

SUPREME COURT OF FLORIDA

Metro. Dade County v. Chase Fed. Housing

737 So. 2d 494 (Fla. 1999) · No. No. 92,536 · Decided June 10, 1999

SUMMARY

The Florida Supreme Court held that the immunity provisions of Florida's Dry Cleaning Contamination Cleanup Act apply retroactively to eligible property owners and dry-cleaning facility operators, including barring local-government claims for rehabilitation costs incurred before the statute's enactment. The court concluded that the statute clearly expressed retroactive legislative intent and that applying the immunity against Metropolitan Dade County was constitutionally permissible because the County, a political subdivision, had no vested right to enforce an ordinance conflicting with superior state law.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Pariente, J.; Harding, C.J.; Shaw, J.; Wells, J.; Anstead, J.; Overton, Senior Justice
JURISDICTION	Florida
DECIDED	June 10, 1999
DOCKET	No. 92,536
DISPOSITION	approved
PROCEDURAL POSTURE	Review of a certified question from the Third District Court of Appeal concerning the retroactive application of statutory immunity under Florida's Dry Cleaning Contamination Cleanup Act.
STANDARD OF REVIEW	De novo review of statutory interpretation and the constitutional permissibility of retroactive legislation.
PRECEDENTIAL VALUE	published precedential opinion of the Supreme Court of Florida
PARTIES	Metropolitan Dade County v. Chase Federal Housing Corporation, Suniland Associates

TOPICS

- statutory interpretation
- legislative intent
- environmental law
- municipal law
- home rule

PRACTICE AREAS

environmental law

statutory interpretation

municipal law

constitutional law

administrative law

QUESTIONS PRESENTED

1. Whether subsections 376.3078(3) and 376.3078(9), Florida Statutes (1995), apply retroactively to immunize eligible entities from governmental actions seeking recovery of rehabilitation costs expended before enactment of the provisions.
2. Whether retroactive application of the immunity provisions is constitutionally permissible when it eliminates a county government's claim under a local pollution ordinance.
3. Whether the statutory immunity bars the County's claims for costs already expended and its request for prospective injunctive relief after defendants became eligible.

HOLDINGS

1. Subsection 376.3078(3) clearly expresses legislative intent to apply conditionally and retroactively to eligible entities, including immunity from actions seeking recovery of rehabilitation costs expended before enactment of the Act.
2. Subsection 376.3078(9) expressly applies to voluntary cleanup activities commenced before or after October 1, 1995, and therefore retroactively immunizes qualifying real-property owners from liability for rehabilitation costs.
3. Applying the immunity provisions to eliminate Metropolitan Dade County's claim for recovery of rehabilitation costs was constitutionally permissible because the County, as a political subdivision, had no vested constitutional right to enforce an ordinance that conflicted with controlling state law.
4. Once defendants were determined eligible under subsection 376.3078(3), the County was barred from pursuing claims to recover rehabilitation costs previously expended and from seeking prospective injunctive relief to compel rehabilitation.

KEY QUOTATIONS

“A statute does not operate ‘retrospectively’ merely because it is applied in a case arising from conduct antedating the statute’s enactment.... Rather, the court must ask whether the new provision attaches new legal consequences to events completed before its enactment.” (499)

“Thus, the clear statutory language provides that after DEP determines that the defendants are eligible to participate in the program, they are granted immunity from actions from local governments to recover the costs of rehabilitation.” (501-502)

“We thus agree with the Third District that a consideration of both the express terms of the Act and its purpose leads to the conclusion that the Legislature intended the immunity provisions to protect entities from suits to recover the costs of rehabilitation, even if those costs were expended before the Act went into effect, as long as entities meet the qualifying requirements for eligibility.” (503)

“Thus, the Dade County Code authorizing the action against defendants is in conflict with the Act in an area

not specifically reserved to the County in the Home Rule Amendment.” (504)

FACTUAL BACKGROUND

Chase Federal Housing Corporation and Suniland Associates owned shopping centers where dry-cleaning facilities operated as tenants. Dry-cleaning solvent contamination was discovered on the properties, and both owners undertook cleanup activities at substantial expense after receiving county emergency orders. The County later sued to recover environmental investigation and water-supply costs and to compel additional rehabilitation. The defendants obtained eligibility under Florida's Dry Cleaning Contamination Cleanup Act and asserted conditional statutory immunity.

