

By the Committee on Natural Resources; and Senator Posey

312-2007B-02

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 commission staff responses shall
14 be part of the rulemaking record; authorizing
15 the Fish and Wildlife Conservation Commission
16 to provide comments to permitting agencies
17 relating to marine facilities to protect
18 manatees; revising the circumstances under
19 which the commission may post and regulate
20 motorboat speeds to protect manatees; revising
21 the circumstances under which a local
22 government may regulate motorboat speed and
23 operation on waters within its jurisdiction by
24 ordinance; eliminating provisions requiring
25 creation of local manatee protection committees
26 for resolving certain disputes involving such
27 ordinances; requiring the commission to develop
28 a measurable biological goal that defines
29 manatee recovery; amending s. 327.41, F.S.;
30 conforming a cross-reference; providing
31 legislative intent that the provisions of the

1 act not be retroactively applied except as
2 otherwise provided; providing an exemption;
3 providing effective dates.

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

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

9 370.12 Marine animals; regulation.--

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

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

13 (b) The State of Florida is hereby declared to be a
14 refuge and sanctuary for the manatee, the "Florida state
15 marine mammal."

16 (c) Whenever the ~~Fish and Wildlife Conservation~~
17 commission is satisfied that the interest of science will be
18 subserved, and that the application for a permit to possess a
19 manatee or sea cow (*Trichechus manatus*) is for a scientific or
20 propagational purpose and should be granted, and after
21 concurrence by the United States Department of the Interior,
22 the commission may grant to any person making such application
23 a special permit to possess a manatee or sea cow, which permit
24 shall specify the exact number which shall be maintained in
25 captivity.

26 (d) Except as may be authorized by the terms of a
27 valid state permit issued pursuant to paragraph (c) or by the
28 terms of a valid federal permit, it is unlawful for any person
29 at any time, by any means, or in any manner intentionally or
30 negligently to annoy, molest, harass, or disturb or attempt to
31 molest, harass, or disturb any manatee; injure or harm or

1 attempt to injure or harm any manatee; capture or collect or
2 attempt to capture or collect any manatee; pursue, hunt,
3 wound, or kill or attempt to pursue, hunt, wound, or kill any
4 manatee; or possess, literally or constructively, any manatee
5 or any part of any manatee.

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

21 (f)1. Except for emergency rules adopted under s.
22 120.54, all proposed rules of the commission for which a
23 notice of intended agency action is filed after the date this
24 paragraph takes effect proposing to govern the speed and
25 operation of motor boats for purposes of manatee protection
26 must be submitted to the counties where the proposed rules
27 will take effect for review by local rule-review committees.

28 2. No less than 60 days prior to filing a notice of
29 rule development in the Florida Administrative Weekly, as
30 provided in s. 120.54(3)(a), the commission shall notify the
31 counties for which a rule to regulate the speed and operation

1 of motorboats for the protection of manatees is proposed. A
2 county so notified shall establish a local rule-review
3 committee or several counties may combine local rule-review
4 committees.

5 3. The board of county commissioners of each county in
6 which a rule to regulate the speed and operation of motorboats
7 for the protection of manatees is proposed shall designate a
8 local rule-review committee that represents a balance of
9 fishers, boaters, water skiers, other traditional waterway
10 users, and environmental interests. A board of county
11 commissioners may designate an existing advisory group as the
12 local rule-review committee so long as the membership of the
13 advisory group maintains a balance of fishers, boaters, water
14 skiers, other traditional waterway users, and environmental
15 interests.

16 4. The county shall invite other state, federal,
17 county, municipal, or local agency representatives to
18 participate as nonvoting members of the local rule-review
19 committee.

20 5. The county shall provide logistical and
21 administrative staff support to the local rule-review
22 committee and may request technical assistance from the
23 commission staff.

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

26 7. Commission staff shall submit the proposed rule and
27 supporting data used to develop the rule to the local
28 rule-review committees.

29 8. The local rule-review committees shall have 60 days
30 from receipt of the proposed rule to submit a written report
31 to commission members and staff. The rule-review committees

1 may use supporting data supplied by the commission, as well as
2 public testimony that may be collected by the committee, to
3 develop the written report. The report may contain
4 recommended changes to proposed manatee protection zones or
5 speed zones, including a recommendation that no rule be
6 adopted, if that is the finding of the committee.

