

1 A bill to be entitled
2 An act relating to weather modification activities;
3 repealing ss. 403.281, 403.291, 403.301, 403.311,
4 403.321, 403.331, 403.341, 403.351, 403.361, 403.371,
5 403.381, 403.391, and 403.401, F.S., relating to the
6 definitions, purpose, licensing requirements,
7 applications, proof of financial responsibility
8 requirements, license issuance and discipline
9 provisions, publication of notice of intention to
10 operate requirements, required contents of the notice
11 of intention, publication of the notice of intention
12 requirements, proof of publication requirements,
13 record and reports of operations requirements,
14 provision of emergency licenses, and suspension or
15 revocation of licenses, respectively, of the weather
16 modification law; amending s. 403.411, F.S.;
17 prohibiting certain acts intended to affect the
18 temperature, the weather, or the intensity of sunlight
19 within the atmosphere of this state; increasing civil
20 penalties for violations of the weather modification
21 law; amending ss. 252.44, 253.002, 373.026, 373.1501,
22 373.4598, and 373.470, F.S.; conforming cross-
23 references and provisions to changes made by the act;
24 making technical changes; providing an effective date.
25

26 Be It Enacted by the Legislature of the State of Florida:

27
 28 **Section 1.** Sections 403.281, 403.291, 403.301, 403.311,
 29 403.321, 403.331, 403.341, 403.351, 403.361, 403.371, 403.381,
 30 403.391, and 403.401, Florida Statutes, are repealed.

31 **Section 2. Section 403.411, Florida Statutes, is amended**
 32 **to read:**

33 403.411 Weather modification activities prohibited;
 34 penalty.—

35 (1) The injection, release, or dispersion, by any means,
 36 of a chemical, a chemical compound, a substance, or an apparatus
 37 into the atmosphere within the borders of this state for the
 38 express purpose of affecting the temperature, the weather, or
 39 the intensity of sunlight is prohibited.

40 (2) A Any person who conducts ~~conducting~~ a weather
 41 modification operation in violation of this section commits
 42 without first having procured a license, or who shall make a
 43 false statement in his or her application for license, or who
 44 shall fail to file any report or reports as required by this
 45 act, or who shall conduct any weather modification operation
 46 after revocation or suspension of his or her license, or who
 47 shall violate any other provision of this act, shall be guilty
 48 of a misdemeanor of the second degree, punishable as provided in
 49 s. 775.082 and by a fine not exceeding \$10,000, ~~or s. 775.083;~~
 50 and, if a corporation, the corporation commits shall be guilty

51 ~~of~~ a misdemeanor of the second degree, punishable by a fine not
 52 exceeding \$10,000 ~~as provided in s. 775.083~~. Each such violation
 53 is ~~shall be~~ a separate offense.

54 **Section 3. Subsection (1) of section 252.44, Florida**
 55 **Statutes, is amended to read:**

56 252.44 Emergency mitigation.—

57 (1) In addition to prevention measures included in the
 58 state and local comprehensive emergency management plans, the
 59 Governor shall, ~~consider~~ on a continuing basis, consider steps
 60 that could be taken to mitigate the harmful consequences of
 61 emergencies. At the Governor's direction and pursuant to any
 62 other authority and competence they have, state agencies,
 63 including, but not limited to, those charged with
 64 responsibilities in connection with protecting and maintaining
 65 the public health, flood plain management, stream encroachment
 66 and flow regulation, ~~weather modification,~~ fire prevention and
 67 control, air quality, public works, land use and land use
 68 planning, and construction standards, shall make studies of
 69 emergency-mitigation-related matters. The Governor shall, from
 70 time to time, ~~shall~~ make such recommendations to the
 71 Legislature, local governments, and other appropriate public and
 72 private entities as may facilitate measures for mitigation of
 73 the harmful consequences of emergencies.

