

1 A bill to be entitled
 2 An act relating to sharks; creating s. 379.2426, F.S.;
 3 providing definitions; prohibiting certain possession
 4 or landing of shark fins unless authorized by rule of
 5 the Fish and Wildlife Conservation Commission;
 6 providing penalties; providing an effective date.

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 8 Be It Enacted by the Legislature of the State of Florida:

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 10 Section 1. Section 379.2426, Florida Statutes, is created
 11 to read:

12 379.2426 Possession or landing of separated shark fins
 13 prohibited; penalties.-

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

15 (a) "Shark fin" means any of the fins of a shark,
 16 including the tail, or a portion thereof.

17 (b) "Conviction" means any disposition other than
 18 acquittal or dismissal.

19 (2) A person may not possess in or on the waters of this
 20 state a shark fin that has been separated from a shark or land a
 21 separated shark fin in this state, unless such possession or
 22 landing is authorized by commission rule.

23 (3) (a) Upon conviction of a violation of this section, any
 24 commercial harvester shall be punished as follows:

25 1. A first violation is a misdemeanor of the second

26 | degree, punishable by a mandatory fine of \$5,000 and a term of
27 | imprisonment not to exceed 60 days. In addition, the commission
28 | shall suspend all of the violator's license privileges under
29 | this chapter for 6 months.

30 | 2. A second violation is a misdemeanor of the first
31 | degree, punishable by a mandatory fine of \$10,000 and a term of
32 | imprisonment not to exceed 12 months. In addition, the
33 | commission shall suspend all of the violator's license
34 | privileges under this chapter for 12 months.

35 | 3. A third and any subsequent violation is a misdemeanor
36 | of the first degree, punishable by a mandatory fine of \$10,000
37 | and a mandatory minimum term of imprisonment of 90 days, not to
38 | exceed 12 months. In addition, the commission shall permanently
39 | revoke all of the violator's license privileges under this
40 | chapter.

41 | 4. During the period of suspension or revocation of
42 | license privileges imposed under this paragraph, the violator
43 | may not participate in the taking or harvesting, or attempt the
44 | taking or harvesting, of saltwater products from any vessel
45 | within the waters of the state; be aboard any vessel on which a
46 | commercial quantity of saltwater products is possessed through
47 | an activity requiring a license pursuant to this chapter; or
48 | engage in any other activity requiring a license, permit, or
49 | certificate issued pursuant to this chapter.

50 | (b) Upon conviction of a violation of this section, any

51 other person shall be punished as follows:

52 1. A first violation is a misdemeanor of the second
53 degree, punishable by a fine of not more than \$5,000 and a term
54 of imprisonment not to exceed 60 days. In addition, the
55 commission shall suspend all of the violator's license
56 privileges under this chapter for 60 days.

57 2. A second violation is a misdemeanor of the first
58 degree, punishable by a fine of not more than \$10,000 and a term
59 of imprisonment not to exceed 12 months. In addition, the
60 commission shall suspend all of the violator's license
61 privileges under this chapter for 12 months.

62 3. A third and any subsequent violation is a misdemeanor
63 of the first degree, punishable by a mandatory fine of not less
64 than \$5,000, but not more than \$10,000, and a mandatory minimum
65 term of imprisonment of 90 days, not to exceed 12 months. In
66 addition, the commission shall permanently revoke all of the
67 violator's license privileges under this chapter.

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