

1                                   A bill to be entitled  
2           An act relating to the protection of manatees;  
3           amending s. 370.12, F.S.; requiring notice to  
4           counties where manatee protection zones or  
5           manatee speed zones may be imposed by the Fish  
6           and Wildlife Conservation Commission; providing  
7           for establishment of local rule review  
8           committees; providing duties and  
9           responsibilities of the counties, committees,  
10          and commission; providing for committee reports  
11          and recommendations; providing that written  
12          reports submitted to the commission by the  
13          committees and Fish and Wildlife Conservation  
14          Commission staff responses shall be part of the  
15          rulemaking record; clarifying the Fish and  
16          Wildlife Conservation Commission's authority to  
17          provide comments to permitting agencies  
18          relating to the protection of manatees;  
19          revising the circumstances under which the  
20          commission may post and regulate motorboat  
21          speeds to protect manatees; requiring specified  
22          counties to develop manatee protection plans  
23          that are consistent with specified policy  
24          directive; providing the commission with  
25          rulemaking authority; amending s. 372.072,  
26          F.S.; requiring that the commission develop a  
27          measurable biological goal to define manatee  
28          recovery; requiring the commission to use the  
29          goal in developing management plans and work  
30          plans and for determining the progress of  
31          manatee recovery; amending s. 327.41, F.S.;

1 conforming a cross-reference; providing  
2 legislative intent regarding manatee  
3 protection; providing for compliance studies,  
4 enforcement initiatives, and boater education  
5 plans; requiring the commission to identify  
6 impediments to high rates of compliance;  
7 providing legislative intent that the  
8 provisions of the act not be retroactively  
9 applied except as otherwise provided; providing  
10 an exemption; providing an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14 Section 1. Subsection (2) of section 370.12, Florida  
15 Statutes, is amended to read:

16 370.12 Marine animals; regulation.--

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

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

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

26 (c) Whenever the Fish and Wildlife Conservation  
27 Commission is satisfied that the interest of science will be  
28 subserved, and that the application for a permit to possess a  
29 manatee or sea cow (*Trichechus manatus*) is for a scientific or  
30 propagational purpose and should be granted, and after  
31 concurrence by the United States Department of the Interior,

1 the commission may grant to any person making such application  
2 a special permit to possess a manatee or sea cow, which permit  
3 shall specify the exact number which shall be maintained in  
4 captivity.

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

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

31

1           (f)1. Except for emergency rules adopted under s.  
2 120.54, all proposed rules of the commission for which a  
3 notice of intended agency action is filed proposing to govern  
4 the speed and operation of motorboats for purposes of manatee  
5 protection shall be submitted to the counties in which the  
6 proposed rules will take effect for review by local rule  
7 review committees.

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 waterway east through the Port Everglades Inlet is excluded  
2 from this regulatory zone.

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

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

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

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

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

23 12. In Manatee County: that portion of the Manatee  
24 River east of the west line of section 17, range 19 east,  
25 township 34 south; the Braden River south of the north line  
26 and east of the west line of section 29, range 18 east,  
27 township 34 south; Terra Ceia Bay and River, east of the west  
28 line of sections 26 and 35 of range 17 east, township 33  
29 south, and east of the west line of section 2, range 17 east,  
30 township 34 south; and Bishop Harbor east of the west line of  
31 section 13, range 17 east, township 33 south.



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

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

26           (i)~~(h)~~ The commission shall adopt rules pursuant to  
27 chapter 120 regulating the operation and speed of motorboat  
28 traffic only where manatee sightings are frequent and the best  
29 available scientific information, as well as other available,  
30 relevant, and reliable information, which may include but is  
31 not limited to, manatee surveys, observations, available

1 studies of food sources, and water depths, supports the  
2 conclusion that manatees ~~it can be generally assumed that they~~  
3 inhabit these areas on a regular ~~or continuous~~ basis within  
4 the Withlacoochee River and its tributaries in Citrus and Levy  
5 Counties. The specific areas to be regulated include the  
6 Withlacoochee River and the U.S. 19 bridge westward to a line  
7 between U.S. Coast Guard markers number 33 and number 34 at  
8 the mouth of the river, including all side channels and coves  
9 along that portion of the river; Bennets' Creek from its  
10 beginning to its confluence with the Withlacoochee River;  
11 Bird's Creek from its beginning to its confluence with the  
12 Withlacoochee River; and the two dredged canal systems on the  
13 north side of the Withlacoochee River southwest of Yankeetown.  
14 ~~A limited lane or corridor providing for reasonable motorboat~~  
15 ~~speeds may be identified and designated within this area.~~

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

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

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

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

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

31

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

1 Such rules shall not protect noxious aquatic plants subject to  
 2 control under s. 369.20.

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

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

- 31 1. A representative of the commission;

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

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

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

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

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

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

31

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

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



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

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.  
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