



116030

LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/2R	.	Floor: C
05/04/2011 04:36 PM	.	05/05/2011 11:30 AM
	.	

Senator Bennett moved the following:

Senate Amendment (with title amendment)

Between lines 837 and 838
insert:

Section 10. Paragraph (p) is added to subsection (2) of
section 120.569, Florida Statutes, to read:

120.569 Decisions which affect substantial interests.-

(2)

(p) For any proceeding arising under chapter 373, chapter
378, or chapter 403, if a nonapplicant petitions as a third
party to challenge an agency's issuance of a license, permit, or
conceptual approval, the order of presentation in the proceeding
is for the permit applicant to present a prima facie case



116030

14 demonstrating entitlement to the license, permit, or conceptual
15 approval, followed by the agency. This demonstration may be made
16 by entering into evidence the application and relevant material
17 submitted to the agency in support of the application, and the
18 agency's staff report or notice of intent to approve the permit,
19 license, or conceptual approval. Subsequent to the presentation
20 of the applicant's prima facie case and any direct evidence
21 submitted by the agency, the petitioner initiating the action
22 challenging the issuance of the license, permit, or conceptual
23 approval has the burden of ultimate persuasion and has the
24 burden of going forward to prove the case in opposition to the
25 license, permit, or conceptual approval through the presentation
26 of competent and substantial evidence. The permit applicant and
27 agency may on rebuttal present any evidence relevant to
28 demonstrating that the application meets the conditions for
29 issuance. Notwithstanding subsection (1), this paragraph applies
30 to proceedings under s. 120.574.

31
32 ===== T I T L E A M E N D M E N T =====

33 And the title is amended as follows:

34 Delete line 66

35 and insert:

36 ratification; amending s. 120.569, F.S.; providing
37 that a nonapplicant who petitions to challenge an
38 agency's issuance of a license, permit, or conceptual
39 approval in certain circumstances has the burden of
40 ultimate persuasion and the burden of going forward
41 with evidence; providing an effective date.