

**Governing Board Meeting  
March 24, 2026**

**ADDITIONS/DELETIONS  
TO AGENDA**

(as of 3/20/2026 11:54 AM)

According to Section 120.525(2), Florida Statutes, additions to the published agenda will only be made for "good cause" as determined by the "person designated to preside." Based upon that authority, the Chair has determined that good cause exists to make certain changes to the agenda. These changes are being made in order to permit the Governing Board to efficiently accomplish necessary public business at this meeting and to reflect the items on the agenda that have been requested or suggested to be deleted, revised, supplemented or postponed.

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**Additions:**

Consent Agenda

2.7 **Regulation Committee:** Approval of Emergency Order No. SWF 26-004 – Declaration of Emergency Regarding the Middle Pool of the Tampa Bypass Canal (Hillsborough County)

2.8 **Regulation Committee:** Approval of Emergency Order No. SWF 26-006 – Declaration of Emergency Regarding the Peace River Manasota Regional Water Supply Authority's Use of the Peace River (DeSoto County)

2.9 **Regulation Committee:** Approval of Emergency Order No. SWF 26-007 – Declaration of Emergency Regarding the City of Punta Gorda's Use of Shell Creek (Charlotte County)

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## REGULATION COMMITTEE

*March 24, 2026*

### *Consent Agenda*

#### **Approval of Emergency Order No. SWF 26-004 – Declaration of Emergency Regarding the Middle Pool of the Tampa Bypass Canal (Hillsborough County)**

Section 373.119, Florida Statutes (F.S.), authorizes the Executive Director to take actions necessary to address an emergency that poses a threat to the public health, safety, welfare, or environment. Such actions may include, among other things, issuing an emergency order reciting the existence of an emergency and requiring action. The Governing Board must affirm the emergency order at the next regularly scheduled Governing Board meeting.

By State of Florida Executive Order No. 26-33, Governor Ron DeSantis declared that a state of emergency exists based upon the serious threat to public health, safety, and welfare posed by drought conditions throughout the State.

Severe, ongoing drought conditions have significantly stressed regional water supplies in the Tampa Bay area. Tampa Bay Water's Consolidated Permit Wellfields are operating near their permitted 90 million gallons per day (mgd) annual average limit, the C.W. Bill Young Regional Reservoir is at approximately 44% of capacity, and the Tampa Bay Desalination Facility is operating near its maximum output. Tampa Bay Water holds Water Use Permit No. 20006675.006 (the "Permit") for the Tampa Bypass Canal Harney Pump Station, which authorizes withdrawals from the Tampa Bypass Canal (TBC) to augment the City of Tampa's Hillsborough River Reservoir (the "Reservoir"). The Permit prohibits withdrawals from the TBC when the surface water elevation in the Middle Pool is at or below 12.0 feet. Due to continued extreme drought conditions, Tampa Bay Water and the City of Tampa requested, on March 12, 2026, authorization to lower the Middle Pool to 10.0 feet to continue augmenting the Reservoir and to maximize available public water supply on a temporary basis through July 1, 2026. The Executive Director issued Emergency Order No. SWF 26-004, which temporarily modifies the Permit to authorize Tampa Bay Water to lower the Middle Pool to no less than 10.0 feet NGVD29, subject to specified structural monitoring and inspection requirements to protect the integrity of the canal and associated water control structures.

Emergency Order No. SWF 26-004 will expire on July 1, 2026, unless rescinded or extended by Governing Board or Executive Director action on or before that date. District staff will monitor conditions and assess whether an extension is warranted.

#### *Strategic Plan*

This Emergency Order supports the District's Strategic Initiatives for Regional Water Supply Planning and Core Business Processes for regulation.

#### *Exhibits*

Exhibit 1 – Emergency Order

#### Staff Recommendation:

1. Approve Emergency Order No. SWF 26-004.

Presenter: Christopher A. Tumminia, General Counsel

BEFORE THE SOUTHWEST FLORIDA  
WATER MANAGEMENT DISTRICT

IN RE: DECLARATION OF  
EMERGENCY REGARDING THE  
MIDDLE POOL OF THE TAMPA  
BYPASS CANAL

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**EMERGENCY ORDER NO. SWF 26-004**

Brian Armstrong, P.G., Executive Director of the Southwest Florida Water Management District ("District"), at the Tampa Service Office, 7601 US Highway 301 North, Tampa, Florida 33637, received evidence and information from District staff and representatives of Tampa Bay Water, a Regional Water Supply Authority, and the City of Tampa, a Florida municipal corporation, regarding drought conditions causing a public water supply shortage within the Hillsborough River Reservoir and creating an acute public health, safety, and welfare emergency. Based upon such evidence and information, the Executive Director finds and determines:

**FINDINGS OF FACT**

1. Section 373.119(2), Florida Statutes ("F.S."), provides that whenever the executive director, with the concurrence and advice of the governing board, finds that an emergency exists requiring immediate action to protect the public health, safety or welfare; the health of animals, fish or aquatic life; a public water supply; or recreational, commercial, industrial, agricultural or other reasonable uses, the executive director may, without prior notice, issue an order reciting the existence of such an emergency and requiring that such action be taken as the executive director deems necessary to meet the emergency.

2. Tampa Bay Water holds Water Use Permit No. 20006675.006 (the "Permit") for the Tampa Bypass Canal Harney Pump Station. The Permit authorizes withdrawals of 20 million gallons per day ("mgd") on an annual average basis, and 40 mgd on a peak month basis, from the Tampa Bypass Canal ("TBC") for public supply, specifically to support Water Use Permit No. 20002062 held by the City of Tampa (the "City"). The Permit authorizes Tampa Bay Water to augment the City's Hillsborough River Reservoir (the "Reservoir") during periods of low flow to ensure the City has an adequate supply to meet demands.

3. The City relies primarily on the Reservoir to meet the potable water needs of its residents.

4. Special Condition 3 of the Permit provides that the Tampa Bypass Canal will be the first and primary augmentation source for the Hillsborough River Reservoir. Special Condition 3 of the Permit also provides that if water levels in the Hillsborough River Reservoir recede to specified levels, then Tampa Bay Water will attempt to meet the augmentation demands from the Tampa Bypass Canal before the City initiates withdrawals from Sulphur Springs.

5. Special Condition 3.a of the Permit requires that Tampa Bay Water cease withdrawals from the Tampa Bypass Canal when the surface water elevation in the Middle Pool is at or below 12.0 feet.

6. At the request of the City, Tampa Bay Water began augmentation of the Reservoir through the Harney Canal pumping station on October 21, 2025. This augmentation has continued to the present time due to declining inflows into the Reservoir resulting from the extreme drought conditions that began in September 2025.

7. On March 10, 2026, the City requested that Tampa Bay Water obtain an Emergency Order from the District to allow the Middle Pool of the Tampa Bypass Canal to be lowered to 10.0 feet.

8. The request to lower the Middle Pool stage is to allow Tampa Bay Water to continue to provide raw water from the Tampa Bypass Canal to the City of Tampa, which will help the City continue to meet its water demands during this time for the purpose of protecting the public health and safety of its citizens.

9. On March 12, 2026, Tampa Bay Water submitted to the District a request seeking authorization on an emergency temporary basis to lower the Middle Pool of the Tampa Bypass Canal from 12.0 feet to 10.0 feet. Tampa Bay Water requests that the lowering be allowed to occur through July 1, 2026.

10. Tampa Bay Water states that the additional water supply would be withdrawn in accordance with the City's Water Use Permit No. 20002062.006 for the Hillsborough River and would allow the City to maximize the withdrawals authorized under its permit and minimize the quantity of regional water supply that will be needed by the City during the coming dry spring months.

11. Regional water supplies are constrained due to severe drought. In its request, Tampa Bay Water cites the following regional water supply conditions:

- a. The 12-month running average pumping rate from Tampa Bay Water's Consolidated Permit Wellfields was 89.49 mgd at the end of February 2026, compared to its 90 mgd permit limit. Given the current drought conditions and supply constraints, Tampa Bay Water expects its 12-month running average pumping rate to exceed its 90 mgd permit limit at the end of March 2026.

