

Bill No. CS for SB 1440

Amendment No.     

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Latvala moved the following amendment to House amendment 1 (465577):

**Senate Amendment (with title amendment)**

On page 114, between lines 7 and 8,

insert:

Section 232. Subsection (3) of section 370.092, Florida Statutes, is amended to read:

370.093 Illegal use of nets.--

(3)(a) Notwithstanding subsections (1) and (2), unless authorized by rule of the Marine Fisheries Commission, it is a major violation under this section, punishable as provided in subsection (4), for any person,, firm, or corporation to possess any gill or entangling net, or any seine net larger than 500 square feet in mesh area, on any airboat or on any other vessel less than 22 feet in length and on any vessel less than 25 feet if primary power of the vessel is mounted forward of the vessel center point. Gill or entangling nets shall be as defined in s. 16, Art. X of the State Constitution, s. 370.093(2)(b), or in a rule of the Marine

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1 Fisheries Commission implementing s. 16, Art. X of the State  
2 Constitution. Vessel length shall be determined in accordance  
3 with current U.S. Coast Guard regulations specified in the  
4 Code of Federal Regulations or as titled by the State of  
5 Florida. The Marine Fisheries Commission is directed to  
6 initiate by July 1, 1998, rulemaking to adjust by rule the use  
7 of gear on vessels longer than 22 feet where the primary power  
8 of the vessel is mounted forward of the vessel center point in  
9 order to prevent the illegal use of gill and entangling nets  
10 in state waters and to provide reasonable opportunities for  
11 the use of legal net gear in adjacent federal waters.

12 (b)~~(a)~~ It shall be a major violation pursuant to this  
13 section and shall be punished as provided in subsection (4)  
14 for any person, firm, or corporation to be simultaneously in  
15 possession of any species of mullet in excess of the  
16 recreational daily bag limit and any gill or other entangling  
17 net as defined in s. 16(c), Art. X of the State Constitution.  
18 Simultaneous possession under this provision shall include  
19 possession of mullet and gill or other entangling nets on  
20 separate vessels or vehicles where such vessels or vehicles  
21 are operated in coordination with one another including  
22 vessels towed behind a main vessel. This subsection does not  
23 prohibit a resident of this state from transporting on land,  
24 from Alabama to this state, a commercial quantity of mullet  
25 together with a gill net if:

26 1. The person possesses a valid commercial fishing  
27 license that is issued by the State of Alabama and that allows  
28 the person to use a gill net to legally harvest mullet in  
29 commercial quantities from Alabama waters.

30 2. The person possesses a trip ticket issued in  
31 Alabama and filled out to match the quantity of mullet being

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1 transported, and the person is able to present such trip  
2 ticket immediately upon entering this state.

3 3. The mullet are to be sold to a wholesale saltwater  
4 products dealer located in Escambia County or Santa Rosa  
5 County, which dealer also possesses a valid seafood dealer's  
6 license issued by the State of Alabama. The dealer's name must  
7 be clearly indicated on the trip ticket.

8 4. The mullet being transported are totally removed  
9 from any net also being transported.

10 (c)~~(b)~~ It shall be a major violation pursuant to this  
11 section for any person to be in possession of any species of  
12 trout, snook, or redfish which is three fish in excess of the  
13 recreational or commercial daily bag limit.

14 (d) The Marine Fisheries Commission shall adopt rules  
15 to prohibit the possession and sale of mullet taken in illegal  
16 gill or entangling nets. Violations of such rules shall be  
17 punishable as provided in subsection (4).

18 Section 233. Section 370.093, Florida Statutes, is  
19 amended to read:

20 370.093 Illegal use of nets.--

21 (1) It is unlawful to take or harvest, or to attempt  
22 to take or harvest, any marine life in Florida waters with any  
23 net that is not consistent with the provisions of s. 16, Art.  
24 X of the State Constitution.

25 (2)(a) Beginning July 1, 1998, it is also unlawful to  
26 take or harvest, or to attempt to take or harvest, any marine  
27 life in Florida waters with any net, as defined in subsection  
28 (3) and any attachments to such net, that combined are larger  
29 than 500 square feet and have not been expressly authorized  
30 for such use by rule of the Marine Fisheries Commission under  
31 s. 370.027. The use of currently legal shrimp trawls and

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1 | purse seines outside nearshore and inshore Florida waters  
2 | shall continue to be legal until the commission implements  
3 | rules regulating those types of gear.

4 |         (b) The use of gill or entangling nets of any size is  
5 | prohibited, as such nets are defined in s. 16, Art. X of the  
6 | State Constitution. Any net constructed wholly or partially  
7 | of monofilament or multifilament material, other than a hand  
8 | thrown cast net, or a handheld landing or dip net, shall be  
9 | considered to be an entangling net within the prohibition of  
10 | s. 16, Art. X of the State Constitution unless specifically  
11 | authorized by rule of the commission. Multifilament material  
12 | shall not be defined to include nets constructed of braided or  
13 | twisted nylon, cotton, linen twine, or polypropylene twine.

14 |         (c) This subsection shall not be construed to apply to  
15 | aquaculture activities licenses issued pursuant to s. 370.26.

16 |         (3) As used in s. 16, Art. X of the State Constitution  
17 | and this subsection, the term "net" or "netting" must be  
18 | broadly construed to include all manner or combination of mesh  
19 | or webbing or any other solid or semisolid fabric or other  
20 | material used to comprise a device that is used to take or  
21 | harvest marine life.

22 |         (4) Upon the arrest of any person for violation of  
23 | this subsection, the arresting officer shall seize the nets  
24 | illegally used. Upon conviction of the offender, the arresting  
25 | authority shall destroy the nets.

26 |         (5) Any person who violates this section shall be  
27 | punished as provided in s. 370.092(4).

28 |         (6) The Marine Fisheries Commission is granted  
29 | authority to adopt rules pursuant to ss. 370.025 and 370.027  
30 | implementing this section and the prohibitions and  
31 | restrictions of s. 16, Art. X of the State Constitution.

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1 ===== T I T L E   A M E N D M E N T =====

2 And the title is amended as follows:

3           On page 116, line 31, after the semicolon

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5 insert:

6           amending s. 370.092, F.S.; providing specific  
7           rulemaking authority for the regulation of nets  
8           and boats of a specific length; directing the  
9           Marine Fisheries Commission to adopt rules  
10          prohibiting the possession and sale of mullet  
11          taken in illegal gill and entangling nets;  
12          amending s. 370.093, F.S.; authorizing the  
13          Marine Fisheries Commission to adopt rules  
14          implementing s. 370.093, F.S.;

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