

By the Committee on Environmental Preservation and Conservation

592-02232-12

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1 A bill to be entitled

2 An act relating to rules establishing numeric nutrient  
3 criteria; exempting specified rules from legislative  
4 ratification under s. 120.541(3), F.S.; requiring the  
5 Department of Environmental Protection to publish  
6 certain notice; requiring legislative ratification of  
7 certain subsequent rules or amendments; directing the  
8 department to submit specified rules to the United  
9 States Environmental Protection Agency for review  
10 under the federal Clean Water Act; providing an  
11 effective date.

12  
13 WHEREAS, the Department of Environmental Protection  
14 proposed amendments to chapters 62-302 and 62-303, Florida  
15 Administrative Code, addressing nutrient pollution in waters of  
16 the state, and

17 WHEREAS, on December 8, 2011, the Environmental Regulation  
18 Commission approved proposed amendments to chapters 62-302 and  
19 62-303, Florida Administrative Code, addressing nutrient  
20 pollution in waters of the state in an integrated,  
21 comprehensive, and consistent manner, and

22 WHEREAS, estimates of the cost to implement the  
23 department's proposed amendments to chapters 62-302 and 62-303,  
24 Florida Administrative Code, are significantly less than  
25 estimates of the cost to implement the numeric nutrient criteria  
26 rules adopted by the United States Environmental Protection  
27 Agency, and

28 WHEREAS, for purposes of compliance with the federal Clean  
29 Water Act, the department's proposed amendments to chapters 62-

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30 302 and 62-303, Florida Administrative Code, must be approved by  
31 the United States Environmental Protection Agency in order to  
32 replace the agency's adopted numeric nutrient criteria rules,  
33 which are scheduled to take effect March 6, 2012, unless  
34 extended to June 4, 2012, as proposed by the agency, and

35 WHEREAS, after adoption by the department, the amendments  
36 to chapters 62-302 and 62-303, Florida Administrative Code,  
37 require legislative ratification pursuant to s. 120.541(3),  
38 Florida Statutes, and

39 WHEREAS, a recently filed rule challenge pending before the  
40 Division of Administrative Hearings has delayed adoption by the  
41 department, making the rules unavailable for ratification during  
42 the 2012 Regular Session, and

43 WHEREAS, exempting the proposed amendments to chapters 62-  
44 302 and 62-303, Florida Administrative Code, from legislative  
45 ratification and directing the department to expeditiously  
46 submit the proposed amendments to the United States  
47 Environmental Protection Agency will facilitate the agency's  
48 review of the proposed amendments under s. 303(c) of the Clean  
49 Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq., NOW,  
50 THEREFORE,

51  
52 Be It Enacted by the Legislature of the State of Florida:

53  
54 Section 1. (1) The rules proposed by the Department of  
55 Environmental Protection as rules 62-302.200, 62-302.530,  
56 62.302.531, 62.302.532, 62-302.800, 62-303.150, 62-303.200, 62-  
57 303.310, 62-303.330, 62-303.350, 62-303.351, 62-303.352, 62-  
58 303.353, 62-303.354, 62-303.390, 62-303.420, 62-303.430, 62-

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59 303.450, 62-303.710, and 62-303.720, Florida Administrative  
60 Code, notices of which were published on November 10, 2011, in  
61 the Florida Administrative Weekly, Vol. 37, No. 45, pages 3753-  
62 3775, as approved by the Environmental Regulation Commission on  
63 December 8, 2011, and the subsequent changes to proposed rules  
64 62-302.200, 62-302.531, 62-302.532, 62-302.800, 62-303.200, 62-  
65 303.330, 62-303.350, 62-303.351, 62-303.352, 62-303.353, 62-  
66 303.390, and 62-303.430, Florida Administrative Code, which were  
67 published on December 22, 2011, in the Florida Administrative  
68 Weekly, Vol. 37, No. 51, pages 4444-4450, are exempt from  
69 ratification under s. 120.541(3), Florida Statutes. At the time  
70 of filing these rules for adoption, or as soon thereafter as  
71 practicable, the department shall publish a notice of the  
72 enactment of this exemption in the Florida Administrative  
73 Weekly.

74 (2) After adoption of proposed rule 62-302.531(9), Florida  
75 Administrative Code, a nonseverability and effective date  
76 provision approved by the commission on December 8, 2011, in  
77 accordance with the commission's legislative authority under s.  
78 403.804, Florida Statutes, notice of which was published by the  
79 department on December 22, 2011, in the Florida Administrative  
80 Weekly, Vol. 37, No. 51, page 4446, any subsequent rule or  
81 amendment altering the effect of such rule shall be submitted to  
82 the President of the Senate and the Speaker of the House of  
83 Representatives no later than 30 days before the next regular  
84 legislative session, and such amendment may not take effect  
85 until it is ratified by the Legislature.

86 (3) Within 30 days after the effective date of this act,  
87 the proposed rules specified in subsection (1) shall be

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88 submitted by the department to the regional administrator of the  
89 United States Environmental Protection Agency for review under  
90 s. 303(c) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C.  
91 ss. 1251 et seq.

92 Section 2. This act shall take effect upon becoming a law.