

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

26 pollutant removal.

27 (a) A nonindustrial stormwater management system, in or
 28 adjacent to residential or urban areas that are accessible to
 29 the general public, side slope may be designed with a steeper
 30 than 4:1 horizontal-to-vertical ratio if the slope incorporates
 31 adequate temporary and permanent erosion and sediment control
 32 best management practices.

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 35 part as of July 1, 2024, are superseded by this subsection and
 36 may be repealed without further rulemaking pursuant to s. 120.54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 39 rules repealed with the Department of State.

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

42 376.313 Nonexclusiveness of remedies and individual cause
 43 of action for damages under ss. 376.30-376.317.—

44 (3) Except as provided in s. 376.3078(3) and (11), ~~nothing~~
 45 ~~contained in~~ ss. 376.30-376.317 do not prohibit a ~~prohibits any~~
 46 person from bringing a cause of action in a court of competent
 47 jurisdiction for all damages to real or personal property
 48 directly resulting from a discharge or other condition of
 49 pollution covered by ss. 376.30-376.317 and which was not
 50 authorized by any government approval or permit issued pursuant

51 to chapter 373, chapter 376, or chapter 403. ~~Nothing in~~ This
52 chapter does not ~~shall~~ prohibit or diminish a party's right to
53 contribution from other parties jointly or severally liable for
54 a prohibited discharge of pollutants or hazardous substances or
55 other pollution conditions. Except as otherwise provided in
56 subsection (4) or subsection (5), in any such suit, it is not
57 necessary for such person to plead or prove negligence in any
58 form or manner. Such person need only plead and prove the fact
59 of the prohibited discharge or other pollutive condition and
60 that it has occurred. The only strict-liability exceptions
61 ~~defenses~~ to such cause of action are ~~shall be~~ those specified in
62 s. 376.308 or s. 376.82.

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