

GRAYROBINSON

FLORIDA BROWNFIELDS ASSOCIATION
2023 Legislative Report

Committee Week 2
January 2 – January 6, 2023

PREPARED BY

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INAUGURATION

On January 2, 2023, Governor Ron DeSantis was officially sworn in for his second term in office. He gave his inaugural address to thousands of people who crowded into the standing-room-only space in front of the Florida historic Capitol building. DeSantis focused most of his attention on national issues rather than issues specific to Florida, comparing Florida to other states and the federal government, criticizing their policies on topics such as immigration, inflation, and “wokeness.”

Gov. DeSantis did not provide details on his top priorities for his second term but did touch on tax relief for Florida families and expanding parental rights. He has previously mentioned pushing legislation addressing gun rights and increased abortion restrictions but did not mention those during his brief inauguration speech. His remarks offered little doubt that his second term will be defined by a continued focus on culture war battles as he builds his national resume ahead of announcing a likely presidential bid.

In addition to the Governor and Lieutenant Governor, Attorney General Ashley Moody and Chief Financial Officer Jimmy Patronis kicked off their second terms, while Commissioner of Agriculture Wilton Simpson was sworn in for his first term in that office.

Not all inaugural events went off without a hitch, however. While the pre-inauguration dinner was touted as “the most requested ticket” of any inauguration in Florida’s history (and came with a hefty price tag), the organizers of the swearing-in ceremony oversold seats for the event, and many high-profile attendees (including the speaker-designate and the CEO of Publix) were left without a place to sit. Later in the evening, at the inaugural ball, ticket holders waited in long lines to enter the facility. Individuals in the VIP section were crammed in elbow-to-elbow with one another, waiting to get a photo with the Governor and First Lady. Unfortunately, even that opportunity was cut short before everyone could have a picture taken.

LEGISLATIVE COMMITTEES

Although the House and Senate both scheduled a full slate of committee meetings for Wednesday and Thursday, no substantive legislation was on any of the agendas. Instead, they used the time to review the purview of each committee and allow the members time to introduce themselves and discuss what they hoped their committee would accomplish this session. While both chambers will take this week off, the weekly schedule of meeting time allocations for the third committee week (January 16 – 20th) are found on the following pages.

UPCOMING EVENTS

- On Thursday, January 12, the GrayRobinson team and members of the FBA will be meeting with representatives from the Florida Department of Environmental Protection to discuss the Association’s legislative agenda for 2023 regarding the Voluntary Cleanup Tax Credit Program. Draft language for consideration, including a history of VCTC funding, is included for review.
- Additionally, an internal call to discuss FBA’s opinion and potential support of pending PFAS legislation will be conducted on Wednesday, January 11. A copy of the draft legislation is included for reference.
- The Florida Brownfields Association Strategic Planning Meeting and Legislative Event has been scheduled for February 6-7, 2023. We look forward to seeing everyone there!
- If you have any questions or need any additional information, please don’t hesitate to reach out to our office.

Calendar – Florida House of Representatives

AUTHORIZED MEETING SCHEDULE JANUARY 16, 2023-JANUARY 20, 2023 INTERIM WEEK 2

Committees and Subcommittees shall meet only within the dates, times, and location authorized by the Speaker – Rule 7.8

