

By Senator Bennett

21-482-07

See HB 57

1 A bill to be entitled

2 An act relating to regulation of releases from

3 gambling vessels; creating s. 376.25, F.S.;

4 providing a short title; providing definitions;

5 requiring gambling vessels operating in coastal

6 waters to register with the Department of

7 Environmental Protection; specifying the

8 requirements for vessel registration; requiring

9 ports to establish procedures for the release

10 of certain substances by gambling vessels at

11 port facilities; requiring ports to establish

12 and collect certain fees; requiring the

13 reporting of the release of certain substances

14 into coastal waters by gambling vessels;

15 providing civil penalties for violations;

16 providing exemptions; requiring the department

17 to adopt rules; directing the department to

18 petition the Federal Government to prohibit

19 certain releases within the federal territorial

20 waters off the shores of this state; providing

21 an effective date.

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

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25 Section 1. Section 376.25, Florida Statutes, is

26 created to read:

27 376.25 Gambling vessels; registration; required and

28 prohibited releases.--

29 (1) SHORT TITLE.--This section may be cited as the

30 "Clean Ocean Act."

31 (2) DEFINITIONS.--As used in this section:

1 (a) "Biomedical waste" means any solid or liquid waste
2 as defined in s. 381.0098(2)(a).

3 (b) "Coastal waters" means waters of the Atlantic
4 Ocean or the Gulf of Mexico within the jurisdiction of the
5 state.

6 (c) "Department" means the Department of Environmental
7 Protection.

8 (d) "Gambling" or "gambling device" means any game of
9 chance and includes, but is not limited to, cards, keno,
10 roulette, faro, slot machines, video poker, or blackjack
11 machines played for money or thing of value. The term
12 "gambling" does not include penny-ante games as defined in s.
13 849.085(2)(a).

14 (e) "Gambling vessel" means a boat, ship, casino boat,
15 watercraft, or barge that is kept, operated, or maintained for
16 the purpose of gambling and that carries or operates gambling
17 devices for the use of its passengers or otherwise provides
18 facilities for the purpose of gambling, whether within or
19 without the jurisdiction of this state, and whether the vessel
20 is anchored, berthed, lying to, or navigating, and the
21 sailing, voyaging, or cruising, or any segment of the sailing,
22 voyaging, or cruising, begins and ends within this state. The
23 term "gambling vessel" does not include a cruise ship as
24 defined in 33 C.F.R. s. 101.105.

25 (f) "Hazardous waste" means any solid waste as defined
26 in s. 403.703(21).

27 (g) "Oily bilge water" means bilge water that contains
28 used lubrication oils, oil sludge and slops, fuel and oil
29 sludge, used oil, used fuel and fuel filters, and oily waste.

30 (h) "Port" means any place in the state into which
31 gambling vessels enter or depart for docking.

1 (i) "Release" means any discharge of liquids or
2 solids, however caused, from a gambling vessel and includes
3 any escape, disposal, spilling, leaking, pumping, emitting, or
4 emptying.

5 (j) "Sewage" means human body waste and the waste from
6 toilets and other receptacles intended to receive or retain
7 human body waste and includes any material that has been
8 collected or treated through a marine sanitation device, as
9 that term is used in s. 312 of the Clean Water Act, 33 U.S.C.
10 s. 1322, or that is a byproduct of sewage treatment.

11 (k) "Treated blackwater" means that part of treated
12 sewage carried off by toilets, urinals, and kitchen drains.

13 (l) "Treated graywater" means that part of treated
14 sewage that is not blackwater, including waste from the bath,
15 lavatory, laundry, and sink, except kitchen sink waste.

16 (m) "Untreated blackwater" means that part of
17 untreated sewage carried off by toilets, urinals, and kitchen
18 drains.

19 (n) "Untreated graywater" means that part of untreated
20 sewage that is not blackwater, including waste from the bath,
21 lavatory, laundry, and sink, except kitchen sink waste.

22 (3) REGISTRATION REQUIREMENTS.--

23 (a) For each calendar year in which the owner or
24 operator of a gambling vessel intends to operate, or cause or
25 allow to be operated, a gambling vessel in coastal waters, the
26 owner or operator of the vessel shall register with the
27 department. The registration shall be completed before any
28 commercial passenger vessel of the owner or operator enters
29 the marine waters of the state in that calendar year. The
30 registration shall include the following information:
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1 1. The vessel owner's business name and, if different,
2 the vessel operator's business name for each gambling vessel
3 of the owner or operator which is scheduled to be in coastal
4 waters during the calendar year.

5 2. The postal address, e-mail address, telephone
6 number, and facsimile number of the principal place of each
7 business identified in subparagraph 1.

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

16 4. The name or call sign, port of registry, and
17 passenger and crew capacity of each of the owner's or
18 operator's vessels scheduled to call upon a port in this state
19 or otherwise to be in coastal waters during the calendar year
20 and after the date of registration.

21 5. A description of all waste treatment systems of
22 each vessel identified under subparagraph 4., including system
23 type, design, operation, location of all discharge pipes and
24 valves, and the number and capacity of all storage areas and
25 holding tanks.

26 (b) Registration under paragraph (a) shall be executed
27 under oath by the owner or operator or designated
28 representative thereof.

29 (c) Upon request of the department, the registrant
30 shall submit registration information required under this
31 subsection electronically.

1 (4) REQUIRED RELEASES.--

2 (a) Each port shall establish procedures, including a
3 process for verification of the contents released, for the
4 release of sewage, oily bilge water, untreated or treated
5 graywater, untreated or treated blackwater, hazardous waste,
6 and biomedical waste from gambling vessels at port facilities.

7 (b) Each port shall establish and collect a fee not to
8 exceed the costs associated with disposal of the required
9 releases from gambling vessels.

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

18 (a) Date of the release.

19 (b) Time of the release.

20 (c) Location of the release.

21 (d) Volume of the release.

22 (e) Source of the release.

23 (f) Remedial actions taken to prevent future releases.

24 (6) PENALTIES.--

25 (a) A person who violates this section is subject to a
26 civil penalty of not more than \$50,000 for each violation.

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

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1 (c) In determining the amount of a civil penalty
2 imposed under this subsection, the department shall take into
3 consideration all relevant circumstances, including, but not
4 limited to, the nature, circumstances, extent, and gravity of
5 the violation. In making this determination, the department
6 shall consider the degree of toxicity and volume of the
7 release, the extent of harm caused by the violation, whether
8 the effects of the violation can be reversed or mitigated,
9 and, with respect to the defendant, the ability to pay, the
10 effect of a civil penalty on the ability to continue in
11 business, all voluntary cleanup efforts undertaken in the
12 past, the prior history of violations, the gravity of the
13 behavior, the economic benefit, if any, resulting from the
14 violation, and all other matters the department determines
15 justice may require.

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

21 (8) RULES.--The department shall adopt rules pursuant
22 to ss. 120.536(1) and 120.54 to implement and administer this
23 section.

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

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