

By the Committees on Rules; and Environment and Natural Resources; and Senators Garcia, Leek, and Yarborough

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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 requiring the Department of Environmental Protection
28 to establish a method for the intake and screening of
29 such reports; requiring the department to investigate

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30 certain reports; requiring the department to refer
31 reports of observed violations to the Department of
32 Health or the Division of Emergency Management, under
33 certain circumstances; requiring the department to
34 adopt rules; creating s. 403.4115, F.S.; defining
35 terms; requiring an operator of public infrastructure
36 to report certain information monthly to the
37 Department of Transportation; prohibiting the
38 department from expending funds to support certain
39 projects or programs; requiring the department to
40 submit a report to specified entities; requiring the
41 department to incorporate reporting guidelines in
42 certain grant agreements; authorizing the department
43 to adopt rules; amending ss. 253.002, 373.026,
44 373.1501, 373.4598, and 373.470, F.S.; conforming
45 cross-references and provisions to changes made by the
46 act; making technical changes; providing an effective
47 date.

48
49 Be It Enacted by the Legislature of the State of Florida:

50
51 Section 1. Sections 403.281, 403.291, 403.301, 403.311,
52 403.321, 403.331, 403.341, 403.351, 403.361, 403.371, 403.381,
53 403.391, and 403.401, Florida Statutes, are repealed.

54 Section 2. Section 403.411, Florida Statutes, is amended to
55 read:

56 403.411 Geoengineering and weather modification activities
57 prohibited; penalty.-

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

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59 a chemical, a chemical compound, a substance, or an apparatus
60 into the atmosphere within the borders of this state for the
61 express purpose of affecting the temperature, weather, climate,
62 or intensity of sunlight is prohibited.

63 (2) Any person, including any public or private
64 corporation, who conducts ~~conducting~~ a geoengineering or weather
65 modification activity in violation of this section commits
66 operation without first having procured a license, or who shall
67 make a false statement in his or her application for license, or
68 who shall fail to file any report or reports as required by this
69 act, or who shall conduct any weather modification operation
70 after revocation or suspension of his or her license, or who
71 shall violate any other provision of this act, shall be guilty
72 of a ~~felony~~ misdemeanor of the ~~third~~ second degree, punishable
73 as provided in s. 775.082 and by a fine not exceeding \$100,000;
74 ~~or s. 775.083; and,~~ if a corporation, the officers, directors,
75 or employees of the corporation commit ~~shall be guilty of a~~
76 ~~felony~~ misdemeanor of the ~~third~~ second degree, punishable by a
77 fine not exceeding \$100,000; and, if an aircraft operator or
78 controller, such person commits a felony of the third degree,
79 punishable as provided in s. 775.082 and by a fine not exceeding
80 \$5,000 and up to 5 years in prison ~~as provided in s. 775.083.~~
81 Each such violation ~~is~~ shall be a separate offense.

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

85 (4) (a) Any person who observes a geoengineering or weather
86 modification activity conducted in violation of this section may
87 report the observed violation to the department online or by

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88 telephone, mail, or e-mail.

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

93 (c) The department shall establish a method for intake and
94 screening of the reports made pursuant to this subsection. The
95 department shall investigate any report that warrants further
96 review to determine whether there are violations of this
97 section.

98 (d) The department shall refer reports of observed
99 violations made pursuant to this subsection to the Department of
100 Health or the Division of Emergency Management, if appropriate.

101 (e) The department shall adopt any rules that are necessary
102 to implement this subsection.

103 Section 3. Section 403.4115, Florida Statutes, is created
104 to read:

105 403.4115 Reporting on geoengineering and weather
106 modification activities on public infrastructure; penalty.-

107 (1) As used in this section, the term:

108 (a) "Aircraft" means a powered or unpowered machine or
109 device capable of atmospheric flight, except a parachute or
110 other such device used primarily as safety equipment.

111 (b) "Department" means the Department of Transportation.

112 (c) "Public infrastructure" means any public-use airport as
113 that term is defined in s. 332.004.

114 (2) Beginning on October 1, 2025, all operators of public
115 infrastructure shall report monthly to the department, using a
116 method determined by the department:

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117 (a) The physical presence of any aircraft on public
118 property, including any public infrastructure, equipped with any
119 part, component, device, or the like which may be used to
120 support the intentional emission, injection, release, or
121 dispersion of air contaminants into the atmosphere within the
122 borders of this state when such emissions occur for the express
123 purpose of affecting temperature, weather, climate, or the
124 intensity of sunlight.

