

Bill No. CS/HB 1243, 1st Eng.

Amendment No. Barcode 243252

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senators Posey and Smith moved the following amendment:

Senate Amendment (with title amendment)

On page 49, between lines 14 and 15,

insert:

Section 16. Subsection (2) of section 370.12, Florida Statutes, is amended to read:

370.12 Marine animals; regulation.--

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

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

(b) The State of Florida is hereby declared to be a refuge and sanctuary for the manatee, the "Florida state marine mammal." The protections extended to and authorized on behalf of the manatee by this act are independent of, and therefore are not contingent upon, its status as a state or federal listed species.

(c) Whenever the Fish and Wildlife Conservation Commission is satisfied that the interest of science will be subserved, and that the application for a permit to possess a

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1 manatee or sea cow (*Trichechus manatus*) is for a scientific or
2 propagational purpose and should be granted, and after
3 concurrence by the United States Department of the Interior,
4 the commission may grant to any person making such application
5 a special permit to possess a manatee or sea cow, which permit
6 shall specify the exact number which shall be maintained in
7 captivity.

8 (d) Except as may be authorized by the terms of a
9 valid state permit issued pursuant to paragraph (c) or by the
10 terms of a valid federal permit, it is unlawful for any person
11 at any time, by any means, or in any manner intentionally or
12 negligently to annoy, molest, harass, or disturb or attempt to
13 molest, harass, or disturb any manatee; injure or harm or
14 attempt to injure or harm any manatee; capture or collect or
15 attempt to capture or collect any manatee; pursue, hunt,
16 wound, or kill or attempt to pursue, hunt, wound, or kill any
17 manatee; or possess, literally or constructively, any manatee
18 or any part of any manatee.

19 (e) Any gun, net, trap, spear, harpoon, boat of any
20 kind, aircraft, automobile of any kind, other motorized
21 vehicle, chemical, explosive, electrical equipment, scuba or
22 other subaquatic gear, or other instrument, device, or
23 apparatus of any kind or description used in violation of any
24 provision of paragraph (d) may be forfeited upon conviction.
25 The foregoing provisions relating to seizure and forfeiture of
26 vehicles, vessels, equipment, or supplies do not apply when
27 such vehicles, vessels, equipment, or supplies are owned by,
28 or titled in the name of, innocent parties; and such
29 provisions shall not vitiate any valid lien, retain title
30 contract, or chattel mortgage on such vehicles, vessels,
31 equipment, or supplies if such lien, retain title contract, or

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1 chattel mortgage is property of public record at the time of
2 the seizure.

3 (f)1. Except for emergency rules adopted under s.
4 120.54, all proposed rules of the commission for which a
5 notice of intended agency action is filed proposing to govern
6 the speed and operation of motorboats for purposes of manatee
7 protection shall be submitted to the counties in which the
8 proposed rules will take effect for review by local rule
9 review committees.

10 2. No less than 60 days prior to filing a notice of
11 rule development in the Florida Administrative Weekly, as
12 provided in s. 120.54(3)(a), the commission shall notify the
13 counties for which a rule to regulate the speed and operation
14 of motorboats for the protection of manatees is proposed. A
15 county so notified shall establish a rule review committee or
16 several counties may combine rule review committees.

17 3. The county commission of each county in which a
18 rule to regulate the speed and operation of motorboats for the
19 protection of manatees is proposed shall designate a rule
20 review committee. The designated voting membership of the
21 rule review committee must be comprised of waterway users,
22 such as fishers, boaters, water skiers, other waterway users,
23 as compared to the number of manatee and other environmental
24 advocates. A county commission may designate an existing
25 advisory group as the rule review committee. With regard to
26 each committee, fifty percent of the voting members shall be
27 manatee advocates and other environmental advocates, and fifty
28 percent of the voting members shall be waterway users.

29 4. The county shall invite other state, federal,
30 county, municipal, or local agency representatives to
31 participate as nonvoting members of the local rule review

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1 committee.

2 5. The county shall provide logistical and
3 administrative staff support to the local rule review
4 committee and may request technical assistance from commission
5 staff.

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

8 7. Commission staff shall submit the proposed rule and
9 supporting data used to develop the rule to the local rule
10 review committees.

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

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

26 10. In conducting a review of the proposed manatee
27 protection rule, the local rule review committees may address
28 such factors as whether the best available scientific
29 information supports the proposed rule, whether seasonal zones
30 are warranted, and such other factors as may be necessary to
31 balance manatee protection and public access to and use of the

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1 waters being regulated under the proposed rule.

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

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

17 13. The commission is relieved of any obligations
18 regarding the local rule review committee process created in
19 this paragraph if a timely noticed county commission fails to
20 timely designate the required rule review committee.

