

Governing Board Meeting

Agenda and Meeting Information

January 24, 2023

9:00 a.m.

7601 US-301 • Tampa, Florida
(813) 985-7481 • 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) 796-7211 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

**JANUARY 24, 2023
9:00 AM**

**7601 US 301 North, Tampa, FL 33637
(813) 985-7481**

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:** Office of Inspector General Calendar Year 2023 Audit Plan
- 2.2 **Resource Management Committee:** FARMS – H806 Sandhill Native Growers, DeSoto County
- 2.3 **Resource Management Committee:** Initiation and Approval of Rulemaking to Amend Rule 40D-8.623, Florida Administrative Code to Remove Minimum Wetland Levels Methodology
- 2.4 **Resource Management Committee:** Approve the Davenport Watershed Management Plan Floodplain Information for Regulatory Use and to Update Flood Insurance Rate Maps in the City of Davenport (N962)
- 2.5 **Resource Management Committee:** Peace River Manasota Regional Water Supply Authority – Regional Acquisition of the Project Prairie Pumping and Storage Facilities (Q248) Project, Cost Increase
- 2.6 **Operations, Lands and Resource Monitoring Committee:** Sale and Conveyance of a Permanent Easement to the Florida Department of Transportation (FDOT) within the District's Marshall Hampton Reserve Property to Replace a Portion of and Extend an Existing Easement Displaced by the Central Polk Parkway, SWF Parcel No. 20-503-254X
- 2.7 **General Counsel's Report:** Authorization to Issue Administrative Complaint and Order – Well Construction Violations – Watkins Pump & Well, LLC – Unlicensed Well Contractor – CT No. 419434 – Hillsborough County
- 2.8 **General Counsel's Report:** Approval of Consent Order between the District and Gregory J. Dana Revocable Trust – Permit Condition Violations – Environmental Resource Permit No. 43043617.001 – CT Nos. 418450 & 402420 – Hillsborough County
- 2.9 **Executive Director's Report:** Approve Governing Board Minutes - December 13, 2022

3. FINANCE/OUTREACH AND PLANNING COMMITTEE

- 3.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion
- 3.2 **Discussion:** Action Item: Investment Strategy Quarterly Update
- 3.3 **Discussion:** Information Item: Status of the 2023 Consolidated Annual Report
- 3.4 **Submit & File:** Information Item: Budget Transfer Report
- 3.5 **Submit & File:** Information Item: Office of Inspector General October 1, 2022 to December 31, 2022 Quarterly Update

4. RESOURCE MANAGEMENT COMMITTEE

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

4.2 **Discussion:** Action Item: FARMS – Spanish Trails Farming & Land Company, LLC (H812) - Phase 2 - DeSoto County

4.3 **Discussion:** Information Item: Knowledge Management: Cooperative Funding Initiative Governing Board Policy

5. OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

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

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

8. COMMITTEE/LIAISON REPORTS

8.1 **Discussion:** Information Item: Agricultural and Green Industry 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**

1/12/2023

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 (meeting replaced with February 17 field trip), 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, (canceled) February 22, May 24, July 12

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

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

Meeting Locations

Brooksville Office – 2379 Broad St., Brooksville, FL 34604
Tampa Office – 7601 US Highway 301 North, Tampa, FL 33637

Governing Board Meeting
January 24, 2024

1. CONVENE PUBLIC MEETING

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CONVENE PUBLIC MEETING

January 24, 2023

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:

Joel A. Schleicher, Chair

CONVENE PUBLIC MEETING

January 24, 2023

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:

Joel A. Schleicher, Chair

CONVENE PUBLIC MEETING

January 24, 2023

Employee Recognition

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

Presenter:

Joel A. Schleicher, Chair

CONVENE PUBLIC MEETING

January 24, 2023

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

January 24, 2023

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:

