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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; prescribing guidelines for
10 considering existing manatee protection rules
11 in relation to formulation of new rules;
12 providing that the commission may amend
13 existing rules or adopt new rules to address
14 risks or circumstances affecting manatees
15 within a region; defining the term "region" for
16 purposes of the act; creating s. 370.1202,
17 F.S.; requiring the Fish and Wildlife
18 Conservation Commission to implement an
19 enhanced manatee protection study; providing
20 goals for manatee protection research relating
21 to decisions based on sound science-based
22 policies; directing the commission to contract
23 with Mote Marine Laboratory to conduct a
24 manatee habitat and submerged aquatic
25 vegetation assessment; providing requirements
26 for the assessment; directing that reports be
27 made to the Governor, Legislature, and
28 commission which include recommendations based
29 upon study results; requiring an annual audit;
30 directing the Fish and Wildlife Conservation
31 Commission to conduct a signage and boat speed

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

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

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

26 370.12 Marine animals; regulation.--

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

28 (s) Except as otherwise provided in this paragraph,
29 any person violating the provisions of this subsection or any
30 rule or ordinance adopted pursuant to this subsection commits

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1 ~~shall be guilty of~~ a misdemeanor, punishable as provided in s.
2 370.021(1)(a) or (b).

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

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

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

21 (u)1. Existing state manatee protection rules shall be
22 given great weight in determining whether additional rules are
23 necessary in a region where the measurable goals developed
24 pursuant to s. 372.072 have been achieved. However, the
25 commission may amend existing rules or adopt new rules to
26 address risks or circumstances in a particular area or
27 waterbody to protect manatees.

28 2. As used in this paragraph, the term "region" means
29 one of the four geographic areas defined by the United States
30 Fish and Wildlife Service in the Florida Manatee Recovery
31 Plan, 3rd revision (October 30, 2001).

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

3 370.1202 Enhanced manatee protection study.--

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

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

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

28 2. Development of research, monitoring, and submerged
29 aquatic vegetation restoration priorities for manatee habitat
30 in and near the warm water discharge sites at power plants in
31 the state; and

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

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

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

24 (3) As part of the enhanced manatee protection study,
25 the Legislature intends that the commission must conduct a
26 signage and boat speed assessment to evaluate the
27 effectiveness of manatee protection signs and sign placement
28 and to assess boat speeds. The commission shall evaluate
29 existing data on manatee mortality before and after existing
30 manatee protection zones were established, boater compliance
31 and comprehension of regulatory signs and buoys, changes in

1 boating traffic patterns, and manatee distribution and
2 behavior. The commission shall also provide recommendations
3 on innovative marker designs that are in compliance with the
4 federal aids to navigation system. The signage and boat speed
5 assessment must address:

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

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

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

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

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

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

1 tagging may be done in cooperation with federal agencies or
2 other entities, such as genetic laboratories at schools within
3 the State University System.

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

6 372.072 Endangered and Threatened Species Act.--

7 (6) MEASURABLE BIOLOGICAL GOALS.--~~No later than~~
8 ~~February 15, 2003, the commission, working in conjunction with~~
9 ~~the United States Fish and Wildlife Service, shall develop~~
10 ~~measurable biological goals that define manatee recovery.~~

11 These Measurable biological goals that define manatee recovery
12 developed by the commission, working in conjunction with the
13 United States Fish and Wildlife Service, shall be used by the
14 commission in its development of management plans or work
15 plans. In addition to other criteria, these measurable
16 biological goals shall be used by the commission when
17 evaluating existing and proposed protection rules, and in
18 determining progress in achieving manatee recovery. Not later
19 than July 1, 2005, the commission shall develop rules to
20 define how measurable biological goals will be used by the
21 commission when evaluating the need for additional manatee
22 protection rules.

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

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