

By the Committee on Natural Resources; and Senator Argenziano

312-2406-04

1 A bill to be entitled
2 An act relating to the Fish and Wildlife
3 Conservation Commission; amending s. 20.331,
4 F.S.; reorganizing the commission; granting
5 rights and privileges to the commission;
6 providing responsibilities and duties of the
7 executive director; revising the administrative
8 structure of the commission; providing that the
9 principal unit for program services within the
10 commission shall be a division headed by a
11 director; providing that the principal unit for
12 research services within the commission is the
13 Fish and Wildlife Research Institute; providing
14 that the principal subunit within a division
15 shall be a section headed by a leader;
16 providing that the principal subunit within a
17 section shall be a subsection headed by an
18 administrator; establishing divisions and
19 sections within the commission; providing that
20 the principal unit for administrative and
21 support services shall be the Office of
22 Executive Direction and Administrative Support
23 Services headed by the executive director of
24 the commission; establishing additional offices
25 within the Office of Executive Direction and
26 Administrative Support Services; providing that
27 the head of an office shall be a director;
28 providing an exception; providing position
29 classifications within the state employee
30 system; providing for reallocation of certain
31 duties and functions; providing that additional

1 divisions of the commission may only be created
2 by general law; providing that divisions,
3 offices, and sections created by this act may
4 only be abolished by general law; authorizing
5 the Department of Management Services and the
6 Executive Office of the Governor to establish
7 and approve new sections, subsections, and
8 offices as initiated by the commission;
9 assigning duties and responsibilities to the
10 divisions; providing powers, duties,
11 responsibilities, and functions of the Boating
12 and Waterways Section; providing for adequate
13 due process procedures; establishing statutory
14 duties of the commission; authorizing the
15 commission to provide comments to permitting
16 agencies; authorizing the commission to acquire
17 lands in the name of the state for certain
18 purposes; providing for employee bonds at the
19 request of the commission; amending s. 20.2551,
20 F.S.; deleting provisions authorizing grants
21 from the Florida Marine Research Institute to
22 citizen support organizations within the
23 Department of Environmental Protection;
24 amending ss. 370.0603, 370.06091, 370.06093,
25 372.0215, 372.5701, 372.5702, and 403.0882,
26 F.S.; conforming provisions to changes made by
27 the act; amending s. 370.06092, F.S.; deleting
28 obsolete provisions; conforming provisions to
29 changes made by the act; amending s. 372.0222,
30 F.S.; requiring the commission to publish the
31 Florida Wildlife Magazine; creating the Florida

1 Wildlife Magazine Advisory Council; requiring
2 the council to make recommendations to the
3 commission regarding magazine publication;
4 providing for qualifications of members,
5 appointment of members, terms of office,
6 administrative support, and reimbursement for
7 travel expenses; amending s. 372.0225, F.S.;
8 revising requirements for the regulation of the
9 promotion, marketing, and quality control of
10 freshwater organisms; repealing s. 370.021(11),
11 F.S., relating to employee bond requirements;
12 repealing s. 370.16(2) and (5), F.S., relating
13 to noncultured shellfish harvesting; repealing
14 s. 370.172(4), F.S., relating to spearfishing;
15 repealing s. 370.083, F.S., relating to special
16 acts; repealing s. 370.162, F.S., relating to
17 the purchase of sponges; repealing s. 372.051,
18 F.S., relating to the seal of the commission;
19 repealing s. 372.9906, F.S., relating to the
20 Wildlife Law Enforcement Program; repealing
21 subsection (3) of section 5 of chapter 99-245,
22 Laws of Florida, relating to the Florida Marine
23 Research Institute; providing an appropriation
24 to the commission from the State Game Trust
25 Fund to fund publication of the Florida
26 Wildlife Magazine; providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:

29
30 Section 1. Section 20.331, Florida Statutes, is
31 amended to read:

