

1                                   A bill to be entitled  
2           An act relating to the Fish and Wildlife  
3           Conservation Commission; amending s. 370.12,  
4           F.S.; deleting a requirement that the  
5           commission solicit advisory recommendations  
6           from the Save the Manatee Committee; amending  
7           s. 20.331, F.S.; creating an Office of Boating  
8           and Waterways within the commission; providing  
9           powers and duties of the office; amending s.  
10          206.606, F.S.; providing for the transfer of  
11          moneys from the Fuel Tax Collection Trust Fund  
12          to the Marine Resources Conservation Trust  
13          Fund; amending s. 370.0603, F.S.; including  
14          boating and boating-related activities,  
15          programs, and law enforcement under purposes of  
16          the Marine Resources Conservation Trust Fund;  
17          providing for the uses of the funds transferred  
18          from the Fuel Tax Collection Trust Fund;  
19          creating s. 327.47, F.S.; providing for  
20          competitive grant programs developed and  
21          administered by the commission; authorizing the  
22          commission to adopt rules; providing  
23          appropriations; providing an effective date.

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

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27           Section 1. Paragraph (a) of subsection (4) of section  
28   370.12, Florida Statutes, is amended to read:

29           370.12 Marine animals; regulation.--

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

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1           (a) Each fiscal year the Save the Manatee Trust Fund  
2 shall be available to fund an impartial scientific benchmark  
3 census of the manatee population in the state. Weather  
4 permitting, the study shall be conducted annually by the Fish  
5 and Wildlife Conservation Commission and the results shall be  
6 made available to the President of the Senate, the Speaker of  
7 the House of Representatives, and the Governor and Cabinet for  
8 use in the evaluation and development of manatee protection  
9 measures. In addition, the Save the Manatee Trust Fund shall  
10 be available for annual funding of activities of public and  
11 private organizations and those of the commission intended to  
12 provide manatee and marine mammal protection and recovery  
13 effort; manufacture and erection of informational and  
14 regulatory signs; production, publication, and distribution of  
15 educational materials; participation in manatee and marine  
16 mammal research programs, including carcass salvage and other  
17 programs; programs intended to assist the recovery of the  
18 manatee as an endangered species, assist the recovery of the  
19 endangered or threatened marine mammals, and prevent the  
20 endangerment of other species of marine mammals; and other  
21 similar programs intended to protect and enhance the recovery  
22 of the manatee and other species of marine mammals. ~~The~~  
23 ~~commission shall annually solicit advisory recommendations~~  
24 ~~from the Save the Manatee Committee affiliated with the Save~~  
25 ~~the Manatee Club, as identified and recognized in Executive~~  
26 ~~Order 85-19, on the use of funds from the Save the Manatee~~  
27 ~~Trust Fund.~~

28           Section 2. Subsection (3) of section 20.331, Florida  
29 Statutes, is amended, and paragraph (e) is added to subsection  
30 (5) of that section, to read:

31           20.331 Fish and Wildlife Conservation Commission.--

1           (3) The following administrative units are established  
2 within the commission:

3           (a) Division of Administrative Services.

4           (b) Division of Law Enforcement.

5           (c) Division of Freshwater Fisheries.

6           (d) Division of Marine Fisheries.

7           (e) Division of Wildlife.

8           (f) Florida Marine Research Institute.

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10 The bureaus and offices of the Game and Fresh Water Fish  
11 Commission existing on February 1, 1999, are established  
12 within the Fish and Wildlife Conservation Commission.  
13 Effective July 1, 2003, there is created within the commission  
14 an Office of Boating and Waterways with duties and  
15 responsibilities as provided in subsection (5).

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

18           (e) Shall assign to the Office of Boating and  
19 Waterways such powers, duties, responsibilities, and functions  
20 as are necessary to manage and promote the use of state  
21 waterways for safe and enjoyable boating. Duties and  
22 responsibilities include, but are not limited to, oversight  
23 and coordination of waterway markers on state waters,  
24 providing boating education and boating safety programs,  
25 improving boating access, coordinating the removal of derelict  
26 vessels from state waters, economic development initiatives to  
27 promote boating in the state, and coordinating the submission  
28 of state comments on marine events.

