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LEGISLATIVE ACTION

Senate

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House

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Senator Galvano moved the following:

Senate Amendment (with title amendment)

Delete lines 68 - 214

and insert:

403.077 Public notification of pollution.-

(1) DEFINITION.-As used in this section, the term
"reportable pollution release" means the release or discharge of
a substance from an installation to the air, land, or waters of
the state which is discovered by the owner or operator of the
installation, which is not authorized by law, and which is
reportable to the State Watch Office within the Division of



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12 Emergency Management pursuant to any department rule, permit,
13 order, or variance.

14 (2) OWNER AND OPERATOR RESPONSIBILITIES.—

15 (a) In the event of a reportable pollution release, an
16 owner or operator of the installation at which the reportable
17 pollution release occurs must provide to the department
18 information reported to the State Watch Office within the
19 Division of Emergency Management pursuant to any department
20 rule, permit, order, or variance, within 24 hours after the
21 owner's or operator's discovery of such reportable pollution
22 release.

23 (b) If multiple parties are subject to the notification
24 requirements based on a single reportable pollution release, a
25 single notification made by one party in accordance with this
26 section constitutes compliance on behalf of all parties subject
27 to the requirement. However, if the notification is not made in
28 accordance with this section, the department may pursue
29 enforcement against all parties subject to the requirement.

30 (c) If, after providing notice pursuant to paragraph (a),
31 the owner or operator of the installation determines that a
32 reportable pollution release did not occur or that an amendment
33 to the notice is warranted, the owner or operator may submit a
34 letter to the department documenting such determination.

35 (d) If, after providing notice pursuant to paragraph (a),
36 the installation owner or operator discovers that a reportable
37 pollution release has migrated outside the property boundaries
38 of the installation, the owner or operator must provide an
39 additional notice to the department that the release has
40 migrated outside the property boundaries within 24 hours after



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41 its discovery of the migration outside of the property
42 boundaries.

43 (3) DEPARTMENT RESPONSIBILITIES.—

44 (a) The department shall publish on a website accessible to
45 the public all notices submitted by an owner or operator
46 pursuant to subsection (2) within 24 hours after receipt.

47 (b) The department shall create an electronic mailing list
48 for such notices and allow the public, including local
49 governments, health departments, news media, and other
50 interested persons, to subscribe to and receive periodic direct
51 announcement of any notices submitted pursuant to subsection
52 (2). The department shall establish regional electronic mailing
53 lists, such as by county or district boundaries, to allow
54 subscribers to determine the notices they wish to receive by
55 geographic area.

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

61 (d) The department shall adopt rules necessary to implement
62 the requirements of this subsection.

63 (4) ADMISSION OF LIABILITY OR HARM.—Providing notice under
64 subsection (2) does not constitute an admission of liability or
65 harm.

66 (5) VIOLATIONS.—Failure to provide the notification
67 required by subsection (2) shall subject the owner or operator
68 to the civil penalties specified in s. 403.121.

69 Section 3. Section 403.078, Florida Statutes, is created to



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70 read:

71 403.078 Effect on other law.—The Public Notice of Pollution
72 Act does not alter or affect the emergency management
73 responsibilities of the Governor, the Division of Emergency
74 Management, or the governing body of any political subdivision
75 of the state pursuant to chapter 252.

76 Section 4. Paragraph (e) is added to subsection (1) of
77 section 403.161, Florida Statutes, to read:

78 403.161 Prohibitions, violation, penalty, intent.—

79 (1) It shall be a violation of this chapter, and it shall
80 be prohibited for any person:

81 (e) To fail to provide required notice pursuant to s.
82 403.077.

83 Section 5. Section 14.2016, Florida Statutes, is amended to
84 read:

85 14.2016 Division of Emergency Management.—

86 (1) The Division of Emergency Management is established
87 within the Executive Office of the Governor. The division shall
88 be a separate budget entity, as provided in the General
89 Appropriations Act and shall prepare and submit a budget request
90 in accordance with chapter 216. The division shall be
91 responsible for all professional, technical, and administrative
92 support functions necessary to carry out its responsibilities
93 under part I of chapter 252. The director of the division shall
94 be appointed by and serve at the pleasure of the Governor and
95 shall be the head of the division for all purposes. The division
96 shall administer programs to rapidly apply all available aid to
97 communities stricken by an emergency as defined in s. 252.34
98 and, for this purpose, shall provide liaison with federal



99 agencies and other public and private agencies.

100 (2) The State Watch Office is established within the
101 Division of Emergency Management.

102 (a) The primary purpose of the office is to record,
103 analyze, and share information with federal, state, and county
104 entities for appropriate response to emergencies.

105 (b) The office is not a dispatch center, but a
106 clearinghouse of information to be shared with other
107 governmental entities that can independently act within their
108 own authority and protocols.

109
110 ===== T I T L E A M E N D M E N T =====

111 And the title is amended as follows:

112 Delete lines 4 - 29

113 and insert:

114 F.S.; defining the term "reportable pollution
115 release"; requiring an owner or operator of an
116 installation at which a reportable pollution release
117 occurred to provide certain information to the
118 department within 24 hours after the discovery of the
119 release; authorizing multiple parties to submit one
120 notification under certain circumstances; authorizing
121 the owner or operator to amend notices; requiring the
122 owner or operator to make additional notice upon
123 discovery of the release migrating outside of
124 installation boundaries; requiring the department to
125 publish such information in a specified manner;
126 requiring the department to establish an electronic
127 mailing list; requiring the department to provide a



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128 reporting form and e-mail address for such notice;
129 specifying that providing a notice does not constitute
130 an admission of liability or harm; specifying
131 penalties for violations; requiring the department to
132 adopt rules; creating s. 403.078, F.S.; specifying
133 that the act does not alter certain emergency
134 responsibilities pursuant to ch. 252, F.S.; amending
135 s. 403.161, F.S.; specifying penalties; amending s.
136 14.2016, F.S.; creating the State Watch Office within
137 the Division of Emergency Management; specifying the
138 purpose of the office; amending s. 376.3071, F.S.;
139 providing