



Water Quality/Stormwater Policy Legislation Review

FACERS 2024 Annual Meeting

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Today's Overview

- Florida Stormwater Association
- 2024 Session Review - What passed/What didn't.
- *Policy/Water-Related Legislation.*
- Thoughts for 2024/2025.



Florida Stormwater Association (FSA)

- Association started in 1993.
 - Originally named “FL Association of Stormwater Utilities”
- Association Services - Training and education; Communications and information sharing; and Advocacy.
- Membership = Mostly local governments & private firms (350 + entities, over 5000 members), & state government agencies.
- Outreach - Annual Conferences, Seminars, & Webinars.



General Background for 2024 Session

Preemption & Local Governments

- Preemption philosophy carries over to 2024 session.
 - *“Re-building (post hurricanes) progress slow.”*
 - Crossover planning/permitting/development in submitted bills.
 - Insurance still an issue, Education, Healthcare a priorities.
- And...Florida is still growing (22.6 million people*)

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

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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.
- Local government fertilizer ordinance, will ban/restrictions continue?

****FSA Priority***

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Member resources on FSA website

www.florida-stormwater.org/legislative

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



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.



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

As of June 21st – 281 bills signed, 6 vetoed, all others presented to the Governor.



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.

***SB 1628 Signed by Governor**



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 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.

***SB 812 Signed by Governor**



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.

***SB 1420 Signed by Governor**



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.

***SB 1532 Signed by Governor**



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.

***SB 1557 Signed by Governor**



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.
- Requirement of 2020 SB712 (Clean Waterways Act)
- Final bill included 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)



- In 18 months after effective date, performance criteria (specifically for nutrients) will be required for most new stormwater management facilities. Level of treatment will vary; some sites may be exempt.
- In 12 months after effective date, inspections will be required (and will require reporting).
- Immediate impacts:
 - New facilities will require O&M plan including costs.
 - Updated dam requirements.
 - Inspection plan and checklist (part of the inspection requirement) for each new permit.



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/404 Permitting
- ✓ Fertilizer (?)



Questions?

florida-stormwater.org

(888) 221-3124

Kevin.Coyne@AMPUptoday.com



Florida Stormwater Association



Xtra Info (*Borrowed from Baird/Coates – FSA 2024 Annual Conf.*)

Grandfathering

Existing permits will not be affected unless they have a major modification.

ERP applications that will not be required to meet the new rule requirements.

- Projects with complete application within 18 months from the rule effective date.

- Florida Department of Transportation projects that have completed their project development and environment study before rule implementation.

- Conceptual approval permits issued before the rule effective date.

- Minor modifications or modifications that will solely bring the previously permitted system into compliance with its existing permit.

Stormwater management and design plans approved before Jan. 1, 2024.

- For a planned unit development final development plan.

- For a valid development of regional impact.

- With a binding ecosystem management agreement.

- Submitted to local government agency as part of a local building permit or as part of a site plan or subdivision plat approval.

- Submitted to local government agency as part of a regional stormwater management system.

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Xtra Info (*Borrowed from Baird/Coates – FSA 2024 Annual Conf.*)
Performance Criteria – Section 8.2, AH Vol. 1

Project Scenario	TP	TN	Additional Criteria
All sites	80	55	Or post ≤ pre
OFW	90	80	Or post ≤ pre
Impaired water	80	80	And post ≤ pre plus net improvement
Impaired + OFW	95	95	And post ≤ pre plus net improvement
Redevelopment	80	45	N/A
Redevelopment + OFW	90	60	N/A
Redevelopment + impaired	80	45	And net improvement for the pollutant of concern