

Office of Fiscal Accountability and Regulatory Reform
 [Southwest Florida Water Management District]
 Annual Regulatory Plan Supplement
 2014-2015

To: Patricia Nelson, Deputy Director

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 [Southwest Florida Water Management District]
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Recurring Rulemaking 2014-2015

Please list all rulemaking activity from the 2013-2014 Annual Regulatory Plan that is recurring in the 2014-2015 Annual Regulatory Plan. Please give a detailed explanation or summary as to why the rulemaking activity will be continued in 2014-2015. These can be grouped by chapter for convenience. * The two rulemaking efforts described below are not continued from the 2013-2014 plan, but are currently in the rudimentary planning stages.

Rule Chapter or Number	Rule Title	Detailed Explanation
Unknown	Lobbying Before the District	This rulemaking effort may be undertaken within the relevant time period to implement CS/CS/CS/SB 846 regarding lobbying before the District. The effort will involve coordination between all of the water management districts.
Unknown	Revisions to Vertical Datum Reference	This rulemaking effort may be undertaken within the relevant time period in order to update references to the vertical datum in elevation measurements from the National Geodetic Vertical Datum 1929 to the North American Vertical Datum 1988. It is not known at present how many of the District's rules are affected and need to be amended.

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Rule Number	Rule Title	Rulemaking Action	Reason for Rulemaking	Additional Details on Reason for Rulemaking	Description of Current Rule or Statute to be Implemented	Description of Changes to be Made in Rulemaking	Economic Impact	Highly Technical or Complicated
40D-1.002	Delegation of Authority	Rule Amendment	Other (Explain)	Additional amendments that may be necessary due to the statewide environmental resource permit and consumptive use permit rulemaking efforts by the Department of Environmental Protection and the water management districts that concluded in October, 2013 and May, 2014.	Establishes delegations of authority.		None	No
40D-1.102	Definitions	Rule Amendment	Other (Explain)	Additional amendments that may be necessary due to the statewide environmental resource permit and consumptive use permit rulemaking efforts by the Department of Environmental Protection and the water management districts that concluded in October, 2013 and May, 2014.	Defines terms used throughout District rules.		None	No

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Rule Number	Rule Title	Rulemaking Action	Reason for Rulemaking	Additional Details on Reason for Rulemaking	Description of Current Rule or Statute to be Implemented	Description of Changes to be Made in Rulemaking	Economic Impact	Highly Technical or Complicated
40D-1.1021	Emergency Authorizations for Activities Regulated under Part IV of Chapter 373, F.S.	Rule Amendment	Other (Explain)	Additional amendments that may be necessary due to the statewide environmental resource permit and consumptive use permit rulemaking efforts by the Department of Environmental Protection and the water management districts that concluded in October, 2013 and May, 2014.	Provides for the authorization of activities related to the management and storage of surface waters in the event of an emergency.		None	No
40D-1.602	Permits Required	Rule Amendment	Other (Explain)	Additional amendments that may be necessary due to the statewide environmental resource permit and consumptive use permit rulemaking efforts by the Department of Environmental Protection and the water management districts that concluded in October, 2013 and May, 2014.	Defines activities that require permits from the District.		None	No

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Rule Number	Rule Title	Rulemaking Action	Reason for Rulemaking	Additional Details on Reason for Rulemaking	Description of Current Rule or Statute to be Implemented	Description of Changes to be Made in Rulemaking	Economic Impact	Highly Technical or Complicated
40D-1.603	Permit Application Procedures	Rule Amendment	Other (Explain)	Additional amendments that may be necessary due to the statewide environmental resource permit and consumptive use permit rulemaking efforts by the Department of Environmental Protection and the water management districts that concluded in October, 2013 and May, 2014.	Establishes procedural requirements for submittal of permit applications to the District.		None	No
40D-1.6051	Timeframe for Providing Requested Information and Denial of Incomplete Applications	Rule Amendment	Other (Explain)	Additional amendments that may be necessary due to the statewide environmental resource permit and consumptive use permit rulemaking efforts by the Department of Environmental Protection and the water management districts that concluded in October, 2013 and May, 2014.	Establishes specific timeframes for an applicant to respond to requests for additional information and for the District to act on those responses; also provides for denial of incomplete applications if additional information is not provided by the applicant.		None	No