- b. The Tampa Bay region is in a Stage 3 Regional Supply Shortage under Tampa Bay Water's Water Shortage Mitigation Plan, with an 11.57-inch rainfall deficit and an 18.73 mgd median flow deficit in the Hillsborough River for the past 12 months.
- c. The drought conditions since September 2025 have increased regional demands. Tampa Bay Water states that it delivered an average of 203.1 mgd during the period of October 2025 through February 2026, an increase of 8 mgd (4.1%) over the same months in the previous year.
- d. Tampa Bay Water has used water stored in the C.W. Bill Young Regional Reservoir to sustain flow to its Surface Water Treatment Plant through the recent dry months to meet regional demand. As of March 10, 2026, the C.W. Bill Young Regional Reservoir was at 6.81 billion gallons, representing 44% of its full volume. Tampa Bay Water states that this is a low storage volume for this time of year with months still to go in the dry season. Tampa Bay Water has reduced its diversion from the C.W. Bill Young Regional Reservoir to 50 mgd to allow for its continued use of stored water until the wet season.
- e. The Tampa Bay Desalination Facility is online and delivered an average of 12.2 mgd to the region in February. The target production rate for March is 13.5 mgd due to constraints of temperature, salinity, and seawater flow from the TECO power plant. Tampa Bay Water states that it is in regular communication with TECO staff regarding current facility operations and planned future work at the power plant to minimize impacts on the desalination facility's production rate.

12. By State of Florida Executive Order No. 26-33, Governor Ron DeSantis declared that a state of emergency exists based upon the serious threat to public health, safety, and welfare posed by drought conditions throughout the State.

13. District staff has also determined that the following hydrologic factors are occurring and are contributing to or exacerbating the local and regional water supply situation:

- a. As of March 2, 2026, the 12-month moving sum for rainfall within the District's central counties was at the 5<sup>th</sup> percentile, considered extremely abnormal.
- b. As of March 5, 2026, the U.S. Drought Monitor Map shows the southern half of Hillsborough and Pinellas Counties in an extreme drought condition and the rest of Tampa Bay Water's three-county area in a moderate or severe drought condition. Drought conditions

are expected to continue, as April and May are typically the driest months of the dry season.

14. The conditions within the service areas of Tampa Bay Water and the City constitute a threat to both the public water supply and to public health, safety, and welfare.

15. The exercise of emergency powers under Section 373.119, F.S., is necessary to protect the public health, safety, or welfare, and the public water supply of customers who depend upon Tampa Bay Water.

### **CONCLUSIONS OF LAW**

16. An emergency exists requiring immediate action by the Executive Director of the District, as duly authorized by Section 373.119(2), F.S., to declare an emergency and to issue an emergency order reciting the existence of an emergency and requiring that action be taken as deemed necessary to meet the emergency.

WHEREFORE, it is hereby **ORDERED** that:

17. An emergency is declared for Tampa Bay Water.

18. The Permit is hereby modified to authorize Tampa Bay Water to lower the Middle Pool of the Tampa Bypass Canal System below the optimal levels to maximize the amount of water available for public supply in response to the water shortage emergency in the region. The authorized lowering is to a water level elevation no less than 10 feet NGVD29 in the Middle Pool.

19. Water level differentials upstream and downstream of S-161 and S-162 must not exceed 11 feet and 6 feet, respectively.

20. Water withdrawals from the Middle Pool of the Tampa Bypass Canal shall not commence until the water level in the City of Tampa's Reservoir, measured directly upstream of S-161, is 20 ft NGVD29 or less. Withdrawals can continue if the Reservoir's level is maintained below 20.5 ft NGVD29.

21. The water levels in the Middle Pool of the Tampa Bypass Canal System must not be lowered below the optimal levels at a rate exceeding 0.5 feet per day.

22. Lowering of the Middle Pool of the Tampa Bypass Canal below the optimal levels creates risks to both the water control structures and the canal. The following field monitoring is required because of these risks:

- a. Field inspections for water control structures S-159 lower, S-160, S-161, and S-162 must occur twice per week by a consistent

inspection team overseen by a qualified licensed professional engineer in the State of Florida qualified to conduct civil and structural inspections.

- b. Field inspections for the Harney and Tampa Bypass canals must be inspected twice per week starting at Harney Road upstream of S-159 lower and S-161, and terminating at the CSX railroad downstream of S-160.
- c. Subsequent inspections must have a minimum of three days between them.
- d. Field Inspections must begin and continue for the Middle Pool (Inspection Areas 2 and 4) when the level is drawn below the optimal level of 12 feet NGVD29.
- e. Structure and canal inspections must be completed using the inspection forms and maps attached hereto as Exhibit "A." One form must be completed for each of the four inspection areas identified in the maps included with the inspection forms.
- f. Deviation in the inspection form or areas must be approved by the District's Project Manager in writing.
- g. Completed inspection forms must be submitted to the District's Project Manager on a weekly basis and no later than 3 business days after the second weekly inspection. Any structural or erosional concerns observed during the inspections must be reported to the District immediately.
- h. The District's Project Manager is Doug Lynch, PE, Structure Operations Engineer, 352-519-1880.

23. Except as provided herein, all other terms and conditions of the Permit shall remain in full force and effect.

24. The City shall aggressively enforce the Second Modification to the District's Water Shortage Order No. SWF 25-015, declaring a modified Phase III water shortage, as well as the terms of any subsequent modifications, during the term of this Order. Aggressive enforcement shall specifically include response to complaints as necessary on any day of the week and at any time of the day, issuance of citations without prior warning, patrol or other monitoring of locations with known compliance issues, and expedited administrative or judicial resolution of citations resulting from a violation.

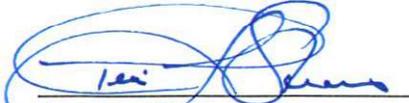
25. This Order shall expire on July 1, 2026, unless rescinded or extended by Governing Board or Executive Director action on or before that date.

DONE AND ORDERED in Hernando County, Florida, this 18th day of March, 2026.

SOUTHWEST FLORIDA WATER  
MANAGEMENT DISTRICT

Filed this 19<sup>th</sup> day  
of March, 2026.

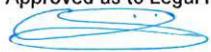
By:   
Brian Armstrong, P.G.  
Executive Director

  
Agency Clerk

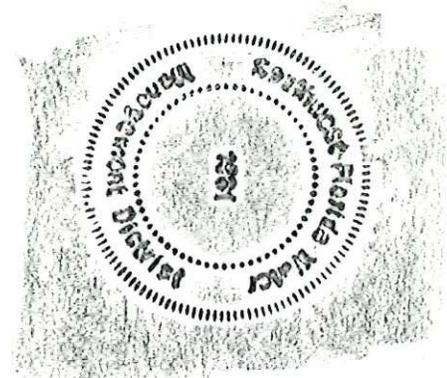
The Governing Board of the Southwest Florida Water Management District concurred with the action taken by the District's Executive Director.

Acknowledged this \_\_\_ day of March, 2026.

By: \_\_\_\_\_  
John Mitten  
Chair

Approved as to Legal Form & Content  
  
Christopher A. Tumminia, Esq.  
General Counsel

Attest: \_\_\_\_\_  
Ashley Bell Barnett  
Secretary



## **NOTICE OF RIGHTS**

In accordance with Sections 373.119(3), 120.569, and 120.57, Florida Statutes ("F.S."), and Chapter 28-106, Florida Administrative Code ("F.A.C."), persons to whom this Order is directed, or whose substantial interests are affected, may request an administrative hearing. A request for hearing that disputes the material facts on which the District's action is based must contain all elements required by Rule 28-106.201(2), F.A.C., including but not limited to: (1) an explanation of how the substantial interests of each person requesting the hearing will be affected by the District's action; (2) a statement of all disputed issues of material fact; (3) the District Order number; (4) the name, address, any e-mail address and telephone number of the person requesting the hearing and, if applicable, of the person's representative; (5) a statement of when and how the person requesting the hearing received notice of the District's action; (6) a concise statement of the ultimate facts alleged, including the specific facts warranting reversal or modification of the District's action; (7) a statement of the specific rules or statutes the petitioner contends require reversal or modification of the District's action; and (8) the relief sought, including precisely what action the requester wishes the agency to take. A request for hearing that does not dispute the material facts on which the District's action is based shall state that no material facts are in dispute, and must contain the information set forth above (with the exception of item (2)), and otherwise comply with Rule 28-106.301(2), F.A.C. A request for hearing must be filed with (received by) the Agency Clerk of the District at the District's Tampa Service Office, 7601 Highway 301 North, Tampa, Florida 33637-6759 or by facsimile transfer to (813) 367-9776 within twenty-one (21) days of receipt of this notice. Because the administrative hearing process is designed to formulate final agency action, the timely filing of a request for hearing may result in the District's final action being different from its original action. Failure to file a request for hearing within the specified time period shall constitute a waiver of any right any such person may have to request a hearing under Sections 120.569 and 120.57, F.S. Mediation pursuant to Section 120.573, F.S., and Rule 28-106.111, F.A.C., to settle an administrative dispute regarding the District's action in this matter is not available prior to the filing of a request for hearing.

