

Governing Board Meeting

Agenda and Meeting Information

December 13, 2022

9:00 a.m.

Brooksville Office

2379 Broad Street • Brooksville, Florida
(352) 796-7211 • 1-800-423-1476

Southwest Florida
Water Management District

WATERMATTERS.ORG • 1-800-423-1476



2379 Broad Street, Brooksville, Florida 34604
(352) 796-7211 or 1-800-423-1476 (FL only)
WaterMatters.org

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Employer

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, services and activities. Anyone requiring reasonable accommodation, or who would like information as to the existence and location of accessible services, activities, and facilities, as provided for in the Americans with Disabilities Act, should contact the Human Resources Office Chief, at 2379 Broad St., Brooksville, FL 34604-6899; telephone (352) 269-3929 or 1-800-423-1476 (FL only); or email ADACoordinator@WaterMatters.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1-800-955-8771 (TDD) or 1-800-955-8770 (Voice). If requested, appropriate auxiliary aids and services will be provided at any public meeting, forum, or event of the District. In the event of a complaint, please follow the grievance procedure located at WaterMatters.org/ADA.

Final Agenda GOVERNING BOARD MEETING

DECEMBER 13, 2022
9:00 AM

2379 BROAD STREET, BROOKSVILLE, FL 34604
(352) 796-7211

All meetings are open to the public

- › Viewing of the Board meeting will be available through the District's website at www.WaterMatters.org.
- › 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 available at WaterMatters.org.

Bartow Office

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

Sarasota Office

78 Sarasota Center Boulevard
Sarasota, Florida 34240
(941) 377-3722 or 1-800-320-3503 (FL only)

Tampa Office

7601 Hwy 301 N (Fort King Highway)
Tampa, Florida 33637
(813) 985-7481 or 1-800-836-0797 (FL only)

MEETING NOTICE

1. CONVENE PUBLIC MEETING

- 1.1 Call to Order
- 1.2 Invocation and Pledge of Allegiance
- 1.3 Employee Recognition
- 1.4 Additions/Deletions to Agenda
- 1.5 Public Input for Issues Not Listed on the Published Agenda

2. CONSENT AGENDA

- 2.1 **Finance/Outreach and Planning Committee:** No. 22-16 Commending Seth Weightman for His Service as a Member of the Southwest Florida Water Management District Governing Board
- 2.2 **Finance/Outreach and Planning Committee:** Resolution to Request Disbursement of Funds from the Land Acquisition Trust Fund for Land Management
- 2.3 **Resource Management Committee:** 7th Street North, 50th Avenue North Vicinity Storm Drainage Improvements - Third-Party Review (Q220)
- 2.4 **Operations, Lands and Resource Monitoring Committee:** Fifth Amendment to Agreement with District School Board of Hernando County for Springs Coast Environmental Education Center, SWF Parcel No. 15-773-182X
- 2.5 **Regulation Committee:** Water Use Permit No. 20 006151.014, Marion County Utilities / Marion County Utilities Consolidated WUP (Marion County)
- 2.6 **General Counsel's Report:** Approval of Emergency Order No. SWF 22-016 – Emergency Measures Due to Subtropical Storm Nicole
- 2.7 **General Counsel's Report:** Approval of Emergency Order No. SWF 22-018 – Emergency Measures Due to High-Water Conditions
- 2.8 **General Counsel's Report:** Approval of Emergency Order No. SWF 22-019 – Emergency Measures Due to Hurricane Ian
- 2.9 **Executive Director's Report:** Approve Governing Board Minutes – November 15, 2022

3. FINANCE/OUTREACH AND PLANNING COMMITTEE

- 3.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion
- 3.2 **Discussion:** Action Item: Preliminary Budget for Fiscal Year 2024
- 3.3 **Discussion:** Information Item: Review of Self-Funded Health Plans
- 3.4 **Submit & File:** Information Item: Budget Transfer Report

4. RESOURCE MANAGEMENT COMMITTEE

- 4.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion
- 4.2 **Discussion:** Action Item: Fiscal Year 2024 Cooperative Funding Process

5. OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

5.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion

5.2 **Discussion:** Information Item: Hydrologic Conditions Report

6. REGULATION COMMITTEE

6.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion

6.2 **Discussion:** Action Item: Denials Referred to the Governing Board

7. GENERAL COUNSEL'S REPORT

7.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion

7.2 **Discussion:** Information Item: Compliance Update On Inverness Village 4 Residential Subdivision – Unauthorized Construction Activities – CT No. 415879 – Citrus County

8. COMMITTEE/LIAISON REPORTS

8.1 **Discussion:** Information Item: Industrial Advisory Committee

8.2 **Discussion:** Information Item: Public Supply Advisory Committee

9. EXECUTIVE DIRECTOR'S REPORT

9.1 **Discussion:** Information Item: Executive Director's Report

10. CHAIR'S REPORT

10.1 **Discussion:** Information Item: Chair's Report

10.2 **Discussion:** Information Item: Employee Milestones

ADJOURNMENT

GOVERNING BOARD OFFICERS, COMMITTEES AND LIAISONS

Approved December 1, 2022

OFFICERS	
Chair	Joel Schleicher
Vice Chair	Ed Armstrong
Secretary	Michelle Williamson
Treasurer	John Mitten

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE
Jack Bispham
Kelly Rice
John Hall

RESOURCE MANAGEMENT COMMITTEE
Ashley Bell Barnett
Michelle Williamson

REGULATION COMMITTEE
John Hall
Ashley Bell Barnett

FINANCE/OUTREACH AND PLANNING COMMITTEE
John Mitten
Jack Bispham
Ed Armstrong

** Board policy requires the Governing Board Treasurer to chair the Finance Committee.*

STANDING COMMITTEE LIAISONS	
Agricultural and Green Industry Advisory Committee	Kelly Rice
Environmental Advisory Committee	Michelle Williamson
Industrial Advisory Committee	Ashley Bell Barnett
Public Supply Advisory Committee	Ed Armstrong

OTHER LIAISONS	
Central Florida Water Initiative	John Hall
Spring Coast Steering Committee	Kelly Rice
Coastal & Heartland National Estuary Partnership Policy Committee	Jack Bispham
Sarasota Bay Estuary Program Policy Board	Joel Schleicher
Tampa Bay Estuary Program Policy Board	Vacant
Tampa Bay Regional Planning Council	Vacant

Southwest Florida Water Management District Schedule of Meetings Fiscal Year 2023

10/6/2022

Governing Board Meeting

October 18, 2022 – 9:00 a.m., Tampa Office
November 15, 2022 – 9:00 a.m., Brooksville Office
December 13, 2022 – 9:00 a.m., Brooksville Office
January 24, 2023 – 9:00 a.m., Tampa Office
February 28, 2023 – 9:00 a.m., Brooksville Office
March 28, 2023 – 9:00 a.m., Brooksville Office
April 25, 2023 – 9:00 a.m., Tampa Office
May 23, 2023 – 9:00 a.m., Tampa Office
June 27, 2023 – 9:00 a.m., Brooksville Office
July 25, 2023 – 9:00 a.m., Tampa Office
August 22, 2023 – 9:00 a.m., Brooksville Office
September 26, 2023 – 3:00 p.m., Tampa Office

Governing Board Workshop

November 15, 2022 – 10:30 a.m., Brooksville Office

Governing Board Budget Hearing – 5:01 p.m., Tampa Office

2023 – September 12 & 26

Agricultural & Green Industry Advisory Committee – 10:00 a.m.

2022 – December 6 (meeting replaced with December 16 field trip)
2023 – March 14, June 13, September 12

Environmental Advisory Committee – 10:00 a.m.

2022 – October 11 (canceled)
2023 – January 10, April 11, July 11

Industrial Advisory Committee – 10:00 a.m.

2022 – November 8
2023 – February 14, May 9, August 8

Public Supply Advisory Committee – 1:00 p.m.

2022 – November 8 (canceled)
2023 – February 14, May 9, August 8

Springs Coast Management Committee – 1:30 p.m.

2022 – October 26, December 7
2023 – January 11, February 22, May 24, July 12

Springs Coast Steering Committee – 2:00 p.m.

2022 – November 9
2023 – January 25, March 8, July 26

Cooperative Funding Initiative – all meetings begin at 10 a.m.

2023 – February 1 – Northern Region, Brooksville Office
2023 – February 2 – Southern Region, Sarasota County Commission Chambers
2023 – February 8 – TBD
2023 – February 9 – Tampa Bay Region, Tampa Office
2023 – April 5 – Northern Region, Brooksville Office
2023 – April 6 – Southern Region, Sarasota County Commission Chambers
2023 – April 12 – Heartland Region, Bartow City Hall
2023 – April 13 – Tampa Bay Region, Tampa Office

Meeting Locations

Brooksville Office – 2379 Broad St., Brooksville, FL 34604
Tampa Office – 7601 US Highway 301 North, Tampa, FL 33637
Bartow City Hall – 450 N. Wilson Ave., Bartow, FL 33830
Sarasota County Commission Chambers – 1660 Ringling Blvd., Sarasota, FL 34236

Governing Board Meeting
December 13, 2022

1. CONVENE PUBLIC MEETING

1.1 Call to Order..... 4

1.2 Invocation and Pledge of Allegiance..... 5

1.3 Employee Recognition 6

1.4 Additions and Deletions to Agenda..... 7

1.5 Public Input for Issues Not Listed on the Agenda 8

CONVENE PUBLIC MEETING

December 13, 2022

Call to Order

The Board Chair calls the meeting to order. The Board Secretary confirms that a quorum is present. The Board Chair then opens the public meeting. Anyone wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda should fill out and submit a speaker's card. Comments will be limited to three minutes per speaker, and, when appropriate, exceptions to the three-minute limit may be granted by the Chair. Several individuals wishing to speak on the same issue/topic should designate a spokesperson.

Presenter:

Ed Armstrong, Vice Chair

CONVENE PUBLIC MEETING

December 13, 2022

Invocation and Pledge of Allegiance

An invocation is offered. The Board Chair conducts the Pledge of Allegiance to the Flag of the United States of America.

Presenter:

Ed Armstrong, Vice Chair

CONVENE PUBLIC MEETING

December 13, 2022

Employee Recognition

Staff that have reached 20 or more years of service at the District will be recognized.

Staff Recommendation:

- Philip Rhinesmith

Presenter:

Ed Armstrong, Vice Chair

CONVENE PUBLIC MEETING

December 13, 2022

Additions/Deletions to Agenda

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.

ADDITIONS: The items that have been added to the agenda were received by the District after publication of the regular agenda. The Board was provided with the information filed and the District staff's analyses of these matters. Staff has determined that action must be taken on these items prior to the next Board meeting. Therefore, it is the District staff's recommendation that good cause has been demonstrated and should be considered during the Governing Board's meeting.

Staff Recommendation:

Approve the recommended additions and deletions to the published agenda if necessary.

Presenter:

Brian J. Armstrong, P.G., Executive Director

CONVENE PUBLIC MEETING

December 13, 2022

Public Input for Issues Not Listed on the Published Agenda

At this time, the Board will hear public input for issues not listed on the published agenda.

Presenter:

Ed Armstrong, Vice Chair

Governing Board Meeting

December 13, 2022

2. CONSENT AGENDA

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.

- 2.1 **Finance/Outreach and Planning Committee:** No. 22-16 Commending Seth Weightman for His Service as a Member of the Southwest Florida Water Management District Governing Board..... 9
- 2.2 **Finance/Outreach and Planning Committee:** Resolution to Request Disbursement of Funds from the Land Acquisition Trust Fund for Land Management 11
- 2.3 **Resource Management Committee:** 7th Street North, 50th Avenue North Vicinity Storm Drainage Improvements - Third-Party Review (Q220) 16
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- 2.6 **General Counsel's Report:** Approval of Emergency Order No. SWF 22-016 – Emergency Measures Due to Subtropical Storm Nicole 73
- 2.7 **General Counsel's Report:** Approval of Emergency Order No. SWF 22-018 – Emergency Measures Due to High-Water Conditions..... 85
- 2.8 **General Counsel's Report:** Approval of Emergency Order No. SWF 22-019 – Emergency Measures Due to Hurricane Ian 91
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CONSENT AGENDA

December 13, 2022

Finance/Outreach and Planning Committee: No. 22-16 Commending Seth Weightman for His Service as a Member of the Southwest Florida Water Management District Governing Board

To honor Mr. Seth Weightman for his term as a Governing Board member, District staff have prepared this resolution to commemorate his service. Mr. Weightman was appointed by Governor Ron DeSantis in November 2019 and served until November 2022.

Staff Recommendation:

Approve Resolution No. 22-16 commending Seth Weightman for his service as a member of the Southwest Florida Water Management District Governing Board.

Presenter:

Virginia Singer, Manager, Board and Executive Services

RESOLUTION NO. 22-16

COMMENDING
SETH WEIGHTMAN
FOR HIS SERVICE AS A MEMBER OF THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT GOVERNING BOARD

WHEREAS, **SETH WEIGHTMAN** was appointed by Governor Ron DeSantis to the Southwest Florida Water Management District Governing Board on November 5, 2019 and served through November 2022; and

WHEREAS, **SETH WEIGHTMAN** chaired the Resource Management Committee, served as a member on various other Governing Board Committees, and served as liaison to the Well Drillers Advisory Committee; and

WHEREAS, **SETH WEIGHTMAN** provided leadership and guidance in the implementation of the Polk Regional Water Cooperative and Central Florida Water Initiative, including development of the 2020 Regional Water Supply Plan; and

WHEREAS, **SETH WEIGHTMAN** supported development of alternative water supplies and regional pipeline interconnections in partnership with water supply authorities, local governments and private utilities to help achieve reductions in groundwater pumping and supported regional cooperative projects including; the Tampa Bay Water Southern Hillsborough County Booster Pump Station and Southern Hillsborough County Transmission Expansion projects, Demand Management Program Phase 2, Regional Treatment Facility Pumping Expansion project, and feasibility studies for the Regional Surface Water Treatment Plant Expansion and Desal Facility Expansion; and

WHEREAS, **SETH WEIGHTMAN** supported continued efforts to meet needs in the Southern Water Use Caution Area while reducing groundwater use, improving river flows and aquifer levels, and examining alternatives to restore lake levels in the Ridge Lakes area; and

WHEREAS, **SETH WEIGHTMAN** supported the successful 20-year environmental recovery efforts of the Northern Tampa Bay Water Use Caution Area, which included reducing the amount of groundwater withdrawals in the area and developing alternative water sources for the residents of Tampa Bay; and

WHEREAS, **SETH WEIGHTMAN** was an advocate of environmental restoration projects including the Coral Creek Ecosystem Restoration, Little Manatee River Corridor Hydrologic Restoration, Redfish Hole Restoration, Frog Creek Wetland Restoration, and Cypress Creek Hydrologic Restoration; and

WHEREAS, **SETH WEIGHTMAN** supported the acquisition of public lands to protect Florida's first- and second-magnitude springs, including Weeki Wachee, Kings Bay, Three Sisters, Boat and Rainbow springs; and

WHEREAS, **SETH WEIGHTMAN** supported funding septic-to-sewer projects to protect and restore all five first-magnitude springs in the Springs Coast area; and

WHEREAS, **SETH WEIGHTMAN** stressed the importance of flood protection and public safety by supporting technological upgrades and refurbishments to the District's complex flood and water control structures throughout the region as well as funding for the Pasco County Sea Pines Neighborhood Flood Abatement project and the Magnolia Valley Storage and Wetland Enhancement project; and

WHEREAS, **SETH WEIGHTMAN** championed the surplus lands program through the sale of less beneficial District parcels equaling 1,763 acres for a total of \$20.2 million. These funds were then available to make critical land purchases such as the Southworth Tract, a 589-acre parcel in the Weekiwachee Preserve; and

WHEREAS, **SETH WEIGHTMAN** was a visionary leader in beneficial reuse of reclaimed water, setting a goal of 75 percent beneficial reuse, creating innovative approaches using reclaimed water to restore natural systems and help create a sustainable water supply; and supported cooperative projects including the Zephyrhills to Pasco County Reclaimed Water Interconnect project; and

WHEREAS, the Governing Board of the Southwest Florida Water Management District wishes to express its appreciation of these outstanding contributions, as well as those that are not mentioned but which will long be attributed to the service of **SETH WEIGHTMAN**.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT that this Board honors **SETH WEIGHTMAN** by adopting this resolution, expressing its appreciation for his commitment to the mission of the District, his outstanding work and his dedication to public service; and

BE IT FURTHER RESOLVED that this resolution be incorporated into the minutes of this District, permanently honoring the service of **SETH WEIGHTMAN** to this District, and that this resolution be presented to him.

PASSED and ADOPTED this thirteenth day of December 2022.

GOVERNING BOARD OF THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BY _____
Ed Armstrong, Vice Chair

ATTEST _____
Michelle Williamson, Secretary

CONSENT AGENDA

December 13, 2022

Finance/Outreach and Planning Committee: Resolution to Request Disbursement of Funds from the Land Acquisition Trust Fund for Land Management

Purpose

Request the approval of Resolution 22-17, Request to the Florida Department of Environmental Protection (DEP) for Disbursement of Funds from the Land Acquisition Trust Fund (LATF) for Land Management.

Background

During the 2022 legislative session, the Florida Legislature appropriated \$10,237,210 to the LATF for the water management districts to use for land management on District conservation lands. The Southwest Florida Water Management District's share was \$2,250,000, which was included in the fiscal year 2023 adopted budget for land management activities.

The Governing Board must adopt a resolution to request funds from the LATF. Accordingly, a resolution has been prepared requesting the DEP to reimburse the District for land management expenditures incurred on District conservation lands from the appropriated funds. The exhibit to this item includes Resolution 22-17.

Staff Recommendation:

Approve Resolution 22-17, *Request to the Florida Department of Environmental Protection for Disbursement of Funds from the Land Acquisition Trust Fund for Land Management*, as shown in the Exhibit.

Presenters:

Melisa J. Lowe, Bureau Chief, Finance
Jerry Mallams, P.G., Bureau Chief, Operations
Ellen Morrison, Bureau Chief, Land Resources

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 22-17

REQUEST TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR DISBURSEMENT OF FUNDS FROM THE LAND ACQUISITION TRUST FUND FOR LAND MANAGEMENT

WHEREAS, pursuant to Chapter 373, Florida Statutes (F.S.), the Governing Board of the Southwest Florida Water Management District (District) has the duty and responsibility to develop plans, projects and programs for regional water supply planning, water resource development, water supply development, land acquisition, surface water improvement and management, and water restoration initiatives within its boundaries; and

WHEREAS, through Specific Appropriation 1633 under the General Appropriations Act, Chapter 2022-156, Laws of Florida, for the annual period beginning July 1, 2022 and ending June 30, 2023 (Fiscal Year 2022-23), the Legislature specifically appropriated to the District a total of two million two hundred fifty thousand dollars (\$2,250,000) from the Land Acquisition Trust Fund of the State of Florida for land management purposes on District conservation lands; and

WHEREAS, in its Fiscal Year 2022-23, the District has budgeted two million two hundred fifty thousand dollars (\$2,250,000) from the Land Acquisition Trust Fund to be used for land management purposes on District conservation lands; and

WHEREAS, Section 373.501(2), F.S., prescribes a process for disbursing funds appropriated by the Legislature to the water management districts upon receipt by the Secretary of the State of Florida's Department of Environmental Protection of a resolution adopted by the Governing Board requesting such funds.

THEREFORE, BE IT RESOLVED, that the Governing Board of the Southwest Florida Water Management District hereby requests the Secretary of the Department of Environmental Protection to release from the Land Acquisition Trust Fund of the State of Florida the sum of up to two million two hundred fifty thousand dollars (\$2,250,000) for the activities described in the land management spend plan, attached hereto as Exhibit "A" and incorporated herein by this reference, pursuant to Section 373.501(2), F.S., and Specific Appropriation 1633 in the General Appropriations Act, Chapter 2022-156, Laws of Florida; and

BE IT FURTHER RESOLVED that a warrant be issued by the State of Florida's Chief Financial Officer in accordance with Section 17.52, F.S., to the Southwest Florida Water Management District for that amount available, or as may become available, from the Land Acquisition Trust Fund; and

BE IT FURTHER RESOLVED that these funds are subject to the requirements of Section 215.97, F.S., the Florida Single Audit Act. The Catalog of State Financial Assistance (CSFA) Number for these activities identified herein is CSFA 37.022 and the CSFA Title for these activities is "Water Management Districts – Land Acquisition and Improvement"; and

BE IT FURTHER RESOLVED that these funds are subject to the requirements of Section 216.347, F.S. (Grants and Lobbying Restriction); and

BE IT FURTHER RESOLVED that a certified copy of this resolution be transmitted to the Secretary of the Department of Environmental Protection forthwith; and

BE IT FURTHER RESOLVED that the Vice Chair of the Governing Board is hereby authorized to affix his signature to this resolution on behalf of the Board and attested by its Secretary.

APPROVED AND ADOPTED in Brooksville, Hernando County, Florida on this thirteenth day of December 2022.

SOUTHWEST FLORIDA
WATER MANAGEMENT DISTRICT

By: _____
Ed Armstrong, Vice Chair

Attest:

Michelle Williamson, Secretary

Exhibit A

Land Management Spend Plan

The specific appropriation funding in the amount of two million two hundred fifty thousand dollars (\$2,250,000) will be used for expenditures in support of land management activities within the Southwest Florida Water Management District. These include, but are not limited to, the following:

Operational Maintenance and Restoration Activities on District Conservation Lands

- Repair and maintenance of roads and bridges.
- Roller chopping and hydro-axing as required for restoration, brush, and fuel management purposes.
- Prescribed burning.
- Control of feral hogs.
- Security, law enforcement, and maintenance services for public use facilities.
- Road, pasture, and restoration mowing.
- Recreational mowing such as public parking areas, campgrounds, and trails for public use facilities.
- Removal and construction of fencing.
- Replacement of culverts.
- Treatment of cogon grass, Old World climbing fern, Brazilian pepper, tropical soda apple, and other invasive plant species.
- Rearing, release, and monitoring of bio-control agents for Old World climbing fern.
- Land use and management planning.

CERTIFICATE AS TO RESOLUTION NO. 22-17

STATE OF FLORIDA
COUNTY OF HERNANDO

We, the undersigned, hereby certify that we are, Vice Chair and Secretary, respectively, of the Southwest Florida Water Management District, organized and existing under and by virtue of the Laws of the State of Florida, and having its office and place of business at 2379 Broad Street, Brooksville, Hernando County, Florida, and that, on the thirteenth day of December 2022, at a duly called and properly held hearing of the Governing Board of the Southwest Florida Water Management District, at the Brooksville Office, 2379 Broad Street, Brooksville, Hernando County, Florida, at which hearing a majority of the members of the Governing Board were present in person or via communications media technology, the resolution, which is attached hereto and which this certificate is a part thereof, was adopted and incorporated in the minutes of that hearing.

Dated at Brooksville, Florida, this thirteenth day of December 2022.

SOUTHWEST FLORIDA
WATER MANAGEMENT DISTRICT

By: _____
Ed Armstrong, Vice Chair

Attest:

Michelle Williamson, Secretary

CONSENT AGENDA**December 13, 2022****Resource Management Committee: 7th Street North, 50th Avenue North Vicinity Storm Drainage Improvements - Third-Party Review (Q220)***Purpose*

The purpose of this item is to present the results of the third-party review (TPR) for the City of St. Petersburg (City) 7th Street North, 50th Avenue North Vicinity Storm Drainage Improvements project, and to request Governing Board approval to amend the Cooperative Funding Agreement to move forward with construction at a total project cost of \$6,216,690 with the District funding \$2,728,500 (50 percent of the original conceptual cost).

Background/History

The City and the Southwest Florida Water Management District (District) entered into a Cooperative Funding Agreement in 2022 for the 7th Street North, 50th Avenue North Vicinity Storm Drainage Improvements project. The project consists of TPR and construction of increased stormwater conveyance lines along 7th Street North and 50th Avenue North, discharging north to an outfall in the 54th Avenue North canal. The initial conceptual project cost was estimated at \$5,457,000. The District's Governing Board approved fiscal year (FY) 2022 and FY2023 cooperative funding for this project. Governing Board approval is required to proceed beyond the TPR.

The City provided the 60 percent design, updated construction cost estimate of \$6,176,955 and revised the benefit/cost calculations. District staff contracted with an engineering firm to complete a third-party review of the design in April 2022. This included a review of the schedule, constructability, cost estimate, and ability to meet the proposed resource benefit. The TPR report concluded that the project design is constructable and meets the resource benefits as estimated.

Benefits/Costs

The design is consistent with the original conceptual scope and the project will reduce the existing street flooding problems in the area, for the 100-year, 24-hour storm event. The Measurable Benefit will be providing the final design package for the proposed project and the construction of stormwater drainage improvements in the vicinity of 7th Street North and 50th Avenue North in St Petersburg to reduce structure and street flooding.

In addition to the flood protection benefits, the project will also reduce pollutant loads discharged to Tampa Bay, a SWIM priority waterbody.

The City is proposing a total project cost of \$6,216,690 based on the Engineer's construction estimate and the TPR. The primary reason for the cost increase from the original conceptual cost in 2020 is an increase in costs associated with the storm sewer, material quantities, and contingency fees. The City is requesting Governing Board approval to continue the project with the District funding remaining at \$2,728,500. The City will fund the remaining cost of \$3,448,190. District funds for this project have already been budgeted.

The project was evaluated based upon the latest information and the FY2023 scoring system and the revised evaluation form is provided as an exhibit to this recap. The overall project ranking score is 93.

The cost effectiveness is based on the ratio of project benefits (avoided flood damages) to project cost. The benefit/cost ratio increased from 1.37 for the conceptual design to 1.48, which resulted in a higher cost effectiveness.

The District's existing cooperative funding agreement with the County requires Governing Board approval to proceed to construction.

