

**ST. JOHNS RIVER WATER MANAGEMENT DISTRICT**

**CHAPTER 40C-1, F.A.C.**

**ORGANIZATION AND PROCEDURE**

Revised  
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**CHAPTER 40C-1**  
**ORGANIZATION AND PROCEDURE**

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## **PART I ORGANIZATION**

### **40C-1.001 General.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.53(1), 373.113 FS. History—New 8-1-89, Repealed 8-4-98.*

#### **40C-1.0015 The District.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.53(1), 373.069, 373.113 FS. History—New 8-1-89, Amended 1-4-96, Repealed 8-4-98.*

#### **40C-1.002 Definitions.**

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 120.52, 373.019, 373.203, 373.303, 373.403, 403.031, 403.803, 403.911 FS. History—New 1-22-76, Amended 3-1-77, Formerly 16I-1.03, 40C-1.03, 40C-1.031, Amended 8-1-89, 10-3-95, 11-11-03, Repealed 10-1-13.*

*Editorial Note: Repealed pursuant to paragraph 373.4131(2)(c), F.S.*

#### **40C-1.003 The Governing Board.**

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 122.326, 373.073, 373.079, 373.083, 373.103 FS. History—New 8-1-89, Amended 10-8-91, 8-12-08, Repealed 11-3-15.*

#### **40C-1.004 District Funds.**

(1) District funds may be disbursed with the Board's approval by check bearing the signatures or facsimile signatures of the secretary-treasurer or assistant secretary-treasurer, and the chairman or vice chairman. All general and interfund checks issued shall be reported to the Board at its next regular meeting.

(2) District funds may be disbursed, by wire or electronic transfer according to the procedure set forth in Policy 99-02, as revised 4-13-04, entitled "Wire or Electronic Transfer (W/EFT) Procedures," which is hereby incorporated by reference.

*Rulemaking Authority 120.53, 373.044, 373.113 FS. Law Implemented 120.53, 373.553 FS. History—New 10-8-91, Amended 3-1-92, 1-3-00, 4-13-04.*

#### **40C-1.005 District Organizations.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.53(1), 373.079, 373.083, 373.103, 373.113 FS. History—New 8-1-89, Amended 10-19-89, Repealed 8-4-98.*

#### **40C-1.010 Procedure for Voting Conflicts of Interest.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 112.3143, 120.53, 373.079 FS. History—New 4-18-83, Formerly 40C-1.20, 40C-1.201, Amended 8-1-89, Repealed 8-12-08.*

#### **40C-1.011 Policy, Objectives and Implementation Date.**

*Rulemaking Authority 373.113 FS. Law Implemented 373.016, 373.113 FS. History—New 1-22-76, Amended 1-15-80, Formerly 16I-1.01, 40C-1.01, Repealed 8-1-89.*

#### **40C-1.012 Employee Deferred Compensation Program.**

This rule establishes a deferred compensation program, under Section 112.215, F.S., and Section 457 of the Internal Revenue Code, whereby District employees may voluntarily defer all or part of their otherwise payable compensation pursuant to a deferred compensation plan approved by the Governing Board of the District. This program establishes a supplementary retirement plan for participating employees who wish to defer and designate a portion of their income into an approved plan of investment programs on a tax-favored basis.

(1) Administration of the Plan. The Board shall approve and administer the deferred compensation plan, or otherwise provide for such administration. Prior to implementation of an approved plan, the Board shall obtain an opinion from the appropriate federal agency or agencies which states that the compensation deferred and investment products purchased under the plan will not be included in the participating employee's taxable income under federal or state law until it is actually received by such employee

under the terms of the plan, and that such compensation will nonetheless be deemed compensation at the time of deferral for the purposes of Social Security coverage, the state retirement system or for any other retirement, pension or benefit program established by law.

(2) Election to Participate and Deferred Amount.

(a) Pursuant to an approved plan, and upon written agreement with a participating employee, deferral of compensation may be accomplished by the payroll deductions, with such funds thereafter administered and remitted to the investment products designated by the participating employee under the plan.

(b) The maximum amount deferred by a participating employee under an approved plan for a taxable year shall not exceed the limitations established under Section 457 of the Internal Revenue Code.

(3) Investment of Deferred Amount.

(a) The Board may establish such plan or plans of deferred compensation for District employees, including such investment vehicles or products as provided thereunder, as may be available through duly qualified or licensed private corporations or institutions offered in compliance with applicable federal and state laws and regulations. The Board may approve one or more of such plans for implementation on behalf of the District and its employees.

(b) The amount deferred by a participating employee, under the terms of an approved plan and in such proportions as designated by the employee, may be used to purchase fixed or variable life insurance or annuity contracts, securities, evidence of indebtedness, or placed into a savings account, or into such other investment products as may have been approved for the purposes of fulfilling the objectives of the plan.

(4) Receipt of Benefits. A participating employee shall be eligible to receive benefits, as provided in an approved plan, upon separation from the District or upon occurrence of an unforeseen emergency.

(5) Other Benefit Programs. Any deferred compensation plan approved as provided by this rule shall exist and serve in addition to any other retirement, pension or benefit systems established by the District and shall not supersede, obviate, or reduce any benefits provided by the Florida Retirement System or by any other retirement, pension, or benefit program established by law.

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 112.215, 373.044 FS. History—New 8-25-83, Formerly 40C-1.21, 40C-1.211, Amended 8-1-89.*

**40C-1.013 Time and General Procedural Requirements.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.53, 120.57, 373.113 FS. History—New 8-1-89, Amended 3-1-92, Repealed 8-4-98.*

**40C-1.0132 District Clerk.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.52(11), 120.53, 120.59, 120.68, 257.36, 373.113, 373.114 FS. History—New 8-1-89, Amended 10-19-89, 3-1-92, 11-18-92, Repealed 8-4-98.*

**40C-1.014 Final Order Index.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.53 FS. History—New 11-18-92, Repealed 8-4-98.*

**40C-1.021 Scope of Jurisdiction.**

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 120.085, 373.023, 373.069 FS. History—New 1-22-76, Amended 12-19-78, Formerly 16I-1.02, 40C-1.02, Repealed 8-1-89.*

**40C-1.023 Statutes and Rules.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.53(1), 373.113 FS. History—New 8-1-89, Repealed 8-4-98.*

**40C-1.031 Definitions.**

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 120.53(1), 373.079, 373.083, 373.103, 373.113 FS. History—New 8-1-89, Amended 10-19-89, Repealed 8-4-98.*

#### **40C-1.0132 District Clerk.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.52(11), 120.53, 373.059, 120.68, 357.36, 373.133, 373.114 FS. History—New 8-1-89, Amended 10-19-89, 3-1-92, 11-18-92, Repealed 8-4-98.*

#### **40C-1.041 Permits Required.**

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.086, 373.106, 373.133, Chapter 373 (Parts II, III, IV) FS. History—New 1-22-76, Amended 1-15-80, Formerly 16I-1.04, 40C-1.04, Transferred to 40C-1.602.*

#### **40C-1.051 Bond.**

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.219, 373.416 FS. History—New 1-22-76, Formerly 16I-1.05, 40C-1.05, Repealed 8-1-89.*

#### **40C-1.061 Reapplying with Permits.**

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 120.60(5), 373.085, 373.413 FS. History—New 1-15-80, Formerly 16I-1.06, Amended 5-15-80, Formerly 40C-1.06, Transferred to 40C-1.610.*

#### **40C-1.071 General Permit Procedure.**

*Rulemaking Authority 120.53(1), 373.113 FS. Law Implemented 373.413, 373.426 FS. History—New 1-22-76, Amended 3-1-77, 12-26-77, Formerly 16I-1.07, 40C-1.07, Amended 1-1-89, Repealed 8-1-89.*

#### **40C-1.081 Quasi-Judicial Hearings Before the Board.**

*Rulemaking Authority 120.53(1), 120.66, 373.113 FS. Law Implemented 120.52(9), 120.53, 120.57, 120.58(1), 120.60 FS. History—New 1-22-76, Amended 4-20-80, Formerly 16I-1.08, 40C-1.08, Repealed 8-1-89.*

#### **40C-1.091 Request for Hearing.**

*Rulemaking Authority 120.53, 373.113 FS. Law Implemented 120.53, 120.60 FS. History—New 1-22-76, Amended 3-1-77, Formerly 16I-1.10, 40C-1.10, Repealed 1-1-89.*

#### **40C-1.106 Interagency Agreements.**

*Rulemaking Authority 373.044, 373.046, 373.113 FS. Law Implemented 373.016(5), 373.046, 373.103, 373.421(2) FS. History—New 8-1-89, Amended 11-12-92, 10-3-95, 12-3-98, 11-11-03, 7-1-07, Repealed 10-1-13.*

