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LEGISLATIVE ACTION

Senate	.	House
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Senator Justice moved the following:

Senate Amendment (with title amendment)

Between lines 767 and 768
insert:

Section 11. Section 376.30702, Florida Statutes, is amended
to read:

376.30702 Contamination notification.—

(1) FINDINGS; INTENT; APPLICABILITY.—The Legislature finds
and declares that when contamination is discovered by any person
as a result of site rehabilitation activities conducted pursuant
to the risk-based corrective action provisions found in s.
376.3071(5), s. 376.3078(4), s. 376.81, or s. 376.30701, or
pursuant to an administrative or court order, it is in the



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14 public's best interest that potentially affected persons be
15 notified of the existence of such contamination. Therefore,
16 persons discovering such contamination shall notify the
17 department and those identified under this section of the ~~such~~
18 discovery in accordance with the requirements of this section,
19 ~~and the department shall be responsible for notifying the~~
20 ~~affected public.~~ The Legislature intends for the provisions of
21 this section to govern the notice requirements for early
22 notification of the discovery of contamination. The notification
23 requirements in this section do not apply to de minimis
24 discharges as defined in departmental rules.

25 (2) (a) INITIAL NOTICE OF CONTAMINATION ~~BEYOND PROPERTY~~
26 ~~BOUNDARIES.~~—If at any time during site rehabilitation conducted
27 pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81, ~~or~~ s.
28 376.30701, or an administrative or court order the person
29 responsible for site rehabilitation, the person's authorized
30 agent, or another representative of the person discovers from
31 laboratory analytical results that comply with appropriate
32 quality assurance protocols specified in department rules that
33 contamination as defined in applicable department rules exists
34 in any groundwater, surface water, or soil medium beyond the
35 boundaries of the property at which site rehabilitation was
36 initiated pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81,
37 ~~or~~ s. 376.30701, or an administrative or court order the person
38 responsible for site rehabilitation shall give actual notice as
39 soon as possible, but no later than 10 days from such discovery,
40 to the Division of Waste Management at the department's
41 Tallahassee office. The actual notice shall be provided on a
42 form adopted by department rule and mailed by certified mail,



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43 return receipt requested. The person responsible for site
44 rehabilitation shall simultaneously provide ~~mail~~ a copy of the
45 ~~such~~ notice to the appropriate department district office, and
46 the appropriate county health department, ~~and all known lessees~~
47 ~~and tenants of the source property.~~

48 (b) The notice shall include the following information:

49 1. ~~(a)~~ The location of the property at which site
50 rehabilitation was initiated pursuant to s. 376.3071(5), s.
51 376.3078(4), s. 376.81, ~~or~~ s. 376.30701, or an administrative or
52 court order and contact information for the person responsible
53 for site rehabilitation, the person's authorized agent, or
54 another representative of the person.

55 2. ~~(b)~~ A listing of all record owners of any real property,
56 ~~other than the property at which site rehabilitation was~~
57 ~~initiated pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81,~~
58 ~~or s. 376.30701~~, at which contamination has been discovered; the
59 parcel identification number for any such real property; the
60 owner's address listed in the current county property tax office
61 records; and the owner's telephone number. ~~The requirements of~~
62 ~~this paragraph do not apply to the notice to known tenants and~~
63 ~~lessees of the source property.~~

64 3. ~~(c)~~ Separate tables for ~~by~~ ~~medium~~, such as groundwater,
65 soil, and surface water which, ~~or sediment~~, that list sampling
66 locations identified on the vicinity map as provided in
67 subparagraph 4.; sampling dates; names of contaminants detected
68 above cleanup target levels; their corresponding cleanup target
69 levels; the contaminant concentrations; and whether the cleanup
70 target level is based on health, nuisance, organoleptic, or
71 aesthetic concerns.



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72 4.~~(d)~~ A vicinity map that shows each sampling location with
73 corresponding laboratory analytical results pursuant to
74 subparagraph 3. and the date on which the sample was collected
75 and that identifies the property boundaries of the property at
76 which site rehabilitation was initiated pursuant to s.
77 376.3071(5), s. 376.3078(4), s. 376.81, ~~or~~ s. 376.30701, or an
78 administrative or court order and any ~~the~~ other properties at
79 which contamination has been discovered during such site
80 rehabilitation. If available, a contaminant plume map signed and
81 sealed by a Florida-licensed professional engineer or geologist
82 may be included with the vicinity map.

83 (3) DEPARTMENT'S NOTICE RESPONSIBILITIES.-

84 (a) After receiving the actual notice required under
85 subsection (2), the department shall notify the following
86 persons of such contamination:

87 1. The mayor, the chair of the county commission, or the
88 comparable senior elected official representing the affected
89 area.

90 2. The city manager, the county administrator, or the
91 comparable senior administrative official representing the
92 affected area.

93 3. The school district superintendent representing the
94 affected area.

95 4. The state senator, state representative, and United
96 States Representative representing the affected area and both
97 United States Senators.

98 5.a. All real property owners, presidents of any
99 condominium associations or sole owners of condominiums,
100 lessees, and tenants of record of the property at which site



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101 rehabilitation is being conducted, if different from the person
102 responsible for site rehabilitation;

103 b. All real property owners, presidents of any condominium
104 associations or sole owners of condominiums, lessees, and
105 tenants of record of any properties within a 500-foot radius of
106 each sampling point at which contamination is discovered, if
107 site rehabilitation was initiated pursuant to s. 376.30701 or an
108 administrative or court order; and

109 c. All real property owners, presidents of any condominium
110 associations or sole owners of condominiums, lessees, and
111 tenants of record of any properties within a 250-foot radius of
112 each sampling point at which contamination is discovered or any
113 properties identified on a contaminant plume map provided
114 pursuant to subparagraph (2)(b)4., if site rehabilitation was
115 initiated pursuant to s. 376.3071(5), s. 376.3078(4), or s.
116 376.81 or at or in connection with a permitted solid waste
117 management facility subject to a ground water monitoring plan.