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40D-1.607	Permit Processing Fee	Rule Amendment	Other (Explain)	Additional amendments that may be necessary due to the statewide environmental resource permit and consumptive use permit rulemaking efforts by the Department of Environmental Protection and the water management districts that concluded in October, 2013 and May, 2014.	Requires permit application processing fees and specifies the fees for each type of permit required by the District.		None	No
40D-1.6105	Limiting Conditions	Rule Amendment	Other (Explain)	Additional amendments that may be necessary due to the statewide environmental resource permit and consumptive use permit rulemaking efforts by the Department of Environmental Protection and the water management districts that concluded in October, 2013 and May, 2014.	Conditions the issuance of a permit to parties with legal control of the subject property and provides for transfer of a permit to a subsequent owner.		None	No

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Rule Number	Rule Title	Rulemaking Action	Reason for Rulemaking	Additional Details on Reason for Rulemaking	Description of Current Rule or Statute to be Implemented	Description of Changes to be Made in Rulemaking	Economic Impact	Highly Technical or Complicated
40D-1.659	Forms and Instructions	Rule Amendment	Other (Explain)	Additional amendments that may be necessary due to the statewide environmental resource permit and consumptive use permit rulemaking efforts by the Department of Environmental Protection and the water management districts that concluded in October, 2013 and May, 2014.	Incorporates forms and instructions adopted by the District in implementing various regulatory programs.		None	No
40D-2.011	Policy and Purpose	Rule Amendment	Other (Explain)	Additional amendments that may be necessary due to the statewide consumptive use permit rulemaking efforts by the Department of Environmental Protection and the water management districts that concluded in May, 2014.	Articulates the purpose of the Chapter; to implement the provisions of Part II of Chapter 373, F.S.		None	No
40D-2.021	Definitions	Rule Amendment	Other (Explain)	Additional amendments that may be necessary due to the statewide consumptive use permit rulemaking efforts by the Department of Environmental Protection and the water management districts that concluded in May, 2014.	Defines terms used throughout rules		None	No

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40D-2.031	Implementation	Rule Amendment	Other (Explain)	Additional amendments that may be necessary due to the statewide consumptive use permit rulemaking efforts by the Department of Environmental Protection and the water management districts that concluded in May, 2014.	Provides the historical dates of the implementation of the Water Use Permitting rules.		None	No
40D-2.041	Permits Required	Rule Amendment	Other (Explain)	Additional amendments that may be necessary due to the statewide consumptive use permit rulemaking efforts by the Department of Environmental Protection and the water management districts that concluded in May, 2014.	Establishes the conditions under which a Water Use Permit must be obtained from the District.		None	No
40D-2.051	Exemptions	Rule Amendment	Other (Explain)	Additional amendments that may be necessary due to the statewide consumptive use permit rulemaking efforts by the Department of Environmental Protection and the water management districts that concluded in May, 2014.	Defines those uses that are exempt from Water Use Permitting.		None	No

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40D-2.091	Publications and Forms Incorporated by Reference	Rule Amendment	Other (Explain)	Additional amendments that may be necessary due to the statewide consumptive use permit rulemaking efforts by the Department of Environmental Protection and the water management districts that concluded in May, 2014.	Incorporates publications and forms used by the District in Water Use Permitting.		None	No
40D-2.101	Content of Application	Rule Amendment	Other (Explain)	Additional amendments that may be necessary due to the statewide consumptive use permit rulemaking efforts by the Department of Environmental Protection and the water management districts that concluded in May, 2014.	Establishes requirements for filing a Water Use Permit Application with the District.		None	No
40D-2.301	Conditions for Issuance of Permits	Rule Amendment	Other (Explain)	Additional amendments that may be necessary due to the statewide consumptive use permit rulemaking efforts by the Department of Environmental Protection and the water management districts that concluded in May, 2014.	Establishes the requirements that must be met prior to issuance of a Water Use Permit.		None	No

