



GOVERNING BOARD MEETING
TUESDAY, FEBRUARY 28, 2023 – 9:00 AM
2379 BROAD STREET, BROOKSVILLE, FL 34604
(352) 796-7211

MINUTES

Board Members Present

Joel Schleicher, Chair
Ed Armstrong, Vice Chair (Acting Chair)
Michelle Williamson, Secretary*
John Mitten, Treasurer
Kelly Rice, Former Chair
Jack Bispham, Member
John Hall, Member
James Holton, Member
Dustin Rowland, Member
Robert Stern, Member

*Attended via Electronic Media

Board Members Absent

Ashley Bell Barnett, Member

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
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., February 28, 2023, 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

Vice Chair Ed Armstrong 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. Vice Chair Armstrong 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. Vice Chair Armstrong 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.

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

1.1a Oath of Office for Governing Board Members

Ms. Virginia Singer, Boards and Executive Services Manager, administered the Oath of Office to new Board Members James Holton, Dustin Rowland, and Robert Stern.

1.2 Invocation and Pledge of Allegiance

Board Member Kelly Rice offered the invocation and Pledge of Allegiance.

1.3 Employee Recognition

Vice Chair Armstrong recognized staff that reached at least 20 years of service. Mr. Ted Gates was recognized.

1.4 Additions/Deletions to Agenda

Mr. Brian Armstrong, Executive Director, stated the following item was deleted from the Consent Agenda:

Resource Management Committee

2.2 FY2023 Springs Projects Selected for Funding by FDEP

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

1.5 Public Input for Issues Not Listed on the Published Agenda

Mr. Sean Fitzgerald spoke regarding his opinion of his past employment.

Mr. David Ballard Geddes spoke regarding consumer confidence report.

Consent Agenda

Finance/Outreach and Planning Committee

2.1 Approval of the 2023 Consolidated Annual Report

Staff recommended the Board approve the 2023 Consolidated Annual Report and its transmittal to the State.

Resource Management Committee

~~2.2 FY2023 Springs Projects Selected for Funding by DEP~~

~~Staff recommended the Board:~~

- ~~a. Approve applying 2022 and 2023 state appropriations from the Land Acquisition Trust Fund (LATF) for Springs Water Quality Improvements and for Springs Restoration to the WH04, Q134, WH06, and WH07 projects selected by the Florida Department of Environmental Protection as outlined above.~~
- ~~b. Approve a budget transfer from the Springs Initiative Grant Program (H014) to the selected projects in the amount of \$14,416,750, of which \$11,440,500 is from the FDEP and \$2,976,250 is the required District match, as outlined above.~~

2.3 Approve the Little Jones Creek Watershed Management Plan Floodplain Information for Regulatory Use and to Update Flood Insurance Rate Maps in the Sumter County (N919)

Staff recommended the Board approve the Little Jones Creek Watershed Management Plan Floodplain Information for Regulatory Use and to Update Flood Insurance Rate Maps in the Sumter County.

2.4 Approve the Wildwood Watershed Management Plan Floodplain Information for Regulatory Use and to Update Flood Insurance Rate Maps in the City of Wildwood (Q082)

Staff recommended the Board approve the Wildwood Watershed Management Plan Floodplain Information for Regulatory Use and to Update Flood Insurance Rate Maps in the City of Wildwood.

Regulation Committee

2.5 Authorization for Initiation and Approval of Rulemaking to Amend Environmental Resource Permitting Applicant's Handbook Volume II, as Part of Statewide Environmental Resource Permitting Rule Amendments Resulting from the Clean Waterways Act

Staff recommended the Board authorize the initiation of rulemaking and approve the proposed amendments to Rule 40D-1.660, F.A.C., and the District's Environmental Resource Permitting Applicant's Handbook Volume II, to update stormwater design and operation regulations as required by the Clean Waterways Act.

Executive Director's Report

2.6 Approve Governing Board Minutes - January 24, 2023

Staff recommended the Board approve the minutes as presented.

A motion was made and seconded to approve the Consent Agenda. The motion carried unanimously. (00:18:00)

Recognition of Former Governing Board Meeting

3.1 Recognition of Former Governing Board Member Seth Weightman

Former Board Member Seth Weightman was recognized for his service on the Governing Board.

Finance/Outreach and Planning Committee

Treasurer John Mitten called the committee to order.

4.1 Consent Item(s) Moved to Discussion - None

4.2 Legislative Update

Ms. Cara Martin, Government and Community Affairs Office Chief, provided an overview of the 2023 Legislative session. The session began on March 7 and is scheduled to conclude on May 5. Ms. Martin provided an overview of the Legislative leadership, key House and Senate Chairs and specific committees. She addressed specific bills that have been filed. Ms. Martin stated that there are four District Board Members that are scheduled to be confirmed during this session.

Ms. Martin outlined the Governor's \$114.8 billion proposed budget. She stated this includes \$6.8 billion for protection of the environment, agriculture, and natural resources. She stated that as part of the Governor's Resilient Florida Grant Program, this budget will invest over \$406 million for resiliency, including \$350 million for implementation of statewide

resilience projects and \$56 million for resiliency planning, coral reef protection and includes \$100 million for the Florida Forever Program. Ms. Martin stated that there is also a proposed \$85 million for the continued stabilization, water treatment, and closure of Piney Point. Ms. Martin stated that \$50 million is proposed for the Alternative Water Supply Grant Program. In addition, \$50 million is also being proposed to restore Florida's springs and this funding may also be used for land acquisition to protect springsheds.

