

1 A bill to be entitled
 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.

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

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 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

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.