

By the Committees on Appropriations; and Environment and Natural Resources; and Senator Gruters

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1 A bill to be entitled
2 An act relating to environmental accountability;
3 amending s. 161.054, F.S.; revising administrative
4 penalties for violations of certain provisions
5 relating to beach and shore construction and
6 activities; making technical changes; amending ss.
7 258.397, 258.46, and 376.25, F.S.; revising civil
8 penalties for violations of certain provisions
9 relating to the Biscayne Bay Aquatic Preserve, aquatic
10 preserves, and the Clean Ocean Act, respectively;
11 providing that each day that certain violations occur
12 constitutes a separate offense; making technical
13 changes; amending ss. 373.129, 373.209, 376.065,
14 376.071, 376.16, 377.37, 378.211, 403.086, 403.413,
15 403.7234, and 403.93345, F.S.; revising civil
16 penalties for violations of certain provisions
17 relating to water resources, artesian wells, terminal
18 facilities, discharge contingency plans for vessels,
19 the Pollutant Discharge Prevention and Control Act,
20 regulation of oil and gas resources, the Phosphate
21 Land Reclamation Act, sewage disposal facilities,
22 dumping litter, small quantity generators, and coral
23 reef protection, respectively; making technical
24 changes; amending ss. 373.430 and 403.161, F.S.;
25 revising criminal penalties for violations of certain
26 provisions relating to pollution and the environment;
27 making technical changes; amending s. 403.121, F.S.;
28 revising civil and administrative penalties for
29 violations of certain provisions relating to pollution

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30 and the environment; providing that each day that
31 certain violations occur constitutes a separate
32 offense; increasing the amount of penalties that can
33 be assessed administratively; making technical
34 changes; amending s. 403.141, F.S.; revising civil
35 penalties for violations of certain provisions
36 relating to pollution and the environment; providing
37 that each day that the cause of unauthorized
38 discharges of domestic wastewater is not addressed
39 constitutes a separate offense until the violation is
40 resolved by order or judgment; amending ss. 403.726
41 and 403.727, F.S.; revising civil penalties for
42 violations of certain provisions relating to hazardous
43 waste; making technical changes; creating ss. 125.569
44 and 166.0481, F.S.; defining the term "sanitary sewer
45 lateral"; encouraging counties and municipalities,
46 respectively, to establish a sanitary sewer lateral
47 inspection program by a specified date; providing
48 parameters for such a program; creating s. 689.301,
49 F.S.; requiring a seller of real property to disclose
50 any known defects in the property's sanitary sewer
51 lateral; defining the term "sanitary sewer lateral";
52 reenacting s. 823.11(5), F.S., to incorporate the
53 amendment made to s. 376.16, F.S., in a reference
54 thereto; reenacting ss. 403.077(5), 403.131(2),
55 403.4154(3)(d), and 403.860(5), F.S., to incorporate
56 the amendment made to s. 403.121, F.S., in references
57 thereto; reenacting ss. 403.708(10), 403.7191(7), and
58 403.811, F.S., to incorporate the amendment made to s.

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59 403.141, F.S., in references thereto; reenacting s.
60 403.7255(2), F.S., to incorporate the amendment made
61 to s. 403.161, F.S., in a reference thereto;
62 reenacting s. 403.7186(8), F.S., to incorporate the
63 amendments made to ss. 403.141 and 403.161, F.S., in
64 references thereto; providing an effective date.
65

66 Be It Enacted by the Legislature of the State of Florida:
67

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

70 161.054 Administrative fines; liability for damage; liens.—

71 (1) In addition to the penalties provided for in ss.
72 161.052, 161.053, and 161.121, any person, firm, corporation, or
73 governmental agency, or agent thereof, refusing to comply with
74 or willfully violating ~~any of the provisions of~~ s. 161.041, s.
75 161.052, or s. 161.053, or any rule or order prescribed by the
76 department thereunder, shall incur a fine for each offense in an
77 amount up to \$15,000 ~~\$10,000~~ to be fixed, imposed, and collected
78 by the department. Each day during any portion of which such
79 violation occurs constitutes a separate offense.

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

82 258.397 Biscayne Bay Aquatic Preserve.—

83 (7) ENFORCEMENT. ~~The provisions of~~ This section may be
84 enforced in accordance with ~~the provisions of~~ s. 403.412. In
85 addition, the Department of Legal Affairs may ~~is authorized to~~
86 bring an action for civil penalties of \$7,500 ~~\$5,000~~ per day
87 against any person, natural or corporate, who violates ~~the~~

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88 ~~provisions of~~ this section or any rule or regulation issued
89 hereunder. Each day during any portion of which such violation
90 occurs constitutes a separate offense. Enforcement of applicable
91 state regulations shall be supplemented by the Miami-Dade County
92 Department of Environmental Resources Management through the
93 creation of a full-time enforcement presence along the Miami
94 River.

95 Section 3. Section 258.46, Florida Statutes, is amended to
96 read:

97 258.46 Enforcement; violations; penalty. ~~The provisions of~~
98 This act may be enforced by the Board of Trustees of the
99 Internal Improvement Trust Fund or in accordance with ~~the~~
100 ~~provisions of~~ s. 403.412. However, any violation by any person,
101 natural or corporate, of ~~the provisions of~~ this act or any rule
102 or regulation issued hereunder is shall be further punishable by
103 a civil penalty of not less than \$750 ~~\$500~~ per day or more than
104 \$7,500 ~~\$5,000~~ per day of such violation. Each day during any
105 portion of which such violation occurs constitutes a separate
106 offense.

