

1 A bill to be entitled
 2 An act relating to contamination notification; amending s.
 3 376.30702, F.S.; revising contamination notification
 4 provisions; requiring individuals responsible for site
 5 rehabilitation to provide notice of site rehabilitation to
 6 specified entities; revising provisions relating to the
 7 content and delivery of such notice; requiring local
 8 governments to provide specified notice of site
 9 rehabilitation; requiring the Department of Environmental
 10 Protection to verify compliance with notice requirements;
 11 authorizing the department to pursue enforcement measures
 12 for noncompliance with notice requirements; requiring the
 13 department to provide specified notice to certain property
 14 owners; revising the department's contamination
 15 notification requirements for certain public schools;
 16 requiring the department to provide specified notice to
 17 private K-12 schools and child care facilities; requiring
 18 the department to provide specified notice to public
 19 schools within a specified area; providing notice
 20 requirements; providing an effective date.

21
 22 Be It Enacted by the Legislature of the State of Florida:

23
 24 Section 1. Section 376.30702, Florida Statutes, is amended
 25 to read:

26 376.30702 Contamination notification.--

27 (1) FINDINGS; INTENT; APPLICABILITY.--The Legislature
 28 finds and declares that when contamination is discovered by any

29 | person as a result of site rehabilitation activities conducted
 30 | pursuant to the risk-based corrective action provisions found in
 31 | s. 376.3071(5), s. 376.3078(4), s. 376.81, or s. 376.30701, or
 32 | pursuant to an administrative or court order, it is in the
 33 | public's best interest that potentially affected persons be
 34 | notified of the existence of such contamination. Therefore,
 35 | persons discovering such contamination shall notify the
 36 | department and potentially affected persons of such discovery in
 37 | accordance with the requirements of this section, ~~and the~~
 38 | ~~department shall be responsible for notifying the affected~~
 39 | ~~public.~~ The Legislature intends for the provisions of this
 40 | section to govern the notice requirements for early notification
 41 | of the discovery of contamination.

42 | (2) (a) INITIAL NOTICE OF CONTAMINATION BEYOND PROPERTY
 43 | BOUNDARIES.--If at any time during site rehabilitation conducted
 44 | pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81, ~~or~~ s.
 45 | 376.30701, or an administrative or court order the person
 46 | responsible for site rehabilitation, the person's authorized
 47 | agent, or another representative of the person discovers from
 48 | laboratory analytical results that comply with appropriate
 49 | quality assurance protocols specified in department rules that
 50 | contamination as defined in applicable department rules exists
 51 | in any groundwater, surface water, or soil either within or
 52 | ~~medium~~ beyond the boundaries of the property at which site
 53 | rehabilitation was initiated pursuant to s. 376.3071(5), s.
 54 | 376.3078(4), s. 376.81, ~~or~~ s. 376.30701, or an administrative or
 55 | court order, the person responsible for site rehabilitation
 56 | shall give actual notice as soon as possible, but no later than

57 10 days from such discovery, to the Division of Waste Management
 58 at the department's Tallahassee office. The actual notice shall
 59 be provided on a form adopted by department rule and mailed by
 60 certified mail, return receipt requested. The person responsible
 61 for site rehabilitation shall simultaneously provide ~~mail~~ a copy
 62 of such notice to:

- 63 1. The appropriate department district office;~~;~~
- 64 2. The appropriate county health department;~~;~~
- 65 3. The mayor, the chair of the county commission, or the
 66 comparable senior elected official representing the affected
 67 area;
- 68 4. The city manager, the county administrator, or the
 69 comparable senior elected official representing the affected
 70 area;
- 71 5. The state senator, state representative, United States
 72 Senator, and United States Representative representing the
 73 affected area; and
- 74 6. All real property owners, ~~known~~ lessees, and tenants of
 75 the source property at which site rehabilitation is being
 76 conducted, if different from the person responsible for site
 77 rehabilitation, and all real property owners, lessees, and
 78 tenants of any properties within a 500-foot radius of each
 79 sampling point at which contamination is discovered.

80 (b) The notice shall include the following information:

- 81 1.~~(a)~~ The location of the property at which site
 82 rehabilitation was initiated pursuant to s. 376.3071(5), s.
 83 376.3078(4), s. 376.81, ~~or~~ s. 376.30701, or an administrative or
 84 court order and contact information for the person responsible

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85 for site rehabilitation, the person's authorized agent, or
86 another representative of the person.

87 2.(b) A listing of all ~~record owners of any~~ real property
88 ~~owners, other than the property at which site rehabilitation was~~
89 ~~initiated pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81,~~
90 ~~or s. 376.30701,~~ at which contamination has been discovered; the
91 parcel identification number for any such real property; the
92 owner's address listed in the current county property tax office
93 records; and the owner's telephone number. ~~The requirements of~~
94 ~~this paragraph do not apply to the notice to known tenants and~~
95 ~~lessees of the source property.~~

96 3.(e) Separate tables for ~~by~~ medium, such as groundwater,
97 soil, or surface water, ~~or sediment,~~ that list sampling
98 locations identified on the vicinity map as provided in
99 subparagraph 4.; sampling dates; names of contaminants detected
100 above cleanup target levels; their corresponding cleanup target
101 levels; the contaminant concentrations; and whether the cleanup
102 target level is based on health, nuisance, organoleptic, or
103 aesthetic concerns.

