

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 Representative(s) Harrington and Greenstein offered the
12 following:

14 **Amendment (with title amendment)**

15 On page 2, line 9

16 remove: everything after the enacting clause

18 and insert:

19 Section 1. Subsection (2) of section 370.12, Florida
20 Statutes, is amended to read:

21 370.12 Marine animals; regulation.--

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

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

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

31 (c) Whenever the Fish and Wildlife Conservation

Amendment No. ____ (for drafter's use only)

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

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

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

Amendment No. ____ (for drafter's use only)

1 contract, or chattel mortgage on such vehicles, vessels,
2 equipment, or supplies if such lien, retain title contract, or
3 chattel mortgage is property of public record at the time of
4 the seizure.

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

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

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

31 4. The county shall invite other state, federal,

Amendment No. ____ (for drafter's use only)

1 county, municipal, or local agency representatives to
2 participate as nonvoting members of the local rule review
3 committee.

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

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

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

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

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

28 10. In conducting a review of the proposed manatee
29 protection rule, the local rule review committees may address
30 such factors as whether the best available scientific
31 information supports the proposed rule, whether seasonal zones

Amendment No. ____ (for drafter's use only)

1 are warranted, and such other factors as may be necessary to
2 balance manatee protection and public access to and use of the
3 waters being regulated under the proposed rule.

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

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

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

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

Amendment No. ____ (for drafter's use only)

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

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

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

18 3. In Indian River County: the discharge canals of the
19 Vero Beach Municipal Power Plant and connecting waters within
20 1 1/4 miles thereof.

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

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

27 6. In Broward County: the discharge canal of the
28 Florida Power and Light Port Everglades power plant and
29 connecting waters within 1 1/2 miles thereof and the
30 discharge canal of the Florida Power and Light Fort Lauderdale
31 power plant and connecting waters within 2 miles thereof. For

Amendment No. ____ (for drafter's use only)

1 purposes of ensuring the physical safety of boaters in a
2 sometimes turbulent area, the area from the easternmost edge
3 of the authorized navigation project of the intracoastal
4 waterway east through the Port Everglades Inlet is excluded
5 from this regulatory zone.

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

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

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

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

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

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

Amendment No. ____ (for drafter's use only)

1 south, and east of the west line of section 2, range 17 east,
2 township 34 south; and Bishop Harbor east of the west line of
3 section 13, range 17 east, township 33 south.

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

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

29 (i)~~(h)~~ The commission shall adopt rules pursuant to
30 chapter 120 regulating the operation and speed of motorboat
31 traffic only where manatee sightings are frequent and the best

Amendment No. ____ (for drafter's use only)

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

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

28 (k)(j) It is the intent of the Legislature ~~through~~
29 ~~adoption of this paragraph~~ to allow the Fish and Wildlife
30 Conservation Commission to post and regulate boat speeds only
31 where the best available scientific information, as well as

Amendment No. ____ (for drafter's use only)

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

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

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

Amendment No. ____ (for drafter's use only)

1 Cape Malabar, thence northward along the shoreline of the
2 Indian River to Palm Bay Point.

3 2. A triangle-shaped body of water forming a cove
4 (commonly referred to as Manatee Cove) on the east side of the
5 Banana River, with northern boundaries beginning and running
6 parallel to the east-west cement bulkhead located 870 feet
7 south of SR 520 Relief Bridge in Cocoa Beach and with western
8 boundaries running in line with the City of Cocoa Beach
9 channel markers 121 and 127 and all waters east of these
10 boundaries in section 34, township 24 south, range 37 east;
11 the center coordinates of this cove are 28°20'14" north,
12 80°35'17" west.

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

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

Amendment No. ____ (for drafter's use only)

1 such waters from destruction by boats or other human activity.
2 Such rules shall not protect noxious aquatic plants subject to
3 control under s. 369.20.

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

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

Amendment No. ____ (for drafter's use only)

- 1 1. A representative of the commission;
- 2 2. A representative of the county;
- 3 3. A representative of the United States Fish and
- 4 Wildlife Service;
- 5 4. A representative of a local marine-related
- 6 business;
- 7 5. A representative of the Save the Manatee Club;
- 8 6. A local fisher;
- 9 7. An affected property owner; and
- 10 8. A representative of the Florida Marine Patrol.

