

## MINUTES OF THE MEETING

### GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BROOKSVILLE, FLORIDA

JUNE 23, 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 9:00 a.m., on June 23, 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  
Kelly S. Rice, Treasurer\*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 Administrative Support

Virginia Singer, Board & Executive Services Manager  
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

#### 1. Call to Order

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

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 allow for communication with any members of the public who were providing input via telephone. (Audio – 00:04:27)

Chair Taylor reconvened the meeting. (Audio – 00:06:25)

Roll was called and a quorum was confirmed.

#### 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 and staff at the dias. 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.

Due to physical constraints, Chair Taylor chaired all committees.

**3. Additions/Deletions to Agenda**

Mr. Brian Armstrong, executive director, stated the following item has been pulled from the agenda:

**Consent**

**Operations, Lands and Resource Monitoring Committee**

**15. Non-Exclusive Perpetual Easement for Lake Arietta Access—SWF Parcel No. 10-201-115P**

Mr. Armstrong stated there was an update to the following recap that was provided to the Board:

**11. Central Florida Water Initiative Water Conservation Cost Share Program**

Secretary Schleicher requested the following items be moved to Discussion:

**Resource Management Committee**

**10. FARMS – Bermont Properties, LLC – Section 34 (H784), Charlotte County**

**11. Central Florida Water Initiative Water Conservation Cost Share Program**

**Regulation Committee**

**16. Individual Water Use Permits Referred to the Governing Board**

**a. WUP No. 20012159.002 / AgrotecHemp / AgrotecHemp Corporation (Marion County)**

**General Counsel's Report**

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

**g. Governing Board Concurrence – Emergency Order No. SWF 20-023 – Emergency Measures Made Necessary by COVID-19**

**4. Public Input for Issues Not Listed on the Published Agenda**

No requests were submitted.

Chair Taylor stated there was good cause to amend the agenda as allowed by Section 120.525, Florida Statutes. (Audio - 00:12:38)

**Consent Agenda**

**Finance/Outreach & Planning Committee**

**5. Resolution No. 20-07, Commending Randall S. Maggard for His Service as a Member of the Southwest Florida Water Management District Governing Board**

Staff recommended the Board approve Resolution No. 20-07, Commending Randall S. Maggard for his service as a member of the Southwest Florida Water Management District Governing Board.

**6. Independent Auditing Services Contract**

Staff recommended the Board:

- 1) Exercise the renewal option within the current contract and approve the third amendment to the agreement engaging JMCO to perform the fiscal year 2019-20 auditing services: and

- 2) Authorize the Executive Director to execute the third amendment to the current contract with JMCO to perform the fiscal year 2019-20 auditing services.

**7. Governing Board Travel - Annual Environmental Permitting Summer School**

Staff recommended the Approval of Governing Board travel as presented.

**8. Knowledge Management - Comprehensive Fraud Governing Board Policy**

Staff recommended the Board approve the Comprehensive Fraud Governing Board Policy as revised.

**9. Budget Transfer Report**

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

**Resource Management Committee**

**10. FARMS – Bermont Properties, LLC – Section 34 (H784), Charlotte County**

Staff recommended the Board:

- 1) Approve the Bermont Properties, LLC – Section 34 project for a not to exceed project reimbursement of \$ 166,500 with \$ 166,500 provided by the Governing Board.
- 2) Authorize the transfer of \$ 166,500 from fund 010 H017 Governing Board FARMS Fund to the H784 Bermont Properties, LLC – Section 34 project fund.
- 3) Authorize the Assistant Executive Director to sign the agreement.

**11. Central Florida Water Initiative Water Conservation Cost Share Program**

Staff recommended the Board:

1. Approve the two selected projects within the District's boundaries.
2. Approve a budget transfer of \$151,758 in state appropriations from Water Supply and Resource Development Grant Program (H103) to:
  - PRWC – Demand Management Implementation (Q187) in the amount of \$84,355; and
  - Ray Bob Grove – Ag Irrigation System Improvements (P928) in the amount of \$67,403.
3. Approve the reduction of \$42,177 from the \$84,355 currently in the FY2021 proposed budget for the PRWC – Demand Management Implementation project (Q187).

