PCS for HB 789 2024

A bill to be entitled

An act relating to environmental management; amending

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

s. 373.4131, F.S.; requiring that nonindustrial stormwater management systems be designed with side slopes that meet certain minimum design requirements; providing an exception; superseding certain side slope rules; amending s. 376.313, F.S.; revising construction relating to causes of action for damages to real or personal property directly resulting from certain discharges or other conditions of pollution; providing legislative intent; providing an effective date.

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

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

18 19 373.4131 Statewide environmental resource permitting rules.—

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adjacent to residential or urban areas that are accessible to the general public, side slope must be designed, except as provided in paragraph (a), with a horizontal-to-vertical ratio no steeper than 4:1 to a depth of at least 2 feet below the

(7) A nonindustrial stormwater management system, in or

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control elevation and must be stabilized with vegetation to

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prevent erosion and provide for pollutant removal.

- (a) A nonindustrial stormwater management system, in or adjacent to residential or urban areas that are accessible to the general public, side slope may be designed with a steeper than 4:1 horizontal-to-vertical ratio if the slope incorporates adequate temporary and permanent erosion and sediment control best management practices. A system designed or authorized to be steeper than 4:1 must be fenced, greenscaped, or other barriers installed sufficiently to prevent accidental incursion into the system.
- (b) All side slope rules adopted by the department, water management districts, or delegated local programs under this part as of July 1, 2024, are superseded by this subsection and may be repealed without further rulemaking pursuant to s. 120.54 by publication of a notice of repeal in the Florida Administrative Register and subsequent filing of a list of the rules repealed with the Department of State.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. Subsection (3) of section 376.313, Florida Statutes, is amended to read:
- 376.313 Nonexclusiveness of remedies and individual cause of action for damages under ss. 376.30-376.317.-
- (3) Except as provided in s. 376.3078(3) and (11), nothing contained in ss. 376.30-376.317 do not prohibit a prohibits any person from bringing a cause of action in a court of competent jurisdiction for all damages to real or personal property

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

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

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