

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/CS/CS/SB 738

INTRODUCER: Fiscal Policy Committee; Judiciary Committee; Environmental and Natural Resources Committee; and Senator Burgess

SUBJECT: Environmental Management

DATE: February 16, 2024 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Barriero</u>	<u>Rogers</u>	<u>EN</u>	<u>Fav/CS</u>
2.	<u>Collazo</u>	<u>Cibula</u>	<u>JU</u>	<u>Fav/CS</u>
3.	<u>Barriero</u>	<u>Yeatman</u>	<u>FP</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 738 requires the side slopes of nonindustrial stormwater management systems, in or adjacent to residential or urban areas that are accessible to the general public, to be designed with a horizontal-to-vertical ratio no steeper than 4:1 to a depth of at least two feet below the control elevation and be stabilized with vegetation. The bill provides an exception if the slope incorporates erosion and sediment control best management practices and is fenced, greenscaped, or has other barriers installed to prevent accidental incursion into the system. The bill supersedes all side slope rules that have been adopted by DEP, WMDs, or delegated programs as of July 1, 2024.

In addition, the bill clarifies that causes of action under the Water Quality Assurance Act must be limited to damages to real or personal property directly resulting from pollution that was not authorized by any government approval or permit. The bill provides that the strict liability exceptions to such causes of action include those specified in s. 376.82, F.S., regarding the rehabilitation of a brownfields site.

II. Present Situation:

Stormwater Runoff

Nationwide, polluted stormwater runoff is considered to be the greatest threat to clean water.¹ More than 40 percent of waters assessed by the states are too polluted for fishing or swimming.² Nonpoint sources associated with stormwater account for more than 40 percent of these polluted waters.³ Conversely, traditional point sources (*i.e.*, wastewater treatment plants) account for only about 10 percent of these polluted or “impaired” waters.⁴ Hundreds of impaired water segments in Florida have lost their designated use due, in part, to stormwater pollution.⁵

Florida averages 40-60 inches of rainfall a year, depending on the location, with about two-thirds falling between June and October.⁶ Stormwater runoff generated during these rain events flows over land or impervious surfaces, such as paved streets, parking lots, driveways, sidewalks, and rooftops, and picks up pollutants like trash, chemicals, oils, and sediment along the way. This unfiltered water ends up in streams, ponds, lakes, bays, wetlands, oceans, and ground water. Construction sites, lawns, improperly stored hazardous wastes, and illegal dumping are all potential sources of stormwater pollutants.⁷

Stormwater runoff can cause a multitude of problems:

- Excess nutrients, primarily nitrogen and phosphorus from lawn fertilizers or natural sources, such as manure, can cause algal and bacterial blooms that proliferate rapidly. Algae will consume oxygen, increase turbidity in the waterbody, and eventually die along with the fish and other aquatic life that need oxygen to live.⁸
- Pathogenic bacteria and microorganisms can be carried by stormwater into a waterbody. This creates health hazards and can cause lakes and beaches to close to the public.⁹
- Sediment can increase the turbidity (a measure of water cloudiness) of a waterbody. Turbidity can block sunlight from reaching aquatic plants, making it impossible for them to grow. Without plants, animals lose a food source, and it is more difficult to filter pollutants

¹ South Florida Water Management District (SFWMD), *Your Impact on the Environment*, <https://www.sfwmd.gov/community-residents/what-can-you-do> (last visited Jan. 23, 2024).

² Department of Environmental Protection (DEP), *Stormwater Support*, <https://floridadep.gov/water/engineering-hydrology-geology/content/stormwater-support> (last visited Jan. 23, 2024). A recent study examining water quality across the U.S. shows Florida ranks first in the nation for total acres of lakes classified as impaired for swimming and aquatic life (873,340 acres), and second for total lake acres listed as impaired for any use (935,808 acres). Environmental Integrity Project, *The Clean Water Act at 50*, 28 (2022), available at <https://environmentalintegrity.org/wp-content/uploads/2022/03/CWA@50-report-3-17-22.pdf>. Florida also has the second most total square miles of impaired estuaries (2,533 square miles). *Id.* at 29.

