

By the Committee on Water & Resource Management and
Representative Posey

1 A bill to be entitled
2 An act relating to state funds; amending ss.
3 370.12 and 327.25, F.S; prohibiting certain
4 uses of Save the Manatee Trust Fund moneys;
5 amending ss. 320.08058 and 320.08062, F.S., to
6 conform; providing for discontinuance of
7 revenues and reimbursement of inappropriately
8 used moneys; providing an effective date.

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

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12 Section 1. Paragraph (a) of subsection (5) of section
13 370.12, Florida Statutes, is amended to read:

14 370.12 Marine animals; regulation.--

15 (5) ANNUAL FUNDING OF PROGRAMS FOR MARINE ANIMALS.--

16 (a) Each fiscal year the Save the Manatee Trust Fund
17 shall be available to fund an impartial scientific benchmark
18 census of the manatee population in the state. Weather
19 permitting, the study shall be conducted annually by the
20 Department of Environmental Protection and the results shall
21 be made available to the President of the Senate, the Speaker
22 of the House of Representatives, and the Governor and Cabinet
23 for use in the evaluation and development of manatee
24 protection measures. In addition, the Save the Manatee Trust
25 Fund shall be available for annual funding of activities of
26 public and private organizations and those of the department
27 intended to provide manatee and marine mammal protection and
28 recovery effort; manufacture and erection of informational and
29 regulatory signs; production, publication, and distribution of
30 educational materials; participation in manatee and marine
31 mammal research programs, including carcass salvage and other

1 programs; programs intended to assist the recovery of the
2 manatee as an endangered species, assist the recovery of the
3 endangered or threatened marine mammals, and prevent the
4 endangerment of other species of marine mammals; and other
5 similar programs intended to protect and enhance the recovery
6 of the manatee and other species of marine mammals. None of
7 the Save the Manatee Trust Fund moneys distributed to
8 nongovernmental entities shall be used for administrative or
9 civil litigation costs or fees, for commercial or for-profit
10 activities, or for general or administrative expenses. The
11 department shall annually solicit advisory recommendations
12 from the Save the Manatee Committee affiliated with the Save
13 the Manatee Club, as identified and recognized in Executive
14 Order 85-19, on the use of funds from the Save the Manatee
15 Trust Fund.

16 Section 2. Subsections (11) and (16) of section
17 327.25, Florida Statutes, are amended to read:

18 327.25 Classification; registration; fees and charges;
19 surcharge; disposition of fees; fines; marine turtle
20 stickers.--

21 (11) VOLUNTARY CONTRIBUTIONS.--The application form
22 for boat registration shall include a provision to allow each
23 applicant to indicate a desire to pay an additional voluntary
24 contribution to the Save the Manatee Trust Fund for manatee
25 and marine mammal research, protection, recovery, rescue,
26 rehabilitation, and release. None of the Save the Manatee
27 Trust Fund moneys distributed to nongovernmental entities
28 shall be used for administrative or civil litigation costs or
29 fees, for commercial or for-profit activities, or for general
30 or administrative expenses.This contribution shall be in
31 addition to all other fees and charges. The amount of the

1 request for a voluntary contribution solicited shall be \$1 per
2 registrant. Beginning with boat registration in fiscal year
3 1992-1993, the request for a voluntary contribution solicited
4 shall be \$2 or \$5 per registrant. A registrant who provides a
5 voluntary contribution of \$5 or more shall be given a sticker
6 or emblem by the tax collector to display, which signifies
7 support for the Save the Manatee Trust Fund. All voluntary
8 contributions shall be deposited in the Save the Manatee Trust
9 Fund for use according to this subsection. The first \$2 of
10 voluntary contribution by a vessel registrant shall be
11 available for the manatee protection and recovery effort
12 pursuant to s. 370.12(5)(a). Any additional amount of
13 voluntary contribution by a vessel registrant shall also be
14 for the purpose of the manatee protection and recovery effort,
15 except that any voluntary contribution in excess of the first
16 \$2 voluntary contribution by a vessel registrant but not
17 exceeding \$2 shall be available for manatee rehabilitation by
18 those facilities approved to rescue, rehabilitate, and release
19 manatees pursuant to s. 370.12(5)(b). The form shall also
20 include language permitting a voluntary contribution of \$5 per
21 applicant, which contribution shall be transferred into the
22 Election Campaign Financing Trust Fund. A statement providing
23 an explanation of the purpose of the trust fund shall also be
24 included.

