

Bill No. CS for CS for SB 1142, 1st Eng.

Amendment No. \_\_\_\_ Barcode 025926

CHAMBER ACTION

Senate

House

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Senator Dockery moved the following amendment:

**Senate Amendment (with title amendment)**

On page 23, between lines 11 and 12,

insert:

Section 9. Paragraph (b) of subsection (2), paragraph (f) of subsection (4) and subsection (5) of section 403.121, Florida Statutes, are 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).

(2) Administrative remedies:

(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

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1 department seeks administrative penalties that do not exceed  
2 \$10,000 per assessment as calculated in accordance with  
3 subsections (3), (4), (5), (6), and (7). Pursuant to 42 U.S.C.  
4 s.300g-2, the administrative penalty assessed pursuant to  
5 subsections (3), (4), or (5) against a public water system  
6 servng a population of more than 10,000 shall be not less  
7 than \$1,000 per day per violation. The department shall not  
8 impose administrative penalties in excess of \$10,000 in a  
9 notice of violation. The department shall not have more than  
10 one notice of violation seeking administrative penalties  
11 pending against the same party at the same time unless the  
12 violations occurred at a different site or the violations were  
13 discovered by the department subsequent to the filing of a  
14 previous notice of violation.

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

19 (f) Except as provided in subsection (2) with respect  
20 to public water systems serving a population of more than  
21 10,000, for failure to prepare, submit, maintain, or use  
22 required reports or other required documentation, \$500.

23 (5) Except as provided in subsection (2) with respect  
24 to public water systems serving a population of more than  
25 10,000, for failure to comply with any other departmental  
26 regulatory statute or rule requirement not otherwise  
27 identified in this section, the department may assess a  
28 penalty of \$500.

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30 (Redesignate subsequent sections.)

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1 ===== T I T L E    A M E N D M E N T =====

2 And the title is amended as follows:

3            On page 3, line 7, after ";"

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5 insert:

6            amending s. 403.121, F.S.; conforming  
7            administrative penalties assessed against  
8            certain public water systems to federal  
9            regulations;

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