

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA**

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 83, FISH AND WILDLIFE, GENERAL ORDINANCES, MARTIN COUNTY CODE; PROVIDING FOR CONFLICTING PROVISIONS; SEVERABILITY; APPLICABILITY; FILING WITH THE DEPARTMENT OF STATE; AN EFFECTIVE DATE AND CODIFICATION.

WHEREAS, the Board of County Commissioners of Martin County, Florida (Board) is authorized by Chapter 125, Florida Statutes, to adopt ordinances and resolutions necessary for the exercise of its powers and to promote the public health, safety and general welfare of its citizenry;

WHEREAS, Chapter 83, General Ordinances, Martin County Code, includes various regulations regarding the taking and possession of fish and wildlife;

WHEREAS, Article IV, Section 9 of the Florida Constitution grants the Florida Fish and Wildlife Conservation Commission (FWC) with the express authority to regulate wild animal life, freshwater aquatic life and marine life;

WEREAS, FWC has instituted regulations in Title 68 of the Florida Administrative Code regarding the exercise of its regulatory and executive powers with respect to wild animal life, freshwater aquatic life, and marine life;

WHEREAS, bald eagles are protected under federal law pursuant to the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act, and under state law pursuant to FWC's Bald Eagle Management Plan and Rule 68A-16.002 of the Florida Administrative Code;

WHEREAS, marine turtles are protected under the United States Endangered Species Act of 1973 and Florida's Marine Turtle Protection Act set forth in section 379.2431, Florida Statutes;

WHEREAS, section 379.2412, Florida Statutes, provides that the power to regulate the taking or possession of saltwater fish is expressly reserved to the state;

WHEREAS, section 379.2412, Florida Statutes, specifically provides that local governments may prohibit, for reasons of protecting the public health, safety or welfare, saltwater fishing from real property owned by that local government;

WHEREAS, staff is proposing certain amendments to Chapter 83, General Ordinances, Martin County Code, to ensure consistency with the Florida Constitution,

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Chapter 379, Florida Statutes, and Chapter 68, Florida Administrative Code, related to the taking and possession of certain saltwater fish and wildlife;

WHEREAS, Article 3 of Chapter 83, General Ordinances, Martin County Code, includes provisions related to the Lake Okeechobee Fish and Wildlife Advisory Council (the "Advisory Council"), which was replaced in 2000 by the County Coalition for Responsible Management of Lake Okeechobee, the St. Lucie and Caloosahatchee Estuaries, and the Lake Worth Lagoon (the "County Coalition");

WHEREAS, the County Coalition was legally established pursuant to its own governing documents and does not require codification in the Martin County Code;

WHEREAS, staff is proposing deletion of Article 3, Chapter 83, General Ordinances, Martin County Code, to remove all references to the Advisory Council, and this Resolution shall serve as acknowledgment of Martin County's continued participation in the County Coalition in accordance with the terms of its Bylaws;

WHEREAS, the Board has determined that it is in the public interest to implement this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA, THAT:

PART ONE: AMENDMENT OF CHAPTER 83, FISH AND WILDLIFE; GENERAL ORDINANCES, MARTIN COUNTY CODE

Chapter 83 is hereby amended as follows:

Chapter 83 ~~FISH AND WILDLIFE~~ FISHING ON BRIDGES

ARTICLE 1. IN GENERAL

~~Sec. 83.1. Protection of bald eagles.~~

~~83.1.A. — It is unlawful for any person to kill, maim or molest any bald eagle in Martin County; or to cut down or otherwise destroy any tree in which there is located any live bald eagle's nest, unless it has been abandoned for two years, or until permission is obtained from the State Board of Conservation or one of its authorized representatives; or to use any aerial spray or dust on any tree in which a live bald eagle's nest is located, unless such spraying or dusting is approved by the State Board of Conservation, or its authorized representative, as being harmless to bald eagles.~~

~~83.1.B. — Anyone violating this section shall be guilty of a misdemeanor and shall be punished as provided by law.~~

~~(Code 1974, § 16-1; Laws of Fla. ch. 61-2467, §§ 1, 2)~~

Added language is underlined; deleted language is struckthrough

~~Sec. 83.2. Taking, selling, transporting of sea turtles and sea turtle eggs restricted.~~

~~83.2.A. — In each county of Florida having a population of not less than 15,800 and not more than 17,000, according to the latest official decennial census, it is unlawful for any person, firm or corporation to take, possess, sell, offer for sale or transport sea turtles or sea turtle eggs from April 15 to September 15, inclusive, of any year.~~