In accordance with subsection 120.569(1), F.S., the following additional administrative or judicial review may be available. A party who is adversely affected by final agency action may seek review of the action in the appropriate District Court of Appeal pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, within thirty (30) days after the rendering of the final action by the District.

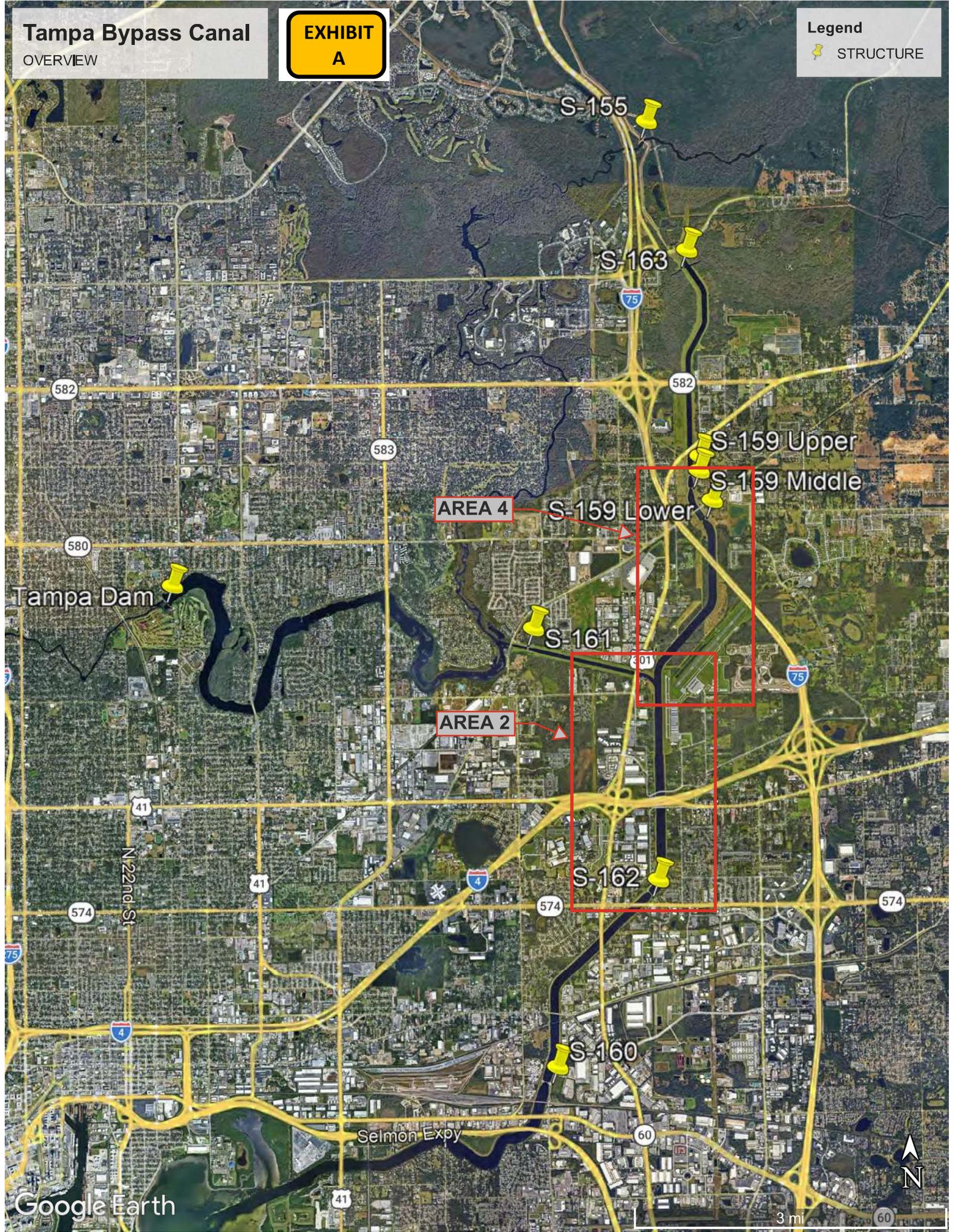
PURSUANT TO SUBSECTION 373.119(3), F.S., AND NOTWITHSTANDING ANY OTHER PROVISION UNDER CHAPTER 120, F.S., PERSONS TO WHOM THE ORDER IS DIRECTED SHALL COMPLY THEREWITH IMMEDIATELY, AND THE TIMELY FILING OF A PETITION SHALL NOT STAY SUCH PERSON'S OBLIGATION TO MAINTAIN SUCH COMPLIANCE DURING THE PENDENCY OF ANY ADMINISTRATIVE PROCEEDING.

# Tampa Bypass Canal

OVERVIEW

EXHIBIT  
A

Legend  
STRUCTURE



Tampa Dam

AREA 4

AREA 2

S-155

S-163

S-159 Upper

S-159 Middle

S-159 Lower

S-161

S-162

S-160

Selmon Expy

Google Earth

3 mi





**TBC STRUCTURES, CANALS, & EMBANKMENTS INSPECTION CHECKLIST**

Location **AREA 2** \_\_\_\_\_

Inspector \_\_\_\_\_

Date/Time \_\_\_\_\_

Weather \_\_\_\_\_

Check green box upon inspection if no problems are detected. Check red box if problem detected.

**\*IF RED BOX IS CHECKED DESCRIPTION AND PICTURES MUST BE INCLUDED.**

**SAFETY AND SECURITY**

- Fences: \_\_\_\_\_
- Boat barrier: \_\_\_\_\_
- Vandalism: \_\_\_\_\_

**EMBANKMENT DEFORMATION**

- Longitudinal Cracks (horizontal; parallel with embankment): \_\_\_\_\_
- Traverse cracks (vertical; across embankment): \_\_\_\_\_
- Animal burrows: \_\_\_\_\_
- Bank/Slope vertical movement (slides, sloughs): \_\_\_\_\_
- Bank/Slope/Crest depressions/subsidence: \_\_\_\_\_
- Standing water/saturated toe of slope: \_\_\_\_\_
- Standing water/saturated along on top of bank: \_\_\_\_\_
- Springs or boils w/ flowing water (Detail if there is any type of discharge (color, consistency, etc.):  
\_\_\_\_\_
- Significant increase or decrease of any of the above if identified since last inspection:  
\_\_\_\_\_

**STRUCTURE S-162**

- Floating debris: \_\_\_\_\_
- Concrete cracks/spalling/delaminating: \_\_\_\_\_
- Enlarging/Shift of expansion joints: \_\_\_\_\_
- Erosion around structure: \_\_\_\_\_
- Headwall drain outlets not flowing or flowing with turbid water: \_\_\_\_\_
- Are manmade structures generally viewed to be in their designed position? (e.g Is a vertical structure (building, fence, etc.) seeming to lean at an angle not intended for? Is a horizontal guard rail becoming wavy?): \_\_\_\_\_
- Significant increase or decrease of any of the above if identified since last inspection:  
\_\_\_\_\_

