

1 and Wildlife Conservation Commission to conduct
2 a signage and boat speed assessment of the
3 effectiveness of signs warning boaters of
4 manatee slow-speed zones in the waters of this
5 state; providing requirements for the
6 assessment; directing the commission to prepare
7 and submit a report to the Governor, the
8 President of the Senate, and the Speaker of the
9 House of Representatives; directing the
10 commission to make specific policy
11 recommendations regarding signs in manatee
12 slow-speed zones; authorizing the Fish and
13 Wildlife Conservation Commission to develop and
14 implement a genetic tagging program for
15 manatees; amending s. 372.072, F.S.; requiring
16 the Fish and Wildlife Conservation Commission
17 to develop rules not later than July 1, 2005,
18 which define how measurable biological goals
19 will be used when evaluating the need for
20 additional manatee protection rules; providing
21 appropriations; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Paragraph (s) of subsection (2) of section
26 370.12, Florida Statutes, is amended and paragraph (u) is
27 added to that subsection, to read:

28 370.12 Marine animals; regulation.--

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

30 (s) Except as otherwise provided in this paragraph,
31 any person violating the provisions of this subsection or any

1 rule or ordinance adopted pursuant to this subsection commits
2 ~~shall be guilty of~~ a misdemeanor, punishable as provided in s.
3 370.021(1)(a) or (b).

4 1. Any person operating a vessel in excess of a posted
5 speed limit shall be guilty of a civil infraction, punishable
6 as provided in s. 327.73, except as provided in subparagraph
7 2.

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

15 3. A person may engage in any activity otherwise
16 prohibited by this subsection or any rule or ordinance adopted
17 pursuant to this subsection if the activity is reasonably
18 necessary in order to prevent the loss of human life or a
19 vessel in distress due to weather conditions or other
20 reasonably unforeseen circumstances, or in order to render
21 emergency assistance to persons or a vessel in distress.

22 (u)1. Existing state manatee protection rules shall be
23 presumed to be adequate and additional rules unnecessary in a
24 region where the measurable biological goals developed
25 pursuant to s. 372.072 are being achieved. However, the
26 presumption does not prevent the commission from amending
27 existing rules or adopting new rules to address risks or
28 circumstances in a particular area or waterbody to protect
29 manatees.

30 2. As used in this paragraph, the term "region" means
31 one of the four geographic areas defined by the United States

1 Fish and Wildlife Service in the Florida Manatee Recovery
2 Plan, 3rd revision (October 30, 2001).

3 Section 2. Section 370.1202, Florida Statutes, is
4 created to read:

5 370.1202 Enhanced manatee protection study.--

6 (1) The Fish and Wildlife Conservation Commission
7 shall implement and administer an enhanced manatee protection
8 study designed to increase knowledge of the factors that
9 determine the size and distribution of the manatee population
10 in the waters of the state. The enhanced study shall be used
11 by the commission in its mission to provide manatees with the
12 maximum protection possible, while also allowing maximum
13 recreational use of the state's waterways. The goal of the
14 enhanced study is to collect data that will enable resource
15 managers and state and local policymakers, in consultation
16 with the public, to develop and implement sound science-based
17 policies to improve manatee habitat, establish manatee
18 protection zones, and maximize the size of safe boating areas
19 for recreational use of state waters without endangering the
20 manatee population.

21 (2)(a) As part of the enhanced manatee protection
22 study, the Legislature intends that the commission shall
23 contract with Mote Marine Laboratory to conduct a manatee
24 habitat and submerged aquatic vegetation assessment that
25 specifically considers:

26 1. Manatee populations that congregate in the warm
27 water discharge sites at power plants in the state and the
28 potential risks for disease resulting from increased
29 congregation of manatees at these sites;

30 2. Development of research, monitoring, and submerged
31 aquatic vegetation restoration priorities for manatee habitat

1 in and near the warm water discharge sites at power plants in
2 the state; and

3 3. The potential impacts on manatees and manatee
4 habitat if power plants that provide warm water discharge
5 sites where manatees congregate are closed, including how
6 closure will affect the size and health of submerged aquatic
7 vegetation areas.

8 (b) The Mote Marine Laboratory must submit an interim
9 report on the manatee habitat and submerged aquatic vegetation
10 assessment to the Governor, the Legislature, and the
11 commission by September 1, 2006. The interim report must
12 detail the progress of the assessment. The final report, due
13 to the Governor, the Legislature, and the commission by
14 January 1, 2007, must detail the results of the assessment and
15 include recommendations for protection of manatee habitat in
16 warm water discharge sites at power plants in the state.

17 (c) The commission shall ensure that funds allocated
18 to implement the manatee habitat and submerged aquatic
19 vegetation assessment are expended in a manner that is
20 consistent with the requirements of this subsection. The
21 commission may require an annual audit of the expenditures
22 made by Mote Marine Laboratory. Copies of any audit requested
23 under this subsection must be provided to the appropriate
24 substantive and appropriations committees of the Senate and
25 the House of Representatives as they become available.

