

M E M O R A N D U M

TO: Governing Board Members

FROM: Maricruz R. Fincher, Office of Counsel

DATE: March 5, 2026

SUBJECT: Authorize Publication of Notice of Rule Development for Rules 40E-21.631 and 40E-21.671, 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, the District, in coordination with the Joint Administrative Procedures Committee, must review all of its existing rules by July 1, 2030. The District 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, the rules in Chapter 40E-21, F.A.C. For each rule under review, the District must decide to either make a technical change, a substantive change, no change, or repeal the rule. 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, District staff identified an error in the placement of figures in Rule 40E-21.671, F.A.C. Staff propose to move the figures listed in Rule 40E-21.671, F.A.C., to Rule 40E-21.631, F.A.C., where they are referenced in the text of the rule. Staff request approval to publish a Notice of Rule Development for Rules 40E-21.631 and 40E-21.671, F.A.C.

Additional Item Background:

Core Mission and Strategic Priorities:

The Governing Board has authority to adopt rules and to amend or repeal existing 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 Flood Control and Water Supply Planning Division will share the publication costs of the notices.

Staff Contact and/or Presenter:

Maricruz R. Fincher, mfincher@sfwmd.gov, 561-682-6457

ATTACHMENTS:

Resolution No. 2026-0307

DRAFT Notice of Rule Development 40E-21.631 and 40E-21.671