

Bill No. SB 444

Barcode 464752

CHAMBER ACTION

Senate

House

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The Committee on Environmental Preservation and Conservation
(Jones) 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 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" has the same meaning as 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) "Hazardous waste" has the same meaning as in s.
2 403.703(21).

3 (e) "Oily bilge water" means bilge water that contains
4 used lubrication oils, oil sludge or slops, fuel or oil
5 sludge, used oil, used fuel or fuel filters, or oily waste.

6 (f) "Port" means any place in the state into which
7 vessels enter or depart for docking.

8 (g) "Release" means any discharge of liquids or
9 solids, however caused, from a vessel and includes any escape,
10 disposal, spilling, leaking, pumping, emitting, or emptying.

11 (h) "Sewage" means human body waste and the waste from
12 toilets and other receptacles intended to receive or retain
13 human body waste and includes any material that has been
14 collected or treated through a marine sanitation device, as
15 that term is used in s. 312 of the Clean Water Act, 33 U.S.C.
16 s. 1322, or that is a byproduct of sewage treatment.

17 (i) "Treated blackwater" means that part of treated
18 sewage which originates from toilets, urinals, and kitchen
19 drains.

20 (j) "Treated graywater" means that part of treated
21 sewage which is not blackwater, including waste from the bath,
22 lavatory, laundry, and sink, except kitchen sink waster.

23 (k) "Untreated blackwater" means that part of
24 untreated sewage which originates from toilets, urinals, and
25 kitchen drains.

26 (l) "Untreated graywater" means that part of untreated
27 sewage which is not blackwater, including waste from the bath,
28 lavatory, laundry, and sink, except kitchen sink waste.

29 (m) "Scheduled Releases" means the amount of treated
30 and untreated sewage which has filled the registered capacity
31 of a vessel's waste treatment system and capacity of storage

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1 areas and holding tanks. In this condition it would be
2 reasonably expected that a vessel would have a need to dispose
3 of the content of its sewage system.

4 (n) "Vessel" means, for purposes of this section, any
5 craft used as a means of transportation on water that
6 routinely carries or is certified to carry more than 100
7 passengers for a period of more than two continuous hours in
8 waters outside the jurisdiction of this state, and whether the
9 vessel is anchored, berthed, lying to, or navigating, and the
10 sailing, voyaging, or cruising, or any segment of the sailing,
11 voyaging, or cruising, begins and ends within this state. The
12 term "vessel" does not include a cruise ship as defined in 33
13 C.F.R. s. 101.105.

14 (3) REGISTRATION REQUIREMENTS.--

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

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

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

30 3. The name and address of an agent for service of
31 process for each business identified under subparagraph 1. The

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

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

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

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

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

23 (4) SCHEDULED RELEASES.--

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

29 (b) Each port shall establish and collect a fee not to
 30 exceed the costs associated with disposal of the scheduled
 31 releases from vessels.

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

- 9 (a) Date of the release.
- 10 (b) Time of the release.
- 11 (c) Location of the release.
- 12 (d) Volume of the release.
- 13 (e) Source of the release.
- 14 (f) Remedial actions taken to prevent future releases.

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

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

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

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1 business, all voluntary cleanup efforts undertaken in the
 2 past, the prior history of violations, the gravity of the
 3 behavior, the economic benefit, if any, resulting from the
 4 violation, and all other matters that the department
 5 determines justice may require.

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

11 (8) DEPARTMENT FEES.--The department shall establish
 12 and collect fees to cover the entire cost to the department of
 13 developing and implementing the vessel registration, release
 14 tracking, and compliance and enforcement responsibilities
 15 required or authorized under this section

16 (9) RULES.--The department may adopt rules pursuant to
 17 ss. 120.536(1) and 120.54 to administer this section.

18 Section 2. The department of environmental protection
 19 shall request the appropriate federal agencies to prohibit the
 20 release of all sewage, oily bilge water, untreated or treated
 21 graywater, untreated or treated blackwater, hazardous waste,
 22 or biomedical waste from any vessel within the federal
 23 territorial waters off the shores of this state.

24 Section 3. This act shall take effect July 1, 2007.

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

28 And the title is amended as follows:

29 Delete everything before the enacting clause

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31 and insert:

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A bill to be entitled
An act relating to regulation of releases from
gambling vessels; creating s. 376.25, F.S.;
providing a short title; providing definitions;
requiring that gambling vessels operating in
coastal waters register with the Department of
Environmental Protection; specifying
requirements for vessel registration; requiring
that ports establish procedures for the release
of certain substances by gambling vessels at
port facilities; requiring that ports establish
and collect certain fees; requiring that the
owner or operator of a gambling vessel notify
the department of the release of certain
substances into coastal waters; requiring that
such notification contain certain information;
providing civil penalties for violations;
requiring the department to consider certain
information when determining the amount of a
penalty; providing exemptions; requiring that
the department establish and collect fees to
cover certain administrative costs; authorizing
the department to adopt rules; requiring that
the department petition the Federal Government
to prohibit certain releases within the federal
territorial waters off the shores of this
state; providing an effective date.