

By the Committees on Comprehensive Planning, Local and Military Affairs; Natural Resources; and Senator Posey

316-2337-02

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 Fish and Wildlife Conservation  
14          Commission staff responses shall be part of the  
15          rulemaking record; authorizing the Fish and  
16          Wildlife Conservation Commission to provide  
17          comments to permitting agencies relating to  
18          marine facilities to protect manatees; revising  
19          the circumstances under which the commission  
20          may post and regulate motorboat speeds to  
21          protect manatees; requiring that the commission  
22          periodically assess the rate of compliance with  
23          rules to protect manatees; requiring the  
24          commission to develop and implement a strategic  
25          plan if compliance rates fall below a specified  
26          percent; requiring specified counties to  
27          develop manatee protection plans that are  
28          consistent with specified policy directive;  
29          requiring the commission to provide assistance  
30          to such counties; amending s. 327.41, F.S.;  
31          conforming a cross-reference; providing

1 legislative intent that the provisions of the  
2 act not be retroactively applied except as  
3 otherwise provided; providing an exemption;  
4 amending s. 372.072, F.S.; requiring the Fish  
5 and Wildlife Commission to develop a measurable  
6 biological goal for manatee recovery; providing  
7 an effective date.

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

10

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

13 370.12 Marine animals; regulation.--

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

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

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

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

30 (d) Except as may be authorized by the terms of a  
31 valid state permit issued pursuant to paragraph (c) or by the

1 terms of a valid federal permit, it is unlawful for any person  
2 at any time, by any means, or in any manner intentionally or  
3 negligently to annoy, molest, harass, or disturb or attempt to  
4 molest, harass, or disturb any manatee; injure or harm or  
5 attempt to injure or harm any manatee; capture or collect or  
6 attempt to capture or collect any manatee; pursue, hunt,  
7 wound, or kill or attempt to pursue, hunt, wound, or kill any  
8 manatee; or possess, literally or constructively, any manatee  
9 or any part of any manatee.

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

25 (f)1. Except for emergency rules adopted under s.  
26 120.54, all proposed rules of the Fish and Wildlife  
27 Conservation Commission for which a notice of intended agency  
28 action is filed after the date this paragraph takes effect  
29 proposing to govern the speed and operation of motor boats for  
30 purposes of manatee protection must be submitted to the

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1 counties where the proposed rules will take effect for review  
2 by local rule-review committees.

3 2. No less than 60 days prior to filing a notice of  
4 rule development in the Florida Administrative Weekly, as  
5 provided in s. 120.54(3)(a), the Fish and Wildlife  
6 Conservation Commission shall notify the counties for which a  
7 rule to regulate the speed and operation of motorboats for the  
8 protection of manatees is proposed. A county so notified  
9 shall, at its option, establish a local rule-review committee  
10 or several counties may combine local rule-review committees.

11 3. The board of county commissioners of each county in  
12 which a rule to regulate the speed and operation of motorboats  
13 for the protection of manatees is proposed shall, at its  
14 option, designate a local rule-review committee. If so  
15 designated, the rule-review committee must represent an equal  
16 balance of local waterway users, such as fishers, boaters,  
17 water skiers, other waterway users, as compared to the number  
18 of manatee and other environmental advocates. A board of  
19 county commissioners may designate an existing advisory group  
20 as the rule-review committee so long as the membership of the  
21 advisory group maintains an equal balance of waterway users as  
22 compared with the number of manatee and environmental  
23 advocates.

24 4. The county shall invite other state, federal,  
25 county, municipal, or local agency representatives to  
26 participate as nonvoting members of the local rule-review  
27 committee.

28 5. The county shall provide logistical and  
29 administrative staff support to the local rule-review  
30 committee and may request technical assistance from the Fish  
31 and Wildlife Conservation Commission staff.

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

3           7. Fish and Wildlife Conservation Commission staff  
4 shall submit the proposed rule and supporting data used to  
5 develop the rule to the local rule-review committees and shall  
6 concurrently make copies available to other parties upon  
7 request.

