

1 A bill to be entitled
2 An act relating to the regulation of releases from
3 gambling vessels; creating s. 376.25, F.S.; providing a
4 short title; providing definitions; requiring gambling
5 vessels operating in coastal waters of the state to
6 register with the Department of Environmental Protection;
7 specifying the requirements for vessel registration;
8 requiring the owners of certain waterfront-landing
9 facilities to establish procedures concerning the release
10 of waste from gambling vessels; requiring that such owners
11 make available a waste-management service meeting
12 specified criteria; requiring that such owners establish
13 certain procedures and collect certain fees; requiring
14 that the department maintain on its website an estimate of
15 the minimum waste-service demand of such waterfront-
16 landing facilities; providing criteria governing the
17 estimate; requiring notification of the release of certain
18 substances into coastal waters by gambling vessels;
19 providing requirements for such notification; providing
20 civil penalties for violations; providing for the
21 department to establish and collect fees meeting specified
22 criteria; providing exemptions and legislative intent;
23 requiring the department to adopt rules; directing the
24 department to seek federal approval to amend the Florida
25 Coastal Zone Management Program and, upon such approval,
26 to petition the Federal Government, via consistency review
27 under the federal Coastal Zone Management Act, to prohibit
28 certain releases from gambling vessels within the federal

HB 897

2008

29 territorial waters off the shores of the state; directing
 30 the department to petition the Federal Government to
 31 prohibit certain releases from gambling vessels
 32 independently of such approval; providing an effective
 33 date.

34

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

36

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

39 376.25 Gambling vessels; registration; required and
 40 prohibited releases.--

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

43 (2) DEFINITIONS.--As used in this section, the term:

44 (a) "Berth" means a site in this state where a gambling
 45 vessel moors to embark or disembark its passengers.

46 (b) "Biomedical waste" has the same meaning as in s.
 47 381.0098(2).

48 (c) "Coastal waters" means waters of the Atlantic Ocean
 49 within 3 nautical miles of the coastline of the state and waters
 50 of the Gulf of Mexico within 9 nautical miles of the coastline
 51 of the state.

52 (d) "Coastline" has the same meaning as in the Submerged
 53 Lands Act, 43 U.S.C. ss. 1301 et seq.

54 (e) "Department" means the Department of Environmental
 55 Protection.

56 (f) "Gambling vessel" means a boat, ship, casino boat,

57 watercraft, or barge that is kept, operated, or maintained for
58 the purpose of gambling and that carries or operates gambling
59 devices for the use of its passengers or otherwise provides
60 facilities for the purpose of gambling, whether within or
61 without the jurisdiction of this state, and whether the vessel
62 is at berth, lying to, or navigating, and the sailing, voyaging,
63 or cruising, or any segment of the sailing, voyaging, or
64 cruising, begins and ends within this state. The term does not
65 include a cruise ship as defined in 33 C.F.R. s. 101.105.

66 (g) "Hazardous waste" has the same meaning as in s.
67 403.703.

68 (h) "Oily bilge water" means liquid from the bilge of a
69 gambling vessel which contains used lubrication oils, oil sludge
70 and slops, fuel and oil sludge, used oil, used fuel and fuel
71 filters, and oily waste.

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

75 (j) "Sewage" means human body waste and the waste from
76 toilets and other receptacles intended to receive or retain
77 human body waste and includes any material that has been
78 collected or treated through a marine sanitation device, as that
79 term is used in s. 312 of the Clean Water Act, 33 U.S.C. s.
80 1322, or that is a byproduct of sewage treatment.

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

83 (l) "Treated graywater" means that part of treated sewage
84 that is not blackwater, including waste from the bath, lavatory,

85 laundry, and sink, except kitchen sink waste.

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

88 (n) "Untreated graywater" means that part of untreated
 89 sewage that is not blackwater, including waste from bath,
 90 lavatory, laundry, and sink, except kitchen sink waste.

91 (o) "Waste" means sewage, oily bilge water, treated
 92 graywater, untreated graywater, treated blackwater, untreated
 93 blackwater, hazardous waste, or biomedical waste.

94 (3) REGISTRATION REQUIREMENTS.--

95 (a) For each calendar year in which the owner or operator
 96 of a gambling vessel intends to operate, or cause or allow to be
 97 operated, a gambling vessel in coastal waters, the owner or
 98 operator of the vessel shall register with the department. The
 99 registration shall be completed before the gambling vessel
 100 enters the coastal waters of the state in that calendar year.

101 The registration shall include the following information:

102 1. The vessel owner's business name and, if different, the
 103 vessel operator's business name for each gambling vessel of the
 104 owner or operator which is scheduled to be in coastal waters
 105 during the calendar year.

106 2. The postal address, e-mail address, telephone number,
 107 and facsimile number of the principal place of each business
 108 identified under subparagraph 1.

109 3. The name and address of an agent for service of process
 110 for each business identified under subparagraph 1. The owner and
 111 operator shall continuously maintain a designated agent for
 112 service of process whenever a gambling vessel of the owner or

HB 897

2008

113 operator is in coastal waters, and the agent must be an
114 individual resident of this state, a domestic corporation, or a
115 foreign corporation having a place of business in and authorized
116 to do business in this state.

117 4. The name or call sign, port of registry, berth
118 location, passenger and crew capacity, and weekly schedule of
119 when passengers are to be onboard for each of the owner's or
120 operator's vessels scheduled to be in coastal waters during the
121 calendar year and after the date of registration. If passengers
122 embark or disembark a gambling vessel from another vessel while
123 the gambling vessel is in coastal waters but not moored to a
124 waterfront landing, a waterfront-landing facility in this state
125 where the other vessel moors while such passengers embark or
126 disembark for the gambling-vessel voyage must also be registered
127 as a berth location of the gambling vessel.

