

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 certain possession of shark fins and ray  
 5           parts; providing exceptions; directing the Fish and  
 6           Wildlife Conservation Commission to adopt specified  
 7           rules; providing and revising penalties; providing an  
 8           effective date.

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

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

14           379.2426 Possession, sale, purchase, or distribution of  
 15 ~~separated~~ shark fins or ray parts ~~on the water~~ prohibited;  
 16 penalties.—

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

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

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

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

23           (d) ~~(b)~~ "Shark" means any species of the orders  
 24 Carcharhiniformes, Lamniformes, Hexanchiformes,  
 25 Heterodontiformes, Orectolobiformes, Pristiophoriformes,

26 Squaliformes, Squatiniformes, or any part thereof.

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

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

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

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

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

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

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

51 (3) Notwithstanding subsection (2):

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

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

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

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

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

70 (5)~~(3)~~ A person who violates this section is subject to  
71 the following penalties:

72 (a) For a first violation, a misdemeanor of the second  
73 degree, punishable as provided in s. 775.082 or s. 775.083. In  
74 addition, the commission shall assess an administrative fine of  
75 \$4,500 per shark fin or ray part and suspend all of the person's

76 license privileges under this chapter for 180 days.

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

82 (c) For a third and any subsequent violation, a  
 83 misdemeanor of the first degree, punishable as provided in s.  
 84 775.082 or s. 775.083. In addition, the commission shall assess  
 85 an administrative fine of \$25,000 per shark fin or ray part  
 86 ~~\$9,500~~ and permanently revoke all of the person's license  
 87 privileges under this chapter.

88  
 89 While his or her license privileges are under suspension or  
 90 revocation pursuant to this subsection, a person may not  
 91 participate in the taking or harvesting, or attempt the taking  
 92 or harvesting, of saltwater products from any vessel within the  
 93 waters of the state; be aboard any vessel on which a commercial  
 94 quantity of saltwater products is possessed through an activity  
 95 requiring a license pursuant to this chapter; or engage in any  
 96 other activity requiring a license, permit, or certificate  
 97 issued pursuant to this chapter.

98 Section 2. This act shall take effect July 1, 2019.