a) Research Purposes: To be eligible to receive a permit to conduct research with marine turtles, the applicant must be an individual who meets the applicable criteria in this rule.

(b) Educational or Conservation Purposes: To be eligible to receive a permit for educational or conservation purposes such as conducting nesting beach surveys, stranding, tagging, or holding marine turtles in captivity, an individual, firm or corporation must identify:

1. Principal Officer: A principal officer who shall be listed on the permit and who is duly authorized to make legally binding decisions for the applicant. An individual applicant can identify themselves as the principal officer. The principal officer shall be independently responsible for ensuring that all activities are conducted in accordance with all terms and conditions of the permit, this Chapter, and the Handbook and that all reports are submitted by the deadlines identified in the permit or the Handbook.

2. Qualified Individual: One or two qualified individuals who meet the requirements in this Chapter and the Handbook for the requested activity. If more than one qualified individual is identified, the permit shall specify a lead qualified individual who shall serve as the primary contact for all authorized activities. The lead qualified individual, in addition and independently of the principal officer, shall be responsible for ensuring that all activities are conducted in accordance with all terms and conditions of the permit, this Chapter, and the Handbook and that all reports are submitted by the deadlines identified in the permit or the Handbook. An individual applicant can identify themselves as the qualified individual. For a firm or corporation, the qualified individual(s) must either be in the applicant's employment or be affiliated with the applicant as a volunteer and be identified in the application by name. The lead qualified individual shall make all decisions concerning direct interactions with marine turtles

including nesting beach surveys, marking and relocating nests, educational displays and activities, and basic husbandry and care for holding marine turtles in captivity in conjunction with the veterinarian listed on the permit. In the event a qualified individual leaves employment or discontinues their affiliation with the corporation or firm, the permit holder shall notify the Commission within forty eight hours, and within 30 days secure the services of another qualified individual who meets all requirements in this Rule and the Handbook.

(c) Loan Agreements: Any individual, firm or corporation who meets the criteria herein shall be eligible to receive authorization from the Commission in the form of a loan agreement to possess dead marine turtles or marine turtle parts for educational purposes pursuant to subsection 68E-1.0041(2) F.A.C.

(3) Processing: Applications submitted in accordance with (1) shall be reviewed and processed as follows:

(a) Upon receipt of a request to conduct activities with marine turtles, Commission staff shall examine the application and, within 30 days of receipt, notify the applicant of any apparent errors or omissions and request any additional information required in accordance with F.S. 379.2431(1), this Chapter and the Handbook. If the applicant does not respond to the Commission's request for additional information after 60 days, the request shall be denied without prejudice.

(b) Requests to conduct multiple activities including conservation, research, and holding marine turtles in captivity may be submitted within one application or amendment but each request shall be processed and approved or denied as a separate individual request in accordance with this Chapter and statutory timeclocks. As each request is approved, FWC shall either administratively amend the existing permit to include that activity and any specific conditions or restrictions or issue a new permit that includes the requested activity and any specific conditions or restrictions.

(c) The applicant may also request to withdraw certain activities without prejudice.

(d) The Commission shall approve or deny requests within 90 days of receipt of a complete application. The Commission shall not approve an application that does not contain sufficient information to determine that all requirements of F.S. 379.2431 (1), this Chapter, and the requirements in the Handbook have been met.

(4) Nesting Beach Surveys: Applicants requesting a Marine Turtle Permit for the first time to conduct nesting surveys as a permit holder shall meet the following additional criteria or employ or identify at least one qualified individual who is affiliated with the applicant and who meets these criteria. Applicants shall submit documented information detailing how each qualified individual meets the following requirements including dates and specific

location(s) where experience was acquired.

(a) Experience: The qualified individual shall have specific experience conducting nesting surveys, including a minimum of two (2) nesting seasons, or two hundred (200) hours, of marine turtle nesting survey experience and shall submit the information required under (b). State and federal employees who are requesting a permit for a marine turtle nesting survey program on state or federal land are not required to meet this criterion, but shall submit the following information for their program to document their experience.

