



Proposed Implementation of SB2080: Delegation of Permitting Authority

**Ernie Barnett, Director
Legislative Affairs**

**Robert M. Brown, Director
Environmental Resource Regulation Department**

Senate Bill 2080 Presentation Outline



- Legislation Overview
- Permit Overview
 - Environmental Resource Permits
 - Consumptive Use Permits
- Online Permitting Information
- Proposed Implementation



Senate Bill 2080 Overview

**Ernie Barnett, Director
Legislative Affairs**

Senate Bill 2080

Bill Elements

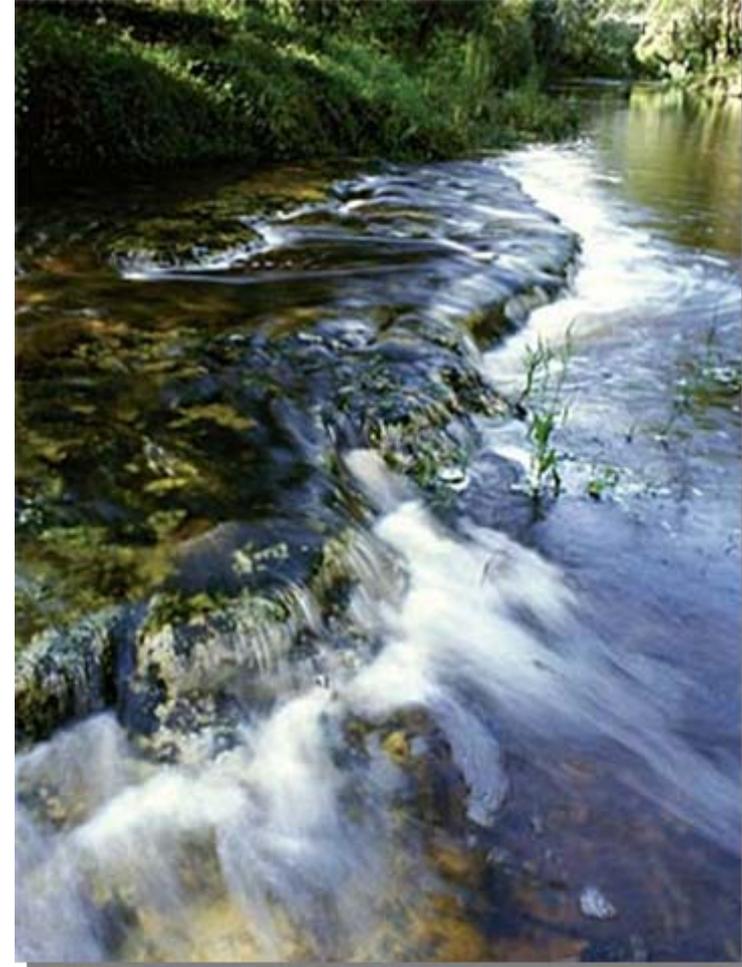


- West Central Florida Water Restoration Action Plan
- Florida-Friendly Landscapes
- Water Management District Sunset Review

Senate Bill 2080

West Central Florida Water Resource Action Plan

- Restore minimum levels on a permanent basis to priority lakes in the Lake Wales Ridge
- Restore minimum flows on a permanent basis to the upper Peace River
- Reduce the rate of saltwater intrusion in coastal Hillsborough, Manatee and Sarasota counties
- Ensure sufficient water supplies for all existing and projected reasonable-beneficial uses



Senate Bill 2080

Florida-Friendly Landscaping

- Replaces the term “Xeriscape” with “Florida-friendly landscapes”
- Recognizes the University of Florida/ IFAS’ Florida Yards and Neighborhoods Program
- Deed restrictions, covenants, and local ordinances may not be enforced to prohibit a landowner from applying Florida-friendly landscaping to their property
- Districts must consider whether the applicable local government has adopted Florida-friendly landscaping ordinances when issuing water use permits
- Requires water management districts to use Florida-friendly landscaping around buildings and facilities



