

A bill to be entitled

An act relating to regulation of releases from gambling vessels; creating s. 376.25, F.S.; providing a short title; providing definitions; requiring gambling vessels operating in coastal waters to register with the Department of Environmental Protection; specifying the requirements for vessel registration; requiring ports to establish procedures for the release of certain substances by gambling vessels at port facilities; requiring ports to establish and collect certain fees; requiring the reporting of the release of certain substances into coastal waters by gambling vessels; providing civil penalties for violations; providing exemptions; requiring the department to adopt rules; directing the department to petition the Federal Government to prohibit certain releases within the federal territorial waters off the shores of this state; providing an effective date.

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

Section 1. Section 376.25, Florida Statutes, is created to read:

376.25 Gambling vessels; registration; required and prohibited releases.--

(1) SHORT TITLE.--This section may be cited as the "Clean Ocean Act."

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

(a) "Biomedical waste" means any solid or liquid waste as

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29 defined in s. 381.0098(2)(a).

30 (b) "Coastal waters" means waters of the Atlantic Ocean or  
31 the Gulf of Mexico within the jurisdiction of the state.

32 (c) "Department" means the Department of Environmental  
33 Protection.

34 (d) "Gambling" or "gambling device" means any game of  
35 chance and includes, but is not limited to, cards, keno,  
36 roulette, faro, slot machines, video poker, or blackjack  
37 machines played for money or thing of value. The term "gambling"  
38 does not include penny-ante games as defined in s.  
39 849.085(2)(a).

40 (e) "Gambling vessel" means a boat, ship, casino boat,  
41 watercraft, or barge that is kept, operated, or maintained for  
42 the purpose of gambling and that carries or operates gambling  
43 devices for the use of its passengers or otherwise provides  
44 facilities for the purpose of gambling, whether within or  
45 without the jurisdiction of this state, and whether the vessel  
46 is anchored, berthed, lying to, or navigating, and the sailing,  
47 voyaging, or cruising, or any segment of the sailing, voyaging,  
48 or cruising, begins and ends within this state. The term  
49 "gambling vessel" does not include a cruise ship as defined in  
50 33 C.F.R. s. 101.105.

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

53 (g) "Oily bilge water" means bilge water that contains  
54 used lubrication oils, oil sludge and slops, fuel and oil  
55 sludge, used oil, used fuel and fuel filters, and oily waste.

56 (h) "Port" means any place in the state into which

57 gambling vessels enter or depart for docking.

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

61 (j) "Sewage" means human body waste and the waste from  
 62 toilets and other receptacles intended to receive or retain  
 63 human body waste and includes any material that has been  
 64 collected or treated through a marine sanitation device, as that  
 65 term is used in s. 312 of the Clean Water Act, 33 U.S.C. s.  
 66 1322, or that is a byproduct of sewage treatment.

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

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

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

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

77 (3) REGISTRATION REQUIREMENTS.--

78 (a) For each calendar year in which the owner or operator  
 79 of a gambling vessel intends to operate, or cause or allow to be  
 80 operated, a gambling vessel in coastal waters, the owner or  
 81 operator of the vessel shall register with the department. The  
 82 registration shall be completed before any commercial passenger  
 83 vessel of the owner or operator enters the marine waters of the  
 84 state in that calendar year. The registration shall include the

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85 following information:

86 1. The vessel owner's business name and, if different, the  
87 vessel operator's business name for each gambling vessel of the  
88 owner or operator which is scheduled to be in coastal waters  
89 during the calendar year.

90 2. The postal address, e-mail address, telephone number,  
91 and facsimile number of the principal place of each business  
92 identified in subparagraph 1.

93 3. The name and address of an agent for service of process  
94 for each business identified under subparagraph 1. The owner and  
95 operator shall continuously maintain a designated agent for  
96 service of process whenever a gambling vessel of the owner or  
97 operator is in coastal waters, and the agent must be an  
98 individual resident of this state, a domestic corporation, or a  
99 foreign corporation having a place of business in and authorized  
100 to do business in this state.

101 4. The name or call sign, port of registry, and passenger  
102 and crew capacity of each of the owner's or operator's vessels  
103 scheduled to call upon a port in this state or otherwise to be  
104 in coastal waters during the calendar year and after the date of  
105 registration.

106 5. A description of all waste treatment systems of each  
107 vessel identified under subparagraph 4., including system type,  
108 design, operation, location of all discharge pipes and valves,  
109 and the number and capacity of all storage areas and holding  
110 tanks.

111 (b) Registration under paragraph (a) shall be executed  
112 under oath by the owner or operator or designated representative

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113 thereof.

114 (c) Upon request of the department, the registrant shall  
 115 submit registration information required under this subsection  
 116 electronically.

117 (4) REQUIRED RELEASES.--

118 (a) Each port shall establish procedures, including a  
 119 process for verification of the contents released, for the  
 120 release of sewage, oily bilge water, untreated or treated  
 121 graywater, untreated or treated blackwater, hazardous waste, and  
 122 biomedical waste from gambling vessels at port facilities.

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

126 (5) NOTIFICATION OF RELEASES.--If a gambling vessel  
 127 releases any sewage, oily bilge water, untreated or treated  
 128 graywater, untreated or treated blackwater, hazardous waste, or  
 129 biomedical waste into coastal waters, the owner or operator  
 130 shall immediately, but no later than 24 hours after the release,  
 131 notify the department of the release. The owner or operator  
 132 shall include all of the following information in the  
 133 notification:

134 (a) Date of the release.

135 (b) Time of the release.

136 (c) Location of the release.

137 (d) Volume of the release.

138 (e) Source of the release.

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

140 (6) PENALTIES.--

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

143 (b) The civil penalty imposed for each separate violation  
144 of this section is separate from, and in addition to, any other  
145 civil penalty imposed for a separate violation under this  
146 subsection or any other provision of law.

147 (c) In determining the amount of a civil penalty imposed  
148 under this subsection, the department shall take into  
149 consideration all relevant circumstances, including, but not  
150 limited to, the nature, circumstances, extent, and gravity of  
151 the violation. In making this determination, the department  
152 shall consider the degree of toxicity and volume of the release,  
153 the extent of harm caused by the violation, whether the effects  
154 of the violation can be reversed or mitigated, and, with respect  
155 to the defendant, the ability to pay, the effect of a civil  
156 penalty on the ability to continue in business, all voluntary  
157 cleanup efforts undertaken in the past, the prior history of  
158 violations, the gravity of the behavior, the economic benefit,  
159 if any, resulting from the violation, and all other matters the  
160 department determines justice may require.

161 (7) APPLICABILITY.--This section does not apply to  
162 releases made for the purpose of securing the safety of the  
163 gambling vessel or saving life at sea if all reasonable  
164 precautions have been taken for the purpose of preventing or  
165 minimizing the release.

166 (8) RULES.--The department shall adopt rules pursuant to  
167 ss. 120.536(1) and 120.54 to implement and administer this  
168 section.

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169           Section 2. The Department of Environmental Protection  
170 shall request the appropriate federal agencies to prohibit the  
171 release of all sewage, oily bilge water, untreated or treated  
172 graywater, untreated or treated blackwater, hazardous waste, or  
173 biomedical waste from any gambling vessel within the federal  
174 territorial waters off the shores of this state.

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