



914624

LEGISLATIVE ACTION

|            |   |       |
|------------|---|-------|
| Senate     | . | House |
| Comm: RCS  | . |       |
| 03/30/2011 | . |       |
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The Committee on Transportation (Latvala) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 293 - 337  
and insert:

(8) Except as otherwise provided in this section, the following procedures apply to the approval or denial of an application for a port conceptual permit or a final permit or authorization:

(a) Applications for a port conceptual permit, including any request for the conceptual approval of the use of sovereignty submerged lands, shall be processed in accordance with the provisions of ss. 373.427 and 120.60, with the



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13 following exceptions:

14 1. An application for a port conceptual permit, and any  
15 applications for subsequent construction contained in a port  
16 conceptual permit, must be approved or denied within 60 days  
17 after receipt of a completed application.

18 2. The department may request additional information no  
19 more than twice, unless the applicant waives this limitation in  
20 writing. If the applicant does not provide a response to the  
21 second request for additional information within 90 days or  
22 another time period mutually agreed upon between the applicant  
23 and the department, the application shall be considered  
24 withdrawn. However,

25 3. If the applicant believes that any request for  
26 additional information is not authorized by law or agency rule,  
27 the applicant may request an informal hearing pursuant to s.  
28 120.57(2) before the Secretary of Environmental Protection to  
29 determine whether the application is complete.

30 4. If a third party petitions to challenge the issuance of  
31 a port conceptual permit by the department, the petitioner  
32 initiating the action has the burden of ultimate persuasion and,  
33 in the first instance, has the burden of going forward with the  
34 evidence.

35 (b)(e) Final agency action on a port conceptual permit is  
36 subject to challenge pursuant to ss. 120.569 and 120.57.  
37 However, final agency action to authorize subsequent  
38 construction of facilities contained in a port conceptual permit  
39 333 may only be challenged by a third party for consistency with  
40 the 334 port conceptual permit.

41 (c)(d) A person who will be substantially affected by a



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42 final agency action described in paragraph (b) ~~(e)~~ must initiate

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

45 And the title is amended as follows:

46 Delete lines 17 - 26

47 and insert:

48 373.4133, F.S.; providing exceptions to time  
49 limitations for the Department of Environmental  
50 Protection to issue a notice of intent to issue a port  
51 conceptual permit; providing that a third party who  
52 challenges the issuance of a port conceptual permit  
53 has the ultimate burden of proof and the burden of  
54 going forward with the evidence in the first instance;  
55 amending s. 403.813, F.S.;