1 (Substantial rewording of section. See
2 s. 20.331, F.S., for present text.)
3 20.331 Fish and Wildlife Conservation Commission.--
4 (1) RIGHTS AND PRIVILEGES.--The Legislature,
5 recognizing the Fish and Wildlife Conservation Commission as
6 being specifically authorized by the State Constitution under
7 s. 9, Art. IV, grants rights and privileges to the commission,
8 as contemplated by s. 6, Art. IV of the State Constitution.
9 These rights and privileges are equal to those of departments
10 established under this chapter while preserving the
11 commission's constitutional designation and title.
12 (2) HEAD OF THE COMMISSION.--The head of the Fish and
13 Wildlife Conservation Commission is the commission, with
14 commissioners appointed by the Governor as provided for in s.
15 9, Art. IV of the State Constitution.
16 (3) EXECUTIVE DIRECTOR.--
17 (a) To aid the commission in the implementation of its
18 constitutional and statutory responsibilities, the Legislature
19 authorizes the commission to appoint and fix the salary of a
20 person who is not a member of the commission to serve as the
21 executive director, and to remove such person at its pleasure.
22 The executive director shall supervise, direct, coordinate,
23 and administer all activities necessary to fulfill the
24 commission's constitutional and statutory responsibilities.
25 The executive director shall be reimbursed for per diem and
26 travel expenses incurred in the discharge of official duties
27 as provided in s. 112.061. The executive director shall
28 maintain headquarters in and reside in Tallahassee.
29 (b) Each executive director must be confirmed by the
30 Senate during the regular legislative session immediately
31 following his or her appointment by the commission.

1 (4) PROGRAM AND RESEARCH SERVICES.--Within the Fish
2 and Wildlife Conservation Commission, the principal unit for
3 program services is a "division" headed by a "director." The
4 principal subunit of the division is a "section" headed by a
5 "leader." The principal subunit of the section is a
6 "subsection" headed by an "administrator."

7 (a) The following divisions and section are created
8 within the commission:

- 9 1. Division of Freshwater Fisheries Management.
10 2. Division of Habitat and Species Conservation.
11 3. Division of Hunting and Game Management.
12 4. Division of Law Enforcement. There is created
13 within the division the Boating and Waterways Section with
14 duties and responsibilities as provided in paragraph (7)(e).

15 5. Division of Marine Fisheries Management.

16 (b) The principal unit for research services within
17 the commission is the Fish and Wildlife Research Institute
18 which shall be headed by a director.

19 (5) ADMINISTRATIVE AND SUPPORT SERVICES.--The
20 principal unit for administrative and support services is the
21 Office of Executive Direction and Administrative Support
22 Services, headed by the executive director of the commission.
23 Each office within this principal unit shall be headed by a
24 "director". The following administrative and support offices
25 are created within the Office of Executive Direction and
26 Administrative Support Services:

- 27 (a) Finance and Budget.
28 (b) Human Resources.
29 (c) Information Technology.
30 (d) Inspector General.
31 (e) Legal.

1 (f) Regional Operations.

2 1. Within the Regional Operations office, the
3 executive director may establish regional offices for each of
4 the administrative regions established by the commission. Each
5 regional office shall be headed by a "director."

6 (6) GENERAL PROVISIONS.--

7 (a) Section leader positions are classified at a level
8 equal to bureau chiefs, and subsection administrator positions
9 are classified at a level equal to section administrators, as
10 established in s. 20.04. At the discretion of the executive
11 director, director positions shall be classified at a level
12 equal to division directors, bureau chiefs, or section
13 administrators, as established in s. 20.04.

14 (b) Unless specifically authorized by law, the
15 commission may not reallocate duties and functions assigned by
16 law to a specific unit of the commission. Functions assigned
17 generally to the commission without specific designation to a
18 unit of the commission may be allocated at the discretion of
19 the commission.

20 (c) Divisions, sections, and offices created by this
21 act may be abolished only by general law. Additional divisions
22 in the commission may only be established by general law. New
23 sections, subsections, and offices of the commission may be
24 initiated by the commission and established as recommended by
25 the Department of Management Services and approved by the
26 Executive Office of the Governor, or may be established by
27 general law.

