

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

5 ORIGINAL STAMP BELOW
6
7
8
9
10

11 Representative(s) Greenstein, Henriquez, Heyman, and
12 Rich offered the following:

13
14 **Amendment (with title amendment)**

15 Remove everything after the enacting clause
16
17 and insert: Subsection (2) of section 370.12, Florida
18 Statutes, is amended to read:

19 370.12 Marine animals; regulation.--

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

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

23 (b) The State of Florida is hereby declared to be a
24 refuge and sanctuary for the manatee, the "Florida state
25 marine mammal." The protections to and authorized on
behalf of

26 the manatee by this act are independent of, and there
are not

27 contingent upon, its status as a state or federal
listed
28 species.

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

hmo0003

10:16 am

01473-0095-860823

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

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

File original & 9 copies
hmo0003

03/15/02
10:16 am

01473-0095-860823

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

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

3 (f)1. Except for emergency rules adopted under
4 120.54, all proposed rules of the Fish and Wildlife
5 Conservation Commission for which a notice of
6 intended agency
7 action is filed after the date this paragraph takes
8 effect
9 proposing to govern the speed and operation of motor
10 boats for
11 purposes of manatee protection must be submitted to
12 the
13 counties where the proposed rules will take effect for
14 review
15 by local rule-review committees.

16 2. No less than 60 days prior to filing a notice
17 of
18 rule development in the Florida Administrative
19 Weekly, as
20 provided in s. 120.54(3)(a), the Fish and Wildlife
21 Conservation Commission shall notify the counties for
22 which a
23 rule to regulate the speed and operation of motorboats
24 for the
25 protection of manatees is proposed. A county so
26 notified
27 shall, at its option, establish a local rule-review
28 committee
29 or several counties may combine local rule-review
30 committees.

31 3. The board of county commissioners of each
32 county in
33 which a rule to regulate the speed and operation of
34 motorboats
35 for the protection of manatees is proposed shall, at
36 its
37 option, designate a local rule-review committee. If
38 so
39 designated, the rule-review committee must represent
40 an equal
41 balance of local waterway users, such as fishers,
42 boaters,
43 water skiers, other waterway users, as compared to the
44 number
45 of manatee and other environmental advocates. A

board of

27 county commissioners may designate an existing
advisory group

28 as the rule-review committee so long as the
membership of the

29 advisory group maintains an equal balance of waterway
users as

30 compared with the number of manatee and
environmental

31 advocates. With regard to each committee, fifty
percent of the

3

File original & 9 copies
hmo0003

03/15/02
10:16 am

01473-0095-860823

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

1 voting members shall be manatee advocates and
other
2 environmental advocates, and fifty percent of the
voting
3 members shall be waterway users.
4 4. The county shall invite other state, federal,
5 county, municipal, or local agency representatives
to
6 participate as nonvoting members of the local
rule-review
7 committee.
8 5. The county shall provide logistical and
9 administrative staff support to the local rule-review
10 committee and may request technical assistance from
the Fish
11 and Wildlife Conservation Commission staff.
12 6. Each local rule-review committee shall elect
a
13 chair and recording secretary from among its voting
members.
14 7. Fish and Wildlife Conservation Commission
staff
15 shall submit the proposed rule and supporting data
used to
16 develop the rule to the local rule-review committees
and shall
17 concurrently make copies available to other parties
upon
18 request.
19 8. The local rule-review committees shall have 60
days
20 from receipt of the proposed rule to submit a written
report
21 to commission members and staff. The rule-review
committees
22 may use supporting data supplied by the Fish and
Wildlife
23 Conservation Commission, as well as public testimony
that may
24 be collected by the committee, to develop the written
report.
25 The report may contain recommended changes to
proposed manatee
26 protection zones or speed zones, including a
recommendation

27 that no rule be adopted, if that is the decision of
the

28 committee.

29 9. Prior to filing a notice of proposed rulemaking
in

30 the Florida Administrative Weekly as provided in
s.

