

By the Committee on Natural Resources and Senators Bronson and Forman

312-1719-99

1 A bill to be entitled
2 An act relating to water pollution operation
3 permits; amending s. 403.088, F.S.; providing
4 that a permit may require compliance with an
5 accompanying order; providing that an
6 administrative law judge may issue interim
7 permits for the construction, operation, and
8 maintenance of certain facilities in stormwater
9 treatment areas under certain conditions;
10 requiring the administrative law judge to
11 conduct hearings prior to granting a contested
12 motion for an interim permit; providing an
13 effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Paragraph (f) of subsection (2) of section
18 403.088, Florida Statutes, is amended, and paragraph (g) is
19 added to that subsection, to read:

20 403.088 Water pollution operation permits;
21 conditions.--

22 (2)

23 (f) A permit issued, renewed, or reissued pursuant to
24 paragraph (e) shall be accompanied by an order establishing a
25 schedule for achieving compliance with all permit conditions.
26 Such permit may ~~shall~~ require compliance with the accompanying
27 order.

28 (g) The Legislature finds that the restoration of the
29 Everglades Protection Area, including the construction,
30 operation, and maintenance of stormwater treatment areas, is
31 in the public interest. Accordingly, whenever a facility to be

1 constructed, operated, or maintained in accordance with s.
2 373.4592 is subject to permitting requirements pursuant to
3 chapter 373 or chapter 403 and the issuance of the initial
4 permit for a new source, a new discharger, or a recommencing
5 discharger is subject to an administrative challenge, the
6 administrative law judge may, upon motion by the permittee,
7 issue an order authorizing the interim construction,
8 operation, and maintenance of the facility if it complies with
9 all uncontested conditions of the proposed permit and all
10 other conditions imposed by the administrative law judge
11 during the period until final agency action on the permit.

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

15 2. If a party to the administrative challenge opposes
16 the motion, the administrative law judge shall grant the
17 motion if the administrative law judge finds that:

18 a. The facility is likely to receive the permit; and

19 b. The environment will not be irreparably harmed by
20 the construction, operation, or maintenance of the facility
21 pending final agency action on the permit.

22 3. Prior to granting a contested motion for interim
23 construction, operation, or maintenance of a facility
24 authorized by s. 373.4592, the administrative law judge shall
25 conduct a hearing using the summary hearing process defined in
26 s. 120.574, which shall be mandatory for motions made pursuant
27 to this paragraph. Notwithstanding the provisions in s.
28 120.574(1), summary hearing proceedings for these facilities
29 shall begin within 30 days after the motion made by the
30 permittee. Within 15 days after the conclusion of the summary
31 proceedings, the administrative law judge shall issue an order

1 either denying or approving interim construction, operation,
2 or maintenance of the facility, and the order shall remain in
3 effect until final agency action is taken on the permit.

4 Section 2. This act shall take effect upon becoming a
5 law.

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7 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
8 COMMITTEE SUBSTITUTE FOR
9 SB 1180

10 This bill amends s. 403.088, F.S., to provide that a permit
11 may require compliance with an accompanying administrative
12 order. The bill also creates an administrative process that is
13 applicable only to facilities that are part of the Everglades
14 Program. If the issuance of an initial permit for any such
15 facility is administratively challenged, an administrative law
16 judge may, upon motion by the permittee, issue an order
17 allowing construction, operation, and maintenance of the
18 facility until the administrative challenge is resolved.