

1                                   A bill to be entitled  
2           An act relating to environmental enforcement; amending  
3           ss. 161.054, 258.397, 258.46, 373.129, 373.209,  
4           373.430, 376.065, 376.071, 376.16, 376.25, 377.37,  
5           378.211, 403.086, 403.121, 403.141, 403.161, 403.413,  
6           403.7234, 403.726, 403.727, and 403.93345, F.S.;  
7           increasing the civil penalties for violations of  
8           certain provisions relating to beach and shore  
9           construction, the Biscayne Bay Aquatic Preserve,  
10          aquatic preserves, the state water resource plan,  
11          artesian wells, pollution, operating a terminal  
12          facility without discharge prevention and response  
13          certificates, discharge contingency plans for vessels,  
14          the Pollutant Discharge Prevention and Control Act,  
15          the Clean Ocean Act, the pollution of surface and  
16          ground waters, the regulation of oil and gas  
17          resources, the Phosphate Land Reclamation Act, sewage  
18          disposal facilities, pollution control, reasonable  
19          costs and expenses for pollution releases, necessary  
20          permits, dumping litter, small quantity generators,  
21          the abatement of imminent hazards caused by hazardous  
22          substances, hazardous waste generators, transporters,  
23          or facilities, and coral reef protection,  
24          respectively; providing that each day that certain  
25          violations are not remediated constitutes a separate

26 offense; making technical changes; reenacting s.  
 27 823.11(5), F.S., to incorporate the amendment made to  
 28 s. 376.16, F.S., in a reference thereto; reenacting  
 29 ss. 403.077(5), 403.131(2), 403.4154(3)(d), and  
 30 403.860(5), F.S., to incorporate the amendment made to  
 31 s. 403.121, F.S., in a reference thereto; reenacting  
 32 ss. 403.708(10), 403.7191(7), and 403.811, F.S., to  
 33 incorporate the amendment made to s. 403.141, F.S., in  
 34 a reference thereto; reenacting s. 403.7255(2), F.S.,  
 35 to incorporate the amendment made to s. 403.161, F.S.,  
 36 in a reference thereto; reenacting s. 403.7186(8),  
 37 F.S., to incorporate the amendment made to ss. 403.141  
 38 and 403.161, F.S., in references thereto; providing an  
 39 effective date.

40

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

42

43 Section 1. Subsection (1) of section 161.054, Florida  
 44 Statutes, is amended to read:

45 161.054 Administrative fines; liability for damage;  
 46 liens.—

47 (1) In addition to the penalties provided for in ss.  
 48 161.052, 161.053, and 161.121, any person, firm, corporation, or  
 49 governmental agency, or agent thereof, refusing to comply with  
 50 or willfully violating ~~any of the provisions of~~ s. 161.041, s.

51 161.052, or s. 161.053, or any rule or order prescribed by the  
 52 department thereunder, shall incur a fine for each offense in an  
 53 amount up to \$15,000 ~~\$10,000~~ to be fixed, imposed, and collected  
 54 by the department. Until a violation is resolved by order or  
 55 judgment, each day during any portion of which such violation  
 56 occurs or is not remediated constitutes a separate offense.

57 Section 2. Subsection (7) of section 258.397, Florida  
 58 Statutes, is amended to read:

59 258.397 Biscayne Bay Aquatic Preserve.—

60 (7) ENFORCEMENT.—~~The provisions of~~ This section may be  
 61 enforced in accordance with ~~the provisions of~~ s. 403.412. In  
 62 addition, the Department of Legal Affairs may ~~is authorized to~~  
 63 bring an action for civil penalties of \$7,500 ~~\$5,000~~ per day  
 64 against any person, natural or corporate, who violates ~~the~~  
 65 ~~provisions of~~ this section or any rule or regulation issued  
 66 hereunder. Until a violation is resolved by order or judgment,  
 67 each day during any portion of which such violation occurs or is  
 68 not remediated constitutes a separate offense. Enforcement of  
 69 applicable state regulations shall be supplemented by the Miami-  
 70 Dade County Department of Environmental Resources Management  
 71 through the creation of a full-time enforcement presence along  
 72 the Miami River.

73 Section 3. Section 258.46, Florida Statutes, is amended to  
 74 read:

75 258.46 Enforcement; violations; penalty.—~~The provisions of~~

76 This act may be enforced by the Board of Trustees of the  
 77 Internal Improvement Trust Fund or in accordance with ~~the~~  
 78 ~~provisions of~~ s. 403.412. However, any violation by any person,  
 79 natural or corporate, of ~~the provisions of~~ this act or any rule  
 80 or regulation issued hereunder is ~~shall be~~ further punishable by  
 81 a civil penalty of not less than \$750 ~~\$500~~ per day or more than  
 82 \$7,500 ~~\$5,000~~ per day of such violation. Until a violation is  
 83 resolved by order or judgment, each day during any portion of  
 84 which such violation occurs or is not remediated constitutes a  
 85 separate offense.

86 Section 4. Subsections (5) and (7) of section 373.129,  
 87 Florida Statutes, are amended, to read:

88 373.129 Maintenance of actions.—The department, the  
 89 governing board of any water management district, any local  
 90 board, or a local government to which authority has been  
 91 delegated pursuant to s. 373.103(8), is authorized to commence  
 92 and maintain proper and necessary actions and proceedings in any  
 93 court of competent jurisdiction for any of the following  
 94 purposes:

95 (5) To recover a civil penalty for each offense in an  
 96 amount not to exceed \$15,000 ~~\$10,000~~ per offense. Until a  
 97 violation is resolved by order or judgment, each date during any  
 98 portion of which such violation occurs or is not remediated  
 99 constitutes a separate offense.

100 (a) A civil penalty recovered by a water management

101 district pursuant to this subsection shall be retained and used  
102 exclusively by the water management district that collected the  
103 money. A civil penalty recovered by the department pursuant to  
104 this subsection must be deposited into the Water Quality  
105 Assurance Trust Fund established under s. 376.307.

106 (b) A local government that is delegated authority  
107 pursuant to s. 373.103(8) may deposit a civil penalty recovered  
108 pursuant to this subsection into a local water pollution control  
109 program trust fund, notwithstanding ~~the provisions of~~ paragraph  
110 (a). However, civil penalties that are deposited in a local  
111 water pollution control program trust fund and that are  
112 recovered for violations of state water quality standards may be  
113 used only to restore water quality in the area that was the  
114 subject of the action, and civil penalties that are deposited in  
115 a local water pollution control program trust fund and that are  
116 recovered for violation of requirements relating to water  
117 quantity may be used only to purchase lands and make capital  
118 improvements associated with surface water management, or other  
119 purposes consistent with the requirements of this chapter for  
120 the management and storage of surface water.

