

1                                   A bill to be entitled  
2           An act relating to saltwater fisheries;  
3           amending s. 370.135, F.S.; establishing certain  
4           endorsement fees for the taking of blue crabs;  
5           establishing an annual trap tag fee;  
6           authorizing the Fish and Wildlife Conservation  
7           Commission to establish an amount of equitable  
8           rent by rule; providing for legislative  
9           approval of the rule; authorizing the  
10          commission to waive endorsement and trap tag  
11          fees for a 1-year period; authorizing the  
12          waiver of blue crab trap replacement tag fees  
13          under certain conditions; requiring the deposit  
14          of certain proceeds into the Marine Resources  
15          Conservation Trust Fund; specifying the use of  
16          such proceeds; providing administrative  
17          penalties for certain violations; prohibiting  
18          the unauthorized possession of blue crab trap  
19          gear or removal of blue crab trap contents and  
20          providing penalties therefor; providing  
21          penalties for certain other prohibited  
22          activities relating to blue crab traps, lines,  
23          buoys, and trap tags; providing penalties for  
24          fraudulent reports related to endorsement  
25          transfers; prohibiting certain activities  
26          during endorsement suspension and revocation;  
27          preserving state jurisdiction for certain  
28          convictions; providing requirements for certain  
29          license renewal; providing for the expiration  
30          of certain provisions unless reenacted by the  
31          Legislature during the 2008 Regular Session;

1       appropriating certain fee revenues to the  
2       commission for blue crab effort management  
3       program costs; amending s. 370.13, F.S.;  
4       providing for legislative approval of  
5       commission rules establishing equitable rent;  
6       authorizing the waiver of stone crab trap  
7       replacement tag fees under certain conditions;  
8       amending s. 370.14, F.S.; clarifying provisions  
9       regulating spiny lobsters; amending s. 370.142,  
10      F.S.; providing administrative penalties for  
11      certain violations of the spiny lobster trap  
12      certificate program; authorizing the waiver of  
13      spiny lobster trap replacement tag fees under  
14      certain conditions; providing for legislative  
15      approval of rules establishing equitable rent;  
16      amending s. 370.143, F.S.; revising provisions  
17      for certain trap retrieval programs and fees;  
18      amending s. 370.0603, F.S.; authorizing the  
19      deposit of certain funds into the Marine  
20      Resources Conservation Trust Fund; providing  
21      purposes for which funds may be used; amending  
22      s.370.025, F.S.; revising rulemaking authority;  
23      amending s. 20.331, F.S.; requiring the  
24      commission to adopt an adequate due-process  
25      rule; providing legislative intent; amending s.  
26      921.0022, F.S.; deleting certain Level One  
27      offense designations; providing an effective  
28      date.

29  
30   Be It Enacted by the Legislature of the State of Florida:  
31

1 Section 1. Section 370.135, Florida Statutes, is  
2 amended to read:

3 370.135 Blue crab; regulation.--

4 (1) No person, firm, or corporation shall transport on  
5 the water, fish with or cause to be fished with, set, or place  
6 any trap designed for taking blue crabs unless such person,  
7 firm, or corporation is the holder of a valid saltwater  
8 products license issued pursuant to s. 370.06 and the trap has  
9 a current state number permanently attached to the buoy. The  
10 trap number shall be affixed in legible figures at least 1  
11 inch high on each buoy used. The saltwater products license  
12 must be on board the boat, and both the license and the crabs  
13 shall be subject to inspection at all times. Only one trap  
14 number may be issued for each boat by the commission upon  
15 receipt of an application on forms prescribed by it. This  
16 subsection shall not apply to an individual fishing with no  
17 more than five traps. ~~It is a felony of the third degree,~~  
18 ~~punishable as provided in s. 775.082, s. 775.083, or s.~~  
19 ~~775.084, for any person willfully to molest any traps, lines,~~  
20 ~~or buoys, as defined herein, belonging to another without the~~  
21 ~~express written consent of the trap owner. Any person~~  
22 ~~receiving a judicial disposition other than dismissal or~~  
23 ~~acquittal on a charge of willful molestation of a trap, in~~  
24 ~~addition to the penalties specified in s. 370.021, shall lose~~  
25 ~~all saltwater fishing privileges for a period of 24 calendar~~  
26 ~~months. It is unlawful for any person to remove the contents~~  
27 ~~of or take possession of another harvester's trap without the~~  
28 ~~express written consent of the trap owner available for~~  
29 ~~immediate inspection. Unauthorized possession of another's~~  
30 ~~trap gear or removal of trap contents constitutes theft. Any~~  
31 ~~person receiving a judicial disposition other than dismissal~~

1 ~~or acquittal on a charge of theft of or from a trap pursuant~~  
2 ~~to this section or s. 370.1107 shall, in addition to the~~  
3 ~~penalties specified in s. 370.021 and the provisions of this~~  
4 ~~section, permanently lose all his or her saltwater fishing~~  
5 ~~privileges including his or her saltwater products license and~~  
6 ~~blue crab endorsement. In such cases endorsements, landings~~  
7 ~~history, and trap certificates are nontransferable. In~~  
8 ~~addition, any person, firm, or corporation receiving a~~  
9 ~~judicial disposition other than dismissal or acquittal for~~  
10 ~~violating this subsection or s. 370.1107 shall also be~~  
11 ~~assessed an administrative penalty of up to \$5,000.~~  
12 ~~Immediately upon receiving a citation for a violation~~  
13 ~~involving theft of or from a trap and until adjudicated for~~  
14 ~~such a violation, or receiving a judicial disposition other~~  
15 ~~than dismissal or acquittal for such a violation, the person,~~  
16 ~~firm, or corporation committing the violation is prohibited~~  
17 ~~from transferring any blue crab endorsements, landings~~  
18 ~~history, or trap certificates.~~

19 (2) No person shall harvest blue crabs with more than  
20 five traps, harvest blue crabs in commercial quantities, or  
21 sell blue crabs unless such person holds a valid saltwater  
22 products license with a restricted species endorsement and a  
23 blue crab endorsement(~~trap number~~) issued pursuant to this  
24 section subsection.

25 ~~(a) Effective June 1, 1998, and until July 1, 2002, no~~  
26 ~~blue crab endorsement (trap number), except those endorsements~~  
27 ~~that are active during the 1997 1998 fiscal year, shall be~~  
28 ~~renewed or replaced.~~

29 ~~(b) Effective January 1, 1999, and until July 1, 2002,~~  
30 ~~a trap number holder, or members of his or her immediate~~  
31

1 ~~family, must request renewal of the endorsement prior to~~  
2 ~~September 30 of each year.~~

3 ~~(c) If a person holding an active blue crab~~  
4 ~~endorsement, or a member of that person's immediate family,~~  
5 ~~does not request renewal of the endorsement before the~~  
6 ~~applicable dates as specified in this subsection, the~~  
7 ~~commission shall deactivate that endorsement.~~

8 ~~(a)(d)~~ In the event of the death or disability of a  
9 person holding an active blue crab endorsement, the  
10 endorsement may be transferred by the person to a member of  
11 his or her immediate family or may be renewed by any person so  
12 designated by the executor of the person's estate.

