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CS/HB 7025

2012 Legislature

1
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. 379.354, F.S.; providing conditions under which
15 scuba divers engaging in taking or attempting to take
16 saltwater products are exempt from certain license and
17 permit requirements; amending s. 379.3581, F.S.;
18 removing a limitation for the duration and frequency
19 of issuance of a special authorization for supervised
20 hunting; amending s. 379.366, F.S.; reducing the fee
21 amount for a soft-shell blue crab endorsement;
22 amending s. 380.511, F.S.; revising a cross-reference
23 to conform to changes made by the act; amending s.
24 921.0022, F.S.; adding certain spiny lobster trap
25 violations to the offense severity ranking chart of
26 the Criminal Punishment Code; providing effective
27 dates.
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29 Be It Enacted by the Legislature of the State of Florida:

30

31 Section 1. Paragraph (b) of subsection (5) of section
32 320.08058, Florida Statutes, is amended to read:

33 320.08058 Specialty license plates.—

34 (5) FLORIDA PANTHER LICENSE PLATES.—

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

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

43 ~~2. Fifteen percent, but no less than \$300,000, must be~~
44 ~~deposited in the Florida Communities Trust Fund to be used~~
45 ~~pursuant to the Florida Communities Trust Act.~~

46 Section 2. Subsection (3) of section 379.208, Florida
47 Statutes, is amended to read:

48 379.208 Marine Resources Conservation Trust Fund;
49 purposes.—

50 (3) Funds provided to the Marine Resources Conservation
51 Trust Fund from vessel registration fees pursuant to s. 328.76
52 ~~may taxes distributed under s. 201.15 shall~~ be used for the
53 following purposes:

54 (a) To reimburse the cost of activities authorized
55 pursuant to the Fish and Wildlife Service of the United States
56 Department of the Interior. The facilities must be involved in

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57 | the actual rescue and full-time acute care veterinarian-based
58 | rehabilitation of manatees. The cost of activities includes, but
59 | is not limited to, costs associated with expansion, capital
60 | outlay, repair, maintenance, and operation related to the
61 | rescue, treatment, stabilization, maintenance, release, and
62 | monitoring of manatees. Moneys distributed through the
63 | contractual agreement to each facility for manatee
64 | rehabilitation must be proportionate to the number of manatees
65 | under acute care rehabilitation; the number of maintenance days
66 | medically necessary in the facility; and the number released
67 | during the previous fiscal year. The commission may set a cap on
68 | the total amount reimbursed per manatee per year.

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

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

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

75 | Section 3. Subsections (3) through (7) of section
76 | 379.2342, Florida Statutes, are renumbered as subsections (2)
77 | through (6), respectively, and present subsection (2) of that
78 | section is amended to read:

79 | 379.2342 Private publication agreements; advertising;
80 | costs of production.—

81 | ~~(2)(a) Beginning January 1, 2005, the commission, with the~~
82 | ~~advice and assistance of the Florida Wildlife Magazine Advisory~~
83 | ~~Council, shall publish the Florida Wildlife Magazine. The~~
84 | ~~magazine shall be published at least on a quarterly basis in~~

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85 ~~hard copy format and shall be available to the public by~~
86 ~~subscription and retail distribution. The primary focus of the~~
87 ~~magazine shall be to promote the heritage of hunting and fishing~~
88 ~~in Florida. The magazine shall also disseminate information~~
89 ~~regarding other outdoor recreational opportunities available to~~
90 ~~Floridians and visitors.~~

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

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

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113 ~~commission regarding:~~

114 ~~1. The content of articles included in each edition of the~~
115 ~~magazine.~~

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

117 ~~3. Strategies to improve distribution and circulation of~~
118 ~~the magazine.~~

119 ~~4. Cost reduction measures regarding publication of the~~
120 ~~magazine.~~

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

130 ~~(e) Two of the initial appointees shall serve 2-year~~
131 ~~terms, two of the initial appointees shall serve 3-year terms,~~
132 ~~and three of the initial appointees shall serve 4-year terms.~~
133 ~~Subsequent to the expiration of the initial terms, advisory~~
134 ~~council appointees shall serve 4-year terms.~~

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

137 ~~(g) The council shall meet at least quarterly at the call~~
138 ~~of its chair, at the request of a majority of its membership, or~~
139 ~~at the request of the commission. A majority of the council~~
140 ~~shall constitute a quorum for the transaction of business.~~

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141 ~~(h) The commission shall provide the council with~~
142 ~~clerical, expert, technical, or other services. All expenses of~~
143 ~~the council shall be paid from appropriations made by the~~
144 ~~Legislature to the commission. All vouchers shall be approved by~~
145 ~~the executive director before submission to the Chief Financial~~
146 ~~Officer for payment.~~

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

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

152 Section 4. Paragraph (a) of subsection (7) of section
153 379.354, Florida Statutes, is amended, and paragraph (f) is
154 added to that subsection, to read:

155 379.354 Recreational licenses, permits, and authorization
156 numbers; fees established.—

157 (7) VESSEL LICENSES.—

158 (a) Except as provided in paragraph (f), ~~a~~ person may
159 not operate any vessel wherein a fee is paid, either directly or
160 indirectly, for the purpose of taking, attempting to take, or
161 possessing any saltwater fish for noncommercial purposes unless
162 she or he has obtained a license for each vessel for that
163 purpose, and has paid the license fee pursuant to paragraphs (b)
164 and (c) for such vessel.

