



CHAMBER ACTION

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The Committee on Natural Resources recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to the protection of marine turtles; amending s. 370.12, F.S.; providing penalties for violating the Marine Turtle Protection Act; providing that it is a third degree felony to take, kill, possess, disturb, mutilate, destroy, cause to be destroyed, sell, offer for sale, transfer, molest, or harass a marine turtle or its nest, hatchlings, eggs, or parts thereof; providing that it is a third degree felony to commit any such act that involves a specified number or more of marine turtle eggs; providing an additional penalty for each egg involved in such a violation; providing for deposit of proceeds collected into the Marine Resources Conservation Trust Fund; providing that it is a third degree felony to solicit or conspire to violate the Marine Turtle Protection Act; amending s. 777.04, F.S., relating to the offense of criminal attempt, criminal solicitation, or criminal conspiracy; providing that a violation of the Marine Turtle Protection Act is exempt from certain



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29 sentencing requirements for an offense of solicitation or  
 30 conspiracy; amending s. 921.0022, F.S., relating to the  
 31 offense severity ranking chart of the Criminal Punishment  
 32 Code; conforming provisions to changes made by the act;  
 33 providing an effective date.

34

35 Be It Enacted by the Legislature of the State of Florida:

36

37 Section 1. Paragraphs (b) and (c) of subsection (1) of  
 38 section 370.12, Florida Statutes, are amended to read:

39 370.12 Marine animals; regulation.--

40 (1) PROTECTION OF MARINE TURTLES.--

41 (b) The Legislature intends, pursuant to the provisions of  
 42 this subsection, to ensure that the Fish and Wildlife  
 43 Conservation Commission has the appropriate authority and  
 44 resources to administer ~~implement~~ its responsibilities under the  
 45 recovery plans of the United States Fish and Wildlife Service  
 46 for the following species of marine turtle:

- 47 1. Atlantic loggerhead turtle (*Caretta caretta caretta*).
- 48 2. Atlantic green turtle (*Chelonis mydas mydas*).
- 49 3. Leatherback turtle (*Dermochelys coriacea*).
- 50 4. Atlantic hawksbill turtle (*Eretmochelys imbricata*
- 51 *imbricata*).
- 52 5. Atlantic ridley turtle (*Lepidochelys kemp*).

53 (c)1.a. Unless otherwise provided by the federal  
 54 Endangered Species Act or its implementing regulations, a ~~ne~~  
 55 person may not take, possess, disturb, mutilate, destroy, cause  
 56 to be destroyed, sell, offer for sale, transfer, molest, or



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57 | harass any marine turtle or its nest or eggs at any time. For  
58 | purposes of this subsection, the word "take" means an act that  
59 | ~~which~~ actually kills or injures marine turtles, and includes  
60 | significant habitat modification or degradation that kills or  
61 | injures marine turtles by significantly impairing essential  
62 | behavioral patterns, such as breeding, feeding, or sheltering.

63 | b.2- Unless otherwise provided by the federal Endangered  
64 | Species Act or its implementing regulations, a ~~ne~~ person, firm,  
65 | or corporation may not take, kill, disturb, mutilate, molest,  
66 | harass, or destroy any marine turtle.

67 | c.3- A ~~Ne~~ person, firm, or corporation may not possess any  
68 | marine turtle, their nests, eggs, hatchlings, or parts thereof  
69 | unless it is in possession of a special permit or loan agreement  
70 | from the commission enabling the holder to possess a marine  
71 | turtle or parts thereof for scientific, educational, or  
72 | exhibitional purposes, or for conservation activities such as  
73 | relocating nests, eggs, or animals away from construction sites.  
74 | Notwithstanding any other provisions of general or special law  
75 | to the contrary, the commission may issue such authorization to  
76 | any properly accredited person for the purpose of marine turtle  
77 | conservation upon such terms, conditions, and restrictions as it  
78 | may prescribe by rule adopted pursuant to chapter 120. The  
79 | commission shall have the authority to adopt rules pursuant to  
80 | chapter 120 to permit the possession of marine turtles pursuant  
81 | to this paragraph. For the purposes of this subsection, a  
82 | "properly accredited person" is defined as:



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83        (I)a. Students of colleges or universities whose studies  
84 with saltwater animals are under the direction of their teacher  
85 or professor;

