

ENROLLED

CS/HB 909

2022 Legislature

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 2 An act relating to pollution control standards and  
 3 liability; amending s. 403.182, F.S.; providing that  
 4 the Secretary of Environmental Protection has  
 5 exclusive jurisdiction in setting standards or  
 6 procedures for evaluating environmental conditions and  
 7 assessing potential liability for the presence of  
 8 contaminants on certain agricultural lands;  
 9 prohibiting the secretary from delegating such  
 10 authority to a local governmental entity; providing  
 11 construction and applicability; providing an effective  
 12 date.

13  
 14 Be It Enacted by the Legislature of the State of Florida:

15  
 16 Section 1. Subsection (11) is added to section 403.182,  
 17 Florida Statutes, to read:

18 403.182 Local pollution control programs.—

19 (11) (a) Notwithstanding this section or any existing local  
 20 pollution control programs, the Secretary of Environmental  
 21 Protection has exclusive jurisdiction in setting standards or  
 22 procedures for evaluating environmental conditions and assessing  
 23 potential liability for the presence of contaminants on land  
 24 that is classified as agricultural land pursuant to s. 193.461  
 25 and being converted to a nonagricultural use. The exclusive

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26 | jurisdiction includes defining what constitutes all appropriate  
 27 | inquiry consistent with 40 C.F.R. part 312 and guidance  
 28 | thereunder.

29 | (b) The secretary may not delegate the authority to set  
 30 | standards or procedures for evaluating environmental conditions  
 31 | and assessing potential liability under paragraph (a) to a  
 32 | county, a municipality, or another unit of local government  
 33 | through a local pollution control program under this section.  
 34 | This subsection does not preempt the enforcement authority of a  
 35 | county, a municipality, or another unit of local government  
 36 | through a local pollution control program under this section.

37 | (c) This subsection does not apply to former agricultural  
 38 | land for which a permit has been approved by a local government  
 39 | to initiate development or for which development was completed  
 40 | on or before July 1, 2022.

41 | Section 2. This act shall take effect July 1, 2022.