

Select Year: 2004

The 2004 Florida Statutes

[Title XI](#)
COUNTY ORGANIZATION AND
INTERGOVERNMENTAL RELATIONS

[Chapter 161](#)
BEACH AND SHORE
PRESERVATION

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161.054 Administrative fines; liability for damage; liens.--

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

(2) Whenever any person, firm, corporation, or governmental agency, or agent thereof, knowingly or by gross negligence violates any of the provisions of s. [161.041](#), s. [161.052](#), or s. [161.053](#) so that damage is caused to sovereignty lands seaward of mean high water or to beaches, shores, or beach-dune systems, including animal, plant, or aquatic life thereon, such violator shall be liable for such damage. If two or more persons, firms, corporations, or governmental agencies, or their agents, cause damage, and if liability for such damage cannot be apportioned, each violator shall be jointly and severally liable for the damage. If, however, liability for such damage can be apportioned, each violator is liable only for that portion of the damage and subject to that portion of the fine attributable to his or her violation.

(3) The imposition of a fine or an award of damages pursuant to this section shall create a lien upon the real and personal property of the violator, enforceable by the department as are statutory liens under chapter 85. The proceeds of such fines and awards of damages shall be deposited in the Ecosystem Management and Restoration Trust Fund.

(4) Fines imposed by the department or damages awarded shall be of such amount so as to ensure immediate and continued compliance with the provisions of ss. [161.041](#), [161.052](#), and [161.053](#).

(5) Any applicant for a permit pursuant to s. [161.041](#), s. [161.052](#), or s. [161.053](#) shall be denied a permit if a lien imposed upon the property pursuant to the provisions of this section is outstanding against the applicant; however, the department may authorize a permit after the fact in accordance with s. [161.041](#), s. [161.052](#), or s. [161.053](#), conditioned upon a resolution of the violation.

History.--s. 4, ch. 80-183; s. 3, ch. 83-247; s. 35, ch. 85-55; s. 2, ch. 86-138; s. 15, ch. 87-97; s. 30, ch. 91-45; s. 894, ch. 95-147; s. 3, ch. 96-321.

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