

1 A bill to be entitled

2 An act relating to stormwater management systems;
3 amending s. 373.4131, F.S.; clarifying the duty of the
4 Department of Environmental Protection to adopt, in
5 coordination with the water management districts,
6 specified statewide environmental resource permitting
7 rules; directing the water management districts, with
8 department oversight, to adopt rules for specified
9 design and performance standards relating to new
10 development and redevelopment projects; directing the
11 department to incorporate such rules by reference for
12 use within the geographic jurisdiction of each water
13 management district and to amend such rules into the
14 applicant's handbook; providing a rebuttable
15 presumption that certain stormwater management systems
16 do not cause or contribute to violations of applicable
17 state water quality standards; amending s. 403.814,
18 F.S.; revising permitting requirements for the
19 construction of certain stormwater management systems;
20 providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

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

26 373.4131 Statewide environmental resource permitting
27 rules.—

28 (1) The department must ~~shall initiate rulemaking to~~
29 adopt, in coordination with the water management districts,
30 statewide environmental resource permitting rules governing the
31 construction, alteration, operation, maintenance, repair,
32 abandonment, and removal of any stormwater management system,
33 dam, impoundment, reservoir, appurtenant work, works, or any
34 combination thereof, under this part.

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

- 38 1. Criteria and thresholds for requiring permits.
- 39 2. Types of permits.
- 40 3. Procedures governing the review of applications and
41 notices, duration and modification of permits, operational
42 requirements, transfers of permits, provisions for emergencies,
43 and provisions for abandonment and removal of systems.
- 44 4. Exemptions and general permits that do not allow
45 significant adverse impacts to occur individually or
46 cumulatively.
- 47 5. Conditions for issuance.
- 48 6. General permit conditions, including monitoring,
49 inspection, and reporting requirements.
- 50 7. Standardized fee categories for activities under this

51 part to promote consistency. The department and water management
52 districts may amend fee rules to reflect the standardized fee
53 categories but are not required to adopt identical fees for
54 those categories.

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

59 9. An applicant's handbook that, at a minimum, contains
60 general program information, application and review procedures,
61 a specific discussion of how environmental criteria are
62 evaluated, and discussion of stormwater quality and quantity
63 criteria.

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

75 1. The conceptual permit and associated general permit

76 | must not conflict with the requirements of a federally approved
77 | program pursuant to s. 403.0885 or with the implementation of s.
78 | 403.067(7) regarding total maximum daily loads and basin
79 | management action plans.

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

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

89 | 4. The conceptual permit must describe the rate and volume
90 | of stormwater discharges from the urban redevelopment area,
91 | including the maximum rate and volume of stormwater discharges
92 | as of the date the conceptual permit is approved.

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

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

101 department may:

102 1. Reconcile differences and conflicts to achieve a
103 consistent statewide approach.

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

107 3. Implement additional permit streamlining measures.

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

110 (3)(a) The water management districts, with department
111 oversight, must ~~may continue to~~ adopt rules governing design and
112 performance standards for stormwater quality and quantity,
113 including design and performance standards that increase the
114 removal of nutrients from stormwater discharges from all new
115 development and redevelopment projects. ~~and~~ The department must
116 ~~may~~ incorporate the design and performance standards by
117 reference for use within the geographic jurisdiction of each
118 district to ensure that new pollutant loadings are not
119 discharged into impaired water bodies. By December 1, 2019, the
120 department and water management districts shall amend the
121 applicant's handbook to include revised best management
122 practices design criteria and low impact design best management
123 practices and design criteria that increase the removal of
124 nutrients from stormwater discharges from all new development
125 and redevelopment projects and measures for consistent

126 application of the net improvement performance standard to
 127 ensure that new pollutant loadings are not discharged into
 128 impaired water bodies.

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

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

142 Section 2. Subsection (12) of section 403.814, Florida
 143 Statutes, is amended to read:

144 403.814 General permits; delegation.—

145 (12) A general permit is granted for the construction,
 146 alteration, and maintenance of a stormwater management system
 147 serving a total project area of ~~up to~~ 10 acres or less meeting
 148 the criteria of this subsection. Such stormwater management
 149 systems must be designed, operated, and maintained in accordance
 150 with applicable rules adopted pursuant to part IV of chapter

151 373. There is a rebuttable presumption that the discharge from
152 such systems complies with state water quality standards. The
153 construction of such a system may proceed without any further
154 agency action by the department or water management district if,
155 before construction begins, an electronic self-certification is
156 submitted to the department or water management district which
157 certifies that the proposed system was designed by a Florida
158 registered professional and that the registered professional has
159 certified that the proposed system will meet the following
160 additional requirements:

161 (a) The total project area involves less than 10 acres and
162 less than 2 acres of impervious surface;

163 (b) Activities will not impact wetlands or other surface
164 waters;

165 (c) Activities are not conducted in, on, or over wetlands
166 or other surface waters;

167 (d) Drainage facilities will not include pipes having
168 diameters greater than 24 inches, or the hydraulic equivalent,
169 and will not use pumps in any manner;

170 (e) The project is not part of a larger common plan,
171 development, or sale; and

172 (f) The project does not:

173 1. Cause adverse water quantity or flooding impacts to
174 receiving water and adjacent lands;

175 2. Cause adverse impacts to existing surface water storage

176 and conveyance capabilities;

177 3. Cause a violation of state water quality standards; ~~or~~

178 4. Cause an adverse impact to the maintenance of surface
179 or ground water levels or surface water flows established
180 pursuant to s. 373.042 or a work of the district established
181 pursuant to s. 373.086; or

182 5. Cause the discharge of additional stormwater pollutants
183 into a water body that has been identified as impaired or into a
184 water body that has an adopted total maximum daily load.

185 Documentation of the predevelopment and postdevelopment
186 stormwater pollutant loadings for the project must be submitted
187 to the department or water management district to qualify for
188 the self-certification general permit.

189 Section 3. This act shall take effect July 1, 2019.