

1 A bill to be entitled
 2 An act relating to regulation of releases from gambling
 3 vessels; creating s. 376.25, F.S.; providing a short
 4 title; providing definitions; requiring gambling vessels
 5 operating in coastal waters to register with the
 6 Department of Environmental Protection; specifying the
 7 requirements for vessel registration; requiring gambling
 8 vessels to release certain substances upon return to a
 9 port facility; requiring port authorities to establish
 10 procedures for the release of certain substances by
 11 gambling vessels at port facilities; requiring port
 12 authorities to establish and collect certain fees;
 13 prohibiting the release of certain substances into coastal
 14 waters by gambling vessels; requiring violations to be
 15 reported; providing civil penalties for violations;
 16 providing exemptions; requiring the department to adopt
 17 rules to implement and administer the section; providing
 18 an effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. Section 376.25, Florida Statutes, is created to
 23 read:

24 376.25 Gambling vessels; registration; required and
 25 prohibited releases.--

26 (1) SHORT TITLE.--This section may be cited as the "Clean
 27 Ocean Act."

28 (2) DEFINITIONS.--As used in this section:

29 (a) "Biomedical waste" means any solid or liquid waste as
 30 defined in s. 381.0098(2)(a).

31 (b) "Coastal waters" means waters of the Atlantic Ocean or
 32 the Gulf of Mexico within the jurisdiction of the state.

33 (c) "Department" means the Department of Environmental
 34 Protection.

35 (d) "Gambling" or "gambling device" means any game of
 36 chance and includes, but is not limited to, cards, keno,
 37 roulette, faro, slot machines, video poker, or blackjack
 38 machines played for money or thing of value. The term "gambling"
 39 does not include penny-ante games, as defined in s.
 40 849.085(2)(a).

41 (e) "Gambling vessel" means a boat, ship, casino boat,
 42 watercraft, or barge kept, operated, or maintained for the
 43 purpose of gambling and that carries or operates gambling
 44 devices for the use of its passengers or otherwise provides
 45 facilities for the purpose of gambling, whether within or
 46 without the jurisdiction of this state, and whether it is
 47 anchored, berthed, lying to, or navigating, and the sailing,
 48 voyaging, or cruising, or any segment of the sailing, voyaging,
 49 or cruising begins and ends within this state.

50 (f) "Hazardous waste" means any solid waste as defined in
 51 s. 403.703(21).

52 (g) "Oily bilge water" means bilge water that contains
 53 used lubrication oils, oil sludge and slops, fuel and oil
 54 sludge, used oil, used fuel and fuel filters, and oily waste.

55 (h) "Release" means any discharge of liquids or solids,
 56 however caused, from a gambling vessel and includes any escape,
 57 disposal, spilling, leaking, pumping, emitting, or emptying.

58 (i) "Sewage" means human body waste and the waste from
 59 toilets and other receptacles intended to receive or retain
 60 human body waste and includes any material that has been
 61 collected or treated through a marine sanitation device, as that
 62 term is used in Section 312 of the Clean Water Act, 33 U.S.C. s.
 63 1322, or that is a byproduct of sewage treatment.

64 (j) "Treated blackwater" means that part of treated sewage
 65 carried off by toilets, urinals, and kitchen drains.

66 (k) "Treated graywater" means that part of treated sewage
 67 that is not blackwater, including waste from the bath, lavatory,
 68 laundry, and sink, except kitchen sink waste.

69 (l) "Untreated blackwater" means that part of untreated
 70 sewage carried off by toilets, urinals, and kitchen drains.

71 (m) "Untreated graywater" means that part of untreated
 72 sewage that is not blackwater, including waste from the bath,
 73 lavatory, laundry, and sink, except kitchen sink waste.

74 (3) REGISTRATION REQUIREMENTS.--

75 (a) For each calendar year in which the owner or operator
 76 of a gambling vessel intends to operate, or cause or allow to be
 77 operated, the gambling vessel in coastal waters, the owner or
 78 operator of the vessel shall register with the department. The
 79 registration shall be completed before any commercial passenger
 80 vessel of the owner or operator enters the marine waters of the
 81 state in that calendar year. The registration shall include the
 82 following information:

83 1. The vessel owner's business name, and, if different,
 84 the vessel operator's business name for each gambling vessel of
 85 the owner or operator that is scheduled to be in coastal waters
 86 during the calendar year.

87 2. The postal address, e-mail address, telephone number,
 88 and facsimile number for the principal place of each business
 89 identified in subparagraph 1.

