

By the Committee on Environmental Preservation and Conservation;  
and Senator Hutson

592-02438-17

2017884c1

1 A bill to be entitled  
2 An act relating to shark fins; creating s. 379.2426,  
3 F.S.; defining terms; prohibiting persons from  
4 possessing separated shark fins except under certain  
5 conditions; providing penalties; prohibiting persons  
6 with suspended or revoked saltwater license privileges  
7 from engaging in certain activities; providing an  
8 effective date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

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

14 379.2426 Possession of separated shark fins on the water  
15 prohibited; penalties.-

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

17 (a) "Land" means the physical act of bringing a harvested  
18 organism, or any part thereof, ashore.

19 (b) "Shark" means any of the species from the superorder  
20 Selachimorpha.

21 (c) "Shark fin" means the detached fin of a shark,  
22 including the caudal or tail fin, or any portion thereof.

23 (2) A person may not possess in or on the waters of this  
24 state a shark fin that has been separated from a shark or land a  
25 separated shark fin in this state, unless:

26 (a) Such possession is authorized by commission rule; or

27 (b) Such fin has been lawfully obtained on land, prepared  
28 by taxidermy, and is possessed for the purposes of display.

29 (3) A commercial harvester who commits a violation of this

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30 section is subject to the following penalties:

31 (a) For a first violation, a misdemeanor of the second  
32 degree, punishable as provided in s. 775.082 or s. 775.083. In  
33 addition, the commission shall assess an administrative fine of  
34 \$5,000 and suspend all of the harvester's saltwater license  
35 privileges under this chapter for 180 days.

36 (b) For a second violation, a misdemeanor of the second  
37 degree, punishable as provided in s. 775.082 or s. 775.083. In  
38 addition, the commission shall assess an administrative fine of  
39 \$10,000 and suspend all of the harvester's saltwater license  
40 privileges under this chapter for 180 days.

41 (c) For a third and any subsequent violations, a  
42 misdemeanor of the first degree, punishable as provided in s.  
43 775.082 or s. 775.083. In addition, the commission shall assess  
44 an administrative fine of \$10,000 and permanently revoke all of  
45 the harvester's saltwater license privileges under this chapter.

46  
47 While his or her saltwater license privileges are under  
48 suspension or revocation pursuant to this subsection, a person  
49 may not participate in the taking or harvesting, or attempt the  
50 taking or harvesting, of saltwater products from any vessel  
51 within the waters of the state; be aboard any vessel on which a  
52 commercial quantity of saltwater products is possessed through  
53 an activity requiring a license pursuant to this chapter; or  
54 engage in any other activity requiring a license, permit, or  
55 certificate issued pursuant to this chapter.

56 (4) A person in violation of this section who is not a  
57 commercial harvester is subject to the following penalties:

58 (a) For a first violation, a misdemeanor of the second

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59 degree, punishable as provided in s. 775.082 or s. 775.083. In  
60 addition, the commission shall assess an administrative fine of  
61 up to \$5,000.

62 (b) For a second violation, a misdemeanor of the first  
63 degree, punishable as provided in s. 775.082 or s. 775.083. In  
64 addition, the commission shall assess an administrative fine of  
65 up to \$10,000.

66 (c) For a third and any subsequent violations, a  
67 misdemeanor of the first degree, punishable as provided in s.  
68 775.082 or s. 775.083. In addition, the commission shall assess  
69 an administrative fine of no less than \$5,000, but not more than  
70 \$10,000.

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

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