

Suwannee River Water Management District
2016-2017 Annual Regulatory Plan

Rule Number	Rule Title	Rulemaking Action	Description of current Rule	Description of Changes to be Made in Rulemaking	Reason for Rulemaking	Economic Impact	Highly Technical or Complicated
40B-1.102	Definitions	Rule Amendment	This rule contains definitions	Define any ambiguous terms used in new rulemaking	Update rule	None	No
40B-1.703	Procedures for Consideration of Permit Applications	Rule Amendment	Describes permit types and noticing	Correct typo and clarify rule language	Update rule	None	No
40B-2, F.A.C.	Permitting of Water Use	Rule Amendments	Implements Part II, Chapter 373, F.S.	Clarify "common enterprise" (40B-2.041), letter modification criteria (40B-2.331), correct typos/ rule citations, and implement SB552 provisions	Update rule	None	No
40B-3, F.A.C.	Permitting of Well Construction	Rule Amendments	Provides criteria for permitting the construction, repair, and abandonment of water wells	Revise definitions; incorporate Ch. 62-531 and 62-532, F.A.C.; add GPBR for 62-780, F.A.C. wells; incorporate the statewide application and completion report forms; remove elevation survey requirement in floodplain; and authorize alternative grouting methods and use of bridging materials	Update rule	Reduction in cost of doing business	Yes
40B-4	Works of the District Permits	Rule Amendments		Amendments pursuant to the SWERP II statewide rule consistency effort and	Update rule	None	No

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				FEMA Risk MAP revisions.			
40B-8	Minimum Flows and Levels	Rule Amendment	These rules establish minimum flows and levels for surface and ground waters	Update minimum flows and levels within the District and implement SB552 provisions	Update rule	None	Yes
40B-9.021	Definitions	Rule Amendment	These definitions relate to land acquisition	Amend definition so the funding references more than Section 259.105, F.S.	Update rule	None	No
40B-9.041	Acquisition Procedures – Negotiations	Rule Amendment	This rule provides property appraisal procedures	Clarify appraiser access for any assessments needed, require Baseline and remove engineer and geologist requirements	Update rule	None	No
40B-9.123	Additional Definitions	Rule Repeal	This rule provides additional definitions related to public use	Combine additional definitions into Rule 40B-9.021	Update rule	None	No
40B-9.126	Access to District Lands	Rule Amendment	This rule sets forth the hours during which District lands are open to the public	Remove definition from rule text and add to Rule 40B-9.021	Update rule	None	No
40B-9.131	Public Use of District Lands	Rule Amendment	This rule sets forth the requirement to publish a Public Use Guide	Remove date specific and authorize Board approval of; Provide additional clarification in section (3); Provide information about where to find details for (3)(k); Provide clarification for	Update rule	None	No

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				allowable swimming opportunities			
40B-9.1381	Prohibited Activities	Rule Amendment	This rule sets forth restricted activities on District Lands	Add District approval to release seed, plant or animal on District Lands section; Add airsoft to use of paintball guns and related guns section	Update rule	None	No
40B-9.1411	Special Use Authorizations	Rule Amendment	These rules are procedures for Special Use Authorizations	Remove/ add language for consistency	Update rule	None	No
40B-9.142	Easements	Rule Amendment	These rules are procedures for Easements	Remove Staff Appraiser language	Update rule	None	No
40B-9.145	Leases	Rule Amendment	These rules are procedures for Leases	Remove inconsistent language	Update rule	None	No
40B-21.631	Water Shortage Plan, Phase II	Rule Amendment	These rules provide for the conservation, protection, and management of water during periods of water shortage	Revise language so that language in Phase II is at least as restrictive as current year-round lawn watering restrictions	Update rule	None	No
40B-21.641	Water Shortage Plan, Phase III	Rule Amendment	These rules provide for the conservation, protection, and management of water during periods of water shortage	Revise language so that language in Phase III is at least as restrictive as current year-round lawn watering restrictions	Update rule	None	No

