

The Florida Senate
PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Environmental Preservation and Conservation Committee

BILL: SB 2178

INTRODUCER: Senator Bennett

SUBJECT: Restoration of Seagrass Beds

DATE: March 20, 2007

REVISED: 3/22/07

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bascom</u>	<u>Kiger</u>	<u>EP</u>	<u>Fav/1 Amendment</u>
2.	<u> </u>	<u> </u>	<u>CA</u>	<u> </u>
3.	<u> </u>	<u> </u>	<u>GA</u>	<u> </u>
4.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
5.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
6.	<u> </u>	<u> </u>	<u> </u>	<u> </u>

Please see last section for Summary of Amendments

- Technical amendments were recommended
- Amendments were recommended
- Significant amendments were recommended

I. Summary:

This bill creates a pilot project to restore seagrass beds, and other natural resources dependent on the health and productivity of seagrass beds, in Brevard, Lee, Manatee, Monroe and Pinellas counties. The pilot project would be administered by the Department of Environmental Protection (department or DEP) through grants from the Ecosystem Management and Restoration Trust Fund. Grants from the trust fund shall be expended only for the restoration, assessment, or rehabilitation of seagrass beds specified by the department under the seagrass bed restoration pilot project.

The bill amends the Ecosystem Management and Restoration Trust Fund establishing provisions allowing for the use of funds under the pilot project.

This bill amends section 403.1651, Florida Statutes.

II. Present Situation:

Seagrasses

Seagrass systems are highly productive communities that provide base resources for important fisheries, marine wildlife, and ecological processes. Seagrasses provide submerged habitat that

supports many economically important saltwater fish, shellfish, and wildlife species. Seagrass meadows are responsible for generating up to approximately \$20,000 in fishery-related economic benefits per acre each year. Seagrass is an important food source for manatees and sea turtles. Seagrass protection is essential for the maintenance of saltwater fisheries, wildlife, high quality marine environments, and recreational opportunities in the State of Florida.

Propeller scarring in seagrass is a recognized problem in areas of high boating use around the state, which currently has over 1 million registered boats. A 1995 report generated by the Fish and Wildlife Research Institute (formerly Florida Marine Research Institute) determined that more than 173,000 acres of seagrass in shallow nearshore waters were scarred by watercraft. Subsequent analysis of seagrass systems, have shown increases in both the number of propeller scars and the severity of scarring since the 1995 report findings. A Charlotte Harbor assessment found a 71% increase in severely scarred seagrass habitat when aerial images taken in 2003 were compared with those in the same area used in the assessments for the 1995 state-wide report. During this same period, vessel registrations grew from 16,896 to 22,252 boats in Charlotte County, an increase of 32%. Such findings are consistent with observed high-density growth and development of coastal areas, which will continue to bring with it growing vessel traffic in shallow vegetated estuary waters of the State. Shallow water operated vessels, commonly referred to as “flats boats”, are one of the fastest growing segments of the watercraft industry. Sales of such vessels reflect the desire on the part of the boating public to operate vessels in shallow waters where seagrass can be damaged by propellers or other motorized watercraft.

This growing problem with seagrass damage by boat propellers has compelled further management action. An active outreach campaign to instill stewardship of these marine resources has produced brochures, boater’s guides, public service announcements, and boat ramp information kiosks. On-going non-regulatory management uses signs that mark shallow seagrass beds. Many of these efforts involve partnerships with stakeholders.

An interagency Seagrass Working Group consisting of Florida Fish and Wildlife Conservation Commission (FWC) and DEP staff was assembled in 2004 to address the seagrass damage issue. An initial stakeholder meeting of representatives from the boating, commercial and recreational fishing, environmental, and regulatory community, was held in February 2005. Meeting participants assessed the extent of the problem and recommended resource management options to address the problem. Many participants agreed to partner with the interagency Seagrass Working Group to provide guidance for implementation of agreed upon actions. One of the priorities was for the agencies to acquire the necessary legislative authority to address seagrass damage caused by vessel operation, and another was to explore the use of existing legislative authority to do so, if it existed. Based on the recommendations, the interagency Seagrass Working Group began working on a refined operational guidance procedure to more effectively implement seagrass protection regulations already available to regulatory agencies. This regulatory authority is based upon DEP’s statutory authority to pursue civil penalties for natural resource damage on state lands and the Commission’s responsibility to enforce state marine law.