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

109 373.129 Maintenance of actions.—The department, the
110 governing board of any water management district, any local
111 board, or a local government to which authority has been
112 delegated pursuant to s. 373.103(8), is authorized to commence
113 and maintain proper and necessary actions and proceedings in any
114 court of competent jurisdiction for any of the following
115 purposes:

116 (5) To recover a civil penalty for each offense in an

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117 amount not to exceed \$15,000 ~~\$10,000~~ per offense. Each date
118 during which such violation occurs constitutes a separate
119 offense.

120 (a) A civil penalty recovered by a water management
121 district pursuant to this subsection shall be retained and used
122 exclusively by the water management district that collected the
123 money. A civil penalty recovered by the department pursuant to
124 this subsection must be deposited into the Water Quality
125 Assurance Trust Fund established under s. 376.307.

126 (b) A local government that is delegated authority pursuant
127 to s. 373.103(8) may deposit a civil penalty recovered pursuant
128 to this subsection into a local water pollution control program
129 trust fund, notwithstanding ~~the provisions of~~ paragraph (a).
130 However, civil penalties that are deposited in a local water
131 pollution control program trust fund and that are recovered for
132 violations of state water quality standards may be used only to
133 restore water quality in the area that was the subject of the
134 action, and civil penalties that are deposited in a local water
135 pollution control program trust fund and that are recovered for
136 violation of requirements relating to water quantity may be used
137 only to purchase lands and make capital improvements associated
138 with surface water management, or other purposes consistent with
139 the requirements of this chapter for the management and storage
140 of surface water.

141 (7) To enforce ~~the provisions of~~ part IV of this chapter in
142 the same manner and to the same extent as provided in ss.
143 373.430, 403.121(1) and (2), 403.131, 403.141, and 403.161.

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

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146 373.209 Artesian wells; penalties for violation.-

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

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

150 (b) A civil penalty of \$150 ~~\$100~~ a day for each and every
151 day of such violation and for each and every act of violation.
152 The civil penalty may be recovered by the water management board
153 of the water management district in which the well is located or
154 by the department in a suit in a court of competent jurisdiction
155 in the county where the defendant resides, in the county of
156 residence of any defendant if there is more than one defendant,
157 or in the county where the violation took place. The place of
158 suit shall be selected by the board or department, and the suit,
159 by direction of the board or department, shall be instituted and
160 conducted in the name of the board or department by appropriate
161 counsel. The payment of any such damages does not impair or
162 abridge any cause of action which any person may have against
163 the person violating ~~any provision of~~ this section.

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

166 373.430 Prohibitions, violation, penalty, intent.-

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

170 (3) A ~~Any~~ person who willfully commits a violation
171 specified in paragraph (1)(a) commits ~~is guilty of~~ a felony of
172 the third degree, punishable as provided in ss. 775.082(3)(e)
173 and 775.083(1)(g), by a fine of not more than \$50,000 or by
174 imprisonment for 5 years, or by both, for each offense. Each day

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175 during any portion of which such violation occurs constitutes a
176 separate offense.

177 (4) A ~~Any~~ person who commits a violation specified in
178 paragraph (1)(a) or paragraph (1)(b) due to reckless
179 indifference or gross careless disregard commits ~~is guilty of~~ a
180 misdemeanor of the second degree, punishable as provided in ss.
181 775.082(4)(b) and 775.083(1)(g), by a fine of not more than
182 \$10,000 ~~\$5,000~~ or 60 days in jail, or by both, for each offense.

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

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

191 376.065 Operation of terminal facility without discharge
192 prevention and response certificate prohibited; penalty.—

193 (5) (a) A person who violates this section or the terms and
194 requirements of such certification commits a noncriminal
195 infraction. The civil penalty for any such infraction shall be
196 \$750 ~~\$500~~, except as otherwise provided in this section.

197 (e) A person who elects to appear before the county court
198 or who is required to so appear waives the limitations of the
199 civil penalty specified in paragraph (a). The court, after a
200 hearing, shall make a determination as to whether an infraction
201 has been committed. If the commission of the infraction is
202 proved, the court shall impose a civil penalty of \$750 ~~\$500~~.

203 Section 8. Paragraphs (a) and (e) of subsection (2) of

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204 section 376.071, Florida Statutes, are amended to read:

205 376.071 Discharge contingency plan for vessels.-

206 (2) (a) A master of a vessel that violates subsection (1)
207 commits a noncriminal infraction and shall be cited for such
208 infraction. The civil penalty for such an infraction shall be
209 \$7,500 ~~\$5,000~~, except as otherwise provided in this subsection.

210 (e) A person who elects to appear before the county court
211 or who is required to appear waives the limitations of the civil
212 penalty specified in paragraph (a). The court, after a hearing,
213 shall make a determination as to whether an infraction has been
214 committed. If the commission of the infraction is proved, the
215 court shall impose a civil penalty of \$7,500 ~~\$5,000~~.

216 Section 9. Section 376.16, Florida Statutes, is amended to
217 read:

218 376.16 Enforcement and penalties.-

219 (1) It is unlawful for any person to violate ~~any provision~~
220 ~~of~~ ss. 376.011-376.21 or any rule or order of the department
221 made pursuant to this act. A violation is ~~shall be~~ punishable by
222 a civil penalty of up to \$75,000 ~~\$50,000~~ per violation per day
223 to be assessed by the department. Each day during any portion of
224 which the violation occurs constitutes a separate offense. The
225 penalty provisions of this subsection do ~~shall~~ not apply to any
226 discharge promptly reported and removed by a person responsible,
227 in accordance with the rules and orders of the department, or to
228 any discharge of pollutants equal to or less than 5 gallons.

