

**STORAGE NAME:** h3779s1.wrm

**DATE:** March 27, 1998

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
WATER & RESOURCE MANAGEMENT  
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

**BILL #:** CS/HB 3779

**RELATING TO:** Saltwater fisheries/Nets

**SPONSOR(S):** Committee on Water & Resource Management and Representative Kelly

**COMPANION BILL(S):** SB 1506 (s)

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) WATER & RESOURCE MANAGEMENT YEAS 10 NAYS 0
- (2) CRIME & PUNISHMENT
- (3) GOVERNMENTAL RULES & REGULATIONS
- (4)
- (5)

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I. SUMMARY:

CS/HB 3779 is a response to the continuing problems faced by the Marine Fisheries Commission (MFC) and the Department of Environmental Protection (DEP) in trying to enforce state constitutional restrictions on using certain commercial fishing nets in Florida waters. The bill would give the MFC explicit authority to adopt rules to prohibit the possession and sale of mullet harvested in illegal gill or entangling nets. It also would prohibit vessels less than 22 feet in length to have on board gill or entangling nets, as defined in the state constitution, in statute or in MFC rule, or seines larger than 500 square feet in mesh area.

Additionally, CS/HB 3779 directs that seine nets can have mesh sizes of 3 inches or larger, unless otherwise authorized by a MFC rule adopted after July 1, 1995.

CS/HB 3779 also extends the moratorium on issuance of new stone crab endorsements another year, until July 1, 2000; initiates a moratorium on issuance of new blue crab endorsements and marine life endorsements until July 1, 2002; re-emphasizes the illegality of selling red snapper without proper state and federal permits; repeals a law that limited the designation of mullet as a restricted species only in the fall in Panhandle waters; and re-shuffles the percentages of recreational fishing license revenues between the MFC and marine research. The latter change could provide up to \$300,000 in additional revenue for the MFC.

CS/HB 3779 would take effect upon becoming a law.

## II. SUBSTANTIVE RESEARCH:

### A. PRESENT SITUATION:

#### Enforcement issues

The MFC, which is responsible for developing rules to govern the state's marine resources, is currently assigned to the Board of Trustees. The Trustees must approve all MFC rules, but these rules are subject to the administrative hearing process and court challenge. With the exception of endangered species and the regulation of fishing gear in residential, manmade saltwater canals, the MFC has exclusive rulemaking authority over marine resources. The MFC is funded through the Marine Resources Conservation Trust Fund, which receives a variety of fee revenues from sales of saltwater commercial and recreational fishing licenses, as well as federal dollars. Its budget for fiscal year 1998-1999, at least as proposed in the House General Government Appropriations Act, \$817,236 and 10 positions.

Concerned about declining fish populations and destruction to inshore habitats, Florida voters in November 1994 passed by a 4-1 margin a constitutional amendment banning the use of gill and other entangling nets in all Florida waters, and restricting the use of other types of nets in nearshore waters. Specifically, s. 16, Art. X of the state Constitution, which took effect July 1, 1995:

- Prohibits the use of gill nets or other entangling nets in Florida waters, the boundaries of which extend three miles from shore into the Atlantic Ocean and nine miles from shore into the Gulf of Mexico. Gill or other entangling nets work by snaring fish by their gills when they learn that the mesh is too small for them to swim through and try to back out of the net.
- Prohibits the use of other types of nets that are more than 500 square feet in mesh area in nearshore or inshore Florida waters, and provides that no more than two such nets, which shall not be connected, shall be used from any vessel where legal in Florida waters. "Nearshore or inshore waters" generally is defined as one mile from the shore along Florida's Atlantic coast, and three miles from shore along Florida's Gulf of Mexico coast. Seines catch fish by using panels (sometimes called "wings") to herd them into the center part of the net which has smaller mesh. The fish are then trapped in the net as the panel close.
- Prohibits a person fishing from shore from using more than one such legal net.
- Attempted to define "gill net" and "mesh area" in order to clearly delineate what types of nets would be illegal under the implementation of the constitutional amendment.
- Specified that no implementing legislation was needed, but that the Legislature could adopt more restrictions on the use of nets to harvest marine life.

Hardest hit were the net fishermen who relied on mullet and baitfishing to make a living. The Legislature enacted Chapter 95-414, L.O.F., relating to net-ban compensation to help out the disenfranchised fishermen. The act created a net buy-back program, where the state would pay fishermen between \$500 and \$3,500 for their nets, and offered job-training programs in coastal communities.

