

HB 7025

2012

1 A bill to be entitled
2 An act relating to the Fish and Wildlife Conservation
3 Commission; amending s. 320.08058, F.S.; revising
4 requirements for the distribution of the Florida
5 panther license plate annual use fee; amending s.
6 379.208, F.S.; revising a funding source of the Marine
7 Resources Conservation Trust Fund from excise taxes to
8 vessel registration fees; eliminating a requirement
9 that undistributed funds be carried over to the next
10 fiscal year; amending s. 379.2342, F.S.; deleting
11 requirements relating to the publication of the
12 Florida Wildlife Magazine and the creation of the
13 Florida Wildlife Magazine Advisory Council; amending
14 s. 379.3581, F.S.; removing a limitation for the
15 duration and frequency of issuance of a special
16 authorization for supervised hunting; amending s.
17 379.366, F.S.; reducing the fee amount for a soft-
18 shell blue crab endorsement; amending s. 380.511,
19 F.S.; revising a cross-reference to conform to changes
20 made by the act; amending s. 921.0022, F.S.; adding
21 certain spiny lobster trap violations to the offense
22 severity ranking chart of the Criminal Punishment
23 Code; providing effective dates.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Paragraph (b) of subsection (5) of section
28 320.08058, Florida Statutes, is amended to read:

29 | 320.08058 Specialty license plates.—

30 | (5) FLORIDA PANTHER LICENSE PLATES.—

31 | (b) The ~~department shall distribute the~~ Florida panther
 32 | license plate annual use fee ~~in the following manner:~~

33 | 1. ~~Eighty-five percent~~ must be deposited in the Florida
 34 | Panther Research and Management Trust Fund in the Fish and
 35 | Wildlife Conservation Commission to be used for education and
 36 | programs to protect the endangered Florida panther, and up to 10
 37 | percent of such deposit may be used to promote and market the
 38 | license plate.

39 | 2. ~~Fifteen percent, but no less than \$300,000, must be~~
 40 | ~~deposited in the Florida Communities Trust Fund to be used~~
 41 | ~~pursuant to the Florida Communities Trust Act.~~

42 | Section 2. Subsection (3) of section 379.208, Florida
 43 | Statutes, is amended to read:

44 | 379.208 Marine Resources Conservation Trust Fund;
 45 | purposes.—

46 | (3) Funds provided to the Marine Resources Conservation
 47 | Trust Fund from vessel registration fees pursuant to s. 328.76
 48 | may taxes distributed under s. 201.15 shall be used for the
 49 | following purposes:

50 | (a) To reimburse the cost of activities authorized
 51 | pursuant to the Fish and Wildlife Service of the United States
 52 | Department of the Interior. The facilities must be involved in
 53 | the actual rescue and full-time acute care veterinarian-based
 54 | rehabilitation of manatees. The cost of activities includes, but
 55 | is not limited to, costs associated with expansion, capital
 56 | outlay, repair, maintenance, and operation related to the

57 | rescue, treatment, stabilization, maintenance, release, and
 58 | monitoring of manatees. Moneys distributed through the
 59 | contractual agreement to each facility for manatee
 60 | rehabilitation must be proportionate to the number of manatees
 61 | under acute care rehabilitation; the number of maintenance days
 62 | medically necessary in the facility; and the number released
 63 | during the previous fiscal year. The commission may set a cap on
 64 | the total amount reimbursed per manatee per year.

65 | (b) For training on the care, treatment, and
 66 | rehabilitation of marine mammals at the Whitney Laboratory and
 67 | the College of Veterinary Medicine at the University of Florida.

68 | (c) For program administration costs of the agency.

