

## Notice of Proposed Rule

### WATER MANAGEMENT DISTRICTS

#### Southwest Florida Water Management District

RULE NO: RULE TITLE

[40D-1.603](#): Permit Application Procedures

[40D-1.605](#): Content of Application

[40D-1.6051](#): Timeframe for Providing Requested Information for Permit Applications and Denial of Incomplete Applications

[40D-1.659](#): Forms and Instructions

**PURPOSE AND EFFECT:** The purpose of this rulemaking is to revise and update District rules governing permit application procedures and permit processing timeframes. The overall effects will be to improve permit processing procedures, make District permit application processing more consistent with other water management districts, and consolidate permit processing rules within Part VI of Chapter 40D-1, F.A.C.

**SUMMARY:** The purpose of this rulemaking is to revise and update District rules governing permit application procedures and permit processing timeframes. The overall effects will be to improve permit processing procedures, make District permit application processing more consistent with other water management districts, and consolidate permit processing rules within Part VI of Chapter 40D-1, F.A.C.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** No Statement of Estimated Regulatory Cost was prepared.

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:** [120.54\(5\)](#), [373.044](#), [373.113](#), [373.118](#), [373.149](#), [373.171](#), [373.337](#), [373.4135](#), [373.4136](#), [373.414 FS](#).

**LAW IMPLEMENTED:** [120.54\(5\)](#), [120.60](#), [120.60\(4\)](#), [373.0831\(3\)](#), [373.084](#), [373.085](#), [373.106](#), [373.116](#), [373.118](#), [373.119](#), [373.171](#), [373.196\(1\)](#), [373.1961\(3\)](#), [373.206](#), [373.207](#), [373.209](#), [373.216](#), [373.219](#), [373.229](#), [373.2295](#), [373.239](#), [373.246](#), [373.249](#), [373.306](#), [373.308](#), [373.309](#), [373.313](#), [373.323](#), [373.324](#), [373.413](#), [373.4136](#), [373.414](#), [373.416](#), [373.418](#), [373.419](#), [373.421](#), [373.426](#), [668.50 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: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.603 Permit Application Procedures.

(1) A permit application shall be:

(a) Filed with the District on the appropriate form or forms incorporated by reference in the applicable rule, with all application blanks filled in and containing signatures as required for each form; ~~Chapter 40D-1, F.A.C.~~

(b) Accompanied by the required number of copies at the time of submittal, as specified in the appropriate rule; and

(c) Accompanied by the appropriate fee as set forth in Rule 40D-1.607, F.A.C.

(d) Any requirement to submit multiple copies of an application shall not apply when the complete application package is received electronically through the District's electronic permitting process.

(2) through (14) No change.

~~Rulemaking Specific~~ Authority [373.044](#), [373.113](#), [373.118 FS](#). Law Implemented [120.60\(4\)](#), [373.116](#), [373.118](#), [373.229](#), [373.413 FS](#). History—New 10-1-84, Amended 5-10-88, 12-22-94, 10-19-95, 3-31-96, 12-16-97, 7-2-98, 7-22-99, 11-8-00, 9-26-02, 12-24-07, 4-7-08, 11-2-08, \_\_\_\_\_.

40D-1.605 Content of Application.

~~Rulemaking Specific~~ Authority [373.044](#), [373.113](#), [373.149](#), [373.171 FS](#). Law Implemented [373.085](#), [373.106](#), [373.116](#), [373.216](#),

373.229, 373.246, 373.249, 373.413, 373.414, 373.416 FS. History–Readopted 10-5-74, Amended 10-24-76, Formerly 16J-0.10, 16J-0.11, Amended 10-1-84, Formerly 40D-0.101, Amended 12-22-94, Repealed\_\_\_\_\_.

40D-1.6051 Timeframe for Providing Requested Information for Permit Applications and Denial of Incomplete Applications.