(b) To document the qualified individual's experience, the applicant shall submit the following information:

1. The specific duties and responsibilities related to marine turtle conservation that have been carried out.
2. The frequency with which nesting surveys were conducted.
3. The area that was surveyed.
4. Whether surveys were conducted independently or with other authorized personnel.
5. Approximate number of crawls observed during a two (2) year period.
6. List of all of training that was received or presented and name of trainer.
7. Years of program oversight and number of others supervised.

(c) Knowledge: The qualified individual shall satisfactorily complete a set of standardized comprehensive qualifying examination questions pertaining to general marine turtle biology, nests, species characteristics, and the Commission Marine Turtle Conservation Handbook. The qualified individual shall correctly answer 90% of the questions to be eligible to receive a permit. Qualified individuals who do not correctly answer 90% of the questions may retake the test after obtaining no less than one month additional field experience. State and federal employees who are requesting a permit for a marine turtle nesting survey program on state or federal lands are not required to meet this criterion.

(d) Education: The Commission shall also consider formal and continuing education course work and work experience in the permitting decision.

(e) References: The applicant shall provide two (2) references to verify the qualified individual's experience; each reference must have specific marine turtle nesting survey experience. These references must be knowledgeable regarding the qualified individual's responsibilities, performance, and experience in marine turtle nesting surveys. For experience based on work performed in Florida under a Commission-issued permit, at least one of the references must be a Marine Turtle Permit holder. For experience based on work performed outside of Florida, at least one of

the references must be a program administrator or project leader. Personnel supervised by the applicant or qualified individual should not be used as a reference. Complete addresses, telephone numbers, and e-mail addresses should be provided for each reference. State and federal employees who are requesting a permit for a marine turtle nesting survey program on state or federal lands are not required to meet this criterion.

(f) Training: Qualified individuals are expected to complete a Commission nesting workshop annually. Principal officers are expected to complete these workshops the first year they are affiliated with a permit. Authorized personnel listed on the permit are expected to complete these workshops at least once every two years.

(g) Reporting: Standard reporting forms for nesting surveys and relocation of nests will be furnished by the Commission, and must be completed and submitted to the Commission annually to maintain the state permit. FWC Annual Index Nesting Beach Survey Form (FWC Form A-1, effective 6/16) and FWC Annual Report for the Statewide Nesting Beach Survey (FWC Form SNBS-1, effective 6/16) are hereby incorporated by reference and are available at <https://www.flrules.org/gateway/reference.asp?NO=Ref-07544> and <https://www.flrules.org/gateway/reference.asp?NO=Ref-07545>.

(5) Nest Relocation: To qualify to relocate marine turtle nests, the applicant's qualified individual shall have a minimum of twenty-five (25) hours of having successfully relocated marine turtle nests obtained within the past five (5) years. Applicants shall submit documented information detailing how the qualified individual meets this requirement including dates and specific location(s) where experience was acquired. Relocations shall be considered successful if the hatch and emergence success meets or exceeds the hatch and emergence success averaged by species statewide. As part of the application, the applicant shall provide complete up-to-date documentation of the qualified individual's relocation experience including (a) and (b) below. State and federal employees who are requesting a permit to relocate marine turtle nests on state or federal land are not required to meet this criterion.

(a) Experience: Field data sheets documenting relocation experience signed or verified by the Marine Turtle Permit holder (in Florida) or other biologist with marine turtle nesting survey experience (outside Florida) that oversaw the relocations.

(b) To document the qualified individual's experience, the applicant shall submit the following information:

1. List of all relocated nests with reason for relocation.
2. List of beach sites that received relocated nests and explanation of how they were chosen.
3. Hatching success data for all relocated nests.

