

## MINUTES OF THE MEETING

### GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BROOKSVILLE, FLORIDA

MARCH 24, 2020

**Due to the COVID-19 virus, this meeting was held through electronic media to reduce public gatherings and practice social distancing.**

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 10:00 a.m., on March 24, 2020, at its Brooksville Office, 2379 Broad Street, Brooksville, Florida. The following persons were present:

#### Board Members Present

Mark Taylor, Chair  
Michelle Williamson, Vice Chair \*via Phone  
Joel Schleicher, Secretary \*via Phone  
Rebecca Smith, Ph.D., Member \*via phone  
James G. Murphy, Member \*via Phone  
Roger Germann, Member \*via Phone  
Jack Bispham, Member \*via Phone  
Seth Weightman, Member\*via phone

#### Staff Members

Brian J. Armstrong, Executive Director  
Amanda Rice, Assistant Executive Director  
Karen E. West, General Counsel  
John J. Campbell, Division Director  
Brian Starford, Division Director  
Michael Molligan, Division Director  
Jennette Seachrist, Division Director  
Michelle Hopkins, Division Director

#### Board Members Absent

Kelly S. Rice, Treasurer

#### Board Administrative Support

Lori Manuel, Administrative Coordinator

Approved minutes from previous meetings can be found on the District's website ([www.WaterMatters.org](http://www.WaterMatters.org)).

#### **PUBLIC HEARING (00:00)**

##### **1. Call to Order**

Chair Mark Taylor called the meeting to order and opened the public hearing.

##### **2. Invocation and Pledge of Allegiance**

Chair Taylor offered the invocation and led the Pledge of Allegiance.

Chair Taylor introduced each member of the Governing Board, who attended remotely. He noted that the Board meeting was being recorded for broadcast on government access channels, and public input was only taken during the meeting via telephone communication.

Chair Taylor provided a telephone number to any member of the public wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda. Chair Taylor 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 issue/topic designate a spokesperson.

At this time, the meeting was recessed to receive the names of any members of the public who wanted to provide input via telephone. Audio: (00:04:50)

Chair Taylor reconvened the meeting at 10:14 a.m.

Ms. Lori Manuel called roll and stated a quorum was present.

Chair Taylor stated that the following agenda items were moved to the Consent Agenda. He stated that due to physical constraints imposed on other Board members, it was agreed that he would chair the various committees.

3. Recognition and Resolution No. 20-02, Commending John Henslick for His Service as a Member of the Southwest Florida Water Management District Governing Board
20. Fiscal Year 2018-19 Comprehensive Annual Financial Report
33. Offer for Surplus Lands – Cypress Creek Preserve (CC-1), SWF Parcel No. 13-500-396S
34. Offer for Surplus Lands – GUM Slough 1 (Gum-1), SWF Parcel No. 19-193-114S
- ~~3. Recognition and Resolution No. 20-02, Commending John Henslick for His Service as a Member of the Southwest Florida Water Management District Governing Board~~
4. Employee Recognition  
Chair Taylor recognized employees who have reached at least 20 years of service with the District and thanked them. The following staff were recognized: Mike Bartlett and Terry Burrell.
5. Additions/Deletions to Agenda  
Mr. Brian Armstrong, Executive director, stated the following items were deleted from the agenda:
  4. Employee Recognition
  17. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval
    - c. Authorization to Issue Administrative Complaint and Order – Permit Condition Violations – Walden Pointe Homeowners Association, Inc. – ERP No. 44030339.000 – CT No. 404674 – Hillsborough County
    - d. Consideration of Final Order – Petition for Declaratory Statement – Shannon R. Turbeville – Hernando County
    - e. Authorization to Issue Administrative Complaint and Order – Well Construction Violations – Mark James – License Number 11031 – CT Nos. 406326 & 406331 – Hillsborough County
  27. Peace River Manasota Regional Water Supply Authority Update
  35. Conveyance of Fee Interest for the Ridge Road Right of Way, Pasco County, FL, SWF Parcel Numbers 15-705-107S and 15-705-108P

Secretary Joel Schleicher requested the following items be moved to Discussion:

**Resource Management**

9. Modification of the Repayment of Funds for Lake Jackson Watershed Hydrology Investigation Project (N554)
10. Anna Maria North Island BMPs Phases H and J - Scope Change (W215)
11. FARMS – Tippen Bay Properties, LLLP – Doe Hill Citrus Phase 3 (H781), DeSoto County
6. Public Input for Issues Not Listed on the Published Agenda  
No requests were submitted.