**12. Initiation and Approval of Rulemaking to Amend Rule 40D-8.623, Florida Administrative Code, to Remove Minimum Wetland Level for Cross Bar Q-25 (Stop #7) in Pasco County**

Staff recommended:

- A. Accept the report entitled, "Revised Minimum Levels Based on Reevaluation of Levels Adopted for 41 Southwest Florida Water Management District Wetlands."
- B. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.
- C. Initiate rulemaking and approve the proposed rule language to amend Rule 40D-8.623, F.A.C., to remove the Cross Bar Q-25 (Stop #7) minimum level, as shown in the Exhibit.

**Operations, Lands and Resource Monitoring Committee**

**13. Knowledge Management: Sale, Exchange or Conveyance of Interests in Land by the District**

Staff recommended the Board approve the Policy for the Sale, Exchange or Conveyance of Interests in Land by the District as revised.

**14. Non-Exclusive Utility Easement to Tampa Electric Company (TECO) on the Brooker Creek Headwaters Nature Preserve for the Zambito Property – SWF Parcel No. 14-074-160X**

Staff recommended:

- Approve the conveyance of a no cost, non-exclusive utility easement to TECO.
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

**15. Non-Exclusive Perpetual Easement for Lake Arietta Access – SWF Parcel No. 10-201-115P**

Staff recommended:

- ~~• Approve the acceptance of a Non-Exclusive Perpetual Easement; and~~
- ~~• Authorize staff to sign documents at closing necessary to complete the transaction in accordance with the approved terms.~~

**Regulation Committee**

**16. Individual Water Use Permits Referred to the Governing Board**

**a. WUP No. 20012159.002 / AgrotecHemp / AgrotecHemp Corporation (Marion County)**

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

**General Counsel's Report**

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

**a. Approval of Consent Order Between SWFWMD and Farrell Homes, Inc., and Van Buren Land Holdings, Inc. – Violation of Permit Conditions for Construction – ERP No.**

Staff recommended:

- 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.
- 3) Authorize District staff to initiate an action in circuit court to recover penalties, costs, and attorneys' fees for the violations stated in the Consent Order.

**b. Approval of Consent Order Between SWFWMD and Emerson Gibbs – Unauthorized Construction – CT No. 403478 – Charlotte County**

Staff recommended:

- 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. Approval of Consent Order Between SWFWMD and Etcetera, Etc., Inc. – Operation Without a Permit – ERP No. 404221.01 – CT No. 380718 – DeSoto County**

Staff recommended:

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

**d. Authorization to Issue Administrative Complaint and Order – Well Construction Violations – Carl Douglas, Jr. – License Number 9127 – CT No. 409162 – Highlands, Polk, and Hardee Counties**

Staff recommended:

- 1) Authorize District staff to issue an Administrative Complaint and Order to Carl Douglas, Jr. to recover an administrative fine/civil penalty, and recover any District costs and fees, if appropriate.
- 2) Authorize District staff to pursue additional enforcement measures to obtain compliance with the terms and conditions of the Administrative Complaint and Order, including filing any appropriate actions in circuit court, if necessary.

**e. Authorization to Issue Administrative Complaint and Order – Unauthorized Construction – Abdelijalil and Cindy Lou Bekkach – CT No. 380586 – Polk County**

Staff recommended:

- 1) Authorize District staff to issue an Administrative Complaint and Order to the Owners to obtain compliance with District rules.
- 2) Authorize District staff to pursue additional enforcement measures to obtain compliance with the terms and conditions of the Administrative Complaint and Order, including filing any appropriate actions in circuit court, if necessary.
- 3) Authorize District staff to initiate an action in circuit court against the Owners to recover a civil penalty/administrative fine, enforcement costs, litigation costs, and attorneys' fees, if appropriate.

**f. Approval of Declaration of Restrictive Covenant – Tampa Bypass Canal Land Fill Site – SWF Parcel Nos. 114 (13-001), 125 (13-001), and 126 (13-001) – Hillsborough County**

Staff recommended the Board approve the Declaration of Restrictive Covenants for the Property and authorize the Chairman and Secretary to execute the Declaration of Restrictive Covenants on the District's behalf.

