

1 A bill to be entitled
 2 An act relating to total maximum daily loads; amending
 3 s. 402.067, F.S.; providing that administrative rules
 4 adopted by the Department of Environmental Protection
 5 to establish total maximum daily loads calculations
 6 and allocations are not subject to the requirements of
 7 s. 120.541(3), F.S.; providing an effective date.

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

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 11 Section 1. Paragraph (c) of subsection (6) of section
 12 403.067, Florida Statutes, is amended to read:

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

15 (6) CALCULATION AND ALLOCATION.—

16 (c) Adoption of rules. The total maximum daily load
 17 calculations and allocations established under this subsection
 18 for each water body or water body segment shall be adopted by
 19 rule by the secretary pursuant to ss. 120.536(1), 120.54, and
 20 403.805. Where additional data collection and analysis are
 21 needed to increase the scientific precision and accuracy of the
 22 total maximum daily load, the department is authorized to adopt
 23 phased total maximum daily loads that are subject to change as
 24 additional data becomes available. Where phased total maximum
 25 daily loads are proposed, the department shall, in the detailed
 26 statement of facts and circumstances justifying the rule,
 27 explain why the data are inadequate so as to justify a phased
 28 total maximum daily load. The rules adopted pursuant to this

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

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