³ DEP, *Stormwater Support*, <https://floridadep.gov/water/engineering-hydrology-geology/content/stormwater-support> (last visited Jan. 23, 2024).

⁴ *Id.*

⁵ *Id.*

⁶ Meijing Zhang et al., *Florida Rainfall Data Sources and Types*, University of Florida Institute of Food and Agricultural Sciences (UF/IFAS), 1 (Oct. 9, 2023), available at <https://edis.ifas.ufl.edu/publication/AE517>.

⁷ U.S. Environmental Protection Agency (EPA), *Urbanization and Stormwater Runoff*, <https://www.epa.gov/sourcewater-protection/urbanization-and-stormwater-runoff> (last visited Jan. 23, 2024).

⁸ Southwest Florida Water Management District (SWFWMD), *Stormwater Runoff*, <https://www.swfwmd.state.fl.us/residents/education/kids/stormwater-runoff> (last visited Jan. 23, 2024).

⁹ *Id.*

from the water. Instead, pollutants collect at the bottom of the waterbody and remain there indefinitely.¹⁰

- Debris such as plastic bags, bottles, and cigarette butts can wash into a waterbody and interfere with aquatic life¹¹ and flood prevention and decrease water quality. When a stormwater drain gets clogged with debris, rainwater that normally would be collected cannot enter into the drainage system. Water will accumulate around the drain, causing flooded sidewalks or streets and increase the chances for flooding buildings.¹²
- Other hazardous wastes, such as insecticides, herbicides, paint, motor oil, and heavy metals, can be carried by stormwater runoff to waterbodies and cause illness to aquatic life and humans alike.¹³

In addition, inadequate stormwater management increases stormwater flows and velocities, contributes to erosion, overtaxes the carrying capacity of streams and other conveyances, reduces ground water recharge, threatens public health and safety, and is the primary source of pollutant loading entering Florida's rivers, lakes, and estuaries.¹⁴

Stormwater Management Systems

Stormwater management systems are engineered structures and strategies designed to control and mitigate the effects of stormwater runoff. There are many types of stormwater management systems, including constructed wetlands, bioswales, and stormwater ponds. Stormwater ponds are defined as either retention or detention ponds. Retention ponds retain all the water within them, allowing the water to percolate into the soil and preventing it from moving to other surface waters. In contrast, detention ponds capture stormwater runoff and temporarily store it before slowly releasing the water downstream.¹⁵

While a best management practice for pollutant removal, stormwater ponds may create safety hazards, including the risk of drowning.¹⁶ Steep sides and slippery slopes can make it difficult for a person to climb back out if they happen to fall in.¹⁷ In addition, retention ponds are often deep because they are designed for maximum rainwater collection.¹⁸ Strong currents at inlet and outlet areas of a pond can also pose a danger.¹⁹

¹⁰ *Id.*

¹¹ *Id.*

¹² SFWMD, *Your Impact on the Environment*, <https://www.sfwmd.gov/community-residents/what-can-you-do> (last visited Jan. 23, 2024).

¹³ SFWMD, *Stormwater Runoff*, <https://www.swfwmd.state.fl.us/residents/education/kids/stormwater-runoff> (last visited Jan. 23, 2024).

¹⁴ Fla. Admin. Code R. 62-40.431(2)(b).

¹⁵ DEP, *Stormwater Management*, available at <https://floridadep.gov/sites/default/files/stormwater-management.pdf> (last visited Jan. 23, 2024); U.S. Environmental Protection Agency (EPA), *Stormwater Management Practices at EPA Facilities*, <https://www.epa.gov/greeningepa/stormwater-management-practices-epa-facilities> (last visited Jan. 23, 2024).

