

Bill No. CS/HB 1243, 1st Eng.

Amendment No.      Barcode 372148

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Posey moved the following amendment:

**Senate Amendment (with title amendment)**

On page 49, between lines 14 and 15,

insert:

Section 16. Subsection (2) of section 370.12, Florida Statutes, is amended to read:

370.12 Marine animals; regulation.--

(2) PROTECTION OF MANATEES OR SEA COWS.--

(a) This subsection shall be known and may be cited as the "Florida Manatee Sanctuary Act."

(b) The State of Florida is hereby declared to be a refuge and sanctuary for the manatee, the "Florida state marine mammal." The protections extended to and authorized on behalf of the manatee by this act are independent of, and therefore are not contingent upon, its status as a state or federal listed species.

(c) Whenever the Fish and Wildlife Conservation Commission is satisfied that the interest of science will be subserved, and that the application for a permit to possess a

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1 manatee or sea cow (*Trichechus manatus*) is for a scientific or  
2 propagational purpose and should be granted, and after  
3 concurrence by the United States Department of the Interior,  
4 the commission may grant to any person making such application  
5 a special permit to possess a manatee or sea cow, which permit  
6 shall specify the exact number which shall be maintained in  
7 captivity.

8 (d) Except as may be authorized by the terms of a  
9 valid state permit issued pursuant to paragraph (c) or by the  
10 terms of a valid federal permit, it is unlawful for any person  
11 at any time, by any means, or in any manner intentionally or  
12 negligently to annoy, molest, harass, or disturb or attempt to  
13 molest, harass, or disturb any manatee; injure or harm or  
14 attempt to injure or harm any manatee; capture or collect or  
15 attempt to capture or collect any manatee; pursue, hunt,  
16 wound, or kill or attempt to pursue, hunt, wound, or kill any  
17 manatee; or possess, literally or constructively, any manatee  
18 or any part of any manatee.

19 (e) Any gun, net, trap, spear, harpoon, boat of any  
20 kind, aircraft, automobile of any kind, other motorized  
21 vehicle, chemical, explosive, electrical equipment, scuba or  
22 other subaquatic gear, or other instrument, device, or  
23 apparatus of any kind or description used in violation of any  
24 provision of paragraph (d) may be forfeited upon conviction.  
25 The foregoing provisions relating to seizure and forfeiture of  
26 vehicles, vessels, equipment, or supplies do not apply when  
27 such vehicles, vessels, equipment, or supplies are owned by,  
28 or titled in the name of, innocent parties; and such  
29 provisions shall not vitiate any valid lien, retain title  
30 contract, or chattel mortgage on such vehicles, vessels,  
31 equipment, or supplies if such lien, retain title contract, or

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1 chattel mortgage is property of public record at the time of  
2 the seizure.

3 (f)1. Except for emergency rules adopted under s.  
4 120.54, all proposed rules of the commission for which a  
5 notice of intended agency action is filed proposing to govern  
6 the speed and operation of motorboats for purposes of manatee  
7 protection shall be submitted to the counties in which the  
8 proposed rules will take effect for review by local rule  
9 review committees.

10 2. No less than 60 days prior to filing a notice of  
11 rule development in the Florida Administrative Weekly, as  
12 provided in s. 120.54(3)(a), the commission shall notify the  
13 counties for which a rule to regulate the speed and operation  
14 of motorboats for the protection of manatees is proposed. A  
15 county so notified shall establish a rule review committee or  
16 several counties may combine rule review committees.

17 3. The county commission of each county in which a  
18 rule to regulate the speed and operation of motorboats for the  
19 protection of manatees is proposed shall designate a rule  
20 review committee. The designated voting membership of the  
21 rule review committee must be comprised of waterway users,  
22 such as fishers, boaters, water skiers, other waterway users,  
23 as compared to the number of manatee and other environmental  
24 advocates. A county commission may designate an existing  
25 advisory group as the rule review committee. With regard to  
26 each committee, fifty percent of the voting members shall be  
27 manatee advocates and other environmental advocates, and fifty  
28 percent of the voting members shall be waterway users.

