

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

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A bill to be entitled

An act relating to geoengineering and weather modification activities; repealing ss. 403.281, 403.291, 403.301, 403.311, 403.321, 403.331, 403.341, 403.351, 403.361, 403.371, 403.381, 403.391, and 403.401, F.S., relating to the definitions, purpose, licensing requirements, applications, proof of financial responsibility requirements, license issuance and discipline provisions, publication of notice of intention to operate requirements, required contents of the notice of intention, publication of the notice of intention requirements, proof of publication requirements, record and reports of operations requirements, provision of emergency licenses, and suspension or revocation of licenses, respectively, of the weather modification law; amending s. 403.411, F.S.; prohibiting certain acts intended to affect the temperature, the weather, or the intensity of sunlight within the atmosphere of this state; increasing civil penalties for violations of the geoengineering and weather modification law; requiring that specified moneys be deposited in the Air Pollution Control Trust Fund and used only for specified purposes; authorizing a person who observes a geoengineering or weather modification activity to report such activity; providing construction; requiring the Department of Environmental Protection to establish a method for the intake and screening of such reports; requiring the department to investigate

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

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

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

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

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

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

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

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

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

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

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88 telephone, mail, or e-mail.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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and Department of Agriculture and Consumer Services; duties with respect to state lands.—

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

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

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

373.026 General powers and duties of the department.—The

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

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

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

373.1501 South Florida Water Management District as local sponsor.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

373.4598 Water storage reservoirs.—

(10) FUNDING.—

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

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

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373.470, Florida Statutes, is amended to read:

373.470 Everglades restoration.—

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

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

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