31 120.54(3)(a), the Fish and Wildlife Conservation
Commission

4

File original & 9 copies
hmo0003

03/15/02
10:16 am

01473-0095-860823

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

1 staff shall provide a written response to the
2 local-rule-review-committee reports to the
3 appropriate
4 counties, the commission members, and the public upon
5 request.
6 10. In conducting a review of the proposed
7 manatee
8 protection rule, the local rule-review committees may
9 address
10 such factors as whether the best available scientific
11 information supports the proposed rule, whether
12 seasonal zones
13 are warranted, and such other factors as are reasonable
14 to
15 balance manatee protection and public access to and use
16 of the
17 waters being regulated under the proposed rule.
18 11. The written reports submitted by the
19 local
20 rule-review committees shall contain a majority
21 opinion. If
22 the majority opinion is not unanimous, a minority
23 opinion
24 shall also be included.
25 12. The members of the commission shall fully
26 consider
27 any timely submitted written report submitted by a
28 local
29 rule-review committee prior to authorizing commission
30 staff to
31 move forward with proposed rulemaking and shall fully
32 consider
33 any timely submitted subsequent written reports of
34 the
35 committee prior to adoption of a final rule. The
36 written
37 reports of the local rule-review committee and the
38 written
39 responses of the commission staff shall be part of
40 the
41 rulemaking record and may be submitted as evidence in
42 any
43 proceeding relating to a rule proposed or adopted
44 pursuant to
45 this subsection.
46 (g)(f) In order to protect manatees

or sea cows from

27 harmful collisions with motorboats or from harassment, the

28 Fish and Wildlife Conservation Commission is
authorized, in

29 addition to all other authority, to provide a
permitting

30 agency with comments shall adopt rules
under chapter 120

31 regarding the expansion of existing, or the construction of

5

File original & 9 copies
hmo0003

03/15/02
10:16 am

01473-0095-860823

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

1 new, marine facilities and mooring or docking slips, by the
2 addition or construction of five or more powerboat
slips. The

3 Fish and Wildlife Conservation Commission shall adopt
rules

4 under chapter 120, and regulating the
operation and speed of

5 motorboat traffic, only where manatee sightings are
frequent

6 and the best available scientific information, as well
as

7 other available, relevant, and reliable information, which
may

8 include, but need not be limited to, manatee
surveys,

9 observations, and available studies of food sources and
water

10 depths, supports the conclusions that manatees
it can be

11 generally assumed, based on available scientific
information,

12 that they inhabit these areas on a regular or
continuous

13 basis:

14 1. In Lee County: the entire Orange River, including
15 the Tice Florida Power and Light Corporation discharge
canal

16 and adjoining waters of the Caloosahatchee River within 1
mile

17 of the confluence of the Orange and Caloosahatchee Rivers.

18 2. In Brevard County: those portions of the Indian
19 River within three-fourths of a mile of the Orlando Utilities
20 Commission Delespine power plant effluent and the Florida
21 Power and Light Frontenac power plant effluents.

22 3. In Indian River County: the discharge canals of the
23 Vero Beach Municipal Power Plant and connecting waters
within

24 1 1/4 miles thereof.

25 4. In St. Lucie County: the discharge of the Henry D.
26 King Municipal Electric Station and connecting waters
within 1

27 mile thereof.

28 5. In Palm Beach County: the discharges of the
Florida

29 Power and Light Riviera Beach power plant and connecting
30 waters within 1 1/2 miles thereof.

31 6. In Broward County: the discharge canal of the

6

File original & 9 copies
hmo0003

03/15/02
10:16 am

01473-0095-860823

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

1 Florida Power and Light Port Everglades power plant and
2 connecting waters within 1 1/2 miles thereof and the
3 discharge canal of the Florida Power and Light Fort
Lauderdale
4 power plant and connecting waters within 2 miles thereof.
For
5 purposes of ensuring the physical safety of boaters in a
6 sometimes turbulent area, the area from the easternmost
edge
7 of the authorized navigation project of the intracoastal
8 waterway east through the Port Everglades Inlet is excluded
9 from this regulatory zone.

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

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

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

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

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

30 12. In Manatee County: that portion of the Manatee

31 River east of the west line of section 17, range 19 east,

7

File original & 9 copies
hmo0003

03/15/02
10:16 am

01473-0095-860823

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

1 township 34 south; the Braden River south of the north line
2 and east of the west line of section 29, range 18 east,
3 township 34 south; Terra Ceia Bay and River, east of the
west
4 line of sections 26 and 35 of range 17 east, township 33
5 south, and east of the west line of section 2, range 17 east,
6 township 34 south; and Bishop Harbor east of the west line
of
7 section 13, range 17 east, township 33 south.

