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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 of such notice; requiring the Department of  
8           Environmental Protection to provide notice of site  
9           rehabilitation to specified entities and certain property  
10          owners; providing an exemption; requiring the department  
11          to verify compliance with notice requirements; authorizing  
12          the department to pursue enforcement measures for  
13          noncompliance with notice requirements; revising the  
14          department's contamination notification requirements for  
15          certain public schools; requiring the department to  
16          provide specified notice to private K-12 schools and child  
17          care facilities; requiring the department to provide  
18          specified notice to public schools within a specified  
19          area; providing notice requirements, including directives  
20          to extend such notice to certain other persons; requiring  
21          local governments to provide specified notice of site  
22          rehabilitation; requiring the department to recover  
23          notification costs from responsible parties; providing an  
24          effective date.

25  
26   Be It Enacted by the Legislature of the State of Florida:

27  
28          Section 1.   Section 376.30702, Florida Statutes, is amended

29 to read:

30 376.30702 Contamination notification.--

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

46 (2) INITIAL NOTICE OF CONTAMINATION ~~BEYOND PROPERTY~~  
 47 ~~BOUNDARIES~~.--

48 (a) If at any time during site rehabilitation conducted  
 49 pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81, ~~or~~ s.  
 50 376.30701, or an administrative or court order the person  
 51 responsible for site rehabilitation, the person's authorized  
 52 agent, or another representative of the person discovers from  
 53 laboratory analytical results that comply with appropriate  
 54 quality assurance protocols specified in department rules that  
 55 contamination as defined in applicable department rules exists  
 56 in any groundwater, surface water, or soil at or ~~medium~~ beyond

57 the boundaries of the property at which site rehabilitation was  
 58 initiated ~~pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81,~~  
 59 ~~or s. 376.30701,~~ the person responsible for site rehabilitation  
 60 shall give actual notice as soon as possible, but no later than  
 61 10 days after the ~~from such~~ discovery, to the Division of Waste  
 62 Management at the department's Tallahassee office. The actual  
 63 notice must ~~shall~~ be provided on a form adopted by department  
 64 rule and mailed by certified mail, return receipt requested. The  
 65 person responsible for site rehabilitation shall simultaneously  
 66 provide ~~mail~~ a copy of the ~~such~~ notice to the appropriate  
 67 department district office and, ~~county health department,~~ and  
 68 ~~all known lessees and tenants of the source property.~~

69 (b) The notice must ~~shall~~ include the following  
 70 information:

71 1.(a) The location of the property at which site  
 72 rehabilitation was initiated ~~pursuant to s. 376.3071(5), s.~~  
 73 ~~376.3078(4), s. 376.81, or s. 376.30701~~ and contact information  
 74 for the person responsible for site rehabilitation, the person's  
 75 authorized agent, or another representative of the person.

76 2.(b) A listing of all record owners of the ~~any~~ real  
 77 property, ~~other than the property at which site rehabilitation~~  
 78 ~~was initiated pursuant to s. 376.3071(5), s. 376.3078(4), s.~~  
 79 ~~376.81, or s. 376.30701,~~ at which contamination has been  
 80 discovered; the parcel identification number for ~~any~~ such ~~real~~  
 81 property; the owner's address listed in the current county  
 82 property tax office records; and the owner's telephone number.  
 83 ~~The requirements of this paragraph do not apply to the notice to~~  
 84 ~~known tenants and lessees of the source property.~~

85 3.(e) Separate tables ~~for~~ by medium, such as groundwater,  
 86 soil, and surface water ~~which, or sediment, that~~ list sampling  
 87 locations identified on the vicinity map described in  
 88 subparagraph 4.; sampling dates; names of contaminants detected  
 89 above cleanup target levels; their corresponding cleanup target  
 90 levels; the contaminant concentrations; and whether the cleanup  
 91 target level is based on health, nuisance, organoleptic, or  
 92 aesthetic concerns.

93 4.(d) A vicinity map that shows each sampling location  
 94 with corresponding laboratory analytical results described in  
 95 subparagraph 3. ~~and the date on which the sample was collected~~  
 96 and that identifies the property boundaries of the property at  
 97 which site rehabilitation was initiated ~~pursuant to s.~~  
 98 ~~376.3071(5), s. 376.3078(4), s. 376.81, or s. 376.30701~~ and any  
 99 ~~the~~ other properties at which contamination has been discovered  
 100 during such site rehabilitation. If available, a contaminant  
 101 plume map signed and sealed by a state-licensed professional  
 102 engineer or geologist may be included with the vicinity map.

103 (3) DEPARTMENT'S NOTICE RESPONSIBILITIES.--

104 (a) Within 30 days after receiving the actual notice  
 105 required under subsection (2), the department shall notify the  
 106 following persons of the contamination:

107 1. The mayor, the chair of the county commission, or the  
 108 comparable senior elected official representing the affected  
 109 area.

