

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1135 Florida Red Tide Mitigation and Technology Development Initiative
SPONSOR(S): Grant, M. and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 1552

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee		Melkun	Shugar
2) Agriculture & Natural Resources Appropriations Subcommittee			
3) State Affairs Committee			

SUMMARY ANALYSIS

A red tide is a higher-than-normal concentration of a microscopic alga (plantlike organism). Florida red tide blooms typically develop 10 to 40 miles offshore and occur in the Gulf of Mexico almost every year, generally in late summer or early fall. Florida red tide blooms produce toxic chemicals that affect both marine organisms and humans, which can greatly affect Florida's economy. Coastal communities that rely on tourism lose millions of dollars when dead fish wash up on beaches or beachgoers experience eye and respiratory irritation, and shellfish-harvesting businesses lose income when shellfish beds are closed.

The Mote Marine Laboratory & Aquarium (Mote) and the Fish and Wildlife Research Institute (FWRI) within the Florida Fish and Wildlife Conservation Commission (FWC), work together in the Mote-FWRI Cooperative Red Tide Program (program), which helps to mitigate the adverse impacts of Florida red tide along the Florida Gulf coast. The program strives to: protect public health, the economy, and living natural resources through increased education and outreach; mitigate the effects of red tide by monitoring and tracking alga; support bloom modeling and forecast efforts by providing information on the environmental factors that influence alga; and investigate the presence of toxins in recreationally harvested shellfish.

The bill creates s. 379.2273, F.S., to establish the Florida Red Tide Mitigation and Technology Development Initiative (Initiative) and the Initiative Technology Advisory Council (TAC). The bill states that the Initiative is a partnership between FWRI and Mote with a goal is to develop, test, and implement innovative, effective, and environmentally sustainable technologies and approaches for controlling and mitigating the impacts of red tide.

The bill directs Mote to use funds to facilitate additional engagement with other pertinent organizations and further clarifies that the Initiative must leverage funds with additional funds from private and federal sources.

The bill requires the Initiative to submit a report containing an overview of accomplishments and priorities for to the Governor, the Legislature, the Department of Environmental Protection, and the FWC beginning on January 15, 2021, and each January 15 thereafter.

The bill also creates the TAC and directs the TAC members to meet at least twice per year. The TAC must consist of representatives from Mote, a private commercial enterprise, a public or private university, a non-university public or private marine environmental organization, the Department of Environmental Protection, and FWRI. The bill specifies that TAC members serve staggered two year terms without compensation and that they may be reappointed. The bill provides that the TAC expires June 30, 2025.

The bill provides an annual appropriation of \$3 million from the General Fund to FWC for Mote for fiscal years 2019-2020 to 2024-2025.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Red Tide

A red tide, or harmful algal bloom, is a higher-than-normal concentration of a microscopic alga (plantlike organism). In Florida and the Gulf of Mexico, the species that causes most red tides is *Karenia brevis*, often abbreviated as *K. brevis*. To distinguish *K. brevis* blooms from red tides caused by other species of algae, researchers in Florida call the former the “Florida red tide.”¹

Florida red tide blooms typically develop 10 to 40 miles offshore and occur in the Gulf of Mexico almost every year, generally in late summer or early fall. Blooms are most common off the central and southwestern coasts of Florida between Clearwater and Sanibel Island but may occur anywhere in the Gulf. Most blooms last three to five months and affect hundreds of square miles, but they can continue sporadically for as long as 18 months, affecting thousands of square miles.² The duration of a bloom depends on physical and biological conditions that influence the growth and persistence of *K. brevis*, including sunlight, nutrient availability, salinity, and the speed and direction of wind and water currents. Although the occurrence of a bloom cannot be predicted, scientists can forecast its movement using wind and water current data once the bloom is located.³

Blooms develop in four stages. First, a *K. brevis* population accumulates and moves into an area. Then, the population steadily increases and may, within a few weeks, become concentrated enough to start affecting wildlife. In the third stage, maintenance, wind and currents control the bloom’s movement. If the bloom moves inshore, nutrient runoff from land may promote bloom expansion. Lastly, the bloom will dissipate by winds and currents dispersing the cells and introducing new water masses that reduce the concentration of *K. brevis* cells or moving the bloom to a different area.⁴

