

August 24, 2022

Via email

Colonel Roger Young, Director
Division of Law Enforcement
Florida Fish and Wildlife Conservation Commission
Roger.Young@myfwc.com; Tip@myfwc.com

Re: Request for Investigation into the July 9, 2022, Shark Fishing Tournament in Jupiter, Florida

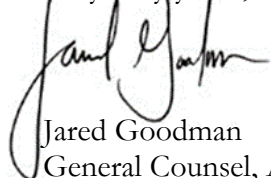
Dear Colonel Young:

I am writing on behalf of People for the Ethical Treatment of Animals (PETA) to request that the Florida Fish and Wildlife Conservation Commission (FWC) investigate and pursue any and all appropriate charges against the fishing crews that participated in the July 9, 2022, shark fishing tournament in Jupiter, Florida,¹ and that were documented apparently violating FWC regulations and Florida's cruelty-to-animals statute, Fla. Stat. Ann. § 828.12.

PETA recently received [video footage](#) from multiple individuals who attended the shark fishing tournament. As detailed in the attached appendix, the footage reveals that tournament participants apparently: (1) used harpoons to harvest and/or kill a bull shark; (2) used a bangstick to harvest and/or kill a bull shark; (3) dragged a bull shark for two hours until the animal died; (4) may have possessed a shark that had been sliced, diced, or finned on Florida waters; and (5) used guns to kill bull sharks. It also appears that participants may have used illegal hooks to catch some of the sharks, and PETA has received undocumented reports that tournament participants killed a protected lemon shark. These actions appear to violate FWC regulations pertaining to shark fishing, as well as the state's cruelty-to-animals statute.

PETA respectfully requests that you investigate these apparent violations and bring any and all appropriate charges, and timely action is necessary, as the company that organized the tournament is reportedly planning another. We stand ready to assist your office in any way we may be of help. Thank you for your time and consideration of this important matter.

Very truly yours,



Jared Goodman
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¹ See Jess Thomson, *Shark-Hunting Tournament Planned in Florida Sparks Outrage*, NEWSWEEK (July 4, 2022), <https://www.newsweek.com/shark-hunting-competition-cwildlife-activists-protest-petition-florida-1721465>.

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Appendix

I. Use of a Harpoon to Harvest and/or Kill a Bull Shark

Participants in the tournament harpooned a bull shark repeatedly in apparent violation of FWC regulations and the cruelty-to-animals law.

The FWC expressly prohibits the spearing of sharks, including bull sharks. *See* Fla. Admin. Code Ann. rs. 68B-20.005(10), 68B-44.002(2)(a). Spearing is defined as “the catching or taking ... by any device used to capture a fish by piercing its body.” *Id.* r. 68B-20.002(6). Spearing would include the use of a harpoon, which is a “barbed spear or javelin used especially in hunting large fish[.]”²

Additionally, “[a] person may harvest or attempt to harvest a shark ... only by or with the use of hook-and-line gear.” *Id.* r. 68B-44.006(1). That rule further emphasizes that “[a] person may not harvest or attempt to harvest a shark ... with gear not expressly permitted in subsection (1).” *Id.* r. 68B-44.006(4). “‘Harvest’ means the catching or taking of an organism followed by a reduction of the organism to possession. Harvest includes the unnecessary harming or killing of an organism regardless of possession.” *Id.* r. 68B-2.001(12).

Florida’s cruelty-to-animals law criminalizes the “unnecessarily torment[ing] ... mutilat[ing], or kill[ing] any animal,” as well as “carr[ying] in or upon any vehicle, or otherwise, any animal in a cruel or inhumane manner.” Fla. Stat. Ann. § 828.12(1). The term “animal” includes “every living dumb creature.” *Id.* § 828.02. The statute defines the terms “torture,” “torment,” and “cruelty” as including “every act, omission, or neglect whereby unnecessary or unjustifiable pain or suffering is caused.” *Id.* A violation of this provision is a first-degree misdemeanor. *Id.* § 828.12(1). Further, “[a] person who intentionally commits an act to any animal ... which results in the cruel death, or excessive or repeated infliction of unnecessary pain or suffering ... commits aggravated animal cruelty[.]” *Id.* § 828.12(2). Aggravated animal cruelty is a third-degree felony. *Id.*