29 4. The county shall invite other state, federal,  
30 county, municipal, or local agency representatives to  
31 participate as nonvoting members of the local rule review

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1 committee.

2 5. The county shall provide logistical and  
3 administrative staff support to the local rule review  
4 committee and may request technical assistance from commission  
5 staff.

6 6. Each local rule review committee shall elect a  
7 chair and recording secretary from among its voting members.

8 7. Commission staff shall submit the proposed rule and  
9 supporting data used to develop the rule to the local rule  
10 review committees.

11 8. The local rule review committees shall have 60 days  
12 from the date of receipt of the proposed rule to submit a  
13 written report to commission members and staff. The local rule  
14 review committees may use supporting data supplied by the  
15 commission, as well as public testimony which may be collected  
16 by the committee, to develop the written report. The report  
17 may contain recommended changes to proposed manatee protection  
18 zones or speed zones, including a recommendation that no rule  
19 be adopted, if that is the decision of the committee.

20 9. Prior to filing a notice of proposed rulemaking in  
21 the Florida Administrative Weekly as provided in s.  
22 120.54(3)(a), the commission staff shall provide a written  
23 response to the local rule review committee reports to the  
24 appropriate counties, to the commission members, and to the  
25 public upon request.

26 10. In conducting a review of the proposed manatee  
27 protection rule, the local rule review committees may address  
28 such factors as whether the best available scientific  
29 information supports the proposed rule, whether seasonal zones  
30 are warranted, and such other factors as may be necessary to  
31 balance manatee protection and public access to and use of the

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1 waters being regulated under the proposed rule.

2 11. The written reports submitted by the local rule  
3 review committees shall contain a majority opinion. If the  
4 majority opinion is not unanimous, a minority opinion shall  
5 also be included.

6 12. The members of the commission shall fully consider  
7 any timely submitted written report submitted by a local rule  
8 review committee prior to authorizing commission staff to move  
9 forward with proposed rulemaking and shall fully consider any  
10 timely submitted subsequent reports of the committee prior to  
11 adoption of a final rule. The written reports of the local  
12 rule review committees and the written responses of the  
13 commission staff shall be part of the rulemaking record and  
14 may be submitted as evidence regarding the committee's  
15 recommendations in any proceeding relating to a rule proposed  
16 or adopted pursuant to this subsection.

17 13. The commission is relieved of any obligations  
18 regarding the local rule review committee process created in  
19 this paragraph if a timely noticed county commission fails to  
20 timely designate the required rule review committee.

21 (g)(f) In order to protect manatees or sea cows from  
22 harmful collisions with motorboats or from harassment, the  
23 Fish and Wildlife Conservation Commission is authorized, in  
24 addition to all other authority, to provide a permitting  
25 agency with comments shall adopt rules under chapter 120  
26 regarding the expansion of existing, or the construction of  
27 new, marine facilities and mooring or docking slips, by the  
28 addition or construction of five or more powerboat slips. The  
29 commission shall adopt rules under chapter 120, and regulating  
30 the operation and speed of motorboat traffic, only where  
31 manatee sightings are frequent and the best available

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1 scientific information, as well as other available, relevant,  
2 and reliable information, which may include but is not limited  
3 to, manatee surveys, observations, available studies of food  
4 sources, and water depths, supports the conclusions that  
5 manatees it can be generally assumed, based on available  
6 scientific information, that they inhabit these areas on a  
7 regular ~~or continuous~~ basis:

8           1. In Lee County: the entire Orange River, including  
9 the Tice Florida Power and Light Corporation discharge canal  
10 and adjoining waters of the Caloosahatchee River within 1 mile  
11 of the confluence of the Orange and Caloosahatchee Rivers.

12           2. In Brevard County: those portions of the Indian  
13 River within three-fourths of a mile of the Orlando Utilities  
14 Commission Delespine power plant effluent and the Florida  
15 Power and Light Frontenac power plant effluents.

16           3. In Indian River County: the discharge canals of the  
17 Vero Beach Municipal Power Plant and connecting waters within  
18 1 1/4 miles thereof.

