

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: [CS/HB 479](#)

TITLE: Land and Water Management

SPONSOR(S): Maggard

COMPANION BILL: [SB 718](#) (McClain)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Natural Resources & Disasters](#)

11 Y, 5 N, As CS

[Intergovernmental Affairs](#)

[State Affairs](#)

SUMMARY

Effect of the Bill:

The bill prohibits a county or municipality from regulating adjacent development outside a wetland buffer if that buffer meets specific requirements. The bill also repeals water management district land management review teams.

Fiscal or Economic Impact:

None.

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ANALYSIS

EFFECT OF THE BILL:

The bill prohibits a county or municipality from adopting a law, regulation, rule, policy, or ordinance that prohibits adjacent upland activities that are outside of a [wetland buffer](#) if that buffer is a minimum width of 15 feet from the wetland and an average width of 25 feet from a wetland. (Section [1](#))

The bill provides the prohibition does not apply to interagency or interlocal agreements between the Department of Environmental Protection and any agency, water management district, or local government that is conducting programs relating to or materially affecting Florida's water quality. The bill specifies a county or a municipality's authority to regulate and operate its own water, wastewater, or stormwater systems is not affected by the bill's provisions. (Section [1](#))

Lastly, the bill repeals a section of law that requires Water Management Districts to establish [land management review teams](#). (Section [2](#))

The effective date of the bill is July 1, 2026. (Section [3](#))

RULEMAKING:

Due to the Department of Environmental Protection's management of the Environmental Resource Permit program, the agency may need to go through rulemaking to update existing rules and forms.

Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.

STORAGE NAME: h0479.NRD

DATE: 1/14/2026

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Wetland Regulations and Buffers

The statewide Environmental Resource Permitting (ERP) program is the primary tool used by the Department of Environmental Protection (DEP)¹ and Water Management Districts (WMD)² to regulate activities involving the alteration of surface water flows. This includes new activities in uplands that generate stormwater runoff from upland construction, as well as dredging and filling in wetlands and other surface waters.³ The program governs the construction, alteration, operation, maintenance, repair, abandonment, and removal of stormwater management systems, dams, impoundments, reservoirs, appurtenant works, and other works such as docks, piers, structures, dredging, and filling located in, on, or over wetlands or other surface waters.⁴

Wetland Delineation

Wetland delineation is the process of identifying, characterizing, and mapping wetlands on a property to determine the boundary between a wetland⁵ and an upland. Current law requires the Environmental Regulation Commission⁶ to adopt a unified statewide methodology for the delineation of wetlands, which must consider regional differences in the types of soils and vegetation that may serve as indicators of the extent of wetlands.⁷ The methodology, before becoming effective, must be ratified by the Legislature.⁸ Once ratified, the adopted wetland methodology is binding on DEP, the WMDs, local governments, and any other governmental entities.⁹ Additionally, this criterion preempts the authority of any WMD, state or regional agency, or local government to define wetlands or develop a delineation methodology to implement the definition, as this is the exclusive definition and delineation methodology for wetlands.¹⁰

¹ The Department of Environmental Protection is the state's lead agency for environmental management and stewardship. This includes the protection of air, land, and water resources. See Department of Environmental Protection (DEP), About DEP (Nov. 20, 2025), available at <https://floridadep.gov/sec/sec/content/about-dep> (last visited Jan. 9, 2026); s. 373.016, F.S.

² Florida's water management districts (WMDs) are responsible for administering water resources at a regional level. The state is divided into five WMDs, which are the Northwest WMD, the Suwannee River WMD, the St. Johns River WMD, the Southwest Florida WMD, and the South Florida WMD (SFWMD). The core focus of WMDs is on water supply, water quality, flood protection and floodplain management, and natural systems. See DEP, *Water Management Districts*, <https://floridadep.gov/owper/water-policy/content/water-management-districts> (last visited Jan. 9, 2026); Section 373.069, F.S.; Section 373.535(1)(a)2., F.S.

