

HB 7171

2014

1 A bill to be entitled

2 An act relating to ratification of rules of the
3 Department of Environmental Protection; exempting a
4 specified rule relating to minimum flows and levels
5 and recovery and prevention strategies for certain
6 water bodies from ratification under s. 120.541(3),
7 F.S., which requires ratification of any rule meeting
8 any specified thresholds for likely adverse impact or
9 increase in regulatory costs; providing applicability;
10 providing an effective date.

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12 WHEREAS, on March 7, 2014, the Department of Environmental
13 Protection proposed rules 62-42.100 and 62-42.200, Florida
14 Administrative Code, establishing the scope and definitions for
15 minimum flows and levels adopted by the department, and rule 62-
16 42.300, Florida Administrative Code, establishing minimum flows
17 and levels for the Lower Santa Fe and Ichetucknee Rivers and
18 associated priority springs, and

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

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

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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27 WHEREAS, procedures available under the Administrative
 28 Procedure Act may delay adoption of the rule by the department,
 29 making the rule unavailable for ratification during the 2014
 30 Regular Session, and

31 WHEREAS, it is important for these rules to take effect as
 32 soon as possible so that associated flow protection rules can be
 33 implemented as soon as possible, and

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

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

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41 Section 1. (1) The rule proposed by the Department of
 42 Environmental Protection as rule 62-42.300, Florida
 43 Administrative Code, entitled "Minimum Flows and Levels and
 44 Recovery and Prevention Strategies," which was published on
 45 March 7, 2014, in the Florida Administrative Register, Vol. 40,
 46 No. 46, pages 1069-1071, is exempt from ratification under s.
 47 120.541(3), Florida Statutes.

48 (2) This act serves no other purpose and shall not be
 49 codified in the Florida Statutes. At the time of filing this
 50 rule for adoption, or as soon thereafter as practicable, the
 51 department shall publish a notice of the enactment of this
 52 exemption in the Florida Administrative Register. This act does

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53 not alter rulemaking authority delegated by prior law and does
54 not constitute legislative preemption of or exception to any
55 other provision of law governing adoption or enforcement of the
56 rule cited. This act does not cure any rulemaking defect or
57 preempt any challenge based on a lack of authority or a
58 violation of the legal requirements governing the adoption of
59 any rule cited.

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