7 9. Prior to filing a notice of proposed rulemaking in
8 the Florida Administrative Weekly as provided in s.
9 120.54(3)(a), the commission staff shall provide a written
10 response to the local-rule-review-committee reports to the
11 appropriate counties and to the commission members.

12 10. In conducting a review of the proposed manatee
13 protection rule, the local rule-review committees may address
14 such factors as whether the best available science justifies
15 the proposed rule, whether seasonal zones are warranted, and
16 such other factors as are necessary to balance manatee
17 protection and public access to and use of the waters being
18 regulated under the proposed rule.

19 11. The written reports submitted by the local
20 rule-review committees shall contain a majority opinion. If
21 the majority opinion is not unanimous, a minority opinion
22 shall also be included.

23 12. The members of the commission shall fully consider
24 any timely submitted written report submitted by a local
25 rule-review committee prior to authorizing commission staff to
26 move forward with proposed rulemaking and shall fully consider
27 any subsequent reports of the committee prior to adoption of a
28 final rule. The written reports of the local rule-review
29 committee and the written responses of the commission staff
30 shall be part of the rulemaking record and may be submitted as
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1 evidence in any proceeding relating to a rule proposed or
2 adopted pursuant to this subsection.

3 (g)(f) In order to protect manatees or sea cows from
4 harmful collisions with motorboats or from harassment, the
5 ~~Fish and Wildlife Conservation~~ commission is authorized to
6 provide a permitting agency with comments shall adopt rules
7 under chapter 120 regarding the expansion of existing, or the
8 construction of new, marine facilities and mooring or docking
9 slips, by the addition or construction of five or more
10 powerboat slips. The commission shall adopt rules under
11 chapter 120 to regulate, and regulating the operation and
12 speed of motorboat traffic, only where manatees manatee
13 sightings are sighted frequent and the best available science
14 and observations of the commission, which may include, but
15 need not be limited to, manatee surveys, and available studies
16 of food sources and water depths, justify the conclusions that
17 manatees it can be generally assumed, based on available
18 scientific information, that they inhabit these areas on a
19 regular or continuous basis:

20 1. In Lee County: the entire Orange River, including
21 the Tice Florida Power and Light Corporation discharge canal
22 and adjoining waters of the Caloosahatchee River within 1 mile
23 of the confluence of the Orange and Caloosahatchee Rivers.

24 2. In Brevard County: those portions of the Indian
25 River within three-fourths of a mile of the Orlando Utilities
26 Commission Delespine power plant effluent and the Florida
27 Power and Light Frontenac power plant effluents.

28 3. In Indian River County: the discharge canals of the
29 Vero Beach Municipal Power Plant and connecting waters within
30 1 1/4 miles thereof.

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

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

7 6. In Broward County: the discharge canal of the
8 Florida Power and Light Port Everglades power plant and
9 connecting waters within 1 1/2 miles thereof and the
10 discharge canal of the Florida Power and Light Fort Lauderdale
11 power plant and connecting waters within 2 miles thereof. For
12 purposes of ensuring the physical safety of boaters in a
13 sometimes turbulent area, the area from the easternmost edge
14 of the authorized navigation project of the intracoastal
15 waterway east through the Port Everglades Inlet is excluded
16 from this regulatory zone.

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

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

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

26 10. In Sarasota County: the Venice Inlet and
27 connecting waters within 1 mile thereof, including Lyons Bay,
28 Donna Bay, Roberts Bay, and Hatchett Creek, excluding the
29 waters of the intracoastal waterway and the right-of-way
30 bordering the centerline of the intracoastal waterway.

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1 11. In Collier County: within the Port of Islands,
2 within section 9, township 52 south, range 28 east, and
3 certain unsurveyed lands, all east-west canals and the
4 north-south canals to the southerly extent of the intersecting
5 east-west canals which lie southerly of the centerline of U.S.
6 Highway 41.

7 12. In Manatee County: that portion of the Manatee
8 River east of the west line of section 17, range 19 east,
9 township 34 south; the Braden River south of the north line
10 and east of the west line of section 29, range 18 east,
11 township 34 south; Terra Ceia Bay and River, east of the west
12 line of sections 26 and 35 of range 17 east, township 33
13 south, and east of the west line of section 2, range 17 east,
14 township 34 south; and Bishop Harbor east of the west line of
15 section 13, range 17 east, township 33 south.