121 (7) To enforce ~~the provisions of~~ part IV of this chapter  
122 in the same manner and to the same extent as provided in ss.  
123 373.430, 403.121(1) and (2), 403.131, 403.141, and 403.161.

124 Section 5. Subsection (3) of section 373.209, Florida  
125 Statutes, is amended to read:

126 373.209 Artesian wells; penalties for violation.—

127 (3) Any person who violates ~~any provision of~~ this section  
 128 is ~~shall be~~ subject to either:

129 (a) The remedial measures provided for in s. 373.436; or

130 (b) A civil penalty of \$150 ~~\$100~~ a day for each and every  
 131 day of such violation and for each and every act of violation.

132 The civil penalty may be recovered by the water management board  
 133 of the water management district in which the well is located or  
 134 by the department in a suit in a court of competent jurisdiction  
 135 in the county where the defendant resides, in the county of  
 136 residence of any defendant if there is more than one defendant,  
 137 or in the county where the violation took place. The place of  
 138 suit shall be selected by the board or department, and the suit,  
 139 by direction of the board or department, shall be instituted and  
 140 conducted in the name of the board or department by appropriate  
 141 counsel. The payment of any such damages does not impair or  
 142 abridge any cause of action which any person may have against  
 143 the person violating ~~any provision of~~ this section.

144 Section 6. Subsections (2) through (5) of section 373.430,  
 145 Florida Statutes, are amended to read:

146 373.430 Prohibitions, violation, penalty, intent.—

147 (2) A person who ~~Whoever~~ commits a violation specified in  
 148 subsection (1) is liable for any damage caused and for civil  
 149 penalties as provided in s. 373.129.

150 (3) A ~~Any~~ person who willfully commits a violation

151 specified in paragraph (1) (a) commits ~~is guilty of~~ a felony of  
152 the third degree, punishable as provided in ss. 775.082(3) (e)  
153 and 775.083(1) (g), by a fine of not more than \$50,000 or by  
154 imprisonment for 5 years, or by both, for each offense. Until a  
155 violation is resolved by order or judgment, each day during any  
156 portion of which such violation occurs or is not remediated  
157 constitutes a separate offense.

158 (4) A ~~Any~~ person who commits a violation specified in  
159 paragraph (1) (a) or paragraph (1) (b) due to reckless  
160 indifference or gross careless disregard commits ~~is guilty of~~ a  
161 misdemeanor of the second degree, punishable as provided in ss.  
162 775.082(4) (b) and 775.083(1) (g), by a fine of not more than  
163 \$10,000 ~~\$5,000~~ or 60 days in jail, or by both, for each offense.

164 (5) A ~~Any~~ person who willfully commits a violation  
165 specified in paragraph (1) (b) or paragraph (1) (c) commits ~~is~~  
166 ~~guilty of~~ a misdemeanor of the first degree, punishable as  
167 provided in ss. 775.082(4) (a) and 775.083(1) (g), by a fine of  
168 not more than \$10,000 or by 6 months in jail, or by both, for  
169 each offense.

170 Section 7. Paragraphs (a) and (e) of subsection (5) of  
171 section 376.065, Florida Statutes, are amended to read:

172 376.065 Operation of terminal facility without discharge  
173 prevention and response certificate prohibited; penalty.—

174 (5) (a) A person who violates this section or the terms and  
175 requirements of such certification commits a noncriminal

176 | infraction. The civil penalty for any such infraction shall be  
 177 | \$750 ~~\$500~~, except as otherwise provided in this section.

178 | (e) A person who elects to appear before the county court  
 179 | or who is required to so appear waives the limitations of the  
 180 | civil penalty specified in paragraph (a). The court, after a  
 181 | hearing, shall make a determination as to whether an infraction  
 182 | has been committed. If the commission of the infraction is  
 183 | proved, the court shall impose a civil penalty of \$750 ~~\$500~~.

184 | Section 8. Paragraphs (a) and (e) of subsection (2) of  
 185 | section 376.071, Florida Statutes, are amended to read:

186 | 376.071 Discharge contingency plan for vessels.—

187 | (2) (a) A master of a vessel that violates subsection (1)  
 188 | commits a noncriminal infraction and shall be cited for such  
 189 | infraction. The civil penalty for such an infraction shall be  
 190 | \$7,500 ~~\$5,000~~, except as otherwise provided in this subsection.

191 | (e) A person who elects to appear before the county court  
 192 | or who is required to appear waives the limitations of the civil  
 193 | penalty specified in paragraph (a). The court, after a hearing,  
 194 | shall make a determination as to whether an infraction has been  
 195 | committed. If the commission of the infraction is proved, the  
 196 | court shall impose a civil penalty of \$7,500 ~~\$5,000~~.

197 | Section 9. Section 376.16, Florida Statutes, is amended to  
 198 | read:

199 | 376.16 Enforcement and penalties.—

200 | (1) It is unlawful for any person to violate ~~any provision~~



201 ~~of~~ ss. 376.011-376.21 or any rule or order of the department  
 202 made pursuant to this act. A violation is ~~shall be~~ punishable by  
 203 a civil penalty of up to \$75,000 ~~\$50,000~~ per violation per day  
 204 to be assessed by the department. Until a violation is resolved  
 205 by order or judgment, each day during any portion of which the  
 206 violation occurs or is not remediated constitutes a separate  
 207 offense. The penalty provisions of this subsection do ~~shall~~ not  
 208 apply to any discharge promptly reported and removed by a person  
 209 responsible, in accordance with the rules and orders of the  
 210 department, or to any discharge of pollutants equal to or less  
 211 than 5 gallons.

212 (2) In addition to the penalty provisions which may apply  
 213 under subsection (1), a person responsible for two or more  
 214 discharges of any pollutant reported pursuant to s. 376.12  
 215 within a 12-month period at the same facility commits a  
 216 noncriminal infraction and shall be cited by the department for  
 217 such infraction.

218 (a) For discharges of gasoline or diesel over 5 gallons,  
 219 the civil penalty for the second discharge shall be \$750 ~~\$500~~  
 220 and the civil penalty for each subsequent discharge within a 12-  
 221 month period shall be \$1,500 ~~\$1,000~~, except as otherwise  
 222 provided in this section.

223 (b) For discharges of any pollutant other than gasoline or  
 224 diesel, the civil penalty for a second discharge shall be \$3,750  
 225 ~~\$2,500~~ and the civil penalty for each subsequent discharge

226 within a 12-month period shall be \$7,500 ~~\$5,000~~, except as  
 227 otherwise provided in this section.