<p>MONDAY, JANUARY 16, 2023</p>	
<p>TUESDAY, JANUARY 17, 2023</p> <p><i>Notice deadline, 4:30 pm January 10, 2023</i></p>	<p>9:00 am - 11:00 am</p> <p>Agriculture & Natural Resources Appropriations Subcommittee <i>Webster Hall (212 Knott)</i></p> <p>Education Quality Subcommittee <i>Reed Hall (102 HOB)</i></p> <p>Local Administration, Federal Affairs & Special Districts Subcommittee <i>Morris Hall (17 HOB)</i></p> <p>Transportation & Modals Subcommittee <i>Sumner Hall (404 HOB)</i></p>
	<p>11:30 am - 1:30 pm</p> <p>Agriculture, Conservation & Resiliency Subcommittee <i>Sumner Hall (404 HOB)</i></p> <p>Children, Families & Seniors Subcommittee <i>Reed Hall (102 HOB)</i></p> <p>Higher Education Appropriations Subcommittee <i>Mashburn Hall (314 HOB)</i></p> <p>Justice Appropriations Subcommittee <i>Morris Hall (17 HOB)</i></p>
	<p>2:00 pm - 4:00 pm</p> <p>Criminal Justice Subcommittee <i>Sumner Hall (404 HOB)</i></p> <p>Energy, Communications & Cybersecurity Subcommittee <i>Reed Hall (102 HOB)</i></p> <p>Postsecondary Education & Workforce Subcommittee <i>Morris Hall (17 HOB)</i></p> <p>State Administration & Technology Appropriations Subcommittee <i>Webster Hall (212 Knott)</i></p>
	<p>4:30 pm - 6:00 pm</p> <p>Education & Employment Committee <i>Morris Hall (17 HOB)</i></p> <p>Judiciary Committee <i>Sumner Hall (404 HOB)</i></p> <p>State Affairs Committee <i>Webster Hall (212 Knott)</i></p>
<p>WEDNESDAY, JANUARY 18, 2023</p> <p><i>Notice deadline, 4:30 pm January 11, 2023</i></p>	<p>9:00 am - 11:00 am</p> <p>Constitutional Rights, Rule of Law & Government Operations Subcommittee <i>Sumner Hall (404 HOB)</i></p> <p>Healthcare Regulation Subcommittee <i>Reed Hall (102 HOB)</i></p> <p>PreK-12 Appropriations Subcommittee <i>Morris Hall (17 HOB)</i></p> <p>Regulatory Reform & Economic Development Subcommittee <i>Webster Hall (212 Knott)</i></p>
	<p>1:00 pm - 3:00 pm</p> <p>Ethics, Elections & Open Government Subcommittee <i>Reed Hall (102 HOB)</i></p> <p>Health Care Appropriations Subcommittee <i>Morris Hall (17 HOB)</i></p>

	Water Quality, Supply & Treatment Subcommittee	<i>Sumner Hall (404 HOB)</i>
	3:30 pm - 5:00 pm	
	Commerce Committee	<i>Webster Hall (212 Knott)</i>
	Health & Human Services Committee	<i>Morris Hall (17 HOB)</i>
	Infrastructure Strategies Committee	<i>Sumner Hall (404 HOB)</i>
THURSDAY, JANUARY 19, 2023 <i>Notice deadline, 4:30 pm January 12, 2023</i>	9:00 am - 11:00 am	
	Choice & Innovation Subcommittee	<i>Reed Hall (102 HOB)</i>
	Civil Justice Subcommittee	<i>Sumner Hall (404 HOB)</i>
	Infrastructure & Tourism Appropriations Subcommittee	<i>Mashburn Hall (314 HOB)</i>
	Insurance & Banking Subcommittee	<i>Morris Hall (17 HOB)</i>
	11:15 am - 12:45 pm	
	Appropriations Committee	<i>Webster Hall (212 Knott)</i>
	Ways & Means Committee	<i>Sumner Hall (404 HOB)</i>
	1:00 pm - 3:00 pm	
	Joint Administrative Procedures Committee	<i>Reed Hall (102 HOB)</i>
Joint Committee on Public Counsel Oversight	<i>110 SOB</i>	
Joint Legislative Auditing Committee	<i>412 Knott Building</i>	
1:00 pm - 4:00 pm		
Select Committee on Hurricane Resiliency & Recovery	<i>Sumner Hall (404 HOB)</i>	
FRIDAY, JANUARY 20, 2023		

Tentative calendar subject to change. Check meeting notices for accurate meeting time. Up to the minute information may be found at <https://www.myfloridahouse.gov/Sections/HouseSchedule/houseschedule.aspx>.

