

ENROLLED
HB 7051

2012 Legislature

1
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

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29 | Water Act, the department's proposed amendments to chapters 62-
 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-

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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-
 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

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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
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.