19           4. In St. Lucie County: the discharge of the Henry D.  
20 King Municipal Electric Station and connecting waters within 1  
21 mile thereof.

22           5. In Palm Beach County: the discharges of the Florida  
23 Power and Light Riviera Beach power plant and connecting  
24 waters within 1 1/2 miles thereof.

25           6. In Broward County: the discharge canal of the  
26 Florida Power and Light Port Everglades power plant and  
27 connecting waters within 1 1/2 miles thereof and the  
28 discharge canal of the Florida Power and Light Fort Lauderdale  
29 power plant and connecting waters within 2 miles thereof. For  
30 purposes of ensuring the physical safety of boaters in a  
31 sometimes turbulent area, the area from the easternmost edge

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1 of the authorized navigation project of the intracoastal  
2 waterway east through the Port Everglades Inlet is excluded  
3 from this regulatory zone.

4 7. In Citrus County: headwaters of the Crystal River,  
5 commonly referred to as King's Bay, and the Homosassa River.

6 8. In Volusia County: Blue Springs Run and connecting  
7 waters of the St. Johns River within 1 mile of the confluence  
8 of Blue Springs and the St. Johns River; and Thompson Creek,  
9 Strickland Creek, Dodson Creek, and the Tomoka River.

10 9. In Hillsborough County: that portion of the Alafia  
11 River from the main shipping channel in Tampa Bay to U.S.  
12 Highway 41.

13 10. In Sarasota County: the Venice Inlet and  
14 connecting waters within 1 mile thereof, including Lyons Bay,  
15 Donna Bay, Roberts Bay, and Hatchett Creek, excluding the  
16 waters of the intracoastal waterway and the right-of-way  
17 bordering the centerline of the intracoastal waterway.

18 11. In Collier County: within the Port of Islands,  
19 within section 9, township 52 south, range 28 east, and  
20 certain unsurveyed lands, all east-west canals and the  
21 north-south canals to the southerly extent of the intersecting  
22 east-west canals which lie southerly of the centerline of U.S.  
23 Highway 41.

24 12. In Manatee County: that portion of the Manatee  
25 River east of the west line of section 17, range 19 east,  
26 township 34 south; the Braden River south of the north line  
27 and east of the west line of section 29, range 18 east,  
28 township 34 south; Terra Ceia Bay and River, east of the west  
29 line of sections 26 and 35 of range 17 east, township 33  
30 south, and east of the west line of section 2, range 17 east,  
31 township 34 south; and Bishop Harbor east of the west line of

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1 section 13, range 17 east, township 33 south.

2 13. In Miami-Dade County: those portions of Black  
3 Creek lying south and east of the water control dam, including  
4 all boat basins and connecting canals within 1 mile of the  
5 dam.

6 ~~(h)(g)~~ The Fish and Wildlife Conservation Commission  
7 shall adopt rules pursuant to chapter 120 regulating the  
8 operation and speed of motorboat traffic only where manatee  
9 sightings are frequent and the best available scientific  
10 information, as well as other available, relevant, and  
11 reliable information, which may include but is not limited to,  
12 manatee surveys, observations, available studies of food  
13 sources, and water depths, supports the conclusion that  
14 manatees it can be generally assumed that they inhabit these  
15 areas on a regular or continuous basis within that portion of  
16 the Indian River between the St. Lucie Inlet in Martin County  
17 and the Jupiter Inlet in Palm Beach County and. In addition,  
18 the commission shall adopt rules pursuant to chapter 120  
19 regulating the operation and speed of motorboat traffic only  
20 where manatee sightings are frequent and it can be generally  
21 assumed that they inhabit these areas on a regular or  
22 continuous basis within the Loxahatchee River in Palm Beach  
23 and Martin Counties, including the north and southwest forks  
24 thereof. A limited lane or corridor providing for reasonable  
25 motorboat speeds may be identified and designated within this  
26 area.

