

By Senator Hutson

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1 A bill to be entitled
2 An act relating to sharks; creating s. 379.2426, F.S.;
3 prohibiting the possession, sale, offer for sale,
4 trade, or distribution of shark fins or shark tails;
5 providing definitions; providing an exemption for
6 certain licensees or permitholders under specified
7 circumstances; requiring any shark fin or shark tail
8 seized by the Fish and Wildlife Conservation
9 Commission to be destroyed; providing penalties;
10 authorizing the commission to adopt rules to
11 administer the act; providing an effective date.

12
13 WHEREAS, sharks, or elasmobranchs, are critical to the
14 health of ocean ecosystems, and

15 WHEREAS, sharks are particularly susceptible to decline due
16 to overfishing because they are slow to reach reproductive
17 maturity and birth small litters, and cannot rebuild their
18 populations quickly once they are overfished, and

19 WHEREAS, though sharks occupy the top of the marine food
20 chain, their decline is an urgent problem that upsets the
21 balance of species in ocean ecosystems and negatively affects
22 other fisheries, constituting a serious threat to biodiversity
23 and to open ocean and coastal ecosystems, and

24 WHEREAS, the practice of shark finning, where a shark is
25 caught, its fins cut off, and the animal dumped back into the
26 water to starve to death, drown from lack of oxygen that would
27 otherwise be forced through its gills from constant movement, or
28 be slowly be eaten by other fish is a cruel practice that causes
29 tens of millions of sharks to die each year, and

30 WHEREAS, data from federal and international agencies show
31 a decline in shark populations worldwide, and

32 WHEREAS, Florida is a market for shark fins and shark fin

7-01491-17

2017884__

33 products and this demand helps drive the cruel practice of shark
34 finning, leading to a decline in shark populations, and

35 WHEREAS, by taking steps to address this problem, Florida
36 can help ensure that sharks do not become extinct as a result of
37 shark finning, and

38 WHEREAS, sharks have a long lifespan and bioaccumulate
39 mercury in their bodies throughout their lives, so shark fins
40 often contain high levels of mercury, which has been proven
41 dangerous to consumers' health, NOW, THEREFORE,

42
43 Be It Enacted by the Legislature of the State of Florida:

44
45 Section 1. Section 379.2426, Florida Statutes, is created
46 to read:

47 379.2426 Trade in shark fins or tails prohibited.-

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

49 (a) "Shark" means any species of the subclass
50 elasmobranchii.

51 (b) "Shark fin" means the raw, dried, or otherwise
52 processed detached fin of a shark.

53 (c) "Shark tail" means the raw, dried, or otherwise
54 processed detached tail of a shark.

55 (2) Except as provided in this section, no person shall
56 possess, sell, offer for sale, trade, or distribute a shark fin
57 or shark tail.

58 (3) A person who holds a license or permit to take or land
59 sharks may separate a shark fin or shark tail from a lawfully
60 landed shark during the ordinary course of preparing the body of
61 the shark for consumption, sale, trade, or distribution;

7-01491-17

2017884__

62 provided, however, that a shark fin or shark tail so separated
63 from the shark shall be immediately destroyed unless used by the
64 person for the purposes of taxidermy and subsequent display.

65 (4) The Fish and Wildlife Conservation Commission may issue
66 a permit for the possession of a shark fin or shark tail to a
67 person conducting noncommercial, scientific research.

68 (5) A shark fin or shark tail seized by the Fish and
69 Wildlife Conservation Commission through the enforcement of this
70 section shall be destroyed.

71 (6) Any person who violates this section commits a Level
72 Three violation under s. 379.401; provided, however, that each
73 shark fin or shark tail possessed, sold, offered for sale,
74 traded, or distributed in violation of this section constitutes
75 a separate offense. A violation of this section by a person
76 holding a commercial or recreational license or permit pursuant
77 to this chapter shall result in the suspension or revocation of
78 the person's license or permit.

79 (7) The Fish and Wildlife Conservation Commission may adopt
80 rules to administer this section.

81 Section 2. This act shall take effect October 1, 2017.