

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Environmental Preservation Committee

BILL: CS/SB 1670

SPONSOR: Environmental Preservation Committee and Senators Dockery and Pruitt

SUBJECT: Oceans and Coastal Conservation Act

DATE: March 28, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Kiger	Kiger	EP	Fav/CS
2.			GO	
3.			GA	
4.				
5.				
6.				

I. Summary:

The bill creates part IV, of chapter 161, F.S., to be entitled the Florida Oceans and Coastal Resources Conservation and Management Act. Specific provisions contained in the bill would:

- Require state agencies involved in protecting and managing oceans and coastal resources to encourage and support public-private partnerships to preserve these resources.
- Require coordination with federal partners and programs.
- Direct the Department of Environmental Protection (department or DEP) and the Fish and Wildlife Conservation Commission (FWCC) to establish the Florida Oceans and Coastal Science Work Group (work group).
- Establishes conservation and management goals to guide the work group.
- Requires the department and commission to prepare a resource assessment for use by the work group.
- Requires the department and commission, in coordination with the work group to annually prepare a research plan.
- Creates the Florida Oceans and Coastal Restoration Program and directs the department, commission, and work group to develop priorities for restoration of the state's oceans and coastal resources.
- Creates the Florida Oceans and Sustainable-Use Program and directs the department, commission, work group, water management districts, and other appropriate agencies to develop a management framework to ensure sustainable-use of these resources.
- Requires the department and commission to coordinate the efforts of the work group and new programs to ensure that actions are complementary and not duplicative.

The bill creates Part IV, Chapter 161 (ss. 161.70 thru 161.78), Florida Statutes.

II. Present Situation:

Florida Governor's Ocean Committee

In January 1998, Governor Lawton Chiles created the Florida Governor's Ocean Committee (FGOC) by Executive Order (98-13). The FGOC was charged to:

- Establish goals and recommend ocean policies and strategies for the public benefit and promote their efficient implementation. Such policies and strategies shall include but not be limited to: identifying ocean resource management opportunities and conflicts; developing policies and strategies that address these identified conflicts in a comprehensive and coordinated manner; providing for increased public awareness of ocean issues; and improving coordination and eliminating duplication among governments, agencies, task forces and organizations that implement ocean policy.

The FGOC submitted its final report, entitled "Florida's Ocean Strategies," to the Governor in June 1999. The Report made recommendations in three general areas:¹

- Research

Expand and coordinate coastal and marine research

Identify research priorities

Implement long-term monitoring and assessment programs

Enhance data exchange and integration

- Management

Create intergovernmental and public/private partnerships

Use management tools which minimize conflicts

Develop policies that address international issues such as tourism, trans-shipment, and pollution

Address the adequacy of water quality standards

Explore the use of various fisheries management tools

Encourage innovative techniques for habitat protection and restoration

¹ <http://www.dep.state.fl.us/cmp/programs/pdf/fgocfinal.pdf>

Promote greater protection of highly migratory pelagic species, marine mammals, sea turtles, and sea birds

Continue implementation of best management practices for aquaculture

Enhance marine law enforcement

- Public awareness

Develop an ocean outreach program to educate tourists, residents, decision-makers, students, educators, and the media on the importance of ocean resources

Provide more support for volunteer research and conservation programs involving students and the general public

Partner with private industry to conduct ocean resource related classes, field trips, and other educational opportunities for students and the general public, as well as marine industry employees

No action was taken in response to the Report.