~~83.2.B. — Any person, firm or corporation violating any provision of this section is guilty of a misdemeanor and shall be subject to punishment as provided by law.~~

~~(Code 1974, § 16-2; Laws of Fla. ch. 61-1603, §§ 1, 2)~~

~~Sec. 83.3. Alligator protection.~~

~~83.3.A. — It shall be unlawful for any person to capture, injure or kill any alligator within the territorial limits of Martin County, Florida, except as provided herein.~~

~~83.3.B. — It shall be unlawful for any person to offer for sale, sell, transport or transport for sale any alligators, alligator skins, alligator teeth or alligator eggs within the territorial limits of Martin County, Florida, except as provided herein.~~

~~83.3.C. — The Game and Fresh Water Fish Commission of the State of Florida is hereby authorized and empowered, in its discretion, to grant permits to any public or private-owned zoo or park for the exhibition of alligators in captivity in Martin County, Florida, and said Game and Fresh Water Fish Commission is further authorized, in its discretion, to grant permits to any legitimate scientific organization for capturing and killing alligators and for transporting live alligators or alligator skins, alligator teeth or alligator eggs, in or from Martin County, Florida, for scientific purposes.~~

~~83.3.D. — Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500.00 or by imprisonment in the County jail not to exceed six months or by both such fine and imprisonment.~~

~~(Code 1974, § 16-3; Laws of Fla. ch. 18682(1937), §§ 1—4)~~

~~Secs. 83.4—83.30. Reserved.~~

ARTICLE 2. FISHING

DIVISION 1. MISCELLANEOUS PROVISIONS

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**Sec. 83.31. Saltwater Ffishing on hard-surfaced bridges owned by Martin County;
penalty.**

83.31.A. It is unlawful for any person to saltwater fish on the various bridges on
hard-surfaced roads throughout any bridge owned by Martin County with more than
one fishing pole.

83.31.B. Any person violating the provisions of this section shall, upon conviction
thereof, be punished as provided by law for the commission of a misdemeanor.

~~Sec. 83.32. Use of spearfishing equipment restricted in certain areas.~~

~~83.32.A. It is hereby declared to be unlawful for any person using underwater
spearfishing equipment to use such equipment for the taking of scalefish or
shellfish within 500 yards of any pier, wharf, dock, bridge or jetty in Martin County.~~

~~83.32.B. Violation of this section is declared to be a misdemeanor, punishable by a
fine of not more than \$500.00 or six months in the County jail or both.~~

~~(Code 1974, § 16-15; Laws of Fla. ch. 57-1570, §§ 1, 2)~~

~~Sec. 83.33. Taking and shipment of mullet restricted.~~

~~The fish known as mullet may be caught or taken from the salt waters of Martin
County, Florida, measuring 10½ inches from tip of nose to fork of tail and the same may
be accepted for shipment by common carriers.~~

~~(Code 1974, § 16-16; Laws of Fla. ch. 13082(1927), § 1)~~

~~Sec. 83.34. Use of drag nets, seines, etc., in proximity to bridges.~~

~~83.34.A. It shall be unlawful to fish with or cause to be fished with, or to cause to be
used for the purpose of fishing, any drag nets, haul seines, gill nets or other nets
(except common cast nets and dip nets), within one-fourth mile of any bridge in any
county of the State having a population of not less than 15,800 nor more than
17,000, according to the latest official decennial census.~~

~~83.34.B. Any person violating the provisions of this section shall be punished as
provided by law for the punishment of misdemeanors.~~

~~(Code 1974, § 16-17; Laws of Fla. ch. 61-1609, §§ 1, 2)~~

~~Cross reference(s) — Streets, roads and bridges, ch. 155.~~

~~Sec. 83.35. Use of seines, gill nets, etc., in Loxahatchee River.~~

~~83.35.A. It shall be unlawful for any person, persons, firm or corporation to take,
from the waters of the Loxahatchee River, also known as Jupiter River, in Martin~~

Added language is underlined; deleted language is struckthrough

~~County, Florida, fish by means of seines, gill nets, stop-nets or any other kind of nets whatsoever, excepting only cast nets having a length of less than six feet and a spread of less than 12 feet.~~

~~83.35.B. — Any person, persons, firm or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor and shall be punished as provided by the General Laws of the State of Florida.~~

~~83.35.C. — In all cases of arrest and conviction for the use of illegal nets or traps, as provided in this section, such nets or traps, so used in the violation of the provisions of this section, shall be considered a nuisance and the court shall order such traps and the bunts of such nets destroyed, after such trial and conviction, and the leads, corks and lines of the nets shall be returned to the owner.~~

