

# MEMORANDUM



**To:** Florida Fish and Wildlife Conservation Commissioners  
**From:** Jessica McCawley, Director, Marine Fisheries Management  
**Date:** September 8, 2016  
**Subject:** Consent Agenda, Draft Rule – Repeal of St. Lucie County Special Acts of Local Application

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## **Purpose:**

To repeal the Special Acts of Local Application (Special Acts) for St. Lucie County, allowing more current statewide regulations already in effect to apply in place of the outdated Special Acts.

## **Summary:**

In April 2016, the St. Lucie County Board of County Commissioners adopted a Resolution requesting that the FWC repeal four Special Acts that apply in their county. These Special Acts were originally enacted by the Legislature between 1919 and 1957, prior to the creation of the Marine Fisheries Commission (MFC) or FWC and prior to the development of statewide fisheries management. They became rules of the MFC in 1983 and were then acquired by FWC upon its creation in 1999, and are thus under the full authority of FWC to modify or repeal. The conservation goals of these Special Acts would continue to be accomplished under current statewide fishing regulations.

Repealing these Special Acts would also create greater consistency among fishing regulations statewide, eliminate confusion, and make it easier for anglers to understand and comply with the regulations.

- Chapter 8187 (1919) prohibits the use of haul seines and drag nets in all waters of St. Lucie County, and prohibits the sale or transportation of any fish caught with a haul seine or drag net from waters of St. Lucie County. Repealing this act will allow the use of haul seines within waters of St. Lucie County, as long as these nets comply with statewide net regulations.
- Chapter 11118 (1925) prohibits the use of seines, gill nets, or any other kind of net in the canals of St. Lucie County. This act also prohibits the use of any net or trap within 100 yards of any dock, bridge, or pier in St. Lucie County, with the exception of dip nets, cast nets, bait nets, and seines 50 feet in length or less used strictly for catching bait. Repealing this act will allow the use of otherwise legal nets and traps within waters of St. Lucie County in a manner consistent with current statewide net and trap gear regulations.
- Chapter 31234 (1955) prohibits the use of all nets within the waters of Faber Cove, St. Lucie County. Repealing this act will allow the use of legal nets, including cast nets and legal seines, within waters of Faber Cove in a manner consistent with current statewide net gear regulations.
- Chapter 57-1791 prohibits spearing and skin diving within 1,000 feet of Faber Cove or within 1,000 feet of, or between the two bridges that cross the Indian River Lagoon near Fort Pierce. This act also prohibits the sale of speared fish in St. Lucie County. Repealing this act will allow spearfishing within this area in a manner consistent with statewide spearfishing regulations. (Current statewide regulations prohibit spearfishing within 100 yards of bridges where fishing is allowed, within 100 yards of fishing piers and public bathing beaches, within 100 feet of the unsubmerged portions of inlet jetties, and within state parks.) This would also allow the sale of saltwater products in St. Lucie County that were harvested by spearfishing or gigging.

## **Staff Recommendation:**

Staff recommends approving the draft rule to repeal the following Special Acts of Local Application for St. Lucie County: Ch. 8187 (1919), Ch. 11118 (1925), Ch. 31234 (1955), and Ch. 57-1791. Staff also recommends the rule be advertised and filed for adoption without further hearing, unless one is requested by a member of the public.

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

Melissa Recks, Section Leader, Division of Marine Fisheries Management