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THE FLORIDA LEGISLATURE  
**JOINT ADMINISTRATIVE  
PROCEDURES COMMITTEE**

January 11, 2009

Jennifer Bokankowitz, Esq.  
Office of Counsel  
South Florida Water Management District  
P.O. Box 24680  
West Palm Beach, FL 33416-4680

**Re: Proposed Amendments to Chapters 40E-2, 40E-20 and 40E-24, F.A.C.**

Dear Ms. Bokankowitz:

In response to your letter of January 8, 2010, this will confirm our conversation of January 7, 2010, in which we discussed this committee's concerns with the proposed amendments to the South Florida Water Management District's rule chapter 40E-24, F.A.C. Specifically, we discussed rule 40E-24.301, Local Government Option, and rule 40E-2.301, which requires permit applicants to provide reasonable assurance of compliance with the District's requirements for a consumptive use permit.

In our conversation, you agreed to recommend the deletion of subsection (2) of rule 40E-24.301 to the governing board. That provision would limit the restriction of the irrigation of landscapes by local governments to circumstances involving concerns directly related to the local water supply system. Although the committee staff agreed in that conversation that you should feel free to adopt the proposed amendments to chapters 40E-2, 40E-20 and 40E-24, F.A.C., with the revisions discussed, and further agreed not to recommend that the committee object to the proposed rules at this time, please bear in mind that in light of the preemption to the districts contained in s. 373.217, F.S., we continue to have concerns with the District's authority to regulate the consumptive use of water through local governments, as outlined in these rules.

Thank you for your diligent efforts to work with us on these proposed rules, and we look forward to continuing to work with you to resolve these issues.

Sincerely,

A handwritten signature in cursive script that reads "F. Scott Boyd".

F. Scott Boyd  
Executive Director and General Counsel