

By Senator Perry

8-00687A-17

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1                   A bill to be entitled  
2       An act relating to stormwater management; amending s.  
3       403.0891, F.S.; requiring that all local government  
4       stormwater management plans and programs incorporate  
5       the best management practices adopted by the  
6       Department of Environmental Protection and other local  
7       stormwater management measures; specifying that  
8       applications for development approval which implement  
9       the best practices are presumed to be in compliance  
10      with certain local government water quality standards;  
11      prohibiting local governments from adopting or  
12      enforcing more stringent water quality standards for  
13      stormwater discharges to surface waters, wetlands, or  
14      groundwater; exempting local governments that adopted  
15      more stringent standards before a specified date;  
16      providing an effective date.

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

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20       Section 1. Subsection (3) of section 403.0891, Florida  
21       Statutes, is amended to read:

22       403.0891 State, regional, and local stormwater management  
23       plans and programs.—The department, the water management  
24       districts, and local governments shall have the responsibility  
25       for the development of mutually compatible stormwater management  
26       programs.

27       (3) (a) Each local government required by chapter 163 to  
28       submit a comprehensive plan, whose plan is submitted after July  
29       1, 1992, and the others when updated after July 1, 1992, in the

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30 development of its stormwater management program described by  
31 elements within its comprehensive plan shall consider the water  
32 resource implementation rule, district stormwater management  
33 goals, plans approved pursuant to the Surface Water Improvement  
34 and Management Act, ss. 373.451-373.4595, and technical  
35 assistance information provided by the water management  
36 districts pursuant to s. 373.711. All local government  
37 stormwater management plans and programs, including, but not  
38 limited to, those adopted by local law, must include the best  
39 management practices adopted by the department pursuant to s.  
40 403.067(7)(c) and any other local stormwater management measures  
41 adopted by rule pursuant to this chapter.

42 (b) Any application submitted by a developer that  
43 implements the best management practices adopted by the  
44 department is presumed to be in compliance with local government  
45 water quality standards governing indirect or direct stormwater  
46 discharges to surface waters, wetlands, or groundwater.

47 "Developer" has the same meaning as provided in s. 163.3164 and  
48 "development" has the same meaning as provided in s. 380.04.

49 (c) A county, municipality, or political subdivision may  
50 not adopt or enforce any local law requiring more stringent  
51 water quality standards for stormwater discharges to surface  
52 waters, wetlands, or groundwater than the water quality  
53 standards established pursuant to this chapter. This paragraph  
54 applies to any county, municipality, or political subdivision  
55 that has not adopted, by January 1, 2017, more stringent water  
56 quality standards for stormwater discharges to surface waters,  
57 wetlands, or groundwater than the water quality standards  
58 established pursuant to this chapter.

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59        (d) ~~(b)~~ In addition to the requirements of paragraph (a),  
60 local governments are encouraged to consult with the water  
61 management districts, the Department of Transportation, and the  
62 department before adopting or updating their local government  
63 comprehensive plan or public facilities report as required by s.  
64 189.08, whichever is applicable.

65        Section 2. This act shall take effect July 1, 2017.