118 (b)1. The notice provided to local government officials
119 shall be mailed by certified mail, return receipt requested, and
120 shall advise the local government of its responsibilities under
121 subsection (4).

122 2. The notice provided to real property owners, presidents
123 of any condominium associations or sole owners of condominiums,
124 lessees, and tenants of record may be delivered by certified
125 mail, return receipt requested, first-class mail, hand delivery,
126 or door-hanger.

127 (c) Within 30 days after receiving the actual notice
128 required ~~under~~ pursuant to subsection (2), ~~or within 30 days of~~
129 ~~the effective date of this act if the department already~~



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130 ~~possesses information equivalent to that required by the notice,~~
131 the department shall verify that the person responsible for site
132 rehabilitation has complied with the notice requirements of this
133 section ~~send a copy of such notice, or an equivalent~~
134 ~~notification, to all record owners of any real property, other~~
135 ~~than the property at which site rehabilitation was initiated~~
136 ~~pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81, or s.~~
137 ~~376.30701, at which contamination has been discovered. If the~~
138 person responsible for site rehabilitation has not complied with
139 the notice requirements of this section, the department may
140 pursue enforcement as provided under this chapter and chapter
141 403.

142 (d)1. If the property at which contamination has been
143 discovered is the site of a school as defined in s. 1003.01, the
144 department shall mail ~~also send~~ a copy of the notice to the
145 superintendent ~~chair of the school board~~ of the school district
146 in which the property is located and direct the superintendent
147 ~~said school board~~ to provide actual notice annually to teachers
148 and parents or guardians of students attending the school during
149 the period of site rehabilitation.

150 2. If the property at which contamination has been
151 discovered is the site of a private K-12 school or a child care
152 facility as defined in s. 402.302, the department shall mail a
153 copy of the notice to the governing board, principal, or owner
154 of the school or child care facility and direct the governing
155 board, principal, or owner to provide actual notice annually to
156 teachers and parents or guardians of students or children
157 attending the school or child care facility during the period of
158 site rehabilitation.



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159 3. After receiving the notice required under subsection
160 (2), if any property within a 500-foot radius of the property at
161 which contamination has been discovered during site
162 rehabilitation pursuant to s. 376.30701 or an administrative or
163 court order is the site of a school as defined in s. 1003.01,
164 the department shall mail a copy of the notice to the
165 superintendent of the school district in which the property is
166 located and direct the superintendent to provide actual notice
167 annually to the principal of the school.

168 4. After receiving the notice required under subsection
169 (2), if any property within a 250-foot radius of the property at
170 which contamination has been discovered during site
171 rehabilitation pursuant to s. 376.3071(5), s. 376.3078(4), or s.
172 376.81 or at or in connection with a permitted solid waste
173 management facility subject to a ground water monitoring plan is
174 the site of a school as defined in s. 1003.01, the department
175 shall mail a copy of the notice to the superintendent of the
176 school district in which the property is located and direct the
177 superintendent to provide actual notice annually to the
178 principal of the school.

179 (e) Along with the copy of the notice ~~or its equivalent,~~
180 the department shall include a letter identifying sources of
181 additional information about the contamination and a telephone
182 number to which further inquiries should be directed. The
183 department may collaborate with the Department of Health to
184 develop such sources of information and to establish procedures
185 for responding to public inquiries about health risks associated
186 with contaminated sites.

187 (4) LOCAL GOVERNMENT'S NOTICE RESPONSIBILITIES.-Within 30



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188 days after receiving the actual notice required under subsection
189 (2), the local government shall mail a copy of the notice to the
190 president or comparable executive officer of each homeowners'
191 association or neighborhood association within the potentially
192 affected area as described in subsection (2).

193 (5) ~~(4)~~ RULEMAKING AUTHORITY; RECOVERY OF COSTS OF
194 NOTIFICATION.—The department shall adopt rules and forms
195 pursuant to ss. 120.536(1) and 120.54 to implement the
196 requirements of this section and shall recover the costs of
197 postage, materials, and labor associated with notification from
198 the responsible party, except when site rehabilitation is
199 eligible for state-funded cleanup pursuant to the risk-based
200 corrective action provisions found in s. 376.3071(5) or s.
201 376.3078(4).

202
203 ===== T I T L E A M E N D M E N T =====

204 And the title is amended as follows:
205 Delete line 61
206 and insert:
207 Legislature by a specified date; amending s.
208 376.30702, F.S.; revising contamination notification
209 provisions; requiring individuals responsible for site
210 rehabilitation to provide notice of site
211 rehabilitation to specified entities; revising
212 provisions relating to the content of such notice;
213 requiring the Department of Environmental Protection
214 to provide notice of site rehabilitation to specified
215 entities and certain property owners; providing an
216 exemption; requiring the department to verify



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217 compliance with notice requirements; authorizing the
218 department to pursue enforcement measures for
219 noncompliance with notice requirements; revising the
220 department's contamination notification requirements
221 for certain public schools; requiring the department
222 to provide specified notice to private K-12 schools
223 and child care facilities; requiring the department to
224 provide specified notice to public schools within a
225 specified area; providing notice requirements,
226 including directives to extend such notice to certain
227 other persons; requiring local governments to provide
228 specified notice of site rehabilitation; requiring the
229 department to recover notification costs from
230 responsible parties; providing an exception; providing
231 effective