228 (3) A person responsible for two or more discharges of any  
 229 pollutant reported pursuant to s. 376.12 within a 12-month  
 230 period at the same facility commits a noncriminal infraction and  
 231 shall be cited by the department for such infraction.

232 (a) For discharges of gasoline or diesel equal to or less  
 233 than 5 gallons, the civil penalty shall be \$75 ~~\$50~~ for each  
 234 discharge subsequent to the first.

235 (b) For discharges of pollutants other than gasoline or  
 236 diesel equal to or less than 5 gallons, the civil penalty shall  
 237 be \$150 ~~\$100~~ for each discharge subsequent to the first.

238 (4) A person charged with a noncriminal infraction  
 239 pursuant to subsection (2) or subsection (3) may:

240 (a) Pay the civil penalty;

241 (b) Post a bond equal to the amount of the applicable  
 242 civil penalty; or

243 (c) Sign and accept a citation indicating a promise to  
 244 appear before the county court.

245  
 246 The department employee authorized to issue these citations may  
 247 indicate on the citation the time and location of the scheduled  
 248 hearing and shall indicate the applicable civil penalty.

249 (5) Any person who willfully refuses to post bond or  
 250 accept and sign a citation commits a misdemeanor of the second

251 degree, punishable as provided in s. 775.082 or s. 775.083.

252 (6) After compliance with paragraph (4) (b) or paragraph  
 253 (4) (c), any person charged with a noncriminal infraction under  
 254 subsection (2) or subsection (3) may:

255 (a) Pay the civil penalty, either by mail or in person,  
 256 within 30 days after the date of receiving the citation; or

257 (b) If the person has posted bond, forfeit the bond by not  
 258 appearing at the designated time and location.

259

260 A person cited for an infraction under this section who pays the  
 261 civil penalty or forfeits the bond has admitted the infraction  
 262 and waives the right to a hearing on the issue of commission of  
 263 the infraction. Such admission may not be used as evidence in  
 264 any other proceeding.

265 (7) Any person who elects to appear before the county  
 266 court or who is required to appear waives the limitations of the  
 267 civil penalties specified in subsection (2). The court, after a  
 268 hearing, shall make a determination as to whether an infraction  
 269 has been committed. If the commission of an infraction is  
 270 proved, the court may impose a civil penalty up to, but not  
 271 exceeding, \$750 ~~\$500~~ for the second discharge of gasoline or  
 272 diesel and a civil penalty up to, but not exceeding, \$1,500  
 273 ~~\$1,000~~ for each subsequent discharge of gasoline or diesel  
 274 within a 12-month period.

275 (8) Any person who elects to appear before the county

276 | court or who is required to appear waives the limitations of the  
 277 | civil penalties specified in subsection (2) or subsection (3).  
 278 | The court, after a hearing, shall make a determination as to  
 279 | whether an infraction has been committed. If the commission of  
 280 | an infraction is proved, the court may impose a civil penalty up  
 281 | to, but not exceeding, \$7,500 ~~\$5,000~~ for the second discharge of  
 282 | pollutants other than gasoline or diesel and a civil penalty up  
 283 | to, but not exceeding, \$15,000 ~~\$10,000~~ for each subsequent  
 284 | discharge of pollutants other than gasoline or diesel within a  
 285 | 12-month period.

286 |         (9) At a hearing under this section, the commission of a  
 287 | charged offense must be proved by the greater weight of the  
 288 | evidence.

289 |         (10) A person who is found by a hearing official to have  
 290 | committed an infraction may appeal that finding to the circuit  
 291 | court.

292 |         (11) Any person who has not posted bond and who neither  
 293 | pays the applicable civil penalty, as specified in subsection  
 294 | (2) or subsection (3) within 30 days of receipt of the citation  
 295 | nor appears before the court commits a misdemeanor of the second  
 296 | degree, punishable as provided in s. 775.082 or s. 775.083.

297 |         (12) Any person who makes or causes to be made a false  
 298 | statement that which the person does not believe to be true in  
 299 | response to requirements of ~~the provisions of~~ ss. 376.011-376.21  
 300 | commits a felony of the second degree, punishable as provided in

301 s. 775.082, s. 775.083, or s. 775.084.

302 Section 10. Paragraph (a) of subsection (6) of section  
303 376.25, Florida Statutes, is amended to read:

304 376.25 Gambling vessels; registration; required and  
305 prohibited releases.—

306 (6) PENALTIES.—

307 (a) A person who violates this section is subject to a  
308 civil penalty of not more than \$75,000 ~~\$50,000~~ for each  
309 violation. Until a violation is resolved by order or judgment,  
310 each day during any portion of which such violation occurs or is  
311 not remediated constitutes a separate offense.

312 Section 11. Paragraph (a) of subsection (1) of section  
313 377.37, Florida Statutes, is amended to read:

314 377.37 Penalties.—

315 (1) (a) Any person who violates ~~any provision of~~ this law  
316 or any rule, regulation, or order of the division made under  
317 this chapter or who violates the terms of any permit to drill  
318 for or produce oil, gas, or other petroleum products referred to  
319 in s. 377.242(1) or to store gas in a natural gas storage  
320 facility, or any lessee, permitholder, or operator of equipment  
321 or facilities used in the exploration for, drilling for, or  
322 production of oil, gas, or other petroleum products, or storage  
323 of gas in a natural gas storage facility, who refuses inspection  
324 by the division as provided in this chapter, is liable to the  
325 state for any damage caused to the air, waters, or property,

326 including animal, plant, or aquatic life, of the state and for  
 327 reasonable costs and expenses of the state in tracing the source  
 328 of the discharge, in controlling and abating the source and the  
 329 pollutants, and in restoring the air, waters, and property,  
 330 including animal, plant, and aquatic life, of the state.  
 331 Furthermore, such person, lessee, permitholder, or operator is  
 332 subject to the judicial imposition of a civil penalty in an  
 333 amount of not more than \$15,000 ~~\$10,000~~ for each offense.  
 334 However, the court may receive evidence in mitigation. Until a  
 335 violation is resolved by order or judgment, each day during any  
 336 portion of which such violation occurs or is not remediated  
 337 constitutes a separate offense. This section does not ~~Nothing~~  
 338 ~~herein shall~~ give the department the right to bring an action on  
 339 behalf of any private person.

