

By the Committees on General Government Appropriations;  
Environmental Preservation; and Senators Dockery and Pruitt

601-2211-05

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, 161.71, 161.72, 161.73, 161.74,  
6           161.75, and 161.76, F.S.; providing  
7           definitions; providing findings and intent;  
8           requiring that the Department of Environmental  
9           Protection, the Fish and Wildlife Conservation  
10          Commission, and the Department of Agriculture  
11          and Consumer Services to establish the Florida  
12          Oceans and Coastal Council; providing for  
13          membership of the council; providing for the  
14          Secretary of Environmental Protection and the  
15          executive director of the Fish and Wildlife  
16          Conservation Commission to jointly chair the  
17          council; providing responsibilities of the  
18          council; requiring that the council undertake a  
19          research review; providing for content and  
20          access to the review; requiring the council to  
21          prepare a research plan that recommends  
22          research priorities; providing for annual  
23          updates of the plan; providing for distribution  
24          of the plan to the Legislature; prepare an  
25          oceans and coastal resource assessment;  
26          providing for contents of the assessment;  
27          requiring the council to establish objectives  
28          for research projects; providing for a pilot  
29          project; authorizing rulemaking by the  
30          Department of Environmental Protection and the  
31          Fish and Wildlife Conservation Commission;



1           (3) "Department" means the Department of Environmental  
2 Protection.

3           (4) "Executive director" means the Executive Director  
4 of the Fish and Wildlife Conservation Commission.

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

9           (6) "Secretary" means the Secretary of the Department  
10 of Environmental Protection.

11           161.72 Findings and intent.--

12           (1) The Legislature finds that:

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

30           (2) It is the intent of the Legislature to create the  
31 Oceans and Coastal Resources Council to assist the state in

1 identifying new management strategies to achieve the goal of  
2 maximizing the protection and conservation of ocean and  
3 coastal resources while recognizing their economic benefits.

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

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

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

27 (2) Five members shall be appointed by the Executive  
28 Director of the Fish and Wildlife Conservation Commission  
29 which will be comprised of one scientist specializing in each  
30 of the following fields: resource management; wildlife  
31

1 habitat management; fishery habitat management; coastal and  
2 pelagic birdlife; and marine biotechnology.

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

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

21 (5) Members shall serve without compensation, but are  
22 entitled to reimbursement of travel and per diem expenses  
23 pursuant to s. 112.061, relating to completing their duties  
24 and responsibilities.

25 161.74 Responsibilities.--

26 (1) RESEARCH REVIEW.--Prior to the development of the  
27 research plan the council shall review and compile the  
28 existing, ongoing, and planned ocean and coastal research and  
29 monitoring activities relevant to this state. Included in this  
30 review shall be the "Florida's Ocean Strategies Final Report  
31 to the Governor" by the Florida Governor's Oceans Committee

1 dated June 1999. To aid the council in fulfilling this  
2 requirement, all public agencies must submit the information  
3 requested by the council, and private research institutes are  
4 encouraged to submit relevant information to the maximum  
5 extent practicable. Upon receiving the information required by  
6 this subsection, the council shall develop a library to serve  
7 as a repository of information for use by those involved in  
8 ocean and coastal research. The council shall develop an  
9 index of this information to assist researchers in accessing  
10 the information.

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

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

25 (b) Evaluating current habitat conservation, restoring  
26 and maintaining programs, and recommending improvements in the  
27 areas of research, monitoring and assessment.

