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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.
24

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.

9
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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