

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 that a consolidated environmental resource  
28      permit or associated variance or any sovereign

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

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

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

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

57 governing body must certify that the cost of the permit  
 58 processing fee is a fiscal hardship due to one of the following  
 59 factors:

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

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

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

84 373.118 General permits; delegation.-

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

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

96           373.4131 Conceptual permits for urban redevelopment  
 97 projects.—

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

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

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

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

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

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

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

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

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

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

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