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

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

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

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

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

16           (g)(f) In order to protect manatees or sea cows from  
17 harmful collisions with motorboats or from harassment, the  
18 Fish and Wildlife Conservation Commission is authorized, in  
19 addition to all other authority, to provide a permitting  
20 agency with comments shall adopt rules under chapter 120  
21 regarding the expansion of existing, or the construction of  
22 new, marine facilities and mooring or docking slips, by the  
23 addition or construction of five or more powerboat slips. The  
24 Fish and Wildlife Conservation Commission shall adopt rules  
25 under chapter 120, and regulating the operation and speed of  
26 motorboat traffic, only where manatee sightings are frequent  
27 and the best available scientific information, as well as  
28 other available, relevant, and reliable information, which may  
29 include, but need not be limited to, manatee surveys,  
30 observations, and available studies of food sources and water  
31 depths, supports the conclusions that manatees it can be

1 ~~generally assumed, based on available scientific information,~~  
2 ~~that they~~ inhabit these areas on a regular or continuous  
3 basis:

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

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

12           3. In Indian River County: the discharge canals of the  
13 Vero Beach Municipal Power Plant and connecting waters within  
14 1 1/4 miles thereof.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 depth, supports the conclusion that manatees ~~manatee sightings~~  
2 ~~are frequent and it can be generally assumed that they inhabit~~  
3 these areas on a seasonal ~~regular or continuous~~ basis. It is  
4 not the intent of the Legislature to permit the commission to  
5 post and regulate boat speeds generally throughout the waters  
6 of the state in the above-described inlets, bays, rivers,  
7 ~~creeks~~, 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 and recovery goals ~~may be~~  
14 ~~identified and 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.

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

11           (m)~~(l)~~ 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 need not be  
21 limited to, manatee surveys, observations, and available  
22 studies of food sources and water depths, supports the  
23 conclusion that ~~it can be assumed that~~ manatees inhabit such  
24 waters periodically or continuously. Upon designation of such  
25 waters, the commission shall adopt rules pursuant to chapter  
26 120 to regulate motorboat speed and operation which are  
27 necessary to protect manatees from harmful collisions with  
28 motorboats and from harassment. The commission may adopt rules  
29 pursuant to chapter 120 to protect manatee habitat, such as  
30 seagrass beds, within such waters from destruction by boats or  
31

1 other human activity. Such rules shall not protect noxious  
2 aquatic plants subject to 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 need not be  
19 limited to, manatee surveys, observations, and available  
20 studies of food sources and water depths, supports the  
21 conclusion that manatees inhabit these areas on a regular or  
22 continuous basis ~~where manatees are frequently sighted and can~~  
23 ~~be generally assumed to inhabit periodically or continuously.~~  
24 However, such an ordinance may not take effect until it has  
25 been reviewed and approved by the commission. If the  
26 commission and a local government disagree on the provisions  
27 of an ordinance, a local manatee protection committee must be  
28 formed to review the technical data of the commission and the  
29 United States Fish and Wildlife Service, and to resolve  
30 conflicts regarding the ordinance. The manatee protection  
31 committee must be comprised of:

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

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

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

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

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

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

1           ~~(r)(c)~~ 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. Whereas the effectiveness of  
11 rules to protect manatees are dependent upon the rate of  
12 compliance among boaters, the Fish and Wildlife Conservation  
13 Commission shall ensure that boaters comply with rules adopted  
14 under chapter 120 for the protection of manatees. Using  
15 standardized and repeatable methodology, the commission shall  
16 regularly assess, at least once every 3 years, the rate of  
17 compliance among boaters using the waters regulated for  
18 manatee protection. Data collection for compliance studies  
19 should not be collected while a uniformed officer is present  
20 in the area in which data are being collected. If compliance  
21 rates fall below 85 percent, the commission must develop and  
22 implement a strategic plan for law enforcement agencies and  
23 for boater education which ensure at least 85-percent rate of  
24 compliance. The plan should address, but need not be limited  
25 to, a description of the methodology to be used, levels of  
26 staffing and equipment required, as well as a list of those  
27 areas in which and the seasons during which such increased  
28 enforcement and educational activities will be focused. If  
29 available staffing and resources prevent effective  
30 implementation of the plan, the commission shall at its  
31 earliest opportunity prepare and submit an appropriations

1 request that is sufficient in scope to attain and maintain the  
2 minimum 85-percent compliance rate.

