

PERMITTING INFORMATION MANUAL

Volume II, District Rules, Regulations and Legislation

January 1980



Resource Control Department
South Florida Water Management District
P.O. Box V
West Palm Beach, Florida 33402

This public document was promulgated at an annual cost of \$929.16, or \$.929 per copy to provide information on District regulatory requirements for potential permit applicants.
RCD R679 2C

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PREFACE

The South Florida Water Management District, formerly the Central and Southern Florida Flood Control District, is actively pursuing its duties as set forth in Chapter 373, Florida Statutes. Along with this above name change, which became effective January 1, 1977, were some boundary changes which are designed to make the South Florida Water Management District more closely follow nature's watershed boundary lines (reference Figure i). With these changes, the District has put into operation nearly all of the requirements of the Water Resources Act.

The regulatory procedures the act mandates are well underway, with the District having the responsibility to issue permits for a variety of activities including water use (public water supply, irrigation, etc.), surface water management (generally referred to as drainage), artificial recharge (primarily deep well injection), and right-of-way use of District project works. In performing its regulatory duties, certain questions have arisen as to what the actual practice of these duties include, particularly as to how they supplement, complement, overlap, etc., the duties of local, regional and federal agencies. Therefore, the District has prepared for distribution a series of Information Manuals which capsulize the answers to the most commonly asked questions. This series is comprised of the following volumes (additional volumes may be necessary from time to time).

Volume I, General and Procedural Information

This manual provides a basic overview of the District's regulatory activities, including types of permits required, permit procedures, and references to other volumes for detailed information.

Volume II, District Rules, Regulations, and Legislation

This volume contains a reprint of Chapter 373, Florida Statutes (Water Resources Act of 1972, as amended), and the pertinent rules that are applicable to the District's regulatory operation.

Volume III, Permitting of Uses of Water

In this volume, specific information and criteria are presented for preparation and evaluation of water use permit applications, including public water supply, irrigation and other uses.

Volume IV, Management and Storage of Surface Waters

In this volume, specific information and criteria are presented for preparation and evaluation of permit applications for management and storage of surface waters, including basis of review, SFWMD Project discharge limitations, and an example design.

Volume V, Criteria Manual for Utilization of Project Works and Lands

This manual provides specific criteria for preparation and evaluation of applications for use of Project Works and Lands, including connection of drainage works, bridge design, permissible right-of-way uses, etc.

Volume VI, Real Property Acquisition and Disposal

In this manual, District procedures and criteria are presented for acquiring property, releasing reservations, easements and rights-of-way, sale of surplus land, spoil material, and leasing District controlled lands.

It is firmly hoped that recognition of these duties, which the District is applying on an across-the-board basis throughout the area under its jurisdiction, will better allow coordination between the District and both public agencies and the private sector. Continued contact and feedback on these matters from both the public and private sectors is earnestly requested in order to make periodic refinements in the District's regulatory operation.

(A) Legislative and Administrative Authority
of the South Florida Water Management District

I. General

The Central and Southern Florida Flood Control District was created by Chapter 25270 Laws of Florida (1949) as a multicounty district for purposes of flood control and water conservation. In 1972 the Florida Legislature enacted Chapter 373, Florida Statutes, the Florida Water Resources Act of 1972 (Act), which greatly expanded the District's responsibilities from flood control to the full range of water management activities in addition to changing the name of the District.

The Act is intended to govern the regulation of all waters of the state, unless exempted by law, where waters of the state are defined to include all water on or beneath the surface of the ground or in the atmosphere.

Generally, the purposes for which the Act was adopted are to provide for management of water and related land resources, to promote the conservation, development and proper utilization of surface and groundwater, to provide water storage for beneficial purposes, to prevent damage from floods, soil erosion and excessive drainage, to preserve natural resources, fish and wildlife, and to promote recreational development.

The District is governed by a nine-member board (plus one transitional member from the Big Cypress Basin) which is responsible for the overall administration of District programs, the regulatory program implementing the Act and the development of a water use plan. The District is also divided into two basins (the Big Cypress Basin and Okeechobee Basin), which are governed by basin boards. The primary functions of the basin boards are to plan and approve construction of primary water resource development projects and to plan secondary water control facilities for guidance of local government and private local owners.

II. Permitting

The Act provides for the establishment of permit programs for the regulation of consumptive use of water, well construction, surface water management systems, artificial recharge and utilization of works or land of the District. Except for artificial recharge, primary regulatory authority resides in the Department of Environmental Regulation with direction to delegate the authority to the water management districts to the maximum extent practicable.

Pursuant to the Administrative Procedures Act, the District has implemented all the permitting programs authorized by the Act except for Part III, the regulation of wells, by adopting rules which are published as Chapter 16K of the Florida Administrative Code. The rules are divided into Chapters, roughly corresponding to the various types of permitting activities as shown on Figure 1 (page 3).

A. Procedures

The District is governed by the Administrative Procedures Act, and Rule Chapter 16K-1. Together they provide an administrative frame-

work for the resolution of conflicts between applicants, objectors and the District. Within this framework, if no objections are received and the applicant agrees with the staff's recommendations, the application can usually be disposed of informally before the Governing Board. If however, the applicant disagrees with the staff's recommendations, or someone whose substantial interest may be affected objects, a formal hearing may be held either before the Governing Board or before a hearing officer from the Department of Administrative Hearings. In either case, adequate safeguards are provided so that disputes can be resolved judiciously and expeditiously.

Upon receipt of an application for a permit, the District will request any necessary additional information from the applicant within 30 days. Upon receipt of a complete application the District will issue or deny the permit application within 90 days unless the matter has been scheduled for a public hearing in which case the 90 day period is tolled.

B. Permitting of Use of Water

1. Statutory Provisions (Part II, Chapter 373 F.S.)

Florida Statutes 373.216 authorizes the water management districts to implement a permitting program for the use of water. The program should include a system of classifying permits according to the source of water, method of withdrawal and use. Generally permits will be for a period of no more than 10 years. An applicant for a water use permit must show that the proposed use is a reasonable-beneficial use, that it will not interfere with any presently existing legal use of water, and that it is consistent with the public interest.

The water management districts are required to develop water shortage plans for implementation during periods of deficiency. A water shortage may be declared when a water management district determines that insufficient water is available to meet the requirements of the permit system or conditions are such as to require temporary reductions in water use to protect the water resources of an area. When a water shortage is declared the water management district may impose restrictions on permits. The restrictions may differ depending upon the classification of the permit. Examples of restrictions are: reduction in quantity of water used, restriction on time of use and rotation of withdrawals.

2. Rules of the South Florida Water Management District (Chapter 16K-2 F.A.C.)

Chapter 16K-2 describes the permit requirements for consumptive use of water. Generally, all uses, diversions, or withdrawals of water in excess of 100,000 gallons per day require a water use permit from the District. Domestic uses and uses for fire fighting purposes are exempt however. To satisfy the permit requirement an applicant must either receive an individual permit or qualify for a general permit.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RULE STRUCTURE

JULY, 1977

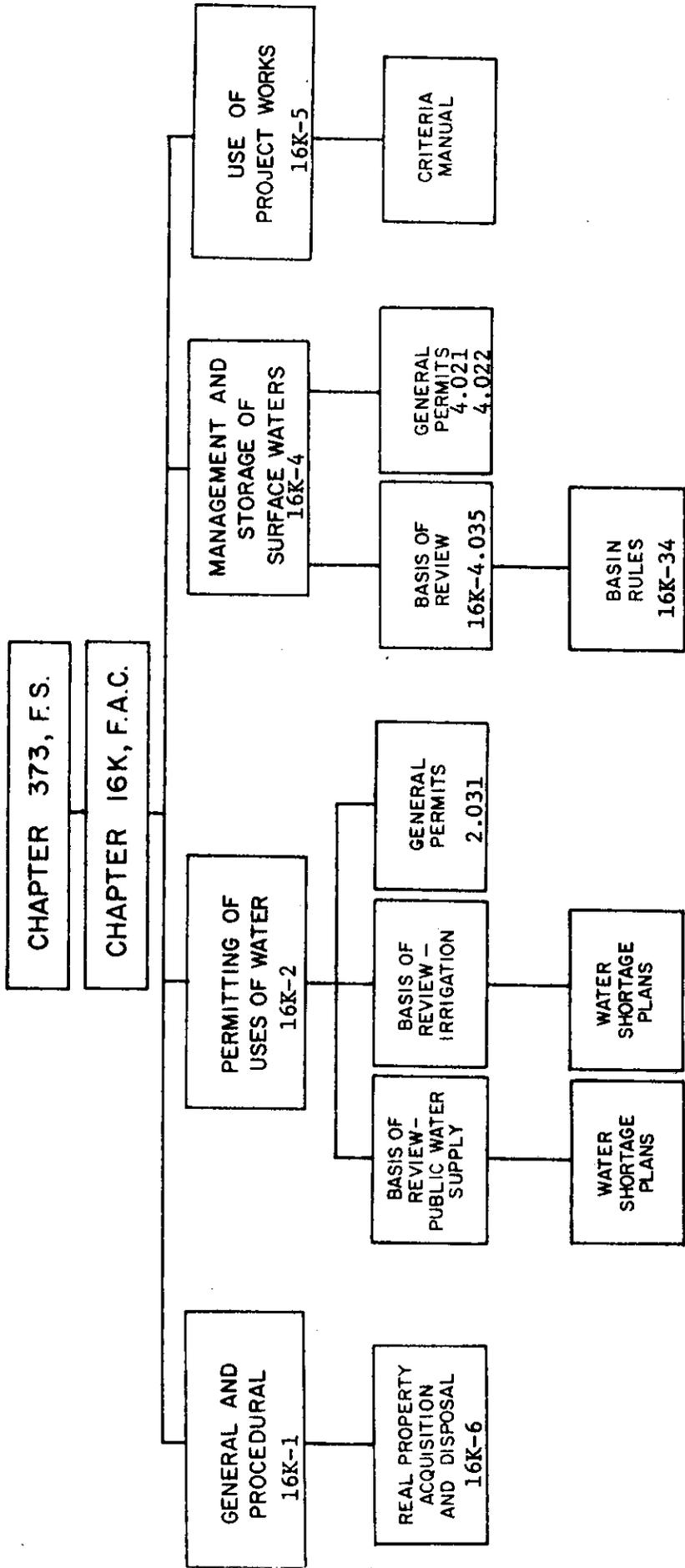


FIGURE 1

Individual permits are issued by the Governing Board upon application and compliance with the requirements of Part II of the Act (see I.B.1. above) and Chapter 16K-2 F.A.C. A General Permit has been issued by rule for water use in conjunction with exploratory oil well drilling in Lee, Collier and Hendry Counties (16K-2.031 F.A.C.). To qualify, an applicant need only file the notice specified in the rule with the District in advance of withdrawals.

Upon receipt of the notice, the District will determine whether the proposed use qualifies for a general permit and respond to the applicant. Once the District has indicated in writing that the proposed use qualifies for a general permit, no further application is required.

Both individual and general permits are subject to the District's classification system and water shortage plans.

To date water shortage plans have been adopted by rule for the Lake Istokpoga-Indian Prairie Area (Chapter 16K-30 F.A.C.), and the St. Lucie County Agricultural Area (Chapter 16K-31 F.A.C.).

Individual and general permits are also subject to revocation, suspension or modification in accordance with the provisions to Chapter 16K-2 F.A.C., Part II of the Act and Chapter 120 F.S.

C. Regulation of Wells

1. Statutory Provisions (Part II, Chapter 373 F.S.)

Part III of the Act provides for the licensing of water well contractors and the regulation of well construction, alteration and abandonment by the Department of Environmental Regulation.

Generally all wells constructed in Florida must be drilled by a licensed water well contractor and must be constructed in accordance with the minimum construction standards in Chapter 17-21 F.A.C. The contractors are required to make well completion reports on all wells constructed and file the reports with the proper water management district.

2. Rules of the South Florida Water Management District

Presently the South Florida Water Management District has not implemented Part III of the Act. The District has agreed to inspect public water supply well construction for DER in conjunction with the well permitting activities of that agency. This will not require any action by well construction other than that normally taken through DER in obtaining their permit.

D. Permitting of Surface Water Management Systems

1. Statutory Provisions (Part IV, Chapter 373 F.S.)

Part IV of the Act deals with surface water management. Generally permits may be required by the water management districts for construction, alteration, maintenance and operation of most real property improvements which are designed to control surface waters.

Permits issued pursuant to this part are permanent unless the surface water management system is abandoned, or the permit is otherwise revoked or modified. No permits are required under this part for a closed system as defined in F.S. 373.403(6). An applicant for a surface water management permit must show that the proposed project is consistent with the goals and policies expressed in F.S. 373.016. Declaration of Policy and F.S. 373.036 State Water Use Plan, that the construction or alteration of the surface water management system will not be harmful to the water resources of the district, and that the operation and maintenance of the system will not be inconsistent with the overall objectives of the district or harmful to the water resources of the district.

2. Rules of the South Florida Water Management District (Chapter 16K-4 F.A.C.)

Chapter 16K-4 describes the permit requirements for construction, alteration, or operation of surface water management systems. Generally, all construction alteration or operation of dams, impoundments, reservoirs, appurtenant works or works as defined in the Act require a permit from the District. Closed systems and some projects in coastal areas may be exempt however. To satisfy the permit requirement an applicant must either receive an individual permit or qualify for a general permit. Individual permits are issued by the Governing Board upon application and compliance with Part IV of the Act (see I.B.3. above), and Chapter 16K-4 F.A.C. Specific criteria for evaluating urban projects are found in 16K-4.035. Further, additional criteria may be superimposed if the project is to be located within an area in which the District has adopted basin rules (see Chapter 16K-34 for additional criteria applicable in the Western Canal 9 Basin).

General permits have been issued by rule for most small projects (16K-4.021(1)), and certain types of highway construction (16K-4.022) District-wide, and for some larger projects which have received the approval of Dade or Palm Beach Counties (16K-4.021(2)). To qualify for a general permit, an applicant need only file the notice specified in the rules with the District, in advance of construction, alteration, or operation of the qualifying project. Upon receipt of the notice, the District will determine whether the project qualifies for a general permit and respond to the applicant. Once the District has indicated in writing that the project qualifies for a general permit, no further application is required. Both individual and general permits are subject to revocation, suspension or modification in accordance with the provisions of Chapter 16K-4, Part IV of the Act and Chapter 120 F.S.

E. Permitting of Artificial Recharge

1. Statutory Provisions

F.S. 373.106(1) provides that an applicant must have water management district approval before construction of a project involving artificial recharge is begun. "Artificial recharge" is not defined in the Act, but has been defined by the water management districts in their rules.

2. Rules of the South Florida Water Management District

"Artificial Recharge" is defined in 16K-1.05(2) as "the intentional introduction of any fluid substance into any underground formation. Rule 16K-2.02 specifies the permits required and the information necessary to a complete application. Presently, the District's primary concern is the permitting of the construction of injection wells.

F. Permitting of Use of Works or Lands of the District

1. Statutory Provisions (373.084-086 F.S.)

The district is authorized to adopt works of the District to effectuate the purpose of Chapter 373, and can prescribe how persons may connect to or make use of these works. Permits are required before connecting to or making use of works or lands of the district.

2. Rules of the South Florida Water Management District (Chapter 16K-5)

Chapter 16K-5 specifies the general criteria and procedures to be followed to acquire permission to connect to or otherwise make use of works or lands of the District. Specific criteria for such connections or use is located in the District's "Criteria Manual for Utilization of Project Works and Lands."

III. Enforcement

Florida Statutes 373.119 established a procedure whereby the executive director of a water management district may issue a written complaint upon persons he believes are violating any provision of the Act or the district's rules or orders. The complaint should specify the provisions of law or rule violated and may order that necessary corrective action be taken. The order becomes final unless a timely hearing is requested pursuant to Chapter 120 F.S. Legal enforcement of the order would be accomplished by filing a petition for enforcement in the appropriate circuit court as provided for in Section 120.69 F.S.

Instead of taking administrative enforcement action, the water management districts may choose to seek an injunction or other appropriate relief in circuit court, F.S. 373.136. This action is most appropriate when the violation complained of must be stopped quickly.

Violations of any provision of the Act or rule adopted pursuant thereto are a misdemeanor of the second degree, §373.613 F.S. Local police officers, state and county attorneys and other appropriate officials are required to assist the water management districts in the enforcement of the Act and the rules, § 373.609 F.S. Pursuant to the "Environmental Protection Act of 1971" §403.412 F.S., a citizen may maintain an action against the Department of Environmental Regulation or the appropriate water management district for failure to fulfill its obligation under the Act, §373.136 F.S.

IV. Other Provisions

§373.089-.099 F.S. provide the statutory guidelines for the disposition and acquisition of real property by the District.

Chapter 16K-6 specifies the procedures and criteria for the acquisition and disposal of real property and the sale or other disposition of surplus spoil material.

CHAPTER 373

WATER RESOURCES

PART I STATE WATER RESOURCE PLAN (ss. 373.012-373.1962)

PART II PERMITTING OF CONSUMPTIVE USES OF WATER
(ss. 373.203-373.249)

PART III REGULATION OF WELLS (ss. 373.303-373.339)

PART IV MANAGEMENT AND STORAGE OF SURFACE WATERS
(ss. 373.403-373.443)

PART V FINANCE AND TAXATION (ss. 373.495-373.589)

PART VI MISCELLANEOUS PROVISIONS (ss. 373.603-373.6161)

PART I

STATE WATER RESOURCE PLAN			
373.012	Topographic mapping.	373.106	Permit required for construction involving underground formation.
373.013	Short title.	373.109	Permit application fees.
373.016	Declaration of policy.	373.113	Adoption of regulations by the governing board.
373.019	Definitions.	373.114	Land and Water Adjudicatory Commission; review of district policies, rules, and orders.
373.023	Scope and application.	373.116	Procedure for water use and impoundment construction permit applications.
373.026	General powers and duties of the department.	373.119	Administrative enforcement procedures; orders.
373.029	Southeast River Basins Resources Advisory Board.	373.123	Penalty.
373.033	Saltwater barrier line.	373.126	Quasi-judicial hearings before the governing board.
373.036	State water use plan.	373.129	Maintenance of actions.
373.039	Florida water plan.	373.133	Judicial review.
373.042	Minimum flows and levels.	373.136	Enforcement of regulations and orders.
373.043	Adoption and enforcement of regulations by the department.	373.139	Acquisition of real property.
373.044	Rules and regulations; enforcement.	373.146	Publication of notices, process, papers, etc.
373.046	Interagency agreements.	373.149	Existing districts preserved.
373.047	Cooperation between districts.	373.171	Rules and regulations.
373.056	State agencies, cities, etc., authorized to convey land to flood control districts.	373.175	Declaration of water shortage; emergency orders.
373.069	Creation of water management districts.	373.191	County water conservation projects.
373.0691	Transfer of areas.	373.196	Legislative findings.
373.0693	Basins; basin boards.	373.1961	Water production
373.0695	Duties of basin boards; authorized expenditures.	373.1962	Regional water supply authorities.
373.0697	Basin taxes.	373.1963	Assistance to West Coast Regional Water Supply Authority.
373.073	Governing board.	373.1965	Kissimmee River Valley and Taylor Creek-Nubbins Slough Basin; coordinating council on restoration; project implementation.
373.074	Transitional provisions; chapter 76-243, Laws of Florida.		
373.076	Vacancies in the governing board; removal from office.	373.012	Topographic mapping.—
373.079	Members of governing board; oath of office; etc.	(1)	In order to accelerate topographic mapping in this state by the United States Geological Survey, the Department of Transportation is hereby authorized and directed to set aside, to pledge, and to make available annually out of its State Transportation Trust Fund the sum of \$30,000; and the [Department of Natural Resources] is hereby authorized and directed to set aside, to pledge and to make available annually out of the [Land Acquisition Trust Fund] the sum of \$10,000; and the Central and Southern Florida Flood Control District, out of its funds to be derived out of the proceeds of special assessments of
373.083	General powers and duties of the governing board.		
373.084	District works, operation by other governmental agencies.		
373.085	Use of works by other districts.		
373.086	Providing for district works.		
373.087	District works using aquifer for storage and supply.		
373.089	Sale of lands.		
373.093	Lease of lands or interest in land.		
373.096	Releases.		
373.099	Execution of instruments.		
373.103	Powers which may be vested in the governing board at the department's discretion.		

its flood control taxes, is authorized and directed to set aside, to pledge and to make available annually such sum as may be required to meet the needs for topographic mapping of areas affecting said district. Such sums shall be delivered to the Treasurer of the United States or to other proper officer, to be applied by the Department of the Interior, U. S. Geological Survey, as to said Department of Transportation and to said [Department of Natural Resources], toward the payment of not exceeding one-half the cost of standard topographic mapping in this state conducted by the United States Geological Survey and as to said flood control district to be applied toward the payment of such proportion or part of such cost as said district may determine. Provided, however, that said sums authorized in this section for the Department of Transportation and for the [Department of Natural Resources] shall not prevent either of said agencies from providing additional amounts for topographic mapping of areas which either agency may consider of priority status in the interest of said agencies.

(2) To further accelerate the rate at which topographic mapping may be carried on in Florida, any state agency having funds available for the purpose, any county or drainage or reclamation or flood control district organized under the laws of this state, any person, firm or corporation, is authorized to contribute to the cost of such mapping by depositing with the Department of Transportation such amounts as may be determined to be applied in like manner toward topographic mapping in this state as set forth in subsection (1).

(3) The Department of Transportation, the [Department of Natural Resources] of this state, and Central and Southern Florida Flood Control District are hereby authorized to make such arrangements or enter into such agreements with the United States as may be necessary to carry out the purposes of this section.

(4) The [Department of Natural Resources], as and when copies of topographic maps are made available to it, shall file such maps in the same manner as other maps and plats of land surveys by the United States, and the maps shall be available for examination by any interested person.

History.—s. 14, ch. 57-775; s. 2, ch. 51-119; s. 1, ch. 65-475; ss. 23, 27, 35, ch. 69-109; ss. 2, 3, ch. 73-57

Note.—Bracketed words substituted by the editors for "Board of Trustees of the Internal Improvement Trust Fund" and equivalent. See s. 15, ch. 75-22.

Note.—Bracketed words substituted by the editors for "Internal Improvement Trust Fund." See s. 15, ch. 75-22.

373.013 Short title.—This chapter shall be known as the "Florida Water Resources Act of 1972."

History.—s. 1, part I, ch. 72-299.

373.016 Declaration of policy.—

(1) The waters in the state are among its basic resources. Such waters have not heretofore been conserved or fully controlled so as to realize their full beneficial use.

(2) It is further declared to be the policy of the Legislature:

(a) To provide for the management of water and related land resources;

(b) To promote the conservation, development,

and proper utilization of surface and ground water;

(c) To develop and regulate dams, impoundments, reservoirs, and other works and to provide water storage for beneficial purposes;

(d) To prevent damage from floods, soil erosion, and excessive drainage;

(e) To preserve natural resources, fish and wildlife;

(f) To promote recreational development, protect public lands, and assist in maintaining the navigability of rivers and harbors; and

(g) Otherwise to promote the health, safety, and general welfare of the people of this state.

(3) The Legislature recognizes that the water resource problems of the state vary from region to region, both in magnitude and complexity. It is therefore the intent of the Legislature to vest in the Department of [Environmental Regulation] or its successor agency the power and responsibility to accomplish the conservation, protection, management, and control of the waters of the state and with sufficient flexibility and discretion to accomplish these ends through delegation of appropriate powers to the various water management districts. The department may exercise any power herein authorized to be exercised by a water management district; however, to the greatest extent practicable, such power should be delegated to the governing board of a water management district.

History.—s. 2, part I, ch. 72-299.

Note.—Bracketed words substituted by the editors for "Natural Resources." See s. 11, ch. 75-22.

373.019 Definitions.—When appearing in this chapter or in any rule, regulation, or order adopted pursuant thereto, the following words shall, unless the context clearly indicates otherwise, mean:

(1) "Department" means the Department of [Environmental Regulation] or its successor agency or agencies.

(2) "Division" means the Division of Interior Resources or its successor agency or agencies.

(3) "Water management district" means any flood control, resource management, or water management district operating under the authority of this chapter.

(4) "Governing board" means the governing board of a water management district.

(5) "Reasonable-beneficial use" means the use of water in such quantity as is necessary for economic and efficient utilization for a purpose and in a manner which is both reasonable and consistent with the public interest.

(6) "Person" means any and all persons, natural or artificial, including any individual, firm, association, organization, partnership, business trust, corporation, company, the United States of America, and the state and all political subdivisions, regions, districts, municipalities, and public agencies thereof. The enumeration herein is not intended to be exclusive or exhaustive.

(7) "Domestic use" means any use of water for individual personal needs or for household purposes such as drinking, bathing, heating, cooking, or sanitation.

(8) "Nonregulated use" means any use of water

which is exempted from regulation by the provisions of this chapter.

(9) "Water" or "waters in the state" means any and all water on or beneath the surface of the ground or in the atmosphere, including natural or artificial watercourses, lakes, ponds, or diffused surface water and water percolating, standing, or flowing beneath the surface of the ground, as well as all coastal waters within the jurisdiction of the state.

(10) "Ground water" means water beneath the surface of the ground, whether or not flowing through known and definite channels.

(11) "Surface water" means water upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused. Water from natural springs shall be classified as surface water when it exits from the spring onto the earth's surface.

(12) "Stream" means any river, creek, slough, or natural watercourse in which water usually flows in a defined bed or channel. It is not essential that the flowing be uniform or uninterrupted. The fact that some part of the bed or channel shall have been dredged or improved does not prevent the watercourse from being a stream.

(13) "Other watercourse" means any canal, ditch, or other artificial watercourse in which water usually flows in a defined bed or channel. It is not essential that the flowing be uniform or uninterrupted.

(14) "Coastal waters" means waters of the Atlantic Ocean or the Gulf of Mexico within the jurisdiction of the state.

(15) "Impoundment" means any lake, reservoir, pond, or other containment of surface water occupying a bed or depression in the earth's surface and having a discernible shoreline.

History.—s. 3, part 1, ch. 72-299.

Note.—Bracketed words substituted by the editors for "Natural Resources." See s. 11, ch. 75-22.

Note.—See s. 13, ch. 75-22, which, in effect, abolished the Division of Interiors and Resources, and also s. 11, ch. 75-22.

373.023 Scope and application.—

(1) All waters in the state are subject to regulation under the provisions of this chapter unless specifically exempted by general or special law.

(2) No state or local government agency may enforce, except with respect to water quality, any special act, rule, regulation, or order affecting the waters in the state controlled under the provisions of this act, whether enacted or promulgated before or after the effective date of this act, until such special act, rule, regulation, or order has been filed with the department. However, any agency empowered to issue emergency orders affecting such waters may enforce such emergency orders prior to filing such orders with the department. Any rule or regulation in effect on the effective date of this act which is not filed with the department within 180 days after the effective date of this act shall be deemed repealed if the notice hereinafter called for shall have been received by the state or local agency issuing such rule or regulation. The department is directed to notify by certified or registered mail every state or local government agency known to be authorized to enforce any special act, rule, regulation or order affecting the waters of the state regarding the provisions

of this subsection. The department is directed to review periodically such special acts, rules, regulations, and orders and to recommend to the appropriate agencies or the legislature the amendment, consolidation, or revocation of inconsistencies or duplications therein.

(3) Any state or local governmental agency or other person having the power of eminent domain or condemnation under the laws of this state must notify the department or the governing board of a water management district prior to exercising that power.

History.—s. 4, part 1, ch. 72-299; s. 1, ch. 73-190.

373.026 General powers and duties of the department.—The [Department of Environmental Regulation], or its successor agency, shall be responsible for the administration of this chapter at the state level. However, the department may enter into interagency agreements with any other state agency conducting programs related to or materially affecting the water resources of the state. All such interagency agreements shall be subject to the provisions of s. 373.046. In addition to its other powers and duties, the department is authorized:

(1) To conduct, independently or in cooperation with other agencies, topographic surveys, research, and investigations into all aspects of water use and water quality.

(2) To collect, compile, and analyze, for its use and guidance in administering the water resource laws of this state, scientific and factual data from the United States Geological Survey or any state agency. State agencies are directed to cooperate with the department or its agents in making available to it for this purpose such scientific and factual data as they may have.

(3) To cooperate with other state agencies, water management districts, and regional, county, or other local governmental organizations or agencies created for the purpose of utilizing and conserving the waters in this state; to assist such organizations and agencies in coordinating the use of their facilities; and participate in an exchange of ideas, knowledge, and data with such organizations and agencies. For this purpose the department may maintain an advisory staff of experts.

(4) To prepare and provide for dissemination to the public of current and useful information relating to the water resources of the state.

(5) To identify by continuing study those areas of the state where saltwater intrusion is a threat to freshwater resources and report its findings to the water management districts, boards of county commissioners, and public concerned.

(6) To conduct, either independently or in cooperation with any person or governmental agency, a program of study, research, and experimentation and evaluation in the field of weather modification.

(7) To exercise general supervisory authority over all water management districts. The department may exercise any power herein authorized to be exercised by a water management district. The department shall review, and may rescind or modify, any policy, rule, regulation, or order of a water management district, except those policies, rules, or regulations which involve only the internal management of the district, to insure compliance

with the provisions and purposes of this chapter. Such review may be initiated at any time either by the department or by an interested person aggrieved by such policy, rule, regulation, or order by filing a request for such review with the department and serving a copy on the water management district. Such request for review is not a precondition to the effectiveness of such policy, rule, regulation, or order, or to the seeking of judicial review as otherwise provided.

(8)(a) To provide such coordination, cooperation, or approval necessary to the effectuation of any plan or project of the Federal Government in connection with or concerning the waters in the state. Unless otherwise provided by state or federal law, the department shall, subject to confirmation by the Legislature, have the power to approve or disapprove such federal plans or projects on behalf of the state.

(b) The department, subject to confirmation by the Legislature, shall act on behalf of the state in the negotiation and consummation of any agreement or compact with another state or other states concerning waters of the state.

(9)(a) To hold annually a conference on water resources developmental programs. Each agency, commission, district, municipality, or political subdivision of the state responsible for a specific water resources development program requiring federal assistance shall present at such conference its programs and projects and the needs thereof. Notice of the time and place of the annual conference on water resources developmental programs shall be extended by mail at least 30 days prior to the date of such conference to any person who has filed a written request for notification with the department. Adequate opportunity shall be afforded for participation at the conference by interested members of the general public.

(b) Upon termination of the water conference, the department shall select those projects for presentation in the Florida program of public works which best represent the public welfare and interest of the people of the state as required for the proper development, use, conservation, and protection of the waters of the state and land resources affected thereby. Thereafter, the department shall present to the appropriate committees and agencies of the Federal Government a program of public works for Florida, requesting authorization for funds for each project.

History.—s. 5, part 1, ch. 72-299; s. 4, ch. 74-114.
 *Note.—Bracketed words substituted by the editors for "Division of Internal Resources of the Department of Natural Resources." See s. 11, ch. 75-22.
 *Note.—See s. 11, ch. 75-22 (s. 373.114), which vests exclusive authority to review policies, rules, regulations, and orders of water management districts in the Governor and Cabinet, sitting as the Land and Water Adjudicatory Commission.

373.029 Southeast River Basins Resources Advisory Board.—

(1) The Governor of this state shall have authority to appoint a representative of this state to serve on the Resources Advisory Board, Southeast River Basins, as said board is now, or may hereafter be, authorized, designated, and constituted. This power of appointment shall include the authority to fill vacancies in the position of representative of this state on said board from whatever cause existing and, from time to time, to make appointments for successive terms.

(2) The representative of this state on said board shall be reimbursed by this state for his necessary travel expenses while engaged in the business of said board, as provided by s. 112.061.

(3) For the purpose of paying Florida's pro rata share of the expense of maintaining and operating the Resources Advisory Board, Southeast River Basins, the [department] may expend an amount not in excess of \$25,000 per annum out of moneys allocated the [department].

(4) The Resources Advisory Board, Southeast River Basins, is hereby authorized to enter into whatever agreement or agreements are necessary for the purpose of extending old-age and survivors insurance coverage to the employees of said board. Funds appropriated to or available to said board may be expended for such purpose. The board is hereby authorized to take whatever action or actions deemed necessary to provide the aforesaid coverage.

History.—ss. 1-3, ch. 63-407; s. 1, ch. 65-510; s. 1, ch. 67-595; ss. 25, 35, ch. 69-106; s. 25, ch. 73-190.

*Note.—Bracketed word substituted by the editors for "division." See s. 11, ch. 75-22.

*Note.—Bracketed words substituted by the editors for "Division of Administrative Services." See s. 11, ch. 75-22.

Note.—Former s. 373.193.

373.033 Saltwater barrier line.—

(1) The [department] may, at the request of the board of county commissioners of any county, at the request of the governing board of any water management district, or any municipality or water district responsible for the protection of a public water supply, or, having determined by adoption of an appropriate resolution that saltwater intrusion has become a matter of emergency proportions, by its own initiative, establish generally along the seacoast, inland from the seashore and within the limits of the area within which the petitioning board has jurisdiction, a saltwater barrier line inland of which no canal shall be constructed or enlarged, and no natural stream shall be deepened or enlarged, which shall discharge into tidal waters without a dam, control structure or spillway at or seaward of the saltwater barrier line, which shall prevent the movement of salt water inland of the saltwater barrier line. Provided, however, that the [department] is authorized, in cases where saltwater intrusion is not a problem, to waive the requirement of a barrier structure by specific permit to construct a canal crossing the saltwater barrier line without a protective device and provided, further that the agency petitioning for the establishment of the saltwater barrier line shall concur in the waiver.

(2) Application by a board of county commissioners or by the governing board of a water management district, a municipality or a water district for the establishment of a saltwater barrier line shall be made by adoption of an appropriate resolution, agreeing to:

(a) Reimburse the [department] the cost of necessary investigation, including, but not limited to, subsurface exploration by drilling, to determine the proper location of the saltwater barrier line in that county or in all or part of the district over which the applying agency has jurisdiction.

(b) Require compliance with the provisions of this law by county or district forces under their control; by those individuals or corporations filing plats

for record and by individuals, corporations or agencies seeking authority to discharge surface or sub-surface drainage into tidal waters.

(3) The board of county commissioners of any county or the governing board of any water management district, municipality or water district desiring to establish a saltwater barrier line is authorized to reimburse the [department] for any expense entailed in making an investigation to determine the proper location of the saltwater barrier line, from any funds available to them for general administrative purposes.

(4) No final order establishing a saltwater barrier line shall be adopted by the [department] until a public hearing shall be held as provided in s. 373.151(1), and the evidence presented at the hearing shall be given consideration in determining the location of the saltwater barrier line.

(5) The [department], any board of county commissioners, and the governing board of any water management district, municipality or water district having competent jurisdiction over an area in which a saltwater barrier is established shall be charged with the enforcement of the provisions of this section, and authority for the maintenance of actions set forth in s. 373.221, shall apply to this section.

(6) The provisions of s. 373.191 shall apply specifically to the authority of the board of county commissioners, or to the governing board of a water management district, a municipality or a water district having jurisdiction over an area in which a saltwater barrier line is established, to expend funds from whatever source may be available to them for the purpose of constructing saltwater barrier dams, dikes and spillways within existing canals and streams in conformity with the purpose and intent of the board in establishing the saltwater barrier line.

History.—s. 2, ch. 63-210; ss. 25, 35, ch. 69-106; s. 25, ch. 73-190.
 Note.—Bracketed word substituted by the editors for "division." See s. 11, ch. 73-22.
 Note.—Former s. 373.194.

373.036 State water use plan.—

(1) The department shall proceed as rapidly as possible to study existing water resources in the state; means and methods of conserving and augmenting such waters; existing and contemplated needs and uses of water for protection and procreation of fish and wildlife, irrigation, mining, power development, and domestic, municipal, and industrial uses; and all other related subjects, including drainage, reclamation, flood-plain or flood-hazard area zoning, and selection of reservoir sites. The department shall cooperate with the Division of State Planning of the Department of Administration, or its successor agency, progressively to formulate, as a functional element of a comprehensive state plan, an integrated, coordinated plan for the use and development of the waters of the state, based on the above studies. This plan, with such amendments, supplements and additions as may be necessary from time to time, shall be known as the state water use plan.

(2) In the formulation of the state water use plan, the department shall give due consideration to:

(a) The attainment of maximum reasonable-beneficial use of water for such purposes as those referred to in subsection (1).

(b) The maximum economic development of the water resources consistent with other uses.

(c) The control of such waters for such purposes as environmental protection, drainage, flood control, and water storage.

(d) The quantity of water available for application to a reasonable-beneficial use.

(e) The prevention of wasteful, uneconomical, impractical, or unreasonable uses of water resources.

(f) Presently exercised domestic use and permit rights.

(g) The preservation and enhancement of the water quality of the state and the provisions of the state water quality plan.

(h) The state water resources policy as expressed by this chapter.

(3) During the process of formulating or revising the state water use plan, the department shall consult with, and carefully evaluate the recommendations of, concerned federal, state, and local agencies, particularly the governing boards of the water management districts, and other interested persons.

(4) Each governing board is directed to cooperate with the department in conducting surveys and investigations of water resources, to furnish the department with all available data of a technical nature, and to advise and assist the department in the formulation and drafting of those portions of the state plan applicable to the district.

(5) The department shall not adopt or modify the state water use plan or any portion thereof without first holding a public hearing on the matter. At least 90 days in advance of such hearing, the department shall notify any affected governing boards, and shall give notice of such hearing by publication within the affected region pursuant to the provisions of chapter 120, except such notice by publication shall be extended at least 90 days in advance of such hearings.

(6) For the purposes of this plan the department may, in consultation with the affected governing board, divide each water management district into sections which shall conform as nearly as practicable to hydrologically controllable areas and describe all water resources within each area.

(7) The department shall give careful consideration to the requirements of public recreation and to the protection and procreation of fish and wildlife. The department may prohibit or restrict other future uses on certain designated bodies of water which may be inconsistent with these objectives.

(8) The department may designate certain uses in connection with a particular source of supply which, because of the nature of the activity or the amount of water required, would constitute an undesirable use for which the governing board may deny a permit.

(9) The department may designate certain uses in connection with a particular source of supply which, because of the nature of the activity or the amount of water required, would result in an enhancement or improvement of the water resources of the area. Such uses shall be preferred over other uses in the event of competing applications under the permitting systems authorized by this chapter.

(10) The department, in cooperation with the

'Division of State Planning of the Department of Administration, or its successor agency, may add to the state water use plan any other information, directions, or objectives it deems necessary or desirable for the guidance of the governing boards or other agencies in the administration and enforcement of this chapter.

History.—s. 6, part I, ch. 72-299; s. 2, 3, ch. 73-190.

Note.—See s. 12, ch. 75-22, for division powers, duties, and functions transferred to the Department of Environmental Regulation and Natural Resources.

373.039 Florida water plan.—The state water use plan together with the water quality standards and classifications of the [department] or its successor agency shall constitute the Florida water plan. The state water use plan should be developed in coordination with the water quality standards system.

History.—s. 7, part I, ch. 72-299.

Note.—Bracketed word substituted by the editors for "Department of Pollution Control." See s. 8, ch. 75-22.

373.042 Minimum flows and levels.—Within each section, or the water management district as a whole, the department or the governing board shall establish the following:

(1) Minimum flow for all surface watercourses in the area. The minimum flow for a given watercourse shall be the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area.

(2) Minimum water level. The minimum water level shall be the level of ground water in an aquifer and the level of surface water at which further withdrawals would be significantly harmful to the water resources of the area.

The minimum flow and minimum water level shall be calculated by the department and the governing board using the best information available. When appropriate, minimum flows and levels may be calculated to reflect seasonal variations. The department and the governing board shall also consider, and at their discretion may provide for, the protection of nonconsumptive uses in the establishment of minimum flows and levels.

History.—s. 6, part I, ch. 72-299; s. 2, ch. 73-190.

Note.—Former s. 373.038(7).

373.043 Adoption and enforcement of regulations by the department.—The department shall adopt, promulgate, and enforce such regulations and review procedures as may be necessary or convenient to administer the provisions of this chapter.

History.—s. 8, part I, ch. 72-299; s. 5, ch. 74-114.

373.044 Rules and regulations; enforcement.—In administering this chapter the governing board of the district is authorized to make and adopt reasonable rules, regulations and orders consistent with law and such rules, regulations and orders may be enforced by mandatory injunction, or other appropriate action in the courts of the state.

History.—s. 4, ch. 29790, 1953; s. 23, ch. 73-190.

Note.—Former s. 378.151.

373.046 Interagency agreements.—The department may enter into interagency agreements with or among any other state agencies conducting

programs or exercising powers related to or affecting the water resources of the state. Such agreements may establish principal-agency or contract relationships, provide for cross-deputization of enforcement personnel, provide for consolidation of facilities, equipment or personnel, or such other relationships as may be deemed beneficial to the public interest. Such interagency agreements shall be promulgated in the same manner as rules and regulations, subject to chapter 120. All state agencies conducting programs or exercising powers relating to or affecting the water resources of the state are hereby authorized to delegate such authority to the department or any of the several water management districts pursuant to such interagency agreements.

History.—s. 9, part I, ch. 72-299.

373.047 Cooperation between districts.—Any flood control district created under the authority of chapter 378 is authorized to advise other flood control districts or water management districts of the state in processing matters with the federal government and to render such technical assistance as may be helpful to the efficient operation of such other districts.

History.—s. 1, ch. 81-245; s. 25, ch. 73-190.

Note.—Former s. 378.52.

373.056 State agencies, cities, etc., authorized to convey land to flood control districts.—

(1)(a) When it is found to be in the public interest and for the public convenience and welfare, and for the public benefit, and necessary for carrying out the works of improvement of any flood control district referred to in this chapter for the protection of property and the inhabitants in said district against the effects of water, either from its surplus or deficiency, and for assisting said district in acquiring land for the purposes of said district at least public expense, any state agency, any county, any drainage district, any municipality or any governmental agency or public corporation in this state holding title to land, is hereby authorized, in the discretion of the proper officer or officers, the county commissioners of any county, or the governing board of any agency referred to in this section, to convey the title to or to dedicate land, title to which is in such agency, including tax reverted land, or to grant use rights therein to any flood control district created under any law enacted by the Legislature at its 1949 session.

(b) The land to which this section shall apply shall be located within the boundaries of said flood control district.

(2) Land granted or conveyed to said district or dedicated to the purposes thereof, or use rights in said land granted thereto, shall be for the public purposes of said district, and may be made subject to the condition that in the event said land is not so used, or if used and subsequently its use for said purpose is abandoned, that granted shall cease as to said district and shall automatically revert to the granting agency.

(3) Any county, municipality, drainage district, or other taxing agency holding title to land through tax reversion, foreclosure, forfeiture, or through other procedure by which tax title vested in such agen-

cy, may, pending the determination of needs of said district, withhold from sale or other disposition from time to time such land as in the judgment of such agency may be needed or helpful in facilitating the purposes of this chapter. In the event more than one taxing agency holds tax title to the same land, resulting in multiple reversion, each of said agencies may grant to said district such right, title or interest as it may have in said land.

(4) Any flood control district within this chapter shall have authority to convey to any other agency described herein land or rights in land owned by said district not required for its purposes, under such terms and conditions as the governing board of said district may determine.

(5) Any land granted or conveyed to such district, or dedicated to the purposes thereof, or the use right of which has been granted thereto, shall not be subject to the district taxes, or other taxes or special assessments so long as said title or said rights remain in said district.

(6) All rights of way of a flood control district, which are within the boundaries of a drainage district, shall not be liable for maintenance taxes of the drainage district.

History.—*ss.* 1-5, ch. 25213, 1949; *s. 6.* ch. 61-497; *s. 25.* ch. 73-190.
Note.—Former *s.* 378.46.

373.069 Creation of water management districts.—

(1) On July 1, 1973, the state shall be divided into the following water management districts:

(a) Northwest Florida Water Management District.

(b) Suwannee River Water Management District.

(c) St. Johns River Water Management District.

(d) Southwest Florida Water Management District.

(e) Central and Southern Florida Flood Control District.

(f) Ridge and Lower Gulf Coast Water Management District.

(2) The respective districts named in subsection (1) shall include the areas within the following boundaries:

(a) *Northwest Florida Water Management District.*—Begin at the point where the section line between Sections 26 and 27, Township 4 South, Range 3 East, intersects the Gulf of Mexico; thence north along the section line to the northwest corner of Section 2, Township 1 South, Range 3 East; thence east along the Tallahassee Base Line to the southeast corner of Section 36, Township 1 North, Range 4 East; thence north along the range line to the northwest corner of Section 6, Township 1 North, Range 5 East; thence east along the township line to the southeast corner of Section 36, Township 2 North, Range 5 East; thence north along the range line to the northeast corner of Section 24, Township 2 North, Range 5 East; thence west along the section line to the southwest corner of the east $\frac{1}{2}$ of Section 13, Township 2 North, Range 5 East; thence north to the northwest corner of the east $\frac{1}{2}$ of Section 13, Township 2 North, Range 5 East; thence east along the section line to the southeast corner of Section 12, Township 2 North, Range 5 East; thence north along

the range line to the northeast corner of Section 24, Township 3 North, Range 5 East; thence west along the Watson Line to the southwest corner of Lot Number 168; thence north along the line between Lot Number 168 and 169, 154 and 155 to the Georgia line; thence westward along the Georgia-Florida line to the intersection of the south boundary of the State of Alabama; thence west along the Alabama-Florida line to the intersection of the northwest corner Florida-Alabama Boundary; thence south along the Alabama-Florida line to the Gulf of Mexico; thence east along the Gulf of Mexico, including the waters of said Gulf within the jurisdiction of the State of Florida, to the Point of Beginning.