13 ~~(b)(e)~~ Persons who hold saltwater products licenses  
14 with blue crab endorsements issued to their boat registration  
15 numbers and who subsequently replace their existing vessels  
16 with new vessels shall be permitted to transfer the existing  
17 licenses to the new boat registration numbers.

18 (3)(a) Endorsement fees.--

19 1. The fee for a hard-shell blue crab endorsement for  
20 the taking of hard-shell blue crabs, as authorized by rule of  
21 the commission, is \$125, \$25 of which must be used solely for  
22 the trap-retrieval program authorized under s. 370.143 and in  
23 commission rules.

24 2. The fee for a soft-shell blue crab endorsement for  
25 the taking of soft-shell blue crabs, as authorized by rule of  
26 the commission, is \$250, \$25 of which must be used solely for  
27 the trap-retrieval program authorized under s. 370.143 and in  
28 commission rules.

29 3. The fee for a nontransferable hard-shell blue crab  
30 endorsement for the taking of hard-shell blue crabs, as  
31 authorized by rule of the commission, is \$125, \$25 of which

1 must be used solely for the trap-retrieval program authorized  
2 under s. 370.143 and in commission rules.

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

7 (b) Trap tag fees.--The annual fee for each trap tag  
8 issued by the commission under the requirements of the blue  
9 crab effort management program established by rule of the  
10 commission is 50 cents per tag. The fee for replacement tags  
11 for lost or damaged tags is 50 cents per tag plus the cost of  
12 shipping. In the event of a major natural disaster, such as a  
13 hurricane or major storm, which causes massive trap losses  
14 within an area declared by the Governor to be a disaster  
15 emergency area, the commission may temporarily defer or  
16 permanently waive replacement tag fees.

17 (c) Equitable rent.--The commission may establish by  
18 rule an amount of equitable rent that may be recovered as  
19 partial compensation to the state for the enhanced access to  
20 its natural resources. In determining whether to establish  
21 such a rent and the amount thereof, the commission may  
22 consider the amount of revenues annually generated by  
23 endorsement fees, trap tag fees, replacement trap tag fees,  
24 trap retrieval fees, and the continued economic viability of  
25 the commercial blue crab industry. A rule establishing an  
26 amount of equitable rent shall become effective only upon  
27 approval by act of the Legislature.

28 (d) Disposition of fees and fines for civil or  
29 criminal penalties.--The fees generated from the sale of blue  
30 crab endorsements, trap tags, and replacement trap tags, and  
31 fines assessed with civil or criminal penalties authorized

1 under this section, shall be deposited into the Marine  
2 Resources Conservation Trust Fund. Not more than 50 percent of  
3 the revenue generated by the sale of endorsements and trap  
4 tags and the assessment of fines may be used for the operation  
5 and administration of the blue crab effort management program.  
6 The remaining revenues generated from the sale of endorsements  
7 and trap tags and the assessment of fines may be used for trap  
8 retrieval; management of the blue crab fishery; and  
9 public-education activities, research, and enforcement  
10 activities in support of the blue crab effort management  
11 program.

12 (e) Waiver of fees.--For the 2006-2007 license year,  
13 the commission shall waive all fees under this subsection for  
14 all persons who qualify by September 30, 2006, to participate  
15 in the blue crab effort management program established by  
16 commission rule.

17 (4)(a) Untagged trap penalties.--In addition to any  
18 other penalties provided in s. 370.021 for any person, firm,  
19 or corporation that violates commission rules requiring the  
20 placement of trap tags for each trap used for the directed  
21 harvest of blue crabs, the following administrative penalties  
22 apply:

23 1. For a first violation, the commission shall assess  
24 an administrative penalty of up to \$1,000 and the blue crab  
25 endorsement holder's blue crab fishing privileges may be  
26 suspended for the remainder of the current license year.

27 2. For a second violation that occurs within 24 months  
28 after any previous such violation, the commission shall assess  
29 an administrative penalty of up to \$2,000 and the blue crab  
30 endorsement holder's blue crab fishing privileges may be  
31 suspended for 12 calendar months.

1           3. For a third violation that occurs within 36 months  
2 after any two previous such violations, the commission shall  
3 assess an administrative penalty of up to \$5,000 and the blue  
4 crab endorsement holder's blue crab fishing privileges may be  
5 suspended for 24 calendar months.

6           4. A fourth violation that occurs within 48 months  
7 after any three previous such violations shall result in  
8 permanent revocation of all of the violator's saltwater  
9 fishing privileges, including having the commission proceed  
10 against the endorsement holder's saltwater products license in  
11 accordance with s. 370.021.

12  
13 Any person assessed an administrative penalty under this  
14 paragraph shall, within 30 calendar days after notification,  
15 pay the administrative penalty to the commission or request an  
16 administrative hearing under ss. 120.569 and 120.57. The  
17 proceeds of all administrative penalties collected under this  
18 paragraph shall be deposited in the Marine Resources  
19 Conservation Trust Fund.

20           (b) Trap theft; prohibitions and penalties.--It is  
21 unlawful for any person to remove or take possession of the  
22 contents of another harvester's blue crab trap without the  
23 express written consent of the trap owner, which must be  
24 available for immediate inspection. Unauthorized possession of  
25 another harvester's blue crab trap gear or removal of trap  
26 contents constitutes theft. Any person convicted of theft of  
27 or from a blue crab trap pursuant to this paragraph shall, in  
28 addition to the penalties specified in s. 370.021 and the  
29 provisions of this section, permanently lose all of his or her  
30 saltwater fishing privileges, including saltwater products  
31 licenses, blue crab endorsements, and all blue crab trap tags



1 allotted to him or her by the commission. In such cases, blue  
2 crab endorsements are nontransferable. In addition, any  
3 person, firm, or corporation convicted of a violation of this  
4 paragraph shall also be assessed an administrative penalty of  
5 up to \$5,000. Immediately upon receiving a citation for a  
6 violation involving theft of or from a trap and until  
7 adjudicated for such a violation or upon receipt of a judicial  
8 disposition other than dismissal or acquittal on such a  
9 violation, the violator is prohibited from transferring any  
10 blue crab endorsement.

