

**By** the Committee on Environment and Natural Resources; and  
Senators Garcia and Leek

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1                                   A bill to be entitled  
2       An act relating to geoengineering and weather  
3       modification activities; repealing ss. 403.281,  
4       403.291, 403.301, 403.311, 403.321, 403.331, 403.341,  
5       403.351, 403.361, 403.371, 403.381, 403.391, and  
6       403.401, F.S., relating to the definitions, purpose,  
7       licensing requirements, applications, proof of  
8       financial responsibility requirements, license  
9       issuance and discipline provisions, publication of  
10      notice of intention to operate requirements, required  
11      contents of the notice of intention, publication of  
12      the notice of intention requirements, proof of  
13      publication requirements, record and reports of  
14      operations requirements, provision of emergency  
15      licenses, and suspension or revocation of licenses,  
16      respectively, of the weather modification law;  
17      amending s. 403.411, F.S.; prohibiting certain acts  
18      intended to affect the temperature, the weather, or  
19      the intensity of sunlight within the atmosphere of  
20      this state; increasing civil penalties for violations  
21      of the geoengineering and weather modification law;  
22      requiring that specified moneys be deposited in the  
23      Air Pollution Control Trust Fund and used only for  
24      specified purposes; authorizing a person who observes  
25      a geoengineering or weather modification activity to  
26      report such activity; providing construction;  
27      authorizing the department to refer reports of such  
28      observations to the Department of Health or the  
29      Division of Emergency Management; authorizing the

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30 department to adopt rules; amending ss. 253.002,  
31 373.026, 373.1501, 373.4598, and 373.470, F.S.;  
32 conforming cross-references and provisions to changes  
33 made by the act; making technical changes; providing  
34 an effective date.

35  
36 Be It Enacted by the Legislature of the State of Florida:

37  
38 Section 1. Sections 403.281, 403.291, 403.301, 403.311,  
39 403.321, 403.331, 403.341, 403.351, 403.361, 403.371, 403.381,  
40 403.391, and 403.401, Florida Statutes, are repealed.

41 Section 2. Section 403.411, Florida Statutes, is amended to  
42 read:

43 403.411 Geoengineering and weather modification activities  
44 prohibited; penalty.-

45 (1) The injection, release, or dispersion, by any means, of  
46 a chemical, a chemical compound, a substance, or an apparatus  
47 into the atmosphere within the borders of this state for the  
48 express purpose of affecting the temperature, weather, climate,  
49 or intensity of sunlight is prohibited.

50 (2) Any person, including any public or private  
51 corporation, who conducts ~~conducting~~ a geoengineering or weather  
52 modification activity in violation of this section commits  
53 operation without first having procured a license, or who shall  
54 make a false statement in his or her application for license, or  
55 who shall fail to file any report or reports as required by this  
56 act, or who shall conduct any weather modification operation  
57 after revocation or suspension of his or her license, or who  
58 shall violate any other provision of this act, shall be guilty

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59 ~~of~~ a misdemeanor of the second degree, punishable as provided in  
60 s. 775.082 and by a fine not exceeding \$100,000, ~~or s. 775.083,~~  
61 and, if a corporation, the corporation commits shall be guilty  
62 ~~of~~ a misdemeanor of the second degree, punishable by a fine not  
63 exceeding \$100,000 as provided in s. 775.083. Each such  
64 violation is ~~shall be~~ a separate offense.

65 (3) All moneys collected pursuant to this section must be  
66 deposited in the Air Pollution Control Trust Fund and used only  
67 for purposes of air pollution control pursuant to this chapter.

68 (4) (a) Any person who observes a geoengineering or weather  
69 modification activity conducted in violation of this section may  
70 report the observed violation to the department online or by  
71 telephone, mail, or e-mail.

72 (b) The department shall establish an e-mail address and an  
73 online form for persons to report observed violations pursuant  
74 to this subsection. The department shall make the e-mail address  
75 and online form publicly accessible on its website.

76 (c) The department may refer reports of observed violations  
77 made pursuant to this subsection to the Department of Health or  
78 the Division of Emergency Management when appropriate.

79 (d) The department may adopt rules necessary to implement  
80 this subsection.

81 Section 3. Subsection (1) of section 253.002, Florida  
82 Statutes, is amended to read:

83 253.002 Department of Environmental Protection, water  
84 management districts, Fish and Wildlife Conservation Commission,  
85 and Department of Agriculture and Consumer Services; duties with  
86 respect to state lands.—

87 (1) The Department of Environmental Protection shall

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88 perform all staff duties and functions related to the  
89 acquisition, administration, and disposition of state lands,  
90 title to which is or will be vested in the Board of Trustees of  
91 the Internal Improvement Trust Fund. However, upon the effective  
92 date of rules adopted pursuant to s. 373.427, a water management  
93 district created under s. 373.069 shall perform the staff duties  
94 and functions related to the review of any application for  
95 authorization to use board of trustees-owned submerged lands  
96 necessary for an activity regulated under part IV of chapter 373  
97 for which the water management district has permitting  
98 responsibility as set forth in an operating agreement adopted  
99 pursuant to s. 373.046(4). The Department of Agriculture and  
100 Consumer Services shall perform the staff duties and functions  
101 related to the review of applications and compliance with  
102 conditions for use of board of trustees-owned submerged lands  
103 under authorizations or leases issued pursuant to ss. 253.67-  
104 253.75 and 597.010 and the acquisition, administration, and  
105 disposition of conservation easements pursuant to s. 570.71.  
106 Unless expressly prohibited by law, the board of trustees may  
107 delegate to the department any statutory duty or obligation  
108 relating to the acquisition, administration, or disposition of  
109 lands, title to which is or will be vested in the board of  
110 trustees. The board of trustees may also delegate to any water  
111 management district created under s. 373.069 the authority to  
112 take final agency action, without any action on behalf of the  
113 board, on applications for authorization to use board of  
114 trustees-owned submerged lands for any activity regulated under  
115 part IV of chapter 373 for which the water management district  
116 has permitting responsibility as set forth in an operating

