## Chapter 14A FISH AND MARINE LIFE [[1]](#BK_4C354BAABD301305F0300C9FDA7297BD)

[ARTICLE I. - IN GENERAL](../level3/PTIIICOOR_CH14AFIMALI_ARTIINGE.docx)

[ARTICLE II. - RESTRICTION ON CERTAIN FISHING NETS](../level3/PTIIICOOR_CH14AFIMALI_ARTIIRECEFINE.docx)

FOOTNOTE(S):

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**Editor's note—** Ord. No. 75-115, § 1, adopted Dec. 16, 1975, repealed Ch. 14A, which consisted of §§ 14A-1—14A-9, comprising Art. I, "Salt Water Fisheries and Marine Life Conservation," as derived from Ord. No. 68-48, §§ 1—8, adopted Aug. 20, 1968. At the editor's discretion, Ord. No. 82-73, §§ 1—8, adopted Sept. 7, 1982, has been included as Art. II, §§ 14A-11—14A-18 hereof. [(Back)](#BK_EACE40068FDE3A52E71CE117EEC9F34C)

**Cross reference—** Keeping of wild animals and reptiles, § 5-2; water conservation district, salt barrier line, § 7-1; fishing from road bridges, § 7-3; Biscayne Bay declared aquatic park, § 7-5; sale of certain fish or seafood in transparent packages, § 8A-98.2; environmental control, Ch. 24. [(Back)](#BK_EACE40068FDE3A52E71CE117EEC9F34C)

### ARTICLE I. IN GENERAL

[Secs. 14A-1—14A-10. Reserved.](#BK_4A31F1C47B4F3161D68B7228E09B1283)

Secs. 14A-1—14A-10. Reserved.

### ARTICLE II. RESTRICTION ON CERTAIN FISHING NETS

[Sec. 14A-11. Intent; construction.](#BK_31313391C5EAFB2853B155297846261D)

[Sec. 14A-12. Violation of state law, rules; adoption by reference.](#BK_C615175B0CB25AD4461A44FB7D27D136)

[Sec. 14A-13. Gill nets of a certain size prohibited; restriction on purse seines.](#BK_2AE8AB3975C14B3F00B767B9BD98868B)

[Sec. 14A-14. Exemption for certain institutions.](#BK_F259ABB63A8BD3FF9BE239903678B615)

[Sec. 14A-15. Penalty.](#BK_06807C8C65F7CB1D3E8A6C5A1295656A)

[Sec. 14A-16. Injunctive relief of violations.](#BK_C59DECDDD96F744410F733D34D98277C)

[Sec. 14A-17. Civil action for liability and damages.](#BK_59F2A9C3A49AA1220931C2F78E2C21C0)

[Sec. 14A-18. Remedies cumulative.](#BK_53C8A5C7F75A323770CC29303FC52C0E)

Sec. 14A-11. Intent; construction.

It is the intent of this board to implement Section 370.08(1), Florida Statutes, without interfering with the State's general regulation of saltwater fisheries. This article is intended to be consistent with and in furtherance of Chapter 370, Florida Statutes, and should be liberally construed to carry out its purposes.

(Ord. No. 82-73, § 1, 9-7-82)

Sec. 14A-12. Violation of state law, rules; adoption by reference.

It shall be unlawful and in violation of this article for any person, firm, corporation or any other entity to perform any act which is a violation of Chapter 370, Florida Statutes, as same may be amended from time to time, or which is a violation of any of the rules or regulations of the Florida Department of Natural Resources promulgated pursuant to the provisions of Chapter 370, Florida Statues, as same may be amended from time to time. All of the provisions of Chapter 370, Florida Statutes, as same may be amended from time to time, and all of the rules and regulations of the Florida Department of Natural Resources promulgated pursuant to Chapter 370, Florida Statutes, as same may be amended from time to time, are adopted and incorporated by reference as a part of this article to the same extent and to the same effect as if the provisions of each such statute, rule and regulation were set out in full herein defining and prohibiting each such offense against the State to be an act prohibited by or an offense in violation of this article.

(Ord. No. 82-73, § 2, 9-7-82)

Sec. 14A-13. Gill nets of a certain size prohibited; restriction on purse seines.