Senate Bill 2080

Water Management District Sunset Review

- Re-enacts the Water Management Districts
- Designates the chair of basin boards
- Allows WMD governing boards to conduct meetings via teleconferencing
- Establishes a 50-year consumptive use permit for certain alternative water supply development projects
- Provides the legislative substantive committee chair authority to comment and object to WMD tentative budgets

Senate Bill 2080

Water Management District Sunset Review

- Establishes a 20 percent debt to ad valorem limitation on amount of bonds a WMD may have outstanding and requires the approval of the Joint Legislative Budget Commission to exceed the bond limitation
- Revises payment in lieu of taxes provisions:
 - expanding eligible lands
 - annually reviewing population eligibility requirements
 - narrowing eligible local governments
 - removing the application process and deadline
- Authorizes the reinstatement of payment of lieu taxes for counties that remain below the specified population threshold

Senate Bill 2080

Water Management District Sunset Review

- Requires WMD boards to delegate authority to approve consumptive use or environmental resource permits (ERP) to the executive directors
- Recommended by:
 - Senate Environmental Preservation Committee 2008-09
 - Office of Program Policy Analysis and Government Accountability (OPPAGA) – 2008

Senate Bill 2080

Legislative History – Delegation Provision

Passed

Senate

Environmental Preservation and Conservation Committee (3/31)

Governmental Oversight and Accountability Committee (4/21)

Full Senate (5/1)

House

General Government Accountability Council (4/20)

Full House (4/27 and 5/1)



Permit Overview

Robert M. Brown, Director
Environmental Resource Regulation Department

Permit Overview

Environmental Resource Permit Types



- No Notice General Permit
- Noticed General Permit
- Standard General Permit
- Individual Permit

Environmental Resource Permits

No Notice General Permit

- All works entirely in uplands
- Projects with less than 10 acres of total land area and less than two acres of impervious area
- Road grading and resurfacing with no change in road elevation
- Authorized by Rule/reviewed by staff

Environmental Resource Permits

Noticed General Permit

- 19 types specified by rule
- Activities that have minimal adverse impacts to the water resources of the District
- Minor activities for piling supported structures of less than 1,000 square feet in non-Outstanding Florida Water (OFW) and 500 square feet in an OFW
- Mitigation is neither necessary or required
- Authorized by Rule/reviewed by staff

Environmental Resource Permits

Standard General Permit

- Project less than 100 acres
- Less than 10 boat slips proposed
- Less than one acre of wetland impact
- Incidental site activities (early work)
- Must issue within 60 days of complete submittal
- Authorized by staff
- Can be raised to Governing Board level due to heightened public concern

Environmental Resource Permits

Individual Permit

- Project 100 acres or more in size
- One acre or more of wetland impact
- More than nine boat slips
- Up to 90 days to issue after deeming complete
- Authorized by the Governing Board

Permit Overview

Consumptive Use Permit Types



- General Permit
- Individual Permit

Consumptive Use Permits

General Permit

- Minor Standard General Permits three million gallons per month or less
- Major Standard General Permit greater than three million gallons per month up to 15 million gallons
- Authorized by staff

