

By the Committees on Governmental Oversight and Productivity;
Military and Veterans' Affairs, Base Protection, and
Spaceports; and Senator Jones

302-2571-04

1 A bill to be entitled
2 An act relating to the Great Florida
3 Wrek-reation Diving Trail Act; providing a
4 popular name; providing purpose of the act;
5 creating the Florida MARAD and U.S. Navy Vessel
6 Placement Commission within the Office of
7 Tourism, Trade, and Economic Development;
8 providing membership, organization,
9 administrative support, and duties of the
10 commission; providing that the commission is
11 subject to public records and public meetings
12 requirements; requiring the commission to
13 request and receive interagency comments;
14 providing for expiration of the commission;
15 providing for transfer of documents and
16 remaining assets of the commission; providing
17 an effective date.

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19 WHEREAS, in the past, the United States Navy has used
20 unneeded ships as targets for military exercises known as
21 sinking exercises, and

22 WHEREAS, now the Navy has devised an alternative means
23 of disposing of obsolete Navy vessels that allows the vessels
24 to serve in a productive capacity for hundreds of years past
25 their intended use, and

26 WHEREAS, the National Defense Authorization Bill for
27 fiscal year 2004 (H.R. 1588) allows appropriate decommissioned
28 ships to be donated for use as artificial reefing, and

29 WHEREAS, the process of using obsolete vessels as
30 man-made artificial reefs not only promotes marine life and
31 fishing but relieves pressures on natural coral reefs, and

1 WHEREAS, the measure allows the Navy to accomplish the
2 overall process for cost-effective donation transfer of
3 available naval vessels, and

4 WHEREAS, the United States Maritime Administration
5 (MARAD) will coordinate federal agency solicitation and
6 application for obtaining the vessels for use as artificial
7 reefs, and

8 WHEREAS, the donation and transfer application for all
9 Navy and MARAD ships available for use as artificial reefs may
10 be submitted only by states, commonwealths, and territories
11 and possessions of the United States, or municipal
12 corporations or political subdivisions thereof, and

13 WHEREAS, the program provides a practical option for
14 disposing of inactive naval vessels in a cost-effective and
15 environmentally sound manner that can also promote ecotourism
16 associated with recreational diving and fishing in Florida,
17 NOW, THEREFORE,

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

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21 Section 1. (1) POPULAR NAME.--This act may be
22 referred to by the popular name the "Great Florida
23 Wrek-reation Diving Trail Act of 2004."

24 (2) PURPOSE.--The purpose of the Great Florida
25 Wrek-reation Diving Trail Act is to promote ecotourism
26 associated with recreational diving and fishing in Florida
27 through the placement of United States Maritime Administration
28 (MARAD) and United States Navy decommissioned vessels in
29 Florida waters as artificial reefs.

30 (3) FLORIDA MARAD AND U.S. NAVY VESSEL PLACEMENT
31 COUNCIL; CREATION.--There is created within the Office of

1 Tourism, Trade, and Economic Development the Florida MARAD and
2 U.S. Navy Vessel Placement Council, which is a council as
3 defined in section 20.03, Florida Statutes.

4 (4) MEMBERSHIP.--The council shall consist of five
5 members, all of whom shall be residents of the state. Three
6 members shall represent recreational scuba diving in Florida,
7 one of whom shall be appointed by the President of the Senate,
8 one of whom shall be appointed by the Speaker of the House of
9 Representatives, and one of whom shall be appointed by the
10 Governor. Two members shall represent recreational fishing
11 interests and the tourism industry in Florida, one of whom
12 shall be appointed by the President of the Senate and one of
13 whom shall be appointed by the Speaker of the House of
14 Representatives. Members shall be appointed in such a manner
15 as to equitably represent different geographic areas of the
16 state. The initial appointments to the commission shall be
17 made no later than September 1, 2004.

18 (5) ORGANIZATION.--

19 (a) The Governor shall designate one member of the
20 council as its chair. Vacancies in membership of the council
21 shall be filled in the same manner as the original
22 appointments.

23 (b) The council shall meet at least quarterly. A
24 majority of the members shall constitute a quorum for the
25 purpose of conducting business.

26 (c) The council shall establish procedures for its
27 operations, including notice procedures for council meetings
28 and procedures with respect to the application process under
29 subsection (7).

30 (d) Members of the council shall serve without
31 compensation but shall be entitled to per diem and travel

1 expenses pursuant to section 112.061, Florida Statutes, while
2 in the performance of their duties.

3 (e) Each member of the council shall file full and
4 public disclosure of financial interests at the times and
5 places and in the same manner required of elected
6 constitutional officers under Section 8, Article II of the
7 State Constitution and any law implementing that provision.

8 (f) Records and meetings of the council shall be
9 subject to the requirements of the public records law and
10 public meetings law in chapters 119 and 286, Florida Statutes,
11 respectively.

12 (g) Members are subject to the dual-office-holding
13 prohibition of Section 5(a), Article II of the State
14 Constitution.

15 (6) ADMINISTRATIVE SUPPORT.--The Office of Tourism,
16 Trade, and Economic Development shall provide administrative
17 support to the council for all of its activities. The council
18 is authorized to accept private donations to support council
19 activities. The council shall maintain a complete financial
20 record of all donations and expenditures, and shall file a
21 financial report with the Auditor General annually that
22 documents such donations and expenditures.

23 (7) DUTIES.--

24 (a) The council shall be the artificial reef
25 coordinator for Florida for purposes of the United States
26 Department of Transportation transfer of obsolete MARAD and
27 Navy vessels program.

28 (b) The council shall review applications from Florida
29 counties and municipalities for placement of MARAD and U.S.
30 Navy decommissioned vessels in Florida waters as artificial
31 reefs.

1 (c) The council shall receive donation transfer
2 applications for such vessels and, using federal evaluation
3 criteria, shall recommend to the Governor sites within the
4 state for placement of such vessels.

5 (d) The council shall develop a master site plan for
6 the purposes of maximizing the number and type of vessels for
7 placement in Florida waters. Criteria shall include placement
8 of vessels in a geographically dispersed manner.

9 (8) INTERAGENCY COMMENTS.--The council shall request
10 and receive interagency comments from local artificial reef
11 permitting agencies, the Department of Environmental
12 Protection, and the Fish and Wildlife Conservation Commission,
13 allowing a review period consistent with MARAD and U.S. Navy
14 application deadlines. Interagency comments on submitted
15 applications must be limited to that agency's area of
16 responsibility.

17 (9) TERM.--The council shall expire on December 31,
18 2006, unless reenacted by the Legislature. Prior to
19 termination, all documents and all remaining assets of the
20 council shall be transferred to the Office of Tourism, Trade,
21 and Economic Development, pursuant to section 20.052, Florida
22 Statutes.

23 Section 2. This act shall take effect upon becoming a
24 law.

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS/SB 2520
4 Changes the "commission" to a "council" to meet the
5 definitions provided in s. 20.03, F.S.
6 Provides that members serve without compensation but are
7 entitled to per diem and travel pursuant to s. 112.061, F.S.
8 Requires filing of public disclosure of financial interests.
9 Provides that ch. 119, F.S., and s. 286.011, F.S., apply to
10 meetings and records of the council.
11 Requires the council to file a financial statement with the
12 Auditor General.
13 Provides that all documents and remaining assets are
14 transferred to the OTTED upon termination of the council.
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