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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 *Squatiniformes, 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.