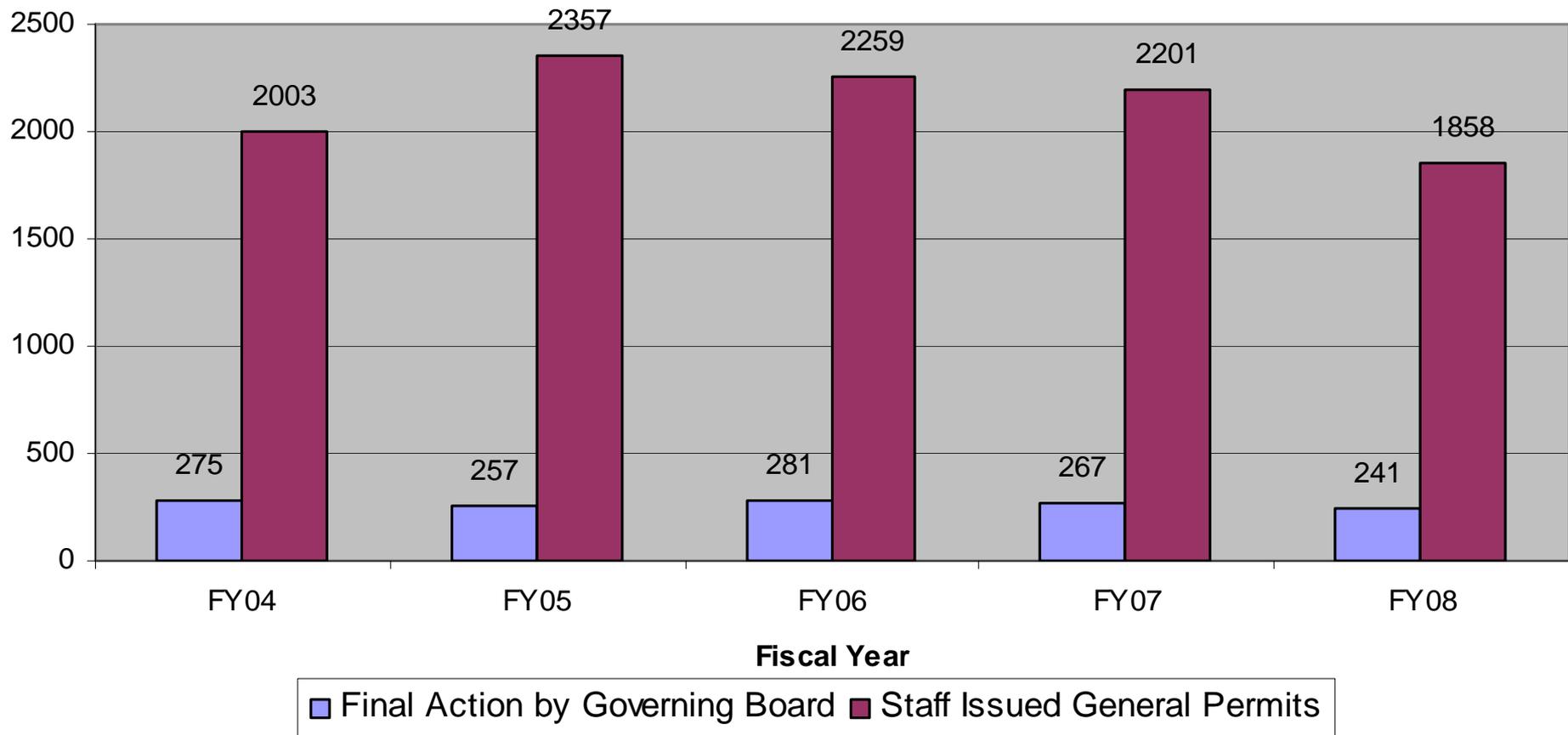
Consumptive Use Permits

Individual Permit

- Projects requesting in excess of 15 million gallons per month
- Authorized by the Governing Board

