

By Senators Dockery and Pruitt

15-744A-05

1 A bill to be entitled
2 An act relating to the Oceans and Coastal
3 Resources Conservation and Management Act;
4 creating part IV of ch. 161, F.S., consisting
5 of ss. 161.70, 161.171, 161.72, 161.73, 161.74,
6 161.75, 161.76, 161.77, and 161.78, F.S.;
7 providing definitions; establishing purposes;
8 requiring the state agencies involved in
9 protecting and managing the state's oceans and
10 coastal resources to encourage and support
11 public-private partnerships and programs to
12 preserve those resources; requiring
13 coordination with federal agencies and
14 programs; requiring that the Department of
15 Environmental Protection and the Fish and
16 Wildlife Conservation Commission establish the
17 Florida Oceans and Coastal Science Work Group;
18 establishing conservation and management goals;
19 directing the work group to help develop and
20 implement conservation and management goals;
21 providing for membership of the work group;
22 providing for the Secretary of Environmental
23 Protection and the executive director of the
24 Fish and Wildlife Conservation Commission to
25 jointly chair the group; providing
26 responsibilities of the work group; requiring
27 that the department and commission prepare an
28 oceans and coastal resource assessment for use
29 by the work group; providing for contents of
30 the assessment; requiring that the department
31 and commission, in coordination with the work

1 group, prepare a Florida Oceans and Coastal
2 Scientific Research Plan that recommends
3 research priorities; providing for annual
4 updates of the plan; providing for distribution
5 of the plan to the Legislature; creating the
6 Florida Oceans and Coastal Restoration Program;
7 requiring that the department and commission,
8 in coordination with the work group and other
9 appropriate agencies, develop priorities for
10 restoration of the state's oceans and coastal
11 resources; creating the Florida Oceans and
12 Coastal Sustainable-Use Program; requiring that
13 the department and commission, in coordination
14 with the work group, water management
15 districts, and other appropriate agencies,
16 develop a management framework to ensure
17 sustainable use of the state's oceans and
18 coastal resources; requiring the department and
19 commission to coordinate the activities of the
20 work group, the Florida Oceans and Coastal
21 Restoration Program, and the Florida Oceans and
22 Coastal Sustainable-Use Program to ensure that
23 the actions taken are complementary and not
24 duplicative; authorizing rulemaking by the
25 Department of Environmental Protection and the
26 Fish and Wildlife Conservation Commission;
27 preserving authority otherwise granted to the
28 commission, water management districts, and
29 state agencies; providing an effective date.

30
31

1 WHEREAS, the oceans and coastal resources of the United
2 States are of national importance, and

3 WHEREAS, Florida's coastline is the second longest
4 coastline of the 50 states, and

5 WHEREAS, it is Florida's responsibility to be a
6 national leader on oceans and coastal protection, and

7 WHEREAS, Florida's oceans and coastal resources are of
8 tremendous value to the state and provide many public-interest
9 benefits by contributing millions of jobs and billions of
10 dollars to the state's economy, and

11 WHEREAS, Florida's oceans and coastal resources
12 comprise habitats that support endangered and threatened
13 species and extraordinary marine biodiversity, and

14 WHEREAS, Florida's growth and development contribute to
15 the degradation of our oceans and coastal resources by
16 damaging marine habitat, decreasing coastal wetlands, and
17 increasing pressure for access to beaches and boatyards, and

18 WHEREAS, the barrier reef of the Florida Keys, a
19 national treasure as the only barrier reef in the United
20 States, is at risk of ecological collapse due to increasing
21 environmental stressors, and

22 WHEREAS, Florida must work across jurisdictional
23 boundaries and in partnership with other states and nations to
24 protect shared oceans resources, and

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

29 WHEREAS, it is imperative for the state, regional, and
30 local governments, academic and environmental communities, and
31 agricultural and fishery interests to commit to working

1 together to manage, rehabilitate, and protect Florida's oceans
2 and coastal resources, NOW, THEREFORE,

3
4 Be It Enacted by the Legislature of the State of Florida:

5
6 Section 1. Part IV of chapter 161, Florida Statutes,
7 consisting of sections 161.70, 161.71, 161.72, 161.73, 161.74,
8 161.75, 161.76, 161.77, and 161.78, is created to read:

9 PART IV

10 OCEANS AND COASTAL RESOURCES MANAGEMENT ACT

11 161.70 Short title.--This part may be cited as the
12 "Oceans and Coastal Resources Act."