**Additional Notes/Observations:**

\_\_\_\_\_  
\_\_\_\_\_

# Tampa Bypass Canal

INSPECTION AREA 2

## Legend

 STRUCTURE

E Sligh Ave

AREA 2

N Falkenburg Rd

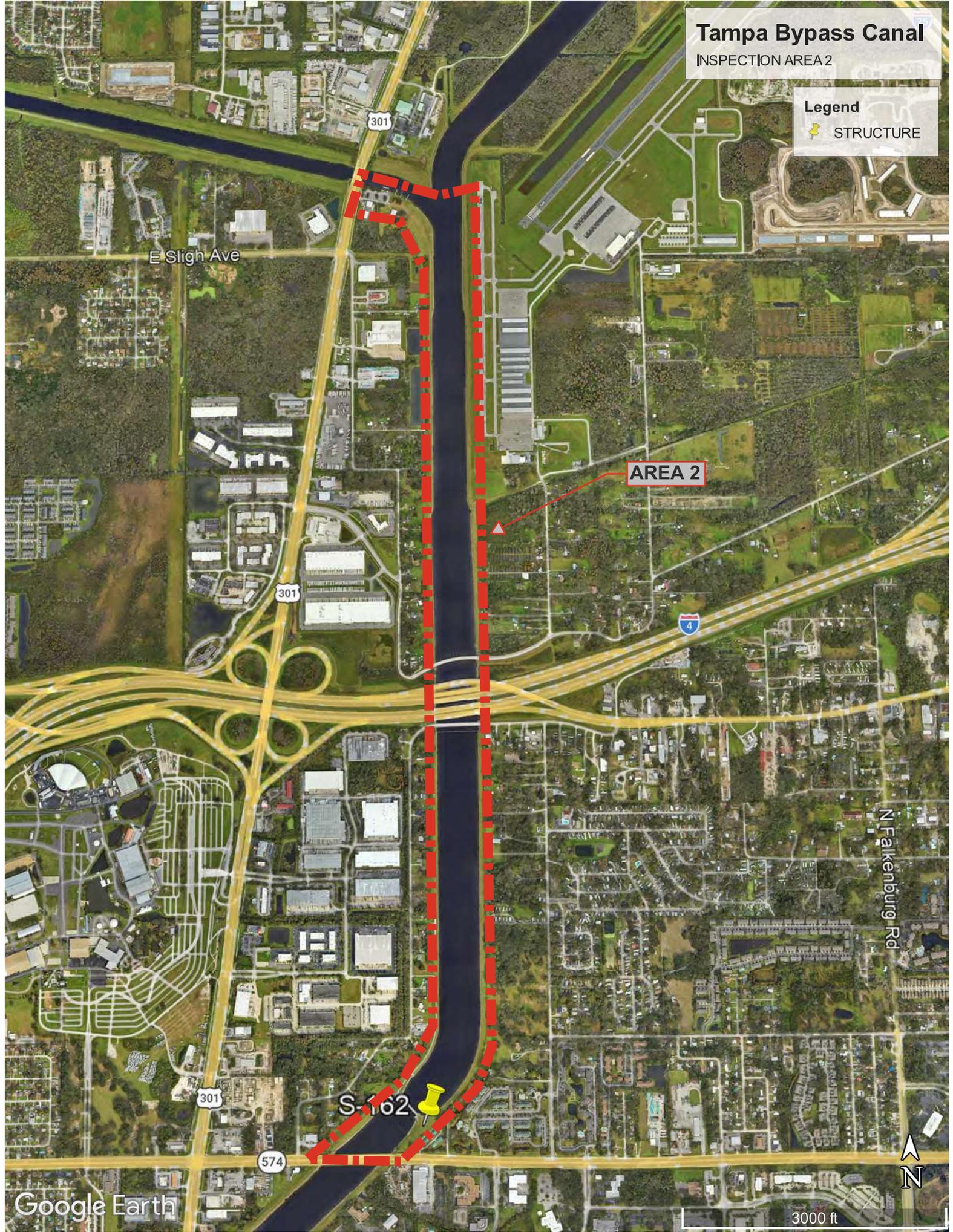
S-162

301

574

Google Earth

3000 ft





**TBC STRUCTURES, CANALS, & EMBANKMENTS INSPECTION CHECKLIST**

Location **AREA 4** \_\_\_\_\_

Inspector \_\_\_\_\_

Date/Time \_\_\_\_\_

Weather \_\_\_\_\_

Check green box upon inspection if no problems are detected. Check red box if problem detected.

**\*IF RED BOX IS CHECKED DESCRIPTION AND PICTURES MUST BE INCLUDED.**

**SAFETY AND SECURITY**

- Fences: \_\_\_\_\_
- Boat barrier: \_\_\_\_\_
- Vandalism: \_\_\_\_\_

**EMBANKMENT DEFORMATION**

- Longitudinal Cracks (horizontal; parallel with embankment): \_\_\_\_\_
- Traverse cracks (vertical; across embankment): \_\_\_\_\_
- Animal burrows: \_\_\_\_\_
- Bank/Slope vertical movement (slides, sloughs): \_\_\_\_\_
- Bank/Slope/Crest depressions/subsidence: \_\_\_\_\_
- Standing water/saturated toe of slope: \_\_\_\_\_
- Standing water/saturated along on top of bank: \_\_\_\_\_
- Springs or boils w/ flowing water (Detail if there is any type of discharge (color, consistency, etc.):  
\_\_\_\_\_
- Significant increase or decrease of any of the above if identified since last inspection:  
\_\_\_\_\_

**STRUCTURE S-159 LOWER**

- Floating debris: \_\_\_\_\_
- Concrete cracks/spalling/delaminating: \_\_\_\_\_
- Enlarging/Shift of expansion joints: \_\_\_\_\_
- Erosion around structure: \_\_\_\_\_
- Headwall drain outlets not flowing or flowing with turbid water: \_\_\_\_\_
- Are manmade structures generally viewed to be in their designed position? (e.g Is a vertical structure (building, fence, etc.) seeming to lean at an angle not intended for? Is a horizontal guard rail becoming wavy?): \_\_\_\_\_
- Significant increase or decrease of any of the above if identified since last inspection:  
\_\_\_\_\_

**Additional Notes/Observations:**

\_\_\_\_\_  
\_\_\_\_\_

# Tampa Bypass Canal

INSPECTION AREA 4

**Legend**

-  STRUCTURE

S-159 Upper

S-159 Middle

S-159 Lower

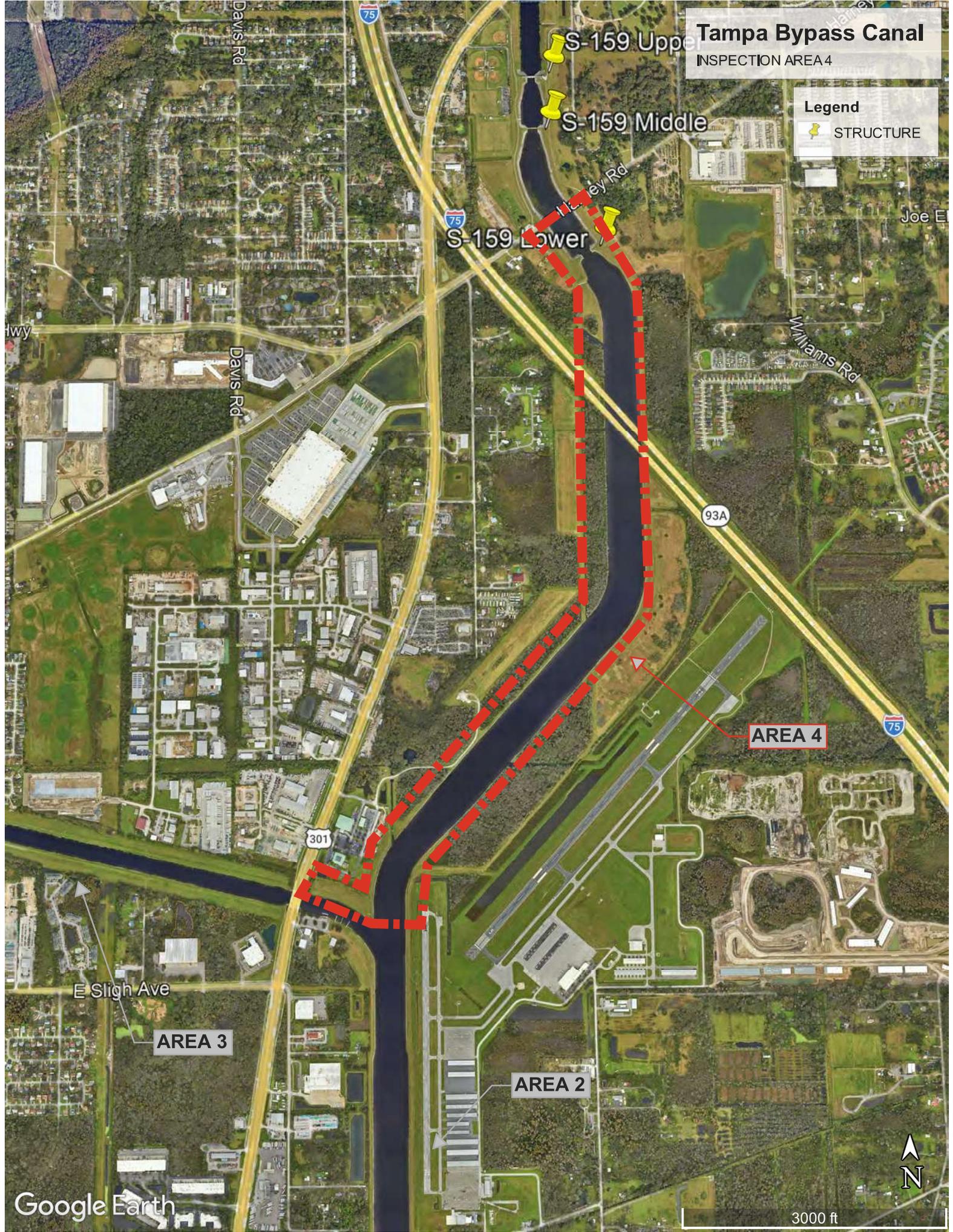
AREA 4

AREA 3

AREA 2

Google Earth

3000 ft



## REGULATION COMMITTEE

March 24, 2026

### *Consent Agenda*

#### **Approval of Emergency Order No. SWF 26-006 – Declaration of Emergency Regarding the Peace River Manasota Regional Water Supply Authority’s Use of the Peace River (DeSoto County)**