Even in the context of animals who may be lawfully hunted or slaughtered, an action can constitute cruelty if it results in the animal’s cruel death or causes the animal suffering. For example, the Third District Court of Appeal has found that stabbing sheep multiple times and dragging them resulted in “cruel deaths *and* [constituted] excessive or repeated infliction of unnecessary pain or suffering.” *Reyes v. State*, 274 So. 3d 1209, 1211 (Fla. Dist. Ct. App. 2019). In another case, a defendant was convicted of felony animal cruelty for repeatedly shooting an opossum with a BB gun after the animal had left his property and was no longer a “nuisance.” *Bartlett v. State*, 929 So. 2d 1125, 1126 (Fla. Dist. Ct. App. 2006). The Fourth District Court of Appeal stated:

Section 828.12 applies to even the unintended consequence of a lawful act. Thus, a hunter’s shot that only wounds an animal might lead the animal to suffer a “cruel death” some time and distance from the initial shot. Under these circumstances, the hunter has violated section 828.12(2) by intentionally firing the shot that set the sad events in motion.

² *Harpoon*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/harpoon> (last visited July 22, 2022).

Id. Indeed, the Supreme Court of Florida has emphasized that “anti-cruelty statutes are intended to protect animals from the kinds of behaviors that no responsible hunter or farmer would defend[.]” *Reynolds v. State*, 842 So. 2d 46, 51 n.4 (Fla. 2002) (quotation omitted).

Video from the shark tournament shows an angler pointing to two harpoons in the bow of a boat.³ Another angler comments, “Bent a couple of harpoons. We used both of those. We were like, ‘it’s not going through, it’s not going through.’” The first angler responds, “It took a while”—presumably to either catch or kill the shark by spearing him or her with the harpoons. Another photo shows what appears to be a harpoon tip lying next to the removed jaws of one of the sharks:



By using harpoons to catch and/or kill the bull shark, the anglers appear to have violated the FWC’s prohibition against spearing sharks. Fla. Admin. Code Ann. r. 68B-20.005(10). The anglers also apparently violated FWC regulations because they used prohibited harpoons to harvest—i.e., catch, take, and/or unnecessarily harm—the bull shark. *See id.* rs. 68B-44.006, 68B-2.001(12).

Finally, the anglers’ repeated use of the harpoons and comments that it “took a while” to harvest the shark indicate that they may have caused the animal “excessive or repeated infliction of unnecessary pain or suffering” in violation of the cruelty law. *See Fla. Stat. Ann.* § 828.12(2).

II. Use of a Bangstick to Harvest and/or Kill a Bull Shark

It also appears that participants in the tournament may have used a prohibited bangstick to kill at least one bull shark. Under FWC regulations, “[t]he use of powerheads, bangsticks, and rebreathers is prohibited as specified in Rule 68B-4.012.” Fla. Admin. Code Ann. r. 68B-20.003(7). That rule, in

³ *See* PETA, Video Footage from the July 9, 2022, Shark Fishing Tournament in Jupiter, Florida, for Law Enforcement [“Tournament Footage”], at Video 1, [REDACTED]

turn, states that “[n]o person shall use any powerhead to harvest any fish in state waters.” *Id.* r. 68B-4.012(1)(a). The rule clarifies that “[t]he term ‘harvest’ for the purposes of this subsection means the catching or taking of a fish by killing or wounding it, followed by a reduction of such fish to possession.” *Id.* r. 68B-4.012(1)(c). The FWC defines “powerhead” to include “any device employing an explosive charge or a release of compressed gas, usually attached to a speargun, spear, pole, or stick (known as a ‘bangstick’), which detonates upon contact.” *Id.* r. 68B-4.002.

Here, tournament participants seemingly joke with one of the police officers present about killing one of the sharks.⁴ A man comments that he does not know how the anglers killed the shark.⁵ Robert “Jay” Navarro, one of the administrators of the tournament, replies that it was “probably a bangstick.”⁶

Accordingly, Navarro’s statement suggests that at least some of the participants in the tournament were violating FWC regulations prohibiting the use of bangsticks.

III. Dragging a Bull Shark to Death

Participants in the tournament also dragged a bull shark in apparent violation of Florida’s cruelty-to-animals statute.

