

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
 8 governmental entity on a website accessible to the
 9 public; requiring the department to provide a written
 10 notice to certain homeowners via the United States
 11 Postal Service; requiring the Department of Health or
 12 a local governmental entity to notify the owner or
 13 operator of an installation and the department of
 14 certain releases or discharges within a specified
 15 timeframe; providing an effective date.

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

18
 19 Section 1. Section 403.077, Florida Statutes, is amended to
 20 read:

21 403.077 Public notification of pollution.—

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

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

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

29 1. A substance from an installation to the air, land, or

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

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

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

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

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

49 (2) OWNER AND OPERATOR RESPONSIBILITIES.—

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

58 (b) If multiple parties are subject to the notification

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

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

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

78 (3) DEPARTMENT RESPONSIBILITIES.—

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

84 (b) The department shall create an electronic mailing list
85 for such notices and allow the public, including local
86 governments, health departments, news media, and other
87 interested persons, to subscribe to and receive periodic direct

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

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

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

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

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

112 (5) ~~(4)~~ ADMISSION OF LIABILITY OR HARM.—Providing notice
113 under subsection (2) does not constitute an admission of
114 liability or harm.

115 (6) ~~(5)~~ VIOLATIONS.—Failure to provide the notification
116 required by subsection (2) shall subject the owner or operator

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117 to the civil penalties specified in s. 403.121.

118 Section 2. This act shall take effect July 1, 2019.