

# Shark Fishing Agenda Item Proposal

## City Attorney Opinion

In Florida, the Florida Wildlife Commission (FWC) regulates shark fishing by:

- Requiring a shark fishing permit
- Requiring the completion of a Shore-Based Shark Smart Fishing educational course prior to obtaining the permit
- Banning certain shark fishing techniques (“chumming”)
- Prohibiting the taking, possession, delay of release, and removal from water of prohibited shark species (F.A.C. § 68B 44.004)

Florida Statute § 379.2412: *preempts* local governments from regulating the taking and possession of fish, but local governments have the authority to *regulate* “saltwater fishing from real property owned by that local government”.

- Reasons must be for protecting public health, safety, or welfare

Florida Attorney General Opinion 2002-38: Municipalities **may regulate the beach within their corporate limits** as long as it relates to and is designed to accomplish the purpose of public safety or welfare

- Dry sand beach regulation(s) may be accomplished **regardless of the ownership** (with the exception of state ownership)
  - **Specifically mentions shark fishing**
- The City may adopt reasonable rules and regulations to control shark fishing away from crowded beach areas for the purpose of protecting swimmers and beachgoers, including:
  - Fishing equipment management rules
  - Time and place regulations
- The City must gather **definitive facts and findings** that prohibiting shark fishing is in the interest of protecting public safety, health, and welfare for such amendments to be consistent with the law

# **Shark Fishing Regulation**

## **Facts and Findings**

An average cast from a rod is around 75 feet, but baits deployed by drones are typically flown between several hundred to over a thousand feet from shore. Thus, prohibiting casting by aircraft and watercraft can reduce over 90% of entanglement risk and inevitable 'ghost gear' from broken-off line (Appendix A).

Sharks live alongside us and bites are rare, but accidents occur. Sharks can be conditioned to associate locations with food provisioning and routinely return in search of it (Brunnschweiler & Barnett, 2013; Heim et al., 2021), increasing likelihood of bites.

Shark dive tourism brings over \$200 million dollars in annual revenue to Florida communities (Oceana, 2017), and a single shark can be cherished by thousands of visitors. By contrast, many sharks will only be caught once, as tracking research shows 15% die within five hours of release and 23% die within six weeks (Binstock et al., 2023).

Small sharks, including endangered species, are often reduced to bait, degrading Marco Island's ecosystems and visitor experience (Appendix B). Beachgoers report finding fish parts discarded in the surf on mornings following shark fishing activity, a violation of state law prohibiting chumming (F.A.C. § 68B 2.011).

State laws prohibiting delay of release and removal from water of protected shark species are commonly violated on Marco Island beaches (Appendix C). Shark protection laws are commonly violated in the general practice of Florida shark fishing. A scientific social media analysis identified 389 illegal shark catches on a Florida Facebook group in a 5-year time frame (Shiffman et al., 2017).

Common practices in shark fishing violate Marco Island municipal code § 54.36 (i), prohibiting use of aircraft on the beach and § 54 Article V, prohibiting use of non-red/amber lights in sea turtle nesting habitat and season (Appendix D).

## **Precedent Approaches**

Shark fishing can be prohibited without affecting other forms of surf fishing by restricting specific gear and methods used to target large sharks. This is how cities like Miami Beach designed their ordinances (Appendix F).

Land-based shark fishing gear is defined in the Florida Administrative Code § 68B 44.002 (4) as:

- metal leaders greater than 4 feet in length
- ‘fighting belts’, fighting harnesses, or similar devices used in conjunction with a fishing rod to give the angler a mechanical advantage when reeling in a fish
- deploying bait by any means other than casting from shore or casting while wade fishing, including but not limited to transporting or dropping the bait by or from a vessel, surf board, drone, or by swimming

Miami Beach also set a maximum hook size, as hook widths exceeding 1” are generally only effective for targeting large sharks and goliath groupers, a prohibited species (Appendix E). It is not feasible to catch large sharks with gear that meets these restrictions. Large sharks can bend open smaller hooks, break lines off rods without mechanical aids, and rarely venture within casting distance of shore.

Restricting shark fishing activity to night hours does not address fish parts or other forms of bait discarded or washed into the water, which may remain the following morning, nor does it reduce sharks’ habituation to Marco Island waters as a food source.

These gear restrictions uphold the right to fish by traditional methods, and in fact do not prohibit all forms of shark fishing. It is still possible to catch smaller sharks, such as blacktips and bonnetheads, on typical recreational fishing gear, but without heavy tackle and augmented casting, there is no incentive to eviscerate the animal on the beach as bait for large sharks.

