

Consent Agenda
General Counsel's Report
February 24, 2026

Approval of Well Construction Permitting Delegation Agreements between the Southwest Florida Water Management District and Manatee County, Sarasota County, and the Department of Health (Marion County), and Initiation and Approval of Rulemaking to Incorporate the Agreements by Reference

Background/History

The District has a long-standing relationship with Sarasota, Marion, and Manatee Counties concerning the regulation of water well construction. Since 1978, the District has delegated its authority to Sarasota and Manatee Counties to administer the District's well construction permitting program, and since 2007, it has delegated this same authority to Marion County. The program is administered by Manatee County's Natural Resources Department, the Florida Department of Health's Marion County office, and the Florida Department of Health's Sarasota County office. The current well construction permitting agreement between the District and the counties expires on May 31, 2026. The District and each respective county desire to continue the delegation of water well construction permitting.

The delegation agreements are adopted by reference in Rule 40D-1.002, F.A.C. That rule provision must be updated to reference the latest agreements. As a result, District staff is also requesting approval to initiate rulemaking to effectuate the rule amendment. A copy of the proposed amendments to Rule 40D-1.002, to incorporate the agreements by reference, is also included for consideration and approval as an exhibit to this agenda item. A Statement of Estimated Regulatory Costs is not required, as this rulemaking is not expected to result in any direct or indirect cost increases for small businesses or increased regulatory costs in excess of \$200,000 within one year of implementation.

Benefits

The proposed delegation agreements are implemented at no cost to the District while allowing the District to continue collecting data related to well construction permitting.

Strategic Plan

These delegation agreements support the District's Strategic Plan Regulation and Engagement

Exhibits

Exhibit 1 – Well Construction Delegation Agreement between the District and Manatee County

Exhibit 2 – Well Construction Delegation Agreement between the District and Sarasota County

Exhibit 3 – Well Construction Delegation Agreement between the District and the Department of Health (Marion County)

Exhibit 4 – Proposed amendments to Rule 40D-1.002

Staff Recommendation:

1. Approve the Well Construction Permitting Agreement between the District and the Florida Department of Health for Marion County, Florida, which shall be in effect from June 1, 2026, until May 31, 2031.
2. Approve the Well Construction Permitting Agreement between the District and Sarasota County, Florida, which shall be in effect from June 1, 2026, until May 31, 2031.
3. Approve the Well Construction Permitting Agreement between the District and Manatee County, Florida, which shall be in effect from June 1, 2026, until May 31, 2031.
4. Initiate and approve rulemaking to amend Rule 40D-1.002, Florida Administrative Code, to incorporate the Agreement by reference, and authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process.

Presenter:

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