340 Section 12. Subsection (2) of section 378.211, Florida  
 341 Statutes, is amended to read:

342 378.211 Violations; damages; penalties.—

343 (2) The department may institute a civil action in a court  
 344 of competent jurisdiction to impose and recover a civil penalty  
 345 for violation of this part or of any rule adopted or order  
 346 issued pursuant to this part. The penalty may ~~shall~~ not exceed  
 347 the following amounts, and the court shall consider evidence in  
 348 mitigation:

349 (a) For violations of a minor or technical nature, \$150  
 350 ~~\$100~~ per violation.

351 (b) For major violations by an operator on which a penalty  
 352 has not been imposed under this paragraph during the previous 5  
 353 years, \$1,500 ~~\$1,000~~ per violation.

354 (c) For major violations not covered by paragraph (b),  
 355 \$7,500 ~~\$5,000~~ per violation.

356  
 357 Subject to ~~the provisions of~~ subsection (4), until a violation  
 358 is resolved by order or judgment, each day or any portion  
 359 thereof in which the violation continues or is not remediated  
 360 shall constitute a separate violation.

361 Section 13. Subsection (2) of section 403.086, Florida  
 362 Statutes, is amended to read:

363 403.086 Sewage disposal facilities; advanced and secondary  
 364 waste treatment.—

365 (2) Any facilities for sanitary sewage disposal shall  
 366 provide for secondary waste treatment and, in addition thereto,  
 367 advanced waste treatment as deemed necessary and ordered by the  
 368 Department of Environmental Protection. Failure to conform shall  
 369 be punishable by a civil penalty of \$750 ~~\$500~~ for each 24-hour  
 370 day or fraction thereof that such failure is allowed to continue  
 371 thereafter.

372 Section 14. Section 403.121, Florida Statutes, is amended  
 373 to read:

374 403.121 Enforcement; procedure; remedies.—The department  
 375 shall have the following judicial and administrative remedies

376 available to it for violations of this chapter, as specified in  
377 s. 403.161(1).

378 (1) Judicial remedies:

379 (a) The department may institute a civil action in a court  
380 of competent jurisdiction to establish liability and to recover  
381 damages for any injury to the air, waters, or property,  
382 including animal, plant, and aquatic life, of the state caused  
383 by any violation.

384 (b) The department may institute a civil action in a court  
385 of competent jurisdiction to impose and to recover a civil  
386 penalty for each violation in an amount of not more than \$15,000  
387 ~~\$10,000~~ per offense. However, the court may receive evidence in  
388 mitigation. Until a violation is resolved by order or judgment,  
389 each day during any portion of which such violation occurs or is  
390 not remediated constitutes a separate offense.

391 (c) Except as provided in paragraph (2)(c), it is ~~shall~~  
392 not be a defense to, or ground for dismissal of, these judicial  
393 remedies for damages and civil penalties that the department has  
394 failed to exhaust its administrative remedies, has failed to  
395 serve a notice of violation, or has failed to hold an  
396 administrative hearing prior to the institution of a civil  
397 action.

398 (2) Administrative remedies:

399 (a) The department may institute an administrative  
400 proceeding to establish liability and to recover damages for any



401 injury to the air, waters, or property, including animal, plant,  
402 or aquatic life, of the state caused by any violation. The  
403 department may order that the violator pay a specified sum as  
404 damages to the state. Judgment for the amount of damages  
405 determined by the department may be entered in any court having  
406 jurisdiction thereof and may be enforced as any other judgment.

407 (b) If the department has reason to believe a violation  
408 has occurred, it may institute an administrative proceeding to  
409 order the prevention, abatement, or control of the conditions  
410 creating the violation or other appropriate corrective action.  
411 Except for violations involving hazardous wastes, asbestos, or  
412 underground injection, the department shall proceed  
413 administratively in all cases in which the department seeks  
414 administrative penalties that do not exceed \$50,000 ~~\$10,000~~ per  
415 assessment as calculated in accordance with subsections (3),  
416 (4), (5), (6), and (7). Pursuant to 42 U.S.C. s. 300g-2, the  
417 administrative penalty assessed pursuant to subsection (3),  
418 subsection (4), or subsection (5) against a public water system  
419 serving a population of more than 10,000 shall be not less than  
420 \$1,000 per day per violation. The department may ~~shall~~ not  
421 impose administrative penalties in excess of \$50,000 ~~\$10,000~~ in  
422 a notice of violation. The department may ~~shall~~ not have more  
423 than one notice of violation seeking administrative penalties  
424 pending against the same party at the same time unless the  
425 violations occurred at a different site or the violations were

426 | discovered by the department subsequent to the filing of a  
 427 | previous notice of violation.

428 |       (c) An administrative proceeding shall be instituted by  
 429 | the department's serving of a written notice of violation upon  
 430 | the alleged violator by certified mail. If the department is  
 431 | unable to effect service by certified mail, the notice of  
 432 | violation may be hand delivered or personally served in  
 433 | accordance with chapter 48. The notice shall specify the  
 434 | ~~provision of the~~ law, rule, regulation, permit, certification,  
 435 | or order of the department alleged to be violated and the facts  
 436 | alleged to constitute a violation thereof. An order for  
 437 | corrective action, penalty assessment, or damages may be  
 438 | included with the notice. When the department is seeking to  
 439 | impose an administrative penalty for any violation by issuing a  
 440 | notice of violation, any corrective action needed to correct the  
 441 | violation or damages caused by the violation must be pursued in  
 442 | the notice of violation or they are waived. However, an ~~no~~ order  
 443 | is not ~~shall become~~ effective until after service and an  
 444 | administrative hearing, if requested within 20 days after  
 445 | service. Failure to request an administrative hearing within  
 446 | this time period constitutes ~~shall constitute~~ a waiver thereof,  
 447 | unless the respondent files a written notice with the department  
 448 | within this time period opting out of the administrative process  
 449 | initiated by the department to impose administrative penalties.  
 450 | Any respondent choosing to opt out of the administrative process

451 initiated by the department in an action that seeks the  
452 imposition of administrative penalties must file a written  
453 notice with the department within 20 days after service of the  
454 notice of violation opting out of the administrative process. A  
455 respondent's decision to opt out of the administrative process  
456 does not preclude the department from initiating a state court  
457 action seeking injunctive relief, damages, and the judicial  
458 imposition of civil penalties.

