

By Senator Simon

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1 A bill to be entitled
2 An act relating to permits for drilling, exploration,
3 and extraction of oil and gas resources; amending s.
4 377.242, F.S.; requiring the Department of
5 Environmental Protection to consider certain factors
6 when determining whether the natural resources of
7 certain bodies of water and shore areas are adequately
8 protected from a potential accident or blowout;
9 providing requirements for a balancing test to make
10 such a determination; making technical changes;
11 reenacting ss. 377.243 and 377.37, F.S., relating to
12 conditions for granting permits for extraction through
13 well holes, and penalties, respectively, to
14 incorporate changes made by the act; providing an
15 effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Section 377.242, Florida Statutes, is amended to
20 read:

21 377.242 Permits for drilling or exploring and extracting
22 through well holes or by other means.—

23 (1) The department is vested with the power and authority:
24 ~~(1)~~(a) To issue permits for the drilling for, exploring
25 for, or production of oil, gas, or other petroleum products
26 which are to be extracted from below the surface of the land,
27 including submerged land, only through the well hole drilled for
28 oil, gas, and other petroleum products.

29 1. A ~~No~~ structure intended for the drilling for, or

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30 production of, oil, gas, or other petroleum products may not be
31 permitted or constructed:

32 a. On any submerged land within any bay or estuary.

33 ~~b.2. No structure intended for the drilling for, or~~
34 ~~production of, oil, gas, or other petroleum products may be~~
35 ~~permitted or constructed~~ Within 1 mile seaward of the coastline
36 of the state.

37 ~~c.3. No structure intended for the drilling for, or~~
38 ~~production of, oil, gas, or other petroleum products may be~~
39 ~~permitted or constructed~~ Within 1 mile of the seaward boundary
40 of any state, local, or federal park or aquatic or wildlife
41 preserve or on the surface of a freshwater lake, river, or
42 stream.

43 ~~d.4. No structure intended for the drilling for, or~~
44 ~~production of, oil, gas, or other petroleum products may be~~
45 ~~permitted or constructed~~ Within 1 mile inland from the shoreline
46 of the Gulf of Mexico, the Atlantic Ocean, or any bay or estuary
47 or within 1 mile of any freshwater lake, river, or stream unless
48 the department is satisfied that the natural resources of such
49 bodies of water and shore areas of the state will be adequately
50 protected in the event of accident or blowout. For purposes of
51 this sub-subparagraph, the department's determination of whether
52 a resource is adequately protected must balance the measures in
53 place to protect the natural resources with the potential harm
54 to the natural resources. This balancing test should assess the
55 potential impact of an accident or a blowout on the natural
56 resources of such bodies of water and shore areas, including
57 ecological functions and any water quality impacts. The
58 balancing test must consider the ecological community's current

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59 condition, hydrologic connection, uniqueness, location, fish and
 60 wildlife use, time lag, and the potential costs of restoration.

61 ~~2.5.~~ Without exception, after July 1, 1989, a ~~no~~ structure
 62 intended for the drilling for, or production of, oil, gas, or
 63 other petroleum products may not be permitted or constructed
 64 south of 26°00'00" north latitude off Florida's west coast and
 65 south of 27°00'00" north latitude off Florida's east coast,
 66 within the boundaries of Florida's territorial seas as defined
 67 in 43 U.S.C. s. 1301. After July 31, 1990, no structure intended
 68 for the drilling for, or production of, oil, gas, or other
 69 petroleum products may be permitted or constructed north of
 70 26°00'00" north latitude off Florida's west coast to the western
 71 boundary of the state bordering Alabama as set forth in s. 1,
 72 Art. II of the State Constitution, or located north of 27°00'00"
 73 north latitude off Florida's east coast to the northern boundary
 74 of the state bordering Georgia as set forth in s. 1, Art. II of
 75 the State Constitution, within the boundaries of Florida's
 76 territorial seas as defined in 43 U.S.C. s. 1301.

77 ~~3.(b)~~ Sub-subparagraphs 1.a. and d. ~~Subparagraphs (a)1. and~~
 78 ~~4.~~ do not apply to permitting or construction of structures
 79 intended for the drilling for, or production of, oil, gas, or
 80 other petroleum products pursuant to an oil, gas, or mineral
 81 lease of such lands by the state under which lease any valid
 82 drilling permits are in effect on the effective date of this
 83 act. In the event that such permits contain conditions or
 84 stipulations, such conditions and stipulations shall govern and
 85 supersede sub-subparagraphs 1.a. and d. ~~subparagraphs (a)1. and~~
 86 ~~4.~~

87 ~~4.(e)~~ The prohibitions of subparagraph 1. ~~subparagraphs~~

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88 ~~(a)1. 4. in this subsection~~ do not include "infield gathering
89 lines," provided no other placement is reasonably available and
90 all other required permits have been obtained.

91 (b)~~(2)~~ To issue permits to explore for and extract minerals
92 which are subject to extraction from the land by means other
93 than through a well hole.

94 (c)~~(3)~~ To issue permits to establish natural gas storage
95 facilities or construct wells for the injection and recovery of
96 any natural gas for storage in natural gas storage reservoirs.

97 (2) Each permit shall contain an agreement by the
98 permitholder that the permitholder will not prevent inspection
99 by division personnel at any time. The provisions of this
100 section prohibiting permits for drilling or exploring for oil in
101 coastal waters do not apply to any leases entered into before
102 June 7, 1991.

103 Section 2. For the purpose of incorporating the amendment
104 made by this act to section 377.242, Florida Statutes, in a
105 reference thereto, subsection (1) of section 377.243, Florida
106 Statutes, is reenacted to read:

107 377.243 Conditions for granting permits for extraction
108 through well holes.—

109 (1) Prior to the application to the Division of Resource
110 Management for the permit to drill for oil, gas, and related
111 products referred to in s. 377.242(1), the applicant must own a
112 valid deed, or other muniment of title, or lease granting said
113 applicant the privilege to explore for oil, gas, or related
114 mineral products to be extracted only through the well hole on
115 the land or lands included in the application. However,
116 unallocated interests may be unitized according to s. 377.27.

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117 Section 3. For the purpose of incorporating the amendment
118 made by this act to section 377.242, Florida Statutes, in a
119 reference thereto, paragraph (a) of subsection (1) of section
120 377.37, Florida Statutes, is reenacted to read:

121 377.37 Penalties.—

122 (1) (a) Any person who violates this law or any rule,
123 regulation, or order of the division made under this chapter or
124 who violates the terms of any permit to drill for or produce
125 oil, gas, or other petroleum products referred to in s.
126 377.242(1) or to store gas in a natural gas storage facility, or
127 any lessee, permitholder, or operator of equipment or facilities
128 used in the exploration for, drilling for, or production of oil,
129 gas, or other petroleum products, or storage of gas in a natural
130 gas storage facility, who refuses inspection by the division as
131 provided in this chapter, is liable to the state for any damage
132 caused to the air, waters, or property, including animal, plant,
133 or aquatic life, of the state and for reasonable costs and
134 expenses of the state in tracing the source of the discharge, in
135 controlling and abating the source and the pollutants, and in
136 restoring the air, waters, and property, including animal,
137 plant, and aquatic life, of the state. Furthermore, such person,
138 lessee, permitholder, or operator is subject to the judicial
139 imposition of a civil penalty in an amount of not more than
140 \$15,000 for each offense. However, the court may receive
141 evidence in mitigation. Each day during any portion of which
142 such violation occurs constitutes a separate offense. This
143 section does not give the department the right to bring an
144 action on behalf of any private person.

145 Section 4. This act shall take effect July 1, 2025.