1   House Joint Resolution
2   A joint resolution proposing an amendment to Section
3   16 of Article X of the State Constitution to provide a
4   calculation for measuring the mesh area of shrimp
5   trawls under the marine net fishing limitation.
6
7   Be It Resolved by the Legislature of the State of Florida:
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9   That the following amendment to Section 16 of Article X of
10   the State Constitution is agreed to and shall be submitted to
11   the electors of this state for approval or rejection at the next
12   general election or at an earlier special election specifically
13   authorized by law for that purpose:
14   ARTICLE X
15   MISCELLANEOUS
16   SECTION 16. Limiting marine net fishing.—
17   (a) The marine resources of the State of Florida belong to
18   all of the people of the state and should be conserved and
19   managed for the benefit of the state, its people, and future
20   generations. To this end the people hereby enact limitations on
21   marine net fishing in Florida waters to protect saltwater
22   finfish, shellfish, and other marine animals from unnecessary
23   killing, overfishing and waste.
24   (b) For the purpose of catching or taking any saltwater
25   finfish, shellfish or other marine animals in Florida waters:

26   (1) No gill nets or other entangling nets shall be used in
27 any Florida waters; and
28   (2) In addition to the prohibition set forth in (1), no
29 other type of net containing more than 500 square feet of mesh
30 area shall be used in nearshore and inshore Florida waters.
31 Additionally, no more than two such nets, which shall not be
32 connected, shall be used from any vessel, and no person not on a
33 vessel shall use more than one such net in nearshore and inshore
34 Florida waters.
35   (c) For purposes of this section:
36   (1) "gill net" means one or more walls of netting which
37 captures saltwater finfish by ensnaring or entangling them in
38 the meshes of the net by the gills, and "entangling net" means a
39 drift net, trammell net, stab net, or any other net which
40 captures saltwater finfish, shellfish, or other marine animals
41 by causing all or part of heads, fins, legs, or other body parts
42 to become entangled or ensnared in the meshes of the net, but a
43 hand thrown cast net is not a gill net or an entangling net;
44   (2) "mesh area" of a net means the total area of netting
45 with the meshes open to comprise the maximum square footage. The
46 square footage shall be calculated using standard mathematical
47 formulas for geometric shapes. Seines and other rectangular nets
48 shall be calculated using the maximum length and maximum width
49 of the netting. Trawls and other bag type nets, excluding shrimp
50 trawls, shall be calculated as a cone using the maximum

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51 circumference of the net mouth to derive the radius, and the
52 maximum length from the net mouth to the tail end of the net to
53 derive the slant height. Shrimp trawls shall be calculated using
54 the maximum circumference of the net mouth, and if the maximum
55 circumference of the net mouth does not exceed 66 feet, the mesh
56 area of the net shall be deemed as containing less than 500
57 square feet of mesh area. Calculations for any other nets or
58 combination type nets shall be based on the shapes of the
59 individual components;
60   (3) "coastline" means the territorial sea base line for
61 the State of Florida established pursuant to the laws of the
62 United States of America;
63   (4) "Florida waters" means the waters of the Atlantic
64 Ocean, the Gulf of Mexico, the Straits of Florida, and any other
65 bodies of water under the jurisdiction of the State of Florida,
66 whether coastal, intracoastal or inland, and any part thereof;
67 and
68   (5) "nearshore and inshore Florida waters" means all
69 Florida waters inside a line three miles seaward of the
70 coastline along the Gulf of Mexico and inside a line one mile
71 seaward of the coastline along the Atlantic Ocean.
72   (d) This section shall not apply to the use of nets for
73 scientific research or governmental purposes.
74   (e) Persons violating this section shall be prosecuted and
75 punished pursuant to the penalties provided in section

76 370.021(2)(a),(b),(c)6. and 7., and (e), Florida Statutes
77 (1991), unless and until the legislature enacts more stringent
78 penalties for violations hereof. On and after the effective date
79 of this section, law enforcement officers in the state are
80 authorized to enforce the provisions of this section in the same
81 manner and authority as if a violation of this section
82 constituted a violation of Chapter 370, Florida Statutes (1991).
83   (f) It is the intent of this section that implementing
84 legislation is not required for enforcing any violations hereof,
85 but nothing in this section prohibits the establishment by law
86 or pursuant to law of more restrictions on the use of nets for
87 the purpose of catching or taking any saltwater finfish,
88 shellfish, or other marine animals.
89   (g) If any portion of this section is held invalid for any
90 reason, the remaining portion of this section, to the fullest
91 extent possible, shall be severed from the void portion and
92 given the fullest possible force and application.
93   (h) This section shall take effect on the July 1 next
94 occurring after approval hereof by vote of the electors.
95   BE IT FURTHER RESOLVED that the following statement be
96 placed on the ballot:
97   CONSTITUTIONAL AMENDMENT
98   ARTICLE X, SECTION 16
99 CALCULATION FOR MEASURING SHRIMP TRAWLS.—Proposing an
100 amendment to the State Constitution to provide a calculation for

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101   measuring the mesh area of shrimp trawls under the marine net
102   fishing limitation.

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