69 | ~~(d) Funds not distributed in any 1 fiscal year must be~~
 70 | ~~carried over for distribution in subsequent years.~~

71 | Section 3. Subsections (3) through (7) of section
 72 | 379.2342, Florida Statutes, are renumbered as subsections (2)
 73 | through (6), respectively, and present subsection (2) of that
 74 | section is amended to read:

75 | 379.2342 Private publication agreements; advertising;
 76 | costs of production.—

77 | ~~(2) (a) Beginning January 1, 2005, the commission, with the~~
 78 | ~~advice and assistance of the Florida Wildlife Magazine Advisory~~
 79 | ~~Council, shall publish the Florida Wildlife Magazine. The~~
 80 | ~~magazine shall be published at least on a quarterly basis in~~
 81 | ~~hard-copy format and shall be available to the public by~~
 82 | ~~subscription and retail distribution. The primary focus of the~~
 83 | ~~magazine shall be to promote the heritage of hunting and fishing~~
 84 | ~~in Florida. The magazine shall also disseminate information~~

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85 ~~regarding other outdoor recreational opportunities available to~~
86 ~~Floridians and visitors.~~

87 ~~(b) In order to offset the cost of publication and~~
88 ~~distribution of the magazine, the commission, with the advice~~
89 ~~and assistance of the Florida Wildlife Magazine Advisory~~
90 ~~Council, is authorized to sell advertising for placement in the~~
91 ~~magazine. The commission shall have the right to approve all~~
92 ~~elements of any advertising placed in the magazine, including~~
93 ~~the form and content thereof. The magazine shall include a~~
94 ~~statement providing that the inclusion of advertising in the~~
95 ~~magazine does not constitute an endorsement by the state or the~~
96 ~~commission of the products or services so advertised. The~~
97 ~~commission may charge an annual magazine subscription fee of up~~
98 ~~to \$25, a 2-year magazine subscription fee of up to \$45, and a~~
99 ~~3-year magazine subscription fee of up to \$60. The commission~~
100 ~~may charge a retail per copy fee of up to \$7. The provisions of~~
101 ~~chapter 287 do not apply to the sale of advertising for~~
102 ~~placement in the magazine. All revenues generated by the~~
103 ~~magazine shall be credited to the State Game Trust Fund.~~

104 ~~(c) The Florida Wildlife Magazine Advisory Council is~~
105 ~~created within the commission to advise and make recommendations~~
106 ~~to the commission regarding development, publication, and sale~~
107 ~~of the Florida Wildlife Magazine. In order to accomplish this~~
108 ~~purpose, the council shall provide recommendations to the~~
109 ~~commission regarding:~~

110 ~~1. The content of articles included in each edition of the~~
111 ~~magazine.~~

112 ~~2. Advertising proposed for each edition of the magazine.~~

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113 ~~3. Strategies to improve distribution and circulation of~~
114 ~~the magazine.~~

115 ~~4. Cost-reduction measures regarding publication of the~~
116 ~~magazine.~~

117 ~~(d) The Florida Wildlife Magazine Advisory Council shall~~
118 ~~consist of seven members appointed by the commission, and~~
119 ~~initial appointments shall be made no later than August 1, 2004.~~
120 ~~When making initial appointments to the council and filling~~
121 ~~vacancies, the commission shall appoint members to represent the~~
122 ~~following interests: hunting; saltwater fishing; freshwater~~
123 ~~fishing; recreational boating; recreational use of off-road~~
124 ~~vehicles; hiking, biking, bird watching, or similar passive~~
125 ~~activities; general business interests; and magazine publishing.~~

126 ~~(e) Two of the initial appointees shall serve 2-year~~
127 ~~terms, two of the initial appointees shall serve 3-year terms,~~
128 ~~and three of the initial appointees shall serve 4-year terms.~~
129 ~~Subsequent to the expiration of the initial terms, advisory~~
130 ~~council appointees shall serve 4-year terms.~~

131 ~~(f) The members of the advisory council shall elect a~~
132 ~~chair annually.~~

133 ~~(g) The council shall meet at least quarterly at the call~~
134 ~~of its chair, at the request of a majority of its membership, or~~
135 ~~at the request of the commission. A majority of the council~~
136 ~~shall constitute a quorum for the transaction of business.~~