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

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

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

19 (t) In order to protect manatees and manatee habitats,  
20 the following counties shall each develop a manatee protection  
21 plan that is consistent with the Governor and Cabinet's policy  
22 directive of October, 1989: Collier, Lee, Charlotte, Sarasota,  
23 Manatee, Hillsborough, Citrus, Monroe, Dade, Brevard, Palm  
24 Beach, Broward, Martin, Indian River, Volusia, Duval, Clay,  
25 St. Johns, St. Lucie, Glades, and Pinellas. The commission  
26 shall assist these counties in order to facilitate the  
27 expeditious completion and implementation of the manatee  
28 protection plans. Each county listed in this paragraph is  
29 encouraged to the extent practicable to incorporate its  
30 manatee protection plan within the county's comprehensive  
31 plan.



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

3           327.41 Uniform waterway regulatory markers.--

4           (2) Any county or municipality which has been granted  
5 a restricted area designation, pursuant to s. 327.46, for a  
6 portion of the Florida Intracoastal Waterway within its  
7 jurisdiction or which has adopted a restricted area by  
8 ordinance pursuant to s. 327.22, s. 327.60, or s. 370.12(2)(q)  
9 ~~s. 370.12(2)(o)~~, or any other governmental entity which has  
10 legally established a restricted area, may apply to the  
11 commission for permission to place regulatory markers within  
12 the restricted area.

13           Section 3. The Legislature intends that the provisions  
14 of this act may not be retroactively applied to manatee  
15 protection rules existing on the effective date of this act  
16 unless the Fish and Wildlife Conservation Commission proposes  
17 to amend or revise such rules after this act takes effect.  
18 Proposed rules that are currently subject to an administrative  
19 challenge pending as of February 12, 2002, are not subject to  
20 the provisions of this act unless a court or administrative  
21 hearing officer finds such proposed rule to be invalid and all  
22 appeals have been exhausted. Once such rules become final, any  
23 revisions or amendments of such rules shall be conducted  
24 pursuant to the provisions of this act.

25           Section 4. Subsection (6) is added to section 372.072,  
26 Florida Statutes, to read:

27           372.072 Endangered and Threatened Species Act.--

28           (6) Measurable Biological Goals.--By February 15,  
29 2003, the commission, in conjunction with the U.S. Fish and  
30 Wildlife Service, shall develop a measurable biological goal  
31 that defines manatee recovery. This measurable biological goal

1 shall be used by the commission in its development of  
2 management plans or workplans.

3 Section 5. This act shall take effect July 1, 2002.

4  
5 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
6 COMMITTEE SUBSTITUTE FOR  
7 CS for SB 1614

8 This bill provides for the designation, at the option of the  
9 board of county commissioners, of local rule review committees  
10 in counties where manatee-protection zones or manatee speed  
11 zones may be imposed. The purpose of the committee is to  
12 submit a written report to the Fish and Wildlife Conservation  
13 Commission (FWCC) recommending changes to proposed manatee  
14 protection zones or speed zones.

15 The composition of a local rule review committee must include  
16 an equal balance of waterway users compared to the number of  
17 manatee and environmental advocates.

18 The bill requires the FWCC, in consultation with the U.S. Fish  
19 and Wildlife Service, to develop a measurable biological goal  
20 that defines manatee recovery, by February 15, 2003, under the  
21 authority of the Florida Endangered Species Act.

22 The bill requires the FWCC to conduct studies, at least every  
23 three years, of the compliance rate of boaters with manatee  
24 protection rules. If compliance rates fall below 85%, the FWCC  
25 is required to prepare a strategic plan to bring compliance  
26 back to the 85% minimum rate.

27 The bill requires twenty one counties to prepare manatee  
28 protection plans, and encourages these counties to incorporate  
29 the manatee protection plan into the county's local government  
30 comprehensive plan.