

By Representative Crady

1                                   A bill to be entitled  
2           An act relating to saltwater fisheries;  
3           amending s. 370.25, F.S.; providing  
4           requirements with respect to the artificial  
5           reef program within the Department of  
6           Environmental Protection; authorizing the  
7           department to establish criteria for  
8           determining eligibility of nonprofit  
9           organizations to apply for and receive  
10          available reef development funds; directing the  
11          department to develop a plan; providing that  
12          certain acts are unlawful; providing penalties;  
13          providing for disposal of certain materials;  
14          providing that certain persons are deemed  
15          responsible for violations; providing for  
16          administrative fines; providing an effective  
17          date.

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

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21           Section 1. Section 370.25, Florida Statutes, is  
22 amended to read:

23           370.25 Artificial fishing reef program; ~~construction~~  
24 ~~grants to local governments.~~--

25           (1) An artificial fishing reef program is created  
26 within the Department of Environmental Protection to enhance  
27 saltwater fishing opportunities and to promote proper  
28 management of fisheries resources associated with artificial  
29 reefs for the public interest. Under the program, the  
30 department shall provide grants and technical assistance to  
31 coastal local governments and eligible nonprofit organizations

1 under s. 501(c)(3) of the Internal Revenue Code for the siting  
2 and development of ~~constructing~~ saltwater artificial fishing  
3 reefs, as well as monitoring and evaluating their  
4 recreational, economic, and biological effectiveness. The  
5 program may ~~shall~~ be funded from state, federal, and private  
6 contributions.

7 (2) The department may ~~shall~~ adopt by rule procedures  
8 for submitting a grant application and criteria for allocating  
9 available funds. Such criteria shall include, but not be  
10 limited to, the following:

11 (a) The number of artificial fishing reefs and the  
12 extent of the natural reef community currently located in the  
13 general vicinity;

14 (b) The documented demand and public support for the  
15 proposed reef;

16 (c) The number of public and private access points to  
17 the proposed reef;

18 (d) The commitment of the local government or  
19 authorized nonprofit organization under s. 501(c)(3) of the  
20 Internal Revenue Code to provide funds or other support for  
21 the development, monitoring, evaluation, and management of to  
22 construct and maintain the proposed reef; and

23 (e) The estimated cost for developing or monitoring of  
24 constructing the proposed reef;

25 (f) The stated objectives for developing or evaluating  
26 the reef and a means to measure the level of attainment of  
27 these objectives; and

28 (g) The ability of applicants to conduct artificial  
29 reef monitoring projects using established scientific protocol  
30 either independently or in collaboration with marine research  
31 entities.

1           (3) The department shall establish criteria for  
2 siting, constructing, managing, and evaluating the  
3 effectiveness of artificial reefs, including the specification  
4 of what materials are permissible to use in constructing,  
5 fishing reefs and guidelines for managing, monitoring, and  
6 assessing the productivity of artificial fishing reefs. No  
7 material shall be permitted to be used as an artificial reef  
8 under conditions where hurricane force storm events could  
9 reasonably be expected to cause the underwater lateral  
10 movement of such material off the permitted reef site, or  
11 cause substantial structural failure of the material. No  
12 material shall be permitted to be used as an artificial reef  
13 which has a demonstrated life expectancy in seawater as a  
14 functioning reef community of less than 20 years, or in  
15 construction which has not been found to be safe for marine  
16 life and human health by the department. Each artificial reef  
17 must be constructed in a manner that is consistent with the  
18 public interest, will not harm the marine environment, or will  
19 not impede navigation or other traditional uses.

20           (4) The department shall establish criteria for  
21 determining the eligibility of nonprofit organizations under  
22 s. 501(c)(3) of the Internal Revenue Code to apply for and  
23 receive available reef development or evaluation funds. Such  
24 criteria shall include, but not be limited to, the following:

25           (a) The organization must show proof that it is a  
26 nonprofit organization under s. 501(c)(3) of the Internal  
27 Revenue Code currently operating in full compliance with U.S.  
28 Internal Revenue Service regulations defining and governing  
29 such organizations.

30           (b) The organization shall have as one of its  
31 principal charges the development or monitoring of artificial

1 reefs and shall agree to use the best science-based management  
2 practices available.

