

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
Statement of Estimated Regulatory Costs (SERC) – Rule to Revise C-51 Basin
Criteria

Division:	Regulation
Board:	
Rule Number:	Chapters 40E-41.223, 40E-41.263(1)(a), 40E-41.263(2)(a), 40E-41.263(3), Figures 41-5, 41-6, 41-7, 41-8, 41-9
Rule Description:	See Below
Contact Persons:	Ian Miller, Lead Economist, (561)-682-2057, imiller@sfwmd.gov, Jesse Markle, P.E., (863) 462-5260, x3005, jmarkle@sfwmd.gov

Please remember to analyze the impact of the rule, NOT the statute, when completing this form.

Background

Chapter 40E-41, Florida Administrative Code (F.A.C.) generally establishes supplemental Environmental Resource Permit (ERP) criteria for specified basins which insure that development within named basins incorporates the appropriate environmental, water quantity and water quality control measures necessary to protect the integrity of the public investments in the basin and minimize adverse impacts to the water resources of the District. The rule is divided into four parts, with Part III, as defined by Chapters 40E-41.220, F.A.C. through 40E-41.265, F.A.C., relating to the C-51 Basin and in effect since May 15, 1987. Chapter 40E-41.223, F.A.C. provides the legal description of the boundary of the C-51 Basin and references Figures 41-5, 41-6, and 41-7, which graphically describe the basin. Chapter 40E-41.263(1)(a) establishes the accepted method for determining the 10-year, three-day allowable peak discharge rate and makes reference to Figure 41-8 for determining coefficients necessary in application of the methodology as well as graphically depicting the sub-basins within the C-51 Basin. Currently, part of the methodology for determining the minimum finished floor elevation is described in Chapter 40E-41.263(2)(a), F.A.C. and references Figure 41-9, which provides the 1 in 100 year storm elevation for the various sub-basins. Chapter 40E-41.263(3) provides that compensatory soil and surface storage must be provided to ensure no net encroachment within the floodplain based on the elevations depicted in Figure 41-9.

The proposed rule will revise sub-basin boundaries and the overall boundary of the C-51 Basin due to the addition or subtraction of areas from the basin as determined by contemporary discharge patterns (Chapter 40E-41.223, F.A.C. and Figures 41-5 through 41-9), revise the 10-year, three-day peak discharge coefficients used in establishing the 10-year, three-day allowable peak discharge rate (Chapter 40E-41.263(1)(a) and Figure 41-8), and revise the 1 in 100 year storm elevations used, in part, to establish minimum finished floor elevations as well as compensatory soil and surface storage volumes (Chapters 40E-41.263(2)(a) and 40E-41.263(3), F.A.C. and Figure 41-9). It should be noted that ERP applicants have been subject to Chapters 40E-41.220, F.A.C. through 40E-41.265, F.A.C. in their application procedures

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governing projects within the C-51 Basin and the proposed rule is a revision of a current rule. Figure 41-9 will be deleted and the information will be set forth in Figure 41-8.

Table 1 below shows the Sub-Basin 100-yr Stages and the 10-yr Discharge Rates.

Table 1: C-51 Sub-Basin 100-yr Stages and 10-yr Discharge Rates		
Sub-Basin	100-yr Stages (ft. NGVD)	10-yr Discharge Rates (CSM)
1	20.8	27.0
2A		
2B	15.4	27.0
3	16.1	27.0
4	17.1	27.0
5	18.8	27.0
6	18.8	63.5
7	19.2	41.5
8	20.1	54.0
9	18.8	27.0
10	19.2	27.0
11	19.2	27.0
12	19.2	27.0
13	17.0	29.0
14	17.0	29.0
15A	18.4	70.0
15B	20.2	0.0
16A	18.4	27.0
16B-1	20.2	27.0
16B-2	20.4	27.0
16B-3	19.9	27.0
17	16.1	27.0
18	16.1	27.0
20A	17.6	27.0
20B	17.1	35.0
21A	18.0	0.0
21B	18.2	27.0
22	18.1	35.0
23	17.4	35.0
24	18.0	35.0
25A	14.1	35.0
25B	14.2	35.0
26	14.0	35.0
27	14.3	35.0
28	13.1	35.0
29A	14.3	35.0

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Table 1: C-51 Sub-Basin 100-yr Stages and 10-yr Discharge Rates		
Sub-Basin	100-yr Stages (ft. NGVD)	10-yr Discharge Rates (CSM)
29B	15.0	35.0
30	13.5	35.0
31	12.7	35.0
32	12.9	35.0
33	12.7	35.0
34	12.6	35.0
35	13.2	35.0
36	14.1	35.0
37	16.5	35.0
38	19.0	27.0
39	13.5	35.0
Sect 24	17.1	27.0

The SERC economic evaluation procedure is based on identifying, isolating and measuring the regulatory costs that relate to the “with proposed rule situation” compared to the “without proposed rule situation”. Standard economic evaluation procedures then compare the difference or incremental change between the “with” and “without” situations in attributing *incremental* costs related to the proposed rule or rule modification. These standard economic evaluation procedures are consistent with the guidance in this template that advises the agency to analyze the impact of the rule, NOT the statute, when completing this form.

SERC Conclusion

Since the proposed rule revises a current rule for ERP applications (in effect since 1987), there are no material incremental regulatory burdens associated with the proposed rule’s incorporation by reference or transactional costs as defined by 120.451, FS. The proposed update to the existing rule accounts for current conditions in the basin and will lead to overall lower minimum required finished floor elevations and less required minimum compensatory site storage, which together may lead to constructing building structures at lower elevations, as well as reducing the size of retention/detention areas, while maintaining flood protection. On balance, there may be some select area increases in construction costs. However, on an overall C-51 Basin-wide basis, there should be net benefit savings from the rule update.

There is a possibility however of some “de novo” construction costs arising for some projects out of the proposed rule revision. However, these potential increased costs for some projects have not been quantified because isolating them with precision is too uncertain, at this juncture. Background data relevant to assessing the size and

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magnitude of these potential costs is provided within the body of this SERC. From an analysis of basin economic data and trends it is likely that the proposed rule will not have an adverse impact on economic growth, private-sector job creation or employment, or private-sector investment in excess of \$1 million (in the aggregate) within 5 years after the rule's implementation.

A. Is the rule likely to, directly or indirectly, have an adverse impact on economic growth, private-sector job creation or employment, or private-sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule?

- | | | |
|--|------------------------------|--|
| 1. Is the rule likely to reduce personal income? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 2. Is the rule likely to reduce total non-farm employment? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 3. Is the rule likely to reduce private housing starts? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 4. Is the rule likely to reduce visitors to Florida? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 5. Is the rule likely to reduce wages or salaries? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 6. Is the rule likely to reduce property income? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Explanation:

If any of these questions are answered "Yes," presume that there is a likely and adverse impact in excess of \$1 million, and the rule must be submitted to the legislature for ratification.

