

# WEEK 1 REPORT

// 2020 LEGISLATIVE SESSION

+ MARINE INDUSTRIES ASSOCIATION OF FLORIDA

JANUARY 13-17, 2020



# // WEEK 1 REPORT

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We have officially completed the first week of the 2020 Legislative Session. Boating is a popular issue this year and we are going to have a very busy year ahead of us defending off anchoring restrictions around the State of Florida.

Sente Bill 606, regarding Anchoring Limitations passed its first committee in the Senate on a 3-2 vote. The bill was amended to include Ortega River and Kings Bay. The bill has two more stops in the Senate before it hits the Senate floor. The House companion to this bill is House Bill 417. The House bill has not been heard as of the writing of this report.

We have been meeting with legislators and other stakeholders on a number of issues ranging from anchoring to marina evacuations. The Legislative Session just started and these issues are all very fluid.

We will keep you updated as we make solid progress on proposed language negotiations. Please remain vigilant as we might have to put out and "Alert" to contact your legislator on an issue.

Finally, if you have not made your reservation yet for "Marine Industries Association of Florida Days" in Tallahassee, please do so immediately as we have limited space. We look forward to seeing everyone January 27th and 28th in Tallahassee for educational briefings, meetings and networking.

Thank you again for allowing us to be your voice in Tallahassee!



Margaret "Missy" Timmins  
President  
Timmins Consulting, LLC

## // ANCHORING LIMITATION AREAS

**Senate Bill 606 // Sen. Aaron Bean // Referred to: Environment and Natural Resources; Community Affairs; Rules**

**House Bill 417 // Rep. Wyman Duggan // Referred to: Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee**

HOUSE/SENATE BILL RELATIONSHIP: *IDENTICAL*

**CS/Senate Bill 606:** SB 606 adds the Ortega and Cedar rivers to the list of designated anchoring limitation areas, which restricts the anchoring of a vessel in such areas at night with certain exceptions.

**Most Recent Action:** Favorable with CS by Environment and Natural Resources; 3 Yeas, 2 Nays

**House Bill 417:** HB 417 adds the Ortega and Cedar rivers to the list of designated anchoring limitation areas, which restricts the anchoring of a vessel in such areas at night with certain exceptions.

**Most Recent Action:** Referred to Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

*Attached documents: CS/SB 606 + staff analysis; HB 417 (as filed)*

## // MARINA EVACUATIONS

**Senate Bill 826 // Sen. Debbie Mayfield // Referred to: Environment and Natural Resources; Infrastructure and Security; Rules**

**House Bill 475 // Rep. Rene Plasencia // Referred to: Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee**

HOUSE/SENATE BILL RELATIONSHIP: *IDENTICAL*

**Senate Bill 826:** Prohibiting vessels under a specified weight from remaining in certain marinas that have been deemed not suitable for refuge during a hurricane after the issuance of a hurricane watch or warning for the waters of the marina; providing for civil penalties, etc

**Most Recent Action:** Referred to Environment and Natural Resources; Infrastructure and Security; Rules

**House Bill 1329:** Prohibits vessels under specified weight from remaining in certain marinas that have been deemed not suitable for refuge during hurricane after issuance of hurricane watch or warning for waters of marina; provides for civil penalties.

**Most Recent Action:** Referred to Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

*Attached documents: SB 826 (as filed); HB 1329 (as filed)*

## // ENVIRONMENTAL ENFORCEMENT

**Senate Bill 1450 // Sen. Joe Gruters // Referred to: Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations**

**House Bill 1091 // Rep. Randy Fine // Referred to: Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee**

HOUSE/SENATE BILL RELATIONSHIP: *IDENTICAL*

**Senate Bill 1450:** Increasing the civil penalties for violations of certain provisions relating to beach and shore construction, the Biscayne Bay Aquatic Preserve, aquatic preserves, the state water resource plan, artesian wells, pollution, operating a terminal facility without discharge prevention and response certificates, discharge contingency plans for vessels, the Pollutant Discharge Prevention and Control Act, the Clean Ocean Act, the pollution of surface and ground waters, the regulation of oil and gas resources, the Phosphate Land Reclamation Act, sewage disposal facilities, pollution control, reasonable costs and expenses for pollution releases, necessary permits, dumping litter, small quantity generators, the abatement of imminent hazards caused by hazardous substances, hazardous waste generators, transporters, or facilities, and coral reef protection, respectively, etc.

**Most Recent Action:** Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

**House Bill 1091:** Increases civil penalties for violations of certain provisions relating to beach & shore construction, Biscayne Bay Aquatic Preserve, aquatic preserves, state water resource plan, artesian wells, pollution, operating terminal facility without discharge prevention & response certificates, discharge contingency plans for vessels, Pollutant Discharge Prevention & Control

Act, Clean Ocean Act, pollution of surface & ground waters, regulation of oil & gas resources, Phosphate Land Reclamation Act, sewage disposal facilities, pollution control, reasonable costs & expenses for pollution releases, necessary permits, dumping litter, small quantity generators, abatement of imminent hazards caused by hazardous substances, hazardous waste generators, transporters, or facilities, & coral reef protection; provides that certain conditions constitute separate offenses.

**Most Recent Action:** Referred to Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

*Attached documents: SB 1450 (as filed); HB 1091 (as filed)*

## // VESSELS

**Senate Bill 1378 // Sen. Darryl Rouson // Referred to: Environment and Natural Resources; Judiciary; Rules**

**House Bill 1407 // Rep. Jennifer Webb // Referred to: Local, Federal & Veterans Affairs Subcommittee; Business & Professions Subcommittee; State Affairs Committee**

HOUSE/SENATE BILL RELATIONSHIP: *IDENTICAL*

**Senate Bill 1378:** Specifying operation of a vessel at slow speed, minimum wake; prohibiting the operation of vessels at speeds faster than slow speed, minimum wake in certain situations; prohibiting the anchoring or mooring of a vessel to, or within a specified distance of, a mangrove or to vegetation upon, or within a specified distance of, public lands; revising civil penalties relating to certain at-risk vessels and prohibited anchoring or mooring, etc.

**Most Recent Action:** Referred to Environment and Natural Resources; Judiciary; Rules

**House Bill 1407:** Prohibits operation of vessels at speeds faster than slow speed, minimum wake in hazardous situations; provides requirements for flags displayed from vessels & barges actively engaged in construction operations; prohibits anchoring or mooring of vessel to mangroves & vegetation on public lands; revises civil penalties.

**Most Recent Action:** Filed

*Attached documents: SB 1378 (as filed); HB 1407 (as filed)*

## // FLORIDA ENDANGERED AND THREATENED SPECIES ACT

**Senate Bill 1360 // Sen. Jose Javier Rodriguez // Referred to: Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations**

**House Bill 1067 // Rep. Adam Hattersley // Referred to: Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee**

HOUSE/SENATE BILL RELATIONSHIP: *SIMILAR*

**Senate Bill 1360:** Florida Endangered and Threatened Species Act; directing the Fish and Wildlife Conservation Commission to protect certain declassified species; prohibiting the commission and the Department of Environmental Protection from considering certain costs when designating a species as endangered or threatened; revising criteria for placement of species on the Regulated Plant Index by the Department of Agriculture and Consumer Services; directing the department, in consultation with the Endangered Plant Advisory Council, to protect certain declassified species, etc.

**Most Recent Action:** Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

**House Bill 1067:** Florida Endangered and Threatened Species Act: Directs FWCC & DACS to protect certain declassified species; revises criteria for placement of species on Regulated Plant Index by DACS; prohibits FWCC & DACS from considering certain costs when designating species as endangered or threatened.

**Most Recent Action:** Referred to Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

*Attached documents: SB 1360 (as filed); HB 1067 (as filed)*

## // FISH AND WILDLIFE ACTIVITIES

**Senate Bill 1414 // Sen. Debbie Mayfield // Referred to: Environment and Natural Resources; Agriculture; Rules**

**House Bill 777 // Rep. Tommy Gregory // Referred to: Agriculture & Natural Resources Subcommittee; Ways & Means Committee; State Affairs Committee**

HOUSE/SENATE BILL RELATIONSHIP: *COMPARE*

**Senate Bill 1414:** Prohibiting certain harassment of hunters, trappers, and fishers within or on public lands or publicly or privately owned wildlife and fish management areas, or in or on public waters; authorizing the Fish and Wildlife Conservation Commission to designate additional annual free freshwater and saltwater fishing days; prohibiting the keeping, possessing, importing, selling, bartering, trading, or breeding of certain species except for educational or research purposes, etc.

**Most Recent Action:** Referred to Environment and Natural Resources; Agriculture; Rules

**House Bill 777:** Prohibits certain harassment of hunters, trappers, & fishers in or on specified lands, areas, & waters; authorizes FWCC to designate additional free fishing days; prohibits certain possession of specified reptiles; provides exemption from sales & use tax for retail sale of certain hunting, fishing, & camping supplies during specified period; authorizes certain dealers to opt out of exemption; authorizes DOR to adopt emergency rules; provides appropriation.

**Most Recent Action:** Referred to Agriculture & Natural Resources Subcommittee; Ways & Means Committee; State Affairs Committee

*Attached documents: SB 1414 (as filed); HB 777 (as filed)*

## // BOATING-RESTRICTED AREAS

**Senate Bill 1788 // Sen. Linda Stewart // Referred to: Community Affairs; Environment and Natural Resources; Rules**

**Senate Bill 1788:** Authorizing municipalities and counties to establish certain boating-restricted areas by ordinance for areas within a specified distance of any shoreline, etc.

**Most Recent Action:** Referred to Community Affairs; Environment and Natural Resources; Rules

*Attached documents: SB 1788 (as filed)*

## // ENVIRONMENTAL PROTECTION

**Senate Bill 1878 // Sen. Rob Bradley // Referred to: Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations**

**Senate Bill 1878:** Requiring a minimum annual appropriation for Everglades restoration and

the protection of water resources in this state beginning in a specified fiscal year; providing requirements for the allocation of such funding; providing for future repeal of the appropriation unless reviewed and saved from repeal through reenactment by the Legislature, etc.

**Most Recent Action:** Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

*Attached documents: SB 1878 (as filed)*

## // BOATING-RELATED APPROPRIATIONS

### Boating Appropriations Highlights

Below are several boating appropriation items included in the governor’s proposed budget.

We will update you on the House and Senate proposed budgets once they are released.

### 2020-2021 Governor’s Proposed Budget

1641	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND	
	NONSTATE ENTITIES - FIXED CAPITAL OUTLAY	
	GRANTS AND AIDS - WATER QUALITY IMPROVEMENTS	
	FROM GENERAL REVENUE FUND . . . . .	150,000,000

Funds in Specific Appropriation 1641 are provided for a grant program to provide up to a 50 percent matching grant to local governmental agencies as defined in section 403.1835, Florida Statutes, for wastewater and stormwater improvements, including septic conversion and remediation. This program supports the efforts of the Blue-Green Algae Task Force consensus findings to address nutrient loads to impaired waterbodies affected by blue-green algae. The Department of Environmental Protection may contract with local governmental agencies to administer the program.

From the funds in Specific Appropriation 1641, \$15,000,000 is provided for projects in the St. Johns River, Suwannee River, and Apalachicola River watersheds, and \$10,000,000 is provided for coral reef ecosystem protection and restoration.

1737	SPECIAL CATEGORIES
	FLORIDA RESILIENT COASTLINE INITIATIVE



FROM GENERAL REVENUE FUND . . . . . 5,500,353

Funds in Specific Appropriation 1737 are provided for the purpose of assisting local governments with sea level rise planning and coastal resilience projects. Funds may also be used for storm resiliency, including the placement of sand to mitigate erosion and ensure public safety, or for the protection of coral reef health, including restoration and monitoring.

1748 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND  
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY CLEAN MARINA

FROM FEDERAL GRANTS TRUST FUND . . . 1,000,000

1800 SPECIAL CATEGORIES

BOAT RAMP MAINTENANCE CATEGORY

FROM FEDERAL GRANTS TRUST FUND . . . 359,466

FROM MARINE RESOURCES CONSERVATION TRUST FUND . . . . . 67,048

FROM STATE GAME TRUST FUND . . . . . 143,750

1804 SPECIAL CATEGORIES

BOATING AND WATERWAYS ACTIVITIES

FROM MARINE RESOURCES CONSERVATION TRUST FUND . . . . . 2,192,

1809 SPECIAL CATEGORIES

BOATING SAFETY EDUCATION PROGRAM

FROM MARINE RESOURCES CONSERVATION TRUST FUND . . . . . 625,650

1810 FIXED CAPITAL OUTLAY

BOATING INFRASTRUCTURE

FROM FEDERAL GRANTS TRUST FUND . . . 3,900,000

1811 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND

NONSTATE ENTITIES - FIXED CAPITAL OUTLAY

DERELICT VESSEL REMOVAL PROGRAM

FROM MARINE RESOURCES CONSERVATION TRUST FUND . . . . . 2,135,136

1813 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND  
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY  
FLORIDA BOATING IMPROVEMENT PROGRAM

FROM MARINE RESOURCES CONSERVATION TRUST FUND . . . . . 1,756,175  
FROM STATE GAME TRUST FUND . . . . . 1,250,000

1882 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND

NONSTATE ENTITIES - FIXED CAPITAL OUTLAY ARTIFICIAL FISHING REEF CONSTRUCTION PROGRAM  
FROM FEDERAL GRANTS TRUST FUND . . . . . 300,000

FROM MARINE RESOURCES CONSERVATION TRUST FUND . . . . . 300,000

Thank you again for the opportunity to represent you in Tallahassee. As you can see from the highlights above, we have a lot on our plate this Session. Please review the entire tracking list that is attached if you would like to see every bill we are tracking this Session... so far!

# APPENDIX

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## // ANCHORING LIMITATION AREAS

CS/SB 606 + Staff Analysis  
HB 417 (as filed)

## // MARINA EVACUATION

SB 826 (as filed)  
HB 1329 (as filed)

## // ENVIRONMENTAL ENFORCEMENT

SB 1450 (as filed)  
HB 1091 (as filed)

## // VESSELS

SB 1378 (as filed)  
HB 1407 (as filed)

## // FLORIDA ENDANGERED & THREATENED SPECIES ACT

SB 1360 (as filed)  
HB 1067 (as filed)

## // FISH AND WILDLIFE ACTIVITIES

SB 1414 (as filed)  
HB 777 (as filed)

## // VESSEL SAFETY

SB 1786 (as filed)

## // BOATING-RESTRICTED AREAS

SB 1788 (as filed)

## // ENVIRONMENTAL PROTECTION

SB 1878 (as filed)

## // BOATING APPROPRIATIONS

## // CURRENT BILL TRACKING LIST

By the Committee on Environment and Natural Resources; and  
Senator Bean

592-02236-20

2020606c1

1                                   A bill to be entitled  
2       An act relating to anchoring limitation areas;  
3       amending s. 327.4108, F.S.; designating specified  
4       waterways as anchoring limitation areas; providing an  
5       effective date.

6  
7 Be It Enacted by the Legislature of the State of Florida:  
8

9       Section 1. Paragraphs (d) and (e) are added to subsection  
10      (1) of section 327.4108, Florida Statutes, to read:

11           327.4108 Anchoring of vessels in anchoring limitation  
12      areas.—

13           (1) The following densely populated urban areas, which have  
14      narrow state waterways, residential docking facilities, and  
15      significant recreational boating traffic, are designated as  
16      anchoring limitation areas:

17           (d) The Ortega River and the Cedar River in Duval County.

18           (e) Any portions of Kings Bay which are located within the  
19      municipal boundaries of Crystal River in Citrus County.

20       Section 2. This act shall take effect July 1, 2020.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

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BILL: CS/SB 606

INTRODUCER: Environment and Natural Resources and Senator Bean

SUBJECT: Anchoring Limitation Areas

DATE: January 13, 2020      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dyson	Rogers	EN	<b>Fav/CS</b>
2.			CA	
3.			RC	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

**I. Summary:**

CS/SB 606 adds the Ortega and Cedar rivers in Duval County, and Kings Bay within the municipal boundaries of Crystal River in Citrus County to the list of designated anchoring limitation areas, which restricts the anchoring of a vessel in such areas at night with certain exceptions.

**II. Present Situation:**

**Ortega River**

The Ortega River is located approximately 4.2 miles southwest of Jacksonville in Duval County, and branches off of the St. Johns River.<sup>1</sup> The Ortega River is known for being the recreational boating center of northeast Florida.<sup>2</sup> It is home to the “Marina Mile” which features several marinas, boat shops, yacht sales, and other marine type shops.<sup>3</sup>

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<sup>1</sup> Marinas.com, *Ortega River Inlet*, [https://marinas.com/view/inlet/wjiwq\\_Ortega\\_River\\_Inlet\\_Jacksonville\\_FL\\_United\\_States](https://marinas.com/view/inlet/wjiwq_Ortega_River_Inlet_Jacksonville_FL_United_States) (last visited Nov. 7, 2019).

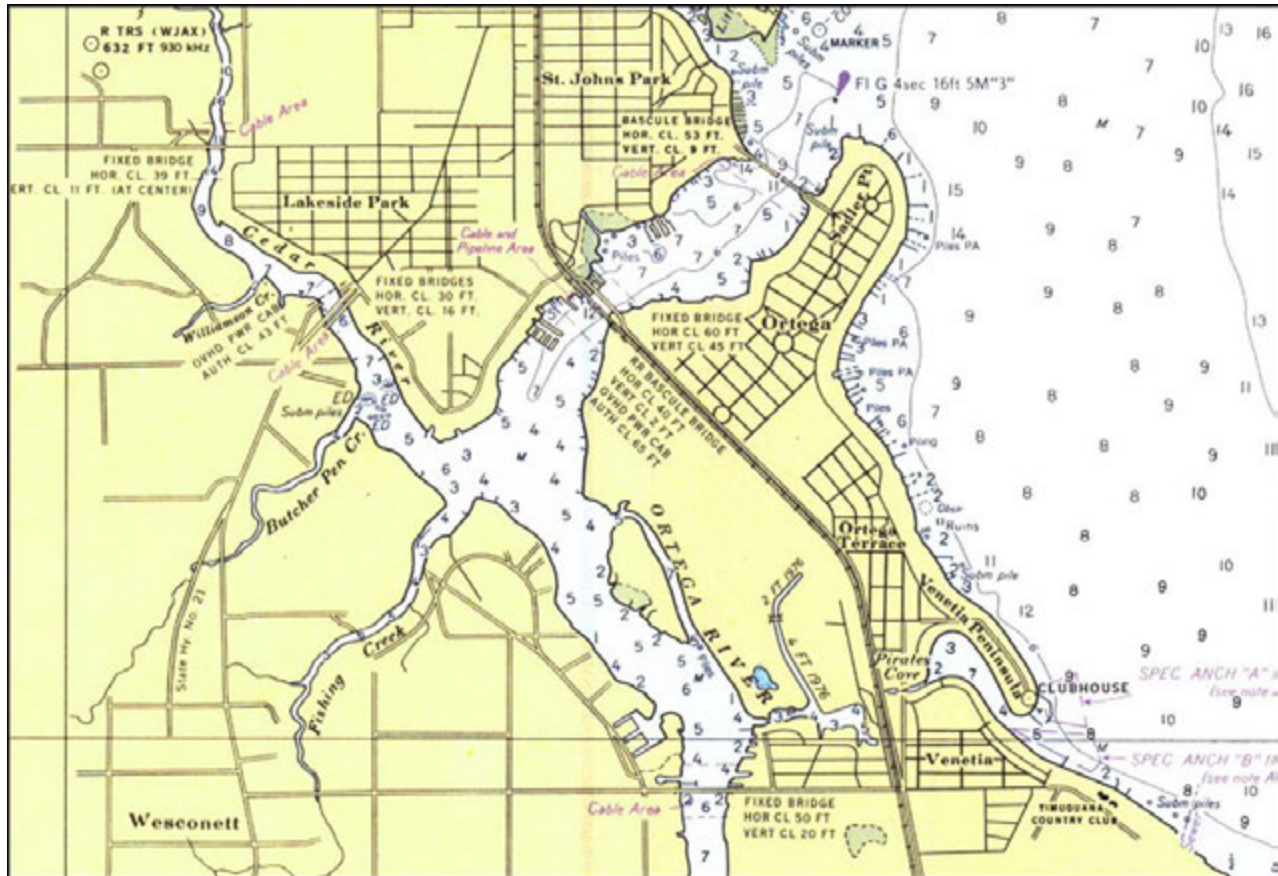
<sup>2</sup> Metro Jacksonville, *The Forgotten Rivers of Jacksonville, Ortega River* (Jun. 18, 2015), <https://www.metrojacksonville.com/article/2015-jun-the-forgotten-rivers-of-jacksonville/page/1> (last visited Nov. 7, 2019).

<sup>3</sup> *Id.*

## Cedar River

The Cedar River is located on the west side of Jacksonville, and runs into the Ortega River.<sup>4</sup> The Cedar River area is well known for outstanding food, especially the Cedar River Restaurant which opened in 1976.<sup>5</sup>

A map of both rivers can be seen below:<sup>6</sup>



## Kings Bay

Kings Bay is located on the west coast of Florida, and together with Crystal River makes up the second largest spring in Florida with more than 70 springs scattered within the 600 acre bay. The springs are the headwaters of Crystal River, which is a short, tidal river that flows seven miles from the headsprings to where it meets the Gulf of Mexico at Crystal Bay in Citrus County, Florida. Crystal River/Kings Bay is the largest natural winter refuge for Manatees on the Florida Gulf Coast.<sup>7</sup>

<sup>4</sup> Metro Jacksonville, *The Forgotten Rivers of Jacksonville, Cedar River* (Jun. 18, 2015), <https://www.metrojacksonville.com/article/2015-jun-the-forgotten-rivers-of-jacksonville/page/> (last visited Nov. 7, 2019).

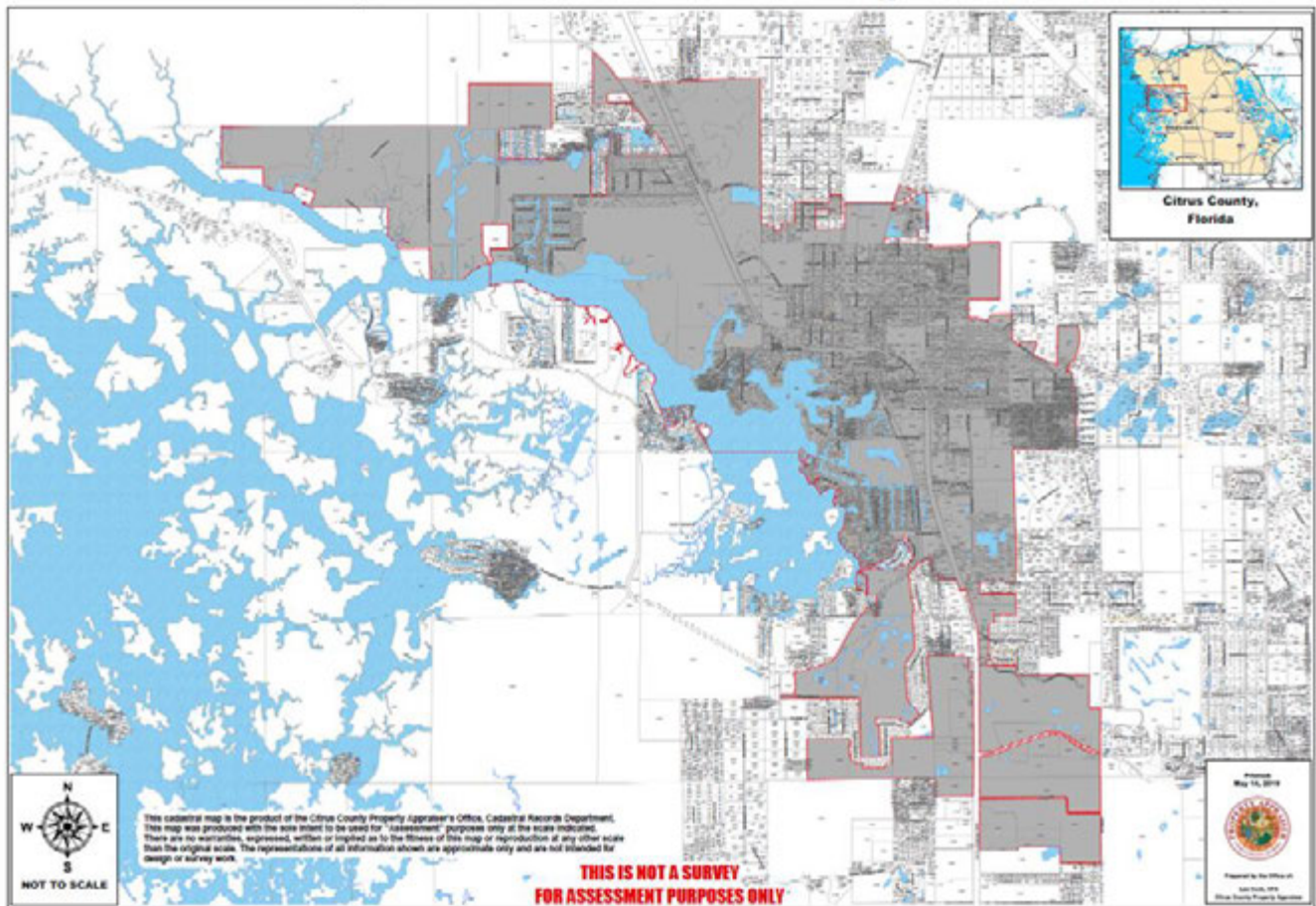
<sup>5</sup> *Id.*

<sup>6</sup> Maps Etc., *St. Johns River: Ortega, 1977*, <http://fcit.usf.edu/florida/maps/pages/3800/f3853/f3853.htm> (last visited Nov. 7, 2019).

<sup>7</sup> Southwest Florida Water Management District, *Crystal River/Kings Bay, Citrus County*, <https://www.swfwmd.state.fl.us/projects/springs/kings-bay> (last visited Jan. 9, 2020).

A map of the water body can be seen below:<sup>8</sup>

## City of Crystal Municipal Limits



### Anchoring and Mooring

Anchoring or mooring refers to a boater's practice of seeking and using a safe harbor on the public waterway system for an undefined duration. Anchoring is accomplished using an anchor carried on the vessel.<sup>9</sup> Mooring is accomplished through the utilization of moorings permanently affixed to the bottom of the water body. Anchorages are areas that boaters regularly use for anchoring or mooring, whether designated or managed for that purpose or not. Mooring fields are areas designated and used for a system of properly spaced moorings.<sup>10</sup>

<sup>8</sup> Crystal River Florida, *City of Crystal Municipal Limits*, [http://crystalriverfl.org/page/open/106/0/Cr\\_Municipal%20Limits\\_Map\\_04\\_14\\_2019.pdf](http://crystalriverfl.org/page/open/106/0/Cr_Municipal%20Limits_Map_04_14_2019.pdf) (last visited Jan. 14, 2020).

<sup>9</sup> Section 327.02, F.S., defines the term "vessel" to include every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

<sup>10</sup> Ankersen, Hamann, & Flagg, *Anchoring Away: Government Regulation and the Rights of Navigation in Florida*, 2 (Rev. May 2012), available at <https://www.law.ufl.edu/pdf/academics/centers-clinics/clinics/conservation/resources/anchaway.pdf> (last visited Nov. 7, 2019).

The anchoring of vessels has created issues in some areas of the state related to the use and enjoyment of the waters. These issues include, but are not limited to:

- The locations where anchored vessels accumulate;
- Unattended vessels;
- Anchored vessels that are dragging anchor or not showing proper lighting;
- Vessels that are not maintained properly;
- Vessels that become derelict;<sup>11</sup>
- Interpretation of state laws leading to inconsistent regulation of anchoring on state waters and confusion among the boating community; and
- Questions about local governmental authority to regulate anchoring.<sup>12</sup>

### ***State Regulation of the Anchoring or Mooring of Vessels***

The Board of Trustees of the Internal Improvement Trust Fund (Board), which consists of the Governor and the Cabinet, is responsible for administering, controlling, and managing sovereignty submerged lands.<sup>13</sup> The board is authorized to adopt rules governing all uses of sovereignty submerged lands including rules for anchoring, mooring, or otherwise attaching to the bottom, the establishment of anchorages, the discharge of sewage, pump-out requirements, and facilities associated with anchorages. Such rules must control the use of sovereignty submerged lands as a place of business or residence but are prohibited from interfering with commerce or the transitory operation of vessels through navigable water.<sup>14</sup>

Section 327.44, F.S., prohibits a person from anchoring a vessel, except in case of emergency, in a manner which unreasonably or unnecessarily constitutes a navigational hazard or interferes with another vessel. Anchoring under bridges or in or adjacent to heavily traveled channels constitutes interference, if unreasonable under the prevailing circumstances.<sup>15</sup> Interference with navigation is a noncriminal infraction and punishable by a fine of \$50.<sup>16</sup>

The FWC and other law enforcement agencies are authorized to relocate or remove a vessel that unreasonably or unnecessarily constitutes a navigational hazard or interferes with another vessel. The FWC or any law enforcement agency the relocates or removes a vessel under these circumstances must be held harmless for all damages to the vessel resulting from the relocation

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<sup>11</sup> Section 823.11(1)(b), F.S. A derelict vessel is a vessel that is left, stored, or abandoned in a wrecked, junked, or substantially dismantled condition upon any public waters of this state; at a port in the state without the consent of the agency that has jurisdiction of the port; or docked, grounded, or beached upon the property of another without the consent of the owner of the property; Citizens that live along the Ortega River have expressed concerns about derelict vessels that have sunk. Vessels that have sunk create a significant danger because the mast can reach close to the surface but cannot be seen by incoming boats. See First Coast News, *Ortega River Homeowners Looking Forward to Removal of 'Abandoned' Boats From River* (Oct. 9, 2019), <https://www.firstcoastnews.com/article/news/local/ortega-river-homeowners-looking-forward-to-removal-of-abandoned-boats-from-river/77-b2c3bcc6-ac86-4570-b449-49ddc1c51a5c> (last visited Dec. 19, 2019).

<sup>12</sup> Fish and Wildlife Conservation Commission (FWC), *Anchoring and Mooring Pilot Program Report of Findings and Recommendations*, 6 (Dec. 31, 2016), available at <http://www.boatus.com/gov/assets/pdf/fwc-2016-anchoring-and-mooring-report.pdf>.

<sup>13</sup> Section 253.03(7), F.S.

<sup>14</sup> See Fla. Admin. Code Ch. 18-21.

<sup>15</sup> Section 327.44(2), F.S.