Controversy continues over the types of nets can be legally fished. Shrimpers won a state Supreme Court case in 1996 over DEP and the MFC concerning how to measure trawls (Department of Environmental Protection v. Millender). The immediate, practical effect of the court ruling was that trawls may be larger than 500 square feet of mesh area. A more significant result of the Supreme Court ruling is that the MFC, when developing its gear rules, must consider the impact they could have on the commercial viability of the particular segment of fishing industry which uses that gear.

In 1997, legal challenges on whether commercial fishermen could augment their nets with sheets of tarpaulin, tobacco shade cloth, or plastic were dropped, at least for the time being, when the Legislature passed laws creating a three-year pilot program for Northwest Florida fishermen to use "tarp nets" on an experimental basis.

The latest challenge was filed last year by several commercial fishermen against proposed MFC rules that limit the mesh size of seines to 2 inches in diameter. Commercial fishermen had argued before an Administrative Law Judge last November that the proposed requirement for a small mesh size violates the "commercial viability" test established by the state Supreme Court. Additionally, the commercial fishermen contended that the proposed rule would have the unintended consequence of targeting juvenile fish species -- primarily young mullet -- that haven't had the opportunity to reproduce -- thus further reducing populations. However, the Administrative Law Judge in February 1998 ruled in the MFC's favor, saying that the 2-inch mesh seine is commercially viable gear, just not as efficient or lucrative as larger-mesh seine. The judge also dismissed the fishermen's contention that mullet were being unfairly targeted and that fish populations would decline because of the use of smaller mesh seines. Since the ALJ's ruling, the Governor and Cabinet has approved the MFC's seine mesh rule. A related Panhandle case on the economic viability of smaller mesh-sized nets awaits a ruling by a 2nd Circuit Court judge, could invalidate the seine mesh size rule if the judge rules in the fishermen's favor.

Not all court cases involving net violations are rule challenges. The Florida Marine Patrol (FMP), a division of the Department of Environmental Protection with the job of enforcing MFC rules, continues to have difficulty making successful cases against fishermen cited for net violations. One of the more common scenarios encountered by the FMP is a 14-foot (or smaller) boat, near the shore, carrying several thousand pounds of pompano, whiting or mullet, as well as one or more gill nets or large seines. The fisherman typically claims he caught the fish in federal waters (or, at least, not in nearshore waters if he has a seine larger than 500 square feet) and is headed to a seafood house to sell them. The FMP officer who stops the fisherman may suspect that the fish actually were netted close to shore because the boat is too small to have safely traversed many miles off the coast, and because it is the season when pompano are running in nearshore waters. The FMP officer may ticket the fisherman, but because he did not actually see the fisherman pull his nets, filled with fish, from nearshore waters, his case is weak.

In each of the last three years, the Legislature has amended Chapter 370 to either give the MFC more specific authority to adopt rules implementing the prohibitions and restrictions of the constitutional amendment banning or limiting the use of certain commercial fishing nets, or to assist the FMP in its enforcement efforts. During the 1997 session, the Legislature even created a new section of law -- s. 370.093, F.S., -- related to regulating the illegal use of nets. The new section of law also attempted to

define what type of materials are **not** used to make the constitutionally illegal entangling nets:

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

However, questions have been raised whether a net made by weaving several individual strands of nylon monofilament is different from the “multifilament material” described in the statutes.

The growing popularity of aquaculture also has led to enforcement problems. Shell fishermen, in particular, who lease submerged lands from the state on which to grow clams and oysters, are facing problems with “poachers” who journey to the leased areas at night and steal their “crops.” In order to avoid trespassing charges, the poachers could anchor adjacent to the leasehold and still be able to hook the bags in which the shellfish farmers keep the oysters or clams as they are growing. Over the last two years, the Legislature has substantially increased penalties for these poachers, but arrests have not led to a large number of convictions because the suspects could legitimately claim they were not trespassing.

#### General regulation of commercial fisheries in Florida

Chapter 370, Florida Statutes, regulates saltwater fisheries in Florida, including commercial harvest of a number of marine species. Among the regulations is the requirement that all people who harvest commercial quantities of finfish, shellfish or other marine life, or who sell or barter commercially caught seafood, or who use certain fishing gear, must purchase a saltwater products license. The license costs \$50 for Florida residents and \$100 if issued to a boat registration number. Non-residents pay more for a saltwater products license.

Persons who do not qualify for a saltwater products license cannot legally sell their catch. However, based on anecdotal information, it is not uncommon that people, out on the water participating in a recreational fishing trip, are approached when they dock and asked if they are interested in selling their catch -- particularly if they have bagged a popular food fish, such as red snapper.