~~(Code 1974, § 16-18; Laws of Fla. ch. 19971(1939), §§ 1—3)~~

~~Sec. 83.36. Fishing on ocean beaches with more than two poles prohibited; penalty.~~

~~83.36.A. — It is unlawful for any person to fish on the ocean beaches of Martin County with more than two fishing poles.~~

~~83.36.B. — Any person violating the provisions of this act [section] shall, upon conviction, be punished as provided by law for the commission of a misdemeanor of the second degree.~~

~~(Code 1974, § 16-19; Laws of Fla. ch. 74-533, §§ 1, 2)~~

~~Secs. 83.37—83.60. Reserved.~~

~~DIVISION 2. MISCELLANEOUS PROVISIONS (CONTINUED)~~

~~Sec. 83.61. Use of fish nets, traps prohibited in certain territory; exceptions.~~

~~It shall be unlawful to fish with or to place nets or fish traps, except common minnow seines not over 30 feet in length used only for the purpose of catching bait, and common cast nets, dip nets or landing nets, in that certain territory that is within a circle one mile in diameter, the center of which is located in the middle of the St. Lucie Inlet in said County; provided, however, that the Board of County Commissioners may specify a territory less than one mile in diameter, which shall be marked and specified in a conspicuous manner.~~

~~(Code 1974, § 16-25; Laws of Fla. ch. 71-770, § 1)~~

~~Sec. 83.62. Use of fish nets, traps prohibited off of certain bridges; exceptions.~~

~~It shall be unlawful to fish with, or to place in the water, any nets or fish traps, except common minnow seines not over 30 feet in length used only for the purpose of~~
Added language is underlined; deleted language is struckthrough

~~catching bait, dip nets, cast nets or landing nets, within one-fourth mile of the following bridges in Martin County: Stuart Causeway Bridges, including Evans Crary and Ernest Lyons Bridges; Roosevelt Bridge, Palm City Bridge, Jensen Beach Causeway Bridges, Jupiter Island Bridge on Bridge Road, and any other State road bridges which may be constructed in the future.~~

~~(Code 1974, § 16-26; Laws of Fla. ch. 71-770, § 2)~~

~~Cross reference(s)—Streets, roads and bridges, ch. 155.~~

~~Sec. 83.63. Placement of posts, signs, markers.~~

~~The Board of County Commissioners of Martin County is hereby authorized and empowered to place and maintain suitable posts, signs or markers designating the prohibited areas described in sections 83.61 and 83.62 of this division, in which the use of any nets or fish traps is prohibited, except those types specifically allowed; provided, however, that the failure of said board to place or maintain such posts, signs or markers, designating such prohibited areas, shall constitute no excuse or defense to any prosecution under the provisions hereof.~~

~~(Code 1974, § 16-27; Laws of Fla. ch. 71-770, § 3)~~

~~Sec. 83.64. Specifications for gill nets for use in inside waters—Established.~~

~~It shall be unlawful to fish with or to use in the inside waters of said County, gill nets heavier than No. 9 nylon and less than three inches from center of knot to center of knot, stretched mesh, not exceeding 12 feet fishing depth from cork line to lead line, as measured in the center of a ten-yard span stretched at its four corners, and the twine shall be stretched to one-half of the breaking strength of said twine, for the purposes of measurement of mesh size.~~

~~(Code 1974, § 16-28; Laws of Fla. ch. 71-770, § 4)~~

~~Sec. 83.65. Same—Use of other nets prohibited.~~

~~It shall be unlawful to fish with or to place in the inside waters of said County, any type of net, other than that described in section 83.64, or any type of trap, except common minnow seines not over 30 feet long used only for the catching of bait, common trammel nets, common cast nets, dip nets, landing nets or common crab traps.~~

~~(Code 1974, § 16-29; Laws of Fla. ch. 71-770, § 5)~~

~~Sec. 83.66. Restrictions on length of nets connected to each other.~~

~~It shall be unlawful to fish with or to place in the inside waters of said County, any net or combination of nets tied, joined or connected to each other, which exceed 700 yards in length; provided, however, that no continuous extended straight stretch or set of such net, or tied, joined or connected nets, shall exceed 350 yards, except when~~

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~~such nets are being set out, gathered in or gathered up, during which time such extended straight stretch of nets may be temporarily exceeding 350 yards. If two or more such nets, as described in section 83.64, are not tied, joined or connected together, there must be a gap or opening of at least 50 feet in width between any continuous extended straight stretch or set of such nets. When being used for fishing, any of the nets hereinabove described may be gathered or taken in or taken up in any manner, when such nets are gathered in, taken in or taken up by hand; provided that no net shall be pulled upon the shore.~~

