A bill to be entitled
An act relating to public notification of pollution;
amending s. 403.077, F.S.; defining the term “local
governmental entity”; redefining the term “reportable
pollution release”; requiring the Department of
Environmental Protection to publish certain notices
received from the Department of Health or a local
governmental entity on a website accessible to the
public; requiring the Department of Environmental
Protection to provide a written notice to certain
homeowners via the United States Postal Service;
requiring the Department of Health and a local
governmental entity to notify the owner or operator of
an installation and the Department of Environmental
Protection of certain releases or discharges within a
specified timeframe; providing an effective date.

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

Section 1. Section 403.077, Florida Statutes, is amended to
read:

403.077 Public notification of pollution.—
(1) DEFINITIONS DEFINITION.—As used in this section, the
term:
   (a) “Local governmental entity” means a county, a
   municipality, or any other entity that independently exercises
governmental authority.
   (b) “Reportable pollution release” means the release or
discharge of: 
1. A substance from an installation to the air, land, or waters of the state which is discovered by the owner or operator of the installation, which is not authorized by law, and which is reportable to the State Watch Office within the Division of Emergency Management pursuant to any department rule, permit, order, or variance;

2. A measurable level of perfluorooctanoic acid or perfluorooctanesulfonic acid from an installation to the land or waters of the state which is discovered by the installation owner or operator, the department, or a local governmental entity; or

3. Any other physical, biological, chemical, or radiological substance or matter in the air, land, or waters of the state which:
   a. Is discovered by the installation owner or operator, the department, the Department of Health, or a local governmental entity; and
   b. If it impacted a water system, would result in a violation of water quality standards adopted by the department or the Department of Health.

(2) OWNER AND OPERATOR RESPONSIBILITIES.—
(a) In the event of a reportable pollution release, an owner or operator of the installation at which the reportable pollution release occurs must provide to the department information reported to the State Watch Office within the Division of Emergency Management pursuant to any department rule, permit, order, or variance, within 24 hours after the owner’s or operator’s discovery of such reportable pollution release.
(b) If multiple parties are subject to the notification requirements based on a single reportable pollution release, a single notification made by one party in accordance with this section constitutes compliance on behalf of all parties subject to the requirement. However, if the notification is not made in accordance with this section, the department may pursue enforcement against all parties subject to the requirement.

(c) If, after providing notice pursuant to paragraph (a), the owner or operator of the installation determines that a reportable pollution release did not occur or that an amendment to the notice is warranted, the owner or operator may submit a letter to the department documenting such determination.

(d) If, after providing notice pursuant to paragraph (a), the installation owner or operator discovers that a reportable pollution release has migrated outside the property boundaries of the installation, the owner or operator must provide an additional notice to the department that the release has migrated outside the property boundaries within 24 hours after its discovery of the migration outside of the property boundaries.

(3) DEPARTMENT RESPONSIBILITIES.—

(a) The department shall publish on a website accessible to the public all notices submitted by an owner or operator pursuant to subsection (2) or by the Department of Health or a local governmental entity pursuant to subsection (4) within 24 hours after receipt.

(b) The department shall create an electronic mailing list for such notices and allow the public, including local governments, health departments, news media, and other...
interested persons, to subscribe to and receive periodic direct
announcement of any notices submitted pursuant to subsection
(2). The department shall establish regional electronic mailing
lists, such as by county or district boundaries, to allow
subscribers to determine the notices they wish to receive by
geographic area.

(c) The department shall establish an e-mail address and an
online form as options for owners and operators to provide the
notice specified in subsection (2). The online form may not
require the submission of information in addition to what is
required for submission pursuant to paragraph (2)(a).

(d) In addition to the electronic mailing list required
under paragraph (b), the department shall provide direct notice
of the information received under paragraph (a) to homeowners
who have private wells within a 1-mile radius of a reported
release or discharge. Such notice must be in writing and
delivered via the United States Postal Service.

(e)(d) The department shall adopt rules necessary to
implement the requirements of this subsection.

(4) DEPARTMENT OF HEALTH AND LOCAL GOVERNMENTAL ENTITY
OBLIGATIONS.—If the Department of Health or a local governmental
entity discovers a reportable pollution release, the Department
of Health or the local governmental entity shall notify the
installation owner or operator and the department within 24
hours after such discovery.

(5)(4) ADMISSION OF LIABILITY OR HARM.—Providing notice
under subsection (2) does not constitute an admission of
liability or harm.

(6)(5) VIOLATIONS.—Failure to provide the notification
required by subsection (2) shall subject the owner or operator
to the civil penalties specified in s. 403.121.

Section 2. This act shall take effect July 1, 2020.