

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

592-03168-21

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1 A bill to be entitled  
2 An act relating to soil and groundwater contamination;  
3 creating s. 376.91, F.S.; defining terms; requiring  
4 the Department of Environmental Protection to adopt  
5 statewide rules for cleanup target levels for PFAS in  
6 soils and groundwater; prohibiting such rules from  
7 taking effect until ratified by the Legislature;  
8 providing that certain parties may not be subjected to  
9 administrative or judicial action under certain  
10 circumstances; providing that certain statutes of  
11 limitations are tolled until a specified time;  
12 providing construction; requiring the Office of  
13 Program Policy Analysis and Government Accountability  
14 to conduct an analysis and submit a report to the  
15 Governor and the Legislature by a specified date;  
16 providing a directive to the Division of Law Revision;  
17 providing an effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

20  
21 Section 1. Section 376.91, Florida Statutes, is created to  
22 read:

23 376.91 Statewide cleanup of PFAS.—

24 (1) DEFINITIONS.—As used in this section, the term:

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

27 (b) "PFAS" means perfluoroalkyl and polyfluoroalkyl  
28 substances, including perfluorooctanoic acid (PFOA) and  
29 perfluorooctane sulfonate (PFOS).

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30 (2) CLEANUP TARGET LEVELS.-

31 (a) The department shall adopt by rule statewide cleanup  
32 target levels for PFAS in soils and groundwater using criteria  
33 set forth in s. 376.30701, with priority given to PFOA and PFOS.  
34 Cleanup target levels adopted by department rule pursuant to  
35 this section may not take effect until ratified by the  
36 Legislature.

37 (b) Until the department's rule for a particular PFAS  
38 constituent has been ratified by the Legislature, a person may  
39 not be subject to any administrative or judicial action brought  
40 by or on behalf of any state or local governmental entity to  
41 compel or enjoin site rehabilitation, to require payment for the  
42 cost of rehabilitation of environmental contamination, or to  
43 require payment of any fines or penalties regarding  
44 rehabilitation based on the presence of that particular PFAS  
45 constituent.

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

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

55 Section 2. (1) The Office of Program Policy Analysis and  
56 Government Accountability shall conduct an analysis of programs  
57 in other states for the assessment and cleanup of soil and  
58 groundwater contamination, including programs for brownfields,

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59 petroleum, drycleaning solvents, and other chemical  
60 contamination. Based on its analysis, the office shall recommend  
61 any changes to Florida's current programs which would improve  
62 the state's ability to effectively address environmental  
63 contamination assessment and cleanup, including the efficacy of  
64 consolidating the state's programs into a single remediation  
65 program. The analysis must include, at a minimum:

66 (a) Funding mechanisms and sources of funding.

67 (b) Funding eligibility requirements.

68 (c) Current levels of funding.

69 (d) An evaluation of best practices for successful cleanup  
70 programs and single remediation programs in other states and how  
71 such practices and programs address the needs of investigation  
72 and remediation stakeholders.

73 (e) A comparison of best practices for successful cleanup  
74 programs and single remediation programs in other states and  
75 cleanup and remediation programs in this state.

76 (2) The office shall submit a report of its findings and  
77 any recommendations to the Governor, the President of the  
78 Senate, and the Speaker of the House of Representatives by  
79 January 1, 2022.

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

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