(b) *Suwannee River Water Management District.*—Begin in the Gulf of Mexico on the Township line between Township 14 South and Township 15 South; thence east to the northwest corner of Section 6, Township 15 South, Range 13 East; thence north along the range line to the northwest corner of Section 6, Township 14 South, Range 13 East; thence east along the township line to the northwest corner of Section 4, Township 14 South, Range 14 East; thence north to the northwest corner of Section 33, Township 13 South, Range 14 East; thence east to the northwest corner of Section 34, Township 13 South, Range 14 East; thence north to the northwest corner of Section 27, Township 13 South, Range 14 East; thence east to the southwest corner of Section 23, Township 13 South, Range 14 East; thence north to the northwest corner of Section 35, Township 12 South, Range 14 East; thence east to the southwest corner of Section 29, Township 12 South, Range 15 East; thence north to the northwest corner of Section 29, Township 12 South, Range 15 East; thence east to the southwest corner of Section 21, Township 12 South, Range 15 East; thence north to the northwest corner of Section 21, Township 12 South, Range 15 East; thence east to the southwest corner of Section 15, Township 12 South, Range 15 East; thence north to the northwest corner of Section 15, Township 12 South, Range 15 East; thence east to the southwest corner of Section 11, Township 12 South, Range 15 East; thence north along the section line to the northwest corner of Section 2, Township 9 South, Range 15 East; thence east along the township line to the northeast corner of Section 1, Township 9 South, Range 16 East; thence south to the Levy County line; thence easterly along the Alachua-Levy County line to the southeast corner of Section 36, Township 11 South, Range 18 East; thence north along the range line to the northwest corner of Section 6, Township 10 South, Range 19 East; thence east along the section line to the southeast corner of the west $\frac{1}{4}$ of Section 31, Township 9 South, Range 19 East; thence north to the northeast corner of the west $\frac{1}{4}$ of Section 31, Township 9 South, Range 19 East; thence west along the section line to the southwest corner of Section 30, Township 9 South, Range 19 East; thence north along the range line between Ranges 18 and 19 East to the southwest corner of the north $\frac{1}{4}$ of Section 19, Township 9 South, Range 19 East; thence east to the southeast corner of the north $\frac{1}{4}$ of Section 19, Township 9 South, Range 19 East; thence north along the section line to the northeast corner of Section 19, Township 9 South, Range 19

of Section 24, Township 23 South, Range 30 East; thence south to the southeast corner of Section 36, Township 23 South, Range 30 East; thence east to the northeast corner of Section 1, Township 24 South, Range 31 East; thence south to the northwest corner of Section 31, Township 24 South, Range 32 East; thence east along the section line to the northeast corner of the northwest $\frac{1}{4}$ of Section 31, Township 24 South, Range 32 East; thence south to the southwest corner of the southeast $\frac{1}{4}$ of Section 31, Township 24 South, Range 32 East; thence east along the section line to the northeast corner of Section 1, Township 25 South, Range 32 East; thence south along the range line between Ranges 32 and 33 east to the southeast corner of Section 36, Township 27 South, Range 32 East; thence west along the section line to the northwest corner of the northeast $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of Section 6, Township 28 South, Range 33 East; thence south to the southeast corner of the southwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of Section 6, Township 28 South, Range 33 East; thence west along the section line to the southwest corner of Section 6, Township 28 South, Range 33 East; thence south along the range line between Ranges 32 and 33 east to the southwest corner of Section 31, Township 29 South, Range 33 East; thence east along the section line to the northeast corner of Section 1, Township 30 South, Range 33 East; thence south along the range line between Ranges 33 and 34 East to the southeast corner of Section 36, township 30 South, Range 33 East; thence west along the section line to the northwest corner of Section 6, Township 31 South, Range 34 East; thence south along the range line between Ranges 33 and 34 East to the northwest corner of Section 31, Township 32 South, Range 34 East; thence east along the section line to the northeast corner of Section 31, Township 32 South, Range 34 East; thence south along the section line to the southeast corner of Section 31, Township 32 South, Range 34 East; thence east along the section line to the northwest corner of the northeast $\frac{1}{4}$ of Section 5, Township 33 South, Range 34 East; thence south to the southwest corner of the northeast $\frac{1}{4}$ of Section 5, Township 33 South, Range 34 East; thence east to the southeast corner of the northeast $\frac{1}{4}$ of Section 5, Township 33 South, Range 34 East; thence north along the section line to the northeast corner of Section 5, Township 33 South, Range 34 East; thence east along the township line between Townships 32 and 33 South to the southwest corner of Section 36, Township 32 South, Range 34 East; thence north along the section line to the northwest corner of the southwest $\frac{1}{4}$ of Section 36, Township 32 South, Range 34 East; thence east to the northeast corner of the southwest $\frac{1}{4}$ of Section 36, Township 32 South, Range 34 East; thence south to the southeast corner of the southwest $\frac{1}{4}$ of Section 36, Township 32 South, Range 34 East; thence east along the section line to the northeast corner of Section 1, Township 33 South, Range 34 East; thence south along the range line between Ranges 34 and 35 East to the northwest corner of the southwest $\frac{1}{4}$ of Section 6, Township 33 South, Range 35 East; thence east to the northeast corner of the northwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of Section 6, Township 33 South, Range 35 East; thence south to the southeast corner of the

northwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of Section 6, Township 33 South, Range 35 East; thence west to the southwest corner of the northwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of Section 6, Township 33 South, Range 35 East; thence south along the range line between Ranges 34 and 35 East to the southwest corner of Section 31, Township 33 South, Range 35 East; thence east along the township line between Townships 33 and 34 South to the northwest corner of northeast $\frac{1}{4}$ of Section 4, Township 34 South, Range 35 East; thence south to the southwest corner of the northwest $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of Section 4, Township 34 South, Range 35 East; thence east to the southeast corner of the northwest $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of Section 4, Township 34 South, Range 35 East; thence north to the northeast corner of the northwest $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of Section 4, Township 34 South, Range 35 East; thence east along the township line between Townships 33 and 34 South to the Atlantic Ocean; thence southerly along the Atlantic Ocean to the Gulf of Mexico and thence northerly along the Gulf of Mexico, including the waters of said ocean and of said gulf and the islands therein within the jurisdiction of the State of Florida, to the Point of Beginning.

(4) During the interim period prior to December 31, 1976:

(a) The department and the previously existing districts shall assist the newly created districts in becoming operational.

(b) The department shall encourage, and coordinate where appropriate, the use of interagency agreements covering the duties, responsibilities, assets, and liabilities of the districts and their respective basins relating to territories to be transferred from one district to another.

(c) The department shall assist in obtaining modification of existing obligations, duties, and responsibilities, regardless of how incurred, of the respective districts which are needed to insure orderly transfer of territory from one district to another.

(d) The department and the respective districts shall submit recommendations regarding any matters affected by such transfers to the 1976 regular session of the Legislature.

History.—s. 12, part 1, ch. 73-299; s. 6, ch. 73-190; s. 1, ch. 73-123.

Note.—Bracketed words inadvertently omitted from C.S. for S.B. 1164, enacted as ch. 73-190.

373.0691 Transfer of areas.—

(1) At the time of change of boundaries of the respective districts under subsection 373.069(3), all contractual obligations with respect to an area being transferred to another district shall be assumed by the district receiving such area; all real property interests owned by a district within an area to be transferred shall be conveyed to the district receiving such area; and all equipment, vehicles, other personal property, and records owned, located, and used by a district solely within an area being transferred shall be delivered to the district receiving such area. However, if an area is transferred from a district with a contractual obligation to the United States of America for the operation and maintenance of works within such area, then the deliveries and conveyances required in this section shall be deferred until the United States has approved the

assumption of the contractual obligations by the receiving district.

(2) The change of boundaries shall not affect the continuing authority, obligations, and commitments of the water management districts, except as set forth in this section.

History.—s. 2, ch. 76-243.

373.0693 Basins; basin boards.—

(1) Any areas within a district may be designated by the district governing board as subdistricts or basins. The designation of such basins shall be made by the district governing board by resolutions thereof. The governing board of the district may change the boundaries of such basins, or create new basins, by resolution. No subdistrict or basin in the St. Johns River Water Management District other than established by this act shall become effective until approved by the Legislature.

(2) Each basin shall be under the control of a basin board which shall be composed of not less than three members, but shall include one representative from each of the included counties in the basin.

(3) Each member of the various basin boards shall serve for a period of 3 years or until his successor is appointed, except that the board membership of each new basin shall be divided into three groups as equally as possible, with members in such groups to be appointed for 1, 2, and 3 years, respectively. Each basin board shall choose a vice chairman and a secretary to serve for a period of 1 year. The term of office of a basin board member shall be construed to commence on July 1 preceding the date of his appointment and to terminate June 30 of the year of the end of his term.

(4) Members of basin boards shall be appointed by the Governor, subject to confirmation by the Senate at the next regular session of the Legislature, and the refusal or failure of the Senate to confirm an appointment shall create a vacancy in the office to which the appointment was made.

(5) Basin board members shall receive no compensation for such services, but while officially on work for the district shall receive their actual traveling expenses and subsistence and lodging, not to exceed the statutory amount allowed state officers and employees, and other expenses in the actual amount incurred.

(6) Notwithstanding the provisions of any other general or special law to the contrary, a member of the governing board of the district residing in the basin or, if no member resides in the basin, a member of the governing board designated by the chairman of the governing board shall be the ex officio chairman of the basin board. The ex officio chairman shall preside at all meetings of the basin board, except that the vice chairman may preside in his absence. The ex officio chairman shall have no official vote, except in case of a tie vote being cast by the members, but shall be the liaison officer of the district in all affairs in the basin and shall be kept informed of all such affairs.

(7) At 11:59 p.m. on December 31, 1976, the Manasota Watershed Basin of the Ridge and Lower Gulf Coast Water Management District, which is annexed to the Southwest Florida Water Management District by change of its boundaries pursuant to

chapter 76-243, Laws of Florida, shall be formed into a subdistrict or basin of the Southwest Florida Water Management District, subject to the same provisions as the other basins in such district. Such subdistrict shall be designated initially as the Manasota Basin. The members of the governing board of the Manasota Watershed Basin of the Ridge and Lower Gulf Coast Water Management District shall become members of the governing board of the Manasota Basin of the Southwest Florida Water Management District.

(8) At 11:59 p.m. on December 31, 1976, the area being transferred from the Southwest Florida Water Management District to the St. Johns River Water Management District by change of boundaries pursuant to chapter 76-243, Laws of Florida, shall be formed into a subdistrict or basin of the St. Johns River Water Management District. Such basin shall be designated as the Oklawaha River Basin. The members of the governing board of the Oklawaha River Basin of the Southwest Florida Water Management District shall become the members of the governing board of the newly formed basin. The governing board of the St. Johns River Water Management District may change the boundaries, but may not abolish the basin.

(9) At 11:59 p.m. on December 31, 1976, a portion of the Big Cypress Basin of the Ridge and Lower Gulf Coast District which is being annexed into the South Florida Water Management District by change of boundaries pursuant to chapter 76-243, Laws of Florida, shall be formed into a subdistrict or basin of the South Florida Water Management District. Such portion shall be designated as the Big Cypress Basin. On or before December 31, 1976, the Governor shall appoint not fewer than five persons residing in the area to serve as members of the governing board of the basin, effective at the time of transfer and subject to confirmation by the Senate as provided in subsection (4).

(a) The initial boundaries of the Big Cypress Basin shall be established by resolution of the governing board of Central and Southern Florida Flood Control District, after notice and hearing, and generally shall encompass the Big Cypress Swamp and southwestern coastal area hydrologic cataloging unit, as indicated on River Basin and Hydrologic Unit Map of Florida—1975, Florida Department of Natural Resources, Bureau of Geology Map Series No. 72.

(b) If the governing board shall fail to establish the initial boundaries on or before December 31, 1976, the initial boundaries shall be the same boundaries as described for the Big Cypress Basin of the Ridge and Lower Gulf Coast District.

(c) The governing board of the South Florida Water Management District subsequently may change the boundaries of the basin, but may not abolish the basin prior to 11:58 p.m. on December 31, 1979.

(10) At 11:59 p.m. on December 31, 1976, the entire area of the South Florida Water Management District, including all areas being annexed into the district pursuant to chapter 76-243, Laws of Florida, but less those areas in the Big Cypress Basin, shall be formed into a subdistrict or basin of the South Florida Water Management District. Such area

shall be designated as the Okeechobee Basin.

(a) The governing board of the South Florida Water Management District shall also serve as the governing board of the Okeechobee Basin.

(b) The governing board of the South Florida Water Management District may change the boundaries of the Okeechobee Basin or may subdivide the basin into smaller basins to be governed by basin boards to be appointed by the Governor, subject to confirmation by the Senate as provided in subsection (4). However, the basin may not be enlarged to include the area included within the initial boundaries of the Big Cypress Basin prior to 11:59 p.m. on December 31, 1979.

(c) The local effort required in connection with construction, operation, and maintenance of the cooperative federal project referred to as the Central and Southern Florida Flood Control Project, which remains after the upper St. Johns portion is transferred to the St. Johns River Water Management District, shall be funded by tax levies on all taxable property within the Okeechobee Basin. In the event the Okeechobee Basin is subdivided into smaller basins, as authorized in paragraph (b), the governing board shall ascertain the equitable pro rata share for each smaller basin and charge back such share so as to insure that the portion of the Central and Southern Florida Flood Control Project remaining in the South Florida Water Management District shall continue to be funded on an equal basis throughout the entire Okeechobee Basin as initially described on December 31, 1976.

History.—s. 6, ch. 73-190, s. 3, ch. 76-243

373.0695 Duties of basin boards; authorized expenditures.—

(1) The various boards shall be responsible for discharging the following described functions in their respective basins:

(a) The preparation of engineering plans for development of the water resources of the basin and the conduct of public hearings on such plans.

(b) The development and preparation of overall basin plan of secondary water control facilities for the guidance of subdrainage districts and private land owners in the development of their respective systems of water control which will be connected to the primary works of the basin to complement the engineering plan of primary works for the basin.

(c) The preparation of the annual budget for the basin and the submission of such budget to the governing board of the district for inclusion in the district budget.

(d) The consideration and prior approval of final construction plans of the district for works to be constructed in the basin.

(e) The administration of the affairs of the basin.

(f) Planning for and, upon request by a county, municipality, or regional water supply authority, providing water supply and transmission facilities for the purpose of assisting such counties, municipalities, and regional water supply authorities within or serving the basin.

(2) Basin board moneys shall be utilized for:

(a) Engineering studies of works of the basin.

(b) Payment for the preparation of final plans

and specifications for construction of basin works executed by the district.

(c) Payment of costs of construction of works of the basin executed by the district.

(d) Payment for maintenance and operation of basin works as carried out by the district.

(e) Administrative and regulatory activities of the basin.

(f) Payment for real property interests for works of the basin.

(g) Payment of costs of road, bridge, railroad, and utilities modifications and changes resulting from basin works.

(3) The works of the basin shall be those adopted by the respective basin boards. Such works may be adopted jointly with other basins and may be within or without the area of the basin.

(4) In the exercise of the duties and powers granted herein, the basin boards shall be subject to all the limitations and restrictions imposed on the water management districts in s. 373.1961.

History.—s. 6, ch. 73-190; s. 3, ch. 74-114.

373.0697 Basin taxes.—The respective basins may, pursuant to s. 9(b), Art. VII of the State Constitution, by resolution request the governing board of the district to levy ad valorem taxes within such basin. Upon receipt of such request, a basin tax levy shall be made by the governing board of the district to finance basin functions enumerated in s. 373.0695, notwithstanding the provisions of any other general or special law to the contrary, and subject to the provisions of s. 373.503(3).

(1) The amount of money to be raised by said tax levy shall be determined by the adoption of an annual budget by the district board of governors, and the average millage for the basin shall be that amount required to raise the amount called for by the annual budget when applied to the total assessment of the basin as determined for county taxing purposes. However, no such tax shall be levied within the basin unless and until the annual budget and required tax levy shall have been approved by formal action of the basin board, and no county in the district shall be taxed under this provision at a rate to exceed one mill.

(2) The taxes provided for in this section shall be extended by the county property appraiser on the county tax roll in each county within, or partly within, the basin and shall be collected by the tax collector in the same manner and time as county taxes, and the proceeds therefrom paid to the district for basin purposes. Said taxes shall be a lien, until paid, on the property against which assessed and enforceable in like manner as county taxes. The property appraisers, tax collectors, and clerks of the circuit court of the respective counties shall be entitled to compensation for services performed in connection with such taxes at the same rates as apply to county taxes.

(3) It is hereby determined that the taxes authorized by this subsection are in proportion to the benefits to be derived by the several parcels of real estate within the basin from the works authorized herein.

History.—s. 6, ch. 73-190, s. 2, ch. 75-125; s. 3, ch. 76-243

373.073 Governing board.—

(1)(a) The governing board of each water management district shall be composed of nine members who shall reside within the district. The term of office of members of the board shall be 4 years; however, four of the members composing each of the initial boards in the districts newly established by this chapter shall be appointed for terms expiring in July, 1973, and five shall be appointed for terms expiring in July, 1975. Members of the governing boards continued under this chapter shall be appointed from the district at large as vacancies occur on the governing boards. Such vacancies shall be filled according to the residency requirements of paragraph (b). Any governing board member serving on December 31, 1976, who continues to reside in the district to which he was appointed, subsequent to the changes in boundaries set forth in subsection 373.069(3), shall continue to serve until his term of office expires.

(b) After December 31, 1976, and notwithstanding the provisions of any other general or special law to the contrary, vacancies in the governing boards of the water management districts shall be filled according to the following residency requirements, representing areas designated by the U. S. Water Resources Council in U. S. Geological Survey, River Basin and Hydrological Unit Map of Florida—1975, Map Series No. 72:

1. Northwest Florida Water Management District:

a. One member shall reside in the area generally designated as the "Perdido River Basin-Perdido Bay Coastal Area-Lower Conecuh River-Escambia River Basin" hydrologic units.

b. One member shall reside in the area generally designated as the "Blackwater River Basin-Escambia Bay Coastal Area-Yellow River Basin-Choc-tawhatchee Bay Coastal Area" hydrologic units.

c. One member shall reside in the area generally designated as the "Choctawhatchee River Basin-St. Andrews Bay Coastal Area" hydrologic units.

d. One member shall reside in the area generally designated as the "Lower Chattahoochee-Apalachicola River-Chipola River Basin-Coastal Area between Ochlockonee River Apalachicola Rivers-Apalachicola Bay coastal area and offshore islands" hydrologic units.

e. One member shall reside in the area generally designated as the "Ochlockonee River Basin-St. Marks and Wakulla Rivers and coastal area between Aucilla and Ochlockonee River Basin" hydrologic units.

f. Four members shall be appointed at large, except that no county shall have more than two members on the governing board.

2. Suwannee River Water Management District:

a. One member shall reside in the area generally designated as the "Coastal Area between Suwannee and Aucilla Rivers" hydrologic unit.

b. One member shall reside in the area generally designated as the "Withlacoochee River Basin-Alapaha River Basin-Suwannee River Basin above the Withlacoochee River" hydrologic units.

c. One member shall reside in the area generally designated as the "Suwannee River Basin below the

Withlacoochee River excluding the Santa Fe River Basin" hydrologic unit.

d. One member shall reside in the area generally designated as the "Santa Fe Basin-Waccasassa River and coastal area between Withlacoochee and Suwannee River" hydrologic units.

e. Four members shall be appointed at large provided that no county shall have more than two members on the governing board.

3. St. Johns River Water Management District:

a. One member shall reside in the area generally designated as the "St. Marys River Basin-Coastal area between St. Marys and St. Johns Rivers" hydrologic units.

b. One member shall reside in the area generally designated as the "St. Johns River Basin below Oklawaha River-Coastal area between the St. Johns River and Ponce de Leon Inlet" hydrologic units.

c. One member shall reside in the area generally designated as the "Oklawaha River Basin" hydrologic unit.

d. One member shall reside in the area generally designated as the "St. Johns River Basin above the Oklawaha River" hydrologic unit.

e. One member shall reside in the area generally designated as the "Coastal area between Ponce de Leon Inlet and Sebastian Inlet-Coastal area Sebastian Inlet to St. Lucie River" hydrologic units.

f. Four members shall be appointed at large, except that no county shall have more than two members on the governing board.

4. South Florida Water Management District:

a. Two members shall reside in Dade County.

b. One member shall reside in Broward County.

c. One member shall reside in Palm Beach County.

d. One member shall reside in Collier, Lee, Hendry, or Charlotte Counties.

e. One member shall reside in Glades, Okeechobee, Highlands, Polk, Orange, or Osceola Counties.

f. Two members, appointed at large, shall reside in an area consisting of St. Lucie, Martin, Palm Beach, Broward, Dade, and Monroe Counties.

g. One member, appointed at large, shall reside in an area consisting of Collier, Lee, Charlotte, Hendry, Glades, Osceola, Okeechobee, Polk, Highlands, and Orange Counties.

h. No county shall have more than three members on the governing board.

5. Southwest Florida Water Management District:

a. One member shall reside in the river basin generally designated as the Withlacoochee River.

b. One member shall reside in the area generally comprised of the Hillsborough, Alafia, and Little Manatee River basins.

c. One member shall reside in the river basin generally designated as the Peace River.

d. One member shall reside in the area generally comprised of the Manatee and Myakka River basins.

e. One member shall reside in the watershed basins lying north of the Anclote River basin and west of the Oklawaha River basin, excluding the Withlacoochee River.

f. One member shall reside in the watershed basins lying south of the northern limits of the Anclote

River basin and west of the Hillsborough River basin, including all of Pinellas County.

g. Three members shall be appointed at large, except that no county shall have more than two members on the governing board, and Pinellas County and Hillsborough County shall each have two members.

(2) Members of the governing boards shall be appointed by the Governor, subject to confirmation by the Senate at the next regular session of the Legislature, and the refusal or failure of the Senate to confirm an appointment shall create a vacancy in the office to which the appointment was made.

(3) Nothing in the transfer of functions from the Department of Natural Resources to the Department of Environmental Regulation by s. 11, chapter 75-22, Laws of Florida, shall affect the existence of, or membership on, any water management district board.

History.—s. 13, part I, ch. 72-230; s. 11, ch. 75-22, s. 6, ch. 76-149

373.074 Transitional provisions; chapter 76-243, Laws of Florida.—

(1) It is the intent of the Legislature to make the transfer of areas, and concomitant transfer of duties, responsibilities, assets, and related matters, as smooth and equitable as possible, preserving continuity wherever possible and desirable.

(2) As soon as practical, the Governor shall designate one member of the governing board of the Ridge and Lower Gulf Coast Water Management District who resides within the Manasota Basin, which is to be transferred to the Southwest Florida Water Management District, to serve ex officio as a voting member of the Southwest Florida Water Management District, subject to all the rights, privileges, duties, and responsibilities of other board members, while continuing to serve as a member of the governing board of the Ridge and Lower Gulf Coast Water Management District. Such designee shall serve in this dual capacity until December 31, 1976, at which time his membership on the governing board of the Ridge and Lower Gulf Coast Water Management District shall terminate; but he shall continue to serve as a member of the governing board of the Southwest Florida Water Management District until July, 1978. Such member shall be in addition to the nine regular governing board members.

(3) As soon as practical, the Governor shall designate one member of the governing board of the Southwest Florida Water Management District who resides within the area to be transferred to the St. Johns River Water Management District to serve ex officio as a voting member of the St. Johns River Water Management District, subject to all the rights, privileges, duties, and responsibilities of other board members, while continuing to serve as a member of the governing board of the Southwest Florida Water Management District. Such designee shall serve in this dual capacity until December 31, 1976, at which time his membership on the governing board of the Southwest Florida Water Management District shall terminate; but he shall continue to serve as a member of the governing board of the St. Johns River Water Management District until July, 1979. Such member shall be in addition to the nine regular governing board members.

(4) As soon as practical, the Governor shall designate one member of the governing board of the Ridge and Lower Gulf Coast Water Management District who resides within the area to be transferred to the Central and Southern Florida Flood Control District to serve ex officio as a voting member of the Central and Southern Florida Flood Control District, subject to all the rights, privileges, duties, and responsibilities of other board members, while continuing to serve as a member of the governing board of the Ridge and Lower Gulf Coast Water Management District. Such designee shall serve in this dual capacity until December 31, 1976, at which time his membership on the governing board of the Ridge and Lower Gulf Coast Water Management District shall terminate; but he shall continue to serve as a member of the governing board of the receiving water management district until July, 1979. Such member shall be in addition to the nine regular governing board members.

History.—s. 4, ch. 76-243

373.076 Vacancies in the governing board; removal from office.—

(1) Vacancies occurring in the governing board of a district prior to the expiration of the affected term shall be filled for the unexpired term.

(2) The Governor shall have authority to remove from office any officer of said district in the manner and for cause defined by the laws of this state applicable to situations which may arise in said district.

History.—s. 14, part I, ch. 72-299

373.079 Members of governing board; oath of office; etc.—

(1) Each member of the governing board of the district, before entering upon his official duties, shall take and subscribe to an oath, before some officer authorized by law to administer oaths, that he will honestly, faithfully and impartially perform the duties devolving upon him in office as member of the governing board of the district to which he was appointed and that he will not neglect any of the duties imposed upon him by this chapter.

(2) Immediately after their appointment, and every 2 years thereafter, members composing the governing board shall meet at some convenient place and choose one of their number chairman of the board, and some suitable person secretary, who may or may not be a member of the governing board, and who may be required to execute bond for the faithful performance of his duties as the governing board may determine. Such board shall adopt a seal with a suitable device, and shall keep a well bound book entitled, in effect, "Record of Governing Board of District," in which shall be recorded minutes of all meetings, resolutions, proceedings, certificates, bonds given by all employees, and any and all corporate acts, which book shall at reasonable times be open to the inspection of any citizen of Florida or taxpayer in the district or his agent or attorney.

(3) The chairman and members of the board shall receive no compensation for such services, but while officially on work for the district shall receive their actual traveling expenses and subsistence and lodging, not to exceed the statutory amount allowed state officers and employees, and other expenses in

the actual amount incurred therefor.

(4) The governing board of the district is authorized to employ an executive director and such engineers, other professional persons, and other personnel and assistants as the board may deem necessary and under such terms and conditions as it may determine, and to terminate such employment.

(5) The governing board may employ a legal staff for the purposes of:

(a) Providing legal counsel on matters relating to the exercise of its powers and duties;

(b) Representing it in all proceedings of an administrative or judicial nature; and

(c) Otherwise assisting in the administration of the provisions of this chapter.

(6) By resolution the governing board may determine the location of its principal office and provide for the change thereof.

(7) The governing board shall meet at least once a month and upon call of the chairman.

History.—s. 15, part I, ch. 72-299.

373.083 General powers and duties of the governing board.—In addition to other powers and duties allowed it by law, the governing board is authorized to:

(1) Contract with public agencies, private corporations, or other persons; sue and be sued; and appoint and remove agents and employees, including specialists and consultants.

(2) Issue orders to implement or enforce any of the provisions of this chapter or regulations thereunder.

(3) Make surveys and investigations of the water supply and resources of the district and cooperate with other governmental agencies in similar activities.

History.—s. 16, part I, ch. 72-299.

373.084 District works, operation by other governmental agencies.—The district may permit governing bodies of water conservation districts, drainage and other improvement districts, and federal, state and local governments, authorities or agencies to operate and maintain the works of the district under conditions which the governing board may deem advisable.

History.—s. 4, ch. 29790, 1955; s. 25, ch. 73-190.

Note.—Former s. 378.161.

373.085 Use of works by other districts.—

(1) The governing board shall have authority to prescribe the manner in which local works provided by other districts or by private persons shall connect with and make use of the works of the district, to issue permits therefor, and to cancel the same for noncompliance with the conditions thereof, or for other cause. It shall be unlawful to connect with or make use of the works of said district without consent in writing from its governing board, and said board shall have authority to prevent, or if done to estop or terminate the same.

(2) Damage resulting from unlawful use of such works, or from violations of the conditions of permit issued by the board shall, if made by other than a public agency, be subject to such penalty as is or may be prescribed by law and in addition thereto by a

date and in a manner prescribed by the board, repair of said damage to the satisfaction of said board, or deposit with said board a sum sufficient therefor, and if by a public agency, then at the expense of such agency the repair of said damage to the satisfaction of the board or the deposit with said board of a sum sufficient therefor.

History.—s. 17, ch. 25209, 1949; s. 25, ch. 73-190.

Note.—Former s. 378.17.

373.086 Providing for district works.—

(1) In order to carry out the works for the district, and for effectuating the purposes of this chapter, the governing board is authorized to clean out, straighten, enlarge or change the course of any waterway, natural or artificial, within or without the district; to provide such canals, levees, dikes, dams, sluiceways, reservoirs, holding basins, floodways, pumping stations, bridges, highways and other works and facilities which the board may deem necessary; establish, maintain and regulate water levels in all canals, lakes, rivers, channels, reservoirs, streams or other bodies of water owned or maintained by the district; to cross any highway, or railway with works of the district and to hold, control and acquire by donation, lease or purchase, or to condemn any land, public or private, needed for rights-of-way or other purposes, and may remove any building or other obstruction necessary for the construction, maintenance and operation of the works, and to hold and have full control over the works and rights-of-way of the district.

(2) The works of said district shall be those adopted by the governing board of the district. The district may require or take over for operation and maintenance such works of other districts as the governing board may deem advisable under agreement with such districts.

History.—s. 16, ch. 25209, 1949; s. 2, ch. 29790, 1955; s. 1, ch. 61-147; s. 3, ch. 51-497; s. 2, ch. 63-324; s. 1, ch. 67-206; s. 1, part VI, ch. 72-299; s. 25, ch. 73-190.

Note.—Former s. 378.16.

373.087 District works using aquifer for storage and supply.—The governing board may establish works of the district for the purpose of introducing water into, or drawing water from, the underlying aquifer for storage or supply. However, only water of a compatible quality shall be introduced directly into such aquifer.

History.—s. 1, ch. 72-318.

373.089 Sale of lands.—The governing board of the district may sell lands to which the district has acquired title or to which it may hereafter acquire title in the following manner:

(1) Any lands determined by the governing board to be surplus may be sold by the district, at any time for the highest price obtainable.

(2) All sales of land shall be for cash or upon terms and security to be approved by the governing board, but a deed therefor shall not be executed and delivered until full payment is made.

(3) Before selling any land, except as provided in subsection (5) hereof, it shall be the duty of the district to cause a notice of intention to sell to be published in a newspaper published in the county in which said land is situated once each week for 3

successive weeks (three insertions being sufficient), the first publication of which shall be not less than 30 nor more than 45 days prior to any sale, which notice shall set forth the time and place of the sale and a description of lands to be offered for sale.

(4) All sales shall be conducted at the county courthouse in the county in which the land is located on any day of the week except Sunday and at any time specified in the notice between the hours of 11 a.m. and 2 p.m.

(5) Public sale shall not be required where surplus lands are being resold to the then owner of that adjacent parcel from which the surplus land was originally parted; provided such sale is made within 1 year from the time the land is declared surplus; and the owner of the adjacent parcel shall be notified by registered mail to the address shown on the county tax roll within 30 days after the land is declared surplus.

History.—s. 4, ch. 29790, 1955; s. 25, ch. 73-190.
Note.—Former s. 378.48.

373.093 Lease of lands or interest in land.—The governing board of the district may lease any lands or interest in land, including but not limited to oil and mineral rights, to which the district has acquired title, or to which it may hereafter acquire title in the following manner:

(1) For the best price and terms obtainable, to be determined by the board.

(2) Before leasing any land, or interest in land including but not limited to oil and mineral rights, the district shall cause a notice of intention to lease to be published in a newspaper published in the county in which said land is situated and such other places as the board may determine once each week for 3 successive weeks (three insertions being sufficient), the first publication of which shall be not less than 30 nor more than 45 days prior to any lease, which said notice shall set forth the time and place of leasing and a description of the lands to be leased.

(3) It shall not be necessary to publish the notice as provided by subsection (2) where the lease is made to a person in connection with land acquisition by the district and the lease results in a diminution of the cost to the district in the acquisition of the land.

History.—s. 4, ch. 29790, 1955; s. 25, ch. 73-190.
Note.—Former s. 378.49.

373.096 Releases.—The governing board of the district may release any canal easement, reservation or right-of-way interests, conveyed to it for which it has no present or apparent future use under terms and conditions determined by the board.

History.—s. 4, ch. 29790, 1955; s. 25, ch. 73-190.
Note.—Former s. 378.50.

373.099 Execution of instruments.—Any instruments of sale, lease, release or conveyance executed pursuant to the provisions of this chapter shall be executed in the name of the district by its governing board acting by the chairman or vice chairman of said board and shall have the corporate seal of the board affixed thereto attested by its secretary and any such instrument shall be effective to pass the title or interest of the district in the property conveyed; provided, the district shall not warrant the

title to any property sold, leased, released or conveyed.

History.—s. 4, ch. 29790, 1955; s. 25, ch. 73-190.
Note.—Former s. 378.51.

373.103 Powers which may be vested in the governing board at the department's discretion.—In addition to the other powers and duties allowed it by law, the governing board of a water management district may be specifically authorized by the department to:

(1) Administer and enforce all provisions of this chapter, including the permit systems established in parts II, III, and IV of this chapter.

(2) Cooperate with the United States in the manner provided by Congress for flood control, reclamation, conservation, and allied purposes in protecting the inhabitants, the land, and other property within the district from the effects of a surplus or a deficiency of water when the same may be beneficial to the public health, welfare, safety, and utility.

(3) Plan, construct, operate, and maintain works of the district as hereinafter defined.

(4) Determine, establish, and control the level of waters to be maintained in all canals, lakes, rivers, channels, reservoirs, streams, or other bodies of water controlled by the district; to maintain such waters at the levels so determined and established by means of dams, locks, flood gates, dikes, and other structures; and to regulate the discharge into, or withdrawal from, the canals, lakes, rivers, channels, reservoirs, streams, or other bodies of water controlled by the district or which are a work of the district, including review of small watershed projects (Public Law 83-566).

(5) Expend, at the discretion of the governing board, for purposes of promotion, advertisement, and improvement of the program and objectives of the district, a yearly sum not to exceed one-fourth of 1 percent of the moneys collected by taxation within the district.

(6) Exercise such additional power and authority compatible with this chapter and other statutes and federal laws affecting the district as may be necessary to perform such duties and acts and to decide such matters and dispose of the same as are not specifically defined in or covered by statute.

(7) Prepare, in cooperation with the department, that part of the state water use plan applicable to the district.

History.—s. 17, part I, ch. 72-299; s. 7, ch. 73-190.

373.106 Permit required for construction involving underground formation.—

(1) No construction may be begun on a project involving artificial recharge or the intentional introduction of water into any underground formation except as permitted in chapter 377, without the written permission of the governing board of any water management district within which the construction will take place. Such application shall contain the detailed plans and specifications for the construction of the project. Should the application be rejected, the applicant may obtain a hearing before the governing board by filing a written petition requesting such

hearing. The hearing before the governing board shall be conducted pursuant to s. 373.126.

(2) A water management district may do any act necessary to replenish the ground water of said district. The district may, among other things, for the purposes of replenishing the ground water supplies within the district:

- (a) Buy water;
- (b) Exchange water;
- (c) Distribute water to persons in exchange for ceasing or reducing ground water extractions;
- (d) Spread, sink, and inject water into the underground;
- (e) Store, transport, recapture, reclaim, purify, treat, or otherwise manage and control water for the beneficial use of persons or property within the district; and
- (f) Build the necessary works to achieve ground water replenishment.

History.—s. 15, part 1, ch. 72-299.

373.109 Permit application fees.—When a water management district governing board implements a permit system under part II, III, or IV of this chapter, it shall establish a schedule of fees for filing applications for the required permits. Such fees shall reflect the cost to the district for processing the application. However, permit fees shall not be required from any governmental entity.

(1) All moneys received under the provisions of this section shall be allocated for the use of the water management district and shall be in addition to moneys otherwise appropriated in any general appropriation act.

(2) The failure of any person to pay the fees established hereunder shall constitute grounds for revocation of his permit.

History.—s. 19, part 1, ch. 72-299; s. 7, ch. 76-243.

373.113 Adoption of regulations by the governing board.—In administering the provisions of this chapter the governing board shall adopt, promulgate, and enforce such regulations as may be reasonably necessary to effectuate its powers, duties, and functions pursuant to the provisions of chapter 120.

History.—s. 30, part 1, ch. 72-299.

373.114 Land and Water Adjudicatory Commission; review of district policies, rules, and orders.—The Governor and cabinet, sitting as the Land and Water Adjudicatory Commission, shall have the exclusive power by a vote of four of the members, to review, and may rescind or modify, any rule or order of a water management district, except those rules which involve only the internal management of the water management district, to insure compliance with the provisions and purposes of this chapter. Such review may be initiated at any time by the Governor and cabinet, by the secretary, by the Environmental Regulation Commission, or by an interested party aggrieved by such rule or order, by filing a request for such review with the Land and Water Adjudicatory Commission and serving a copy on the water management district. Such request for review is not a precondition to the effectiveness of

such rule or order, or to the seeking of judicial review as provided by ss. 373.133 and 120.68.

History.—s. 11, ch. 75-22.

373.116 Procedure for water use and impoundment construction permit applications.—

(1) Applications for water use permits, under part II of this chapter, and for permits for construction or alteration of dams, impoundments, reservoirs, and appurtenant works, under part IV of this chapter, shall be filed with the water management district on appropriate forms provided by the governing board.

(2) Upon receipt of an application for a permit of the type referred to in subsection (1), the governing board shall cause a notice thereof to be published in a newspaper having general circulation within the affected area. The notice shall be published at least once a week for 2 consecutive weeks. In addition, the governing board shall send a copy of such notice to any person who has filed a written request for notification of any pending applications affecting this particular designated area. This notification shall be sent by regular mail prior to the date of last publication.

(3) In the event a hearing is required under the provisions of this chapter, such hearing shall be conducted in accordance with the provisions of s. 373.126.

History.—s. 21, part 1, ch. 72-299.

373.119 Administrative enforcement procedures; orders.—

(1) Whenever the executive director of a water management district has reason to believe that a violation of any provision of this chapter or any regulation promulgated thereunder or permits or order issued pursuant thereto has occurred, is occurring, or is about to occur, the executive director may cause a written complaint to be served upon the alleged violator or violators. The complaint shall specify the provision or provisions of this chapter or regulation or permit or order alleged to be violated or about to be violated and the facts alleged to constitute a violation thereof, and may order that necessary corrective action be taken within a reasonable time to be prescribed in such order. Any such order shall become final unless the person or persons named therein request by written petition a hearing before the governing board, as provided in s. 373.126, no later than 14 days after the date such order is served.

(2) Whenever the executive director, with the concurrence and advice of the governing board, finds that an emergency exists requiring immediate action to protect the public health, safety, or welfare; the health of animals, fish or aquatic life; a public water supply; or recreational, commercial, industrial, agricultural or other reasonable uses, the executive director may, without prior notice, issue an order reciting the existence of such an emergency and requiring that such action be taken as the executive director deems necessary to meet the emergency.

(3) Any person to whom an emergency order is directed pursuant to subsection (2) shall comply therewith immediately, but on petition to the board

shall be afforded a hearing as soon as possible, but in no case shall such hearing be held later than 15 days from the receipt of such petition by the board.

History.—s. 22, part I, ch. 72-299.

373.123 Penalty.—Any person, real or artificial, that shall construct or enlarge, or cause to be constructed or enlarged, a canal or shall enlarge or deepen a natural stream in such a manner as to permit salt water to move inland of an established saltwater barrier line, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.083. Each day such movement of salt water shall continue, shall constitute a separate offense of the provisions of this law.

History.—s. 3, ch. 63-210; s. 324, ch. 71-136; s. 25, ch. 73-190.

Note.—Former s. 373.195

373.126 Quasi-judicial hearings before the governing board.—

(1) All hearings before the governing board required under this chapter concerning the issuance, modification, and revocation of permits, the ordering of remedial work, or the enforcement of any provision of this chapter by the governing board under s. 373.119 shall be conducted in accordance with the provisions of chapter 120.

(2)(a) The governing board may require the production of books, papers, or other documents and issue subpoenas to compel the attendance and testimony of witnesses.

(b) If any person shall refuse to obey any subpoena as issued or shall refuse to testify or produce any books, papers, or other documents required by the subpoena, the governing board may petition the circuit court of the county where such person is served with subpoena or where he resides to issue its rule nisi to such person requiring him to obey the same unless such person shows sufficient cause for failing to obey said subpoena. The governing board shall deposit with said court, when such subpoena is issued in its behalf, the per diem and mileage allowable to secure the attendance of such witnesses.

(3) Each witness who appears by order of the governing board shall receive for his attendance the same fees and mileage allowed by law to witnesses in civil cases, which shall be paid by the parties at whose request the witness is subpoenaed.

(4) The governing board is authorized to hold conferences for the purpose of consolidating applications for a hearing, selecting dates for a hearing satisfactory to the parties, exploring all feasible methods to eliminate surprise and delay, and shortening the hearing, including arrangements for the parties to exchange written qualifications of professional expert witnesses and maps, charts, engineering analyses and other items contemplated for introduction as evidence in advance of the hearing and to encourage stipulations among the parties directed toward the same or similar ends.

(5) When a number of applications are pending on a water source having a common factual background, the governing board may consolidate such applications for hearings and report the hearing by a common transcript.

(6) A hearing examiner who is competent by rea-

son of training or experience may preside over any proceeding under this section before the governing board and exercise in its name any and all of the powers enumerated in this section, except that the hearing examiner may only make recommended orders to the governing board, which orders shall include findings of fact. The governing board shall in each instance make the final determination of matters and enter the proper orders.

History.—s. 23, part I, ch. 72-299.

373.129 Maintenance of actions.—The [department], the governing board of any water management district, or any local board is authorized to commence and maintain proper and necessary actions and proceedings in any court of competent jurisdiction for any of the following purposes:

(1) To enforce rules, regulations and orders adopted or issued pursuant to this law.

(2) To enjoin or abate violations of the provisions of this law or rules, regulations and orders adopted pursuant thereto.

(3) To protect and preserve the water resources of the state.

(4) To defend all actions and proceedings involving its powers and duties pertaining to the water resources of the state.

History.—s. 16, ch. 37-380; s. 16, ch. 63-336; ss. 25, 35, ch. 63-106; s. 25, ch. 73-190.

Note.—Bracketed word substituted by the editors for "division." See s. 11, ch. 73-22.

Note.—Former s. 373.221.

373.133 Judicial review.—Judicial review of all final orders and regulations adopted by the governing board, of action taken by the governing board on permit applications under s. 373.126, and of declarations of water shortage or emergency under part II shall be in accordance with chapter 120 unless otherwise provided for.

History.—s. 24, part I, ch. 72-299.

373.136 Enforcement of regulations and orders.—

(1) The governing board may enforce its regulations and orders adopted pursuant to this chapter, by suit for injunction or other appropriate action in the courts of the state.

(2) Any action by a citizen of the state to seek judicial enforcement of any of the provisions of this chapter shall be governed by the Florida Environmental Protection Act, s. 403.412.

History.—s. 25, part I, ch. 72-299.

373.139 Acquisition of real property.—

(1) The Legislature declares it to be necessary for the public health and welfare that water and water-related resources be conserved and protected. The acquisition of real property for this objective shall constitute a public purpose for which public funds may be expended.

(2) The governing board of the district is empowered and authorized to acquire fee title to real property and easements therein by purchase, gift, devise, lease, eminent domain, or otherwise for flood con-

trol, water storage, water management, and preservation of wetlands, streams and lakes, except that eminent domain powers may be used only for acquiring real property for flood control and water storage.

(3) Lands acquired for the purposes enumerated in subsection (2) may also be used for recreational purposes, and whenever practicable such lands shall be open to the general public for recreational uses.

(4) For the purpose of introducing water into, or drawing water from, the underlying aquifer for storage or supply, the governing board is authorized to hold, control, and acquire by donation, lease, or purchase any land, public or private.

(5) This section shall not limit the exercise of similar powers delegated by statute to any state or local governmental agency or other person.

History.—s. 28, part I, ch. 72-299; s. 1, ch. 72-318.

373.146 Publication of notices, process, papers, etc.—Whenever in this chapter the publication of any notice, process, or paper is required or provided for, unless otherwise expressly provided, the publication thereof in some newspaper or newspapers as defined in chapter 50 having general circulation within the area to be affected shall be taken and considered as being sufficient.

History.—s. 44, ch. 25209, 1949; s. 27, part I, ch. 72-299; s. 25, ch. 73-190.
Note.—Former s. 378.44.

373.149 Existing districts preserved.—The enactment of this act shall not affect the existence of the Central and Southern Florida Flood Control District created by chapter 25270, Laws of Florida, 1949, or the Southwest Florida Water Management District, created by chapter 61-691, Laws of Florida, or any contract or obligation of such districts entered into prior to the effective date of this act. The two districts shall continue to exercise the taxing powers authorized to them in the territories within their respective boundaries, except that nothing herein shall limit the department in considering and recommending to the 1973 session of the legislature changes in the boundaries and transfers of funds, appropriations, personnel, property, or equipment between or among the existing districts and districts created by this chapter. The two districts shall continue to exercise the powers presently authorized by chapters 378 and 373, notwithstanding provisions contained to the contrary in this chapter, until any such powers shall be specifically revoked or modified by the department pursuant to this chapter, except that the provisions of s. 373.139 relating to acquisition of real property shall apply.

History.—s. 28, part I, ch. 72-299.

373.171 Rules and regulations.—

(1) In order to obtain the most beneficial use of the water resources of the state and to protect the public health, safety, and welfare and the interests of the water users affected, governing boards, by action not inconsistent with the other provisions of this law and without impairing property rights, may:

(a) Establish rules, regulations, or orders affecting the use of water, as conditions warrant, and forbidding the construction of new diversion facilities

or wells, the initiation of new water uses, or the modification of any existing uses, diversion facilities, or storage facilities within the affected area.

(b) Regulate the use of water within the affected area by apportioning, limiting, or rotating uses of water or by preventing those uses which the governing board finds have ceased to be reasonable or beneficial.