¹⁶ City of Jacksonville, *Retention Pond Safety*, Jun. 1, 2020, <https://www.jacksonville.gov/welcome/welcome-news/retention-pond-safety>; see also EPA, *Stormwater Best Management Practice: Wet Ponds*, 4 (2021), available at <https://www.epa.gov/system/files/documents/2021-11/bmp-wet-ponds.pdf>.

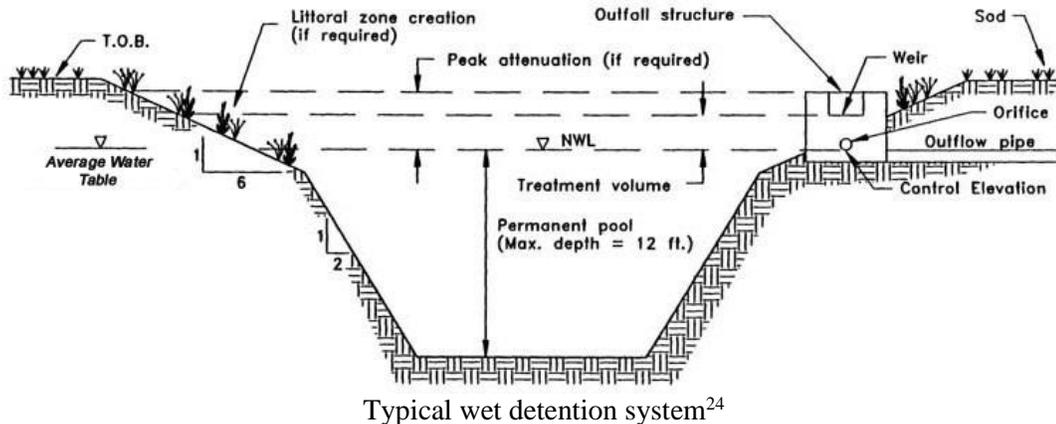
¹⁷ City of Jacksonville, *Retention Pond Safety*, Jun. 1, 2020, <https://www.jacksonville.gov/welcome/welcome-news/retention-pond-safety>.

¹⁸ *Id.*

¹⁹ *Id.*

Wet Detention Ponds

Wet detention ponds are one of the most common types of detention systems and consist of constructed basins that have a permanent pool of water into which stormwater runoff is directed.²⁰ The runoff is detained in the pond until it is released downstream or displaced by runoff from subsequent rain events.²¹ By capturing and detaining runoff, wet detention ponds control both stormwater quantity and quality.²² Sedimentation processes remove particulates, organic matter, and metals, while dissolved metals and nutrients are removed through biological uptake.²³



Specific designs may vary considerably, depending on site constraints, local regulations, and preferences of the designer or community.²⁵ However, as shown above and discussed in further detail below, the typical horizontal-to-vertical ratio for side slopes is 6:1 for littoral zones, no steeper than 4:1 to a depth of at least two feet below the control elevation, and 2:1 at greater depths. The littoral zone is that portion of a stormwater pond designed to contain rooted aquatic plants and is usually provided by extending and gently sloping the sides of the pond down to a depth of two to three feet below the normal water level or control elevation.²⁶ Vegetative littoral zones help stabilize the soil around the pond's edge and increase pollutant uptake.²⁷

²⁰ EPA, *Stormwater Best Management Practice: Wet Ponds*, 1 (2021), available at <https://www.epa.gov/system/files/documents/2021-11/bmp-wet-ponds.pdf>.

²¹ EPA, *Stormwater Technology Fact Sheet: Wet detention ponds*, 1 (1999), available at <https://nepis.epa.gov/Exe/ZyPDF.cgi/200044D0.PDF?Dockey=200044D0.PDF>.

²² *Id.*

²³ *Id.*

²⁴ Northwest Florida Water Management District (NFWFMD), *ERP Applicant's Handbook: Vol. II*, figure 8.1-1 (2013), available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-03172>. "T.O.B." means top of bank.