165 (f) If the operator of a vessel that carries scuba divers
166 for a fee, either directly or indirectly, maintains the
167 appropriate vessel license under this subsection based upon the
168 number of persons the vessel is licensed to carry and the

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169 applicable permits, the individual scuba divers engaging in
 170 taking or attempting to take saltwater products are not required
 171 to obtain individual fishing licenses or any applicable permits.
 172 However, if the operator of such a vessel does not have the
 173 appropriate license and applicable permits, the individual scuba
 174 divers engaging in taking or attempting to take saltwater
 175 products must have individual fishing licenses and any
 176 applicable permits.

177 Section 5. Paragraph (b) of subsection (2) of section
 178 379.3581, Florida Statutes, is amended to read:

179 379.3581 Hunter safety course; requirements; penalty.—
 180 (2)

181 (b) A person born on or after June 1, 1975, who has not
 182 successfully completed a hunter safety course may apply to the
 183 commission for a special authorization to hunt under
 184 supervision. The special authorization for supervised hunting
 185 shall be designated on any license or permit required under this
 186 chapter for a person to take game or fur-bearing animals ~~and~~
 187 ~~shall be valid for not more than 1 year. A special authorization~~
 188 ~~for supervised hunting may not be issued more than once to the~~
 189 ~~person applying for such authorization.~~ A person issued a
 190 license with a special authorization to hunt under supervision
 191 must hunt under the supervision of, and in the presence of, a
 192 person 21 years or age or older who is licensed to hunt pursuant
 193 to s. 379.354 or who is exempt from licensing requirements or
 194 eligible for a free license pursuant to s. 379.353.

195 Section 6. Effective beginning with the 2012-2013 blue
 196 crab license year, paragraph (a) of subsection (3) of section

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197 379.366, Florida Statutes, is amended to read:

198 379.366 Blue crab; regulation.—

199 (3) (a) Endorsement fees.—

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

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

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

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

218 Section 7. Paragraph (d) of subsection (1) of section
219 380.511, Florida Statutes, is redesignated as paragraph (c), and
220 present paragraph (c) of that subsection is amended to read:

221 380.511 Florida Communities Trust Fund.—

222 (1) There is created the Florida Communities Trust Fund as
223 a nonlapsing, revolving fund for projects, activities,
224 acquisitions, and operating expenses necessary to carry out this

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225 part. The fund shall be held and administered by the trust. The
226 following shall be credited to or deposited in the Florida
227 Communities Trust Fund:

228 ~~(e) Proceeds from the sale of environmental license plates~~
229 ~~authorized in s. 320.08058(5).~~

230
231 All moneys so deposited into the Florida Communities Trust Fund
232 shall be trust funds for the uses and purposes set forth in this
233 section, within the meaning of s. 215.32(1)(b); and such moneys
234 shall not become or be commingled with the General Revenue Fund
235 of the state, as defined by s. 215.32(1)(a).

236 Section 8. Paragraph (e) of subsection (3) of section
237 921.0022, Florida Statutes, is amended to read:

238 921.0022 Criminal Punishment Code; offense severity
239 ranking chart.—

240 (3) OFFENSE SEVERITY RANKING CHART

241 (e) LEVEL 5

242

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.

243

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246	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
247	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
248	<u>379.367 (4)</u>	<u>3rd</u>	<u>Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.</u>
249	<u>379.3671 (2) (c) 3.</u>	<u>3rd</u>	<u>Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another harvester.</u>
250	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
251	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
252	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.

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253	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
254	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
255	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
256	790.01 (2)	3rd	Carrying a concealed firearm.
257	790.162	2nd	Threat to throw or discharge destructive device.
258	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
259	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.

260

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

261

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

262

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

263

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

264

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

265

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

266

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

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268	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
269	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
270	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
271	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.
272	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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273	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
274	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
275	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
276	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
277	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.

278

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

279

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

280

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

281

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

282

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).

283

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.

284

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.

285

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.

286

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.

287

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).

288

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

289

290 Section 9. Except as otherwise expressly provided in this
291 act, this act shall take effect July 1, 2012.