

Bill No. SB 1856

Barcode 570196

CHAMBER ACTION

Senate

House

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Comm: RCS
03/22/2007 04:05 PM

.
. .
. .
. .
. .
. .

The Committee on Environmental Preservation and Conservation
(Jones) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsection (8) is added to section 370.25,
Florida Statutes, to read:

370.25 Artificial reef program; grants and financial
and technical assistance to local governments.--

(8) The Legislature finds that a statewide matching
grant program to secure and place United States Maritime
Administration (MARAD) and United States Navy decommissioned
vessels in state or federal waters seaward of this state as
artificial reefs would be of great benefit to Floridians in
promoting ecotourism associated with recreational diving and
fishing in Florida. The Legislature further finds that a pilot
program for the preparation and deployment of the U.S.A.F.S.
General Hoyt S. Vandenberg in Key West would assist in the
appropriate development of procedures for the placement of

Bill No. SB 1856

Barcode 570196

1 decommissioned vessels in state or federal waters seaward of
2 this state. Therefore, the Legislature authorizes the planning
3 and development of a statewide matching grant program and a
4 pilot program as described in this subsection to be
5 administered by the commission. The programs will be
6 implemented subject to appropriations. The objectives in
7 establishing the programs are to:

8 (a) Assist in reducing the pressures on natural coral
9 reefs in state or federal waters seaward of this state and
10 increase the opportunities for recreational diving and
11 fishing.

12 (b) Provide a mechanism through which counties and
13 municipalities that are permitted to place vessels in state or
14 federal waters seaward of this state as artificial reefs can
15 apply for and receive state matching grants for the placement
16 of decommissioned MARAD and United States Navy vessels. Funds
17 may be used for cleaning, preparing, towing, and sinking of
18 such decommissioned vessels.

19 (c) Provide state funds that would be matched with
20 local funds, federal funds, and funds from local businesses.

21 (d) Establish criteria to determine eligibility for
22 such state matching funds.

23 (e) Assist counties and municipalities with the
24 donation and transfer application for United States Navy and
25 MARAD decommissioned vessels available for use as artificial
26 reefs in accordance with MARAD application evaluation
27 criteria.

28 (f) Develop a master plan for the purposes of
29 maximizing the number and type of vessels to be placed in
30 state of federal waters seaward of this state which provides
31 for the location of vessels in the most geographically

Bill No. SB 1856

Barcode 570196

1 effective and beneficial manner.

2 (g) Establish and promote standards for the placement
3 of MARAD and United States Navy decommissioned vessels in
4 state or federal waters seaward of this state, consistent with
5 current environmental standards and the mandate of Section
6 3516 of the National Defense Authorization Act for Fiscal Year
7 2004 and the 2006 publication "National Guidance: Best
8 Management Practices for Preparing Vessels Intended to Create
9 Artificial Reefs," published jointly by the United States
10 Environmental Protection Agency and the United States Maritime
11 Administration, which emphasize minimization of the release of
12 harmful substances into the environment while decommissioned
13 vessels are at anchorage and are undergoing disposal
14 processes.

15 (h) Provide for and receive interagency comments from
16 the agencies responsible for the permitting of artificial
17 reefs and the Department of Environmental Protection, allowing
18 for a review period consistent with MARAD and United States
19 Navy application deadlines.

20 (i) Establish a United States military vessel
21 component as a seventh theme for Florida's Maritime Heritage
22 Trail, to promote Florida's nature-based tourism and heritage
23 tourism.

24 (j) Provide for title of decommissioned vessels to be
25 transferred to the state.

26 Section 2. Section 370.255, Florida Statutes, is
27 created to read:

28 370.255 Florida Ships-2-Reefs Program; matching grant
29 program.--

30 (1) The commission is authorized to establish the
31 Florida Ships-2-Reefs Program, a matching grant program for

Bill No. SB 1856

Barcode 570196

1 the securing and placement of United States Maritime
2 Administration (MARAD) and United States Navy decommissioned
3 vessels in state or federal waters seaward of this state to
4 serve as artificial reefs and, pursuant thereto, to make
5 expenditures and enter into contracts with local governments
6 and nonprofit corporations for the purpose of securing,
7 environmental preparation, and cleaning to meet standards in
8 the 2006 publication "National Guidance: Best Management
9 Practices for Preparing Vessels to Create Artificial Reefs,"
10 published jointly by the United States Environmental
11 Protection Agency and the United States Maritime
12 Administration, and placing MARAD and United States Navy
13 decommissioned vessels as artificial reefs in state or federal
14 waters seaward of this state pursuant to s. 370.25(8). The
15 commission shall have final approval of grants awarded through
16 this program.

