

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1069
SPONSOR(S): Kendrick
TIED BILLS:

Protection of Seagrasses

IDEN./SIM. BILLS: SB 548

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Conservation & State Lands</u>	<u>6 Y, 0 N</u>	<u>Palmer</u>	<u>Zeiler</u>
2) <u>Environment & Natural Resources Council</u>	<u></u>	<u>Palmer</u>	<u>Hamby</u>
3) <u>Policy & Budget Council</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

The bill authorizes the Fish and Wildlife Conservation Commission to enforce protection of seagrass beds in designated aquatic preserves. It establishes certain actions in aquatic preserves as civil infractions, establishes penalties, and provides for the disposition of collected fines. The bill creates definitions for the terms "propeller scarring" and "seagrasses".

Other than authorizing assessment of fines for the careless operation of a vessel outside lawfully marked channels that causes propeller scarring within an aquatic preserve, this bill has no fiscal impacts.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Promotes personal responsibility: This bill adds to boating regulations to further protect the states resources from careless vessel operation and provides penalties for violations.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Sections 258.35-258.46, F.S. establishes aquatic preserves within the state's waters. An aquatic preserve is an exceptional area of submerged lands and its associated waters set aside for being maintained essentially in its natural or existing condition. This designation includes seagrasses and seagrass meadows. It is the intent of the Legislature that aquatic preserves be set aside for the benefit of future generations.

Seagrasses are Flowering plants that grow in the marine saline environment. They are called grasses only because most species superficially resemble terrestrial grasses. Because these plants must photosynthesize, they are limited to growing submerged in the photic zone and most occur in shallow and sheltered coastal waters anchored in sand or mud bottoms and can form extensive beds or meadows. In temperate areas these meadows are usually composed of few differing species whereas tropical beds are usually much more diverse with many species intermixing. Seagrass beds are highly productive ecosystems and can harbor species from all phyla, for example juvenile and adult fish, epiphytic and free-living macroalgae and microalgae, shellfish, worms, and nematodes. It was once thought that few associated species fed directly on seagrass leaves but recent scientific studies with improved measurement techniques have revealed that seagrasses are a highly important link in the food chain with many species feeding on seagrasses including manatees, fish, birds, sea urchins and crabs. Seagrasses, in part, create their own habitat – the leaves slow down water currents increasing sedimentation and the seagrass roots and rhizomes stabilize the seabed. Their importance for associated species is due to provision of shelter and for their extraordinarily high rate of primary production. They also provide coastal zones with a number of benefits such as spawning areas, fishing grounds, wave protection, oxygen production, and protection against coastal erosion.^{1,2}

Seagrasses and seagrass meadows are particularly susceptible to damage by scouring and chopping caused by boat props or propellers. However, the statutes do not currently authorize enforcement action against persons who operate boats in a careless manner outside lawfully marked channels.

Effect of Proposed Change

The bill specifies that the careless operation of a vessel outside lawfully marked channels that causes propeller scarring within an aquatic preserve is a civil infraction, and creates penalties for an offense. Such a violation is determined to be a violation of the boating laws of this state and shall be charged on a uniform boating citation. The bill grants authority to the Division of Law Enforcement, Florida Fish and Wildlife Conservation Commission (FWC) to enforce protection of seagrasses and seagrass meadows in the state's aquatic preserves. Fines established for a violation are: \$50 for a first offence; \$250 for a second offence occurring within twelve months of a prior conviction; \$500 for a third offence occurring within thirty-six months of a prior conviction; and \$1000 for a fourth offense and for all subsequent offences.

¹ Hemminga, M.A. and Duarte, C. 2000. *Seagrass Ecology*. Cambridge University Press, Cambridge. 298 pp.

² Short, F.T. and Coles, R.G.(eds). 2001. *Global Seagrass Research Methods*. Elsevier Science, Amsterdam. 473 pp.

All civil penalties collected pursuant to this bill shall be deposited into the Internal Improvement Trust Fund and used solely to: implement, administer, and enforce the provisions of this bill; provide for seagrass restoration; and conduct a program to educate vessel operators about the need to protect seagrasses from damage caused by the operation of vessels.

The bill defines propeller scarring as damage caused by the operation of a vessel in waters supporting seagrasses, resulting in the destruction of roots, shoots, or stems of seagrass plants, which causes denuding of vegetation in tracks of sediment commonly referred to as prop-scars or propeller scars. Seagrasses are defined to be Cuban shoal grass (*Halodule wrightii*), turtle grass (*Thalassia testudinum*), manatee grass (*Syringodium filiforme*), star grass (*Halophila engelmannii*), paddle grass (*Halophila decipiens*), Johnson's seagrass (*Halophila johnsonii*), or widgeon grass (*Ruppia maritima*).

C. SECTION DIRECTORY:

Section 1: Amends section 253.04, F.S., establishing certain actions in aquatic preserves as civil infractions, establishing penalties, providing for the disposition of collected fines, and providing definitions.

Section 2: Amends section 327.73, F.S., authorizing the FWC to enforce protection of seagrass beds in designated aquatic preserves.

Section 3: Creates an effective date of October 1, 2007.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill establishes fines for the careless operation of a vessel outside lawfully marked channels that causes propeller scarring within an aquatic preserve.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Establishes fines for the careless operation of a vessel outside lawfully marked channels that causes propeller scarring within an aquatic preserve.

D. FISCAL COMMENTS:

All civil penalties collected pursuant to this bill shall be deposited into the Internal Improvement Trust Fund and used solely to: implement, administer, and enforce the provisions of this bill; provide for seagrass restoration; and conduct a program to educate vessel operators about the need to protect seagrasses from damage caused by the operation of vessels.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to require cities or counties to spend funds or take actions requiring the expenditure of funds, nor does it appear to reduce the authority that cities or counties have to raise revenues in the aggregate, nor does it appear to reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

Seagrass beds in aquatic preserves are the nurturing grounds for many species. It is important to ensure the future protection of these areas in order to guarantee these resources for future generations. While all water hosts many different species, immediate emphasis should be put on those areas which are already properly marked as aquatic preserves. By using these existing areas, it removes any expense for the implementation of this bill.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

N/A