

**APPENDIX 10**  
**Florida Statute Chapter 380**

The 2005 Florida Statutes

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**CHAPTER 380**

**LAND AND WATER MANAGEMENT**

**380.012 Short title.**--Sections 380.012, 380.021, 380.031, 380.04, 380.05, 380.06, 380.07, and 380.08 shall be known and may be cited as "The Florida Environmental Land and Water Management Act of 1972."

**History.**--s. 1, ch. 72-317; s. 14, ch. 2001-62.

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**380.0558 Coral reef restoration.**--

(1) DEFINITIONS.--As used in this section, the term:

- (a) "Coral reefs" means the assemblage of corals and other organisms that are actively building three-dimensional reef structures off the southern coast of Florida.
- (b) "Damages" means money damages paid by any person, whether voluntarily or as a result of administrative or judicial action, to this state as compensation or restitution, or as punitive damages, for causing injury to, or destruction of, the coral reefs or other natural resources of the state.
- (c) "Fund" means the Ecosystem Management and Restoration Trust Fund.
- (d) "Natural resources" means land, air, water, groundwater, drinking water supplies, fish and their habitats, wildlife and their habitats, biota, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the State of Florida and situated in an area of critical state concern or offshore from an area of critical state concern.
- (e) "Person" means any and all persons, natural or artificial, foreign or domestic, including any individual, firm, partnership, business, corporation, and company and the United States and all political subdivisions, regions, districts, municipalities, and public agencies thereof.

(2) FINDINGS.--

(a) The Legislature finds that the coral reefs and natural resources within areas of critical state concern are subject to instantaneous injury or loss from a variety of negligent and willful acts, in ways that cannot be foreseen and provided for in the normal budget process. As a consequence of the unforeseeability of such incidents, no funds have been available for reimbursement of extraordinary expenses incurred by the Department of Environmental Protection in seeking compensation, on behalf of the residents of the state, for such injury or destruction of these natural resources. The protection of the state's natural resources in areas of critical state concern is found to be especially important.

(b) Prior to the enactment of this section, a significant amount of monetary damages that would be recovered by the state for injury to, or destruction of, its natural resources were deposited in the general accounts of the State Treasury and were not specifically set aside for restoration or rehabilitation of the injured or destroyed natural resources in the region of the state where such injury or loss occurred.

(3) PURPOSES.--It is the purpose of this section to establish a fund for the reimbursement of actual costs incurred by the Department of Environmental Protection in obtaining payment of damages for injury to, or destruction of, the coral reefs and other natural resources of this state and to designate that damages in excess of such reimbursed costs be dedicated to the research, protection, restoration, or rehabilitation of, or substitution for, the coral reefs and other natural resources injured or destroyed.

(4) DEPOSIT OF FUNDS.--All damages recovered by or on behalf of this state for injury to, or destruction of, the coral reefs or natural resources of the state that would otherwise be deposited in the general revenue accounts of the State Treasury or in the Internal Improvement Trust Fund shall be deposited in the Ecosystem Management and Restoration Trust Fund in the Department of Environmental Protection and shall remain in such account until expended by the department for the purposes of this section.

(5) TRUST FUND EXPENDITURES.--Moneys in the fund received from damages recovered for injury to, or destruction of, coral reefs or natural resources shall be expended only for the following purposes:

(a) To provide funds for the Department of Environmental Protection for reasonable costs incurred in obtaining payment of the damages for injury to, or destruction of, coral reefs and other natural resources, including administrative costs and costs of experts and consultants. Such funds may be provided in advance of recovery of damages after approval of such advances by the Board of Trustees of the Internal Improvement Trust Fund.

(b) To pay for restoration or rehabilitation of the injured or destroyed coral reefs or other natural resources by a state agency or through a contract to any qualified person.

(c) To pay for alternative projects selected by the Board of Trustees of the Internal Improvement Trust Fund. Any such project shall be selected on the basis of its anticipated benefits to the residents of this state who used the injured or destroyed coral reefs or other natural resources or will benefit from the alternative project.

(6) MISCELLANEOUS PROVISIONS.--

(a) All claims for trust fund reimbursements under paragraph (5)(a) must be made within 90 days after payment of damages is made to the state.

(b) Each private recipient of fund disbursements shall be required to agree in advance that its accounts and records of expenditures of such moneys are subject to audit at any time by appropriate state officials and to submit a final written report describing such expenditures within 90 days after the funds have been expended.

(c) When payments are made to a state agency from the fund for expenses compensable under subsection (5), such expenditures shall be considered as being for extraordinary expenses, and no agency appropriation shall be reduced by any amount as a result of such reimbursement.

(7) RULES.--The department shall have rulemaking authority for the administration of this section.

**History.**--s. 1, ch. 87-280; s. 1, ch. 87-281; s. 9, ch. 89-175; s. 14, ch. 91-286; s. 344, ch. 94-356; s. 58, ch. 96-321.