

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Harrington offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause, and insert:

Section 1. Paragraph (a) of subsection (4) of section 370.12, Florida Statutes, is amended to read:

370.12 Marine animals; regulation.--

(4) ANNUAL FUNDING OF PROGRAMS FOR MARINE ANIMALS.--

(a) Each fiscal year the Save the Manatee Trust Fund shall be available to fund an impartial scientific benchmark census of the manatee population in the state. Weather permitting, the study shall be conducted annually by the Fish and Wildlife Conservation Commission and the results shall be made available to the President of the Senate, the Speaker of the House of Representatives, and the Governor and Cabinet for use in the evaluation and development of manatee protection measures. In addition, the Save the Manatee Trust Fund shall be available for

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28 annual funding of activities of public and private organizations  
29 and those of the commission intended to provide manatee and  
30 marine mammal protection and recovery effort; manufacture and  
31 erection of informational and regulatory signs; production,  
32 publication, and distribution of educational materials;  
33 participation in manatee and marine mammal research programs,  
34 including carcass salvage and other programs; programs intended  
35 to assist the recovery of the manatee as an endangered species,  
36 assist the recovery of the endangered or threatened marine  
37 mammals, and prevent the endangerment of other species of marine  
38 mammals; and other similar programs intended to protect and  
39 enhance the recovery of the manatee and other species of marine  
40 mammals. ~~The commission shall annually solicit advisory~~  
41 ~~recommendations from the Save the Manatee Committee affiliated~~  
42 ~~with the Save the Manatee Club, as identified and recognized in~~  
43 ~~Executive Order 85-19, on the use of funds from the Save the~~  
44 ~~Manatee Trust Fund.~~

45 Section 2. Subsection (3) of section 20.331, Florida  
46 Statutes, is amended, and paragraph (e) is added to subsection  
47 (5) of said section, to read:

48 20.331 Fish and Wildlife Conservation Commission.--

49 (3) The following administrative units are established  
50 within the commission:

- 51 (a) Division of Administrative Services.  
52 (b) Division of Law Enforcement.  
53 (c) Division of Freshwater Fisheries.  
54 (d) Division of Marine Fisheries.  
55 (e) Division of Wildlife.  
56 (f) Florida Marine Research Institute.

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58 The bureaus and offices of the Game and Fresh Water Fish  
59 Commission existing on February 1, 1999, are established within  
60 the Fish and Wildlife Conservation Commission. Effective July 1,  
61 2003, there is created within the commission an Office of  
62 Boating and Waterways with duties and responsibilities as  
63 provided in subsection (5).

64 (5) In further exercise of its duties, the Fish and  
65 Wildlife Conservation Commission:

66 (e) Shall assign to the Office of Boating and Waterways  
67 such powers, duties, responsibilities, and functions as are  
68 necessary to manage and promote the use of state waterways for  
69 safe and enjoyable boating. Duties and responsibilities include,  
70 but are not limited to, oversight and coordination of waterway  
71 markers on state waters, providing boating education and boating  
72 safety programs, improving boating access, coordinating the  
73 removal of derelict vessels from state waters, economic  
74 development initiatives to promote boating in the state, and  
75 coordinating the submission of state comments on marine events.

76 Section 3. Paragraph (d) is added to subsection (1) of  
77 section 206.606, Florida Statutes, to read:

78 206.606 Distribution of certain proceeds.--

79 (1) Moneys collected pursuant to ss. 206.41(1)(g) and  
80 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust  
81 Fund. Such moneys, after deducting the service charges imposed  
82 by s. 215.20, the refunds granted pursuant to s. 206.41, and the  
83 administrative costs incurred by the department in collecting,  
84 administering, enforcing, and distributing the tax, which  
85 administrative costs may not exceed 2 percent of collections,

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86 shall be distributed monthly to the State Transportation Trust  
87 Fund, except that:

88 (d) A portion of the moneys attributable to the sale of  
89 motor diesel fuel at marinas shall be transferred from the Fuel  
90 Tax Collection Trust Fund to the Marine Resources Conservation  
91 Trust Fund within the Fish and Wildlife Conservation Commission  
92 as follows:

- 93 1. \$2.5 million in fiscal year 2003-2004.
- 94 2. \$5.0 million in fiscal year 2004-2005.
- 95 3. \$8.5 million in fiscal year 2005-2006.
- 96 4. \$10.9 million in fiscal year 2006-2007.
- 97 5. \$13.4 million in fiscal year 2007-2008 and each fiscal  
98 year thereafter.

