

By the Committees on Budget Subcommittee on General Government Appropriations; Environmental Preservation and Conservation; and Environmental Preservation and Conservation; and Senator Evers

601-02404-12

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1 A bill to be entitled
2 An act relating to fish and wildlife conservation;
3 amending s. 320.08058, F.S.; revising the distribution
4 of the Florida panther license plate annual use fee by
5 removing the Florida Communities Trust Fund as a
6 recipient; amending s. 379.208, F.S.; changing a
7 funding source of the Marine Resources Conservation
8 Trust Fund from excise taxes to vessel registration
9 fees; removing the provision requiring that
10 undistributed funds be carried over to the next fiscal
11 year; repealing s. 379.2342(2), F.S., relating to the
12 publication of the Florida Wildlife Magazine and the
13 Florida Wildlife Magazine Advisory Council; amending
14 s. 379.354, F.S.; exempting a scuba diver who is
15 engaged in taking or attempting to take saltwater
16 products from having an individual fishing license if
17 the operator of a vessel carrying the scuba diver
18 meets certain conditions; amending s. 379.3581, F.S.;
19 deleting provisions that restrict the special
20 authorization to hunt under supervision to 1 year and
21 that prohibit issuing the special authorization to the
22 same person more than once; amending s. 379.366, F.S.;
23 reducing the fee for soft-shell blue crab
24 endorsements; amending s. 380.511, F.S.; conforming a
25 reference to changes made by the act; amending s.
26 921.0022, F.S.; adding to the offense severity ranking
27 chart, to be used with the Criminal Punishment Code
28 for sentence score, willful molestation of a
29 commercial harvester's spiny lobster trap, line, or

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30 buoy or the unauthorized possession or removal of trap
31 contents or trap gear; providing effective dates.
32

33 Be It Enacted by the Legislature of the State of Florida:
34

35 Section 1. Paragraph (b) of subsection (5) of section
36 320.08058, Florida Statutes, is amended to read:

37 320.08058 Specialty license plates.—

38 (5) FLORIDA PANTHER LICENSE PLATES.—

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

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

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

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

52 379.208 Marine Resources Conservation Trust Fund;
53 purposes.—

54 (3) Funds provided to the Marine Resources Conservation
55 Trust Fund from vessel registration fees pursuant to s. 328.76
56 may taxes distributed under s. 201.15 shall be used for the
57 following purposes:

58 (a) To reimburse the cost of activities authorized pursuant

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

73 (b) For training on the care, treatment, and rehabilitation
74 of marine mammals at the Whitney Laboratory and the College of
75 Veterinary Medicine at the University of Florida.

76 (c) For program administration costs of the agency.

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

79 Section 3. Subsection (2) of section 379.2342, Florida
80 Statutes, is repealed.

81 Section 4. Paragraph (a) of subsection (7) of section
82 379.354, Florida Statutes, is amended, and paragraph (f) is
83 added to that subsection, to read:

84 379.354 Recreational licenses, permits, and authorization
85 numbers; fees established.—

86 (7) VESSEL LICENSES.—

87 (a) Except as provided in paragraph (f), a ~~No~~ person may

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88 not operate any vessel wherein a fee is paid, either directly or
89 indirectly, for the purpose of taking, attempting to take, or
90 possessing any saltwater fish for noncommercial purposes unless
91 she or he has obtained a license for each vessel for that
92 purpose, and has paid the license fee pursuant to paragraphs (b)
93 and (c) for such vessel.

94 (f) If the operator of a vessel that carries scuba divers
95 for a fee, either directly or indirectly, maintains the
96 appropriate vessel license under this subsection based upon the
97 number of persons the vessel is licensed to carry and any
98 applicable permits, the individual scuba divers engaged in
99 taking or attempting to take saltwater products are not required
100 to obtain individual fishing licenses and permits. However, if
101 such vessel operator does not have the appropriate license, a
102 scuba diver engaged in taking or attempting to take saltwater
103 products must have individual fishing licenses and any
104 applicable permits.

