

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 requiring a challenge to a consolidated environmental
28 resource permit or associated variance or any

29 sovereign submerged lands authorization proposed or
 30 issued by the Department of Environmental Protection
 31 in connection with specified deepwater ports to be
 32 conducted pursuant specified summary hearing
 33 provisions and within a certain timeframe; providing
 34 that the administrative law judge's decision is a
 35 recommended order and does not constitute final agency
 36 action of the department; requiring the department to
 37 issue the final order within a certain timeframe;
 38 providing applicability; providing effective dates.

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

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42 Section 1. Section 218.075, Florida Statutes, is amended
 43 to read:

44 218.075 Reduction or waiver of permit processing fees.—
 45 Notwithstanding any other provision of law, the Department of
 46 Environmental Protection and the water management districts
 47 shall reduce or waive permit processing fees for counties with a
 48 population of 50,000 or fewer ~~less~~ on April 1, 1994, until such
 49 counties exceed a population of 75,000 and municipalities with a
 50 population of 25,000 or fewer; an entity created by special act,
 51 local ordinance, or interlocal agreement of such counties or
 52 municipalities; ~~less,~~ or any county or municipality not included
 53 within a metropolitan statistical area. Fee reductions or
 54 waivers shall be approved on the basis of fiscal hardship or
 55 environmental need for a particular project or activity. The
 56 governing body must certify that the cost of the permit

57 | processing fee is a fiscal hardship due to one of the following
 58 | factors:

- 59 | (1) Per capita taxable value is less than the statewide
 60 | average for the current fiscal year;
- 61 | (2) Percentage of assessed property value that is exempt
 62 | from ad valorem taxation is higher than the statewide average
 63 | for the current fiscal year;
- 64 | (3) Any condition specified in s. 218.503(1) which results
 65 | in the county or municipality being in a state of financial
 66 | emergency;
- 67 | (4) Ad valorem operating millage rate for the current
 68 | fiscal year is greater than 8 mills; or
- 69 | (5) A financial condition that is documented in annual
 70 | financial statements at the end of the current fiscal year and
 71 | indicates an inability to pay the permit processing fee during
 72 | that fiscal year.

73 |
 74 | The permit applicant must be the governing body of a county or
 75 | municipality, ~~or~~ a third party under contract with a county or
 76 | municipality, or an entity created by special act, local
 77 | ordinance, or interlocal agreement, and the project for which
 78 | the fee reduction or waiver is sought must serve a public
 79 | purpose. If a permit processing fee is reduced, the total fee
 80 | may ~~shall~~ not exceed \$100.

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

83 | 373.118 General permits; delegation.—

84 (6) By July 1, 2012, the department shall initiate
85 rulemaking to adopt a general permit for stormwater management
86 systems serving airside activities at airports. The general
87 permit applies statewide and shall be administered by any water
88 management district or any delegated local government pursuant
89 to the operating agreements applicable to part IV of this
90 chapter, with no additional rulemaking required. These rules are
91 not subject to any special rulemaking requirements related to
92 small business.

93 Section 3. Section 373.4131, Florida Statutes, is created
94 to read:

95 373.4131 Conceptual permits for urban redevelopment
96 projects.—

97 (1) A municipality or county that has created a community
98 redevelopment area or an urban infill and redevelopment area
99 pursuant to chapter 163 may adopt a stormwater adaptive
100 management plan that addresses the quantity and quality of
101 stormwater discharges for the redevelopment or infill area and
102 may obtain a conceptual permit from the water management
103 district or the Department of Environmental Protection.

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

106 (a) Must allow for the rate and volume of stormwater
107 discharges for stormwater management systems of urban
108 redevelopment projects located within a community redevelopment
109 area created under part III of chapter 163 or an urban infill
110 and redevelopment area designated under s. 163.2517 to continue
111 up to the maximum rate and volume of stormwater discharges

112 within the area as of the date the stormwater adaptive
113 management plan was adopted.

114 (b) Must presume that stormwater discharges for stormwater
115 management systems of urban redevelopment projects located
116 within a community redevelopment area created under part III of
117 chapter 163 or an urban infill and redevelopment area designated
118 under s. 163.2517 that demonstrate a net improvement of the
119 quality of the discharged water that existed as of the date the
120 stormwater adaptive management plan was adopted for any
121 applicable pollutants of concern in the receiving water body do
122 not cause or contribute to violations of water quality criteria.

123 (c) May not prescribe additional or more stringent
124 limitations concerning the quantity and quality of stormwater
125 discharges from stormwater management systems than provided in
126 this section.

127 (d) Shall be issued for a duration of at least 20 years,
128 and may be renewed, unless a shorter duration is requested by
129 the applicant.

130 (3) Urban redevelopment projects that meet the criteria
131 established in the conceptual permit pursuant to this section
132 qualify for a noticed general permit that authorizes
133 construction and operation for the duration of the conceptual
134 permit.

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

140 Section 4. Notwithstanding s. 120.569, s. 120.57, or s.
141 373.427, Florida Statutes, or any other provision of law to the
142 contrary, a challenge to a consolidated environmental resource
143 permit or any associated variance or any sovereign submerged
144 lands authorization proposed or issued by the Department of
145 Environmental Protection in connection with the state's
146 deepwater ports, as listed in s. 403.021(9), Florida Statutes,
147 shall be conducted pursuant to the summary hearing provisions of
148 s. 120.574, Florida Statutes. However, the summary proceeding
149 shall be conducted within 30 days after a party files a motion
150 for a summary hearing, regardless of whether the parties agree
151 to the summary proceeding, and the administrative law judge's
152 decision shall be in the form of a recommended order and does
153 not constitute final agency action of the department. The
154 department shall issue the final order within 45 working days
155 after receipt of the administrative law judge's recommended
156 order. The summary hearing provisions of this section apply to
157 pending administrative proceedings. However, the provisions of
158 s. 120.574(1)(b) and (d), Florida Statutes, do not apply to
159 pending administrative proceedings. This section shall take
160 effect upon this act becoming a law.

161 Section 5. Except as otherwise expressly provided in this
162 act, this act shall take effect July 1, 2012.