Florida Oceans Alliance

The Florida Ocean Alliance was formed in late 1999 and evolved from those members participating in the FGOC. The Florida Oceans Alliance is a nonpartisan organization that brings together government, academic, and private sectors in Florida to protect and enhance Florida's coastal and ocean resources for continued social and economic benefits. The Alliance seeks to position Florida in an international leadership role to integrate ocean conservation, education, and responsible economic development. Its members represent both the private and public sector. Private sector members include representatives from ocean-related industries in tourism, ports, shipping, and cruising. Public members include representatives from federal and state governmental agencies, nonprofit research organizations, academia, and public interest groups. The Alliance serves as a clearinghouse for information on key ocean and coastal issues facing Florida. It monitors and publicizes actions related to the oceans and coasts. The Alliance focuses on outreach and educational activities for the public and policymakers, including conferences, papers on ocean and coastal policies, economic studies, and testimony to national or state agencies and commissions concerned with ocean or coastal policy.²

Governor's Oceans Initiative and Gulf of Mexico Alliance

² <http://www.floridaoceanalliance.org/documents/one-pager-ocean.pdf>

In April of 2004, Governor Bush launched two efforts to improve Florida's management of its ocean resources and of the Gulf of Mexico: the Oceans Initiative and the Gulf of Mexico Alliance.³

Oceans Initiative

The Oceans Initiative has been undertaken to strengthen ocean and coastal management in Florida through sound science. This initiative was funded by a \$1 million appropriation in 2004-05 for the Coastal and Aquatic Managed Areas Office of the Department of Environmental Protection (DEP). The Initiative is organized into four themes:

- Closing the Science Gap to Improve Environmental Management
- Establishing Partnerships to Enhance Recreation, Ecotourism and Commerce
- Conserving and Restoring Critical Ocean Habitats
- Enhancing Stewardship Through Education

The Coastal and Aquatic Managed Areas Office has engaged numerous government agencies, research institutions, and the private sector in partnership to strengthen Florida's ocean management. An update of the activities under each theme follow.

Closing the Science Gap to Improve Environmental Management

- In November 2004, DEP and the Fish and Wildlife Conservation Commission (FWCC) co-hosted a workshop of Florida ocean scientists and resource managers from around the state to agree on a process through which managers and scientists could develop ocean research priorities. Progress was made at the workshop to have these communities agree on such a decision-making framework and process.
- DEP has spent over \$100,000 to purchase water quality observing equipment to expand the water quality network in Florida's Aquatic Preserves. With this equipment, the state will be able to detect long-term trends and address concerns before they become full-blown crises.

Establishing Partnerships to Enhance Recreation, Ecotourism and Commerce

- DEP's Office of Greenways and Trails has begun a three-year project to complete the Florida Saltwater Circumnavigation Paddling Trail, and has hired a full time OPS staff person to oversee this effort. He is coordinating with local community efforts in the development of the trail. The trail will enhance citizens and visitors experience of coastal waters.

³ "Oceans Initiative and Gulf of Mexico Alliance Update and Assessment," Memorandum of the Department of Environmental Protection, dated December 6, 2005

- FWCC has also been holding workshops around the state to receive input from Floridians on the future of Florida's fisheries. The goal is to develop a strategy that maintains healthy and environmentally sound fisheries amidst increased development and growth.
- DEP intends to sign a memorandum of agreement with Boat US and the National Oceanic and Atmospheric Administration (NOAA) to establish a partnership to educate recreational boaters concerning minimizing boating impacts to marine resources. This private/public partnership will teach hundreds of thousands of Florida boaters to avoid coral reefs, seagrass beds and other ocean habitats.