27 ~~(i)(h)~~ The commission shall adopt rules pursuant to  
28 chapter 120 regulating the operation and speed of motorboat  
29 traffic only where manatee sightings are frequent and the best  
30 available scientific information, as well as other available,  
31 relevant, and reliable information, which may include but is



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1 not limited to, manatee surveys, observations, available  
2 studies of food sources, and water depths, supports the  
3 conclusion that manatees ~~it can be generally assumed that they~~  
4 inhabit these areas on a regular ~~or continuous~~ basis within  
5 the Withlacoochee River and its tributaries in Citrus and Levy  
6 Counties. The specific areas to be regulated include the  
7 Withlacoochee River and the U.S. 19 bridge westward to a line  
8 between U.S. Coast Guard markers number 33 and number 34 at  
9 the mouth of the river, including all side channels and coves  
10 along that portion of the river; Bennets' Creek from its  
11 beginning to its confluence with the Withlacoochee River;  
12 Bird's Creek from its beginning to its confluence with the  
13 Withlacoochee River; and the two dredged canal systems on the  
14 north side of the Withlacoochee River southwest of Yankeetown.  
15 ~~A limited lane or corridor providing for reasonable motorboat~~  
16 ~~speeds may be identified and designated within this area.~~

17 (j)(i) If any new power plant is constructed or other  
18 source of warm water discharge is discovered within the state  
19 which attracts a concentration of manatees or sea cows, the  
20 ~~Fish and Wildlife Conservation~~ commission is directed to adopt  
21 rules pursuant to chapter 120 regulating the operation and  
22 speed of motorboat traffic within the area of such discharge.  
23 Such rules shall designate a zone which is sufficient in size,  
24 and which shall remain in effect for a sufficient period of  
25 time, to protect the manatees or sea cows.

26 (k)(j) It is the intent of the Legislature ~~through~~  
27 ~~adoption of this paragraph~~ to allow the Fish and Wildlife  
28 Conservation Commission to post and regulate boat speeds only  
29 where the best available scientific information, as well as  
30 other available, relevant, and reliable information, which may  
31 include but is not limited to, manatee surveys, observations,

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1 available studies of food sources, and water depth, supports  
2 the conclusion that manatees ~~manatee sightings are frequent~~  
3 ~~and it can be generally assumed that they~~ inhabit these areas  
4 on a periodic ~~regular or continuous~~ basis. It is not the  
5 intent of the Legislature to permit the commission to post and  
6 regulate boat speeds generally throughout the waters of the  
7 state in the above-described inlets, bays, rivers, creeks,  
8 thereby unduly interfering with the rights of fishers,  
9 boaters, and water skiers using the areas for recreational and  
10 commercial purposes. The Legislature further intends that the  
11 commission may identify and designate limited lanes or  
12 corridors providing for reasonable motorboat speeds within  
13 waters of the state whenever such lanes and corridors are  
14 consistent with manatee protection ~~may be identified and~~  
15 ~~designated within these areas.~~

16 (1)(\*) The commission shall adopt rules pursuant to  
17 chapter 120 regulating the operation and speed of motorboat  
18 traffic all year around within Turkey Creek and its  
19 tributaries and within Manatee Cove in Brevard County. The  
20 specific areas to be regulated consist of:

21 1. A body of water which starts at Melbourne-Tillman  
22 Drainage District structure MS-1, section 35, township 28  
23 south, range 37 east, running east to include all natural  
24 waters and tributaries of Turkey Creek, section 26, township  
25 28 south, range 37 east, to the confluence of Turkey Creek and  
26 the Indian River, section 24, township 28 south, range 37  
27 east, including all lagoon waters of the Indian River bordered  
28 on the west by Palm Bay Point, the north by Castaway Point,  
29 the east by the four immediate spoil islands, and the south by  
30 Cape Malabar, thence northward along the shoreline of the  
31 Indian River to Palm Bay Point.

