

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 759 Placement of Vessels in State Waters to Form Artificial Reefs
SPONSOR(S): Holder and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 1856

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Conservation & State Lands</u>	<u>7 Y, 0 N</u>	<u>Zeiler</u>	<u>Zeiler</u>
2) <u>Environment & Natural Resources Council</u>	<u></u>	<u></u>	<u></u>
3) <u>Policy & Budget Council</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

The bill authorizes the planning and development of a statewide grant program to be administered by the Fish and Wildlife Conservation Commission (FWC). The proposed grant program would facilitate the deployment of decommissioned naval vessels as reefs for diving and fishing. The proposed grant program would provide matching state funds, subject to legislative appropriation, to aid local governments undertaking such “ship to reef” programs.

The bill authorizes the FWC to develop a pilot program for the preparation and deployment of the U.S.S. General Hoyt S. Vandenberg (Key West) and to aid in the development of appropriate statewide procedures regarding deployment of decommissioned naval vessels as reefs for diving and fishing.

The bill appropriates \$10 million from the General Revenue Fund to the Marine Resource Conservation Trust Fund for the newly created Florida Decommissioned Vessel Placement Program.

The bill is effective upon becoming law.

There is an amendment traveling with the bill. The amendment is described in “Section IV. Amendment/Council Substitute Changes” of the analysis.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government – The bill authorizes the establishment of a new grant program.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

OVERVIEW OF ARTIFICIAL REEF PROGRAM

Background

Section 370.25, F.S. establishes the state's Artificial Reef Program. The Bureau of Marine Fisheries Management, within the Division of Marine Fisheries of the Florida Fish and Wildlife Conservation Commission (FWC), administers the state's artificial reef program. The program objectives are to provide financial and technical assistance to coastal local governments, nonprofit corporations, and state universities in developing, monitoring and evaluating artificial reefs. Under the program, reefs are constructed with one or more of the following intended objectives: 1) enhance private recreational and charter fishing and diving opportunities; 2) provide a socio-economic benefit to local coastal communities; 3) increase reef fish habitat; 4) reduce user conflicts; 5) facilitate reef related research; and, 6) while accomplishing objectives 1-5, do no harm to fishery resources, essential fish habitat (EFH), or human health.

According to the FWC, Florida has one of the most active artificial reef programs among the Gulf and Atlantic states. Thirty-four of 35 Florida coastal counties are or have been involved in artificial reef development. Since 1920, more than 2000 documented public artificial reefs have been placed in state and federal waters off these counties with most of the reef development taking place in the last 20 years. Over the last 23 years, the State of Florida has spent more than \$13 million on artificial reef related activities. Currently, local coastal governments hold more than 300 active artificial reef permits with about half of these sites in federal waters.

In addition to grant funding, the FWC provides technical assistance to local coastal governments, and state and federal regulatory agencies. FWC disseminates artificial reef related information to all of these entities and assists the general public by answering questions related to artificial reefs. FWC maintains a statewide public artificial reef database (on the FWC marine web site). FWC conducts statewide compliance and performance monitoring of grant funded reef projects. FWC's dive team conducts fish censuses, mapping, video, photography, and materials evaluation.

Program Funding

For fiscal year 2006-2007, the Florida Artificial Reef Program within the FWC Division of Marine Fisheries Management has a total of \$700,000 available for competitive pass through grants, \$400,000 in U.S. Fish and Wildlife Service Federal Aid in Sport Fish Restoration Program funds, and \$300,000 in state saltwater fishing license revenues for artificial reef related activities. These funds are provided for artificial reef construction on a cost reimbursement basis and for science-based biological or socio-economic artificial reef monitoring projects on either a cost reimbursement or fee schedule basis. The evaluation and ranking of applications is accomplished through a numerical rating process involving multiple independent reviewers and based directly on the provisions of Chapter 68E-9.005 F.A.C.

Artificial Reef Permits

The FWC artificial reef program does not issue permits for artificial reef sites. This regulatory responsibility is carried out by the U.S. Army Corps of Engineers (USACE) for proposed artificial reef areas in federal waters, and by both the USACE and the Florida Department of Environmental Protection (DEP) in state waters.