Joel A. Schleicher, Chair

Governing Board Meeting

January 24, 2023

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:** Office of Inspector General Calendar Year 2023 Audit Plan 9
- 2.2 **Resource Management Committee:** FARMS – H806 Sandhill Native Growers, DeSoto County 18
- 2.3 **Resource Management Committee:** Initiation and Approval of Rulemaking to Amend Rule 40D-8.623, Florida Administrative Code to Remove Minimum Wetland Levels Methodology 20
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CONSENT AGENDA

January 24, 2023

Finance/Outreach and Planning Committee: Office of Inspector General Calendar Year 2023 Audit Plan

Background and Purpose

In accordance with the Office of Inspector General Charter Governing Board Policy and Section 20.055(6)(i), Florida Statutes, the inspector general shall submit an audit plan to the District Governing Board that shows the individual audits and related resources to be devoted to the respective audits during the year. In addition, the audit plan shall also include a long-term projection. This plan, which is for audits only, is submitted to the Governing Board for approval on an annual basis and a copy of the approved plan will be submitted to the Auditor General.

The audit plan is the result of a District-wide risk assessment and reflects individual audits planned over the next 12 months and long-term. Findings from other audits and meetings with Board members, District management, and District staff was also included as part of the risk assessment for input into the development of the audit plan. The categorization of these audits into short-term and long-term is based on resources that will be allocated to auditing activities. The audit plan ensures that resources are available for additional functions of the inspector general such as special request, investigative, other accountability, and administrative activities.

Per the Office of Inspector General Charter Governing Board Policy and Section 20.055, Florida Statutes, the Governing Board may at any time request the inspector general to perform an audit of a special program, function, or organizational unit.

Staff Recommendation:

To approve the Office of Inspector General Calendar Year 2023 Audit Plan.

Presenter:

Brian Werthmiller, Inspector General

OFFICE OF
INSPECTOR
GENERAL

Audit Plan

Short-Term and Long-Term



Governing Board
January 24, 2023

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INTRODUCTION

In accordance with the Office of Inspector General Charter Governing Board Policy, and Section 20.055(6)(i), Florida Statutes, the inspector general shall submit an audit plan to the District Governing Board that shows the individual audits and related resources to be devoted to the respective audits during the year. In addition, the audit plan shall also include a long-term projection. This plan is submitted to the Governing Board for approval and a copy of the approved plan will be submitted to the Auditor General.

The audit plan is the result of a District-wide risk assessment and reflects individual audits planned over the next 12 months and long-term. A risk assessment takes into consideration factors that might influence the operational success of a component or activity within an organization. To ensure the audit plan included the priorities of the Governing Board and the District, meetings with the Governing Board, District management, and District staff was also included as part of the risk assessment to solicit their views on risk facing the District. In addition, District strategies, objectives and priorities, prior audits, budgets, and associated risks were considered in developing the audit plan. The audit plan ensures that resources are available for additional functions of the inspector general such as special request, investigative, review, other accountability, and administrative activities.

The audit plan is subject to revision based upon the ongoing assessment of risk impacting District operations and management concerns. Per the Office of Inspector General Charter Governing Board Policy and 20.055(6), Florida Statutes, the Governing Board may at any time request the inspector general to perform an audit of a special program, function, or organizational unit.

AUDITS

Table 1
Estimated Allocation of Resources for 2023

Resources by Function	Hours
Audits	750
Complaints and Follow-up ¹	450
Reviews	150
Other Reporting to the Board	150
Administration	200
Training/Holidays/Leave	380

Table 2
Estimated Resources Devoted to Audit Topics by Year

Calendar Year	Number of	
	Staff	Hours
2023	1	750 ²
2024	1	850
2025	1	850
2026	1	850
2027	1	850
2028	1	850

Table 3
Estimated Resources Devoted to Audit Topics in 2022

Audit Topic	Hours
Risk Assessment and Audit Plan	150
Purchasing Cards	200
Cybersecurity	400

¹ Includes follow-up work for vehicle use, increases in pay, and conflicts of interest. These were investigation recommendations and are not included in the audit plan.

² Calendar year 2023 hours are less due to investigation follow-ups.