<sup>16</sup> Section 327.73, F.S.



or removal unless the damage results from gross negligence or willful misconduct.<sup>17</sup> The costs to relocate or remove a vessel under these circumstances are recoverable against the vessel owner.<sup>18</sup>

The owner or operator of a vessel or floating structure may not anchor or moor such that the nearest approach of the anchored or moored vessel or floating structure is:

- Within 150 feet of any marina, boat ramp, boatyard, or vessel launching or loading facility;
- Within 300 feet of a superyacht repair facility (a facility that services or repairs a yacht with a water line of 120 feet or more in length); or
- Within 100 feet outward from the marked boundary of a public mooring field or a lesser distance if approved by the local government within which the mooring field is located.<sup>19</sup>

Exceptions from these restrictions apply for:

- A vessel owned or operated by a governmental entity.
- A construction or dredging vessel on an active job site.
- A commercial fishing vessel actively engaged in commercial fishing.
- A vessel actively engaged in recreational fishing if the persons onboard are actively tending hook and line fishing gear or nets.<sup>20</sup>

An owner or operator of a vessel may anchor or moor within 150 feet of any marina, boat ramp, boatyard, or other vessel launching or loading facility; within 300 feet of a superyacht repair facility; or within 100 feet outward from the marked boundary of a public mooring field if:

- The vessel suffers a mechanical failure that poses an unreasonable risk of harm to the vessel or the persons onboard such vessel. The owner or operator of the vessel may anchor or moor for 5 business days or until the vessel is repaired, whichever occurs first.
- Imminent or existing weather conditions in the vicinity of the vessel pose an unreasonable risk of harm to the vessel or the persons onboard such vessel. The owner or operator of the vessel may anchor or moor until weather conditions no longer pose such risk.<sup>21</sup>

The owner or operator of a vessel or floating structure may not anchor or moor within the marked boundary of a public mooring field unless the owner or operator has a lawful right to do so by contractual agreement or other business arrangement.<sup>22</sup>

A vessel or floating structure may not be anchored, moored, or affixed to an unpermitted, unauthorized, or otherwise unlawful object that is on or affixed to the bottom of the waters of this state. This does not apply to a private mooring owned by the owner of privately owned submerged lands.<sup>23</sup>

An anchoring or mooring violation of is a noncriminal infraction, punishable as follows:

- For a first offense, up to a maximum of \$50.

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<sup>17</sup> Section 327.44(3), F.S.

<sup>18</sup> Section 327.44(5), F.S.

<sup>19</sup> Section 327.4109(1)(a), F.S.

<sup>20</sup> Section 327.4109(1)(b), F.S.

<sup>21</sup> Section 327.4109(2), F.S.

<sup>22</sup> Section 327.4109(3), F.S.

<sup>23</sup> Section 327.4019(4), F.S.

- For a second offense, up to a maximum of \$100.
- For a third or subsequent offense, up to a maximum of \$250.<sup>24</sup>

In 2019 the Legislature directed the Fish and Wildlife Commission (FWC) to conduct a study that will:

- Investigate whether, and to what extent, long term stored vessels and vessels anchored or moored outside of public mooring fields for more than 30 days contribute to the number of derelict and abandoned vessels on the waters of the state;
- Investigate the impacts of long-term stored vessels, vessels anchored or moored outside of public mooring fields for more than 30 days, and vessels moored within public mooring fields on the local and state economies; public safety; public boat ramps, staging docks, and public marinas; and the environment during and after significant tropical storm and hurricane events; and
- Provide recommendations for appropriate management options for long-term stored vessels and vessels anchored or moored outside public mooring fields for more than 30 days to mitigate any identified negative impacts to local communities and this state.<sup>25</sup>

The study should not take more than 2 years and must be submitted to the Governor and Legislature within 6 months after completion. The requirement for the study was contingent on an appropriation and funds have not been appropriated at this time.<sup>26</sup>

### **Anchoring Limitation Areas**

Section 327.4108 F.S., designates three “anchoring limitation areas” that are characterized as “densely populated urban areas, which have narrow state waterways, residential docking facilities, and significant recreational boating traffic.” These anchoring limitation areas include:

- The section of Middle River lying between Northeast 21<sup>st</sup> Court and the Intracoastal Waterway in Broward County;
- Sunset Lake in Miami Dade County; and
- The sections of Biscayne Bay in Miami-Dade County lying between:
  - River Alto Island and Di Lido Island;
  - San Marino Island and San Marco Island; and
  - San Marco Island and Biscayne Island.<sup>27</sup>

Within these anchoring limitation areas, a person may not anchor a vessel at any time during the period between one-half hour after sunset and one-half hour before sunrise.<sup>28</sup> A person may anchor a vessel in an anchoring limitation area:

- If the vessel suffers a mechanical failure that poses an unreasonable risk of harm to the vessel or the persons onboard unless the vessel anchors. The vessel may anchor for 3 business days or until the vessel is repaired, whichever occurs first;

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<sup>24</sup> Section 327.4109(5), F.S.

<sup>25</sup> Section 327.4109(6), F.S.

<sup>26</sup> *Id.*

<sup>27</sup> Section 327.4108(1), F.S.

<sup>28</sup> Section 327.4108(2), F.S.

- If imminent or existing weather conditions in the vicinity of the vessel pose an unreasonable risk of harm to the vessel or the persons onboard unless the vessel anchors. The vessel may anchor until weather conditions no longer pose such risk. During a hurricane or tropical storm, weather conditions are deemed to no longer pose an unreasonable risk of harm when the hurricane or tropical storm warning affecting the area has expired; or
- During a regatta, race, marine parade, tournament, exhibition,<sup>29</sup> or other special events, including, but not limited to, public music performances, local government waterfront activities, or fireworks display. A vessel may anchor for the lesser of the duration of the special event or three days.<sup>30</sup>

These limitations do not apply to:

- Vessels owned or operated by a governmental entity or law enforcement, firefighting, military, or rescue purposes;
- Construction or dredging vessels on an active job site;
- Vessels actively engaged in commercial fishing; or
- Vessels engaged in recreational fishing if the persons onboard are actively tending hook and line fishing gear or nets.<sup>31</sup>

### **Local Regulation of the Anchoring or Mooring of Vessels**

Local governments are authorized by general permit to construct, operate, and maintain public mooring fields, each for up to 100 vessels.<sup>32</sup> Mooring fields are required to be located where navigational access already exists between the mooring field and the nearest customarily used access channel or navigable waters for which the mooring field is designed to serve. Each mooring field must be associated with a land-based support facility that provides amenities and conveniences, such as parking, bathrooms, showers, and laundry facilities. Major boat repairs and maintenance, fueling activities other than from the land-based support facility, and boat hull scrapping and painting are not authorized within such mooring fields.<sup>33</sup>

Local governments are authorized to enact and enforce ordinances that prohibit or restrict the mooring or anchoring of floating structures or live-aboard vessels within their jurisdictions and vessels that are within the marked boundaries of permitted mooring fields.<sup>34</sup> However, local governments are prohibited from enacting, continuing in effect, or enforcing any ordinance or

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<sup>29</sup> Section 327.48, F.S.

<sup>30</sup> Section 327.4108(3), F.S.

<sup>31</sup> Section 327.4108(4), F.S.

<sup>32</sup> Section 373.118, F.S., and Rule 62-330.420(1), F.A.C.

<sup>33</sup> See Rule 62-330.420, F.A.C.

<sup>34</sup> Section 327.60(3), F.S.; See s. 327.02, F.S., which defines the term “floating structure” as a floating entity, with or without accommodations built thereon, which is not primarily used as a means of transportation on water but which serves purposes or provides services typically associated with a structure or other improvement to real property. The term includes an entity used as a residence, place of business, or office with public access; a hotel or motel; a restaurant or lounge; a clubhouse; a meeting facility; a storage or parking facility; or a mining platform, dredge, dragline, or similar facility or entity represented as such.

local regulation that regulates the anchoring of vessels other than live-aboard vessels outside the marked boundaries of permitted mooring fields.<sup>35</sup>

### III. Effect of Proposed Changes:

**Section 1** of the bill amends s. 327.4108, F.S., adding the Ortega and Cedar rivers in Duval County, and any portions of Kings Bay located within the municipal boundaries of Crystal River in Citrus County to the list of anchoring limitation areas. This means that a person may not anchor their vessel in such areas during the period between one-half hour after sunset and one-half hour before sunrise, with certain exceptions.

**Section 2** of the bill provides an effective date of July 1, 2020.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

#### D. State Tax or Fee Increases:

None.

#### E. Other Constitutional Issues:

Art. III, s. 10 of the Florida Constitution prohibits the Legislature from enacting any special law unless notice is first published or a referendum is conducted. A special law or “local law” relates to or operates upon a particular person, thing, or part of the state; it does not apply with geographic uniformity across the state and bears no reasonable relationship to differences in population or other legitimate criteria.<sup>36</sup> On the other hand, a general law of local application relates to a class of persons or things or subdivisions of the state, based upon distinctions or differences that are inherent or particular to the class or location. The Legislature is granted wide discretion in making such classifications.<sup>37</sup> If a particular condition exists in only a portion of the state, enactments that reference the

<sup>35</sup> Section 327.60(2)(f), F.S.; *See* s. 327.02, F.S., which defines the term “live-aboard vessel” as a vessel used solely as a residence and not for navigation; a vessel represented as a place of business or a professional or other commercial enterprise; or a vessel for which a declaration of domicile has been filed. The definition expressly excludes commercial fishing boats.

<sup>36</sup> *See State ex rel. Landis v. Harris*, 163 So. 237, 240 (Fla. 1934); *Lawnwood Medical Center, Inc. v. Seeger*, 990 So.2d 503 (Fla. 2008).

<sup>37</sup> *Shelton v. Reeder*, 121 So. 2d 145, 151 (Fla. 1960). *See also* Art. X, s. 11 of the Florida Constitution.

limited geographic area may be general laws.<sup>38</sup> “[I]f a law utilizes a classification that is geographical in its terms but the purpose of the statute is one of statewide importance and impact, and the classification is reasonably related to the law’s purpose, it is a valid general law.”<sup>39</sup>

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends s. 327.4108 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Environment and Natural Resources Committee on January 13, 2020:**

- Adds any portions of Kings Bay which are located within the municipal boundaries of Crystal River in Citrus County to the list of anchoring limitation areas.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

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<sup>38</sup> *Schrader v. Florida Keys Aqueduct Authority*, 840 So.2d 1050, 1055 (Fla. 2003).

<sup>39</sup> *Id.* at 1056.

1                   A bill to be entitled  
 2           An act relating to anchoring limitation areas;  
 3           amending s. 327.4108, F.S.; designating specified  
 4           waterways as anchoring limitation areas; providing an  
 5           effective date.

6  
 7   Be It Enacted by the Legislature of the State of Florida:

8  
 9           Section 1. Paragraph (d) is added to subsection (1) of  
 10          section 327.4108, Florida Statutes, to read:

11           327.4108 Anchoring of vessels in anchoring limitation  
 12          areas.—

13           (1) The following densely populated urban areas, which  
 14          have narrow state waterways, residential docking facilities, and  
 15          significant recreational boating traffic, are designated as  
 16          anchoring limitation areas:

17           (d) The Ortega River and the Cedar River in Duval County.

18          Section 2. This act shall take effect July 1, 2020.

By Senator Mayfield

17-00936A-20

2020826\_\_

1                   A bill to be entitled  
2           An act relating to marina evacuations; amending s.  
3           327.59, F.S.; prohibiting vessels under a specified  
4           weight from remaining in certain marinas that have  
5           been deemed not suitable for refuge during a hurricane  
6           after the issuance of a hurricane watch or warning for  
7           the waters of the marina; providing for civil  
8           penalties; providing an effective date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12           Section 1. Subsection (1) of section 327.59, Florida  
13           Statutes, is amended, and subsection (5) is added to that  
14           section, to read:

15           327.59 Marina evacuations.—

16           (1) Except as provided in this section ~~After June 1, 1994,~~  
17           marinas may not adopt, maintain, or enforce policies pertaining  
18           to evacuation of vessels which require vessels to be removed  
19           from marinas following the issuance of a hurricane watch or  
20           warning, in order to ensure that protecting the lives and safety  
21           of vessel owners is placed before interests of protecting  
22           property.

23           (5) Upon the issuance of a hurricane watch or warning  
24           affecting the waters of marinas located in a deepwater seaport,  
25           vessels under 500 gross tons may not remain in the waters of  
26           such marinas that have been deemed not suitable for refuge  
27           during a hurricane. After the hurricane watch or warning has  
28           been issued, the owner or operator of any vessel that has not  
29           been removed, pursuant to an order from the seaport, from the

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2020826\_\_

30 waters of the marina may be subject to the penalties under s.  
31 313.22(3).

32 Section 2. This act shall take effect July 1, 2020.



1                                   A bill to be entitled  
 2           An act relating to marina evacuations; amending s.  
 3           327.59, F.S.; prohibiting vessels under a specified  
 4           weight from remaining in certain marinas that have  
 5           been deemed not suitable for refuge during a hurricane  
 6           after the issuance of a hurricane watch or warning for  
 7           the waters of the marina; providing for civil  
 8           penalties; providing an effective date.

9  
 10   Be It Enacted by the Legislature of the State of Florida:

11  
 12           Section 1. Subsection (1) of section 327.59, Florida  
 13   Statutes, is amended, and subsection (5) is added to that  
 14   section, to read:

15           327.59 Marina evacuations.—

16           (1) Except as provided in this section ~~After June 1, 1994,~~  
 17   marinas may not adopt, maintain, or enforce policies pertaining  
 18   to evacuation of vessels which require vessels to be removed  
 19   from marinas following the issuance of a hurricane watch or  
 20   warning, in order to ensure that protecting the lives and safety  
 21   of vessel owners is placed before interests of protecting  
 22   property.

23           (5) Upon the issuance of a hurricane watch or warning  
 24   affecting the waters of marinas located in a deepwater seaport,  
 25   vessels under 500 gross tons may not remain in the waters of

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26 such marinas that have been deemed not suitable for refuge  
27 during a hurricane. After the hurricane watch or warning has  
28 been issued, the owner or operator of any vessel that has not  
29 been removed, pursuant to an order from the seaport, from the  
30 waters of the marina may be subject to the penalties under s.  
31 313.22(3).

32 Section 2. This act shall take effect July 1, 2020.

By Senator Gruters

23-01448A-20

20201450\_\_

1                                   A bill to be entitled  
2       An act relating to environmental enforcement; amending  
3       ss. 161.054, 258.397, 258.46, 373.129, 373.209,  
4       373.430, 376.065, 376.071, 376.16, 376.25, 377.37,  
5       378.211, 403.086, 403.121, 403.141, 403.161, 403.413,  
6       403.7234, 403.726, 403.727, and 403.93345, F.S.;  
7       increasing the civil penalties for violations of  
8       certain provisions relating to beach and shore  
9       construction, the Biscayne Bay Aquatic Preserve,  
10      aquatic preserves, the state water resource plan,  
11      artesian wells, pollution, operating a terminal  
12      facility without discharge prevention and response  
13      certificates, discharge contingency plans for vessels,  
14      the Pollutant Discharge Prevention and Control Act,  
15      the Clean Ocean Act, the pollution of surface and  
16      ground waters, the regulation of oil and gas  
17      resources, the Phosphate Land Reclamation Act, sewage  
18      disposal facilities, pollution control, reasonable  
19      costs and expenses for pollution releases, necessary  
20      permits, dumping litter, small quantity generators,  
21      the abatement of imminent hazards caused by hazardous  
22      substances, hazardous waste generators, transporters,  
23      or facilities, and coral reef protection,  
24      respectively; providing that each day that certain  
25      violations are not remediated constitutes a separate  
26      offense; making technical changes; reenacting s.  
27      823.11(5), F.S., to incorporate the amendment made to  
28      s. 376.16, F.S., in a reference thereto; reenacting  
29      ss. 403.077(5), 403.131(2), 403.4154(3)(d), and

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30 403.860(5), F.S., to incorporate the amendment made to  
31 s. 403.121, F.S., in a reference thereto; reenacting  
32 ss. 403.708(10), 403.7191(7), and 403.811, F.S., to  
33 incorporate the amendment made to s. 403.141, F.S., in  
34 a reference thereto; reenacting s. 403.7255(2), F.S.,  
35 to incorporate the amendment made to s. 403.161, F.S.,  
36 in a reference thereto; reenacting s. 403.7186(8),  
37 F.S., to incorporate the amendment made to ss. 403.141  
38 and 403.161, F.S., in references thereto; providing an  
39 effective date.  
40

41 Be It Enacted by the Legislature of the State of Florida:  
42

43 Section 1. Subsection (1) of section 161.054, Florida  
44 Statutes, is amended to read:

45 161.054 Administrative fines; liability for damage; liens.-

46 (1) In addition to the penalties provided for in ss.  
47 161.052, 161.053, and 161.121, any person, firm, corporation, or  
48 governmental agency, or agent thereof, refusing to comply with  
49 or willfully violating ~~any of the provisions of~~ s. 161.041, s.  
50 161.052, or s. 161.053, or any rule or order prescribed by the  
51 department thereunder, shall incur a fine for each offense in an  
52 amount up to \$15,000 ~~\$10,000~~ to be fixed, imposed, and collected  
53 by the department. Until a violation is resolved by order or  
54 judgment, each day during any portion of which such violation  
55 occurs or is not remediated constitutes a separate offense.

56 Section 2. Subsection (7) of section 258.397, Florida  
57 Statutes, is amended to read:

58 258.397 Biscayne Bay Aquatic Preserve.-

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59 (7) ENFORCEMENT. ~~The provisions of~~ This section may be  
60 enforced in accordance with ~~the provisions of~~ s. 403.412. In  
61 addition, the Department of Legal Affairs may ~~is authorized to~~  
62 bring an action for civil penalties of \$7,500 ~~\$5,000~~ per day  
63 against any person, natural or corporate, who violates ~~the~~  
64 ~~provisions of~~ this section or any rule or regulation issued  
65 hereunder. Until a violation is resolved by order or judgment,  
66 each day during any portion of which such violation occurs or is  
67 not remediated constitutes a separate offense. Enforcement of  
68 applicable state regulations shall be supplemented by the Miami-  
69 Dade County Department of Environmental Resources Management  
70 through the creation of a full-time enforcement presence along  
71 the Miami River.

72 Section 3. Section 258.46, Florida Statutes, is amended to  
73 read:

74 258.46 Enforcement; violations; penalty. ~~The provisions of~~  
75 This act may be enforced by the Board of Trustees of the  
76 Internal Improvement Trust Fund or in accordance with ~~the~~  
77 ~~provisions of~~ s. 403.412. However, any violation by any person,  
78 natural or corporate, of ~~the provisions of~~ this act or any rule  
79 or regulation issued hereunder is ~~shall be~~ further punishable by  
80 a civil penalty of not less than \$750 ~~\$500~~ per day or more than  
81 \$7,500 ~~\$5,000~~ per day of such violation. Until a violation is  
82 resolved by order or judgment, each day during any portion of  
83 which such violation occurs or is not remediated constitutes a  
84 separate offense.

85 Section 4. Subsections (5) and (7) of section 373.129,  
86 Florida Statutes, are amended to read:

87 373.129 Maintenance of actions.—The department, the

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88 governing board of any water management district, any local  
89 board, or a local government to which authority has been  
90 delegated pursuant to s. 373.103(8), is authorized to commence  
91 and maintain proper and necessary actions and proceedings in any  
92 court of competent jurisdiction for any of the following  
93 purposes:

94 (5) To recover a civil penalty for each offense in an  
95 amount not to exceed \$15,000 ~~\$10,000~~ per offense. Until a  
96 violation is resolved by order or judgment, each date during any  
97 portion of which such violation occurs or is not remediated  
98 constitutes a separate offense.

99 (a) A civil penalty recovered by a water management  
100 district pursuant to this subsection shall be retained and used  
101 exclusively by the water management district that collected the  
102 money. A civil penalty recovered by the department pursuant to  
103 this subsection must be deposited into the Water Quality  
104 Assurance Trust Fund established under s. 376.307.

105 (b) A local government that is delegated authority pursuant  
106 to s. 373.103(8) may deposit a civil penalty recovered pursuant  
107 to this subsection into a local water pollution control program  
108 trust fund, notwithstanding ~~the provisions of~~ paragraph (a).  
109 However, civil penalties that are deposited in a local water  
110 pollution control program trust fund and that are recovered for  
111 violations of state water quality standards may be used only to  
112 restore water quality in the area that was the subject of the  
113 action, and civil penalties that are deposited in a local water  
114 pollution control program trust fund and that are recovered for  
115 violation of requirements relating to water quantity may be used  
116 only to purchase lands and make capital improvements associated

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117 with surface water management, or other purposes consistent with  
118 the requirements of this chapter for the management and storage  
119 of surface water.

120 (7) To enforce ~~the provisions of~~ part IV of this chapter in  
121 the same manner and to the same extent as provided in ss.  
122 373.430, 403.121(1) and (2), 403.131, 403.141, and 403.161.

123 Section 5. Subsection (3) of section 373.209, Florida  
124 Statutes, is amended to read:

125 373.209 Artesian wells; penalties for violation.-

126 (3) Any person who violates ~~any provision of~~ this section  
127 is shall be subject to either:

128 (a) The remedial measures provided for in s. 373.436; or

129 (b) A civil penalty of \$150 ~~\$100~~ a day for each and every  
130 day of such violation and for each and every act of violation.

131 The civil penalty may be recovered by the water management board  
132 of the water management district in which the well is located or  
133 by the department in a suit in a court of competent jurisdiction  
134 in the county where the defendant resides, in the county of  
135 residence of any defendant if there is more than one defendant,  
136 or in the county where the violation took place. The place of  
137 suit shall be selected by the board or department, and the suit,  
138 by direction of the board or department, shall be instituted and  
139 conducted in the name of the board or department by appropriate  
140 counsel. The payment of any such damages does not impair or  
141 abridge any cause of action which any person may have against  
142 the person violating ~~any provision of~~ this section.

143 Section 6. Subsections (2) through (5) of section 373.430,  
144 Florida Statutes, are amended to read:

145 373.430 Prohibitions, violation, penalty, intent.-

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146 (2) A person who ~~Whoever~~ commits a violation specified in  
147 subsection (1) is liable for any damage caused and for civil  
148 penalties as provided in s. 373.129.

149 (3) A ~~Any~~ person who willfully commits a violation  
150 specified in paragraph (1)(a) commits ~~is guilty of~~ a felony of  
151 the third degree, punishable as provided in ss. 775.082(3)(e)  
152 and 775.083(1)(g), by a fine of not more than \$50,000 or by  
153 imprisonment for 5 years, or by both, for each offense. Until a  
154 violation is resolved by order or judgment, each day during any  
155 portion of which such violation occurs or is not remediated  
156 constitutes a separate offense.

157 (4) A ~~Any~~ person who commits a violation specified in  
158 paragraph (1)(a) or paragraph (1)(b) due to reckless  
159 indifference or gross careless disregard commits ~~is guilty of~~ a  
160 misdemeanor of the second degree, punishable as provided in ss.  
161 775.082(4)(b) and 775.083(1)(g), by a fine of not more than  
162 \$10,000 ~~\$5,000~~ or 60 days in jail, or by both, for each offense.

163 (5) A ~~Any~~ person who willfully commits a violation  
164 specified in paragraph (1)(b) or paragraph (1)(c) commits ~~is~~  
165 ~~guilty of~~ a misdemeanor of the first degree, punishable as  
166 provided in ss. 775.082(4)(a) and 775.083(1)(g), by a fine of  
167 not more than \$10,000 or by 6 months in jail, or by both, for  
168 each offense.

169 Section 7. Paragraphs (a) and (e) of subsection (5) of  
170 section 376.065, Florida Statutes, are amended to read:

171 376.065 Operation of terminal facility without discharge  
172 prevention and response certificate prohibited; penalty.-

173 (5) (a) A person who violates this section or the terms and  
174 requirements of such certification commits a noncriminal



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175 infraction. The civil penalty for any such infraction shall be  
176 \$750 ~~\$500~~, except as otherwise provided in this section.

177 (e) A person who elects to appear before the county court  
178 or who is required to so appear waives the limitations of the  
179 civil penalty specified in paragraph (a). The court, after a  
180 hearing, shall make a determination as to whether an infraction  
181 has been committed. If the commission of the infraction is  
182 proved, the court shall impose a civil penalty of \$750 ~~\$500~~.

183 Section 8. Paragraphs (a) and (e) of subsection (2) of  
184 section 376.071, Florida Statutes, are amended to read:

185 376.071 Discharge contingency plan for vessels.—

186 (2) (a) A master of a vessel that violates subsection (1)  
187 commits a noncriminal infraction and shall be cited for such  
188 infraction. The civil penalty for such an infraction shall be  
189 \$7,500 ~~\$5,000~~, except as otherwise provided in this subsection.

190 (e) A person who elects to appear before the county court  
191 or who is required to appear waives the limitations of the civil  
192 penalty specified in paragraph (a). The court, after a hearing,  
193 shall make a determination as to whether an infraction has been  
194 committed. If the commission of the infraction is proved, the  
195 court shall impose a civil penalty of \$7,500 ~~\$5,000~~.

196 Section 9. Section 376.16, Florida Statutes, is amended to  
197 read:

198 376.16 Enforcement and penalties.—

199 (1) It is unlawful for any person to violate ~~any provision~~  
200 ~~of~~ ss. 376.011-376.21 or any rule or order of the department  
201 made pursuant to this act. A violation is shall be punishable by  
202 a civil penalty of up to \$75,000 ~~\$50,000~~ per violation per day  
203 to be assessed by the department. Until a violation is resolved

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204 by order or judgment, each day during any portion of which the  
205 violation occurs or is not remediated constitutes a separate  
206 offense. The penalty provisions of this subsection do ~~shall~~ not  
207 apply to any discharge promptly reported and removed by a person  
208 responsible, in accordance with the rules and orders of the  
209 department, or to any discharge of pollutants equal to or less  
210 than 5 gallons.

211 (2) In addition to the penalty provisions which may apply  
212 under subsection (1), a person responsible for two or more  
213 discharges of any pollutant reported pursuant to s. 376.12  
214 within a 12-month period at the same facility commits a  
215 noncriminal infraction and shall be cited by the department for  
216 such infraction.

217 (a) For discharges of gasoline or diesel over 5 gallons,  
218 the civil penalty for the second discharge shall be \$750 ~~\$500~~  
219 and the civil penalty for each subsequent discharge within a 12-  
220 month period shall be \$1,500 ~~\$1,000~~, except as otherwise  
221 provided in this section.

222 (b) For discharges of any pollutant other than gasoline or  
223 diesel, the civil penalty for a second discharge shall be \$3,750  
224 ~~\$2,500~~ and the civil penalty for each subsequent discharge  
225 within a 12-month period shall be \$7,500 ~~\$5,000~~, except as  
226 otherwise provided in this section.

227 (3) A person responsible for two or more discharges of any  
228 pollutant reported pursuant to s. 376.12 within a 12-month  
229 period at the same facility commits a noncriminal infraction and  
230 shall be cited by the department for such infraction.

231 (a) For discharges of gasoline or diesel equal to or less  
232 than 5 gallons, the civil penalty shall be \$75 ~~\$50~~ for each

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233 discharge subsequent to the first.

234 (b) For discharges of pollutants other than gasoline or  
235 diesel equal to or less than 5 gallons, the civil penalty shall  
236 be \$150 ~~\$100~~ for each discharge subsequent to the first.

237 (4) A person charged with a noncriminal infraction pursuant  
238 to subsection (2) or subsection (3) may:

239 (a) Pay the civil penalty;

240 (b) Post a bond equal to the amount of the applicable civil  
241 penalty; or

242 (c) Sign and accept a citation indicating a promise to  
243 appear before the county court.

244

245 The department employee authorized to issue these citations may  
246 indicate on the citation the time and location of the scheduled  
247 hearing and shall indicate the applicable civil penalty.

248 (5) Any person who willfully refuses to post bond or accept  
249 and sign a citation commits a misdemeanor of the second degree,  
250 punishable as provided in s. 775.082 or s. 775.083.

251 (6) After compliance with paragraph (4) (b) or paragraph  
252 (4) (c), any person charged with a noncriminal infraction under  
253 subsection (2) or subsection (3) may:

254 (a) Pay the civil penalty, either by mail or in person,  
255 within 30 days after the date of receiving the citation; or

256 (b) If the person has posted bond, forfeit the bond by not  
257 appearing at the designated time and location.

258

259 A person cited for an infraction under this section who pays the  
260 civil penalty or forfeits the bond has admitted the infraction  
261 and waives the right to a hearing on the issue of commission of

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262 the infraction. Such admission may not be used as evidence in  
263 any other proceeding.

264 (7) Any person who elects to appear before the county court  
265 or who is required to appear waives the limitations of the civil  
266 penalties specified in subsection (2). The court, after a  
267 hearing, shall make a determination as to whether an infraction  
268 has been committed. If the commission of an infraction is  
269 proved, the court may impose a civil penalty up to, but not  
270 exceeding, \$750 ~~\$500~~ for the second discharge of gasoline or  
271 diesel and a civil penalty up to, but not exceeding, \$1,500  
272 ~~\$1,000~~ for each subsequent discharge of gasoline or diesel  
273 within a 12-month period.

274 (8) Any person who elects to appear before the county court  
275 or who is required to appear waives the limitations of the civil  
276 penalties specified in subsection (2) or subsection (3). The  
277 court, after a hearing, shall make a determination as to whether  
278 an infraction has been committed. If the commission of an  
279 infraction is proved, the court may impose a civil penalty up  
280 to, but not exceeding, \$7,500 ~~\$5,000~~ for the second discharge of  
281 pollutants other than gasoline or diesel and a civil penalty up  
282 to, but not exceeding, \$15,000 ~~\$10,000~~ for each subsequent  
283 discharge of pollutants other than gasoline or diesel within a  
284 12-month period.

285 (9) At a hearing under this section, the commission of a  
286 charged offense must be proved by the greater weight of the  
287 evidence.

288 (10) A person who is found by a hearing official to have  
289 committed an infraction may appeal that finding to the circuit  
290 court.

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291 (11) Any person who has not posted bond and who neither  
292 pays the applicable civil penalty, as specified in subsection  
293 (2) or subsection (3) within 30 days of receipt of the citation  
294 nor appears before the court commits a misdemeanor of the second  
295 degree, punishable as provided in s. 775.082 or s. 775.083.

296 (12) Any person who makes or causes to be made a false  
297 statement that which the person does not believe to be true in  
298 response to requirements of ~~the provisions of~~ ss. 376.011-376.21  
299 commits a felony of the second degree, punishable as provided in  
300 s. 775.082, s. 775.083, or s. 775.084.