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40D-2.302	Reservations from Use	Rule Amendment	Other (Explain)	Additional amendments that may be necessary due to the statewide consumptive use permit rulemaking efforts by the Department of Environmental Protection and the water management districts that concluded in May, 2014.	Reserves quantities of water pursuant to s. 373.223(4), F.S.		None	No
40D-2.321	Duration of Permits	Rule Amendment	Other (Explain)	Additional amendments that may be necessary due to the statewide consumptive use permit rulemaking efforts by the Department of Environmental Protection and the water management districts that concluded in May, 2014.	Establishes the requirements for obtaining Water Use Permits of various durations.		None	No
40D-2.331	Modification of Permits	Rule Amendment	Other (Explain)	Additional amendments that may be necessary due to the statewide consumptive use permit rulemaking efforts by the Department of Environmental Protection and the water management districts that concluded in May, 2014.	Provides for the modification of Water Use Permits and establishes the procedures for requesting a modification.		None	No

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40D-2.341	Revocation and Cancellation of Permits	Rule Amendment	Other (Explain)	Additional amendments that may be necessary due to the statewide consumptive use permit rulemaking efforts by the Department of Environmental Protection and the water management districts that concluded in May, 2014.	Provides for the revocation and cancellation of Water Use Permits and establishes the conditions under which revocation and cancellation can occur.		None	No
40D-2.351	Transfer of Permits	Rule Amendment	Other (Explain)	Additional amendments that may be necessary due to the statewide consumptive use permit rulemaking efforts by the Department of Environmental Protection and the water management districts that concluded in May, 2014.	Provides for the transfer of Water Use Permits and establishes the conditions under which transfers can occur.		None	No
40D-2.361	Renewal of Permits	Rule Amendment	Other (Explain)	Additional amendments that may be necessary due to the statewide consumptive use permit rulemaking efforts by the Department of Environmental Protection and the water management districts that concluded in May, 2014.	Provides for the renewal of Water Use Permits.		None	No

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40D-2.371	Ten Year Compliance Reporting	Rule Amendment	Other (Explain)	Additional amendments that may be necessary due to the statewide consumptive use permit rulemaking efforts by the Department of Environmental Protection and the water management districts that concluded in May, 2014.	Specifies 10 year reporting requirements for specific categories of permits.		None	No
40D-2.381	Standard Permit Conditions	Rule Amendment	Other (Explain)	Additional amendments that may be necessary due to the statewide consumptive use permit rulemaking efforts by the Department of Environmental Protection and the water management districts that concluded in May, 2014.	Establishes standard permit conditions to be included in any Water Use Permit issued pursuant to Chapter 40D-2, F.A.C.		None	No
40D-2.401	Identification Tags	Rule Amendment	Other (Explain)	Additional amendments that may be necessary due to the statewide consumptive use permit rulemaking efforts by the Department of Environmental Protection and the water management districts that concluded in May, 2014.	Provides for the issuance of an identification tag to each withdrawal facility that is required to meter its withdrawals, requires permittees to prominently display the identification tag, and establishes penalties for failure to display the identification tag.		None	No

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40D-2.501	Permit Use Types	Rule Amendment	Other (Explain)	Additional amendments that may be necessary due to the statewide consumptive use permit rulemaking efforts by the Department of Environmental Protection and the water management districts that concluded in May, 2014.	Establishes specific water use types.		None	No
40D-2.621	Water-Conserving Credits	Rule Amendment	Other (Explain)	Additional amendments that may be necessary due to the statewide consumptive use permit rulemaking efforts by the Department of Environmental Protection and the water management districts that concluded in May, 2014.	Establishes Water-Conserving Credits for water withdrawals within the Southern Water Use Caution Area.		None	No
40D-2.801	Water Use Caution Areas	Rule Amendment	Other (Explain)	Additional amendments that may be necessary due to the statewide consumptive use permit rulemaking efforts by the Department of Environmental Protection and the water management districts that concluded in May, 2014.	Establishes the legal definitions and boundaries of the Water Use Caution Areas within the District.		None	No

