

By the Committees on Budget Subcommittee on General Government  
Appropriations; Transportation; and Community Affairs; and  
Senator Storms

601-04259A-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; requiring a challenge to a consolidated  
28          environmental resource permit or associated variance  
29          or any sovereign submerged lands authorization

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30 proposed or issued by the Department of Environmental  
31 Protection in connection with specified deepwater  
32 ports to be conducted pursuant to specified summary  
33 hearing provisions and within a certain timeframe;  
34 providing that the administrative law judge's decision  
35 is a recommended order and does not constitute final  
36 agency action of the department; requiring the  
37 department to issue the final order within a certain  
38 timeframe; providing applicability; providing  
39 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 to  
44 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

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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 the  
79 fee reduction or waiver is sought must serve a public purpose.  
80 If a permit processing fee is reduced, the total fee may ~~shall~~  
81 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

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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 area and may obtain a conceptual  
103 permit from a water management district or the Department of  
104 Environmental Protection.

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

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

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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 which 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 and  
129 may be renewed, unless a shorter duration is requested by the  
130 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 challenge to a consolidated environmental resource  
144 permit or any associated variance or any sovereign submerged  
145 lands authorization proposed or issued by the Department of

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146 Environmental Protection in connection with the state's  
147 deepwater ports, as listed in s. 403.021(9), Florida Statutes,  
148 shall be conducted pursuant to the summary hearing provisions of  
149 s. 120.574, Florida Statutes. However, the summary proceeding  
150 shall be conducted within 30 days after a party files a motion  
151 for a summary hearing, regardless of whether the parties agree  
152 to the summary proceeding, and the administrative law judge's  
153 decision shall be in the form of a recommended order and does  
154 not constitute final agency action of the department. The  
155 department shall issue the final order within 45 working days  
156 after receipt of the administrative law judge's recommended  
157 order. The summary hearing provisions of this section apply to  
158 pending administrative proceedings. However, the provisions of  
159 s. 120.574(1)(b) and (d), Florida Statutes, do not apply to  
160 pending administrative proceedings. This section shall take  
161 effect upon this act becoming a law.

162 Section 5. Except as otherwise expressly provided in this  
163 act and except for this section, which shall take effect upon  
164 this act becoming a law, this act shall take effect July 1,  
165 2012.