

Bill No. SB 444

Barcode 710432

CHAMBER ACTION

Senate

House

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The Committee on Environmental Preservation and Conservation  
(Jones) recommended the following **substitute for amendment**  
(464752):

**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) "Berth" is the facility wherein a gambling vessel  
lies when at anchor or at a wharf and where passengers embark  
and disembark.

(b) "Biomedical waste" has the same meaning as in s.  
381.0098(2)(a).

(c) "Coastal waters" means waters of the Atlantic

Bill No. SB 444

Barcode 710432

1 Ocean or the Gulf of Mexico within the jurisdiction of the  
2 state.

3 (d) "Department" means the Department of Environmental  
4 Protection.

5 (e) "Gambling vessel" means a boat, ship, casino boat,  
6 watercraft, or barge that is kept, operated, or maintained for  
7 the purpose of gambling and that carries or operates gambling  
8 devices for the use of its passengers or otherwise provides  
9 facilities for the purpose of gambling, whether within or  
10 without the jurisdiction of this state, and whether the  
11 sailing, voyaging, or cruising, or any segment of the sailing,  
12 voyaging, or cruising, begins and ends within this state. The  
13 term "gambling vessel" does not include a cruise ship as  
14 defined in 50 33 C.F.R. s. 101.105.

15 (f) "Hazardous waste" has the same meaning as in s.  
16 403.703(21).

17 (g) "Oily bilge water" means bilge water that contains  
18 used lubrication oils, oil sludge and slops, fuel and oil  
19 sludge, used oil, used fuel and fuel filters, and oily waste.

20 (h) "Release" means any discharge of liquids or  
21 solids, however caused, from a gambling vessel and includes  
22 any escape, disposal, spilling, leaking, pumping, emitting, or  
23 emptying.

24 (i) "Sewage" means human body waste and the waste from  
25 toilets and other receptacles intended to receive or retain  
26 human body waste and includes any material that has been  
27 collected or treated through a marine sanitation device, as  
28 that term is used in s. 312 of the Clean Water Act, 33 U.S.C.  
29 s. 1322, or that is a byproduct of sewage treatment.

30 (j) "Treated blackwater" means that part of treated  
31 sewage which originates from toilets, urinals, and kitchen

Bill No. SB 444

Barcode 710432

1 drains.

2       (k) "Treated graywater" means that part of treated  
3 sewage which is not blackwater, including waste from the bath,  
4 lavatory, laundry, and sink, except kitchen sink waste.

5       (l) "Untreated blackwater" means that part of  
6 untreated sewage which originates from toilets, urinals, and  
7 kitchen drains.

8       (m) "Untreated graywater" means that part of untreated  
9 sewage which is not blackwater, including waste from the bath,  
10 lavatory, laundry, and sink, except kitchen sink waste.

11       (n) "Scheduled Releases" means the amount of treated  
12 and untreated sewage which has filled the registered capacity  
13 of a gambling vessel's waste treatment system and capacity of  
14 storage areas and holding tanks. In this condition it would be  
15 reasonably expected that a gambling vessel would have a need  
16 to dispose of the content of its sewage system.

17       (3) REGISTRATION REQUIREMENTS.--

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

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

31           2. The postal address, e-mail address, telephone

Bill No. SB 444

Barcode 710432

1 number, and facsimile number of the principal place of each  
2 business identified in subparagraph 1.

3 3. The name and address of an agent for service of  
4 process for each business identified under subparagraph 1. The  
5 owner and operator shall continuously maintain a designated  
6 agent for service of process whenever a gambling vessel of the  
7 owner or operator is in coastal waters, and the agent must be  
8 an individual resident of this state, a domestic corporation,  
9 or a foreign corporation having a place of business in and  
10 authorized to do business in this state.

11 4. The name or call sign, port of registry, berth  
12 location, and passenger and crew capacity of each of the  
13 owner's or operator's gambling vessels scheduled to be in  
14 coastal waters during the calendar year and after the date of  
15 registration.

16 5. A description of all waste treatment systems of  
17 each gambling vessel identified under subparagraph 4.,  
18 including system type, design, operation, location of all  
19 discharge pipes and valves, and the number and capacity or all  
20 storage areas and holding tanks.

21 (b) Registration under paragraph (a) shall be executed  
22 under oath by the owner or operator or designated  
23 representative thereof.

