

By the Committee on Transportation; and Senators Bennett and Dockery

596-2212-07

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

A bill to be entitled

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

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

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

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

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

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

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

29 327.73 Noncriminal infractions.--

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

1 (x) Section 253.04(4)(a), relating to carelessly
2 causing propeller scarring in an aquatic preserve, for which
3 the civil penalty is:

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

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

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

10 4. One thousand dollars upon conviction for a fourth
11 or subsequent offense.

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

27 (8) Except as otherwise provided in s. 253.04(4)(c),
28 all fees and civil penalties assessed and collected pursuant
29 to this section shall be remitted by the clerk of the court to
30 the Department of Revenue to be deposited into the Marine
31

1 Resources Conservation Trust Fund for boating safety education
2 purposes.

3 Section 3. This act shall take effect October 1, 2007.
4

5 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
6 COMMITTEE SUBSTITUTE FOR
7 Senate Bill 548

8 This Committee Substitute (CS) narrows the applicability of
9 the violation of propeller scarring of Seagrasses, from the
10 bill's original statewide protection position, to only those
11 areas designated as aquatic preserves.
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31