

FOR CONSIDERATION By the Committee on Environmental Preservation and Conservation

592-02956-14

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

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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 department-adopted Minimum Flows and Levels (MFLs), and rule 62-
13 42.300, Florida Administrative Code, establishing MFLs for the
14 Lower Santa Fe and Ichetucknee Rivers and associated priority
15 springs, and

16 WHEREAS, such rules will implement the public policy
17 established in section 1, Chapter 2013-229, Laws of Florida, and
18 related laws authorizing the department to establish MFLs for
19 water bodies that affect multiple water management districts,
20 and

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

24 WHEREAS, procedures required under the Administrative
25 Procedures Act may delay adoption of the rule by the department,
26 making the rule unavailable for ratification during the 2014
27 Regular Session, and

28 WHEREAS, it is important that these rules take effect as
29 soon as possible so that associated flow protection rules can be

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30 timely implemented, and

31 WHEREAS, exempting proposed rule 62-42.300, Florida
32 Administrative Code, from legislative ratification will allow
33 the rule, if otherwise valid, to become effective before the
34 next opportunity for legislative ratification, NOW, THEREFORE,

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

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38 Section 1. (1) The rule proposed by the Department of
39 Environmental Protection as rule 62-42.300, Florida
40 Administrative Code, entitled "Minimum Flows and Levels and
41 Recovery and Prevention Strategies," which was published on
42 March 7, 2014, in the Florida Administrative Register, Vol. 40,
43 No. 46, pages 1069-1071, is exempt from the ratification
44 requirement imposed under s. 120.541(3), Florida Statutes.

45 (2) This act serves no other purpose and may not be
46 codified in the Florida Statutes. At the time of filing this
47 rule for adoption, or as soon thereafter as practicable, the
48 department shall publish a notice of the enactment of this
49 exemption in the Florida Administrative Register. This act does
50 not alter rulemaking authority delegated by prior law, does not
51 constitute legislative preemption of, or exception to, any other
52 provision of law governing adoption or enforcement of the rule
53 cited. This act does not cure any rulemaking defect or preempt
54 any challenge based on a lack of authority or a violation of the
55 legal requirements governing the adoption of any rule cited.

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