459 (d) If a person timely files a petition challenging a  
460 notice of violation, that person will thereafter be referred to  
461 as the respondent. The hearing requested by the respondent shall  
462 be held within 180 days after the department has referred the  
463 initial petition to the Division of Administrative Hearings  
464 unless the parties agree to a later date. The department has the  
465 burden of proving with the preponderance of the evidence that  
466 the respondent is responsible for the violation. ~~No~~  
467 Administrative penalties should not be imposed unless the  
468 department satisfies that burden. Following the close of the  
469 hearing, the administrative law judge shall issue a final order  
470 on all matters, including the imposition of an administrative  
471 penalty. When the department seeks to enforce that portion of a  
472 final order imposing administrative penalties pursuant to s.  
473 120.69, the respondent may ~~shall~~ not assert as a defense the  
474 inappropriateness of the administrative remedy. The department  
475 retains its final-order authority in all administrative actions

476 that do not request the imposition of administrative penalties.

477 (e) After filing a petition requesting a formal hearing in  
478 response to a notice of violation in which the department  
479 imposes an administrative penalty, a respondent may request that  
480 a private mediator be appointed to mediate the dispute by  
481 contacting the Florida Conflict Resolution Consortium within 10  
482 days after receipt of the initial order from the administrative  
483 law judge. The Florida Conflict Resolution Consortium shall pay  
484 all of the costs of the mediator and for up to 8 hours of the  
485 mediator's time per case at \$150 per hour. Upon notice from the  
486 respondent, the Florida Conflict Resolution Consortium shall  
487 provide to the respondent a panel of possible mediators from the  
488 area in which the hearing on the petition would be heard. The  
489 respondent shall select the mediator and notify the Florida  
490 Conflict Resolution Consortium of the selection within 15 days  
491 of receipt of the proposed panel of mediators. The Florida  
492 Conflict Resolution Consortium shall provide all of the  
493 administrative support for the mediation process. The mediation  
494 must be completed at least 15 days before the final hearing date  
495 set by the administrative law judge.

496 (f) In any administrative proceeding brought by the  
497 department, the prevailing party shall recover all costs as  
498 provided in ss. 57.041 and 57.071. The costs must be included in  
499 the final order. The respondent is the prevailing party when an  
500 order is entered awarding no penalties to the department and

501 such order has not been reversed on appeal or the time for  
 502 seeking judicial review has expired. The respondent is ~~shall be~~  
 503 entitled to an award of attorney's fees if the administrative  
 504 law judge determines that the notice of violation issued by the  
 505 department seeking the imposition of administrative penalties  
 506 was not substantially justified as defined in s. 57.111(3)(e).  
 507 An ~~No~~ award of attorney's fees as provided by this subsection  
 508 may not ~~shall~~ exceed \$15,000.

509 (g) Nothing herein shall be construed as preventing any  
 510 other legal or administrative action in accordance with law.  
 511 Nothing in this subsection shall limit the department's  
 512 authority provided in ss. 403.131, 403.141, and this section to  
 513 judicially pursue injunctive relief. When the department  
 514 exercises its authority to judicially pursue injunctive relief,  
 515 penalties in any amount up to the statutory maximum sought by  
 516 the department must be pursued as part of the state court action  
 517 and not by initiating a separate administrative proceeding. The  
 518 department retains the authority to judicially pursue penalties  
 519 in excess of \$50,000 ~~\$10,000~~ for violations not specifically  
 520 included in the administrative penalty schedule, or for multiple  
 521 or multiday violations alleged to exceed a total of \$50,000  
 522 ~~\$10,000~~. The department also retains the authority provided in  
 523 ss. 403.131, 403.141, and this section to judicially pursue  
 524 injunctive relief and damages, if a notice of violation seeking  
 525 the imposition of administrative penalties has not been issued.

526 The department has the authority to enter into a settlement,  
527 either before or after initiating a notice of violation, and the  
528 settlement may include a penalty amount different from the  
529 administrative penalty schedule. Any case filed in state court  
530 because it is alleged to exceed a total of \$50,000 ~~\$10,000~~ in  
531 penalties may be settled in the court action for less than  
532 \$50,000 ~~\$10,000~~.

533 (h) Chapter 120 applies ~~shall apply~~ to any administrative  
534 action taken by the department or any delegated program pursuing  
535 administrative penalties in accordance with this section.

536 (3) Except for violations involving hazardous wastes,  
537 asbestos, or underground injection, administrative penalties  
538 must be calculated according to the following schedule:

539 (a) For a drinking water contamination violation, the  
540 department shall assess a penalty of \$3,000 ~~\$2,000~~ for a Maximum  
541 Containment Level (MCL) violation; plus \$1,500 ~~\$1,000~~ if the  
542 violation is for a primary inorganic, organic, or radiological  
543 Maximum Contaminant Level or it is a fecal coliform bacteria  
544 violation; plus \$1,500 ~~\$1,000~~ if the violation occurs at a  
545 community water system; and plus \$1,500 ~~\$1,000~~ if any Maximum  
546 Contaminant Level is exceeded by more than 100 percent. For  
547 failure to obtain a clearance letter prior to placing a drinking  
548 water system into service when the system would not have been  
549 eligible for clearance, the department shall assess a penalty of  
550 \$4,500 ~~\$3,000~~.

551 (b) For failure to obtain a required wastewater permit,  
552 other than a permit required for surface water discharge, the  
553 department shall assess a penalty of \$1,500 ~~\$1,000~~. For a  
554 domestic or industrial wastewater violation not involving a  
555 surface water or groundwater quality violation, the department  
556 shall assess a penalty of \$3,000 ~~\$2,000~~ for an unpermitted or  
557 unauthorized discharge or effluent-limitation exceedance. For an  
558 unpermitted or unauthorized discharge or effluent-limitation  
559 exceedance that resulted in a surface water or groundwater  
560 quality violation, the department shall assess a penalty of  
561 \$7,500 ~~\$5,000~~.

562 (c) For a dredge and fill or stormwater violation, the  
563 department shall assess a penalty of \$1,500 ~~\$1,000~~ for  
564 unpermitted or unauthorized dredging or filling or unauthorized  
565 construction of a stormwater management system against the  
566 person or persons responsible for the illegal dredging or  
567 filling, or unauthorized construction of a stormwater management  
568 system plus \$3,000 ~~\$2,000~~ if the dredging or filling occurs in  
569 an aquatic preserve, an Outstanding Florida Water, a  
570 conservation easement, or a Class I or Class II surface water,  
571 plus \$1,500 ~~\$1,000~~ if the area dredged or filled is greater than  
572 one-quarter acre but less than or equal to one-half acre, and  
573 plus \$1,500 ~~\$1,000~~ if the area dredged or filled is greater than  
574 one-half acre but less than or equal to one acre. The  
575 administrative penalty schedule does ~~shall~~ not apply to a dredge

