A bill to be entitled
An act relating to soil and groundwater contamination;
creating s. 376.91, F.S.; defining terms; requiring
the Department of Environmental Protection to adopt
rules for statewide cleanup target levels for
perfluoroalkyl and polyfluoroalkyl substances in soil
and groundwater; prohibiting such rules from taking
effect until ratified by the Legislature; providing
that certain persons are not subject to administrative
or judicial action under certain circumstances;
providing that certain statutes of limitation are
tolled from a specified date; providing construction;
requiring the Office of Program Policy Analysis and
Government Accountability to conduct a specified
analysis of certain assessment and cleanup programs
and submit a report to the Governor and the
Legislature by a specified date; providing a directive
to the Division of Law Revision; providing an
effective date.

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

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

376.91 Statewide cleanup of perfluoroalkyl and
polyfluoroalkyl substances.—

(1) DEFINITIONS.—As used in this section, the term:
(a) “Department” means the Department of Environmental
Protection.
26-01563-22

(b) “PFAS” means perfluoroalkyl and polyfluoroalkyl substances, including perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS).

(2) STATEWIDE CLEANUP TARGET LEVELS.—

(a) The department shall adopt by rule statewide cleanup target levels for PFAS in soils and groundwater using criteria set forth in s. 376.30701, with priority given to PFOA and PFOS. The rules for statewide cleanup target levels may not take effect until ratified by the Legislature.

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

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

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

Section 2. (1) The Office of Program Policy Analysis and
Government Accountability shall conduct an analysis of programs in other states for the assessment and cleanup of soil and groundwater contamination, including programs for brownfields, petroleum, drycleaning solvents, and other chemical contamination. Based on its analysis, the office shall recommend any changes to Florida’s current programs that would improve the state’s ability to effectively address environmental contamination assessment and cleanup, including the efficacy of consolidating the state’s programs into a single remediation program. The analysis must include, at a minimum:

(a) Funding mechanisms and sources of funding.

(b) Funding eligibility requirements.

(c) Current levels of funding.

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

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

(2) The office shall submit a report of its findings and any recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2023.

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

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