13 161.71 Definitions.--As used in this part, the term:

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

17 (b) "Department" means the Department of Environmental
18 Protection.

19 (c) "Districts" means the five water management
20 districts created in s. 373.069.

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

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

27 (f) "Secretary" means the Secretary of Environmental
28 Protection.

29 161.72 Purpose.--

30 (1) To ensure the existence of our oceans and coastal
31 resources for future generations, Florida's marine

1 biodiversity, at the species, natural community, seascape, and
2 regional levels must be protected by restoring,
3 rehabilitating, and maintaining the quality and natural
4 function of oceans and coastal resources. The quality of our
5 beaches and seafood must be protected to ensure the public
6 health, and we must ensure sufficient public access to beaches
7 and waterways. Additional protections must be provided to
8 highly migratory marine species, such as sea turtles and sea
9 birds. We must increase opportunities to provide natural
10 resource-based recreation and encourage responsibility and
11 stewardship through educational opportunities. Oceans and
12 coastal research must be prioritized to ensure coordination
13 among researchers and managers, and long-term programs to
14 observe, monitor, and assess oceans and coastal resources must
15 be developed and implemented.

16 (2) The state agencies involved in protecting and
17 managing the state's oceans and coastal resources shall
18 encourage and support the development of creative
19 public-private partnerships and programs that help preserve
20 those resources. The department and the commission may pursue
21 opportunities to leverage funds, to use intergovernmental or
22 public-private partnerships to hold workshops or other public
23 meetings to seek input from stakeholders and other businesses,
24 and to create work groups or task forces in order to achieve
25 the joint goals established in this part.

26 (3) This part must be implemented in coordination with
27 federal agencies and programs to maximize opportunities for
28 the state's receipt of federal funds and the efficient and
29 timely expenditure of public funds, and to manage resources
30 based on ecosystem boundaries.

31

1 161.73 Conservation and management of oceans and
2 coastal resources; development and implementation of
3 conservation and management goals; Florida Oceans and Coastal
4 Science Work Group.--

5 (1) Coordinated management of oceans and coastal
6 resources is critical to the conservation of such resources.
7 The secretary and the executive director shall establish the
8 Florida Oceans and Coastal Science Work Group, a coordinated
9 network of researchers and resource managers from the state
10 and the academic, private, nonprofit, and scientific
11 communities, to assist with the development and implementation
12 of the following conservation and management goals:

13 (a) Improving the management of coasts and watersheds
14 by incorporating a watershed approach to governing coastal and
15 ocean resources. The area-based coastal programs of this state
16 should be consolidated to better integrate and capitalize on
17 the strengths of each program. State programs that encourage
18 inappropriate growth in fragile or hazard-prone areas should
19 be changed in order to reach economically and environmentally
20 sustainable development.

21 (b) Conserving and restoring coastal habitat through
22 the development of regional and local goals, the institution
23 of a program dedicated to coastal and estuarine conservation,
24 better coordination of the state's activities relating to
25 habitat, and improved research, monitoring, and assessment.

26 (c) Improving water quality and ecosystem health
27 through ecosystem-based watershed-management approaches that
28 reduce point and nonpoint sources of pollution and that
29 address atmospheric sources of pollution.

30 (d) Limiting pollution from vessels by strengthening
31 vessel safety and security and increasing compliance with laws

1 governing waste stream discharges, air emissions, or oil
2 releases.

3 (e) Preventing the spread of invasive species by using
4 streamlined programs that identify the major pathways for
5 introduction of nonnative species, provide for prevention as a
6 first line of defense, accelerate detection and response
7 efforts, and improve efforts to control the invasive species
8 already introduced into coastal and oceans waters.

9 (f) Creating a statewide monitoring network to assess
10 the health of oceans and coastal ecosystems and provide
11 accountability for management actions.

12 (g) Reducing marine debris in order to lessen or
13 eliminate serious threats to fishery resources, wildlife, and
14 habitat, as well as human health and safety, through public
15 education and outreach, partnerships with local governments,
16 and enhanced research, monitoring, and source identification.

