

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: General Government Appropriations Committee

BILL: CS/CS/SB 1670

SPONSOR: General Government Appropriations Committee, Environmental Preservation Committee, Senators Dockery and Pruitt

SUBJECT: Oceans and Coastal Conservation Act

DATE: April 21, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kiger</u>	<u>Kiger</u>	<u>EP</u>	<u>Fav/CS</u>
2.	<u>Wilson</u>	<u>Wilson</u>	<u>GO</u>	<u>Favorable</u>
3.	<u>DeLoach</u>	<u>Hayes</u>	<u>GA</u>	<u>Fav/CS</u>
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The Committee Substitute for Committee Substitute for Senate Bill 1670 creates part IV, of chapter 161, F.S., to be entitled the Florida Oceans and Coastal Resources Conservation and Management Act. Specific provisions contained in the bill would:

- Create the Florida Oceans and Coastal Council (council) within the Department of Environmental Protection comprised of 18 members and three ex-officio members;
- Direct the council to review and compile existing and ongoing ocean and coastal research and monitor activities relevant to the state of Florida;
- Require the council to develop a library to serve as a repository of information for use by those involved in ocean and coastal research;
- Direct the council to complete a Florida Oceans and Coastal Scientific Research Plan with specified objectives by January 15, 2006, to be used by the Legislature in making funding decisions;
- Require the council to prepare a comprehensive oceans and coastal resource assessment to serve as a baseline of information for the research plan by December 1, 2006; and
- Provide a pilot project to demonstrate the feasibility of collaborative research efforts to evaluate the potential for inland, recirculating, and aquaculture technology to produce marine species and to implement new marine stock enhancement initiatives.

The bill creates Part IV, Chapter 161 (ss. 161.70 thru 161.76), Florida Statutes.

II. Present Situation:

Florida Governor's Ocean Committee

In January 1998, Governor Lawton Chiles created the Florida Governor's Ocean Committee (FGOC) by Executive Order (98-13). The FGOC was charged to:

- Establish goals and recommend ocean policies and strategies for the public benefit and promote their efficient implementation. Such policies and strategies shall include but not be limited to: identifying ocean resource management opportunities and conflicts; developing policies and strategies that address these identified conflicts in a comprehensive and coordinated manner; providing for increased public awareness of ocean issues; and improving coordination and eliminating duplication among governments, agencies, task forces and organizations that implement ocean policy.

The FGOC submitted its final report, entitled "Florida's Ocean Strategies," to the Governor in June 1999. The Report made recommendations in three general areas.¹

Research

- Expand and coordinate coastal and marine research.
- Identify research priorities.
- Implement long-term monitoring and assessment programs.
- Enhance data exchange and integration.

Management

- Create intergovernmental and public/private partnerships.
- Use management tools which minimize conflicts.
- Develop policies that address international issues such as tourism, trans-shipment, and pollution.
- Address the adequacy of water quality standards.
- Explore the use of various fisheries management tools.
- Encourage innovative techniques for habitat protection and restoration.
- Promote greater protection of highly migratory pelagic species, marine mammals, sea turtles, and sea birds.
- Continue implementation of best management practices for aquaculture.
- Enhance marine law enforcement.

Public awareness

- Develop an ocean outreach program to educate tourists, residents, decision-makers, students, educators, and the media on the importance of ocean resources.
- Provide more support for volunteer research and conservation programs involving students and the general public.

¹ <http://www.dep.state.fl.us/cmp/programs/pdf/fgocfinal.pdf>

- Partner with private industry to conduct ocean resource related classes, field trips, and other educational opportunities for students and the general public, as well as marine industry employees.

No action was taken in response to the Report.

