



An Equal Opportunity Employer

# Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899  
(352) 796-7211 or 1-800-423-1476 (FL only)  
TDD only 1-800-231-6103 (FL only)  
On the Internet at: [WaterMatters.org](http://WaterMatters.org)

The Southwest Florida Water Management District (District) does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the District's functions, including access to and participation in the District's programs and activities. Anyone requiring reasonable accommodation as provided for in the Americans with Disabilities Act should contact the District's Human Resources Director at 2379 Broad Street, Brooksville, FL 34604-6899; telephone (352) 796-7211, ext. 4702, or 1-800-423-1476 (FL only), ext. 4702; TDD (FL only) 1-800-231-6103; or email to [ADACoordinator@swfwmd.state.fl.us](mailto:ADACoordinator@swfwmd.state.fl.us).

**MEETING NOTICE**

## AGENDA GOVERNING BOARD MEETING

**OCTOBER 30, 2012**

**9:00 A.M.**

### DISTRICT HEADQUARTERS

2379 BROAD STREET (US HWY 41)  
352-796-7211 OR 1-800-423-1476

*☞ All meetings are open to the public. ☜*

- Viewing of the Board meeting will be available at each of the District offices and through the District's web site ([www.watermatters.org](http://www.watermatters.org)) -- follow directions to use internet streaming.
- Public input will be taken only at the meeting location.
- Public input for issues not listed on the published agenda will be heard shortly after the meeting begins.

Pursuant to Section 373.079(7), Florida Statutes, all or part of this meeting may be conducted by means of communications media technology in order to permit maximum participation of Governing Board members.

The Governing Board may take official action at this meeting on any item appearing on this agenda and on any item that is added to this agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes.

The order of items appearing on the agenda is subject to change during the meeting and is at the discretion of the presiding officer.

Public Comment will be taken after each presentation and before any Governing Board action(s) except for Governing Board hearings that involve the issuance of final orders based on recommended Orders received from the Florida Division of Administrative Hearings.

Unless specifically stated, scheduled items will not be heard at a time certain.

The current Governing Board agenda and minutes of previous meetings are on the District's web site: [www.WaterMatters.org](http://www.WaterMatters.org)

**Bartow Service Office**  
170 Century Boulevard  
Bartow, Florida 33830-7700  
(863) 534-1448 or 1-800-492-7862 (FL only)

**Sarasota Service Office**  
6750 Fruitville Road  
Sarasota, Florida 34240-9711  
(941) 377-3722 or 1-800-320-3503 (FL only)

**Tampa Service Office**  
7601 US Highway 301 North  
Tampa, Florida 33637-6759  
(813) 985-7481 or 1-800-836-0797 (FL only)

<b>9:00 A.M. CONVENE PUBLIC HEARING AND MEETING (TAB A)</b>
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1. Call to Order
2. Pledge of Allegiance and Invocation
3. Oath of Office for Newly Appointed or Reappointed Board Members
4. Additions/Deletions to Agenda
5. Ceremony to Honor Judith C. Whitehead for Her Service on the Governing Board
6. Employee Recognition
7. Public Input for Issues Not Listed on the Published Agenda

<b>CONSENT AGENDA (TAB B)</b>
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All matters listed under the Consent Agenda are considered routine and action will be taken by one motion, second of the motion and approval by the Board. If discussion is requested by a Board member, that item(s) will be deleted from the Consent Agenda and moved to the appropriate Committee or Report for consideration.

**Regulation Committee**

8. Individual Water Use Permits (WUPs) Referred to the Governing Board
  - a. WUP No. 20011400.025 – Mosaic Fertilizer, LLC / Integrated Water Use Permit – Polk, Hardee, DeSoto, Hillsborough and Manatee Counties
  - b. WUP No. 20007178.006 – Development and Construction Corporation of America / Oak Run Development – Marion County

**Operations & Land Management Committee**

9. Conveyance of a Conservation Easement to the Florida Department of Environmental Protection for Mitigation Purposes, Polk County
10. Acceptance of Easement Donation – Peace Creek Canal Project, SWF Parcel No. 20-696-206P

**Resource Management Committee**

11. Initiation and Approval of Rulemaking to Amend 40D-8.624, Florida Administrative Code (F.A.C.), to Adopt Minimum and Guidance Levels for Lakes Bonable, Tiger, and Little Bonable in Marion County
12. Adopt Resolution No. 12-15 for the Reallocation of Funds Appropriated by the State in Fiscal Years 2006 and 2008 – Water Protection and Sustainability Trust Fund
13. Minimum Flows and Levels Priority List and Schedule Update
14. Facilitating Agricultural Resource Management Systems (FARMS) Program (H017) – Reallocation of State Trust Funds and Budget Transfer

**Finance & Administration Committee**

15. Budget Transfer Report
16. Office Service Analysis

**General Counsel's Report**

17. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval
  - a. Interagency Agreement between the SWFWMD and the SJRWMD to Designate the SWFWMD as the Agency with Regulatory Responsibility for Water Use Permitting – Whitehurst Cattle Company – Marion and Levy Counties
  - b. Initiation of Litigation – Unauthorized Construction - James V. Risher and Carolyn Risher – Levy County
  - c. Consent Order – Surface Water Activity - Robert J. Colvin and Mary A. Colvin – Lake County
  - d. Settlement – SWFWMD v. M. Lewis King and Hancock Lake Ranch, LLC (Parcel No. 20-503-111-P)
  - e. Settlement – Mudd v. City of Lake Wales and SWFWMD (Tenth Judicial Circuit) – Polk County
18. Rulemaking
  - a. Approve Repeal of Rule 40D-2.322, F.A.C., to be Consistent with the Changes Necessitated by the Florida Department of Environmental Protection's Guidance for Consumptive Use Permit Compliance Reporting Requirements and Review Memorandum
  - b. Initiation and Approval of Rulemaking to Amend Rule 40D-1.608, F.A.C., to Clarify the Requirements for Certain Counties and Municipalities to Request a Permit Fee Reduction