229 (2) In addition to the penalty provisions which may apply
230 under subsection (1), a person responsible for two or more
231 discharges of any pollutant reported pursuant to s. 376.12
232 within a 12-month period at the same facility commits a

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233 noncriminal infraction and shall be cited by the department for
234 such infraction.

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

240 (b) For discharges of any pollutant other than gasoline or
241 diesel, the civil penalty for a second discharge shall be \$3,750
242 ~~\$2,500~~ and the civil penalty for each subsequent discharge
243 within a 12-month period shall be \$7,500 ~~\$5,000~~, except as
244 otherwise provided in this section.

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

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

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

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

257 (a) Pay the civil penalty;

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

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

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

(5) Any person who willfully refuses to post bond or accept and sign a citation commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

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

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

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

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291 within a 12-month period.

292 (8) Any person who elects to appear before the county court
293 or who is required to appear waives the limitations of the civil
294 penalties specified in subsection (2) or subsection (3). The
295 court, after a hearing, shall make a determination as to whether
296 an infraction has been committed. If the commission of an
297 infraction is proved, the court may impose a civil penalty up
298 to, but not exceeding, \$7,500 ~~\$5,000~~ for the second discharge of
299 pollutants other than gasoline or diesel and a civil penalty up
300 to, but not exceeding, \$15,000 ~~\$10,000~~ for each subsequent
301 discharge of pollutants other than gasoline or diesel within a
302 12-month period.

303 (9) At a hearing under this section, the commission of a
304 charged offense must be proved by the greater weight of the
305 evidence.

306 (10) A person who is found by a hearing official to have
307 committed an infraction may appeal that finding to the circuit
308 court.

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

314 (12) Any person who makes or causes to be made a false
315 statement that ~~which~~ the person does not believe to be true in
316 response to requirements of ~~the provisions of~~ ss. 376.011-376.21
317 commits a felony of the second degree, punishable as provided in
318 s. 775.082, s. 775.083, or s. 775.084.

319 Section 10. Paragraph (a) of subsection (6) of section

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320 376.25, Florida Statutes, is amended to read:

321 376.25 Gambling vessels; registration; required and
322 prohibited releases.—

323 (6) PENALTIES.—

324 (a) A person who violates this section is subject to a
325 civil penalty of not more than \$75,000 ~~\$50,000~~ for each
326 violation. Each day during any portion of which such violation
327 occurs constitutes a separate offense.

328 Section 11. Paragraph (a) of subsection (1) of section
329 377.37, Florida Statutes, is amended to read:

330 377.37 Penalties.—

331 (1) (a) Any person who violates ~~any provision of~~ this law or
332 any rule, regulation, or order of the division made under this
333 chapter or who violates the terms of any permit to drill for or
334 produce oil, gas, or other petroleum products referred to in s.
335 377.242(1) or to store gas in a natural gas storage facility, or
336 any lessee, permitholder, or operator of equipment or facilities
337 used in the exploration for, drilling for, or production of oil,
338 gas, or other petroleum products, or storage of gas in a natural
339 gas storage facility, who refuses inspection by the division as
340 provided in this chapter, is liable to the state for any damage
341 caused to the air, waters, or property, including animal, plant,
342 or aquatic life, of the state and for reasonable costs and
343 expenses of the state in tracing the source of the discharge, in
344 controlling and abating the source and the pollutants, and in
345 restoring the air, waters, and property, including animal,
346 plant, and aquatic life, of the state. Furthermore, such person,
347 lessee, permitholder, or operator is subject to the judicial
348 imposition of a civil penalty in an amount of not more than

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349 \$15,000 ~~\$10,000~~ for each offense. However, the court may receive
350 evidence in mitigation. Each day during any portion of which
351 such violation occurs constitutes a separate offense. This
352 section does not ~~Nothing herein shall~~ give the department the
353 right to bring an action on behalf of any private person.

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

356 378.211 Violations; damages; penalties.—

357 (2) The department may institute a civil action in a court
358 of competent jurisdiction to impose and recover a civil penalty
359 for violation of this part or of any rule adopted or order
360 issued pursuant to this part. The penalty may ~~shall~~ not exceed
361 the following amounts, and the court shall consider evidence in
362 mitigation:

363 (a) For violations of a minor or technical nature, \$150
364 ~~\$100~~ per violation.

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

368 (c) For major violations not covered by paragraph (b),
369 \$7,500 ~~\$5,000~~ per violation.

370

371 Subject to ~~the provisions of~~ subsection (4), each day or any
372 portion thereof in which the violation continues shall
373 constitute a separate violation.

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

376 403.086 Sewage disposal facilities; advanced and secondary
377 waste treatment.—

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

385 Section 14. Section 403.121, Florida Statutes, is amended
386 to read:

387 403.121 Enforcement; procedure; remedies.—The department
388 shall have the following judicial and administrative remedies
389 available to it for violations of this chapter, as specified in
390 s. 403.161(1).

391 (1) Judicial remedies:

392 (a) The department may institute a civil action in a court
393 of competent jurisdiction to establish liability and to recover
394 damages for any injury to the air, waters, or property,
395 including animal, plant, and aquatic life, of the state caused
396 by any violation.

397 (b) The department may institute a civil action in a court
398 of competent jurisdiction to impose and to recover a civil
399 penalty for each violation in an amount of not more than \$15,000
400 ~~\$10,000~~ per offense. However, the court may receive evidence in
401 mitigation. Each day during any portion of which such violation
402 occurs constitutes a separate offense.

403 (c) Except as provided in paragraph (2)(c), it is ~~shall~~ not
404 ~~be~~ a defense to, or ground for dismissal of, these judicial
405 remedies for damages and civil penalties that the department has
406 failed to exhaust its administrative remedies, has failed to

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407 serve a notice of violation, or has failed to hold an
408 administrative hearing prior to the institution of a civil
409 action.