21 (g)(f) In order to protect manatees or sea cows from
22 harmful collisions with motorboats or from harassment, the
23 Fish and Wildlife Conservation Commission is authorized, in
24 addition to all other authority, to provide a permitting
25 agency with comments shall adopt rules under chapter 120
26 regarding the expansion of existing, or the construction of
27 new, marine facilities and mooring or docking slips, by the
28 addition or construction of five or more powerboat slips. The
29 commission shall adopt rules under chapter 120, and regulating
30 the operation and speed of motorboat traffic, only where
31 manatee sightings are frequent and the best available

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1 scientific information, as well as other available, relevant,
2 and reliable information, which may include but is not limited
3 to, manatee surveys, observations, available studies of food
4 sources, and water depths, supports the conclusions that
5 manatees it can be generally assumed, based on available
6 scientific information, that they inhabit these areas on a
7 regular ~~or continuous~~ basis:

8 1. In Lee County: the entire Orange River, including
9 the Tice Florida Power and Light Corporation discharge canal
10 and adjoining waters of the Caloosahatchee River within 1 mile
11 of the confluence of the Orange and Caloosahatchee Rivers.

12 2. In Brevard County: those portions of the Indian
13 River within three-fourths of a mile of the Orlando Utilities
14 Commission Delespine power plant effluent and the Florida
15 Power and Light Frontenac power plant effluents.

16 3. In Indian River County: the discharge canals of the
17 Vero Beach Municipal Power Plant and connecting waters within
18 1 1/4 miles thereof.

19 4. In St. Lucie County: the discharge of the Henry D.
20 King Municipal Electric Station and connecting waters within 1
21 mile thereof.

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

25 6. In Broward County: the discharge canal of the
26 Florida Power and Light Port Everglades power plant and
27 connecting waters within 1 1/2 miles thereof and the
28 discharge canal of the Florida Power and Light Fort Lauderdale
29 power plant and connecting waters within 2 miles thereof. For
30 purposes of ensuring the physical safety of boaters in a
31 sometimes turbulent area, the area from the easternmost edge

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1 of the authorized navigation project of the intracoastal
2 waterway east through the Port Everglades Inlet is excluded
3 from this regulatory zone.

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

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

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

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

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

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

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1 section 13, range 17 east, township 33 south.

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

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

27 ~~(i)(h)~~ The commission shall adopt rules pursuant to
28 chapter 120 regulating the operation and speed of motorboat
29 traffic only where manatee sightings are frequent and the best
30 available scientific information, as well as other available,
31 relevant, and reliable information, which may include but is

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

17 (j)(i) If any new power plant is constructed or other
18 source of warm water discharge is discovered within the state
19 which attracts a concentration of manatees or sea cows, the
20 ~~Fish and Wildlife Conservation~~ commission is directed to adopt
21 rules pursuant to chapter 120 regulating the operation and
22 speed of motorboat traffic within the area of such discharge.
23 Such rules shall designate a zone which is sufficient in size,
24 and which shall remain in effect for a sufficient period of
25 time, to protect the manatees or sea cows.

26 (k)(j) It is the intent of the Legislature ~~through~~
27 ~~adoption of this paragraph~~ to allow the Fish and Wildlife
28 Conservation Commission to post and regulate boat speeds only
29 where the best available scientific information, as well as
30 other available, relevant, and reliable information, which may
31 include but is not limited to, manatee surveys, observations,

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1 available studies of food sources, and water depth, supports
2 the conclusion that manatees ~~manatee sightings are frequent~~
3 ~~and it can be generally assumed that they~~ inhabit these areas
4 on a periodic ~~regular or continuous~~ basis. It is not the
5 intent of the Legislature to permit the commission to post and
6 regulate boat speeds generally throughout the waters of the
7 state in the above-described inlets, bays, rivers, creeks,
8 thereby unduly interfering with the rights of fishers,
9 boaters, and water skiers using the areas for recreational and
10 commercial purposes. The Legislature further intends that the
11 commission may identify and designate limited lanes or
12 corridors providing for reasonable motorboat speeds within
13 waters of the state whenever such lanes and corridors are
14 consistent with manatee protection ~~may be identified and~~
15 ~~designated within these areas.~~

16 (1)(*) The commission shall adopt rules pursuant to
17 chapter 120 regulating the operation and speed of motorboat
18 traffic all year around within Turkey Creek and its
19 tributaries and within Manatee Cove in Brevard County. The
20 specific areas to be regulated consist of:

- 21 1. A body of water which starts at Melbourne-Tillman
22 Drainage District structure MS-1, section 35, township 28
23 south, range 37 east, running east to include all natural
24 waters and tributaries of Turkey Creek, section 26, township
25 28 south, range 37 east, to the confluence of Turkey Creek and
26 the Indian River, section 24, township 28 south, range 37
27 east, including all lagoon waters of the Indian River bordered
28 on the west by Palm Bay Point, the north by Castaway Point,
29 the east by the four immediate spoil islands, and the south by
30 Cape Malabar, thence northward along the shoreline of the
31 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)(1) 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 is not limited
21 to, manatee surveys, observations, available studies of food
22 sources, and water depths, supports the conclusion that it can
23 ~~be assumed that~~ manatees inhabit such waters periodically ~~or~~
24 ~~continuously~~. Upon designation of such waters, the commission
25 shall adopt rules pursuant to chapter 120 to regulate
26 motorboat speed and operation which are necessary to protect
27 manatees from harmful collisions with motorboats and from
28 harassment. The commission may adopt rules pursuant to chapter
29 120 to protect manatee habitat, such as seagrass beds, within
30 such waters from destruction by boats or other human activity.
31 Such rules shall not protect noxious aquatic plants subject to

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1 control under s. 369.20.

2 (o)~~(n)~~ The commission may designate, by rule adopted
3 pursuant to chapter 120, limited areas as a safe haven for
4 manatees to rest, feed, reproduce, give birth, or nurse
5 undisturbed by human activity. Access by motor boat to private
6 residences, boat houses, and boat docks through these areas by
7 residents, and their authorized guests, who must cross one of
8 these areas to have water access to their property is
9 permitted when the motorboat is operated at idle speed, no
10 wake.

11 (p)~~(o)~~ Except in the marked navigation channel of the
12 Florida Intracoastal Waterway as defined in s. 327.02 and the
13 area within 100 feet of such channel, a local government may
14 regulate, by ordinance, motorboat speed and operation on
15 waters within its jurisdiction where the best available
16 scientific information, as well as other available, relevant,
17 and reliable information, which may include but is not limited
18 to, manatee surveys, observations, available studies of food
19 sources, and water depths, supports the conclusion that
20 manatees inhabit these areas on a regular basis ~~where manatees~~
21 ~~are frequently sighted and can be generally assumed to inhabit~~
22 ~~periodically or continuously.~~ However, such an ordinance may
23 not take effect until it has been reviewed and approved by the
24 commission. If the commission and a local government disagree
25 on the provisions of an ordinance, a local manatee protection
26 committee must be formed to review the technical data of the
27 commission and the United States Fish and Wildlife Service,
28 and to resolve conflicts regarding the ordinance. The manatee
29 protection committee must be comprised of:

- 30 1. A representative of the commission;
- 31 2. A representative of the county;

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

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

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

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

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

25
26 The fenders shall provide sufficient standoff from the
27 bulkhead or wharf under maximum operational compression to
28 ensure that manatees cannot be crushed between the vessel and
29 the bulkhead or wharf.

30 (r)~~(q)~~ Any violation of a restricted area established
31 by this subsection, or established by rule pursuant to chapter

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1 120 or ordinance pursuant to this subsection, shall be
2 considered a violation of the boating laws of this state and
3 shall be charged on a uniform boating citation as provided in
4 s. 327.74, except as otherwise provided in paragraph (s). Any
5 person who refuses to post a bond or accept and sign a uniform
6 boating citation shall, as provided in s. 327.73(3), be guilty
7 of a misdemeanor of the second degree, punishable as provided
8 in s. 775.082 or s. 775.083.

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

14 1. Any person operating a vessel in excess of a posted
15 speed limit shall be guilty of a civil infraction, punishable
16 as provided in s. 327.73, except as provided in subparagraph
17 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
22 (b), or, if such violation demonstrates blatant or willful
23 action, may be found guilty of harassment as described in
24 paragraph (d).

25 (t) 1. In order to protect manatees and manatee
26 habitat, the counties identified in the Governor and Cabinet's
27 October 1989 Policy Directive shall develop manatee protection
28 plans consistent with commission criteria based upon "Schedule
29 K" of the directive, and shall submit such protection plans
30 for review and approval by the commission. Any manatee
31 protection plans not submitted by July 1, 2004 and any plans

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1 not subsequently approved by the commission shall be addressed
2 pursuant to subparagraph 2.

3 2. No later than January 1, 2005, the Fish and
4 Wildlife Conservation Commission shall designate any county it
5 has identified as a substantial risk county for manatee
6 mortality as a county that must complete a manatee protection
7 plan by July 1, 2006. The commission is authorized to adopt
8 rules pursuant to s. 120.54 for identifying substantial risk
9 counties and establishing criteria for approval of manatee
10 protection plans for counties so identified. Manatee
11 protection plans shall include the following elements at a
12 minimum: education about manatees and manatee habitat; boater
13 education; an assessment of the need for new or revised
14 manatee protection speed zones; local law enforcement; and a
15 boat facility siting plan to address expansion of existing and
16 the development of new marinas, boat ramps, and other
17 multislip boating facilities.