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40D-3.021	Definitions	Rule Amendment	Other (Explain)	Amend pursuant to the statewide well construction rulemaking effort undertaken by the Department of Environmental Protection and the water management districts to reduce regulatory burdens and promote consistency.	Defines terms used throughout rules		None	No
40D-3.037	Rules, Publications and Agreements Incorporated by Reference	Rule Amendment	Other (Explain)	Amend pursuant to the statewide well construction rulemaking effort undertaken by the Department of Environmental Protection and the water management districts to reduce regulatory burdens and promote consistency.	Incorporates rules and publications adopted by the District for implementation of well construction permitting requirements.		None	No
40D-3.041	Permits Required	Rule Amendment	Other (Explain)	Amend pursuant to the statewide well construction rulemaking effort undertaken by the Department of Environmental Protection and the water management districts to reduce regulatory burdens and promote consistency.	Establishes the conditions under which a Well Construction Permit must be obtained from the District.		None	No

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40D-3.042	Multiple Wells Under a Single Permit	Rule Amendment	Other (Explain)	Amend pursuant to the statewide well construction rulemaking effort undertaken by the Department of Environmental Protection and the water management districts to reduce regulatory burdens and promote consistency.	Establishes the conditions under which multiple wells can be constructed under a single Well Construction Permit.		None	No
40D-3.045	Water Use Permit Required	Rule Amendment	Other (Explain)	Amend pursuant to the statewide well construction rulemaking effort undertaken by the Department of Environmental Protection and the water management districts to reduce regulatory burdens and promote consistency.	Provides that the District will not issue a well construction permit prior to the issuance of a water use permit if one is required, subject to certain exceptions.		None	No
40D-3.051	Exemptions	Rule Amendment	Other (Explain)	Amend pursuant to the statewide well construction rulemaking effort undertaken by the Department of Environmental Protection and the water management districts to reduce regulatory burdens and promote consistency.	Defines those uses that are exempt from Well Construction Permitting.		None	No

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40D-3.101	Content of Application	Rule Amendment	Other (Explain)	Amend pursuant to the statewide well construction rulemaking effort undertaken by the Department of Environmental Protection and the water management districts to reduce regulatory burdens and promote consistency.	Establishes the requirements for filing a permit application to construct, repair, modify or abandon a well.		None	No
40D-3.301	Conditions for Issuance of Permits	Rule Amendment	Other (Explain)	Amend pursuant to the statewide well construction rulemaking effort undertaken by the Department of Environmental Protection and the water management districts to reduce regulatory burdens and promote consistency.	Establishes the requirements that must be met prior to issuance of a permit to construct, repair, modify or abandon a well.		None	No
40D-3.310	Conditions for the Transfer of Permits	Rule Amendment	Other (Explain)	Amend pursuant to the statewide well construction rulemaking effort undertaken by the Department of Environmental Protection and the water management districts to reduce regulatory burdens and promote consistency.	Establishes the requirements that must be met prior to the transfer of a permit to construct, repair, modify, or abandon a well from one well contractor to another or from one well to another.		None	No

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40D-3.321	Duration of Permits	Rule Amendment	Other (Explain)	Amend pursuant to the statewide well construction rulemaking effort undertaken by the Department of Environmental Protection and the water management districts to reduce regulatory burdens and promote consistency.	Establishes the duration of permits for well construction, modification, repair or abandonment, and conditions for extension of those permits.		None	No
40D-3.341	Revocation of Permits	Rule Amendment	Other (Explain)	Amend pursuant to the statewide well construction rulemaking effort undertaken by the Department of Environmental Protection and the water management districts to reduce regulatory burdens and promote consistency.	Establishes the requirements under which a permit for well construction, modification, repair or abandonment can be revoked.		None	No
40D-3.411	Well Completion Report	Rule Amendment	Other (Explain)	Amend pursuant to the statewide well construction rulemaking effort undertaken by the Department of Environmental Protection and the water management districts to reduce regulatory burdens and promote consistency.	Requires permittees to file well completion reports for the construction, modification, repair or abandonment of all wells and incorporates the required report form.		None	No