~~(Code 1974, § 16-30; Laws of Fla. ch. 71-770, § 6)~~

~~Sec. 83.67. Nets with pockets or traps prohibited; exception.~~

~~It shall be unlawful to fish with or to place in the inside waters of said County, any nets having any pockets or traps of any description whatsoever, with the exception of common trammel nets.~~

~~(Code 1974, § 16-31; Laws of Fla. ch. 71-770, § 7)~~

~~Sec. 83.68. Dumping foul or refuse fish prohibited.~~

~~It shall be unlawful to dump or place any foul or refuse fish on the land or in the inside waters or on any bridge or hard surface in Martin County.~~

~~(Code 1974, § 16-32; Laws of Fla. ch. 71-770, § 8)~~

~~Sec. 83.69. Use of nets during certain time of year prohibited; exception.~~

~~It shall be unlawful to fish with or place in the inside waters of said County, any nets, except common minnow seines not over 30 feet long used only for the purpose of catching bait, common cast nets, common dip nets or landing nets, between sunrise and sunset from December 10 of each year to April 1 of the following year.~~

~~(Code 1974, § 16-33; Laws of Fla. ch. 71-770, § 9)~~

~~Sec. 83.70. Placing nets so as to encircle boats prohibited.~~

~~It shall be unlawful to place or set a net in the inside waters of said County so that it will encircle or partially encircle any occupied anchored boat.~~

~~(Code 1974, § 16-34; Laws of Fla. ch. 71-770, § 10)~~

~~Sec. 83.71. Enforcement.~~

~~It shall be the duty of the State Department of Natural Resources to enforce the provisions of this division.~~

~~(Code 1974, § 16-35; Laws of Fla. ch. 71-770, § 14)~~

Added language is underlined; deleted language is struckthrough

~~Sec. 83.72. Violations.~~

~~Any person who shall violate any of the provisions of this division, upon conviction thereof, shall be punished as provided for punishment of misdemeanors under State law.~~

~~(Code 1974, § 16-36; Laws of Fla. ch. 71-770, § 15)~~

~~Secs. 83.73—83.90. Reserved.~~

~~DIVISION 3. HOBE SOUND AREA~~

~~Sec. 83.91. Use of seines, nets prohibited in certain area; exception.~~

~~It shall be unlawful to fish or cause to be fished, to use or cause to be used, in any waters of Martin County, Florida, beginning at the center of the west end of the drawbridge crossing the waters of Hobe Sound to Jupiter Island; thence running southerly along the west shore of said waters of Hobe Sound, also known as Indian Narrows and Jupiter River, to the south line of Martin County, Florida; thence running due east across the waters of Hobe Sound, also known as Indian Narrows and Jupiter River, along said south line of Martin County to the east shore of said waters, which is the west shore of Jupiter Island; thence meandering northerly to the east shore of said Hobe Sound, also known as Indian Narrows and Jupiter River, to the center of the east end of the drawbridge; thence running south 66 degrees west along the centerline of said drawbridge to its westerly end, the point or place of beginning, any drag nets, haul seines, seines, gill nets or any nets whatsoever, except common cast nets used for the purpose of catching bait.~~

~~(Code 1974, § 16-42; Laws of Fla. ch. 18683(1937), § 1)~~

~~Sec. 83.92. Violations.~~

~~Any person, persons, firm or corporation violating any of the provisions of this division shall be punished as provided by the general law for punishment of misdemeanors.~~

~~(Code 1974, § 16-43; Laws of Fla. ch. 18683(1937), § 2)~~

~~Sec. 83.93. Prohibited nets declared a nuisance; destruction of nets.~~

~~In all cases of arrest and conviction for a violation of any of the provisions of this division, any and all illegal nets, devices and appliances, used in said violation, shall be considered a nuisance and the court shall order such illegal nets, devices and appliances destroyed, after such trial and conviction.~~

~~(Code 1974, § 16-44; Laws of Fla. ch. 18683(1937), § 3)~~

Added language is underlined; deleted language is struckthrough

~~Sec. 83.94. Enforcement.~~

~~It shall be the duty of the Shellfish Commissioner of the State of Florida and/or his duly authorized deputies, and the Sheriff of Martin County, Florida, and/or his duly authorized deputies to enforce the provisions of this division.~~