(c) Make other rules, regulations, and orders necessary for the preservation of the interests of the public and of affected water users.

(2) In promulgating rules and regulations and issuing orders under this law, the governing board shall act with a view to full protection of the existing rights to water in this state insofar as is consistent with the purpose of this law.

(3) No rule, regulation or order shall require any modification of existing use or disposition of water in the district unless it is shown that the use or disposition proposed to be modified is detrimental to other water users or to the water resources of the state.

(4) No rule or regulation, other than a rule or regulation relating solely to the internal management of any such board, and no order shall be adopted, promulgated, issued, amended, or repealed except after a public hearing pursuant to notice as provided in s. 373.151. No rule or regulation shall be adopted, issued, amended or repealed unless a need for such action is shown by a preponderance of the evidence presented at the public hearing.

(5) All rules and regulations adopted by the governing board shall be filed with the Department of State as provided in part I, chapter 120. An information copy will be filed with the Department of Environmental Regulation.

History.—s. 11, ch. 57-380; s. 8, ch. 63-336; s. 10, 25, 35, ch. 69-106; s. 8, ch. 76-213.

373.175 Declaration of water shortage; emergency orders.—

(1) The governing board of the district may by order declare that a water shortage exists within all or part of the district when insufficient ground or surface water is available to meet the needs of the users or when conditions are such as to require temporary reduction in total use within the area to protect water resources from serious harm.

(2) The governing board may impose such restrictions on one or more users of the water resource as may be necessary to protect the water resources of the area from serious harm.

(3) When a water shortage is declared, the governing board shall cause notice thereof to be published in a prominent place within a newspaper of general circulation throughout the area. Such notice shall be published each day for the first week of the shortage and once a week thereafter until the declaration is rescinded. Publication of such notice shall serve as notice to all users in the area of the condition of water shortage.

(4) If an emergency condition exists due to a water shortage within any area of the district and the executive director of the district, with the concurrence of the governing board, finds that the exercise of powers under this section is not sufficient to protect the public health, safety, or welfare, the health of animals, fish, or aquatic life, a public water sup-

ply, or recreational, commercial, industrial, agricultural, or other reasonable uses, he may, pursuant to the provisions of chapter 120, issue emergency orders reciting the existence of such an emergency and requiring that such action, including, but not limited to, apportioning, rotating, limiting, or prohibiting the use of the water resources of the district, be taken as the executive director, with the concurrence of the governing board, deems necessary to meet the emergency.

(5) The Department of Natural Resources shall review, and may rescind, modify, or approve, any policy rule, regulation, or order of a water management district authorized by this section.

*History.—*s. 1, ch. 73-730; s. 25, ch. 73-190; s. 1, ch. 73-295.

*Note.—*See Note 2 following s. 373.026.

*Note.—*Former s. 373.152.

373.191 County water conservation projects.

—The several counties of the state may cooperate with the division by engaging in county water development and conservation projects and may use county funds and equipment for this purpose and to do all other things necessary in connection with the development and conservation of the county's water resources consistent with the provisions of this law and the rules and regulations adopted pursuant thereto.

*History.—*s. 13, ch. 57-380; ss. 25, 35, ch. 69-106.

373.196 Legislative findings.—

(1) It is the finding of the legislature that cooperative efforts between municipalities, counties, water management districts, and the Department of [Environmental Regulation] are mandatory in order to meet the water needs of rapidly urbanizing areas in a manner which will supply adequate and dependable supplies of water where needed without resulting in adverse effects upon the areas from whence such water is withdrawn. Such efforts should utilize all practical means of obtaining water, including, but not limited to, withdrawals of surface water and ground water, recycling of waste water, and desalinization, and will necessitate not only cooperation but also well-coordinated activities. The purpose of this act is to provide additional statutory authority for such cooperative and coordinated efforts.

(2) Municipalities and counties are encouraged to create regional water supply authorities as authorized herein. It is further the intent that municipalities, counties, and regional water supply authorities are to have the primary responsibility for water supply, and water management districts and their basin boards are to engage only in those functions that are incidental to the exercise of their flood control and water management powers.

(3) Nothing herein shall be construed to preclude the various municipalities and counties from continuing to operate existing water production and transmission facilities or to enter into cooperative agreements with other municipalities and counties for the purpose of meeting their respective needs for dependable and adequate supplies of water, provided the obtaining of water through such operations shall not be done in a manner which results in adverse effects upon the areas from whence such water is withdrawn.

*History.—*s. 1, ch. 74-114.

*Note.—*Bracketed words substituted by the editors for "Natural Resources." See s. 11, ch. 75-22.

373.1961 Water production.—In the performance of, and in conjunction with, its other powers and duties, the governing board of a water management district existing pursuant to chapter 373:

(1) May engage in planning to assist counties, municipalities, and regional water supply authorities in meeting the water supply needs of the rapidly urbanizing areas within its district in such manner as will give priority to reducing adverse environmental effects of improper or excessive withdrawals of water from concentrated areas.

(2) Upon request of a county, municipality, or regional water supply authority, shall assist such counties and municipalities and water supply authorities in meeting the water supply needs of the rapidly urbanizing areas within its district in such manner as will give priority to reducing adverse environmental effects of improper or excessive withdrawals of water from concentrated areas.

(3) At the request of a county, municipality, or regional water supply authority, may establish water production and transmission facilities for the purpose of supplying water to such counties, municipalities, and regional water supply authorities.

(4) Shall not engage in local distribution.

(5) Shall not deprive, directly or indirectly, any county wherein water is withdrawn of the prior right to the reasonable and beneficial use of water which is required to supply adequately the reasonable and beneficial needs of the county or any of the inhabitants or property owners therein.

(6) May provide water and financial assistance to regional water supply authorities, but may not provide water to counties and municipalities which are located within the area of such authority without the specific approval of the authority or, in the event of the authority's disapproval, the approval of the Governor and Cabinet sitting as the Land and Water Adjudicatory Commission. The district may supply water at rates and upon terms mutually agreed to by the parties or, if they do not agree, as set by the governing board and specifically approved by the Governor and Cabinet sitting as the Land and Water Adjudicatory Commission.

(7) May acquire title to such interest as is necessary in real property, by purchase, gift, devise, lease, eminent domain, or otherwise, for water production and transmission consistent with this section. However, the district shall not use any of the eminent domain powers herein granted to acquire water and water rights already devoted to reasonable and beneficial use or any water production or transmission facilities owned by any county, municipality, or regional water supply authority.

*History.—*s. 2, ch. 74-114; s. 14, ch. 76-243.

373.1962 Regional water supply authorities.—

(1) By agreement between local governmental units created or existing pursuant to the provisions of Art. VIII of the State Constitution, pursuant to the Florida Interlocal Cooperation Act of 1969, s. 163.01, and upon the approval of the Governor and Cabinet sitting as head of the Department of Natural Resources to insure that such agreement will be in the public interest and complies with the intent

and purposes of this act, regional water supply authorities may be created for the purpose of developing, storing, and supplying water for county or municipal purposes in such a manner as will give priority to reducing adverse environmental effects of excessive or improper withdrawals of water from concentrated areas. In approving said agreement the Governor and Cabinet, sitting as head of the Department of Natural Resources, shall consider, but not be limited to, the following:

(a) [Whether] the geographic territory of the proposed authority is of sufficient size and character to reduce the environmental effects of improper or excessive withdrawals of water from concentrated areas.

(b) The [maximization of] economic development of the water resources within the territory of the proposed authority.

(c) The availability of a dependable and adequate water supply.

(d) The ability of any proposed authority to design, construct, operate, and maintain water supply facilities in the locations, and at the times necessary, to insure that an adequate water supply will be available to all citizens within the authority.

(e) The effect or impact of any proposed authority on any municipality, county, or existing authority or authorities.

(f) The existing needs of the water users within the area of the authority.

(2) In addition to other powers and duties agreed upon, and notwithstanding the provisions of s. 163.01, such authority may:

(a) Upon approval of the electors residing in each county or municipality within the territory to be included in any authority, levy ad valorem taxes, not to exceed one-half mill, pursuant to s. 9(b), Art. VII of the State Constitution. No tax authorized by this paragraph shall be levied in any county or municipality without an affirmative vote of the electors residing in such county or municipality.

(b) Acquire water and water rights; develop, store, and transport water; provide, sell and deliver water for county or municipal uses and purposes; provide for the furnishing of such water and water service upon terms and conditions and at rates which will apportion to parties and nonparties an equitable share of the capital cost and operating expense of the authority's work to the purchaser.

(c) Not engage in local distribution.

(d) Exercise the power of eminent domain in the manner provided by law for the condemnation of private property for public use to acquire title to such interest in real property as is necessary to the exercise of the powers herein granted, except water and water rights already devoted to reasonable and beneficial use or any water production or transmission facilities owned by any county or municipality.

(e) Issue revenue bonds in the manner prescribed by the Revenue Bond Act of 1953, as amended, part 1, chapter 159, to be payable solely from funds derived from the sale of water by the authority to any county or municipality. Such bonds may be additionally secured by the full faith and credit of any county or municipality, as provided by s. 159.16 or by a pledge of excise taxes, as provided by s. 159.19. For

the purpose of issuing revenue bonds, an authority shall be considered a "unit" as defined in s. 159.02(2) and as that term is used in the Revenue Bond Act of 1953, as amended. Such bonds may be issued to finance the cost of acquiring properties and facilities for the production and transmission of water by the authority to any county or municipality, which cost shall include the acquisition of real property and easements therein for such purposes. Such bonds may be in the form of refunding bonds to take up any outstanding bonds of the authority or of any county or municipality where such outstanding bonds are secured by properties and facilities for production and transmission of water, which properties and facilities are being acquired by the authority. Refunding bonds may be issued to take up and refund all outstanding bonds of said authority that are subject to call and termination, and all bonds of said authority that are not subject to call or redemption, when the surrender of said bonds can be procured from the holder thereof at prices satisfactory to the authority. Such refunding bonds may be issued at any time when, in the judgment of the authority, it will be to the best interest of the authority financially or economically by securing a lower rate of interest on said bonds or by extending the time of maturity of said bonds or, for any other reason, in the judgment of the authority, advantageous to said authority.

(f) Sue and be sued in its own name.

(g) Borrow money and incur indebtedness and issue bonds or other evidence of such indebtedness.

(h) Join with one or more other public corporations for the purpose of carrying out any of its powers and for that purpose to contract with such other public corporation or corporations for the purpose of financing such acquisitions, construction, and operations. Such contracts may provide for contributions to be made by each party thereto, for the division and apportionment of the expenses of such acquisitions and operations, and for the division and apportionment of the benefits, services, and products therefrom. Such contract may contain such other and further covenants and agreements as may be necessary and convenient to accomplish the purposes hereof.

(3) When it is found to be in the public interest, for the public convenience and welfare, for a public benefit, and necessary for carrying out the purpose of any regional water supply authority, any state agency, county, drainage or water management district existing pursuant to chapter 298, water management district existing pursuant to chapter 373, municipality, governmental agency, or public corporation in this state holding title to any interest in land is hereby authorized, in its discretion, to convey the title to or dedicate land, title to which is in such entity, including tax reverted land, or to grant use-rights therein, to any regional water supply authority created pursuant to this section. Land granted or conveyed to such authority shall be for the public purposes of such authority and may be made subject to the condition that in the event said land is not so used, or if used and subsequently its use for said purpose is abandoned, the interest granted shall cease as to such authority and shall automatically revert to the granting entity.

(4) Each county or municipality which is a party to an agreement pursuant to subsection (1) shall have a preferential right to purchase water from the regional water supply authority for use by such county or municipality.

(5) In carrying out the provisions of this section, any county wherein water is withdrawn by the authority shall not be deprived, directly or indirectly, of the prior right to the reasonable and beneficial use of water which is required adequately to supply the reasonable and beneficial needs of the county or any of the inhabitants or property owners therein.

(6) Upon a resolution adopted by the governing body of any county or municipality, the authority may, subject to a majority vote of its voting members, include such county or municipality in its regional water supply authority upon such terms and conditions as may be prescribed.

(7) The authority shall design, construct, operate, and maintain facilities in the locations and at the times necessary to insure that an adequate water supply will be available to all citizens within the authority.

History.—s. 7, ch. 74-114.

Note.—Section 11, ch. 75-22 transferred powers, duties, and functions of the Department of Natural Resources relating to water management to the Department of Environmental Regulation.

Note.—Bracketed word inserted by the editors for clarity.

Note.—Bracketed words substituted by the editors for word "maximum."

373.1963 Assistance to West Coast Regional Water Supply Authority.—

(1) In lieu of the provisions in paragraph 373.1962(2)(a), the Southwest Florida Water Management District shall assist the West Coast Regional Water Supply Authority for a period of 5 years, terminating December 31, 1981, by levying an ad valorem tax, upon request of the authority, of not more than 0.05 mill on all taxable property within the limits of the authority. During such period the corresponding basin board ad valorem tax levies shall be reduced accordingly.

(2) The authority shall prepare its annual budget in the same manner as prescribed for the preparation of basin budgets, but such authority budget shall not be subject to review by the respective basin boards or by the governing board of the district.

(3) The annual millage for the authority shall be the amount required to raise the amount called for by the annual budget when applied to the total assessment on all taxable property within the limits of the authority, as determined for county taxing purposes.

(4) The authority may, by resolution, request the governing board of the district to levy ad valorem taxes within the boundaries of the authority. Upon receipt of such request, together with formal certification of the adoption of its annual budget and of the required tax levy, the authority tax levy shall be made by the governing board of the district to finance authority functions.

(5) The taxes provided for in this section shall be extended by the property appraiser on the county tax roll in each county within, or partly within, the authority boundaries and shall be collected by the tax collector in the same manner and time as county taxes, and the proceeds therefrom paid to the district which shall forthwith "[pay them] over to the author-

ity. Until paid, such taxes shall be a lien on the property against which assessed and enforceable in like manner as county taxes. The property appraisers, tax collectors, and clerks of the circuit court of the respective counties shall be entitled to compensation for services performed in connection with such taxes at the same rates as apply to county taxes.

(6) The governing board of the district shall not be responsible for any actions or lack of actions by the authority.

History.—s. 13, ch. 76-243.

Note.—Bracketed words substituted for "be paid" by the editors.

373.1965 Kissimmee River Valley and Taylor Creek-Nubbins Slough Basin; coordinating council on restoration; project implementation.

(1) There is created the Coordinating Council on the Restoration of the Kissimmee River Valley and Taylor Creek-Nubbins Slough Basin. The council shall be composed of the Executive Director of the Department of Natural Resources, the Executive Director of the Florida Game and Fresh Water Fish Commission, the Executive Director of the Central and Southern Florida Flood Control District, and the Commissioner of the Department of Agriculture and Consumer Services, or their designees, and the Secretary of the Department of Environmental Regulation, who shall serve as chairman.

(2) In recognition of the complete findings of the Special Project to Prevent the Eutrophication of Lake Okeechobee, the council shall develop measures which are to be taken by the Department of Environmental Regulation, the Department of Natural Resources, the Game and Fresh Water Fish Commission, and the Central and Southern Florida Flood Control District to restore the water quality of the Kissimmee River Valley and Taylor Creek-Nubbins Slough Basin. Such measures shall be designed to minimize and ultimately remove the threats to the agricultural industry, the wildlife, and the people of central and southern Florida, posed by land uses and water-management practices which cause the degradation of water quality in such area and shall be designed to alleviate excessive nutrient loading from the Taylor Creek-Nubbins Slough Basin. In developing such measures, the council shall seek to:

(a) Conserve and improve ground and surface water supplies throughout the region.

(b) Improve the quality of water for all beneficial purposes throughout the region, and in Lake Okeechobee.

(c) Restore the natural seasonal water level fluctuations in the lakes of the Kissimmee River and in its natural flood plains and marshlands.

(d) Recreate conditions favorable to increases in production of wetland vegetation, native aquatic life, and wetland wildlife.

(e) Protect presently developed areas from natural floods, to the extent that such protection is now achievable.

(f) Utilize the natural and free energies of the river system to the greatest extent possible, so as to hold to a minimum all recurring annual needs of petroleum energy supplies.

(g) Provide for the effective enforcement of exist-

ing laws designed to prevent excessive nutrient loading of area waters.

(3) The Department of Environmental Regulation, the Department of Natural Resources, the Game and Fresh Water Fish Commission, and the Central and Southern Florida Flood Control District shall each implement and enforce those measures developed by the council which are within its jurisdiction. The Secretary of the Department of Environmental Regulation shall be responsible for the overall supervision of the enforcement of such measures.

(4) The Central and Southern Florida Flood Control District or its successor agency shall establish a Special Trust Fund for the Restoration of the Kissimmee River Valley and Lake Okeechobee, which shall be funded from State General Revenue, federal matching funds, donations, and district funds, provided that district funds shall equal 20 percent of State General Revenue funds.

(5) The Secretary of the Department of Environmental Regulation shall present to the Legislature, within 1 year of the effective date of this act, the council's comprehensive report and complete plans for implementation of the corrective actions required, including fund requirements, and the implementation of the program within 5 years after the effective date of this act. During the 5-year implementation period, the Secretary of the Department of Environmental Regulation shall present to the Legislature an annual, comprehensive, interim progress report.

(6) Upon completion of the entire program to the satisfaction of the council and the Legislature, the council shall cease to exist, and all funds and moneys remaining in the Special Fund shall be immediately paid over to the General Revenue Fund.

History.—s. 1, ch. 76-113.

PART II PERMITTING OF CONSUMPTIVE USES OF WATER

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373.203 Definitions.—

(1) An "artesian well" is defined as an artificial hole in the ground from which water supplies may be obtained and which penetrates any water-bearing rock, the water in which is raised to the surface by natural flow, or which rises to an elevation above the top of the water-bearing bed. "Artesian wells" are

defined further to include all holes, drilled as a source of water, that penetrate any water-bearing beds that are a part of the artesian water system of Florida, as determined by representatives of the Florida Geological Survey or [Department of Environmental Regulation].

(2) "Waste" is defined to be the causing, suffering or permitting any water flowing from, or being pumped from, an artesian well to run into any river, creek, or other natural watercourse or channel, or into any bay or pond (unless used thereafter for the beneficial purposes of irrigation of land, mining or other industrial purposes of domestic use), or into any street, road or highway, or upon the land of any person, or upon the public lands of the United States or of the state, unless it be used thereon for the beneficial purposes of the irrigation thereof, industrial purposes, domestic use, or the propagation of fish. The use of any water flowing from an artesian well for the irrigation of land shall be restricted to a minimum by the use of proper structural devices in the irrigation system.

History.—ss. 3, 4, ch. 28253, 1953; s. 1, ch. 59-248; ss. 25, 35, ch. 69-106; s. 25, ch. 73-190.

Note.—Bracketed words substituted by the editors for "Division of Interior Resources." See s. 11, ch. 75-22.

Note.—Former ss. 370.051, 373.021.

373.206 Artesian wells; flow regulated.—Every person, stock company, association or corporation, county or municipality owning or controlling the real estate upon which is located a flowing artesian well in this state shall, within 90 days after June 15, 1953, provide each such well with a valve capable of controlling the discharge from the well, and shall keep the valve so adjusted that only a supply of water shall be available as is necessary for ordinary use by the owner, tenant, occupant or person in control of the land for personal use and on conducting his business. However, if the water in a well is so highly mineralized or otherwise of such poor quality that it is no longer a usable water supply, as determined by the [department], then it shall be plugged in accordance with the [department's] specifications for well plugging.

History.—s. 1, ch. 28253, 1953; s. 1, ch. 65-460; ss. 25, 35, ch. 69-106; s. 25, ch. 73-190.

Note.—Bracketed word substituted for "Division of Interior Resources" and equivalent. See s. 11, ch. 75-22.

Note.—Former ss. 370.052, 373.031.

373.209 Artesian wells; penalties for violation.—

(1) No owner, tenant, occupant, or person in control of an artesian well shall knowingly and intentionally:

- (a) Allow the well to flow continuously without a valve or mechanical device for checking or controlling the flow.
- (b) Permit the water to flow unnecessarily.
- (c) Pump a well unnecessarily.
- (d) Permit the water from the well to go to waste.

(2) A well is exempt from the provisions of this section unless the [department] can show that the uncontrolled flow of water from the well does not have a reasonable and beneficial use, as defined in s. 373.019(5).

(3) Any person who violates any provision of this section shall be subject to either:

- (a) The remedial measures provided for in s. 373.436; or
- (b) A civil penalty of \$100 a day for each and

every day of such violation and for each and every act of violation. The civil penalty may be recovered by the water management board of the water management district in which the well is located or by the [department] in a suit in a court of competent jurisdiction in the county where the defendant resides, in the county of residence of any defendant if there is more than one defendant, or ²in the county where the violation took place. The place of suit shall be selected by the board or department, and the suit, by direction of the board or department, shall be instituted and conducted in the name of the board or department by appropriate counsel. The payment of any such damages does not impair or abridge any cause of action which any person may have against the person violating any provision of this section.

(4) The penalties provided by this section shall apply notwithstanding any provisions of law to the contrary.

History.—s. 2, ch. 28253, 1953; s. 323, ch. 71-136; s. 25, ch. 73-190; s. 1, ch. 74-279.

Note.—Bracketed word substituted by the editors for "Department of Natural Resources." See s. 11, ch. 73-22.

Note.—Words "in a court of competent jurisdiction" deleted by the editors as duplicative of preceding text.

Note.—Former ss. 370.053, 373.041.

373.213 Certain artesian wells exempt.—Nothing in ss. 370.051-370.055 shall be construed to apply to an artesian well feeding a lake already in existence prior to June 15, 1953, which lake is used or intended to be used for public bathing and/or the propagation of fish, where the continuous flow of water is necessary to maintain its purity for bathing and the water level of said lake for fish.

History.—s. 6, ch. 28253, 1953; s. 25, ch. 73-190.

Note.—Former ss. 370.055, 373.061.

373.216 Implementation of program for regulating the consumptive use of water.—The department may authorize the governing board of a water management district to implement a program for the issuance of permits authorizing the consumptive use of particular quantities of water. No such program shall be implemented or discontinued except after public notice and public hearing. A hearing may be called by the governing board upon its own initiative, and it shall be called by the governing board upon direction of the department, upon petition from the board of county commissioners or boards of county commissioners of any combination of counties wholly or partly within the area proposed to be subject to the regulations provided herein, or upon a petition signed by 5 percent of the registered voters of any territory proposed to be subject to the regulations provided herein, according to the most recent list of registered voters as disclosed by the records of the office of the supervisor of elections of the counties affected. Notice of public hearing on the proposed implementation of these regulations shall be published at least once a week for 2 weeks in a newspaper of general circulation in the area to be affected by such regulations, the last notice appearing no less than 10 days prior to the date of the public hearing. Upon implementation, the provisions of this part shall apply.

History.—s. 1, part II, ch. 72-239; s. 8, ch. 73-190.

373.217 Superseded laws and regulations.—

(1) It is the intent of the Legislature to provide a means whereby reasonable programs for the issuance of permits authorizing the consumptive use of particular quantities of water may be authorized by the Department of Environmental Regulation, subject to judicial review and also subject to review by the Governor and Cabinet, sitting as the Land and Water Adjudicatory Commission as provided in s. 373.114.

(2) It is the further intent of the Legislature that Part II of the Florida Water Resources Act of 1972, as amended, as set forth in ss. 373.203-373.249, shall provide the exclusive authority for requiring permits for the consumptive use of water and for authorizing transportation thereof pursuant to s. 373.223(2).

(3) If any provision of Part II of the Florida Water Resources Act of 1972, as amended, as set forth in ss. 373.203-373.249, is in conflict with any other provision, limitation, or restriction which is now in effect under any law or ordinance of this state or any political subdivision or municipality, or any rule or regulation promulgated thereunder, Part II shall govern and control, and such other law or ordinance or rule or regulation promulgated thereunder shall be deemed superseded for the purpose of regulating the consumptive use of water. However, this section shall not be construed to supersede the provisions of the Florida Electrical Power Plant Siting Act.

(4) Other than as provided in subsection (3) [of this section], Part II of the Florida Water Resources Act of 1972, as amended, preempts the regulation of the consumptive use of water as defined in this act.

History.—s. 9, ch. 76-243

Note.—Bracketed words inserted by the editors.

373.219 Permits required.—

(1) The governing board or the department may require such permits for consumptive use of water and may impose such reasonable conditions as are necessary to assure that such use is consistent with the overall objectives of the district or department and is not harmful to the water resources of the area. However, no permit shall be required for domestic consumption of water by individual users.

(2) In the event that any person shall file a complaint with the governing board or the department that any other person is making a diversion, withdrawal, impoundment, or consumptive use of water not expressly exempted under the provisions of this chapter and without a permit to do so, the governing board or the department shall cause an investigation to be made, and if the facts stated in the complaint are verified the governing board or the department shall order the discontinuance of the use.

History.—s. 2, part II, ch. 72-239; s. 9, ch. 73-190.

373.223 Conditions for a permit.—

(1) To obtain a permit pursuant to the provisions of this chapter, the applicant must establish that the proposed use of water:

(a) Is a reasonable beneficial use as defined in s. 373.019(5); and

(b) Will not interfere with any presently existing legal use of water; and

(c) Is consistent with the public interest.

(2) The governing board or the department may authorize the holder of a use permit to transport and use ground or surface water beyond overlying land, across county boundaries, or outside the watershed from which it is taken if the governing board or department determines that such transport and use is consistent with the public interest, and no local government shall adopt or enforce any law, ordinance, rule, regulation, or order to the contrary.

(3) The governing board or the department, by regulation, may reserve from use by permit applicants, water in such locations and quantities, and for such seasons of the year, as in its judgment may be required for the protection of fish and wildlife or the public health and safety. Such reservations shall be subject to periodic review and revision in the light of changed conditions. However, all presently existing legal uses of water shall be protected so long as such use is not contrary to the public interest.

History.—s. 3, part II, ch. 72-299; s. 19, ch. 73-190; s. 10, ch. 76-243.

373.224 Existing permits.—Any permits or permit agreements for consumptive use of water executed or issued by an existing flood control, water management, or water regulatory district pursuant to chapter 373 or chapter 378 prior to December 31, 1976, shall remain in full force and effect in accordance with its terms until otherwise modified or revoked as authorized herein.

History.—s. 11, ch. 73-190; s. 3, ch. 75-125.

373.226 Existing uses.—

(1) All existing uses of water, unless otherwise exempted from regulation by the provisions of this chapter, may be continued after adoption of this permit system only with a permit issued as provided herein.

(2) The governing board or the department shall issue an initial permit for the continuation of all uses in existence before the effective date of implementation of this part if the existing use is a reasonable beneficial use as defined in s. 373.019(5) and is allowable under the common law of this state.

(3) Application for permit under the provisions of subsection (2) must be made within a period of 2 years from the effective date of implementation of these regulations in an area. Failure to apply within this period shall create a conclusive presumption of abandonment of the use, and the user, if he desires to revive the use, must apply for a permit under the provisions of s. 373.229.

History.—s. 4, part II, ch. 72-299; s. 12, ch. 73-190.

373.229 Application for permit.—

(1) All permit applications filed with the governing board or the department under this part and notice thereof required under s. 373.116 shall contain:

(a) The name of the applicant and his address or, in the case of a corporation, the address of its principal business office;

(b) The date of filing;

(c) The date set for a hearing, if any;

(d) The source of the water supply;

(e) The quantity of water applied for;

(f) The use to be made of the water and any limitation thereon;

(g) The place of use;

(h) The location of the well or point of diversion; and

(i) Such other information as the governing board or the department may deem necessary.

(2) The notice shall state that written objections to the proposed permit may be filed with the governing board or the department by a specified date. The governing board or the department, at its discretion, may request further information from either applicant or objectors, and a reasonable time shall be allowed for such responses.

(3) If the proposed application [is for less than] 100,000 gallons per day, the governing board or the department may consider the application and any objections thereto without a hearing. If the proposed application is for 100,000 gallons per day or more and no objection is received, the governing board or the department, after proper investigation by its staff, may, at its discretion, approve the application without a hearing.

History.—s. 5, part II, ch. 72-299; s. 13, ch. 73-190; s. 11, ch. 76-243.

Note.—Bracketed words substituted by the editors for the words "does not exceed."

373.233 Competing applications.—

(1) If two or more applications which otherwise comply with the provisions of this part are pending for a quantity of water that is inadequate for both or all, or which for any other reason are in conflict, the governing board or the department shall have the right to approve or modify the application which best serves the public interest.

(2) In the event that two or more competing applications qualify equally under the provisions of subsection (1), the governing board or the department shall give preference to a renewal application over an initial application.

History.—s. 6, part II, ch. 72-299.

373.236 Duration of permits.—

(1) Permits may be granted for any period of time not exceeding 20 years. The governing board or the department may base duration of permits on a reasonable system of classification according to source of supply or type of use, or both.

(2) The governing board or the department may authorize a permit of duration of up to 50 years in the case of a municipality or other governmental body or of a public works or public service corporation where such a period is required to provide for the retirement of bonds for the construction of waterworks and waste disposal facilities.

History.—s. 7, part II, ch. 72-299.

373.239 Modification and renewal of permit terms.—

(1) A permittee may seek modification of any terms of an unexpired permit.

(2) If the proposed modification involves water use of 100,000 gallons or more per day, the application shall be treated under the provisions of s. 373.229 in the same manner as the initial permit

application. Otherwise, the governing board or the department may at its discretion approve the proposed modification without a hearing, provided the permittee establishes that:

(a) A change in conditions has resulted in the water allowed under the permit becoming inadequate for the permittee's need, or

(b) The proposed modification would result in a more efficient utilization of water than is possible under the existing permit.

(3) All permit renewal applications shall be treated under this part in the same manner as the initial permit application.

History.—s. 3, part II, ch. 72-299; s. 14, ch. 73-190.

373.243 Revocation of permits.—After a hearing under s. 373.126, the governing board or the department may revoke a permit as follows:

(1) For any material false statement in an application to continue, initiate, or modify a use, or for any material false statement in any report or statement of fact required of the user pursuant to the provisions of this chapter, the governing board or the department may revoke the user's permit, in whole or in part, permanently.

(2) For willful violation of the conditions of the permit, the governing board or the department may permanently or temporarily revoke the permit, in whole or in part.

(3) For violation of any provision of this chapter, the governing board or the department may revoke the permit, in whole or in part, for a period not to exceed one year.

(4) For nonuse of the water supply allowed by the permit for a period of 2 years or more, the governing board or the department may revoke the permit permanently and in whole unless the user can prove that his nonuse was due to extreme hardship caused by factors beyond his control.

(5) The governing board or the department may revoke a permit, permanently and in whole, with the written consent of the permittee.

History.—s. 9, part II, ch. 72-299.

373.246 Declaration of water shortage or emergency.—

(1) The governing board or the department by regulation shall formulate a plan for implementation during periods of water shortage. As a part of this plan the governing board or the department shall adopt a reasonable system of permit classification according to source of water supply, method of extraction or diversion, use of water, or a combination thereof.

(2) The governing board or the department by order may declare that a water shortage exists within all or part of the district when insufficient water is available to meet the requirements of the permit system or when conditions are such as to require temporary reduction in total use within the area to protect water resources from serious harm. Such orders shall become final and be reviewable in the same way as orders under s. 373.126.

(3) In accordance with the plan adopted under subsection (1), the governing board or the department may impose such restrictions on one or more classes of permits as may be necessary to protect the

water resources of the area from serious harm and to restore them to their previous condition.

(4) A declaration of water shortage and any measures adopted pursuant thereto may be rescinded by the governing board or the department.

(5) When a water shortage is declared, the governing board or the department shall cause notice thereof to be published in a prominent place within a newspaper of general circulation throughout the area. Such notice shall be published each day for the first week of the shortage and once a week thereafter until the declaration is rescinded. Publication of such notice shall serve as notice to all users in the area of the condition of water shortage.

(6) The governing board or the department shall notify each permittee in the district by regular mail of any change in the condition of his permit or any suspension of his permit or of any other restriction on his use of water for the duration of the water shortage.

(7) If an emergency condition exists due to a water shortage within any area of the district, and if the department, or the executive director with the concurrence of the governing board, finds that the exercise of powers under subsection (1) are not sufficient to protect the public health, safety, or welfare, the health of animals, fish or aquatic life, a public water supply, or recreational, commercial, industrial, agricultural, or other reasonable uses, it or he may, pursuant to the provisions of s. 373.119, issue orders reciting the existence of such an emergency and requiring that such action, including but not limited to apportioning, rotating, limiting, or prohibiting the use of the water resources of the district, be taken as the department or the executive director deems necessary to meet the emergency.

(8) An affected party to whom an emergency order is directed under subsection (7) shall comply immediately, but may challenge such an order in the manner set forth in s. 373.119.

History.—s. 10, part II, ch. 72-299.

373.249 Existing regulatory districts preserved.—The enactment of this chapter shall not affect any existing water regulatory districts pursuant to chapter 373, or orders issued by said regulatory districts, unless specifically revoked, modified, or amended by such regulatory district or by the department.

History.—s. 11, part II, ch. 72-299.

PART III

REGULATION OF WELLS

373.303	Definitions.
373.306	Scope.
373.309	Authority to adopt rules, regulations, and procedures.
373.313	Prior permission and notification.
373.316	Existing installations.
373.319	Inspections.
373.323	Licenses.
373.326	Exemptions.
373.329	Fees.
373.333	Enforcement.
373.336	Penalties.
373.339	Existing regulations preserved.

373.303 Definitions.—As used in this part:

(1) "Abandoned water well" means a well the use of which has been permanently discontinued. Any well shall be deemed abandoned which is in such a state of disrepair, as determined by a representative of the department, that continued use for the purpose of obtaining groundwater or disposing of water or liquid wastes is impracticable.

(2) "Construction of water wells" means all parts necessary to obtain groundwater by wells, including the location and excavation of the well, but excluding the installation of pumps and pumping equipment.

(3) "Department" means the Department of [Environmental Regulation].

(4) "Political subdivision" means a city, town, county, district, or other public body created by or pursuant to state law, or any combination thereof acting cooperatively or jointly.

(5) "Repair" means any action which involves the physical alteration or replacement of any part of a well, but does not include the alteration or replacement of any portion of a well which is above ground surface.

(6) "Well" means any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the location, acquisition, development, or artificial recharge of groundwater, but such term does not include sand-point wells as herein defined, or any well for the purpose of obtaining or prospecting for oil, natural gas, minerals, or products of mining or quarrying, for inserting media to dispose of oil brines or to repressure oil or natural gas-bearing formation, or for storing petroleum, natural gas, or other products.

(7) "Water well contractor" means any person, firm, or corporation engaged in the business of constructing water wells.

(8) "Well seal" means an approved arrangement or device to prevent contaminants from entering the well at the upper terminal.

(9) "Sand-point well" means any device which is driven into place and which consists of a pipe with an attached perforated metal tube or screen designed to permit the passage of water.

History.—s. 1, part III, ch. 72-299.
Note.—Bracketed words substituted by the editors for "Natural Resources." See s. 11, ch. 73-22.

373.306 Scope.—No person shall construct, repair, abandon, or cause to be constructed, repaired, or abandoned, any water well contrary to the provisions of this part and applicable rules and regulations. This part shall not apply to equipment used temporarily for dewatering purposes or to the process used in dewatering.

History.—s. 2, part III, ch. 72-299; s. 15, ch. 73-190.

373.309 Authority to adopt rules, regulations, and procedures.—The department shall adopt, and may from time to time amend, rules and regulations governing the location, construction, repair, and abandonment of water wells and shall be

responsible for the administration of this part. With respect thereto it shall:

(1) Enforce the provisions of this part and any rules and regulations adopted pursuant thereto. -

(2) Delegate, at its discretion, to any political subdivision any of its authority under this part in the administration of the rules and regulations adopted hereunder.

(3) Establish procedures and forms for the submission, review, approval, and rejection of applications, notifications, and reports required under this part.

(4) Require at its discretion the making and filing of logs, and the saving of cuttings and cores, which shall be delivered to the [department].

(5) Issue such additional regulations and take such other actions as may be necessary to carry out the provisions of this part.

History.—s. 3, part III, ch. 72-299.

Note.—Bracketed word substituted by the editors for "Division of Interior Resources of the department." See s. 11, ch. 73-22.

373.313 Prior permission and notification.—

(1) Taking into consideration other applicable state laws, in any geographical area where the department determines such permission to be reasonably necessary to protect the groundwater resources, prior permission shall be obtained from the department for each of the following:

- (a) The construction of any water well;
- (b) The repair of any water well; or
- (c) The abandonment of any water well.

However, in any area where undue hardship might arise by reason of such requirement, prior permission will not be required.

(2) The department shall be notified of any of the following whenever prior permission is not required:

- (a) The construction of any water well;
- (b) The repair of any water well; or
- (c) The abandonment of any water well.

History.—s. 4, part III, ch. 72-299.

373.316 Existing installations.—No well in existence on the effective date of this part shall be required to conform to the provisions of s. 373.313 or any rules or regulations adopted pursuant thereto. However, any well now or hereafter abandoned or repaired as defined in this part shall be brought into compliance with the requirements of this part and any applicable rules or regulations with respect to abandonment of wells, and any well which is determined by the department to be a hazard to the groundwater resources must comply with the provisions of this part and applicable rules and regulations within a reasonable time after notification of such determination has been given.

History.—s. 5, part III, ch. 72-299.

373.319 Inspections.—

(1) The department is authorized to inspect any water well or abandoned water well. Duly authorized representatives of the department may at reasonable times enter upon and shall be given access

to any premises for the purpose of such inspection.

(2) If upon the basis of such inspections the department finds applicable laws, rules, or regulations have not been complied with, it shall disapprove the well. If disapproved, no well shall thereafter be used until brought into compliance with the rules and regulations promulgated under this law.

(3) Any person aggrieved by the disapproval of a well shall be afforded the opportunity of a hearing as provided in chapter 120.

History.—s. 6, part III, ch. 72-299.

373.323 Licenses.—

(1) Every person who wishes to engage in business as a water well contractor shall obtain from the department a license to conduct such business.

(2) The department may adopt and from time to time amend rules and regulations governing applications for water well contractor licenses. The department shall license as a water well contractor any person properly making application therefor who is an adult for all legal purposes, has knowledge of rules and regulations adopted under this part, and has had not less than 2 years' experience in the work for which he is applying for a license. The department shall prepare an examination which each such applicant must pass in order to qualify for such license.

(3) This section shall not apply to any person who performs labor or services at the direction and under the supervision of a licensed water well contractor.

(4) A political subdivision engaged in well-drilling shall be licensed under this part but shall be exempt from paying the license fees for the drilling done by regular employees of, and with equipment owned by, it.

(5) Any person who was engaged in the business of water well contracting for a period of two years immediately prior to September 1, 1972, shall, upon application made within twelve months of said date, accompanied by satisfactory proof that he was so engaged and by payment of the required fees, be licensed as a water well contractor as provided in subsection (1) without fulfilling the requirement that he pass any examination prescribed pursuant thereto.

(6) Any person whose application for a license to engage in business as a water well contractor has been denied may request, and shall be granted, a hearing in accordance with chapter 120.

(7) Licenses issued pursuant to this section are not transferable and shall expire on July 1 of each year. A license may be renewed without examination for an ensuing year by making application not later than 30 days after the expiration date and paying the applicable fee. Such application shall have the effect of extending the validity of the current license until a new license is received or the applicant is notified by the department that it has refused to renew his license. After July 31 of each year, a license will be renewed only upon application and payment of the applicable fee plus a penalty of \$50.

(8) Whenever the department determines that the holder of any license issued pursuant to this section has violated any provision of this part or any rule or regulation adopted pursuant thereto, the de-

partment is authorized to suspend or revoke any such license. Any order issued pursuant to this subsection shall be served upon the license holder pursuant to the provisions of s. 373.333(1). Any such order shall become effective 30 days after service thereof unless a written petition requesting hearing under the procedure provided in chapter 120 is filed sooner. Any person aggrieved by any order issued after such hearing may appeal therefrom to any court of competent jurisdiction.

(9) No application for a license issued pursuant to this section may be made within one year after revocation thereof.

History.—s. 7, part III, ch. 72-299.

373.326 Exemptions.—

(1) When the department finds that compliance with all requirements of this part would result in undue hardship, an exemption from any one or more such requirements may be granted by the department to the extent necessary to ameliorate such undue hardship and to the extent such exemption can be granted without impairing the intent and purpose of this part.

(2) Nothing in this part shall prevent a person who has not obtained a license pursuant to s. 373.323 from constructing a well that is 2 inches or under in diameter, on his own or leased property, intended for use only in a single family house which is his residence, or intended for use only for farming purposes on his farm, and when the waters to be produced are not intended for use by the public or any residence other than his own. Such persons shall comply with all rules and regulations as to construction of wells adopted under this part.

History.—s. 8, part III, ch. 72-299.

373.329 Fees.—The following fees are required:

(1) A fee of \$100 shall accompany each new application for a license required under s. 373.323.

(2) A fee of \$25 shall accompany each application for a renewal of license under s. 373.323.

History.—s. 9, part III, ch. 72-299; s. 16, ch. 73-180.

373.333 Enforcement.—

(1) Whenever the department has reasonable grounds for believing that there has been a violation of this part or any rule or regulation adopted pursuant thereto, it shall give written notice to the person alleged to be in violation. Such notice shall identify the provision of this part or regulation issued hereunder alleged to be violated and the facts alleged to constitute such violation.

(2) Such notice shall be served in the manner required by law for the service of process upon persons in a civil action and shall be accompanied by an order of the department requiring described remedial action which, if taken within the time specified in such order, will effect compliance with the requirements of this part and regulations issued hereunder. Such order shall become final unless a request for hearing as provided in chapter 120 is made within 30 days from the date of service of such order.

History.—s. 10, part III, ch. 72-299.

373.336 Penalties.—Any person who violates any provision of this part or regulation or order is-

sued hereunder shall, upon conviction, be guilty of a misdemeanor of the second degree, punishable as provided in ss. 775.082 and 775.083. Continuing violation after notice thereof shall constitute a separate violation for each day so continued.

*History.—*s. 11, part III, ch. 72-299; s. 17, ch. 73-190.

373.339 Existing regulations preserved.—The enactment of this chapter shall not apply in any area where water wells are regulated by a water regulatory district pursuant to the authority of chapter 373 unless and until the department shall modify or revoke such regulations and provide that such area will thereafter be governed by the provisions of this part.

*History.—*s. 12, part III, ch. 72-299.

PART IV

MANAGEMENT AND STORAGE OF SURFACE WATERS

- 373.403 Definitions.
- 373.406 Exemptions.
- 373.409 Headgates, valves and measuring devices.
- 373.413 Permits for construction or alteration.
- 373.416 Permits for maintenance or operation.
- 373.419 Completion report.
- 373.423 Inspection.
- 373.426 Abandonment.
- 373.429 Revocation and modification of permits.
- 373.433 Abatement.
- 373.436 Remedial measures.
- 373.439 Emergency measures.
- 373.443 Immunity from liability.

373.403 Definitions.—When appearing in this chapter or in any rule, regulation, or order adopted pursuant thereto, the following terms shall mean:

(1) "Dam" means any artificial or natural barrier, with appurtenant works, raised to obstruct or impound, or which does obstruct or impound, any of the surface waters of the state.

(2) "Appurtenant works" means any artificial improvements to a dam which might affect the safety of such dam or, when employed, might affect the holding capacity of such dam or of the reservoir or impoundment created by such dam.

(3) "Impoundment" means any lake, reservoir, pond, or other containment of surface water occupying a bed or depression in the earth's surface and having a discernible shoreline.

(4) "Reservoir" means any artificial or natural holding area which contains or will contain the water impounded by a dam.

(5) "Works" means all artificial structures not included in subsections (1) and (2), including, but not limited to, ditches, canals, conduits, channels, culverts, pipes, and other construction that connects to, draws water from, drains water into, or is placed in or across, the waters in the state, but not including wells as defined in part III.

(6) "Closed system" means any reservoir or works located entirely within lands owned or controlled by the user and which requires water only for

the filling, replenishing, and maintaining the water level thereof.

(7) "Alter" means to extend a dam or works beyond maintenance in its original condition, including changes which may increase or diminish the flow or storage of surface water which may affect the safety of such dam or works.

(8) "Maintenance" or "repairs" means remedial work of a nature as may affect the safety of any dam, impoundment, reservoir, appurtenant work or works, but excluding routine custodial maintenance.

*History.—*s. 1, part IV, ch. 72-299; s. 16, ch. 73-190.

373.406 Exemptions.—The following exemptions shall apply:

(1) Nothing herein, or in any rule, regulation, or order adopted pursuant thereto, shall be construed to affect the right of any natural person to capture, discharge, and use water for purposes permitted by law.

(2) Nothing herein, or in any rule, regulation, or order adopted pursuant thereto, shall be construed to affect the right of any person engaged in the occupation of agriculture, floriculture, or horticulture to alter the topography of any tract of land for purposes consistent with the practice of such occupation. However, such alteration may not be for the sole or predominant purpose of impounding or obstructing surface waters.

(3) Nothing herein, or in any rule, regulation or order adopted pursuant thereto, shall be construed to be applicable to construction, operation, or maintenance of any closed system. However, part II of this chapter shall be applicable as to the taking and discharging of water for filling, replenishing, and maintaining the water level in any such closed system.

(4) All rights and restrictions set forth in this section shall be enforced by the governing board or the Department of [Environmental Regulation] or its successor agency, and nothing contained herein shall be construed to establish a basis for a cause of action for private litigants.

*History.—*s. 2, part IV, ch. 72-299.

Note.—Bracketed words substituted by the editors for "Natural Resources." See s. 11, ch. 75-22.

373.409 Headgates, valves and measuring devices.—

(1) The department or the governing board may, by regulation, require the owner of any dam, impoundment, reservoir, appurtenant work, or works subject to the provisions of this part to install and maintain a substantial and serviceable headgate or valve at the point designated by the department or the governing board to measure the water discharged or diverted.