Chair Taylor stated there was good cause to approve the amended agenda as allowed by Section 120.525, Florida Statutes. (00:11:05)

#### Consent Agenda

3. Recognition and Resolution No. 20-02, Commending John Henslick for His Service as a Member of the Southwest Florida Water Management District Governing Board

#### Finance/Outreach & Planning Committee

7. Budget Transfer Report

Staff recommended Board approval of the Budget Transfer Report covering all budget transfers for February 2020.

8. Springs Protection Awareness Month Resolution

Staff recommended the Board approve and execute Resolution No. 20-01 declaring April 2020 as "Springs Protection Awareness Month."

20. Fiscal Year 2018-19 Comprehensive Annual Financial Report

Staff recommended the Board accept and place on file the District's Comprehensive Annual Financial Report, including a Single Audit pursuant to Chapter 10.550, Rules of the Auditor General, the Management Letter and the Independent Accountants' Report for fiscal year ended September 30, 2019.

#### Resource Management

9. ~~Modification of the Repayment of Funds for Lake Jackson Watershed Hydrology Investigation Project (N554)~~

~~Staff recommended the Board approve waiving Highlands County's obligation to repay District costs of \$28,218.30 for the Lake Jackson Hydrology Investigation Project, Cooperative Funding Initiative project N554.~~

10. ~~Anna Maria North Island BMPs Phases H and J - Scope Change (W215)~~

~~Staff recommended the Board approve the scope revision to decrease the TSS removal from 63,582 lbs./yr. to 15,800 lbs./yr. and reduce the TN removal from 1,468 lbs./yr. to 352 lbs./yr., which are the resource benefits in the cooperative funding agreement.~~

11. ~~FARMS - Tippen Bay Properties, LLLP - Doe Hill Citrus Phase 3 (H781), DeSoto County~~

~~Staff recommended:~~

- ~~1) Approve the Tippen Bay Properties, LLLP project for a not-to-exceed reimbursement of \$42,000, with \$42,000 provided by the Governing Board;~~
- ~~2) Authorize the transfer of \$42,000 from fund 010 H017 Governing Board FARMS fund to the H781 Tippen Bay Properties, LLLP project fund; and~~
- ~~3) Authorize the division director to sign the agreement.~~

#### Operations, Lands and Resource Monitoring Committee

12. Release and Acceptance of Conservation Easements Between the District, Hillsborough County and Lennar Homes for the Apollo Beach Boulevard Extension Project, SWF Parcels 11-118-145S and 11-118-146P

Staff recommended:

- Accept the offer of a 5.921-acre conservation easement and \$225,000;
- Approve and authorize the Chairman and Secretary of the Governing Board to execute the First Amendment to Conservation Easement;
- Approve and authorize the Chairman and Secretary of the Governing Board to execute the Partial Release of Conservation Easement and Quit Claim;
- Approve the Agreement for Release of Easement with Hillsborough County and authorize the Executive Director to sign on behalf of the District after all other contingencies

- required by the First Amendment to the Conservation Easement have been satisfied; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

**13. Purchase and Sale Agreement Between the District and Hillsborough County for Maydell Drive Bridge Replacement, SWF Parcel Numbers 13-001-749S and 13-001-750P Regulation Committee**

Staff recommended:

- Accept the offer of \$108,094 for the additional 150-feet of right of way (approx. 2.48 acres) needed for the Maydell Drive Bridge replacement;
- Approve the Purchase Agreement and authorize the Executive Director to sign on the behalf of the District;
- Authorize the Chairman and Secretary of the Governing Board to execute the Quit Claim Deed;
- Authorize the conveyance of the District's interest in all phosphate, minerals, metals and petroleum in or on or under the land upon the request of the buyer; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

**14. Monitor Well Purchase-South Hillsborough Aquifer Recharge Project-Phase II Sun City Well (SMWD-6), Hillsborough County**

Staff recommended:

1. Authorize staff to transfer \$638,550 from the Zephyr Creek Drainage Improvements: Units 1 & 2 Project (N836) to the Water Quality Monitoring Program for the purchase of the County's SMWD-6 well (C008).
2. Approve entering into an agreement with the County for the purchase of the SMWD-6 well, contingent on FDEP funding, to be executed in accordance with the Signature Authority.

