

By Senator Bennett

21-919-07

1 A bill to be entitled
 2 An act relating to the restoration of seagrass
 3 beds; creating a pilot program for the
 4 restoration of seagrass beds within specified
 5 counties and related natural resources;
 6 providing definitions; providing legislative
 7 findings and purposes; requiring that damages
 8 recovered for injury to, and the destruction
 9 of, seagrass beds in certain counties, and
 10 related natural resources be deposited into the
 11 Ecosystem Management and Restoration Trust
 12 Fund; requiring the Department of Environmental
 13 Protection to expend the funds for restoration,
 14 assessment, or rehabilitation of seagrass beds
 15 and natural resources; providing criteria
 16 governing such expenditures by the department;
 17 providing for auditing and reporting by a
 18 private recipient of funds; prohibiting any
 19 reduction of certain appropriations to a state
 20 agency that receives funds under the act;
 21 requiring that the department report to the
 22 Legislature whether the pilot program should be
 23 expanded; authorizing rulemaking by the
 24 department; amending s. 403.1651, F.S.,
 25 relating to the Ecosystem Management and
 26 Restoration Trust Fund; conforming provisions
 27 to changes made by the act; providing an
 28 effective date.
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 30 Be It Enacted by the Legislature of the State of Florida:
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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 Section 1. Pilot program for the restoration of
2 seagrass beds.--

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

4 (a) "Damages" means money damages paid by any person,
5 whether voluntarily or as a result of administrative or
6 judicial action, to the state as compensation, restitution, or
7 punitive damages for causing injury to, or the destruction of,
8 the seagrass beds of Brevard County, Lee County, Manatee
9 County, Monroe County, or Pinellas County or to the natural
10 resources that depend on the health and productivity of those
11 seagrass beds.

12 (b) "Fund" means the Ecosystem Management and
13 Restoration Trust Fund.

14 (c) "Natural resources" means land, air, water, ground
15 water, drinking water supplies, fish and their habitats,
16 wildlife and their habitats, biota, and other such resources
17 belonging to, managed by, held in trust by, appertaining to,
18 or otherwise controlled by the state.

19 (d) "Seagrass bed" means a community of flowering
20 underwater plants which is located in shallow marine waters,
21 such as in a bay or lagoon, or along the continental shelf in
22 the Gulf of Mexico.

23 (2) The Legislature finds that:

24 (a) The preservation of seagrass beds is critical to
25 protecting the marine life, water quality, and ocean-based
26 economy of this state. Seagrass beds maintain water quality
27 and provide food, habitat, and nursery areas for numerous
28 species of marine life. This state's multimillion-dollar
29 fishing and diving industries depend on the health and
30 productivity of the seagrass beds. Estimates indicate that
31 thousands of acres of seagrass beds in this state have been

1 scarred from boat propellers. Impacts from boat groundings
2 fragment the grass bed, restricting the movement of the marine
3 life that depends upon the habitat. Seagrass beds can take up
4 to a decade to recover from propeller scars.

5 (b) Seagrass beds and the natural resources that
6 depend on the health and productivity of seagrass beds are
7 subject to instantaneous injury or loss from a variety of
8 negligent and willful acts in ways that cannot be foreseen and
9 provided for in the normal budget process. Due to the
10 unforseeability of such incidents, funds have not been
11 available for reimbursement of extraordinary expenses incurred
12 by the Department of Environmental Protection in seeking
13 compensation, on behalf of the residents of the state, for the
14 injury to, or destruction of, these natural resources. As a
15 result, a significant amount of monetary damages recovered by
16 the state for injury to, or destruction of, its seagrass beds
17 and the natural resources that depend on the health and
18 productivity of seagrass beds are deposited into the general
19 accounts of the State Treasury and are not specifically set
20 aside for the restoration or rehabilitation of the injured or
21 destroyed natural resources in areas of the state where the
22 injury or loss occurred.

