

## Notice of Proposed Rule

**WATER MANAGEMENT DISTRICTS**  
**Southwest Florida Water Management District**

RULE NO: RULE TITLE

40D-1.002: Delegation of Authority

PURPOSE AND EFFECT: The purpose of this rulemaking is to incorporate by reference the Southwest Florida Water Management District's well construction permitting agreements with Manatee County and with Sarasota County. The effect will be to continue for another five years the delegation to the counties of the District's authority to regulate water well construction pursuant to Part III of Chapter 373, F.S.

SUMMARY: Since 1978, both Manatee and Sarasota counties have been delegated authority to regulate water well construction through agreements with the District. This rulemaking will continue such delegations for another five years, through May 2015. Some minor changes are proposed for this 5-year term. Under the agreements, the counties will continue to review and issue all water well construction permit applications except for potable water wells in delineated areas, District wells and some wells that also require an underground injection control permit. These wells will continue to be permitted by the District. The District will also issue permits in any areas that may, in the future, be covered under the District's Memorandum of Agreement with the U.S. Environmental Protection Agency. The counties will continue using the District's on-line permitting system, which currently accounts for approximately 80% of permitting, and will scan in and enter well construction permit applications and other documents that are submitted on paper. Because data can be entered and documents scanned more promptly, all original paper documents will now be furnished to the District on a monthly as opposed to a bi-weekly basis. The District will continue to be responsible for issuing and renewing water well contractor licenses. The counties will continue to be responsible for compliance and enforcement efforts involving water well permits and contractors as well as unlicensed well construction activities. Monthly summary reports will no longer be required. Provisions have been added to address records management, data entry, scanning requirements and third party fee payment vendors for on-line permitting. Each county's current well construction-related fees are also made part of the agreement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The SERC details transactional costs associated with renewal of the well construction permit delegation agreements with Manatee and Sarasota counties. The bulk of the transactional costs to the counties are associated with data entry and scanning data from permit applications, completion reports and related documents submitted on paper. Nonetheless, over 80% of the permit applications and completion reports are completed online and require no data entry on the part of the counties. There will be no additional cost impacts to existing well owners, property owners seeking wells, or well contractors as a result of the continuation of this delegated program for another 5 years. Well contractors generally qualify as small businesses. Contractors will continue to obtain permits through the appropriate county departments and will continue to be able to submit permit applications and completion reports online or on paper without additional cost or other impact.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: [373.044](#), [373.103](#), [373.113](#), [373.118](#), [373.171](#), [373.219](#), [373.309 FS](#).

LAW IMPLEMENTED: [253.002](#), [373.083](#), [373.103](#), [373.149](#), [373.171](#), [373.175](#), [373.219](#), [373.223](#), [373.224](#), [373.226](#), [373.246](#), [373.308 FS](#).

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dianne Lee, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660 (OGC #2010005)

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.002 Delegation of Authority.

(1) through (2) No change.

(3) The Governing Board hereby incorporates by reference the following documents:

(a) Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Manatee County Board of County Commissioners, effective ~~June 1, 2010~~ ~~May 24, 2005~~.

(b) Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Sarasota County, effective ~~June 1, 2010~~ ~~May 24, 2005~~, and the ~~First Amendment to Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Sarasota County, Florida, effective July 13, 2006~~.

(c) No change.

Rulemaking Authority 373.044, 373.103, 373.113, 373.118, 373.171, 373.219, 373.309 FS. Law Implemented 253.002, 373.083, 373.103, 373.149, 373.171, 373.175, 373.219, 373.223, 373.224, 373.226, 373.246, 373.308, 373.309, 373.427 FS. History—New 3-1-84, Amended 3-10-96, 7-22-99, 12-2-99, 9-26-02, 7-20-04, 10-19-05, 5-21-06, 7-13-06, 12-24-07, 5-12-08, 12-7-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tony Gilboy, Regulation Well Construction Manager

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 27, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 2010