28 (7) ASSIGNMENT OF DUTIES AND RESPONSIBILITIES.--The
29 commission, and the Legislature as provided in s. 9, Art. IV,
30 of the State Constitution, shall assign to the:

31

1 (a) Fish and Wildlife Research Institute such powers,
2 duties, responsibilities, and functions as are necessary to
3 accomplish its mission, which is to:

4 1. Serve as the primary source of research and
5 technical information and expertise on the status of marine
6 life, freshwater aquatic life, and wild animal life resources
7 in this state;

8 2. Monitor the status and health of marine life,
9 freshwater aquatic life, and wild animal life species and
10 their habitat;

11 3. Develop restoration and management techniques for
12 habitat and enhancement of plant and animal populations;

13 4. Respond to and provide critical technical support
14 for catastrophes including oil spills, ship groundings, major
15 species die-offs, hazardous spills, and natural disasters;

16 5. Identify and monitor harmful algal blooms including
17 red tides, evaluate their impacts, and provide technical
18 support concerning state and local public health concerns; and

19 6. Provide state and local governments with technical
20 information and research results concerning fish and wild
21 animal life.

22 (b) Division of Freshwater Fisheries Management such
23 powers, duties, responsibilities, and functions as are
24 necessary to facilitate the responsible and sustained use of
25 freshwater aquatic life resources. The division shall provide
26 expertise on freshwater fish populations or other aspects of
27 freshwater fisheries needed for recreational and commercial
28 use management decisions. The division also shall assess
29 impacts of decisions made by others to ensure quality
30 fisheries and fishing in lakes, fish management areas, rivers,
31 and streams in this state.

1 (c) Division of Habitat and Species Conservation such
2 powers, duties, responsibilities, and functions as are
3 necessary to protect and conserve the state's diverse and
4 unique fish and wild animal life. Powers, duties,
5 responsibilities and functions of the division must be focused
6 at the ecosystem or landscape level and must include the
7 management of public lands, habitat restoration on public
8 lands, development and implementation of nongame species
9 management plans, development and implementation of imperiled
10 species recovery plans, providing scientific support and
11 assistance on habitat-related issues to public and private
12 landowners, aquatic habitat restoration, habitat management
13 assistance, land acquisition, and exotic species coordination
14 focused on measures that prevent and control the introduction
15 of exotic species. The division shall utilize scientific data
16 to develop resource management plans that maintain stable or
17 increasing populations of fish and wild animal life.

18 (d) Division of Hunting and Game Management such
19 powers, duties, responsibilities, and functions as are
20 necessary to facilitate the responsible and sustained use of
21 wild animal life resources. The division must develop
22 scientifically based recommendations that support effective
23 regulation and sound management of game wild animal life
24 resources. The division must also coordinate the development
25 and management of public hunting opportunities and provide
26 hunter safety training and certification.

27 (e) Division of Law Enforcement such powers, duties,
28 responsibilities, and functions as are necessary to ensure
29 enforcement of laws and rules governing the management,
30 protection, conservation, improvement, and expansion of wild
31 animal life, freshwater aquatic life, and marine life

1 resources. In performance of their duties as sworn law
2 enforcement officers for the State of Florida, the division's
3 officers also shall enforce all laws relating to boating,
4 provide public safety services for citizens on lands and
5 waters of the state particularly in remote areas, provide
6 search-and-rescue and disaster response services when
7 necessary, assist in the enforcement of all general laws, and
8 coordinate with local, state and federal entities on law
9 enforcement issues.

10 1. The Boating and Waterways Section such powers,
11 duties, responsibilities, and functions as are necessary to
12 manage and promote the use of state waterways for safe and
13 enjoyable boating. Duties and responsibilities of the section
14 include oversight and coordination of waterway markers on
15 state waters, providing boating education and boating safety
16 programs, improving boating access, coordinating the removal
17 of derelict vessels from state waters, implementing economic
18 development initiatives to promote boating in the state, and
19 coordinating the submission of commission comments on marine
20 events.

21 (f) Division of Marine Fisheries Management such
22 powers, duties, responsibilities, and functions as are
23 necessary to facilitate the responsible and sustained use of
24 marine life resources. The division shall develop
25 recommendations for managing and enhancing commercial and
26 recreational saltwater fisheries resources, implement marine
27 fisheries management programs, and assist in the development
28 and monitoring of artificial reefs in state waters.

