The fifth week is behind us, and we are officially more than halfway through the sixty day Legislative Session. The pressure is rising as time is running out on numerous proposals and priorities start shifting to appropriations and bringing money home to the district. Remember, this is an election year!

The House and Senate appear to be limiting the number of committee meetings during the seventh week. Week six and seven will be a busy week to watch for any and all amendments to all bills. This is a time of year to pay close attention to any and all amendments filed.

SB 1514 relating to the Department of Agriculture and Consumer Services passed in Senate Agriculture Committee with a strike everything amendment. The Bill is up again this week in the Senate Innovation, Industry and Technology committee on February 17th. The bill has one amendment filed. Again, the House companion, HB 921 has not been heard in a committee in the House. However, there are several comparable DACS bills moving in the House that could ultimately become vehicles. We will keep a close watch on all these bills for FPMA. This bill is a prime vehicle for all things pest control.

SB 1336 relating to Pre-Emption of Local Licensing is up in Senate Innovation, Industry and Technology on February 17th. The bill will have one more committee stop after this hearing. This is a bill we are closely monitoring. The House companion, HB 3 is on House Special Order February 19th.

SB 1450 regarding Environmental Enforcement is up this week in the Senate Subcommittee on Criminal and Civil Justice Appropriations. The House companion passed the House Agriculture and Natural Resources Subcommittee 11-0. The bill passed the House Agriculture and Natural Resources Appropriations Subcommittee. The House bill only has one more committee left, House State Affairs Committee.

As we reported last week, SB 712 has a proposed committee substitute filed to the bill for Senate Appropriations. The bill was temporarily postponed in Senate Appropriations February 5th with a PCS filed to it
on January 27th. The closest companion in the House in HB 1343 by Representative Payne. The bill is currently waiting to be heard in House State Affairs. This is the last committee of reference for the House bill.

House Bill 1199 relating to Environmental Protection is a bill we are watching this Session. This bill prohibits local governments from granting legal rights to natural environments. HB 1199 passed the House Judiciary committee 13-2. The bill is now waiting to be placed on the Special Order calendar. The Senate companion, CS/SB 1382 has passed one committee and is waiting to be heard in the Senate Subcommittee on Agriculture, Environment and General Government. The Senate bill is comparable to the House bill.

Finally, E-Verify bills have new life in the Florida Legislature. The Senate bill passed the Senate Judiciary committee last week with a strike everything amendment with a 4-2 vote. CS/SB 664 is scheduled to heard this week in the Senate Commerce Committee. The House companion, HB 1265 is still waiting to be heard in the House Commerce Committee. This is a bill that could get legs in the last weeks as negotiations start taking place.

The budgets passed on the House and Senate floor. We now wait for House and Senate leadership to negotiate and agree to budget allocations so we can begin the budget conference process.

Below is just a reminder of an appropriation we are watching for FPMA.

**Senate Budget**

**SB 2500**

1446 AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - OPERATION CLEAN SWEEP

FROM GENERAL INSPECTION TRUST FUND . 100,000

**House Budget**

**APC 1**

1446 AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - OPERATION CLEAN SWEEP

FROM GENERAL INSPECTION TRUST FUND . 100,000

Thank you again for the opportunity to represent you in Tallahassee

As always, please let us know if you would like us to add anything to the report. A complete list of all the bills we are tracking this Session are also attached for your review.

Margaret “Missy” Timmins
President
Timmins Consulting, LLC
// ISSUES

// PREEMPTION OF LOCAL OCCUPATIONAL LICENSING

Senate Bill 1336 // Sen. Keith Perry // Referred to: Community Affairs; Innovation, Industry, and Technology; Rules

House Bill 3 // Rep. Michael Grant // Referred to: Business & Professions Subcommittee; Commerce Committee

HOUSE/SENATE BILL RELATIONSHIP: SIMILAR

Senate Bill 1336: CS/SB 1336 expressly preempts the licensing of occupations to the state and supersedes any local government licensing of occupations. However, any local government licensing of occupations authorized by general law or those local occupational licenses adopted prior to October 1, 2020 are exempt from this preemption. In addition, nothing in the bill is intended to prevent or restrict a local government’s ability to enact residency requirements for licenses or licensees.

The bill specifically prohibits local governments from requiring a license for a person whose job scope does not substantially correspond to that of a contractor or journeyman type licensed by the Construction Industry Licensing Board, within the Department of Business and Professional Regulation. It specifically precludes local governments from requiring a license for: painting, flooring, cabinetry, interior remodeling, driveway or tennis court installation, decorative stone, tile, marble, granite, or terrazzo installation, plastering, stuccoing, caulking, canvas awning installation, and ornamental iron installation.

Finally, the bill authorizes counties and municipalities to issue journeyman licenses in the plumbing, pipe fitting, mechanical and HVAC trades, as well as, the electrical and alarm system trades, which is the current practice by counties and municipalities. Local journeyman licensing is exempt from the preemption in the bill.

Most Recent Action: On Committee agenda - Innovation, Industry, and Technology, 02/17/20, 1:30 pm

CS/House Bill 3: The Florida Constitution grants local governments broad home rule authority. Non-charter county governments may exercise those powers of self-government that are provided by general or special law. Those counties operating under a county charter have all powers of self-government not inconsistent with general law or special law approved by vote of the electors. Likewise, municipalities have governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform functions, provide services, and exercise any power for municipal purposes, except as otherwise provided by law.

General law directs a number of state agencies and licensing boards to regulate many professions and occupations. General law can also authorize or preempt local regulation of professions and occupations, which is typically done specifically and individually by subject matter, business type, or occupation.

The bill expressly preempts the licensing of occupations to the state and supersedes any local
government licensing of occupations. However, any licensing of occupations adopted prior to July 1, 2020, will continue to be effective until July 1, 2022, at which time it will expire. Any licensing of occupations authorized by general law is exempt from the preemption.

The bill specifically prohibits local governments from requiring a license for a person whose job scope does not substantially correspond to that of a contractor or journeyman type licensed by the Construction Industry Licensing Board, within the Department of Business and Professional Regulation, and specifically precludes local governments from requiring a license for: painting, flooring, cabinetry, interior remodeling, driveway or tennis court installation, decorative stone, tile, marble, granite, or terrazzo installation, plastering, stuccoing, caulking, canvas awning installation, and ornamental iron installation.

The bill also expressly authorizes counties and municipalities to issue journeyman licenses in the plumping, pipe fitting, mechanical and HVAC trades, as well as, the electrical and alarm system trades, which is the current practice by counties and municipalities. Local journeyman licensing is exempt from the preemption in the bill.

The bill does not appear to have a fiscal impact on the state, but may have an indeterminate fiscal impact on local governments.

The bill has an effective date of July 1, 2020.

**Most Recent Action:** Placed on Special Order Calendar, 02/19/20

*Attached documents: CS/SB 1336 + staff analysis*

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**HEAT ILLNESS PREVENTION**

**Senate Bill 882 // Sen. Victor Torres // Referred to: Agriculture; Health Policy; Rules**

**House Bill 513 // Rep. Carlos Smith // Referred to: Workforce Development & Tourism Subcommittee; Appropriations Committee; Commerce Committee**

**HOUSE/SENATE BILL RELATIONSHIP: IDENTICAL**

**Senate Bill 882:** Providing responsibilities of certain employers and employees; requiring certain employers to provide annual training for employees and supervisors; requiring the Department of Agriculture and Consumer Services, in conjunction with the Department of Health, to adopt specified rules, etc.

**Most Recent Action:** Referred to Agriculture; Health Policy; Rules

**House Bill 513:** Requires certain employers to provide drinking water, shade, & annual training to employees & supervisors; requires DACS & DOH to adopt specified rules.
Most Recent Action: Referred to Workforce Development & Tourism Subcommittee; Appropriations Committee; Commerce Committee

Attached documents: None

// DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Senate Bill 1514 // Sen. Ben Albritton // Referred to: Agriculture; Innovation, Industry, and Technology; Appropriations

House Bill 921 // Rep. Chuck Brannan // Referred to: Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

HOUSE/SENATE BILL RELATIONSHIP: COMPARE

Senate Bill 1514: CS/SB 1514 addresses various issues related to agriculture and certain powers and duties of the Department of Agriculture and Consumer Services (department). Specifically, the bill:

- Specifies a methodology for a property appraiser to assess buildings or structures on agricultural lands which are used for production, packaging, processing, or storage;
- Eliminates a distance requirement for vehicles making local trips while transporting agricultural products;
- Postpones a sunsetting provision for certain Pest Control Trust Fund expenditures;
- Revises the Florida Service’s training requirements and certifications for firefighters; and
- Requires the Department of Environmental Protection, in coordination with the Department of Agriculture and Consumer Services, the Florida chapter of the National Waste and Recycling Association, and the Florida Natural Gas Association, to develop a study to estimate the potential benefits of renewable natural gas in Florida.

Most Recent Action: Favorable with CS by Agriculture; 3 Yeas, 0 Nays; On Committee agenda - Innovation, Industry, and Technology, 02/17/20, 1:30 pm

House Bill 921: Revises contents of renewable & alternative energy technologies report; authorizes certain use of fumigants; revises membership of Florida Food Safety & Food Defense Advisory Council; revises food permit late fee; requires operation permits for frozen dessert wholesalers; provides exemption from bulk milk hauler/sampler permit requirements; removes prohibitions for repasteurized milk & milkfat content testing; repeals Dairy Industry Technical Council; extends expiration for Pest Control Trust Fund use; revises agricultural water conservation program; directs Florida Forest Service to develop wildland fire training &
certification.

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

*Attached documents: CS/SB 1514 + staff analysis*

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**ENVIRONMENTAL ENFORCEMENT**

**Senate Bill 1450 // Sen. Joe Gruters // Referred to: Environment and Natural Resources; Appropriations Subcommittee on Criminal and Civil Justice; 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: SIMILAR**

**CS/Senate Bill 1450:** CS/SB 1450 makes numerous changes to the penalties for violating Florida’s environmental laws. The bill increases required or maximum environmental penalties in various sections of the Florida Statutes. Most of the changes increase a penalty by 50 percent. Additionally, the bill changes the duration that certain penalties may run, so that, until a violation is resolved by order or judgment, each day during any portion of which a violation occurs or is not remediated constitutes a separate offense.

**Most Recent Action:** On Committee agenda - Appropriations Subcommittee on Criminal and Civil Justice, 02/18/20, 1:30 pm

**House Bill 1091:** The Department of Environmental Protection (DEP) is Florida’s lead agency for environmental management and stewardship, implementing many programs to protect the state’s air, water, and land. In accordance with the state’s numerous environmental laws, DEP’s responsibilities include compliance and enforcement. Violations of Florida’s environmental laws can result in damages and administrative, civil, and/or criminal penalties. Several types of violations impose a penalty for each offense, with each day during which a violation occurs constituting a separate offense.

The bill increases various statutory penalties for violations of environmental laws. For violations that currently impose a penalty for each day during which a violation occurs, the bill specifies that each day the violation occurs or is not remediated constitutes a separate offense until the violation is resolved by order or judgment.

The bill may have an indeterminate fiscal impact on state and local governments.
**Most Recent Action:** Favorable by Agriculture & Natural Resources Appropriations Subcommittee; 9 Yeas, 0 Nays

*Attached documents: CS/SB 1450 + staff analysis; CS/HB 1091 + staff analysis*

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**MEDICAL MARIJUANA EMPLOYEE PROTECTION**

*Senate Bill 962 // Sen. Lori Berman // Referred to: Governmental Oversight and Accountability; Judiciary; Rules*

*House Bill 595 // Rep. Tina Polsky // Referred to: Oversight, Transparency & Public Management Subcommittee; Appropriations Committee; State Affairs Committee*

**HOUSE/SENATE BILL RELATIONSHIP:** SIMILAR

**Senate Bill 962:** 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.

*Most Recent Action:* Referred to Governmental Oversight and Accountability; Judiciary; Rules

**House Bill 595:** 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.

*Most Recent Action:* Referred to Oversight, Transparency & Public Management Subcommittee; Appropriations Committee; State Affairs Committee

*Attached documents: None*

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**WATER QUALITY IMPROVEMENTS**

*Senate Bill 712 // Sen. Debbie Mayfield // Referred to: Community Affairs; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations*
CS/Senate Bill 712: PCS/CS/SB 712 includes recommendations from the Blue-Green Algae Task Force. The major topics in this bill include onsite sewage treatment and disposal systems (OSTDSs, commonly referred to as septic systems), wastewater, stormwater, agriculture, and biosolids. The bill directs the Department of Environmental Protection (DEP) to make rules relating to most of these topics. Note that rules that cost at least $1 million over the first five years of implementation require legislative ratification. Therefore, several of these provisions may not be fully effectuated without additional legislation.

The DEP will incur indeterminate additional costs in developing multiple new regulatory programs, updating basin management action plans (BMAPs), promulgating rules, and developing, submitting, and reviewing new reports. The DEP can absorb these costs within existing resources. The implementation of the real-time water quality monitoring and wastewater grant programs will have a negative fiscal impact on the DEP, but these provisions are subject to appropriations. See Section V.

Regarding OSTDSs, the bill:

- Transfers the regulation of OSTDSs from the Department of Health (DOH) to the DEP.
- Directs the DEP to adopt rules to locate OSTDSs by July 1, 2022:
  - These rules will take into consideration conventional and advanced OSTDS designs, impaired water bodies, wastewater and drinking water infrastructure, potable water sources, nonpotable wells, stormwater infrastructure, OSTDS remediation plans, nutrient pollution, and the recommendations of an OSTDS technical advisory committee;
  - Once those rules are adopted, they will supersede the existing statutory requirements for setbacks.
- Deletes the DOH OSTDS technical advisory committee and creates a DEP OSTDS technical advisory committee that will expire on August 15, 2022, after making recommendations to the Governor and the Legislature regarding the regulation of OSTDSs.
- Requires local governments to develop OSTDS remediation plans within BMAPs if the DEP determines that OSTDSs contribute at least 20 percent of the nutrient pollution or if the DEP determines remediation is necessary to achieve the total maximum daily load. Such plans must be adopted as part of the BMAPs no later than July 1, 2025.

Regarding wastewater, the bill:

- Creates a wastewater grant program, subject to appropriation, within the DEP that requires a 50 percent local match of funds. Eligible projects include:
  - Projects to upgrade OSTDSs.
  - Projects to construct, upgrade, or expand facilities to provide advanced waste treatment.
  - Projects to connect OSTDSs to central sewer facilities.
• Requires the DEP to submit an annual report to the Governor and the Legislature on the projects funded by the wastewater grant program.

• Provides incentives for wastewater projects that promote efficiency by coordinating wastewater infrastructure expansions with other infrastructure improvements.

• Gives priority in the state revolving loan fund for eligible wastewater projects that meet the additional requirements of the bill to prevent leakage, overflows, infiltration, and inflow.

• Requires the DEP to adopt rules to reasonably limit, reduce, and eliminate leaks, seepages, or inputs into the underground pipes of wastewater collection systems.

• Authorizes the DEP to require public utilities seeking a wastewater discharge permit to file reports and other data regarding utility costs:
  ○ Such reports may include data related to expenditures on pollution mitigation and prevention, including the prevention of sanitary sewer overflows, collection and transmission system pipe leakages, and inflow and infiltration.
  ○ The DEP is required to adopt rules related to these requirements.

• Requires local governments to develop wastewater treatment plans within BMAPs if the DEP determines that domestic wastewater facilities contribute at least 20 percent of the nutrient pollution or if the DEP determines remediation is necessary to achieve the total maximum daily load. Such plans must be adopted as part of the BMAPs no later than July 1, 2025.

• Adds to the DEP’s penalty schedule a penalty of $4,000 for failure to survey an adequate portion of a wastewater collection system and take steps to reduce sanitary sewer overflows, pipe leaks, and inflow and infiltration. Substantial compliance with certain bill requirements is evidence in mitigation for penalty assessment.

• Increases the cap on the DEP’s administrative penalties from $10,000 to $50,000.

• Doubles the wastewater administrative penalties.

• Prohibits facilities for sanitary sewage disposal from disposing of waste into the Indian River Lagoon and its tributaries without providing advanced waste treatment.

• Requires facilities for sanitary sewage disposal to provide for a power outage contingency plan for collection systems and pump stations.

• Requires facilities for sanitary sewage to prevent sanitary sewer overflows or underground pipe leaks and ensure that collected wastewater reaches the facility for appropriate treatment.
  ○ The bill requires studies, plans, and reports related to this requirement (the action plan).
  ○ The DEP must adopt rules regarding the implementation of inflow and infiltration studies and leakage surveys.

• Authorizes certain facilities for sanitary sewage to receive 10-year permits if they are
meeting the goals in their action plan for inflow, infiltration, and leakage prevention.

- Makes the following changes relating to water pollution operation permits:
  - The permit must require the investigation or surveying of the wastewater collection system to determine pipe integrity.
  - The permit must require an annual report to the DEP, which details facility revenues and expenditures in a manner prescribed by the DEP rule, including any deviation from annual expenditures related to their action plan.

- Requires the DEP to submit an annual report to the Governor and the Legislature that identifies all wastewater utilities that experienced a sanitary sewer overflow in the preceding calendar year. The DEP must include with this report certain utility-specific information for each utility that experienced an overflow.

Regarding stormwater, the bill:

- Requires the DEP and the Water Management Districts (WMDs), by January 1, 2021, to initiate rulemaking to update their stormwater rules.
- Requires the DEP, by January 1, 2021, to evaluate inspection data relating to entities that self-certify their stormwater permits and provide the Legislature with recommendations for improvements to the self-certification program.
- Directs the DEP and the Department of Economic Opportunity to include in their model stormwater management program ordinances that target nutrient reduction practices and use green infrastructure.

Regarding agriculture, the bill:

- Requires the Department of Agriculture and Consumer Services (DACS) to collect and provide to the DEP fertilization and nutrient records from each agriculture producer enrolled in best management practices.
- Requires the DACS to perform onsite inspections of each agricultural producer that enrolls in a best management practice every two years.
- Authorizes the DACS and institutions of higher education with agricultural research programs to develop research plans and legislative budget requests relating to the evaluation and improvement of agricultural best management practices and agricultural nutrient reduction projects.

Regarding biosolids, the bill:

- Requires the DEP to adopt rules for biosolids management.
- Exempts the biosolids rules from legislative ratification if they are adopted prior to the 2021 legislative session.
- Clarifies that local governments with biosolids ordinances may retain those ordinances until repealed.
The bill also creates a real-time water quality monitoring program, subject to appropriation, within the DEP.

The effective date of the bill is July 1, 2021.

**Most Recent Action:** Meeting Cancelled - Appropriations, 02/06/20, 9:00 am; Temporarily Postponed by Appropriations

**Attached documents:** None

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// ENVIRONMENTAL PROTECTION

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

**CS/Senate Bill 1878:** SB 1878 creates a new section of law that includes an annual appropriation, beginning in fiscal year 2020-2021, of a minimum of $625 million for the purposes of Everglades restoration and the protection of water resources in the state. The appropriation would be repealed on June 30, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill states that the annual appropriation to the Department of Environmental Protection must provide for the following distributions:

- A minimum of $236 million for Everglades projects in accordance with the Land Acquisition Trust Fund (LATF).
- $64 million for the Everglades Agricultural Area reservoir project in accordance with LATF.
- $50 million for springs restoration in accordance with LATF.
- A minimum of $40 million for alternative water supplies or water conservation.
- A minimum of $25 million for projects within the watersheds of the St. Johns, Suwannee, and Apalachicola rivers.
- A minimum of $10 million for the Florida Resilient Coastline Initiative.
- A minimum of $50 million to the South Florida Water Management District for the design, engineering, and construction of aquifer storage and recovery wells.
- A minimum of $4 million as delineated in the 2020-2021 GAA for red tide research.

After the above distributions, any remaining balance must be allocated to fund:
• Targeted water quality improvements.
• Alternative water supplies or water conservation.
• Water quality enhancements and accountability, innovative technologies, and harmful algal bloom prevention and mitigation.
• Land acquisition or easement acquisition, including, but not limited to, lands or easements purchased pursuant to the Florida Forever or Rural and Family Lands Protection programs.
• Coral reef protection and restoration.
• Projects within the watersheds of the Indian River Lagoon.

The bill revises the distribution of funds for Everglades projects under the Land Acquisition Trust Fund to allocate $236 million for those projects. The bill provides that this revision expires on June 30, 2023, when the statutory text reverts to the current language.

**Most Recent Action:** Favorable with CS by Environment and Natural Resources; 5 Yeas, 0 Nays;

**Attached documents:** None

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**ENVIRONMENTAL RESOURCE MANAGEMENT**

**Senate Bill 1382 // Sen. Ben Albritton // Referred to: Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations**

**House Bill 1199 // Rep. Blaise Ingoglia // Referred to: Civil Justice Subcommittee; Agriculture & Natural Resources Subcommittee; Judiciary Committee**

**HOUSE/SENATE BILL RELATIONSHIP: COMPARE**

**CS/Senate Bill 1382:** CS/SB 1382 authorizes basin management action plans (plans that address water quality on a basin-wide level, BMAPs) to include cooperative agricultural regional water quality improvements (agricultural element) and cooperative urban, suburban, commercial, or regional water quality improvements (nonagricultural element), in addition to existing strategies such as best management practices and interim measures. These agricultural and nonagricultural elements shall be implemented through a cost-sharing program and may be included in a BMAP during the 5-year update.

The bill requires adoption of nonpoint source best management practices (BMPs), interim measures, or other measures adopted by rule within 5 years of adoption of the BMAP or BMAP amendment.

The bill directs the Department of Environmental Protection (DEP), the Department of
Agriculture and Consumer Services (DACS), and the Institute of Food and Agricultural Sciences (IFAS) of the University of Florida to address certain issues related to enhancing BMPs and the agricultural element.

The bill creates a nutrient reduction cost-share program and requires DEP to prioritize certain projects. DEP must submit an annual report to the Governor and Legislature regarding the projects funded by this program.

The bill creates a definition of “rural homesteads,” which would be parcels of 50 acres or less that act as noncommercial homesites. These parcels would not be subject to the nonpoint source requirements in the BMAP unless they were classified as bona fide agricultural lands.

The bill prohibits local governments from providing legal rights to any plant, animal, body of water, or other part of the natural environment unless otherwise specifically authorized by state law or the State Constitution.

**Most Recent Action:** Favorable with CS by Environment and Natural Resources; 4 Yeas, 0 Nays

**House Bill 1199:** Florida authorizes a citizen to assert standing to stop an activity that will affect his or her use or enjoyment of air, water, or natural resources. However, court rulings and legislation in the U.S. and worldwide have suggested that specific legal rights of nature may exist, authorizing a person to assert standing on behalf of natural resources.

While U.S. Supreme Court precedent clearly limits standing for environmental claims to only an action causing injury to a human, dissenting opinions suggesting otherwise have recently garnered the attention of environmental activists attempting to assert standing on behalf of the environment, often resulting in lengthy, yet unsuccessful, litigation.

The bill amends the Florida Environmental Protection Act to prohibit, unless otherwise authorized by law or specifically granted in the State Constitution, a local government regulation, ordinance, code, rule, comprehensive plan, charter, or any other provision of law:

- From recognizing or granting any legal right to a plant, animal, body of water, or any other part of the natural environment that is not a person or political subdivision; or
- From granting a person or political subdivision any specific rights relating to the natural environment.

The bill provides that the prohibition on granting rights to nonpersons may not be interpreted to limit:

- The power of an adversely affected party to challenge the consistency of a development order with a comprehensive plan, or to file an action for injunctive relief to enforce the terms of a development agreement or to challenge compliance of the agreement with the Florida Local Government Development Agreement Act; or
- The standing of the Department of Legal Affairs, a political subdivision or municipality of the state, or a citizen of the state to maintain an action for injunctive relief as otherwise provided by the EPA.
The bill may prevent costly litigation related to granting rights to natural resources, when current legal precedent suggests such rights may not be granted at the state or local level.

The bill is effective upon becoming law.

**Most Recent Action:** Favorable by Judiciary Committee; 13 Yeas, 2 Nays

*Attached documents: HB 1199 (as filed) + staff analysis*

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**// PEST MANAGEMENT APPROPRIATIONS**

**2020-2021 Governor’s Proposed Budget**

1378 **SPECIAL CATEGORIES**

*NITRATE RESEARCH AND REMEDIATION*

FROM GENERAL INSPECTION TRUST FUND . 615,872

1445 **AID TO LOCAL GOVERNMENTS**

*GRANTS AND AIDS - OPERATION CLEAN SWEEP*

FROM GENERAL INSPECTION TRUST FUND . 100,000

The Governor release his proposed budget several months ago for review. The Florida Senate and House are constitutionally mandated to pass a balance budget every year. We expect to start seeing the budget proposals from each chamber around the third week of Session. We will keep you updated as this process unfolds.
A bill to be entitled An act relating to preemption of local occupational licensing; creating s. 163.21, F.S.; defining terms; preempting licensing of occupations to the state; providing exceptions; prohibiting local governments from imposing additional licensing requirements or modifying licensing unless specified conditions are met; specifying that certain local licensing that does not meet specified criteria does not apply and may not be enforced; providing construction; amending s. 489.117, F.S.; specifying that certain specialty contractors are not required to register with the Construction Industry Licensing Board; prohibiting local governments from requiring certain specialty contractors to obtain a license under specified circumstances; specifying job scopes for which a local government may not require a license; amending ss. 489.1455 and 489.5335, F.S.; authorizing counties and municipalities to issue certain journeyman licenses; providing an effective date.

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

Section 1. Section 163.21, Florida Statutes, is created to read:

163.21 Licensing of occupations preempted to state.—
(1) DEFINITIONS.—As used in this section:
(a) “Licensing” means any training, education, test, certification, registration, or license that is required for a
person to perform an occupation in addition to any associated fee.

(b) "Local government" means a county, municipality, special district, or political subdivision of the state.

(c) "Occupation" means a paid job, profession, work, line of work, trade, employment, position, post, career, field, vocation, or craft.

(2) PREEMPTION OF OCCUPATIONAL LICENSING TO THE STATE.—The licensing of occupations is expressly preempted to the state and this section supersedes any local government licensing requirement of occupations with the exception of the following:

(a) Any local government that imposed licenses on occupations before October 1, 2020.

(b) Any local government licensing of occupations authorized by general law.

(3) EXISTING LICENSING LIMIT.—A local government that licenses occupations and retains such licensing as set forth in paragraph (2)(a) may not impose additional licensing requirements on that occupation or modify such licensing.

(4) LOCAL LICENSING NOT AUTHORIZED.—Local licensing of an occupation that is not authorized under this section or otherwise authorized by general law does not apply and may not be enforced.

Nothing in this section is intended to prevent or restrict a local government’s ability to enact residency requirements for licenses or licensees.

Section 2. Paragraph (a) of subsection (4) of section 489.117, Florida Statutes, is amended to read:
489.117 Registration; specialty contractors.—

(4)(a) A person holding a local license whose job scope does not substantially correspond to either the job scope of one of the contractor categories defined in s. 489.105(3)(a)-(o), or the job scope of one of the certified specialty contractor categories established by board rule, is not required to register with the board to perform contracting activities within the scope of such specialty license. A local government, as defined in s. 163.21(1), may not require a person to obtain a license for a job scope which does not substantially correspond to the job scope of one of the contractor categories defined in s. 489.105(3)(a)-(o) and (g) or authorized in s. 489.1455(1). For purposes of this section, job scopes for which a local government may not require a license include, but are not limited to, painting, flooring, cabinetry, interior remodeling, driveway or tennis court installation, decorative stone, tile, marble, granite, or terrazzo installation, plastering, stuccoing, caulking, canvas awning, and ornamental iron installation.

Section 3. Section 489.1455, Florida Statutes, is amended to read:

489.1455 Journeyman; reciprocity; standards.—

(1) Counties and municipalities are authorized to issue journeyman licenses in the plumbing, pipe fitting, mechanical, or HVAC trades.

(2)(1) An individual who holds a valid, active journeyman license in the plumbing, pipe fitting, mechanical, or HVAC trades issued by any county or municipality in this state may work as a journeyman in the trade in which he
or she is licensed in any county or municipality of this state
without taking an additional examination or paying an additional
license fee, if he or she:
   (a) Has scored at least 70 percent, or after October 1,
1997, at least 75 percent, on a proctored journeyman Block and
Associates examination or other proctored examination approved
by the board for the trade in which he or she is licensed;
   (b) Has completed an apprenticeship program registered with
a registration agency defined in 29 C.F.R. s. 29.2 and
demonstrates 4 years’ verifiable practical experience in the
trade for which he or she is licensed, or demonstrates 6 years’
verifiable practical experience in the trade for which he or she
is licensed;
   (c) Has satisfactorily completed specialized and advanced
module coursework approved by the Florida Building Commission,
as part of the building code training program established in s.
553.841, specific to the discipline or, pursuant to
authorization by the certifying authority, provides proof of
completion of such coursework within 6 months after such
certification; and
   (d) Has not had a license suspended or revoked within the
last 5 years.
(3) A local government may charge a registration fee for
reciprocity, not to exceed $25.
Section 4. Section 489.5335, Florida Statutes, is amended
to read:
489.5335 Journeyman; reciprocity; standards.—
(1) Counties and municipalities are authorized to issue
journeyman licenses in the electrical and alarm system trades.
(2) (1) An individual who holds a valid, active journeyman license in the electrical or alarm system trade issued by any county or municipality in this state may work as a journeyman in the trade in which he or she is licensed in any other county or municipality of this state without taking an additional examination or paying an additional license fee, if he or she:

(a) Has scored at least 70 percent, or after October 1, 1997, at least 75 percent, on a proctored journeyman Block and Associates examination or other proctored examination approved by the board for the electrical trade in which he or she is licensed;

(b) Has completed an apprenticeship program registered with a registration agency defined in 29 C.F.R. s. 29.2 and demonstrates 4 years’ verifiable practical experience in the electrical trade for which he or she is licensed, or demonstrates 6 years’ verifiable practical experience in the electrical trade for which he or she is licensed;

(c) Has satisfactorily completed specialized and advanced module coursework approved by the Florida Building Commission, as part of the building code training program established in s. 553.841, specific to the discipline, or, pursuant to authorization by the certifying authority, provides proof of completion of such curriculum or coursework within 6 months after such certification; and

(d) Has not had a license suspended or revoked within the last 5 years.

(3) (2) A local government may charge a registration fee for reciprocity, not to exceed $25.

Section 5. This act shall take effect July 1, 2020.
The Committee on Innovation, Industry, and Technology (Perry) recommended the following:

**Senate Amendment**

Delete line 70 and insert:

s. 489.105(3)(a)-(o) and (q) or authorized in s. 489.1455(1) or s. 489.5335(1).
I. **Summary:**

CS/SB 1336 expressly preempts the licensing of occupations to the state and supersedes any local government licensing of occupations, with the exception of local government licensing of occupations authorized by general law or occupational licenses imposed by a local government before October 1, 2020. Local government occupational licensing requirements in place by the deadline may not be increased or modified thereafter. In addition, a local government’s ability to enact residency requirements for licenses or licensees is not prevented or restricted by the bill.

The bill specifically prohibits local governments from requiring a license for a person whose job scope does not substantially correspond to that of a contractor or journeyman type licensed by the Construction Industry Licensing Board, within the Department of Business and Professional Regulation. It specifically precludes local governments from requiring a license for: painting, flooring, cabinetry, interior remodeling, driveway or tennis court installation, decorative stone, tile, marble, granite, or terrazzo installation, plastering, stuccoing, caulking, canvas awning, and ornamental iron installation.

Finally, the bill authorizes counties and municipalities to issue journeyman licenses in the plumbing, pipe fitting, mechanical and HVAC trades, as well as the electrical and alarm system trades, which is the current practice by counties and municipalities. Local journeyman licensing is excepted from the preemption of local licensing to the state.

The bill has no impact on state government.
II. **Present Situation:**

**Local Government Authority**

The Florida Constitution grants local governments broad home rule authority. Specifically, non-charter county governments may exercise those powers of self-government that are provided by general or special law.¹ Those counties operating under a county charter have all powers of local self-government not inconsistent with general law or special law approved by the vote of the electors.² Likewise, municipalities have those governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform their functions and provide services, and exercise any power for municipal purposes, except as otherwise provided by law.³

Unlike counties or municipalities, independent special districts do not possess home rule power. Therefore, the powers possessed by independent special districts are those expressly provided by, or which can be reasonably implied from, the special district’s charter or general law.⁴ Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.⁵

**Revenue Sources Authorized in the Florida Constitution⁶**

The Florida Constitution limits the ability of local governments to raise revenue for their operations. The Florida Constitution provides:

> No tax shall be levied except in pursuance of law. No state ad valorem taxes⁷ shall be levied upon real estate or tangible personal property. All other forms of taxation shall be preempted to the state except as provided by general law.⁸

 Counties, school districts, and municipalities shall, and special districts may, be authorized by law to levy ad valorem taxes and may be authorized by general law to levy other taxes, for their respective purposes, except ad valorem taxes on intangible personal property and taxes prohibited by this constitution.⁹

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¹ FLA. CONST. art. VIII, s. 1(f).
² FLA. CONST. art. VIII, s. 1(g).
³ FLA. CONST. art. VIII, s. 2(b). See also s. 166.021(1), F.S.
⁴ See s. 189.031(3)(b), F.S. See also State ex rel. City of Gainesville v. St. Johns River Water Mgmt. Dist., 408 So.2d 1067, 1068 (Fla. 1st DCA 1982).
⁷ Pursuant to s. 192.001(1), F.S., “ad valorem tax” means a tax based upon the assessed value of property.
⁸ FLA. CONST. art. VII, s. 1(a).
⁹ FLA. CONST. art. VII, s. 9(a).
However, not all local government revenue sources are taxes requiring general law authorization. When a county or municipal revenue source is imposed by ordinance, the question is whether the charge is a valid assessment or fee. As long as the charge is not deemed a tax, the imposition of the assessment or fee by ordinance is within the constitutional and statutory home rule powers of county and municipal governments. If the charge is not a valid assessment or fee, it is deemed a revenue source requiring general law authorization.

**Local Government Revenue Sources Based on Home Rule Authority**

Pursuant to home rule authority, counties and municipalities may impose proprietary fees, regulatory fees, and special assessments to pay the cost of providing a facility or service or regulating an activity. Because special districts do not possess home rule powers, they may impose only those taxes, assessments, or fees authorized by special or general law.

**Preemption**

Local governments have broad authority to legislate on any matter that is not inconsistent with federal or state law. A local government enactment may be inconsistent with state law if (1) the Legislature has preempted a particular subject area or (2) the local enactment conflicts with a state statute. Where state preemption applies, it precludes a local government from exercising authority in that particular area.

Florida law recognizes two types of preemption: express and implied. Express preemption requires a specific legislative statement; it cannot be implied or inferred. Express preemption of a field by the Legislature must be accomplished by clear language stating that intent. In cases where the Legislature expressly or specifically preempts an area, there is no problem with ascertaining what the Legislature intended.

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13 See City of Hollywood v. Mulligan, 934 So.2d 1238, 1243 (Fla. 2006); Phantom of Clearwater, Inc. v. Pinellas County, 894 So.2d 1011, 1018 (Fla. 2d DCA 2005), approved in Phantom of Brevard, Inc. v. Brevard County, 3 So.3d 309 (Fla. 2008).

