

Bill No. HB 1855, 1st Eng.

Barcode 390668

CHAMBER ACTION

Senate

House

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2	05/04/2005 03:49 PM	.	05/06/2005 13:52:55
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11 Senators Dockery and Lawson moved the following amendment:

12

13 **Senate Amendment (with title amendment)**

14 On page 1, line 20,

15

16 and insert:

17 Section 1. Part IV of chapter 161, Florida Statutes,
18 consisting of sections 161.70, 161.71, 161.72, 161.74,
19 161.75, and 161.76, is created to read:

20 PART IV
21 OCEANS AND COASTAL RESOURCES MANAGEMENT ACT

22 161.70 Short title.--This part may be cited as the
23 "Oceans and Coastal Resources Act."

24 161.71 Definitions.--As used in this part, the term:

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

28 (2) "Council" means the Florida Oceans and Coastal
29 Council created by this act.

30 (3) "Department" means the Department of Environmental
31 Protection.

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

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

7 (6) "Secretary" means the Secretary of the Department
8 of Environmental Protection.

9 161.72 Findings and intent.--

10 (1) The Legislature finds that:

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

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

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

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

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

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

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

31 (h) Florida's marine biodiversity at the species,

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1 natural community, seascape, and regional levels must be
 2 protected by restoring, rehabilitating, and maintaining the
 3 quality and natural function of oceans and coastal resources
 4 through an ecosystem-based management approach, as recommended
 5 by the U.S. Commission on Ocean Policy;

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

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

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

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

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

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

27 (2) It is the intent of the Legislature to create the
 28 Oceans and Coastal Resources Council to assist the state in
 29 identifying new management strategies to achieve the goal of
 30 maximizing the protection and conservation of ocean and
 31 coastal resources while recognizing their economic benefits.

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

7 161.73 Composition.--The Florida Oceans and Coastal
 8 Council is created within the Department of Environmental
 9 Protection and shall consist of 18 members. The secretary, the
 10 executive director, and the commissioner of the Department of
 11 Agriculture and Consumer Services, or their designees, shall
 12 serve as ex-officio members of the council. The council shall
 13 be jointly chaired by the secretary and the executive
 14 director. The 15 voting members of the council shall be
 15 appointed, within 60 days after this act becomes law, in the
 16 following manner:

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

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

30 (3) Five members shall be appointed by the
 31 Commissioner of the Department of Agriculture and Consumer

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

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

17 (5) Members shall serve without compensation, but are
 18 entitled to reimbursement of travel and per diem expenses
 19 pursuant to s. 112.061, relating to completing their duties
 20 and responsibilities.

21 161.74 Responsibilities.--

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

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1 extent practicable. Upon receiving the information required by
2 this subsection, the council shall develop a library to serve
3 as a repository of information for use by those involved in
4 ocean and coastal research. The council shall develop an
5 index of this information to assist researchers in accessing
6 the information.

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

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

21 (b) Evaluating current habitat conservation, restoring
22 and maintaining programs, and recommending improvements in the
23 areas of research, monitoring and assessment.

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

29 (d) Creating consensus and strategies on how Florida
30 can contribute to sustainable management of ocean wildlife and
31 habitat.

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1 (e) Documenting through examination of existing and
2 new research the impact of marine and coastal debris and
3 current best practices to reduce debris.

4 (f) Providing methods to achieve sustainable fisheries
5 through better science, governance, stock enhancements and
6 consideration of habitat and secondary impacts such as
7 bycatch.

8 (g) Documenting gaps in current protection strategies
9 for marine mammals.

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

12 (i) Achieving sustainable marine aquaculture.

13 (j) Reviewing existing and ongoing studies on
14 preventing and responding to the spread of invasive and
15 nonnative marine and estuarine species.

16 (k) Exploring ocean-based renewable energy
17 technologies and climate change-related impacts to Florida's
18 coastal area.

19 (l) Enhancing science education opportunities such as
20 virtual marine technology centers.

21 (m) Sustaining abundant birdlife and encouraging the
22 recreational and economic benefits associated with ocean and
23 coastal wildlife observation and photography.

