

By the Committee on Community Affairs; and Senator Storms

578-01888A-12

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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 that provisions may not conflict with
26 existing federally delegated pollution reduction
27 programs; providing an effective date.

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29 Be It Enacted by the Legislature of the State of Florida:

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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 population of 25,000 or fewer; an entity created by special act, local ordinance, or interlocal agreement of such counties or municipalities; ~~less~~, or any county or municipality not included within a metropolitan statistical area. Fee reductions or waivers shall be approved on the basis of fiscal hardship or environmental need for a particular project or activity. The governing body must certify that the cost of the permit processing fee is a fiscal hardship due to one of the following factors:

- (1) Per capita taxable value is less than the statewide average for the current fiscal year;
- (2) Percentage of assessed property value that is exempt from ad valorem taxation is higher than the statewide average for the current fiscal year;
- (3) Any condition specified in s. 218.503(1) which results in the county or municipality being in a state of financial emergency;
- (4) Ad valorem operating millage rate for the current fiscal year is greater than 8 mills; or
- (5) A financial condition that is documented in annual

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59 financial statements at the end of the current fiscal year and
60 indicates an inability to pay the permit processing fee during
61 that fiscal year.

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

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

72 373.118 General permits; delegation.—

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

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

84 373.4131 Conceptual permits for urban redevelopment
85 projects.—

86 (1) A municipality or county that has created a community
87 redevelopment area or an urban infill and redevelopment area

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

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

95 (a) Must allow for the rate and volume of stormwater
96 discharges for stormwater management systems of urban
97 redevelopment projects located within a community redevelopment
98 area created under part III of chapter 163 or an urban infill
99 and redevelopment area designated under s. 163.2517 to continue
100 up to the maximum rate and volume of stormwater discharges
101 within the area as of the date the stormwater adaptive
102 management plan was adopted.

103 (b) Must presume that stormwater discharges for stormwater
104 management systems of urban redevelopment projects located
105 within a community redevelopment area created under part III of
106 chapter 163 or an urban infill and redevelopment area designated
107 under s. 163.2517 which demonstrate a net improvement of the
108 quality of the discharged water that existed as of the date the
109 stormwater adaptive management plan was adopted for any
110 applicable pollutants of concern in the receiving water body do
111 not cause or contribute to violations of water quality criteria.

112 (c) May not prescribe additional or more stringent
113 limitations concerning the quantity and quality of stormwater
114 discharges from stormwater management systems than provided in
115 this section.

116 (d) Shall be issued for a duration of 20 years, unless a

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117 shorter duration is requested by the applicant.

118 (3) Urban redevelopment projects that meet the criteria
119 established in the conceptual permit pursuant to this section
120 qualify for a noticed general permit that authorizes
121 construction and operation for the duration of the conceptual
122 permit.

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

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