

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; providing for administration of the program by the  
11 Florida Fish and Wildlife Conservation Commission;  
12 providing for implementation of the program subject to  
13 appropriations; providing objectives of the program;  
14 creating s. 370.255, F.S.; providing for the establishment  
15 of the Florida Ships-2-Reefs Program, a matching grant  
16 program, by the Florida Fish and Wildlife Conservation  
17 Commission; providing the purposes of the program;  
18 specifying the percentage of the state matching grant;  
19 providing procedures and requirements with respect to the  
20 program; authorizing the Florida Fish and Wildlife  
21 Conservation Commission to adopt rules; providing for  
22 reports; authorizing provision of funds under the program  
23 contingent upon an appropriation; providing for a report;  
24 providing an effective date.

25  
26 WHEREAS, in the past, the United States Navy has used  
27 unneeded ships as targets for military exercises known as  
28 sinking exercises, and

29 WHEREAS, now the Navy has devised an alternative means of  
30 disposing of obsolete Navy vessels that allows the vessels to  
31 serve in a productive capacity for hundreds of years past their  
32 intended use, and

33 WHEREAS, the National Defense Authorization Act for Fiscal  
34 Year 2004 allows appropriate decommissioned ships to be donated  
35 for use as artificial reefing, and

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

39 WHEREAS, the measure allows the Navy to accomplish the  
40 overall process for the cost-effective donation and transfer of  
41 available naval vessels, and

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

45 WHEREAS, the donation and transfer application for all  
46 United States Navy and MARAD ships available for use as  
47 artificial reefs may be submitted only by states, commonwealths,  
48 and territories and possessions of the United States, or  
49 municipal corporations or political subdivisions thereof, and

50 WHEREAS, the placement in Florida waters of the U.S.S.  
51 Spiegel Grove in 2002 and the U.S.S. Oriskany in 2006 has  
52 already provided a substantial economic benefit to the state and  
53 to communities and businesses in the proximity of the  
54 placements, and

55 WHEREAS, Florida already has the Florida Maritime Heritage  
56 Trail, a collection of locations that are open to the public in

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57 Florida and which currently include six themes, those themes  
 58 being Coastal Communities, Coastal Environments, Coastal Forts,  
 59 Lighthouses, Historic Ports, and Historic Shipwrecks, and

60 WHEREAS, this act would add a new, seventh theme to the  
 61 Maritime Heritage Trail, a United States military vessel theme,  
 62 and

63 WHEREAS, the program provides a practical option for  
 64 disposing of inactive decommissioned naval vessels in a cost-  
 65 effective and environmentally sound manner that can continue to  
 66 promote ecotourism associated with recreational diving and  
 67 fishing in Florida, NOW, THEREFORE,

68

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

70

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

73 370.25 Artificial reef program; grants and financial and  
 74 technical assistance to local governments.--

75 (8) The Legislature finds that a statewide matching grant  
 76 program to secure and place United States Maritime  
 77 Administration (MARAD) and United States Navy decommissioned  
 78 vessels in state or federal waters seaward of the state as  
 79 artificial reefs would be of great benefit to Floridians in  
 80 promoting ecotourism associated with recreational diving and  
 81 fishing in Florida. Therefore, the Legislature authorizes the  
 82 planning and development of a statewide matching grant program  
 83 as described in this subsection to be administered by the  
 84 commission. The program will be implemented subject to

85 appropriations. The objectives in establishing the program are  
86 to:

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

90 (b) Provide a mechanism through which counties and  
91 municipalities that are permitted to place vessels in state or  
92 federal waters seaward of the state as artificial reefs can  
93 apply for and receive state matching grants for the placement of  
94 decommissioned MARAD and United States Navy vessels. Funds may  
95 be used for cleaning, preparing, towing, and sinking of such  
96 decommissioned vessels.

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

99 (d) Establish criteria to determine eligibility for such  
100 state matching funds.