14 Mulligan, 934 So.2d at 1243.

15 Sarasota Alliance for Fair Elections, Inc. v. Browning, 28 So.3d 880, 886 (Fla. 2010). Examples of activities “expressly preempted to the state” include: operator use of commercial mobile radio services and electronic communications devices in motor vehicles, s. 316.0075, F.S.; regulation of the use of cameras for enforcing provisions of the Florida Uniform Traffic Control Law, s. 316.0076, F.S.; and, the adoption of standards and fines related to specified subject areas under the purview of the Department of Agriculture and Consumer Services, s. 570.07, F.S.
In cases determining the validity of ordinances enacted in the face of state preemption, the effect has been to find such ordinances null and void.\textsuperscript{16} In one case, the court stated that implied preemption “is actually a decision by the courts to create preemption in the absence of an explicit legislative directive.”\textsuperscript{17} Preemption of a local government enactment is implied only where the legislative scheme is so pervasive as to evidence an intent to preempt the particular area, and strong public policy reasons exist for finding preemption.\textsuperscript{18} Implied preemption is found where the local legislation would present the danger of conflict with the state's pervasive regulatory scheme.\textsuperscript{19}

**Professions and Occupations**

General law directs a number of state agencies and licensing boards to regulate certain professions and occupations. For example, the Department of Business and Professional Regulation (DBPR) currently regulates approximately 25 professions and occupations.\textsuperscript{20}

General law determines whether local governments are able to regulate occupations and businesses, and to what degree.\textsuperscript{21} If state law preempts regulation for an occupation, then, generally, local governments may not regulate that occupation.\textsuperscript{22} Florida law currently preempts local regulation with regard to the following:

- Assessing local fees associated with providing proof of licensure as a contractor, or providing, recording, or filing evidence of worker’s compensation insurance coverage by a contractor;\textsuperscript{23}
- Assessing local fees and rules regarding low-voltage alarm system projects;\textsuperscript{24}
- Smoking;\textsuperscript{25}
- Firearms and ammunition;\textsuperscript{26}
- Employment benefits;\textsuperscript{27}
- Polystyrene products;\textsuperscript{28}
- Public lodging establishments and public food service establishments;\textsuperscript{29} and
- Disposable plastic bags.\textsuperscript{30}

\textsuperscript{16} See, e.g., Nat’l Rifle Ass’n of Am., Inc. v. City of S. Miami, 812 So.2d 504 (Fla. 3d DCA 2002).
\textsuperscript{17} Phantom of Clearwater, Inc., 894 So.2d at 1019.
\textsuperscript{18} Id.
\textsuperscript{19} Sarasota Alliance for Fair Elections, Inc., 28 So.3d at 886.
\textsuperscript{21} See Fla. Const. art. VIII, s. 1(f), art. VIII, s. 2(b), and ss. 125.01(1) and 166.021(1), F.S.
\textsuperscript{23} Section 553.80(7)(a)5., F.S.
\textsuperscript{24} Section 489.503(14), F.S.
\textsuperscript{25} Section 386.209, F.S.
\textsuperscript{26} Section 790.33(1), F.S.
\textsuperscript{27} Section 218.077, F.S.
\textsuperscript{28} Section 500.90, F.S.
\textsuperscript{29} Section 509.032(7), F.S.
\textsuperscript{30} Section 403.7033, F.S.
Conversely, Florida law also specifically grants local jurisdictions the right to regulate businesses, occupations, and professions in certain circumstances. Florida law authorizes local regulations relating to:

- Zoning and land use;
- The levy of “reasonable business, professional, and occupational regulatory fees, commensurate with the cost of the regulatory activity, including consumer protection, on such classes of businesses, professions, and occupations, the regulation of which has not been preempted by the state or a county pursuant to a county charter;”
- The levy of local business taxes;
- Building code inspection fees;
- Tattoo establishments;
- Massage practices;
- Child care facilities;
- Taxis and other vehicles for hire;
- Waste and sewage collection; and
- Regulation of vaping.

### Construction Professional Licenses

Chapter 489, F.S., relates to “contracting,” with part I addressing the licensure and regulation of construction contracting, and part II addressing the licensure and regulation of electrical and alarm system contracting.

#### Construction Contracting

Construction contractors are either certified or registered by the Construction Industry Licensing Board (CILB) housed within DBPR. The CILB consists of 18 members who are appointed by the Governor and confirmed by the Senate. The CILB meets to approve or deny applications for licensure, review disciplinary cases, and conduct informal hearings relating to discipline.

"Certified contractors" are individuals who pass the state competency examination and obtain a certificate of competency issued by DBPR. Certified contractors are able to obtain a certificate of

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32 See part II, ch. 163, F.S.

33 Section 166.221, F.S.

34 Chapter 205, F.S.

35 Section 166.222, F.S.

36 Section 381.00791, F.S.

37 Section 480.052, F.S.

38 Section 402.306, F.S.

39 Section 125.01(1)(n), F.S.

40 Section 125.01(1)(k), F.S.

41 Section 386.209, F.S.

42 See ss. 489.105, 489.107, and 489.113, F.S.

43 Section 489.107(1), F.S.

44 Section 489.107, F.S.
competency for a specific license category and are permitted to practice in that category in any jurisdiction in the state.\textsuperscript{45}

“Certified specialty contractors” are contractors whose scope of work is limited to a particular phase of construction, such as drywall or demolition. Certified specialty contractor licenses are created by the CILB through rulemaking. Certified specialty contractors are permitted to practice in any jurisdiction in the state.\textsuperscript{46}

“Registered contractors” are individuals that have taken and passed a local competency examination and may practice the specific category of contracting for which he or she is approved, only in the local jurisdiction for which the license is issued.\textsuperscript{47}

The following table provides examples of CILB licenses for types of contractors.\textsuperscript{48}

<table>
<thead>
<tr>
<th>Statutory Licenses</th>
<th>Specialty Licenses</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Air Conditioning- Classes A, B, and C</td>
<td>• Drywall</td>
</tr>
<tr>
<td>• Building</td>
<td>• Demolition</td>
</tr>
<tr>
<td>• General</td>
<td>• Gas Line</td>
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<tr>
<td>• Internal Pollutant Storage Tank Lining Applicator</td>
<td>• Glass and Glazing</td>
</tr>
<tr>
<td>• Mechanical</td>
<td>• Industrial Facilities</td>
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<tr>
<td>• Plumbing</td>
<td>• Irrigation</td>
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<tr>
<td>• Pollutant Storage Systems</td>
<td>• Marine</td>
</tr>
<tr>
<td>• Pool/Spa- Classes A, B, and C</td>
<td>• Residential Pool/Spa Servicing</td>
</tr>
<tr>
<td>• Precision Tank Tester</td>
<td>• Solar Water Heating</td>
</tr>
<tr>
<td>• Residential</td>
<td>• Structure</td>
</tr>
<tr>
<td>• Roofing</td>
<td>• Swimming Pool Decking</td>
</tr>
<tr>
<td>• Sheet Metal</td>
<td>• Swimming Pool Excavation</td>
</tr>
<tr>
<td>• Solar</td>
<td>• Swimming Pool Finishes</td>
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<tr>
<td>• Underground Excavation</td>
<td>• Swimming Pool Layout</td>
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<td>• Swimming Pool Piping</td>
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<td></td>
<td>• Swimming Pool Structural</td>
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<td>• Swimming Pool Trim</td>
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<tr>
<td></td>
<td>• Tower</td>
</tr>
</tbody>
</table>

Current law provides that local jurisdictions may approve or deny applications for licensure as a registered contractor, review disciplinary cases, and conduct informal hearings relating to discipline of registered contractors licensed in their jurisdiction.\textsuperscript{49} Local jurisdictions are not barred from issuing and requiring construction licenses that are outside the scope of practice for

\textsuperscript{45} See ss. 489.105(6)-(8) and (11), F.S.
\textsuperscript{46} See ss. 489.108, 489.113, 489.117, and 489.131, F.S.
\textsuperscript{47} Section 489.117, F.S.
\textsuperscript{49} Sections 489.117 and 489.131, F.S.
a certified contractor or certified specialty contractor, such as painting and fence erection licenses. Local governments may only collect licensing fees that cover the cost of regulation.\(^{50}\) Locally registered contractors that are required to hold a contracting license to practice their profession in accordance with state law must register with DBPR after obtaining a local license. However, persons holding a local construction license whose job scope does not substantially correspond to the job scope of a certified contractor or a certified specialty contractor are not required to register with DBPR.\(^{51}\)

**Electrical and Alarm System Contracting**

Electrical contractors, alarm system contractors, and electrical specialty contractors are certified or registered under the Electrical Contractors’ Licensing Board (ECLB).\(^{52}\) Certified contractors may practice statewide and are licensed and regulated by ECLB. Registered contractors are licensed and regulated by a local jurisdiction and may only practice within that locality.\(^{53}\)

Electrical contractors are contractors who have the ability to work on electrical wiring, fixtures, appliances, apparatus, raceways, and conduits which generate, transmit, transform, or utilize electrical energy in any form. The scope of an electrical contractor’s license includes alarm system work.\(^{54}\)

Alarm system contractors are contractors who are able to lay out, fabricate, install, maintain, alter, repair, monitor, inspect, replace, or service alarm systems. An “alarm system” is defined as “any electrical device, signaling device, or combination of electrical devices used to signal or detect a burglary, fire, robbery, or medical emergency.”\(^{55}\)

Electrical certified specialty contractors are contractors whose scope of work is limited to a particular phase of electrical contracting, such as electrical signs. The ECLB creates electrical certified specialty contractor licenses through rulemaking.\(^{56}\) Certified electrical specialty contractors may practice statewide. The ECLB has created the following certified specialty contractor licenses:

- Lighting Maintenance Specialty Contractor;
- Sign Specialty Electrical Contractor;
- Residential Electrical Contractor;
- Limited Energy Systems Specialty Contractor;
- Utility line electrical contractor; and
- Two-Way Radio Communications Enhancement Systems Contractor.\(^{57}\)

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\(^{51}\) Sections 489.105 and 489.117(4), F.S.

\(^{52}\) See Sections 489.505(3) and 489.507, F.S.

\(^{53}\) See s. 489.505(16), F.S.

\(^{54}\) Sections 489.505(12) and 489.537(7), F.S.

\(^{55}\) Sections 489.505(1) and (2), F.S.

\(^{56}\) Sections 489.507(3) and 489.511(4), F.S.

\(^{57}\) Sections 489.505(19) and 489.511(4), F.S; See Fla. Admin. Code R. 61G6-7.001 (2020).
Journeyman Licenses

A journeyman is a skilled worker in a building trade or craft. There is no state requirement for licensure as a journeyman, but the construction and electrical contractor practice acts account for the fact that counties and municipalities issue journeyman licenses. A person with a journeyman license must always work under the supervision of a licensed contractor, but the state does not regulate journeymen activities or issue journeymen licenses.\(^{58}\)

However, under ch. 489, F.S., a tradesman may be licensed as a journeyman in one local jurisdiction and work in multiple jurisdictions (license reciprocity) without having to take another examination or pay an additional licensing fee to qualify to work in the other jurisdictions (county or municipality). If eligible for license reciprocity, a journeyman with a valid, active journeyman license issued by a county or municipality in Florida need not take any additional examinations or pay additional license fees and may work in the:

- Plumbing/pipe fitting, mechanical, or HVAC trades;\(^{59}\) or
- Electrical and alarm system trades.\(^{60}\)

The statutory criteria for licensure reciprocity between local jurisdictions for journeymen include:\(^{61}\)

- Scoring at least 75 percent on an approved proctored examination for that construction trade;
- Completing a registered apprenticeship program and demonstrating four years of verifiable practical experience in the particular trade, or alternatively demonstrating six years of such experience in the particular trade;
- Completing coursework approved by the Florida Building Commission specific to the discipline within the required time frame; and
- Not having a license suspended or revoked within the last five years.

Residency Requirements for Contracting Licenses

Some local governments have adopted policies to promote the usage of local residents for contracting activities within their jurisdictions. For example, it is the policy of Miami-Dade County that, except where federal or state laws or regulations mandate to the contrary, all contractors and subcontractors of any tier performing on a county construction contract must satisfy the requirements of the Miami-Dade County Residents First Training and Employment Program.\(^{62}\) These requirements include that the contractor will make its best reasonable efforts to promote employment opportunities for local residents and seek to achieve a project goal of having 51 percent of all construction labor hours performed by Miami-Dade County residents.\(^{63}\)

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\(^{58}\) Sections 489.103, 489.1455, 489.503, and 489.5335, F.S.

\(^{59}\) Section 489.1455, F.S.

\(^{60}\) Section 489.5355, F.S.

\(^{61}\) Sections 489.1455 and 489.5355, F.S.


\(^{63}\) Id. at paragraph (5)(a)(ii) of Article I, Section 2.11.17.
III. **Effect of Proposed Changes:**

**Section 1** creates s. 163.21, F.S., to define the following terms:
- "Licensing" means any training, education, test, certification, registration, or license that is required for a person to perform an occupation along with any associated fee.
- “Local government” means a county, municipality, special district, or political subdivision of the state.
- “Occupation” means a paid job, profession, work, line of work, trade, employment, position, post, career, field, vocation, or craft.

This section of the bill expressly preempts occupational licensing to the state. This preemption supersedes any local government licensing requirement of occupations unless:
- The local licensing scheme for an occupation is enacted before October 1, 2020; or
- The licensing of occupations by local governments is authorized by general law.

In addition, this section of the bill prohibits local governments that license an occupation from imposing additional licensing requirements on that occupation and from modifying such licensing. Under the bill, any local licensing of an occupation that is not imposed before October 1, 2020 or otherwise authorized by general law does not apply and may not be enforced.

Nothing in the bill is intended to prevent or restrict a local government’s ability to enact residency requirements for licenses or licensees.

**Section 2** amends s. 489.117, F.S., relating to registration of specialty contractors to provide that persons whose job scope is outside the contractor trades or certified specialty trades need not register with the Construction Industry Licensing Board (CILB). A county or municipality may not require a license for a person whose job scope does not substantially correspond to a contractor category licensed by the CILB, or the plumbing/pipefitting, mechanical, or HVAC trades of a journeyman under s. 489.1455(1), F.S.

The bill specifically prohibits counties and municipalities from requiring a license for certain job scopes, including, but not limited to, painting, flooring, cabinetry, interior remodeling, driveway or tennis court installation, decorative stone, tile, marble, granite, or terrazzo installation, plastering, stuccoing, caulking, canvas awning, and ornamental iron installation.

**Sections 3 and 4** amend ss. 489.1455 and 489.5335, F.S., to authorize counties and municipalities to issue journeyman licenses in the plumbing, pipe fitting, mechanical, or HVAC trades, as well as the electrical and alarm system trades, which is the current practice by counties and municipalities. Therefore, local journeyman licensing is excepted from the preemption of local licensing to the state, as provided in the bill.

**Section 5** 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:**

   None identified.

V. **Fiscal Impact Statement:**

A. **Tax/Fee Issues:**

   None.

B. **Private Sector Impact:**

   Certain professionals will not be required to pay local licensing and/or examination fees due to the preemption of occupational licensure to the state. This may have a positive impact on the number of individuals practicing certain professions. The impact on construction costs and workers’ wages is indeterminate.

C. **Government Sector Impact:**

   The bill will have indeterminate impact on local government costs and revenues linked to licensing. Under the bill, local governments are not authorized to increase existing license fees after October 1, 2020. If local governments enact a residency requirement for licenses or licensees as authorized by the bill, but do so after October 1, 2020, the costs associated with such requirements may not be imposed or enforced.

VI. **Technical Deficiencies:**

   Line 76 of the bill provides a job scope description of “canvas awning.” The job scope may be better captured by “canvas awning installation.”
VII. **Related Issues:**

The bill provides that local occupational licensing that is not authorized under s. 163.21, F.S., created by the bill, or otherwise authorized by general law “does not apply and may not be enforced.” See lines 49 to 52 of the bill. These authorizations do not address occupational licensing imposed by local governments that may be authorized by special act of the Legislature (previously or in the future), or licensing imposed by local ordinance for a purpose such as protection of water quality.

As an example, the Pinellas County Construction Licensing Board was originally established in 1975 by special act, which was last revised in 2018 by special act of the Legislature.64 Similarly, in 2008 Lee County adopted an ordinance regulating landscape management practices, including registration of landscaping businesses and certain landscapers, and completion of certain training.65 A stated purpose of this ordinance is to meet federal and state water quality standards and to minimize the detrimental impacts on the county’s lakes, estuaries, wetlands, the Caloosahatchee River, and the Gulf of Mexico.66 Similar requirements exist for drilling of elevator shafts and water wells,67 to avoid cross contamination of local aquifers.

The bill amends s. 489.1455(1), F.S., relating to journeyman licenses in the building trades of plumbing, pipe fitting, mechanical, and HVAC, as well as s. 489.5335, F.S., relating to journeyman licenses in the electrical and alarm system trades. It appears the job scopes described on lines 69 and 70 of the bill should also include the electrical and alarm system trades. If this was unintentional, consideration of a conforming amendment to reference s. 489.5335, F.S., appears appropriate.

VIII. **Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 489.117, 489.1455, and 489.5335.

This bill creates section 163.21 of the Florida Statutes.

IX. **Additional Information:**

A. **Committee Substitute – Statement of Changes:**

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

**CS by Community Affairs on February 3, 2020:**
The committee substitute:

- Removes “procedure” from the list of terms that mean licensing.
- Allows a local government that imposes a license on an occupation before October 1, 2020, to retain such licensing scheme so long as the local government does not impose additional licensing requirements or modify such licensing.

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66 Id. at p. 3 (Section Two).
• Provides that nothing in the bill is intended to prevent or restrict a local government’s ability to enact residency requirements for licenses or licensees.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
A bill to be entitled
An act relating to preemption of local occupational
licensing; creating s. 163.211, F.S.; providing
definitions; preempting licensing of occupations to
the state; providing exceptions; prohibiting local
governments from imposing additional licensing
requirements or modifying licensing unless specified
conditions are met; specifying that certain local
licensing that does not meet specified criteria does
not apply and may not be enforced; amending s.
489.117, F.S.; specifying that certain specialty
contractors are not required to register with the
Construction Industry Licensing Board; prohibiting
local governments from requiring certain specialty
contractors to obtain a license under specified
circumstances; specifying job scopes for which a local
government may not require a license; amending ss.
489.1455 and 489.5335, F.S.; authorizing counties and
municipalities to issue certain journeyman licenses;
providing an effective date.

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

Section 1. Section 163.211, Florida Statutes, is created
to read:
(1)  DEFINITIONS.—As used in this section:

(a)  "Licensing" means any training, education, test, certification, registration, or license that is required for a person to perform an occupation in addition to any associated fee.

(b)  "Local government" means a county, municipality, special district, or political subdivision of the state.

(c)  "Occupation" means a paid job, profession, work, line of work, trade, employment, position, post, career, field, vocation, or craft.

(2)  PREEMPTION OF OCCUPATIONAL LICENSING TO THE STATE.—The licensing of occupations is expressly preempted to the state and this section supersedes any local government licensing requirement of occupations with the exception of the following:

(a)  Any local government that imposed licenses on occupations before July 1, 2020. However, any such local government licensing of occupations expires on July 1, 2022.

(b)  Any local government licensing of occupations authorized by general law.

(3)  EXISTING LICENSING LIMIT.—A local government that licenses occupations and retains such licensing as set forth in paragraph (2)(a) may not impose additional licensing requirements on that occupation or modify such licensing.

(4)  LOCAL LICENSING NOT AUTHORIZED.—Local licensing of an
occupation that is not authorized under this section or
otherwise authorized by general law does not apply and may not
be enforced.

Section 2. Paragraph (a) of subsection (4) of section
489.117, Florida Statutes, is amended to read:

489.117 Registration; specialty contractors.—
(4)(a) A person holding a local license whose job scope
does not substantially correspond to either the job scope of one
of the contractor categories defined in s. 489.105(3)(a)-(o), or
the job scope of one of the certified specialty contractor
categories established by board rule, is not required to
register with the board to perform contracting activities within
the scope of such specialty license. A local government, as
defined in s. 163.21(1), may not require a person to obtain a
license for a job scope which does not substantially correspond
to the job scope of one of the contractor categories defined in
s. 489.105(3)(a)-(o) and (q) or authorized in s. 489.1455(1).
For purposes of this section, job scopes for which a local
government may not require a license include, but are not
limited to, painting, flooring, cabinetry, interior remodeling,
driveway or tennis court installation, decorative stone, tile,
marble, granite, or terrazzo installation, plastering,
stuccoing, caulking, canvas awning, and ornamental iron
installation.

Section 3. Section 489.1455, Florida Statutes, is amended
489.1455  Journeyman; reciprocity; standards.—

(1) Counties and municipalities are authorized to issue journeyman licenses in the plumbing, pipe fitting, mechanical, or HVAC trades.

(2)(1) An individual who holds a valid, active journeyman license in the plumbing, pipe fitting, mechanical, or HVAC trades issued by any county or municipality in this state may work as a journeyman in the trade in which he or she is licensed in any county or municipality of this state without taking an additional examination or paying an additional license fee, if he or she:

(a) Has scored at least 70 percent, or after October 1, 1997, at least 75 percent, on a proctored journeyman Block and Associates examination or other proctored examination approved by the board for the trade in which he or she is licensed;

(b) Has completed an apprenticeship program registered with a registration agency defined in 29 C.F.R. s. 29.2 and demonstrates 4 years’ verifiable practical experience in the trade for which he or she is licensed, or demonstrates 6 years’ verifiable practical experience in the trade for which he or she is licensed;

(c) Has satisfactorily completed specialized and advanced module coursework approved by the Florida Building Commission, as part of the building code training program established in s.
553.841, specific to the discipline or, pursuant to
authorization by the certifying authority, provides proof of
completion of such coursework within 6 months after such
certification; and
(d) Has not had a license suspended or revoked within the
last 5 years.
(3)(2) A local government may charge a registration fee
for reciprocity, not to exceed $25.
Section 4. Section 489.5335, Florida Statutes, is amended
to read:
489.5335 Journeyman; reciprocity; standards.—
(1) Counties and municipalities are authorized to issue
journeyman licenses in the electrical and alarm system trades.
(2) An individual who holds a valid, active journeyman
license in the electrical or alarm system trade issued by any
county or municipality in this state may work as a journeyman in
the trade in which he or she is licensed in any other county or
municipality of this state without taking an additional
examination or paying an additional license fee, if he or she:
(a) Has scored at least 70 percent, or after October 1,
1997, at least 75 percent, on a proctored journeyman Block and
Associates examination or other proctored examination approved
by the board for the electrical trade in which he or she is
licensed;
(b) Has completed an apprenticeship program registered
with a registration agency defined in 29 C.F.R. s. 29.2 and
demonstrates 4 years' verifiable practical experience in the
electrical trade for which he or she is licensed, or
demonstrates 6 years' verifiable practical experience in the
electrical trade for which he or she is licensed;
(c) Has satisfactorily completed specialized and advanced
module coursework approved by the Florida Building Commission,
as part of the building code training program established in s.
553.841, specific to the discipline, or, pursuant to
authorization by the certifying authority, provides proof of
completion of such curriculum or coursework within 6 months
after such certification; and
(d) Has not had a license suspended or revoked within the
last 5 years.
(3)(2) A local government may charge a registration fee
for reciprocity, not to exceed $25.
Section 5. This act shall take effect July 1, 2020.
Representative Grant, M. offered the following:

Amendment

Remove line 64 and insert:
defined in s. 163.211, may not require a person to obtain a
The Florida Constitution grants local governments broad home rule authority. Non-charter county governments may exercise those powers of self-government that are provided by general or special law. Those counties operating under a county charter have all powers of self-government not inconsistent with general law or special law approved by vote of the electors. Likewise, municipalities have governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform functions, provide services, and exercise any power for municipal purposes, except as otherwise provided by law.

General law directs a number of state agencies and licensing boards to regulate many professions and occupations. General law can also authorize or preempt local regulation of professions and occupations, which is typically done specifically and individually by subject matter, business type, or occupation.

The bill expressly preempts the licensing of occupations to the state and supersedes any local government licensing of occupations. However, any licensing of occupations adopted prior to July 1, 2020, will continue to be effective until July 1, 2022, at which time it will expire. Any licensing of occupations authorized by general law is exempt from the preemption.

The bill specifically prohibits local governments from requiring a license for a person whose job scope does not substantially correspond to that of a contractor or journeyman type licensed by the Construction Industry Licensing Board, within the Department of Business and Professional Regulation, and specifically precludes local governments from requiring a license for: painting, flooring, cabinetry, interior remodeling, driveway or tennis court installation, decorative stone, tile, marble, granite, or terrazzo installation, plastering, stuccoing, caulking, canvas awning installation, and ornamental iron installation.

The bill also expressly authorizes counties and municipalities to issue journeyman licenses in the plumping, pipe fitting, mechanical and HVAC trades, as well as, the electrical and alarm system trades, which is the current practice by counties and municipalities.

The bill does not appear to have a fiscal impact on the state, but may have an indeterminate fiscal impact on local governments.

The bill has an effective date of July 1, 2020.
FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Local Government Authority

The Florida Constitution grants local governments broad home rule authority. Non-charter county governments may exercise those powers of self-government that are provided by general or special law.1 Those counties operating under a county charter have all powers of self-government not inconsistent with general law or special law approved by vote of the electors.2

Likewise, municipalities3 have those governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform functions, provide services, and exercise any power for municipal purposes, except as otherwise provided by law.4

A "special district" is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary. Special districts are created by general law,5 special act,6 local ordinance,7 or by rule of the Governor and Cabinet.8 A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district’s charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.9

A “dependent special district” is a special district where the membership of the governing body is identical to the governing body of a single county or municipality, all members of the governing body are appointed by the governing body of a single county or municipality, members of the district’s governing body are removable at will by the governing body of a single county or municipality, or the district’s budget is subject to the approval of the governing body of a single county or municipality.10 An “independent special district” is any district that is not a dependent special district.11

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1 Art. VIII, s. 1(f), Fla. Const.
2 Art. VIII, s. 1(g), Fla. Const.
3 A municipality is a local government entity created to perform functions and provide services for the particular benefit of the population within the municipality, in addition to those provided by the county. The term “municipality” may be used interchangeably with the terms “town,” “city,” and “village.”
4 Art. VIII, s. 2(b), Fla. Const. See also s. 166.021(1), F.S.
5 Section 189.031(3), F.S.
6 Id.
7 S. 189.02(1), F.S.
8 S. 190.005(1), F.S. See, generally, s. 189.012(6), F.S.
10 S. 189.012(2), F.S.
11 S. 189.012(3), F.S.
Revenue Sources Authorized in the Florida Constitution

The Florida Constitution limits the ability of local governments to raise revenue for their operations. The Florida Constitution provides:

No tax shall be levied except in pursuance of law. No state ad valorem taxes shall be levied upon real estate or tangible personal property. All other forms of taxation shall be preempted to the state except as provided by general law.

Counties, school districts, and municipalities shall, and special districts may, be authorized by law to levy ad valorem taxes and may be authorized by general law to levy other taxes, for their respective purposes, except ad valorem taxes on intangible personal property and taxes prohibited by this constitution.

However, not all local government revenue sources are taxes requiring general law authorization. When a county or municipal revenue source is imposed by ordinance, the question is whether the charge is a valid assessment or fee. As long as the charge is not deemed a tax, the imposition of the assessment or fee by ordinance is within the constitutional and statutory home rule powers of county and municipal governments. If the charge is not a valid assessment or fee, it is deemed a revenue source requiring general law authorization.

Revenue Sources Based on Home Rule Authority

Pursuant to home rule authority, local governments may impose proprietary fees, regulatory fees, and special assessments to pay the cost of providing a facility or service or regulating an activity. A regulatory fee should not exceed the regulated activity’s cost and is generally required to be applied solely to the regulated activity’s cost for which the fee is imposed.

Preemption

State preemption precludes a local government from exercising authority in a particular area, and requires consistency with the state constitution or state statute. A local government enactment may be found inconsistent with state law if (1) the Legislature has preempted a particular subject area to the state or (2) the local regulation conflicts with a state statute.

Florida law recognizes two types of preemption: express and implied. Express preemption requires a specific legislative statement; it cannot be implied or inferred. Express preemption of a field by the Legislature must be accomplished by clear language stating that intent. When local ordinances have been enacted in the face of state preemption, the effect has been to find such ordinances null and void.

Implied preemption is a legal doctrine created to address those situations in which the courts may have been concerned by the legislature’s failure to expressly preempt areas which, for all intents and

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13 “Ad valorem tax” means a tax based upon the assessed value of property.” Section 192.001(1), F.S.
14 Art. VII, s. 1(a), Fla. Const.
15 Art. VII, s. 9(a), Fla. Const.
16 EDR, supra note 12, at 9.
18 Id.
19 See City of Hollywood v. Mulligan, 934 So. 2d 1238, 1243 (Fla. 2006); Phantom of Clearwater, Inc. v. Pinellas County, 894 So. 2d 1011, 1018 (Fla. 2d DCA 2005), approved in Phantom of Brevard, Inc. v. Brevard County, 3 So. 3d 309 (Fla. 2008).
20 Mulligan, 934 So. 2d at 1243.
21 See, e.g., Nat’l Rifle Ass’n of Am., Inc. v. City of S. Miami, 812 So.2d 504 (Fla. 3d DCA 2002).
purposes, seemed dominated by the state. Findings of implied preemption are for a very narrow class of areas in which the state has legislated pervasively.  

**Professions and Occupations**

General law directs a number of state agencies and licensing boards to regulate certain professions and occupations. For example, the Department of Business and Professional Regulation (DBPR) currently regulates approximately 25 professions and occupations.  

General law determines whether local governments are able to regulate occupations and businesses, and to what degree. If state law preempts regulation for an occupation, then, generally, local governments may not regulate that occupation. For example, Florida law currently preempts local regulation with regard to the following:

- assessing local fees associated with providing proof of licensure as a contractor, or providing, recording, or filing evidence of worker's compensation insurance coverage by a contractor;
- assessing local fees and rules regarding low-voltage alarm system projects;
- tobacco and nicotine products;
- firearms, weapons, and ammunition;
- employment benefits;
- polystyrene products;
- public lodging establishments and public food service establishments; and
- disposable plastic bags.

Conversely, Florida law also specifically grants local jurisdictions the right to regulate businesses, occupations and professions in certain circumstances. For example, Florida law specifically authorizes regulations relating to:

- zoning and land use;
- the levy of "reasonable business, professional, and occupational regulatory fees, commensurate with the cost of the regulatory activity, including consumer protection, on such classes of businesses, professions, and occupations, the regulation of which has not been preempted by the state or a county pursuant to a county charter";
- the levy of local business taxes;
- building code inspection fees;
- tattoo establishments;
- massage practices;
- child care facilities;
- taxis and other vehicles for hire; and

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22 Wolf and Bolinder, *supra* note 17.
23 *S. 20.165*, F.S.
24 Art. VIII, s. 1(f), Fla. Const.; Art. VII, s. 9(a), Fla. Const.; Art. VIII, s. 2(b), Fla. Const.; s. 166.021(1), F.S.
25 *Id.*; Wolf and Bolinger, *supra* note 17.
26 *S. 553.80(7)(d)*, F.S.
27 *S. 489.503(14)*, F.S.
28 *Ch. 569*, F.S., and s. 386.209, F.S.
29 *S. 790.33(1)*, F.S.
30 *S. 218.077*, F.S.
31 *S. 500.90*, F.S.
32 *S. 509.032*, F.S.
33 *S. 403.7033*, F.S.
34 *Supra* note 25.
35 *S. 166.221*, F.S.
36 *Ch. 205*, F.S.
37 *S. 166.222*, F.S.
38 *S. 381.00791*, F.S.
39 *S. 480.052*, F.S.
40 *S. 402.306*, F.S.
41 *S. 125.01(1)(n)*, F.S.
• waste and sewage collection.\textsuperscript{42}

**Construction Professional Licenses**

Chapter 489, F.S., relates to “contracting,” with part I addressing the licensure and regulation of construction contracting, and part II addressing the licensure and regulation of electrical and alarm system contracting.

Construction contractors are either certified or registered by the Construction Industry Licensing Board (CILB) housed within DBPR. The CILB consists of 18 members who are appointed by the Governor and confirmed by the Senate. The CILB meets to approve or deny applications for licensure, review disciplinary cases, and conduct informal hearings relating to discipline.\textsuperscript{43}

"Certified contractors" are individuals who pass the state competency examination and obtain a certificate of competency issued by DBPR. Certified contractors are able to obtain a certificate of competency for a specific license category and are permitted to practice in that category in any jurisdiction in the state.\textsuperscript{44}

“Certified specialty contractors” are contractors whose scope of work is limited to a particular phase of construction, such as drywall or demolition. Certified specialty contractor licenses are created by the CILB through rulemaking. Certified specialty contractors are permitted to practice in any jurisdiction in the state.

“Registered contractors” are individuals that have taken and passed a local competency examination and can practice the specific category of contracting for which he or she is approved, only in the local jurisdiction for which the license is issued.\textsuperscript{45}

\textsuperscript{42} S. 125.01(1)(k), F.S.  
\textsuperscript{43} S. 489.107, F.S.  
\textsuperscript{44} S. 489.105, F.S.  
\textsuperscript{45} S. 489.103, F.S.
The CILB licenses the following types of contractors:\footnote{S. 489.105(a)-(q), F.S.; Rr. 61G4-15.015-040, F.A.C.}

<table>
<thead>
<tr>
<th>Statutory Licenses</th>
<th>Specialty Licenses</th>
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<tbody>
<tr>
<td>• Air Conditioning- Classes A, B, and C</td>
<td>• Drywall</td>
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<tr>
<td>• Building</td>
<td>• Demolition</td>
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<tr>
<td>• General</td>
<td>• Gas Line</td>
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<tr>
<td>• Internal Pollutant Storage Tank Lining Applicator</td>
<td>• Glass and Glazing</td>
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<tr>
<td>• Mechanical</td>
<td>• Industrial Facilities</td>
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<tr>
<td>• Plumbing</td>
<td>• Irrigation</td>
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<tr>
<td>• Pollutant Storage Systems</td>
<td>• Marine</td>
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<tr>
<td>• Pool/Spa- Classes A, B, and C</td>
<td>• Residential Pool/Spa Servicing</td>
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<tr>
<td>• Precision Tank Tester</td>
<td>• Solar Water Heating</td>
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<tr>
<td>• Residential</td>
<td>• Structure</td>
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<tr>
<td>• Roofing</td>
<td>• Swimming Pool Decking</td>
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<tr>
<td>• Sheet Metal</td>
<td>• Swimming Pool Excavation</td>
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<td>• Solar</td>
<td>• Swimming Pool Finishes</td>
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<td>• Underground Excavation</td>
<td>• Swimming Pool Layout</td>
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<td>• Swimming Pool Piping</td>
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<td>• Swimming Pool Trim</td>
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Current law provides that local jurisdictions may approve or deny applications for licensure as a registered contractor, review disciplinary cases, and conduct informal hearings relating to discipline of registered contractors licensed in their jurisdiction.\footnote{Ss. 489.117, 489.131 F.S.} Local jurisdictions are not barred from issuing and requiring construction licenses that are outside the scope of practice for a certified contractor or certified specialty contractor, such as painting and fence erection licenses. Local governments may only collect licensing fees that cover the cost of regulation.\footnote{EDR, \textit{supra} note 12, at 9.}

Locally registered contractors that are required to hold a contracting license to practice their profession in accordance with state law must register with DBPR after obtaining a local license. However, persons holding a local construction license whose job scope does not substantially correspond to the job scope of a certified contractor or a certified specialty contractor are not required to register with DBPR.\footnote{Ss. 489.105, & 489.117(4), F.S.}

Electrical contractors, alarm system contractors, and electrical specialty contractors are certified or registered under the ECLB. Certified contractors can practice statewide and are licensed and regulated by ECLB. Registered contractors are licensed and regulated by a local jurisdiction and may only practice within that locality.\footnote{See generally s. 489.505, F.S.}

Electrical contractors are contractors who have the ability to work on electrical wiring, fixtures, appliances, apparatus, raceways, and conduits which generate, transmit, transform, or utilize electrical energy in any form. The scope of an electrical contractor’s license includes alarm system work.\footnote{S. 489.505(12), & 489.537(7), F.S.}

Alarm system contractors are contractors who are able to lay out, fabricate, install, maintain, alter, repair, monitor, inspect, replace, or service alarm systems. An “alarm system” is defined as “any electrical device, signaling device, or combination of electrical devices used to signal or detect a burglary, fire, robbery, or medical emergency.”\footnote{S. 489.505(1)-(2), F.S.}

\footnotesize{\textbf{STORAGE NAME:} h0003c.COM}  
\footnotesize{\textbf{DATE:} 1/30/2020}
Electrical certified specialty contractors are contractors whose scope of work is limited to a particular phase of electrical contracting, such as electrical signs. The ECLB creates electrical certified specialty contractor licenses through rulemaking. Certified electrical specialty contractors can practice statewide. The ECLB has created the following certified specialty contractor licenses:

- Lighting maintenance specialty contractor;
- Sign specialty electrical contractor;
- Residential electrical contractor;
- Limited energy systems specialty contractor; and
- Utility line electrical contractor.\(^{53}\)

**Journeyman**

A journeyman is a skilled worker in a building trade or craft. There is no state requirement for licensure as a journeyman, but the construction and electrical contractor practice acts account for the fact that counties and municipalities issue journeyman licenses. A person with a journeyman license must always work under the supervision of a licensed contractor, but the state does not regulate journeymen activities or issue journeymen licenses.\(^{54}\)

However, ch. 489, F.S., allows tradesman to be licensed as a journeyman in one local jurisdiction and work in multiple jurisdictions without having to take another examination or pay an additional licensing fee to qualify to work in the other jurisdictions (county or municipality). Specifically, s. 489.1455(1) of part I, F.S., specifies:

- An individual who holds a valid, active journeyman license in the plumbing/pipe fitting, mechanical, or HVAC trades issued by any county or municipality in this state may work as a journeyman in the trade in which he or she is licensed in any county or municipality of this state without taking an additional examination or paying an additional license fee.

