

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 as established by ss.
 26 258.39, 258.391, 258.392, 258.3925, 258.393, 258.394, 258.395,
 27 258.396, and 258.397 commits a civil infraction, punishable as
 28 provided in s. 327.73, except as provided in paragraph (b). Each

29 violation is a separate offense. As used in this subsection, the
 30 term:

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

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

41 (b) Any violation of this subsection is a violation of the
 42 boating laws of this state and shall be charged on a uniform
 43 boating citation as provided in s. 327.74. Any person who
 44 refuses to post a bond or accept and sign a uniform boating
 45 citation commits a misdemeanor of the second degree as provided
 46 in s. 327.73(3), punishable as provided in s. 775.082 or s.
 47 775.083.

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

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

57 327.73 Noncriminal infractions.--

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

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

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

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

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

68 4. One thousand dollars upon conviction for a fourth or
69 subsequent offense.

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

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84 (8) Except as otherwise provided, all fees and civil
85 penalties assessed and collected pursuant to this section shall
86 be remitted by the clerk of the court to the Department of
87 Revenue to be deposited into the Marine Resources Conservation
88 Trust Fund for boating safety education purposes.

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