

MEMORANDUM

TO: Governing Board Members

FROM: Maricruz R. Fincher, Office of Counsel

DATE: May 14, 2026

SUBJECT: Authorize Publication of a Notice of Proposed Rule in the Florida Administrative Register and Adopt Amendments to Rules 40E-21.631, 40E-21.671 and 40E-21.691, Florida Administrative Code

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, District staff, in coordination with the Joint Administrative Procedures Committee, must review all its existing rules by July 1, 2030. District staff must include in its annual regulatory plan a schedule of the rules it will review each year during the review period.

To comply with these requirements, the District's 2025-2026 Regulatory Plan contains the yearly review schedule for 2025-2026, which includes, but is not limited to, Rules 40E-21.631, 40E-21.671, and 40E-21.691, Florida Administrative Code (F.A.C.). During this review, District staff identified substantive changes are needed to move Figures 21-1 through 21-8 from Rule 40E-21.671, F.A.C., to Rule 40E-21.631, F.A.C., where the figures are referenced. Substantive changes are also needed in Rule 40E-21.691, F.A.C., to clarify that this rule contains the legal descriptions of the District's water use basins listed in Rule 40E-21.631, F.A.C., which will be utilized by the Governing Board when issuing a water shortage warning or declaring a water shortage in all or part of the District. The District is not proposing any changes to the legal descriptions of the District's water use basin boundaries. The District is also proposing to add sections 373.171 and 373.246, F.S., to the rulemaking authority for these three rules.

The Governing Board approved publication of a Notice of Rule Development on December 11, 2025, for Rule 40E-21.691, F.A.C., and on March 5, 2026, for Rules 40E-21.631 and 40E-21.671, F.A.C. Since the publication dates, the District has not received any requests for workshops or comments on the proposed rules.

Additional Item Background:

Core Mission and Strategic Priorities:

This rulemaking supports the District's responsibilities under Chapter 373, F.S.

Funding Source:

Rulemaking activities will be completed using in-house staff resources.

Staff Contact and/or Presenter:

Maricruz R. Fincher, mfincher@sfwmd.gov, 562-682-6457

ATTACHMENTS:

[Resolution No. 2026-0505](#)

[Notice of Proposed Rule 40E-21.631 & 40E-21.671](#)

[Notice of Proposed Rule 40E-21.691](#)