Permit Overview

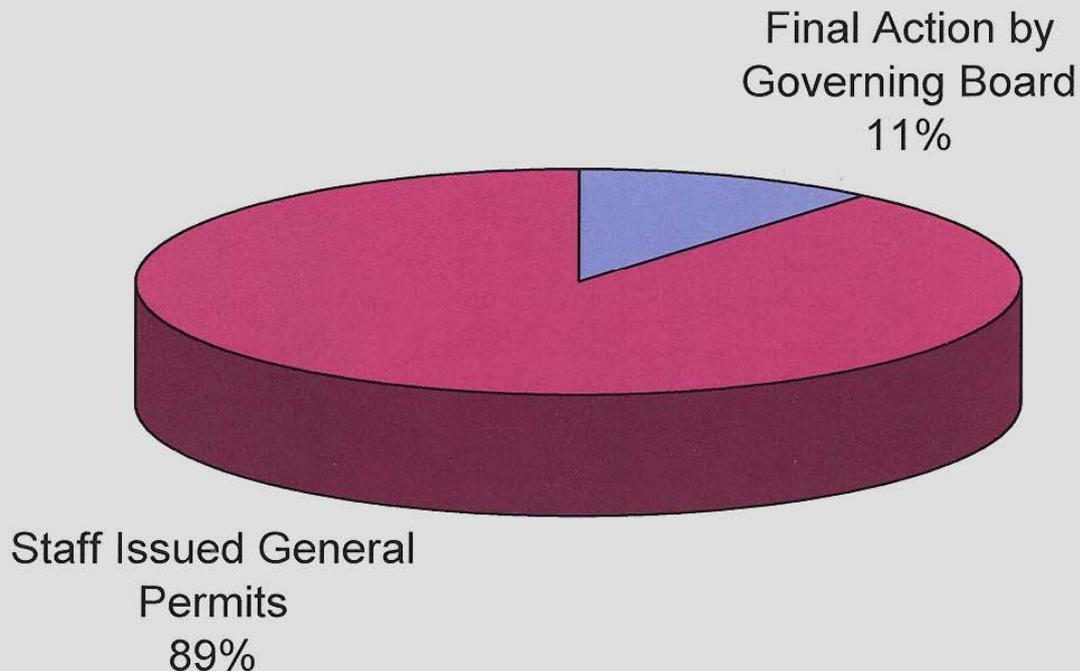
Environmental Resource Permits Issued



Permit Overview

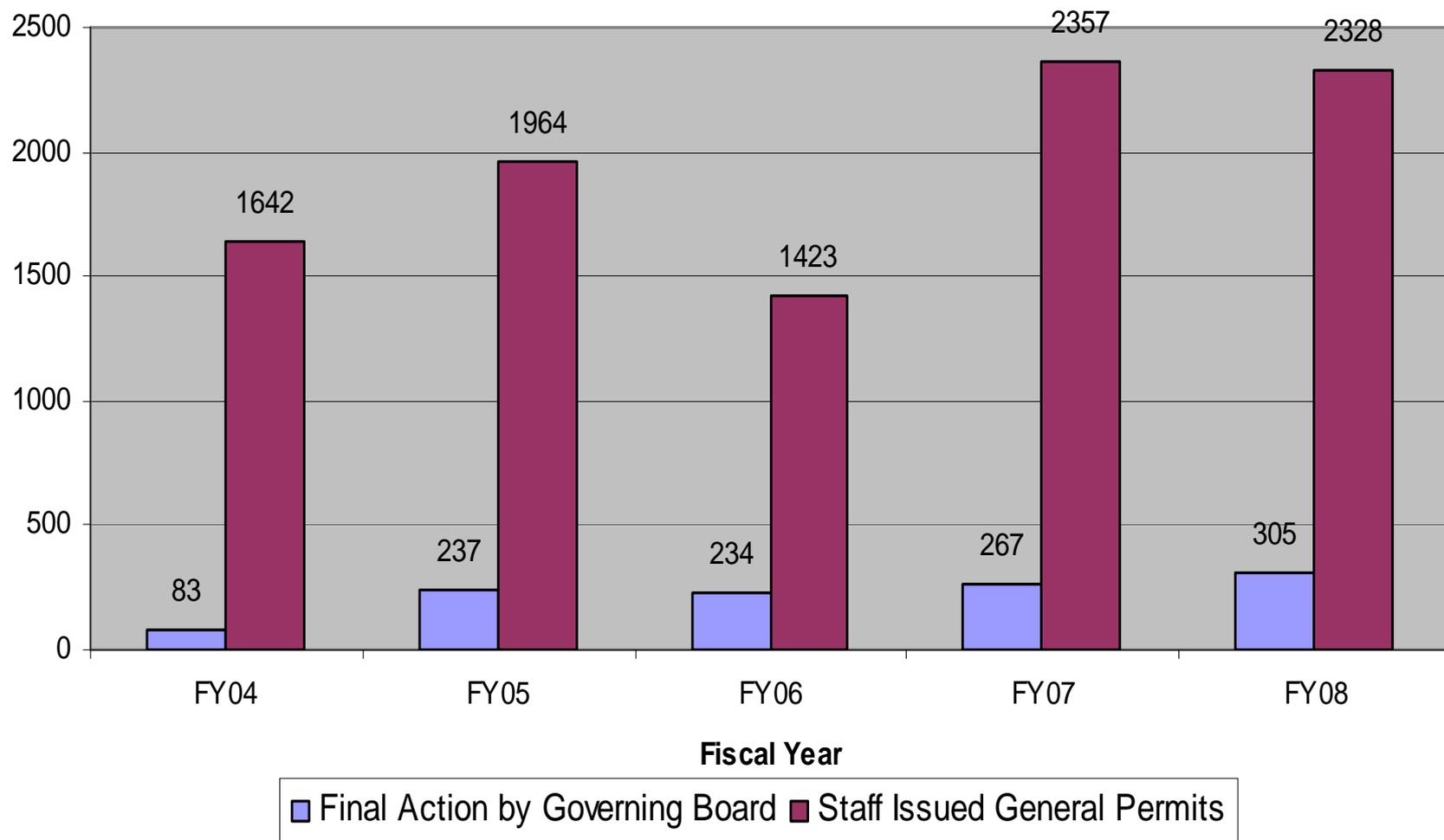
Environmental Resource Permits Issued

5-Year Totals (FY04 – FY08)



Permit Overview

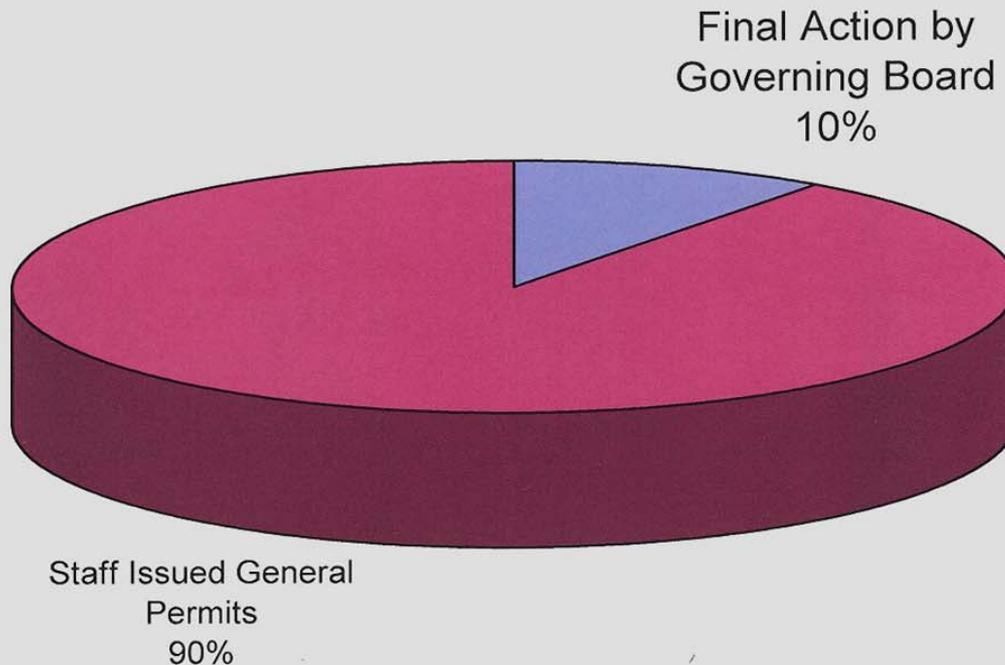
Consumptive Water Use Permits Issued



Permit Overview

Consumptive Water Use Permits Issued

5-Year Totals (FY04 – FY08)





Online Permitting

Online Permitting Information Currently Available

SFWMD Permits ePermitting

Getting the job done

The South Florida Water Management District is a regional governmental agency responsible for water quality, flood control, water supply and environmental restoration in 16 counties, from Orlando to the Florida Keys. It is the oldest and largest of the state's five water management districts.