90 3. The name and address of an agent for service of process
 91 for each business identified under subparagraph 1. The owner and
 92 operator shall continuously maintain a designated agent for
 93 service of process whenever a gambling vessel of the owner or
 94 operator is in coastal waters, and the agent shall be an
 95 individual resident of this state, a domestic corporation, or a
 96 foreign corporation having a place of business in and authorized
 97 to do business in this state.

98 4. The name or call sign, port of registry, and passenger
 99 and crew capacity for each of the owner's or operator's vessels
 100 scheduled either to call upon a port in this state or otherwise
 101 to be in coastal waters during the calendar year and after the
 102 date of registration.

103 5. The description of all waste treatment systems for each
 104 vessel identified under subparagraph 4., including system type,
 105 design, operation, location of all discharge pipes and valves,
 106 and number and capacity of all storage areas and holding tanks.

107 (b) Registration under paragraph (a) shall be executed
 108 under oath by the owner or operator or designated representative
 109 thereof.

110 (c) Upon request of the department, the registrant shall
 111 submit registration information required under this subsection
 112 electronically.

113 (4) REQUIRED RELEASES.--

114 (a) All sewage, oily bilge water, untreated or treated
 115 graywater, untreated or treated blackwater, hazardous waste, or
 116 biomedical waste from any gambling vessel shall be held for
 117 release until return to a port facility.

118 (b) Upon return to a port facility, gambling vessels shall
 119 release all sewage, oily bilge water, untreated or treated
 120 graywater, untreated or treated blackwater, hazardous waste, and
 121 biomedical waste in accordance with the procedures of the port
 122 facility.

123 (c) Port authorities shall establish procedures, including
 124 a process for verification of the contents released, for the
 125 release of sewage, oily bilge water, untreated or treated
 126 graywater, untreated or treated blackwater, hazardous waste, and
 127 biomedical waste from gambling vessels at port facilities.

128 (d) Port authorities shall establish and collect a fee not
 129 to exceed the costs associated with disposal of the required
 130 releases from gambling vessels.

131 (5) PROHIBITED RELEASES.--

132 (a) An owner or operator of a gambling vessel may not
 133 release, or permit anyone to release, any sewage, oily bilge
 134 water, untreated or treated graywater, untreated or treated
 135 blackwater, hazardous waste, or biomedical waste from the vessel
 136 into coastal waters.

137 (b) If a gambling vessel releases any sewage, oily bilge
 138 water, untreated or treated graywater, untreated or treated
 139 blackwater, hazardous waste, or biomedical waste into coastal
 140 waters, the owner or operator shall immediately, but no later
 141 than 24 hours after the release, notify the department of the
 142 release. The owner or operator shall include all of the
 143 following information in the notification:

- 144 1. Date of the release.
- 145 2. Time of the release.
- 146 3. Location of the release.
- 147 4. Volume of the release.
- 148 5. Source of the release.
- 149 6. Remedial actions taken to prevent future releases.

150 (6) PENALTIES.--

151 (a) A person who violates this section is subject to a
 152 civil penalty of not more than \$25,000 for each violation.

153 (b) The civil penalty imposed for each separate violation
 154 of this section is separate from, and in addition to, any other
 155 civil penalty imposed for a separate violation under this
 156 subsection or any other provision of law.

157 (c) In determining the amount of a civil penalty imposed
 158 under this subsection, the court shall take into consideration
 159 all relevant circumstances, including, but not limited to, the
 160 nature, circumstances, extent, and gravity of the violation. In
 161 making this determination, the court shall consider the degree
 162 of toxicity and volume of the release, the extent of harm caused
 163 by the violation, whether the effects of the violation may be
 164 reversed or mitigated, and, with respect to the defendant, the

165 ability to pay, the effect of a civil penalty on the ability to
166 continue in business, all voluntary cleanup efforts undertaken,
167 the prior history of violations, the gravity of the behavior,
168 the economic benefit, if any, resulting from the violation, and
169 all other matters the court determines justice may require.

170 (7) APPLICABILITY.--This section does not apply to
171 releases made for the purpose of securing the safety of the
172 gambling vessel or saving life at sea if all reasonable
173 precautions have been taken for the purpose of preventing or
174 minimizing the release.

175 (8) RULES.--The department shall adopt rules pursuant to
176 ss. 120.536(1) and 120.54 to implement and administer this
177 section.

178 Section 2. This act shall take effect January 1, 2007.