17 (h) Achieving sustainable fisheries by basing
18 management and research on sound science, strengthening
19 fishery governance, improving fishery enforcement, and moving
20 toward an ecosystem-based management approach that links
21 fisheries management with concerns such as essential fish
22 habitat and the reduction of bycatch.

23 (i) Protecting marine mammals and endangered marine
24 species through coordinating assessment of threats to marine
25 populations, identifying and overcoming gaps in protection,
26 and expanding research and education.

27 (j) Preserving coral reefs and other coral communities
28 by assessing the value of and threats to coral reef
29 communities, managing the state's coral resources, promoting
30 the state's coral reef initiatives, and improving the
31 understanding of coral ecosystems.

1 (k) Achieving sustainable marine aquaculture by
2 addressing the environmental impacts of aquaculture
3 activities, reviewing current regulatory measures, developing
4 a new marine aquaculture framework, if necessary, and
5 promoting statewide improvements and cooperation among
6 agencies.

7 (l) Connecting the oceans and human health by
8 understanding the links between oceans and human health;
9 maximizing the beneficial uses of marine-derived bioproducts
10 through marine biomedical research and product discovery and
11 development; reducing the negative health impacts of marine
12 microorganisms; implementing human health protections related
13 to seafood safety and coastal water quality; and creating
14 public education and outreach programs.

15 (m) Managing offshore energy and other offshore
16 mineral resources in order to develop renewable energy sources
17 and assess environmental issues related to offshore oil, gas,
18 or renewable energy production.

19 (n) Creating a state strategy for increasing
20 scientific knowledge and understanding of our oceans and
21 coastal resources.

22 (o) Enhancing the development of oceans and coastal
23 infrastructure and technology by assessing gaps in the
24 development of such infrastructure and technology, assessing
25 and funding critical needs, and creating virtual marine
26 technology centers to assist in transferring new technologies
27 into operational uses.

28 (p) Implementing a new oceans and coastal policy that
29 acknowledges the cost of taking action, specifies major
30 funding areas, recognizes the important roles of nonfederal
31

1 authorities, and provides dedicated funding for improving
2 oceans and coastal management.

3 (2)(a) The Florida Oceans and Coastal Science Work
4 Group is created within the Department of Environmental
5 Protection, shall consist of 11 members, and shall be jointly
6 chaired by the secretary and the executive director, or their
7 designees. The remaining nine members shall be jointly
8 appointed by the secretary and the executive director and
9 shall include one resource manager, one scientist specializing
10 in wetlands or watersheds, one scientist specializing in
11 nearshore waters or estuaries, one scientist specializing in
12 offshore waters or open oceans waters, one scientist
13 specializing in wildlife habitat management, one scientist
14 specializing in fishery habitat management, and three at-large
15 members. Except for the secretary or the executive director or
16 their designees, appointments shall be to terms of 4 years
17 each and an appointed member may be reappointed for up to two
18 consecutive terms. Members shall serve until their successors
19 are appointed. Vacancies shall be filled in the manner of the
20 original appointment for the remainder of the term that is
21 vacated.

22 (b) The Florida Oceans and Coastal Science Work Group
23 must, on an annual basis, develop priorities for oceans and
24 coastal-science research, facilitate coordination and
25 communication among public and private organizations involved
26 in oceans and coastal-science issues, facilitate and encourage
27 public-private partnerships on oceans and coastal-science
28 issues, and investigate options to develop an independent,
29 not-for-profit center or consortium to maximize the public and
30 private resources involved in oceans and coastal science in
31 the state. The independent center or consortium must be a

1 not-for-profit research institute having a vision and purpose
2 to provide for sustainable oceans and coastal resources
3 through fundamental research with short-term, midterm, or
4 long-term applied goals, and to provide the scientific ideas
5 and technologies that will contribute to the economic growth
6 of the state.