24 (n) Developing a statewide analysis of the economic
25 value associated with ocean and coastal resources, developing
26 economic baseline data, methodologies, and consistent measures
27 of oceans and coastal resource economic activity and value,
28 and developing reports that educate Floridians, the National
29 Ocean Policy Commission, local, state, and federal agencies
30 and others on the importance of ocean and coastal resources.

31 (3) RESOURCE ASSESSMENT.--By December 1, 2006, the

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1 council shall prepare a comprehensive oceans and coastal
2 resource assessment that shall serve as a baseline of
3 information to be used in assisting in its research plan. The
4 resource assessment must include:

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

6 (b) Natural resource features, including, but not
7 limited to, habitat, bathymetry, surficial geology,
8 circulation, and tidal currents;

9 (c) The location of current and proposed oceans and
10 coastal research and monitoring infrastructure;

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

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

15 161.75 Rulemaking authority.--The department and the
16 commission may adopt rules, pursuant to ss. 120.536(1) and
17 120.54, to administer this part.

18 161.76 Preservation of authority.--This part does not
19 restrict or limit the authority otherwise granted to the
20 commission, or other state agencies by law.

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

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1 additional species and evaluate the potential to successfully
 2 enhance those marine stocks. The council shall present to the
 3 Governor, the President of the Senate, and the Speaker of the
 4 House of Representatives the results of this research project
 5 by February 1, 2007.

6
 7 (Redesignate subsequent sections.)
 8
 9

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

11 And the title is amended as follows:

12 On page 1, lines 2 through 17, delete those lines

13
 14 and insert:

15 An act relating to natural resources; creating
 16 part IV of ch. 161, F.S., consisting of ss.
 17 161.70, 161.71, 161.72, 161.73, 161.74, 161.75,
 18 and 161.76, F.S.; providing definitions;
 19 providing findings and intent; requiring that
 20 the Department of Environmental Protection, the
 21 Fish and Wildlife Conservation Commission, and
 22 the Department of Agriculture and Consumer
 23 Services to establish the Florida Oceans and
 24 Coastal Council; providing for membership of
 25 the council; providing for the Secretary of
 26 Environmental Protection and the executive
 27 director of the Fish and Wildlife Conservation
 28 Commission to jointly chair the council;
 29 providing responsibilities of the council;
 30 requiring that the council undertake a research
 31 review; providing for content and access to the

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1 review; requiring the council to prepare a
2 research plan that recommends research
3 priorities; providing for annual updates of the
4 plan; providing for distribution of the plan to
5 the Legislature; prepare an oceans and coastal
6 resource assessment; providing for contents of
7 the assessment; requiring the council to
8 establish objectives for research projects;
9 providing for a pilot project; authorizing
10 rulemaking by the Department of Environmental
11 Protection and the Fish and Wildlife
12 Conservation Commission; preserving authority
13 otherwise granted to the commission and state
14 agencies; amending s. 376.121, F.S.; providing
15 an alternative to the compensation schedule for
16 calculating natural resources damages; revising
17 procedures relating to damage assessment;
18 removing a restriction on amount of
19 compensation; amending s. 380.06, F.S.;
20 revising factors for determining a substantial
21 deviation in developments of regional impact;
22 amending s. 380.23, F.S.; revising the
23 federally licensed or permitted activities
24 subject to consistency review under the coastal
25 management program; requiring certain
26 environmental impact reports to be data and
27 information for the state's consistency
28 reviews; providing an effective date.

29
30 WHEREAS, Florida's coastline is the second longest
31 coastline of the fifty states, and

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1 WHEREAS, the oceans and coastal resources of the state
2 are held in trust for the people of the state and should be
3 protected and managed for the benefit of current and future
4 generations, and

5 WHEREAS, it is imperative for the state, regional, and
6 local governments, academic and environmental communities, and
7 agricultural and fishery interests to commit to working
8 together to manage, rehabilitate, and protect Florida's oceans
9 and coastal resources, NOW, THEREFORE,

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