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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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