Section 373.119, Florida Statutes (F.S.), authorizes the Executive Director to take actions necessary to address an emergency that poses a threat to the public health, safety, welfare, or environment. Such actions may include, among other things, issuing an emergency order reciting the existence of an emergency and requiring action. The Governing Board must affirm the emergency order at the next regularly scheduled Governing Board meeting.

By State of Florida Executive Order No. 26-33, Governor Ron DeSantis declared that a state of emergency exists based upon the serious threat to public health, safety, and welfare posed by drought conditions throughout the State.

Severe, ongoing drought conditions have significantly stressed regional water supplies in the District’s southern counties. The Peace River Manasota Regional Water Supply Authority (the “Authority”) relies on the Peace River as its primary source of water and holds Water Use Permit No. 200010420.013 (the “Permit”). As of March 6, 2026, the Authority’s combined reservoir storage was at 50% of capacity — the lowest historical level recorded for that date and approximately 600 million gallons below the previous record low. The Authority’s Aquifer Storage and Recovery system is providing water at its maximum sustainable capacity of 20 mgd, which is less than current regional water demands. As of March 2, 2026, multiple Drought Indicators for the District’s southern counties were classified as Severely, Extremely, or Critically Abnormal, and the U.S. Drought Monitor Map as of March 16, 2026, shows the area in extreme drought. Due to continued extreme drought conditions, the Authority requested authorization to temporarily modify the diversion schedule set forth in Special Condition 6 and Table 1 of the Permit to allow increased withdrawals from the Peace River. The Executive Director issued Emergency Order No. SWF 26-006, which temporarily authorizes a modified diversion schedule to allow the Authority to maximize available water supply from the Peace River while the order is in effect.

Emergency Order No. SWF 26-006 will expire on May 31, 2026, unless rescinded or extended by Governing Board or Executive Director action on or before that date. District staff will monitor conditions and assess whether an extension is warranted.

#### *Strategic Plan*

This Emergency Order supports the District’s Strategic Initiatives for Regional Water Supply Planning and Core Business Processes for regulation.

#### *Exhibits*

Exhibit 1 – Emergency Order

#### Staff Recommendation:

1. Approve Emergency Order No. SWF 26-006.

Presenter: Christopher A. Tumminia, General Counsel

BEFORE THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

IN RE: DECLARATION OF  
EMERGENCY RELATING TO THE  
PEACE RIVER MANASOTA REGIONAL  
WATER SUPPLY AUTHORITY'S USE  
OF THE PEACE RIVER

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**EMERGENCY ORDER NO. SWF 26-006**

Brian Armstrong, P.G., Executive Director of the Southwest Florida Water Management District ("District"), at the Tampa Service Office, 7601 US Highway 301 North, Tampa, Florida 33637, received evidence and information from District staff and representatives of the Peace River Manasota Regional Water Supply Authority (the "Authority"), a Regional Water Supply Authority, regarding drought conditions causing a public water supply shortage within the Authority's Regional System and low water levels in its reservoirs and ASR wellfields, thereby creating an acute public health, safety, and welfare emergency. Based upon such evidence and information, the Executive Director finds and determines:

**FINDINGS OF FACT**

1. Section 373.246, Florida Statutes (F.S.), requires each water management district to adopt a Water Shortage Plan ("Plan") as a means of assuring appropriate responses to droughts and other types of water shortage events.

2. Part III of Chapter 40D-21, F.A.C., sets forth the emergency provisions of the Plan.

3. Rule 40D-21.331(3), F.A.C., specifies that, if the District determines that conditions are rapidly deteriorating, or if the District receives a request for emergency action, the District shall ascertain if emergency actions are necessary to protect public health, safety or welfare, considering such factors as whether the affected users can obtain water from other users or other sources on a temporary basis and whether there are recommendations from, and emergency actions taken by, a local government in the affected area.

4. Rule 40D-21.371(1), F.A.C., specifies that the Executive Director of the District may issue orders containing response mechanisms deemed necessary to address such an emergency, and that these mechanisms may include authorizations to temporarily withdraw from a permitted source in a manner or for a purpose not expressly granted by the applicable Water Use Permit; and restrictions that involve apportioning, rotating, limiting, or prohibiting the use of water.

5. Rules 40D-21.391(1), (2) and (3), F.A.C., allow for such emergency orders to be issued without prior notice, subject to concurrence by the District's Governing Board and proper notice to affected water users and local officials.

6. The Peace River is the Authority's primary source of water to meet the potable water needs of the public within its service area. The Authority makes withdrawals from the Peace River in accordance with Water Use Permit No. 20010420.014 (the "Permit").

7. Special Condition 6 of the Permit provides that the Authority's withdrawals from the Peace River are to be made via the schedule in Table 1 of the Permit.

8. The Authority has requested emergency District action which would temporarily modify Special Condition 6 and Table 1 of the Permit, such that the Authority would be able to increase withdrawal of low flows of surface water from the Peace River according to a modified diversion schedule while this order is in effect.

9. Regional demand for the Authority's system for the months ending January 26, 2026, and February 26, 2026, was 32.66 million gallons per day and 30.77 million gallons per day, respectively, reflecting the initiation of ongoing conservation measures.

10. The Authority's average daily withdrawals from the Peace River for the month through February 26, 2026, were only 0.696 million gallons per day. The Authority's average daily withdrawals from the Peace River for the month through February 26, 2026, are and will continue to be lower than regional demand, with the shortfall being supplied by the Authority's reservoirs and the Aquifer Storage and Recovery ("ASR") system.

11. During periods of high river flow, the Authority typically stores raw water in its reservoirs and stores treated water in its ASR system. The Authority's ASR system is providing water at its maximum sustainable capacity of 20 million gallons per day, which is less than current system demands.

12. The Authority characterizes its reservoir storage as stressed. Reservoir no. 1 holds up to 500 million gallons and Reservoir no. 2 holds up to 6.292 billion gallons. As of March 6, 2026, the combined reservoir storage was down to 50% of capacity and continues to decrease each day. This volume represents the lowest historical level for March 6th recorded by the Authority and is approximately 600 million gallons lower than the previous low, which is equivalent to 20 days of supply at the current rate.

13. By State of Florida Executive Order No. 26-33, Governor Ron DeSantis declared that a state of emergency exists based upon the serious threat to public health, safety, and welfare posed by drought conditions throughout the State.

14. District staff has determined that the following hydrologic factors are occurring and are contributing to or exacerbating the local and regional water supply situation:

- a. As of March 2, 2026, within the District's southern counties, one Drought Indicator was classified as Critically Abnormal, one Drought Indicator was classified as Extremely Abnormal, and three Drought Indicators were classified as Severely Abnormal. Specifically, the 12-month moving sum for rainfall was at the 2<sup>nd</sup> percentile, the 24-month moving sum for rainfall was at the 9<sup>th</sup> percentile, the 8-week moving average streamflow of the Peace River at Arcadia was at the 13<sup>th</sup> percentile, the 7-day average streamflow of the Peace River at Arcadia was at the 16<sup>th</sup> percentile, and the aquifer resource indicator for the District's southern counties was at the 14<sup>th</sup> percentile.
- b. As of March 16, 2026, the U.S. Drought Monitor Map shows the District's southern counties to be in an extreme drought condition. Drought conditions are expected to continue, as April and May are typically the driest months of the dry season.

