

M E M O R A N D U M

TO: Governing Board Members

FROM: Maricruz R. Fincher, Office of Counsel

DATE: April 9, 2026

SUBJECT: Authorize Publication of Notice of Proposed Rule and Repeal Rules 40E-22.061 and 40E-22.222, 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, rules in Chapter 40E-22, F.A.C. (Regional Water Shortage Plans). For each rule under review, the District must decide to either make a technical change, a substantive change, no change, or repeal the rule.

Prior to this review, District staff determined that Rules 40E-22.061 and 40E-22.222, F.A.C., should be repealed because they are redundant of Rule 40E-21.691(6)(a) and (4)(a), F.A.C., respectively. As a result, a Notice of Rule Development was published in the Florida Administrative Register on January 7, 2025.

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 will incur the publication costs of the notices.

Staff Contact and/or Presenter:

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ATTACHMENTS:

[Resolution No. 2026-0407](#)

