

By the Committees on Judiciary; and Environment and Natural Resources; and Senator Burgess

590-02632-24

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1 A bill to be entitled
2 An act relating to environmental management; amending
3 s. 373.4131, F.S.; requiring that nonindustrial
4 stormwater management systems be designed with side
5 slopes that meet certain minimum design requirements;
6 providing an exception; superseding certain side slope
7 rules; amending s. 376.313, F.S.; revising
8 construction relating to causes of action for damages
9 to real or personal property directly resulting from
10 certain discharges or other conditions of pollution;
11 providing legislative intent; requiring the department
12 and water management districts to conduct holistic
13 reviews of their respective agency's coastal
14 permitting processes and permit programs; providing
15 the scope and purpose of the reviews; requiring the
16 department and water management districts to submit
17 reports of their findings and proposed solutions to
18 the Governor and the Legislature by a specified date;
19 providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Subsection (7) is added to section 373.4131,
24 Florida Statutes, to read:

25 373.4131 Statewide environmental resource permitting
26 rules.—

27 (7) A side slope for a nonindustrial stormwater management
28 system, in or adjacent to residential or urban areas that are
29 accessible to the general public, must be designed, except as

590-02632-24

2024738c2

30 provided in paragraph (a), with a horizontal-to-vertical ratio
31 no steeper than 4:1 to a depth of at least 2 feet below the
32 control elevation and must be stabilized with vegetation to
33 prevent erosion and provide for pollutant removal.

34 (a) A side slope for a nonindustrial stormwater management
35 system, in or adjacent to residential or urban areas that are
36 accessible to the general public, may be designed with a steeper
37 than 4:1 horizontal-to-vertical ratio if the slope incorporates
38 adequate temporary and permanent erosion and sediment control
39 best management practices. A system designed or authorized to be
40 steeper than 4:1 must be fenced, be greenscaped, or have other
41 barriers installed sufficiently to prevent accidental incursion
42 into the system.

43 (b) All side slope rules adopted by the department, water
44 management districts, or delegated local programs under this
45 part as of July 1, 2024, are superseded by this subsection and
46 may be repealed without further rulemaking pursuant to s. 120.54
47 by publication of a notice of repeal in the Florida
48 Administrative Register and subsequent filing of a list of the
49 rules repealed with the Department of State.

50 Section 2. Subsection (3) of section 376.313, Florida
51 Statutes, is amended to read:

52 376.313 Nonexclusiveness of remedies and individual cause
53 of action for damages under ss. 376.30-376.317.—

54 (3) Except as provided in s. 376.3078(3) and (11), ~~nothing~~
55 ~~contained in~~ ss. 376.30-376.317 do not prohibit a ~~prohibits any~~
56 person from bringing a cause of action in a court of competent
57 jurisdiction for all damages to real or personal property
58 directly resulting from a discharge or other condition of

590-02632-24

2024738c2

59 pollution covered by ss. 376.30-376.317 and which was not
60 authorized by any government approval or permit issued pursuant
61 to chapter 373, chapter 376, or chapter 403. ~~Nothing in~~ This
62 chapter does not ~~shall~~ prohibit or diminish a party's right to
63 contribution from other parties jointly or severally liable for
64 a prohibited discharge of pollutants or hazardous substances or
65 other pollution conditions. Except as otherwise provided in
66 subsection (4) or subsection (5), in any such suit, it is not
67 necessary for such person to plead or prove negligence in any
68 form or manner. Such person need only plead and prove the fact
69 of the prohibited discharge or other pollutive condition and
70 that it has occurred. The only strict-liability exceptions
71 ~~defenses~~ to such cause of action are ~~shall be~~ those specified in
72 s. 376.308 or s. 376.82.

73 Section 3. Holistic review of coastal permitting processes
74 and other programs.—

75 (1) The Legislature intends to do all of the following:

76 (a) Build a more resilient and responsive government
77 infrastructure to allow for quick recovery after natural
78 disasters, including hurricanes and tropical storms.

79 (b) Promote efficiency in state government across all
80 branches, agencies, and other governmental entities and identify
81 any area of improvement within each entity which allows for a
82 quick and effective delivery of services.

83 (c) Seek out ways to improve the state's administrative
84 procedures in relevant fields to build a streamlined permitting
85 process that withstands disruptions caused by natural disasters,
86 including hurricanes and tropical storms.

87 (2) The Department of Environmental Protection and each

590-02632-24

2024738c2

88 water management district shall conduct a holistic review of
89 their respective agency's current coastal permitting processes
90 and other permit programs. The review must, at a minimum,
91 include coastal construction control line permits; joint coastal
92 permits; environmental resource permits; state-administered
93 section 404 permits consistent with the terms of the United
94 States Environmental Protection Agency's approval; and
95 permitting processes related to water supply infrastructure,
96 wastewater infrastructure, and onsite sewage treatment and
97 disposal systems.

98 (3) The purpose of the reviews required under subsection
99 (2) is to identify areas of improvement and to increase
100 efficiency within each process and program. Factors that must be
101 considered in the review include all of the following:

102 (a) The requirements to obtain a permit.

103 (b) Time periods for review, including those of commenting
104 agencies, and approval of a permit application.

105 (c) Areas for improved efficiency and decision-point
106 consolidation within a single project's purpose.

107 (d) Areas of duplication across one or more permit
108 programs.

109 (e) The methods of requesting a permit.

110 (f) Potential modifications to memoranda of agreements
111 between the state and the Federal Government governing delegated
112 or approved federal permitting programs, which modifications
113 would improve the efficiency and predictability of the program's
114 administration, including allowing consistent administration of
115 a permit by a state or federal entity over the lifetime of a
116 permitted project.

590-02632-24

2024738c2

117 (g) Any other factors that may increase the efficiency of a
118 permitting process and may allow for improved storm recovery.

119 (4) By December 31, 2025, the department and each water
120 management district shall provide their findings and proposed
121 solutions in a report to the Governor, the President of the
122 Senate, and the Speaker of the House of Representatives.

123 Section 4. This act shall take effect July 1, 2024.