576 and fill violation if the area dredged or filled exceeds one  
577 acre. The department retains the authority to seek the judicial  
578 imposition of civil penalties for all dredge and fill violations  
579 involving more than one acre. The department shall assess a  
580 penalty of \$4,500 ~~\$3,000~~ for the failure to complete required  
581 mitigation, failure to record a required conservation easement,  
582 or for a water quality violation resulting from dredging or  
583 filling activities, stormwater construction activities or  
584 failure of a stormwater treatment facility. For stormwater  
585 management systems serving less than 5 acres, the department  
586 shall assess a penalty of \$3,000 ~~\$2,000~~ for the failure to  
587 properly or timely construct a stormwater management system. In  
588 addition to the penalties authorized in this subsection, the  
589 department shall assess a penalty of \$7,500 ~~\$5,000~~ per violation  
590 against the contractor or agent of the owner or tenant that  
591 conducts unpermitted or unauthorized dredging or filling. For  
592 purposes of this paragraph, the preparation or signing of a  
593 permit application by a person currently licensed under chapter  
594 471 to practice as a professional engineer does ~~shall~~ not make  
595 that person an agent of the owner or tenant.

596 (d) For mangrove trimming or alteration violations, the  
597 department shall assess a penalty of \$7,500 ~~\$5,000~~ per violation  
598 against the contractor or agent of the owner or tenant that  
599 conducts mangrove trimming or alteration without a permit as  
600 required by s. 403.9328. For purposes of this paragraph, the



601 preparation or signing of a permit application by a person  
602 currently licensed under chapter 471 to practice as a  
603 professional engineer does ~~shall~~ not make that person an agent  
604 of the owner or tenant.

605 (e) For solid waste violations, the department shall  
606 assess a penalty of \$3,000 ~~\$2,000~~ for the unpermitted or  
607 unauthorized disposal or storage of solid waste; plus \$1,000 if  
608 the solid waste is Class I or Class III (excluding yard trash)  
609 or if the solid waste is construction and demolition debris in  
610 excess of 20 cubic yards, plus \$1,500 ~~\$1,000~~ if the waste is  
611 disposed of or stored in any natural or artificial body of water  
612 or within 500 feet of a potable water well, plus \$1,500 ~~\$1,000~~  
613 if the waste contains PCB at a concentration of 50 parts per  
614 million or greater; untreated biomedical waste; friable asbestos  
615 greater than 1 cubic meter which is not wetted, bagged, and  
616 covered; used oil greater than 25 gallons; or 10 or more lead  
617 acid batteries. The department shall assess a penalty of \$4,500  
618 ~~\$3,000~~ for failure to properly maintain leachate control;  
619 unauthorized burning; failure to have a trained spotter on duty  
620 at the working face when accepting waste; or failure to provide  
621 access control for three consecutive inspections. The department  
622 shall assess a penalty of \$3,000 ~~\$2,000~~ for failure to construct  
623 or maintain a required stormwater management system.

624 (f) For an air emission violation, the department shall  
625 assess a penalty of \$1,500 ~~\$1,000~~ for an unpermitted or

626 unauthorized air emission or an air-emission-permit exceedance,  
627 ~~plus \$1,000 if the emission results in an air quality violation,~~  
628 plus \$4,500 ~~\$3,000~~ if the emission was from a major source and  
629 the source was major for the pollutant in violation; plus \$1,500  
630 ~~\$1,000~~ if the emission was more than 150 percent of the  
631 allowable level.

632 (g) For storage tank system and petroleum contamination  
633 violations, the department shall assess a penalty of \$7,500  
634 ~~\$5,000~~ for failure to empty a damaged storage system as  
635 necessary to ensure that a release does not occur until repairs  
636 to the storage system are completed; when a release has occurred  
637 from that storage tank system; for failure to timely recover  
638 free product; or for failure to conduct remediation or  
639 monitoring activities until a no-further-action or site-  
640 rehabilitation completion order has been issued. The department  
641 shall assess a penalty of \$4,500 ~~\$3,000~~ for failure to timely  
642 upgrade a storage tank system. The department shall assess a  
643 penalty of \$3,000 ~~\$2,000~~ for failure to conduct or maintain  
644 required release detection; failure to timely investigate a  
645 suspected release from a storage system; depositing motor fuel  
646 into an unregistered storage tank system; failure to timely  
647 assess or remediate petroleum contamination; or failure to  
648 properly install a storage tank system. The department shall  
649 assess a penalty of \$1,500 ~~\$1,000~~ for failure to properly  
650 operate, maintain, or close a storage tank system.

651 (4) In an administrative proceeding, in addition to the  
 652 penalties that may be assessed under subsection (3), the  
 653 department shall assess administrative penalties according to  
 654 the following schedule:

655 (a) For failure to satisfy financial responsibility  
 656 requirements or for violation of s. 377.371(1), \$7,500 ~~\$5,000~~.

657 (b) For failure to install, maintain, or use a required  
 658 pollution control system or device, \$6,000 ~~\$4,000~~.

659 (c) For failure to obtain a required permit before  
 660 construction or modification, \$4,500 ~~\$3,000~~.

661 (d) For failure to conduct required monitoring or testing;  
 662 failure to conduct required release detection; or failure to  
 663 construct in compliance with a permit, \$3,000 ~~\$2,000~~.

664 (e) For failure to maintain required staff to respond to  
 665 emergencies; failure to conduct required training; failure to  
 666 prepare, maintain, or update required contingency plans; failure  
 667 to adequately respond to emergencies to bring an emergency  
 668 situation under control; or failure to submit required  
 669 notification to the department, \$1,500 ~~\$1,000~~.

670 (f) Except as provided in subsection (2) with respect to  
 671 public water systems serving a population of more than 10,000,  
 672 for failure to prepare, submit, maintain, or use required  
 673 reports or other required documentation, \$750 ~~\$500~~.

674 (5) Except as provided in subsection (2) with respect to  
 675 public water systems serving a population of more than 10,000,

676 for failure to comply with any other departmental regulatory  
677 statute or rule requirement not otherwise identified in this  
678 section, the department may assess a penalty of \$1,000 ~~\$500~~.

679 (6) For each additional day during which a violation  
680 occurs, the administrative penalties in subsections ~~subsection~~  
681 (3), ~~subsection~~ (4), and ~~subsection~~ (5) may be assessed per day  
682 per violation.

683 (7) The history of noncompliance of the violator for any  
684 previous violation resulting in an executed consent order, but  
685 not including a consent order entered into without a finding of  
686 violation, or resulting in a final order or judgment after the  
687 effective date of this law involving the imposition of \$3,000  
688 ~~\$2,000~~ or more in penalties shall be taken into consideration in  
689 the following manner:

690 (a) One previous such violation within 5 years prior to  
691 the filing of the notice of violation will result in a 25-  
692 percent per day increase in the scheduled administrative  
693 penalty.