11 (c) Criminal activities.--Any person, firm, or  
12 corporation convicted of violating commission rules that  
13 prohibit any of the following commits a felony of the third  
14 degree, punishable as provided in s. 775.082, s. 775.083, or  
15 s. 775.084:

16 1. The willful molestation of any blue crab trap,  
17 line, or buoy that is the property of any licenseholder,  
18 without the permission of that licenseholder.

19 2. The bartering, trading, leasing, or sale, or  
20 conspiring or aiding in such barter, trade, lease, or sale, or  
21 supplying, agreeing to supply, aiding in supplying, or giving  
22 away blue crab trap tags unless the action is duly authorized  
23 by commission rules.

24 3. The making, altering, forging, counterfeiting, or  
25 reproducing of blue crab trap tags.

26 4. Possession of altered, forged, counterfeit, or  
27 imitation blue crab trap tags.

28 5. Possession of original trap tags and replacement  
29 trap tags, the sum of which exceeds by 1 percent the number of  
30 traps allowed by rule of the commission.

31

1           6. Engaging in the commercial harvest of blue crabs  
2 during the time the licenseholder's blue crab endorsements are  
3 under suspension or revocation.

4  
5 In addition, any person, firm, or corporation convicted of a  
6 violation of this paragraph shall be assessed an  
7 administrative penalty of up to \$5,000, and all of the blue  
8 crab endorsements possessed by the person, firm, or  
9 corporation may be suspended for up to 24 calendar months.  
10 Immediately upon receiving a citation involving a violation of  
11 this paragraph and until adjudicated for such a violation, or  
12 if convicted of such a violation, the person, firm, or  
13 corporation committing the violation is prohibited from  
14 transferring any blue crab endorsements.

15           (d) Endorsement transfers; fraudulent reports;  
16 penalties.--For any person, firm, or corporation convicted of  
17 fraudulently reporting the actual value of transferred blue  
18 crab endorsements, the commission may automatically suspend or  
19 permanently revoke the seller's or the purchaser's blue crab  
20 endorsements. If the endorsement is permanently revoked, the  
21 commission shall also permanently deactivate the endorsement  
22 holder's blue crab trap tag accounts.

23           (e) Prohibitions during endorsement suspension and  
24 revocation.--During any period of suspension or after  
25 revocation of a blue crab endorsement holder's endorsements,  
26 he or she shall, within 15 days after notice provided by the  
27 commission, remove from the water all traps subject to that  
28 endorsement. Failure to do so shall extend the period of  
29 suspension for an additional 6 calendar months.

30           (5) For purposes of this section, a conviction is any  
31 disposition other than acquittal or dismissal.

1       (6) A blue crab endorsement may not be renewed until  
2 all fees and administrative penalties imposed under this  
3 section are paid.

4       (7) Subsections (3), (4), (5), and (6) shall expire on  
5 July 1, 2008, unless reenacted by the Legislature during the  
6 2008 Regular Session.

7       Section 2. For the 2006-2007 fiscal year, the sum of  
8 \$132,000 is appropriated from the Marine Resources  
9 Conservation Trust Fund to the Fish and Wildlife Conservation  
10 Commission on a recurring basis for the purpose of  
11 implementing the blue crab effort management program pursuant  
12 to s. 370.135(3)(b), Florida Statutes, and administrative  
13 costs of the Blue Crab Advisory Board as created by commission  
14 rule.

15       Section 3. Subsection (1) of section 370.13, Florida  
16 Statutes, is amended to read:

17       370.13 Stone crab; regulation.--

18       (1) FEES AND EQUITABLE RENT.--

19       (a) Endorsement fee.--The fee for a stone crab  
20 endorsement for the taking of stone crabs, as required by rule  
21 of the Fish and Wildlife Conservation Commission, is \$125, \$25  
22 of which must be used solely for trap retrieval under s.  
23 370.143.

24       (b) Certificate fees.--

25       1. For each trap certificate issued by the commission  
26 under the requirements of the stone crab trap limitation  
27 program established by commission rule, there is an annual fee  
28 of 50 cents per certificate. Replacement tags for lost or  
29 damaged tags cost 50 cents each. In the event of a major  
30 natural disaster, such as a hurricane or major storm, which  
31 causes massive trap losses within an area declared by the

1 Governor to be a disaster emergency area, the commission may  
2 temporarily defer or permanently waive replacement tag fees.  
3 ~~except that tags lost in the event of a major natural disaster~~  
4 ~~declared as an emergency disaster by the Governor shall be~~  
5 ~~replaced for the cost of the tag as incurred by the~~  
6 ~~commission.~~

7           2. The fee for transferring trap certificates is \$1  
8 per certificate transferred, except that the fee for eligible  
9 crew members is 50 cents per certificate transferred. Eligible  
10 crew members shall be determined according to criteria  
11 established by rule of the commission. Payment must be made by  
12 money order or cashier's check, submitted with the certificate  
13 transfer form developed by the commission.

14           3. In addition to the transfer fee, a surcharge of \$1  
15 per certificate transferred, or 25 percent of the actual value  
16 of the transferred certificate, whichever is greater, will be  
17 assessed the first time a certificate is transferred outside  
18 the original holder's immediate family.

19           4. Transfer fees and surcharges only apply to the  
20 actual number of certificates received by the purchaser. A  
21 transfer of a certificate is not effective until the  
22 commission receives a notarized copy of the bill of sale as  
23 proof of the actual value of the transferred certificate or  
24 certificates, which must also be submitted with the transfer  
25 form and payment.

26           5. A transfer fee will not be assessed or required  
27 when the transfer is within a family as a result of the death  
28 or disability of the certificate owner. A surcharge will not  
29 be assessed for any transfer within an individual's immediate  
30 family.

31

1           ~~6. The fees and surcharge amounts in this paragraph~~  
2 ~~apply in the 2005-2006 license year and subsequent years.~~

3           (c) Incidental take endorsement.--The cost of an  
4 incidental take endorsement, as established by commission  
5 rule, is \$25.