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

19 ~~(h)(g) The Fish and Wildlife Conservation~~ commission
20 shall adopt rules pursuant to chapter 120 regulating the
21 operation and speed of motorboat traffic only where manatees
22 ~~manatee sightings~~ are sighted frequent and the best available
23 science and observations of the commission, which may include,
24 but need not be limited to, manatee surveys, and available
25 studies of food sources and water depths, justify the
26 conclusion that manatees ~~it can be generally assumed that they~~
27 inhabit these areas on a regular or continuous basis within
28 that portion of the Indian River between the St. Lucie Inlet
29 in Martin County and the Jupiter Inlet in Palm Beach County
30 ~~and. In addition, the commission shall adopt rules pursuant to~~
31 ~~chapter 120 regulating the operation and speed of motorboat~~

1 ~~traffic only where manatee sightings are frequent and it can~~
2 ~~be generally assumed that they inhabit these areas on a~~
3 ~~regular or continuous basis within the Loxahatchee River in~~
4 ~~Palm Beach and Martin Counties, including the north and~~
5 ~~southwest forks thereof. A limited lane or corridor providing~~
6 ~~for reasonable motorboat speeds may be identified and~~
7 ~~designated within this area.~~

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

29 (j)~~(i)~~ If any new power plant is constructed or other
30 source of warm water discharge is discovered within the state
31 which attracts a concentration of manatees or sea cows, the

1 ~~Fish and Wildlife Conservation~~ commission is directed to adopt
2 rules pursuant to chapter 120 regulating the operation and
3 speed of motorboat traffic within the area of such discharge.
4 Such rules shall designate a zone which is sufficient in size,
5 and which shall remain in effect for a sufficient period of
6 time, to protect the manatees or sea cows.

7 (k)(j) For any manatee protection or speed zone rule
8 adopted pursuant to subsection (2), it is the intent of the
9 Legislature ~~through adoption of this paragraph~~ to allow the
10 ~~Fish and Wildlife Conservation~~ commission to post and regulate
11 boat speeds only where the best available science, which may
12 include, but need not be limited to, manatee surveys and
13 available studies of food sources and water depth, justifies
14 the conclusion that manatees ~~manatee sightings are frequent~~
15 ~~and it can be generally assumed that they~~ inhabit these areas
16 on a regular or continuous basis. The commission may post and
17 regulate boat speeds on a seasonal basis in areas where the
18 best available science, which may include, but need not be
19 limited to, manatee surveys and available studies of food
20 sources and water depth, justifies the conclusion that
21 manatees inhabit such areas on a seasonal basis. It is not the
22 intent of the Legislature to permit the commission to post and
23 regulate boat speeds generally in the waters of the state
24 ~~above-described inlets, bays, rivers, creeks,~~ thereby unduly
25 interfering with the rights of fishers, boaters, ~~and~~ water
26 skiers, and other traditional waterway users who are using the
27 areas for recreational and commercial purposes. The
28 Legislature further intends that the commission may identify
29 and designate limited lanes or corridors providing for
30 reasonable motorboat speeds within waters of the state
31 whenever such lanes and corridors are consistent with manatee

1 protection and recovery goals ~~may be identified and designated~~
2 ~~within these areas.~~

3 (l)~~(k)~~ The commission shall adopt rules pursuant to
4 chapter 120 regulating the operation and speed of motorboat
5 traffic all year around within Turkey Creek and its
6 tributaries and within Manatee Cove in Brevard County. The
7 specific areas to be regulated consist of:

8 1. A body of water which starts at Melbourne-Tillman
9 Drainage District structure MS-1, section 35, township 28
10 south, range 37 east, running east to include all natural
11 waters and tributaries of Turkey Creek, section 26, township
12 28 south, range 37 east, to the confluence of Turkey Creek and
13 the Indian River, section 24, township 28 south, range 37
14 east, including all lagoon waters of the Indian River bordered
15 on the west by Palm Bay Point, the north by Castaway Point,
16 the east by the four immediate spoil islands, and the south by
17 Cape Malabar, thence northward along the shoreline of the
18 Indian River to Palm Bay Point.

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

29 (m)~~(l)~~ The commission shall promulgate regulations
30 pursuant to chapter 120 relating to the operation and speed of
31 motor boat traffic in port waters with due regard to the

1 safety requirements of such traffic and the navigational
2 hazards related to the movement of commercial vessels.

