

ORDINANCE NO. 2023-13

AN ORDINANCE OF THE TOWN OF REDINGTON SHORES, FLORIDA, CREATING ARTICLE III OF CHAPTER 56 OF THE TOWN CODE RELATED TO SHARK FISHING; REPEALING § 56-10 OF THE TOWN CODE RELATED TO PENALTIES; MAKING RELATED FINDINGS; PROVIDING FOR CODIFICATION, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 56 of the Redington Shores Town Code addresses the subject of Animals; and

WHEREAS, earlier in 2023, a deceased tiger shark washed ashore in the neighboring Town of Indian Shores, and its death was attributed to shore-based shark fishing; and

WHEREAS, shore-based shark fishing is commonly performed by luring sharks close to the shore by chumming the waters near the beach where people are often located, thus increasing the chance for shark bites; and

WHEREAS, while properly-regulated off-shore/deep sea shark fishing may lawfully occur, the taking of smaller, younger sharks on-shore, such as the endangered tiger shark which, when killed, was pregnant, is environmentally irresponsible; and

WHEREAS, Part 635 (Atlantic Highly Migratory Species) of Title 50 (Wildlife and Fisheries) of the United States Code of Federal Regulations provides, at 50 C.F.R. § 635.4, for the issuance for certain Atlantic tuna, swordfish, or shark fishing permits by the National Marine Fisheries Service; and

WHEREAS, Florida Administrative Code § 68B-44.009(3) allows the Florida Fish and Wildlife Conservation Commission to issue a shore-based shark fishing permit; and

WHEREAS, the Commission has reviewed an ordinance from Delray Beach, Florida, which ordinance has also been adopted by the Town of Indian Shores, and has determined that a similar ordinance should be adopted by the Town; and

WHEREAS, the Commission determines that it would be in the best interests of the Town, and its residents and aquatic environment, to adopt a prohibition of on-shore shark fishing.

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of Redington Shores, Florida, that:

Section 1. A new Article III (SHARK FISHING) of Chapter 56 (ANIMALS) of the Redington Shores Town Code is hereby created as follows:

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 § 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 4 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.

Sec. 56-31. – Accidental catches.

A person who accidentally catches a shark in violation of § 56-30 while fishing from shore must release such shark immediately 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 possible without delaying release.

Section 2. Section § 56-10 of the Redington Shores Town Code is hereby repealed in its entirety.

Section 3. Pursuant to Florida Statutes § 166.041(4)(a), prior to the date the public notice of the public hearing for this Ordinance was published, the Town prepared and posted on its website a business impact estimate which included: a) a summary of the Ordinance, a statement of the public purpose to be served by the Ordinance, b) an estimate of the direct economic impact of the Ordinance on private, for-profit businesses in the Town, c) an estimate of direct compliance costs that businesses may reasonably incur due to the Ordinance, d) identification of any new charge or fee on businesses created by the Ordinance or for which businesses will be financially responsible, e) an estimate of the Town's regulatory costs and of revenues from any new charges or fees imposed on businesses to cover such costs, and f) a good faith estimate of the number of businesses likely to be impacted by the Ordinance.

Section 4. For purposes of codification of any existing section of the Redington Shores Code herein amended, words underlined represent additions to original text, words ~~stricken~~ are deletions from the original text, and words neither underlined nor stricken remain unchanged.

Section 5. If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board of Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 6. The Codifier shall codify the substantive amendments to the Redington Shores Code contained in Sections 1 through 2 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 7. Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon adoption.

ADOPTED ON FIRST READING on the 8th day of November, 2023, by the Board of Commissioners of the Town of Redington Shores, Florida.

ADOPTED ON SECOND AND FINAL READING on the 13th day of December, 2023, by the Board of Commissioners of the Town of Redington Shores, Florida.

Attest:

Lisa Hendrickson, Vice Mayor
for MaryBeth Henderson, Mayor

Margaret Carey, Town Clerk