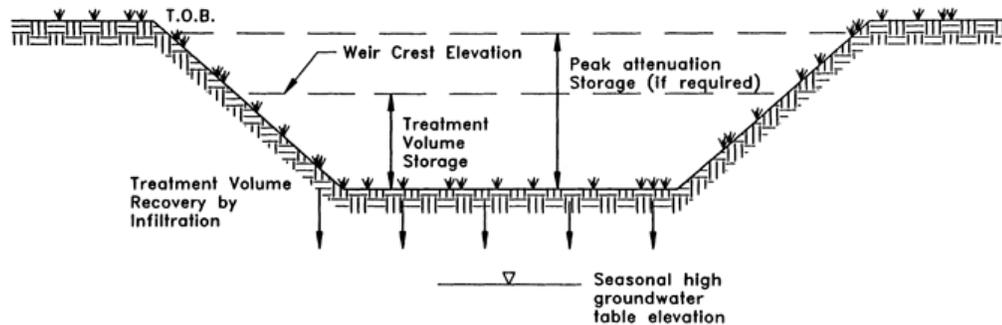
²⁵ EPA, *Stormwater Best Management Practice: Wet Ponds*, 2 (2021), available at <https://www.epa.gov/system/files/documents/2021-11/bmp-wet-ponds.pdf>.

²⁶ NFWFMD, *ERP Applicant's Handbook: Vol. II*, s. 12.4 (2013), available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-03172>.

²⁷ EPA, *Stormwater Best Management Practice: Wet Ponds*, 3 (2021), available at <https://www.epa.gov/system/files/documents/2021-11/bmp-wet-ponds.pdf>.

Dry Retention Ponds

Unlike wet stormwater ponds, dry retention ponds do not have permanent pools of water or discharge to downstream surface waters.²⁸ Instead, these systems remain dry until filled with water during rain events.²⁹ Substantial amounts of suspended solids, heavy metals, bacteria, and some varieties of pesticides and nutrients such as phosphorus are removed as runoff percolates through the vegetation and soil.³⁰ Retention systems also promote the recharge of ground water and help prevent saltwater intrusion in coastal areas.³¹



Typical dry retention system³²

Stormwater Management System Design Criteria

Design criteria for stormwater management systems is regulated by the Department of Environmental Protection (DEP), water management districts (WMDs), and delegated local programs. Requirements vary by type of stormwater management system and regulating authority.

In general, stormwater ponds must be designed with side slopes no steeper than a 4:1 horizontal-to-vertical ratio to a depth of at least two feet below the control elevation.³³ However, certain exceptions may apply. For example, the South Florida Water Management District (SFWMD) provides alternative criteria for golf courses,³⁴ while other WMDs include exceptions for fenced

²⁸ NFWFMD, *ERP Applicant's Handbook: Vol. II*, s. 5.1 (2013), available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-03172>.

²⁹ *Id.* Samantha T. Howley et al., *Stormwater Pond Management: What You Need to Know About Aeration*, UF/IFAS, 2 (2021), available at <https://edis.ifas.ufl.edu/publication/SS695>.

³⁰ NFWFMD, *ERP Applicant's Handbook: Vol. II*, s. 5.1 (2013), available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-03172>.

³¹ *Id.*

³² *Id.* at s. 5.1, figure 5.1-1.

³³ *Id.* at s. 8.11; SFWMD, *ERP Applicant's Handbook: Vol. II*, s. 5.4.2(d) (2013) available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-02528>; St. Johns River Water Management District (SJRWMD), *ERP Applicant's Handbook: Vol. II*, ss. 2.6.1 (2013), available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-03181>; Suwannee River Water Management District (SRWMD), *ERP Applicant's Handbook: Vol. II*, s. 4.5.1 (2013), available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-03182>; SFWMD, *ERP Applicant's Handbook: Vol. II*, s. 5.4.1(c) (2013) available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-03176>.