86        (II)b. Scientific or technical faculty of public or  
87 private colleges or universities;

88        (III)c. Scientific or technical employees of private  
89 research institutions and consulting firms;

90        (IV)d. Scientific or technical employees of city, county,  
91 state, or federal research or regulatory agencies;

92        (V)e. Members in good standing or recognized and properly  
93 chartered conservation organizations, the Audubon Society, or  
94 the Sierra Club;

95        (VI)f. Persons affiliated with aquarium facilities or  
96 museums, or contracted as an agent therefor, which are open to  
97 the public with or without an admission fee; or

98        (VII)g. Persons without specific affiliations listed  
99 above, but who are recognized by the commission for their  
100 contributions to marine conservation such as scientific or  
101 technical publications, or through a history of cooperation with  
102 the commission in conservation programs such as turtle nesting  
103 surveys, or through advanced educational programs such as high  
104 school marine science centers.

105        2. Any person, firm, or corporation who unlawfully  
106 possesses 11 or fewer eggs of any combination of species  
107 specified in paragraph (b) commits a misdemeanor of the first  
108 degree, punishable as provided in s. 775.082 or s. 775.083.

109        3. A second or subsequent conviction of unlawful  
110 possession of 11 or fewer eggs of any combination of species



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111 specified in paragraph (b) is a felony of the third degree,  
 112 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
 113 For purposes of this subparagraph, "conviction" means any  
 114 disposition other than acquittal or dismissal.

115 4. Any person, firm, or corporation who unlawfully  
 116 possesses 11 or fewer eggs with intent to sell, offer for sale,  
 117 or transfer said eggs commits a felony of the third degree,  
 118 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

119 5. Any person, firm, or corporation who intentionally  
 120 commits an act prohibited by this paragraph which involves 12 or  
 121 more eggs of any combination of species specified in paragraph  
 122 (b) commits a felony of the third degree, punishable as provided  
 123 in s. 775.082, s. 775.083, or s. 775.084.

124 6. Notwithstanding s. 777.04, any person, firm, or  
 125 corporation who solicits or conspires with another person, firm,  
 126 or corporation to commit an act prohibited by subparagraph 1.  
 127 commits a felony of the third degree, punishable as provided in  
 128 s. 775.082, s. 775.083, or s. 775.084.

129 7. Any person, firm, or corporation who commits any act  
 130 prohibited in subparagraph 1. involving eggs of any species  
 131 specified in paragraph (b) shall pay a penalty of \$100 per egg  
 132 in addition to other penalties which may be assessed under this  
 133 subsection. The proceeds from the penalties assessed pursuant to  
 134 this paragraph shall be deposited into the Marine Resources  
 135 Conservation Trust Fund.

136 Section 2. Paragraphs (a), (d), and (e) of subsection (4)  
 137 of section 777.04, Florida Statutes, are amended to read:

138 777.04 Attempts, solicitation, and conspiracy.--



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139 (4)(a) Except as otherwise provided in ss. 104.091(2),  
140 370.12(1), 828.125(2), 849.25(4), 893.135(5), and 921.0022, the  
141 offense of criminal attempt, criminal solicitation, or criminal  
142 conspiracy is ranked for purposes of sentencing under chapter  
143 921 and determining incentive gain-time eligibility under  
144 chapter 944 one level below the ranking under s. 921.0022 or s.  
145 921.0023 of the offense attempted, solicited, or conspired to.  
146 If the criminal attempt, criminal solicitation, or criminal  
147 conspiracy is of an offense ranked in level 1 or level 2 under  
148 s. 921.0022 or s. 921.0023, such offense is a misdemeanor of the  
149 first degree, punishable as provided in s. 775.082 or s.  
150 775.083.

151 (d) Except as otherwise provided in s. 104.091(2), s.  
152 370.12(1), s. 828.125(2), or s. 849.25(4), if the offense  
153 attempted, solicited, or conspired to is a:

- 154 1. Felony of the second degree;
- 155 2. Burglary that is a felony of the third degree; or
- 156 3. Felony of the third degree ranked in level 3, 4, 5, 6,  
157 7, 8, 9, or 10 under s. 921.0022 or s. 921.0023,

158  
159 the offense of criminal attempt, criminal solicitation, or  
160 criminal conspiracy is a felony of the third degree, punishable  
161 as provided in s. 775.082, s. 775.083, or s. 775.084.

