

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

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27 Be It Enacted by the Legislature of the State of Florida:
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29 Section 1. Section 218.075, Florida Statutes, is amended
 30 to read:

31 218.075 Reduction or waiver of permit processing fees.—
 32 Notwithstanding any other provision of law, the Department of
 33 Environmental Protection and the water management districts
 34 shall reduce or waive permit processing fees for counties with a
 35 population of 50,000 or fewer ~~less~~ on April 1, 1994, until such
 36 counties exceed a population of 75,000 and municipalities with a
 37 population of 25,000 or fewer; an entity created by special act,
 38 local ordinance, or interlocal agreement of such counties or
 39 municipalities; ~~less~~, or any county or municipality not included
 40 within a metropolitan statistical area. Fee reductions or
 41 waivers shall be approved on the basis of fiscal hardship or
 42 environmental need for a particular project or activity. The
 43 governing body must certify that the cost of the permit
 44 processing fee is a fiscal hardship due to one of the following
 45 factors:

- 46 (1) Per capita taxable value is less than the statewide
 47 average for the current fiscal year;
- 48 (2) Percentage of assessed property value that is exempt
 49 from ad valorem taxation is higher than the statewide average
 50 for the current fiscal year;
- 51 (3) Any condition specified in s. 218.503(1) which results
 52 in the county or municipality being in a state of financial
 53 emergency;
- 54 (4) Ad valorem operating millage rate for the current
 55 fiscal year is greater than 8 mills; or
- 56 (5) A financial condition that is documented in annual

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57 financial statements at the end of the current fiscal year and
58 indicates an inability to pay the permit processing fee during
59 that fiscal year.

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

68 Section 2. Subsection (6) is added to section 373.118,
69 Florida Statutes, to read:

70 373.118 General permits; delegation.—

71 (6) By July 1, 2011, the department shall initiate
72 rulemaking to adopt a general permit for stormwater management
73 systems serving airside activities at airports. The general
74 permit applies statewide and shall be administered by any water
75 management district or any delegated local government pursuant
76 to the operating agreements applicable to part IV of this
77 chapter, with no additional rulemaking required. These rules are
78 not subject to any special rulemaking requirements related to
79 small business.

80 Section 3. Section 373.4131, Florida Statutes, is created
81 to read:

82 373.4131 Conceptual permits for urban redevelopment
83 projects.—

84 (1) A municipality or county that has created a community

85 redevelopment area or an urban infill and redevelopment area
86 pursuant to chapter 163 may adopt a stormwater adaptive
87 management plan that addresses the quantity and quality of
88 stormwater discharges for the redevelopment or infill area and
89 may obtain a conceptual permit from the water management
90 district or the Department of Environmental Protection.

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

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

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

110 (c) May not prescribe additional or more stringent
111 limitations concerning the quantity and quality of stormwater
112 discharges from stormwater management systems than provided in

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113 this section.

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

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

122 Section 4. This act shall take effect July 1, 2011.