B. Is the rule likely to, directly or indirectly, have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule?

1. Is the rule likely to raise the price of goods or services provided by Florida business?
- ☐ Yes ☒ No

Note: It should be noted that the C-51 Rule establishing peak rates and stages has been in effect for over 25 years. There is the possibility that this revision may raise stages or restrict rates which may lead to increased construction costs for some projects. However, for the basin as a whole, there should be a reduction in construction costs.

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2. Is the rule likely to add regulation that is not present in other states or markets?

☐ Yes ☒ No

Note: The rule is not likely to add regulation that is not present in other states or markets as it is an amendment to a current rule. However, the substance of the existing rule specifically addresses the District's C-51 Basin area and its unique climate, hydraulic and hydrological conditions. The proposed revisions to the rule are necessary to ensure that commercial activity can proceed in a safe environment that supports the economy of the region. The rule does not erect any barriers to entry that would preclude other business establishments from entering markets and competing with existing, already established firms within the C-51 Basin Area. All firms operating within this region (and potential market entrants) face the same regulatory environment.

3. Is the rule likely to reduce the quantity of goods or services Florida businesses are able to produce, i.e. will goods or services become too expensive to produce?

☐ Yes ☒ No

4. Is the rule likely to cause Florida businesses to reduce workforces?

☐ Yes ☒ No

5. Is the rule likely to increase regulatory costs to the extent that Florida businesses will be unable to invest in product development or other innovation?

☐ Yes ☒ No

6. Is the rule likely to make illegal any product or service that is currently legal?

☐ Yes ☒ No

Explanation:

If any of these questions are answered "Yes," presume that there is a likely and adverse impact in excess of \$1 million, and the rule must be submitted to the legislature for ratification.

C. Is the rule likely, directly or indirectly, to increase regulatory costs, including any transactional costs (see F below for examples of transactional costs), in excess of \$1 million in the aggregate within 5 years after the implementation of this rule?

No.:

1. Current one-time costs

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2. New one-time costs
3. Subtract 1 from 2
4. Current recurring costs
5. New recurring costs
6. Subtract 4 from 5
7. Number of times costs will recur in 5 years
8. Multiply 6 times 7
9. Add 3 to 8

If 9. is greater than \$1 million, there is likely an increase of regulatory costs in excess of \$1 million, and the rule must be submitted to the legislature for ratification.

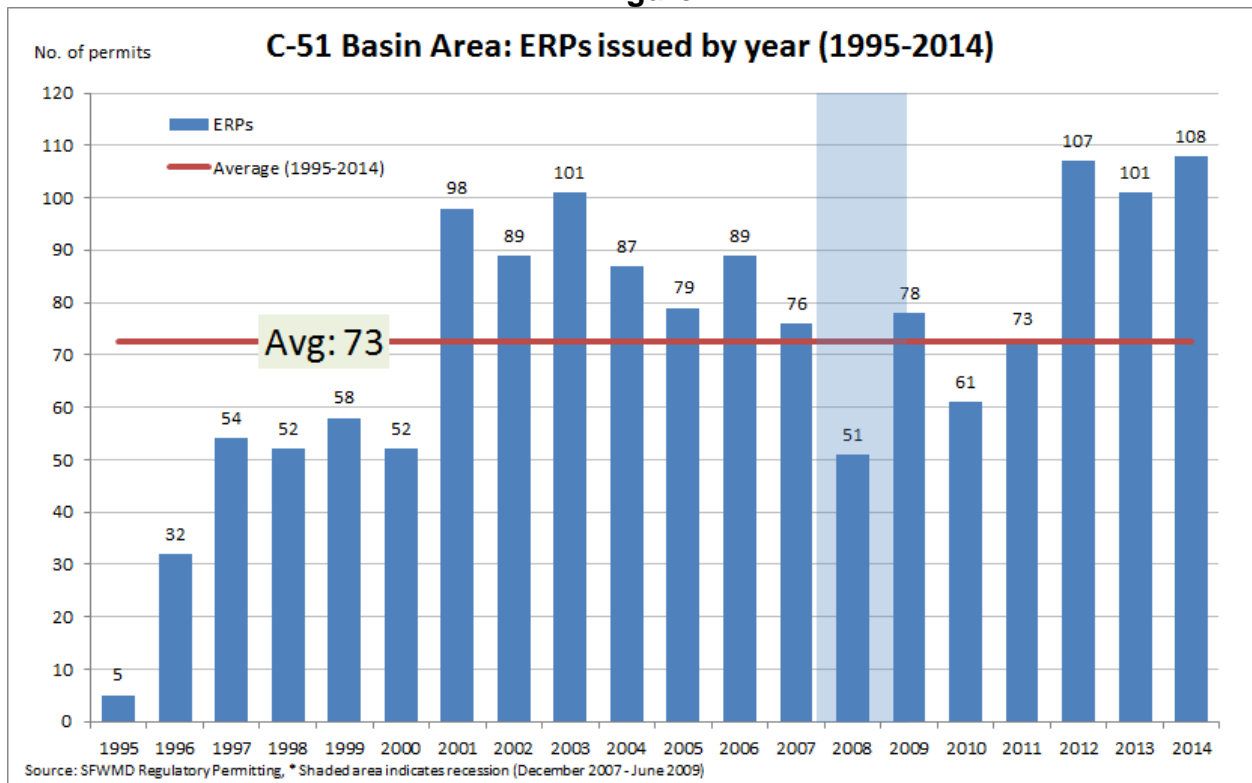
D. Good faith estimates (numbers/types):

1. The number of individuals and entities likely to be required to comply with the rule. *(Please provide a reasonable explanation for the estimate used for the number of individuals and methodology used for deriving the estimate).*

The ERP program pertains to the construction, alteration, operation, maintenance, repair, abandonment, and removal of stormwater management systems, dams, impoundments, reservoirs, appurtenant works, and works including docks, piers, structures, dredging, and filling located in, on or over wetlands or other surface waters. Over the next five years, ERP applicants will be required to comply with the proposed rule if the activity is proposed within the limits of the C-51 Basin. For this SERC, providing an estimate of the precise number of projected applications that will occur within the C-51 Basin (over the next five years) is not possible at this time. However, historical permitting activity data within the Basin boundaries is provided to give an indication of the average number of permits issued annually, the trend since 1995, and their corresponding land use, ERP type, and the geographic area of coverage. Figure 1 shows the number of Environmental Resource Permits issued between 1995 and 2014.