694 (b) Two previous such violations within 5 years prior to  
695 the filing of the notice of violation will result in a 50-  
696 percent per day increase in the scheduled administrative  
697 penalty.

698 (c) Three or more previous such violations within 5 years  
699 prior to the filing of the notice of violation will result in a  
700 100-percent per day increase in the scheduled administrative

701 penalty.

702 (8) The direct economic benefit gained by the violator  
 703 from the violation, where consideration of economic benefit is  
 704 provided by Florida law or required by federal law as part of a  
 705 federally delegated or approved program, shall be added to the  
 706 scheduled administrative penalty. The total administrative  
 707 penalty, including any economic benefit added to the scheduled  
 708 administrative penalty, may ~~shall~~ not exceed \$15,000 ~~\$10,000~~.

709 (9) The administrative penalties assessed for any  
 710 particular violation may ~~shall~~ not exceed \$7,500 ~~\$5,000~~ against  
 711 any one violator, unless the violator has a history of  
 712 noncompliance, the economic benefit of the violation as  
 713 described in subsection (8) exceeds \$7,500 ~~\$5,000~~, or there are  
 714 multiday violations. The total administrative penalties may  
 715 ~~shall~~ not exceed \$50,000 ~~\$10,000~~ per assessment for all  
 716 violations attributable to a specific person in the notice of  
 717 violation.

718 (10) The administrative law judge may receive evidence in  
 719 mitigation. The penalties identified in subsections ~~subsection~~  
 720 (3), ~~subsection~~ (4), and ~~subsection~~ (5) may be reduced up to 50  
 721 percent by the administrative law judge for mitigating  
 722 circumstances, including good faith efforts to comply prior to  
 723 or after discovery of the violations by the department. Upon an  
 724 affirmative finding that the violation was caused by  
 725 circumstances beyond the reasonable control of the respondent

726 and could not have been prevented by respondent's due diligence,  
 727 the administrative law judge may further reduce the penalty.

728 (11) Penalties collected pursuant to this section shall be  
 729 deposited into the Water Quality Assurance Trust Fund or other  
 730 trust fund designated by statute and shall be used to fund the  
 731 restoration of ecosystems, or polluted areas of the state, as  
 732 defined by the department, to their condition before pollution  
 733 occurred. The Florida Conflict Resolution Consortium may use a  
 734 portion of the fund to administer the mediation process provided  
 735 in paragraph (2)(e) and to contract with private mediators for  
 736 administrative penalty cases.

737 (12) The purpose of the administrative penalty schedule  
 738 and process is to provide a more predictable and efficient  
 739 manner for individuals and businesses to resolve relatively  
 740 minor environmental disputes. Subsections (3)-(7) may ~~Subsection~~  
 741 ~~(3), subsection (4), subsection (5), subsection (6), or~~  
 742 ~~subsection (7)~~ shall not be construed as limiting a state court  
 743 in the assessment of damages. The administrative penalty  
 744 schedule does not apply to the judicial imposition of civil  
 745 penalties in state court as provided in this section.

746 Section 15. Subsection (1) of section 403.141, Florida  
 747 Statutes, is amended to read:

748 403.141 Civil liability; joint and several liability.—

749 (1) A person who ~~Whoever~~ commits a violation specified in  
 750 s. 403.161(1) is liable to the state for any damage caused to

751 the air, waters, or property, including animal, plant, or  
752 aquatic life, of the state and for reasonable costs and expenses  
753 of the state in tracing the source of the discharge, in  
754 controlling and abating the source and the pollutants, and in  
755 restoring the air, waters, and property, including animal,  
756 plant, and aquatic life, of the state to their former condition,  
757 and furthermore is subject to the judicial imposition of a civil  
758 penalty for each offense in an amount of not more than \$15,000  
759 ~~\$10,000~~ per offense. However, the court may receive evidence in  
760 mitigation. Until a violation is resolved by order or judgment,  
761 each day during any portion of which such violation occurs or is  
762 not remediated constitutes a separate offense. Nothing herein  
763 gives ~~shall give~~ the department the right to bring an action on  
764 behalf of any private person.

765 Section 16. Subsections (2) through (5) of section  
766 403.161, Florida Statutes, are amended to read:

767 403.161 Prohibitions, violation, penalty, intent.—

768 (2) A person who ~~Whoever~~ commits a violation specified in  
769 subsection (1) is liable to the state for any damage caused and  
770 for civil penalties as provided in s. 403.141.

771 (3) A ~~Any~~ person who willfully commits a violation  
772 specified in paragraph (1)(a) commits ~~is guilty of~~ a felony of  
773 the third degree, punishable as provided in ss. 775.082(3)(e)  
774 and 775.083(1)(g) by a fine of not more than \$50,000 or by  
775 imprisonment for 5 years, or by both, for each offense. Until a

776 violation is resolved by order or judgment, each day during any  
 777 portion of which such violation occurs or is not remediated  
 778 constitutes a separate offense.

779 (4) A ~~Any~~ person who commits a violation specified in  
 780 paragraph (1) (a) or paragraph (1) (b) due to reckless  
 781 indifference or gross careless disregard commits ~~is guilty of~~ a  
 782 misdemeanor of the second degree, punishable as provided in ss.  
 783 775.082 (4) (b) and 775.083(1) (g) by a fine of not more than  
 784 \$10,000 ~~\$5,000~~ or by 60 days in jail, or by both, for each  
 785 offense.

786 (5) A ~~Any~~ person who willfully commits a violation  
 787 specified in paragraph (1) (b) or paragraph (1) (c) commits ~~is~~  
 788 ~~guilty of~~ a misdemeanor of the first degree punishable as  
 789 provided in ss. 775.082 (4) (a) and 775.083(1) (g) by a fine of not  
 790 more than \$10,000 or by 6 months in jail, or by both for each  
 791 offense.

792 Section 17. Paragraph (a) of subsection (6) of section  
 793 403.413, Florida Statutes, is amended to read:

794 403.413 Florida Litter Law.—

795 (6) PENALTIES; ENFORCEMENT.—

796 (a) Any person who dumps litter in violation of subsection  
 797 (4) in an amount not exceeding 15 pounds in weight or 27 cubic  
 798 feet in volume and not for commercial purposes commits ~~is guilty~~  
 799 ~~of~~ a noncriminal infraction, punishable by a civil penalty of  
 800 \$150 ~~\$100~~, from which \$50 shall be deposited into the Solid



801 Waste Management Trust Fund to be used for the solid waste  
 802 management grant program pursuant to s. 403.7095. In addition,  
 803 the court may require the violator to pick up litter or perform  
 804 other labor commensurate with the offense committed.