The statutory criteria for licensure reciprocity between local jurisdictions for journeymen include:\(^{55}\)

- scoring at least 75 percent on an approved proctored examination for that construction trade;
- completing a registered apprenticeship program and demonstrating verifiable practical experience in the particular trade;
- completing coursework approved by the Florida Building Commission specific to the discipline; and
- not having a license suspended or revoked within the last 5 years.

**Effect of the Bill**

The bill defines the following terms:

- “Local government” means a county, municipality, special district, or political subdivision of the state.
- “Occupation” means a paid job, profession, work, line of work, trade, employment, position, post, career, field, vocation, or craft.
- “Licensing” means any training, education, test, certification, registration, or license that is required for a person to perform an occupation along with any associated fee.

The bill expressly preempts occupational licensing to the state. This preemption supersedes any local government licensing requirement of occupations unless:

- the licensing of occupations by local governments is authorized by general law; or
- the local licensing scheme for an occupation was imposed before July 1, 2020. However, any such local licensing scheme expires on July 1, 2022.

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\(^{53}\) S. 489.505(19), & 489.511(4), F.S; Rule 61G6-7.001, F.A.C.

\(^{54}\) Ss. 489.103, 489.1455, 489.503, & 489.5335, F.S.

\(^{55}\) S. 489.1455, F.S. A similar reciprocity option applies to journeyman in the electrical trades. S. 489.5335, F.S.
The bill prohibits local governments that license an occupation that qualifies for the exemption until July 1, 2022, from imposing additional licensing requirements on that occupation and from modifying such licensing.

The bill provides that any local licensing of an occupation not authorized under the provisions of the bill or otherwise authorized by general law does not apply and may not be enforced.

The bill provides that the preemption applies to licensing that is outside the scope of state contractor licensing provisions. Specifically, it provides that a county or municipality may not require a license for a person whose job scope does not substantially correspond to a contractor category licensed by the CILB. The bill specifically precludes counties and municipalities from requiring a license for certain job scopes, including, but not limited to, painting, flooring, cabinetry, interior remodeling, driveway or tennis court installation, decorative stone, tile, marble, granite, or terrazzo installation, plastering, stuccoing, caulking, canvas awning installation, and ornamental iron installation.

The bill also expressly authorizes counties and municipalities to issue journeyman licenses in the plumbing, pipe fitting, mechanical and HVAC trades, as well as, the electrical and alarm system trades, which is the current practice by counties and municipalities. The licensing of those specific local journeyman is exempt from the preemption in the bill.

B. SECTION DIRECTORY:

Section 1 Creates s. 163.21, F.S., relating to licensing of occupations preempted to the state.

Section 2 Amends s. 489.117, F.S., relating to registration; specialty contractors.

Section 3 Amends s. 489.1455, F.S., relating to journeyman; reciprocity; standards.

Section 4 Amends s. 489.5335, F.S., relating to journeyman; reciprocity; standards.

Section 5 Provides an effective date of July 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:
   None.

2. Expenditures:
   None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
   None.

2. Expenditures:
   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill will have an indeterminate positive impact on the private sector. Workers may have to pay less in licensing and examination fees in some local jurisdictions. There may be an increase in the number of people in the workforce practicing their chosen professions.
D. FISCAL COMMENTS:
The fiscal impact of the bill on local governments is indeterminate.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:
   Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:
   None.

B. RULE-MAKING AUTHORITY:
The bill neither authorizes nor requires administrative rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:
   None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 15, 2020, the Business & Professions Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment clarified the definition for “licensing.”

This analysis is drafted to the committee substitute as passed by the Business & Professions subcommittee.
By the Committee on Agriculture; and Senator Albritton

575-03475-20

A bill to be entitled

An act relating to the Department of Agriculture and Consumer Services; amending s. 193.461, F.S.; specifying a methodology for the assessment of certain buildings and structures located on agricultural lands; amending s. 316.520, F.S.; revising application of agricultural load securing requirements; amending s. 570.441, F.S.; extending the scheduled expiration for the Department of Agriculture and Consumer Services’ use of funds from the Pest Control Trust Fund for certain duties of the department; amending s. 590.02, F.S.; directing the Florida Forest Service to develop a training curriculum for wildland firefighters; providing requirements for such training; amending s. 633.408, F.S.; providing wildland firefighter training and certification for certain firefighters and volunteer firefighters; providing legislative findings; requiring the Department of Environmental Protection, in coordination with the Department of Agriculture and Consumer Services and other entities, to develop a study to estimate the benefits of renewable natural gas in this state; requiring a report to the Governor and the Legislature; providing an effective date.

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

Section 1. Paragraph (c) of subsection (6) of section 193.461, Florida Statutes, is amended to read:
193.461 Agricultural lands; classification and assessment; mandated eradication or quarantine program; natural disasters.—

(6)(c)1. For purposes of the income methodology approach to assessment of property used for agricultural purposes, irrigation systems, including pumps and motors, physically attached to the land shall be considered a part of the average yields per acre and shall have no separately assessable contributory value.

2. Litter containment structures located on producing poultry farms and animal waste nutrient containment structures located on producing dairy farms shall be assessed by the methodology described in subparagraph 1.

3. Structures or improvements used in horticultural production for frost or freeze protection, which are consistent with the interim measures or best management practices adopted by the Department of Agriculture and Consumer Services pursuant to s. 570.93 or s. 403.067(7)(c), shall be assessed by the methodology described in subparagraph 1.

4. Screened enclosed structures used in horticultural production for protection from pests and diseases or to comply with state or federal eradication or compliance agreements shall be assessed by the methodology described in subparagraph 1.

5. Any building or structure located on land that is classified as agricultural and which is used in and in furtherance of the agricultural purpose of the land, including, but not limited to, buildings or structures used for production, packaging, processing, or storage, shall be assessed by the methodology described in subparagraph 1.

Section 2. Subsection (4) of section 316.520, Florida
Statutes, is amended to read:

316.520 Loads on vehicles.—

(4) The provision of subsection (2) requiring covering and securing the load with a close-fitting tarpaulin or other appropriate cover does not apply to vehicles carrying agricultural products locally from a harvest site or to or from a farm on roads where the posted speed limit is 65 miles per hour or less and the distance driven on public roads is less than 20 miles.

Section 3. Subsection (4) of section 570.441, Florida Statutes, is amended to read

570.441 Pest Control Trust Fund.—

(4) In addition to the uses authorized under subsection (2), moneys collected or received by the department under chapter 482 may be used to carry out the provisions of s. 570.44. This subsection expires June 30, 2024.

Section 4. Subsection (1) of section 590.02, Florida Statutes, is amended to read

590.02 Florida Forest Service; powers, authority, and duties; liability; building structures; Withlacoochee Training Center.—

(1) The Florida Forest Service has the following powers, authority, and duties to:

(a) Enforce the provisions of this chapter;

(b) Prevent, detect, and suppress wildfires wherever they may occur on public or private land in this state and do all things necessary in the exercise of such powers, authority, and duties;

(c) Provide firefighting crews, who shall be under the
control and direction of the Florida Forest Service and its designated agents;

(d) Appoint center managers, forest area supervisors, forestry program administrators, a forest protection bureau chief, a forest protection assistant bureau chief, a field operations bureau chief, deputy chiefs of field operations, district managers, forest operations administrators, senior forest rangers, investigators, forest rangers, firefighter rotorcraft pilots, and other employees who may, at the Florida Forest Service’s discretion, be certified as forestry firefighters pursuant to s. 633.408(8). Other law notwithstanding, center managers, district managers, forest protection assistant bureau chief, and deputy chiefs of field operations have Selected Exempt Service status in the state personnel designation;

(e) Develop a training curriculum for wildland forestry firefighters which must contain a minimum of 40 hours of structural firefighter training, a minimum of 40 hours of emergency medical training, the basic volunteer structural fire training course approved by the Florida State Fire College of the Division of State Fire Marshal and a minimum of 376 hours of wildfire training;

(f) Pay the cost of the initial commercial driver license examination fee for those employees whose position requires them to operate equipment requiring a license. This paragraph is intended to be an authorization to the department to pay such costs, not an obligation;

(g) Provide fire management services and emergency response assistance and set and charge reasonable fees for performance of
those services. Moneys collected from such fees shall be deposited into the Incidental Trust Fund of the Florida Forest Service;

    (h) Require all state, regional, and local government agencies operating aircraft in the vicinity of an ongoing wildfire to operate in compliance with the applicable state Wildfire Aviation Plan;

    (i) Authorize broadcast burning, prescribed burning, pile burning, and land clearing debris burning to carry out the duties of this chapter and the rules adopted thereunder; and

    (j) Make rules to accomplish the purposes of this chapter.

Section 5. Subsection (8) of section 633.408, Florida Statutes, is amended to read:

633.408 Firefighter and volunteer firefighter training and certification.—

(8)(a) Pursuant to s. 590.02(1)(e), the division shall establish a structural fire training program of not less than 40206 hours. The division shall issue to a person satisfactorily complying with this training program and who has successfully passed an examination as prescribed by the division and who has met the requirements of s. 590.02(1)(e), a Wildland Firefighter Forestry Certificate of Compliance.

(b) An individual who holds a current and valid Wildland Firefighter Forestry Certificate of Compliance is entitled to the same rights, privileges, and benefits provided for by law as a firefighter.

Section 6. Renewable natural gas study.—

(1) The Department of Environmental Protection, in coordination with the Department of Agriculture and Consumer
Services, the Florida chapter of the National Waste and Recycling Association, and the Florida Natural Gas Association, shall develop a study to estimate the potential benefits of renewable natural gas in this state. The study must consider all of the following:

(a) The use of renewable natural gas resources to generate energy and fuel and the benefits for local communities, the economy, and the environment.

(b) The ability of renewable natural gas to create new revenue streams for local governments, agricultural producers, and other producers of waste.

(c) The potential for renewable natural gas to contribute to energy security by providing the gas grid enhanced diversity of supply.

(2) The Department of Environmental Protection shall submit a report of the results of the study to the Governor, the President of the Senate, and the Speaker of the House of Representatives upon completion of such study.

Section 7. This act shall take effect July 1, 2020.
The Committee on Innovation, Industry, and Technology (Albritton) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 67 and 68

insert:

Section 3. Subsection (47) is added to section 570.07, Florida Statutes, to read:

570.07 Department of Agriculture and Consumer Services; functions, powers, and duties.—The department shall have and exercise the following functions, powers, and duties:

(47) To purchase, at its discretion, private insurance
policies to cover expenses related to the payment of benefits
required by s. 112.1816.

And the title is amended as follows:
Between lines 7 and 8
insert:
s. 570.07, F.S.; revising the functions, powers, and
duties of the Department of Agriculture and Consumer
Services to authorize the department to purchase
private insurance policies for a specified purpose;
amending
I. Summary:

CS/SB 1514 addresses various issues related to agriculture and certain powers and duties of the Department of Agriculture and Consumer Services (department). Specifically, the bill:

- Specifies a methodology for a property appraiser to assess buildings or structures on agricultural lands which are used for production, packaging, processing, or storage;
- Eliminates a distance requirement for vehicles making local trips while transporting agricultural products;
- Postpones a sunsetting provision for certain Pest Control Trust Fund expenditures;
- Revises the Florida Service’s training requirements and certifications for firefighters; and
- Requires the Department of Environmental Protection, in coordination with the Department of Agriculture and Consumer Services, the Florida chapter of the National Waste and Recycling Association, and the Florida Natural Gas Association, to develop a study to estimate the potential benefits of renewable natural gas in Florida.

II. Present Situation:

Taxation of Agricultural Lands and Property

Section 193.461, F.S, provides for property tax classification and assessment of agriculture lands. When land has been classified as agricultural, the assessment must be based solely on its agricultural use, and the property appraiser may consider only the following factors:

- The quantity and size of the property;
- The condition of the property;
- The present market value of the property as agricultural land;
• The income produced by the property;
• The productivity of land in its present use;
• The economic merchantability of the agricultural product; and
• Such other agricultural factors as may from time to time become applicable, which are
  reflective of the standard present practices of agricultural use and production.

The statute specifically provides, at s. 193.461(6)(c)1., F.S, that for purposes of the income
methodology approach to assessment of property used for agricultural purposes, irrigation
systems, including pumps and motors, physically attached to the land must be considered a part
of the average yields per acre and have no separately assessable contributory value. It goes on to
provide that this same methodology is to apply to poultry litter and animal waste containment
structures, structures and improvements used in horticultural production for frost or freeze
protection, and screened enclosures used in horticulture for protection from pests and disease.

Agricultural Loads on Vehicles

Federal rules require each commercial motor vehicle transporting cargo on public roads to have
its cargo secured to prevent the cargo from leaking, spilling, blowing, or falling from the motor
vehicle.¹

Under Florida law, a vehicle may not be driven or moved on any highway unless the vehicle is
constructed or loaded as to prevent any of its load from dropping, shifting, leaking, blowing, or
otherwise escaping from the vehicle.²

Every vehicle owner and driver has the duty to prevent items from escaping from his or her
vehicle. Covering and securing the load with a close-fitting tarpaulin or other appropriate cover
or a load securing device meeting federal requirements or a device designed to reasonably ensure
that cargo will not shift upon or fall from the vehicle is required and constitutes compliance.³

However, Florida’s load covering and securing provisions do not apply to vehicles carrying
agricultural products locally from a harvest site or to or from a farm on roads where the posted
speed limit is 65 miles per hour or less and the distance driven on public roads is less than 20
miles.⁴

Florida Forest Service

The Florida Forest Service employs more than 1,250 people in more than 90 job classes. To
become licensed, Florida Forest Service firefighters must complete a fire training course
approved by the Florida State Fire College of the Division of State Fire Marshal and a minimum
of 250 hours of wildfire training. The Division of the State Fire Marshal’s structural training
course must be at least 206 hours. Students must pass a required exam administered by the
division and meet the Florida Forest Services’ requirements to receive a Forestry Certificate of

¹ 49 C.F.R. 393.100
² Section 316.520(1), F.S.
³ Section 316.520(2), F.S.
⁴ Section 316.520(4), F.S.
Compliance. The Florida Forest Service, unlike many other fire suppression and safety agencies, primarily manages wildland or forest fires that may involve a structural element.

III. Effect of Proposed Changes:

Section 1 amends s. 193.461, F.S., to specify that the income methodology approach to assessment of property used for agricultural purposes in which improvements are considered a part of the average yields per acre and have no separately assessable contributory value also applies to buildings or structures on agricultural lands which are used for production, packaging, processing, or storage.

Section 2 amends s. 316.520, F.S., to eliminate a distance requirement for securing of loads on vehicles making local trips while transporting agricultural products.

Section 3 amends s. 570.441, F.S., to extend the expiration for the use of funds in the Pest Control Trust Fund from June 30, 2020, until June 30, 2024. This would allow the department to continue to use these funds to carry out the duties of the Division of Agricultural Environmental Services.

Section 4 amends s. 590.02, F.S., to require the Florida Forest Service to restructure its training course to better meet its wildland firefighters’ specific training needs. The training curriculum would need to contain a minimum of:
- 40 hours of structural firefighter training;
- 40 hours of emergency medical training; and
- 376 hours of wildfire training, rather than the current 250.

Section 5 amends s. 633.408, F.S., to provide wildland firefighter training and certification for firefighters and volunteer firefighters. These changes are needed to conform to changes made to Section 4 of the bill.

Section 6 creates an as yet undesignated section to require a renewable natural gas study.\(^5\) The Department of Environmental Protection, in coordination with the Department of Agriculture and Consumer Services, the Florida chapter of the National Waste and Recycling Association, and the Florida Natural Gas Association must develop a study to estimate the potential benefits of renewable natural gas in Florida. Specifically, the study must consider:
- The use of renewable natural gas resources to generate energy and fuel and the benefits for local communities, the economy, and the environment;

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\(^5\) Renewable natural gas (RNG) begins with a methane biogas produced by the decomposition of organic matter. This biogas can be produced and captured at landfills, livestock operations, and wastewater treatment plants. To be usable, the raw biogas must be treated, a process called conditioning or upgrading which involves the removal of water, carbon dioxide, hydrogen sulfide, and other trace elements. With minor cleanup, biogas can be used to produce electricity and heat. To fuel vehicles, biogas must be processed to a higher purity standard. The resulting RNG, or biomethane, has a higher content of methane than raw biogas, which makes it comparable to conventional natural gas and thus a suitable energy source in applications that require pipeline-quality gas. RNG is a pipeline-quality gas that is fully interchangeable with conventional natural gas and thus can be used in natural gas vehicles, either in the form of compressed natural gas (CNG) or liquefied natural gas (LNG). See, e.g. [https://afdc.energy.gov/fuels/natural_gas_renewable.html](https://afdc.energy.gov/fuels/natural_gas_renewable.html) (last accessed February 12, 2020).
• The ability of renewable natural gas to create new revenue streams for local governments, agricultural producers, and other producers of waste; and
• The potential for renewable natural gas to contribute to energy security by providing the gas grid enhanced diversity of supply.

The Department of Environmental Protection must report the results of the study to the Governor, the President of the Senate, and the Speaker of the House of Representatives upon completion of the study.

Section 7 provides that this act shall take effect 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:
   None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:
   The bill expands the list of property located on agricultural land that a tax assessor can consider when using the income methodology approach to assessment of agricultural property.

B. Private Sector Impact:
   Indeterminate.

C. Government Sector Impact:
   None.
VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 193.461, 316.520, 570.441, 590.02, and 633.408.

This bill creates an as yet undesignated section.

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 the Agriculture Committee on February 11, 2020:
The committee substitute deletes sections of SB 1514 that:

- Revise the contents of an annual department report to the Governor and the Legislature to include the development of renewable energy, alternative fuels, and alternative technologies;
- Require the department to promote the development of alternative fuel and alternative vehicle technologies;
- Delete a requirement that the department prepare a separate energy report of the utilization of the renewable energy technologies investment tax credit;
- Clarify the definition of food establishment to be consistent with the state’s current regulatory structure;
- Revise the membership of the Florida Food Safety and Food Defense Advisory Council;
- Realign Chapter 502 with recent updates to the federal Grade A Pasteurized Milk Ordinance;
- Clarify the preexisting distinction between wholesale and retail frozen dessert sellers and phases out the frozen dessert plant number of gallons of frozen dessert produced reporting requirement;
- Revise the authority of the department to include the inspection of facilities used to distribute milk and milk products and collect samples of those products for testing;
- Eliminate the Milkfat Content Permit reporting requirements;
- Delete the Dairy Industry Technical Council;
- Revise the requirements for the agriculture water conservation program and expands the types of cost-share projects for irrigation system retrofit, mobile irrigation laboratory evaluations, and water conservation that can be considered and funded;
- Establish a waiver process by rule for School Nutrition Program Sponsors;
• Define Raw Agricultural Commodity Fumigation and clarify the applicability of licensure requirements;
• Enable the department to consider whether an entity performs Raw Agricultural Commodity Fumigation when making license classification decisions; and
• Clarify the food establishment licensee fee submission deadline.

The committee substitute adds sections to SB 1514 that:
• Specify a methodology for a property appraiser to assess buildings or structures on agricultural lands which are used for production, packaging, processing, or storage;
• Eliminate a distance requirement for vehicles making local trips while transporting agricultural products; and
• Require the Department of Environmental Protection, in coordination with the Department of Agriculture and Consumer Services, the Florida chapter of the National Waste and Recycling Association, and the Florida Natural Gas Association to develop a study to estimate the potential benefits of renewable natural gas in Florida.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
By the Committee on Environment and Natural Resources; and Senator Gruters

A bill to be entitled
An act relating to environmental enforcement; amending s. 161.054, F.S.; revising administrative penalties for violations of certain provisions relating to beach and shore construction and activities; providing that each day that certain violations occur or are not remediated constitutes a separate offense until such violations are resolved by order or judgment; making technical changes; amending ss. 258.397, 258.46, 373.129, 376.16, 376.25, 377.37, 378.211, and 403.141, F.S.; revising civil penalties for violations of certain provisions relating to the Biscayne Bay Aquatic Preserve, aquatic preserves, water resources, the Pollutant Discharge Prevention and Control Act, the Clean Ocean Act, regulation of oil and gas resources, the Phosphate Land Reclamation Act, and other provisions relating to pollution and the environment, respectively; providing that each day that certain violations occur or are not remediated constitutes a separate offense until such violations are resolved by order or judgment; making technical changes; amending ss. 373.209, 376.065, 376.071, 403.086, 403.413, 403.7234, and 403.93345, F.S.; revising civil penalties for violations of certain provisions relating to artesian wells, terminal facilities, discharge contingency plans for vessels, sewage disposal facilities, dumping litter, small quantity generators, and coral reef protection, respectively; making technical changes; amending ss.
Florida Senate - 2020

CODING: Words stricken are deletions; words underlined are additions.

373.430 and 403.161, F.S.; revising criminal penalties for violations of certain provisions relating to pollution and the environment; providing that each day that certain violations occur or are not remediated constitutes a separate offense until such violations are resolved by order or judgment; making technical changes; amending s. 403.121, F.S.; revising civil and administrative penalties for violations of certain provisions relating to pollution and the environment; providing that each day that certain violations occur or are not remediated constitutes a separate offense until such violations are resolved by order or judgment; increasing the amount of penalties that can be assessed administratively; making technical changes; amending ss. 403.726 and 403.727, F.S.; revising civil penalties for violations of certain provisions relating to hazardous waste for each day that certain violations occur and are not resolved by order or judgment; making technical changes; reenacting s. 823.11(5), F.S., to incorporate the amendment made to s. 376.16, F.S., in a reference thereto; reenacting ss. 403.077(5), 403.131(2), 403.4154(3)(d), and 403.860(5), F.S., to incorporate the amendment made to s. 403.121, F.S., in a reference thereto; reenacting ss. 403.708(10), 403.7191(7), and 403.811, F.S., to incorporate the amendment made to s. 403.141, F.S., in a reference thereto; reenacting s. 403.7255(2), F.S., to incorporate the amendment made to s. 403.161, F.S., in a reference thereto;
reenacting s. 403.7186(8), F.S., to incorporate the amendment made to ss. 403.141 and 403.161, F.S., in references thereto; providing an effective date.

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

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

161.054 Administrative fines; liability for damage; liens.—
(1) In addition to the penalties provided for in ss. 161.052, 161.053, and 161.121, any person, firm, corporation, or governmental agency, or agent thereof, refusing to comply with or willfully violating any of the provisions of s. 161.041, s. 161.052, or s. 161.053, or any rule or order prescribed by the department thereunder, shall incur a fine for each offense in an amount up to $15,000 to be fixed, imposed, and collected by the department. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.

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

258.397 Biscayne Bay Aquatic Preserve.—
(7) ENFORCEMENT. The provisions of this section may be enforced in accordance with the provisions of s. 403.412. In addition, the Department of Legal Affairs may bring an action for civil penalties of $7,500 per day against any person, natural or corporate, who violates the provisions of this section or any rule or regulation issued hereunder. Until a violation is resolved by order or judgment,
each day during any portion of which such violation occurs or is not remediated constitutes a separate offense. Enforcement of applicable state regulations shall be supplemented by the Miami-Dade County Department of Environmental Resources Management through the creation of a full-time enforcement presence along the Miami River.

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

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

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

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

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

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

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

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

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

373.209 Artesian wells; penalties for violation.—
(3) Any person who violates any provision of this section is shall be subject to either:
(a) The remedial measures provided for in s. 373.436; or
(b) A civil penalty of $150 $100 a day for each and every day of such violation and for each and every act of violation. The civil penalty may be recovered by the water management board of the water management district in which the well is located or by the department in a suit in a court of competent jurisdiction in the county where the defendant resides, in the county of residence of any defendant if there is more than one defendant, or in the county where the violation took place. The place of suit shall be selected by the board or department, and the suit, by direction of the board or department, shall be instituted and conducted in the name of the board or department by appropriate counsel. The payment of any such damages does not impair or abridge any cause of action which any person may have against the person violating any provision of this section.

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

373.430 Prohibitions, violation, penalty, intent.—
(2) A person who commits a violation specified in subsection (1) is liable for any damage caused and for civil penalties as provided in s. 373.129.
(3) A person who willfully commits a violation specified in paragraph (1)(a) commits is guilty of a felony of the third degree, punishable as provided in ss. 775.082(3)(e) and 775.083(1)(g), by a fine of not more than $50,000 or by
imprisonment for 5 years, or by both, for each offense. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.

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

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

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

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

(5)(a) A person who violates this section or the terms and requirements of such certification commits a noncriminal infraction. The civil penalty for any such infraction shall be $750, except as otherwise provided in this section.

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

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

376.071 Discharge contingency plan for vessels.—

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

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

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

376.16 Enforcement and penalties.—

(1) It is unlawful for any person to violate any provision of ss. 376.011-376.21 or any rule or order of the department made pursuant to this act. A violation is punishable by a civil penalty of up to $75,000 $50,000 per violation per day to be assessed by the department. Until a violation is resolved by order or judgment, each day during any portion of which the violation occurs or is not remediated constitutes a separate offense. The penalty provisions of this subsection shall not apply to any discharge promptly reported and removed by a person responsible, in accordance with the rules and orders of the department, or to any discharge of pollutants equal to or less than 5 gallons.
(2) In addition to the penalty provisions which may apply under subsection (1), a person responsible for two or more discharges of any pollutant reported pursuant to s. 376.12 within a 12-month period at the same facility commits a noncriminal infraction and shall be cited by the department for such infraction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) PENALTIES.—

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

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

377.37 Penalties.—

(1)(a) Any person who violates any provision of this law or
any rule, regulation, or order of the division made under this
chapter or who violates the terms of any permit to drill for or
produce oil, gas, or other petroleum products referred to in s.
377.242(1) or to store gas in a natural gas storage facility, or
any lessee, permitholder, or operator of equipment or facilities
used in the exploration for, drilling for, or production of oil, gas, or other petroleum products, or storage of gas in a natural
gas storage facility, who refuses inspection by the division as
provided in this chapter, is liable to the state for any damage
cau sed to the air, waters, or property, including animal, plant,
or aquatic life, of the state and for reasonable costs and
expenses of the state in tracing the source of the discharge, in
controlling and abating the source and the pollutants, and in
restoring the air, waters, and property, including animal,
plant, and aquatic life, of the state. Furthermore, such person,
lessee, permitholder, or operator is subject to the judicial
imposition of a civil penalty in an amount of not more than
$15,000 $10,000 for each offense. However, the court may receive
evidence in mitigation. Until a violation is resolved by order
or judgment, each day during any portion of which such violation
occurs or is not remediated constitutes a separate offense. This
section does not Nothing herein shall give the department the
right to bring an action on behalf of any private person.

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

378.211 Violations; damages; penalties.—
(2) The department may institute a civil action in a court
of competent jurisdiction to impose and recover a civil penalty
for violation of this part or of any rule adopted or order
issued pursuant to this part. The penalty may shall not exceed
the following amounts, and the court shall consider evidence in
mitigation:

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

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

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

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

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

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

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

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

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

(1) Judicial remedies:

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

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

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

(2) Administrative remedies:

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

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

(c) An administrative proceeding shall be instituted by the department’s serving of a written notice of violation upon the alleged violator by certified mail. If the department is unable to effect service by certified mail, the notice of violation may be hand delivered or personally served in accordance with chapter 48. The notice shall specify the provision of the law, rule, regulation, permit, certification, or order of the department alleged to be violated and the facts alleged to constitute a violation thereof. An order for corrective action, penalty assessment, or damages may be included with the notice. When the department is seeking to impose an administrative penalty for any violation by issuing a notice of violation, any corrective action needed to correct the violation or damages caused by the violation must be pursued in the notice of violation or they are waived. However, no order is not shall become effective until after service and an administrative hearing, if requested within 20 days after service. Failure to
request an administrative hearing within this time period constitutes shall constitute a waiver thereof, unless the respondent files a written notice with the department within this time period opting out of the administrative process initiated by the department to impose administrative penalties. Any respondent choosing to opt out of the administrative process initiated by the department in an action that seeks the imposition of administrative penalties must file a written notice with the department within 20 days after service of the notice of violation opting out of the administrative process. A respondent’s decision to opt out of the administrative process does not preclude the department from initiating a state court action seeking injunctive relief, damages, and the judicial imposition of civil penalties.

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

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

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

(g) Nothing herein shall be construed as preventing any other legal or administrative action in accordance with law. Nothing in this subsection shall limit the department’s authority provided in ss. 403.131, 403.141, and this section to judicially pursue injunctive relief. When the department exercises its authority to judicially pursue injunctive relief, penalties in any amount up to the statutory maximum sought by the department must be pursued as part of the state court action and not by initiating a separate administrative proceeding. The department retains the authority to judicially pursue penalties in excess of **$50,000 $10,000** for violations not specifically included in the administrative penalty schedule, or for multiple or multiday violations alleged to exceed a total of **$50,000 $10,000.** The department also retains the authority provided in ss. 403.131, 403.141, and this section to judicially pursue injunctive relief and damages, if a notice of violation seeking the imposition of administrative penalties has not been issued. The department has the authority to enter into a settlement, either before or after initiating a notice of violation, and the settlement may include a penalty amount different from the administrative penalty schedule. Any case filed in state court because it is alleged to exceed a total of **$50,000 $10,000 in penalties may be settled in the court action for less than...
$50,000 $10,000.

(h) Chapter 120 applies to any administrative action taken by the department or any delegated program pursuing administrative penalties in accordance with this section. (3) Except for violations involving hazardous wastes, asbestos, or underground injection, administrative penalties must be calculated according to the following schedule:

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

(b) For failure to obtain a required wastewater permit, other than a permit required for surface water discharge, the department shall assess a penalty of $1,500 $1,000. For a domestic or industrial wastewater violation not involving a surface water or groundwater quality violation, the department shall assess a penalty of $3,000 $2,000 for an unpermitted or unauthorized discharge or effluent-limitation exceedance. For an unpermitted or unauthorized discharge or effluent-limitation exceedance that resulted in a surface water or groundwater quality violation, the department shall assess a penalty of

CODING: Words stricken are deletions; words underlined are additions.
(c) For a dredge and fill or stormwater violation, the department shall assess a penalty of $1,500 $1,000 for unpermitted or unauthorized dredging or filling or unauthorized construction of a stormwater management system against the person or persons responsible for the illegal dredging or filling, or unauthorized construction of a stormwater management system plus $3,000 $2,000 if the dredging or filling occurs in an aquatic preserve, an Outstanding Florida Water, a conservation easement, or a Class I or Class II surface water, plus $1,500 $1,000 if the area dredged or filled is greater than one-quarter acre but less than or equal to one-half acre, and plus $1,500 $1,000 if the area dredged or filled is greater than one-half acre but less than or equal to one acre. The administrative penalty schedule does not apply to a dredge and fill violation if the area dredged or filled exceeds one acre. The department retains the authority to seek the judicial imposition of civil penalties for all dredge and fill violations involving more than one acre. The department shall assess a penalty of $4,500 $3,000 for the failure to complete required mitigation, failure to record a required conservation easement, or for a water quality violation resulting from dredging or filling activities, stormwater construction activities or failure of a stormwater treatment facility. For stormwater management systems serving less than 5 acres, the department shall assess a penalty of $3,000 $2,000 for the failure to properly or timely construct a stormwater management system. In addition to the penalties authorized in this subsection, the department shall assess a penalty of $7,500 $5,000 per violation.
against the contractor or agent of the owner or tenant that
conducts unpermitted or unauthorized dredging or filling. For
purposes of this paragraph, the preparation or signing of a
permit application by a person currently licensed under chapter
471 to practice as a professional engineer does shall not make
that person an agent of the owner or tenant.

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

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

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

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

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

(a) For failure to satisfy financial responsibility requirements or for violation of s. 377.371(1), $7,500 $5,000.
(b) For failure to install, maintain, or use a required pollution control system or device, $6,000 $4,000.
(c) For failure to obtain a required permit before construction or modification, $4,500 $3,000.
(d) For failure to conduct required monitoring or testing; failure to conduct required release detection; or failure to construct in compliance with a permit, $3,000 $2,000.
(e) For failure to maintain required staff to respond to emergencies; failure to conduct required training; failure to prepare, maintain, or update required contingency plans; failure to adequately respond to emergencies to bring an emergency situation under control; or failure to submit required notification to the department, $1,500 $1,000.
(f) Except as provided in subsection (2) with respect to public water systems serving a population of more than 10,000, for failure to prepare, submit, maintain, or use required reports or other required documentation, $750 $500.

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

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

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

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

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

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

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

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

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

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

(12) The purpose of the administrative penalty schedule and process is to provide a more predictable and efficient manner for individuals and businesses to resolve relatively minor environmental disputes. Subsections (3)-(7) may not be construed as limiting a state court in the assessment of damages. The administrative penalty schedule does not apply to the judicial imposition of civil penalties in state court as provided in this section.

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

403.141 Civil liability; joint and several liability.—

(1) A person who commits a violation specified in s. 403.161(1) is liable to the state for any damage caused to the air, waters, or property, including animal, plant, or aquatic life, of the state and for reasonable costs and expenses of the state in tracing the source of the discharge, in controlling and abating the source and the pollutants, and in restoring the air, waters, and property, including animal, plant, and aquatic life, of the state to their former condition, and furthermore is subject to the judicial imposition of a civil penalty for each offense in an amount of not more than $15,000 per offense. However, the court may receive evidence in mitigation. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs constitutes a separate offense. Nothing herein gives the department the right to bring an action on behalf of any private person.
Section 16. Subsections (2) through (5) of section 403.161, Florida Statutes, are amended to read:

403.161 Prohibitions, violation, penalty, intent.—

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

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

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

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

Section 17. Paragraph (a) of subsection (6) of section 403.413, Florida Statutes, is amended to read:
403.413 Florida Litter Law.—
(6) PENALTIES; ENFORCEMENT.—
(a) Any person who dumps litter in violation of subsection (4) in an amount not exceeding 15 pounds in weight or 27 cubic feet in volume and not for commercial purposes commits is guilty of a noncriminal infraction, punishable by a civil penalty of $150 $100, from which $50 shall be deposited into the Solid Waste Management Trust Fund to be used for the solid waste management grant program pursuant to s. 403.7095. In addition, the court may require the violator to pick up litter or perform other labor commensurate with the offense committed.

Section 18. Subsection (5) of section 403.7234, Florida Statutes, is amended to read:
403.7234 Small quantity generator notification and verification program.—
(5) Any small quantity generator who does not comply with the requirements of subsection (4) and who has received a notification and survey in person or through one certified letter from the county is subject to a fine of between $75 $50 and $150 $100 per day for a maximum of 100 days. The county may collect such fines and deposit them in its general revenue fund. Fines collected by the county shall be used to carry out the notification and verification procedure established in this section. If there are excess funds after the notification and verification procedures have been completed, such funds shall be used for hazardous and solid waste management purposes only.

Section 19. Subsection (3) of section 403.726, Florida Statutes, is amended to read:
403.726 Abatement of imminent hazard caused by hazardous
(3) An imminent hazard exists if any hazardous substance creates an immediate and substantial danger to human health, safety, or welfare or to the environment. The department may institute action in its own name, using the procedures and remedies of s. 403.121 or s. 403.131, to abate an imminent hazard. However, the department is authorized to recover a civil penalty of not more than $37,500 for each day until a of continued violation is resolved by order or judgment. Whenever serious harm to human health, safety, and welfare; the environment; or private or public property may occur prior to completion of an administrative hearing or other formal proceeding which might be initiated to abate the risk of serious harm, the department may obtain, ex parte, an injunction without paying filing and service fees prior to the filing and service of process.

