

Prior to the signing of HR 1588, the Navy disposed of its non-combatant ships through the U.S. Maritime Administration (MARAD), which is the government's disposal agent for merchant type vessels of 1,500 gross tons or more. MARAD has had statutory authority since 1972 to donate obsolete vessels to states for sinking as artificial reefs. The Naval Sea Systems Command (NAVSEA) has worked with MARAD to develop a common process for the donation of "federal" ships for artificial reefing.¹

The first warship offered for donation by the Navy for sinking as an artificial reef is the ex-Oriskany. The Oriskany, the last Essex-class aircraft carrier in the fleet's inactive ship inventory, served the Navy for more than 25 years during the Korean War and the Vietnam conflict. The ship was decommissioned September 1976.

In anticipation of this program receiving approval through the passage of HR 1588, the Fish and Wildlife Conservation Commission (FWCC) in May 2003 began the process of notifying the federal government of Florida's interest in obtaining the Oriskany for placement as an artificial reef somewhere in Florida. In Florida, local governments hold title to most permitted reef sites. The FWCC holds the permit to two sites off Escambia County. There are only five counties in Florida with sites having active permits that are deep enough to accept the Oriskany – Escambia, Okaloosa, Palm Beach, Broward and Dade.² Ultimately, the FWCC selected Escambia County as the site for the Oriskany if Florida was chosen to receive the ship for sinking as a reef. Besides Florida, the other states that have applied for the Oriskany are Mississippi, Texas and a joint application by Georgia and South Carolina. To date, a decision has not be made by the Navy and MARAD on which state would receive the Oriskany.

The Inactive Ship Program currently has an additional 24 ships available for reefing. The Navy's goal is to move a third of the 24 ships this year.

III. Effect of Proposed Changes:

This bill creates the Great Florida Wreck-reation Diving Trail Act of 2004. The purpose of the act is to promote ecotourism associated with recreational diving and fishing in Florida through the placement of U.S. Maritime Administration (MARAD) and U.S. Navy decommission vessels in Florida waters as artificial reefs.

The bill create the Florida MARAD and U.S. Navy Vessel Placement Commission. The Commission shall be considered the artificial reef coordinator for Florida for purposes of the U.S. Department of Transportation transfer of obsolete MARAD and Navy vessels program. The Commission shall consist of the following five members:

- Three members representing recreational scuba diving in Florida, one of whom shall be appointed by the Speaker of the House of Representatives, one of whom shall be appointed by the President of the Senate, and one of whom shall be appointed by the Governor.

¹ *ex-USS Oriskany to Serve as Artificial Reef*, Navy Newstand, 2/9/004

² Summary Document: Acquiring and Siting the USS Oriskany, Florida Fish and Wildlife Conservation Commission, Division of Marine Fisheries, July 2003.

- Two members representing VISIT Florida, appointed by the Governor.

The Governor shall designate one member of the Commission as its chair. Vacancies in the membership of the Commission shall be filled in the same manner as the original appointments.

The Commission shall review applications from Florida counties and municipalities for placement of MARAD and U.S. Navy decommissioned vessels in Florida waters as artificial reefs. The Commission shall receive donation transfer applications for such vessels and, using the MARAD application evaluation criteria, as amended, shall recommend to the Governor sites within the state for placement of such vessels. The Commission shall develop a master site plan for the purposes of maximizing the number and type of vessels for placement in Florida waters. Criteria shall include placement of vessels in a geographically dispersed manner.

VISIT Florida shall provide administrative support the Commission.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The sinking of these obsolete Navy vessels as artificial reefs will increase and enhance the diving and saltwater fishing opportunities in Florida. As a result, it is expected that this will attract more visitors to Florida who dive and fish. The economic impact cannot be quantified at this time, but it could be substantial.

C. Government Sector Impact:

The local governments who may receive these vessels for sinking in waters off their coasts would incur costs in the form of matching funds to help defray the costs of towing and sinking. The Navy is responsible for the costs associated with cleaning the vessels and making them environmentally safe. The local governments contributions are a factor that is considered by MARAD and Navy for locating the ships. This would demonstrate

that the local governments have an active interest in the program. The benefits would come from increased tourism and the revenue it generates.

VI. Technical Deficiencies:

None.

VII. Related Issues:

As defined in s. 20.(10), F.S., a commission, unless otherwise required by the State Constitution, is defined as a body created by specific statutory enactment within a department, the office of the Governor, or the Executive Office of the Governor and exercising limited quasi-legislative or quasi-judicial powers, or both, independently of the head of the department or the Governor. This bill creates the Florida MARAD and U.S. Navy Vessel Placement Commission, but it is not assigned to a department, the Governor or the Executive Office of the Governor.

Staff for the Commission is to be provided by VISIT Florida. VISIT Florida is the official Tourism Industry Marketing Corporation for the state. It is created pursuant to s. 288.1226, F.S., and is a direct support organization for the Florida Commission on Tourism. The Florida Commission on Tourism, in turn, is created within the Office of Tourism, Trade, and Economic Development in the Governor's Office. (s. 288.1223, F.S.)

There is no provision in the bill for the Commission members terms of office and no provision is made regarding meetings of the Commission. Further, there is no provision in the bill regarding funding for the Commission or whether members would be entitled to reimbursement for any travel or other expenses incurred.

VIII. Amendments:

#1 by Natural Resources:

Provides that the activities of the Commission will be funded through private donations. (WITH TITLE AMENDMENT)

#2 by Natural Resources:

Provides that the Commission shall expire on December 31, 2006, unless reenacted by the Legislature. (WITH TITLE AMENDMENT)