

By Senator Cruz

18-01687A-20

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1                   A bill to be entitled  
2       An act relating to the Florida Safe Drinking Water  
3       Act; amending s. 403.851, F.S.; revising state policy;  
4       amending s. 403.853, F.S.; requiring the Department of  
5       Environmental Protection to adopt and implement rules  
6       for statewide maximum contaminant levels for specified  
7       pollutants by a date certain; providing requirements  
8       for adopting and implementing such rules; requiring  
9       the department to annually review specified studies  
10       and laws and initiate certain rulemaking; providing an  
11       effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

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15       Section 1. Section 403.851, Florida Statutes, is amended to  
16       read:

17       403.851 Declaration of policy; intent.—It is the policy of  
18       the state that the citizens of Florida shall be protected from  
19       harmful toxins in drinking water and assured of the availability  
20       of safe drinking water. Recognizing that this policy encompasses  
21       both environmental and public health aspects, it is the intent  
22       of the Legislature to provide a water supply program operated  
23       jointly by the department, in a lead-agency role of primary  
24       responsibility for the program, and by the Department of Health  
25       and its units, including county health departments, in a  
26       supportive role with specific duties and responsibilities of its  
27       own. Without any relinquishment of Florida's sovereign powers  
28       and responsibilities to provide for the public health, public  
29       safety, and public welfare of the people of Florida, the

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30 Legislature intends:

31 (1) To give effect to Pub. L. No. 93-523 promulgated under  
32 the commerce clause of the United States Constitution, to the  
33 extent that interstate commerce is directly affected.

34 (2) To encourage cooperation between federal, state, and  
35 local agencies, not only in their enforcement role, but also in  
36 their service and assistance roles to city and county elected  
37 bodies.

38 (3) To provide for safe drinking water at all times  
39 throughout the state, with due regard for economic factors and  
40 efficiency in government.

41 Section 2. Subsection (3) of section 403.853, Florida  
42 Statutes, is amended to read:

43 403.853 Drinking water standards.—

44 (3)(a) The department shall adopt and implement adequate  
45 rules specifying procedures for the enforcement of state primary  
46 and secondary drinking water regulations, including monitoring  
47 and inspection procedures, that comply with regulations  
48 established by the administrator pursuant to the federal act.

49 (b) By January 1, 2021, the department shall adopt and  
50 implement adequate rules for statewide drinking water maximum  
51 contaminant levels for the following:

52 1. Perfluorooctanesulfonic acid.

53 2. Perfluorooctanoic acid.

54 3. Per- and Polyfluoroalkyl compounds.

55 4. Chromium-6.

56 5. 1,4-Dioxane.

57 6. Any other pollutants for which two or more states have  
58 set limits for or issued guidance on.

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59       (c) In adopting and implementing rules pursuant to this  
60 subsection, the department shall review the studies and  
61 scientific evidence reviewed by other states, including, but not  
62 limited to, information regarding the pollutants listed in the  
63 United States Environmental Protection Agency Toxic Substances  
64 and Disease Registry and the most recent peer-reviewed science  
65 and independent or government agency studies regarding  
66 pollutants.

67       (d) Any maximum contaminant level adopted by the department  
68 must protect the public health, including vulnerable  
69 subpopulations, such as pregnant and nursing women, infants,  
70 children, and residents of financially disadvantaged small  
71 communities, as defined in s. 403.1838(2), and may not exceed  
72 any maximum contaminant level or health advisory promulgated by  
73 the United States Environmental Protection Agency.

74       (e) The department shall annually review the most recent  
75 peer-reviewed science and independent or government agency  
76 studies and the laws of other states regarding pollutants and  
77 shall initiate additional rulemaking if needed to comply with  
78 this subsection.

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