

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

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.

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

50 (c) "Coastline" has the same meaning as in the Submerged  
 51 Lands Act, 43 U.S.C. ss. 1301 et seq.

52 (d) "Department" means the Department of Environmental  
 53 Protection.

54 (e) "Gambling vessel" means a boat, ship, casino boat,  
 55 watercraft, or barge that is kept, operated, or maintained for  
 56 the purpose of gambling and that carries or operates gambling

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

64 (f) "Hazardous waste" has the same meaning as in s.  
65 403.703.

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

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

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

79 (j) "Treated blackwater" means that part of treated sewage  
80 carried off by toilets, urinals, and kitchen drains.

81 (k) "Treated graywater" means that part of treated sewage  
82 that is not blackwater, including waste from the bath, lavatory,  
83 laundry, and sink, except kitchen sink waste.

84 (l) "Untreated blackwater" means that part of untreated

85 sewage carried off by toilets, urinals, and kitchen drains.

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

89 (n) "Waste" means sewage, oily bilge water, treated  
 90 graywater, untreated graywater, treated blackwater, untreated  
 91 blackwater, or hazardous waste.

92 (3) REGISTRATION REQUIREMENTS.--

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

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

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

107 3. The name and address of an agent for service of process  
 108 for each business identified under subparagraph 1. The owner and  
 109 operator shall continuously maintain a designated agent for  
 110 service of process whenever a gambling vessel of the owner or  
 111 operator is in coastal waters, and the agent must be an  
 112 individual resident of this state, a domestic corporation, or a

113 foreign corporation having a place of business in and authorized  
114 to do business in this state.

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

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

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

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

138 (d) The registrant shall promptly advise the department of  
139 a change in the information provided by the registrant under  
140 paragraph (a) during the period that a registration is valid.

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(4) RELEASE PROCEDURES; DISPOSAL FEE.--

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

1. Establish procedures for the release of waste from gambling vessels at the facility.
2. Make available a waste-management service that has the capability, at minimum, of handling and disposing of the facility's minimum waste-service demand as calculated by the department under paragraph (b).
3. Collect a fee not to exceed the costs associated with making such waste-management service available from each gambling vessel for which the waterfront-landing facility is a registered berth.

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

1. The registered capacity of the vessel's systems for treating, holding, or disposing of waste; and
2. Other appropriate information, including, but not limited to, other information provided during registration of the vessel.

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

- 175           (a) Date of the release.
- 176           (b) Time of the release.
- 177           (c) Location of the release.
- 178           (d) Volume of the release.
- 179           (e) Source of the release.
- 180           (f) Remedial actions taken to prevent future releases.

181           (6) PENALTIES.--

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

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

188           (c) In determining the amount of a civil penalty imposed  
 189 under this subsection, the department shall consider all  
 190 relevant circumstances, including, but not limited to, the  
 191 nature, circumstances, extent, and gravity of the violation. In  
 192 making this determination, the department shall consider the  
 193 degree of toxicity and volume of the release, the extent of harm  
 194 caused by the violation, whether the effects of the violation  
 195 can be reversed or mitigated, and, with respect to the  
 196 defendant, the ability to pay, the effect of a civil penalty on

197 the ability to continue in business, all voluntary cleanup  
 198 efforts undertaken in the past, the prior history of violations,  
 199 the gravity of the behavior, the economic benefit, if any,  
 200 resulting from the violation, and all other matters the  
 201 department determines justice may require.

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

208 (8) APPLICABILITY.--This section:

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

213 (b) Is intended to supplement and not conflict with  
 214 federal law.

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

217 (d) Does not require a person who holds a valid NPDES  
 218 permit governing releases from a gambling vessel to violate such  
 219 permit. As used in this paragraph, the term "NPDES permit" means  
 220 a permit issued by the United States Environmental Protection  
 221 Agency under s. 402 of the Clean Water Act, Pub. L. No. 92-500,  
 222 as amended, 33 U.S.C. ss. 1251 et seq., or by the department  
 223 under s. 403.0885.

224 (e) Does not apply to any gambling vessel that can



225 annually verify to the department that it operates a marine  
 226 waste treatment system that produces sterile, clear, and  
 227 odorless reuse water without generating solid waste and that  
 228 eliminates the need to pump out or dump wastewater.

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

231 (10) FEDERAL ACTIVITIES.--

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

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

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

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

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