15. The Authority reports that it has taken the following actions:

- a. The Authority has initiated drought planning meetings with its members. Both individual and group meetings have been held with all members' professional staff to discuss current conditions, projections, and actions as well as determine how the drought is affecting their systems. One result of these meetings is Sarasota County reducing their usage from the Authority by approximately 1.5-2 MGD and increasing production from its groundwater facility. Authority staff will continue to work with its members on conservation and drought response.
- b. The Authority has reduced the water pressure leaving its facility two times over the last few months to reduce demand.
- c. The Authority has issued a press release on drought and water shortage restrictions, encouraging adherence to those restrictions and to water conservation measures. Authority staff has also participated in two television interviews to date on the low levels in the reservoir and the critical importance of water conservation at this time of drought.
- d. The Authority has met with its members to discuss conservation messaging and enforcement of the water shortage order. Members have reported to the Authority concerning the extensive use of their social media platforms, bill inserts, and media interviews to educate the public on the urgency to conserve.

- e. The Authority's members have all reported that they are following the enforcement and reporting requirements.
- f. The Authority is making every effort to identify potential solutions to avoid the need for future emergency authorizations, including constructing an additional reservoir with 9 billion gallons of storage capacity and investigating the feasibility of increasing its groundwater production capacity in the future.

16. The Authority further reports that it has actively sought and utilized water from sources covered by its Operational Flexibility Water Use Permit No. 20012926.002, as follows:

- a. The Englewood Water District has indicated it can provide approximately 300,000-500,000 gallons per day to Charlotte County, which would offset Authority demand;
- b. The City of Punta Gorda is already delivering an extra 1 million gallons per day to the Authority. Punta Gorda can supply up to 2 million gallons per day to the Authority if the District takes action to authorize the use of additional water from Shell Creek;
- c. Manatee County has no water available to the Authority at this time due to low water levels in Lake Manatee;
- d. Sarasota County's facilities are operating near capacity to meet current demands. No additional water is available from the Carlton Memorial Reserve facility.

17. The Authority states that the foregoing measures have not fully mitigated the risk of inadequate supply to meet current and projected demand and protect public health and safety during current extreme drought conditions.

18. The conditions within the service area of the Authority constitute a threat to both the public water supply and to public health, safety, and welfare.

19. The exercise of the non-emergency powers under subsections 373.175(1) and (2) and 373.246(1), F.S., and Chapter 40D-21, F.A.C., are not sufficient to protect the public health, safety, or welfare, nor the drinking water supply of persons who depend upon the Authority.

### **CONCLUSIONS OF LAW**

20. An emergency exists requiring immediate action by the Executive Director of the District, as duly authorized by subsections 373.119(2), 373.175(4), and 373.246(7), F.S., and Rule 40D-21.331(4), F.A.C., to declare a water shortage emergency and to issue emergency orders reciting the existence of an emergency and requiring that action be taken as deemed necessary to meet the emergency.

WHEREFORE, it is hereby **ORDERED** that:

21. An emergency is declared for the Authority.

22. The Permit is hereby modified as follows: In lieu of the diversion schedule described in Special Condition 6 and Table 1, the following diversion schedule shall be applicable during the term of this Order:

Block	If Combined Adjusted Flow in cubic feet per second (cfs) on the Previous Day is:	PRMRWSA Diversion Schedule where Q= combined adjusted average flow in cubic feet per second (cfs) on the previous day
1	≤50 cfs	0 cfs
	>50 cfs and ≤145 cfs	15 cfs
	>145 cfs and ≤297 cfs	Q * 13%
2	>297 cfs and ≤335 cfs	Q - 258 cfs
	>335 cfs and ≤622 cfs	Q * 23%
3	>622 cfs and ≤798 cfs	Q * 28% <sup>a</sup>
	>798 cfs	Q * 28% <sup>b</sup>

*a = maximum 319 cfs, b = maximum 400 cfs*

23. Except as provided in paragraph 22 above, all other terms conditions of the Permit shall remain in full force and effect.  
and

24. All local governments receiving water from the Authority shall continue to aggressively enforce applicable District water shortage restrictions for the duration of this Order.

25. This Order shall expire on May 31, 2026, unless rescinded or extended by Governing Board or Executive Director action on or before that date.

DONE AND ORDERED in Hernando County, Florida, this 18th day of March, 2026.

SOUTHWEST FLORIDA WATER  
MANAGEMENT DISTRICT

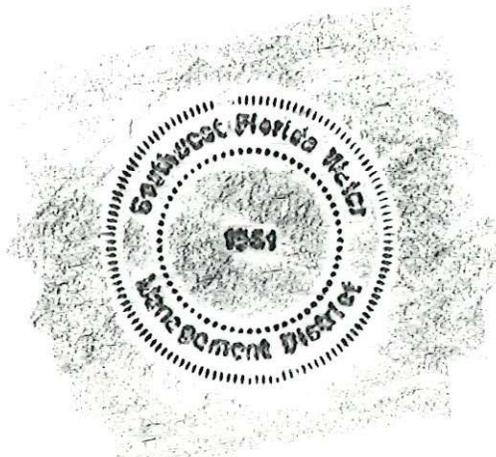
By:



Brian Armstrong, P.G.  
Executive Director

Filed this 19<sup>th</sup> day  
of March, 2026.

  
Agency Clerk



The Governing Board of the Southwest Florida Water Management District concurred with the action taken by the District's Executive Director.

Acknowledged this \_\_\_ day of March, 2026.

Approved as to Legal Form & Content  
  
Christopher A. Tumminia, Esq.  
General Counsel

By: \_\_\_\_\_  
John Mitten  
Chair

Attest: \_\_\_\_\_  
Ashley Bell Barnett  
Secretary

## **NOTICE OF RIGHTS**

In accordance with Sections 373.119(3), 120.569, and 120.57, Florida Statutes ("F.S."), and Chapter 28-106, Florida Administrative Code ("F.A.C."), persons to whom this Order is directed, or whose substantial interests are affected, may request an administrative hearing. A request for hearing that disputes the material facts on which the District's action is based must contain all elements required by Rule 28-106.201(2), F.A.C., including but not limited to: (1) an explanation of how the substantial interests of each person requesting the hearing will be affected by the District's action; (2) a statement of all disputed issues of material fact; (3) the District Order number; (4) the name, address, any e-mail address and telephone number of the person requesting the hearing and, if applicable, of the person's representative; (5) a statement of when and how the person requesting the hearing received notice of the District's action; (6) a concise statement of the ultimate facts alleged, including the specific facts warranting reversal or modification of the District's action; (7) a statement of the specific rules or statutes the petitioner contends require reversal or modification of the District's action; and (8) the relief sought, including precisely what action the requester wishes the agency to take. A request for hearing that does not dispute the material facts on which the District's action is based shall state that no material facts are in dispute, and must contain the information set forth above (with the exception of item (2)), and otherwise comply with Rule 28-106.301(2), F.A.C. A request for hearing must be filed with (received by) the Agency Clerk of the District at the District's Tampa Service Office, 7601 Highway 301 North, Tampa, Florida 33637-6759 or by facsimile transfer to (813) 367-9776 within twenty-one (21) days of receipt of this notice. Because the administrative hearing process is designed to formulate final agency action, the timely filing of a request for hearing may result in the District's final action being different from its original action. Failure to file a request for hearing within the specified time period shall constitute a waiver of any right any such person may have to request a hearing under Sections 120.569 and 120.57, F.S. Mediation pursuant to Section 120.573, F.S., and Rule 28-106.111, F.A.C., to settle an administrative dispute regarding the District's action in this matter is not available prior to the filing of a request for hearing.

In accordance with subsection 120.569(1), F.S., the following additional administrative or judicial review may be available. A party who is adversely affected by final agency action may seek review of the action in the appropriate District Court of Appeal pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, within thirty (30) days after the rendering of the final action by the District.