99 Section 4. Subsection (1) of section 370.0603, Florida  
100 Statutes, is amended, and subsection (4) is added to said  
101 section, to read:

102 370.0603 Marine Resources Conservation Trust Fund;  
103 purposes.--

104 (1) The Marine Resources Conservation Trust Fund within  
105 the Fish and Wildlife Conservation Commission shall serve as a  
106 broad-based depository for funds from various marine-related and  
107 boating-related activities and shall be administered by the  
108 commission for the purposes of:

- 109 (a) Funding for marine research.
- 110 (b) Funding for fishery enhancement, including, but not  
111 limited to, fishery statistics development, artificial reefs,  
112 and fish hatcheries.
- 113 (c) Funding for marine law enforcement.

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114 (d) Funding for administration of licensing programs for  
115 recreational fishing, saltwater products sales, and related  
116 information and education activities.

117 (e) Funding for the operations of the Fish and Wildlife  
118 Conservation Commission.

119 (f) Funding for titling and registration of vessels.

120 (g) Funding for marine turtle protection, research, and  
121 recovery activities from revenues that are specifically credited  
122 to the trust fund for these purposes.

123 (h) Funding activities for rehabilitation of oyster  
124 harvesting areas from which special oyster surcharge fees are  
125 collected, including relaying and transplanting live oysters.

126 (i) Funding for boating research, boating-related programs  
127 and activities, and law enforcement on state waters.

128 (4) Funds transferred to the Marine Resources Conservation  
129 Trust Fund from the Fuel Tax Collection Trust Fund pursuant to  
130 s. 206.606 shall be used for the following purposes:

131 (a) To provide additional water-related law enforcement,  
132 including enforcement of laws and regulations related to the  
133 protection of manatees.

134 (b) For the placement of uniform waterway markers on state  
135 waters.

136 (c) To provide funding for construction and maintenance of  
137 publicly owned boat ramps, piers, and docks, directly and  
138 through grants to counties and municipalities.

139 (d) To implement and administer programs related to  
140 boating safety and education, manatee technical avoidance  
141 technology, and economic development initiatives to promote

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142 boating in the state, including competitive grant programs as  
143 provided in s. 327.47.

144 (e) For other activities of the Office of Boating and  
145 Waterways such as coordinating the submission of state comments  
146 on boating-related events.

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148 Funds not used in one fiscal year must be carried over for use  
149 in subsequent fiscal years.

150 Section 5. Section 327.47, Florida Statutes, is created to  
151 read:

152 327.47 Competitive grant program.--The commission shall  
153 develop and administer competitive grant programs funded with  
154 moneys transferred pursuant to s. 206.606(1)(d). Grants may be  
155 awarded for the construction and maintenance of publicly owned  
156 boat ramps, piers, and docks, boater education, deployment of  
157 manatee technical avoidance technology, and economic development  
158 initiatives that promote boating in the state. The commission  
159 may adopt rules pursuant to chapter 120 to administer this  
160 section.

161 Section 6. From the \$2.5 million in marina fuel tax  
162 revenue transferred to the Marine Resources Conservation Trust  
163 Fund within the Fish and Wildlife Conservation Commission under  
164 the provisions of this act, 10 additional sworn law enforcement  
165 FTEs are authorized and \$1.8 million is appropriated to fund  
166 equipment, training, expenses, and 5 months of salaries and  
167 benefits beginning in fiscal year 2003-2004, and \$700,000 is  
168 appropriated to fund the activities specified in s. 370.0603(4),  
169 Florida Statutes.

170 Section 7. This act shall take effect July 1, 2003.

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===== T I T L E A M E N D M E N T =====

Remove the entire title, and insert:

A bill to be entitled

An act relating to the Fish and Wildlife Conservation Commission; amending s. 370.12, F.S.; deleting a requirement that the commission solicit advisory recommendations from the Save the Manatee Committee; amending s. 20.331, F.S.; creating the Office of Boating and Waterways within the commission; providing powers and duties of the office; amending s. 206.606, F.S.; providing for the transfer of moneys from the Fuel Tax Collection Trust Fund to the Marine Resources Conservation Trust Fund; amending s. 370.0603, F.S.; adding additional purposes and providing for the use of funds transferred from the Fuel Tax Collection Trust Fund; creating s. 327.47, F.S.; providing for competitive grant programs developed and administered by the commission; authorizing the commission to adopt rules; authorizing additional positions and providing appropriations; providing an effective date.