Florida red tide blooms can also produce toxic chemicals that affect both marine organisms and humans. *K. brevis* produces toxins that can affect the central nervous system of fish and other vertebrates, causing these animals to die. Wave action can also break open *K. brevis* cells and release these toxins into the air, leading to respiratory irritation. For people with severe or chronic respiratory conditions, such as emphysema or asthma, red tide can cause serious illness. The toxins can also accumulate in filter-feeders such as oysters and clams, which can lead to Neurotoxic Shellfish Poisoning⁵ in people who consume contaminated shellfish.⁶

Florida red tide blooms also affect Florida’s economy. Coastal communities that rely on tourism lose millions of dollars when dead fish wash up on beaches or beachgoers experience eye and respiratory irritation, and shellfish-harvesting businesses lose income when shellfish beds are closed. A study of three blooms that occurred in the 1970s and 1980s estimated losses from each to be between \$15 and

¹ Florida Fish and Wildlife Conservation Commission (FWC), *Red Tide FAQ*, available at <https://myfwc.com/research/redtide/faq/> (last visited Mar. 13, 2019).

² FWC, *About Florida Red Tides*, available at <https://myfwc.com/research/redtide/general/about/> (last visited Mar. 13, 2019).

³ FWC, *Red Tide FAQ*, available at <https://myfwc.com/research/redtide/faq/> (last visited Mar. 13, 2019).

⁴ FWC, *About Florida Red Tides*, available at <https://myfwc.com/research/redtide/general/about/> (last visited Mar. 13, 2019).

⁵ Neurotoxic shellfish poisoning (NSP) is caused by a marine toxin called brevetoxin which is present in contaminated shellfish; see Florida Department of Health, *Shellfish Poisonings*, available at <http://www.floridahealth.gov/environmental-health/aquatic-toxins/shellfish-poisoning.html> (last visited Mar. 13, 2019).

⁶ FWC, *About Florida Red Tides*, available at <https://myfwc.com/research/redtide/general/about/> (last visited Mar. 13, 2019).

\$25 million.⁷ Currently, there is no practical and acceptable way to control or kill Florida red tide blooms.⁸

Fish and Wildlife Research Institute

In 2004, the Legislature approved an agency-wide reorganization of the Florida Fish and Wildlife Conservation Commission (FWC) that integrated parts of the Division of Wildlife, Division of Freshwater Fisheries, and the Florida Marine Research Institute to create the Fish and Wildlife Research Institute (FWRI). FWRI provides the scientific foundation for management of Florida's fish and wildlife resources and is organized into five broad, interrelated science sections: marine fisheries research, freshwater fisheries research, ecosystem assessment and restoration, wildlife research, and information science and management. These programs are funded from user fees⁹, grants, state general revenue, and specialty license plates. The FWRI's annual operating budget of approximately \$50 million supports about 300 research projects.¹⁰

FWRI is a national leader in Florida red tide research and response and maintains a number of programs that contribute to Florida red tide monitoring including the Fish Kill Hotline¹¹, the Wildlife Alert Hotline¹², Shellfish Harvesting Closures¹³, and the Red Offshore Monitoring Program¹⁴.

Mote Marine Laboratory

Mote Marine Laboratory & Aquarium (Mote) is an independent, nonprofit marine research organization based in Sarasota focused on research and education. Originally focused on sharks, Mote has expanded research to include studies of human cancer using marine models, the effects of man-made and natural toxins on humans and on the environment, the health of wild fisheries, developing sustainable and successful fish restocking techniques and food production technologies, and the development of ocean technology.¹⁵ Mote utilizes a variety of funding from agencies including the United State Environmental Protection Agency, the National Oceanic and Atmospheric Administration, the state of Florida¹⁶, the Southwest and South Florida Water Management Districts, the Tampa Bay Estuary Program, the Sarasota Bay Estuary Program, the Charlotte Harbor National Estuary Program, the Florida Department of Environmental Protection, the Florida Department of Health, FWC¹⁷, as well as local counties and cities.¹⁸

⁷ *Id.*

⁸ FWC, *Red Tide FAQ*, available at <https://myfwc.com/research/redtide/faq/> (last visited Mar. 20, 2019).