6           (d) Equitable rent.--The commission may establish by  
7 rule an amount of equitable rent per trap certificate that may  
8 be recovered as partial compensation to the state for the  
9 enhanced access to its natural resources. In determining  
10 whether to establish such a rent and the amount thereof, the  
11 commission may consider the amount of revenues annually  
12 generated by endorsement fees, trap certificate fees, transfer  
13 fees, surcharges, replacement trap tag fees, trap retrieval  
14 fees, incidental take endorsement fees, and the continued  
15 economic viability of the commercial stone crab industry. A  
16 rule establishing an amount of equitable rent shall become  
17 effective only upon approval by act of the Legislature. Final  
18 ~~approval of such a rule shall be by the Governor and Cabinet~~  
19 ~~sitting as the Board of Trustees of the Internal Improvement~~  
20 ~~Trust Fund.~~

21           ~~(d)(e)~~ Disposition of fees, surcharges, civil  
22 penalties and fines, and equitable rent.--Endorsement fees,  
23 trap certificate fees, transfer fees, civil penalties and  
24 fines, surcharges, replacement trap tag fees, trap retrieval  
25 fees, and incidental take endorsement fees, and equitable  
26 rent, if any, must be deposited in the Marine Resources  
27 Conservation Trust Fund. Not more than 50 percent of the  
28 revenues generated under this section may be used for  
29 operation and administration of the stone crab trap limitation  
30 program. The remaining revenues generated under this program  
31 are to be used for trap retrieval, management of the stone

1 crab fishery, public education activities, evaluation of the  
 2 impact of trap reductions on the stone crab fishery, and  
 3 enforcement activities in support of the stone crab trap  
 4 limitation program.

5 ~~(e)(f)~~ Program to be self-supporting.--The stone crab  
 6 trap limitation program is intended to be a self-supporting  
 7 program funded from proceeds generated under this section.

8 ~~(f)(g)~~ No vested rights.--The stone crab trap  
 9 limitation program does not create any vested rights for  
 10 endorsement or certificateholders and may be altered or  
 11 terminated by the commission as necessary to protect the stone  
 12 crab resource, the participants in the fishery, or the public  
 13 interest.

14 Section 4. Section 370.14, Florida Statutes, is  
 15 amended to read:

16 370.14 Spiny lobster ~~Crawfish~~; regulation.--

17 (1) It is the intent of the Legislature to maintain  
 18 the spiny lobster ~~crawfish~~ industry for the economy of the  
 19 state and to conserve the stocks supplying this industry. The  
 20 provisions of this act regulating the taking of spiny lobster  
 21 ~~saltwater crawfish~~ are for the purposes of ensuring and  
 22 maintaining the highest possible production of spiny lobster  
 23 ~~saltwater crawfish~~.

24 (2)(a)1. Each person taking or attempting to take  
 25 spiny lobster ~~crawfish~~ with a trap in commercial quantities or  
 26 for commercial purposes shall obtain and exhibit a spiny  
 27 lobster ~~crawfish~~ trap number, as required by the Fish and  
 28 Wildlife Conservation Commission. The annual fee for a spiny  
 29 lobster ~~crawfish~~ trap number is \$125. This trap number may be  
 30 issued by the commission upon the receipt of application by  
 31 the person when accompanied by the payment of the fee. The

1 design of the applications and of the trap number shall be  
2 determined by the commission. Any trap or device used in  
3 taking or attempting to take spiny lobster ~~erawfish~~, other  
4 than a trap with the trap number, shall be seized and  
5 destroyed by the commission. The proceeds of the fees imposed  
6 by this paragraph shall be deposited and used as provided in  
7 paragraph (b). The commission may adopt rules to carry out the  
8 intent of this section.

9         2. Each person taking or attempting to take spiny  
10 lobster ~~erawfish~~ in commercial quantities or for commercial  
11 purposes by any method, other than with a trap having a spiny  
12 lobster ~~erawfish~~ trap number issued by the commission, must  
13 pay an annual fee of \$100.

14         (b) Twenty-five dollars of the \$125 fee for a spiny  
15 lobster ~~erawfish~~ trap number required under subparagraph (a)1.  
16 must be used only for trap retrieval as provided in s.  
17 370.143. The remainder of the fees collected pursuant to  
18 paragraph (a) shall be deposited as follows:

19         1. Fifty percent of the fees collected shall be  
20 deposited in the Marine Resources Conservation Trust Fund for  
21 use in enforcing the provisions of paragraph (a) through  
22 aerial and other surveillance and trap retrieval.

23         2. Fifty percent of the fees collected shall be  
24 deposited as provided in s. 370.142(5).

25         (3) The spiny lobster ~~erawfish~~ license must be on  
26 board the boat, and both the license and the harvested spiny  
27 lobster ~~erawfish~~ shall be subject to inspection at all times.  
28 Only one license shall be issued for each boat. The spiny  
29 lobster ~~erawfish~~ license number must be prominently displayed  
30 above the topmost portion of the boat so as to be easily and  
31 readily identified.

1 (4) It is a felony of the third degree, punishable as  
2 provided in s. 775.082 or s. 775.083, for any person willfully  
3 to molest any spiny lobster ~~crawfish~~ traps, lines, or buoys  
4 belonging to another without permission of the licenseholder.

5 (5) Any spiny lobster ~~crawfish~~ licenseholder, upon  
6 selling licensed spiny lobster ~~crawfish~~ traps, shall furnish  
7 the commission notice of such sale of all or part of his or  
8 her interest within 15 days thereof. Any holder of said  
9 license shall also notify the commission within 15 days if his  
10 or her address no longer conforms to the address appearing on  
11 the license and shall, as a part of such notification, furnish  
12 the commission with his or her new address.

13 (6)(a) By a special permit granted by the commission,  
14 a Florida-licensed seafood dealer may lawfully import,  
15 process, and package spiny lobster ~~saltwater crawfish~~ or  
16 uncooked tails of the species *Panulirus argus* during the  
17 closed season. However, spiny lobster ~~crawfish~~ landed under  
18 special permit shall not be sold in the state.

19 (b) The licensed seafood dealer importing any such  
20 spiny lobster ~~crawfish~~ under the permit shall, 12 hours prior  
21 to the time the seagoing vessel or airplane delivering such  
22 imported spiny lobster ~~crawfish~~ enters the state, notify the  
23 commission as to the seagoing vessel's name or the airplane's  
24 registration number and its captain, location, and point of  
25 destination.

26 (c) At the time the spiny lobster ~~crawfish~~ cargo is  
27 delivered to the permitholder's place of business, the spiny  
28 lobster ~~crawfish~~ cargo shall be weighed and shall be available  
29 for inspection by the commission. A signed receipt of such  
30 quantity in pounds shall be forwarded to the commission within  
31 48 hours after shipment weigh-in completion. If requested by



1 the commission, the weigh-in process will be delayed up to 4  
2 hours to allow for a commission representative to be present  
3 during the process.