PROCEDURAL HISTORY

Metropolitan Dade County sued owners and operators of dry-cleaning facilities under Chapter 24 of the Dade County Code to recover environmental rehabilitation costs and obtain injunctive and other relief. The trial court granted summary judgment for Chase Federal Housing Corporation and Suniland Associates based on statutory immunity under section 376.3078(3) and, as to Suniland, subsection (9). The Third District affirmed and certified a question of great public importance. The Supreme Court of Florida answered the question affirmatively and approved the Third District's decision.

DISPOSITION

approved

CASES CITED

- Metropolitan Dade County v. Chase Federal Housing Corp., 705 So. 2d 674 (Fla. 3d DCA 1998)
- Landgraf v. USI Film Products, 511 U.S. 244 (1994)
- Hassen v. State Farm Mutual Automobile Insurance Co., 674 So. 2d 106 (Fla. 1996)
- State Farm Mutual Insurance Co. v. Laforet, 658 So. 2d 55 (Fla. 1995)
- State Department of Transportation v. Knowles, 402 So. 2d 1155 (Fla. 1981)
- Arrow Air, Inc. v. Walsh, 645 So. 2d 422 (Fla. 1994)
- Charles B. Hochman, The Supreme Court and the Constitutionality of Retroactive Legislation, 73 Harv. L. Rev. 692 (1960)
- Fleeman v. Case, 342 So. 2d 815 (Fla. 1976)
- City of Boca Raton v. Gidman, 440 So. 2d 1277 (Fla. 1983)
- State v. Sullivan, 116 So. 255 (Fla. 1928)
- Acosta v. Richter, 671 So. 2d 149 (Fla. 1996)
- State ex rel. Hill v. Cone, 191 So. 50 (Fla. 1939)
- United States v. Olin Corp., 107 F.3d 1506 (11th Cir. 1997)
- Lowry v. Parole & Probation Commission, 473 So. 2d 1248 (Fla. 1985)
- Finley v. Scott, 707 So. 2d 1112 (Fla. 1998)

- McCord v. Smith, 43 So. 2d 704 (Fla. 1949)
- Rupp v. Bryant, 417 So. 2d 658 (Fla. 1982)
- Metropolitan Dade County v. City of Miami, 396 So. 2d 144 (Fla. 1980)
- Rinzler v. Carson, 262 So. 2d 661 (Fla. 1972)
- Dade County v. Acme Specialty Corp., 292 So. 2d 378 (Fla. 3d DCA 1974)
- State ex rel. Baker v. McCarthy, 166 So. 280 (Fla. 1936)
- Sun Harbor Homeowners Association v. Broward County Department of Natural Resource Protection, 700 So. 2d 178 (Fla. 4th DCA 1997)
- Board of County Commissioners v. Wilson, 386 So. 2d 556 (Fla. 1980)
- Neu v. Miami Herald Publishing Co., 462 So. 2d 821 (Fla. 1985)
- In re Seven Barrels of Wine, 83 So. 627 (Fla. 1920)
- Metropolitan Dade County v. State Department of Environmental Protection, 714 So. 2d 512 (Fla. 3d DCA 1998)
- Dober v. Worrell, 401 So. 2d 1322 (Fla. 1981)
- State v. Ashley, 701 So. 2d 338 (Fla. 1997)
- Department of Agriculture & Consumer Services v. Bonanno, 568 So. 2d 24 (Fla. 1990)
- United States v. Magnolia Petroleum Co., 276 U.S. 160 (1928)
- White v. United States, 191 U.S. 545 (1903)