410 (2) Administrative remedies:

411 (a) The department may institute an administrative
412 proceeding to establish liability and to recover damages for any
413 injury to the air, waters, or property, including animal, plant,
414 or aquatic life, of the state caused by any violation. The
415 department may order that the violator pay a specified sum as
416 damages to the state. Judgment for the amount of damages
417 determined by the department may be entered in any court having
418 jurisdiction thereof and may be enforced as any other judgment.

419 (b) If the department has reason to believe a violation has
420 occurred, it may institute an administrative proceeding to order
421 the prevention, abatement, or control of the conditions creating
422 the violation or other appropriate corrective action. Except for
423 violations involving hazardous wastes, asbestos, or underground
424 injection, the department shall proceed administratively in all
425 cases in which the department seeks administrative penalties
426 that do not exceed \$50,000 ~~\$10,000~~ per assessment as calculated
427 in accordance with subsections (3), (4), (5), (6), and (7).
428 Pursuant to 42 U.S.C. s. 300g-2, the administrative penalty
429 assessed pursuant to subsection (3), subsection (4), or
430 subsection (5) against a public water system serving a
431 population of more than 10,000 shall be not less than \$1,000 per
432 day per violation. The department may ~~shall~~ not impose
433 administrative penalties in excess of \$50,000 ~~\$10,000~~ in a
434 notice of violation. The department may ~~shall~~ not have more than
435 one notice of violation seeking administrative penalties pending

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436 against the same party at the same time unless the violations
437 occurred at a different site or the violations were discovered
438 by the department subsequent to the filing of a previous notice
439 of violation.

440 (c) An administrative proceeding shall be instituted by the
441 department's serving of a written notice of violation upon the
442 alleged violator by certified mail. If the department is unable
443 to effect service by certified mail, the notice of violation may
444 be hand delivered or personally served in accordance with
445 chapter 48. The notice shall specify the ~~provision of the law,~~
446 rule, regulation, permit, certification, or order of the
447 department alleged to be violated and the facts alleged to
448 constitute a violation thereof. An order for corrective action,
449 penalty assessment, or damages may be included with the notice.
450 When the department is seeking to impose an administrative
451 penalty for any violation by issuing a notice of violation, any
452 corrective action needed to correct the violation or damages
453 caused by the violation must be pursued in the notice of
454 violation or they are waived. However, an ~~no~~ order is not ~~shall~~
455 ~~become~~ effective until after service and an administrative
456 hearing, if requested within 20 days after service. Failure to
457 request an administrative hearing within this time period
458 constitutes ~~shall constitute~~ a waiver thereof, unless the
459 respondent files a written notice with the department within
460 this time period opting out of the administrative process
461 initiated by the department to impose administrative penalties.
462 Any respondent choosing to opt out of the administrative process
463 initiated by the department in an action that seeks the
464 imposition of administrative penalties must file a written

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465 notice with the department within 20 days after service of the
466 notice of violation opting out of the administrative process. A
467 respondent's decision to opt out of the administrative process
468 does not preclude the department from initiating a state court
469 action seeking injunctive relief, damages, and the judicial
470 imposition of civil penalties.

471 (d) If a person timely files a petition challenging a
472 notice of violation, that person will thereafter be referred to
473 as the respondent. The hearing requested by the respondent shall
474 be held within 180 days after the department has referred the
475 initial petition to the Division of Administrative Hearings
476 unless the parties agree to a later date. The department has the
477 burden of proving with the preponderance of the evidence that
478 the respondent is responsible for the violation. ~~No~~
479 Administrative penalties should not be imposed unless the
480 department satisfies that burden. Following the close of the
481 hearing, the administrative law judge shall issue a final order
482 on all matters, including the imposition of an administrative
483 penalty. When the department seeks to enforce that portion of a
484 final order imposing administrative penalties pursuant to s.
485 120.69, the respondent may ~~shall~~ not assert as a defense the
486 inappropriateness of the administrative remedy. The department
487 retains its final-order authority in all administrative actions
488 that do not request the imposition of administrative penalties.

489 (e) After filing a petition requesting a formal hearing in
490 response to a notice of violation in which the department
491 imposes an administrative penalty, a respondent may request that
492 a private mediator be appointed to mediate the dispute by
493 contacting the Florida Conflict Resolution Consortium within 10

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494 days after receipt of the initial order from the administrative
495 law judge. The Florida Conflict Resolution Consortium shall pay
496 all of the costs of the mediator and for up to 8 hours of the
497 mediator's time per case at \$150 per hour. Upon notice from the
498 respondent, the Florida Conflict Resolution Consortium shall
499 provide to the respondent a panel of possible mediators from the
500 area in which the hearing on the petition would be heard. The
501 respondent shall select the mediator and notify the Florida
502 Conflict Resolution Consortium of the selection within 15 days
503 of receipt of the proposed panel of mediators. The Florida
504 Conflict Resolution Consortium shall provide all of the
505 administrative support for the mediation process. The mediation
506 must be completed at least 15 days before the final hearing date
507 set by the administrative law judge.

508 (f) In any administrative proceeding brought by the
509 department, the prevailing party shall recover all costs as
510 provided in ss. 57.041 and 57.071. The costs must be included in
511 the final order. The respondent is the prevailing party when an
512 order is entered awarding no penalties to the department and
513 such order has not been reversed on appeal or the time for
514 seeking judicial review has expired. The respondent is ~~shall be~~
515 entitled to an award of attorney's fees if the administrative
516 law judge determines that the notice of violation issued by the
517 department seeking the imposition of administrative penalties
518 was not substantially justified as defined in s. 57.111(3)(e).
519 An ~~No~~ award of attorney's fees as provided by this subsection
520 may not ~~shall~~ exceed \$15,000.

