

## **M E M O R A N D U M**

**TO:** Governing Board Members

**FROM:** Maricruz R. Fincher, Office of Counsel

**DATE:** December 11, 2025

**SUBJECT:** Authorize Publication of Notices of Rule Development for Rules 40E-7.215, 40E-7.511, 40E-7.539, and 40E-21.691, Florida Administrative Code (F.A.C.)

### **Agenda Item Background:**

During the 2025 legislative session, the Florida Legislature passed Senate Bill 108 (SB 108), which created section 120.5435, Florida Statutes (F.S.), and amended section 120.74, F.S. As part of the new requirements under SB 108, each agency, in coordination with the Joint Administrative Procedures Committee (JAPC), must review all of its existing rules by July 1, 2030. Beginning October 1, 2025, each agency must include in its annual regulatory plan a schedule of the rules it will review each year during the five-year rule review period.

To comply with these requirements, the District's 2025-2026 Regulatory Plan includes the yearly review schedule for 2025-2026, which consists of all rules in Chapters 40E-7 (Miscellaneous Provisions), 40E-21 (Water Shortage Plan), and 40E-22 (Regional Water Shortage Plans), F.A.C., for a total of 69 rules.

For each rule under review, the District must decide to either make a technical change, a substantive change, no change, or repeal. If the District determines that a substantive change is required, a notice of rule development must be published in the Florida Administrative Register by April 1.

As a result of the review, Rules 40E-7.215, 40E-7.511, 40E-7.539, and 40E-21.691, F.A.C., require substantive changes to ensure congruity with statutory authority. Therefore, staff requests approval to publish Notices of Rule Development for Rules 40E-7.215, 40E-7.511, 40E-7.539, and 40E-21.691, F.A.C.

### **Additional Item Background:**

#### **Core Mission and Strategic Priorities:**

The Governing Board has authority to adopt rules to administer the provisions of Chapter 373, F.S. This rulemaking supports the District's responsibilities under Chapter 373, F.S.

#### **Funding Source:**

The rulemaking activities will be completed using in-house staff resources. Office of Counsel and the respective divisions will share the publication costs of the notices.

#### **Staff Contact and/or Presenter:**

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### **ATTACHMENTS:**

Resolution No. 2025-1208

2025-2026 SFWMD Regulatory Plan

40E-21 DRAFT Notice of Rule Development

40E-7 DRAFT Notice of Rule Development

40E-7 Land Mgmt DRAFT Notice of Rule Development