29 (8) ADEQUATE DUE PROCESS PROCEDURES.--

30 (a) The commission shall implement a system of
31 adequate due process procedures to be accorded to any party,

1 as defined in s. 120.52, whose substantial interests will be
2 affected by any action of the commission in the performance of
3 its constitutional duties or responsibilities.

4 (b) The Legislature encourages the commission to
5 incorporate into its process the provisions of s. 120.54(3)(c)
6 when adopting rules in the performance of its constitutional
7 duties or responsibilities.

8 (c) The commission shall follow the provisions of
9 chapter 120 when adopting rules in the performance of its
10 statutory duties or responsibilities. For purposes of this
11 subsection, the commission's statutory duties or
12 responsibilities include, but are not limited to:

13 1. Research and management responsibilities for marine
14 species listed as endangered or threatened, including manatees
15 and marine turtles;

16 2. Establishment and enforcement of boating safety
17 regulations;

18 3. Land acquisition;

19 4. Enforcement and collection of fees for all
20 commercial and recreational hunting or fishing licenses or
21 permits;

22 5. Aquatic plant removal using fish as a biological
23 control agent;

24 6. Enforcement of penalties for violations of
25 commission rules and state laws, including, but not limited
26 to, the seizure and forfeiture of vessels and other equipment
27 used to commit those violations;

28 7. Establishment of free fishing days;

29 8. Regulation of off-road vehicles on state lands;

30 9. Establishment and coordination of a statewide
31 hunter safety course;

1 10. Establishment of programs and activities to
2 develop and distribute public education materials;

3 11. Police powers of sworn law enforcement officers;

4 12. Establishment of citizen support organizations to
5 provide assistance, funding and promotional support for
6 programs of the commission;

7 13. Creation of the voluntary authorized hunter
8 identification program; and

9 14. Regulation of required clothing of persons hunting
10 deer.

11 (9) PERMIT COMMENTING AUTHORITY.--Comments submitted
12 by the commission to a permitting agency regarding
13 applications for permits, licenses, or authorizations
14 affecting the commission's jurisdiction must be based on
15 credible, factual scientific data, and must be received by the
16 permitting agency within the time specified by applicable
17 statutes or rules, or within 30 days, whichever is sooner.
18 Comments provided by the commission are not binding on any
19 permitting agency. Comments by the commission shall be
20 considered for consistency with the Florida Coastal Management
21 Program and ss. 373.428 and 380.23. If the commission comments
22 are used by a permitting agency as a condition of denial,
23 approval, or modification of a proposed permit, license, or
24 authorization, any party to an administrative proceeding
25 involving such proposed action may require the commission to
26 join as a party in determining the validity of the condition.
27 In any action in which the commission is joined as a party,
28 the commission shall bear only the actual cost of defending
29 the validity of the credible, factual scientific data used as
30 a basis for comments.

31

1 (10) LAND ACQUISITION AUTHORITY.--The commission shall
2 acquire, in the name of the state, lands and waters suitable
3 for the protection, improvement, and restoration of the
4 state's wild animal life, freshwater aquatic life, and marine
5 life resources. Lands may be acquired by purchase, lease,
6 gift, or otherwise, using state, federal, or other sources of
7 funding. Lands acquired under this section shall be managed
8 for recreational and other multiple-use activities that do not
9 impede the commission's ability to perform its constitutional
10 and statutory duties and responsibilities.

11 (11) EMPLOYEE BONDS.--The commission may require any
12 commission employee to give a bond for the faithful
13 performance of duties. The commission may determine the amount
14 of the bond and must approve the bond. In determining the
15 amount of the bond, the commission may consider the amount of
16 money or property likely to be in the custody of the officer
17 or employee at any one time. The premium for the bond must be
18 paid out of the funds of the commission, and the bond must be
19 payable to the Governor of the state and the Governor's
20 successor in office.

