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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/20/2009	.	
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The Committee on General Government Appropriations (Aronberg) recommended the following:

Senate Amendment (with title amendment)

Between lines 427 and 428
insert:

Section 8. Section 376.30702, Florida Statutes, is amended to read:

376.30702 Contamination notification.—

(1) FINDINGS; INTENT; APPLICABILITY.—The Legislature finds and declares that when contamination is discovered by any person as a result of site rehabilitation activities conducted pursuant



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12 to the risk-based corrective action provisions found in s.
13 376.3071(5), s. 376.3078(4), s. 376.81, or s. 376.30701, or
14 pursuant to an administrative or court order, it is in the
15 public's best interest that potentially affected persons be
16 notified of the existence of such contamination. Therefore,
17 persons discovering such contamination shall notify the
18 department and those identified under this section of the ~~such~~
19 discovery in accordance with the requirements of this section,
20 ~~and the department shall be responsible for notifying the~~
21 ~~affected public~~. The Legislature intends for the provisions of
22 this section to govern the notice requirements for early
23 notification of the discovery of contamination.

24 (2) (a) INITIAL NOTICE OF CONTAMINATION ~~BEYOND PROPERTY~~
25 ~~BOUNDARIES~~.—If at any time during site rehabilitation conducted
26 pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81, ~~or~~ s.
27 376.30701, or an administrative or court order the person
28 responsible for site rehabilitation, the person's authorized
29 agent, or another representative of the person discovers from
30 laboratory analytical results that comply with appropriate
31 quality assurance protocols specified in department rules that
32 contamination as defined in applicable department rules exists
33 in any groundwater, surface water, or soil at or ~~medium~~ beyond
34 the boundaries of the property at which site rehabilitation was
35 initiated pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81,
36 ~~or~~ s. 376.30701, or an administrative or court order the person
37 responsible for site rehabilitation shall give actual notice as
38 soon as possible, but no later than 10 days from such discovery,
39 to the Division of Waste Management at the department's
40 Tallahassee office. The actual notice shall be provided on a



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41 form adopted by department rule and mailed by certified mail,
42 return receipt requested. The person responsible for site
43 rehabilitation shall simultaneously provide ~~mail~~ a copy of the
44 ~~such~~ notice to the appropriate department district office, and
45 the appropriate county health department, ~~and all known lessees~~
46 ~~and tenants of the source property.~~

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

48 1. ~~(a)~~ The location of the property at which site
49 rehabilitation was initiated pursuant to s. 376.3071(5), s.
50 376.3078(4), s. 376.81, ~~or~~ s. 376.30701, or an administrative or
51 court order and contact information for the person responsible
52 for site rehabilitation, the person's authorized agent, or
53 another representative of the person.

54 2. ~~(b)~~ A listing of all record owners of any real property,
55 ~~other than the property at which site rehabilitation was~~
56 ~~initiated pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81,~~
57 ~~or s. 376.30701,~~ at which contamination has been discovered; the
58 parcel identification number for any such real property; the
59 owner's address listed in the current county property tax office
60 records; and the owner's telephone number. ~~The requirements of~~
61 ~~this paragraph do not apply to the notice to known tenants and~~
62 ~~lessees of the source property.~~

63 3. ~~(c)~~ Separate tables for ~~by medium,~~ such as groundwater,
64 soil, and surface water which, ~~or sediment,~~ that list sampling
65 locations identified on the vicinity map as provided in
66 subparagraph 4.; sampling dates; names of contaminants detected
67 above cleanup target levels; their corresponding cleanup target
68 levels; the contaminant concentrations; and whether the cleanup
69 target level is based on health, nuisance, organoleptic, or



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70 aesthetic concerns.

71 4.-(d) A vicinity map that shows each sampling location with
72 corresponding laboratory analytical results pursuant to
73 subparagraph 3. ~~and the date on which the sample was collected~~
74 and that identifies the property boundaries of the property at
75 which site rehabilitation was initiated pursuant to s.
76 376.3071(5), s. 376.3078(4), s. 376.81, ~~or~~ s. 376.30701, or an
77 administrative or court order and any ~~the~~ other properties at
78 which contamination has been discovered during such site
79 rehabilitation. If available, a contaminant plume map signed and
80 sealed by a Florida-licensed professional engineer or geologist
81 may be included with the vicinity map.

82 (3) DEPARTMENT'S NOTICE RESPONSIBILITIES.-

83 (a) After receiving the actual notice required under
84 subsection (2), the department shall notify the following
85 persons of such contamination:

86 1. The mayor, the chair of the county commission, or the
87 comparable senior elected official representing the affected
88 area.

89 2. The city manager, the county administrator, or the
90 comparable senior administrative official representing the
91 affected area.

92 3. The state senator, state representative, and United
93 States Representative representing the affected area and both
94 United States Senators.

95 4.a. All real property owners, presidents of any
96 condominium associations or sole owners of condominiums,
97 lessees, and tenants of record of the property at which site
98 rehabilitation is being conducted, if different from the person



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99 responsible for site rehabilitation;

100 b. All real property owners, presidents of any condominium
101 associations or sole owners of condominiums, lessees, and
102 tenants of record of any properties within a 1000-foot radius of
103 each sampling point at which contamination is discovered, if
104 site rehabilitation was initiated pursuant to s. 376.30701 or an
105 administrative or court order; and

106 c. All real property owners, presidents of any condominium
107 associations or sole owners of condominiums, lessees, and
108 tenants of record of any properties within a 250-foot radius of
109 each sampling point at which contamination is discovered or any
110 properties identified on a contaminant plume map provided
111 pursuant to subparagraph (2)(b)4., if site rehabilitation was
112 initiated pursuant to s. 376.3071(5), s. 376.3078(4), or s.
113 376.81.

