

## MEMORANDUM

**TO:** Governing Board Members

**FROM:** Deena Reppen, Deputy Executive Director  
Regulatory and Public Affairs

**DATE:** October 7, 2010

**SUBJECT:** Authorize publication of the Notice of Rulemaking to amend Chapters 40E-1, 40E-4, 40E-40, 40E-41, 40E-400, F.A.C., and the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District (District) to: 1) correct citations; 2) correct references and exhibits to forms; 3) delete obsolete forms and other documents incorporated by reference; 4) update rules for consistency with statutes; 5) update process for submitting forms and other documents to the District; 6) repeal duplicative rules; 7) replace illegible maps and renumber Figures for consistency; 8) update rule references from surface water management to environmental resource permitting; 9) delete unnecessary rule titles following rule numbers within text; 10) correct incomplete sentence; and 11) update incorporation language to be consistent with amendment to 1B-30.005, F.A.C.

### Background:

District staff in coordination with Office of Counsel has reviewed all of the District's environmental resource permitting rules for outdated references, titles and citations, as well as outdated processes. During this review, District staff has also identified a number of obsolete forms and documents incorporated by reference, forms needing corrections to exhibits and references, illegible maps, duplicative rules, and rules in need of updating in order to be consistent with statutes.

In addition, the Department of State amended subsection 1B-30.005(2), F.A.C., to require materials incorporated by reference be identified by title, the form number, effective date, and the number of the rule in which it is incorporated in March 2009. Currently, the District's forms and rules do not conform to this requirement. These items must be corrected through a rule change. Staff recommends that all of these minor changes be incorporated into one rule development effort. The actual rule text is included herein and the updated forms and maps are posted on the District's website at [www.sfwmd.gov](http://www.sfwmd.gov) >> [Businesses](#) >> [Permits](#) >> Rules, Statutes & Criteria. Copies can also be obtained by contacting Yvette Bonilla at extension 6921 or [ybonilla@sfwmd.gov](mailto:ybonilla@sfwmd.gov)

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**Recommendation**

Staff recommends Governing Board approval to publish a Notice of Rulemaking to amend the District's Rules 40E-1, 40E-4, 40E-40, 40E-400 F.A.C., and in the Basis of Review for Environmental Resource Permits as stated in the subject line.

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