25 (16) DISTRIBUTION OF FEES.--Moneys deposited pursuant
26 to s. 327.28 to be returned to the counties are for the sole
27 purposes of providing recreational channel marking and public
28 launching facilities and other boating-related activities, for
29 removal of vessels and floating structures deemed a hazard to
30 public safety and health for failure to comply with s. 327.53,
31 and for manatee and marine mammal protection and recovery.

1 The department shall ascertain, as a guideline in determining
2 the amounts of distributions each county may receive, the
3 number of noncommercial vessels registered in the county
4 during the preceding fiscal year according to the fee schedule
5 provided in subsection (1) and shall promulgate rules to
6 effectuate this. Each fiscal year, prior to determination of
7 distributions to the counties under this section, an amount
8 equal to \$1 for each vessel registered in this state shall be
9 transferred to the Save the Manatee Trust Fund for manatee and
10 marine mammal research, protection, and recovery. None of the
11 Save the Manatee Trust Fund moneys distributed to
12 nongovernmental entities shall be used for administrative or
13 civil litigation costs or fees, for commercial or for-profit
14 activities, or for general or administrative expenses.

15 Section 3. Subsection (1) of section 320.08058,
16 Florida Statutes, is amended to read:

17 320.08058 Specialty license plates.--

18 (1) MANATEE LICENSE PLATES.--

19 (a) The department shall develop a manatee license
20 plate to commemorate the official state marine mammal. The
21 word "Florida" must appear at the top of the plate, and the
22 words "Save the Manatee" must appear at the bottom of the
23 plate.

24 (b)1. The manatee license plate annual use fee must be
25 deposited into the Save the Manatee Trust Fund, created within
26 the Department of Environmental Protection. The funds
27 deposited in the Save the Manatee Trust Fund may be used only
28 for environmental education; manatee research; facilities, as
29 provided in s. 370.12(5)(b); and manatee protection and
30 recovery; and may not be used as otherwise prohibited by s.
31 370.12(5)(a).

1 2. For fiscal year 1996-1997, 25 percent of the
2 manatee license plate annual use fee must be deposited into
3 the Save the Manatee Trust Fund within the Department of
4 Environmental Protection and shall be used for manatee
5 facilities as provided in s. 370.12(5)(b).

6 Section 4. Section 320.08062, Florida Statutes, is
7 amended to read:

8 320.08062 Audits required; annual use fees of special
9 license plates.--

10 (1) All organizational recipients of any specialty
11 license plate annual use fee authorized in this chapter, not
12 otherwise subject to annual audit by the Office of the Auditor
13 General, shall submit either an annual or biennial audit of
14 the expenditures of annual use fees and interest earned from
15 these fees, to determine if expenditures are being made in
16 accordance with the specifications outlined by law. The audit
17 shall be prepared by a certified public accountant licensed
18 under chapter 473 at that organizational recipient's expense.
19 Such audits shall be delivered to the President of the Senate,
20 the Speaker of the House of Representatives, the Office of the
21 Governor, and the department no later than December 31 of the
22 calendar year in which the audit was performed.

23 (2) A specialty license plate annual use fee collected
24 and distributed under this chapter, or any interest earned
25 from those fees, may not be used for commercial or for-profit
26 activities nor for general or administrative expenses, except
27 to pay the cost of the independent audit required by
28 subsection (1), and the manatee license plate annual use fee
29 also shall not be used as otherwise prohibited by s.
30 370.12(5)(a).
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1 (3) By February 1 of each year, the department shall
2 determine which recipients of revenues from specialty license
3 plate annual use fees have not complied with subsection (1).
4 If the department determines that an organization has not
5 complied with subsection (1) or has failed to use the revenues
6 in accordance with s. 320.08058, the department must ~~may~~
7 discontinue the distribution of the revenues to the
8 organization until the department determines that the
9 organization is complying with those provisions and has
10 reimbursed the department for all moneys inappropriately used.

11 (4) The Auditor General has the authority to examine
12 all records pertaining to the use of funds from the sale of
13 specialty license plates.

14 Section 5. This act shall take effect upon becoming
15 law.

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