

By the Committee on Environmental Preservation and Conservation

592-04179-14

20141748\_\_

1                                   A bill to be entitled  
2           An act relating to establishing minimum water flows  
3           and levels for water bodies; exempting specified rules  
4           from legislative ratification under s. 120.541(3),  
5           F.S.; requiring the Department of Environmental  
6           Protection to publish a certain notice; providing an  
7           effective date.

8  
9           WHEREAS, on March 7, 2014, the Department of Environmental  
10          Protection proposed rules 62-42.100 and 62-42.200, Florida  
11          Administrative Code, establishing the scope and definitions for  
12          minimum flows and levels adopted by the department, and rule 62-  
13          42.300, Florida Administrative Code, establishing minimum flows  
14          and levels for the Lower Santa Fe and Ichetucknee Rivers and  
15          associated priority springs, and

16          WHEREAS, on April 8, 2014, the department published a  
17          Notice of Change, modifying its proposed rule 62-42.300, Florida  
18          Administrative Code, establishing minimum flows and levels for  
19          the Lower Santa Fe and Ichetucknee Rivers and associated  
20          priority springs, and

21          WHEREAS, such rules will implement the public policy  
22          established in s. 1, chapter 2013-229, Laws of Florida, and  
23          related laws authorizing the department to establish minimum  
24          flows and levels for water bodies that affect multiple water  
25          management districts, and

26          WHEREAS, after adoption by the department, rule 62-42.300,  
27          Florida Administrative Code, requires legislative ratification  
28          pursuant to s. 120.541(3), Florida Statutes, and

29          WHEREAS, a challenge filed in the Division of

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30 Administrative Hearings has delayed adoption of rule 62-42.300,  
31 Florida Administrative Code, by the department, making the rule  
32 unavailable for ratification during the 2014 Regular Session,  
33 and

34 WHEREAS, it is important that these rules take effect as  
35 soon as possible so that associated flow protection rules can be  
36 implemented as soon as possible, and

37 WHEREAS, exempting proposed rule 62-42.300, Florida  
38 Administrative Code, from legislative ratification will allow  
39 the rules, if otherwise valid, to become effective before the  
40 next opportunity for legislative ratification, NOW, THEREFORE,

41  
42 Be It Enacted by the Legislature of the State of Florida:

43  
44 Section 1. (1) The rule proposed by the Department of  
45 Environmental Protection as rule 62-42.300, Florida  
46 Administrative Code, entitled "Minimum Flows and Levels and  
47 Recovery and Prevention Strategies," which was published on  
48 March 7, 2014, in the Florida Administrative Register, Vol. 40,  
49 No. 46, pages 1069-1071, and modified by a Notice of Change,  
50 published on April 8, 2014, in the Florida Administrative  
51 Register, Vol. 40, No. 68, page 1536, is exempt from  
52 ratification under s. 120.541(3), Florida Statutes.

53 (2) This act serves no other purpose and may not be  
54 codified in the Florida Statutes. At the time of filing this  
55 rule for adoption, or as soon thereafter as practicable, the  
56 department shall publish a notice of the enactment of this  
57 exemption in the Florida Administrative Register. This act does  
58 not alter rulemaking authority delegated by prior law and does

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59 not constitute legislative preemption of or exception to any  
60 other provision of law governing adoption or enforcement of the  
61 rule cited. This act does not cure any rulemaking defect or  
62 preempt any challenge based on a lack of authority or a  
63 violation of the legal requirements governing the adoption of  
64 any rule cited.

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