

## Senate Bill No. 2586

An act relating to the Fish and Wildlife Conservation Commission; amending s. 370.12, F.S.; deleting a requirement that the commission solicit advisory recommendations from the Save the Manatee Committee; amending s. 20.331, F.S.; creating an Office of Boating and Waterways within the commission; providing powers and duties of the office; amending s. 206.606, F.S.; providing for the 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 enforcement under purposes of the Marine Resources Conservation Trust Fund; providing for the uses of the funds transferred from the Fuel Tax Collection Trust Fund; creating s. 327.47, F.S.; providing for competitive grant programs developed and administered by the commission; authorizing the commission to adopt rules; providing appropriations; providing an effective date.

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

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

370.12 Marine animals; regulation.—

(4) ANNUAL FUNDING OF PROGRAMS FOR MARINE ANIMALS.—

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

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

20.331 Fish and Wildlife Conservation Commission.—

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

- (a) Division of Administrative Services.
- (b) Division of Law Enforcement.
- (c) Division of Freshwater Fisheries.
- (d) Division of Marine Fisheries.
- (e) Division of Wildlife.
- (f) Florida Marine Research Institute.

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

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

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

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

206.606 Distribution of certain proceeds.—

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

(d) A portion of the moneys attributable to the sale of motor and diesel fuel at marinas shall be transferred from the Fuel Tax Collection Trust Fund

to the Marine Resources Conservation Trust Fund in the Fish and Wildlife Conservation Commission as follows:

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

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

370.0603 Marine Resources Conservation Trust Fund; purposes.—

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

- (a) Funding for marine research.
- (b) Funding for fishery enhancement, including, but not limited to, fishery statistics development, artificial reefs, and fish hatcheries.
- (c) Funding for marine law enforcement.
- (d) Funding for administration of licensing programs for recreational fishing, saltwater products sales, and related information and education activities.
- (e) Funding for the operations of the Fish and Wildlife Conservation Commission.
- (f) Funding for titling and registration of vessels.
- (g) Funding for marine turtle protection, research, and recovery activities from revenues that are specifically credited to the trust fund for these purposes.
- (h) Funding activities for rehabilitation of oyster harvesting areas from which special oyster surcharge fees are collected, including relaying and transplanting live oysters.
- (i) Funding for boating research, boating-related programs and activities, and for law enforcement on state waters.

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

(a) To provide additional water-related law enforcement positions within the Fish and Wildlife Conservation Commission primarily for the purpose

of enforcing laws designed to protect manatee populations. Law enforcement positions funded under this provision shall be assigned to counties having the highest incidence of manatee deaths and injuries.

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

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

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

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

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

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

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

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

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

Approved by the Governor June 17, 2003.

Filed in Office Secretary of State June 17, 2003.