137 ~~(h) The commission shall provide the council with~~
138 ~~clerical, expert, technical, or other services. All expenses of~~
139 ~~the council shall be paid from appropriations made by the~~
140 ~~Legislature to the commission. All vouchers shall be approved by~~

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141 ~~the executive director before submission to the Chief Financial~~
142 ~~Officer for payment.~~

143 ~~(i) Members of the council shall serve without~~
144 ~~compensation but shall receive per diem and reimbursement for~~
145 ~~travel expenses as provided in s. 112.061.~~

146 ~~(j) Advisory council members may be reappointed. Advisory~~
147 ~~council members shall serve at the pleasure of the commission.~~

148 Section 4. Paragraph (b) of subsection (2) of section
149 379.3581, Florida Statutes, is amended to read:

150 379.3581 Hunter safety course; requirements; penalty.—

151 (2)

152 (b) A person born on or after June 1, 1975, who has not
153 successfully completed a hunter safety course may apply to the
154 commission for a special authorization to hunt under
155 supervision. The special authorization for supervised hunting
156 shall be designated on any license or permit required under this
157 chapter for a person to take game or fur-bearing animals ~~and~~
158 ~~shall be valid for not more than 1 year. A special authorization~~
159 ~~for supervised hunting may not be issued more than once to the~~
160 ~~person applying for such authorization.~~ A person issued a
161 license with a special authorization to hunt under supervision
162 must hunt under the supervision of, and in the presence of, a
163 person 21 years of age or older who is licensed to hunt pursuant
164 to s. 379.354 or who is exempt from licensing requirements or
165 eligible for a free license pursuant to s. 379.353.

166 Section 5. Effective beginning with the 2012-2013 blue
167 crab license year, paragraph (a) of subsection (3) of section
168 379.366, Florida Statutes, is amended to read:

169 379.366 Blue crab; regulation.—

170 (3) (a) Endorsement fees.—

171 1. The fee for a hard-shell blue crab endorsement for the
 172 taking of hard-shell blue crabs, as authorized by rule of the
 173 commission, is \$125, \$25 of which must be used solely for the
 174 trap retrieval program authorized under s. 379.2424 and in
 175 commission rules.

176 2. The fee for a soft-shell blue crab endorsement for the
 177 taking of soft-shell blue crabs, as authorized by rule of the
 178 commission, is \$125 ~~\$250~~, \$25 of which must be used solely for
 179 the trap retrieval program authorized under s. 379.2424 and in
 180 commission rules.

181 3. The fee for a nontransferable hard-shell blue crab
 182 endorsement for the taking of hard-shell blue crabs, as
 183 authorized by rule of the commission, is \$125, \$25 of which must
 184 be used solely for the trap retrieval program authorized under
 185 s. 379.2424 and in commission rules.

186 4. The fee for an incidental take blue crab endorsement
 187 for the taking of blue crabs as bycatch in shrimp trawls and
 188 stone crab traps is \$25, as authorized in commission rules.

189 Section 6. Paragraph (d) of subsection (1) of section
 190 380.511, Florida Statutes, is redesignated as paragraph (c), and
 191 present paragraph (c) of that subsection is amended to read:

192 380.511 Florida Communities Trust Fund.—

193 (1) There is created the Florida Communities Trust Fund as
 194 a nonlapsing, revolving fund for projects, activities,
 195 acquisitions, and operating expenses necessary to carry out this
 196 part. The fund shall be held and administered by the trust. The

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197 following shall be credited to or deposited in the Florida
 198 Communities Trust Fund:

199 ~~(c) Proceeds from the sale of environmental license plates~~
 200 ~~authorized in s. 320.08058(5).~~

201
 202 All moneys so deposited into the Florida Communities Trust Fund
 203 shall be trust funds for the uses and purposes set forth in this
 204 section, within the meaning of s. 215.32(1)(b); and such moneys
 205 shall not become or be commingled with the General Revenue Fund
 206 of the state, as defined by s. 215.32(1)(a).

