

1 A bill to be entitled

2 An act relating to the placement of vessels in state or
3 federal waters seaward of the state to form artificial
4 reefs; amending s. 370.25, F.S., relating to the state's
5 artificial reef program; providing legislative findings;
6 authorizing the planning and development of a statewide
7 matching grant program to secure and place United States
8 Maritime Administration and United States Navy
9 decommissioned vessels in specified waters as artificial
10 reefs; authorizing the planning and development of a pilot
11 program for the preparation and deployment of a specified
12 decommissioned vessel in Key West to serve as a model for
13 the development of procedures for the placement of such
14 vessels in specified waters; providing for administration
15 of the programs by the Florida Fish and Wildlife
16 Conservation Commission; providing for implementation of
17 the programs subject to appropriations; providing
18 objectives of the programs; creating s. 370.255, F.S.;
19 providing for the establishment of the Florida Ships-2-
20 Reefs Program and matching grant program by the Florida
21 Fish and Wildlife Conservation Commission; providing the
22 purposes of the program; specifying the percentage of the
23 state matching grant; providing procedures and
24 requirements with respect to the programs; authorizing the
25 Florida Fish and Wildlife Conservation Commission to adopt
26 rules; providing for the establishment of a pilot program
27 to fund the preparation and deployment of a specified
28 vessel in state waters; providing for reports; authorizing

29 provision of funds under the program contingent upon an
30 appropriation; providing requirements of the commission
31 with respect to the development of procedures for
32 conducting the pilot program and the examination and use
33 of other funding options; providing for a report;
34 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.A.F.S. General Hoyt S. Vandenberg, a 520-
66 foot 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 available for the preparation and sinking of the
70 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 military vessel theme,
78 and

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

84

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

86

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

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

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

108 (a) Assist in reducing the pressures on natural coral
109 reefs in state or federal waters seaward of the state and
110 increase the opportunities for recreational diving and fishing.

111 (b) Provide a mechanism through which local counties and
112 municipalities that are permitted to place vessels in state or

113 federal waters seaward of the state as artificial reefs can
114 apply for and receive state matching grants for the placement of
115 decommissioned MARAD and United States Navy vessels. Funds may
116 be used for cleaning, preparing, towing, and sinking of such
117 decommissioned vessels.

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

120 (d) Establish criteria to determine eligibility for such
121 state matching funds.

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

126 (f) Develop a master plan for the purposes of maximizing
127 the number and type of vessels to be placed in state or federal
128 waters seaward of the state that provides for the location of
129 vessels in the most geographically effective and beneficial
130 manner.

131 (g) Establish and promote standards for the placement of
132 MARAD and United States Navy decommissioned vessels in state or
133 federal waters seaward of the state, consistent with current
134 environmental standards and the mandate of Section 3516 of the
135 National Defense Authorization Act for Fiscal Year 2004 and the
136 2006 publication, "National Guidance: Best Management Practices
137 for Preparing Vessels Intended to Create Artificial Reefs,"
138 published jointly by the United States Environmental Protection
139 Agency and the United States Maritime Administration, which
140 emphasized minimization of the release of harmful substances

141 into the environment while decommissioned vessels are at
142 anchorage and are undergoing disposal processes.

143 (h) Provide for and receive interagency comments from the
144 agencies responsible for the permitting of artificial reefs and
145 the Florida Department of Environmental Protection, allowing for
146 a review period consistent with MARAD and United States Navy
147 application deadlines.

148 (i) Establish a United States military vessel component as
149 a seventh theme for Florida's Maritime Heritage Trail to promote
150 Florida's nature-based tourism and heritage tourism.

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

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

155 370.255 Ships-2-Reefs Program; matching grant program.--

156 (1) The commission is authorized to establish the Florida
157 Ships-2-Reefs Program, a matching grant program for the securing
158 and placement of United States Maritime Administration (MARAD)
159 and United States Navy decommissioned vessels in state or
160 federal waters seaward of the state to serve as artificial reefs
161 and, pursuant thereto, to make expenditures and enter into
162 contracts with local governments and nonprofit corporations for
163 the purpose of securing and placing MARAD and United States Navy
164 decommissioned vessels as artificial reefs in state or federal
165 waters seaward of the state pursuant to s. 370.25(8) and
166 performing the environmental preparation and cleaning requisite
167 to the placement of a vessel as an artificial reef, which
168 preparation and cleaning must meet the standards established in

169 the 2006 publication, "National Guidance: Best Management
170 Practices for Preparing Vessels Intended to Create Artificial
171 Reefs," published jointly by the United States Environmental
172 Protection Agency and the United States Maritime Administration.
173 The commission shall have final approval of grants awarded
174 through this program.

175 (2) Each grant awarded under the program shall be matched
176 by nonstate funds. The limit for a state matching grant shall be
177 33 percent of the total cost for securing and placing the
178 decommissioned vessel and performing the requisite environmental
179 preparation and cleaning which meets the standards cited in
180 subsection (1) prior to placement of the vessel.

181 (3) The commission may:

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

184 (b) Approve requests for matching funds; and

185 (c) Allocate matching funds to local governments or
186 nonprofit corporations.

187 (4) To demonstrate that a local government or nonprofit
188 corporation meets the required criteria, the local government or
189 nonprofit corporation must submit formal agreements, written
190 pledges, memorandums of understanding, financing arrangements,
191 or other documents demonstrating that nonstate matching funds
192 are available for securing and placing the vessel prior to
193 submission of an application. Matching grant funds shall be
194 released only upon documentation that meets all the criteria
195 established in rules adopted by the commission pursuant to
196 subsection (5).

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

200 (6) In accordance with the findings stated in s.
201 370.25(8), the commission shall establish a pilot program to
202 fund the preparation and deployment of the U.S.A.F.S. General
203 Hoyt S. Vandenberg in the waters off Key West and shall, by
204 January 1, 2008, and each year thereafter, provide to the
205 Governor, the President of the Senate, and the Speaker of the
206 House of Representatives an annual report on the success and
207 outcomes achieved by the pilot program, with a recommendation as
208 to whether the pilot program should be continued, terminated, or
209 expanded. The commission shall also report on the procedures
210 developed and used for the proper preparation and deployment of
211 the U.S.A.F.S. General Hoyt S. Vandenberg consistent with the
212 objectives stated in s. 370.25(8).

213 (7) Contingent upon a specific appropriation to the
214 commission for the pilot program, the commission may provide
215 funds to pay for a portion of the cost of the preparation and
216 deployment of the U.S.A.F.S. General Hoyt S. Vandenberg in the
217 waters off Key West. The commission shall develop procedures for
218 conducting the pilot program, including, but not limited to,
219 procedures for determining eligibility, providing payment,
220 ensuring that payment is limited solely to the costs of
221 preparing and deploying the vessel, and ensuring that payments
222 are made to eligible persons or local governments in the order
223 in which each is determined eligible until the funds are
224 exhausted. The commission shall examine and use, to the extent

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225 possible, other available options for funding the cost of the
226 preparation and deployment of the U.S.A.F.S. General Hoyt S.
227 Vandenberg, including the use of funds raised by private
228 agencies or persons.

229 (8) No later than January 1, 2008, and each January 1
230 thereafter, the commission shall submit a report to the
231 Governor, the President of the Senate, and the Speaker of the
232 House of Representatives detailing the expenditure of the funds
233 appropriated to it for the purposes of carrying out the
234 provisions of this section.

235 Section 3. This act shall take upon becoming a law.