

MEMORANDUM

TO: Governing Board Members

FROM: Sharon M. Trost, P.G., AICP, Director, Regulation Division

DATE: August 9, 2012

SUBJECT: Adopt amendments to Rules 40E-0.102, 40E-0.109, 40E-0.113, 40E-1.021, 40E-1.603, 40E-1.6065, 40E-1.607, 40E-1.6107, 40E-1.615, 40E-1.659, 40E-1.711, 40E-1.715, 40E-2.010, 40E-2.011, 40E-2.031, 40E-2.041, 40E-2.091, 40E-2.101, 40E-2.331, 40E-2.341, 40E-2.381, 40E-2.451, 40E-2.501, 40E-5.101, 40E-5.381, 40E-8.011, 40E-8.021, 40E-8.221, 40E-8.321, 40E-8.341, 40E-8.421, 40E-20.010, 40E-20.061, 40E-20.091, 40E-20.101, 40E-20.301, 40E-20.321, F.A.C., and the Basis of Review for Water Use Permit Applications within the South Florida Water Management District (BOR), to update and correct the District's rules to comply with statutory requirements, in accordance with Section 120.74(1), F.S. Specifically, the amendments: (1) conform rules to statutory amendments; (2) delete references to repealed rules; (3) delete language regarding basin expiration dates since all expiration dates have passed; and (4) correct minor deficiencies in its rules.

Background:

Section 120.74(1), F.S., requires agencies to review and revise its rules as often as necessary to ensure that its rules are correct and comply with statutory requirements. As a result, District staff, in coordination with Office of Counsel, identified a number of water supply related and water use permitting rules in need of correction, modification, or updating. No substantive amendments are proposed. No workshops were requested or conducted. The amendments are as follows:

- Update delegation pursuant to ss. 373.079(4) and 373.083(5), F.S.;
- Delete or update references to repealed rules;
- Update incorporation language pursuant to ss. 120.55(1)(a)4. and 5., F.S.;
- Correct typographical errors;
- Delete language regarding basin expiration dates since all expiration dates have passed;
- Update rules in accordance with s. 373.236(3), F.S., to reflect that compliance reports should be submitted every ten years rather than five; and,
- Change definition of "Xeriscape" to "Florida-Friendly Landscaping" pursuant to s. 373.185, F.S.

Recommendation:

Staff recommends adoption of these minor rule amendments in compliance with Section 120.74(1), F.S.

Staff Contact:

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