

By Senator Cruz

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1 A bill to be entitled
2 An act relating to public notification of pollution;
3 amending s. 403.077, F.S.; defining the term "local
4 governmental entity"; redefining the term "reportable
5 pollution release"; requiring the Department of
6 Environmental Protection to publish certain notices
7 received from the Department of Health or a local
8 governmental entity on a website accessible to the
9 public; requiring the Department of Environmental
10 Protection to provide a written notice to certain
11 homeowners via the United States Postal Service;
12 requiring the Department of Health and a local
13 governmental entity to notify the owner or operator of
14 an installation and the Department of Environmental
15 Protection of certain releases or discharges within a
16 specified timeframe; providing an effective date.

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18 Be It Enacted by the Legislature of the State of Florida:

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20 Section 1. Section 403.077, Florida Statutes, is amended to
21 read:

22 403.077 Public notification of pollution.—

23 (1) DEFINITIONS ~~DEFINITION~~.—As used in this section, the
24 term:

25 (a) "Local governmental entity" means a county, a
26 municipality, or any other entity that independently exercises
27 governmental authority.

28 (b) "Reportable pollution release" means the release or
29 discharge of:

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30 1. A substance from an installation to the air, land, or
31 waters of the state which is discovered by the owner or operator
32 of the installation, which is not authorized by law, and which
33 is reportable to the State Watch Office within the Division of
34 Emergency Management pursuant to any department rule, permit,
35 order, or variance;~~;~~

36 2. A measurable level of perfluorooctanoic acid or
37 perfluorooctanesulfonic acid from an installation to the land or
38 waters of the state which is discovered by the installation
39 owner or operator, the department, or a local governmental
40 entity; or

41 3. Any other physical, biological, chemical, or
42 radiological substance or matter in the air, land, or waters of
43 the state which:

44 a. Is discovered by the installation owner or operator, the
45 department, the Department of Health, or a local governmental
46 entity; and

47 b. If it impacted a water system, would result in a
48 violation of water quality standards adopted by the department
49 or the Department of Health.

50 (2) OWNER AND OPERATOR RESPONSIBILITIES.—

51 (a) In the event of a reportable pollution release, an
52 owner or operator of the installation at which the reportable
53 pollution release occurs must provide to the department
54 information reported to the State Watch Office within the
55 Division of Emergency Management pursuant to any department
56 rule, permit, order, or variance, within 24 hours after the
57 owner's or operator's discovery of such reportable pollution
58 release.

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59 (b) If multiple parties are subject to the notification
60 requirements based on a single reportable pollution release, a
61 single notification made by one party in accordance with this
62 section constitutes compliance on behalf of all parties subject
63 to the requirement. However, if the notification is not made in
64 accordance with this section, the department may pursue
65 enforcement against all parties subject to the requirement.

66 (c) If, after providing notice pursuant to paragraph (a),
67 the owner or operator of the installation determines that a
68 reportable pollution release did not occur or that an amendment
69 to the notice is warranted, the owner or operator may submit a
70 letter to the department documenting such determination.

71 (d) If, after providing notice pursuant to paragraph (a),
72 the installation owner or operator discovers that a reportable
73 pollution release has migrated outside the property boundaries
74 of the installation, the owner or operator must provide an
75 additional notice to the department that the release has
76 migrated outside the property boundaries within 24 hours after
77 its discovery of the migration outside of the property
78 boundaries.

79 (3) DEPARTMENT RESPONSIBILITIES.—

80 (a) The department shall publish on a website accessible to
81 the public all notices submitted by an owner or operator
82 pursuant to subsection (2) or by the Department of Health or a
83 local governmental entity pursuant to subsection (4) within 24
84 hours after receipt.

85 (b) The department shall create an electronic mailing list
86 for such notices and allow the public, including local
87 governments, health departments, news media, and other

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88 interested persons, to subscribe to and receive periodic direct
89 announcement of any notices submitted pursuant to subsection
90 (2). The department shall establish regional electronic mailing
91 lists, such as by county or district boundaries, to allow
92 subscribers to determine the notices they wish to receive by
93 geographic area.

94 (c) The department shall establish an e-mail address and an
95 online form as options for owners and operators to provide the
96 notice specified in subsection (2). The online form may not
97 require the submission of information in addition to what is
98 required for submission pursuant to paragraph (2)(a).

99 (d) In addition to the electronic mailing list required
100 under paragraph (b), the department shall provide direct notice
101 of the information received under paragraph (a) to homeowners
102 who have private wells within a 1-mile radius of a reported
103 release or discharge. Such notice must be in writing and
104 delivered via the United States Postal Service.

105 (e)~~(d)~~ The department shall adopt rules necessary to
106 implement ~~the requirements of~~ this subsection.

107 (4) DEPARTMENT OF HEALTH AND LOCAL GOVERNMENTAL ENTITY
108 OBLIGATIONS.—If the Department of Health or a local governmental
109 entity discovers a reportable pollution release, the Department
110 of Health or the local governmental entity shall notify the
111 installation owner or operator and the department within 24
112 hours after such discovery.

113 (5)~~(4)~~ ADMISSION OF LIABILITY OR HARM.—Providing notice
114 under subsection (2) does not constitute an admission of
115 liability or harm.

116 (6)~~(5)~~ VIOLATIONS.—Failure to provide the notification

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117 required by subsection (2) shall subject the owner or operator
118 to the civil penalties specified in s. 403.121.

119 Section 2. This act shall take effect July 1, 2020.