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Figure 1



Originally, prior to 1995, the District issued Surface Water (SW) permits. Subsequently, starting in 1995 the Environmental Resource Permits (ERP) category was established. Figure 1 shows that on average, over the entire period spanning from 1995 to 2014, the annual average number of ERPs issued was 73. Urban development occurring in some western communities of the C-51 Basin has raised this average issuance in recent years. The Great Recession officially spanned December 2007 to June of 2009.¹ Figure 1 shows that average annual ERP permitting activity is now higher compared to pre-recession levels. Figure 2 is a map of the C-51 Basin (pink shaded area) with labels of the municipalities and host communities to provide geographic perspective and context.

¹ Source: NBER Business Cycle Dating Committee, <http://www.nber.org/cycles.html>

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Figure 2: Municipalities within C-51 Basin

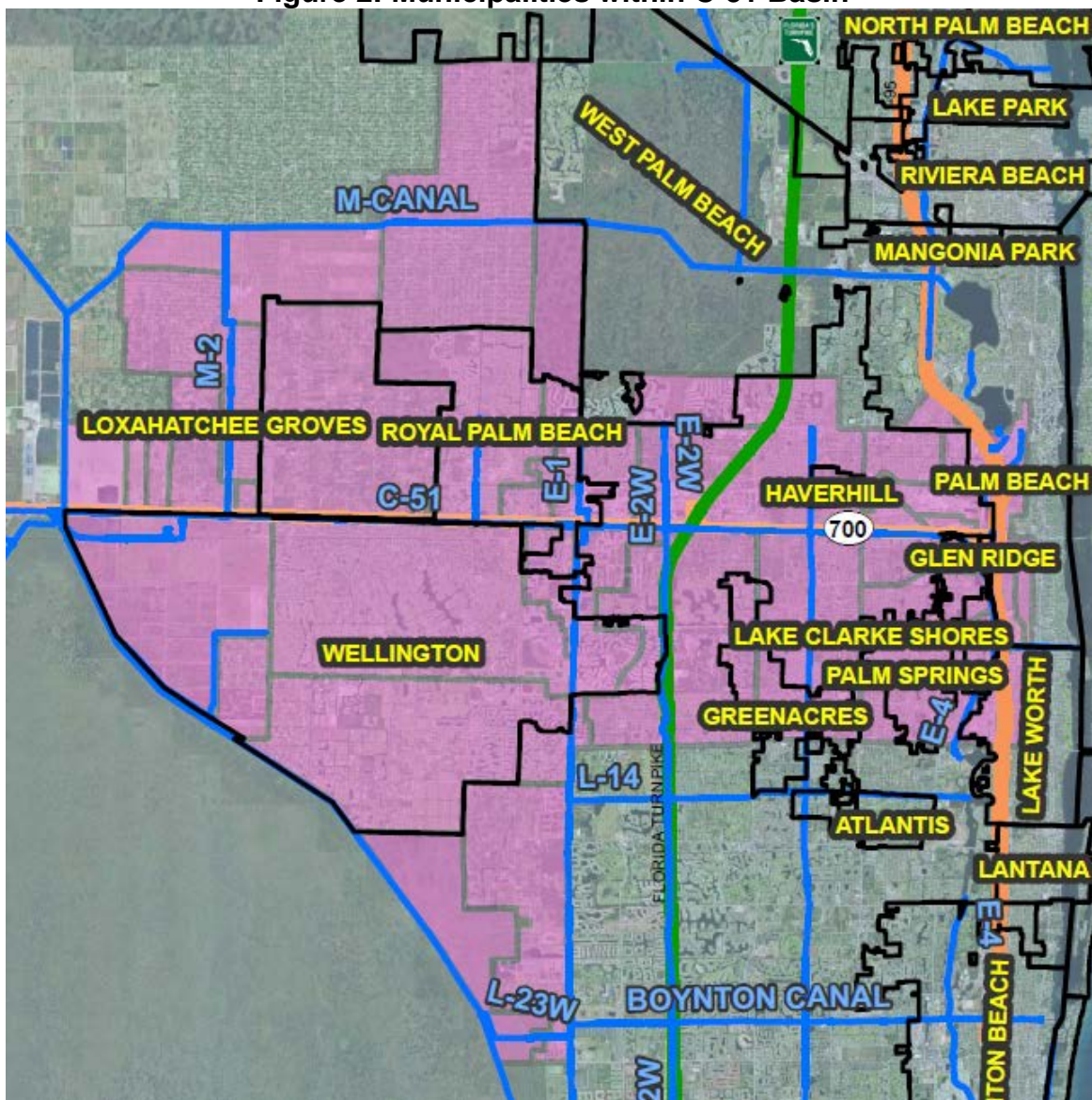


Figure 2 can be contrasted with Figure 3 below that shows the permitted areas since 1987 within the C-51 Basin. The precursor, surface water permit outlines are also shown juxtaposed against the ERP shaded permitted areas.

