

Committee Substitute for
Committee Substitute for Senate Bill No. 2820

An act relating to the Fish and Wildlife Conservation Commission; amending s. 20.331, F.S.; reorganizing the commission; granting rights and privileges to the commission; providing responsibilities and duties of the executive director; revising the administrative structure of the commission; providing that the principal unit for program services within the commission shall be a division headed by a director; providing that the principal unit for research services within the commission is the Fish and Wildlife Research Institute; providing that the principal subunit within a division shall be a section headed by a leader; providing that the principal subunit within a section shall be a subsection headed by an administrator; establishing divisions and sections within the commission; providing that the principal unit for administrative and support services shall be the Office of Executive Direction and Administrative Support Services headed by the executive director of the commission; establishing additional offices within the Office of Executive Direction and Administrative Support Services; providing that the head of an office shall be a director; providing an exception; providing position classifications within the state employee system; providing for reallocation of certain duties and functions; providing that additional divisions of the commission may only be created by general law; providing that divisions, offices, and sections created by this act may only be abolished by general law; authorizing the Department of Management Services and the Executive Office of the Governor to establish and approve new sections, subsections, and offices as initiated by the commission; assigning duties and responsibilities to the divisions; providing powers, duties, responsibilities, and functions of the Boating and Waterways Section; providing for adequate due process procedures; establishing statutory duties of the commission; authorizing the commission to provide comments to permitting agencies; authorizing the commission to acquire lands in the name of the state for certain purposes; providing for employee bonds at the request of the commission; amending s. 20.2551, F.S.; deleting provisions authorizing grants from the Florida Marine Research Institute to citizen support organizations within the Department of Environmental Protection; amending ss. 370.0603, 370.06091, 370.06093, 372.0215, 372.5701, 372.5702, and 403.0882, F.S.; conforming provisions to changes made by the act; amending s. 370.06092, F.S.; deleting obsolete provisions; conforming provisions to changes made by the act; amending s. 372.0222, F.S.; requiring the commission to publish the Florida Wildlife Magazine; creating the Florida Wildlife Magazine Advisory Council; requiring the council to make recommendations to the commission regarding magazine publication; providing for qualifications of members, appointment of members, terms of office, administrative support, and reimbursement for travel expenses; amending s. 372.0225, F.S.; revising requirements

for the regulation of the promotion, marketing, and quality control of freshwater organisms; repealing s. 370.021(11), F.S., relating to employee bond requirements; repealing s. 370.16(2) and (5), F.S., relating to noncultured shellfish harvesting; repealing s. 370.172(4), F.S., relating to spearfishing; repealing s. 370.083, F.S., relating to special acts; repealing s. 370.162, F.S., relating to the purchase of sponges; repealing s. 372.051, F.S., relating to the seal of the commission; repealing s. 372.9906, F.S., relating to the Wildlife Law Enforcement Program; repealing subsection (3) of section 5 of chapter 99-245, Laws of Florida, relating to the Florida Marine Research Institute; providing an appropriation to the commission from the State Game Trust Fund to fund publication of the Florida Wildlife Magazine; providing an effective date.

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

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

(Substantial rewording of section. See s. 20.331, F.S., for present text.)

20.331 Fish and Wildlife Conservation Commission.—

(1) RIGHTS AND PRIVILEGES.—The Legislature, recognizing the Fish and Wildlife Conservation Commission as being specifically authorized by the State Constitution under s. 9, Art. IV, grants rights and privileges to the commission, as contemplated by s. 6, Art. IV of the State Constitution. These rights and privileges are equal to those of departments established under this chapter while preserving the commission's constitutional designation and title.

(2) HEAD OF THE COMMISSION.—The head of the Fish and Wildlife Conservation Commission is the commission, with commissioners appointed by the Governor as provided for in s. 9, Art. IV of the State Constitution.

(3) EXECUTIVE DIRECTOR.—

(a) To aid the commission in the implementation of its constitutional and statutory responsibilities, the Legislature authorizes the commission to appoint and fix the salary of a person who is not a member of the commission to serve as the executive director, and to remove such person at its pleasure. The executive director shall supervise, direct, coordinate, and administer all activities necessary to fulfill the commission's constitutional and statutory responsibilities. The executive director shall be reimbursed for per diem and travel expenses incurred in the discharge of official duties as provided in s. 112.061. The executive director shall maintain headquarters in and reside in Tallahassee.

