

By the Committee on Community Affairs; and Senator Storms

578-01888A-12

2012602c1

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.