

Committee on Environment and Natural Resources

CS/HB 909 — Pollution Control Standards and Liability

by Environment, Agriculture and Flooding Subcommittee and Rep. Payne and others
(CS/SB 1210 by Environment and Natural Resources Committee and Senator Albritton)

The bill provides that notwithstanding s. 403.182, F.S., regarding local pollution control programs, or any existing local pollution control programs, the Secretary of the Department of Environmental Protection (DEP) has exclusive jurisdiction in setting standards or procedures for evaluating environmental conditions and assessing potential liability for the presence of contaminants on land that is classified as agricultural land pursuant to existing law and being converted to a nonagricultural use. The exclusive jurisdiction includes defining what constitutes all appropriate inquiry consistent with federal law relating to the innocent landowners defense under the Comprehensive Environmental Response, Compensation, and Liability Act and associated guidance.

The bill provides that, for land that is classified as agricultural land pursuant to existing law and being converted to a nonagricultural use, the Secretary of DEP may not delegate the authority to set standards or procedures for evaluating environmental conditions and assessing potential liability described in the bill to a county, a municipality, or another unit of local government through a local pollution control program. However, the bill does not preempt the enforcement authority of a county, a municipality, or another unit of local government through a local pollution control program.

The bill does not apply to former agricultural land for which a permit has been approved by a local government to initiate development or for which development was completed on or before July 1, 2022.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 98-16