



Florida Legislative Session Recap Webinar

March 14, 2024
10:30 a.m. – 11:30 a.m. (Eastern)

www.florida-stormwater.org



Civil Engineering
Watershed Planning
Urban Design
Resiliency Strategies



OneWaterFL.com



Cody Stewart, MS, ENV-SP
Water Systems Analyst



Elizabeth Brown, PE
Senior Utilities Engineer



James Cunningham
GIS Systems Analyst



Matthew Pleasant, AICP
Planning Manager



Diana Ferguson
Lobbyist

Florida Stormwater Association
dferguson@rutledge-ecenia.com



Kevin Coyne
Regulatory Affairs

Florida Stormwater Association
kevin.coyne@ampuptoday.com



Today's Overview

- 2024 Session Review.
- Focus on *Water-Related Legislation* of interest to local stormwater programs.
- What's Next in 2024/2025.



Thoughts prior to 2024 Session...

- Revisit some items not passed in 2023 (local government permitting, social media limits, affordable housing).
- Less preemption (compared to 2023) but philosophy remains.
- Water quality (stormwater and mitigation) and resiliency.



General Background for 2024 Session

Preemption & Local Governments

- Preemption philosophy carries over to 2024 session.
- Re-building (post hurricanes) progress slow/not moving forward since 2023.
- Crossover planning/permitting/development in submitted bills.
- Insurance still an issue.

And...Florida is still growing (22.6 million people*)

*Bureau of Economic and Business Research (BEBR), Florida Estimates of Population 2023

www.florida-stormwater.org



General Background for 2024 Session

Water Quality = Statewide Stormwater Rule and Mitigation

- 2023 – Statewide Stormwater Rule adopted, not ratified during session – was on hold until 2024.
- Water Quality Enhancement Rule making by FDEP started, will continue post 2024 session.
- Many considerations for bills to impact permitting of wetlands due to WOTUS changes.



Resources on FSA website

www.florida-stormwater.org/legislative

- ✓ Priority Issues
- ✓ General bills being tracked by FSA
- ✓ White Papers
- ✓ News Clips

www.florida-stormwater.org

Legislative Page (Members Only)

Quick Links: [Bills](#) - [News](#) - [White Papers](#) / [Current Year](#) - [Previous Years](#)

FSA legislative reports are produced for the benefit of the membership, and to further the policies and objectives of the Association. Some documents may contain confidential information and distribution to other parties may be detrimental to the interests of the overall membership. Please use discretion and good judgment if electronic communications are sent to other parties. FSA reserves the right to discontinue providing access to legislative reports and other communications to any party at anytime.

2024 Regular Session

- [FSA Priority Issues - March 8, 2024 \(FINAL\)](#)
- [Official Website of the Florida Legislature](#)
- Watch Legislative Meetings (LIVE Meetings | [RECORDED Meetings](#))

2024 FSA Bill Tracking *(Not seeing table below? Make sure your pop up blocker is off)*

Number	Title	Sponsor	Last Action
--------	-------	---------	-------------



Florida Stormwater Association
Final 2024 Priority Issues – March 8, 2024

Detailed information on the below and other bills may be found on the FSA [Legislative Page](#).

Ratification of the FDEP's Rules Relating to Stormwater (HB 7053/SB 7040) – Support (PASSED)

Provides ratification of the Statewide Stormwater Rule. Includes amendments to the adopted rule that revise grandfathering, redevelopment, and inspection reporting on permitted agricultural lands.

Advanced Wastewater Treatment (HB 1153/SB 1304) – Support (FAILED)

Requires FDEP & WMDs to develop a list of sewage disposal facilities with a permitted capacity of greater than one million gallons per day (MGD). The list will provide details on each facility, status of the receiving waterbody, and by 2026 provide a list of prioritized facilities for upgrade to advanced treatment levels.

Sampling of Beach Waters and Public Bathing Spaces (HB 165/SB 338) – Monitor (PASSED)

Expands the requirements of bacteria sampling in bathing waters, increasing the amount of sampling required after a water quality criterion, requiring closure and notification of waters, and develops a database of closures. The bill also outlines the transfer of DOH offices/employees to FDEP.

Department of Environmental Protection (HB 1557/SB 1386) – Monitor (PASSED)

Requires WMDs to develop rules for the permitting of reclaimed water and water supply projects. Increases the use of Florida Flood Hub information for resiliency and vulnerability assessments. Bill includes parameters for the transfer of the OSTDS program from DOH to FDEP.

Mitigation (HB 1073/SB 1532) – Monitor (PASSED)

Updates the definition of sponsor to include private entity cooperating with a government and provides designations to who can develop and buy credits associated with Water Quality Enhancement Areas. Requires government entities to consider proposals for mitigation bank projects and defines parameters for private entities to follow when entering an agreement on a mitigation banking project.

20247040er

1
2 An act relating to the ratification of the Department
3 of Environmental Protection's rules relating to
4 stormwater; ratifying a specified rule relating to
5 environmental resource permitting for the sole and
6 exclusive purpose of satisfying any condition on
7 effectiveness pursuant to s. 120.541(3), F.S., which
8 requires ratification of any rule exceeding the
9 specified thresholds for likely adverse impact or
10 increase in regulatory costs; providing construction;
11 amending s. 373.4131, F.S.; ratifying rule 62-330.010,
12 Florida Administrative Code, with specified changes;
13 requiring that specified future amendments to such
14 rule be submitted in bill form to, and approved by,
15 the Legislature; providing an effective date.



2024 Session

- Interim meetings started September 2023
- Session kickoff January 8, 2024
- Last day (“Sine Die”) March 8, 2024
 - 1,957 Bills submitted
 - 2,196 amendments
 - = 325 Bills passed



Priority Issues

✗ **HB 527/SB 664 - Land and Water Management. Oppose (Failed)**

House – Maggard/Senate – Burgess

- Required any local government “buffer zones” that exceed state determinations had to be acquired via eminent domain.
- Preempted the local government dredge and fill governance/regulations and deemed all authority to state government.
- Removed land management review section from law.

Neither bills made any committee agendas/heard in meetings



Priority Issues

✘ **HB 791/SB 1150 - Development Permits and Orders. Oppose (Failed)**

House – Overdorf/Senate – Perry

- Changes local government zoning and development permit application processes, including;
 - Requires local governments list minimum information for permitting applications.
 - 5-day deadline for receiving applications/30-day deadline for review.
 - Reduces decision timelines for permits not requiring a public hearing.
- Requires refund policies when local governments don't meet deadlines.

House bill passed all committees, Senate bill did not



Priority Issues

✗ **HB 789/SB 738- Environmental Management. Monitor (Failed)**

House – Overdorf /Senate – Burgess

- Develops state side slope regulations (4:1 ratio) for stormwater management systems. Includes options for other ratios if certain building criteria are incorporated into the system design.
- Specifies legal actions for damages to real or personal property resulting directly from unauthorized discharges, creates preemption for impacts from a compliant permitted discharge.*

**Significant debates during session on this piece from the legal representatives.*

Both bills passed all committees, passed Senate, but not house floor



Priority Issues

✗ **HB 1153/SB 1304 - Advanced Wastewater Treatment. Support (Failed)**

House – Cross/Senate – Berman

- Requires an annual report due by December 31, 2024, on facilities (over 1 million gallons per day) current treatment performance.
- Future annual reports must include a priority ranking for facilities that need to be updated to advanced wastewater treatment levels, and status as upgrade efforts move forward.

Neither bills made any committee agendas/heard in meetings



Priority Issues

✓ **HB 1547/SB 1628 - Local Government Actions. Oppose (Passed)**

House – McClure/Senate – Collins

- Allows local government ordinance exclusion* from standard enactment procedures and legal challenges, and coverage from compliance with federal or state regulations.

**Exclusions include land development, permits, comp plan amendments, and agreements from a private party.*

- Revises requirements when local governments (including districts) have a bond referendum over \$500 million dollars. They must now include the issue in a general election.



Priority Issues

✓ **HB 665/SB 812 - Expedited Approval of Residential Building Permits. Oppose (Passed)**

House – McClain/Senate – Ingoglia

- Requires the development of a program for expedited approval of residential building permits (pre-final plat). Applicable to governing bodies in counties with 75,000 or more residents and municipalities greater than 10,000 with 25 or more acres of land designated for agricultural or residential.
- Requires development of a two-step application process for preliminary plat and master building permit.
- Allows applicants to use a private service for expediting building permit efforts and requires listing of private “qualified contractors” (at least 3) that can provide expedited building permit services.



Priority Issues

✓ **HB 1419/SB 1420 - Department of Commerce. Monitor (Passed)**

House – Tuck/Senate – Burgess

- Department of Commerce bill (wide range of topics).
- Regulates health care facility land development, local government planning impacts to health care facility, and regulates VA projects.
- Revisions to workforce development programs.
- Includes local government preemptions on time frames for comprehensive plan amendments, including terms for not meeting deadlines.
- Prohibition on citizen led county charter amendments preempting development regulations unless already in place prior to January 1, 2024.



Priority Issues

✓ **HB 1073/SB 1532 - Mitigation. Monitor (Passed)**

House – Truenow/Senate – Brodeur

- Water Quality Enhancement Area (WQEA) bill providing updates and clarification (assume bill will influence 2024 WQEA rule under development).
- Clarifies applicant definition, requirement for state to authorize sales/use of credits.
- Provides parameters/guidance for mitigation credit banking, including funding prohibitions, use of credits in deficient basins, and lands that can/cannot be developed for banking areas.



Priority Issues

- ✓ **HB 1557/SB 1386 - Department of Environmental Protection. Monitor (Passed)**
House – Chaney/Senate – Calatayud
 - Promotes the use of reclaimed water, requires Water Management Districts (WMDs) to develop rules for reclaimed water use.
 - Resiliency planning updates, including the use of information/data from Florida Flood Hub for planning and vulnerability assessment efforts.
 - Continues the transition of FDOH Onsite Septic Programs to FDEP.
 - Requires Advanced Wastewater Treatment (AWT) for domestic wastewater facilities in adopted restoration plans.
 - Updates on enforcement penalty calculations for FDEP when addressing violations.