4 (d) Within 48 hours after shipment weigh-in  
5 completion, the permit holder shall submit to the commission,  
6 on forms provided by the commission, a sworn report of the  
7 quantity in pounds of the spiny lobster ~~saltwater crawfish~~  
8 received, which report shall include the location of said  
9 spiny lobster ~~crawfish~~ and a sworn statement that said spiny  
10 lobster ~~crawfish~~ were taken at least 50 miles from Florida's  
11 shoreline. The landing of spiny lobster ~~crawfish~~ or spiny  
12 lobster ~~crawfish~~ tails from which the eggs, swimmerettes, or  
13 pleopods have been removed; the falsification of information  
14 as to area from which spiny lobster ~~crawfish~~ were obtained; or  
15 the failure to file the report called for in this section  
16 shall be grounds to revoke the permit.

17 (e) Each permit holder shall keep throughout the period  
18 of the closed season copies of the bill of sale or invoices  
19 covering each transaction involving spiny lobster ~~crawfish~~  
20 imported under this permit. Such invoices and bills shall be  
21 kept available at all times for inspection by the commission.

22 (7)(a) A Florida-licensed seafood dealer may obtain a  
23 special permit to import, process, and package uncooked tails  
24 of spiny lobster ~~saltwater crawfish~~ upon the payment of the  
25 sum of \$100 to the commission.

26 (b) A special permit must be obtained by any airplane  
27 or seagoing vessel other than a common carrier used to  
28 transport spiny lobster ~~saltwater crawfish~~ or spiny lobster  
29 ~~crawfish~~ tails for purchase by licensed seafood dealers for  
30 purposes as provided herein upon the payment of \$50.

31

1 (c) All special permits issued under this subsection  
2 are nontransferable.

3 (8) No common carrier or employee of said carrier may  
4 carry, knowingly receive for carriage, or permit the carriage  
5 of any spiny lobster ~~crayfish~~ of the species *Panulirus argus*,  
6 regardless of where taken, during the closed season, except of  
7 the species *Panulirus argus* lawfully imported from a foreign  
8 country for reshipment outside of the territorial limits of  
9 the state under United States Customs bond or in accordance  
10 with paragraph (7)(a).

11 Section 5. Paragraphs (a), (b), and (c) of subsection  
12 (2) of section 370.142, Florida Statutes, are amended to read:

13 370.142 Spiny lobster trap certificate program.--

14 (2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES;  
15 PENALTIES.--The Fish and Wildlife Conservation Commission  
16 shall establish a trap certificate program for the spiny  
17 lobster fishery of this state and shall be responsible for its  
18 administration and enforcement as follows:

19 (a) Transferable trap certificates.--Each holder of a  
20 saltwater products license who uses traps for taking or  
21 attempting to take spiny lobsters shall be required to have a  
22 certificate on record for each trap possessed or used  
23 therefor, except as otherwise provided in this section.

24 1. The Department of Environmental Protection shall  
25 initially allot such certificates to each licenseholder with a  
26 current spiny lobster ~~crayfish~~ trap number who uses traps.  
27 The number of such certificates allotted to each such  
28 licenseholder shall be based on the trap/catch coefficient  
29 established pursuant to trip ticket records generated under  
30 the provisions of s. 370.06(2) over a 3-year base period  
31 ending June 30, 1991. The trap/catch coefficient shall be

1 | calculated by dividing the sum of the highest reported single  
2 | license-year landings up to a maximum of 30,000 pounds for  
3 | each such licenseholder during the base period by 700,000.  
4 | Each such licenseholder shall then be allotted the number of  
5 | certificates derived by dividing his or her highest reported  
6 | single license-year landings up to a maximum of 30,000 pounds  
7 | during the base period by the trap/catch coefficient.  
8 | Nevertheless, no licenseholder with a current spiny lobster  
9 | ~~crawfish~~ trap number shall be allotted fewer than 10  
10 | certificates. However, certificates may only be issued to  
11 | individuals; therefore, all licenseholders other than  
12 | individual licenseholders shall designate the individual or  
13 | individuals to whom their certificates will be allotted and  
14 | the number thereof to each, if more than one. After initial  
15 | issuance, trap certificates are transferable on a market basis  
16 | and may be transferred from one licenseholder to another for a  
17 | fair market value agreed upon between the transferor and  
18 | transferee. Each such transfer shall, within 72 hours thereof,  
19 | be recorded on a notarized form provided for that purpose by  
20 | the Fish and Wildlife Conservation Commission and hand  
21 | delivered or sent by certified mail, return receipt requested,  
22 | to the commission for recordkeeping purposes. ~~In addition,~~ In  
23 | order to cover the added administrative costs of the program  
24 | and to recover an equitable natural resource rent for the  
25 | people of the state, a transfer fee of \$2 per certificate  
26 | transferred shall be assessed against the purchasing  
27 | licenseholder and sent by money order or cashier's check with  
28 | the certificate transfer form. Also, in addition to the  
29 | transfer fee, a surcharge of \$5 per certificate transferred or  
30 | 25 percent of the actual market value, whichever is greater,  
31 | given to the transferor shall be assessed the first time a

1 certificate is transferred outside the original transferor's  
2 immediate family. No transfer of a certificate shall be  
3 effective until the commission receives the notarized transfer  
4 form and the transfer fee, including any surcharge, is paid.  
5 The commission may establish by rule an amount of equitable  
6 rent per trap certificate that shall be recovered as partial  
7 compensation to the state for the enhanced access to its  
8 natural resources. A rule establishing an amount of equitable  
9 rent shall become effective only upon approval by act of the  
10 Legislature. ~~Final approval of such a rule shall be by the~~  
11 ~~Governor and Cabinet sitting as the Board of Trustees of the~~  
12 ~~Internal Improvement Trust Fund.~~ In determining whether to  
13 establish such a rent and, if so, the amount thereof, the  
14 commission shall consider the amount of revenues annually  
15 generated by certificate fees, transfer fees, surcharges, trap  
16 license fees, and sales taxes, the demonstrated fair market  
17 value of transferred certificates, and the continued economic  
18 viability of the commercial lobster industry. The proceeds of  
19 equitable rent recovered shall be deposited in the Marine  
20 Resources Conservation Trust Fund and used by the commission  
21 for research, management, and protection of the spiny lobster  
22 fishery and habitat. A transfer fee may not be assessed or  
23 required when the transfer is within a family as a result of  
24 the death or disability of the certificate owner. A surcharge  
25 will not be assessed for any transfer within an individual's  
26 immediate family.

27         2. No person, firm, corporation, or other business  
28 entity may control, directly or indirectly, more than 1.5  
29 percent of the total available certificates in any license  
30 year.

31

1           3. The commission shall maintain records of all  
2 certificates and their transfers and shall annually provide  
3 each licenseholder with a statement of certificates held.

4           4. The number of trap tags issued annually to each  
5 licenseholder shall not exceed the number of certificates held  
6 by the licenseholder at the time of issuance, and such tags  
7 and a statement of certificates held shall be issued  
8 simultaneously.

