**SUBSTANTIAL RE-WRITE**

**Changes do not appear in Tracked Changes**

**62-41.303: Central Florida Water Initiative Area, Variances to the Uniform Rules**

(1) Scope. This variance provision shall be applicable only to variances from Rules 62-41.301 and 62-41.302, F.A.C., including the provisions of the CFWI Area Supplemental Applicant’s Handbook. A variance under this rule shall mean a decision by an agency to grant a modification to all or part of the literal requirements of an agency rule to a person who is subject to the rule. Variances under this section shall not include any of the following:

(a) Water quality standards as established in Chapter 62-302, F.A.C.

(b) Any specific statutorily-mandated provisions in Chapter 373, F.S.

(c) Requirements relating to the Southern Water Use Caution Area or the Dover/Plant City Water Use Caution Area, provisions of which are incorporated by reference in Rule 62-41.305, F.A.C.

Nothing in this rule shall preclude an applicant from applying for variances or other relief mechanisms under other provisions of law.

(2) Delegation. The Department hereby delegates to the water management districts the authority to grant or deny variances under this section to applicants/permittees within their district so long as at least 15 days prior to granting a request for variance, a district notifies the Executive Director of the South Florida, Southwest Florida, and St. Johns River Water Management Districts and the Director of the Department’s Office of Water Policy that it intends to grant the variance.

(3) A applicant may apply for a variance from the rules set forth in Rules 62-41.301 – 62-41.302 if there are unique circumstances or hydrogeological factors that make application of the uniform rules unrealistic or impractical.

(4) Variances shall only be granted when the applicant demonstrates that it has achieved or will achieve the purpose of the underlying statute by other means.

(5) Petitions for variance shall comply with Rule 62-110.104, F.A.C., incorporated by reference herein.

(6) The District shall review a petition for a variance under Section 373.0465(2)(d), F.S., within thirty days after receipt to determine if the application is complete. If the petition is determined to be incomplete, the petitioner shall be afforded an opportunity to supply additional information before the District evaluates the merits of the request.

(7) The District shall prepare and publish in the Florida Administrative Register a notice of availability of the intended agency action on the petition for a variance under Section 373.0465(2)(d), F.S. The petitioner shall publish notice of intended agency action on the petition once, at his own expense, in a newspaper of general circulation (as defined in Section 50.031, F.S.) in the county or counties in which its withdrawal for which the variance is sought is located.

(8) Renewals of variances shall be applied for in the same manner as the initial variance.

Rulemaking Authority 373.016, 373.043, 373.0465, 373.171 FS. Law Implemented 373.016, 373.036, 373.042, 373.0421, 373.0465, 373.223, 373.229, FS. History–New \_\_\_\_\_\_.