

By the Committee on Environment and Natural Resources; and
Senator Broxson

592-03057-20

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1 A bill to be entitled
2 An act relating to brownfield site rehabilitation;
3 amending s. 376.79, F.S.; defining the term "PFAS";
4 amending s. 376.82, F.S.; providing that potential
5 brownfield sites owned by the state or a local
6 government which are impacted by PFAS are eligible to
7 participate in a brownfield site rehabilitation
8 agreement regardless of contribution; providing an
9 effective date.

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

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13 Section 1. Present subsections (17) through (21) of section
14 376.79, Florida Statutes, are redesignated as subsections (18)
15 through (22), respectively, and a new subsection (17) is added
16 to that section, to read:

17 376.79 Definitions relating to Brownfields Redevelopment
18 Act.—As used in ss. 376.77-376.85, the term:

19 (17) "PFAS" means perfluoroalkyl and polyfluoroalkyl
20 substances, including perfluorooctanoic acid and perfluorooctane
21 sulfonate, which are used in fire suppressants and firefighting
22 foams.

23 Section 2. Subsection (1) of section 376.82, Florida
24 Statutes, is amended to read:

25 376.82 Eligibility criteria and liability protection.—

26 (1) ELIGIBILITY.—Except as provided in paragraph (d), any
27 person who has not caused or contributed to the contamination of
28 a brownfield site on or after July 1, 1997, is eligible to
29 participate in the brownfield program established in ss. 376.77-

592-03057-20

20201152c1

30 376.85, subject to the following:

31 (a) Potential brownfield sites that are subject to an
32 ongoing formal judicial or administrative enforcement action or
33 corrective action pursuant to federal authority, including, but
34 not limited to, the Comprehensive Environmental Response
35 Compensation and Liability Act, 42 U.S.C. ss. 9601 et seq., as
36 amended; the Safe Drinking Water Act, 42 U.S.C. ss. 300f-300i,
37 as amended; the Clean Water Act, 33 U.S.C. ss. 1251-1387, as
38 amended; or under an order from the United States Environmental
39 Protection Agency pursuant to s. 3008(h) of the Resource
40 Conservation and Recovery Act, as amended (42 U.S.C.A. s.
41 6928(h)); or that have obtained or are required to obtain a
42 permit for the operation of a hazardous waste treatment,
43 storage, or disposal facility; a postclosure permit; or a permit
44 pursuant to the federal Hazardous and Solid Waste Amendments of
45 1984, are not eligible for participation unless specific
46 exemptions are secured by a memorandum of agreement with the
47 United States Environmental Protection Agency pursuant to
48 paragraph (2)(g). A brownfield site within an eligible
49 brownfield area that subsequently becomes subject to formal
50 judicial or administrative enforcement action or corrective
51 action under such federal authority shall have its eligibility
52 revoked unless specific exemptions are secured by a memorandum
53 of agreement with the United States Environmental Protection
54 Agency pursuant to paragraph (2)(g).

55 (b) Persons who have not caused or contributed to the
56 contamination of a brownfield site on or after July 1, 1997, and
57 who, prior to the department's approval of a brownfield site
58 rehabilitation agreement, are subject to ongoing corrective

592-03057-20

20201152c1

59 action or enforcement under state authority established in this
60 chapter or chapter 403, including those persons subject to a
61 pending consent order with the state, are eligible for
62 participation in a brownfield site rehabilitation agreement if:

63 1. The proposed brownfield site is currently idle or
64 underutilized as a result of the contamination, and
65 participation in the brownfield program will immediately, after
66 cleanup or sooner, result in increased economic productivity at
67 the site, including at a minimum the creation of 10 new
68 permanent jobs, whether full-time or part-time, which are not
69 associated with implementation of the brownfield site
70 rehabilitation agreement; and

71 2. The person is complying in good faith with the terms of
72 an existing consent order or department-approved corrective
73 action plan, or responding in good faith to an enforcement
74 action, as evidenced by a determination issued by the department
75 or an approved local pollution control program.

76 (c) Potential brownfield sites owned by the state or a
77 local government which contain contamination for which a
78 governmental entity is potentially responsible and which are
79 already designated as federal brownfield pilot projects or have
80 filed an application for designation to the United States
81 Environmental Protection Agency are eligible for participation
82 in a brownfield site rehabilitation agreement.

83 (d) Potential brownfield sites owned by the state or a
84 local government which are impacted by PFAS are eligible for
85 participation in a brownfield site rehabilitation agreement,
86 whether or not such contamination was caused or contributed to
87 by the state or local government after July 1, 1997.

592-03057-20

20201152c1

88 (e)~~(d)~~ After July 1, 1997, petroleum and drycleaning
89 contamination sites shall not receive both restoration funding
90 assistance available for the discharge under this chapter and
91 any state assistance available under s. 288.107. Nothing in this
92 act shall affect the cleanup criteria, priority ranking, and
93 other rights and obligations inherent in petroleum contamination
94 and drycleaning contamination site rehabilitation under ss.
95 376.30-376.317, or the availability of economic incentives
96 otherwise provided for by law.

97 Section 3. This act shall take effect July 1, 2020.