*Editorial Note: Repealed pursuant to paragraph 373.413(2)(c), F.S.*

#### **40C-1.111 Pleading.**

*Rulemaking Authority 120.53(1)(b) FS. Law Implemented 120.53(1)(b), 120.57 FS. History—New 1-22-76, Formerly 16I-1.11, 40C-1.11, Transferred to 40C-1.521.*

#### **40C-1.121 Petitions for Declaratory Statements.**

*Rulemaking Authority 120.565 FS. Law Implemented 120.565 FS. History—New 1-22-76, Amended 3-1-77, Formerly 16I-1.12, 40C-1.12, Repealed 8-1-89.*

#### **40C-1.125 Public Information and Inspection of Records.**

*Rulemaking Authority 120.53(2), 373.044, 373.113 FS. Law Implemented 119.07(1), 120.53, 286.011, 373.113 FS. History—New 8-1-89, Repealed 8-4-98.*

#### **40C-1.131 Procedure for Adoption of Rules.**

*Rulemaking Authority 120.53(1), 373.113 FS. Law Implemented 120.53(1), 120.54 FS. History–New 1-22-76, Formerly 16I-1.13, 40C-1.13, Repealed 8-1-89.*

#### **40C-1.132 Conceptual Review Approval Procedures.**

*Rulemaking Authority 373.044, 373.113, 373.171, 380.06(9) FS. Law Implemented 380.06(9) FS. History–New 7-6-86, Transferred to 40C-1.604.*

#### **40C-1.135 Delegations of Authority.**

(1) The District is delegated authority by the Department to assume certain responsibilities of Chapters 373 and 403, F.S. This delegation is pursuant to authority contained in Sections 373.016, 373.103 and 403.805(1), F.S., and is described in Rule 62-113.200, F.A.C.

(2) The Board of Trustees of the Internal Improvement Trust Fund, pursuant to Rule 18-21.0051, F.A.C., has delegated to the Governing Board the authority to review and take final agency action on certain applications to use sovereign submerged lands. Rule 18-21.0051, F.A.C., also provides that the Governing Board may further delegate review and decision making authority to District staff. Therefore, the Governing Board delegates this authority to the Executive Director, Assistant Executive Director, Director and Assistant Director of the Division of Service Center Director, Chief of the Bureau of Environmental Resource Regulation, and each Regulatory Coordinator, when an application to use sovereign submerged lands involves an activity which is reviewed pursuant to the general permit procedures of Chapter 62-330, F.A.C.

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.53, 373.016, 373.103, 373.113, 373.118, 373.4131 FS. History–New 8-1-89, Amended 1-4-96, 11-11-03, 10-1-13.*

#### **40C-1.141 Description of Organization.**

*Rulemaking Authority 120.53(1)(a) FS. Law Implemented 120.53(1)(a) FS. History–New 1-22-76, Amended 2-29-77, Formerly 16I-1.14, 40C-1.14, Repealed 8-1-89.*

#### **40C-1.154 Agenda and Scheduling of Meetings and Workshops.**

*Rulemaking Authority 120.53(1)(d) FS. Law Implemented 120.53(1)(d) FS. History–New 1-22-76, Formerly 16I-1.15, 40C-1.15, Repealed 8-1-89.*

#### **40C-1.171 Procedure Under Consultant's Competitive Negotiations Act.**

*Rulemaking Authority 287.055(3) FS. Law Implemented 287.055 FS. History–New 1-15-80, Amended 4-20-80, Formerly 16I-1.17, 40C-1.17, Repealed 8-1-89.*

#### **40C-1.181 Forms and Instructions.**

*Rulemaking Authority 120.53(1), 373.044, 373.113, 373.118 FS. Law Implemented 120.52(16), 120.53(1), 373.085, 373.103, 373.106, 373.116, 373.118, 373.229, 373.413 FS. History–New 1-15-80, Amended 1-1-83, 12-7-83, Formerly 40C-1.18, Amended 4-1-86, 10-11-87, 10-17-88, 8-1-89, 10-19-89, 5-30-90, Repealed 4-12-95.*

#### **40C-1.191 Procedure for Petition to Initiate District Action to Adopt Rules or to Conduct Enforcement.**

*Rulemaking Authority 373.113 FS. Law Implemented 120.54(5), 120.69 FS. History–New 1-15-80, Formerly 16I-1.19, 40C-1.19, Repealed 8-1-89.*

### **PART II MEETINGS AND WORKSHOPS**

#### **40C-1.2001 Notice of Meeting or Workshop.**

*Rulemaking Authority 120.53(1), 373.113 FS. Law Implemented 120.53, 286.0105, 373.113 FS. History–New 8-1-89, Repealed 8-4-98.*

#### **40C-1.201 Procedure for Voting Conflicts of Interests.**



*Rulemaking Authority 120.53 FS. Law Implemented 112.3143, 120.53 FS. History–New 4-18-83, Formerly 40C-1.20, Transferred to 40C-1.010.*

**40C-1.202 Permit Processing Fee.**

*Rulemaking Authority 373.044, 373.109, 373.113, 373.171 FS. Law Implemented 373.109 FS. History–New 10-1-87, Amended 6-1-88, 10-17-88, Transferred to 40C-1.603.*

**40C-1.202 Permit Processing Fee.**

*Rulemaking Authority 373.044, 373.109, 373.133, 373.171 FS. Law Implemented 373.109 FS. History–New 10-1-87, Amended 6-1-88, 10-17-88 Transferred to 40C-1.603.*

**40C-1.203 Agenda of Meetings and Workshops.**

*Rulemaking Authority 120.53(1), 373.113 FS. Law Implemented 120.53, 373.113 FS. History–New 8-1-89, Repealed 8-4-89.*

**40C-1.207 Emergency Meetings.**

*Rulemaking Authority 120.53(1), 373.113 FS. Law Implemented 120.53, 373.113 FS. History–New 8-1-89, Repealed 8-4-89.*

**40C-1.211 Commencement of Proceedings.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.54(1), 373.113 FS. History–New 8-1-89, Repealed 8-4-98.*

**PART III RULEMAKING PROCEEDINGS**

**40C-1.301 Commencement of Proceedings.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.53, 120.54(1) FS. History–New 8-1-89, Repealed 8-4-98.*

**40C-1.303 Notice of Proceedings and the Proposed Rules.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.53, 120.54(1) FS. History–New 8-1-89, Repealed 8-4-98.*

**40C-1.311 Petitions to Initiate Rulemaking Proceedings.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.54(5) FS. History–New 8-1-89, Repealed 8-4-98.*

**40C-1.313 District Action on Petitions to Initiate Rulemaking Proceedings.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.54(5) FS. History–New 8-1-89, Repealed 8-4-98.*

**40C-1.327 Rulemaking Materials.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.53(3), 120.54 FS. History–New 8-1-89, Repealed 8-4-98.*

**40C-1.330 Rulemaking Proceedings – No Hearing.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.54(3) FS. History–New 8-1-89, Repealed 8-4-98.*

**40C-1.331 District Action on Petitions to Initiate Rulemaking Proceedings.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.54(3), (6) FS. History–New 8-1-89, Repealed 8-4-98.*

**40C-1.335 Incorporation by Reference.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.53, 120.54(8) FS. History–New 8-1-89, Repealed 8-4-98.*

**40C-1.337 General.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.565 FS. History—New 8-1-89, Repealed 8-4-98.*

**PART IV DECLARATORY STATEMENTS**

**40C-1.401 General.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.565 FS. History—New 8-1-89, Repealed 8-4-98.*

**40C-1.405 Propose and Use of Declaratory Statement.**

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 120.565 FS. History—New 8-1-89, Repealed 8-4-98.*

**40C-1.407 Disposition.**

*Rulemaking Authority 120.53(1), 373.113 FS. Law Implemented 120.565 FS. History—New 8-1-89, Amended 10-19-89, Repealed 8-4-98.*

**PART V DECISIONS DETERMINING SUBSTANTIAL INTERESTS**

**Subpart A General Provisions**

**40C-1.501 Scope of Part V.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.53, 120.54(17), 120.60(1) FS. History—New 8-1-89, Repealed 8-4-98.*

**40C-1.504 Parties.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.57 FS. History—New 8-1-89, Repealed 8-4-98.*

**40C-1.508 Disqualification.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.57, 120.71 FS. History—New 8-1-89, Repealed 8-4-98.*

**40C-1.509 Signing, Filing and Service of Pleadings.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.57 FS. History—New 8-1-89, Amended 3-1-92, Repealed 8-4-98.*

**40C-1.511 Point of Entry Into Proceedings.**

*Rulemaking Authority 120.53(1) FS. Law Implemented 120.57 FS. History—New 1-1-89, Amended 8-1-89, 10-19-89, 3-14-90, 3-1-92, 9-10-95, Repealed 8-4-98.*