8 13. In Dade County: those portions of Black Creek
9 lying south and east of the water control dam, including all
10 boat basins and connecting canals within 1 mile of the dam.

11 ~~(h)(g)~~ (h) The Fish and Wildlife
Conservation Commission

12 shall adopt rules pursuant to chapter 120 regulating the
13 operation and speed of motorboat traffic only where
manatee

14 sightings are frequent and the best available
scientific

15 information, as well as other available, relevant,
and

16 reliable information, which may include, but need not
be

17 limited to, manatee surveys, observations, and
available

18 studies of food sources and water depths, supports
the

19 conclusion that manatees it can be generally
assumed that they

20 inhabit these areas on a regular or continuous basis within
21 that portion of the Indian River between the St. Lucie Inlet
22 in Martin County and the Jupiter Inlet in Palm Beach
County

23 ~~and. In addition, the commission shall adopt~~
~~rules pursuant to~~

24 ~~chapter 120 regulating the operation and speed of~~
motorboat

25 ~~traffic only where manatee sightings are frequent and it~~
can

26 ~~be generally assumed that they inhabit these areas on~~
a

27 ~~regular or continuous basis within the~~
Loxahatchee River in

28 Palm Beach and Martin Counties, including the north and

29 southwest forks thereof. ~~A limited lane or corridor
providing~~

30 ~~for reasonable motorboat speeds may be identified
and~~

31 ~~designated within this area.~~

8

File original & 9 copies
hmo0003

03/15/02
10:16 am

01473-0095-860823

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

1 (i)(h) The commission shall adopt
rules pursuant to
2 chapter 120 regulating the operation and speed of motorboat
3 traffic only where manatee sightings are frequent and
the best
4 available scientific information, together with other
5 available, relevant, and reliable information, which
may
6 include, but need not be limited to, manatee
surveys,
7 observations, and available studies of food sources and
water
8 depths, supports the conclusion that manatees
it can be
9 ~~generally assumed that they inhabit these areas on a~~
regular
10 or continuous basis within the Withlacoochee River and its
11 tributaries in Citrus and Levy Counties. The specific areas
to
12 be regulated include the Withlacoochee River and the U.S.
19
13 bridge westward to a line between U.S. Coast Guard
markers
14 number 33 and number 34 at the mouth of the river,
including
15 all side channels and coves along that portion of the river;
16 Bennets' Creek from its beginning to its confluence with the
17 Withlacoochee River; Bird's Creek from its beginning to its
18 confluence with the Withlacoochee River; and the two
dredged
19 canal systems on the north side of the Withlacoochee River
20 southwest of Yankeetown. ~~A limited lane or corridor~~
providing
21 ~~for reasonable motorboat speeds may be identified~~
and
22 ~~designated within this area.~~

23 (j)(i) If any new power plant is
constructed or other
24 source of warm water discharge is discovered within the
state
25 which attracts a concentration of manatees or sea cows, the
26 ~~Fish and Wildlife Conservation~~ commission is
directed to adopt
27 rules pursuant to chapter 120 regulating the operation and

28 speed of motorboat traffic within the area of such
discharge.

29 Such rules shall designate a zone which is sufficient in size,
30 and which shall remain in effect for a sufficient period of
31 time, to protect the manatees or sea cows.

9

File original & 9 copies
hmo0003

03/15/02
10:16 am

01473-0095-860823

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

1 (k)(j) It is the intent of the
Legislature ~~through~~
2 ~~adoption of this paragraph~~ to allow the Fish and
Wildlife
3 Conservation Commission to post and regulate boat speeds
only
4 where the best available scientific information, as well
as
5 other available, relevant, and reliable information,
which may
6 include, but need not be limited to, manatee
surveys,
7 observations, and available studies of food sources and
water
8 depth, supports the conclusion that manatees
manatee sightings
9 ~~are frequent and it can be generally assumed that~~
~~they inhabit~~
10 these areas on a periodic ~~regular or~~
~~continuous~~ basis. It is
11 not the intent of the Legislature to permit the commission
to
12 post and regulate boat speeds generally throughout
the waters
13 of the state in the above-described inlets,
~~bays, rivers,~~
14 ~~creeks,~~ thereby unduly interfering with the rights
of fishers,
15 boaters, and water skiers using the areas for recreational
and
16 commercial purposes. The Legislature further intends
that the
17 commission may identify and designate limited
lanes or
18 corridors providing for reasonable motorboat speeds
within
19 waters of the state whenever such lanes and corridors
are
20 consistent with manatee protection and recovery
goals may be
21 ~~identified and designated within these areas.~~
22 (1)(k) The commission shall adopt
rules pursuant to
23 chapter 120 regulating the operation and speed of
motorboat
24 traffic all year around within Turkey Creek and its
25 tributaries and within Manatee Cove in Brevard County.

