

## Notice of Proposed Rule

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

RULE NO.: RULE TITLE:

[40E-41.033](#): Implementation

[40E-41.091](#): Publications, Rules and Interagency Agreements Incorporated by Reference

[40E-41.133](#): Implementation

[40E-41.233](#): Implementation

[40E-41.333](#): Implementation

**PURPOSE AND EFFECT:** To repeal unnecessary rules in accordance with the Governor's express goal to reduce the size and scope of the Florida Administrative Code. The repeal of these rules is a result of the District's review of all of its rules in accordance with executive order 11-211.

**SUMMARY:** Rules 40E-41.033, 40E-41.133, 40E-41.233, and 40E-41.333, F.A.C., are unnecessary because the implementation date is set forth in the history note of the rule. Rule 40E-41.091 is unnecessary because it merely refers to the publications, rules and interagency agreements incorporated by reference in Rule 40E-4.091, F.A.C.

#### **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. Repeal of these rules will have no adverse impact on small business and will reduce regulatory burdens on the public by reducing the number of rules.

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: Repeal of these rules do not meet the thresholds set forth in 120.541(2)(a), F.S.

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:** [120.54\(8\)](#), [373.044](#), [373.046](#), [373.113](#), [373.171](#), [373.4131](#), [373.414](#), [373.416](#), [403.812](#), FS

**LAW IMPLEMENTED:** [120.54\(8\)](#), [373.046](#), [373.403](#), [373.413](#), [373.414](#), [373.416](#), [373.429](#), FS

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: Susan Roeder Martin, Esq., Sr. Practice Expert, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, tel: (800) 432-2045 ext. 6251 or (561) 682-6251, email: smartin@sfwmd.gov. For procedural questions, contact Jan Sluth, Sr. Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, tel: (800) 432-2045 ext. 6299 or (561) 682-6299, email: jsluth@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

**40E-41.033 Implementation.**

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416 FS. History—New 9-3-81, Formerly 16K-34.03, Amended 4-20-94, Repealed.*

**40E-41.091 Publications, Rules and Interagency Agreements Incorporated by Reference.**

*Rulemaking Authority 120.54(8), 373.044, 373.046, 373.113, 373.171, 373.414, 403.812 FS. Law Implemented 120.54(8), 373.046, 373.403, 373.413, 373.414, 373.416, 373.429 FS. History—New 11-15-92, Amended 1-23-94, 4-20-94, 10-3-95, Repealed.*

**40E-41.133 Implementation.**

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416 FS. History—New 5-1-85, Repealed.*

**40E-41.233 Implementation.**

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.413, 373.416 FS. History—New 5-15-87, Repealed.*

**40E-41.333 Implementation.**

*Rulemaking Authority 373.044, 373.113, 373.4131 FS. Law Implemented 373.413, 373.4131, 373.416 FS. History—New 10-21-01, Amended 10-1-13, Repealed.*

NAME OF PERSON ORIGINATING PROPOSED RULE: Kirk L. Burns

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2015