

By Senator Simmons

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1                   A bill to be entitled  
2       An act relating to sharks; creating s. 379.2427, F.S.;  
3       providing definitions; prohibiting the possession,  
4       sale, trade, purchase, shipping, barter, exchange, or  
5       distribution of shark fins; providing criminal  
6       penalties and the assessment of specified fees and  
7       costs by the Fish and Wildlife Conservation  
8       Commission; requiring the destruction of seized shark  
9       fins; providing for applicability; authorizing the  
10      commission to adopt rules; providing an effective  
11      date.

12  
13       WHEREAS, species of finfish in the class Chondrichthyes,  
14      subclass Elasmobranchii, and superorder Selachii are given the  
15      common name "sharks," and

16       WHEREAS, sharks occupy the top of the aquatic food chain  
17      and play a critical role in the maintenance of a healthy and  
18      functioning marine ecosystem, and

19       WHEREAS, data from state, federal, and international  
20      agencies show a decline in shark populations both locally and  
21      worldwide, and

22       WHEREAS, the decline in shark populations is an urgent  
23      problem that upsets the balance of species in marine ecosystems  
24      and constitutes a serious threat to biodiversity, and

25       WHEREAS, sharks have particular characteristics that make  
26      them more vulnerable to overfishing, as sharks are slow to reach  
27      reproductive maturity, birth small litters, and cannot rebuild  
28      their populations quickly once overfished, and

29       WHEREAS, the practice of shark finning, whereby a shark is

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30 caught, the fin is cut off, and the shark is returned to the  
31 water experiencing physical distress and difficulty in  
32 maintaining adequate oxygenation, causes millions of sharks to  
33 die a slow death by starvation, predation, suffocation, and  
34 drowning each year, and

35 WHEREAS, estimates indicate that 73 million sharks are  
36 killed annually as a result of shark finning, that more than a  
37 third of shark species are threatened by extinction, and that  
38 certain shark species have been depleted by as much as 90  
39 percent, and

40 WHEREAS, the market for shark fins, a principal ingredient  
41 in certain culinary delicacies, is on the rise, and

42 WHEREAS, fishers continue the practice of shark finning on  
43 a massive scale despite state and federal laws that ban the  
44 practice, NOW, THEREFORE,

45  
46 Be It Enacted by the Legislature of the State of Florida:

47  
48 Section 1. Section 379.2427, Florida Statutes, is created  
49 to read:

50 379.2427 Shark finning prohibited.-

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

52 (a) "Shark" means a species of finfish in the class  
53 Chondrichthyes, subclass Elasmobranchii, and superorder  
54 Selachii.

55 (b) "Shark fin" means the raw or dried or otherwise  
56 processed detached fin or tail of a shark.

57 (2) A person may not possess, sell, offer for sale, trade,  
58 purchase, offer to purchase, ship for the purpose of sale,

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59 barter, exchange, or otherwise distribute a shark fin in this  
60 state or within the territorial waters of this state.

61 (3) A person who violates this section or any rule adopted  
62 pursuant to this section:

63 (a) Commits a misdemeanor of the second degree, punishable  
64 as provided in s. 775.082 or s. 775.083; and

65 (b) Is subject to:

66 1. Seizure and forfeiture of the shark fin; and

67 2. An administrative fine of at least \$5,000, but not more  
68 than \$15,000, which shall be imposed by the Fish and Wildlife  
69 Conservation Commission.

70 (c) May be assessed administrative fees and attorney fees  
71 and costs.

72 (4) Shark fins seized by the Fish and Wildlife Conservation  
73 Commission under this section must be destroyed and may not be  
74 sold or transferred.

75 (5) This section does not apply to any of the following:

76 (a) A restaurant that possesses, sells, or offers for sale  
77 a shark fin for the purpose of consumption on the premises if  
78 the restaurant possessed the shark fin before July 1, 2014.

79 (b) A person who detaches a shark fin or tail from a  
80 lawfully landed shark during the ordinary course of preparing  
81 the shark's body or body parts other than the fin or tail for  
82 consumption, sale, trade, or distribution if the shark fin is  
83 disposed of immediately and not sold, exchanged, or distributed.

84 (c) A person or entity that has a valid scientific permit  
85 for the possession of a shark fin for bona fide research or  
86 educational purposes.

87 (d) The possession or transportation in this state of a

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88 shark fin for a purpose other than sale taken or caught outside  
89 this state and transported from a point outside this state by  
90 common carrier, without being unloaded in this state, to a point  
91 of delivery outside this state.

92 (6) The Fish and Wildlife Conservation Commission may adopt  
93 rules to administer this section.

94 Section 2. This act shall take effect July 1, 2014.