

MEMORANDUM

TO: Governing Board Members

FROM: Sharon M. Trost, P.G., A.I.C.P., Director, Regulation Division

DATE: November 10, 2011

SUBJECT: In furtherance of Executive Order 11-211 to reduce the regulatory burden on the citizens of Florida, amend Chapters 40E-1, 40E-4 and 40E-400, F.A.C., and the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, to delete definitions and exemptions duplicative of statutes, reduce number of copies applicants are required to submit, and increase the duration of conceptual permits, by taking the following actions:

- A) Request Office of Fiscal Accountability and Regulatory Reform review;
- B) Authorize publication of Notice of Rule Development;
- C) Authorize publication of Notice of Proposed Rule if no workshops requested in reasonable time after publication of Notice of Rule Development and no changes to rule text as published in Notice of Rule Development (14 days);
- D) Adopt proposed rules 28 days after publication of Notice of Proposed Rule provided no changes are made to proposed rule as published. (Anita Bain, ext 6866)

Background:

The District's Regulatory Plan proposes rulemaking to amend its environmental resource permitting rules to implement changes to reduce costs and duplication, thereby benefitting the regulated public. District staff has identified a number of definitions and exemptions that are duplicative of Florida Statutes, and therefore should be deleted. District staff has also identified a number of forms and related rule provisions that require applicants to submit numerous copies of applications, drawings, calculations, or other supporting documents. Amending these forms and related rule provisions to reduce the number of copies to one will reduce the cost to the regulated public. Finally, District staff proposes to further reduce burdens on the regulated public by increasing the duration of conceptual permits from 2 to 5 years.

A Statement of Estimated Regulatory Costs is not required as this rulemaking is not expected to result in any direct or indirect cost increases for small businesses or increased regulatory costs in excess of \$200,000 within one year of implementation. To

the contrary, costs are expected to decrease. For these reasons, ratification by the Legislature is not required.

Recommendation

Authorize the four steps in the rulemaking process as set forth in the subject of this memo, in furtherance of the goals of Executive Order 11-211, to reduce burdens on the regulated public.

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