Temporary Suspension of Bag and Size Limits and General Methods of Take to Facilitate the Removal of Dead Marine Organisms

The Fish and Wildlife Conservation Commission of the State of Florida, acting under the authority of Article IV, Section 9, of the Florida Constitution, and acting through its Executive Director under Paragraph 22 of the Delegations of Authority, and due to a natural fish kill event, hereby temporarily suspends bag limits, size limits, season and area closures, and general methods of take for certain dead saltwater fish and marine organisms. This action is taken to facilitate the removal and disposal of saltwater fish carcasses and marine organisms that have died as a result of this event from shoreline areas or inshore and nearshore Florida waters within Charlotte, Lee, and Sarasota counties. Such actions are only authorized as follows:

1. Notwithstanding anything to the contrary in Division 68B, Florida Administrative Code (F.A.C.), and subject to the limitations of paragraph 3, all applicable bag limits, size limits, possession limits, season and area closures are hereby waived for persons undertaking the removal of saltwater fish carcasses and dead marine organisms from shoreline areas or inshore and nearshore Florida waters within Charlotte, Lee, and Sarasota counties.

2. Notwithstanding anything to the contrary in Division 68B, F.A.C., saltwater fish carcasses and dead marine organisms may be removed from shoreline areas or inshore and nearshore Florida waters within Charlotte, Lee, and Sarasota counties by any reasonable means of removal, with the exclusion of gear prohibited by Art. X, Sec. 16 of the Florida Constitution or Chapter 68B-4, F.A.C.

3. This order does not authorize the removal or possession of sawfishes (*Pristis* spp.), sturgeon (any species of the family Acipenseridae), marine turtles, American crocodiles, manatees, dolphins, whales, or other marine mammals.
   a. Any sick, injured, or dead sawfish should be reported immediately by calling toll-free 1-844-4SAWFISH (472-9347).
   b. Any sick, injured, or dead sturgeon, marine turtle, American crocodile, manatee, dolphin, whale, or other marine mammal should be reported immediately to the FWC Wildlife Alert Hotline by calling 1-888-404-3922.

4. All saltwater fish carcasses and dead marine organisms collected pursuant to this order must be disposed of in compliance with local and state safety, health, and sanitation requirements for such disposal.

5. All persons removing saltwater fish carcasses or dead marine organisms pursuant to this order are hereby exempt from the recreational saltwater fishing license requirements established in 379.354, Florida Statutes, while conducting such activities.

6. The provisions of this order only apply within shoreline areas or inshore and nearshore Florida waters within Charlotte, Lee, and Sarasota counties.

7. All other rules of the Commission relating to the regulation of marine organisms and protected species and their habitats and nests, including but not limited to sea turtles and shorebirds, shall remain in effect.
8. This order shall take effect immediately, and shall expire at 11:59 p.m. on January 31, 2023, unless rescinded or extended by subsequent order.

Specific Authority: Article IV, Section 9, Florida Constitution
Law Implemented: Article IV, Section 9, Florida Constitution, and subsection 120.81(5), Florida Statutes

Given under my hand and seal of the Florida Fish and Wildlife Conservation Commission on this 5th day of November, 2022.

Eric Sutton  
Executive Director

/s/ Quilla Mralia  
Approved as to form and legal sufficiency