The District manages and protects water resources on behalf of 7.5 million South Floridians, and is the lead agency in restoring America's Everglades -- the largest environmental project in the nation's history.

For information regarding Lake Okeechobee regulatory releases, visit <http://www.saj.usace.army.mil/>

Learn More About...

- Reviving the River of Grass
- water quality
- flood control
- ecosystem restoration
- water supply
- SFWMD Permits ePermitting**

In the News

- ▶ Lake Okeechobee at 12.86 feet today.
- ▶ MEDIA: Students Study Green for Major Environmental Competition. (Feb. 25)
- ▶ SFWMD Remains Committed to Solving Weedy Worries. (Feb. 24)
- ▶ Fish Health Study Tracks Progress of St. Lucie Estuary Restoration. (Feb. 24)
- ▶ MEDIA: Holy Bat Walks! Experts Host Bat-Watching Night at DuPuis. (Feb. 23)
- ▶ SFWMD, Partners to Restore Manatee Pocket Watershed. (Feb. 20)
- ▶ Lake Okeechobee Service Area Irrigation Permits Expiring. (Feb. 19)
- ▶ State, St. Lucie Co. Partnering to Restore Indian River Lagoon Wetlands. (Feb. 18)
- ▶ MEDIA: Three Lake Okeechobee Navigation Locks to be Closed. (Feb. 17)
- ▶ U.S. Army Applauds SFWMD Project for Disabled Vets. (Feb. 17)
- ▶ SFWMD, Drainage District Partner to Protect Against Flooding. (Feb. 13)
- ▶ Water Managers Safeguard Water for Everglades Restoration. (Feb. 12)
- ▶ South Florida Marks 60 Years of Water Management. (Feb. 12)
- ▶ Rainfall Soars Through First Half of Dry Season. (Feb. 12)



SFWMD Permits

- Rules, Statutes & Criteria
- Regulatory Guidance

ePermitting

- ePermitting Home Page

SFWMD Permits Information Currently Available



On this page ▾

- Key Permit Application
- Application/Permit Search
- Permit Application Forms
- Peer Review Group
- Rule Development
- Permit Contacts
- Everglades Regulation
- Apps Scheduled for Governing Board
- Permit Fees [pdf]
- ERP Permit Fees
- ROW Permit Fees
- Water Use
- List of applications processed (pdf)
- List of applications complete (pdf)
- List of individual permits issued for previous month (pdf)

Permitting

- ▮ ePermitting
- ▮ Application/Permit Info
- ▮ Environmental Resource
- ▮ Everglades Works of the District
- ▮ Lake Okeechobee Works of the District
- ▮ Right of Way
- ▮ Water Use
- ▮ Well Construction
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Permitting

The South Florida Water Management District (SFWMD) protects the supply and the quality of water resources by regulating the management and storage of surface waters and the dredging or filling of wetlands with **ENVIRONMENTAL RESOURCE PERMITS**. For more information on Environmental Resource Permits, please reference the *Environmental Resource Permit Information Manual Volume IV* [pdf 29mb].



We also regulate ground and surface water withdrawals ("WATER USE" or "CONSUMPTIVE USE") by major users such as water utilities, agriculture and nurseries, golf courses, mining and other industrial users. The District also issues **WATER WELL CONSTRUCTION PERMITS & LICENSE INFORMATION**.

RIGHT OF WAY (ROW) PERMITS are issued to protect the SFWMD's ability to effectively and safely use the canal and levee rights of way of the Central and Southern Florida Flood Control Project, the related water conservation areas, the works of the Big Cypress Basin, and certain other canals and rights of way - while providing for compatible public and private uses. For temporary access to SFWMD rights of way, local governments, contractors and others can request **KEY PERMIT ACCESS**.