4. Other information that documents experience or training for nest relocation.

(c) Knowledge: The qualified individual must satisfactorily complete a set of standardized comprehensive qualifying examination questions pertaining to marine turtle nest relocation techniques by correctly answering 90% of the questions. Qualified individuals who do not correctly answer 90% of the questions may retake the test after obtaining no less than one month additional field experience.

(6) Duplicate Requests: Upon receipt of multiple applications to conduct nesting surveys on the same designated beach, Commission staff shall consider the following in permit decisions.

(a) The length of time applicants or the qualified individuals conducted nesting surveys in that area and their familiarity with the specific beach.

(b) Ability of the applicants or the qualified individuals to provide the technical information required by a state or federal regulatory permit.

(c) History of compliance of the applicants and the qualified individuals with all reporting requirements.

(d) History of compliance of the applicants and the qualified individuals with all provisions of this chapter and the Handbook.

(e) Consistency in data collection for the Statewide and Index Nesting Beach Surveys.

(7) Regulatory Permit Monitoring: In the event a local, state or federal regulatory permit requires additional marine turtle nesting surveys and conservation activities on a beach that is already a part of either the Statewide or Index Nesting Beach Surveys, Commission staff shall modify the existing Marine Turtle Permit to include any additional survey or monitoring requirements of the regulatory permit if requested in writing by both the Marine Turtle Permit holder and the regulatory permittee. Otherwise a second authorization to conduct those activities required as conditions of the regulatory permit may be requested pursuant to subsection (1) above.

(a) If a second authorization is issued, only those additional activities not being conducted by the existing permit holder and that are required as conditions of the regulatory permit shall be authorized. All conservation activities such as marking or relocating nests shall be conducted secondary to the Statewide or Index Nesting Beach Surveys and in cooperation with the Marine Turtle Permit Holder authorized to conduct Statewide or Index Nesting Beach Surveys.

(b) Statewide and Index Nesting Beach data shall be submitted to the Commission by the Marine Turtle Permit Holder authorized to conduct Statewide or Index Nesting Beach Surveys.

(8) Conflict of Interest Prohibition: When marine turtle protection or monitoring is required as a condition of any regulatory permit, a Marine Turtle Permit to conduct such monitoring shall only be issued to an independent third party who can obtain appropriate authorization as required by this Chapter. Counties or municipalities with an established marine turtle conservation program, including a permit holder, may conduct monitoring for all local government-sponsored activities such as beach nourishment provided the permit holder meets all requirements of this chapter and the primary responsibility of the permit holder and their program is conservation of marine turtles and not the implementation of other programs such as beach management.

(9) Stranding: To qualify to conduct stranding activities, the applicant's qualified individual shall have documented ten (10) stranded turtles, provide evidence of having attended a Commission stranding workshop within one year prior to application and acknowledge in writing that they have read and understand the protocols in the Handbook for conducting Sea Turtle Salvage Stranding Network (STSSN) activities. Qualified individuals and authorized personnel listed on the permit are expected to complete Commission stranding workshops at least once every two years.

(10) In-water Activities: Prior to conducting in-water protection or research work, the permit holder shall provide evidence of a valid Incidental Take Authorization from the National Oceanographic and Atmospheric Administration.

(11) Scientific Research: To qualify to conduct research with marine turtles, parts thereof, or their nests, applicants must be an individual who must submit a research proposal as outlined in Section 6 of the Handbook, which shall be reviewed and processed as follows.

(a) All research requests shall be reviewed by FWC staff to ensure the requirements of F.S. 379.2431(1), this Chapter, and the Handbook are met. The Commission, using prudent peer review standards, shall consider the following in scientific research permit decisions:

1. The appropriateness of the proposed scientific methodologies,
2. The need for the research,
3. The extent that the project is designed to avoid or minimize negative impacts to marine turtles, and
4. The potential for the research to add to scientific knowledge about marine turtle biology and to promote the recovery of marine turtle populations.

(b) FWC staff shall process requests to conduct scientific research with marine turtles as follows:

1. Requests to amend an existing research project to include methods that are minimally invasive or have negligible impacts or that propose the addition of a technique other than lethal take that the individual is currently approved to utilize in other FWC-authorized research projects will not require external peer review.