³ DEP, Environmental Resource Permitting Coordination, Assistance, Portals (Jun. 9, 2023), available at <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/environmental-resource-permitting> (last visited Jan. 9, 2026).

⁴ R. 62-330.010(2), F.A.C

⁵ A "wetland" is defined as "...those areas that are inundated or saturated by surface water or groundwater at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto." See s. 373.019 (27), F.S.

⁶ S. 373.421(1), F.S.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

Current law authorizes DEP or a WMD to provide a process by rule for formal determinations of the extent of wetlands.¹¹ As a result, the State has adopted Chapter 62-340, F.A.C., that applies “reasonable scientific judgment to evaluate the dominance of plant species, soils, and other hydrologic evidence of regular and periodic inundation and saturation” as evidence of a wetland.¹² The statewide methodology is codified in Chapter 62-340, F.A.C., and is part of the ERP Program.¹³ The processing of ERP permits, including wetland delineation, is done either by DEP or one of the state's WMDs, in accordance with how responsibilities are divided in operating agreements between DEP and the WMDs.¹⁴

Wetland Buffers

ERP permitting requirements often include the establishment of wetland buffer zones to protect wetlands from development and agricultural land uses.¹⁵ Wetland buffers are strips of vegetated land that protect the water quality of adjacent areas or waterbodies when construction occurs.¹⁶ Planners may use one of two ways to determine the width. A uniform width, a set distance, is often adopted by state or local governments for the general water quality protection.¹⁷ Chapter 373, F.S., requires the state and WMDs to use an adopted Uniform Mitigation Assessment Method to delineate wetland buffers.¹⁸ For the purposes of state permitting, the DEP ERP Applicant Handbook Volume I provides that if a wetland buffer is “...a minimum width of 15 ft. and an average width of 25 ft” then secondary impacts to habitat functions associated with adjacent upland activities will not be considered adverse.¹⁹ An applicant also may elect not to use the above-described dimensions, whereby they can propose buffers of different dimensions or other measures to provide the required reasonable assurance.²⁰ Through local development regulations and permitting, local governments sometimes require larger wetland buffers. Finally, local governments have different approaches to laying out buffers, but DEP’s guidance generally acts as a minimum threshold.

Local Permitting

The Florida Constitution mandates natural resources protection.²¹ State government provides statewide environmental management and stewardship in the categories of land preservation and recreation, water quality protection, and ecosystems restoration.²² Local government land use regulations also provide for protection of the environment, including the use of development regulations.²³

¹¹ S. 373.421(2), F.S. (2)

¹² R. 62-340.300, F.A.C.

¹³ DEP, *Water Resource Management Rules* (Apr. 22, 2025), available at <https://floridadep.gov/water/water/content/water-resource-management-rules#ERP> (last visited Jan. 9, 2026).

¹⁴ DEP, *Submerged Lands and Environmental Resources Coordination Program*, available at <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination> (last visited Dec. 23, 2025) and Florida Department of Natural Resources, *Delegation of Authority and Responsibility to the Northwest Florida Water Management District, et. al.* (Aug. 20, 1974), available at [https://floridadep.gov/sites/default/files/Deleg to all WMDs May 10 77.pdf](https://floridadep.gov/sites/default/files/Deleg%20to%20all%20WMDs%20May%2010%2077.pdf) (last visited Jan. 8, 2026).

¹⁵ Environmental Land Institute, *Conservation Thresholds for Land Use Planners*, p. 20, available at <https://cmmsandbox.eli.org/sites/default/files/eli-pubs/d13-04.pdf> (last visited Jan. 8, 2026).

¹⁶ United States Environmental Protection Agency, *Stormwater Best Management Practices, Vegetated Buffers*, (Dec. 2021) at 1, available at <https://www.epa.gov/system/files/documents/2021-11/bmp-vegetated-buffers.pdf> (last visited Jan. 8, 2026).

¹⁷ Environmental Land Institute, *Conservation Thresholds for Land Use Planners*, p. 19, available at <https://cmmsandbox.eli.org/sites/default/files/eli-pubs/d13-04.pdf> (last visited Jan. 9, 2026).