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40D-3.461	Inspection	Rule Amendment	Other (Explain)	Amend pursuant to the statewide well construction rulemaking effort undertaken by the Department of Environmental Protection and the water management districts to reduce regulatory burdens and promote consistency.	Requires permittees to allow the District to inspect any well to ensure conformity with applicable standards; additionally, the permittee is required to notify the District within 24 hours when undertaking certain activities and is required to have a District representative onsite under certain conditions.		None	No
40D-3.502	Construction Methods	Rule Amendment	Other (Explain)	Amend pursuant to the statewide well construction rulemaking effort undertaken by the Department of Environmental Protection and the water management districts to reduce regulatory burdens and promote consistency.	Establishes required construction methods for the construction, modification, repair, or maintenance of a well.		None	No
40D-3.505	Location	Rule Amendment	Other (Explain)	Amend pursuant to the statewide well construction rulemaking effort undertaken by the Department of Environmental Protection and the water management districts to reduce regulatory burdens and promote consistency.	Specifies those areas in which wells are to be located.		None	No

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40D-3.507	Casing and Liner Pipe Standards	Rule Amendment	Other (Explain)	Amend pursuant to the statewide well construction rulemaking effort undertaken by the Department of Environmental Protection and the water management districts to reduce regulatory burdens and promote consistency.	Establishes standards for casing and liner piping.		None	No
40D-3.517	Grouting and Sealing	Rule Amendment	Other (Explain)	Amend pursuant to the statewide well construction rulemaking effort undertaken by the Department of Environmental Protection and the water management districts to reduce regulatory burdens and promote consistency.	Establishes standards for grouting and sealing wells.		None	No
40D-3.521	Well Seals	Rule Amendment	Other (Explain)	Amend pursuant to the statewide well construction rulemaking effort undertaken by the Department of Environmental Protection and the water management districts to reduce regulatory burdens and promote consistency.	Requires wells to be properly sealed and establishes standards for temporary and permanent well seals.		None	No

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40D-3.531	Abandoned Well Plugging	Rule Amendment	Other (Explain)	Amend pursuant to the statewide well construction rulemaking effort undertaken by the Department of Environmental Protection and the water management districts to reduce regulatory burdens and promote consistency.	Establishes the requirements for the plugging of abandoned wells.		None	No
40D-3.600	Special Well Construction Standards	Rule Amendment	Other (Explain)	Amend pursuant to the statewide well construction rulemaking effort undertaken by the Department of Environmental Protection and the water management districts to reduce regulatory burdens and promote consistency.	Establishes well construction standards specific to the North and South Dover areas of the District.		None	No
40D-7.001	Policy and Purpose	New Rule	Other (Explain)	The District's objective is to encourage good business practices by requiring contractors to materially perform in accordance with the terms and conditions of the District's contract.	Describes the District's purposes and objectives in adopting rules in Chapter 40D-7, F.A.C.		None	No
40D-7.002	Definitions	New Rule	Other (Explain)	The District's objective is to encourage good business practices by requiring contractors to materially perform in accordance with the terms and conditions of the District's contract.	Defines terms used throughout Chapter 40D-7, F.A.C.		None	No

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40D-7.003	Cure Notice	New Rule	Other (Explain)	The District's objective is to encourage good business practices by requiring contractors to materially perform in accordance with the terms and conditions of the District's contract.	Provides the terms of notifying the contractor when the District has determined that a material breach of contract has occurred.		None	No
40D-7.004	Termination Notice	New Rule	Other (Explain)	The District's objective is to encourage good business practices by requiring contractors to materially perform in accordance with the terms and conditions of the District's contract.	Provides the terms of notifying the contractor when the contractor fails to cure a material breach within the timeframe specified in the Cure Notice.		None	No
40D-7.005	Factors to Determine Whether a Contractor Should be Placed on the Temporary or Permanent Suspension List	New Rule	Other (Explain)	The District's objective is to encourage good business practices by requiring contractors to materially perform in accordance with the terms and conditions of the District's contract.	Describes the District's process and the factors to be considered by the District in its determination whether to temporarily or permanently suspend a contractor from doing further business with the District.		None	No
40D-7.006	Administrative Hearings	New Rule	Other (Explain)	The District's objective is to encourage good business practices by requiring contractors to materially perform in accordance with the terms and conditions of the District's contract.	Provides that a Suspension Notice under Rule 40D-7.005 constitutes agency action subject to the provisions of Chapter 120, F.S.		None	No

