

## Notice of Proposed Rule

### WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-8.624 Guidance and Minimum Levels for Lakes

**PURPOSE AND EFFECT:** The purpose is to amend Rule 40D-8.624 F.A.C., to revise minimum lake levels for Lakes Angelo and Denton in Highlands County. Minimum levels are used in the District's permitting and resource management and development programs.

**SUMMARY:** Section 373.042, F.S., requires the District to establish minimum flows and levels for lakes, wetlands, rivers and aquifers within the District's boundaries. Section 373.0421(3), F.S., further requires the District to periodically reevaluate and revise adopted minimum flows and levels. This rulemaking is necessary to adopt new guidance and minimum levels for Lakes Angelo and Denton in Highlands County. The establishment and periodic reevaluation of minimum levels is required by statute to ensure that the minimum hydrologic requirements of the water resources and ecology of these lakes are maintained.

#### SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The District conducted an economic review of the revisions to the rule and determined that the impact or regulatory cost, if any, of the revisions will not exceed any one of the economic analysis criteria in a SERC as set forth in Section 120.541(2)(a), F.S. The revised minimum levels for these lakes are unlikely to generate any significant additional regulatory burden as they are proposed to be lowered relative to the currently adopted minimum levels.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

**RULEMAKING AUTHORITY:** 373.044, 373.113, 373.171, F.S.

**LAW IMPLEMENTED:** 373.036, 373.042, 373.0421, 373.086, 373.709, F.S.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.**

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Mike Bray, Assistant General Counsel, at (813)422-6509, or by email at mike.bray@swfwmd.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

#### **40D-8.624 Guidance and Minimum Levels for Lakes.**

(1) through (5) No change.

(6) Levels for lakes established during or after August 7, 2000, are set forth in the following table. Guidance Levels for lakes established prior to August 7, 2000, are set forth in Table 8-3 in subsection 40D-8.624(7), F.A.C., below.

<b>Table 8-2 Minimum Levels Established During or After August 7, 2000. Levels are elevations, in feet above the National Geodetic Vertical Datum of 1929.</b>			
Location by County and Basin	Name of Lake and Section, Township and Range Information	High Minimum Lake Level	Minimum Lake Level
(a) through (h) No change.			

**Table 8-2 Minimum Levels Established During or After August 7, 2000.  
Levels are elevations, in feet above the National Geodetic Vertical Datum of 1929.**

Location by County and Basin	Name of Lake and Section, Township and Range Information	High Minimum Lake Level	Minimum Lake Level
(i) In Highlands County Within the Peace River Basin	Angelo, Lake S-25, T-33S, R-28E	<u>99.9'</u> <del>101.3'</del>	<u>96.2'</u> <del>100.0'</del>
	Anoka, Lake S-27, T-33S, R-28E	122.8'	121.7'
	Damon, Lake S-3, T-33S, R-28E	97.4'	96.3'
	Denton, Lake S-02, T-34S, R-28E	<u>112.1'</u> <del>114.1'</del>	<u>108.8'</u> <del>112.8'</del>
	Jackson, Lake S-30, T-34S, R-29E	102.3'	101.2'
	June-In-Winter, Lake S-34, T-36S, R-29E	74.5'	74.0'
	Letta, Lake S-31, T-33S, R-29E	98.8'	97.7'
	Little Jackson, Lake S-06, T-35S, R-29E	102.3'	101.2'
	Lotela, Lake S-26, T-33S, R-28E	106.1'	105.0'
	Placid, Lake S-24, T-37S, R-29E	92.6'	91.4'
	Tulane, Lake S-27, T-33S, R-28E	115.2'	111.7'
	Verona, Lake S-23, T-33S, R-28E	114.8'	109.8'
(j) through (dd) No change.			

(7) No change.

*Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.042, 373.0421, 373.086, 373.709 FS. History—New 6-7-78, Amended 1-22-79, 4-27-80, 10-21-80, 12-22-80, 3-23-81, 4-14-81, 6-4-81, 10-15-81, 11-23-81, 1-5-82, 3-11-82, 5-10-82, 7-4-82, 9-2-82, 11-8-82, 1-10-83, 4-3-83, 7-5-83, 9-5-83, 10-16-83, 12-12-83, 5-8-84, 7-8-84, 12-16-84, 2-7-85, 5-13-85, 6-26-85, 11-3-85, 3-5-86, 6-16-86, Formerly 16J-8.678, Amended 9-7-86, 2-12-87, 9-2-87, 2-18-88, 6-27-88, 2-22-89, 3-23-89, 9-26-89, 7-26-90, 10-30-90, 3-3-91, 9-30-91, 10-7-91, 7-26-92, 3-1-93, 5-11-94, 6-6-96, 2-23-97, 8-7-00, 1-8-04, 12-21-04 (13), 12-21-04 (13), 6-5-05, 5-2-06, 1-1-07, 2-12-07, 1-10-08, 2-18-08, 4-7-08, 5-20-08, 5-10-09, 4-13-11, 3-12-12, 11-25-12, 2-21-13 (12)(f), 2-21-13 (12)-(13), 9-3-13, 1-7-15, 7-1-15, 9-21-15, 11-30-16, 12-28-16, 2-12-17 (12)(s), 2-12-17 (12)(z), 2-12-17 (12)(z), 2-19-17 (12)(l), 2-19-17 (12)(q), 3-2-17 (12)(l), 3-2-17 (12)(z), 3-22-17, 4-2-17 (12)(q), 4-2-17 (12)(z), 4-20-17 (12)(i), 4-20-17 (12)(i), 2-5-18, 3-20-18, 5-30-18, 1-23-19, 2-11-19, 3-20-19, 4-28-19, 7-17-19, 5-27-20, 8-9-20, 4-12-21, 6-1-21, 9-27-21, 9-26-24, \_\_\_\_\_.*

NAME OF PERSON ORIGINATING PROPOSED RULE: Southwest Florida Water Management District

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 27, 2026

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 11, 2026