In addition, DEP manages the taking of marine life through the “restricted species” designation. The designation allows DEP or the MFC to control when and where these species, such as mullet, are harvested. Saltwater products license-holders must obtain a “restricted species endorsement” for each one of these marine species in order to sell them. These endorsements are issued based on whether a license-holder can attribute a certain percentage of his/her income to commercial fishing. Generally, non-profit organizations cannot meet the income requirements for sale of saltwater products to wholesale dealers. Therefore, they do not qualify for a saltwater products license or a

restricted species endorsement, which they would need to harvest species, such as mullet or crabs, for scientific or educational purposes.

Certain license exemptions do exist for saltwater and freshwater recreational fishing, such as for senior citizens and military personnel.

Limiting participation in certain Florida fisheries

Some of Florida's saltwater fisheries are declining in population, for a variety of reasons. Although finfish have taken the brunt of over-harvesting and degraded habitat, marine biologists and resource managers are concerned that spiny lobsters, crabs and tropical fish are beginning to experience the stress of over-utilization. However, the extent of the declines in these fisheries, and how they may be reversed, is not known because comprehensive research and monitoring of species is lacking.

Limited-entry programs are where the number of participants in particular fisheries is regulated to reduce over-harvesting. To be successful, limited-entry programs are developed with the consent and participation of the affected industry, and are begun before the fishery's population begins to decline.

In 1991, the Legislature created Florida's first limited entry program, for the spiny lobster fishery (Chapter 91-154, Laws of Florida). Under the program, the number of trap certificates issued to fishermen who had historically participated in the fishery was based in part on each individual's landings. The minimum number of certificates an individual could obtain was 10. Procedures were developed allowing the certificates to be transferred within the original holder's family and outside his immediate family, with the state collecting specific fees on these transactions to help finance research, enforcement and administration costs.

In 1994, the marine life industry unsuccessfully sought legislation to begin limiting access because of rapid growth in the number of licenses issued. To the industry, the warning sign is the statistic that since 1994 there has been a 50-percent increase, from 567 to 883, in the number of licenses to participate in the marine life fishery. The marine life fishery includes not only tropical fish, but certain corals and marine invertebrates, sea anemones and sea urchins.

The stone crab industry was successful in 1995 in persuading the Legislature to institute a five-year moratorium for the issuance of new stone crab licenses. The MFC has been working over the last three years with the industry, DEP and other groups to develop a limited-entry plan, and thought it was close to agreement last summer. However, the MFC staff thinks it needs at least another year to build consensus for a plan to close the stone crab fishery.

**B. EFFECT OF PROPOSED CHANGES:**

CS/HB 3779 would give the MFC explicit authority to adopt rules prohibiting the possession or sale of mullet caught in illegal gill or entangling nets. The FMP will be able to spot mullet that have been caught in these nets because the fish will have scrapes on their bodies and their gills may be ripped. Additionally, the bill prohibits people on board vessels that are less than 22-feet long from having gill or entangling nets on board. Both these measures may assist the FMP in enforcing the constitutional

ban on gill and entangling nets, because currently enforcement efforts are stymied by the FMP's inability to make a net-ban arrest stick in court if the officers did not actually witness the suspect pull the illegal nets, full of mullet, from the water.

The penalties for violators of either of the above provisions would be considered major violations, punishable as follows:

- o For a first violation within a seven-year period, a civil penalty of \$2,500 and suspension of all saltwater products license privileges for 90 calendar days following final disposition of the case.
- o For a second major violation charged within seven years of a first disposition that is other than acquittal or dismissal, a civil penalty of \$5,000 and suspension of all saltwater products license privileges for 12 months shall be imposed.
- o For a third and subsequent major violation charged within a seven-year period, resulting in a third or subsequent judicial disposition other than acquittal or dismissal, a civil penalty of \$5,000, lifetime revocation of the saltwater products license, and forfeiture of all gear and equipment used in the violation shall be imposed.

The bill also specifies that unless otherwise adopted by the MFC as a rule after July 1, 1995, no seine or part of a seine shall have a mesh size smaller than 3 inches stretched mesh.

CS/HB 3779 also replaces in s. 370.093(2)(b) the word "multifilament" with the phrase "multistrand monofilament." This attempts to differentiate between entangling nets made by weaving individual strands of nylon monofilament, and those made from a different type of nylon that is braided or twisted, or from cotton, linen or polypropylene twine.

Additionally, CS/HB 3779 also extends by one year, to July 1, 2000, the moratorium on issuance of new stone crab endorsements, and establishes moratoriums on the issuance of marine life and blue crab endorsements, effective July 1, 1998, to July 1, 2002.

