

By Senator Bennett

21-552-07

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

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 20 Be It Enacted by the Legislature of the State of Florida:
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22 Section 1. Present subsections (4), (5), (6), and (7)
 23 of section 253.04, Florida Statutes, are redesignated as
 24 subsections (5), (6), (7), and (8), respectively, and a new
 25 subsection (4) is added to that section, to read:

26 253.04 Duty of board to protect, etc., state lands;
 27 state may join in any action brought.--

28 (4)(a) Any person operating a vessel outside a
 29 lawfully marked channel in a careless manner so as to cause
 30 propeller scarring commits a civil infraction, punishable as
 31 provided in s. 327.73, except as provided in paragraph (b).

1 Each violation is a separate offense. As used in this
2 subsection, the term:

3 1. "Propeller scarring" means damage caused by the
4 operation of a vessel in waters supporting seagrasses,
5 resulting in the destruction of roots, shoots, or stems of
6 seagrass plants, which causes denuding of vegetation in tracks
7 of sediment commonly referred to as prop-scars or propeller
8 scars.

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

14 (b) Any person who willfully or wantonly operates a
15 vessel outside a lawfully marked channel in a manner so as to
16 cause propeller scarring commits a misdemeanor of the first
17 degree, punishable as provided in s. 775.082 or s. 775.083.

18 (c) Any violation of this subsection is a violation of
19 the boating laws of this state and shall be charged on a
20 uniform boating citation as provided in s. 327.74. Any person
21 who refuses to post a bond or accept and sign a uniform
22 boating citation commits a misdemeanor of the second degree as
23 provided in s. 327.73(3), punishable as provided in s. 775.082
24 or s. 775.083.

25 (d) All civil penalties imposed and collected pursuant
26 to this subsection shall be deposited into the Internal
27 Improvement Trust Fund and used solely to implement,
28 administer, and enforce this subsection; provide for seagrass
29 restoration; and conduct a program to educate vessel operators
30 about the need to protect seagrasses from damage caused by the
31 operation of vessels.

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

4 327.73 Noncriminal infractions.--

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

7 (x) Section 253.04(4)(a), relating to carelessly
8 causing propeller scarring, for which the civil penalty is:

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

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

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

15 4. One thousand dollars upon conviction for a fourth
16 or subsequent offense.

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18 Any person cited for a violation of any such provision shall
19 be deemed to be charged with a noncriminal infraction, shall
20 be cited for such an infraction, and shall be cited to appear
21 before the county court. The civil penalty for any such
22 infraction is \$50, except as otherwise provided in this
23 section. Any person who fails to appear or otherwise properly
24 respond to a uniform boating citation shall, in addition to
25 the charge relating to the violation of the boating laws of
26 this state, be charged with the offense of failing to respond
27 to such citation and, upon conviction, be guilty of a
28 misdemeanor of the second degree, punishable as provided in s.
29 775.082 or s. 775.083. A written warning to this effect shall
30 be provided at the time such uniform boating citation is
31 issued.

1 (8) Except as otherwise provided in s. 253.04(4)(d),
2 all fees and civil penalties assessed and collected pursuant
3 to this section shall be remitted by the clerk of the court to
4 the Department of Revenue to be deposited into the Marine
5 Resources Conservation Trust Fund for boating safety education
6 purposes.

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

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SENATE SUMMARY

Provides for the protection of seagrasses. Provides penalties for damaging seagrasses or refusing to post bond or sign a boating citation. Provides for deposit of civil penalties into the Internal Improvement Trust Fund.