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*

**Board Members Absent**
- Kelly S. Rice, Treasurer

**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 Administrative Support**
- Lori Manuel, Administrative Coordinator

Approved minutes from previous meetings can be found on the District’s website (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


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


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.”

   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 (N564)
   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 N564.

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, LLLL – Doe Hill Citrus Phase 3 (H781), DeSoto County
   Staff recommended:
   1) Approve the Tippen Bay Properties, LLLL 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, LLLL 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 I 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 minimum 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 Lawdevo 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 Lawdevo 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

Staff recommended the Board:

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 Tippin Bay Properties are meeting their objectives.

    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.

    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 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 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
   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: __________________________  Chair

Secretary __________________________