

House Joint Resolution

A joint resolution proposing the creation of a new section in Article X of the State Constitution to prohibit well stimulation in this state.

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

That the following creation of a new section in 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

Well stimulation.-

(a) DEFINITION.-As used in this section, the term "well stimulation" means all stages of a well treatment performed by injecting fluids into a rock formation for the purpose of modifying the permeability of the underground geologic formation in order to enhance oil or gas production or recovery by any method, including, but not limited to, hydraulic fracturing.

(b) PROHIBITION.-Well stimulation 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

27 action to enforce this section. Upon prevailing, a person  
 28 bringing the action shall be awarded reasonable attorney fees  
 29 and costs. An action to enforce this section must be initiated  
 30 within four years after the violation.

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

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

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

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

46 CONSTITUTIONAL AMENDMENT

47 ARTICLE X

48 PROHIBITION OF WELL STIMULATION IN THE STATE OF FLORIDA.—  
 49 Proposing an amendment to the State Constitution to prohibit the  
 50 practice of well stimulation in the State of Florida; providing  
 51 a cause of action; providing a penalty for each violation and  
 52 liability for damages an expenses.