105 Section 5. Paragraph (b) of subsection (2) of section
106 379.3581, Florida Statutes, is amended to read:

107 379.3581 Hunter safety course; requirements; penalty.—

108 (2)

109 (b) A person born on or after June 1, 1975, who has not
110 successfully completed a hunter safety course may apply to the
111 commission for a special authorization to hunt under
112 supervision. The special authorization for supervised hunting
113 shall be designated on any license or permit required under this
114 chapter for a person to take game or fur-bearing animals ~~and~~
115 ~~shall be valid for not more than 1 year. A special authorization~~
116 ~~for supervised hunting may not be issued more than once to the~~

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117 ~~person applying for such authorization.~~ A person issued a
118 license with a special authorization to hunt under supervision
119 must hunt under the supervision of, and in the presence of, a
120 person 21 years or age or older who is licensed to hunt pursuant
121 to s. 379.354 or who is exempt from licensing requirements or
122 eligible for a free license pursuant to s. 379.353.

123 Section 6. Effective upon the commencement of the 2012-2013
124 blue crab license year, paragraph (a) of subsection (3) of
125 section 379.366, Florida Statutes, is amended to read:

126 379.366 Blue crab; regulation.—

127 (3) (a) *Endorsement fees.*—

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

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

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

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

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146 Section 7. Subsection (1) of section 380.511, Florida
147 Statutes, is amended to read:

148 380.511 Florida Communities Trust Fund.—

149 (1) There is created the Florida Communities Trust Fund as
150 a nonlapsing, revolving fund for projects, activities,
151 acquisitions, and operating expenses necessary to carry out this
152 part. The fund shall be held and administered by the trust. The
153 following shall be credited to or deposited in the Florida
154 Communities Trust Fund:

155 (a) All moneys and revenue from the operation, management,
156 sale, lease, or other disposition of land, water areas, related
157 resources, and the facilities thereon acquired or constructed
158 under this part.

159 (b) Moneys accruing to any agency for the purposes listed
160 in this part.

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

163 (c) ~~(d)~~ Other moneys as the Legislature authorizes.

164

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

170 Section 8. Paragraph (e) of subsection (3) of section
171 921.0022, Florida Statutes, is amended to read:

172 921.0022 Criminal Punishment Code; offense severity ranking
173 chart.—

174 (3) OFFENSE SEVERITY RANKING CHART

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175	(e) LEVEL 5		
	Florida	Felony	
	Statute	Degree	Description
176	316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
177	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
178	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
179	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
180	<u>379.367(4)</u>	<u>3rd</u>	<u>Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.</u>
181	<u>379.3671(2)(c)3.</u>	<u>3rd</u>	<u>Willful molestation or unauthorized possession or removal of a commercial harvester's spiny lobster trap contents or trap gear.</u>
182	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
183	440.10(1)(g)	2nd	Failure to obtain workers' compensation

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coverage.

184

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

185

440.381 (2) 2nd Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

186

624.401 (4) (b) 2. 2nd Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

187

626.902 (1) (c) 2nd Representing an unauthorized insurer; repeat offender.

188

790.01 (2) 3rd Carrying a concealed firearm.

189

790.162 2nd Threat to throw or discharge destructive device.

190

790.163 (1) 2nd False report of deadly explosive or weapon of mass destruction.

191

790.221 (1) 2nd Possession of short-barreled shotgun or machine gun.

192

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193	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
194	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
195	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
196	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
197	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
198	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
199	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
200	812.131 (2) (b)	3rd	Robbery by sudden snatching.
	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.

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201

817.034 (4) (a) 2. 2nd Communications fraud, value \$20,000 to \$50,000.

202

817.234 (11) (b) 2nd Insurance fraud; property value \$20,000 or more but less than \$100,000.

203

817.2341 (1), 3rd Filing false financial statements, (2) (a) & making false entries of material fact or (3) (a) false statements regarding property values relating to the solvency of an insuring entity.

204

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.

205

817.625 (2) (b) 2nd Second or subsequent fraudulent use of scanning device or reencoder.

206

825.1025 (4) 3rd Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

207

827.071 (4) 2nd Possess with intent to promote any

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photographic material, motion picture, etc., which includes sexual conduct by a child.

208

827.071 (5) 3rd Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.

209

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.

210

843.01 3rd Resist officer with violence to person; resist arrest with violence.

211

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

212

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

213

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

214

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

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215

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).

216

893.13(1)(c)2. 2nd 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) within 1,000 feet of a child
care facility, school, or state, county,
or municipal park or publicly owned
recreational facility or community
center.

217

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.

218

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 specified
business site.

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219

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.

220

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).

221

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

222

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