24 (c) Upon request of the department, the registrant  
25 shall submit registration information required under this  
26 subsection electronically.

27 (4) SCHEDULED RELEASES.--

28 (a) Each facility wherein a gambling vessel makes  
29 berth shall establish procedures, including a process for  
30 verification of the contents released, for the release of  
31 sewage, oily bilge water, untreated or treated graywater,

Bill No. SB 444

Barcode 710432

1 untreated or treated blackwater, hazardous waste, and  
2 biomedical waste from gambling vessels at berth facilities.

3 (b) Each facility wherein a gambling vessel makes  
4 berth shall establish and collect a fee not to exceed the  
5 costs associated with disposal of the contents identified  
6 under paragraph (a) from gambling vessels.

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

- 15 (a) Date of the release.
- 16 (b) Time of the release.
- 17 (c) Location of the release.
- 18 (d) Volume of the release.
- 19 (e) Source of the release.
- 20 (f) Remedial actions taken to prevent future releases.

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

24 (b) The civil penalty imposed for each separate  
25 violation of this section is separate from, and in addition  
26 to, any other civil penalty imposed for a separate violation  
27 under this subsection or any other provision of law.

28 (c) In determining the amount of a civil penalty  
29 imposed under this subsection, the department shall take into  
30 consideration all relevant circumstances, including, but not  
31 limited to, the nature, circumstances, extent, and gravity of

Bill No. SB 444

Barcode 710432

1 the violation. In making this determination, the department  
 2 shall consider the degree of toxicity and volume of the  
 3 release, the extent of harm caused by the violation, whether  
 4 the effects of the violation can be reversed or mitigated,  
 5 and, with respect to the defendant, the ability to pay, the  
 6 effect of a civil penalty on the ability to continue in  
 7 business, all voluntary cleanup efforts undertaken in the  
 8 past, the prior history of violations, the gravity of the  
 9 behavior, the economic benefit, if any, resulting from the  
 10 violation, and all other matters that the department  
 11 determines justice may require.

12 (7) APPLICABILITY.--This section does not apply to  
 13 releases made for the purpose of securing the safety of the  
 14 gambling vessel or saving life at sea if all reasonable  
 15 precautions have been taken for the purpose of preventing or  
 16 minimizing the release.

17 (8) DEPARTMENT FEES.--The department shall establish  
 18 and collect fees to cover the entire cost to the department of  
 19 developing and implementing the gambling vessel registration,  
 20 release tracking, and compliance and enforcement  
 21 responsibilities required or authorized under this section

22 (9) RULES.--The department may adopt rules pursuant to  
 23 ss. 120.536(1) and 120.54 to develop online registration  
 24 procedures, procedures for determining scheduled releases, the  
 25 receipt of fees from vessles, and applicable forms.

26 Section 2. The Department of Environmental Protection  
 27 shall request the appropriate federal agencies to prohibit the  
 28 release of all sewage, oily bilge water, untreated or treated  
 29 graywater, untreated or treated blackwater, hazardous waste,  
 30 or biomedical waste from any vessel within the federal  
 31 territorial waters off the shores of this state.

Bill No. SB 444

Barcode 710432

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

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

5 And the title is amended as follows:

6 Delete everything before the enacting clause

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8 and insert:

9 A bill to be entitled

10 An act relating to regulation of releases from  
 11 gambling vessels; creating s. 376.25, F.S.;  
 12 providing a short title; providing definitions;  
 13 requiring that gambling vessels operating in  
 14 coastal waters register with the Department of  
 15 Environmental Protection; specifying the  
 16 requirements for gambling vessel registration;  
 17 requiring facilities wherein gambling vessels  
 18 make berth; to establish procedures for the  
 19 release of certain substances by gambling  
 20 vessels at facilities; requiring facilities to  
 21 establish and collect certain fees; requiring  
 22 the reporting of the release of certain  
 23 substances into coastal waters by gambling  
 24 vessels; providing civil penalties for  
 25 violations; providing for fees; providing  
 26 exemptions; requiring that the department to  
 27 adopt rules; directing the department petition  
 28 the Federal Government to prohibit certain  
 29 releases within the federal territorial waters  
 30 off the shores of this state; providing an  
 31 effective date.