

By Representative Constantine

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

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

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 20 Section 1. Paragraph (f) of subsection (2) of section
 21 403.088, Florida Statutes, is amended, and a new subsection
 22 (g) is added to said subsection, to read:

23 403.088 Water pollution operation permits;
 24 conditions.--

25 (2)

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

31

1 (g) The Legislature finds that the restoration of the
2 Everglades Protection Area, including the construction,
3 operation, and maintenance of stormwater treatment areas
4 (STAs) is in the public interest. Accordingly, whenever a
5 facility to be constructed, operated, or maintained in
6 accordance with s. 373.4592 is subjected to permitting
7 requirements pursuant to chapter 373 or chapter 403, and the
8 issuance of the initial permit for a new source, a new
9 discharger, or a recommencing discharger is subjected to an
10 administrative challenge, the administrative law judge may,
11 upon motion by the permittee, issue an order authorizing the
12 interim construction, operation, and maintenance of the
13 facility if it complies with all uncontested conditions of the
14 proposed permit and all other conditions imposed by the
15 presiding officer during the period until the final agency
16 action on the permit.

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

20 2. If a party to the administrative challenge opposes
21 the motion, the presiding officer shall grant the motion if
22 the presiding officer finds that:

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

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

27 3. Prior to granting a contested motion for interim
28 construction, operation, or maintenance of a facility
29 authorized by s. 373.4592, the presiding officer shall conduct
30 a hearing using the summary hearing process defined in s.
31 120.574, which shall be mandatory for motions made pursuant to

1 this paragraph. Notwithstanding the provisions of s.
2 120.574(1), summary hearing proceedings for these facilities
3 shall begin within 30 days of the motion made by the
4 permittee. Within 15 days of the conclusion of the summary
5 proceeding, the presiding officer shall issue an order either
6 denying or approving interim construction, operation, or
7 maintenance of the facility, and the order shall remain in
8 effect until final agency action is taken on the permit.

9 Section 2. This act shall take effect upon becoming a
10 law.

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12 HOUSE SUMMARY

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14 Permits, rather than requires, specified water pollution
15 operation permits to comply with an accompanying order
16 establishing a schedule for achieving compliance with all
17 permit conditions.

18 Provides that, whenever a stormwater treatment facility
19 to be constructed, operated, or maintained within the
20 Everglades Protection Area is subjected to permitting
21 requirements pursuant to ch. 373, F.S., or ch. 403, F.S.,
22 and the issuance of the initial permit for a new source,
23 a new discharger, or a recommencing discharger is
24 subjected to an administrative challenge, an order
25 authorizing the interim construction, operation, or
26 maintenance of the facility may be issued under specified
27 circumstances. Provides procedure. Provides for hearing.
28 Specifies that the hearing shall commence within 30 days
29 of the motion by the permittee. Requires denial or
30 approval of the interim construction, operation, or
31 maintenance within 15 days of the conclusion of the
summary proceeding.