

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

**MEMORANDUM**

TO: Governing Board

FROM: Warren Zwanka, P.G., Division Director, Resource Management

THRU: Steve Minnis, Deputy Executive Director, Business and Community Services

DATE: July 31, 2020

RE: Fiscal Year 2020-2021 Annual Regulatory Plan

**RECOMMENDATION**

Approve the Fiscal Year 2020-2021 Annual Regulatory Plan and authorize staff to submit it to the Governor's Office of Fiscal Accountability and Regulatory Reform, the Joint Administrative Procedures Committee, the Speaker of the House, and the Senate President.

**BACKGROUND**

Section 120.74, Florida Statutes (F.S.), requires state agencies to submit an Annual Regulatory Plan (plan) to the Office of Fiscal Accountability (OFARR), Joint Administrative Procedures Committee (JAPC), the Speaker of the House and the Senate President by October 1st each year, in order that they may have an expectation of the rules that will be updated and/or created during the upcoming year. Furthermore, Governor DeSantis requested expedited reporting of the plan from all agencies by September 1, 2020.

The District is not required to complete all proposed rulemaking in the plan, however, any amendments to or initiation of new rules are required be listed on the plan before the agency proceeds with rulemaking. Additionally, a list of laws enacted during the previous 12 months that affect the duties or authority of the District, and whether the District must adopt rules to implement those laws, is also included with the plan.

For Fiscal Year 2020-2021 (FY 2021), staff anticipates further rule amendments to Chapters 40B-2, Florida Administrative Code (F.A.C.) (Permitting of Water Use) to implement impact offsets, substitution credits, reservations of water resource and water supply development project benefits, and any new minimum flows and minimum water levels prevention or recovery strategies; 40B-3, F.A.C. (Permitting of Well Construction) to incorporate updated Florida Department of Environmental Protection rules by reference; and 40B-4, F.A.C. (Works of the District Permits) to clarify rule language and provide for a minor modification of existing permits. Additionally, the SB 712 requirement for comprehensive statewide stormwater rules and the HB 7043 assumption of the Army Corps of Engineers Section 404 regulatory program will require amendments to Chapter 40B-400, F.A.C. The attached FY 2021 Plan must be certified by the Governing Board Chair and legal counsel as set forth in paragraph 120.74(1)(d), F.S.

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Attachment