Staff Recommendation:

Authorize continuation of the project and approve amending the Cooperative Funding Agreement to include a total project cost of \$6,216,690 for third-party review and construction, with the District's share to remain \$2,728,500 for the 7th Street North, 50th Avenue North Vicinity Storm Drainage Improvements project (Q220).

Presenter:

Scott Letasi, P.E., Bureau Chief, Engineering and Project Management

Project No. Q220	SW IMP – Flood Protection – 7th Street North, 50th Avenue North Vicinity Storm Drainage Improvements				
City of St. Petersburg	FY2023				
Risk Level:	Type 3	Multi-Year Contract: Yes, Year 2 of 2			
Description					
Description:	Third-party review (TPR) and construction of stormwater improvements for the neighborhood west of 4th Street North between 50th Avenue North and the 54th Avenue North canal. The proposed drainage improvements include low impact development (LID) techniques and increased stormwater conveyance capacity via enlarged conduits. The District required a TPR because the conceptual construction estimate is greater than \$5 million dollars.				
Measurable Benefit:	The contractual Measurable Benefit will be the construction of stormwater drainage improvements in the vicinity of 7th Street North and 50th Avenue North in St Petersburg to reduce structure and street flooding. Construction will be done in accordance with the permitted plans.				
Costs:	Total project cost: \$6,216,690 (TPR, land acquisition and construction) City of St. Petersburg: \$3,488,190 (including \$300,000 in land acquisition to be used as cooperator match) District: \$2,728,500 with \$1,500,000 budgeted in previous years, and \$1,228,500 requested in FY2023.				
Evaluation					
Initial Application Quality:	5	Application included most of the required information identified in the CFI guidelines. Only clarification was needed about some of the application information.			
Project Benefit:	18	The Resource Benefit of this project, if constructed, will reduce the existing flooding problem during the 100-year, 24-hour event. Structure and street flooding currently occurs in the project area and the project impacts the regional or intermediate drainage system. Ancillary water quality benefits were demonstrated along with the flood protection benefits.			
Cost Effectiveness:	25	Benefit/Cost ratio is greater than or equal to 1.1.			
Past Performance:	5	Based upon an assessment of the schedule and budget for the 6 ongoing projects.			
Complementary Efforts:	10	Cooperator's Community Rating System class is 5 and is in the 5 or better range.			
Project Readiness:	5	Project is ongoing and on schedule.			
Strategic Goals					
Strategic Goals:	25	Strategic Initiative – Flood Protection Maintenance and Improvement: Develop and implement programs, projects and regulations to maintain and improve flood protection, and operate District flood control and conservation structures to minimize flood damage while preserving the water resource Tampa Bay Region Priority: Flood Protection: Improve flood protection in Lake Tarpon, the Pithlachascotee, Anclote and Hillsborough Rivers and Pinellas County coastal watersheds.			
Overall Ranking and Recommendation					
CFI	93	Based upon the TPR results and available cost estimates, District staff recommend funding 50% of the original conceptual cost estimate of \$5.5 million and the City will fund the remainder. This project is designed to reduce existing street flooding and provide flood protection for structures and streets during the 100 year-24 hour event.			
Funding					
Funding Source		Prior	FY2023	Future	Total
District		\$1,500,000	\$1,228,500	\$0	\$2,728,500
City of St. Petersburg		\$1,500,000	\$1,988,190	\$0	\$3,488,190
Total		\$3,000,000	\$3,216,690	\$0	\$6,216,690

CONSENT AGENDA

December 13, 2022

Operations, Lands and Resource Monitoring Committee: Fifth Amendment to Agreement with District School Board of Hernando County for Springs Coast Environmental Education Center, SWF Parcel No. 15-773-182X

Purpose

Recommend the Governing Board approve the Fifth Amendment to the Operation and Maintenance Agreement between the Southwest Florida Water Management District and the District School Board for the Springs Coast Environmental Education Center (Fifth Amendment). The Fifth Amendment is attached hereto as Exhibit 1.

Background/History

The District entered into the Agreement for Construction, Operation and Maintenance of the Springs Coast Environmental Center at the Weekiwachee Preserve Property with the Board of Public Instruction of Hernando County, Florida (School Board) on May 31, 2002 (Agreement) to provide a location for an environmental education center (Center) on property owned by the District in Hernando County (Property). The Agreement was amended four (4) times to accommodate the construction schedule of facilities at the Center, increased construction costs, and to extend it pursuant to the terms therein. The Agreement, as amended, expires on December 31, 2022, and the School Board has notified the District of their desire to extend the Agreement as provided for therein. Presently, both the District and the School Board utilize the Center often for educational purposes.

Benefits/Costs

Approval of this no-cost Agreement will continue the successful partnership with the School Board for the Center and continue to provide educational opportunities to the public. The School Board is responsible for all costs associated with the operation, maintenance, and security of the Center which creates a management efficiency for the District. The District will continue to manage the natural resources around the Center.

Deliverables

The School Board's specific obligations are detailed in the Agreement.

Staff Recommendation:

- Approve the Fifth Amendment to Operation and Maintenance Agreement Between the Southwest Florida Water Management District and the District School Board for Hernando County for the Springs Coast Environmental Education Center (Fifth Amendment); and
- Authorize the Governing Board Chair to execute the Fifth Amendment on behalf of the District.

Presenter:

Ellen Morrison, Bureau Chief, Land Resources

Operation and Maintenance Agreement
SWF Parcel No. 15-773-182X-5
Approved by Attorney: _____

**FIFTH AMENDMENT TO
OPERATION AND MAINTENANCE AGREEMENT
BETWEEN THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT AND THE DISTRICT
SCHOOL BOARD OF HERNANDO COUNTY
FOR THE
SPRINGS COAST ENVIRONMENTAL EDUCATION CENTER**

This Fifth Amendment to Operation and Maintenance Agreement between the Southwest Florida Water Management District and the District School Board of Hernando County for the Springs Coast Environmental Education Center (Fifth Amendment) is made and entered into by and between the Southwest Florida Water Management District, a public corporation, having an address of 2379 Broad Street, Brooksville, Florida 34604-6899 (District), and Board of Public Instruction of Hernando County, a public corporation of the State of Florida, having an address of 919 North Broad Street, Brooksville, Florida 34601 (School Board).

WHEREAS, the Springs Coast Environmental Education Center (Education Center) is located on property owned by the District known as the Weekiwachee Preserve (Property) and is operated and maintained by the School Board to provide students of Hernando County the opportunity to learn about the water resources of the Weekiwachee River Basin and to experience environmental education in an outdoor setting; and

WHEREAS, the District and the Board entered into the Agreement for Construction, Operation and Maintenance of the Springs Coast Environmental Center at the Weekiwachee Property with the Board of Public Instruction of Hernando County, Florida on May 31, 2002 (Agreement) that authorized the School Board to use the Property for the construction, operation, and maintenance of the Education Center; and

WHEREAS, the Agreement was subsequently amended on September 7, 2004, September 12, 2005, March 20, 2007, and December 31, 2012, which Agreement, as amended, is attached hereto as "Exhibit A", and

WHEREAS, the Agreement provides that it may be extended for three (3) additional ten (10) year terms in accordance with the provisions of Paragraph 19. TERM; and

WHEREAS, the School Board has met the conditions required to extend the Agreement and is not in default hereunder.

NOW THEREFORE, the District and the School Board, in consideration of the mutual terms, covenants, and conditions set forth herein, hereby agree to further amend the Agreement as set forth below:

1. Except as otherwise provided herein, the terms, covenants, and conditions of the Agreement, as amended, are incorporated herein by reference and are hereby ratified, approved, and confirmed, and are binding upon the parties hereto.

Exhibit 1

2. Pursuant to paragraph 19 titled TERM, the Agreement is extended for the first of three additional ten (10) years. The extension will commence on the date of execution by the last party to sign hereto.
3. Counterparts and Authority to Sign. In accordance with the Electronic Signature Act of 1996, electronic signatures, including facsimile transmissions, may be used and shall have the same force and effect as a written signature. Each person signing this Agreement warrants that he or she is duly authorized to do so and to bind the respective party to the Agreement.

[Signature page follows]

IN WITNESS WHEREOF, the parties hereto, or their authorized representatives, have executed this License Agreement on the day and year set forth next to their signatures below.

SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT

By: Ed Armstrong, Vice Chair

Date_____

ATTEST:

By: Michelle Williamson, Secretary

BOARD OF PUBLIC INSTRUCTION OF
HERNANDO COUNTY FLORIDA
(Hernando County School Board)

By: Gus Guadagnino, Board Chair

Date_____

By: John Stratton, Superintendent of Schools

Date_____

This instrument prepared by:
Southwest Florida Water
Management District
2379 Broad Street
Brooksville, FL 34604-6899

SWF Parcel No. 15-773-182X

**AGREEMENT FOR
CONSTRUCTION, OPERATION AND MAINTENANCE
OF THE
SPRINGS' COAST ENVIRONMENTAL EDUCATION CENTER
AT THE WEEKIWACHEE PROPERTY**

This Agreement is made and entered into this 31st day of May 2002 by and between the Southwest Florida Water Management District, a public corporation created by Chapter 61-691, Laws of Florida, as amended, for itself and on behalf of the COASTAL RIVER BASIN BOARD, hereinafter referred to as "the District", and the BOARD OF PUBLIC INSTRUCTION OF HERNANDO COUNTY, FLORIDA, a public corporation of the State of Florida, hereinafter referred to as the "Board."

WITNESSETH:

Whereas, the District owns certain real property located in Hernando County, Florida, known as the Weekiwachee Property; and

Whereas, the District and Board have selected a location on the Weekiwachee Property to construct an environmental education center; and

Whereas, the District and the Board desire to combine their resources and efforts to construct, operate and maintain an environmental education facility on the Weekiwachee Property, hereinafter referred to as the "Education Center"; and

Whereas, the Board represents that they possess the requisite skills, knowledge, expertise and resources and do agree to provide the desired services to the District; and

Whereas, the District has agreed to provide the Board with up to \$750,000 to construct the necessary building; and

Whereas, joint cooperation between the District and the Board is in the best interest of the public.

Now, therefore, the District and the Board, in consideration of the mutual terms, covenants and conditions set forth herein, hereby mutually agree as follow:

1. EDUCATION CENTER: Upon satisfaction of all conditions precedent as set forth in paragraph 4 below, the Board, and upon notice to proceed from the District, shall construct

a building (the "Education Center"), on a site to be agreed upon pursuant to paragraph 4a below, within the Weekiwachee Property described in Exhibit "A" attached hereto and made a part hereof (the "Education Center Lands").

2. EDUCATION CENTER COSTS: The District shall pay up to \$750,000.00 for the construction of the Education Center (the "Education Center monies"). Disbursements of the Education Center Monies shall be made in accordance with paragraph 7 below.

3. USE AND OWNERSHIP: Upon execution of this Agreement, occurrence of all conditions precedent, and completed construction of the Education Center, the Board shall use the facilities to provide environmental educational training with emphasis on the wisdom of protecting, conserving and preserving natural and freshwater systems. The District shall be allowed to use the meeting room in the Facility at no charge based upon the availability of the meeting room and the District reserving the room from the Board in advance.

4. CONDITIONS PRECEDENT: Within nine (9) months of the effective date of this Agreement the Board and the District agree that the activities set forth below shall be completed. Should any activity not be so completed, the District and the Board may mutually agree to amend this Agreement to extend the time for completion, or either party may terminate this Agreement pursuant to Paragraph 21.

- a. Mutual agreement on the site within the Education Center Lands for construction of the Education Center;
- b. Survey of the construction site and preparation of the legal description;
- c. Approval of drawings, specifications and complete construction plans by the District for the Education Center and other related amenities to be constructed on Project Lands;
- d. Establishment of an Environmental Center Advisory Council that shall oversee the development of the Master Plan and Curricula. A representative from the District will be included on the council.
- e. Master Plan and Curriculum to include:
 - i. Education Plan and Curriculum focusing on water resources and wetlands ("Education Program");
 - ii. Education Center task deadlines;
 - iii. Line item Education Center budget;
 - iv. Any other items mutually agreeable to each party to be incorporated into the Master Plan and Curriculum.

5. PROJECT MANAGER AND NOTICES: Each party hereby designates the employee set forth below as its respective Project Manager. Project Managers shall assist with Education Center coordination and shall be the party's prime contact person. Notices or reports shall be sent to the attention of the parties' Project Manager by U.S. mail, postage paid, or by nationally recognized overnight delivery service, to the parties' addresses as follows:

Project Manager for the District: Will Miller
Senior Land Use Specialist
Southwest Florida Water Management District
2379 Broad Street
Brooksville, Florida 34604-6899

Project Manager for the Board: Graydon Howe,
Director of Plant Operations
Hernando County Schools
919 North Broad Street
Brooksville, Florida 34601

a. The District's Project Manager is hereby authorized to approve requests to extend an Education Center task deadline set forth in the Master Plan curriculum. Such approval shall be in writing, shall explain the reason for the extension and shall be signed by the Project Manager and his/her Department Director. The District's Project Manager is not authorized to approve any time extension that will result in an increased cost to the District or any time extension which will likely delay the final Education Center task deadline.

b. The District's Project Manager is authorized to adjust a line item amount of the Education Center budget set forth in the master/plan curriculum, if such adjustment does not exceed ten percent (10%) of the line item amount, aggregate adjustments are less than \$10,000, and such adjustment does not result in an increase in the total Education Center cost to be paid by the District. Such approval shall be in writing, shall explain the reason for adjustment, and shall be signed by the Education Center Manager and his/her Department Director and their Deputy Executive Director. The District's Education Center Manager is not authorized to make changes to the Scope of Work and is not authorized to approve any increase in the not-to-exceed set forth in the compensation section of this Agreement.

6. SCOPE OF WORK: The Board shall arrange for and or furnish all services necessary and required to accomplish and complete the Education Center and in accordance with the proposed Education Center plan set forth in the Master Plan and Curriculum.

a. Board Acts as Education Center Administrator: The District and the Board herein agree that the Board shall act as administrator for the design and construction of the Education Center in exchange for the use by the Board of the Education Center for the activities specified in the Master Plan and Curriculum, as may be amended from time to time. The Board shall make reasonable efforts to ensure the development of an energy-efficient design and construction plans. The District shall have sixty (60) days to review each set of drawings, design specifications, and construction plans and to provide the Board with written approval of same. In the event that the District objects within the sixty (60) day period, the Board shall as soon as practical submit a modified set that satisfies the District's objection. After obtaining the District's written approval of the design and

construction plans, the Board shall forward three (3) signed and sealed copies of the approved plans to the District for its files. The District's approval of the design and construction plans does not constitute a representation or warranty that the District has verified the architectural, engineering, mechanical, electrical, or other components of the design and construction plans, or that such documents are in compliance with District rules and regulations or any other applicable rules, regulations, or laws.

b. Permits: Upon the District's notice to proceed with construction of the Education Center, the Administrator shall ensure that all necessary permits, approvals, and licenses are obtained from all appropriate agencies prior to construction of the Education Center. If the Education Center requires any District permit, the District is a co-applicant, and the Florida Department of Environmental Protection shall be the permitting agency.

c. Selection of Contractors: The Board shall be responsible for the selection of and contracting with, any and all contractors needed to accomplish the work set forth in the approved design and construction plans. If required by law and the Purchasing Ordinance of the Board of Public Instruction of Hernando County, the Board shall select the contractors by the competitive bid process. The District, at the request of the Board shall assist in evaluating prospective contractors for the purposes of carrying out the requirements of this Agreement. The Board shall submit the name of each of the contractors it desires to select.

d. Insurance: The Board shall require each contractor to maintain during the term of this agreement, insurance in the following kinds and amounts or limits with a company or companies, authorized to do business in the State of Florida and shall not commence work under the agreement until the District has received an acceptable certificate or certificates of insurance identifying the Board as certificate holder showing evidence of such coverage:

- i. Liability insurance on forms no more restrictive than the latest edition of the Commercial General Liability policy (CG 00 01) of the Insurance Services Office without restrictive endorsements, or equivalent, with the following minimum limits and coverage:

Minimum Limits-	\$500,000.00 per occurrence
	\$1,000,000.00 in the aggregate

- ii. Vehicle liability insurance, including owned, non-owned and hired autos with the following minimum limits and coverage:

Bodily Injury Liability per Person	\$300,000.00
Bodily Injury Liability per Occurrence	\$600,000.00
Property Damage Liability	\$300,000.00

Or

Combined Single Limit	\$1,000,000.00
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- iii. The Board and its employees, agents, and officers shall be named as additional insureds on the general liability policy to the extent of the Board's interests arising from the contract.
- iv. Workers compensation insurance in accordance with Florida Statute 440. and/or maritime law, if applicable.
- v. Certificates of insurance shall be required from and sub-contractors otherwise the Contractor must provide evidence satisfactory to the Board that coverage is afforded to the sub-contractor by the Contractor's insurance policy.
- vi. A contract performance bond and labor and materials payment bond satisfactory to the Board equal to one hundred percent (100%) of the contract amount.
- vii. Architects professional liability (errors and omissions) insurance in a minimum amount of one million dollars (\$1,000,000) shall be required from the design engineers.
- viii. The Contractor shall provide a builders risk insurance policy (all-risk perils including flood) to the Board in the amount of one hundred percent (100%) of the value of the complete building/structure. The Board is to be named as additional insured on the policy.

e. Approval of Contract: All contracts between the Board and contractors shall name the District as a beneficiary of the work to be completed and that the contractor is responsible to and shall hold harmless and indemnify the District for personal injury or property damage arising from acts and omissions of the contractor's employees and agents performing work on the Education Center for or on behalf of the contractor. Each contract with contractors and subcontractors shall include that time is of the essence.

f. Education Center Construction: The Board shall require the contractor to construct the Education Center in substantial compliance with the approved design and construction plans for the Education Center. All construction shall be in conformance with the Florida Building Code, as adopted by the state, pursuant to 9B-3.046, F.A.C. , Florida Statute 468.601 et. seq., and Chapter 61G19-1.001 et. seq. of the Florida Administrative Code, and S.R.E.F. as applicable. The Board shall require that the contractor be responsible for all labor, equipment and materials needed for the Education Center. The Board shall require contractors to maintain the construction site and surrounding Project Lands free from accumulations of waste materials or rubbish. The Board shall also require that upon completion of the Education Center contractors shall remove all waste materials and rubbish and all materials, equipment, supplies and other items that are not incorporated into the Education Facility.

g. Completion Dates: The Board shall cause the Education Center to be completed within eighteen (18) months of execution of this Agreement. However, in the event that any national, state or local emergency which significantly affects the Board's ability to perform, such as hurricanes, tornadoes, floods, acts of God, acts of war, other such catastrophes, or other man-made emergencies beyond the control of the Board such as labor strikes or riots, or for any other reason beyond the control of the Board, then the Board's obligation to cause the Education Center to be completed within aforementioned time frames shall be suspended for the period of time the condition continues to exist. The District agrees that it shall not unreasonably withhold its approval of any extension of time.

h. Correction Of Work: The Board shall require each contractor and subcontractor to correct work not in accordance with the approved construction designs, drawings and plans during construction and within one year after Final Payment. The Board shall also provide in its contracts with each contractor and subcontractor that should the contractor fail to correct work or persistently fails to carry out work under its contract, the District or Board may issue a notice to the contractor to stop work until the work is corrected or to allow the District or the Board to correct the deficiency, deducting the cost thereof from the payment due the contractor.

i. No Agency Relationship: Nothing herein shall be construed to create an agency relationship among any of the parties to this Agreement.

7. COMPENSATION/FUNDING: The District agrees to pay an amount not to exceed \$750,000 for construction of the Education Center. Payment will be made in accordance with the following schedule, subject to the Florida Prompt Payment Act, Part VII of Chapter 218, F.S.:

a) First Installment Payment: After obtaining the District's written approval of the design and construction plans as set forth in paragraph 4.a of this Agreement, the Board shall forward three (3) sealed and certified copies of the approved plans to the District and Board for their files and shall forward an invoice to the District for 25 percent of the budgeted funds for the Education Center. The District shall forward a check to the Board for 25 percent of the District's budget cost for the Education Center.

b) Second Installment Payment: At such time as 50 percent of the construction work for the Education Center has been completed, the Board shall forward an invoice to the District for an additional 50 percent of the remaining budgeted funds for the Education Center. The Board shall provide certification that the construction completed thus far is in compliance with the design and construction plans for the Education Center approved by the District. Upon the District's acceptance of the Board's said certification, the District shall forward a check to the Board for 50 percent of the remaining budget cost of the District.

c) Final Installment Payment: Upon completion and acceptance of the construction of the Education Center by the Board, the Board shall provide three sets of as-built plans for the Education Center to the District. The Board shall provide to the District a

certification that the Education Center has been constructed in substantial compliance with the design and construction plans for the Education Center approved by the District. The Board shall require the contractor to deliver a bond acceptable to the District and the Board indemnifying the District and the Board against any liens arising out of the Education Center. The Board shall forward an invoice to the District for the remaining budget funds for the Education Center. Upon the District's acceptance of the Board's said certification, the District shall forward a check to the Board for the remaining Education Center Monies of the District.

d) Invoices shall be submitted to the District at the following address:

Accounts Payable Section
Southwest Florida Water Management
Post Office Box 1166
Brooksville, FL 34605-1166

e) Each Board invoice shall include the following certification, and the Board hereby agrees to delegate authority to its Project manager to affirm said certification:

"I hereby certify that the costs requested for payment, as represented in this invoice, are directly related to the performance under the Agreement For Construction, Operation and Maintenance of the Springs' Coast Environmental Education Center at the Weekiwachee Property between the South West Florida Water Management District and the Board of Public Instruction of Hernando County (SWF Parcel No. 15-773-182X) are allowable, allocable, properly documented, and in accordance with the approved project budget"

8. SCHOOL BOARD RESPONSIBILITIES: In addition to the responsibilities of the Board specified elsewhere in this Agreement, the Board shall be responsible as follows:

a) The Board shall provide a full-time teacher and necessary bus transportation for the Education Program. The Board shall also be responsible for any direct costs related to the Education Program.

b) Prior to the establishment or institution of any educational or research activities at the Education Center which were not included in the Master Plan and Curriculum described above, the Board shall submit plans and specifications of all proposed activities, including the development of a freshwater/natural systems curriculum, to the District for written approval. Upon approval by the District the educational or research activities shall be deemed incorporated into the Master Plan and Curriculum.

c) The Board shall work with the District in developing the Master Plan and curriculum.

d) The Board shall submit to the District annual reports of the Education Program

due by August 15th of each year, reports will include a participant program evaluation, pre and posttest assessment results and the number of students and teachers participating in the program.

e) The Board shall submit to the District a schedule of proposed use of the facilities by June 1st of each year.

f) The Board shall obtain all permits and authorizations that may be necessary to operate, maintain and manage the Education Center.

g) The Board shall connect to the Hernando County Utilities for sewer service within six months of availability. The Board shall be responsible for all fees and costs associated with connecting to Hernando County Utilities when sewer service is made available along CR 550. At the time of connection, the Board shall render the septic system inoperable and remove such system from the property.

h) The Board shall be responsible for the interior and exterior maintenance of the Education Center.

i) The Board shall be responsible for coordinating the use of the Education Center.

j) The Board shall be responsible for maintaining the existing trails on Project Lands, and shall keep Project Lands free of all litter and other refuse.

9. DISTRICT RESPONSIBILITIES:

a) The District shall allow use of the Education Center Lands for the purposes described in this Agreement and the Master Plan and Curriculum and shall contribute up to \$750,000 toward Education Center construction.

b) The District shall coordinate in advance all necessary land management activities such as plans for prescribed burning and land restoration with the Board.

c) The District shall cooperate with the Board in providing District staff as speakers or guides with adequate advance notice.

d) The District shall prepare annual reports of any environmental education activities conducted by the District, including number of visitors to the center.

10. GENERAL USE RESTRICTIONS:

a. This Agreement shall not be deemed to create or vest in the Board any interest or title to the Project Lands or Education Center, other than that specifically provided in this Agreement or in the Master Plan and Curriculum.

b. All vehicular travel within the Education Center Lands shall be done on

roadways and trails.

c. The possession, consumption, or other use of any alcoholic beverage, intoxicant and unlawful drug or substance by anyone within or on the Education Center Lands and the improvements thereon, shall be specifically prohibited.

d. The escape of or discharge of any sewage or effluent into the waters upon, under or from the Education Center Lands shall be prohibited except for those purposes currently permitted in connection with the existing improvements on the Education Center Lands.

e. The possession or use or use of any weapons or firearms on the Education Center Lands shall be prohibited with the exception of law enforcement officials.

f. Hunting, trapping, or the removal, release, or destruction of flora or fauna on the Education Center Lands shall be prohibited. However, control of exotic species may be necessary to preserve the lands in their natural condition.

g. The launching of any motorized watercraft from the Project Lands is prohibited.

h. The number of non-motorized watercraft allowed to be launched and utilized daily, in conjunction with the Master Plan and Curriculum, shall not exceed fifteen (15).

i. No watercraft, other than those associated with the activities approved in the Master Plan and Curriculum, shall be launched from the Education Center Lands.

j. All watercraft shall be launched and retrieved only at those sites identified and approved pursuant to Paragraph 4c.

11. ASSIGNABILITY: No party may assign or transfer its rights or obligations under this Agreement, including any operation or maintenance duties related to the Education Center without the prior written consent of the other party.

12. RIGHT TO INSPECT: The District shall have the right, at any reasonable time, to inspect the Education Center Lands, and the Education Center and the operation and maintenance activities for the Facility to insure compliance with the approved terms and conditions of this Agreement. The right is reserved to the District, its officers, agents, employees and assigns who shall identify themselves and present sufficient identification to the Board or its officers, agents, employees and assigns upon request.

13. LIABILITY: Each party hereto agrees that it shall be solely responsible for the negligent acts or omissions of its officers, employees, contractors and agents, however, nothing contained herein shall constitute a waiver by any party of its sovereign immunity or the limitations set forth in Section 768.28, Florida Statutes.