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

403.727 Violations; defenses, penalties, and remedies.—
(3) Violations of the provisions of this act are punishable as follows:

(a) Any person who violates the provisions of this act, the rules or orders of the department, or the conditions of a permit is liable to the state for any damages specified in s. 403.141 and for a civil penalty of not more than $75,000 for each day of continued violation or until a violation is resolved by order or judgment, except as otherwise provided herein. The department may revoke any permit issued to the violator. In any action by the department against a small hazardous waste

CODING: Words stricken are deletions; words underlined are additions.
generator for the improper disposal of hazardous wastes, a rebuttable presumption of improper disposal shall be created if the generator was notified pursuant to s. 403.7234; the generator shall then have the burden of proving that the disposal was proper. If the generator was not so notified, the burden of proving improper disposal shall be placed upon the department.

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

403.93345 Coral reef protection.—
(8) In addition to the compensation described in subsection (5), the department may assess, per occurrence, civil penalties according to the following schedule:

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

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

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

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

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

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

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

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

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

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

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

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

Section 27. This act shall take effect July 1, 2020.
I. Summary:

CS/SB 1450 makes numerous changes to the penalties for violating Florida’s environmental laws. The bill increases required or maximum environmental penalties in various sections of the Florida Statutes. Most of the changes increase a penalty by 50 percent. Additionally, the bill changes the duration that certain penalties may run, so that, until a violation is resolved by order or judgment, each day during any portion of which a violation occurs or is not remediated constitutes a separate offense.

II. Present Situation:

Environmental Violations

The Department of Environmental Protection (DEP) is Florida’s lead agency for environmental management and stewardship, implementing many programs to protect the state’s air, water, and land.¹ In accordance with the state’s numerous environmental laws, DEP’s responsibilities include the compliance and enforcement process.² Violations of Florida’s environmental laws can result in damages and administrative, civil, and/or criminal penalties.

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¹ DEP, About DEP, https://floridadep.gov/about-dep (last visited Jan. 21, 2020); s. 20.255, F.S.
**Damages**

In environmental enforcement, damages should compensate the state for the value of the loss to natural resources caused by the violation.\(^3\) DEP may institute a civil action in court or an administrative proceeding in the Division of Administrative Hearings (DOAH) to recover damages for any injury to the air, waters, or property, including animal, plant, and aquatic life, of the state caused by any violation.\(^4\) Damages can cover the cost of remediating the damage done to the environment, and/or costs incurred by the state in responding to the damage, such as tracing the source, controlling and abating the source, and restoring the environmental resources to their former condition.\(^5\)

**Penalties**

In addition to damages, a violator can be liable for penalties. Penalties differ from damages in that they are designed to punish the wrongdoer rather than to address the harm caused by the violation.\(^6\) In environmental enforcement, penalties should create incentives to bring immediate compliance and curb future violations.\(^7\)

Administrative penalties can be levied directly by the agency or in a proceeding in DOAH.\(^8\) The formal administrative enforcement process is typically initiated by serving a notice of violation, and is finalized through entry of a consent order or final order.\(^9\) In most administrative proceedings, DEP has the final decision.\(^10\) An administrative law judge has the final decision for administrative proceedings involving the Environmental Litigation Reform Act, codified in s. 403.121, F.S., which is the primary statute addressing DEP’s administrative penalties.\(^11\) Compared to the judicial process, the administrative process is generally considered less expensive, faster and less time consuming, and more conducive to negotiated settlement.\(^12\) However, if DEP is seeking immediate injunctive relief, which compels a party to act or stop acting, an order must be obtained from a court.\(^13\)

DEP must proceed administratively in cases in which DEP seeks administrative penalties that do not exceed $10,000 per assessment.\(^14\) DEP is prohibited from imposing administrative penalties in excess of $10,000 in a notice of violation.\(^15\) DEP may not have more than one notice of

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\(^4\) See s. 403.121, F.S.

\(^5\) See ss. 403.121 and 403.141, F.S.

\(^6\) See BLACK’S LAW DICTIONARY 1247 (9th ed. 2009).


\(^8\) See ch. 120, F.S. The administrative process is formalized in the Administrative Procedure Act.


\(^10\) Id.

\(^11\) Id. at 58-59, 66-70; Ch. 2001-258, Laws of Fla.


\(^13\) Id. at 59-60.


\(^15\) Section 403.121(2)(b), F.S.
violation pending against a party unless the violations occurred at a different site or the violations were discovered by DEP subsequent to the filing of a previous notice of violation.\textsuperscript{16}

Civil penalties are noncriminal fines that are generally levied by a court, and which agencies may be authorized to impose.\textsuperscript{17} DEP may pursue two forms of action in state court: a petition to enforce an order previously entered through the administrative process, or a complaint for violations of statutes or rules.\textsuperscript{18} Under both forms, DEP may seek injunctive relief, civil penalties, damages, and costs and expenses.\textsuperscript{19} For judicially imposed civil penalties, DEP is authorized to recover up to $10,000 per offense, with each day during any portion of which a violation occurs constituting a separate offense.\textsuperscript{20}

A court or an administrative law judge may receive evidence in mitigation, which may result in the decrease or elimination of penalties.\textsuperscript{21}

Criminal penalties can include jail/prison time, a criminal fine, or both. Florida law imposes criminal penalties for certain violations of environmental law.\textsuperscript{22} Punishments for such violations may vary based on standards of intent, such as willful, reckless indifference, or gross careless disregard.\textsuperscript{23}

This present situation describes DEP’s general authority to levy penalties, largely pursuant to ch. 403, F.S. DEP derives enforcement authority from several different chapters of Florida law based on subject matter, so DEP has additional enforcement authority for programs not covered in ch. 403, F.S. Additionally, the Department of Legal Affairs, any political subdivision or municipality of the state, or a citizen of the state may maintain an action for injunctive relief against the government entity charged with enforcing environmental laws or the violator of the laws.\textsuperscript{24}

**Dredge and Fill Permitting Program**

In 2018, the Legislature authorized DEP to assume responsibility for the federal dredge and fill permitting program under the Clean Water Act, to regulate the discharge of dredged or fill material into Florida’s navigable waters.\textsuperscript{25} Currently, in Florida, the program is jointly implemented by the United States Environmental Protection Agency (EPA) and the United States Army Corps of Engineers (USACE).\textsuperscript{26} Assumption of the dredge and fill permitting program requires EPA approval. DEP may adopt any federal requirements, criteria, or

\textsuperscript{16} Id.

\textsuperscript{17} The Environmental Litigation Reform Act allows DEP to seek civil penalties of up to $10,000 through the administrative process for most environmental violations. The Act may not be used if penalties exceed $10,000.


\textsuperscript{19} Id.

\textsuperscript{20} Section 403.121(1)(b), F.S.

\textsuperscript{21} Section 403.121, F.S.

\textsuperscript{22} Section 403.161, F.S.

\textsuperscript{23} Id.

\textsuperscript{24} Section 403.412, F.S.

\textsuperscript{25} Chapter 2018-88, Laws of Fla.; s. 373.4146, F.S.; 33 U.S.C. s. 1344(g).

\textsuperscript{26} 33 U.S.C. s. 1344(a) and (b).
regulations necessary to obtain assumption. Prior to assuming the program, DEP must submit various materials to the EPA, including a complete program description, a memorandum of understanding between the state and EPA, a memorandum of understanding between the state and USACE, copies of all applicable statutes and regulations, and more. DEP is still in the process of developing the elements of the program for submission to the EPA.

Regarding enforcement authority, federal regulations require the state to have authority to carry out certain enforcement actions. For example, to assume the program, DEP must have authority to seek criminal fines of at least $5,000 per violation against any person who:

- Knowingly makes false statements or representation in any document required under the Clean Water Act, federal regulations, or the state program; or
- Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under a permit.

The approved maximum criminal fine must be assessable for each violation and, if the violation is continuous, must be assessable in that maximum amount for each day of violation. The burden of proof and degree of knowledge or intent required under state law for establishing violations may not be greater than the burden of proof or degree of knowledge or intent EPA must bear when it brings an action under the Clean Water Act.

Florida law provides that it is a violation of part IV of ch. 373, F.S., and ch. 403, F.S., to:

- Knowingly make any false statement or representation in documents required by state law; or
- Falsify, tamper with, or knowingly render inaccurate any monitoring device or method required by state law, rule, or permit.

The criminal penalties for these violations are fines of up to $10,000, 6 months in jail, or both. However, the penalty provisions in Florida law apply to “[a]ny person who willfully” commits the violations. This application of the “willfully” standard of intent in the state penalties is inconsistent with the requirements in the federal regulations, which do not contain such a standard.

III. Effect of Proposed Changes:

Sections 1-21 amend sections of the Florida Statutes containing various penalties for violations of environmental laws. In general, the bill increases the required or maximum penalties in the provisions listed below. In most cases, the penalties are increased by 50 percent.

Several places in existing law impose a penalty for each offense, with each day during which a violation occurs constituting a separate offense. The bill changes that standard to: each day

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27 Section 373.4146(2) and (5), F.S.
28 40 C.F.R. ss. 233.10-233.16.
30 40 C.F.R. s. 233.41(b)(1).
31 40 C.F.R. s. 233.41(b)(2).
32 Sections 373.430(1)(c) and (5) and 403.161(1)(c) and (5), F.S.
33 Sections 373.403(5) and 403.161(5), F.S.
34 Id.
during which a violation occurs or is not remediated,\textsuperscript{35} until a violation is resolved by order or judgment. This standard is changed in several sections and created in others.

The table below summarizes existing penalties and the penalties as revised by the bill. All penalties are levied by the Department of Environmental Protection (DEP) unless otherwise specified.

<table>
<thead>
<tr>
<th>Florida Statutes</th>
<th>Violations</th>
<th>Existing Penalties</th>
<th>Changes in SB 1450</th>
</tr>
</thead>
<tbody>
<tr>
<td>161.054 (1), F.S.</td>
<td>Violating statutes, rules or orders regarding coastal construction</td>
<td>An administrative fine for each offense of up to $10,000.</td>
<td>An administrative fine for each offense of up to $15,000.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Each day during any portion of which a violation occurs constitutes a separate offense.</td>
<td>Until a violation is resolved by order or judgment, each day during any portion of which a violation occurs or is not remediated constitutes a separate offense.</td>
</tr>
<tr>
<td>258.397 (7), F.S.</td>
<td>Violating a statute or rules regarding Biscayne Bay Aquatic Preserve</td>
<td>Authorizes the Department of Legal Affairs to bring an action for civil penalties of $5,000 per day.</td>
<td>Authorizes the Department of Legal Affairs to bring an action for civil penalties of $7,500 per day.</td>
</tr>
<tr>
<td></td>
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<td>Until a violation is resolved by order or judgment, each day during any portion of which a violation occurs or is not remediated constitutes a separate offense.</td>
</tr>
<tr>
<td>258.46, F.S.</td>
<td>Violating the Florida Aquatic Preserve Act or related rules</td>
<td>A civil penalty of not less than $500 per day and not more than $5,000 per day of a violation.</td>
<td>A civil penalty of not less than $750 per day and not more than $7,500 per day of a violation.</td>
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<td>Until a violation is resolved by order or judgment, each day during any portion of which a violation occurs or is not remediated constitutes a separate offense.</td>
</tr>
<tr>
<td>373.129 (5), F.S.</td>
<td>Violating ch. 373, F.S., relating to water resources</td>
<td>Authorizes DEP, any water management district, any local board, or certain local</td>
<td>Authorizes DEP, any water management district, any local board, or certain local governments to recover a civil</td>
</tr>
</tbody>
</table>

\textsuperscript{35} The word “remediation” can refer to a large range of activities and timescales. In environmental law, remediation is generally described as restoring land, water, or air to its former state following some harm or pollution; see BLACK’S LAW DICTIONARY 1407 (9th ed. 2009).
<table>
<thead>
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</tr>
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<tbody>
<tr>
<td>36</td>
<td>governments to recover a civil penalty for each offense, in an amount not to exceed $10,000 per offense.</td>
<td>Each date during which a violation occurs constitutes a separate offense.</td>
<td>penalty for each offense, in an amount not to exceed $15,000 per offense.</td>
</tr>
<tr>
<td>36</td>
<td>each offense.</td>
<td></td>
<td>Until a violation is resolved by order or judgment, each date during any portion of which a violation occurs or is not remediated constitutes a separate offense.</td>
</tr>
<tr>
<td>373.209(3)(b), F.S.</td>
<td>Violating a statute regarding artesian wells</td>
<td>A civil penalty of $100 per day for each day of a violation and each act of a violation.</td>
<td>A civil penalty of $150 per day for each day of a violation and each act of a violation.</td>
</tr>
<tr>
<td>373.430(3), F.S.</td>
<td>Violating statutes regarding surface waters by willfully causing pollution</td>
<td>A fine of not more than $50,000 or imprisonment for 5 years, or both, for each offense.</td>
<td>A fine of not more than $50,000 or imprisonment for 5 years, or both, for each offense.</td>
</tr>
<tr>
<td></td>
<td>Each day during any portion of which a violation occurs constitutes a separate offense.</td>
<td></td>
<td>Until a violation is resolved by order or judgment, each day during any portion of which a violation occurs or is not remediated constitutes a separate offense.</td>
</tr>
<tr>
<td>373.430(4) and (5), F.S.</td>
<td>Violating statutes regarding surface waters by causing pollution due to reckless indifference or gross careless disregard</td>
<td>A fine of not more than $5,000 or 60 days in jail, or both, for each offense: causing certain pollution.</td>
<td>A fine of not more than $10,000 or 60 days in jail, or both, for each offense: causing certain pollution; failing to obtain any permit; or violating or failing to comply with any rule, regulation, order, or permit.</td>
</tr>
<tr>
<td></td>
<td>A fine of not more than $10,000, 6 months in jail, or both for willfully committing the following violation: knowingly falsifying required documentation or falsifying, tampering with, or rendering inaccurate required monitoring devices or methods.</td>
<td></td>
<td>A fine of not more than $10,000, 6 months in jail, or both for committing the following violation: knowingly falsifying required documentation or falsifying, tampering with, or rendering inaccurate required monitoring devices or methods.</td>
</tr>
</tbody>
</table>

36 Section 373.103(8), F.S. Under certain circumstances, DEP may authorize a water management district to delegate to a local government by rule or agreement the power and duty to administer and enforce any of the statutes, rules, or regulations relating to stormwater permitting or surface water management which the district is authorized or required to administer.
<table>
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</thead>
<tbody>
<tr>
<td>376.065</td>
<td>Violating a statute regarding terminal facility certifications</td>
<td>A civil penalty of $500 for any violation of the section or a certification.</td>
<td>A civil penalty of $750 for any violation of the section or a certification.</td>
</tr>
<tr>
<td>(5)(a) and (e), F.S.</td>
<td></td>
<td>A civil penalty of $500 imposed by a county court if commission of the infraction is proved.</td>
<td>A civil penalty of $750 imposed by a county court if commission of the infraction is proved.</td>
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<tr>
<td>376.071</td>
<td>Violations regarding discharge contingency plans for vessels</td>
<td>A civil penalty of $5,000 for each infraction.</td>
<td>A civil penalty of $7,500 for each infraction.</td>
</tr>
<tr>
<td>(2)(a) and (e), F.S.</td>
<td></td>
<td>A civil penalty of $5,000 imposed by a county court if commission of the infraction is proved.</td>
<td>A civil penalty of $7,500 imposed by a county court if commission of the infraction is proved.</td>
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<tr>
<td>376.16</td>
<td>Violating the Pollutant Discharge Prevention and Control Act or DEP rules or orders</td>
<td>A civil penalty of up to $50,000 per violation per day.</td>
<td>A civil penalty of up to $75,000 per violation per day.</td>
</tr>
<tr>
<td>(1), F.S.</td>
<td></td>
<td>Each day during any portion of which a violation occurs constitutes a separate offense.</td>
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<tr>
<td>376.16</td>
<td>Violating the Pollutant Discharge Prevention and Control Act or DEP rules or orders</td>
<td>In addition to the penalty in subsection (1), for persons responsible for two or more discharges within a 12-month period at the same facility, the statute provides the following penalties:</td>
<td>In addition to the penalty in subsection (1), for persons responsible for two or more discharges within a 12-month period at the same facility, the statute provides the following penalties:</td>
</tr>
<tr>
<td>(2), (3), (7), and (8), F.S.</td>
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<td>• Gasoline/diesel over 5 gallons - a civil penalty of $500 for the second discharge and $1,000 for each subsequent discharge within a 12-month period.</td>
<td>• Gasoline/diesel over 5 gallons - a civil penalty of $750 for the second discharge and $1,500 for each subsequent discharge within a 12-month period.</td>
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<td>• Other pollutants - a civil penalty of $2,500 for the second discharge and $5,000 for each subsequent discharge within a 12-month period.</td>
<td>• Other pollutants - a civil penalty of $3,750 for the second discharge and $7,500 for each subsequent discharge within a 12-month period.</td>
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<td>For persons responsible for two or more discharges within a 12-month period at the same facility,</td>
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<td>the statute provides the following penalties:</td>
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<td>• Gasoline/diesel equal to or less than 5 gallons - a civil penalty of $50 for each discharge subseque...</td>
<td>• Gasoline/diesel equal to or less than 5 gallons - a civil penalty of $75 for each discharge subsequent to the first;</td>
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<td>• Other pollutants equal to or less than 5 gallons - a civil penalty of $100 for each discharge subseq...</td>
<td>• Other pollutants equal to or less than 5 gallons - a civil penalty of $150 for each discharge subsequent to the first.</td>
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<td>Authorizes the county court to impose the following civil penalties if the commission of an infraction is proved: up to $500 for the second discharge of gasoline/diesel and up to $1,000 for each subsequent discharge of gasoline/diesel within a 12-month period; up to $5,000 for the second discharge of other pollutants and up to $10,000 for each subsequent discharge within a 12-month period.</td>
<td>Authorizes the county court to impose the following civil penalties if the commission of an infraction is proved: up to $750 for the second discharge of gasoline/diesel and up to $1,500 for each subsequent discharge of gasoline/diesel within a 12-month period; up to $7,500 for the second discharge of other pollutants and up to $15,000 for each subsequent discharge within a 12-month period.</td>
</tr>
<tr>
<td>376.25 (6)(a), F.S.</td>
<td>Violating a statute regarding gambling vessels</td>
<td>A civil penalty of not more than $50,000 for each violation.</td>
<td>A civil penalty of not more than $75,000 for each violation.</td>
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<td></td>
<td>Until a violation is resolved by order or judgment, each day during any portion of which a violation occurs or is not remediated constitutes a separate offense.</td>
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<tr>
<td>377.37 (1)(a), F.S.</td>
<td>Violating statutory provisions, rules, orders or permits regarding oil and gas resources</td>
<td>A civil penalty of not more than $10,000 for each offense.</td>
<td>A civil penalty of not more than $15,000 for each offense.</td>
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<td>Each day during any portion of which a violation occurs constitutes a separate offense.</td>
<td>Until a violation is resolved by order or judgment, each day during any portion of which a violation occurs or is not remediated constitutes a separate offense.</td>
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<tr>
<td>378.211(2), F.S.</td>
<td>Violating statutes, rules, or orders regarding land reclamation</td>
<td>A civil penalty of $100 per violation of a minor or technical nature; $1,000 per major violation by an operator on which a penalty has not been imposed during the 5 previous years; and $5,000 per major violation not otherwise covered. Each day or any portion thereof in which a violation continues constitutes a separate violation.(^{37})</td>
<td>A civil penalty of $150 per violation of a minor or technical nature; $1,500 per major violation by an operator on which a penalty has not been imposed during the 5 previous years; and $7,500 per major violation not otherwise covered. Until a violation is resolved by order or judgment, each day or any portion thereof in which a violation continues or is not remediated constitutes a separate violation.</td>
</tr>
<tr>
<td>403.086(2), F.S.</td>
<td>Violating orders regarding sanitary sewage disposal</td>
<td>A civil penalty of $500 for each 24-hour day or fraction thereof that the failure is allowed to continue.</td>
<td>A civil penalty of $750 for each 24-hour day or fraction thereof that the failure is allowed to continue.</td>
</tr>
<tr>
<td>403.121(1)(b), F.S.</td>
<td>Violating ch. 403, F.S., regarding environmental control</td>
<td>For judicial remedies - authorizes DEP to judicially pursue and recover a civil penalty of not more than $10,000 per offense. Each day during any portion of which a violation occurs constitutes a separate offense.</td>
<td>For judicial remedies - authorizes DEP to judicially pursue and recover a civil penalty of not more than $15,000 per offense. Until a violation is resolved by order or judgment, each day during any portion of which a violation occurs or is not remediated constitutes a separate offense.</td>
</tr>
<tr>
<td>403.121(2)(b) and (g) F.S.</td>
<td>Violating ch. 403, F.S., regarding environmental control</td>
<td>For administrative remedies - (except for violations involving hazardous wastes, asbestos, or underground injection) DEP must proceed administratively when seeking administrative penalties not exceeding $10,000 per assessment.</td>
<td>For administrative remedies - (except for violations involving hazardous wastes, asbestos, or underground injection) DEP must proceed administratively when seeking administrative penalties not exceeding $50,000 per assessment.</td>
</tr>
</tbody>
</table>

\(^{37}\) Section 378.211(4), F.S. These civil penalties do not begin to accrue until the expiration of a specified time for initiating corrective action, set forth in a written notice of violation issued by DEP.
<table>
<thead>
<tr>
<th>Florida Statutes</th>
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</thead>
<tbody>
<tr>
<td>403.121(3)(a), F.S.</td>
<td>Administrative penalty schedule: violations regarding drinking water contamination</td>
<td>DEP may not impose penalties in excess of $10,000 in a notice of violation.</td>
<td>DEP may not impose penalties in excess of $50,000 in a notice of violation.</td>
</tr>
<tr>
<td></td>
<td>DEP retains the authority to judicially pursue penalties in excess of $10,000 for violations not included in the penalty schedule, or for multiple or multiday violations alleged to exceed a total of $10,000.</td>
<td>DEP retains the authority to judicially pursue penalties in excess of $50,000 for violations not included in the penalty schedule, or for multiple or multiday violations alleged to exceed a total of $50,000.</td>
<td>Any case filed in state court because it is alleged to exceed a total of $10,000 in penalties may be settled in the court action for less than $10,000.</td>
</tr>
<tr>
<td></td>
<td>Any case filed in state court because it is alleged to exceed a total of $10,000 in penalties may be settled in the court action for less than $10,000.</td>
<td>$2,000 for a Maximum Containment Level violation; plus $1,000 for a primary, inorganic, organic, or radiological Maximum Contaminant Level or fecal coliform bacteria violation; plus $1,000 if the violation occurs at a community water system; plus $1,000 if any Maximum Contaminant Level is exceeded by more than 100 percent.</td>
<td>$3,000 for a Maximum Containment Level violation; plus $1,500 for a primary, inorganic, organic, or radiological Maximum Contaminant Level or fecal coliform bacteria violation; plus $1,500 if the violation occurs at a community water system; plus $1,500 if any Maximum Contaminant Level is exceeded by more than 100 percent.</td>
</tr>
<tr>
<td></td>
<td>$3,000 for failure to obtain a clearance letter before placing an ineligible drinking water system into service.</td>
<td>$1,000 for failure to obtain a required wastewater permit (other than a permit for surface water discharge).</td>
<td>$4,500 for failure to obtain a clearance letter before placing an ineligible drinking water system into service.</td>
</tr>
<tr>
<td>403.121(3)(b), F.S.</td>
<td>Administrative penalty schedule: violations regarding wastewater</td>
<td>$2,000 for an unlawful discharge or exceedance resulting in a domestic or industrial wastewater violation (not involving a surface)</td>
<td>$1,500 for failure to obtain a required wastewater permit (other than a permit for surface water discharge).</td>
</tr>
<tr>
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<td>$3,000 for an unlawful discharge or exceedance resulting in a domestic or industrial wastewater violation (not involving a surface)</td>
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</table>

38 Section 403.121(3), F.S. The administrative penalties in this subsection do not apply to hazardous waste, asbestos, or underground injection.
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>403.121(3)(c), F.S.</td>
<td>Administrative penalty schedule: violations regarding dredge and fill or stormwater</td>
<td>$1,000 for an unlawful dredging, filling, or construction of a stormwater management system; plus $2,000 if the dredging or filling occurs in an aquatic preserve, an Outstanding Florida water, a conservation easement, or a Class I or Class II surface water; plus $1,000 if the area dredged or filled is greater than .25 acres but less than or equal to .5 acres; plus $1,000 if the area dredged or filled is greater than .5 acres but less than or equal to 1 acre.</td>
<td>$1,500 for an unlawful dredging, filling, or construction of a stormwater management system; plus $3,000 if the dredging or filling occurs in an aquatic preserve, an Outstanding Florida water, a conservation easement, or a Class I or Class II surface water; plus $1,500 if the area dredged or filled is greater than .25 acres but less than or equal to .5 acres; plus $1,500 if the area dredged or filled is greater than .5 acres but less than or equal to 1 acre.</td>
</tr>
<tr>
<td></td>
<td>Administrative penalty schedule: violations regarding dredge and fill or stormwater</td>
<td>$3,000 for failure to complete required mitigation, record a required conservation easement, or for a water quality violation resulting from dredging and filling activities, stormwater construction activities or failure of a stormwater treatment facility.</td>
<td>$4,500 for failure to complete required mitigation, record a required conservation easement, or for a water quality violation resulting from dredging and filling activities, stormwater construction activities or failure of a stormwater treatment facility.</td>
</tr>
<tr>
<td></td>
<td>Administrative penalty schedule: violations regarding dredge and fill or stormwater</td>
<td>$2,000 (stormwater systems serving less than 5 acres) for failure to properly or timely construct a stormwater treatment system.</td>
<td>$3,000 (stormwater systems serving less than 5 acres) for failure to properly or timely construct a stormwater treatment system.</td>
</tr>
<tr>
<td></td>
<td>Administrative penalty schedule: violations regarding dredge and fill or stormwater</td>
<td>$5,000 per violation, in addition to the above penalties, for conducting unlawful dredging or filling.</td>
<td>$7,500 per violation, in addition to the above penalties, for conducting unlawful dredging or filling.</td>
</tr>
<tr>
<td>403.121(3)(d), F.S.</td>
<td>Administrative penalty schedule: violations regarding dredge and fill or stormwater</td>
<td>$5,000 per violation for conducting mangrove trimming or alterations without a permit.</td>
<td>$7,500 per violation for conducting mangrove trimming or alterations without a permit.</td>
</tr>
<tr>
<td>Florida Statutes</td>
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</tr>
<tr>
<td>403.121 (3)(e), F.S.</td>
<td>Administrative penalty schedule: violations regarding solid waste</td>
<td>$2,000 for unlawful disposal or storage of solid waste; plus $1,000 for Class I or III or construction and demolition debris in excess of 20 cubic yards; plus $1,000 if the waste is disposed of or stored in a waterbody or within 500 feet of a potable water well; plus $1,000 if the waste contains certain amounts of PCB, untreated biomedical waste, friable asbestos, used oil, or lead acid batteries.</td>
<td>$3,000 for unlawful disposal or storage of solid waste; plus $1,000 for Class I or III or construction and demolition debris in excess of 20 cubic yards; plus $1,500 if the waste is disposed of or stored in a waterbody or within 500 feet of a potable water well; plus $1,500 if the waste contains certain amounts of PCB, untreated biomedical waste, friable asbestos, used oil, or lead acid batteries.</td>
</tr>
<tr>
<td></td>
<td>$3,000 for failure to maintain leachate control, unauthorized burning, failure to have a trained spotter on duty, or failure to provide access control for three consecutive inspections.</td>
<td></td>
<td>$4,500 for failure to maintain leachate control, unauthorized burning, failure to have a trained spotter on duty, or failure to provide access control for three consecutive inspections.</td>
</tr>
<tr>
<td></td>
<td>$2,000 for failure to construct or maintain a required stormwater management system.</td>
<td></td>
<td>$3,000 for failure to construct or maintain a required stormwater management system.</td>
</tr>
<tr>
<td>403.121 (3)(f), F.S.</td>
<td>Administrative penalty schedule: violations regarding air emissions</td>
<td>$1,000 for an unlawful air emission or exceedance; plus $3,000 for emissions from the major source of the violating pollutant; plus $1,000 if over 150% of the allowable level.</td>
<td>$1,500 for an unlawful air emission or exceedance; plus $4,500 for emissions from the major source of the violating pollutant; plus $1,500 if over 150% of the allowable level.</td>
</tr>
<tr>
<td>403.121 (3)(g), F.S.</td>
<td>Administrative penalty schedule: violations regarding storage tank system and petroleum contamination</td>
<td>$5,000 for failure to empty a damaged storage system as necessary to ensure a release does not occur until repairs are completed, when a release has occurred, failure to timely recover free product, or failure to conduct remediation or monitoring activities until a no-further-action</td>
<td>$7,500 for failure to empty a damaged storage system as necessary to ensure a release does not occur until repairs are completed, when a release has occurred, failure to timely recover free product, or failure to conduct remediation or monitoring activities until a no-further-action</td>
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| 403.121 (4), F.S. | Violating ch. 403, F.S., regarding environmental control | In administrative proceedings, in addition to penalties assessed under subsection (3):  
- $5,000 for failure to satisfy financial responsibility requirements or for oil and gas pollution violations.  
- $4,000 for failure to install, maintain, or use a required pollution control system or device.  
- $3,000 for failure to obtain a required permit before construction or modification.  
- $2,000 for failure to conduct required monitoring or testing, conduct required release detection, or construct in compliance with a permit.  
- $1,000 for failure to maintain required staff to respond to emergencies, failure to conduct required training, failure to | In administrative proceedings, in addition to penalties assessed under subsection (3):  
- $7,500 for failure to satisfy financial responsibility requirements or for oil and gas pollution violations.  
- $6,000 for failure to install, maintain, or use a required pollution control system or device.  
- $4,500 for failure to obtain a required permit before construction or modification.  
- $3,000 for failure to conduct required monitoring or testing, conduct required release detection, or construct in compliance with a permit.  
- $1,500 for failure to maintain required staff to respond to emergencies, failure to conduct required training, failure to |
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</table>
| 403.121 (5), (7), (8), and (9), F.S. | Violating ch. 403, F.S., regarding environmental control | A penalty of $500 for failure to comply with any other department regulatory statute or rule. A violator’s history of noncompliance for any previous violation found in an executed consent order finding violation, or resulting in a final order or judgment involving the imposition of $2,000 must be taken into consideration in a manner specified in statute. The total administrative penalty, including direct economic benefit gained by the violator that is added to the scheduled administrative penalty, may not exceed $10,000. The administrative penalties for a particular violation that are assessed against any one violator may not exceed $5,000, unless there is a history of noncompliance, the economic benefit exceeds $5,000, or there are multiday violations. Total administrative penalties may not exceed $10,000 per assessment for all violations attributable to a

 prepare, maintain, or update required contingency plans, failure to adequately respond to emergencies to bring an emergency situation under control, or failure to submit required notification to DEP. • $500 for failure to prepare, submit, maintain, or use required reports or documentation. | prepare, maintain, or update required contingency plans, failure to adequately respond to emergencies to bring an emergency situation under control, or failure to submit required notification to DEP. • $750 for failure to prepare, submit, maintain, or use required reports or documentation. | A penalty of $1,000 for failure to comply with any other department regulatory statute or rule. A violator’s history of noncompliance for any previous violation found in an executed consent order finding violation, or resulting in a final order or judgment involving the imposition of $3,000 must be taken into consideration in a manner specified in statute. The total administrative penalty, including direct economic benefit gained by the violator that is added to the scheduled administrative penalty, may not exceed $15,000. The administrative penalties for a particular violation that are assessed against any one violator may not exceed $7,500, unless there is a history of noncompliance, the economic benefit exceeds $7,500, or there are multiday violations. Total administrative penalties may not exceed $50,000 per assessment for all violations attributable to a |
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<tr>
<td>403.141 (1), F.S.</td>
<td>Violating ch. 403, F.S., regarding environmental control, by committing prohibited acts</td>
<td>A civil penalty for each offense in an amount not to exceed $10,000. Each day during any portion of which a violation occurs constitutes a separate offense.</td>
<td>A civil penalty for each offense in an amount not to exceed $15,000. Until a violation is resolved by order or judgment, each day during any portion of which a violation occurs or is not remediated constitutes a separate offense.</td>
</tr>
<tr>
<td>403.161 (3) and (5), F.S.</td>
<td>Violating ch. 403, F.S., regarding environmental control, by willfully causing pollution</td>
<td>A fine of not more than $50,000 or imprisonment for five years, or both, for each offense. Each day during any portion of which a violation occurs constitutes a separate offense. A fine of not more than $10,000, 6 months in jail, or both for willfully committing the following violation: knowingly falsifying required documentation or falsifying, tampering with, or rendering inaccurate required monitoring devices or methods.</td>
<td>A fine of not more than $50,000 or imprisonment for five years, or both, for each offense. Until a violation is resolved by order or judgment, each day during any portion of which a violation occurs or is not remediated constitutes a separate offense.</td>
</tr>
<tr>
<td>403.161 (4), F.S.</td>
<td>Violating ch. 403, F.S., regarding environmental control, by committing prohibited acts specified in the statute</td>
<td>A violation causing pollution due to reckless indifference or gross careless disregard is punishable by a fine of not more than $5,000 or 60 days in jail, or both, for each offense.</td>
<td>A violation causing pollution; failure to obtain a permit required under Ch. 403, F.S., or rules; or violating any rule, order, permit or certification adopted or issued by DEP due to reckless indifference or gross careless disregard is punishable by a fine of not more than $10,000 or 60 days in jail, or both, for each offense.</td>
</tr>
<tr>
<td>403.413 (6)(a), F.S.</td>
<td>Dumping litter</td>
<td>A civil penalty of $100 for dumping litter (not for commercial purposes) not exceeding 15 pounds or 27 cubic feet.</td>
<td>A civil penalty of $150 for dumping litter (not for commercial purposes) not exceeding 15 pounds or 27 cubic feet.</td>
</tr>
<tr>
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<tr>
<td>403.7234 (5), F.S.</td>
<td>Violations involving small quantity generators</td>
<td>A fine of between $50 and $100 per day for a maximum of 100 days for a noncompliant small quantity generator.</td>
<td>A fine of between $75 and $150 per day for a maximum of 100 days for a noncompliant small quantity generator.</td>
</tr>
<tr>
<td>403.726 (3), F.S.</td>
<td>Violations regarding hazardous waste creating an imminent hazard</td>
<td>Authorizes DEP to institute action to abate an imminent hazard and may recover a civil penalty of not more than $25,000 for each day of continued violation.</td>
<td>Authorizes DEP to institute action to abate an imminent hazard and may recover a civil penalty of not more than $37,000 for each day until a violation is resolved by order or judgment.</td>
</tr>
<tr>
<td>403.727 (3)(a), F.S.</td>
<td>Violations regarding hazardous waste</td>
<td>A civil penalty of not more than $50,000 for each day of continued violation.</td>
<td>A civil penalty of not more than $75,000 for each day of continued violation or until a violation is resolved by order or judgment.</td>
</tr>
<tr>
<td>403.93345 (8)(a)-(c) and (g), F.S.</td>
<td>Civil penalty schedule: violating the Florida Coral Reef Protection Act</td>
<td>Damage to a coral reef less than or equal to 1 square meter: $150; additional $150 with aggravating circumstances; additional $150 if occurring within a state park or aquatic preserve.</td>
<td>Damage to a coral reef less than or equal to 1 square meter: $225; additional $225 with aggravating circumstances; additional $225 if occurring within a state park or aquatic preserve.</td>
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<td>Damage to a coral reef of more than 1 square meter but less than or equal to 10 square meters: $300 per square meter; additional $300 per square meter with aggravating circumstances; additional $300 per square meter if occurring within a state park or aquatic preserve.</td>
<td>Damage to a coral reef of more than 1 square meter but less than or equal to 10 square meters: $450 per square meter; additional $450 per square meter with aggravating circumstances; additional $450 per square meter if occurring within a state park or aquatic preserve.</td>
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<td>Damage exceeding an area of 10 square meters: $1,000 per square meter; additional $1,000 per square meter with aggravating circumstances; additional $1,000 per square meter if occurring within a state park or aquatic preserve.</td>
<td>Damage exceeding an area of 10 square meters: $1,500 per square meter; additional $1,500 per square meter with aggravating circumstances; additional $1,500 per square meter if occurring within a state park or aquatic preserve.</td>
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<td>The total penalties levied may not exceed $250,000 per occurrence.</td>
<td>The total penalties levied may not exceed $375,000 per occurrence.</td>
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</table>
Sections 22-26 reenact ss. 823.11(5); 403.077(5); 403.131(2); 403.4154(3)(d); 403.860(5); 403.708(10); 403.7191(7); 403.811; 403.7255(2); and 403.7186(8), F.S. This reenactment is done for the purpose of incorporating certain amendments made by the bill, as the reenacted provisions reference sections of law that are amended by the bill.

