

From Rooftop to River: The Legal and Administrative Basis for Managing Stormwater through Low-Impact Development

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Recent data suggests that traditional centralized stormwater management practices do not perform sufficiently to avoid continued water body degradation. The Florida Department of Environmental Protection has initiated rulemaking to address current regulatory inadequacies; anticipated changes may include increased reliance on the strategy referred to as “low impact development (LID).” LID promotes a decentralized suite of structural and nonstructural stormwater management techniques to achieve water quality and quantity control which advocates contend will help to address current deficiencies. This may include increased reliance on the system of private regulation created by community associations and related statutory entities established to administer planned developments. In this paper we examine the legal and administrative basis for LID regulation by community associations and other forms of community property management. We describe the relationship between these entities and state, regional and local governmental agencies, especially as it relates to oversight and enforcement of the long-term operation and maintenance requirements of LID systems. We conclude by offering recommendations for homeowner’s association and community development district formation documents to improve the prospects for LID system integrity and corresponding improvements to receiving waters. Support for this research was provided in part by a grant from the University of Florida Water Institute and by the University of Florida IFAS Cooperative Extension Service.

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