23 (3) The purpose of this section is to establish a
24 pilot program that provides for the immediate stabilization
25 and restoration of seagrass beds in Brevard, Lee, Manatee,
26 Monroe, and Pinellas Counties where damage has occurred and to
27 remediate the injury to, or destruction of, natural resources
28 that are dependent upon the health and productivity of those
29 seagrass beds.

30 (4)(a) All damages recovered by or on behalf of the
31 state for injury to, or destruction of, the seagrass beds in

1 Brevard, Lee, Manatee, Monroe, and Pinellas Counties, or to
2 the natural resources that depend on the health and
3 productivity of those seagrass beds, which would otherwise be
4 deposited into the general revenue accounts of the State
5 Treasury or into the Internal Improvement Trust Fund shall be
6 deposited into the Ecosystem Management and Restoration Trust
7 Fund and shall remain in that fund until expended by the
8 Department of Environmental Protection under the pilot program
9 established in this section.

10 (b) Moneys in the fund shall be expended only for
11 restoration, assessment, or rehabilitation of such injured or
12 destroyed seagrass beds and natural resources through a
13 contract with a qualified person. In order to prevent further
14 erosion, turbidity, and potential loss of natural resources,
15 each contract must require assessment and stabilization of the
16 seagrass bed within 30 days after an incident that damages the
17 seagrass bed occurs, must use a stabilization protocol
18 following the guidelines in the Final Programmatic
19 Environmental Impact Statement for Seagrass Restoration in the
20 Florida Keys National Marine Sanctuary, and must use only
21 those stabilization techniques that are scientifically proven
22 and published in peer-reviewed literature.

23 (5)(a) Each recipient of disbursements from the fund
24 must agree in advance that its accounts and records of
25 expenditures of such moneys are subject to audit at any time
26 by appropriate state officials and shall submit a final
27 written report describing its expenditures within 90 days
28 after the moneys are expended.

29 (b) When payments are made to a state agency from the
30 fund under paragraph (4)(a), such payments shall be considered
31 as payments for extraordinary expenses, and other

1 appropriations to that agency may not be reduced by any amount
2 as a result of such payments.

3 (6) The Department of Environmental Protection shall
4 evaluate the pilot program and report to the President of the
5 Senate and the Speaker of the House of Representatives on
6 whether the pilot program should be expanded in order to
7 restore additional areas of the state's seagrass beds and
8 natural resources.

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

12 Section 2. Paragraph (f) is added to subsection (1) of
13 section 403.1651, Florida Statutes, and paragraph (b) of
14 subsection (2) of that section is amended, to read:

15 403.1651 Ecosystem Management and Restoration Trust
16 Fund.--

17 (1) There is created the Ecosystem Management and
18 Restoration Trust Fund to be administered by the Department of
19 Environmental Protection for the purposes of:

20 (f) Funding the expenditures authorized under section
21 1 of this act.

22 (2) The trust fund shall be used for the deposit of
23 all moneys recovered by the state:

24 (b) For injury to or destruction of coral reefs, sea
25 grass beds, or natural resources under section 1 of this act
26 and s. 380.0558, which moneys would otherwise be deposited
27 into the General Revenue Fund or the Internal Improvement
28 Trust Fund.

29 Section 3. This act shall take effect July 1, 2007.
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SENATE SUMMARY

Creates a pilot project to restore seagrass beds and related natural resources in specified counties. Requires the deposit of moneys recovered for damage to seagrass beds and related natural resources in certain counties into the Ecosystem Management and Restoration Trust Fund. Requires the Department of Environmental Protection to expend such moneys for restoration, assessment, or rehabilitation of seagrass beds and natural resources. Provides criteria governing such expenditures. Provides for auditing and reporting of a private recipient of funds used for restoration activities. Prohibits any reduction of certain appropriations to a state agency that receives restoration funds. Requires the department to report to the Legislature. Authorizes rulemaking by the department.

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