

Amendment No.

CHAMBER ACTION

Senate

House



1 Representative Kendrick offered the following:

2

3 **Amendment (with title amendment)**

4 Between lines 88 and 89 insert:

5 Section 3. Pilot program for the restoration of seagrass
6 beds.--

7 (1) As used in this section, the term:

8 (a) "Damages" means money damages paid by any person,
9 whether voluntarily or as a result of administrative or judicial
10 action, to the state as compensation, restitution, or punitive
11 damages for causing injury to, or the destruction of, the
12 seagrass beds within designated aquatic preserves adjacent to
13 Brevard County, Lee County, Manatee County, Monroe County, or
14 Pinellas County.

15 (b) "Fund" means the Ecosystem Management and Restoration
16 Trust Fund.

524891

4/26/2007 1:06:03 PM

Amendment No.

17 (c) "Seagrass bed" means a community of flowering
18 underwater plants as defined in s. 253.04(4)(a)2., Florida
19 Statutes, that are located within a designated aquatic preserve.

20 (2) The Legislature finds that:

21 (a) The preservation of seagrass beds is critical to
22 protecting the marine life, water quality, and ocean-based
23 economy of this state. Seagrass beds maintain water quality and
24 provide food, habitat, and nursery areas for numerous species of
25 marine life. This state's multimillion-dollar fishing and diving
26 industries depend on the health and productivity of the seagrass
27 beds. Estimates indicate that thousands of acres of seagrass
28 beds in this state have been scarred from boat propellers.
29 Impacts from boat groundings fragment the grass bed, restricting
30 the movement of the marine life that depends upon the habitat.
31 Seagrass beds can take up to a decade to recover from propeller
32 scars.

33 (b) Seagrass beds are subject to instantaneous injury or
34 loss from a variety of negligent and willful acts in ways that
35 cannot be foreseen and provided for in the normal budget
36 process. Due to the unforeseeability of such incidents, funds
37 have not been available for reimbursement of extraordinary
38 expenses incurred by the Department of Environmental Protection
39 in seeking compensation, on behalf of the residents of the
40 state, for the injury to, or destruction of, seagrass beds. As a
41 result, a significant amount of monetary damages recovered by
42 the state for injury to, or destruction of, its seagrass beds
43 are deposited into the general accounts of the State Treasury
44 and are not specifically set aside for the restoration or

524891

4/26/2007 1:06:03 PM

Amendment No.

45 rehabilitation of the injured or destroyed natural resources in
46 areas of the state where the injury or loss occurred.

47 (3) The purpose of this section is to establish a pilot
48 program that provides for the immediate stabilization and
49 restoration of seagrass beds within an aquatic preserve adjacent
50 to Brevard, Lee, Manatee, Monroe, and Pinellas Counties where
51 damage has occurred.

52 (4) (a) All damages recovered by or on behalf of the state
53 for injury to, or destruction of, the seagrass beds located
54 within an aquatic preserve adjacent to Brevard, Lee, Manatee,
55 Monroe, and Pinellas Counties, which would otherwise be
56 deposited into the general revenue accounts of the State
57 Treasury or into the Internal Improvement Trust Fund, shall be
58 deposited into the Ecosystem Management and Restoration Trust
59 Fund and shall remain in that fund until expended by the
60 Department of Environmental Protection under the pilot program
61 established in this section.

62 (b) Moneys in the fund shall be expended only for
63 restoration, assessment, or rehabilitation of such injured or
64 destroyed seagrass beds through a contract with a qualified
65 person. In order to prevent further erosion, turbidity, and
66 potential loss of natural resources, each contract must require
67 assessment and stabilization of the seagrass bed within 30 days
68 after an incident that damages the seagrass bed occurs, must use
69 a stabilization protocol following the guidelines in the Final
70 Programmatic Environmental Impact Statement for Seagrass
71 Restoration in the Florida Keys National Marine Sanctuary, and

524891

4/26/2007 1:06:03 PM

Amendment No.

72 must use only those stabilization techniques that are
73 scientifically proven and published in peer-reviewed literature.

74 (5) (a) Each recipient of disbursements from the fund must
75 agree in advance that its accounts and records of expenditures
76 of such moneys are subject to audit at any time by appropriate
77 state officials and shall submit a final written report
78 describing its expenditures within 90 days after the moneys are
79 expended.

80 (b) When payments are made to a state agency from the fund
81 under paragraph (4) (a), such payments shall be considered as
82 payments for extraordinary expenses, and other appropriations to
83 that agency may not be reduced by any amount as a result of such
84 payments.

85 (6) The Department of Environmental Protection shall
86 evaluate the pilot program and report to the President of the
87 Senate and the Speaker of the House of Representatives on
88 whether the pilot program should be expanded in order to restore
89 additional areas of the state's seagrass beds located within an
90 aquatic preserve. The report on the pilot program is due by
91 January 1, 2009.

92 (7) The Department of Environmental Protection may adopt
93 rules under ss. 120.536(1) and 120.54, Florida Statutes, to
94 administer this section.

95 Section 4. The Office of Program Policy Analysis and
96 Government Accountability shall evaluate the overall impact of
97 the recreational marine industry in this state and report its
98 findings to the Legislature by January 1, 2008. The evaluation
99 must:

524891

4/26/2007 1:06:03 PM

Amendment No.

100 (1) Include a review of the incentives that are currently
101 available to retain or expand businesses associated with
102 recreational marine industry in this state and a comparison of
103 such incentives to incentives available to retain or expand such
104 businesses in states having a notable recreational marine-
105 industry presence, including North Carolina, Maryland, and
106 Washington.

107 (2) Examine how many recreational marine-industry
108 businesses have left this state and relocated out of state and
109 identify potential policies to retain and expand recreational
110 marine businesses in this state.

111 (3) Examine the economic impact of the recreational marine
112 industry in total dollars and jobs and review efforts related to
113 workforce retention and attraction, slip shortages, ramp
114 accessibility and shortages, and the impacts of boaters who are
115 residents in comparison to boaters who are transients.

116

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

118 Remove line 12 and insert:

119 F.S.; providing civil penalties; creating a pilot program
120 for the restoration of seagrass beds within specified
121 counties; providing definitions; providing legislative
122 findings and purposes; requiring that damages recovered
123 for injury to, and the destruction of, seagrass beds in
124 certain counties and related natural resources be
125 deposited into the Ecosystem Management and Restoration
126 Trust Fund; requiring the Department of Environmental
127 Protection to expend the funds for restoration,

524891

4/26/2007 1:06:03 PM

Amendment No.

128 | assessment, or rehabilitation of seagrass beds; providing
129 | criteria governing such expenditures by the department;
130 | providing for auditing and reporting by a private
131 | recipient of funds; prohibiting any reduction of certain
132 | appropriations to a state agency that receives funds under
133 | the act; requiring that the department report to the
134 | Legislature whether the pilot program should be expanded;
135 | authorizing rulemaking by the department; requiring the
136 | Office of Program Policy Analysis and Government
137 | Accountability to evaluate the recreational marine
138 | industry and report to the Legislature; providing an
139 | effective
140 |