

## Notice of Proposed Rule

### **WATER MANAGEMENT DISTRICTS** **South Florida Water Management District**

RULE NO.: RULE TITLE:

[40E-1.607](#): Permit Application Processing Fees

[40E-1.659](#): Forms and Instructions

PURPOSE AND EFFECT: The District proposes to amend these rules in accordance with the biennial review contemplated by Section 120.74(1), Fla. Stat., to identify and correct deficiencies in its rules; clarify and simplify its rules; delete obsolete or unnecessary rules or delete rules that are redundant of statutes.

SUMMARY: The proposed amendments clarify permit application fees for individual mining/dewatering (no fee increases), and update the list of forms incorporated by reference in other District rules.

#### SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this 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 proposed amendments do not affect the current fee for individual mining/dewatering permit applications and simply update the list of forms already incorporated by reference in the District's rules. There will be no additional impact on small business and no increase in regulatory costs.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: [218.075](#), [373.044](#), [373.109](#), [373.113](#), [373.171](#), [373.4136](#), [373.416](#), [373.421\(2\)](#), [373.421\(6\)\(b\)](#), [373.4131](#), [695.03](#), [704.06](#), F.S.

LAW IMPLEMENTED: [218.075](#), [373.109](#), [373.113](#), [373.4131](#), [373.4135](#), [373.416](#), [373.421\(2\)](#), [373.421\(6\)\(b\)](#), [403.201](#), [704.06](#), F.S.

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: Kellie Madison, Section Leader, Technical Services, South Florida Water Management District, 3301

Gun Club Road, West Palm Beach, FL 33406, toll free: (800) 432-2045, ext. 6906, direct: (561) 682-6906, email: kmadison@sfwmd.gov, or Jennifer Brown, Senior Attorney, Office of Counsel, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, toll free: (800) 432-2045, ext. 2258, direct: (561) 682-2258, email: jebrown@sfwmd.gov. For procedural questions, contact Jan Sluth, Sr. Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, toll free: (800) 432-2045, ext. 6299, direct: (561) 682-6299, email: jsluth@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

**40E-1.607 Permit Application Processing Fees.**

Introductory paragraph (No Change)

(1) Water Use Permit Application processing fees are in the following table:

TABLE 40E-1.607(1)

PERMIT APPLICATION PROCESSING FEES FOR  
WATER USE PERMIT APPLICATIONS

REVIEWED PURSUANT TO CHAPTER 40E-2, F.A.C.

Fee amounts shall apply to applications for new permits, permit modifications, and permit renewals, except as noted.

|   |         |
|---|---------|
| Individual Permit, except Mining/Dewatering (applies to all durations) through Individual Irrigation with a duration of at least 20 years – No Change | Amount  |
| Individual Mining/Dewatering.   |         |
| Standard Individual Permit <u>with a total project duration of</u> <del>for</del> up to one year.   | \$ 500  |
| Standard Individual Permit <u>with a total project duration of</u> greater than one year.   | \$1,800 |
| Master Individual Permit.   | \$4,000 |
| Individual Commercial/Industrial with a duration less than 20 years through General Permit by Rule – No Change.                                       |         |

(2) through (7) No Change.

*Rulemaking Authority 373.044, 373.109, 373.113, 373.171, 373.421(2), 373.421(6)(b), 373.4131 FS. Law Implemented 218.075, 373.109, 373.4131, 373.421(2), 373.421(6)(b), 403.201 FS. History–New 1-8-89, Amended 1-2-91, 11-15-92, 6-1-93, 1-23-94, 10-3-95, 4-1-96, 11-8-99, 5-24-00, 6-26-02, 7-11-02, 8-10-03, 8-14-03, 11-18-07, 11-1-09, 12-15-11, 10-23-12, 10-1-13, 7-31-14, \_\_\_\_\_.*

#### **40E-1.659 Forms and Instructions.**

The following forms and instructions are incorporated by reference throughout the District’s rules as specified below and are listed herein for convenience. Hyperlinks are provided in the rules in which the forms and instructions are referenced and copies can be obtained without cost by contacting the South Florida Water Management District Clerk’s Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800) 432-2045, ext. 6436, or (561) 682-6436:

| <b>Form No.</b> | <b>Date</b> | <b>Title</b>   |
|-----------------|-------------|--|
| 0186            | 09-12       | Application for a State of Florida Water Well Contractor License<br><del>State of Florida Water Well Contractor’s Application</del> , incorporated by reference in subsection 40E-3.038( <del>13</del> ), F.A.C. |
| 0483            | 10-01       | Request for Surface Water Management, Water Use or Wetland Resource Permit Transfer, incorporated by reference in subsection 40E-1.6107(1), F.A.C.   |
| 0779            | 01-01       | Application for a Works of the District Permit, incorporated by reference in subsection 40E-63.091(9), F.A.C.  |
| 0889            | 12-11       | Certification of Waiver of Permit Application Processing Fee, incorporated by reference in paragraph 40E-1.607(6)(b), F.A.C.   |
| 1045            | 11-10       | Application for a C-139 Basin Works of the District Permit, incorporated by reference in subsection 40E- 63.430(2), F.A.C.   |
| 1376            | <u>7-14</u> | Report of Planting and Harvest of Seasonal Crops Form, incorporated by reference in paragraph 40E-2.091(2)(a), F.A.C.  |
| 1377            | <u>7-14</u> | Water Quality Report Form, incorporated by reference in paragraph 40E-2.091(2)(b), F.A.C.  |
| 1378            | <u>7-14</u> | Water Use Pumpage Report Form, incorporated by reference in paragraph 40E-2.091(2)(c), F.A.C.  |
| 1379            | <u>7-14</u> | Water Use Permit Application, incorporated by reference in subsection 40E-2.101(3), F.A.C.   |

|                                  |             |  |
|----------------------------------|-------------|--|
| 1380                             | <u>7-14</u> | Water Use Permit Application Supplemental Form A – Agricultural Use, incorporated by reference in paragraph 40E-2.101(3)(a), F.A.C.              |
| 1381                             | <u>7-14</u> | Water Use Permit Application Supplemental Form B – Commercial/Industrial Use, incorporated by reference in paragraph 40E-2.101(3)(b), F.A.C.     |
| 1382                             | <u>7-14</u> | Water Use Permit Application Supplemental Form C – Landscape/Recreation Use, incorporated by reference in paragraph 40E-2.101(3)(c), F.A.C.      |
| 1383                             | <u>7-14</u> | Water Use Permit Application Supplemental Form D – Dewatering Use, incorporated by reference in paragraph 40E-2.101(3)(d), F.A.C.                |
| 1384                             | <u>7-14</u> | Water Use Permit Application Supplemental Form E – Public Supply Use, incorporated by reference in paragraph 40E-2.101(3)(e), F.A.C.             |
| 1386                             | <u>7-14</u> | Water Use Permit Application Supplemental Form F – Diversion and Impoundment Use, incorporated by reference in paragraph 40E-2.101(3)(f), F.A.C. |
| 1387                             | <u>7-14</u> | Flow Meter Accuracy Calibration Report Form, incorporated by reference in paragraph 40E-2.091(2)(d), F.A.C.                                      |
| 1388                             | <u>7-14</u> | Alternative Method Calibration Report Form, incorporated by reference in paragraph 40E-2.091(2)(e), F.A.C.                                       |
| 1389                             | <u>7-14</u> | Crop (Freeze) Protection Form, incorporated by reference in paragraph 40E-2.091(2)(f), F.A.C.  |
| 1391                             | <u>7-14</u> | Notice of Intent to Use a Water Use Noticed General Permit, incorporated by reference in subsection 40E-2.101(4), F.A.C.                         |
| Subsection 62-532.900(1), F.A.C. | 10-10       | State of Florida Permit Application to Construct, Repair, Modify or Abandon a Well, incorporated by reference in subsection 40E-3.101(1), F.A.C. |
| Subsection 62-532.900(2), F.A.C. | 10-10       | State of Florida Well Completion Report, incorporated by reference in subsection 40E-3.411(1), F.A.C.  |
| <u>DEP Form 3</u>                | <u>6-14</u> | <u>Application for Continuing Education Coursework Approval,</u>   |

|                   |             |   |
|-------------------|-------------|---|
|                   |             | <u>Florida Water Well Contractor Continuing Education Program</u>   |
| <u>DEP Form 4</u> | <u>6-14</u> | <u>Application for Continuing Education Course Provider, Florida Water Well Contractor Continuing Education Program</u> |

*Rulemaking Authority 218.075, 373.044, 373.113, 373.171, 373.4136, 373.416, 695.03, 704.06 FS. Law Implemented 218.075, 373.113, 373.4135, 373.4136, 373.416, 704.06 FS. History—New 9-3-81, Amended 12-1-82, 3-9-83, Formerly 16K-1.90, Amended 7-26-87, 11-21-89, 1-4-93, Formerly 40E-1.901, Amended 5-11-93, 4-20-94, 10-3-95, 6-26-02, 8-14-02, 8-31-03, 9-16-03, 9-20-04, 2-12-06, 1-23-07, 8-7-07, 7-4-10, 12-15-11, 5-20-12, 10-23-12, 10-1-13, 7-14-14, \_\_\_\_\_.*

NAME OF PERSON ORIGINATING PROPOSED RULE: Maria C. Clemente, Bureau Chief,  
Water Use Bureau

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: South Florida  
Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 14, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 20,  
2015