The

26 specific areas to be regulated consist of:

27 1. A body of water which starts at
Melbourne-Tillman

28 Drainage District structure MS-1, section 35, township 28

29 south, range 37 east, running east to include all natural

30 waters and tributaries of Turkey Creek, section 26,
township

31 28 south, range 37 east, to the confluence of Turkey
Creek and

10

File original & 9 copies
hmo0003

03/15/02
10:16 am

01473-0095-860823

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

1 the Indian River, section 24, township 28 south, range 37
2 east, including all lagoon waters of the Indian River
bordered
3 on the west by Palm Bay Point, the north by Castaway
Point,
4 the east by the four immediate spoil islands, and the south
by
5 Cape Malabar, thence northward along the shoreline of the
6 Indian River to Palm Bay Point.

7 2. A triangle-shaped body of water forming a cove
8 (commonly referred to as Manatee Cove) on the east side
of the
9 Banana River, with northern boundaries beginning and
running
10 parallel to the east-west cement bulkhead located 870 feet
11 south of SR 520 Relief Bridge in Cocoa Beach and with
western
12 boundaries running in line with the City of Cocoa Beach
13 channel markers 121 and 127 and all waters east of these
14 boundaries in section 34, township 24 south, range 37
east;
15 the center coordinates of this cove are 28°20'14"
north,
16 80°35'17" west.

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

22 (n)(m) The commission may
designate by rule adopted
23 pursuant to chapter 120 other portions of state waters
where
24 manatees are frequently sighted and the best
available
25 scientific information, as well as other available,
relevant,
26 and reliable information, which may include, but need
not be
27 limited to, manatee surveys, observations, and
available
28 studies of food sources and water depths, supports

the

29 ~~conclusion that it can be assumed that~~
~~manatees inhabit such~~

30 waters periodically or continuously. Upon designation of
such

31 waters, the commission shall adopt rules pursuant to
chapter

11

File original & 9 copies
hmo0003

03/15/02
10:16 am

01473-0095-860823

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

1 120 to regulate motorboat speed and operation which are
2 necessary to protect manatees from harmful collisions with
3 motorboats and from harassment. The commission may
adopt rules

4 pursuant to chapter 120 to protect manatee habitat, such as
5 seagrass beds, within such waters from destruction by boats
or
6 other human activity. Such rules shall not protect noxious
7 aquatic plants subject to control under s. 369.20.

8 ~~(o)(n)~~ The commission may
designate, ~~by~~ rule adopted

9 pursuant to chapter 120, limited areas as a safe haven for
10 manatees to rest, feed, reproduce, give birth, or nurse
11 undisturbed by human activity. Access by motor boat to
private

12 residences, boat houses, and boat docks through these
areas by

13 residents, and their authorized guests, who must cross one
of

14 these areas to have water access to their property is
15 permitted when the motorboat is operated at idle speed,
no

16 wake.

17 ~~(p)(o)~~ Except in the marked
navigation channel of the

18 Florida Intracoastal Waterway as defined in s. 327.02 and
the

19 area within 100 feet of such channel, a local government
may

20 regulate, by ordinance, motorboat speed and operation on
21 waters within its jurisdiction where the best
available

22 scientific information, as well as other available,
relevant,

23 and reliable information, which may include, but need
not be

24 limited to, manatee surveys, observations, and
available

25 studies of food sources and water depths, supports
the

26 conclusion that manatees inhabit these areas on a
regular or

27 continuous basis where manatees are
frequently sighted and can

28 ~~be generally assumed to inhabit periodically or~~
~~continuously.~~

29 However, such an ordinance may not take effect until it
has

30 been reviewed and approved by the commission. If the

31 commission and a local government disagree on the
provisions

12

File original & 9 copies
hmo0003

03/15/02
10:16 am

01473-0095-860823

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

1 of an ordinance, a local manatee protection committee must
be
2 formed to review the technical data of the commission and
the
3 United States Fish and Wildlife Service, and to resolve
4 conflicts regarding the ordinance. The manatee protection
5 committee must be comprised of:

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

16
17 If local and state regulations are established for the same
18 area, the more restrictive regulation shall prevail.

