

Notice of Proposed Rule

WATER MANAGEMENT DISTRICTS
Southwest Florida Water Management District

RULE NO: RULE TITLE

[40D-1.607](#): Permit Processing Fee[40D-1.659](#): Forms and Instructions

PURPOSE AND EFFECT: The purpose of this rulemaking is to incorporate by reference a new Environmental Resource Permit (ERP) Modification Short Form application form to be used instead of a letter for applicants seeking certain minor modifications to ERPs. The effect will be to standardize the application process for certain minor ERP modifications. Additional amendments are made to Rule 40D-1.607, F.A.C., to replace the term “renewal” with the term “extension.”

SUMMARY: The District is adopting a new Modification Short Form application form to be used in requesting certain minor modifications to Environmental Resource Permits, which modifications were previously made by submittal of a letter explaining the desired modification. The new form will standardize the minor modification process. Minor amendments are also made to Rule 40D-1.607, F.A.C., to reference the Modification Short Form and to replace the term “renewal” with the term “extension” when reference is made to applications seeking a permit “extension.”

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: [373.044](#), [373.113](#), [373.149](#), [373.171](#), [373.337 FS](#).

LAW IMPLEMENTED: [373.109](#), [373.116](#), [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](#), [373.421\(2\) 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 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.607 Permit Processing Fee.

A permit application processing fee is required and shall be paid to the District when certain applications are filed pursuant to District rules. These fees are assessed in order to defray the cost of evaluating, processing, advertising, mailing, compliance monitoring and inspection, required in connection with consideration of such applications. Fees are non-refundable in whole or part unless the activity for which an application is filed is determined by the District to qualify for a permit with a lower fee or not require a permit. Failure to pay the application fees established herein is grounds for the denial of an application or revocation of a permit. The District’s permit application processing fees are as follows:

(1) through (2) No change.

(3) The following types of applications are exempt from the fees identified in subsection (1):

(a) No change.

(b) ~~LETTER~~ PERMIT MODIFICATIONS USING MODIFICATION SHORT FORM: Applications for ~~letter~~ permit modifications using the Modification Short Form authorized pursuant to paragraph 40D-4.331(2)(b) or subsection 40D-40.331(2), F.A.C.

(c) through (f) No change.

(4) through (7) No change.

(8) The following types of applications are exempt from the fees identified in subsection (7):

(a) ~~LETTER~~ PERMIT MODIFICATIONS USING MODIFICATION SHORT FORM: Applications for ~~letter~~

permit modifications using the Modification Short Form authorized pursuant to paragraph 40D-2.331(2)(b), F.A.C.

(9) through (10) No change.

(11) Chapter 40D-40, F.A.C., general site conditions assessment permit:

(a) through (b) No change.

(c) Application for formal modification of an existing site conditions assessment permit by adjustment, expansion, transfer, ~~extension renewal~~, or conversion to a Chapter 40D-4 or 40D-40, F.A.C., construction and operation permit:

1. For adjustment, expansion, transfer or ~~extension renewal~~ of contiguous project area and permitting of the same or additional site condition boundaries, one-half the basic fee applicable to a new application;

2. No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.109, 373.421(2) FS. History—Readopted 10-5-74, Amended 12-31-74, 10-24-76, 7-21-77, Formerly 16J-0.111, Amended 10-1-88, 1-22-90, 12-27-90, 11-16-92, 1-11-93, 3-23-94, Formerly 40D-0.201, Amended 12-22-94, 10-19-95, 3-31-96, 7-23-96, 10-16-96, 10-26-00, 3-15-01, 9-26-02, 8-7-03, 6-5-05, 2-6-07, _____.

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. Copies of these forms may be obtained from the District.

GROUND WATER

(1) through (25) No change.

SURFACE WATER

~~Application for Permit — Used for Docks or Piers and Bulkheads~~

(1) through (14) No change.

(15) ENVIRONMENTAL RESOURCE PERMIT MODIFICATION SHORT FORM, FORM NO. LEG-R.013.00 (_____)

Specific Authority 373.044, 373.113, 373.149, 373.171, 373.337 FS. Law Implemented 373.116, 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 FS. History—New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, 40D-1.1.901, 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, 1-11-07, 11-25-07, 1-8-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 26, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 14, 2007