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Rule Number	Rule Title	Rulemaking Action	Description of current Rule	Description of Changes to be Made in Rulemaking	Reason for Rulemaking	Economic Impact	Highly Technical or Complicated
40B-400	Environmental Resource Permits	Rule Amendments		Remove references to 62-330, F.A.C., and Applicant's Handbook Volume I, and other amendments pursuant to the SWERP II statewide rule consistency effort and FEMA Risk MAP revisions.	Update rule	None	No

Suwannee River Water Management District
Laws Enacted Requiring Rulemaking

Laws enacted or amended during the previous 12 months that affect the duties or authority of SRWMD	Description	Rulemaking Action	Must SRWMD adopt rules to implement?	Proposed NOPR date
Subsection 373.036(7)(b), F.S.	Priority ranking of water quality/ water supply projects for 5-year work plan. Use of an impairment grading system of water bodies listed in Consolidated Annual Report.	Amendment	No*	n/a
Subsection 373.042(2)(a), F.S.	Adoption of Outstanding Florida Spring (OFS) MFLs utilizing emergency rulemaking authority if not adopted by 7/1/2017.	Amendment	Yes – 40B-8, F.A.C.	10/1/2016
Subsection 373.042(2)(b), F.S.	Collaborative development of OFS MFLs affected by withdrawals from more than one WMD.	Amendment	No*	n/a
Subsection 373.042(2)(c), F.S.	Concurrent adoption of MFL prevention/ recovery strategies for OFS.	Amendment	No*	n/a
Section 373.0421(2), F.S.	Expeditious implementation of OFS MFL prevention or recovery strategies.	Amendment	No*	n/a
Section 373.0421(3), F.S.	Amendment of Water Supply Plan to include water supply and resource development projects listed in prevention/ recovery strategies.	Amendment	No*	n/a
Section 373.0421(4), F.S.	FDEP notification of Water Use Permit (WUP) denials based on MFL impact analysis and review of regional water supply plan for adequacy.	Amendment	No*	n/a
Section 373.219(3), F.S.	Development of unified definition of “harm.”	Amendment	Yes – 40B-2, F.A.C.	10/1/2016
Section 373.223(6), F.S.	Water use reporting requirements for individual WUPs with wells 8-inches or greater in diameter.	Amendment	No [†]	n/a

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Laws enacted or amended during the previous 12 months that affect the duties or authority of SRWMD	Description	Rulemaking Action	Must SRWMD adopt rules to implement?	Proposed NOPR date
Section 373.2234(2), F.S.	Consideration of preferred water supply sources for water users unable to develop new water supplies.	Amendment	No [†]	n/a
Section 373.227(5), F.S.	Prevents agency modification of permitted allocation when water conservation measures are effective.	Amendment	Yes – 40B-2, F.A.C.	10/1/2016
Section 373.227(6), F.S.	Prevents agency modification of permitted allocation when water use is less than projected due to climate and agricultural practices.	Amendment	Yes – 40B-2, F.A.C.	10/1/2016
Section 373.233(2), F.S.	Source proximity preference in competing applications.	Amendment	No [*]	n/a
Rule 373.245, F.S.	Removes agency's ability to hold WUP holders liable for damages to neighboring WUP holders.	Rule Repeal	No [*]	n/a
Section 373.323(3), F.S.	Clarifies qualifications for Water Well Contractor licensing.	Amendment	No [*]	n/a
Section 373.4591(1), F.S.	Adds recharge and nutrient load reduction to priority list considerations of public-private partnerships.	Amendment	No [*]	n/a
Section 373.4591(2), F.S.	Establishes wetland baseline requirement prior to entrance into public-private partnerships that could impact wetlands.	Amendment	No [*]	n/a
Section 373.536(6), F.S.	Adds proposed water supply projects to annual funding plan. Requires identification of available/ needed funding for years 2-5. Requires identification of projects needed to implement MFLs and water reservations to avoid water supply competition.	Amendment	No [*]	n/a
Section 373.703(9), F.S.	Includes ability to contract with private land owners to fulfill duties.	Amendment	No [*]	n/a

