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# Southwest Florida Water Management District

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October 1, 2007

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**David L. Moore**  
Executive Director

**William S. Bilenky**  
General Counsel

The Honorable Ken Pruitt  
President, The Florida Senate  
Capitol, Room 409 C  
402 S. Monroe Street  
Tallahassee, Florida 32399-1100

The Honorable Marco Rubio  
Speaker, The Florida House of Representatives  
Capitol, Room 420 C  
402 S. Monroe Street  
Tallahassee, Florida 32399-1300

The Honorable Michael S. "Mike" Bennett, Alternating Chair  
The Honorable Greg Evers, Alternating Chair  
Joint Administrative Procedures Committee  
Room 120, Holland Building  
Tallahassee, Florida 32399-1300

Dear Sirs:

Enclosed is the Biennial Report by the Southwest Florida Water Management District required by Section 120.74, Florida Statutes, which certifies that the District has complied with the requirements of this section.

Sincerely,

David L. Moore  
Executive Director

Enclosure

cc: The Honorable Burt L. Saunders, Chair  
Senate Committee on Environmental Preservation and Conservation  
The Honorable James E. "Jim" King, Jr., Chair  
Senate Committee on Oversight and Procedural Policy and Calendar

Report by the  
Southwest Florida Water Management District  
to the President of the House of Representatives  
in Compliance with Section 120.74, Florida Statutes

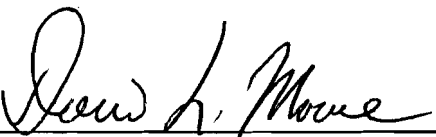
The Southwest Florida Water Management District ("District") submits this biennial report and hereby certifies that the District has complied with the requirements of Section 120.74, Florida Statutes ("F.S."), and has completed a review of its rules pursuant to this section.

In the past two years, the District has amended, repealed or initiated rulemaking to amend or repeal provisions of Chapter 40D, Florida Administrative Code ("F.A.C."), as described in further detail in the attached summary.

The District will continue its efforts to identify rules that require amendment, repeal, correction, clarification or updating. The District is involved in a number of activities to coordinate its efforts with other water management districts, the Florida Department of Environmental Protection ("DEP"), and other governmental entities to promote efficiency, reduce paperwork, and decrease costs to the government and the private sector.

The District has recently undertaken an extensive review of all its programs to comply with the requirements of Section 11.906, F.S., Sunset Review. At this time, the District has not identified any statutory changes that are necessary to further promote efficiency, reduce paperwork or decrease costs to government and the private sector.

The District has identified no cases or disputes in which the agency is involved which should be conducted under the summary hearing process described in Section 120.574, F.S.

By:   
David L. Moore, Executive Director

2007 Section 120.74, F.S., Report  
Summary

Since October 1, 2005, the District was involved in rulemaking or proposes rulemaking to:

**a) Identify and correct deficiencies in its rules, specifically including:**

Amendment of Rule 40D-2.091, F.A.C., regarding portions of the Water Use Permit Information Manual Basis of Review, Section 1.6 to correct days to object to permit from 14 to 21 days, and delete references to repealed rules 40D-1.521 and 40D-1.571, F.A.C.

Amendment of Rule 40D-3.037, F.A.C., to adopt the current version of regulations promulgated by DEP regarding construction of public supply water wells as set forth in Chapter 62-555, F.A.C.

Amendment of Rule 40D-3.101, F.A.C., to include the definition of domestic wells and provide correct rule references.

Amendment of Rules 40D-3.101, 40D-3.411 and 40D-3.351, F.A.C., to clarify requirements for permitting and construction of water wells; update references of current forms; reorganize the rule to clarify the permitting requirements for well abandonment and clarify how a referenced form should be used.

**b) Clarify and simplify its rules, specifically including:**

Amendment of Rule 40D-1.600, F.A.C., to state that general ERPs with an associated proprietary authorization that is of heightened public concern must be approved by the Governing Board.

