

MEMORANDUM

TO: Governing Board Members

FROM: Chip Merriam, Deputy Executive Director, Water Resource

DATE: October 21, 2008

SUBJECT: Increase in the District's environmental resource permit application processing fees in accordance with Senate Bill 1294.

Recommendation

Staff recommends authorization to publish a Notice of Rule Development in the Florida Administrative Weekly (FAW) to amend Rule 40E-1.607, F.A.C., to adjust the District's environmental resource permit application processing fees based on an inflation adjustment index to be determined by the Florida Department of Environmental Protection (FDEP) and applied since the date of the last fee increase, in accordance with new legislation effective July 1, 2008 (Senate Bill 1294 (2008)), and the expected delegation in FDEP Rule 62-113, F.A.C., with a five year future projection, to amend certain fees based on complexity of review, and to set forth certain additional environmental resource permit application processing fees also in accordance with Senate Bill 1294.

Background

Senate Bill 1294 (Chapter 2008-150, Laws of Florida) was passed during the 2008 Florida Legislative session and requires new fees and minimum fee requirements for certain environmental resource permit activities that automatically went into effect on July 1, 2008. The legislation also requires a review of all permit application fees charged by the FDEP, the establishment of an inflation adjustment index and adjustments to those fees to reflect changes in the rate of inflation since those fees were adopted or last adjusted. Additionally, the bill provides for re-assessment of fees at least every five years. Under Sections 373.103 and 403.805, Florida Statutes (F.S.), the Secretary of FDEP may further delegate to the water management districts the authority to adjust their permit application fees under Part IV of Chapter 373, F.S. based on an inflation adjustment factor. On June 18, 2008, the FDEP initiated rulemaking to amend Chapters 62-4, 62-113, and 62-346, F.A.C., to revise the above-referenced fees and to further delegate to the water management districts the authority to similarly amend their fees based on an inflation adjustment factor.

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In anticipation of the adoption of the FDEP rule delegating the same authority to the water management districts, the South Florida Water Management District is proposing to initiate rule development to address this Bill, as well as amend other environmental resource permit application processing fees in Chapter 40E-1, F.A.C. Additionally, increases to application processing fees for Consumptive Use Permits (A.K.A Water Use) are also being pursued and will be outlined in a separate memorandum.

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