

CHAPTER 2012-95

Committee Substitute for House Bill No. 7025

An act relating to the Fish and Wildlife Conservation Commission; amending s. 320.08058, F.S.; revising requirements for the distribution of the Florida panther license plate annual use fee; amending s. 379.208, F.S.; revising a funding source of the Marine Resources Conservation Trust Fund from excise taxes to vessel registration fees; eliminating a requirement that undistributed funds be carried over to the next fiscal year; amending s. 379.2342, F.S.; deleting requirements relating to the publication of the Florida Wildlife Magazine and the creation of the Florida Wildlife Magazine Advisory Council; amending s. 379.354, F.S.; providing conditions under which scuba divers engaging in taking or attempting to take saltwater products are exempt from certain license and permit requirements; amending s. 379.3581, F.S.; removing a limitation for the duration and frequency of issuance of a special authorization for supervised hunting; amending s. 379.366, F.S.; reducing the fee amount for a soft-shell blue crab endorsement; amending s. 380.511, F.S.; revising a cross-reference to conform to changes made by the act; amending s. 921.0022, F.S.; adding certain spiny lobster trap violations to the offense severity ranking chart of the Criminal Punishment Code; providing effective dates.

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

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

320.08058 Specialty license plates.—

(5) FLORIDA PANTHER LICENSE PLATES.—

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

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

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

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

379.208 Marine Resources Conservation Trust Fund; purposes.—

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

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

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

(c) For program administration costs of the agency.

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

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

379.2342 Private publication agreements; advertising; costs of production.—

~~(2)(a) Beginning January 1, 2005, the commission, with the advice and assistance of the Florida Wildlife Magazine Advisory Council, shall publish the Florida Wildlife Magazine. The magazine shall be published at least on a quarterly basis in hard-copy format and shall be available to the public by subscription and retail distribution. The primary focus of the magazine shall be to promote the heritage of hunting and fishing in Florida. The magazine shall also disseminate information regarding other outdoor recreational opportunities available to Floridians and visitors.~~

~~(b) In order to offset the cost of publication and distribution of the magazine, the commission, with the advice and assistance of the Florida Wildlife Magazine Advisory Council, is authorized to sell advertising for placement in the magazine. The commission shall have the right to approve all elements of any advertising placed in the magazine, including the form and content thereof. The magazine shall include a statement providing that the inclusion of advertising in the magazine does not constitute an~~

endorsement by the state or the commission of the products or services so advertised. The commission may charge an annual magazine subscription fee of up to \$25, a 2-year magazine subscription fee of up to \$45, and a 3-year magazine subscription fee of up to \$60. The commission may charge a retail per copy fee of up to \$7. The provisions of chapter 287 do not apply to the sale of advertising for placement in the magazine. All revenues generated by the magazine shall be credited to the State Game Trust Fund.

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

- ~~1. The content of articles included in each edition of the magazine.~~
- ~~2. Advertising proposed for each edition of the magazine.~~
- ~~3. Strategies to improve distribution and circulation of the magazine.~~
- ~~4. Cost-reduction measures regarding publication of the magazine.~~

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

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

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

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

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

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

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

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

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

(7) VESSEL LICENSES.—

(a) Except as provided in paragraph (f), a ~~No~~ person may not operate any vessel wherein a fee is paid, either directly or indirectly, for the purpose of taking, attempting to take, or possessing any saltwater fish for noncommercial purposes unless she or he has obtained a license for each vessel for that purpose, and has paid the license fee pursuant to paragraphs (b) and (c) for such vessel.

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

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

379.3581 Hunter safety course; requirements; penalty.—

(2)

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

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

379.366 Blue crab; regulation.—

(3)(a) Endorsement fees.—

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

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

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

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

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

380.511 Florida Communities Trust Fund.—

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

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

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

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

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(e) LEVEL 5

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 vehicle with suspended license, resulting in death or serious bodily injury.
327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
<u>379.367(4)</u>	<u>3rd</u>	<u>Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.</u>
<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>
381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
440.381(2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
790.01(2)	3rd	Carrying a concealed firearm.
790.162	2nd	Threat to throw or discharge destructive device.

Florida Statute	Felony Degree	Description
790.163(1)	2nd	False report of deadly explosive or weapon of mass destruction.
790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
812.015(8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
812.019(1)	2nd	Stolen property; dealing in or trafficking in.
812.131(2)(b)	3rd	Robbery by sudden snatching.
812.16(2)	3rd	Owning, operating, or conducting a chop shop.
817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
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.

Florida Statute	Felony Degree	Description
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.
817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
827.071(5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
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 person; resist arrest with violence.
847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
874.05(2)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
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).

Florida Statute	Felony Degree	Description
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.
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.
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.
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.
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).
893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.

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

Approved by the Governor April 6, 2012.

Filed in Office Secretary of State April 6, 2012.