¹⁸ S. 373.414(18), F.S.; The Uniform Mitigation Assessment Method formula is established in R. 65-345, F.A.C. The delineation guidance is found in R. 62.340, F.A.C.

¹⁹ DEP, *Environmental Resource Permit Applicant’s Handbook Volume I (General and Environmental)*, p. 10-14 (July 30, 2025) available [https://floridadep.gov/sites/default/files/AH I thru Appendix D Compare SB7040 Clean.pdf](https://floridadep.gov/sites/default/files/AH%20I%20thru%20Appendix%20D%20Compare%20SB7040%20Clean.pdf) (last visited Jan. 7, 2026).

²⁰ *Id.*

²¹ Art. II, Section 7, Fla. Const.

²² DEP, *About DEP*, (last updated Nov. 20, 2025) available at <https://floridadep.gov/sec/sec/content/about-dep> (last visited Jan. 8, 2026).

²³ S. 163.3177, F.S.

Such local regulation could include a conservation element in a local comprehensive plan, which designates proposed future general distribution, location, and extent of the uses of land.²⁴ Included in this element is the protection of wetlands and the regulation of land uses and development that directs incompatible uses away from wetlands.²⁵ All local government land development regulations or community ordinances must be consistent with the local comprehensive plan.²⁶ A comprehensive plan is implemented through the adoption of land development regulations and ordinances²⁷ that are consistent with the plan and which contain specific and detailed provisions necessary to implement the plan.²⁸

WMD Land Management Review Teams

WMDs may acquire land in fee simple for various purposes, including conservation²⁹ and water management activities.³⁰ These lands can be managed by the WMD or a land manager. To determine whether conservation, preservation, and recreation lands titled in the names of WMDs are being managed for the purposes for which they were acquired, and in accordance with land management objectives, WMDs must establish land management review teams.³¹ The purpose of the teams is to conduct periodic management reviews of such lands. The review teams must consist of individuals from the local community, WMD, private sector, and various state agencies.³²

When conducting these reviews, the management review team must consider the extent to which the existing management plan provides sufficient protection to threatened or endangered species, unique, or important natural or physical features, geological or hydrological functions, or archaeological features.³³ If the land management review team finds that the lands subject to review are not being managed in accordance with their management plan, the land managing agency must provide a written explanation to the management review team.³⁴ By October 1 of each year, each WMD must provide a report to its governing board that indicates which properties have been reviewed and the review team's findings.³⁵

²⁴ S. [163.3177\(6\)\(d\), F.S.](#)

²⁵ S. [163.3177\(6\)\(d\)2.k, F.S.](#)

²⁶ S. [163.3194\(1\)\(b\), F.S.](#)

²⁷ "Land development regulations" means ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land, except that this definition does not apply in s. 163.3213. *See* [s. 163.3164\(26\), F.S.](#)

²⁸ S. [163.3202, F.S.](#)

²⁹ Ss. [259.105](#) and [373.199, F.S.](#)

³⁰ S. [373.036, F.S.](#)

³¹ S. [373.591\(1\), F.S.](#)

³² *Id.*

³³ Ss. [373.591\(2\)](#) and [259.036\(3\), F.S.](#)

³⁴ S. [373.591\(4\), F.S.](#)

³⁵ S. [373.591\(5\), F.S.](#)

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Natural Resources & Disasters Subcommittee	11 Y, 5 N, As CS	1/13/2026	Skinner	Weiss
THE CHANGES ADOPTED BY THE COMMITTEE:		<ul style="list-style-type: none">Removed provisions preempting regulation of water quality, water quantity, pollution control, pollutant discharge prevention and removal, and wetlands, to the state.Narrowed the bill by prohibiting a county or municipality from prohibiting adjacent development outside a certain wetland buffer.Removed a provision that provided penalties for counties and municipalities that violate the bill’s provisions.		
Intergovernmental Affairs Subcommittee				
State Affairs Committee				

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.