301 Section 10. Paragraph (a) of subsection (6) of section  
302 376.25, Florida Statutes, is amended to read:

303 376.25 Gambling vessels; registration; required and  
304 prohibited releases.-

305 (6) PENALTIES.-

306 (a) A person who violates this section is subject to a  
307 civil penalty of not more than \$75,000 ~~\$50,000~~ for each  
308 violation. Until a violation is resolved by order or judgment,  
309 each day during any portion of which such violation occurs or is  
310 not remediated constitutes a separate offense.

311 Section 11. Paragraph (a) of subsection (1) of section  
312 377.37, Florida Statutes, is amended to read:

313 377.37 Penalties.-

314 (1) (a) Any person who violates ~~any provision of~~ this law or  
315 any rule, regulation, or order of the division made under this  
316 chapter or who violates the terms of any permit to drill for or  
317 produce oil, gas, or other petroleum products referred to in s.  
318 377.242(1) or to store gas in a natural gas storage facility, or  
319 any lessee, permitholder, or operator of equipment or facilities

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320 used in the exploration for, drilling for, or production of oil,  
321 gas, or other petroleum products, or storage of gas in a natural  
322 gas storage facility, who refuses inspection by the division as  
323 provided in this chapter, is liable to the state for any damage  
324 caused to the air, waters, or property, including animal, plant,  
325 or aquatic life, of the state and for reasonable costs and  
326 expenses of the state in tracing the source of the discharge, in  
327 controlling and abating the source and the pollutants, and in  
328 restoring the air, waters, and property, including animal,  
329 plant, and aquatic life, of the state. Furthermore, such person,  
330 lessee, permitholder, or operator is subject to the judicial  
331 imposition of a civil penalty in an amount of not more than  
332 \$15,000 ~~\$10,000~~ for each offense. However, the court may receive  
333 evidence in mitigation. Until a violation is resolved by order  
334 or judgment, each day during any portion of which such violation  
335 occurs or is not remediated constitutes a separate offense. This  
336 section does not ~~Nothing herein shall~~ give the department the  
337 right to bring an action on behalf of any private person.

338 Section 12. Subsection (2) of section 378.211, Florida  
339 Statutes, is amended to read:

340 378.211 Violations; damages; penalties.—

341 (2) The department may institute a civil action in a court  
342 of competent jurisdiction to impose and recover a civil penalty  
343 for violation of this part or of any rule adopted or order  
344 issued pursuant to this part. The penalty may ~~shall~~ not exceed  
345 the following amounts, and the court shall consider evidence in  
346 mitigation:

347 (a) For violations of a minor or technical nature, \$150  
348 ~~\$100~~ per violation.

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349 (b) For major violations by an operator on which a penalty  
350 has not been imposed under this paragraph during the previous 5  
351 years, \$1,500 ~~\$1,000~~ per violation.

352 (c) For major violations not covered by paragraph (b),  
353 \$7,500 ~~\$5,000~~ per violation.

354  
355 Subject to ~~the provisions of~~ subsection (4), until a violation  
356 is resolved by order or judgment, each day or any portion  
357 thereof in which the violation continues or is not remediated  
358 shall constitute a separate violation.

359 Section 13. Subsection (2) of section 403.086, Florida  
360 Statutes, is amended to read:

361 403.086 Sewage disposal facilities; advanced and secondary  
362 waste treatment.—

363 (2) Any facilities for sanitary sewage disposal shall  
364 provide for secondary waste treatment and, in addition thereto,  
365 advanced waste treatment as deemed necessary and ordered by the  
366 Department of Environmental Protection. Failure to conform shall  
367 be punishable by a civil penalty of \$750 ~~\$500~~ for each 24-hour  
368 day or fraction thereof that such failure is allowed to continue  
369 thereafter.

370 Section 14. Section 403.121, Florida Statutes, is amended  
371 to read:

372 403.121 Enforcement; procedure; remedies.—The department  
373 shall have the following judicial and administrative remedies  
374 available to it for violations of this chapter, as specified in  
375 s. 403.161(1).

376 (1) Judicial remedies:

377 (a) The department may institute a civil action in a court

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378 of competent jurisdiction to establish liability and to recover  
379 damages for any injury to the air, waters, or property,  
380 including animal, plant, and aquatic life, of the state caused  
381 by any violation.

382 (b) The department may institute a civil action in a court  
383 of competent jurisdiction to impose and to recover a civil  
384 penalty for each violation in an amount of not more than \$15,000  
385 ~~\$10,000~~ per offense. However, the court may receive evidence in  
386 mitigation. Until a violation is resolved by order or judgment,  
387 each day during any portion of which such violation occurs or is  
388 not remediated constitutes a separate offense.

389 (c) Except as provided in paragraph (2) (c), it is ~~shall~~ not  
390 ~~be~~ a defense to, or ground for dismissal of, these judicial  
391 remedies for damages and civil penalties that the department has  
392 failed to exhaust its administrative remedies, has failed to  
393 serve a notice of violation, or has failed to hold an  
394 administrative hearing prior to the institution of a civil  
395 action.

396 (2) Administrative remedies:

397 (a) The department may institute an administrative  
398 proceeding to establish liability and to recover damages for any  
399 injury to the air, waters, or property, including animal, plant,  
400 or aquatic life, of the state caused by any violation. The  
401 department may order that the violator pay a specified sum as  
402 damages to the state. Judgment for the amount of damages  
403 determined by the department may be entered in any court having  
404 jurisdiction thereof and may be enforced as any other judgment.

405 (b) If the department has reason to believe a violation has  
406 occurred, it may institute an administrative proceeding to order



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407 the prevention, abatement, or control of the conditions creating  
408 the violation or other appropriate corrective action. Except for  
409 violations involving hazardous wastes, asbestos, or underground  
410 injection, the department shall proceed administratively in all  
411 cases in which the department seeks administrative penalties  
412 that do not exceed \$50,000 ~~\$10,000~~ per assessment as calculated  
413 in accordance with subsections (3), (4), (5), (6), and (7).  
414 Pursuant to 42 U.S.C. s. 300g-2, the administrative penalty  
415 assessed pursuant to subsection (3), subsection (4), or  
416 subsection (5) against a public water system serving a  
417 population of more than 10,000 shall be not less than \$1,000 per  
418 day per violation. The department may ~~shall~~ not impose  
419 administrative penalties in excess of \$50,000 ~~\$10,000~~ in a  
420 notice of violation. The department may ~~shall~~ not have more than  
421 one notice of violation seeking administrative penalties pending  
422 against the same party at the same time unless the violations  
423 occurred at a different site or the violations were discovered  
424 by the department subsequent to the filing of a previous notice  
425 of violation.

426 (c) An administrative proceeding shall be instituted by the  
427 department's serving of a written notice of violation upon the  
428 alleged violator by certified mail. If the department is unable  
429 to effect service by certified mail, the notice of violation may  
430 be hand delivered or personally served in accordance with  
431 chapter 48. The notice shall specify the ~~provision of the law,~~  
432 rule, regulation, permit, certification, or order of the  
433 department alleged to be violated and the facts alleged to  
434 constitute a violation thereof. An order for corrective action,  
435 penalty assessment, or damages may be included with the notice.

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436 When the department is seeking to impose an administrative  
437 penalty for any violation by issuing a notice of violation, any  
438 corrective action needed to correct the violation or damages  
439 caused by the violation must be pursued in the notice of  
440 violation or they are waived. However, an ~~no~~ order is not ~~shall~~  
441 ~~become~~ effective until after service and an administrative  
442 hearing, if requested within 20 days after service. Failure to  
443 request an administrative hearing within this time period  
444 constitutes ~~shall constitute~~ a waiver thereof, unless the  
445 respondent files a written notice with the department within  
446 this time period opting out of the administrative process  
447 initiated by the department to impose administrative penalties.  
448 Any respondent choosing to opt out of the administrative process  
449 initiated by the department in an action that seeks the  
450 imposition of administrative penalties must file a written  
451 notice with the department within 20 days after service of the  
452 notice of violation opting out of the administrative process. A  
453 respondent's decision to opt out of the administrative process  
454 does not preclude the department from initiating a state court  
455 action seeking injunctive relief, damages, and the judicial  
456 imposition of civil penalties.

457 (d) If a person timely files a petition challenging a  
458 notice of violation, that person will thereafter be referred to  
459 as the respondent. The hearing requested by the respondent shall  
460 be held within 180 days after the department has referred the  
461 initial petition to the Division of Administrative Hearings  
462 unless the parties agree to a later date. The department has the  
463 burden of proving with the preponderance of the evidence that  
464 the respondent is responsible for the violation. ~~No~~

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465 Administrative penalties should not be imposed unless the  
466 department satisfies that burden. Following the close of the  
467 hearing, the administrative law judge shall issue a final order  
468 on all matters, including the imposition of an administrative  
469 penalty. When the department seeks to enforce that portion of a  
470 final order imposing administrative penalties pursuant to s.  
471 120.69, the respondent may ~~shall~~ not assert as a defense the  
472 inappropriateness of the administrative remedy. The department  
473 retains its final-order authority in all administrative actions  
474 that do not request the imposition of administrative penalties.

475 (e) After filing a petition requesting a formal hearing in  
476 response to a notice of violation in which the department  
477 imposes an administrative penalty, a respondent may request that  
478 a private mediator be appointed to mediate the dispute by  
479 contacting the Florida Conflict Resolution Consortium within 10  
480 days after receipt of the initial order from the administrative  
481 law judge. The Florida Conflict Resolution Consortium shall pay  
482 all of the costs of the mediator and for up to 8 hours of the  
483 mediator's time per case at \$150 per hour. Upon notice from the  
484 respondent, the Florida Conflict Resolution Consortium shall  
485 provide to the respondent a panel of possible mediators from the  
486 area in which the hearing on the petition would be heard. The  
487 respondent shall select the mediator and notify the Florida  
488 Conflict Resolution Consortium of the selection within 15 days  
489 of receipt of the proposed panel of mediators. The Florida  
490 Conflict Resolution Consortium shall provide all of the  
491 administrative support for the mediation process. The mediation  
492 must be completed at least 15 days before the final hearing date  
493 set by the administrative law judge.

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494 (f) In any administrative proceeding brought by the  
495 department, the prevailing party shall recover all costs as  
496 provided in ss. 57.041 and 57.071. The costs must be included in  
497 the final order. The respondent is the prevailing party when an  
498 order is entered awarding no penalties to the department and  
499 such order has not been reversed on appeal or the time for  
500 seeking judicial review has expired. The respondent is ~~shall be~~  
501 entitled to an award of attorney's fees if the administrative  
502 law judge determines that the notice of violation issued by the  
503 department seeking the imposition of administrative penalties  
504 was not substantially justified as defined in s. 57.111(3)(e).  
505 An ~~No~~ award of attorney's fees as provided by this subsection  
506 may not ~~shall~~ exceed \$15,000.

507 (g) Nothing herein shall be construed as preventing any  
508 other legal or administrative action in accordance with law.  
509 Nothing in this subsection shall limit the department's  
510 authority provided in ss. 403.131, 403.141, and this section to  
511 judicially pursue injunctive relief. When the department  
512 exercises its authority to judicially pursue injunctive relief,  
513 penalties in any amount up to the statutory maximum sought by  
514 the department must be pursued as part of the state court action  
515 and not by initiating a separate administrative proceeding. The  
516 department retains the authority to judicially pursue penalties  
517 in excess of \$50,000 ~~\$10,000~~ for violations not specifically  
518 included in the administrative penalty schedule, or for multiple  
519 or multiday violations alleged to exceed a total of \$50,000  
520 ~~\$10,000~~. The department also retains the authority provided in  
521 ss. 403.131, 403.141, and this section to judicially pursue  
522 injunctive relief and damages, if a notice of violation seeking

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523 the imposition of administrative penalties has not been issued.  
524 The department has the authority to enter into a settlement,  
525 either before or after initiating a notice of violation, and the  
526 settlement may include a penalty amount different from the  
527 administrative penalty schedule. Any case filed in state court  
528 because it is alleged to exceed a total of \$50,000 ~~\$10,000~~ in  
529 penalties may be settled in the court action for less than  
530 \$50,000 ~~\$10,000~~.

531 (h) Chapter 120 applies ~~shall apply~~ to any administrative  
532 action taken by the department or any delegated program pursuing  
533 administrative penalties in accordance with this section.

534 (3) Except for violations involving hazardous wastes,  
535 asbestos, or underground injection, administrative penalties  
536 must be calculated according to the following schedule:

537 (a) For a drinking water contamination violation, the  
538 department shall assess a penalty of \$3,000 ~~\$2,000~~ for a Maximum  
539 Containment Level (MCL) violation; plus \$1,500 ~~\$1,000~~ if the  
540 violation is for a primary inorganic, organic, or radiological  
541 Maximum Contaminant Level or it is a fecal coliform bacteria  
542 violation; plus \$1,500 ~~\$1,000~~ if the violation occurs at a  
543 community water system; and plus \$1,500 ~~\$1,000~~ if any Maximum  
544 Contaminant Level is exceeded by more than 100 percent. For  
545 failure to obtain a clearance letter prior to placing a drinking  
546 water system into service when the system would not have been  
547 eligible for clearance, the department shall assess a penalty of  
548 \$4,500 ~~\$3,000~~.

549 (b) For failure to obtain a required wastewater permit,  
550 other than a permit required for surface water discharge, the  
551 department shall assess a penalty of \$1,500 ~~\$1,000~~. For a

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552 domestic or industrial wastewater violation not involving a  
553 surface water or groundwater quality violation, the department  
554 shall assess a penalty of \$3,000 ~~\$2,000~~ for an unpermitted or  
555 unauthorized discharge or effluent-limitation exceedance. For an  
556 unpermitted or unauthorized discharge or effluent-limitation  
557 exceedance that resulted in a surface water or groundwater  
558 quality violation, the department shall assess a penalty of  
559 \$7,500 ~~\$5,000~~.

560 (c) For a dredge and fill or stormwater violation, the  
561 department shall assess a penalty of \$1,500 ~~\$1,000~~ for  
562 unpermitted or unauthorized dredging or filling or unauthorized  
563 construction of a stormwater management system against the  
564 person or persons responsible for the illegal dredging or  
565 filling, or unauthorized construction of a stormwater management  
566 system plus \$3,000 ~~\$2,000~~ if the dredging or filling occurs in  
567 an aquatic preserve, an Outstanding Florida Water, a  
568 conservation easement, or a Class I or Class II surface water,  
569 plus \$1,500 ~~\$1,000~~ if the area dredged or filled is greater than  
570 one-quarter acre but less than or equal to one-half acre, and  
571 plus \$1,500 ~~\$1,000~~ if the area dredged or filled is greater than  
572 one-half acre but less than or equal to one acre. The  
573 administrative penalty schedule does ~~shall~~ not apply to a dredge  
574 and fill violation if the area dredged or filled exceeds one  
575 acre. The department retains the authority to seek the judicial  
576 imposition of civil penalties for all dredge and fill violations  
577 involving more than one acre. The department shall assess a  
578 penalty of \$4,500 ~~\$3,000~~ for the failure to complete required  
579 mitigation, failure to record a required conservation easement,  
580 or for a water quality violation resulting from dredging or

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581 filling activities, stormwater construction activities or  
582 failure of a stormwater treatment facility. For stormwater  
583 management systems serving less than 5 acres, the department  
584 shall assess a penalty of \$3,000 ~~\$2,000~~ for the failure to  
585 properly or timely construct a stormwater management system. In  
586 addition to the penalties authorized in this subsection, the  
587 department shall assess a penalty of \$7,500 ~~\$5,000~~ per violation  
588 against the contractor or agent of the owner or tenant that  
589 conducts unpermitted or unauthorized dredging or filling. For  
590 purposes of this paragraph, the preparation or signing of a  
591 permit application by a person currently licensed under chapter  
592 471 to practice as a professional engineer does ~~shall~~ not make  
593 that person an agent of the owner or tenant.

594 (d) For mangrove trimming or alteration violations, the  
595 department shall assess a penalty of \$7,500 ~~\$5,000~~ per violation  
596 against the contractor or agent of the owner or tenant that  
597 conducts mangrove trimming or alteration without a permit as  
598 required by s. 403.9328. For purposes of this paragraph, the  
599 preparation or signing of a permit application by a person  
600 currently licensed under chapter 471 to practice as a  
601 professional engineer does ~~shall~~ not make that person an agent  
602 of the owner or tenant.

603 (e) For solid waste violations, the department shall assess  
604 a penalty of \$3,000 ~~\$2,000~~ for the unpermitted or unauthorized  
605 disposal or storage of solid waste; plus \$1,000 if the solid  
606 waste is Class I or Class III (excluding yard trash) or if the  
607 solid waste is construction and demolition debris in excess of  
608 20 cubic yards, plus \$1,500 ~~\$1,000~~ if the waste is disposed of  
609 or stored in any natural or artificial body of water or within

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610 500 feet of a potable water well, plus \$1,500 ~~\$1,000~~ if the  
 611 waste contains PCB at a concentration of 50 parts per million or  
 612 greater; untreated biomedical waste; friable asbestos greater  
 613 than 1 cubic meter which is not wetted, bagged, and covered;  
 614 used oil greater than 25 gallons; or 10 or more lead acid  
 615 batteries. The department shall assess a penalty of \$4,500  
 616 ~~\$3,000~~ for failure to properly maintain leachate control;  
 617 unauthorized burning; failure to have a trained spotter on duty  
 618 at the working face when accepting waste; or failure to provide  
 619 access control for three consecutive inspections. The department  
 620 shall assess a penalty of \$3,000 ~~\$2,000~~ for failure to construct  
 621 or maintain a required stormwater management system.

622 (f) For an air emission violation, the department shall  
 623 assess a penalty of \$1,500 ~~\$1,000~~ for an unpermitted or  
 624 unauthorized air emission or an air-emission-permit exceedance,  
 625 ~~plus \$1,000 if the emission results in an air quality violation,~~  
 626 plus \$4,500 ~~\$3,000~~ if the emission was from a major source and  
 627 the source was major for the pollutant in violation; plus \$1,500  
 628 ~~\$1,000~~ if the emission was more than 150 percent of the  
 629 allowable level.

630 (g) For storage tank system and petroleum contamination  
 631 violations, the department shall assess a penalty of \$7,500  
 632 ~~\$5,000~~ for failure to empty a damaged storage system as  
 633 necessary to ensure that a release does not occur until repairs  
 634 to the storage system are completed; when a release has occurred  
 635 from that storage tank system; for failure to timely recover  
 636 free product; or for failure to conduct remediation or  
 637 monitoring activities until a no-further-action or site-  
 638 rehabilitation completion order has been issued. The department



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639 shall assess a penalty of \$4,500 ~~\$3,000~~ for failure to timely  
640 upgrade a storage tank system. The department shall assess a  
641 penalty of \$3,000 ~~\$2,000~~ for failure to conduct or maintain  
642 required release detection; failure to timely investigate a  
643 suspected release from a storage system; depositing motor fuel  
644 into an unregistered storage tank system; failure to timely  
645 assess or remediate petroleum contamination; or failure to  
646 properly install a storage tank system. The department shall  
647 assess a penalty of \$1,500 ~~\$1,000~~ for failure to properly  
648 operate, maintain, or close a storage tank system.

649 (4) In an administrative proceeding, in addition to the  
650 penalties that may be assessed under subsection (3), the  
651 department shall assess administrative penalties according to  
652 the following schedule:

653 (a) For failure to satisfy financial responsibility  
654 requirements or for violation of s. 377.371(1), \$7,500 ~~\$5,000~~.

655 (b) For failure to install, maintain, or use a required  
656 pollution control system or device, \$6,000 ~~\$4,000~~.

657 (c) For failure to obtain a required permit before  
658 construction or modification, \$4,500 ~~\$3,000~~.

659 (d) For failure to conduct required monitoring or testing;  
660 failure to conduct required release detection; or failure to  
661 construct in compliance with a permit, \$3,000 ~~\$2,000~~.

662 (e) For failure to maintain required staff to respond to  
663 emergencies; failure to conduct required training; failure to  
664 prepare, maintain, or update required contingency plans; failure  
665 to adequately respond to emergencies to bring an emergency  
666 situation under control; or failure to submit required  
667 notification to the department, \$1,500 ~~\$1,000~~.

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668 (f) Except as provided in subsection (2) with respect to  
669 public water systems serving a population of more than 10,000,  
670 for failure to prepare, submit, maintain, or use required  
671 reports or other required documentation, \$750 ~~\$500~~.

672 (5) Except as provided in subsection (2) with respect to  
673 public water systems serving a population of more than 10,000,  
674 for failure to comply with any other departmental regulatory  
675 statute or rule requirement not otherwise identified in this  
676 section, the department may assess a penalty of \$1,000 ~~\$500~~.

677 (6) For each additional day during which a violation  
678 occurs, the administrative penalties in subsections ~~subsection~~  
679 (3), ~~subsection~~ (4), and ~~subsection~~ (5) may be assessed per day  
680 per violation.

681 (7) The history of noncompliance of the violator for any  
682 previous violation resulting in an executed consent order, but  
683 not including a consent order entered into without a finding of  
684 violation, or resulting in a final order or judgment after the  
685 effective date of this law involving the imposition of \$3,000  
686 ~~\$2,000~~ or more in penalties shall be taken into consideration in  
687 the following manner:

688 (a) One previous such violation within 5 years prior to the  
689 filing of the notice of violation will result in a 25-percent  
690 per day increase in the scheduled administrative penalty.

691 (b) Two previous such violations within 5 years prior to  
692 the filing of the notice of violation will result in a 50-  
693 percent per day increase in the scheduled administrative  
694 penalty.

695 (c) Three or more previous such violations within 5 years  
696 prior to the filing of the notice of violation will result in a

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697 100-percent per day increase in the scheduled administrative  
698 penalty.

699 (8) The direct economic benefit gained by the violator from  
700 the violation, where consideration of economic benefit is  
701 provided by Florida law or required by federal law as part of a  
702 federally delegated or approved program, shall be added to the  
703 scheduled administrative penalty. The total administrative  
704 penalty, including any economic benefit added to the scheduled  
705 administrative penalty, may ~~shall~~ not exceed \$15,000 ~~\$10,000~~.

706 (9) The administrative penalties assessed for any  
707 particular violation may ~~shall~~ not exceed \$7,500 ~~\$5,000~~ against  
708 any one violator, unless the violator has a history of  
709 noncompliance, the economic benefit of the violation as  
710 described in subsection (8) exceeds \$7,500 ~~\$5,000~~, or there are  
711 multiday violations. The total administrative penalties may  
712 ~~shall~~ not exceed \$50,000 ~~\$10,000~~ per assessment for all  
713 violations attributable to a specific person in the notice of  
714 violation.

715 (10) The administrative law judge may receive evidence in  
716 mitigation. The penalties identified in subsections ~~subsection~~  
717 (3), ~~subsection~~ (4), and ~~subsection~~ (5) may be reduced up to 50  
718 percent by the administrative law judge for mitigating  
719 circumstances, including good faith efforts to comply prior to  
720 or after discovery of the violations by the department. Upon an  
721 affirmative finding that the violation was caused by  
722 circumstances beyond the reasonable control of the respondent  
723 and could not have been prevented by respondent's due diligence,  
724 the administrative law judge may further reduce the penalty.

725 (11) Penalties collected pursuant to this section shall be

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726 deposited into the Water Quality Assurance Trust Fund or other  
727 trust fund designated by statute and shall be used to fund the  
728 restoration of ecosystems, or polluted areas of the state, as  
729 defined by the department, to their condition before pollution  
730 occurred. The Florida Conflict Resolution Consortium may use a  
731 portion of the fund to administer the mediation process provided  
732 in paragraph (2) (e) and to contract with private mediators for  
733 administrative penalty cases.

734 (12) The purpose of the administrative penalty schedule and  
735 process is to provide a more predictable and efficient manner  
736 for individuals and businesses to resolve relatively minor  
737 environmental disputes. Subsections (3)-(7) may ~~Subsection (3),~~  
738 ~~subsection (4), subsection (5), subsection (6), or subsection~~  
739 ~~(7) shall~~ not be construed as limiting a state court in the  
740 assessment of damages. The administrative penalty schedule does  
741 not apply to the judicial imposition of civil penalties in state  
742 court as provided in this section.

743 Section 15. Subsection (1) of section 403.141, Florida  
744 Statutes, is amended to read:

745 403.141 Civil liability; joint and several liability.-

746 (1) A person who ~~Whoever~~ commits a violation specified in  
747 s. 403.161(1) is liable to the state for any damage caused to  
748 the air, waters, or property, including animal, plant, or  
749 aquatic life, of the state and for reasonable costs and expenses  
750 of the state in tracing the source of the discharge, in  
751 controlling and abating the source and the pollutants, and in  
752 restoring the air, waters, and property, including animal,  
753 plant, and aquatic life, of the state to their former condition,  
754 and furthermore is subject to the judicial imposition of a civil

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755 penalty for each offense in an amount of not more than \$15,000  
756 ~~\$10,000~~ per offense. However, the court may receive evidence in  
757 mitigation. Until a violation is resolved by order or judgment,  
758 each day during any portion of which such violation occurs or is  
759 not remediated constitutes a separate offense. Nothing herein  
760 gives ~~shall give~~ the department the right to bring an action on  
761 behalf of any private person.

762 Section 16. Subsections (2) through (5) of section 403.161,  
763 Florida Statutes, are amended to read:

764 403.161 Prohibitions, violation, penalty, intent.—

765 (2) A person who ~~Whoever~~ commits a violation specified in  
766 subsection (1) is liable to the state for any damage caused and  
767 for civil penalties as provided in s. 403.141.

768 (3) A ~~Any~~ person who willfully commits a violation  
769 specified in paragraph (1)(a) commits ~~is guilty of~~ a felony of  
770 the third degree, punishable as provided in ss. 775.082(3)(e)  
771 and 775.083(1)(g) by a fine of not more than \$50,000 or by  
772 imprisonment for 5 years, or by both, for each offense. Until a  
773 violation is resolved by order or judgment, each day during any  
774 portion of which such violation occurs or is not remediated  
775 constitutes a separate offense.

776 (4) A ~~Any~~ person who commits a violation specified in  
777 paragraph (1)(a) or paragraph (1)(b) due to reckless  
778 indifference or gross careless disregard commits ~~is guilty of~~ a  
779 misdemeanor of the second degree, punishable as provided in ss.  
780 775.082(4)(b) and 775.083(1)(g) by a fine of not more than  
781 \$10,000 ~~\$5,000~~ or by 60 days in jail, or by both, for each  
782 offense.

783 (5) A ~~Any~~ person who willfully commits a violation

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784 specified in paragraph (1)(b) or paragraph (1)(c) commits is  
785 ~~guilty of~~ a misdemeanor of the first degree punishable as  
786 provided in ss. 775.082(4)(a) and 775.083(1)(g) by a fine of not  
787 more than \$10,000 or by 6 months in jail, or by both for each  
788 offense.

789 Section 17. Paragraph (a) of subsection (6) of section  
790 403.413, Florida Statutes, is amended to read:

791 403.413 Florida Litter Law.—

792 (6) PENALTIES; ENFORCEMENT.—

793 (a) Any person who dumps litter in violation of subsection  
794 (4) in an amount not exceeding 15 pounds in weight or 27 cubic  
795 feet in volume and not for commercial purposes commits is guilty  
796 ~~of~~ a noncriminal infraction, punishable by a civil penalty of  
797 \$150 ~~\$100~~, from which \$50 shall be deposited into the Solid  
798 Waste Management Trust Fund to be used for the solid waste  
799 management grant program pursuant to s. 403.7095. In addition,  
800 the court may require the violator to pick up litter or perform  
801 other labor commensurate with the offense committed.

802 Section 18. Subsection (5) of section 403.7234, Florida  
803 Statutes, is amended to read:

804 403.7234 Small quantity generator notification and  
805 verification program.—

806 (5) Any small quantity generator who does not comply with  
807 the requirements of subsection (4) and who has received a  
808 notification and survey in person or through one certified  
809 letter from the county is subject to a fine of between \$75 ~~\$50~~  
810 and \$150 ~~\$100~~ per day for a maximum of 100 days. The county may  
811 collect such fines and deposit them in its general revenue fund.  
812 Fines collected by the county shall be used to carry out the

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813 notification and verification procedure established in this  
814 section. If there are excess funds after the notification and  
815 verification procedures have been completed, such funds shall be  
816 used for hazardous and solid waste management purposes only.

817 Section 19. Subsection (3) of section 403.726, Florida  
818 Statutes, is amended to read:

819 403.726 Abatement of imminent hazard caused by hazardous  
820 substance.—

821 (3) An imminent hazard exists if any hazardous substance  
822 creates an immediate and substantial danger to human health,  
823 safety, or welfare or to the environment. The department may  
824 institute action in its own name, using the procedures and  
825 remedies of s. 403.121 or s. 403.131, to abate an imminent  
826 hazard. However, the department is authorized to recover a civil  
827 penalty of not more than \$37,500 ~~\$25,000~~ for each day until a ~~of~~  
828 ~~continued~~ violation is resolved by order or judgment. Whenever  
829 serious harm to human health, safety, and welfare; the  
830 environment; or private or public property may occur prior to  
831 completion of an administrative hearing or other formal  
832 proceeding that which might be initiated to abate the risk of  
833 serious harm, the department may obtain, ex parte, an injunction  
834 without paying filing and service fees prior to the filing and  
835 service of process.

836 Section 20. Paragraph (a) of subsection (3) of section  
837 403.727, Florida Statutes, is amended to read:

838 403.727 Violations; defenses, penalties, and remedies.—

839 (3) Violations of the provisions of this act are punishable  
840 as follows:

841 (a) Any person who violates ~~the provisions of~~ this act, the

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842 rules or orders of the department, or the conditions of a permit  
843 is liable to the state for any damages specified in s. 403.141  
844 and for a civil penalty of not more than \$75,000 ~~\$50,000~~ for  
845 each day of continued violation or until a violation is resolved  
846 by order or judgment, except as otherwise provided herein. The  
847 department may revoke any permit issued to the violator. In any  
848 action by the department against a small hazardous waste  
849 generator for the improper disposal of hazardous wastes, a  
850 rebuttable presumption of improper disposal shall be created if  
851 the generator was notified pursuant to s. 403.7234; the  
852 generator shall then have the burden of proving that the  
853 disposal was proper. If the generator was not so notified, the  
854 burden of proving improper disposal shall be placed upon the  
855 department.