19 ~~(q)(p)~~ The commission shall
evaluate the need for use

20 of fenders to prevent crushing of manatees between
vessels

21 (100' or larger) and bulkheads or wharves in counties
where

22 manatees have been crushed by such vessels. For areas in
23 counties where evidence indicates that manatees have been
24 crushed between vessels and bulkheads or wharves, the
25 commission shall:

- 26 1. Adopt rules pursuant to chapter 120 requiring use
27 of fenders for construction of future bulkheads or
wharves;

28 and

- 29 2. Implement a plan and time schedule to require
30 retrofitting of existing bulkheads or wharves consistent
with

31 port bulkhead or wharf repair or replacement schedules.

File original & 9 copies
hmo0003

03/15/02
10:16 am

01473-0095-860823

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

1
2 The fenders shall provide sufficient standoff from the
3 bulkhead or wharf under maximum operational
compression to
4 ensure that manatees cannot be crushed between the vessel
and
5 the bulkhead or wharf.
6 ~~(r)(g)~~ Any violation of a restricted
area established
7 by this subsection, or established by rule pursuant to
chapter
8 120 or ordinance pursuant to this subsection, shall be
9 considered a violation of the boating laws of this state and
10 shall be charged on a uniform boating citation as provided
in
11 s. 327.74, except as otherwise provided in paragraph (s).
Any
12 person who refuses to post a bond or accept and sign a
uniform
13 boating citation shall, as provided in s. 327.73(3), be
guilty
14 of a misdemeanor of the second degree, punishable as
provided
15 in s. 775.082 or s. 775.083. Whereas the effectiveness
of
16 rules to protect manatees are dependent upon the rate
of
17 compliance among boaters, the Fish and Wildlife
Conservation
18 Commission shall ensure that boaters comply with
rules adopted
19 under chapter 120 for the protection of manatees.
Using
20 standardized and repeatable methodology, the
commission shall
21 regularly assess, at least once every 3 years, the rate
of
22 compliance among boaters using the waters regulated
for
23 manatee protection. Data collection for compliance
studies
24 should not be collected while an uniformed officer is
present
25 in the area in which data are being collected. If
compliance
26 rates fall below 85 percent, the commission must

develop and

27 implement a strategic plan for law enforcement agencies and

28 for boater education which ensure at least 85-percent rate of

29 compliance. The plan should address, but need not be limited

30 to, a description of the methodology to be used, levels of

31 staffing and equipment required, as well as a list of those

14

File original & 9 copies
hmo0003

03/15/02
10:16 am

01473-0095-860823

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

1 areas in which and the seasons during which such
increased
2 enforcement and educational activities will be focused.
If
3 available staffing and resources prevent effective
4 implementation of the plan, the commission shall at
its
5 earliest opportunity prepare and submit an
appropriations
6 request that is sufficient in scope to attain and maintain
the
7 minimum 85-percent compliance rate.
8 (s)(r) Except as otherwise provided
in this paragraph,
9 any person violating the provisions of this subsection or any
10 rule or ordinance adopted pursuant to this subsection shall
be
11 guilty of a misdemeanor, punishable as provided in s.
12 370.021(1)(a) or (b).
13 1. Any person operating a vessel in excess of a
posted
14 speed limit shall be guilty of a civil infraction, punishable
15 as provided in s. 327.73, except as provided in
subparagraph
16 2.
17 2. This paragraph does not apply to persons violating
18 restrictions governing "No Entry" zones or "Motorboat
19 Prohibited" zones, who, if convicted, shall be guilty of a
20 misdemeanor, punishable as provided in s. 370.021(1)(a)
or
21 (b), or, if such violation demonstrates blatant or willful
22 action, may be found guilty of harassment as described in
23 paragraph (d).
24 (t) In order to protect manatees and manatee
habitat,
25 the following counties shall each develop a manatee
protection
26 plan that is consistent with the Governor and
Cabinet's policy
27 directive of October, 1989: Collier, Lee, Charlotte,
Sarasota,
28 Manatee, Hillsborough, Citrus, Monroe, Dade,
Brevard, Palm

29 Beach, Broward, Martin, Indian River, Volusia,
Duval, Clay,

30 St. Johns, St. Lucie, Glades, and Pinellas. The
commission

31 shall assist these counties in order to facilitate
the

15

File original & 9 copies
hmo0003

03/15/02
10:16 am

01473-0095-860823

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

1 expeditious completion and implementation of the
manatee
2 protection plans. Each county listed in this paragraph
is
3 encouraged to the extent practicable to incorporate
its
4 manatee protection plan within the county's
comprehensive
5 plan.