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40D-8.011	Policy and Purpose	Rule Amendment	Other (Explain)	Additional amendments that may be necessary due to the statewide consumptive use permit rulemaking efforts by the Department of Environmental Protection and the water management districts that concluded in May, 2014.	Defines the purpose of the Chapter as the establishment of Minimum Flows and Levels, their utilization, and the utilization of the best available science in setting Minimum Flows and Levels.		None	No
40D-8.021	Definitions	Rule Amendment	Other (Explain)	Additional amendments that may be necessary due to the statewide consumptive use permit rulemaking efforts by the Department of Environmental Protection and the water management districts that concluded in May, 2014.	Defines terms used throughout District rules.		None	No
40D-8.031	Implementation	Rule Amendment	Other (Explain)	Additional amendments that may be necessary due to the statewide consumptive use permit rulemaking efforts by the Department of Environmental Protection and the water management districts that concluded in May, 2014.	Provides implementation requirements for Minimum Flows and Levels.		None	No

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40D-8.041	Minimum Flows	Rule Amendment	Update Rule (Explain)	Rulemaking is necessary to adopt minimum flows for the identified systems and springs in accordance with the District's approved priority list to comply with the requirements of s. 373.042, F.S.	Establishes minimum flows for specific flowing waters.	Adopt minimum flows for the lower segment of the Braden River, Brooker Creek, Gum Springs Group, lower segment of the Manatee River, Cypress Creek, upper and lower segments of the Little Manatee River, lower segment of Shell Creek and the upper and lower segments of the Pithlachascotee River.	None	No
40D-8.041	Minimum Flows	Rule Amendment	Other (Explain)	Additional amendments that may be necessary due to the statewide consumptive use permit rulemaking efforts by the Department of Environmental Protection and the water management districts that concluded in May, 2014.	Establishes minimum flows for specific flowing waters.		None	No
40D-8.621	Operating Levels for Lakes with District-owned Management Structures	Rule Amendment	Other (Explain)	Additional amendments that may be necessary due to the statewide consumptive use permit rulemaking efforts by the Department of Environmental Protection and the water management districts that concluded in May, 2014.	Establishes the process through which the District sets operating levels for lakes with District-owned management structures.		None	No

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40D-8.623	Minimum Wetland Levels	Rule Amendment	Other (Explain)	Additional amendments that may be necessary due to the statewide consumptive use permit rulemaking efforts by the Department of Environmental Protection and the water management districts that concluded in May, 2014.	Establishes minimum wetland levels for certain isolated, cypress dominated wetlands.		None	No
40D-8.624	Guidance and Minimum Levels for Lakes	Rule Amendment	Update Rule (Explain)	Rulemaking is necessary to adopt minimum levels for the identified lakes in accordance with the District's approved priority list to comply with the requirements of s. 373.042, F.S.	Establishes guidance levels and minimum levels for specific lakes.	Adopt minimum levels for Polk County Lakes Lowery and Hancock, Pasco County Lakes Crews, Hillsborough County Lakes Hanna, Keene, Kell, Starvation.	None	No
40D-8.624	Guidance and Minimum Levels for Lakes	Rule Amendment	Other (Explain)	Additional amendments that may be necessary due to the statewide consumptive use permit rulemaking efforts by the Department of Environmental Protection and the water management districts that concluded in May, 2014.	Establishes guidance levels and minimum levels for specific lakes.		None	No

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40D-8.626	Minimum Aquifer Levels	Rule Amendment	Other (Explain)	Additional amendments that may be necessary due to the statewide consumptive use permit rulemaking efforts by the Department of Environmental Protection and the water management districts that concluded in May, 2014.	Establishes minimum aquifer levels for the Southern Water Use Caution Area and the Dover/Plant City Water Use Caution Area.		None	No
40D-22.303	Variances and Waivers	Rule Amendment	Update Rule (Explain)	Continuation of rulemaking to clarify rule and make consistent with completed revisions to Chapters 40D-1 and 40D-22, F.A.C.	Establishes procedures for requesting a variance from Water Shortage and Water Shortage Emergency Orders and provides conditions under which variances can be granted.		None	No
40D-22.401	Enforcement	Rule Amendment	Update Rule (Explain)	Continuation of rulemaking to clarify rule and make consistent with completed revisions to Chapters 40D-1 and 40D-22, F.A.C.	Provides for enforcement of the provisions of the Chapter.		None	No