3 (c) The organization shall be a not-for-profit Florida  
4 corporation and have its principal place of business within  
5 the state.

6 (5) The department's artificial reef program shall  
7 track artificial reef development activities statewide and  
8 maintain a computer database of this activity for the public  
9 interest and to facilitate long-range planning and  
10 coordination within the department and among local  
11 governments.

12 (6) The department shall develop, implement, and  
13 maintain a comprehensive artificial reef development plan for  
14 the state that shall reflect the provisions of this section  
15 and any additional sections and rules that reflect the public  
16 interest in saltwater reef development.

17 (7) It is unlawful for any person to:

18 (a) Transport on or across state waters potential  
19 reef-construction materials, unless a signed inspection  
20 manifest issued by the department or a department-certified  
21 inspector is on board the transporting vessel. The manifest  
22 shall serve as authorization to use a valid artificial reef  
23 site; shall describe and quantify the inspected  
24 reef-construction material being transported; and shall  
25 include the coordinates of the proposed reef deployment  
26 destination, the valid reef site permit number, and a copy of  
27 the permit conditions for the reef site authorized for use.  
28 The manifest must be available for inspection upon request by  
29 an authorized law enforcement officer or designated employee  
30 of the department. The vessel captain or reef site  
31 permitholder must return a copy of the manifest along with the

1 reef-construction placement coordinates and deployment date to  
2 the department within 30 days after placement of the inspected  
3 reef material.

4 (b) Store on a vessel potential reef-construction  
5 material, unless the materials have been inspected and  
6 approved or are scheduled to be inspected.

7 (c) Place artificial-reef-construction materials in  
8 state water outside zones permitted under the terms and  
9 conditions defined in the applicable environmental permits and  
10 under U.S. Army Corps of Engineers permits held by the  
11 department or a local government.

12 (d) Place in state waters artificial-reef-construction  
13 materials that have not been inspected and approved by the  
14 department or a department-certified inspector.

15 (8)(a) An initial violation of subsection (7) is a  
16 misdemeanor of the first degree, punishable as provided in s.  
17 775.082 or s. 775.083. A violation of subsection (7)  
18 committed within 12 months after a previous violation of that  
19 subsection is a felony of the third degree, punishable as  
20 provided in s. 775.082 or s. 775.083.

21 (b) If a violation of paragraph (7)(a),(c), or (d)  
22 occurs, a law enforcement officer shall terminate a vessel's  
23 voyage and order the vessel operator to return immediately to  
24 port. The vessel operator shall immediately dispose of the  
25 materials according to applicable waste-disposal laws.

26 (c) If, at the time of the violation, the vessel that  
27 is involved in the violation:

28 1. Is moored, the registered owner of the vessel is  
29 responsible for the violation.

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1           2. Is underway, the captain or operator of the vessel  
2 and the registered owner of the vessel are responsible for the  
3 violation.

4           (d) In addition to seeking criminal penalties for a  
5 violation of subsection (7), the department may levy an  
6 administrative fine in an amount not to exceed \$5,000, may  
7 seek civil penalties, and may revoke existing  
8 reef-construction permits and other state marine licenses held  
9 by the violator.

10           Section 2. This act shall take effect upon becoming a  
11 law.

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14                                   HOUSE SUMMARY

15           Provides for an artificial reef program within the  
16 Department of Environmental Regulation to enhance  
17 saltwater fishing opportunities and to promote management  
18 of fisheries resources associated with artificial reefs  
19 for the public interest and directs the department to  
20 provide grants and technical assistance to coastal local  
21 government and nonprofit organizations qualified under s.  
22 501(c)(3) of the Internal Revenue Code for siting,  
23 constructing, monitoring, and evaluating the  
24 effectiveness of saltwater artificial reefs. Authorizes  
25 the department to establish criteria for available reef  
26 development funds. Directs the department to establish  
27 criteria for determining the eligibility of nonprofit  
28 organizations to apply for and receive available reef  
29 development funds. Directs the department to establish  
30 criteria for siting, constructing, managing, and  
31 evaluating the effectiveness of artificial reefs.  
Directs the department to develop, implement, and  
maintain a comprehensive artificial reef development  
plan. Provides penalties for violations of the act  
relating to artificial reefs. See bill for details.