128 5. A description of all waste management systems,
129 including systems for the treatment, storage, or disposal of
130 waste for each gambling vessel identified under subparagraph 4.,
131 including, but not limited to, system type, design, operation,
132 location, and capacity of all discharge pipes and valves, and
133 the number and capacity of all storage areas and holding tanks.

134 (b) Registration under paragraph (a) shall be executed
135 under oath by the owner or operator or designated representative
136 thereof.

137 (c) Upon request of the department, the registrant shall
138 submit registration information required under this subsection
139 electronically.

140 (d) The registrant shall promptly advise the department of

141 a change in the information provided by the registrant under
142 paragraph (a) during the period that a registration is valid.

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

144 (a) The owner of each waterfront-landing facility that is
145 registered as a gambling vessel's berth location shall:

146 1. Establish procedures for the release of waste from
147 gambling vessels at the facility.

148 2. Make available a waste-management service that has the
149 capability, at minimum, of handling and disposing of the
150 facility's minimum waste-service demand as calculated by the
151 department under paragraph (b).

152 3. Collect a fee not to exceed the costs associated with
153 making such waste-management service available from each
154 gambling vessel for which the waterfront-landing facility is a
155 registered berth.

156 (b) The department shall maintain on its website a current
157 estimate of the minimum waste-service demand for each
158 waterfront-landing facility that is a registered berth for a
159 gambling vessel. The minimum waste-service demand is the volume
160 of waste that is reasonably expected to be released at the
161 facility over a calendar year from gambling vessels that have a
162 registered berth at the facility. In estimating a facility's
163 minimum waste-service demand, the department shall consider, for
164 each gambling vessel that has a registered berth at the
165 facility:

166 1. The registered capacity of the vessel's systems for
167 treating, holding, or disposing of waste; and

168 2. Other appropriate information, including, but not

HB 897

2008

169 limited to, other information provided during registration of
170 the vessel.

171 (5) NOTIFICATION OF RELEASES.--If a gambling vessel
172 releases any waste into coastal waters, the owner or operator
173 shall immediately, but no later than 24 hours after the release,
174 notify the department of the release. The owner or operator
175 shall include all of the following information in the
176 notification:

177 (a) Date of the release.

178 (b) Time of the release.

179 (c) Location of the release.

180 (d) Volume of the release.

181 (e) Source of the release.

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

183 (6) PENALTIES.--

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

186 (b) The civil penalty imposed for each separate violation
187 of this section is separate from, and in addition to, any other
188 civil penalty imposed for a separate violation under this
189 subsection or any other law.

190 (c) In determining the amount of a civil penalty imposed
191 under this subsection, the department shall consider all
192 relevant circumstances, including, but not limited to, the
193 nature, circumstances, extent, and gravity of the violation. In
194 making this determination, the department shall consider the
195 degree of toxicity and volume of the release, the extent of harm
196 caused by the violation, whether the effects of the violation

197 can be reversed or mitigated, and, with respect to the
198 defendant, the ability to pay, the effect of a civil penalty on
199 the ability to continue in business, all voluntary cleanup
200 efforts undertaken in the past, the prior history of violations,
201 the gravity of the behavior, the economic benefit, if any,
202 resulting from the violation, and all other matters the
203 department determines justice may require.

204 (7) FEES.--The department shall establish and collect fees
205 that are adequate to cover the entire cost to the department of
206 developing and implementing its responsibilities, as required or
207 authorized under this section, which concern registration of
208 gambling vessels, tracking of releases, compliance with this
209 section, and enforcement of this section.

210 (8) APPLICABILITY.--This section:

211 (a) Does not apply to releases made for the purpose of
212 securing the safety of the gambling vessel or saving life at sea
213 if all reasonable precautions have been taken for the purpose of
214 preventing or minimizing the release.

215 (b) Is intended to supplement and not conflict with
216 federal law.

217 (c) Does not apply to vessels of any branch of the United
218 States Armed Services.

219 (d) Does not require a person who holds a valid NPDES
220 permit governing releases from a gambling vessel to violate such
221 permit. As used in this paragraph, the term "NPDES permit" means
222 a permit issued by the United States Environmental Protection
223 Agency under s. 402 of the Clean Water Act, Pub. L. No. 92-500,
224 as amended, 33 U.S.C. ss. 1251 et seq., or by the department

225 under s. 403.0885.

226 (9) RULES.--The department shall adopt rules pursuant to
 227 ss. 120.536(1) and 120.54 to administer this section.

228 (10) FEDERAL ACTIVITIES.--

229 (a) The department shall submit a request to the United
 230 States Secretary of Commerce proposing that the Florida Coastal
 231 Zone Management Program be amended to include this section.

232 1. The request must be submitted by August 1, 2008, and
 233 must comply with the federal Coastal Zone Management Act and
 234 implementing regulations, including, but not limited to, the
 235 procedures in 16 U.S.C. s. 1455(c).

236 2. If the Secretary of Commerce approves the amendment of
 237 the Florida Coastal Zone Management Program to include this
 238 section, the department shall request the appropriate federal
 239 agencies to prohibit the release of waste from any gambling
 240 vessel in any waters which could affect the coastal waters of
 241 the state in accordance with 16 U.S.C. s. 1456(c)(1).

242 (b) Independent of the process to amend the Florida
 243 Coastal Zone Management Program under paragraph (a), the
 244 department shall request the appropriate federal agencies to
 245 prohibit the release of waste from any gambling vessel within
 246 the federal territorial waters off the shores of this state.

247 Section 2. This act shall take effect July 1, 2008.