**Executive Director's Report**

19. Approve Governing Board Minutes
  - a. First Public Budget Hearing – September 11, 2012
  - b. Monthly Meeting – September 25, 2012
  - c. Second Public Budget Hearing – September 25, 2012

**RESOURCE MANAGEMENT COMMITTEE (TAB C)****Discussion Items**

20. Consent Item(s) Moved for Discussion
21. Initiation and Approval of Rulemaking to Amend 40D-8.041, F.A.C., to Establish Minimum Flows for the Chassahowitzka and Homosassa River Systems and Accept Reports

**Submit & File Reports – None****Routine Reports**

22. Minimum Flows and Levels
23. Watershed Management Program and Federal Emergency Management Agency Map Modernization
24. Significant Water Supply and Resource Development Projects

**REGULATION COMMITTEE (TAB D)****Discussion Items**

25. Consent Item(s) Moved for Discussion
26. Denials Referred to the Governing Board

**Submit & File Report**

27. Public Supply Report

**Routine Reports**

28. Southern Water Use Caution Area Quantities
29. Overpumpage Report
30. E-Permitting Metrics: Online vs. Paper Applications
31. Individual Permits Issued by District Staff
32. Resource Regulation Significant Initiatives

**OPERATIONS & LAND MANAGEMENT COMMITTEE (TAB E)****Discussion Items**

33. Consent Item(s) Moved for Discussion
34. Hydrologic Conditions Status Report

**Submit & File Reports**

35. Surplus Lands Assessment Update
36. Flying Eagle Nature Center Update
37. Land Management Team Review Evaluations – Chassahowitzka Riverine Swamp, Jack Creek, Starkey Wilderness Preserve and Conner Preserve

**Routine Reports**

38. Structure Operations
39. Significant Activities

**OUTREACH & PLANNING COMMITTEE (TAB F)****Discussion Items – None****Submit & File Reports – None****Routine Reports**

40. Comprehensive Plan Amendment and Related Reviews Report
41. Development of Regional Impact Activity Report
42. Significant Activities

**FINANCE & ADMINISTRATION COMMITTEE (TAB G)****Discussion Items**

43. Consent Item(s) Moved for Discussion

**Submit & File Report**

44. Bartow Service Office Update

**Routine Reports**

45. Treasurer's Report, Payment Register and Contingency Funds Report
46. Monthly Financial Statement
47. Monthly Cash Balances by Fiscal Year

**GENERAL COUNSEL’S REPORT (TAB H)**

**Discussion Items**

- 48. Consent Item(s) Moved for Discussion

**Submit & File Report**

- 49. Environmental Resource Permit Penalties Equal to or Greater than \$5,000

**Routine Reports**

- 50. Litigation Report
- 51. Rulemaking Update

**COMMITTEE/LIAISON REPORTS (TAB I)**

- 52. Environmental Advisory Committee Meeting
- 53. Well Drillers Advisory Committee Meeting
- 54. Tampa Bay Regional Planning Council Meeting
- 55. Other Liaison Reports

**EXECUTIVE DIRECTOR’S REPORT (TAB J)**

- 56. Executive Director’s Report
  - a. Inspector General Policies, Procedures and Succession
  - b. Other

**CHAIR’S REPORT (TAB K)**

- 57. Chair’s Report
  - a. Approve Resolution 12-16 Commending Hugh M. Gramling for His Service on the Board
  - b. Other

**\*\*\* RECESS PUBLIC HEARING \*\*\***

**ANNOUNCEMENTS**

- Governing Board Meetings Schedule:

Meeting – Haines City .....	November 27, 2012
Meeting – Tampa .....	December 18, 2012
Meeting – Tampa .....	January 29, 2013
Meeting – Sarasota .....	February 26, 2012
- Advisory Committee Meeting Schedule:

Industrial/Public Supply – Tampa .....	November 13, 2012
Agricultural/Green Industry – Tampa .....	December 6, 2012
Well Drillers – Tampa .....	January 9, 2013
Environmental – Tampa .....	January 14, 2013

**ADJOURNMENT**

The Governing Board may take action on any matter on the printed agenda including such items listed as reports, discussions, or program presentations. The Governing Board may make changes to the printed agenda only for good cause as determined by the Chair, and stated in the record.

If a party decides to appeal any decision made by the Board with respect to any matter considered at a hearing or these meetings, that party will need a record of the proceedings, and for such purpose that party may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you wish to address the Board concerning any item listed on the agenda or an issue that does not appear on the agenda, please fill out a speaker's card at the reception desk in the lobby and give it to the recording secretary. Your card will be provided to the Chair who will call on you at the appropriate time during the meeting. When addressing the Board, please step to the podium, adjust the microphone for your comfort, and state your

name for the record. Comments will be limited to three minutes per speaker. In appropriate circumstances, the Chair may grant exceptions to the three-minute limit.

The Board will accept and consider written comments from any person if those comments are submitted to the District at Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899. The comments should identify the number of the item on the agenda and the date of the meeting. Any written comments received after the Board meeting will be retained in the file as a public record.