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

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

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

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

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

Amendment No. ____ (for drafter's use only)

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

11 ~~(s)(r)~~ Except as otherwise provided in this paragraph,
12 any person violating the provisions of this subsection or any
13 rule or ordinance adopted pursuant to this subsection shall be
14 guilty of a misdemeanor, punishable as provided in s.
15 370.021(1)(a) or (b).

16 1. Any person operating a vessel in excess of a posted
17 speed limit shall be guilty of a civil infraction, punishable
18 as provided in s. 327.73, except as provided in subparagraph
19 2.

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

27 ~~(t)~~ 1. In order to protect manatees and manatee
28 habitat, the counties identified in the Governor and Cabinet's
29 October 1989 Policy Directive shall develop manatee protection
30 plans consistent with commission criteria based upon "Schedule
31 K" of the directive, and shall submit such protection plans

Amendment No. ____ (for drafter's use only)

1 for review and approval by the commission. Any manatee
2 protection plans not submitted by July 1, 2004 and any plans
3 not subsequently approved by the commission shall be addressed
4 pursuant to subparagraph 2.

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

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

27 Section 2. Subsection (6) is added to section 372.072,
28 Florida Statutes, to read:

29 372.072 Endangered and Threatened Species Act.--

30 (6) MEASURABLE BIOLOGICAL GOALS.--No later than
31 February 15, 2003, the commission, working in conjunction with

Amendment No. ____ (for drafter's use only)

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

9 Section 3. Subsection (2) of section 327.41, Florida
10 Statutes, is amended to read:

11 327.41 Uniform waterway regulatory markers.--

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

21 Section 4. It is the intent of the Legislature that
22 the commission request the necessary funding and staffing
23 through a general revenue budget request to ensure that
24 manatees receive the maximum protection possible. The
25 Legislature recognizes that strong manatee protection depends
26 upon consistently achieving a high degree of compliance with
27 existing and future rules. The commission shall conduct
28 standardized studies to determine levels of public compliance
29 with manatee protection rules, and shall use the results of
30 the studies, together with other relevant information, to
31 develop and implement strategic law enforcement initiatives

Amendment No. ____ (for drafter's use only)

1 and boater education plans. Drawing upon information obtained
2 from the compliance studies and the implementation of
3 enforcement initiatives together with boater education plans,
4 the commission shall identify any impediments in consistently
5 achieving high levels of compliance, and adjust their
6 enforcement and boater education efforts accordingly.

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

20 Section 6. This act shall take effect July 1, 2002.

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

24 And the title is amended as follows:

25 On page 1, line 2 thru page 2, line 7
26 remove: the entire title

27
28 and insert:

29 A bill to be entitled
30 An act relating to the protection of manatees;
31 amending s. 370.12, F.S.; requiring notice to

Amendment No. ____ (for drafter's use only)

1 counties where manatee protection zones or
2 manatee speed zones may be imposed by the Fish
3 and Wildlife Conservation Commission; providing
4 for establishment of local rule review
5 committees; providing duties and
6 responsibilities of the counties, committees,
7 and commission; providing for committee reports
8 and recommendations; providing that written
9 reports submitted to the commission by the
10 committees and Fish and Wildlife Conservation
11 Commission staff responses shall be part of the
12 rulemaking record; clarifying the Fish and
13 Wildlife Conservation Commission's authority to
14 provide comments to permitting agencies
15 relating to the protection of manatees;
16 revising the circumstances under which the
17 commission may post and regulate motorboat
18 speeds to protect manatees; requiring specified
19 counties to develop manatee protection plans
20 that are consistent with specified policy
21 directive; providing the commission with
22 rulemaking authority; amending s. 372.072,
23 F.S.; requiring that the commission develop a
24 measurable biological goal to define manatee
25 recovery; requiring the commission to use the
26 goal in developing management plans and work
27 plans and for determining the progress of
28 manatee recovery; amending s. 327.41, F.S. ;
29 conforming a cross-reference; providing
30 legislative intent regarding manatee
31 protection; providing for compliance studies,

Amendment No. ____ (for drafter's use only)

1 enforcement initiatives, and boater education
2 plans; requiring the commission to identify
3 impediments to high rates of compliance;
4 providing legislative intent that the
5 provisions of the act not be retroactively
6 applied except as otherwise provided; providing
7 an exemption; providing an effective date.

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