**PURSUANT TO SUBSECTION 373.119(3), F.S., AND NOTWITHSTANDING ANY OTHER PROVISION UNDER CHAPTER 120, F.S., PERSONS TO WHOM THE ORDER IS DIRECTED SHALL COMPLY THEREWITH IMMEDIATELY, AND THE TIMELY FILING OF A PETITION SHALL NOT STAY SUCH PERSON'S OBLIGATION TO MAINTAIN SUCH COMPLIANCE DURING THE PENDENCY OF ANY ADMINISTRATIVE PROCEEDING.**

## REGULATION COMMITTEE

*March 24, 2026*

### *Consent Agenda*

#### **Approval of Emergency Order No. SWF 26-007 – Declaration of Emergency Regarding the City of Punta Gorda’s Use of Shell Creek (Charlotte County)**

Section 373.119, Florida Statutes (F.S.), authorizes the Executive Director to take actions necessary to address an emergency that poses a threat to the public health, safety, welfare, or environment. Such actions may include, among other things, issuing an emergency order reciting the existence of an emergency and requiring action. The Governing Board must affirm the emergency order at the next regularly scheduled Governing Board meeting.

By State of Florida Executive Order No. 26-33, Governor Ron DeSantis declared that a state of emergency exists based upon the serious threat to public health, safety, and welfare posed by drought conditions throughout the State.

Severe, ongoing drought conditions have significantly stressed regional water supplies in the District’s southern counties. The Peace River Manasota Regional Water Supply Authority (the “Authority”) relies on the Peace River as its primary water source. As of March 6, 2026, the Authority’s combined reservoir storage was at 50% of capacity, which is the lowest historical level recorded for that date and approximately 600 million gallons below the previous record low. The Authority’s Aquifer Storage and Recovery system is providing water at its maximum sustainable capacity of 20 mgd, which is less than current regional water demands. As of March 2, 2026, multiple Drought Indicators for the District’s southern counties were classified as Severely, Extremely, or Critically Abnormal, and the U.S. Drought Monitor Map as of March 16, 2026, shows the area in extreme drought. Due to the continued extreme drought conditions, the Authority requested authorization to temporarily modify the diversion schedule set forth in its water use permit to allow increased withdrawals from the Peace River. The Executive Director issued Emergency Order No. SWF 26-006, which temporarily authorizes a modified diversion schedule to allow the Authority to maximize available water supply from the Peace River while the order is in effect.

The Authority is also seeking additional water from other sources to help meet regional demands during the current extreme drought conditions. The City and other local governments within the Authority’s service area are co-permittees with the Authority on the Operational Flexibility Water Use Permit No. 20012926.002, which authorizes the use of interconnected conjunctive sources, on a short-term basis only, for operational flexibility when the Authority’s primary surface water source, the Peace River, is temporarily unavailable. The Authority and the City of Punta Gorda (“City”) have both requested that the City be temporarily permitted to withdraw up to an additional 2.2 mgd from Shell Creek to supply to the Authority through the Operational Flexibility Water Use Permit to help the Authority meet demands. The City is currently maximizing its withdrawals under its own Water Use Permit No. 2000871.014, so an emergency order is necessary for the City to be able to withdraw the additional water from Shell Creek. The Executive Director issued Emergency Order No. SWF 26-007, which temporarily authorizes the City to withdraw an additional 2.2 mgd from Shell Creek to provide to the Authority while the order is in effect.

Emergency Order No. SWF 26-007 will expire on July 1, 2026, unless rescinded or extended by Governing Board or Executive Director action on or before that date. District staff will monitor conditions and assess whether an extension is warranted.

*Strategic Plan*

This Emergency Order supports the District's Strategic Initiatives for Regional Water Supply Planning and Core Business Processes for regulation.

*Exhibits*

Exhibit 1 – Emergency Order

Staff Recommendation:

1. Approve Emergency Order No. SWF 26-007.

Presenter: Christopher A. Tumminia, General Counsel

BEFORE THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

IN RE: DECLARATION OF  
EMERGENCY REGARDING THE  
CITY OF PUNTA GORDA'S USE  
OF SHELL CREEK

/

**EMERGENCY ORDER NO. SWF 26-007**

Brian Armstrong, P.G., Executive Director of the Southwest Florida Water Management District ("District"), at the Tampa Service Office, 7601 US Highway 301 North, Tampa, Florida 33637, received evidence and information from District staff and representatives of the City of Punta Gorda (the "City"), a Florida municipal corporation, regarding drought conditions causing a public water supply shortage within the Peace River Manasota Regional Water Supply Authority's (the "Authority") Regional System and low water levels in its reservoirs and ASR wellfields, thereby creating an acute public health, safety, and welfare emergency. Based upon such evidence and information, the Executive Director finds and determines:

**FINDINGS OF FACT**

1. Section 373.246, Florida Statutes (F.S.), requires each water management district to adopt a Water Shortage Plan ("Plan") as a means of assuring appropriate responses to droughts and other types of water shortage events.

2. Part III of Chapter 40D-21, F.A.C., sets forth the emergency provisions of the Plan.

3. Rule 40D-21.331(3), F.A.C., specifies that, if the District determines that conditions are rapidly deteriorating, or if the District receives a request for emergency action, the District shall ascertain if emergency actions are necessary to protect public health, safety or welfare, considering such factors as whether the affected users can obtain water from other users or other sources on a temporary basis and whether there are recommendations from, and emergency actions taken by, a local government in the affected area.

4. Rule 40D-21.371(1), F.A.C., specifies that the Executive Director of the District may issue orders containing response mechanisms deemed necessary to address such an emergency, and that these mechanisms may include authorizations to temporarily withdraw from a permitted source in a manner or for a purpose not expressly granted by the applicable Water Use Permit; and restrictions that involve apportioning, rotating, limiting, or prohibiting the use of water.

5. Rules 40D-21.391(1), (2) and (3), F.A.C., allow for such emergency orders to be issued without prior notice, subject to concurrence by the District's Governing Board and proper notice to affected water users and local officials.

6. The Authority is a regional water supplier that provides wholesale drinking water to local governments within its service area. The Peace River is the Authority's primary source of water to meet the potable water needs of the public within that area. The Authority has requested emergency District action which would temporarily allow the Authority to increase withdrawal of low flows of surface water from the Peace River according to a modified diversion schedule. That request is being addressed by the District in Emergency Order No. SWF 26-006, contemporaneously with this Order.

7. The Authority also requested that the City be temporarily permitted to withdraw up to an additional 2.2 mgd to supply to the Authority through the Authority's Operational Flexibility Water Use Permit No. 20012926.002 to help the Authority meet regional demands during the current extreme drought conditions. The City is a co-permittee along with the Authority and other local governments on the Operational Flexibility Water Use Permit, which authorizes the use of interconnected conjunctive sources, on a short-term basis only, for operational flexibility when the Authority's primary surface water source, the Peace River, is temporarily unavailable.

8. On March 18, 2026, the City submitted its own request to this effect. The City is currently maximizing use of the reverse osmosis water treatment facility and its withdrawals under its own Water Use Permit No. 2000871.014, so an emergency order is necessary for the City to be able to withdraw additional water from Shell Creek.

9. Regional demand for the Authority's system for the months ending January 26, 2026, and February 26, 2026, was 32.66 million gallons per day and 30.77 million gallons per day, respectively, reflecting the initiation of ongoing conservation measures.

10. The Authority's average daily withdrawals from the Peace River for the month through February 26, 2026, were only 0.696 million gallons per day. The Authority's average daily withdrawals from the Peace River for the month through February 26, 2026, are and will continue to be lower than regional demand, with the shortfall being supplied by the Authority's reservoirs and the Aquifer Storage and Recovery ("ASR") system.

11. During periods of high river flow, the Authority typically stores raw water in its reservoirs and stores treated water in its ASR system. The Authority's ASR system is providing water at its maximum sustainable capacity of 20 million gallons per day, which is less than the current system demands.

12. The Authority characterizes its reservoir storage as stressed. Reservoir No. 1 holds up to 500 million gallons, and Reservoir No. 2 holds up to

6.292 billion gallons. As of March 6, 2026, the combined reservoir storage was down to 50% of capacity and continues to decrease each day. This volume represents the lowest historical level for March 6th recorded by the Authority and is approximately 600 million gallons lower than the previous low.

13. By State of Florida Executive Order No. 26-33, Governor Ron DeSantis declared that a state of emergency exists based upon the serious threat to public health, safety, and welfare posed by drought conditions throughout the State.