**40C-1.512 Other Applicable Procedural Rules.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.54(10), 120.57 FS. History—New 8-1-89, Repealed 8-4-98.*

**Subpart B Formal Proceedings**

**40C-1.521 Initiation of Formal Proceedings.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.57 FS. History—New 1-22-76, Formerly 16I-1.11, 40C-1.11, 40C-1.111, Repealed 8-4-98.*

**40C-1.524 Motions.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.57 FS. History—New 8-1-89, Repealed 8-4-98.*

**40C-1.525 Motions in Opposition to Petitions.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.57 FS. History–New 8-1-89, Repealed 8-4-98.*

**40C-1.527 Intervention.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.57 FS. History–New 8-1-89, Repealed 8-4-98.*

**40C-1.541 Subpoenas.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.57, 120.58 FS. History–New 8-1-89, Repealed 8-4-98.*

**40C-1.5435 Order of Presentation.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.57 FS. History–New 8-1-89, Repealed 8-4-98.*

**40C-1.544 Evidence.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.57, 120.58 FS. History–New 8-1-89, Repealed 8-4-98.*

**40C-1.545 Burden of Proof.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.57, 120.58 FS. History–New 8-1-89, Repealed 8-4-98.*

**40C-1.546 Recordation.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.57 FS. History–New 8-1-89, Repealed 8-4-98.*

**40C-1.547 Venue.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.57 FS. History–New 8-1-89, Repealed 8-4-98.*

**40C-1.561 Proposed Recommended Order.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.57 FS. History–New 8-1-89, Repealed 8-4-98.*

**40C-1.562 Recommended Order.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.57, 120.58(1) FS. History–New 8-1-89, Repealed 8-4-98.*

**40C-1.564 Exceptions to Recommended Order.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.57 FS. History–New 8-1-89, Amended 3-1-92, Repealed 8-4-98.*

**40C-1.565 Final Orders.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.57, 120.59, 120.60 FS. History–New 8-1-89, Repealed 8-4-98.*

**Subpart C Informal Proceedings**

**40C-1.571 Informal Proceedings.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.57(5) FS. History–New 8-1-89, Repealed 8-4-98.*

**40C-1.572 Submission of Evidence.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.57(2) FS. History–New 8-1-89, Repealed 8-4-98.*

**40C-1.573 Final Order.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.57(2) FS. History–New 8-1-89, Repealed 8-4-98.*

## PART VI LICENSES AND PERMITS

### 40C-1.601 General.

Unless otherwise provided by law, in the event that a proposed project or activity subject to the permit requirements of Title 40C, F.A.C., lies within a larger project area, a portion of which extends beyond the District's boundary, said proposed project or activity will be analyzed to determine its overall impact on water resources of the District, including any impact which extends to or from that area of the project lying outside the District's boundary.

*Rulemaking Authority 120.53(1), 373.044, 373.113, 373.171 FS. Law Implemented 373.219, 373.342, 373.413, 373.4136, 373.416, 373.426 FS. History—New 8-1-89, Amended 10-3-95, 8-4-98.*

### 40C-1.602 Licenses or Permits Required.

Unless expressly exempted by law or District rule, permits or licenses must be obtained from the District prior to commencement of the following activities:

(1) A consumptive use permit, pursuant to Chapter 40C-2, F.A.C., must be obtained prior to certain diversions or withdrawals of water as specified in Chapter 40C-2, F.A.C.

(2) A well construction permit, pursuant to Chapter 40C-3, F.A.C., must be obtained prior to construction, repair or abandonment of certain water wells as specified in Chapter 40C-3, F.A.C.

(3) A water well contractor's license, pursuant to Chapters 40C-3 and 62-531, F.A.C., in effect on July 1, 1989, must be obtained by contractors engaged in the business of construction, repair, or abandonment of water wells.

(4) An environmental resource individual or general permit, pursuant to Chapter 62-330, F.A.C., must be obtained prior to construction, alteration, operation, maintenance, removal, modification, or abandonment of certain stormwater management systems, dams, impoundments, reservoirs, appurtenant works or works, including dredging or filling, as specified in Chapter 62-330, F.A.C.

(5) An environmental resource conceptual approval permit, pursuant to Chapter 62-330, F.A.C., may be obtained for proposed surface water management systems as specified in Chapter 62-330, F.A.C.

(6) A permit, pursuant to Chapter 40C-5, F.A.C., prior to construction of any well involving artificial recharge or intentional introduction of water containing sewage wastes into any underground formation.

(7) An environmental resource permit for the operation and maintenance of certain existing agricultural surface water management systems and for the construction of certain new agricultural surface water management systems pursuant to Chapters 62-330 and 40C-44, F.A.C., must be obtained from the District in order to discharge wastewater into waters of the state from such a system.

(8) A mitigation bank permit, pursuant to Chapter 62-342, F.A.C., must be obtained in order to establish a mitigation bank. An application for a mitigation bank permit shall also constitute an application for any permit required under Chapter 62-330, F.A.C., to construct, alter, operate, maintain, abandon, or remove any stormwater management system or works proposed as part of the bank.

(9) A mitigation bank conceptual approval permit, pursuant to Chapter 62-342, F.A.C., may be obtained in order to estimate the legal and financial requirements for establishment of a mitigation bank, the information needed for the mitigation bank application, and the potential mitigation credits for the bank. A mitigation bank conceptual approval permit does not authorize construction or establishment of a bank.

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 373.085, 373.103, 373.106, 373.118, 373.171, 373.219, 373.308, 373.323, 373.413, 373.4131, 373.416, 373.426, 403.812 FS. History—New 1-22-76, Amended 1-15-80, Formerly 16I-1.04, 40C-1.04, 40C-1.041, Amended 8-1-89, 8-11-91, 9-25-91, 10-3-95, 11-11-03, 10-1-13.*

### 40C-1.603 Permit Fees.

A fee is required and shall be paid to the District when certain applications or petitions are filed pursuant to District rules or permit programs delegated to the District. Effective October 1, 1990, governmental entities shall be required to submit the fees established except as provided in subsections (17), (18) or (19). This fee recovers some of the District's costs of processing applications.

The fee schedule is:

(1) Chapter 40C-2, F.A.C., consumptive use permits:

(a) Applications for consumptive use permits.

1. Consumptive use permits greater than 500,000 gallons of water per day	\$1,000
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2. Consumptive use permits equal to or less than 500,000 gallons of water per day	\$400
3. Consumptive use permits less than 100,000 gallons of water per day	\$100
4. Consumptive use permits where the use does not exceed the thresholds in subsection 40C-2.041(1), F.A.C.	\$50
(b) Modifications of consumptive use permits.	
1. Consumptive use permits where the total allocation requested (existing plus any proposed increase) is greater than 500,000 gallons of water per day	\$200
2. Consumptive use permits where the total allocation requested (existing plus any proposed increase) is equal to or less than 500,000 gallons of water per day	\$100
3. Consumptive use permits where the total allocation requested (existing plus any proposed increase) is less than 100,000 gallons of water per day	\$50
4. Consumptive use permit where the use does not exceed the thresholds in subsection 40C-2.041(1), F.A.C.	\$25
5. No fee will be charged for early renewal of an existing permit for implementation of a project that provides a water quantity benefit to a water resource.	
6. No fee will be charged for modification of an existing permit applied for by letter pursuant to Rule 40C-2.331, F.A.C., regardless of withdrawal amount.	
(2) Chapter 40C-3, F.A.C., well construction, repair or abandonment permit.	
(a) Public water supply well	\$250
(b) All other wells	\$120
(c) Abandonment of a well	\$0
(d) Variances	\$100
(3) Chapter 62-330, F.A.C., individual or conceptual environmental resource permits (excluding mitigation bank permits):	
(a) New applications (excluding projects described in paragraphs (3)(b) and (3)(c) below) – based on the categories below:	
1. Total project area of less than 10 acres, with no works in, on, or over wetlands and other surface waters, and no boat slips	\$490
2. Total project area of less than 10 acres, less than 1 acre of works in, on, or over wetlands and other surface waters, and less than 10 new boat slips	\$1,190
3. Project exceeds any of the thresholds in subparagraph (3)(a)2. above, but involves a total project area of less than 40 acres, less than 3 acres of works in, on, or over wetlands and other surface waters, and less than 30 new boat slips	\$2,110
4. Project exceeds any of the thresholds in subparagraph (3)(a)3. above, but involves a total project area of less than 100 acres, less than 10 acres of works in, on, or over wetlands and other surface waters, and less than 50 new boat slips	\$5,610
5. Project exceeds any of the thresholds in subparagraph (3)(a)4. above, but involves a total project area of less than 640 acres, and less than 50 acres of works in, on, or over wetlands and other surface waters	\$9,120
6. Project exceeds any of the thresholds in subparagraph (3)(a)5. above	\$11,220
(b) New applications for environmental restoration or enhancement activities (not associated with a mitigation bank and not implemented as mitigation). For purposes of this fee category, “environmental restoration or enhancement” means actions designed and implemented solely to convert degraded or altered uplands, wetlands, or other surface waters back to communities typical of those historically present, or to improve the ecological value of wetlands or other surface waters in comparison to their existing condition.	\$250
(c) New applications solely for stormwater retrofit projects	\$250
(d) Major modifications of Chapter 62-330, F.A.C., individual or conceptual environmental resource permits (excluding mitigation bank permits):	
1. Major modifications that are consistent with an existing conceptual approval permit	50% of the fee for a new permit
2. Major modifications to a permit that increase the total project area	Same as fee for a new permit for the activity proposed in the modification
3. Other major modifications	50% of initial application
(e) Minor modifications of Chapter 62-330, F.A.C., individual or conceptual environmental resource permits (excluding	

mitigation bank permits):

