



**PUBLIC
POLICY**



2024 Legislative Session

**Florida Local Environmental Resource Agencies
January 4th, 2024**



• 2024 Regular Legislative Session

- 60-day Session begins Tuesday January 9th
- 1200+ Bills and PCBs filed
 - Many more expected this weekend
 - Filing deadline Tuesday at noon
 - Committee bills during session
 - Sine Die expected March 8th
- 250+ Bills in FAC Bill Tracker
- 50+ Preemptions/Mandates

PREEMPTIONS/ MANDATES



HB 527/SB 664—Land and Water Management

Maggard/Burgess

- Preempts the regulation of dredge and fill activities to DEP
- Also requires a local government to acquire, through eminent domain, any buffer zones for which the county land or water delineations exceed delineation determinations by DEP or the water management districts.
- Repeals land management review teams under water management districts

PREEMPTIONS/ MANDATES



HB 339/SB 696—Agritourism

Roth/Rodriguez

- Current law preempts local governments from prohibiting/regulating agritourism practices on land classified as agricultural.
- This bill expands the preemption to include the following as prohibited actions:
 - A local government may not require a certificate of use for agricultural facilities or agritourism venues.
 - The bill also sunsets any such existing ordinances or regulations one year after the bill's effective date.
 - A local government may not limit any state-regulated agritourism activities.



HB 267/SB 684 Building Regulation Esposito/DiCeglie

- This bill makes drastic changes to local building permit review procedures. First, the bill reorganizes the section of statute concerning single-family residential building permits, consolidating it with that of other building permit procedures, including multifamily, mechanical, and commercial below a certain square footage.
- The bill also tightens the “shot clock” for a local building department to approve or deny a permit. Current law for single family residential dwellings allows for an initial 30-day review, and an additional 10-day review, once an applicant has cured any deficiencies. Meanwhile, a local building department has up to 120 days to review most other permit types.
- Under the bill, a local building department must comply with the following revised timelines for initial review:
 - 30 days for standard review by the local government.
 - 15 days if the applicant uses a private provider for plan review.
 - 10 days as part of a master plan building permit.
- If a permit application is not approved following the initial review, the local government has five days to request additional information, and an additional 10 days to process the application once cured. Before a local government may request additional information a second and final time, it must offer to meet the applicant virtually or in person to resolve outstanding issues.
- To expedite the permitting process, the bill authorizes the use of year-over-year carryover funds from permit fees to upgrade permit enforcement technology within the building department.
- The bill requires certain counties to create a program for expedited batch permitting (up to 50% of the total building permits) for eligible planned communities, following approval of a preliminary plat.



HB 665/SB 812 Expedited Approval of Residential Building Permits

McClain/Ingoglia

- Requires counties of 75,000 residents or more to create a program allowing for expedited batch permitting (up to 50% of the total building permits) for eligible planned communities, following approval of a preliminary plat.
- An eligible applicant may obtain these expedited permits under the following conditions:
 - Approval of a preliminary plat by the local government
 - The applicant furnishes a copy of the approved plat and plans to the relevant utilities
 - The applicant holds a valid performance bond up to 130% of the necessary utilities and improvements
 - An applicant must indemnify and hold harmless the local government for any damages related to the issuance of the building permits
- The batch permitting language can also be found in HB 267/SB 684



HB 791/SB 1150—Development Permits and Orders

Overdorf/Perry

- Requires a county or municipality to publicly provide the minimum requirements for obtaining a zoning or rezoning approval, special exception, variance, subdivision approval, or certification.
- Within five days of receiving an application for a development permit or order, a county must confirm receipt of the application with the applicant.
- Requires a county to notify an applicant within 30 days of submission that an application is complete or, alternatively, specify the areas of deficiency.
- A county must issue a refund of 10% of the application fee for every day over 30 that it fails to notify an applicant of completeness or deficiencies; 20% for every day over a subsequent 30 once the applicant cures any initial deficiencies; and 50% for every day over 30 following the total 120- or 180-day window specified in this section. Provides exception to the refund requirements if the two parties agree to an extension, the delay can be attributed to the applicant, or in the event of a force majeure.



Additional Growth Management Bills

- SB 1184 Land Use and Development Regulations by Sen. Ingoglia
 - Omnibus bill with several changes to Ch. 163 including definition changes to the terms density, intensity, urban service area, and urban sprawl; establish minimum lot sizes and infill development standards for residential dwellings
- HB 1177/SB 1110—Land Development by Duggan & DiCeglie



SB 406—Statewide Environmental Resource Permitting Rules

Rodriguez

- Prescribes a 4:1 side slope ratio for any surface water management systems.
- Existing rules by Department of Environmental Protection, water management districts, or local delegates, are superseded by this bill and may be repealed without further rulemaking.



HB 789/SB 738—Environmental Management

Overdorf/Burgess

- Provides for the recovery of costs and attorney fees by a prevailing party challenging a Department of Environmental Protection (DEP) or water management district rule or action.
- Similar to language in SB 406, the bill prescribes a 4:1 side slope ratio for any surface water management systems. Existing rules by DEP, water management districts, or locally delegated programs, are superseded by this bill and may be repealed without further rulemaking.
- Directs DEP and the water management districts to conduct a holistic review of their coastal permitting processes, with a focus on improving efficiency and reducing duplicative processes. DEP and the water management districts are to submit a report of their findings to the legislature by December 31, 2024.



SB 836—Mitigation Areas and Assessments

Simon

- The bill provides an exception for the conditions under which the degree of risk may not be considered when a uniform mitigation assessment method is being applied
- For mitigation areas created after January 1, 2022, and for which mitigation has not been determined to be successful by the department or water management districts as of July 1, 2024, the following applies:
 - No conservation easement or other similar form of encumbrance of real property may be required as a condition of approval of the permit or mitigation plan; and
 - The mitigation credits attributable to the mitigation area will be determined without regard to the presence or absence of a conservation easement or other similar form of encumbrance of real property.



HB 455/SB 36—Comprehensive Waste Reduction and Recycling Plan

Casello/Stewart

- The bill directs the Florida Department of Environmental Protection (DEP) to develop a comprehensive statewide recycling and waste-reduction plan by July 1, 2025. To develop the plan, DEP is to convene a technical assistance group to assess the conclusions and recommendations of the previous statewide recycling plan, which sunset in 2020. Among the minimum provisions of the plan are:
 - A statewide recycling goal based on sustainable materials managements and waste diversion
 - A 3-year plan addressing recycling education and outreach, local recycling assistance, and market expansion strategies for recyclable materials
 - Reporting requirements to the legislature



SB 32—Mangrove Replanting and Restoration

Garcia

- Requires the Department of Environmental Protection (DEP) to adopt rules for mangrove replanting and restoration. To this end, DEP is also directed to conduct a statewide study, assessing the value of mangrove forests and other nature-based solutions to coastal flooding.
- Rulemaking is required to include or address the following components:
 - Erosion, particularly in areas of critical state concern
 - Barrier islands
 - Everglades and Biscayne Bay revitalization
 - Vulnerable properties
 - Intracoastal navigation and markers
 - Permitting incentives, particularly for living shorelines/nature-based features
 - Local partnership opportunities through the Resilient Florida grant program



HB 163/SB 608—Dredging and Beach Restoration Projects

Gossett-Seidman/Rodriguez

- Requires an environmental impact analysis conducted by an independent contractor as a condition of any dredging or beach restoration project permit. The independent contractor performing the analysis must pass a conflict check with the local government's project contractor
 - May not have worked together on a project within the past year, or for one year following completion of the analysis.
- The local government seeking a permit must notify adjacent local governments of its intent to perform an environmental impact study, with a penalty of 10% of project costs for violations of this section.
- Dredging projects in ports maintained by the U.S. Army Corps of Engineers are exempt from this requirement.



HB 1079/SB 298—Coastal Construction and Assessments

McFarland/Polsky

- Authorizes DEP to award grants to coastal counties for saltwater vulnerability assessments under the Resilient Florida grant program.
 - Grants under this section are to include a 50% state cost-share.
 - Cost-sharing requirements are waived for coastal counties with a population under 50,000.
- Such assessments are expected to analyze the impact of saltwater intrusion on the county's water supply, as well as the county's preparedness for a saltwater intrusion event.
- HB 1079 contains an additional section which modifies a local government's ability to establish coastal construction zoning and building codes
 - DEP may not delegate such authority to a coastal county or coastal municipality that did not receive local coastal construction zoning and building code exceptions to the coastal control line on or before December 1, 2023



HB 863/SB 986– Management and Storage of Surface Waters

Killebrew/Burton

- Provides an exemption surface water management and storage regulations for activities that create, restore, or enhance environmental habitat.
- These bills were also the result of a local permitting controversy.
- However, the bills were technically flawed and would have created statutory inconsistencies and would have been very difficult to implement and administer.



Filed this week

- HB 1073—Enhancement and Mitigation Credits by Rep. Truenow
- HB 1075—Soil and Water Conservation Districts by Rep. Truenow
- HB 1163/SB 1136—Regulation of Water Resources by McClain & Trumbull
- HB 1187/SB 1258—Carbon Sequestration by Cross & Rodriguez



Other Bills and Issue Areas

- HB 87/SB 632—Taking of Bears
- HB 1051/SB 1082—Housing for Agricultural Workers
- SB 1126—Regulation of Auxiliary Containers
- Several Land Acquisition Trust Fund Bills

- Stormwater Rule Ratification
- PFAS
- Fertilizer Preemption

FOR MORE INFORMATION



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Questions?