



197200

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2012	.	
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The Committee on Environmental Preservation and Conservation  
(Dean) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. (1) The rules proposed by the Department of  
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-  
303.310, 62-303.330, 62-303.350, 62-303.351, 62-303.352, 62-  
303.353, 62-303.354, 62-303.390, 62-303.420, 62-303.430, 62-  
303.450, 62-303.710, and 62-303.720, Florida Administrative  
Code, notices of which were published on November 10, 2011, in  
the Florida Administrative Weekly, Vol. 37, No. 45, pages 3753-



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13 3775, as approved by the Environmental Regulation Commission on  
14 December 8, 2011, and the subsequent changes to proposed rules  
15 62-302.200, 62-302.531, 62-302.532, 62-302.800, 62-303.200, 62-  
16 303.330, 62-303.350, 62-303.351, 62-303.352, 62-303.353, 62-  
17 303.390, and 62-303.430 which were published on December 22,  
18 2011, in the Florida Administrative Weekly, Vol. 37, No. 51,  
19 pages 4444-4450, are exempted from the ratification requirement  
20 of s. 120.541(3), Florida Statutes. At the time of filing these  
21 rules for adoption, or as soon thereafter as practicable, the  
22 Department shall publish in the Florida Administrative Weekly a  
23 notice of the enactment of this exemption.

24 (2) After adoption of proposed Rule 62-302.531(9), Florida  
25 Administrative Code, a non-severability and effective date  
26 provision approved by the commission on December 8, 2011 in  
27 accordance with the commission's legislative authority in s.  
28 403.804, notice of which was published by the Department on  
29 December 22, 2011, in the Florida Administrative Weekly, Vol.  
30 37, No. 51, page 4446, any subsequent rule or amendment altering  
31 the effect of such rule shall be submitted to the President of  
32 the Senate and Speaker of the House of Representatives no later  
33 than 30 days prior to the next regular legislative session, and  
34 such amendment shall not take effect until ratified by the  
35 Legislature.

36 (3) Within 30 days after the effective date of this act,  
37 the proposed rules specified above in subsection 1 shall be  
38 submitted by the Florida Department of Environmental Protection  
39 to the Regional Administrator of the Environmental Protection  
40 Agency for review under section 303(c) of the Clean Water Act.

41 Section 2. This act shall take effect upon becoming law.



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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled

An act relating to rules establishing numeric nutrient  
criteria; exempting specified rules from the ratification  
requirement in s. 120.541(3), F.S.; requiring notice of  
enactment of exemption; requiring ratification of any future  
amendment to specified rule; requiring submission of rules to  
the United States Environmental Protection Agency; providing an  
effective date.

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

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

WHEREAS, for purposes of compliance with the federal Clean



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71 Water Act, the department's proposed amendments to Chapters 62-  
72 302 and 62-303, F.A.C., must be approved by the Environmental  
73 Protection Agency in order to replace the Environmental  
74 Protection Agency's adopted numeric nutrient criteria rules,  
75 which are scheduled to take effect March 6, 2012, unless  
76 extended to June 4, 2012, as proposed by the Environmental  
77 Protection Agency, and

78 WHEREAS, s. 120.541(3), F.S., requires legislative  
79 ratification of the department's amendments to Chapters 62-302  
80 and 62-303, F.A.C., after the amendments are adopted by the  
81 department, and

82 WHEREAS, a recently filed rule challenge pending before the  
83 Florida Division of Administrative Hearings has delayed  
84 adoption, making the rules unavailable for ratification during  
85 the 2012 Regular Session, and

86 WHEREAS, exempting the proposed amendments to Chapters 62-  
87 302 and 62-303, F.A.C., from legislative ratification and  
88 directing the department to expeditiously submit the proposed  
89 amendments to the Environmental Protection Agency will  
90 facilitate that agency's review of the proposed state rule  
91 amendments under section 303(c) of the Clean Water Act.

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