14. District staff has determined that the following hydrologic factors are occurring and are contributing to or exacerbating the local and regional water supply situation:

- a. As of March 2, 2026, within the District's southern counties, one Drought Indicator was classified as Critically Abnormal, one Drought Indicator was classified as Extremely Abnormal, and three Drought Indicators were classified as Severely Abnormal. Specifically, the 12-month moving sum for rainfall was at the 2<sup>nd</sup> percentile, the 24-month moving sum for rainfall was at the 9<sup>th</sup> percentile, the 8-week moving average streamflow of the Peace River at Arcadia was at the 13<sup>th</sup> percentile, the 7-day average streamflow of the Peace River at Arcadia was at the 16<sup>th</sup> percentile, and the aquifer resource indicator for the District's southern counties was at the 14<sup>th</sup> percentile.
- b. As of March 16, 2026, the U.S. Drought Monitor Map shows the District's southern counties to be in an extreme drought condition. Drought conditions are expected to continue, as April and May are typically the driest months of the dry season.

15. The City cites the Authority's report that it has taken the following actions:

- a. The Authority has initiated drought planning meetings with its members. Both individual and group meetings have been held with all members' professional staff to discuss current conditions, projections, and actions as well as determine how the drought is affecting their systems. One result of these meetings is Sarasota County reducing their usage from the Authority by approximately 1.5-2 MGD and increasing production from its groundwater facility. Authority staff will continue to work with its members on conservation and drought response.
- b. The Authority has reduced the water pressure leaving its facility two times over the last few months to reduce demand.
- c. The Authority has issued a press release on drought and water shortage restrictions, encouraging adherence to those restrictions

and to water conservation measures. Authority staff has also participated in two television interviews to date on the low levels in the reservoir and the critical importance of water conservation at this time of drought.

- d. The Authority has met with its members to discuss conservation messaging and enforcement of the water shortage order. Members have reported to the Authority concerning the extensive use of their social media platforms, bill inserts, and media interviews to educate the public on the urgency to conserve.
- e. The Authority's members have all reported that they are following the enforcement and reporting requirements.
- f. The City is making every effort to identify potential solutions to avoid the need for future emergency authorizations, including investigating the feasibility of expanding the reverse osmosis water treatment facility to increase its surface water production capacity in the future.

16. In addition to the City's request that is the subject of this Order, the Authority has actively sought and utilized water from the other sources covered by its Operational Flexibility Water Use Permit No. 20012926.002, as follows:

- a. The Englewood Water District has indicated it can provide approximately 300,000-500,000 gallons per day to Charlotte County, which would offset Authority demand;
- b. Manatee County has no water available to the Authority at this time due to low water levels in Lake Manatee;
- c. Sarasota County's facilities are operating near capacity to meet current demands. No additional water is available from the Carlton Memorial Reserve facility.

17. The foregoing measures have not fully mitigated the risk of inadequate supply to meet current and projected demand and protect public health and safety during current extreme drought conditions.

18. The conditions within the service area of the Authority, including the City, constitute a threat to both the public water supply and to public health, safety, and welfare.

19. The exercise of the non-emergency powers under subsections 373.175(1) and (2) and 373.246(1), F.S., and Chapter 40D-21, F.A.C., are not sufficient to protect the public health, safety, or welfare, nor the drinking water supply of persons who depend upon the Authority.

## CONCLUSIONS OF LAW

20. An emergency exists requiring immediate action by the Executive Director of the District, as duly authorized by subsections 373.119(2), 373.175(4), and 373.246(7), F.S., and Rule 40D-21.331(4), F.A.C., to declare a water shortage emergency and to issue emergency orders reciting the existence of an emergency and requiring that action be taken as deemed necessary to meet the emergency.

WHEREFORE, it is hereby **ORDERED** that:

21. An emergency is declared for the City.

22. The City's Water Use Permit No. 2000871.014 is hereby modified as follows: The diversion schedule at Special Condition 21 is hereby temporarily modified to increase the maximum withdrawal in flow-based block 1 by 2.2 mgd.

23. Except as provided in paragraph 22 above, all other terms and conditions of the Permit shall remain in full force and effect.

24. The City shall aggressively pursue potential options for additional water supply to avoid the need for similar emergency authorizations in the future, including but not limited to expediting evaluation of the expansion of the City's reverse osmosis facility and the identification of new sources of water.

25. All local governments receiving water from the Authority shall continue to aggressively enforce applicable District water shortage restrictions for the duration of this Order.

26. This Order shall expire on July 1, 2026, unless rescinded or extended by Governing Board or Executive Director action on or before that date.

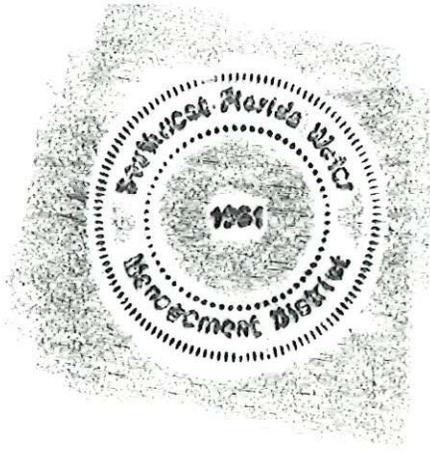
DONE AND ORDERED in Hernando County, Florida, this 19th day of March, 2026.

SOUTHWEST FLORIDA WATER  
MANAGEMENT DISTRICT

By:   
Brian Armstrong, P.G.  
Executive Director

Filed this 19<sup>th</sup> day  
of March, 2026.

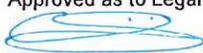
  
\_\_\_\_\_  
Agency Clerk



The Governing Board of the Southwest Florida Water Management District concurred with the action taken by the District's Executive Director.

Acknowledged this \_\_\_ day of March, 2026.

By: \_\_\_\_\_  
John Mitten  
Chair

Approved as to Legal Form & Content  
  
\_\_\_\_\_  
Christopher A. Tumminia, Esq.  
General Counsel

Attest: \_\_\_\_\_  
Ashley Bell Barnett  
Secretary

## **NOTICE OF RIGHTS**

In accordance with Sections 373.119(3), 120.569, and 120.57, Florida Statutes ("F.S."), and Chapter 28-106, Florida Administrative Code ("F.A.C."), persons to whom this Order is directed, or whose substantial interests are affected, may request an administrative hearing. A request for hearing that disputes the material facts on which the District's action is based must contain all elements required by Rule 28-106.201(2), F.A.C., including but not limited to: (1) an explanation of how the substantial interests of each person requesting the hearing will be affected by the District's action; (2) a statement of all disputed issues of material fact; (3) the District Order number; (4) the name, address, any e-mail address and telephone number of the person requesting the hearing and, if applicable, of the person's representative; (5) a statement of when and how the person requesting the hearing received notice of the District's action; (6) a concise statement of the ultimate facts alleged, including the specific facts warranting reversal or modification of the District's action; (7) a statement of the specific rules or statutes the petitioner contends require reversal or modification of the District's action; and (8) the relief sought, including precisely what action the requester wishes the agency to take. A request for hearing that does not dispute the material facts on which the District's action is based shall state that no material facts are in dispute, and must contain the information set forth above (with the exception of item (2)), and otherwise comply with Rule 28-106.301(2), F.A.C. A request for hearing must be filed with (received by) the Agency Clerk of the District at the District's Tampa Service Office, 7601 Highway 301 North, Tampa, Florida 33637-6759 or by facsimile transfer to (813) 367-9776 within twenty-one (21) days of receipt of this notice. Because the administrative hearing process is designed to formulate final agency action, the timely filing of a request for hearing may result in the District's final action being different from its original action. Failure to file a request for hearing within the specified time period shall constitute a waiver of any right any such person may have to request a hearing under Sections 120.569 and 120.57, F.S. Mediation pursuant to Section 120.573, F.S., and Rule 28-106.111, F.A.C., to settle an administrative dispute regarding the District's action in this matter is not available prior to the filing of a request for hearing.

In accordance with subsection 120.569(1), F.S., the following additional administrative or judicial review may be available. A party who is adversely affected by final agency action may seek review of the action in the appropriate District Court of Appeal pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, within thirty (30) days after the rendering of the final action by the District.

**PURSUANT TO SUBSECTION 373.119(3), F.S., AND NOTWITHSTANDING ANY OTHER PROVISION UNDER CHAPTER 120, F.S., PERSONS TO WHOM THE ORDER IS DIRECTED SHALL COMPLY THEREWITH IMMEDIATELY, AND THE TIMELY FILING OF A PETITION SHALL NOT STAY SUCH PERSON'S OBLIGATION TO MAINTAIN SUCH COMPLIANCE DURING THE PENDENCY OF ANY ADMINISTRATIVE PROCEEDING.**