

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

29 of a specified vessel in state waters; providing for
30 reports; providing requirements with respect to funds
31 provided under the pilot program; providing procedures and
32 requirements with respect to the pilot program; providing
33 for a report; providing an appropriation; providing for
34 carryover of funds; providing an effective date.

35
36 WHEREAS, in the past, the United States Navy has used
37 unneeded ships as targets for military exercises known as
38 sinking exercises, and

39 WHEREAS, now the Navy has devised an alternative means of
40 disposing of obsolete Navy vessels that allows the vessels to
41 serve in a productive capacity for hundreds of years past their
42 intended use, and

43 WHEREAS, the National Defense Authorization Act for Fiscal
44 Year 2004 allows appropriate decommissioned ships to be donated
45 for use as artificial reefing, and

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

49 WHEREAS, the measure allows the Navy to accomplish the
50 overall process for the cost-effective donation and transfer of
51 available naval vessels, and

52 WHEREAS, the United States Maritime Administration (MARAD)
53 will coordinate the federal agency solicitation and application
54 for obtaining the vessels for use as artificial reefs, and

55 WHEREAS, the donation and transfer application for all
56 United States Navy and MARAD ships available for use as

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57 | artificial reefs may be submitted only by states, commonwealths,
58 | and territories and possessions of the United States, or
59 | municipal corporations or political subdivisions thereof, and

60 | WHEREAS, the placement in Florida waters of the U.S.S.
61 | Spiegel Grove in 2002 and the U.S.S. Oriskany in 2006 has
62 | already provided a substantial economic benefit to the state and
63 | to communities and businesses in the proximity of the
64 | placements, and

65 | WHEREAS, the U.S.S. General Hoyt S. Vandenberg, a 520-foot
66 | military vessel, is being sought as the next decommissioned
67 | vessel to be deployed as an artificial reef at a currently
68 | permitted site off the coast of Key West, contingent upon funds
69 | being made fully available for the preparation and sinking of
70 | the vessel, and

71 | WHEREAS, Florida already has the Florida Maritime Heritage
72 | Trail, a collection of locations that are open to the public in
73 | Florida and which currently include six themes, those themes
74 | being Coastal Communities, Coastal Environments, Coastal Forts,
75 | Lighthouses, Historic Ports, and Historic Shipwrecks, and

76 | WHEREAS, this act would add a new, seventh theme to the
77 | Maritime Heritage Trail, a United States Navy vessel theme, and

78 | WHEREAS, the program provides a practical option for
79 | disposing of inactive naval vessels in a cost-effective and
80 | environmentally sound manner that can continue to promote
81 | ecotourism associated with recreational diving and fishing in
82 | Florida, NOW, THEREFORE,

83

84 | Be It Enacted by the Legislature of the State of Florida:

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

88 370.25 Artificial reef program; grants and financial and
89 technical assistance to local governments.--

90 (8) The Legislature finds that a statewide matching grant
91 program to secure and place United States Maritime
92 Administration (MARAD) and United States Navy decommissioned
93 vessels in Florida waters as artificial reefs would be of great
94 benefit to Floridians in promoting ecotourism associated with
95 recreational diving and fishing in Florida. The Legislature
96 further finds that a pilot program for the preparation and
97 deployment of the U.S.S. General Hoyt S. Vandenberg in Key West
98 would assist in the appropriate development of procedures for
99 the placement of decommissioned vessels in Florida waters.
100 Therefore, the Legislature hereby authorizes the planning and
101 development of a statewide matching grant program and a pilot
102 program as described in this subsection to be administered by
103 the commission. The programs will be implemented subject to
104 appropriations. The objectives in establishing the programs
105 shall be to:

106 (a) Assist in reducing the pressures on natural coral
107 reefs in Florida waters and increasing the opportunities for
108 recreational diving and fishing.

109 (b) Provide a mechanism through which local counties and
110 municipalities that are permitted to place vessels in Florida
111 waters as artificial reefs can apply for and receive state
112 matching grants for the placement of decommissioned MARAD and

113 United States Navy vessels. Funds may be used for cleaning,
114 preparing, towing, and sinking of such decommissioned vessels.

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

117 (d) Establish criteria to determine eligibility for such
118 state matching funds.

119 (e) Assist local counties and municipalities with the
120 donation and transfer application for United States Navy and
121 MARAD decommissioned vessels available for use as artificial
122 reefs in accordance with MARAD application evaluation criteria.

123 (f) Develop a master plan for the purposes of maximizing
124 the number and type of vessels to be placed in Florida waters
125 that provides for the location of vessels in the most
126 geographically effective and beneficial manner.