Florida Oceans Alliance

The Florida Ocean Alliance was formed in late 1999 and evolved from those members participating in the FGOC. The Florida Oceans Alliance is a nonpartisan organization that brings together government, academic, and private sectors in Florida to protect and enhance Florida's coastal and ocean resources for continued social and economic benefits. The Alliance seeks to position Florida in an international leadership role to integrate ocean conservation, education, and responsible economic development. Its members represent both the private and public sector. Private sector members include representatives from ocean-related industries in tourism, ports, shipping, and cruising. Public members include representatives from federal and state governmental agencies, nonprofit research organizations, academia, and public interest groups. The Alliance serves as a clearinghouse for information on key ocean and coastal issues facing Florida. It monitors and publicizes actions related to the oceans and coasts. The Alliance focuses on outreach and educational activities for the public and policymakers, including conferences, papers on ocean and coastal policies, economic studies, and testimony to national or state agencies and commissions concerned with ocean or coastal policy.²

Governor's Oceans Initiative and Gulf of Mexico Alliance

In April of 2004, Governor Bush launched two efforts to improve Florida's management of its ocean resources and of the Gulf of Mexico: the Oceans Initiative and the Gulf of Mexico Alliance.³

Oceans Initiative

The Oceans Initiative has been undertaken to strengthen ocean and coastal management in Florida through sound science. This initiative was funded by a \$1 million appropriation in 2004-05 for the Coastal and Aquatic Managed Areas Office of the Department of Environmental Protection (DEP). The Initiative is organized into four themes:

- Closing the Science Gap to Improve Environmental Management;
- Establishing Partnerships to Enhance Recreation, Ecotourism and Commerce;
- Conserving and Restoring Critical Ocean Habitats; and
- Enhancing Stewardship Through Education.

² <http://www.floridaoceanalliance.org/documents/one-pager-ocean.pdf>

³ "Oceans Initiative and Gulf of Mexico Alliance Update and Assessment," Memorandum of the Department of Environmental Protection, dated December 6, 2005.

The Coastal and Aquatic Managed Areas Office has engaged numerous government agencies, research institutions, and the private sector in partnership to strengthen Florida's ocean management. An update of the activities under each theme follows.

Closing the Science Gap to Improve Environmental Management

- In November 2004, the DEP and the Fish and Wildlife Conservation Commission (FWCC) co-hosted a workshop of Florida ocean scientists and resource managers from around the state to agree on a process through which managers and scientists could develop ocean research priorities. Progress was made at the workshop to have these communities agree on such a decision-making framework and process.
- The DEP has spent over \$100,000 to purchase water quality observing equipment to expand the water quality network in Florida's Aquatic Preserves. With this equipment, the state will be able to detect long-term trends and address concerns before they become full-blown crises.

Establishing Partnerships to Enhance Recreation, Ecotourism and Commerce

- The DEP's Office of Greenways and Trails has begun a three-year project to complete the Florida Saltwater Circumnavigation Paddling Trail, and has hired a full time OPS staff person to oversee this effort. He is coordinating with local community efforts in the development of the trail. The trail will enhance citizens and visitors experience of coastal waters.
- The FWCC has also been holding workshops around the state to receive input from Floridians on the future of Florida's fisheries. The goal is to develop a strategy that maintains healthy and environmentally sound fisheries amidst increased development and growth.
- The DEP intends to sign a memorandum of agreement with Boat US and the National Oceanic and Atmospheric Administration (NOAA) to establish a partnership to educate recreational boaters concerning minimizing boating impacts to marine resources. This private/public partnership will teach hundreds of thousands of Florida boaters to avoid coral reefs, seagrass beds and other ocean habitats.

Conserving and Restoring Critical Ocean Habitats

- To improve management of coral reefs, the DEP has entered into a memorandum of agreement with Australia's Great Barrier Reef Marine Park Authority and the NOAA to work together to study the concept of coral reef resilience to determine what management strategies can be taken to ensure that coral reefs are as resilient as they can be amidst growing development and use. Under this agreement, the three parties are to design research projects, exchange information about management successes and shortcomings, develop shared products, and increase capacity within their respective regions.

