

Bill No. CS for SB 1670

Barcode 383230

CHAMBER ACTION

Senate

House

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The Committee on General Government Appropriations (Baker)
recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Part IV of chapter 161, Florida Statutes,
consisting of sections 161.70, 161.71, 161.72, 161.73, 161.74,
161.75, and 161.76, is created to read:

PART IV

OCEANS AND COASTAL RESOURCES MANAGEMENT ACT

161.70 Short title.--This part may be cited as the
"Oceans and Coastal Resources Act."

161.71 Definitions.--As used in this part, the term:

(a) "Commission" means the Fish and Wildlife
Conservation Commission created in s. 9, Art. IV of the State
Constitution.

(b) "Council" means the Florida Oceans and Coastal
Council created by this act.

(c) "Department" means the Department of Environmental

Bill No. CS for SB 1670

Barcode 383230

1 Protection.

2 (d) "Executive director" means the executive director
3 of the Fish and Wildlife Conservation Commission.

4 (e) "Oceans" means those waters from the mean
5 high-water line outward to the state's jurisdictional boundary
6 and those United States waters in which this state has an
7 interest.

8 (f) "Secretary" means the secretary of the Department
9 of Environmental Protection.

10 161.72 FINDINGS AND INTENT.--

11 (1) The Legislature finds that:

12 (a) The oceans and coastal resources of the United
13 States are of national importance; and

14 (b) The U.S. Commission on Ocean Policy has made 212
15 recommendations and the President has responded with an Ocean
16 Action Plan to better protect and preserve our oceans; and

17 (c) Florida's ocean and coastal resources contribute
18 significantly to the state economy by supporting multiple
19 beneficial uses and a wide range of economic value that
20 requires balancing of competing considerations; and

21 (d) Florida's oceans and coastal resources comprise
22 habitats that support endangered and threatened species and
23 extraordinary marine biodiversity; and

24 (e) The coral reefs of southeast Florida, and the
25 barrier reef of the Florida Keys, the only barrier reef in the
26 United States, are a national treasure, and must continue to
27 be protected; and

28 (f) It is Florida's responsibility to be a national
29 leader on oceans and coastal protection; and

30 (g) It is in the state's best interest to ensure the
31 productivity and health of our oceans and coastal resources;

Bill No. CS for SB 1670

Barcode 383230

1 and

2 (h) Florida's marine biodiversity, at the species,
3 natural community, seascape, and regional levels must be
4 protected by restoring, rehabilitating, and maintaining the
5 quality and natural function of oceans and coastal resources
6 through an ecosystem-based management approach, as recommended
7 by the U.S. Commission on Ocean Policy; and

8 (i) The quality of our beaches and fisheries resources
9 must be protected to ensure the public health; and

10 (j) Protection must be provided to highly migratory
11 marine species, such as sea turtles and sea birds; and

12 (k) Opportunities must be increased to provide natural
13 resource-based recreation and encourage responsibility and
14 stewardship through educational opportunities; and

15 (l) Oceans and coastal research must be prioritized to
16 ensure coordination among researchers and managers, and
17 long-term programs to observe, monitor, and assess oceans and
18 coastal resources must be developed and implemented; and

19 (m) Development of coastal areas should be both
20 economically and environmentally sustainable, and
21 inappropriate growth in ecologically fragile or hazard-prone
22 areas should be discouraged; and

23 (n) Conservation and restoration of coastal habitat
24 could be enhanced through the development of regional and
25 local goals, the institution of a program dedicated to coastal
26 and estuarine conservation, better coordination of the state's
27 activities relating to habitat, and improved research,
28 monitoring and assessment.

29 (2) It is the intent of the Legislature to create the
30 Oceans and Coastal Resources Council to assist the state in
31 identifying new management strategies to achieve the goal of

Bill No. CS for SB 1670

Barcode 383230

1 maximizing the protection and conservation of ocean and
2 coastal resources while recognizing their economic benefits.

3 (3) It is further the intent of the Legislature that
4 the council shall encourage and support the development of
5 creative public-private partnerships, pursue opportunities to
6 leverage funds, and work in coordination with federal agencies
7 and programs to maximize opportunities for the state's receipt
8 of federal funds.

9 161.73 COMPOSITION.--The Florida Oceans and Coastal
10 Council is created within the Department of Environmental
11 Protection and shall consist of 18 members. The secretary, the
12 executive director, and the commissioner of the Department of
13 Agriculture and Consumer Services, or their designees, shall
14 serve as ex-officio members of the council. The council shall
15 be jointly chaired by the secretary and the executive
16 director. The 15 voting members of the council shall be
17 appointed, within 60 days of this act becoming law, in the
18 following manner:

19 (1) Five members appointed by the Secretary of the
20 Department of Environmental Protection which will be comprised
21 of one scientist specializing in each of the following fields:
22 wetlands and watersheds; nearshore waters or estuaries;
23 offshore waters or open oceans; hydrology and aquatic systems;
24 and coastal geology or coastal erosion and shorelines.

