

1 A bill to be entitled  
2 An act relating to environmental permits; amending s.  
3 218.075, F.S.; providing for an entity created by  
4 special act, local ordinance, or interlocal agreement  
5 of a county or municipality to receive certain reduced  
6 or waived permit processing fees; requiring that the  
7 project for which such fee reduction or waiver is  
8 sought serves a public purpose; amending s. 373.118,  
9 F.S.; requiring that the Department of Environmental  
10 Protection initiate rulemaking to adopt a general  
11 permit for stormwater management systems serving  
12 airside activities at airports; providing for  
13 statewide application of the general permit; providing  
14 for any water management district or delegated local  
15 government to administer the general permit; providing  
16 that the rules are not subject to any special  
17 rulemaking requirements relating to small business;  
18 creating s. 373.4131, F.S.; authorizing certain  
19 municipalities and counties to adopt stormwater  
20 adaptive management plans and obtain conceptual  
21 permits for urban redevelopment projects; providing  
22 requirements for establishment of such permits by  
23 water management districts in consultation with the  
24 Department of Environmental Protection; providing that  
25 certain urban redevelopment projects qualify for a  
26 noticed general permit; providing construction;  
27 providing an effective date.  
28

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

30  
 31 Section 1. Section 218.075, Florida Statutes, is amended  
 32 to read:

33 218.075 Reduction or waiver of permit processing fees.—  
 34 Notwithstanding any other provision of law, the Department of  
 35 Environmental Protection and the water management districts  
 36 shall reduce or waive permit processing fees for counties with a  
 37 population of 50,000 or fewer ~~less~~ on April 1, 1994, until such  
 38 counties exceed a population of 75,000 and municipalities with a  
 39 population of 25,000 or fewer; an entity created by special act,  
 40 local ordinance, or interlocal agreement of such counties or  
 41 municipalities; ~~less,~~ or any county or municipality not included  
 42 within a metropolitan statistical area. Fee reductions or  
 43 waivers shall be approved on the basis of fiscal hardship or  
 44 environmental need for a particular project or activity. The  
 45 governing body must certify that the cost of the permit  
 46 processing fee is a fiscal hardship due to one of the following  
 47 factors:

- 48 (1) Per capita taxable value is less than the statewide
- 49 average for the current fiscal year;
- 50 (2) Percentage of assessed property value that is exempt
- 51 from ad valorem taxation is higher than the statewide average
- 52 for the current fiscal year;
- 53 (3) Any condition specified in s. 218.503(1) which results
- 54 in the county or municipality being in a state of financial
- 55 emergency;
- 56 (4) Ad valorem operating millage rate for the current

57 | fiscal year is greater than 8 mills; or

58 |       (5) A financial condition that is documented in annual  
59 | financial statements at the end of the current fiscal year and  
60 | indicates an inability to pay the permit processing fee during  
61 | that fiscal year.

62 |  
63 | The permit applicant must be the governing body of a county or  
64 | municipality, ~~or~~ a third party under contract with a county or  
65 | municipality, or an entity created by special act, local  
66 | ordinance, or interlocal agreement, and the project for which  
67 | the fee reduction or waiver is sought must serve a public  
68 | purpose. If a permit processing fee is reduced, the total fee  
69 | may ~~shall~~ not exceed \$100.

70 |       Section 2. Subsection (6) is added to section 373.118,  
71 | Florida Statutes, to read:

72 |       373.118 General permits; delegation.-

73 |       (6) By July 1, 2012, the department shall initiate  
74 | rulemaking to adopt a general permit for stormwater management  
75 | systems serving airside activities at airports. The general  
76 | permit applies statewide and shall be administered by any water  
77 | management district or any delegated local government pursuant  
78 | to the operating agreements applicable to part IV of this  
79 | chapter, with no additional rulemaking required. These rules are  
80 | not subject to any special rulemaking requirements related to  
81 | small business.

82 |       Section 3. Section 373.4131, Florida Statutes, is created  
83 | to read:

84 |       373.4131 Conceptual permits for urban redevelopment

85 projects.-

86 (1) A municipality or county that has created a community  
87 redevelopment area or an urban infill and redevelopment area  
88 pursuant to chapter 163 may adopt a stormwater adaptive  
89 management plan that addresses the quantity and quality of  
90 stormwater discharges for the redevelopment or infill area and  
91 may obtain a conceptual permit from the water management  
92 district or the Department of Environmental Protection.

93 (2) The conceptual permit established by a water  
94 management district in consultation with the department:

95 (a) Must allow for the rate and volume of stormwater  
96 discharges for stormwater management systems of urban  
97 redevelopment projects located within a community redevelopment  
98 area created under part III of chapter 163 or an urban infill  
99 and redevelopment area designated under s. 163.2517 to continue  
100 up to the maximum rate and volume of stormwater discharges  
101 within the area as of the date the stormwater adaptive  
102 management plan was adopted.

103 (b) Must presume that stormwater discharges for stormwater  
104 management systems of urban redevelopment projects located  
105 within a community redevelopment area created under part III of  
106 chapter 163 or an urban infill and redevelopment area designated  
107 under s. 163.2517 that demonstrate a net improvement of the  
108 quality of the discharged water that existed as of the date the  
109 stormwater adaptive management plan was adopted for any  
110 applicable pollutants of concern in the receiving water body do  
111 not cause or contribute to violations of water quality criteria.

112 (c) May not prescribe additional or more stringent

CS/CS/HB 373

2012

113 limitations concerning the quantity and quality of stormwater  
114 discharges from stormwater management systems than provided in  
115 this section.

116 (d) Shall be issued for a duration of 20 years, and may be  
117 renewed, unless a shorter duration is requested by the  
118 applicant.

119 (3) Urban redevelopment projects that meet the criteria  
120 established in the conceptual permit pursuant to this section  
121 qualify for a noticed general permit that authorizes  
122 construction and operation for the duration of the conceptual  
123 permit.

124 (4) Notwithstanding subsections (1)-(3), permits issued  
125 pursuant to this section may not conflict with the requirements  
126 of a federally approved program pursuant to s. 403.0885 or with  
127 the implementation of s. 403.067(7) regarding total maximum  
128 daily loads and basin management plans.

129 Section 4. This act shall take effect July 1, 2012.