

Chapter 16K-4, F.A.C.
May 12, 1976 - June 14, 1977

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inspections of surface water works and the power to enter on land for the purpose of making such inspections. Provision is made for the correction of unsafe dams or other works and the District has the authority to make repairs if the owner fails to do so within a reasonable time.

Specific Authority 373.113 FS. Law Implemented 373 (part IV) FS. History—New 3-2-74, Amended 11-18-75.

16K-4.02 Exemptions.

Nothing in this chapter shall be construed to apply to the construction, alteration, operation, or abandonment of works which do not connect to project works and which are subject to regulation through a permitting process of another state agency which has affirmatively taken action by granting a permit for such activity and which:

(1) drain to or involve physical connection (by means of channels, ditches, culverts or similar facilities) with the Atlantic Ocean; or

(2) are in other coastal zones and are to be located within 500 feet of the mean high water line, unless said works;

(a) are proposed to serve a gross land area in excess of 100 acres; or

(b) involve excavation to a depth greater than six (6) feet below mean sea level.

Specific Authority 373.113 FS. Law Implemented 373.408 FS. History—New 3-2-74, Amended 7-20-74, 11-18-75.

16K-4.01 General. This chapter deals with the management and storage of surface waters in the District and the works necessary to these ends. Unless expressly exempted by law or District rule, permits are required to construct, alter, operate, or abandon any dam, impoundment, reservoir, appurtenant work or works in the District. Headgates, valves, and measuring devices may be required to be installed by the owner. The District has the duty to make periodic

16K-4.03 Permits for Construction or Alteration.

(1) Unless expressly exempted by law or District rule;

(a) no person shall, without a permit from the Board, construct or alter any dam, impoundment, reservoir or appurtenant works thereof where such impoundment is located on a surface watercourse or relies on a surface watercourse for its supply or such impoundment is greater than 320 acres in area.

(b) no person shall construct or alter any works within the District without having obtained a permit from the Board.

(2) A person proposing to perform any act for which a permit is required under subsection (1) above shall file an application with the District in accordance with the procedure provided for in Rule 16K-1.08. The application shall include such drawings and engineering details needed to sufficiently define the nature, scope, intent and functioning of the work proposed by the applicant. When required by the District, detailed construction plans and specifications prepared by a professional engineer registered in the State of Florida, be submitted.

Specific Authority 373.113 FS. Law Implemented 373.413 FS. History—New 3-2-74, Amended 7-20-74, 11-18-75, 5-12-76.

16K-4.04 Notice and Hearing Requirements.

Specific Authority 373.113 FS. Law Implemented 120.67(1), 373.116, 373.413 FS. History—New 3-2-74, Revised 12-20-74, Repealed 11-18-75.

16K-4.05 Completion Report.

Specific Authority 373.113 FS. Law Implemented 373.419 FS. History—New 3-2-74, Repealed 11-18-75.

16K-4.06 Inspections.

Specific Authority 373.113 FS. Law Implemented 373.423 FS. History—New 3-2-74, Repealed 11-18-75.

16K-4.07 Permits for Operation.

(1) Unless expressly exempted by law or District rule:

(a) no person shall, without a permit from the Board, operate any dam, impoundment, reservoir or appurtenant works thereof where such impoundment is located on a surface watercourse or relies on a surface watercourse for its supply or such impoundment is greater than 320 acres in area;

(b) no person shall operate any works within the District without having obtained a permit from the Board.

(2) Applications for permits required by subsection (1) above shall be filed with the District in accordance with the procedure provided for in Rule, 16K-1.08.

(3) The Board may impose on any permit granted under subsection (1) above such reasonable conditions as are necessary to assure that the permitted operation will not be inconsistent with the overall objectives of the District and will not be harmful to the water resources of the District.

(4) Except as provided by law or District rule permit issued under subsection (1) above shall be permanent. The sale or conveyance of such dam, impoundment, reservoir, appurtenant work, or works or the land on which the same is located, shall in no way affect the validity of the permit so long as the use remains the same provided that the owner in whose name the permit was granted notifies the Board of such change of ownership within thirty (30) days of such transfer.

Specific Authority 373.113 FS. Law Implemented 373.416 FS. History—New 3-2-74, Amended 7-20-74, 11-18-75.

16K-4.08 Headgates, Valves and Measuring Devices

The owner of any dam, impoundment, reservoir, appurtenant work or works subject to the provisions of this chapter shall, if required by the Board, install and maintain a substantial and serviceable headgate or valve at the point where the water is discharged or diverted, and shall if required by the Board, install a measuring device which meets the requirements and specifications of the Board at the point designated by the Board for measuring the water discharged or diverted.

Specific Authority 373.113 FS. Law Implemented 373.409 FS. History—New 3-2-74, Amended 11-18-75.

16K-4.09 Abandonment.

(1) Unless expressly exempted by law or District rule:

(a) no person shall, without a permit from the Board, abandon any dam, impoundment, reservoir, or appurtenant works thereof where such impoundment is located on a surface watercourse or relies on a

surface watercourse for its supply or such impoundment is greater than 320 acres in area;

(b) no person shall abandon any works within the District without having obtained a permit from the Board.

(2) Applications for permits required by subsection (1) above shall be filed with the District in accordance with the procedure provided for in Rule 16K-1.08.

Specific Authority 373.113 FS. Law Implemented 373.426 FS. History—New 3-2-74, Amended 7-20-74, 11-18-75.

16K-4.10 Revocation and Modification of Permits.

Specific Authority 373.113 FS. Law Implemented 373.429 FS. History—New 3-2-74, Repealed 11-18-75.

16K-4.11 Abatement.

Specific Authority 373.113 FS. Law Implemented 373.433 FS. History—New 3-2-74, Repealed 11-18-75.

16K-4.12 Remedial Measures.

Specific Authority 373.113 FS. Law Implemented 373.436 FS. History—New 3-2-74, Repealed 11-18-75.

16K-4.13 Emergency Authorization for Construction of Works.

(1) Permission to begin construction of works prior to the issuance of a permit may be applied for, in writing, when emergency conditions would justify such permission. However, no such permission shall be granted unless the construction of the works is already under consideration for a permit under Rule 16K-4.03(1). A serious set of unforeseen or unforeseeable circumstances must exist to create an emergency. Mere carelessness or lack of planning on the part of the applicant shall not be sufficient grounds to warrant the granting of emergency authorization.

(2) The Executive Director may grant emergency authorization at his discretion. The emergency authorization shall be presented to the Board for concurrence at its next meeting. The failure to receive the Board's concurrence shall invalidate the emergency authorization.

Specific Authority 373.118 FS, Law Implemented 373.113, 373.413 FS. History—New 3-2-74, Amended 5-12-76.

16K-4.14 Emergency Measures.

**Specific Authority 373.113 FS. Law Implemented 373.439
FS. History—New 3-2-74, Repealed 11-18-75.**

16K-4.15 Conditions for a Permit.

(1) In order to obtain a permit under this chapter, an applicant must show that the requested act:

- (a) will not be harmful to the water resources of the District; and
- (b) will not interfere with the legal rights of others; and
- (c) is not against public policy.

(2) The Board will consider the water quality and quantity impact and land use implications of the requested act.

(3) In addition to the information required to be filed in order to make a complete application, the Board may request further information from either the applicant or objector in order that a complete evaluation may be made. Failure to provide requested information may be grounds for denial of the permit or dismissal of the objection.

General Authority 373.113 FS. Law Implemented 373.413, 373.416, 373.426 FS.

History - New 12-13-74.