17 (2) Each grant awarded under the program shall be
18 matched by nonstate dollars. The limit for a state matching
19 grant shall be 33 percent of total cost of securing,
20 environmental preparation, and cleaning to meet the standards
21 in the 2006 publication cited in subsection (1), and placing
22 the decommissioned vessel.

23 (3) The commission may:

24 (a) Receive submissions of requests for matching funds
25 and documentation relating to those requests;

26 (b) Approve requests for matching funds; and

27 (c) Allocate matching funds to local governments or
28 nonprofit corporations.

29 (4) To demonstrate that a local government or
30 nonprofit corporation meets the required criteria, the local
31 government or nonprofit corporation must submit formal

Bill No. SB 1856

Barcode 570196

1 agreements, written pledges, memorandums of understanding,
 2 financing arrangements, or other documents demonstrating that
 3 nonstate matching funds are available for securing and placing
 4 the vessel prior to submission of an application. Matching
 5 grant funds shall be released only upon documentation that the
 6 applicant meets all the criteria established by the commission
 7 pursuant to subsection (5).

8 (5) The commission is authorized to adopt rules
 9 pursuant to ss. 120.536(1) and 120.54 to address procedures
 10 necessary to administer the matching grants provided in this
 11 section.

12 (6) In accordance with the findings in s. 370.25(8),
 13 the commission shall establish a pilot program to fund the
 14 preparation and deployment of the U.S.A.F.S. General Hoyt S.
 15 Vandenberg in the waters off Key West and shall, by January 1,
 16 2008, and each year thereafter, provide to the Governor, the
 17 President of the Senate, and the Speaker of the House of
 18 Representatives an annual report on the success and outcomes
 19 achieved by the pilot program, with a recommendation as to
 20 whether the pilot program should be continued, terminated, or
 21 expanded. The commission shall also report on the procedures
 22 developed and used for the proper preparation and deployment
 23 of the U.S.A.F.S. General Hoyt S. Vandenberg consistent with
 24 the objectives stated in s. 370.25(8).

25 (7) Contingent upon a specific appropriation to the
 26 commission for the pilot program, the commission may provide
 27 funds to pay for a portion of the cost of the preparation and
 28 deployment of the U.S.A.F.S. General Hoyt S. Vandenberg in the
 29 waters off Key West. The commission shall develop procedures
 30 for conducting the pilot program, including, but not limited
 31 to, procedures for determining eligibility, providing payment,

Bill No. SB 1856

Barcode 570196

1 ensuring that payment is limited solely to the costs of
 2 preparing and deploying the vessel, and ensuring that payments
 3 are made to eligible persons or local governments in the order
 4 in which each is determined eligible until the funds are
 5 exhausted. The commission shall examine and use, to the extent
 6 possible, other available options for funding the cost of the
 7 preparation and deployment of the U.S.A.F.S. General Hoyt S.
 8 Vandenberg, including the use of funds raised by private
 9 agencies or persons.

10 (8) No later than January 1, 2008, and each January 1
 11 thereafter, the commission shall submit a report to the
 12 Governor, the President of the Senate, and the Speaker of the
 13 House of Representatives detailing the expenditure of the
 14 funds appropriated to it for the purposes of carrying out the
 15 provisions of this section.

