



CHAMBER ACTION

The Committee on Natural Resources recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to the Fish and Wildlife Conservation Commission; amending s. 370.12, F.S.; providing that a portion of the proceeds of the Save the Manatee Trust Fund shall be used for funding additional marine field law enforcement positions within the commission for enforcement of laws designed to protect manatee populations in certain counties; deleting requirement that the commission solicit advisory recommendations from the Save the Manatee Committee; requiring additional information to be included in an annual report regarding expenditure of the funds in the trust fund; amending s. 20.331, F.S.; creating an Office of Boating and Waterways within the commission; authorizing the commission to assign duties to such office; amending s. 206.606, F.S.; providing for transfer of moneys from the Fuel Tax Collection Trust Fund to the Marine Resources Conservation Trust Fund; amending s. 370.0603, F.S.; including boating and boating-related activities, programs, and law



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29 enforcement under purposes of the Marine Resources
30 Conservation Trust Fund; providing for the uses of the
31 funds transferred from the Fuel Tax Collection Trust Fund;
32 creating s. 327.47, F.S.; providing for competitive grant
33 programs developed and administered by the commission;
34 authorizing the commission to adopt rules; providing an
35 effective date.
36

37 Be It Enacted by the Legislature of the State of Florida:
38

39 Section 1. Paragraphs (a) and (b) of subsection (4) of
40 section 370.12, Florida Statutes, are amended to read:

41 370.12 Marine animals; regulation.--

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

43 (a) Each fiscal year the first \$2 million of funds
44 deposited into the Save the Manatee Trust Fund shall be used
45 available to fund additional marine field law enforcement
46 positions within the Fish and Wildlife Conservation Commission
47 for the purpose of enforcing laws designed to protect manatee
48 populations. Persons employed in such positions shall be
49 assigned to perform their law enforcement duties in counties
50 having the highest incidences of manatee deaths and injuries.
51 The remainder shall be available to fund an impartial scientific
52 benchmark census of the manatee population in the state. Weather
53 permitting, the study shall be conducted annually by the Fish
54 and Wildlife Conservation Commission and the results shall be
55 made available to the President of the Senate, the Speaker of
56 the House of Representatives, and the Governor and Cabinet for



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57 use in the evaluation and development of manatee protection
58 measures. In addition, the Save the Manatee Trust Fund shall be
59 available for annual funding of activities of public and private
60 organizations and those of the commission intended to provide
61 manatee and marine mammal protection and recovery effort;
62 manufacture and erection of informational and regulatory signs;
63 production, publication, and distribution of educational
64 materials; participation in manatee and marine mammal research
65 programs, including carcass salvage and other programs; programs
66 intended to assist the recovery of the manatee as an endangered
67 species, assist the recovery of the endangered or threatened
68 marine mammals, and prevent the endangerment of other species of
69 marine mammals; and other similar programs intended to protect
70 and enhance the recovery of the manatee and other species of
71 marine mammals. ~~The commission shall annually solicit advisory
72 recommendations from the Save the Manatee Committee affiliated
73 with the Save the Manatee Club, as identified and recognized in
74 Executive Order 85-19, on the use of funds from the Save the
75 Manatee Trust Fund.~~

76 (b) By December 1 each year, the Fish and Wildlife
77 Conservation Commission shall provide the President of the
78 Senate and the Speaker of the House of Representatives a written
79 report, enumerating the amounts and purposes for which all
80 proceeds in the Save the Manatee Trust Fund for the previous
81 fiscal year are expended, in a manner consistent with those
82 recovery tasks enumerated within the manatee recovery plan as
83 required by the Endangered Species Act. Such report shall
84 identify the number of additional law enforcement positions



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85 which were funded and shall provide a list of the counties to
 86 which the personnel were assigned.

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

90 20.331 Fish and Wildlife Conservation Commission.--

91 (3) The following administrative units are established
 92 within the commission:

- 93 (a) Division of Administrative Services.
- 94 (b) Division of Law Enforcement.
- 95 (c) Division of Freshwater Fisheries.
- 96 (d) Division of Marine Fisheries.
- 97 (e) Division of Wildlife.
- 98 (f) Florida Marine Research Institute.
- 99 (g) Office of Boating and Waterways.

