

NOTICE OF PROPOSED RULE

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RULE NO.:      RULE TITLE:

40E-2.091      Publications Incorporated by Reference

40E-2.101      Content of Application

PURPOSE AND EFFECT: Update South Florida Water Management District’s Water Use Permit forms to include North American Vertical Datum as an alternative to National Geodetic Vertical Datum.

SUMMARY: Update Form No. 1377 (Water Quality Report Form) and Form No. 1379 (Application for an Individual Water Use Permit), which are incorporated by reference in Rules 40E-2.091 and 2.101, F.A.C., to include North American Vertical Datum as an alternative to National Geodetic Vertical Datum.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The agency has determined that this rule will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The District completed the Governor’s Office of Fiscal Accountability and Regulatory Reform (OFARR) form “Is a SERC Required?” and prepared a summary of the proposed rule amendments, both of which are available upon request. Based on the completed “Is a SERC Required?” form and the District’s summary and analysis performed to prepare and complete said documents, the proposed rule amendment does not require legislative ratification pursuant to subsection 120.541(3), F.S.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY (formerly “Specific Authority”): 373.044, 373.113, 373.118, 373.171, 373.216 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.083, 373.103(1), 373.109, 373.116, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239, 373.250 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Simon Sunderland, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)-682-2705, [ssunder@sfwmd.gov](mailto:ssunder@sfwmd.gov).

THE FULL TEXT OF THE PROPOSED RULE IS:

**2.091 Publications Incorporated by Reference.**

(1) No Change.

(2) The following forms and materials are referenced in the “Applicant’s Handbook for Water Use Permit Applications within the South Florida Water Management District – June 13, 2022” (<http://www.flrules.org/Gateway/reference.asp?No=Ref-14397>) and are incorporated herein:

(a) No Change.

(b) Form 1377, Water Quality Report Form, (\_\_\_\_\_, 2024 July 14, 2014) {insert URL} <http://www.flrules.org/Gateway/reference.asp?No=Ref-03856>) referenced in Subsection 4.2.1;

(c) through (j) No Change.

(3) and (4) No Change.

*Rulemaking Authority 373.044, 373.113, 373.118, 373.171, 373.216 FS. Law Implemented 373.042, 373.0421, 373.083, 373.109, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239, 373.250 FS. History—New 9-3-81, Formerly 16K-2.035(1), Amended 2-24-85, 11-21-89, 1-4-93, 4-20-94, 11-26-95, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 12-19-01, 8-1-02, 6-9-03, 8-31-03, 4-23-07, 9-13-07, 2-13-08, 10-14-08, 7-2-09, 3-15-10, 3-18-10, 9-26-12, 10-23-12, 7-21-13, 7-14-14, 7-16-14, 9-7-15, 1-31-21, 3-21-21, 6-13-22, \_\_\_\_\_.*

**40E-2.101 Content of Application.**

(1) and (2) No Change.

(3) Application for an Individual Water Use Permit shall be made using Form No. 1379, Water Use Permit Application, (\_\_\_\_\_, 2024 July 14, 2014), {insert URL} <http://www.flrules.org/Gateway/reference.asp?No=Ref-04377>. Applicants shall also submit one or more of the following supplemental forms as appropriate for each type of water use proposed in the permit application:

(a) through (f) No Change.

(4) through (6) No Change.

*Rulemaking Authority 373.044, 373.113, 373.171, 373.216 FS. Law Implemented 373.083, 373.103(1), 373.116, 373.219, 373.223,*

*373.229 FS. History—New 9-3-81, Amended 12-1-82, 2-24-85, 11-21-89, Repromulgated 1-4-93, Amended 4-20-94, 8-1-02, 10-23-12, 7-14-14, \_\_\_\_\_.*

NAME OF PERSON ORIGINATING PROPOSED RULE: Jill Creech, Regulation Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: South Florida Water Management  
District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2024

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 28, 2023