521 (g) Nothing herein shall be construed as preventing any
522 other legal or administrative action in accordance with law.

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523 Nothing in this subsection shall limit the department's
524 authority provided in ss. 403.131, 403.141, and this section to
525 judicially pursue injunctive relief. When the department
526 exercises its authority to judicially pursue injunctive relief,
527 penalties in any amount up to the statutory maximum sought by
528 the department must be pursued as part of the state court action
529 and not by initiating a separate administrative proceeding. The
530 department retains the authority to judicially pursue penalties
531 in excess of \$50,000 ~~\$10,000~~ for violations not specifically
532 included in the administrative penalty schedule, or for multiple
533 or multiday violations alleged to exceed a total of \$50,000
534 ~~\$10,000~~. The department also retains the authority provided in
535 ss. 403.131, 403.141, and this section to judicially pursue
536 injunctive relief and damages, if a notice of violation seeking
537 the imposition of administrative penalties has not been issued.
538 The department has the authority to enter into a settlement,
539 either before or after initiating a notice of violation, and the
540 settlement may include a penalty amount different from the
541 administrative penalty schedule. Any case filed in state court
542 because it is alleged to exceed a total of \$50,000 ~~\$10,000~~ in
543 penalties may be settled in the court action for less than
544 \$50,000 ~~\$10,000~~.

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

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

551 (a) For a drinking water contamination violation, the

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552 department shall assess a penalty of \$3,000 ~~\$2,000~~ for a Maximum
553 Containment Level (MCL) violation; plus \$1,500 ~~\$1,000~~ if the
554 violation is for a primary inorganic, organic, or radiological
555 Maximum Contaminant Level or it is a fecal coliform bacteria
556 violation; plus \$1,500 ~~\$1,000~~ if the violation occurs at a
557 community water system; and plus \$1,500 ~~\$1,000~~ if any Maximum
558 Contaminant Level is exceeded by more than 100 percent. For
559 failure to obtain a clearance letter prior to placing a drinking
560 water system into service when the system would not have been
561 eligible for clearance, the department shall assess a penalty of
562 \$4,500 ~~\$3,000~~.

563 (b) For failure to obtain a required wastewater permit,
564 other than a permit required for surface water discharge, the
565 department shall assess a penalty of \$2,000 ~~\$1,000~~. For a
566 domestic or industrial wastewater violation not involving a
567 surface water or groundwater quality violation, the department
568 shall assess a penalty of \$4,000 ~~\$2,000~~ for an unpermitted or
569 unauthorized discharge or effluent-limitation exceedance. For an
570 unpermitted or unauthorized discharge or effluent-limitation
571 exceedance that resulted in a surface water or groundwater
572 quality violation, the department shall assess a penalty of
573 \$10,000 ~~\$5,000~~. Each day the cause of an unauthorized discharge
574 of domestic wastewater is not addressed constitutes a separate
575 offense.

576 (c) For a dredge and fill or stormwater violation, the
577 department shall assess a penalty of \$1,500 ~~\$1,000~~ for
578 unpermitted or unauthorized dredging or filling or unauthorized
579 construction of a stormwater management system against the
580 person or persons responsible for the illegal dredging or

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581 filling, or unauthorized construction of a stormwater management
582 system plus \$3,000 ~~\$2,000~~ if the dredging or filling occurs in
583 an aquatic preserve, an Outstanding Florida Water, a
584 conservation easement, or a Class I or Class II surface water,
585 plus \$1,500 ~~\$1,000~~ if the area dredged or filled is greater than
586 one-quarter acre but less than or equal to one-half acre, and
587 plus \$1,500 ~~\$1,000~~ if the area dredged or filled is greater than
588 one-half acre but less than or equal to one acre. The
589 administrative penalty schedule does ~~shall~~ not apply to a dredge
590 and fill violation if the area dredged or filled exceeds one
591 acre. The department retains the authority to seek the judicial
592 imposition of civil penalties for all dredge and fill violations
593 involving more than one acre. The department shall assess a
594 penalty of \$4,500 ~~\$3,000~~ for the failure to complete required
595 mitigation, failure to record a required conservation easement,
596 or for a water quality violation resulting from dredging or
597 filling activities, stormwater construction activities or
598 failure of a stormwater treatment facility. For stormwater
599 management systems serving less than 5 acres, the department
600 shall assess a penalty of \$3,000 ~~\$2,000~~ for the failure to
601 properly or timely construct a stormwater management system. In
602 addition to the penalties authorized in this subsection, the
603 department shall assess a penalty of \$7,500 ~~\$5,000~~ per violation
604 against the contractor or agent of the owner or tenant that
605 conducts unpermitted or unauthorized dredging or filling. For
606 purposes of this paragraph, the preparation or signing of a
607 permit application by a person currently licensed under chapter
608 471 to practice as a professional engineer does ~~shall~~ not make
609 that person an agent of the owner or tenant.

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610 (d) For mangrove trimming or alteration violations, the
611 department shall assess a penalty of \$7,500 ~~\$5,000~~ per violation
612 against the contractor or agent of the owner or tenant that
613 conducts mangrove trimming or alteration without a permit as
614 required by s. 403.9328. For purposes of this paragraph, the
615 preparation or signing of a permit application by a person
616 currently licensed under chapter 471 to practice as a
617 professional engineer does ~~shall~~ not make that person an agent
618 of the owner or tenant.

