

By Senator Cruz

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20191344\_\_

1                   A bill to be entitled  
2           An act relating to statewide environmental resource  
3           permitting rules; amending s. 373.4131, F.S.;  
4           clarifying the duty of the Department of Environmental  
5           Protection to adopt, in coordination with the water  
6           management districts, specified statewide  
7           environmental resource permitting rules; directing the  
8           water management districts, with department oversight,  
9           to adopt rules for specified design and performance  
10          standards relating to new development and  
11          redevelopment projects; directing the department to  
12          incorporate such rules by reference for use within the  
13          geographic jurisdiction of each water management  
14          district and to amend such rules into the applicant's  
15          handbook; providing a rebuttable presumption that  
16          certain stormwater management systems do not cause or  
17          contribute to violations of applicable state water  
18          quality standards; providing an effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

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22           Section 1. Subsections (1) and (3) of section 373.4131,  
23 Florida Statutes, are amended to read:

24           373.4131 Statewide environmental resource permitting  
25 rules.—

26           (1) The department must ~~shall initiate rulemaking to~~ adopt,  
27 in coordination with the water management districts, statewide  
28 environmental resource permitting rules governing the  
29 construction, alteration, operation, maintenance, repair,

18-01588-19

20191344\_\_

30 abandonment, and removal of any stormwater management system,  
31 dam, impoundment, reservoir, appurtenant work, works, or any  
32 combination thereof, under this part.

33 (a) The rules must provide for statewide, consistent  
34 regulation of activities under this part and must include, at a  
35 minimum:

36 1. Criteria and thresholds for requiring permits.

37 2. Types of permits.

38 3. Procedures governing the review of applications and  
39 notices, duration and modification of permits, operational  
40 requirements, transfers of permits, provisions for emergencies,  
41 and provisions for abandonment and removal of systems.

42 4. Exemptions and general permits that do not allow  
43 significant adverse impacts to occur individually or  
44 cumulatively.

45 5. Conditions for issuance.

46 6. General permit conditions, including monitoring,  
47 inspection, and reporting requirements.

48 7. Standardized fee categories for activities under this  
49 part to promote consistency. The department and water management  
50 districts may amend fee rules to reflect the standardized fee  
51 categories but are not required to adopt identical fees for  
52 those categories.

53 8. Application, notice, and reporting forms. To the maximum  
54 extent practicable, the department and water management  
55 districts shall provide for electronic submittal of forms and  
56 notices.

57 9. An applicant's handbook that, at a minimum, contains  
58 general program information, application and review procedures,

18-01588-19

20191344\_\_

59 a specific discussion of how environmental criteria are  
60 evaluated, and discussion of stormwater quality and quantity  
61 criteria.

62 (b) The rules must provide for a conceptual permit for a  
63 municipality or county that creates a stormwater management  
64 master plan for urban infill and redevelopment areas or  
65 community redevelopment areas created under chapter 163. Upon  
66 approval by the department or water management district, the  
67 master plan shall become part of the conceptual permit issued by  
68 the department or water management district. The rules must  
69 additionally provide for an associated general permit for the  
70 construction and operation of urban redevelopment projects that  
71 meet the criteria established in the conceptual permit. The  
72 following requirements must also be met:

73 1. The conceptual permit and associated general permit must  
74 not conflict with the requirements of a federally approved  
75 program pursuant to s. 403.0885 or with the implementation of s.  
76 403.067(7) regarding total maximum daily loads and basin  
77 management action plans.

78 2. Before a conceptual permit is approved ~~granted~~, the  
79 municipality or county must assert that stormwater discharges  
80 from the urban redevelopment area do not cause or contribute to  
81 violations of water quality standards by demonstrating a net  
82 improvement in the quality of the discharged water existing on  
83 the date the conceptual permit is approved.

84 3. The conceptual permit may not expire for at least 20  
85 years unless a shorter duration is requested and must include an  
86 option to renew.

87 4. The conceptual permit must describe the rate and volume

18-01588-19

20191344\_\_

88 of stormwater discharges from the urban redevelopment area,  
89 including the maximum rate and volume of stormwater discharges  
90 as of the date the conceptual permit is approved.

91 5. The conceptual permit must contain provisions regarding  
92 the use of stormwater best management practices and must ensure  
93 that stormwater management systems constructed within the urban  
94 redevelopment area are operated and maintained in compliance  
95 with s. 373.416.

96 (c) The rules must rely primarily on the rules of the  
97 department and water management districts in effect immediately  
98 prior to the effective date of this section, except that the  
99 department may:

100 1. Reconcile differences and conflicts to achieve a  
101 consistent statewide approach.

102 2. Account for different physical or natural  
103 characteristics, including special basin considerations, of  
104 individual water management districts.

105 3. Implement additional permit streamlining measures.

106 (d) The application of the rules must continue to be  
107 governed by the first sentence of s. 70.001(12).

108 (3) (a) The water management districts, with department  
109 oversight, must ~~may continue to~~ adopt rules governing design and  
110 performance standards for stormwater quality and quantity,  
111 including design and performance standards that increase the  
112 removal of nutrients from stormwater discharges from all new  
113 development and redevelopment projects. ~~and~~ The department must  
114 ~~may~~ incorporate the design and performance standards by  
115 reference for use within the geographic jurisdiction of each  
116 district to ensure that new pollutant loadings are not

18-01588-19

20191344\_\_

117 discharged into impaired water bodies. By December 1, 2019, the  
118 department and water management districts shall amend the  
119 applicant's handbook to include revised best management  
120 practices design criteria and low impact design best management  
121 practices and design criteria that increase the removal of  
122 nutrients from stormwater discharges from all new development  
123 and redevelopment projects and measures for consistent  
124 application of the net improvement performance standard to  
125 ensure that new pollutant loadings are not discharged into  
126 impaired water bodies.

127 (b) If a stormwater management system is designed in  
128 accordance with the stormwater treatment requirements and best  
129 management practices design and operation criteria adopted by  
130 the department or a water management district under this part,  
131 there is a rebuttable presumption that the stormwater system  
132 does ~~the system design is presumed~~ not to cause or contribute to  
133 violations of applicable state water quality standards.

134 (c) If a stormwater management system is constructed,  
135 operated, and maintained for stormwater treatment in accordance  
136 with a valid permit or exemption under this part, there is a  
137 rebuttable presumption that the stormwater ~~discharged from the~~  
138 system does ~~is presumed~~ not to cause or contribute to violations  
139 of applicable state water quality standards.

140 Section 2. This act shall take effect July 1, 2019.