

1 A bill to be entitled
 2 An act relating to regulation of releases from gambling
 3 vessels; creating s. 376.25, F.S.; providing a short
 4 title; providing definitions; requiring gambling vessels
 5 operating in coastal waters to register with the
 6 Department of Environmental Protection; specifying the
 7 requirements for vessel registration; requiring facilities
 8 in which gambling vessels make berth to establish
 9 procedures for the release of certain substances;
 10 requiring such facilities to establish and collect certain
 11 fees; requiring the reporting of the release of certain
 12 substances into coastal waters by gambling vessels;
 13 providing civil penalties for violations; providing for
 14 fees; requiring the department to adopt rules; directing
 15 the department to petition the Federal Government to
 16 prohibit certain releases within the federal territorial
 17 waters off the shores of this state; providing an
 18 effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. Section 376.25, Florida Statutes, is created to
 23 read:

24 376.25 Gambling vessels; registration; required and
 25 prohibited releases.--

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

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

29 (a) "Berth" means a facility in which a gambling vessel
30 lies when at anchor or at a wharf and where passengers embark
31 and disembark.

32 (b) "Biomedical waste" has the same meaning as in s.
33 381.0098(2) (a).

34 (c) "Coastal waters" means waters of the Atlantic Ocean or
35 the Gulf of Mexico within the jurisdiction of the state.

36 (d) "Department" means the Department of Environmental
37 Protection.

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

49 (f) "Hazardous waste" has the same meaning as in s.
50 403.703(21).

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

54 (h) "Release" means any discharge of liquids or solids,
55 however caused, from a gambling vessel and includes any escape,
56 disposal, spilling, leaking, pumping, emitting, or emptying.

57 (i) "Scheduled release" means the release a gambling
58 vessel would reasonably be expected to make under subsection (4)
59 after the treated and untreated sewage on the vessel has filled
60 the waste treatment system and storage areas and holding tanks
61 of that vessel to their registered capacities.

62 (j) "Sewage" means human body waste and the waste from
63 toilets and other receptacles intended to receive or retain
64 human body waste and includes any material that has been
65 collected or treated through a marine sanitation device, as that
66 term is used in s. 312 of the Clean Water Act, 33 U.S.C. s.
67 1322, or that is a byproduct of sewage treatment.

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

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

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

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

78 (3) REGISTRATION REQUIREMENTS.--

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

85 that calendar year. The registration shall include the following
86 information:

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

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

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

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

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

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

113 thereof.

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

117 (4) RELEASE PROCEDURES; DISPOSAL FEE.--

118 (a) Each facility in which a gambling vessel makes berth
 119 shall establish procedures for the release of sewage, oily bilge
 120 water, untreated or treated graywater, untreated or treated
 121 blackwater, hazardous waste, and biomedical waste from gambling
 122 vessels at such facilities.

123 (b) Each facility in which a gambling vessel makes berth
 124 shall establish and collect a fee not to exceed the costs
 125 associated with disposal of the contents identified under
 126 paragraph (a) from a gambling vessel.

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

- 135 (a) Date of the release.
- 136 (b) Time of the release.
- 137 (c) Location of the release.
- 138 (d) Volume of the release.
- 139 (e) Source of the release.
- 140 (f) Remedial actions taken to prevent future releases.

141 (6) PENALTIES.--

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

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

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

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

167 (8) DEPARTMENT FEES.--The department shall establish and
 168 collect fees to cover the entire cost to the department of

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169 developing and implementing gambling vessel registration,
170 release tracking, and compliance and enforcement
171 responsibilities required or authorized under this section.

172 (9) RULES.--The department shall adopt rules pursuant to
173 ss. 120.536(1) and 120.54 to develop online registration
174 procedures, procedures for determining scheduled releases, the
175 receipt of fees from vessels, and applicable forms.

176 Section 2. The Department of Environmental Protection
177 shall request the appropriate federal agencies to prohibit the
178 release of all sewage, oily bilge water, untreated or treated
179 graywater, untreated or treated blackwater, hazardous waste, or
180 biomedical waste from any gambling vessel within the federal
181 territorial waters off the shores of this state.

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