

By Senator Burgess

23-01137A-23

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1                   A bill to be entitled  
2       An act relating to land and water management; creating  
3       s. 373.027, F.S.; prohibiting counties and  
4       municipalities from adopting laws, regulations, rules,  
5       or policies relating to water quality or quantity,  
6       pollution control, pollutant discharge prevention or  
7       removal, and wetlands; preempting such regulation to  
8       the state; providing applicability and construction;  
9       requiring the Department of Environmental Protection  
10      to notify the Chief Financial Officer of certain  
11      violations; requiring the Chief Financial Officer to  
12      withhold certain funds; repealing s. 373.591, F.S.,  
13      relating to land management review teams; providing an  
14      effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18       Section 1. Section 373.027, Florida Statutes, is created to  
19      read:

20       373.027 Water management preemption.-

21       (1) A county or municipality may not adopt laws,  
22       regulations, rules, or policies relating to any of the  
23       following:

24       (a) Water quality.

25       (b) Water quantity.

26       (c) Pollution control.

27       (d) Pollutant discharge prevention or removal.

28       (e) Wetlands, including any delineation.

29       (2) The regulation of water quality, water quantity,

23-01137A-23

20231240\_\_

30 pollution control, pollutant discharge prevention and removal,  
31 and wetlands, including any delineation, is exclusively  
32 preempted to the state.

33 (3) This section does not:

34 (a) Apply to an interagency or interlocal agreement between  
35 the department and any agency, water management district, or  
36 local government conducting programs relating to or materially  
37 affecting the water resources of the state.

38 (b) Affect the authority of a county or municipality to  
39 regulate and operate its own water system, wastewater system, or  
40 stormwater system.

41 (4) If the department determines that a county or  
42 municipality is in violation of this section, the department  
43 shall notify the Chief Financial Officer of the violation and  
44 the Chief Financial Officer shall withhold any state funds to  
45 which the county or municipality may be entitled.

46 Section 2. Section 373.591, Florida Statutes, is repealed.

47 Section 3. This act shall take effect July 1, 2023.