

**By** the Committee on Environment and Natural Resources; and  
Senator Albritton

592-02786-22

20221210c1

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.

13  
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

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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.