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1           2. A triangle-shaped body of water forming a cove  
2 (commonly referred to as Manatee Cove) on the east side of the  
3 Banana River, with northern boundaries beginning and running  
4 parallel to the east-west cement bulkhead located 870 feet  
5 south of SR 520 Relief Bridge in Cocoa Beach and with western  
6 boundaries running in line with the City of Cocoa Beach  
7 channel markers 121 and 127 and all waters east of these  
8 boundaries in section 34, township 24 south, range 37 east;  
9 the center coordinates of this cove are 28°20'14" north,  
10 80°35'17" west.

11           (m)(1) The commission shall promulgate regulations  
12 pursuant to chapter 120 relating to the operation and speed of  
13 motor boat traffic in port waters with due regard to the  
14 safety requirements of such traffic and the navigational  
15 hazards related to the movement of commercial vessels.

16           (n)(m) The commission may designate by rule adopted  
17 pursuant to chapter 120 other portions of state waters where  
18 manatees are frequently sighted and the best available  
19 scientific information, as well as other available, relevant,  
20 and reliable information, which may include but is not limited  
21 to, manatee surveys, observations, available studies of food  
22 sources, and water depths, supports the conclusion that it can  
23 ~~be assumed that~~ manatees inhabit such waters periodically ~~or~~  
24 ~~continuously~~. Upon designation of such waters, the commission  
25 shall adopt rules pursuant to chapter 120 to regulate  
26 motorboat speed and operation which are necessary to protect  
27 manatees from harmful collisions with motorboats and from  
28 harassment. The commission may adopt rules pursuant to chapter  
29 120 to protect manatee habitat, such as seagrass beds, within  
30 such waters from destruction by boats or other human activity.  
31 Such rules shall not protect noxious aquatic plants subject to

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1 control under s. 369.20.

2 ~~(o)(n)~~ The commission may designate, by rule adopted  
3 pursuant to chapter 120, limited areas as a safe haven for  
4 manatees to rest, feed, reproduce, give birth, or nurse  
5 undisturbed by human activity. Access by motor boat to private  
6 residences, boat houses, and boat docks through these areas by  
7 residents, and their authorized guests, who must cross one of  
8 these areas to have water access to their property is  
9 permitted when the motorboat is operated at idle speed, no  
10 wake.

11 ~~(p)(o)~~ Except in the marked navigation channel of the  
12 Florida Intracoastal Waterway as defined in s. 327.02 and the  
13 area within 100 feet of such channel, a local government may  
14 regulate, by ordinance, motorboat speed and operation on  
15 waters within its jurisdiction where the best available  
16 scientific information, as well as other available, relevant,  
17 and reliable information, which may include but is not limited  
18 to, manatee surveys, observations, available studies of food  
19 sources, and water depths, supports the conclusion that  
20 manatees inhabit these areas on a regular basis ~~where manatees~~  
21 ~~are frequently sighted and can be generally assumed to inhabit~~  
22 ~~periodically or continuously~~. However, such an ordinance may  
23 not take effect until it has been reviewed and approved by the  
24 commission. If the commission and a local government disagree  
25 on the provisions of an ordinance, a local manatee protection  
26 committee must be formed to review the technical data of the  
27 commission and the United States Fish and Wildlife Service,  
28 and to resolve conflicts regarding the ordinance. The manatee  
29 protection committee must be comprised of:

- 30 1. A representative of the commission;  
31 2. A representative of the county;

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1           3. A representative of the United States Fish and  
2 Wildlife Service;

3           4. A representative of a local marine-related  
4 business;

5           5. A representative of the Save the Manatee Club;

6           6. A local fisher;

7           7. An affected property owner; and

8           8. A representative of the Florida Marine Patrol.  
9

10 If local and state regulations are established for the same  
11 area, the more restrictive regulation shall prevail.

12           (q)~~(p)~~ The commission shall evaluate the need for use  
13 of fenders to prevent crushing of manatees between vessels  
14 (100' or larger) and bulkheads or wharves in counties where  
15 manatees have been crushed by such vessels. For areas in  
16 counties where evidence indicates that manatees have been  
17 crushed between vessels and bulkheads or wharves, the  
18 commission shall:

19           1. Adopt rules pursuant to chapter 120 requiring use  
20 of fenders for construction of future bulkheads or wharves;  
21 and

22           2. Implement a plan and time schedule to require  
23 retrofitting of existing bulkheads or wharves consistent with  
24 port bulkhead or wharf repair or replacement schedules.  
25

26 The fenders shall provide sufficient standoff from the  
27 bulkhead or wharf under maximum operational compression to  
28 ensure that manatees cannot be crushed between the vessel and  
29 the bulkhead or wharf.