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

31           206.606 Distribution of certain proceeds.--

1 (1) Moneys collected pursuant to ss. 206.41(1)(g) and  
2 206.87(1)(e) shall be deposited in the Fuel Tax Collection  
3 Trust Fund. Such moneys, after deducting the service charges  
4 imposed by s. 215.20, the refunds granted pursuant to s.  
5 206.41, and the administrative costs incurred by the  
6 department in collecting, administering, enforcing, and  
7 distributing the tax, which administrative costs may not  
8 exceed 2 percent of collections, shall be distributed monthly  
9 to the State Transportation Trust Fund, except that:

10 (d) A portion of the moneys attributable to the sale  
11 of motor and diesel fuel at marinas shall be transferred from  
12 the Fuel Tax Collection Trust Fund to the Marine Resources  
13 Conservation Trust Fund in the Fish and Wildlife Conservation  
14 Commission as follows:

- 15 1. \$2.5 million in fiscal year 2003-2004;
- 16 2. \$5.0 million in fiscal year 2004-2005;
- 17 3. \$8.5 million in fiscal year 2005-2006;
- 18 4. \$10.9 million in fiscal year 2006-2007; and
- 19 5. \$13.4 million in fiscal year 2007-2008 and each  
20 fiscal year thereafter.

21 Section 4. Subsection (1) of section 370.0603, Florida  
22 Statutes, is amended, and subsection (4) is added to that  
23 section, to read:

24 370.0603 Marine Resources Conservation Trust Fund;  
25 purposes.--

26 (1) The Marine Resources Conservation Trust Fund  
27 within the Fish and Wildlife Conservation Commission shall  
28 serve as a broad-based depository for funds from various  
29 marine-related and boating-related activities and shall be  
30 administered by the commission for the purposes of:

- 31 (a) Funding for marine research.

1 (b) Funding for fishery enhancement, including, but  
2 not limited to, fishery statistics development, artificial  
3 reefs, and fish hatcheries.

4 (c) Funding for marine law enforcement.

5 (d) Funding for administration of licensing programs  
6 for recreational fishing, saltwater products sales, and  
7 related information and education activities.

8 (e) Funding for the operations of the Fish and  
9 Wildlife Conservation Commission.

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

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

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

17 (i) Funding for boating research, boating-related  
18 programs and activities, and for law enforcement on state  
19 waters.

20 (4) Funds transferred to the Marine Resources  
21 Conservation Trust Fund from the Fuel Tax Collection Trust  
22 Fund pursuant to s. 206.606 shall be used for the following  
23 purposes:

24 (a) To provide additional water-related law  
25 enforcement positions within the Fish and Wildlife  
26 Conservation Commission primarily for the purpose of enforcing  
27 laws designed to protect manatee populations. Law enforcement  
28 positions funded under this provision shall be assigned to  
29 counties having the highest incidence of manatee deaths and  
30 injuries.

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1           (b) For the placement of uniform waterway markers on  
2 state waters.

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

6           (d) To implement and administer programs related to  
7 boating safety and education, manatee technical avoidance  
8 technology, and economic development initiatives to promote  
9 boating in the state, including competitive grants programs as  
10 provided in s. 327.47.

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

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

17           Section 5. Section 327.47, Florida Statutes, is  
18 created to read:

19           327.47 Competitive grant program.--The commission  
20 shall develop and administer competitive grant programs funded  
21 with moneys transferred pursuant to s. 206.606(1)(d). Grants  
22 may be awarded for the construction and maintenance of  
23 publicly owned boat ramps, piers, and docks, boater education,  
24 deployment of manatee technical avoidance technology, and  
25 economic development initiatives that promote boating in the  
26 state. The commission may adopt rules pursuant to chapter 120  
27 to implement this section.

28           Section 6. From the \$2.5 million in marina fuel tax  
29 revenue transferred to the Marine Resources Conservation Trust  
30 Fund within the Fish and Wildlife Conservation Commission  
31 under the provisions of this bill, 10 additional sworn law

1 enforcement FTEs are authorized and \$1.8 million is  
2 appropriated to fund equipment, training, expense and 5 months  
3 of salaries and benefits beginning in fiscal year 2003-2004,  
4 and \$700,000 is appropriated to fund the activities specified  
5 in section 370.0603(4), Florida Statutes.

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

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