2. New research projects or amendments that include a technique that the individual has not been previously authorized to conduct with a particular marine turtle species or requests that include lethal take shall be submitted for external peer review in accordance with this Chapter and the Handbook.

(c) External peer reviewers shall be invited to review proposals based on specific expertise, experience, or publication in the proposed methodology, procedure, species, or issue being investigated. External peer review shall proceed as follows:

1. Complete copies of research proposals that meet the requirements in the Handbook shall be sent to as many as five peer reviewers along with copies of relevant documents such as the primary investigator's curriculum vitae.

2. External peer reviewers shall be asked to comment on research objectives, methodology, study duration, potential for impacts to the experimental animals, investigator's experience in the proposed technique, and the potential for the research to add to scientific knowledge about marine turtle biology and to promote the recovery of marine turtle populations.

3. External peer reviewers shall be asked to identify any potential conflicts of interest they may have with the proposed research or individual proposing it.

(d) The Commission may seek additional information from the individual applicant based on the peer review and provide recommendations for consideration.

(e) The Commission will impose restrictions on the permit or deny the application when necessary based on the above assessments.

(f) The Commission shall provide the individual applicant a copy of the Commission's draft permit for review and comment prior to permit issuance provided that agency final action can occur within the required statutory time clocks. The Commission will consider requests by the individual to modify proposed conditions or restrictions if the requested changes are consistent with Florida Statute 379.2431 (1) and the modification can be completed within the required statutory timeclocks.

(12) Captive Facilities: To qualify to hold or to rehabilitate marine turtles for a conservation purpose or for education, applicants with ownership or control over property that maintains adequate equipment to safely hold and

care for marine turtles for the purposes of the permitted activity and that meet the requirements of this Chapter and Section 4 of the Handbook must do the following:

(a) Applicants requesting a permit to hold marine turtles for rehabilitation or education for the first time shall identify a principal officer and provide documentation of at least one qualified individual who will be responsible for the care and treatment of marine turtles in accordance with subsection (2) (b) above. The following documentation of experience shall be submitted to the Commission and be subject to approval upon initial application and upon each instance of an application for amendment to change the qualified individual.

1. The qualified individual responsible for the care and treatment of marine turtles shall have no less than one (1) year with 1000 hours experience in the direct care, feeding, handling, and husbandry of marine turtles. Applicants shall submit a notarized statement describing each qualified individual's specific experience, the date, and the specific location(s) where acquired.

2. Applicants shall provide two (2) references from individuals having personal knowledge of the qualified individual's experience in the husbandry and care of marine turtles. These references may include members of a professional organization or governmental institution such as universities, public agencies, zoological associations, herpetological societies and veterinarians. At least one reference must have specific experience holding marine turtles in captivity. Personnel supervised by the applicant or the qualified individual may not be used as a reference. Complete addresses, telephone numbers, and e-mail addresses should be provided for each reference.

3. The applicant shall provide documentation that each qualified individual has agreed to provide care for the marine turtles to be housed in association with the application.

4. Each qualified individual shall be listed on the permit and, in conjunction with the veterinarians providing care, shall be responsible for all decisions related to holding, care, display, and public or media interaction with captive marine turtles.

(b) Veterinary care shall be provided by facilities holding or rehabilitating marine turtles. Veterinarians providing marine turtle care shall have expertise with marine turtles as outlined in this Chapter and Section 4 in the Handbook. The applicant shall identify at least two veterinarians who will provide the care at the facility and include documentation of each veterinarian's experience with the application. The veterinarians identified in the application shall be listed on the Marine Turtle Permit.

1. The applicant shall provide references from practicing marine turtle rehabilitation veterinarians having

personal knowledge of each proposed veterinarian's clinical proficiency in marine turtle rehabilitation, records of prior permits for the keeping of captive marine turtles, employment records, and any other competent documentation of the requisite experience to document proficiency with marine turtle care and treatment.