(2) If any owner shall not have constructed or installed such headgate or valve or such measuring device within 60 days after the governing board or department has ordered its construction, the governing board or department shall have such headgate, valve, or measuring device constructed or installed, and the costs of installing the headgate, valve, or measuring device shall be a lien against the owner's land upon which such installation takes place until

the governing board or department is reimbursed in full.

(3) No person shall alter or tamper with a measuring device so as to cause it to register other than the actual amount of water diverted, discharged, or taken. Violation of this subsection shall be a misdemeanor in the second degree, punishable under s. 775.082(5)(b).

History.—s. 3, part IV, ch. 72-299.

373.413 Permits for construction or alteration.—

(1) Except for the exemptions set forth herein, the governing board or the department may require such permits and impose such reasonable conditions as are necessary to assure that the construction or alteration of any dam, impoundment, reservoir, appurtenant work, or works will not be harmful to the water resources of the district. The department or the governing board may delineate areas within the district wherein permits may be required and may establish minimum size limitations below which permits may be issued without a public hearing, but in no event shall such limitations be extended to dams, impoundments, reservoirs, appurtenant work, or works impounding or diverting waters exceeding 640 acres in area.

(2) A person proposing to construct or alter a dam, impoundment, reservoir, appurtenant work, or works subject to such permit shall apply to the governing board or department for a permit authorizing such construction or alteration. The application shall contain the following:

- (a) Name and address of the applicant.
- (b) Name and address of the owner or owners of the land upon which the works are to be constructed and a legal description of such land.
- (c) Location of the work.
- (d) Sketches of construction pending tentative approval.
- (e) Name and address of the person who prepared the plans and specifications of construction.
- (f) Name and address of the person who will construct the proposed work.
- (g) General purpose of the proposed work.
- (h) Such other information as the governing board or department may require.

(3) Within 45 days after receipt of an application for a permit requiring a public hearing, the governing board or department shall cause a notice thereof to be published in a newspaper having general circulation within the affected area. The notice shall be published at least once a week for 2 consecutive weeks. In addition, the governing board or department shall send a copy of such notice to any person who has filed a written request for notification of any pending applications affecting the particular designated area. This notice shall be sent by regular mail prior to the date of last publication. The notice shall contain:

- (a) The name and address of the applicant or, in the case of a corporation, the address of its principal business office;
- (b) The date of filing;
- (c) The date set for a hearing, which shall be set

no later than 30 days after date of last publication of aforesaid notice, if any;

- (d) The source of the water to be contained;
- (e) The quantity of water to be contained;
- (f) The use to be made of the water and any limitation thereon; and
- (g) Such other information as the governing board or the department may deem necessary.

(4) The notice provided for in subsection (3) shall state that written objections to the proposed permit may be filed with the governing board or department by a specified date. The governing board or department, at its discretion, may request further information from either applicant or objectors, and a reasonable time shall be allowed for such responses.

(5) If no substantial objection to the application is received, the governing board or the department, after proper investigation by its staff, may at its discretion approve the application without a hearing. Otherwise, it shall set a time for a hearing in accordance with the provisions of chapter 120.

History.—s. 4, part IV, ch. 72-299; s. 19, ch. 73-190.

373.416 Permits for maintenance or operation.—

(1) Except for the exemptions set forth in this part, the governing board or department may require such permits and impose such reasonable conditions as are necessary to assure that the operation or maintenance of any dam, impoundment, reservoir, appurtenant work, or works will not be inconsistent with the overall objectives of the district and will not be harmful to the water resources of the district.

(2) Except as otherwise provided in ss. 373.426 and 373.429, a permit issued by the governing board or department for the maintenance or operation of a dam, impoundment, reservoir, appurtenant work, or works shall be permanent, and the sale or conveyance of such dam, impoundment, reservoir, appurtenant work, or works, or the land on which the same is located, shall in no way affect the validity of the permit, provided the owner in whose name the permit was granted notifies the governing board or department of such change of ownership within 30 days of such transfer.

History.—s. 5, part IV, ch. 72-299; s. 21, ch. 73-190.

373.419 Completion report.—Within 30 days after the completion of construction or alteration of any dam, impoundment, reservoir, appurtenant work, or works, the permittee shall file a written statement of completion with the governing board or department. The governing board or department shall designate the form of such statement and such information as it shall require.

History.—s. 6, part IV, ch. 72-299.

373.423 Inspection.—

(1) During the construction or alteration of any dam, impoundment, reservoir, appurtenant work, or works, the governing board or department shall make at its expense such periodic inspections as it deems necessary to insure conformity with the approved plans and specifications included in the permit.

(2) If during construction or alteration the gov-

erning board or department finds that the work is not being done in accordance with the approved plans and specifications as indicated in the permit, it shall give the permittee written notice stating with which particulars of the approved plans and specifications the construction is not in compliance and shall order immediate compliance with such plans and specifications. Failure to act in accordance with the orders of the governing board or department after receipt of written notice shall result in the institution of revocation proceedings in accordance with s. 373.429.

(2) Upon completion of the work, the executive director of the district or the director of the Division of Interior Resources or its successor agency shall have periodic inspections made, annually or more frequently as deemed necessary, of permitted dams, reservoirs, impoundments, appurtenant work, or works to protect the public health and safety and the natural resources of the state. No person shall refuse immediate entry or access to any authorized representative of the governing board or the department who requests entry for purposes of such inspection and presents appropriate credentials.

History.—s. 9, part IV, ch. 72-299; s. 21, ch. 73-190.

Note.—See s. 11, ch. 73-22, for Department of Natural Resources powers, duties, and functions transferred to the Department of Environmental Regulation.

373.426 Abandonment.—

(1) Any owner of any dam, impoundment, reservoir, appurtenant work, or works wishing to abandon or remove such work may first be required by the governing board or the department to obtain a permit to do so and may be required to meet such reasonable conditions as are necessary to assure that such abandonment will not be inconsistent with the overall objectives of the district.

(2) Where any permitted dam, impoundment, reservoir, appurtenant work, or works is not owned nor directly controlled by the state or any of its agencies and is not used nor maintained under the authority of the owner for a period of 3 years, it shall be presumed that the owner has abandoned such dam, impoundment, reservoir, appurtenant work, or works and has dedicated the same to the district for the benefit of the people of the district.

(3) The title of the district to any such dam, impoundment, reservoir, appurtenant work, or works may be established and determined in the court appointed by statute to determine the title to real estate.

History.—s. 9, part IV, ch. 72-299; s. 22, ch. 73-190.

373.429 Revocation and modification of permit.—The governing board or the department may revoke or modify a permit at any time if it determines that a dam, impoundment, reservoir, appurtenant work, or works has become a danger to the public health or safety or if its operation has become inconsistent with the objectives of the district. Upon such revocation or modification the governing board or department shall give written notification thereof to all affected parties. No permit shall be revoked or modified before the affected party is afforded an opportunity for a hearing before the governing board or the department. The affected party may file a

written petition for hearing no later than 10 days after notice of revocation or modification is served. If the executive director of the district or the division determines that the danger to the public is imminent, he may order a temporary suspension of the construction, alteration or operation of the works until the hearing is concluded, or may take such action as authorized under s. 373.439.

History.—s. 9, part IV, ch. 72-299.

373.433 Abatement.—Any dam, impoundment, reservoir, appurtenant work, or works which violates the laws of this state or which violates the standards of the governing board or the department shall be declared a public nuisance. The operation of such dam, impoundment, reservoir, appurtenant work, or works may be enjoined by suit by the state or any of its agencies or by a private citizen. The governing board or the department shall be a necessary party to any such suit. Nothing herein shall be construed to conflict with the provisions of s. 373.429.

History.—s. 10, part IV, ch. 72-299.

373.436 Remedial measures.—

(1) Upon completion of any inspection provided for by s. 373.423(3), the executive director shall determine what alterations or repairs are necessary and order that such alterations and repairs shall be made within a time certain, which shall be a reasonable time. The owner of such dam, impoundment, reservoir, appurtenant work, or works may file a written petition for hearing before the governing board or the department no later than 10 days after such order is served. If, after such order becomes final, the owner shall fail to make the specified alterations or repairs, the governing board or the department may, in its discretion cause such alterations or repairs to be made.

(2) Any cost to the district or the department of alterations or repairs made by it under the provisions of subsection (1) shall be a lien against the property of the landowner on whose lands the alterations or repairs are made until the governing board or department is reimbursed, with reasonable interest and attorney's fees, for its costs.

History.—s. 11, part IV, ch. 72-299.

373.439 Emergency measures.—

(1) The executive director, with the concurrence of the governing board, or the division director, with the concurrence of the head of the department, shall immediately employ any remedial means to protect life and property if either:

(a) The condition of any dam, impoundment, reservoir, appurtenant work, or works is so dangerous to the safety of life or property as not to permit time for the issuance and enforcement of an order relative to maintenance or operation.

(b) Passing or imminent floods threaten the safety of any dam, impoundment, reservoir, appurtenant work, or works.

(2) In applying the emergency measures provided for in this section, the executive director or division director may in an emergency do any of the following:

(a) Lower the water level by releasing water from any impoundment or reservoir.

(b) Completely empty the impoundment or reservoir.

(c) Take such other steps as may be essential to safeguard life and property.

(3) The executive director or division director shall continue in full charge and control of such dam, impoundment, reservoir, and its appurtenant works until they are rendered safe or the emergency occasioning the action has ceased.

History.—s. 12, part IV, ch. 72-299.
Note.—See Note following s. 373.423.

373.443 Immunity from liability.—No action shall be brought against the state or district, or any agents or employees of the state or district, for the recovery of damages caused by the partial or total failure of any dam, impoundment, reservoir, appurtenant work, or works upon the ground that the state or district is liable by virtue of any of the following:

(1) Approval of the permit for construction or alteration.

(2) The issuance or enforcement of any order relative to maintenance or operation.

(3) Control or regulation of dams, impoundments, reservoirs, appurtenant work, or works regulated under this chapter.

(4) Measures taken to protect against failure during emergency.

History.—s. 13, part IV, ch. 72-299.

PART V

FINANCE AND TAXATION

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373.495 Water resources development account.—There is hereby created in the General Revenue Fund an account to be known as the "Water Resources Development Account." Subject to such appropriation as the Legislature may make from time to time, the purpose of said account shall be to provide assistance to the water management districts created under this act for the protection, conservation, or development of the water resources of the state.

History.—s. 10, part I, ch. 72-299; ss. 4, 25, ch. 73-190.
Note.—Former s. 373.059.

373.498 Disbursements from water resources development account.—Subject to the provisions of this chapter, there shall be available to any flood control or water management district created under this chapter or by special acts of Legislature, out of said Water Resources Development Account upon the approval of the [Department of Environmental Regulation], a sum or sums of money not exceeding in the aggregate the total estimated amount required to cover the costs allocated to the district for constructing the works of said district, for the acquisition of lands for water storage areas, for highway bridge construction, and for administration and promotion. These works may include small watershed projects (Public Law 83-566). Said sum or sums shall be available as money is required for said purposes and may be a grant to said districts. Also, subject to the provisions of this chapter, there shall be available to any navigation district or agency created under chapter 374 or by special act of the Legislature, out of said Water Resources Development Account upon approval of the [department], a sum or sums of money not exceeding in the aggregate the total estimated amount required to cover the costs allocated to the district for constructing the works, for highway bridge construction, for the acquisition of land for rights-of-way, for water storage areas, and for administration and promotion. Said sum or sums shall be available as money is required for said purposes and may be a grant to said districts or agencies.

History.—s. 4, ch. 25-209, 1949; s. 2, ch. 65-287; s. 1, ch. 67-199; ss. 25, 35, ch. 69-109; s. 2, ch. 70-143; s. 25, ch. 73-190.
Note.—Bracketed words substituted by the editors for "Division of Interior Resources of the Department of Natural Resources." See s. 11, ch. 75-28.
Note.—Former s. 378.04.

373.501 Appropriation of funds to water management districts.—The department may allocate to the water management districts, from funds appropriated to the department, such sums as may be deemed necessary to defray the costs of the administrative, regulatory, and other activities of the districts. The governing boards shall submit annual budget requests for such purposes to the depart-

ment, and the department shall consider such budgets in preparing its budget request for the Legislature.

History.—s. 11, part 1, ch. 72-299; ss. 3, 25, ch. 73-190.
Note.—Former s. 373.066.

373.503 Manner of taxation.—

(1) It is the finding of the Legislature that the general regulatory and administrative functions of the districts herein authorized are of general benefit to the people of the state and should substantially be financed by general appropriations. Further, it is the finding of the Legislature that water resources programs of particular benefit to limited segments of the population should be financed by those most directly benefited. To those ends, this chapter provides for the establishment of permit application fees and a method of ad valorem taxation to finance the works of the district.

(2)(a) The Legislature declares that the millage authorized for water management purposes by s. 9(b), Art. VII of the State Constitution shall be levied only by the water management districts set forth in chapter 373 and intends by this section to prevent any laws which would allow other units of government to levy any portion of said millage. However, this does not preclude such units of government from financing and engaging in water management programs if otherwise authorized by law.

(b) Pursuant to s. 11(a)(21), Art. III of the State Constitution, the Legislature hereby prohibits special laws or general laws of local application pertaining to the allocation of any portion of the millage authorized for water management purposes by s. 9(b), Art. VII of the State Constitution to any unit of government other than those districts established by chapter 373.

(c) The authority of the Central and Southern Florida Flood Control District and the Southwest Florida Water Management District to levy ad valorem taxes within the territories specified in chapter 25270, Laws of Florida, 1949, and chapter 61-691, Laws of Florida, respectively, as heretofore amended, shall continue until those districts have authority to levy ad valorem taxes pursuant to this section.

(3) The districts may levy ad valorem taxes on property within the district solely for the purposes of this chapter and of chapter 25270, Laws of Florida, 1949, as amended, and chapter 61-691, Laws of Florida, as amended. The authority to levy ad valorem taxes as provided in this act shall commence with the year 1977. However, the taxes levied for 1977 by the governing boards pursuant to this section shall be prorated to ensure that no such taxes will be levied for the first 4 days of the tax year, which days will fall prior to the effective date of the amendment to s. 9(b), Art. VII of the Constitution of the State of Florida, which was approved March 9, 1976. When appropriate, taxes levied by each governing board may be separated by the governing board into a millage necessary for the purposes of the district and a millage necessary for financing basin functions specified in s. 373.0695. Beginning with the taxing year 1977, and notwithstanding the provisions of any other general or special law to the contrary, the maxi-

imum total millage rate for district and basin purposes shall be:

(a) Northwest Florida Water Management District: 0.05 mill.

(b) Suwannee River Water Management District: 0.75 mill.

(c) St. Johns River Water Management District: 0.375 mill.

(d) Southwest Florida Water Management District: 1.0 mill.

(e) South Florida Water Management District: 0.80 mill.

The maximum millage assessed for district purposes shall not exceed 25 percent of the total authorized millage when there are one or more basins in a district, and the maximum millage assessed for basin purposes shall not exceed 75 percent of the total authorized millage.

(4) It is hereby determined that the taxes authorized by this chapter are in proportion to the benefits to be derived by the several parcels of real estate within the districts to which territories are annexed and transferred. It is further determined that the cost of conducting elections within the respective districts or within the transferred or annexed territories, including costs incidental thereto in preparing for such election and in informing the electors of the issues therein, is a proper expenditure of the department, of the respective districts, and of the district to which such territory is or has been annexed or transferred.

History.—s. 1, part V, ch. 72-299; s. 24, ch. 73-190; s. 12, ch. 76-243

373.506 Costs of district.—If it should appear necessary to procure funds with which to pay the expenses of a district, or to meet emergencies, before a sufficient sum can be obtained from the collection of the tax, the board may borrow a sufficient amount of money to pay expenses and to meet emergencies and may issue interest-bearing negotiable notes therefor and pledge the proceeds of the tax imposed under the provisions of this chapter for the repayment thereof. Said board may issue to any person performing work or services or furnishing anything of value interest-bearing negotiable evidence of debt.

History.—s. 12, ch. 25209, 1949; s. 25, ch. 73-190; s. 13, ch. 76-243

Note.—Former s. 373.19.

373.507 Districts, basins, and taxing authorities; budget and expense reports; audits.—Each district and basin referred to in chapter 76-243, Laws of Florida, shall furnish a detailed copy of its budget and past year's expenditures to the Governor, the Legislature, and the governing body of each county in which the district or basin has jurisdiction or derives any funds for the operations of the district or basin. Each district, basin, and taxing authority shall make provisions for an annual post-audit and performance audit of its financial accounts and activities in accordance with the rules of the Auditor General promulgated pursuant to ss. 166.241 and 11.47.

History.—s. 16, ch. 76-243.

373.509 To pay cost of works.—[Repealed by s. 20, ch. 76-243.]

373.513 Determination of benefits.—[Repealed by s. 20, ch. 76-243.]

373.516 Benefits to rights-of-way.—The governing board of the district shall assess benefits to rights-of-way of railroads and other public service corporations in like manner as for other property, and the imposition and collection of said tax shall be in like manner as is provided with respect to other property, except that the basis of value of railroad rights-of-way for assessment purposes is hereby fixed at \$4,000 per mile without reference to number of tracks, or other facilities thereon, and the governing board of the district shall furnish the [property appraiser] of the county in which such rights-of-way is located a description thereof, the number of miles in length and the tax rate on value-benefit basis to be applied in assessing district taxes against said rights-of-way.

History.—s. 22, ch. 25209, 1949; s. 25, ch. 73-190
Note.—Former s. 378.22.

373.519 Hearings on benefits.—[Repealed by s. 20, ch. 76-243.]

373.523 Consideration of objections.—[Repealed by s. 20, ch. 76-243.]

373.526 Review; circuit court, district court of appeal.—[Repealed by s. 20, ch. 76-243.]

373.529 Proportion of total benefits for tax assessment.—[Repealed by s. 20, ch. 76-243.]

373.533 Readjustment of benefits.—[Repealed by s. 20, ch. 76-243.]

373.536 District budget and hearing thereon.—

(1) Commencing October 1, 1975, the fiscal year of districts created under the provisions of this chapter shall extend from October 1 of one year through September 30 of the following year. The governing board of the district shall, on or before July 15 of each year, complete the preparation of a tentative budget for the district covering its proposed operation and requirements for the ensuing fiscal year. The budget shall set forth, classified by object and purpose, and by fund if so designated, the proposed expenditures of the district for bonds or other debt, for construction, for acquisition of land, and other purposes, for operation and maintenance of the district's works, the conduct of the affairs of the district generally, to which may be added an amount to be held as a reserve.

(2) The budget shall also show the estimated amount which will appear at the beginning of the fiscal year as obligated upon commitments made but uncompleted. There shall be shown the estimated unobligated or net balance which will be on hand at the beginning of the fiscal year, and the estimated amount to be raised by district taxes and from other sources for meeting the district's requirements.

(3) On a date to be fixed by the governing board each year, the board shall publish a notice of its intention to adopt the budget or as the same may be amended for the district for the ensuing fiscal year. The notice shall set forth the tentative budget in full, and shall be notice to all owners of property subject to the district taxes that on a date and at a place appearing in the notice, opportunity will be afforded to such owners, their attorneys or agents, to appear before the board and show their objections to the budget. The notice shall be published for 2 consecutive weeks, in one or more newspapers qualified to accept legal advertisements having a combined general circulation in the counties having land in the district, the last insertion of which shall appear not less than 1 nor more than 3 weeks prior to the date set by the board for the hearing on the budget, or if there be no such newspaper then by posting the notice as provided by s. 50.021.

(4) The hearing will be by and before the governing board of the district on a date to be fixed by the board not sooner than 1 week and not later than 3 weeks after the date of the last publication of notice of intention to adopt the budget and may be continued from day to day until terminated by the board. Promptly thereafter, the governing board shall give consideration to objections filed against the budget and in its discretion may amend, modify or change the tentative budget. The board shall adopt a final budget for the district which shall thereupon be the operating and fiscal guide for the district for the ensuing year; provided, however, transfers of funds may be made within the budget by action of the governing board at a public meeting of the governing board. Should the district receive unanticipated funds after the adoption of the final budget, the final budget may be amended by including the said funds, so long as notice of intention to amend shall be published one time in one or more newspapers qualified to accept legal advertisements having a combined general circulation in the counties in the district. The notice shall set forth the proposed amendment and shall be published at least 10 days prior to the public meeting of the board at which the proposed amendment is to be considered. Provided, in the event of disaster or of emergency arising to prevent or avert the same, the governing board shall not be limited by the budget but shall have authority to apply such funds as may be available therefor or as may be procured for such purpose.

(5) For the period from July 1, 1974, through September 30, 1975, the districts created pursuant to this chapter may adopt two separate budgets to cover a 12-month fiscal year and a 3-month fiscal year or a single budget to cover a 15-month fiscal year. Other than the times specified, such budgets shall be adopted in compliance with the provisions of this section.

History.—s. 28, ch. 25209, 1949; s. 3, ch. 29790, 1968; s. 4, ch. 61-487; s. 1, ch. 63-432; s. 1, ch. 67-74; s. 25, ch. 73-190; s. 18, ch. 74-234.
Note.—Former s. 378.28.

373.539 Imposition of taxes.—

(1) Each year the governing board of the district shall certify to the [property appraiser] of the county in which the property is situate, timely for the prep-

aration of the tax roll, the tax rate to be applied in determining the amount of the district's annual tax, and the [property appraiser] shall extend on his county tax roll the amount of such tax, determined at the rate certified to him by the governing board, and shall certify the same to the tax collector at the same time and in like manner as for county taxes.

(2) Collection of district taxes, the issuance of tax sale certificates for nonpayment thereof, the redemption or sale of said certificates, the vesting of title by tax forfeiture, and the sale of the land and other real estate so forfeited shall be at the same time, in conjunction with, and by like procedure and of like effect as is provided by law with respect to county taxes, nor may either the county or the district taxes be paid or redemption effected without the payment or redemption of both. The title to district tax forfeited land shall vest in the county on behalf of said district along with that of the county for county tax forfeited land, said district tax forfeited land to be held, sold, or otherwise disposed of by said county for the benefit of said district. The proceeds therefrom, after deducting costs, shall be paid to the district in amounts proportionate to the respective tax liens thereon.

(3) The district tax liens shall be of equal dignity with those of the county.

(4) The tax officers of the county are hereby authorized and directed to perform the duties devolving upon them under this chapter, and to receive compensation therefor at such rates or charges as are provided by law with respect to similar services or charges in other cases.

History.—s. 29, ch. 25209, 1949; s. 25, ch. 73-190.
Note.—Former s. 378.29.

373.543 Land held by Board of Trustees of the Internal Improvement Trust Fund; areas not taxed.—

(1) Land held by the Board of Trustees of the Internal Improvement Trust Fund shall be subject to the tax imposed under authority of this chapter, and said board of trustees is authorized to pay the same out of any money in its possession derived from the sale of land or otherwise. For facilitating the assessment of district taxes on land of said fund, the board of trustees thereof is authorized to prepare lists of land held by it and, timely for the purpose, to transmit a list of said land to the [property appraiser] of each county in which such land is located, and the [property appraiser] is directed to extend said land upon the district tax roll according to the description furnished by said board of trustees and to ascertain the value thereof as for other land.

(2) Land comprising part of the principal of the State School Trust Fund declared by the Constitution to be "sacred and inviolate," or other real estate, title to which is in the State Board of Education, shall not be subject to the district tax nor shall there be liability therefor upon any state agency.

(3) There shall be excluded from district taxes all bodies of navigable water and unreclaimed water areas meandered by the public surveys, all rights-of-way of said district, all areas devoted or dedicated to

the use of and for the works of the district, rights-of-way of state and county highways, and streets within the limits of incorporated towns, and property owned by a public agency open to the use of the public or for the public benefit not leased to or operated by a private agency.

History.—s. 30, ch. 25209, 1949; s. 2, ch. 61-119; ss. 27, 35, ch. 68-106; s. 25, ch. 73-190.

Note.—See ss. 10 and 15, ch. 73-22, for Board of Trustees of the Internal Improvement Trust Fund powers, duties, functions, records, personnel, property, etc., transferred to the Departments of Natural Resources and Environmental Regulation.

Note.—Former s. 378.30.

373.546 Unit areas.—The governing board may, in its discretion, adopt and effectuate unit areas embracing separate or combined drainage basins, or parts thereof, or areas of related lands and works, for convenience or economy in constructing, maintaining and operating the works of the district, and for the purpose of imposing taxes within each area to meet these requirements of the said area.

History.—s. 31, ch. 25209, 1949; s. 25, ch. 73-190.

Note.—Former s. 378.31.

373.549 Amending former decree incorporating district.—{Repealed by s. 20, ch. 76-243.}

373.553 Treasurer and depositories.—

(1) The governing board shall designate a treasurer who shall be custodian of all funds belonging to the said board and to the said district, and such funds shall be disbursed upon the order of, or in the manner prescribed by, the governing board by warrant or check signed by the treasurer or assistant treasurer and countersigned by the chairman or vice chairman of the board. The board is authorized to establish procedures for disbursement of funds in such amounts and in such manner as the board may prescribe, except that disbursement of funds prior to specific board approval may only be authorized upon certification by its chief executive officer or his designated assistant to the treasurer or assistant treasurer and to the chairman or vice chairman of the board that such disbursement is proper and in order and is within budgetary limits. Any such disbursements shall be reported to the board at its next regular meeting.

(2) The board is hereby authorized to select as depositories in which the funds of the said board and of the said district shall be deposited "by any banking corporation organized under the laws of the state or under the National Banking Act, doing business in the state, upon such terms and conditions as to the payment of interest by such depository upon the funds so deposited as the said board shall deem just and reasonable and also upon such terms as to security by such depository as said board shall deem proper, which security may be either by satisfactory individual or surety bonds or by the deposit with the treasurer of bonds of the district issued by said board, bonds of the United States, bonds or certificates of the several states, county and municipal bonds or certificates, and county or county school time warrants, issued by any of the counties or cities of the state or by any of the state agencies, departments or commissions authorized to issue bonds or certificates, or issued by authority created by the

Legislature. Such bonds or certificates may be general obligations of the issuing authority or they may be secured by utility revenues, or other revenues, or by excise taxes, or they may be secured by a limited ad valorem tax; provided, however, that none of the foregoing bonds or certificates shall be accepted as security for the funds herein mentioned unless they shall have qualities pertinent to bank investments; and provided further, that except as to the bonds of the United States or bonds the payment of whose principal and interest is guaranteed by the United States or federal certificates of indebtedness, or state, county or municipal obligation bonds, the bonds or certificates herein mentioned shall be rated in one of the highest four classifications by established nationally recognized investment rating services, the type, amount or value of such bonds or certificates shall be in such amount as may be designated by the governing board of the district.

History.—s. 33, ch. 25209, 1949; s. 3, ch. 63-224; s. 25, ch. 73-190; s. 1, ch. 73-213.

Note.—Context calls for deletion of the word "by." This will be done by subsequent reviser's bill.

Note.—Former s. 373.33

373.556 Investment of funds.—The governing board of the district may, in its discretion, invest funds of the district in the following manner:

(1) That portion of the funds of the district which the board anticipates will be needed for emergencies may be invested in bonds or other obligations, either bearing interest or sold on a discount basis, of the United States, or the United States Treasury, or those for the payment of the principal and interest of which the faith and credit of the United States is pledged.

(2) All other funds of the district may be invested in securities named in subsection (1) hereof, or in bonds or other interest-bearing obligations of any incorporated county, city, town, school district or road and bridge district located in the state, for which the full faith and credit of such political subdivision has been pledged; provided, such political subdivision or its successor, through merger, consolidation or otherwise, has not within 5 years previous to the making of such investment, defaulted for more than 6 months in the payment of any part of the principal or interest of its bonded indebtedness; and, provided, the securities purchased under the provisions of this subsection shall have a maturity date on or before the anticipated date of need for the funds represented thereby.

History.—s. 4, ch. 29790, 1953; s. 25, ch. 73-190

Note.—Former s. 373.331.

373.559 May borrow money temporarily.—In order to provide for the works described by this chapter, the governing board is hereby authorized and empowered to borrow money temporarily, from time to time, for a period not to exceed 1 year at any one time, not including renewals thereof, and to issue its promissory notes therefor upon such terms and at such rates of interest as the said board may deem advisable, payable from the taxes herein levied and imposed, and the increment thereof. Any of such notes may be used in payment of amounts due, or to become due, upon contracts made or to be made by said board for carrying on the work authorized and

provided for herein, and the said board may, to secure the payment of any of such notes, hypothecate bonds herein authorized to be issued, and may thereafter redeem such hypothecated bonds. Any of the notes so issued may be paid out of the proceeds of bonds authorized to be issued by this chapter.

History.—s. 34, ch. 25209, 1949; s. 25, ch. 73-190

Note.—Former s. 373.34.

373.563 Bonds.—

(1) The governing board is hereby authorized and empowered to borrow money on permanent loans and incur obligations from time to time on such terms and at such rates of interest as it may deem proper, not exceeding 7½ percent per annum, for the purpose of raising funds to prosecute to final completion the works and all expenses necessary or needful to be incurred in carrying out the purposes of this chapter; and the better to enable the said board to borrow the money to carry out the purposes aforesaid, the board is hereby authorized and empowered to issue in the corporate name of said board, negotiable coupon bonds of said district.

(2) The bonds to be issued by authority of this chapter shall be in such form as shall be prescribed by the said board, shall recite that they are issued under the authority of this chapter, and shall pledge the faith and credit of the governing board of the district for the prompt payment of the interest and principal thereof.

(3) Said bonds shall have all the qualities of negotiable paper under the Law Merchant, and shall not be invalid for any irregularity, or defect in the proceedings for the issue and sale thereof except forgery; and shall be incontestable in the hands of bona fide purchasers or holders thereof for value. The provisions of this chapter shall constitute an irrevocable contract between said board and the district and the holders of any bonds and the coupons thereof, issued pursuant to the provisions hereof. Any holder of any of said bonds or coupons may either at law or in equity by suit, action or mandamus enforce and compel the performance of the duties required by this chapter of any of the officers or persons mentioned in this chapter in relation to the said bonds, or to the collection, enforcement and application of the taxes for the payment thereof.

(4) The amount of bonds to be issued in any one year, when added to the amount then outstanding, shall be not greater than can be supported for that year in accordance with the bond schedule out of 90 percent of the taxes imposed, or to be imposed, for that year, plus other moneys in the hands of the district usable for bond purposes after deducting therefrom amounts estimated to be required for maintenance and operation of the works of the district, cost of administration, and amounts for such other purposes as the governing board may determine, nor shall the governing board levy in any year taxes insufficient to support said bonds for such year on the basis herein described.

(5) All bonds and coupons not paid at maturity shall bear interest at a rate not to exceed 7½ percent per annum from maturity until paid, or until sufficient funds have been deposited at the place of payment.

(6) The bonds to be issued by authority of this chapter shall be in denominations of not less than \$100, bearing interest from date at a rate not to exceed 5 percent per annum, payable semiannually, to mature at annual intervals within 40 years commencing after a period of not later than 10 years, to be determined by said board, both principal and interest payable at some convenient place designated by said board to be named in said bonds, which said bonds shall be signed by the chairman of the board, attested with the seal of said district and by the signature of the secretary of said board. In case any of the officers whose signatures, countersignatures and certificates appear upon ²[coupons shall cease to be] such officer before the delivery of such bonds to the purchaser, such signature or countersignature and certificate shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until the delivery of the bonds.

(7) Interest coupons shall be attached to the said bonds and ¹[the said coupons shall be] consecutively numbered, specifying the number of the bond to which they are attached, and shall be attested by the lithographed or engraved facsimile signature of the chairman and secretary of said board.

(8) In the discretion of said board, it may be provided that at any time, after such date as shall be fixed by the said board, said bonds may be redeemed before maturity at the option of said board, or its successors in office. If any bond so issued subject to redemption before maturity shall not be presented when called for redemption, it shall cease to bear interest from and after the date so fixed for redemption.

History.—s. 35, ch. 25209, 1949; s. 1, ch. 61-147, s. 25, ch. 73-190; s. 33, ch. 73-302.

¹Note.—Bracketed words substituted by the editors for "coupons, shall cease to be" to correct printing error in the Florida Statutes, 1965.

²Note.—Bracketed words substituted by the editors for the words "the said coupons shall be" to correct a printer's error Florida Statutes, 1965.

Note.—Former s. 378.35.

373.566 Refunding bonds.—The governing board shall have authority to issue refunding bonds to take up any outstanding bonds of said district falling due and becoming payable, when, in the judgment of said board, it shall be for the best interests of said district so to do. The said board is hereby authorized and empowered to issue refunding bonds to take up and refund all bonds of said district outstanding that are subject to call and termination, and all bonds of said district that are not subject to call or redemption, where the surrender of said bonds can be procured from the holder thereof at prices satisfactory to the board. Such refunding bonds may be issued at any time when in the judgment of said board it will be to the interest of the district financially or economically by securing a lower rate of interest on said bonds or by extending the time of maturity of said bonds, or for any other reason in the judgment of said board advantageous to said district.

History.—s. 36, ch. 25209, 1949; s. 25, ch. 73-190.

Note.—Former s. 378.36.

373.569 Bond election.—When required by the state constitution, the governing board shall call an

election of the freeholders in said district, in which said election the matter of whether or not said bonds shall be issued shall be decided as provided by law with respect to bond elections.

History.—s. 37, ch. 25209, 1949; s. 25, ch. 73-190.

Note.—Former s. 378.37.

373.573 Bonds to be validated.—Whenever the governing board shall have authorized the issuance of bonds under the provisions of this chapter, the said board may, if it shall so elect, have said bonds validated in the manner provided by chapter 75, and to that end the said board may adopt a suitable resolution for the issuance of said bonds.

History.—s. 38, ch. 25209, 1949; s. 25, ch. 73-190.

Note.—Former s. 378.38.

373.576 Sale of bonds.—All of said bonds shall be executed and delivered to the treasurer of said district, who shall sell the same in such quantities and at such rates as the board may deem necessary to meet the payments for the works and improvements in the district. Said bonds shall not be sold for less than 95 cents on the dollar, with accrued interest.

History.—s. 39, ch. 25209, 1949; s. 25, ch. 73-190.

Note.—Former s. 378.39.

373.579 Proceeds from taxes for bond purposes.—It shall be the duty of the treasurer as custodian of the funds belonging to the said board and to the district, out of the proceeds of the taxes levied and imposed by this chapter and out of any other moneys in his possession belonging to the district, which moneys so far as necessary shall be set apart and appropriated for the purpose, to apply said moneys and to pay the interest upon the said bonds as the same shall fall due and at the maturity of the said bonds to pay the principal thereof.

History.—s. 40, ch. 25209, 1949; s. 25, ch. 73-190.

Note.—Former s. 378.40.

373.583 Registration of bonds.—

(1) Whenever the owner of any coupon bond issued pursuant to the provisions of this chapter shall present such bond and all unpaid coupons thereof to the treasurer of the district with request for the conversion of such bond into a registered bond, such treasurer shall cut off and cancel the coupons of any such coupon bond so presented, and shall stamp, print or write upon such coupon bond so presented either upon the back or the face thereof as may be convenient, a statement to the effect that said bond is registered in the name of the owner and that thereafter the interest and principal of said bond are payable to the registered owner. Thereafter and from time to time any such bond may be transferred by such registered owner in person or by attorney duly authorized on presentation of such bond to the treasurer, and the bond again registered as before, a similar statement being stamped or written thereon.

(2) Such statement stamped, printed or written upon any such bond may be in substantially the following form:

(Date, giving month, year and day.)

This bond is to be registered pursuant to the stat-

utes in such case made and provided in the name of (here insert name of owner), and the interest and principal thereof are hereafter payable to such owner.

.....(Treasurer).....

(3) If any bond shall have been registered as aforesaid, the principal and interest of said bond shall be payable to the registered owner. The treasurer shall enter in the register of said bonds to be kept by him, or in a separate book, the fact of the registration of such bonds, and in whose names respectively, so that said register or book shall at all times show what bonds are registered and the name of the registered owner thereof.

History.—s. 41, ch. 25209, 1949; s. 25, ch. 73-190.
Note.—Former s. 378.41.

373.586 Unpaid warrants to draw interest.—Any warrant issued under this chapter that is not paid when presented to the treasurer of the district because of lack of funds in the treasury, such fact shall be endorsed on the back of such warrant, and such warrant shall draw interest thereafter at a rate not exceeding 6 percent per annum, until such time as there is money on hand to pay the amount of such warrant and the interest then accumulated; but no interest shall be allowed on warrants after notice to the holder or holders thereof that sufficient funds are in the treasury to pay said endorsed warrants and interest.

History.—s. 42, ch. 25209, 1949; s. 25, ch. 73-190.
Note.—Former s. 378.43.

373.589 Audit by Auditor General.—At the direction of the Governor, audit of the district's accounts may be made from time to time by the Auditor General, and such audit shall be within the authority of said Auditor General, to make. Copy of such audit shall be furnished the Governor and the governing board of the district, and a copy shall be filed with the clerks of the circuit courts of each county within or partly within said district. The expense of said audit shall be paid by the district upon a statement thereof rendered to the district by the Auditor General. Payment of the amount thereof shall be made to the State Department of Banking and Finance to be entered in and to reimburse the account of the Auditor General so as not to reduce the legislative appropriation for said Auditor General.

History.—s. 43, ch. 25209, 1949; s. 3, ch. 69-82; ss. 12, 35, ch. 69-106; s. 25, ch. 73-190.
Note.—Former s. 379.43.

PART VI

MISCELLANEOUS PROVISIONS

- 373.603 Power to enforce.
373.604 Awards to employees for meritorious service.
373.605 Group insurance for water management districts.
373.606 Subdistricts within major districts. (*Repealed*)

- 373.609 Enforcement; city and county officers to assist.
373.613 Penalties.
373.614 Unlawful damage to district property or works; penalty.
373.616 Liberally construed, etc.
373.6161 Chapter to be liberally construed.

373.603 Power to enforce.—The [Department of Environmental Regulation] or the governing board of any water management district and any officer or agent thereof may enforce any provision of this law or any rule or regulation adopted and promulgated or order issued thereunder to the same extent as any peace officer is authorized to enforce the law. Any officer or agent of any such board may appear before any magistrate empowered to issue warrants in criminal cases and make an affidavit and apply for the issuance of a warrant in the manner provided by law; and said magistrate, if such affidavit shall allege the commission of an offense, shall issue a warrant directed to any sheriff, deputy, or constable for the arrest of any offender. The provisions of this section shall apply to the Florida Water Resources Act of 1972 in its entirety.

History.—s. 14, ch. 57-380; s. 14, ch. 63-336; ss. 25, 35, ch. 63-108; s. 2, part VI, ch. 72-299; s. 25, ch. 73-190.

Note.—Bracketed words substituted by the editors for "division." See s. 11, ch. 75-22.

Note.—Former s. 373.201.

373.604 Awards to employees for meritorious service.—The governing board of any water management district may adopt and implement a program of meritorious service awards for district employees who make proposals which are implemented and result in reducing district expenditures or improving district operations, who make exceptional contributions to the efficiency of the district, or who make other improvements in the operations of the district. No award granted under the provisions of this section shall exceed \$2,000 or 10 percent of the first year's savings, whichever is less, unless a larger award is made by the Legislature. Awards shall be paid by the district from any available funds.

History.—s. 1, ch. 74-287.

373.605 Group insurance for water management districts.—

(1) The governing board of any water management district is hereby authorized and empowered to provide group insurance for its employees in the same manner and with the same provisions and limitations authorized for other public employees by ss. 112.08, 112.09, 112.10, 112.11, 112.12 and 112.14.

(2) Any and all insurance agreements in effect as of October 1, 1974, which conform to the provisions of this section are hereby ratified.

History.—ss. 1, 2, ch. 74-218.

373.606 Subdistricts within major districts.
[Repealed by s. 20, ch. 76-243]

373.609 Enforcement; city and county officers to assist.—It shall be the duty of every state and county attorney, sheriff, constable, police officer

and other appropriate city and county officials, upon request, to assist the [department], the governing board of any water management district, or any local board, or any of their agents in the enforcement of the provisions of this law and the rules and regulations adopted thereunder.

History.—s. 15, ch. 57-380; s. 15, ch. 63-336; ss. 25, 35, ch. 69-106; s. 25, ch. 73-190.

Note.—See Note 1 following s. 373.603.
Note.—Former s. 373.211.

373.613 Penalties.—Any person who violates any provision of this law or any rule, regulation or order adopted or issued pursuant thereto is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 15, ch. 57-380; s. 325, ch. 71-136; s. 25, ch. 73-190.
Note.—Former s. 373.241.

373.614 Unlawful damage to district property or works; penalty.—The governing board of the district shall have the power, and is authorized, to offer and pay rewards of up to \$1,000 to any person

furnishing information leading to the arrest and conviction of any person who has committed an unlawful act or acts upon the rights-of-way, land, or land interests of the district or has destroyed or damaged district properties or works.

History.—s. 25, ch. 73-190; s. 1, ch. 73-212.
Note.—Former s. 378.163.

373.616 Liberally construed, etc.—The provisions of this chapter shall be liberally construed in order to effectively carry out its purposes.

History.—s. 4, part VI, ch. 72-299.

373.6161 Chapter to be liberally construed.—This chapter shall be construed liberally for effectuating the purposes described herein, and the procedure herein prescribed shall be followed and applied with such latitude consistent with the intent thereof as shall best meet the requirements or necessities therefor.

History.—s. 46, ch. 25209; s. 6, ch. 25213, 1949; s. 25, ch. 73-190.
Note.—Former s. 378.47.

RULES
OF THE
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

CHAPTER 16K-1

GENERAL AND PROCEDURAL

(This Chapter formerly 16CA-1)

- 16K-1.01 Policy, Objectives and Implementation Date
- 16K-1.02 Scope of Jurisdiction
- 16K-1.03 Powers and Duties
- 16K-1.04 Appropriation of Funds
- 16K-1.05 Definitions
- 16K-1.06 Permits Required
- 16K-1.061 Bond
- 16K-1.062 Reapplying for Permits
- 16K-1.07 Power to Enforce
- 16K-1.08 General Permit Procedure
- 16K-1.09 Filing of Citizen Objections or Complaints
- 16K-1.10 Administrative Enforcement Procedures
- 16K-1.11 Quasi-Judicial Hearings Before the Governing Board
- 16K-1.111 Parties to Proceedings
- 16K-1.112 Pleadings
- 16K-1.113 Witness Fees
- 16K-1.12 Request for Hearing
- 16K-1.13 Petitions for Declaratory Statements
- 16K-1.14 Administrative Determination of Validity of Regulation
- 16K-1.15 Procedure for Adoption of Rules
- 16K-1.16 Description of Organization
- 16K-1.17 Agenda and Scheduling of Meetings and Workshops
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- 16K-1.89
- 16K-1.90 Forms and Instructions

16K-1.01 Policy, Objectives and Implementation Date. These rules are promulgated, established and published by the Central and Southern Florida Flood Control District to effectuate its powers, duties and functions under the Florida Water Resources Act of 1972, Chapter 373, Florida Statutes and Chapter 25270, Laws of Florida, 1949. The purpose of the rules is to effect the maximum utilization of the waters in the District by managing, regulating, and controlling the uses of such waters. The Governing Board of the District finds and declares these rules reasonable and necessary to achieve that purpose. The implementation date of these regulations is March 1, 1974, except that the implementation date of these rules within that portion of the Ridge and Lower Gulf Coast Water Management District annexed to this District by operation of Section 1, Chapter 76-243, Laws of Florida is January 1, 1977.

Specific Authority Chapter 25270, Laws of Florida, as amended; 373.113 FS. Law Implemented 373.018, 373.113, 373.149 FS. History—New 3-2-74, Amended 1-12-77.

16K-1.02 Scope of Jurisdiction. The District shall regulate and control all ground and surface water, including the use of such water and the construction, alteration, maintenance, and operation of all water wells, dams, impoundments, reservoirs, appurtenant works, and works within the geographical boundaries of the District, as defined in Section 373.069, Florida Statutes, unless such use, construction, alteration, maintenance, or operation is specifically exempted from regulation or control by general law or special act.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.023, 373.069 FS. History—New 3-2-74.

16K-1.03 Powers and Duties.

Specific Authority Chapter 25270, Laws of Florida, as amended; 373.044, 373.113 FS. Law Implemented Chapter 25270, Laws of Florida, as amended; 373.086, 373.083(1), 373.103(2), (3), (4), (7) FS. History—New 3-2-74, Repealed 11-18-76.

16K-1.04 Appropriation of Funds. The District reserves the right to discontinue any or all of the regulatory procedures established herein if, in the opinion of the Board, the Department of Natural Resources does not allocate to the District such funds as are necessary to defray the costs of administering these regulations.

Specific Authority 373.113 FS. Law Implemented 373.601 FS. History—New 3-2-74.

16K-1.05 Definitions.

(1) "Act" means the Florida Water Resources Act of 1972, Chapter 373, Florida Statutes, and any amendments thereto that may be made from time to time.

(2) "Artificial recharge" means the intentional introduction of any fluid substance into any underground formation. This definition includes fluid substances from facilities such as injection wells, percolation ponds, land spreading, but does not include fluid substances from septic tanks for residential use.

(3) "District" or "Water Management District" means the Central and Southern Florida Flood Control District or its successor agency.

(4) "Emergency due to water shortage" means that situation when an emergency exists due to a water shortage and the powers exercisable under Section 373.246(1), Florida Statutes, are not sufficient to protect the public health, safety, or welfare, or the health of animals, fish or aquatic life, or a public water supply, or recreational, commercial, industrial, agricultural, or other reasonable uses.

(5) "Executive Director" means the Executive Director of the District.

(6) "Governing Board" or "Board" means the Governing Board of the District.

(7) "Project Works" means all natural or artificial surface watercourses, impoundments, levees, dikes, dams, floodways, pumping stations, bridges, highways and other works and facilities owned, operated or adopted by the Board.

(8) "Surface watercourse" means water upon the surface of the earth, whether contained in bounds created naturally or artificially, which usually flows in a defined bed or channel. It is not essential that the flowing be uniform or uninterrupted.

