

## CHAPTER 2014-155

### House Bill No. 7171

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor June 13, 2014.

Filed in Office Secretary of State June 13, 2014.