Ecosystem Management and Restoration Trust Fund

The Ecosystem Management and Restoration Trust Fund was created in 1996 and administered by the department for the purposes of:

- Funding the planning and implementation of ecosystem management and restoration.

- Funding the development and implementation of surface water improvement projects.
- Funding for the restoration of polluted areas of the state.
- Funding for the restoration and rehabilitation of injured or destroyed coral reefs.
- Funding activities to recover monies as a result of actions against any person for a violation of Chapter 373, F.S.

Currently, any monies collected as a result of an action taken against any person for the injury or destruction of seagrass beds would be deposited into the General Revenue Fund or Internal Improvement Trust Fund. Those monies are used as specified by rule and not typically for the restoration or rehabilitation of the injured or destroyed seagrass beds.

III. Effect of Proposed Changes:

Section 1. Provides Legislative findings that:

- The preservation of seagrass beds is critical to the protection of marine life, water quality and the ocean-based economy of the state.
- Seagrass beds, and associated natural resources that depend on the health and productivity of the seagrass beds, are subject to unforeseen and instantaneous injury or loss from a variety of acts.
- Expenses incurred by the department in seeking compensation, on behalf of the residents of Florida, for the injury, damage or destruction of seagrass beds have not been available for reimbursement.
- Monetary damages collected from the injury or destruction of seagrass beds and associated natural resources, which are deposited into the general accounts of the State Treasury, are not specifically set aside for their restoration or rehabilitation.

Creates a pilot program for the restoration of seagrass beds:

- Establishing definitions for “damages”, “fund”, “natural resources”, and “seagrass bed” for use within the program.
- Providing for immediate stabilization and restoration of seagrass beds in Brevard, Lee, Manatee, Monroe and Pinellas counties.
- Providing that all monies collected from damages to seagrass beds in Brevard, Lee, Manatee, Monroe, and Pinellas counties be deposited into the Ecosystem Management and Restoration Trust Fund. These monies shall be used only for restoration, assessment and rehabilitation of the damaged seagrass beds, within the specified counties, through a contract with a qualified person.

The bill establishes that to prevent further erosion, turbidity, or potential loss of natural resources, each contract must require assessment and stabilization within 30 days of the damage occurring, must use a stabilization protocol following guidelines of the Final Programmatic Environmental Impact Statement for Seagrass Restoration in the Florida Keys National Marine Sanctuary, and must use established stabilization techniques.

The bill requires that the DEP evaluate the pilot program and report its findings to the President of the Senate and the Speaker of the House of Representatives as to whether the program should be expanded beyond the scope of the original program.

Section 2. Amends section 403.1651, Florida Statutes authorizing that monies collected for damages under the seagrass bed restoration pilot program, deposited into the Ecosystem Management and Restoration Trust fund, be specifically used for expenditures under the pilot program.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

C. Government Sector Impact:

Currently, monies collected from damages to seagrass beds are placed into the General Revenue Fund or the Internal Improvement Trust Fund. The bill would require those monies be placed into the Ecosystem Management and Restoration Trust Fund for purposes specified in the seagrass bed restoration pilot program. The DEP would be required to utilize those monies collected for violations to Chapter 373, F.S. to establish and implement the seagrass bed restoration pilot program. It is unclear how the program will be implemented, whether by individual counties or the DEP.

VI. Technical Deficiencies:

For the authorization of funds referenced in the bill, the sponsor uses a reference to “section 1 of this act” when no “act” has been defined in the bill nor is there a reference to this act in current statute.

Also, the bill requires the DEP to provide a report of the pilot program to the President of the Senate and Speaker of the House of Representatives but provides no due date.

VII. Related Issues:

None.

This Senate Professional Staff Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

VIII. Summary of Amendments:

Barcode 462122 by Environmental Preservation

The amendment corrects an oversight omitting the due date of the report on the pilot program.
The amendment adds the due date of January 1, 2008.

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