114 (b)1. The notice provided to local government officials
115 shall be mailed by certified mail, return receipt requested, and
116 shall advise the local government of its responsibilities under
117 subsection (4).

118 2. The notice provided to real property owners, presidents
119 of any condominium associations or sole owners of condominiums,
120 lessees, and tenants of record may be delivered by certified
121 mail, return receipt requested, first-class mail, hand delivery,
122 or door-hanger.

123 (c) Within 30 days after receiving the actual notice
124 required under pursuant to subsection (2), or within 30 days of
125 the effective date of this act if the department already
126 possesses information equivalent to that required by the notice,
127 the department shall verify that the person responsible for site



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128 rehabilitation has complied with the notice requirements of this
129 section send a copy of such notice, or an equivalent
130 notification, to all record owners of any real property, other
131 than the property at which site rehabilitation was initiated
132 pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81, or s.
133 376.30701, at which contamination has been discovered. If the
134 person responsible for site rehabilitation has not complied with
135 the notice requirements of this section, the department may
136 pursue enforcement as provided under this chapter and chapter
137 403.

138 (d)1. If the property at which contamination has been
139 discovered is the site of a school as defined in s. 1003.01, the
140 department shall mail also send a copy of the notice to the
141 superintendent chair of the school board of the school district
142 in which the property is located and direct the superintendent
143 said school board to provide actual notice annually to teachers
144 and parents or guardians of students attending the school during
145 the period of site rehabilitation.

146 2. If the property at which contamination has been
147 discovered is the site of a private K-12 school or a child care
148 facility as defined in s. 402.302, the department shall mail a
149 copy of the notice to the governing board, principal, or owner
150 of the school or child care facility and direct the governing
151 board, principal, or owner to provide actual notice annually to
152 teachers and parents or guardians of students or children
153 attending the school or child care facility during the period of
154 site rehabilitation.

155 3. If any property within a 1-mile radius of the property
156 at which contamination has been discovered during site



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157 rehabilitation pursuant to s. 376.30701 or an administrative or
158 court order is the site of a school as defined in s. 1003.01,
159 the department shall mail a copy of the notice to the
160 superintendent of the school district in which the property is
161 located and direct the superintendent to provide actual notice
162 annually to the principal of the school.

163 4. If any property within a 250-foot radius of the property
164 at which contamination has been discovered during site
165 rehabilitation pursuant to s. 376.3071(5), s. 376.3078(4), or s.
166 376.81 is the site of a school as defined in s. 1003.01, the
167 department shall mail a copy of the notice to the superintendent
168 of the school district in which the property is located and
169 direct the superintendent to provide actual notice annually to
170 the principal of the school.

171 (e) Along with the copy of the notice ~~or its equivalent,~~
172 the department shall include a letter identifying sources of
173 additional information about the contamination and a telephone
174 number to which further inquiries should be directed. The
175 department may collaborate with the Department of Health to
176 develop such sources of information and to establish procedures
177 for responding to public inquiries about health risks associated
178 with contaminated sites.

179 (4) LOCAL GOVERNMENT'S NOTICE RESPONSIBILITIES.—Within 30
180 days after receiving the actual notice required under subsection
181 (2), the local government shall mail a copy of the notice to the
182 president or comparable executive officer of each homeowners'
183 association or neighborhood association within the potentially
184 affected area as described in subsection (2).

185 (5) ~~(4)~~ RULEMAKING AUTHORITY; RECOVERY OF COSTS OF



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186 NOTIFICATION.—The department shall adopt rules and forms
187 pursuant to ss. 120.536(1) and 120.54 to implement the
188 requirements of this section and shall recover the costs of
189 postage, materials, and labor associated with notification from
190 the responsible party, except when site rehabilitation is
191 initiated pursuant to the risk-based corrective action
192 provisions found in s. 376.3071(5) or s. 376.3078(4).
193

194 ===== T I T L E A M E N D M E N T =====

195 And the title is amended as follows:

196 Delete line 33

197 and insert:

198 lands; amending s. 376.30702, F.S.; revising
199 contamination notification provisions; requiring
200 individuals responsible for site rehabilitation to
201 provide notice of site rehabilitation to specified
202 entities; revising provisions relating to the content
203 of such notice; requiring the Department of
204 Environmental Protection to provide notice of site
205 rehabilitation to specified entities and certain
206 property owners; providing an exemption; requiring the
207 department to verify compliance with notice
208 requirements; authorizing the department to pursue
209 enforcement measures for noncompliance with notice
210 requirements; revising the department's contamination
211 notification requirements for certain public schools;
212 requiring the department to provide specified notice
213 to private K-12 schools and child care facilities;
214 requiring the department to provide specified notice



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215 to public schools within a specified area; providing
216 notice requirements, including directives to extend
217 such notice to certain other persons; requiring local
218 governments to provide specified notice of site
219 rehabilitation; requiring the department to recover
220 notification costs from responsible parties; providing
221 an exception; amending s. 403.0876, F.S.; providing
222 that the