



628402

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
04/10/2014	.	
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The Committee on Environmental Preservation and Conservation
(Dean) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. (1) The rule proposed by the Department of
Environmental Protection as rule 62-42.300, Florida
Administrative Code, entitled "Minimum Flows and Levels and
Recovery and Prevention Strategies," which was published on
March 7, 2014, in the Florida Administrative Register, Vol. 40,
No. 46, pages 1069-1071, and modified by a Notice of Change,



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11 published on April 8, 2014, in the Florida Administrative
12 Register, Vol. 40, No. 68, page 1536, is exempt from
13 ratification under s. 120.541(3), Florida Statutes.

14 (2) This act serves no other purpose and shall not be
15 codified in the Florida Statutes. At the time of filing this
16 rule for adoption, or as soon thereafter as practicable, the
17 department shall publish a notice of the enactment of this
18 exemption in the Florida Administrative Register. This act does
19 not alter rulemaking authority delegated by prior law and does
20 not constitute legislative preemption of or exception to any
21 other provision of law governing adoption or enforcement of the
22 rule cited. This act does not cure any rulemaking defect or
23 preempt any challenge based on a lack of authority or a
24 violation of the legal requirements governing the adoption of
25 any rule cited.

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

27
28 ===== T I T L E A M E N D M E N T =====

29 And the title is amended as follows:

30 Delete everything before the enacting clause
31 and insert:

32 A bill to be entitled
33 An act relating to establishing minimum water flows
34 and levels for water bodies; exempting specified rules
35 from legislative ratification under s. 120.541(3),
36 F.S.; requiring the Department of Environmental
37 Protection to publish a certain notice; providing an
38 effective date.

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40 WHEREAS, on March 7, 2014, the Department of Environmental
41 Protection proposed rules 62-42.100 and 62-42.200, Florida
42 Administrative Code, establishing the scope and definitions for
43 minimum flows and levels adopted by the department, and rule 62-
44 42.300, Florida Administrative Code, establishing minimum flows
45 and levels for the Lower Santa Fe and Ichetucknee Rivers and
46 associated priority springs, and

47 WHEREAS, on April 8, 2014, the department published a
48 Notice of Change, modifying its proposed rule 62-42.300, Florida
49 Administrative Code, establishing minimum flows and levels for
50 the Lower Santa Fe and Ichetucknee Rivers and associated
51 priority springs, and

52 WHEREAS, such rules will implement the public policy
53 established in s. 1, chapter 2013-229, Laws of Florida, and
54 related laws authorizing the department to establish minimum
55 flows and levels for water bodies that affect multiple water
56 management districts, and

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

60 WHEREAS, a challenge filed in the Division of
61 Administrative Hearings has delayed adoption of rule 62-42.300,
62 Florida Administrative Code, by the department, making the rule
63 unavailable for ratification during the 2014 Regular Session,
64 and

65 WHEREAS, it is important that these rules take effect as
66 soon as possible so that associated flow protection rules can be
67 implemented as soon as possible, and

68 WHEREAS, exempting proposed rule 62-42.300, Florida



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69 Administrative Code, from legislative ratification will allow
70 the rules, if otherwise valid, to become effective before the
71 next opportunity for legislative ratification, NOW, THEREFORE,