127 (g) Establish and promote standards for the placement of
128 MARAD and United States Navy decommissioned vessels in Florida
129 waters, consistent with current environmental standards and the
130 mandate of Section 3516 of the National Defense Authorization
131 Act for Fiscal Year 2004 and the 2006 publication, "National
132 Guidance: Best Management Practices for Preparing Vessels
133 Intended to Create Artificial Reefs," published jointly by the
134 United States Environmental Protection Agency and the United
135 States Maritime Administration, which emphasized minimization of
136 the release of harmful substances into the environment while
137 decommissioned vessels are at anchorage and are undergoing
138 disposal processes.

139 (h) Provide for and receive interagency comments from the
140 agencies responsible for the permitting of artificial reefs and

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141 the Florida Department of Environmental Protection, allowing for
142 a review period consistent with MARAD and United States Navy
143 application deadlines.

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

150 (j) Provide for title of decommissioned vessels to be
151 transferred to the state.

152 Section 2. Section 370.255, Florida Statutes, is created
153 to read:

154 370.255 Florida Decommissioned Vessel Placement Program;
155 matching grant program.--

156 (1) The commission is authorized to establish the Florida
157 Decommissioned Vessel Placement Program, a matching grant
158 program for the securing and placement of United States Maritime
159 Administration (MARAD) and United States Navy decommissioned
160 vessels in Florida waters to serve as artificial reefs and,
161 pursuant thereto, to make expenditures and enter into contracts
162 with local governments and nonprofit corporations for the
163 purpose of securing and placing MARAD and United States Navy
164 decommissioned vessels as artificial reefs in Florida waters
165 pursuant to s. 370.25(8). The commission shall have final
166 approval of grants awarded through this program.

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

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

173 (3) The commission may:

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

176 (b) Approve requests for matching funds; and

177 (c) Allocate matching funds to local governments or
178 nonprofit corporations.

179 (4) To demonstrate that a local government or nonprofit
180 corporation meets the required criteria, the local government or
181 nonprofit corporation must submit formal agreements, written
182 pledges, memorandums of understanding, financing arrangements,
183 or other documents demonstrating that nonstate matching funds
184 are available for securing and placing the vessel prior to
185 submission of an application. Matching grant funds shall be
186 released only upon documentation that the applicant meets all
187 established criteria.

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

191 (6) In accordance with the findings stated in s.
192 370.25(8), the commission shall establish a pilot program to
193 fund the preparation and deployment of the U.S.S. General Hoyt
194 S. Vandenberg in the waters off Key West and shall, by January
195 1, 2008, and each year thereafter, provide to the Governor, the
196 President of the Senate, and the Speaker of the House of

197 Representatives an annual report on the success and outcomes
198 achieved by the pilot program, with a recommendation as to
199 whether the pilot program should be continued, terminated, or
200 expanded. The commission shall also report on the procedures
201 developed and used for the proper preparation and deployment of
202 the U.S.S. General Hoyt S. Vandenberg consistent with the
203 objectives stated in s. 370.25(8).

204 (7) To the extent that funding is made available, the
205 pilot program shall provide funds in the amount of \$2 million to
206 pay for a portion of the cost of the preparation and deployment
207 of the U.S.S. General Hoyt S. Vandenberg in the waters off Key
208 West. Such funds are in addition to any other funds appropriated
209 for this purpose. The commission shall develop procedures for
210 conducting the pilot program, including, but not limited to,
211 procedures for determining eligibility, providing payment,
212 ensuring that payment is limited solely to the costs of
213 preparing and deploying the vessel, and ensuring that payments
214 are made to eligible persons or local governments in the order
215 in which each is determined eligible until the funds are
216 exhausted. The commission shall examine and use, to the extent
217 possible, other available options for funding the cost of the
218 preparation and deployment of the U.S.S. General Hoyt S.
219 Vandenberg, including the use of funds raised by private
220 agencies or persons.

221 (8) No later than January 1, 2008, and each January 1
222 thereafter, the commission shall submit a report to the
223 Governor, the President of the Senate, and the Speaker of the
224 House of Representatives detailing the expenditure of the funds

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225 appropriated to it for the purposes of carrying out the
226 provisions of this section.

227 Section 3. The sum of \$10 million is appropriated for the
228 2007-2008 fiscal year from nonrecurring general revenue to the
229 Marine Resources Conservation Trust Fund. Any unexpended and
230 unencumbered funds remaining at the end of the 2007-2008 fiscal
231 year shall not revert to the General Revenue Fund but shall be
232 carried over and remain available to the Florida Commission on
233 Tourism for the uses and purposes set forth in this act.

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