**33. Offer for Surplus Lands – Cypress Creek Preserve (CC-1), SWF Parcel No. 13-500-396S**

Staff recommended:

- Accept the offer of \$2,600,000;
- Approve the Contract for Sale and Purchase and authorize the Executive Director to sign on the behalf of the District;
- Authorize the Chairman and Secretary of the Governing Board to execute the Quit Claim Deed;
- Authorize the conveyance of the District's interest in all phosphate, minerals, metals and petroleum in or on or under the land upon the request of the buyer; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

**34. Offer for Surplus Lands – GUM Slough 1 (Gum-1), SWF Parcel No. 19-193-114S**

Staff recommended:

- Accept the offer of \$676,400;
- Approve the Contract for Sale and Purchase and authorize the Executive Director to sign on the behalf of the District;
- Authorize the Chairman and Secretary of the Governing Board to execute the Quit Claim Deed;
- Authorize the conveyance of the District's interest in all phosphate, minerals, metals and petroleum in or on or under the land upon the request of the buyer; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.



## Regulation Committee

### 15.. Individual Water Use Permits Referred to the Governing Board

- a. WUP No. 20001512.014 - CHWA Public Water Supply/Charlotte Harbor Water Association (Charlotte)

Staff recommended the Board approve the proposed permit attached as an exhibit.

- b. WUP No. 20008836.014 Sarasota County Utilities/Sarasota County BOCC (Sarasota)

Staff recommended the Board approve the proposed permit attached as an exhibit.

## General Counsel's Report

### 16. Rulemaking

- a. Initiation and Approval of Rulemaking to Amend Rule 40D-8.041, Florida Administrative Code, Minimum Flows, for the Crystal River/Kings Bay, Lower Pithlachascotee River, and Upper Pithlachascotee River Systems

Staff recommended the Board Initiate and approve rulemaking to amend Rule 40D-8.041, Florida Administrative Code, to modify the minimums flows for the Crystal River/Kings Bay, Lower Pithlachascotee River, and Upper Pithlachascotee River Systems, and authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process.

### 17. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval

- a. Approval of Consent Order Between SWFWMD and Buckner Land Enterprises, Inc., and GatorWorld Parks of Florida, LLC – CT No. 395018 – Sumter County

Staff recommended the Board:

- 1) Approve the Consent Order.
- 2) Authorize District staff to pursue additional enforcement measures to obtain compliance with the terms and conditions of the Consent Order, including filing any appropriate actions in circuit court, if necessary.

- b. Approval of Consent Order Between SWFWMD and Besim Enterprises, Inc. – CT No. 403162 – Pasco County

Staff recommended the Board:

- 1) Approve the Consent Order
- 2) Authorize District staff to pursue additional enforcement measures to obtain compliance with the terms and conditions of the Consent Order, including filing any appropriate actions in circuit court, if necessary.

- ~~c. Authorization to Issue Administrative Complaint and Order – Permit Condition Violations – Walden Pointe Homeowners Association, Inc. – ERP No. 44030339.000 – CT No. 404674 – Hillsborough County~~

~~Staff recommended the Board:~~

- ~~1) Authorize District staff to issue an Administrative Complaint and Order to Lawdevco and Walden Pointe and any other necessary parties to obtain compliance with District rules.~~
- ~~2) Authorize District staff to initiate an action in Circuit Court against Lawdevco and Walden Pointe and any other necessary parties to recover a civil penalty/administrative fine, enforcement costs, litigation costs, and attorney's fees, if appropriate.~~
- ~~3) Authorize District staff to initiate an action in Circuit Court to enforce the terms of the Administrative Complaint and Order, if necessary.~~

- ~~d. Consideration of Final Order – Petition for Declaratory Statement – Shannon R. Turbeville – Hernando County~~

~~Staff recommended the Board approve the Final Order denying the Petition for Declaratory Statement filed by Shannon R. Turbeville.~~

**e. Authorization to Issue Administrative Complaint and Order – Well Construction Violations – Mark James – License Number 11031 – CT Nos. 406326 & 406331 – Hillsborough County**

Staff recommended the Board:

- ~~1) Authorize District staff to issue an Administrative Complaint and Order to Mark James to obtain compliance, recover an administrative fine/civil penalty, 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.~~

**Executive Director's Report**

**18. Approve Governing Board Minutes – February 25, 2020**

Staff recommended the Board approve the minutes as presented.