Conserving and Restoring Critical Ocean Habitats

- To improve management of coral reefs, DEP has entered into a memorandum of agreement with Australia's Great Barrier Reef Marine Park Authority and NOAA to work together to study the concept of coral reef resilience to determine what management strategies can be taken to ensure that coral reefs are as resilient as they can be amidst growing development and use. Under this agreement, the three parties are to design research projects, exchange information about management successes and shortcomings, develop shared products, and increase capacity within their respective regions.
- With funding from the Oceans Initiative, FWCC is completing Florida's base-line seagrass map. After this project is complete, Florida will have for the first time an up-to-date baseline map of seagrasses in Florida waters. Money from the Oceans Initiative is also funding three seagrass restoration projects, one in Pensacola and two in the Florida Keys.
- Beach closings are on the rise in Florida; but for almost half of the closings, the source of the bacteria is unknown. The Florida Department of Health (DOH) is undertaking a bacterial source study to determine what is causing the beach closings at Mashes Sands near Alligator Point. With this study, DOH will be able to determine the sources of bacteria at Mashes Sands, so the problem can be addressed.
- DEP, in partnership with the Coastal States Organization, is chairing a working group on Coastal Habitat Restoration and Conservation. This Working Group is made up of representatives of many state agencies from around the country. The purpose is to ensure that federal restoration and land acquisition programs meet the needs of the states. By undertaking this effort, the states will be able to leverage more federal dollars to support work to conserve and restore critical coastal and ocean habitats.

Enhancing Stewardship Through Education

- DEP's Office of Environmental Education initiated the LIFE program: Learning in Florida's Environment. The initial program was conducted with the Franklin County School System. The LIFE program incorporates the Sunshine State Science Standards in a curricula which incorporates both classroom work and a field component. The field component was conducted by the teachers and staff at DEP's Apalachicola National

Estuarine Research Reserve (NERR). The Office of Environmental Education is in the process of expanding the program to the Guana NERR in St. Augustine and some of the state parks.

- Next steps for the Oceans Initiative include reassessing the Total Maximum Daily Load (TMDL) program to ensure it is adequately considering the coastal waters, undertaking a study to investigate options for potentially removing the ocean outfalls near the coral reefs of southeast Florida, installing mooring buoys in the state parks in the Keys to protect the critical marine habitats of our parks, and possibly undertaking a thorough assessment of the marine habitats of Florida to determine whether we are adequately protecting the full range of ocean habitats in Florida.

Gulf of Mexico Alliance

In April 2004, Governor Bush wrote to the governors of the other four Gulf states to invite them to participate in a state-led effort to improve management of the Gulf of Mexico. DEP has had very productive discussions with the other four states. The states agreed that the initial focus of a stronger alliance between the states should focus on protecting public health, specifically to address closing of beaches and shellfish beds.

Currently, NOAA is developing regional ocean observing systems. DEP is recommending that the Gulf governors need to request that these systems address the critical needs of the states. These systems should incorporate a real-time alert system for the closure of beaches and shellfish beds. Such a system would provide protection for human health and ensure that beaches and shellfish beds are closed for the minimum amount of time necessary. The ocean observing systems should also include the development of the infrastructure for a bacterial source rapid detection system that would provide the states information concerning what is causing the closings so that the problems causing the contamination can be addressed.

Over the next year, the states would work together to identify and design goals and priorities for future action of the Gulf Alliance.

In September 2004 the U.S. Commission on Ocean Policy issued its final report. The report which was initiated in 2001 represents a multi-disciplinary effort to provide prospective on the current state of our oceans and what we may need to do in the future to protect this resource. An overall message contained in the 200 plus recommendations was provided by James D. Watkins (USN Adm Ret.), Chairman of the Commission, "...we need to act now to reverse distressed declines if this and future generations are to continue enjoying the many benefits we derive from our oceans and coasts."

According to the report, the problems faced are not only a coastal issue but have a major impact on the nation's economy as a whole. While coastal counties account for only 17 percent of the land area they are home to more than 53 percent of the nation's total population. The report goes on to say that based on 2000 estimates, ocean related activities such as fishing and tourism directly contribute more than \$117 billion and 2 million jobs, with related economic impact accounting for a total in excess of \$1 trillion. Aside from the economic benefits, an estimated 118 million people head to the beach each summer.

The commission which provided this report was mandated by the Oceans Act of 2000 (Public Law 106-256). The 16 member panel, appointed by the President, was created to establish findings and make recommendations to the president and Congress for a coordinated and comprehensive national ocean policy. Key to the some 212 recommendations of the commission was a direction that we move to an eco-educational program to instill stronger stewardship ideals.

