

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

1
2
3
4
5
6
7
8
9

10

11 Representative(s) Cantens offered the following:

12

13 **Amendment (with title amendment)**

14 On page 6, line 30 through page 8, line 5

15 remove: all of said lines

16

17 and insert:

18 (f) In any action instituted pursuant to this section,
19 other than an action involving a state NPDES permit authorized
20 under s. 403.0885, the prevailing party or parties shall be
21 entitled to costs and attorney's fees. Any award of attorney's
22 fees in an action involving such a state NPDES permit shall be
23 discretionary with the court. If the court has reasonable
24 ground to doubt the solvency of the plaintiff or the
25 plaintiff's ability to pay any cost or judgment which might be
26 rendered against him or her in an action brought under this
27 section, the court may order the plaintiff to post a good and
28 sufficient surety bond or cash.

29 (5) In any administrative, licensing, or other
30 proceedings authorized by law for the protection of the air,
31 water, or other natural resources of the state from pollution,

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

1 impairment, or destruction, the Department of Legal Affairs, a
2 political subdivision or municipality of the state, or a
3 citizen of the state shall have standing to intervene as a
4 party on the filing of a verified pleading asserting that the
5 activity, conduct, or product to be licensed or permitted has
6 or will have the effect of impairing, polluting, or otherwise
7 injuring the air, water, or other natural resources of the
8 state. As used in this section and as it relates to citizens,
9 the term "intervene" means to join an ongoing s. 120.569 or s.
10 120.57 proceeding; this section does not authorize a citizen
11 to institute, initiate, petition for, or request a proceeding
12 under s. 120.569 or s. 120.57. Nothing herein limits or
13 prohibits a citizen whose substantial interests will be
14 determined or affected by a proposed agency action from
15 initiating a formal administrative proceeding under s. 120.569
16 or s. 120.57, or initiating an administrative proceeding if
17 the citizen meets the standing requirements for judicial
18 review of a case or controversy pursuant to Article III of the
19 United States Constitution in a matter pertaining to a
20 federally delegated or approved program. For purposes of this
21 section, a citizen's substantial interests will be considered
22 to be determined or affected if the party demonstrates it may
23 suffer an injury in fact which is of sufficient immediacy and
24 is of the type and nature intended to be protected by this
25 chapter. A sufficient demonstration of a substantial interest
26 may be made by a petitioner that establishes that the proposed
27 activity, conduct, or product to be licensed or permitted
28 affects the petitioner's use or enjoyment of air, water, or
29 natural resources protected by this chapter. Any non-profit
30 corporation or association which has at least 25 current
31 members residing within the county where the activity is

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

1 proposed, and which was formed for the purpose of the
2 protection of the environment, fish and wildlife resources,
3 and protection of air and water quality, may initiate a
4 hearing pursuant to s. 120.569 or s. 120.57, provided that the
5 non-profit corporation or association was formed at least one
6 year prior to the date of the filing of the application for a
7 permit, license, or authorization which is the subject of the
8 notice of agency action. Existence of the required number of
9 members of the organization may be established through the
10 submission of an affidavit, current membership list, or
11 corporate or organizational business records, including the
12 names and addresses of the 25 current members. No
13 demonstration of special injury different in kind from the
14 general public at large is required.

15

16

17 ===== T I T L E A M E N D M E N T =====

18 And the title is amended as follows:

19 On page 1, lines 9 thru 12

20 remove: all of said lines

21

22 and insert:

23 act; providing an effective date.

24

25

26

27

28

29

30

31