14. EDUCATION CENTER RECORDS AND DOCUMENTS: Each party shall, upon request, permit the other party to examine or audit all Education Center related records and documents during or following completion of the Education Center. Each party shall maintain all such records and documents for at least three (3) years following completion of the Education Center. All records and documents generated or received by either party in relation to the Education Center are subject to the Public Records Act in Chapter 119, Florida Statutes.

15. OWNERSHIP OF DOCUMENTS AND MATERIALS: All documents, including reports, drawings, estimates, programs, manuals, specifications, and all goods or products, including intellectual property and rights thereto, purchased under this Agreement with District funds or developed in connection with this Agreement shall be and remain the property of the District. Copies of all documents may be retained by the Board for its own records and the Board shall be entitled to utilize the same.

16. WORKS OF THE DISTRICT: The parties hereto expressly acknowledge and agree that the District reserves the right to operate, use and maintain the Education Center Lands and the improvements thereon for the primary purposes of water management and/or water supply, which rights are paramount and superior to the uses authorized by this Agreement, and the parties hereto recognized that said uses are subordinate thereto.

17. TAXES/ASSESSMENTS: If any ad valorem taxes, intangible property taxes, personal property taxes, or other taxes or assessments of any kind are assessed or levied lawfully on the lands of the Education Center as described pursuant to the whereas clauses and condition precedents and the improvements thereon based on the Board's use thereof during the term of this Agreement, the Board shall pay said taxes within thirty (30) days after receiving written notice thereof from the District. In the event the Board fails to pay all said taxes assessed or levied on the facility or appurtenances thereto within thirty (30) days after receiving written notice thereof from the District, the District may, at its sole option, pay said taxes subject to immediate reimbursement thereof in full together with any interest thereon at the maximum rate allowed by law and any administrative costs thereof incurred by the District, including reasonable attorney's fees. Failure of the Board to pay said taxes shall constitute a material breach of this Agreement.

18. DISTRICT RECOGNITION: The Board shall recognize District and Basin Board funding in any reports, curriculum, models, studies, maps or other documents resulting from this Agreement, and the form of said recognition shall be subject to District approval. The Board shall provide signage at the Facility that recognizes funding for the Education Center provided by the District and Basin Boards. All signs must meet District approval as to form, content and location, and must be in accordance with local ordinances.

19. TERM: The initial term of this Agreement shall commence upon the execution by all parties and shall terminate on December 31, 2012.

20. RENEWAL TERM: Upon the expiration of the initial term of this Agreement, the Board and the District may renew this Agreement for additional incremental periods of ten

(10) years up to a maximum of fifty years upon terms and conditions set forth by the District at each ten-year renewal term. In the event the Board does not accept the terms and conditions for each renewal period set forth by the District prior to the expiration of this Agreement or any renewal term, this Agreement shall expire automatically and the District shall have the right to possession of the environmental education center.

21. TERMINATION: Any of the parties may terminate this Agreement upon another party's failure to fully comply with the terms and conditions of this Agreement. The party considering termination shall provide the other party with a written "Notice of Termination" stating its intent to terminate and describing those terms and conditions with which the other party has failed to comply. If the party failing to comply has not remedied its failure within thirty (30) days after receiving notice of termination, this Agreement shall terminate.

22. RELEASE OF INFORMATION: The parties shall not initiate any verbal or written media interviews or issue press releases on or about the Education Center without providing advance copies to the other party. This provision shall not be construed as preventing the parties from complying with the public records disclosure laws set forth in Chapter 119, Florida Statutes.

23. TIME OF THE ESSENCE: Time limits stated in this Agreement and in the Master Plan and Curriculum are of the essence of the Agreement. Time limits may be extended by Change Order where delay is beyond the control of the contractor, or subcontractor, or a delay is due to a change order.

The Remainder of this Page is Intentionally Left blank

IN WITNESS WHEREOF, the parties hereto, or their lawful representatives, have executed this Agreement on the day and year set forth next to their signature below.

SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT

Dorian M. Brass
Witness

Joan Riccardelli
Witness

By: E. D. Vergara 5-31-02
E. D. Vergara, Executive Director/Date

Federal ID # 59-0965067

Dr. Terry Leone
Superintendent

Board of Public Instruction of
Hernando County, Florida
By: John C. Drury
Chairperson Date

Federal ID # _____

4/2/02

APPROVED BY: [Signature] 5th Gov. Bid. 4-02
ATTORNEY: Karl
MANAGER: CEK 4-3-02
DIRECTOR: [Signature] 4-2-02
DEPUTY EXEC. DIR: [Signature] 4-16-02
CONTRACTS: [Signature] 05/23/02

"Exhibit "A"
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
Coastal Rivers Basin
Weekiwachee Riverine System

SWF Parcel No. 15-773-182X

April 15, 2002

Those portions of Government Lots 3 and 4 of Section 2, and Government Lot 1 of Section 3, all being in Township 23 South, Range 17 East, Hernando County, Florida, more particularly described as follows:

Commence at the Northeast corner of the aforementioned Government Lot 4, thence South $02^{\circ}13'05''$ West, 1238.09 feet along the East line of Government Lot 4 to a point on the Southerly right-of-way line of County Road No.550, and the **POINT OF BEGINNING**:

Thence along said Southerly right-of-way line North $89^{\circ}42'58''$ West, 184.39 feet to the beginning non-tangent curve concave to the Northeast having a radius of 931.47 feet;

Thence Westerly along said right-of-way line and the arc of said curve a distance of 826.69 feet (chord bearing North $64^{\circ}06'34''$ West, chord distance 799.82 feet) to the end of said curve;

Thence leaving said right-of-way South $48^{\circ}55'51''$ West, 386 feet more or less to the Weekiwachee River;

Thence Easterly along the sinuosities of the Weekiwachee River to a point bearing South $00^{\circ}17'02''$ West, 291 feet more or less from a point on said Southerly right-of-way line;

Thence North $00^{\circ}17'02''$ West to said point;

Thence along said Southerly right-of-way line, North $89^{\circ}42'58''$ West, 1147.08 feet to the **POINT OF BEGINNING**.

Parcel 15-773-182X contains 22.74 acres, more or less.

SWF Parcel No. 15-773-182X

FIRST AMENDMENT TO AGREEMENT BETWEEN THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT AND
THE BOARD OF PUBLIC INSTRUCTION OF HERNANDO COUNTY FOR
CONSTRUCTION, OPERATION AND MAINTENANCE OF
THE SPRINGS COAST ENVIRONMENTAL EDUCATION CENTER
AT THE WEEKIWACHEE PROPERTY

This FIRST AMENDMENT entered into and effective the 7 day of September 2004, by and between the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, a public corporation of the State of Florida, for itself and on behalf of the Coastal Rivers Basin Board, a subdivision of the Southwest Florida Water Management District, hereinafter collectively referred to as "the District," and the BOARD OF PUBLIC INSTRUCTION OF HERNANDO COUNTY a public corporation of the State of Florida, hereinafter referred to as "the School Board".

WITNESSETH:

WHEREAS, the District, and the School Board entered into an Agreement dated May 31, 2002, for the construction, operation, and maintenance of the Springs Coast Environmental Education Center hereinafter referred to as the "Education Center", and

WHEREAS, the District agreed to fund the construction of the Education Center, up to a maximum of \$750,000, and

WHEREAS, the construction of the Education Center was delayed do to zoning and permitting issues associated with the City of Weeki Wachee, and

WHEREAS, these delays resulted in increased material costs, and

WHEREAS, the parties hereto wish to amend the Agreement to provide additional District financial assistance for the Education Center, and

WHEREAS, the parties hereto wish to amend the Agreement to modify the payment draw schedule contained in the Agreement.

NOW THEREFORE, in consideration of the mutual terms, covenants and conditions contained herein, the parties hereby mutually agree to amend the original Agreement, dated May 31, 2002, as follows:

1. Paragraph 7. COMPENSATION/FUNDING is hereby amended to increase Education Center funding by replacing the first sentence in its entirety as follows: The District agrees to pay an amount not to exceed \$780,000 for construction of the Education Center.
2. Paragraphs 7b and 7c are hereby replaced in their entireties with the following language:

For satisfactory completion of the Education Center, the District agrees to pay the School Board an amount not to exceed Seven Hundred Eighty Thousand Dollars (\$780,000). Payment will be made to the School Board based on percentage of completion and the Florida Prompt Payment Act, Part VII of Chapter 218, Florida Statutes (F.S.), upon receipt of a

properly documented invoice and progress report showing the percentage of work completed pursuant to the Schedule of Values attached as Exhibit "A" and incorporated herein by reference.

3. Paragraph 7d is hereby replaced in its entirety with the following language:

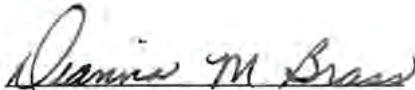
Invoices shall be submitted monthly to the District at the following address:

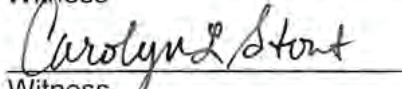
Accounts Payable Section
Southwest Florida Water Management District
Post Office Box 1166
Brooksville, Florida 34605-1166

4. The terms, covenants and conditions set forth in the original Agreement, dated May 31, 2002, that have not been specifically amended herein, will continue in existence, are hereby ratified, approved and confirmed, and will remain binding upon the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment on the day and year first above written.

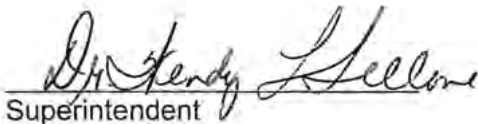
SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT



Witness


Witness

By: 
David L Moore, Executive Director

BOARD of PUBLIC INSTRUCTION
of HERNANDO COUNTY, FLORIDA


Superintendent

By: 
Chairperson

APPROVED BY:	INITIALS	DATE
ATTORNEY	SAL	5/27/04
MANAGER	CEK	5/27/04
DIRECTOR	JRP	6/9/04
DEPUTY EXEC DIR	BLW	6-9-4

Exhibit "A"

	1	2	3	4	5	6	7	8	9	10	11	12	13	14
EEK OF	4/5-4/9	4/12-4/16	4/19-4/23	4/26-4/30	5/3-5/7	5/10-5/14	5/17-5/21	5/24-5/28	5/31-6/4	6/7-6/11	6/14-6/18	6/21-6/25	6/28-7/2	7/5-7/9
Mobilization	\$ 30,000.00	\$ 91,623.50												
Site Work														
Plumbing														
Concrete			\$ 15,398.00	\$ 56,835.00	\$ 60,000.00	\$ 59,000.00					\$ 32,700.00	\$ 42,500.00	\$ 9,000.00	
Masonry														
Electrical														
Trusses/Framing														
Insulation														
Roofing														
Exterior														
Mechanical														
Doors														
Frames														
Door Hardware														
Windows												\$ 16,000.00		
Ceiling														
Flooring														
Painting														
Fire Alarm														
Ceramic Tile														
Cabinetry														
Restroom														
Bar														
Blinds														
Toilet Accessories														
Siding													\$ 9,000.00	
Fence														
Shutters														
Protections Screen														

Renditions

Exhibit "A"

	15	16	17	18	19	20	21	20	21	22	23	24
WEEK OF	7/12-7/16	7/19-7/23	7/26-7/30	8/2-8/6	8/9-8/13	8/16-8/20	8/23-8/27	8/30-8/3	9/6-9/10	9/13-9/17	9/20-9/24	9/27-10/1
Mobilization												
Site Work												
Plumbing												
Concrete												
Masonry												
Electrical												
Trusses/Framing												
Insulation												
Roofing												
Drywall												
Mechanical												
Doors												
Frames												
Door Hardware												
Windows												
Ceiling												
Flooring												
Painting												
Fire Alarm												
Ceramic Tile												
Cabinetry												
at Compartments												
is												
Trains												
Blinds												
Toilet Accessories												
Siding												
Fence												
Shutters												
Projections Screen												

Renditions

SWF Parcel No. 15-773-182X

SECOND AMENDMENT TO AGREEMENT BETWEEN THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT AND THE BOARD OF PUBLIC INSTRUCTION OF HERNANDO COUNTY FOR CONSTRUCTION, OPERATION AND MAINTENANCE OF THE SPRINGS COAST ENVIRONMENTAL EDUCATION CENTER AT THE WEEKIWACHEE PROPERTY

This SECOND AMENDMENT entered into and effective the 12 day of September, 2005, by and between the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, a public corporation of the State of Florida, for itself and in behalf of the Coastal Basin Board, a subdivision of the Southwest Florida Water Management District, hereinafter collectively referred to as the "District" and the BOARD OF PUBLIC INSTRUCTION OF HERNANDO COUNTY, a public corporation of the State of Florida, hereinafter referred to as the "School Board".

WITNESSETH:

WHEREAS, the District and the School Board entered into an Agreement dated May 31, 2002, for the construction, operation, and maintenance of the Springs Coast Environmental Education Center hereinafter referred to as the "Education Center"; and

WHEREAS, the District and the School Board entered into a First Amendment to the Agreement on September 7, 2004; and

WHEREAS, the District and the School Board desire to clarify the School Board's utilization of the facilities; and

WHEREAS, the parties hereto wish to amend the Agreement to provide such clarification.

NOW THEREFORE, in consideration of the mutual terms, covenants and conditions contained herein, the parties hereby mutually agree to amend the original Agreement, dated May 31, 2002, as amended on September 7, 2004, as follows:

1. The School Board shall utilize the property for field trip purposes for Hernando County School District students utilizing the classrooms, grounds, docks and other facilities for the provision of environmental education to students in Hernando County,
2. The terms, covenants and conditions set forth in the original Agreement, dated May 31, 2002, as amended on September 7, 2004, that have not been specifically amended herein, will continue in existence, are hereby ratified, approved and confirmed, and will remain binding upon the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment on the day and year first above written.

SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT

Dianna M. Bras
Witness:

By: David L. Moore 8-12-05
David L. Moore, Executive Director

Mary F. Sessler
Witness:

BOARD OF PUBLIC INSTRUCTION
OF HERNANDO COUNTY, FLORIDA

Wendy L. Tellone
Wendy L. Tellone, Superintendent

By: Robert Wiggins
Robert Wiggins, Chairman

Approved by:
Paul Carland
General Counsel
8/1/05

2
APPROVED BY: Kenneth 6/15/05
ATTORNEY: _____
MANAGER: 7-2-05
DIRECTOR: 7-2-05
DEPUTY EXEC. DIR: 7-12-05

15-773-182X-Coastal-Sp Coast Ed Cntr-Amend 3

SWF Parcel No 15-773-182X

**THIRD AMENDMENT TO THE AGREEMENT BETWEEN THE SOUTHWEST FLORIDA
WATER MANAGEMENT DISTRICT AND THE BOARD OF PUBLIC INSTRUCTION OF
HERNANDO COUNTY, FLORIDA, FOR CONSTRUCTION, OPERATION AND
MAINTENANCE OF THE SPRINGS COAST ENVIRONMENTAL EDUCATION CENTER AT
THE WEEKIWACHEE PROPERTY**

This THIRD AMENDMENT entered into by and between the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, a public corporation of the State of Florida, for itself and in behalf of the Coastal Basin Board, a subdivision of the Southwest Florida Water Management District, hereinafter collectively referred to as the "DISTRICT" and the BOARD OF PUBLIC INSTRUCTION OF HERNANDO COUNTY, FLORIDA, a public corporation of the State of Florida, hereinafter referred to as the "SCHOOL BOARD".

WITNESSETH:

WHEREAS, the DISTRICT and the SCHOOL BOARD entered into an Agreement dated May 31, 2002, hereinafter referred to as the "AGREEMENT", for the construction, operation and maintenance of the Springs Coast Environmental Education Center, hereinafter referred to as the "EDUCATION CENTER"; and

WHEREAS, the DISTRICT and the SCHOOL BOARD desire to construct an observation deck at the EDUCATION CENTER; and

WHEREAS, the DISTRICT agreed to provide \$75,000 for the construction of the observation deck to be paid in a lump sum upon completion of construction; and

WHEREAS, the SCHOOL BOARD agreed to oversee the design, permitting and construction of the observation deck and provide all funding in excess of \$75,000; and

WHEREAS, the joint cooperation between the DISTRICT and the SCHOOL BOARD is in the best interest of the public.

NOW THEREFORE, in consideration of the mutual terms, covenants and conditions contained herein, the parties hereby mutually agree to amend the AGREEMENT, and subsequent amendments, as follows:

1. **Term:** This THIRD AMENDMENT will be effective from the date of its execution by the last of the parties (the "Effective Date"), and will thereafter be in force in accordance with the terms of the AGREEMENT.
2. **Scope of Work:** The SCHOOL BOARD will develop a site plan for the construction of the observation deck to be approved in writing by the DISTRICT. The SCHOOL BOARD will arrange for and furnish all services necessary and required to accomplish and complete the observation deck, in accordance with the terms of the AGREEMENT, as stated in Section 6 "Scope of Work", except:
 - a. The SCHOOL BOARD will complete construction and make request for payment to the DISTRICT no later than January 31, 2008, unless such deadline is extended in writing by authorized representatives of each party.

SWF Parcel No 15-773-182X

- b. Upon completion of the construction of the observation deck, the SCHOOL BOARD will certify in writing to the DISTRICT that the project is fully completed and in compliance with all permit conditions that may apply.
- c. The SCHOOL BOARD will submit to the District an invoice and certification of expenses for an amount not to exceed \$75,000 once the DISTRICT has verified, in writing, to the SCHOOL BOARD that the construction of the observation deck has been completed to the District's satisfaction and in accordance with the approved site plan.
3. **Terms and Conditions:** The DISTRICT and the SCHOOL BOARD acknowledge that all other terms and conditions of the AGREEMENT, and subsequent amendments, not modified herein, will continue in existence, are hereby ratified, approved and confirmed, and will remain binding upon the parties hereto.

IN WITNESS WHEREOF, the parties hereto, or their lawful representatives, have executed this THIRD AMENDMENT to the AGREEMENT on the day and year set forth next to their signature below:

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

By: 
David L. Moore, Executive Director

Witness: 

Date: 3-20-07

BOARD OF PUBLIC INSTRUCTION OF HERNANDO COUNTY, FLORIDA





By: 
Superintendent

By: 
Chairperson

Date: 10-17-06

Reviewed as to form and legal sufficiency

By:  10/3/06
School Board Attorney

APPROVED BY:	INITIALS	DATE
ATTORNEY	<u></u>	<u>8/17/06</u>
MANAGER	<u></u>	<u>2/2/07</u>
DIRECTOR	<u></u>	<u>2 March 07</u>
DEPUTY EXEC DIR	<u></u>	<u>7-13-7</u>

SWF Parcel Number 15-773-182X

**FOURTH AMENDMENT TO
OPERATION AND MAINTENANCE AGREEMENT
BETWEEN THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AND THE DISTRICT SCHOOL BOARD OF HERNANDO COUNTY
FOR THE
SPRINGS COAST ENVIRONMENTAL EDUCATION CENTER**

This Agreement, effective as of December 31, 2012, is made and entered into by and between the Southwest Florida Water Management District, a public corporation of the State of Florida, having an address of 2379 Broad Street, Brooksville, Florida, 34604-6899, hereinafter referred to as the "District", and the Board of Public Instruction of Hernando County, a public corporation of the State of Florida, having an address of 919 North Broad Street, Brooksville, Florida 34601, hereinafter referred to as the "Board."

WITNESSETH:

WHEREAS, the Springs Coast Environmental Education Center, the "Education Center", is located on property owned by the District known as the Weekiwachee Preserve and was constructed and is operated and maintained by the Board to provide students of Hernando County the opportunity to learn about the water resources of the Weekiwachee River Basin and to experience environmental education in an outdoor setting; and

WHEREAS, the District and the Board entered into an Agreement dated May 31, 2002, attached hereto as Exhibit "A", the "May 31, 2002 Agreement", for the construction, operation and maintenance of the Education Center, which expired on December 31, 2012; and

WHEREAS, the Parties desire to enter into a new Agreement, incorporating the terms and conditions of the May 31, 2002 Agreement, and replace certain terms and conditions of the May 31, 2002 Agreement with new terms and conditions.

NOW THEREFORE, the District and the Board, in consideration of the mutual terms, covenants and conditions set forth herein, mutually agree as follows:

1. Except as otherwise provided herein, the terms, covenants and conditions of the May 31, 2002 Agreement are incorporated herein by reference, are hereby ratified, approved and confirmed, and are binding upon the parties hereto.

2. Paragraph 5 of the May 31, 2002 Agreement, EDUCATION CENTER MANAGER AND NOTICES, is amended as follows:

Project Manager for the District: Land Management Section Manager
Southwest Florida Water Management District
2379 Broad Street
Brooksville, Florida 34604-6899

Project Manager for the Board: Director of Facilities
Hernando County Schools
8016 Mobley Road
Brooksville, Florida 34601

3. Paragraph 6.d. of the May 31, 2002 Agreement, SCOPE OF WORK: Insurance, is replaced with the following:

d. INSURANCE REQUIREMENT. The Board is a public corporation of the State of Florida. It may be fully insured or self-insured for liability coverage. The Board agrees to maintain in force during the entire term of the Agreement, general liability and vehicle liability coverage and workers' compensation in accordance with Chapter 440, F.S. However, nothing herein shall be construed to extend the School Board's liability beyond that provided in Section 768.28, F.S.

1. The Board agrees to provide documentation to the District from its insurance carrier, or on Board letterhead, that the above insurance is in effect for the full term of the Agreement.

2. The Board agrees to provide the District with thirty (30) days prior written notice of any material change, cancellation or claim that would affect the required coverage.

3. Certificates of insurance verifying general liability, vehicle liability and workers' compensation and any other line of coverage specifically relevant to the Agreement are required from any contractor or subcontractor who performs services for the Board pursuant to this Agreement.

4. Paragraph 8 of the May 31, 2002 Agreement, SCHOOL BOARD RESPONSIBILITIES, is amended to delete the following:

c) The District shall cooperate with the Board in providing District staff as speakers or guides with adequate advance notice.


- d) The District shall prepare annual reports of any environmental education activities conducted by the District, including number of students/visitors to the center.
5. Paragraph 8 of the May 31, 2002 Agreement is further amended to add the following:
- (i) The District's Governing Board, at its sole discretion, reserves the right to rename the Education Center. The Board will not be responsible for any costs that may result from the District's decision to rename the Education Center. The District may consult with the Board regarding any proposed name change prior to obtaining the approval of the District's Governing Board.
6. Paragraph 10(e) of the May 31, 2002 Agreement, GENERAL USE RESTRICTIONS, is replaced with the following:
- e) The possession or use of any weapons or firearms on the Education Center Lands shall be in accordance with Chapter 790, F.S.
7. Paragraph 10(h) of the May 31, 2002 Agreement, GENERAL USE RESTRICTIONS, is replaced with the following:
- h) The number of non-motorized watercraft allowed to be launched and utilized daily, in conjunction with the Master Plan and Curriculum, shall not exceed twenty-five (25).
8. Paragraph 13. Liability: is replaced with the following:
- Each party hereto agrees that it shall be solely responsible for the negligent acts or omissions of its officers, employees, contractors, agents, or anyone for whose acts or omissions either party may be liable as a result of its performance under this Agreement. Nothing contained herein shall constitute a waiver of either party's sovereign immunity under Section 768.28, F.S., or to extend the limits of liability or recovery under 768.28, F.S. This provision shall survive the termination of this Agreement.
9. Paragraphs 19 of the May 31, 2012 Agreement, TERM, is replaced with the following:
- The term of this Agreement as depicted in Exhibit "A" attached hereto and incorporated herein by reference will be for a period of ten (10) years from the date of its execution by the last of the parties. The District and the Board will have the option to extend this Agreement for three successive ten (10) year

term(s) subject to the terms and conditions contained herein, and provided that the Board is not in default hereunder. If the Board elects to exercise an option for a renewal term, then the Board will provide written notice to the District of its intent at least one (1) year prior to the termination of the initial term or then current renewal term. The renewal will be in writing in the form of a formal amendment to this Agreement and executed by the District and the Board. In the event that the Board does not accept the terms and conditions for each renewal period set forth by the District prior to the expiration of this Agreement or any renewal term, this Agreement shall expire automatically and the District will have the right to possession of the Education Center.

10. Paragraph 20 of the May 31, 2002 Agreement is deleted and replaced by Paragraph 19 and all subsequent remaining paragraphs are renumbered chronologically.


IN WITNESS WHEREOF, the parties hereto, or their lawful representatives, have executed this Agreement on the day and year set forth next to their signature below.

SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT

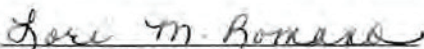
By: 
Blake C. Guillory, Executive Director

Federal ID # 59-0965067

BOARD OF PUBLIC INSTRUCTION OF
HERNANDO COUNTY, FLORIDA
(Hernando County School Board)

By: 
Matthew A. Foreman
Board Chairperson

Federal ID # 59-6000647


Lori M. Romano, Ph.D.
Superintendent of Schools

APPROVED BY:	INITIALS	DATE
Attorney	<u>CNF</u>	<u>2/28/13</u>
Manager	<u>—</u>	<u>—</u>
Bureau Chief	<u>NA</u>	<u>—</u>
Division Director	<u>MLH</u>	<u>8/1/13</u>
General Counsel	<u>NA</u>	<u>—</u>
Assistant Exe Dir	<u>NA</u>	<u>—</u>

Exhibit "A"

The Fourth Amendment to the Operations and Maintenance Agreement between the Southwest Florida Water Management District and the District School Board of Hernando County for the Springs Coast Environmental Education Center Exhibit A, includes the original agreement and the previous three amendments.

CONSENT AGENDA

December 13, 2022

Regulation Committee: Water Use Permit No. 20 006151.014, Marion County Utilities / Marion County Utilities Consolidated WUP (Marion County)

This is a renewal with modification of an existing permit for Public Supply. The permit combines five existing public supply permits (20006151.013, 20006574.002, 20002999.005, 20008481.006 and 20007849.005). The Annual Average quantity increases from the prior combined permits total of 7,787,500 gallons per day (gpd) to 9,323,500 gpd, and the Peak Month decreases from a combined total of 12,219,900 gpd to 11,281,400 gpd. The annual average quantity is based on a 2042 service area projected population of 73,350 persons at a gross per capita rate of 127 gallons per person. This permit includes one groundwater withdrawal point located inside the St. Johns River Water Management District (SJRWMD), which was authorized under an Interagency Agreement. The Permittee anticipates supplying 327,500 gpd of reclaimed water service for residential landscape and golf course irrigation within its service area through the term of the permit. The permit is not located within a water use caution area.

The permit application meets all Rule 40D-2 Conditions for Issuance.

Staff Recommendation:

Approve the proposed permit attached as an exhibit.

Presenter:

Darrin Herbst, P.G., Bureau Chief, Water Use Permit Bureau

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
WATER USE PERMIT
Individual
PERMIT NO. 20 006151.014**

PERMIT ISSUE DATE: December 13, 2022

EXPIRATION DATE: December 13, 2042

The Permittee is responsible for submitting an application to renew this permit no sooner than one year prior to the expiration date, and no later than the end of the last business day before the expiration date, whether or not the Permittee receives prior notification by mail. Failure to submit a renewal application prior to the expiration date and continuing to withdraw water after the expiration date is a violation of Chapter 373, Florida Statutes, and Chapter 40D-2, Florida Administrative Code, and may result in a monetary penalty and/or loss of the right to use the water. Issuance of a renewal of this permit is contingent upon District approval.

TYPE OF APPLICATION: Renewal

GRANTED TO: Marion County Utilities / Attn: Jody Kirkman
11800 S. Us Hwy. 441
Bellevue, FL 34420

PROJECT NAME: Marion County Utilities Consolidated WUP

WATER USE CAUTION AREA(S): Not in a WUCA

COUNTY: Marion, Sumter

TOTAL QUANTITIES AUTHORIZED UNDER THIS PERMIT (in gallons per day)

ANNUAL AVERAGE	9,323,500 gpd
PEAK MONTH ¹	11,281,400 gpd

¹ Peak Month: Average daily use during the highest water use month.

ABSTRACT:

This is a renewal with modification of an existing permit for Public Supply. The permit combines five existing public supply permits (20006151.013, 20006574.002, 20002999.005, 20008481.006 and 20007849.005). The Annual Average quantity increases from the prior combined permits total of 7,787,500 gallons per day (gpd) to 9,323,500 gpd, and the Peak Month decreases from a combined total of 12,219,900 gpd to 11,281,400 gpd. The annual average quantity is based on a calendar year 2042 service area projected population of 73,350 persons at a gross per capita rate of 127 gallons per capita per day (gpcd). This permit includes one groundwater withdrawal point located inside the St. Johns River Water Management District, which was authorized under an Interagency Agreement between the WMDs. The Permittee anticipates supplying 327,500 gpd reclaimed water service for residential landscape and golf course irrigation within its service area through the term of the permit. The permit is not located within a water use caution area.

Special Conditions include those that require the Permittee to continue to record and report monthly meter readings from all withdrawal points, collect quarterly water quality samples from 10 wells and report the laboratory testing results, submit the Public Supply Annual Report by April 1 of each year on water use during the previous calendar year, submit the Annual Report On Water Rate Billing And Meter Reading Practices by October 1 of each year, continue to maintain a water conserving rate structure, continue to implement the District approved water conservation plan, and implement an Environmental Monitoring Plan with annual reporting.

WATER USE TABLE (in gpd)

<u>USE</u>	<u>ANNUAL AVERAGE</u>	<u>PEAK MONTH</u>
Public Supply	9,323,500	11,281,400

USE TYPE
Residential Single Family

PUBLIC SUPPLY:
Population Served: 73,350
Per Capita Rate: 127 gpd/person

DRAFT

WITHDRAWAL POINT QUANTITY TABLE

Water use from these withdrawal points are restricted to the quantities given below :

I.D. NO. PERMITTEE/ DISTRICT	DIAM (in.)	DEPTH TTL./CSD.FT. (feet bls)	USE DESCRIPTION	AVERAGE (gpd)	PEAK MONTH (gpd)
PR2 / 2	8	126 / 82	Public Supply	18,000	21,800
PR3 / 3	8	205 / 77	Public Supply	5,700	6,900
PR4 / 4	8	160 / 100	Public Supply	4,500	5,400
OR3 / 6	10	265 / 125	Public Supply	264,400	320,000
OR4 / 7	10	216 / 82	Public Supply	615,300	744,500
OR5 / 8	12	377 / 115	Public Supply	617,500	747,200
OR6 / 9	12	250 / 125	Public Supply	170,200	205,900
OT1 / 10	10	270 / 141	Public Supply	139,900	169,300
PC1 / 11	8	330 / 76	Public Supply	50,700	61,300
AP6 / 17	10	300 / 96	Public Supply	4,200	5,100
AP7 / 18	10	307 / 150	Public Supply	300	300
OR7 / 19	16	175 / 120	Public Supply	790,200	956,000
SG2 / 29	8	270 / 127	Public Supply	75,500	91,400
SG3 / 30	8	112 / 72	Public Supply	275,000	332,800
Standby					
MO4 / 31	10	221 / 157	Public Supply	275,000	332,800
MO5A / 32	12	290 / 115	Public Supply	205,200	248,300
MO6 / 33	12	200 / 95	Public Supply	790,900	957,000
MO5B / 34	12	200 / 100	Public Supply	790,900	957,000
Standby					
TW1 / 35	12	253 / 152	Public Supply	150,700	182,300
SG11 / 38	16	250 / 150	Public Supply	620,700	751,000
GO2 / 39	16	200 / 100	Public Supply	161,300	195,200
GO3 / 40	16	200 / 100	Public Supply	1,600	1,900
QM1 / 41	10	183 / 78	Public Supply	2,100	2,500
AF1 / 42	10	240 / 105	Public Supply	137,400	166,300
AF2 / 43	10	240 / 105	Public Supply	204,300	247,200
K1 / 44	12	310 / 59	Public Supply	20,100	24,300
K2 / 45	8	300 / 60	Public Supply	16,800	20,300
PO1 / 46	8	250 / 100	Public Supply	4,300	5,200
SCP1 / 53	10	490 / 63	Public Supply	87,800	106,200
SCP2 / 54	10	470 / 50	Public Supply	77,400	93,700
SCP6 / 56	12	450 / 67	Public Supply	75,900	91,800
SCP9 / 57	10	250 / 60	Public Supply	75,900	91,800
Standby					
GO1 / 58	12	303 / 122	Public Supply	19,500	23,600
SUNC1 / 59	8	123 / 76	Public Supply	12,600	15,200
SUNC2 / 60	12	123 / 76	Public Supply	12,600	15,200
MAJ01 / 61	12	260 / 94	Public Supply	12,600	15,200
MAJ02 / 62	12	305 / 103	Public Supply	14,400	17,400
MAJ06 / 65	12	250 / 100	Public Supply	14,400	17,400
SUNC3 / 66	12	200 / 100	Public Supply	25,200	30,400
Standby					
MO4B / 67	12	239 / 160	Public Supply	724,200	876,300
AF3 / 68	12	189 / 122	Public Supply	70,300	85,100
GO4 / 69	24	300 / 100	Public Supply	495,800	600,000
GO5 / 70	24	300 / 100	Public Supply	495,800	600,000
GO6 / 71	24	300 / 100	Public Supply	495,800	600,000
GO7 / 72	24	300 / 100	Public Supply	495,800	600,000
Standby					
LO1 / 73	6	120 / 45	Public Supply	14,000	16,900

RLE1 / 74	8	460 / UNK	Public Supply	73,200	88,600
RLE2 / 75	4	200 / 160	Public Supply	73,200	88,600
Standby					
RLE3 / 76	8	260 / 165	Public Supply	73,200	88,600
SCN1 / 77	8	200 / 106	Public Supply	524,600	634,800
SCN2 / 78	12	138 / 118	Public Supply	524,600	634,800
WM1 / 79	6	220 / 80	Public Supply	79,000	95,600
WM2 / 80	6	220 / 82	Public Supply	79,000	95,600

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WITHDRAWAL POINT LOCATION TABLE

<u>DISTRICT I.D. NO.</u>	<u>LATITUDE/LONGITUDE</u>
2	29° 04' 26.20"/82° 16' 23.90"
3	29° 04' 25.40"/82° 16' 55.00"
4	29° 04' 24.60"/82° 16' 54.90"
6	29° 03' 49.20"/82° 16' 05.80"
7	29° 03' 51.40"/82° 16' 05.56"
8	29° 03' 52.70"/82° 16' 05.60"
9	29° 03' 29.50"/82° 14' 21.70"
10	29° 04' 14.01"/82° 15' 34.50"
11	29° 04' 00.90"/82° 15' 07.40"
17	29° 03' 45.90"/82° 21' 46.90"
18	29° 03' 45.80"/82° 21' 46.20"
19	29° 03' 51.60"/82° 16' 06.30"
29	28° 59' 50.40"/82° 09' 31.40"
30	29° 00' 07.32"/82° 10' 35.98"
31	28° 58' 39.20"/82° 10' 50.70"
32	29° 00' 58.70"/82° 11' 21.30"
33	29° 00' 13.10"/82° 13' 05.00"
34	29° 01' 01.38"/82° 11' 27.17"
35	29° 01' 28.60"/82° 15' 46.40"
38	29° 00' 10.60"/82° 13' 04.50"
39	29° 12' 47.20"/82° 15' 19.60"
40	29° 12' 46.85"/82° 15' 19.70"
41	29° 13' 00.80"/82° 11' 49.00"
42	29° 13' 48.30"/82° 11' 40.40"
43	29° 13' 47.40"/82° 11' 40.40"
44	29° 16' 14.19"/82° 11' 49.29"
45	29° 16' 13.50"/82° 11' 48.95"
46	29° 15' 48.31"/82° 11' 21.00"
53	29° 01' 18.10"/82° 18' 28.70"
54	29° 01' 18.80"/82° 18' 28.00"
56	29° 01' 17.30"/82° 18' 28.10"
57	29° 01' 17.22"/82° 18' 27.09"
58	29° 13' 50.40"/82° 15' 34.14"
59	29° 05' 56.37"/82° 13' 51.05"
60	29° 05' 55.96"/82° 13' 51.52"
61	29° 06' 13.40"/82° 12' 35.50"
62	29° 06' 13.70"/82° 12' 35.20"
65	29° 06' 14.00"/82° 12' 34.80"
66	29° 05' 54.88"/82° 13' 50.54"
67	28° 58' 40.39"/82° 10' 47.40"
68	29° 13' 46.49"/82° 11' 40.75"

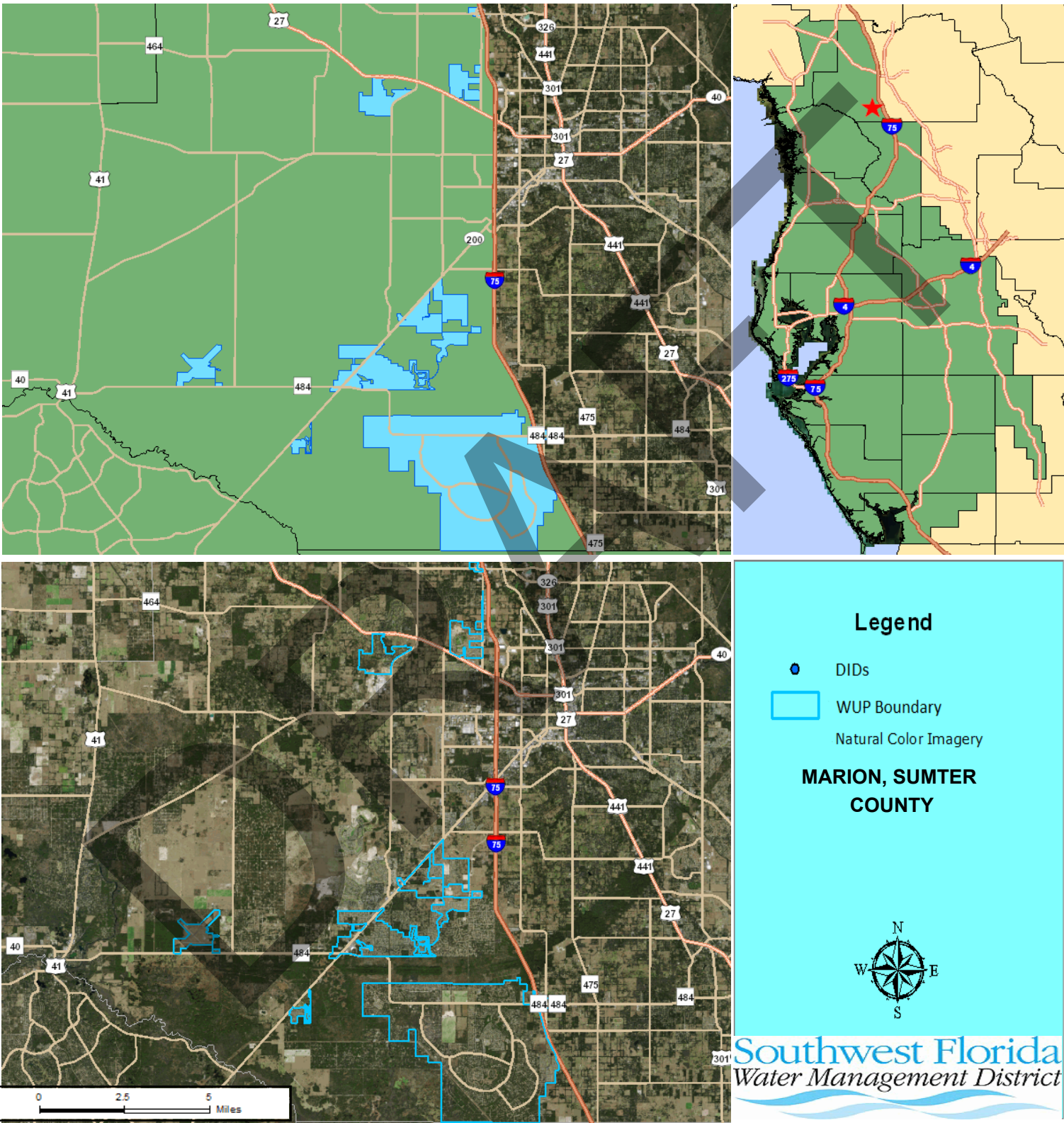
69	29° 13' 57.44"/82° 14' 28.47"
70	29° 13' 57.02"/82° 14' 22.44"
71	29° 13' 54.22"/82° 14' 24.20"
72	29° 13' 53.64"/82° 14' 27.92"
73	29° 09' 05.54"/82° 11' 51.96"
74	29° 08' 41.90"/82° 28' 53.30"
75	29° 08' 42.20"/82° 28' 53.60"
76	29° 08' 42.40"/82° 28' 53.60"
77	29° 03' 47.10"/82° 13' 42.60"
78	29° 03' 47.00"/82° 13' 42.30"
79	29° 04' 17.10"/82° 14' 26.00"
80	29° 04' 17.10"/82° 14' 25.70"

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Location Map

Marion County Utilities / Attn: Jody Kirkman

WUP No. 20 006151.014



STANDARD CONDITIONS:

The Permittee shall comply with the Standard Conditions attached hereto, incorporated herein by reference as Exhibit A and made a part hereof.

SPECIAL CONDITIONS:

1. All reports and data required by condition(s) of the permit shall be submitted to the District according to the due date(s) contained in the specific condition. If the condition specifies that a District-supplied form is to be used, the Permittee should use that form in order for their submission to be acknowledged in a timely manner. The only alternative to this requirement is to use the District Permit Information Center (www.swfwmd.state.fl.us/permits/epermitting/) to submit data, plans or reports online. There are instructions at the District website on how to register to set up an account to do so. If the report or data is received on or before the tenth day of the month following data collection, it shall be deemed as a timely submittal.

All mailed reports and data are to be sent to:

Southwest Florida Water Management District
Tampa Service Office, Water Use Permit Bureau
7601 U.S. Hwy. 301 North
Tampa, Florida 33637-6759

Submission of plans and reports: Unless submitted online or otherwise indicated in the special condition, the original and two copies of each plan and report, such as conservation plans, environmental analyses, aquifer test results, per capita annual reports, etc. are required.

Submission of data: Unless otherwise indicated in the special condition, an original (no copies) is required for data submittals such as crop report forms, meter readings and/or pumpage, rainfall, water level, evapotranspiration, or water quality data.
(499)

2. The quantities included in the permit are based on an average per capita rate of 127 gpd. By rule, the per capita rate in any given year shall not exceed 150 gpd. However, failure to maintain, on average, the per capita rate on which the permitted quantity is based could result in noncompliance with the terms of the permit. The per capita rate will be monitored via the Annual Report and the Reclaimed Water Supplier Report that are required to be submitted by April 1 of each year for the term of the permit.(67)
3. This permit shall be modified if an additional source of water is provided for public supply use from a separate entity. This includes additional Alternative Water Supply quantities and irrigation water for lawn/landscape and common areas. The Permittee shall notify the District of the additional water source and submit an application to modify the permit to acknowledge receipt.(68)
4. The annual average, and peak month quantities shown in the withdrawal point quantity table are estimates based on historic and/or projected distribution of pumpage, and are for water use inventory and impact analysis purposes only. The quantities listed for these individual sources are not intended to dictate the distribution of pumpage from permitted sources. The Permittee may make adjustments in pumpage distribution as necessary up to 50 percent above the quantities listed for each well, so long as adverse environmental impacts do not result and the Permittee complies with all other conditions of this Permit. In all cases, the total annual average withdrawal and the total peak month withdrawal for the permitted sources are limited to the quantities set forth below for water treatment plant systems serviced by multiple withdrawals.

District ID Nos. 2, 3 and 4, Permittee ID Nos. PR2, PR3 and PR4, may be adjusted as necessary up to 28,200 gallons per day (gpd) on an annual average basis, and up to 34,100 gpd on a peak month basis (Pine Run).

District ID Nos. 6, 7, 8, 9 and 19, Permittee ID Nos. OR3, OR4, OR5, OR6 and OR7, may be adjusted as necessary up to 2,457,600 gallons per day (gpd) on an annual average basis, and up to 2,973,600 gpd on a peak month basis (Oak Run).

District ID Nos. 17 and 18, Permittee ID Nos. AP6 and AP7, may be adjusted as necessary up to 4,500 gallons per day (gpd) on an annual average basis, and up to 5,400 gpd on a peak month basis (Airport).

District ID Nos. 53, 54, 56, and 57, Permittee ID Nos. SCP1, SCP2, SCP6, and SPC9, may be adjusted as necessary up to 241,100 gallons per day (gpd) on an annual average basis, and up to 291,700 gpd on a peak month basis (Spruce Creek South).

District ID Nos. 29, 30 and 38, Permittee ID Nos. SG2, SG3 and SG11, may be adjusted as necessary up to 696,200 gpd on an annual average basis, and up to 842,400 gpd on a peak month basis (Summer Glen).

District ID Nos. 31, 32, 33, 34 and 67, Permittee ID Nos. MO4, MO5A, MO6, MO5B and MO4B, may be adjusted as necessary up to 1,995,300 gpd on an annual average basis, and up to 2,414,400 gpd on a peak month basis (Marion Oaks).

District ID Nos. 42, 43, and 68, Permittee ID Nos. AF1, AF2, and AF3, may be adjusted as necessary up to 412,000 gpd on an annual average basis, and up to 498,600 gpd on a peak month basis (Ashley Farms).

District ID Nos. 39, 40, 58, 69, 70, 71 and 72, Permittee ID Nos. GO2, GO3, GO1, GO4, GO5, GO6 and GO7, may be adjusted as necessary up to 1,669,800 gpd on an annual average basis, and up to 2,020,700 gpd on a peak month basis (Golden Ocala).

District ID Nos. 44, 45, and 46, Permittee ID Nos. K1, K2, and PO1, may be adjusted as necessary up to 41,200 gpd on an annual average basis, and up to 49,800 gpd on a peak month basis (Kunal and Pilot Oil).

District ID Nos. 59, 60, and 66, Permittee ID Nos. SUNC1, SUNC2, and SUNC3, may be adjusted as necessary up to 25,200 gpd on an annual average basis, and up to 30,400 gpd on a peak month basis (Sun Country).

District ID Nos. 61, 62 and 65, Permittee ID Nos. MAJO1, MAJO2 and MAJO6, may be adjusted as necessary up to 41,400 gpd on an annual average basis, and up to 50,000 gpd on a peak month basis (Majestic Oaks).

District ID Nos. 74, 75 and 76, Permittee ID Nos. RLE1, RLE2 and RLE3, may be adjusted as necessary up to 146,400 gpd on an annual average basis, and up to 177,200 gpd on a peak month basis (Rainbow Lake Estates).

District ID Nos. 77 and 78, Permittee ID Nos. SCN1 and SCN2, may be adjusted as necessary up to 1,049,200 gpd on an annual average basis, and up to 1,269,600 gpd on a peak month basis (Spruce Creek North).

District ID Nos. 79 and 80, Permittee ID Nos. WM1 and WM2, may be adjusted as necessary up to 158,000 gpd on an annual average basis, and up to 191,200 gpd on a peak month basis (Woods and Meadows).
(221)

5. Within 90 days of permit issuance the Permittee shall construct the proposed well(s) according to the surface diameter and total depth specifications below. The total depth specified, is an estimate, based on best available information, that will prevent the unauthorized interchange of water between different water bearing zones. All depths given are in feet below land surface. For Well Construction requirements see Exhibit B, Well Construction Instructions, attached to and made part to this permit.

District ID No. 102, Permittee ID No. Ross Prairie PZ1, having a surface diameter of 2 inches, installed using slotted screen for total interval of surficial sands estimated to be 10 feet total depth.
(232)

6. The Permittee shall construct the proposed wells according to the surface diameter and casing depth specifications below. The casing shall be continuous from land surface to the minimum depth stated

and is specified to prevent the unauthorized interchange of water between different water bearing zones. If a total depth is listed below, this is an estimate, based on best available information, of the depth at which high producing zones are encountered. However, it is the Permittee's responsibility to have the water in the well sampled during well construction, before reaching the estimated total depth. Such sampling is necessary to ensure that the well does not encounter water quality that cannot be utilized by the Permittee, and to ensure that withdrawals from the well will not cause salt-water intrusion. All depths given are in feet below land surface. For Well Construction requirements see Exhibit B, Well Construction Instructions, attached to and made part to this permit.

District ID No. 34, Permittee ID No. MO5B, having a surface diameter of 12 inches, with a minimum casing depth of 100 feet, and drilled to a total depth of 200 feet.

District ID No. 57, Permittee ID No. JB20, having a surface diameter of 10 inches, with a minimum casing depth of 60 feet, and drilled to a total depth of 250 feet.

District ID No. 66, Permittee ID No. SUNC3, having a surface diameter of 12 inches, with a minimum casing depth of 100 feet, and drilled to a total depth of 200 feet.

District ID No. 69, Permittee ID No. GO4, having a surface diameter of 24 inches, with a minimum casing depth of 100 feet, and drilled to a total depth of 300 feet.

District ID No. 70, Permittee ID No. GO5, having a surface diameter of 24 inches, with a minimum casing depth of 100 feet, and drilled to a total depth of 300 feet.

District ID No. 71, Permittee ID No. GO6, having a surface diameter of 24 inches, with a minimum casing depth of 100 feet, and drilled to a total depth of 300 feet.

District ID No. 72, Permittee ID No. GO7, having a surface diameter of 24 inches, with a minimum casing depth of 100 feet, and drilled to a total depth of 300 feet.
(240)

7. By January 1st of each year of the permit term for the preceding water year (October 1 - September 30), the Permittee shall submit updates to the Environmental Management Plan (EMP) entitled "Monitoring Plan", dated September 22, 2022, that was submitted in support of this permit. Reports shall be submitted to the Water Use Permit Bureau. Any color part of the report that is scanned shall be scanned in color. The report shall include the following sections:

Data Summary Section

The data summary section for all the monitor sites included in the Annual Well Field Report shall be included in the EMP Report. The Data Summary Section shall contain updates to the status of proposed monitor sites, updates to proposed locations and elevations if any, and all raw data required by condition of this permit from each environmental monitor site, District ID No(s). 101 and 102, Permittee ID Nos. Ross Prairie SG1 and Ross Prairie PZ1. Flow data from three Adopted Minimum Flow and Level (MFL) Springs (Silver Spring, Gum Springs, and Rainbow Springs) should be included in the Data Summary Section. This section shall include essential graphs, tables, and text, with little or no data interpretation.

Interpretive Section

An Interpretive Section shall be included with the Data Summary Section submitted for each year and one update six months prior to the expiration date of this permit. The Interpretive Section shall present the Permittee's analyses and interpretation of pumpage data, wetland water levels, surficial and Upper Floridan aquifer water level data, and other data collected pursuant to the EMP submitted in support of this permit as it relates to environmental conditions in the vicinity of the wellfield. A data analysis of the Adopted Minimum Flow and Level (MFL) Springs in the area of the Marion County Utilities withdrawals (Silver Spring, Gum Springs, and Rainbow Springs) will be included in the interpretive section of the EMP. The flow in these springs will be downloaded monthly and analyzed for flow trends during the calendar year in the ongoing water level and flow analysis. This section shall also address investigations and analyses of relationships between water level fluctuations, actual wellfield pumpage, atmospheric conditions, and drainage factors relative to the environmental condition of designated wetlands and springs.

Aerial Photographic Analysis

The Permittee shall utilize color infrared and natural color aerial photographs of the wellfield area to detect and document changes to the vegetation and/or the hydrology of wetlands, lakes or streams that occurred during the reporting period relative to the previous reporting period aerial photographs. Any additional photographs taken in support of the aerial photographic analysis as well as the interpretation of the photographs shall be dated and included in the report. The Permittee may utilize prints of the District's color, infra-red, aerial photographs of the pertinent year. These are available in electronic format from the District Mapping and GIS Section upon request and provision of an external hard drive. If submitted electronically, the interpreted aerial photograph shall be scanned in color. If submitted in hardcopy, the interpreted aerial photographs shall be on a scale of 1 inch = 2000 or finer.

