

Bill No. SB 2178

Barcode 310238

CHAMBER ACTION

Senate

House

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The Committee on Community Affairs (Hill) recommended the following amendment:

**Senate Amendment (with title amendment)**

On page 5, lines 12-29, delete those lines

and insert:

Section 2. Effective October 1, 2007, present subsections (4), (5), (6), and (7) of section 253.04, Florida Statutes, are redesignated as subsections (5), (6), (7), and (8), respectively, and a new subsection (4) is added to that section, to read:

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

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

1. "Propeller scarring" means damage caused by the

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1 operation of a vessel in waters supporting seagrasses,  
 2 resulting in the destruction of roots, shoots, or stems of  
 3 seagrass plants, which causes denuding of vegetation in tracks  
 4 of sediment commonly referred to as prop-scars or propeller  
 5 scars.

6       2. "Seagrasses" means Cuban shoal grass (Halodule  
 7 wrightii), turtle grass (Thalassia testudinum), manatee grass  
 8 (Syringodium filiforme), star grass (Halophila engelmannii),  
 9 paddle grass (Halophila decipiens), Johnson's seagrass  
 10 (Halophila johnsonii), or widgeon grass (Ruppia maritima).

11       (b) Any violation of this subsection is a violation of  
 12 the boating laws of this state and shall be charged on a  
 13 uniform boating citation as provided in s. 327.74. Any person  
 14 who refuses to post a bond or accept and sign a uniform  
 15 boating citation commits a misdemeanor of the second degree as  
 16 provided in s. 327.73(3), punishable as provided in s. 775.082  
 17 or s. 775.083.

18       (c) All civil penalties imposed and collected pursuant  
 19 to this subsection shall be deposited into the Internal  
 20 Improvement Trust Fund and used solely to implement,  
 21 administer, and enforce this subsection; provide for seagrass  
 22 restoration; and conduct a program to educate vessel operators  
 23 about the need to protect seagrasses from damage caused by the  
 24 operation of vessels.

25       Section 3. Effective October 1, 2007, paragraph (x) is  
 26 added to subsection (1) of section 327.73, Florida Statutes,  
 27 and subsection (8) of that section is amended, to read:

28       327.73 Noncriminal infractions.--

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

31       (x) Section 253.04(4)(a), relating to carelessly

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1 causing propeller scarring in an aquatic preserve, for which  
2 the civil penalty is:

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

4       2. Two hundred and fifty dollars upon conviction for a  
5 second offense occurring within 12 months after a prior  
6 conviction;

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

9       4. One thousand dollars upon conviction for a fourth  
10 or subsequent offense.

11  
12 Any person cited for a violation of any such provision shall  
13 be deemed to be charged with a noncriminal infraction, shall  
14 be cited for such an infraction, and shall be cited to appear  
15 before the county court. The civil penalty for any such  
16 infraction is \$50, except as otherwise provided in this  
17 section. Any person who fails to appear or otherwise properly  
18 respond to a uniform boating citation shall, in addition to  
19 the charge relating to the violation of the boating laws of  
20 this state, be charged with the offense of failing to respond  
21 to such citation and, upon conviction, be guilty of a  
22 misdemeanor of the second degree, punishable as provided in s.  
23 775.082 or s. 775.083. A written warning to this effect shall  
24 be provided at the time such uniform boating citation is  
25 issued.

26       (8) Except as otherwise provided in s. 253.04(4)(c),  
27 all fees and civil penalties assessed and collected pursuant  
28 to this section shall be remitted by the clerk of the court to  
29 the Department of Revenue to be deposited into the Marine  
30 Resources Conservation Trust Fund for boating safety education  
31 purposes.

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1           Section 4. The Office of Program Policy Analysis and  
 2 Government Accountability shall evaluate the overall impact of  
 3 the recreational marine industry in this state and report its  
 4 findings to the Legislature by January 1, 2008. The evaluation  
 5 must:

6           (1) Include a review of the incentives that are  
 7 currently available to retain or expand businesses associated  
 8 with recreational marine industry in this state and a  
 9 comparison of such incentives to incentives available to  
 10 retain or expand such businesses in states having a notable  
 11 recreational marine-industry presence, including North  
 12 Carolina, Maryland, and Washington.

13           (2) Examine how many recreational marine-industry  
 14 businesses have left this state and relocated out of state and  
 15 identify potential policies to retain and expand recreational  
 16 marine businesses in this state.

17           (3) Examine the economic impact of the recreational  
 18 marine industry in total dollars and jobs and review efforts  
 19 related to workforce retention and attraction, slip shortages,  
 20 ramp accessibility and shortages, and the impacts of boaters  
 21 who are residents in comparison to boaters who are transients.  
 22 The impacts of each major segment of the recreational marine  
 23 industry, including manufacturing, repair, marinas, boatyards,  
 24 brokerage, charter, provisioning, and equipment supply, must  
 25 be examined.

26           Section 5. Paragraph (f) is added to subsection (1) of  
 27 section 403.1651, Florida Statutes, and paragraph (b) of  
 28 subsection (2) of that section is amended, to read:

29           403.1651 Ecosystem Management and Restoration Trust  
 30 Fund.--

31           (1) There is created the Ecosystem Management and

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1 Restoration Trust Fund to be administered by the Department of  
2 Environmental Protection for the purposes of:

3 (f) Funding the expenditures authorized under section  
4 1 of this act.

5 (2) The trust fund shall be used for the deposit of  
6 all moneys recovered by the state:

7 (b) For injury to or destruction of coral reefs, sea  
8 grass beds, or natural resources under section 1 of this act  
9 and s. 380.0558, which moneys would otherwise be deposited  
10 into the General Revenue Fund or the Internal Improvement  
11 Trust Fund.

12 Section 6. Except as otherwise expressly provided in  
13 this act, this act shall take effect July 1, 2007.

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

17 And the title is amended as follows:

18 On page 1, lines 24-28, delete those lines

19  
20

and insert:

21 department; amending s. 253.04, F.S.; providing  
22 that careless operation of a vessel outside a  
23 marked channel which causes propeller scarring  
24 in an aquatic preserve is a civil infraction;  
25 defining the terms "propeller scarring" and  
26 "seagrasses"; providing that refusal to post  
27 bond or sign a boating citation is a  
28 second-degree misdemeanor; requiring that civil  
29 penalties collected for the careless operation  
30 of a vessel be deposited into the Internal  
31 Improvement Trust Fund and used for specified

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1 purposes; amending s. 327.73, F.S.; providing  
2 civil penalties; requiring the Office of  
3 Program Policy Analysis and Government  
4 Accountability to evaluate the recreational  
5 marine industry and report to the Legislature;  
6 amending s. 403.1651, F.S., relating to the  
7 Ecosystem Management and Restoration Trust  
8 Fund; conforming provisions to changes made by  
9 the act; providing effective dates.

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