

Bill No. SB 732

Barcode 105760

CHAMBER ACTION

Senate

House

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The Committee on Environmental Preservation (Baker)  
recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

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

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

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

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

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

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

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

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1       (d) "Gambling" or "gambling device" means any game of  
 2 chance and includes, but is not limited to, cards, keno,  
 3 roulette, faro, slot machines, video poker, or blackjack  
 4 machines played for money or thing of value. The term  
 5 "gambling" does not include penny-ante games as defined in s.  
 6 849.085(2)(a).

7       (e) "Gambling vessel" means a boat, ship, casino boat,  
 8 watercraft, or barge that is kept, operated, or maintained for  
 9 the purpose of gambling and that carries or operates gambling  
 10 devices for the use of its passengers or otherwise provides  
 11 facilities for the purpose of gambling, whether within or  
 12 without the jurisdiction of this state, and whether the vessel  
 13 is anchored, berthed, lying to, or navigating, and the  
 14 sailing, voyaging, or cruising, or any segment of the sailing,  
 15 voyaging, or cruising, begins and ends within this state. The  
 16 term "gambling vessel" does not include a "cruise ship" as  
 17 defined in 33 C.F.R. s. 101.105.

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

20       (g) "Oily bilge water" means bilge water that contains  
 21 used lubrication oils, oil sludge and slops, fuel and oil  
 22 sludge, used oil, used fuel and fuel filters, and oily waste.

23       (h) "Port" means any place in the state into which  
 24 gambling vessels enter or depart for docking.

25       (i) "Release" means any discharge of liquids or  
 26 solids, however caused, from a gambling vessel and includes  
 27 any escape, disposal, spilling, leaking, pumping, emitting, or  
 28 emptying.

29       (j) "Sewage" means human body waste and the waste from  
 30 toilets and other receptacles intended to receive or retain  
 31 human body waste and includes any material that has been

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1 collected or treated through a marine sanitation device, as  
2 that term is used in s. 312 of the Clean Water Act, 33 U.S.C.  
3 s. 1322, or that is a byproduct of sewage treatment.

4 (k) "Treated blackwater" means that part of treated  
5 sewage carried off by toilets, urinals, and kitchen drains.

6 (l) "Treated graywater" means that part of treated  
7 sewage that is not blackwater, including waste from the bath,  
8 lavatory, laundry, and sink, except kitchen sink waste.

9 (m) "Untreated blackwater" means that part of  
10 untreated sewage carried off by toilets, urinals, and kitchen  
11 drains.

12 (n) "Untreated graywater" means that part of untreated  
13 sewage that is not blackwater, including waste from the bath,  
14 lavatory, laundry, and sink, except kitchen sink waste.

15 (3) REGISTRATION REQUIREMENTS.--

16 (a) For each calendar year in which the owner or  
17 operator of a gambling vessel intends to operate, or cause or  
18 allow to be operated, a gambling vessel in coastal waters, the  
19 owner or operator of the vessel shall register with the  
20 department. The registration shall be completed before any  
21 commercial passenger vessel of the owner or operator enters  
22 the marine waters of the state in that calendar year. The  
23 registration shall include the following information:

24 1. The vessel owner's business name, and, if  
25 different, the vessel operator's business name for each  
26 gambling vessel of the owner or operator which is scheduled to  
27 be in coastal waters during the calendar year.

28 2. The postal address, e-mail address, telephone  
29 number, and facsimile number of the principal place of each  
30 business identified in subparagraph 1.

31 3. The name and address of an agent for service of

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1 process for each business identified under subparagraph 1. The  
2 owner and operator shall continuously maintain a designated  
3 agent for service of process whenever a gambling vessel of the  
4 owner or operator is in coastal waters, and the agent must be  
5 an individual resident of this state, a domestic corporation,  
6 or a foreign corporation having a place of business in and  
7 authorized to do business in this state.

8 4. The name or call sign, port of registry, and  
9 passenger and crew capacity of each of the owner's or  
10 operator's vessels scheduled to call upon a port in this state  
11 or otherwise to be in coastal waters during the calendar year  
12 and after the date of registration.