2. The applicant shall provide documentation that the veterinarians have agreed to provide veterinary care for marine turtles to be housed in association with the application.

3. For facilities located in Florida, the applicant shall provide a copy of a valid State of Florida veterinary license (Ch. 474 F.S.) and U.S. Drug Enforcement Administration (DEA) Controlled Substance Registration Certificate for each proposed veterinarian. For facilities located in other states, the applicant shall provide a copy of a valid veterinary license issued by the state where the facility is located. If one of the veterinarians holds a DEA Certificate for the facility's address and the appropriate controlled drugs are stored in accordance with federal regulations on site for use by all veterinarians, than only one DEA Certificate is required. If controlled substances are not going to be stored on-site under a DEA Certificate for that site, than all attending veterinarians must have DEA Certificates.

(c) All facilities making application to hold or to rehabilitate marine turtles are subject to inspection by Commission personnel before issuance of a permit and on a periodic basis for the duration of the permit, if issued.

1. All systems and exhibits proposed to house marine turtles must be in place and fully operational for a minimum of two (2) weeks prior to inspection, including but not limited to: structures, water source, water treatment and filtration systems, lighting, security, food storage, food preparation area(s), medical treatment areas and equipment, and educational signage.

2. The facility shall submit documentation that all water quality parameters identified in the Handbook have been met during that period.

3. The initial inspection must occur no sooner than two (2) weeks after the facility is completely operational.

(d) Rehabilitated marine turtles shall be released as soon as they are fit for survival in the wild. The determination of fitness shall be made by the attending veterinarian in consultation with Commission personnel. All releases shall be coordinated in advance with Commission personnel.

(e) All facilities holding live marine turtles shall complete the reporting forms supplied by the Commission and submit them quarterly. Report forms require information on the status of captive marine turtles, acquisitions, deaths, releases and water quality. Failure to provide timely reports shall be grounds for the Commission to revoke current

permits and to deny future applications for authorization. The Marine Turtle Holding Facility Quarterly Report (FWC Form CAP-1, effective 4/16) is hereby incorporated by reference and is available at <https://www.flrules.org/gateway/reference.asp?NO= Ref-07546>, or by contacting MTP@MyFWC.com.

(f) Marine turtles shall not be held for rehabilitation (whether or not the marine turtles are publicly displayed) in conditions detrimental to the turtle, as determined during a site inspection by Commission staff.

(g) Limited educational displays of marine turtles of a threatened species shall be authorized when consistent with the Handbook.

(h) Endangered marine turtles may be held on display in the event that they have been deemed non-releasable as a result of injuries that would preclude their ability to survive in the natural habitat, are of an unknown or non-Florida origin, or were acquired prior to the enactment of the Federal Endangered Species Act of 1973 (16 U.S.C. § 1531 *et. seq.*).

(i) The applicant shall install interpretive signs regarding marine turtle conservation at the educational exhibit of marine turtles. The scientific content of such signs shall be submitted for approval by Commission staff prior to installation to mtp@myfwc.com or to the Tequesta Field Laboratory at the address in subsection (1) above. Commission staff will review the sign within thirty (30) days to determine if the information is accurate and will inform and instruct the public in the biology, habitat, or conservation needs of marine turtles. An approved sign must remain in place while captive or educational turtles are on display at the facility.

(13) Possession of Permit: A marine turtle conservation permit, loan agreement, or consent permit issued by the Commission must be in the possession of the named Marine Turtle Permit holder, qualified individual and authorized personnel at all times during conduct of authorized activities.

(14) Marine Turtle Conservation Handbook: The Commission Marine Turtle Conservation Handbook (effective 6/16) related to nesting surveys, nest relocation, release, and other management or conservation activities is hereby incorporated by reference and is available at the address listed in subsection (1) above and online at <https://www.flrules.org/gateway/reference.asp?NO= Ref-07547>.