A motion was made and seconded to approve the Consent Agenda. The motion carried unanimously. (00:11:43)

Chair Taylor called the Finance/Outreach & Planning Committee to order. (00:12:58)

**Finance/Outreach & Planning Committee**

**Discussion**

**19. Consent Item(s) Moved for Discussion** - None

**20. Fiscal Year 2018-19 Comprehensive Annual Financial Report**

Staff recommended the Board:

Accept and place on file the District's Comprehensive Annual Financial Report, including a Single Audit pursuant to Chapter 10.550, Rules of the Auditor General, the Management Letter and the Independent Accountants' Report for fiscal year ended September 30, 2019.

**21. Legislative Wrap-Up**

This item was provided for the Board's information; no action was required.

**Submit & File Reports – None**

**Routine Reports**

The following items were provided for the Committee's information, and no action was required.

**22. Treasurer's Report and Payment Register**

**23. Monthly Financial Statement**

**24. Monthly Cash Balances by Fiscal Year**

**25. Comprehensive Plan Amendment and Related Reviews Report**

Chair Taylor adjourned the Committee and called the Resource Management Committee to order. (00:13:31)

**Resource Management Committee**

**Discussion**

**26. Consent Item(s) Moved for Discussion**

**9. Modification of the Repayment of Funds for Lake Jackson Watershed Hydrology Investigation Project (N554)**

Secretary Schleicher expressed his disapproval of the modification to the initial funding request with the cooperator.



Staff recommended the Board approve waiving Highlands County's obligation to repay District costs of \$28,218.30 for the Lake Jackson Hydrology Investigation Project, Cooperative Funding Initiative project N554.

**A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (00:18:10)**

**10. Anna Maria North Island BMPs Phases H and J - Scope Change (W215)**

Secretary Schleicher expressed his disapproval of the requested modifications to the scope of work that was initially agreed upon with the cooperator.

Staff recommended the Board approve the scope revision to decrease the TSS removal from 63,582 lbs./yr. to 15,800 lbs./yr. and reduce the TN removal from 1,468 lbs./yr. to 352 lbs./yr., which are the resource benefits in the cooperative funding agreement.

**A motion was made and seconded to approve staff's recommendation. The motion carried with seven in favor and one opposed. Secretary Schleicher stated his opposition was due to the requested modification to the initial scope of work that was agreed upon with the cooperator. (00:19:52)**

**11. FARMS – Tippen Bay Properties, LLLP – Doe Hill Citrus Phase 3 (H781), DeSoto County**

Secretary Schleicher asked if the project was meeting its objectives.

Ms. Seachrist responded that phases one and two of the Tippet Bay Properties are meeting their objectives.

Staff recommended:

- 1) Approve the Tippet Bay Properties, LLLP project for a not-to-exceed reimbursement of \$42,000, with \$42,000 provided by the Governing Board;
- 2) Authorize the transfer of \$42,000 from fund 010 H017 Governing Board FARMS fund to the H781 Tippet Bay Properties, LLLP project fund; and
- 3) Authorize the division director to sign the agreement.

**A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (00:20:44)**

**27. Peace River Manasota Regional Water Supply Authority Update**

~~This item was provided for the Board's information; no action was required.~~

**Submit & File Reports**

**28. 2020 Status of the Dover/Plant City Water Use Caution Area Recovery Strategy**

**29. Proposed Minimum Flows for Lower Peace River and Lower Shell Creek Prior to Independent Scientific Peer Review**

**Routine Reports**

The following items were provided for the Committee's information, and no action was required.