30           (r)~~(q)~~ Any violation of a restricted area established  
31 by this subsection, or established by rule pursuant to chapter

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1 120 or ordinance pursuant to this subsection, shall be  
2 considered a violation of the boating laws of this state and  
3 shall be charged on a uniform boating citation as provided in  
4 s. 327.74, except as otherwise provided in paragraph (s). Any  
5 person who refuses to post a bond or accept and sign a uniform  
6 boating citation shall, as provided in s. 327.73(3), be guilty  
7 of a misdemeanor of the second degree, punishable as provided  
8 in s. 775.082 or s. 775.083.

9 ~~(s)(r)~~ Except as otherwise provided in this paragraph,  
10 any person violating the provisions of this subsection or any  
11 rule or ordinance adopted pursuant to this subsection shall be  
12 guilty of a misdemeanor, punishable as provided in s.  
13 370.021(1)(a) or (b).

14 1. Any person operating a vessel in excess of a posted  
15 speed limit shall be guilty of a civil infraction, punishable  
16 as provided in s. 327.73, except as provided in subparagraph  
17 2.

18 2. This paragraph does not apply to persons violating  
19 restrictions governing "No Entry" zones or "Motorboat  
20 Prohibited" zones, who, if convicted, shall be guilty of a  
21 misdemeanor, punishable as provided in s. 370.021(1)(a) or  
22 (b), or, if such violation demonstrates blatant or willful  
23 action, may be found guilty of harassment as described in  
24 paragraph (d).

25 (t)1. In order to protect manatees and manatee  
26 habitat, the counties identified in the Governor and Cabinet's  
27 October 1989 Policy Directive shall develop manatee protection  
28 plans consistent with commission criteria based upon "Schedule  
29 K" of the directive, and shall submit such protection plans  
30 for review and approval by the commission. Any manatee  
31 protection plans not submitted by July 1, 2004 and any plans

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1 not subsequently approved by the commission shall be addressed  
2 pursuant to subparagraph 2.

3 2. No later than January 1, 2005, the Fish and  
4 Wildlife Conservation Commission shall designate any county it  
5 has identified as a substantial risk county for manatee  
6 mortality as a county that must complete a manatee protection  
7 plan by July 1, 2006. The commission is authorized to adopt  
8 rules pursuant to s. 120.54 for identifying substantial risk  
9 counties and establishing criteria for approval of manatee  
10 protection plans for counties so identified. Manatee  
11 protection plans shall include the following elements at a  
12 minimum: education about manatees and manatee habitat; boater  
13 education; an assessment of the need for new or revised  
14 manatee protection speed zones; local law enforcement; and a  
15 boat facility siting plan to address expansion of existing and  
16 the development of new marinas, boat ramps, and other  
17 multislip boating facilities.

18 3. Counties required to adopt manatee protection plans  
19 under this paragraph shall incorporate the boating facility  
20 siting element of those protection plans within their  
21 respective comprehensive plans. Counties that have already  
22 adopted manatee protection plans, or that adopt manatee  
23 protection plans by the effective date of this act, are not  
24 subject to the provisions of this paragraph.

25 Section 17. Subsection (6) is added to section  
26 372.072, Florida Statutes, to read:

27 372.072 Endangered and Threatened Species Act.--

28 (6) MEASURABLE BIOLOGICAL GOALS.--No later than  
29 February 15, 2003, the commission, working in conjunction with  
30 the United States Fish and Wildlife Service, shall develop  
31 measurable biological goals that define manatee recovery.