- With funding from the Oceans Initiative, the FWCC is completing Florida's base-line seagrass map. After this project is complete, Florida will have for the first time an up-to-date baseline map of seagrasses in Florida waters. Money from the Oceans Initiative is also funding three seagrass restoration projects, one in Pensacola and two in the Florida Keys.
- Beach closings are on the rise in Florida; but for almost half of the closings, the source of the bacteria is unknown. The Florida Department of Health (DOH) is undertaking a bacterial source study to determine what is causing the beach closings at Mashers Sands near Alligator Point. With this study, the DOH will be able to determine the sources of bacteria at Mashers Sands, so the problem can be addressed.
- The DEP, in partnership with the Coastal States Organization, is chairing a working group on Coastal Habitat Restoration and Conservation. This Working Group is made up of representatives of many state agencies from around the country. The purpose is to ensure that federal restoration and land acquisition programs meet the needs of the states. By undertaking this effort, the states will be able to leverage more federal dollars to support work to conserve and restore critical coastal and ocean habitats.

Enhancing Stewardship Through Education

- The DEP's Office of Environmental Education initiated the LIFE program: Learning in Florida's Environment. The initial program was conducted with the Franklin County School System. The LIFE program incorporates the Sunshine State Science Standards in a curriculum which incorporates both classroom work and a field component. The field component was conducted by the teachers and staff at DEP's Apalachicola National Estuarine Research Reserve (NERR). The Office of Environmental Education is in the process of expanding the program to the Guana NERR in St. Augustine and some of the state parks.
- Next steps for the Oceans Initiative include reassessing the Total Maximum Daily Load (TMDL) program to ensure it is adequately considering the coastal waters, undertaking a study to investigate options for potentially removing the ocean outfalls near the coral reefs of southeast Florida, installing mooring buoys in the state parks in the Keys to protect the critical marine habitats of our parks, and possibly undertaking a thorough assessment of the marine habitats of Florida to determine whether we are adequately protecting the full range of ocean habitats in Florida.

Gulf of Mexico Alliance

In April 2004, Governor Bush wrote to the governors of the other four Gulf states to invite them to participate in a state-led effort to improve management of the Gulf of Mexico. The DEP has had very productive discussions with the other four states. The states agreed that the initial focus of a stronger alliance between the states should focus on protecting public health, specifically to address closing of beaches and shellfish beds.

Currently, the NOAA is developing regional ocean observing systems. The DEP is recommending that the Gulf governors need to request that these systems address the critical

needs of the states. These systems should incorporate a real-time alert system for the closure of beaches and shellfish beds. Such a system would provide protection for human health and ensure that beaches and shellfish beds are closed for the minimum amount of time necessary. The ocean observing systems should also include the development of the infrastructure for a bacterial source rapid detection system that would provide the states information concerning what is causing the closings so that the problems causing the contamination can be addressed.

Over the next year, the states would work together to identify and design goals and priorities for future action of the Gulf Alliance.

In September 2004 the U.S. Commission on Ocean Policy issued its final report. The report which was initiated in 2001 represents a multi-disciplinary effort to provide prospective on the current state of our oceans and what we may need to do in the future to protect this resource. An overall message contained in the 200 plus recommendations was provided by James D. Watkins (USN Adm. Ret.), Chairman of the Commission, "...we need to act now to reverse distressed declines if this and future generations are to continue enjoying the many benefits we derive from our oceans and coasts."

According to the report, the problems faced are not only a coastal issue but have a major impact on the nation's economy as a whole. While coastal counties account for only 17 percent of the land area they are home to more than 53 percent of the nation's total population. The report goes on to say that based on 2000 estimates, ocean related activities such as fishing and tourism directly contribute more than \$117 billion and 2 million jobs, with related economic impact accounting for a total in excess of \$1 trillion. Aside from the economic benefits, an estimated 118 million people head to the beach each summer.