~~(Code 1974, § 16-45; Laws of Fla. ch. 18683(1937), § 4)~~

~~Secs. 83.95—83.120. Reserved.~~

~~ARTICLE 3. LAKE OKEECHOBEE FISH AND WILDLIFE ADVISORY COUNCIL~~

~~Sec. 83.121. Created; composition; terms.~~

~~There is hereby created the Lake Okeechobee Fish and Wildlife Advisory Council to the Game and Fresh Water Fish Commission, herein called the council. There shall be ten members of the council, two of whom shall be appointed by the Board of County Commissioners of each of the following counties: Okeechobee, Martin, Palm Beach, Hendry and Glades. Members initially appointed to the council shall be appointed for the following terms: one member from each county for two years and one member from each county for four years. Thereafter, appointments to the council shall be for terms of four years or until successors are appointed and qualified.~~

~~(Code 1974, § 16-52; Laws of Fla. ch. 67-2212, § 1)~~

Added language is underlined; deleted language is struckthrough

~~Sec. 83.122. Members to serve without compensation; reimbursement for expenses.~~

~~Members on the council shall serve without compensation, but shall be entitled to be reimbursed from the general fund of the county, from which appointed, for expenses incurred in the performance of responsibilities as assigned by their county commissioners.~~

~~(Code 1974, § 16-53; Laws of Fla. ch. 67-2212, § 2)~~

~~Sec. 83.123. General duties.~~

~~It shall be the duty of the council to represent their respective counties in all dealings with the Game and Fresh Water Fish Commission and other appropriate State agencies affecting the propagation, management and conservation of fish and wildlife.~~

~~(Code 1974, § 16-54; Laws of Fla. ch. 67-2212, § 3)~~

~~Sec. 83.124. Legislative intent.~~

~~It is the intent of this article that the council strive, with the Game and Fresh Water Fish Commission and other appropriate State agencies, to develop and implement a sound and aggressive program of fish and wildlife management for Lake Okeechobee.~~

~~(Code 1974, § 16-55; Laws of Fla. ch. 67-2212, § 4)~~

~~Sec. 83.125. Recommendations to Legislature.~~

~~The council shall report to the Legislature, at each regular session, its progress and accomplishment and make recommendations for a future development of its program.~~

~~(Code 1974, § 16-56; Laws of Fla. ch. 67-2212, § 5) Secs. 83.126—83.150. Reserved.~~

ARTICLE 4. WILDLIFE

~~Sec. 83.151. Protection of wildlife on islands of south fork of St. Lucie River.~~

~~It shall be unlawful for any person, firm or corporation to do or attempt to do any of the following: take, pursue, hunt, kill, trap, capture, snare, net, gig, collect, or harass any game, nongame bird, fur-bearing animal, or part thereof, or bird's nest or egg, on any spoil island, natural island, sandbar or other island in the south fork of the St. Lucie River in Section 17, Township 38 South, Range 41 East in the unincorporated areas of Martin County, Florida.~~

~~(Code 1974, § 16-61; Ord. No. 93, pt. 1, 8-10-1976; Ord. No. 897, pt. 1, 8-23-2011)~~

PART TWO: CONFLICTING PROVISIONS.

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Special acts of the Florida Legislature applicable only to unincorporated areas of Martin County, County ordinances and County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict except for ordinances concerning the adoption or amendment of the Martin County Comprehensive Growth Management Plan.

PART THREE: SEVERABILITY

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, by a court of competent jurisdiction, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property or circumstances.

PART FOUR: APPLICABILITY OF ORDINANCE

This ordinance shall be applicable throughout the unincorporated area of Martin County and to the incorporated areas of Martin County to the extent permitted by Article VIII, Section 1(f) of the Constitution of the State of Florida.

PART FIVE: FILING WITH DEPARTMENT OF STATE

The Clerk be and hereby is directed forthwith to scan this ordinance in accordance with Rule 1B-26.003, Florida Administrative Code, and file same with the Florida Department of State via electronic transmission.

PART SIX: EFFECTIVE DATE

This ordinance shall take effect immediately upon filing with the Department of State.

PART SEVEN: CODIFICATION.

Provisions of this ordinance shall be incorporated in the County Code, except parts Two to Seven shall not be codified. The word "ordinance" may be changed to "section," "article" or other word, and the sections of this ordinance may be renumbered or re-lettered.

Added language is underlined; deleted language is struckthrough

DULY PASSED AND ADOPTED this 21st day of October 2025.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

CAROLYN TIMMANN, CLERK OF THE
CIRCUIT COURT AND COMPTROLLER

SARAH HEARD, CHAIR

APPROVED AS TO FORM & LEGAL
SUFFICIENCY:

ELYSSE A. ELDER, ACTING COUNTY
ATTORNEY

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