21 Section 2. Subsection (1) of section 20.2551, Florida
22 Statutes, is amended to read:

23 20.2551 Citizen support organizations; use of
24 property; audit; public records; partnerships.--

25 (1) DEFINITIONS.--For the purposes of this section, a
26 "citizen support organization" means an organization which is:

27 (a) A Florida corporation not for profit incorporated
28 under the provisions of chapter 617 and approved by the
29 Department of State;

30 (b) Organized and operated to conduct programs and
31 activities; raise funds; request and receive grants, gifts,

1 and bequests of money; acquire, receive, hold, invest, and
2 administer, in its own name, securities, funds, objects of
3 value, or other property, real or personal; and make
4 expenditures to or for the direct or indirect benefit of the
5 Department of Environmental Protection or individual units of
6 the department. The citizen support organization may not
7 receive funds from the department ~~or the Florida Marine~~
8 ~~Research Institute~~ by grant, gift, or contract unless
9 specifically authorized by the Legislature;

10 (c) Determined by the appropriate division of the
11 Department of Environmental Protection to be consistent with
12 the goals of the department and in the best interests of the
13 state; and

14 (d) Approved in writing by the department to operate
15 for the direct or indirect benefit of the individual units of
16 the department. Such approval shall be given in a letter of
17 agreement from the department.

18 Section 3. Paragraph (e) of subsection (4) of section
19 370.0603, Florida Statutes, is amended to read:

20 370.0603 Marine Resources Conservation Trust Fund;
21 purposes.--

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

26 (e) For other activities of the ~~Office of~~ Boating and
27 Waterways Section such as coordinating the submission of state
28 comments on boating-related events.

29
30 Funds not used in one fiscal year must be carried over for use
31 in subsequent years.

1 Section 4. Section 370.06091, Florida Statutes, is
2 amended to read:

3 370.06091 Memorandum of agreement relating to Fish and
4 Wildlife ~~Florida Marine~~ Research Institute.--A memorandum of
5 agreement will be developed between the Department of
6 Environmental Protection and the Fish and Wildlife
7 Conservation Commission which will detail the responsibilities
8 of the Fish and Wildlife ~~Florida Marine~~ Research Institute to
9 the department, to include, at a minimum, the following
10 services:

11 (1) Environmental monitoring and assessment.

12 (2) Restoration research and development of
13 restoration technology.

14 (3) Technical support and response for oil spills,
15 ship groundings, major marine species die offs, hazardous
16 spills, and natural disasters.

17 Section 5. Section 370.06092, Florida Statutes, is
18 amended to read:

19 370.06092 Harmful-Algal-Bloom Task Force.--

20 (1) There is established a Harmful-Algal-Bloom Task
21 Force for the purpose of determining research, monitoring,
22 control, and mitigation strategies for red tide and other
23 harmful algal blooms in Florida waters. The Fish and Wildlife
24 ~~Florida Marine~~ Research Institute shall appoint to the task
25 force scientists, engineers, economists, members of citizen
26 groups, and members of government. The task force shall
27 determine research and monitoring priorities and control and
28 mitigation strategies and make recommendations to the Fish and
29 Wildlife ~~Florida Marine~~ Research Institute ~~by October 1, 1999,~~
30 for using funds as provided in this act.

31 (2) The Harmful-Algal-Bloom Task Force shall:

1 (a) Review the status and adequacy of information for
2 monitoring physical, chemical, biological, economic, and
3 public health factors affecting harmful algal blooms in
4 Florida;

5 (b) Develop research and monitoring priorities for
6 harmful algal blooms in Florida, including detection,
7 prediction, mitigation, and control;

8 (c) Develop recommendations that can be implemented by
9 state and local governments to develop a response plan and to
10 predict, mitigate, and control the effects of harmful algal
11 blooms; and

12 (d) Make recommendations to the Fish and Wildlife
13 ~~Florida Marine~~ Research Institute ~~by October 1, 1999,~~ for
14 research, detection, monitoring, prediction, mitigation, and
15 control of harmful algal blooms in Florida.