**g. ~~Governing Board Concurrence – Emergency Order No. SWF 20-023 – Emergency Measures Made Necessary by COVID-19~~**

~~Staff recommended the Board approve Second Amended and Restated Emergency Order No. SWF 20-023 and concur with the Executive Director's determinations regarding the state of emergency and the actions necessary to meet the emergency.~~

**18. Rulemaking – None**

**Executive Director's Report**

**19. Approve Governing Board Minutes – May 19, 2020**

Staff recommended the Board approve minutes as presented.

**A motion was made and seconded to approve the Consent Agenda. The motion carried unanimously. (Audio – 00:13:10)**

**Chair Taylor called the Finance/Outreach & Planning Committee to order. (Audio – 00:14:16)**

**Finance/Outreach & Planning Committee**

**Discussion**

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

**21. Knowledge Management: Governing Board Committee Responsibilities and 110-1 Policies and Procedures Governing Board Policies**

Ms. Robyn Felix, Communications and Board Services Bureau chief, provided an overview of the District's Knowledge Management initiative.

Ms. Felix explained the new Governing Board Committee Responsibilities policy combines five policies into one. The new policy identifies the overall tasks of the committees and their oversight. Changes include one statement of policy, deletion of unnecessary bulleted lists of District policies for committee oversight and streamlining of committee tasks.

Ms. Felix stated that Governing Board policy 110-1 Policies and Procedures, is a policy on policies. As part of our Knowledge Management review process, the policy was reviewed by the District's General Counsel and Inspector General. It was determined there was no legal need for the policy because the Board is already statutorily authorized to create policies. Staff determined that since there was no legal need for the policy and it does not provide any substantive policy direction, the policy is unnecessary and is being recommended for deletion.

This item was presented for the Board's information and no action was requested. The Governing Board Committee Responsibilities and 110-1 Policies and Procedures Governing Board policies will be included as a consent item at the next Governing Board meeting and approval will be requested at that time.

## **22. Fiscal Year 2021 Recommended Annual Service Budget**

Mr. John Campbell, Resource Management director, provided a presentation outlining the FY2021 Recommended Annual Service Budget (RASB). The presentation included a budget development calendar, expenditure goals and outcomes, expenditures by category, expenditures by program, expenditures by areas of responsibility and revenues by source. Mr. Campbell explained that considerable efforts were made because of the COVID-19 pandemic and the uncertainties associated with impacts to the economy to make reductions to the operating budget. This resulted in a savings of approximately two million dollars.

Ms. Seachrist, Resource Management director, provided an overview of the Resource Management Division proposed FY2021 budget. She stated the overall budget has decreased by approximately 22.4 percent and outlined the reasons for the decrease.

Mr. Brian Starford, Operations, Lands and Resource Monitoring acting director, provided an overview of the Operations, Lands and Resource Monitoring Division proposed FY2021 budget. He stated there is an increase of approximately \$15,842 in the overall budget. Mr. Starford outlined the reason for the increase.

Ms. Michelle Hopkins, Regulation director, provided an overview of the Regulation Division proposed FY2021 budget. She stated the budget has increased by approximately 4.8 percent and outlined the reasons for the increase.

Mr. Michael Molligan, Employee and External Relations director, provided an overview of the Employee and External Relations Division proposed FY2021 budget. He stated the budget has increased by approximately 3.5 percent and outlined the reasons for the increase.

Mr. Campbell provided an overview of the Management Services Division proposed FY2021 budget. He stated the budget has increased by approximately 2.4 percent and outlined the reasons for the increase.

Staff recommended the Board authorize staff to prepare the Standard Format Tentative Budget Submission for FY2021 based on the recommended budget as presented, adjusted for any modifications made by the Governing Board on June 23, changes in estimated ad valorem revenue based on the July 1 certifications of taxable value and any additional funding provided by the state.

**A motion was made and seconded to approve staff's recommendation. The motion carried unanimously.** (Audio – 00:57:47)

## **23. District Boat Replacement**

Ms. Michelle Maxey, General Services Bureau chief, provided an overview of the existing equipment, equipment functions, description of proposed replacement and processes followed when replacing equipment.

Ms. Maxey explained that exhaustive research was completed to ensure the appropriate vehicle was selected.

