CIVIL PENALTY AUTHORIZATION

SOUTHEAST FLORIDA DISTRICT

Investigator: John Doe

Date Submitted: 7/28/2014

1. VIOLATOR(S): Florida Casino Cruise Lines, Ltd.

2. LOCATION OF VIOLATION: Coastal Waters off Broward County, Florida

3. NATURE OF VIOLATION:

On December 2, 2011 the marine vessel USS Double Down (“Double Down”) reported to the Coast Guard that it had grounded on a reef in coastal waters near Port Everglades, Broward County, Florida.

 As a result of the grounding, Double Down damaged approximately 367 square meters of coral reef off the Broward County coast. Florida Casino Cruise Lines, Ltd. has been identified as the manager of Double Down, and pursuant to Section 403.93345(2)(h) a “responsible party” for the damage to the coral reef.

4. PENALTY RATIONALE:

 Section 403.93345(8) (c) F.S. provides that the Department may assess civil penalties against a responsible party in the amount of $1,000 per square meter of coral reef damage for damage exceeding 10 square meters. Section 403.93345(8) (g) provides that the total penalty amount may not exceed $250,000.

 Coast Guard investigation reports confirm:

1. Double Down’s captain and helmsman were under the influence of alcohol at time of the grounding, in excess of 0.11% blood alcohol concentration.
2. Double Down was using out-of-date nautical charts for navigation. Such charts did not mark the reef upon which Double Down grounded. Current charts accurately mark the reef.

5. PENALTY RECOMMENDATION:

As the total damage is estimated at 367 square meters, and includes aggravating circumstances, the Department is seeking authorization to pursue up to the statutory maximum of $250,000.

The violations have legal merit and the damages calculations are consistent with Florida Law.

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Kirk White Approved Disapproved

Deputy General Counsel

Office of General Counsel

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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John Truitt Approved Disapproved

Deputy Secretary, Regulatory Programs

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Noah Valenstein Approved Disapproved

Secretary

Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_