As discussed above, Florida’s cruelty-to-animals law prohibits “unnecessarily torment[ing] ... mutilat[ing], or kill[ing] any animal.” Fla. Stat. Ann. § 828.12(1). It also prohibits “carr[ying] in or upon any vehicle, or otherwise, any animal in a cruel or inhumane manner,” as well as the intentional commission of any act that “results in the cruel death, or excessive or repeated infliction of unnecessary pain or suffering” of an animal. *Id.*; *id.* § 828.12(2). These prohibitions apply even where an animal may otherwise be lawfully harvested or taken. *See* Section I, *supra*. Accordingly, the FWC has previously brought charges of animal cruelty and aggravated animal cruelty against individuals for dragging a shark.⁷ One defendant was sentenced to ten days in jail after pleading guilty to misdemeanor animal cruelty for dragging a live shark, and another accepted a similar plea deal for his role in the same incident.⁸

Video footage from the tournament shows a number of shark carcasses on land.⁹ A man attempts to remove the jaws from one of the landed bull sharks.¹⁰ One angler says: “These things aren’t made to die. Killing them is hard. Cutting their jaw is hard. These things are not made to die. We drug [sic] this fish for two hours, and he still wasn’t dead.”¹¹ In another video, an angler talks about “people dragging these things around”—referring to the sharks.¹²

⁴ Tournament Footage, at Video 2.

⁵ *Id.*

⁶ *Id.*

⁷ *See Florida v. Wenzel*, Case No. 17-CF-017869-A; *Florida v. Heintz*, Case No. 17-CF-017869-B; *Florida v. Benac III*, Case No. 17-CF-017869-C.

⁸ *See Fisherman Gets 10 Days for Dragging Live Shark Behind Boat*, AP NEWS (Sept. 14, 2019) (last accessed July 25, 2022), <https://apnews.com/article/544dae9254ba4721b54db2064dd3278d>.

⁹ Tournament Footage, at Video 3.

¹⁰ *Id.*

¹¹ *Id.*

¹² Tournament Footage, at Video 4.

The angler in the first video appears to indicate that he and others *intentionally* dragged the bull shark shown in the video for over two hours for the purpose of killing the animal. Though it is unclear from the footage whether the shark ultimately died from the dragging or from some other act by the anglers, the anglers appear to have violated the state’s cruelty-to-animals law regardless of the exact cause of the shark’s death: if the shark died from the dragging, then the anglers’ actions resulted in a “cruel death” under the statute; if the shark did not die from the dragging, the dragging in and of itself—for more than two hours—will have caused the shark “unnecessary or unjustifiable pain or suffering” and likely also “excessive [and] repeated infliction of unnecessary pain and suffering” under the aggravated animal cruelty provision. Fla. Stat. Ann. § 828.12(1)–(2).

IV. Possessing a Shark Who Has Been Sliced, Divided, and Finned on Florida Waters

Participants in the tournament likely possessed on Florida waters sharks who had been sliced, divided, and finned, in violation of FWC regulations. *See* Fla. Admin. Code Ann. r. 68B-44.003(2). “A person may not possess in or on Florida Waters ... a shark that has been beheaded, sliced, divided, filleted, ground, skinned, finned, or had the caudal fin (tail) removed.” *Id.*

Footage of the Captains Meeting before the tournament began captures a speaker—believed to be Navarro—telling the captains how to dispose of the carcasses in the water:

When you take your shark, please don’t go out there and throw the whole fucking shark over the side. Clean the shark. Take the fins, take the meat. Please take it all off before you throw it into the water because you know damn well every one of these divers is going to be in the water the following day fucking finding every single shark that they can that’s sunk on the bottom. The last thing we want is a bunch of whole sharks littered all over the reef. So if you’re going to go back out and dump the sharks somewhere, please make sure that you clean the sharks first.¹³

Navarro explicitly tells the anglers to “clean” the sharks and take their fins and meat—all of which would involve beheading, slicing, dividing, filleting, and finning—before carrying the carcasses on their boats out into the open water to “dump [them] somewhere[.]” Implicitly, the anglers would have to “possess ... on Florida Waters ... a shark that has been beheaded, sliced, divided, filleted, ground, skinned, finned, or had the [tail] removed” in violation of FWC regulations. *See* Fla. Admin. Code Ann. r. 68B-44.003(2). For this reason, the FWC should investigate method and means of disposal of the sharks that were killed during the tournament.