28 (c) Promoting marine biomedical or biotechnology  
29 research and product discovery and development to enhance  
30 Florida's opportunity to maximize the beneficial uses of  
31

- 1 marine-derived bioproducts and reduce negative health impacts  
2 of marine organisms.
- 3 (d) Creating consensus and strategies on how Florida  
4 can contribute to sustainable management of ocean wildlife and  
5 habitat.
- 6 (e) Documenting through examination of existing and  
7 new research the impact of marine and coastal debris and  
8 current best practices to reduce debris.
- 9 (f) Providing methods to achieve sustainable fisheries  
10 through better science, governance, stock enhancements and  
11 consideration of habitat and secondary impacts such as  
12 bycatch.
- 13 (g) Documenting gaps in current protection strategies  
14 for marine mammals.
- 15 (h) Promoting research and new methods to preserve and  
16 restore coral reefs and other coral communities.
- 17 (i) Achieving sustainable marine aquaculture.
- 18 (j) Reviewing existing and ongoing studies on  
19 preventing and responding to the spread of invasive and  
20 nonnative marine and estuarine species.
- 21 (k) Exploring ocean-based renewable energy  
22 technologies and climate change-related impacts to Florida's  
23 coastal area.
- 24 (l) Enhancing science education opportunities such as  
25 virtual marine technology centers.
- 26 (m) Sustaining abundant birdlife and encouraging the  
27 recreational and economic benefits associated with ocean and  
28 coastal wildlife observation and photography.
- 29 (n) Developing a statewide analysis of the economic  
30 value associated with ocean and coastal resources, developing  
31 economic baseline data, methodologies, and consistent measures

1 of oceans and coastal resource economic activity and value,  
2 and developing reports that educate Floridians, the National  
3 Ocean Policy Commission, local, state, and federal agencies  
4 and others on the importance of ocean and coastal resources.

5 (3) RESOURCE ASSESSMENT.--By December 1, 2006, the  
6 council shall prepare a comprehensive oceans and coastal  
7 resource assessment that shall serve as a baseline of  
8 information to be used in assisting in its research plan. The  
9 resource assessment must include:

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

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

14 (c) The location of current and proposed oceans and  
15 coastal research and monitoring infrastructure;

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

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

20 161.75 Rulemaking authority.--The department and the  
21 commission may adopt rules, pursuant to ss. 120.536(1) and  
22 120.54, to administer this part.

23 161.76 Preservation of authority.--This part does not  
24 restrict or limit the authority otherwise granted to the  
25 commission, or other state agencies by law.

26 Section 2. In order to protect, conserve, and restore  
27 declining recreational fisheries, stimulate economic growth,  
28 and help meet the state's seafood needs, the council created  
29 in section 161.73, Florida Statutes, shall, as a pilot project  
30 to demonstrate the feasibility of collaborative research  
31 efforts, direct research by two or more marine science

1 research entities to evaluate the potential for inland,  
2 recirculating, and aquaculture technology to produce marine  
3 species and to implement new marine stock enhancement  
4 initiatives. This project shall be designed to expand new  
5 aquaculture and marine stock enhancement technology to include  
6 additional species and evaluate the potential to successfully  
7 enhance those marine stocks. The council shall present to the  
8 Governor, the President of the Senate, and the Speaker of the  
9 House of Representatives the results of this research project  
10 by February 1, 2007.

11 Section 3. This act shall take effect upon becoming a  
12 law.

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14 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
15 COMMITTEE SUBSTITUTE FOR  
16 CS/SB 1670

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This committee substitute:

- 18 o Creates the Florida Oceans and Coastal Council within the  
19 Department of Environmental Protection, comprised of 18  
20 members and three ex-officio members.  
21 o Directs the council to review and compile existing and  
22 ongoing ocean and coastal research and monitor activities  
23 relevant to the state of Florida; complete a Florida  
24 Oceans and Coastal Scientific Research Plan by January  
25 15, 2006; and prepare a comprehensive oceans and coastal  
26 resource assessment to serve as a baseline of information  
27 for the research plan by December 1, 2006.  
28 o Creates a pilot project to demonstrate the feasibility of  
29 collaborative research efforts to evaluate the potential  
30 for inland, recirculating, and aquaculture technology to  
31 produce marine species and to implement new marine stock  
enhancement initiatives.