



CHAMBER ACTION

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The Committee on Public Safety & Crime Prevention 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.; revising terminology; 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



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29 | that a violation of the Marine Turtle Protection Act is
 30 | exempt from certain sentencing requirements for an offense
 31 | of solicitation or conspiracy; amending s. 921.0022, F.S.,
 32 | relating to the offense severity ranking chart of the
 33 | Criminal Punishment Code; conforming provisions to changes
 34 | made by the act; providing an effective date.

35

36 | Be It Enacted by the Legislature of the State of Florida:

37

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

40 | 370.12 Marine animals; regulation.--

41 | (1) PROTECTION OF MARINE TURTLES.--

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

48 | 1. Atlantic loggerhead turtle (*Caretta caretta* ~~caretta~~).

49 | 2. Atlantic green turtle (*Chelonis mydas* ~~mydas~~).

50 | 3. Leatherback turtle (*Dermochelys coriacea*).

51 | 4. Atlantic hawksbill turtle (*Eretmochelys imbricata*
 52 | ~~imbricata~~).

53 | 5. Atlantic ridley turtle (*Lepidochelys kempii* ~~kempii~~).

54 | (c)1.a. Unless otherwise provided by the federal
 55 | Endangered Species Act or its implementing regulations, ~~a~~ no
 56 | person may not take, possess, disturb, mutilate, destroy, cause



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

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

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



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

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

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

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

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

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

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

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

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



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

116 4. Any person, firm, or corporation who unlawfully
117 possesses 12 or more eggs of any combination of species
118 specified in paragraph (b) commits a felony of the third degree,
119 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

120 5. Any person, firm, or corporation who unlawfully takes,
121 disturbs, mutilates, destroys, causes to be destroyed,
122 transfers, sells, offers to sell, molests, or harasses any
123 marine turtle species, or the eggs or nest of any marine turtle
124 species specified in paragraph (b), commits a felony of the
125 third degree, punishable as provided in s. 775.082, s. 775.083,
126 or s. 775.084.

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

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



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

141 777.04 Attempts, solicitation, and conspiracy.--

142 (4)(a) Except as otherwise provided in ss. 104.091(2),
143 370.12(1), 828.125(2), 849.25(4), 893.135(5), and 921.0022, the
144 offense of criminal attempt, criminal solicitation, or criminal
145 conspiracy is ranked for purposes of sentencing under chapter
146 921 and determining incentive gain-time eligibility under
147 chapter 944 one level below the ranking under s. 921.0022 or s.
148 921.0023 of the offense attempted, solicited, or conspired to.
149 If the criminal attempt, criminal solicitation, or criminal
150 conspiracy is of an offense ranked in level 1 or level 2 under
151 s. 921.0022 or s. 921.0023, such offense is a misdemeanor of the
152 first degree, punishable as provided in s. 775.082 or s.
153 775.083.

154 (d) Except as otherwise provided in s. 104.091(2), s.
155 370.12(1), s. 828.125(2), or s. 849.25(4), if the offense
156 attempted, solicited, or conspired to is a:

- 157 1. Felony of the second degree;
- 158 2. Burglary that is a felony of the third degree; or
- 159 3. Felony of the third degree ranked in level 3, 4, 5, 6,
160 7, 8, 9, or 10 under s. 921.0022 or s. 921.0023,

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

165 (e) Except as otherwise provided in s. 104.091(2), s.
166 370.12(1), s. 849.25(4), or paragraph(d), if the offense



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167 attempted, solicited, or conspired to is a felony of the third
 168 degree, the offense of criminal attempt, criminal solicitation,
 169 or criminal conspiracy is a misdemeanor of the first degree,
 170 punishable as provided in s. 775.082 or s. 775.083.

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

173 921.0022 Criminal Punishment Code; offense severity
 174 ranking chart.--

175 (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>
<u>370.12(1)(c)4.</u>	<u>3rd</u>	<u>Possession of 12 or more marine turtle eggs.</u>
403.413(5)(c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity



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			for commercial purposes, or hazardous waste.
182	517.07	3rd	Registration of securities and furnishing of prospectus required.
183	590.28(1)	3rd	Willful, malicious, or intentional burning.
184	784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
185	787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
186	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
187	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
188	812.014(2)(c)1.	3rd	Grand theft, 3rd degree;



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189	812.014(2)(d)	3rd	\$300 or more but less than \$5,000. Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
190	812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
191	817.234(1)(a)2.	3rd	False statement in support of insurance claim.
192	817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
193	817.52(3)	3rd	Failure to redeliver hired vehicle.
194	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.



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195	817.60(5)	3rd	Dealing in credit cards of another.
196	817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.
197	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
198	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
199	831.01	3rd	Forgery.
200	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
201	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
202	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
203	831.09	3rd	Uttering forged notes,



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204	831.11	3rd	bills, checks, drafts, or promissory notes. Bringing into the state forged bank bills, checks, drafts, or notes.
205	832.05(3)(a)	3rd	Cashing or depositing item with intent to defraud.
206	843.08	3rd	Falsely impersonating an officer.
207	893.13(2)(a)2.	3rd	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.
208	893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.
209		(c)	LEVEL 3
210	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
211	316.1935(2)	3rd	Fleeing or attempting to



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			elude law enforcement officer in marked patrol vehicle with siren and lights activated.
212	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
213	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
214	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
215	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
216	327.35(2)(b)	3rd	Felony BUI.
217	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of



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218	328.07(4)	3rd	vessels. Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
219	<u>370.12(1)(c)5.</u>	<u>3rd</u>	<u>Take, destroy, mutilate, etc., any marine turtle species or the eggs or nest of any marine turtle species.</u>
220	<u>370.12(1)(c)6.</u>	<u>3rd</u>	<u>Solicitation or conspiracy to commit an act in violation of the Marine Turtle Protection Act.</u>
221	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
222	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
223	697.08	3rd	Equity skimming.



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224	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
225	796.05(1)	3rd	Live on earnings of a prostitute.
226	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
227	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
228	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
229	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
230	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than



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231	815.04(4)(b)	2nd	\$10,000. Computer offense devised to defraud or obtain property.
232	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
233	817.233	3rd	Burning to defraud insurer.
234	817.234(8)&(9)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
235	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
236	817.505(4)	3rd	Patient brokering.
237	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
238	831.28(2)(a)	3rd	Counterfeiting a payment



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			instrument with intent to defraud or possessing a counterfeit payment instrument.
239	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
240	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
241	843.19	3rd	Injure, disable, or kill police dog or horse.
242	870.01(2)	3rd	Riot; inciting or encouraging.
243	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).
244	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c),



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(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.

245

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.

246

893.13(6)(a) 3rd

Possession of any
controlled substance other
than felony possession of
cannabis.

247

893.13(7)(a)8. 3rd

Withhold information from
practitioner regarding
previous receipt of or
prescription for a
controlled substance.

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249	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
250	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
251	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
252	893.13(8)(a)1.	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.
	893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a



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253	893.13(8)(a)3.	3rd	patient, other person, or owner of an animal in obtaining a controlled substance.
254	893.13(8)(a)4.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
255	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.
256	944.47 (1)(a)1.-2.	3rd	Alter, destroy, or conceal investigation evidence.
257	944.47(1)(c)	2nd	Introduce contraband to correctional facility.
258	985.3141	3rd	Possess contraband while upon the grounds of a correctional institution.
			Escapes from a juvenile



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facility (secure detention
or residential commitment
facility).

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