

By Senator Geller

29-2142-02

See HB 989

1 A bill to be entitled
2 An act relating to Broward County; amending
3 chapter 91-355, Laws of Florida; amending the
4 Broward County Natural Resource Protection Act;
5 clarifying legislative intent; amending the
6 definition of pollution; authorizing the Board
7 of County Commissioners of Broward County to
8 issue notices of hearing to assess a civil
9 penalty for violations that are substantial
10 transgressions from the requirements of the
11 code; amending provisions relating to the
12 issuance of citations; providing an effective
13 date.

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

17 Section 1. Section 2 of chapter 91-355, Laws of
18 Florida, is amended to read:

19 Section 2. Declaration of legislative intent.--The
20 Legislature finds and declares that the penalty authority of
21 the Board of County Commissioners of Broward County pursuant
22 to chapter 125, Florida Statutes, may be inadequate for the
23 enforcement of county ordinances and regulations the purpose
24 of which is the protection of the natural resources of the
25 county. It is the intent and purpose of this act to clarify
26 the authority of the board to impose and recover civil
27 penalties and to issue citations and notices of hearing to
28 assess a civil penalty for violations of the Natural Resource
29 Protection Code. These powers are necessary in order to
30 effectively enforce standards that will ensure the protection,
31 enhancement, and restoration of the air, water, soil, natural

1 resources, archaeological resources, and animal and plant life
2 of the county.

3 Section 2. Subsection (5) of section 3 of chapter
4 91-355, Laws of Florida, is amended to read:

5 Section 3. Definitions.--As used in this act, the
6 following terms have the following meanings, unless some other
7 meaning is plainly indicated:

8 (5) "Pollution" means the presence in the air, soil,
9 ground, or water of the county of any substance, contaminant,
10 noise, or human-induced ~~manmade~~ or artificially induced
11 alteration of the chemical, physical, biological, or
12 radiological integrity of the air, soil, or water in a
13 quantity or at a level that is or may be potentially harmful
14 or injurious to human health or welfare, animal or plant life,
15 or property or that unreasonably interferes with the enjoyment
16 of life or property, including outdoor recreation.

17 Section 3. Subsection (2) of section 4 of chapter
18 91-355, Laws of Florida, is amended to read:

19 Section 4. Enforcement; civil penalties.--

20 (2) Based upon standards set forth in the code, a
21 natural resource enforcement officer shall issue a notice of
22 hearing to assess a civil penalty instead of issuing a
23 citation if he or she has reasonable grounds to believe that
24 the violation causes substantial pollution or degradation to
25 the air, water, soil, natural resources, archaeological
26 resources, or animal or plant life of the county or is a
27 substantial transgression from the requirements of the code.
28 Depending upon the evidence presented at the hearing and the
29 seriousness of the violation, the hearing examiner may assess
30 a civil penalty in an amount that may not exceed \$15,000 for
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1 each violation. Each day during any portion of which a
2 violation occurs constitutes a separate violation.

3 Section 4. Subsection (4) of section 5 of chapter
4 91-355, Laws of Florida, is amended to read:

5 Section 5. Issuance of citations.--

6 (4) Before issuing a citation, a natural resource
7 enforcement officer must provide notice to the person that the
8 person has committed a violation of the code and must
9 establish a reasonable time period within which the person
10 must correct the violation. If, upon personal investigation,
11 a natural resource enforcement officer finds that the person
12 has not corrected the violation within the specified time
13 period, the natural resource enforcement officer may issue a
14 citation to the person who committed the violation. A natural
15 resource enforcement officer need not provide the person with
16 a reasonable time within which to correct the violation before
17 issuing the citation, and may immediately issue the citation,
18 if the natural resource enforcement officer has reason to
19 believe that the violation presents a serious threat to the
20 public health, safety, or welfare, ~~or~~ if the violation is
21 irreparable or irreversible, or if the officer has actual
22 knowledge that a prior written warning has been issued and
23 received.

24 Section 5. This act shall take effect upon becoming a
25 law.

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