## Appendix

### A) 'Ghost Gear'

**Broken-off shark fishing rig  
recovered from swimming zone in Miami Beach,  
baited with blacktip shark head**

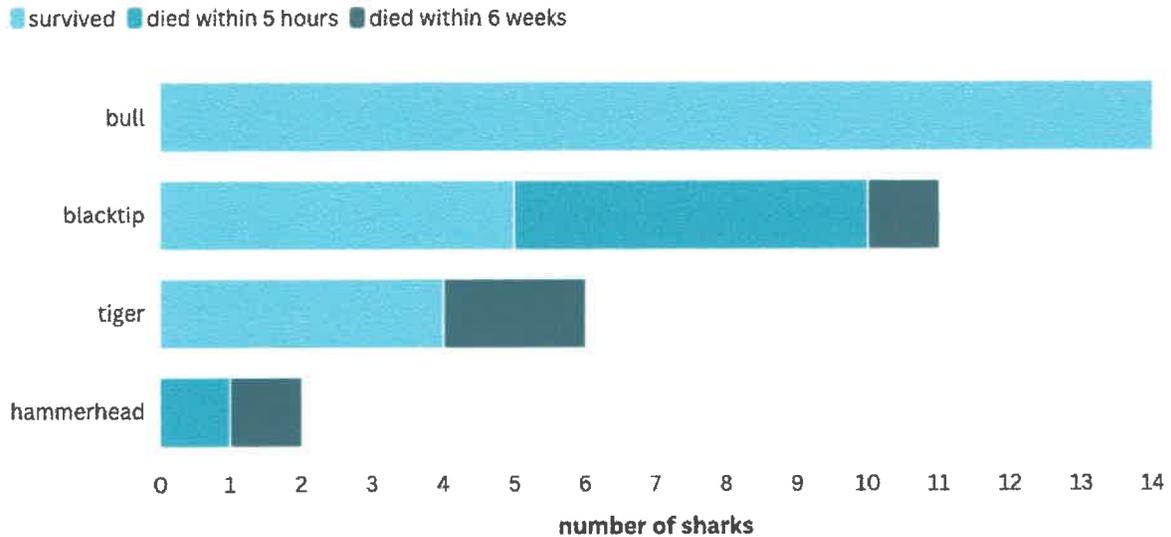
length: ~600'

hook gap: ~2.25"



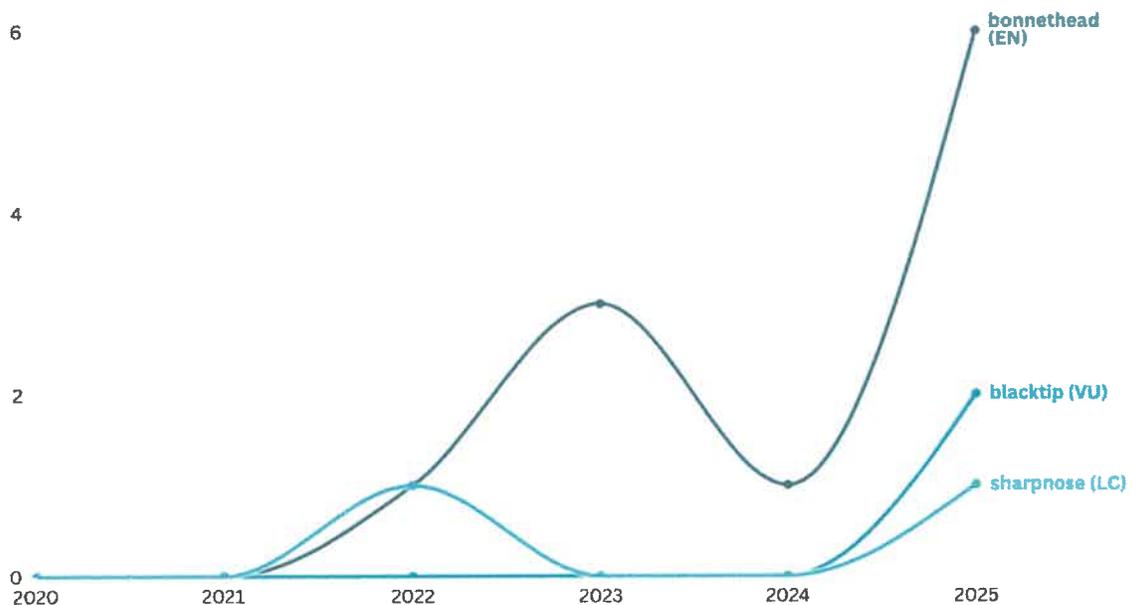
## B) Shark Mortality Figures

### Post-release fate of sharks caught from shore



Source: [Binstock et al. 2023](#) • Across 33 sharks of four species, tracking devices showed 18% post-release mortality after 5 hours and 30% after 6 weeks. Surviving sharks were tracked for an average of 15 days.

