

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           facilities under certain conditions; providing  
10          procedure; providing for hearing; specifying  
11          the time of commencement of such hearing;  
12          requiring denial or approval of such interim  
13          construction, operation, or maintenance within  
14          a specified time limit; providing for the  
15          period of effect of the order; providing an  
16          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.

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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 a  
10 request for hearing pursuant to s. 120.569, the administrative  
11 law judge may, upon motion by the permittee, issue a  
12 recommended order to the secretary who, within 5 days, shall  
13 issue an order authorizing the interim construction,  
14 operation, and maintenance of the facility if it complies with  
15 all uncontested conditions of the proposed permit and all  
16 other conditions recommended by the administrative law judge  
17 during the period until the final agency action on the permit.

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

21           2. If a party to the administrative hearing pursuant  
22 to ss. 120.569 and 120.57 opposes the motion, the  
23 administrative law judge shall issue a recommended order  
24 granting the motion if the administrative law judge finds  
25 that:

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

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

30           3. Prior to granting a contested motion for interim  
31 construction, operation, or maintenance of a facility

1 authorized by s. 373.4592, the administrative law judge shall  
2 conduct a hearing using the summary hearing process defined in  
3 s. 120.574, which shall be mandatory for motions made pursuant  
4 to this paragraph. Notwithstanding the provisions of s.  
5 120.574(1), summary hearing proceedings for these facilities  
6 shall begin within 30 days of the motion made by the  
7 permittee. Within 15 days of the conclusion of the summary  
8 proceeding, the administrative law judge shall issue a  
9 recommended order either denying or approving interim  
10 construction, operation, or maintenance of the facility, which  
11 shall be submitted to the secretary who shall within 5 days  
12 thereafter, enter an order granting or denying interim  
13 construction operation or maintenance of the facility. The  
14 order shall remain in effect until final agency action is  
15 taken on the permit.

16           Section 2. This act shall take effect upon becoming a  
17 law.

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