

From: [Rob Merlino](#)
To: [City Council](#)
Cc: earle.kimel@heraldtribune.com; [Frankie Abbruzzino](#); nickforvenice@gmail.com
Subject: Shark Fishing in Venice
Date: Monday, September 16, 2019 3:56:36 PM

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Dear council and mayor-

I am writing once again to express opposition to ANY attempt by the city of Venice to regulate Shark fishing (or any other kind of fishing) in the city limits. As most of you should know, FWC recently revamped their shore shark fishing regulations. People who wish to fish for sharks now have to take a course and pass a test to be issued a shark fishing permit. Shark fishermen are also required to be in possession of this permit and certain tools and equipment to safely and quickly release sharks. FWC spent years, with the input of knowledgeable fishermen, in drafting their rules. To think the Venice City Council, in the span of just a few weeks or months, can come up with regulations that have the depth of understanding FWC puts in its rules is laughable. It is my opinion, and the opinion of the people associated with the Venice Pier Fishermen and Women's group, that FWC is, and should be, the body that regulates shark fishing (or any other kind of fishing), not a bunch of local politicians. FWC has the expertise in these matters and the city council does not.

Lawful fishing is a constitutionally guaranteed right in the state of Florida. In any public park, one of the few prohibited activities is lawful fishing. This is even in the city of Venice ordinances in relation to restricted activities in public parks. If the city chooses to haphazardly regulate certain kinds of fishing in opposition to FWC rules, it creates a constitutional conundrum. Let the city tend to city matters, let the constitutionally created FWC tend to fishing matters.

The politics of this proposed move smack of the mayor's continued disdain for shark fishing. I find it ironic that the one time I've ever seen the mayor (or anyone from city council) fishing at the pier, the species his grandson caught was a bonnet head shark. Let it be known to the mayor, council, and those who dislike shark fishing that just because you do not like something, it does not make it illegal. There are protected species, but there are just as many species that can be harvested under current laws. Should shark fishing be regulated by the appropriate authorities? Yes. Venice city council is not the appropriate regulatory authority.

As to the one reason a municipality may regulate fishing, it is only if there is a "threat to public safety." Shark fishing has occurred in Venice and at the pier for years and there has never been a shark attack in the city. One councilor expressed concern about the safety of shark

fishing where people swim. Chumming is a frequently cited threat to those swimming. Chumming from shore is illegal already (look it up), so if it is occurring where people are swimming, the offenders should be cited. Fishing in a marked swimming area is also strictly prohibited by the FWC and anglers are encouraged to use judgment if fishing where swimmers are present. 150 feet on either side of the pier is a marked NO SWIMMING area (it's in the city ordinances- look it up), so there should not be any conflict with swimmers and fishermen. While speaking to one city councilor on this issue of the marked no swimming zone, his reply was "oh, we can't enforce that." To propose a rule that overrides an existing rule that is **unenforced** is sheer lunacy and an absurd example of municipal over reach and plain old bad management. It also punishes those OBEYING the original rule.

A shark fishing ban at the pier and on the beaches will ultimately harm more sharks than it protects. The FWC guidelines have strict rules for the way a Shark should be handled and released in a safe and humane manner. If you criminalize shark fishing, when a shark is mistakenly caught (it WILL happen – just as it did with the mayor's grandson), fishermen will be forced to cut the line, resulting in more garbage in the Gulf and a potentially dangerous situation for the Shark. Be aware, between the months of March and May (high season for tourists fishing on the pier), the most commonly caught species of fish of any kind at the pier is the bonnet head shark. Bonnet heads get caught by anglers targeting snapper, mackerel and dozens of other species. If a bonnet head wants a meal, he'll bite at whatever is in the water, whether the person fishing is targeting him or not. I have personally helped hundreds of tourists deal with the safe release of this species. With a ban on shark fishing, those tourists will be forced to cut the line and imperil the fish, since the locals will not want to offer help and risk a fine. If shark fishing is prohibited, this fish population will be in peril. That goes for the dozen or so other commonly caught shark species at the pier and on our shores.

A ban would also be bad for business. Casual walkers and restaurant patrons on the pier *want* to see a shark. It's one of the few places many people will ever see one up close. Heck, the restaurant isn't called Pinfish, it's called Sharky's! I cannot count the thousands of people I've showed a caught shark to. They want to touch the shark, they ask questions and they take pictures. When they return home from their vacation, they're excited about the person who caught the shark, not the guy who caught a mackerel.

Another reason to NOT ban shark fishing is there are some sharks that can be caught and harvested. The aforementioned bonnethead shark and the blacktip shark are two commonly caught sharks that fall into this category. In the spring, these species (and others) are spawning and "pupping" in our area of the Gulf. They're here, whether we fish for them or not. They're also quite tasty fried or on the grill. As a permitted species, how can the city tell me or any other angler they cannot catch a dinner for their family and friends?

I think the mayor and council are reacting to an outspoken group of people who are offended

by and opposed to ANY kind of fishing. One local group, of which I used to be a member, speaks out about pollution quite vocally, and I am with them on that. Their leadership however, are what I would categorize as borderline militant vegans/PETA members. They espouse an extreme, radical agenda that does NOT fit with the mainstream here in Venice and they are opposed to all forms of fishing. Heck, they're opposed to bacon. Try banning BACON at your next meeting and see how that goes! To let a small faction of anti-fishing activists drive city policy is folly. People come to Florida to fish, not to be lectured on the benefits of a plant based diet. Being offended by a lawful activity does not make the activity illegal nor does it constitute a "threat to public safety."

Lastly, Venice has an election coming up. The proposed rule changes are being put forth by a term limited mayor and three councilors whose seats may be vacated. In a little more than a month, more than half of the city council could be replaced. It would be prudent to let what is likely to be a very different council and a certain new mayor, drive the agenda for the city going forward. I will note that FWC is taking a long look at shark fishing from man made structures. They will very likely put severe restrictions on this activity at their April meeting. For a politician looking to make headlines out of an action that will likely take place next spring is mere grandstanding that, if I were a betting man, I will bet backfires. While not everyone who fishes for Sharks in Venice lives in the city proper, most live (and vote) in the county and, when it comes to fishing, their memories are long.

In conclusion, leave the rules for fishing the way they are, enforce your current rules, and let the people who know the fisheries (FWC) regulate fishing. The mayor and council should stick to their jobs of managing pollution, growth and other municipal details; they should not be in the business of unnecessarily creating potential constitutional lawsuits against the city. Since it seems you have a tough time getting a handle on your "regular" responsibilities, what makes you think you can be a mini FWC?

Vey truly yours,

Rob Merlino

Rob@RobMerlino.com
Rob@SharkTankBlog.com
508-397-2816

From: [John Holic](#)
To: [Es Es](#)
Cc: [City Council](#)
Subject: Re: Shark Fishing Ban
Date: Tuesday, October 1, 2019 12:18:38 PM

On behalf of Venice City Council, thank you for your comments.

Sincerely,

John Holic

Mayor, City of Venice

401 W. Venice Ave.

Venice, FL 34285

Office: 941-882-7402

Cell: 941-303-3357

From: Es Es <esseedubya@gmail.com>
Sent: Monday, September 30, 2019 9:39:04 PM
To: John Holic <JHolic@Venicegov.com>
Subject: Shark Fishing Ban

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Thank you SO MUCH for your noble efforts to ban shark fishing from the Venice Pier.