7 (3) By December 1, 2006, the department and the
8 commission shall prepare a comprehensive oceans and coastal
9 resource assessment that shall be used by the Florida Oceans
10 and Coastal Science Work Group in developing and implementing
11 conservation and management goals as required in subsection
12 (1). The resource assessment must include:

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

14 (b) Natural resource features, including, but not
15 limited to, habitat, bathymetry, surficial geology,
16 circulation, and tidal currents;

17 (c) The location of current and proposed oceans and
18 coastal resource infrastructure;

19 (d) Industrial, commercial, and recreational transit
20 patterns; and

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

23 161.74 Florida Oceans and Coastal Scientific Research
24 Plan.--By January 1, 2006, the department and the commission,
25 in coordination with the Florida Oceans and Coastal Science
26 Work Group, must complete a Florida Oceans and Coastal
27 Scientific Research Plan. The plan must recommend priorities
28 for scientific research projects and must be submitted to the
29 President of the Senate and the Speaker of the House of
30 Representatives by January 15, 2006. Thereafter, annual
31 updates to the plan must be submitted to the President of the

1 Senate and the Speaker of the House of Representatives by
2 January 1.

3 161.75 Florida Oceans and Coastal Restoration Program;
4 Florida Oceans and Coastal Sustainable-Use Program.--

5 (1) The Florida Oceans and Coastal Restoration Program
6 is created to develop a comprehensive, multifaceted, and
7 integrated approach to restore the state's oceans and coastal
8 resources using the goals established in s. 161.73. By
9 December 1, 2007, the department and the commission, in
10 coordination with the Florida Oceans and Science Work Group,
11 the districts, and other appropriate state or federal
12 agencies, shall jointly develop restoration priorities and
13 strategies to ensure the long-term viability and health of the
14 state's oceans and coastal resources.

15 (2) The Florida Oceans and Coastal Sustainable-Use
16 Program is created to develop a framework in which decisions
17 concerning the sustainable use of the state's oceans and
18 coastal resources can be made in a thoughtful and
19 comprehensive manner. By December 1, 2007, the department and
20 the commission, in coordination with the Florida Oceans and
21 Science Work Group, the districts, and other appropriate state
22 or federal agencies, shall jointly develop a management
23 framework to ensure the sustainable use of the state's oceans
24 and coastal resources.

25 161.76 Coordination of activities.--The department and
26 the commission shall jointly coordinate the activities of the
27 Florida Oceans and Coastal Science Work Group, the Florida
28 Oceans and Coastal Restoration Program, and the Florida Oceans
29 and Coastal Sustainable-Use Program to ensure that the
30 activities are complementary and not duplicative.

31

1 161.77 Rulemaking authority.--The department and the
2 commission may adopt rules, pursuant to ss. 120.536(1) and
3 120.54, to administer this part.

4 161.78 Preservation of authority.--This part does not
5 restrict or limit the authority otherwise granted to the
6 commission, the districts, or other state agencies by law.

7 Section 2. This act shall take effect upon becoming a
8 law.

9
10 *****

11 SENATE SUMMARY

12 Creates part IV of ch. 161, F.S., the Florida Oceans and
13 Coastal Resources Conservation and Management Act.
14 Establishes purposes. Requires that the state agencies
15 involved in protecting and managing the state's oceans
16 and coastal resources encourage and support
17 public-private partnerships and programs to preserve
18 those resources. Requires coordination with federal
19 agencies and programs. Requires the Department of
20 Environmental Protection and the Fish and Wildlife
21 Conservation Commission to establish the Florida Oceans
22 and Coastal Science Work Group. Establishes conservation
23 and management goals and directs the work group to help
24 develop and implement the goals. Provides for membership
25 of the work group. Requires the department and commission
26 to prepare a resource assessment for use by the work
27 group. Requires the department and the commission, in
28 coordination with the work group, to annually prepare a
29 Florida Oceans and Coastal Scientific Research Plan that
30 recommends research priorities. Provides for updates of
31 the plan. Provides for distribution of the plan to the
 Legislature. Creates the Florida Oceans and Coastal
 Restoration Program. Requires the department and the
 commission, in coordination with the work group and other
 appropriate agencies, to develop priorities for
 restoration of the state's oceans and coastal resources.
 Creates the Florida Oceans and Sustainable-Use Program.
 Requires that the department and the commission, in
 coordination with the work group, water management
 districts, and other appropriate agencies, develop a
 management framework to ensure sustainable use of the
 state's oceans and coastal resources. Requires the
 department and the commission to coordinate the
 activities of the work group, the Florida Oceans and
 Coastal Restoration Program, and the Florida Oceans and
 Coastal Sustainable-Use Program to ensure that the
 actions taken are complementary and not duplicative.
 Authorizes rulemaking by the Department of Environmental
 Protection and the Fish and Wildlife Conservation
 Commission.