3 (n)~~(m)~~ The commission may designate by rule adopted
4 pursuant to chapter 120 other portions of state waters where
5 manatees are ~~frequently~~ sighted and the best available science
6 and observations of the commission, which may include, but
7 need not be limited to, manatee surveys and available studies
8 of food sources and water depths, justify the conclusion that
9 ~~it can be assumed that~~ manatees inhabit such waters
10 periodically or continuously. Upon designation of such waters,
11 the commission shall adopt rules pursuant to chapter 120 to
12 regulate motorboat speed and operation which are necessary to
13 protect manatees from harmful collisions with motorboats and
14 from harassment. The commission may adopt rules pursuant to
15 chapter 120 to protect manatee habitat, such as seagrass beds,
16 within such waters from destruction by boats or other human
17 activity. Such rules shall not protect noxious aquatic plants
18 subject to control under s. 369.20.

19 (o)~~(n)~~ The commission may designate, by rule adopted
20 pursuant to chapter 120, limited areas as a safe haven for
21 manatees to rest, feed, reproduce, give birth, or nurse
22 undisturbed by human activity. Access by motor boat to private
23 residences, boat houses, and boat docks through these areas by
24 residents, and their authorized guests, who must cross one of
25 these areas to have water access to their property is
26 permitted when the motorboat is operated at idle speed, no
27 wake.

28 (p)~~(o)~~ Except in the marked navigation channel of the
29 Florida Intracoastal Waterway as defined in s. 327.02 and the
30 area within 100 feet of such channel, a local government may
31 regulate, by ordinance, motorboat speed and operation on

1 waters within its jurisdiction only where the best available
2 science, which may include, but need not be limited to,
3 manatee surveys and available studies of food sources and
4 water depths, justifies the conclusion that manatees inhabit
5 these areas on a regular or continuous basis ~~where manatees~~
6 ~~are frequently sighted and can be generally assumed to inhabit~~
7 ~~periodically or continuously.~~ However, such an ordinance may
8 not take effect until it has been reviewed and approved by the
9 commission according to the criteria in this paragraph. ~~If the~~
10 ~~commission and a local government disagree on the provisions~~
11 ~~of an ordinance, a local manatee protection committee must be~~
12 ~~formed to review the technical data of the commission and the~~
13 ~~United States Fish and Wildlife Service, and to resolve~~
14 ~~conflicts regarding the ordinance. The manatee protection~~
15 ~~committee must be comprised of:~~
16 1. ~~A representative of the commission;~~
17 2. ~~A representative of the county;~~
18 3. ~~A representative of the United States Fish and~~
19 ~~Wildlife Service;~~
20 4. ~~A representative of a local marine-related~~
21 ~~business;~~
22 5. ~~A representative of the Save the Manatee Club;~~
23 6. ~~A local fisher;~~
24 7. ~~An affected property owner; and~~
25 8. ~~A representative of the Florida Marine Patrol.~~
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27 ~~If local and state regulations are established for the same~~
28 ~~area, the more restrictive regulation shall prevail.~~
29 (q)~~(p)~~ The commission shall evaluate the need for use
30 of fenders to prevent crushing of manatees between vessels
31 (100' or larger) and bulkheads or wharves in counties where

1 manatees have been crushed by such vessels. For areas in
2 counties where evidence indicates that manatees have been
3 crushed between vessels and bulkheads or wharves, the
4 commission shall:

5 1. Adopt rules pursuant to chapter 120 requiring use
6 of fenders for construction of future bulkheads or wharves;
7 and

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

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12 The fenders shall provide sufficient standoff from the
13 bulkhead or wharf under maximum operational compression to
14 ensure that manatees cannot be crushed between the vessel and
15 the bulkhead or wharf.

16 (r)~~(q)~~ Any violation of a restricted area established
17 by this subsection, or established by rule pursuant to chapter
18 120 or ordinance pursuant to this subsection, shall be
19 considered a violation of the boating laws of this state and
20 shall be charged on a uniform boating citation as provided in
21 s. 327.74, except as otherwise provided in paragraph(t)~~(s)~~.
22 Any person who refuses to post a bond or accept and sign a
23 uniform boating citation shall, as provided in s. 327.73(3),
24 be guilty of a misdemeanor of the second degree, punishable as
25 provided in s. 775.082 or s. 775.083.