Section 27 states that the bill takes effect 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:

The vagueness doctrine was developed to ensure compliance with the Due Process Clause in the Fifth Amendment of the United States Constitution, and Florida’s Constitution includes a similar due process guarantee. The vagueness doctrine provides that a statute must give the person of ordinary intelligence a reasonable opportunity to know what is prohibited, and it must provide explicit standards for those who apply them to avoid arbitrary and discriminatory enforcement. A statute is void for vagueness when, because of its imprecision, it fails to give an adequate notice of what conduct is prohibited. Thus, it invites arbitrary and discriminatory enforcement. A statute is not void for vagueness if the language conveys a sufficiently definite warning as to the proscribed conduct when measured by common understanding and practices. However, the Supreme Court has indicated that a statute giving fair notice of the prohibited conduct can still be void for vagueness if it lends itself to arbitrary enforcement. The need for definiteness is even greater when a law imposes criminal penalties on individual behavior or implicates constitutionally protected rights.

39 Simmons v. State, 944 So.2d 317, 324 (Fla. 2006).
40 Florida Ass’n of Professional Lobbyists, Inc. v. Div. of Legislative Info. Services of the Florida Office of Legislative Services, 525 F.3d 1073, 1078 (11th Cir. 2008) (quoting Grayned v. City of Rockford, 408 U.S. 104, 108 (1972)).
41 Sult v. State, 906 So.2d 1013, 1020 (Fla. 2005).
42 Id.
43 Simmons, 944 at 324.
45 Simmons, 944 at 324.
In several places in the bill, a penalty standard is revised or added such that “until a violation is resolved by order or judgment, each day during any portion of which a violation occurs or is not remediated constitutes a separate offense.” In such instances, the meaning of the word “remediated” is crucial for determining the number of separate offenses. This term is undefined in the statutes amended by the bill. This condition is applied to criminal penalties in addition to administrative and civil penalties.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill increases numerous penalties for violations of environmental laws. In some instances, the bill also expands the potential time period when each passing day may constitute a separate offense. Overall, the bill increases the penalties that the private sector must pay for violations of environmental laws.

C. Government Sector Impact:

The bill increases the amounts of numerous penalties. If imposed, the funds from such penalties would increase revenue to the state. Therefore, the bill may have a positive, indeterminate impact on the government sector.

VI. Technical Deficiencies:

None.

VII. Related Issues:

In sections of the bill containing “[u]ntil a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense,” or similar language, a definition for the word “remediated” is recommended.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 161.054, 258.397, 258.46, 373.129, 373.209, 373.430, 376.065, 376.071, 376.16, 376.25, 377.37, 378.211, 403.086, 403.121, 403.141, 403.161, 403.413, 403.7234, 403.726, 403.727, 403.93345.

This bill reenacts parts or all of the following sections of the Florida Statutes: 823.11, 403.077, 403.131, 403.4154, 403.860, 403.708, 403.7191, 403.811, 403.7255, 403.7186.
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 27, 2020:**
   - Removes the “willfully” standard of intent from applying to criminal penalties in two sections of Florida’s environmental statutes. The penalties apply to violations of knowingly falsifying documents or tampering with required monitoring. DEP’s authority to seek criminal fines for such falsification or tampering is required by the federal regulations for state assumption of the 404 dredge and fill program. Applying a “willfully” standard to the penalties is not consistent with the federal regulations, so the bill removes the standard.
   - Revises the title of the bill to more accurately describe the contents of the bill.

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.
A bill to be entitled
An act relating to environmental enforcement; amending
s. 161.054, F.S.; revising administrative penalties
for violations of certain provisions relating to beach
and shore construction and activities; providing that
each day that certain violations occur or are not
remediated constitutes a separate offense until such
violations are resolved by order or judgment; making
technical changes; amending ss. 258.397, 258.46,
373.129, 376.16, 376.25, 377.37, 378.211, and 403.141,
F.S.; revising civil penalties for violations of
certain provisions relating to the Biscayne Bay
Aquatic Preserve, aquatic preserves, water resources,
the Pollutant Discharge Prevention and Control Act,
the Clean Ocean Act, regulation of oil and gas
resources, the Phosphate Land Reclamation Act, and
other provisions relating to pollution and the
environment, respectively; providing that each day
that certain violations occur or are not remediated
constitutes a separate offense until such violations
are resolved by order or judgment; making technical
changes; amending ss. 373.209, 376.065, 376.071,
403.086, 403.413, 403.7234, and 403.93345, F.S.;
revising civil penalties for violations of certain
provisions relating to artesian wells, terminal
facilities, discharge contingency plans for vessels, sewage disposal facilities, dumping litter, small quantity generators, and coral reef protection, respectively; making technical changes; amending ss. 373.430 and 403.161, F.S.; revising criminal penalties for violations of certain provisions relating to pollution and the environment; making technical changes; amending s. 403.121, F.S.; revising civil and administrative penalties for violations of certain provisions relating to pollution and the environment; providing that each day that certain violations occur or are not remediated constitutes a separate offense until such violations are resolved by order or judgment; increasing the amount of penalties that can be assessed administratively; making technical changes; amending ss. 403.726 and 403.727, F.S.; revising civil penalties for violations of certain provisions relating to hazardous waste for each day that certain violations occur and are not resolved by order or judgment; making technical changes; reenacting s. 823.11(5), F.S., to incorporate the amendment made to s. 376.16, F.S., in a reference thereto; reenacting ss. 403.077(5), 403.131(2), 403.4154(3)(d), and 403.860(5), F.S., to incorporate the amendment made to s. 403.121, F.S., in a reference thereto.
Be It Enacted by the Legislature of the State of Florida:

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

161.054 Administrative fines; liability for damage; liens.—

(1) In addition to the penalties provided for in ss. 161.052, 161.053, and 161.121, any person, firm, corporation, or governmental agency, or agent thereof, refusing to comply with or willfully violating any of the provisions of s. 161.041, s. 161.052, or s. 161.053, or any rule or order prescribed by the department thereunder, shall incur a fine for each offense in an amount up to $15,000 to be fixed, imposed, and collected by the department. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.
Section 2. Subsection (7) of section 258.397, Florida Statutes, is amended to read:

258.397  Biscayne Bay Aquatic Preserve.—

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

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

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

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

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

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

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

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

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

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

373.209 Artesian wells; penalties for violation.—

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

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

(b) A civil penalty of $150 $100 a day for each and every day of such violation and for each and every act of violation.
The civil penalty may be recovered by the water management board of the water management district in which the well is located or by the department in a suit in a court of competent jurisdiction in the county where the defendant resides, in the county of residence of any defendant if there is more than one defendant, or in the county where the violation took place. The place of suit shall be selected by the board or department, and the suit, by direction of the board or department, shall be instituted and conducted in the name of the board or department by appropriate counsel. The payment of any such damages does not impair or abridge any cause of action which any person may have against the person violating any provision of this section.

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

373.430 Prohibitions, violation, penalty, intent.—
(2) A person who commits a violation specified in subsection (1) is liable for any damage caused and for civil penalties as provided in s. 373.129.
(3) Any person who willfully commits a violation specified in paragraph (1)(a) commits is guilty of a felony of the third degree, punishable as provided in ss. 775.082(3)(e) and 775.083(1)(g), by a fine of not more than $50,000 or by imprisonment for 5 years, or by both, for each offense. Each day during any portion of which such violation occurs constitutes a separate offense.
(4) Any person who commits a violation specified in paragraph (1)(a) or paragraph (1)(b) due to reckless indifference or gross careless disregard commits is guilty of a misdemeanor of the second degree, punishable as provided in ss. 775.082(4)(b) and 775.083(1)(g), by a fine of not more than $10,000 or 60 days in jail, or by both, for each offense.

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

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

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

(5)(a) A person who violates this section or the terms and requirements of such certification commits a noncriminal infraction. The civil penalty for any such infraction shall be $750, except as otherwise provided in this section.

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

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

376.071 Discharge contingency plan for vessels.—

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

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

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

376.16 Enforcement and penalties.—

(1) It is unlawful for any person to violate any provision of ss. 376.011-376.21 or any rule or order of the department made pursuant to this act. A violation shall be punishable by a civil penalty of up to $75,000 $50,000 per violation per day to be assessed by the department. Until a violation is resolved by order or judgment, each day during any portion of which the violation occurs or is not remediated constitutes a separate offense. The penalty provisions of this subsection shall not...
apply to any discharge promptly reported and removed by a person
responsible, in accordance with the rules and orders of the
department, or to any discharge of pollutants equal to or less
than 5 gallons.
(2) In addition to the penalty provisions which may apply
under subsection (1), a person responsible for two or more
discharges of any pollutant reported pursuant to s. 376.12
within a 12-month period at the same facility commits a
noncriminal infraction and shall be cited by the department for
such infraction.
(a) For discharges of gasoline or diesel over 5 gallons,
the civil penalty for the second discharge shall be $750 and the civil penalty for each subsequent discharge within a 12-
month period shall be $1,500, except as otherwise
provided in this section.
(b) For discharges of any pollutant other than gasoline or
diesel, the civil penalty for a second discharge shall be $3,750
$2,500 and the civil penalty for each subsequent discharge
within a 12-month period shall be $7,500 $5,000, except as
otherwise provided in this section.
(3) A person responsible for two or more discharges of any
pollutant reported pursuant to s. 376.12 within a 12-month
period at the same facility commits a noncriminal infraction and
shall be cited by the department for such infraction.
(a) For discharges of gasoline or diesel equal to or less
than 5 gallons, the civil penalty shall be $75 $50 for each discharge subsequent to the first.

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

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

(a) Pay the civil penalty;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) PENALTIES.—

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

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

377.37 Penalties.—

(1)(a) Any person who violates any provision of this law or any rule, regulation, or order of the division made under this chapter or who violates the terms of any permit to drill for or produce oil, gas, or other petroleum products referred to in s. 377.242(1) or to store gas in a natural gas storage facility, or any lessee, permitholder, or operator of equipment or facilities used in the exploration for, drilling for, or production of oil, gas, or other petroleum products, or storage of gas in a natural gas storage facility, who refuses inspection by the division as provided in this chapter, is liable to the state for any damage caused to the air, waters, or property, including animal, plant, or aquatic life, of the state and for reasonable costs and expenses of the state in tracing the source of the discharge, in controlling and abating the source and the pollutants, and in restoring the air, waters, and property, including animal, plant, and aquatic life, of the state. Furthermore, such person, lessee, permitholder, or operator is subject to the judicial imposition of a civil penalty in an
amount of not more than $15,000 \underline{$10,000}$ for each offense. However, the court may receive evidence in mitigation. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense. This section does not Nothing herein shall give the department the right to bring an action on behalf of any private person.

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

378.211 Violations; damages; penalties.—

(2) The department may institute a civil action in a court of competent jurisdiction to impose and recover a civil penalty for violation of this part or of any rule adopted or order issued pursuant to this part. The penalty \underline{may} \underline{shall} not exceed the following amounts, and the court shall consider evidence in mitigation:

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

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

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

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

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

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

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

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

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

(1) Judicial remedies:

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

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

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

(2) Administrative remedies:

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

(b) If the department has reason to believe a violation
has occurred, it may institute an administrative proceeding to order the prevention, abatement, or control of the conditions creating the violation or other appropriate corrective action.

Except for violations involving hazardous wastes, asbestos, or underground injection, the department shall proceed administratively in all cases in which the department seeks administrative penalties that do not exceed $50,000 per assessment as calculated in accordance with subsections (3), (4), (5), (6), and (7). Pursuant to 42 U.S.C. s. 300g-2, the administrative penalty assessed pursuant to subsection (3), subsection (4), or subsection (5) against a public water system serving a population of more than 10,000 shall be not less than $1,000 per day per violation. The department may not impose administrative penalties in excess of $50,000 in a notice of violation. The department may not have more than one notice of violation seeking administrative penalties pending against the same party at the same time unless the violations occurred at a different site or the violations were discovered by the department subsequent to the filing of a previous notice of violation.

(c) An administrative proceeding shall be instituted by the department's serving of a written notice of violation upon the alleged violator by certified mail. If the department is unable to effect service by certified mail, the notice of violation may be hand delivered or personally served in.
accordance with chapter 48. The notice shall specify the provision of the law, rule, regulation, permit, certification, or order of the department alleged to be violated and the facts alleged to constitute a violation thereof. An order for corrective action, penalty assessment, or damages may be included with the notice. When the department is seeking to impose an administrative penalty for any violation by issuing a notice of violation, any corrective action needed to correct the violation or damages caused by the violation must be pursued in the notice of violation or they are waived. However, an order is not shall become effective until after service and an administrative hearing, if requested within 20 days after service. Failure to request an administrative hearing within this time period constitutes shall constitute a waiver thereof, unless the respondent files a written notice with the department within this time period opting out of the administrative process initiated by the department to impose administrative penalties. Any respondent choosing to opt out of the administrative process initiated by the department in an action that seeks the imposition of administrative penalties must file a written notice with the department within 20 days after service of the notice of violation opting out of the administrative process. A respondent's decision to opt out of the administrative process does not preclude the department from initiating a state court action seeking injunctive relief, damages, and the judicial

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CODING: Words stricken are deletions; words underlined are additions.
imposition of civil penalties.

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

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

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

(g) Nothing herein shall be construed as preventing any other legal or administrative action in accordance with law. Nothing in this subsection shall limit the department's authority provided in ss. 403.131, 403.141, and this section to judicially pursue injunctive relief. When the department exercises its authority to judicially pursue injunctive relief, penalties in any amount up to the statutory maximum sought by the department must be pursued as part of the state court action and not by initiating a separate administrative proceeding. The department retains the authority to judicially pursue penalties in excess of $50,000 $10,000 for violations not specifically included in the administrative penalty schedule, or for multiple or multiday violations alleged to exceed a total of $50,000 $10,000. The department also retains the authority provided in ss. 403.131, 403.141, and this section to judicially pursue injunctive relief and damages, if a notice of violation seeking the imposition of administrative penalties has not been issued. The department has the authority to enter into a settlement, either before or after initiating a notice of violation, and the settlement may include a penalty amount different from the administrative penalty schedule. Any case filed in state court because it is alleged to exceed a total of $50,000 $10,000 in penalties may be settled in the court action for less than $50,000 $10,000.
(h) Chapter 120 applies to any administrative action taken by the department or any delegated program pursuing administrative penalties in accordance with this section.

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

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

(b) For failure to obtain a required wastewater permit, other than a permit required for surface water discharge, the department shall assess a penalty of $1,500 $1,000. For a domestic or industrial wastewater violation not involving a surface water or groundwater quality violation, the department shall assess a penalty of $3,000 $2,000 for an unpermitted or unauthorized discharge or effluent-limitation exceedance. For an
unpermitted or unauthorized discharge or effluent-limitation exceedance that resulted in a surface water or groundwater quality violation, the department shall assess a penalty of $7,500 $5,000.

(c) For a dredge and fill or stormwater violation, the department shall assess a penalty of $1,500 $1,000 for unpermitted or unauthorized dredging or filling or unauthorized construction of a stormwater management system against the person or persons responsible for the illegal dredging or filling, or unauthorized construction of a stormwater management system plus $3,000 $2,000 if the dredging or filling occurs in an aquatic preserve, an Outstanding Florida Water, a conservation easement, or a Class I or Class II surface water, plus $1,500 $1,000 if the area dredged or filled is greater than one-quarter acre but less than or equal to one-half acre, and plus $1,500 $1,000 if the area dredged or filled is greater than one-half acre but less than or equal to one acre. The administrative penalty schedule does shall not apply to a dredge and fill violation if the area dredged or filled exceeds one acre. The department retains the authority to seek the judicial imposition of civil penalties for all dredge and fill violations involving more than one acre. The department shall assess a penalty of $4,500 $3,000 for the failure to complete required mitigation, failure to record a required conservation easement, or for a water quality violation resulting from dredging or...
filling activities, stormwater construction activities or
failure of a stormwater treatment facility. For stormwater
management systems serving less than 5 acres, the department
shall assess a penalty of $3,000 $2,000 for the failure to
properly or timely construct a stormwater management system. In
addition to the penalties authorized in this subsection, the
department shall assess a penalty of $7,500 $5,000 per violation
against the contractor or agent of the owner or tenant that
conducts unpermitted or unauthorized dredging or filling. For
purposes of this paragraph, the preparation or signing of a
permit application by a person currently licensed under chapter
471 to practice as a professional engineer does shall not make
that person an agent of the owner or tenant.
(d) For mangrove trimming or alteration violations, the
department shall assess a penalty of $7,500 $5,000 per violation
against the contractor or agent of the owner or tenant that
conducts mangrove trimming or alteration without a permit as
required by s. 403.9328. For purposes of this paragraph, the
preparation or signing of a permit application by a person
currently licensed under chapter 471 to practice as a
professional engineer does shall not make that person an agent
of the owner or tenant.
(e) For solid waste violations, the department shall
assess a penalty of $3,000 $2,000 for the unpermitted or
unauthorized disposal or storage of solid waste; plus $1,000 if
the solid waste is Class I or Class III (excluding yard trash) or if the solid waste is construction and demolition debris in excess of 20 cubic yards, plus $1,500 $1,000 if the waste is disposed of or stored in any natural or artificial body of water or within 500 feet of a potable water well, plus $1,500 $1,000 if the waste contains PCB at a concentration of 50 parts per million or greater; untreated biomedical waste; friable asbestos greater than 1 cubic meter which is not wetted, bagged, and covered; used oil greater than 25 gallons; or 10 or more lead acid batteries. The department shall assess a penalty of $4,500 $3,000 for failure to properly maintain leachate control; unauthorized burning; failure to have a trained spotter on duty at the working face when accepting waste; or failure to provide access control for three consecutive inspections. The department shall assess a penalty of $3,000 $2,000 for failure to construct or maintain a required stormwater management system.

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

(g) For storage tank system and petroleum contamination...
violations, the department shall assess a penalty of $7,500
for failure to empty a damaged storage system as
necessary to ensure that a release does not occur until repairs
to the storage system are completed; when a release has occurred
from that storage tank system; for failure to timely recover
free product; or for failure to conduct remediation or
monitoring activities until a no-further-action or site-
rehabilitation completion order has been issued. The department
shall assess a penalty of $4,500 $3,000 for failure to timely
upgrade a storage tank system. The department shall assess a
penalty of $3,000 $2,000 for failure to conduct or maintain
required release detection; failure to timely investigate a
suspected release from a storage system; depositing motor fuel
into an unregistered storage tank system; failure to timely
assess or remediate petroleum contamination; or failure to
properly install a storage tank system. The department shall
assess a penalty of $1,500 $1,000 for failure to properly
operate, maintain, or close a storage tank system.

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

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

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

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

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

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

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

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

(6) For each additional day during which a violation occurs, the administrative penalties in subsections subsection (3), subsection (4), and subsection (5) may be assessed per day per violation.
(7) The history of noncompliance of the violator for any previous violation resulting in an executed consent order, but not including a consent order entered into without a finding of violation, or resulting in a final order or judgment after the effective date of this law involving the imposition of $3,000 or more in penalties shall be taken into consideration in the following manner:

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

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

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

(8) The direct economic benefit gained by the violator from the violation, where consideration of economic benefit is provided by Florida law or required by federal law as part of a federally delegated or approved program, shall be added to the scheduled administrative penalty. The total administrative penalty, including any economic benefit added to the scheduled penalty, shall be treated as the scheduled administrative penalty for purposes of this section.
administrative penalty, may shall not exceed $15,000 $10,000.

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

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

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

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

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

403.141 Civil liability; joint and several liability.—

(1) A person who commits a violation specified in s. 403.161(1) is liable to the state for any damage caused to the air, waters, or property, including animal, plant, or aquatic life, of the state and for reasonable costs and expenses of the state in tracing the source of the discharge, in controlling and abating the source and the pollutants, and in restoring the air, waters, and property, including animal, plant, and aquatic life, of the state to their former condition, and furthermore is subject to the judicial imposition of a civil
penalty for each offense in an amount of not more than $15,000
$10,000 per offense. However, the court may receive evidence in
mitigation. Until a violation is resolved by order or judgment,
each day during any portion of which such violation occurs or is
not remediated constitutes a separate offense. Nothing herein
give shall give the department the right to bring an action on
behalf of any private person.

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

403.161  Prohibitions, violation, penalty, intent.—
(2) A person who commits a violation specified in
subsection (1) is liable to the state for any damage caused and
for civil penalties as provided in s. 403.141.

(3) A person who willfully commits a violation
specified in paragraph (1)(a) commits is guilty of a felony of
the third degree, punishable as provided in ss. 775.082(3)(e)
and 775.083(1)(g) by a fine of not more than $50,000 or by
imprisonment for 5 years, or by both, for each offense. Each day
during any portion of which such violation occurs constitutes a
separate offense.

(4) A person who commits a violation specified in
paragraph (1)(a) or paragraph (1)(b) due to reckless
indifference or gross careless disregard commits is guilty of a
misdemeanor of the second degree, punishable as provided in ss.
775.082(4)(b) and 775.083(1)(g) by a fine of not more than
Any person who willfully commits a violation specified in paragraph (1)(b) or who commits a violation specified in paragraph (1)(c) commits is guilty of a misdemeanor of the first degree punishable as provided in ss. 775.082(4)(a) and 775.083(1)(g) by a fine of not more than $10,000 or by 6 months in jail, or by both for each offense.

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

403.413 Florida Litter Law.—

(6) PENALTIES; ENFORCEMENT.—

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

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

403.7234 Small quantity generator notification and verification program.—
(5) Any small quantity generator who does not comply with the requirements of subsection (4) and who has received a notification and survey in person or through one certified letter from the county is subject to a fine of between $75 and $150 per day for a maximum of 100 days. The county may collect such fines and deposit them in its general revenue fund. Fines collected by the county shall be used to carry out the notification and verification procedure established in this section. If there are excess funds after the notification and verification procedures have been completed, such funds shall be used for hazardous and solid waste management purposes only.

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

403.726  Abatement of imminent hazard caused by hazardous substance.—

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

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

403.727 Violations; defenses, penalties, and remedies.—

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

(a) Any person who violates the provisions of this act, the rules or orders of the department, or the conditions of a permit is liable to the state for any damages specified in s. 403.141 and for a civil penalty of not more than $75,000 for each day of continued violation or until a violation is resolved by order or judgment, except as otherwise provided herein. The department may revoke any permit issued to the violator. In any action by the department against a small hazardous waste generator for the improper disposal of hazardous wastes, a rebuttable presumption of improper disposal shall be created if the generator was notified pursuant to s. 403.7234; the generator shall then have the burden of proving that the disposal was proper. If the generator was not so notified, the burden of proving improper disposal shall be placed upon the department.
Section 21. Subsection (8) of section 403.93345, Florida Statutes, is amended to read:

403.93345 Coral reef protection.—

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

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

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

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

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

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

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

(g) The total of penalties levied may not exceed $375,000.

Section 22. For the purpose of incorporating the amendment made by this act to s. 376.16, Florida Statutes, in a reference thereto, subsection (5) of s. 823.11, Florida Statutes, is reenacted to read:

823.11 Derelict vessels; relocation or removal; penalty.—

(5) A person, firm, or corporation violating this section commits a misdemeanor of the first degree and shall be punished as provided by law. A conviction under this section does not bar the assessment and collection of the civil penalty provided in s. 376.16 for violation of s. 376.15. The court having jurisdiction over the criminal offense, notwithstanding any jurisdictional limitations on the amount in controversy, may order the imposition of such civil penalty in addition to any sentence imposed for the first criminal offense.

Section 23. For the purpose of incorporating the amendment made by this act to section 403.121, Florida Statutes, in a
reference thereto, subsection (5) of section 403.077, Florida
Statutes, is reenacted to read:

403.077 Public notification of pollution.—
(5) VIOLATIONS.—Failure to provide the notification
required by subsection (2) shall subject the owner or operator
to the civil penalties specified in s. 403.121.

Section 24. For the purpose of incorporating the amendment
made by this act to section 403.121, Florida Statutes, in a
reference thereto, subsection (2) of section 403.131, Florida
Statutes, is reenacted to read:

403.131 Injunctive relief, remedies.—
(2) All the judicial and administrative remedies to
recover damages and penalties in this section and s. 403.121 are
alternative and mutually exclusive.

Section 25. For the purpose of incorporating the amendment
made by this act to section 403.121, Florida Statutes, in a
reference thereto, paragraph (d) of subsection (3) of section
403.4154, Florida Statutes, is reenacted to read:

403.4154 Phosphogypsum management program.—
(3) ABATEMENT OF IMMINENT HAZARD.—
(d) If the department determines that the failure of an
owner or operator to comply with department rules requiring
demonstration of financial responsibility or that the physical
condition, maintenance, operation, or closure of a phosphogypsum
stack system poses an imminent hazard, the department shall
request access to the property on which such stack system is located from the owner or operator of the stack system for the purposes of taking action to abate or substantially reduce the imminent hazard. If the department, after reasonable effort, is unable to timely obtain the necessary access to abate or substantially reduce the imminent hazard, the department may institute action in its own name, using the procedures and remedies of s. 403.121 or s. 403.131, to abate or substantially reduce an imminent hazard. Whenever serious harm to human health, safety, or welfare, to the environment, or to private or public property may occur prior to completion of an administrative hearing or other formal proceeding that might be initiated to abate the risk of serious harm, the department may obtain from the court, ex parte, an injunction without paying filing and service fees prior to the filing and service of process.

Section 26. For the purpose of incorporating the amendment made by this act to section 403.121, Florida Statutes, in a reference thereto, subsection (5) of section 403.860, Florida Statutes, is reenacted to read:

403.860 Penalties and remedies.—
(5) In addition to any judicial or administrative remedy authorized by this part, the department or a county health department that has received approval by the department pursuant to s. 403.862(1)(c) shall assess administrative penalties for
violations of this section in accordance with s. 403.121.

Section 27. For the purpose of incorporating the amendment made by this act to section 403.141, Florida Statutes, in a reference thereto, subsection (10) of section 403.708, Florida Statutes, is reenacted to read:

403.708 Prohibition; penalty.—

(10) Violations of this part or rules, regulations, permits, or orders issued thereunder by the department and violations of approved local programs of counties or municipalities or rules, regulations, or orders issued thereunder are punishable by a civil penalty as provided in s. 403.141.

Section 28. For the purpose of incorporating the amendment made by this act to section 403.141, Florida Statutes, in a reference thereto, subsection (7) of section 403.7191, Florida Statutes, is reenacted to read:

403.7191 Toxics in packaging.—

(7) ENFORCEMENT.—It is unlawful for any person to:

(a) Violate any provision of this section or any rule adopted or order issued thereunder by the department.

(b) Tender for sale to a purchaser any package, packaging component, or packaged product in violation of this section or any rule adopted or order issued thereunder.
(c) Furnish a certificate of compliance with respect to any package or packaging component which does not comply with the provisions of subsection (3).

(d) Provide a certificate of compliance that contains false information.

Violations shall be punishable by a civil penalty as provided in s. 403.141.

Section 29. For the purpose of incorporating the amendment made by this act to section 403.141, Florida Statutes, in a reference thereto, section 403.811, Florida Statutes, is reenacted to read:

403.811  Dredge and fill permits issued pursuant to this chapter and s. 373.414.—Permits or other orders addressing dredging and filling in, on, or over waters of the state issued pursuant to this chapter or s. 373.414(9) before the effective date of rules adopted under s. 373.414(9) and permits or other orders issued in accordance with s. 373.414(13), (14), (15), or (16) shall remain valid through the duration specified in the permit or order, unless revoked by the agency issuing the permit. The agency issuing the permit or other order may seek to enjoin the violation of, or to enforce compliance with, the permit or other order as provided in ss. 403.121, 403.131, 403.141, and 403.161. A violation of a permit or other order addressing dredging or filling issued pursuant to this chapter
is punishable by a civil penalty as provided in s. 403.141 or a criminal penalty as provided in s. 403.161.

Section 30. For the purpose of incorporating the amendments made by this act to sections 403.141 and 403.161, Florida Statutes, in references thereto, subsection (8) of section 403.7186, Florida Statutes, is reenacted to read:

403.7186 Environmentally sound management of mercury-containing devices and lamps.—

(8) CIVIL PENALTY.—A person who engages in any act or practice declared in this section to be prohibited or unlawful, or who violates any of the rules of the department promulgated under this section, is liable to the state for any damage caused and for civil penalties in accordance with s. 403.141. The provisions of s. 403.161 are not applicable to this section. The penalty may be waived if the person previously has taken appropriate corrective action to remedy the actual damages, if any, caused by the unlawful act or practice or rule violation. A civil penalty so collected shall accrue to the state and shall be deposited as received into the Solid Waste Management Trust Fund for the purposes specified in paragraph (5)(a).

Section 31. For the purpose of incorporating the amendment made by this act to section 403.161, Florida Statutes, in a reference thereto, subsection (2) of section 403.7255, Florida Statutes, is reenacted to read:

403.7255 Placement of signs.—
(2) Violations of this act are punishable as provided in s. 403.161(4).

Section 32. This act shall take effect July 1, 2020.
The Department of Environmental Protection (DEP) is Florida’s lead agency for environmental management and stewardship, implementing many programs to protect the state’s air, water, and land. In accordance with the state’s numerous environmental laws, DEP’s responsibilities include compliance and enforcement. Violations of Florida’s environmental laws can result in damages and administrative, civil, and/or criminal penalties. Several types of violations impose a penalty for each offense, with each day during which a violation occurs constituting a separate offense.

The bill increases various statutory penalties for violations of environmental laws. For violations that currently impose a penalty for each day during which a violation occurs, the bill specifies that each day the violation occurs or is not remediated constitutes a separate offense until the violation is resolved by order or judgment.

The bill may have a positive fiscal impact on state and local governments from increases in various statutory penalties for violations of environmental law.
FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Environmental Violations
The Department of Environmental Protection (DEP) is Florida’s lead agency for environmental management and stewardship, implementing many programs to protect the state’s air, water, and land. In accordance with the state’s numerous environmental laws, DEP’s responsibilities include compliance and enforcement. Violations of Florida’s environmental laws can result in damages and administrative, civil, and/or criminal penalties.

Damages
In environmental enforcement, damages should compensate the state for the value of the loss to natural resources caused by the violation. DEP may institute a civil action in court or an administrative proceeding in the Division of Administrative Hearings (DOAH) to recover damages for any injury to the air, waters, or property, including animal, plant, and aquatic life, of the state caused by any violation. Damages can cover the cost of remediating the damage done to the environment, and/or costs incurred by the state in responding to the damage, such as tracing the source, controlling and abating the source, and restoring the environmental resources to their former condition.

Penalties
In addition to damages, a violator can be liable for penalties. Penalties differ from damages in that they are designed to punish the wrongdoer rather than to address the harm caused by the violation. In environmental enforcement, penalties should create incentives to bring immediate compliance and curb future violations. In current law, several types of violations impose a penalty for each offense, with each day during which a violation occurs constituting a separate offense.

Administrative penalties can be levied directly by the agency or in a proceeding in DOAH. The formal administrative enforcement process is typically initiated by serving a notice of violation, and is finalized through entry of a consent order or final order. In most administrative proceedings, DEP has the final decision. An administrative law judge has the final decision for administrative proceedings involving the Environmental Litigation Reform Act (Reform Act), codified in s. 403.121, F.S., which is the primary statute addressing DEP’s administrative penalties. Compared to the judicial process, the administrative process is generally considered less expensive, faster, and more conducive to negotiated settlement. However, if DEP is seeking immediate injunctive relief, which compels a party to act or stop acting, an order must be obtained from a court.

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1 DEP, About DEP, available at https://floridadep.gov/about-dep (last visited Jan. 27, 2020); s. 20.255, F.S.
4 See s. 403.121, F.S.
5 See ss. 403.121 and 403.141, F.S.
6 See BLACK’S LAW DICTIONARY 1247 (9th ed. 2009).
8 See ch. 120, F.S. The administrative process is formalized in the Administrative Procedure Act.
10 Id.
11 Id. at 58-59, 66-70; ch. 2001-258, Laws of Fla.
13 Id. at 59-60.
DEP must proceed administratively when it seeks administrative penalties that do not exceed $10,000 per assessment, and DEP is prohibited from imposing administrative penalties in excess of $10,000 in a single notice of violation.\textsuperscript{14} DEP also may not have more than one notice of violation pending against a party unless the additional violation occurred at a different site or was discovered subsequent to the filing of a previous notice of violation.\textsuperscript{15}

Civil penalties are noncriminal fines that are generally levied by a court, but certain agencies are authorized to impose them under certain circumstances. The Reform Act allows DEP to seek civil penalties of up to $10,000 through the administrative process for most environmental violations.\textsuperscript{16}

In state court, DEP may pursue two forms of action: a petition to enforce an order previously entered through the administrative process, or a complaint for violations of statutes or rules.\textsuperscript{17} Under both actions, DEP may seek injunctive relief, civil penalties, damages, and costs and expenses.\textsuperscript{18} For judicially imposed civil penalties, DEP is authorized to recover up to $10,000 per offense, with each day during any portion of which a violation occurs constituting a separate offense.\textsuperscript{19}

A court or an administrative law judge may receive evidence in mitigation, which may result in the decrease or elimination of penalties.\textsuperscript{20}

Criminal penalties can include jail/prison time, a criminal fine, or both. Florida law imposes criminal penalties for certain violations of environmental law.\textsuperscript{21} Punishments for such violations may vary based on standards of intent, such as willful, reckless indifference, or gross careless disregard.\textsuperscript{22}

In addition to DEP, the Department of Legal Affairs, any political subdivision or municipality of the state, and any citizen of the state also have the authority to bring an action for injunctive relief against violators of environmental laws.\textsuperscript{23}

Effect of the Bill

The bill increases various statutory penalties for violations of environmental laws.

The table below outlines the increased penalties for certain environmental violations proposed by the bill. For violations that currently impose a penalty for each day during which a violation occurs, the bill specifies that each day the violation occurs or is not remediated constitutes a separate offense until the violation is resolved by order or judgment.

<table>
<thead>
<tr>
<th>SECTION OF LAW</th>
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\textsuperscript{15} Id.

\textsuperscript{16} Section 403.121, F.S.


\textsuperscript{18} Id.

\textsuperscript{19} Section 403.121(1)(b), F.S.

\textsuperscript{20} Section 403.121, F.S.

\textsuperscript{21} Section 403.161, F.S.

\textsuperscript{22} Id.

