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1 A bill to be entitled  
2 An act relating to shark fins; providing a short  
3 title; amending s. 379.2426, F.S.; prohibiting the  
4 import, export, and sale of shark fins in this state;  
5 providing exceptions; requiring the Fish and Wildlife  
6 Conservation Commission to evaluate the potential  
7 economic impacts to the commercial shark fishing  
8 industry in this state; requiring the commission to  
9 identify actions to lessen or offset impacts to the  
10 industry; requiring the commission to review the  
11 potential impact on shark populations; requiring a  
12 report to the Legislature by a specified date;  
13 authorizing the Legislature to impose a ban on the  
14 domestic production of shark fins based upon the  
15 findings of the report; providing an effective date.  
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17 Be It Enacted by the Legislature of the State of Florida:  
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19 Section 1. This act may be cited as the "Kristin Jacobs  
20 Ocean Conservation Act."

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

23 379.2426 Regulation ~~Possession~~ of ~~separated~~ shark fins ~~on~~  
24 ~~the water~~ prohibited; penalties.—

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

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

28 (b) "Shark" means any species of the orders  
29 *Carcharhiniformes, Lamniformes, Hexanchiformes,*

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30 *Orectolobiformes, Pristiophoriformes, Squaliformes,*  
31 *Squatiniiformes, or any part thereof.*

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

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

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

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

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

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

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

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

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

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

58 (5)~~(3)~~ A person who violates this section is subject to the

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59 following penalties:

60 (a) For a first violation, a misdemeanor of the second  
61 degree, punishable as provided in s. 775.082 or s. 775.083. In  
62 addition, the commission shall assess an administrative fine of  
63 \$4,500 and suspend all of the person's license privileges under  
64 this chapter for 180 days.

65 (b) For a second violation, a misdemeanor of the second  
66 degree, punishable as provided in s. 775.082 or s. 775.083. In  
67 addition, the commission shall assess an administrative fine of  
68 \$9,500 and suspend all of the person's license privileges under  
69 this chapter for 365 days.

70 (c) For a third and any subsequent violation, a misdemeanor  
71 of the first degree, punishable as provided in s. 775.082 or s.  
72 775.083. In addition, the commission shall assess an  
73 administrative fine of \$9,500 and permanently revoke all of the  
74 person's license privileges under this chapter.

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

85 Section 3. (1) The Fish and Wildlife Conservation  
86 Commission shall evaluate the potential economic impact to the  
87 commercial shark fishing industry associated with the

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88 prohibition of the import, export, and sale of shark fins in  
89 Florida. Based on any identified negative economic impacts to  
90 the commercial shark fishing industry, the commission shall  
91 identify actions to lessen or offset impacts on the industry to  
92 the extent practicable. The commission also shall review the  
93 potential impact on shark populations associated with the  
94 prohibition of the import, export, and sale of shark fins in  
95 Florida. The commission may review and include any other  
96 information it believes is relevant to the management of shark  
97 fisheries. The commission shall report its findings to the  
98 Governor, the President of the Senate, and the Speaker of the  
99 House of Representatives by December 31, 2021.

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

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