16 ~~(3) After the completion of the tasks specified in~~
17 ~~subsection (2), the Harmful-Algal-Bloom Task Force may be~~
18 ~~continued at the pleasure of the Florida Marine Research~~
19 ~~Institute.~~

20 Section 6. Section 370.06093, Florida Statutes, is
21 amended to read:

22 370.06093 Harmful-algal-bloom program; implementation;
23 goals; funding.--

24 (1)(a) The Fish and Wildlife ~~Florida Marine~~ Research
25 Institute shall implement a program designed to increase the
26 knowledge of factors that control harmful algal blooms,
27 including red tide, and to gain knowledge to be used for the
28 early detection of factors precipitating harmful algal blooms
29 for accurate prediction of the extent and seriousness of
30 harmful algal blooms and for undertaking successful efforts to
31 control and mitigate the effects of harmful algal blooms.

1 (b) The Legislature intends that this program enhance
2 and address areas that are not adequately covered in the
3 cooperative federal-state program known as Ecology and
4 Oceanography of Harmful Algal Blooms (ECOHAB-Florida), which
5 includes the University of South Florida, the Mote Marine
6 Laboratory, and the Fish and Wildlife ~~Florida Marine~~ Research
7 Institute.

8 (c) The goal of this program is to enable resource
9 managers to assess the potential for public health damage and
10 economic damage from a given bloom and to undertake control
11 and mitigation efforts through the development and application
12 of an integrated detection and prediction network for
13 monitoring and responding to the development and movement of
14 harmful algal blooms in Florida marine and estuarine waters.

15 (2) A financial disbursement program is created within
16 the Fish and Wildlife ~~Florida Marine~~ Research Institute to
17 implement the provisions of this act. Under the program, the
18 institute shall provide funding and technical assistance to
19 government agencies, research universities, coastal local
20 governments, and organizations with scientific and technical
21 expertise for the purposes of harmful-algal-bloom research,
22 economic impact study, monitoring, detection, control, and
23 mitigation. The program may be funded from state, federal, and
24 private contributions.

25 Section 7. Paragraphs (a) and (b) of subsection (1) of
26 section 372.0215, Florida Statutes, are amended to read:

27 372.0215 Citizen support organizations; use of state
28 property; audit.--

29 (1) The Fish and Wildlife Conservation Commission may
30 authorize the establishment of citizen support organizations
31 to provide assistance, funding, and promotional support for

1 the programs of the commission. For purposes of this section,
2 the term "citizen support organization" means an organization
3 which:

4 (a) Is a corporation not for profit incorporated
5 pursuant to the provisions of chapter 617 and approved by the
6 Department of State.†

7 (b) Is organized and operated to conduct programs and
8 activities; raise funds; request and receive grants, gifts,
9 and bequests of money; acquire, receive, hold, invest, and
10 administer in its own name securities, funds, or real or
11 personal property; and make expenditures for the benefit of
12 the commission or an individual program unit of the
13 commission; except that such organization may not receive
14 funds from the commission or the Fish and Wildlife Florida
15 ~~Marine~~ Research Institute by grant, gift, or contract unless
16 specifically authorized by the Legislature.

17 Section 8. Subsection (2) of section 372.0222, Florida
18 Statutes, is amended to read:

19 372.0222 Private publication agreements; advertising;
20 costs of production.--

21 (2)(a) Beginning January 1, 2005, the commission, with
22 the advice and assistance of the Florida Wildlife Magazine
23 Advisory Council, shall publish the Florida Wildlife Magazine.
24 The magazine shall be published at least on a quarterly basis
25 in hard-copy format and shall be available to the public by
26 subscription and retail distribution. The primary focus of the
27 magazine shall be to promote the heritage of hunting and
28 fishing in Florida. The magazine shall also disseminate
29 information regarding other outdoor recreational opportunities
30 available to Floridians and visitors.

31

1 (b) In order to offset the cost of publication and
2 distribution of the magazine, the commission, with the advice
3 and assistance of the Florida Wildlife Magazine Advisory
4 Council, is authorized to sell advertising for placement in
5 the magazine and charge an annual magazine subscription fee of
6 up to \$25, a 2-year magazine subscription fee of up to \$45,
7 and a 3-year magazine subscription fee of up to \$60. The
8 commission may charge a retail per copy fee of up to \$7. The
9 provisions of chapter 287 do not apply to the sale of
10 advertising for placement in the magazine. All revenues
11 generated by the magazine shall be credited to the State Game
12 Trust Fund.

