

By the Committee on Environmental Preservation and Conservation;
and Senators Simmons, Soto, and Abruzzo

592-02203A-14

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1 A bill to be entitled
2 An act relating to sharks; amending s. 379.407, F.S.;
3 providing penalties for possession of separated shark
4 fins on state waters; amending s. 379.401, F.S.;
5 conforming a cross-reference; providing an effective
6 date.

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8 Be It Enacted by the Legislature of the State of Florida:
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10 Section 1. Present subsections (5) through (8) of section
11 379.407, Florida Statutes, are renumbered as subsections (6)
12 through (9), respectively, and a new subsection (5) is added to
13 that section, to read:

14 379.407 Administration; rules, publications, records;
15 penalties; injunctions.—

16 (5) PENALTIES FOR POSSESSION OF SEPARATED SHARK FINS ON THE
17 WATER.—

18 (a) It shall be unlawful for a commercial harvester to
19 possess separated shark fins while on the waters of this state.
20 It is a major violation under this section for a commercial
21 harvester to be in possession of shark fins on state waters that
22 are not attached to a shark carcass.

23 (b) A commercial harvester who violates this subsection
24 shall be punished as follows:

25 1. A first violation is a misdemeanor of the second degree,
26 punishable as provided in s. 775.082 or s. 775.083, and such
27 person is subject to a suspension of all license privileges
28 under this chapter for 30 days.

29 2. A second violation is a misdemeanor of the first degree,

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30 punishable as provided in s. 775.082 or s. 775.083, and such
31 person is subject to a suspension of all license privileges
32 under this chapter for 90 days.

33 3. A third violation is a misdemeanor of the first degree,
34 punishable as provided in s. 775.082 or s. 775.083, with a
35 mandatory minimum term of imprisonment of 6 months, and such
36 person may also be assessed a civil penalty of up to \$2,500 and
37 is subject to a suspension of all license privileges under this
38 chapter for 6 months.

39 4. A third violation within 1 year after a second violation
40 is a felony of the third degree, punishable as provided in s.
41 775.082, s. 775.083, or s. 775.084, with a mandatory minimum
42 term of imprisonment of 1 year, and such person shall be
43 assessed a civil penalty of \$5,000, and all license privileges
44 under this chapter shall be permanently revoked.

45 5. A fourth or subsequent violation is a felony of the
46 third degree, punishable as provided in s. 775.082, s. 775.083,
47 or s. 775.084, with a mandatory minimum term of imprisonment of
48 1 year, and such person shall be assessed a civil penalty of
49 \$5,000, and all license privileges under this chapter shall be
50 permanently revoked.

51 Section 2. Paragraph (a) of subsection (2) of section
52 379.401, Florida Statutes, is amended to read:

53 379.401 Penalties and violations; civil penalties for
54 noncriminal infractions; criminal penalties; suspension and
55 forfeiture of licenses and permits.—

56 (2) (a) LEVEL TWO VIOLATIONS.—A person commits a Level Two
57 violation if he or she violates any of the following provisions:

58 1. Rules or orders of the commission relating to seasons or

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59 time periods for the taking of wildlife, freshwater fish, or
60 saltwater fish.

61 2. Rules or orders of the commission establishing bag,
62 possession, or size limits or restricting methods of taking
63 wildlife, freshwater fish, or saltwater fish.

64 3. Rules or orders of the commission prohibiting access or
65 otherwise relating to access to wildlife management areas or
66 other areas managed by the commission.

67 4. Rules or orders of the commission relating to the
68 feeding of wildlife, freshwater fish, or saltwater fish.

69 5. Rules or orders of the commission relating to landing
70 requirements for freshwater fish or saltwater fish.

71 6. Rules or orders of the commission relating to restricted
72 hunting areas, critical wildlife areas, or bird sanctuaries.

73 7. Rules or orders of the commission relating to tagging
74 requirements for wildlife and fur-bearing animals.

75 8. Rules or orders of the commission relating to the use of
76 dogs for the taking of wildlife.

77 9. Rules or orders of the commission which are not
78 otherwise classified.

79 10. Rules or orders of the commission prohibiting the
80 unlawful use of finfish traps.

81 11. All prohibitions in this chapter which are not
82 otherwise classified.

83 12. Section 379.33, prohibiting the violation of or
84 noncompliance with commission rules.

85 13. Section 379.407(7) ~~Section 379.407(6)~~, prohibiting the
86 sale, purchase, harvest, or attempted harvest of any saltwater
87 product with intent to sell.

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88 14. Section 379.2421, prohibiting the obstruction of
89 waterways with net gear.

90 15. Section 379.413, prohibiting the unlawful taking of
91 bonefish.

92 16. Section 379.365(2) (a) and (b), prohibiting the
93 possession or use of stone crab traps without trap tags and
94 theft of trap contents or gear.

95 17. Section 379.366(4) (b), prohibiting the theft of blue
96 crab trap contents or trap gear.

97 18. Section 379.3671(2) (c), prohibiting the possession or
98 use of spiny lobster traps without trap tags or certificates and
99 theft of trap contents or trap gear.

100 19. Section 379.357, prohibiting the possession of tarpon
101 without purchasing a tarpon tag.

102 20. Rules or orders of the commission prohibiting the
103 feeding or enticement of alligators or crocodiles.

104 21. Section 379.105, prohibiting the intentional harassment
105 of hunters, fishers, or trappers.

106 Section 3. This act shall take effect July 1, 2014.