162 (e) Except as otherwise provided in s. 104.091(2), s.  
163 370.12(1), s. 849.25(4), or paragraph(d), if the offense  
164 attempted, solicited, or conspired to is a felony of the third  
165 degree, the offense of criminal attempt, criminal solicitation,



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166 or criminal conspiracy is a misdemeanor of the first degree,  
167 punishable as provided in s. 775.082 or s. 775.083.

168 Section 3. Paragraphs (b) and (c) of subsection (3) of  
169 section 921.0022, Florida Statutes, are amended to read:

170 921.0022 Criminal Punishment Code; offense severity  
171 ranking chart.--

172 (3) OFFENSE SEVERITY RANKING CHART

Florida	Felony	
Statute	Degree	Description
		(b) LEVEL 2
<u>370.12(1)(c)3.</u>	<u>3rd</u>	<u>Second or subsequent possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.</u>
403.413(5)(c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
517.07	3rd	Registration of securities and furnishing of prospectus required.



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179	590.28(1)	3rd	Willful, malicious, or intentional burning.
180	784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
181	787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
182	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
183	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
184	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
185	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
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187	812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
188	817.234(1)(a)2.	3rd	False statement in support of insurance claim.
189	817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
190	817.52(3)	3rd	Failure to redeliver hired vehicle.
191	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
192	817.60(5)	3rd	Dealing in credit cards of another.
193	817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.
194	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.



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195	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
196	831.01	3rd	Forgery.
197	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
198	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
199	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
200	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
201	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
202	832.05(3)(a)	3rd	Cashing or depositing item with intent to defraud.
	843.08	3rd	Falsely impersonating an



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203	893.13(2)(a)2.	3rd	officer. Purchase of any s. 893.03(1)(c), (2)(c)1.,(2)(c)2.,(2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9.,(3), or(4) drugs other than cannabis.
204	893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.
205			(c) LEVEL 3
206	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
207	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in marked patrol vehicle with siren and lights activated.
208	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
209	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
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211	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
212	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
213	327.35(2)(b)	3rd	Felony BUI.
214	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
215	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
216	<u>370.12(1)(c)4.</u>	<u>3rd</u>	<u>Possession of 11 or fewer marine turtle eggs with intent to sell, offer for sale, or transfer.</u>
	<u>370.12(1)(c)5.</u>	<u>3rd</u>	<u>Intentional act in violation of the Marine Turtle Protection Act which involves 12 or more marine turtle</u>



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217	<u>370.12(1)(c)6.</u>	<u>3rd</u>	<u>eggs.</u> <u>Solicitation or conspiracy to</u> <u>commit an act in violation of</u> <u>the Marine Turtle Protection</u> <u>Act.</u>
218	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
219	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
220	697.08	3rd	Equity skimming.
221	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
222	796.05(1)	3rd	Live on earnings of a prostitute.
223	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.



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224	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
225	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
226	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
227	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
228	815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
229	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
230	817.233	3rd	Burning to defraud insurer.
231	817.234(8)&(9)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
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233	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
234	817.505(4)	3rd	Patient brokering.
235	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
236	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
237	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
238	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
239	843.19	3rd	Injure, disable, or kill police dog or horse.
240	870.01(2)	3rd	Riot; inciting or encouraging.



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241	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).
242	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 200 feet of university or public park.
243	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 200 feet of public housing facility.
244	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding





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245	893.13(7)(a)9.	3rd	previous receipt of or prescription for a controlled substance.
246	893.13(7)(a)10.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
247	893.13(7)(a)11.	3rd	Affix false or forged label to package of controlled substance.
248	893.13(8)(a)1.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
249	893.13(8)(a)2.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
			Employ a trick or scheme in the practitioner's practice



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250	893.13(8)(a)3.	3rd	to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
251	893.13(8)(a)4.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
252	918.13(1)(a)	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
253	944.47 (1)(a)1.-2.	3rd	Alter, destroy, or conceal investigation evidence.
254	944.47(1)(c)	2nd	Introduce contraband to correctional facility.
255	985.3141	3rd	Possess contraband while upon the grounds of a correctional institution.
			Escapes from a juvenile facility (secure detention or



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residential commitment  
facility).

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Section 4. This act shall take effect July 1, 2003.