Outstanding Data Not Previously Submitted

If there is or was previously collected hydrologic and environmental data from any site at the wellfield that was not submitted in support of the application for this permit, such data shall be included with the first report submitted.

Environmental Mitigation

The Permittee shall document whether or not adverse environmental impacts due to pumpage were detected during the reporting period. If such impacts were detected, the Permittee shall specify and describe when and where mitigation actions were undertaken to mitigate the impacts. Quantitative (with respect to acreage) and qualitative (with respect to wetland health and function) assessment of the success of such mitigation actions shall be included. If an action was deemed unsuccessful by either the Permittee or the District, the Permittee shall include proposed alternative actions for the situation. The frequency and/or monitoring network may be modified by the Water Use Permit Bureau Chief, as necessary to ensure the protection of the resource.

(287)

8. Within 90 days of the replacement of any or all withdrawal quantities from ground water or surface water bodies with an Alternative Water Supply, the Permittee shall apply to modify this permit to place equal quantities of permitted withdrawals from the ground and/or surface water resource on standby. The standby quantities can be used in the event that some or all of the alternative source is not available.(363)
9. The Permittee shall geophysically (caliper) or video log District ID No. 74, Permittee ID No. RLE1, if the pump assembly is removed for maintenance or replacement within the term of this permit. If the Permittee does not have to remove the pump assembly during the term of this permit, he or she shall notify the District in writing upon submittal of their application to renew their water use permit (WUP). Such notification will not prejudice the Permittee's application. The District does not require the Permittee to remove the well assembly for the single purpose of logging the well.

The geophysical or video log must clearly show the diameter and total depth of each well, and the casing depth and casing continuity in each well. If a video log is made of the well, it shall clearly show the WUP number, Permittee name, and well identification number on the tape itself. One copy of the log shall be submitted to the District within 30 days of the logging event. Upon sufficient notice (approximately two to three weeks), the District can caliper log the well(s) at no cost to the Permittee; however, the Permittee shall remove the pump assembly at their own cost and prior to the arrival of the District logging vehicle on location.

(408)

10. The Permittee shall immediately implement the District-approved water conservation plan submitted in support of the application for this permit. Conservation measures that the Permittee has already implemented shall continue, and proposed conservation measures shall be implemented as proposed in the plan. Progress reports on the implementation of water conservation practices indicated as proposed in the plan as well as achievements in water savings that have been realized from each water conservation practice shall be submitted January 1, 2033.(449)
11. The Permittee shall submit an Annual Wellfield Report that is a comprehensive but concise assessment of the water resources of the wellfield area based on the subject areas listed below. This report shall concisely summarize the elements listed below, with emphasis on the interactions between these elements, where appropriate. Data sources shall be referenced, but no raw data shall be included in the report. Only essential text, graphs, and tables should be included in the report. Reports shall be

submitted to the Water Use Permit Bureau, by January 1st of each year. Any color part of the report that is scanned shall be scanned in color. The report shall cover all activities and conditions pertaining to [insert wellfield name(s)] wellfield(s) and service area for the preceding water year (October 1 to September 30). The specific elements of this report are listed below:

Wellfield Operation

A brief overview of wellfield operations including withdrawal point rotation within the wellfield for the previous 12 months shall include discussion of wells used most often, and wells used less often, and why their routine use was altered, future changes or modifications to the wellfield rotation plan due to the yield from the various wells, future annexation sites, potential future production well sites, etc. Any proposed production or monitor wells that were completed, wells retired and their current status, or wells converted from other uses to public supply use since the last Annual Wellfield Report will be noted.

Water Quality Monitoring

Water quality sampling collected as a condition of this permit shall be analyzed and summarized into graphs and statistical analysis for the annual reporting period and related to the historical water quality sampling results as well as to pumpage. The report shall delineate areas of concern with respect to water quality degradation, horizontal or vertical movement in the fresh water/saltwater interface, or other trends which have occurred. Changes in water quality specifically in the Floridan aquifer shall be discussed.

Investigation of Complaints

A summary of the investigations of withdrawal-related complaints and mitigation activities related to the impacts shall be provided. This summary shall include:

1. Number and type of complaints,
2. Number and type of mitigation activities,
3. Number and type of complaints which did not require mitigation activity,
4. Total cost of all mitigation activity, and
5. Delineation of areas of concern with respect to legal existing use with respect to any water availability or water quality trends identified.

Wellfield Management Updates

The Permittee shall summarize the development, implementation, and events that may affect the approved wellfield management plan over the previous reporting period. If additional information became available that necessitates a change to the plan, the Permittee shall submit an application to modify the permit to effect the changes.

(524)

12. Any wells not in use, and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Chapter 62-532.500, F.A.C.(568)
13. The Permittee shall submit a copy of the well completion reports to the District's Water Use Permit Bureau, within 30 days of each well completion.(583)
14. Beginning January 1, 2012, the Permittee shall comply with the following requirements:
 - A. Customer billing period usage shall be placed on each utility-metered, customer's bill.
 - B. Meters shall be read and customers shall be billed no less frequently than bi-monthly.
 - C. The following information, as applicable to the customer, shall be provided at least once each calendar year and a summary of the provisions shall be provided to the District annually as described in Section D, below. The information shall be provided by postal mailings, bill inserts, online notices, on the bill or by other means. If billing units are not in gallons, a means to convert the units to gallons must be provided.
 1. To each utility-metered customer in each customer class - Information describing the rate structure and shall include any applicable:
 - a. Fixed and variable charges,
 - b. Minimum charges and the quantity of water covered by such charges,
 - c. Price block quantity thresholds and prices,
 - d. Seasonal rate information and the months to which they apply, and
 - e. Usage surcharges
 2. To each utility-metered single-family residential customer - Information that the customer can

use to compare its water use relative to other single-family customers or to estimate an efficient use and that shall include one or more of the following:

a. The average or median single-family residential customer billing period water use calculated over the most recent three year period, or the most recent two year period if a three year period is not available to the utility. Data by billing period is preferred but not required.

b. A means to calculate an efficient billing period use based on the customer's characteristics, or

c. A means to calculate an efficient billing period use based on the service area's characteristics.

D. Annual Report: The following information shall be submitted to the District annually by October 1 of each year of the permit term to demonstrate compliance with the requirements above. The information shall be current as of the October 1 submittal date.

1. Description of the current water rate structure (rate ordinance or tariff sheet) for potable and non-potable water.

2. Description of the current customer billing and meter reading practices and any proposed changes to these practices (including a copy of a bill per A above).

3. Description of the means the permittee uses to make their metered customers aware of rate structures, and how the permittee provides information their metered single-family residential customers can use to compare their water use relative to other single-family customers or estimate an efficient use (see C 1 & 2 above).

(592)

15. The Permittee shall submit a "Public Supply Annual Report" to the District by April 1 of each year on their water use during the preceding calendar year using the form, "Public Supply Water Use Annual Report Form" (Form No. LEG-R.103.00 (05/14)), referred to in this condition as "the Form," and all required attachments and documentation. The Permittee shall adhere to the "Annual Report Submittal Instructions" attached to and made part of this condition in Exhibit B. The Form addresses the following components in separate sections.

Per Capita Use Rate

A per capita rate for the previous calendar year will be calculated as provided in Part A of the Form using Part C of the Form to determine Significant Use deduction that may apply. Permittees that cannot achieve a per capita rate of 150 gpd according to the time frames included in the "Instructions for Completion of the Water Use Annual Report," shall include a report on why this rate was not achieved, measures taken to comply with this requirement, and a plan to bring the permit into compliance.

Residential Use

Residential use shall be reported in the categories specified in Part B of the Form, and the methodology used to determine the number of dwelling units by type and their quantities used shall be documented in an attachment.

Non-Residential Use

Non-residential use quantities provided for use in a community but that are not directly associated with places of residence, as well as the total water losses that occur between the point of output of the treatment plant and accountable end users, shall be reported in Part B of the Form.

Water Conservation

In an attachment to the Form, the Permittee shall describe the following:

1. Description of any ongoing audit program of the water treatment plant and distribution systems to address reductions in water losses.

2. An update of the water conservation plan that describes and quantifies the effectiveness of measures currently in practice, any additional measures proposed to be implemented, the scheduled implementation dates, and an estimate of anticipated water savings for each additional measure.

3. A description of the Permittees implementation of water-efficient landscape and irrigation codes or ordinances, public information and education programs, water conservation incentive programs, identification of which measures and programs, if any, were derived from the Conserve Florida Water Conservation Guide, and provide the projected costs of the measures and programs and the projected water savings.

Water Audit

If the current water loss rate is greater than 10% of the total distribution quantities, a water audit as described in the "Instructions for Completion of the Water Use Annual Report" shall be conducted and completed by the following July 1, with the results submitted by the following October 1. Indicate on Part A of the Form whether the water audit was done, will be done, or is not applicable.

Alternative Water Supplied Other Than Reclaimed Water

If the Permittee provides Alternative Water Supplies other than reclaimed water (e.g., stormwater not treated for potable use) to customers, the information required on Part D of the Form shall be submitted along with an attached map depicting the areas of current Alternative Water Use service and areas that are projected to be added within the next year.

Suppliers of Reclaimed Water

1. Permittees having a wastewater treatment facility with an annual average design capacity equal to or greater than 100,000 gpd:

The Permittee shall submit the "SWFWMD Annual Reclaimed Water Supplier Report" on quantities of reclaimed water that was provided to customers during the previous fiscal year (October 1 to September 30). The report shall be submitted in Excel format on the Compact Disk, Form No. LEG-R.026.00 (05/09), that will be provided annually to them by the District. A map depicting the area of reclaimed water service that includes any areas projected to be added within the next year, shall be submitted with this report.

2. Permittees that have a wastewater treatment facility with an annual average design capacity less than 100,000 gpd:

a. The Permittee has the option to submit the "SWFWMD Annual Reclaimed Water Supplier Report," Form No. LEG-R.026.00, as described in sub-part (1) above, or

b. Provide information on reclaimed water supplied to customers on Part E of the Form as described in the "Instructions for Completion of the Water Use Annual Report".

Updated Service Area Map

If there have been changes to the service area since the previous reporting period, the Permittee shall update the service area using the map that is maintained in the District's Mapping and GIS system. (660)

16. The following proposed withdrawal facilities shall be metered within 90 days of completion of construction of the facilities: District ID No(s). 69, 70 and 71, Permittee ID No(s). GO4, GO5 and GO6. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(718)
17. The following withdrawal facilities shall continue to be maintained and operated with existing, non-resettable, totalizing flow meter(s) or other measuring device(s) as approved by the Water Use Permit Bureau Chief: District ID No(s). 2, 3, 4, 6, 7, 8, 9, 10, 11, 17, 18, 19, 29, 31, 32, 33, 35, 38, 39, 40, 41, 42, 43, 44, 45, 46, 53, 54, 56, 58, 59, 60, 61, 62, 65, 67, 68, 74, 76, 77, 78, 79 and 80, Permittee ID Nos. PR2, PR3, PR4, OR3, OR4, OR5, OR6, OT1, PC1, AP6, AP7, OR7, SG2, MO4A, MO5A, MO6, TW1, SG11, GO2, GO3, QM1, AF1, AF2, K1, K2, PO1, SCP1, SCP2, SCP6, GO1, SUNC1, SUNC2, MAJO1, MAJO2, MAJO6, MO4B, AF3, RLE1, RLE3, SCN1, SCN2, WM1 and WM2. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.

The District authorizes the use of one meter to record water withdrawals from the following interconnected withdrawal points but reserves the right to require that separate meters be installed on each withdrawal point if determined necessary by the District:

District ID No. 59, Permittee ID No. SUNC1, to record and report withdrawals from District ID Nos. 59 and 60, Permittee ID Nos. SUNC1 and SUNC2.

District ID No. 61, Permittee ID No. MAJO1, to record and report withdrawals from District ID Nos. 61, 62 and 65, Permittee ID Nos. MAJO1, MAJO2 and MAJO6.

District ID No. 77, Permittee ID No. SCN1, to record and report withdrawals from District ID Nos. 77 and 78, Permittee ID Nos. SCN1 and SCN2.

(719)

18. The following existing, but previously un-metered withdrawal facilities shall be metered upon permit issuance: District ID No(s). 73, Permittee ID No(s). LO1. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(720)
19. The following proposed Standby withdrawal facilities (those that provide back-up water for another withdrawal point in the event the other withdrawal point becomes unusable) shall be metered within 90 days of construction: District ID No(s). 34, 57, 66 and 72, Permittee ID No(s). MO5B, SCP9, SUNC3 and GO7. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(721)
20. The following existing standby withdrawal facilities (those that provide back-up water for another withdrawal point in the event the other withdrawal point becomes unusable) shall continue to be metered: District ID No(s). 30 and 75, Permittee ID No(s). SG3 and RLE2. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(722)
21. Water quality samples from the withdrawal points listed below shall be collected after pumping the withdrawal point at its normal rate for a pumping time specified below, or to a constant temperature, pH, and conductivity. The frequency of sampling per water quality parameter is listed in the table according to the withdrawal point. The recording and reporting shall begin according to the first sample date for existing wells and shall begin within 90 days of completion of any proposed wells. Samples shall be collected whether or not the well is being used unless infeasible. If sampling is infeasible, the Permittee shall indicate the reason for not sampling on the water quality data form or in the space for comments in the WUP Portal for data submissions. For sampling, analysis and submittal requirements see Exhibit B, Water Quality Sampling Instructions, attached to and made part of this permit.

Existing District ID Nos. 2, 11, 31, 32, 33, 35, 41, 42,43, and 53, Permittee ID Nos. PR2, PC1, MO4, MO5A, MO6, TW1, QM1, AF1, AF2, and SCP1, for Chloride, Sulfate, and Total Dissolved Solids (TDS), after a minimum pumping time of 30 minutes, on a quarterly basis (February, May, August, and November).
(752)

22. Upon completion of the following proposed monitor well(s) or piezometer(s), the Permittee shall record water levels referenced to North American Vertical Datum 1988 (NAVD88) and report them to the District at the frequency listed for the interval, aquifer system, or geologic formation listed. The monitor well(s) or piezometer(s) shall be surveyed by a surveyor licensed in the State of Florida and referenced to NAVD88, and a certified survey indicating the datum reference shall be submitted with the first water level data report. To the maximum extent possible, water levels shall be recorded on a regular schedule: same time each day, same day each week, same week each month as appropriate to the frequency noted. The readings shall be reported online via the Permit Information Center at the District website, (www.watermatters.org/permits/epermitting/), or mailed in hardcopy on District-provided forms to the address given in this permit for mailing data and reports on or before the tenth day of the following month. The frequency of recording may be modified by the Water Use Permit Bureau Chief, as necessary to ensure the protection of the resource.

District ID No. 102, Permittee ID No. Ross Prairie PZ1, to monitor the surficial aquifer on a biweekly basis (at two week intervals) and reported the following month.
(755)

23. Within 90 days of permit issuance the Permittee shall install and maintain a District-approved staff gauge in the water bodies at the location(s) specified by latitude and longitude below and report measurements of water levels referenced to the North American Vertical Datum 1988, at the frequency indicated. Instructions for installation of the staff gauge, and for recording and reporting the data are given in Exhibit B, Water Level Instructions, attached to and made part of this permit.

District ID No. 101, Permittee ID No. Ross Prairie SG1, to monitor surface water level on Ross Prairie (Latitude 29 02 38.39, Longitude 82 17 09.86) on a biweekly basis (two week intervals) and reported the following month.
(761)

40D-2
Exhibit A

WATER USE PERMIT STANDARD CONDITIONS

1. With advance notice to the Permittee, District staff with proper identification shall have permission to enter, inspect, collect samples, take measurements, observe permitted and related facilities and collect and document any information deemed necessary to determine compliance with the approved plans, specifications and conditions of this permit. The Permittee shall either accompany District staff onto the property or make provision for access onto the property.
2. When necessary to analyze impacts to the water resource or existing users, the District shall require the Permittee to install flow metering or other measuring devices to record withdrawal quantities and submit the data to the District.
3. A District identification tag shall be prominently displayed at each withdrawal point that is required by the District to be metered or for which withdrawal quantities are required to be reported to the District, by permanently affixing the tag to the withdrawal facility.
4. The Permittee shall mitigate any adverse impact to environmental features or offsite land uses as a result of withdrawals. When adverse impacts occur or are imminent, the District shall require the Permittee to mitigate the impacts. Examples of adverse impacts include the following:
 - A. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or
 - B. Damage to crops and other vegetation causing financial harm to the owner; and
 - C. Damage to the habitat of endangered or threatened species.
5. The Permittee shall mitigate any adverse impact to existing legal uses caused by withdrawals. When adverse impacts occur or are imminent, the District may require the Permittee to mitigate the impacts. Adverse impacts include:
 - A. A reduction in water levels which impairs the ability of a well to produce water;
 - B. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or
 - C. Significant inducement of natural or manmade contaminants into a water supply or into a usable portion of an aquifer or water body.
6. Permittee shall notify the District in writing within 30 days of any sale, transfer, or conveyance of ownership or any other loss of permitted legal control of the Project and / or related facilities from which the permitted consumptive use is made. Where Permittee's control of the land subject to the permit was demonstrated through a lease, the Permittee must either submit documentation showing that it continues to have legal control or transfer control of the permitted system / project to the new landowner or new lessee. All transfers of ownership are subject to the requirements of Rule 40D-1.6105, F.A.C. Alternatively, the Permittee may surrender the consumptive use permit to the District, thereby relinquishing the right to conduct any activities under the permit.
7. All withdrawals authorized by this WUP shall be implemented as conditioned by this permit, including any documents submitted as part of the permit application incorporated by reference in a permit condition. This permit is subject to review and modification, enforcement action, or revocation, in whole or in part, pursuant to Section 373.136 or 373.243, F.S.
8. This permit does not convey to the Permittee any property rights or privileges other than those specified herein, nor relieve the Permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.
9. The Permittee shall cease or reduce surface water withdrawal as directed by the District if water levels in lakes fall below the applicable minimum water level established in Chapter 40D-8, F.A.C., or rates of flow in streams fall below the minimum levels established in Chapter 40D-8, F.A.C.
10. The Permittee shall cease or reduce withdrawal as directed by the District if water levels in aquifers fall below the minimum levels established by the Governing Board.

11. A Permittee may seek modification of any term of an unexpired permit. The Permittee is advised that section 373.239, F.S., and Rule 40D-2.331, F.A.C., are applicable to permit modifications.
12. The Permittee shall practice water conservation to increase the efficiency of transport, application, and use, as well as to decrease waste and to minimize runoff from the property. At such time as the Governing Board adopts specific conservation requirements for the Permittee's water use classification, this permit shall be subject to those requirements upon notice and after a reasonable period for compliance.
13. The District may establish special regulations for Water-Use Caution Areas. At such time as the Governing Board adopts such provisions, this permit shall be subject to them upon notice and after a reasonable period for compliance.
14. Nothing in this permit should be construed to limit the authority of the District to declare a water shortage and issue orders pursuant to chapter 373, F.S. In the event of a declared water shortage, the Permittee must adhere to the water shortage restrictions, as specified by the District. The Permittee is advised that during a water shortage, reports shall be submitted as required by District rule or order.
15. This permit is issued based on information provided by the Permittee demonstrating that the use of water is reasonable and beneficial, consistent with the public interest, and will not interfere with any existing legal use of water. If, during the term of the permit, it is determined by the District that a statement in the application and in the supporting data are found to be untrue and inaccurate, the use is not reasonable and beneficial, in the public interest, or does impact an existing legal use of water, the Governing Board shall modify this permit or shall revoke this permit following notice and hearing, pursuant to sections 373.136 or 373.243, F.S. The Permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.
16. All permits are contingent upon continued ownership or legal control of all property on which pumps, wells, diversions or other water withdrawal facilities are located.

Exhibit B
Instructions

METERING INSTRUCTIONS

The Permittee shall meter withdrawals from surface waters and/or the ground water resources, and meter readings from each withdrawal facility shall be recorded on a monthly basis within the last week of the month. The meter reading(s) shall be reported to the Water Use Permit Bureau on or before the tenth day of the following month for monthly reporting frequencies. For bi-annual reporting, the data shall be recorded on a monthly basis and reported on or before the tenth day of the month following the sixth month of recorded data. The Permittee shall submit meter readings online using the Permit Information Center at www.swfwmd.state.fl.us/permits/epermitting/ or on District supplied scanning forms unless another arrangement for submission of this data has been approved by the District. Submission of such data by any other unauthorized form or mechanism may result in loss of data and subsequent delinquency notifications. Call the Water Use Permit Bureau in Tampa at (813) 985-7481 if difficulty is encountered.

The meters shall adhere to the following descriptions and shall be installed or maintained as follows:

1. The meter(s) shall be non-resettable, totalizing flow meter(s) that have a totalizer of sufficient magnitude to retain total gallon data for a minimum of the three highest consecutive months permitted quantities. If other measuring device(s) are proposed, prior to installation, approval shall be obtained in writing from the Water Use Permit Bureau Chief.
2. The Permittee shall report non-use on all metered standby withdrawal facilities on the scanning form or approved alternative reporting method.
3. If a metered withdrawal facility is not used during any given month, the meter report shall be submitted to the District indicating the same meter reading as was submitted the previous month.
4. The flow meter(s) or other approved device(s) shall have and maintain an accuracy within five percent of the actual flow as installed.
5. Meter accuracy testing requirements:
 - A. For newly metered withdrawal points, the flow meter installation shall be designed for inline field access for meter accuracy testing.
 - B. The meter shall be tested for accuracy on-site, as installed according to the Flow Meter Accuracy Test Instructions in this Exhibit B, every five years in the assigned month for the county, beginning from the date of its installation for new meters or from the date of initial issuance of this permit containing the metering condition with an accuracy test requirement for existing meters.
 - C. The testing frequency will be decreased if the Permittee demonstrates to the satisfaction of the District that a longer period of time for testing is warranted.
 - D. The test will be accepted by the District only if performed by a person knowledgeable in the testing equipment used.
 - E. If the actual flow is found to be greater than 5% different from the measured flow, within 30 days, the Permittee shall have the meter re-calibrated, repaired, or replaced, whichever is necessary. Documentation of the test and a certificate of re-calibration, if applicable, shall be submitted within 30 days of each test or re-calibration.
6. The meter shall be installed according to the manufacturer's instructions for achieving accurate flow to the specifications above, or it shall be installed in a straight length of pipe where there is at least an upstream length equal to ten (10) times the outside pipe diameter and a downstream length equal to two (2) times the outside pipe diameter. Where there is not at least a length of ten diameters upstream available, flow straightening vanes shall be used in the upstream line.
7. Broken or malfunctioning meter:
 - A. If the meter or other flow measuring device malfunctions or breaks, the Permittee shall notify the District within 15 days of discovering the malfunction or breakage.
 - B. The meter must be replaced with a repaired or new meter, subject to the same specifications given above, within 30 days of the discovery.
 - C. If the meter is removed from the withdrawal point for any other reason, it shall be replaced with another meter having the same specifications given above, or the meter shall be reinstalled within 30 days of its removal from the withdrawal. In either event, a fully functioning meter shall not be off the withdrawal point for more than 60 consecutive days.
8. While the meter is not functioning correctly, the Permittee shall keep track of the total amount of time the withdrawal point was used for each month and multiply those minutes times the pump capacity (in gallons per minute) for total gallons. The estimate of the number of gallons used each month during that period shall be submitted on District scanning forms and noted as estimated per instructions on the form. If the data is submitted

by another approved method, the fact that it is estimated must be indicated. The reason for the necessity to estimate pumpage shall be reported with the estimate.

9. In the event a new meter is installed to replace a broken meter, it and its installation shall meet the specifications of this condition. The permittee shall notify the District of the replacement with the first submittal of meter readings from the new meter.

FLOW METER ACCURACY TEST INSTRUCTIONS

1. **Accuracy Test Due Date** - The Permittee is to schedule their accuracy test according to the following schedule:
- A. For existing metered withdrawal points, add five years to the previous test year, and make the test in the month assigned to your county.
 - B. For withdrawal points for which metering is added for the first time, the test is to be scheduled five years from the issue year in the month assigned to your county.
 - C. For proposed withdrawal points, the test date is five years from the completion date of the withdrawal point in the month assigned to your county.
 - D. For the Permittee's convenience, if there are multiple due-years for meter accuracy testing because of the timing of the installation and/or previous accuracy tests of meters, the Permittee can submit a request in writing to the Water Use Permit Bureau Chief for one specific year to be assigned as the due date year for meter testing. Permittees with many meters to test may also request the tests to be grouped into one year or spread out evenly over two to three years.
 - E. The months for accuracy testing of meters are assigned by county. The Permittee is requested but not required to have their testing done in the month assigned to their county. This is to have sufficient District staff available for assistance.

January	Hillsborough
February	Manatee, Pasco
March	Polk (for odd numbered permits)*
April	Polk (for even numbered permits)*
May	Highlands
June	Hardee, Charlotte
July	None or Special Request
August	None or Special Request
September	Desoto, Sarasota
October	Citrus, Levy, Lake
November	Hernando, Sumter, Marion
December	Pinellas

* The permittee may request their multiple permits be tested in the same month.

