

By Senator Bennett

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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 sinking
28 exercises, and

29 WHEREAS, now the Navy has devised an alternative means of

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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 already
52 provided a substantial economic benefit to the state and to
53 communities and businesses in the proximity of the placements,
54 and

55 WHEREAS, Florida already has the Florida Maritime Heritage
56 Trail, a collection of locations that are open to the public in
57 Florida and which currently include six themes, those themes
58 being Coastal Communities, Coastal Environments, Coastal Forts,

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

86 | (a) Assist in reducing the pressures on natural coral reefs
87 | in state or federal waters seaward of the state and increase the

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88 opportunities for recreational diving and fishing.

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

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

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

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

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

109 (g) Establish and promote standards for the placement of
110 MARAD and United States Navy decommissioned vessels in state or
111 federal waters seaward of the state, consistent with current
112 environmental standards and the mandate of Section 3516 of the
113 National Defense Authorization Act for Fiscal Year 2004 and the
114 2006 publication, "National Guidance: Best Management Practices
115 for Preparing Vessels Intended to Create Artificial Reefs,"
116 published jointly by the United States Environmental Protection

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117 Agency and the United States Maritime Administration, which
118 emphasized minimization of the release of harmful substances into
119 the environment while decommissioned vessels are at anchorage and
120 are undergoing disposal processes.

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

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

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

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

133 370.255 Florida Ships-2-Reefs Program; matching grant
134 requirements.--

135 (1) The commission is authorized to establish the Florida
136 Ships-2-Reefs Program, a matching grant program, for the securing
137 and placement of United States Maritime Administration (MARAD)
138 and United States Navy decommissioned vessels in state or federal
139 waters seaward of the state to serve as artificial reefs and,
140 pursuant thereto, to make expenditures and enter into contracts
141 with local governments and nonprofit corporations for the purpose
142 of securing and placing MARAD and United States Navy
143 decommissioned vessels as artificial reefs in state or federal
144 waters seaward of the state pursuant to s. 370.25(8) and
145 performing the environmental preparation and cleaning requisite

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146 to the placement of a vessel as an artificial reef, which
147 preparation and cleaning must meet the standards established in
148 the 2006 publication, "National Guidance: Best Management
149 Practices for Preparing Vessels Intended to Create Artificial
150 Reefs," published jointly by the United States Environmental
151 Protection Agency and the United States Maritime Administration.
152 The commission shall have final approval of grants awarded
153 through the program.

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

160 (3) The commission may:

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

163 (b) Approve requests for matching funds; and

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

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

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

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

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