



1 preparation and deployment of a specified  
2 vessel in waters off Key West; providing for  
3 reports; authorizing provision of funds under  
4 the program contingent upon an appropriation;  
5 providing requirements with respect to funds  
6 provided under the pilot program; providing  
7 procedures and requirements with respect to the  
8 pilot program; providing for a report;  
9 providing an effective date.

10

11 WHEREAS, in the past, the United States Navy has used  
12 unneeded ships as targets for military exercises known as  
13 sinking exercises, and

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

18 WHEREAS, the National Defense Authorization Act for  
19 Fiscal Year 2004 allows appropriate decommissioned ships to be  
20 donated for use as artificial reefing, and

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

24 WHEREAS, the measure allows the Navy to accomplish the  
25 overall process for the cost-effective donation and transfer  
26 of available naval vessels, and

27 WHEREAS, the United States Maritime Administration  
28 (MARAD) will coordinate the federal agency solicitation and  
29 application for obtaining the vessels for use as artificial  
30 reefs, and

31

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

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

12           WHEREAS, the U.S.A.F.S. General Hoyt S. Vandenberg, a  
13 520-foot military vessel, is being sought as the next  
14 decommissioned vessel to be deployed as an artificial reef at  
15 a currently permitted site off the coast of Key West,  
16 contingent upon funds being made fully available for the  
17 preparation and sinking of the vessel, and

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

24           WHEREAS, this act would add a new, seventh theme to the  
25 Maritime Heritage Trail, a United States military vessel  
26 theme, and

27           WHEREAS, the program provides a practical option for  
28 disposing of inactive decommissioned vessels in a  
29 cost-effective and environmentally sound manner that can  
30 continue to promote ecotourism associated with recreational  
31 diving and fishing in Florida, NOW, THEREFORE,

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

2

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

5 370.25 Artificial reef program; grants and financial  
6 and technical assistance to local governments.--

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

24 (a) Assist in reducing the pressures on natural coral  
25 reefs in state or federal waters seaward of this state and  
26 increase the opportunities for recreational diving and  
27 fishing.

28 (b) Provide a mechanism through which counties and  
29 municipalities that are permitted to place vessels in state or  
30 federal waters seaward of this state as artificial reefs can  
31 apply for and receive state matching grants for the placement

1 of decommissioned MARAD and United States Navy vessels. Funds  
2 may be used for cleaning, preparing, towing, and sinking of  
3 such decommissioned vessels.

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

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

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

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

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

31

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

6       (i) Establish a United States military vessel  
7 component as a seventh theme for Florida's Maritime Heritage  
8 Trail, to promote Florida's nature-based tourism and heritage  
9 tourism.

10       (j) Provide for title of decommissioned vessels to be  
11 transferred to the state.

12           Section 2. Section 370.255, Florida Statutes, is  
13 created to read:

14           370.255 Florida Ships-2-Reefs Program; matching grant  
15 program.--

16           (1) The commission is authorized to establish the  
17 Florida Ships-2-Reefs Program, a matching grant program for  
18 the securing and placement of United States Maritime  
19 Administration (MARAD) and United States Navy decommissioned  
20 vessels in state or federal waters seaward of this state to  
21 serve as artificial reefs and, pursuant thereto, to make  
22 expenditures and enter into contracts with local governments  
23 and nonprofit corporations for the purpose of securing,  
24 environmental preparation, and cleaning to meet standards in  
25 the 2006 publication "National Guidance: Best Management  
26 Practices for Preparing Vessels to Create Artificial Reefs,"  
27 published jointly by the United States Environmental  
28 Protection Agency and the United States Maritime  
29 Administration, and placing MARAD and United States Navy  
30 decommissioned vessels as artificial reefs in state or federal  
31 waters seaward of this state pursuant to s. 370.25(8). The

1 commission shall have final approval of grants awarded through  
2 this program.

