

By the Committees on Rules; Commerce and Tourism; and Environment and Natural Resources; and Senators Hutson, Gruters, Stewart, Berman, and Book

595-04443-20

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1 A bill to be entitled
2 An act relating to shark fins; amending s. 379.2426,
3 F.S.; prohibiting the import of shark fins to this
4 state; prohibiting the sale of shark fins within or
5 the export of shark fins from this state; providing
6 applicability; 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 amended
11 to read:

12 379.2426 Regulation Possession of ~~separated~~ shark fins ~~on~~
13 ~~the water~~ prohibited; penalties.—

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

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

17 (b) "Shark" means any species of the orders
18 *Carcharhiniformes*, *Lamniformes*, *Hexanchiformes*,
19 *Orectolobiformes*, *Pristiophoriformes*, *Squaliformes*,
20 *Squatiniiformes*, or any part thereof.

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

23 (d) "Separated," with respect to a shark fin, means not
24 naturally attached to the corresponding shark body through some
25 portion of uncut skin.

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

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

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

32 (3) The import of shark fins to this state is prohibited.

33 (4) (a) Except as provided under paragraph (b), the sale of
34 shark fins in this state and the export of shark fins from this
35 state are prohibited.

36 (b) This subsection does not apply to any commercial
37 fisherman who harvested sharks from a vessel that has been
38 issued a valid federal shark fishing permit on or before January
39 1, 2020, or to seafood dealers who harvest and possess sharks,
40 shark fins, and associated shark products that are legally
41 landed, handled, processed, and transported. This paragraph
42 expires on January 1, 2025.

43 (5) ~~(3)~~ A person who violates this section is subject to the
44 following penalties:

45 (a) For a first violation, a misdemeanor of the second
46 degree, punishable as provided in s. 775.082 or s. 775.083. In
47 addition, the commission shall assess an administrative fine of
48 \$4,500 and suspend all of the person's license privileges under
49 this chapter for 180 days.

50 (b) For a second violation, a misdemeanor of the second
51 degree, punishable as provided in s. 775.082 or s. 775.083. In
52 addition, the commission shall assess an administrative fine of
53 \$9,500 and suspend all of the person's license privileges under
54 this chapter for 365 days.

55 (c) For a third and any subsequent violation, a misdemeanor
56 of the first degree, punishable as provided in s. 775.082 or s.
57 775.083. In addition, the commission shall assess an
58 administrative fine of \$9,500 and permanently revoke all of the

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59 person's license privileges under this chapter.

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61 While his or her license privileges are under suspension or
62 revocation pursuant to this subsection, a person may not
63 participate in the taking or harvesting, or attempt the taking
64 or harvesting, of saltwater products from any vessel within the
65 waters of the state; be aboard any vessel on which a commercial
66 quantity of saltwater products is possessed through an activity
67 requiring a license pursuant to this chapter; or engage in any
68 other activity requiring a license, permit, or certificate
69 issued pursuant to this chapter.

70 Section 2. This act shall take effect October 1, 2020.