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Section 373.705(2), F.S.	Revises legislative intent for implementing water resource development projects.	Amendment	No*	n/a
Section 373.705(3), F.S.	Incorporates amount of funding for each water resource development project in annual funding plan into the annual budget.	Amendment	No*	n/a
Section 373.705(4), F.S.	Adds criterion for first consideration of water supply development project funding assistance.	Amendment	No*	n/a
Section 373.705(5), F.S.	Expands cost-share criteria to include additional water conservation practices.	Amendment	No*	n/a
Section 373.707(3), F.S.	Adds self-suppliers to parties eligible for alternative water supply project tech and financial assistance.	Amendment	No*	n/a
Section 373.707(6), F.S.	Ensures anticipated funding level is not reduced due to state appropriations. Requires that projects identified in annual funding plan are included in tentative and adopted budget submittals.	Amendment	No*	n/a
Section 373.707(8), F.S.	Authorizes waiver of 60% construction cost funding requirement for water users determined to be in public interest.	Amendment	No*	n/a
Subsection 373.709(2)(a), F.S.	Adds technical and financial feasibility requirement for water supply development project options in regional water supply plan.	Amendment	No*	n/a
Subsection 373.709(2)(b), F.S.	Adds requirements for listing water resource development projects supporting water supply development.	Amendment	No*	n/a

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Subsection 373.709(5)(k), F.S.	Requires an assessment of how projects support adopted MFL prevention/recovery strategies or water reservations.	Amendment	No*	n/a
Subsection 373.709(6), F.S.	Adds funding source sufficiency analysis for projects identified in regional water supply plan.	Amendment	No*	n/a
Rule 373.801, F.S.	Legislative findings and intent (Florida Springs and Aquifer Protection Act).	New Rule	No*	n/a
Rule 373.802, F.S.	Definitions (Florida Springs and Aquifer Protection Act).	New Rule	No*	n/a
Rule 373.803, F.S.	Delineation of priority focus areas for OFS (Florida Springs and Aquifer Protection Act).	New Rule	No*	n/a
Section 373.805(1), F.S.	Concurrent adoption of MFL prevention/ recovery strategies for OFS (new MFLs).	New Rule	No*	n/a
Section 373.805(2), F.S.	Concurrent adoption of MFL prevention/ recovery strategies for OFS (revised MFLs).	New Rule	No*	n/a
Section 373.805(3), F.S.	Requires expeditious adoption of MFL prevention/ recovery strategies for OFS.	New Rule	No*	n/a
Section 373.805(4), F.S.	Sets forth OFS prevention or recovery strategy requirements.	New Rule	No*	n/a
Section 373.807(1), F.S.	Concurrent adoption of BMAP development with TMDL for OFS. Sets forth BMAP development requirements.	New Rule	No*	n/a
Section 373.811(5), F.S.	Prohibits new agricultural operations that do not implement nutrient management standards from operating in priority focus areas.	New Rule	No*	n/a

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Section 403.0623(2), F.S.	Requires agency coordination to establish standards for environmental quality data collection and analysis.	Amendment	No [†]	n/a
Section 403.0675(1), F.S.	Requires annual TMDL, BMP, MFL, and prevention/ recovery strategy progress report and website posting, and sets forth report criteria.	New Rule	No [*]	n/a
Section 403.814(12), F.S.	Requires Florida Storm Water Professional certification before construction begins (10-2 projects).	Amendment	No [†]	n/a

* Adoption would require new rule language that would be duplicative of statute

† Awaiting FDEP guidance on rulemaking

‡ Existing rules reflect statutory change

Other laws to be implemented by rulemaking before July 1, 2017: None