

Miami Beach Office of the City Attorney,

The proposed legislation to restrict land-based shark fishing gear is in accordance with both state law and legal precedent. While we appreciate your concern and comments regarding preemption, Florida Statute § 379.2412 is clear that local governments retain the right to regulate fishing gear types and baiting methods used on public beaches within municipal jurisdiction.

Fla. Stat. § 379.2412 states that the power to regulate the taking or possession of saltwater fish is expressly reserved to the state. However, the statute qualifies,

This section does not prohibit a local government from prohibiting, for reasons of protecting the public health, safety, or welfare, saltwater fishing from real property owned by that local government.

Commissioner Dominguez's proposed legislation does not attempt to regulate the taking or possession of fish. If passed, any fish species caught with legal gear would remain subject to state regulations on their capture, possession, and/or release. The City—within its power and responsibility under Fla. Stat. §379.2412 to place safety restrictions on fishing gear types and baiting methods used on public beaches within its jurisdiction—would regulate gear types that threaten the public safety and the fragile Miami Beach ecosystems.

Commissioner Dominguez's proposal to restrict land-based shark fishing methods in the interest of public safety is in accordance with state law, as well as precedent for its interpretation for over 15 years. For example, in 2009, the City of Delray Beach explicitly prohibited shark fishing with ordinance § 101.37, working closely with Florida Fish & Wildlife Conservation Commission officials to reserve the state's power to regulate the taking of fish (Appendix B). In addition, two Pinellas County municipalities passed similar prohibitions in 2023 (Appendices C & D). The Redington Shores ordinance (Appendix C) is the most specific with respect to gear types, providing an excellent model for the City of Miami Beach.

Furthermore, the Office of the Attorney General of the State of Florida has provided general opinions that supports ordinances of this kind. One general opinion states that a municipality “may regulate in a reasonable manner the public beach within its corporate limits seaward of its duly established erosion control line to protect the public health, safety, and welfare if such regulation has a rational relation to, and is reasonably designed to, accomplish a purpose necessary for the protection of the public.” 71 Op. Atty. Gen. Fl. 43 (1979). In addition, while the Office of the Attorney General has recognized municipalities may not enact local legislation purporting to regulate the taking or possession of saltwater fish, local governments may pass “special acts prohibiting the use or regulation of nets or seines for saltwater fishing purposes in county waters.” 40 Op. Atty. Gen. Fl. 106 (1977).

The proposed regulation protects the public health, safety, and welfare within the City of Miami Beach's corporate limit and seaward of the erosion control line. The gear types

proposed for regulation are generally commercial-grade that have been repurposed for land-based shark fishing above the mean high-water line in the City of Miami Beach. Shark baiting and gear types specific to shark fishing present public safety concerns for three primary reasons:

1. Land-based shark fishing introduces long extensions of strong, commercial-grade ‘monofilament’ fishing line through public swimming areas. Gear loss and abandonment are high with these methods and target species. Swimmers may become entangled or mistake active lines for abandoned gear, causing tension in the line and prompting fishermen to reel.
2. Land-based shark fishing uses commercial-grade fishing hooks with wide gaps capable of ‘snagging’ the body in a way that smaller hooks are not. The combination of large circle hooks and powerful mechanical aids (e.g., harnesses and ‘fighting plates’) increases the possibility that a hook—upon reeling—could pierce a swimmer.
3. Land-based shark fishing involves the deployment of large pieces of bait. While we share our coastline with many shark species and bites are rare, this low-conflict dynamic changes with the introduction of bait. Baiting conditions sharks to associate locations with food and investigate unfamiliar objects. This presents a safety hazard to the public.

To illustrate these real threats, on November 12, 2025, an abandoned land-based shark fishing gear set was recovered near the Reefline art installation, including three hundred feet of monofilament line, hundreds more of braided line, and a baited circle hook with a 1.5” gape – 2.25” at its widest dimension (Appendix A). This fishing gear could have injured people enjoying the City of Miami Beach’s opportunities for outdoor recreation or critically harmed the wildlife in the area.

Considering the statutory language of Fla. Stat. § 379.2412, legal precedent, and the City’s clear authority to regulate activities on its own beaches for the protection of public health and safety, Commissioner Dominguez’s proposal represents a legally sound exercise of municipal power. The ordinance targets hazardous gear and baiting methods—not the taking or possession of saltwater fish—and aligns with comparable regulations adopted by other Florida municipalities. By addressing documented dangers associated with land-based shark fishing, the City of Miami Beach would be acting squarely within its authority and in furtherance of its obligation to safeguard residents, visitors, and coastal ecosystems.

Thank you for your consideration,

A stylized, handwritten signature in black ink, appearing to read 'Spencer Roberts'.

Spencer Roberts
PhD Student, Environmental Science and Policy
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A stylized, handwritten signature in black ink, appearing to read 'Alexis Burns'.

Alexis Burns
Juris Doctor, University of Miami School of Law
Master of Professional Science, Rosenstiel School of Marine, Atmospheric, and Earth
Sciences

APPENDIX – Photographs

A) ABANDONED SHARK FISHING GEAR



APPENDIX – Example Legislation

B) DELRAY BEACH MUNICIPAL ORDINANCE

TITLE 9 – GENERAL REGULATIONS

CHAPTER 101. - PARKS, BEACHES AND RECREATION

Sec. 101.37. - SHARK FISHING.

