



1 A bill to be entitled

2 An act relating to the Fish and Wildlife Conservation  
3 Commission; amending s. 370.12, F.S.; deleting a  
4 requirement that the commission solicit advisory  
5 recommendations from the Save the Manatee Committee;  
6 amending s. 20.331, F.S.; creating the Office of Boating  
7 and Waterways within the commission; providing powers and  
8 duties of the office; amending s. 206.606, F.S.; providing  
9 for the transfer of moneys from the Fuel Tax Collection  
10 Trust Fund to the Marine Resources Conservation Trust  
11 Fund; amending s. 370.0603, F.S.; adding additional  
12 purposes and providing for the use of funds transferred  
13 from the Fuel Tax Collection Trust Fund; creating s.  
14 327.47, F.S.; providing for competitive grant programs  
15 developed and administered by the commission; authorizing  
16 the commission to adopt rules; authorizing additional  
17 positions and providing appropriations; providing an  
18 effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Paragraph (a) of subsection (4) of section  
23 370.12, Florida Statutes, is amended to read:

24 370.12 Marine animals; regulation.--

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

26 (a) Each fiscal year the Save the Manatee Trust Fund shall  
27 be available to fund an impartial scientific benchmark census of  
28 the manatee population in the state. Weather permitting, the



29 study shall be conducted annually by the Fish and Wildlife  
30 Conservation Commission and the results shall be made available  
31 to the President of the Senate, the Speaker of the House of  
32 Representatives, and the Governor and Cabinet for use in the  
33 evaluation and development of manatee protection measures. In  
34 addition, the Save the Manatee Trust Fund shall be available for  
35 annual funding of activities of public and private organizations  
36 and those of the commission intended to provide manatee and  
37 marine mammal protection and recovery effort; manufacture and  
38 erection of informational and regulatory signs; production,  
39 publication, and distribution of educational materials;  
40 participation in manatee and marine mammal research programs,  
41 including carcass salvage and other programs; programs intended  
42 to assist the recovery of the manatee as an endangered species,  
43 assist the recovery of the endangered or threatened marine  
44 mammals, and prevent the endangerment of other species of marine  
45 mammals; and other similar programs intended to protect and  
46 enhance the recovery of the manatee and other species of marine  
47 mammals. ~~The commission shall annually solicit advisory~~  
48 ~~recommendations from the Save the Manatee Committee affiliated~~  
49 ~~with the Save the Manatee Club, as identified and recognized in~~  
50 ~~Executive Order 85-19, on the use of funds from the Save the~~  
51 ~~Manatee Trust Fund.~~

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

55 20.331 Fish and Wildlife Conservation Commission.--



56 (3) The following administrative units are established  
57 within the commission:

58 (a) Division of Administrative Services.

59 (b) Division of Law Enforcement.

60 (c) Division of Freshwater Fisheries.

61 (d) Division of Marine Fisheries.

62 (e) Division of Wildlife.

63 (f) Florida Marine Research Institute.  
64

65 The bureaus and offices of the Game and Fresh Water Fish  
66 Commission existing on February 1, 1999, are established within  
67 the Fish and Wildlife Conservation Commission. Effective July 1,  
68 2003, there is created within the commission an Office of  
69 Boating and Waterways with duties and responsibilities as  
70 provided in subsection (5).

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

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



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

85 206.606 Distribution of certain proceeds.--

86 (1) Moneys collected pursuant to ss. 206.41(1)(g) and  
 87 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust  
 88 Fund. Such moneys, after deducting the service charges imposed  
 89 by s. 215.20, the refunds granted pursuant to s. 206.41, and the  
 90 administrative costs incurred by the department in collecting,  
 91 administering, enforcing, and distributing the tax, which  
 92 administrative costs may not exceed 2 percent of collections,  
 93 shall be distributed monthly to the State Transportation Trust  
 94 Fund, except that:

95 (d) A portion of the moneys attributable to the sale of  
 96 motor diesel fuel at marinas shall be transferred from the Fuel  
 97 Tax Collection Trust Fund to the Marine Resources Conservation  
 98 Trust Fund within the Fish and Wildlife Conservation Commission  
 99 as follows:

- 100 1. \$2.5 million in fiscal year 2003-2004.
- 101 2. \$5.0 million in fiscal year 2004-2005.
- 102 3. \$8.5 million in fiscal year 2005-2006.
- 103 4. \$10.9 million in fiscal year 2006-2007.
- 104 5. \$13.4 million in fiscal year 2007-2008 and each fiscal  
 105 year thereafter.

106 Section 4. Subsection (1) of section 370.0603, Florida  
 107 Statutes, is amended, and subsection (4) is added to said  
 108 section, to read:

109 370.0603 Marine Resources Conservation Trust Fund;  
 110 purposes.--



111 (1) The Marine Resources Conservation Trust Fund within  
 112 the Fish and Wildlife Conservation Commission shall serve as a  
 113 broad-based depository for funds from various marine-related and  
 114 boating-related activities and shall be administered by the  
 115 commission for the purposes of:

116 (a) Funding for marine research.

117 (b) Funding for fishery enhancement, including, but not  
 118 limited to, fishery statistics development, artificial reefs,  
 119 and fish hatcheries.

120 (c) Funding for marine law enforcement.

121 (d) Funding for administration of licensing programs for  
 122 recreational fishing, saltwater products sales, and related  
 123 information and education activities.

124 (e) Funding for the operations of the Fish and Wildlife  
 125 Conservation Commission.

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

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

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

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

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



138 (a) To provide additional water-related law enforcement,  
139 including enforcement of laws and regulations related to the  
140 protection of manatees.

141 (b) For the placement of uniform waterway markers on state  
142 waters.

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

146 (d) To implement and administer programs related to  
147 boating safety and education, manatee technical avoidance  
148 technology, and economic development initiatives to promote  
149 boating in the state, including competitive grant programs as  
150 provided in s. 327.47.

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

154  
155 Funds not used in one fiscal year must be carried over for use  
156 in subsequent fiscal years.

157 Section 5. Section 327.47, Florida Statutes, is created to  
158 read:

159 327.47 Competitive grant program.--The commission shall  
160 develop and administer competitive grant programs funded with  
161 moneys transferred pursuant to s. 206.606(1)(d). Grants may be  
162 awarded for the construction and maintenance of publicly owned  
163 boat ramps, piers, and docks, boater education, deployment of  
164 manatee technical avoidance technology, and economic development  
165 initiatives that promote boating in the state. The commission



166 may adopt rules pursuant to chapter 120 to administer this  
167 section.

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

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

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