The District also issues Surface Water Improvement and Management (SWIM) "Works of the District" permits to property owners working to reduce nutrient/pollution flows into areas such as **LAKE OKEECHOBEE** and the **EVERGLADES**.

- ▮ [SFWMD Expands Online Public Access to Permitting Records - Improved ePermitting Web database provides more cost-effective access. \(Jan. 28\)](#)
- ▮ [Quick Facts on Getting to Know ePermitting \[PDF\]](#)
- ▮ [Quick Facts on Statewide Unified Stormwater Rule \[PDF\]](#)

Related Links

On this page ▾

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- Permit Fees Website
- Permit Fees [pdf]

SFWMD News Room

What's New >>

The Journey to Restore America's Everglades visit the site
Comprehensive Everglades Restoration Plan

Water Matters
Quarterly Newsletter
Cuestiones del Agua

ePermitting Information Currently Available

SFWMD Permits ePermitting

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Application & Permit Information Database
On the fast track to permit info

Home | Login | Application/Permit Search | Help

ePermitting Home

Permitting is an online alternative to permit application submission, queries and reporting. Choose from the menu along the left column:

- **Permitting Home** - information on permit types, rules, criteria, guidance, forms, etc.
- **Application/Permit Search**
 - Check the status of an application/permit.
 - Determine if a reviewer has been assigned to the project.
 - Access and review related documents.
- **Noticing Search** - search past notices.
- **Contact Us**

First time users must register to get an account in order to access additional on-line features, such as:

- application submittal
- additional information submittal
- compliance submittal
- request for permit transfer (ownership)
- electronic noticing
- phosphorus budget calculator

The [Getting Started](#) help document has been provided to assist you through the ePermitting process.

Permitting Home
Application/Permit Search
Noticing Search
Contact Us

Permitting Home
Records Search
Application/Permit
Enforcement
Noticing
Contact Us

Login **Create Account**

Login **Create Account**

sfwmd.gov/ePermitting 

ePermitting Customer Accounts

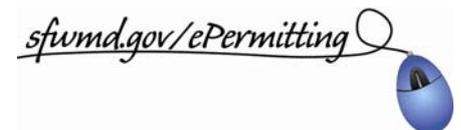
ePermitting Account is not needed to:

- Obtain information on permit types, rules, criteria, guidance, forms, etc.
- Perform an application/permit search
- Perform an enforcement document search
- Perform a noticing search
- Contact us

Create an ePermitting Account to:

Login to ePermitting to access all available online features such as:

- eSubmittal
- eNotice
- eCompliance
- eTransfers



ePermitting Application/Permit Search



- Use search engine to find information on pending or issued permits
- Searches can be broad or specific depending on number of fields filled in

Issuing Agency: SFWMD
Permit Type: ALL
Status: ALL
Application #:
Permit #:
Project Name:
Company Name:
Last Name:
County: ALL
Land Use: ALL
Township:
Range:
From Date: 01 - JAN - 1965 (DD-MON-YYYY)
To Date: 25 - FEB - 2009 (DD-MON-YYYY)
Run Report Clear Form

sfwmd.gov/ePermitting

ePermitting Application/Permit Search Results

*Click here to view list of documents associated with a specific application

South Florida Water Management District
ERP Applications Received by SFWMD for ALL counties

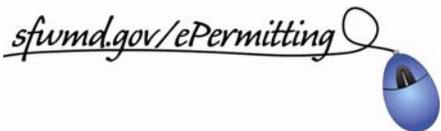
If documents have been electronically attached to the application or permit file, they will be available by clicking on the Appl No#.

