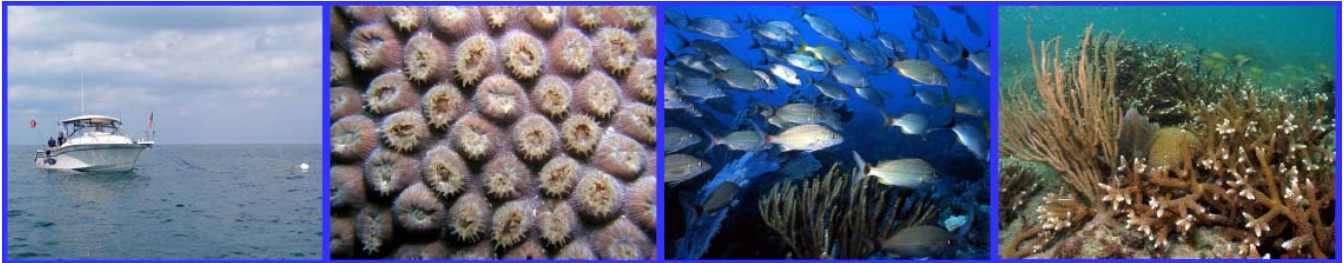




Coral Reef Protection Act of 2009



- Spanning more than 330 nautical miles from the Dry Tortugas to the St. Lucie Inlet, the Florida Reef Tract is one of the greatest natural resources in Florida and the United States. Florida's reefs provide habitat for over 6,000 marine species, protect south Florida's shorelines from tropical storms and hurricanes, and sustain Florida's fisheries, famous beaches, tourism, and recreation.
- Florida's reefs are worth \$6.3 billion dollars to the local economy and support more than 71,000 jobs annually.
- The Florida Reef Tract is suffering from a range of threats, including injuries caused by vessels grounding and anchoring on the coral reefs.
- Coral reef impacts from large vessel groundings and anchor or cable drag events cause immediate and long-term injuries; vessel hulls, anchors, and propellers can fracture and crush coral reef framework, scrape the reef surface and dislodge corals, sponges and other marine animals and plants.
- In addition to injuries caused by large vessels and improper anchoring, chronic impacts to coral reefs caused by anchors from smaller recreational vessels result in widespread cumulative damages.
- In 2009, the Florida Legislature passed the *Coral Reef Protection Act* to increase protection of coral reef resources on sovereign submerged lands off the coasts of Martin, Palm Beach, Broward, Miami-Dade, and Monroe counties.
 - The *Coral Reef Protection Act* authorizes the Florida Department of Environmental Protection (FDEP), as the state's lead trustee for coral reef resources, to protect coral reefs through timely and efficient assessment and recovery of damages to coral reefs and to enter into delegation agreements with other state or local government agencies with coral reefs in their jurisdiction to carry out the intent of the act.

- The *Coral Reef Protection Act* provides Florida with the ability to recover monetary damages by establishing a civil penalty schedule to provide additional disincentive for damaging coral reefs and provides an alternative restitution mechanism for smaller damage events (such as unauthorized anchoring) that do not warrant full-scale compensation analysis.
- Effective July 1, 2009, the *Coral Reef Protection Act* provides that:
 - The responsible party who knows, or should know, that their vessel has run aground, struck, or otherwise damaged coral reefs must notify the FDEP of such an event within 24 hours.
 - Unless prohibited or restricted by the U.S. Coast Guard, and absent circumstances that would prevent safe removal of the vessel, the responsible party must remove or cause the removal of the grounded or anchored vessel within 72 hours after the initial incident occurred in a manner that avoids further damage to coral reefs, and in consultation with the FDEP.
 - The responsible party must cooperate with the FDEP to undertake damage assessment and primary restoration of the injured coral reef in a timely fashion.
 - The FDEP may recover all damages from the responsible party including, but not limited to, a) compensation for the cost of replacing, restoring or acquiring the equivalent of the injured coral reef and the value of the lost use and services of the injured coral reef, b) the cost of damage assessments, c) the cost of activities undertaken to minimize or prevent further injury to the injured coral reef, d) the reasonable cost of monitoring, for at least 10 years, of an injured, restored or replaced coral reef greater than 1 square meter, e) the cost of enforcement actions undertaken in response to the destruction, loss of or injury to a coral reef.
 - In addition to compensation for damages, the FDEP may assess civil penalties for anchoring a vessel on a coral reef or any other damage to a coral reef totaling, a) less than or equal to 1 square meter, \$150, b) more than 1 square meter, but less than or equal to 10 square meters, \$300 per square meter, c) more than 10 square meters, \$1000 per square meter. These penalties may be increased with aggravating circumstances, for incidents occurring within a state park or aquatic preserve, and/or for repeat violations.
 - A responsible party who has anchored a recreational vessel which is lawfully registered or exempt from registration will be issued, at least once, a warning letter in lieu of penalty for damages to a coral reef totaling less than 1 square meter.
- The *Coral Reef Protection Act* responds to stakeholder recommendations from a 2006 Southeast Florida Coral Reef Initiative local action strategy public workshop and complements the protection of coral reef resources in designated protected state waters.

For more information about Florida's coral reefs and the state programs that protect them, please visit www.dep.state.fl.us/coastal/programs/coral/.