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Figure 3

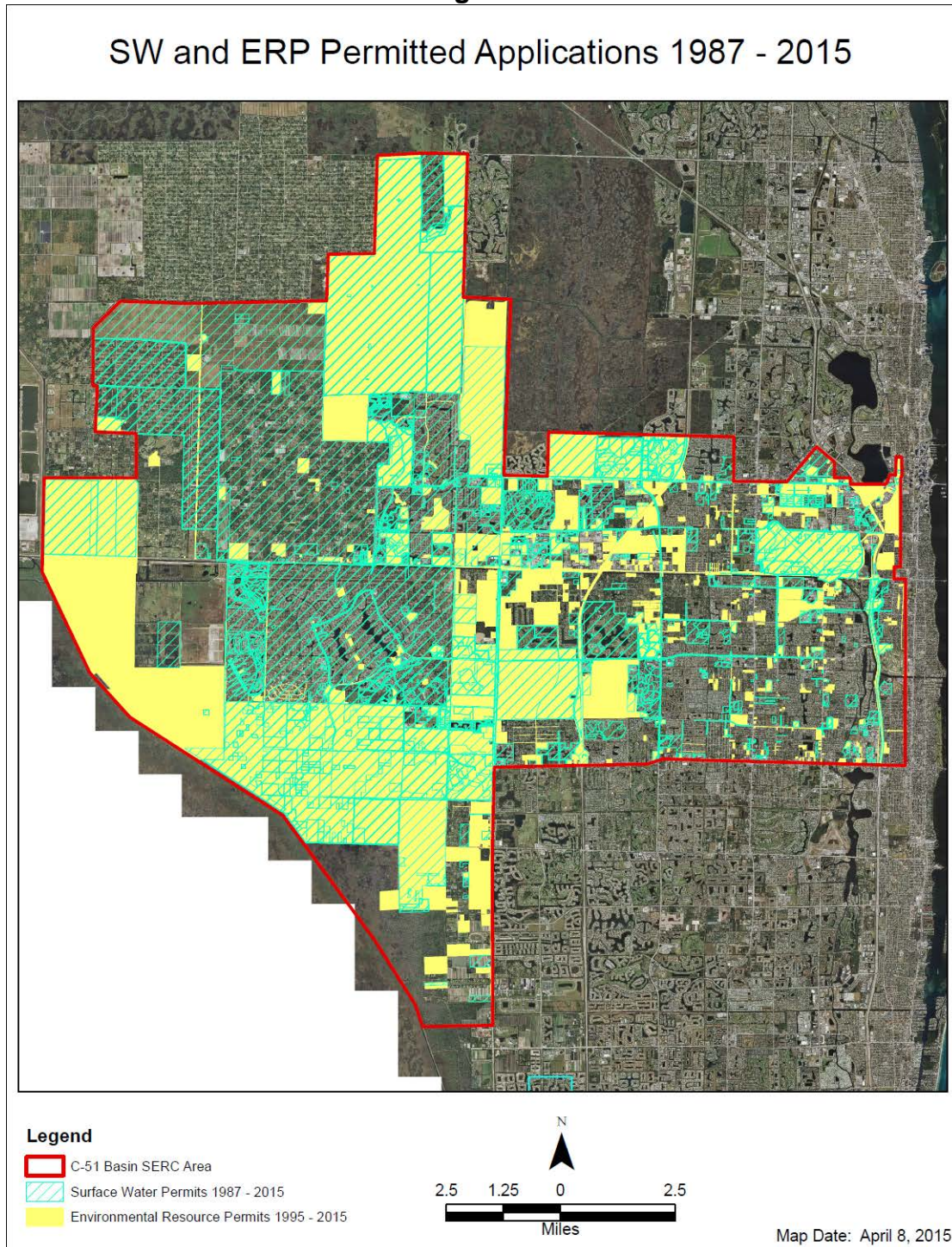
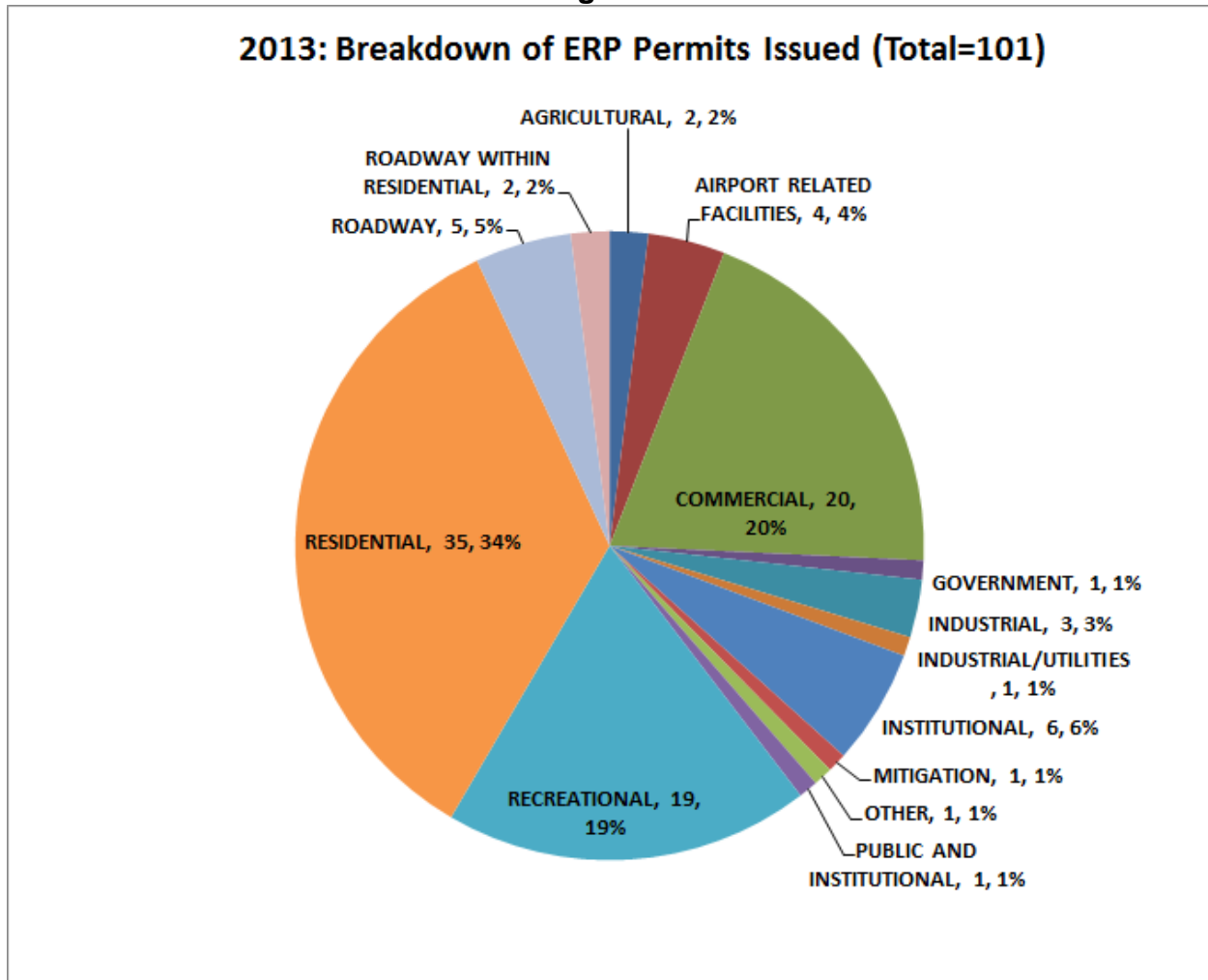


Figure 3 shows that the majority of the land area within the C-51 Basin is already covered by District permits. Figure 4 below shows a breakdown of ERP permits issued within the C-51 basin by land use description for 2013.

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Figure 4



Of the total number of ERPs issued within the C-51 basin in 2013, about one-third were residential, 20% were commercial and 19% were recreational in nature. The remaining 27% of issued permits were divided between the other categories are shown in [Figure 4](#) above.

The regulatory permitting database also contains project name attributes and project acres. Project acre size is a variable relevant to assessing potential costs. [Figure 5](#) shows a frequency distribution of all ERP permits issued since 1995 stratified by project acre size.