125 (b) The landing, takeoff, stopover, or refueling of an
126 aircraft equipped with the components outlined in paragraph (a)
127 on the physical location of the public infrastructure.

128 (3) The department may not expend any state funds as
129 described in s. 215.31 to support a project or program located
130 on or in support of public infrastructure which is not in
131 compliance with this section until such time as the entity
132 becomes compliant with this section.

133 (4) Upon receipt of the reports required in subsection (2),
134 the department shall submit aggregated reports to the Department
135 of Environmental Protection and the applicable state law
136 enforcement agency in support of the enforcement of s. 403.411.

137 (5) The department shall incorporate reporting guidelines
138 in all grant agreements for public use airports which receive
139 state funds as described in s. 215.31.

140 (6) The department may adopt rules necessary to implement
141 this section.

142 Section 4. Subsection (1) of section 253.002, Florida
143 Statutes, is amended to read:

144 253.002 Department of Environmental Protection, water
145 management districts, Fish and Wildlife Conservation Commission,

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146 and Department of Agriculture and Consumer Services; duties with
147 respect to state lands.-

148 (1) The Department of Environmental Protection shall
149 perform all staff duties and functions related to the
150 acquisition, administration, and disposition of state lands,
151 title to which is or will be vested in the Board of Trustees of
152 the Internal Improvement Trust Fund. However, upon the effective
153 date of rules adopted pursuant to s. 373.427, a water management
154 district created under s. 373.069 shall perform the staff duties
155 and functions related to the review of any application for
156 authorization to use board of trustees-owned submerged lands
157 necessary for an activity regulated under part IV of chapter 373
158 for which the water management district has permitting
159 responsibility as set forth in an operating agreement adopted
160 pursuant to s. 373.046(4). The Department of Agriculture and
161 Consumer Services shall perform the staff duties and functions
162 related to the review of applications and compliance with
163 conditions for use of board of trustees-owned submerged lands
164 under authorizations or leases issued pursuant to ss. 253.67-
165 253.75 and 597.010 and the acquisition, administration, and
166 disposition of conservation easements pursuant to s. 570.71.
167 Unless expressly prohibited by law, the board of trustees may
168 delegate to the department any statutory duty or obligation
169 relating to the acquisition, administration, or disposition of
170 lands, title to which is or will be vested in the board of
171 trustees. The board of trustees may also delegate to any water
172 management district created under s. 373.069 the authority to
173 take final agency action, without any action on behalf of the
174 board, on applications for authorization to use board of

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175 trustees-owned submerged lands for any activity regulated under
176 part IV of chapter 373 for which the water management district
177 has permitting responsibility as set forth in an operating
178 agreement adopted pursuant to s. 373.046(4). This water
179 management district responsibility under this subsection is
180 ~~shall be~~ subject to the department's general supervisory
181 authority pursuant to s. 373.026(6) ~~s. 373.026(7)~~. The board of
182 trustees may also delegate to the Department of Agriculture and
183 Consumer Services the authority to take final agency action on
184 behalf of the board on applications to use board of trustees-
185 owned submerged lands for any activity for which that department
186 has responsibility pursuant to ss. 253.67-253.75, 369.25,
187 369.251, and 597.010. However, the board of trustees shall
188 retain the authority to take final agency action on establishing
189 any areas for leasing, new leases, expanding existing lease
190 areas, or changing the type of lease activity in existing
191 leases. Upon issuance of an aquaculture lease or other real
192 property transaction relating to aquaculture, the Department of
193 Agriculture and Consumer Services must send a copy of the
194 document and the accompanying survey to the Department of
195 Environmental Protection. The board of trustees may also
196 delegate to the Fish and Wildlife Conservation Commission the
197 authority to take final agency action, without any action on
198 behalf of the board, on applications for authorization to use
199 board of trustees-owned submerged lands for any activity
200 regulated under ss. 369.20 and 369.22.

