

NOTICE OF PROPOSED RULE

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RULE NO.: RULE TITLE:

40E-7.216 Cure Notice

40E-7.217 Termination for Default Notice

PURPOSE AND EFFECT: Clarify delivery options for cure notices and termination for default notices.

SUMMARY: Remove the requirement to send Cure Notices and Termination for Default Notices by certified U.S. Mail, return receipt as a delivery option, and replace it with electronic mail, U.S. mail, or overnight carrier as delivery options.

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"): 373.610, FS.

LAW IMPLEMENTED: 373.610, 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: Johanna Labrada, Bureau Chief-Procurement, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)-

682-2520, jlabrad@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-7.216 Cure Notice.

(1) No Change.

(2) The Procurement Bureau Chief shall notify the contracting entity of the material breach of its contract with the District by forwarding a Cure Notice sent by electronic mail, U.S. Mail, or overnight carrier ~~Certified U.S. Mail, return receipt requested.~~

Rulemaking Authority 373.610 FS. Law Implemented 373.610 FS. History—New 4-1-03, Amended 6-15-16,_____.

40E-7.217 Termination for Default Notice.

In the event that the contracting entity fails to cure the material breach within the time specified in the Cure Notice, the District shall issue a Termination for Default Notice by electronic mail, U.S. Mail, or overnight carrier ~~Certified U.S. Mail, return receipt requested.~~

Rulemaking Authority 373.610 FS. Law Implemented 373.610 FS. History—New 4-1-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Candida Heater, Division Director – Administrative Services

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