

1                                   A bill to be entitled  
 2       An act relating to the protection of seagrasses; amending  
 3       s. 253.04, F.S.; providing that careless operation of a  
 4       vessel outside a marked channel that causes propeller  
 5       scarring within an aquatic preserve is a civil infraction;  
 6       defining the terms "propeller scarring" and "seagrasses";  
 7       providing that refusal to post bond or sign a boating  
 8       citation is a second degree misdemeanor; requiring that  
 9       civil penalties collected for the careless operation of a  
 10      vessel be deposited into the Internal Improvement Trust  
 11      Fund and used for specified purposes; amending s. 327.73,  
 12      F.S.; providing civil penalties; providing an effective  
 13      date.

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 15   Be It Enacted by the Legislature of the State of Florida:

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 17           Section 1. Subsections (4) through (7) of section 253.04,  
 18   Florida Statutes, are renumbered as subsections (5) through (8),  
 19   respectively, and a new subsection (4) is added to that section,  
 20   to read:

21           253.04 Duty of board to protect, etc., state lands; state  
 22   may join in any action brought.--

23           (4) (a) Any person operating a vessel outside a lawfully  
 24   marked channel in a careless manner that causes propeller  
 25   scarring within an aquatic preserve commits a civil infraction,  
 26   punishable as provided in s. 327.73, except as provided in  
 27   paragraph (b). Each violation is a separate offense. As used in  
 28   this subsection, the term:

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29        1. "Propeller scarring" means damage caused by the  
30 operation of a vessel in waters supporting seagrasses, resulting  
31 in the destruction of roots, shoots, or stems of seagrass  
32 plants, which causes denuding of vegetation in tracks of  
33 sediment commonly referred to as prop-scars or propeller scars.

34        2. "Seagrasses" means Cuban shoal grass (Halodule  
35 wrightii), turtle grass (Thalassia testudinum), manatee grass  
36 (Syringodium filiforme), star grass (Halophila engelmannii),  
37 paddle grass (Halophila decipiens), Johnson's seagrass  
38 (Halophila johnsonii), or widgeon grass (Ruppia maritima).

39        (b) Any violation of this subsection is a violation of the  
40 boating laws of this state and shall be charged on a uniform  
41 boating citation as provided in s. 327.74. Any person who  
42 refuses to post a bond or accept and sign a uniform boating  
43 citation commits a misdemeanor of the second degree as provided  
44 in s. 327.73(3), punishable as provided in s. 775.082 or s.  
45 775.083.

46        (c) All civil penalties imposed and collected pursuant to  
47 this subsection shall be deposited into the Internal Improvement  
48 Trust Fund and used solely to implement, administer, and enforce  
49 this subsection; provide for seagrass restoration; and conduct a  
50 program to educate vessel operators about the need to protect  
51 seagrasses from damage caused by the operation of vessels.

52        Section 2. Paragraph (x) is added to subsection (1) of  
53 section 327.73, Florida Statutes, and subsection (8) of that  
54 section is amended, to read:

55        327.73 Noncriminal infractions.--

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56 (1) Violations of the following provisions of the vessel  
 57 laws of this state are noncriminal infractions:

58 (x) Section 253.04(4)(a), relating to carelessly causing  
 59 propeller scarring, for which the civil penalty is:

60 1. Fifty dollars upon conviction for a first offense;

61 2. Two hundred and fifty dollars upon conviction for a  
 62 second offense occurring within 12 months after a prior  
 63 conviction;

64 3. Five hundred dollars upon conviction for a third  
 65 offense occurring within 36 months after a prior conviction;

66 4. One thousand dollars upon conviction for a fourth or  
 67 subsequent offense.

68  
 69 Any person cited for a violation of any such provision shall be  
 70 deemed to be charged with a noncriminal infraction, shall be  
 71 cited for such an infraction, and shall be cited to appear  
 72 before the county court. The civil penalty for any such  
 73 infraction is \$50, except as otherwise provided in this section.  
 74 Any person who fails to appear or otherwise properly respond to  
 75 a uniform boating citation shall, in addition to the charge  
 76 relating to the violation of the boating laws of this state, be  
 77 charged with the offense of failing to respond to such citation  
 78 and, upon conviction, be guilty of a misdemeanor of the second  
 79 degree, punishable as provided in s. 775.082 or s. 775.083. A  
 80 written warning to this effect shall be provided at the time  
 81 such uniform boating citation is issued.

82 (8) Except as otherwise provided, all fees and civil  
 83 penalties assessed and collected pursuant to this section shall

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84 | be remitted by the clerk of the court to the Department of  
85 | Revenue to be deposited into the Marine Resources Conservation  
86 | Trust Fund for boating safety education purposes.

87 |       Section 3. This act shall take effect October 1, 2007.