

Bill No. CS for SB 1180

Amendment No.

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Bronson moved the following amendment:

Senate Amendment (with title amendment)

On page 2, line 5, through page 3, line 2, delete those lines

and insert: discharger is subject to a request for hearing pursuant to s. 120.569, the administrative law judge may, upon motion by the permittee, issue a recommended order to the secretary who, within 5 days, shall issue an order authorizing the interim construction, operation, and maintenance of the facility if it complies with all uncontested conditions of the proposed permit and all other conditions imposed by the administrative law judge during the period until final agency action on the permit.

1. An order authorizing such interim construction, operation, and maintenance shall be granted if requested by motion and no party opposes it.

2. If a party to the administrative hearing pursuant to ss. 120.569 and 120.57 opposes the motion, the administrative law judge shall issue a recommended order

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1 granting the motion if the administrative law judge finds
2 that:
3 a. The facility is likely to receive the permit; and
4 b. The environment will not be irreparably harmed by
5 the construction, operation, or maintenance of the facility
6 pending final agency action on the permit.
7 3. Prior to granting a contested motion for interim
8 construction, operation, or maintenance of a facility
9 authorized by s. 373.4592, the administrative law judge shall
10 conduct a hearing using the summary hearing process defined in
11 s. 120.574, which shall be mandatory for motions made pursuant
12 to this paragraph. Notwithstanding the provisions in s.
13 120.574(1), summary hearing proceedings for these facilities
14 shall begin within 30 days after the motion made by the
15 permittee. Within 15 days after the conclusion of the summary
16 proceedings, the administrative law judge shall issue a
17 recommended order either denying or approving interim
18 construction, operation, or maintenance of the facility, which
19 shall be submitted to the secretary who shall within 5 days
20 thereafter enter an order granting or denying interim
21 construction, operation, or maintenance of the facility. The
22 order shall remain in

===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27 Delete everything before the enacting clause

29 and insert:

30 A bill to be entitled

31 An act relating to water pollution operation

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1 permits; amending s. 403.088, F.S.; permitting
2 rather than requiring specified water pollution
3 operation permits to comply with an
4 accompanying order; authorizing the issuance of
5 an order for the interim construction,
6 operation, and maintenance of specified
7 facilities under certain conditions; providing
8 procedure; providing for hearing; specifying
9 the time of commencement of such hearing;
10 requiring denial for approval of such interim
11 construction, operation, or maintenance within
12 a specified time limit; providing for the
13 period of effect of the order; providing an
14 effective date.

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