201 Section 5. Subsection (6) of section 373.026, Florida
202 Statutes, is amended to read:

203 373.026 General powers and duties of the department.—The

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204 department, or its successor agency, shall be responsible for
205 the administration of this chapter at the state level. However,
206 it is the policy of the state that, to the greatest extent
207 possible, the department may enter into interagency or
208 interlocal agreements with any other state agency, any water
209 management district, or any local government conducting programs
210 related to or materially affecting the water resources of the
211 state. All such agreements shall be subject to the provisions of
212 s. 373.046. In addition to its other powers and duties, the
213 department shall, to the greatest extent possible:

214 ~~(6) Conduct, either independently or in cooperation with~~
215 ~~any person or governmental agency, a program of study, research,~~
216 ~~and experimentation and evaluation in the field of weather~~
217 ~~modification.~~

218 Section 6. Subsections (1) and (9) of section 373.1501,
219 Florida Statutes, are amended to read:

220 373.1501 South Florida Water Management District as local
221 sponsor.—

222 (1) As used in this section and s. 373.026(7) ~~s.~~
223 ~~373.026(8)~~, the term:

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

227 (b) "Department" means the Department of Environmental
228 Protection.

229 (c) "District" means the South Florida Water Management
230 District.

231 (d) "Kissimmee River Restoration Project" means the project
232 identified in the Project Cooperation Agreement between the

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233 United States Department of the Army and the South Florida Water
234 Management District dated March 22, 1994.

235 (e) "Pal-Mar Project" means the Pal-Mar (West Jupiter
236 Wetlands) lands identified in the Save Our Rivers 2000 Land
237 Acquisition and Management Plan approved by the South Florida
238 Water Management District on September 9, 1999 (Resolution 99-
239 94).

240 (f) "Project" means the Central and Southern Florida
241 Project.

242 (g) "Project component" means any structural or operational
243 change, resulting from the restudy, to the Central and Southern
244 Florida Project as it existed and was operated as of January 1,
245 1999.

246 (h) "Restudy" means the Comprehensive Review Study of the
247 Central and Southern Florida Project, for which federal
248 participation was authorized by the federal Water Resources
249 Development Acts of 1992 and 1996 together with related
250 congressional resolutions and for which participation by the
251 South Florida Water Management District is authorized by this
252 section. The term includes all actions undertaken pursuant to
253 the aforementioned authorizations which will result in
254 recommendations for modifications or additions to the Central
255 and Southern Florida Project.

256 (i) "Southern Corkscrew Regional Ecosystem Watershed
257 Project" means the area described in the Critical Restoration
258 Project Contract C-9906 Southern Corkscrew Regional Ecosystem
259 Watershed Project Addition/Imperial River Flowway and approved
260 by the South Florida Water Management District on August 12,
261 1999.

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262 (j) "Water Preserve Areas" means those areas located only
263 within Palm Beach and Broward counties that are designated as
264 Water Preserve Areas, as approved by the South Florida Water
265 Management District Governing Board on September 11, 1997, and
266 shall also include all of those lands within Cell II of the East
267 Coast Buffer in Broward County as delineated in the boundary
268 survey prepared by Stoner and Associates, Inc., dated January
269 31, 2000, SWFWMD #10953.

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

273 (9) Final agency action with regard to any project
274 component subject to s. 373.026(7)(b) ~~s. 373.026(8)(b)~~ shall be
275 taken by the department. Actions taken by the district pursuant
276 to subsection (5) may ~~shall~~ not be considered final agency
277 action. A ~~Any~~ petition for formal proceedings filed pursuant to
278 ss. 120.569 and 120.57 requires ~~shall require~~ a hearing under
279 the summary hearing provisions of s. 120.574, which is ~~shall be~~
280 mandatory. The final hearing under this section must ~~shall~~ be
281 held within 30 days after receipt of the petition by the
282 Division of Administrative Hearings.

283 Section 7. Paragraph (c) of subsection (10) of section
284 373.4598, Florida Statutes, is amended to read:

285 373.4598 Water storage reservoirs.—

286 (10) FUNDING.—

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

290 Section 8. Paragraph (a) of subsection (6) of section

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291 373.470, Florida Statutes, is amended to read:

292 373.470 Everglades restoration.—

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

294 (a) Except as provided in paragraphs (d) and (e) and for
295 funds appropriated for debt service, the department shall
296 distribute funds in the Save Our Everglades Trust Fund to the
297 district in accordance with a legislative appropriation and s.
298 373.026(7)(b) ~~s. 373.026(8)(b)~~. Distribution of funds to the
299 district from the Save Our Everglades Trust Fund shall be
300 equally matched by the cumulative contributions from the
301 district by fiscal year 2019-2020 by providing funding or
302 credits toward project components. The dollar value of in-kind
303 project design and construction work by the district in
304 furtherance of the comprehensive plan and existing interest in
305 public lands needed for a project component are credits towards
306 the district's contributions.

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