

By the Committee on Environmental Preservation and Conservation;
and Senator Lee

592-02845-13

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1 A bill to be entitled

2 An act relating to stormwater management permits;
3 amending s. 373.4131, F.S.; deleting an obsolete
4 reference; requiring that rules for environmental
5 resource permitting provide for conceptual permits and
6 associated general permits for a municipality or
7 county that creates a stormwater management master
8 plan for urban infill and redevelopment areas or
9 community redevelopment areas; specifying requirements
10 for a conceptual permit; providing an effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Subsection (1) of section 373.4131, Florida
15 Statutes, is amended to read:

16 373.4131 Statewide environmental resource permitting
17 rules.—

18 (1) ~~(a) No later than October 1, 2012,~~ The department shall
19 initiate rulemaking to adopt, in coordination with the water
20 management districts, statewide environmental resource
21 permitting rules governing the construction, alteration,
22 operation, maintenance, repair, abandonment, and removal of any
23 stormwater management system, dam, impoundment, reservoir,
24 appurtenant work, works, or any combination thereof, under this
25 part.

26 ~~(a) (b)~~ The rules must ~~shall~~ provide for statewide,
27 consistent regulation of activities under this part and must
28 ~~shall~~ include, at a minimum:

29 1. Criteria and thresholds for requiring permits.

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30 2. Types of permits.

31 3. Procedures governing the review of applications and
32 notices, duration and modification of permits, operational
33 requirements, transfers of permits, provisions for emergencies,
34 and provisions for abandonment and removal of systems.

35 4. Exemptions and general permits that do not allow
36 significant adverse impacts to occur individually or
37 cumulatively.

38 5. Conditions for issuance.

39 6. General permit conditions, including monitoring,
40 inspection, and reporting requirements.

41 7. Standardized fee categories for activities under this
42 part to promote consistency. The department and water management
43 districts may amend fee rules to reflect the standardized fee
44 categories but are not required to adopt identical fees for
45 those categories.

46 8. Application, notice, and reporting forms. To the maximum
47 extent practicable, the department and water management
48 districts shall provide for electronic submittal of forms and
49 notices.

50 9. An applicant's handbook that, at a minimum, contains
51 general program information, application and review procedures,
52 a specific discussion of how environmental criteria are
53 evaluated, and discussion of stormwater quality and quantity
54 criteria.

55 (b) The rules must provide for a conceptual permit for a
56 municipality or county that creates a stormwater management
57 master plan for urban infill and redevelopment areas or
58 community redevelopment areas created under chapter 163. Upon

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59 approval by the department or water management district, the
60 master plan shall become part of the conceptual permit issued by
61 the department or water management district. The rules must
62 additionally provide for an associated general permit for the
63 construction and operation of urban redevelopment projects that
64 meet the criteria established in the conceptual permit. The
65 following requirements must also be met:

66 1. The conceptual permit and associated general permit must
67 not conflict with the requirements of a federally approved
68 program pursuant to s. 403.0885 or with the implementation of s.
69 403.067(7) regarding total maximum daily loads and basin
70 management action plans.

71 2. Before a conceptual permit is granted, the municipality
72 or county must assert that stormwater discharges from the urban
73 redevelopment area do not cause or contribute to violations of
74 water quality standards by demonstrating a net improvement in
75 the quality of the discharged water existing on the date the
76 conceptual permit is approved.

77 3. The conceptual permit may not expire for at least 20
78 years unless a shorter duration is requested, and must include
79 an option to renew.

80 4. The conceptual permit must describe the rate and volume
81 of stormwater discharges from the urban redevelopment area,
82 including the maximum rate and volume of stormwater discharges
83 as of the date the conceptual permit is approved.

84 5. The conceptual permit must contain provisions regarding
85 the use of stormwater best management practices and must ensure
86 that stormwater management systems constructed within the urban
87 redevelopment area are operated and maintained in compliance

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88 with s. 373.416.

89 (c) The rules must ~~shall~~ rely primarily on the rules of the
90 department and water management districts in effect immediately
91 prior to the effective date of this section, except that the
92 department may:

93 1. Reconcile differences and conflicts to achieve a
94 consistent statewide approach.

95 2. Account for different physical or natural
96 characteristics, including special basin considerations, of
97 individual water management districts.

98 3. Implement additional permit streamlining measures.

99 (d) The application of the rules must ~~shall~~ continue to be
100 governed by the first sentence of s. 70.001(12).

101 Section 2. This act shall take effect July 1, 2013.