104 4.(d) A vicinity map that shows each sampling location
105 with corresponding laboratory analytical results pursuant to
106 subparagraph 3. ~~and the date on which the sample was collected~~
107 and that identifies the property boundaries of the property at
108 which site rehabilitation was initiated pursuant to s.
109 376.3071(5), s. 376.3078(4), s. 376.81, ~~or~~ s. 376.30701, or an
110 administrative or court order and any ~~the~~ other properties at
111 which contamination has been discovered during such site
112 rehabilitation.

113 (c) The notice provided to local government officials
 114 shall be mailed by certified mail, return receipt requested, and
 115 shall advise the local government of its responsibilities under
 116 subsection (3). Copies of the notices and receipts shall be
 117 provided to the department as proof of compliance with this
 118 subsection.

119 (d) The notice provided to real property owners, lessees,
 120 and tenants may be delivered by certified mail, return receipt
 121 requested, hand delivery, or door-hanger. Copies of the notices
 122 and receipts, or a copy or sample of the hand-delivered notice
 123 or door-hanger and a list of addresses to which the notice or
 124 door-hanger was distributed, shall be provided to the department
 125 as proof of compliance with this subsection.

126 (3) LOCAL GOVERNMENT'S NOTICE RESPONSIBILITIES.--Within 30
 127 days after receiving the actual notice required under subsection
 128 (2), the local government shall mail a copy of the notice to the
 129 president or comparable executive officer of each homeowners'
 130 association or neighborhood association within the potentially
 131 affected area as described in subsection (2).

132 (4)-(3) DEPARTMENT'S NOTICE RESPONSIBILITIES.--

133 (a) Within 30 days after receiving the actual notice
 134 required under pursuant to subsection (2), or within 30 days of
 135 the effective date of this act if the department already
 136 possesses information equivalent to that required by the notice,
 137 the department shall verify that the person responsible for site
 138 rehabilitation has complied with the notice requirements of this
 139 section send a copy of such notice, or an equivalent
 140 notification, to all record owners of any real property, other

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141 ~~than the property at which site rehabilitation was initiated~~
142 ~~pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81, or s.~~
143 ~~376.30701, at which contamination has been discovered. If the~~
144 ~~person responsible for site rehabilitation has not complied with~~
145 ~~the notice requirements of this section, the department may~~
146 ~~pursue enforcement as provided under this chapter and chapter~~
147 ~~403.~~

148 (b) Within 60 days after receiving the actual notice
149 required under subsection (2), for sites conducting
150 rehabilitation activities pursuant to the risk-based corrective
151 action provisions found in s. 376.30701, the department shall
152 mail a copy of such notice to all real property owners at which
153 site rehabilitation is being conducted.

154 (c) If the property at which contamination has been
155 discovered is the site of a school as defined in s. 1003.01, the
156 department shall mail ~~also send~~ a copy of the notice to the
157 superintendent ~~chair of the school board~~ of the school district
158 in which the property is located and direct the superintendent
159 ~~said school board~~ to provide actual notice annually to teachers
160 and parents or guardians of students attending the school during
161 the period of site rehabilitation.

162 (d) If the property at which contamination has been
163 discovered is the site of a private K-12 school or a child care
164 facility as defined in s. 402.302, the department shall mail a
165 copy of the notice to the governing board, principal, or owner
166 of the school or child care facility and direct the governing
167 board, principal, or owner to provide actual notice annually to
168 teachers and parents or guardians of students or children

169 attending the school or child care facility during the period of
 170 site rehabilitation.

171 (e) If any property within a 1-mile radius of the property
 172 at which contamination has been discovered is the site of a
 173 school as defined in s. 1003.01, the department shall mail a
 174 copy of the notice to the superintendent of the school district
 175 in which the property is located and direct the superintendent
 176 to provide actual notice annually to the principal of the
 177 school.

178 (f) Along with the copy of the notice ~~or its equivalent,~~
 179 the department shall include a letter identifying sources of
 180 additional information about the contamination and a telephone
 181 number to which further inquiries should be directed. The
 182 department may collaborate with the Department of Health to
 183 develop such sources of information and to establish procedures
 184 for responding to public inquiries about health risks associated
 185 with contaminated sites.

186 (5)~~(4)~~ RULEMAKING AUTHORITY.--The department shall adopt
 187 rules and forms pursuant to ss. 120.536(1) and 120.54 to
 188 implement the requirements of this section.

189 Section 2. This act shall take effect July 1, 2009.