

**Section I**  
**Notice of Development of Proposed Rules**  
**and Negotiated Rulemaking**

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NO.: RULE TITLE:

40E-1.602: Permits Required

40E-1.6058: Posting, Publication and Requests for  
Notification of Permit Applications or  
Notices of Intent

40E-1.659: Forms and Instructions

40E-1.715: Civil Penalty Calculation

**PURPOSE AND EFFECT:** The purpose and effect will be to delete obsolete language, update rule references and noticing options for permit applications, repeal unnecessary rules, and update the civil penalties calculation rule.

**SUBJECT AREA TO BE ADDRESSED:** The District proposes to amend: 1) Rule 40E-1.602 to delete obsolete language and update a rule reference; 2) Rule 40E-1.6058 to clarify use of the District’s ePermitting system; 3) Rule 40E-1.659 to repeal an unnecessary rule; 4) and Rule 40E-1.715 to increase the civil penalty in accordance with section 373.129, F.S., and remove the incorporated civil penalty matrices.

**RULEMAKING AUTHORITY:** 120.53(1), 218.075, 373.044, 373.113, 373.116, 373.118, 373.171, 373.333(1), 373.4131, 373.4135, 373.4136, 373.416, 695.03, 704.06, F.S.

**LAW IMPLEMENTED:** 120.60, 120.60(3), 120.69, 218.075, 373.085, 373.106, 373.113, 373.116, 373.118, 373.119, 373.129, 373.171, 373.209(3), 373.216, 373.309, 373.323, 373.413, 373.4135, 373.4135, 373.414, 373.416, 373.430, 373.603, 668.50, 704.06, F.S.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.**

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Molly Brown, District Clerk, South Florida Water Management District, via email: mobrown@sfwmd.gov or telephone: (561)682-6805. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Jan Sluth, Paralegal Specialist, South Florida Water Management

District, via email: jsluth@sfwmd.gov or telephone (561)682-6299.

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.**

**WATER MANAGEMENT DISTRICTS**

**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:** The purpose and effect will be to update forms to include North American Vertical Datum as an alternative to National Geodetic Vertical Datum.

**SUBJECT AREA TO BE ADDRESSED:** This rule development will 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.

**RULEMAKING AUTHORITY:** 373.044, 373.113, 373.118, 373.171, 373.216, F.S.

**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, F.S.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.**

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Molly Brown, District Clerk, South Florida Water Management District, via email: mobrown@sfwmd.gov or telephone: (561)682-6805. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Jan Sluth, Paralegal Specialist, South Florida Water Management District, via email: jsluth@sfwmd.gov or telephone: (561)682-6299.

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.**

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NO.: RULE TITLE:

40E-7.216: Cure Notice

40E-7.217: Termination for Default Notice

PURPOSE AND EFFECT: The purpose and effect will be to delete certified U.S. Mail, return receipt as a delivery option for cure notices and termination for default notices.

SUBJECT AREA TO BE ADDRESSED: This rule development will delete certified U.S. Mail, return receipt as a delivery option for cure notices and termination for default notices.

RULEMAKING AUTHORITY: 373.610, F.S.

LAW IMPLEMENTED: 373.610, F.S.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Molly Brown, District Clerk, South Florida Water Management District via email: [mobrown@sfwmd.gov](mailto:mobrown@sfwmd.gov) or telephone: (561)682-6805. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jan Sluth, Paralegal Specialist, South Florida Water Management District via email: [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov) or telephone: (561)682-6299.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II  
Proposed Rules**

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE NO.: RULE TITLE:

68B-14.0036: Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy,

Amberjacks, Tilefish, Exception, Wholesale/Retail Purchase Exemption

68B-14.0039: Recreational Grouper and Tilefish Seasons

PURPOSE, EFFECT AND SUMMARY: South Atlantic snowy grouper and blueline tilefish primarily occur in federal waters but can be harvested in state waters off southeast Florida. In Atlantic federal waters, these species are managed with quotas, bag or vessel limits, and an open harvest season to prevent overfishing. The most recent stock assessment for snowy grouper indicates that the stock has been overfished for decades and is currently undergoing overfishing. Additionally, the South Atlantic blueline tilefish stock is at risk of overfishing due to recreational landings exceeding the recreational quota in recent years. To reduce harvest and help improve stock status of these species, the South Atlantic Fishery Management Council (Council) took action last year to modify recreational and/or commercial regulations for each of these species.

Consistent recreational regulations between Atlantic state and federal waters can help rebuild the snowy grouper stock, reduce the risk of overfishing for blueline tilefish, reduce the risk of in-season closures in federal waters for these species, and aid in enforcement and compliance. This federal consistency would update Atlantic state recreational rules to be consistent with current federal regulations.

At its February 2023 meeting, the Florida Fish and Wildlife Conservation Commission approved a rule to modify recreational regulations for snowy grouper and blueline tilefish in Florida’s Atlantic state waters to be consistent with federal regulations. Specifically, these recreational management changes include reducing the snowy grouper bag limit from 1 per person/day to 1 per vessel/day and establishing an open season of May-June in Atlantic state waters and all state waters of Monroe County, and reducing the blueline tilefish bag limit from 3 to 2 fish per person/day and prohibiting for-hire captain and crew from retaining a bag limit in Atlantic state waters and all state waters of Monroe County. The purpose of this federal consistency action is to improve stock status, which will help improve the long-term health of these reef fish stocks. The effects of this federal consistency action are to modify recreational limits for snowy grouper and blueline tilefish in Atlantic state waters that are consistent with those in adjacent federal waters, thereby reducing regulatory confusion for fishers and aiding in enforcement.

RULEMAKING AUTHORITY: Article IV, Section 9, Florida Constitution

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION

120.54(6), F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS