

HB 183

2013

1 A bill to be entitled
2 An act relating to stormwater management permits;
3 creating s. 373.41305, F.S.; authorizing certain
4 municipalities and counties to adopt stormwater
5 adaptive management plans and obtain conceptual
6 permits for urban redevelopment projects; providing
7 requirements for establishment of such permits by
8 water management districts in consultation with the
9 Department of Environmental Protection; providing that
10 certain urban redevelopment projects qualify for a
11 noticed general permit; prohibiting provisions for
12 such permits from conflicting with specified federally
13 delegated pollution reduction programs; requiring a
14 challenge to a consolidated environmental resource
15 permit or associated variance or a sovereign submerged
16 lands authorization proposed or issued by the
17 department in connection with specified deepwater
18 ports to be conducted pursuant to specified summary
19 hearing provisions and within a certain timeframe;
20 providing that the administrative law judge's decision
21 is a recommended order and does not constitute final
22 agency action of the department; requiring the
23 department to issue the final order within a certain
24 timeframe; providing for applicability; providing
25 effective dates.

26
27 Be It Enacted by the Legislature of the State of Florida:
28

29 Section 1. Effective July 1, 2013, section 373.41305,
30 Florida Statutes, is created to read:

31 373.41305 Conceptual permits for urban redevelopment
32 projects.-

33 (1) A municipality or county that creates a community
34 redevelopment area or an urban infill and redevelopment area
35 pursuant to chapter 163 may adopt a stormwater adaptive
36 management plan that addresses the quantity and quality of
37 stormwater discharges for the area and may obtain a conceptual
38 permit from a water management district or the department.

39 (2) The water management district, in consultation with
40 the department, shall establish the conceptual permit. The
41 permit:

42 (a) Must allow for the rate and volume of stormwater
43 discharges for stormwater management systems of urban
44 redevelopment projects located within a community redevelopment
45 area created under part III of chapter 163 or an urban infill
46 and redevelopment area designated under s. 163.2517 to continue
47 up to the maximum rate and volume of stormwater discharges
48 within the area as of the date that the stormwater adaptive
49 management plan is adopted.

50 (b) Must presume that stormwater discharges for stormwater
51 management systems of urban redevelopment projects located
52 within a community redevelopment area created under part III of
53 chapter 163 or an urban infill and redevelopment area designated
54 under s. 163.2517, which demonstrate a net improvement of the
55 quality of the discharged water that existed as of the date that
56 the stormwater adaptive management plan is adopted for any

57 applicable pollutants of concern in the receiving water body, do
58 not cause or contribute to violations of water quality criteria.

59 (c) Must not prescribe additional or more stringent
60 limitations concerning the quantity and quality of stormwater
61 discharges from stormwater management systems beyond those
62 provided in this section.

63 (d) Must be issued for a duration of at least 20 years,
64 unless a shorter duration is requested by the applicant, and may
65 be renewed.

66 (3) Urban redevelopment projects that meet the criteria
67 established in the conceptual permit pursuant to this section
68 qualify for a noticed general permit that authorizes
69 construction and operation for the duration of the conceptual
70 permit.

71 (4) Notwithstanding subsections (1)-(3), a permit issued
72 pursuant to this section must not conflict with the requirements
73 of a federally approved program pursuant to s. 403.0885 or with
74 the implementation of s. 403.067(7) regarding total maximum
75 daily loads and basin management plans.

76 Section 2. (1) Notwithstanding s. 120.569, s. 120.57, or
77 s. 373.427, Florida Statutes, or any other provision of law to
78 the contrary, a challenge to a consolidated environmental
79 resource permit or an associated variance or a sovereign
80 submerged lands authorization proposed or issued by the
81 Department of Environmental Protection in connection with the
82 state's deepwater ports listed in s. 403.021(9), Florida
83 Statutes, shall be conducted pursuant to the summary hearing
84 provisions of s. 120.574, Florida Statutes. However, the summary

HB 183

2013

85 proceeding shall be conducted within 30 days after a party files
86 a motion for a summary hearing, regardless of whether the
87 parties agree to the summary proceeding, and the administrative
88 law judge's decision shall be in the form of a recommended order
89 and does not constitute final agency action of the department.
90 The department shall issue the final order within 45 working
91 days after receipt of the administrative law judge's recommended
92 order.

93 (2) The summary hearing provisions of this section apply
94 to pending administrative proceedings. However, the provisions
95 of s. 120.574(1) (b) and (d), Florida Statutes, do not apply to
96 pending administrative proceedings.

97 Section 3. Except as otherwise expressly provided in this
98 act, this act shall take effect upon becoming a law.