2. **Accuracy Test Requirements:** The Permittee shall test the accuracy of flow meters on permitted withdrawal points as follows:
- A. The equipment water temperature shall be set to 72 degrees Fahrenheit for ground water, and to the measured water temperature for other water sources.
 - B. A minimum of two separate timed tests shall be performed for each meter. Each timed test shall consist of measuring flow using the test meter and the installed meter for a minimum of four minutes duration. If the two tests do not yield consistent results, additional tests shall be performed for a minimum of eight minutes or longer per test until consistent results are obtained.
 - C. If the installed meter has a rate of flow, or large multiplier that does not allow for consistent results to be obtained with four- or eight-minute tests, the duration of the test shall be increased as necessary to obtain accurate and consistent results with respect to the type of flow meter installed.
 - D. The results of two consistent tests shall be averaged, and the result will be considered the test result for the meter being tested. This result shall be expressed as a plus or minus percent (rounded to the nearest one-tenth percent) accuracy of the installed meter relative to the test meter. The percent accuracy indicates the deviation (if any), of the meter being tested from the test meter.
3. **Accuracy Test Report:** The Permittees shall demonstrate that the results of the meter test(s) are accurate by submitting the following information within 30 days of the test:
- A. A completed Flow Meter Accuracy Verification Form, Form LEG-R.101.00 (5/14) for each flow meter tested. This form can be obtained from the District's website (www.watermatters.org) under "ePermitting and Rules" for Water Use Permits.

- B. A printout of data that was input into the test equipment, if the test equipment is capable of creating such a printout;
- C. A statement attesting that the manufacturer of the test equipment, or an entity approved or authorized by the manufacturer, has trained the operator to use the specific model test equipment used for testing;
- D. The date of the test equipment's most recent calibration that demonstrates that it was calibrated within the previous twelve months, and the test lab's National Institute of Standards and Testing (N.I.S.T.) traceability reference number.
- E. A diagram showing the precise location on the pipe where the testing equipment was mounted shall be supplied with the form. This diagram shall also show the pump, installed meter, the configuration (with all valves, tees, elbows, and any other possible flow disturbing devices) that exists between the pump and the test location clearly noted with measurements. If flow straightening vanes are utilized, their location(s) shall also be included in the diagram.
- F. A picture of the test location, including the pump, installed flow meter, and the measuring device, or for sites where the picture does not include all of the items listed above, a picture of the test site with a notation of distances to these items.

WATER QUALITY INSTRUCTIONS

The Permittee shall perform water quality sampling, analysis and reporting as follows:

1. The sampling method(s) from both monitor wells and surface water bodies shall be designed to collect water samples that are chemically representative of the zone of the aquifer or the depth or area of the water body.
2. Water quality samples from monitor wells shall be taken after pumping the well for the minimum time specified (if specified) or after the water reaches a constant temperature, pH, and conductivity.
3. The first submittal to the District shall include a copy of the laboratory's analytical and chain of custody procedures. If the laboratory used by the Permittee is changed, the first submittal of data analyzed at the new laboratory shall include a copy of the laboratory's analytical and chain of custody procedures.
4. Any variance in sampling and/or analytical methods shall have prior approval of the Water Use Permit Bureau Chief.
5. The Permittee's sampling procedure shall follow the handling and chain of custody procedures designated by the certified laboratory which will undertake the analysis.
6. Water quality samples shall be analyzed by a laboratory certified by the Florida Department of Health utilizing the standards and methods applicable to the parameters analyzed and to the water use pursuant to Chapter 64E-1, Florida Administrative Code, "Certification of Environmental Testing Laboratories."
7. Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association-American Water Works Association-Water Pollution Control Federation (APHA-AWWA-WPCF) or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency (EPA).
8. Unless other reporting arrangements have been approved by the Water Use Permit Bureau Chief, reports of the analyses shall be submitted to the Water Use Permit Bureau, online at the District WUP Portal or mailed in hardcopy on or before the tenth day of the following month. The online submittal shall include a scanned upload of the original laboratory report. The hardcopy submittal shall be a copy of the laboratory's analysis form. If for some reason, a sample cannot be taken when required, the Permittee shall indicate so and give the reason in the space for comments at the WUP Portal or shall submit the reason in writing on the regular due date.
9. The parameters and frequency of sampling and analysis may be modified by the District as necessary to ensure the protection of the resource.
10. Water quality samples shall be collected based on the following timetable for the frequency listed in the special condition:

Frequency

Weekly
Quarterly
Semi-annually
Monthly

Timetable

Same day of each week
Same week of **February, May, August, November**
Same week of **May, November**
Same week of each month

WATER LEVEL INSTRUCTIONS

The staff gauge(s) shall be surveyed according to instructions given on the District website and referenced to the North American Vertical Datum 1988, and a copy of the survey indicating the datum reference shall be submitted with the first water level data report. The staff gauge(s) shall be scaled in one-tenth foot increments and shall be sized and placed so as to be clearly visible from an easily accessible point of land. Water levels shall be recorded on a frequency as indicated in the table provided in the special condition and reported to the Water Use Permit Bureau, online via the WUP Portal at the District website or in hardcopy on District-provided forms on or before the tenth day of the following month. To the maximum extent possible, water levels shall be recorded on a regular schedule as indicated in the recording timetable below. The frequency of recording may be modified by the Water Use Permit Bureau Chief, as necessary to ensure the protection of the resource.

Water Level Recording Timetable

<u>Frequency</u>	<u>Recording Schedule</u>
Daily	Same time of each day
Weekly	Same day of each week
Monthly	Same week of each month
Quarterly	Same week of months specified

WELL CONSTRUCTION INSTRUCTIONS

All wells proposed to be constructed shall be drilled and constructed as specified below:

1. All well casing (including liners and/or pipe) must be sealed to the depth specified in the permit condition.
2. The proposed well(s) shall be constructed of materials that are resistant to degradation of the casing/grout due to interaction with the water of lesser quality. A minimum grout thickness of two (2) inches is required on wells four (4) inches or more in diameter.
3. A minimum of twenty (20) feet overlap and two (2) centralizers is required for Public Supply wells and all wells six (6) inches or more in diameter.
4. Any variation from estimated, maximum or minimum total depths; maximum or minimum casing depths; well location or casing diameter specified in the condition requires advanced approval by the Water Use Permit Bureau Chief, or the Well Construction Section Manager.
5. The Permittee is notified that a proposal to significantly change any of these well construction specifications may require permit modification if the District determines that such a change would result in significantly greater withdrawal impacts than those considered for this Permit.
6. The finished well casing depth shall not vary from these specifications by greater than ten (10) percent unless advance approval is granted by the Water Use Permit Bureau Chief, or the Well Construction Section Manager.

ANNUAL REPORT SUBMITTAL INSTRUCTIONS

The "Public Supply Water Use Annual Report Form" (Form No. LEG-R.023.00 (01/09)), is designed to assist the Permittee with the annual report requirements, but the final authority for what must be included in the Water Use Annual Report is in this condition and in these instructions. Two identical copies of the "Public Supply Water Use Annual Report Form" and two identical copies of all required supporting documentation shall be included if submitted in hard copy. "Identical copy" in this instance means that if the original is in color, then all copies shall also be printed in color. If submitted electronically, only one submittal is required; however, any part of the document that is in color shall be scanned in color.

1. **Per Capita Use Rate** - A per capita rate for the previous calendar year will be progressively calculated until a rate of 150 gpd per person or less is determined whether it is the unadjusted per capita, adjusted per capita, or compliance per capita. The calculations shall be performed as shown in Part A of the Form. The Permittee shall refer to and use the definitions and instructions for all components as provided on the Form and in the Water Use Permit Applicant's Handbook Part B. Permittees that have interconnected service areas and receive an annual average quantity of 100,000 gpd or more from another permittee are to include these quantities as imported quantities. Permittees in the Southern Water Use Caution Area (SWUCA) or the Northern Tampa Bay Water Use Caution Area (NTBWUCA), as it existed prior to October 1, 2007, shall achieve a per capita of 150 gpd or less, and those in these areas that cannot achieve a compliance per capita rate of 150 gpd or less shall include a report on

why this rate was not achieved, measures taken to comply with this requirement, and a plan to bring the permit into compliance. Permittees not in a Water Use Caution Area that cannot achieve a compliance per capita rate of 150 gpd or less by December 31, 2019 shall submit this same report in the Annual Report due April 1, 2020.

2. **Residential Use** - Residential water use consists of the indoor and outdoor water uses associated with each category of residential customer (single family units, multi-family units, and mobile homes), including irrigation uses, whether separately metered or not. The Permittee shall document the methodology used to determine the number of dwelling units by type and the quantities used. Estimates of water use based upon meter size will not be accepted. If mobile homes are included in the Permittees multi-family unit category, the information for them does not have to be separated. The information for each category shall include:
 - A. Number of dwelling units per category,
 - B. Number of domestic metered connections per category,
 - C. Number of metered irrigation connections,
 - D. Annual average quantities in gallons per day provided to each category, and
 - E. Percentage of the total residential water use provided apportioned to each category.
3. **Non-Residential Use** - Non-residential use consists of all quantities provided for use in a community not directly associated with places of residence. For each category below, the Permittee shall include annual average gpd provided and percent of total non-residential use quantities provided. For each category 1 through 6 below, the number of metered connections shall be provided. These non-residential use categories are:
 - A. Industrial/commercial uses, including associated lawn and landscape irrigation use,
 - B. Agricultural uses (e.g., irrigation of a nursery),
 - C. Recreation/Aesthetic, for example irrigation (excluding golf courses) of Common Areas, stadiums and school yards,
 - D. Golf course irrigation,
 - E. Fire fighting, system testing and other accounted uses,-
 - F. K-through-12 schools that do not serve any of the service area population, and
 - G. Water Loss as defined as the difference between the output from the treatment plant and accounted residential water use (B above) and the listed non-residential uses in this section.
4. **Water Audit** - The water audit report that is done because water losses are greater than 10% of the total distribution quantities shall include the following items:
 - A. Evaluation of:
 - 1) leakage associated with transmission and distribution mains,
 - 2) overflow and leakage from storage tanks,
 - 3) leakage near service connections,
 - 4) illegal connections,
 - 5) description and explanations for excessive distribution line flushing (greater than 1% of the treated water volume delivered to the distribution system) for potability,
 - 6) fire suppression,
 - 7) un-metered system testing,
 - 8) under-registration of meters, and
 - 9) other discrepancies between the metered amount of finished water output from the treatment plant less the metered amounts used for residential and non-residential uses specified in Parts B and C above, and
 - B. A schedule for a remedial action-plan to reduce the water losses to below 10%.
5. **Alternative Water Supplied other than Reclaimed Water** - Permittees that provide Alternative Water Supplies other than reclaimed water (e.g., stormwater not treated for potable use) shall include the following on Part D of the Form:
 - A. Description of the type of Alternative Water Supply provided,
 - B. County where service is provided,
 - C. Customer name and contact information,
 - D. Customer's Water Use Permit number (if any),
 - E. Customer's meter location latitude and longitude,
 - F. Meter ownership information,
 - G. General customer use category,

- H. Proposed and actual flows in annual average gallons per day (gpd) per customer,
 - I. Customer cost per 1,000 gallons or flat rate information,
 - J. Delivery mode (e.g., pressurized or non-pressurized),
 - K. Interruptible Service Agreement (Y/N),
 - L. Month/year service began, and
 - M. Totals of monthly quantities supplied.
6. **Suppliers of Reclaimed Water** - Depending upon the treatment capacity of the Permittees wastewater treatment plant, the Permittee shall submit information on reclaimed water supplied as follows:
- A. Permittees having a wastewater treatment facility with an annual average design capacity equal to or greater than 100,000 gpd shall utilize the "SWFWMD Annual Reclaimed Water Supplier Report" in Excel format on the Compact Disk, Form No. LEG-R.026.00 (05/09). The "SWFWMD Annual Reclaimed Water Supplier Report" is described in Section 3.1 of Chapter 3, under the subheading "Reclaimed Water Supplier Report" and is described in detail in the Water Use Permit Applicant's Handbook Part B.
 - B. Permittees that have a wastewater treatment facility with an annual average design capacity less than 100,000 gpd can either utilize the "SWFWMD Annual Reclaimed Water Supplier Report," Form No. LEG-R.026.00, as described in sub-part (1) above or provide the following information on Part E of the Form:
 - 1) Bulk customer information:
 - a) Name, address, telephone number,
 - b) WUP number (if any),
 - c) General use category (residential, commercial, recreational, agricultural irrigation, mining),
 - d) Month/year first served,
 - e) Line size,
 - f) Meter information, including the ownership and latitude and longitude location,
 - g) Delivery mode (pressurized, non-pressurized).
 - 2) Monthly flow in gallons per bulk customer.
 - 3) Total gallons per day (gpd) provided for metered residential irrigation.
 - 4) Disposal information:
 - a) Site name and location (latitude and longitude or as a reference to the service area map),
 - b) Contact name and telephone,
 - c) Disposal method, and
 - d) Annual average gpd disposed.

Authorized Signature

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

This permit, issued under the provision of Chapter 373, Florida Statutes and Florida Administrative Code 40D-2, authorizes the Permittee to withdraw the quantities outlined above, and may require various activities to be performed by the Permittee as described in the permit, including the Special Conditions. The permit does not convey to the Permittee any property rights or privileges other than those specified herein, nor relieve the Permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.

CONSENT AGENDA

December 13, 2022

General Counsel's Report: Approval of Emergency Order No. SWF 22-016 – Emergency Measures Due to Subtropical Storm Nicole

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 which may include, among other things, waiving the procedures and formalities otherwise required to conduct public business.

On November 7, 2022, and November 9, 2022, Governor Ron DeSantis issued Executive Order Numbers 22-255 and 22-253 (Executive Orders) declaring a state of emergency in all counties within the District's boundaries, based upon the serious threat to the public health, safety, and welfare posed by Subtropical Storm Nicole (Storm). The Executive Orders allow state agencies to suspend the provisions of any regulatory statute, rule, or order prescribing the procedures for the conduct of state business if strict compliance would in any way prevent, hinder, or delay necessary action in coping with the emergency. The Florida Department of Environmental Protection issued Emergency Final Order No. 22-2816 on November 9, 2022, suspending certain permitting, procurement, and travel provisions contained in Chapters 373 and 403, F.S., and associated rules to assist emergency response efforts.

District emergency activities in response to the Storm have included and will continue to include re-assignment of staff for various emergency operation functions. District office operations have been adjusted to effectively address all storm-related impacts while at the same time adequately addressing all existing and new permit or variance application review timelines for projects not related to the Storm. Additionally, the effects of the Storm may prevent or hinder a permit applicant, permittee, or property owner from strictly complying with the statutes, rules, or orders that the District administers and enforces. As a result, the Executive Director entered Emergency Order No. SWF 22-016 on November 9, 2022, suspending certain permitting, procurement, and travel provisions contained in Chapter 373, F.S., due to the effects of the Storm.

Emergency Order No. SWF 22-016 will remain in effect until January 6, 2023. At that time, District staff will reassess the emergency measures provided for in the Emergency Orders and determine whether an additional extension is warranted.

Staff Recommendation:

Approve Emergency Order No. SWF 22-016.

Presenter:

Christopher A. Tumminia, General Counsel, Office of General Counsel

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

IN RE:

**EMERGENCY AUTHORIZATION FOR
REPAIRS, REPLACEMENT,
RESTORATION, AND CERTAIN
OTHER MEASURES MADE NECESSARY
BY SUBTROPICAL STORM NICOLE**

EMERGENCY FINAL ORDER NO. SWF 22-016

Under the authority of Sections 120.569(2)(n), 252.36, 252.46, and 373.119(2), Florida Statutes (F.S.), and upon consideration of State of Florida Executive Order No. 22-253, and the following findings of fact, the Southwest Florida Water Management District (District) enters this Emergency Order (Order), including Findings of Fact and Conclusions of Law, in response to the imminent or immediate danger to the public health, safety, and welfare of the citizens residing within the District caused by Subtropical Storm Nicole (Storm):

FINDINGS OF FACT

1. The District is the administrative agency charged with the responsibility to conserve, protect, manage, and control the water resources in the sixteen (16) counties designated within its geographic boundaries, including: Citrus, DeSoto, Hardee, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Sarasota and Sumter counties, and portions of Charlotte, Highlands, Lake, Levy, Marion, and Polk Counties. The District is responsible for the administration of Chapter 373, F.S., and the rules adopted thereunder as Chapters 18-20, 18-21, 40D, and 62, Florida Administrative Code (F.A.C.), which

includes issuing permits and other authorizations in accordance with the procedures established in Chapters 120, 373, and 403, F.S.

2. By State of Florida Executive Order No. 22-253, as amended by Executive Order Number 22-255 (Executive Order), the Governor declared that a state of emergency exists in Alachua, Bradford, Brevard, Broward, Charlotte, Citrus, Clay, Collier, DeSoto, Dixie, Duval, Flagler, Glades, Gilchrist, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Jefferson, Lake, Lee, Levy, Manatee, Marion, Martin, Miami-Dade, Nassau, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, Sarasota, Seminole, St. Johns, St. Lucie, Sumter, Taylor, Volusia, and Wakulla Counties based upon the serious threat to the public health, safety, and welfare posed by the Storm. The aforementioned counties located within the District's geographic boundaries (Charlotte, Citrus, DeSoto, Hardee, Hernando, Highlands, Hillsborough, Lake, Levy, Manatee, Marion, Pasco, Pinellas, Polk, Sarasota, and Sumter Counties) shall herein be referred to as the "Emergency Area."

3. The Executive Order recognizes that special duties and responsibilities resting upon state, regional, and local agencies and other governmental bodies in responding to the emergency may require a waiver or deviation from the statutes, rules, ordinances, and orders those agencies and bodies administer. Pursuant to the Executive Order, each state agency may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the order or rules of that agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the effects of the Storm.

4. Section 373.119(2), F.S., provides that whenever the District's 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 of the citizens of the State of Florida, the executive director may, without prior notice, issue an order reciting the existence of such an emergency and require that such action be taken as the executive director deems necessary to meet the emergency.

5. The District finds that the effects of the Storm have created an ongoing state of emergency threatening the public health, safety, welfare, and property in the Emergency Area. Immediate action by Florida's citizens and government may be necessary to repair, replace, and restore structures, equipment, surface water management systems, works, and other systems damaged by the Storm.

6. The District finds that an emergency authorization is required to address the need for immediate action because the normal procedures for obtaining the necessary authorizations would not result in sufficiently timely action to address the emergency.

7. The District finds that immediate, strict compliance with the provisions of the statutes, rules, or orders noted within this Order would prevent, hinder, or delay necessary action in coping with the emergency, and that the actions authorized under this Order are narrowly tailored to address the immediate need for action and are procedurally appropriate under the circumstances.

CONCLUSIONS OF LAW

8. Based on the findings recited above, it is hereby concluded that the emergency caused by the Storm poses an immediate danger to the public health, safety, or welfare and requires an immediate order of the District.

9. The District's Executive Director is authorized to issue this Order pursuant to Section 373.119(2), F.S., and upon consideration of Sections 120.569(2)(n), 252.36, 252.46, F.S., and the Executive Order.

10. Suspension of statutes and rules as noted within this Order is required so as not to prevent, hinder, or delay necessary action in coping with the emergency.

THEREFORE, it is hereby ORDERED that within the Emergency Area, the following provisions apply:

GENERAL PROVISIONS

11. **Authorized Representatives**

The Executive Director hereby appoints the following representatives and delegates to them the authority to issue authorizations, permits, and execute any emergency functions in accordance with this Order: the Assistant Executive Director; Director of Regulation; Director of Operations, Lands and Resource Monitoring; Director of Resource Management; and the Regulation Bureau Chiefs.

12. **Limitations**

The District issues this Order solely to address the emergency created by the Storm within the Emergency Area, as described herein. This Order shall not be construed to authorize any activity within the jurisdiction of the District except in accordance with the express terms of this Order. Under no circumstances shall anything contained in this Order be construed to authorize the repair, replacement, or reconstruction of any type of unauthorized or illegal structure, habitable or otherwise. This Order does not convey any property rights or any rights or privileges other than those specified in this Order.

13. **Expiration Date**

This Order shall take effect retroactively on November 7, 2022, and expire sixty (60) days later, on January 6, 2023, unless otherwise extended or terminated by further order.

14. **Other Authorizations Required**

Nothing in this Order shall eliminate the necessity for obtaining any other federal, state, or local permits, or other authorizations that may be required.

15. **Extension of Time to Comply with Specified Deadlines**

For facilities and activities regulated by the District within the Emergency Area, the following specified deadlines shall be extended for sixty (60) days upon request of an applicant or permittee if the deadlines occur between the effective date and the expiration of this Order:

a. The time deadlines to conduct or report periodic monitoring or any other similar monitoring that is required by a permit, lease, easement, consent of use, letter of consent, consent order, consent agreement, administrative order, or other authorization under Chapters 161, 253, 258, 373, 376, or 403, F.S., and rules adopted thereunder;

b. The time deadlines to file an application for an extension of permit duration or renewal of an existing permit, lease, easement, consent of use, letter of consent, or other authorization under Chapters 161, 253, 258, 373, 376, or 403, F.S., and rules adopted thereunder;

c. The time deadlines to file an application for an operation permit under Chapters 161, 253, 258, 373, 376 or 403, F.S., and rules adopted thereunder;

d. The expiration date for an existing permit, lease, consent of use, or other authorization under Chapters 161, 253, 258, 373, 376 or 403, F.S., and rules adopted thereunder; and

e. The time deadlines to obtain a permit for and commence construction of the initial phase of a system for which a conceptual permit was issued pursuant to Part IV of Chapter 373, F.S., and rules adopted thereunder.

f. The extension of time to comply with specified deadlines set forth in this section does not apply to the following:

i. The time deadlines for filing a petition for administrative hearing pursuant to Chapter 120, F.S.;

ii. The time deadlines for providing notice of the intent to exercise the tolling and extension granted under Section 252.363(1)(a), F.S.; and

iii. The time or expiration of any other deadline not specifically set forth in this Order.

16. Deadlines for Agency Actions

Any deadlines specified in statutes, rules, agreements, or District orders, under which the District is required by law to take action within a specified time period, and under which failure by the District to timely take such action could result in any type of default binding on the District (including the time to request additional information on permit applications), are hereby suspended and tolled for a period of sixty (60) days, provided such deadline had not expired as of the effective date this Order.

17. Suspension of Fees

a. All application fee requirements set forth in Chapter 373, F.S., and the rules adopted thereunder, shall be suspended for the duration of this Order, and shall recommence on the date immediately following the expiration of this Order set forth in Paragraph 13 herein, unless this Order is extended or terminated by further order.

b. All lease fee and easement fee requirements set forth in Chapter 373, F.S., and the rules adopted thereunder, shall be suspended for the duration of this Order, except that lease fee and easement fee requirements shall be suspended only in proportion to the percentage loss of functionality of the total area under lease or easement. All lease fee and easement fee requirements shall recommence on the date immediately following the expiration of this Order set forth in Paragraph 13 herein, unless this Order is extended or terminated by further order. However, the duration of the suspension of lease and easement fees may be extended beyond the duration of this Order (including subsequent extensions thereof) or beyond the date specified in a field authorization issued pursuant to this Order, upon a written request by the lessee to extend the suspension of the lease or easement fees. Such request must be received by the District before the expiration of this Order (or extensions thereof) or before the date specified in the field authorization (whichever date it is later).

18. **Procurement**

To ensure the District is able to meet emergency response functions and provide for continuity of operation, the Executive Director hereby suspends, to the extent necessary, the effect of any statute, rule, or order that provides for the District's ability to procure necessary supplies, commodities, services, temporary premises, and other resources, to include, without limiting the generality of the foregoing, any and all statutes, rules, and orders that affect budgeting, leasing, printing, purchasing, travel, the conditions of employment, and the compensation of employees.

CONSUMPTIVE USES OF WATER

19. **General Conditions**

All activities authorized under this section shall be conducted in accordance with the following conditions:

a. All activities shall be performed in a manner that minimizes adverse water quality and water quantity impacts. This includes properly installed and maintained erosion and turbidity control devices to prevent erosions and shoaling and to control turbidity, nutrient loading, and sedimentation in off-site receiving waters.

b. Entities operating under this Order shall immediately correct any erosion, shoaling, or water quality problems that result from the activities authorized under this order.

c. This Order is temporary in nature and shall not relieve the any obligation to obtain necessary federal, state, local, or District permits or approvals.

d. This Order does not convey any property rights or any rights or privileges other than those specified in this Order.

e. This Order only serves as relief for the duration of the Order from the regulatory requirements of the District only and does not provide relief from the requirements of other federal, state, water management districts, and local agencies. This Order therefore does not negate the need to obtain any other required permits or authorizations, nor does it negate the need to comply with all the requirements of those agencies.

20. **Authorized Temporary Consumptive Uses**

a. The following temporary consumptive uses of water—including pumping or diverting water—are hereby authorized to address emergency conditions created by the Storm:

i. **On-Site Discharge – No Notice Required**

The internal movement of water from flooded areas within a project site to other areas within the same project site by the same owner. This authorization does not permit pumping or discharging water to off-site property, canals, or water bodies not completely on-site other than through permitted facilities.

ii. **Off-Site Discharge by Governmental Entity – No Notice Required**

The movement of water from a flooded area by a state, regional, or local government agency, regardless of whether water is discharged on or off-site, provided that the movement of water is limited to measures necessary to address the emergency.

iii. **Off-Site Discharge by Private Landowner – Notice Required**

The movement of water from a flooded area by a private landowner to an off-site location, provided the following:

- A. The private landowner must provide notice of the activity to the District prior to the movement of water;
- B. An Authorized Representative, as set forth in Paragraph 11 herein, authorizes the activity; and
- C. The activity is conducted in accordance with the conditions of the District's authorization.

21. **Permit Condition Deferral**

An Authorized Representative, as set forth in Paragraph 11 herein, may authorize a permittee to defer compliance with any of the terms and conditions of a water use permit for such time as is necessary to address the emergency. The deferment may be conditioned

as appropriate to protect public health, safety, and welfare, both during the emergency and for a period of time once normal operations under the permit resume.

22. **Permit Modifications**

An Authorized Representative, as set forth in Paragraph 11 herein, may authorize a modification of any of the terms and conditions of a water use permit as necessary to address the emergency. The modification may be conditioned as appropriate to protect public health, safety, and welfare, both during the emergency and for a period of time once normal operations under the permit resume.

