

By Senator Gruters

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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; requiring,
8 rather than authorizing, the department to incorporate
9 such rules by reference for use within the geographic
10 jurisdiction of each water management district;
11 requiring the department and the water management
12 districts to amend the applicant's handbook to include
13 certain revised design criteria by a specified date;
14 providing a rebuttable presumption that certain
15 stormwater management systems do not cause or
16 contribute to violations of applicable state water
17 quality standards; requiring certain inspection
18 training for department, water management district,
19 and local pollution control program staff; directing
20 the department and water management districts to
21 initiate certain rulemaking for stormwater management
22 systems by a specified date; amending s. 403.814,
23 F.S.; revising permitting requirements for the
24 construction of certain stormwater management systems;
25 providing an effective date.

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

28
29 Section 1. Subsections (1), (3), and (5) of section

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30 373.4131, Florida Statutes, are amended, and subsection (6) is
31 added to that section, to read:

32 373.4131 Statewide environmental resource permitting
33 rules.—

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

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

44 1. Criteria and thresholds for requiring permits.

45 2. Types of permits.

46 3. Procedures governing the review of applications and
47 notices, duration and modification of permits, operational
48 requirements, transfers of permits, provisions for emergencies,
49 and provisions for abandonment and removal of systems.

50 4. Exemptions and general permits that do not allow
51 significant adverse impacts to occur individually or
52 cumulatively.

53 5. Conditions for issuance.

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

56 7. Standardized fee categories for activities under this
57 part to promote consistency. The department and water management
58 districts may amend fee rules to reflect the standardized fee

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59 categories but are not required to adopt identical fees for
60 those categories.

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

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

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

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

86 2. Before a conceptual permit is approved ~~granted~~, the
87 municipality or county shall ~~must~~ assert that stormwater

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88 discharges from the urban redevelopment area do not cause or
89 contribute to violations of water quality standards by
90 demonstrating a net improvement in the quality of the discharged
91 water existing on the date the conceptual permit is approved.

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

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

99 5. The conceptual permit must contain provisions regarding
100 the use of stormwater best management practices and must ensure
101 that stormwater management systems constructed within the urban
102 redevelopment area are operated and maintained in compliance
103 with s. 373.416.

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

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

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

113 3. Implement additional permit streamlining measures.

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

116 (3) (a) The water management districts, with department

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117 oversight, shall ~~may continue to~~ adopt rules governing design
118 and performance standards for stormwater quality and quantity,
119 including design and performance standards that increase the
120 removal of nutrients from stormwater discharges from all new
121 development and redevelopment projects. ~~and~~ The department shall
122 ~~may~~ incorporate the design and performance standards by
123 reference for use within the geographic jurisdiction of each
124 district to ensure that new pollutant loadings are not
125 discharged into impaired water bodies. By December 1, 2020, the
126 department and water management districts shall amend the
127 applicant's handbook to include revised best management
128 practices design criteria and low-impact design best management
129 practices and design criteria that increase the removal of
130 nutrients from stormwater discharges from all new development
131 and redevelopment projects and measure for consistent
132 application of the net improvement performance standard to
133 ensure that new pollutant loadings are not discharged into
134 impaired water bodies.

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

142 (c) If a stormwater management system is constructed,
143 operated, and maintained for stormwater treatment in accordance
144 with a valid permit or exemption under this part, there is a
145 rebuttable presumption that ~~the stormwater discharged from the~~

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146 system ~~does is presumed~~ not to cause or contribute to violations
147 of applicable state water quality standards.

148 (5) To ensure consistent implementation and interpretation
149 of the rules adopted pursuant to this section, the department
150 shall conduct or oversee regular assessment and training of its
151 staff and the staffs of the water management districts and local
152 governments delegated local pollution control program authority
153 under s. 373.441. The training must include coordinating field
154 inspections of public and privately owned stormwater structural
155 controls, including, but not limited to, stormwater retention
156 and detention ponds.

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

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

164 403.814 General permits; delegation.—

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

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175 before construction begins, an electronic self-certification is
176 submitted to the department or water management district which
177 certifies that the proposed system was designed by a Florida
178 registered professional and that the registered professional has
179 certified that the proposed system will meet the following
180 additional requirements:

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

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

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

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

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

192 (f) The project does not:

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

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

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

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

202 5. Cause the discharge of additional stormwater pollutants
203 into a water body that has been identified as impaired or into a

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204 water body that has an adopted total maximum daily load.
205 Documentation of the predevelopment and postdevelopment
206 stormwater pollutant loadings for the project must be submitted
207 to the department or water management district to qualify for
208 the self-certification general permit.

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