

By Senator Bennett

21-916-07

See HB 759

1 A bill to be entitled
2 An act relating to the placement of vessels in
3 state waters to form artificial reefs; amending
4 s. 370.25, F.S., relating to the state's
5 artificial reef program; providing legislative
6 findings; authorizing the planning development
7 of a statewide matching grant program to secure
8 and place United States Maritime Administration
9 and United States Navy decommissioned vessels
10 in Florida waters as artificial reefs;
11 authorizing the planning and development of a
12 pilot program for the preparation and
13 deployment of a specified decommissioned vessel
14 in Key West to serve as a model for the
15 development of procedures for the placement of
16 such vessels in Florida waters; providing for
17 administration of the programs by the Florida
18 Commission on Tourism; providing for
19 implementation of the programs subject to
20 appropriations; providing objectives of the
21 programs; creating s. 370.255, F.S.; providing
22 for the establishment of the Florida
23 Decommissioned Vessel Placement Program and
24 matching grant program by the Florida
25 Commission on Tourism; providing purposes of
26 the program; providing a limitation on the
27 total annual allocation of funds for the grant
28 program; providing a limitation on individual
29 grants awarded under the program; specifying
30 the percentage of the state matching grant;
31 providing procedures and requirements with

1 respect to the programs; authorizing the
2 Department of Environmental Protection to adopt
3 rules; providing for the establishment of a
4 pilot program to fund the preparation and
5 deployment of a specified vessel in state
6 waters; providing for reports; providing
7 requirements with respect to funds provided
8 under the pilot program; providing procedures
9 and requirements with respect to the pilot
10 program; providing for a report; providing an
11 appropriation; providing for carryover of
12 funds; providing an effective date.

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14 WHEREAS, in the past, the United States Navy has used
15 unneeded ships as targets for military exercises known as
16 sinking exercises, and

17 WHEREAS, now the Navy has devised an alternative means
18 of disposing of obsolete Navy vessels that allows the vessels
19 to serve in a productive capacity for hundreds of years past
20 their intended use, and

21 WHEREAS, the National Defense Authorization Act for
22 Fiscal Year 2004 allows appropriate decommissioned ships to be
23 donated for use as artificial reefing, and

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

27 WHEREAS, the measure allows the Navy to accomplish the
28 overall process for the cost-effective donation and transfer
29 of available naval vessels, and

30 WHEREAS, the United States Maritime Administration
31 (MARAD) will coordinate the federal agency solicitation and

1 application for obtaining the vessels for use as artificial
2 reefs, and

3 WHEREAS, the donation and transfer application for all
4 United States Navy and MARAD ships available for use as
5 artificial reefs may be submitted only by states,
6 commonwealths, and territories and possessions of the United
7 States, or municipal corporations or political subdivisions
8 thereof, and

9 WHEREAS, the placement in Florida waters of the U.S.S.
10 Spiegel Grove in 2002 and the U.S.S. Oriskany in 2006 has
11 already provided a substantial economic benefit to the state
12 and to communities and businesses in the proximity of the
13 placements, and

14 WHEREAS, the U.S.S. General Hoyt S. Vandenberg, a
15 520-foot military vessel, is being sought as the next
16 decommissioned vessel to be deployed as an artificial reef at
17 a currently permitted site off the coast of Key West,
18 contingent upon funds being made fully available for the
19 preparation and sinking of the vessel, and

20 WHEREAS, Florida already has the Florida Maritime
21 Heritage Trail, a collection of locations that are open to the
22 public in Florida and which currently include six themes,
23 those themes being Coastal Communities, Coastal Environments,
24 Coastal Forts, Lighthouses, Historic Ports, and Historic
25 Shipwrecks, and

26 WHEREAS, this act would add a new, seventh theme to the
27 Maritime Heritage Trail, a United States Navy vessel theme,
28 and

29 WHEREAS, the program provides a practical option for
30 disposing of inactive naval vessels in a cost-effective and
31 environmentally sound manner that can continue to promote

1 ecotourism associated with recreational diving and fishing in
2 Florida, NOW, THEREFORE,

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

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

8 370.25 Artificial reef program; grants and financial
9 and technical assistance to local governments.--

10 (8) The Legislature finds that a statewide matching
11 grant program to secure and place United States Maritime
12 Administration (MARAD) and United States Navy decommissioned
13 vessels in Florida waters as artificial reefs would be of
14 great benefit to Floridians in promoting ecotourism associated
15 with recreational diving and fishing in Florida. The
16 Legislature further finds that a pilot program for the
17 preparation and deployment of the U.S.S. General Hoyt S.
18 Vandenberg in Key West would assist in the appropriate
19 development of procedures for the placement of decommissioned
20 vessels in Florida waters. Therefore, the Legislature hereby
21 authorizes the planning and development of a statewide
22 matching grant program and a pilot program as described in
23 this subsection to be administered by the commission. The
24 programs will be implemented subject to appropriations. The
25 objectives in establishing the programs shall be to:

26 (a) Assist in reducing the pressures on natural coral
27 reefs in Florida waters and increasing the opportunities for
28 recreational diving and fishing.

29 (b) Provide a mechanism through which local counties
30 and municipalities that are permitted to place vessels in
31 Florida waters as artificial reefs can apply for and receive

1 state matching grants for the placement of decommissioned
2 MARAD and United States Navy vessels. Funds may be used for
3 cleaning, preparing, towing, and sinking of such
4 decommissioned vessels.

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

7 (d) Establish criteria to determine eligibility for
8 such state matching funds.

9 (e) Assist local counties and municipalities with the
10 donation and transfer application for United States Navy and
11 MARAD decommissioned vessels available for use as artificial
12 reefs in accordance with MARAD application evaluation
13 criteria.

