

By Senator Garcia

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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,

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30 403.391, and 403.401, Florida Statutes, are repealed.

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

33 403.411 Weather modification activities prohibited;
34 penalty.-

35 (1) The injection, release, or dispersion, by any means, of
36 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

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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

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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-

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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:

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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 project
164 identified in the Project Cooperation Agreement between the
165 United States Department of the Army and the South Florida Water
166 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 operational

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175 change, resulting from the restudy, to the Central and Southern
176 Florida Project as it existed and was operated as of January 1,
177 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 Water
203 Preserve Area identified in the Central and Southern Florida

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204 Ecosystem Critical Project Letter Report dated April 13, 1998.

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

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

217 373.4598 Water storage reservoirs.—

218 (10) FUNDING.—

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

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

224 373.470 Everglades restoration.—

225 (6) DISTRIBUTIONS FROM SAVE OUR EVERGLADES TRUST FUND.—

226 (a) Except as provided in paragraphs (d) and (e) and for
 227 funds appropriated for debt service, the department shall
 228 distribute funds in the Save Our Everglades Trust Fund to the
 229 district in accordance with a legislative appropriation and s.
 230 373.026(7)(b) ~~s. 373.026(8)(b)~~. Distribution of funds to the
 231 district from the Save Our Everglades Trust Fund shall be
 232 equally matched by the cumulative contributions from the

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233 district by fiscal year 2019-2020 by providing funding or
234 credits toward project components. The dollar value of in-kind
235 project design and construction work by the district in
236 furtherance of the comprehensive plan and existing interest in
237 public lands needed for a project component are credits towards
238 the district's contributions.

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