26 (s) No later than February 15, 2003, the commission,
27 working in conjunction with the U.S. Fish and Wildlife
28 Service, shall develop a measurable biological goal that
29 defines manatee recovery. This measurable biological goal
30 shall be used by the commission in its development of
31 management plans or work plans and shall be used by the

1 commission and the local rule-review committees to evaluate
2 the effectiveness of existing and proposed manatee-protection
3 rules and to determine the progress in achieving manatee
4 recovery.

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

10 1. Any person operating a vessel in excess of a posted
11 speed limit shall be guilty of a civil infraction, punishable
12 as provided in s. 327.73, except as provided in subparagraph
13 2.

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

21 Section 2. Subsection (2) of section 327.41, Florida
22 Statutes, is amended to read:

23 327.41 Uniform waterway regulatory markers.--

24 (2) Any county or municipality which has been granted
25 a restricted area designation, pursuant to s. 327.46, for a
26 portion of the Florida Intracoastal Waterway within its
27 jurisdiction or which has adopted a restricted area by
28 ordinance pursuant to s. 327.22, s. 327.60, or s. 370.12(2)(q)
29 ~~s. 370.12(2)(o)~~, or any other governmental entity which has
30 legally established a restricted area, may apply to the
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1 commission for permission to place regulatory markers within
2 the restricted area.

3 Section 3. The Legislature intends that the provisions
4 of this act may not be retroactively applied to manatee
5 protection rules existing on the effective date of this act
6 unless the commission proposes to amend or revise such rules
7 after this act takes effect. Proposed rules that are
8 currently subject to an administrative challenge pending as of
9 February 12, 2002, are not subject to the provisions of this
10 act unless a court or administrative hearing officer finds
11 such proposed rule to be invalid.

12 Section 4. This act shall take effect upon becoming a
13 law, except that paragraph (f) of subsection (2) of section
14 370.12, Florida Statutes, as created by this act shall take
15 effect June 15, 2002.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1614

4 The proposed committee substitute includes the following
5 changes:

- 6 - The requirement that the FWC notify affected counties
7 about proposed manatee protection rules at least 45 days
8 prior to filing a notice of rule development has been
9 changed to 60 days prior to filing the notice.
- 10 - Provisions authorizing a local rule-review committee to
11 elect to participate in the rule development process
12 have been deleted.
- 13 - Specific requirements for membership or the local
14 committees have been revised to require a balance of
15 fishers, boaters, water skiers, other traditional
16 waterway users, and environmental interests.
- 17 - The time period for a local committee to submit a
18 written report to the FWC has been revised from 45 days
19 from receipt of the proposed rule to 60 days from
20 receipt of the proposed rule.
- 21 - A local committee's written report must include a
22 minority opinion if the majority opinion is not
23 unanimous.
- 24 - In adopting manatee protection rules and regulating
25 motorboat operation, the FWC's consideration of the best
26 available science must include available studies of food
27 sources and water depths. Also, references to the
28 frequency of sightings have been deleted; sightings and
29 the observations of the FWC must also be considered.
- 30 - Legislative intent is provided tht the FWC may identify
31 and designate limited lanes or corridors providing for
reasonable motorboat speeds within waters of the state
whenever they would be consistent with manatee
protection and recovery goals.
- In regulating boat speeds on a seasonal basis, the FWC's
consideration of the best available science must include
available studies of food sources and water depths.
- Provisions requiring the FWC to adopt rules relating to
new or expanded marine facilities in order to protect
manatees have been deleted; instead, the FWC is
authorized to provide a permitting agency with its
comments regarding such facilities.
- Provisions requiring the FWC and local committees to
review existing rules have been deleted.
- A new section 2 has been added to correct a
cross-reference.
- A new section 3 has been added to provide legislative

1 intent that the provisions of this act may not be
2 retroactively applied to manatee protection rules
3 existing on the effective date of this act unless the
4 FWC proposes to amend or review such rules after this
5 act takes effect. Proposed rules that are currently
6 subject to an administrative challenge pending as of
7 February 12, 2002, are not subject to the provisions of
8 this act unless a court or administrative hearing
9 officer finds the proposed rule to be invalid.
10 - The act shall take effect upon becoming a law, except
11 that paragraph (f) of subsection (2) of section 370.12,
12 Florida Statutes, as created by this act shall take
13 effect June 15, 2002.
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