619 (e) For solid waste violations, the department shall assess
620 a penalty of \$3,000 ~~\$2,000~~ for the unpermitted or unauthorized
621 disposal or storage of solid waste; plus \$1,000 if the solid
622 waste is Class I or Class III (excluding yard trash) or if the
623 solid waste is construction and demolition debris in excess of
624 20 cubic yards, plus \$1,500 ~~\$1,000~~ if the waste is disposed of
625 or stored in any natural or artificial body of water or within
626 500 feet of a potable water well, plus \$1,500 ~~\$1,000~~ if the
627 waste contains PCB at a concentration of 50 parts per million or
628 greater; untreated biomedical waste; friable asbestos greater
629 than 1 cubic meter which is not wetted, bagged, and covered;
630 used oil greater than 25 gallons; or 10 or more lead acid
631 batteries. The department shall assess a penalty of \$4,500
632 ~~\$3,000~~ for failure to properly maintain leachate control;
633 unauthorized burning; failure to have a trained spotter on duty
634 at the working face when accepting waste; or failure to provide
635 access control for three consecutive inspections. The department
636 shall assess a penalty of \$3,000 ~~\$2,000~~ for failure to construct
637 or maintain a required stormwater management system.

638 (f) For an air emission violation, the department shall

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639 assess a penalty of \$1,500 ~~\$1,000~~ for an unpermitted or
640 unauthorized air emission or an air-emission-permit exceedance,
641 ~~plus \$1,000 if the emission results in an air quality violation,~~
642 plus \$4,500 ~~\$3,000~~ if the emission was from a major source and
643 the source was major for the pollutant in violation; plus \$1,500
644 ~~\$1,000~~ if the emission was more than 150 percent of the
645 allowable level.

646 (g) For storage tank system and petroleum contamination
647 violations, the department shall assess a penalty of \$7,500
648 ~~\$5,000~~ for failure to empty a damaged storage system as
649 necessary to ensure that a release does not occur until repairs
650 to the storage system are completed; when a release has occurred
651 from that storage tank system; for failure to timely recover
652 free product; or for failure to conduct remediation or
653 monitoring activities until a no-further-action or site-
654 rehabilitation completion order has been issued. The department
655 shall assess a penalty of \$4,500 ~~\$3,000~~ for failure to timely
656 upgrade a storage tank system. The department shall assess a
657 penalty of \$3,000 ~~\$2,000~~ for failure to conduct or maintain
658 required release detection; failure to timely investigate a
659 suspected release from a storage system; depositing motor fuel
660 into an unregistered storage tank system; failure to timely
661 assess or remediate petroleum contamination; or failure to
662 properly install a storage tank system. The department shall
663 assess a penalty of \$1,500 ~~\$1,000~~ for failure to properly
664 operate, maintain, or close a storage tank system.

665 (4) In an administrative proceeding, in addition to the
666 penalties that may be assessed under subsection (3), the
667 department shall assess administrative penalties according to

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668 the following schedule:

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

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

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

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

678 (e) For failure to maintain required staff to respond to
679 emergencies; failure to conduct required training; failure to
680 prepare, maintain, or update required contingency plans; failure
681 to adequately respond to emergencies to bring an emergency
682 situation under control; or failure to submit required
683 notification to the department, \$1,500 ~~\$1,000~~.

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

688 (5) Except as provided in subsection (2) with respect to
689 public water systems serving a population of more than 10,000,
690 for failure to comply with any other departmental regulatory
691 statute or rule requirement not otherwise identified in this
692 section, the department may assess a penalty of \$1,000 ~~\$500~~.

693 (6) For each additional day during which a violation
694 occurs, the administrative penalties in subsections ~~subsection~~
695 (3), ~~subsection~~ (4), and ~~subsection~~ (5) may be assessed per day
696 per violation.

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697 (7) The history of noncompliance of the violator for any
698 previous violation resulting in an executed consent order, but
699 not including a consent order entered into without a finding of
700 violation, or resulting in a final order or judgment after the
701 effective date of this law involving the imposition of \$3,000
702 ~~\$2,000~~ or more in penalties shall be taken into consideration in
703 the following manner:

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

707 (b) Two previous such violations within 5 years prior to
708 the filing of the notice of violation will result in a 50-
709 percent per day increase in the scheduled administrative
710 penalty.

711 (c) Three or more previous such violations within 5 years
712 prior to the filing of the notice of violation will result in a
713 100-percent per day increase in the scheduled administrative
714 penalty.

715 (8) The direct economic benefit gained by the violator from
716 the violation, where consideration of economic benefit is
717 provided by Florida law or required by federal law as part of a
718 federally delegated or approved program, shall be added to the
719 scheduled administrative penalty. The total administrative
720 penalty, including any economic benefit added to the scheduled
721 administrative penalty, may ~~shall~~ not exceed \$15,000 ~~\$10,000~~.

722 (9) The administrative penalties assessed for any
723 particular violation may ~~shall~~ not exceed \$10,000 ~~\$5,000~~ against
724 any one violator, unless the violator has a history of
725 noncompliance, the economic benefit of the violation as

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726 described in subsection (8) exceeds \$10,000 ~~\$5,000~~, or there are
727 multiday violations. The total administrative penalties may
728 ~~shall~~ not exceed \$50,000 ~~\$10,000~~ per assessment for all
729 violations attributable to a specific person in the notice of
730 violation.

731 (10) The administrative law judge may receive evidence in
732 mitigation. The penalties identified in subsections ~~subsection~~
733 (3), ~~subsection~~ (4), and ~~subsection~~ (5) may be reduced up to 50
734 percent by the administrative law judge for mitigating
735 circumstances, including good faith efforts to comply prior to
736 or after discovery of the violations by the department. Upon an
737 affirmative finding that the violation was caused by
738 circumstances beyond the reasonable control of the respondent
739 and could not have been prevented by respondent's due diligence,
740 the administrative law judge may further reduce the penalty.