1. Transfers or statutory extensions of permits and correction of minor errors that do not require technical review	\$0
2. All other minor modifications	25% of initial application
(4) Mitigation Bank permits and conceptual approvals	\$11,960
(a) Major modifications of mitigation bank permits and conceptual approvals involving changes to one or more of the following components: service area; credit assessment; success or release criteria; hydrologic structures or alterations; constructions or mitigation design that does not increase the project area; elimination of lands; or monitoring or management plans	\$1,410
(b) Other major modifications that do not qualify for a modification under paragraph (4)(a), above, or paragraph (4)(e), below	\$4,230
(c) Minor modifications of mitigation bank permits and conceptual approvals:	
1. Transfers or statutory extensions of permits; correction of minor errors that do not require technical review; mitigation bank credit withdrawals and releases	\$0
2. All other minor modifications authorized by subsection 62-330.315(2), F.A.C.	\$270
(5) Chapter 62-330, F.A.C., general environmental resource permits set forth in Rules 62-330.407 through 62-330.635, F.A.C.	\$250
(6) Variances or waivers associated with any environmental resource permit application:	
(a) Under Section 120.542, F.S.	\$0
(b) All other variances or waivers	\$550 or cost of application, whichever is less
(7) Formal Determinations:	
(a) For property less than 10 acres	\$860
(b) For property that is at least 10 acres but less than 40 acres	\$1,180
(c) For property that is at least 40 acres but less than 100 acres	\$2,370
(d) For property that is greater than 100 acres, plus \$310 for each additional 100 acres or portion thereof	\$2,370
(e) For properties with an existing formal determination that qualify for reissuance in accordance with subsection 373.421(2), F.S.	\$350
(8) Management and storage of surface waters permits under Chapters 40C-4 and 40C-40, F.A.C., as such rules existed prior to the adoption of rules adopted pursuant to Section 373.414(9), F.S., that are submitted pursuant to the grandfathering provisions of Sections 373.414(12) through (16), F.S.	
(a) Individual and conceptual permits	\$3,530
(b) General permits	\$980
(c) Permit applications and formal determinations which require wetland delineations pursuant to Section 373.421(7), F.S., will be charged a supplemental application fee of seven hundred dollars (\$700), in addition to the application fees above.	
(9) Chapter 40C-5, F.A.C., artificial recharge injection well permits	\$5,000
(10) Chapter 40C-44, F.A.C., environmental resource agricultural system permits that only require a permit under paragraph 62-330.020(2)(i), F.A.C., and section 1.2.3 of the document entitled "Environmental Resource Permit Applicant's Handbook, Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District," which is incorporated by reference in paragraph 40C-4.091(1)(a), F.A.C.:	
(a) Individual Permits for agricultural operations less than 40 acres	\$420
(b) Individual Permits for agricultural operations greater than 40 acres	\$1,050
(11) Modifications of Permits. Unless the fee for modification of a permit is specifically provided above, the fee required with an application for modification shall be that which is established for the applicable type of permit. However, when an applicant for a permit under Chapter 62-330, F.A.C., resubmits within 365 days after withdrawing an application for an activity on part of the same project area for which it already paid the application fee, no fee shall be charged except for any additional fee required due to a	

change in the project. Additionally, until July 1, 2015, the fee for minor modification of a permit issued pursuant to Chapter 40C-4, 40C-40, or 40C-42, F.A.C., before (October 1, 2013) shall continue to be the applicable fee that existed in Rule 40C-1.603, F.A.C., on February 10, 2010, unless the permittee elects review in accordance with the rules adopted pursuant to Section 373.4131, F.S. Beginning July 1, 2015, the fee for minor modification of any permit issued pursuant to Chapter 40C-4, 40C-40, or 40C-42, F.A.C., shall be the fee for the equivalent modification that would be authorized under Rule 62-330.315 or Chapter 62-342, F.A.C.

(12) Permit applications under Chapter 62-4, 62-312, 40C-4, 40C-40, 40C-42, or 40C-44, F.A.C., submitted and made complete prior to the effective date of the rules adopted pursuant to Section 373.4131, F.S., shall be required to submit the permit application fees in existence prior to October 1, 2013, unless the applicant elects review in accordance with the rules adopted pursuant to Section 373.4131, F.S.

(13) Application fees for authorizations on sovereign submerged lands under Chapters 253 and 258, F.S., are provided in Chapter 18-21, F.A.C.

(14) Informal Wetland Boundary determinations under Part IV of Chapter 373, F.S., for property less than or equal to 1 acre \$100

(15) Verification that an activity is exempt from regulation:

(a) Under Rules 62-330.050 and 62-330.051, F.A.C. \$100

(b) Under Rule 62-330.0511, F.A.C. \$0

(16) The District shall use the Consumer Price Index, for All Urban Consumers (CPI-U), all items, compiled by the United States Department of Labor for revising fees under Part IV of Chapter 373, F.S., pursuant to Section 373.109, F.S., and subparagraph 62-113.200(12)(a)8. and paragraph 62-4.050(4)(z), F.A.C.

(17) Pursuant to Section 218.075, F.S., the District shall, for each fiscal year beginning October 1st and ending September 30th, reduce all permit application fees to \$100, or, if a permit application fee is less than \$100, by 50 percent, for any county, municipality, or third party under contract with a county or municipality, to apply for a permit on the county or municipality's behalf, which qualifies under this subsection. A county, municipality, or third party as described above, may apply to reduce the permit application fees by submitting form 40C-1.603(13) entitled "Request to the St. Johns River Water Management District to Reduce Permit Application Fees," effective 11-11-03, which is hereby incorporated by reference and which can be obtained from St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, for each fiscal year certifying:

(a) That the county had a population of 50,000 or less on April 1, 1994, and that the county's population has not yet exceeded 75,000, that the municipality has a population of 25,000 or less, or that the county or municipality is not included within a metropolitan statistical area; and

(b) All projects for which the fee reduction or waiver is sought will serve a public purpose; and

(c) The permit application fee cost is a fiscal hardship due to one of the following:

1. Per capita taxable value is less than the statewide average for the current fiscal year.

2. Percentage of assessed property value that is exempt from ad valorem taxation is higher than the statewide average for the current fiscal year.

3. Any condition specified in Section 218.503, F.S., that determines a state of financial emergency.

4. Ad valorem operating millage rate for the current fiscal year is greater than eight mills.

5. A financial condition that is documented in annual financial statements at the end of the current fiscal year and indicates an inability to pay the permit processing fee during that fiscal year.

(18) No fee shall be charged for applications for Chapter 62-330, F.A.C., permits by the following branches of the U.S. Department of Defense: U.S. Army, Navy, Air Force, Coast Guard, and National Guard.

(19) No fee shall be charged for applications for Chapters 40C-2, 40C-3, or 62-330, F.A.C., permits by the Florida Department of Environmental Protection or another water management district.

*Rulemaking Authority 373.044, 373.109, 373.113, 373.421(2) FS. Law Implemented 218.075, 373.109, 373.4131, 373.421(2) FS. History—New 10-1-87, Amended 6-1-88, 10-17-88, Formerly 40C-1.202, Amended 8-1-89, 10-19-89, 8-19-90, 7-21-91, 7-23-91, 8-11-91, 9-25-91, 11-12-91, 10-20-92, 11-30-92, 1-6-93, 12-6-93, 1-23-94, 4-12-95, 1-4-96, 4-25-96, 10-2-96, 10-11-01, 4-10-02, 11-11-03, 2-1-05, 2-16-10, 10-1-13, 8-14-14, 11-1-15, 2-1-18.*

#### **40C-1.604 Conceptual Approval Permit Procedures.**

*Rulemaking Authority 373.044, 373.113, 373.171, 380.06(9) FS. Law Implemented 380.06(9) FS. History—New 7-6-86, Formerly 40C-1.132,*

*Amended 8-1-89, 9-25-91, 9-8-92, 10-3-95, Repealed 10-1-13.*

**Editorial Note:** *Repealed pursuant to paragraph 373.4131(2)(c ), F.S.*

#### **40C-1.605 Application Procedure.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.60, 373.107, 373.109, 373.116, 373.118, 373.229, 373.309, 373.314, 373.323, 373.413, 373.417 FS. History—New 8-1-89, Amended 10-19-89, 3-14-90, 10-3-95, Repealed 8-4-98.*

#### **40C-1.607 Issuance of a License or Permit.**

Where a license or permit requires Governing Board action, issuance of a license or permit is deemed to occur upon the approval by the Board.

