

1 **40E-7.700 Definitions**

- 2 (1) “C&SF system” means the Central and Southern Florida Flood Control Project as
3 authorized by Congress in the Flood Control Act of 1948 and subsequent authorizations
4 through the Water Resources Development Act, and so referenced in Chapter 373, Florida
5 Statutes.
- 6 (2) “Works of the District” means the canals, levees, structures, lands, water bodies, and other
7 associated facilities that have been adopted as such by the South Florida Water
8 Management District’s Governing Board.
- 9 (3) “Water management system owner” or “system owner” means the owner of any water
10 management system or water management feature that directly connects to and makes use
11 of the C&SF system or other Works of the District.
- 12 (4) “Water management system operator” or “system operator” means an individual or entity
13 that is not the owner of a water management system or water management feature that
14 directly connect to and makes use of the C&SF system or other Works of the District, but
15 otherwise has the sole legal right and responsibility to operate such a surface water
16 management system or water management feature through a valid legal instrument or
17 agreement.

18 Rulemaking Authority: 373.044, 373.113, F.S.

19 Laws Implemented: 373.085, 373.086, F.S.

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22 **40E-7.701 Measures Required to Prevent Discharges of Aquatic Vegetation, Trash, and**
23 **Other Debris into C&SF System or Other Works of the District**

- 24 (1) All water management system owners or operators, as set forth in subsection (2), below,
25 including special districts, located in Collier, Broward, Glades, Hendry, Highlands, Lee,
26 Martin, Miami-Dade, Okeechobee, Orange, Osceola, Palm Beach, Polk, or St. Lucie
27 County that directly connect to and make use of the C&SF system or other Works of the
28 District, are required to comply with the provisions of this rule chapter.
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30 (2) Within 180 days of the effective date of this rule, or within 30 days of directly connecting
31 to and making use of the C&SF system or other Works of the District, system owners or,
32 if the operator of the system is different than the owner, then system operators, as
33 applicable, shall establish and implement a vegetation and debris management plan
34 (Management Plan) to prevent, to the maximum extent practicable, the discharge of aquatic
35 vegetation, trash, and other debris into the C&SF system or other Works of the District
36 through best management practices (BMP). The Management Plan must include an
37 implementation and maintenance schedule with preventative BMP measures, which may
38 include mechanical removal, herbicide application, or installation of features to block
39 transmission and facilitate removal. System owners or operators, as applicable, shall
40 maintain records demonstrating implementation of the Management Plan and maintenance
41 of any equipment required to implement the Management Plan. System owners or
42 operators, as applicable, shall provide the Management Plan and implementation records
43 to District staff upon request. Failure to provide the Management Plan or implementation

records to the District within 15 days of the request shall constitute a violation of this rule chapter. The District may grant an extension of time if the system owner or operator, as applicable, requests an extension and demonstrates good cause in writing within 7 days of the District's request. Every two years from the establishment of the Management Plan, system owners or operators, as applicable, should assess the effectiveness of the implemented BMPs and update the Management Plan, if appropriate.

(3) System owners or operators, as applicable, with a permit issued pursuant to Chapter 40E-63, Florida Administrative Code, who are implementing two out of the three of the following BMPs under the permit, are not required to establish or maintain a Management Plan under this rule: Canal Cleaning Program, Aquatic Weed Control, and Discharge Barriers.

(4) System owners or operators, as applicable, enrolled in the Florida Department of Agriculture and Consumer Services' (FDACS) BMP program who are implementing the program's Ditch and Canal Maintenance and Water Management BMPs, as determined by FDACS pursuant to its verification process, are not required to establish or maintain a Management Plan under this rule.

Rulemaking Authority: 373.044, 373.113, F.S.

Laws Implemented: 373.085, 373.086, F.S.

New _____.

40E-7.702 Remedial Action

(1) The District shall have all remedies available to it under Chapter 373, F.S., and the rules adopted thereunder to enforce compliance with this rule chapter.

(2) If the District determines a system owner or operator, as applicable, is violating or has violated the rules in this chapter by failing to establish or implement a Management Plan to prevent the discharge of aquatic vegetation, trash, and other debris into the C&SF system or other Works of the District, or by failing to provide a Management Plan and implementation records upon request:

(a) The system owner or operator, as applicable, will be subject to enforcement actions by the District upon written notice, which may include the requirement to pay civil penalties of up to \$15,000.00 per day, per violation in accordance with Section 373.129(5), Florida Statutes.

(b) If the noticed violation includes the failure to establish or timely provide a Management Plan, the system owner or operator, as applicable, shall respond in writing to the District's notice within 30 days, and the response must include a Management Plan that complies with 40E-7.703. An extension of time may be approved by the District upon a showing of good cause from the system owner or operator, as applicable, submitted in writing to the District within the 30-day response window.

Rulemaking Authority: 373.044, 373.113, F.S.

Laws Implemented: 373.085, 373.086, 373.119, 373.129, F.S.

New _____.