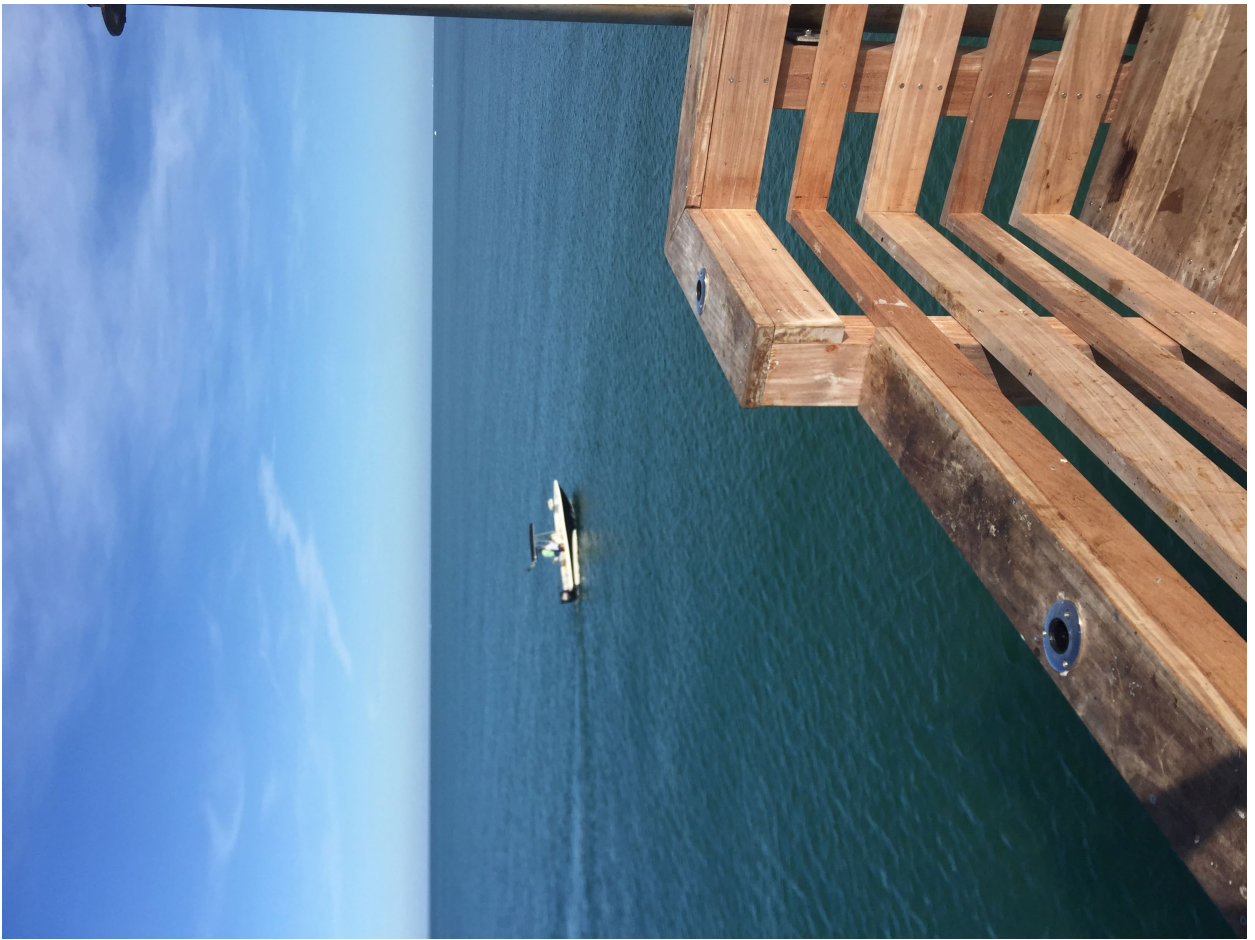
Please make sure that this law is actually enforced.

Thank you!