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Figure 5

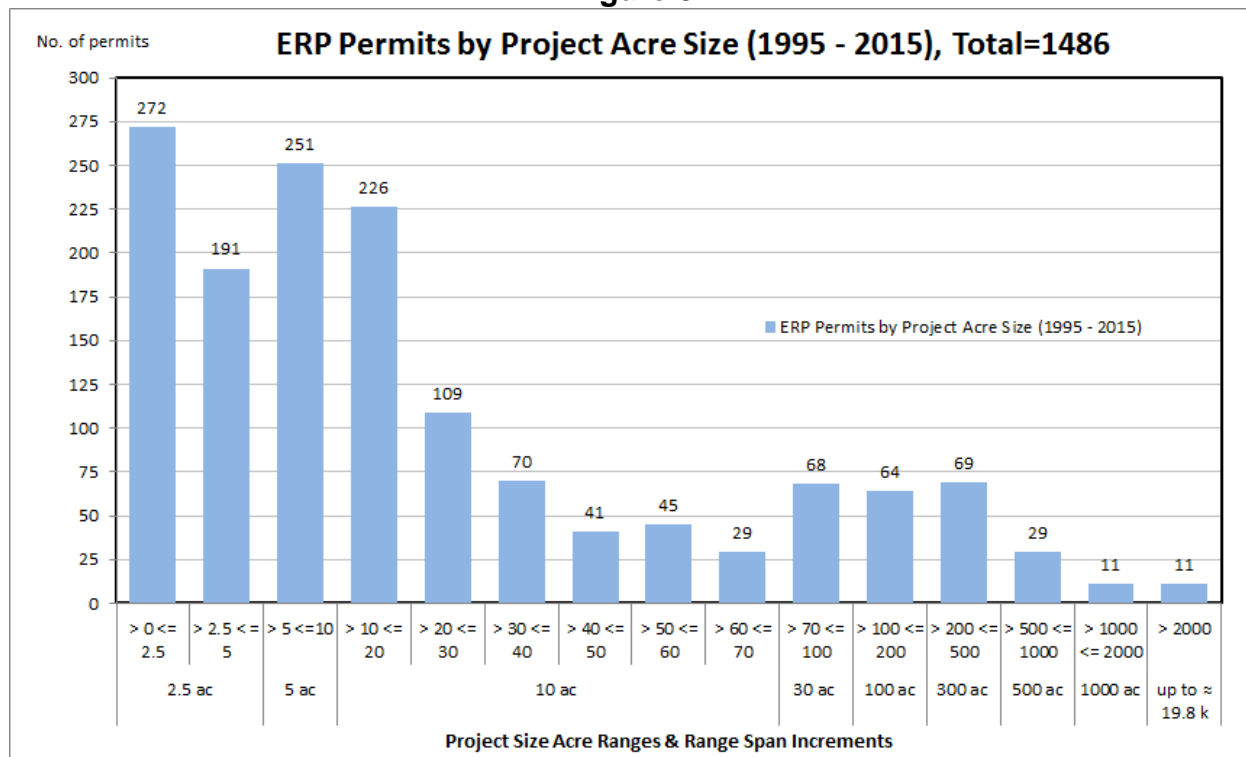


Figure 5 shows the distribution of ERP permits issued within the C-51 basin from 1995 to 2015 parsed into project acre size groups. The figure reflects a total of 1,486 permits issued over this period. The parsing shows that the majority of permits are issued for projects with several acres. Larger and very large project acres are represented within the extreme right tail of the distribution.

Figure 6 shows the cumulative percentages (of permits by project size acres group) for the entire ERP issuance period and the more recent full years of 2013 and 2014. For the entire period, spanning from 1995 to 2015, Figure 6 shows that 63% of the issued permits within the C-51 basin were for projects of 20 acres or less in size.

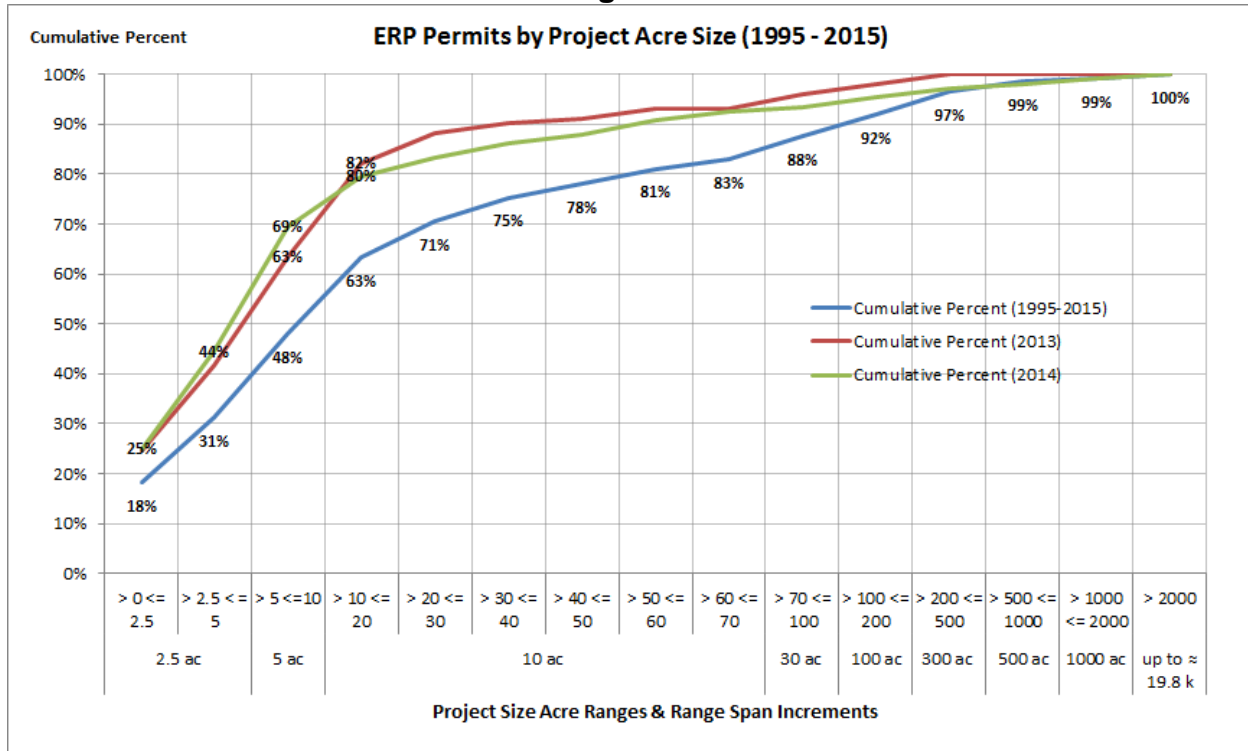
In looking at recent years compared to the entire issuance period, increasingly, a greater share of permits reflect smaller projects, measured by acres. In 2013, 82% of the permits issued were for projects of 20 acres or less in size, while for 2014, 80% of the issued permits for were projects of 20 acres or less in size.