110 2. The city manager, the county administrator, or the  
 111 comparable senior administrative official representing the  
 112 affected area.

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113 3. The state senator, state representative, and United  
114 States Representative representing the affected area and both  
115 United States Senators.

116 4. All real property owners, presidents of any condominium  
117 associations or sole owners of condominiums, lessees, and the  
118 tenants of record for:

119 a. The property at which site rehabilitation is being  
120 conducted, if different from the person responsible for site  
121 rehabilitation;

122 b. Any properties within a 500-foot radius of each  
123 sampling point at which contamination is discovered, if site  
124 rehabilitation was initiated pursuant to s. 376.30701 or an  
125 administrative or court order; and

126 c. Any properties within a 250-foot radius of each  
127 sampling point at which contamination is discovered or any  
128 properties identified on a contaminant plume map provided  
129 pursuant to subparagraph (2)(b)4., if site rehabilitation was  
130 initiated pursuant to s. 376.3071(5), s. 376.3078(4), or s.  
131 376.81.

132 (b) The notice provided to:

133 1. Local government officials shall be mailed by certified  
134 mail, return receipt requested, and must advise the local  
135 government of its responsibilities under subsection (4).

136 2. Real property owners, presidents of any condominium  
137 associations or sole owners of condominiums, lessees, and  
138 tenants of record may be delivered by certified mail, return  
139 receipt requested, first-class mail, hand delivery, or door  
140 hanger.

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141        (c) Within 30 days after receiving the actual notice  
142 required under ~~pursuant to~~ subsection (2), ~~or within 30 days of~~  
143 ~~the effective date of this act if the department already~~  
144 ~~possesses information equivalent to that required by the notice,~~  
145 the department shall verify that the person responsible for site  
146 rehabilitation has complied with the notice requirements of this  
147 section send a copy of such notice, or an equivalent  
148 ~~notification, to all record owners of any real property, other~~  
149 ~~than the property at which site rehabilitation was initiated~~  
150 ~~pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81, or s.~~  
151 ~~376.30701, at which contamination has been discovered. If the~~  
152 person responsible for site rehabilitation has not complied with  
153 the notice requirements, the department may pursue enforcement  
154 as provided under this chapter and chapter 403.

155        (d)1. If the property at which contamination has been  
156 discovered is the site of a school as defined in s. 1003.01, the  
157 department shall mail ~~also send~~ a copy of the notice to the  
158 superintendent ~~chair of the school board~~ of the school district  
159 in which the property is located and direct the superintendent  
160 ~~said school board~~ to provide actual notice annually to teachers  
161 and parents or guardians of students attending the school during  
162 the period of site rehabilitation.

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

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169 teachers and parents or guardians of students or children  
170 attending the school or child care facility during the period of  
171 site rehabilitation.

172 3. If any property within a 1-mile radius of the property  
173 at which contamination has been discovered during site  
174 rehabilitation pursuant to s. 376.30701 or an administrative or  
175 court order is the site of a school as defined in s. 1003.01,  
176 the department shall mail a copy of the notice to the  
177 superintendent of the school district in which the property is  
178 located and direct the superintendent to provide actual notice  
179 annually to the principal of the school.

180 4. If any property within a 250-foot radius of the  
181 property at which contamination has been discovered during site  
182 rehabilitation pursuant to s. 376.3071(5), s. 376.3078(4), or s.  
183 376.81 is the site of a school as defined in s. 1003.01, the  
184 department shall mail a copy of the notice to the superintendent  
185 of the school district in which the property is located and  
186 direct the superintendent to provide actual notice annually to  
187 the principal of the school.

188 (e) Along with the copy of the notice ~~or its equivalent,~~  
189 the department shall include a letter identifying sources of  
190 additional information about the contamination and a telephone  
191 number to which further inquiries should be directed. The  
192 department may collaborate with the Department of Health to  
193 develop such sources of information and to establish procedures  
194 for responding to public inquiries about health risks associated  
195 with contaminated sites.

196 (4) LOCAL GOVERNMENT'S NOTICE RESPONSIBILITIES.--Within 30

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197 days after receiving the actual notice required under subsection  
198 (2), the local government shall mail a copy of the notice to the  
199 president or equivalent officer of each homeowners' association  
200 or neighborhood association within the potentially affected area  
201 as described in subsection (2).

202 (5) RECOVERY OF NOTIFICATION COSTS.--The department shall  
203 recover the costs of postage, materials, and labor associated  
204 with notification from the responsible party, unless site  
205 rehabilitation is eligible for state-funded cleanup pursuant to  
206 the risk-based corrective action provisions found in s.  
207 376.3071(5) or s. 376.3078(4).

208 (6)(4) RULEMAKING AUTHORITY.--The department shall adopt  
209 rules and forms pursuant to ss. 120.536(1) and 120.54 to  
210 administer ~~implement~~ the requirements of this section.

211 Section 2. This act shall take effect July 1, 2010.