V. Use of Guns to Kill Sharks

It also appears that multiple anglers participating in the tournament harvested sharks using guns—shooting the sharks in the head while they were still in the water and before they were brought onboard the fishing vessels—in violation of FWC regulations. *See* Fla. Admin. Code Ann. r. 68B-4.0083. “No person may throw or cause to be thrown, into any of the waters of this state, any dynamite, lime, other explosives or *discharge any firearms whatsoever for the purpose of killing fish therein.*” *Id.* (emphasis added).

¹³ Tournament Footage, at Video 5.

Video footage shows a man having a conversation with Jason Barquin, owner of the company WarBird Tournaments LLC, which hosted the tournament:

Man: “And then Matt [unintelligible], he had the right one, which would have been a contender, and it pulled the hook at the boat. ‘Cause you’re only allowed to shoot one time? Is that true?”

Barquin: “Yeah.”

Man: “You’re only allowed to shoot the shark once?”

Barquin: “That’s it. The shark can’t come back in with more than one bullet or it’s disqualified.”

Man: “That sucks. That’s brutal.”

Barquin: “Well, it’s not brutal because I don’t need a bunch of idiots out there that don’t know how to kill a shark dumping their fucking mag into a shark.”¹⁴

Other footage shows a shark hanging in the air with what appears to be a bullet hole just above the gills on the left side.¹⁵ In another video, a man asks one of the police officers present: “Can you shoot the shark?”¹⁶ She repeats the question, “Can I shoot it?” as if to ensure that she heard the man correctly.¹⁷ Navarro responds, “They already did,” referring to the anglers.¹⁸

For these reasons, the FWC should investigate the methods and manner in which the tournament participants killed the sharks.

VI. Other Incidents of Concern

In addition to the documented incidents above, it appears that multiple other sharks suffered cruel deaths and excessive infliction of unnecessary pain or suffering, in violation of Florida’s cruelty-to-animals statute. *See* Section I, *supra*; Fla. Stat. Ann. § 828.12. In one video, a woman discusses how long it took her and her team to kill the shark shown:

Woman: “Well, we’ve been fighting it since 3:30 to ... yeah.”

Man: “3:30?”

Woman: “Yeah, yeah. I mean, we got it in the boat fa- we got it to the boat faster than that, but to kill it ... you know it’s been ... well, we didn’t want to put it in the boat alive, for obvious reasons (laughs).”¹⁹

The video was recorded at 5:04 p.m., indicating that the shark suffered for more than an hour and a half after being caught until he or she died. Similarly, in another clip referring to possibly a different shark, an angler says, “It stayed alive for a while,” referring to the dead shark shown in the cockpit.²⁰

¹⁴ Tournament Footage, at Video 6.

¹⁵ Tournament Footage, at Video 7.

¹⁶ Tournament Footage, at Video 8.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Tournament Footage, at Video 9.

²⁰ Tournament Footage, at Video 10.

It also appears that some of the anglers participating in the tournament used illegal hooks to catch the sharks. Pursuant to FWC regulations, “[a] person targeting or harvesting sharks from Florida Waters must use non-stainless-steel circle hooks when fishing with live or dead natural bait.” Fla. Admin. Code Ann. r. 68B-44.006(3)(a). A circle hook is one where “the point is not offset and is turned perpendicularly back to the shank to form a general circular or oval shape.” *Id.* Three separate clips show hooks seemingly used to catch sharks during the tournament.²¹ These hooks do not appear to be circle hooks because none has a point that turns perpendicularly back to the shank, as required by FWC regulations.

Lastly, PETA has also received reports that tournament participants harvested and killed a protected lemon shark. However, PETA has not received footage of the incident and therefore cannot confirm that or where the incident took place.

Conclusion

For the aforementioned reasons, PETA respectfully requests that you investigate this matter thoroughly and bring appropriate charges. Please let us know if we can be helpful in any way. Thank you for your consideration.

²¹ Tournament Footage, at Videos 11–13.