6 Section 1. Subsection (2) of section 327.41, Florida
7 Statutes, is amended to read:

8 327.41 Uniform waterway regulatory markers.--
9 (2) Any county or municipality which has been
granted
10 a restricted area designation, pursuant to s. 327.46, for a
11 portion of the Florida Intracoastal Waterway within its
12 jurisdiction or which has adopted a restricted area by
13 ordinance pursuant to s. 327.22, s. 327.60, or s.
370.12(2)(p)
14 ~~s. 370.12(2)(o)~~, or any other governmental entity
which has
15 legally established a restricted area, may apply to the
16 commission for permission to place regulatory markers
within
17 the restricted area.

18 Section 2. The Legislature intends that the
provisions
19 of this act may not be retroactively applied to
manatee
20 protection rules existing on the effective date of this
act
21 unless the Fish and Wildlife Conservation
Commission proposes
22 to amend or revise such rules after this act takes
effect.

23 Proposed rules that are currently subject to an
administrative
24 challenge pending as of February 12, 2002, are not
subject to
25 the provisions of this act unless a court or
administrative
26 hearing officer finds such proposed rule to be invalid
and all
27 appeals have been exhausted. Once such rules
become final, any

28 revisions or amendments of such rules shall be
conducted

29 pursuant to the provisions of this act.

30 Section 3. Subsection (6) is added to section
372.072,

31 Florida Statutes, to read:

16

File original & 9 copies
hmo0003

03/15/02
10:16 am

01473-0095-860823

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

1 (6) Measurable Biological Goals--No later that
 February
 2 15, 2003, the Commission in conjunction with the U.S.
 Fish and
 3 Wildlife Service, shall develop measurable biological
 goals
 4 that define manatee recovery. These measurable
 biological
 5 goals shall be used by the Commission in its
 development of
 6 management plans or work plans.

7 This act shall take effect July 1, 2002.

8
 9
 10 ===== T I T L E A M E N D M E N T
 =====

11 And the title is amended as follows:

12 On page 1, line 2 through page 2, line 7,
 13 remove: all of said lines

14
15 and insert:

16 An act relating to the protection of manatees;
 17 amending s. 370.12, F.S.; requiring notice to
 18 counties where manatee protection zones or
 19 manatee speed zones may be imposed by the Fish
 20 and Wildlife Conservation Commission; providing
 21 for establishment of local rule-review
 22 committees; providing duties and
 23 responsibilities of the counties, committees,
 24 and commission; providing for committee reports
 25 and recommendations; providing that written
 26 reports submitted to the commission by the
 27 committees and Fish and Wildlife Conservation
 28 Commission staff responses shall be part of the
 29 rulemaking record; authorizing the Fish and
 30 Wildlife Conservation Commission to provide
 31 comments to permitting agencies relating to

hmo0003

10:16 am

01473-0095-860823

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

1 marine facilities to protect manatees; revising
2 the circumstances under which the commission
3 may post and regulate motorboat speeds to
4 protect manatees; requiring that the commission
5 periodically assess the rate of compliance with
6 rules to protect manatees; requiring the
7 commission to develop and implement a strategic
8 plan if compliance rates fall below a specified
9 percent; requiring specified counties to
10 develop manatee protection plans that are
11 consistent with a specified policy directive;
12 requiring the commission provide assistance to
13 such counties; amending s. 327.41, F.S.;
14 conforming a cross-reference; providing
15 legislative intent that the provisions of the
16 act not be retroactively applied except as
17 otherwise provided; providing an exemption;
18 amending s.372.072 F.S., requiring the Fish and
19 Wildlife Conservation Commission to develop
20 measurable biological goals for manatee
21 recovery; providing an effective date.

22
23
24
25
26
27
28
29
30
31