

NOTICE OF RULE DEVELOPMENT

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

DIVISION: Office of Agricultural Water Policy

RULE NUMBERS:	RULE TITLES:
5M-15.001	Definitions
5M-15.002	Dispute Regarding Exemption
5M-15.003	Eligibility for a Binding Determination
5M-15.004	Documentation of Dispute
5M-15.005	Exemption Criteria
5M-15.006	Binding Determination Process
5M-15.007	Final Agency Action

PURPOSE AND EFFECT: The purpose of the rule development is to revise the Procedures for Binding Determinations of Agricultural Exemptions, Chapter 5M-15, F.A.C. The proposed new language adds definitions to reflect current case law, updates contact information, organizes and adds specificity to the request process, and makes it the responsibility of the requester to demonstrate eligibility conditions are met. The proposed language also creates a Request for Binding Determination and Required Materials Checklist, expands the items required in the request including written documentation of the agricultural classification status of each disputed parcel and a description of the wetland area(s) and wetlands impacts associated with each existing or proposed activity if wetlands are alleged as part of the dispute. The proposed language also adds review and response periods that apply to both the landowner and the Water Management Districts and describes when a request is ineligible for a binding determination evaluation.

SUBJECT AREA TO BE ADDRESSED: The subject area of the proposed rule is the process for requesting a binding determination pursuant to Section 373.407, F.S., and for determining whether an existing or proposed agricultural activity qualifies for an exemption from environmental resource permitting under Section 373.406(2), F.S.

RULEMAKING AUTHORITY: 373.407, F.S.

LAW IMPLEMENTED: 373.406(2), 373.407, F.S.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kathryn Holland, at Kathryn.Holland@FDACS.gov.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE OR HERE <https://www.fdacs.gov/Divisions-Offices/Agricultural-Water-Policy/Rule-Development-Activities>.