

## CHAPTER 2022-127

### Committee Substitute for House Bill No. 909

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

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

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

403.182 Local pollution control programs.—

(11)(a) Notwithstanding this section or any existing local pollution control programs, the Secretary of Environmental Protection 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 s. 193.461 and being converted to a nonagricultural use. The exclusive jurisdiction includes defining what constitutes all appropriate inquiry consistent with 40 C.F.R. part 312 and guidance thereunder.

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

(c) This subsection 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.

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

Approved by the Governor May 18, 2022.

Filed in Office Secretary of State May 18, 2022.