**30. Minimum Flows and Levels Status Report**

**31. Significant Water Resource and Development Projects**

Chair Taylor adjourned the Committee and called the Operations, Lands & Resource Monitoring Committee to order. (00:21:58)

**Operations, Lands & Resource Monitoring  
Discussion**

**32. Consent Item(s) Moved for Discussion - None**

**33. Offer for Surplus Lands — Cypress Creek Preserve (CC-1), SWF Parcel No. 13-500-396S**

Staff Recommended:

- ~~Accept the offer of \$2,600,000;~~
- ~~Approve the Contract for Sale and Purchase and authorize the Executive Director to sign on the behalf of the District;~~
- ~~Authorize the Chairman and Secretary of the Governing Board to execute the Quit Claim Deed;~~
- ~~Authorize the conveyance of the District's interest in all phosphate, minerals, metals and petroleum in or on or under the land upon the request of the buyer; and~~
- ~~Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.~~

**34. Offer for Surplus Lands — GUM Slough 1 (Gum-1), SWF Parcel No. 19-193-114S**

Staff recommended:

- ~~Accept the offer of \$676,400;~~
- ~~Approve the Contract for Sale and Purchase and authorize the Executive Director to sign on the behalf of the District;~~
- ~~Authorize the Chairman and Secretary of the Governing Board to execute the Quit Claim Deed;~~
- ~~Authorize the conveyance of the District's interest in all phosphate, minerals, metals and petroleum in or on or under the land upon the request of the buyer; and~~
- ~~Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.~~

**35. Conveyance of Fee Interest for the Ridge Road Right of Way, Pasco County, FL, SWF Parcel Numbers 15-705-107S and 15-705-108P**

Staff recommended:

- ~~Authorize the Chairman and Secretary of the Governing Board to execute the Quit Claim Deed;~~
- ~~Authorize the Executive Director to execute the agreement outlining access and other related responsibilities resulting from the transfer of the right of way;~~
- ~~Authorize the conveyance of the District's interest in all phosphate, minerals, metals and petroleum in or on or under the land; and~~
- ~~Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.~~

**36. Hydrologic Conditions Report**

This item was provided for the Board's information; no action was required.

**Submit & File Reports – None**

**Routine Reports**

The following items were provided for the Committee's information, and no action was required.

**37. Significant Activities**

**38. Structure Operations**

**39. Surplus Lands Update**

Chair Taylor adjourned the Committee and called the Regulation Committee to order. (00:22:30)



## **Regulation Committee**

### **Discussion**

**40. Consent Item(s) Moved for Discussion** – None

**41. Denials Referred to the Governing Board**

None was presented.

### **Routine Reports**

The following items were provided for the Committee's information, and no action was required.

**42. Dover/Plant City Water Use Caution Area Flow Meter and Automatic Meter Reading (AMR) Equipment Implementation Program Update**

**43. Overpumpage Report**

**44. Individual Permits Issued by District Staff**

Chair Taylor adjourned the Committee (00:22:49)

## **General Counsel's Report**

### **Discussion**

**45. Consent Item(s) Moved for Discussion** - None

**Submit & File Reports** – None

### **Routine Reports**

The following items were provided for the Committee's information, and no action was required.

**46. March 2020 Litigation Report**

**47. March 2020 Rulemaking Update**

## **Committee Liaison Reports**

**48. Agricultural and Green Industry Advisory Committee**

Vice Chair Williamson stated the members of the committee expressed their appreciation for how the District communicates information.

## **Executive Director's Report**

**49. Executive Director's Report**

Mr. Armstrong provided an update regarding actions taken by the District as a result of COVID-19. He commended staff for their cooperation and patience during this difficult time.

Mr. Armstrong mentioned that Treasurer Rice was unable to attend due to the death of his father, Jerry Rice, who previously served as chair on the Governing Board.

Mr. Armstrong stated a Request to Speak card was received from Mr. Robert Cameron, who was unable to communicate his request due to technical difficulties at the appropriate time in the meeting. Mr. Cameron eventually joined the meeting and spoke in favor of item 17b and asked for additional information. Staff agreed to communicate with Mr. Cameron following the meeting.

## **Chair's Report**

**50. Chair's Report**

**51. Employee Milestones**

The meeting was adjourned at 10:52 a.m.

Attest:

Secretary

Chair