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.4136, 373.416, 373.426 FS. History—New 8-1-89, Amended 8-4-98.*

#### **40C-1.608 Denial of a License or Permit.**

(1) The District shall set forth in writing the reasons for denial of the license or permit application. For applications for environmental resource permits, the District will also explain, in general terms, what changes in the permit application, if any, would address such reasons for denial. Such changes shall not be limited to those modifications as described in subsection 10.2.1 of the Applicant's Handbook Volume I (General and Environmental) which is incorporated by reference in subparagraph 40C-41.063(6)(d)4., F.A.C.

(2) When the license or permit is considered by the Board the applicant and other interested persons may appear before the Board to present informal argument for or against the intended District action. Such appearance before the Board shall not provide a basis for appealing the decision of the Board pursuant to Chapter 120, F.S.

(3) The Board may approve, reject or modify the intended District action. The Board's action shall constitute final agency action, except for those instances when a valid petition for an administrative hearing has been timely filed. In such instances, the Board shall defer final consideration of the matter pending completion of the administrative hearing and the submittal of a recommended order, if required, and exceptions thereto.

(4) Applicants and other interested persons should be prepared to explain their positions regarding the license or permit application when it is considered by the Board for final action. If the Board's final action differs substantially from the intended District action, the District shall mail a notice of final action to all persons who received a notice of intended District action. Substantially affected persons who did not request a Section 120.57, F.S., hearing based on the notice of proposed District action shall have the right to request such a hearing within 14 days of receipt of the notice of final action, otherwise such right is deemed waived. Such request for hearing shall be in accordance with subsection (4) above, and may only address those aspects of the final action which substantially deviate from the intended action.

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.219, 373.308, 373.413, 373.4131, 373.4136, 373.416, 373.426 FS. History—New 8-1-89, Amended 10-3-95, 8-4-98, 10-1-13.*

#### **40C-1.609 Suspension, Revocation or Modification of Licenses or Permits.**

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.60, 373.083, 373.085, 373.119, 373.239, 373.243, 373.319, 373.333, 373.429 FS. History—New 8-1-89, Amended 10-19-89, 5-30-90, Repealed 8-4-98.*

#### **40C-1.610 License or Permit Renewal.**

(1) Holders of renewable licenses or permits shall make timely and sufficient application for renewal so as to avoid expiration during the renewal process. When timely and sufficient application is made, the existing license or permit shall not expire until final agency action, or if the permit is denied or the terms limited, until the last day for seeking review of the District order or a later date fixed by order of the reviewing court.

(2) Applications for extension of time limits or time frames of permits or licenses issued by the District may be applied for and will be treated as modifications of the permit or license.

(3) Application for a license or permit renewal is timely only if actually filed at the District prior to expiration of the existing



license or permit. Mailing the application does not constitute filing.

*Rulemaking Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.60, 373.219, 373.239, 373.323, 373.413 FS. History—New 1-15-80, Formerly 16I-1.06, Amended 5-15-80, Formerly 40C-1.06, 40C-1.061, Amended 8-1-89.*

#### **40C-1.612 Transfer of Ownership or Permit.**

(1) Transfer of Ownership or Control. Within 30 days of any transfer of ownership or control of the real property at which any permitted facility, system or activity solely authorized under paragraph 62-330.020(2)(i), F.A.C., and section 1.2.3 of the document entitled “Environmental Resource Permit Applicant’s Handbook, Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District,” which is incorporated by reference in paragraph 40C-4.091(1)(a), F.A.C., for a permit under Chapter 40C-44, F.A.C. (hereafter referred to as a “40C-44 system or activity”), or consumptive use is located or authorized, or transfer of ownership or control of any such facility, system, activity, or well with a permitted consumptive use, the permittee must notify the District in writing of the transfer, giving the name and address of the new owner or person in control and providing a copy of the instrument effectuating the transfer.

##### **(2) Transfer of Permit.**

(a) Transfer without Conversion to Operation Phase. To transfer a permit that does not involve a transfer of a construction permit for a 40C-44 system or activity to its operation phase, the permittee must provide the information required in subsection (1) above, together with a written statement from the proposed transferee that it will be bound by all terms and conditions of the permit. Additionally, where applicable, the proposed transferee must demonstrate that it is capable of constructing, operating, and maintaining the permitted facility, 40C-44 system or activity, consumptive use, or well. Once the required information has been provided, the District shall transfer the permit to the proposed transferee in accordance with paragraph (5)(a) below. A permit issued pursuant to Chapter 62-330 or 62-342, F.A.C., other than a permit for a 40C-44 system or activity, shall not be subject to this rule.

(b) Transfer with Conversion to Operation Phase. To transfer a construction permit for a 40C-44 system or activity to its operation phase, a written statement from the proposed transferee is not required when the permit transfer would be to the operation and maintenance entity approved by the permit. Otherwise, all remaining requirements in paragraph (2)(a) above apply to a request under paragraph (2)(b). Once the required information has been provided, the District shall convert the permit to its operation phase and transfer the permit to the proposed transferee in accordance with paragraph (5)(b) below.

(c) Transfer of an Operating Permit for Entire 40C-44 System or Activity. Except as otherwise provided in Sections 373.426 and 373.429, F.S., when a permittee notifies the District in writing within 30 days of a change in ownership or control of an entire 40C-44 system or activity covered by a 40C-44 operating permit, the District shall transfer that operating permit to the new owner or person in control. If the permittee fails to notify the District in writing within 30 days of the change in ownership or control or if a transfer of ownership or control does not include the entire permitted 40C-44 system or activity, then the transfer shall be governed by paragraphs (2)(a) and (5)(a).

(3) The permittee is encouraged to request a permit transfer prior to the sale or legal transfer of the real property at which a permitted facility, 40C-44 system or activity, or consumptive use is located or authorized. However, the permit transfer shall not be effective prior to the sale or legal transfer.

(4) Until the permit transfer has occurred, the permittee and any other person constructing, operating, or maintaining the permitted facility or system shall be liable for compliance with the terms of the permit. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations occurring prior to the transfer of the permit.

##### **(5) Timeframes for Transfers.**

(a) Transfer without Conversion to Operation Phase. Except for those transfers associated with the conversion of a construction permit for a 40C-44 system or activity to its operation phase (which are addressed in paragraph (5)(b) below), the District shall transfer a permit within 5 days of receiving a complete request for transfer pursuant to subsection (1) and paragraph (2)(a) above. However, the District may toll the time for the transfer by notifying the permittee, within 30 days of receipt of the request, that additional information is required to adequately review the transfer request pursuant to subsection (1) and paragraph (2)(a) above, or that deficiencies in the permitted facility, 40C-44 system or activity, consumptive use, or well must be corrected prior to transfer. Within 30 days of receipt of the additional information that meets the requirements of subsection (1) and paragraph (2)(a) above and of verification of the corrected deficiencies, the District shall transfer the permit. If the District thereafter fails to transfer the permit within 30 days, the transfer shall be deemed approved. If the permittee fails to provide the requested information within 120 days of receipt of the request for additional information, then the request for transfer shall be subject to administrative denial without

prejudice and the provisions of Rule 40C-1.1008, F.A.C., shall apply.

(b) Transfer with Conversion to Operation Phase. Within 60 days of receiving a complete request to convert a construction permit for a 40C-44 system or activity to its operation phase and to transfer the permit to the operation and maintenance entity, pursuant to paragraph (2)(b) above, the District shall convert the permit from its construction phase to its operation phase and transfer the permit to its operation and maintenance entity. However, the District may toll the time by notifying the permittee, within 30 days of receipt of the request, that additional information is required to adequately review the request, pursuant to subsection (1) and paragraph (2)(b) above, or that deficiencies in the permitted system or activity must be corrected prior to conversion and transfer. Within 30 days of receipt of the additional information that meets the requirements of subsection (1) and paragraph (2)(b) above and of verification of the corrected deficiencies, the District shall convert the construction permit to its operation phase and transfer the permit to the operation and maintenance entity. If the District thereafter fails to convert or transfer the permit within 30 days, the conversion and transfer shall be deemed approved. If the permittee fails to provide the requested information within 120 days of receipt of the request for additional information, then the request for transfer shall be subject to administrative denial without prejudice and the provisions of Rule 40C-1.1008, F.A.C., shall apply.