³⁴ SFWMD, *ERP Applicant's Handbook: Vol. II*, s. 5.4.2(e) (2013) available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-02528>.

ponds³⁵ or ponds with slopes that incorporate erosion and sediment control best management practices.³⁶ In addition, some WMDs require the stabilization of pond side slopes with vegetation³⁷ or the creation of vegetative littoral zones.³⁸ Where necessary, littoral zones are generally required to have slopes with a horizontal-to-vertical ratio of 6:1 or flatter.³⁹

Other stormwater management systems have different requirements. For example, swales must have a top width-to-depth ratio of the cross-section equal to or greater than 6:1 or side slopes equal to or greater than a 3:1 horizontal-to-vertical ratio.⁴⁰

DEP has proposed revisions to the stormwater rules within chapter 62-330 of the Florida Administrative Code that require legislative ratification before taking effect. The proposed revisions include some requirements for the design of stormwater ponds. For example, all side slopes and bottom areas of dry retention ponds must be seeded or sodded with water-tolerant grass species grown on sandy soils, and the permanent pool volume of wet detention ponds must meet certain parameters.⁴¹ While the proposed rules do not include express requirements for the horizontal-to-vertical ratio of stormwater pond side slopes, they do include graphics similar to the ones shown above that depict a typical side slope ratio of 4:1 for dry retention systems, 6:1 for wet detention systems, and 2:1 for wet detention slopes below the control elevation.⁴²

Water Quality Assurance Act

The Water Quality Assurance Act (Act)⁴³ creates a private cause of action for all damages resulting from a discharge⁴⁴ or other condition of pollution covered under the Act if the discharge was not authorized pursuant to chapter 403, F.S., regarding environmental control.⁴⁵ The Act defines “pollution” as the presence on the land or in the waters of the state of pollutants in quantities that are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or that may unreasonably interfere with the enjoyment of life or

³⁵ SJRWMD, *ERP Applicant’s Handbook: Vol. II*, s. 2.6.1 (2013), available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-03181>.

³⁶ SRWMD, *ERP Applicant’s Handbook: Vol. II*, s. 4.5.1 (2013), available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-03182>.

³⁷ *Id.*

³⁸ SJRWMD, *ERP Applicant’s Handbook: Vol. II*, s. 8.6 (2013), available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-03181>; NFWMD, *ERP Applicant’s Handbook: Vol. II*, s. 8.6 (2013), available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-03172>.

³⁹ *Id.*

⁴⁰ SJRWMD, *ERP Applicant’s Handbook: Vol. II*, s. 2.1(u) (2013), available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-03181>. This is also the statutory definition of “swale.” Section 403.803(14)(a), F.S.

⁴¹ See DEP, *ERP Applicant’s Handbook: Vol. I*, appendices P-5 and P-6 (proposed 2023), available at <https://floridadep.gov/water/engineering-hydrology-geology/documents/erp-applicants-handbook-volume-i-appendixes-rulemaking>.

⁴² *Id.*

⁴³ See ss. 376.30-376.317, F.S.

⁴⁴ Section 376.301(13), F.S. “Discharge” includes, but is not limited to, any spilling, leaking, seeping, pouring, misapplying, emitting, emptying, releasing, or dumping of any pollutant or hazardous substance which occurs and which affects lands and the surface and ground waters of the state not regulated by the Water Quality Assurance Act. *Id.*

⁴⁵ Section 376.313(3), F.S. Chapter 403, F.S., relates to environmental control, including pollution control, environmental regulation, water supply and water treatment plants, among other things.

property, including outdoor recreation.⁴⁶ “Pollutants” includes any commodity made from oil or gas, pesticides, ammonia, chlorine, and derivatives thereof, excluding liquefied petroleum gas.⁴⁷