(a) It shall be unlawful and a violation of this article for any person, firm, corporation or any other entity to use, by placing on or within Dade County waters, any gill net which hangs or will stretch to a dimension or depth greater than seventeen (17) feet when measured from the top of the net or floats to the bottom of the net or lead line.

(b) For purposes of this article a gill net shall be defined as a net or wall of webbing suspended vertically in the water by means of weights on the net or lead line and floats on top of the net or float line and is designed to take or capture fish which become entangled in the webbing of the net.

(c) It shall be unlawful and a violation of this article for any person, firm, corporation or any other entity to use, by placing on or within Dade County waters, any purse seines or nets except when used in taking bait fish or menhaden fish.

(Ord. No. 82-73, § 3, 9-7-82; Ord. No. 82-108, § 1, 11-16-82)

Sec. 14A-14. Exemption for certain institutions.

The provisions of [Section 14A-13](../level3/PTIIICOOR_CH14AFIMALI_ARTIIRECEFINE.docx#PTIIICOOR_CH14AFIMALI_ARTIIRECEFINE_S14A-13GINECESIPRREPUSE) of this article shall not apply to the use of any gill net by an eleemosynary corporation or governmental entity when utilized for educational or research activities in Dade County waters and which eleemosynary corporation or governmental entity has obtained a permit from the Department of Environmental Resources Management of Metropolitan Dade County. Whenever any person is aggrieved by the decision of the Department of Environmental Resources Management with respect to the granting or denial of such a permit, he may appeal the decision to the Environmental Quality Control Board pursuant to the procedures contained in [Section 24-6](../level4/PTIIICOOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIINGE_DIV1GEPR.docx#PTIIICOOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIINGE_DIV1GEPR_S24-6DIMIDECODEENREMAFFCRAPTEEXCLSEMESYCOASOPPR) of the Code. Any person aggrieved by any decision of the Environmental Quality Control Board on such an appeal may apply to the appropriate court of Dade County for review thereof in accordance with applicable court rules.

(Ord. No. 82-73, § 4, 9-7-82)

Sec. 14A-15. Penalty.

If any person violates any of the provisions of this article such person, upon conviction of such offense, shall be punished as provided in [Section 1-5](../level2/PTIIICOOR_CH1GEPR.docx#PTIIICOOR_CH1GEPR_S1-5GEPECOCILICRLIPE). Each day during any portion of which such violation occurs shall constitute a separate offense.

(Ord. No. 82-73, § 5, 9-7-82)

Sec. 14A-16. Injunctive relief of violations.

The Director of the Department of Environmental Resources Management of Metropolitan Dade County may institute a civil action in a court of competent jurisdiction to seek prohibitory and mandatory injunctive relief to enforce this article and to enjoin any violation of this article; and to seek prohibitory and mandatory injunctive relief to prevent injury to or destruction of animal or aquatic life in Dade County waters caused by or which may be caused by any violation of this article.

(Ord. No. 82-73, § 6, 9-7-82)

Sec. 14A-17. Civil action for liability and damages.

(a) The Director of the Department of Environmental Resources Management of Metropolitan Dade County may institute a civil action in a court of competent jurisdiction to establish liability and to recover compensatory and punitive damages for any injury to or destruction of animal or aquatic life in Dade County waters caused by any violation of this article.

(b) In assessing compensatory damages for injury to or destruction of animal or aquatic life in Dade County waters caused by any violation of this article, the value for individual categories of animal and aquatic life shall be determined in accordance with the table of values of the Florida Department of Environmental Regulation set forth in Chapter 17-11 of the Florida Administrative Code, as same may be amended from time to time, which table of values are adopted and incorporated by reference as a part of this article to the same extent and to the same effect as if fully set forth herein. The total number of animals and aquatic life injured or destroyed may be estimated by standard practices used in estimating animal and aquatic life populations.

(Ord. No. 82-73, § 7, 9-7-82)

Sec. 14A-18. Remedies cumulative.

All the judicial remedies in this article are independent and cumulative.

(Ord. No. 82-73, § 8, 9-7-82)