⁹ User fees include charges from items such as hunting and fishing licenses.

¹⁰ FWC, *Fish and Wildlife Research Institute*, available at <https://myfwc.com/about/inside-fwc/fwri/> (last visited Mar. 13, 2019).

¹¹ The Fish Kill Hotline allows the public to report directly to researchers the locations of fish kills and diseased or abnormal fish; *see* FWC, *Fish Kill Hotline*, available at <https://myfwc.com/research/saltwater/health/fish-kills-hotline/about/> (last visited Mar. 13, 2019).

¹² The Wildlife Alert Hotline allows the public to report dead, sick, or injured manatees or sea turtles directly to FWC staff; *see* FWC, *Red Tide-Related Hotlines and Information Sources*, available at <https://myfwc.com/research/redtide/contact/> (last visited Mar. 13, 2019).

¹³ FWRI provide technical support to the Florida Department of Agriculture and Consumer Services, which can order the closure of shellfish harvest areas; *see* FWC, *Red Tide-Related Hotlines and Information Sources*, available at <https://myfwc.com/research/redtide/contact/> (last visited Mar. 13, 2019).

¹⁴ The Red Tide Offshore Monitoring Program is a volunteer program for citizens to help collect water samples from routine collection points and sites reported for suspected red tide blooms. The sampling by volunteers allows researchers to provide an early warning of offshore blooms and investigate reported events as they occur. Because of limited state personnel, boats, and other resources, the program relies on volunteers of all kinds, such as charter boat captains, commercial fishers, divers, and other citizens; *see* FWC, *Volunteer Monitoring Program*, available at <https://myfwc.com/research/redtide/monitoring/offshore-monitoring/> (last visited Mar. 13, 2019).

¹⁵ Mote, *About Mote*, available at <https://mote.org/about-us> (last visited Mar. 13, 2019).

¹⁶ The proceeds of the annual use fee for the "Protect Our Reefs" license plates are distributed to Mote; *see* s. 320.08058(39), F.S.

¹⁷ FWC is authorized to expend certain money through grants and contracts to fund research with Mote.

¹⁸ Mote, *Chemical & Physical Ecology*, available at <https://mote.org/research/program/chemical-physical-ecology> (last visited Mar. 13, 2019).

A main area of focus for Mote is statistical analyses of the nutrient regimes associated with blooms of *K. brevis*. Mote is examining the variations in the supply of nutrients from the major southwest Florida estuaries and is studying the responses of *K. brevis* to selected nutrient additions under more controlled laboratory experiments.¹⁹ Mote also regularly updates a Beach Conditions Report which provides up-to-date information about the effects of Florida red tide on Florida Gulf coast beaches, including reports of dead fish, respiratory irritation among beachgoers, water color, and wind direction.²⁰ The Beach Conditions Report is updated twice daily, seven days a week, 365 days a year.²¹

In 2018, Mote announced the establishment of the Red Tide Institute at Mote. The Red Tide Institute will apply the knowledge gained on the ecological dynamics of red tide blooms to develop and test innovative, science-based technologies for attacking red tide blooms and reducing their impacts.²²

Mote-FWRI Cooperative Red Tide Program

Mote and FWRI often collaborate on research needs of the state of Florida. The Mote-FWRI Cooperative Red Tide Program helps to mitigate the adverse impacts of Florida red tide along the Florida Gulf coast. The program strives to: protect public health, the economy, and living natural resources through increased education and outreach; mitigate the effects of Florida red tide by monitoring and tracking *K. brevis*; support bloom modeling and forecast efforts by providing information on the environmental factors that influence *K. brevis*; and investigate toxin persistence in recreationally harvested shellfish.²³

The partnership has resulted in the regular collection of water samples for analysis in southwest Florida and the Florida Keys and routine coastal surveys from Tampa Bay south to Estero Bay. These human-conducted surveys are amplified with autonomous missions conducted by underwater robots that can provide continuous sampling along the coast. By combining these on-the-ground efforts with imagery from satellites and modeling of water currents in the Gulf of Mexico developed by the University of South Florida, FWRI is able to develop regular red tide status updates to inform the public about red tide events.²⁴

Effect of Proposed Changes

The bill creates s. 379.2273, F.S., to establish the Florida Red Tide Mitigation and Technology Development Initiative (Initiative) and the Initiative Technology Advisory Council (TAC).