\textsuperscript{23} Section 403.412, F.S.
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<tr>
<td>161.054</td>
<td>DEP is required to assess a civil penalty for refusing to comply with the requirements of a coastal construction; a reconstruction or change of existing structures; a construction or physical activity undertaken specifically for shore protection purposes; or certain other structures and physical activities.</td>
<td>Up to $10,000 per day</td>
<td>Up to $15,000 per day</td>
</tr>
<tr>
<td>258.397</td>
<td>The Department of Legal Affairs is authorized to bring a civil action for a violation of the requirements of the Biscayne Bay Aquatic Preserve.</td>
<td>$5,000 per day</td>
<td>$7,500 per day</td>
</tr>
<tr>
<td>258.46</td>
<td>The Board of Trustees of the Internal Improvement Trust Fund is required to charge a civil penalty for violations of regulations for all aquatic preserves.</td>
<td>Between $500 and $5,000 per day</td>
<td>Between $750 and $7,500 per day</td>
</tr>
<tr>
<td>373.129</td>
<td>DEP and the water management districts are authorized to bring actions and proceedings to enforce rules, regulations, and adopted or issued orders; enjoin or abate violations of law, rules, regulations, and adopted orders; protect and preserve the water resources of the state; defend all actions and proceedings involving their powers and duties pertaining to the water resources of the state; and recover a civil penalty for each offense.</td>
<td>$10,000 per offense</td>
<td>$15,000 per offense</td>
</tr>
<tr>
<td>373.209</td>
<td>DEP is required to assess a civil penalty for violations of regulations for artesian wells.</td>
<td>$100 per day for each offense</td>
<td>$150 per day for each offense</td>
</tr>
<tr>
<td>373.430</td>
<td>A person who causes pollution or fails to obtain a required permit commits a second degree misdemeanor.</td>
<td>$5,000</td>
<td>$10,000</td>
</tr>
<tr>
<td>376.065</td>
<td>DEP is required to assess a civil penalty for the operation of a terminal facility without a discharge prevention and response certificate.</td>
<td>$500</td>
<td>$750</td>
</tr>
<tr>
<td>376.071</td>
<td>DEP is required to assess a civil penalty for any vessel with a pollutant capacity of 10,000 gallons or more that fails to maintain a discharge prevention and control contingency plan.</td>
<td>$5,000</td>
<td>$7,500</td>
</tr>
<tr>
<td>376.16</td>
<td>DEP is required to assess a civil penalty for violations of the Pollutant Discharge Prevention and Control Act.</td>
<td>Up to $50,000 per day for each offense</td>
<td>Up to $75,000 per day for each offense</td>
</tr>
<tr>
<td></td>
<td>DEP is required to assess a civil penalty for a second or subsequent discharge of more than 5 gallons of gasoline or diesel within 12 months of the first discharge.</td>
<td>2nd discharge: $500</td>
<td>2nd discharge: $750</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Subsequent discharges: $1,000</td>
<td>Subsequent discharges: $1,500</td>
</tr>
<tr>
<td></td>
<td>DEP is required to assess a civil penalty for a second or subsequent discharge of any pollutant other than gasoline or diesel within 12 months of the first discharge.</td>
<td>2nd discharge: $2,500</td>
<td>2nd discharge: $3,750</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Subsequent discharges: $5,000</td>
<td>Subsequent discharges: $7,500</td>
</tr>
<tr>
<td></td>
<td>DEP is required to assess a civil penalty for a subsequent discharge of gasoline or diesel equal to or less than 5 gallons within 12 months of the first discharge.</td>
<td>$50</td>
<td>$75</td>
</tr>
<tr>
<td></td>
<td>DEP is required to assess a civil penalty for a subsequent discharge of a pollutant other than gasoline or diesel equal to or less than 5 gallons within 12 months of the first discharge.</td>
<td>$100</td>
<td>$150</td>
</tr>
<tr>
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<tr>
<td></td>
<td>A county court is authorized to impose a civil penalty if a violator elects to appear before the court and the court determines that an infraction has been committed for the discharge of gasoline or diesel.</td>
<td>2nd discharge: Up to $500 Subsequent discharges: Up to $1,000</td>
<td>2nd discharge: Up to $750 Subsequent discharges: Up to $1,500</td>
</tr>
<tr>
<td></td>
<td>A county court is authorized to impose a civil penalty if a violator elects to appear before the court and the court determines that an infraction has been committed for the discharge of a pollutant other than gasoline or diesel.</td>
<td>2nd discharge: Up to $5,000 Subsequent discharges: Up to $10,000</td>
<td>2nd discharge: Up to $7,500 Subsequent discharges: Up to $15,000</td>
</tr>
<tr>
<td>376.25</td>
<td>DEP is required to assess a civil penalty for violations of regulations for gambling vessels.</td>
<td>Up to $50,000 for each violation</td>
<td>Up to $75,000 for each violation</td>
</tr>
<tr>
<td>377.37</td>
<td>DEP is required to assess a civil penalty for violations of the regulations of oil and gas resources.</td>
<td>Up to $10,000 for each violation</td>
<td>Up to $15,000 for each violation</td>
</tr>
<tr>
<td>378.211</td>
<td>DEP is authorized to impose a civil penalty for violations of a minor or technical nature of phosphate land reclamation regulations.</td>
<td>$100 each day for each violation</td>
<td>$150 each day for each violation</td>
</tr>
<tr>
<td></td>
<td>DEP is authorized to impose a civil penalty for a major violation by an operator of phosphate land reclamation regulations of which a penalty has not been imposed within the last 5 years.</td>
<td>$1,000 each day for each violation</td>
<td>$1,500 each day for each violation</td>
</tr>
<tr>
<td></td>
<td>DEP is authorized to impose a civil penalty for major violations not covered by the violations above for phosphate land reclamation regulations.</td>
<td>$5,000 each day for each violation</td>
<td>$7,500 each day for each violation</td>
</tr>
<tr>
<td>403.086</td>
<td>DEP is required to assess a civil penalty for failing to conform with regulations for sewage disposal facilities using advanced and secondary waste treatment.</td>
<td>$500 per day</td>
<td>$750 per day</td>
</tr>
<tr>
<td>403.121</td>
<td>DEP is required to assess an administrative penalty for an unpermitted or unauthorized wastewater discharge that did not result in a water quality violation.</td>
<td>$2,000 plus $1,000 per condition</td>
<td>$3,000 plus $1,500 per condition</td>
</tr>
<tr>
<td></td>
<td>DEP is required to assess an administrative penalty for the unpermitted or unauthorized discharge that resulted in a water quality violation.</td>
<td>$5,000</td>
<td>$7,500</td>
</tr>
<tr>
<td></td>
<td>DEP is required to assess an administrative penalty for failing to obtain a clearance letter prior to placing a drinking water system into service when the system would not have been eligible for clearance.</td>
<td>$3,000</td>
<td>$4,500</td>
</tr>
<tr>
<td></td>
<td>DEP is required to assess an administrative penalty for failing to obtain a wastewater permit other than a surface water discharge permit.</td>
<td>$1,000</td>
<td>$1,500</td>
</tr>
<tr>
<td></td>
<td>DEP is required to assess an administrative penalty for an unpermitted or unauthorized wastewater discharge that did not result in a water quality violation.</td>
<td>$2,000</td>
<td>$3,000</td>
</tr>
<tr>
<td></td>
<td>DEP is required to assess an administrative penalty for failing to obtain a wastewater permit other than a surface water discharge permit.</td>
<td>$5,000</td>
<td>$7,500</td>
</tr>
</tbody>
</table>

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<tr>
<td></td>
<td>DEP is required to assess an administrative penalty for a dredge and fill or stormwater violation with additional penalties under the following conditions:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• If the violation occurs in a certain waterbody</td>
<td>$1,000 plus $2,000</td>
<td>$1,500 plus $3,000</td>
</tr>
<tr>
<td></td>
<td>• If the violation occurs in an area of a certain size</td>
<td>plus $1,000</td>
<td>plus $1,500</td>
</tr>
<tr>
<td></td>
<td>DEP is required to assess an administrative penalty for failing to complete required mitigation, record a conservation easement, or a water quality violation resulting from certain activities.</td>
<td>$3,000</td>
<td>$4,500</td>
</tr>
<tr>
<td></td>
<td>DEP is required to assess an administrative penalty for failing to properly or timely construct a stormwater management system for systems serving less than 5 acres.</td>
<td>$2,000</td>
<td>$3,000</td>
</tr>
<tr>
<td></td>
<td>DEP is required to assess an administrative penalty against a contractor that conducts unpermitted or unauthorized dredging or filling.</td>
<td>$5,000</td>
<td>$7,500</td>
</tr>
<tr>
<td></td>
<td>DEP is required to assess an administrative penalty against a contractor for mangrove trimming or alteration violations.</td>
<td>$5,000</td>
<td>$7,500</td>
</tr>
<tr>
<td></td>
<td>DEP is required to assess an administrative penalty for the unpermitted or unauthorized disposal of solid waste, with additional penalties for certain conditions.</td>
<td>$2,000 plus $1,000 per condition</td>
<td>$3,000 plus $1,500 per condition</td>
</tr>
<tr>
<td></td>
<td>DEP is required to assess an administrative penalty for failure to properly maintain leachate control.</td>
<td>$3,000</td>
<td>$4,500</td>
</tr>
<tr>
<td></td>
<td>DEP is required to assess an administrative penalty for failing to construct or maintain a required stormwater management system.</td>
<td>$2,000</td>
<td>$3,000</td>
</tr>
<tr>
<td></td>
<td>DEP is required to assess an administrative penalty for an unpermitted or unauthorized air emission or air-emission-permit exceedance, with additional penalties if:</td>
<td>$1,000</td>
<td>$1,500</td>
</tr>
<tr>
<td></td>
<td>• The emission was from a major source and the source was major for the pollutant in violation</td>
<td>$3,000</td>
<td>$4,500</td>
</tr>
<tr>
<td></td>
<td>• The emission was more than 150% of the allowable level</td>
<td>$1,000</td>
<td>$1,500</td>
</tr>
<tr>
<td></td>
<td>DEP is required to assess an administrative penalty for storage tank system and petroleum contamination violations.</td>
<td>$5,000</td>
<td>$7,500</td>
</tr>
<tr>
<td></td>
<td>DEP is required to assess an administrative penalty for failing to timely upgrade a storage tank system.</td>
<td>$3,000</td>
<td>$4,500</td>
</tr>
<tr>
<td></td>
<td>DEP is required to assess an administrative penalty for release violations of storage tank systems.</td>
<td>$2,000</td>
<td>$3,000</td>
</tr>
<tr>
<td></td>
<td>DEP is required to assess an administrative penalty for failing to properly operate, maintain, or close a storage tank system.</td>
<td>$1,000</td>
<td>$1,500</td>
</tr>
<tr>
<td></td>
<td>DEP is required to assess an administrative penalty for failure to satisfy financial responsibility requirements or pollution of land, water, wildlife, or property by drilling for oil, gas, or other petroleum products.</td>
<td>$5,000</td>
<td>$7,500</td>
</tr>
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</tr>
<tr>
<td></td>
<td>DEP is required to assess an administrative penalty for failing to install, maintain, or use a required pollution control system or device.</td>
<td>$4,000</td>
<td>$6,000</td>
</tr>
<tr>
<td></td>
<td>DEP is required to assess an administrative penalty for failing to obtain a required permit before construction or modification.</td>
<td>$3,000</td>
<td>$4,500</td>
</tr>
<tr>
<td></td>
<td>DEP is required to assess an administrative penalty for failing to conduct regular monitoring or testing, to conduct required release detection, or to construct in compliance with a permit.</td>
<td>$2,000</td>
<td>$3,000</td>
</tr>
<tr>
<td></td>
<td>DEP is required to assess an administrative penalty for failing to maintain and train staff; prepare and maintain contingency plans; adequately respond to emergencies; or submit required notification to DEP.</td>
<td>$1,000</td>
<td>$1,500</td>
</tr>
<tr>
<td></td>
<td>DEP is required to assess an administrative penalty for failing to prepare, submit, maintain, or use required reports or other documentation.</td>
<td>$500</td>
<td>$750</td>
</tr>
<tr>
<td></td>
<td>DEP is required to assess an administrative penalty for failing to comply with any departmental regulatory statute or rule not described above.</td>
<td>$500</td>
<td>$1,000</td>
</tr>
<tr>
<td></td>
<td>When considering the economic benefit gained by a violator from a violation, the law specifies that the total administrative penalty may not exceed a certain amount.</td>
<td>$10,000</td>
<td>$15,000</td>
</tr>
<tr>
<td></td>
<td>The law specifies that the administrative penalties assessed for any violation may not exceed a certain amount against any one violator unless the violator has a history of noncompliance or the economic benefit exceeds a certain amount.</td>
<td>$5,000 per violator unless economic benefit exceeds $5,000</td>
<td>$7,500 per violator unless economic benefit exceeds $7,500</td>
</tr>
<tr>
<td></td>
<td>The law specifies that the total administrative penalties per assessment for all violations attributable to a specific person may not exceed a certain amount.</td>
<td>$10,000 per assessment</td>
<td>$50,000 per assessment</td>
</tr>
<tr>
<td>403.141</td>
<td>Any person who causes pollution, fails to obtain a permit, knowingly makes false statements, or fails to provide required notice is liable to the state for any damage to airs, waters, or properties (including wildlife) of the state and is subject to a civil penalty for each offense.</td>
<td>Up to $10,000 per offense</td>
<td>Up to $15,000 per offense</td>
</tr>
<tr>
<td>403.161</td>
<td>Any person who fails to obtain a permit due to reckless indifference commits a 2nd degree misdemeanor punishable by 60 days in jail, a fine, or both for each offense.</td>
<td>Up to $5,000 per offense</td>
<td>Up to $10,000 per offense</td>
</tr>
<tr>
<td>403.413</td>
<td>A law enforcement officer is required to assess a civil penalty for dumping litter.</td>
<td>$100</td>
<td>$150</td>
</tr>
<tr>
<td>403.7234</td>
<td>DEP is required to assess a civil penalty for any small quantity generator who does not comply with the small quantity generator notification and verification program</td>
<td>Between $50 and $100 per day for up to 100 days</td>
<td>Between $75 and $150 for up to 100 days</td>
</tr>
<tr>
<td>403.726</td>
<td>DEP is authorized impose a civil penalty for a violation of hazardous substance regulations.</td>
<td>Up to $25,000 per day</td>
<td>Up to $37,500 per day</td>
</tr>
<tr>
<td>403.727</td>
<td>DEP is required to assess a civil penalty for a violation of hazardous waste regulations.</td>
<td>Up to $50,000 per day</td>
<td>Up to $75,000 per day</td>
</tr>
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</tr>
<tr>
<td>403.93345</td>
<td>DEP is authorized to impose a civil penalty for any anchoring of a vessel on a coral reef or any other damage to a coral reef totaling less than 1 square meter, if the responsible party has been previously issued at least 1 warning letter, with additional penalties for violations that occur under certain conditions.</td>
<td>$150 plus $150 per condition</td>
<td>$225 plus $225 per condition</td>
</tr>
<tr>
<td></td>
<td>DEP is authorized to impose a civil penalty for damage totaling more than 1 square meter but less than or equal to 10 sq. meters of a coral reef, with additional penalties for damage occurring under certain conditions.</td>
<td>$300 plus $300 per condition</td>
<td>$450 plus $450 per condition</td>
</tr>
<tr>
<td></td>
<td>DEP is authorized to impose a civil penalty for damage totaling more than 10 square meters of a coral reef, with additional penalties for damage occurring under certain conditions.</td>
<td>$1,000 plus $1,000 per condition</td>
<td>$1,500 plus $1,500 per condition</td>
</tr>
<tr>
<td></td>
<td>The law specifies that the total penalties DEP may impose for damage totaling more than 10 square meters of a coral reef may not exceed a certain amount per occurrence.</td>
<td>$250,000</td>
<td>$375,000</td>
</tr>
</tbody>
</table>

B. SECTION DIRECTORY:

Section 1. Amends s. 161.054, F.S., to increase penalties.

Section 2. Amends s. 258.397, F.S., to increase penalties.

Section 3. Amends s. 258.46, F.S., to increase penalties.

Section 4. Amends s. 373.129, F.S., to increase penalties.

Section 5. Amends s. 373.209, F.S., to increase penalties.

Section 6. Amends s. 373.430, F.S., to increase penalties.

Section 7. Amends s. 376.065, F.S., to increase penalties.

Section 8. Amends s. 376.071, F.S., to increase penalties.

Section 9. Amends s. 376.16, F.S., to increase penalties.

Section 10. Amends s. 376.25, F.S., to increase penalties.

Section 11. Amends s. 377.37, F.S., to increase penalties.

Section 12. Amends s. 378.211, F.S., to increase penalties.

Section 13. Amends s. 403.086, F.S., to increase penalties.

Section 14. Amends s. 403.121, F.S., to increase penalties.

Section 15. Amends s. 403.141, F.S., to increase penalties.

Section 16. Amends s. 403.161, F.S., to increase penalties.

Section 17. Amends s. 403.413, F.S., to increase penalties.

Section 18. Amends s. 403.7234, F.S., to increase penalties.
Section 19. Amends s. 403.726, F.S., to increase penalties.

Section 20. Amends s. 403.727, F.S., to increase penalties.

Section 21. Amends s. 403.93345, F.S., to increase penalties.

Section 22. Reenacts s. 823.11, F.S., to incorporate amendments made by the bill.

Section 23. Reenacts s. 403.077, F.S., to incorporate amendments made by the bill.

Section 24. Reenacts s. 403.131, F.S., to incorporate amendments made by the bill.

Section 25. Reenacts s. 403.4154, F.S., to incorporate amendments made by the bill.

Section 26. Reenacts s. 403.860, F.S., to incorporate amendments made by the bill.

Section 27. Reenacts s. 403.708, F.S., to incorporate amendments made by the bill.

Section 28. Reenacts s. 403.7191, F.S., to incorporate amendments made by the bill.

Section 29. Reenacts s. 403.811, F.S., to incorporate amendments made by the bill.

Section 30. Reenacts s. 403.7186, F.S., to incorporate amendments made by the bill.

Section 31. Reenacts s. 403.7255, F.S., to incorporate amendments made by the bill.

Section 32. Provides an effective date of July 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:
   The bill may have an indeterminate positive fiscal impact on state government revenues because the bill increases various penalties associated with the violation of environmental laws.

2. Expenditures:
   None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
   The bill may have an indeterminate positive fiscal impact on the revenues of local governments with the delegated authority to assess penalties because the bill increases a number of penalties associated with the violation of environmental laws.

2. Expenditures:
   The bill may have an indeterminate negative fiscal impact on local governments that own and operate wastewater treatment facilities because the bill increases a number of penalties associated with the violation of environmental laws, including permit violations for wastewater treatment facilities.
C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:
   The bill may have an indeterminate negative fiscal impact on the private sector because it increases a number of penalties associated with the violation of environmental laws and, in some instances, may increase the time period during which each day constitutes a separate offense.

D. FISCAL COMMENTS:
   None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:
   Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:
   None.

B. RULE-MAKING AUTHORITY:
   None.

C. DRAFTING ISSUES OR OTHER COMMENTS:
   None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 4, 2020, the Agriculture & Natural Resources Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The amendment revised provisions related to determining the time period during which a violation is subject to separate penalties for certain criminal violations.

This analysis is drafted to the committee substitute as approved by the Agriculture & Natural Resources Subcommittee.
A bill to be entitled
An act relating to the Environmental Protection Act;
amending s. 403.412, F.S.; prohibiting local
governments from recognizing or granting certain legal
rights to the natural environment or granting such
rights relating to the natural environment to a person
or political subdivision; providing construction;
providing an effective date.

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

Section 1. Subsection (9) is added to section 403.412,
Florida Statutes, to read:

403.412  Environmental Protection Act.—
(9)(a)  A local government regulation, ordinance, code,
rule, comprehensive plan, charter, or any other provision of law
may not recognize or grant any legal rights to a plant, an
animal, a body of water, or any other part of the natural
environment that is not a person or political subdivision as
defined in s. 1.01 or grant such person or political subdivision
any specific rights relating to the natural environment not
otherwise authorized in general law or specifically granted in
the State Constitution.
(b) This subsection does not limit the power of an
adversely affected party to challenge the consistency of a
development order with a comprehensive plan as provided in s. 163.3215 or to file an action for injunctive relief to enforce the terms of a development agreement or challenge compliance of the agreement as provided in s. 163.3243.

(c) This subsection does not limit the standing of the Department of Legal Affairs, a political subdivision or municipality of the state, or a citizen of the state to maintain an action for injunctive relief as provided in this section.

Section 2. This act shall take effect upon becoming a law.
SUMMARY ANALYSIS

Florida authorizes a citizen to assert standing to stop an activity that will affect his or her use or enjoyment of air, water, or natural resources. However, court rulings and legislation in the U.S. and worldwide have suggested that specific legal rights of nature may exist, authorizing a person to assert standing on behalf of natural resources.

While U.S. Supreme Court precedent clearly limits standing for environmental claims to only an action causing injury to a human, dissenting opinions suggesting otherwise have recently garnered the attention of environmental activists attempting to assert standing on behalf of the environment, often resulting in lengthy, yet unsuccessful, litigation.

HB 1199 amends the Florida Environmental Protection Act to prohibit, unless otherwise authorized by law or specifically granted in the Florida Constitution, a local government regulation, ordinance, code, rule, comprehensive plan, charter, or any other provision of law:

- From recognizing or granting any legal right to a plant, animal, body of water, or any other part of the natural environment that is not a person or political subdivision; or
- From granting a person or political subdivision any specific rights relating to the natural environment.

The bill provides that the prohibition on granting rights to nonpersons may not be interpreted to limit the:

- Power of an adversely affected party to challenge the consistency of a development order with a comprehensive plan, or to file an action for injunctive relief to enforce the terms of a development agreement or to challenge compliance of the agreement with the Florida Local Government Development Agreement Act; or
- Standing of the Department of Legal Affairs, a political subdivision or municipality of the state, or a citizen of the state to maintain an action for injunctive relief as otherwise provided by the EPA.

The bill may prevent costly litigation related to granting rights to natural resources, when current legal precedent suggests such rights may not be granted at the state or local level.

The bill is effective upon becoming law.
FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Florida’s Environmental Protection Act (EPA) authorizes the Department of Legal Affairs, any political subdivision or municipality of the state, or a citizen of the state to take legal action seeking to:\footnote{1 S. 403.412(2), F.S.}

- Compel a governmental agency or authority to enforce laws, rules, and regulations protecting Florida’s air, water, and other natural resources; or
- Prevent any person or governmental agency or authority from violating any laws, rules, or regulations protecting Florida’s air, water, and other natural resources.

In an administrative, licensing, or other legal proceeding to protect Florida’s air, water, or other natural resources from pollution, impairment, or destruction, the Department of Legal Affairs, a political subdivision or municipality of the state, or a citizen of the state is authorized to intervene\footnote{2 “Intervene” means to join an ongoing ss. 120.569 or 120.57, F.S., proceeding, and does not authorize a citizen to institute, initiate, petition for, or request a proceeding under ss. 120.569 or 120.57, F.S. Nothing herein limits or prohibits a citizen whose substantial interests will be determined or affected by a proposed agency action from initiating a formal administrative proceeding under the administrative procedures act. S. 403.412(5), F.S.} as a party to the legal action. To intervene, the party must file a verified pleading asserting that the particular activity, conduct, or product will impair, pollute, or otherwise injure the air, water, or other natural resources of the state.\footnote{3 S. 403.412(5), F.S.} A citizen may not institute, initiate, petition for, or request such a proceeding unless he or she will suffer a sufficiently immediate injury which is of the type and nature intended to be protected by law. However, a citizen is not required to demonstrate that his or her injury is different than that which the general public is required to show. A citizen’s substantial interest injury is sufficient if the proposed activity, conduct, or product will affect his or her use or enjoyment of air, water, or natural resources protected by law.\footnote{4 Id.}

The Florida Supreme Court has held that the EPA is not an impermissible intrusion by the Legislature into the court’s power over practice and procedure in state courts, but instead creates a new cause of action setting out substantive rights not previously possessed by enabling a Florida citizen to take legal action to protect the environment without a showing of special injury.\footnote{5 Florida Wildlife Federation v. State Dept. of Environmental Regulation, 390 So. 2d 64 (Fla. 1980).}

Rights of Nature

While Florida authorizes a citizen to assert standing to enjoin an activity that will affect his or her use or enjoyment of air, water, or natural resources, some court rulings and legislation in the U.S. and worldwide\footnote{6 In 2008, Ecuador granted legal rights to all of nature, and in 2017, four rivers were granted legal rights: the Whanganui River in New Zealand, the Ganges and Yamuna rivers in India, and the Rio Atrato in Colombia. Dr. Julia Talbot-Jones, Flowing from Fiction to Fact: The Challenges of Implementing Legal Rights for Rivers, Global Water Forum, \url{https://globalwaterforum.org/2018/05/14/flowing-from-fiction-to-fact-the-challenges-of-implementing-legal-rights-for-rivers/} (last visited Feb. 12, 2020).} have authorized specific legal rights of nature authorizing a person to assert standing on behalf of natural resources.\footnote{7 Lidia Cano Pecharroman, Rights of Nature: Rivers That Can Stand in Court (Feb 14, 2018) \url{https://www.mdpi.com/2079-9276/7/1/13} (last visited Feb. 12, 2020).}

**Federal Level**

The U.S. Supreme Court’s ruling in *Sierra Club v. Morton* is the closest the U.S. federal government has come to granting personhood to natural resources. In *Sierra Club*, a conservation group took legal action to prevent the U.S. Forest Service from approving a ski development proposed by Walt Disney.
Productions near the Sequoia National Forest.\(^8\) The Sierra Club (Club) argued that the ski development would adversely affect the forest, but did not allege any personal injury to any specific member of the Club.\(^9\) The court held that because there was no injury in fact to any member of the Club, the Club had no standing to sue on behalf of the forest.\(^10\) The court determined that because the Club did not "have a direct stake in the outcome...authoriz[ing] judicial review at the behest of organizations or individuals who seek to do no more than vindicate their own value preferences through the judicial process" would undermine the goal of the Administrative Procedure Act.\(^11\)

Despite the court’s ruling Justice Douglas’s dissenting opinion suggests that “contemporary public concern for protecting nature’s ecological equilibrium should lead to the conferral of standing upon environmental objects to sue for their own preservation.”\(^12\) In a separate dissent, Justice Blackmun expressed similar concern and urged the court to consider the dangers of limiting judicial review solely to human injuries.\(^13\)

\textit{State Level}

While the Sierra Club opinion clearly limits standing in environmental actions to action causing injury to a human, the dissenting opinions by Justice Douglas and Justice Blackmun have recently garnered the attention of environmental activists attempting to assert standing on behalf of the environment. For example, in September 2017, the environmental group Deep Green Resistance (DGR) relied on Justice Douglas’s dissent when petitioning the federal District Court of Colorado to recognize legal personhood for the Colorado River System.\(^14\) Joined by citizens of Colorado and Utah, DGR asked the U.S. District Court in Denver to declare the Colorado River ecosystem a “person,” such that the river system’s interest could be represented in court.\(^15\) DGR claimed that the Colorado River System has “the right to exist, flourish, regenerate, and naturally evolve,” and that current laws did not protect the natural environment on which persons depend for survival and livelihood.\(^16\) Following lengthy litigation, DGR voluntarily dismissed its case after the Colorado Attorney General set forth numerous reasons the court did not have jurisdiction and opined that the determination of whether the rights of nature exist should be reserved to Congress.\(^17\)

\textit{Local Level}

Similar attempts to assert the rights of nature have been made on the local level. For example, in New Mexico in 2013, the Mora County Board of Commissioners passed an ordinance protecting the rights of human communities, nature, and natural water.\(^18\) However, an energy exploration firm challenged the ordinance, and the U.S. district court struck down the ordinance, holding the ordinance violated the Supremacy Clause and was impermissibly overbroad, in violation of the First Amendment.\(^19\)

In 2013, Lafayette, Colorado voters attempted to impose a similar measure targeting oil extraction by hydraulic fracturing (“fracking”) and proposed “certain rights for city residents and ecosystems as part of the city charter such as clean water, air and freedom from certain chemicals and oil and gas industry byproducts.”\(^20\) When challenged by the Colorado Oil and Gas Association, the Boulder District Court

\begin{footnotes}
\item[9] Id. at 734.
\item[10] Id. at 735.
\item[11] Id. at 740.
\item[12] Id. at 741-42.
\item[13] Id. at 755–56.
\item[15] Id. at 12.
\item[16] Id. at 2.
\item[19] Swepi, 81 F. Supp. 3d at 1088
\end{footnotes}
held that Lafayette did not have the authority to prohibit practices authorized and permitted by the state.\textsuperscript{21}

More recently, the Orange County, Florida Charter Review Commission approved a request to establish a committee to assess adding rights for the Wekiva River and Econlockhatchee River to the county charter.\textsuperscript{22}

**Effect of Proposed Changes**

HB 1199 amends the EPA to prohibit, unless otherwise authorized by law or specifically granted in the State Constitution, a local government regulation, ordinance, code, rule, comprehensive plan, charter, or any other provision of law:
- From recognizing or granting any legal right to a plant, animal, body of water, or any other part of the natural environment that is not a person\textsuperscript{23} or political subdivision;\textsuperscript{24} or
- From granting a person or political subdivision any specific rights relating to the natural environment.

The bill provides that the prohibition on granting rights to nonpersons may not be interpreted to limit:
- The power of an adversely affected party to challenge the consistency of a development order with a comprehensive plan, or to file an action for injunctive relief to enforce the terms of a development agreement or to challenge compliance of the agreement with the Florida Local Government Development Agreement Act; or
- The standing of the Department of Legal Affairs, a political subdivision or municipality of the state, or a citizen of the state to maintain an action for injunctive relief as otherwise provided by the EPA.

The bill is effective upon becoming law.

**B. SECTION DIRECTORY:**

**Section 1:** Amends s. 403.412, F.S., relating to the Environmental Protection Act.

**Section 2:** Provides the bill takes effect upon becoming a law.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:
   None.

2. Expenditures:
   None.

\textsuperscript{21} \textit{Id.}


\textsuperscript{23} Person means an: individual; child; firm; association; joint adventure; partnership; estate; trust; business trust; syndicates; fiduciary; corporation; and all other groups or combinations. S. 1.01(3), F.S.

\textsuperscript{24} Political subdivision means a: county; city; town; village; special tax school district; special road and bridge district; bridge district; and all other districts in Florida. S. 1.01(8), F.S.
B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
   None.

2. Expenditures:
   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:
   None.

D. FISCAL COMMENTS:
   The bill may prevent costly litigation related to granting rights to natural resources, when current legal precedent suggests such rights may not be granted at the state or local level.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:
   Not applicable. The bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:
   None.

B. RULE-MAKING AUTHORITY:
   Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:
   Lines 20-23: The prohibition on granting a person or political subdivision any specific rights relating to nature may be more precisely stated by making it a separate sentence.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES
FPMA Bill Tracking
Ordered by Bill Number

**HB 0003** Preemption of Local Occupational Licensing by Grant (M)
Preemption of Local Occupational Licensing: Preempts licensing of occupations to state; prohibits local governments from imposing or modifying certain licensing requirements; specifies certain local licensing may not be enforced; specifies certain specialty contractors are not required to register with Construction Industry Licensing Board; prohibits local governments from requiring certain specialty contractors to obtain license; specifies job scopes for which local government may not require license; authorizes counties & municipalities to issue journeyman licenses. Effective Date: July 1, 2020

**Current Committee of Reference:** No Current Committee

**Actions**
02/13/2020 HOUSE Placed on Special Order Calendar, 02/19/20

**Similar**
SB 1336 Preemption of Local Occupational Licensing (Perry)

**HB 0027** Specialty License Plates by Bell
Specialty License Plates: Directs DHSMV to develop Florida State Beekeepers Association license plate; provides for distribution & use of fees collected from sale of plates. Effective Date: October 1, 2020, but only if HB 29 or similar legislation takes effect

**Current Committee of Reference:** House Transportation & Infrastructure Subcommittee

**Actions**
09/23/2019 HOUSE Now in Transportation & Infrastructure Subcommittee

**Compare**
SB 0110 Fees/Florida State Beekeepers Association License Plate (Rader)
SB 0412 License Plates (Bean)
HB 1135 License Plates (Grant (J))

**Identical**
SB 0108 Specialty License Plates/Florida State Beekeepers Association (Rader)

**Linked**
HB 0029 Specialty License Plate Fees (Bell)

**HB 0029** Specialty License Plate Fees by Bell
Specialty License Plate Fees: Establishes fee for Florida State Beekeepers Association license plate. Effective Date: on the same date that HB 27 or similar legislation takes effect

**Current Committee of Reference:** House Transportation & Infrastructure Subcommittee

**Actions**
09/23/2019 HOUSE Now in Transportation & Infrastructure Subcommittee

**Compare**
SB 0108 Specialty License Plates/Florida State Beekeepers Association (Rader)

**Identical**
SB 0110 Fees/Florida State Beekeepers Association License Plate (Rader)

**Linked**
HB 0027 Specialty License Plates (Bell)
**SB 0034**  
**Prohibited Discrimination** 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  
**Current Committee of Reference:** No Current Committee  
**Actions**  
09/03/2019  SENATE Withdrawn prior to introduction  
**Similar**  
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<tr>
<td>HB 0161</td>
<td>Prohibited Discrimination (Toledo)</td>
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<tr>
<td>SB 0206</td>
<td>Prohibited Discrimination (Rouson)</td>
</tr>
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</table>

**SB 0040**  
**Prohibition of Plastic Carryout Bags and Straws** by Rader  
Prohibition of Plastic Carryout Bags and Straws; Prohibiting a store or food service business from providing to a customer a carryout bag made of plastic film; prohibiting a food service business from selling or providing to a customer a single-use plastic straw, etc. Effective Date: 7/1/2020  
**Current Committee of Reference:** Senate Commerce and Tourism  
**Actions**  
08/16/2019  SENATE Referred to Commerce and Tourism; Community Affairs; Rules  

**SB 0066**  
**Student Loans and Scholarship Obligations of Health Care Practitioners** by Cruz  
Student Loans and Scholarship Obligations of Health Care Practitioners; Establishing that a health care practitioner’s failure to repay a student loan or to comply with service scholarship obligations does not constitute grounds for disciplinary action; removing a civil fine; removing the requirement that the Department of Health investigate and prosecute health care practitioners for failing to repay a student loan or to comply with scholarship service obligations; removing the requirement, and related provisions, that the department immediately suspend the licenses of certain health care practitioners for failing to provide within a specified timeframe proof of new payment terms for student loans in default, etc. Effective Date: 7/1/2020  
**Current Committee of Reference:** Senate Appropriations Subcommittee on Education  
**Actions**  
11/06/2019  SENATE Now in Appropriations Subcommittee on Education  
**Compare**  
<table>
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<tr>
<td>HB 0115</td>
<td>Keep Our Graduates Working Act (Duran)</td>
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<tr>
<td>SB 0230</td>
<td>Department of Health (Harrell)</td>
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<tr>
<td>SB 0356</td>
<td>Keep Our Graduates Working Act (Hutson)</td>
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<td>SB 0474</td>
<td>Deregulation of Professions and Occupations (Albritton)</td>
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<tr>
<td>HB 0713</td>
<td>Department of Health (Rodriguez (AM))</td>
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<tr>
<td>SB 0926</td>
<td>Health Care Practitioner Licensure (Harrell)</td>
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**Similar**  
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<tr>
<td>HB 0077</td>
<td>Student Loans and Scholarship Obligations of Health Care Practitioners (Goff-Marcil)</td>
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**HB 0077**  
**Student Loans and Scholarship Obligations of Health Care Practitioners** by Goff-Marcil  
Provides that failure to repay specified student loan by health care practitioners is not considered failure to perform statutory or legal obligation; repeals language relating to health care practitioners in default on student loan or scholarship obligations; deletes provision relating to the immediate suspension of health care practitioner license upon default on specified student loan. Effective Date: July 1, 2020
### Current Committee of Reference: No Current Committee

### Actions

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<tr>
<td>SB 0066</td>
<td>Student Loans and Scholarship Obligations of Health Care Practitioners (Cruz)</td>
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### SB 0090

**Discrimination in Labor and Employment** 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

### Current Committee of Reference: Senate Commerce and Tourism

### Actions

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<tr>
<td>HB 0739</td>
<td>Discrimination in Labor and Employment (Thompson)</td>
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### SB 0108

**Specialty License Plates/Florida State Beekeepers Association** by Rader

Specialty License Plates/Florida State Beekeepers Association; Directing the Department of Highway Safety and Motor Vehicles to develop a Florida State Beekeepers Association license plate, etc. Effective Date: October 1, 2020, but only if SB 110 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law

### Current Committee of Reference: Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development

### Actions

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<tr>
<td>SB 0110</td>
<td>Fees/Florida State Beekeepers Association License Plate (Rader)</td>
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</table>
Fees/Florida State Beekeepers Association License Plate; Creating a fee for a certain specialty license plate, etc. Effective Date: On the same date that SB 108 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