741 (11) Penalties collected pursuant to this section shall be
742 deposited into the Water Quality Assurance Trust Fund or other
743 trust fund designated by statute and shall be used to fund the
744 restoration of ecosystems, or polluted areas of the state, as
745 defined by the department, to their condition before pollution
746 occurred. The Florida Conflict Resolution Consortium may use a
747 portion of the fund to administer the mediation process provided
748 in paragraph (2)(e) and to contract with private mediators for
749 administrative penalty cases.

750 (12) The purpose of the administrative penalty schedule and
751 process is to provide a more predictable and efficient manner
752 for individuals and businesses to resolve relatively minor
753 environmental disputes. Subsections (3)-(7) may ~~Subsection (3),~~
754 ~~subsection (4), subsection (5), subsection (6), or subsection~~

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755 ~~(7) shall~~ not be construed as limiting a state court in the
756 assessment of damages. The administrative penalty schedule does
757 not apply to the judicial imposition of civil penalties in state
758 court as provided in this section.

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

761 403.141 Civil liability; joint and several liability.—

762 (1) A person who ~~Whoever~~ commits a violation specified in
763 s. 403.161(1) is liable to the state for any damage caused to
764 the air, waters, or property, including animal, plant, or
765 aquatic life, of the state and for reasonable costs and expenses
766 of the state in tracing the source of the discharge, in
767 controlling and abating the source and the pollutants, and in
768 restoring the air, waters, and property, including animal,
769 plant, and aquatic life, of the state to their former condition,
770 and furthermore is subject to the judicial imposition of a civil
771 penalty for each offense in an amount of not more than \$15,000
772 ~~\$10,000~~ per offense. However, the court may receive evidence in
773 mitigation. Each day during any portion of which such violation
774 occurs constitutes a separate offense. If a violation is an
775 unauthorized discharge of domestic wastewater, each day the
776 cause of the violation is not addressed constitutes a separate
777 offense until the violation is resolved by order or judgment.
778 Nothing herein gives ~~shall give~~ the department the right to
779 bring an action on behalf of any private person.

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

782 403.161 Prohibitions, violation, penalty, intent.—

783 (2) A person who ~~Whoever~~ commits a violation specified in

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784 subsection (1) is liable to the state for any damage caused and
785 for civil penalties as provided in s. 403.141.

786 (3) A ~~Any~~ person who willfully commits a violation
787 specified in paragraph (1)(a) commits ~~is guilty of~~ a felony of
788 the third degree, punishable as provided in ss. 775.082(3)(e)
789 and 775.083(1)(g) by a fine of not more than \$50,000 or by
790 imprisonment for 5 years, or by both, for each offense. Each day
791 during any portion of which such violation occurs constitutes a
792 separate offense.

793 (4) A ~~Any~~ person who commits a violation specified in
794 paragraph (1)(a) or paragraph (1)(b) due to reckless
795 indifference or gross careless disregard commits ~~is guilty of~~ a
796 misdemeanor of the second degree, punishable as provided in ss.
797 775.082(4)(b) and 775.083(1)(g) by a fine of not more than
798 \$10,000 ~~\$5,000~~ or by 60 days in jail, or by both, for each
799 offense.

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

806 Section 17. Paragraph (a) of subsection (6) of section
807 403.413, Florida Statutes, is amended to read:

808 403.413 Florida Litter Law.—

809 (6) PENALTIES; ENFORCEMENT.—

810 (a) Any person who dumps litter in violation of subsection
811 (4) in an amount not exceeding 15 pounds in weight or 27 cubic
812 feet in volume and not for commercial purposes commits ~~is guilty~~

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813 ~~of~~ a noncriminal infraction, punishable by a civil penalty of
814 \$150 ~~\$100~~, from which \$50 shall be deposited into the Solid
815 Waste Management Trust Fund to be used for the solid waste
816 management grant program pursuant to s. 403.7095. In addition,
817 the court may require the violator to pick up litter or perform
818 other labor commensurate with the offense committed.

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

821 403.7234 Small quantity generator notification and
822 verification program.—

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

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

836 403.726 Abatement of imminent hazard caused by hazardous
837 substance.—

838 (3) An imminent hazard exists if any hazardous substance
839 creates an immediate and substantial danger to human health,
840 safety, or welfare or to the environment. The department may
841 institute action in its own name, using the procedures and

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842 remedies of s. 403.121 or s. 403.131, to abate an imminent
843 hazard. However, the department is authorized to recover a civil
844 penalty of not more than \$37,500 ~~\$25,000~~ for each day of
845 continued violation. Whenever serious harm to human health,
846 safety, and welfare; the environment; or private or public
847 property may occur prior to completion of an administrative
848 hearing or other formal proceeding that ~~which~~ might be initiated
849 to abate the risk of serious harm, the department may obtain, ex
850 parte, an injunction without paying filing and service fees
851 prior to the filing and service of process.

852 Section 20. Paragraph (a) of subsection (3) of section
853 403.727, Florida Statutes, is amended to read:

854 403.727 Violations; defenses, penalties, and remedies.—

855 (3) Violations of the provisions of this act are punishable
856 as follows:

857 (a) Any person who violates ~~the provisions of~~ this act, the
858 rules or orders of the department, or the conditions of a permit
859 is liable to the state for any damages specified in s. 403.141
860 and for a civil penalty of not more than \$75,000 ~~\$50,000~~ for
861 each day of continued violation, except as otherwise provided
862 herein. The department may revoke any permit issued to the
863 violator. In any action by the department against a small
864 hazardous waste generator for the improper disposal of hazardous
865 wastes, a rebuttable presumption of improper disposal shall be
866 created if the generator was notified pursuant to s. 403.7234;
867 the generator shall then have the burden of proving that the
868 disposal was proper. If the generator was not so notified, the
869 burden of proving improper disposal shall be placed upon the
870 department.