856 Section 21. Subsection (8) of section 403.93345, Florida  
857 Statutes, is amended to read:

858 403.93345 Coral reef protection.-

859 (8) In addition to the compensation described in subsection  
860 (5), the department may assess, per occurrence, civil penalties  
861 according to the following schedule:

862 (a) For any anchoring of a vessel on a coral reef or for  
863 any other damage to a coral reef totaling less than or equal to  
864 an area of 1 square meter, \$225 ~~\$150~~, provided that a  
865 responsible party who has anchored a recreational vessel as  
866 defined in s. 327.02 which is lawfully registered or exempt from  
867 registration pursuant to chapter 328 is issued, at least once, a  
868 warning letter in lieu of penalty; with aggravating  
869 circumstances, an additional \$225 ~~\$150~~; occurring within a state  
870 park or aquatic preserve, an additional \$225 ~~\$150~~.



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871 (b) For damage totaling more than an area of 1 square meter  
872 but less than or equal to an area of 10 square meters, \$450 ~~\$300~~  
873 per square meter; with aggravating circumstances, an additional  
874 \$450 ~~\$300~~ per square meter; occurring within a state park or  
875 aquatic preserve, an additional \$450 ~~\$300~~ per square meter.

876 (c) For damage exceeding an area of 10 square meters,  
877 \$1,500 ~~\$1,000~~ per square meter; with aggravating circumstances,  
878 an additional \$1,500 ~~\$1,000~~ per square meter; occurring within a  
879 state park or aquatic preserve, an additional \$1,500 ~~\$1,000~~ per  
880 square meter.

881 (d) For a second violation, the total penalty may be  
882 doubled.

883 (e) For a third violation, the total penalty may be  
884 tripled.

885 (f) For any violation after a third violation, the total  
886 penalty may be quadrupled.

887 (g) The total of penalties levied may not exceed \$375,000  
888 ~~\$250,000~~ per occurrence.

889 Section 22. Subsection (5) of s. 823.11, Florida Statutes,  
890 is reenacted for the purpose of incorporating the amendment made  
891 by this act to s. 376.16, Florida Statutes, in a reference  
892 thereto.

893 Section 23. Subsection (5) of s. 403.077, subsection (2) of  
894 s. 403.131, paragraph (d) of subsection (3) of s. 403.4154, and  
895 subsection (5) of s. 403.860, Florida Statutes, are reenacted  
896 for the purpose of incorporating the amendment made by this act  
897 to s. 403.121, Florida Statutes, in references thereto.

898 Section 24. Subsection (10) of s. 403.708, subsection (7)  
899 of s. 403.7191, and s. 403.811, Florida Statutes, are reenacted

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900 for the purpose of incorporating the amendment made by this act  
901 to s. 403.141, Florida Statutes, in references thereto.

902 Section 25. Subsection (2) of s. 403.7255, Florida  
903 Statutes, is reenacted for the purpose of incorporating the  
904 amendment made by this act to s. 403.161, Florida Statutes, in a  
905 reference thereto.

906 Section 26. Subsection (8) of s. 403.7186, Florida  
907 Statutes, is reenacted for the purpose of incorporating the  
908 amendments made by this act to ss. 403.141 and 403.161, Florida  
909 Statutes, in references thereto.

910 Section 27. This act shall take effect July 1, 2020.

1 A bill to be entitled

2 An act relating to environmental enforcement; amending  
 3 ss. 161.054, 258.397, 258.46, 373.129, 373.209,  
 4 373.430, 376.065, 376.071, 376.16, 376.25, 377.37,  
 5 378.211, 403.086, 403.121, 403.141, 403.161, 403.413,  
 6 403.7234, 403.726, 403.727, and 403.93345, F.S.;  
 7 increasing the civil penalties for violations of  
 8 certain provisions relating to beach and shore  
 9 construction, the Biscayne Bay Aquatic Preserve,  
 10 aquatic preserves, the state water resource plan,  
 11 artesian wells, pollution, operating a terminal  
 12 facility without discharge prevention and response  
 13 certificates, discharge contingency plans for vessels,  
 14 the Pollutant Discharge Prevention and Control Act,  
 15 the Clean Ocean Act, the pollution of surface and  
 16 ground waters, the regulation of oil and gas  
 17 resources, the Phosphate Land Reclamation Act, sewage  
 18 disposal facilities, pollution control, reasonable  
 19 costs and expenses for pollution releases, necessary  
 20 permits, dumping litter, small quantity generators,  
 21 the abatement of imminent hazards caused by hazardous  
 22 substances, hazardous waste generators, transporters,  
 23 or facilities, and coral reef protection,  
 24 respectively; providing that each day that certain  
 25 violations are not remediated constitutes a separate

26 offense; making technical changes; reenacting s.  
 27 823.11(5), F.S., to incorporate the amendment made to  
 28 s. 376.16, F.S., in a reference thereto; reenacting  
 29 ss. 403.077(5), 403.131(2), 403.4154(3)(d), and  
 30 403.860(5), F.S., to incorporate the amendment made to  
 31 s. 403.121, F.S., in a reference thereto; reenacting  
 32 ss. 403.708(10), 403.7191(7), and 403.811, F.S., to  
 33 incorporate the amendment made to s. 403.141, F.S., in  
 34 a reference thereto; reenacting s. 403.7255(2), F.S.,  
 35 to incorporate the amendment made to s. 403.161, F.S.,  
 36 in a reference thereto; reenacting s. 403.7186(8),  
 37 F.S., to incorporate the amendment made to ss. 403.141  
 38 and 403.161, F.S., in references thereto; providing an  
 39 effective date.

40

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

42

43 Section 1. Subsection (1) of section 161.054, Florida  
 44 Statutes, is amended to read:

45 161.054 Administrative fines; liability for damage;  
 46 liens.—

47 (1) In addition to the penalties provided for in ss.  
 48 161.052, 161.053, and 161.121, any person, firm, corporation, or  
 49 governmental agency, or agent thereof, refusing to comply with  
 50 or willfully violating ~~any of the provisions of~~ s. 161.041, s.

51 161.052, or s. 161.053, or any rule or order prescribed by the  
 52 department thereunder, shall incur a fine for each offense in an  
 53 amount up to \$15,000 ~~\$10,000~~ to be fixed, imposed, and collected  
 54 by the department. Until a violation is resolved by order or  
 55 judgment, each day during any portion of which such violation  
 56 occurs or is not remediated constitutes a separate offense.

57 Section 2. Subsection (7) of section 258.397, Florida  
 58 Statutes, is amended to read:

59 258.397 Biscayne Bay Aquatic Preserve.—

60 (7) ENFORCEMENT.—~~The provisions of~~ This section may be  
 61 enforced in accordance with ~~the provisions of~~ s. 403.412. In  
 62 addition, the Department of Legal Affairs may ~~is authorized to~~  
 63 bring an action for civil penalties of \$7,500 ~~\$5,000~~ per day  
 64 against any person, natural or corporate, who violates ~~the~~  
 65 ~~provisions of~~ this section or any rule or regulation issued  
 66 hereunder. Until a violation is resolved by order or judgment,  
 67 each day during any portion of which such violation occurs or is  
 68 not remediated constitutes a separate offense. Enforcement of  
 69 applicable state regulations shall be supplemented by the Miami-  
 70 Dade County Department of Environmental Resources Management  
 71 through the creation of a full-time enforcement presence along  
 72 the Miami River.

73 Section 3. Section 258.46, Florida Statutes, is amended to  
 74 read:

75 258.46 Enforcement; violations; penalty.—~~The provisions of~~

76 This act may be enforced by the Board of Trustees of the  
 77 Internal Improvement Trust Fund or in accordance with ~~the~~  
 78 ~~provisions of~~ s. 403.412. However, any violation by any person,  
 79 natural or corporate, of ~~the provisions of~~ this act or any rule  
 80 or regulation issued hereunder is ~~shall be~~ further punishable by  
 81 a civil penalty of not less than \$750 ~~\$500~~ per day or more than  
 82 \$7,500 ~~\$5,000~~ per day of such violation. Until a violation is  
 83 resolved by order or judgment, each day during any portion of  
 84 which such violation occurs or is not remediated constitutes a  
 85 separate offense.

86 Section 4. Subsections (5) and (7) of section 373.129,  
 87 Florida Statutes, are amended, to read:

88 373.129 Maintenance of actions.—The department, the  
 89 governing board of any water management district, any local  
 90 board, or a local government to which authority has been  
 91 delegated pursuant to s. 373.103(8), is authorized to commence  
 92 and maintain proper and necessary actions and proceedings in any  
 93 court of competent jurisdiction for any of the following  
 94 purposes:

95 (5) To recover a civil penalty for each offense in an  
 96 amount not to exceed \$15,000 ~~\$10,000~~ per offense. Until a  
 97 violation is resolved by order or judgment, each date during any  
 98 portion of which such violation occurs or is not remediated  
 99 constitutes a separate offense.

100 (a) A civil penalty recovered by a water management

101 district pursuant to this subsection shall be retained and used  
102 exclusively by the water management district that collected the  
103 money. A civil penalty recovered by the department pursuant to  
104 this subsection must be deposited into the Water Quality  
105 Assurance Trust Fund established under s. 376.307.

106 (b) A local government that is delegated authority  
107 pursuant to s. 373.103(8) may deposit a civil penalty recovered  
108 pursuant to this subsection into a local water pollution control  
109 program trust fund, notwithstanding ~~the provisions of~~ paragraph  
110 (a). However, civil penalties that are deposited in a local  
111 water pollution control program trust fund and that are  
112 recovered for violations of state water quality standards may be  
113 used only to restore water quality in the area that was the  
114 subject of the action, and civil penalties that are deposited in  
115 a local water pollution control program trust fund and that are  
116 recovered for violation of requirements relating to water  
117 quantity may be used only to purchase lands and make capital  
118 improvements associated with surface water management, or other  
119 purposes consistent with the requirements of this chapter for  
120 the management and storage of surface water.

121 (7) To enforce ~~the provisions of~~ part IV of this chapter  
122 in the same manner and to the same extent as provided in ss.  
123 373.430, 403.121(1) and (2), 403.131, 403.141, and 403.161.

124 Section 5. Subsection (3) of section 373.209, Florida  
125 Statutes, is amended to read:

126 373.209 Artesian wells; penalties for violation.—

127 (3) Any person who violates ~~any provision of~~ this section  
 128 ~~is shall be~~ subject to either:

129 (a) The remedial measures provided for in s. 373.436; or

130 (b) A civil penalty of \$150 ~~\$100~~ a day for each and every  
 131 day of such violation and for each and every act of violation.

132 The civil penalty may be recovered by the water management board  
 133 of the water management district in which the well is located or  
 134 by the department in a suit in a court of competent jurisdiction  
 135 in the county where the defendant resides, in the county of  
 136 residence of any defendant if there is more than one defendant,  
 137 or in the county where the violation took place. The place of  
 138 suit shall be selected by the board or department, and the suit,  
 139 by direction of the board or department, shall be instituted and  
 140 conducted in the name of the board or department by appropriate  
 141 counsel. The payment of any such damages does not impair or  
 142 abridge any cause of action which any person may have against  
 143 the person violating ~~any provision of~~ this section.

144 Section 6. Subsections (2) through (5) of section 373.430,  
 145 Florida Statutes, are amended to read:

146 373.430 Prohibitions, violation, penalty, intent.—

147 (2) A person who ~~Whoever~~ commits a violation specified in  
 148 subsection (1) is liable for any damage caused and for civil  
 149 penalties as provided in s. 373.129.

150 (3) A ~~Any~~ person who willfully commits a violation



151 specified in paragraph (1) (a) commits ~~is guilty of~~ a felony of  
152 the third degree, punishable as provided in ss. 775.082(3) (e)  
153 and 775.083(1) (g), by a fine of not more than \$50,000 or by  
154 imprisonment for 5 years, or by both, for each offense. Until a  
155 violation is resolved by order or judgment, each day during any  
156 portion of which such violation occurs or is not remediated  
157 constitutes a separate offense.

158 (4) A ~~Any~~ person who commits a violation specified in  
159 paragraph (1) (a) or paragraph (1) (b) due to reckless  
160 indifference or gross careless disregard commits ~~is guilty of~~ a  
161 misdemeanor of the second degree, punishable as provided in ss.  
162 775.082(4) (b) and 775.083(1) (g), by a fine of not more than  
163 \$10,000 ~~\$5,000~~ or 60 days in jail, or by both, for each offense.

164 (5) A ~~Any~~ person who willfully commits a violation  
165 specified in paragraph (1) (b) or paragraph (1) (c) commits ~~is~~  
166 ~~guilty of~~ a misdemeanor of the first degree, punishable as  
167 provided in ss. 775.082(4) (a) and 775.083(1) (g), by a fine of  
168 not more than \$10,000 or by 6 months in jail, or by both, for  
169 each offense.

170 Section 7. Paragraphs (a) and (e) of subsection (5) of  
171 section 376.065, Florida Statutes, are amended to read:

172 376.065 Operation of terminal facility without discharge  
173 prevention and response certificate prohibited; penalty.—

174 (5) (a) A person who violates this section or the terms and  
175 requirements of such certification commits a noncriminal

176 | infraction. The civil penalty for any such infraction shall be  
 177 | \$750 ~~\$500~~, except as otherwise provided in this section.

178 | (e) A person who elects to appear before the county court  
 179 | or who is required to so appear waives the limitations of the  
 180 | civil penalty specified in paragraph (a). The court, after a  
 181 | hearing, shall make a determination as to whether an infraction  
 182 | has been committed. If the commission of the infraction is  
 183 | proved, the court shall impose a civil penalty of \$750 ~~\$500~~.

184 | Section 8. Paragraphs (a) and (e) of subsection (2) of  
 185 | section 376.071, Florida Statutes, are amended to read:

186 | 376.071 Discharge contingency plan for vessels.—

187 | (2) (a) A master of a vessel that violates subsection (1)  
 188 | commits a noncriminal infraction and shall be cited for such  
 189 | infraction. The civil penalty for such an infraction shall be  
 190 | \$7,500 ~~\$5,000~~, except as otherwise provided in this subsection.

191 | (e) A person who elects to appear before the county court  
 192 | or who is required to appear waives the limitations of the civil  
 193 | penalty specified in paragraph (a). The court, after a hearing,  
 194 | shall make a determination as to whether an infraction has been  
 195 | committed. If the commission of the infraction is proved, the  
 196 | court shall impose a civil penalty of \$7,500 ~~\$5,000~~.

197 | Section 9. Section 376.16, Florida Statutes, is amended to  
 198 | read:

199 | 376.16 Enforcement and penalties.—

200 | (1) It is unlawful for any person to violate ~~any provision~~

201 ~~of~~ ss. 376.011-376.21 or any rule or order of the department  
 202 made pursuant to this act. A violation is ~~shall be~~ punishable by  
 203 a civil penalty of up to \$75,000 ~~\$50,000~~ per violation per day  
 204 to be assessed by the department. Until a violation is resolved  
 205 by order or judgment, each day during any portion of which the  
 206 violation occurs or is not remediated constitutes a separate  
 207 offense. The penalty provisions of this subsection do ~~shall~~ not  
 208 apply to any discharge promptly reported and removed by a person  
 209 responsible, in accordance with the rules and orders of the  
 210 department, or to any discharge of pollutants equal to or less  
 211 than 5 gallons.

212 (2) In addition to the penalty provisions which may apply  
 213 under subsection (1), a person responsible for two or more  
 214 discharges of any pollutant reported pursuant to s. 376.12  
 215 within a 12-month period at the same facility commits a  
 216 noncriminal infraction and shall be cited by the department for  
 217 such infraction.

218 (a) For discharges of gasoline or diesel over 5 gallons,  
 219 the civil penalty for the second discharge shall be \$750 ~~\$500~~  
 220 and the civil penalty for each subsequent discharge within a 12-  
 221 month period shall be \$1,500 ~~\$1,000~~, except as otherwise  
 222 provided in this section.

223 (b) For discharges of any pollutant other than gasoline or  
 224 diesel, the civil penalty for a second discharge shall be \$3,750  
 225 ~~\$2,500~~ and the civil penalty for each subsequent discharge

226 within a 12-month period shall be \$7,500 ~~\$5,000~~, except as  
 227 otherwise provided in this section.

228 (3) A person responsible for two or more discharges of any  
 229 pollutant reported pursuant to s. 376.12 within a 12-month  
 230 period at the same facility commits a noncriminal infraction and  
 231 shall be cited by the department for such infraction.

232 (a) For discharges of gasoline or diesel equal to or less  
 233 than 5 gallons, the civil penalty shall be \$75 ~~\$50~~ for each  
 234 discharge subsequent to the first.

235 (b) For discharges of pollutants other than gasoline or  
 236 diesel equal to or less than 5 gallons, the civil penalty shall  
 237 be \$150 ~~\$100~~ for each discharge subsequent to the first.

238 (4) A person charged with a noncriminal infraction  
 239 pursuant to subsection (2) or subsection (3) may:

240 (a) Pay the civil penalty;

241 (b) Post a bond equal to the amount of the applicable  
 242 civil penalty; or

243 (c) Sign and accept a citation indicating a promise to  
 244 appear before the county court.

245  
 246 The department employee authorized to issue these citations may  
 247 indicate on the citation the time and location of the scheduled  
 248 hearing and shall indicate the applicable civil penalty.

249 (5) Any person who willfully refuses to post bond or  
 250 accept and sign a citation commits a misdemeanor of the second

251 degree, punishable as provided in s. 775.082 or s. 775.083.

252 (6) After compliance with paragraph (4) (b) or paragraph  
 253 (4) (c), any person charged with a noncriminal infraction under  
 254 subsection (2) or subsection (3) may:

255 (a) Pay the civil penalty, either by mail or in person,  
 256 within 30 days after the date of receiving the citation; or

257 (b) If the person has posted bond, forfeit the bond by not  
 258 appearing at the designated time and location.

259

260 A person cited for an infraction under this section who pays the  
 261 civil penalty or forfeits the bond has admitted the infraction  
 262 and waives the right to a hearing on the issue of commission of  
 263 the infraction. Such admission may not be used as evidence in  
 264 any other proceeding.

265 (7) Any person who elects to appear before the county  
 266 court or who is required to appear waives the limitations of the  
 267 civil penalties specified in subsection (2). The court, after a  
 268 hearing, shall make a determination as to whether an infraction  
 269 has been committed. If the commission of an infraction is  
 270 proved, the court may impose a civil penalty up to, but not  
 271 exceeding, \$750 ~~\$500~~ for the second discharge of gasoline or  
 272 diesel and a civil penalty up to, but not exceeding, \$1,500  
 273 ~~\$1,000~~ for each subsequent discharge of gasoline or diesel  
 274 within a 12-month period.

275 (8) Any person who elects to appear before the county

276 court or who is required to appear waives the limitations of the  
 277 civil penalties specified in subsection (2) or subsection (3).  
 278 The court, after a hearing, shall make a determination as to  
 279 whether an infraction has been committed. If the commission of  
 280 an infraction is proved, the court may impose a civil penalty up  
 281 to, but not exceeding, \$7,500 ~~\$5,000~~ for the second discharge of  
 282 pollutants other than gasoline or diesel and a civil penalty up  
 283 to, but not exceeding, \$15,000 ~~\$10,000~~ for each subsequent  
 284 discharge of pollutants other than gasoline or diesel within a  
 285 12-month period.

286 (9) At a hearing under this section, the commission of a  
 287 charged offense must be proved by the greater weight of the  
 288 evidence.

289 (10) A person who is found by a hearing official to have  
 290 committed an infraction may appeal that finding to the circuit  
 291 court.

292 (11) Any person who has not posted bond and who neither  
 293 pays the applicable civil penalty, as specified in subsection  
 294 (2) or subsection (3) within 30 days of receipt of the citation  
 295 nor appears before the court commits a misdemeanor of the second  
 296 degree, punishable as provided in s. 775.082 or s. 775.083.

297 (12) Any person who makes or causes to be made a false  
 298 statement that which the person does not believe to be true in  
 299 response to requirements of ~~the provisions of~~ ss. 376.011-376.21  
 300 commits a felony of the second degree, punishable as provided in

301 s. 775.082, s. 775.083, or s. 775.084.

302 Section 10. Paragraph (a) of subsection (6) of section  
303 376.25, Florida Statutes, is amended to read:

304 376.25 Gambling vessels; registration; required and  
305 prohibited releases.—

306 (6) PENALTIES.—

307 (a) A person who violates this section is subject to a  
308 civil penalty of not more than \$75,000 ~~\$50,000~~ for each  
309 violation. Until a violation is resolved by order or judgment,  
310 each day during any portion of which such violation occurs or is  
311 not remediated constitutes a separate offense.

312 Section 11. Paragraph (a) of subsection (1) of section  
313 377.37, Florida Statutes, is amended to read:

314 377.37 Penalties.—

315 (1) (a) Any person who violates ~~any provision of~~ this law  
316 or any rule, regulation, or order of the division made under  
317 this chapter or who violates the terms of any permit to drill  
318 for or produce oil, gas, or other petroleum products referred to  
319 in s. 377.242(1) or to store gas in a natural gas storage  
320 facility, or any lessee, permitholder, or operator of equipment  
321 or facilities used in the exploration for, drilling for, or  
322 production of oil, gas, or other petroleum products, or storage  
323 of gas in a natural gas storage facility, who refuses inspection  
324 by the division as provided in this chapter, is liable to the  
325 state for any damage caused to the air, waters, or property,

326 including animal, plant, or aquatic life, of the state and for  
 327 reasonable costs and expenses of the state in tracing the source  
 328 of the discharge, in controlling and abating the source and the  
 329 pollutants, and in restoring the air, waters, and property,  
 330 including animal, plant, and aquatic life, of the state.  
 331 Furthermore, such person, lessee, permitholder, or operator is  
 332 subject to the judicial imposition of a civil penalty in an  
 333 amount of not more than \$15,000 ~~\$10,000~~ for each offense.  
 334 However, the court may receive evidence in mitigation. Until a  
 335 violation is resolved by order or judgment, each day during any  
 336 portion of which such violation occurs or is not remediated  
 337 constitutes a separate offense. This section does not ~~Nothing~~  
 338 ~~herein shall~~ give the department the right to bring an action on  
 339 behalf of any private person.

340 Section 12. Subsection (2) of section 378.211, Florida  
 341 Statutes, is amended to read:

342 378.211 Violations; damages; penalties.—

343 (2) The department may institute a civil action in a court  
 344 of competent jurisdiction to impose and recover a civil penalty  
 345 for violation of this part or of any rule adopted or order  
 346 issued pursuant to this part. The penalty may ~~shall~~ not exceed  
 347 the following amounts, and the court shall consider evidence in  
 348 mitigation:

349 (a) For violations of a minor or technical nature, \$150  
 350 ~~\$100~~ per violation.



351 (b) For major violations by an operator on which a penalty  
 352 has not been imposed under this paragraph during the previous 5  
 353 years, \$1,500 ~~\$1,000~~ per violation.

354 (c) For major violations not covered by paragraph (b),  
 355 \$7,500 ~~\$5,000~~ per violation.

356  
 357 Subject to ~~the provisions of~~ subsection (4), until a violation  
 358 is resolved by order or judgment, each day or any portion  
 359 thereof in which the violation continues or is not remediated  
 360 shall constitute a separate violation.

361 Section 13. Subsection (2) of section 403.086, Florida  
 362 Statutes, is amended to read:

363 403.086 Sewage disposal facilities; advanced and secondary  
 364 waste treatment.—

365 (2) Any facilities for sanitary sewage disposal shall  
 366 provide for secondary waste treatment and, in addition thereto,  
 367 advanced waste treatment as deemed necessary and ordered by the  
 368 Department of Environmental Protection. Failure to conform shall  
 369 be punishable by a civil penalty of \$750 ~~\$500~~ for each 24-hour  
 370 day or fraction thereof that such failure is allowed to continue  
 371 thereafter.

372 Section 14. Section 403.121, Florida Statutes, is amended  
 373 to read:

374 403.121 Enforcement; procedure; remedies.—The department  
 375 shall have the following judicial and administrative remedies

376 available to it for violations of this chapter, as specified in  
377 s. 403.161(1).

378 (1) Judicial remedies:

379 (a) The department may institute a civil action in a court  
380 of competent jurisdiction to establish liability and to recover  
381 damages for any injury to the air, waters, or property,  
382 including animal, plant, and aquatic life, of the state caused  
383 by any violation.

384 (b) The department may institute a civil action in a court  
385 of competent jurisdiction to impose and to recover a civil  
386 penalty for each violation in an amount of not more than \$15,000  
387 ~~\$10,000~~ per offense. However, the court may receive evidence in  
388 mitigation. Until a violation is resolved by order or judgment,  
389 each day during any portion of which such violation occurs or is  
390 not remediated constitutes a separate offense.

391 (c) Except as provided in paragraph (2)(c), it is ~~shall~~  
392 not be a defense to, or ground for dismissal of, these judicial  
393 remedies for damages and civil penalties that the department has  
394 failed to exhaust its administrative remedies, has failed to  
395 serve a notice of violation, or has failed to hold an  
396 administrative hearing prior to the institution of a civil  
397 action.

398 (2) Administrative remedies:

399 (a) The department may institute an administrative  
400 proceeding to establish liability and to recover damages for any

401 injury to the air, waters, or property, including animal, plant,  
402 or aquatic life, of the state caused by any violation. The  
403 department may order that the violator pay a specified sum as  
404 damages to the state. Judgment for the amount of damages  
405 determined by the department may be entered in any court having  
406 jurisdiction thereof and may be enforced as any other judgment.

407 (b) If the department has reason to believe a violation  
408 has occurred, it may institute an administrative proceeding to  
409 order the prevention, abatement, or control of the conditions  
410 creating the violation or other appropriate corrective action.  
411 Except for violations involving hazardous wastes, asbestos, or  
412 underground injection, the department shall proceed  
413 administratively in all cases in which the department seeks  
414 administrative penalties that do not exceed \$50,000 ~~\$10,000~~ per  
415 assessment as calculated in accordance with subsections (3),  
416 (4), (5), (6), and (7). Pursuant to 42 U.S.C. s. 300g-2, the  
417 administrative penalty assessed pursuant to subsection (3),  
418 subsection (4), or subsection (5) against a public water system  
419 serving a population of more than 10,000 shall be not less than  
420 \$1,000 per day per violation. The department may ~~shall~~ not  
421 impose administrative penalties in excess of \$50,000 ~~\$10,000~~ in  
422 a notice of violation. The department may ~~shall~~ not have more  
423 than one notice of violation seeking administrative penalties  
424 pending against the same party at the same time unless the  
425 violations occurred at a different site or the violations were

426 | discovered by the department subsequent to the filing of a  
 427 | previous notice of violation.

428 |       (c) An administrative proceeding shall be instituted by  
 429 | the department's serving of a written notice of violation upon  
 430 | the alleged violator by certified mail. If the department is  
 431 | unable to effect service by certified mail, the notice of  
 432 | violation may be hand delivered or personally served in  
 433 | accordance with chapter 48. The notice shall specify the  
 434 | ~~provision of the~~ law, rule, regulation, permit, certification,  
 435 | or order of the department alleged to be violated and the facts  
 436 | alleged to constitute a violation thereof. An order for  
 437 | corrective action, penalty assessment, or damages may be  
 438 | included with the notice. When the department is seeking to  
 439 | impose an administrative penalty for any violation by issuing a  
 440 | notice of violation, any corrective action needed to correct the  
 441 | violation or damages caused by the violation must be pursued in  
 442 | the notice of violation or they are waived. However, an ~~no~~ order  
 443 | is not ~~shall become~~ effective until after service and an  
 444 | administrative hearing, if requested within 20 days after  
 445 | service. Failure to request an administrative hearing within  
 446 | this time period constitutes ~~shall constitute~~ a waiver thereof,  
 447 | unless the respondent files a written notice with the department  
 448 | within this time period opting out of the administrative process  
 449 | initiated by the department to impose administrative penalties.  
 450 | Any respondent choosing to opt out of the administrative process

451 initiated by the department in an action that seeks the  
452 imposition of administrative penalties must file a written  
453 notice with the department within 20 days after service of the  
454 notice of violation opting out of the administrative process. A  
455 respondent's decision to opt out of the administrative process  
456 does not preclude the department from initiating a state court  
457 action seeking injunctive relief, damages, and the judicial  
458 imposition of civil penalties.

459 (d) If a person timely files a petition challenging a  
460 notice of violation, that person will thereafter be referred to  
461 as the respondent. The hearing requested by the respondent shall  
462 be held within 180 days after the department has referred the  
463 initial petition to the Division of Administrative Hearings  
464 unless the parties agree to a later date. The department has the  
465 burden of proving with the preponderance of the evidence that  
466 the respondent is responsible for the violation. ~~No~~  
467 Administrative penalties should not be imposed unless the  
468 department satisfies that burden. Following the close of the  
469 hearing, the administrative law judge shall issue a final order  
470 on all matters, including the imposition of an administrative  
471 penalty. When the department seeks to enforce that portion of a  
472 final order imposing administrative penalties pursuant to s.  
473 120.69, the respondent may ~~shall~~ not assert as a defense the  
474 inappropriateness of the administrative remedy. The department  
475 retains its final-order authority in all administrative actions

476 that do not request the imposition of administrative penalties.

477 (e) After filing a petition requesting a formal hearing in  
478 response to a notice of violation in which the department  
479 imposes an administrative penalty, a respondent may request that  
480 a private mediator be appointed to mediate the dispute by  
481 contacting the Florida Conflict Resolution Consortium within 10  
482 days after receipt of the initial order from the administrative  
483 law judge. The Florida Conflict Resolution Consortium shall pay  
484 all of the costs of the mediator and for up to 8 hours of the  
485 mediator's time per case at \$150 per hour. Upon notice from the  
486 respondent, the Florida Conflict Resolution Consortium shall  
487 provide to the respondent a panel of possible mediators from the  
488 area in which the hearing on the petition would be heard. The  
489 respondent shall select the mediator and notify the Florida  
490 Conflict Resolution Consortium of the selection within 15 days  
491 of receipt of the proposed panel of mediators. The Florida  
492 Conflict Resolution Consortium shall provide all of the  
493 administrative support for the mediation process. The mediation  
494 must be completed at least 15 days before the final hearing date  
495 set by the administrative law judge.

496 (f) In any administrative proceeding brought by the  
497 department, the prevailing party shall recover all costs as  
498 provided in ss. 57.041 and 57.071. The costs must be included in  
499 the final order. The respondent is the prevailing party when an  
500 order is entered awarding no penalties to the department and

501 such order has not been reversed on appeal or the time for  
 502 seeking judicial review has expired. The respondent is ~~shall be~~  
 503 entitled to an award of attorney's fees if the administrative  
 504 law judge determines that the notice of violation issued by the  
 505 department seeking the imposition of administrative penalties  
 506 was not substantially justified as defined in s. 57.111(3)(e).  
 507 An ~~No~~ award of attorney's fees as provided by this subsection  
 508 may not ~~shall~~ exceed \$15,000.