This was for information. No action was required.

4.3 Knowledge Management: Election of Governing Board Officers Policy

Ms. Robyn Felix, Communications and Board Services Bureau Chief, presented an overview of the Knowledge Management policy regarding Election of Governing Board Officers. She summarized the proposed changes to the policy. Ms. Felix stated the policy would be presented for Governing Board approval at the March meeting.

This was for information. No action was required.

4.4 Budget Transfer Report

Resource Management Committee

Board Member Kelly Rice called the committee to order.

5.1 Consent Item(s) Moved to Discussion - None

5.2 Fiscal Year 2024 Cooperative Funding Initiative Preliminary Project Evaluations

Ms. Jennette Seachrist, Resource Management Director, provided an overview of the Fiscal Year (FY) 2024 preliminary Cooperative Funding Initiative (CFI) project evaluations. She provided a timeline, location map of proposed projects, and a comparison of CFI funding requests from FY2020 through FY2024.

Ms. Seachrist provided an overview of Alternative Water Supply (AWS) projects and addressed specific projects. She stated that these projects have received some form of grant funding. Ms. Seachrist reminded the Board that based on the proposed policy revision the District and the cooperator share of costs are subject to change. The proposed policy revision will be presented at the March meeting for the Board's approval. Ms. Seachrist provided a summary of projects ranked 1A and a springs priority project.

Ms. Seachrist outlined six new projects that are being recommended for funding. She summarized the cooperative funding requests by region, funding prioritization, preliminary rankings, and strategic initiatives. Ms. Seachrist asked if the Board would like any specific project presentations for the March meeting. None were requested. She then outlined the next steps.

Secretary Williamson asked if an update could be provided for brackish projects Q184 and Q308. Ms. Seachrist responded in the affirmative.

This was for information. No action was required.

Operations, Lands & Resource Monitoring Committee

Board Member Jack Bispham called the committee to order.

6.1 Consent Item(s) Moved to Discussion – None

6.2 Hydrologic Conditions Report

Ms. Tamera McBride, Hydrologic Data Manager, presented a rainfall distribution map for January, a 12-month rainfall map, a 12-month departure from mean graph, and map of average rainfall for February. Ms. McBride stated groundwater levels remained in the normal range throughout the District. Surface water levels remained in the normal range for lakes within the District but showed declines. Ms. McBride stated that rivers within the District remained in above normal to normal range. She stated that public supplies remain healthy.

Ms. McBride presented temperature and precipitation information for upcoming months.

This was for information. No action was required.

Regulation Committee

Board Member John Hall called the Committee to order.

7.1 Consent Item(s) Moved to Discussion - None

7.2 Denials Referred to the Governing Board

None were presented.

General Counsel's Report

8.1 Consent Item(s) Moved to Discussion - None

8.2 Authorization for Initiation of Rulemaking to Amend Rule 40D-1.1010, Florida Administrative Code, to Clarify Point of Entry into Proceedings

Mr. Chris Tumminia, General Counsel, provided background information and outlined the current rule regarding the process associated with point of entry as related to administrative hearings. He explained that Rule 40D-1.1010, Florida Administrative Code (F.A.C.), sets forth requirements affecting when a request for an administrative hearing concerning District agency action may be filed. Mr. Tumminia explained the results of a similar case that was recently heard by a Florida appellate court involving the Suwannee River Water Management District. He explained that under that court's decision, multiple points of entry to challenge final agency action could be created, such that the legal process could be extended indefinitely. Mr. Tumminia explained that subsequent administrative litigation on the same issue has highlighted that this rule could be interpreted to allow multiple points of entry to challenge an agency action.

Staff recommended the Board authorize the initiation of rulemaking to amend Rule 40D-1.1010, F.A.C., to clarify rule language that provides a second point of entry to seek an Administrative hearing concerning the same agency action.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (01:02:09)

Mr. Tumminia provided an update regarding Chassahowitzka Boat Ramp. He provided background information regarding ownership and operation of the boat ramp. Mr. Tumminia explained that the agreement with the current operator, Camp N Paddle, LLC., will expire November 16, 2024. Mr. Tumminia explained that during this past year, staff has been unable to resolve this issue with Citrus County. He stated that it is in the District's best interest to resolve this matter through the court system. Mr. Tumminia responded to questions.

Committee/Liaison Reports

9.1 Environmental Advisory Committee

Ms. Jennette Seachrist, Resource Management Director, stated that the meeting provided presentations regarding the 2022 Suncoast seagrass mapping efforts, the 35th Anniversary of the Surface Water Improvement and Management (SWIM) Program 2020, and new methodology for Lake Minimum Flows and Levels (MFLs). A written summary of the January 10 meeting was provided.

Executive Director's Report

10.1 Executive Director's Report

Mr. Brian Armstrong, Executive Director, welcomed the newly appointed Board Members.

Chair's Report

11.1 Chair's Report

The next meeting is scheduled for Tuesday, March 28 at 9:00 a.m., in the Brooksville Office.

11.2 Employee Milestones

A summary was included in the packet.

Adjournment

The meeting adjourned at 10:07 a.m.