25 (2) Five members appointed by the Executive Director
26 of the Fish and Wildlife Conservation Commission which will be
27 comprised of one scientist specializing in each of the
28 following fields: resource management; wildlife habitat
29 management; fishery habitat management; coastal and pelagic
30 birdlife; and marine biotechnology.

31 (3) Five members appointed by the Commissioner of the

Bill No. CS for SB 1670

Barcode 383230

1 Department of Agriculture and Consumer Services. These
 2 appointments shall be selected from a list of at least 8
 3 individuals submitted by the Florida Ocean Alliance to the
 4 Commissioner of the Department of Agriculture and Consumer
 5 Services. The individuals selected by the Florida Ocean
 6 Alliance shall be chosen from the following disciplines or
 7 groups: sportsfishing; ports; cruise industry; energy
 8 industry; ecotourism; private marine research institutes;
 9 universities; aquaculture; maritime law; commercial fisheries;
 10 socioeconomics; marine science education; and environmental
 11 groups.

12 (4) Appointments made by the secretary and executive
 13 director shall be to terms of 4 years each. Appointments made
 14 by the Commissioner of the Department of Agriculture and
 15 Consumer Services shall be to terms of 2 years. Members shall
 16 serve until their successors are appointed. Vacancies shall be
 17 filled in the manner of the original appointment for the
 18 remainder of the term that is vacated.

19 (5) Members shall serve without compensation, but are
 20 entitled to reimbursement of travel and per diem expenses
 21 pursuant to section 112.061, Florida Statutes, relating to
 22 completing their duties and responsibilities.

23 161.74 RESPONSIBILITIES.--

24 (1) Research Review--Prior to the development of the
 25 research plan the council shall review and compile the
 26 existing, ongoing and planned ocean and coastal research and
 27 monitoring activities relevant to the state of Florida.
 28 Included in this review shall be the "Florida's Ocean
 29 Strategies Final Report to the Governor" by the Florida
 30 Governor's Oceans Committee dated June 1999. To aid the
 31 council in fulfilling this requirement all public agencies

Bill No. CS for SB 1670

Barcode 383230

1 must submit the information requested by the council and
2 private research institutes are encouraged to submit relevant
3 information to the maximum extent practicable. Upon receiving
4 the information required by this provision the council shall
5 develop a library to serve as repository of information for
6 use by those involved in ocean and coastal research. The
7 council shall develop an index of this information to assist
8 researchers in accessing the information.

9 (2) Research Plan.--The council must complete a
10 Florida Oceans and Coastal Scientific Research Plan which
11 shall be used by the Legislature in making funding decisions.
12 The plan must recommend priorities for scientific research
13 projects. The plan must be submitted to the President of the
14 Senate and the Speaker of the House of Representatives by
15 January 15, 2006. Thereafter, annual updates to the plan must
16 be submitted to the President of the Senate and the Speaker of
17 the House of Representatives by February 1 of each year. The
18 research projects contained in the plan must meet at least one
19 of the following objectives:

20 (a) Exploring opportunities to improve coastal
21 ecosystem functioning and health through watershed approaches
22 to managing freshwater and improving water quality.

23 (b) Evaluating current habitat conservation,
24 restoration and maintenance programs and recommending
25 improvements in the areas of research, monitoring and
26 assessment.

27 (c) Promoting marine biomedical or biotechnology
28 research and product discovery and development to enhance
29 Florida's opportunity to maximize the beneficial uses of
30 marine-derived bioproducts, and reduce negative health impacts
31 of marine organisms.

Bill No. CS for SB 1670

Barcode 383230

1 (d) Creating consensus and strategies on how Florida
2 can contribute to sustainable management of ocean wildlife and
3 habitat.

4 (e) Documenting through examination of existing and
5 new research the impact of marine and coastal debris and
6 current best practices to reduce debris.

7 (f) Methods to achieve sustainable fisheries through
8 better science, governance, stock enhancements and
9 consideration of habitat and secondary impacts such as
10 bycatch.

11 (g) Documenting gaps in current protection strategies
12 for marine mammals.

13 (h) Promoting research and new methods to preserve and
14 restore coral reefs and other coral communities.

15 (i) Achieving sustainable marine aquaculture.

16 (j) Reviewing existing and ongoing studies on
17 preventing and responding to the spread of invasive and
18 nonnative marine and estuarine species.

