

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 through
4 the Water Resources Development Act, and so referenced in Chapter 373, Florida Statutes.

5 (2) “Works of the District” means the canals, levees, structures, lands, water bodies, and other
6 associated facilities that have been adopted as such by the South Florida Water Management
7 District’s Governing Board.

8 (3) “Water management system owner” or “system owner” means the owner of any water
9 management system or water management feature that directly connects to and makes use of the
10 C&SF system or other Works of the District.

11 (4) “Water management system operator” or “system operator” means an individual or entity
12 that is not the owner of a water management system or water management feature that directly
13 connect to and makes use of the C&SF system or other Works of the District, but otherwise has
14 the sole legal right and responsibility to operate such a surface water management system or water
15 management feature through a valid legal instrument or agreement.

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

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

18
19 **40E-7.701 Measures Required to Prevent Discharges of Aquatic Vegetation, Trash, and**
20 **Other Debris into C&SF System or Other Works of the District**

21 (1) All water management system owners or operators, as set forth in subsection (2), below,
22 including special districts, located in Collier, Broward, Glades, Hendry, Highlands, Lee, Martin,
23 Miami-Dade, Okeechobee, Orange, Osceola, Palm Beach, Polk, or St. Lucie County that directly
24 connect to and make use of the C&SF system or other Works of the District, are required to comply
25 with the provisions of this rule chapter.

26 (2) Within 180 days of the effective date of this rule, or within 30 days of directly connecting
27 to and making use of the C&SF system or other Works of the District, system owners or, if the
28 operator of the system is different than the owner, then system operators, as applicable, shall
29 establish and implement a vegetation and debris management plan (Management Plan) to prevent,
30 to the maximum extent practicable, the discharge of aquatic vegetation, trash, and other debris into
31 the C&SF system or other Works of the District through best management practices (BMP). The
32 Management Plan must include an implementation and maintenance schedule with preventative
33 BMP measures, which may include mechanical removal, herbicide application, or installation of
34 features to block transmission and facilitate removal. System owners or operators, as applicable,
35 shall maintain records demonstrating implementation of the Management Plan and maintenance
36 of any equipment required to implement the Management Plan. System owners or operators, as
37 applicable, shall provide the Management Plan and implementation records to District staff upon
38 request. Failure to provide the Management Plan or implementation records to the District within
39 15 days of the request shall constitute a violation of this rule chapter. The District may grant an
40 extension of time if the system owner or operator, as applicable, requests an extension and
41 demonstrates good cause in writing within 7 days of the District’s request. Every two years from
42 the establishment of the Management Plan, system owners or operators, as applicable, should
43 assess the effectiveness of the implemented BMPs and update the Management Plan, if
44 appropriate.

45 (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 Rule 40E-7.701, F.A.C. 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 _____.