

# FLORIDA'S CORAL REEF PROTECTION ACT

LEARN ABOUT THIS LAW AND HOW IT MAY AFFECT YOU.

Florida's *Coral Reef Protection Act* went into effect on July 1, 2009. The law increases protection of Florida's endangered coral reefs by raising awareness of the damages associated with vessel groundings and anchoring on coral reefs. The law affects all vessels (commercial and recreational) that transit state waters within Monroe, Miami-Dade, Broward, Palm Beach, and Martin counties, and holds those that injure reefs responsible for causing damage to, or destruction of, coral reefs.



WHERE CAN I GET MORE INFORMATION ABOUT FLORIDA'S CORAL REEFS AND THE *CORAL REEF PROTECTION ACT*?

TO LEARN MORE, PLEASE VISIT:

[WWW.DEP.STATE.FL.US/COASTAL/PROGRAMS/CORAL/](http://WWW.DEP.STATE.FL.US/COASTAL/PROGRAMS/CORAL/)

AND [HTTP://WWW.DEP.STATE.FL.US/COASTAL/PROGRAMS/CORAL/RIPR.HTM](http://WWW.DEP.STATE.FL.US/COASTAL/PROGRAMS/CORAL/RIPR.HTM)



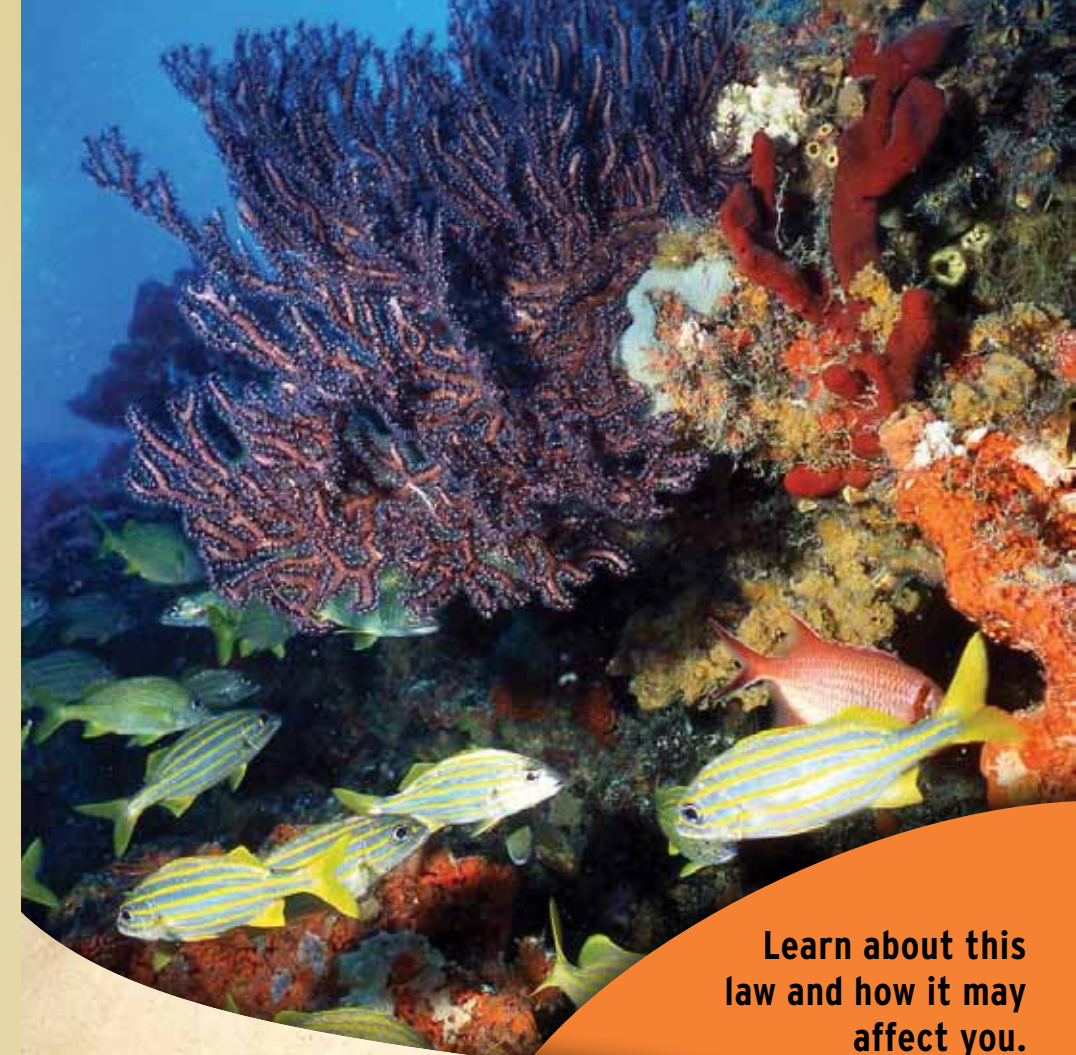
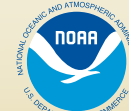
Vessel grounding and anchoring impacts (clockwise from top left): broken knobby brain coral (*Diploria clivosa*), severed giant barrel sponge (*Xestospongia muta*), an abandoned anchor on the reef, and a healthy southeast Florida coral reef.

TO REPORT A VESSEL GROUNDING OR OTHER CORAL REEF INJURY IN SOUTHEAST FLORIDA CALL:

**1-866-770-SEFL(7335)**

The production of this brochure was funded in part by a Coral Reef Conservation Program grant from the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management, and by the Florida Department of Environmental Protection through its Coral Reef Conservation Program.

PHOTOS PROVIDED BY: LAD ATKINS, HARRY BOOTH, JOE MARINO, JENNIFER PODIS, REBECCA ROSS AND FDEP.



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# FLORIDA'S CORAL REEF PROTECTION ACT



### WHY IS THE FLORIDA REEF TRACT IMPORTANT AND HOW DOES THE CORAL REEF PROTECTION ACT HELP PROTECT IT?

- The Florida Reef Tract provides habitat for over 6,000 marine species, protects South Florida's shorelines from tropical storms and hurricanes, and sustains Florida's beaches, tourism and recreation.
- Coral reef development can only happen when certain factors such as water temperature, nutrients and wave action are all present in just the right amounts. South Florida is the only region in the continental United States with the right conditions to support coral reef growth. The Florida Reef Tract is the only barrier reef in the continental United States.
- South Florida's reefs are worth \$6.3 billion dollars to the local economy and support more than 71,000 jobs annually.
- *The Coral Reef Protection Act* allows the Florida Department of Environmental Protection (FDEP) to better protect coral reefs through timely and efficient assessment and recovery of damages to coral reefs and to enter into delegation agreements with other agencies to carry out the intent of the Act.

### WHAT EFFECT DO VESSEL GROUNDINGS AND ANCHORING IMPACTS HAVE ON FLORIDA'S CORAL REEFS?

- Vessel grounding and anchoring incidents can cause significant damage to reef habitats, potentially changing their biological composition and as a result, the environmental health of coral reefs.
- Although the damage caused to a reef by anchoring a single recreational boat may be small in comparison to the damage caused by a large commercial vessel grounding, the cumulative damages resulting from anchoring and other recreational boating impacts may be greater due to the sheer numbers of recreational boat users in Florida.



*Shattered great star coral (Montastraea cavernosa), resulting from a vessel impact.*

### WHAT CIVIL PENALTIES ARE PRESCRIBED BY THE CORAL REEF PROTECTION ACT?

#### FOR DAMAGE TO A CORAL REEF TOTALING LESS THAN, OR EQUAL TO, 1 M<sup>2</sup> - \$150.

- For the first offense, a warning letter in lieu of a penalty may be issued.
- With aggravating circumstances - an additional \$150.
- Within a state park or aquatic preserve - an additional \$150.

#### FOR DAMAGE TO CORAL REEFS TOTALING MORE THAN 1 M<sup>2</sup>, BUT LESS THAN OR EQUAL TO 10 M<sup>2</sup> - \$300 PER M<sup>2</sup>.

- With aggravating circumstances - an additional \$300 per m<sup>2</sup>.
- Within a state park or aquatic preserve - an additional \$300 per m<sup>2</sup>.

#### FOR DAMAGE TO CORAL REEFS GREATER THAN 10 M<sup>2</sup> - \$1,000 PER M<sup>2</sup>.

- With aggravating circumstances - an additional \$1,000 per m<sup>2</sup>.
- Within a state park or aquatic preserve - an additional \$1,000 per m<sup>2</sup>.

#### FOR A SECOND VIOLATION, THE TOTAL PENALTY MAY BE DOUBLED.

#### FOR A THIRD VIOLATION, THE TOTAL PENALTY MAY BE TRIPLED.

#### FOR A FOURTH VIOLATION, THE PENALTY MAY BE QUADRUPLED.

#### THE TOTAL OF PENALTIES LEVIED MAY NOT EXCEED \$250,000 PER OCCURRENCE.

## FLORIDA'S CORAL REEF PROTECTION ACT

### WHAT DOES THE CORAL REEF PROTECTION ACT REQUIRE FROM THE RESPONSIBLE PARTY - THE OWNER, OPERATOR, MANAGER OR INSURER OF ANY VESSEL - THAT HAS INJURED A CORAL REEF?

#### THE RESPONSIBLE PARTY MUST:

- Notify FDEP within 24 hours of damaging or otherwise impacting a coral reef.
- Remove, or cause the removal of, a grounded or anchored vessel within 72 hours of the incident, unless prohibited by the U.S. Coast Guard or extenuating circumstances such as weather or marine hazards.
- Remove, or cause the removal of, a grounded or anchored vessel in a manner that avoids further damage to the reef and consult with FDEP in accomplishing this task.
- Cooperate with FDEP to undertake damage assessment and primary restoration of the injured coral reef in a timely fashion. Assessment and restoration efforts must be conducted by qualified, authorized individuals.



**THE FLORIDA REEF TRACT PROVIDES HABITAT FOR OVER 6,000 MARINE SPECIES, PROTECTS SOUTH FLORIDA'S SHORELINES FROM TROPICAL STORMS AND HURRICANES, AND SUSTAINS FLORIDA'S BEACHES, TOURISM AND RECREATION.**

### WHAT COMPENSATION DOES THE CORAL REEF PROTECTION ACT AUTHORIZE FDEP TO COLLECT FROM THE RESPONSIBLE PARTY WHO HAS INJURED A CORAL REEF?

#### FDEP IS AUTHORIZED TO COLLECT FROM THE RESPONSIBLE PARTY:

- The cost of natural resource damage assessments and activities undertaken by, or at the request of, the resource trustees to minimize or prevent further coral reef injuries, including staff time.
- The cost of enforcement actions undertaken by the resource trustees, including court costs, attorney's fees and expert witness fees.
- The cost of replacing, restoring or acquiring the equivalent of the injured coral reef, including compensation for the value of the lost use and ecological services of the reef, as determined through habitat equivalency analysis.
- The cost of monitoring the injured, restored or replaced coral reef for at least 10 years if the injury area is greater than 1 square meter (m<sup>2</sup>).

### WHAT ALTERNATIVES EXIST SO VESSEL OPERATORS CAN AVOID ANCHORING ON CORAL REEFS?

#### THE PREFERRED ALTERNATIVE IS TO USE AREAS WHERE MOORING BUOYS ARE PROVIDED FOR VESSEL USE. INFORMATION ABOUT CURRENT AND PLANNED MOORING BUOY LOCATIONS AND USE IS AVAILABLE ONLINE AT:

- Broward County: <http://www.broward.org/bio/mooringbuoy.htm>
- Martin County: <http://www.martinreefs.com/index.html> and <http://www.floridastateparks.org/stlucieinlet/ParkSummary.cfm>
- Miami-Dade County: <http://www.miamidade.gov/derm/buoy.asp> and <http://www.nps.gov/bisc/planyourvisit/mooring-buoys.htm>
- Monroe County: <http://floridakeys.noaa.gov/mbuoy/welcome.html>
- Palm Beach County: <http://www.pbcgov.com/erm/coastal/>

#### ANOTHER ALTERNATIVE FOR VESSEL OPERATORS WHO WISH TO ANCHOR NEAR CORAL REEFS IS TO PLACE THEIR ANCHOR IN THE SAND LOCATED BEYOND THE EDGE OF THE REEF.

- Local knowledge of the area and holding capabilities of the anchor are critical to ensure a vessel is anchored in, and will remain in, the sand.
- Nautical charts, GPS navigation programs, dive maps, and local dive shops can all be used to enhance local knowledge, but ultimately, the vessel operator/owner is responsible for preventing violations of the law.

#### TO VIEW THE UNITED STATES COAST GUARD'S FEDERAL REQUIREMENTS AND SAFETY TIPS FOR RECREATIONAL BOAT ANCHORING, PLEASE VISIT THEIR WEBSITE AT:

- [http://www.uscgboating.org/safety/fedreqs/saf\\_anchor.htm](http://www.uscgboating.org/safety/fedreqs/saf_anchor.htm).