



ENROLLED

HB 7171, Engrossed 1

2014 Legislature

1
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,



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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
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.



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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
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.