### Sharks found dead on Marco Island



Source: [iNaturalist](#) • Sharks that die of natural causes are negatively buoyant and do not typically wash up in the shallows. Citizen scientists log a small fraction of cases, but patterns in their observations can indicate larger trends. An adult tiger shark washed up on Marco Island in January 2026.

# C) Violations of Florida Shark Protection Laws

selected examples:

**Great Hammerhead**  
*Sphyrna mokarran*  
**PROHIBITED**

CRITICALLY ENDANGERED

F.A.C. § 688 44.004 (3)

Florida Fish and Wildlife Conservation Commission

- Prohibited shark species must remain in the water with the gills submerged when fishing from shore or from a vessel.
- Minimize handling and release time and do not delay release just to take pictures.

advertised on [MarcoIslandSharks.com](http://MarcoIslandSharks.com)

floridajaws • Follow  
Marco Island, Florida

**Tiger Shark**  
*Galeocerdo cuvier*  
**PROHIBITED**

F.A.C. § 688 44.004 (3)

Florida Fish and Wildlife Conservation Commission

- Prohibited shark species must remain in the water with the gills submerged when fishing from shore or from a vessel.
- Minimize handling and release time and do not delay release just to take pictures.

216 15

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April 18, 2025

VULNERABLE

F.A.C. § 688 44.004 (3)

Florida Fish and Wildlife Conservation Commission

- Prohibited shark species must remain in the water with the gills submerged when fishing from shore or from a vessel.
- Minimize handling and release time and do not delay release just to take pictures.

**Lemon Shark**  
*Negaprion brevirostris*  
**PROHIBITED**

August 12, 2024

marcoislandsharks • Follow  
Original audio

CRITICALLY ENDANGERED

F.A.C. § 688 44.004 (3)

Florida Fish and Wildlife Conservation Commission

- Minimize handling and release time and do not delay release just to take pictures.

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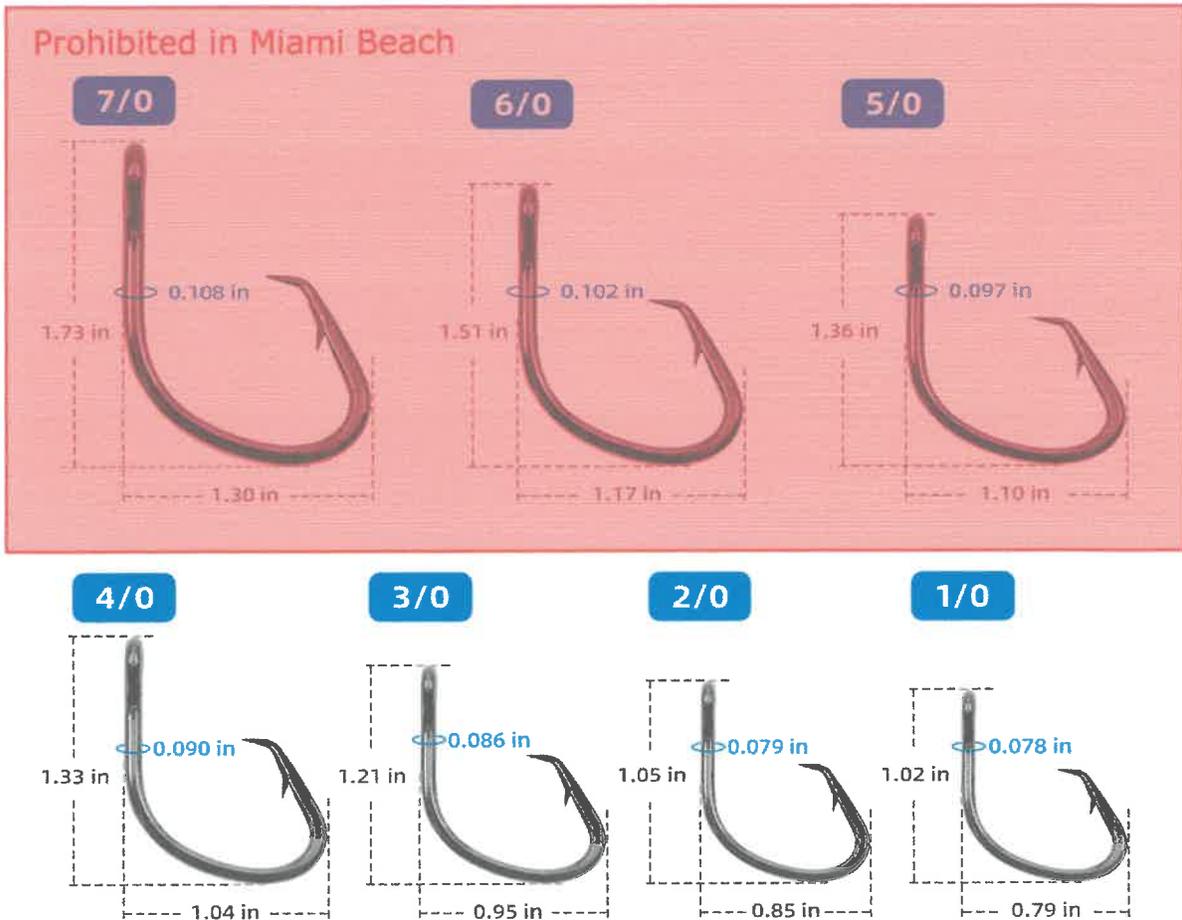
May 7, 2024

