

By Senator Storms

10-00623A-12

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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          management plans and obtain conceptual permits for  
21          urban redevelopment projects; defining the term  
22          "stormwater management plan"; requiring the Department  
23          of Environmental Protection and water management  
24          districts to establish conceptual permits for urban  
25          redevelopment projects; providing permit requirements;  
26          providing that certain urban redevelopment projects  
27          qualify for a general permit; providing an effective  
28          date.  
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30 Be It Enacted by the Legislature of the State of Florida:

31  
32 Section 1. Section 218.075, Florida Statutes, is amended to  
33 read:

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

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

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

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

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

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59 (5) A financial condition that is documented in annual  
60 financial statements at the end of the current fiscal year and  
61 indicates an inability to pay the permit processing fee during  
62 that fiscal year.

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

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

73 373.118 General permits; delegation.—

74 (6) By July 1, 2012, the department shall initiate  
75 rulemaking to adopt a general permit for stormwater management  
76 systems serving airside activities at airports. The general  
77 permit applies statewide and shall be administered by any water  
78 management district or any delegated local government pursuant  
79 to the operating agreements applicable to part IV of this  
80 chapter, with no additional rulemaking required. These rules are  
81 not subject to any special rulemaking requirements related to  
82 small business.

83 Section 3. Section 373.4131, Florida Statutes, is created  
84 to read:

85 373.4131 Conceptual permits for urban redevelopment  
86 projects.—

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

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

94 (2) For purposes of this section, the term "stormwater  
95 management plan" means a master drainage plan that, to the  
96 extent feasible:

97 (a) Improves the quality of stormwater runoff discharged  
98 from the project area.

99 (b) Controls the rate and volume of stormwater discharges  
100 to the extent that offsite flooding or other adverse water  
101 quantity impacts are not exacerbated by the proposed  
102 redevelopment project.

103 (c) Is designed based on a feasibility assessment of  
104 stormwater best management practices, including low impact  
105 development techniques and regional stormwater treatment  
106 systems, that consider the size and physical site  
107 characteristics of the project area.

108 (3) The department and water management districts shall  
109 establish conceptual permits for urban redevelopment projects  
110 created under part III of chapter 163 or an urban infill and  
111 redevelopment area designated under s. 163.2517. The conceptual  
112 permits:

113 (a) Must allow for the rate and volume of stormwater  
114 discharges for stormwater management systems of urban  
115 redevelopment projects located within a community redevelopment  
116 area created under part III of chapter 163 or an urban infill

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117 and redevelopment area designated under s. 163.2517 to continue  
118 up to the maximum rate and volume of stormwater discharges  
119 within the area as of the date the stormwater management plan  
120 was adopted.

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

130 (c) May not prescribe additional or more stringent  
131 limitations concerning the quantity and quality of stormwater  
132 discharges from stormwater management systems than provided in  
133 this section.

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

137 (4) Urban redevelopment projects that meet the criteria  
138 established in the conceptual permit pursuant to this section  
139 qualify for a general permit that authorizes construction and  
140 operation of the permitted system.

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