

By Senator Albritton

26-01563-22

20221418\_\_

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           rules for statewide cleanup target levels for  
6           perfluoroalkyl and polyfluoroalkyl substances in soil  
7           and groundwater; prohibiting such rules from taking  
8           effect until ratified by the Legislature; providing  
9           that certain persons are not subject to administrative  
10          or judicial action under certain circumstances;  
11          providing that certain statutes of limitation are  
12          tolled from a specified date; providing construction;  
13          requiring the Office of Program Policy Analysis and  
14          Government Accountability to conduct a specified  
15          analysis of certain assessment and cleanup programs  
16          and submit a report to the Governor and the  
17          Legislature by a specified date; providing a directive  
18          to the Division of Law Revision; providing an  
19          effective date.

20  
21 Be It Enacted by the Legislature of the State of Florida:

22  
23           Section 1. Section 376.91, Florida Statutes, is created to  
24           read:

25           376.91 Statewide cleanup of perfluoroalkyl and  
26           polyfluoroalkyl substances.-

27           (1) DEFINITIONS.-As used in this section, the term:

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

26-01563-22

20221418\_\_

30 (b) "PFAS" means perfluoroalkyl and polyfluoroalkyl  
31 substances, including perfluorooctanoic acid (PFOA) and  
32 perfluorooctane sulfonate (PFOS).

33 (2) STATEWIDE CLEANUP TARGET LEVELS.-

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

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

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

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

58 Section 2. (1) The Office of Program Policy Analysis and

26-01563-22

20221418\_\_

59 Government Accountability shall conduct an analysis of programs  
60 in other states for the assessment and cleanup of soil and  
61 groundwater contamination, including programs for brownfields,  
62 petroleum, drycleaning solvents, and other chemical  
63 contamination. Based on its analysis, the office shall recommend  
64 any changes to Florida's current programs that would improve the  
65 state's ability to effectively address environmental  
66 contamination assessment and cleanup, including the efficacy of  
67 consolidating the state's programs into a single remediation  
68 program. The analysis must include, at a minimum:

69 (a) Funding mechanisms and sources of funding.

70 (b) Funding eligibility requirements.

71 (c) Current levels of funding.

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

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

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

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

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