

The Florida Senate
PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Environmental Preservation and Conservation Committee

BILL: SB 548

INTRODUCER: Senator Bennett

SUBJECT: Protection of Seagrasses

DATE: March 13, 2007

REVISED: 3/14/07

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bascom	Kiger	EP	Fav/1 amendment
2.			TR	
3.			JU	
4.			GA	
5.				
6.				

Please see last section for Summary of Amendments

- Technical amendments were recommended
- Amendments were recommended
- Significant amendments were recommended

I. Summary:

This bill amends s. 253.04, F.S., creating civil penalties for the careless operation of a boat, outside of marked navigation channels, that causes propeller scarring resulting in the destruction of seagrass plants.

The bill provides for the deposit of fines and penalties collected from violations associated with seagrass destruction into the Internal Improvement Trust Fund to be used solely to implement, administer and enforce seagrass protection, provide for seagrass restoration, and conduct a seagrass education program for boaters.

Finally, the bill creates a civil penalty schedule for noncriminal infractions relating to carelessly causing propeller scarring and second degree misdemeanor penalties for failing to post bond or accept or sign a uniform boating citation.

This bill amends subsection (4) of section 253.04, Florida Statutes and creates subsection (x) of subsection (1) of section 327.73, Florida Statutes.

II. Present Situation:

Seagrass systems are highly productive communities that provide base resources for important fisheries, marine wildlife, and ecological processes. Seagrasses provide submerged habitat that supports many economically important saltwater fish, shellfish, and wildlife species. Seagrass meadows are responsible for generating up to approximately \$20,000 in fishery-related economic benefits per acre each year. Seagrass is an important food source for manatees and sea turtles. Seagrass protection is essential for the maintenance of saltwater fisheries, wildlife, high quality marine environments, and recreational opportunities in the State of Florida

Propeller scarring in seagrass is a recognized problem in areas of high boating use around the State, which currently has over 1 million registered boats. A 1995 report generated by the Fish and Wildlife Research Institute (formerly Florida Marine Research Institute) determined that more than 173,000 acres of seagrass in shallow nearshore waters were scarred by watercraft. Subsequent analysis of seagrass systems, have shown increases in both the number of propeller scars and the severity of scarring since the 1995 report findings. A Charlotte Harbor assessment found a 71% increase in severely scarred seagrass habitat when aerial images taken in 2003 were compared with those in the same area used in the assessments for the 1995 state-wide report. During this same period, vessel registrations grew from 16,896 to 22,252 boats in Charlotte County, an increase of 32%. Such findings are consistent with observed high-density growth and development of coastal areas, which will continue to bring with it growing vessel traffic in shallow vegetated estuary waters of the State. Shallow water operated vessels, commonly referred to as “flats boats”, are one of the fastest growing segments of the watercraft industry. Sales of such vessels reflect the desire on the part of the boating public to operate vessels in shallow waters where seagrass can be damaged by propellers or other motorized watercraft.

This growing problem with seagrass damage by boat propellers has compelled further management action. An active outreach campaign to instill stewardship of these marine resources has produced brochures, boater’s guides, public service announcements, and boat ramp information kiosks. On-going non-regulatory management uses signs that mark shallow seagrass beds. Many of these efforts involve partnerships with stakeholders.

An interagency Seagrass Working Group consisting of Florida Fish and Wildlife Conservation Commission (FWC) and Department of Environmental Protection (DEP) staff was assembled in 2004 to address the seagrass damage issue. An initial stakeholder meeting of representatives from the boating, commercial and recreational fishing environmental, and regulatory community, was held in February 2005. Meeting participants assessed the extent of the problem and recommended resource management options to address the problem. Many participants agreed to partner with the interagency Seagrass Working Group to provide guidance for implementation of agreed upon actions. One of the priorities was for the agencies to acquire the necessary legislative authority to address seagrass damage caused by vessel operation, and another was to explore the use of existing legislative authority to do so, if it existed. Based on the recommendations, the interagency Seagrass Working Group began working on a refined operational guidance procedure to more effectively implement seagrass protection regulations already available to regulatory agencies. This regulatory authority is based upon DEP’s statutory authority to pursue civil penalties for natural resource damage on state lands and the Commission’s responsibility to enforce state marine law.

The interagency Seagrass Working Group developed a pilot project protocol associated with the implementation of this operational guidance, and presented it to the stakeholder group at a meeting in August 2006. The stakeholders determined that existing seagrass damage protection regulations were too convoluted and difficult to enforce as currently applied. At this meeting, the stakeholders reached a consensus supporting new legislation that implements a non-criminal infraction system, where propeller scarring vessel operators could be fined for damaging seagrass. A penalty system similar to that proposed in the bill currently exists in some state parks and in Pinellas County. A much more comprehensive federal (NOAA) penalty system, which includes fines and assessments for seagrass restoration and functional ecological community loss, exists in the Florida Keys National Marine Sanctuary.

III. Effect of Proposed Changes:

Section 1. Amends subsection (4) of section 253.04, Florida Statutes:

- Creating a civil penalty, punishable under s. 327.73, F.S., for the careless operation of a vessel outside a lawfully marked navigation channel.
- Creating definitions for “Propeller Scarring” and “Seagrasses” to be used in this subsection.
- Establishing that it shall be a first degree misdemeanor punishment, as provided in s. 775.082, F.S. or s. 775.083, F.S., for willful operation of a vessel outside of a lawfully marked navigation channel in a manner to cause propeller scarring.
- Providing that any violation of the subsection is a violation of boating laws of the state and shall be charged under current uniform boating citations as provided in s. 327.74, F.S.
- Providing that any person who refuses to post a bond or accept and sign a uniform boating citation commits a second degree misdemeanor, as provided in s. 327.73 (3), which is punishable under s. 775.082, F.S. or s. 775.083, F.S.
- Authorizes the deposit of the penalties, fines or fees collected under this subsection into the Internal Improvement Trust Fund to be used solely to implement, administer and enforce seagrass protection, and to provide seagrass restoration and conduct a seagrass protection education program for boaters.

Section 2. Creates subsection (x) of subsection (1) of section 327.73, Florida Statutes adding the following civil penalties relating to the careless causing of propeller scarring:

- \$50 upon conviction for a first offense.
- \$250 upon conviction of a second offense occurring within 12 months after a prior conviction.
- \$500 upon conviction of a third offense occurring within 36 months after a prior conviction.
- \$1000 upon conviction of a fourth or subsequent offense.

Section 3. Provides an effective date of October 1, 2007.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

An unknown amount of revenue may be generated based on the number of infractions and the amount of civil penalties collected. Revenues received from the infractions shall be deposited into the Internal Improvement Trust Fund, and be used solely to implement, administer and enforce seagrass protection, and to provide seagrass restoration and conduct a seagrass protection education program for boaters.

Monies deposited into the Internal Improvement Trust Fund are utilized as established pursuant to section 7, Article II, the protection of natural resources, and section 11, Article X, sovereign submerged lands, the State Constitution.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

Barcode 592904 by Environmental Preservation:

The strike everything amendment narrows the applicability of the violation of propeller scarring of Seagrasses, from the bills original statewide protection position, to only those areas designated as aquatic preserves.

This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
