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PART VI - LICENSING

40B-1.611 Emergency Action.

(1) The District may summarily suspend, limit, or restrict a license if it finds that any immediate serious danger to the public health, safety, or welfare requires the emergency suspension, limitation, or restriction.

(2) A 14 day notice requirement of Rule 40B-1.609(1) does not apply and shall not be construed to prevent a hearing at the earliest time practicable upon request of an aggrieved party.

(3) Unless otherwise provided by law, within 20 days after an emergency action taken pursuant to subsection (1), the District shall initiate a formal suspension or revocation proceeding, in compliance with Sections 120.60 and 120.57, Florida Statutes.

Specific Authority 120.53(1), 120.54(1), F.S. Law Implemented 120.57, 120.60(6), F.S. History--New 9-15-81. Amended 3-17-88.

PART VII - PERMITS

40B-1.701 General.

All District action concerning application for issuance, suspension, rejection, annulment, withdrawal, or revocation of permits, including emergency action, is governed by Sections 120.57 and 120.60, Florida Statutes, these rules of procedure, and pertinent provisions of Chapter 373, Florida Statutes.

Specific Authority 373.044, 373.113, F.S. Law Implemented 120.53(1), 120.57, 120.60, 373.085, 373.116, 373.119, 373.175, 373.229, 373.239, 373.243, 373.246, 373.413, 373.416, 373.429, 373.433, 373.436, 373.439, F.S. History--New 9-15-81. Amended 3-17-88.

40B-1.702 Permits Required.

Unless expressly exempt by law or District rule, the following permits must be obtained from the District prior to the commencement of the permitted activity:

(4) A surface water management permit under Chapter 40B-4 must be obtained prior to initiating any project which involves draining, developing, or subdividing property, construction of roads or bridges, commercial or industrial developments, and agricultural or forestry activities.

(5) A works of the district permit under Chapter 40B-4 must be obtained prior to initiating any project as outlined in (4) above within a regulatory floodway as defined by the District.

Specific Authority 373.044, 373.113, F.S. Law Implemented 120.53(1), 120.57, 120.60, 373.085, 373.106, Ch. 373, Parts II & IV, F.S. History--New 9-15-81. Amended 3-17-88.

40B-1.704 Bond.

(1) The Board may require the applicant for a permit to furnish a bond or some other alternative form of security made payable to the District and its successors, with a reputable bonding company authorized to do business in this state as surety, conditioned upon full compliance with terms of the permit, including the proper construction, operation, and maintenance of the facility. The amount of the bond shall be determined by the Board.

(2) The Board may require liability insurance in such amount as the Board shall determine endorsed in favor of the District or a hold harmless agreement satisfactory to the Board.

(3) The Board may require that the bond or liability insurance be maintained as a condition of the continued validity of the permit.

Specific Authority 373.044, 373.113, F.S. Law Implemented 373.085, 373.103, 373.219, 373.413, 373.416, F.S. History--New 9-15-81.

40B-1.709 Suspension, Revocation, and Modification of District Permits.

(7) In the case of an emergency, the Executive Director may enter an order which suspends or revokes a permit, in whole or in part, or modifies the terms and conditions of the permit. The permittee shall take whatever action is necessary to cause immediate compliance with the emergency order, but shall have the right of administrative appeal, subject to the provisions of subsections (4) through (8).

Specific Authority 373.044, 373.113, F.S. Law Implemented 120.53(1)(b)(c), 120.60(2), 373.119, 373.429, F.S. History--New 9-15-81. Amended 3-17-88.

40B-1.711 Emergency Action.

(1) An emergency exists when immediate action is necessary to protect public health, safety, or welfare; the health of animals, fish, or aquatic life; the works of the District; a public water supply; or recreational, commercial, industrial, agricultural, or other reasonable uses of land and water resources.

(2) Whenever an emergency exists, the Executive Director shall issue an emergency order, which shall describe the conditions which are causing the emergency, and the type of corrective action necessary to minimize or abate the emergency conditions. The order shall be delivered by service of process or by personal delivery by an agent of the District to the person, or the agent of the person responsible for causing or contributing to the emergency conditions.

(3) The person or his agent shall take whatever action necessary to cause immediate compliance with the terms of the emergency order, but shall have the right to appeal the order in accordance with the provisions of Rule 40B-1.709, subsections (4) through (7).

(4) When an emergency condition exists pursuant to Section 373.439, Florida Statutes, the Executive Director may employ the resources of the District to take whatever remedial action is necessary to alleviate the emergency condition without the issuance of an emergency order, or in the event an emergency order has been issued, after the expiration of the requisite time for compliance with that order.

Specific Authority 373.044, 373.113, F.S. Law Implemented 120.53(1)(b),(c), 120.60(2), 373.119, 373.439, F.S. History--New 9-15-81. Amended 12-21-88.