

1 A bill to be entitled

2 An act relating to stormwater management systems;
3 amending s. 373.4131, F.S.; directing the water
4 management districts, with Department of Environmental
5 Protection oversight, to adopt rules for specified
6 design and performance standards relating to new
7 development and redevelopment projects; directing the
8 department to incorporate such rules by reference for
9 use within the geographic jurisdiction of each water
10 management district; directing the department and
11 water management districts to amend such rules into
12 the applicant's handbook; providing a rebuttable
13 presumption that certain stormwater management systems
14 do not cause or contribute to violations of applicable
15 state water quality standards; requiring certain
16 inspection training for department, water management
17 district, and local pollution control program staff;
18 directing the department and water management
19 districts to initiate certain rulemaking for
20 stormwater management systems by a specified date;
21 amending s. 403.814, F.S.; revising permitting
22 requirements for the construction of certain
23 stormwater management systems; providing an effective
24 date.
25

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

27

28 Section 1. Subsections (1), (3), and (5) of section
 29 373.4131, Florida Statutes, are amended, and subsection (6) is
 30 added to that section, to read:

31 373.4131 Statewide environmental resource permitting
 32 rules.—

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

40 (a) The rules must provide for statewide, consistent
 41 regulation of activities under this part and must include, at a
 42 minimum:

- 43 1. Criteria and thresholds for requiring permits.
- 44 2. Types of permits.
- 45 3. Procedures governing the review of applications and
 46 notices, duration and modification of permits, operational
 47 requirements, transfers of permits, provisions for emergencies,
 48 and provisions for abandonment and removal of systems.
- 49 4. Exemptions and general permits that do not allow
 50 significant adverse impacts to occur individually or

51 | cumulatively.

52 | 5. Conditions for issuance.

53 | 6. General permit conditions, including monitoring,
54 | inspection, and reporting requirements.

55 | 7. Standardized fee categories for activities under this
56 | part to promote consistency. The department and water management
57 | districts may amend fee rules to reflect the standardized fee
58 | categories but are not required to adopt identical fees for
59 | those categories.

60 | 8. Application, notice, and reporting forms. To the
61 | maximum extent practicable, the department and water management
62 | districts shall provide for electronic submittal of forms and
63 | notices.

64 | 9. An applicant's handbook that, at a minimum, contains
65 | general program information, application and review procedures,
66 | a specific discussion of how environmental criteria are
67 | evaluated, and discussion of stormwater quality and quantity
68 | criteria.

69 | (b) The rules must provide for a conceptual permit for a
70 | municipality or county that creates a stormwater management
71 | master plan for urban infill and redevelopment areas or
72 | community redevelopment areas created under chapter 163. Upon
73 | approval by the department or water management district, the
74 | master plan must ~~shall~~ become part of the conceptual permit
75 | issued by the department or water management district. The rules

76 | must additionally provide for an associated general permit for
77 | the construction and operation of urban redevelopment projects
78 | that meet the criteria established in the conceptual permit. The
79 | following requirements must also be met:

80 | 1. The conceptual permit and associated general permit
81 | must not conflict with the requirements of a federally approved
82 | program pursuant to s. 403.0885 or with the implementation of s.
83 | 403.067(7) regarding total maximum daily loads and basin
84 | management action plans.

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

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

94 | 4. The conceptual permit must describe the rate and volume
95 | of stormwater discharges from the urban redevelopment area,
96 | including the maximum rate and volume of stormwater discharges
97 | as of the date the conceptual permit is approved.

98 | 5. The conceptual permit must contain provisions regarding
99 | the use of stormwater best management practices and must ensure
100 | that stormwater management systems constructed within the urban

101 redevelopment area are operated and maintained in compliance
102 with s. 373.416.

103 (c) The rules must rely primarily on the rules of the
104 department and water management districts in effect immediately
105 before ~~prior to~~ the effective date of this section, except that
106 the department may:

107 1. Reconcile differences and conflicts to achieve a
108 consistent statewide approach.

109 2. Account for different physical or natural
110 characteristics, including special basin considerations, of
111 individual water management districts.

112 3. Implement additional permit streamlining measures.

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

115 (3) (a) The water management districts, with department
116 oversight, shall ~~may continue to~~ adopt rules governing design
117 and performance standards for stormwater quality and quantity,
118 including design and performance standards that increase the
119 removal of nutrients from stormwater discharges from all new
120 development and redevelopment projects. ~~and~~ The department shall
121 ~~may~~ incorporate the design and performance standards by
122 reference for use within the geographic jurisdiction of each
123 district to ensure that new pollutant loadings are not
124 discharged into impaired water bodies. By December 1, 2020, the
125 department and water management districts shall amend the

126 applicant's handbook to include revised best management
127 practices design criteria and low impact design best management
128 practices and design criteria that increase the removal of
129 nutrients from stormwater discharges from all new development
130 and redevelopment projects and measures for consistent
131 application of the net improvement performance standard to
132 ensure that new pollutant loadings are not discharged into
133 impaired water bodies.

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

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

147 (5) To ensure consistent implementation and interpretation
148 of the rules adopted pursuant to this section, the department
149 shall conduct or oversee regular assessment and training of its
150 staff and the staffs of the water management districts and local

151 governments delegated local pollution control program authority
152 under s. 373.441. The training must include coordinating field
153 inspections of public and privately-owned stormwater structural
154 controls, including, but not limited to, stormwater retention
155 and detention ponds.

156 (6) By July 1, 2021, the department and water management
157 districts shall initiate rulemaking to update the rules
158 governing the construction, operation, and maintenance of
159 stormwater management systems based on the most recent
160 scientific information.

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

163 403.814 General permits; delegation.-

164 (12) A general permit is granted for the construction,
165 alteration, and maintenance of a stormwater management system
166 serving a total project area of ~~up to~~ 10 acres or less meeting
167 the criteria of this subsection. Such stormwater management
168 systems must be designed, operated, and maintained in accordance
169 with applicable rules adopted pursuant to part IV of chapter
170 373. There is a rebuttable presumption that the discharge from
171 such systems complies with state water quality standards. The
172 construction of such a system may proceed without any further
173 agency action by the department or water management district if,
174 before construction begins, an electronic self-certification is
175 submitted to the department or water management district which

176 certifies that the proposed system was designed by a Florida
177 registered professional and that the registered professional has
178 certified that the proposed system will meet the following
179 additional requirements:

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

182 (b) Activities will not impact wetlands or other surface
183 waters;

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

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

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

191 (f) The project does not:

192 1. Cause adverse water quantity or flooding impacts to
193 receiving water and adjacent lands;

194 2. Cause adverse impacts to existing surface water storage
195 and conveyance capabilities;

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

197 4. Cause an adverse impact to the maintenance of surface
198 or ground water levels or surface water flows established
199 pursuant to s. 373.042 or a work of the district established
200 pursuant to s. 373.086; or

201 5. Cause the discharge of additional stormwater pollutants
202 into a water body that has been identified as impaired or into a
203 water body that has an adopted total maximum daily load.
204 Documentation of the predevelopment and postdevelopment
205 stormwater pollutant loadings for the project must be submitted
206 to the department or water management district to qualify for
207 the self-certification general permit.

208 Section 3. This act shall take effect July 1, 2020.