13 (c) The Florida Wildlife Magazine Advisory Council is
14 created within the commission to advise and make
15 recommendations to the commission regarding development,
16 publication, and sale of the Florida Wildlife Magazine. In
17 order to accomplish this purpose, the council shall provide
18 recommendations to the commission regarding:

19 1. The content of articles included in each edition of
20 the magazine.

21 2. Advertising proposed for each edition of the
22 magazine.

23 3. Strategies to improve distribution and circulation
24 of the magazine.

25 4. Cost-reduction measures regarding publication of
26 the magazine.

27 (d) The Florida Wildlife Magazine Advisory Council
28 shall consist of seven members appointed by the commission,
29 and initial appointments shall be made no later than August 1,
30 2004. When making initial appointments to the council and
31 filling vacancies, the commission shall appoint members to

1 represent the following interests: hunting; saltwater fishing;
2 freshwater fishing; recreational boating; recreational use of
3 off-road vehicles; hiking, biking, bird watching, or similar
4 passive activities; general business interests; and magazine
5 publishing.

6 (e) Two of the initial appointees shall serve 2-year
7 terms, two of the initial appointees shall serve 3-year terms,
8 and three of the initial appointees shall serve 4-year terms.
9 Subsequent to the expiration of the initial terms, advisory
10 council appointees shall serve 2-year terms. Advisory council
11 members may be reappointed. The commission may remove advisory
12 council members for due cause.

13 (f) The members of the advisory council shall elect a
14 chair annually.

15 (g) The council shall meet at least quarterly at the
16 call of its chair, at the request of a majority of its
17 membership, or at the request of the commission. A majority of
18 the council shall constitute a quorum for the transaction of
19 business.

20 (h) The commission shall provide the council with
21 clerical, expert, technical, or other services. All expenses
22 of the council shall be paid from appropriations made by the
23 Legislature to the commission. All vouchers shall be approved
24 by the executive director before submission to the Chief
25 Financial Officer for payment.

26 (i) Members of the council shall serve without
27 compensation but shall receive per diem and reimbursement for
28 travel expenses as provided in s. 112.061.~~The Fish and~~
29 ~~Wildlife Conservation Commission may sell advertising in the~~
30 ~~Florida Wildlife Magazine to offset the cost of publication~~
31 ~~and distribution of the magazine.~~

1 Section 9. Section 372.0225, Florida Statutes, is
2 amended to read:

3 372.0225 Freshwater organisms.--

4 (1) ~~The Division of Freshwater Fisheries of the Fish~~
5 and Wildlife Conservation Commission, in order to manage the
6 promotion, marketing, and quality control of all freshwater
7 organisms produced in Florida and utilized commercially so
8 that such organisms shall be used to produce the optimum
9 sustained yield consistent with the protection of the breeding
10 stock, is directed and charged with the responsibility of:

11 (a) Providing for the regulation of the promotion,
12 marketing, and quality control of freshwater organisms
13 produced in Florida and utilized commercially.

14 (b) Regulating the processing of commercial freshwater
15 organisms on the water or on the shore.

16 (c) Providing documentation standards and statistical
17 record requirements with respect to commercial freshwater
18 organism catches.

19 (d) Conducting scientific, economic, and other studies
20 and research on all freshwater organisms produced in the state
21 and used commercially.

22 (2) The responsibility with which the commission
23 ~~Division of Freshwater Fisheries~~ is charged under subsection
24 (1) shall in no way supersede or duplicate the
25 responsibilities of the Department of Agriculture and Consumer
26 Services under chapter 500, the Florida Food Safety Act,
27 chapter 597, the Florida Aquaculture Policy Act, and the rules
28 adopted thereunder.