Reef Materials Use

Allowable materials for artificial reef use are determined by USACE and DEP permit criteria. Their criteria are based upon direction provided by the National Artificial Reef Plan, developed under the Secretary of Commerce by direction of the National Fishing Enhancement Act of 1984 and by the Environmental Protection Agency based upon federal and international law. Also, guidance is provided by the Guidelines for Marine Artificial Reef Materials, Second Edition (2004) produced by the Gulf and Atlantic States Marine Fisheries Commissions. The criteria require the use of non-hazardous material of sufficient stability and durability to insure that the materials and their component parts remain within permitted areas and last long enough to provide the intended habitat enhancement.

DEP has specific materials limitations for artificial reef use in state waters. In state waters of peninsular Florida materials are limited to clean concrete or rock, clean steel boat hulls, other clean, heavy gauge steel products with a thickness of 1/4 inch or greater and prefabricated structures that are a mixture of clean concrete and heavy gauge steel (Chapter 62-341.600 F.A.C.). In state waters in the Florida Panhandle, allowable materials under the general permit are limited to clean concrete materials, rock, or steel boat hulls (Chapter 62-312.807 F.A.C.).

FWC's assessment of material types used in 709 publicly funded Florida artificial reef deployments (all funding sources) from 1994-2000 showed that secondary use concrete materials dominate (43%) followed by concrete modules (24%), military equipment (11%), steel vessels and barges (11%), scrap steel (6%), limestone (3%) and miscellaneous materials (2%). In the last several years there has been increasing use of designed modules. Though more expensive they can be more effectively placed, be designed to resist major storm events, target specific species or life history stages, and can serve as standardized units for follow-up monitoring or research.

Military Ships to Reefs Programs

In a memorandum to County Artificial Reef Coordinators dated January 8, 2007 provided the information regarding military ships to reefs programs.

There are currently two different federal obsolete military vessel ship disposal programs:

- the U.S. Maritime Administration (MARAD) program utilizing auxiliary vessels (cargo ships, amphibious ships, tankers, etc),
- and the more recent Navy program utilizing combatants (destroyers, cruisers, carriers, etc).

MARAD Reefing Program

MARAD is the longest established military vessel reefing program. It began with the passage of the Liberty Ship Act authorizing the subsequent donation of WWII Liberty ships to coastal states "as is" for their cleaning and sinking as artificial reefs from 1975 through 1983. The program's vessel donation authority was expanded in the mid 1980's to include other fleet auxiliary vessels. From 1991 to 2001 there was a 10 year hiatus in military vessel reefing because of regulatory issues related to the presence of PCBs in the ship components (cable insulation, gaskets, bulkhead insulation, paint, etc). The EPA classifies vessel deployment as a "disposal", if PCB levels in shipboard materials do not exceed 50 parts per million. The ships-to reefs program regain momentum with the deployment of the Spiegel Grove (May 17, 2002).

In December 2002, the passage of federal legislation (16 U.S.C. 1220c-1) allowed MARAD to help finance reefing projects, as long as MARAD's contribution to the states did not exceed MARAD's cost to have a vessel scrapped. Presently MARAD is providing partial funding to assist in the disposal deployment of two ships; the Texas Clipper donation to Texas Parks and Wildlife (\$1.5 million in federal assistance) and the Hoyt Vandenberg to FWC (\$1.25 million federal assistance)

Currently, there are no other active ship projects in the MARAD artificial reef "pipeline." This is the result of MARAD's policy is to seek "best value" for the federal government and, due to increases in the price of steel and non ferrous metals, domestic scrapping is a better option than in previous years. Currently, Both MARAD and Navy are actively scrapping vessels. As of June 2006, MARAD had 49 ships in the James River Reserve Fleet and 135 total nationwide available for disposal. Since then, several of these already have been scrapped or have contracts to be scrapped. The MARAD program's policy continues to be a "as is, where is" reefing donation approach. Under this scenario, the

vessel's title changes hands as soon as the vessel leaves the James River Reserve Fleet and becomes the responsibility of the applicant (a state agency).

Navy Reefing Program

The Navy's Inactive Ships Program Office is responsible for transitioning ships from the active fleet to storage and disposal. Five methods are utilized:

- (1) Direct foreign military sales of usable vessels
- (2) Preserving the naval heritage through donations as museums
- (3) Sink-ex, a deep water, live fire weapons testing ship disposal program
- (4) Protecting the environment through ship dismantling and recycling
- (5) Enhancing the marine ecosystems through artificial reefing

All of these options are reviewed when a ship is removed from active service. The ship becomes a candidate for reefing only after the other four options are determined to be not viable.

