

FOR CONSIDERATION By the Committee on Environmental Preservation and Conservation

592-02508B-13

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1 A bill to be entitled
2 An act relating to total maximum daily loads; amending
3 s. 403.067, F.S.; exempting total maximum daily load
4 rules from legislative ratification; providing an
5 effective date.

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7 Be It Enacted by the Legislature of the State of Florida:

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9 Section 1. Paragraph (c) of subsection (6) of section
10 403.067, Florida Statutes, is amended to read:

11 403.067 Establishment and implementation of total maximum
12 daily loads.—

13 (6) CALCULATION AND ALLOCATION.—

14 (c) Adoption of rules. The total maximum daily load
15 calculations and allocations established under this subsection
16 for each water body or water body segment shall be adopted by
17 rule by the secretary pursuant to ss. 120.536(1), 120.54, and
18 403.805. Where additional data collection and analysis are
19 needed to increase the scientific precision and accuracy of the
20 total maximum daily load, the department is authorized to adopt
21 phased total maximum daily loads that are subject to change as
22 additional data becomes available. Where phased total maximum
23 daily loads are proposed, the department shall, in the detailed
24 statement of facts and circumstances justifying the rule,
25 explain why the data are inadequate so as to justify a phased
26 total maximum daily load. The rules adopted pursuant to this
27 paragraph are shall ~~shall~~ not ~~be~~ subject to approval by the
28 Environmental Regulation Commission and are not subject to the
29 provisions of s. 120.541(3). As part of the rule development

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30 process, the department shall hold at least one public workshop
31 in the vicinity of the water body or water body segment for
32 which the total maximum daily load is being developed. Notice of
33 the public workshop shall be published not less than 5 days nor
34 more than 15 days before the public workshop in a newspaper of
35 general circulation in the county or counties containing the
36 water bodies or water body segments for which the total maximum
37 daily load calculation and allocation are being developed.

38 Section 2. This act shall take effect July 1, 2013.