The Act imposes strict liability, meaning it is not necessary to show negligence; it is only necessary to show the prohibited discharge or other pollutive condition occurred.⁴⁸ The Act allows for joint and several liability and provides that the only defenses to such causes of action are those specified in s. 376.308, F.S.:⁴⁹ an act of war, an act of government,⁵⁰ an act of God,⁵¹ or an act or omission of a third party.⁵²

However, the Act does not define the term “damages.” In a 2010 case involving a claim arising under s. 376.313(3), F.S., the Florida Supreme Court applied a definition from a different section of chapter 376, F.S., which defines damages as “the documented extent of any destruction to or loss of any real or personal property, or the documented extent...of any destruction of the environment and natural resources, including all living things except human beings, as the direct result of the discharge of a pollutant.”⁵³ The Court held this includes economic damages, regardless of whether the plaintiff owned any real or personal property damaged by the pollution.⁵⁴ In 2019, the Court receded from the definition applied in the previous case and held the meaning of “all damages” in s. 376.313(3), F.S., includes personal injury damages.⁵⁵

III. Effect of Proposed Changes:

Section 1 amends s. 373.4131, F.S., regarding statewide environmental resource permitting rules. The bill provides that 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 with a horizontal-to-vertical ratio no steeper than 4:1 to a depth of at least two feet below the control elevation and must be stabilized with vegetation to prevent erosion and provide for pollutant removal.

The bill provides that a side slope for a nonindustrial stormwater management system, in or adjacent to residential or urban areas that are accessible to the general public, may be designed with a steeper 4:1 horizontal-to-vertical ratio if the slope incorporates adequate temporary and

⁴⁶ Section 376.301(37), F.S.

⁴⁷ Section 376.301(36), F.S.

⁴⁸ Section 376.313(3), F.S. Certain exceptions exist for suits involving petroleum storage systems, drycleaning facilities, or wholesale supply facilities. See *Irizarry v. Orlando Utilities Commission*, 393 F. Supp. 3d 1110, 1116 (M.D. Fla. 2019) (explaining that to state a plausible claim under s. 376.313(3), F.S., a plaintiff must allege: (1) a prohibited discharge or other pollutive condition occurred; and (2) damages).

⁴⁹ Section 376.313(3), F.S. Joint and several liability generally means liability that may be apportioned among two or more parties. See BLACK’S LAW DICTIONARY 997 (11th ed. 2019).

⁵⁰ This includes state, federal, or local acts of government, unless the person claiming the defense is a governmental body, in which case the defense is available only as against acts by other governmental bodies. Section 376.308(2)(b), F.S.

⁵¹ This includes only unforeseeable acts exclusively occasioned by the violence of nature without the interference of any human agency. Section 376.308(2)(c), F.S.

⁵² This does not include acts or omissions by an employee or agent of the defendant or one whose act or omission occurs in connection with a contractual relationship. An exception may apply when the sole contractual arrangement arises from a published tariff and acceptance for carriage by a common carrier or by rail. Section 376.308(2)(d), F.S.

⁵³ *Curd v. Mosaic Fertilizer*, 39 So. 3d 1216, 1221 (Fla. 2010); s. 376.031(5), F.S.

⁵⁴ *Curd*, 39 So. 3d at 1222.

⁵⁵ *Charles L. Lieupo v. Simon’s Trucking, Inc.*, 286 So. 3d 143, 147 (Fla. 2019).

permanent erosion and sediment control best management practices. A system designed or authorized to be steeper than 4:1 must be fenced, be greenscaped, or have other barriers installed sufficiently to prevent accidental incursion into the system.

The bill provides that all side slope rules adopted by DEP, WMDs, or delegated local programs as of July 1, 2024, are superseded by this subsection and may be repealed without further rulemaking by publication of a notice of repeal in the Florida Administrative Register and subsequent filing of a list of the rules repealed with the Department of State.