(1) Within 30 days after receipt of an application, the District shall notify the applicant if the application is incomplete and request the additional information required to make the application complete. The applicant shall have up to 90 days to submit all information requested. If additional information is not supplied within 90 ~~30~~ days after notice by the District, the application will be denied for lack of completeness as provided in subsection (2). ~~If the application is still incomplete after additional information is provided, the District shall so notify the applicant, who shall have an additional 30 days to render the application complete or be denied for lack of completeness. Upon request by the applicant, an extension of time may be granted by the District staff upon a showing by the applicant that a good faith effort is being made to provide the additional information and the additional time is required. The District may.~~ Within 30 days after receiving all additional information requested from the applicant, the District shall review it and may request only clarifications of the information or request answers to new questions raised or directly related to the information previously furnished. The applicant shall have up to 90 days from issuance of the District’s request for clarifying or additional information to submit the information requested. If the requested information is not supplied within 90 days after notice by the District, the application will be denied for lack of completeness as provided in subsection (2). If the applicant believes the request of the District for such clarifying or additional information is not authorized by law or rule, upon receipt of the applicant’s written request the District shall proceed to process the permit application.

(a) The applicant shall include with each submittal of information in support of a pending permit application an Applicant Transmittal Form, Form No. LEG-R.046.00 (06/09), which form is incorporated herein by reference and can be obtained from the District’s website at [www.watermatters.org](http://www.watermatters.org) or from District offices. The applicant shall specify on the Applicant Transmittal Form the application number for which the information or material is being submitted and the contents of the submittal and shall state whether the accompanying submittal completes the applicant’s response to the District’s request for additional or clarifying information. District staff shall proceed to process the permit application upon receipt of the applicant’s information and statement that the submittal completes the applicant’s response, upon receipt of the applicant’s written request that the District proceed to process the application or, if no statement and additional information is received, upon the conclusion of the 90-day response period.

(b) Upon written request by the applicant, an extension of time may be granted by the District staff upon a showing by the applicant that a good faith effort is being made to provide the additional information and the additional time is required.

(c) Denial of an application for lack of completeness is without prejudice to the applicant’s right to file a new application on the same subject matter.

(2) If requested information is not submitted to the District within the time limits set forth in subsection (1) above, or if an application remains incomplete for more than 365 days and no further extension of time will be granted, District staff shall issue to the applicant a notice of proposed agency action to deny the permit application for lack of completeness. The proposed application denial shall become final 21 days after receipt of written notice, as defined in paragraph 40D-1.1010(2)(b), F.A.C., or 14 days after receipt of written notice for a consolidated application concurrently reviewed pursuant to Section 373.427, F.S., unless prior to that date: the application is amended as provided in subsection 40D-1.603(7), F.A.C.; the application is withdrawn; a petition for administrative hearing is filed; or a written request to refer the application to the Governing Board for agency action is submitted by the applicant.

Rulemaking Specific Authority 120.54(5), 373.044, 373.113, 373.118, 373.4135, 373.4136, 373.414 FS. Law Implemented 120.54(5), 120.60, 373.084, 373.085, 373.116, 373.118, 373.119, 373.171, 373.229, 373.2295, 373.308, 373.309, 373.323, 373.413, 373.4136, 373.414, 373.416, 373.418, 373.426 FS. History–New 7-2-98. Formerly 40D-1.1020, Amended\_\_\_\_\_.

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this chapter or into a specific District rule as indicated. Copies of these forms may be obtained from the District’s website at [www.watermatters.org](http://www.watermatters.org) or from District offices.

(1) through (2) No change.

(3) OTHER.

(a) through (c) No change.

(d) APPLICANT TRANSMITTAL FORM, FORM NO. LEG-R.046.00 (5/09), incorporated by reference in paragraph 40D-1.6051(1)(a), F.A.C.

Rulemaking Specific Authority 373.044, 373.113, 373.149, 373.171, 373.337 FS. Law Implemented 373.0831(3), 373.116, 373.196(1), 373.1961(3), 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421, 668.50 FS. History– New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, 40D-1.1901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-96, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 9-3-00,10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 9-30-04, 2-1-05, 6-5-05, 10-19-05, 2-6-07, 2-26-07, 9-27-07, 11-11-07, 11-25-07, 1-8-08, 4-7-08, 5-12-08, 5-20-08, 8-19-08, 12-30-08, 3-26-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Martha A. Moore

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 20, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 29, 2009