19 (k) Exploring ocean-based renewable energy
20 technologies and climate change-related impacts to Florida's
21 coastal area.

22 (l) Enhancing science education opportunities such as
23 virtual marine technology centers.

24 (m) Sustaining abundant birdlife and encouraging the
25 recreational and economic benefits associated with ocean and
26 coastal wildlife observation and photography.

27 (n) Developing a statewide analysis of the economic
28 value associated with ocean and coastal resources, developing
29 economic baseline data, methodologies, and consistent measures
30 of oceans and coastal resource economic activity and value,
31 and developing reports that educate Floridians, the National

Bill No. CS for SB 1670

Barcode 383230

1 Ocean Policy Commission, local, state and federal agencies and
2 others on the importance of ocean and coastal resources.

3 (3) Resource Assessment--By December 1, 2006, the
4 council shall prepare a comprehensive oceans and coastal
5 resource assessment that shall serve as a baseline of
6 information to be used in assisting in their research plan.

7 The resource assessment must include:

8 (a) Patterns of use of oceans and coastal resources;

9 (b) Natural resource features, including, but not
10 limited to, habitat, bathymetry, surficial geology,
11 circulation, and tidal currents;

12 (c) The location of current and proposed oceans and
13 coastal research and monitoring infrastructure;

14 (d) Industrial, commercial, coastal observing system,
15 ships, subs, and recreational transit patterns; and

16 (e) Socioeconomic trends of the state's oceans and
17 coastal resources and oceans and coastal economy.

18 Section 2. In order to protect, conserve, and restore
19 declining recreational fisheries, stimulate economic growth,
20 and help meet the state's seafood needs, the council created
21 in s. 161.73, Florida Statutes, shall, as a pilot project to
22 demonstrate the feasibility of collaborative research efforts,
23 direct research by two or more marine science research
24 entities to evaluate the potential for inland, recirculating,
25 and aquaculture technology to produce marine species and to
26 implement new marine stock enhancement initiatives. This
27 project shall be designed to expand new aquaculture and marine
28 stock enhancement technology to include additional species and
29 evaluate the potential to successfully enhance those marine
30 stocks. The council shall present to the Governor, the
31 President of the Senate, and the Speaker of the House of

Bill No. CS for SB 1670

Barcode 383230

1 Representatives the results of this research project by
2 February 1, 2007.

3 161.75 Rulemaking authority.--The department and the
4 commission may adopt rules, pursuant to ss. 120.536(1) and
5 120.54, to administer this part.

6 161.76 Preservation of authority.--This part does not
7 restrict or limit the authority otherwise granted to the
8 commission, or other state agencies by law.

9 Section 3. This act shall take effect upon becoming a
10 law.

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

14 And the title is amended as follows:

15 Delete everything before the enacting clause

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17 and insert:

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An act to be entitled

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An act relating to the Oceans and Coastal

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Resources Conservation and Management Act;

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creating part IV of ch. 161, F.S., consisting

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of ss. 161.70, 161.171, 161.72, 161.73, 161.74,

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161.75, and 161.76, F.S.; providing

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definitions; providing findings and intent;

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requiring that the Department of Environmental

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Protection, the Fish and Wildlife Conservation

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Commission and the Department of Agriculture

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and Consumer Services to establish the Florida

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Oceans and Coastal Council; providing for

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membership of the council; providing for the

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Secretary of Environmental Protection and the

Bill No. CS for SB 1670

Barcode 383230

1 executive director of the Fish and Wildlife
2 Conservation Commission to jointly chair the
3 council; providing responsibilities of the
4 council; requiring that the council undertake a
5 research review; providing for content and
6 access to the review; requiring the council to
7 prepare a research plan that recommends
8 research priorities; providing for annual
9 updates of the plan; providing for distribution
10 of the plan to the Legislature; prepare an
11 oceans and coastal resource assessment;
12 providing for contents of the assessment;
13 requiring the council to establish objectives
14 for research projects; providing for a pilot
15 project; authorizing rulemaking by the
16 Department of Environmental Protection and the
17 Fish and Wildlife Conservation Commission;
18 preserving authority otherwise granted to the
19 commission, and state agencies; providing an
20 effective date.

21
22 WHEREAS, Florida's coastline is the second longest
23 coastline of the fifty states, and

24 WHEREAS, the oceans and coastal resources of the state
25 are held in trust for the people of the state and should be
26 protected and managed for the benefit of current and future
27 generations, and

28 WHEREAS, it is imperative for the state, regional, and
29 local governments, academic and environmental communities, and
30 agricultural and fishery interests to commit to working
31 together to manage, rehabilitate, and protect Florida's oceans

Bill No. CS for SB 1670

Barcode 383230

1 and coastal resources, NOW, THEREFORE,
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