When using the web page, select the appropriate date to view meeting schedules. Meetings must be scheduled by notice deadlines above but may be subject to change.

Calendar – Florida Senate

WEEKLY SCHEDULE OF SENATE MEETING TIME ALLOCATIONS JANUARY 16-20, 2023

Monday, January 16, 2023 – State Holiday

Tuesday, January 17, 2023

11:00 am – 12:30 pm – GROUP I

Agriculture.....	301S
Commerce & Tourism.....	110S
Criminal Justice.....	37S
Health Policy.....	412K

1:30 – 3:00 pm - GROUP II

Children, Families, & Elder Affairs.....	37S
Education PreK-12.....	412K
Environment & Natural Resources.....	301S
Transportation.....	110S

3:30 – 5:00 pm – GROUP III

Ethics & Elections.....	110S
Judiciary.....	412K
Military & Veterans’ Affairs, Space, & Domestic Security.....	301S
Regulated Industries.....	401S

Wednesday, January 18, 2023

10:30 - 11:30 am – GROUP IV

Banking & Insurance.....	412K
Community Affairs.....	401S
Education Postsecondary.....	110S
Governmental Oversight & Accountability.....	37S

12:30 - 1:30 pm – GROUP V

App./Health & Human Services.....	412K
App./Transportation, Tourism, & Economic Development.....	110S
Finance & Tax.....	37S

2:00 – 3:00 pm – GROUP VI

App./Agriculture, Environment & General Government.....	110S
App./Criminal & Civil Justice.....	37S
App./Education.....	412K

3:30 – 5:00 pm – GROUP VII

Select Committee on Resiliency.....	412K
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Thursday, January 19, 2023

1:00 – 3:00 pm – GROUP IX

Joint Administrative Procedures.....	Reed Hall
Joint Public Counsel Oversight.....	110S
Joint Legislative Auditing.....	412K

Friday, January 20, 2023

This tentative schedule is subject to change.

VOLUNTARY CLEANUP TAX CREDIT (VCTC) FUNDING HISTORY

1998 – The program was established with \$2 million in tax credits available annually (Ch. 98-189, Laws of Florida).

2011 – The available funding for VCTC was increased from \$2 million to \$5 million annually (Ch. 11-076, Laws of Florida).

2015 – A one-time allocation of \$21.6 million was authorized for the 2015-2016 fiscal year to clear out the backlog (Ch. 15-221, Laws of Florida).

2017 - The available funding for VCTC was increased from \$5 million to \$10 million annually (Ch. 17-036, Laws of Florida)

2018 - A one-time allocation of \$18.5 million was authorized for the 2018-2019 fiscal year to clear out the backlog (Ch. 18-118, Laws of Florida).

2021 - A one-time allocation of \$27.5 million was authorized for the 2021-2022 fiscal year to clear out the backlog (Ch. 21-31, Laws of Florida).

2023 Request – Provide a non-recurring, one time allocation of \$27.5 million for the 2023-2024 fiscal year, and increase the annual recurring allocation from \$10 million to \$15 million every year thereafter.

This non-recurring allocation would clear out the current backlog, and the recurring funding would more accurately reflect the average amount of applications received annually by DEP and help prevent future backlogs.

VOLUNTARY CLEANUP TAX CREDIT (VCTC) PROGRAM

Recommended Language

Section XX. Paragraph (f) of subsection (2) of section 220.1845, Florida Statutes, is amended to read:

220.1845 Contaminated site rehabilitation tax credit.-

(2) AUTHORIZATION FOR TAX CREDIT; LIMITATIONS.-

(f) The total amount of the tax credits which may be granted under this section is \$27.5 million in the 2023-2024 ~~2021-2022~~ fiscal year and **\$15** ~~\$10~~ million—each fiscal year thereafter.