# D) Violations of Marco Island Municipal Code

selected examples:



## E) Hook Sizes and Uses



Hook Size	Common Usage	Target Species
1/0	Medium	Snook, Snapper, Redfish, Grouper
2/0	Medium	Tarpon, Snook, Redfish, Snapper, Grouper
3/0	Medium-Large	Tarpon, Snook, Redfish, Grouper
4/0	Large	Tarpon, Snook, Redfish, Grouper, Sharks

5/0	Extra Large	Sharks, Grouper
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Source: [fishingfloridawater.com](http://fishingfloridawater.com)

## **F) Miami Beach Ordinance**

### **CHAPTER 10 – ANIMALS**

Sec. 10-21. Shore-based shark fishing prohibited; definitions; penalties.

(a) Definitions.

(1) For purposes of this section, the term “shark” shall have the same meaning as set forth in Florida Administrative Code section 68B-44.002(2).

(2) For purposes of this section, the term “shore-based shark fishing” shall mean the targeting or harvesting of any species of shark when fishing from the beach or shore, wade fishing, or fishing from any structure attached to the beach or shore including, but not limited to, any bridge, pier, dock, or jetty. Fishing from the beach or shore, or any structure attached to the beach or shore, by or with any of the following gear or methods, shall constitute shore-based shark fishing irrespective of the species targeted or harvested.

a. Fishing with a metal leader greater than four (4) feet in length.

b. Using a fighting belt, fighting harness, or similar device in conjunction with a fishing rod to give the angler a mechanical advantage when reeling in a fish.

c. Deploying bait by any means other than casting from the beach or shore or casting while wade fishing, including, but not limited to, transporting or dropping the bait by or from a vessel, surfboard, drone, or by swimming.

d. Deploying a baited hook for which the maximum distance measured between two points inside the curve created by the hook exceeds 1.1 inches, when measured at the widest dimension.

(b) Prohibitions.

(1) Notwithstanding the possession of a permit or license issued pursuant to Florida Administrative Code section 68B-44.009(3) or 50 C.F.R. section 635.4, no person shall participate in shore-based shark fishing in the jurisdictional waters of the City.

(2) Any person who accidentally catches a shark in violation of this section 10-21 while fishing from the beach or shore shall immediately release such shark at the site of capture, without unnecessary harm. Delaying the release of a shark for any period of time longer than necessary to remove the hook or other fishing tackle is prohibited. If the hook cannot be removed quickly, either the hook must be cut, or the leader must be cut as close to the hook as possible, in order to remove as much fishing tackle as practicable without delaying release of the shark.

(c) Penalties. Any violation of this section shall be punished by a fine not exceeding \$500.00 or by imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment, in accordance with section 1-14 of the City Code.

#### SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

#### SECTION 3. SEVERABILITY.

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

#### SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

#### SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect the 5<sup>th</sup> day of February, 2026.

## REFERENCES

Binstock AL, Richards TM, Wells RJD, Drymon JM, Gibson-Banks K (2023) Variable post-release mortality in common shark species captured in Texas shore-based recreational fisheries. *PLOS ONE*.

Brunnschweiler JM, Barnett A (2013) Opportunistic Visitors: Long-Term Behavioural Response of Bull Sharks to Food Provisioning in Fiji. *PLOS ONE*.

Heim V, Dhellemmes F, Smukall MJ, Gruber SH, Guttridge TL (2021) Effects of Food Provisioning on the Daily Ration and Dive Site Use of Great Hammerhead Sharks, *Sphyrna mokarran*. *Frontiers in Marine Science*.

Oceana (2017) The Economic Impact of Shark Diving in Florida.

[https://usa.oceana.org/wp-content/uploads/sites/4/economic\\_impact\\_of\\_shark\\_diving\\_in\\_florida\\_report.pdf](https://usa.oceana.org/wp-content/uploads/sites/4/economic_impact_of_shark_diving_in_florida_report.pdf)

Schiffman DS, Macdonald C, Ganz HY, Hammerschlag N (2017) Fishing practices and representations of shark conservation issues among users of a land-based shark angling online forum. *Fisheries Research*.