Priority Issues

✓ HB 165/SB 338 - Sampling of Beach Waters and Public Bathing Spaces (Safe Waterways Act). Monitor (Passed)

House – Gossett-Seidman/Senate – Berman

- Bill focuses on FDOH enforcement on beach water quality exceedances (bacteria) and notice of closures.
- Requires local governments to notify state when exceedances take place, and FDEP was mandated to investigate areas for wastewater sources that may contribute to the exceedances.
- Standardizes signage for notification and closures.

House bill passed all committees, Senate bill did not (Senate pulled in House bill and passed on floor)



Priority Issues

- ✓ **HB 7053/SB 7040 - Ratification of the Department of Environmental Protection's Rules Relating to Stormwater 2024. Support (Passed)**



House – Committee Bill (Altman)/Senate – Committee Bill (Harrell)

- Bill ratifying the 2023 adopted Statewide Stormwater Rule.
- Included performance criteria for specific types of waters.
- Has exemptions/grandfathering clauses for certain areas, including DRIs and PUDs, submitted prior to January 1, 2024, and extension of start date to 18 months after effective date.



Priority Issues

- ✓ **HB 7053/SB 7040 - Ratification of the Department of Environmental Protection's Rules Relating to Stormwater 2024. Support (Passed)**



Interim Meetings (September/October 2023)

- FSA staff meet with over 30 legislators to promote statewide stormwater rule ratification.
- Worked with DEP/Stakeholders to provide educational materials/answer questions as discussions progressed.

Pre-Session (January 2024)

- DEP information meetings (House Water Quality Subcommittee).
- Draft language posted via Senate – included amendments to 2023 adopted rule (grandfathering and redevelopment language).



Priority Issues

- ✓ **HB 7053/SB 7040 - Ratification of the Department of Environmental Protection's Rules Relating to Stormwater 2024. Support (Passed)**



First drafts included clarifications from FDEP and:

- Redevelopment exemptions & clarifications on grandfathering.
- Exemptions on inspections for Ag/currently permitting facilities in South FL (FDACs & SFWMD permits).

Second round included:

- Presumption of compliance clarification & exemptions for Development of Regional Impact (DRI) – and later Planned Unit Development (PUD).
- Extended start date (performance criteria) from 12 months to 18 months.
- House accepted deadlines/limits to the exemptions.

Statewide Stormwater Rule

- **[March 2024]** SB 7040, Ratification of FDEP's Rules Relating to Stormwater passed the Legislature and await the Governor's signature. [View/Download the Legislature's changes to the Stormwater Rule in SB 7040ER](#). *[For changes adopted prior the Legislature's changes, see the April 2023 adopted Rule Language and Incorporated Documents below.]*
- **[January 2024]** HB 7053/SB 7040, Ratification of the FDEP's Rules Relating to Stormwater bills were filed. Visit FSA's Legislative page for detailed bill tracking information.
- **[April 2023]** The rule was adopted by the Department of State in April 2023 awaiting Legislative ratification before becoming effective. Ratification of the rule was required by the Legislature due to its fiscal impact. View [FDEP's Rulemaking page](#) (See "Notice of Change for Chapter 62-330, F.A.C." link in Comments) and [FDEP's Rulemaking Workshop page](#) for more information. ([See the Adopted Rule Language, Incorporated Documents, and SERC here](#))
- **[March 24, 2023]** FDEP published a [Notice of Change to the Proposed Rule](#). View the [updated draft rule language to Volume I of the ERP Applicant's Handbook](#) and [all related documents](#). The change included a revised Estimated Regulatory Cost, and with the change, a 21-day comment/challenge period (ending April 14th) was required. No legal challenges were filed. See [FSA's comments on the Notice of Change updates](#) noting the association's concerns, but ultimately supporting FDEP as a compromise for all industries.
- **[March 22, 2023]** FDEP held a Lower Cost Regulatory Alternative (LCRA) hearing, to review the four alternatives received to the proposed Rule. [View all comments including the four LCRAs](#) on FDEP's Comments page. FDEP reviews the evidence and information submitted at the hearing and prepared a Notice of Change incorporating the [Joint Administrative Procedures Committee \(JAPC\) comments](#). This change required an additional review period and opened the Proposed Rule for additional comments.
- **[February 24, 2023]** FDEP published a [Notice of Proposed Rule](#) for proposed amendments to Chapter 62-330, FAC. View [FSA Comments on the Proposed Rule](#).



What to Anticipate Next...

Looking back at last years thoughts

- ✓ Ratification of Stormwater Rule
- ✓ Continued efforts to limit local governance
- ~~✓ Limits on Fertilizer Ordinances~~

2025

- ✓ Preemption philosophy
- ✓ Wetlands
- ✓ Fertilizer (?)