

# Criminal Offenses Relating to Environmental Disasters

Statute	Description
<b>Sections 376.011 – 376.21, F.S. - Pollutant Discharge Prevention and Control Act - Coastal Waters</b>	
Section 376.12, F.S.	It is a 3 <sup>rd</sup> degree felony for any responsible person to fail to give immediate notification of a discharge to DEP, the nearest Coast Guard Marine Safety Office or National Response Center. Masters of vessels that fail to remain in DEP’s jurisdiction for a reasonable time after notice of a discharge commit a 3 <sup>rd</sup> degree felony.
Section 376.16, F.S.	Subsection (12) provides that any person who makes or causes to be made a false statement which the person does not believe to be true in response to requirements of ss. 376.011 - 376.21, F.S., commits a 2 <sup>nd</sup> degree felony.
<b>Sections 376.30 - 376.317, F.S. – Surface and Ground Water</b>	
Section 376.302, F.S.	<p>Subsection (1) provides that it is a violation for any person to:</p> <ul style="list-style-type: none"> <li>(a) Discharge pollutants or hazardous substances into or upon the surface or ground waters which violates DEP standards</li> <li>(b) Fail to obtain any permit or registration required by this chapter or DEP rule, or to violate or fail to comply with any statute, rule, order, permit, registration, or certification adopted or issued by DEP</li> <li>(c) Knowingly make any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this chapter, or to falsify, tamper with, or knowingly render inaccurate any monitoring device or method required to be maintained under this chapter.</li> </ul> <p>A person who willfully violates paragraph(1)(a) or (1)(b) commits a 1<sup>st</sup> degree misdemeanor punishable as provided in ss. 775.082 and 775.083, F.S., by a fine of not less than \$2,500 or more than \$25,000, or punishable by one year in jail, or by both for each offense.</p> <p>A person who willfully commits a violation of paragraph (1)(c) commit a 1<sup>st</sup> degree misdemeanor punishable as provided in ss. 775.082 and 775.083, F.S., by a fine of not more than \$10,000, or by 6 months in jail, or by both for each offense.</p>
<b>Chapter 377, F.S. - Oil and Gas</b>	
Section 377.36, F.S.	<p>It is a 1<sup>st</sup> degree misdemeanor for any person who, for the purpose of evading this law, or of evading any rule, regulation, or order made hereunder to:</p> <ul style="list-style-type: none"> <li>- Intentionally make, or cause to be made, any false entry or statement of fact in any report required to be made by this law, or by any rule, regulation, or order made hereunder;</li> <li>- Make, or cause to be made, any false entry in any account, record, or memorandum kept by any person in connection with any provision of this law, or of any rule, regulation, or order made hereunder;</li> <li>- Omit to make, or cause to be omitted, full, true, and correct entries in such accounts, records, or memoranda, of all facts and transactions pertaining to the interest or activities in the petroleum industry of such person, as may be required by the division under authority given in this law, or by any rule, regulation, or order made hereunder; or</li> <li>- Remove out of the jurisdiction of the state, or mutilate, alter, or, by any other means, falsify any book, record, or other paper pertaining to the transaction regulated by this law, or by any rule, regulation, or order made hereunder</li> </ul>
Section 377.607, F.S.	Section 377.604, F.S., requires every person who produces, imports, exports, refines, transports, transmits, converts, stores, sells, or holds known reserves of any form of energy resources used as fuel to report specified information to the Florida Energy and Climate Commission. A person commits a 1 <sup>st</sup> degree misdemeanor if they willfully fail to submit the information or submit false information.