(a) The requirements in the Handbook shall be considered conditions of any permit issued.

(b) The following forms, instructions and protocols are included in the Handbook and are hereby incorporated by reference.

1. Nourishment Monitoring Spreadsheet (FWC Form Nourish-1, effective 6/16) is available at

<https://www.flrules.org/gateway/reference.asp?NO= Ref-07548>.

2. FWC Statewide Nesting Beach Survey Instructions (effective 6/16) are available at

<https://www.flrules.org/gateway/reference.asp?NO= Ref-07549>.

3. FWC Fish and Wildlife Research Institute Statewide Nesting Beach Survey (SNBS) Protocol (effective 6/16) is available at <https://www.flrules.org/gateway/reference.asp?NO= Ref-07550>.

4. FWC Fish and Wildlife Research Institute Index Nesting Beach Survey (INBS) Protocol (effective 6/16) is available at <https://www.flrules.org/gateway/reference.asp?NO= Ref-07551>.

5. Rare Species Documentation Protocol (effective 6/16) is available at

<https://www.flrules.org/gateway/reference.asp?NO= Ref-07553>.

6. Tips and Tricks for Using a GPS Unit to Record Locations (effective 6/16) is available at

<https://www.flrules.org/gateway/reference.asp?NO= Ref-07554>.

7. Nest Productivity Assessment Spreadsheet (FWC Form NPA-1, effective 6/16) is available at

<https://www.flrules.org/gateway/reference.asp?NO= Ref-07555>.

8. Nest Productivity Assessment Protocol (effective 6/16) is available at

<https://www.flrules.org/gateway/reference.asp?NO= Ref-07556>.

9. FWC Marine Turtle Disorientation Report (FWC Form Dis-1, effective 6/16) is available at

<https://www.flrules.org/gateway/reference.asp?NO= Ref-07557>.

10. Disorientation Form Instructions (effective 6/16) are available at

<https://www.flrules.org/gateway/reference.asp?NO= Ref-07565>.

11. FWC Marine Turtle Obstructed Nesting Attempt Report Form (FWC Form ONA-1, effective 6/16) is available at <https://www.flrules.org/gateway/reference.asp?NO= Ref-07558>.

12. FWC Obstructed Nesting Attempt Instructions (effective 6/16) are available at

<https://www.flrules.org/gateway/reference.asp?NO= Ref-07559>.

13. Sea Turtle Stranding and Salvage Network Stranding Report (FWC Form STSSN-1, effective 6/16) is available at <https://www.flrules.org/gateway/reference.asp?NO= Ref-07560>.

14. Fibropapilloma Documentation Form (FWC Form STSSN-2, effective 6/16) is available at

<https://www.flrules.org/gateway/reference.asp?NO= Ref-07561>.

15. Protocol for Responding to Cold-Stunning Events (effective 6/16) is available at

<https://www.flrules.org/gateway/reference.asp?NO= Ref-07562>.

16. Cold Stun Event Turtle Data Form (FWC Form STSSN-3, effective 6/16) is available at

<https://www.flrules.org/gateway/reference.asp?NO= Ref-07563>.

17. Sea Turtle Stranding and Salvage Network Gross Necropsy Report (FWC Form STSSN-4, effective 6/16) is available at <https://www.flrules.org/gateway/reference.asp?NO= Ref-07564>.

18. FWC Cooperative Marine Turtle Tagging Program (CMTTP) Tagging Data Form (FWC Form TAG-1, effective 6/16) is available at <https://www.flrules.org/gateway/reference.asp?NO= Ref-07566>.

19. FWC Marine Turtle Holding Facility Quarterly Report (FWC Form CAP-1, effective 6/16) is available at <https://www.flrules.org/gateway/reference.asp?NO= Ref-07567>.

20. Marine Turtle Transfer Form (FWC Form CAP-2, effective 6/16) is available at <https://www.flrules.org/gateway/reference.asp?NO=Ref- Ref-07568>.