(9) "Underground formation" means a unit of earth material with distinct physical and chemical characteristics, including the stratigraphic extensions over voids and cavities.

(10) "Water shortage" means that situation within all or part of the District when insufficient water is available to meet the requirements of the permit system, or when conditions are such as to require temporary reduction in total use within the area to protect water resources from serious harm.

(11) "Coastal zone" means that area of land and water from the territorial limits landward to the most inland extent of maritime influences.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.086, 373.106, 373.113, 373 (parts II, III, IV) FS. History—New 3-2-74, Amended 7-20-74, 11-18-75.

16K-1.06 Permits Required. Except as provided by law or District rule no person shall, without obtaining a permit from the Board:

- (1) use, divert, or withdraw any water in the District;
- (2) construct, alter, operate, or abandon any dam, impoundment, reservoir, appurtenant work or works in the District;
- (3) begin construction on any project involving artificial recharge or the intentional introduction of water into any underground formation in the District;
- (4) discharge into the waters in the District;
- (5) connect to, place structures in or across project works or otherwise make use of project works or lands of the District;
- (6) perform any other act in the District for which a permit from the Board may be required by law or District rule.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.085, 373 (parts II, III, IV) FS. History—New 3-2-74, Amended 11-18-75.

16K-1.061 Bond.

(1) The Board may require the applicant for a permit to furnish a bond made payable to the District and its successors, with a reputable bonding corporation authorized to do business in this State as surety, conditioned upon full compliance with terms of the permit, including the proper construction, operation, and maintenance of the facility by the applicant so it will not be detrimental to the operation and maintenance of works of the District existing or planned. The amount of the bond shall be in such amount as the Board shall determine to be adequate.

(2) In the alternative to subsection (1), the Board may require liability insurance in such amount as the Board shall determine endorsed in favor of the District or a hold harmless agreement satisfactory to the Board.

(3) The Board may require that such bond or

liability insurance be maintained as a condition of the continued validity of the permit.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.219, 373.413, 373.416 FS. History—New 12-20-74.

16K-1.062 Reapplying with Permits.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.219, 373.413, 373.416 FS. History—New 12-20-74, Repealed 5-12-76.

16K-1.07 Power to Enforce.

Specific Authority 373.113 FS. Law Implemented 373.603 FS. History—New 3-2-74, Repealed 11-18-75.

16K-1.08 General Permit Procedure.

(1) Procedures for permit applications shall be in accordance with the provisions of Chapter 120, Florida Statutes, and these rules. The Board shall determine, subject to appropriate review, whether any act requires a permit as specified in Rule 16K-1.06.

(2) Applications for permits shall be:

- (a) filed with the District on the appropriate form provided by the Board; and
- (b) accompanied by the appropriate fee in accordance with the schedule of fees if established by the Board. The failure of any person to pay the required fee(s) shall be grounds for denial or revocation of his permit.

(3) The District shall notify the applicant if an application is incomplete and inform the applicant of what additional information is required to make the application complete. If the additional information is not supplied within ten (10) days the incomplete application will be returned to the applicant. Extension to this time may be granted by the District upon request by the applicant upon a good faith showing by him that effort is being made to provide the additional information and that added time is required. A defective application may be rejected without prejudice to the applicant's right to file a new application under subsection (2) of this section.

(4) Prior to acting on an application for a permit required by this chapter, the Board shall give notice to persons whose substantial interests are affected by the requested Board action that they may request a hearing or file written objections by a certain date (at least fourteen (14) days after the first notice). After the applicant has filed a complete permit application, the Board at its discretion may request further information from either the applicant or the objectors. Failure to provide the requested information may be grounds for denial of the permit or dismissal of the objection.

(5) Upon receipt of an application of the type referred to in subsection (2) above, the Board, where required by law, shall cause a notice thereof to be published within the affected area in a newspaper having general circulation as defined in Chapter 50, Florida Statutes. The notice shall be published as required by law. In addition, the Board shall send a copy of such notice to any person who has filed a written request for notification of any pending applications affecting the particular designated area. This notification shall be sent by regular mail prior to the date of last publication.

(6) The Board shall hold a hearing on each application for a permit when required by law, when any person whose substantial interests are affected makes a timely request for a hearing, or at the discretion of the Board.

(7) In the event a hearing is required, such a hearing shall be conducted in accordance with these rules and Chapter 120, Florida Statutes.

(8) Should an application be denied, the Board shall state the grounds for denial.

(9) The Board will consider the water quality and quantity impact and the land use implications of the application, the Declaration of Policy in Section 373.016, Florida Statutes, and other matters required by law.

Specific Authority 120.53(1), 373.113 FS. Law Implemented 120.57, 373.106, 373.109, 373.413, 373.416, 373.426 FS. History--New 3-2-74, Amended 12-20-74, 11-18-76.

16K-1.09 Filing of Citizen Objection or Complaints.

(1) **Objections:** All objections to the issuance of any permit applied for under the provisions of Chapters 16K-2 and 16K-4 of these rules shall be filed in writing with the District. All such objections must particularly specify the grounds for objection and must be filed by the date specified in the notice of application. All objections must be signed by the objector or his agent. Upon request the Board shall provide the applicant a copy of all objections to his application filed under this subsection. The Board may, in its discretion, require the objector to furnish any additional information reasonably necessary to ascertain the nature of the objections and shall provide a reasonable time for the furnishing thereof.

(2) **Complaints:** All complaints under the provisions of Rule 16K-2.03(2) that a person is making a diversion withdrawal, impoundment, or use of water not expressly exempted by the Act and without a permit to do so shall be filed in writing with the District. Such complaint shall specify, to the best of complainant's knowledge, the identity of the alleged violator, the location of the alleged violation, and the nature of the alleged violation. All complaints must be signed by the complainant or his agent. The Board may, in its discretion, require the complainant to furnish any additional information reasonably necessary to aid in the investigation of the complaint. Specific Authority 373.113 FS. Law Implemented 373.219(2), 373.229(2) FS. History--New 3-2-74.

16K-1.10 Administrative Enforcement Procedures.

Specific Authority 373.113 FS. Law Implemented 373.119 FS. History--New 3-2-74, Repealed 11-18-75.

16K-1.11 **Quasi-judicial Hearings Before the Board.** All fact finding hearings before the Board concerning the issuance, modification, or revocation of permits, ordering of remedial work, or enforcement of any provision of Section 373.119, Florida Statutes, shall be conducted in accordance with Chapter 120, Florida Statutes. The Board or hearing officer may exercise powers enumerated in Sections 373.126 and 120.58 (1) (b), Florida Statutes. Hearings shall be conducted as follows:

(1) The presiding officer, who shall be the Chairman of the Board, a member thereof, or a hearing officer, shall call the hearing to order and state the nature and purpose of the hearing.

(2) The presiding officer shall record appearances of the parties or their representatives. Persons who wish to make a statement but not be a party will be recorded.

(3) The presiding officer shall call for the presentation of evidence. The presentation of evidence at a hearing for a permit from the District shall be in the following order:

(a) Applicant

(b) Intervenors who are proponents of the application

(c) Members of the general public not parties to the proceeding

(d) Intervenors who are opponents of the application

(e) Rebuttal by the applicant and intervenors

(f) District staff

(4) The presentation of evidence at a hearing at which the initial pleading is either a complaint initiated by the Executive Director pursuant to Section 373.119, Florida Statutes, or a notice of intent to revoke a permit shall be in the following order:

(a) District staff

(b) Intervenors in support of the District staff

(c) Respondents

(d) Intervenors in support of Respondents

(e) Rebuttal.

(5) The presentation of evidence at a hearing at which the initial pleading is a complaint initiated pursuant to Rule 16K-1.09 shall be in the following order:

(a) Complainants

(b) Intervenors in support of complainants

(c) Defendants

(d) Intervenors in support of defendants

(e) District Staff

(f) Rebuttal.

(6) All persons testifying must be sworn and subject to direct or cross-examination by all parties of record.

(7) The presiding officer may grant a continuance of a hearing.

(8) The Florida Rules of Civil Procedure shall be applicable to the extent that they are not inconsistent with Chapter 120, Florida Statutes, or these rules.

(9) The Chairman of the Board or hearing officer may require the production of books, papers, or other documents and issue subpoenas to compel the attendance and testimony of witnesses.

(10) Unless extenuating circumstances arise, the hearing officer shall, within thirty (30) days after the conclusion of a hearing, or if a transcript of the hearing is requested, within thirty (30) days following receipt of the transcript, transfer his entire case file to the Board and file with the Board a written report consisting of his finding of facts, conclusions of law, interpretation of administrative rules and recommended order. The District will send copies of the hearing officer's report to all parties of record and allow each party at least ten (10) days to submit written exceptions to the report.

(11) After giving parties an opportunity to make written exceptions to the hearing officer's report, the Board will consider the report at a regularly scheduled meeting after giving notice to all parties. After considering the hearing officer's report, written exceptions, and oral arguments, if allowed, the Board will issue its order which shall be final.

Specific Authority 120.53(1), 373.113 FS. Law Implemented 120.53, 120.57, 120.58(1), 373.126 FS. History--New 3-2-74, Revised 12-20-74, Amended 11-18-75.

16K-1.111 Parties to Proceedings.

(1) Parties in fact finding proceedings are designated as applicants, petitioners, complainants, defendants, respondents, or intervenors according to the Notices of the Proceeding and the relationship of the respective parties.

(2) Parties are defined as follows:

(a) Applicants and Petitioners: Persons filing formal written requests with the District for some right, privilege or authority within the jurisdiction of the District to grant.

(b) Complainants: Persons who complain of acts or things done or omitted to be done in violation of some law, regulation or order administered or issued by the District.

(c) Defendants: Persons against whom a complaint is filed.

(d) Respondents: Persons named in a complaint served by the District pursuant to Section 373.119, Florida Statutes.

(e) Intervenors: Persons, other than the original parties to a pending proceeding, who have an interest therein and who desire to become parties thereto and who petition the Board for leave to intervene. Intervention may be filed at any time with the Board or hearing officer up to the recording of appearances of parties at the hearing. An intervenor may support or oppose the original parties, but must declare his position and allege sufficient facts in support thereof at the time of requesting intervention.

(3) Only parties of record shall be entitled to receive pleadings.

(4) For the purposes of the rules in this chapter, the term "Party" or "Parties" shall be construed to include the District. District staff shall appear on behalf of the general public interest. Their duty is to reasonably insure that all facts touching upon the general public interest are clearly brought before the agency.

(5) An individual or a designated representative may appear on behalf of himself. Any member of a partnership which is a party to a proceeding may appear for such partnership upon adequate identification. An officer of a corporation or association, or a full-time employee of an individual, corporation, or association may appear on behalf of such corporation, association, or individual. A person also may be represented by an attorney or other qualified representative.

Specific Authority 120.53(1) FS. Law Implemented 120.53(1) FS. History--New 12-20-74, Amended 11-18-75.

16K-1.112 Pleadings.

(1) The initial pleading for an application for a permit required by the District shall be the public notice of application. All other initial pleadings shall

either be a notice of revocation of permit or a complaint initiated pursuant to Rule 16K-1.09 or Section 373.119, Florida Statutes.

(2) All pleadings shall be typewritten on white legal size paper and the lines shall be double spaced.

(3) All pleadings shall show the correct name and post office address of each party by and for whom the particular pleading is filed, and the name and post office address of the attorney, if any. Pleadings shall also contain a full and clear statement of facts that the party or parties are prepared to prove by competent evidence at a hearing, the proof of which will warrant the relief sought and a statement of the specific relief sought, and the legal basis for such relief.

(4) Any notice, motion, pleading or other document or paper shall be filed with the Board or hearing officer and served on the respective parties in the same manner as prescribed by the Florida Rules of Civil Procedure. When service is made by United States Mail, service of filing shall be deemed complete when a true copy of such paper or document properly addressed and stamped is deposited in the United States Mail and the postmark date shall be the date of service of filing.

(5) Whenever any party has the right or is required to file a responsive pleading and the time for filing the same is not specifically fixed by a particular law or District rule, such responsive pleading shall be filed with the chairman of the Board or hearing officer and served on all parties within fifteen (15) days after service of the notice or pleading to which the response is being made. Other pleadings and motions may be made at any time with leave of the chairman of the Board or the hearing officer.

Specific Authority 120.53(1)(b) FS. Law Implemented 120.53(1)(b) FS. History--New 12-20-74, Amended 11-18-75.

16K-1.113 Witness Fees.

Specific Authority 373.113 FS. Law Implemented 373.126(3) FS. History--New 12-20-74, Repealed 11-18-75.

16K-1.12 Request for Hearing. Where any action has been taken by the Board without a hearing, the affected person shall have the right to request a hearing; provided that such request must be made within fourteen (14) days after notice of the action taken by the Board.

Specific Authority 120.53, 373.113 FS. Law Implemented 120.53, 120.57, 120.60 FS. History--New 3-2-74, Amended 12-20-74.

16K-1.13 Petitions for Declaratory Statements.

(1) Any person may petition the Board for a declaratory statement as to the applicability to the petitioner of any District rule or order or statutory provision enforced by the District.

(2) Within ten (10) days after receipt, the petition will be placed on the agenda of the next Board meeting for which an agenda has not been finalized.

(3) The Board shall issue an order following consideration of the petition and oral testimony at the Board meeting. The order shall only be applicable to the petitioner.

Specific Authority 120.56(5) FS. Law Implemented 120.56(5) FS. History—New 12-20-74, Amended 11-18-75.

16K-1.14 Administrative Determination of Validity of Regulation.

Specific Authority 120.53 FS. Law Implemented 120.56(2) FS. History—New 12-20-74, Repealed 11-18-75.

16K-1.15 Procedure for Adoption of Rules.

(1) Rules shall be adopted in accordance with the procedure in Section 120.54, Florida Statutes.

(2) Hearings on proposed rules shall be presided over by a member of the Governing Board. The District will present evidence to indicate the purpose of the proposed rules at the hearing. Members of the public will be given the opportunity to present written or oral comments on the proposed rules. The District may also accept written statements by a specified date after the hearing.

(3) A copy of any and all rules (as defined by Section 120.52(13), Florida Statutes,) adopted by the District, may be obtained at no cost by making a written request to the Regulation Division of the District.

Specific Authority 120.53(1), 373.113 FS. Law Implemented 120.53(1), 120.54 FS. History—New 12-20-74, Amended 11-18-75.

16K-1.16 Description of Organization.

(1) The District was created by Chapter 25270, Laws of Florida, 1949 as a public corporation. The District operates under and is governed by Chapter 373, Florida Statutes, and Chapters 25214 and 25270, Laws of Florida, 1949, as amended by Chapters 55-30542, 55-31139, 59-534, 59-538, 59-1004, 61-1576, 65-906, 65-1100, 67-698, Laws of Florida. The District is governed by a nine member Board appointed by the Governor. The Board employs an Executive Director to administer the District, organize its staff with Board approval, and employ the necessary staff.

(2) The District staff is composed of the Executive Office and four (4) Departments: (1) Resource Planning—which is concerned with all matters dealing with natural resource use and planning; (2) Field Services—which is concerned with maintenance and operation of all district facilities; (3) Administration—which is the support function for the

other departments; (4) Resource Management—which is concerned with construction of facilities in the District.

(3) The District has been delegated authority by the Department of Natural Resources to perform certain of the responsibilities of the Florida Water Resources Act (Chapter 373, Florida Statutes). That delegation is general to the District and can be found in the minutes of the meetings of the Department of Natural Resources of April 4, 1973 and August 20, 1974.

(4) The public may obtain information from the District or make submissions or requests by writing to the Executive Director, Central and Southern Florida Flood Control District, Post Office Box "V", West Palm Beach, Florida 33402. The District offices are located at 3301 Gun Club Road, West Palm Beach and the office hours are 8:00 A.M. to 5:00 P.M., Monday through Friday.

(5) Employment application forms can be obtained from the Department of Administration at the offices of the District.

(6) Information concerning franchises, permits, licenses or privileges can be obtained from the

Regulation Division of the District.

(7) Records of the District are public information and may be inspected upon 48 hour notice at the offices of the District. If copies of any part of the records are requested, the District shall provide them for fifteen cents (15¢) for each page.

(8) The District shall maintain mailing lists for distribution of agendas of Board meetings and notices of proposed rules. Requests to be on the mailing lists should be made in writing as provided in subsection (4).

Specific Authority 120.53(1)(a) FS. Law Implemented 120.53(1)(a) FS. History—New 12-20-74.

16K-1.17 Agenda and Scheduling of Meetings and Workshops.

(1) Except in cases of emergencies, the District shall give at least ten (10) days notice of any meeting by mailing notice thereof to the newspapers of general circulation in the District; said notice shall state the date, time and place of the meeting and advise where a copy of the agenda of the official meeting may be obtained.

(2) At least seven (7) days prior to an official

meeting, the District shall prepare and make available an agenda for distribution to any interested person and persons who have requested to be on the mailing list for distribution of agendas.

(3) The agenda shall list the items in the order they are to be considered. For good cause stated in the record, items on the agenda may be considered out of their stated order with the approval of the presiding officer.

(4) The agenda shall be specific as to items to

be considered. All matters involving the exercise of District discretion and policy-making shall be listed on the agenda. Agenda items such as "old business," "new business," or "other business" or "other matters which may come before the District" or similar terms shall be used for consideration of solely ministerial or internal-administrative matters which do not affect the interests of the public generally. The District may utilize the following form in preparing its agenda:

CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT
FINAL AGENDA
GOVERNING BOARD MEETING — Open to the Public

DATE

TIME

PLACE

Invocation
Pledge of Allegiance to the Flag to the United States of America

Executive Office

(1) Specific items

(2) Personnel matters

Department of Administration

Specific items

Department of Resource Management

Specific items

Department of Field Services

Specific items

Department of Resource Planning

Specific items

Office of Counsel

Specific items

(5) Specific additions may be made to the agenda by the District after it has been made available for distribution only for good cause as determined for the record by the officer of the District presiding at the meeting.

(6) The agenda shall provide that the meeting shall be open to the public and subject to the Sunshine law, unless specifically provided otherwise by law.

(7) The District may hold an emergency meeting for the purpose of acting upon internal-administrative and ministerial matters, and matters of immediate concern to the public health, safety and welfare. Whenever an emergency meeting is scheduled to be held, the District shall notify, as soon as possible, at least four major newspapers of general circulation in the area where the meeting will take place and also all major wire services of the time, date, place and purpose of the meeting.

(8) Workshop Meetings:

(a) The District shall hold such workshop meetings as it deems necessary, however, no official action shall be taken at the meetings.

(b) Except in case of emergencies, the District shall give at least nine (9) days notice of all workshop meetings by mailing notice thereof to the

newspapers of general circulation in the District; said notice shall state the date, time and place of the meeting, advise that the meeting is open to the public, and that an agenda will be available seven (7) days prior to the meeting.

(c) Workshop agendas will be prepared by the District seven (7) days in advance of the meeting. Specific additions can be made to the agenda for good cause as determined by the officer of the District presiding.

(9) Any request to place an item on an agenda at a meeting of the Board or a workshop meeting must be received by the District, in writing, not less than eight (8) days prior to the meeting, except as provided for in subsection (5).

Specific Authority 120.53(1)(d) FS. Law Implemented 120.53(1)(d) FS. History—New 12-20-74.

16K-1.18 Procedures under Consultants' Competitive Negotiations Act. In order to comply fully with the requirements of Section 287.055, Florida Statutes, ("Consultants' Competitive Negotiation Act") the following procedures in addition to those in Section 287.055, Florida Statutes, shall be followed in selecting firms to provide professional services and in negotiating contracts.

(1) Qualifying procedures: Firms desiring to provide professional services to the District must be certified by the District. Application for certification can be accomplished by the applicant filing Form No. 400(Rev) (Figure 1-1) with the District, which form will be furnished upon request. Incomplete forms will be returned to the applicant for completion before certification can be considered. Annual updates of Form No. 400 (Rev) (Figure 1-1) are required by the District for those firms desiring to maintain certification status with the District. All updates in any event shall have been furnished to the District not more than sixty (60) days prior to the date of the public announcement to which the firm intends to respond.

(2) competitive selection:

(a) For each District project requiring professional architectural, engineering or land surveying services the District will evaluate the current statements of qualifications and performance data on file with the District, together with such other qualification and performance data as may be submitted by other firms desiring to qualify for possible selection for competitive negotiation for the proposed project. The District may require public presentation by no less than three (3) firms regarding their qualifications, approach to the project and ability to furnish the required service.

(b) The District shall, following the review and/or the public presentation, select and list not less than three (3) firms, in order of preference determined by the District, which firms shall be deemed to be the most highly qualified to perform the required professional services, after considering

1. the ability of the professional personnel,
2. past performance,
3. willingness to meet time and budget requirements,
4. location of the firm in relation to the project,
5. recent, current and projected work loads of the firm, and
6. the volume of work previously awarded to the firms by the District, with the object of effecting an equitable distribution of contracts among qualified firms. The distribution shall not violate the principal of selection of the most highly qualified firm.

(c) The selection made will be presented, in writing, to the Executive Director who shall recommend to the Board that competitive negotiations be instituted with the selected firms in order of preference as listed.

(3) Competitive negotiations:

(a) After the Board has authorized the beginning of competitive negotiation, the Executive Director, or his designee, will begin such negotiation with the firm listed as most qualified and preferential to furnish and perform the requisite professional services for the project involved, in an attempt to arrive at an agreed compensation which is deemed to be fair, competitive and reasonable. A detailed analysis of the cost of the requisite professional services, considering the scope and complexity thereof, shall be done in making such a determination.

(b) In negotiating a lump sum or cost-plus-a-fixed-fee professional service contract for more than the sum of \$50,000.00, the firm receiving the award shall be required to execute a truth-in-negotiation certificate stating that "wage rates and other factual unit costs supporting the compensation are accurate, complete and current at the time of contracting". In addition, any

professional service contract under which such a certificate is required shall contain a provision that "the original contract price and any additions thereto shall be adjusted to exclude any significant sums by which the District determines the contract price was increased due to inaccurate, incomplete, or non-current wage rates and other factual unit costs".

Any contract adjustment must be made within one (1) year following the termination of the contract.

(c) Should the Executive Director, or his designee, fail to negotiate satisfactorily with the firm determined to be the most qualified and preferential at a price deemed by the District to be fair, competitive and reasonable, negotiation with that firm shall be terminated and the Executive Director, or his designee, shall immediately thereafter begin negotiations with the second most qualified and preferential firm.

(d) Should the Executive Director, or his designee, fail to reach a satisfactory agreement with the second most qualified and preferential firm those negotiations shall be terminated by the Executive Director, or his designee, and negotiations with the third most qualified and preferential firm shall be undertaken.

(e) Should the Executive Director, or his designee, be unable to negotiate a satisfactory agreement with any of the selected firms, additional firms shall be selected by the District, in order of their competence and qualifications. This list of additional firms shall be submitted to the Executive Director, who shall order that negotiations shall continue beginning with the first named firm on the list, all in accordance with Section 287.055(5), Florida Statutes. The negotiations shall continue until an agreement is reached.

Specific Authority 287.055(3) (d) FS. Law Implemented 287.055 FS. History—New 12-20-74.

16K-1.19 through 16K-1.89 Reserved.

16K-1.90 Forms and Instructions. The following forms and instructions have been approved by the Governing Board and are available from the District's main office upon request:

Form No.	Date	Title
627	2-78	Application to the South Florida Water Management District

Specific Authority 373.044, 373.113, 120.53(1)(b) FS. Law Implemented 373.084, 373.108, 373.329, 373.413(2), 120.52(14), 120.53(1)(b) FS. History—New 4-11-78.

(DO NOT WRITE IN THIS BLOCK)

APPLICATION NO. _____

APPLICATION TO THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR:
(check appropriate box(s))

- WATER USE (see Section B)
- SURFACE WATER MANAGEMENT (drainage) (see Section C)
- UTILIZATION OF WORKS AND LANDS OF THE DISTRICT (see Section D)
- OTHER: SPECIFY _____ (see Section E)

INSTRUCTIONS

1. Complete Section A, below. Answer all questions.
2. Determine the appropriate section covering your request and answer all questions. If a question does not apply to your operation, mark the blank "n/a". **DO NOT LEAVE ANY QUESTIONS BLANK.** If the questions asked do not fully explain your operation, submit additional backup data.
3. **SIGN AND DATE THE APPLICATION** and forward it with the appropriate applications fee to the above address.

SECTION A

(NAME OF APPLICANT OR USER) (P. O. BOX OR STREET ADDRESS)

(CITY) (COUNTY) (STATE) (ZIP CODE) (PHONE)

NOTE! IF THE OWNER IS OTHER THAN THE APPLICANT, THE NAME, ADDRESS AND PHONE NUMBER OF THE OWNER MUST BE SUBMITTED ALONG WITH A COPY OF THE LEASE OR AGREEMENT BETWEEN THE OWNER AND THE APPLICANT

PROJECT LOCATION:

County _____ Section _____ Township _____ Range _____

Land Use: _____
(AGRICULTURAL, RESIDENTIAL, INDUSTRIAL, ETC.)

Zoning: _____

Facilities Are: _____ Existing, _____ Proposed, _____ To Be Modified

In compliance with provisions of Ch. 373, Florida Statutes, and applicable rules of the South Florida Water Management District, application is hereby made for a permit as identified above, and in accordance with support data and incidental information filed with this application and made a part hereof. I hereby certify that all information contained herein or made a part hereof is true and correct to the best of my knowledge.

NOTE: Many projects will also require approvals from Federal and State regulatory agencies; e.g. The Florida Department of Environmental Regulation (DER). The SFWMD informs agencies as applicable, of your project but the responsibility for making application for their approval rests with the applicant. The DER and the Corps of engineers have a joint application procedure that can be initiated through DER offices.

Applicant's Name (type or print)

Applicant's Signature Date

OTHER THAN APPLICANT OR OWNER: I hereby certify that I am an authorized agent of the applicant or owner.

Signature Date

SECTION B (WATER USE)

1. TYPE OF USE:

- PUBLIC WATER SUPPLY*
- AGRICULTURAL IRRIGATION+
- RECREATIONAL IRRIGATION+(golf course, park, etc.)
- INDUSTRIAL WATER SUPPLY*
- OTHER: SPECIFY _____

Complete Questions 2-12, Below for Irrigation

2. Total Acres Owned: _____

3. Total Acres Irrigated: _____

4. Crop(s): _____ Acres _____
 _____ Acres _____
 _____ Acres _____

5. Irrigation Method: _____
 (sprinkler, drip, flood, etc.)

6. Total Operating Capacity of Withdrawal Facility(s): _____ GPM

7. Hours Irrigated During Driest Month of Last 5 Years: _____

8. Circle The Months You Irrigate In An Average Year And Estimate the Number of Hours Per Month:

JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC
 _____ Hours

9. If Seasonal Crops Are Grown, In What Month(s) Are They Planted?

Crop(s): _____ Month _____
 _____ Month _____
 _____ Month _____

10. Source(s) of Water: Specify _____

11. Facilities: _____

WELL DATA (ADD ADDITIONAL SHEET, IF NECESSARY)

WELL NO.	DIAMETER (INCHES)	TOTAL DEPTH	CASED DEPTH	VALVE YES/NO	ACTIVE YES/NO	YEAR DRILLED	PUMPED OR FLOWING	CAPACITY

Please furnish any additional available data such as pump tests, drilling logs, etc.

12. Include three copies of a drawing showing the boundaries, facility locations, distance to known land-marks, lengths and sizes of all culverts, etc., and with all wells numbered to correspond to Question 11. (see sample drawing)

*A Comprehensive Engineering Report must be submitted for public water supply or industrial water supply. The applicant or consultant should contact the Technical Review Division of this District for additional information prior to submission of the Application.

+Additional information may be required for proposed irrigation projects.

SECTION D (UTILIZATION OF WORKS AND LANDS OF THE DISTRICT)

1. District Work or Land: _____
(C-15, L-8, Miami Canal, etc.)

2. Subdivision: _____

Lot: _____ Block: _____

3. Type of Proposed Project:

- DRAINAGE CONNECTION
- BULKHEAD/SEAWALL
- BOAT DOCK
- FENCE
- BRIDGE
- UTILITY CROSSING
- BEAUTIFICATION; SPECIFY: _____

(grass only, grass w/shrubs,

reshape berm, etc.)

OTHER, SPECIFY: _____

4. In all cases, three copies of a sketch showing location, District work or land and proposed project must be included (see sample drawing)

SECTION E (OTHER)

If the parts of this application do not fully describe your proposed project or if your request is for a project other than standard, describe the proposal below. (NOTE! Include drawings and location)

SECTION C (SURFACE WATER MANAGEMENT)

FORM 627
Jan 1976

1. TYPE:

- AGRICULTURAL
- RECREATIONAL *
- RESIDENTIAL *
- INDUSTRIAL *
- OTHER, SPECIFY _____

Complete Questions 2 - 9, Below For Agricultural Or Recreational Drainage Systems

2. Total Acres Served: _____

3. Facilities: _____

4. Receiving Body: _____
(Where does the water drain to?)

5. Type of Operation: _____
(citrus grove, pasture, golf course, etc.)

6. Is The Operation Located In An Existing Drainage District?

- NO
- YES; SPECIFY _____

7. Practices Proposed to Reduce Pollutant Loadings? _____

8. Do Any Other Areas Drain Through This Operation?

- NO
- YES; SPECIFY _____

9. Include three copies of drawing showing the boundaries, facility locations, distance to known landmarks, length and size of all culverts, pumps, etc.
(see sample drawing)

* A Comprehensive Engineering Report must be submitted for residential or industrial water management systems. The applicant or consultant should contact the Technical Review Division of this District for additional information prior to submission of the Application. Such a report may also be required for recreational uses which are or could be part of a more complex urban development.

RULES

OF THE

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

CHAPTER 16K-2

PERMITTING OF USES OF WATER

(This Chapter formerly 16CA-2)

- 16K-2.01 Program for regulating the use of water
— general
- 16K-2.011 Implementation
- 16K-2.02 Permits for artificial recharge
- 16K-2.025 Exemptions
- 16K-2.03 Permits Required for use or withdrawal
of water
- 16K-2.031 General permit for water use in
conjunction with oil well drilling in Lee,
Collier and Hendry Counties
- 16K-2.032 General permit for water use
- 16K-2.04 Permit Applications, notice and hearings
- 16K-2.05 Conditions for a Permit
- 16K-2.06 Permits for existing uses
- 16K-2.07 Competing Applications
- 16K-2.08 Duration of Permits
- 16K-2.09 Modification and transfer of Permits
- 16K-2.10 Revocation of Permits
- 16K-2.11 Emergency authorization for use,
withdrawal or diversion of water
- 16K-2.12 Water Shortage Plan
- 16K-2.13 Procedures under the Water Shortage
Plan
- 16K-2.14 Emergency due to water shortage
- 16K-2.15 Procedures under emergency due to
water shortage
- 16K-2.16 Existing Permits

16K-2.01 Program for Regulating the Use of Water — General. The rules in this chapter provide for the implementation of a permit system designed to regulate and control the use of ground and surface water within the District.
Specific Authority 373.113 FS. Law Implemented 373 (part 1) FS. History—New 3-2-74.

16K-2.011 Implementation

(1) The effective dates for the rules in this Chapter are as follows:

(a) for any use or withdrawal of water which exceeds 100,000 gallons per day for any project involving artificial recharge:

1. January 12, 1977 for that portion of the Ridge and Lower Gulf Coast Water Management District annexed to this District by operation of Section 1, Chapter 76-243, Laws of Florida.

2. March 2, 1974 for the remainder of the District;

(b) for any use or withdrawal of water which does not exceed 100,000 gallons per day:

1. January 14, 1979 for the entire District.

(2) The effective dates specified in Subsection (1) define the effective dates of implementation to be utilized in calculating the two year period during which the District will issue an initial permit for the continuation of an existing use pursuant to Section 373.226 Florida Statutes.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.103(4), 373.106(1), 373.216, 373.226 FS. History—New 1-29-79.

16K-2.02 Permits for Artificial Recharge.

(1) No construction may be begun on any project within the District involving artificial recharge or the intentional introduction of water into any underground formation except as permitted in Chapter 377, Florida Statutes, without a permit from the Board.

(2) Applications for permits required by subsection (1) above shall be filed with the District. Such application shall contain the following:

(a) name and address of the applicant;

(b) location of the work;

(c) detailed plans and specifications for the construction of the project as prepared by a Professional Engineer registered in the State of Florida;

(d) such other information as the Board may require.

(3) Should the application be rejected, the applicant may obtain a hearing before the Board by filing a written petition as provided for in Regulation 16K-1.12.

Specific Authority 373.113 FS. Law Implemented 373.106(1) FS. History—New 3-2-74.

16K-2.025 Exemptions. No permit is required under Rule 16K-2.03(1) for the following water uses:

(1) Water used strictly for domestic use by individual users,

(2) Water used strictly for fire fighting purposes, and

(3) Water used strictly for individual home use, including but not limited to home lawn and ornamental irrigation, car washing, and other incidental uses.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.219 FS. History—New 1-29-79.

16K-2.03 Permits Required for Use or Withdrawal of Water.

(1) Unless expressly exempted by law or District rule, a permit from the Board is required for any use or withdrawal of water.

(2) The permit requirement expressed in subsection (1) may be satisfied either by obtaining an individual permit or by qualifying for a general permit which has been adopted by rule.

(3) The Board shall investigate any complaint filed with the Board under the provisions of Rule 16K-1.09, alleging that any person without a permit is making a diversion, withdrawal, impoundment, or other use of water which is not expressly exempted under the provisions of the Act and rules thereunder. Following investigation the Board shall take appropriate action and notify complainant thereof.

Specific Authority 373.113 FS. Law Implemented 373.103(4), 373.219 FS. History—New 3-2-74, Amended 7-20-74, 12-20-74, 1-29-79.

16K-2.031 General Permit for Water Use in Conjunction with Oil Well Drilling in Lee, Collier and Hendry Counties.

(1) All persons using or withdrawing water in conjunction with oil well drilling within Lee, Collier and Hendry Counties, who would otherwise require a permit pursuant to Rule 16K-2.03 for the use or withdrawal of water where:

(a) the maximum daily groundwater pumpage does not exceed 0.7 million gallons for any one oil drilling site,

(b) the maximum total installed capacity does not exceed 1000 gallons per minute for any one oil drilling site, and

(c) The person has received a Department of Natural Resources permit, a Department of Environmental Regulation water quality certificate or waiver, if required, and the approval of the Big Cypress Advisory Committee if required, for the proposed site; are hereby granted a general permit to use or withdraw the water subject to the conditions specified in subsections (2), (3), (4) and (5).

(2) The general permit authorized in subsection (1) shall be subject to the following conditions:

(a) Within fifteen days after each preliminary well has been placed in service, a sample of water shall be taken and submitted to an independent laboratory for chemical analysis of the following parameters:

Chloride, Total Dissolved Solids, Specific Conductance, Total Hardness, Iron and Color which shall be provided to the District within six months after the well has been placed in service.

(b) Permittee shall supply both the District and the Florida Bureau of Geology with drill cuttings from one of the water wells associated with each oil well drilling. The cuttings shall be collected from every 10 feet or every formation change, whichever comes first. District Water Use Permit number and well location information shall accompany the cuttings. Materials to the Florida Bureau of Geology shall be addressed to: Florida Bureau of Geology, 930 West Tennessee, Tallahassee, Florida, 32304. Cuttings shall be distributed to the District and Florida Bureau of Geology within six months of completion of the well.

(c) A driller's log of each well shall be furnished to the District within thirty days of completion of each well. The log shall show casing depth.

(d) Permittee shall furnish the District with the elevation of the top of each of the water well casings if this information is known or determined as part of the survey of the oil well drilling site. Permittee shall provide this information to the district within six months of the well completion.

(e) A specific capacity test as approved by the District shall be run on one water well and the data provided to the District within six months of the well completion.

(f) If the water wells are not abandoned the permittee shall measure the water table elevations in the water wells during the months of May and October and report the results to the District within one month of data collection. If the water wells are abandoned, the water wells shall be abandoned in accordance with Chapter 17-21, Florida

Administrative Code, unless prior arrangements have been made with the District to convert the wells to another use.

(g) Permittee shall comply with all other applicable state and local regulations;

(h) Water wells shall be drilled by a well driller duly licensed by the State of Florida, and all water wells shall be constructed in accordance with Chapter 17-21 Florida Administrative Code.

(i) No water well permitted hereunder shall be located within 300 feet of any other water well not operated by the permittee, unless waived by the District.

(j) For each withdrawal authorized herein, the duration of the general permit shall be from the date of first withdrawal until completion of the oil well drilling activities at the site or the expiration of the Department of Natural Resources permit for that site, whichever occurs last. Extension of time may be granted by the District upon written request.

(3)(a) At least five days prior to the commencement of any use or withdrawal of water authorized in Subsection (1), the Permittee shall file with the District, in writing, a Notice of Intent to Withdraw Pursuant to General Permit. The Notice shall include the following information:

1. The name of the Permittee;
2. The name of the proposed project;
3. The location of the project;
4. A brief description of the project;
5. The name of the water well driller;
6. A brief statement of facts which show why

the proposed use or withdrawal qualifies for a general permit;

7. A statement that all necessary Federal, State, Local and Special District authorizations have been received or will be received prior to initiation of drilling or any activity at the site, where required;

8. The date on which use or withdrawal is expected to commence;

9. Estimated amount of water to be withdrawn from each well;

10. Surface discharges of salt water, if any;

11. Environmental impact of the water withdrawal, if any; and

12. Location of any surface water use other than that of permittee within 300 feet of the proposed water wells.

(b) The Notice required in Subsection (3)(a) is intended to provide the District with information concerning the amount and location of uses or withdrawals being made pursuant to this general permit. Failure to properly file the Notice required in Subsection (3)(a) may result in the District requiring that the use or withdrawal be individually permitted pursuant to Rule 16K-2.03.

(4) Notwithstanding the provisions of this section and pursuant to the provisions of Chapter 120, Florida Statutes, upon a finding that any use or withdrawal permitted under this rule is not a reasonable-beneficial use or interferes with a presently existing legal use of water or is inconsistent with the public interest except as provided herein, the District may require that the use or withdrawal be individually permitted pursuant to Rule 16K-2.03.

(5) All activities identified and authorized in Subsection (1) shall be consistent with the terms

and conditions of this permit. Activities which are inconsistent with the terms and conditions of this permit shall constitute a violation of this permit which may result in its revocation, modification or suspension in whole or part, in accordance with the provisions of Section 373.243, Florida Statutes, and Chapter 120, Florida Statutes.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.103(4), 373.219 FS. History--New 12-12-77.

16K-2.032 General Permit for Water Use.

(1)(a) All persons using or withdrawing water who require a permit pursuant to Rule 16K-2.03 for the use or withdrawal of water where the use does not exceed the applicable threshold established in paragraph (1)(b) are hereby granted a general permit to use or withdraw the water subject to the conditions specified in subsections (2), (3), (4) and (5).

(b) Thresholds -- In determining whether the general permit authorized in paragraph (1)(a) is applicable to a particular water use, the following thresholds shall be applied. Uses or withdrawals in excess of these thresholds require individual permits.

1. 10,000 gallons average per day or 20,000 gallons maximum per day within the following areas:

a. Stuart Peninsula (see figure 2-1)-

BEGINNING at the Southeasterly end of Roosevelt Bridge (U.S. Highway No. 1 Bridge) over the St. Lucie River in Section 5, Township 38 South, Range 41, East, City of Stuart, Martin County, Florida; Thence, Northerly, Easterly, Southeasterly, Southerly and Southwesterly along the Southerly and Southwesterly bank of the St. Lucie River to the Northerly bank of Willoughby Creek; Thence, Northwesterly along said Northerly bank to Indian Street; Thence Southwesterly along Indian Street, Indian Avenue and its Westerly prolongation to the East bank of the South Fork of the St. Lucie River; Thence, Northerly along said Easterly bank to the POINT OF BEGINNING.

b. Sanibel, Captiva and North Captiva Islands (see figure 2-2)

2. 100,000 gallons per day within the remainder of the District.

(2) The general permit authorized in subsection (1) shall be subject to the following conditions:

(a) A driller's log shall be furnished to the District within thirty days of completion of each new water well. The log shall show casing depth. If the water wells are abandoned, they shall be abandoned in accordance with Chapter 17-21, Florida Administrative Code, unless prior arrangements have been made with the District to convert the wells to another use. The permittee shall notify the District within thirty days of the abandonment of any water well.

(b) Permittee shall comply with all other applicable state and local regulations.

(c) Where required by law or rule, water wells shall be drilled by a well driller duly licensed by the State of Florida, and all water wells shall be constructed in accordance with Chapter 17-21 Florida Administrative Code.

(d) Unless otherwise revoked or modified, for each withdrawal authorized herein, the duration of the general permit shall be twenty years, determined as follows:

1. for uses in existence on the effective date of this rule, the twenty year period begins on the effective date of this rule.

2. for uses which are not in existence on the effective date of this rule, the twenty year period begins with the date of filing of the Notice of Intent to Withdraw Pursuant to General Permit required in paragraph (3)(a).

(3)(a) At least thirty days prior to commencement of any use or withdrawal of water authorized in Subsection (1) which was not in existence on the effective date of this rule, the Permittee shall file with the District, in writing, a Notice of Intent to Withdraw Pursuant to General Permit. The Notice shall include the following information:

1. the name and address of the Permittee;
2. The date on which use or withdrawal commenced or is expected to commence;
3. the source of the water supply;
4. the estimated amount of water to be withdrawn; and
5. the use to be made of the water;
6. a description of land served by the use or withdrawal;
7. the location of point(s) of withdrawal;
8. the number and size of wells or other withdrawal facilities.

(b) The Notice required in paragraph (3)(a) is intended to provide the District with information concerning the amount and location of uses or withdrawals being made pursuant to this general permit. Failure to properly file the Notice required in paragraph (3)(a) may result in the District requiring that the use or withdrawal by individually permitted pursuant to Rule 16K-2.03.

(4) Notwithstanding the provisions of this section and pursuant to the provisions of Chapter 120, Florida Statutes, upon a finding that any use or withdrawal permitted under this rule is not a reasonable- beneficial use or interferes with a presently existing legal use of water or is inconsistent with the public interest, the District may require that the use or withdrawal be individually permitted pursuant to Rule 16K-2.03.

(5) All activities identified and authorized in Subsection (1) shall be consistent with the terms and conditions of this permit. Activities which are inconsistent with the terms and conditions of this permit shall constitute a violation of this permit which may result in its revocation, modification or suspension in whole or part, in accordance with the provisions of Section 373.243, Florida Statutes, and Chapter 120, Florida Statutes.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.103(4), 373.219, 373.229 FS. History--New 1-29-79.

16K-2.04 Permit Applications, Notice and Hearings.

Specific Authority 373.113 FS. Law Implemented 373.229 FS. History--New 3-2-74, Amended 12-20-74, Repealed 11-18-75.

16K-2.05 Conditions for a Permit.

Specific Authority 373.113 FS. Law Implemented 373.223 FS. History--New 3-2-74, Repealed 11-18-75.

16K-2.06 Permits for Existing Uses.

Specific Authority 373.113 FS. Law Implemented 373.226 FS. History--New 3-2-74, Revised 12-20-74, Repealed 11-18-75.

