

HB 7113

2013

1                   A bill to be entitled  
 2           An act relating to total maximum daily loads; amending  
 3           s. 403.067, F.S.; exempting specified rules adopted by  
 4           the Department of Environmental Protection from  
 5           ratification by the Legislature under s. 120.541(3),  
 6           F.S.; providing an effective date.

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

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 10           Section 1. Paragraph (c) of subsection (6) of section  
 11   403.067, Florida Statutes, is amended to read:

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

14           (6) CALCULATION AND ALLOCATION.—

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

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29 | Environmental Regulation Commission and are exempt from  
30 | ratification under s. 120.541(3). As part of the rule  
31 | development process, the department shall hold at least one  
32 | public workshop in the vicinity of the water body or water body  
33 | segment for which the total maximum daily load is being  
34 | developed. Notice of the public workshop shall be published not  
35 | less than 5 days nor more than 15 days before the public  
36 | workshop in a newspaper of general circulation in the county or  
37 | counties containing the water bodies or water body segments for  
38 | which the total maximum daily load calculation and allocation  
39 | are being developed.

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