The bill provides that the Initiative is a partnership between FWRI and Mote with a goal to develop, test, and implement innovative, effective, and environmentally sustainable technologies and approaches for controlling and mitigating the impacts of red tide.

The bill specifies that funds appropriated for red tide mitigation technology must be awarded by FWRI to Mote to achieve the Initiative's goals. The bill directs Mote to use funds to facilitate additional engagement with other pertinent organizations and that they may not use more than 5 percent of awarded funds for direct annual administration coordination costs. The bill further specifies that the Initiative must leverage funds with additional funds from private and federal sources.

¹⁹ Mote, *Chemical & Physical Ecology*, available at <https://mote.org/research/program/chemical-physical-ecology> (last visited Mar. 13, 2019).

²⁰ *Id.*

²¹ Mote, *Red Tide Research*, available at <https://mote.org/news/red-tide-research> (last visited Mar. 13, 2019).

²² Mote, *Mote Launches Red Tide Institute for Mitigation and Control, Thanks to Founding Donor* (Oct. 23, 2018), available at <https://mote.org/news/article/mote-launches-red-tide-institute-for-mitigation-and-control-thanks-to-found> (last visited Mar. 20, 2019).

²³ Mote, *Mote-FWRI Cooperative Red Tide Program*, available at <https://mote.org/pages/mote-fwri-cooperative-red-tide-program> (last visited Mar. 13, 2019).

²⁴ *Id.*

The bill requires the Initiative to submit a report containing an overview of accomplishments and priorities to the Governor, the Legislature, the Department of Environmental Protection, and the FWC beginning on January 15, 2021, and each January 15 thereafter.

The bill creates the TAC and directs the TAC members to meet at least twice per year. The TAC must consist of: the chief executive officer of Mote; a member of a private commercial enterprise, appointed by the Governor; a member of a public or private university, appointed by the President of the Senate; a member of a non-university public or private marine environmental organization, appointed by the Speaker of the House of Representatives; a member of the Department of Environmental Protection who has expertise in red tide, appointed by the Secretary of the Department of Environmental Protection; and, a member of the FWRI who has expertise in red tide appointed by the executive director of FWRI. The bill specifies that TAC members serve staggered two-year terms, serve without compensation, and that they may be reappointed. The bill provides that the TAC expires June 30, 2025.

The bill provides an appropriation of \$3 million from the General Fund to FWC for Mote, for fiscal years 2019-2020 to 2024-2025 fiscal year.

B. SECTION DIRECTORY:

Section 1 creates s. 379.2273, F.S., to establish the Florida Red Tide Mitigation and Technology Development Initiative and Initiative TAC.

Section 2 provides an appropriation from the General Revenue Fund to FWC.

Section 3 provides an effective date of July 1, 2019.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill requires an annual appropriation of \$3 million from the General Revenue Fund for fiscal years 2019-2020 to 2024-2025. The state currently provides funding for red tide mitigation and clean-up during red tide events. If the appropriated funds provided to the Initiative prevent or mitigate future red tide costs to the state, the bill may have an indeterminate negative fiscal impact.

The bill may have an indeterminate insignificant impact on state government expenditures because it requires state agencies to cover the expenses of its respective representatives on the TAC. These costs would likely be absorbed within existing resources of the agencies.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may have an indeterminate insignificant impact on the private sector because it requires certain private entities to cover the expenses of its respective representatives on the TAC. The bill may have an indeterminate positive significant impact on Mote because the organization will receive \$3 million annually for the Initiative, of which, up to 5% may be used to cover direct administration coordination.

Red tide negatively impacts Florida's economy, by harming industries such as commercial fisheries, recreation, and tourism. If the Initiative and the Council create technologies or approaches that prevent or mitigate red tide and its impacts, it may reduce the negative impacts to such industries. Therefore, this bill may have an indeterminate, positive fiscal impact on the private sector.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require counties or municipalities to spend funds; reduce the authority counties or municipalities have to raise revenue in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.