

- dewatering activities necessary for construction, if they are completed in less than six months.

The statutory exemption, however, does not absolve farmers who are making residential use of water from observing common law duties (See the Private Regulation Section for examples). Generally, this means that the use of the water supply must be reasonable. Several factors may be used by the courts to determine the "reasonableness" of the use, including:

- the purpose of the use;
- the suitability of the body of water;
- the relative economic and social values;
- the degree of harm to the environment;
- the practicality of avoiding the harm or the practicality of adjusting the quantity of the usage.

What are the effects of permits?

Permits are only granted for fixed periods of time. Except for public facilities, they may not exceed 20 years and are usually granted for much shorter periods. When the nature of a proposed use is such that the permit application process may be lengthy, the district may issue a temporary permit.

Transfer of permits between activities identical in nature at the same location is usually allowed and conditions of the permit usually remain the same.

When is a permit revoked?

Any failure to continually observe the terms required by a permit may result in its revocation. Other grounds for revocation may include nonuse of the permitted area or facility, or unsatisfactory mitigation (reduction or lessening) of environmental damage from the use.

Sources: F.S. 373.203 - .249; Title 40 F.A.C. (Individual WMD rules).

Contact Information: S-1

Management and Storage of Surface Waters

Who regulates the management and storage of surface waters?

In order to prevent harm to the state's waters, the water management districts' governing boards and the DER are vested with the authority to require management and storage of surface water permits (MSSW permits) and impose conditions upon those permits. This authority is delegated almost entirely to the water management districts, who should be consulted before any alteration of surface water is undertaken.

What does MSSW include?

The scope of the statutes and rules governing surface water management extends basically to the construction, operation, or alteration of any "stormwater management system, dam, impoundment, reservoir, appurtenant work or works." The statutory definitions of these terms generally amount to a capability to collectively regulate virtually every type of artificial or natural structure or construction that can be used to connect to, draw water from, drain water into, or be placed in or across surface water. In essence, they include all structures and constructions that can have an effect on surface water. These include: