

By Senator Ring

29-00358-16

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Senate Joint Resolution

A joint resolution proposing the creation of Section 29 of Article X of the State Constitution to prohibit hydraulic fracturing in this state.

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

That the following creation of Section 29 of Article X of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE X

MISCELLANEOUS

SECTION 29. Hydraulic fracturing.-

(a) DEFINITION.-As used in this section, the term "hydraulic fracturing" means any process that expands existing fractures or creates new fractures in a rock formation by injecting fluids into or underneath the surface of the rock formation for the purpose of exploring for or producing oil or natural gas resources.

(b) PROHIBITION.-Hydraulic fracturing is prohibited in the State of Florida.

(c) ENFORCEMENT.-A person aggrieved by a violation of this section may bring a civil action in a court of competent jurisdiction. The state attorney general may bring a civil action to enforce this section. Upon prevailing, a person bringing the action shall be awarded reasonable attorney fees and

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30 costs. An action to enforce this section is subject to a statute
31 of limitations of four years.

32 (d) PENALTY.—A person who violates this section is subject
33 to a fine payable to the state in the amount of \$10,000 for each
34 violation. Each day a violation continues constitutes a separate
35 violation.

36 (e) LIABILITY.—A person who violates this section is liable
37 for any damage caused to the air, waters, or real property,
38 including animal, plant, or aquatic life, and for reasonable
39 costs and expenses in tracing the source of the discharge, in
40 controlling and abating the source and the pollutants, and in
41 restoring the air, waters, and real property, including animal,
42 plant, and aquatic life.

43 (f) IMPLEMENTATION.—Implementing legislation is not
44 required in order to enforce this amendment.

45 BE IT FURTHER RESOLVED that the following statement be
46 placed on the ballot:

47 CONSTITUTIONAL AMENDMENT

48 ARTICLE X, SECTION 29

49 PROHIBITION OF HYDRAULIC FRACTURING IN THE STATE OF
50 FLORIDA.—Proposing an amendment to the State Constitution to
51 prohibit the practice of hydraulic fracturing in the State of
52 Florida; providing a cause of action; providing a penalty for
53 each violation and liability for damages an expenses.