In addition, the cumulative share of permits issued for projects of 5 acres or less, has risen to 44% (2014) compared to 31% over the entire period. In 2014, 69% of the ERP permits issued within the C-51 Basin were for 10 acres or less in size, while one quarter of the ERP permits reflected project of 2.5 acres or less in size.

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Figure 6



2. A general description of the types of individuals likely to be affected by the rule.

The types of individuals likely to be affected by the rule would be limited to ERP applicants proposing to construct a stormwater management system within the C-51 Basin. Information and data on trends in both the number and type of ERP permits was reviewed above. In addition, the permit tally database was also stratified by project size in acres. Figure 4 indicated the land use type descriptions associated with the permitting activity for 2013. Descriptions of permit applicant types by sector are provided below:

- Within the residential land use category, ERP applicants would most likely consist of residential builders and developers, homeowners and community associations, property management companies and realty investment companies.
- Within the industrial and roadway land use categories, ERP applicants would most likely be major road building, site work, paving, and excavation contractors performing heavy duty civil construction work.

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- Commercial applicants could potentially consist of any type of retail or business establishment, or a property management company operating on their behalf that embarks on a project requiring an ERP.
- Recreational type permittees could potentially consist of any private or public agency with a project needing this permit. Historically, within the C-51 Basin many of these individuals consist of the companies operating within the equestrian industry located in the Western part of the basin, within the Wellington area.
- The institutional category includes school districts, colleges/universities, religious institutions, cemeteries, and various local agencies (i.e., drainage districts).

To provide additional background on the economy of the C-51 Basin, business establishment data summarized from the Florida Department of Economic Opportunity, from the Quarterly Census of Employment and Wages was reviewed for those businesses operating within the basin. This establishment data is relevant to describing some of the commercial activity within the basin economy contrasted against Palm Beach County as a whole. Also, the relative importance of certain industries is compared by sector.

Table 2: Wages and Employment Levels (Q1 2014) in C-51 Basin and Palm Beach County							
NAIC	Industry	Q1 2014 Wages			Q1 2014 Employment		
		Within C-51 Basin	Palm Beach County Total	C-51 Basin as % of PBC Total	Within C-51 Basin	Palm Beach County Total	C-51 Basin as % of PBC Total
11	Agriculture, Forestry, Fishing and Hunting	\$6,077,482	\$56,558,277	10.7%	667	7,700	8.7%
21	Mining, Quarrying, and Oil and Gas Extraction	\$71,731	\$1,481,284	4.8%	1	84	1.2%
22	Utilities	\$2,626,774	\$70,046,695	3.8%	77	1,620	4.8%
23	Construction	\$17,366,742	\$288,014,788	6.0%	1,963	26,460	7.4%
42	Wholesale Trade	\$10,281,376	\$330,121,796	3.1%	955	19,863	4.8%
51	Information	\$2,120,952	\$188,302,860	1.1%	219	9,628	2.3%
52	Finance and Insurance	\$7,567,114	\$785,387,844	1.0%	612	22,270	2.7%
53	Real Estate and Rental and Leasing	\$5,897,995	\$181,300,621	3.3%	553	14,611	3.8%
54	Professional, Scientific, and Technical Services	\$21,299,731	\$665,068,477	3.2%	2,041	39,266	5.2%
55	Management of Companies and Enterprises	\$16,625,794	\$615,398,057	2.7%	380	9,266	4.1%
56	Administrative and Support and Waste Management and Remediation Services	\$23,171,510	\$451,030,967	5.1%	3,607	43,695	8.3%
61	Educational Services	\$3,357,458	\$436,301,858	0.8%	455	37,431	1.2%
62	Health Care and Social Assistance	\$77,471,185	\$975,517,723	7.9%	5,927	80,078	7.4%
71	Arts, Entertainment, and Recreation	\$12,303,482	\$150,807,752	8.2%	1,677	18,514	9.1%
72	Accommodation and Food Services	\$23,821,181	\$361,525,532	6.6%	5,510	63,406	8.7%
81	Other Services (except Public Administration)	\$9,327,766	\$199,845,484	4.7%	1,403	23,392	6.0%
92	Public Administration	\$8,947,118	\$382,019,779	2.3%	717	25,696	2.8%
99	Unclassified	\$212,033	\$1,409,782	15.0%	31	169	18.3%
31,32,33	Manufacturing	\$3,144,664	\$259,645,892	1.2%	400	15,905	2.5%
44, 45	Retail Trade	\$57,133,007	\$563,411,569	10.1%	8,105	73,227	11.1%
48,49	Transportation and Warehousing	\$5,160,402	\$131,920,709	3.9%	521	11,221	4.6%
	Total:	\$313,985,496	\$7,095,117,745	4.4%	35,821	543,502	6.6%

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Source: Quarterly Census of Employment and Wages / Florida Department of Economic Opportunity

Table 2 shows that on average, the business establishments operating within the C-51 basin area account for 4.4% of Palm Beach County total wages and 6.6% of total employment levels (as of Q1 2014).

E. Good faith estimates (costs):

1. Cost to the Department (District) of implementing the proposed rule:

☒ None. The District intends to implement the proposed rule within its current workload, with existing staff.

☐ Minimal. *(Provide a brief explanation).*

☐ Other. *(Please provide a reasonable explanation for the estimate used and methodology used for deriving the estimate).*

2. Cost to any other state and local government entities of implementing the proposed rule:

☒ None. This proposed rule will only affect the District, and later the Department, when the Department incorporates the District's rule.

☐ Minimal. *(Provide a brief explanation).*

☐ Other. *(Please provide a reasonable explanation for the estimate used and methodology used for deriving the estimate).*

3. Cost to the Department (District) of enforcing the proposed rule:

☒ None. The District intends to enforce the proposed rule within its current workload with existing staff.

☐ Minimal. *(Provide a brief explanation).*

☐ Other. *(Please provide a reasonable explanation for the estimate used and methodology used for deriving the estimate).*

4. Cost to any other state and local government of enforcing the proposed rule:

☒ None. This proposed rule will only affect the District, until adopted by the Department.

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☐ Minimal. *(Provide a brief explanation).*

☐ Other. *(Please provide a reasonable explanation for the estimate used and methodology used for deriving the estimate).*

F. Good faith estimates (transactional costs) likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the proposed rule. *(Includes filing fees, cost of obtaining a license, cost of equipment required to be installed or used, cost of implementing processes and procedures, cost of modifying existing processes and procedures, additional operating costs incurred, cost of monitoring, and cost of reporting, or any other costs necessary to comply with the rule).*

☒ None. This proposed rule will only affect the District.

☐ Minimal. *(Provide a brief explanation).*

☐ Other. *(Please provide a reasonable explanation for the estimate used and methodology used for deriving the estimate).*

Explanation:

The revised rule addresses modified design criteria within the C-51 Basin, but does not propose any additional permit application fees, installation of equipment, monitoring nor reporting. Therefore, the proposed rule will not add any transactional costs as defined by s.120.541, Florida Statutes (F.S.)