101 (e) Assist counties and municipalities with the donation  
102 and transfer application for United States Navy and MARAD  
103 decommissioned vessels available for use as artificial reefs in  
104 accordance with MARAD application evaluation criteria.

105 (f) Develop a master plan for the purposes of maximizing  
106 the number and type of vessels to be placed in state or federal  
107 waters seaward of the state that provides for the location of  
108 vessels in the most geographically effective and beneficial  
109 manner.

110 (g) Establish and promote standards for the placement of  
111 MARAD and United States Navy decommissioned vessels in state or  
112 federal waters seaward of the state, consistent with current

113 environmental standards and the mandate of Section 3516 of the  
 114 National Defense Authorization Act for Fiscal Year 2004 and the  
 115 2006 publication, "National Guidance: Best Management Practices  
 116 for Preparing Vessels Intended to Create Artificial Reefs,"  
 117 published jointly by the United States Environmental Protection  
 118 Agency and the United States Maritime Administration, which  
 119 emphasized minimization of the release of harmful substances  
 120 into the environment while decommissioned vessels are at  
 121 anchorage and are undergoing disposal processes.

122 (h) Provide for and receive interagency comments from the  
 123 agencies responsible for the permitting of artificial reefs and  
 124 the Florida Department of Environmental Protection, allowing for  
 125 a review period consistent with MARAD and United States Navy  
 126 application deadlines.

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

130 (j) Provide for title of decommissioned vessels to be  
 131 transferred to the state.

132 Section 2. Section 370.255, Florida Statutes, is created  
 133 to read:

134 370.255 Florida Ships-2-Reefs Program; matching grant  
 135 requirements.--

136 (1) The commission is authorized to establish the Florida  
 137 Ships-2-Reefs Program, a matching grant program, for the  
 138 securing and placement of United States Maritime Administration  
 139 (MARAD) and United States Navy decommissioned vessels in state  
 140 or federal waters seaward of the state to serve as artificial

141 reefs and, pursuant thereto, to make expenditures and enter into  
142 contracts with local governments and nonprofit corporations for  
143 the purpose of securing and placing MARAD and United States Navy  
144 decommissioned vessels as artificial reefs in state or federal  
145 waters seaward of the state pursuant to s. 370.25(8) and  
146 performing the environmental preparation and cleaning requisite  
147 to the placement of a vessel as an artificial reef, which  
148 preparation and cleaning must meet the standards established in  
149 the 2006 publication, "National Guidance: Best Management  
150 Practices for Preparing Vessels Intended to Create Artificial  
151 Reefs," published jointly by the United States Environmental  
152 Protection Agency and the United States Maritime Administration.  
153 The commission shall have final approval of grants awarded  
154 through the program.

155 (2) Each grant awarded under the program shall be matched  
156 by nonstate funds. The limit for a state matching grant shall be  
157 33 percent of the total cost for securing and placing the  
158 decommissioned vessel and performing the requisite environmental  
159 preparation and cleaning which meets the standards cited in  
160 subsection (1) prior to placement of the vessel.

161 (3) The commission may:

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

164 (b) Approve requests for matching funds; and

165 (c) Allocate matching funds to local governments or  
166 nonprofit corporations.

167 (4) To demonstrate that a local government or nonprofit  
168 corporation meets the required criteria, the local government or

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169 nonprofit corporation must submit formal agreements, written  
170 pledges, memorandums of understanding, financing arrangements,  
171 or other documents demonstrating that nonstate matching funds  
172 are available for securing and placing the vessel prior to  
173 submission of an application. Matching grant funds shall be  
174 released only upon documentation that meets all the criteria  
175 established in rules adopted by the commission pursuant to  
176 subsection (5).

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

180 (6) No later than January 1, 2009, and each January 1  
181 thereafter, the commission shall submit a report to the  
182 Governor, the President of the Senate, and the Speaker of the  
183 House of Representatives detailing the expenditure of the funds  
184 appropriated to it for the purposes of carrying out the  
185 provisions of this section.

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