**Current Committee of Reference:** Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development

### Actions

<table>
<thead>
<tr>
<th>Date</th>
<th>Action Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>02/06/2020</td>
<td>SENATE Now in Appropriations Subcommittee on Transportation, Tourism, and Economic Development</td>
</tr>
</tbody>
</table>

**Compare**

- **HB 0027** Specialty License Plates (Bell)
- **Identical**
- **HB 0029** Specialty License Plate Fees (Bell)
- **Linked**
- **SB 0108** Specialty License Plates/Florida State Beekeepers Association (Rader)

**SB 0112** Capital Relocation Study 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

**Current Committee of Reference:** Senate Governmental Oversight and Accountability

### Actions

<table>
<thead>
<tr>
<th>Date</th>
<th>Action Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>08/16/2019</td>
<td>SENATE Referred to Governmental Oversight and Accountability; Community Affairs; Rules</td>
</tr>
</tbody>
</table>

**HB 0115** Keep Our Graduates Working Act by Duran

Keep Our Graduates Working Act: Prohibits state authority from denying license, refusing to renew license, or suspending or revoking license on basis of delinquency or default in payment of his or her student loan; provides exception to requirement that certain entities prohibit candidate from being examined for or issued, or having renewed license, certificate, or registration to practice health care profession if he or she is listed on specified federal list of excluded individuals & entities; repeals provisions relating to health care practitioners in default on student loan or scholarship obligations. Effective Date: July 1, 2020

**Current Committee of Reference:** No Current Committee

### Actions

<table>
<thead>
<tr>
<th>Date</th>
<th>Action Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>02/13/2020</td>
<td>HOUSE Enrolled Text (ER) Filed</td>
</tr>
</tbody>
</table>

**Compare**

- **SB 0066** Student Loans and Scholarship Obligations of Health Care Practitioners (Cruz)
- **HB 0077** Student Loans and Scholarship Obligations of Health Care Practitioners (Goff-Marcil)
- **SB 0230** Department of Health (Harrell)
- **SB 0474** Deregulation of Professions and Occupations (Albritton)
- **HB 0713** Department of Health (Rodriguez (AM))
- **SB 0926** Health Care Practitioner Licensure (Harrell)

**Similar**

- **SB 0356** Keep Our Graduates Working Act (Hutson)

**SB 0142** Abolishing the Constitution Revision Commission by Brandes

Abolishing the Constitution Revision Commission; Proposing amendments to the State Constitution to
abolish the Constitution Revision Commission, etc.

| Current Committee of Reference: | No Current Committee |

| Actions |
| 02/12/2020 | SENATE Retained on Calendar |

| Compare |
| HB 0303 | Constitution Revision Commission (Drake) |

| Similar |
| HB 0301 | Repeal of Constitution Revision Commission (Drake) |

<table>
<thead>
<tr>
<th>HB 0147</th>
<th>Water Resources by Jacobs</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Water Resources</strong>: Requires DEP to conduct specified comprehensive &amp; quantitative needs-based overview of state’s water resources &amp; submit report to Governor &amp; Legislature. Effective Date: July 1, 2020</td>
<td></td>
</tr>
</tbody>
</table>

| Current Committee of Reference: | House Agriculture & Natural Resources Subcommittee |

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

| Identical |
| SB 0690 | Water Resources (Albritton) |

<table>
<thead>
<tr>
<th>HB 0153</th>
<th>Indian River Lagoon State Matching Grant Program by Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Indian River Lagoon State Matching Grant Program</strong>: Provides that certain projects identified in Indian River Lagoon Comprehensive Conservation &amp; Management Plan are eligible for state funding consideration; directs DEP to coordinate with water management districts to identify projects &amp; grant recipients. Effective Date: July 1, 2020</td>
<td></td>
</tr>
</tbody>
</table>

| Current Committee of Reference: | House Agriculture & Natural Resources Appropriations Subcommittee |

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

| Compare |
| SB 0712 | Water Quality Improvements (Mayfield) |

| Similar |
| SB 0640 | Indian River Lagoon State Matching Grant Program (Harrell) |

<table>
<thead>
<tr>
<th>SB 0178</th>
<th>Public Financing of Construction Projects by Rodriguez (J)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Public Financing of Construction Projects</strong>: 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</td>
<td></td>
</tr>
</tbody>
</table>

| Current Committee of Reference: | Senate Appropriations Subcommittee on Agriculture, Environment and General Government |

| Actions |
| 02/13/2020 | SENATE Subcommittee Recommendation: Favorable with CS by Appropriations Subcommittee on Agriculture, Environment and General Government; 9 Yeas, 1 Nay |

| Compare |
| HB 1073 | Statewide Office of Resiliency (Stevenson) |

| Similar |
### 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

**Current Committee of Reference:** Senate Community Affairs

### Actions

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

**Compare**

SB 1722  
Recyclable Materials (Taddeo)

**Identical**

HB 6043  
Preemption of Recyclable and Polystyrene Materials (Grieco)

### HB 0191
**Young Farmers and Ranchers** by Bell

Young Farmers and Ranchers: Creates Florida Young Farmers & Ranchers Matching Grant Program within DACS; provides requirements for recipient eligibility & grant awards; specifies that grant funding is contingent upon specific legislative appropriation. Effective Date: July 1, 2020

**Current Committee of Reference:** House Agriculture & Natural Resources Subcommittee

### Actions

**09/25/2019**  
HOUSE Now in Agriculture & Natural Resources Subcommittee

**Identical**

SB 1130  
Young Farmers and Ranchers (Albritton)

### 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

**Current Committee of Reference:** Senate Appropriations

### Actions

**10/24/2019**  
SENATE Now in Appropriations

**Compare**

SB 0230  
Department of Health (Harrell)

HB 0713  
Department of Health (Rodriguez (AM))

**Identical**

HB 0221  
Osteopathic Physicians Certification and Licensure (Roach)

### 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

**Current Committee of Reference:** No Current Committee

### Actions
01/30/2020  HOUSE Placed on Calendar, on 2nd reading

**Compare**

<table>
<thead>
<tr>
<th>Bill</th>
<th>Sponsor/Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>SB 0230</td>
<td>Department of Health (Harrell)</td>
</tr>
<tr>
<td>HB 0713</td>
<td>Department of Health (Rodriguez (AM))</td>
</tr>
</tbody>
</table>

**Identical**

<table>
<thead>
<tr>
<th>Bill</th>
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</thead>
<tbody>
<tr>
<td>SB 0218</td>
<td>Licensure Requirements for Osteopathic Physicians (Harrell)</td>
</tr>
</tbody>
</table>

**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

**Current Committee of Reference:** No Current Committee

**Actions**

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>02/13/2020</td>
<td>SENATE Read Second Time; Placed on Third Reading, 02/19/20</td>
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**Compare**

<table>
<thead>
<tr>
<th>Bill</th>
<th>Sponsor/Department</th>
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</thead>
<tbody>
<tr>
<td>SB 0230</td>
<td>Department of Health (Harrell)</td>
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<tr>
<td>HB 0713</td>
<td>Department of Health (Rodriguez (AM))</td>
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</table>

**Identical**

<table>
<thead>
<tr>
<th>Bill</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>HB 0485</td>
<td>Athletic Trainers (Antone)</td>
</tr>
</tbody>
</table>

**SB 0230 Department of Health** by Harrell

Department of Health; Revising the purpose of patient care networks from serving patients with acquired immune deficiency syndrome to serving those with human immunodeficiency virus; 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; 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, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Rules

**Actions**

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>02/10/2020</td>
<td>SENATE Now in Rules</td>
</tr>
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</table>

**Compare**

<table>
<thead>
<tr>
<th>Bill</th>
<th>Sponsor/Department</th>
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</thead>
<tbody>
<tr>
<td>SB 0066</td>
<td>Student Loans and Scholarship Obligations of Health Care Practitioners (Cruz)</td>
</tr>
<tr>
<td>HB 0077</td>
<td>Student Loans and Scholarship Obligations of Health Care Practitioners (Goff-Marcil)</td>
</tr>
<tr>
<td>HB 0115</td>
<td>Keep Our Graduates Working Act (Duran)</td>
</tr>
<tr>
<td>HB 0218</td>
<td>Licensure Requirements for Osteopathic Physicians (Harrell)</td>
</tr>
<tr>
<td>HB 0221</td>
<td>Osteopathic Physicians Certification and Licensure (Roach)</td>
</tr>
<tr>
<td>SB 0226</td>
<td>Athletic Trainers (Harrell)</td>
</tr>
<tr>
<td>SB 0356</td>
<td>Keep Our Graduates Working Act (Hutson)</td>
</tr>
<tr>
<td>SB 0390</td>
<td>Massage Therapy (Hooper)</td>
</tr>
<tr>
<td>SB 0474</td>
<td>Deregulation of Professions and Occupations (Albritton)</td>
</tr>
<tr>
<td>HB 0485</td>
<td>Athletic Trainers (Antone)</td>
</tr>
<tr>
<td>HB 0677</td>
<td>Chiropractic Medicine (Smith (D))</td>
</tr>
<tr>
<td>HB 0707</td>
<td>Legislative Review of Occupational Regulations (Renner)</td>
</tr>
<tr>
<td>Bill</td>
<td>Description</td>
</tr>
<tr>
<td>--------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>SB 0926</td>
<td>Health Care Practitioner Licensure (Harrell)</td>
</tr>
<tr>
<td>SB 1124</td>
<td>Legislative Review of Occupational Regulations (Diaz)</td>
</tr>
<tr>
<td>SB 1138</td>
<td>Chiropractic Medicine (Brandes)</td>
</tr>
<tr>
<td>HB 1143</td>
<td>Department of Health (Gregory)</td>
</tr>
<tr>
<td>SB 1296</td>
<td>Health Access Dental Licenses (Berman)</td>
</tr>
<tr>
<td>HB 1341</td>
<td>Massage Therapy (Goff-Marcil)</td>
</tr>
<tr>
<td>HB 1461</td>
<td>Health Access Dental Licenses (Brown)</td>
</tr>
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<td>Similar</td>
<td></td>
</tr>
<tr>
<td>HB 0713</td>
<td>Department of Health (Rodriguez (AM))</td>
</tr>
<tr>
<td>HB 0237</td>
<td><strong>Agricultural Products</strong> by Roth</td>
</tr>
<tr>
<td></td>
<td>Agricultural Products: Revises &amp; provides definition. Effective Date: July 1, 2020</td>
</tr>
<tr>
<td></td>
<td><strong>Current Committee of Reference:</strong> House Agriculture &amp; Natural Resources Subcommittee</td>
</tr>
<tr>
<td>Actions</td>
<td>10/10/2019 HOUSE Now in Agriculture &amp; Natural Resources Subcommittee</td>
</tr>
<tr>
<td>SB 0250</td>
<td><strong>Development Orders</strong> by Berman</td>
</tr>
<tr>
<td></td>
<td>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</td>
</tr>
<tr>
<td></td>
<td><strong>Current Committee of Reference:</strong> Senate Community Affairs</td>
</tr>
<tr>
<td>Actions</td>
<td>09/19/2019 SENATE Referred to Community Affairs; Judiciary; Rules</td>
</tr>
<tr>
<td>Identical</td>
<td>HB 6019 Development Orders (Casello)</td>
</tr>
<tr>
<td>HB 0255</td>
<td><strong>Florida Commission on Human Relations</strong> by Antone</td>
</tr>
<tr>
<td></td>
<td>Florida Commission on Human Relations: Provides quorum requirements for Commission on Human Relations &amp; its panels; revises number of persons commission may recommend for Florida Civil Rights Hall of Fame; 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</td>
</tr>
<tr>
<td></td>
<td><strong>Current Committee of Reference:</strong> No Current Committee</td>
</tr>
<tr>
<td>Actions</td>
<td>02/12/2020 HOUSE Placed on Calendar, on 2nd reading</td>
</tr>
<tr>
<td>Compare</td>
<td>SB 0450 Whistleblower’s Act (Brandes)</td>
</tr>
<tr>
<td>Similar</td>
<td>SB 0726 Florida Commission on Human Relations (Rouson)</td>
</tr>
<tr>
<td>SB 0278</td>
<td><strong>Climate Health Planning</strong> by Rodriguez (J)</td>
</tr>
<tr>
<td></td>
<td>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</td>
</tr>
<tr>
<td></td>
<td><strong>Current Committee of Reference:</strong> Senate Health Policy</td>
</tr>
</tbody>
</table>
### 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

**Current Committee of Reference:** Senate Infrastructure and Security

### Actions

<table>
<thead>
<tr>
<th>Date</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>10/15/2019</td>
<td>SENATE Referred to Health Policy; Infrastructure and Security; Appropriations</td>
</tr>
</tbody>
</table>

### 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

**Current Committee of Reference:** House Commerce Committee

### Actions

<table>
<thead>
<tr>
<th>Date</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/28/2020</td>
<td>HOUSE Now in Commerce Committee</td>
</tr>
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</table>

### Similar

<table>
<thead>
<tr>
<th>Bill</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>SB 1126</td>
<td>Employment Conditions (Gruters)</td>
</tr>
</tbody>
</table>

### 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

**Current Committee of Reference:** Senate Environment and Natural Resources

### Actions

<table>
<thead>
<tr>
<th>Date</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>10/15/2019</td>
<td>SENATE Referred to Environment and Natural Resources; Commerce and Tourism; Rules</td>
</tr>
</tbody>
</table>

### 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

**Current Committee of Reference:** Senate Appropriations Subcommittee on Agriculture, Environment and General Government

### Actions

<table>
<thead>
<tr>
<th>Date</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/05/2019</td>
<td>SENATE Now in Appropriations Subcommittee on Agriculture, Environment, and General Government</td>
</tr>
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</table>

### Compare

<table>
<thead>
<tr>
<th>Bill</th>
<th>Title</th>
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</thead>
<tbody>
<tr>
<td>HB 0849</td>
<td>Land Acquisition Trust Fund (Altman)</td>
</tr>
<tr>
<td>HB 5003</td>
<td>Implementing the 2020-2021 General Appropriations Act (Appropriations Committee)</td>
</tr>
</tbody>
</table>

### SB 0356 Keep Our Graduates Working Act by Hutson

Keep Our Graduates Working Act; Creating the "Keep Our Graduates Working Act of 2020"; prohibiting a state authority from suspending or revoking a person’s professional license, certificate, registration, or permit solely on the basis of a delinquency or default in the payment of his or her student loan, etc. Effective Date: 7/1/2020
<table>
<thead>
<tr>
<th>Current Committee of Reference: No Current Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Actions</strong></td>
</tr>
<tr>
<td>02/06/2020 SENATE Read Second Time; Substituted for HB 0115; Laid on Table, Refer to HB 0115</td>
</tr>
</tbody>
</table>

<table>
<thead>
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</thead>
<tbody>
<tr>
<td>SB 0066 Student Loans and Scholarship Obligations of Health Care Practitioners (Cruz)</td>
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<tr>
<td>HB 0077 Student Loans and Scholarship Obligations of Health Care Practitioners (Goff-Marcil)</td>
</tr>
<tr>
<td>SB 0230 Department of Health (Harrell)</td>
</tr>
<tr>
<td>SB 0474 Deregulation of Professions and Occupations (Albritton)</td>
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<td>HB 0713 Department of Health (Rodriguez (AM))</td>
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<tr>
<td>SB 0926 Health Care Practitioner Licensure (Harrell)</td>
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<tbody>
<tr>
<td>HB 0115 Keep Our Graduates Working Act (Duran)</td>
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<table>
<thead>
<tr>
<th><strong>HB 0357 Internship Tax Credit Program</strong> by Jones</th>
</tr>
</thead>
<tbody>
<tr>
<td>Internship Tax Credit Program: Provides corporate income tax credit up to specified amount for qualified business that hires employees who have completed specified internships; provides eligibility criteria; limits amount of tax credit which qualified business may claim; authorizes Department of Revenue to adopt rules governing applications &amp; establishing qualification requirements; authorizes business to carry forward tax credit for specified period. Effective Date: July 1, 2020</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Current Committee of Reference: No Current Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Actions</strong></td>
</tr>
<tr>
<td>10/16/2019 HOUSE Withdrawn prior to introduction</td>
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</table>

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>HB 1101 Internship Tax Credit Program (Daley)</td>
</tr>
<tr>
<td>SB 1412 Internship Tax Credit Program (Powell)</td>
</tr>
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<table>
<thead>
<tr>
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<tbody>
<tr>
<td>HB 0439 Internship Tax Credit Program (Daley)</td>
</tr>
<tr>
<td>SB 0642 Internship Tax Credit Program (Powell)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>SB 0390 Massage Therapy</strong> by Hooper</th>
</tr>
</thead>
<tbody>
<tr>
<td>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</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Current Committee of Reference: Senate Health Policy</th>
</tr>
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<tr>
<td><strong>Actions</strong></td>
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<tr>
<td>10/15/2019 SENATE Referred to Health Policy; Appropriations; Rules</td>
</tr>
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<table>
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<tbody>
<tr>
<td>SB 0230 Department of Health (Harrell)</td>
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<tr>
<td>HB 0707 Legislative Review of Occupational Regulations (Renner)</td>
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<tr>
<td>HB 0713 Department of Health (Rodriguez (AM))</td>
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<tr>
<td>SB 1124 Legislative Review of Occupational Regulations (Diaz)</td>
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<table>
<thead>
<tr>
<th>Identical</th>
</tr>
</thead>
<tbody>
<tr>
<td>HB 1341 Massage Therapy (Goff-Marcil)</td>
</tr>
</tbody>
</table>
### 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

**Current Committee of Reference:** House Agriculture & Natural Resources Subcommittee

<table>
<thead>
<tr>
<th>Actions</th>
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<tbody>
<tr>
<td>10/30/2019 HOUSE Now in Agriculture &amp; Natural Resources Subcommittee</td>
</tr>
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<table>
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<tr>
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<tbody>
<tr>
<td>SB 0712 Water Quality Improvements (Mayfield)</td>
</tr>
<tr>
<td>HB 1343 Water Quality Improvements (Payne)</td>
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</tbody>
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<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>SB 0686 Stormwater Management Systems (Gruters)</td>
</tr>
</tbody>
</table>

### Internship Tax Credit Program by Daley

Internship Tax Credit Program: Provides corporate income tax credit up to specified amount for qualified business that hires employees who have completed specified internships; provides eligibility criteria; limits amount of tax credit which qualified business may claim; authorizes Department of Revenue to adopt rules governing applications & establishing qualification requirements; authorizes business to carry forward tax credit for specified period. Effective Date: July 1, 2020

**Current Committee of Reference:** No Current Committee

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>11/13/2019 HOUSE Withdrawn prior to introduction</td>
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<table>
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<tbody>
<tr>
<td>HB 1101 Internship Tax Credit Program (Daley)</td>
</tr>
<tr>
<td>SB 1412 Internship Tax Credit Program (Powell)</td>
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<table>
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<tbody>
<tr>
<td>HB 0357 Internship Tax Credit Program (Jones)</td>
</tr>
<tr>
<td>SB 0642 Internship Tax Credit Program (Powell)</td>
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</table>

### 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

**Current Committee of Reference:** Senate Innovation, Industry, and Technology

<table>
<thead>
<tr>
<th>Actions</th>
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<tbody>
<tr>
<td>12/09/2019 SENATE Now in Innovation, Industry, and Technology</td>
</tr>
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<table>
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<tr>
<th>Identical</th>
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</thead>
<tbody>
<tr>
<td>HB 1107 Customer Service Standards for State Agencies (Mercado)</td>
</tr>
</tbody>
</table>

### 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

Current Committee of Reference: Senate Governmental Oversight and Accountability

Actions
10/15/2019 SENATE Referred to Governmental Oversight and Accountability; Judiciary; Rules

Compare
HB 0255 Florida Commission on Human Relations (Antone)
SB 0726 Florida Commission on Human Relations (Rouson)

SB 0456 Minimum Wage by Rodriguez (J)
Minimum Wage; Revising the formula for the adjusted state minimum wage, etc. Effective Date: 7/1/2020
Current Committee of Reference: Senate Commerce and Tourism

Actions
10/15/2019 SENATE Referred to Commerce and Tourism; Innovation, Industry, and Technology; Rules

Similar
HB 0691 Minimum Wage (Jacquet)

SB 0474 Deregulation of Professions and Occupations by Albritton
Deregulation of Professions and Occupations; Citing this act as the “Occupational Freedom and Opportunity Act”; requiring the Department of Highway Safety and Motor Vehicles to waive the requirement to pass the Commercial Driver License Skills Tests for certain servicemembers and veterans; deleting the requirement that a yacht broker maintain a separate license for each branch office; specifying that the failure to repay certain student loans is not considered a failure to perform a statutory or legal obligation for which certain disciplinary action can be taken; revising licensure requirements for engineers who hold specified licenses in another state, etc. Effective Date: Except as otherwise expressly provided in this act, this act shall take effect July 1, 2020

Current Committee of Reference: Senate Appropriations

Actions
02/10/2020 SENATE Now in Appropriations

Compare
SB 0066 Student Loans and Scholarship Obligations of Health Care Practitioners (Cruz)
HB 0077 Student Loans and Scholarship Obligations of Health Care Practitioners (Goff-Marcil)
HB 0115 Keep Our Graduates Working Act (Duran)
SB 0230 Department of Health (Harrell)
SB 0356 Keep Our Graduates Working Act (Hutson)
HB 0707 Legislative Review of Occupational Regulations (Renner)
HB 0713 Department of Health (Rodriguez (AM))
SB 0926 Health Care Practitioner Licensure (Harrell)
SB 1124 Legislative Review of Occupational Regulations (Diaz)
HB 1193 Deregulation of Professions and Occupations (Ingoglia)

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

**Current Committee of Reference:** No Current Committee

### Actions

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<tr>
<th>Date</th>
<th>Action Description</th>
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<tbody>
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<td>01/30/2020</td>
<td>HOUSE Placed on Calendar, on 2nd reading</td>
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### Compare

<table>
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<tr>
<th>Bill</th>
<th>Description</th>
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<tbody>
<tr>
<td>SB 0230</td>
<td>Department of Health (Harrell)</td>
</tr>
<tr>
<td>HB 0713</td>
<td>Department of Health (Rodriguez (AM))</td>
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### Identical

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<tr>
<th>Bill</th>
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<tbody>
<tr>
<td>SB 0226</td>
<td>Athletic Trainers (Harrell)</td>
</tr>
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</table>

**HB 0511 Insulation Products** by Fine

Insulation Products: Specifies that person who takes certain actions relating to interior building envelope insulation products for residential dwellings without having certain test report is subject to Florida Deceptive & Unfair Trade Practices Act; requires that such test report be provided, upon request, to local building official; provides that product evaluation report may not be provided in lieu of test report. Effective Date: July 1, 2020

**Current Committee of Reference:** No Current Committee

### Actions

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### Similar

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<tr>
<th>Bill</th>
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<tbody>
<tr>
<td>SB 0732</td>
<td>Insulation Products (Gruters)</td>
</tr>
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</table>

**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

**Current Committee of Reference:** House Workforce Development & Tourism Subcommittee

### Actions

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<th>Date</th>
<th>Action Description</th>
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<tr>
<td>11/15/2019</td>
<td>HOUSE Now in Workforce Development &amp; Tourism Subcommittee</td>
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### Identical

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<tbody>
<tr>
<td>SB 0882</td>
<td>Heat Illness Prevention (Torres, Jr.)</td>
</tr>
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</table>

**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

**Current Committee of Reference:** House Appropriations Committee

### Actions

<table>
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<tr>
<th>Date</th>
<th>Action Description</th>
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<tr>
<td>02/14/2020</td>
<td>HOUSE On Committee agenda - Appropriations Committee, 02/18/20, 11:30 am, 212 K</td>
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### Compare

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<tr>
<td>HB 1073</td>
<td>Statewide Office of Resiliency (Stevenson)</td>
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<tr>
<td>SB 7016</td>
<td>Statewide Office of Resiliency (Infrastructure and Security)</td>
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<table>
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<tr>
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<tbody>
<tr>
<td>SB 0178</td>
<td>Public Financing of Construction Projects (Rodriguez (J))</td>
</tr>
<tr>
<td>Bill Number</td>
<td>Bill Title</td>
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<tr>
<td>-------------</td>
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<tr>
<td>HB 0595</td>
<td>Medical Marijuana Employee Protection</td>
</tr>
<tr>
<td></td>
<td>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 &amp; damages. Effective Date: upon becoming a law</td>
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<tr>
<td></td>
<td>Current Committee of Reference: House Oversight, Transparency &amp; Public Management Subcommittee</td>
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<td>Actions</td>
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<tr>
<td></td>
<td>11/25/2019 HOUSE Now in Oversight, Transparency &amp; Public Management Subcommittee</td>
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<tr>
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<td>Similar</td>
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<tr>
<td></td>
<td>SB 0962 Medical Marijuana Employee Protection (Berman)</td>
</tr>
<tr>
<td>HB 0633</td>
<td>Human Trafficking Prevention</td>
</tr>
<tr>
<td></td>
<td>Human Trafficking Prevention: Requires employees of certain businesses to complete specified courses on the detection of human trafficking; requires specified number of hours in school bus training program be allocated to human trafficking prevention. Effective Date: October 1, 2020</td>
</tr>
<tr>
<td></td>
<td>Current Committee of Reference: House Business &amp; Professions Subcommittee</td>
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<tr>
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<td>Actions</td>
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<tr>
<td></td>
<td>11/25/2019 HOUSE Now in Business &amp; Professions Subcommittee</td>
</tr>
<tr>
<td></td>
<td>Compare</td>
</tr>
<tr>
<td></td>
<td>SB 1368 Human Trafficking Prevention (Book)</td>
</tr>
<tr>
<td>SB 0638</td>
<td>Apalachicola Environmental Stewardship Act</td>
</tr>
<tr>
<td></td>
<td>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</td>
</tr>
<tr>
<td></td>
<td>Current Committee of Reference: Senate Appropriations Subcommittee on Agriculture, Environment and General Government</td>
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<td>12/10/2019 SENATE Now in Appropriations Subcommittee on Agriculture, Environment, and General Government</td>
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<tr>
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<tr>
<td></td>
<td>HB 1347 Apalachicola Environmental Stewardship Act (Shoaf)</td>
</tr>
<tr>
<td>SB 0640</td>
<td>Indian River Lagoon State Matching Grant Program</td>
</tr>
<tr>
<td></td>
<td>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</td>
</tr>
<tr>
<td></td>
<td>Current Committee of Reference: Senate Appropriations Subcommittee on Agriculture, Environment and General Government</td>
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<td></td>
<td>Actions</td>
</tr>
<tr>
<td></td>
<td>12/10/2019 SENATE Now in Appropriations Subcommittee on Agriculture, Environment, and General Government</td>
</tr>
</tbody>
</table>
### Internship Tax Credit Program

**SB 0642**

Internship Tax Credit Program; Designating the “Florida Internship Tax Credit Program”; providing a corporate income tax credit for qualified businesses employing degree-seeking student interns if certain criteria are met; specifying the amount of the credit per student intern; specifying a limit on the credit claimed per taxable year, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** No Current Committee

**Actions**

12/05/2019 SENATE Withdrawn prior to introduction

### Drones

**HB 0659**

Drones: Adds exception to prohibited uses of drone for managing & eradicating invasive exotic plants or animals on public lands & suppressing & mitigating wildfire threats. Effective Date: July 1, 2020

**Current Committee of Reference:** No Current Committee

**Actions**

02/13/2020 HOUSE Placed on Calendar, on 2nd reading

### Verification of Employment Eligibility

**SB 0664**

Verification of Employment Eligibility; Requiring public employers and certain contractors and subcontractors to register with and use an employment verification system by a specified date; requiring employers who meet specified criteria to register with and use an employment verification system to verify the employment eligibility of new employees; authorizing the imposition of fines for violations of the act; creating a rebuttable presumption for certain employers that the employer did not knowingly employ an unauthorized alien, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Commerce and Tourism

**Actions**

02/13/2020 SENATE On Committee agenda - Commerce and Tourism, 02/18/20, 10:00 am, 110 S

### Chiropractic Medicine

**HB 0677**

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

**Current Committee of Reference:** House Health Quality Subcommittee

**Actions**

<table>
<thead>
<tr>
<th>Date</th>
<th>Action Description</th>
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<tbody>
<tr>
<td>12/03/2019</td>
<td>HOUSE Now in Health Quality Subcommittee</td>
</tr>
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</table>

**Compare**

- SB 0230  Department of Health (Harrell)
- HB 0713  Department of Health (Rodriguez (AM))
- SB 1124  Legislative Review of Occupational Regulations (Diaz)

**Similar**

- SB 1138  Chiropractic Medicine (Brandes)

**HB 0683**

**Use of Industrial Hemp for Construction** by Fernández

Use of Industrial Hemp for Construction: Directs DACS to conduct comprehensive study on use of industrial hemp to build structures & submit report to Governor & Legislature. Effective Date: July 1, 2020

**Current Committee of Reference:** House Agriculture & Natural Resources Subcommittee

**Actions**

<table>
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<tr>
<th>Date</th>
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<tbody>
<tr>
<td>12/03/2019</td>
<td>HOUSE Now in Agriculture &amp; Natural Resources Subcommittee</td>
</tr>
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</table>

**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

**Current Committee of Reference:** Senate Environment and Natural Resources

**Actions**

<table>
<thead>
<tr>
<th>Date</th>
<th>Action Description</th>
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<tbody>
<tr>
<td>11/06/2019</td>
<td>SENATE Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations</td>
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**Compare**

- SB 0712  Water Quality Improvements (Mayfield)
- HB 1343  Water Quality Improvements (Payne)

**Identical**

- HB 0405  Stormwater Management Systems (Good)

**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

**Current Committee of Reference:** Senate Environment and Natural Resources

**Actions**

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<tr>
<td>11/06/2019</td>
<td>SENATE Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations</td>
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**Identical**
### HB 0691  Minimum Wage by Jacquet

Minimum Wage: Revises formula for adjusted state minimum wage. Effective Date: July 1, 2020

**Current Committee of Reference:** House Workforce Development & Tourism Subcommittee

**Actions**

<table>
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<tr>
<td>12/03/2019</td>
<td>HOUSE Now in Workforce Development &amp; Tourism Subcommittee</td>
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<tr>
<th>Bill</th>
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<tbody>
<tr>
<td>SB 0456</td>
<td>Minimum Wage (Rodriguez (J))</td>
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### HB 0707  Legislative Review of Occupational Regulations by Renner

Legislative Review of Occupational Regulations: Authorizes schedule for 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

**Current Committee of Reference:** No Current Committee

**Actions**

<table>
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<tr>
<th>Date</th>
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<td>02/10/2020</td>
<td>HOUSE Placed on Calendar, on 2nd reading</td>
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**Compare**

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<tbody>
<tr>
<td>SB 0230</td>
<td>Department of Health (Harrell)</td>
</tr>
<tr>
<td>SB 0390</td>
<td>Massage Therapy (Hooper)</td>
</tr>
<tr>
<td>SB 0474</td>
<td>Deregulation of Professions and Occupations (Albritton)</td>
</tr>
<tr>
<td>HB 0713</td>
<td>Department of Health (Rodriguez (AM))</td>
</tr>
<tr>
<td>HB 1137</td>
<td>Consumer Protection (Clemons)</td>
</tr>
<tr>
<td>SB 1138</td>
<td>Chiropractic Medicine (Brandes)</td>
</tr>
<tr>
<td>HB 1143</td>
<td>Department of Health (Gregory)</td>
</tr>
<tr>
<td>HB 1193</td>
<td>Deregulation of Professions and Occupations (Ingoglia)</td>
</tr>
<tr>
<td>HB 1341</td>
<td>Massage Therapy (Goff-Marcil)</td>
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<td>SB 1492</td>
<td>Consumer Protection (Wright)</td>
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**Similar**

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<tr>
<td>SB 1124</td>
<td>Legislative Review of Occupational Regulations (Diaz)</td>
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### 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

**Current Committee of Reference:** Senate Appropriations

**Actions**

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<th>Action</th>
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<tr>
<td>HB 0153</td>
<td>Indian River Lagoon State Matching Grant Program (Fine)</td>
</tr>
<tr>
<td>HB 0405</td>
<td>Stormwater Management Systems (Good)</td>
</tr>
<tr>
<td>SB 0640</td>
<td>Indian River Lagoon State Matching Grant Program (Harrell)</td>
</tr>
<tr>
<td>SB 0686</td>
<td>Stormwater Management Systems (Gruters)</td>
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<td>HB 1343</td>
<td>Water Quality Improvements (Payne)</td>
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<tr>
<td>HB 1363</td>
<td>Basin Management Action Plans (Overdorf)</td>
</tr>
<tr>
<td>SB 1382</td>
<td>Environmental Resource Management (Albritton)</td>
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**HB 0713 Department of Health by Rodriguez (AM)**

Department of Health: Specifies direct reporting requirements for certain positions within Children's Medical Services Program; revises provisions relating to Florida Consortium of National Cancer Institute Centers Program; revises duties & responsibilities of DOH; revises licensure requirements for certain professions under authority of DOH; provides requirements relating to radiation machines; provides adverse incident reporting requirements for dental professionals. Effective Date: July 1, 2020

**Current Committee of Reference:** House Health & Human Services Committee

**Actions**

02/14/2020 HOUSE Committee Substitute Text (C3) Filed

**Compare**

| SB 0066 | Student Loans and Scholarship Obligations of Health Care Practitioners (Cruz) |
| HB 0077 | Student Loans and Scholarship Obligations of Health Care Practitioners (Goff-Marcil) |
| HB 0115 | Keep Our Graduates Working Act (Duran) |
| SB 0218 | Licensure Requirements for Osteopathic Physicians (Harrell) |
| HB 0221 | Osteopathic Physicians Certification and Licensure (Roach) |
| SB 0226 | Athletic Trainers (Harrell) |
| SB 0356 | Keep Our Graduates Working Act (Hutson) |
| SB 0390 | Massage Therapy (Hooper) |
| SB 0474 | Deregulation of Professions and Occupations (Albritton) |
| HB 0485 | Athletic Trainers (Antone) |
| HB 0677 | Chiropractic Medicine (Smith (D)) |
| HB 0707 | Legislative Review of Occupational Regulations (Renner) |
| SB 0926 | Health Care Practitioner Licensure (Harrell) |
| SB 1124 | Legislative Review of Occupational Regulations (Diaz) |
| SB 1138 | Chiropractic Medicine (Brandes) |
| HB 1143 | Department of Health (Gregory) |
| SB 1296 | Health Access Dental Licenses (Berman) |
| HB 1341 | Massage Therapy (Goff-Marcil) |
| HB 1461 | Health Access Dental Licenses (Brown) |

**Similar**

| SB 0230 | Department of Health (Harrell) |

**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

**Current Committee of Reference:** Senate Environment and Natural Resources

**Actions**

<table>
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<tr>
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<tbody>
<tr>
<td>11/18/2019</td>
<td>SENATE Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations</td>
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**Compare**

<table>
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<tr>
<th>Bill</th>
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<tbody>
<tr>
<td>HB 5003</td>
<td>Implementing the 2020-2021 General Appropriations Act (Appropriations Committee)</td>
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</table>

**SB 0732**  
**Insulation Products** by Gruters

Insulation Products: Specifying that a person who takes certain actions relating to interior building envelope insulation products without having a certain test report is subject to the Florida Deceptive and Unfair Trade Practices Act; requiring that the test report be provided, upon request, to a local building official, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Community Affairs

**Actions**

<table>
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<th>Date</th>
<th>Action Description</th>
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<tbody>
<tr>
<td>11/21/2019</td>
<td>SENATE Referred to Community Affairs; Commerce and Tourism; Rules</td>
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**Similar**

<table>
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<tr>
<th>Bill</th>
<th>Description</th>
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<tbody>
<tr>
<td>HB 0511</td>
<td>Insulation Products (Fine)</td>
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**HB 0775**  
**Everglades Protection Area** by Avila

Everglades Protection Area: Requires comprehensive plans & plan amendments that apply to certain lands within or near Everglades Protection Area to follow state coordinated review process; requires DEP to make determinations, consult, & coordinate with specified entities regarding such plans & amendments; provides additional limitation for compliance determination of such plans & plan amendments; prohibits & provides requirements for adoption of certain development amendments within Everglades Protection Area. Effective Date: July 1, 2020

