

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Harrington offered the following:

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3 **Amendment (with title amendment)**

4 Remove the entire body and insert:

5 Section 1. Paragraph (s) of subsection (2) of section
6 370.12, Florida Statutes, is amended, and paragraph (u) is added
7 to said subsection, to read:

8 370.12 Marine animals; regulation.--

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

10 (s) Except as otherwise provided in this paragraph, any
11 person violating the provisions of this subsection or any rule
12 or ordinance adopted pursuant to this subsection commits shall
13 ~~be guilty of~~ a misdemeanor, punishable as provided in s.
14 370.021(1)(a) or (b).

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15 1. Any person operating a vessel in excess of a posted
16 speed limit shall be guilty of a civil infraction, punishable as
17 provided in s. 327.73, except as provided in subparagraph 2.

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

24 3. A person may engage in any activity otherwise
25 prohibited by this subsection or any rule or ordinance adopted
26 pursuant to this subsection if the activity is reasonably
27 necessary in order to prevent the loss of human life or aid a
28 vessel in distress due to weather conditions or other reasonably
29 unforeseen circumstances, or in order to render emergency
30 assistance to persons or a vessel in distress.

31 (u)1. Existing state manatee protection rules shall be
32 presumed to be adequate and additional rules unnecessary in a
33 region where the measurable biological goals developed pursuant
34 to s. 372.072 are being achieved. However, the presumption does
35 not prevent the commission from amending existing rules or
36 adopting new rules to address risks or circumstances in a
37 particular area or body of water to protect manatees.

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

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

44 370.1202 Enhanced manatee protection study.--

45 (1) The Fish and Wildlife Conservation Commission shall
46 implement and administer an enhanced manatee protection study
47 designed to increase knowledge of the factors that determine the
48 size and distribution of the manatee population in the waters of
49 the state. The enhanced study shall be used by the commission in
50 its mission to provide manatees with the maximum protection
51 possible, while also allowing maximum recreational use of the
52 state's waterways. The goal of the enhanced study is to collect
53 data that will enable resource managers and state and local
54 policymakers, in consultation with the public, to develop and
55 implement sound science-based policies to improve manatee
56 habitat, establish manatee protection zones, and maximize the
57 size of safe boating areas for recreational use of state waters
58 without endangering the manatee population.

59 (2)(a) As part of the enhanced manatee protection study,
60 the Legislature intends that the commission shall contract with
61 Mote Marine Laboratory to conduct a manatee habitat and
62 submerged aquatic vegetation assessment that specifically
63 considers:

64 1. Manatee populations that congregate in the warm water
65 discharge sites at power plants in the state and the potential
66 risks for disease resulting from increased congregation of
67 manatees at these sites.

68 2. Development of research, monitoring, and submerged
69 aquatic vegetation restoration priorities for manatee habitat in

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70 and near the warm water discharge sites at power plants in the
71 state.

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

77 (b) The Mote Marine Laboratory must submit an interim
78 report on the manatee habitat and submerged aquatic vegetation
79 assessment to the Governor, the President of the Senate, the
80 Speaker of the House of Representatives, and the commission by
81 September 1, 2006. The interim report must detail the progress
82 of the assessment. The final report, due to the Governor, the
83 President of the Senate, the Speaker of the House of
84 Representatives, and the commission by January 1, 2007, must
85 detail the results of the assessment and include recommendations
86 for protection of manatee habitat in warm water discharge sites
87 at power plants in the state.

88 (c) The commission shall ensure that funds allocated to
89 implement the manatee habitat and submerged aquatic vegetation
90 assessment are expended in a manner that is consistent with the
91 requirements of this subsection. The commission may require an
92 annual audit of the expenditures made by Mote Marine Laboratory.
93 Copies of any audit requested under this subsection must be
94 provided to the appropriate substantive and appropriations
95 committees of the Senate and the House of Representatives as
96 they become available.

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97 (3) As part of the enhanced manatee protection study, the
98 Legislature intends that the commission must conduct a signage
99 and boat speed assessment to evaluate the effectiveness of
100 manatee protection signs and sign placement and to assess boat
101 speeds. The commission shall evaluate existing data on manatee
102 mortality before and after existing manatee protection zones
103 were established, boater compliance and comprehension of
104 regulatory signs and buoys, changes in boating traffic patterns,
105 and manatee distribution and behavior. The commission shall also
106 provide recommendations on innovative marker designs that are in
107 compliance with the federal aids to navigation system. The
108 signage and boat speed assessment must address:

109 (a) The effectiveness of signs and buoys to warn boaters
110 of manatee slow-speed zones, with a goal of developing federally
111 approved standards for marking manatee protection zones.

112 (b) A determination of where buoys may be used in place of
113 pilings for boating safety purposes.

