

By Senator Gruters

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1 A bill to be entitled
 2 An act relating to shark fins and ray parts; amending
 3 s. 379.2426, F.S.; providing and revising definitions;
 4 prohibiting the possession, sale or offer to sell,
 5 purchase or offer to purchase, or distribution of
 6 shark fins and ray parts, instead of only the
 7 possession of separated shark fins, under specified
 8 circumstances; providing exceptions; directing the
 9 Fish and Wildlife Conservation Commission to adopt
 10 specified rules; providing and revising penalties;
 11 providing an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

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 15 Section 1. Section 379.2426, Florida Statutes, is amended
 16 to read:

17 379.2426 Possession, sale, purchase, or distribution of
 18 ~~separated~~ shark fins or ray parts ~~on the water~~ prohibited;
 19 penalties.—

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

21 (a) "Landed or taken" ~~"Land"~~ means the physical act by
 22 ~~which of bringing~~ a harvested shark or ray organism, or any part
 23 thereof, is brought ashore.

24 (b) "Ray" means any species of the order *Myliobatiformes*.

25 (c) "Ray part" means any part of a ray.

26 (d) ~~(b)~~ "Shark" means any species of the orders
 27 *Carcharhiniformes*, *Lamniformes*, *Hexanchiformes*,
 28 *Heterodontiformes*, *Orectolobiformes*, *Pristiophoriformes*,
 29 *Squaliformes*, *Squatiniiformes*, or any part thereof.

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30 (e) ~~(e)~~ "Shark fin" means the detached fin of a shark,
31 including the caudal or tail fin, or any portion thereof.

32 ~~(d) "Separated," with respect to a shark fin, means not~~
33 ~~naturally attached to the corresponding shark body through some~~
34 ~~portion of uncut skin.~~

35 (2) A person may not purchase or offer to purchase, sell or
36 offer to sell, or possess for the purpose of transporting,
37 shipping, or otherwise distributing for sale, barter, or
38 exchange a shark fin or ray part regardless of where the shark
39 or ray was landed or taken ~~possess in or on the waters of this~~
40 ~~state a shark fin that has been separated from a shark or land a~~
41 ~~separated shark fin in this state, unless:~~

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

43 (b) Such shark fin or ray part is ~~has been~~ lawfully
44 obtained on land, prepared by taxidermy, and ~~is~~ possessed for
45 the purpose ~~purposes~~ of display;

46 (c) Such shark fin or ray part is from a shark or ray that
47 a person has lawfully landed or taken and retained for personal,
48 noncommercial use; or

49 (d) Such purchase or offer to purchase, sale or offer to
50 sell, or possession for the purpose of transporting, shipping,
51 or otherwise distributing for sale, barter, or exchange shark
52 fins or ray parts is authorized by the commission for a bona
53 fide scientific research or educational purpose.

54 (3) Notwithstanding subsection (2):

55 (a) A person may purchase or offer to purchase, sell or
56 offer to sell, or possess for the purpose of transporting,
57 shipping, or otherwise distributing for sale, barter, or
58 exchange:

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59 1. A shark carcass that retains all of its fins naturally
60 attached to the carcass through some portion of uncut skin; or

61 2. A ray carcass that retains all of its parts naturally
62 attached to the carcass through some portion of uncut skin.

63 (b) Until October 1, 2019, any restaurant holding a valid
64 license issued by the Department of Business and Professional
65 Regulation may use any existing inventory of shark fins or ray
66 parts for human consumption.

67 (4) The commission shall adopt rules to implement this
68 section. To the maximum extent practicable, such rules shall
69 provide for the protection of sharks and rays identified as
70 endangered or threatened by the state or Federal Government or
71 included in Appendix I or II of the Convention on International
72 Trade in Endangered Species.

73 (5)~~(3)~~ A person who violates this section is subject to the
74 following penalties:

75 (a) For a first violation, a misdemeanor of the second
76 degree, punishable as provided in s. 775.082 or s. 775.083. In
77 addition, the commission shall assess an administrative fine of
78 \$4,500 per shark fin or ray part and suspend all of the person's
79 license privileges under this chapter for 180 days.

80 (b) For a second violation, a misdemeanor of the second
81 degree, punishable as provided in s. 775.082 or s. 775.083. In
82 addition, the commission shall assess an administrative fine of
83 \$9,500 per shark fin or ray part and suspend all of the person's
84 license privileges under this chapter for 365 days.

85 (c) For a third and any subsequent violation, a misdemeanor
86 of the first degree, punishable as provided in s. 775.082 or s.
87 775.083. In addition, the commission shall assess an

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88 administrative fine of \$25,000 per shark fin or ray part ~~\$9,500~~
89 and permanently revoke all of the person's license privileges
90 under this chapter.

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92 While his or her license privileges are under suspension or
93 revocation pursuant to this subsection, a person may not
94 participate in the taking or harvesting, or attempt the taking
95 or harvesting, of saltwater products from any vessel within the
96 waters of the state; be aboard any vessel on which a commercial
97 quantity of saltwater products is possessed through an activity
98 requiring a license pursuant to this chapter; or engage in any
99 other activity requiring a license, permit, or certificate
100 issued pursuant to this chapter.

101 Section 2. This act shall take effect October 1, 2019.