

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Brodeur offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

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

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14 (2) This act serves no other purpose and may 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
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29 **T I T L E A M E N D M E N T**

30 Remove everything before the enacting clause and insert:

31 A bill to be entitled

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

38
39 WHEREAS, on March 7, 2014, the Department of Environmental

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

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

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

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

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

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

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66 implemented as soon as possible, and
67 WHEREAS, exempting proposed rule 62-42.300, Florida
68 Administrative Code, from legislative ratification will allow
69 the rules, if otherwise valid, to become effective before the
70 next opportunity for legislative ratification, NOW, THEREFORE,

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