9           5. ~~Beginning July 1, 2003, and applicable to the~~  
10 ~~2003-2004 lobster season and thereafter,~~ It is unlawful for  
11 any person to lease spiny lobster trap tags or certificates.

12           (b) Trap tags.--Each trap used to take or attempt to  
13 take spiny lobsters in state waters or adjacent federal waters  
14 shall, in addition to the spiny lobster ~~crayfish~~ trap number  
15 required by s. 370.14(2), have affixed thereto an annual trap  
16 tag issued by the commission. Each such tag shall be made of  
17 durable plastic or similar material and shall, based on the  
18 number of certificates held, have stamped thereon the owner's  
19 license number. To facilitate enforcement and recordkeeping,  
20 such tags shall be issued each year in a color different from  
21 that of each of the previous 3 years. The annual certificate  
22 fee shall be \$1 per certificate. Replacement tags for lost or  
23 damaged tags may be obtained as provided by rule of the  
24 commission. In the event of a major natural disaster, such as  
25 a hurricane or major storm, which causes massive trap losses  
26 within an area declared by the Governor to be a disaster  
27 emergency area, the commission may temporarily defer or  
28 permanently waive replacement tag fees.

29           (c) Prohibitions; penalties.--

30           1. It is unlawful for a person to possess or use a  
31 spiny lobster trap in or on state waters or adjacent federal

1 waters without having affixed thereto the trap tag required by  
2 this section. It is unlawful for a person to possess or use  
3 any other gear or device designed to attract and enclose or  
4 otherwise aid in the taking of spiny lobster by trapping that  
5 is not a trap as defined by commission rule ~~in rule~~  
6 ~~68B-24.006(2), Florida Administrative Code.~~

7 2. It is unlawful for a person to possess or use spiny  
8 lobster trap tags without having the necessary number of  
9 certificates on record as required by this section.

10 3. It is unlawful for any person to willfully molest,  
11 take possession of, or remove the contents of another  
12 harvester's spiny lobster trap without the express written  
13 consent of the trap owner available for immediate inspection.  
14 Unauthorized possession of another's trap gear or removal of  
15 trap contents constitutes theft.

16 a. Any person receiving a judicial disposition other  
17 than dismissal or acquittal on a charge of theft of or from a  
18 spiny lobster trap pursuant to this subparagraph or s.  
19 370.1107 shall, in addition to the penalties specified in ss.  
20 370.021 and 370.14 and the provisions of this section,  
21 permanently lose all his or her saltwater fishing privileges,  
22 including his or her saltwater products license, spiny lobster  
23 ~~crayfish~~ endorsement, and all trap certificates allotted to  
24 him or her through this program. In such cases, trap  
25 certificates and endorsements are nontransferable.

26 b. Any person receiving a judicial disposition other  
27 than dismissal or acquittal on a charge of willful molestation  
28 of a trap, in addition to the penalties specified in ss.  
29 370.021 and 370.14, shall lose all saltwater fishing  
30 privileges for a period of 24 calendar months.

31

1           c. In addition, any person, firm, or corporation  
2 charged with violating this paragraph and receiving a judicial  
3 disposition other than dismissal or acquittal for violating  
4 this subparagraph or s. 370.1107 shall also be assessed an  
5 administrative penalty of up to \$5,000.

6  
7 Immediately upon receiving a citation for a violation  
8 involving theft of or from a trap, or molestation of a trap,  
9 and until adjudicated for such a violation or, upon receipt of  
10 a judicial disposition other than dismissal or acquittal of  
11 such a violation, the person, firm, or corporation committing  
12 the violation is prohibited from transferring any crawfish  
13 trap certificates and endorsements.

14           4. In addition to any other penalties provided in s.  
15 370.021, a commercial harvester, ~~as defined by rule~~  
16 ~~68B-24.002(1), Florida Administrative Code,~~ who violates the  
17 provisions of this section, or commission rules the provisions  
18 relating to spiny lobster traps ~~of chapter 68B-24, Florida~~  
19 ~~Administrative Code,~~ shall be punished as follows:

20           a. If the first violation is for violation of  
21 subparagraph 1. or subparagraph 2., the commission shall  
22 assess an additional administrative ~~civil~~ penalty of up to  
23 \$1,000 and the spiny lobster ~~crawfish~~ trap number issued  
24 pursuant to s. 370.14(2) or (6) may be suspended for the  
25 remainder of the current license year. For all other first  
26 violations, the commission shall assess an additional  
27 administrative ~~civil~~ penalty of up to \$500.

28           b. For a second violation of subparagraph 1. or  
29 subparagraph 2. which occurs within 24 months of any previous  
30 such violation, the commission shall assess an additional  
31 administrative ~~civil~~ penalty of up to \$2,000 and the spiny

1 | ~~lobster crawfish~~ trap number issued pursuant to s. 370.14(2)  
2 | or (6) may be suspended for the remainder of the current  
3 | license year.

4 |       c. For a third or subsequent violation of subparagraph  
5 | 1., subparagraph 2., or subparagraph 3. which occurs within 36  
6 | months of any previous two such violations, the commission  
7 | shall assess an additional administrative ~~civil~~ penalty of up  
8 | to \$5,000 and may suspend the spiny lobster crawfish trap  
9 | number issued pursuant to s. 370.14(2) or (6) for a period of  
10 | up to 24 months or may revoke the spiny lobster crawfish trap  
11 | number and, if revoking the spiny lobster crawfish trap  
12 | number, may also proceed against the licenseholder's saltwater  
13 | products license in accordance with the provisions of s.  
14 | 370.021(2)(h).

15 |       d. Any person assessed an additional administrative  
16 | ~~civil~~ penalty pursuant to this section shall within 30  
17 | calendar days after notification:

18 |           (I) Pay the administrative ~~civil~~ penalty to the  
19 | commission; or

20 |           (II) Request an administrative hearing pursuant to the  
21 | provisions of ss. 120.569 and 120.57 ~~s. 120.60~~.

22 |       e. The commission shall suspend the spiny lobster  
23 | ~~crawfish~~ trap number issued pursuant to s. 370.14(2) or (6)  
24 | for any person failing to comply with the provisions of  
25 | sub-subparagraph d.

26 |           5.a. It is unlawful for any person to make, alter,  
27 | forge, counterfeit, or reproduce a spiny lobster trap tag or  
28 | certificate.

29 |           b. It is unlawful for any person to knowingly have in  
30 | his or her possession a forged, counterfeit, or imitation  
31 | spiny lobster trap tag or certificate.