Staff recommended the Board:

- Approve the purchase of a 24-foot landing craft boat for \$149,597 utilizing the CFEF.
- Approve the surplus disposition of existing boats 3101 and 3316.

**A motion was made and seconded to approve staff's recommendation. The motion carried unanimously.** (Audio – 01:16:30)

**Submit & File Reports – None**

**Routine Reports**

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

- 24. Treasurer's Report and Payment Register**
- 25. Monthly Financial Statement**
- 26. Monthly Cash Balances by Fiscal Year**
- 27. Comprehensive Plan Amendment and Related Reviews Report**

**Chair Taylor called the Resource Management Committee to order.** (Audio – 01:07:52)

**Resource Management Committee**

**Discussion**

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

**10. FARMS – Bermont Properties, LLC – Section 34 (H784), Charlotte County**

Secretary Schleicher expressed his opposition to the 75 percent cost share funding guidelines associated with the Facilitating Agricultural Resource Management Systems (FARMS).

Secretary Schleicher requested additional information on projects that are funded at both 50 and 75 percent.

Vice Chair Williamson requested additional information explaining the total project cost, noting that there are additional costs borne by the cooperators that are not included in the cost-share split.

Staff recommended the Board:

- 1) Approve the Bermont Properties, LLC - Section 34 project for a not-to-exceed project reimbursement of \$ 166,500 with \$ 166,500 provided by the Governing Board.
- 2) Authorize the transfer of \$ 166,500 from fund 010 H017 Governing Board FARMS Fund to the H784 Bermont Properties, LLC - Section 34 project fund.
- 4) Authorize the Assistant Executive Director to sign the agreement.

**A motion was made and seconded to approve staff's recommendation. The motion carried with eight in favor and one opposed. Secretary Schleicher stated his opposition was due to his concerns regarding funding projects at the 75 percent cost share.** (Audio – 00:17:30)

**11. Central Florida Water Initiative Water Conservation Cost Share Program**

Secretary Schleicher stated he had concerns regarding funding project P927 involving High Efficiency Toilet (HET) and Irrigation Controller Rebates submitted by the Polk Regional Water Cooperative (PRWC).

Staff recommended the Board:

1. Approve the two selected projects within the District's boundaries.
2. Approve a budget transfer of \$151,758 in state appropriations from Water Supply and Resource Development Grant Program (H103) to:
  - PRWC - Demand Management Implementation (Q187) in the amount of \$84,355; and
  - Ray Bob Grove - Ag Irrigation System Improvements (P928) in the amount of \$67,403.
3. Approve the reduction of \$42,177 from the \$84,355 currently in the FY2021 proposed budget for the PRWC - Demand Management Implementation project (Q187).

**A motion was made and seconded to approve staff's recommendation. The motion carried with eight in favor and one opposed. Secretary Schleicher stated his opposition was due to his concerns regarding funding associated project P927. (Audio – 01:09:26)**

**29. Draft Charlotte Harbor Surface Water Improvement and Management (SWIM) Plan (W501)**

Ms. Lizanne Garcia, lead project manager, provided an overview of the SWIM Act, District SWIM priority list, Charlotte Harbor history, development of Charlotte Harbor Swim plan, outline of Charlotte Harbor watershed boundaries, information regarding pollutant loading, water quality goals, hydrologic restoration goals, and natural systems.

Staff recommended the Board authorize staff to submit the draft Charlotte Harbor SWIM Plan to the agencies and appropriate local governments in accordance with Section 373.453, F.S.

**A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Audio – 01:23:08)**

**Submit & File Reports – None**

**Routine Reports**

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

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

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

**Chair Taylor adjourned the Committee and called the Operations, Lands and Resource Monitoring Committee to order. (Audio – 01:24:26)**

**Operations, Lands and Resource Monitoring Committee**

**Discussion**

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

**33. 2020 Hurricane Preparedness**

Mr. Kawika Bailey, emergency coordinating officer, provided a presentation. This included a review of the 2019 hurricane season, 2020 hurricane forecast, overview of the District's responsibilities as related to State Management Response Team, the District's primary responsibilities, and preparedness coordination

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

**34. Hydrologic Conditions Report**

Mr. Granville Kinsman, P.G., Hydrologic Data manager, provided a presentation regarding the hydrologic conditions. The District-wide 12-month cumulative rainfall totals improved in May, ending drought conditions. The rainfall deficit remained greatest in the southern counties. Groundwater levels declined in the northern and central regions of the District but increased in the southern region. Lake levels declined in all four lake regions. The Tampa Bay and Polk Uplands regions were within the normal range, while the northern and Lake Wales Ridge regions were below-normal levels. The climate forecast shows above normal rainfall for the next three months.

