

**By** the Committee on Environmental Preservation and Conservation;  
and Senators Simmons, Soto, and Abruzzo

592-02203A-14

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1                                   A bill to be entitled  
2           An act relating to sharks; amending s. 379.407, F.S.;  
3           providing penalties for possession of separated shark  
4           fins on state waters; amending s. 379.401, F.S.;  
5           conforming a cross-reference; providing an effective  
6           date.

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8   Be It Enacted by the Legislature of the State of Florida:  
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10           Section 1. Present subsections (5) through (8) of section  
11   379.407, Florida Statutes, are renumbered as subsections (6)  
12   through (9), respectively, and a new subsection (5) is added to  
13   that section, to read:

14           379.407 Administration; rules, publications, records;  
15   penalties; injunctions.—

16           (5) PENALTIES FOR POSSESSION OF SEPARATED SHARK FINS ON THE  
17   WATER.—

18           (a) It shall be unlawful for a commercial harvester to  
19   possess separated shark fins while on the waters of this state.  
20   It is a major violation under this section for a commercial  
21   harvester to be in possession of shark fins on state waters that  
22   are not attached to a shark carcass.

23           (b) A commercial harvester who violates this subsection  
24   shall be punished as follows:

25           1. A first violation is a misdemeanor of the second degree,  
26   punishable as provided in s. 775.082 or s. 775.083, and such  
27   person is subject to a suspension of all license privileges  
28   under this chapter for 30 days.

29           2. A second violation is a misdemeanor of the first degree,

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30 punishable as provided in s. 775.082 or s. 775.083, and such  
31 person is subject to a suspension of all license privileges  
32 under this chapter for 90 days.

33 3. A third violation is a misdemeanor of the first degree,  
34 punishable as provided in s. 775.082 or s. 775.083, with a  
35 mandatory minimum term of imprisonment of 6 months, and such  
36 person may also be assessed a civil penalty of up to \$2,500 and  
37 is subject to a suspension of all license privileges under this  
38 chapter for 6 months.

39 4. A third violation within 1 year after a second violation  
40 is a felony of the third degree, punishable as provided in s.  
41 775.082, s. 775.083, or s. 775.084, with a mandatory minimum  
42 term of imprisonment of 1 year, and such person shall be  
43 assessed a civil penalty of \$5,000, and all license privileges  
44 under this chapter shall be permanently revoked.

45 5. A fourth or subsequent violation is a felony of the  
46 third degree, punishable as provided in s. 775.082, s. 775.083,  
47 or s. 775.084, with a mandatory minimum term of imprisonment of  
48 1 year, and such person shall be assessed a civil penalty of  
49 \$5,000, and all license privileges under this chapter shall be  
50 permanently revoked.

51 Section 2. Paragraph (a) of subsection (2) of section  
52 379.401, Florida Statutes, is amended to read:

53 379.401 Penalties and violations; civil penalties for  
54 noncriminal infractions; criminal penalties; suspension and  
55 forfeiture of licenses and permits.—

56 (2) (a) LEVEL TWO VIOLATIONS.—A person commits a Level Two  
57 violation if he or she violates any of the following provisions:

58 1. Rules or orders of the commission relating to seasons or

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59 time periods for the taking of wildlife, freshwater fish, or  
60 saltwater fish.

61 2. Rules or orders of the commission establishing bag,  
62 possession, or size limits or restricting methods of taking  
63 wildlife, freshwater fish, or saltwater fish.

64 3. Rules or orders of the commission prohibiting access or  
65 otherwise relating to access to wildlife management areas or  
66 other areas managed by the commission.

67 4. Rules or orders of the commission relating to the  
68 feeding of wildlife, freshwater fish, or saltwater fish.

69 5. Rules or orders of the commission relating to landing  
70 requirements for freshwater fish or saltwater fish.

71 6. Rules or orders of the commission relating to restricted  
72 hunting areas, critical wildlife areas, or bird sanctuaries.

73 7. Rules or orders of the commission relating to tagging  
74 requirements for wildlife and fur-bearing animals.

75 8. Rules or orders of the commission relating to the use of  
76 dogs for the taking of wildlife.

77 9. Rules or orders of the commission which are not  
78 otherwise classified.

79 10. Rules or orders of the commission prohibiting the  
80 unlawful use of finfish traps.

81 11. All prohibitions in this chapter which are not  
82 otherwise classified.

83 12. Section 379.33, prohibiting the violation of or  
84 noncompliance with commission rules.

85 13. Section 379.407(7) ~~Section 379.407(6)~~, prohibiting the  
86 sale, purchase, harvest, or attempted harvest of any saltwater  
87 product with intent to sell.

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88           14. Section 379.2421, prohibiting the obstruction of  
89 waterways with net gear.

90           15. Section 379.413, prohibiting the unlawful taking of  
91 bonefish.

92           16. Section 379.365(2) (a) and (b), prohibiting the  
93 possession or use of stone crab traps without trap tags and  
94 theft of trap contents or gear.

95           17. Section 379.366(4) (b), prohibiting the theft of blue  
96 crab trap contents or trap gear.

97           18. Section 379.3671(2) (c), prohibiting the possession or  
98 use of spiny lobster traps without trap tags or certificates and  
99 theft of trap contents or trap gear.

100           19. Section 379.357, prohibiting the possession of tarpon  
101 without purchasing a tarpon tag.

102           20. Rules or orders of the commission prohibiting the  
103 feeding or enticement of alligators or crocodiles.

104           21. Section 379.105, prohibiting the intentional harassment  
105 of hunters, fishers, or trappers.

106           Section 3. This act shall take effect July 1, 2014.