[New Search](#)
[Download Results](#)
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Appl No#:	070928-12	Permit#:	50-00919-S	Received Date:	28-Sep-2007
Issuing Office:	WPB	Status:	Initial Review		
Permit Type:	Environmental Resource (Construction/Operation Modification)				
Project Acres:	145.83				
Project Name:	Dell Kahlert Farm			Receiving Body:	Lwdd E-1 Canal
Location:	Palm Beach S30/T45/R42	Landuse(s):	Agricultural		
ENV Reviewer:	Kurtis Gregg ->				
SWM Reviewer:	Gerardo Barascout -> (561)682-6692				
Applicant:	Crossroad Properties Of Boynton L L C		9 N W 25th Street Delray Beach FL 33444		
Env Consultant:	T A C Env Water Resources Consulting I N C		Paul J Whalen	5770 Eagles Nest Drive Jupiter FL	
File Location:	33458-2436				
30-Day Deadline:			28-Oct-2007		

Appl No#:	070928-14	Permit#:	Initial Review	Received Date:	28-Sep-2007
Issuing Office:	MSL	Status:	Initial Review		
Permit Type:	Environmental Resource (New Construction/Operation)				



Permitting eNotice

Permitting Home
Records Search
↳ Application/Permit
↳ Enforcement
↳ Noticing
eSubmittal
eCompliance
eTransfers
eNotice
↳ Subscribe
↳ Unsubscribe
Update Profile
↳ Update Profile
↳ Change Password
Additional Submittals
Contact Us
Phosphorus Budget Calculator

- Subscribe to receive email notifications
- Subscriptions expire every 6 months; 30 day expiration email is sent to subscriber

SFWMD Electronic Notification Subscription Form

[Screen Help](#)

Name:

First Last

Business/Organization:

Address:

City/State:

Zip Code:

Email:

Home Phone:

Business Phone: Ext:

Fax: Cell:

I want to subscribe to the following electronic noticing:

Environmental Resource Compliance Notices [Select County/Permit Type](#)

Notice of Intended / Proposed / Agency Action [Select County/Permit Type](#)

Notice of Receipt of Application [Select County/Permit Type](#)

Pulled Items List

Regulatory Agenda Change Sheet

Regulatory Consent Agenda

Regulatory Consent Agenda Fax List

Rule Making Changes

sfwmd.gov/ePermitting 

eNotice Available Subscriptions

- Application Notification*
- Environmental Resource Compliance Notices *
- Flood Control District and Miscellaneous Permit Notice *
- Intended/Proposed/ Agency Action *
- Pulled Items List
- Receipt of Application *
- Regulatory Agenda Change Sheet
- Regulatory Consent Agenda
- Regulatory Consent Agenda Fax List
- Regulatory Consent Agreements *
- Rulemaking Changes
- Tribal Work Plans

** Request by County & permit type.*



SB2080 Proposed Implementation

SB2080 Proposed Implementation

Public Involvement & Communication

- List of applications received will be posted weekly on District website and ePermitting
- List of completed applications will be posted weekly on District website and ePermitting
- Each permit action will be posted on ePermitting
- Routine items
 - Notice of Rights will be mailed out with the permit (similar to process for General Permits currently in place)

SB 2080 Proposed Implementation Heightened Public Concern

- Separate process will be implemented for those projects determined to be of heightened concern or where there is the likelihood of a request for an administrative hearing (40E-1.5095)
- Examples would include, but not limited to:
 - 20 year permits for public utilities
 - Applications within or adjacent to a CERP project
 - Projects that have generated significant interest from third party interests

SB2080 Proposed Implementation Heightened Public Concern (cont'd)

- When application is deemed complete:
 - Legal ad placed in newspaper or FAW
 - Information posted on District website and ePermitting
- Notice of Rights and Draft Staff Report will be mailed out at least 21 days prior to permit issue date

SB2080 Proposed Implementation Heightened Public Concern (cont'd)

- Third party interests will have the opportunity to meet with the Executive Director (or Designee), Environmental Resource Regulation Department Director, Water Supply Department Director or other appropriate staff prior to permit action at a regularly scheduled monthly meeting
- If approved by the Executive Director, permit and final staff report will be mailed out
- Recommendation for denial taken to Governing Board

SB2080 Proposed Implementation Online Permitting



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