

#### **40B-4.1110 Modification of Permits.**

(1) no change.

(2) The ~~District~~district has the authority to modify a permit issued pursuant to this chapter at any time if it determines that the work or development in a ~~Work of the District~~work of the district is in violation of any ~~District~~district rule, order or a condition of the permit and has or may become a danger to public health or safety. Before any such modification, the ~~District~~district shall give affected persons notice of the proposed modification with the reasons for such modification and reference to applicable ~~District~~district rule, order, or permit conditions. The notice shall state that affected persons may request an administrative hearing by filing a petition for such hearing with the ~~District~~district. In no event shall the time for filing said petitions be more than 14 days from the date the notice was sent or published, and no such modification shall be made without a hearing if requested.

(3) When the executive director or their designee determines that the danger to the public is imminent or that violations to these rules will result in adverse impacts to adjacent landowners, he shall order a temporary suspension of construction, alteration, repair, or operation of the work or development in a ~~Work of the District~~work of the district; or he shall specify temporary conditions for continued operation, alteration, repair, or development until a hearing is complete or the ~~District~~district otherwise issues a final order; or the executive director may take appropriate action pursuant to Rule 40B-4.1170, F.A.C.

(4) Requests to modify a permit issued pursuant to this Chapter are classified as major modifications unless they meet the criteria in (5) below. Major modifications of Requests to modify permits for construction or operation permits shall meet the criteria of this Chapter. may be made by application or by letter. Applications to modify permits shall be made by permittees in the same manner as the original permit. Letter requests to modify permits shall be used if the proposed modification does not:

(a) Request a substantial change in the permit authorization; or

(b) Increase calculated 100 year flood/one percent chance elevations.

(5) A minor modification to a Works of the District permit shall be granted provided that the modification is for the extension of a permit duration with no proposed changes to the previously permitted activity.

(6) A minor modification to a Works of the District permit shall be granted provided that the proposed modification does not exceed Noticed General permit criteria, unless:

(a) the proposed modification in addition to the previously permitted noticed general or authorized exempt activity pursuant to rule 40B-4.1070, meets either general or individual Works of the District permit criteria;

(b) the proposed work is outside of the 50-foot obstruction shadow of an authorized structure;

(c) all application documents required in 40B-4.3020, F.A.C., have not been submitted; or

(d) all previously required limiting permit conditions have not been met.

*Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 120.57, 120.60, 373.084, 373.085, 373.429, 373.439 FS. History—New 9-25-85, Amended 12-22-92, 10-14-13, [DATE].*

#### **40B-4.3000 Adopted Works of the District.**

(1) The governing board is authorized to adopt and prescribe the manner in which persons may connect with or make use of ~~Works of the District~~works of the district pursuant to Section 373.085, F.S. Further, Section ~~373.019(28), 373.019(15)~~, F.S., provides that ~~Works of the District~~works of the district may include streams and accompanying lands as adopted by the governing board. In order to implement the non-structural flood control policy of the ~~District~~district, the governing board finds it is necessary to prevent any obstruction of the free flow of water of rivers and streams within the ~~District~~district. Therefore, the governing board does hereby adopt the following rivers and their accompanying floodways as ~~Works of the District~~works of the district:

~~(a)(1)~~ The Alapaha River and its floodway in Hamilton County, Florida;

~~(b)(2)~~ The Aucilla River and its floodway in Jefferson, Madison, and Taylor counties, Florida;

~~(c)(3)~~ The Santa Fe River and its floodway in Alachua, Bradford, Columbia, Gilchrist, Suwannee, and Union counties, Florida;

~~(d)(4)~~ The Suwannee River and its floodway in Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Levy, Madison, and Suwannee counties, Florida; and

~~(e)(5)~~ The Withlacoochee River and its floodway in Madison and Hamilton counties, Florida.

(2) The District shall use the effective Federal Emergency Management Agency digital flood insurance rate maps and flood insurance studies to established base flood elevation and floodway.

*Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.019, 373.084, 373.085, 373.086 FS. History—New 9-25-85, Amended 9-13-04, [DATE].*