

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

594-03390-24

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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 an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15       Section 1. Subsection (7) is added to section 373.4131,  
16 Florida Statutes, to read:

17       373.4131 Statewide environmental resource permitting  
18 rules.—

19       (7) A side slope for a nonindustrial stormwater management  
20 system, in or adjacent to residential or urban areas that are  
21 accessible to the general public, must be designed, except as  
22 provided in paragraph (a), with a horizontal-to-vertical ratio  
23 no steeper than 4:1 to a depth of at least 2 feet below the  
24 control elevation and must be stabilized with vegetation to  
25 prevent erosion and provide for pollutant removal.

26       (a) A side slope for a nonindustrial stormwater management  
27 system, in or adjacent to residential or urban areas that are  
28 accessible to the general public, may be designed with a steeper  
29 than 4:1 horizontal-to-vertical ratio if the slope incorporates

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

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37 part as of July 1, 2024, are superseded by this subsection and  
38 may be repealed without further rulemaking pursuant to s. 120.54  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41 rules repealed with the Department of State.

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

44 376.313 Nonexclusiveness of remedies and individual cause  
45 of action for damages under ss. 376.30-376.317.—

46 (3) Except as provided in s. 376.3078(3) and (11), ~~nothing~~  
47 ~~contained in~~ ss. 376.30-376.317 do not prohibit a ~~prohibits any~~  
48 person from bringing a cause of action in a court of competent  
49 jurisdiction for all damages to real or personal property  
50 directly resulting from a discharge or other condition of  
51 pollution covered by ss. 376.30-376.317 and which was not  
52 authorized by any government approval or permit issued pursuant  
53 to chapter 373, chapter 376, or chapter 403. ~~Nothing in~~ This  
54 chapter does not ~~shall~~ prohibit or diminish a party's right to  
55 contribution from other parties jointly or severally liable for  
56 a prohibited discharge of pollutants or hazardous substances or  
57 other pollution conditions. Except as otherwise provided in  
58 subsection (4) or subsection (5), in any such suit, it is not

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59 necessary for such person to plead or prove negligence in any  
60 form or manner. Such person need only plead and prove the fact  
61 of the prohibited discharge or other pollutive condition and  
62 that it has occurred. The only strict-liability exceptions  
63 ~~defenses~~ to such cause of action are ~~shall be~~ those specified in  
64 s. 376.308 or s. 376.82.

65 Section 3. This act shall take effect July 1, 2024.