**Sections 403.011 - 403.44, F.S. - Florida Air and Water Pollution Control Act**

<p>Section 403.161, F.S. Causing Pollution</p>	<p>Subsection (1) provides that it is a violation for any person:</p> <ul style="list-style-type: none"> <li>(a) To cause pollution, except as otherwise provided in this chapter, so as to harm or injure human health or welfare, animal, plant, or aquatic life or property.</li> <li>(b) To fail to obtain any permit required by this chapter or by rule or regulation, or to violate or fail to comply with any rule, regulation, order, permit, or certification adopted or issued by the department pursuant to its lawful authority.</li> <li>(c) To knowingly make any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this chapter, or to falsify, tamper with, or knowingly render inaccurate any monitoring device or method required to be maintained under this chapter or by any permit, rule, regulation, or order issued under this chapter.</li> <li>(d) For any person who owns or operates a facility to fail to report to the representative of the department, as established by department rule, within one working day of discovery of a release of hazardous substances from the facility if the owner or operator is required to report the release to the United States Environmental Protection Agency.</li> </ul> <p>Whoever violates subsection (1) is liable to the state for any damage caused and for civil penalties as provided in s. 403.141.</p> <p>Any person who willfully commits a violation specified in paragraph (1)(a) is guilty of a felony of the third degree punishable as provided in ss. 775.082(3)(d) and 775.083(1)(g) by a fine of not more than \$50,000 or by imprisonment for 5 years, or by both, for each offense. Each day during any portion of which such violation occurs constitutes a separate offense.</p> <p>Any person who commits a violation specified in paragraph (1)(a) due to reckless indifference or gross careless disregard is guilty of a misdemeanor of the second degree, punishable as provided in ss. 775.082(4)(b) and 775.083(1)(g) by a fine of not more than \$5,000 or by 60 days in jail, or by both, for each offense.</p> <p>Any person who willfully commits a violation specified in paragraph (1)(b) or paragraph (1)(c) is guilty of a misdemeanor of the first degree punishable as provided in ss. 775.082(4)(a) and 775.083(1)(g) by a fine of not more than \$10,000 or by 6 months in jail, or by both for each offense.</p> <p>It is the legislative intent that the civil penalties and criminal fines imposed by the court be of such amount as to ensure immediate and continued compliance with this section.</p>
<p>Section 403.413, F.S. Florida's Litter Law</p>	<p>(4) Unless otherwise authorized by law or permit, it is unlawful for any person to dump litter in any manner or amount:</p> <ul style="list-style-type: none"> <li>(a) In or on any public highway, road, street, alley, or thoroughfare, including any portion of the right-of-way thereof, or any other public lands, except in containers or areas lawfully provided therefor. When any litter is thrown or discarded from a motor vehicle, the operator or owner of the motor vehicle, or both, shall be deemed in violation of this section;</li> <li>(b) In or on any freshwater lake, river, canal, or stream or tidal or coastal water of the state, including canals. When any litter is thrown or discarded from a boat, the operator or owner of the boat, or both, shall be deemed in violation of this section; or</li> <li>(c) In or on any private property, unless prior consent of the owner has been given and unless the dumping of such litter by such person will not cause a public nuisance or otherwise be in violation of any other state or local law, rule, or regulation.</li> </ul> <p>(5) Unless otherwise authorized by law or permit, it is unlawful for any person to dump raw human waste from any train, aircraft, motor vehicle, or vessel upon the public or private lands or waters of the state. Any person who violates the provisions of subsection (5) is guilty of a 2<sup>nd</sup> degree misdemeanor, provided, however, that any person who dumps more than 500 pounds or more than 100 cubic feet of raw human waste, or who dumps any quantity of such waste for commercial purposes, is guilty of a 3<sup>rd</sup> degree, punishable as provided in paragraph (6)(c).</p>

(6) Penalties

- (b) Any person who dumps litter in violation of subsection (4) in an amount exceeding 15 pounds in weight or 27 cubic feet in volume, but not exceeding 500 pounds in weight or 100 cubic feet in volume and not for commercial purposes is guilty of a misdemeanor of the first degree. In addition, the court shall require the violator to pick up litter or perform other community service commensurate with the offense committed. Further, if the violation involves the use of a motor vehicle, upon a finding of guilt, whether or not adjudication is withheld or whether imposition of sentence is withheld, deferred, or suspended, the court shall forward a record of the finding to the Department of Highway Safety and Motor Vehicles, which shall record a penalty of three points on the violator's driver's license pursuant to the point system.
- (c) Any person who dumps litter in violation of subsection (4) in an amount exceeding 500 pounds in weight or 100 cubic feet in volume or in any quantity for commercial purposes, or dumps litter which is a hazardous waste is guilty of a felony of the third degree. In addition, the court may order the violator to:
1. Remove or render harmless the litter that he or she dumped;
  2. Repair or restore property damaged by, or pay damages for any damage arising out of, his or her dumping litter; or
  3. Perform public service relating to the removal of litter dumped in violation of this section or to the restoration of an area polluted by litter dumped in violation of this section.