23. **Field Authorizations**

All District personnel are hereby authorized to issue temporary field authorizations for consumptive uses. A temporary field authorization may only be issued following a site inspection, and all District personnel are required to transmit the temporary field authorization to an Authorized Representative for final approval. An Authorized Representative may approve, modify, condition, or withdraw a temporary field authorization. District personnel must create and maintain all approvals, and provide copy to the permittee.

**ENVIRONMENTAL RESOURCE, DREDGE AND FILL, AND
SURFACE WATER MANAGEMENT ACTIVITIES**

24. **Terms and Conditions**

The terms and conditions of the Florida Department of Environmental Protection's (Department) Emergency Final Order No. 22-2816 shall apply to any activity located in uplands and waters of the state, including wetlands, undertaken in response to the Storm. A copy of the Department's Emergency Final Order No. 22-2816 is available at <https://floridadep.gov/ogc/ogc/content/2022-final-orders>.

25. **Notice of Rights**

Pursuant to Section 120.569(2)(n), F.S., any party adversely affected by this Order has the right to seek an injunction of this Order in circuit court or judicial review under Section 120.68, F.S. Judicial review must be sought by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the District at 7601 U.S. Highway 301 North, Tampa, Florida 33637-6759, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty (30) days after this Order is filed with the Clerk of the District.

DONE AND ORDERED in Hernando County, Florida, on this 9th day of November 2022.

Approved as to legal form and content



Chris Tumminia, General Counsel

**SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT**

By: _____



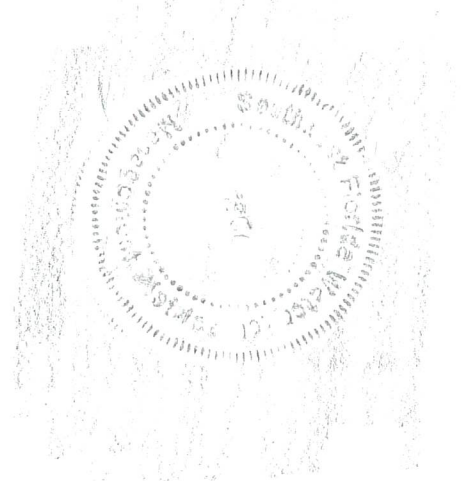
Brian J. Armstrong, P.G., Executive Director

Filed this 9th day of
November, 2022.



Deputy Agency Clerk

[SEAL]



CONSENT AGENDA

December 13, 2022

General Counsel's Report: Approval of Emergency Order No. SWF 22-018 – Emergency Measures Due to High-Water Conditions

Sections 373.119 and 373.439, Florida Statutes (F.S.), authorize the Executive Director to take actions necessary to address an emergency that poses a threat to the public health, safety, welfare, or environment which may include, among other things, waiving the procedures and formalities otherwise required to conduct public business.

On September 3, 2022, the District's Executive Director issued Emergency Order No. SWF 22-007 in response to high rainfall and anticipated flooding in the North Winter Haven Chain of Lakes area. The high-water conditions required immediate action to protect the safety of the public and surrounding property, structures, and stormwater management systems. The Emergency Order authorized limited measures such as lowering water levels in advance of additional rain and diverting water from lakes, if necessary, in order to safeguard life and property.

From September to November 2022, the North Winter Haven Chain of Lakes area received significant rainfall from localized weather events, Hurricane Ian, and Subtropical Storm Nicole. As a result, the Executive Director entered Emergency Order No. SWF 22-018 on November 22, 2022 to extend the provisions of Emergency Order No. SWF 22-007 until January 20, 2023. At that time, District staff will reassess the emergency measures provided for in the Emergency Orders and determine whether an additional extension is warranted.

Staff Recommendation:

Approve Emergency Order No. SWF 22-018.

Presenter:

Christopher A. Tumminia, General Counsel, Office of General Counsel

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

IN RE: EMERGENCY MEASURES DUE TO HIGH WATER CONDITIONS IN THE NORTH WINTER HAVEN CHAIN OF LAKES AREA

THIRD AMENDED AND RESTATED EMERGENCY ORDER NO. SWF 22-018

Under the authority of Sections 120.569(2)(n), 373.119(2), and 373.439(1)(b), Florida Statutes (F.S.), the Southwest Florida Water Management District (District) enters this Third Amended and Restated Emergency Order (Order), including Findings of Fact and Conclusions of Law, in response to high rainfall and anticipated flooding in the North Winter Haven Chain of Lakes area that threatens the safety of surrounding property, structures, stormwater management systems, works, and impoundments and also poses immediate danger the public health, safety, and welfare.

FINDINGS OF FACT

1. The District monitors water levels and manages water control structures P-5 (Lake Henry), P-6 (Lake Smart, Connie, Rochelle, Haines), P-7 (Lake Fannie), and P-8 (Lake Hamilton) located in Polk County, Florida.

2. In August 2022, the areas surrounding Lake Henry, Lake Smart, Lake Connie, Lake Rochelle, Lake Haines, Lake Fannie, and Lake Hamilton (the “North Winter Haven Chain of Lakes Area” or the “Area”) received a total of 16.54 inches of rainfall, well above the monthly average of 8 inches.

3. In September 2022, the Area received additional rainfall from localized weather events and Hurricane Ian. Lake levels in the Area rose approximately 2 inches from the levels recorded in the prior month, and water levels downstream from structure

P-8 were recorded at the highest level since 2004. The Executive Director issued Emergency Order No. SWF 22-008 on September 3, 2022, which authorized limited measures, including adjusting the operational schedule for water control structures in the Area, to reduce the risk of flooding to homes and roads in the Area due to anticipated rainfall and high-water conditions. On September 16, 2022, and October 5, 2022, the Executive Director issued Emergency Order Nos. SWF 22-009 and SFW 22-011 to extend the duration of Emergency Order No. SWF 22-008 until November 22, 2022, unless modified or extended by the Executive Director.

4. In November 2022, the Area received additional rainfall from localized weather events and Hurricane Nicole. Based on the most current information, additional rainfall from Hurricane Nicole has left the system water levels high and the expected lake recovery for most of the lakes is at least 30 days.

5. The Executive Director finds that the rainfall and high-water levels described above, and the potential for additional rainfall and flooding, threaten the safety of surrounding property, structures, stormwater management systems, works, and impoundments in the Area. As a result, immediate action is necessary to protect the public health, safety, and welfare.

6. The Executive Director finds that it is appropriate for the District to continue monitoring water levels and operating water control structures in the Area in response to above-normal rainfall and storm events, and to immediately employ any remedial measures necessary to safeguard life and property, including, but not limited to, lowering water levels by releasing water from any impoundment or reservoir, completely emptying any impoundment or reservoir, temporarily modifying structure operations, deviating from

internal operational guidelines, diverting water to bypass lakes or water control structures, and moving significant volumes of flood water out of the Area.

CONCLUSIONS OF LAW

7. Based on the Findings of Fact described herein, it is hereby concluded that the emergency caused by rainfall and high-water levels poses an immediate danger to the public health, safety, and welfare requiring immediate action.

8. Pursuant to Sections 120.569(2)(n), 373.119(2), and 373.439(1)(b), Florida Statutes F.S., the Executive Director is authorized to issue this Order.

9. The actions required to protect the public health, safety, and welfare described in this Order are appropriate pursuant to section 373.439(2), F.S., and are required so as to not prevent, hinder, or delay any action necessary to meet the emergency.

10. The District's immunity from liability for any damages that might result from the activities authorized by this Order, as provided for by Section 373.443(4), F.S., shall not be diminished by the terms of this Order or any activities undertaken pursuant to this Order.

THEREFORE, it is hereby ORDERED:

11. Within the Area, the requirements and effects of statutes, rules, agreements, policies, procedures, or District orders which conflict with the provisions of this Order are suspended to the extent necessary to implement this Order. The District shall immediately employ any remedial means necessary to safeguard life and property, including, but not limited to, lowering water levels by releasing water from any impoundment or reservoir, completely emptying any impoundment or reservoir,

temporarily modifying structure operations, deviating from internal operational guidelines, diverting water to bypass lakes or water control structures, and moving significant volumes of flood water out of the Area.

12. This Order shall take effect immediately upon execution by the Executive Director or his designee, and shall expire on January 20, 2023, unless modified or extended by further order.

DONE AND ORDERED in Hernando County, Florida, on this 22nd day of November 2022.

Approved as to legal form and content



Chris Tumminia, General Counsel

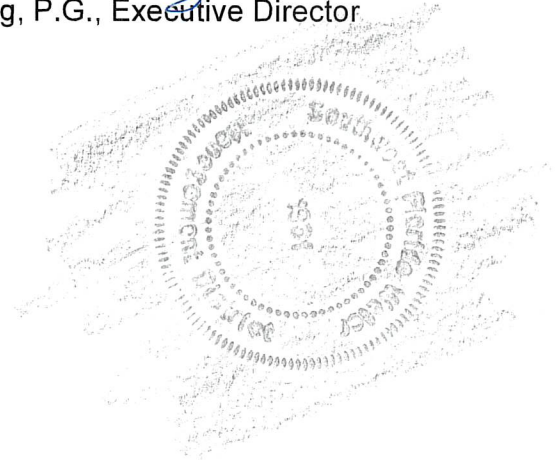
**SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT**

By: 
Brian J. Armstrong, P.G., Executive Director

Filed this 22nd day of
November 2022.


Deputy Agency Clerk

[SEAL]



NOTICE OF RIGHTS

Pursuant to Section 120.569(2)(n), Florida Statutes, any party adversely affected by this Order has the right to seek an injunction of this Order in circuit court or judicial review under Section 120.68, Florida Statutes. Judicial review must be sought by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the District at 7601 U.S. Highway 301 North, Tampa, Florida 33637-6759, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this Order is filed with the Clerk of the District.

CONSENT AGENDA

December 13, 2022

General Counsel's Report: Approval of Emergency Order No. SWF 22-019 – Emergency Measures Due to Hurricane Ian

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 which may include, among other things, waiving the procedures and formalities otherwise required to conduct public business.

On September 23 and 24, 2022, Governor Ron DeSantis issued Executive Order Nos. 22-218 and 22-219 declaring a state of emergency in all counties within the District's boundaries, based upon the serious threat to the public health, safety, and welfare posed by Hurricane Ian (Storm). On November 22, 2022, Governor DeSantis issued Executive Order No. 22-268 extending the declaration of emergency due to the ongoing effects of the Storm. The Executive Orders allow state agencies to suspend the provisions of any regulatory statute, rule, or order prescribing the procedures for the conduct of state business if strict compliance would in any way prevent, hinder, or delay necessary action in coping with the emergency. The Florida Department of Environmental Protection has issued Emergency Final Order No. 22-2816 suspending certain permitting, procurement, and travel provisions contained in Chapters 373 and 403, F.S., and associated rules to assist emergency response efforts.

District emergency activities in response to the Storm have included and will continue to include re-assignment of staff for various emergency operation functions. District office operations have been adjusted to effectively address all storm-related impacts while at the same time adequately addressing all existing and new permit or variance application review timelines for projects not related to these storms. Additionally, the effects of these storms may prevent or hinder a permit applicant, permittee, or property owner from strictly complying with the statutes, rules, or orders that the District administers and enforces. As a result, the Executive Director entered a First Amended and Restated Emergency Order No. SWF 22-019 on November 22, 2022, suspending certain permitting, procurement, and travel provisions contained in Chapter 373, F.S., due to the effects of the Storm.

Emergency Order No. SWF 22-019 will remain in effect until January 20, 2023. At that time, District staff will reassess the emergency measures provided for in the Emergency Orders and determine whether an additional extension is warranted.

Staff Recommendation:

Approve Emergency Order No. SWF 22-019.

Presenter:

Christopher A. Tumminia, General Counsel, Office of General Counsel

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

IN RE: EMERGENCY AUTHORIZATION FOR REPAIRS, REPLACEMENT, RESTORATION, AND CERTAIN OTHER MEASURES MADE NECESSARY BY HURRICANE STORM IAN

FIRST AMENDED AND RESTATED EMERGENCY ORDER NO. SWF 22-019

Under the authority of Sections 120.569(2)(n), 252.36, 252.46, and 373.119(2), Florida Statutes (F.S.), and upon consideration of State of Florida Executive Order Nos. 22-218 and 22-219, the Southwest Florida Water Management District (District) enters this First Amended and Restated Emergency Order (Order), including Findings of Fact and Conclusions of Law, in response to the imminent or immediate danger to the public health, safety, and welfare of the citizens residing within the District caused by Hurricane Ian (Storm):

FINDINGS OF FACT

1. The District is the administrative agency charged with the responsibility to conserve, protect, manage, and control the water resources in the sixteen (16) counties designated within its geographic boundaries, including: Citrus, DeSoto, Hardee, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Sarasota and Sumter counties, and portions of Charlotte, Highlands, Lake, Levy, Marion, and Polk counties. This area shall herein be referred to as the "Emergency Area." The District is responsible for the administration of Chapter 373, F.S., and the rules adopted thereunder as Chapters 18-20, 18-21, 40D, and 62, Florida Administrative Code ("F.A.C."), which includes issuing

permits and other authorizations in accordance with the procedures established in Chapters 120, 373, and 403, F.S.

2. By State of Florida Executive Order Nos. 22-218, 22-219, and 22-268 (Executive Orders), the Governor declared that a state of emergency exists throughout the entire State of Florida based upon the serious threat to the public health, safety, and welfare posed by the Storm.

3. The Executive Orders recognize that special duties and responsibilities resting upon state, regional, and local agencies and other governmental bodies in responding to the emergency may require waiver or deviation from the statutes, rules, ordinances, and orders those agencies and bodies administer. Pursuant to the Executive Orders, each state agency may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the order or rules of that agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the effects of the Storm.

4. Section 373.119(2), F.S., provides that whenever the District's 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 of the citizens of the State of Florida, the executive director may, without prior notice, issue an order reciting the existence of such an emergency and require that such action be taken as the executive director deems necessary to meet the emergency.

5. The District finds that effects of the Storm has created an ongoing state of emergency threatening the public health, safety, welfare, and property throughout the

Emergency Area. Immediate action by Florida's citizens and government may be necessary to repair, replace, and restore structures, equipment, surface water management systems, works, and other systems damaged by the Storm.

6. The District finds that an emergency authorization is required to address the need for immediate action because the normal procedures for obtaining the necessary authorizations would not result in sufficiently timely action to address the emergency.

7. The District finds that immediate, strict compliance with the provisions of the statutes, rules, or orders noted within this Order would prevent, hinder, or delay necessary action in coping with the emergency, and that the actions authorized under this order are narrowly tailored to address the immediate need for action and are procedurally appropriate under the circumstances.

CONCLUSIONS OF LAW

8. Based on the Findings of Fact described herein, it is hereby concluded that the emergency caused by the Storm poses an immediate danger to the public health, safety, or welfare requiring immediate action.

9. Pursuant to Sections 120.569(2)(n) and 373.119(2), F.S., and upon consideration of Sections 252.36 and 252.46, F.S., and the Executive Orders, the Executive Director is authorized to issue this Order.

10. Suspension of statutes and rules as noted within this Order is required so as not to prevent, hinder, or delay necessary action in coping with the emergency.

THEREFORE, it is hereby **ORDERED** that within the Emergency Area, the following provisions apply:

GENERAL PROVISIONS

11. Authorized Representatives

The Executive Director hereby appoints the following representatives and delegates to them the authority to issue authorizations, permits, and execute any emergency functions in accordance with this Order: The Assistant Executive Director, Director of Regulation, Director of Operations Lands & Resource Monitoring, Director of Resource Management, and the Regulation Bureau Chiefs.

12. Limitations

The District issues this Emergency Order solely to address the emergency created by the Storm within the Emergency Area, as described herein. This Emergency Order shall not be construed to authorize any activity within the jurisdiction of the District except in accordance with the express terms of this Emergency Order. Under no circumstances shall anything contained in this Order be construed to authorize the repair, replacement, or reconstruction of any type of unauthorized or illegal structure, habitable or otherwise. This Order does not convey any property rights or any rights or privileges other than those specified in this Order.

13. Expiration Date

This Emergency Order shall take effect on November 22, 2022, and expire on January 20, 2023 unless otherwise extended or terminated by further order.

14. Other Authorizations Required

Nothing in this Emergency Order shall eliminate the necessity for obtaining any other federal, state, or local permits, or other authorizations that may be required.

15. **Extension of Time to Comply with Specified Deadlines**

For facilities and activities regulated by the District within the Emergency Area, the following specified deadlines shall be extended for 30 days upon request of an applicant or permittee if the deadlines occur between the effective date and the expiration of this Order:

a. The time deadlines to conduct or report periodic monitoring or any other similar monitoring that is required by a permit, lease, easement, consent of use, letter of consent, consent order, consent agreement, administrative order, or other authorization under Chapters 161, 253, 258, 373, 376, or 403, F.S., and rules adopted thereunder;

b. The time deadlines to file an application for an extension of permit duration or renewal of an existing permit, lease, easement, consent of use, letter of consent, or other authorization under Chapters 161, 253, 258, 373, 376, or 403, F.S., and rules adopted thereunder;

c. The time deadlines to file an application for an operation permit under Chapters 161, 253, 258, 373, 376 or 403, F.S., and rules adopted thereunder;

d. The expiration date for an existing permit, lease, consent of use, or other authorization under Chapters 161, 253, 258, 373, 376 or 403, F.S., and rules adopted thereunder; and

e. The time deadlines to obtain a permit for and commence construction of the initial phase of a system for which a conceptual permit was issued pursuant to Part IV of Chapter 373, F.S., and rules adopted thereunder.

f. The extension of time to comply with specified deadlines set forth in this Section does not apply to the following:

- i. The time deadlines for filing a petition for administrative hearing pursuant to Chapter 120, F.S.;
- ii. The time deadlines for providing notice of the intent to exercise the tolling and extension granted under Section 252.363(1)(a), F.S.; or
- iii. The time or expiration of any other deadline not specifically set forth in this Order.

16. **Deadlines for Agency Actions**

Any deadlines specified in statutes, rules, agreements, or District orders, under which the District is required by law to take action within a specified time period, and under which failure by the District to timely take such action could result in any type of default binding on the District (including the time to request additional information on permit applications), are hereby suspended and tolled for a period of 30 days, provided such deadline had not expired as of the effective date this Order

17. **Suspension of Fees**

a. All application fee requirements set forth in Chapter 373, F.S., and the rules adopted thereunder, shall be suspended for the duration of this Order, and shall recommence on the date immediately following the expiration of this Order set forth in Paragraph 13 herein, unless this Order is extended or terminated by further order.

b. All lease fee and easement fee requirements set forth in Chapter 373, F.S., and the rules adopted thereunder, shall be suspended for the duration of this Order, except that lease fee and easement fee requirements shall be suspended only in proportion to the percentage loss of functionality of the total are under lease or easement. All lease fee and easement fee requirements shall recommence on the date immediately following the

expiration of this Order set forth in Paragraph 13 herein, unless this Order is extended or terminated by further order. However, the duration of the suspension of lease and easement fees may be extended beyond the duration of this Order (including subsequent extensions thereof) or beyond the date specified in a field authorization issued pursuant to this Order, upon a written request by the lessee to extend the suspension of the lease or easement fees. Such request must be received by the District before the expiration of this Order (or extensions thereof) or before the date specified in the field authorization (whichever date it later).

18. **Procurement**

To ensure the District is able to meet emergency response functions and provide for continuity of operation, the Executive Director hereby suspends, to the extent necessary, the effect of any statute, rule, or order that provides for the District's ability to procure necessary supplies, commodities, services, temporary premises, and other resources, to include, without limiting the generality of the foregoing, any and all statutes, rules, and orders that affect budgeting, leasing, printing, purchasing, travel, the conditions of employment, and the compensation of employees.

CONSUMPTIVE USES OF WATER

19. **General Conditions**

All activities authorized under this Section shall be conducted in accordance with the following conditions:

- a. All activities shall be performed in a manner that minimizes adverse water quality and water quantity impacts. This includes properly installed and maintained erosion

and turbidity control devices to prevent erosions and shoaling and to control turbidity, nutrient loading, and sedimentation in off-site receiving waters.

b. Entities operating under this Order shall immediately correct any erosion, shoaling, or water quality problems that result from the activities authorized under this order.

c. This Order is temporary in nature and shall not relieve the any obligation to obtain necessary federal, state, local, or District permits or approvals.

d. This Order does not convey any property rights or any rights or privileges other than those specified in this Order.

e. This Order only serves as relief for the duration of the Order from the regulatory requirements of the District only and does not provide relief from the requirements of other federal, state, water management districts, and local agencies. This Order therefore does not negate the need to obtain any other required permits or authorizations, nor does it negate the need to comply with all the requirements of those agencies.

20. **Authorized Temporary Consumptive Uses**

a. The following temporary consumptive uses of water—including pumping or diverting water—are hereby authorized to address emergency conditions created by the Storm:

i. **On-Site Discharge – No Notice Required**

The internal movement of water from flooded areas within a project site to other areas within the same project site by the same owner. This authorization does not permit pumping or discharging water to off-site property, canals, or water bodies not completely on-site other than through permitted facilities.

ii. **Off-Site Discharge by Governmental Entity – No Notice Required**

The movement of water from a flooded area by a state, regional, or local government agency, regardless of whether water is discharged on or off-site, provided that the movement of water is limited to measures necessary to address the emergency.

iii. **Off-Site Discharge by Private Landowner – Notice Required**

The movement of water from a flooded area by a private landowner to an off-site location, provided the following:

- A. The private landowner must provide notice of the activity to the District prior to the movement of water;
- B. An Authorized Representative, as set forth in paragraph 11 herein, authorizes the activity; and
- C. The activity is conducted in accordance with the conditions of the District's authorization.

21. **Permit Condition Deferral**

An Authorized Representative, as set forth in paragraph 11 herein, may authorize a permittee to defer compliance with any of the terms and conditions of a water use permit for such time as is necessary to address the emergency. The deferment may be conditioned as appropriate to protect public health, safety, and welfare, both during the emergency and for a period of time once normal operations under the permit resume.

22. **Permit Modifications**

An Authorized Representative, as set forth in paragraph 11 herein, may authorize a modification of any of the terms and conditions of a water use permit as necessary to address the emergency. The modification may be conditioned as appropriate to protect

public health, safety, and welfare, both during the emergency and for a period of time once normal operations under the permit resume.

23. **Field Authorizations**

All District personnel are hereby authorized to issue temporary field authorizations for consumptive uses. A temporary field authorization may only be issued following a site inspection, and all District personnel are required to transmit the temporary field authorization to an Authorized Representative for final approval. An Authorized Representative may approve, modify, condition, or withdraw a temporary field authorization. District personnel must create and maintain all approvals and provide copy to the permittee.

**ENVIRONMENTAL RESOURCE, DREDGE AND FILL, AND
SURFACE WATER MANAGEMENT ACTIVITIES**

24. **Terms and Conditions**

The terms and conditions of the Florida Department of Environmental Protection's Emergency Final Order No. 22-2602 shall apply to any activity located in uplands and waters of the state, including wetlands, undertaken in response to the Emergency. A copy of the Department's Emergency Final Order is available at <https://floridadep.gov/ogc/ogc/content/2022-final-orders>.

25. **Notice of Rights**

Pursuant to Section 120.569(2)(n), Florida Statutes, any party adversely affected by this Order has the right to seek an injunction of this Order in circuit court or judicial review under Section 120.68, Florida Statutes. Judicial review must be sought by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the District at 7601 U.S. Highway 301 North, Tampa, Florida 33637-6759, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district

court of appeal. The notice of appeal must be filed within thirty days after this Order is filed with the Clerk of the District.

DONE AND ORDERED in Hernando County, Florida, on this 22nd day of November 2022.

Approved as to legal form and content



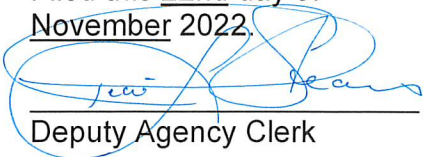
Chris Tumminia, General Counsel

**SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT**

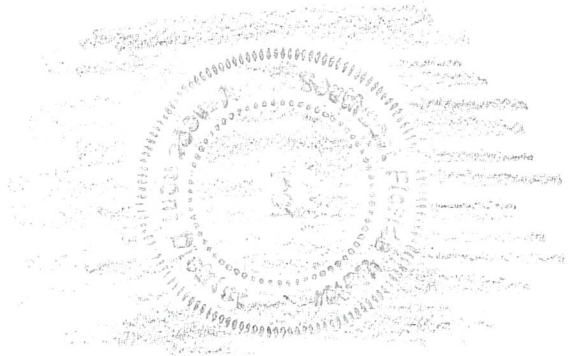
By: 

Brian J. Armstrong, P.G., Executive Director

Filed this 22nd day of
November 2022.


Deputy Agency Clerk

[SEAL]



CONSENT AGENDA

December 13, 2022

Executive Director's Report: Approve Governing Board Minutes - November 15, 2022

Staff Recommendation:

Approve minutes as presented.

Presenter:

Brian J. Armstrong, P.G., Executive Director



**GOVERNING BOARD MEETING
TUESDAY, NOVEMBER 15, 2022 – 9:00 AM
2379 BROAD STREET, BROOKSVILLE, FL 34604
(352) 796-7211**

MINUTES

Board Members Present

Joel Schleicher, Chair
Ed Armstrong, Vice Chair
Michelle Williamson, Secretary
John Mitten, Treasurer
Kelly Rice, Former Chair
Jack Bispham, Member
Seth Weightman, Member
John Hall, Member*
Ashley Bell Barnett, Member

*attended via electronic media

Staff Members

Brian J. Armstrong, Executive Director
Amanda Rice, Assistant Executive Director
Chris Tumminia, General Counsel
Brian Werthmiller, Inspector General
Jennette Seachrist, Division Director
Michelle Hopkins, Division Director
Brian Starford, Division Director
Michael Molligan, Division Director
Brandon Baldwin, Division Director

Board Administrative Support

Virginia Singer, Board & Executive Services Manager
Lori Manuel, Administrative Coordinator

1. Convene Public Meeting

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m., November 15, 2022, at the Brooksville Office, 2379 Broad Street, Brooksville, Florida 34604.