(b) Each executive director must be confirmed by the Senate during the regular legislative session immediately following his or her appointment by the commission.

(4) PROGRAM AND RESEARCH SERVICES.—Within the Fish and Wildlife Conservation Commission, the principal unit for program services is a “division” headed by a “director.” The principal subunit of the division is a “section” headed by a “leader.” The principal subunit of the section is a “subsection” headed by an “administrator.”

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

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

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

(5) ADMINISTRATIVE AND SUPPORT SERVICES.—The principal unit for administrative and support services is the Office of Executive Direction and Administrative Support Services, headed by the executive director of the commission. Each office within this principal unit shall be headed by a “director”. The following administrative and support offices are created within the Office of Executive Direction and Administrative Support Services:

- (a) Finance and Budget.
- (b) Human Resources.
- (c) Information Technology.
- (d) Inspector General.
- (e) Legal.
- (f) Regional Operations.

1. Within the Regional Operations office, the executive director may establish regional offices for each of the administrative regions established by the commission. Each regional office shall be headed by a “director.”

(6) GENERAL PROVISIONS.—

(a) Section leader positions are classified at a level equal to bureau chiefs, and subsection administrator positions are classified at a level equal to section administrators, as established in s. 20.04. At the discretion of the executive director, director positions shall be classified at a level equal to

division directors, bureau chiefs, or section administrators, as established in s. 20.04.

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Division of Law Enforcement such powers, duties, responsibilities, and functions as are necessary to ensure enforcement of laws and rules governing the management, protection, conservation, improvement, and expansion of wild animal life, freshwater aquatic life, and marine life resources. In performance of their duties as sworn law enforcement officers for the State of Florida, the division's officers also shall enforce all laws relating to boating, provide public safety services for citizens on lands and waters of the state particularly in remote areas, provide search-and-rescue and disaster response services when necessary, assist in the enforcement of all general laws, and coordinate with local, state and federal entities on law enforcement issues.

1. The Boating and Waterways Section 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 of the section include 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, implementing economic development initiatives to promote boating in the state, and coordinating the submission of state comments on marine events.

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

(8) ADEQUATE DUE PROCESS PROCEDURES.—

(a) The commission shall implement a system of adequate due process procedures to be accorded to any party, as defined in s. 120.52, whose substantial interests will be affected by any action of the commission in the performance of its constitutional duties or responsibilities.

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

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

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

2. Establishment and enforcement of boating safety regulations;

3. Land acquisition;

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

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

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

7. Establishment of free fishing days;

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

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

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

11. Police powers of sworn law enforcement officers;

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

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

14. Regulation of required clothing of persons hunting deer.

(9) PERMIT COMMENTING AUTHORITY.—Comments submitted by the commission to a permitting agency regarding applications for permits, licenses, or authorizations affecting the commission's jurisdiction must be

based on credible, factual scientific data, and must be received by the permitting agency within the time specified by applicable statutes or rules, or within 30 days, whichever is sooner. Comments provided by the commission are not binding on any permitting agency. Comments by the commission shall be considered for consistency with the Florida Coastal Management Program and ss. 373.428 and 380.23. If the commission comments are used by a permitting agency as a condition of denial, approval, or modification of a proposed permit, license, or authorization, any party to an administrative proceeding involving such proposed action may require the commission to join as a party in determining the validity of the condition. In any action in which the commission is joined as a party, the commission shall bear only the actual cost of defending the validity of the credible, factual scientific data used as a basis for comments.

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

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

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

20.2551 Citizen support organizations; use of property; audit; public records; partnerships.—

(1) DEFINITIONS.—For the purposes of this section, a “citizen support organization” means an organization which is:

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

(b) Organized and operated to conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; and make expenditures to or for the direct or indirect benefit of the Department of Environmental Protection or individual units of the department. The citizen support organization may not receive funds from the department ~~or the Florida Marine Research Institute~~ by grant, gift, or contract unless specifically authorized by the Legislature;

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

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

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

370.0603 Marine Resources Conservation Trust Fund; purposes.—

(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:

(e) For other activities of the ~~Office of Boating and Waterways~~ Section 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 4. Section 370.06091, Florida Statutes, is amended to read:

370.06091 Memorandum of agreement relating to ~~Fish and Wildlife Florida Marine~~ Research Institute.—A memorandum of agreement will be developed between the Department of Environmental Protection and the Fish and Wildlife Conservation Commission which will detail the responsibilities of the Fish and Wildlife Florida Marine Research Institute to the department, to include, at a minimum, the following services:

- (1) Environmental monitoring and assessment.
- (2) Restoration research and development of restoration technology.
- (3) Technical support and response for oil spills, ship groundings, major marine species die offs, hazardous spills, and natural disasters.