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

873 403.93345 Coral reef protection.—

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

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

886 (b) For damage totaling more than an area of 1 square meter
887 but less than or equal to an area of 10 square meters, \$450 ~~\$300~~
888 per square meter; with aggravating circumstances, an additional
889 \$450 ~~\$300~~ per square meter; occurring within a state park or
890 aquatic preserve, an additional \$450 ~~\$300~~ per square meter.

891 (c) For damage exceeding an area of 10 square meters,
892 \$1,500 ~~\$1,000~~ per square meter; with aggravating circumstances,
893 an additional \$1,500 ~~\$1,000~~ per square meter; occurring within a
894 state park or aquatic preserve, an additional \$1,500 ~~\$1,000~~ per
895 square meter.

896 (d) For a second violation, the total penalty may be
897 doubled.

898 (e) For a third violation, the total penalty may be
899 tripled.

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

902 (g) The total of penalties levied may not exceed \$375,000
903 ~~\$250,000~~ per occurrence.

904 Section 22. Section 125.569, Florida Statutes, is created
905 to read:

906 125.569 Sanitary sewer lateral inspection program.-

907 (1) As used in this section, the term "sanitary sewer
908 lateral" means a privately owned pipeline connecting a property
909 to the main sewer line which is maintained and repaired by the
910 property owner.

911 (2) By July 1, 2022, counties are encouraged to establish
912 an evaluation and rehabilitation program for sanitary sewer
913 laterals on residential and commercial properties within the
914 county's jurisdiction to identify and reduce extraneous flow
915 from leaking sanitary sewer laterals. At a minimum, the program
916 may do all of the following:

917 (a) Establish a system to identify defective, damaged, or
918 deteriorated sanitary sewer laterals on residential and
919 commercial properties within the jurisdiction of the county.

920 (b) Consider economical methods for a property owner to
921 repair or replace a defective, damaged, or deteriorated sanitary
922 sewer lateral.

923 (c) Establish and maintain a publicly accessible database
924 to store information concerning properties where a defective,
925 damaged, or deteriorated sanitary sewer lateral has been
926 identified. For each property, the database must include, but is
927 not limited to, the address of the property, the names of any
928 persons the county notified concerning the faulty sanitary sewer

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929 lateral, and the date and method of such notification.

930 Section 23. Section 166.0481, Florida Statutes, is created
931 to read:

932 166.0481 Sanitary sewer lateral inspection program.-

933 (1) As used in this section, the term "sanitary sewer
934 lateral" means a privately owned pipeline connecting a property
935 to the main sewer line which is maintained and repaired by the
936 property owner.

937 (2) By July 1, 2022, municipalities are encouraged to
938 establish an evaluation and rehabilitation program for sanitary
939 sewer laterals on residential and commercial properties within
940 the municipality's jurisdiction to identify and reduce
941 extraneous flow from leaking sanitary sewer laterals. At a
942 minimum, the program may do all of the following:

943 (a) Establish a system to identify defective, damaged, or
944 deteriorated sanitary sewer laterals on residential and
945 commercial properties within the jurisdiction of the
946 municipality.

947 (b) Consider economical methods for a property owner to
948 repair or replace a defective, damaged, or deteriorated sanitary
949 sewer lateral.

950 (c) Establish and maintain a publicly accessible database
951 to store information concerning properties where a defective,
952 damaged, or deteriorated sanitary sewer lateral has been
953 identified. For each property, the database must include, but is
954 not limited to, the address of the property, the names of any
955 persons the municipality notified concerning the faulty sanitary
956 sewer lateral, and the date and method of such notification.

957 Section 24. Section 689.301, Florida Statutes, is created

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958 to read:

959 689.301 Disclosure of known defects in sanitary sewer
960 laterals to prospective purchaser.—Before executing a contract
961 for sale, a seller of real property shall disclose to a
962 prospective purchaser any defects in the property's sanitary
963 sewer lateral which are known to the seller. As used in this
964 section, the term "sanitary sewer lateral" means the privately
965 owned pipeline connecting a property to the main sewer line.

966 Section 25. Subsection (5) of s. 823.11, Florida Statutes,
967 is reenacted for the purpose of incorporating the amendment made
968 by this act to s. 376.16, Florida Statutes, in a reference
969 thereto.

970 Section 26. Subsection (5) of s. 403.077, subsection (2) of
971 s. 403.131, paragraph (d) of subsection (3) of s. 403.4154, and
972 subsection (5) of s. 403.860, Florida Statutes, are reenacted
973 for the purpose of incorporating the amendment made by this act
974 to s. 403.121, Florida Statutes, in references thereto.

975 Section 27. Subsection (10) of s. 403.708, subsection (7)
976 of s. 403.7191, and s. 403.811, Florida Statutes, are reenacted
977 for the purpose of incorporating the amendment made by this act
978 to s. 403.141, Florida Statutes, in references thereto.

979 Section 28. Subsection (2) of s. 403.7255, Florida
980 Statutes, is reenacted for the purpose of incorporating the
981 amendment made by this act to s. 403.161, Florida Statutes, in a
982 reference thereto.

983 Section 29. Subsection (8) of s. 403.7186, Florida
984 Statutes, is reenacted for the purpose of incorporating the
985 amendments made by this act to ss. 403.141 and 403.161, Florida
986 Statutes, in references thereto.

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Section 30. This act shall take effect July 1, 2020.