18 3. Counties required to adopt manatee protection plans
19 under this paragraph shall incorporate the boating facility
20 siting element of those protection plans within their
21 respective comprehensive plans.

22 4. Counties that have already adopted approved manatee
23 protection plans, or that adopt subsequently approved manatee
24 protection plans by the effective date of this act, are in
25 compliance with the provisions of this paragraph so long as
26 they incorporate their approved Boat Facility Siting Plan into
27 the appropriate element of their local Comprehensive Plan no
28 later than July 1, 2003.

29 Section 17. Subsection (6) is added to section
30 372.072, Florida Statutes, to read:

31 372.072 Endangered and Threatened Species Act.--

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1 (6) MEASURABLE BIOLOGICAL GOALS.--No later than
2 February 15, 2003, the commission, working in conjunction with
3 the United States Fish and Wildlife Service, shall develop
4 measurable biological goals that define manatee recovery.
5 These measurable biological goals shall be used by the
6 commission in its development of management plans or work
7 plans. In addition to other criteria, these measurable
8 biological goals shall be used by the commission when
9 evaluating existing and proposed protection rules, and in
10 determining progress in achieving manatee recovery.

11 Section 18. Subsection (2) of section 327.41, Florida
12 Statutes, is amended to read:

13 327.41 Uniform waterway regulatory markers.--

14 (2) Any county or municipality which has been granted
15 a restricted area designation, pursuant to s. 327.46, for a
16 portion of the Florida Intracoastal Waterway within its
17 jurisdiction or which has adopted a restricted area by
18 ordinance pursuant to s. 327.22, s. 327.60, or s. 370.12(2)(p)
19 ~~s. 370.12(2)(o)~~, or any other governmental entity which has
20 legally established a restricted area, may apply to the
21 commission for permission to place regulatory markers within
22 the restricted area.

23 Section 19. It is the intent of the Legislature that
24 the commission request the necessary funding and staffing
25 through a general revenue budget request to ensure that
26 manatees receive the maximum protection possible. The
27 Legislature recognizes that strong manatee protection depends
28 upon consistently achieving a high degree of compliance with
29 existing and future rules. The commission shall conduct
30 standardized studies to determine levels of public compliance
31 with manatee protection rules, and shall use the results of

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1 the studies, together with other relevant information, to
2 develop and implement strategic law enforcement initiatives
3 and boater education plans. Drawing upon information obtained
4 from the compliance studies and the implementation of
5 enforcement initiatives together with boater education plans,
6 the commission shall identify any impediments in consistently
7 achieving high levels of compliance, and adjust their
8 enforcement and boater education efforts accordingly.

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

22
23 (Redesignate subsequent sections.)

24
25
26 ===== T I T L E A M E N D M E N T =====

27 And the title is amended as follows:

28 On page 3, line 20, after the semicolon

29
30 insert:

31 amending s. 370.12, F.S.; requiring notice to

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1 counties where manatee protection zones or
2 manatee speed zones may be imposed by the Fish
3 and Wildlife Conservation Commission; providing
4 for establishment of local rule review
5 committees; providing duties and
6 responsibilities of the counties, committees,
7 and commission; providing for committee reports
8 and recommendations; providing that written
9 reports submitted to the commission by the
10 committees and Fish and Wildlife Conservation
11 Commission staff responses shall be part of the
12 rulemaking record; clarifying the Fish and
13 Wildlife Conservation Commission's authority to
14 provide comments to permitting agencies
15 relating to the protection of manatees;
16 revising the circumstances under which the
17 commission may post and regulate motorboat
18 speeds to protect manatees; requiring specified
19 counties to develop manatee protection plans
20 that are consistent with specified policy
21 directive; providing the commission with
22 rulemaking authority; amending s. 372.072,
23 F.S.; requiring that the commission develop a
24 measurable biological goal to define manatee
25 recovery; requiring the commission to use the
26 goal in developing management plans and work
27 plans and for determining the progress of
28 manatee recovery; amending s. 327.41, F.S. ;
29 conforming a cross-reference; providing
30 legislative intent regarding manatee
31 protection; providing for compliance studies,

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1 enforcement initiatives, and boater education
2 plans; requiring the commission to identify
3 impediments to high rates of compliance;
4 providing legislative intent that the
5 provisions of the act not be retroactively
6 applied except as otherwise provided; providing
7 an exemption;

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