G. An analysis of the impact on small business as defined by s. 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by s. 120.52, F.S. *(Includes:*

- *Why the regulation is needed [e.g., How will the regulation make the regulatory process more efficient? Required to meet changes in federal law? Required to meet changes in state law?];*
- *The type of small businesses that would be subject to the rule;*
- *The probable impact on affected small businesses [e.g., increased reporting requirements; increased staffing; increased legal or accounting fees?];*
- *The likely per-firm regulatory cost increase, if any).*

A small business is defined in Section 288.703, F.S., as "...an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$5 million or any firm based in this state which has a Small Business Administration 8(a) certification. As applicable to sole proprietorships, the \$5 million net worth requirement shall include both personal and business investments."

A small county is defined in Section 120.52(19), F.S., as "any county that has an unincarcerated population of 75,000 or less according to the most recent decennial census." And, a small city is defined in Section 120.52(18), F.S., as "any municipality

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that has an unincarcerated population of 10,000 or less according to the most recent decennial census.”

The estimated number of small businesses that would be subject to the rule:

- ☐ 1-99 ☐ 100-499 ☐ 500-999
☒ 1,000-4,999 ☐ More than 5,000
☐ Unknown, please explain:

☒ Analysis of the impact on small business:

Small business entities that operate within the C-51 Basin and propose activities for which an ERP is required will be subject to the revised rule, just as they are currently subject to the existing rule. Table 3 shows the distribution of all business establishments within the C-51 Basin boundaries, stratified by the number of employees.

Table 3: C-51 Basin: Number of Establishments by Industry Parsed by Number of Employees													
NAICS 2 DIGIT	2012 NAICS US Title	Number of Employees Per Establishment									No Employment data provided	Total Establishments	% of Total
		1-25	26-50	51-75	76-100	101-125	126-150	151-175	176-200	> 200			
11	Agriculture, Forestry, Fishing and Hunting	128	3				1				25	157	3.2%
21	Mining, Quarrying, and Oil and Gas Extraction	1										1	0.0%
22	Utilities	3	1								1	5	0.1%
23	Construction	427	4	1			1				132	565	11.5%
31, 32, 33	Manufacturing	53	1					1			22	77	1.6%
42	Wholesale Trade	190	2	1					1		50	244	5.0%
44 & 45	Retail Trade	443	23	7	5	5	7	5	3	2	101	601	12.2%
48,49	Transportation and Warehousing	72	2	4							22	100	2.0%
51	Information	36	1								15	52	1.1%
52	Finance and Insurance	151									30	181	3.7%
53	Real Estate and Rental and Leasing	178	2								68	248	5.0%
54	Professional, Scientific, and Technical Services	481	6	1					1	1	168	658	13.4%
55	Management of Companies and Enterprises	9					1			1	3	14	0.3%
56	Administrative and Support and Waste Management and Remediation Services	348	8	2	3	1	1		1	3	75	442	9.0%
61	Educational Services	53	4	1							16	74	1.5%
62	Health Care and Social Assistance	510	16	5	2	1	1		1	2	78	616	12.5%
71	Arts, Entertainment, and Recreation	92	10	1	2		1		1	2	21	130	2.6%
72	Accommodation and Food Services	209	51	13	4	2			1		34	314	6.4%
81	Other Services (except Public Administration)	303	4	1		1					74	383	7.8%
92	Public Administration	6					1		1	1		9	0.2%

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Table 3: C-51 Basin: Number of Establishments by Industry Parsed by Number of Employees													
NAICS 2 DIGIT	2012 NAICS US Title	Number of Employees Per Establishment									No Employment data provided	Total Establishments	% of Total
		1-25	26-50	51-75	76-100	101-125	126-150	151-175	176-200	> 200			
99	Unclassified	21									21	42	0.9%
	Total:	3,714	138	37	16	10	14	6	10	12	956	4,913	100%
	% of Total Establishments in C-51 Basin	76%	2.8%	0.8%	0.3%	0.2%	0.3%	0.1%	0.2%	0.2%	19.5%		
	Cumulative Percent	75.6%	78.4%	79.2%	79.5%	79.7%	80.0%	80.1%	80.3%	80.5%	100.0%		
Source: Quarterly Census of Employment and Wages / Florida Department of Economic Opportunity													

The overwhelming majority of business establishments within the basin have fewer than 200 employees. In fact, 76% of the establishment records (shown in Table 3) have between 1 and 25 employees. Table 3 also shows cumulative tallies of establishment data that did not furnish any employee data. It is likely that most of these establishments are also small businesses with fewer than 200 employees based on quarterly data reviewed at the Palm Beach County level obtained from the Census report on County Business Patterns. Therefore, it is highly probable that an entity proposing activities for which an ERP is required will be classified as a small business.

☐ There is no small county or small city that will be impacted by this proposed rule.

☒ A small county or small city will be impacted. Analysis:

A small city is defined in Section 120.52(18), F.S., as “any municipality that has an unincorporated population of 10,000 or less according to the most recent decennial census.”

Table 4 below is reproduced with 2010 Census population figures. The table includes all municipalities that are either contained within the C-51 Basin area, or may have overlapping adjacencies. The table is also reproduced to show SERC evaluators where the major population centers lie within the C-51 Basin, that were labeled above within Figure 2.

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Table 4: Population Levels for Municipalities within, overlapping or adjacent to the C-51 Basin

	Municipality	2010 Population	Meets 120.52(18), F.S. Definition
1	Loxahatchee Groves, Town	3,180	√
2	Royal Palm Beach, Village	34,140	
3	Haverhill, Town	1,873	√
4	Wellington, Village	56,508	
5	Palm Springs, Village	18,928	
6	Greenacres, City	37,573	
7	Lake Worth, City	34,910	
8	Glen Ridge, Town	219	√
9	Lake Charles Shores, Town	3,376	√
10	West Palm Beach, City of	99,919	
11	Cloud Lake, Town of	135	√
	Total:	290,761	
Source: U.S. Census Bureau, 2010 Census			

Within the C-51 Basin, the Town of Loxahatchee Groves, the Town of Haverhill, the Town of Glen Ridge, Town of Lake Charles Shores, and the Town of Cloud Lake all meet the statutory definition of 120.52(18), F.S. and are classified as municipalities having an un-incarcerated population of 10,000 or fewer people.

☐ Lower impact alternatives were not implemented? Describe the alternatives and the basis for not implementing them.

The SFWMD has not yet received any lower impact alternatives for review and assessment. If such alternatives are submitted at the public workshop or during the public comment period, these alternatives will be assessed pursuant to all evaluation elements within 120.52, F.S. If necessary, and if the situation arises, this SERC will be amended with this additional information.