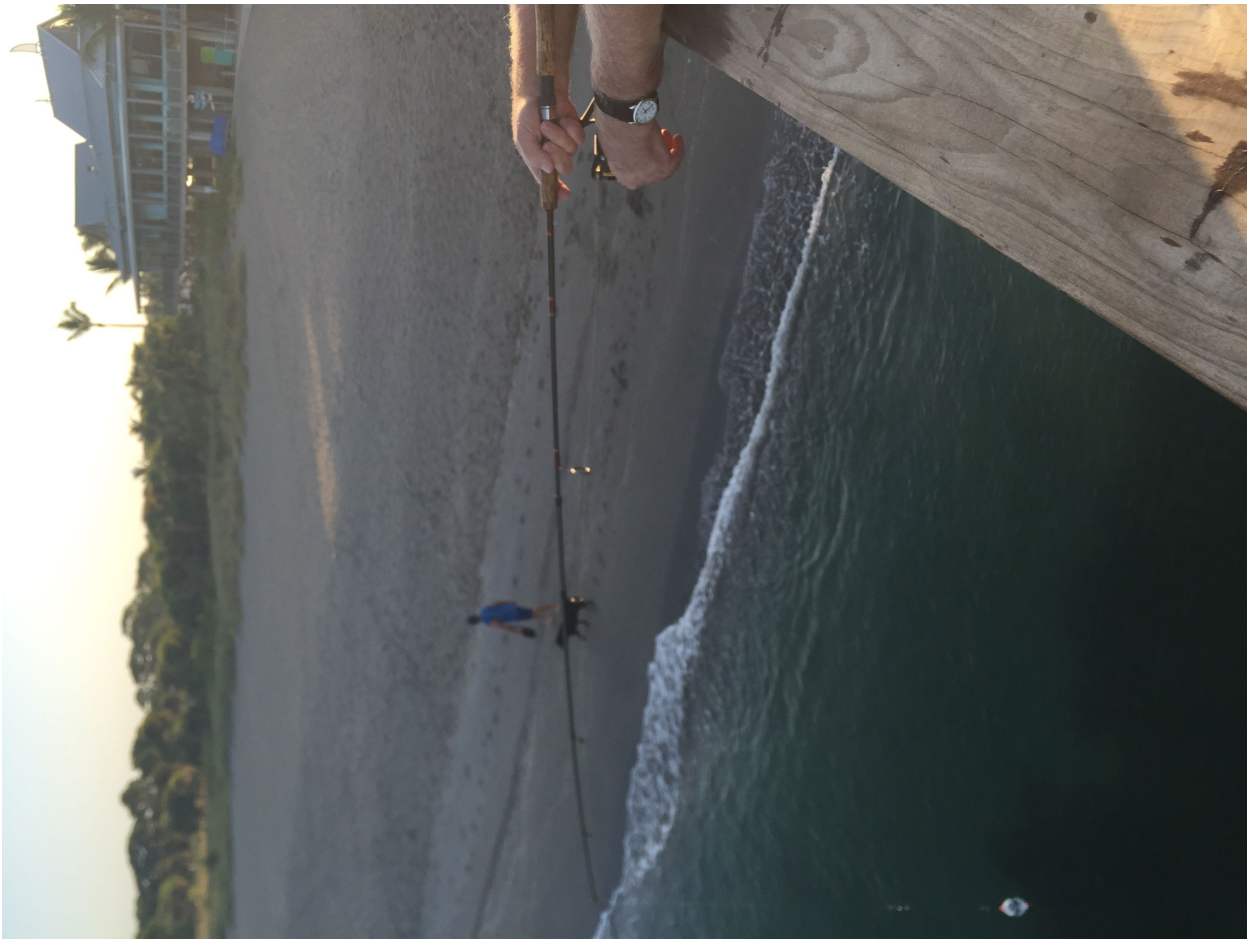












Sent from my iPhone

From: rob@robmerlino.com
To: [John Holic](#)
Cc: [City Council](#); [Kelly Fernandez - Persson & Cohen \(kfernandez@swfigovlaw.com\)](#)
Subject: Re: Selective enforcement at the pier
Date: Sunday, October 13, 2019 3:09:00 PM

Dear mayor and council-

I believe Ms Fernandez is familiar with the statute. It is the same statute her predecessor tried to use to create a ban two years ago (unsuccessfully). The statute is quite simple and clear: "the power to regulate the taking of fish is expressly reserved to the state."

I hope this puts this matter to rest. Let FWC do its job while the COV does its job. Fishing regulations are a state concern. Period.

-Rob

Sent from my iPhone

On Oct 12, 2019, at 6:13 PM, John Holic <JHolic@Venicegov.com> wrote:

Dear Mr. Merlino,

This is to inform you that no further communication will be sent to you by Council Members; the threat of litigation places your email at a different level. Kindly direct all your communication to our City Attorney, Kelly Fernandez.

Thank you,
John Holic
Mayor, City of Venice
401 W. Venice Ave.
Venice, FL 34285
Office: 941-882-7402
Cell: 941-303-3357

From: rob@robmerlino.com <rob@robmerlino.com>

Sent: Saturday, October 12, 2019 4:26:57 PM

To: City Council <CityCouncil@Venicegov.com>

Subject: Selective enforcement at the pier

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Dear mayor and council

As evidenced by these photos, there is little to no enforcement of ANY pier rules currently in effect. The thought of adding more rules is madness as it will result in more selective enforcement.

In addition, the proposed ordinance seeking to regulate fishing at the pier is in violation of the following Florida statute:

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=Public+health+safety+and+welfare&URL=0300-0399/0379/Sections/0379.2412.html

Any attempt by the city of Venice to unconstitutionally enforce fishing regulations of any kind will be met with litigation.

It's ironic that the city would not challenge state law in regards to nutrient pollution last year, yet it thinks it can get away with unconstitutionally restricting the right to lawfully fish. Fishermen have lawyers too you know.

Very truly yours,

Rob Merlino

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Sent from my iPhone

From: [Randy](#)
To: [City Council](#)
Subject: Ban on Shark Fishing
Date: Saturday, October 19, 2019 5:22:07 AM

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As a Venice homeowner, my wife and I strongly support the proposed legislation. Please don't allow a small handful to thwart the will of the vast majority. Thank you. Randy Mineo, Sovrano Rd., Venice.

Sent from [Mail](#) for Windows 10



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From: [Samantha Gentrup](#)
To: [City Council](#)
Subject: Thank You
Date: Wednesday, October 23, 2019 1:05:22 PM

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Dear Mayor and Council Members,

Thank you for your support of a ban on shark fishing at the Venice Pier. This is a positive step for our city and will help to ensure our measures align with FWC's new regulations.

I fully appreciate all that you've done and continue to do for our wonderful city.

We are truly blessed to live in paradise.

Samantha Gentrup

From: [Rob Merlino](#)
To: [City Council](#)
Cc: [Frankie Abbruzzino](#); [earle kimmel](#)
Subject: One Line Is Ridiculous
Date: Sunday, November 10, 2019 9:02:52 PM

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Dear Mayor and Council-

As you know, I have been vocal in my opposition to the gear restrictions proposed for the Venice Fishing Pier. While I fought hard against it, it appears to have been in vain.

I want you to understand, I don't disagree with the **FWC guidelines**, my beef is the city should not be in the business of making policy related to the fisheries.

When I saw that you had changed the ordinance at the last council meeting, after the public had left, to state "only one line allowed," my blood boiled. Not only was this change made at the eleventh hour without input, it is a practical nightmare for anyone who fishes at the pier. I also question the procedural legality of changing it like that without public review or input.

State law says:

68B-4.0086 Hook and Line Gear: Tending Requirement.

Beginning January 1, 1993, hook and line gear used in or on the waters of the State shall be tended. The term "tended" for purposes of this rule means that the person fishing the gear is physically present at the terminus of the gear.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History - ;New 11-26-92, Formerly 46-4.0086.

In plain English, this means you shouldn't have more lines out than you can manage. Anyone can manage two lines. In fact, having two lines is a necessity when fishing at the pier or anywhere else. A typical pier fisherman has a line in the water with bait on the end of it and uses a second line to jig for more bait. This doesn't cause any problems now. What you all have a problem with is the folks who go out there and lay two, three, four or even more lines out all over the pier. If you have a problem with that behavior, enforce the existing two line rule, do not make outlaws of everyone on the pier.

Imagine the absurdity of taking your poles out, jigging for bait, then putting a line out with bait on it. While that line is out, you can't jig for bait. if you want to, you have to reel in your first

line, then jig and repeat. It's a stupid rule and NOBODY will abide by it.

I can tell you now, that people will UNIVERSALLY disobey that portion of the ordinance and, unlike the gear related restrictions, FWC will NOT help Venice with enforcement of a "one line rule." It's unfair and anti-fishing.

-Rob

Rob@RobMerlino.com

Rob@SharkTankBlog.com

508-397-2816