

By Senator Farmer

34-00152A-18

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Senate Joint Resolution

A joint resolution proposing the creation of Section 30 of Article X of the State Constitution to establish public policy against certain types of well stimulation in order to protect the state's water resources and to prohibit extreme well stimulation; providing a penalty.

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

That the following creation of Section 30 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 30. Extreme well stimulation.-

(a) PUBLIC POLICY. It is the policy of the state to protect and conserve the quality of this state's water resources. Hydraulic fracturing and other forms of well stimulation present a significant and impermissible risk of contamination of these critical resources. Therefore, it is the duty of the state to prohibit these hazardous resource extraction activities within its borders.

(b) DEFINITION. For purposes of this section, the term "extreme well stimulation" means all stages of a well intervention performed by injecting fluids into a rock formation in order to propagate fractures in or dissolve the rock

34-00152A-18

2018828__

30 formation to increase production at an oil or gas well by
31 improving the flow of hydrocarbons from the formation into the
32 wellbore. The term also includes, but is not limited to, acid
33 fracturing, matrix acidizing, pneumatic fracturing, fracturing
34 with dynamic loading, and other techniques the purpose of which
35 is to physically deform the rock formation in such a manner as
36 to significantly increase the flow of hydrocarbons from the
37 formation into the wellbore. The term does not include routine
38 well cleanout work; routine well maintenance; routine treatment
39 for the purpose of removal of rock formation damage due to
40 drilling or other well construction activity; any bottom hole
41 pressure survey; any routine activity that does not affect the
42 integrity of the well or the rock formation; the removal of
43 scale or precipitate from well perforations, casing, or tubing;
44 or a gravel pack treatment that does not exceed the formation
45 fracture gradient.

46 (c) PROHIBITION. Engaging in extreme well stimulation is
47 prohibited in this state.

48 (d) PENALTY. Any person, firm, corporation, or governmental
49 agency, or agent thereof, refusing to comply with or willfully
50 violating this section shall incur a fine for each offense in an
51 amount up to \$50,000 to be fixed, imposed, and collected as
52 prescribed by law. Each day during any portion of which such
53 violation occurs constitutes a separate offense.

54
55 BE IT FURTHER RESOLVED that the following statement be
56 placed on the ballot:

57 CONSTITUTIONAL AMENDMENT

58 ARTICLE X, SECTION 30

34-00152A-18

2018828__

59 PROHIBITION AGAINST HYDRAULIC FRACTURING AND OTHER FORMS OF
60 WELL STIMULATION.—Proposing an amendment to the State
61 Constitution to ban hydraulic fracturing, acid fracturing,
62 matrix acidizing, pneumatic fracturing, fracturing with dynamic
63 loading, and certain other types of oil and gas well-stimulation
64 activities that deform underground rock formations; providing a
65 penalty for violation; and providing exemptions to this
66 prohibition for routine well cleaning, treatment, maintenance,
67 and other routine well activities that do not affect well or
68 rock-formation integrity.