The Navy's pilot artificial reef project was the U.S.S. Oriskany (CVA-34), a three year \$20 million dollar effort, completed May 17, 2006. The EPA has mandated a multi-year monitoring program with the associated costs to be paid by FWC and Escambia County. The Navy is evaluating their long term reefing program and they are managing the program on a ship by ship basis. They are reluctant to take on more than one ship-reefing project at a time. Currently, the Navy is conducting vessel preparation work on the ex-Forrestal aircraft carrier (CVA-59). If reefed, the Navy will require that it be sunk in at least 450 feet of water (too deep for recreational diving).

The program has 65 ships in inventory of which 26 are available for disposal and 5 of those appear to be candidates for reefing. They are listed below in an excerpt from their web site:
<http://peoships.crane.navy.mil/reefing/inventory.htm>

Navy Inventory for consideration for Artificial Reefing as of December 07, 2006

Ship Class	Quantity	Location	Overall Ship Length (FT)	Overall Beam (FT)	Height from Baseline to:			Light Ship Displacement (Tons)
					Top of Mast (FT)	Top of Super-structure (FT)	Main Deck	
CV 59 Forrestal Class	1	Newport, RI	1067	252	248	210	130	59468
CV 59 Forrestal Class	2	Bremerton, WA	1067	252	248	210	130	59468
DD 963 Spruance Class	1	Philadelphia, PA	563	55	158	112	33	6649
CG 47 Ticonderoga Class	1	Philadelphia, PA	567	55	156	90	39' 7"	7646

Note: The above ships may be utilized for artificial reefing, Navy deep-water sink exercises, and/or domestic dismantling based on dispositions that are most advantageous to the Navy for inactive ship inventory reduction. Also, additional ships may be added to this list as other inactive ships currently held for other purposes are redesignated for disposal, and as active ships are decommissioned and designated for disposal.

Atlantic States Marine Fisheries and Gulf States Marine Fisheries Commissions Artificial Reef Ships Subcommittee

In 2003 the joint Atlantic States Marine Fisheries and Gulf States Marine Fisheries Commissions (ASMFC/GSMFC) artificial reef technical committees set up a "Military Ships Subcommittee" to interact with the Navy and MARAD on reefing programs. The subcommittee's primary role was to develop a "fair and equitable" program for the distribution of ships, particularly Navy ships, among the various interested coastal states. There was a concern from many smaller states that most ships would go to the few states with the most funding and most extensive coastlines. The goal was to secure from Navy/MARAD a predetermined list of ships and have all states be eligible for a ship through participation in a lottery system that determined the order of vessel donation among the states. Once all interested coastal states received a least one ship, they would have the opportunity to get another in the same order of distribution established by the original lottery. The idea was to make it easier for both the Navy and the states, with all states having the opportunity to receive an equal number of ships in a process of fair and equitable distribution independent of a state's monetary resources available for vessel reefing. The states felt that it would be to the Navy's advantage not to follow the model procedure used by the Navy for the ex-Oriskany reef. For the Oriskany project, the NAVY sent out a request for application submittal to all states. The Navy essentially encouraged competing applications in order to determine which applicant could provide the best value to the Navy.

In 2006, ASFMC/GSMFC artificial reef technical committee voted to abandon the plan to have a fair and equitable distribution policy of military vessels. The main reasons for not pursuing the proposed fair and equitable military vessel distribution concept further were:

- (1) A long list of available ships designated specifically for reefing would not be developed. The Navy indicated they would not develop such a list but rather preferred to evaluate the possibility of combatant ships for reefing on a case by case basis using a short list of a few vessels;
- (2) The Navy indicated it would change title at the time of initial ship movement, similar to MARAD, rather turning the title of the vessel over to the permit holder once it is on the bottom in its permitted site as it did with the Oriskany project. This earlier title exchange places a tremendous administrative, contractual, technical oversight and financial burden on the state, as well as, a significant liability while the ship is being prepared. In fact the opposite is now occurring.
- (3) Neither the Navy nor MARAD will fund 100% of the cost of the project unless it is a carrier sunk in greater than 500 feet of water.
- (4) The Navy believes the competition for the ships reduces the cost for the Navy.

FWC Artificial Reef Program Role in the Ship to Reef Programs

The FWC provides several important functions in the process of getting a large military ship ready for use as an artificial reef in Florida.

- (1) Federal policy restricts the transfer title to a state government and pursuant to s. 370.25(1), F.S. the FWC has been given this formal responsibility which states, "The commission is authorized to accept title, on behalf of the state, to vessels for use in the artificial reef program as offshore artificial reefs. The program may be funded from state, federal, and private contributions."
- (2) MARAD by law can only give grants to states and the use of the funds as restricted, therefore the FWC has to receive these funds and distribute them to the sponsor. FWC act as the project/grant manager and provides a single liaison for the Federal government.