CS/HB 3779 clarifies that it is illegal for anyone who does not have a saltwater products license and a federal reef fish permit to sell red snapper. This is in response to complaints by commercial fishermen in the Panhandle that tourists and resident recreational anglers have been selling the red snapper they catch on fishing expeditions, thus undercutting the market.

With the repeal of s. 370.1127, F.S., which designates mullet a restricted species in Panhandle waters only in the months of October and November (during roe season), mullet becomes a restricted species year-round in all state waters. As a restricted species, commercial quantities of mullet can only be harvested by people with a saltwater products license and a restricted species endorsement, available only to those people who have earned a specific amount of income from catching mullet in the past. However, the bill also exempts from the income requirements disabled commercial fishermen, with the proper documentation.

CS/HB 3779 makes it illegal for anyone to come within 25 feet of a shellfish aquaculture leased area, or within the setbacks or access corridors between individual areas leased or zoned for aquaculture, and harvest oysters or clams. This is intended to prevent poachers from stealing shellfish from the leaseholds.

Finally, CS/HB 3779 doubles to 5 percent the maximum percentage of recreational fishing license fees available to the MFC and to institutions for research grants, and reduces from 30 percent to 27.5 percent the amount of those fees available for general marine research.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

Yes. CS/HB 3779 gives the MFC additional authority make explicit rules to implement and enforce the constitutional prohibitions on the use of certain commercial fishing nets.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

The MFC must submit a report to the Legislature and the Governor by July 1, 2000, on developing a limited-entry program for the marine life fishery.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No. In fact, if the Legislature creates the five-year moratoriums on the issuance of new marine life and blue crab fishery endorsements, fewer people will be able to participate in those occupations.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

Yes. CS/HB 3779 basically extends trespassing prohibitions in areas surrounding or intersecting aquaculture leases or use zones.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

- N/A

- (2) Who makes the decisions?

- N/A

- (3) Are private alternatives permitted?

- N/A

- (4) Are families required to participate in a program?

- N/A

- (5) Are families penalized for not participating in a program?

- N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

- N/A

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

**D. STATUTE(S) AFFECTED:**

Sections 253.72, 370.06, 370.0608, 370.092, 370.093, 370.1127, 370.13, and 370.135, F.S.

**E. SECTION-BY-SECTION RESEARCH:**

Section 1: Amends s. 253.72, F.S., to prohibit shellfish harvesting within 25 feet outside lawfully marked aquaculture lease boundaries, or within setback or access corridors within specifically designated high-density aquaculture lease areas and use zones.

Section 2: Amends s. 370.06, F.S., to exempt certain disabled commercial fishermen from needing to meet income requirements in order to obtain a restricted species endorsement. Specifies who is eligible to obtain a marine life fishing endorsement on their saltwater products license. Provides that effective July 1, 1998, and through July 1, 2002, no new marine life fishing endorsements will be issued. Continues eligibility for renewal of existing marine life fishing endorsements, under certain circumstances. Provides for transfer of endorsements, under certain circumstances. Directs the Marine Fisheries Commission to prepare a report by July 1, 2000, regarding options for establishing a limited-entry program for the marine life fishery, and specifies who should receive the report. Re-emphasizes that no person may sell red snapper in Florida without a saltwater products license bearing a restricted species endorsement and a federal reef fish permit with red snapper endorsement, unless the red snapper was harvested legally in federal waters or in waters of another state and have entered Florida through interstate commerce. Requires documentation. Establishes penalties.

Section 3: Amends s. 370.0608, F.S., to adjust funding percentages of certain categories of activities receiving recreational saltwater fishing license revenues. Increases from not more than 2.5 percent to not more than 5 percent the share available for the Marine Fisheries Commission and for grants to marine research institutions in Florida to conduct worthy research projects. Reduces from not less than 30 percent to not less than 27.5 percent the revenues available for marine research.

Section 4: Amends s. 370.092, F.S., to designate as a major violation for any person, firm or corporation to possess a gill or entangling net, or a seine net larger than 500 square feet in mesh area, on any vessel less than 22 feet in length on the west coast of Florida and less than 22 feet in length on the east coast of Florida if the primary power

source of the vessel is a stern-mounted outboard motor. Specifies that vessel length shall be determined in accordance with current U.S. Coast Guard regulations as specified in the Code of Federal Regulations, or as listed on the boat's Florida title. Directs the Marine Fisheries Commission to adopt rules to prohibit the possession and sale of mullet that has been harvested in illegal gill or entangling nets. Specifies penalties.

