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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, export, and sale of
4 shark fins in this state; providing exceptions;
5 providing for expiration of the exceptions; requiring
6 the Fish and Wildlife Conservation Commission to
7 evaluate the potential economic impacts to the
8 commercial shark fishing industry in this state;
9 requiring the commission to identify actions to lessen
10 or offset impacts to the industry; requiring the
11 commission to review the potential impact on shark
12 populations; requiring a report to the Legislature by
13 a specified date; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Section 379.2426, Florida Statutes, is amended
18 to read:

19 379.2426 Regulation ~~Possession~~ of ~~separated~~ shark fins ~~on~~
20 ~~the water prohibited~~; penalties.—

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

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

24 (b) "Shark" means any species of the orders
25 *Carcharhiniformes*, *Lamniformes*, *Hexanchiformes*,
26 *Orectolobiformes*, *Pristiophoriformes*, *Squaliformes*,
27 *Squatiniiformes*, or any part thereof.

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

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

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

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

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

39 (3) Notwithstanding any other law, the import, export, and
40 sale of shark fins is prohibited and nothing in this section
41 authorizes such activities.

42 (4) (a) The prohibitions under subsection (3) do not apply
43 to any of the following:

44 1. The sale of shark fins by any commercial fisherman who
45 harvested sharks from a vessel holding a valid federal shark
46 fishing permit on January 1, 2020.

47 2. The export and sale of shark fins by any wholesale
48 dealer holding a valid federal Atlantic shark dealer permit on
49 January 1, 2020.

50 3. The import, export, and sale of domestically sourced
51 shark fins by any shark fin processor that obtains fins from a
52 wholesale dealer holding a valid federal Atlantic shark dealer
53 permit on January 1, 2020.

54 (b) This subsection expires on January 1, 2025.

55 (5) ~~(3)~~ A person who violates this section is subject to the
56 following penalties:

57 (a) For a first violation, a misdemeanor of the second
58 degree, punishable as provided in s. 775.082 or s. 775.083. In

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59 addition, the commission shall assess an administrative fine of
60 \$4,500 and suspend all of the person's license privileges under
61 this chapter for 180 days.

62 (b) For a second violation, a misdemeanor of the second
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 \$9,500 and suspend all of the person's license privileges under
66 this chapter for 365 days.

67 (c) For a third and any subsequent violation, a misdemeanor
68 of the first degree, punishable as provided in s. 775.082 or s.
69 775.083. In addition, the commission shall assess an
70 administrative fine of \$9,500 and permanently revoke all of the
71 person's license privileges under this chapter.

72
73 While his or her license privileges are under suspension or
74 revocation pursuant to this subsection, a person may not
75 participate in the taking or harvesting, or attempt the taking
76 or harvesting, of saltwater products from any vessel within the
77 waters of the state; be aboard any vessel on which a commercial
78 quantity of saltwater products is possessed through an activity
79 requiring a license pursuant to this chapter; or engage in any
80 other activity requiring a license, permit, or certificate
81 issued pursuant to this chapter.

82 Section 2. The Fish and Wildlife Conservation Commission
83 shall evaluate the potential economic impact to the commercial
84 shark fishing industry associated with the prohibition of the
85 import, export, and sale of shark fins in Florida. Based on any
86 identified negative economic impacts to the commercial shark
87 fishing industry, the commission shall identify actions to

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88 lessen or offset impacts on the industry to the extent
89 practicable. The commission also shall review the potential
90 impact on shark populations associated with the prohibition of
91 the import, export, and sale of shark fins in Florida. The
92 commission shall report its findings to the Governor, the
93 President of the Senate, and the Speaker of the House of
94 Representatives by December 31, 2023.

95 Section 3. This act shall take effect October 1, 2020.