100

101 The bureaus and offices of the Game and Fresh Water Fish
 102 Commission existing on February 1, 1999, are established within
 103 the Fish and Wildlife Conservation Commission.

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

- 106 (e) Shall assign to the Office of Boating and Waterways
 107 such powers, duties, responsibilities, and functions as are
 108 necessary to manage and promote the use of state waterways for
 109 safe and enjoyable boating, including oversight and coordination
 110 of waterway markers on state waters, providing programs for
 111 boating education and boating safety, improving boating access,
 112 coordinating the removal of derelict vessels from state waters,



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113 economic development initiatives to promote boating in this
114 state, and coordinating the submission of state comments on
115 marine events.

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

118 206.606 Distribution of certain proceeds.--

119 (1) Moneys collected pursuant to ss. 206.41(1)(g) and
120 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust
121 Fund. Such moneys, after deducting the service charges imposed
122 by s. 215.20, the refunds granted pursuant to s. 206.41, and the
123 administrative costs incurred by the department in collecting,
124 administering, enforcing, and distributing the tax, which
125 administrative costs may not exceed 2 percent of collections,
126 shall be distributed monthly to the State Transportation Trust
127 Fund, except that:

128 (d) Moneys collected from sales at marinas shall be
129 transferred to the Marine Resources Conservation Trust Fund in
130 the Fish and Wildlife Conservation Commission as follows:

- 131 1. \$5 million in fiscal year 2003-2004.
- 132 2. \$8.5 million in fiscal year 2004-2005.
- 133 3. \$10.9 million in fiscal year 2005-2006.
- 134 4. \$13.4 million in fiscal year 2006-2007 and each fiscal
135 year thereafter.

136 Section 4. Subsection (1) of section 370.0603, Florida
137 Statutes, is amended, and subsection (4) is added to said
138 section, to read:

139 370.0603 Marine Resources Conservation Trust Fund;
140 purposes.--



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141 (1) The Marine Resources Conservation Trust Fund within
 142 the Fish and Wildlife Conservation Commission shall serve as a
 143 broad-based depository for funds from various marine-related and
 144 boating-related activities and shall be administered by the
 145 commission for the purposes of:

146 (a) Funding for marine and boating research.

147 (b) Funding for fishery enhancement, including, but not
 148 limited to, fishery statistics development, artificial reefs,
 149 and fish hatcheries.

150 (c) Funding for marine law enforcement.

151 (d) Funding for administration of licensing programs for
 152 recreational fishing, saltwater products sales, and related
 153 information and education activities.

154 (e) Funding for the operations of the Fish and Wildlife
 155 Conservation Commission.

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

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

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

163 (i) Funding for boating-related activities, boating-
 164 related programs, and law enforcement on all waters of this
 165 state.

166 (4) Funds provided to the Marine Resources Conservation
 167 Trust Fund from taxes distributed under s. 206.606 shall be used
 168 for the following purposes:



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169 (a) To provide additional water-related law enforcement,
170 including enforcement of laws and regulations related to the
171 protection of manatees.

172 (b) Placement of uniform waterway markers on state waters.

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

176 (d) Implementation and administration of programs,
177 including competitive grant programs, related to boating safety,
178 boating education, manatee avoidance technology, and economic
179 development initiatives to promote boating in the state.

180 (e) Other activities of the Office of Boating and
181 Waterways.

182 Section 5. Section 327.47, Florida Statutes, is created to
183 read:

184 327.47 Competitive grant program.--The commission shall
185 develop and administer competitive grant programs to use funds
186 transferred pursuant to s. 206.606(1)(d) for the construction
187 and maintenance of publicly owned boat ramps, piers, and docks,
188 boater education, deployment of manatee avoidance technology,
189 and economic development initiatives to promote boating in the
190 state. The commission may adopt rules pursuant to chapter 120 to
191 administer this section.

192 Section 6. This act shall take effect July 1, 2003.