(c) Transfer of an Operating Permit for Entire 40C-44 System or Activity. Except as otherwise provided in Sections 373.426 and 373.429, F.S., the District shall transfer a 40C-44 operating permit for an entire 40C-44 system or activity to the new owner or person in control within 60 days of receiving written notice in accordance with paragraph (2)(c) above.

(6) For any system or activity authorized by a permit issued pursuant to Chapters 40C-4, 40C-40, or 40C-42, F.A.C., before (October 1, 2013), the provisions in subsections (1) through (5) above shall apply except that any references to 40C-44 systems or activities will be replaced with the rule chapter that authorized the permit (Chapters 40C-4, 40C-40, or 40C-42, F.A.C.).

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.083, 373.171, 373.309, 373.413, 373.4131, 373.416, 373.426, 373.429, 373.436 FS. History—New 8-1-89, Amended 10-19-89, 7-20-95, 11-6-95, 10-1-13.*

## **PART IVV PROCEDURES FOR CONTRACTING OR PROFESSIONAL SERVICES**

### **Subpart A General Provisions**

#### **40C-1.701 General.**

*Rulemaking Authority 287.055, 373.113 FS. Law Implemented 287.055, 120.53 FS. History—New 8-1-89, Repealed 11-3-15.*

#### **40C-1.702 Public Notice.**

*Rulemaking Authority 287.055, 373.113 FS. Law Implemented 287.055 FS. History—New 8-1-89, Amended 9-25-90, 6-17-91, Repealed 11-3-15.*

#### **40C-1.703 Letter of Interest.**

*Rulemaking Authority 287.055, 373.113 FS. Law Implemented 287.055 FS. History—New 8-1-89, Repealed 11-3-15.*

#### **40C-1.704 Competitive Selection.**

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.083(1), (5) FS. History—New 8-1-89, Amended 10-19-89, 3-14-90, 2-13-01, Repealed 11-3-15.*

#### **40C-1.705 Competitive Negotiations.**

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.083(1), (5) FS. History—New 8-1-89, Amended 10-19-89, 6-17-91, 2-13-01, Repealed 11-3-15.*

#### **40C-1.706 Reservation of Rights.**

The District reserves the right to reject all bids, proposals or other offers to furnish professional or contractual services. The District shall indicate this reservation in all solicitations for contractual or professional services.

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 120.53 FS. History—New 8-1-89.*

#### **40C-1.707 Resolution of Contract Bidding Protests.**

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 120.53 FS. History—New 8-1-89, Repealed 8-4-98.*

#### **40C-1.708 Protest of Action.**

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 120.53 FS. History—New 9-25-90, Amended 11-11-03, Repealed 11-3-15.*

### **Subpart B Design-Build Provisions**

#### **40C-1.709 General.**

Pursuant to Section 287.055(10), F.S., the following procedures shall be followed in selecting firms when design-build services are sought for public construction projects. Definitions contained in Section 287.055(2), F.S., have the same meaning in this part except “project”. “Project” shall mean a fixed capital outlay project described in the public notice including individual facilities; grouping of facilities; and rehabilitation and renovation activities.

*Rulemaking Authority 287.055, 373.044, 373.113 FS. Law Implemented 287.055, 120.53 FS. History—New 9-25-90, Amended 6-17-91.*

#### **40C-1.710 Design-Build Threshold.**

*Rulemaking Authority 287.055, 373.044, 373.113 FS. Law Implemented 287.055 FS. History—New 9-25-90, Repealed 10-23-00.*

#### **40C-1.711 Selection of the Design-Criteria Professional.**

The design criteria professional shall be selected and contracted with pursuant to Section 287.055, F.S., and Part VII of this chapter or shall be an employee of the District. The design criteria professional will not be eligible to render services under design-build contracts executed pursuant to the design criteria package. The design criteria professional may be required to evaluate qualifications and proposals submitted by design-build firms, review detailed working drawings for the project, and evaluate project construction for compliance with the design criteria package.

*Rulemaking Authority 287.055, 373.044, 373.113 FS. Law Implemented 287.055 FS. History—New 9-25-90.*

#### **40C-1.712 Design Criteria Package.**

The design criteria professional shall prepare and seal a design criteria package which shall include, but not be limited to, the following: survey information and the legal description of the site; interior space requirements; material quality standards; schematic layouts and conceptual design criteria; cost or budget estimates; design and construction schedules; site development requirements; utility provisions for water, sewer, power and telephone; stormwater retention and disposal; and parking requirements, if applicable. Due to the specific requirements of a particular project, additional criteria shall be required in the design criteria package. The purpose of the design criteria package is to provide sufficient information upon which design-build firms may prepare proposals or upon which negotiations may be based. The firm to whom the design-build contract is awarded will be responsible for creation of the project design based on the criteria in the design criteria package.

*Rulemaking Authority 287.055, 373.044, 373.113 FS. Law Implemented 287.055 FS. History—New 9-25-90, Amended 6-17-91.*

#### **40C-1.713 Minimum Qualifications for Firms Providing Design-Build Services.**

Firms seeking to provide design-build services shall be

- (1) Certified under Section 489.119, F.S., to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent; and
- (2) Certified under Section 471.023, F.S., to practice or to offer to practice engineering; or certified under Section 481.219, F.S., to practice or to offer to practice architecture; or certified under Section 481.319, F.S., to practice or to offer to practice landscape architecture.

*Rulemaking Authority 287.055, 373.044, 373.113 FS. Law Implemented 287.055 FS. History—New 9-25-90.*

#### **40C-1.714 Request for Qualifications.**

(1) The District shall give public notice of each instance in which professional services are being sought for a design-build project, providing a general description of the project and requesting qualifications from design-build firms. The notice shall appear in newspapers of general circulation in appropriate areas.

(2) A design-build firm desiring to provide design-build services for a project shall timely submit a letter of interest to the District, which shall include the following qualifications weighted for evaluation: evidence of current professional status; availability; location; adequacy of personnel; past contractual record and related experience; recent, current and projected workloads; volume and quality of work previously awarded to the firm by the District; willingness to meet time and budget requirements; and whether the firm is a certified minority business as defined by the Florida Small and Minority Business Act of 1985. Interested firms shall be notified of the weighted evaluation criteria for each project. Along with its qualifications, the design-build firm shall file a sworn statement pursuant to Section 287.133, F.S.

*Rulemaking Authority 287.055, 373.044, 373.113 FS. Law Implemented 287.055 FS. History—New 9-25-90, Amended 6-17-91.*

#### **40C-1.715 Qualification of Firms.**

District staff shall determine the relative ability of each interested firm to perform the services required for the project based on the factors in subsection 40C-1.714(2), F.A.C. After reviewing the letters of interest, District staff shall select no less than three firms deemed to be most highly qualified to provide the required design-build services and request those firms to provide proposals for the project.

*Rulemaking Authority 287.055, 373.044, 373.113 FS. Law Implemented 287.055 FS. History—New 9-25-90, Amended 6-17-91.*

#### **40C-1.716 Proposal Selection.**

(1) Only firms selected as most qualified will be notified by mail by District staff to submit sealed proposals. Firms not selected will be notified by mail.

(2) Pursuant to the request for proposals, each selected firm shall timely submit its sealed proposal to the District for evaluation. The proposal shall be based on the criteria in the request for proposal and design-build package.

(3) District staff shall evaluate each firm's proposal based on price, and technical and design aspects of the project, weighted for the project. The evaluation process shall be based on criteria and procedures established prior to the solicitation of competitive proposals.

(4) Where further clarification of proposals or additional information is needed, District staff shall require informational presentations by the selected firms.

(5) District staff shall designate and rank not less than three firms, in order of preference, whose proposals District staff deems to be most advantageous to the District, having taken into consideration the evaluation criteria and the proposer's responsiveness to the request for proposals. A notice of intended action shall be provided by mail to the selected firms.

(6) District staff will then recommend to the Board that the Board approve a ranking of designated firms and that competitive negotiations be instituted. However, when the fee for design-build services is no more than \$100,000, District staff will recommend to the Executive Director or designee that competitive negotiations be instituted with the firms selected. Thereafter, the Executive Director or designee is authorized to approve a ranking of designated firms and to authorize the initiation of negotiations. For the purpose of Rules 40C-1.716 through 40C-1.719, F.A.C., the term "designee" means:

(a) The Assistant Executive Director, or

(b) In the absence of the Executive Director and the Assistant Executive Director, the District staff member designated by the Executive Director or the Assistant Executive Director to serve as acting Executive Director.