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1 These measurable biological goals shall be used by the  
2 commission in its development of management plans or work  
3 plans. In addition to other criteria, these measurable  
4 biological goals shall be used by the commission when  
5 evaluating existing and proposed protection rules, and in  
6 determining progress in achieving manatee recovery.

7 Section 18. Subsection (2) of section 327.41, Florida  
8 Statutes, is amended to read:

9 327.41 Uniform waterway regulatory markers.--

10 (2) Any county or municipality which has been granted  
11 a restricted area designation, pursuant to s. 327.46, for a  
12 portion of the Florida Intracoastal Waterway within its  
13 jurisdiction or which has adopted a restricted area by  
14 ordinance pursuant to s. 327.22, s. 327.60, or s. 370.12(2)(p)  
15 ~~s. 370.12(2)(o)~~, or any other governmental entity which has  
16 legally established a restricted area, may apply to the  
17 commission for permission to place regulatory markers within  
18 the restricted area.

19 Section 19. It is the intent of the Legislature that  
20 the commission request the necessary funding and staffing  
21 through a general revenue budget request to ensure that  
22 manatees receive the maximum protection possible. The  
23 Legislature recognizes that strong manatee protection depends  
24 upon consistently achieving a high degree of compliance with  
25 existing and future rules. The commission shall conduct  
26 standardized studies to determine levels of public compliance  
27 with manatee protection rules, and shall use the results of  
28 the studies, together with other relevant information, to  
29 develop and implement strategic law enforcement initiatives  
30 and boater education plans. Drawing upon information obtained  
31 from the compliance studies and the implementation of



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1 enforcement initiatives together with boater education plans,  
2 the commission shall identify any impediments in consistently  
3 achieving high levels of compliance, and adjust their  
4 enforcement and boater education efforts accordingly.

5 Section 20. The Legislature intends that the  
6 provisions of this act may not be retroactively applied to  
7 manatee protection rules existing or in the process of being  
8 adopted on the effective date of this act unless the Fish and  
9 Wildlife Conservation Commission proposes to amend or revise  
10 such rules after this act takes effect. Proposed rules that  
11 are currently subject to an administrative challenge pending  
12 as of February 12, 2002, are not subject to the provisions of  
13 this act unless a court or administrative hearing officer  
14 finds such proposed rule to be invalid and all appeals have  
15 been exhausted. Once such rules become final, any revisions or  
16 amendments of such rules shall be conducted pursuant to the  
17 provisions of this act.

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20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 On page 3, line 20, after the semicolon

23  
24 insert:

25 amending s. 370.12, F.S.; requiring notice to  
26 counties where manatee protection zones or  
27 manatee speed zones may be imposed by the Fish  
28 and Wildlife Conservation Commission; providing  
29 for establishment of local rule review  
30 committees; providing duties and  
31 responsibilities of the counties, committees,

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1 and commission; providing for committee reports  
2 and recommendations; providing that written  
3 reports submitted to the commission by the  
4 committees and Fish and Wildlife Conservation  
5 Commission staff responses shall be part of the  
6 rulemaking record; clarifying the Fish and  
7 Wildlife Conservation Commission's authority to  
8 provide comments to permitting agencies  
9 relating to the protection of manatees;  
10 revising the circumstances under which the  
11 commission may post and regulate motorboat  
12 speeds to protect manatees; requiring specified  
13 counties to develop manatee protection plans  
14 that are consistent with specified policy  
15 directive; providing the commission with  
16 rulemaking authority; amending s. 372.072,  
17 F.S.; requiring that the commission develop a  
18 measurable biological goal to define manatee  
19 recovery; requiring the commission to use the  
20 goal in developing management plans and work  
21 plans and for determining the progress of  
22 manatee recovery; amending s. 327.41, F.S.;  
23 conforming a cross-reference; providing  
24 legislative intent regarding manatee  
25 protection; providing for compliance studies,  
26 enforcement initiatives, and boater education  
27 plans; requiring the commission to identify  
28 impediments to high rates of compliance;  
29 providing legislative intent that the  
30 provisions of the act not be retroactively  
31 applied except as otherwise provided; providing

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an exemption;