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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/29/2024	.	
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The Committee on Judiciary (Burgess) recommended the following:

Senate Amendment (with title amendment)

Delete lines 28 - 185
and insert:

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

373.4131 Statewide environmental resource permitting
rules.-

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



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

16 (a) A side slope for a nonindustrial stormwater management
17 system, in or adjacent to residential or urban areas that are
18 accessible to the general public, may be designed with a steeper
19 than 4:1 horizontal-to-vertical ratio if the slope incorporates
20 adequate temporary and permanent erosion and sediment control
21 best management practices. A system designed or authorized to be
22 steeper than 4:1 must be fenced, be greenscaped, or have other
23 barriers installed sufficiently to prevent accidental incursion
24 into the system.

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27 part as of July 1, 2024, are superseded by this subsection and
28 may be repealed without further rulemaking pursuant to s. 120.54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31 rules repealed with the Department of State.

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

34 376.313 Nonexclusiveness of remedies and individual cause
35 of action for damages under ss. 376.30-376.317.—

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



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41 pollution covered by ss. 376.30-376.317 and which was not
42 authorized by any government approval or permit issued pursuant
43 to chapter 373, chapter 376, or chapter 403. ~~Nothing in This~~
44 chapter does not ~~shall~~ prohibit or diminish a party's right to
45 contribution from other parties jointly or severally liable for
46 a prohibited discharge of pollutants or hazardous substances or
47 other pollution conditions. Except as otherwise provided in
48 subsection (4) or subsection (5), in any such suit, it is not
49 necessary for such person to plead or prove negligence in any
50 form or manner. Such person need only plead and prove the fact
51 of the prohibited discharge or other pollutive condition and
52 that it has occurred. The only strict-liability exceptions
53 ~~defenses~~ to such cause of action are ~~shall be~~ those specified in
54 s. 376.308 or s. 376.82.

55 Section 3. Holistic review of coastal permitting processes
56 and other programs.-

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

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

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

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

69 (2) The Department of Environmental Protection and each



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70 water management district shall conduct a holistic review of
71 their respective agency's current coastal permitting processes
72 and other permit programs. The review must, at a minimum,
73 include coastal construction control line permits; joint coastal
74 permits; environmental resource permits; state-administered
75 section 404 permits consistent with the terms of the United
76 States Environmental Protection Agency's approval; and
77 permitting processes related to water supply infrastructure,
78 wastewater infrastructure, and onsite sewage treatment and
79 disposal systems.

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

84 (a) The requirements to obtain a permit.

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

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

89 (d) Areas of duplication across one or more permit
90 programs.

91 (e) The methods of requesting a permit.

92 (f) Potential modifications to memoranda of agreements
93 between the state and the Federal Government governing delegated
94 or approved federal permitting programs, which modifications
95 would improve the efficiency and predictability of the program's
96 administration, including allowing consistent administration of
97 a permit by a state or federal entity over the lifetime of a
98 permitted project.



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

101 (4) By December 31, 2025, the department and each water
102

103 ===== T I T L E A M E N D M E N T =====

104 And the title is amended as follows:

105 Delete lines 3 - 7

106 and insert:

107 s. 373.4131, F.S.; requiring that