509 (g) Nothing herein shall be construed as preventing any  
 510 other legal or administrative action in accordance with law.  
 511 Nothing in this subsection shall limit the department's  
 512 authority provided in ss. 403.131, 403.141, and this section to  
 513 judicially pursue injunctive relief. When the department  
 514 exercises its authority to judicially pursue injunctive relief,  
 515 penalties in any amount up to the statutory maximum sought by  
 516 the department must be pursued as part of the state court action  
 517 and not by initiating a separate administrative proceeding. The  
 518 department retains the authority to judicially pursue penalties  
 519 in excess of \$50,000 ~~\$10,000~~ for violations not specifically  
 520 included in the administrative penalty schedule, or for multiple  
 521 or multiday violations alleged to exceed a total of \$50,000  
 522 ~~\$10,000~~. The department also retains the authority provided in  
 523 ss. 403.131, 403.141, and this section to judicially pursue  
 524 injunctive relief and damages, if a notice of violation seeking  
 525 the imposition of administrative penalties has not been issued.

526 The department has the authority to enter into a settlement,  
527 either before or after initiating a notice of violation, and the  
528 settlement may include a penalty amount different from the  
529 administrative penalty schedule. Any case filed in state court  
530 because it is alleged to exceed a total of \$50,000 ~~\$10,000~~ in  
531 penalties may be settled in the court action for less than  
532 \$50,000 ~~\$10,000~~.

533 (h) Chapter 120 applies ~~shall apply~~ to any administrative  
534 action taken by the department or any delegated program pursuing  
535 administrative penalties in accordance with this section.

536 (3) Except for violations involving hazardous wastes,  
537 asbestos, or underground injection, administrative penalties  
538 must be calculated according to the following schedule:

539 (a) For a drinking water contamination violation, the  
540 department shall assess a penalty of \$3,000 ~~\$2,000~~ for a Maximum  
541 Containment Level (MCL) violation; plus \$1,500 ~~\$1,000~~ if the  
542 violation is for a primary inorganic, organic, or radiological  
543 Maximum Contaminant Level or it is a fecal coliform bacteria  
544 violation; plus \$1,500 ~~\$1,000~~ if the violation occurs at a  
545 community water system; and plus \$1,500 ~~\$1,000~~ if any Maximum  
546 Contaminant Level is exceeded by more than 100 percent. For  
547 failure to obtain a clearance letter prior to placing a drinking  
548 water system into service when the system would not have been  
549 eligible for clearance, the department shall assess a penalty of  
550 \$4,500 ~~\$3,000~~.



551 (b) For failure to obtain a required wastewater permit,  
 552 other than a permit required for surface water discharge, the  
 553 department shall assess a penalty of \$1,500 ~~\$1,000~~. For a  
 554 domestic or industrial wastewater violation not involving a  
 555 surface water or groundwater quality violation, the department  
 556 shall assess a penalty of \$3,000 ~~\$2,000~~ for an unpermitted or  
 557 unauthorized discharge or effluent-limitation exceedance. For an  
 558 unpermitted or unauthorized discharge or effluent-limitation  
 559 exceedance that resulted in a surface water or groundwater  
 560 quality violation, the department shall assess a penalty of  
 561 \$7,500 ~~\$5,000~~.

562 (c) For a dredge and fill or stormwater violation, the  
 563 department shall assess a penalty of \$1,500 ~~\$1,000~~ for  
 564 unpermitted or unauthorized dredging or filling or unauthorized  
 565 construction of a stormwater management system against the  
 566 person or persons responsible for the illegal dredging or  
 567 filling, or unauthorized construction of a stormwater management  
 568 system plus \$3,000 ~~\$2,000~~ if the dredging or filling occurs in  
 569 an aquatic preserve, an Outstanding Florida Water, a  
 570 conservation easement, or a Class I or Class II surface water,  
 571 plus \$1,500 ~~\$1,000~~ if the area dredged or filled is greater than  
 572 one-quarter acre but less than or equal to one-half acre, and  
 573 plus \$1,500 ~~\$1,000~~ if the area dredged or filled is greater than  
 574 one-half acre but less than or equal to one acre. The  
 575 administrative penalty schedule does ~~shall~~ not apply to a dredge

576 and fill violation if the area dredged or filled exceeds one  
577 acre. The department retains the authority to seek the judicial  
578 imposition of civil penalties for all dredge and fill violations  
579 involving more than one acre. The department shall assess a  
580 penalty of \$4,500 ~~\$3,000~~ for the failure to complete required  
581 mitigation, failure to record a required conservation easement,  
582 or for a water quality violation resulting from dredging or  
583 filling activities, stormwater construction activities or  
584 failure of a stormwater treatment facility. For stormwater  
585 management systems serving less than 5 acres, the department  
586 shall assess a penalty of \$3,000 ~~\$2,000~~ for the failure to  
587 properly or timely construct a stormwater management system. In  
588 addition to the penalties authorized in this subsection, the  
589 department shall assess a penalty of \$7,500 ~~\$5,000~~ per violation  
590 against the contractor or agent of the owner or tenant that  
591 conducts unpermitted or unauthorized dredging or filling. For  
592 purposes of this paragraph, the preparation or signing of a  
593 permit application by a person currently licensed under chapter  
594 471 to practice as a professional engineer does ~~shall~~ not make  
595 that person an agent of the owner or tenant.

596 (d) For mangrove trimming or alteration violations, the  
597 department shall assess a penalty of \$7,500 ~~\$5,000~~ per violation  
598 against the contractor or agent of the owner or tenant that  
599 conducts mangrove trimming or alteration without a permit as  
600 required by s. 403.9328. For purposes of this paragraph, the

601 preparation or signing of a permit application by a person  
602 currently licensed under chapter 471 to practice as a  
603 professional engineer does ~~shall~~ not make that person an agent  
604 of the owner or tenant.

605 (e) For solid waste violations, the department shall  
606 assess a penalty of \$3,000 ~~\$2,000~~ for the unpermitted or  
607 unauthorized disposal or storage of solid waste; plus \$1,000 if  
608 the solid waste is Class I or Class III (excluding yard trash)  
609 or if the solid waste is construction and demolition debris in  
610 excess of 20 cubic yards, plus \$1,500 ~~\$1,000~~ if the waste is  
611 disposed of or stored in any natural or artificial body of water  
612 or within 500 feet of a potable water well, plus \$1,500 ~~\$1,000~~  
613 if the waste contains PCB at a concentration of 50 parts per  
614 million or greater; untreated biomedical waste; friable asbestos  
615 greater than 1 cubic meter which is not wetted, bagged, and  
616 covered; used oil greater than 25 gallons; or 10 or more lead  
617 acid batteries. The department shall assess a penalty of \$4,500  
618 ~~\$3,000~~ for failure to properly maintain leachate control;  
619 unauthorized burning; failure to have a trained spotter on duty  
620 at the working face when accepting waste; or failure to provide  
621 access control for three consecutive inspections. The department  
622 shall assess a penalty of \$3,000 ~~\$2,000~~ for failure to construct  
623 or maintain a required stormwater management system.

624 (f) For an air emission violation, the department shall  
625 assess a penalty of \$1,500 ~~\$1,000~~ for an unpermitted or

626 unauthorized air emission or an air-emission-permit exceedance,  
627 ~~plus \$1,000 if the emission results in an air quality violation,~~  
628 plus \$4,500 ~~\$3,000~~ if the emission was from a major source and  
629 the source was major for the pollutant in violation; plus \$1,500  
630 ~~\$1,000~~ if the emission was more than 150 percent of the  
631 allowable level.

632 (g) For storage tank system and petroleum contamination  
633 violations, the department shall assess a penalty of \$7,500  
634 ~~\$5,000~~ for failure to empty a damaged storage system as  
635 necessary to ensure that a release does not occur until repairs  
636 to the storage system are completed; when a release has occurred  
637 from that storage tank system; for failure to timely recover  
638 free product; or for failure to conduct remediation or  
639 monitoring activities until a no-further-action or site-  
640 rehabilitation completion order has been issued. The department  
641 shall assess a penalty of \$4,500 ~~\$3,000~~ for failure to timely  
642 upgrade a storage tank system. The department shall assess a  
643 penalty of \$3,000 ~~\$2,000~~ for failure to conduct or maintain  
644 required release detection; failure to timely investigate a  
645 suspected release from a storage system; depositing motor fuel  
646 into an unregistered storage tank system; failure to timely  
647 assess or remediate petroleum contamination; or failure to  
648 properly install a storage tank system. The department shall  
649 assess a penalty of \$1,500 ~~\$1,000~~ for failure to properly  
650 operate, maintain, or close a storage tank system.

651 (4) In an administrative proceeding, in addition to the  
652 penalties that may be assessed under subsection (3), the  
653 department shall assess administrative penalties according to  
654 the following schedule:

655 (a) For failure to satisfy financial responsibility  
656 requirements or for violation of s. 377.371(1), \$7,500 ~~\$5,000~~.

657 (b) For failure to install, maintain, or use a required  
658 pollution control system or device, \$6,000 ~~\$4,000~~.

659 (c) For failure to obtain a required permit before  
660 construction or modification, \$4,500 ~~\$3,000~~.

661 (d) For failure to conduct required monitoring or testing;  
662 failure to conduct required release detection; or failure to  
663 construct in compliance with a permit, \$3,000 ~~\$2,000~~.

664 (e) For failure to maintain required staff to respond to  
665 emergencies; failure to conduct required training; failure to  
666 prepare, maintain, or update required contingency plans; failure  
667 to adequately respond to emergencies to bring an emergency  
668 situation under control; or failure to submit required  
669 notification to the department, \$1,500 ~~\$1,000~~.

670 (f) Except as provided in subsection (2) with respect to  
671 public water systems serving a population of more than 10,000,  
672 for failure to prepare, submit, maintain, or use required  
673 reports or other required documentation, \$750 ~~\$500~~.

674 (5) Except as provided in subsection (2) with respect to  
675 public water systems serving a population of more than 10,000,

676 for failure to comply with any other departmental regulatory  
677 statute or rule requirement not otherwise identified in this  
678 section, the department may assess a penalty of \$1,000 ~~\$500~~.

679 (6) For each additional day during which a violation  
680 occurs, the administrative penalties in subsections ~~subsection~~  
681 (3), ~~subsection~~ (4), and ~~subsection~~ (5) may be assessed per day  
682 per violation.

683 (7) The history of noncompliance of the violator for any  
684 previous violation resulting in an executed consent order, but  
685 not including a consent order entered into without a finding of  
686 violation, or resulting in a final order or judgment after the  
687 effective date of this law involving the imposition of \$3,000  
688 ~~\$2,000~~ or more in penalties shall be taken into consideration in  
689 the following manner:

690 (a) One previous such violation within 5 years prior to  
691 the filing of the notice of violation will result in a 25-  
692 percent per day increase in the scheduled administrative  
693 penalty.

694 (b) Two previous such violations within 5 years prior to  
695 the filing of the notice of violation will result in a 50-  
696 percent per day increase in the scheduled administrative  
697 penalty.

698 (c) Three or more previous such violations within 5 years  
699 prior to the filing of the notice of violation will result in a  
700 100-percent per day increase in the scheduled administrative

701 penalty.

702 (8) The direct economic benefit gained by the violator  
 703 from the violation, where consideration of economic benefit is  
 704 provided by Florida law or required by federal law as part of a  
 705 federally delegated or approved program, shall be added to the  
 706 scheduled administrative penalty. The total administrative  
 707 penalty, including any economic benefit added to the scheduled  
 708 administrative penalty, may ~~shall~~ not exceed \$15,000 ~~\$10,000~~.

709 (9) The administrative penalties assessed for any  
 710 particular violation may ~~shall~~ not exceed \$7,500 ~~\$5,000~~ against  
 711 any one violator, unless the violator has a history of  
 712 noncompliance, the economic benefit of the violation as  
 713 described in subsection (8) exceeds \$7,500 ~~\$5,000~~, or there are  
 714 multiday violations. The total administrative penalties may  
 715 ~~shall~~ not exceed \$50,000 ~~\$10,000~~ per assessment for all  
 716 violations attributable to a specific person in the notice of  
 717 violation.

718 (10) The administrative law judge may receive evidence in  
 719 mitigation. The penalties identified in subsections ~~subsection~~  
 720 (3), ~~subsection~~ (4), and ~~subsection~~ (5) may be reduced up to 50  
 721 percent by the administrative law judge for mitigating  
 722 circumstances, including good faith efforts to comply prior to  
 723 or after discovery of the violations by the department. Upon an  
 724 affirmative finding that the violation was caused by  
 725 circumstances beyond the reasonable control of the respondent

726 and could not have been prevented by respondent's due diligence,  
 727 the administrative law judge may further reduce the penalty.

728 (11) Penalties collected pursuant to this section shall be  
 729 deposited into the Water Quality Assurance Trust Fund or other  
 730 trust fund designated by statute and shall be used to fund the  
 731 restoration of ecosystems, or polluted areas of the state, as  
 732 defined by the department, to their condition before pollution  
 733 occurred. The Florida Conflict Resolution Consortium may use a  
 734 portion of the fund to administer the mediation process provided  
 735 in paragraph (2)(e) and to contract with private mediators for  
 736 administrative penalty cases.

737 (12) The purpose of the administrative penalty schedule  
 738 and process is to provide a more predictable and efficient  
 739 manner for individuals and businesses to resolve relatively  
 740 minor environmental disputes. Subsections (3)-(7) may ~~Subsection~~  
 741 ~~(3), subsection (4), subsection (5), subsection (6), or~~  
 742 ~~subsection (7) shall not be construed as limiting a state court~~  
 743 in the assessment of damages. The administrative penalty  
 744 schedule does not apply to the judicial imposition of civil  
 745 penalties in state court as provided in this section.

746 Section 15. Subsection (1) of section 403.141, Florida  
 747 Statutes, is amended to read:

748 403.141 Civil liability; joint and several liability.—

749 (1) A person who ~~Whoever~~ commits a violation specified in  
 750 s. 403.161(1) is liable to the state for any damage caused to



751 the air, waters, or property, including animal, plant, or  
752 aquatic life, of the state and for reasonable costs and expenses  
753 of the state in tracing the source of the discharge, in  
754 controlling and abating the source and the pollutants, and in  
755 restoring the air, waters, and property, including animal,  
756 plant, and aquatic life, of the state to their former condition,  
757 and furthermore is subject to the judicial imposition of a civil  
758 penalty for each offense in an amount of not more than \$15,000  
759 ~~\$10,000~~ per offense. However, the court may receive evidence in  
760 mitigation. Until a violation is resolved by order or judgment,  
761 each day during any portion of which such violation occurs or is  
762 not remediated constitutes a separate offense. Nothing herein  
763 gives ~~shall give~~ the department the right to bring an action on  
764 behalf of any private person.

765 Section 16. Subsections (2) through (5) of section  
766 403.161, Florida Statutes, are amended to read:

767 403.161 Prohibitions, violation, penalty, intent.—

768 (2) A person who ~~Whoever~~ commits a violation specified in  
769 subsection (1) is liable to the state for any damage caused and  
770 for civil penalties as provided in s. 403.141.

771 (3) A ~~Any~~ person who willfully commits a violation  
772 specified in paragraph (1)(a) commits ~~is guilty of~~ a felony of  
773 the third degree, punishable as provided in ss. 775.082(3)(e)  
774 and 775.083(1)(g) by a fine of not more than \$50,000 or by  
775 imprisonment for 5 years, or by both, for each offense. Until a

776 | violation is resolved by order or judgment, each day during any  
 777 | portion of which such violation occurs or is not remediated  
 778 | constitutes a separate offense.

779 | (4) A ~~Any~~ person who commits a violation specified in  
 780 | paragraph (1) (a) or paragraph (1) (b) due to reckless  
 781 | indifference or gross careless disregard commits ~~is guilty of~~ a  
 782 | misdemeanor of the second degree, punishable as provided in ss.  
 783 | 775.082 (4) (b) and 775.083(1) (g) by a fine of not more than  
 784 | \$10,000 ~~\$5,000~~ or by 60 days in jail, or by both, for each  
 785 | offense.

786 | (5) A ~~Any~~ person who willfully commits a violation  
 787 | specified in paragraph (1) (b) or paragraph (1) (c) commits ~~is~~  
 788 | ~~guilty of~~ a misdemeanor of the first degree punishable as  
 789 | provided in ss. 775.082 (4) (a) and 775.083(1) (g) by a fine of not  
 790 | more than \$10,000 or by 6 months in jail, or by both for each  
 791 | offense.

792 | Section 17. Paragraph (a) of subsection (6) of section  
 793 | 403.413, Florida Statutes, is amended to read:

794 | 403.413 Florida Litter Law.—

795 | (6) PENALTIES; ENFORCEMENT.—

796 | (a) Any person who dumps litter in violation of subsection  
 797 | (4) in an amount not exceeding 15 pounds in weight or 27 cubic  
 798 | feet in volume and not for commercial purposes commits ~~is guilty~~  
 799 | ~~of~~ a noncriminal infraction, punishable by a civil penalty of  
 800 | \$150 ~~\$100~~, from which \$50 shall be deposited into the Solid

801 Waste Management Trust Fund to be used for the solid waste  
 802 management grant program pursuant to s. 403.7095. In addition,  
 803 the court may require the violator to pick up litter or perform  
 804 other labor commensurate with the offense committed.

805 Section 18. Subsection (5) of section 403.7234, Florida  
 806 Statutes, is amended to read:

807 403.7234 Small quantity generator notification and  
 808 verification program.—

809 (5) Any small quantity generator who does not comply with  
 810 the requirements of subsection (4) and who has received a  
 811 notification and survey in person or through one certified  
 812 letter from the county is subject to a fine of between \$75 ~~\$50~~  
 813 and \$150 ~~\$100~~ per day for a maximum of 100 days. The county may  
 814 collect such fines and deposit them in its general revenue fund.  
 815 Fines collected by the county shall be used to carry out the  
 816 notification and verification procedure established in this  
 817 section. If there are excess funds after the notification and  
 818 verification procedures have been completed, such funds shall be  
 819 used for hazardous and solid waste management purposes only.

820 Section 19. Subsection (3) of section 403.726, Florida  
 821 Statutes, is amended to read:

822 403.726 Abatement of imminent hazard caused by hazardous  
 823 substance.—

824 (3) An imminent hazard exists if any hazardous substance  
 825 creates an immediate and substantial danger to human health,

826 safety, or welfare or to the environment. The department may  
 827 institute action in its own name, using the procedures and  
 828 remedies of s. 403.121 or s. 403.131, to abate an imminent  
 829 hazard. However, the department is authorized to recover a civil  
 830 penalty of not more than \$37,500 ~~\$25,000~~ for each day until a ~~of~~  
 831 ~~continued~~ violation is resolved by order or judgment. Whenever  
 832 serious harm to human health, safety, and welfare; the  
 833 environment; or private or public property may occur prior to  
 834 completion of an administrative hearing or other formal  
 835 proceeding that which might be initiated to abate the risk of  
 836 serious harm, the department may obtain, ex parte, an injunction  
 837 without paying filing and service fees prior to the filing and  
 838 service of process.

839 Section 20. Paragraph (a) of subsection (3) of section  
 840 403.727, Florida Statutes, is amended to read:

841 403.727 Violations; defenses, penalties, and remedies.—

842 (3) Violations of the provisions of this act are  
 843 punishable as follows:

844 (a) Any person who violates ~~the provisions of~~ this act,  
 845 the rules or orders of the department, or the conditions of a  
 846 permit is liable to the state for any damages specified in s.  
 847 403.141 and for a civil penalty of not more than \$75,000 ~~\$50,000~~  
 848 for each day of continued violation or until a violation is  
 849 resolved by order or judgment, except as otherwise provided  
 850 herein. The department may revoke any permit issued to the

851 violator. In any action by the department against a small  
 852 hazardous waste generator for the improper disposal of hazardous  
 853 wastes, a rebuttable presumption of improper disposal shall be  
 854 created if the generator was notified pursuant to s. 403.7234;  
 855 the generator shall then have the burden of proving that the  
 856 disposal was proper. If the generator was not so notified, the  
 857 burden of proving improper disposal shall be placed upon the  
 858 department.

859 Section 21. Subsection (8) of section 403.93345, Florida  
 860 Statutes, is amended to read:

861 403.93345 Coral reef protection.—

862 (8) In addition to the compensation described in  
 863 subsection (5), the department may assess, per occurrence, civil  
 864 penalties according to the following schedule:

865 (a) For any anchoring of a vessel on a coral reef or for  
 866 any other damage to a coral reef totaling less than or equal to  
 867 an area of 1 square meter, \$225 ~~\$150~~, provided that a  
 868 responsible party who has anchored a recreational vessel as  
 869 defined in s. 327.02 which is lawfully registered or exempt from  
 870 registration pursuant to chapter 328 is issued, at least once, a  
 871 warning letter in lieu of penalty; with aggravating  
 872 circumstances, an additional \$225 ~~\$150~~; occurring within a state  
 873 park or aquatic preserve, an additional \$225 ~~\$150~~.

874 (b) For damage totaling more than an area of 1 square  
 875 meter but less than or equal to an area of 10 square meters,

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876 \$450 ~~\$300~~ per square meter; with aggravating circumstances, an  
877 additional \$450 ~~\$300~~ per square meter; occurring within a state  
878 park or aquatic preserve, an additional \$450 ~~\$300~~ per square  
879 meter.

880 (c) For damage exceeding an area of 10 square meters,  
881 \$1,500 ~~\$1,000~~ per square meter; with aggravating circumstances,  
882 an additional \$1,500 ~~\$1,000~~ per square meter; occurring within a  
883 state park or aquatic preserve, an additional \$1,500 ~~\$1,000~~ per  
884 square meter.

885 (d) For a second violation, the total penalty may be  
886 doubled.

887 (e) For a third violation, the total penalty may be  
888 tripled.

889 (f) For any violation after a third violation, the total  
890 penalty may be quadrupled.

891 (g) The total of penalties levied may not exceed \$375,000  
892 ~~\$250,000~~ per occurrence.

893 Section 22. Subsection (5) of s. 823.11, Florida Statutes,  
894 is reenacted for the purpose of incorporating the amendment made  
895 by this act to s. 376.16, Florida Statutes, in a reference  
896 thereto.

897 Section 23. Subsection (5) of s. 403.077, subsection (2)  
898 of s. 403.131, paragraph (d) of subsection (3) of s. 403.4154,  
899 and subsection (5) of s. 403.860, Florida Statutes, are  
900 reenacted for the purpose of incorporating the amendment made by

901 this act to s. 403.121, Florida Statutes, in references thereto.

902 Section 24. Subsection (10) of s. 403.708, subsection (7)  
903 of s. 403.7191, and s. 403.811, Florida Statutes, are reenacted  
904 for the purpose of incorporating the amendment made by this act  
905 to s. 403.141, Florida Statutes, in references thereto.

906 Section 25. Subsection (2) of s. 403.7255, Florida  
907 Statutes, is reenacted for the purpose of incorporating the  
908 amendment made by this act to s. 403.161, Florida Statutes, in a  
909 reference thereto.

910 Section 26. Subsection (8) of s. 403.7186, Florida  
911 Statutes, is reenacted for the purpose of incorporating the  
912 amendments made by this act to ss. 403.141 and 403.161, Florida  
913 Statutes, in references thereto.

914 Section 27. This act shall take effect July 1, 2020.

By Senator Rouson

19-01886-20

20201378\_\_

1                   A bill to be entitled  
2       An act relating to vessels; creating s. 327.332, F.S.;  
3       specifying operation of a vessel at slow speed,  
4       minimum wake; prohibiting the operation of vessels at  
5       speeds faster than slow speed, minimum wake in certain  
6       situations; providing requirements for flags displayed  
7       from vessels and barges actively engaged in  
8       construction operations; providing noncriminal  
9       penalties; amending s. 327.4109, F.S.; prohibiting the  
10      anchoring or mooring of a vessel to, or within a  
11      specified distance of, a mangrove or to vegetation  
12      upon, or within a specified distance of, public lands;  
13      providing exceptions; amending s. 327.73, F.S.;  
14      revising civil penalties relating to certain at-risk  
15      vessels and prohibited anchoring or mooring; providing  
16      civil penalties relating to vessels that fail to  
17      reduce speed for special hazards and the display of  
18      specified flags by construction vessels or barges not  
19      actively engaged in construction operations; providing  
20      an appropriation; providing an effective date.

21  
22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25       Section 1. Section 327.332, Florida Statutes, is created to  
26 read:

27       327.332 Special hazards.-

28       (1) For purposes of this section, a vessel is operating at  
29 slow speed, minimum wake only if it is fully off plane and



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30 completely settled into the water.

31 (2) A person may not operate a vessel faster than slow  
32 speed, minimum wake upon approaching within 300 feet of any  
33 emergency vessel, including, but not limited to, a law  
34 enforcement vessel, United States Coast Guard vessel or  
35 auxiliary vessel, fire vessel, or tow vessel, with its emergency  
36 lights activated.

37 (3) (a) A person may not operate a vessel faster than slow  
38 speed, minimum wake upon approaching within 300 feet of any  
39 construction vessel or barge when the vessel or barge is  
40 displaying an orange flag from a pole extending:

41 1. At least 10 feet above the tallest portion of the vessel  
42 or barge, indicating the vessel or barge is actively engaged in  
43 construction operations; or

44 2. At least 5 feet above any superstructure permanently  
45 installed upon the vessel or barge, indicating that the vessel  
46 or barge is actively engaged in construction operations.

47 (b) A flag displayed pursuant to this subsection must:

48 1. Be at least 2 feet by 3 feet in size.

49 2. Have a wire or other stiffener or be otherwise  
50 constructed to ensure that the flag remains fully unfurled and  
51 extended in the absence of a wind or breeze.

52 3. Displayed so that the visibility of the flag is not  
53 obscured in any direction.

54 (c) In periods of low visibility, including 1 hour before  
55 sunset and 1 hour after sunrise, a person may not be cited for a  
56 violation of this subsection unless the orange flag is  
57 illuminated and visible from a distance of at least 2 nautical  
58 miles.

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59 (4) (a) A person operating a vessel in violation of this  
60 section commits a noncriminal infraction, punishable as provided  
61 in s. 327.73.

62 (b) The owner of, or party responsible for, a construction  
63 vessel or barge who displays an orange flag on the vessel or  
64 barge when it is not actively engaged in operations commits a  
65 noncriminal infraction, punishable as provided in s. 327.73.

66 Section 2. Subsections (5) and (6) of section 327.4109,  
67 Florida Statutes, are redesignated as subsections (6) and (7),  
68 respectively, and a new subsection (5) is added to that section,  
69 to read:

70 327.4109 Anchoring or mooring prohibited; exceptions;  
71 penalties.—

72 (5) (a) Except as provided in paragraph (b), the owner or  
73 operator of a vessel may not anchor or moor a vessel to, or  
74 within 20 feet of, a mangrove as defined in s. 403.9325 or to  
75 vegetation upon, or within 20 feet of, public lands. Such  
76 distance must be measured in a straight line from the point of  
77 the vessel closest to the outermost branches of the mangrove or  
78 from the outermost line of vegetation upon the public lands.

79 (b) The owner or operator of a vessel may anchor or moor  
80 to, or within 20 feet of, a mangrove as defined in s. 403.9325  
81 or to vegetation upon, or within 20 feet of, public lands under  
82 the following conditions:

83 1. The vessel suffers a mechanical failure that poses an  
84 unreasonable risk of harm to the vessel or the persons onboard  
85 unless the vessel anchors. The vessel may anchor for 3 business  
86 days or until the vessel is repaired, whichever occurs first.

87 2. Imminent or existing weather conditions in the vicinity

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88 of the vessel pose an unreasonable risk of harm to the vessel or  
89 the persons onboard unless the vessel anchors. The vessel may  
90 anchor until weather conditions no longer pose such risk. During  
91 a hurricane or tropical storm, weather conditions are deemed to  
92 no longer pose an unreasonable risk of harm when the hurricane  
93 or tropical storm warning affecting the area has expired.

94 3. The vessel is within a state or locally permitted or  
95 designated dockage, mooring, or other anchorage area.

96 Section 3. Paragraphs (aa) and (bb) of subsection (1) of  
97 section 327.73, Florida Statutes, are amended, and paragraphs  
98 (cc) and (dd) are added to that subsection, to read:

99 327.73 Noncriminal infractions.—

100 (1) Violations of the following provisions of the vessel  
101 laws of this state are noncriminal infractions:

102 (aa) Section 327.4107, relating to vessels at risk of  
103 becoming derelict on waters of this state, for which the civil  
104 penalty is:

105 1. For a first offense, \$100 ~~\$50~~.

106 2. For a second offense occurring 30 days or more after a  
107 first offense, \$250 ~~\$100~~.

108 3. For a third or subsequent offense occurring 30 days or  
109 more after a previous offense, \$500 ~~\$250~~. A vessel which is the  
110 subject of more than three violations within 12 months which  
111 resulted in dispositions other than acquittal or dismissal shall  
112 be declared to be a public nuisance and subject to the  
113 provisions of ss. 705.103 and 823.11.

114 (bb) Section 327.4109, relating to anchoring or mooring in  
115 a prohibited area, for which the penalty is:

116 1. For a first offense, up to a maximum of \$100 ~~\$50~~.

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117 2. For a second offense, up to a maximum of \$250 ~~\$100~~.

118 3. For a third or subsequent offense, up to a maximum of  
119 \$500 ~~\$250~~. A vessel which is the subject of more than three  
120 violations within 12 months which resulted in dispositions other  
121 than acquittal or dismissal shall be declared to be a public  
122 nuisance and subject to the provisions of ss. 705.103 and  
123 823.11.

124 (cc) Section 327.332(2) and (3), relating to vessels  
125 creating special hazards, for which the penalty is:

126 1. For a first offense, \$50.

127 2. For a second offense occurring within 12 months after a  
128 prior offense, \$250.

129 3. For a third offense occurring within 36 months after a  
130 prior offense, \$500.

131 (dd) Section 327.332(4), relating to the display of an  
132 orange flag on a vessel or barge when the vessel or barge is not  
133 actively engaged in construction operations.

134  
135 Any person cited for a violation of any provision of this  
136 subsection shall be deemed to be charged with a noncriminal  
137 infraction, shall be cited for such an infraction, and shall be  
138 cited to appear before the county court. The civil penalty for  
139 any such infraction is \$50, except as otherwise provided in this  
140 section. Any person who fails to appear or otherwise properly  
141 respond to a uniform boating citation shall, in addition to the  
142 charge relating to the violation of the boating laws of this  
143 state, be charged with the offense of failing to respond to such  
144 citation and, upon conviction, be guilty of a misdemeanor of the  
145 second degree, punishable as provided in s. 775.082 or s.