Amendment of Rule 40D-1.659, F.A.C., to incorporate the listing of water use permitting forms from Rules 40D-2.091, F.A.C.

Amendment of Rule 40D-2.091, F.A.C., to move the water use permitting forms to Rule 40D-1.659, F.A.C., where all other District permitting forms are incorporated and listed.

Amendment of Rules 40D-2.091 and 40D-2.801, F.A.C., to expand the Northern Tampa Bay Water Use Caution Area (NTBWUCA) to all of Pasco and Hillsborough County which simplifies permitting boundary for the NTBWUCA.

Amendment of Rules 40D-3.101, 40D-3.411 and 40D-3.351, F.A.C., to clarify requirements for permitting and construction of water wells; update references of current forms; reorganize the rule to clarify the permitting requirements for well abandonment and clarify how a referenced form should be used.

Amendment of Rule 40D-4.091, F.A.C., to reference Chapter 62-345, F.A.C., regarding UMAM; clarify projects for which UMAM does not apply and existing District rules for calculating wetland mitigation requirements continue to apply.

Amendment of Rules 40D-400.443 and 40D-400.447, F.A.C., to clarify when noticed general ERPs can be issued to state and local government agencies for minor activities associated with road bridges and for minor activities conducted within existing roadway rights-of-way or easements; makes rules more consistent with similar rules adopted by DEP and other water management districts.

Amendment of Rules 40D-21.331 and 40D-21.441, F.A.C., to clarify the intent of the Public Supply Water Shortage Mitigation Plan provisions of the District's Water Shortage Plan.

**c) Repeal obsolete or unnecessary rules, specifically including:**

Amendment of Rule 40D-2.091, F.A.C., to delete portions of the Water Use Permit Information Manual Basis of Review, Section 7.3, relating to public supply water use conservation provisions.

Amendment of Rule 40D-4.091, F.A.C., to repeal the 2000 agreement between the District and the FDACS, entered into to facilitate the resolution of disputed claims under Section 373.406(2), F.S.

Amendment of Rule 40D-8.624, F.A.C., to repeal the Ten Year Flood Guidance Levels.

**d) Repeal rules that are redundant of statutes:**

Amendment of Rule 40D-1.102, F.A.C., to repeal definitions in District rules that are redundant of statutory definitions.

**e) Seek to improve efficiency and decrease paperwork and costs, specifically including:**

Amendment of Rule 40D-1.603, F.A.C., to eliminate requirement for multiple copies of permit applications when such applications are submitted via the District's new electronic permitting process.

The District anticipates amending a variety of its rules within the next year to implement its Water Management Information System and expanding the electronic permitting process.

**f) Coordinate with other agencies with overlapping jurisdiction to increase efficiency and decrease paperwork and costs:**

Amendment of Rule 40D-1.659, F.A.C., to incorporate revised noticed general ERP application form to administer new general permit adopted by DEP for pavement of existing county and municipal roadways.

Adoption of updated Operating Agreement between the District and DEP for regulation of ERP and aquaculture permits which clarifies how responsibility for Environmental Resource Permitting will be divided to avoid duplication of effort and to streamline environmental permitting for projects located within the District.

The District participates in quarterly meetings with DEP and the other water management districts to coordinate WUP and ERP regulatory and rulemaking issues.

The District has entered into a Memorandum of Understanding with the Hillsborough County Environmental Protection Commission to reduce duplication of efforts regarding wetland delineations, ERP mitigation requirements, and permit enforcement activities.

In coordination with Marion County and the St. Johns River Water Management District, the District has delegated certain well construction permitting and enforcement activities to Marion County to simplify the process for the regulated public.

The District has worked with the St. Johns River Water Management District and the South Florida Water Management District to develop and adopt consistent rules addressing the stress on water resources in an area referred to as the Central Florida Coordination Area ("CFCA"). Portions of the CFCA lie in each of the three districts and the entire CFCA is experiencing escalating withdrawals of groundwater for consumptive use. The Districts' efforts will ensure a coordinated, consistent regional approach to the issues.