(A) No shark fishing shall be allowed within three hundred (300) feet north and south of the municipal beach and within three hundred (300) feet north and south of Atlantic Dunes;

(B) No baiting or chumming shall be allowed on or within three hundred (300) feet north and south of the municipal beach and within three hundred (300) feet north and south of Atlantic Dunes. Baiting or chumming is defined as using cut up or ground up bait to put an attracting scent line on or below the surface of the water, or to visually attract other fish; this shall not prohibit someone from using a piece of cut bait on an individual line that is used for general fishing;

(C) The use of shark lures and rigs shall be strictly prohibited within three hundred (300) feet north and south of the municipal beach and within three hundred (300) feet north and south of Atlantic Dunes; and

(D) All accidental shark catches must be cut loose.

(E) All shark carcasses and pieces shall be removed from the beach within the City limits.

(Ord. No. 37-09, § 1, passed 7/21/09; [Ord. No. 14-14, § 1, passed 6/3/14](#))

C) REDINGTON SHORES MUNICIPAL ORDINANCE

CHAPTER 56 – ANIMALS

ARTICLE III. - SHARK FISHING

Sec. 56-30. - Shore-based shark fishing prohibited.

A. Notwithstanding the possession of a permit issued pursuant to Florida Administrative Code § 68B-44.009(3) or 50 C.F.R. § 635.4, a person may not participate in shore-based shark fishing in the jurisdictional waters of the town.

B. For purposes of this article, the term "shark" shall have the same meaning as is set forth in FAC § 68B-44.002(2).

C. For purposes of this article, the term "shore-based shark fishing" shall mean the targeting or harvesting any species of shark when fishing from shore, wade fishing, or fishing from any structure attached to shore, including, but not limited to, bridges, piers, docks, and jetties. Fishing from shore or any structure attached to shore by or with any of the following gear or methods shall constitute shore-based shark fishing regardless of the species targeted or harvested.

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

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

(3) 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, surfboard, drone, or by swimming.

(4) Deploying bait by means other than casting shall not constitute shore-based shark fishing if the bait is attached to a hook for which the maximum distance measured between two points inside the curve created by the hook does not exceed 1.5 inches, when measured at the widest dimension.

([Ord. No. 2023-13](#), § 1, 12-13-2023)

D) INDIAN SHORES MUNICIPAL ORDINANCE

ORDINANCE 2023-04

AN ORDINANCE OF THE TOWN OF INDIAN SHORES, FLORIDA, CREATING A SHARK FISHING ORDINANCE AMENDING CHAPTER 14 - ANIMALS -. AND ADDING A NEW ARTICLE I, SECTION 14-3, “SHARK FISHING”; TO PROHIBIT SHARK FISHING ALONG THE BEACHES OF THE TOWN OF INDIAN SHORES AND ALONG THE SHORE OF THE GOVERNMENT CHANNEL IN THE NARROWS; INCORPORATING FINDINGS; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Indian Shores (the Town) is a Florida municipal corporation and political subdivision of the State of Florida; and

WHEREAS, the Town Council of Indian Shores (the Council) finds that sharks and all aquatic life are important to the biodiversity of the coastal waters of Florida; and

WHEREAS, the Council has determined it to be in the public’s best interest to establish reasonable regulations regarding fishing along the beaches of the Town or along the shore of the government channel in the Narrows; and

WHEREAS, the Town Council desires to eliminate shark fishing from the shoreline and the Narrows irrespective of permits issued under 50 C.F.R. § 635.4 or licenses obtained pursuant to Chapter 68B-44, F.A.C.; and

WHEREAS, the Council finds that it is in the best interest of the Town, and the health, safety and welfare of its residents, visitors and businesses, to protect endangered marine life and native species by adoption of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF INDIAN SHORES:

Section 1: That all of the above recitals are true and correct, and the same are incorporated into this Ordinance as if fully set forth herein.

Section 2: That the Town of Indian Shores Code of Ordinances, Chapter 14— Animals — is hereby amended by the addition of a new Article I, Sec. 14-3, and shall hereby be created to read as follows:

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Ordinance No. 2023-04, Town of Indian Shores, FL

Sec.14-3. Shark Fishing

- (a) No shark fishing shall be allowed along the beaches of the Town or along the shore of the government channel in the Narrows.
- (b) No baiting or chumming shall be allowed along the beaches of the Town or along the shore of the government channel in the Narrows. Baiting or chumming is defined as using cut up or ground up bait to put an attractive scent line on or below the surface of the water, or to visually attract other fish; this shall not prohibit someone from using a piece of cut bait on any individual line that is used for general fishing.
- (c) The use of shark lures and rigs shall be strictly prohibited along the beaches of the Town or along the shore of the government channel in the Narrows: and
- (d) All accidental shark catches must be cut loose.
- (e) All shark carcasses and pieces shall be removed from the Indian Shores beaches or along the shore of the government channel in the Narrows within the Town limits.

Section 3: That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: That if any provision or part of this Ordinance is declared invalid or unenforceable as a matter of law, the offending portion shall be stricken and all other provision hereof shall remain valid and enforceable.

Section 5: This Ordinance shall become effective immediately upon adoption in the manner provided by law.