

FOR CONSIDERATION By the Committee on Environment and Natural Resources

592-02234B-24

20247040pb

1 A bill to be entitled
2 An act relating to the ratification of the Department
3 of Environmental Protection's rules relating to
4 stormwater; ratifying a specified rule relating to
5 environmental resource permitting for the sole and
6 exclusive purpose of satisfying any condition on
7 effectiveness pursuant to s. 120.541(3), F.S., which
8 requires ratification of any rule exceeding the
9 specified thresholds for likely adverse impact or
10 increase in regulatory costs; providing construction;
11 amending s. 373.4131, F.S.; ratifying rule 62-330.010,
12 Florida Administrative Code, with specified changes;
13 requiring that specified future amendments to such
14 rule be submitted in bill form to and approved by the
15 Legislature; providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. (1) The following rule is ratified for the sole
20 and exclusive purpose of satisfying any condition on
21 effectiveness imposed under s. 120.541(3), Florida Statutes:
22 rule 62-330, Florida Administrative Code, titled "Environmental
23 Resource Permitting," as filed for adoption with the Department
24 of State pursuant to the certification package dated April 28,
25 2023.

26 (2) Except for the changes set forth in section 2 as to
27 rule 62-330.010, Florida Administrative Code, this section
28 serves no other purpose and may not be codified in the Florida
29 Statutes. After this act becomes a law, its enactment and

592-02234B-24

20247040pb

30 effective dates must be noted in the Florida Administrative
31 Code, the Florida Administrative Register, or both, as
32 appropriate. This section does not alter rulemaking authority
33 delegated by prior law, does not constitute legislative
34 preemption of or exception to any provision of law governing
35 adoption or enforcement of the rule cited, and is intended to
36 preserve the status of any cited rule as a rule under chapter
37 120, Florida Statutes. This section does not cure any rulemaking
38 defect or preempt any challenge based on a lack of authority or
39 a violation of the legal requirements governing adoption of any
40 rule cited.

41 Section 2. Subsection (7) is added to section 373.4131,
42 Florida Statutes, to read:

43 373.4131 Statewide environmental resource permitting
44 rules.—

45 (7) The Legislature ratifies rule 62-330.010, Florida
46 Administrative Code, titled "Purpose and Implementation," as
47 filed for adoption with the Department of State pursuant to the
48 certification package dated April 28, 2023, with the following
49 changes:

50 (a) Section 3.1.2(e)3. of the Applicant's Handbook Volume
51 I, incorporated in rule 62-330.010(4)(a), Florida Administrative
52 Code, is changed to add, after the last sentence, the following:
53 "Nothing in Section 3.1.2(e)3. shall eliminate any grandfather
54 provisions in Section 1.4.2 and other grandfather provisions of
55 Section 3.1.2 in existence prior to [effective date]. Projects
56 listed in Section 3.1.2(e)3. shall use all forms in effect at
57 the time the permit was originally issued, except for those
58 subsequent permits to construct and operate the future phases

592-02234B-24

20247040pb

59 consistent with an unexpired conceptual approval permit which
60 shall use the following forms effective [effective date]: Form
61 62-330.301(26) Financial Capability Certification; Form 62-
62 330.301(25) Dam System Information; Form 62-330.311(1) Operation
63 and Maintenance Certification; and Form 62-330.311(3) Inspection
64 Checklists, as applicable."

65 (b) Section 8.3.4(a)3 of the Applicant's Handbook Volume I,
66 incorporated in rule 62-330.010(4)(a), Florida Administrative
67 Code, is changed to read: "the post-development condition
68 average annual loading, of those pollutants not meeting water
69 quality standards, that is less than that of the predevelopment
70 condition."

71 (c) Section 8.3.4(b)2 of the Applicant's Handbook Volume I,
72 incorporated in rule 62-330.010(4)(a), Florida Administrative
73 Code, is changed to read: "the post-development condition
74 average annual loading, of those pollutants not meeting water
75 quality standards, that is less than that of the predevelopment
76 condition."

77 (d) Section 8.3.5 of the Applicant's Handbook Volume I,
78 incorporated in rule 62-330.010(4)(a), Florida Administrative
79 Code, is changed to read: "Stormwater treatment systems serving
80 redevelopment activities shall either meet the requirements of
81 Sections 8.3.2 through 8.3.4 or provide an alternate level of
82 treatment sufficient to accomplish:

83 (a) an 80 percent reduction of the post-development average
84 annual loading of TP and a 45 percent reduction of the post-
85 development average annual loading of TN from the project area;
86 and

87 (b) for stormwater systems located within a HUC 12

592-02234B-24

20247040pb

88 subwatershed containing an OFW and located upstream of that OFW,
89 a 90 percent reduction of the post-development average annual
90 loading of TP and a 60 percent reduction of the post-development
91 average annual loading of TN from the project area; and

92 (c) for stormwater treatment systems located within a HUC
93 12 subwatershed which contains an impaired water and located
94 upstream of that impaired water, a level of treatment sufficient
95 to accomplish a post-development condition average annual
96 loading, of those pollutants not meeting water quality
97 standards, that is less than that of the predevelopment
98 condition."

99 (e) The first sentence of Section 12.5(a) of the
100 Applicant's Handbook Volume I, incorporated in rule 62-
101 330.010(4)(a), Florida Administrative Code, is changed to read:
102 "All operation and maintenance entities, other than MS4
103 Entities, shall conduct and report inspections in accordance
104 with this section; except that those specific activities and
105 best management practices regulated by the South Florida Water
106 Management District pursuant to Chapter 40E-63, F.A.C., or by
107 the Department of Agriculture and Consumer Services pursuant to
108 Title 5M, F.A.C., and Section 403.067(7)(c)2., F.S., shall be
109 inspected in accordance with such applicable rules and laws."

110
111 Any future amendments to those portions of the Applicant's
112 Handbook Volume I, incorporated in rule 62-330.010(4)(a),
113 Florida Administrative Code, included in this subsection must be
114 submitted in bill form to the Speaker of the House of
115 Representatives and to the President of the Senate for their
116 consideration and referral to the appropriate committees. Such

592-02234B-24

20247040pb

117 amendments shall become effective only upon approval by act of
118 the Legislature.

119 Section 3. This act shall take effect upon becoming a law.