29 Section 10. Subsection (3) of section 372.5701,
30 Florida Statutes, is amended to read:

31

1 372.5701 Deposit of license fees; allocation of
2 federal funds.--

3 (3) Funds available from the Wallop-Breaux Aquatic
4 Resources Trust Fund shall be distributed by the commission
5 between freshwater fisheries management and research ~~the~~
6 ~~Division of Freshwater Fisheries and marine fisheries~~
7 management and research ~~the Division of Marine Fisheries~~ in
8 proportion to the numbers of resident fresh and saltwater
9 anglers as determined by the most current data on license
10 sales. Unless otherwise provided by federal law, the
11 commission, at a minimum, shall provide the following:

12 (a) Not less than 5 percent or more than 10 percent of
13 the funds allocated to the commission shall be expended for an
14 aquatic resources education program; and

15 (b) Not less than 10 percent of the funds allocated to
16 the commission shall be expended for acquisition, development,
17 renovation, or improvement of boating facilities.

18 Section 11. Section 372.5702, Florida Statutes, is
19 amended to read:

20 372.5702 Expenditure of funds.--Any moneys available
21 pursuant to s. 372.5701(1)(c) may be expended by the
22 commission within Florida through grants and contracts for
23 research with research institutions including but not limited
24 to: Florida Sea Grant; Florida Marine Resources Council;
25 Harbour Branch Oceanographic Institute; Technological Research
26 and Development Authority; Fish and Wildlife ~~Florida Marine~~
27 Research Institute of the Fish and Wildlife Conservation
28 Commission; Mote Marine Laboratory; Marine Resources
29 Development Foundation; Florida Institute of Oceanography;
30 Rosentiel School of Marine and Atmospheric Science; and
31 Smithsonian Marine Station at Ft. Pierce.

1 Section 12. Subsection (3) of section 403.0882,
2 Florida Statutes, is amended to read:

3 403.0882 Discharge of demineralization concentrate.--

4 (3) The department shall initiate rulemaking no later
5 than October 1, 2001, to address facilities that discharge
6 demineralization concentrate. The department shall convene a
7 technical advisory committee to assist in the development of
8 the rules, which committee shall include one representative
9 each from the demineralization industry, local government,
10 water and wastewater utilities, the engineering profession,
11 business, and environmental organizations. The technical
12 advisory committee shall also include one member representing
13 the five water management districts and one representative
14 from the Fish and Wildlife ~~Florida Marine~~ Research Institute.
15 In convening the technical advisory committee, consideration
16 must be given to geographical balance. The rules must address,
17 at a minimum:

18 (a) Permit application forms for concentrate disposal;

19 (b) Specific options and requirements for
20 demineralization concentrate disposal, including a
21 standardized list of effluent and monitoring parameters, which
22 may be adjusted or expanded by the department as necessary to
23 protect water quality;

24 (c) Specific requirements and accepted methods for
25 evaluating mixing of effluent in receiving waters; and

26 (d) Specific toxicity provisions.

27 Section 13. Subsection (11) of section 370.021;
28 subsections (2) and (5) of section 370.16; subsection (4) of
29 section 370.172; and sections 370.083, 370.162, 372.051, and
30 372.9906, Florida Statutes, are repealed.

31

1 Section 14. Subsection (3) of section 5 of chapter
2 99-245, Laws of Florida, is repealed.

3 Section 15. Beginning in the 2004-2005 fiscal year,
4 4.5 full-time equivalent positions are authorized and the sum
5 of \$390,000 is appropriated from the State Game Trust Fund to
6 the Fish and Wildlife Conservation Commission to fund
7 operating and publication costs of the Florida Wildlife
8 Magazine and travel costs and per diem for the Florida
9 Wildlife Magazine Advisory Council.

10 Section 16. This act shall take effect July 1, 2004.

11
12 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
13 COMMITTEE SUBSTITUTE FOR
14 Senate Bill 2820

15 The committee substitute deletes provisions of the original
16 bill that were developed based on the FWC's participation in
17 the Governor's Activity Based Budgeting exercise, and contains
18 conforming references not included in the original bill. The
19 committee substitute further provides for the publication of
20 the Florida Wildlife Magazine, the creation of the Florida
21 Wildlife Magazine Advisory Council, and provides a recurring
22 \$390,000 appropriation from the State Game Trust Fund to the
23 FWC, along with 4.5 full time equivalent positions, to fund
24 and operate the magazine.
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