This meeting was available for live viewing through Internet streaming. An attendance roster is archived in the District's permanent records. Approved minutes from meetings can be found on the District's website at WaterMatters.org.

1.1 Call to Order

Chair Joel Schleicher called the meeting to order. He noted that the Board meeting was being recorded for broadcast on government access channels, and public input would be provided in person. Chair Schleicher stated that anyone wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda should complete and submit a "Request to Speak" card. Chair Schleicher stated that comments would be limited to three minutes per speaker, and when appropriate, exceptions to the three-minute limit may be granted by the Chair. He also requested that several individuals wishing to speak on the same topic designate a spokesperson.

Chair Schleicher introduced each member of the Governing Board and staff present at the dais (this served as roll call). A quorum was confirmed.

1.2 Invocation and Pledge of Allegiance

Chair Schleicher recognized the unexpected passing of Board Member William Hogarth. Board Member Seth Weightman offered the invocation and led the Pledge of Allegiance.

1.3 Employee Recognition

None were presented.

1.4 Additions/Deletions to Agenda

Mr. Brian Armstrong, Executive Director, stated the following item was added to the agenda:

General Counsel's Report

7.2 Approval of Agreement between SWFWMD and Camp N Paddle LLC for Management of the Campground and Boat Ramp at the Chassahowitzka River Project – SFW Parcel No. 15-347-105X – Citrus County

Chair Schleicher stated there was a Request to Speak card for the following item. This item was moved from Consent to Discussion:

2.5 Authorization to Issue Administrative Complaint and Order – Well Construction Violations - Carl Douglas, III – License Number 9544 – CT No. 421268 – Polk County

1.5 Public Input for Issues Not Listed on the Published Agenda

Mr. David Ballard Geddis spoke regarding ad valorem lien versus non-ad valorem levy.

Mr. David Nelles spoke regarding Inverness Village Unit 4 flooding concerns.

Ms. Carmen Koubicek spoke regarding Inverness Village Unit 4 flooding concerns.

Mr. Chris Tumminia, General Counsel, provided information concerning the Inverness Village Unit 4 development in Citrus County and the problems associated. Discussion ensued.

Vice Chair Armstrong requested that the District ask Citrus County to provide representation at the December Governing Board meeting. Mr. Brian Armstrong responded that a request will be made.

Chair Schleicher stated there was good cause to approve the amended agenda as allowed by Section 120.525, Florida Statutes.

CONSENT AGENDA

Finance/Outreach & Planning Committee

2.1 Knowledge Management: Approval of Governing Board Policy, Investments

Staff recommended the Board approve and accept the recommended updates to the District's Investment Policy.

Resource Management Committee

2.2 Peace River Manasota Regional Water Supply Authority – Phase 3C Interconnect (Q313) Resource Management Committee

Staff recommended the Board authorize staff to consider the early procurement of construction materials eligible for reimbursement, pending a favorable Third-Party Review and Governing Board approval to proceed beyond 30% design.

2.3 Peace River Manasota Regional Water Supply Authority – Phase 2B Interconnect (Q355)

Staff recommended the Board authorize staff to consider the early procurement of construction materials eligible for reimbursement, pending a favorable Third-Party Review and Governing Board approval to proceed beyond 30% design.

Operations, Lands and Resource Monitoring Committee

2.4 Amendment to Lease, Green Swamp Highway 98 Cattle Lease, SWF Parcel No. 10-200-1287X

Staff recommended the Board approve the First Amendment to Cattle Grazing Lease and authorize the Chair to execute the First Amendment to Cattle Grazing Lease on behalf of the District.

General Counsel's Report

~~2.5 Authorization to Issue Administrative Complaint and Order – Well Construction Violations – Carl Douglas, III – License Number 9544 – CT No. 421268 – Polk County~~

~~Staff recommended the Board:~~

- ~~1. Authorize District staff to issue an Administrative Complaint and Order to Mr. Douglas to obtain compliance, recover an administrative fine/civil penalty, suspend his License for one year, and recover any District costs and fees, if appropriate.~~
- ~~2. Authorize District staff to obtain compliance with the terms of the Administrative Complaint and Order in Circuit Court, if necessary.~~

2.6 Approval of Consent Order between SWFWMD and Rahuge, LLC/Smithfield Apartments Corp. – Unauthorized Construction Activities – CT Nos. 405388, 405263, and 419825 – Charlotte County

Staff recommended the Board:

1. Approve the Consent Order.
2. Authorize District staff to pursue compliance with the terms and conditions of the approved Consent Order, including filing any appropriate actions in Circuit Court, if necessary.

2.7 Approve Governing Board Minutes - October 18, 2022

Staff recommended the Board approve the minutes as presented.

A motion was made and seconded to approve the Consent Agenda. The motion carried unanimously. (00:35:30)

Finance/Outreach and Planning Committee

Treasurer John Mitten called the committee to order.

3.1 Consent Item(s) Moved to Discussion - None

3.2 Budget Transfer Report

Resource Management Committee

Board Member Ashley Bell Barnett called the committee to order.

4.1 Consent Item(s) Moved to Discussion – None

Operations, Lands and Resource Monitoring Committee

Board Member Jack Bispham called the committee to order.

5.1 Consent Item(s) Moved to Discussion - None

5.2 Offer for Surplus Lands - Annutteliga Hammock Surplus (AH-4), SWF Parcel No. 15-228-2108S

Mr. Mike Singer, Real Estate Services Manager, provided a presentation that included an overview of surplus land sales, a map outlining the parcel, lot requirements, and details regarding the offer to purchase. Mr. Singer responded to questions.

Staff recommended the Board:

- Accept the offer and authorize the Executive Director to sign the Contract for Sale and Purchase; and
- Authorize the Chairman and Secretary of the Governing Board to execute the Quit Claim Deed; and
- Authorize the conveyance of the District's interest in all phosphate, minerals, metals, and petroleum in or on or under the land upon request of the buyer; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (00:45:43)

Regulation Committee

Board Member Seth Weightman called the committee to order.

6.1 Consent Item(s) Moved to Discussion - None

6.2 Denials Referred to the Governing Board

No denials were presented.

General Counsel's Report

7.1 Consent Item(s) Moved to Discussion

2.5 Authorization to Issue Administrative Complaint and Order – Well Construction Violations - Carl Douglas, III – License Number 9544 – CT No. 421268 – Polk County

Mr. Carl Douglas submitted a Request to Speak card for this item. He requested leniency from the Board. Mr. Douglas responded to questions from the Board.

Ms. Rachael Simpson, Staff Attorney, responded to questions from the Board and provided information.

Staff recommended the Board:

1. Authorize District staff to issue an Administrative Complaint and Order to Mr. Douglas to obtain compliance, recover an administrative fine/civil penalty, suspend his License for one year, and recover any District costs and fees, if appropriate.
2. Authorize District staff to obtain compliance with the terms of the Administrative Complaint and Order in Circuit Court, if necessary.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio - 00:55:56)

7.2 Approval of Agreement between SWFWMD and Camp N Paddle LLC for Management of the Campground and Boat Ramp at the Chassahowitzka River Project – SFW Parcel No. 15-347-105X – Citrus County

Mr. Brian Armstrong, Executive Director, provided an overview regarding the dispute between Citrus County and the District concerning ownership of this property.

Mr. Chris Tumminia, General Counsel, explained this agreement will allow the campground and boat ramp to remain open while the District is negotiating with the Florida Forestry Service regarding management of the property. Mr. Tumminia responded to questions from the Board.

Staff recommended the Board:

- Approve the Agreement between the Southwest Florida Water Management District and Camp N Paddle, LLC for management of the Campground and Boat Ramp at the Chassahowitzka River Project.
- Authorize the Governing Board Chair to execute the Agreement on behalf of the District.
- Authorize District staff to take additional actions to resolve the above-described ownership dispute and protect the District's Chassahowitzka River Project, including filing any appropriate actions in circuit court, if necessary.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (01:02:03)

Committee/Liaison Reports

8.1 Environmental Advisory Committee

The October 11 meeting was canceled. No summary was provided.

Executive Director's Report

9.1 Executive Director's Report

Mr. Brian Armstrong, Executive Director, informed the Board that the District's Communications and Government & Community Affairs staff earned four local awards for their Weeki Wachee and Florida Water Star outreach efforts.

Mr. Armstrong stated the Government Affairs and Communications staff have worked with the Polk Regional Water Cooperative members since 2018 to adopt Florida Water Star ordinances to maximize conservation while the District was developing the alternative water supply projects. He stated that 11 cities have unanimously adopted a Florida Water Star ordinance, which is estimated to save 286 million gallons per year at buildout, with more savings expected as growth continues. As a result of these outreach efforts, the District won a Prestige Award from the Tampa Bay Public Relations Society of America.

Mr. Armstrong recognized this was the last meeting for Board Member Seth Weightman, as he was elected to the Pasco County Board of County Commissioners.

Chair's Report

10.1 Chair's Report

10.2 Employee Milestones

Chair Schleicher recognized the following staff: Scott VanOrsdale and David Goldberg Dunnett.

Adjournment

The meeting adjourned at 10:05 a.m.

Governing Board Meeting

December 13, 2022

3. FINANCE/OUTREACH & PLANNING COMMITTEE

3.1	Discussion: Information Item: Consent Item(s) Moved to Discussion	109
3.2	Discussion: Action Item: Preliminary Budget for Fiscal Year 2024.....	110
3.3	Discussion: Information Item: Review of Self-Funded Health Plans	112
3.4	Submit & File: Information Item: Budget Transfer Report	113

FINANCE/OUTREACH AND PLANNING COMMITTEE

December 13, 2022

Discussion: Information Item: Consent Item(s) Moved to Discussion

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenters:

Michael Molligan, Division Director, Employee Outreach and General Services

Brandon Baldwin, Division Director, Business and IT Services

FINANCE/OUTREACH AND PLANNING COMMITTEE**December 13, 2022****Discussion: Action Item: Preliminary Budget for Fiscal Year 2024***Purpose*

Submit fiscal year (FY) 2024 Preliminary Budget for consideration by the Governing Board as required by statute; and authorize staff to prepare the Preliminary Budget Submission based on the preliminary budget as presented, adjusted for any modifications made by the Governing Board on December 13, for submission to the Florida Legislature on or before January 15, 2023.

Background

Section 373.535, Florida Statutes, requires water management districts (WMDs) to submit a preliminary budget for the next fiscal year to the Florida Legislature for review by January 15. The statutory language specifies the information to be included in the Preliminary Budget Submission. The President of the Senate and the Speaker of the House of Representatives may submit comments regarding the preliminary budgets to the WMDs on or before March 1 of each year. Each WMD must respond to those comments in writing on or before March 15 of each year.

In addition, the following specific provisions are contained in s. 373.536(5)(c), F.S., regarding the legislative review of the WMDs tentative budgets due August 1:

The Legislative Budget Commission may reject any of the following WMDs budget proposals:

- 1. A single purchase of land in excess of \$10 million, except for land exchanges.*
- 2. Any cumulative purchase of land during a single fiscal year in excess of \$50 million.*
- 3. Any issuance of debt on or after July 1, 2012.*
- 4. Any program expenditures as described in s. 373.536(5)(e)4.e. and f. (i.e., Outreach and Management and Administration programs) in excess of 15 percent of a district's total annual budget.*
- 5. Any individual variances in a district's tentative budget in excess of 25 percent from a district's preliminary budget.*

At the October 18, 2022 Governing Board meeting, staff provided an overview of factors affecting budget development and recommended approval of the general budget assumptions needed to prepare the District's preliminary budget for FY2024. The Governing Board approved the assumptions as presented at the meeting.

On December 13, 2022, staff will present the preliminary budget for FY2024 along with one change to the assumptions presented at the October 18 Governing Board meeting modifying the Salaries and Benefits budget metric to remove non-ad valorem sources, and request approval to submit the *FY2023-24 Preliminary Budget Submission* to the Florida Legislature by January 15, 2023. The preliminary budget has been prepared using the same budget assumptions as presented to the Governing Board on October 18, 2022.

The development of the District's final budget will begin in February 2023. All budget requests will be subject to Governing Board review and approval during the development of the final budget for FY2024. At the June 27, 2023 Governing Board meeting, staff will present and request approval of the FY2024 Recommended Annual Service Budget.

At the July 25, 2023 Governing Board meeting, staff will present a budget update, including information regarding the results of the Certifications of Taxable Value, and will request approval to submit the FY2023-24 Tentative Budget Submission to the Governor and Florida Legislature on August 1, 2023.

Staff Recommendation:

Authorize staff to prepare the Preliminary Budget Submission for FY2024 based on the preliminary budget as presented, adjusted for any modifications made by the Governing Board on December 13, for submission to the Florida Legislature on or before January 15, 2023.

Presenter:

Brandon Baldwin, Division Director, Business and Information Technology Services

FINANCE/OUTREACH AND PLANNING COMMITTEE

December 13, 2022

Discussion: Information Item: Review of Self-Funded Health Plans

Purpose

Provide an update on the District's Self-funded Health Insurance Plan.

Background

Prior to 2016, the District had fully insured Health Insurance Plans. Under the fully insured model, the insurance carrier is responsible for absorbing the costs of claims that exceed premiums, but also sees an additional profit if claims are less than anticipated.

The District moved to a self-funded Health Insurance Plan beginning with calendar year 2016. For a self-funded plan, the District is responsible for paying the claims and, if the claims are less than anticipated, the District has additional cash flow. However, if the claims are greater than anticipated, the District is responsible. To mitigate the risk of higher claims, the District purchases stop-loss insurance that will cover higher than anticipated claims. An additional benefit of a self-funded plan is how prescription rebates are handled. Brokers and insurance companies negotiate rebates for prescription purchases. Under the self-insured plan, prescription rebates are returned to the District rather than retained by the insurance carrier, as they are with a fully insured plan. The District received rebates of \$415,00 for 2021 and anticipate \$465,000 for 2022. Brown & Brown, our health brokers, negotiated enhanced rebates estimated at \$520,000 for 2023.

Benefits/Costs

From 2017 to year-to-date 2022, the District's self-funded plan has performed well in comparison to a fully funded plan with assumptions of an 8% annual premium increase. Assuming an annual 8% increase in premiums, the District's self-funded plan resulted in about \$10.8 million in savings which factors in additional costs of stop-loss insurance and additional revenue from prescription rebates. The average premium increase over the past 6 years would likely have been between 8-15% based on the claims experience. Therefore, staying self-funded continues to be the optimal financial choice. The District will be going out for bid on its health insurance next calendar year.

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenter:

Melanie Stegall, Brown & Brown

FINANCE/OUTREACH AND PLANNING COMMITTEE

December 13, 2022

Submit & File: Information Item: Budget Transfer Report

Purpose

Provide the Budget Transfer Report covering all budget transfers made during the month of November 2022.

Background

In accordance with Board Policy, *Budget Authority Transfer of Funds*, all transfers approved by the Executive Director and Finance Bureau Chief under delegated authority are presented to the Finance/Outreach & Planning Committee of the Governing Board as a Submit and File Report at the next regular scheduled meeting. The exhibit for this item reflects all such transfers executed during the month of November 2022.

Staff Recommendation:

Present the Budget Transfer Report for the Board's information. No action required.

Presenter:

Melisa J. Lowe, Bureau Chief, Finance

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
Budget Transfer Report
November 2022

Item No.	--- TRANSFERRED FROM ---		--- TRANSFERRED TO ---		Reason For Transfer	Transfer Amount
	Bureau /	Expenditure Category	Bureau /	Expenditure Category		
<u>Consistent with Original Budget Intent</u>						
1	Water Resources	Grant - Financial Assistance	Water Resources	Grant - Financial Assistance	Appropriated state and federal funds are needed for the original purpose budgeted for the Water Supply and Water Resource Development Grant Program based on the projects selected by the Department of Environmental Protection (DEP). The DEP announced the projects selected are eight Cooperative Funding Initiative alternative water supply projects previously approved by the Governing Board through the budgetary process with the Polk Regional Water Cooperative, Peace River Manasota Regional Water Supply Authority, and Tampa Bay Water.	\$ 17,540,782.00
Total Amount Transferred						\$ 17,540,782.00

This report identifies transfers made during the month that did not require advance Governing Board approval. These transfers have been approved by either the Executive Director, or designee, or the Finance Bureau Chief consistent with Budget Authority Transfer of Funds Board Policy, and are presented to the Governing Board as a Submit and File Report. This Board Policy limits transfers made for a purpose other than the original budget intent to \$75,000. However, transfers made for accounting reallocation purposes consistent with original budget intent are not limited.

Governing Board Meeting

December 13, 2022

4. RESOURCE MANAGEMENT COMMITTEE

- 4.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion 115
- 4.2 **Discussion:** Action Item: Fiscal Year 2024 Cooperative Funding Process 116

RESOURCE MANAGEMENT COMMITTEE

December 13, 2022

Discussion: Information Item: Consent Item(s) Moved to Discussion

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenter:

Jennette M. Seachrist, P.E., Division Director, Resource Management

RESOURCE MANAGEMENT COMMITTEE**December 13, 2022****Discussion: Action Item: Fiscal Year 2024 Cooperative Funding Process***Purpose*

To update the Board on the status of the fiscal year (FY) 2024 Cooperative Funding process and request approval to deviate from the Cooperative Funding Initiative (CFI) Policy regarding Regional Subcommittee meetings.

Background

The Cooperative Funding Initiative (CFI) application deadline was Friday, October 14, 2022: 66 applications were received totaling \$132 million in District funding requests. To date, two projects have been withdrawn and the revised total District funding request for FY2024 is \$119.7 million. The applications include eight AWS projects requesting \$91.9 million, one Septic Conversion project requesting \$1.3 million, 17 ongoing (1A) projects requesting \$14.4 million, and 38 new projects requesting \$12.1 million.

At the November 15, 2022 Board Workshop, the Board discussed options regarding the CFI review process for FY2024. Specifically, eliminating the eight Regional Subcommittee meetings for the FY2024 CFI review process was discussed. In lieu of Regional Subcommittee meetings, project information, scoring and funding recommendations would be presented at the February and April Board meetings. The CFI Policy allows for deviation from the Regional Subcommittee review process if approved by the Board.

Discussion

The FY2024 CFI applications have been compiled by region, distributed to the Governing Board members, and posted on the District's website (<http://www.swfwmd.state.fl.us/business/coopfunding>). District staff are currently evaluating, scoring, and preparing evaluations for each project. Preliminary project evaluations will be provided to the Governing Board prior to the February Board meeting. The following topics are proposed for discussion at the February Board meeting:

- Summarize Funding Applications
- Review Preliminary Project Evaluations/Scores
- Receive Public/Stakeholder Input
- Select Projects for Presentations in April
- Review Timeline and Next Steps

Final staff evaluations will be presented in April along with the requested project presentations. Final approval of the FY2024 projects for inclusion in the Recommended Annual Service Budget (RASB) will be requested at the May Board meeting.

Staff Recommendation:

Approve eliminating the Regional Subcommittee meetings for the FY2024 CFI review process.

Presenter:

Kevin Wills, Cooperative Funding Initiative Lead, Project Management

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Governing Board Meeting

December 13, 2022

5. OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

- 5.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion 118
- 5.2 **Discussion:** Information Item: Hydrologic Conditions Report 119

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

December 13, 2022

Discussion: Information Item: Consent Item(s) Moved to Discussion

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenter:

Brian S. Starford, P.G., Division Director, Operations, Lands and Resource Monitoring

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE**December 13, 2022****Discussion: Information Item: Hydrologic Conditions Report**

November is the second month of the eight-month dry season (October through May). It is historically the driest month of the year, with a Districtwide long-term rainfall average of just 1.9 inches. Rainfall this November has been above normal, regionally variable, and mainly associated with Hurricane Nicole (November 10-12), which brought about 2.8 inches of rainfall Districtwide.

- **Rainfall:** Provisional (November 1-14) rainfall totals have been above normal in all three regions of the District. The Districtwide 12-month cumulative rainfall total increased and is currently at a surplus of approximately 1.56 inches above the historical total.
- **Streamflow:** Provisional (November 1-15) streamflow decreased at all 12 monitoring stations, compared to last month. Flow conditions at 11 of the 12 stations are above normal. Regional streamflow, based on three index rivers, is normal in the northern counties, while above normal in the central and southern counties.
- **Groundwater:** Provisional (November 1-13) regional aquifer level percentiles increased in all three regions of the District, compared to last month. Aquifer levels are within the normal range in the northern counties, while they are above normal in the central and southern counties.
- **Lake Levels:** Provisional (November 1-13) regional lake levels have decreased in all four lake regions of the District, compared to last month. Regional lake levels are within the normal range in all four lake regions.
- **Overall:** Provisional hydrologic data show, to date, that hydrologic indicators increased but have begun to decline. NOAA continues to predict below-normal rainfall through April 2023. Extended drier-than-normal rainfall in the winter/spring would worsen overall hydrologic conditions.

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenter:

Tamera McBride, P.G., Hydrologic Data Manager, Data Collection Bureau

Governing Board Meeting

December 13, 2022

6. REGULATION COMMITTEE

- 6.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion.....120
- 6.2 **Discussion:** Action Item: Denials Referred to the Governing Board121

REGULATION COMMITTEE

December 13, 2022

Discussion: Information Item: Consent Item(s) Moved to Discussion

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenter:

Michelle Hopkins, P.E., Division Director, Regulation

REGULATION COMMITTEE

December 13, 2022

Discussion: Action Item: Denials Referred to the Governing Board

District Rule 40D-1.6051, Florida Administrative Code, provides that if District staff intends to deny a permit application, the applicant will be advised of the opportunity to request referral to the Governing Board for final action. Under these circumstances, if an applicant or petitioner requests their application or petition be referred to the Governing Board for final action, that application or petition will appear under this agenda item for consideration. As these items will be presented at the request of an outside party, specific information may not be available until just prior to the Governing Board meeting.

Staff Recommendation:

If any denials are requested to be referred to the Governing Board, these will be presented at the meeting.

Presenter:

Michelle Hopkins, P.E., Division Director, Regulation

Governing Board Meeting
December 13, 2022

7. GENERAL COUNSEL'S REPORT

- 7.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion 122
- 7.2 **Discussion:** Information Item: Compliance Update On Inverness Village 4 Residential
Subdivision – Unauthorized Construction Activities – CT No. 415879 – Citrus County 123

GENERAL COUNSEL'S REPORT

December 13, 2022

Discussion: Information Item: Consent Item(s) Moved to Discussion

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenter:

Chris Tumminia, General Counsel

GENERAL COUNSEL'S REPORT**December 13, 2022****Discussion: Information Item: Compliance Update On Inverness Village 4 Residential Subdivision – Unauthorized Construction Activities – CT No. 415879 – Citrus County**

This matter involves unpermitted construction of a large-scale residential subdivision within Citrus County, Florida in an area known as Inverness Village 4 located just outside of the City of Inverness. Several entities, including DT Villages Eleven, LLC; DT Villages Investment, LLC; Van Der Valk Construction, LLC; Inverness Village Four, LLC; Villages North Crestwood, LLC; and members of the Gibraltar Realty Group, Ninja Investment, Ltd., and Citrus Estates, Inc. (collectively referred to as “the Entities”), own or have owned a majority of parcels located in Inverness Village 4. The Entities have worked collectively to construct roadways and single-family residences for sale in the planned subdivision, but they have failed to obtain an Environmental Resource Permit (ERP) or construct any stormwater management infrastructure to serve the impervious surface areas being constructed within Inverness Village 4.

On May 28, 2021, District staff conducted a site visit and documented ongoing construction of roads and homes. District staff further observed a “Sales Office” sign advertising residential lots for sale, including for the construction of homes contracted through Van Der Valk Construction, LLC. This development is expected to result in hundreds of single-family and/or multi-family homes, as well as the installation of utilities and roadways servicing the homes. There is no ERP for the construction activities occurring within the development, including the ongoing construction of the impervious and semi-impervious surface areas. Further, the absence of any stormwater management system is resulting in complaints related to runoff and erosion and may be contributing to other off-site impacts.

The District has had several communications with the Entities and meetings with Citrus County and the affected homeowners. The District is working collaboratively to find a thorough and expedient resolution to the non-compliance issues caused by the unpermitted construction. This information item will provide the Governing Board with a summary of the District’s efforts to resolve the Inverness Village 4 issues and an update on the current status of the enforcement proceeding.

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenter:

Elizabeth M. Fernandez, Deputy General Counsel, Office of General Counsel

COMMITTEE/LIAISON REPORTS

December 13, 2022

Discussion: Information Item: Industrial Advisory Committee

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenter:

Ashley Bell Barnett, Board Member

COMMITTEE/LIAISON REPORTS

December 13, 2022

Discussion: Information Item: Public Supply Advisory Committee

This meeting was canceled.

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenter:

Ed Armstrong, Vice Chair

EXECUTIVE DIRECTOR'S REPORT

December 13, 2022

Discussion: Information Item: Executive Director's Report

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenter:

Brian J. Armstrong, P.G., Executive Director

CHAIR'S REPORT

December 13, 2022

Discussion: Information Item: Chair's Report

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenter:

Ed Armstrong, Vice Chair

CHAIR'S REPORT

December 13, 2022

Discussion: Information Item: Employee Milestones

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenter:

Ed Armstrong, Vice Chair

Years of Service	Seniority Date	Preferred Full Name	Position Title	Office Location	Bureau	Anniversary Year	Next Milestone
10	12/03/2012	Chuck Walker	Heavy Equipment Operator	Bartow	Operations	2022	12/03/2022
5	12/04/2017	Josh Skinner	Fleet Technician	Brooksville	General Services	2022	12/04/2022
10	12/17/2012	Mark Keck	Manager, Enterprise Infra	Brooksville	Information Technology	2022	12/17/2022
35	12/28/1987	Philip Rhinesmith	Environmental Scientist, Sn	Brooksville	Natural Sys & Restoratio	2022	12/28/2022