

1 A bill to be entitled
2 An act relating to sharks; creating s. 379.2426, F.S.;
3 prohibiting the possession, sale, offer for sale,
4 trade, or distribution of shark fins or shark tails;
5 providing definitions; providing an exemption for
6 certain licensees or permitholders under specified
7 circumstances; requiring any shark fin or shark tail
8 seized by the Fish and Wildlife Conservation
9 Commission to be destroyed; providing penalties;
10 authorizing the commission to adopt rules to
11 administer the act; providing an effective date.

12
13 WHEREAS, sharks, or elasmobranchs, are critical to the
14 health of ocean ecosystems, and

15 WHEREAS, sharks are particularly susceptible to decline due
16 to overfishing because they are slow to reach reproductive
17 maturity and birth small litters, and cannot rebuild their
18 populations quickly once they are overfished, and

19 WHEREAS, though sharks occupy the top of the marine food
20 chain, their decline is an urgent problem that upsets the
21 balance of species in ocean ecosystems and negatively affects
22 other fisheries, constituting a serious threat to biodiversity
23 and to open ocean and coastal ecosystems, and

24 WHEREAS, the practice of shark finning, where a shark is
25 caught, its fins cut off, and the animal dumped back into the

26 | water to starve to death, drown from lack of oxygen that would
 27 | otherwise be forced through its gills from constant movement, or
 28 | slowly eaten by other fish is a cruel practice that causes tens
 29 | of millions of sharks to die each year, and

30 | WHEREAS, data from federal and international agencies show
 31 | a decline in shark populations worldwide, and

32 | WHEREAS, Florida is a market for shark fins and shark fin
 33 | products and this demand helps drive the cruel practice of shark
 34 | finning, leading to a decline in shark populations, and

35 | WHEREAS, by taking steps to address this problem, Florida
 36 | can help ensure that sharks do not become extinct as a result of
 37 | shark finning, and

38 | WHEREAS, sharks have a long lifespan and bioaccumulate
 39 | mercury in their bodies throughout their lives, so shark fins
 40 | often contain high levels of mercury, which has been proven
 41 | dangerous to consumers' health, NOW, THEREFORE,

42 |

43 | Be It Enacted by the Legislature of the State of Florida:

44 |

45 | Section 1. Section 379.2426, Florida Statutes, is created
 46 | to read:

47 | 379.2426 Trade in shark fins or tails prohibited.—

48 | (1) As used in this section, the term:

49 | (a) "Shark" means any species of the subclass

50 | elasmobranchii.

51 (b) "Shark fin" means the raw, dried, or otherwise
52 processed detached fin of a shark.

53 (c) "Shark tail" means the raw, dried, or otherwise
54 processed detached tail of a shark.

55 (2) Except as provided in this section, a person may not
56 possess, sell, offer for sale, trade, or distribute a shark fin
57 or shark tail.

58 (3) A person who holds a license or permit to take or land
59 sharks may separate a shark fin or shark tail from a lawfully
60 taken or landed shark during the ordinary course of preparing
61 the body of the shark for consumption, sale, trade, or
62 distribution; however, the separated shark fin or shark tail
63 shall be immediately destroyed unless used by the person for the
64 purposes of taxidermy and subsequent display.

65 (4) The commission may issue a permit for the possession
66 of a shark fin or shark tail to a person conducting
67 noncommercial, scientific research.

68 (5) A shark fin or shark tail seized by the commission
69 through the enforcement of this section shall be destroyed.

70 (6) A person who violates this section commits a Level
71 Three violation under s. 379.401; however, each shark fin or
72 shark tail possessed, sold, offered for sale, traded, or
73 distributed in violation of this section constitutes a separate
74 offense. A violation of this section by a person holding a
75 commercial or recreational license or permit pursuant to this

HB 823

2017

76 | chapter shall result in the suspension or revocation of such
77 | license or permit.

78 | (7) The commission may adopt rules to administer this
79 | section.

80 | Section 2. This act shall take effect October 1, 2017.