

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Murphy offered the following:

**Amendment (with title amendment)**

Remove lines 125-288 and insert:

(5) "Fracking policymaker" means a state or local elected official, an appointed agency head, or appointed official of a local governmental entity's governing body, who has voted for, allowed to be implemented, or voted against prohibition of high-pressure well stimulation.

(6) "Fracking policy" means a law, policy, practice, procedure, rule, or custom adopted or permitted by a state entity which knowingly allows high-pressure well stimulation, low pressure stimulation, or well acid treatment.

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14        (7)~~(5)~~ "Gas" means all natural gas, including casinghead  
15 gas, and all other hydrocarbons not defined as oil in subsection  
16 (16) ~~(15)~~.

17        (8) "High-pressure well stimulation" means all stages of a  
18 well intervention performed by injecting fluids into a rock  
19 formation at high pressure that exceeds the fracture gradient of  
20 the rock formation in order to propagate fractures in such  
21 formation to increase production at an oil or gas well by  
22 improving the flow of hydrocarbons from the formation into the  
23 wellbore. The term does not include well stimulation or  
24 conventional workover procedures that may incidentally fracture  
25 the formation near the wellbore.

26        (9)~~(6)~~ "Horizontal well" means a well completed with the  
27 wellbore in a horizontal or nearly horizontal orientation within  
28 10 degrees of horizontal within the producing formation.

29        (10)~~(7)~~ "Illegal gas" means gas that has been produced  
30 within the state from any well or wells in excess of the amount  
31 allowed by any rule, regulation, or order of the division, as  
32 distinguished from gas produced within the State of Florida from  
33 a well not producing in excess of the amount so allowed, which  
34 is "legal gas."

35        (11)~~(8)~~ "Illegal oil" means oil that has been produced  
36 within the state from any well or wells in excess of the amount  
37 allowed by rule, regulation, or order of the division, as  
38 distinguished from oil produced within the state from a well not

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39 producing in excess of the amount so allowed, which is "legal  
40 oil."

41 ~~(12)-(9)~~ "Illegal product" means a product of oil or gas,  
42 any part of which was processed or derived, in whole or in part,  
43 from illegal gas or illegal oil or from any product thereof, as  
44 distinguished from "legal product," which is a product processed  
45 or derived to no extent from illegal oil or illegal gas.

46 ~~(13)-(10)~~ "Lateral storage reservoir boundary" means the  
47 projection up to the land surface of the maximum horizontal  
48 extent of the gas volume contained in a natural gas storage  
49 reservoir.

50 ~~(14)-(11)~~ "Native gas" means gas that occurs naturally  
51 within this state and does not include gas produced outside the  
52 state, transported to this state, and injected into a permitted  
53 natural gas storage facility.

54 ~~(15)-(12)~~ "Natural gas storage facility" means an  
55 underground reservoir from which oil or gas has previously been  
56 produced and which is used or to be used for the underground  
57 storage of natural gas, and any surface or subsurface structure,  
58 or infrastructure, except wells. The term also includes a right  
59 or appurtenance necessary or useful in the operation of the  
60 facility for the underground storage of natural gas, including  
61 any necessary or reasonable reservoir protective area as  
62 designated for the purpose of ensuring the safe operation of the  
63 storage of natural gas or protecting the natural gas storage  
64 facility from pollution, invasion, escape, or migration of gas,

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65 or any subsequent extension thereof. The term does not mean a  
66 transmission, distribution, or gathering pipeline or system that  
67 is not used primarily as integral piping for a natural gas  
68 storage facility.

69 ~~(16)-(13)~~ "Natural gas storage reservoir" means a pool or  
70 field from which gas or oil has previously been produced and  
71 which is suitable for or capable of being made suitable for the  
72 injection, storage, and recovery of gas, as identified in a  
73 permit application submitted to the department under s.  
74 377.2407.

75 ~~(17)-(14)~~ "New field well" means an oil or gas well  
76 completed after July 1, 1997, in a new field as designated by  
77 the Department of Environmental Protection.

78 ~~(18)-(15)~~ "Oil" means crude petroleum oil and other  
79 hydrocarbons, regardless of gravity, which are produced at the  
80 well in liquid form by ordinary production methods, and which  
81 are not the result of condensation of gas after it leaves the  
82 reservoir.

83 ~~(19)-(16)~~ "Oil and gas" has the same meaning as the term  
84 "oil or gas."

85 ~~(20)-(17)~~ "Oil and gas administrator" means the State  
86 Geologist.

87 ~~(21)-(18)~~ "Operator" means the entity who:

88 (a) Has the right to drill and to produce a well; or

89 (b) As part of a natural gas storage facility, injects, or  
90 is engaged in the work of preparing to inject, gas into a

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91 natural gas storage reservoir; or stores gas in, or removes gas  
92 from, a natural gas storage reservoir.

93 ~~(22)-(19)~~ "Owner" means the person who has the right to  
94 drill into and to produce from any pool and to appropriate the  
95 production for the person or for the person and another, or  
96 others.

97 ~~(23)-(20)~~ "Person" means a natural person, corporation,  
98 association, partnership, receiver, trustee, guardian, executor,  
99 administrator, fiduciary, or representative of any kind.

100 ~~(24)-(21)~~ "Pool" means an underground reservoir containing  
101 or appearing to contain a common accumulation of oil or gas or  
102 both. Each zone of a general structure which is completely  
103 separated from any other zone on the structure is considered a  
104 separate pool as used herein.

105 ~~(25)-(22)~~ "Producer" means the owner or operator of a well  
106 or wells capable of producing oil or gas, or both.