To help ensure the involvement of the states the commission recommends the creation of a President's Council of Advisors on Ocean Policy, to be comprised of nonfederal representatives from state, territorial, tribal, and local governments. The council would also include academic, public interest and private sector organizations.

A draft report from the commission was released in early 2004. Comments were received from 37 states, including Florida. In general, the states agreed that better coordination was needed; however, the how to implement was a debatable issue. In summary, the states were concerned over new bureaucracy or more mandates.

In summary, some of the recommendations important to the states include:

- Formal and informal education outreach efforts.
- Creation of regional councils to help coordinate.
- Improved management of coastal areas, including coastal watersheds.
- Development of prioritized plans for upgrading wastewater and drinking water infrastructure.
- Improved coordination of national monitoring networks and creation of useful products based on the data provided.
- Improved response and handling of marine invasive species.
- Prevention of marine debris.
- Management of fish stocks and development of sustainable aquaculture operations.
- Protection of corals and coral reefs.
- Development of a coordinated offshore management regime.
- Participation in the management of renewable and nonrenewable ocean energy sources.

III. Effect of Proposed Changes:

This bill establishes findings regarding the relationship of oceans to Florida. Included in these clauses of the bill are:

- That Florida as the state with the second longest coastline has a responsibility to become a national leader regarding their protection.
- That oceans and coastal resources are of tremendous value through their contribution to creation of millions of jobs and billions in economic impact.
- That oceans play a critical role in supporting endangered species and marine biodiversity.
- That the growth experienced within this state directly impacts the degradation of oceans and coastal resources.

- An identification that Florida must work across jurisdictional boundaries to ensure success in protecting this unique environment.
- A finding that oceans and coastal resources are held in trust for the people and should be protected for current and future generations.

The bill creates a new Part IV of Chapter 161, Florida Statutes (Sections 161.70 thru 161.78, F.S.) to be entitled the “Oceans and Coastal Resources Management Act.” Included in the creation of this new part are: Definitions; Purpose; Conservation and Management; Scientific Research Plan; Florida Oceans and Coastal Restoration Program; Florida Oceans and Sustainable Use Program; Coordination elements; and Rulemaking.

Section 161.71 Definitions

The bill establishes definitions for the following terms: Commission (Fish and Wildlife Conservation Commission); Department (Department of Environmental Protection); Districts (the five water management districts); Executive Director; Oceans (those waters extending to the state’s jurisdictional boundary and those federal waters in which we may have an interest); and Secretary.

Section 161.72 Purpose

Expands on the whereas clauses of the bill to provide guidance as to why the act is being created, Provisions include:

- A call for:
 - The protection of the biodiversity of oceans and coastal resources through restoration, rehabilitation, and maintenance efforts.
 - The protection of our beaches and seafood to ensure public health.
 - Assurances that sufficient public access will be maintained.
 - Additional protections for migratory marine species, such as turtles.
 - Increased opportunities for nature-based recreation.
 - Increased responsibility and stewardship through education.
 - Coordination among researchers and managers.
 - Long term programs to access the resources.
- Directing that relevant state agencies:
 - Encourage and support the development of public-private partnerships and programs.

Pursue opportunities to leverage finds to seek input, create task forces or work groups to achieve joint goals established within this part.

- Direct that agencies coordinate their efforts to maximize opportunities for funding to manage resources based on ecosystem boundaries.

Section 161.73 Conservation and management of oceans and coastal resources; development and implementation of conservation and management goals; Florida Oceans and Coastal Science Work Group

Directs the commission and the department to establish the Florida Oceans and Coastal Science Work Group to assist in the development and implementation of certain conservation and management goals, which are:

Improvement of the management of coasts and watersheds by utilizing a watershed approach.

Conserving and restoring coastal habitat through the development of regional and local goals.

Improving water quality and ecosystem health through approaches that reduce point and nonpoint sources of pollution.