13 5. A description of all waste treatment systems of  
14 each vessel identified under subparagraph 4., including system  
15 type, design, operation, location of all discharge pipes and  
16 valves, and the number and capacity of all storage areas and  
17 holding tanks.

18 (b) Registration under paragraph (a) shall be executed  
19 under oath by the owner or operator or designated  
20 representative thereof.

21 (c) Upon request of the department, the registrant  
22 shall submit registration information required under this  
23 subsection electronically.

24 (4) REQUIRED RELEASES.--

25 (a) Each port shall establish procedures, including a  
26 process for verification of the contents released, for the  
27 release of sewage, oily bilge water, untreated or treated  
28 graywater, untreated or treated blackwater, hazardous waste,  
29 and biomedical waste from gambling vessels at port facilities.

30 (b) Each port shall establish and collect a fee not to  
31 exceed the costs associated with disposal of the required

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1 releases from gambling vessels.

2 (5) NOTIFICATION OF RELEASES.--

3 (a) If a gambling vessel releases any sewage, oily  
4 bilge water, untreated or treated graywater, untreated or  
5 treated blackwater, hazardous waste, or biomedical waste into  
6 coastal waters, the owner or operator shall immediately, but  
7 no later than 24 hours after the release, notify the  
8 department of the release. The owner or operator shall include  
9 all of the following information in the notification:

- 10 1. Date of the release.
- 11 2. Time of the release.
- 12 3. Location of the release.
- 13 4. Volume of the release.
- 14 5. Source of the release.
- 15 6. Remedial actions taken to prevent future releases.

16 (6) PENALTIES.--

17 (a) A person who violates this section is subject to a  
18 civil penalty of not more than \$50,000 for each violation.

19 (b) The civil penalty imposed for each separate  
20 violation of this section is separate from, and in addition  
21 to, any other civil penalty imposed for a separate violation  
22 under this subsection or any other provision of law.

23 (c) In determining the amount of a civil penalty  
24 imposed under this subsection, the department shall take into  
25 consideration all relevant circumstances, including, but not  
26 limited to, the nature, circumstances, extent, and gravity of  
27 the violation. In making this determination, the department  
28 shall consider the degree of toxicity and volume of the  
29 release, the extent of harm caused by the violation, whether  
30 the effects of the violation can be reversed or mitigated,  
31 and, with respect to the defendant, the ability to pay, the

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1 effect of a civil penalty on the ability to continue in  
 2 business, all voluntary cleanup efforts undertaken in the  
 3 past, the prior history of violations, the gravity of the  
 4 behavior, the economic benefit, if any, resulting from the  
 5 violation, and all other matters the department determines  
 6 justice may require.

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

12       (8) RULES.--The department shall adopt rules pursuant  
 13 to ss. 120.536(1) and 120.54 to implement and administer this  
 14 section.

15       Section 2. The Department of Environmental Protection  
 16 shall request the appropriate federal agencies to prohibit the  
 17 release of all sewage, oily bilge water, untreated or treated  
 18 graywater, untreated or treated blackwater, hazardous waste,  
 19 or biomedical waste from any gambling vessel within the  
 20 federal territorial waters off the shores of Florida.

21       Section 3. This act shall take effect January 1, 2007.

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24 ===== T I T L E   A M E N D M E N T =====

25 And the title is amended as follows:

26       Delete everything before the enacting clause

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28 and insert:

29                               A bill to be entitled

30                               An act relating to regulation of releases from  
 31                               gambling vessels; creating s. 376.25, F.S.;

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1 providing a short title; providing definitions;  
2 requiring gambling vessels operating in coastal  
3 waters to register with the Department of  
4 Environmental Protection; specifying the  
5 requirements for vessel registration; requiring  
6 ports to establish procedures for the release  
7 of certain substances by gambling vessels at  
8 port facilities; requiring ports to establish  
9 and collect certain fees; requiring the  
10 reporting of the release of certain substances  
11 into coastal waters by gambling vessels;  
12 providing civil penalties for violations;  
13 providing exemptions; requiring the department  
14 to adopt rules; directing the department to  
15 petition the federal government to prohibit  
16 certain releases within the federal territorial  
17 waters off the shores of Florida; providing an  
18 effective date.

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