

USCA 11 Case 23-13577

United States District Court for the Southern District of Florida

Tim Daniels vs. Florida Fish and Wildlife Conservation Commission

“... only Florida-registered vessels fall within the state’s extraterritorial jurisdiction and are subject to the state’s pompano rules. That is because 16 U.S.C. § 1856(a)(3)(A) allows a state to regulate fishing vessels “outside the boundaries” of the state when “[t]he fishing vessel is registered under the law of that State.” So, when a vessel is registered under Florida law and operates in federal waters, Florida’s pompano regulations apply. Conversely, when a vessel is not registered under Florida law and operates in federal waters, the pompano regulations cannot apply.

Daniels correctly notes that non-Florida-registered vessels consequently escape the gill net and PEZ restrictions that burden Florida-registered vessels seeking pompano in federal waters.