114 (c) An evaluation of higher speed travel corridors in
115 manatee zones to determine the most effective speed to balance
116 safe boating, recreational use, vessel operating
117 characteristics, and manatee protection.

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119 The commission shall complete its signage and boat speed
120 assessment by January 1, 2007, and must submit a report of its
121 findings to the Governor, the President of the Senate, and the
122 Speaker of the House of Representatives by February 1, 2007. The
123 report must detail the results of the assessment and identify
124 specific recommendations for developing state and local policies

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125 relating to the appropriate placement of signs, including
126 innovative markers, in manatee slow-speed zones.

127 (4) The commission is authorized to develop and implement
128 the use of genetic tagging to improve its ability to assess the
129 status and health of the manatee population, including the
130 health and reproductive capacity of manatees, estimating annual
131 survival rates through mark recapture studies, determining
132 migration patterns, and determining maternity and paternity. The
133 development and use of genetic tagging may be done in
134 cooperation with federal agencies or other entities, such as
135 genetic laboratories at schools within the State University
136 System.

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

139 372.072 Endangered and Threatened Species Act.--

140 (6) MEASURABLE BIOLOGICAL GOALS.--~~No later than February~~
141 ~~15, 2003, the commission, working in conjunction with the United~~
142 ~~States Fish and Wildlife Service, shall develop measurable~~
143 ~~biological goals that define manatee recovery. These Measurable~~
144 biological goals that define manatee recovery developed by the
145 commission, working in conjunction with the United States Fish
146 and Wildlife Service, shall be used by the commission in its
147 development of management plans or work plans. In addition to
148 other criteria, these measurable biological goals shall be used
149 by the commission when evaluating existing and proposed
150 protection rules, and in determining progress in achieving
151 manatee recovery. Not later than July 1, 2005, the commission
152 shall develop rules to define how measurable biological goals

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153 will be used by the commission when evaluating the need for
154 additional manatee protection rules.

155 Section 4. (1) Subject to an appropriation by the
156 Legislature, the Fish and Wildlife Conservation Commission shall
157 contract with Mote Marine Laboratory to conduct the manatee
158 habitat and submerged aquatic vegetation assessment as provided
159 in this act.

160 (2) Beginning in the 2004-2005 fiscal year, the sum of
161 \$325,000 is appropriated from funds transferred to the Marine
162 Resources Conservation Trust Fund pursuant to s. 206.606(1)(d),
163 Florida Statutes, to the Fish and Wildlife Conservation
164 Commission for the purposes of conducting the signage and boat
165 speed assessment as provided in this act.

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

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169 ===== T I T L E A M E N D M E N T =====

170 Remove the entire title and insert:

171 A bill to be entitled

172 An act relating to manatee protection; amending s. 370.12,
173 F.S.; creating an exception from penalties for activities
174 that are otherwise prohibited if the activity is
175 reasonably necessary in order to prevent loss of human
176 life or aid a vessel in distress or render necessary
177 assistance to persons or a vessel in distress; directing
178 that existing manatee protection rules be presumed
179 adequate and additional rules unnecessary in a region
180 where measurable biological goals are being achieved;

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181 providing that the presumption does not prevent the
182 commission from amending existing rules or adopting new
183 rules to address risks or circumstances affecting manatees
184 within that region; defining the term "region" for
185 purposes of the act; creating s. 370.1202, F.S.; requiring
186 the Fish and Wildlife Conservation Commission to implement
187 an enhanced manatee protection study; providing goals for
188 manatee protection research relating to decisions based on
189 sound science-based policies; directing the commission to
190 contract with Mote Marine Laboratory to conduct a manatee
191 habitat and submerged aquatic vegetation assessment;
192 providing requirements for the assessment; directing that
193 reports be made to the Governor, Legislature, and
194 commission which include recommendations based upon study
195 results; requiring an annual audit; directing the Fish and
196 Wildlife Conservation Commission to conduct a signage and
197 boat speed assessment of the effectiveness of signs
198 warning boaters of manatee slow-speed zones in the waters
199 of this state; providing requirements for the assessment;
200 directing the commission to prepare and submit a report to
201 the Governor, the President of the Senate, and the Speaker
202 of the House of Representatives; directing the commission
203 to make specific policy recommendations regarding signs in
204 manatee slow-speed zones; authorizing the Fish and
205 Wildlife Conservation Commission to develop and implement
206 a genetic tagging program for manatees; amending s.
207 372.072, F.S.; requiring the Fish and Wildlife
208 Conservation Commission to develop rules not later than

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209 | July 1, 2005, which define how measurable biological goals
210 | will be used when evaluating the need for additional
211 | manatee protection rules; providing appropriations;
212 | providing an effective date.

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