74 **Section 4. Subsection (1) of section 253.002, Florida**
 75 **Statutes, is amended to read:**

76 253.002 Department of Environmental Protection, water
77 management districts, Fish and Wildlife Conservation Commission,
78 and Department of Agriculture and Consumer Services; duties with
79 respect to state lands.—

80 (1) The Department of Environmental Protection shall
81 perform all staff duties and functions related to the
82 acquisition, administration, and disposition of state lands,
83 title to which is or will be vested in the Board of Trustees of
84 the Internal Improvement Trust Fund. However, upon the effective
85 date of rules adopted pursuant to s. 373.427, a water management
86 district created under s. 373.069 shall perform the staff duties
87 and functions related to the review of any application for
88 authorization to use board of trustees-owned submerged lands
89 necessary for an activity regulated under part IV of chapter 373
90 for which the water management district has permitting
91 responsibility as set forth in an operating agreement adopted
92 pursuant to s. 373.046(4). The Department of Agriculture and
93 Consumer Services shall perform the staff duties and functions
94 related to the review of applications and compliance with
95 conditions for use of board of trustees-owned submerged lands
96 under authorizations or leases issued pursuant to ss. 253.67-
97 253.75 and 597.010 and the acquisition, administration, and
98 disposition of conservation easements pursuant to s. 570.71.
99 Unless expressly prohibited by law, the board of trustees may
100 delegate to the department any statutory duty or obligation

101 relating to the acquisition, administration, or disposition of
102 lands, title to which is or will be vested in the board of
103 trustees. The board of trustees may also delegate to any water
104 management district created under s. 373.069 the authority to
105 take final agency action, without any action on behalf of the
106 board, on applications for authorization to use board of
107 trustees-owned submerged lands for any activity regulated under
108 part IV of chapter 373 for which the water management district
109 has permitting responsibility as set forth in an operating
110 agreement adopted pursuant to s. 373.046(4). This water
111 management district responsibility under this subsection is
112 ~~shall be~~ subject to the department's general supervisory
113 authority pursuant to s. 373.026(6) ~~s. 373.026(7)~~. The board of
114 trustees may also delegate to the Department of Agriculture and
115 Consumer Services the authority to take final agency action on
116 behalf of the board on applications to use board of trustees-
117 owned submerged lands for any activity for which that department
118 has responsibility pursuant to ss. 253.67-253.75, 369.25,
119 369.251, and 597.010. However, the board of trustees shall
120 retain the authority to take final agency action on establishing
121 any areas for leasing, new leases, expanding existing lease
122 areas, or changing the type of lease activity in existing
123 leases. Upon issuance of an aquaculture lease or other real
124 property transaction relating to aquaculture, the Department of
125 Agriculture and Consumer Services must send a copy of the

126 | document and the accompanying survey to the Department of
 127 | Environmental Protection. The board of trustees may also
 128 | delegate to the Fish and Wildlife Conservation Commission the
 129 | authority to take final agency action, without any action on
 130 | behalf of the board, on applications for authorization to use
 131 | board of trustees-owned submerged lands for any activity
 132 | regulated under ss. 369.20 and 369.22.

133 | **Section 5. Subsection (6) of section 373.026, Florida**
 134 | **Statutes, is amended to read:**

135 | 373.026 General powers and duties of the department.—The
 136 | department, or its successor agency, shall be responsible for
 137 | the administration of this chapter at the state level. However,
 138 | it is the policy of the state that, to the greatest extent
 139 | possible, the department may enter into interagency or
 140 | interlocal agreements with any other state agency, any water
 141 | management district, or any local government conducting programs
 142 | related to or materially affecting the water resources of the
 143 | state. All such agreements shall be subject to the provisions of
 144 | s. 373.046. In addition to its other powers and duties, the
 145 | department shall, to the greatest extent possible:

146 | ~~(6) Conduct, either independently or in cooperation with~~
 147 | ~~any person or governmental agency, a program of study, research,~~
 148 | ~~and experimentation and evaluation in the field of weather~~
 149 | ~~modification.~~

150 | **Section 6. Subsections (1) and (9) of section 373.1501,**

151 **Florida Statutes, are amended to read:**

152 373.1501 South Florida Water Management District as local
153 sponsor.—

154 (1) As used in this section and s. 373.026(7) ~~s.~~
155 ~~373.026(8)~~, the term:

156 (a) "C-111 Project" means the project identified in the
157 Central and Southern Florida Flood Control Project, Real Estate
158 Design Memorandum, Canal 111, South Miami-Dade County, Florida.

159 (b) "Department" means the Department of Environmental
160 Protection.

161 (c) "District" means the South Florida Water Management
162 District.

163 (d) "Kissimmee River Restoration Project" means the
164 project identified in the Project Cooperation Agreement between
165 the United States Department of the Army and the South Florida
166 Water Management District dated March 22, 1994.

167 (e) "Pal-Mar Project" means the Pal-Mar (West Jupiter
168 Wetlands) lands identified in the Save Our Rivers 2000 Land
169 Acquisition and Management Plan approved by the South Florida
170 Water Management District on September 9, 1999 (Resolution 99-
171 94).

172 (f) "Project" means the Central and Southern Florida
173 Project.

174 (g) "Project component" means any structural or
175 operational change, resulting from the restudy, to the Central

176 and Southern Florida Project as it existed and was operated as
 177 of January 1, 1999.

178 (h) "Restudy" means the Comprehensive Review Study of the
 179 Central and Southern Florida Project, for which federal
 180 participation was authorized by the federal Water Resources
 181 Development Acts of 1992 and 1996 together with related
 182 congressional resolutions and for which participation by the
 183 South Florida Water Management District is authorized by this
 184 section. The term includes all actions undertaken pursuant to
 185 the aforementioned authorizations which will result in
 186 recommendations for modifications or additions to the Central
 187 and Southern Florida Project.

188 (i) "Southern Corkscrew Regional Ecosystem Watershed
 189 Project" means the area described in the Critical Restoration
 190 Project Contract C-9906 Southern Corkscrew Regional Ecosystem
 191 Watershed Project Addition/Imperial River Flowway and approved
 192 by the South Florida Water Management District on August 12,
 193 1999.

194 (j) "Water Preserve Areas" means those areas located only
 195 within Palm Beach and Broward counties that are designated as
 196 Water Preserve Areas, as approved by the South Florida Water
 197 Management District Governing Board on September 11, 1997, and
 198 shall also include all of those lands within Cell II of the East
 199 Coast Buffer in Broward County as delineated in the boundary
 200 survey prepared by Stoner and Associates, Inc., dated January

201 31, 2000, SWFWMD #10953.

202 (k) "Ten Mile Creek Project" means the Ten Mile Creek
 203 Water Preserve Area identified in the Central and Southern
 204 Florida Ecosystem Critical Project Letter Report dated April 13,
 205 1998.

206 (9) Final agency action with regard to any project
 207 component subject to s. 373.026(7)(b) ~~s. 373.026(8)(b)~~ shall be
 208 taken by the department. Actions taken by the district pursuant
 209 to subsection (5) may ~~shall~~ not be considered final agency
 210 action. A ~~Any~~ petition for formal proceedings filed pursuant to
 211 ss. 120.569 and 120.57 requires ~~shall require~~ a hearing under
 212 the summary hearing provisions of s. 120.574, which is ~~shall be~~
 213 mandatory. The final hearing under this section must ~~shall~~ be
 214 held within 30 days after receipt of the petition by the
 215 Division of Administrative Hearings.

216 **Section 7. Paragraph (c) of subsection (10) of section**
 217 **373.4598, Florida Statutes, is amended to read:**

218 373.4598 Water storage reservoirs.—

219 (10) FUNDING.—

220 (c) Notwithstanding s. 373.026(7)(b) ~~s. 373.026(8)(b)~~ or
 221 any other provision of law, the use of state funds is authorized
 222 for the EAA reservoir project.

223 **Section 8. Paragraph (a) of subsection (6) of section**
 224 **373.470, Florida Statutes, is amended to read:**

225 373.470 Everglades restoration.—

226 (6) DISTRIBUTIONS FROM SAVE OUR EVERGLADES TRUST FUND.—
227 (a) Except as provided in paragraphs (d) and (e) and for
228 funds appropriated for debt service, the department shall
229 distribute funds in the Save Our Everglades Trust Fund to the
230 district in accordance with a legislative appropriation and s.
231 373.026(7)(b) ~~s. 373.026(8)(b)~~. Distribution of funds to the
232 district from the Save Our Everglades Trust Fund shall be
233 equally matched by the cumulative contributions from the
234 district by fiscal year 2019-2020 by providing funding or
235 credits toward project components. The dollar value of in-kind
236 project design and construction work by the district in
237 furtherance of the comprehensive plan and existing interest in
238 public lands needed for a project component are credits towards
239 the district's contributions.

240 **Section 9.** This act shall take effect July 1, 2025.