Section 2 amends s. 376.313, F.S., regarding the nonexclusiveness of remedies and individual cause of action for damages under the Water Quality Assurance Act (Act).⁵⁶ Currently, this statute permits a person to bring a cause of action in a court of competent jurisdiction for *all damages* resulting from a discharge⁵⁷ or other condition of pollution covered by the Act if the discharge was not authorized pursuant to chapter 403, F.S., regarding environmental control.⁵⁸ In 2019, the Supreme Court of Florida held that “all damages” includes personal injury damages.⁵⁹ The bill amends the statute to permit causes of action for all damages *to real or personal property* directly resulting from a discharge or other condition of pollution covered under the Act and which was not authorized by any government approval or permit issues pursuant to *chapters 373, 376, or 403, F.S.*, regarding water resources, pollutant discharge prevention and removal, and environmental control, respectively.

Currently, s. 376.313(3), F.S., provides that the only defenses to strict liability causes of action under this section are those specified in s. 376.308, F.S., namely, an act of war, an act of government,⁶⁰ an act of God,⁶¹ or an act or omission of a third party.⁶² The bill changes this language to provide that the only *strict-liability exceptions* to causes of action under this section include those specified in s. 376.308, F.S. *and* s. 376.82, F.S., regarding eligibility criteria and liability protection for the successful completion of a brownfield site rehabilitation agreement.

Section 3 provides an effective date of July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

⁵⁶ See ss. 376.30-376.317, F.S.

⁵⁷ Section 376.301(13), F.S. “Discharge” includes, but is not limited to, any spilling, leaking, seeping, pouring, misapplying, emitting, emptying, releasing, or dumping of any pollutant or hazardous substance which occurs and which affects lands and the surface and ground waters of the state not regulated by the Water Quality Assurance Act. *Id.*

⁵⁸ Chapter 403, F.S., relates to environmental control, including pollution control, environmental regulation, water supply and water treatment plants, among other things.

⁵⁹ *Charles L. Lieupo v. Simon’s Trucking, Inc.*, 286 So. 3d 143, 147 (Fla. 2019).

⁶⁰ This includes state, federal, or local acts of government, unless the person claiming the defense is a governmental body, in which case the defense is available only as against acts by other governmental bodies. Section 376.308(2)(b), F.S.

⁶¹ This includes only unforeseeable acts exclusively occasioned by the violence of nature without the interference of any human agency. Section 376.308(2)(c), F.S.

⁶² This does not include acts or omissions by an employee or agent of the defendant or one whose act or omission occurs in connection with a contractual relationship. An exception may apply when the sole contractual arrangement arises from a published tariff and acceptance for carriage by a common carrier or by rail. Section 376.308(2)(d), F.S.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

DEP and WMDs will likely incur costs related to the permit review process required in this bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The Department of Environmental Protection has proposed revisions to the stormwater rules within chapter 62-330 of the Florida Administrative Code. The proposed revisions do not include express requirements for the side slopes of stormwater ponds. The water management districts have existing rules regarding the design of pond side slopes that may be superseded by this bill.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 373.4131 and 376.313.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS/CS by Fiscal Policy on February 15, 2024:

Removes the requirement that the Department of Environmental Protection and water management districts conduct a holistic review of their current coastal permitting processes and other permit programs.

CS/CS by Judiciary on January 29, 2024:

- Eliminates the provision entitling prevailing parties in challenges filed against the Department of Environmental Protection or water management district authorizations to costs and attorney fees.
- Clarifies that the side slope requirements in the bill apply to stormwater management systems that are accessible to the public, and that such systems that are authorized to be steeper than 4:1 may be greenscaped or have barriers other than fencing installed that sufficiently prevent accidental incursions.
- Extends, in connection with the holistic review of coastal permitting processes required by the bill, the time the department and each water management district has to provide the required report to the Governor and Legislature, from December 31, 2024, to December 31, 2025.

CS by Environment and Natural Resources on January 10, 2023:

The committee substitute changed the phrase “strict-liability exception defenses” to “strict-liability exceptions.”

B. Amendments:

None.