

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 The Committee on Environmental Protection offered the
12 following:

14 **Amendment (with title amendment)**

15 On page 2, line 1 through page 3 line 8
16 remove from the bill: all of said lines

17
18 and insert in lieu thereof:

19 (g) The Legislature finds that the restoration of the
20 Everglades Protection Area, including the construction,
21 operation, and maintenance of stormwater treatment areas
22 (STAs) is in the public interest. Accordingly, whenever a
23 facility to be constructed, operated, or maintained in
24 accordance with s. 373.4592 is subjected to permitting
25 requirements pursuant to chapter 373 or chapter 403, and the
26 issuance of the initial permit for a new source, a new
27 discharger, or a recommencing discharger is subjected to a
28 request for hearing pursuant to s. 120.569, the administrative
29 law judge may, upon motion by the permittee, issue a
30 recommended order to the secretary who, within 5 days, shall
31 issue an order authorizing the interim construction,

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1 operation, and maintenance of the facility if it complies with
2 all uncontested conditions of the proposed permit and all
3 other conditions recommended by the administrative law judge
4 during the period until the final agency action on the permit.

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

8 2. If a party to the administrative hearing pursuant
9 to ss. 120.569 and 120.57 opposes the motion, the
10 administrative law judge shall issue a recommended order
11 granting the motion if the administrative law judge finds
12 that:

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

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

17 3. Prior to granting a contested motion for interim
18 construction, operation, or maintenance of a facility
19 authorized by s. 373.4592, the administrative law judge shall
20 conduct a hearing using the summary hearing process defined in
21 s. 120.574, which shall be mandatory for motions made pursuant
22 to this paragraph. Notwithstanding the provisions of s.
23 120.574(1), summary hearing proceedings for these facilities
24 shall begin within 30 days of the motion made by the
25 permittee. Within 15 days of the conclusion of the summary
26 proceeding, the administrative law judge shall issue a
27 recommended order either denying or approving interim
28 construction, operation, or maintenance of the facility, which
29 shall be submitted to the secretary who shall within 5 days
30 thereafter, enter an order granting or denying interim
31 construction operation or maintenance of the facility. The

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1 order shall remain in effect until final agency action is
2 taken on the permit.
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5 ===== T I T L E A M E N D M E N T =====
6 And the title is amended as follows:
7 On page 1, line 9
8 remove from the title of the bill: all of said line
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10 and insert in lieu thereof:
11 facilities under certain
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