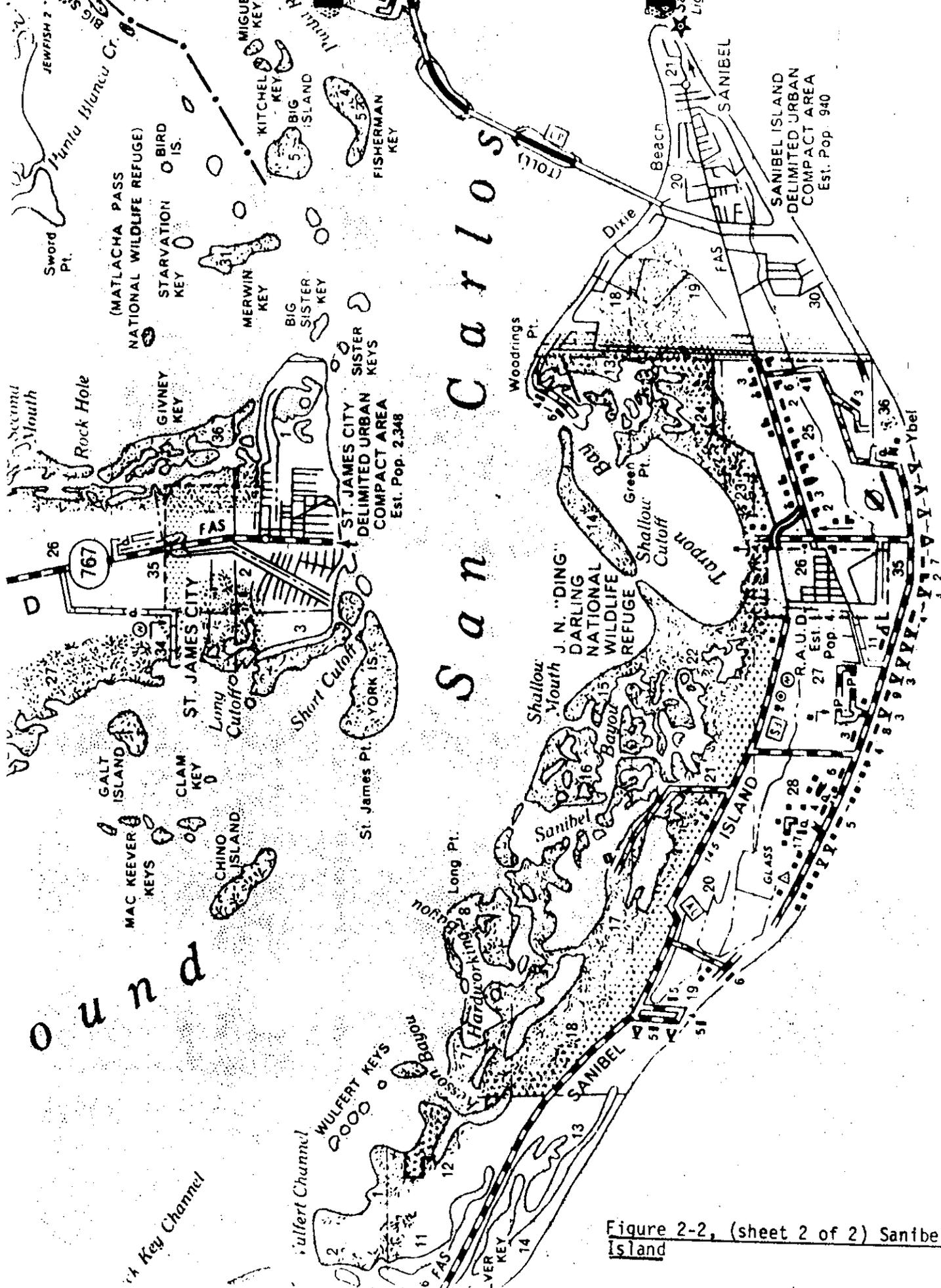


Figure 2-2, (sheet 2 of 2) Sanibel Island

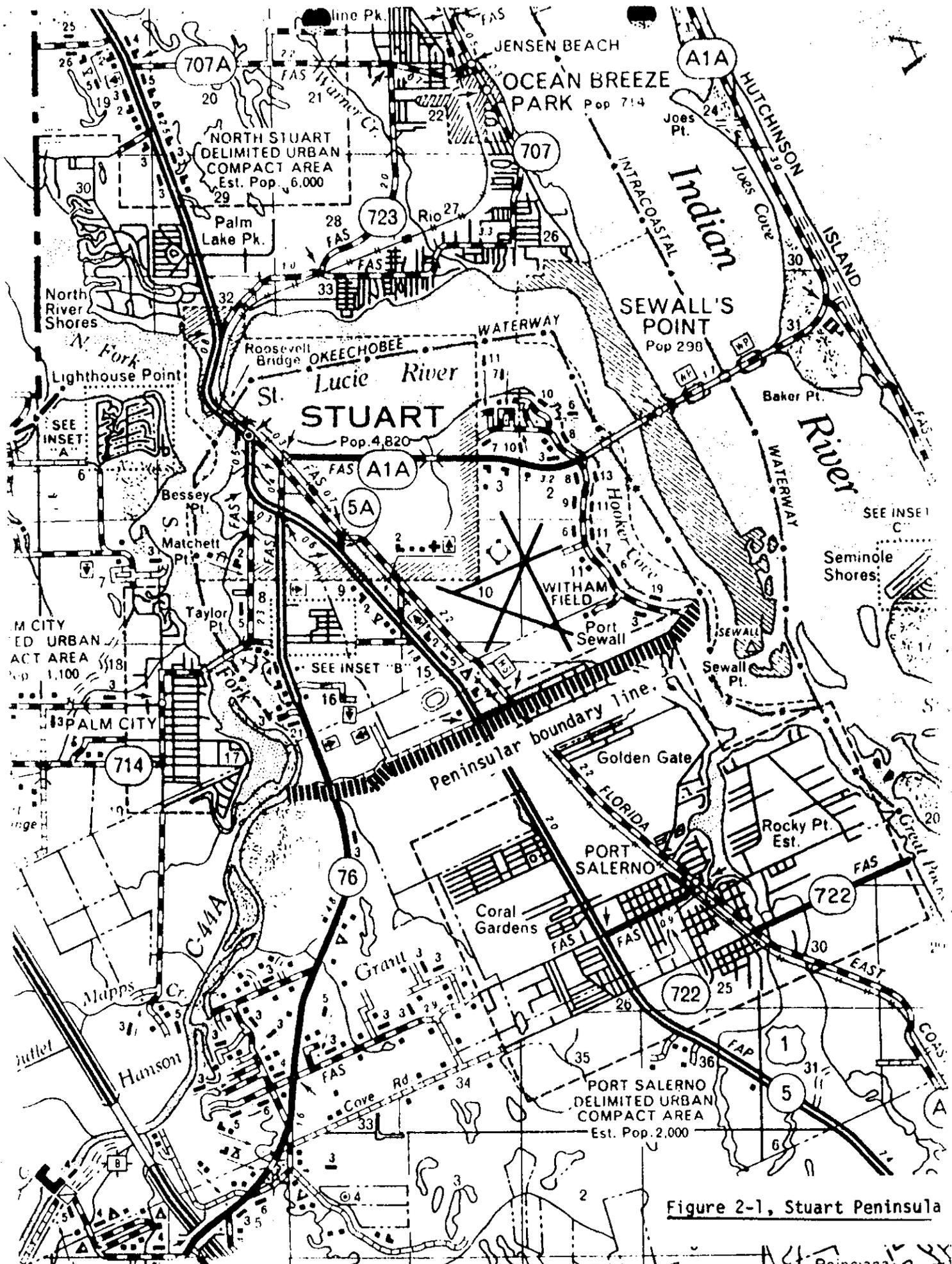


Figure 2-1, Stuart Peninsula

16K-2.07 Competing Applications.

Specific Authority 373.113 FS. Law Implemented 373.233 FS. History—New 3-2-74, Repealed 11-18-75.

16K-2.08 Duration of Permits.

Specific Authority 373.113 FS. Law Implemented 373.236 FS. History—New 3-2-74, Repealed 11-18-75.

16K-2.09 Modification and Transfer of Permits.

(1) A permittee or the Executive Director shall apply to the Board for approval of any modification of an unexpired permitted use.

(2) Upon written request a permit may, at the District's option, be transferred. However, no transfer shall be approved unless the use remains the same. Upon approval, all terms and conditions of the permit shall be binding on the transferee.

Specific Authority 373.113 FS. Law Implemented 373.223, 373.228, 373.239 FS. History—New 3-2-74, Amended 11-18-75.

16K-2.10 Revocation of Permits.

Specific Authority 373.113 FS. Law Implemented 373.248 FS. History—New 3-2-74, Repealed 11-18-75.

16K-2.11 Emergency Authorization for Use, Withdrawal or Diversion of Water.

(1) Permission to begin use, withdrawal, or diversion of water prior to the issuance of a permit may be applied for in writing, when emergency conditions exist which would justify such permission. However, no such permission shall be granted unless the use, withdrawal or diversion is already being considered for a permit under Rule 16K-2.03(1)(a). A serious set of unforeseen or unforeseeable circumstances must exist to create an emergency. Mere carelessness or lack of planning on the part of the applicant shall not be sufficient grounds to warrant the granting of emergency authorization.

(2) The Executive Director may grant emergency authorization at his discretion. The emergency authorization shall be presented to the Board for concurrence at its next meeting. The failure to receive the Board's concurrence shall invalidate the emergency authorization.

Specific Authority 373.113 FS. Law Implemented 120.80(6), 373.113, 373.219 FS. History—New 3-2-74, Amended 5-12-76.

16K-2.12 Water Shortage Plan.

(1) Declaration of water shortage: The Board by order may declare that a water shortage exists within all or part of the District when insufficient water is available to meet the requirements of the permit system, or when conditions are such as to require temporary reduction in total use within the area to protect water resources from serious harm.

(2) Classification of permits: For the purpose of the water shortage plan only, each permit shall be classified according to source and use.

(a) Source: Each permit shall be given one or both of the following classifications:

(i) Ground: Within this classification the Board may further classify permits according to the aquifer or other ground water source from which the water is to be withdrawn.

(ii) Surface: Within this classification the Board may further classify permits according to the

source of surface water from which the water is to be withdrawn, diverted or impounded.

(b) Use: Each permit shall, in addition to a source classification, be given one or more of the following classifications:

(i) Domestic: Domestic use includes use for individual personal needs or for household purposes such as drinking, bathing, heating, cooking, or sanitation.

(ii) Essential service: Essential service use includes use by fire departments, hospitals or other emergency services.

(iii) Public supply: Public supply includes use by large municipal systems and by smaller quasi municipal or privately-owned water systems.

(iv) Livestock: Livestock use includes uses for domestic or commercial livestock.

(v) Agricultural: Agricultural use includes uses for the production of crops or the growing of farm products.

(vi) Industrial: Industrial use includes those many uses wherein the water serves the purposes of manufacturing, commerce, trade or industry.

(vii) Mining: Mining use includes use wherein the water is applied for the extraction, transportation, or processing of minerals.

(viii) Power: Power use includes use for the production of electric power.

(ix) Recreational: Recreational use includes use for water oriented recreating including, but not limited to fishing, boating and swimming.

The Board may establish such additional reasonable use classifications as it deems necessary. The listing of the above classification does not establish any priority ranking between classes.

(3) Provisions and Restrictions: Under an order declaring a water shortage within all or part of the District, the Board may adopt or impose with respect to one, several, or all classifications of permits by either source or use, or by both source and use the following provisions or restrictions:

(a) provisions that recognize the rights of water users in an area to make voluntary agreements among themselves with the concurrence of the Board or the Executive Director providing for the mutual reduction, sharing, or rotation of use;

(b) provisions for the distribution of water to permittees in exchange for ceasing or reducing ground water extraction;

(c) provisions for the metering and reporting of all water used, diverted, impounded, extracted or withdrawn;

(d) provisions designed to maintain minimum flows and minimum levels;

(e) provisions for protection against salt water intrusion or other deterioration of water quality including the closing and plugging of wells;

(f) restrictions on the total amount of water that may be used, diverted, impounded, extracted, or withdrawn during any day, month, or year;

(g) restrictions on the timing of use, diversion, impoundment, extraction, or withdrawal of water;

(h) restrictions on pumping rates or diversion rates; or

(i) such other provisions or restrictions as are necessary to protect the water resources from serious harm.

(4) Exercise of powers: In exercising the powers enumerated in subsection (3) above and in

determining which classes of permits shall be restricted, the Board shall be guided by the standard of public interest. In determining the public interest the Board may consider the following guidelines:

(a) domestic use normally has the highest priority;

(b) users that supply necessities to the population of the District or the State are to be preferred over users not supplying such necessities;

(c) public users are to be preferred over private users of the same type of use and source;

(d) users that would be subject to serious loss of invested capital if supplies were reduced are to be preferred over users not subject to such losses, but only for so long as is reasonably necessary to protect their investment under the circumstances and severity of the water shortage.

The listing of the above guidelines does not establish any priority ranking between classes or users.

Specific Authority 373.113 FS. Law Implemented 373.036, 373.106(2)(c), 373.113, 373.246, 373.042 FS. History—New 3-2-74.

16K-2.13 Procedures Under the Water Shortage Plan.

(1) **Publication of notice:** When a water shortage is declared, the Board shall cause notice thereof to be published as required by law.

(2) **Notice to permittees:** The Board shall notify each affected permittee in the District by certified mail of any change in the condition of his permit, any suspension of his permit, or any other restriction on his use of water for the duration of the water shortage.

(3) **Review of orders:** Orders declaring a water shortage shall become final and be reviewable in the same way as orders under Rule 16K-1.11.

(4) **Rescinding of declaration, provisions, and restrictions:** A declaration of water shortage and any provision or restrictions adopted pursuant thereto under the water shortage plan may be rescinded by order of the Board.

Specific Authority 373.113 FS. Law Implemented 373.146, 373.246 FS. History—New 3-2-74, Amended 5-12-76.

16K-2.14 Emergency Due to Water Shortage.

(1) **Declaration of emergency due to water shortage:** If an emergency exists due to water shortage within any area of the District, and if the Executive Director with the concurrence of the Board, finds that the exercise of the powers under the water shortage plan is not sufficient to protect the public health, safety, or welfare, or the health of animals, fish or aquatic life, or a public water supply, or recreational, commercial, industrial, agricultural, or other reasonable uses, he may, pursuant to the provisions of Section 373.119, Florida Statutes, issue orders reciting the existence of such an emergency.

(2) **Exercise of powers:** Under an order declaring an emergency due to water shortage, the Executive Director, may, pursuant to Section 373.119, Florida Statutes, impose the provisions or restrictions enumerated in Rule 16K-2.12(3)

with respect to one or more users. In exercising the powers enumerated in Rule 16K-2.12(3) and in determining which users shall be restricted the Executive Director shall be guided by the standard of public interest. In determining the public interest the Executive Director may consider the following guidelines:

(a) domestic use normally has the highest priority;

(b) users that supply necessities to the population of the District or the state are to be preferred over users not supplying such necessities;

(c) public users are to be preferred over private users of the same type use and source;

(d) users that would be subject to serious loss of capital if supplies were reduced are to be preferred over users not subject to such losses, but only for so long as is reasonably necessary to protect their investment under the circumstances and severity of the emergency due to water shortage.

The listing of the above guidelines does not establish any priority ranking between users.

(3) **Compliance and challenge to orders:** An affected party to whom an emergency order is directed under subsection (1) above shall comply immediately, but may challenge such order in accordance with the provisions of Section 373.119, Florida Statutes.

Specific Authority 373.113 FS. Law Implemented 373.113, 373.246 FS. History—New 3-2-74, Amended 11-18-75.

16K-2.15 Procedures Under Emergency Due to Water Shortage.

(1) **Publication of notice:** Publication of notice of an emergency due to water shortage shall be in accordance with Rule 16K-2.13(1).

(2) **Notice to permittees:** The Executive Director shall notify each affected permittee by certified mail of any change in the condition of his permit, any suspension of his permit, or any other restriction on his use for the duration of the emergency due to water shortage. The Executive Director may give notice by any other means reasonable under the circumstances if such notice is confirmed by certified mail.

(3) **Rescinding orders and restrictions:** A declaration of an emergency due to water shortage and any measures adopted pursuant thereto may be rescinded by order of the Executive Director with the concurrence of the Board.

Specific Authority 373.113 FS. Law Implemented 373.113, 373.246 FS. History—New 3-2-74, Amended 5-12-76.

16K-2.16 Existing Permits. Any user holding a permit agreement for the use of water, executed or issued by the District prior to July 1, 1973, shall request the District, in writing, to convert such permit to a permit under this chapter. Failure to request such a conversion within two (2) years from the effective date of the implementation of these rules shall be grounds for cancellation of the existing permit.

Specific Authority 373.113 FS. Law Implemented 373.224 FS. History—New 3-2-74.

RULES
OF THE
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

CHAPTER 16K-4

MANAGEMENT AND STORAGE OF SURFACE WATERS

- 16K-4.01 General
- 16K-4.02 Exemptions
- 16K-4.021 General permit for construction, alteration or operation of works
- 16K-4.022 General permit for construction, alteration or operation of works in conjunction with public highway projects
- 16K-4.03 Permits for Construction or Alteration
- 16K-4.035 Basis of Review of Applications for Construction of Works
- 16K-4.04 Notice and Hearing Requirements
- 16K-4.05 Completion Report
- 16K-4.06 Inspection
- 16K-4.07 Permits for Operation
- 16K-4.08 Headgates, Valves and Measuring Devices
- 16K-4.09 Abandonment
- 16K-4.10 Revocation and Modification of Permits
- 16K-4.11 Abatement
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- 16K-4.17 Reserved
- 16K-4.18 Reserved
- 16K-4.19 Reserved
- 16K-4.19 Reserved
- 16K-4.20 Reserved
- 16K-4.21 Reserved
- 16K-4.22 Reserved
- 16K-4.23 Reserved
- 16K-4.24 Reserved
- 16K-4.25 Reserved
- 16K-4.26 Reserved
- 16K-4.27 Reserved
- 16K-4.28 Reserved
- 16K-4.29 Reserved
- 16K-4.30 Conditions for Issuance of a Permit
- 16K-4.31 Reserved
- 16K-4.32 Reserved
- 16K-4.33 Reserved
- 16K-4.35 Reserved
- 16K-4.36 Reserved
- 16K-4.37 Reserved
- 16K-4.38 Limiting Conditions

16K-4.01 General. This chapter deals with the management and storage of surface waters in the District and the works necessary to these ends. Unless expressly exempted by law or District rule, permits are required to construct, alter, operate, or abandon any dam, impoundment, reservoir, appurtenant work or works in the District. Headgates, valves, and measuring devices may be required to be installed by the owner. The District has the duty to make periodic

inspections of surface water works and the power to enter on land for the purpose of making such inspections. Provision is made for the correction of unsafe dams or other works and the District has the authority to make repairs if the owner fails to do so within a reasonable time.

Specific Authority 873.113 FS. Law Implemented 373 (part IV) FS. History—New 3-2-74, Amended 11-18-75.

16K-4.02 Exemptions.

Nothing in this chapter shall be construed to apply to the construction, alteration, operation, or abandonment of works which do not connect to project works and which are subject to regulation through a permitting process of another state agency which has affirmatively taken action by granting a permit for such activity and which:

(1) drain to or involve physical connection (by means of channels, ditches, culverts or similar facilities) with the Atlantic Ocean; or

(2) are in other coastal zones and are to be located within 500 feet of the mean high water line, unless said works;

(a) are proposed to serve a gross land area in excess of 100 acres; or

(b) involve excavation to a depth greater than six (6) feet below mean sea level.

Specific Authority 373.113 FS. Law Implemented 373.406 FS. History—New 3-2-74, Amended 7-20-74, 11-18-75.

16K-4.021 General Permit for Construction, Alteration or Operation of Works.

(1) District-wide General Permit. This subsection provides thresholds for a general permit for all qualifying projects within District boundaries. Subsection (2) provides higher thresholds for qualifying projects within specified boundaries.

(a) All persons constructing, altering or operating works as defined in subsection 373.403(5), Florida Statutes which would otherwise require a permit pursuant to Rule 16K-4.03 or Rule 16K-4.07 for said construction, alteration or operation and whose works serve projects that:

1. have less than ten acres total land area,
2. have less than two acres of impervious area,

3. require a discharge facility no greater than the equivalent of one 24-inch pipe gravity discharge,

4. are located wholly on lands which may be classified as uplands as defined in Chapter 17-4, Florida Administrative Code,

5. are located within a local jurisdiction which has adopted subdivision regulations, and

6. are not located in areas governed by District basin rules which specifically provide that General Permit rules are not applicable;

are hereby granted a general permit to construct, alter, or operate said works. For projects which are to be developed in phases the term "total land area" shall be construed to mean total contiguous land holdings.

(b) The general permit authorized in paragraph (1)(a) shall be subject to the following conditions:

1. The permittee shall include in the design of the works, techniques for storm water runoff quality control. Said techniques may include but are not limited to those specified in the District's "Basis of Review of Construction of Surface Water Management Systems Serving Projects with Two or More Acres of Impervious Area within the South Florida Water Management District - May, 1977" which has been adopted by the Governing Board. To determine the effects of the works on the water resources of the District, submission of water quality data for the water discharged from the permittee's property may be required. Parameters of interest include, but are not necessarily limited to: nitrates as N, nitrites as N, ammonia as N, total kjeldahl nitrogen as N, ortho-phosphorus as P, total phosphorus as P, total suspended solids, 5 day 20° C. BOD, turbidity, conductivity, dissolved oxygen, and pH.

2. The permittee shall prosecute the work authorized by this rule in a manner so as to minimize any degradation of water quality and shall institute necessary measures during the construction period, including full compaction of any fill material placed around newly installed structures, to reduce erosion, turbidity, nutrient loading and sedimentation in the receiving waters, and to minimize any adverse impact of the works on fish, wildlife and natural environmental values.

3. The permittee shall design the works to comply with all applicable local subdivision regulations and other local requirements. In addition the permittee shall obtain all necessary Federal, State, local and special district authorizations prior to the start of any construction or alteration of works authorized in paragraph (1)(a). The permittee must obtain a Right-of-Way Occupancy Permit from the District for any works which propose to connect with, place structures in or across or otherwise make use of works or lands of the District prior to the start of any construction or alteration of works authorized in paragraph (1)(a).

4. The permittee shall permit the authorized representative(s) of the District to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed in this rule.

5. This permit does not convey to the permittee any property rights nor any rights or privileges other than those specified in this rule, nor relieve the permittee from complying with any law, regulation or requirement affecting the right of other bodies or agencies.

6. The work authorized by this rule shall be done in accord with plans and specifications approved by a Florida registered Professional Engineer, subject to the exemptions specified in Chapter 471, Florida Statutes. If so approved, upon completion of construction or alteration, the Professional Engineer shall certify to the District that the work conforms with the plans and

specifications.

(c)1. At least 30 days prior to the commencement of any construction or alteration of works authorized in paragraph (1)(a), the permittee shall file with the District, in writing, a Notice of Intent to Construct works pursuant to General Permit. The notice shall include the following information:

- a. the name of the permittee,
- b. the name of the proposed project,
- c. the location of the project,
- d. a brief description of the works to be constructed or altered,
- e. a brief statement of facts which show why the proposed works qualify for a general permit,
- f. a statement that all necessary Federal, State, local and special district authorizations have been received and that the project is acceptable to the elected officials of the pertinent local jurisdiction as being in the public interest with respect to environmental and economic impacts, and
- g. the date on which construction or alteration is expected to commence.

2. The notice required in subparagraph (1)(c)1. is intended to provide the District with information concerning the types of projects which are being constructed or altered pursuant to this general permit. Failure to properly file the notice required in subparagraph (1)(c)1. may result in the District requiring that said works be individually permitted pursuant to Rule 16K-4.03.

(d) Notwithstanding the provisions of this section and pursuant to the provisions of Chapter 120 Florida Statutes, upon a finding that any works permitted under this rule are shown to be harmful to the water resources of the District or may interfere with the legal rights of others or may be inconsistent with the overall objectives of the District, or may otherwise be contrary to the public interest, the District may require that said works be individually permitted pursuant to Rule 16K-4.03 or Rule 16K-4.07.

(e) All activities identified and authorized in paragraph (1)(a) shall be consistent with the terms and conditions of this permit. Activities which are inconsistent with the terms and conditions of this permit shall constitute a violation of this permit which may result in the revocation, modification or suspension of this permit in whole or part, in accordance with the provisions of Section 373.429, Florida Statutes and Chapter 120, Florida Statutes.

(2) Thresholds for Specified Counties — Within the below listed boundaries the following thresholds and conditions shall apply.

(a) Dade County

1. All persons constructing, altering or operating works as defined in subsection 373.403(5), Florida Statutes, in Dade County, which would otherwise require a permit pursuant to Rule 16K-4.03, or Rule 16K-4.07, for said construction, alteration or operation and whose works serve projects that:

- a. are not located in environmentally sensitive areas as defined in Rule 16K-4.035 and,
- b. are not located in areas governed by District basin rules which specifically provide that General Permit rules are not applicable and,
- c. (i) have less than forty acres total land area for projects with positive storm drainage discharge outfall, or

(ii) have less than 320 acres total land area and less than 130 acres of impervious area for projects with no positive storm drainage discharge outfall and,

d. have been approved by the Dade County Department of Environmental Resources Management or its successor agency subsequent to the effective date of this rule;

are hereby granted a general permit to construct, alter or operate said works. For projects which are to be developed in phases, the term "total land area" shall be construed to mean total contiguous land holdings.

2. The general permit authorized in subparagraph (2)(a)1. shall be subject to the conditions specified in paragraph (1)(b) and the notice, individual permitting, revocation, modification and suspension provisions specified in paragraphs (1)(c)-(e).

(b) Palm Beach County

1. All persons constructing, altering or operating works as defined in subsection 373.403(5), Florida Statutes, in Palm Beach County, which would otherwise require a permit pursuant to Rule 16K-4.03, or Rule 16K-4.07, for said construction, alteration or operation and whose works serve projects that:

- a. are not located in environmentally sensitive areas as defined in Rule 16K-4.035 and,
- b. are not located in areas governed by District basin rules which specifically provide that General Permit rules are not applicable and,
- c. have less than forty acres total land area and,

d. have been approved by Palm Beach County subsequent to the effective date of this rule; are hereby granted a general permit to construct, alter or operate said works. For projects which are to be developed in phases, the term "total land area" shall be construed to mean total contiguous land holdings.

2. The general permit authorized in subparagraph (2)(b) 1. shall be subject to the conditions specified in paragraph (1)(b) and the notice, individual permitting, revocation, modification and suspension provisions specified in paragraphs (1)(c)-(e).

Specific Authority 373.113 FS. Law Implemented 373.413(1), 373.416, 373.429 FS. History—New 6-16-77, Amended 10-2-77.

16K-4.022 General Permit for Construction, Alteration or Operation of Works in Conjunction with Public Highway Projects.

(1) District-wide general permit — This subsection provides a general permit for all qualifying projects within District boundaries. Subsection (2) provides a broader general permit within specified jurisdictions.

(a) All entities constructing, altering or operating works in conjunction with public highway projects within rights-of-way dedicated to the public for highway purposes (except Water Management District rights-of-way) or funding such construction, alteration or operation, which would otherwise require a permit pursuant to Rule 16K-4.03 or Rule 16K-4.07 for said construction, alteration or operation, except as provided in paragraph (b), are hereby granted a general permit to construct, alter or operate said works subject to the conditions

specified in paragraphs (c), (d) and (e). The term "entity" as used in this rule shall be construed to mean the State of Florida, the U.S. Government, counties, and municipal corporations but shall not be construed to include special districts, however created.

(b) Exceptions — The construction, alteration or operation of the following types of works in conjunction with public highway projects may require individual permits pursuant to Rule 16K-4.03 or Rule 16K-4.07.

1. Projects which use District projects works;
2. Projects involving major freshwater bodies where major freshwater bodies are defined as inland navigable waters of the United States and the freshwater wetlands adjacent or contiguous thereto, the primary tributaries of inland navigable waters and the freshwater wetlands adjacent or contiguous thereto; lakes greater than five acres in size;
3. Projects in environmentally sensitive areas as described in Part II under Operational Conditions in the District's "Basis of Review of Construction of Surface Water Management Systems Serving Projects with Two or More Acres of Impervious Area within the South Florida Water Management District - May, 1977, which has been adopted by the Governing Board and is hereby published by reference.
4. Projects proposed to have borrow pits which require dewatering;
5. Projects proposed to have borrow pits which function as integral parts of drainage systems;
6. Projects which do not require permits from Florida Department of Environmental Regulation.
7. Projects which drain lands outside the entities jurisdictional limits.
8. Projects which lower or have the potential for lowering the dry season groundwater table outside of the project's design drainage area.
9. Projects which block, intercept or divert natural drainage patterns or flows.

(c) The general permit authorized in paragraph (1)(a) shall be subject to the following conditions:

1. The permittee shall include in the design of the works, techniques for storm water runoff quality control. Said techniques may include but are not limited to those specified in the District's "Basis of Review of Construction of Surface Water Management Systems Serving Projects with Two or More Acres of Impervious Area within the South Florida Water Management District - May, 1977" which has been adopted by the Governing Board. To determine the effects of the works on the water resources of the District, submission of water quality data for the water discharged from the permittee's property may be required. Parameters of interest include, but are not necessarily limited to: nitrates as N, nitrites as N, ammonia as N, total phosphorus as P, total suspended solids, 5 day 20°C. BOD, turbidity, conductivity, dissolved oxygen, ph, and oil/grease.

2. The permittee shall prosecute the work authorized by this rule in a manner so as to minimize any degradation of water quality and shall institute necessary measures during the construction period, including full compaction of any fill material placed around newly installed structures, to reduce erosion, turbidity, nutrient loading and sedimentation in the receiving waters, and to

minimize any adverse impact of the works on fish, wildlife and natural environmental values.

3. The permittee shall obtain all necessary Federal, State, local and special district authorizations prior to the start of any construction or alteration of works authorized in paragraph (1)(a).

4. The permittee shall permit the authorized representative(s) of the District to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed in this rule.

5. This permit does not convey to the permittee any property rights nor any rights or privileges other than those specified in this rule nor relieve the permittee from complying with any law, regulation or requirement affecting the right of other bodies or agencies.

6. The work authorized by this rule shall be done in accord with plans and specifications approved by a Florida registered Professional Engineer on behalf of the entity, subject to the exemptions specified in Chapter 471, Florida Statutes. If so approved, upon completion of construction or alteration, a Professional Engineer shall certify to the District that the work conforms with the plans and specifications.

(d)1. At least 30 days prior to the commencement of any construction or alteration of works authorized in paragraph (1)(a), the permittee shall file with the District, in writing, a Notice of Intent to Construct Works Pursuant to General Permit. The notice shall include the following information:

- a. the name of the permittee,
- b. the name of the proposed project,
- c. the location of the project,
- d. a brief description of the works to be constructed or altered,
- e. a brief statement of facts which show why the proposed works qualify for a general permit,
- f. a copy of the drainage plan,
- g. a statement that all necessary Federal, State, local and special district authorizations have been received.
- h. the date on which construction or alteration is expected to commence.

2. The notice required in subparagraph (1)(d)1. is intended to provide the District with information concerning the types of projects which are being constructed or altered pursuant to this general permit. Failure to properly file the notice required in subparagraph (1)(d)1. may result in the District requiring that said works be individually permitted pursuant to Rule 16K-4.03.

(e) Notwithstanding the provisions of this section and pursuant to the provisions of Chapter 120, Florida Statutes, upon a finding that any works permitted under this rule are shown to be harmful to the water resources of the District or may interfere with legal rights of others or may be inconsistent with the overall objectives of the District, or may otherwise be contrary to the public interest, the District may require that said works be individually permitted pursuant to Rule 16K-4.03 or Rule 16K-4.07.

(f) All activities identified and authorized in paragraph (1)(a) shall be consistent with the terms

and conditions of this permit. Activities which are inconsistent with the terms and conditions of this permit shall constitute a violation of this permit which may result in the revocation, modification or suspension of this permit in whole or part, in accordance with the provisions of Section 373.429 Florida Statutes, and Chapter 120, Florida Statutes.

(2) General permits for specified counties — The general permit authorized in subsection (1) shall be applicable within all counties within District boundaries.

Specific Authority 373.113 FS. Law Implemented 373.413(1), 373.416, 373.429 FS. History—New 9-7-77.

16K-4.03 Permits for Construction or Alteration.

(1) Unless expressly exempted by law or District rule;

(a) no person shall, without a permit from the Board, construct or alter any dam, impoundment, reservoir or appurtenant works thereof where such impoundment is located on a surface watercourse or relies on a surface watercourse for its supply or such impoundment is greater than 320 acres in area.

(b) no person shall construct or alter any works within the District without having obtained a permit from the Board.

(2) A person proposing to perform any act for which a permit is required under subsection (1) above shall file an application with the District in accordance with the procedure provided for in Rule 16K-1.08. The application shall include such drawings and engineering details needed to sufficiently define the nature, scope, intent and functioning of the work proposed by the applicant. When required by the District, detailed construction plans and specifications prepared by a professional engineer registered in the State of Florida, be submitted.

Specific Authority 373.113 FS. Law Implemented 373.413 FS. History—New 3-2-74, Amended 7-20-74, 11-18-76, 5-12-76.

16K-4.035 Basis of Review of Applications for Construction of Works.

(1) General and specific criteria and procedures governing construction of works, as defined in Section 373.403(5), Florida Statutes, which will serve projects with two or more acres of impervious area are specified in the District's "Basis of Review of Construction of Surface Water Management Systems Serving Projects with Two or More Acres of Impervious Area within the South Florida Water Management District-December, 1977." This document has been adopted by the Governing Board of the District and is available from the District's main office upon request.

(2) All applications for permit for construction of works, as defined in Section 373.403(5), Florida Statutes, serving projects with two or more acres of impervious area received pursuant to Rule 16K-4.03, Florida Administrative Code, shall be reviewed in accordance with the provisions of the District's "Basis of Review of Construction of Surface Water Management Systems Serving Projects with Two or More Acres of Impervious Area within the South Florida Water Management District-December, 1977." which is hereby published by reference.

Specific Authority 373.113 FS. Law Implemented 373.413 FS. History—New 6-15-77, Amended 1-16-78.



South Florida

Water Management District

BASIS OF REVIEW OF CONSTRUCTION
OF SURFACE WATER MANAGEMENT SYSTEMS SERVING PROJECTS
WITH TWO OR MORE ACRES OF IMPERVIOUS AREA WITHIN THE
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

DECEMBER, 1977

ADOPTED BY THE GOVERNING BOARD OF THE
SOUTH FLORIDA WATER MANAGEMENT DISTRICT ON DECEMBER 15, 1977

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OBJECTIVES

Under Part IV of Chapter 373, Florida Statutes, and Rule Chapter 16K-4, the District is responsible for the permitting of construction of surface water management systems within its jurisdictional boundaries. The intent of this document is to set forth in clear and understandable terms, the criteria and requirements that will be applied in reviewing applications for certain specific types of surface water management systems. An effort has been made to eliminate needless duplication and to take into account applicable local criteria to avoid unnecessary conflicts of jurisdiction.

The following information is presented as the basis of review for the construction of surface water management systems which serve projects with two or more acres of impervious area and for which either no more restrictive local criteria apply or for which no acceptable additional or conflicting information is available. For the purposes of this document, the term "impervious" means not allowing or allowing only with great difficulty, the vertical movement of water. If applicable local criteria are more restrictive than the District's criteria indicated herein, the local criteria shall be applied in the District's review. Should the Applicant desire that his design be reviewed on a basis differing from that described herein, such desire shall be discussed with the technical staff prior to submission of the Application. The staff shall respond to such requests in writing within a reasonable time and may make recommendations to the Governing Board that it accept or reject the proposed alternate basis of review for a particular project when the application is presented to the Governing Board.

The basic objectives of the District are to insure that the Applicant's system will not be harmful to the water resources of the District and is consistent with the public interest. This means that the system should function consistently with the environment and fulfill its intended purpose. Means of satisfying these ends include maintenance of satisfactory water quality, flood and drainage protection, and water conservation.

Because prevention of, rather than solutions to, problems is more feasibly and realistically handled, the District considers new projects primarily from the point of view of problem prevention. Contingencies in the state-of-the-art require that a mechanism exist for problem solution when prevention is not always possible. Thus, the District assumes that there will always be a Permittee who will be legally responsible for the system. Where the responsibility is not totally clear, a condition of the Permit may be the requirement for the establishment of a legally responsible entity. The District objective is therefore projected into the future in this manner.

Problem prevention is particularly important since in recent years it has become increasingly obvious that storm water runoff from streets, shopping centers, and residential areas is a major contributor to pollution problems of surface waters in both urbanized and rural areas. Sediment, animal fecal material, fertilizers, organic material, trace metals, petroleum products, and miscellaneous detrital material all contribute loadings of various parameters to such runoff. In addition, rainwater itself has been shown to be somewhat less pure in some instances than was once assumed, particularly in regard to nitrogen concentrations and pH variation. Therefore, provisions for water quality improvement have become an important consideration for surface water management systems coming under the permitting jurisdiction of the District.

Aside from purely technical aspects, legal and institutional factors must also be considered. Because of legal time constraints for processing permits, it is advisable for the Applicant to contact other interested agencies, organizations, and affected citizens prior to submitting a formal application to the District. Summaries of meetings and copies of responses from appropriate parties should be included with the application.

It may be in the applicant's best interest to seek concurrent approvals from all agencies with jurisdiction. Thus, this provision is not intended to preclude the submission of an application to this District prior to receiving other necessary approvals, but, the application should contain at least a status report on other approvals being sought, with an indication that the surface water management portion of the project will be approved by other pertinent jurisdictions.

PLANNING AND DESIGN

I. Design Frequency

- A. Definition - Flood frequency will be assumed to result from rainfall of the same frequency. Areas subject to flooding from rising water as well as storm rainfall will be considered from two points of view.
 1. Design frequency rainfall with wet season high stage or spring tide stage, if applicable.
 2. Mean year rainfall (2.33 year frequency) with design frequency flood stage in receiving waters, either tidal or non-tidal.
- B. Local jurisdiction criteria - internal drainage systems will be reviewed on the basis of their ability to offer protection in accordance with

criteria of the local jurisdiction, as normally published in subdivision regulations.

- C. District criteria - Drainage systems will be reviewed for the ability of the system to function in conjunction with receiving waters of the District, at the respective design frequency of the District facilities.
- D. Flood insurance criteria - Building floor elevations will be reviewed on the basis of 100 year frequency, 5 day duration rainfall protection as computed by the Applicant or derived from accepted flood studies. Due to possible inaccuracies in base data and design assumptions, floor elevations should be set at least at the next highest one-half foot above calculated 100 year storm stages.
- E. Receiving waters without discharge criteria will be reviewed on the basis of peak discharge and total runoff volume after development not exceeding peak discharge and total runoff volume before development, consistent with maintenance of minimum flows if applicable, at the following frequency:
 - 1. Areas less than one square mile - 10 year frequency.
 - 2. Areas equal to or larger than one square mile - 25 year frequency.
- F. Base flows and low flows from the developed site should be maintained equivalent to the historic conditions with a five year frequency drought condition being the most extreme event which must normally be considered. Base flows and low flows will usually cease for some more severe drought condition.

II. Rainfall

A. Frequency - Depth and Intensity

- 1. U.S. Weather Bureau Technical Paper No. 49, "Two-to-Ten-Day Precipitation for Return Periods of 2 to 100 Years in the Contiguous United States" (1964); U.S. Weather Bureau Technical Paper No. 40, "Rainfall Frequency Atlas of the United States for Duration from 30 Minutes to 24 Hours and Return Periods from 1 to 100 Years" (1961); or U.S. Department of Agriculture, Soil Conservation Service, "Rainfall Frequency Atlas of Alabama, Florida, Georgia and South Carolina for Durations From 30 Minutes to 24 Hours and Return Periods from 1 to 100 Years" (1973).

2. U.S. Weather Bureau Technical Paper No. 25, "Rainfall Intensity - Duration - Frequency Curves" (1955).
 3. Florida State Road Department, "Drainage Manual" (Second Edition, 1967).
 4. Actual gage data analyzed by accepted statistical methods.
- B. Duration - For small areas (usually 100 acres or less) where only peak discharge calculations are done the 24-hour duration storm of the design frequency may be sufficient. For larger areas and for areas of such size where stage and volume of runoff is considered a 5 day duration design storm may be necessary.

If the applicant is in doubt as to the duration storm he should use in his calculations for a particular project, he should contact the technical staff of the District prior to submitting an application. The staff will respond to the inquiry in writing within a reasonable time thereafter.

- C. Distribution - The actual distribution of rainfall within a period should be consistent with the design duration.
1. 24-hour duration design storm - A general distribution such as the SCS Type II (see U.S. Department of Agriculture, Soil Conservation Service Technical Paper No. 149, "A Method for Estimating Volume and Rate of Runoff in Small Watersheds"-1973), or a locally derived distribution is to be used. A uniform rainfall rate for 24-hours is not reasonable for the type of analysis seeking peak discharge.
 2. 5-day duration design storm - The arrangement of daily rainfall should be for a most critical response. The maximum one day event should be preceded by at least the second heaviest rainfall day.
 3. If data for rainfall other than the one day depth is not available then a distribution may be used as follows:

Time (hours)	Percentage of One Day Rainfall
0	14.6
24	21.3
48	21.3
58	5.6
59	5.0
59.5	15.0
59.75	18.7
60	7.3
60.5	3.8
61	5.1
62	18.2
72	11.3
96	9.6
120	

} 100% One Day Rainfall

III. Water Quantity Computations

- A. Checklist for Drainage Projects - The attached checklist, (Appendix 1) if complied with, will normally furnish the information required for review. Additionally, it is requested that all engineering plans and calculations bear the seal of a State of Florida registered professional engineer subject to the exemptions specified in Chapter 471, Florida Statutes. Submission of the items indicated by an asterisk in Appendix 1 will normally furnish the information necessary for review of an application for conceptual approval.
- B. Phased Projects - Projects that are to be developed in phases will require the submission of a Master Plan of the Applicant's contiguous land holdings. The primary interest of the District is to insure continuity between phases, satisfactory completeness of individual phases should the project be incomplete as planned and preservation of adjacent property owner's rights. This includes adjacent property owners created by the sale of incompleated phases.

Normally, an application for conceptual approval of the total Master Plan must be submitted first. An application for construction approval of the first phase may also be included as a part of the initial application. As the permittee desires to construct additional phases, these approvals would be included as modifications to the original permit.

Applications for individual project phases where no conceptual approval has been sought may be considered only when the phases are totally independent of, or make sufficient provisions for, adjacent lands.

- C. Antecedent Conditions - For groundwater and surface water stages antecedent to the design event the wet season table and stage should be used. For artificially maintained on-site stages the applicant should demonstrate the feasibility of creating a stage lower than the normal wet season water table. It will normally be necessary for the Applicant to demonstrate that soils or discharge structures possess the ability to draw storage stages down preceding the design event, such that initial storage is available in the system.
- D. Infiltration and Percolation
 - 1. Ground surface - groundsurface infiltration will be reviewed on the basis of commonly accepted values such as those of Soil Conservation Service (see, U.S. Department of Agriculture, Soil Conservation Service Technical Paper No. 149, "A Method for Estimating Volume and Rate of Runoff in Small Watersheds"(1973), and U.S. Department of Agriculture, Soil Conservation Service Technical Release No. 55, "Urban Hydrology for Small Watersheds"-1975); or rational method (see, Florida State Road Department, "Drainage Manual" (2nd Edition, 1967); or standard civil engineering textbooks), unless test data is submitted to justify other values.
 - 2. Subsurface - subsurface percolation will be reviewed only on the basis of representative or actual test data submitted by the individual applicant. The Dade County Public Works Department is suggested as a reference source to Applicants for test procedures and design and maintenance performance of subsurface percolation systems.
- E. Evapotranspiration - Considered only for 5 day (or longer) events. Amounts will be estimated as follows:
 - 1. Groundwater depth 0 to 1' - 0.3" ET/day
 - 2. Groundwater depth 1' to 2.5' - 0.2" ET/day
 - 3. Groundwater depth 2.5' to 4' - 0.1" ET/day
 - 4. Groundwater depth below 4' - 0" ET/day

F. Storage

1. On-site storage - If on-site storage is to be considered in the review, the Applicant should submit stage-storage curves. If on-site storage plus discharge is to be considered, the stage discharge computations should also be submitted. Actual rather than allowable discharges should be used in routing. Often for the more extreme events, such as 100 year frequency, discharge can be ignored because the high tail water stage in the receiving water effectively prevents any but a negligible discharge. In such cases a mass accounting of on-site water will suffice, if adjacent areas can safely be ignored.
2. Ground - The Soil Conservation Service has made the following estimate of soil storage capability for the normal sandy soils found within the District in their average natural state:

<u>Depth to Water Table</u>	<u>Cumulative Water Storage</u>
1'	0.6"
2'	2.5"
3'	6.6"
4'	10.9"

For the same sandy soils which have been compacted intentionally or incidental to earthwork operations the cumulative storage should be reduced 25 percent. For other soil types a storage capacity of 1-inch of water in 6 inches of soil depth above the wet season water table should be used unless soils data indicates otherwise.

Groundwater storage beneath impervious surfaces generally appears impractical to any great degree because of the trapped air which water cannot displace.

3. Side slopes - For purposes of public safety and maintenance, all water bodies utilized as integral parts of the drainage system shall have side slopes no steeper than 7:1 (horizontal:vertical) out to a depth of two feet below the normal dry season groundwater elevation. This criterion may be modified if the applicant or pertinent local jurisdictions can demonstrate that such modification can achieve the desired objectives.
4. Set-back requirements - All water bodies utilized as integral parts of the drainage system will be subject to the following setback requirements from District facilities (except for the actual connections to District canals). Requests for variances from these

requirements shall be submitted to the District when the application is filed. All such requests will be reviewed by the staffs of all relevant departments within the District.

- a. For excavations adjacent to District canals, the top of the excavation shall be a minimum distance of $10d$ feet from the District canal right-of-way line, or $(10d + 50)$ feet from the District canal top of cut, whichever produces the greater set-back (d equals depth of excavation).
- b. For all excavations adjacent to the conservation area levees the set-back from the adjacent right-of-way line of the District levee/borrow canal to the top of the excavation shall be computed as in "a" above, but shall not be less than 500 feet.

Example 1: Canal right-of-way line is 35 feet from top of canal cut; proposed excavation is to elevation - 25.0 feet msl, with average natural ground elevation along adjacent perimeter of rock pit at +5.0 feet msl ($d=30$ feet).

- a. $35 \text{ feet} + (10 \times 30) = 335$ feet from top of cut, or 300 feet from right-of-way line.
- b. $50 \text{ feet} + (10 \times 30) = 350$ feet from top of canal cut, or 315 feet from right-of-way line.

Required set-back is 350 feet as measured from top of canal cut, or 315 feet from right-of-way line.

Example 2: Canal right-of-way line is 65 feet from top of canal cut, proposed depth as example 1.

- a. $65 \text{ feet} + (10 \times 30) = 365$ feet from top of canal cut, or 300 feet from right-of-way line.
- b. $50 \text{ feet} + (10 \times 30) = 350$ feet from top of cut, or 285 feet from right-of-way line.

Required set-back is 365 feet, or 300 feet from right-of-way line.

G. Runoff - The usual methods of computation are as follows:

1. Rainfall minus losses and storage.
2. Soil Conservation Service (see, U.S. Department of Agriculture, Soil Conservation Service, "National Engineering Handbook, Section 4, Hydrology" - 1972), with extra attention to hydrologic accounting of water table conditions.
3. Rational method, for systems serving projects of less than 200 acres total land area. (see, Florida State Department of Transportation, "Drainage Manual" (2d Edition 1967); or standard civil engineering texts.

H. Receiving Water Stage

1. Regulated systems - Design and maintained stage elevations should be available either from the local jurisdiction or the District. Stages for frequencies other than the design will be estimated by the District upon request from the Applicant.
2. Non-regulated systems - The Applicant should compute receiving water stages for such systems from the best available data and submit the results to the District for review and concurrence before utilizing such results in further computations.

