

CHAPTER 2020-172

Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill No. 680

An act relating to shark fins; providing a short title; amending s. 379.2426, F.S.; prohibiting the import, export, and sale of shark fins in this state; providing exceptions; requiring the Fish and Wildlife Conservation Commission to evaluate the potential economic impacts to the commercial shark fishing industry in this state; requiring the commission to identify actions to lessen or offset impacts to the industry; requiring the commission to review the potential impact on shark populations; requiring a report to the Legislature by a specified date; authorizing the Legislature to impose a ban on the domestic production of shark fins based upon the findings of the report; providing an effective date.

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

Section 1. This act may be cited as the “Kristin Jacobs Ocean Conservation Act.”

Section 2. Section 379.2426, Florida Statutes, is amended to read:

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

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

(a) “Land” means the physical act of bringing a harvested organism, or any part thereof, ashore.

(b) “Shark” means any species of the orders *Carcharhiniformes*, *Lamniformes*, *Hexanchiformes*, *Orectolobiformes*, *Pristiophoriformes*, *Squaliformes*, *Squatinaformes*, or any part thereof.

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

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

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

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

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

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

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

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

(b) The export and sale of shark fins by any wholesale dealer holding a valid federal Atlantic shark dealer permit on January 1, 2020.

(c) The export and sale of domestically sourced shark fins by any shark fin processor that obtains fins from a wholesale dealer holding a valid federal Atlantic shark dealer permit on January 1, 2020.

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

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

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

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

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

Section 3. (1) The Fish and Wildlife Conservation Commission shall evaluate the potential economic impact to the commercial shark fishing industry associated with the prohibition of the import, export, and sale of shark fins in Florida. Based on any identified negative economic impacts to the commercial shark fishing industry, the commission shall identify actions to lessen or offset impacts on the industry to the extent practicable. The commission also shall review the potential impact on shark populations associated with the prohibition of the import, export, and sale of shark fins in

Florida. The commission may review and include any other information it believes is relevant to the management of shark fisheries. The commission shall report its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2021.

(2) After receipt of the report submitted pursuant to subsection (1), the Legislature may, based upon the findings of the report, impose a ban on the domestic production of shark fins.

Section 4. This act shall take effect October 1, 2020.

Approved by the Governor September 18, 2020.

Filed in Office Secretary of State September 18, 2020.