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117 agreement adopted pursuant to s. 373.046(4). This water  
118 management district responsibility under this subsection is  
119 ~~shall be~~ subject to the department's general supervisory  
120 authority pursuant to s. 373.026(6) ~~s. 373.026(7)~~. The board of  
121 trustees may also delegate to the Department of Agriculture and  
122 Consumer Services the authority to take final agency action on  
123 behalf of the board on applications to use board of trustees-  
124 owned submerged lands for any activity for which that department  
125 has responsibility pursuant to ss. 253.67-253.75, 369.25,  
126 369.251, and 597.010. However, the board of trustees shall  
127 retain the authority to take final agency action on establishing  
128 any areas for leasing, new leases, expanding existing lease  
129 areas, or changing the type of lease activity in existing  
130 leases. Upon issuance of an aquaculture lease or other real  
131 property transaction relating to aquaculture, the Department of  
132 Agriculture and Consumer Services must send a copy of the  
133 document and the accompanying survey to the Department of  
134 Environmental Protection. The board of trustees may also  
135 delegate to the Fish and Wildlife Conservation Commission the  
136 authority to take final agency action, without any action on  
137 behalf of the board, on applications for authorization to use  
138 board of trustees-owned submerged lands for any activity  
139 regulated under ss. 369.20 and 369.22.

140 Section 4. Subsection (6) of section 373.026, Florida  
141 Statutes, is amended to read:

142 373.026 General powers and duties of the department.—The  
143 department, or its successor agency, shall be responsible for  
144 the administration of this chapter at the state level. However,  
145 it is the policy of the state that, to the greatest extent

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146 possible, the department may enter into interagency or  
147 interlocal agreements with any other state agency, any water  
148 management district, or any local government conducting programs  
149 related to or materially affecting the water resources of the  
150 state. All such agreements shall be subject to the provisions of  
151 s. 373.046. In addition to its other powers and duties, the  
152 department shall, to the greatest extent possible:

153 ~~(6) Conduct, either independently or in cooperation with~~  
154 ~~any person or governmental agency, a program of study, research,~~  
155 ~~and experimentation and evaluation in the field of weather~~  
156 ~~modification.~~

157 Section 5. Subsections (1) and (9) of section 373.1501,  
158 Florida Statutes, are amended to read:

159 373.1501 South Florida Water Management District as local  
160 sponsor.-

161 (1) As used in this section and s. 373.026(7) ~~s.~~  
162 ~~373.026(8)~~, the term:

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

166 (b) "Department" means the Department of Environmental  
167 Protection.

168 (c) "District" means the South Florida Water Management  
169 District.

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

174 (e) "Pal-Mar Project" means the Pal-Mar (West Jupiter

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175 Wetlands) lands identified in the Save Our Rivers 2000 Land  
176 Acquisition and Management Plan approved by the South Florida  
177 Water Management District on September 9, 1999 (Resolution 99-  
178 94).

179 (f) "Project" means the Central and Southern Florida  
180 Project.

181 (g) "Project component" means any structural or operational  
182 change, resulting from the restudy, to the Central and Southern  
183 Florida Project as it existed and was operated as of January 1,  
184 1999.

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

195 (i) "Southern Corkscrew Regional Ecosystem Watershed  
196 Project" means the area described in the Critical Restoration  
197 Project Contract C-9906 Southern Corkscrew Regional Ecosystem  
198 Watershed Project Addition/Imperial River Flowway and approved  
199 by the South Florida Water Management District on August 12,  
200 1999.

201 (j) "Water Preserve Areas" means those areas located only  
202 within Palm Beach and Broward counties that are designated as  
203 Water Preserve Areas, as approved by the South Florida Water

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204 Management District Governing Board on September 11, 1997, and  
205 shall also include all of those lands within Cell II of the East  
206 Coast Buffer in Broward County as delineated in the boundary  
207 survey prepared by Stoner and Associates, Inc., dated January  
208 31, 2000, SWFWMD #10953.

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

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

222 Section 6. Paragraph (c) of subsection (10) of section  
223 373.4598, Florida Statutes, is amended to read:

224 373.4598 Water storage reservoirs.—

225 (10) FUNDING.—

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

229 Section 7. Paragraph (a) of subsection (6) of section  
230 373.470, Florida Statutes, is amended to read:

231 373.470 Everglades restoration.—

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

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233 (a) Except as provided in paragraphs (d) and (e) and for  
234 funds appropriated for debt service, the department shall  
235 distribute funds in the Save Our Everglades Trust Fund to the  
236 district in accordance with a legislative appropriation and s.  
237 373.026(7)(b) ~~s. 373.026(8)(b)~~. Distribution of funds to the  
238 district from the Save Our Everglades Trust Fund shall be  
239 equally matched by the cumulative contributions from the  
240 district by fiscal year 2019-2020 by providing funding or  
241 credits toward project components. The dollar value of in-kind  
242 project design and construction work by the district in  
243 furtherance of the comprehensive plan and existing interest in  
244 public lands needed for a project component are credits towards  
245 the district's contributions.

246 Section 8. This act shall take effect July 1, 2025.