

Bill No. SB 548

Barcode 592904

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. 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
operation of a vessel in waters supporting seagrasses,

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

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

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

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

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

27 327.73 Noncriminal infractions.--

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

30 (x) Section 253.04(4)(a), relating to carelessly
31 causing propeller scarring in an aquatic preserve, for which

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1 the civil penalty is:

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

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

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

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

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

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

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

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

2 And the title is amended as follows:

3 Delete everything before the enacting clause

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5 and insert:

6 A bill to be entitled

7 An act relating to the protection of seagrasses
8 in aquatic preserves; amending s. 253.04,
9 F.S.; providing that careless operation of a
10 vessel outside a marked channel which causes
11 propeller scarring in an aquatic preserve is a
12 civil infraction; defining the terms "propeller
13 scarring" and "seagrasses"; providing that
14 refusal to post bond or sign a boating citation
15 is a second-degree misdemeanor; requiring that
16 civil penalties collected for the careless
17 operation of a vessel be deposited into the
18 Internal Improvement Trust Fund and used for
19 specified purposes; amending s. 327.73, F.S.;
20 providing civil penalties; providing an
21 effective date.

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