16 Section 3. This act shall take effect upon becoming a
 17 law.

18
19

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

21 And the title is amended as follows:

22 Delete everything before the enacting clause

23

24 and insert:

25 A bill to be entitled
 26 An act relating to the placement of vessels in
 27 state waters to form artificial reefs; amending
 28 s. 370.25, F.S., relating to the state's
 29 artificial reef program; providing legislative
 30 findings; authorizing the planning and
 31 development of a statewide matching grant

Bill No. SB 1856

Barcode 570196

1 program to secure and place United States
2 Maritime Administration and United States Navy
3 decommissioned vessels in waters seaward of
4 this state as artificial reefs; authorizing the
5 planning and development of a pilot program for
6 the preparation and deployment of a specified
7 decommissioned vessel in Key West to serve as a
8 model for the development of procedures for the
9 placement of such vessels in waters seaward of
10 this state; providing for administration of the
11 programs by the Fish and Wildlife Conservation
12 Commission; providing for implementation of the
13 programs subject to appropriations; providing
14 objectives of the programs; creating s.
15 370.255, F.S.; providing for the establishment
16 of the Florida Ships-2-Reefs Program and
17 matching grant program by the Fish and Wildlife
18 Conservation Commission; providing purposes of
19 the program; specifying the percentage of the
20 state matching grant; providing procedures and
21 requirements with respect to the programs;
22 authorizing the Fish and Wildlife Conservation
23 Commission to adopt rules; providing for the
24 establishment of a pilot program to fund the
25 preparation and deployment of a specified
26 vessel in waters off Key West; providing for
27 reports; authorizing provision of funds under
28 the program contingent upon an appropriation;
29 providing requirements with respect to funds
30 provided under the pilot program; providing
31 procedures and requirements with respect to the

Bill No. SB 1856

Barcode 570196

1 pilot program; providing for a report;
2 providing an effective date.

3
4 WHEREAS, in the past, the United States Navy has used
5 unneeded ships as targets for military exercises known as
6 sinking exercises, and

7 WHEREAS, now the Navy has devised an alternative means
8 of disposing of obsolete Navy vessels that allows the vessels
9 to serve in a productive capacity for hundreds of years past
10 their intended use, and

11 WHEREAS, the National Defense Authorization Act for
12 Fiscal Year 2004 allows appropriate decommissioned ships to be
13 donated for use as artificial reefing, and

14 WHEREAS, the process of using obsolete vessels as
15 man-made artificial reefs not only promotes marine life and
16 fishing but relieves pressures on natural coral reefs, and

17 WHEREAS, the measure allows the Navy to accomplish the
18 overall process for the cost-effective donation and transfer
19 of available naval vessels, and

20 WHEREAS, the United States Maritime Administration
21 (MARAD) will coordinate the federal agency solicitation and
22 application for obtaining the vessels for use as artificial
23 reefs, and

24 WHEREAS, the donation and transfer application for all
25 United States Navy and MARAD ships available for use as
26 artificial reefs may be submitted only by states,
27 commonwealths, and territories and possessions of the United
28 States, or municipal corporations or political subdivisions
29 thereof, and

30 WHEREAS, the placement in Florida waters of the U.S.S.
31 Spiegel Grove in 2002 and the U.S.S. Oriskany in 2006 has

Bill No. SB 1856

Barcode 570196

1 already provided a substantial economic benefit to the state
2 and to communities and businesses in the proximity of the
3 placements, and

4 WHEREAS, the U.S.A.F.S. General Hoyt S. Vandenberg, a
5 520-foot military vessel, is being sought as the next
6 decommissioned vessel to be deployed as an artificial reef at
7 a currently permitted site off the coast of Key West,
8 contingent upon funds being made fully available for the
9 preparation and sinking of the vessel, and

10 WHEREAS, Florida already has the Florida Maritime
11 Heritage Trail, a collection of locations that are open to the
12 public in Florida and which currently includes six themes,
13 those themes being Coastal Communities, Coastal Environments,
14 Coastal Forts, Lighthouses, Historic Ports, and Historic
15 Shipwrecks, and

16 WHEREAS, this act would add a new, seventh theme to the
17 Maritime Heritage Trail, a United States military vessel
18 theme, and

19 WHEREAS, the program provides a practical option for
20 disposing of inactive decommissioned vessels in a
21 cost-effective and environmentally sound manner that can
22 continue to promote ecotourism associated with recreational
23 diving and fishing in Florida, NOW, THEREFORE,

24
25
26
27
28
29
30
31