Effect of Proposed Change

The bill creates s. 370.25(8), F.S. which authorizes 1) the planning and development of statewide matching grant program that facilitates the securing and placement of United States Maritime Administration (MARAD) and United States Navy decommissioned vessels in Florida waters as artificial reefs, and 2) a pilot program for the preparation and deployment of the U.S.S. General Hoyt S. Vandenberg in Key West. Both programs are to be administered by the Fish and Wildlife Conservation Commission and their implementation is subject to appropriation.

The objectives in establishing the programs are:

- To assist in reducing the pressures on natural coral reefs in Florida waters and increasing the opportunities for recreational diving and fishing.
- To provide a mechanism through which local counties and municipalities that are permitted to place vessels in Florida waters as artificial reefs can apply for and receive state matching grants for the placement of decommissioned MARAD and United States Navy vessels.
- To provide state funds that would be matched with local funds, federal funds, and funds from local businesses.
- To establish criteria to determine eligibility for state matching funds.
- To assist local counties and municipalities with the donation and transfer application for United States Navy and MARAD decommissioned vessels.
- To develop a master plan for the purposes of maximizing the number and type of vessels to be placed in Florida waters that provides for the location of vessels in the most geographically effective and beneficial manner.
- To establish and promote standards for the placement of MARAD and United States Navy decommissioned vessels in Florida waters, consistent with current environmental standards and the mandate of Section 3516 of the National Defense Authorization Act for Fiscal Year 2004 and the 2006 publication, "National Guidance: Best Management Practices for Preparing Vessels Intended to Create Artificial Reefs,"
- To provide for and receive interagency comments from the agencies responsible for the permitting of artificial reefs and the Florida Department of Environmental Protection, allowing for a review period consistent with MARAD and United States Navy application deadlines.
- To establish a United States Navy vessel component as the seventh theme for Florida's Maritime Heritage Trail, consistent with the responsibilities of the Florida Commission on Tourism and the Office of Tourism, Trade, and Economic Development pursuant to s. 288.1224(11), F.S.
- To provide for title of decommissioned vessels to be transferred to the state.

The bill creates s. 370.255, F.S. and authorizes the FWC to establish the Florida Decommissioned Vessel Placement Program, a matching grant program for the securing and placing United States Maritime Administration (MARAD) and United States Navy decommissioned vessels in Florida waters to serve as artificial reefs. The bill authorizes the FWC to make expenditures and enter into contracts with local governments and nonprofit corporations for the purpose of securing and placing MARAD and United States Navy decommissioned vessels as artificial reefs in Florida waters pursuant to s. 370.25(8), F.S. The bill provides FWC authority for final approval of grants awarded through this program.

The bill limits the total allocation of funds for the grant program to \$12 million annually. Each grant awarded under the program is limited to \$3 million and requires a match of non-state dollars. The state matching grant is limited to 33 percent of the total cost of securing and placing the vessel.

The bill authorizes the FWC to receive requests for matching funds; approve requests for matching funds; and allocate matching funds to local governments or nonprofit corporations.

In order to demonstrate that a local government or nonprofit corporation meets the required criteria of the program and is eligible to receive funds, the bill requires a local government or nonprofit corporation to submit formal agreements, written pledges, memorandums of understanding, financing arrangements, or other documents which demonstrate non-state matching funds are available for securing and placing the vessel prior to submission of an grant application.

The bill provides Department of Environmental Protection authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to address procedures necessary to administer the matching grants program.

The bill requires FWC to report annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives, beginning January 1, 2008 and each year thereafter, on the successes and outcomes achieved by the pilot program (preparation and deployment of the U.S.S.

General Hoyt S. Vandenberg). The report is to provide recommendations as to whether the pilot program should be continued, terminated, or expanded. The commission is also required to report on the procedures developed and used for the proper preparation and deployment of the U.S.S. General Hoyt S. Vandenberg.

To the extent that funding is made available, a portion of the the preparation and deployment costs of the U.S.S. General Hoyt S. Vandenberg may be provided. FWC is required to develop procedures for conducting the pilot program, including, but not limited to, procedures for determining eligibility, providing payment, ensuring that payment is limited solely to the costs of preparing and deploying the vessel, and ensuring that payments are made to eligible persons or local governments.

