

HB 1131

2012

1 A bill to be entitled
 2 An act relating to the Palm Beach County Environmental
 3 Control Act, Palm Beach County; amending chapter 77-
 4 616, Laws of Florida, as amended; defining the term
 5 "repeat violation"; removing a requirement that the
 6 Environmental Control Officer be a county employee;
 7 increasing civil fines in circuit court actions;
 8 increasing civil penalties; providing an effective
 9 date.

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

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13 Section 1. Sections 6, 15, and 17 of chapter 77-616, Laws
 14 of Florida, as amended by chapters 90-432 and 79-544, Laws of
 15 Florida, are amended, and subsection (k) is added to section 3
 16 of that chapter, to read:

17 Section 3. Definitions.—The following words as used in
 18 this act shall have the following meanings:

19 (k) "Repeat violation" means a violation of a county or
 20 state code, ordinance, statute, or rule enacted pursuant to
 21 chapter 59-1698, Laws of Florida, as amended, by a person who
 22 has been previously found through a Hearing Board or Circuit
 23 Court process to have violated or who has admitted to violating
 24 the same provision within 5 years before the violation,
 25 notwithstanding whether the violations occurred at different
 26 locations.

27 Section 6. Environmental Control Officer; Appointment.—The
 28 Board shall appoint an Environmental Control Officer. In so

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29 | doing, the Board shall consider the recommendation of the County
 30 | Health Director. The Board shall select the ~~said~~ Environmental
 31 | Control Officer from among those applicants who are either
 32 | lawyers or engineers duly licensed to practice in the state. The
 33 | Board shall give due consideration to the qualifications and
 34 | experience of each ~~said~~ applicant in the field of environmental
 35 | control. ~~The Environmental Control Officer, following~~
 36 | ~~appointment by the Board, shall be an employee of Palm Beach~~
 37 | ~~County.~~

38 | Section 15. Circuit Court Actions. The Environmental
 39 | Control Officer may institute proceedings in the Circuit Court
 40 | for Palm Beach County to abate and prosecute violations of this
 41 | act or enforce orders of the Hearing Board. For violations of
 42 | this act and any ordinances, rules, and regulations adopted
 43 | pursuant hereto, such relief may include both temporary and
 44 | permanent injunctions and civil fines up to \$500 ~~\$500.00~~ per day
 45 | for violations. For violations of chapter 59-1698, Laws of
 46 | Florida, as amended, and any rules and regulations adopted
 47 | thereto, such relief may include both temporary and permanent
 48 | injunctions and civil fines not to exceed \$1,000 per day per
 49 | violation for a first violation, \$5,000 per day per violation
 50 | for a repeat violation, and \$15,000 per violation if the Hearing
 51 | Board or Circuit Court finds the violation to be irreparable or
 52 | irreversible in nature. Any proceedings initiated under this
 53 | section shall be brought for and in the name of Palm Beach
 54 | County.

55 | Section 17. Violations; Civil Penalties. For violations of
 56 | the provisions of the act and any ordinances, rules, and

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57 regulations adopted pursuant hereto, any person found by the
58 Hearing Board or Circuit Court to be or have been in violation
59 of such provisions ~~this act~~ may have imposed against him a civil
60 penalty not to exceed \$500 ~~five hundred dollars (\$500.00)~~ for
61 each day of violation. For violations of chapter 59-1698, Laws
62 of Florida, as amended, and any rules and regulations adopted
63 pursuant thereto, any person found by the Hearing Board or
64 Circuit Court to have committed such a violation may have
65 imposed against him or her a civil penalty not to exceed \$1,000
66 per day per violation for a first violation, \$5,000 per day per
67 violation for a repeat violation, and \$15,000 per violation if
68 the Hearing Board or Circuit Court finds the violation to be
69 irreparable or irreversible in nature. In determining the amount
70 of such civil penalty, the Hearing Board or Circuit Court shall
71 consider the nature, duration, and environmental impact of such
72 violation. The Hearing Board or Court shall incorporate the
73 amount of the penalty imposed on its final decision and order
74 finding such person in violation. All civil penalties collected
75 under this section shall be paid into the general fund of Palm
76 Beach County.

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