Section 5: Amends s. 370.093, F.S., to clarify what constitutes an "entangling net" for the purposes of implementing the prohibitions against the use of certain commercial fishing nets specified in s. 16, Art. X of the Florida Constitution. Replaces "multifilament" with "multistrand monofilament." Specifies that no seine or any part of a seine shall have a mesh size smaller than 3 inches of stretched mesh, unless so authorized by an MFC rule adopted after July 1, 1995.

Section 6: Repeals s. 370.1127, F.S., related to a seasonal designation of mullet as a restricted species in the Panhandle.

Section 7: Amends s. 370.13, F.S., to extend to July 1, 2000, a moratorium on the issuance of new stone crab trap numbers. Prohibits any person from harvesting stone crabs using more than five traps, harvesting commercial quantities of stone crab, or selling stone crabs unless the person has a valid saltwater products license with a stone crab endorsement. Makes technical changes.

Section 8: Amends s. 370.135, F.S., to prohibit any person from harvesting blue crabs using more than five traps, harvesting commercial quantities of blue crab, or selling stone crabs unless the person has a valid saltwater products license with a blue crab endorsement. Beginning July 1, 1998, through July 1, 2002, establishes moratorium on issuance of new blue crab endorsements. Continues eligibility for renewal of existing blue crab endorsements, under certain circumstances. Provides for transfer of endorsements, under certain circumstances. Makes technical changes.

Section 9: Provides that this act shall take effect upon becoming a law.

### III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

#### A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

Indeterminate. Section 3 of CS/HB 3779 potentially makes an estimated \$300,000 available to the MFC and to research institutions for special marine research projects, and reduces \$300,000 for use in general marine research. Since the language still gives the Legislature some flexibility on its allocations to the MFC -- "up to 5 percent" -- the agency could still continue to receive funding based on the current 2.5 percent level of recreational fishing license fees collected.

The MFC likely will incur costs associated with developing and adopting the rules specified in the bill. Additionally, the MFC, the Office of the Attorney General and the Department of Environmental Protection (DEP) may incur additional legal costs in defending or researching any challenges to those rules.

However, more specific rules may result in more successful prosecution of net-ban violators, eventually resulting in fewer enforcement cases that fail in court, and thus savings for DEP's Division of Law Enforcement.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

Indeterminate.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Indeterminate. Individuals and organizations that challenge the proposed MFC rules, or file amicus briefs to such challenges, will incur legal expenses.

Violators of the rules would face stiff penalties -- civil penalties ranging from \$2,500 to \$5,000, plus suspension of commercial fishing license privileges. Multiple offenders would lose their boats, gear and all other fishing equipment used in the prohibited activity.

2. Direct Private Sector Benefits:

Indeterminate. The private sector, as a whole, will benefit from improved enforcement of the constitutional net ban, both in terms of efficient use of tax dollars and the recovery of depleted fish species.

3. Effects on Competition, Private Enterprise and Employment Markets:

Indeterminate.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The mandates provision is not applicable to a research discussion of CS/HB 3779 because the bill does not require cities or counties to expend funds, or to take actions requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

CS/HB 3779 does not reduce the revenue-raising authority of counties or municipalities.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

CS/HB 3779 does not reduce state tax revenues shared with counties and municipalities.

V. COMMENTS:

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 24, 1998, the Committee on Water and Resource Management adopted 16 amendments to HB 3779, which substantially changed the bill.

Among the new provisions were those dealing with the moratoriums on issuance of new endorsements in the stone crab, blue crab and marine life fisheries; the repeal of the law that exempts mullet from being a restricted species in Panhandle waters except during roe season; reshuffling the percentages of recreational fishing license monies so that the MFC potentially could receive more funds; clarifying the illegality of selling red snapper without the proper licenses; and restricting access to areas near aquaculture leases and use zones. Additionally, the amendments clarified the original MFC rulemaking language pertaining to gill or entangling nets to make it understandable and to focus on commercial fishermen who are illegally catching mullet. Another amendment replaced the original language that unless otherwise authorized by MFC rule, the mesh size of a seine or any part thereof could not be larger than 2 inches, with a mesh size no smaller than 3 inches. However, since the MFC has adopted a rule setting the seine mesh size at no larger than 2 inches, the impact of this amendment is minimal.

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Three other amendments were either defeated or withdrawn.

The Committee adopted by the bill as amended by a vote of 10-0, and directed that it be made a committee substitute.

VII. SIGNATURES:

COMMITTEE ON WATER & RESOURCE MANAGEMENT:

Prepared by:

Legislative Research Director:

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Joyce Pugh

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Joyce Pugh