I. Discharge

1. Regulated systems - Allowable discharges into District works and the Lake Worth Drainage District works are available from the District on request. Some flexibility exists in the values because of nonconcurrent peaks, but the preparation of the values has given consideration to some nonconcurrent peaks as well as areal reductions for non-uniform events, so the values should generally be adhered to in systems design.
2. Non-regulated systems - Non-regulated systems are reviewed as discussed herein under design frequency for receiving waters without limiting criteria.
3. Non-urban gravity systems - Rural gravity systems are generally reviewed on the basis of the discharge culvert operating at a fixed head loss to meet the allowable discharge rate. This basis is justified by the estimate that the upstream headwater generated

by rural runoff will be unable to collect at the upstream culvert end appreciably faster than the rate at which the receiving water rises. The fixed head loss amounts are 0.5' except in South Dade County (south of Canal C-2) where the value is 0.2'.

- J. Water Conservation - Although drainage systems are usually designed primarily for the disposal of extreme event storm runoff, considerations for water conservation are necessary if these systems are to function as water management systems. Conservation is most critical where the primary canal system or other receiving water discharges directly into saline bodies of water making such discharges of fresh water irretrievable. Therefore, the surface water management facilities shall be designed to operate so as to prevent lowering of groundwater levels more than one foot below the normal dry season groundwater elevation for the project site. (Groundwater elevations may be determined using United States Geological Survey or Soil Conservation Service data, or other data which may be available for a particular area). For example, invert elevations of culverts and other works can be placed high enough so as not to facilitate groundwater drainage below the accepted level.

In addition, a hydrologic accounting of the project site for pre- and post-development conditions will normally be required, to demonstrate that discharges from the site under fully developed conditions up to and including a five year frequency drought event (maintenance of minimum flows). See Section I.F., page 2. The applicant may contact the technical staff of the District prior to submission of an application to determine whether hydrologic accounting will not be required.

The staff will respond in writing within a reasonable time thereafter.

- K. Models - The use of proven models in the design of surface water management systems is acceptable to the District. The choice of models utilized will be left to the applicant; however, the applicant will be required to provide data on model calibration and to substantiate that such data is transferable to the site in question.

IV. Water Quality - System Design Requirements

- A. Retention/Detention - Retention and/or detention in the overall system, including swales, lakes, canals, greenways, etc., shall meet all of the following criteria:

1. Retention volume shall be provided for one inch of runoff from the developed project. Preferably, the system should be designed such that discharge normally does not commence until the first inch of runoff has been stored.
 2. Retention shall be provided for the runoff from a 3-year, 1-hour rainfall event.
 3. Average detention time for runoff from a 25-year, 24-hour rainfall event shall be at least 5 hours.
- B. Deep Water Bodies - All water bodies utilized as integral parts of the drainage system shall be no deeper than the bottom elevation of the off-site receiving water, unless the applicant can demonstrate that all of the following criteria can be met:
1. Entrapped salt water, resulting from inland migration of salt water during hurricane tide conditions or penetration of the fresh-water/salt water interface, will not adversely impact on-site or adjacent water users.
 2. The penetration of a water-bearing formation exhibiting poorer water quality, in terms of chloride concentrations, will not adversely impact on-site or adjacent water users.
- C. Impervious Areas - Runoff shall be discharged from impervious surfaces to retention areas, detention devices, filtering and cleansing devices, and/or subjected to some type of Best Management Practice (BMP) prior to discharge from the project site. For projects which include substantial paved areas, such as shopping centers, roads, and high density developments, provisions shall be made for the removal of oil, grease and sediment from storm water discharges. A listing of BMP's currently used within the District to achieve this design objective is provided in section V.
- D. Stagnant Water Conditions - Configurations which create stagnant water conditions such as hydraulically dead end canals are to be avoided, regardless of the type of development.
- E. Florida Department of Environmental Regulation Requirements - Chapter 17-4 of the Florida Administrative Code, contains the permitting requirements of the Florida Department of Environmental Regulation.

Additional FDER guidelines are contained in the "Best Management Practices" section of this document. For projects which require FDER permits, the applicant is advised that receipt of a surface water management permit from the South Florida Water Management District in no way relieves him of the necessity of complying with FDER permitting requirements. Copies of all applications submitted to the District are furnished to FDER.

- F. Local Requirements - Some counties and municipalities within the District have specific requirements regarding the design of surface water management systems. These are normally included in subdivision regulations, although this may vary from jurisdiction to jurisdiction. Therefore, Applicants would be well advised to contact the appropriate county or municipal office prior to finalizing the design of the systems.
- G. Design Alternatives - The listing of design criteria is not intended to preclude the design engineer from utilizing other known state-of-the-art methods and available best management practices, and should not be construed in such a manner as to discourage innovative design concepts.

V. Water Quantity and Quality - Best Management Practices

- A. Water Conservation - As discussed in Section III, J. above, water conservation is a desirable feature in design and operation of surface water management systems. Management practices utilized to reduce losses of fresh water also provide water quality benefits since total poundage loadings to off-site receiving waters would be reduced. In addition to those items enumerated in Section III, J., other best management practices for water conservation are encouraged. For example, maximum use of on-site retention is encouraged, consistent with maintenance of minimum flows, also, pump schedules should be determined so that over-pumping does not occur subsequent to relatively minor storm events.

Voluntary conservation practices such as these will be useful in evaluating the need for mandatory measures.

- B. Water Quality - Separating design criteria from best management practices for water quality enhancement of storm water runoff does not follow any clear-cut guideline. Although there may be some duplication with previously listed design criteria, the following listing is presented to illustrate general management techniques available to the consultant in the planning and design of surface water management systems.

- 1. Swales - Drainage systems should utilize swales, greenways, etc.

in lieu of storm drains and curb-and-gutter to the maximum extent possible.

2. Littoral area - Water bodies utilized as integral parts of the drainage system can include substantial littoral areas in order to provide for emergent vegetation for the improvement of nutrient uptake capabilities.
3. Percolation - Infiltration and percolation, covered previously in Section II, C. above, is also useful from a water quality standpoint where conditions are favorable. However, care must be exercised to ensure that such facilities do not create a hazard for potable water supplies.
4. Catch Basins - The use of some type of baffled catch basin for oil, grease, and sediment removal is encouraged, along with a regular maintenance schedule. All catch basins should be located in swales or other pervious areas. In order to provide additional retention and percolation, catch basin lips should be raised 2 inches or more unless doing so would create long duration standing water or traffic safety problems.
5. Golf Courses - Due to heavy fertilization and frequent irrigation, specialized use areas such as golf courses can create additional water quality problems. If major drainage system components (lakes, canals, etc.) are to be located in or adjacent to such areas, component design should include a low berm to induce percolation into the system instead of overland sheet flow. Such a design practice can also be of benefit for residential developments.
6. Recirculation - Recirculating water as much as possible within a development can reduce off-site discharges, thus reducing pollutant poundage loadings to receiving streams.
7. Florida Department of Environmental Regulation Guidelines - In addition to Items 1-6 above, the following listing of BMP's is excerpted from the Department of Environmental Regulation's "Recommendations for the Management of Runoff from Land Alteration Activities."

"Provisions should be taken during the initial design phase to infiltrate and percolate maximum runoff to remove pollutant materials. Where impervious substances or soil conditions limit the infiltration capacity,

other means of runoff control should be taken. Methods to reduce the impact of runoff (which incorporate erosion and nutrient control) may include, but not necessarily be limited to, the use of:

- a. Retention devices or water storage facilities, e.g.:
 1. Holding ponds
 2. Impoundment areas
 3. Dikes
 4. Rooftop storage
- b. Detention (pass-through) devices, such as:
 1. Sedimentation traps or basins
 2. Catchment basins
 3. Meandered, broad, shallow interconnected basins
 4. Step weirs
 5. Dams
 6. Grassy swales
 7. Paved transport ditches in conjunction with other controls
- c. Filtering and cleansing techniques, such as:
 1. Grassy swales on gentle slopes
 2. Mechanisms for dispersal of discharge as sheet flow
 3. Use of natural vegetation
 4. Marshes
 5. Oil or grease separation equipment
- d. Chemical treatment
- e. Cleaning of streets
- f. Measures for erosion and nutrient control during construction such as:
 1. Regrading to minimize slopes
 2. Seeding, mulching, sprigging or sodding of altered land uses

3. Diking
4. Use of hay bales
5. Turbidity control diaphragms
6. Temporary sedimentation traps, retention basins, and/or holding ponds
7. Minimization of clearing with utilization of existing vegetation as erosion barriers"

VI. Land Use Considerations

Before an application will be considered for the issuance of a Surface Water Management permit by the District, the proposed land use must be compatible with the applicable zoning for the area. Merely making application to the applicable local agency for rezoning of the land will not suffice; any necessary rezoning must be officially obtained prior to issuance of this District's permit. Any application for a Surface Water Management permit which does not indicate that the proposed land use is compatible with the applicable zoning for the area shall be considered as incomplete until the applicable zoning is received. In addition, applicants should, if applicable, indicate where the project stands in the local review process. For example, it would be extremely helpful to supply the information requested in Appendix I, Items 1.A., 1-7.

VII. Environmental Considerations

An environmental assessment will be made of all Surface Water Management permit applications. The natural resources of the area under consideration (including topography, soils, natural vegetation, terrestrial and aquatic wildlife, and endangered species) will be evaluated. The purpose of this evaluation is to determine the degree of environmental impact on the above listed natural resources. Particular attention will be given to projects proposed in areas classified as land use type 1, Wetlands, as specified in Appendix 2.

VIII. Water and Wastewater Service

For urban developments, potable water and wastewater facilities must be identified. The applicant for a surface water management permit must provide information on how these services are to be provided. If wastewater disposal is accomplished on-site, additional information will normally be requested.

OPERATIONAL CONDITIONS

I. Inspection and Certification

A Florida registered professional engineer will be required to furnish the District with a certification stating that the subject surface water management system has been constructed in accordance with permit authority.

District personnel inspect water management systems to insure that the said systems have been constructed in accordance with approved specifications and plans. Facilities which involve the use of District right-of-way are inspected to insure that facility installation is in accordance with plans and District criteria.

II. Water Quality Monitoring

All new drainage projects will be evaluated based on the ability of the system to prevent degradation of receiving waters and the ability to conform to State water quality standards (see Chapter 17-3 Florida Administrative Code).

There are areas within the District where water quality considerations are extremely important, due to the sensitivity of the area. These areas are as follows:

1. Lake Okeechobee and the Lower Kissimmee River
2. Canals or streams designated as Class I or Class II waters by FDER.
3. Canals back-pumped to Lake Okeechobee or to the Conservation Areas, or proposed for back-pumping.
4. Sensitive areas, including but not limited to the Savannahs in St. Lucie and Martin Counties.

New developments which plan to utilize these areas for disposal of runoff, will be given more detailed evaluation by the District staff.

In performing the more detailed evaluation, certain assumptions regarding pollutant removal efficiencies will be used, as enumerated in the following discussion.

Pollutant removal efficiencies for swales and detention facilities are not well documented at this time. However, available literature indicates that, as a conservative estimate, grassed swales will remove 10% of the nutrients in urban runoff, and retention facilities capable of storing the first inch of runoff will provide an additional 40% removal. If used together, an overall removal efficiency of at least 46% ($X - ((X - 0.1X) - (X - 0.1X) (0.4)) = 0.46X$) can be anticipated. In addition, use of such facilities will decrease total outflow, resulting in a further reduction of total poundage loadings to receiving waters. The literature also indicates BOD₅ and suspended solids removals by retention facilities up to 87% and 48%, respectively. Ongoing studies by the District, the USGS, and 208 programs will provide additional information regarding pollutant removal efficiencies for various abatement practices.

In addition, new projects in excess of 320 acres entailing a more intensified land use and planning to discharge to a primary receiving water, directly or indirectly, in the first three areas listed above will be required to institute a water quality monitoring program. The following listing of land use intensity is in ascending order:

1. Wetlands (including transition zones adjacent thereto)
2. Forested lands
3. Rangeland
4. Agricultural
5. Urban and built-up land

Therefore, any proposed land use change for areas in excess of 320 acres resulting in a larger number in the above listing would require water quality monitoring if discharge is to go to one of the areas of concern listed above. In addition, some land use changes within the same category would also be considered as more intensified land use. As an example, a change from pasture to sugarcane within the "agricultural" category would be considered as a more intensified land use. Appendix 2 provides a listing of land use types under the general categories.

The necessity of a monitoring program for discharge to other sensitive areas is not based on a size limitation and is considered on a case-by-case basis. Monitoring for existing systems, regardless of size and location, is also evaluated on a case-by-case basis.

In general, there are two reasons for requiring water quality monitoring by permittees, which are as follows:

1. Such data can be used to determine if the pollution abatement practices incorporated into the design of the drainage system are functioning properly.
2. In some cases there may be a real and immediate concern regarding degradation of quality in the receiving waters, regardless of the pollutant removal efficiency of the drainage system.

The reason for the monitoring requirement will normally be stated in the staff report for each permit, as will be the monitoring schedule and the parameters of interest. Although specifics may vary from project to project, samples will normally be collected at discharge locations. A typical sampling schedule will consist of samples collected once per month during the wet season, however; this may also vary between projects. Rate of discharge at the time of sample collection and total monthly discharge each month for the duration of the permit will also be required. Parameters of interest will normally include nitrates as N, nitrites as N, total kjeldahl nitrogen as N, total nitrogen as N, ortho-phosphorus as P, total phosphorus as P, total suspended solids, BOD₅, turbidity, conductivity D.O., and pH. In some cases, fecal and total coliform and fecal strep analyses will be required in addition to other parameters. Where feasible the District's water quality monitoring requirements will be coordinated with applicable FDER monitoring requirements.

As a general rule, monitoring required of permittees will be confined to points within their boundaries. If additional sampling is needed in order to assess off-site impacts of the projects, such sampling will normally be conducted by the District.

Staff reports written and permits issued for projects not requiring monitoring at this time will normally include a statement to the effect that water quality monitoring may be required in the future, along with a list of the parameters of interest. This should not be construed as an indication that the District is contemplating the implementation of a program of intensive water quality monitoring by all permittees. If water quality problems develop in specific areas, however, permittees are in this manner put on notice that they may have to determine the quality of the water which they are discharging.

APPENDIX 1

Checklist for Surface Water Management Permit Applications

I. Land Use/Land Cover Information

A. Indicate where the project stands in the local approval process

- *1. Present and proposed (if different) zoning.
- *2. Present and proposed land use and density.
- *3. Classification under local land use plan.
- *4. Indicate if project is a planned unit development and/or subject to special zoning requirements.
 - 5. Indicate if site plan and/or subdivision approval has been granted.
 - 6. Indicate if any final plats have been approved. If so, describe.
 - 7. Indicate if any building permits or other construction permits have been issued.

*B. Development area in acres.

*C. Recent aerial photograph of project site (within one year of date of application, if possible).

*D. Existing and proposed topography (msl datum).

*E. Acreages and percentages of property proposed as:

- 1. Impervious surfaces
- 2. Green areas
- 3. Lakes, ponds, storage areas, etc.
- 4. Other areas.

II. Surface Water Management Information

*A. Master Drainage Plan (or the like) along with drainage calculations, sealed by a Florida registered professional engineer, subject to the exemptions specified in Chapter 471, Florida Statutes.

*B. Pertinent drainage details on major water control structures; e.g., outfall facilities, intermediate controlling water flow structures, pumps, etc.

C. Construction phasing plans

- D. Right-of-way layout for drainage system. Where occupancy of District right-of-way is proposed, pertinent structural details should be submitted.
- *E. Locations of internal canals and water bodies with typical sections, including depths.
- *F. Location and description of proposed storm sewers, detention/retention areas, and other conveyance and storage facilities.
- *G. Best Management Practices proposed to reduce pollutant loadings.
- *H. Runoff routing scheme, including calculations with stage-storage and stage-discharge relationships, if storage is utilized.
- *I. Delineation of flooding contours for the following storms: local jurisdiction design frequency, receiving water design frequency and 100 year frequency storms. Specify proposed minimum building pad and pavement grade elevations.
- *J. Design storm (intensity and duration).
- *K. Total acres of off-site property contributing runoff to proposed surface water management system.
- *L. Identify receiving stream and/or water body. Identify primary drainage facility serving the area.
- M. Typical section of receiving stream, including bottom elevation.
- *N. Seasonal water table elevations, including normals, and recurring highs and lows.
- *O. Proposed regulation schedules of on-site water bodies.

III. Legal and Institutional Information

- A. Identify entity responsible for operation and maintenance of the surface water management system.
- B. Identify and give address of adjacent property owners.

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*Master plan submission items for letter of conceptual approval (reference page 5, Item III B). It is recognized that details and calculations will be in a more simplified form for conceptual approval than for a permit application.

- C. Indicate how water and wastewater service will be provided.
- D. Identify agencies, organizations, etc., contacted. Include meeting summaries and/or responses.

APPENDIX 2

Land Use Type Examples

<u>Land Use Type</u>	<u>Examples</u>
1. <u>Wetlands</u> (and transition zones adjacent thereto)	
Forested Salt	Red Mangrove Black & White Mangrove Mixed
Forested Fresh	Sweet Bay, Cypress, Willow, Melaleuca, Myrtle, Button- bush, Maple, Mixed
Non-Forested	Sawgrass, Cattail, Sloughs, Bullrush, Wire Cordgrass, Mixed Aquatic Grass
Non-Forested Salt	
Water	Rivers/Streams/Canals Reservoirs, Open Water
2. <u>Forest Land</u>	
Deciduous	Oak
Evergreen	Pine Flatwoods, Coastal Sand Pines, Sand Pine Scrub, Australian Pines, Melaleuca
Mixed	Cabbage Palms, Oak
Other	Pine/Oak, Tropical Hammocks Palms, Brazilian Peppers, Old Field Mixed, Coastal Dune, Scrub Oak

Land Use Type

Examples

3. Rangeland

Grass
Palmetto

4. Agricultural

Cropland

Sugarcane, truck crops.

Pasture

Improved, Unimproved

Orchards, groves, vineyards,
nurseries, ornamental and
horticultural areas

Citrus, Sod farms,
Ornamentals

Confined Feeding Operations

Feed lots, Dairy farms, Fish
farms, Horse Training and
stable, Poultry

5. Urban & Built-up Land

Residential

Single Family - Low Density - Under
2 DU/Ac.

Single Family - Med. Density -
2 to 5 DU/Ac.

Single Family - High Density - Over
5 DU/Ac.

Multi-family Unit
Mobile Home

Commercial & Services

Parking Lot, Shopping Center, Sales
and Services, Cultural and Enter-
tainment, Marine Commercial (Marinas)

Industrial

Junkyard

Institutional

Educational, Medical, Religious,
Military, Correctional, Govern-
mental (other than military or
correctional)

Land Use Type

Examples

5. Urban & Built-up Land (continued)

Transportation

Airports, Railroad Yards and Terminals, Port Facilities, Electrical Power, Major Transmission Lines, Major Highway and Rights-of-Way, Water Supply Plants, Oil and Gas Storage, Solid Waste Disposal, Radio Stations or other Antenna arrays.

BIBLIOGRAPHY

The following is a list of publications incorporated by reference in this document. A copy of Item 1 may be obtained by writing to: Florida Department of Transportation, Hayden Burns Building, Tallahassee, Florida 32301.

Copies of Items 2 through 7, published by the U.S. Government may be obtained by writing to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402.

1. Florida State Road Department, Drainage Manual. 2nd ed. 1967.
2. U.S. Department of Agriculture, Soil Conservation Service, Technical Paper No. 149, A Method for Estimating Volume and Rate of Runoff in Small Watersheds. 1973.
3. U.S. Department of Agriculture, Soil Conservation Service, Technical Release No. 55, Urban Hydrology for Small Watersheds. 1975.
4. U.S. Department of Agriculture, Soil Conservation Service, NEH-4. National Engineering Handbook, Section 4 Hydrology. 1972.
5. U.S. Department of Agriculture, Soil Conservation Service. Rainfall Frequency Atlas of Alabama, Florida, Georgia and South Carolina for Durations from 30 Minutes to 24 Hours and Return Periods from 1 to 100 Years. 1973.
6. U.S. Weather Bureau, Technical Paper No. 25, Rainfall Intensity - Duration Frequency Curves. 1955.
7. U.S. Weather Bureau, Technical Paper No. 40, Rainfall Frequency Atlas of the United States for Duration from 30 Minutes to 24 Hours and Return Periods from 1 to 100 Years. 1961.
8. U.S. Weather Bureau, Technical Paper No. 49, Two-to-Ten-Day Precipitation for Return Periods of 2 to 100 Years in the Contiguous United States. 1964.

16K-4.04 Notice and Hearing Requirements.

Specific Authority 373.113 FS. Law Implemented 120.67(1), 373.116, 373.413 FS. History--New 3-2-74, Revised 12-20-74, Repealed 11-18-75.

16K-4.05 Completion Report.

Specific Authority 373.113 FS. Law Implemented 373.419 FS. History--New 3-2-74, Repealed 11-18-75.

16K-4.06 Inspections.

Specific Authority 373.113 FS. Law Implemented 373.423 FS. History--New 3-2-74, Repealed 11-18-75.

16K-4.07 Permits for Operation.

(1) Unless expressly exempted by law or District rule:

(a) no person shall, without a permit from the Board, operate any dam, impoundment, reservoir or appurtenant works thereof where such impoundment is located on a surface watercourse or relies on a surface watercourse for its supply or such impoundment is greater than 320 acres in area;

(b) no person shall operate any works within the District without having obtained a permit from the Board.

(2) Applications for permits required by subsection (1) above shall be filed with the District in accordance with the procedure provided for in Rule, 16K-1.08.

(3) The Board may impose on any permit granted under subsection (1) above such reasonable conditions as are necessary to assure that the permitted operation will not be inconsistent with the overall objectives of the District and will not be harmful to the water resources of the District.

(4) Except as provided by law or District rule permit issued under subsection (1) above shall be permanent. The sale or conveyance of such dam, impoundment, reservoir, appurtenant work, or works on the land on which the same is located, shall in no way affect the validity of the permit so long as the use remains the same provided that the owner in whose name the permit was granted notifies the Board of such change of ownership within thirty (30) days of such transfer.

Specific Authority 373.113 FS. Law Implemented 373.416 FS. History--New 3-2-74, Amended 7-20-74, 11-18-75.

16K-4.08 Headgates, Valves and Measuring Devices

The owner of any dam, impoundment, reservoir, appurtenant work or works subject to the provisions of this chapter shall, if required by the Board, install and maintain a substantial and serviceable headgate or valve at the point where the water is discharged or diverted, and shall if required by the Board, install a measuring device which meets the requirements and specifications of the Board at the point designated by the Board for measuring the water discharged or diverted.

Specific Authority 373.113 FS. Law Implemented 373.409 FS. History--New 3-2-74, Amended 11-18-75.

16K-4.09 Abandonment.

(1) Unless expressly exempted by law or District rule:

(a) no person shall, without a permit from the Board, abandon any dam, impoundment, reservoir, or appurtenant works thereof where such impoundment is located on a surface watercourse or relies on a

surface watercourse for its supply or such impoundment is greater than 320 acres in area;

(b) no person shall abandon any works within the District without having obtained a permit from the Board.

(2) Applications for permits required by subsection (1) above shall be filed with the District in accordance with the procedure provided for in Rule 16K-1.08.

Specific Authority 373.113 FS. Law Implemented 373.426 FS. History--New 3-2-74, Amended 7-20-74, 11-18-75.

16K-4.10 Revocation and Modification of Permits.

Specific Authority 373.113 FS. Law Implemented 373.429 FS. History--New 3-2-74, Repealed 11-18-75.

16K-4.11 Abatement.

Specific Authority 373.113 FS. Law Implemented 373.433 FS. History--New 3-2-74, Repealed 11-18-75.

16K-4.12 Remedial Measures.

Specific Authority 373.113 FS. Law Implemented 373.436 FS. History--New 3-2-74, Repealed 11-18-75.

16K-4.13 Emergency Authorization for Construction of Works.

(1) Permission to begin construction of works prior to the issuance of a permit may be applied for, in writing, when emergency conditions would justify such permission. However, no such permission shall be granted unless the construction of the works is already under consideration for a permit under Rule 16K-4.03(1). A serious set of unforeseen or unforeseeable circumstances must exist to create an emergency. Mere carelessness or lack of planning on the part of the applicant shall not be sufficient grounds to warrant the granting of emergency authorization.

(2) The Executive Director may grant emergency authorization at his discretion. The emergency authorization shall be presented to the Board for concurrence at its next meeting. The failure to receive the Board's concurrence shall invalidate the emergency authorization.

Specific Authority 373.113 FS. Law Implemented 373.113, 373.413 FS. History--New 3-2-74, Amended 5-12-76.

16K-4.14 Emergency Measures.

Specific Authority 373.113 FS. Law Implemented 373.439 FS. History--New 3-2-74, Repealed 11-18-75.

16K-4.15 Conditions for a Permit.

Specific Authority 373.113 FS. Law Implemented 373.413, 373.416, 373.426 FS. History--New 12-20-74, Transferred to 16K-4.30, 4-11-78.

16K-4.16 through 16K-4.29 Reserved.**16K-4.30 Conditions for Issuance of Permits.**

(1) In order to obtain a permit under this chapter, an applicant must show that:

- (a) the requested act:
1. will not be harmful to the water resources of the District,
 2. will not interfere with the legal rights of others, and
 3. is not against public policy; and

(b) The proposed land use is compatible with the applicable zoning for the area.

Specific Authority 373.113 FS. Law Implemented 373.413, 373.416, 373.426 FS. History—New 12-20-74, Formerly 16K-4.15, Amended 4-11-78.

16K-4.31 through 16K-4.37 Reserved.

16K-4.38 Limiting Conditions. In addition to project-specific special conditions, the following standard special conditions shall be attached to all permits issued pursuant to this chapter unless waived or modified by the Governing Board.

(1) The permittee shall prosecute the work authorized in a manner so as to minimize any adverse impact of the works on fish, wildlife, natural environmental values, and water quality. The permittee shall institute necessary measures during the construction period, including full compaction of any fill material placed around newly installed structures, to reduce erosion, turbidity, nutrient loading and sedimentation in the receiving waters.

(2) Water quality data for the water discharged from the permittee's property shall be submitted to the District as required. Parameters to be monitored include: total suspended solids, nitrates as N, nitrites as N, total Kjeldahl nitrogen as N, ammonia as N, total phosphorus as P, orthophosphorus as P, 5 day 20° C BOD, turbidity, specific conductivity, dissolved oxygen and pH. If water quality data is required, the permittee shall provide data on volumes of water discharged, including total volume discharged during the days of sampling and total monthly discharges from the property.

(3) The permittee shall comply with all applicable local subdivision regulations and other

local requirements. In addition the permittee shall obtain all necessary Federal, State, local and special district authorizations prior to the start of any construction or alteration of works authorized by this permit.

(4) The operation phase of this permit shall not become effective until a Florida Registered Professional Engineer certifies that all facilities have been constructed in accordance with the design approved by the District. Upon completion of construction of the drainage system, the District shall be notified for an inspection and approval of the facilities.

(5) All roads shall be set at or above elevations required by the applicable local government flood criteria.

(6) All building floors shall be set at or above elevations acceptable to the applicable local government.

(7) Water discharged from the project shall be through structures having a mechanism suitable for regulating upstream water stages. Stages may be subject to operating schedules satisfactory to the District.

(8) No construction authorized herein shall commence until a responsible entity acceptable to the District has been established and has agreed to operate and maintain the system. The entity must be provided with sufficient ownership so that it has control over all water management facilities authorized herein. Upon receipt of written evidence of the satisfaction of this condition, the District will issue an authorization to commence construction. Specific Authority 373.113 FS. Law Implemented 373.413, 373.416, 373.426 FS. History—New 4-11-78.

RULES
OF
CENTRAL AND SOUTHERN FLORIDA
FLOOD CONTROL DISTRICT
CHAPTER 16K-5
USE OF PROJECT WORKS

- 16K-5.01 General
- 16K-5.02 Permits Required
- 16K-5.03 Policy in Considering and Issuing Permits
- 16K-5.04 Permit Applications and Processing
- 16K-5.05 Obligations of Permittee
- 16K-5.06 Unlawful Use of Project Works
- 16K-5.07 Duration, Cancellation of Permits
- 16K-5.08 Alteration, Repair or Removal of Structures
- 16K-5.09 Emergency Permits
- 16K-5.10 Key Permits
- 16K-5.11 Modifications or Relocations of Uses Under Permit
- 16K-5.12 Transfer of Permits
- 16K-5.13 Project Limitations
- 16K-5.14 Spoil Removal
- 16K-5.15 Project Works, Operation by Other Governmental Agencies

16K-5.01 General.

(1) The rules in this chapter prescribe the manner in which persons other than the District shall connect with or make use of the project works.

(2) A permit as issued under this chapter is simply an acknowledgement that the specific use of public land as requested by the applicant, is proper and conforms to the requirements and standards of the District criteria. Permits for the use of the project works convey no property rights in the project works nor any other rights or privileges other than those specified in the permit.

(3) General and specific standards governing permitted use of project works are available in the District's "Criteria Manual for Utilization of Project Works and Lands," and will be used as a guideline by the District staff in reviewing proposals and issuing permits. The manual is adopted by and subject to change by the Governing Board of the District.

(4) Hearings required under this part shall be conducted as provided in Chapter 120, Florida Statutes.

Specific Authority 373.044 FS. Law Implemented 373.044, 373.085(1), 373.126 FS. History—New 9-26-74.

16K-5.02 Permits Required. The Board shall:

(1) require a permit to connect with, place structures in or across or otherwise make use of project works or lands of the District; and

(2) impose on such permits any reasonable conditions which are necessary for the protection, management, and control of the project works.

Specific Authority 373.044 FS. Law Implemented 373.085(1), 373.086 FS. History—New 9-26-74.

16K-5.03 Policy in Considering and Issuing Permits.

(1) A permit shall not be granted for any use of project works that will in the judgement of the

District adversely affect such works or interfere with or impose hardships upon the District's operation, maintenance, or construction activities.

(2) The District has the right to change, regulate, limit, schedule, or suspend discharges into, or withdrawals from, project works in accordance with the design criteria established by the District.

(3) Any portion of the project works or District lands being used exclusively by and for the individual financial gain of the permittee other than where the use is strictly for beautification or canal connection, shall be placed back on the tax rolls to the permittee's account.

(4) The Governing Board may require an annual inspection fee for use of project works.
Specific Authority 373.044 FS. Law Implemented 373.044, 373.085(1) FS. History—New 9-26-74.

16K-5.04 Permit Applications and Processing.

(1) All permit applications under this part shall be filed with the District on appropriate forms provided by the Board. All applications shall be signed, either by the owner or lessee of the land adjacent to that portion of the project works involved in the proposal or by the owner or lessee of the land served if the proposal is a drainage or withdrawal connection. In either case above the signature of the authorized agent for the owner or lessee will be acceptable.

(2) Each application shall be accompanied by drawings of the proposed work. Such drawings shall comply with the requirements of the District's "Criteria Manual for Utilization of Project Works and Lands."

(3) The applicant should anticipate and provide for a reasonable delay in permit issuance.

(4) The District will notify the applicant within two (2) weeks of the receipt of the application if in the District's judgement the application is deficient. Failure to properly complete the permit application or to comply with the requirements of the District's "Criteria Manual for Utilization of Project Works and Lands," including the form and number of drawings, may be ground for rejection of the application.

Specific Authority 373.044 FS. Law Implemented 373.044, 373.085(1) FS. History—New 9-26-74.

16K-5.05 Obligations of Permittee. Each permittee under this part shall be required:

(1) to abide by the terms and conditions of the permit issued to him;

(2) to maintain any permitted use in a good and safe condition, the ownership being the permittee's;

(3) to hold and save the District harmless from any and all damages, claims, or liabilities which may

arise by reason of the District's operation of project works or the construction, maintenance, or operation of the use involved in the permit;

(4) to allow inspection at any time by the District of any use established under permit;

(5) to take all feasible measures acceptable to the District to prevent the discharge of debris or aquatic weeds into any project work by the permitted use;

(6) to promptly perform any modification, alteration, or relocation required by the subsequent amending of the "Criteria Manual for Utilization of Project Works and Lands," if deemed necessary by the District;

(7) to accept full responsibility for any erosion to or shoaling in any project work directly attributable to the permittee's use thereof and to repair or remove same at no expense to the District;

(8) to maintain any dock, bridge, seawall or bulkhead, if owned by the permittee, in a safe condition at all times, or should the condition become so as to necessitate it, to promptly remove it from the right-of-way and restore the right-of-way to its original or better condition;

(9) to plant no trees or shrubs or to erect no structures that will limit or prohibit access of District equipment or vehicles unless specific official authorization to do so is previously obtained in writing;

(10) to provide such bonds and assurances as may be deemed necessary by the District.

(11) to assure that discharges of water are, at a minimum, of such quality that will not degrade the quality of the receiving body or will meet the standards of the Florida Department of Environmental Regulation for the receiving body, whichever is higher; provided, however, that the Board may waive the strict enforcement of this provision upon application of any affected party.

Specific Authority 373.044 FS. Law Implemented 373.044, 373.085(1) FS. History—New 9-26-74.

16K-5.06 Unlawful Use of Project Works.

Damage resulting from unlawful use of project works, or from violations of the conditions of the permit issued by the District shall, if made by other than a public agency, be subject to such penalty as is or may be prescribed by law and in addition, the permittee shall, by a date set and in a manner prescribed by the District, repair the damage to the satisfaction of the District, or deposit with the District a sufficient sum to insure such repair. If such damage is caused by a public agency, then the repair of the damage shall be made to the satisfaction of the District or a deposit of a sum of money shall be made with the District sufficient to insure such repair.

Specific Authority 373.044 FS. Law Implemented 373.085(2) FS. History—New 9-26-74.

16K-5.07 Duration, Cancellation of Permits.

Under this part:

(1) the permit becomes effective upon the date of its delivery to the permittee and is valid for the period of time stated on the permit unless cancelled by the District;

(2) failure to perform the construction authorized within the construction period shown on the permit shall serve to cancel the permit unless an extension is granted by the District;

(3) a permit may be cancelled upon thirty (30) days written notice to the permittee. The affected permittee may file a written petition for a hearing. Such petition shall be filed no later than ten (10) days after notice of cancellation is served;

(4) permits are subject to immediate cancellation without thirty (30) days written notice or prior hearing if an emergency condition exists and the continued exercise of the permit might endanger lives or property. Upon written petition to the Board, the affected permittee shall be afforded a hearing within (15) days from the receipt of such petition by the Board.

Specific Authority 373.044 FS. Law Implemented 373.044, 373.085(1), 373.126 FS. History—New 9-26-74.

16K-5.08 Alteration, Repair or Removal of Structures.

(1) In the event that the requirements or interests of the District indicate that the alteration, repair or removal of any structure or work installed by the permittee within project works is necessary, sixty (60) days written notice shall be given to the affected permittee. The affected permittee may file a written petition for a hearing. Such petition shall be filed no later than ten (10) days after notice of alteration, repair, or removal is served. Should the permittee fail or refuse to alter, repair, or remove the structure or work when so notified, or required after a hearing, the District may alter, repair, or remove the structure or work and the costs incident thereto shall be paid by the permittee.

(2) Structures or works installed by the permittee within project works are subject to immediate alteration, repair or removal without sixty (60) days written notice or prior hearing if an emergency condition exists and the continued exercise of the permit authorization might endanger lives or property. In such emergency situations, the District will notify permittees, if practical, of the action required. Failure of a permittee to carry out such emergency action when notified will be considered cause for immediate cancellation of permit, (or alteration, repair or removal of structures or works for which the permit was issued by the District). The affected permittee shall comply immediately with emergency orders, but upon written petition of the Board, shall be afforded a hearing within fifteen (15) days from the receipt of such petition by the Board.

Specific Authority 373.044 FS. Law Implemented 373.044, 373.085(1) FS. History—New 9-26-74.

16K-5.09 Emergency Permits. A letter of authorization from the Executive Director for emergency use of the project works may be obtained prior to the issuance of a permit if the delay of normal procedures would cause extreme hardship or endanger lives or property.

Specific Authority 373.044 FS. Law Implemented 373.044, 373.085(1) FS. History—New 9-26-74.

16K-5.10 Key Permits. Persons and organizations having legitimate reason to obtain access to portions of project works (right-of-way) which are barred by locked gates for security reasons, may apply for issuance of a key permit. A key permit shall not be transferred.

A deposit may be required prior to issuance of a key permit.

Specific Authority 373.044 FS. Law Implemented 373.044, 373.085(1) FS. History—New 9-26-74.

16K-5.11 Modifications or Relocations of Uses Under Permit.

(1) Modification to existing uses under permit and location of structures and facilities to a new site, having similar site factors may be made without applying for a new permit. Requests for such modification or relocation shall be made in writing and comply with the requirements of the District's "Criteria Manual for Utilization of Project Works and Lands." District approval of the proposed change will be by letter of amendment.

(2) With District permission the holder of a District permit may allow a third party the use of his permitted facility.

Specific Authority 373.044 FS. Law Implemented 373.044, 373.085(1) FS. History—New 9-26-74.

16K-5.12 Transfer of Permits. Upon request a valid permit may be, at the District's option,

transferred from the permittee to a new owner. The request upon District authorization for transfer shall be made in letter form by the new owner wherein it is agreed that all terms and conditions attending the issuance of the original permit are understood and agreed to. Acceptable proof of ownership of the land adjacent to that portion of the project works involved in the permit, or the land served if the permit is a drainage or withdrawal connection shall be provided to the District.

Specific Authority 373.044 FS. Law Implemented 373.044, 373.085(1) FS. History—New 9-26-74.

16K-5.13 Project Limitations. No permanent structure shall be constructed within the limits of project lands and rights-of-way other than bridges over channels, culverts through levees, lateral connections with major channels, public utility transmission lines, mains and cables, and public roads except by express permission from the Board.

Specific Authority 373.044 FS. Law Implemented 373.044, 373.085(1), 373.086(1) FS. History—New 9-26-74.

16K-5.14 Spoil Removal.

Specific Authority 373.044 FS. Law Implemented 373.044, 373.086(1) FS. History—New 9-26-74. Transferred to 16K-6.07.

16K-5.15 Project Works, Operation by Other Governmental Agencies. The District may permit governing bodies of water conservation districts, drainage and other improvement districts, and federal, state and local governments, authorities or agencies to operate and maintain the works of the District under conditions which the Board may deem advisable.

Specific Authority 373.044 FS. Law Implemented 373.084 FS. History—New 9-26-74.

RULES
OF
SOUTH FLORIDA WATER MANAGEMENT DISTRICT
CHAPTER 16K-6
REAL PROPERTY ACQUISITION AND DISPOSAL

- 16K-6.01 Acquisition of Privately Owned Land
16K-6.02 Cooperation with Other Governmental Entities
16K-6.03 Relocations
16K-6.04 Release of Reservations, Easements and Rights of Way
16K-6.05 Sale of Surplus Lands
16K-6.06 Lease of Lands or Interest in Land
16K-6.07 Sale of Surplus Spoil Material
16K-6.01 Acquisition of Privately Owned Land.

(1) Privately owned land is defined as any land the title to which is not vested in a governmental entity.

(2) The District shall acquire privately owned real property rights deemed necessary to effectuate the public purposes of the District.

(3) Acquisition of real property rights shall be accomplished as follows:

(a) Purchase, through negotiation with the landowner or his representatives, with payment to be based on a valid appraisal; this shall include the right to trade excavated spoil material for real property rights.

(b) Donation.

(c) Lease.

(d) Through eminent domain proceedings, in the event property rights cannot be acquired by purchase or donation.

Specific Authority 373.044 FS. Law Implemented 373.086(1) FS. History--New 9-26-74.

16K-6.02 Cooperation with Other Governmental Entities.

(1) The District will cooperate with any state agency, county, drainage district, municipality, governmental agency, or public or quasi-public body in the state by accepting conveyances of real property rights deemed necessary to effectuate the public purposes of the District.

(2) The District will cooperate with any state agency, county, drainage district, municipality, governmental agency, or public or quasi-public body in the state insofar as it deems advisable to do so by granting conveyances of real property rights found necessary to effectuate the public purposes of such entities, including making available canal reservations held by the District, or subject to transfer to the District from the Board of Trustees of the Public Improvement Trust Fund of the State of Florida, for the purpose of secondary drainage in Central and Southern Florida.

Specific Authority 373.044 FS. Law Implemented 373.056(1)(4) FS. History--New 9-26-74.

16K-6.03 Relocations.

(1) The term relocation shall mean the relocation or alteration of any existing facility or

structure lying within the boundaries of existing or proposed District works, or the construction of a facility by the District to mitigate severance damages caused by District works.

(2) The District shall not relocate or pay for the relocation of any facility that is in place under authority of District permit.

(3) In the event the relocation is that of a privately owned facility not under District permit, the District shall, with the assistance if necessary of a qualified appraiser, determine the cost of the relocation and attempt to reach an agreement with the landowner for proper disposition of the relocation. The District or its assigns may perform the relocation work, or pay the landowner a cash sum equal to the cost of the relocation work in lieu of actually performing such work. In the event a relocation settlement with the landowner is unobtainable, eminent domain proceedings may be filed for a final determination of relocation costs.

(4) In the event the relocation is that of public facility, such as public road, bridge, or utility, the District shall, with the cooperation of the other entity asserting jurisdiction over the facility to be relocated, determine the cost of the relocation and which party is to bear the cost of same. If the relocation is determined to be the responsibility of the District, the District or its assigns may perform the relocation work, or pay the other entity asserting jurisdiction a cash sum equal to the cost of the relocation work in lieu of actually performing such work. The District will rely on the other entity to bear the cost and performance of the relocation in the event that the District is not responsible for the relocation.

Specific Authority 373.044 FS. Law Implemented 373.044, 373.086(1) FS. History--New 9-26-74.

16K-6.04 Release of Reservations, Easements and Rights of Way.

(1) The District may release any canal reservation, canal or surface easement or other right of way interests for which it has no present or apparent future use. The District may require reimbursement for any such release. The District will seek the concurrence of any local governmental entity having a possible use of canal reservations prior to releasing same.

(2) The District may release road reservations reserved by the Everglades Drainage District after first obtaining the approval of the Florida Department of Transportation and the office of the county engineer having jurisdiction.

(3) The District may release or disclaim reserved mineral rights, or agree not to exercise such rights, under conditions specified by the Board.

(4) The District shall cooperate with the State of Florida Board of Trustees of the Internal

Improvement Trust Fund and the State Department of Education by reviewing all applications for release of canal reservations owned by those entities of land within the District.

Specific Authority 373.044 FS. Law Implemented 373.044, 373.096 FS. History—New 9-26-74.

16K-6.05 Sale of Surplus Lands.

(1) Surplus land is defined as any District owned land determined by the Board to be unnecessary for present or future purposes of the District.

(2) The Board may declare such land referred to in Rule 16K-6.05(1) to be surplus, and after compliance with the provisions of Rule 16K-6.02(2) may authorize the sale of same.

(3) Surplus lands may be made available for purchase by any member of the general public at a public sale, except that a public sale shall not be required where surplus lands are being resold to the then (present) owner of that adjacent parcel from which the surplus land was originally parted; provided such sale to the then owner of the adjacent parcel from which the surplus land was originally parted is made within one year from the time the land is declared surplus.

Specific Authority 373.044 FS. Law Implemented 373.044, 373.089 FS. History—New 9-26-74.

16K-6.06 Lease of Lands or Interest in Land.

The Board may lease any lands or interest in land, including but not limited to oil and mineral rights, to which the District has acquired title or to which it may hereafter acquire title provided such lease or interest does not conflict with public purposes for which lands or interest were acquired. The opportunity to lease lands or interest in land shall be made available to any member of the general public, except where the lease is made to a person in connections with land acquisition by the District and the lease results in a diminution of the cost to the District in the acquisition of the land.

Specific Authority 373.044 FS. Law Implemented 373.044, 373.093 FS. History—New 9-26-74.

16K-6.07 Sale of Surplus Spoil Material.

(1) The District may sell or otherwise dispose of surplus spoil material in accordance with the procedures and terms and conditions specified herein. For purposes of this rule, the term "surplus spoil material" means any District owned spoil which is not needed for the operation and maintenance of the works or lands of the District.

(2) Procedures — The following procedures are applicable to the sale or other disposition of surplus spoil material.

- (a) Receive request to purchase spoil material.
- (b) Determine whether requested spoil material qualifies as surplus spoil material.
- (c) Publish notice of sale if required.
- (d) Secure approval of Governing Board or Executive Director as required.
- (e) Execute agreement with successful purchaser.
- (f) Receive all payments, deposits, bonds, certificates, cross sections, and other materials that are required to be provided in advance of removal operations by the agreement or in Subsection (3).
- (g) Issue notice to proceed to successful purchaser.

(3) Terms and Conditions —

(a) Unless waived by the Governing Board (in the case of proposed sales exceeding 10,000 cubic yards) or the Executive Director (in the case of proposed sales not exceeding 10,000 cubic yards), the terms and conditions specified in subsection (3) apply to all sales or other dispositions of surplus spoil material. All sales or other dispositions of surplus spoil material shall be effectuated by an agreement which shall specify the consideration for the purchase, the conditions of performance, and the respective rights and liabilities of the parties.

(b) If the quantity of surplus spoil material to be sold exceeds 10,000 cubic yards, then the following terms and conditions shall apply unless waived by the Governing Board.

1. Sale of surplus spoil material shall be subject to the approval of the Governing Board.

2. The District shall invite sealed competitive bids by causing a notice of sale to be published in a newspaper in the county in which the spoil material is situated. The notice shall specify the location of the surplus spoil material, the amount of material available, and the minimum terms and conditions of the sale.

3. The purchaser shall provide the District with certified cross sections of the surplus spoil material in advance of removal operations. Upon completion of removal operations, the purchaser shall provide the District with certified as-built cross sections of the works or lands of the District involved.

(c) If the quantity of surplus spoil material to be sold does not exceed 10,000 cubic yards, then the following terms and conditions shall apply unless waived by the Executive Director.