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146 775.083. A written warning to this effect shall be provided at  
147 the time such uniform boating citation is issued.

148       Section 4. Beginning in fiscal year 2020-2021 and each year  
149 thereafter through fiscal year 2023-2024, the sum of \$250,000 in  
150 nonrecurring funds is appropriated from the General Revenue Fund  
151 to the Fish and Wildlife Conservation Commission for the purpose  
152 of conducting a study of the impacts of long-term stored vessels  
153 on local communities and the state pursuant to s. 327.4109,  
154 Florida Statutes.

155       Section 5. This act shall take effect July 1, 2020.

1                   A bill to be entitled  
2           An act relating to vessels; creating s. 327.332, F.S.;  
3           specifying operation of a vessel at slow speed,  
4           minimum wake; prohibiting the operation of vessels at  
5           speeds faster than slow speed, minimum wake in  
6           hazardous situations; providing requirements for flags  
7           displayed from vessels and barges actively engaged in  
8           construction operations; providing penalties;  
9           providing applicability; amending s. 327.4109, F.S.;  
10          prohibiting within certain waterbodies the anchoring  
11          or mooring of a vessel to, or within a specified  
12          distance of, a mangrove or to vegetation upon, or  
13          within a specified distance of, public lands;  
14          providing exceptions; amending s. 327.73, F.S.;  
15          revising civil penalties relating to certain at-risk  
16          vessels and prohibited anchoring or mooring; providing  
17          civil penalties relating to vessels that fail to  
18          reduce speed for special hazards and the display of  
19          specified flags by construction vessels or barges not  
20          actively engaged in construction operations; providing  
21          an effective date.

22  
23   Be It Enacted by the Legislature of the State of Florida:

24  
25          Section 1.   Section 327.332, Florida Statutes, is created

26 | to read:

27 | 327.332 Special hazards.—

28 | (1) For purposes of this section, a vessel is operating at  
29 | slow speed, minimum wake only if it is fully off plane and  
30 | completely settled into the water.

31 | (2) A person may not operate a vessel faster than slow  
32 | speed, minimum wake upon approaching within 300 feet of any  
33 | emergency vessel, including, but not limited to, a law  
34 | enforcement vessel, United States Coast Guard vessel, or  
35 | firefighting vessel, with its emergency lights activated.

36 | (3) (a) A person may not operate a vessel faster than slow  
37 | speed, minimum wake upon approaching within 300 feet of any  
38 | construction vessel or barge when the vessel or barge is  
39 | displaying an orange flag from a pole extending:

40 | 1. At least 10 feet above the tallest portion of the  
41 | vessel or barge, indicating the vessel or barge is actively  
42 | engaged in construction operations; or

43 | 2. At least 5 feet above any superstructure permanently  
44 | installed upon the vessel or barge, indicating that the vessel  
45 | or barge is actively engaged in construction operations.

46 | (b) A flag displayed pursuant to this subsection must be:

47 | 1. At least 2 feet by 3 feet in size.

48 | 2. Have a wire or other stiffener or be otherwise  
49 | constructed to ensure that the flag remains fully unfurled and  
50 | extended in the absence of a wind or breeze.

51       3. Displayed so that the visibility of the flag is not  
52 obscured in any direction.

53       (c) In periods of low visibility, including any time  
54 between the hours from one-half hour after sunset and one-half  
55 hour before sunrise, a person may not be cited for a violation  
56 of this subsection unless the orange flag is illuminated and  
57 visible from a distance of at least 2 nautical miles.

58       (4) (a) A person operating a vessel in violation of this  
59 section commits a noncriminal infraction, punishable as provided  
60 in s. 327.73.

61       (b) The owner of, or party responsible for, a construction  
62 vessel or barge who displays an orange flag on the vessel or  
63 barge when it is not actively engaged in operations commits a  
64 noncriminal infraction, punishable as provided in s. 327.73.

65       (5) This section does not apply to a law enforcement,  
66 firefighting, or rescue vessel owned or operated by a  
67 governmental entity.

68       Section 2. Subsections (5) and (6) of section 327.4109,  
69 Florida Statutes, are renumbered as subsections (6) and (7),  
70 respectively, and a new subsection (5) is added to that section,  
71 to read:

72       327.4109 Anchoring or mooring prohibited; exceptions;  
73 penalties.—

74       (5) (a) Except as provided in paragraph (b), the owner or  
75 operator of a vessel may not anchor or moor by any means:



- 76 | 1. To a mangrove as defined in s. 403.9325;  
 77 | 2. To upland vegetation upon public lands;  
 78 | 3. Within 20 feet of a mangrove as defined in s. 403.9325,  
 79 | as measured in a straight line from the point of the vessel  
 80 | closest to the outermost branches of the mangrove; or  
 81 | 4. Within 20 feet of public lands as measured from the  
 82 | point of the vessel closest to the outermost line of vegetation  
 83 | upon the public lands.
- 84 | (b) The owner or operator of a vessel may anchor or moor  
 85 | to, or within 20 feet of, a mangrove as defined in s. 403.9325  
 86 | or to upland vegetation upon, or within 20 feet of, public lands  
 87 | under the following conditions:
- 88 | 1. The vessel suffers a mechanical failure that poses an  
 89 | unreasonable risk of harm to the vessel or the persons onboard  
 90 | unless the vessel anchors or moors. The vessel may anchor or  
 91 | moor for 5 business days or until the vessel is repaired,  
 92 | whichever occurs first.
- 93 | 2. Imminent or existing weather conditions in the vicinity  
 94 | of the vessel pose an unreasonable risk of harm to the vessel or  
 95 | the persons onboard unless the vessel anchors or moors. The  
 96 | vessel may anchor or moor until weather conditions no longer  
 97 | pose such risk. During a hurricane or tropical storm, weather  
 98 | conditions are deemed to no longer pose an unreasonable risk of  
 99 | harm when the hurricane or tropical storm warning affecting the  
 100 | area has expired.

101        3. The vessel is within a state or locally-permitted or  
102 designated dockage, mooring, or other anchorage area.

103        4. The vessel is owned or operated by a governmental  
104 entity.

105        5. The vessel is a construction or dredging vessel on an  
106 active job site.

107        6. The vessel is a commercial fishing vessel actively  
108 engaged in commercial fishing.

109        7. The vessel is actively engaged in lawful recreational  
110 fishing or hunting and the persons onboard are actively tending  
111 hook and line fishing gear, nets, or hunting gear.

112        Section 3. Paragraphs (aa) and (bb) of subsection (1) of  
113 section 327.73, Florida Statutes, are amended, and paragraphs  
114 (cc) and (dd) are added to that subsection, to read:

115        327.73 Noncriminal infractions.—

116        (1) Violations of the following provisions of the vessel  
117 laws of this state are noncriminal infractions:

118        (aa) Section 327.4107, relating to vessels at risk of  
119 becoming derelict on waters of this state, for which the civil  
120 penalty is:

121        1. For a first offense, \$50.

122        2. For a second offense occurring 30 days or more after a  
123 first offense, \$250 ~~\$100~~.

124        3. For a third or subsequent offense occurring 30 days or  
125 more after a previous offense, \$500 ~~\$250~~. A vessel which is the

126 subject of three or more violations within 12 months which  
 127 resulted in dispositions other than acquittal or dismissal shall  
 128 be declared to be a public nuisance and subject to the  
 129 provisions of ss. 705.103 and 823.11.

130 (bb) Section 327.4109, relating to anchoring or mooring in  
 131 a prohibited area, for which the penalty is:

- 132 1. For a first offense, up to a maximum of \$50.
- 133 2. For a second offense, up to a maximum of \$250 ~~\$100~~.
- 134 3. For a third or subsequent offense, up to a maximum of
- 135 \$500 ~~\$250~~. A vessel which is the subject of three or more  
 136 violations within 12 months which resulted in dispositions other  
 137 than acquittal or dismissal shall be declared to be a public  
 138 nuisance and subject to the provisions of ss. 705.103 and  
 139 823.11.

140 (cc) Section 327.332, relating to vessels creating special  
 141 hazards, for which the penalty is:

- 142 1. For a first offense, \$50.
- 143 2. For a second offense occurring within 12 months after a  
 144 prior offense, \$250.
- 145 3. For a third offense occurring within 36 months after a  
 146 prior offense, \$500.

147 (dd) Section 327.332, relating to the display of an orange  
 148 flag on a vessel or barge when the vessel or barge is not  
 149 actively engaged in construction operations.

150

151 Any person cited for a violation of any provision of this  
152 subsection shall be deemed to be charged with a noncriminal  
153 infraction, shall be cited for such an infraction, and shall be  
154 cited to appear before the county court. The civil penalty for  
155 any such infraction is \$50, except as otherwise provided in this  
156 section. Any person who fails to appear or otherwise properly  
157 respond to a uniform boating citation shall, in addition to the  
158 charge relating to the violation of the boating laws of this  
159 state, be charged with the offense of failing to respond to such  
160 citation and, upon conviction, be guilty of a misdemeanor of the  
161 second degree, punishable as provided in s. 775.082 or s.  
162 775.083. A written warning to this effect shall be provided at  
163 the time such uniform boating citation is issued.

164 Section 4. This act shall take effect July 1, 2020.

By Senator Rodriguez

37-01306-20

20201360\_\_

1                                   A bill to be entitled  
2       An act relating to the Florida Endangered and  
3       Threatened Species Act; amending s. 379.2291, F.S.;  
4       revising legislative intent; revising definitions;  
5       directing the Fish and Wildlife Conservation  
6       Commission to protect certain declassified species;  
7       prohibiting the commission and the Department of  
8       Environmental Protection from considering certain  
9       costs when designating a species as endangered or  
10      threatened; amending s. 581.185, F.S.; revising  
11      criteria for placement of species on the Regulated  
12      Plant Index by the Department of Agriculture and  
13      Consumer Services; directing the department, in  
14      consultation with the Endangered Plant Advisory  
15      Council, to protect certain declassified species;  
16      prohibiting the department from considering certain  
17      costs when designating a species as endangered or  
18      threatened; providing an effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22       Section 1. Subsections (2), (3), and (4) of section  
23       379.2291, Florida Statutes, are amended to read:

24       379.2291 Endangered and Threatened Species Act.—

25       (2) DECLARATION OF POLICY.—The Legislature recognizes that  
26       the State of Florida harbors a wide diversity of fish and  
27       wildlife and that it is the policy of this state to conserve and  
28       wisely manage these resources, with particular attention to  
29       those species designated ~~defined~~ by the Fish and Wildlife

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30 Conservation Commission, the Department of Environmental  
31 Protection, or the United States Department of Interior, or  
32 successor agencies, as being endangered or threatened. As  
33 Florida has more endangered and threatened species than any  
34 other continental state, it is the intent of the Legislature to  
35 provide for research and management to conserve and protect  
36 these species as a natural resource.

37 (3) DEFINITIONS.—As used in this section:

38 (a) "Fish and wildlife" means any member of the animal  
39 kingdom, including, but not limited to, any mammal, fish, bird,  
40 amphibian, reptile, mollusk, crustacean, arthropod, or other  
41 invertebrate.

42 (b) "Endangered species" means any species of fish and  
43 wildlife naturally occurring in Florida, whose prospects of  
44 survival are in jeopardy due to modification or loss of habitat;  
45 overuse ~~overutilization~~ for commercial, sporting, scientific, or  
46 educational purposes; disease; predation; inadequacy of  
47 regulatory mechanisms; or other natural or manmade factors  
48 affecting its continued existence, including climate change.

49 (c) "Threatened species" means any species of fish and  
50 wildlife naturally occurring in Florida which may not be in  
51 immediate danger of extinction, but which exists in such small  
52 populations as to become endangered if it is subjected to  
53 increased stress as a result of further modification of its  
54 environment, including climate change.

55 (4) INTERAGENCY COORDINATION.—

56 (a) The commission shall be responsible for research and  
57 management of freshwater and upland species and for research and  
58 management of marine species.

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59 (b) Recognizing that citizen awareness is a key element in  
60 the success of this plan, the commission and the Department of  
61 Education are encouraged to work together to develop a public  
62 education program with emphasis on, but not limited to, both  
63 public and private schools.

64 (c) The commission, in consultation with the Department of  
65 Agriculture and Consumer Services, the Department of Economic  
66 Opportunity, or the Department of Transportation, may establish  
67 reduced speed zones along roads, streets, and highways to  
68 protect endangered and threatened species ~~or threatened species~~.

69 (d) Notwithstanding declassification under the federal  
70 Endangered Species Act of 1973, the commission shall continue to  
71 protect species that meet the definition of endangered or  
72 threatened under subsection (3), as determined by the  
73 commission.

74 (e) The commission and the Department of Environmental  
75 Protection may not consider the economic cost of protecting a  
76 species as a factor in designating the species as endangered or  
77 threatened.

78 Section 2. Subsection (5) of section 581.185, Florida  
79 Statutes, is amended to read:

80 581.185 Preservation of native flora of Florida.—

81 (5) REVIEW.—

82 (a) Beginning in 1984, and every 4 years thereafter, the  
83 department and the Endangered Plant Advisory Council shall  
84 conduct a comprehensive review of this section and of the  
85 Regulated Plant Index, as provided in rules of the department,  
86 ~~shall be made by the department and the Endangered Plant~~  
87 ~~Advisory Council at 4-year intervals.~~

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20201360\_\_

88 (b) The department shall consider any species of plant that  
89 should be placed on the Regulated Plant Index which is in danger  
90 of disappearing from its native habitat within the foreseeable  
91 future throughout all or a significant portion of the range of  
92 the species because of:

93 1. Present or threatened destruction, modification, or  
94 curtailment of the range of the species.

95 2. Overuse ~~Overutilization~~ of the species for commercial,  
96 scientific, or educational purposes.

97 3. Disease or predation.

98 4. Any other natural or manmade factor affecting the  
99 continued existence of the species, including climate change.

100 (c) In carrying out reviews and arriving at recommendations  
101 under paragraphs (a) and (b), the department and the advisory  
102 council shall use the best scientific and commercial data  
103 available and shall consult with interested persons and  
104 organizations.

105 (d) Notwithstanding declassification under the federal  
106 Endangered Species Act of 1973, the department shall continue to  
107 protect species that meet the definition of endangered or  
108 threatened under subsection (2), as determined by the department  
109 in consultation with the advisory council.

110 (e) The department may not consider the economic cost of  
111 protecting a species as a factor in designating the species as  
112 endangered or threatened.

113 Section 3. This act shall take effect July 1, 2020.



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A bill to be entitled  
 An act relating to the Florida Endangered and  
 Threatened Species Act; amending s. 379.2291, F.S.;  
 revising legislative intent; revising definitions;  
 directing the Fish and Wildlife Conservation  
 Commission to protect certain declassified species;  
 prohibiting the commission from considering certain  
 costs when designating a species as endangered or  
 threatened; amending s. 581.185, F.S.; revising  
 criteria for placement of species on the Regulated  
 Plant Index by the Department of Agriculture and  
 Consumer Services; directing the department, in  
 consultation with the Endangered Plant Advisory  
 Council, to protect certain declassified species;  
 prohibiting the department from considering certain  
 costs when designating a species as endangered or  
 threatened; providing an effective date.

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

Section 1. Subsections (2), (3), and (4) of section  
 379.2291, Florida Statutes, are amended to read:

379.2291 Endangered and Threatened Species Act.—

(2) DECLARATION OF POLICY.—The Legislature recognizes that  
 the State of Florida harbors a wide diversity of fish and

26 | wildlife and that it is the policy of this state to conserve and  
27 | wisely manage these resources, with particular attention to  
28 | those species designated ~~defined~~ by the Fish and Wildlife  
29 | Conservation Commission, the Department of Environmental  
30 | Protection, or the United States Department of Interior, or  
31 | successor agencies, as being endangered or threatened. As  
32 | Florida has more endangered and threatened species than any  
33 | other continental state, it is the intent of the Legislature to  
34 | provide for research and management to conserve and protect  
35 | these species as a natural resource.

36 | (3) DEFINITIONS.—As used in this section:

37 | (a) "Fish and wildlife" means any member of the animal  
38 | kingdom, including, but not limited to, any mammal, fish, bird,  
39 | amphibian, reptile, mollusk, crustacean, arthropod, or other  
40 | invertebrate.

41 | (b) "Endangered species" means any species of fish and  
42 | wildlife naturally occurring in Florida, whose prospects of  
43 | survival are in jeopardy due to modification or loss of habitat;  
44 | overuse ~~overutilization~~ for commercial, sporting, scientific, or  
45 | educational purposes; disease; predation; inadequacy of  
46 | regulatory mechanisms; or other natural or manmade factors  
47 | affecting its continued existence, including climate change.

48 | (c) "Threatened species" means any species of fish and  
49 | wildlife naturally occurring in Florida which may not be in  
50 | immediate danger of extinction, but which exists in such small

51 populations as to become endangered if it is subjected to  
52 increased stress as a result of further modification of its  
53 environment, including climate change.

54 (4) INTERAGENCY COORDINATION.—

55 (a) The commission shall be responsible for research and  
56 management of freshwater and upland species and for research and  
57 management of marine species.

58 (b) Recognizing that citizen awareness is a key element in  
59 the success of this plan, the commission and the Department of  
60 Education are encouraged to work together to develop a public  
61 education program with emphasis on, but not limited to, both  
62 public and private schools.

63 (c) The commission, in consultation with the Department of  
64 Agriculture and Consumer Services, the Department of Economic  
65 Opportunity, or the Department of Transportation, may establish  
66 reduced speed zones along roads, streets, and highways to  
67 protect endangered and threatened species ~~or threatened~~ species.

68 (d) Notwithstanding declassification under the federal  
69 Endangered Species Act of 1973, the commission shall continue to  
70 protect species that meet the definition of endangered or  
71 threatened under subsection (3), as determined by the  
72 commission.

73 (e) The commission may not consider the economic cost of  
74 protecting a species as a factor in designating the species as  
75 endangered or threatened.

76 Section 2. Subsection (5) of section 581.185, Florida  
 77 Statutes, is amended to read:

78 581.185 Preservation of native flora of Florida.—

79 (5) REVIEW.—

80 (a) Beginning in 1984, and every 4 years thereafter, the  
 81 department and the Endangered Plant Advisory Council shall  
 82 conduct a comprehensive review of this section and of the  
 83 Regulated Plant Index, as provided in rules of the department,  
 84 ~~shall be made by the department and the Endangered Plant~~  
 85 ~~Advisory Council at 4-year intervals.~~

86 (b) The department shall consider any species of plant  
 87 that should be placed on the Regulated Plant Index which is in  
 88 danger of disappearing from its native habitat within the  
 89 foreseeable future throughout all or a significant portion of  
 90 the range of the species because of:

91 1. Present or threatened destruction, modification, or  
 92 curtailment of the range of the species.

93 2. Overuse ~~Overutilization~~ of the species for commercial,  
 94 scientific, or educational purposes.

95 3. Disease or predation.

96 4. Any other natural or manmade factor affecting the  
 97 continued existence of the species, including climate change.

98 (c) In carrying out reviews and arriving at  
 99 recommendations under paragraphs (a) and (b), the department and  
 100 the advisory council shall use the best scientific and

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101 commercial data available and shall consult with interested  
102 persons and organizations.

103 (d) Notwithstanding declassification under the federal  
104 Endangered Species Act of 1973, the department shall continue to  
105 protect species that meet the definition of endangered or  
106 threatened under subsection (2), as determined by the department  
107 in consultation with the advisory council.

108 (e) The department may not consider the economic cost of  
109 protecting a species as a factor in designating the species as  
110 endangered or threatened.

111 Section 3. This act shall take effect July 1, 2020.

By Senator Mayfield

17-01106B-20

20201414\_\_

1                   A bill to be entitled  
2           An act relating to fish and wildlife activities;  
3           amending s. 379.105, F.S.; prohibiting certain  
4           harassment of hunters, trappers, and fishers within or  
5           on public lands or publicly or privately owned  
6           wildlife and fish management areas, or in or on public  
7           waters; amending s. 379.354, F.S.; authorizing the  
8           Fish and Wildlife Conservation Commission to designate  
9           additional annual free freshwater and saltwater  
10          fishing days; amending s. 379.372, F.S.; prohibiting  
11          the keeping, possessing, importing, selling,  
12          bartering, trading, or breeding of certain species  
13          except for educational or research purposes; providing  
14          an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18           Section 1. Subsection (1) of section 379.105, Florida  
19           Statutes, is amended to read:

20           379.105 Harassment of hunters, trappers, or fishers.—

21           (1) A person may not intentionally, within or on any public  
22           lands or a publicly or privately owned wildlife management and  
23           or fish management areas, area or in or on any public waters  
24           ~~state-owned water body~~:

25           (a) Interfere with or attempt to prevent the lawful taking  
26           of fish, game, or nongame animals by another within or on such  
27           lands or areas, or in or on such waters.

28           (b) Attempt to disturb fish, game, or nongame animals or  
29           attempt to affect their behavior with the intent to prevent

17-01106B-20

20201414\_\_

30 their lawful taking by another within or on such lands or areas,  
31 or in or on such waters.

32 Section 2. Subsection (15) of section 379.354, Florida  
33 Statutes, is amended to read:

34 379.354 Recreational licenses, permits, and authorization  
35 numbers; fees established.—

36 (15) FREE FISHING DAYS.—The commission may designate by  
37 rule no more than 6 4 consecutive or nonconsecutive days in each  
38 year as free freshwater fishing days and no more than 6 4  
39 consecutive or nonconsecutive days in each year as free  
40 saltwater fishing days. Notwithstanding any other provision of  
41 this chapter, a ~~any~~ person may take freshwater fish for  
42 noncommercial purposes on a free freshwater fishing day and may  
43 take saltwater fish for noncommercial purposes on a free  
44 saltwater fishing day, without obtaining or possessing a license  
45 or permit or paying a license or permit fee as set forth  
46 ~~prescribed~~ in this section. A person who takes freshwater or  
47 saltwater fish on a free fishing day must comply with all laws,  
48 rules, and regulations governing the holders of a fishing  
49 license or permit and all other conditions and limitations  
50 regulating the taking of freshwater or saltwater fish as are  
51 imposed by law or rule.

52 Section 3. Paragraph (a) of subsection (2) of section  
53 379.372, Florida Statutes, is amended to read:

54 379.372 Capturing, keeping, possessing, transporting, or  
55 exhibiting venomous reptiles, reptiles of concern, conditional  
56 reptiles, or prohibited reptiles; license required.—

57 (2) (a) A ~~No~~ person, party, firm, association, or  
58 corporation may not ~~shall~~ keep, possess, import into the state,

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20201414\_\_

59 sell, barter, trade, or breed the following species except for  
60 educational or research purposes ~~personal use or for sale for~~  
61 ~~personal use~~:

- 62 1. Burmese or Indian python (*Python molurus*).
- 63 2. Reticulated python (*Python reticulatus*).
- 64 3. Northern African python (*Python sebae*).
- 65 4. Southern African python (*Python natalensis*).
- 66 5. Amethystine or scrub python (*Morelia amethystinus*).
- 67 6. Green Anaconda (*Eunectes murinus*).
- 68 7. Nile monitor (*Varanus niloticus*).
- 69 8. Green iguana (*Iguana iguana*).
- 70 9. Black and white tegu (*Salvator merianae*).
- 71 10. Any other reptile designated as a conditional or  
72 prohibited species by the commission.

73 Section 4. This act shall take effect July 1, 2020.



1                   A bill to be entitled  
2           An act relating to fish and wildlife activities;  
3           amending s. 379.105, F.S.; prohibiting certain  
4           harassment of hunters, trappers, and fishers within or  
5           on public lands or publicly or privately owned  
6           wildlife and fish management areas, or in or on public  
7           waters; amending s. 379.354, F.S.; authorizing the  
8           Fish and Wildlife Conservation Commission to designate  
9           additional annual free freshwater and saltwater  
10          fishing days; amending s. 379.372, F.S.; prohibiting  
11          the keeping, possessing, importing, selling,  
12          bartering, trading, or breeding of certain species  
13          except for educational or research purposes; providing  
14          an exemption from the sales and use tax for the retail  
15          sale of certain hunting, fishing, and camping supplies  
16          during a specified period; providing definitions;  
17          specifying locations where the exemptions do not  
18          apply; authorizing certain dealers to opt out of  
19          participating in the exemptions, subject to certain  
20          conditions; authorizing the Department of Revenue to  
21          adopt emergency rules; providing an appropriation;  
22          providing an effective date.

23  
24   Be It Enacted by the Legislature of the State of Florida:  
25

26 Section 1. Subsection (1) of section 379.105, Florida  
 27 Statutes, is amended to read:

28 379.105 Harassment of hunters, trappers, or fishers.—

29 (1) A person may not intentionally, within or on any  
 30 public lands or a publicly or privately owned wildlife  
 31 management and ~~or~~ fish management areas, ~~area~~ or in or on any  
 32 public waters ~~state-owned water body~~:

33 (a) Interfere with or attempt to prevent the lawful taking  
 34 of fish, game, or nongame animals by another within or on such  
 35 lands or areas, or in or on such waters.

36 (b) Attempt to disturb fish, game, or nongame animals or  
 37 attempt to affect their behavior with the intent to prevent  
 38 their lawful taking by another within or on such lands or areas,  
 39 or in or on such waters.

40 Section 2. Subsection (15) of section 379.354, Florida  
 41 Statutes, is amended to read:

42 379.354 Recreational licenses, permits, and authorization  
 43 numbers; fees established.—

44 (15) FREE FISHING DAYS.—The commission may designate by  
 45 rule no more than 6 ~~4~~ consecutive or nonconsecutive days in each  
 46 year as free freshwater fishing days and no more than 6 ~~4~~  
 47 consecutive or nonconsecutive days in each year as free  
 48 saltwater fishing days. Notwithstanding any other provision of  
 49 this chapter, a ~~any~~ person may take freshwater fish for  
 50 noncommercial purposes on a free freshwater fishing day and may

51 take saltwater fish for noncommercial purposes on a free  
52 saltwater fishing day, without obtaining or possessing a license  
53 or permit or paying a license or permit fee as set forth  
54 ~~prescribed~~ in this section. A person who takes freshwater or  
55 saltwater fish on a free fishing day must comply with all laws,  
56 rules, and regulations governing the holders of a fishing  
57 license or permit and all other conditions and limitations  
58 regulating the taking of freshwater or saltwater fish as are  
59 imposed by law or rule.

60 Section 3. Paragraph (a) of subsection (2) of section  
61 379.372, Florida Statutes, is amended to read:

62 379.372 Capturing, keeping, possessing, transporting, or  
63 exhibiting venomous reptiles, reptiles of concern, conditional  
64 reptiles, or prohibited reptiles; license required.—

65 (2) (a) A ~~No~~ person, party, firm, association, or  
66 corporation may not ~~shall~~ keep, possess, import into the state,  
67 sell, barter, trade, or breed the following species except for  
68 educational or research purposes ~~personal use or for sale for~~  
69 ~~personal use~~:

- 70 1. Burmese or Indian python (*Python molurus*).
- 71 2. Reticulated python (*Python reticulatus*).
- 72 3. Northern African python (*Python sebae*).
- 73 4. Southern African python (*Python natalensis*).
- 74 5. Amethystine or scrub python (*Morelia amethystinus*).
- 75 6. Green Anaconda (*Eunectes murinus*).

76 | 7. Nile monitor (*Varanus niloticus*).

77 | 8. Green iguana (*Iguana iguana*).

78 | 9. Black and white tegu (*Salvator merianae*).

79 | ~~10.8.~~ Any other reptile designated as a conditional or  
80 | prohibited species by the commission.

81 | Section 4. Hunting, fishing, and camping supplies; sales  
82 | tax holiday.—

83 | (1) The tax levied under chapter 212, Florida Statutes,  
84 | may not be collected during the period from 12:01 a.m. on  
85 | September 5, 2020, through 11:59 p.m. on September 5, 2020, on  
86 | the retail sale, as defined in s. 212.02(14), Florida Statutes,  
87 | of:

88 | (a) Firearms. As used in this section, the term "firearms"  
89 | means rifles, shotguns, spearguns, crossbows, and bows. The term  
90 | does not include destructive devices as defined in s.  
91 | 790.001(4), Florida Statutes.

92 | (b) Ammunition for firearms.

93 | (c) Fishing supplies. As used in this section, the term  
94 | "fishing supplies" means rods, reels, bait, and fishing tackle.  
95 | The term does not include supplies used for commercial fishing  
96 | purposes.

97 | (d) Camping tents.

98 | (2) The tax exemption provided in this section does not  
99 | apply to sales within a theme park or entertainment complex as  
100 | defined in s. 509.013(9), Florida Statutes, within a public

101 lodging establishment as defined in s. 509.013(4), Florida  
102 Statutes, or within an airport as defined in s. 330.27(2),  
103 Florida Statutes.

104 (3) The tax exemptions provided in this section may apply  
105 at the option of a dealer if less than 5 percent of the dealer's  
106 gross sales of tangible personal property in the prior calendar  
107 year are comprised of items that would be exempt under this  
108 section. If a qualifying dealer chooses not to participate in  
109 the tax holiday, by September 1, 2020, the dealer must notify  
110 the Department of Revenue in writing of its election to collect  
111 sales tax during the holiday and must post a copy of that notice  
112 in a conspicuous location at its place of business.

113 (4) The Department of Revenue may, and all conditions are  
114 deemed to be met to, adopt emergency rules to administer this  
115 section. Notwithstanding any other law, emergency rules adopted  
116 pursuant to this subsection are effective for 6 months after  
117 adoption and may be renewed during the pendency of procedures to  
118 adopt permanent rules addressing the subject of the emergency  
119 rules.

120 (5) For the 2020-2021 fiscal year, the sum of \$237,000 in  
121 nonrecurring funds is appropriated from the General Revenue Fund  
122 to the Department of Revenue for the purpose of implementing  
123 this section. Funds remaining unexpended or unencumbered from  
124 this appropriation as of June 30, 2021, shall revert and be  
125 reappropriated for the same purpose in the 2021-2022 fiscal

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2020

126 | year.

127 |       Section 5. This act shall take effect July 1, 2020.