3 (2) Each grant awarded under the program shall be  
4 matched by nonstate dollars. The limit for a state matching  
5 grant shall be 33 percent of total cost of securing,  
6 environmental preparation, and cleaning to meet the standards  
7 in the 2006 publication cited in subsection (1), and placing  
8 the decommissioned vessel.

9 (3) The commission may:

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

12 (b) Approve requests for matching funds; and

13 (c) Allocate matching funds to local governments or  
14 nonprofit corporations.

15 (4) To demonstrate that a local government or  
16 nonprofit corporation meets the required criteria, the local  
17 government or nonprofit corporation must submit formal  
18 agreements, written pledges, memorandums of understanding,  
19 financing arrangements, or other documents demonstrating that  
20 nonstate matching funds are available for securing and placing  
21 the vessel prior to submission of an application. Matching  
22 grant funds shall be released only upon documentation that the  
23 applicant meets all the criteria established by the commission  
24 pursuant to subsection (5).

25 (5) The commission is authorized to adopt rules  
26 pursuant to ss. 120.536(1) and 120.54 to address procedures  
27 necessary to administer the matching grants provided in this  
28 section.

29 (6) In accordance with the findings in s. 370.25(8),  
30 the commission shall establish a pilot program to fund the  
31 preparation and deployment of the U.S.A.F.S. General Hoyt S.

1 Vandenberg in the waters off Key West and shall, by January 1,  
2 2008, and each year thereafter, provide to the Governor, the  
3 President of the Senate, and the Speaker of the House of  
4 Representatives an annual report on the success and outcomes  
5 achieved by the pilot program, with a recommendation as to  
6 whether the pilot program should be continued, terminated, or  
7 expanded. The commission shall also report on the procedures  
8 developed and used for the proper preparation and deployment  
9 of the U.S.A.F.S. General Hoyt S. Vandenberg consistent with  
10 the objectives stated in s. 370.25(8).

11 (7) Contingent upon a specific appropriation to the  
12 commission for the pilot program, the commission may provide  
13 funds to pay for a portion of the cost of the preparation and  
14 deployment of the U.S.A.F.S. General Hoyt S. Vandenberg in the  
15 waters off Key West. The commission shall develop procedures  
16 for conducting the pilot program, including, but not limited  
17 to, procedures for determining eligibility, providing payment,  
18 ensuring that payment is limited solely to the costs of  
19 preparing and deploying the vessel, and ensuring that payments  
20 are made to eligible persons or local governments in the order  
21 in which each is determined eligible until the funds are  
22 exhausted. The commission shall examine and use, to the extent  
23 possible, other available options for funding the cost of the  
24 preparation and deployment of the U.S.A.F.S. General Hoyt S.  
25 Vandenberg, including the use of funds raised by private  
26 agencies or persons.

27 (8) No later than January 1, 2008, and each January 1  
28 thereafter, the commission shall submit a report to the  
29 Governor, the President of the Senate, and the Speaker of the  
30 House of Representatives detailing the expenditure of the  
31



1 funds appropriated to it for the purposes of carrying out the  
2 provisions of this section.

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

5  
6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
7 COMMITTEE SUBSTITUTE FOR  
8 Senate Bill 1856

9 The committee substitute makes a number of technical  
10 corrections. The committee substitute deletes a reference to  
11 the Florida Commission on Tourism and the Office of Tourism,  
12 Trade, and Economic Development. The Florida Ships-2-Reefs  
13 Program and the matching grant program will be administered by  
14 the Fish and Wildlife Conservation Commission.

15 Each grant awarded under the grant program must be matched by  
16 nonstate dollars and the limit of the grant is 33 percent of  
17 the total cost of securing and environmental preparation and  
18 cleaning and the reefing of the vessel.

19 The appropriations have been deleted. Instead, the committee  
20 substitute provides that contingent upon a specific  
21 appropriation to the Fish and Wildlife Conservation  
22 Commission, the commission may provide funds to pay for a  
23 portion of the cost of the preparation and deployment of the  
24 U.S.A.F.S. General Hoyt S. Vandenberg in the waters off Key  
25 West.