1. Sale of the surplus spoil material shall be subject to the approval of the Executive Director.

2. The District shall determine the amount of spoil to be removed by appropriate method. If cross sections are deemed advisable, the District shall stake and cross section the surplus spoil material area in advance of removal operations. Upon completion of removal operations the District shall determine the as-built cross sections of the works or lands of the District involved.

3. The District shall not sell more than a total of 10,000 cubic yards to one person, his employees, agents or representatives for use on any one job within one year of the date of the first sale to that person without Governing Board approval.

(d) Unless waived, the following additional terms and conditions shall apply regardless of the quantity of surplus spoil material to be sold.

1. The District shall assign the surplus spoil material a monetary value per cubic yard based upon its present market value as determined by the going rate of similar type material in the same area. The surplus spoil material shall not be sold at less than this minimum value per cubic yard. The District may adjust the monetary value per cubic yard upward, if, after six months of the contract have elapsed, the District determines that the current market value of similar type material in the same area has increased.

2. All estimated surplus spoil material charges shall be paid by the purchaser in advance. Final payment by the purchaser or refund by the District shall be based upon final measured quantities of surplus spoil material removed as determined from the cross sections specified in paragraph (3)(b) or

(3)(c).

3. Governmental entities may purchase surplus spoil material at one-half the value as established in subparagraph (3)(d)1, if the material is to be used for public purposes.

4. All works or lands of the District shall be restored to the lines and grades deemed necessary by the District in accordance with the design standards established for the works or lands involved.

5. Appropriate erosion protection measures shall be incorporated into the removal operations.

6. A performance bond or cash deposit sufficient to assure faithful performance of the agreement and restoration of the works or lands of the District to original or better condition shall be furnished to the District.

7. The purchaser shall agree to hold and save the District harmless against all claims, demands or judgements resulting from the action or inaction of

the purchaser.

8. The purchaser shall maintain insurance, written by a company duly authorized to do business in the State of Florida, for coverages and amounts deemed necessary by the District. A certificate of insurance countersigned by a registered Florida insurance agent or broker reflecting the required insurance shall be furnished to the District.

9. Any additional permits or approvals required by any local, state or federal agency shall be the responsibility of the purchaser.

10. The District may inspect and monitor the removal operations to ensure compliance with the terms and conditions specified herein and in the contract for sale.

11. Removal operations shall not commence until the purchaser has received a notice to proceed from the District.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.086(1), 373.103(6) FS. History—New 6-26-74. Formerly 16K-5.14. Amended 12-2-77.

RULES
OF
CENTRAL AND SOUTHERN FLORIDA
FLOOD CONTROL DISTRICT
CHAPTER 16K-30
LAKE ISTOKPOGA -- INDIAN PRAIRIE AREA

- 16K-30.01 General
- 16K-30.02 Indian Prairie Basin Boundaries
- 16K-30.03 Minimum Levels for Lake Istokpoga
- 16K-30.04 Minimum Flows for Canals 39-A, 40, 41 and 41-A into Lake Okeechobee
- 16K-30.05 Minimum Canal Levels
- 16K-30.06 Minimum Flows for Arbuckle and Josephine Creeks
- 16K-30.07 Permit Classification
- 16K-30.08 Termination of Water Withdrawals in the Lake Istokpoga-Indian Prairie Area
- 16K-30.09 Water Shortage Plan

16K-30.01 General. This chapter establishes, in accordance with the requirements of Chapter 373, Florida Statutes, minimum water levels for Lake Istokpoga, minimum levels for canals within Indian Prairie basin, minimum flows to Lake Okeechobee to be maintained by canals within the Indian Prairie basin, minimum flows by Arbuckle Creek and Josephine Creek into Lake Istokpoga and a permit classification system and water shortage plan for the Lake Istokpoga-Indian Prairie area. The rules in this Chapter apply to water withdrawals from Lake Istokpoga and the Indian Prairie basin.
Specific Authority 373.113 FS. Law Implemented 373.113 FS. History—New 12-20-74.

16K-30.02 Indian Prairie Basin Boundary.

Indian Prairie basin shall include the areas within the following boundaries: Begin at the Northeast (NE) corner of Section 1, Township 38 South, Range 33 East, in the North boundary line of Glades County; thence, southwesterly, to the Southwest (SW) corner of the Northwest one-quarter (NW1/4) of said Section 1; thence, southerly, along the West line of Sections 1 and 12, Township 38 South, Range 33 East, to the Northwest (NW) corner of Section 13, Township 38 South, Range 33 East; thence, southeasterly, to the Southeast (SE) corner of said Section 13; thence, southeasterly, to the Southeast (SE) corner of Section 19, Township 38 South, Range 34 East; thence, southerly, to the intersection thereof with the southerly right of way line of Central and Southern Florida Flood Control District Levee 59; thence, southwesterly, along the southeasterly right of way lines of Central and Southern Florida Flood Control District Levees 59, 60 and 61, to the intersection thereof with the southerly right of way line of Central and Southern Florida Flood Control District Levee 50; thence, westerly and northerly, along said right of way line and its northerly extension, to the intersection thereof with the North line of Section 2, Township

40 South, Range 31 East; thence, westerly, along the Section line, to the Southwest (SW) corner of Section 35, Township 39 South, Range 31 East; thence, northerly, along the Section line, to the Northwest (NW) corner of said Section 35; thence, northwesterly, to the Northwest (NW) corner of Section 27, Township 39 South, Range 31 East; thence, northwesterly to the Northwest (NW) corner of Section 21, Township 39 South, Range 31 East; thence, westerly, along the Section line, to the Southwest (SW) corner of Section 17, Township 39 South, Range 31 East, thence, northwesterly, to the Southeast (SE) corner of the Southwest one quarter (SW1/4) of Section 7, Township 39 South, Range 31 East; thence, northwesterly, to the Northwest (NW) corner of the Southwest one-quarter (SW1/4) of said Section 7 in the boundary line between Glades and Highlands Counties; thence, northwesterly, to the Southwest (SW) corner of the Southeast one quarter (SE1/4) of Section 1, Township 39 South, Range 30 East; thence Northerly to the Northwest (NW) corner of the Northeast one-quarter (NE1/4) of said Section 1; thence, northwesterly, to the Southeast (SE) corner of the Northeast one-quarter (NE1/4) of Section 35, Township 38 South, Range 30 East; thence, westerly to the Southwest (SW) corner of the Northwest one-quarter (NW1/4) of said Section 35; thence, westerly to the Southeast (SE) corner of the Northeast one-quarter (NE1/4) of Section 33, Township 38 South, Range 30 East; thence, northwesterly, to the Northwest (NW) corner of the Northeast one-quarter (NE1/4) of said Section 33; thence, northwesterly, to the Southeast (SE) corner of Section 20, Township 38 South, Range 30 East; thence, northwesterly, to the Northwest (NW) corner of the Southeast one-quarter (SE1/4) of said Section 20; thence, northerly, to the Southwest (SW) corner of the Southeast one-quarter (SE1/4) of Section 8, Township 38 South, Range 30 East; thence, northerly, to the Northwest (NW) corner of the Southeast one-quarter (SE1/4) of said section 8, thence, northeasterly, to the Northeast (NE) corner of said Section 8; thence, northerly, along the Section line, to the Southwest (SW) corner of Section 33, Township 37 South, Range 30 East; thence, northeasterly, to the Northeast (NE) corner of said Section 33; thence, northerly, along the West line of Section 27, 22 and 15, all in Township 37 South, Range 30 East, to the Northwest (NW) corner of said Section 15; thence, northeasterly, to the Southwest (SW) corner of Section 2, Township 37 South, Range 30 East; thence, northerly, along the Section line, to the intersection thereof with the centerline of State Road No. 621; thence, easterly, northerly and northeasterly, along said centerline, to the

intersection thereof with the North line of the South one-half (S1/2) of Section 10, Township 36 South, Range 31 East; thence, easterly to the Northeast (NE) corner of the South one-half (S1/2) of said Section 10; thence, easterly, to the Northwest (NW) corner of the South one-half (S1/2) of Section 12, Township 36 South, Range 31 East; thence, easterly, to the Northeast (NE) corner of the South one-half (S1/2) of said Section 12; thence, southerly, along the Range line between Ranges 31 and 32, to the Northwest (NW) corner of Section 6, Township 37 South, Range 32 East; thence, easterly, along the Township line between Townships 36 and 37, to the Northwest (NW) corner of Section 5, Township 37 South, Range 33 East; thence, southeasterly, to the Southeast (SE) corner of said Section 5; thence, southerly, along the Section line, to the Northwest (NW) corner of Section 16, Township 37 South, Range 33 East; thence, southeasterly, to the Southeast (SE) corner of said Section 16; thence, southeasterly, to the Northeast (NE) corner of the Southwest one-quarter (SW1/4) of Section 22, Township 37 South, Range 33 East; thence, southerly, to the Southeast (SE) corner of the Southwest one-quarter (SW1/4) of said Section 22; thence, southerly, to the Northwest (NW) corner of the Northeast one-quarter (NE1/4) of Section 34, Township 37 South, Range 33 East; thence, easterly, along the North line of Section 34 and 35, Township 37 South, Range 33 East, to the Northeast (NE) corner of said Section 35; thence, southeasterly, to the point of intersection of the South right of way line of Central and Southern Florida Flood Control District Canal 41-A and the East line of Section 36, Township 37 South, Range 33 East; thence, southerly, along the Section line, to the point of beginning.

General Authority 373.113 FS. Law Implemented 373.103, 373.113 FS. History—New 12-20-74.

16K-30.03 Lake Istokpoga — Minimum Levels.

(1) The minimum levels for Lake Istokpoga are as shown in Figure 30-1.

(2) The District may, after public notice, allow the minimum levels in Figure 30-1 to be temporarily lowered for environmental or water quality reasons.
General Authority 373.113 FS. Law Implemented 373.042 FS. History—New 12-20-74.

16K-30.04 Minimum Flows For Canals 39-A, 40, 41 and 41-A Into Lake Okeechobee.

(1) The following minimum monthly flows for Canals 39-A, 40, 41 and 41-A collectively are established:

MONTH	MINIMUM FLOW (in acre-feet)
January	220
February	650
March	800
April	540
May	440
June	6500
July	5800
August	5500
September	6100
October	9200
November	1600
December	360

(2) The minimum flow set forth in subsection (1) will be maintained by discharges at Structures 71,

72, 84, 127, 129 and 131. The sum of the discharges at all six structures will be used to determine the flow.

(3) When the Lake Istokpoga minimum level is reached and only minimum levels in the Canals 39-A, 40, 41 and 41-A are being maintained, the requirement for minimum flows to Lake Okeechobee by way of these canals shall be terminated. At no time will releases from Lake Istokpoga be made for the sole and specific purpose of maintaining the minimum flows set forth in subsection (1).

General Authority 373.113 FS. Law Implemented 373.042 FS. History—New 12-20-74.

16K-30.05 Minimum Canal Levels.

(1) The following minimum canal levels are established (in feet above mean sea level):

(a) Canal 39-A above Structure 75	22.5
(b) Canal 40 above Structure 72	17.7
(c) Canal 41 above Structure 71	17.0
(d) Canal 41 above Structure 70	22.5
(e) Canal 41-A above Structure 84	21.7
(f) Canal 41-A above Structures 82 and 83	29.0
(g) Borrow Canal of Interceptor Levee 59	17.7
(h) Borrow Canal of Interceptor Levee 60	17.7
(i) Borrow Canal of Interceptor Levee 61	17.0

(2) The above named canals are the primary canals within the Lake Istokpoga-Indian Prairie area.
General Authority 373.113 FS. Law Implemented 373.042 FS. History—New 12-20-74.

16K-30.06 Minimum Flows For Arbuckle and Josephine Creeks.

(1) The following minimum monthly flows for Arbuckle Creek are established:

MONTH	MINIMUM FLOW (in acre-feet)
January	9,025
February	9,025
March	9,025
April	7,790
May	5,510
June	8,550
July	19,000
August	26,600
September	27,550
October	28,500
November	11,400
December	7,790

(2) The following minimum monthly flows for Josephine Creek are established:

MONTH	MINIMUM FLOW (in acre-feet)
January	1,995
February	1,995
March	1,995
April	1,615
May	1,045
June	2,090
July	4,275
August	5,795
September	8,075
October	6,365
November	2,945
December	2,280

(3) The flows set forth in subsections (1) and (2) will be determined by the monthly discharge as

measured for Arbuckle Creek at U.S. Highway Number 98 and Josephine Creek at State Road Number 17.

General Authority 373.113 FS. Law Implemented 373.042 FS. History—New 12-20-74.

16K-30.07 Permit Classification.

(1) Permits will be classified by source and use within the geographical areas consisting of:

(a) all land areas which receive their water supply directly from Lake Istokpoga including the Lake Istokpoga Canal between Lake Istokpoga and the Lake Istokpoga canal structure;

(b) all lands within the Indian Prairie basin as defined in Regulation 16K-30.02;

(c) all lands receiving their water supply from the borrow canals of Interceptor Levees 59, 60 and 61.

(2) Source Classification:

(a) The following bodies of water shall be given a source classification of "S":

1. Lake Istokpoga including the Lake Istokpoga Canal between Lake Istokpoga and the Lake Istokpoga canal structure;

2. Canals 39-A, 40, 41 and 41-A;

3. The borrow canals of Interceptor Levees 59, 60 and 61;

4. Any ditches and canals connecting with items 1., 2. or 3.

(b) That portion of the water table aquifer lying within 2,000 feet of the shore line of Lake Istokpoga, including the Lake Istokpoga Canal between Lake Istokpoga and the Lake Istokpoga canal structure, or within 2,000 feet of any of the following;

1. Canals 39-A, 40, 41 or 41-A;

2. The borrow canals of Interceptor Levees 59, 60 or 61;

3. Any ditch or canal connecting with Canals 39-A, 40, 41 or 41-A or the borrow canals of Interceptor Levees 59, 60 or 61 and with a depth below ground level in excess of 15 feet; shall be given a source classification of "G-1".

(c) The water table aquifer within geographical areas specified in subsection (1), other than that portion of the aquifer described in subsection (2) (b), shall be given a source classification of "G-2".

(d) The water body that has the generic name "Floridan Aquifer" (Artesian) shall be given a source classification of "G-3".

(3) Use Classification: All uses, other than recreational will be classified as follows:

(a) Domestic

(b) Essential Services

(c) Public Supply

(d) Livestock

(e) Agricultural

(f) Industrial

(g) Mining

General Authority 373.113 FS. Law Implemented 373.113, 373.246 FS. History—New 12-20-74.

16K-30.08 Termination of Water Withdrawals in the Lake Istokpoga—Indian Prairie Area.

(1) Upon notice from the District, water withdrawals under permits having source classification "S" shall be terminated under the following conditions:

(a) For water withdrawals directly from either Canals 39-A, 40, 41 or 41-A or the borrow canals of

Interceptor Levees 59, 60 or 61: when the level in the primary canal from which water is being withdrawn reaches the minimum level set forth in Regulation 16-K-30.05.

(b) For water withdrawals made from canals or ditches connecting with either Canals 39-A, 40, 41 or 41-A or the borrow canals of Interceptor Levees 59, 60 or 61: when the level in the connecting canal from which water is being withdrawn reaches the same elevation as the minimum level set forth in Regulation 16K-30.05 for the primary canal to which it connects.

(c) For water withdrawals directly from Lake Istokpoga including the Lake Istokpoga Canal between Lake Istokpoga and the Lake Istokpoga canal structure: when the level in Lake Istokpoga reaches the minimum level set forth in Regulation 16K-30.03.

General Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.216, 373.219 FS. History—New 12-20-74.

16K-30.09 Water Shortage Plan.

(1) The Water Shortage Plan in this section establishes criteria to be used when, pursuant to Regulation 16K-2.12, the Governing Board declares that a water shortage exists within the Lake Istokpoga-Indian Prairie area for users with a source classification of "S". This Plan is intended to insure that the minimum flows and minimum levels within the area may be maintained and that the water resources within the area do not suffer serious harm. The procedures of Regulation 16K-2.13 shall apply.

(2) Permits with the use classifications designated in Regulation 16K-30.07 shall be placed in the following groups:

(a) Group 1: Domestic and Essential Service

(b) Group 2: Public Supply

(c) Group 3: Livestock and Agricultural

(d) Group 4: Industrial and Mining

(3) If the District determines that based on the predicted demand and supply potential water shortage exists within the Lake Istokpoga-Indian Prairie area, then Permittees with permits with source classification of "S" and within Group 2, 3 or 4, shall be restricted as follows until the deficiency is satisfied:

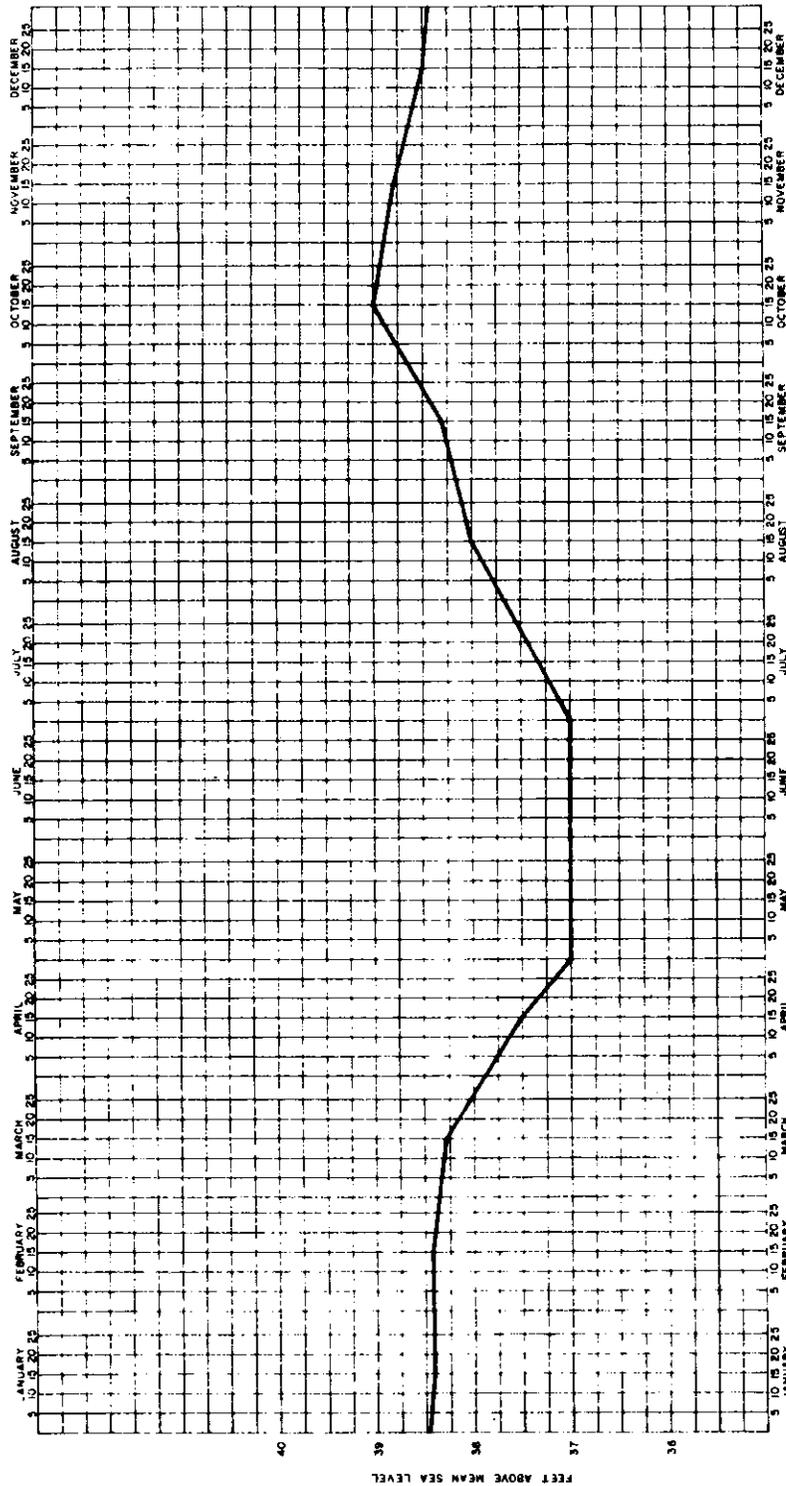
(a) If the forecast shortage for the period is 25 percent or less of the estimated demand for the period, then the percentage reduction for permits within Group 2 and 3 shall be equal, and the percentage reduction for permits within Group 4 shall be a 5 percentage points higher than that of permits for Group 2 and 3.

(b) If the forecast shortage for the period is greater than 25 percent but not greater than 35 percent of the estimated demand for the period, then the first 25 percent of the deficiency shall be satisfied as specified in (3) (a) and the remaining deficiency shall be determined, and the percentage reduction for permits within Group 3 shall be 5 percentage points higher than that for permits within Group 2, and the percentage reduction for permit within Group 4 shall be 10 percentage points higher than that for permits within Group 2.

(c) If the forecast shortage for the period is greater than 35 percent of the estimated demand for the period, then the first 35 percent of the deficiency shall be satisfied as specified in (3) (a) and (b) and no

further restrictions shall be applied to permits within Group 2. The remaining deficiency shall be determined, and the percentage reduction for permits within Group 4 shall be 5 percentage points higher than that of permits within Group 3.

(4) No restrictions shall be made upon permits within Group 1 under this Water Shortage Plan.
General Authority 373.113 FS. Law Implemented 373.113, 373.246 FS. History—New 12-20-74.



LAKE ISTOKPOGA MINIMUM LEVELS

FIGURE 30-1

RULES
OF THE
CENTRAL AND SOUTHERN FLORIDA
FLOOD CONTROL DISTRICT

CHAPTER 16K-31

ST. LUCIE COUNTY AGRICULTURAL AREA

- 16K-31.01 General
16K-31.02 St. Lucie County Agricultural Area Boundaries
16K-31.03 Minimum Flows in Canals 23, 24 and 25
16K-31.04 Minimum Levels for Canals 23, 24 and 25
16K-31.05 Permit Classification
16K-31.06 Termination of Water Withdrawals in St. Lucie County Agricultural Area
16K-31.07 Water Use Restrictions in Canal 25 between Structure 99 and Structure 50

16K-31.01 General. The regulation in this chapter establish, in accordance with the requirements of Chapter 373, Florida Statutes, minimum flows and levels for Canals 23, 24 and 25 and a permit classification system for the St. Lucie County Agricultural Area. The regulations in this chapter apply to water withdrawals within the St. Lucie County Agricultural Area and water withdrawals from Canal 25 below Structure 99.
General Authority 373.113 FS. Law Implemented 373.113 FS. History--New 12-20-74.

16K-31.02 St. Lucie County Agricultural Area Boundaries. The St. Lucie County Agricultural Area shall include the area within the following boundaries:

Begin at the Northwest corner of Section 7, Township 34 South, Range 37 East in the boundary line between Okeechobee County and St. Lucie County; thence, bear Easterly along the North line of Section 7, 8, 9, 10, 11 and 12, Township 34 South, Range 37 East, to the Northeast corner of said Section 12; thence, Southerly along the East line of said Section 12, to the Southeast corner of said Section 12; thence, Easterly along the North line of Sections 18, 17, 16 and 15, Township 34 South, Range 38 East, to the Northeast corner of said Section 15; thence, Northerly along the West line of Sections 11 and 2, Township 34 South, Range 38 East, to the Northwest corner of the South one-half of said Section 2; thence, Easterly along the North line of the South one-half of Sections 2 and 1, Township 34 South, Range 38 East, to the Northeast corner of the South one-half of said Section 1; thence, Southerly along the East line of Sections 1, 12 and 13, Township 34 South, Range 38 East, to the Northwest corner of the Southwest one-quarter of Section 18, Township 34 South, Range 39 East; thence, Easterly to the Northeast corner of the Southwest one-quarter of said Section 18; thence, Southerly along the East line of the West one-half of Section 18, 19, 30 and 31, Township 34 South, Range 39 East, and Sections 6 and 7, Township 35 South, Range 39 East, to the Northwest corner of the Southeast one-quarter of said Section 7; thence, Easterly to the Northeast corner of the Southeast

one-quarter of said Section 7; thence, Southerly to the Southeast corner of the Southeast one-quarter of said Section 7; thence, Easterly to the Northeast corner of the West one-half of Section 17, Township 35 South, Range 39 East; thence, Southerly along the East line of the West one-half of Sections 17 and 20, Township 35 South, Range 39 East, to the Southeast corner of the West one-half of said Section 20; thence, Easterly to the Northeast corner of Section 29, Township 35 South, Range 39 East; thence, Southerly along the East line of Sections 29 and 32, Township 35 South, Range 39 East, and Section 5, Township 36 South, Range 39 East, to the Southeast corner of said Section 5; thence, Westerly along the South line of Sections 5 and 6, Township 36 South, Range 39 East, to the Northeast corner of the West one-half of Section 7, Township 36 South, Range 39 East; thence, Southerly along the East line of the West one-half of Sections 7 and 18, Township 36 South, Range 39 East, to the Northwest corner of the Northeast one-quarter of Section 19, Township 36 South, Range 39 East; thence, Easterly along the North line of Sections 19, 20, 21 and 22, Township 36 South, Range 39 East, to the Northeast corner of said Section 22; thence, Southerly, along the East line of Section 22 and 27, Township 36 South, Range 39 East, to the Southeast corner of said Section 27; thence, Southeasterly to the Northeast corner of Section 2, Township 37 South, Range 39 East; thence, Southerly along the East line of Sections 2, 11, 14, 23, 26 and 35, Township 37 South, Range 39 East to the Southeast corner of said Section 35 in the boundary line between St. Lucie County and Martin County; thence, continue Southerly along the East line of Sections 2, 11 and 14, Township 38 South, Range 39 East to the Southeast corner of said Section 14; thence, Westerly along the South line of Sections 14, 15, 16, 17 and 18, Township 38 South, Range 39 East, Sections 13, 14, 15, 16, 17 and 18, Township 38 South, Range 38 East and Section 13, Township 38 South, Range 37 East, to the Southwest corner of Section 13, Township 38 South, Range 37 East; thence, Northerly along the West line of said Section 13, to the Northwest corner of said Section 13; thence, Westerly along the South line of Sections 11 and 10, Township 38 South, Range 37 East to the Southwest corner of said Section 10; thence, Northerly along the West line of Sections 10 and 3, Township 38 South, Range 37 East to the Northwest corner of said Section 3 in the boundary line between Martin County and St. Lucie County; thence, continue Northerly along the West line of Section 34, Township 37 South, Range 37 East, to the Southeast corner of Section 28, Township 37 South, Range 37 East; thence, Westerly along the South line of said Section 28, to the Southwest corner of said Section 28; thence,

Northerly along the West line of Sections 28, 21 and 16, Township 37 South, Range 37 East, to the Northwest corner of said Section 16; thence, Westerly along the South line of Sections 8 and 7, Township 37 South, Range 37 East, to the Southwest corner of said Section 7 in the boundary line between St. Lucie County and Okeechobee County; thence, Northerly along said boundary line, also being the West line of said Section 7, to the Southeast corner of Section 1, Township 37 South, Range 36 East; thence, Westerly along the South line of Sections 1 and 2, Township 37 South, Range 36 East, to the Southwest corner of said Section 2; thence, Northerly, along the West line of said Section 2 and along the West line of Section 35, Township 36 South, Range 36 East, to the Southeast corner of Section 27, Township 36 South, Range 36 East; thence, Northwesterly to the Southwest corner of Section 22, Township 36 South, Range 36 East; thence, Northerly along the West line of said Section 22, to the Southeast corner of Section 16, Township 36 South, Range 36 East; thence, Northwesterly to the Southeast corner of Section 8, Township 36 South, Range 36 East; thence, Westerly along the South line of said Section 8, to the Southwest corner of said Section 8; thence, Northerly along the West line of Sections 8 and 5, Township 36 South, Range 36 East, to the Northwest corner of said Section 5; thence, Northwesterly to the Southeast corner of Section 25, Township 35 South, Range 35 East; thence, Westerly along the South line of said Section 25, to the Southwest corner of the East one-half of said Section 25; thence, Northerly along the West line of the East one-half of Sections 25, 24 and 13, Township 35 South, Range 35 East, to the Southeast corner of the Northwest one-quarter of said Section 13; thence, Westerly along the South line of the North one-half of Sections 13 and 14, Township 35 South, Range 35 East, to the Southwest corner of the North one-half of said Section 14; thence, Northerly along the West line of Sections 14, 11 and 2, Township 35 South, Range 35 East, to the Northwest corner of said Section 2; thence, Easterly along the North line of said Section 2, to the Southwest corner of the East one-half of Section 35, Township 34 South, Range 35 East; thence, Northerly along the West line of the East one-half of Sections 35 and 26, Township 34 South, Range 35 East, to the Northwest corner of the Southeast one-quarter of said Section 26; thence, Easterly along the North line of the South one-half of Sections 26 and 25, Township 34 South, Range 35 East, to the Southwest corner of Section 30, Township 34 South, Range 36 East; thence, Northerly along the West line of Sections 30, 19 and 18, Township 34 South, Range 36 East, to the Northwest corner of said Section 18; thence, Easterly along the North line of Sections 18, 17 and 16, Township 34 South, Range 36 East, to the Southwest corner of Section 10, Township 34 South, Range 36 East; thence, Northerly along the West line of said Section 10, to the Northwest corner of said Section 10; thence, Easterly along the North line of Sections 10, 11 and 12, Township 34 South, Range 36 East to the point of beginning.

The above described parcel of land being situated in Martin, Okeechobee and St. Lucie Counties.

Specific Authority 373.113 FS. Law Implemented 373.103, 373.113 FS. History- New 12-20-74.

16K-31.03 Minimum Flows in Canals 23, 24 and 25.

(1) The following minimum monthly flows for Canals 23, 24 and 25 are established:

(a) Canal 23 (measured at Structure 48)

MONTH	MINIMUM FLOW (in acre/feet)
January	292
February	329
March	365
April	219
May	401
June	1,168
July	1,533
August	1,533
September	1,680
October	2,118
November	694
December	292

(b) Canal 24 (measured at Structure 49)

MONTH	MINIMUM FLOW (in acre/feet)
January	439
February	319
March	319
April	280
May	439
June	1,636
July	998
August	1,636
September	1,277
October	1,636
November	430
December	240

(c) Canal 25 (measured at Structure 50)

MONTH	MINIMUM FLOW (in acre/feet)
January	480
February	400
March	560
April	520
May	440
June	1,279
July	1,639
August	1,399
September	1,199
October	1,679
November	1,439
December	399

(2) Whenever the canal level of either Canals 23, 24 or 25 reaches the following levels:

(a) Dry Season (October 15 through May 14)

CANAL	LEVEL (feet above mean sea level)
C-23 above Structure 97	23.2
C-24 above Structure 49	21.2
C-25 above Structure 99	21.2

(b) Wet Season (May 15 through October 14)

CANAL	LEVEL (feet above mean sea level)
C-23 above Structure 97	22.2
C-24 above Structure 49	20.2
C-25 above Structure 99	20.2

the minimum flow requirement for that canal will be suspended until the canal rises above that level.
Specific Authority 373.113 FS. Law Implemented 373.042
FS. History—New 12-20-74.

16K-31.04 Minimum Levels for Canals 23, 24 and 25.

(1) The following minimum levels are established (in feet above mean sea level):

- | | |
|--|------|
| (a) Canal 23 above Structure 97 | 14.0 |
| (b) Canal 23 between Structure 48 and Structure 97 | 4.0 |
| (c) Canal 24 above Structure 49 | 14.0 |
| (d) Canal 25 above Structure 99 | 14.0 |
| (e) Canal 25 between Structure 50 and Structure 99 | 8.0 |

(2) The above named canals are the primary canals within the St. Lucie County Agricultural Area.
Specific Authority 373.113 FS. Law Implemented 373.042
FS. History—New 12-20-74.

16K-31.05 Permit Classification.

(1) Within the St. Lucie County Agricultural Area permits will be classified by source and use.

(2) Source Classification:

(a) Canals 23, 24 or 25 and all ditches and canals connecting with Canals 23, 24 or 25 shall be given a source classification of "S".

(b) That portion of the water table aquifer lying within 2,000 feet of either of the following:

1. The centerline of Canal 23, 24 or 25;
2. Any ditch or canal connecting with Canal 23, 24 or 25 and with a depth below ground level in excess of 15 feet shall be given a source classification of "G-1".

(c) The portion of the water table aquifer other than that described in subsection (2)(b) shall be given a source classification of "G-2".

(d) The water body that has the generic name "Floridan Aquifer" (Artesian) shall be given a source classification of "G-3".

(3) Use Classification: All uses, will be classified as follows:

- (a) Domestic
- (b) Essential Services
- (c) Public Supply
- (d) Livestock
- (e) Agricultural
- (f) Industrial
- (g) Mining
- (h) Recreational

Specific Authority 373.113 FS. Law Implemented 373.113,
373.246 FS. History—New 12-20-74.

16K-31.06 Termination of Water Withdrawals in St. Lucie County Agricultural Area.

(1) Upon notice from the District, water withdrawals under permits having source classification "S" shall be terminated under the following conditions:

(a) For water withdrawals directly from either Canal 23, 24 or 25: when level in the primary canal from which water is being withdrawn reaches the minimum level set forth in Rule 16K-31.04.

(b) For water withdrawals made from canals or ditches connecting with either Canal 23, 24 or 25: when level in the connecting canal from which water is being withdrawn reaches an elevation of 14.0 feet mean sea level.

(2) The cessation of water withdrawals will remain in effect until the level in either the primary canal or the connecting canal rises above an elevation of 14.0 feet mean sea level and the District has notified permit holders that they may resume making withdrawals.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.216, 373.219 FS. History—New 12-20-74.

16K-31.07 Water Use Restrictions in Canal 25 between Structure 99 and Structure 50.

(1) When Canal 25 reaches 10.0 feet above mean sea level at Structure 50, the District may, upon notice, initiate restrictions upon agricultural, livestock, mining, industrial and recreational uses which receive their water from the section of Canal 25 between Structure 99 and Structure 50. Such restrictions shall remain in force until that section of Canal 25 rises above 10.0 feet mean sea level and the District has given notice that withdrawals may be resumed.

(2) When Canal 25 reaches 8.0 feet above mean sea level at Structure 50, the District may, upon notice, initiate restrictions upon public supply uses which receive their water from the section of Canal 25 between Structure 99 and Structure 50. Such restrictions shall remain in force until that section of Canal 25 rises above 8.0 feet above mean sea level and the District has given notice that withdrawals may be resumed.

Specific Authority 373.113 FS. Law Implemented 373.113,
373.246 FS. History—New 12-20-74.

RULES
OF THE
SOUTH FLORIDA WATER MANAGEMENT DISTRICT
CHAPTER 16K-34

SURFACE WATER MANAGEMENT CRITERIA — WESTERN CANAL 9 BASIN

- 16K-34.01 Policy and purpose
- 16K-34.02 Western canal 9 basin
- 16K-34.03 Implementation
- 16K-34.04 General requirements
- 16K-34.05 Exemptions
- 16K-34.06 Criteria applicable to western canal 9 basin

16K-34.01 Policy and Purposes. The purpose of the rules in this chapter is to establish additional surface water management criteria for the Western Canal 9 Basin which will insure that development within the Western Canal 9 Basin incorporates the appropriate water quantity and water quality control measures necessary to protect the integrity of the public investments in the Canal 9 Basin and which minimizes adverse impacts to the water resources of the District. Criteria delineated in this Chapter are in addition to criteria specified in Chapter 16K-4 of the District's Rules. The criteria, exemptions and additional requirements specified in this rule are not intended to supercede or rescind the terms and conditions of any valid Surface Water Management Permit issued by the District prior to the effective date of this chapter. General Permit Rules shall not be effective within the Western Canal 9 Basin.

Specific Authority 873.113 FS. Law Implemented 373.413 FS. History—New 10-2-77.

16K-34.02 Western Canal 9 Basin. The Western Canal 9 Basin is generally depicted in Figure 34-1, and specifically shall include the area within the following boundaries:

In Dade and Broward County, Florida, as follows:

Begin at the Southeast (SE) corner of Section 12, Township 52 South, Range 40 East; Thence, bear Westerly along the Section Lines to the intersection thereof with State Road No. 25; Thence, Northwesterly and Northerly along State Road No. 25 to the intersection thereof with State Road No. 820; Thence, Easterly along State Road No. 820 to the intersection thereof with the East line of Section 14, Township 51 South, Range 40 East; Thence, Southerly along the Section Lines to the Northwest (NW) corner of Section 1, Township 52 South, Range 40 East; Thence, Easterly along the Section Line to the Northeast (NE) corner of said Section 1; Thence, Southerly along the Section Lines to the Southeast (SE) corner of said Section 12 to the Point of Beginning.

Specific Authority 873.113 FS. Law Implemented 373.413 FS. History—New 10-2-77.

16K-34.03 Implementation. The effective date for the rules in this chapter is October 2, 1977. Specific Authority 873.113 FS. Law Implemented 373.413 FS. History—New 10-2-77.

16K-34.04 General Requirements. All projects located within the Western Canal 9 Basin which require permits pursuant to Rule 16K-4.03 or Rule 16K-4.07 shall be constructed, altered, and operated in accord with the criteria specified in Rule 16K-4.035 and Rule 16K-34.06 unless specifically exempted in Rule 16K-34.05. The most restrictive criteria will be applicable unless the applicant can demonstrate to the District's satisfaction through accepted methodology that the purpose and intent of this chapter will be fulfilled using alternate criteria.

Specific Authority 373.113 FS. Law Implemented 373.413 FS. History—New 10-2-77.

16K-34.05 Exemptions. Projects which have received final approval of construction plans (or equivalent approval) from local government prior to the effective date of this chapter are hereby exempted from the fill encroachment criteria specified in Subsection 16K-34.06(4). All other criteria specified in Rules 16K-4.035 and 16K-34.06 must be strictly adhered to.

Specific Authority 873.113 FS. Law Implemented 373.413 FS. History—New 10-2-77.

16K-34.06 Criteria Applicable to Western Canal 9 Basin.

(1) For design purposes the 100-year, 25-year and 10-year flood frequency elevations are established as 7.3', 6.8' and 6.5' mean sea level, respectively.

(2) For systems designed to be pumped from fully diked areas, discharge shall be limited to three-fourths of an inch per twenty-four hours, or the criteria in Rule 16K-4.035 whichever is more restrictive. In addition, no pumping shall be permitted when Canal 9 stages at pump tailwater exceed the 25-year peak elevation of 6.8' mean sea level.

(3) All direct connections to Canal 9 shall be designed to prevent lowering of the groundwater table below elevation 2.5 feet mean sea level. All indirect connections to Canal 9 shall be designed to prevent lowering of the groundwater table by installing the discharge facilities at a discharge elevation no lower than six inches below average existing ground elevation for the project. Nothing in this subsection shall be construed to preclude the construction and operation of discharge facilities designed to temporarily lower the groundwater table below these elevations immediately prior to the arrival of a major storm event.

(4) Fill encroachment criteria

(a) The volume encroached by development between average existing ground surface and elevation 7.0' mean sea level shall not exceed 2.0' times the total area of the property.

(b) For diked areas with on-site retention of runoff, the area diked shall not exceed the encroachment volume specified in paragraph 16K-34.06(4)(a) divided by the difference between average existing ground elevation within the dike

and elevation 5.75' mean sea level. This will require all such projects on land of average elevation less than 3.75 feet mean sea level to preserve some area outside of the dikes with no fill. Said preserved area shall be located so as to preserve natural basin flow patterns for lands outside said dikes.

(c) Typical development schemes using these criteria are depicted in Figure 34-2.
Specific Authority 373.113 FS. Law Implemented 373.413 FS. History—New 10-2-77.

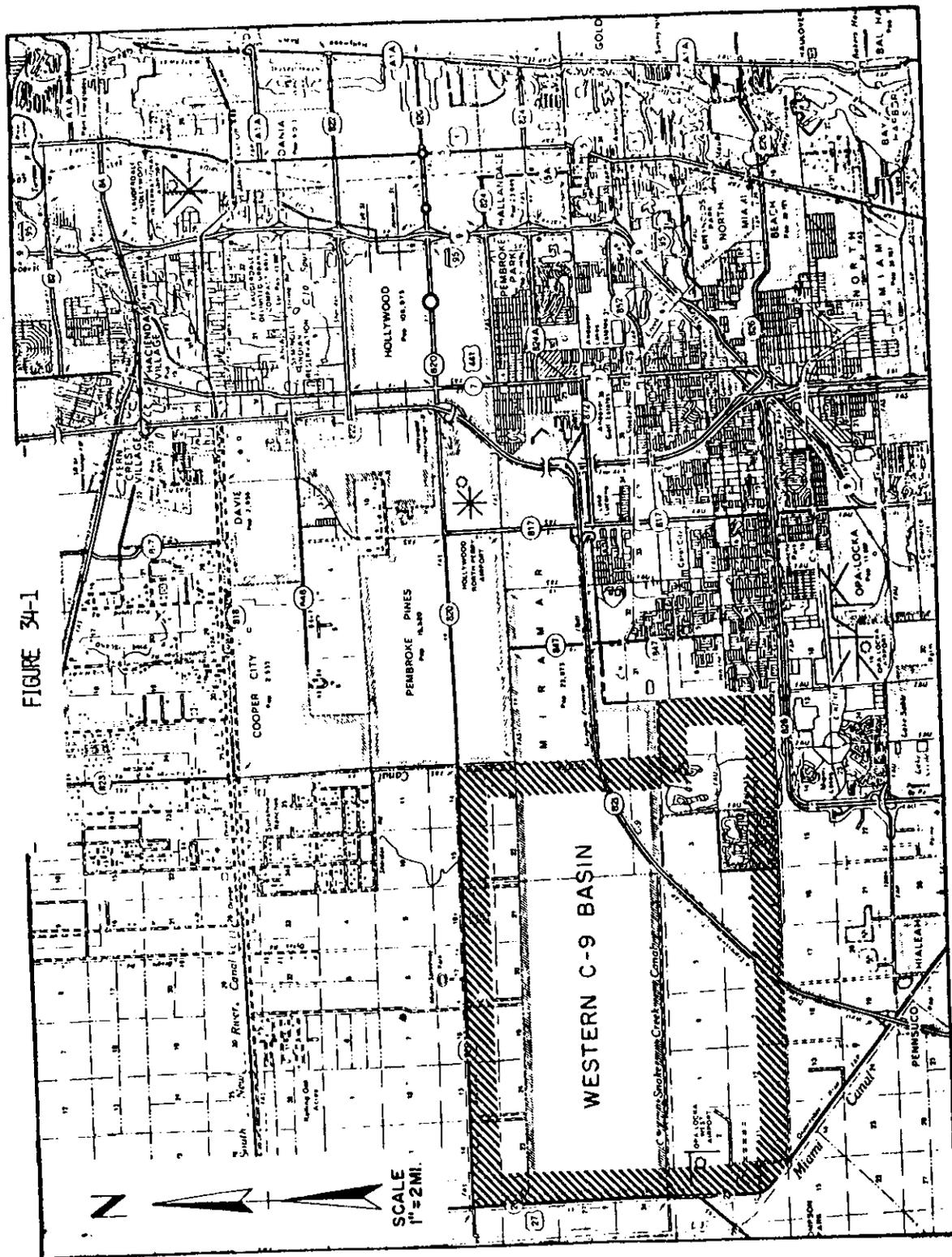
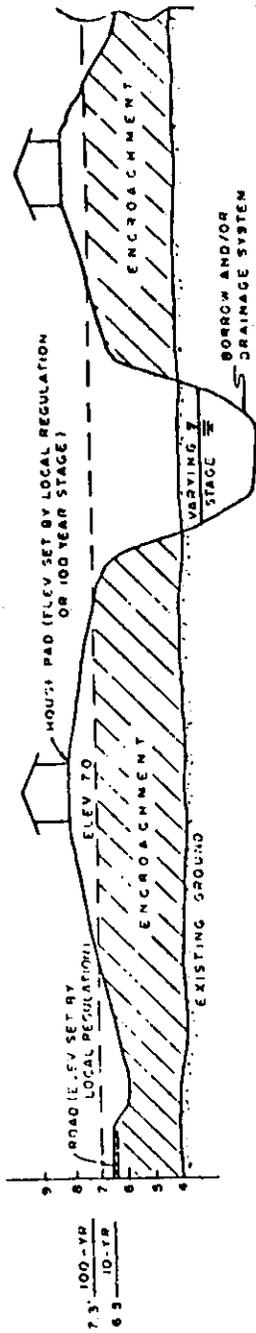
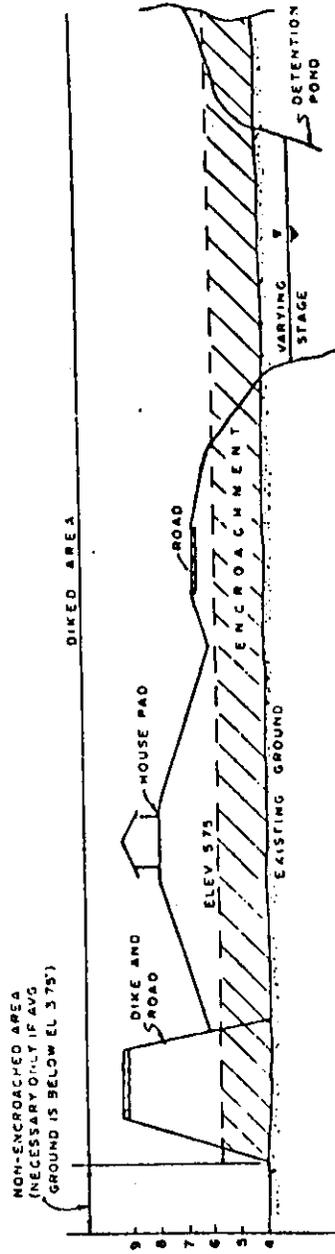


FIGURE 34-1

FIGURE 34-2



GRAVITY DRAINAGE SYSTEM



PUMPED RETENTION SYSTEM

TYPICAL DEVELOPMENT SCHEMES