1 c. It is unlawful for any person to barter, trade,  
2 sell, supply, agree to supply, aid in supplying, or give away  
3 a spiny lobster trap tag or certificate or to conspire to  
4 barter, trade, sell, supply, aid in supplying, or give away a  
5 spiny lobster trap tag or certificate unless such action is  
6 duly authorized by the commission as provided in this chapter  
7 or in the rules of the commission.

8 6.a. Any person who violates the provisions of  
9 subparagraph 5., or any person who engages in the commercial  
10 harvest, trapping, or possession of spiny lobster without a  
11 spiny lobster ~~erawfish~~ trap number as required by s. 370.14(2)  
12 or (6) or during any period while such spiny lobster ~~erawfish~~  
13 trap number is under suspension or revocation, commits a  
14 felony of the third degree, punishable as provided in s.  
15 775.082, s. 775.083, or s. 775.084.

16 b. In addition to any penalty imposed pursuant to  
17 sub-subparagraph a., the commission shall levy a fine of up to  
18 twice the amount of the appropriate surcharge to be paid on  
19 the fair market value of the transferred certificates, as  
20 provided in subparagraph (a)1., on any person who violates the  
21 provisions of sub-subparagraph 5.c.

22 c. In addition to any penalty imposed pursuant to  
23 sub-subparagraph a., any person receiving any judicial  
24 disposition other than acquittal or dismissal for a violation  
25 of subparagraph 5. shall be assessed an administrative penalty  
26 of up to \$5,000, and the spiny lobster endorsement under which  
27 the violation was committed may be suspended for up to 24  
28 calendar months. Immediately upon issuance of a citation  
29 involving a violation of subparagraph 5. and until  
30 adjudication of such a violation, and after receipt of any  
31 judicial disposition other than acquittal or dismissal for

1 such a violation, the person holding the spiny lobster  
2 endorsement listed on the citation is prohibited from  
3 transferring any spiny lobster trap certificates.

4           7. Any certificates for which the annual certificate  
5 fee is not paid for a period of 3 years shall be considered  
6 abandoned and shall revert to the commission. During any  
7 period of trap reduction, any certificates reverting to the  
8 commission shall become permanently unavailable and be  
9 considered in that amount to be reduced during the next  
10 license-year period. Otherwise, any certificates that revert  
11 to the commission are to be reallocated in such manner as  
12 provided by the commission.

13           8. The proceeds of all administrative ~~civil~~ penalties  
14 collected pursuant to subparagraph 4. and all fines collected  
15 pursuant to sub-subparagraph 6.b. shall be deposited into the  
16 Marine Resources Conservation Trust Fund.

17           9. All traps shall be removed from the water during  
18 any period of suspension or revocation.

19           Section 6. Section 370.143, Florida Statutes, is  
20 amended to read:

21           370.143 Retrieval of spiny lobster, ~~crawfish~~, and  
22 stone crab, blue crab, and black sea bass traps during closed  
23 season; commission authority; fees.--

24           (1) The Fish and Wildlife Conservation Commission is  
25 authorized to implement a trap retrieval program for retrieval  
26 of spiny lobster, ~~crawfish~~, and stone crab, blue crab, and  
27 black sea bass traps remaining in the water during the closed  
28 season for each species. The commission is authorized to  
29 contract with outside agents for the program operation.

30           (2) A retrieval fee of \$10 per trap retrieved shall be  
31 assessed trap owners. However, for each person holding a spiny

1 ~~lobster endorsement, crawfish stamp number or~~ a stone crab  
2 endorsement, or a blue crab endorsement issued under rule of  
3 the commission, the retrieval fee shall be waived for the  
4 first five traps retrieved. Traps recovered under this program  
5 shall become the property of the commission or its contract  
6 agent, as determined by the commission, and shall be either  
7 destroyed or resold to the original owner. Revenue from  
8 retrieval fees shall be deposited in the Marine Resources  
9 Conservation Trust Fund and used solely for operation of the  
10 trap retrieval program.

11 (3) Payment of all assessed retrieval fees shall be  
12 required prior to renewal of the trap owner's saltwater  
13 products license ~~and stone crab and or crawfish endorsements.~~  
14 Retrieval fees assessed under this program shall stand in lieu  
15 of other penalties imposed for such trap violations.

16 (4) In the event of a major natural disaster, such as  
17 a hurricane or major storm, which causes major trap losses  
18 within an area declared by the Governor to be a disaster  
19 emergency area, the commission shall waive the trap retrieval  
20 fee. ~~In the event of a major natural disaster in an area~~  
21 ~~declared by the Governor to be a disaster emergency area, such~~  
22 ~~as a hurricane or major storm causing massive trap losses, the~~  
23 ~~commission shall waive the trap retrieval fee.~~

24 Section 7. Paragraph (j) is added to subsection (1) of  
25 section 370.0603, Florida Statutes, and paragraphs (c) and (d)  
26 of subsection (2) of that section are amended, to read:

27 370.0603 Marine Resources Conservation Trust Fund;  
28 purposes.--

29 (1) The Marine Resources Conservation Trust Fund  
30 within the Fish and Wildlife Conservation Commission shall  
31 serve as a broad-based depository for funds from various

1 marine-related and boating-related activities and shall be  
2 administered by the commission for the purposes of:

3 (j) Funding for the stone crab trap reduction program  
4 under s. 370.13, the blue crab effort management program under  
5 s. 370.135, the spiny lobster trap certificate program under  
6 s. 370.142, and the trap retrieval program under s. 370.143.

7 (2) The Marine Resources Conservation Trust Fund shall  
8 receive the proceeds from:

9 (c) All fees collected pursuant to ss. 370.063,  
10 370.13, 370.135, 370.142, 370.143, and 372.5704.

11 (d) All fines and penalties pursuant to ~~ss. s-~~  
12 370.021, 370.13, 370.135, and 370.142.

13 Section 8. Subsection (4) of section 370.025, Florida  
14 Statutes, is amended to read:

15 370.025 Marine fisheries; policy and standards.--

16 (4) Pursuant to s. 9, Art. IV of the State  
17 Constitution, the commission has ~~full constitutional~~  
18 rulemaking authority over marine life, and listed species as  
19 defined in s. 372.072(3), except for:

20 (a) Endangered or threatened marine species for which  
21 rulemaking shall be done pursuant to chapter 120; and

22 (b) The authority to regulate fishing gear in  
23 residential, manmade saltwater canals which is retained by the  
24 Legislature and specifically not delegated to the commission.

25 (c) Marine aquaculture products produced by an  
26 individual certified under s. 597.004. This exception does not  
27 apply to snook, prohibited and restricted marine species  
28 identified by rule of the commission, and rulemaking authority  
29 granted pursuant to s. 370.027.

