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LEGISLATIVE ACTION

Senate

House

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Floor: WD

03/09/2012 11:19 PM

Senator Storms moved the following:

Senate Amendment (with title amendment)

Delete line 30

and insert:

Section 2. Section 218.075, Florida Statutes, is amended to read:

218.075 Reduction or waiver of permit processing fees.—
Notwithstanding any other provision of law, the Department of Environmental Protection and the water management districts shall reduce or waive permit processing fees for counties with a population of 50,000 or fewer ~~less~~ on April 1, 1994, until such counties exceed a population of 75,000 and municipalities with a population of 25,000 or fewer; an entity created by special act,



239570

14 local ordinance, or interlocal agreement of such counties or
15 municipalities; less, or any county or municipality not included
16 within a metropolitan statistical area. Fee reductions or
17 waivers shall be approved on the basis of fiscal hardship or
18 environmental need for a particular project or activity. The
19 governing body must certify that the cost of the permit
20 processing fee is a fiscal hardship due to one of the following
21 factors:

22 (1) Per capita taxable value is less than the statewide
23 average for the current fiscal year;

24 (2) Percentage of assessed property value that is exempt
25 from ad valorem taxation is higher than the statewide average
26 for the current fiscal year;

27 (3) Any condition specified in s. 218.503(1) which results
28 in the county or municipality being in a state of financial
29 emergency;

30 (4) Ad valorem operating millage rate for the current
31 fiscal year is greater than 8 mills; or

32 (5) A financial condition that is documented in annual
33 financial statements at the end of the current fiscal year and
34 indicates an inability to pay the permit processing fee during
35 that fiscal year.

36
37 The permit applicant must be the governing body of a county or
38 municipality, ~~or~~ a third party under contract with a county or
39 municipality, or an entity created by special act, local
40 ordinance, or interlocal agreement and the project for which the
41 fee reduction or waiver is sought must serve a public purpose.
42 If a permit processing fee is reduced, the total fee may ~~shall~~



239570

43 not exceed \$100.

44 Section 3. Subsection (6) is added to section 373.118,
45 Florida Statutes, to read:

46 373.118 General permits; delegation.—

47 (6) By July 1, 2012, the department shall initiate
48 rulemaking to adopt a general permit for stormwater management
49 systems serving airside activities at airports. The general
50 permit applies statewide and shall be administered by any water
51 management district or any delegated local government pursuant
52 to the operating agreements applicable to part IV of this
53 chapter, with no additional rulemaking required. These rules are
54 not subject to any special rulemaking requirements related to
55 small business.

56 Section 4. Section 373.4131, Florida Statutes, is created
57 to read:

58 373.4131 Conceptual permits for urban redevelopment
59 projects.—

60 (1) A municipality or county that has created a community
61 redevelopment area or an urban infill and redevelopment area
62 pursuant to chapter 163 may adopt a stormwater adaptive
63 management plan that addresses the quantity and quality of
64 stormwater discharges for the area and may obtain a conceptual
65 permit from a water management district or the Department of
66 Environmental Protection.

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

69 (a) Must allow for the rate and volume of stormwater
70 discharges for stormwater management systems of urban
71 redevelopment projects located within a community redevelopment



239570

72 area created under part III of chapter 163 or an urban infill
73 and redevelopment area designated under s. 163.2517 to continue
74 up to the maximum rate and volume of stormwater discharges
75 within the area as of the date the stormwater adaptive
76 management plan was adopted.

77 (b) Must presume that stormwater discharges for stormwater
78 management systems of urban redevelopment projects located
79 within a community redevelopment area created under part III of
80 chapter 163 or an urban infill and redevelopment area designated
81 under s. 163.2517 which demonstrate a net improvement of the
82 quality of the discharged water that existed as of the date the
83 stormwater adaptive management plan was adopted for any
84 applicable pollutants of concern in the receiving water body do
85 not cause or contribute to violations of water quality criteria.

86 (c) May not prescribe additional or more stringent
87 limitations concerning the quantity and quality of stormwater
88 discharges from stormwater management systems than provided in
89 this section.

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

93 (3) Urban redevelopment projects that meet the criteria
94 established in the conceptual permit pursuant to this section
95 qualify for a noticed general permit that authorizes
96 construction and operation for the duration of the conceptual
97 permit.

98 (4) Notwithstanding subsections (1)-(3), permits issued
99 pursuant to this section may not conflict with the requirements
100 of a federally approved program pursuant to s. 403.0885 or with



239570

101 the implementation of s. 403.067(7) regarding total maximum
102 daily loads and basin management plans.

103 Section 5. Notwithstanding s. 120.569, s. 120.57, or s.
104 373.427, Florida Statutes, or any other provision of law to the
105 contrary, a challenge to a consolidated environmental resource
106 permit or any associated variance or any sovereign submerged
107 lands authorization proposed or issued by the Department of
108 Environmental Protection in connection with the state's
109 deepwater ports, as listed in s. 403.021(9), Florida Statutes,
110 shall be conducted pursuant to the summary hearing provisions of
111 s. 120.574, Florida Statutes. However, the summary proceeding
112 shall be conducted within 30 days after a party files a motion
113 for a summary hearing, regardless of whether the parties agree
114 to the summary proceeding, and the administrative law judge's
115 decision shall be in the form of a recommended order and does
116 not constitute final agency action of the department. The
117 department shall issue the final order within 45 working days
118 after receipt of the administrative law judge's recommended
119 order. The summary hearing provisions of this section apply to
120 pending administrative proceedings. However, the provisions of
121 s. 120.574(1)(b) and (d), Florida Statutes, do not apply to
122 pending administrative proceedings. This section shall take
123 effect upon this act becoming a law.

124 Section 6. Except as otherwise expressly provided in this
125 act and except for this section, which shall take effect upon
126 this act becoming a law, this act shall take effect July 1,
127 2012.

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129 ===== T I T L E A M E N D M E N T =====



239570

130 And the title is amended as follows:
131 Delete line 9
132 and insert:
133 its expiration; amending s. 218.075, F.S.; allowing an
134 entity created by special act, local ordinance, or
135 interlocal agreement of a county or municipality to
136 receive certain reduced or waived permit processing
137 fees; amending s. 373.118, F.S.; requiring that the
138 Department of Environmental Protection initiate
139 rulemaking to adopt a general permit for stormwater
140 management systems serving airside activities at
141 airports; providing for statewide application of the
142 general permit; providing for any water management
143 district or delegated local government to administer
144 the general permit; providing that the rules are not
145 subject to any special rulemaking requirements
146 relating to small business; creating s. 373.4131,
147 F.S.; authorizing certain municipalities and counties
148 to adopt stormwater adaptive management plans and
149 obtain conceptual permits for urban redevelopment
150 projects; providing requirements for establishment of
151 such permits by water management districts in
152 consultation with the Department of Environmental
153 Protection; providing that certain urban redevelopment
154 projects qualify for a noticed general permit;
155 providing that provisions may not conflict with
156 existing federally delegated pollution reduction
157 programs; requiring a challenge to a consolidated
158 environmental resource permit or associated variance



239570

159 or any sovereign submerged lands authorization
160 proposed or issued by the Department of Environmental
161 Protection in connection with specified deepwater
162 ports to be conducted pursuant to specified summary
163 hearing provisions and within a certain timeframe;
164 providing that the administrative law judge's decision
165 is a recommended order and does not constitute final
166 agency action of the department; requiring the
167 department to issue the final order within a certain
168 timeframe; providing applicability; providing
169 effective dates.