The bill requires FWC to examine and use, to the extent possible, other available options for funding the cost of the preparation and deployment of the U.S.S. General Hoyt S. Vandenberg, including the use of funds raised by private agencies or persons.

The bill requires FWC to report annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives, beginning January 1, 2008 and each thereafter, a detail of expenditures of the Florida Decommissioned Vessel Placement Program and the pilot program.

C. SECTION DIRECTORY:

Section 1. creates s. 370.25(8), F.S. providing a statewide matching grant program

Section 2. creates s. 370.255, F.S. providing the Florida Decommissioned Vessel Replacement Program.

Section 3. provides an appropriation of \$10 million to the Marine Resource Conservation Trust Fund for the purposes of ss. 370.25(8) and 370.255, F.S.

Section 4. provides an effective date

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Local Governments that apply for and are awarded grant funds will receive an undetermined amount of state funds.

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

The bill limits the total allocation of funds for the grant program to \$12 million annually. Each grant awarded under the program is limited to \$3 million and requires a match of non-state dollars. The state matching grant is limited to 33 percent of the total cost of securing and placing the vessel.

The bill authorizes the FWC to receive requests for matching funds; approve requests for matching funds; and allocate matching funds to local governments or nonprofit corporations.

The bill provides a \$10 nonrecurring general revenue appropriation for the fiscal year 2007-2008. Funds will be deposited in the Marine Resource Conservation Trust Fund for the purpose of Florida Decommissioned Vessel Replacement Program.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to require cities or counties to spend funds or take actions requiring the expenditure of funds, nor does it appear to reduce the authority that cities or counties have to raise revenues in the aggregate, nor does it appear to reduce the percentage of a state tax shared with cities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

The bill provides the FWC rulemaking authority to establish the Florida Decommissioned Vessel Placement Program, a matching grant program for the securing and placing decommission naval vessels as artificial reefs in Florida waters.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The title of the bill provides for the establishment of a Florida Decommissioned Vessel Placement Program and matching grant under the Florida Commission of Tourism (page 1, lines 17-20). However, the bill language amends s 370.25, F.S. providing for the authorization of statewide matching grant program and a pilot program to be administered by the commission (page 4, lines 100-103); and establishing the objectives of grant program and pilot program (page 4 line 104 through page 6 line 151. Section 370.25, F.S established the state's artificial reef program. This current program is administered by the FWC. As drafted the language of the bill places the new grant program under the FWC. Section 370.01, F.S., states "Definitions. In construing these statutes, where the context does not clearly indicate otherwise, the word, phrase, or term" shall mean and s. 370.01(6), F.S. states "'Commission" shall mean the Fish and Wildlife Conservation Commission." The Office of Tourism, Trade, and Economic Development appears only once in the bill (page 6, lines 144-149) in the context of being one of the objectives of the program, establishing "a United States Navy vessel component as a seventh theme for Florida's Maritime Heritage Trail, consistent with the responsibilities of the Florida Commission on Tourism and the Office of Tourism, Trade, and Economic Development under s. 288.1224(11) with respect to nature-based tourism and heritage tourism."

The title of the bill provides for the authorization for the Department of Environmental Protection to adopt rules (page 1, lines 26-27). The bill creates s.370.255, F.S. establishing the Florida Decommissioned Vessel Placement Program (page 6 line 154-165). The bill states "The department is authorized to adopt rules pursuant to ss. 120.536(1) and 120.54, F.S. to address procedures necessary to administer the matching grants provided in this section" (page 7 line 188-190). Section 370.01, F.S. states "Definitions. In construing these statutes, where the context does not clearly indicate otherwise, the word, phrase, or term" shall mean and s. 370(9), F.S. states "Department" shall mean the Department of Environmental Protection"(DEP). As drafted, the bill provides the Department of Environmental Protection rulemaking to administer matching grants program. This provides for an unusual arrangement where DEP establishes rules for a program administered by the FWC.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

The amendment removes everything from the bill after the enacting clause and inserts new language.

The strike-all creates s. 370.25(8), F.S. which authorizes 1) the planning and development of statewide matching grant program that facilitates the securing and placement of United States Maritime Administration (MARAD) and United States Navy decommissioned vessels in Florida waters as artificial reefs, and 2) a pilot program for the preparation and deployment of the U.S.A.F.S. General Hoyt S. Vandenberg in Key West. Both programs are to be administered by the Fish and Wildlife Conservation Commission and their implementation is subject to appropriation.