Section XX. Subsection (4) of section 376.30781, Florida Statutes, is amended to read:

376.30781 Tax credits for rehabilitation of drycleaning solvent-contaminated sites and brownfield sites in designated brownfield areas; application process; rulemaking authority; revocation authority.—

(4) The Department of Environmental Protection is responsible for allocating the tax credits provided for in s. 220.1845, which may not exceed a total of \$27.5 million in tax credits in fiscal year 2023-2024 ~~2021-2022~~ and **\$15** ~~\$10~~ million in tax credits each fiscal year thereafter.

Rationale

"DEP received 167 VCTC applications for 2021 calendar year expenses, and the approved tax credits totaled \$18.8 million. Of this total, \$18.6 million—approximately 99 percent—was allocated for tax credits for 156 brownfield sites."

"As of September 10, 2020, DEP had a backlog of \$10.8 million in approved tax credits that have not been funded. For the most recent year, \$17.6 million was requested, of which \$16.7 million is expected to be approved based on the average approval rate... This will result in an estimated backlog of \$17.5 million for FY 2021-2022."

INCREASING THE RECURRING FUNDING TO \$15 MILLION WILL PREVENT AN IMMEDIATE BACKLOG AND WILL MORE CLOSELY ALIGN THE STATUTE WITH THE AVERAGE TAX CREDITS APPROVED BY DEP EACH YEAR.

¹ DEP Brownfields Redevelopment Program 2018-2019 Annual Report - <https://floridadep.gov/sites/default/files/Florida%20Brownfields%20Annual%20Report%20August%201%2C%202019.pdf>

² House Final Bill Analysis of HB 7061– Taxation – <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=h7061z1.WMC.DOCX&DocumentType=Analysis&BillNumber=7061&Session=2021>

PFAS REVISIONS

Florida - 2023

A bill to be entitled

An act relating to statewide cleanup provisions amending s. 376.01 and the discharge and use of firefighting foam; creating s. 633.3041, F.S.; providing definitions; prohibiting fire service providers from discharging or using Class B firefighting foam that contains intentionally added PFAS chemicals, beginning on a specified date; providing an exception; providing construction; providing an effective date.

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

Section 1. Section 376.91, Florida Statutes, is amended 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.
- (b) "PFAS" means the general body of perfluoroalkyl and polyfluoroalkyl substances, including perfluorooctanoic acid(PFOA) and perfluorooctane sulfonate (PFOS).
- (c) "PFOA" means perfluorooctanoic acid (Chemical Abstracts Service Number 335-67-1) and associated salts.**
- (d) "PFOS" means perfluorooctane sulfonate (Chemical Abstracts Service Number 1763-23-1) and its associated salts.**

(2) STATEWIDE CLEANUP TARGET LEVELS.—

- (a) If the United States Environmental Protection Agency has not finalized its standards for ~~PFAS~~ **PFOA and PFOS** in drinking water, groundwater, and soil by January 1 2025, the department shall adopt by rule statewide cleanup target levels for ~~PFAS~~ **PFOA and PFOS** in

drinking water, groundwater, soil and soil surface water 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~~ promulgated under paragraph (a) has been ratified by the Legislature, a governmental entity or private water supplier may not be subject to any administrative or judicial action under this chapter brought by any state or local government entity to compel or enjoin site rehabilitation, to require payment for the cost of rehabilitation, or to require payment of any fines or penalties regarding rehabilitation based on the presence of ~~that particular PFAS constituent~~ PFOA and PFOS.

(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 any recourse or relief from any person who may have liability with respect to a contaminated site and who did not receive protection under paragraph (b).

Section 2. Section 633.3041, Florida Statutes, is created to read:

633.3041 Firefighting foam.—

(1) As used in this section, the term:

(a) "Class B firefighting foam" means any foam designed to extinguish flammable liquid fires.