207 Section 7. Paragraph (e) of subsection (3) of section
 208 921.0022, Florida Statutes, is amended to read:

209 921.0022 Criminal Punishment Code; offense severity
 210 ranking chart.—

211 (3) OFFENSE SEVERITY RANKING CHART

212 (e) LEVEL 5

213

Florida Statute	Felony Degree	Description
316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
322.34(6)	3rd	Careless operation of motor

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vehicle with suspended license,
resulting in death or serious
bodily injury.

217

327.30 (5) 3rd Vessel accidents involving
personal injury; leaving scene.

218

379.367 (4) 3rd Willful molestation of a
commercial harvester's spiny
lobster trap, line, or buoy.

219

379.3671 (2) (c) 3. 3rd Willful molestation,
possession, or removal of a
commercial harvester's trap
contents or trap gear by
another harvester.

220

381.0041 (11) (b) 3rd Donate blood, plasma, or organs
knowing HIV positive.

221

440.10 (1) (g) 2nd Failure to obtain workers'
compensation coverage.

222

440.105 (5) 2nd Unlawful solicitation for the
purpose of making workers'
compensation claims.

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224	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
225	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
226	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
227	790.01 (2)	3rd	Carrying a concealed firearm.
228	790.162	2nd	Threat to throw or discharge destructive device.
229	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
230	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
	790.23	2nd	Felons in possession of

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firearms, ammunition, or
electronic weapons or devices.

231

800.04 (6) (c) 3rd Lewd or lascivious conduct;
offender less than 18 years.

232

800.04 (7) (b) 2nd Lewd or lascivious exhibition;
offender 18 years or older.

233

806.111 (1) 3rd Possess, manufacture, or
dispense fire bomb with intent
to damage any structure or
property.

234

812.0145 (2) (b) 2nd Theft from person 65 years of
age or older; \$10,000 or more
but less than \$50,000.

235

812.015 (8) 3rd Retail theft; property stolen
is valued at \$300 or more and
one or more specified acts.

236

812.019 (1) 2nd Stolen property; dealing in or
trafficking in.

237

812.131 (2) (b) 3rd Robbery by sudden snatching.

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239	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
240	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
241	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
242	817.2341(1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
243	817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more individuals.

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244	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
245	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
246	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
247	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
248	839.13 (2) (b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
	843.01	3rd	Resist officer with violence to

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person; resist arrest with violence.

249

847.0135 (5) (b) 2nd Lewd or lascivious exhibition using computer; offender 18 years or older.

250

847.0137 3rd Transmission of pornography by (2) & (3) electronic device or equipment.

251

847.0138 3rd Transmission of material (2) & (3) harmful to minors to a minor by electronic device or equipment.

252

874.05 (2) 2nd Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

253

893.13 (1) (a) 1. 2nd Sell, manufacture, or deliver cocaine (or other s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4. drugs).

254

893.13 (1) (c) 2. 2nd Sell, manufacture, or deliver cannabis (or other s.

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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 1,000 feet of a child
 care facility, school, or
 state, county, or municipal
 park or publicly owned
 recreational facility or
 community center.

255

893.13(1)(d)1. 1st Sell, manufacture, or deliver
 cocaine (or other s.
 893.03(1)(a), (1)(b), (1)(d),
 (2)(a), (2)(b), or (2)(c)4.
 drugs) within 1,000 feet of
 university.

256

893.13(1)(e)2. 2nd Sell, manufacture, or deliver
 cannabis or other drug
 prohibited under 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) within
 1,000 feet of property used for
 religious services or a

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specified business site.

257

893.13(1)(f)1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of public housing facility.

258

893.13(4)(b) 2nd Deliver to minor 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).

259

893.1351(1) 3rd Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.

260

261 Section 8. Except as otherwise expressly provided in this
 262 act, this act shall take effect July 1, 2012.