1 A bill to be entitled 2 An act relating to rules establishing numeric nutrient 3 criteria; exempting specified rules from the 4 ratification requirement in s. 120.541(3), F.S.; 5 requiring notice of enactment of exemption; requiring 6 ratification of any future amendment to specified 7 rule; requiring submission of rules to the United 8 States Environmental Protection Agency; providing an effective date. 9

WHEREAS, the Florida Department of Environmental Protection promulgated amendments to Chapters 62-302 and 62-303, F.A.C., addressing nutrient pollution in Florida waters, and

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14 WHEREAS, on December 8, 2011, the Florida Environmental 15 Regulation Commission approved proposed amendments to Chapters 16 62-302 and 62-303, F.A.C., addressing nutrient pollution in 17 Florida waters in an integrated, comprehensive, and consistent 18 manner, and

WHEREAS, estimates of the cost to implement the department's proposed amendments to Chapters 62-302 and 62-303, F.A.C., are significantly less than estimates of the cost to implement the numeric nutrient criteria rules adopted by the United States Environmental Protection Agency, and

24 WHEREAS, for purposes of compliance with the federal Clean 25 Water Act, the department's proposed amendments to Chapters 62-26 302 and 62-303, F.A.C., must be approved by the Environmental 27 Protection Agency in order to replace the Environmental 28 Protection Agency's adopted numeric nutrient criteria rules, 29 which are scheduled to take effect March 6, 2012, unless FLORIDA HOUSE OF REPRESENTATIVES

30 extended to June 4, 2012, as proposed by the Environmental 31 Protection Agency, and 32 WHEREAS, s. 120.541(3), F.S., requires legislative 33 ratification of the department's amendments to Chapters 62-302 34 and 62-303, F.A.C., after the amendments are adopted by the 35 department, and 36 WHEREAS, a recently filed rule challenge pending before the 37 Florida Division of Administrative Hearings has delayed adoption, making the rules unavailable for ratification during 38 39 the 2012 Regular Session, and 40 WHEREAS, exempting the proposed amendments to Chapters 62-302 and 62-303, F.A.C., from legislative ratification and 41 42 directing the department to expeditiously submit the proposed 43 amendments to the Environmental Protection Agency will facilitate that agency's review of the proposed state rule 44 amendments under section 303(c) of the Clean Water Act. 45 46 47 Be It Enacted by the Legislature of the State of Florida: 48 49 Section 1. (1) The rules proposed by the Department of 50 Environmental Protection as rules 62-302.200, 62-302.530, 62.302.531, 62.302.532, 62-302.800, 62-303.150, 62-303.200, 62-51 303.310, 62-303.330, 62-303.350, 62-303.351, 62-303.352, 62-52 53 303.353, 62-303.354, 62-303.390, 62-303.420, 62-303.430, 62-54 303.450, 62-303.710, and 62-303.720, Florida Administrative 55 Code, notices of which were published on November 10, 2011, in 56 the Florida Administrative Weekly, Vol. 37, No. 45, pages 3753-57 3775, as approved by the Environmental Regulation Commission on 58 December 8, 2011, and the subsequent changes to proposed rules 59 62-302.200, 62-302.531, 62-302.532, 62-302.800, 62-303.200, 62-

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PCB ANRS 12-07 CODING: Words stricken are deletions; words underlined are additions.

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60	303.330, 62-303.350, 62-303.351, 62-303.352, 62-303.353, 62-
61	303.390, and 62-303.430 which were published on December 22,
62	2011, in the Florida Administrative Weekly, Vol. 37, No. 51,
63	pages 4444-4450, are exempted from the ratification requirement
64	of s. 120.541(3), Florida Statutes. At the time of filing these
65	rules for adoption, or as soon thereafter as practicable, the
66	Department shall publish in the Florida Administrative Weekly a
67	notice of the enactment of this exemption.
68	(2) After adoption of proposed Rule 62-302.531(9),
69	Florida Administrative Code, a non-severability and effective
70	date provision approved by the commission on December 8, 2011 in
71	accordance with the commission's legislative authority in s.
72	403.804, notice of which was published by the Department on
73	December 22, 2011, in the Florida Administrative Weekly, Vol.
74	37, No. 51, page 4446, any subsequent rule or amendment altering
75	the effect of such rule shall be submitted to the President of
76	the Senate and Speaker of the House of Representatives no later
77	than 30 days prior to the next regular legislative session, and
78	such amendment shall not take effect until ratified by the
79	Legislature.
80	(3) Within 30 days after the effective date of this act,
81	the proposed rules specified above in subsection 1 shall be
82	submitted by the Florida Department of Environmental Protection
83	to the Regional Administrator of the Environmental Protection
84	Agency for review under section 303(c) of the Clean Water Act.
85	Section 2. This act shall take effect upon becoming law.

Page 3 of 3 PCB ANRS 12-07 CODING: Words stricken are deletions; words <u>underlined</u> are additions.