Table 4
Tabulation of Short-Term and Long-Term Audit Topics

Audit Topics	Completion	
	12 Months	Long-Term
Audit Plan and Risk Assessment	✓	
Cybersecurity	✓	
Purchasing Cards	✓	
Budget		✓
Contract Management		✓
Cost Share Programs		✓
Expenditures		✓
Employee Reimbursements		✓
Fund Balances		✓
Insurance		✓
Investments		✓
IT Access Controls		✓
IT Controls – Financial System		✓
Land		✓
Other Revenues		✓
Overtime – Payroll		✓
Performance Measures (District)		✓
Permits		✓
Procurement		✓
Property		✓
Receivables		✓
Remote Work		✓
Safety Programs		✓
Structures		✓
Vehicle Usage		✓

As part of all audits, an understanding of the policies, procedures, and internal controls will be gained for the specific topic. A brief summary of the planned audit work includes, but is not limited to:

- ◆ **Budget** – Review the District’s procedure for monitoring the budget including whether budget transfers are in accordance with policies and procedures. Review expenditures to ensure

they were recorded to the correct budget line item. In addition, review the long-term funding plan's calculation including any assumptions and support.

- ◆ **Contract Management** – For selected contracts, determine whether deliverables are in accordance with contract terms, determine whether the District was monitoring and documenting performance, determine whether payments on the contract were appropriately authorized, supported, reviewed, and made after the receipt of deliverables, determine whether work was completed prior to the contract expiring, review the amount of time it took from the scope of work determination to when a final contract is completed, review change orders and amendments.
- ◆ **Cost Share Programs** – For selected cost share projects, ensure the application selection process, contracts, reimbursements, third party reviews, and monitoring are in accordance with the agreement, policies, and procedures. Cost share programs include the Cooperative Funding Initiative (CFI), Water Incentives Supporting Efficiency (WISE), Facilitating Agricultural Resource Management Systems (FARMS), etc.
- ◆ **Cybersecurity** – For selected cybersecurity continuous monitoring policies, procedures, activities, and processes, evaluate the adequacy of these controls. For example, determine if the District monitors user access roles. In addition, determine whether the District has backup procedures to recover data.
- ◆ **Expenditures** – For selected general expenditures such as District initiated projects, professional services, general services, reimbursements such as for tuition and training, wellness incentives, etc., obtain documentation to determine the expenditure is for the correct amount, adequately documented, obtain documentation to determine if a certificate of insurance was obtained, was appropriate, and is up to date when applicable, determine whether the expenditure was made in accordance with applicable laws, rules, and contract terms, and was properly authorized and approved.
- ◆ **Employee Reimbursements** – For selected employee reimbursements such as for travel, education, etc., obtain documentation to determine if the reimbursement is for the correct amount, adequately documented, made in accordance with applicable laws, rules, and contract terms, and properly authorized and approved.
- ◆ **Fund Balances** – For selected fund balances, test classifications for propriety including encumbrances from ongoing projects.
- ◆ **Insurance** – For selected employees, retirees, and dependents, obtain documentation to ensure coverage is provided to only eligible individuals (medical, dental, vision, etc.). For selected insurance, evaluate methods used to acquire the insurance, determine if the District monitors the cost of being self-insured, and performs a cost-benefit analysis to remain self-insured.
- ◆ **Investments** – Determine whether investments were reconciled and if the types of investments are in accordance with State law and District policy. Test the accuracy of selected investment income.
- ◆ **IT Access Controls** – Determine if access privileges are within the assigned job duties, as they relate to the financial and HR applications, to assigned users. Review the monitoring of access privileges.

