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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/12/2012	.	
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	.	

The Committee on Community Affairs (Storms) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. 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



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13 population of 25,000 or fewer; an entity created by special act,
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
38 or municipality, ~~or~~ a third party under contract with a county
39 or 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.



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42 If a permit processing fee is reduced, the total fee may ~~shall~~
43 not exceed \$100.

44 Section 2. 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 3. 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 the 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



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71 redevelopment projects located within a community redevelopment
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 20 years, unless a
91 shorter duration is requested by the applicant.

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

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



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100 403.0885 or with the implementation of s. 403.067(7) regarding
101 total maximum daily loads and basin management plans.

102 Section 4. This act shall take effect July 1, 2012.

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

104 And the title is amended as follows:

105 Delete everything before the enacting clause
106 and insert:

107 A bill to be entitled

108 An act relating to stormwater management permits; amending
109 s. 218.075, F.S.; allowing an entity created by special act,
110 local ordinance, or interlocal agreement of a county or
111 municipality to receive certain reduced or waived permit
112 processing fees; amending s. 373.118, F.S.; requiring that the
113 Department of Environmental Protection initiate rulemaking to
114 adopt a general permit for stormwater management systems serving
115 airside activities at airports; providing for statewide
116 application of the general permit; providing for any water
117 management district or delegated local government to administer
118 the general permit; providing that the rules are not subject to
119 any special rulemaking requirements relating to small business;
120 creating s. 373.4131, F.S.; authorizing certain municipalities
121 and counties to adopt stormwater adaptive management plans and
122 obtain conceptual permits for urban redevelopment projects;
123 providing requirements for establishment of such permits by
124 water management districts in consultation with the Department
125 of Environmental Protection; providing that certain urban
126 redevelopment projects qualify for a noticed general permit;
127 providing that provisions may not conflict with existing
128 federally delegated pollution reduction programs; providing an



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129 effective date.