805 Section 18. Subsection (5) of section 403.7234, Florida  
 806 Statutes, is amended to read:

807 403.7234 Small quantity generator notification and  
 808 verification program.—

809 (5) Any small quantity generator who does not comply with  
 810 the requirements of subsection (4) and who has received a  
 811 notification and survey in person or through one certified  
 812 letter from the county is subject to a fine of between \$75 ~~\$50~~  
 813 and \$150 ~~\$100~~ per day for a maximum of 100 days. The county may  
 814 collect such fines and deposit them in its general revenue fund.  
 815 Fines collected by the county shall be used to carry out the  
 816 notification and verification procedure established in this  
 817 section. If there are excess funds after the notification and  
 818 verification procedures have been completed, such funds shall be  
 819 used for hazardous and solid waste management purposes only.

820 Section 19. Subsection (3) of section 403.726, Florida  
 821 Statutes, is amended to read:

822 403.726 Abatement of imminent hazard caused by hazardous  
 823 substance.—

824 (3) An imminent hazard exists if any hazardous substance  
 825 creates an immediate and substantial danger to human health,

826 safety, or welfare or to the environment. The department may  
 827 institute action in its own name, using the procedures and  
 828 remedies of s. 403.121 or s. 403.131, to abate an imminent  
 829 hazard. However, the department is authorized to recover a civil  
 830 penalty of not more than \$37,500 ~~\$25,000~~ for each day until a ~~of~~  
 831 ~~continued~~ violation is resolved by order or judgment. Whenever  
 832 serious harm to human health, safety, and welfare; the  
 833 environment; or private or public property may occur prior to  
 834 completion of an administrative hearing or other formal  
 835 proceeding that which might be initiated to abate the risk of  
 836 serious harm, the department may obtain, ex parte, an injunction  
 837 without paying filing and service fees prior to the filing and  
 838 service of process.

839 Section 20. Paragraph (a) of subsection (3) of section  
 840 403.727, Florida Statutes, is amended to read:

841 403.727 Violations; defenses, penalties, and remedies.—

842 (3) Violations of the provisions of this act are  
 843 punishable as follows:

844 (a) Any person who violates ~~the provisions of~~ this act,  
 845 the rules or orders of the department, or the conditions of a  
 846 permit is liable to the state for any damages specified in s.  
 847 403.141 and for a civil penalty of not more than \$75,000 ~~\$50,000~~  
 848 for each day of continued violation or until a violation is  
 849 resolved by order or judgment, except as otherwise provided  
 850 herein. The department may revoke any permit issued to the

851 violator. In any action by the department against a small  
 852 hazardous waste generator for the improper disposal of hazardous  
 853 wastes, a rebuttable presumption of improper disposal shall be  
 854 created if the generator was notified pursuant to s. 403.7234;  
 855 the generator shall then have the burden of proving that the  
 856 disposal was proper. If the generator was not so notified, the  
 857 burden of proving improper disposal shall be placed upon the  
 858 department.

859 Section 21. Subsection (8) of section 403.93345, Florida  
 860 Statutes, is amended to read:

861 403.93345 Coral reef protection.—

862 (8) In addition to the compensation described in  
 863 subsection (5), the department may assess, per occurrence, civil  
 864 penalties according to the following schedule:

865 (a) For any anchoring of a vessel on a coral reef or for  
 866 any other damage to a coral reef totaling less than or equal to  
 867 an area of 1 square meter, \$225 ~~\$150~~, provided that a  
 868 responsible party who has anchored a recreational vessel as  
 869 defined in s. 327.02 which is lawfully registered or exempt from  
 870 registration pursuant to chapter 328 is issued, at least once, a  
 871 warning letter in lieu of penalty; with aggravating  
 872 circumstances, an additional \$225 ~~\$150~~; occurring within a state  
 873 park or aquatic preserve, an additional \$225 ~~\$150~~.

874 (b) For damage totaling more than an area of 1 square  
 875 meter but less than or equal to an area of 10 square meters,

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876 \$450 ~~\$300~~ per square meter; with aggravating circumstances, an  
877 additional \$450 ~~\$300~~ per square meter; occurring within a state  
878 park or aquatic preserve, an additional \$450 ~~\$300~~ per square  
879 meter.

880 (c) For damage exceeding an area of 10 square meters,  
881 \$1,500 ~~\$1,000~~ per square meter; with aggravating circumstances,  
882 an additional \$1,500 ~~\$1,000~~ per square meter; occurring within a  
883 state park or aquatic preserve, an additional \$1,500 ~~\$1,000~~ per  
884 square meter.

885 (d) For a second violation, the total penalty may be  
886 doubled.

887 (e) For a third violation, the total penalty may be  
888 tripled.

889 (f) For any violation after a third violation, the total  
890 penalty may be quadrupled.

891 (g) The total of penalties levied may not exceed \$375,000  
892 ~~\$250,000~~ per occurrence.

893 Section 22. Subsection (5) of s. 823.11, Florida Statutes,  
894 is reenacted for the purpose of incorporating the amendment made  
895 by this act to s. 376.16, Florida Statutes, in a reference  
896 thereto.

897 Section 23. Subsection (5) of s. 403.077, subsection (2)  
898 of s. 403.131, paragraph (d) of subsection (3) of s. 403.4154,  
899 and subsection (5) of s. 403.860, Florida Statutes, are  
900 reenacted for the purpose of incorporating the amendment made by

901 this act to s. 403.121, Florida Statutes, in references thereto.

902 Section 24. Subsection (10) of s. 403.708, subsection (7)  
903 of s. 403.7191, and s. 403.811, Florida Statutes, are reenacted  
904 for the purpose of incorporating the amendment made by this act  
905 to s. 403.141, Florida Statutes, in references thereto.

906 Section 25. Subsection (2) of s. 403.7255, Florida  
907 Statutes, is reenacted for the purpose of incorporating the  
908 amendment made by this act to s. 403.161, Florida Statutes, in a  
909 reference thereto.

910 Section 26. Subsection (8) of s. 403.7186, Florida  
911 Statutes, is reenacted for the purpose of incorporating the  
912 amendments made by this act to ss. 403.141 and 403.161, Florida  
913 Statutes, in references thereto.

914 Section 27. This act shall take effect July 1, 2020.