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

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

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

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

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

303.330, 62-303.350, 62-303.351, 62-303.352, 62-303.353, 62-303.390, and 62-303.430 which were published on December 22, 2011, in the Florida Administrative Weekly, Vol. 37, No. 51, pages 4444-4450, are exempted from the ratification requirement of s. 120.541(3), Florida Statutes. At the time of filing these rules for adoption, or as soon thereafter as practicable, the Department shall publish in the Florida Administrative Weekly a notice of the enactment of this exemption.

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

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

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