Limiting pollution from vessels by strengthening vessel safety and security and increasing compliance with laws governing waste stream discharges.

Preventing the spread of invasive species.

Creating a statewide monitoring network to assess the health of oceans and coastal systems and provide accountability for management actions.

Reducing marine debris in order to lessen or eliminate serious threats to the environment the education, partnerships and enhanced research.

Achieving sustainable fisheries.

Protecting marine mammals and endangered marine species.

Preserving coral reefs and other coral communities.

Connecting the oceans and human health by understanding the links between them.

Managing offshore energy and other mineral resources in order to develop renewable sources and assess environmental issues.

Creating a strategy for increasing scientific knowledge and understanding.

Enhancing the development of oceans and coastal infrastructure and technology.

Implementing a new oceans and coastal policy.

The Florida Oceans and Coastal Science Work Group is to be created within the Department of Environmental Protection and shall consist of 15 members. The composition of the work group shall consist of:

The Secretary of the Department of Environmental Protection and the Executive Director of the Fish and Wildlife Commission, whom shall jointly chair the group.

The remaining members shall be jointly appointed by the Secretary and the Executive Director and shall include one from each of the following fields: resource manager; wetlands or watersheds; nearshore waters or estuaries; offshore waters or open oceans; wildlife habitat management; fishery habitat management; pelagic and shorebirds; hydrology and aquatic systems; biomedical research; coastal geology and three at-large members.

The bill also provides that each appointed member shall serve a term of 4 years. Provisions of the bill allow for each member to be reappointed once. Should the Secretary and Executive Director be unable to find an appointee from any of the listed specialties the bill provides that they may select an additional member from any of the listed specialties.

The work group is directed, on an annual basis to:

- Develop priorities for oceans and coastal science research.
- Facilitate coordination and communication among private and public organizations.
- Facilitate and encourage public-private partnerships.
- Investigate options to develop an independent, not-for-profit center or consortium to maximize resources.

This independent group must have a purpose for sustainable oceans and coastal resources through research and goals which include ideas and technologies that will contribute to economic growth.

This provision also directs the department and commission, by December 1, 2006, to prepare a resource assessment that shall be used by the work group in developing their goals. This assessment must include:

- Patterns of use of oceans and coastal resources.
- Natural resource features.
- The location of current and proposed infrastructure that may impact coastal or ocean resources.
- Industrial, commercial, and recreational transit patterns.
- Socioeconomic trends involving the state's oceans and coastal resources.

Section 161.74 Florida Oceans and Coastal Scientific Research Plan

This section provides that by January 1, 2006 and annually thereafter, the department and commission, in coordination with the work group, must complete a “Florida Oceans and Coastal Scientific Research Plan.” The plan shall recommend priorities for research projects and must be submitted to the Governor and Legislature.

Section 161.75 Florida Oceans and Coastal Restoration Program; Florida Oceans and Coastal Sustainable-Use Program

Provides for the creation of said program to develop a comprehensive, multifaceted, and integrated approach to restore the state’s oceans and coastal resources by using the goals established within this act. To accomplish the provisions of this section, the department and the commission, are directed in cooperation with other federal and state partners, by December 1, 2007, to develop restoration priorities and strategies to ensure the long-term viability and health of our ocean’s and coastal resources.

Section 161.76 Coordination of Activities

Directs the department and commission to jointly coordinate activities of the work group, restoration program, and sustainable-use program to ensure that the activities are complementary and not duplicative.

Section 161.77 Rulemaking authority

Provides rulemaking authority to the department and commission to allow for the implementation of this act.

Section 161.78 Preservation of authority

Provides that nothing within this act shall restrict or limit the current authority granted to the department, commission or any other state entities participating in this initiative.

The bill provides that is shall take effect upon becoming law.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DEP and the FWCC indicate that some administrative cost will be associated with the work group and coordinating the programs. Specific costs or needs have not been submitted.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