*Rulemaking Authority 287.055, 373.044, 373.113 FS. Law Implemented 287.055, 373.083(1), (5) FS. History—New 9-25-90, Amended 6-17-91, 2-13-01.*

#### **40C-1.717 Competitive Negotiations for Design-Build Services.**

(1) The District staff shall begin contract negotiations for design-build services with the designated firms in order of rank for fair, competitive and reasonable compensation.

(2) Should negotiations with the most highly-ranked firm prove unsuccessful, as determined by the Executive Director or designee, negotiations with that firm shall cease and negotiations shall begin with the next most highly-ranked firm. Negotiations

shall continue in accordance with this section until an agreement is reached. The Executive Director or designee is authorized to award the contract.

- (3) If a satisfactory agreement is not reached with any of the designated firms, the Board will direct the District staff to either
- (a) Designate and rank additional responding firms, in order of preference, for competitive negotiations pursuant to subsections (1) and (2) above; or
  - (b) Republish the request for qualifications, with any appropriate modifications.

*Rulemaking Authority 287.055, 373.044, 373.113 FS. Law Implemented 287.055, 373.083(1), (5) FS. History—New 9-25-90, Amended 6-17-91, 2-13-01.*

#### **40C-1.718 Rejection of Proposals.**

(1) The Executive Director or designee reserves the right to reject any and all proposals, provided such action is done in good faith, and is not arbitrary and capricious.

(2) If the Executive Director or designee finds it necessary to reject all the proposals, a written statement to this effect shall be placed in the proposal file and the proposers shall be notified. The District then may republish the request for qualifications, with any appropriate modifications at the direction of the Executive Director or designee. Any interested firm will have the opportunity to submit or resubmit its qualifications to the District for consideration.

*Rulemaking Authority 287.055, 373.044, 373.113 FS. Law Implemented 287.055, 373.083(1), (5) FS. History—New 9-25-90, Amended 6-17-91, 2-13-01.*

#### **40C-1.719 Emergency Procurement.**

If the Executive Director or designee determines in writing that an immediate danger to the public health, safety, welfare or other substantial loss to the public requires emergency action, the District staff may proceed with the procurement of the design-build services without competition. The Executive Director or designee shall promptly notify the Board Chair or Vice-Chair of the emergency action.

*Rulemaking Authority 287.055, 373.044, 373.113 FS. Law Implemented 287.055, 373.083(1), (5) FS. History—New 9-25-90, Amended 6-17-91, 2-13-01.*

#### **40C-1.720 Reuse of Plans.**

When the District reuses existing design criteria packages and resulting plans from a prior project, the requirements of this subpart shall not be applicable.

*Rulemaking Authority 287.055, 373.113 FS. Law Implemented 287.055 FS. History—New 9-25-90, Amended 6-17-91.*

#### **40C-1.721 Protest of Action.**

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 120.53 FS. History—New 9-25-90, Amended 11-11-03, Repealed 11-3-15.*

### **PART VIII RESOLUTION OF BID PROTESTS FROM CONTRACT SOLICITATION PROCESS**

#### **40C-1.801 Protest of Action.**

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 120.53 FS. History—New 9-25-90, Amended 6-17-91, Repealed 11-11-03.*

### **PART IX FORMS AND INSTRUCTIONS**

#### **40C-1.900 Forms and Instructions.**

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented Chapter 94-278, Laws of Florida History—New 4-12-95, Repealed 11-11-03.*

### **PART X EXCEPTIONS FROM UNIFORM RULES OF PROCEDURE**

#### **40C-1.1001 Applicability of the Uniform Rules of Procedure.**

Except as otherwise provided, the Uniform Rules of Procedure, Chapters 28-101 through 28-110, F.A.C., shall apply to the District.

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 120.54(5) FS. History—New 8-4-98.*

### **Subpart A Variance or Waiver**

#### **40C-1.1002 Variances from Section 373.414, F.S., Paragraph 40C-4.301(1)(e) and Rule 40C-4.302, F.A.C.**

*Rulemaking Authority 373.044, 373.113, 373.414(9), (17) FS. Law Implemented 373.414(9), (17), 403.201 FS. History—New 10-3-95, Formerly 40C-4.311, Amended 8-4-98, Repealed 10-1-13.*

*Editorial Note: Repealed pursuant to paragraph 373.4131(2)(c), F.S.*

#### **40C-1.1003 Variances from Water Well Construction Requirements.**

(1) The Board finds that in certain cases compliance with all the requirements of Chapter 40C-3, F.A.C., may result in an undue hardship in the construction, repair or abandonment of wells.

(2) An affected person may request a variance from specific requirements by making a written request to the District for a well prior to construction of the well which provides at least the following information:

(a) Licensed contractor's name and number unless exempted by Section 373.326(2), F.S.;

(b) The name and telephone number of property owner upon which the well is proposed to be constructed, repaired, or abandoned;

(c) Well location including at a minimum section, township, range, map directions, and county;

(d) Casing diameter and type proposed for the well;

(e) Well use;

(f) Specific criterion or standard from which the variance is being requested; and

(g) Specific facts which demonstrate the undue hardship if the criterion or standard is applied without grant of variance.

(3) The Executive Director or his designee shall grant the variance if the proposed alternative is in accordance with accepted public health and sanitary engineering practices required by statute or rule for water well construction, and will not adversely affect the water resource. The variance shall be the minimum necessary to ameliorate the hardship.

(4) When issuing a variance, the Executive Director or his designee may impose other conditions as necessary to protect the resource consistent with Part III, of Chapter 373, F.S.

*Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.326 FS. History—New 8-4-98.*

#### **40C-1.1004 Variances from Water Shortage Rules (Chapter 40C-21, F.A.C.).**

(1) All users requesting relief from the provisions of Chapter 40C-21, F.A.C., shall file a petition for variance but must conform to water use restrictions until the District grants the variance.

(2) Criteria for Issuance – No petition for variance will be approved unless the petitioner affirmatively demonstrates that one or more of the following circumstances exists:

(a) The variance is essential to protect health or safety; or

(b) Compliance with the particular rule or order from which a variance is sought will require measures which, because of their extent or cost, cannot be accomplished within the anticipated duration of the shortage; or

(c) Compliance with the particular rule or order from which a variance is sought will result in a substantial economic, social or health burden on the applicant or those served by the applicant, significantly greater than the burden on others within that use class; or

(d) Alternative restrictions which achieve the same level of demand reduction as the restrictions from which a variance is sought are available and are binding and enforceable.

(3) Limiting Conditions – Variances granted will be subject to the following conditions:

(a) The variance granted will be the minimum necessary to alleviate the circumstance for which the variance was requested under subsection (2);

(b) All variances will expire upon a declaration by the Board that a water shortage no longer exists or that a new water shortage phase is declared;

(c) Variances granted under paragraph (2)(b) will prescribe a timetable for compliance with the restrictions from which a variance was sought;

(d) The variance will only apply to district water shortage requirements and not to other local governmental restrictions.

(4) Petitions for Variance – The petition will contain the following:

(a) The petitioner's name and address;

(b) The specific rule or order from which the petitioner is requesting relief;

(c) A detailed statement of the facts which the petitioner believes demonstrate that the request qualifies for a variance under subsection (2), including reports by qualified technical experts;

(d) A description of the relief desired;

(e) The period of time for which the variance is sought, including the reasons and facts in support thereof;

(f) The damage or harm resulting or which may result to the petitioner from compliance with the rule or order;

(g) The restrictions which the petitioner can meet and the date when the petitioner can comply with such restrictions;

(h) The steps the petitioner is taking to meet the rule or order from which the variance is sought and when compliance will be achieved; and

(i) Any other information the petitioner believes is material.

(5) Procedures.

(a) Within five working days after receipt of a petition for variance, the staff will recommend to the Executive Director whether the petition complies with the provisions of subsections (2) through (4). The recommendation will be in writing and shall constitute proposed agency action. A copy of the recommendation will be forwarded to the petitioner.

(b) The Executive Director shall review the petition and the staff recommendation. Petitions which do not require immediate action or which do not comply with the provisions of subsections (2) through (4) shall be deferred for Board action. Petitions which require immediate action and which comply with the provisions of subsections (2) through (4) shall be temporarily granted by the Executive Director. Orders temporarily granting a petition will be presented to the Board for concurrence, rejection or modification.

(c) The Board shall consider all deferred petitions as well as those temporarily granted by the Executive Director, at its next regularly scheduled meeting. The Board shall review the petition for compliance with the provisions of subsections (2) through (4), shall grant or deny the deferred petitions and shall either concur in, reject, or modify, those petitions temporarily granted by the Executive Director. All Board action shall be by written order and copies shall be furnished to the petitioner and the appropriate law enforcement officials. A petitioner whose variance has been granted will be furnished an appropriate notice of water shortage variance which shall be prominently displayed at the petitioner's place of use.

