

By Senator Lawson

6-1599-05

See HB

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Senate Joint Resolution No. ____

A joint resolution proposing an amendment to
Section 16 of Article X of the State
Constitution relating to marine net fishing.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 16 of Article X
of the State Constitution is agreed to and shall be submitted
to the electors of this state for approval or rejection at the
general election to be held in November 2006:

ARTICLE X

MISCELLANEOUS

SECTION 16. Limiting marine net fishing.--

(a) The marine resources of the State of Florida
belong to all of the people of the state and should be
conserved and managed for the benefit of the state, its
people, and future generations. To this end the people hereby
enact limitations on marine net fishing in Florida waters to
protect saltwater finfish, shellfish, and other marine animals
from unnecessary killing, overfishing and waste.

(b) For the purpose of catching or taking any
saltwater finfish, shellfish or other marine animals in
Florida waters:

(1) No gill nets or other entangling nets shall be
used in any Florida waters; and

(2) In addition to the prohibition set forth in (1),
no other type of net containing more than 500 square feet of
mesh area shall be used in nearshore and inshore Florida
waters. Additionally, no more than two such nets, which shall
not be connected, shall be used from any vessel, and no person

1 not on a vessel shall use more than one such net in nearshore
2 and inshore Florida waters.

3 (c) For purposes of this section:

4 (1) "gill net" means one or more walls of netting
5 which captures saltwater finfish by ensnaring or entangling
6 them in the meshes of the net by the gills, and "entangling
7 net" means a drift net, trammell net, stab net, or any other
8 net which captures saltwater finfish, shellfish, or other
9 marine animals by causing all or part of heads, fins, legs, or
10 other body parts to become entangled or ensnared in the meshes
11 of the net, but a hand thrown cast net is not a gill net or an
12 entangling net;

13 (2) "mesh area" of a net means the total area of
14 netting with the meshes open to comprise the maximum square
15 footage. The square footage shall be calculated using standard
16 mathematical formulas for geometric shapes. Seines and other
17 rectangular nets shall be calculated using the maximum length
18 and maximum width of the netting. Trawls and other bag type
19 nets shall be calculated as a cone using the maximum
20 circumference of the net mouth to derive the radius, and the
21 maximum length from the net mouth to the tail end of the net
22 to derive the slant height. Calculations for any other nets or
23 combination type nets shall be based on the shapes of the
24 individual components;

25 (3) "coastline" means the territorial sea base line
26 for the State of Florida established pursuant to the laws of
27 the United States of America;

28 (4) "Florida waters" means the waters of the Atlantic
29 Ocean, the Gulf of Mexico, the Straits of Florida, and any
30 other bodies of water under the jurisdiction of the State of
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1 Florida, whether coastal, intracoastal or inland, and any part
2 thereof; ~~and~~

3 (5) "nearshore and inshore Florida waters" means all
4 Florida waters inside a line three miles seaward of the
5 coastline along the Gulf of Mexico and inside a line one mile
6 seaward of the coastline along the Atlantic Ocean; ~~and-~~

7 (6) "seine" means any net constructed of braided or
8 twisted nylon, cotton, linen, or polypropylene twine,
9 regardless of its mesh size, that does not exceed 500 square
10 feet. Such a net shall not be considered a gill net or an
11 entangling net and may be used to harvest mullet in state
12 waters.

13 (d) This section shall not apply to the use of nets
14 for scientific research or governmental purposes.

15 (e) Persons violating this section shall be prosecuted
16 and punished pursuant to the penalties provided in section
17 370.021(2)(a),(b),(c)6. and 7., and (e), Florida Statutes
18 (1991), unless and until the legislature enacts more stringent
19 penalties for violations hereof. On and after the effective
20 date of this section, law enforcement officers in the state
21 are authorized to enforce the provisions of this section in
22 the same manner and authority as if a violation of this
23 section constituted a violation of Chapter 370, Florida
24 Statutes (1991).

25 (f) It is the intent of this section that implementing
26 legislation is not required for enforcing any violations
27 hereof, but nothing in this section prohibits the
28 establishment by law or pursuant to law of more restrictions
29 on the use of nets for the purpose of catching or taking any
30 saltwater finfish, shellfish, or other marine animals.

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1 (g) If any portion of this section is held invalid for
2 any reason, the remaining portion of this section, to the
3 fullest extent possible, shall be severed from the void
4 portion and given the fullest possible force and application.

5 (h) This section shall take effect on the July 1 next
6 occurring after approval hereof by vote of the electors.

7 BE IT FURTHER RESOLVED that the following statement be
8 placed on the ballot:

9 CONSTITUTIONAL AMENDMENT

10 ARTICLE X, SECTION 16

11 MARINE NET FISHING.--Proposing an amendment to Section
12 16 of Article X of the State Constitution to allow seine nets
13 to be used for harvesting mullet in state waters; to provide
14 that such a net means any net constructed of braided or
15 twisted nylon, cotton, linen, or polypropylene twine,
16 regardless of its mesh size, that does not exceed 500 square
17 feet; and to clarify that such nets shall not be considered
18 gill nets or entangling nets.

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