107 ~~(26)-(23)~~ "Product" means a commodity made from oil or gas  
108 and includes refined crude oil, crude tops, topped crude,  
109 processed crude petroleum, residue from crude petroleum,  
110 cracking stock, uncracked fuel oil, fuel oil, treated crude oil,  
111 residuum, gas oil, casinghead gasoline, natural gas gasoline,  
112 naphtha, distillate, condensate, gasoline, waste oil, kerosene,  
113 benzine, wash oil, blended gasoline, lubricating oil, blends or  
114 mixtures of oil with one or more liquid products or byproducts  
115 derived from oil or gas, and blends or mixtures of two or more

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116 liquid products or byproducts derived from oil or gas, whether  
117 hereinabove enumerated or not.

118 ~~(27)-(24)~~ "Reasonable market demand" means the amount of  
119 oil reasonably needed for current consumption, together with a  
120 reasonable amount of oil for storage and working stocks.

121 ~~(28)-(25)~~ "Reservoir protective area" means the area  
122 extending up to and including 2,000 feet surrounding a natural  
123 gas storage reservoir.

124 ~~(29)-(26)~~ "Shut-in bottom hole pressure" means the pressure  
125 at the bottom of a well when all valves are closed and no oil or  
126 gas has been allowed to escape for at least 24 hours.

127 ~~(30)-(27)~~ "Shut-in well" means an oil or gas well that has  
128 been taken out of service for economic reasons or mechanical  
129 repairs.

130 ~~(31)-(28)~~ "State" means the State of Florida.

131 ~~(32)-(29)~~ "Temporarily abandoned well" means a permitted  
132 well or wellbore that has been abandoned by plugging in a manner  
133 that allows reentry and redevelopment in accordance with oil or  
134 gas rules of the Department of Environmental Protection.

135 ~~(33)-(30)~~ "Tender" means a permit or certificate of  
136 clearance for the transportation or the delivery of oil, gas, or  
137 products, approved and issued or registered under the authority  
138 of the division.

139 ~~(34)-(31)~~ "Waste," in addition to its ordinary meaning,  
140 means "physical waste" as that term is generally understood in  
141 the oil and gas industry. The term "waste" includes:

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142 (a) The inefficient, excessive, or improper use or  
143 dissipation of reservoir energy; and the locating, spacing,  
144 drilling, equipping, operating, or producing of any oil or gas  
145 well or wells in a manner that results, or tends to result, in  
146 reducing the quantity of oil or gas ultimately to be stored or  
147 recovered from any pool in this state.

148 (b) The inefficient storing of oil; and the locating,  
149 spacing, drilling, equipping, operating, or producing of any oil  
150 or gas well or wells in a manner that causes, or tends to cause,  
151 unnecessary or excessive surface loss or destruction of oil or  
152 gas.

153 (c) The producing of oil or gas in a manner that causes  
154 unnecessary water channeling or coning.

155 (d) The operation of any oil well or wells with an  
156 inefficient gas-oil ratio.

157 (e) The drowning with water of any stratum or part thereof  
158 capable of producing oil or gas.

159 (f) The underground waste, however caused and whether or  
160 not defined.

161 (g) The creation of unnecessary fire hazards.

162 (h) The escape into the open air, from a well producing  
163 both oil and gas, of gas in excess of the amount that is  
164 necessary in the efficient drilling or operation of the well.

165 (i) The use of gas for the manufacture of carbon black.

166 (j) Permitting gas produced from a gas well to escape into  
167 the air.

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168 (k) The abuse of the correlative rights and opportunities  
169 of each owner of oil and gas in a common reservoir due to  
170 nonuniform, disproportionate, and unratable withdrawals, causing  
171 undue drainage between tracts of land.

172 ~~(35)-(32)~~ "Well site" means the general area around a well,  
173 which area has been disturbed from its natural or existing  
174 condition, as well as the drilling or production pad, mud and  
175 water circulation pits, and other operation areas necessary to  
176 drill for or produce oil or gas, or to inject gas into and  
177 recover gas from a natural gas storage facility.

178 Section 3. Section 377.35, Florida Statutes, is amended to  
179 read:

180 377.35 Suits, proceedings, appeals, etc.—

181 (1) In all proceedings brought under authority of this  
182 law, or of any oil or gas conservation statute of this state, or  
183 of any rule, regulation, or order made thereunder, and in all  
184 proceedings instituted for the purpose of contesting the  
185 validity of any provision of the law, or of any oil or gas  
186 conservation statute, or of any rule, regulation, or order made  
187 thereunder, review may be had pursuant to Art. V, State  
188 Constitution; the Florida Rules of Appellate Procedure; and  
189 chapter 120.

190 (2) Notwithstanding any other provision of law:

191 (a) A person, or a person on another person's behalf, who  
192 is harmed or dies as a result of fracking policy in this state

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193 may pursue a civil cause of action for personal injury or  
194 wrongful death.

195 (b) The state waives sovereign immunity for actions  
196 brought under this chapter related to high-pressure well  
197 stimulation.

198 (c) In any civil cause of action for personal injury or  
199 wrongful death filed under this chapter, a fracking policymaker  
200 may be included as a defendant and held liable

201  
202 -----

203 **T I T L E A M E N D M E N T**

204 Remove line 13 and insert:  
205 stimulation"; amending s. 377.35, F.S.; authorizing  
206 certain causes of action against specified entities  
207 for harm or death as a result of high-pressure well  
208 stimulation; amending s. 377.22, F.S.; revising the