

By Senator Gainer

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1 A bill to be entitled
 2 An act relating to the Marine Turtle Protection Act;
 3 amending s. 921.0022, F.S.; adding the existing
 4 offense of possession of any marine turtle species or
 5 hatchling, or parts thereof, or nests to level 3 of
 6 the offense severity ranking chart for the purpose of
 7 increasing sentencing points for conviction of the
 8 offense; updating a cross-reference; providing an
 9 effective date.

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

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13 Section 1. Paragraph (c) of subsection (3) of section
 14 921.0022, Florida Statutes, is amended to read:

15 921.0022 Criminal Punishment Code; offense severity ranking
 16 chart.—

17 (3) OFFENSE SEVERITY RANKING CHART

18 (c) LEVEL 3

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Florida Statute	Felony Degree	Description
119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.

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316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
327.35(2)(b)	3rd	Felony BUI.

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	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
30	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
31	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
32	379.2431 (1) (e) 5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
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34	<u>379.2431</u> <u>(1) (e) 6.</u>	3rd	<u>Possessing any marine</u> <u>turtle species or</u> <u>hatchling, or parts</u> <u>thereof, or nest.</u>
35	<u>379.2431</u> <u>(1) (e) 7.</u> 379.2431 (1) (e) 6.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
36	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
37	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
38	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
38	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially

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false/misleading
information.

624.401 (4) (a)

3rd

Transacting insurance
without a certificate of
authority.

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624.401 (4) (b) 1.

3rd

Transacting insurance
without a certificate of
authority; premium
collected less than
\$20,000.

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626.902 (1) (a) &
(b)

3rd

Representing an
unauthorized insurer.

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697.08

3rd

Equity skimming.

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790.15 (3)

3rd

Person directs another to
discharge firearm from a
vehicle.

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806.10 (1)

3rd

Maliciously injure,
destroy, or interfere with
vehicles or equipment used
in firefighting.

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806.10 (2)

3rd

Interferes with or assaults
firefighter in performance

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of duty.

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810.09(2)(c)

3rd

Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.

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812.014(2)(c)2.

3rd

Grand theft; \$5,000 or more but less than \$10,000.

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812.0145(2)(c)

3rd

Theft from person 65 years of age or older; \$300 or more but less than \$10,000.

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815.04(5)(b)

2nd

Computer offense devised to defraud or obtain property.

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817.034(4)(a)3.

3rd

Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.

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817.233

3rd

Burning to defraud insurer.

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817.234
(8)(b) & (c)

3rd

Unlawful solicitation of persons involved in motor vehicle accidents.

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817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
817.236	3rd	Filing a false motor vehicle insurance application.
817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
817.413 (2)	3rd	Sale of used goods as new.
817.505 (4)	3rd	Patient brokering.
828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
831.29	2nd	Possession of instruments

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61			for counterfeiting driver licenses or identification cards.
62	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
63	843.19	3rd	Injure, disable, or kill police dog or horse.
64	860.15 (3)	3rd	Overcharging for repairs and parts.
65	870.01 (2)	3rd	Riot; inciting or encouraging.
66	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).
	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.,

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(2) (c) 6., (2) (c) 7.,
 (2) (c) 8., (2) (c) 9., (3), or
 (4) drugs within 1,000 feet
 of university.

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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 1,000 feet
 of public housing facility.

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893.13 (4) (c)

3rd

Use or hire of minor;
 deliver to minor other
 controlled substances.

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893.13 (6) (a)

3rd

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

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893.13 (7) (a) 8.

3rd

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

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72	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
73	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
74	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
75	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 patient, other person, or owner of an animal in obtaining a

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controlled substance.

893.13 (8) (a) 3.

3rd

Knowingly write a prescription for a controlled substance for a fictitious person.

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893.13 (8) (a) 4.

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.

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918.13 (1) (a)

3rd

Alter, destroy, or conceal investigation evidence.

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944.47
(1) (a) 1. & 2.

3rd

Introduce contraband to correctional facility.

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944.47 (1) (c)

2nd

Possess contraband while upon the grounds of a correctional institution.

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985.721

3rd

Escapes from a juvenile facility (secure detention or residential commitment

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facility).

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Section 2. This act shall take effect July 1, 2017.