The commission which provided this report was mandated by the Oceans Act of 2000 (Public Law 106-256). The 16 member panel, appointed by the President, was created to establish findings and make recommendations to the president and Congress for a coordinated and comprehensive national ocean policy. Key to the some 212 recommendations of the commission was a direction that we move to an eco-educational program to instill stronger stewardship ideals.

To help ensure the involvement of the states the commission recommends the creation of a President's Council of Advisors on Ocean Policy, to be comprised of nonfederal representatives from state, territorial, tribal, and local governments. The council would also include academic, public interest and private sector organizations.

A draft report from the commission was released in early 2004. Comments were received from 37 states, including Florida. In general, the states agreed that better coordination was needed; however, the how to implement was a debatable issue. In summary, the states were concerned over new bureaucracy or more mandates.

In summary, some of the recommendations important to the states include:

- Formal and informal education outreach efforts;
- Creation of regional councils to help coordinate;

- Improved management of coastal areas, including coastal watersheds;
- Development of prioritized plans for upgrading wastewater and drinking water infrastructure;
- Improved coordination of national monitoring networks and creation of useful products based on the data provided;
- Improved response and handling of marine invasive species;
- Prevention of marine debris;
- Management of fish stocks and development of sustainable aquaculture operations;
- Protection of corals and coral reefs;
- Development of a coordinated offshore management regime; and
- Participation in the management of renewable and nonrenewable ocean energy sources.

III. Effect of Proposed Changes:

The bill creates a new Part IV of Chapter 161, Florida Statutes (Sections 161.70 thru 161.76, F.S.) to be entitled the “Oceans and Coastal Resources Management Act.” Included in the creation of this new part are: Definitions; Findings and Intent; Composition; Responsibilities; and Rulemaking.

Section 161.71 Definitions

The bill establishes definitions for the following terms: Commission (Fish and Wildlife Conservation Commission); Council (Florida Oceans and Coastal Council); Department (Department of Environmental Protection); Executive Director; Oceans (those waters extending to the state’s jurisdictional boundary and those federal waters in which we may have an interest); and Secretary.

Section 161.72 Findings and Intent

This bill establishes the following findings regarding the relationship of oceans to the state.

- The oceans and coastal resources of the United States are of national importance.
- The U.S. Commission on Ocean Policy has made 212 recommendations and the President has responded with an Ocean Action Plan to better protect and preserve our oceans.
- Florida’s oceans and coastal resources contribute significantly to the state economy and are the habitats that support endangered and threatened species and extraordinary marine biodiversity.
- The Southeast coral reefs and the barrier reef of the Florida Keys are a national treasure and must continue to be protected.
- Florida’s responsibility to be a national leader on oceans and coastal protection and to ensure the productivity and health of our oceans and coastal resources.
- The protection of the biodiversity of oceans and coastal resources through restoration, rehabilitation, and maintenance efforts.
- The protection of our beaches and seafood to ensure public health.
- Additional protections for migratory marine species, such as turtles.
- Increased opportunities for nature-based recreation.

- Encourage and support the development of creative public-private partnerships, pursue opportunities to leverage funds, and work in coordination with federal agencies and programs to maximize opportunities for the state's receipt of federal funds.

Section 161.73 Composition

The Florida Oceans and Coastal Council is to be created within the Department of Environmental Protection and shall consist of 18 members. The Secretary of the Department of Environmental Protection, Commissioner of the Department of Agriculture and Consumer Services and the Executive Director of the Fish and Wildlife Commission shall serve as ex-officio members of the council.

Five members to be appointed by the Secretary to be comprised of one scientist specializing in each of the following fields: wetlands or watersheds; near shore waters or estuaries; offshore waters or open oceans; hydrology and aquatic systems; and coastal geology or coastal erosion and shorelines. Five members appointed by the Executive Director shall be comprised of one scientist specializing in each of the following fields: resource management wildlife habitat management; fishery habitat management; coastal and pelagic birdlife; and marine biotechnology. Five members appointed by the Commissioner to be selected from a list of at least eight individuals submitted by the Florida Ocean Alliance with the following disciplines or groups: sportsfishing; ports; cruise industry; energy industry; ecotourism; private marine research institutes; universities; aquaculture; maritime law, commercial fisheries; socioeconomics; marine science education; and environmental groups.