The objectives in establishing the programs are:

- To assist in reducing the pressures on natural coral reefs in state and federal waters seaward of the state and increasing the opportunities for recreational diving and fishing.
- To provide a mechanism through which local counties and municipalities that are permitted to place vessels in state and federal waters seaward of the state as artificial reefs can apply for and receive state matching grants.
- To provide state funds that would be matched with local funds, federal funds, and funds from local businesses.
- To establish criteria to determine eligibility for state matching funds.
- To assist local counties and municipalities with the donation and transfer application for decommissioned vessels.
- To develop a master plan for the purposes of maximizing the number and type of vessels to be placed in state and federal waters seaward of the state that provides for the location of vessels in the most geographically effective and beneficial manner.
- To establish and promote standards for the placement of decommissioned vessels in state and federal waters seaward of the state, consistent with current federal environmental standards
- To provide for and receive interagency comments from the agencies responsible for the permitting of artificial reefs and the Florida Department of Environmental Protection, allowing for a review period consistent with MARAD and United States Navy application deadlines.
- To establish a United States Military vessel component as the seventh theme for Florida's Maritime Heritage Trail, to promote Florida's nature-based tourism and heritage tourism.
- To provide for title of decommissioned vessels to be transferred to the state.

The strike-all creates s. 370.255, F.S. and authorizes the FWC to establish the Florida Ships-2-Reefs Program, a matching grant program for the securing and placing United States Maritime Administration (MARAD) and United States Navy decommissioned vessels in Florida waters to serve as artificial reefs. The strike-all authorizes the FWC to make expenditures and enter into contracts with local governments and nonprofit corporations for the purpose of securing and placing MARAD and United States Navy decommissioned vessels as artificial reefs in state and federal waters seaward of the state. FWC is authorized to make expenditures and enter into contracts with local governments and nonprofit corporations for the purpose of securing, environmental preparation and cleaning, and placing federally decommissioned vessels pursuant to s. 370.25(8), F.S. The bill provides FWC authority for final approval of grants awarded through this program.

The strike-all limits the state matching grant amount to 33 percent of the total cost of securing, environmental preparation and cleaning, and the placing of the decommissioned vessel.

The strike-all authorizes the FWC to receive requests for matching funds; approve requests for matching funds; and allocate matching funds to local governments or nonprofit corporations.

The strike-all provides FWC authority to adopt rules pursuant to ss. 120.536(1) and 120.54, F.S., to address procedures necessary to administer the matching grants program. In order to demonstrate that a local government or nonprofit corporation meets the required criteria of the program and is eligible to receive funds, the bill requires a local government or nonprofit corporation to submit formal documents which demonstrate non-state matching funds are available for securing and placing the vessel prior to submission of a grant application.

The strike-all requires the commission to establish a pilot program to fund the preparation and deployment of the U.S.A.F.S. General Hoyt S. Vandenberg and by January 1, 2008, and each year thereafter, provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives an annual report on the success and outcomes achieved by the pilot program, with a recommendation as to whether the pilot program should be continued, terminated, or expanded. The commission shall also report on the procedures developed and used for the proper preparation and deployment of the U.S.A.F.S. General Hoyt S. Vandenberg.

The strike-all requires FWC to report annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives, beginning January 1, 2008 and each year thereafter, on the successes and outcomes achieved by the pilot program (preparation and deployment of the U.S.S. General Hoyt S. Vandenberg). The report is to provide recommendations as to whether the pilot program should be continued, terminated, or expanded. The commission is also required to report on the procedures developed and used for the proper preparation and deployment of the U.S.S. General Hoyt S. Vandenberg.

To the extent a specific appropriation is made available, FWC may fund a portion of the preparation and deployment costs of the U.S.A.F.S. General Hoyt S. Vandenberg. FWC is required to develop procedures for conducting the pilot program, including, but not limited to, procedures for determining eligibility, providing payment, ensuring that payment is limited solely to the costs of preparing and deploying the vessel, and ensuring that payments are made to eligible persons or local governments.

The strike-all requires FWC to examine and use, to the extent possible, other available options for funding the cost of the preparation and deployment of the U.S.S. General Hoyt S. Vandenberg, including the use of funds raised by private agencies or persons.

The strike-all requires FWC to report annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives, beginning January 1, 2008 and each thereafter, a detail of the expenditure of the funds appropriated to Ships to Reefs program and the U.S.A.F.S. General Hoyt S. Vandenberg pilot program.