30 Section 9. Paragraph (a) of subsection (8) of section  
31 20.331, Florida Statutes, is amended to read:

1           20.331 Fish and Wildlife Conservation Commission.--

2           (8) ADEQUATE DUE PROCESS PROCEDURES.--

3           (a) The commission shall adopt a rule establishing  
4 adequate due-process procedures to be accorded to any party,  
5 as defined in s. 120.52, whose substantial interests are  
6 affected by any action of the commission in the performance of  
7 its constitutional duties and responsibilities. The adequate  
8 due-process rule shall be published in the Florida  
9 Administrative Code. ~~The commission shall implement a system~~  
10 ~~of adequate due process procedures to be accorded to any~~  
11 ~~party, as defined in s. 120.52, whose substantial interests~~  
12 ~~will be affected by any action of the commission in the~~  
13 ~~performance of its constitutional duties or responsibilities.~~

14           Section 10. It is the intent of the Legislature to  
15 review, prior to the 2008 Regular Session, laws relating to  
16 the Fish and Wildlife Conservation Commission's role in the  
17 management of marine fishery resources to conform statutes to  
18 clarify that the power with respect to marine life which the  
19 Marine Fisheries Commission had on March 1, 1998 did not  
20 include the power which the Legislature had given to the  
21 Department of Environmental Protection to regulate marine  
22 life, and that the authority transferred by the Legislature  
23 from the Department of Environmental Protection to the Fish  
24 and Wildlife Conservation Commission is statutory and not  
25 constitutional.

26           Section 11. Paragraph (a) of subsection (3) of section  
27 921.0022, Florida Statutes, is amended to read:

28           921.0022 Criminal Punishment Code; offense severity  
29 ranking chart.--

30           (3) OFFENSE SEVERITY RANKING CHART

31

1	Florida	Felony	
2	Statute	Degree	Description
3			
4			(a) LEVEL 1
5	24.118(3)(a)	3rd	Counterfeit or altered state
6			lottery ticket.
7	212.054(2)(b)	3rd	Discretionary sales surtax;
8			limitations, administration, and
9			collection.
10	212.15(2)(b)	3rd	Failure to remit sales taxes,
11			amount greater than \$300 but less
12			than \$20,000.
13	316.1935(1)	3rd	Fleeing or attempting to elude
14			law enforcement officer.
15	319.30(5)	3rd	Sell, exchange, give away
16			certificate of title or
17			identification number plate.
18	319.35(1)(a)	3rd	Tamper, adjust, change, etc., an
19			odometer.
20	320.26(1)(a)	3rd	Counterfeit, manufacture, or sell
21			registration license plates or
22			validation stickers.
23	322.212		
24	(1)(a)-(c)	3rd	Possession of forged, stolen,
25			counterfeit, or unlawfully issued
26			driver's license; possession of
27			simulated identification.
28	322.212(4)	3rd	Supply or aid in supplying
29			unauthorized driver's license or
30			identification card.
31			

1	322.212(5)(a)	3rd	False application for driver's
2			license or identification card.
3	<del>370.13(2)(c)1.</del>	<del>3rd</del>	<del>Molest any stone crab trap, line,</del>
4			<del>or buoy which is property of</del>
5			<del>licenseholder.</del>
6	<del>370.135(1)</del>	<del>3rd</del>	<del>Molest any blue crab trap, line,</del>
7			<del>or buoy which is property of</del>
8			<del>licenseholder.</del>
9	<del>372.663(1)</del>	<del>3rd</del>	<del>Poach any alligator or</del>
10			<del>crocodilia.</del>
11	414.39(2)	3rd	Unauthorized use, possession,
12			forgery, or alteration of food
13			stamps, Medicaid ID, value
14			greater than \$200.
15	414.39(3)(a)	3rd	Fraudulent misappropriation of
16			public assistance funds by
17			employee/official, value more
18			than \$200.
19	443.071(1)	3rd	False statement or representation
20			to obtain or increase
21			unemployment compensation
22			benefits.
23	509.151(1)	3rd	Defraud an innkeeper, food or
24			lodging value greater than \$300.
25	517.302(1)	3rd	Violation of the Florida
26			Securities and Investor
27			Protection Act.
28	562.27(1)	3rd	Possess still or still apparatus.
29	713.69	3rd	Tenant removes property upon
30			which lien has accrued, value
31			more than \$50.

1	812.014(3)(c)	3rd	Petit theft (3rd conviction);
2			theft of any property not
3			specified in subsection (2).
4	812.081(2)	3rd	Unlawfully makes or causes to be
5			made a reproduction of a trade
6			secret.
7	815.04(4)(a)	3rd	Offense against intellectual
8			property (i.e., computer
9			programs, data).
10	817.52(2)	3rd	Hiring with intent to defraud,
11			motor vehicle services.
12	817.569(2)	3rd	Use of public record or public
13			records information to facilitate
14			commission of a felony.
15	826.01	3rd	Bigamy.
16	828.122(3)	3rd	Fighting or baiting animals.
17	831.04(1)	3rd	Any erasure, alteration, etc., of
18			any replacement deed, map, plat,
19			or other document listed in s.
20			92.28.
21	831.31(1)(a)	3rd	Sell, deliver, or possess
22			counterfeit controlled
23			substances, all but s. 893.03(5)
24			drugs.
25	832.041(1)	3rd	Stopping payment with intent to
26			defraud \$150 or more.
27	832.05		
28	(2)(b)&(4)(c)	3rd	Knowing, making, issuing
29			worthless checks \$150 or more or
30			obtaining property in return for
31			worthless check \$150 or more.



1	838.15(2)	3rd	Commercial bribe receiving.
2	838.16	3rd	Commercial bribery.
3	843.18	3rd	Fleeing by boat to elude a law
4			enforcement officer.
5	847.011(1)(a)	3rd	Sell, distribute, etc., obscene,
6			lewd, etc., material (2nd
7			conviction).
8	849.01	3rd	Keeping gambling house.
9	849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc.,
10			or assist therein, conduct or
11			advertise drawing for prizes, or
12			dispose of property or money by
13			means of lottery.
14	849.23	3rd	Gambling-related machines;
15			"common offender" as to property
16			rights.
17	849.25(2)	3rd	Engaging in bookmaking.
18	860.08	3rd	Interfere with a railroad signal.
19	860.13(1)(a)	3rd	Operate aircraft while under the
20			influence.
21	893.13(2)(a)2.	3rd	Purchase of cannabis.
22	893.13(6)(a)	3rd	Possession of cannabis (more than
23			20 grams).
24	934.03(1)(a)	3rd	Intercepts, or procures any other
25			person to intercept, any wire or
26			oral communication.

Section 12. This act shall take effect July 1, 2006.