

By the Committees on Community Affairs; and Environmental Preservation and Conservation; and Senator Storms

578-03778-11

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1 A bill to be entitled

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

26
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 to

578-03778-11

2011934c2

30 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
57 financial statements at the end of the current fiscal year and
58 indicates an inability to pay the permit processing fee during

578-03778-11

2011934c2

59 that fiscal year.

60
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 the
65 fee reduction or waiver is sought must serve a public purpose.
66 If a permit processing fee is reduced, the total fee may ~~shall~~
67 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

578-03778-11

2011934c2

88 stormwater discharges for the area and may obtain a conceptual
89 permit from the water management district or the Department of
90 Environmental Protection.

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

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 which 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
113 this section.

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

116 (3) Urban redevelopment projects that meet the criteria

578-03778-11

2011934c2

117 established in the conceptual permit pursuant to this section
118 qualify for a noticed general permit that authorizes
119 construction and operation for the duration of the conceptual
120 permit.

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