

MEMORANDUM



To: Florida Fish and Wildlife Conservation Commissioners
From: Jessica McCawley, Director, Marine Fisheries Management
Date: September 26, 2018
Subject: Special Acts of Local Application clean-up – Draft Rule, Consent Agenda

Purpose:

Obtain final approval of proposed draft rule amendments that would repeal language within a series of the Florida Fish and Wildlife Conservation Commission's (FWC) Special Acts of Local Application related to local saltwater fishing regulations that are outdated, unnecessary, or have potential to conflict with state law.

Summary:

As part of a long-term project to reduce regulation and to update and clarify Florida's marine fisheries rules, staff has identified a series of local saltwater fishing regulations administered by FWC in the Special Acts of Local Application (Special Acts) that are outdated, do not provide significant conservation value, are unnecessary because the provisions are covered by more modern state regulations, or have potential to conflict with state law. Several of these Special Acts reference penalties for the use of illegal net gear that are inconsistent with statewide penalties that have been established more recently by the Legislature. Some of these Special Acts provide for the seizure, forfeiture, and disposition of nets used in a violation in a manner that may be inconsistent with current due process provisions provide in Florida Statutes and 68B-1.008, Florida Administrative Code (FAC). Additionally, many of the Special Acts identified for repeal include references to predecessor agencies that no longer exist and implement local fishing regulations that are contrary to current marine fisheries regulations, including provisions of the Net Limitation Amendment (Art. X, Sec. 16, Fla. Const.). Repealing outdated language within these Special Acts will provide the public with more clear and understandable statewide marine fisheries regulations.

A comprehensive list and summary of each Special Act of Local Application recommended for repeal under this draft rule is provided in a separate document.

Future efforts in this long-term project will address the remaining marine fisheries management-related Special Acts, many of which are more restrictive than statewide regulation. These efforts will consider whether the remaining Special Acts should be repealed or incorporated into Division 68B, FAC, where they would be more accessible to the public.

Staff Recommendation:

Approval of the proposed repeal of Special Acts of Local Application, or portions thereof, as presented in the attached list. If approved the repeals would be advertised and filed for adoption without further hearing, unless requested by a member of the public.

Staff Contact and/or Presenter:

Melissa Recks, Division of Marine Fisheries Management