21. Educational Presentations Using Live Turtles Reporting Form (FWC Form E-1, effective 6/16) is available at <https://www.flrules.org/gateway/reference.asp?NO= Ref-07569>.

22. Checklist for Pre-emergent Hatchling Collection (FWC Form Res-1, effective 6/16) is available at <https://www.flrules.org/gateway/reference.asp?NO= Ref-07570>.

23. FWC Marine Turtle Annual Research Reporting Form (FWC Form Res-2, effective 6/16) is available at <https://www.flrules.org/gateway/reference.asp?NO= Ref-07571>.

24. FWC Public Turtle Watch Schedule (FWC Form E-2, effective 6/16) is available at <https://www.flrules.org/gateway/reference.asp?NO= Ref-07572>.

25. FWC Public Turtle Watch Summary (FWC Form E-3, effective 6/16) is available at <https://www.flrules.org/gateway/reference.asp?NO= Ref-07573>.

26. FWC Nighttime Public Hatchling Release Form (FWC Form E-4, effective 6/16) is available at <https://www.flrules.org/gateway/reference.asp?NO= Ref-07574>.

27. FWC Public Hatch Success Evaluation Form (FWC Form E-5, effective 6/16) is available at <https://www.flrules.org/gateway/reference.asp?NO= Ref-07575>.

(c) The failure of the permit holder, principal officer, qualified individual or any authorized personnel listed on the permit to follow the requirements included in the Handbook or this Chapter shall be considered as Rule 68-1.010, F.A.C. regarding revocation or suspension of current permits or denial of applications.

(c) The permit holder, principal officer, and lead qualified individual are responsible for transmitting the Handbook to all authorized personnel listed on the permit. Failure to properly distribute the Handbook and to supervise the activities of authorized personnel listed on the permit shall be considered as provided in Rule 68-1.010, F.A.C. regarding revocation or suspension of current permits or denial of applications.

(15) Additional Permits Required: Permits for scientific research issued under this chapter are not valid in state, federal, or local parks, monuments, sanctuaries or preserves without additional permits or concurrence from the appropriate management unit.

(16) Permit Duration: Permits shall be valid for one to two years as follows:

(a) Existing permit holders who have met all reporting deadlines and who are in compliance with all requirements in their permits, this Chapter, and the Handbook, if approved, shall be approved for two (2) years.

(b) Applicants who have not previously held a Marine Turtle Permit for the requested conservation, education or research activity, who have not met all reporting deadlines timely, or who have not complied fully with permit conditions, this Chapter or the Handbook, if approved, shall only be approved for one (1) year.

(c) All reports and information required in this Chapter or the Handbook must be submitted as specified in the permit, this Chapter and the Handbook and accepted as complete by agency staff.

(17) Transferability: Permits are non-transferable and shall be issued to a single applicant acting as the permit holder.

(18) Authorized personnel: The Commission shall allow up to twenty-four authorized personnel to conduct the marine turtle conservation work under the supervision and request of the permit holder or lead qualified individual. The permit shall not exceed twenty-six listed names.

(a) The Commission shall allow additional personnel under a consent permit in accordance with 68E-1.0041(3) when requested by the permit holder provided these individuals are not directly involved in data collection, nesting surveys, or in direct contact with a marine turtle, nest, or hatchlings unless specifically approved by Commission staff. The request must list each additional individual, their address and phone number, specify the activity in which they will participate, and describe the training provided for that activity.

(b) Permits shall include all authorized personnel, each of which must be named on the permit prior to field work. The permit holder and other individuals listed on the permit shall have the permit or a copy thereof upon their person while conducting work with marine turtles, their nests, hatchlings or turtle parts. No non-authorized

personnel may participate in permitted activities.

(19) Permit Renewal: Renewal of existing Marine Turtle Permits shall occur as follows:

(a) All renewal requests, forms, and reports required pursuant to this Chapter shall be submitted to the Commission through the online permit portal or to the Tequesta office approximately two months prior to the expiration of the existing permit.