**Current Committee of Reference:** House State Affairs Committee

**Actions**

<table>
<thead>
<tr>
<th>Date</th>
<th>Action Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>02/02/2020</td>
<td>HOUSE Now in State Affairs Committee</td>
</tr>
</tbody>
</table>

**Similar**

<table>
<thead>
<tr>
<th>Bill</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>SB 1390</td>
<td>Everglades Protection Area (Simmons)</td>
</tr>
</tbody>
</table>

**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

**Current Committee of Reference:** House Agriculture & Natural Resources Subcommittee

**Actions**

<table>
<thead>
<tr>
<th>Date</th>
<th>Action Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/16/2020</td>
<td>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)</td>
</tr>
</tbody>
</table>

**Compare**

<table>
<thead>
<tr>
<th>Bill</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>SB 0906</td>
<td>Prohibited Reptiles (Farmer, Jr.)</td>
</tr>
<tr>
<td>SB 1310</td>
<td>Hunting and Fishing Sales Tax Holiday (Mayfield)</td>
</tr>
<tr>
<td>SB 1414</td>
<td>Fish and Wildlife Activities (Mayfield)</td>
</tr>
</tbody>
</table>

**SB 0786**  
**Public Records/Aquaculture Records/Department of Agriculture and Consumer Services** by Gainer
Public Records/Aquaculture Records/Department of Agriculture and Consumer Services; Providing a public records exemption for certain aquaculture records held by the Department of Agriculture and Consumer Services; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Rules

**Actions**

02/03/2020  SENATE Now in Rules

**Identical**

HB 0905  Pub. Rec./Aquaculture Production Information/Department of Agriculture and Consumer Services (Ausley)

**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

**Current Committee of Reference:** House Agriculture & Natural Resources Subcommittee

**Actions**

12/16/2019  HOUSE Now in Agriculture & Natural Resources Subcommittee

**Similar**

SB 1608  Florida National Estuary Program Act (Mayfield)

**SB 0822 Drones** by Albritton

Drones; Adding an exception to prohibited uses of a drone, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Rules

**Actions**

01/30/2020  SENATE Now in Rules

**Identical**

HB 0659  Drones (Fischer)

**SB 0882 Heat Illness Prevention** by Torres, Jr.

Heat Illness Prevention; Providing responsibilities of certain employers and employees; requiring certain employers to provide annual training for employees and supervisors; requiring the Department of Agriculture and Consumer Services, in conjunction with the Department of Health, to adopt specified rules, etc. Effective Date: 10/1/2020

**Current Committee of Reference:** Senate Agriculture

**Actions**

11/21/2019  SENATE Referred to Agriculture; Health Policy; Rules

**Identical**

HB 0513  Heat Illness Prevention (Smith (C))

**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

**Current Committee of Reference:** House Business & Professions Subcommittee

<table>
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<tr>
<th>Actions</th>
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<tbody>
<tr>
<td>12/19/2019 HOUSE Now in Business &amp; Professions Subcommittee</td>
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</table>

<table>
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<tr>
<th>Similar</th>
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</thead>
<tbody>
<tr>
<td>SB 1194   Employment Practices (Cruz)</td>
</tr>
</tbody>
</table>

### SB 0890
**Local Licensing** by Perry

Local Licensing; Providing that individuals who hold valid, active local licenses may work within the scope
of such licenses in any local government jurisdiction without needing to meet certain additional licensing
requirements; requiring licensees to provide consumers with certain information; providing that local
governments have disciplinary jurisdiction over such licensees, etc. Effective Date: 10/1/2020

**Current Committee of Reference:** Senate Community Affairs

<table>
<thead>
<tr>
<th>Actions</th>
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<tbody>
<tr>
<td>01/27/2020 SENATE Now in Community Affairs</td>
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<tr>
<th>Identical</th>
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</thead>
<tbody>
<tr>
<td>HB 1161   Local Licensing (Plakon)</td>
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</tbody>
</table>

### HB 0905
**Pub. Rec./Aquaculture Production Information/Department of Agriculture and Consumer Services**
by Ausley

Pub. Rec./Aquaculture Production Information/Department of Agriculture and Consumer Services:
Exempts from public records requirements certain aquaculture records held by DACS; provides for future
legislative review & repeal under Open Government Sunset Review Act; provides statement of public
necessity. Effective Date: July 1, 2020

**Current Committee of Reference:** House Agriculture & Natural Resources Subcommittee

<table>
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<tr>
<th>Actions</th>
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<tbody>
<tr>
<td>12/19/2019 HOUSE Now in Agriculture &amp; Natural Resources Subcommittee</td>
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<tbody>
<tr>
<td>SB 0786   Public Records/Aquaculture Records/Department of Agriculture and Consumer Services (Gainer)</td>
</tr>
</tbody>
</table>

### SB 0906
**Prohibited Reptiles** by Farmer, Jr.

Prohibited Reptiles; Prohibiting a person, party, firm, association, or corporation from keeping, possessing,
importing, selling, bartering, trading, or breeding for personal use or sale for personal use green iguanas
or black and white tegus; authorizing certain persons, parties, firms, associations, and corporations to
possess green iguanas and black and white tegus for specified purposes, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Community Affairs

<table>
<thead>
<tr>
<th>Actions</th>
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<tbody>
<tr>
<td>02/12/2020 SENATE Committee Substitute Text (C1) Filed</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Compare</th>
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<tbody>
<tr>
<td>HB 0777   Fish and Wildlife Activities (Gregory)</td>
</tr>
<tr>
<td>SB 1414   Fish and Wildlife Activities (Mayfield)</td>
</tr>
<tr>
<td>HB 1415   Prohibited Reptiles (Daley)</td>
</tr>
</tbody>
</table>

### 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

Current Committee of Reference: House Agriculture & Natural Resources Subcommittee

**Actions**

12/19/2019  HOUSE Now in Agriculture & Natural Resources Subcommittee

**Similar**

SB 1232  Florida Climate and Resiliency Research Program (Rouson)

<table>
<thead>
<tr>
<th>HB 0921</th>
<th><strong>Department of Agriculture and Consumer Services</strong> by Brannan III</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Agriculture and Consumer Services: Revises contents of renewable &amp; alternative energy technologies report; authorizes certain use of fumigants; revises membership of Florida Food Safety &amp; Food Defense Advisory Council; revises food permit late fee; requires operation permits for frozen dessert wholesalers; provides exemption from bulk milk hauler/sampler permit requirements; removes prohibitions for repasteurized milk &amp; milkfat content testing; repeals Dairy Industry Technical Council; extends expiration for Pest Control Trust Fund use; revises agricultural water conservation program; directs Florida Forest Service to develop wildland fire training &amp; certification. Effective Date: July 1, 2020</td>
<td></td>
</tr>
<tr>
<td><strong>Current Committee of Reference:</strong> House Agriculture &amp; Natural Resources Subcommittee</td>
<td></td>
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<tr>
<td><strong>Actions</strong></td>
<td></td>
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<tr>
<td>12/19/2019  HOUSE Now in Agriculture &amp; Natural Resources Subcommittee</td>
<td></td>
</tr>
<tr>
<td><strong>Compare</strong></td>
<td></td>
</tr>
<tr>
<td>SB 1514  Department of Agriculture and Consumer Services (Albritton)</td>
<td></td>
</tr>
<tr>
<td>HB 5003  Implementing the 2020-2021 General Appropriations Act (Appropriations Committee)</td>
<td></td>
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<tr>
<td>HB 5401  Department of Environmental Protection (Agriculture &amp; Natural Resources Appropriations Subcommittee)</td>
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<thead>
<tr>
<th>HB 0933</th>
<th><strong>Captive-bred Animal Culture</strong> by Watson (C)</th>
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</thead>
<tbody>
<tr>
<td>Captive-bred Animal Culture: Requires DACS to submit list of research &amp; development projects &amp; captive-bred animal culture plan to Governor &amp; Legislature; requires certificate of registration for captive-bred animal producers; creates Captive-bred Animal Culture Advisory Council; provides prohibited acts &amp; penalties. Effective Date: July 1, 2020</td>
<td></td>
</tr>
<tr>
<td><strong>Current Committee of Reference:</strong> House Agriculture &amp; Natural Resources Subcommittee</td>
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<tr>
<td><strong>Actions</strong></td>
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<tr>
<td>12/19/2019  HOUSE Now in Agriculture &amp; Natural Resources Subcommittee</td>
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<tr>
<td><strong>Identical</strong></td>
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<tr>
<td>SB 1176  Captive-bred Animal Culture (Perry)</td>
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<thead>
<tr>
<th>SB 0962</th>
<th><strong>Medical Marijuana Employee Protection</strong> by Berman</th>
</tr>
</thead>
<tbody>
<tr>
<td>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</td>
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<tr>
<td><strong>Current Committee of Reference:</strong> Senate Governmental Oversight and Accountability</td>
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<tr>
<td><strong>Actions</strong></td>
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<tr>
<td>12/13/2019  SENATE Referred to Governmental Oversight and Accountability; Judiciary; Rules</td>
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### Similar

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<thead>
<tr>
<th>Bill Number</th>
<th>Bill Title</th>
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<tbody>
<tr>
<td>HB 0595</td>
<td>Medical Marijuana Employee Protection (Polsky)</td>
</tr>
</tbody>
</table>

### 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

**Current Committee of Reference:** Senate Infrastructure and Security

<table>
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<th>Actions</th>
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<td>02/12/2020</td>
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#### Compare

<table>
<thead>
<tr>
<th>Bill Number</th>
<th>Bill Title</th>
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</thead>
<tbody>
<tr>
<td>SB 0818</td>
<td>Manufactured Housing (Hooper)</td>
</tr>
<tr>
<td>HB 1339</td>
<td>Housing (Yarborough)</td>
</tr>
</tbody>
</table>

### 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

**Current Committee of Reference:** Senate Rules

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<th>Actions</th>
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<tr>
<td>02/03/2020</td>
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#### Compare

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<th>Bill Number</th>
<th>Bill Title</th>
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<tbody>
<tr>
<td>HB 1061</td>
<td>Aquatic Preserves (Massullo, Jr.)</td>
</tr>
</tbody>
</table>

### 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

**Current Committee of Reference:** House Agriculture & Natural Resources Subcommittee

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<th>Actions</th>
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<td>01/13/2020</td>
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<tr>
<th>Bill Number</th>
<th>Bill Title</th>
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<tbody>
<tr>
<td>SB 1360</td>
<td>Florida Endangered and Threatened Species Act (Rodriguez (J))</td>
</tr>
</tbody>
</table>

### 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

**Current Committee of Reference:** House State Affairs Committee

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<th>Actions</th>
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<tbody>
<tr>
<td>01/29/2020</td>
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Compare

<table>
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<th>Description</th>
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<tbody>
<tr>
<td>SB 0178</td>
<td>Public Financing of Construction Projects (Rodriguez (J))</td>
</tr>
<tr>
<td>HB 0579</td>
<td>Public Financing of Construction Projects (Aloupis)</td>
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Identical

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<tr>
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<tbody>
<tr>
<td>SB 7016</td>
<td>Statewide Office of Resiliency (Infrastructure and Security)</td>
</tr>
</tbody>
</table>

**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

Current Committee of Reference: House State Affairs Committee

Actions

02/11/2020 HOUSE Now in State Affairs Committee

Similar

<table>
<thead>
<tr>
<th>Bill</th>
<th>Description</th>
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<tbody>
<tr>
<td>SB 1450</td>
<td>Environmental Enforcement (Gruters)</td>
</tr>
</tbody>
</table>

**HB 1101 Internship Tax Credit Program** by Daley

Internship Tax Credit Program: Provides credit against corporate income tax to taxpayer employing degree-seeking student intern if certain criteria are met; specifies amount of credit; specifies limit on credit claimed per taxable year; authorizes carryforward of unused tax credits for specified timeframe. Effective Date: July 1, 2020

Current Committee of Reference: House Ways & Means Committee

Actions

01/23/2020 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 01/24/20, 9:00 am, 117 K (No Votes Will Be Taken)

Compare

<table>
<thead>
<tr>
<th>Bill</th>
<th>Description</th>
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<tbody>
<tr>
<td>HB 0357</td>
<td>Internship Tax Credit Program (Jones)</td>
</tr>
<tr>
<td>HB 0439</td>
<td>Internship Tax Credit Program (Daley)</td>
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<tr>
<td>SB 0642</td>
<td>Internship Tax Credit Program (Powell)</td>
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<th>Description</th>
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<tbody>
<tr>
<td>SB 1412</td>
<td>Internship Tax Credit Program (Powell)</td>
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</tbody>
</table>

**SB 1124 Legislative Review of Occupational Regulations** by Diaz

Legislative Review of Occupational Regulations; Citing this act as the “Occupational Regulation Sunset Act”; establishing a schedule for the systematic review of occupational regulatory programs; providing for the abolition of units or subunits of government and personnel positions responsible for repealed programs; providing for the reversion of certain unexpended funds and the refund of certain unencumbered revenue of a repealed program; requiring the Department of Legal Affairs to prosecute or defend certain pending causes of actions, etc. Effective Date: Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law

Current Committee of Reference: Senate Governmental Oversight and Accountability

Actions
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

Current Committee of Reference: Senate Governmental Oversight and Accountability

Home Delivery Services by Caruso

Home Delivery Services: Provides background screening requirements for home delivery service providers; prohibits home delivery service provider from entering home of or being unsupervised with consumer upon conviction, or any other adjudication, of specified crimes; specifies retailer responsibilities & duties; provides civil & criminal penalties; requires OIR to approve certain rating plans for liability insurance. Effective Date: July 1, 2020

Current Committee of Reference: House Criminal Justice Subcommittee

Legislative Review of Proposed Regulation of Unregulated Functions by Hage

Legislative Review of Proposed Regulation of Unregulated Functions: Provides certain requirements before adoption of regulation of unregulated profession or occupation or substantial expansion of regulation of regulated profession or occupation; requires proponents to provide certain information to state agency & Legislature; requires state agency to provide certain information to Legislature; provides exception; revises information that legislative committee must consider when determining whether regulation is justified. Effective Date: July 1, 2020
<table>
<thead>
<tr>
<th>Bill Number</th>
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<tbody>
<tr>
<td>SB 1614</td>
<td>Local Licensing</td>
<td>Provides individuals who hold valid, active local licenses may work within scope of such licenses in any local government jurisdiction without needing to meet additional licensing requirements; provides that local governments have disciplinary jurisdiction over such licensees; requires local governments to forward any disciplinary orders to licensee’s original licensing jurisdiction for further action; requires DBPR to create &amp; maintain local licensing information system. Effective Date: October 1, 2020</td>
</tr>
<tr>
<td>SB 1176</td>
<td>Captive-bred Animal Culture</td>
<td>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</td>
</tr>
<tr>
<td>SB 1186</td>
<td>Drug-free Workplaces</td>
<td>Requiring licensed drug-testing facilities to perform prescreening tests on urine specimens to determine the specimens’ validity; providing that urine specimens may not be sent to an out-of-state facility unless the facility complies with certain requirements; revising information required in a written policy statement provided to employees and job applicants before drug testing; revising procedures for specimen collection, testing, and preservation, etc. Effective Date: 7/1/2020</td>
</tr>
<tr>
<td>SB 1194</td>
<td>Employment Practices</td>
<td>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</td>
</tr>
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</table>
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

**Current Committee of Reference:** Senate Commerce and Tourism

### Actions

<table>
<thead>
<tr>
<th>Date</th>
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<tbody>
<tr>
<td>12/18/2019</td>
<td>SENATE Referred to Commerce and Tourism; Governmental Oversight and Accountability; Appropriations</td>
</tr>
</tbody>
</table>

### Similar

- **HB 0889** Employment Practices (Davis)

---

**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

**Current Committee of Reference:** No Current Committee

### Actions

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<thead>
<tr>
<th>Date</th>
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<tbody>
<tr>
<td>02/12/2020</td>
<td>HOUSE Placed on Calendar, on 2nd reading</td>
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</table>

### Compare

- **SB 1382** Environmental Resource Management (Albritton)

---

**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

**Current Committee of Reference:** Senate Infrastructure and Security

### Actions

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<tr>
<th>Date</th>
<th>Action Description</th>
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<tbody>
<tr>
<td>01/08/2020</td>
<td>SENATE Referred to Infrastructure and Security; Environment and Natural Resources; Appropriations</td>
</tr>
</tbody>
</table>

### Similar

- **HB 0913** Florida Climate and Resiliency Research Program (Diamond)

---

**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

**Current Committee of Reference:** House Commerce Committee

### Actions

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<tr>
<th>Date</th>
<th>Action Description</th>
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<tbody>
<tr>
<td>01/17/2020</td>
<td>HOUSE Now in Commerce Committee</td>
</tr>
</tbody>
</table>

### Compare

- **SB 0664** Verification of Employment Eligibility (Lee)

### Similar

- **SB 1822** Verification of Employment Eligibility (Gruters)

---

**SB 1336 Preemption of Local Occupational Licensing** by Perry
Preemption of Local Occupational Licensing: Preempting licensing of occupations to the state; prohibiting local governments from imposing additional licensing requirements or modifying licensing unless specified conditions are met; specifying that certain specialty contractors are not required to register with the Construction Industry Licensing Board; authorizing counties and municipalities to issue certain journeyman licenses, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Innovation, Industry, and Technology

**Actions**

- **02/12/2020** SENATE On Committee agenda - Innovation, Industry, and Technology, 02/17/20, 1:30 pm, 110 S

**Similar**

- **HB 0003** Preemption of Local Occupational Licensing (Grant (M))

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**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

**Current Committee of Reference:** House State Affairs Committee

**Actions**

- **02/12/2020** HOUSE Now in State Affairs Committee

**Compare**

- **HB 0405** Stormwater Management Systems (Good)
- **SB 0686** Stormwater Management Systems (Gruters)
- **SB 0712** Water Quality Improvements (Mayfield)
- **HB 1363** Basin Management Action Plans (Overdorf)
- **SB 1382** Environmental Resource Management (Albritton)

---

**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 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

**Current Committee of Reference:** Senate Appropriations Subcommittee on Agriculture, Environment and General Government

**Actions**

- **02/13/2020** SENATE On Committee agenda - Appropriations Subcommittee on Agriculture, Environment and General Government, 02/18/20, 1:30 pm, 110 S

**Identical**

- **HB 1067** Florida Endangered and Threatened Species Act (Hattersley)

---

**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

**Current Committee of Reference:** House State Affairs Committee

**Actions**

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
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<tbody>
<tr>
<td>02/03/2020</td>
<td>HOUSE Now in State Affairs Committee</td>
</tr>
</tbody>
</table>

**Compare**

- SB 0712 Water Quality Improvements (Mayfield)
- HB 1343 Water Quality Improvements (Payne)
- SB 1382 Environmental Resource Management (Albritton)

**SB 1382 Environmental Resource Management by Albritton**

Environmental Resource Management; Providing additional management strategies for basin
management action plans; requiring the Department of Agriculture and Consumer Services to work with
the Department of Environmental Protection to improve the accuracy of data used to estimate certain
agricultural land uses and to work with producers to identify certain agricultural technologies; prohibiting
local governments from recognizing, granting, conveying, or extending legal rights or legal standing to
animals or certain parts of the natural environment under certain circumstances, etc. Effective Date: 7/1
/2020

**Current Committee of Reference:** Senate Appropriations Subcommittee on Agriculture, Environment and
General Government

**Actions**

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
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<tbody>
<tr>
<td>01/30/2020</td>
<td>SENATE Now in Appropriations Subcommittee on Agriculture, Environment, and General Government</td>
</tr>
</tbody>
</table>

**Compare**

- SB 0712 Water Quality Improvements (Mayfield)
- HB 1199 Environmental Protection Act (Ingoglia)
- HB 1343 Water Quality Improvements (Payne)
- HB 1363 Basin Management Action Plans (Overdorf)

**HB 1389 Availability of Marijuana for Adult Use by Smith (C)**

Availability of Marijuana for Adult Use: Limits sales tax exemption for sale of marijuana & marijuana
delivery devices to include only sales to qualified patients or caregivers; revises provisions relating to
licensure & operation of MMTCs; authorizes certain persons to purchase, possess, use, transport, or
transfer marijuana products & delivery devices under certain circumstances; requires licensure by DBPR
of certain MMTCs; requires DACS to conduct certain study; requires sentence review hearings under
certain circumstances; authorizes certain persons to petition court for expunction of his or her criminal
history under certain circumstances; provides criminal penalties. Effective Date: January 1, 2021

**Current Committee of Reference:** House Health Quality Subcommittee

**Actions**

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
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</thead>
<tbody>
<tr>
<td>01/17/2020</td>
<td>HOUSE Now in Health Quality Subcommittee</td>
</tr>
</tbody>
</table>

**Compare**

- SB 1862 Public Records/Criminal History Records and Related Information (Brandes)
- HB 5003 Implementing the 2020-2021 General Appropriations Act (Appropriations Committee)

**Similar**

- SB 1860 Availability of Marijuana for Adult Use (Brandes)
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

Current Committee of Reference: Senate Community Affairs

Actions
01/27/2020  SENATE Now in Community Affairs

Similar
HB 0775  Everglades Protection Area (Avila)

SB 1412  Internship Tax Credit Program by Powell

Internship Tax Credit Program; Creating the "Florida Internship Tax Credit Program"; providing a credit against the corporate income tax to a taxpayer employing a degree-seeking student intern if certain criteria are met; specifying the amount of the credit; specifying a limit on the credit claimed per taxable year, etc. Effective Date: 7/1/2020

Current Committee of Reference: Senate Education

Actions
02/12/2020  SENATE On Committee agenda - Education, 02/17/20, 1:30 pm, 412 K

Compare
HB 0357  Internship Tax Credit Program (Jones)
HB 0439  Internship Tax Credit Program (Daley)
SB 0642  Internship Tax Credit Program (Powell)

Identical
HB 1101  Internship Tax Credit Program (Daley)

HB 1415  Prohibited Reptiles by Daley

Prohibited Reptiles: Prohibits keeping, possessing, importing, selling, bartering, trading, or breeding for personal use or sale for personal use green iguanas or black & white tegus. Effective Date: July 1, 2020

Current Committee of Reference: House Agriculture & Natural Resources Subcommittee

Actions
01/17/2020  HOUSE Now in Agriculture & Natural Resources Subcommittee

Compare
SB 0906  Prohibited Reptiles (Farmer, Jr.)

HB 1427  Florida Safe Drinking Water Act by Diamond

Florida Safe Drinking Water Act: Requires DEP to adopt & implement rules for statewide maximum contaminant levels for specified pollutants by date certain; provides requirements for adopting & implementing such rules; requires DEP to annually review specified studies & laws & initiate certain rulemaking. Effective Date: July 1, 2020

Current Committee of Reference: House Agriculture & Natural Resources Subcommittee

Actions
01/17/2020  HOUSE Now in Agriculture & Natural Resources Subcommittee

Similar
<table>
<thead>
<tr>
<th>Bill Number</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>SB 1720</td>
<td>Florida Safe Drinking Water Act (Cruz)</td>
</tr>
<tr>
<td>SB 1450</td>
<td>Environmental Enforcement by Gruters</td>
</tr>
<tr>
<td></td>
<td>Environmental Enforcement; Revising administrative penalties for violations of certain provisions relating to beach and shore construction and activities; revising civil penalties for violations of certain provisions relating to the Biscayne Bay Aquatic Preserve, aquatic preserves, water resources, the Pollutant Discharge Prevention and Control Act, the Clean Ocean Act, regulation of oil and gas resources, the Phosphate Land Reclamation Act, and other provisions relating to pollution and the environment, respectively; revising criminal penalties for violations of certain provisions relating to pollution and the environment, etc. Effective Date: 7/1/2020</td>
</tr>
<tr>
<td></td>
<td><strong>Current Committee of Reference:</strong> Senate Appropriations Subcommittee on Criminal and Civil Justice</td>
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<tr>
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<td><strong>Actions</strong></td>
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<tr>
<td></td>
<td>02/13/2020 SENATE On Committee agenda - Appropriations Subcommittee on Criminal and Civil Justice, 02/18/20, 1:30 pm, 37 S</td>
</tr>
<tr>
<td></td>
<td><strong>Similar</strong></td>
</tr>
<tr>
<td></td>
<td>HB 1091 Environmental Enforcement (Fine)</td>
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<tr>
<td>HB 1453</td>
<td>Medical Marijuana by Smith (C)</td>
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<tr>
<td></td>
<td>Medical Marijuana: Urges Congress to remove marijuana from Schedule I drug list &amp; allow marijuana to be researched &amp; used for medical purposes. Effective Date: Not Specified</td>
</tr>
<tr>
<td></td>
<td><strong>Current Committee of Reference:</strong> House Local, Federal &amp; Veterans Affairs Subcommittee</td>
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<td><strong>Actions</strong></td>
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<tr>
<td></td>
<td>01/17/2020 HOUSE Now in Local, Federal &amp; Veterans Affairs Subcommittee</td>
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<tr>
<td></td>
<td><strong>Similar</strong></td>
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<tr>
<td></td>
<td>SB 1812 Remove Marijuana from the Schedule I Drug List (Rodriguez (J))</td>
</tr>
<tr>
<td>SB 1514</td>
<td>Department of Agriculture and Consumer Services by Albritton</td>
</tr>
<tr>
<td></td>
<td>Department of Agriculture and Consumer Services; Specifying a methodology for the assessment of certain buildings and structures located on agricultural lands; extending the scheduled expiration for the Department of Agriculture and Consumer Services’ use of funds from the Pest Control Trust Fund for certain duties of the department; directing the Florida Forest Service to develop a training curriculum for wildland firefighters; providing wildland firefighter training and certification for certain firefighters and volunteer firefighters, etc. Effective Date: 7/1/2020</td>
</tr>
<tr>
<td></td>
<td><strong>Current Committee of Reference:</strong> Senate Innovation, Industry, and Technology</td>
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<tr>
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<td><strong>Actions</strong></td>
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<tr>
<td></td>
<td>02/12/2020 SENATE On Committee agenda - Innovation, Industry, and Technology, 02/17/20, 1:30 pm, 110 S</td>
</tr>
<tr>
<td></td>
<td><strong>Compare</strong></td>
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<tr>
<td></td>
<td>HB 0395 Transportation (Andrade)</td>
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<tr>
<td></td>
<td>HB 0921 Department of Agriculture and Consumer Services (Brannan III)</td>
</tr>
<tr>
<td></td>
<td>HB 5003 Implementing the 2020-2021 General Appropriations Act (Appropriations Committee)</td>
</tr>
<tr>
<td>SB 1614</td>
<td>Legislative Review of Proposed Regulation of Unregulated Functions by Perry</td>
</tr>
<tr>
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<td>Legislative Review of Proposed Regulation of Unregulated Functions; Providing that certain requirements must be met before the adoption of a regulation of an unregulated profession or occupation or the substantial expansion of regulation of a regulated profession or occupation; requiring the proponents of legislation that proposes such regulation to provide certain information to the state agency proposed to have jurisdiction over the regulation and to the Legislature by a certain date; requiring such state agency to provide certain information to the Legislature within a specified timeframe, etc. Effective Date: 7/1/2020</td>
</tr>
</tbody>
</table>
**Current Committee of Reference:** Senate Innovation, Industry, and Technology

**Actions**

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/17/2020</td>
<td>SENATE Referred to Innovation, Industry, and Technology; Governmental Oversight and Accountability; Rules</td>
</tr>
</tbody>
</table>

**Identical**

<table>
<thead>
<tr>
<th>Bill</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>HB 1155</td>
<td>Legislative Review of Proposed Regulation of Unregulated Functions (Hage)</td>
</tr>
</tbody>
</table>

**SB 1720**  
**Florida Safe Drinking Water Act** by Cruz

Florida Safe Drinking Water Act; Requiring the Department of Environmental Protection to adopt and implement rules for statewide maximum contaminant levels for specified pollutants by a date certain, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Appropriations Subcommittee on Agriculture, Environment and General Government

**Actions**

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>02/04/2020</td>
<td>SENATE Now in Appropriations Subcommittee on Agriculture, Environment, and General Government</td>
</tr>
</tbody>
</table>

**Similar**

<table>
<thead>
<tr>
<th>Bill</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>HB 1427</td>
<td>Florida Safe Drinking Water Act (Diamond)</td>
</tr>
</tbody>
</table>

**SB 1722**  
**Recyclable Materials** by Taddeo

Recyclable Materials; Requiring the Department of Environmental Protection to review and update a specified report on the regulation of certain auxiliary containers, wrappings, and disposable plastic bags; requiring submittal of the report to the Legislature by a specified date; prohibiting a local government, local governmental agency, or state government agency from enacting certain rules and regulations during a specified timeframe, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Community Affairs

**Actions**

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
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</thead>
<tbody>
<tr>
<td>01/17/2020</td>
<td>SENATE Referred to Community Affairs; Environment and Natural Resources; Rules</td>
</tr>
</tbody>
</table>

**Compare**

<table>
<thead>
<tr>
<th>Bill</th>
<th>Description</th>
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<tbody>
<tr>
<td>SB 0182</td>
<td>Preemption of Recyclable and Polystyrene Materials (Stewart)</td>
</tr>
<tr>
<td>HB 6043</td>
<td>Preemption of Recyclable and Polystyrene Materials (Grieco)</td>
</tr>
</tbody>
</table>

**SB 1796**  
**Home Delivery Services** by Perry

Home Delivery Services; Creating the "Evy Udell Public Safety Act"; providing background screening requirements for home delivery service providers who provide home delivery services for a retailer; prohibiting a home delivery service provider from entering the home of or being unsupervised with a consumer upon the conviction, or any other adjudication, of specified crimes; specifying retailer responsibilities and duties, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Commerce and Tourism

**Actions**

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<tr>
<th>Date</th>
<th>Action</th>
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<tbody>
<tr>
<td>01/17/2020</td>
<td>SENATE Referred to Commerce and Tourism; Criminal Justice; Rules</td>
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</table>

**Similar**

<table>
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<tr>
<th>Bill</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>HB 1129</td>
<td>Home Delivery Services (Caruso)</td>
</tr>
</tbody>
</table>

**SB 1812**  
**Remove Marijuana from the Schedule I Drug List** by Rodriguez (J)

Remove Marijuana from the Schedule I Drug List; Urging Congress to remove marijuana from the Schedule I drug list and allow it to be researched and used for medical purposes, etc.
### Senate Health Policy

**Current Committee of Reference:** Senate Health Policy

**Actions**

01/17/2020  
SENATE Referred to Health Policy; Criminal Justice; Rules

**Similar**

| SB 1822 | Medical Marijuana (Smith (C)) |

#### Verification of Employment Eligibility by Gruters

Verifies 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

**Current Committee of Reference:** Senate Judiciary

**Actions**

01/17/2020  
SENATE Referred to Judiciary; Commerce and Tourism; Rules

**Compare**

| SB 0664 | Verification of Employment Eligibility (Lee) |

**Similar**

| HB 1265 | Verification of Employment Eligibility (Byrd) |

### Senate Finance and Tax

**Current Committee of Reference:** Senate Finance and Tax

**Actions**

01/17/2020  
SENATE Referred to Finance and Tax; Innovation, Industry, and Technology; Appropriations

**Compare**

| HB 0149 | Medical Marijuana Treatment Centers (Sabatini) |
| HB 5003 | Implementing the 2020-2021 General Appropriations Act (Appropriations Committee) |

**Similar**

| HB 1389 | Availability of Marijuana for Adult Use (Smith (C)) |

**Linked**

| SB 1862 | Public Records/Criminal History Records and Related Information (Brandes) |

### SB 1860

**Availability of Marijuana for Adult Use by Brandes**

Availability of Marijuana for Adult Use; Revising the sales tax exemption for the sale of marijuana and marijuana delivery devices to only include sales to qualified patients or caregivers; revising provisions related to the licensure and functions of medical marijuana treatment centers (MMTCs); specifying application requirements for MMTCs to obtain cultivation licenses and processing licenses; authorizing MMTCs licensed to cultivate or process marijuana to use contractors to assist with the cultivation and processing of marijuana under certain conditions, etc. Effective Date: Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect January 1, 2021

**Current Committee of Reference:** Senate Finance and Tax

**Actions**

01/17/2020  
SENATE Referred to Finance and Tax; Innovation, Industry, and Technology; Appropriations

**Compare**

| HB 0149 | Medical Marijuana Treatment Centers (Sabatini) |
| HB 5003 | Implementing the 2020-2021 General Appropriations Act (Appropriations Committee) |

**Similar**

| HB 1389 | Availability of Marijuana for Adult Use (Smith (C)) |

**Linked**

| SB 1862 | Public Records/Criminal History Records and Related Information (Brandes) |
exemption; providing a statement of public necessity, etc. Effective Date: On the same date that SB 1860 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law

**Current Committee of Reference:** Senate Criminal Justice

### Actions

**01/17/2020**  
SENATE Referred to Criminal Justice; Governmental Oversight and Accountability; Rules

**Compare**

**HB 1389**  
Availability of Marijuana for Adult Use (Smith (C))

**Linked**

**SB 1860**  
Availability of Marijuana for Adult Use (Brandes)

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**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; specifying 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; revising the minimum annual appropriation for certain appropriations from the Land Acquisition Trust Fund, etc. **APPROPRIATION:** Indeterminate  
**Effective Date:** 7/1/2020

**Current Committee of Reference:** Senate Appropriations Subcommittee on Agriculture, Environment and General Government

### Actions

**02/06/2020**  
SENATE Now in Appropriations Subcommittee on Agriculture, Environment, and General Government

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**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

**Current Committee of Reference:** House Commerce Committee

### Actions

**09/23/2019**  
HOUSE Now in Commerce Committee

**Identical**

**SB 0250**  
Development Orders (Berman)

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**HB 6043**  
**Preemption of Recyclable and Polystyrene Materials by Grieco**

Preemption of Recyclable and Polystyrene Materials: Removes prohibition of local laws relating to regulation of auxiliary containers, wrappings, & disposable plastic bags; repeals preemption of local laws relating to use or sale of polystyrene products to DACS. **Effective Date:** July 1, 2020

**Current Committee of Reference:** House Business & Professions Subcommittee

### Actions

**11/15/2019**  
HOUSE Now in Business & Professions Subcommittee

**Compare**

**SB 1722**  
Recyclable Materials (Taddeo)

**Identical**

**SB 0182**  
Preemption of Recyclable and Polystyrene Materials (Stewart)

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**HB 6077**  
**Preemption of Tree Pruning, Trimming, and Removal by Eskamani**

Preemption of Tree Pruning, Trimming, and Removal: Repeals provisions relating to tree pruning,
<table>
<thead>
<tr>
<th>Bill</th>
<th>Title</th>
<th>Committee of Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>SB 7016</td>
<td>Statewide Office of Resiliency by Infrastructure and Security</td>
<td>House Local, Federal &amp; Veterans Affairs Subcommittee</td>
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<td></td>
<td>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.</td>
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<td>APPROPRIATION: $500,000 Effective Date: 7/1/2020</td>
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<tr>
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<td>Current Committee of Reference: No Current Committee</td>
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<tr>
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<td>Actions</td>
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<tr>
<td></td>
<td>02/06/2020 SENATE Placed on Calendar, on 2nd reading</td>
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<tr>
<td></td>
<td>Compare</td>
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<tr>
<td></td>
<td>HB 0579 Public Financing of Construction Projects (Aloupis)</td>
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<td>Identical</td>
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<tr>
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<td>HB 1073 Statewide Office of Resiliency (Stevenson)</td>
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<td>Linked</td>
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<td></td>
<td>SB 0178 Public Financing of Construction Projects (Rodriguez (J))</td>
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<tr>
<td>HB 9027</td>
<td>UF/IFAS Algal Bloom Research &amp; Mitigation by Eagle</td>
<td>House Appropriations Committee</td>
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<tr>
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<td>UF/IFAS Algal Bloom Research &amp; Mitigation: Provides an appropriation for the UF/IFAS Algal Bloom Research &amp; Mitigation. Effective Date: July 1, 2020</td>
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<tr>
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<td>Current Committee of Reference: House Appropriations Committee</td>
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<td>Actions</td>
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<tr>
<td></td>
<td>01/15/2020 HOUSE Now in Appropriations Committee</td>
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