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 1-1-84, Formerly 40C-21.275, Amended 8-4-98.*

#### **40C-1.1005 Time for Consideration of Emergency Petition for Variances.**

When a petition for an emergency variance or waiver under Section 120.542(3), F.S., and Rule 28-104.005, F.A.C., requires action by the Governing Board, the Board shall grant or deny a petition for emergency variance or waiver within 30 days of its receipt or at the next regularly scheduled meeting for which notice may be properly given.

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 120.542 FS. History—New 8-4-98.*

### **Subpart B Declaratory Statements**

#### **40C-1.1006 Formal Determination of Wetlands and Other Surface Waters.**

*Rulemaking Authority 373.044, 373.113, 373.421(2) FS. Law Implemented 373.421(2)-(5) FS. History—New 11-12-91, Amended 11-30-92, 10-3-95, Formerly 40C-4.042, Amended 8-4-98, Repealed 10-1-13.*

*Editorial Note: Repealed pursuant to paragraph 373.4131(2)(c), F.S.*

### **Subpart C Decisions Determining Substantial Interests**

#### **40C-1.1007 Point of Entry Into Proceedings.**

(1) For all District permitting decisions, the District shall publish, or inform a permit applicant that the applicant has the right or obligation to publish, written notice of a District decision in the Florida Administrative Register or a newspaper of general circulation

as set forth in Chapter 50, F.S., in the county or counties affected by such decision or where the activity is proposed. In the case of a permitting decision where the District does not publish notice, the applicant may publish the notice on its own initiative.

(2)(a) "Receipt of written notice of a District decision" as set forth in Rule 28-106.111, F.A.C., means receipt of either written notice that the District intends to take or has taken final agency action, or publication of notice that the District intends to take or has taken final agency action. If the District's Governing Board takes action which substantially differs from a written notice of the District's decision describing intended action, persons who may be substantially affected shall have an additional 21 days, or for consolidated notice of intent under Section 373.427, F.S., an additional 14 days, from the date of receipt of notice of said action to request an administrative hearing, but this request for administrative hearing shall only address the substantial deviation.

(b) Receipt of written notice of a District decision shall be deemed to be either the fifth day after the date on which the written notice is deposited in the United States mail if actual notice is mailed to the petitioner, or the date that notice is published if actual notice is not mailed to the petitioner.

(3) When publication is made of the written notice of a District decision on a permitting matter, the notice, shall be prepared by the District and shall contain at a minimum:

- (a) Name of applicant and a brief description of the proposed activity and its location;
- (b) Location of the application and its availability;
- (c) Statement of the District's intended action;
- (d) Scheduled date of Board action, if applicable;
- (e) Notification of administrative hearing opportunity; and
- (f) Notification of whether mediation under Section 120.573, F.S., is available as an alternative remedy.

(4) When the District requires a permit applicant to publish written notice of a District decision, or the permit applicant elects to do so, the applicant shall provide an affidavit of publication to the District within 7 days of publication.

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 120.569, 373.413 FS. History—New 8-4-98.*

## **Subpart D Licensing**

### **40C-1.1008 Timeframe for Providing Requested Information.**

The applicant shall have 120 days from receipt of a request for additional information regarding a permit or license application undergoing review by the District to submit that information to the District. If an applicant requires more than 120 days in which to complete an application, the applicant may notify the District in writing of the circumstances and for good cause shown, the application shall be held in active status for additional periods commensurate with the good cause shown. As used herein, good cause means a demonstration that the applicant is diligently acquiring the requested information, and that the additional time period requested is both reasonable and necessary to supply the information. The Executive Director, Assistant Executive Director, the Director and Assistant Director of the Division of Regulatory Services, the Chief of the Bureau of Environmental Resource Regulation, the Chief of the Bureau of Water Use Regulation, and any Service Center Director are authorized to make a determination that such good cause has been provided. Any application which has not been completed by the applicant within the given time period following a request for additional information by the District shall be subject to denial. The requested information or written request showing good cause for additional time may be submitted to the District at any time prior to the denial of the application. Denial of an application due to failure to submit requested additional information shall be a denial without prejudice to the applicant's right to file a new application. The applicant may request a Section 120.569, F.S., hearing pursuant to Chapter 28-106 and Rule 40C-1.1007, F.A.C., to dispute the necessity of the information required.

*Rulemaking Authority 120.54(5), 373.044, 373.113 FS. Law Implemented 120.54(5), 120.60, 373.083(5), 373.118 FS. History—New 8-4-98, Amended 1-11-99, 4-10-02.*

### **40C-1.1009 Emergency Authorization for Activities Regulated Under Part IV of Chapter 373, F.S.**

(1) Permission to begin construction, alteration, operation, maintenance, abandonment, or removal of any system requiring a permit under Chapter 40C-44 or 62-330, F.A.C., prior to the issuance of a permit may be applied for, in writing, when emergency conditions can be alleviated by such construction, alteration, operation, maintenance, abandonment, or removal of the system. Emergency conditions are defined as conditions which pose a present or imminent danger and require immediate action to protect: public health, safety or welfare; the health of animals, fish or aquatic life; a public water supply; or recreational, commercial,



industrial, agricultural or other reasonable uses. Unless otherwise provided in the emergency authorization, the issuance of an emergency authorization shall not obviate the need for a permit. If a permit is not obtained within a period of one year following execution of the emergency authorization, then such system shall be returned to the condition that existed prior to execution of the emergency authorization. The one year time limit shall be tolled during any challenge or appeal of the permit which delays the issuance of the permit or stays the effect of the permit.

(2) The Governing Board authorizes the Executive Director to issue emergency authorizations. An emergency authorization issued by the Executive Director shall be presented to the Board for concurrence at its next meeting. The failure to receive the Board's concurrence shall invalidate the emergency authorization.

*Rulemaking Authority 120.54(5), 373.044, 373.113, 373.418 FS. Law Implemented 120.54(5), 373.119, 373.413, 373.4131, 373.416, 373.418, 373.426, 373.439 FS. History—New 12-7-83, Formerly 40C-4.451, 40C-4.0451, Amended 8-4-98, 10-11-01, 10-1-13.*

#### **40C-1.1010 Emergency Well Construction Permits.**

(1) Emergency well construction permits shall be issued by the executive director or his designee when one of the following conditions exist which justifies the issuance:

- (a) An existing well supplying a particular use has failed and must be immediately replaced;
  - (b) The health, safety, or general welfare of the people affected by said emergency would be jeopardized without such authorization;
  - (c) Emergency authorization is needed to immediately mitigate or resolve potentially hazardous degradation of water resources;
- or
- (d) A serious set of unforeseen circumstances occurs which creates the emergency.

(2) If Chapter 40C-2, F.A.C., Consumptive Use, also applies to the well, an emergency permit may be issued only if, in addition to qualifying under subsection (1) above, an application for a Consumptive Use Permit (C.U.P.) has been filed with the District. Issuance of an emergency permit will not be evidence of any entitlement to the C.U.P.

(3) The applicant for an emergency permit shall submit the application and fee in accordance with Rule 40C-3.101, F.A.C., along with any other requested information within one business day after making oral application.

(4) Rule 40C-3.411 and Part II of Chapter 40C-3, F.A.C., shall apply to all construction performed under an emergency permit.

*Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.313, 373.335, 373.342 FS. History—New 10-14-84, Formerly 40C-3.451, 40C-3.0451, Amended 9-17-89, Formerly 40C-3.451, Amended 8-4-98.*

### **PART XI CONSERVATION EASEMENTS**

#### **40C-1.1011 Submitting Notice of Intent for Consumptive Use Permits Under Rule 40C-20.042, F.A.C.**

*Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.116, 373.118, 373.229 FS. History—New 7-23-91, Amended 4-25-96, Formerly 40C-20.112, Amended 8-4-98, Repealed 8-14-14.*

#### **40C-1.1012 Submitting Notice of Intent for Consumptive Use Permits Under Chapter 40C-22, F.A.C.**

*Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.116, 373.118, 373.229 FS. History—New 4-25-96, Formerly 40C-22.010, Amended 8-4-98, Repealed 8-14-14.*

#### **40C-1.1013 Processing Procedures for Noticed General Permits Under Chapter 40C-400, F.A.C.**

*Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended 1-4-96, Formerly 40C-400.211, Amended 8-4-98, 12-27-10, Repealed 10-1-13.*

*Editorial Note: Repealed pursuant to paragraph 373.4131(2)(c), F.S.*

#### **40C-1.1101 Amendments to and Releases of Conservation Easements.**

*Rulemaking Authority 373.044, 373.113, 373.088 FS. Law Implemented 373.096, 373.089, 373.139(2), 373.088 FS. History—New 1-12-10, Amended 9-30-12, Repealed 12-23-15.*