

1                                   A bill to be entitled  
2           An act relating to manatee protection; amending  
3           s. 370.12, F.S.; creating an exception from  
4           penalties for activities that are otherwise  
5           prohibited if the activity is reasonably  
6           necessary in order to prevent loss of human  
7           life or a vessel in distress or render  
8           necessary assistance to persons or a vessel in  
9           distress; directing that existing manatee  
10          protection rules be presumed adequate and  
11          additional rules unnecessary in a region where  
12          measurable biological goals are being achieved;  
13          providing that the presumption does not prevent  
14          the commission from amending existing rules or  
15          adopting new rules to address risks or  
16          circumstances affecting manatees within that  
17          region; defining the term "region" for purposes  
18          of the act; creating s. 370.1202, F.S.;  
19          requiring the Fish and Wildlife Conservation  
20          Commission to implement an enhanced manatee  
21          protection study; providing goals for manatee  
22          protection research relating to decisions based  
23          on sound science-based policies; directing the  
24          commission to contract with Mote Marine  
25          Laboratory to conduct a manatee habitat and  
26          submerged aquatic vegetation assessment;  
27          providing requirements for the assessment;  
28          directing that reports be made to the Governor,  
29          Legislature, and commission which include  
30          recommendations based upon study results;  
31          requiring an annual audit; directing the Fish

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 for a contract; 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. 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 Section 5. This act shall take effect July 1, 2004.

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