26 (3) As part of the enhanced manatee protection study,
27 the Legislature intends that the commission must conduct a
28 signage and boat speed assessment to evaluate the
29 effectiveness of manatee protection signs and sign placement
30 and to assess boat speeds. The commission shall evaluate
31 existing data on manatee mortality before and after existing

1 manatee protection zones were established, boater compliance
2 and comprehension of regulatory signs and buoys, changes in
3 boating traffic patterns, and manatee distribution and
4 behavior. The commission shall also provide recommendations
5 on innovative marker designs that are in compliance with the
6 federal aids to navigation system. The signage and boat speed
7 assessment must address:

8 (a) The effectiveness of signs and buoys to warn
9 boaters of manatee slow-speed zones, with a goal of developing
10 federally approved standards for marking manatee protection
11 zones;

12 (b) A determination of where buoys may be used in
13 place of pilings for boating safety purposes; and

14 (c) An evaluation of higher speed travel corridors in
15 manatee zones to determine the most effective speed to balance
16 safe boating, recreational use, vessel operating
17 characteristics, and manatee protection.

18
19 The commission shall complete its signage and boat speed
20 assessment by January 1, 2007, and must submit a report of its
21 findings to the Governor, the President of the Senate, and the
22 Speaker of the House of Representatives by February 1, 2007.

23 The report must detail the results of the assessment and
24 identify specific recommendations for developing state and
25 local policies relating to the appropriate placement of signs,
26 including innovative markers, in manatee slow-speed zones.

27 (4) The commission is authorized to develop and
28 implement the use of genetic tagging to improve its ability to
29 assess the status and health of the manatee population,
30 including the health and reproductive capacity of manatees,
31 estimating annual survival rates through mark recapture

1 studies, determining migration patterns, and determining
2 maternity and paternity. The development and use of genetic
3 tagging may be done in cooperation with federal agencies or
4 other entities, such as genetic laboratories at schools within
5 the State University System.

6 Section 3. Subsection (6) of section 372.072, Florida
7 Statutes, is amended to read:

8 372.072 Endangered and Threatened Species Act.--

9 (6) MEASURABLE BIOLOGICAL GOALS.--~~No later than~~
10 ~~February 15, 2003, the commission, working in conjunction with~~
11 ~~the United States Fish and Wildlife Service, shall develop~~
12 ~~measurable biological goals that define manatee recovery.~~
13 These Measurable biological goals that define manatee recovery
14 developed by the commission, working in conjunction with the
15 United States Fish and Wildlife Service, shall be used by the
16 commission in its development of management plans or work
17 plans. In addition to other criteria, these measurable
18 biological goals shall be used by the commission when
19 evaluating existing and proposed protection rules, and in
20 determining progress in achieving manatee recovery. Not later
21 than July 1, 2005, the commission shall develop rules to
22 define how measurable biological goals will be used by the
23 commission when evaluating the need for additional manatee
24 protection rules.

25 Section 4. (1) Subject to an appropriation by the
26 Legislature, the Fish and Wildlife Conservation Commission
27 shall contract with Mote Marine Laboratory to conduct the
28 manatee habitat and submerged aquatic vegetation assessment as
29 provided in this act.

30 (2) Beginning in the 2004-2005 fiscal year, the sum of
31 \$325,000 is appropriated from funds transferred to the Marine

1 Resources Conservation Trust Fund pursuant to section
2 206.606(1)(d), Florida Statutes, to the Fish and Wildlife
3 Conservation Commission for the purposes of conducting the
4 signage and boat speed assessment as provided in this act.

5 Section 5. This act shall take effect July 1, 2004.

6
7 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
8 COMMITTEE SUBSTITUTE FOR
9 Senate Bill 540

10 The committee substitute conforms state law to federal law by
11 creating an exception for activities otherwise prohibited by
12 the "Florida Manatee Sanctuary Act" if the activity is
13 reasonably necessary to prevent the loss of human life or a
14 vessel in distress. In regions where measurable biological
15 goals are being achieved, the committee substitute creates a
16 presumption that existing manatee protection rules are
17 adequate and additional rules are unnecessary. The Fish and
18 Wildlife Conservation Commission's authority to amend existing
19 rules or create new rules in order to address risks or
20 circumstances in particular regions to provide manatee
21 protection is preserved.

22 The committee substitute provides that subject to a
23 legislative appropriation, the Fish and Wildlife Conservation
24 Commission must contract with Mote Marine Laboratory to
25 conduct a manatee habitat and submerged aquatic vegetation
26 assessment and establishes requirements for the assessment.
27 Interim and final report requirements for the assessment are
28 also established.

29 The committee substitute establishes the Legislature's intent
30 that the Fish and Wildlife Conservation Commission conduct a
31 signage and boat speed assessment to determine the
effectiveness of manatee protection signs and sign placement,
and assess boat speeds. Requirements for the assessment,
including reporting requirements, are established, and
\$325,000 is appropriated from fuel taxes transferred to the
Marine Resources Conservation Trust Fund, to the Fish and
Wildlife Conservation Commission for purposes of conducting
the assessment.

The committee substitute authorizes the Fish and Wildlife
Conservation Commission to develop and implement the use of
genetic tagging to improve its ability to assess the status
and health of the manatee population, and provides that no
later than July 1, 2005, the commission must develop rules to
establish how measurable biological goals will be used to
evaluate the need for additional manatee protection rules.