Stormwater Credit Program Overhaul Expands Use of Water Quality Enhancement Areas

SB 848 – Sen. Keith Truenow (HB 1457 – Rep. Karen Gonzalez Pittman)

General Bill Summary

CS/CS/SB 848 revises Florida law governing stormwater treatment and water quality enhancement programs. The legislation updates how compensating stormwater treatment and water quality enhancement credits are generated, used, and regulated in the state.

The bill defines new terms such as "compensating stormwater treatment" and clarifies regulatory standards for systems designed to treat stormwater from multiple parcels. It authorizes the use of water quality enhancement area (WQEA) credits by permit applicants or governmental entities to meet environmental resource permit (ERP) stormwater treatment performance standards or achieve required net water quality improvements.

Importantly, when an applicant uses enhancement credits, the legal responsibility for meeting applicable regulatory stormwater treatment requirements shifts from the credit purchaser to the entity that generates the credit.

The bill also establishes additional oversight of regional stormwater management systems, requiring applicants to demonstrate financial responsibility for construction, operation, and long-term maintenance through mechanisms such as bonds, insurance, or trust agreements.

Finally, the legislation authorizes the Department of Environmental Protection (DEP) to adopt rules implementing these provisions and allows provisional permits for water quality enhancement areas while rules are being developed.

Potential County Impact

Counties may experience operational and policy impacts because the bill modifies the framework governing stormwater mitigation and environmental resource permitting.

First, counties that use water quality enhancement credits to meet regulatory stormwater requirements may benefit from clearer statutory authorization and the transfer of compliance responsibility to the credit generator. This could provide greater certainty for county infrastructure and development projects requiring environmental resource permits.

Second, the bill creates additional financial assurance requirements for regional stormwater management systems. Counties participating in, sponsoring, or permitting such systems may need to evaluate financial responsibility documentation such as performance bonds, insurance, or endowments for long-term system maintenance.

Third, counties that own or manage public lands may face administrative responsibilities when allowing private entities to construct or operate stormwater treatment features on those lands. If

DEP or a water management district determines that the activity is contrary to the public interest, the county may be required to direct the private entity to cease operations.

Overall, the bill may influence how counties participate in basin management action plans (BMAPs), stormwater mitigation strategies, and regional water quality projects, particularly where credit markets or third-party treatment systems are used.

Effective Date

July 1, 2026

Primary Statutory References

- **s. 311.106, F.S.**
- **s. 373.019, F.S.**
- **s. 373.403, F.S.**
- **s. 373.4134, F.S.**
- **s. 373.414, F.S.**
- **s. 373.250, F.S.**