This item was for the Board's information only, and 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.

**35. Significant Activities**

**36. Structure Operations**



### **37. Surplus Lands Update**

Chair Taylor adjourned the Committee and called the Regulation Committee to order. (Audio – 01:41:20)

#### **Regulation Committee**

#### **Discussion**

### **38. Consent Item(s) Moved for Discussion**

### **16. Individual Water Use Permits Referred to the Governing Board**

#### **a. WUP No. 20012159.002 / AgrotecHemp / AgrotecHemp Corporation (Marion County)**

Mr. Darrin Herbst, Water Use Permit Bureau chief, explained the renewal modification request. He stated the request for increases in the authorized annual average and peak month quantities are due to a change in crop type from 240 acres of peanuts to 381 acres of hemp and to the increase from one planting season per year to two planting seasons per year. Quantities are based on the District's allocation program Agricultural Modeling (AGMOD) and information provided by the applicant.

Secretary Schleicher expressed his concerns regarding the increase of quantities as related to this permit.

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

**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 concerns regarding the increase in quantities. (Audio – 01:46:39)**

### **39. Consider Water Shortage Order(s) as Necessary**

Chair Taylor stated that the Phase One Water Shortage Order will expire July 1.

### **40. Denials Referred to the Governing Board**

**Submit & File Reports – None**

#### **Routine Reports**

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

#### **41. Individual Permits Issued by District Staff**

#### **42. Overpumpage Report**

Chair Taylor adjourned the Committee. (Audio – 01:48:10)

#### **General Counsel's Report**

#### **Discussion**

### **43. Consent Item(s) Moved for Discussion**

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

#### **c. Approval of Consent Order Between SWFWMD and Etcetera, Etc., Inc. – Operation Without a Permit – ERP No. 404221.01 – CT No. 380718 – DeSoto County**

Ms. Sarah Castro, representing the Pembroke Property Owners Association, stated she would like to see, in the agreement, the corrective action pertaining to three collapsed structures that was verbally agreed. Mr. Chris Tumminia, deputy general counsel, explained the District was not aware of the three additional structures until recently. He stated the settlement agreement involved known issues and does not preclude the District from pursuing additional action.

Staff recommended:

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

**This item was called up for consideration because a Request to Speak Card was received after the Consent Agenda was approved. The Board had approved the item as part of the Consent Agenda. The Board did not move to reconsider the action, so the vote approving this item in the Consent Agenda stands.**

**g. Governing Board Concurrence – Emergency Order No. SWF 20-023 – Emergency Measures Made Necessary by COVID-19**

Ms. Karen West, general counsel, explained this order will expire on July 7.

Mr. Brian Armstrong, executive director, stated the District will continue to follow the Governor's Executive Order and the Emergency Order from the Florida Department of Environmental Protection.

Staff recommended the Board approve Second Amended and Restated Emergency Order No. SWF 20-023 and concur with the Executive Director's determinations regarding the state of emergency and the actions necessary to meet the emergency.

**A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Audio – 02:13:53)**

**Submit & File Reports – None**

**Routine Reports**

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

**44. June 2020 Litigation Report**

**45. June 2020 Rulemaking Update**

**Executive Director's Report**

**46. Executive Director's Report**

Mr. Brian Armstrong, executive director, commended the Board and staff for their patience during these meetings.

**Chair's Report**

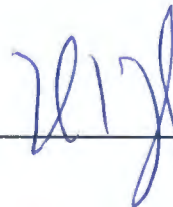
**47. Chair's Report**

The next meeting is scheduled for the Tampa office on July 28 at 9:00 a.m.


**48. Employee Milestones**

The meeting was adjourned at 11:18 a.m.

Chair



Attest:

  
Secretary