- ◆ **IT Controls – Financial System** – Review controls over the financial system such as if there are restrictions on amounts disbursed, the validation of funds, the validation of vendor tables, etc.
- ◆ **Land** – For selected transactions, review dispositions and purchases including monitoring of conservation easements and lease terms.
- ◆ **Other Revenues** – Other revenues include sales from timber, hog hunts, alligator eggs, etc. For selected transactions, ensure proper accountability.
- ◆ **Overtime - Payroll** – For selected overtime transactions, determine if the overtime was documented, supported by the approved pay rate, reviewed and approved by the appropriate supervisor, and in compliance with District policies and procedures.
- ◆ **Performance Measures (District)** – For selected District performance measures, evaluate the District's effectiveness in reporting reliable and valid data.
- ◆ **Permits** – Review the controls over the issuance and authorization of well construction, water use, and environmental use permits including mitigation banks. Review whether required documentation such as surveys are maintained. Review the collection of fees. Review the monitoring of permit compliance. Determine compliance with rules when permits are authorized. The audit will also include larger projects.
- ◆ **Procurement** – Determine if the District complied with its procurement guidelines, there were any trends in vendor preference, long-standing contracts that have not been bid, or there were multiple contracts/purchases under competitive requirements.
- ◆ **Property** – Review subsidiary records of tangible personal property, including non-capitalized items under \$5,000 such as IT equipment, and for selected property from the field and property from the subsidiary record, determine if the item exists and is included in District records. Review the procedures in place for protection of high-risk assets or inventory like aquatic chemicals. Review the procedures in place for the purchase and sale of assets.
- ◆ **Purchasing Cards** – Review the issuance, assignment, and credit limits of purchasing cards including cards used to purchase fuel. For selected p-card transactions, determine if the transaction was documented, reviewed and approved, and for a public-purpose.
- ◆ **Receivables** – For selected transactions, test the completeness of the receivable and subsequent collection.
- ◆ **Remote Work** – Determine if the District complied with applicable Governing Documents.
- ◆ **Safety Program** – For areas involving safety such as driving District vehicles, first aid, operating equipment, etc., test trainings were completed and documented in accordance with policies and procedures. In addition, inspect a sample of work in the field to determine if District requirements for safety are being followed.

- ◆ **Structures** – For water and conservation control structures, determine the District's process for ongoing monitoring, maintenance, and replacement.
- ◆ **Vehicle Usage** – Determine if use of District vehicles is in accordance with Governing Documents.

Respectfully Submitted By:  Date: January 24, 2023
Brian Werthmiller

CONTACT INFORMATION

Brian Werthmiller, CPA, CFE, CIG
Inspector General

2379 Broad Street Brooksville, Florida 34604-6899

◆ Fraud and Compliance Hotline (352) 754-3482

CONSENT AGENDA

January 24, 2023

Resource Management Committee: FARMS – H806 Sandhill Native Growers, DeSoto County

Purpose

To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with Sandhill Native Growers, Inc., and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of \$303,507 (75 percent of total project costs). The District funding is requested from the Governing Board FARMS Fund. Total project costs are estimated at \$404,677.

Project Proposal

The District received a project proposal from Sandhill Native Growers, Inc. for their 150-acre property located four miles east of Arcadia in southern DeSoto County, within the Southern Water Use Caution Area, and Shell, Prairie and Joshua Creek Priority Area. This project will involve the utilization of a three-acre reservoir to collect tailwater and surface water from the property and surrounding watershed. The reservoir will be used to offset Upper Floridan aquifer groundwater used for the irrigation of 61 acres of container nursery. The Water Use Permit (WUP) authorizes annual average groundwater withdrawals of 301,200 gallons per day (gpd) for the property. FARMS project components consist of two (2) surface water irrigation pump stations, the automation of the surface water pumps and groundwater irrigation pumps, weather station, filtration, soil moisture probes, valves, fertigation, and the piping necessary to connect the surface water to the existing irrigation system.

Benefits/Costs

The proposed project involves water quantity, and water quality best management practices for supplemental irrigation and qualifies for a 75 percent cost-share reimbursement rate under the FARMS Program. The project is expected to reduce groundwater use by approximately 27 percent, or 80,000 gpd for daily irrigation. Based on the estimated groundwater offset, and a proposed five-year contract term, cost per thousand gallons of water saved is \$3.02. This value is within the guidelines for the generally accepted average cost savings per thousand gallons for the implementation of alternative supplies, improved irrigation techniques, and BMPs for container nurseries. Reimbursement will be from the Governing Board FARMS Fund. Upon approval of the projects presented at this meeting, the Governing Board will have \$4,099,471 remaining in its FARMS Program budget.