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

370.06092 Harmful-Algal-Bloom Task Force.—

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

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

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

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

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

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

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

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

370.06093 Harmful-algal-bloom program; implementation; goals; funding.—

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

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

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

(2) A financial disbursement program is created within the Fish and Wildlife Florida Marine Research Institute to implement the provisions of this act. Under the program, the institute shall provide funding and technical assistance to government agencies, research universities, coastal local governments, and organizations with scientific and technical expertise for the purposes of harmful-algal-bloom research, economic impact study, moni-

toring, detection, control, and mitigation. The program may be funded from state, federal, and private contributions.

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

372.0215 Citizen support organizations; use of state property; audit.—

(1) The Fish and Wildlife Conservation Commission may authorize the establishment of citizen support organizations to provide assistance, funding, and promotional support for the programs of the commission. For purposes of this section, the term “citizen support organization” means an organization which:

(a) Is a corporation not for profit incorporated pursuant to the provisions of chapter 617 and approved by the Department of State,;

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

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

372.0222 Private publication agreements; advertising; costs of production.—

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

(b) In order to offset the cost of publication and distribution of the magazine, the commission, with the advice and assistance of the Florida Wildlife Magazine Advisory Council, is authorized to sell advertising for placement in the magazine. The commission shall have the right to approve all elements of any advertising placed in the magazine, including the form and content thereof. The magazine shall include a statement providing that the inclusion of advertising in the magazine does not constitute an endorsement by the state or the commission of the products or services so advertised. The commission may charge an annual magazine subscription fee of up to \$25, a 2-year magazine subscription fee of up to \$45, and a 3-year magazine subscription fee of up to \$60. The commission may charge a retail per copy fee of up to \$7. The provisions of chapter 287 do not apply to the sale of

advertising for placement in the magazine. All revenues generated by the magazine shall be credited to the State Game Trust Fund.

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

1. The content of articles included in each edition of the magazine.
2. Advertising proposed for each edition of the magazine.
3. Strategies to improve distribution and circulation of the magazine.
4. Cost-reduction measures regarding publication of the magazine.

(d) The Florida Wildlife Magazine Advisory Council shall consist of seven members appointed by the commission, and initial appointments shall be made no later than August 1, 2004. When making initial appointments to the council and filling vacancies, the commission shall appoint members to represent the following interests: hunting; saltwater fishing; freshwater fishing; recreational boating; recreational use of off-road vehicles; hiking, biking, bird watching, or similar passive activities; general business interests; and magazine publishing.

(e) Two of the initial appointees shall serve 2-year terms, two of the initial appointees shall serve 3-year terms, and three of the initial appointees shall serve 4-year terms. Subsequent to the expiration of the initial terms, advisory council appointees shall serve 4-year terms.

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

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

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

(i) Members of the council shall serve without compensation but shall receive per diem and reimbursement for travel expenses as provided in s. 112.061.

(j) Advisory council members may be reappointed. Advisory council members shall serve at the pleasure of the commission. The Fish and Wildlife Conservation Commission may sell advertising in the Florida Wildlife Magazine to offset the cost of publication and distribution of the magazine.

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

372.0225 Freshwater organisms.—

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

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

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

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

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

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

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

372.5701 Deposit of license fees; allocation of federal funds.—

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

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

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

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

372.5702 Expenditure of funds.—Any moneys available pursuant to s. 372.5701(1)(c) may be expended by the commission within Florida through

grants and contracts for research with research institutions including but not limited to: Florida Sea Grant; Florida Marine Resources Council; Harbour Branch Oceanographic Institute; Technological Research and Development Authority; ~~Fish and Wildlife~~ Florida Marine Research Institute of the Fish and Wildlife Conservation Commission; Mote Marine Laboratory; Marine Resources Development Foundation; Florida Institute of Oceanography; Rosentiel School of Marine and Atmospheric Science; and Smithsonian Marine Station at Ft. Pierce.

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

403.0882 Discharge of demineralization concentrate.—

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

(a) Permit application forms for concentrate disposal;

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

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

(d) Specific toxicity provisions.

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

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

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

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

Approved by the Governor May 28, 2004.

Filed in Office Secretary of State May 28, 2004.