(b) "PFAS chemicals" means perfluoroalkyl and polyfluoroalkyl substances that are a group of man-made chemicals containing at least two fully fluorinated carbon atoms, excluding polymers, gases, and volatile liquids, and designed to be fully functional in Class B firefighting foam formulations.

(c) "Testing" means calibration, conformance, or fixed system testing.

(2) Beginning January 1, 2024, a fire service provider^[A1],^[A2] as defined in s. 633.102(13), may not discharge or otherwise use Class B firefighting foam for testing purposes that contains intentionally added PFAS chemicals unless there is not a federally approved PFAS-free alternative^[A3] and such discharge or use occurs in fire prevention, testing, training, and certification, or in response to an emergency firefighting operation^[A4].

(3) Unless there is not a federally approved PFAS-free alternative, this section does not:

(a) Restrict the manufacturing, sale, or distribution of Class B firefighting foam that contains intentionally added PFAS chemicals or restrict the discharge or use of Class B firefighting foam in response to fire prevention or an emergency firefighting operation^[A5].

(b) Prevent the use of nonfluorinated foams, including other Class B firefighting foams, for purposes of firefighter training or testing.

Section 3. Section 373.309, Florida Statutes, is amended to read:

373.309 Authority to adopt rules and procedures.—

(1) The department shall adopt, and may from time to time amend, rules governing the location, construction, repair, and abandonment of water wells and shall be responsible for the administration of this part. With respect thereto, the department shall:

(e) Encourage prevention of potable water well contamination and promote cost-effective remediation of contaminated potable water supplies by use of the Water Quality Assurance Trust Fund as provided in s. 376.307(1) (e):

1. Delineation of areas of groundwater contamination for implementation of well location and construction, testing, permitting, and clearance requirements as set forth in subparagraphs 2., 3., 4., 5., and 6. The department shall make available to water management districts, regional planning councils, the Department of Health, and county building and zoning departments; maps or other information on areas of contamination, including areas of ethylene dibromide or PFAS. Such maps or other information shall be made available to property owners, realtors, meal estate associations, property appraisers, and other interested persons upon request and upon payment of appropriate costs.

2. Requirements for testing for suspected contamination in areas of known contamination, as a prerequisite for clearance of a water well for drinking purposes. The department is authorized to establish criteria for acceptance of water quality testing results from the Department of Health and laboratories certified by the Department of Health, and is authorized to establish requirements for sample collection quality assurance.

3. Requirements for mandatory connection to available potable water systems in areas of known contamination, wherein the department may prohibit the permitting and construction of new potable water wells.

4. Location and construction standards for public and all other potable water wells permitted in areas of contamination. Such standards shall be designed to minimize the effects of such contamination.

5. A procedure for permitting all potable water wells in areas of known contamination. Any new water well that is to be used for drinking water purposes and that does not meet construction standards pursuant to subparagraph 4. must be abandoned and plugged by the owner. Water management districts shall implement, through delegation from the department, the permitting and enforcement responsibilities of this subparagraph.

6. A procedure for clearing for use all potable water wells, except wells that serve a public water supply system, in areas of known contamination. If contaminants are found upon testing pursuant to subparagraph 2., a well may not be cleared for use without a filter or other means of preventing the users

of the well from being exposed to deleterious amounts of contaminants. The Department of Health shall implement the responsibilities of this subparagraph.

7. Fees to be paid for well construction permits and clearance for use. The fees shall be based on the actual costs incurred by the water management districts, the Department of Health, or other political subdivisions in carrying out the responsibilities related to potable water well permitting and clearance for use. The fees shall provide revenue to cover all such costs and shall be set according to the following schedule:

- a. The well construction permit fee may not exceed \$500.
- b. The clearance fee may not exceed \$50.

