

South Florida Water Management District Annual Regulatory Plan 2016/2017

- Part I Each law enacted or amended during the previous 12 months which creates or modifies the duties or authority of the agency (120.74(1)(a)) **and update to the prior year’s regulatory plan or supplement (120.74(1)(c))**

- Part II Each law not otherwise listed in Part I which the agency expects to implement by rulemaking before July 1, 2017 (120.74(1)(b))

| Part I Each law enacted or amended during the previous 12 months which creates or modifies the duties or authority of the agency (120.74(1)(a)) and update to the prior year's regulatory plan or supplement (120.74(1)(c)) | | | | | | |
|---|---|----------------------------------|--|---|--|-----------------|
| | | | Rulemaking Required | | Rulemaking Not Required | |
| Law enacted or amended during prior 12 months that creates or modifies the District's authority or duties | Topic of the law | Does new law require rulemaking? | Date Notice of Rule Development published ¹ | Date expected to publish Notice of Proposed Rule ² | If rulemaking is not required to implement the law, explain why | Division |
| Ch. 2016-1, s. 3, Laws of Fla. 373.036, Fla. Stat. (SB 0552) | Consolidated Water Management District Annual Report | No | | | This law is self-implementing. | Water Resources |
| Ch. 2016-1, s. 4, Laws of Fla. 373.037, Fla. Stat. (SB 0552) | Pilot program for alternative water supply development in restricted allocation areas | No | | | This law is self-implementing. | Water Resources |
| Ch. 2016-1, s. 5, Laws of Fla. 373.042 373.0421, Fla. Stat. (SB 0552) | Minimum flows and minimum water levels | No | | | The amendments reflect the South Florida Water Management District's current practice. | Water Resources |
| Ch. 2016-1, s. 7, Laws of Fla. 373.0465, Fla. Stat. (SB 0552) | Central Florida Water Initiative (CFWI) | No | | | DEP is required to adopt consumptive use permitting rules for the CFWI. No further rulemaking is required by the water management districts (WMDS) to implement DEP's CFWI rules. | Regulation |

¹ Must be published before November 1; cite to FAR by Volume and Number

² Must be published before April 1

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| Ch. 2016-1, s. 8, Laws of Fla. 373.1501(4), Fla. Stat. (SB 0552) | State authority to allocate water | No | | | This law codifies existing District authority. | Everglades Policy & Coordination |
| Ch. 2016-1, s. 10, Laws of Fla. 373.223, Fla. Stat. (SB 0552) | Conditions for a permit – water use monitoring | No | | | Authorizes WMDs to continue to apply water use monitoring criteria already in effect. | Regulation |
| Ch. 2016-1, s. 11, Laws of Fla. 373.2234, Fla. Stat. (SB 0552) | Preferred water supply sources | No | | | SFWMD has not identified any preferred water sources. | Water Resources |
| Ch. 2016-1, s. 12, Laws of Fla. 373.227, Fla. Stat. (SB 0552) | Water conservation incentive | No | | | Amendment is identical to rules previously adopted during the statewide consumptive use permitting consistency rulemaking. | Regulation |
| Ch. 2016-1, s. 13, Laws of Fla. 373.233, Fla. Stat. (SB 0552) | Competing applications | No | | | This law is self-implementing. | Regulation |
| Ch. 2016-1, s. 14, Laws of Fla. 373.4591(1) 373.4591(2), Fla. Stat. (SB 0552) | Public/Private Partnerships | No | | | This law is self-implementing. | Everglades Policy & Coordination |

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| Ch. 2016-1 S.15, Laws of Fla. 373.4595(3) 373.4595 (3)(a) 373.4595 (3)(a)1c 373.4595 (3)(a)2 373.4595 (3)(b) 373.4595 (3)(b)9 373.4595 (3)(b)13 373.4595 (4)(a)2, Fla. Stat. (SB 0552) | Northern Everglades and Estuaries Protection Program | No | | | This law is self-implementing. | Everglades Policy & Coordination |
| Ch. 2016-1 s.15, Laws of Fla. 373.4595(3)(b)7 373.4595(3)(b)10 373.4595(3)(b)21 373.4595(4)(b)8 373.4595(4)(c)8 373.4595 (4)(d)8, Fla. Stat. (SB 0552) | Northern Everglades and Estuaries Protection Program | Yes 40E-61 Works of the District Basins | Not yet published | March 2017 | | Regulation |
| Ch. 2016-1, s. 17, 19, 20, and 21, Laws of Fla. 373.536 373.705 373.707 373.709, Fla. Stat. (SB 0552) | Water Resource Development Work Program | No | | | This law is self-implementing. | Water Resources |
| Ch. 2016-1, s. 34, Laws of Fla. 403.0675, Fla. Stat. (SB 0552) | Progress reports | No | | | This law is self-implementing. | Water Resources |