14 (f) Develop a master plan for the purposes of
15 maximizing the number and type of vessels to be placed in
16 Florida waters that provides for the location of vessels in
17 the most geographically effective and beneficial manner.

18 (g) Establish and promote standards for the placement
19 of MARAD and United States Navy decommissioned vessels in
20 Florida waters, consistent with current environmental
21 standards and the mandate of Section 3516 of the National
22 Defense Authorization Act for Fiscal Year 2004 and the 2006
23 publication, "National Guidance: Best Management Practices for
24 Preparing Vessels Intended to Create Artificial Reefs,"
25 published jointly by the United States Environmental
26 Protection Agency and the United States Maritime
27 Administration, which emphasized minimization of the release
28 of harmful substances into the environment while
29 decommissioned vessels are at anchorage and are undergoing
30 disposal processes.

31

1 (h) Provide for and receive interagency comments from
2 the agencies responsible for the permitting of artificial
3 reefs and the Florida Department of Environmental Protection,
4 allowing for a review period consistent with MARAD and United
5 States Navy application deadlines.

6 (i) Establish a United States Navy vessel component as
7 a seventh theme for Florida's Maritime Heritage Trail,
8 consistent with the responsibilities of the Florida Commission
9 on Tourism and the Office of Tourism, Trade, and Economic
10 Development under s. 288.1224(11) with respect to nature-based
11 tourism and heritage tourism.

12 (j) Provide for title of decommissioned vessels to be
13 transferred to the state.

14 Section 2. Section 370.255, Florida Statutes, is
15 created to read:

16 370.255 Florida Decommissioned Vessel Placement
17 Program; matching grant program.--

18 (1) The commission is authorized to establish the
19 Florida Decommissioned Vessel Placement Program, a matching
20 grant program for the securing and placement of United States
21 Maritime Administration (MARAD) and United States Navy
22 decommissioned vessels in Florida waters to serve as
23 artificial reefs and, pursuant thereto, to make expenditures
24 and enter into contracts with local governments and nonprofit
25 corporations for the purpose of securing and placing MARAD and
26 United States Navy decommissioned vessels as artificial reefs
27 in Florida waters pursuant to s. 370.25(8). The commission
28 shall have final approval of grants awarded through this
29 program.

30 (2) The total annual allocation of funds for the grant
31 program may not exceed \$12 million. Each grant awarded under

1 the program shall be limited to no more than \$3 million and
2 shall be matched by nonstate dollars. The limit for a state
3 matching grant shall be 33 percent of total cost securing and
4 placing the vessel.

5 (3) The commission may:

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

8 (b) Approve requests for matching funds; and

9 (c) Allocate matching funds to local governments or
10 nonprofit corporations.

11 (4) To demonstrate that a local government or
12 nonprofit corporation meets the required criteria, the local
13 government or nonprofit corporation must submit formal
14 agreements, written pledges, memorandums of understanding,
15 financing arrangements, or other documents demonstrating that
16 nonstate matching funds are available for securing and placing
17 the vessel prior to submission of an application. Matching
18 grant funds shall be released only upon documentation that the
19 applicant meets all established criteria.

20 (5) The department is authorized to adopt rules
21 pursuant to ss. 120.536(1) and 120.54 to address procedures
22 necessary to administer the matching grants provided in this
23 section.

24 (6) In accordance with the findings stated in s.
25 370.25(8), the commission shall establish a pilot program to
26 fund the preparation and deployment of the U.S.S. General Hoyt
27 S. Vandenberg in the waters off Key West and shall, by January
28 1, 2008, and each year thereafter, provide to the Governor,
29 the President of the Senate, and the Speaker of the House of
30 Representatives an annual report on the success and outcomes
31 achieved by the pilot program, with a recommendation as to

1 whether the pilot program should be continued, terminated, or
2 expanded. The commission shall also report on the procedures
3 developed and used for the proper preparation and deployment
4 of the U.S.S. General Hoyt S. Vandenberg consistent with the
5 objectives stated in s. 370.25(8).

6 (7) To the extent that funding is made available, the
7 pilot program shall provide funds in the amount of \$2 million
8 to pay for a portion of the cost of the preparation and
9 deployment of the U.S.S. General Hoyt S. Vandenberg in the
10 waters off Key West. Such funds are in addition to any other
11 funds appropriated for this purpose. The commission shall
12 develop procedures for conducting the pilot program,
13 including, but not limited to, procedures for determining
14 eligibility, providing payment, ensuring that payment is
15 limited solely to the costs of preparing and deploying the
16 vessel, and ensuring that payments are made to eligible
17 persons or local governments in the order in which each is
18 determined eligible until the funds are exhausted. The
19 commission shall examine and use, to the extent possible,
20 other available options for funding the cost of the
21 preparation and deployment of the U.S.S. General Hoyt S.
22 Vandenberg, including the use of funds raised by private
23 agencies or persons.

24 (8) No later than January 1, 2008, and each January 1
25 thereafter, the commission shall submit a report to the
26 Governor, the President of the Senate, and the Speaker of the
27 House of Representatives detailing the expenditure of the
28 funds appropriated to it for the purposes of carrying out the
29 provisions of this section.

30 Section 3. The sum of \$10 million is appropriated for
31 the 2007-2008 fiscal year from nonrecurring general revenue to

1 the Marine Resources Conservation Trust Fund. Any unexpended
2 and unencumbered funds remaining at the end of the 2007-2008
3 fiscal year shall not revert to the General Revenue Fund but
4 shall be carried over and remain available to the Florida
5 Commission on Tourism for the uses and purposes set forth in
6 this act.

7 Section 4. This act shall take effect upon becoming a
8 law.

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