

By the Committee on Environment and Natural Resources

592-02428-24

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1                   A bill to be entitled  
2           An act relating to the ratification of the Department  
3           of Environmental Protection's rules relating to  
4           stormwater; ratifying a specified rule relating to  
5           environmental resource permitting for the sole and  
6           exclusive purpose of satisfying any condition on  
7           effectiveness pursuant to s. 120.541(3), F.S., which  
8           requires ratification of any rule exceeding the  
9           specified thresholds for likely adverse impact or  
10          increase in regulatory costs; providing construction;  
11          amending s. 373.4131, F.S.; ratifying rule 62-330.010,  
12          Florida Administrative Code, with specified changes;  
13          requiring that specified future amendments to such  
14          rule be submitted in bill form to and approved by the  
15          Legislature; providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19           Section 1. (1) The following rule is ratified for the sole  
20 and exclusive purpose of satisfying any condition on  
21 effectiveness imposed under s. 120.541(3), Florida Statutes:  
22 rule 62-330, Florida Administrative Code, titled "Environmental  
23 Resource Permitting," as filed for adoption with the Department  
24 of State pursuant to the certification package dated April 28,  
25 2023.

26           (2) Except for the changes set forth in section 2 as to  
27 rule 62-330.010, Florida Administrative Code, this section  
28 serves no other purpose and may not be codified in the Florida  
29 Statutes. After this act becomes a law, its enactment and

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30 effective dates must be noted in the Florida Administrative  
31 Code, the Florida Administrative Register, or both, as  
32 appropriate. This section does not alter rulemaking authority  
33 delegated by prior law, does not constitute legislative  
34 preemption of or exception to any provision of law governing  
35 adoption or enforcement of the rule cited, and is intended to  
36 preserve the status of any cited rule as a rule under chapter  
37 120, Florida Statutes. This section does not cure any rulemaking  
38 defect or preempt any challenge based on a lack of authority or  
39 a violation of the legal requirements governing adoption of any  
40 rule cited.

41 Section 2. Subsection (7) is added to section 373.4131,  
42 Florida Statutes, to read:

43 373.4131 Statewide environmental resource permitting  
44 rules.—

45 (7) The Legislature ratifies rule 62-330.010, Florida  
46 Administrative Code, titled "Purpose and Implementation," as  
47 filed for adoption with the Department of State pursuant to the  
48 certification package dated April 28, 2023, with the following  
49 changes:

50 (a) Section 3.1.2(e)3. of the Applicant's Handbook Volume  
51 I, incorporated in rule 62-330.010(4)(a), Florida Administrative  
52 Code, is changed to add, after the last sentence, the following:  
53 "Nothing in Section 3.1.2(e)3. shall eliminate any grandfather  
54 provisions in Section 1.4.2 and other grandfather provisions of  
55 Section 3.1.2 in existence prior to [effective date]. Projects  
56 listed in Section 3.1.2(e)3. shall use all forms in effect at  
57 the time the permit was originally issued, except for those  
58 subsequent permits to construct and operate the future phases

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59 consistent with an unexpired conceptual approval permit which  
60 shall use the following forms effective [effective date]: Form  
61 62-330.301(26) Financial Capability Certification; Form 62-  
62 330.301(25) Dam System Information; Form 62-330.311(1) Operation  
63 and Maintenance Certification; and Form 62-330.311(3) Inspection  
64 Checklists, as applicable."

65 (b) Section 8.3.4(a)3 of the Applicant's Handbook Volume I,  
66 incorporated in rule 62-330.010(4)(a), Florida Administrative  
67 Code, is changed to read: "the post-development condition  
68 average annual loading, of those pollutants not meeting water  
69 quality standards, that is less than that of the predevelopment  
70 condition."

71 (c) Section 8.3.4(b)2 of the Applicant's Handbook Volume I,  
72 incorporated in rule 62-330.010(4)(a), Florida Administrative  
73 Code, is changed to read: "the post-development condition  
74 average annual loading, of those pollutants not meeting water  
75 quality standards, that is less than that of the predevelopment  
76 condition."

77 (d) Section 8.3.5 of the Applicant's Handbook Volume I,  
78 incorporated in rule 62-330.010(4)(a), Florida Administrative  
79 Code, is changed to read: "Stormwater treatment systems serving  
80 redevelopment activities shall either meet the requirements of  
81 Sections 8.3.2 through 8.3.4 or provide an alternate level of  
82 treatment sufficient to accomplish:

83 (a) an 80 percent reduction of the post-development average  
84 annual loading of TP and a 45 percent reduction of the post-  
85 development average annual loading of TN from the project area;  
86 and

87 (b) for stormwater systems located within a HUC 12

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88 subwatershed containing an OFW and located upstream of that OFW,  
89 a 90 percent reduction of the post-development average annual  
90 loading of TP and a 60 percent reduction of the post-development  
91 average annual loading of TN from the project area; and

92 (c) for stormwater treatment systems located within a HUC  
93 12 subwatershed which contains an impaired water and located  
94 upstream of that impaired water, a level of treatment sufficient  
95 to accomplish a post-development condition average annual  
96 loading, of those pollutants not meeting water quality  
97 standards, that is less than that of the predevelopment  
98 condition."

99 (e) The first sentence of Section 12.5(a) of the  
100 Applicant's Handbook Volume I, incorporated in rule 62-  
101 330.010(4) (a), Florida Administrative Code, is changed to read:  
102 "All operation and maintenance entities, other than MS4  
103 Entities, shall conduct and report inspections in accordance  
104 with this section; except that those specific activities and  
105 best management practices regulated by the South Florida Water  
106 Management District pursuant to Chapter 40E-63, F.A.C., or by  
107 the Department of Agriculture and Consumer Services pursuant to  
108 Title 5M, F.A.C., and Section 403.067(7)(c)2., F.S., shall be  
109 inspected in accordance with such applicable rules and laws."

110  
111 Any future amendments to those portions of the Applicant's  
112 Handbook Volume I, incorporated in rule 62-330.010(4) (a),  
113 Florida Administrative Code, included in this subsection must be  
114 submitted in bill form to the Speaker of the House of  
115 Representatives and to the President of the Senate for their  
116 consideration and referral to the appropriate committees. Such

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117 amendments shall become effective only upon approval by act of  
118 the Legislature.

119 Section 3. This act shall take effect upon becoming a law.