



875578

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/22/2021	.	
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The Committee on Environment and Natural Resources (Broxson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 376.91, Florida Statutes, is created to
read:

376.91 Statewide cleanup of PFAS.—

(1) DEFINITIONS.—As used in this section:

(a) "Department" means the Department of Environmental
Protection.



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11 (b) "PFAS" means perfluoroalkyl and polyfluoroalkyl
12 substances, including perfluorooctanoic acid (PFOA) and
13 perfluorooctane sulfonate (PFOS).

14 (2) CLEANUP TARGET LEVELS.—

15 (a) The department shall adopt by rule statewide cleanup
16 target levels for PFAS in soils and groundwater using criteria
17 set forth in s. 376.30701, with priority given to PFOA and PFOS.
18 Cleanup target levels adopted by department rule pursuant to
19 this section may not take effect until ratified by the
20 Legislature.

21 (b) Until the department's rule for a particular PFAS
22 constituent has been ratified by the Legislature, a person may
23 not be subject to any administrative or judicial action brought
24 by or on behalf of any state or local governmental entity to
25 compel or enjoin site rehabilitation, to pay for the cost of
26 rehabilitation of environmental contamination, or to pay any
27 finest or penalties regarding rehabilitation based on the
28 presence of that particular PFAS constituent.

29 (c) Until site rehabilitation is completed or cleanup
30 target levels are ratified by the Legislature, any statute of
31 limitations that would bar a state or local governmental entity
32 from pursuing relief in accordance with its existing authority
33 is tolled from the effective date of this act.

34 (d) This section does not affect the ability or authority
35 to seek contribution from any person who may have liability with
36 respect to a contaminated site and who did not receive
37 protection under paragraph (b).

38 Section 2. (1) The Office of Program Policy Analysis and
39 Government Accountability shall conduct an analysis of programs



40 in other states for the assessment and cleanup of soil and
41 groundwater contamination, including programs for brownfields,
42 petroleum, drycleaning solvents, and other chemical
43 contamination. Based on its analysis, the office shall recommend
44 any changes to Florida's current programs that would improve the
45 state's ability to effectively address environmental
46 contamination assessment and cleanup, including the efficacy of
47 consolidating the state's programs into a single remediation
48 program. The analysis shall include, at a minimum:

- 49 (a) Funding mechanisms and sources of funding.
- 50 (b) Funding eligibility requirements.
- 51 (c) Current levels of funding.
- 52 (d) An evaluation of best practices for successful cleanup
53 programs and single remediation programs in other states and how
54 such practices and programs address the needs of investigation
55 and remediation stakeholders.
- 56 (e) A comparison of best practices for successful cleanup
57 programs and single remediation programs in other states and
58 cleanup and remediation programs in this state.

59 (2) The office shall submit a report of its findings
60 and any recommendations to the Governor, the President of the
61 Senate, and the Speaker of the House of Representatives by
62 January 1, 2022.

63 Section 3. The Division of Law Revision is directed to
64 replace the phrase "the effective date of this act" wherever it
65 occurs in this act with the date this act becomes a law.

66 Section 4. This act shall take effect upon becoming a law.

67
68 ===== T I T L E A M E N D M E N T =====



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69 And the title is amended as follows:

70 Delete everything before the enacting clause
71 and insert:

72 A bill to be entitled
73 An act relating to soil and groundwater contamination;
74 creating s. 376.91, F.S.; providing definitions;
75 requiring the Department of Environmental Protection
76 to adopt statewide rules for cleanup target levels for
77 PFAS in soils and groundwater; prohibiting such rules
78 from taking effect until ratified by the Legislature;
79 providing that certain parties may not be subjected to
80 administrative or judicial action under certain
81 circumstances; providing that certain statute of
82 limitations are tolled until a specified time;
83 providing construction; requiring the Office of
84 Program Policy Analysis and Government Accountability
85 to conduct an analysis and submit a report; providing
86 a directive to the Division of Law Revision; providing
87 an effective date.