By Senator Stewart

13-01531-20

20201786\_\_

1                   A bill to be entitled  
2       An act relating to vessel safety; amending s. 327.33,  
3       F.S.; prohibiting a vessel operator from endangering  
4       the life, limb, or property of another person by  
5       allowing passengers to ride on the bow of the vessel;  
6       providing that careless operation includes causing  
7       wake to law enforcement vessels under certain  
8       circumstances; reenacting ss. 327.39(4) and  
9       327.73(1)(h), F.S., relating to the regulation of  
10      personal watercrafts and noncriminal infractions for  
11      violating vessel laws of this state, respectively, to  
12      incorporate the amendment made to s. 327.33, F.S., in  
13      references thereto; providing an effective date.  
14

15 Be It Enacted by the Legislature of the State of Florida:  
16

17       Section 1. Subsection (2) of section 327.33, Florida  
18       Statutes, is amended to read:

19       327.33 Reckless or careless operation of vessel.—

20       (2) A person who operates any vessel upon the waters of  
21       this state shall operate the vessel in a reasonable and prudent  
22       manner, having regard for other waterborne traffic, posted speed  
23       and wake restrictions, and all other attendant circumstances so  
24       as not to endanger the life, limb, or property of another person  
25       outside the vessel or to endanger the life, limb, or property of  
26       another person due to vessel overloading, allowing passengers to  
27       ride on the bow of the vessel, or excessive speed. The failure  
28       to operate a vessel in a manner described in this subsection  
29       constitutes careless operation. Careless operation of a vessel

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30 also includes causing vessel wake that affects a law enforcement  
31 vessel that has stopped upon the waters of this state with its  
32 emergency lights activated. However, vessel wake and shoreline  
33 wash resulting from the reasonable and prudent operation of a  
34 vessel, absent negligence, does not constitute damage or  
35 endangerment to property. A person who violates this subsection  
36 commits a noncriminal violation as defined in s. 775.08.

37 Section 2. For the purpose of incorporating the amendment  
38 made by this act to section 327.33, Florida Statutes, in a  
39 reference thereto, subsection (4) of section 327.39, Florida  
40 Statutes, is reenacted to read:

41 327.39 Personal watercraft regulated.—

42 (4) A personal watercraft must at all times be operated in  
43 a reasonable and prudent manner. Maneuvers which unreasonably or  
44 unnecessarily endanger life, limb, or property, including, but  
45 not limited to, weaving through congested vessel traffic,  
46 jumping the wake of another vessel unreasonably or unnecessarily  
47 close to such other vessel or when visibility around such other  
48 vessel is obstructed, and swerving at the last possible moment  
49 to avoid collision shall constitute reckless operation of a  
50 vessel, as provided in s. 327.33(1). Any person operating a  
51 personal watercraft must comply with the provisions of s.  
52 327.33.

53 Section 3. For the purpose of incorporating the amendment  
54 made by this act to section 327.33, Florida Statutes, in a  
55 reference thereto, paragraph (h) of subsection (1) of section  
56 327.73, Florida Statutes, is reenacted to read:

57 327.73 Noncriminal infractions.—

58 (1) Violations of the following provisions of the vessel



13-01531-20

20201786\_\_

59 laws of this state are noncriminal infractions:

60 (h) Section 327.33(2), relating to careless operation.

61  
62 Any person cited for a violation of any provision of this  
63 subsection shall be deemed to be charged with a noncriminal  
64 infraction, shall be cited for such an infraction, and shall be  
65 cited to appear before the county court. The civil penalty for  
66 any such infraction is \$50, except as otherwise provided in this  
67 section. Any person who fails to appear or otherwise properly  
68 respond to a uniform boating citation shall, in addition to the  
69 charge relating to the violation of the boating laws of this  
70 state, be charged with the offense of failing to respond to such  
71 citation and, upon conviction, be guilty of a misdemeanor of the  
72 second degree, punishable as provided in s. 775.082 or s.  
73 775.083. A written warning to this effect shall be provided at  
74 the time such uniform boating citation is issued.

75 Section 4. This act shall take effect July 1, 2020.

By Senator Stewart

13-01862-20

20201788\_\_

1                   A bill to be entitled  
2       An act relating to boating-restricted areas; amending  
3       s. 327.46, F.S.; authorizing municipalities and  
4       counties to establish certain boating-restricted areas  
5       by ordinance for areas within a specified distance of  
6       any shoreline; reenacting s. 327.41(2), F.S., relating  
7       to uniform waterway regulatory markers, to incorporate  
8       the amendment made to s. 327.46, F.S., in a reference  
9       thereto; providing an effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
13       Section 1. Paragraph (b) of subsection (1) of section  
14       327.46, Florida Statutes, is amended to read:

15       327.46 Boating-restricted areas.—

16       (1) Boating-restricted areas, including, but not limited  
17       to, restrictions of vessel speeds and vessel traffic, may be  
18       established on the waters of this state for any purpose  
19       necessary to protect the safety of the public if such  
20       restrictions are necessary based on boating accidents,  
21       visibility, hazardous currents or water levels, vessel traffic  
22       congestion, or other navigational hazards or to protect  
23       seagrasses on privately owned submerged lands.

24       (b) Municipalities and counties have the authority to  
25       establish the following boating-restricted areas by ordinance:

26       1. An ordinance establishing an idle speed, no wake  
27       boating-restricted area, if the area is:

28       a. Within 500 feet of any boat ramp, hoist, marine railway,  
29       or other launching or landing facility available for use by the

13-01862-20

20201788\_\_

30 general boating public on waterways more than 300 feet in width  
31 or within 300 feet of any boat ramp, hoist, marine railway, or  
32 other launching or landing facility available for use by the  
33 general boating public on waterways not exceeding 300 feet in  
34 width.

35 b. Within 500 feet of fuel pumps or dispensers at any  
36 marine fueling facility that sells motor fuel to the general  
37 boating public on waterways more than 300 feet in width or  
38 within 300 feet of the fuel pumps or dispensers at any licensed  
39 terminal facility that sells motor fuel to the general boating  
40 public on waterways not exceeding 300 feet in width.

41 c. Inside or within 300 feet of any lock structure.

42 d. Within 200 feet of any shoreline.

43 2. An ordinance establishing a slow speed, minimum wake  
44 boating-restricted area if the area is:

45 a. Within 300 feet of any bridge fender system.

46 b. Within 300 feet of any bridge span presenting a vertical  
47 clearance of less than 25 feet or a horizontal clearance of less  
48 than 100 feet.

49 c. On a creek, stream, canal, or similar linear waterway if  
50 the waterway is less than 75 feet in width from shoreline to  
51 shoreline.

52 d. On a lake or pond of less than 10 acres in total surface  
53 area.

54 3. An ordinance establishing a vessel-exclusion zone if the  
55 area is:

56 a. Designated as a public bathing beach or swim area.

57 b. Within 300 feet of a dam, spillway, or flood control  
58 structure.

13-01862-20

20201788\_\_

59           Section 2. For the purpose of incorporating the amendment  
60 made by this act to section 327.46, Florida Statutes, in a  
61 reference thereto, subsection (2) of section 327.41, Florida  
62 Statutes, is reenacted to read:

63           327.41 Uniform waterway regulatory markers.—

64           (2) Any county or municipality which has been granted a  
65 boating-restricted area designation, by rule of the commission  
66 pursuant to s. 327.46(1)(a), for a portion of the Florida  
67 Intracoastal Waterway within its jurisdiction or which has  
68 adopted a boating-restricted area by ordinance pursuant to s.  
69 327.46(1)(b) or (c) or s. 379.2431(2)(p), or any other  
70 governmental entity which has legally established a boating-  
71 restricted area, may apply to the commission for permission to  
72 place regulatory markers within the boating-restricted area.

73           Section 3. This act shall take effect July 1, 2020.

By Senator Bradley

5-01697C-20

20201878\_\_

1                   A bill to be entitled  
2       An act relating to environmental protection; creating  
3       s. 373.477, F.S.; requiring a minimum annual  
4       appropriation for Everglades restoration and the  
5       protection of water resources in this state beginning  
6       in a specified fiscal year; providing requirements for  
7       the allocation of such funding; providing for future  
8       repeal of the appropriation unless reviewed and saved  
9       from repeal through reenactment by the Legislature;  
10      providing an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14       Section 1. Section 373.477, Florida Statutes, is created to  
15       read:

16       373.477 Everglades restoration and protection of water  
17 resources.—For fiscal year 2020-2021, and annually thereafter, a  
18 minimum of \$625 million shall be appropriated as provided in  
19 this section for the purposes of Everglades restoration and the  
20 protection of water resources in this state. The funding must be  
21 used for a science-based process to identify projects that are  
22 needed to achieve such restoration and protection.

23       (1) The annual appropriations to the Department of  
24 Environmental Protection must provide for the following  
25 distributions:

26       (a) The greater of \$300 million or as provided pursuant to  
27 s. 375.041(3)(b)1., for Everglades restoration, and s.  
28 375.041(3)(b)4., for the Everglades Agricultural Area reservoir  
29 project.

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30       (b) The sum of \$50 million to the South Florida Water  
31 Management District for the design, engineering, and  
32 construction of aquifer storage and recovery wells.

33       (c) Funding for spring restoration pursuant to s.  
34 375.041(3)(b)2.

35       (d) The sum of \$40 million for alternative water supplies  
36 or water conservation.

37       (e) The sum of \$15 million for projects within the  
38 watersheds of the St. Johns River, the Suwannee River, and the  
39 Apalachicola River.

40       (f) The sum of \$15 million for projects within the  
41 watersheds of the Indian River Lagoon.

42       (g) The sum of \$10 million for coral reef protection and  
43 restoration.

44       (2) The sum of \$4 million to the Fish and Wildlife  
45 Conservation Commission for red tide research.

46       (3) Any remaining balance shall be allocated to fund any of  
47 the following:

48       (a) Targeted water quality improvements.

49       (b) Alternative water supplies or water conservation.

50       (c) Water quality enhancements and accountability,  
51 innovative technologies, and harmful algal bloom prevention and  
52 mitigation.

53       (d) Land acquisition or easement acquisition, including,  
54 but not limited to, lands or easements purchased pursuant to the  
55 Florida Forever program or the Rural and Family Lands Protection  
56 Program.

57       (4) This section is repealed on June 30, 2023, unless  
58 reviewed and saved from repeal through reenactment by the

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59 Legislature.

60 Section 2. This act shall take effect July 1, 2020.

# MIAF Bill Tracking

Ordered by Bill Number

<b>SB 0034</b>	<b>Prohibited Discrimination</b> by Rouson
	Prohibited Discrimination; Citing this act as the "Florida Competitive Workforce Act"; adding sexual orientation and gender identity as impermissible grounds for discrimination in public lodging establishments and public food service establishments; providing an exception for constitutionally protected free exercise of religion, etc. Effective Date: 7/1/2020
	<b>Actions</b>
	09/03/2019 SENATE Withdrawn prior to introduction
<b>HB 0073</b>	<b>Environmental Regulation</b> by Overdorf
	Environmental Regulation: Specifies requirements for contracts between residential recycling collectors or recovered materials processing facilities & counties or municipalities for collection or processing of residential recycling material; prohibits counties & municipalities from requiring collection, transport, or processing of contaminated recyclable material by residential recycling collectors or recovered materials processing facilities; prohibits local governments from requiring further verification from DEP for certain projects; revises types of dock & pier replacements & repairs that are exempt from such verification & certain permitting requirements. Effective Date: July 1, 2020
	<b>Actions</b>
	01/16/2020 HOUSE Placed on Special Order Calendar, 01/22/20
<b>SB 0090</b>	<b>Discrimination in Labor and Employment</b> by Stewart
	Discrimination in Labor and Employment; Creating the "Senator Helen Gordon Davis Fair Pay Protection Act"; prohibiting an employer from providing less favorable employment opportunities to employees based on their sex; prohibiting an employer from taking certain employment actions against employees; prohibiting an employer from engaging in certain activities relating to wages and benefits, etc. Effective Date: 7/1/2020
	<b>Actions</b>
	08/16/2019 SENATE Referred to Commerce and Tourism; Judiciary; Rules
<b>SB 0112</b>	<b>Capital Relocation Study</b> by Rader
	Capital Relocation Study; Requiring the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a study regarding the relocation of the state capital; prescribing requirements for the study; requiring OPPAGA to submit a report to the Legislature by a specified date, etc. Effective Date: 7/1/2020
	<b>Actions</b>
	08/16/2019 SENATE Referred to Governmental Oversight and Accountability; Community Affairs; Rules
<b>HB 0133</b>	<b>Towing and Immobilizing Vehicles and Vessels</b> by McClain
	Towing and Immobilizing Vehicles and Vessels: Authorizes local governments to enact rates to tow vessels on private property & remove & store vessels; prohibits counties or municipalities from enacting ordinances that impose costs or penalties on owners, persons in control, or lienholders of vehicles or vessels or that require wrecker operators or towing businesses to accept specified form of payment; authorizes persons to place liens on vehicles or vessels to recover fees or charges; revises requirement regarding notices & signs concerning towing or removal of vehicles & vessels. Effective Date: October 1, 2020
	<b>Actions</b>
	12/18/2019 HOUSE Now in State Affairs Committee
<b>SB 0142</b>	<b>Abolishing the Constitution Revision Commission</b> by Brandes
	Abolishing the Constitution Revision Commission; Proposing amendments to the State Constitution to



abolish the Constitution Revision Commission, etc.

**Actions**

10/15/2019 SENATE Now in Rules

**HB 0147 Water Resources** by Jacobs

Water Resources: Requires DEP to conduct specified comprehensive & quantitative needs-based overview of state's water resources & submit report to Governor & Legislature. Effective Date: July 1, 2020

**Actions**

09/23/2019 HOUSE Now in Agriculture & Natural Resources Subcommittee

**HB 0153 Indian River Lagoon State Matching Grant Program** by Fine

Indian River Lagoon State Matching Grant Program: Provides that certain projects identified in Indian River Lagoon Comprehensive Conservation & Management Plan are eligible for state funding consideration; directs DEP to coordinate with water management districts to identify projects & grant recipients. Effective Date: July 1, 2020

**Actions**

11/13/2019 HOUSE Now in Agriculture & Natural Resources Appropriations Subcommittee

**SB 0178 Public Financing of Construction Projects** by Rodriguez (J)

Public Financing of Construction Projects; Prohibiting state-financed constructors from commencing construction of certain structures in coastal areas after a specified date without first taking certain steps regarding a sea level impact projection study; requiring the Department of Environmental Protection to develop by rule a standard for such studies; requiring the department to enforce certain requirements and to adopt rules, etc. Effective Date: On the same date that SB 7016 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law

**Actions**

12/13/2019 SENATE Now in Appropriations Subcommittee on Agriculture, Environment, and General Government

**SB 0182 Preemption of Recyclable and Polystyrene Materials** by Stewart

Preemption of Recyclable and Polystyrene Materials; Deleting preemptions of local law relating to the regulation of auxiliary containers, wrappings, or disposable plastic bags; repealing the preemption of local laws regarding the use or sale of polystyrene products to the Department of Agriculture and Consumer Services, etc. Effective Date: 7/1/2020

**Actions**

09/19/2019 SENATE Referred to Community Affairs; Environment and Natural Resources; Rules

**SB 0200 Advanced Well Stimulation Treatment** by Montford

Advanced Well Stimulation Treatment; Defining the terms "high-pressure well stimulation" and "matrix acidization"; prohibiting the performance of high-pressure well stimulation or matrix acidization; providing that permits for drilling or for operating a well do not authorize the performance of high-pressure well stimulation or matrix acidization, etc. Effective Date: Upon becoming a law

**Actions**

11/05/2019 SENATE Now in Innovation, Industry, and Technology

**SB 0218 Licensure Requirements for Osteopathic Physicians** by Harrell

Licensure Requirements for Osteopathic Physicians; Revising licensure requirements for persons seeking licensure or certification as an osteopathic physician, etc. Effective Date: Upon becoming a law

**Actions**

10/24/2019 SENATE Now in Appropriations

**HB 0221 Osteopathic Physicians Certification and Licensure** by Roach

Osteopathic Physicians Certification and Licensure: Requires successful completion of internship or residency in specified accredited program to be licensed or certified as osteopathic physician. Effective Date: upon becoming a law

**Actions**

01/15/2020 HOUSE Now in Health & Human Services Committee

**SB 0226 Athletic Trainers** by Harrell

Athletic Trainers; Revising the definition of the term "athletic trainer"; revising athletic trainer licensure requirements; revising continuing education requirements for the renewal of an athletic trainer license; requiring that the supervision of an athletic training student meet certain requirements, etc. Effective Date: 7/1/2020

**Actions**

01/17/2020 SENATE On Committee agenda - Appropriations, 01/23/20, 10:00 am, 412 K

**SB 0230 Department of Health** by Harrell

Department of Health; Requiring the Department of Health to develop strategies to maximize federal-state partnerships that provide incentives for physicians to practice in medically underserved or rural areas; revising licensure requirements for a person seeking licensure or certification as an osteopathic physician; extending through 2025 the Florida Center for Nursing's responsibility to study and issue an annual report on the implementation of nursing education programs; requiring dentists and certified registered dental hygienists to report in writing certain adverse incidents to the department within a specified timeframe; revising athletic trainer licensure requirements, etc. Effective Date: 7/1/2020

**Actions**

10/23/2019 SENATE Now in Appropriations

**SB 0250 Development Orders** by Berman

Development Orders; Deleting an entitlement for a prevailing party to recover reasonable attorney fees and costs incurred in challenging or defending a certain development order, etc. Effective Date: 7/1/2020

**Actions**

09/19/2019 SENATE Referred to Community Affairs; Judiciary; Rules

**HB 0255 Florida Commission on Human Relations** by Antone

Florida Commission on Human Relations: Provides quorum requirements for Commission on Human Relations & its panels; revises number of persons commission may recommend for Florida Civil Rights Hall of Fame; requires commission to provide notice to aggrieved person in certain circumstances; provides limitation on time civil action may be filed after alleged violation of Florida Civil Rights Act; revises length of time commission or AG has to resolve complaint of discrimination in club membership; revises timeline relating to complaints alleging prohibited personnel action. Effective Date: July 1, 2020

**Actions**

10/10/2019 HOUSE Now in Civil Justice Subcommittee

**SB 0278 Climate Health Planning** by Rodriguez (J)

Climate Health Planning; Requiring the Department of Health to prepare an annual climate health planning report that contains specified information and recommendations; requiring the report to be published on the department's website and submitted to the Governor and the Legislature by a specified date, etc. Effective Date: 7/1/2020

**Actions**

10/15/2019 SENATE Referred to Health Policy; Infrastructure and Security; Appropriations

**HB 0279 Local Government Public Construction Works** by Smith (D)

Local Government Public Construction Works: Requires local governing board to consider estimated costs of certain projects when making specified determination; requires local government that performs project using its own services, employees, & equipment to disclose costs of project after completion to Auditor General; requires Auditor General to review such disclosures as part of routine audits of local governments. Effective Date: July 1, 2020

**Actions**

10/14/2019 HOUSE Now in Oversight, Transparency & Public Management Subcommittee

**SB 0280 Climate Fiscal Responsibility** by Rodriguez (J)

Climate Fiscal Responsibility; Requiring the Economic Estimating Conference to annually prepare a climate fiscal responsibility report and provide a copy of the report to the Governor and the Legislature; requiring the Office of Economic and Demographic Research to publish the report on its website; requiring the conference to coordinate with and obtain data from certain entities in preparing the report, etc. Effective Date: 7/1/2020

**Actions**

10/15/2019 SENATE Referred to Infrastructure and Security; Finance and Tax; Appropriations

**HB 0305 Preemption of Conditions of Employment** by Rommel

Preemption of Conditions of Employment: Preempts to state right to regulate conditions of employment by an employer; voids certain ordinances, regulations, or policies that are preempted by act. Effective Date: upon becoming a law

**Actions**

01/15/2020 HOUSE Now in Local, Federal & Veterans Affairs Subcommittee

**SB 0318 Sale of Sunscreen** by Stewart

Sale of Sunscreen; Prohibiting the sale, offer for sale, or distribution of certain sunscreen products to a consumer who does not have a prescription for such product, etc. Effective Date: 7/1/2020

**Actions**

10/15/2019 SENATE Referred to Environment and Natural Resources; Commerce and Tourism; Rules

**SB 0326 Environmental Regulation** by Perry

Environmental Regulation; Specifying requirements for contracts between residential recycling collectors or recovered materials processing facilities and counties or municipalities for the collection or processing of residential recycling material; providing that a residential recycling collector or recovered materials processing facility is not required to collect, transport, or process contaminated recyclable material except pursuant to specified contractual requirements after a contract is executed; prohibiting local governments from requiring further verification from the Department of Environmental Protection for certain projects, etc. Effective Date: 7/1/2020

**Actions**

12/10/2019 SENATE Now in Rules

**SB 0332 Land Acquisition Trust Fund** by Stewart

Land Acquisition Trust Fund; Requiring a specified annual appropriation to the Florida Forever Trust Fund; prohibiting moneys from the Land Acquisition Trust Fund from being used for specified costs, etc. Effective Date: 7/1/2020

**Actions**

11/05/2019 SENATE Now in Appropriations Subcommittee on Agriculture, Environment, and General Government

**HB 0343 Recreational Vehicles** by Fetterhoff

Recreational Vehicles: Requires DACS to adopt rules specifying requirements for agents to administer certain competency examinations & establishing competency test for license to engage in activities solely

related to service & repair of recreational vehicles; authorizes certain qualifiers & master qualifiers to engage in such activities; requires certain LP gas experience or certification by LP gas manufacturer to apply for master qualifier certification. Effective Date: July 1, 2020

**Actions**

01/16/2020 HOUSE Committee Substitute Text (C1) Filed

**HB 0365 Property Assessed Clean Energy Program** by Watson (B)

Property Assessed Clean Energy Program: Revises definition of "qualifying improvements" to include sewage treatment and seawall improvements. Effective Date: July 1, 2020

**Actions**

10/23/2019 HOUSE Now in Energy & Utilities Subcommittee

**SB 0390 Massage Therapy** by Hooper

Massage Therapy; Revising requirements for licensure as a massage therapist; providing applicability for persons who were issued a license as a massage apprentice before a specified date, etc. Effective Date: 7/1/2020

**Actions**

10/15/2019 SENATE Referred to Health Policy; Appropriations; Rules

**HB 0401 Shark Fins** by Jacobs

Shark Fins: Prohibits import, export, & sale of shark fins. Effective Date: October 1, 2020

**Actions**

01/15/2020 HOUSE Now in State Affairs Committee

**HB 0405 Stormwater Management Systems** by Good

Stormwater Management Systems: Directs water management districts, with DEP oversight, to adopt rules for standards relating to new development & redevelopment projects; directs DEP to incorporate such rules for district use; directs DEP & districts to amend such rules into applicant's handbook; provides rebuttable presumption relating to water quality standards for certain systems; revises requirements for construction of certain systems; requires specified staff training; directs DEP & districts to initiate rulemaking. Effective Date: July 1, 2020

**Actions**

10/30/2019 HOUSE Now in Agriculture & Natural Resources Subcommittee

**HB 0417 Anchoring Limitation Areas** by Duggan

Anchoring Limitation Areas: Designates specified waterways as anchoring limitation areas. Effective Date: July 1, 2020

**Actions**

10/30/2019 HOUSE Now in Agriculture & Natural Resources Subcommittee

**SB 0422 Recreational Vehicles** by Perry

Recreational Vehicles; Defining the terms "category VII liquefied petroleum gas dispenser and recreational vehicle servicer" and "recreational vehicle"; requiring a category VII liquefied petroleum gas dispenser and recreational vehicle operator to pass a written examination administered by the department or its agent, etc. Effective Date: 7/1/2020

**Actions**

10/15/2019 SENATE Referred to Infrastructure and Security; Innovation, Industry, and Technology; Rules

**SB 0438 Land Acquisition Trust Fund** by Harrell

Land Acquisition Trust Fund; Providing an appropriation for certain projects related to the Indian River Lagoon Comprehensive Conservation and Management Plan; authorizing the Department of Environmental Protection to make grants for such projects; providing for a specified local match for such grants, etc. Effective Date: 7/1/2020

**Actions**

10/15/2019 SENATE Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

**SB 0444 Customer Service Standards for State Agencies** by Rader

Customer Service Standards for State Agencies; Requiring departments within the executive branch of state government to implement certain measures with respect to telephone calls placed by customers, etc. Effective Date: 10/1/2020

**Actions**

12/09/2019 SENATE Now in Innovation, Industry, and Technology

**SB 0450 Whistleblower's Act** by Brandes

Whistleblower's Act; Revising the actions that an agency or independent contractor is prohibited from taking against an employee who participates in protected activity or discloses certain information; specifying that whistleblower remedies and protections do not apply to certain persons; revising applicability of provisions relating to investigative procedures upon receipt of whistleblower information; revising investigative procedures in response to retaliatory actions, etc. Effective Date: 7/1/2020

**Actions**

10/15/2019 SENATE Referred to Governmental Oversight and Accountability; Judiciary; Rules

**SB 0456 Minimum Wage** by Rodriguez (J)

Minimum Wage; Revising the formula for the adjusted state minimum wage, etc. Effective Date: 7/1/2020

**Actions**

10/15/2019 SENATE Referred to Commerce and Tourism; Innovation, Industry, and Technology; Rules

**HB 0465 High-Speed Passenger Rail Safety** by Sirois

High-Speed Passenger Rail Safety: Provides for regulation of railroad companies; requires training for local emergency services under certain circumstances; provides requirements for railroad company reporting & DOT website publication; provides minimum safety standards for high-speed passenger rail; designates responsibility for maintenance of certain safety improvements; provides safety inspection requirements; requires certain fencing; provides liability for failure to construct or maintain fencing; provides for enforcement. Effective Date: July 1, 2020

**Actions**

11/07/2019 HOUSE Now in Transportation & Infrastructure Subcommittee

**HB 0485 Athletic Trainers** by Antone

Athletic Trainers: Revises definition of term "athletic trainer"; revises athletic trainer licensure requirements; requires certain licensees to maintain certification in good standing without lapse as condition of renewal of their athletic trainer licenses; requires that athletic trainer work within specified scope of practice; requires direct supervision of athletic training student to be in accordance with rules adopted by Board of Athletic Training. Effective Date: July 1, 2020

**Actions**

01/16/2020 HOUSE On Committee agenda - Health Care Appropriations Subcommittee, 01/21/20, 12: 30 pm, 404 H

**HB 0489 Land Acquisition Trust Fund** by Plasencia

Land Acquisition Trust Fund: Provides appropriation for certain projects related to Indian River Lagoon Comprehensive Conservation & Management Plan; authorizes DEP to make grants for such projects;

provides for specified local match for such grants; requires department to submit annual report to Governor & Legislature. Effective Date: July 1, 2020

**Actions**

11/07/2019 HOUSE Now in Agriculture & Natural Resources Appropriations Subcommittee

**SB 0504 Local Government Public Construction Works** by Perry

Local Government Public Construction Works; Revising disclosure requirements for bidding documents and other requests for proposals issued for bids by a local governmental entity and public contracts entered into between local governmental entities and contractors; requiring the governing board of a local government to consider estimated costs of certain projects using generally accepted cost-accounting principles that account for specified costs when the board is making a specified determination, etc. Effective Date: 7/1/2020

**Actions**

01/16/2020 SENATE Now in Rules

**HB 0513 Heat Illness Prevention** by Smith (C)

Heat Illness Prevention: Requires certain employers to provide drinking water, shade, & annual training to employees & supervisors; requires DACS & DOH to adopt specified rules. Effective Date: October 1, 2020

**Actions**

11/15/2019 HOUSE Now in Workforce Development & Tourism Subcommittee

**HB 0549 Pub. Rec./Site-specific Location Information of Endangered and Threatened Species** by Overdorf

Pub. Rec./Site-specific Location Information of Endangered and Threatened Species: Provides exemption from public records requirements for site-specific location information of endangered & threatened species; provides for future legislative review & repeal of exemption; provides statement of public necessity. Effective Date: July 1, 2020

**Actions**

11/15/2019 HOUSE Now in Agriculture & Natural Resources Subcommittee

**HB 0571 Vehicle and Vessel Registration Data and Functionality** by Fernandez-Barquin

Vehicle and Vessel Registration Data and Functionality: Requires DHSMV to provide tax collectors & their approved agents & vendors with real-time access to certain vehicle & vessel registration data & functionality in same manner as provided to other third parties; authorizes DHSMV to require memorandum of understanding. Effective Date: July 1, 2020

**Actions**

01/16/2020 HOUSE On Committee agenda - Transportation & Infrastructure Subcommittee, 01/21/20, 12:30 pm, 102 H

**HB 0579 Public Financing of Construction Projects** by Aloupis

Public Financing of Construction Projects: Requires sea level impact projection study of state-financed coastal structures before construction begins; requires DEP to develop study standards, publish studies on its website, enforce requirements, & adopt rules. Effective Date: July 1, 2020

**Actions**

11/15/2019 HOUSE Now in Agriculture & Natural Resources Subcommittee

**HB 0595 Medical Marijuana Employee Protection** by Polsky

Medical Marijuana Employee Protection: Prohibits employers from taking adverse personnel action against employees or applicants who are qualified patients using medical marijuana; requires employers to provide certain written notice to employees or applicants who test positive for marijuana; provides procedures for if employee or applicant tests positive for marijuana; provides cause of action & damages. Effective Date: upon becoming a law

**Actions**

11/25/2019 HOUSE Now in Oversight, Transparency & Public Management Subcommittee

**SB 0606 Anchoring Limitation Areas** by Bean

Anchoring Limitation Areas; Designating specified waterways as anchoring limitation areas, etc. Effective Date: 7/1/2020

**Actions**

01/16/2020 SENATE Now in Community Affairs

**SB 0638 Apalachicola Environmental Stewardship Act** by Montford

Apalachicola Environmental Stewardship Act; Providing that this act may be referred to as "The Apalachicola Environmental Stewardship Act", appropriating a sum annually for a specified timeframe from the Florida Forever Fund to the Apalachicola Area of Critical State Concern for specified purposes; renaming the Apalachicola Bay Area of Critical State Concern as the Apalachicola Area of Critical State Concern; providing additional principles for guiding development within the Apalachicola Area of Critical State Concern to include projects that protect and improve water quality, etc. Effective Date: 7/1/2020

**Actions**

12/10/2019 SENATE Now in Appropriations Subcommittee on Agriculture, Environment, and General Government

**SB 0640 Indian River Lagoon State Matching Grant Program** by Harrell

Indian River Lagoon State Matching Grant Program; Providing that certain projects identified in a specified Indian River Lagoon Comprehensive Conservation and Management Plan are eligible for state funding consideration; directing the Department of Environmental Protection to coordinate with the South Florida Water Management District and the St. Johns River Water Management District to identify projects and grant recipients and to submit an annual report to the Governor, the Legislature, and specified persons, etc. Effective Date: 7/1/2020