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| Ch. 2016-1, s. 36, Laws of Fla. 403.928, Fla. Stat. (SB 0552) | Assessment of water resources and conservation lands | No | | | This law is self-implementing. | Water Resources |
| Ch. 2016-6, Laws of Fla. 119.071, Fla. Stat. (SB 0182) | Public Records and Meetings/Trade Secrets | No | | | This law is self-implementing. | Board & Executive Services |
| Ch. 2016-20, Laws of Fla. 119.0701, Fla. Stat. (HB 0273) | Public Records/ Public Agency Contract for Services | No | | | This law is self-implementing. | Board & Executive Services |
| Ch. 2016-36, Laws of Fla. 215.4725, Fla. Stat. (SB 0086) | Scrutinized Companies | No | | | This law is self-implementing. | Administrative Services |
| 2016-63, Laws of Fla. 1271.71 121.74, Fla. Stat. (HB 5005) | State-Administered Retirement Systems | No | | | This law is self-implementing. | Administrative Services |
| Ch. 2016-154, Laws of Fla. 287.05712, Fla. Stat. (SB 0126) | Public Records and Public Meetings/ Public-Private Partnerships | No | | | This law is self-implementing. | Board & Executive Services |
| Ch. 2016-164, Laws of Fla. 119.071, Fla. Stat. (SB 0752) | Public records; Inspector General Personnel | No | | | This law is self-implementing. | Board & Executive Services |
| 2016-178, Laws of Fla. 119.071, Fla. Stat. (SB 1004) | Public Records/ Security System Plans | No | | | This law is self-implementing. | Board & Executive Services |

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| Ch. 2016-201, Laws of Fla. 375.041, Fla. Stat. (HB 0989) | Water and Land Conservation Constitutional Amendment | No | | | This law is self-implementing. | Administrative Services |
| 2016-233, Laws of Fla. 373.089, Fla. Stat. (HB 1075) | State Areas | No | | | This law is self-implementing. | Real Estate |

| Part II | | | |
|---|---|--|-----------------|
| Each law not otherwise listed in Part I which the agency expects to implement by rulemaking before July 1 (120.74(1)(b)) | | | |
| Law Implemented | Rule Number & Title | Reason for the rule i.e., to simplify, clarify, increase efficiency, improve coordination with other agencies, reduce regulatory costs, or delete obsolete, unnecessary or redundant rules | Division |
| 373.042, 373.0421, 373.083, 373.109, 373.196, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239, 373.250, Fla. Stat. | 40E-2.091 Publications Incorporated by Reference Applicant's Handbook for Water Use Permit Applications, section 3.11 | Establish CUP criteria corresponding to the water reservation for the Kissimmee River, its floodplain, the headwater lakes & Upper Chain of Lakes Notice of rule development published July 16, 2014, Vol. 40 No. 137 | Water Resources |
| 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470, Fla. Stat. | 40E-10.011 – 40E-10.071 Water Reservation Areas: Upper and Lower Kissimmee Basin | Establish a water reservation for the Kissimmee River, its floodplain, the headwater lakes & Upper Chain of Lakes Notice of rule development published July 16, 2014, Vol. 40 No. 137 | Water Resources |
| 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470, Fla. Stat. | 40E-10.041 – 40E-10.061 Water Reservation Areas: Lower West Coast, Upper East Coast & Lower East Coast | Consistency with Administrative Law Judge's (ALJ) ruling in Division of Administrative Hearings (DOAH) Case No. 14-1329 | Water Resources |
| 373.016, 373.085(1)(b) and (2), 373.086(1), 373.451(6) and (7), 373.453(1)(b) and (c), (2) and (4), and 373.4592(3), (4) and (10), Fla. Stat. | 40E-63.091-40E-63.148 Everglades Program | Update the existing rule-adopted compliance methodology to include structures from completed construction projects, e.g. A1-FEB, STA expansions, Diversion Projects, within the Everglades Agricultural Area Basin | Regulation |
| 373.016, 373.085(1)(b) and (2), 373.086(1), 373.451(6) and (7), 373.453(1)(b) and (c), (2) and (4), and 373.4592(3), (4) and (10), Fla. Stat. | 40E-63.500 -40E-63.520 Everglades Program Feeder Canal Basin | Incorporate BMP implementation and record keeping requirements for landowners within the Feeder Canal Basin as described in the Long-Term Plan | Regulation |



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Pursuant to section 120.74, Florida Statutes, the undersigned hereby certify that they have reviewed the regulatory plan for the South Florida Water Management District (District) and that the District regularly reviews all of its rules to determine if the rules remain consistent with the agency's rulemaking authority and the laws implemented. The District completed its most recent review of its existing rules in June of 2015.

Dated this 8th day of September, 2016.



GENERAL COUNSEL



GOVERNING BOARD CHAIRMAN