H. Any additional information that the agency determines may be useful.

☐ None.

☒ Additional.

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Rule Benefits:

The proposed update to the existing rule accounts for current conditions in the basin and will lead to lower minimum required finished floor elevations and less required minimum compensatory site storage, which together may lead to constructing building structures at lower elevations, as well as reducing the size of retention/detention areas, while maintaining flood protection. On balance, while there may be some select area increases in construction costs as mentioned above, overall, on a C-51 Basin-wide basis, there should be net benefit savings from the rule update.

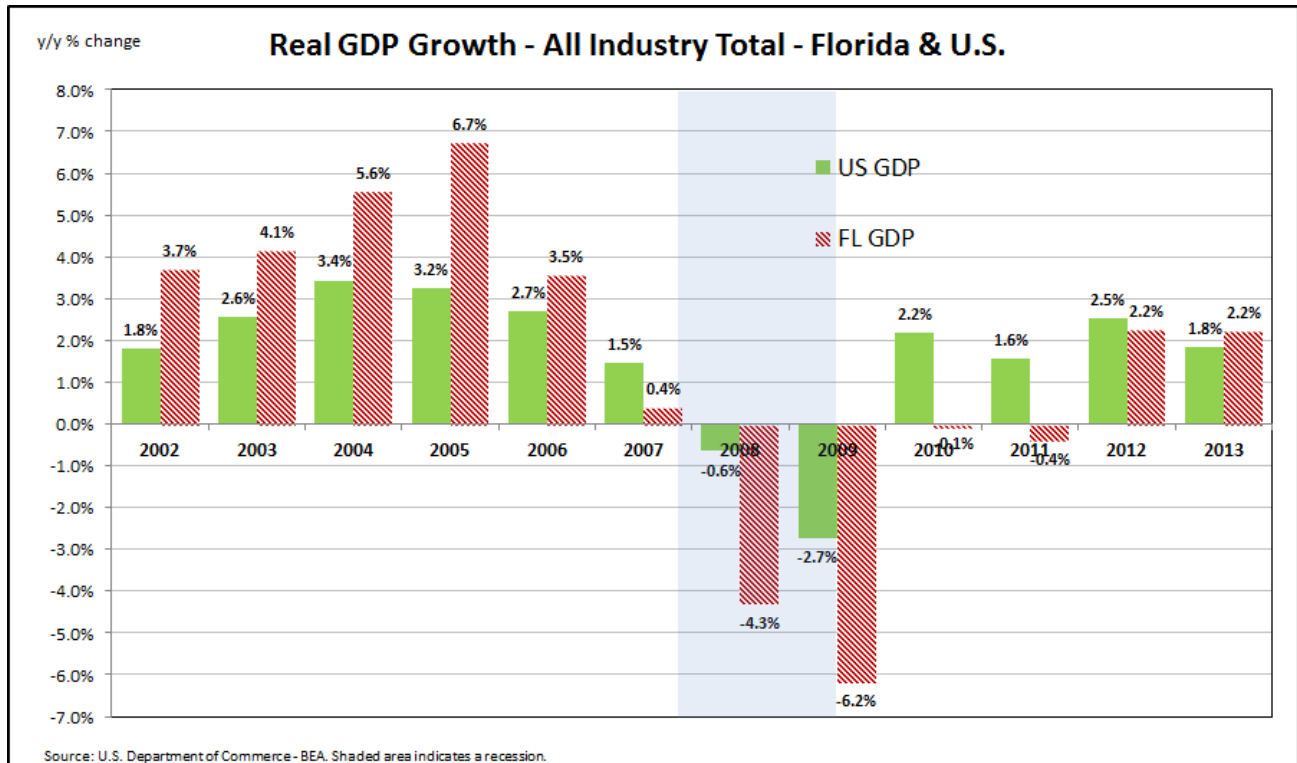
It should be noted that the revised rule seeks to update the design criteria established in 1987 that directly and also indirectly supports key sectors of the economy that are essential for achieving sustainable growth. The industry sectors that contribute goods and services in support of the ERP program are essential for maintaining economic growth statewide by ensuring that public and private assets are protected from flood risks within their host environments.

The revised rule directly and also indirectly supports key industries, ecosystems and natural communities supporting designated beneficial uses. These sectors and communities include public water supply, recreational and commercial fisheries, marine and freshwater recreation, habitats, and ecosystem services that contribute to economic growth in South Florida and across the state. Furthermore, select key industries such as analytical science & testing, architecture & engineering, consulting, and the design and construction industries provide goods and services linked to rule conditions of issuance, best management practices guidance and compliance.

Figure 7 shows that Florida's real GDP growth rate for 2013 exceeded the U.S. GDP growth rate for the first time since 2006. Industries that support sustainable development (linked to the ERP process) through the application of design standards are essential for Florida's continued economic growth and recovery.

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Figure 7



I. A description of any good faith written proposal for a lower cost regulatory alternative to the proposed rule which substantially accomplishes the objectives of the law being implemented and either a statement adopting the alternative or a statement of the reasons rejecting the alternative in favor of the proposed rule.

☒ No good faith written proposals for a lower cost regulatory alternative to the proposed rule were received.

☐ See attachment "A".

☐ Adopted in entirety.

☐ Adopted / rejected in part. *(Provide a description of the parts adopted or rejected, and provide a brief statement of the reasons adopting or rejecting this alternative in part).*

☐ Rejected in entirety. *(Provide a brief statement of the reasons rejecting this alternative).*

☐ See attachment "B".

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☐ Adopted in entirety.

☐ Adopted / rejected in part. *(Provide a description of the parts adopted or rejected, and provide a brief statement of the reasons adopting or rejecting this alternative in part).*

☐ Rejected in entirety. *(Provide a brief statement of the reasons rejecting this alternative).*

☐ See attachment “C”.

☐ Adopted in entirety.

☐ Adopted / rejected in part. *(Provide a description of the parts adopted or rejected, and provide a brief statement of the reasons adopting or rejecting this alternative in part).*

☐ Rejected in entirety. *(Provide a brief statement of the reasons rejecting this alternative).*

☐ See attachment “D”.

☐ Adopted in entirety.

☐ Adopted / rejected in part. *(Provide a description of the parts adopted or rejected, and provide a brief statement of the reasons adopting or rejecting this alternative in part).*

☐ Rejected in entirety. *(Provide a brief statement of the reasons rejecting this alternative).*

☐ See attachment “E”.

☐ Adopted in entirety.

☐ Adopted / rejected in part. *(Provide a description of the parts adopted or rejected, and provide a brief statement of the reasons adopting or rejecting this alternative in part).*

☐ Rejected in entirety. *(Provide a brief statement of the reasons rejecting this alternative).*

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