8. Procedures for implementing well-location, construction, testing, permitting, and clearance requirements as set forth in subparagraphs 2.- 6. within areas that research or monitoring data indicate are vulnerable to contamination with nitrate, or areas in which the department provides a subsidy for restoration or replacement of contaminated drinking water supplies through extending existing water lines or developing new water supply systems pursuant to s. 376.507(1)(e). The department shall consult with the Florida Ground Water Association in the process developing rules pursuant to this subparagraph.

All fees and funds collected by each delegated entity pursuant to this part shall be deposited in the appropriate operating account of that entity.

(f) Issue such additional regulations and take such other actions as may be necessary to carry out the provisions of this part.

(g) In order to facilitate the prompt and efficient prevention of potable water well contamination and to protect human health and the environment, upon the request of a local governmental entity or a person responsible for site rehabilitation under Chapter 376, the department shall delineate areas of groundwater contamination without further action by the Environmental Regulation Commission. [A6][A7]

Section 4. Section 376.301(21), Florida Statutes, is amended to read [A8]:

(21) “Institutional controls” means the restriction or limitation on use or access to a site to eliminate or minimize exposure to petroleum products’ chemicals of concern, drycleaning solvents, PFAS, or other contaminants. Such restrictions may include, but are not limited to, deed restrictions, restrictive covenants, conservation easements, an area of groundwater contamination delineated pursuant to s. 373.309, or a local governmental requirement for mandatory connection to a public potable water or reuse water system [A9].

Section 5. Section 376.79(11), Florida Statutes, is amended to read:

(11) “Institutional controls” means the restriction or limitation on use or access to a site to eliminate or minimize exposure to petroleum products’ chemicals of concern, drycleaning solvents, PFAS, or other contaminants. Such restrictions may include, but are not limited to, deed restrictions, restrictive covenants, conservation easements, an area of groundwater contamination delineated pursuant to s. 373.309, or a local governmental requirement for mandatory connection to a public potable water or reuse water system.

Section 6. Section 376.82, Florida Statutes, is amended to read:

(1) ELIGIBILITY.— Except as provided in paragraph (d), Any person who has not caused or contributed to the contamination of a brownfield site on or after July 1, 1997, is eligible to participate in the brownfield program established in ss. 376.77-376.85, subject to the following:

(a) Potential brownfield sites that are subject to an ongoing formal judicial or administrative enforcement action or corrective action pursuant to federal authority, including, but not limited to, the

Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. ss. 9601 et seq., as amended; the Safe Drinking Water Act, 42 U.S.C. ss. 300f-300i, as amended; the Clean Water Act, 33 U.S.C. ss. 1251-1387, as amended; or under an order from the United States Environmental Protection Agency pursuant to s. 3008(h) of the Resource Conservation and Recovery Act, as amended (42 U.S.C.A. s. 6928(h)); or that have obtained or are required to obtain a permit for the operation of a hazardous waste treatment, storage, or disposal facility; a postclosure permit; or a permit pursuant to the federal Hazardous and Solid Waste Amendments of 1984, are not eligible for participation unless specific exemptions are secured by a memorandum of agreement with the United States Environmental Protection Agency pursuant to paragraph (2)(g). A brownfield site within an eligible brownfield area that subsequently becomes subject to formal judicial or administrative enforcement action or corrective action under such federal authority shall have its eligibility revoked unless specific exemptions are secured by a memorandum of agreement with the United States Environmental Protection Agency pursuant to paragraph (2)(g).

(b) Persons who have not caused or contributed to the contamination of a brownfield site on or after July 1, 1997, and who, prior to the department's approval of a brownfield site rehabilitation agreement, are subject to ongoing corrective action or enforcement under state authority established in this chapter or chapter 403, including those persons subject to a pending consent order with the state, are eligible for participation in a brownfield site rehabilitation agreement if:

1. The proposed brownfield site is currently idle or underutilized as a result of the contamination, and participation in the brownfield program will immediately, after cleanup or sooner, result in increased economic productivity at the site, including at a minimum the creation of 10 new permanent jobs, whether full-time or part-time, which are not associated with implementation of the brownfield site rehabilitation agreement; and

2. The person is complying in good faith with the terms of an existing consent order or department-approved corrective action plan, or responding in good faith to an enforcement action, as evidenced by a determination issued by the department or an approved local pollution control program.

(c) Potential brownfield sites owned by the state or a local government which contain contamination for which a governmental entity is potentially responsible and which are already designated as federal brownfield pilot projects or have filed an application for designation to the United States Environmental Protection Agency are eligible for participation in a brownfield site rehabilitation agreement.

(d) State agencies or subdivisions, as defined in s. 768.28(2)[A10], including without limitation any county or municipality, aviation authority or airport, port authority or port district, are eligible for participation in a brownfield site rehabilitation agreement with respect to any potential brownfield site contaminated with PFAS, whether or not such contamination was caused or contributed to by such state agency or subdivision after July 1, 1997[A11].

(de) After July 1, 1997, petroleum and drycleaning contamination sites shall not receive both restoration funding assistance available for the discharge under this chapter and any state assistance available under s. 288.107. Nothing in this act shall affect the cleanup criteria, priority ranking, and other rights and obligations inherent in petroleum contamination and drycleaning contamination site rehabilitation under ss. 376.30-376.317, or the availability of economic incentives otherwise provided for by law.

Section 7. This act shall take effect July 1, 2023.

Main document changes and comments

Page 10: Commented [A1]

Author

Page 10: Commented [A2R1]

Author

Fire service provider means a municipality or county, the state, the Division, or any political subdivision of the state, including authorities and special districts, that employs firefighters or uses volunteer firefighters to provide fire extinguishment or fire prevention services for the protection of life and property. The term includes any organization under contract or other agreement with such entity to provide such services

Page 10: Commented [A3]

Author

FAA developing a PFAS-free alternative Military Spec coming out January 2023. Even though NONE of the 19 foams tested met the MilSpec requirements.

Page 10: Commented [A4]

Author

Training?

Page 11: Commented [A5]

Author

Training?

Page 12: Commented [A6]

Author

Is this needed, if the words "and establish by rule" above are deleted?

Page 12: Commented [A7R6]

Author

I believe it is. Even though the ERC is a "standard establishing" body, FDEP often refers that delineating areas requires "explicit" ERC approval. Arguably it does not but this sets it in stone.

Page 12: Commented [A8]

Author

Note: In prior year's draft we had broken this list into lettered subsections, and added another section: "or an area of groundwater contamination defined in a shared electronic record system between the department and a water management district or delegated permitting authority documenting the location and extent of groundwater contamination for use in processing well construction permit applications". However, as Jorge notes, with the addition of reference to delineated areas (and assuming the modification to remove ERC rulemaking is implemented), this additional text would not be needed.

Page 12: Commented [A9]

Author

Note: Sections 602.2 and 602.3 of the Florida Building Code ("FBC") and supporting agency guidance affirmatively require connection to a potable public water supply when available and development activities have been initiated that subject a property to the jurisdiction of the local government's land development regulations and the FBC. Although Chapter 553, F.S. requires all local governments to implement and enforce the requirements of the FBC, in 2019, FDEP reversed prior agency policy, and will no longer recognize a mandatory connection requirement as a sufficient "institutional control" relative to closure of the potable water pathway.

Page 13: Commented [A10]

Author

Note: Section 768.28(2) says: “state agencies or subdivisions include the executive departments, the Legislature, the judicial branch (including public defenders), and the independent establishments of the state, including state university boards of trustees; counties and municipalities; and corporations primarily acting as instrumentalities or agencies of the state, counties, or municipalities, including the Florida Space Authority.”

Page 13: Commented [A11]

Author

In principle, this would ameliorate ongoing PFAS assessment and remediation expenses sure to come after EPA promulgates its MCL. Or should the feds not be able to, FDEP does with proper legislative authorization.