(b) Permit renewals shall be based upon satisfactory compliance with this Chapter, the conditions of the existing permit, receipt of all reports for authorized activities, compliance with the Handbook for authorized activities, the need for a specific activity, and response to Commission staff upon request for information related to authorized activities.

Rulemaking Authority 379.244(2), 379.2431(1) FS. Law Implemented 379.244(2), 379.2431(1) FS. History—New 2-11-81, Amended 8-6-81, Formerly 16B-40.04, 16B-40.004, 16R-1.004, 62R-1.004, Amended 7-1-04, 12-9-07, 3-24-13, 7-20-14, ____.

68E-1.0041 Authorizations for Marine Turtle Research, Conservation, and Educational Activities.

(1) Conservation Permits - Activities that require a conservation permit include, but are not limited to, any actions associated with a living or stranded marine turtle, its nest, or hatchlings such as:

(a) Any research or conservation activities; or

(b) Any educational activities, including, but not limited to, educational displays or public awareness walks.

(c) Hatcheries shall not be approved unless authorized in an incidental take authorization from the U.S. Fish and Wildlife Service.

(2) Loan Agreement - Activities involving use of any dead marine turtle or parts thereof shall be authorized by a loan agreement. Authorization For Loan of Marine Turtle Specimens (FWC Form ST-LA, effective 12/07) is hereby incorporated by reference and is available at <https://www.flrules.org/gateway/reference.asp?NO= Ref-07576>, or by contacting MTP@MyFWC.com.

(3) Consent Permit - The following activities shall be authorized by a consent permit:

(a) Transfer of marine turtles, or parts thereof, to or from permit holders into or out of the state of Florida;

(b) Limited consumptive use of marine turtle parts for research;

(c) One-time events or minor activities that are not of a sufficient magnitude to require a conservation permit or

a modification to an existing conservation permit;

(d) Actions undertaken in response to an emergency officially designated by the appropriate officials of the state of Florida; or

(e) Actions that are a result of short term collaboration with Commission staff, such as directed research or management activities.

Rulemaking Authority 379.2431(1), 379.244 FS. Law Implemented 379.2431(1), 379.244(2) FS. History—New 12-9-07, Amended _____.

68E-1.005 Suspensions and Revocation.

(1) Non-compliance with permits issued under the provisions of this chapter is subject to the following actions:

(a) For all one year permits, failure to fulfill reporting requirements or respond to other information requests shall constitute a minor violation of this rule. Such a violation shall cause the Commission to issue a notice of noncompliance to the permittee, and issuance of subsequent year permits shall not proceed until the permittee fulfills all such requirements.

(b) For all two year permits, failure to fulfill reporting requirements or respond to other information requests shall cause the Commission to issue a notice of noncompliance to the permittee. Failure to come into compliance in a timely manner shall subject the permittee to suspension or revocation.

(c) Permittee shall be subject to permit suspension or revocation by the Commission if it finds that the permit holder or qualified individual has violated this chapter, Chapter 379, F.S., Titles 68 or 46, F.A.C., state or federal wildlife protection acts or codes, submitted false information in the application, has deviated significantly from the approved activity, or has violated conditions under which the permit was originally issued.

(2) Permits issued under this chapter are subject to the provisions of Rule 68-1.010, F.A.C.

Rulemaking Authority 379.2431(1), 3279.244(2) FS. Law Implemented 379.2431(1), 379.244(2) FS. History—New 2-11-81, Formerly 16B-40.05, 16B-40.005, 16R-1.005, 62R-1.005, Amended 12-9-07, 3-24-13, _____.

68E-1.0061 Additional Special Requirements for Any and All Marine Turtles

Rulemaking Authority 379.2431, 379.244, 379.407 FS. Law Implemented 379.2431, 379.244, 379.407 FS. History—New 2-11-81, Formerly 16B-40.061, 16B-40.0061, 16R-1.0061, 62R-1.0061, Repealed.