**Actions**

12/10/2019 SENATE Now in Appropriations Subcommittee on Agriculture, Environment, and General Government

**SB 0648 Sargassum Seaweed Matching Grant Program** by Berman

Sargassum Seaweed Matching Grant Program; Requiring the Department of Environmental Protection to establish a Sargassum Seaweed Matching Grant Program for a specified purpose; requiring the department to submit an annual report to the Governor and the Legislature by a specified date, etc. Effective Date: 7/1/2020

**Actions**

12/10/2019 SENATE Now in Appropriations Subcommittee on Agriculture, Environment, and General Government

**SB 0664 Verification of Employment Eligibility** by Lee

Verification of Employment Eligibility; Requiring employers to register with and use the E-Verify system beginning on a specified date to verify the employment eligibility of new employees; requiring the Department of Economic Opportunity to order certain agencies to suspend an employer's license under certain circumstances; requiring the department to notify the United States Immigration and Customs Enforcement Agency and specified law enforcement agencies of certain violations, etc. Effective Date: 7/1/2020

**Actions**

11/06/2019 SENATE Referred to Judiciary; Commerce and Tourism; Rules

**SB 0676 High-speed Passenger Rail Safety** by Mayfield

High-speed Passenger Rail Safety; Designating the "Florida High-Speed Passenger Rail Safety Act";

requiring the Department of Transportation to regulate railroads when that authority is not federally preempted; requiring railroad companies to be responsible for ensuring that impacted roadbed meets specified transition requirements under certain circumstances; requiring the department's railroad inspectors, in accordance with a specified program, to meet certain certification requirements and to coordinate their activities with those of federal inspectors in the state in compliance with certain federal regulations, etc. Effective Date: 7/1/2020

**Actions**

01/16/2020 SENATE On Committee agenda - Infrastructure and Security, 01/21/20, 4:30 pm, 110 S

**HB 0677 Chiropractic Medicine** by Smith (D)

Chiropractic Medicine: Authorizes chiropractic physicians who have completed specified training to administer articles of natural origin; authorizes licensed pharmacists to fill such chiropractors' orders for articles of natural origin; authorizes specified number of certain chiropractic continuing education hours to be completed online; provides requirements for such online chiropractic continuing education courses. Effective Date: July 1, 2020

**Actions**

12/03/2019 HOUSE Now in Health Quality Subcommittee

**SB 0680 Shark Fins** by Hutson

Shark Fins; Prohibiting the import, export, and sale of shark fins, etc. Effective Date: 10/1/2020

**Actions**

11/06/2019 SENATE Referred to Environment and Natural Resources; Commerce and Tourism; Rules

**SB 0686 Stormwater Management Systems** by Gruters

Stormwater Management Systems; Directing the water management districts, with Department of Environmental Protection oversight, to adopt rules for specified design and performance standards relating to new development and redevelopment projects; providing a rebuttable presumption that certain stormwater management systems do not cause or contribute to violations of applicable state water quality standards; requiring certain inspection training for department, water management district, and local pollution control program staff, etc. Effective Date: 7/1/2020

**Actions**

11/06/2019 SENATE Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

**SB 0690 Water Resources** by Albritton

Water Resources; Requiring the Department of Environmental Protection to conduct a comprehensive and quantitative needs-based overview of this state's water resources; specifying requirements for the overview; requiring the department to submit a report every 5 years to the Governor and the Legislature by a specified date, etc. Effective Date: 7/1/2020

**Actions**

11/06/2019 SENATE Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

**HB 0691 Minimum Wage** by Jacquet

Minimum Wage: Revises formula for adjusted state minimum wage. Effective Date: July 1, 2020

**Actions**

12/03/2019 HOUSE Now in Workforce Development & Tourism Subcommittee

**HB 0707 Legislative Review of Occupational Regulations** by Renner

Legislative Review of Occupational Regulations: Authorizes schedule for the systematic review of occupational regulatory programs; authorizes Legislature to take certain actions before scheduled repeal of occupational regulatory program; provides regulation of occupation to state if such occupation's



regulatory program has been repealed through this act; provides schedule of repeal for occupational regulatory programs. Effective Date: upon becoming a law

#### **Actions**

01/17/2020 HOUSE Now in Health & Human Services Committee

#### **SB 0712 Water Quality Improvements** by Mayfield

Water Quality Improvements; Citing this act as the "Clean Waterways Act"; requiring the Department Health to provide a specified report to the Governor and the Legislature by a specified date; transferring the Onsite Sewage Program within the Department of Health to the Department of Environmental Protection by a type two transfer by a specified date; creating an onsite sewage treatment and disposal systems technical advisory committee within the department; requiring the department to adopt rules relating to the underground pipes of wastewater collection systems; requiring basin management action plans for nutrient total maximum daily loads to include wastewater treatment and onsite sewage treatment and disposal system remediation plans that meet certain requirements, etc. Effective Date: Except as otherwise expressly provided in this act this act shall take effect July 1, 2020

#### **Actions**

01/17/2020 SENATE On Committee agenda - Appropriations Subcommittee on Agriculture, Environment and General Government, 01/22/20, 1:30 pm, 110 S

#### **HB 0713 Department of Health** by Rodriguez (AM)

Department of Health: Authorizes DOH to adopt rules relating to certain programs; revises certain duties & responsibilities of department; revises licensure requirements for certain professions under authority of department; provides adverse incident reporting requirements for certain dental professionals. Effective Date: July 1, 2020

#### **Actions**

12/18/2019 HOUSE Now in Health Care Appropriations Subcommittee

#### **SB 0722 Land Acquisition Trust Fund** by Montford

Land Acquisition Trust Fund; Requiring that certain funds distributed into the Land Acquisition Trust Fund be used for conservation and management projects in certain counties; providing the types of projects for which the Department of Environmental Protection may use such funds, etc. Effective Date: 7/1/2020

#### **Actions**

11/18/2019 SENATE Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

#### **SB 0770 Property Assessed Clean Energy Program** by Rodriguez (J)

Property Assessed Clean Energy Program; Amending the definition of "qualifying improvement" to include sewage treatment, seawall improvements, and certain improvements to underground infrastructure, etc. Effective Date: 7/1/2020

#### **Actions**

11/21/2019 SENATE Referred to Community Affairs; Innovation, Industry, and Technology; Rules

#### **HB 0775 Everglades Protection Area** by Avila

Everglades Protection Area: Requires comprehensive plans & plan amendments adopted by governing body of local government whose boundaries include Everglades Protection Area to follow state coordinated review process; requires DEP to coordinate with local government on certain mitigation measures for such plans & amendments. Effective Date: July 1, 2020

#### **Actions**

01/15/2020 HOUSE Now in Agriculture & Natural Resources Appropriations Subcommittee

#### **HB 0777 Fish and Wildlife Activities** by Gregory

Fish and Wildlife Activities: Prohibits certain harassment of hunters, trappers, & fishers in or on specified

lands, areas, & waters; authorizes FWCC to designate additional free fishing days; prohibits certain possession of specified reptiles; provides exemption from sales & use tax for retail sale of certain hunting, fishing, & camping supplies during specified period; authorizes certain dealers to opt out of exemption; authorizes DOR to adopt emergency rules; provides appropriation. Effective Date: July 1, 2020

**Actions**

01/16/2020 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 01/17/20, 09:00 am, 117 K (No Votes Will Be Taken)

**HB 0791 Florida National Estuary Program Act** by Fitzenhagen

Florida National Estuary Program Act: Requires DEP to give funding consideration to estuaries identified under National Estuary Program; requires funds to be used for specified projects; requires programs receiving funding to submit report to Governor, Legislature, DEP, & water management districts. Effective Date: July 1, 2020

**Actions**

12/16/2019 HOUSE Now in Agriculture & Natural Resources Subcommittee

**SB 0812 Public Records/Endangered and Threatened Species** by Hutson

Public Records/Endangered and Threatened Species; Providing an exemption from public records requirements for the site-specific location information of certain endangered and threatened species; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. Effective Date: 7/1/2020

**Actions**

01/16/2020 SENATE Now in Governmental Oversight and Accountability

**SB 0826 Marina Evacuations** by Mayfield

Marina Evacuations; Prohibiting vessels under a specified weight from remaining in certain marinas that have been deemed not suitable for refuge during a hurricane after the issuance of a hurricane watch or warning for the waters of the marina; providing for civil penalties, etc. Effective Date: 7/1/2020

**Actions**

11/21/2019 SENATE Referred to Environment and Natural Resources; Infrastructure and Security; Rules

**HB 0889 Employment Practices** by Davis

Employment Practices: Creates "Florida Family Leave Act"; requires employer to allow certain employees to take paid family leave to bond with minor child upon child's birth, adoption, or foster care placement; provides requirements, limitations, & duties; provides for civil action & penalties & criminal penalty; prohibits specified employment practices on basis of pregnancy, childbirth, or medical condition related to pregnancy or childbirth; provides for leave, maintenance of health coverage, reasonable accommodation & transfer, & return rights for employee who is disabled from pregnancy, childbirth, or medical condition related to pregnancy or childbirth. Effective Date: July 1, 2020

**Actions**

12/19/2019 HOUSE Now in Business & Professions Subcommittee

**HB 0913 Florida Climate and Resiliency Research Program** by Diamond

Florida Climate and Resiliency Research Program: Establishes program within DEP; provides for program purpose & participants; requires program to submit Florida Resiliency Plan to Governor & Legislature at specified intervals; provides plan requirements; directs DEP to coordinate & oversee program & provide staff support. Effective Date: July 1, 2020

**Actions**

12/19/2019 HOUSE Now in Agriculture & Natural Resources Subcommittee

**SB 0962 Medical Marijuana Employee Protection** by Berman

Medical Marijuana Employee Protection; Prohibiting an employer from taking adverse personnel action against an employee or job applicant who is a qualified patient using medical marijuana; requiring an employer to provide written notice to an employee or job applicant who tests positive for marijuana of his or her right to explain the positive test result; providing procedures when an employee or job applicant tests positive for marijuana; providing a cause of action and damages, etc. Effective Date: Upon becoming a law

**Actions**

12/13/2019 SENATE Referred to Governmental Oversight and Accountability; Judiciary; Rules

**SB 0998 Housing** by Hutson

Housing; Authorizing a board of county commissioners to approve development of affordable housing on any parcel zoned for residential, commercial, or industrial use; requiring counties, municipalities, and special districts to include certain data relating to impact fees in their annual financial reports; providing the percentage of the sales price of certain mobile homes which is subject to sales tax; revising an exemption from regulation for certain water service resellers, etc. Effective Date: 7/1/2020

**Actions**

01/16/2020 SENATE Now in Infrastructure and Security

**HB 1023 Train Crew Requirements** by Valdes

Train Crew Requirements: Provides minimum crew requirements for freight or passenger train; provides exceptions; provides minimum crew requirements for train that is transporting certain hazardous materials; provides penalties. Effective Date: July 1, 2020

**Actions**

01/08/2020 HOUSE Now in Transportation & Infrastructure Subcommittee

**SB 1030 Public Records/Vessel Title or Registration/Department of Highway Safety and Motor Vehicles** by Stargel

Public Records/Vessel Title or Registration/Department of Highway Safety and Motor Vehicles; Creating public records exemptions for certain information contained in any record that pertains to a vessel title or vessel registration issued by the Department of Highway Safety and Motor Vehicles; providing exemptions from public records requirements for e-mail addresses and cellular telephone numbers collected by the department; providing for future legislative review and repeal of the exemptions; providing statements of public necessity, etc. Effective Date: 7/1/2020

**Actions**

01/16/2020 SENATE On Committee agenda - Infrastructure and Security, 01/21/20, 4:30 pm, 110 S

**SB 1042 Aquatic Preserves** by Albritton

Aquatic Preserves; Creating the Nature Coast Aquatic Preserve; designating the preserve for inclusion in the aquatic preserve system; outlining the authority of the Board of Trustees of the Internal Improvement Trust Fund in respect to the preserve; prohibiting the establishment and management of the preserve from infringing upon the riparian rights of upland property owners adjacent to or within the preserve, etc. Effective Date: 7/1/2020

**Actions**

01/16/2020 SENATE On Committee agenda - Environment and Natural Resources, 01/21/20, 4:30 pm, 37 S

**HB 1061 Aquatic Preserves** by Massullo, Jr.

Aquatic Preserves: Creates Nature Coast Aquatic Preserve; designates preserve for inclusion in aquatic preserve system; describes boundaries of preserve; outlines authority of Board of Trustees of Internal Improvement Trust Fund; requires board to adopt rules; prohibits establishment & management of preserve from infringing upon riparian rights of upland property owners adjacent to or within preserve; provides civil penalties. Effective Date: July 1, 2020

**Actions**

01/08/2020 HOUSE Now in Agriculture & Natural Resources Subcommittee

**HB 1067 Florida Endangered and Threatened Species Act** by Hattersley

Florida Endangered and Threatened Species Act: Directs FWCC & DACS to protect certain declassified species; revises criteria for placement of species on Regulated Plant Index by DACS; prohibits FWCC & DACS from considering certain costs when designating species as endangered or threatened. Effective Date: July 1, 2020

**Actions**

01/13/2020 HOUSE Now in Agriculture & Natural Resources Subcommittee

**HB 1073 Statewide Office of Resiliency** by Stevenson

Statewide Office of Resiliency: Establishes office within EOG; provides for appointment of Chief Resilience Officer by Governor; creates Statewide Sea-Level Rise Task Force within office; requires DEP to serve as task force's contract administrator; requires Environmental Regulation Commission to take certain action on task force's recommendations; provides for task force repeal; provides appropriation. Effective Date: July 1, 2020

**Actions**

01/16/2020 HOUSE On Committee agenda - Agriculture & Natural Resources Subcommittee, 01/21/20, 12:30 pm, 12 H

**SB 1086 Vehicle and Vessel Registration Data and Functionality** by Diaz

Vehicle and Vessel Registration Data and Functionality; Requiring the Department of Highway Safety and Motor Vehicles to provide tax collectors and their approved agents and vendors with real-time access to certain vehicle and vessel registration data and functionality in the same manner as provided to other third parties; authorizing the department to require a memorandum of understanding, etc. Effective Date: 7/1/2020

**Actions**

01/16/2020 SENATE On Committee agenda - Infrastructure and Security, 01/21/20, 4:30 pm, 110 S

**HB 1091 Environmental Enforcement** by Fine

Environmental Enforcement: Increases civil penalties for violations of certain provisions relating to beach & shore construction, Biscayne Bay Aquatic Preserve, aquatic preserves, state water resource plan, artesian wells, pollution, operating terminal facility without discharge prevention & response certificates, discharge contingency plans for vessels, Pollutant Discharge Prevention & Control Act, Clean Ocean Act, pollution of surface & ground waters, regulation of oil & gas resources, Phosphate Land Reclamation Act, sewage disposal facilities, pollution control, reasonable costs & expenses for pollution releases, necessary permits, dumping litter, small quantity generators, abatement of imminent hazards caused by hazardous substances, hazardous waste generators, transporters, or facilities, & coral reef protection; provides that certain conditions constitute separate offenses. Effective Date: July 1, 2020

**Actions**

01/13/2020 HOUSE Now in Agriculture & Natural Resources Subcommittee

**SB 1126 Employment Conditions** by Gruters

Employment Conditions; Prohibiting a political subdivision from establishing, mandating, or otherwise requiring an employer to offer conditions of employment which are not otherwise required by state or federal law; specifying that the regulation of conditions of employment is expressly preempted to the state, etc. Effective Date: Upon becoming a law

**Actions**

12/13/2019 SENATE Referred to Governmental Oversight and Accountability; Community Affairs; Rules

**SB 1176 Captive-bred Animal Culture** by Perry

Captive-bred Animal Culture; Creating the "Florida Animal Policy Act"; providing duties of the Department

of Agriculture and Consumer Services; requiring the department to submit a list of specified research and development projects with its annual legislative budget request to the Governor and the Legislature; requiring a captive-bred producer to apply to the department for a certificate of registration; creating the Captive-bred Animal Culture Advisory Council adjunct to the department, etc. Effective Date: 7/1/2020

**Actions**

12/18/2019 SENATE Referred to Agriculture; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

**HB 1177 Personal Watercraft** by Thompson

Personal Watercraft: Provides requirements for persons operating, riding on, & being towed behind watercraft; increases age requirement for operation of watercraft; prohibits owner of, or person having charge of or control over, watercraft from authorizing or knowingly permitting operation by certain persons; provides specified liability insurance coverage, instruction, & information requirements for companies that provide watercraft; provides conditions prohibiting operation of certain watercraft; requires persons operating watercraft to have specified documentation on board. Effective Date: July 1, 2020

**Actions**

01/13/2020 HOUSE Now in Agriculture & Natural Resources Subcommittee

**SB 1194 Employment Practices** by Cruz

Employment Practices; Creating the "Florida Family Leave Act"; requiring an employer to allow certain employees to take paid family leave to bond with a new child upon the child's birth, adoption, or foster care placement; requiring that family leave be taken concurrently with any leave taken pursuant to federal family and medical leave provisions; requiring the Department of Economic Opportunity to create a poster and a model notice that specify family leave rights, etc. Effective Date: 7/1/2020

**Actions**

12/18/2019 SENATE Referred to Commerce and Tourism; Governmental Oversight and Accountability; Appropriations

**HB 1199 Environmental Protection Act** by Ingoglia

Environmental Protection Act: Prohibits local governments from recognizing or granting certain legal rights to natural environment or granting such rights relating to natural environment to person or political subdivision. Effective Date: upon becoming a law

**Actions**

01/13/2020 HOUSE Now in Civil Justice Subcommittee

**SB 1232 Florida Climate and Resiliency Research Program** by Rouson

Florida Climate and Resiliency Research Program; Establishing the program within the Department of Environmental Protection; providing for program purpose and participants; requiring the program to submit the Florida Resiliency Plan to the Governor and Legislature at specified intervals; providing plan requirements; directing the department to coordinate and oversee the program and provide staff support, etc. Effective Date: 7/1/2020

**Actions**

01/08/2020 SENATE Referred to Infrastructure and Security; Environment and Natural Resources; Appropriations

**HB 1265 Verification of Employment Eligibility** by Byrd

Verification of Employment Eligibility: Requires public employers, contractors, & subcontractors to use E-Verify system for specified purposes; prohibits such entities from entering into contract unless each party to contract uses E-Verify system; authorizes termination of contract; requires private employers to verify employment eligibility of newly hired employees; provides acceptable methods for verification; provides specified immunity; creates rebuttable presumption for private employers. Effective Date: July 1, 2020

**Actions**

**SB 1310** **Hunting and Fishing Sales Tax Holiday** by Mayfield

Hunting and Fishing Sales Tax Holiday; Providing an exemption from the sales and use tax for the retail sale of firearms, firearm ammunition, camping tents, and fishing supplies during a specified timeframe; defining the terms "firearms" and "fishing supplies"; specifying locations where the exemptions do not apply, etc. APPROPRIATION: \$237,000 Effective Date: Upon becoming a law

**Actions**

01/16/2020 SENATE On Committee agenda - Commerce and Tourism, 01/21/20, 10:00 am, 110 S

**HB 1315** **Transportation** by Fetterhoff

Transportation: Revises DOT organization & responsibilities; revises provisions relating to distribution of certain moneys; revises time period within which disclosure of beneficial interests must be submitted to state or certain local governmental units; revises provisions relating to notice delivery; removes scheduled repeal of certain provisions; requires vehicle operator to take certain actions when road & bridge maintenance or construction vehicle is on roadside; requires airport protection zoning regulations to require certain permit applicants to submit final valid determination from FAA; revises date by which M.P. O. must submit list of project priorities to DOT district. Effective Date: upon becoming a law

**Actions**

01/17/2020 HOUSE Now in Transportation & Infrastructure Subcommittee

**HB 1329** **Marina Evacuations** by Plasencia

Marina Evacuations: Prohibits vessels under specified weight from remaining in certain marinas that have been deemed not suitable for refuge during hurricane after issuance of hurricane watch or warning for waters of marina; provides for civil penalties. Effective Date: July 1, 2020

**Actions**

01/17/2020 HOUSE Now in Agriculture & Natural Resources Subcommittee

**SB 1332** **Towing and Immobilizing Vehicles and Vessels** by Hooper

Towing and Immobilizing Vehicles and Vessels; Authorizing local governments to enact rates to tow or immobilize vessels on private property and to remove and store vessels under specified circumstances; prohibiting counties from enacting certain ordinances or rules that impose fees or charges on authorized wrecker operators or towing businesses; authorizing certain persons to place liens on vehicles or vessels to recover specified fees or charges; deleting requirements regarding notices and signs concerning the towing or removal of vehicles or vessels, etc. Effective Date: 7/1/2020

**Actions**

01/16/2020 SENATE On Committee agenda - Community Affairs, 01/21/20, 4:30 pm, 301 S

**HB 1343** **Water Quality Improvements** by Payne

Water Quality Improvements: Requires DOH & DEP to submit reports & recommendations relating to transfer of Onsite Sewage Program in DOH to DEP; transfers Onsite Sewage Program from DOH to DEP; requires WMDs to submit consolidated annual reports to OEDR; removes provisions relating to DOH technical review & advisory panel & research & review advisory committee; directs DEP to determine that hardship exists for certain OSTDS onsite variance requests; creates OSTDS technical advisory committee; requires county health departments to coordinate with DEP to administer evaluation programs; requires basin management action plans to include treatment & remediation plans; requires DEP to submit cost estimates to OEDR; provides for management of biosolids & water quality monitoring; establishes clean water grant program. Effective Date: July 1, 2021

**Actions**

01/17/2020 HOUSE Now in Agriculture & Natural Resources Subcommittee

**SB 1360** **Florida Endangered and Threatened Species Act** by Rodriguez (J)

Florida Endangered and Threatened Species Act; directing the Fish and Wildlife Conservation

Commission to protect certain declassified species; prohibiting the commission and the Department of Environmental Protection from considering certain costs when designating a species as endangered or threatened; revising criteria for placement of species on the Regulated Plant Index by the Department of Agriculture and Consumer Services; directing the department, in consultation with the Endangered Plant Advisory Council, to protect certain declassified species, etc. Effective Date: 7/1/2020

**Actions**

01/13/2020 SENATE Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

**HB 1363 Basin Management Action Plans** by Overdorf

Basin Management Action Plans: Provides additional management strategies for such plans; requires certain plans to include specified elements; provides requirements for DEP, DACS, DOH, UF/IFAS, local governments, water management districts, & owners of agricultural operations; requires specified data collection & research; establishes nutrient reduction cost-share program within DEP; exempts rural homesteads from certain best management practices under certain conditions; requires DEP & DACS to include specified information in annual progress reports for such plans. Effective Date: July 1, 2020

**Actions**

01/17/2020 HOUSE Now in Agriculture & Natural Resources Subcommittee

**SB 1378 Vessels** by Rouson

Vessels; Specifying operation of a vessel at slow speed, minimum wake; prohibiting the operation of vessels at speeds faster than slow speed, minimum wake in certain situations; prohibiting the anchoring or mooring of a vessel to, or within a specified distance of, a mangrove or to vegetation upon, or within a specified distance of, public lands; revising civil penalties relating to certain at-risk vessels and prohibited anchoring or mooring, etc. Effective Date: 7/1/2020

**Actions**

01/13/2020 SENATE Referred to Environment and Natural Resources; Judiciary; Rules

**SB 1382 Environmental Resource Management** by Albritton

Environmental Resource Management; Providing that basin management action plan management strategies may include certain water quality improvement elements; requiring the Department of Environmental Protection, in coordination with the Department of Health or water management districts, to develop and implement a cooperative urban, suburban, commercial, or institutional water quality improvement element; requiring the Institute of Food and Agriculture Sciences of the University of Florida, in cooperation with the Department of Agriculture and Consumer Services, to develop a research plan and a legislative budget request, etc. Effective Date: 7/1/2020

**Actions**

01/13/2020 SENATE Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

**SB 1390 Everglades Protection Area** by Simmons

Everglades Protection Area; Requiring comprehensive plans and plan amendments adopted by the governing bodies of local governments whose boundaries include any portion of the Everglades Protection Area to follow the state coordinated review process; requiring the Department of Environmental Protection to make certain determinations for such plans and amendments, to provide written notice of its determination to the local governments within a specified timeframe, and to coordinate with the local governments on certain mitigation measures, etc. Effective Date: 7/1/2020

**Actions**

01/13/2020 SENATE Referred to Environment and Natural Resources; Community Affairs; Rules

**HB 1407 Vessels** by Webb

Vessels: Prohibits operation of vessels at speeds faster than slow speed, minimum wake in hazardous situations; provides requirements for flags displayed from vessels & barges actively engaged in

construction operations; prohibits anchoring or mooring of vessel to mangroves & vegetation on public lands; revises civil penalties. Effective Date: July 1, 2020

**Actions**

01/17/2020 HOUSE Now in Agriculture & Natural Resources Subcommittee

**SB 1414 Fish and Wildlife Activities** by Mayfield

Fish and Wildlife Activities; Prohibiting certain harassment of hunters, trappers, and fishers within or on public lands or publicly or privately owned wildlife and fish management areas, or in or on public waters; authorizing the Fish and Wildlife Conservation Commission to designate additional annual free freshwater and saltwater fishing days; prohibiting the keeping, possessing, importing, selling, bartering, trading, or breeding of certain species except for educational or research purposes, etc. Effective Date: 7/1/2020

**Actions**

01/13/2020 SENATE Referred to Environment and Natural Resources; Agriculture; Rules

**SB 1450 Environmental Enforcement** by Gruters

Environmental Enforcement; Increasing the civil penalties for violations of certain provisions relating to beach and shore construction, the Biscayne Bay Aquatic Preserve, aquatic preserves, the state water resource plan, artesian wells, pollution, operating a terminal facility without discharge prevention and response certificates, discharge contingency plans for vessels, the Pollutant Discharge Prevention and Control Act, the Clean Ocean Act, the pollution of surface and ground waters, the regulation of oil and gas resources, the Phosphate Land Reclamation Act, sewage disposal facilities, pollution control, reasonable costs and expenses for pollution releases, necessary permits, dumping litter, small quantity generators, the abatement of imminent hazards caused by hazardous substances, hazardous waste generators, transporters, or facilities, and coral reef protection, respectively, etc. Effective Date: 7/1/2020

**Actions**

01/13/2020 SENATE Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

**SB 1468 Trains** by Taddeo

Trains; Requiring, as a condition of operation in this state, that trains used in connection with the movement of freight and passengers have a crew that consists of at least two individuals; providing exceptions; authorizing the Secretary of Transportation to exempt certain railroad carriers from specified provisions of law under certain conditions; authorizing the Department of Transportation to assess civil penalties against a person or an entity for a specified violation, subject to certain requirements, etc. Effective Date: 7/1/2020

**Actions**

01/13/2020 SENATE Referred to Infrastructure and Security; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations

**SB 1744 Personal Watercraft** by Torres, Jr.

Personal Watercraft; Providing requirements for persons operating, riding on, and being towed behind personal watercraft; increasing the age requirement for operation of a personal watercraft; prohibiting the owner of, or a person having charge of or control over, any leased, hired, or rented personal watercraft from authorizing or knowingly allowing the watercraft to be operated by certain persons; requiring companies that provide personal watercraft for lease, hire, or rent to maintain specified liability insurance coverage, etc. Effective Date: 7/1/2020

**Actions**

01/17/2020 SENATE Referred to Environment and Natural Resources; Banking and Insurance; Rules

**SB 1786 Vessel Safety** by Stewart

Vessel Safety; Prohibiting a vessel operator from endangering the life, limb, or property of another person by allowing passengers to ride on the bow of the vessel; providing that careless operation includes causing wake to law enforcement vessels under certain circumstances, etc. Effective Date: 7/1/2020



**Actions**

01/17/2020 SENATE Referred to Environment and Natural Resources; Criminal Justice; Rules

**SB 1788 Boating-restricted Areas** by Stewart

Boating-restricted Areas; Authorizing municipalities and counties to establish certain boating-restricted areas by ordinance for areas within a specified distance of any shoreline, etc. Effective Date: 7/1/2020

**Actions**

01/17/2020 SENATE Referred to Community Affairs; Environment and Natural Resources; Rules

**SB 1822 Verification of Employment Eligibility** by Gruters

Verification of Employment Eligibility; Requiring public employers, contractors, and subcontractors to register with and use the E-Verify system; prohibiting such entities from entering into a contract unless each party to the contract registers with and uses the E-Verify system; requiring private employers to verify the employment eligibility of newly hired employees, beginning on a specified date; providing acceptable methods for verifying employment eligibility, etc. Effective Date: 7/1/2020

**Actions**

01/17/2020 SENATE Referred to Judiciary; Commerce and Tourism; Rules

**SB 1878 Environmental Protection** by Bradley

Environmental Protection; Requiring a minimum annual appropriation for Everglades restoration and the protection of water resources in this state beginning in a specified fiscal year; providing requirements for the allocation of such funding; providing for future repeal of the appropriation unless reviewed and saved from repeal through reenactment by the Legislature, etc. Effective Date: 7/1/2020

**Actions**

01/17/2020 SENATE Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

**HB 6019 Development Orders** by Casello

Development Orders: Removes provision allowing prevailing party in certain development order challenges to recover specified fees & costs. Effective Date: July 1, 2020

**Actions**

09/23/2019 HOUSE Now in Commerce Committee

**HB 7001 OGSR/E-mail Addresses/Department of Highway Safety and Motor Vehicles** by Oversight, Transparency & Public Management Subcommittee

OGSR/E-mail Addresses/Department of Highway Safety and Motor Vehicles: Removes scheduled repeal of public records exemption for certain e-mail addresses collected by DHSMV. Effective Date: October 1, 2020

**Actions**

12/09/2019 HOUSE Placed on Calendar, on 2nd reading

**SB 7016 Statewide Office of Resiliency** by Infrastructure and Security

Statewide Office of Resiliency; Establishing the office within the Executive Office of the Governor; creating the Statewide Sea-Level Rise Task Force within the office; authorizing the Department of Environmental Protection to contract for specified services, upon request of the task force; requiring the Environmental Regulation Commission to take certain action on the task force's recommendations, etc. APPROPRIATION: \$500,000 Effective Date: 7/1/2020

**Actions**

01/17/2020 SENATE On Committee agenda - Appropriations, 01/23/20, 10:00 am, 412 K

**HB 9027 UF/IFAS Algal Bloom Research & Mitigation** by Eagle

UF/IFAS Algal Bloom Research & Mitigation: Provides an appropriation for the UF/IFAS Algal Bloom Research & Mitigation. Effective Date: July 1, 2020

**Actions**

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01/15/2020 HOUSE Now in Appropriations Committee

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