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
20	sole 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.

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26 Except for the changes set forth in section 2 as to (2) 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 30 effective dates must be noted in the Florida Administrative Code, the Florida Administrative Register, or both, as 31 32 appropriate. This section does not alter rulemaking authority delegated by prior law, does not constitute legislative 33 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 The Legislature ratifies rule 62-330.010, Florida (7) Administrative Code, titled "Purpose and Implementation," as 46 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 Page 2 of 5

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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
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
66	I, 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
72	I, 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

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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 Sections 8.3.2 through 8.3.4 or provide an alternate level of 81 82 treatment sufficient to accomplish: (a) an 80 percent reduction of the post-development 83 84 average annual loading of TP and a 45 percent reduction of the 85 post-development average annual loading of TN from the project 86 area; and 87 (b) for stormwater systems located within a HUC 12 subwatershed containing an OFW and located upstream of that OFW, 88 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 Applicant's Handbook Volume I, incorporated in rule 62-100

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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
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.
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