

HB 373

2012

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

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;

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

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.

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 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
 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:

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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
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.

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