Appointments made by the Secretary and Executive Director shall serve four-year terms each, and appointments made by the Commissioner shall be terms of two years. Members serve without compensation but are entitled to reimbursement of travel and per diem expenses.

Section 161.74 Responsibilities

This section directs the council to undertake a research review for the purposes of compiling the existing, ongoing and planned ocean and coastal research and monitoring activities relevant to the state. In addition, the materials obtained through this review are to be compiled into a library and an index developed for use by those involved in ocean and coastal research.

This section also provides that by January 15, 2006 the council must complete a "Florida Oceans and Coastal Scientific Research Plan." The plan shall recommend priorities for research projects to be used by the Legislature in making funding decisions. Annual updates to the plan must be submitted by February 1 of each year. The research projects contained in the plan must meet at least one of the following objectives.

- Exploring opportunities to improve coastal ecosystem functioning and health through watershed approaches to managing freshwater and improving water quality.
- Evaluating current habitat conservation, restoration and maintenance programs and recommending improvements in the areas of research, monitoring and assessment.

- Promoting marine biomedical or biotechnology research and product discovery and development to enhance Florida's opportunity to maximize the beneficial uses of marine-derived bioproducts, and reduce negative health impacts of marine organisms.
- Creating consensus and strategies on how Florida can contribute to sustainable management of ocean wildlife and habitat.
- Documenting through examination of existing and new research the impact of marine and coastal debris and current best practices to reduce debris.
- Methods to achieve sustainable fisheries through better science, governance, stock enhancements and consideration of habitat and secondary impacts such as by-catch.
- Documenting gaps in current protection strategies for marine mammals.
- Promoting research and new methods to preserve and restore coral reefs and other coral communities.
- Achieving sustainable marine aquaculture.
- Reviewing existing and ongoing studies on preventing and responding to the spread of invasive and nonnative marine and estuarine species.
- Exploring ocean-based renewable energy technologies and climate change-related impacts to Florida's coastal area.
- Enhancing science education opportunities such as virtual marine technology centers.
- Sustaining abundant birdlife and encouraging the recreational and economic benefits associated with ocean and coastal wildlife observation and photography.
- Developing a statewide analysis of the economic value associated with ocean and coastal resources, developing economic baseline data, methodologies, and consistent measures of oceans and coastal resource economic activity and value, and developing reports that educate Floridians, the National Ocean Policy Commission, local, state and federal agencies and others on the importance of ocean and coastal resources.

In addition to the research review and scientific plan the council is directed to undertake a resource assessment by December 1, 2006. The assessment is to be done for the purposes of developing baseline information for use in developing future scientific research plans. Elements to be addressed in the assessment include: patterns of use; natural resource features; the location of current and proposed monitoring infrastructure; transit patterns; and socioeconomic trends impacting oceans and coastal economies.

Finally, a chapter law provision creates a pilot project to demonstrate the feasibility of collaborative research efforts to evaluate the potential for inland, recirculating, and aquaculture technology to produce marine species and to implement new marine stock enhancement initiatives. Results of the pilot research project are to be provided to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2007.

Section 161.75 Rulemaking authority

The bill provides rulemaking authority to the department and commission to allow for the implementation of this act.

Section 161.76 Preservation of authority

This section provides that nothing within this act shall restrict or limit the current authority granted to the department, commission or any other state entities participating in this initiative.

The bill provides that it shall take effect upon becoming law.

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:

None.

C. Government Sector Impact:

Existing budget resources could be used by the Department of Environmental Protection, Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services to implement the administrative requirements in the bill. In addition, the Senate budget provides \$500,000 in non-recurring general revenue for the Oceans Initiative and could be used to implement the provisions of this bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