Staff Recommendation:

1. Approve the Sandhill Native Growers, Inc. project for a not-to-exceed project reimbursement of \$303,507 with \$303,507 provided by the Governing Board;
2. Authorize the transfer of \$303,507 from fund 010 H017 Governing Board FARMS Fund to the H806 Sandhill Native Growers, Inc. project fund;
3. Authorize the Assistant Executive Director to sign the agreement.

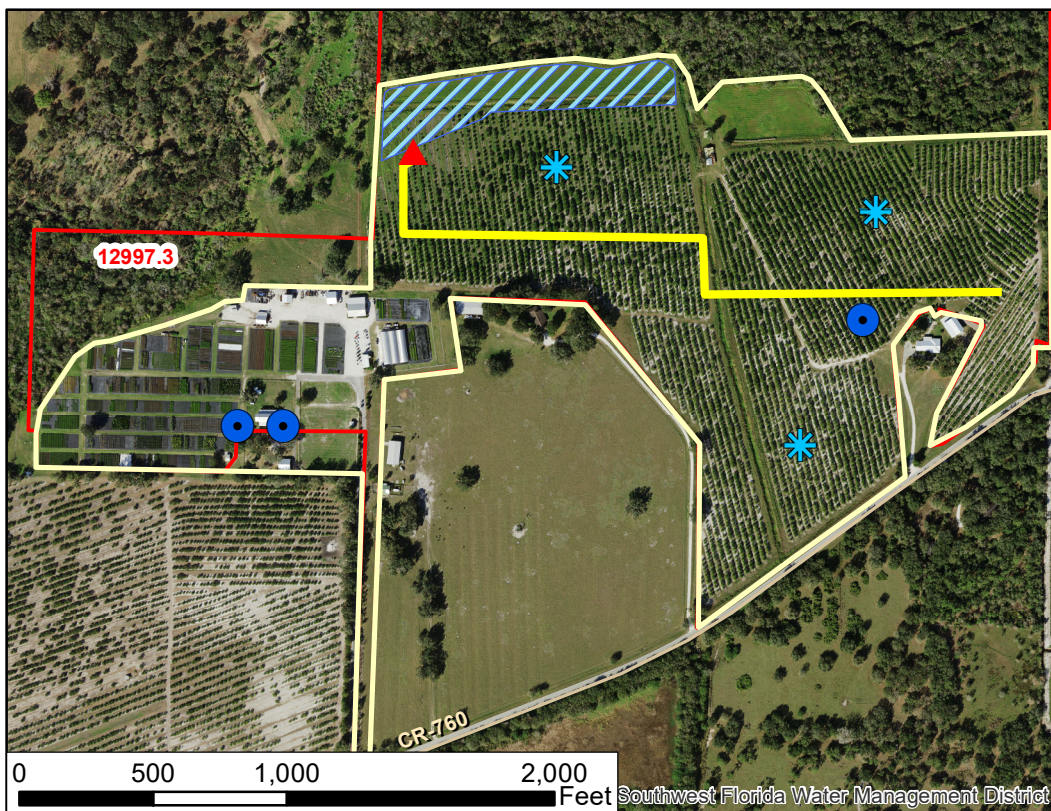
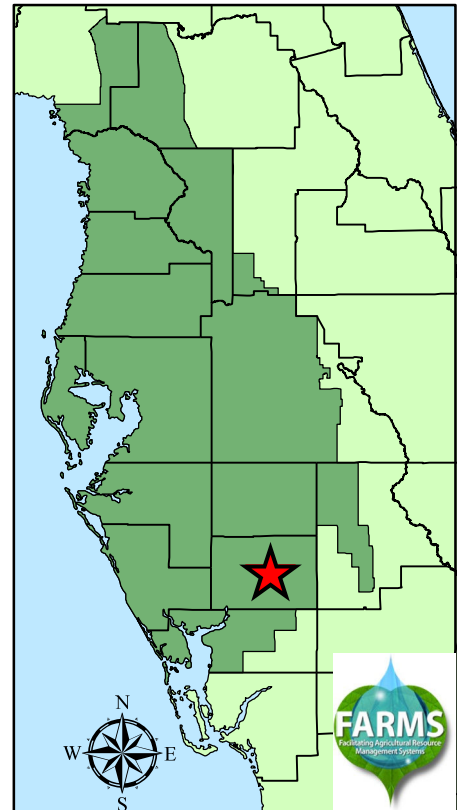
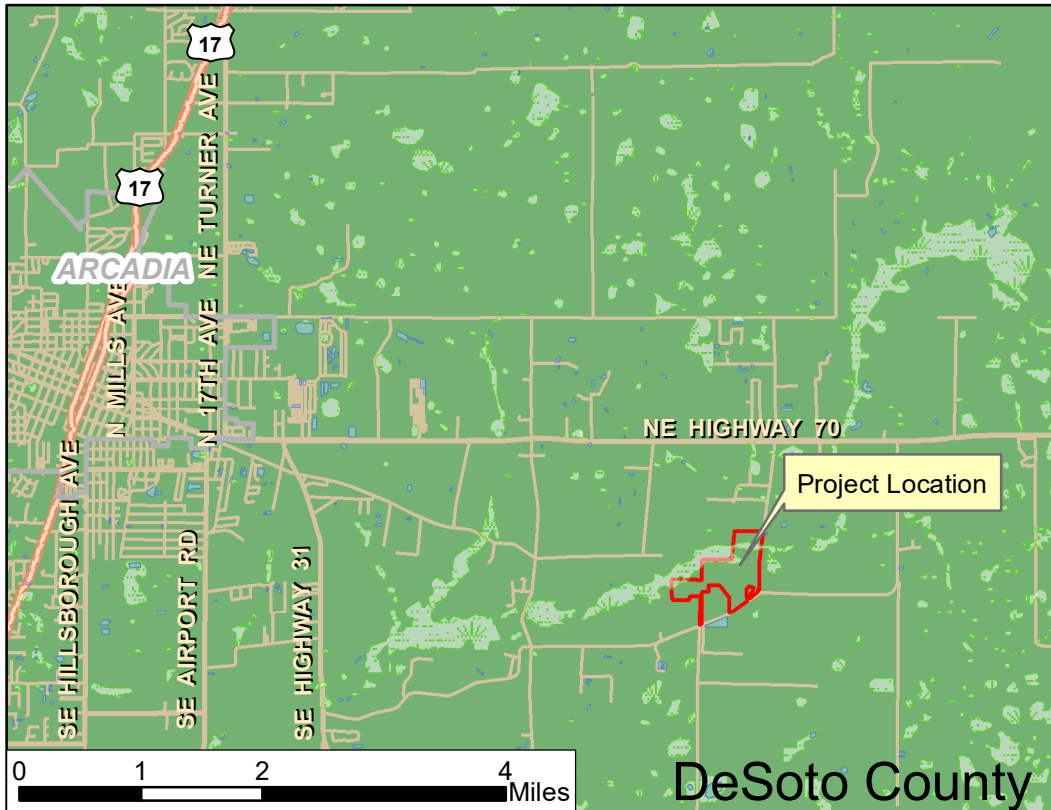
Presenter:

Carole Estes, P.G., FARMS Manager, Water Resources

Location Map

FARMS Project H806

Sandhill Native Growers



LEGEND

- WUP 12997 Boundary
- Project Area
- Proposed Reservoir
- ▲ Proposed Surface Water Pumps, Automation, and Fertigation System
- ✱ Proposed Weather Station and Soil Moisture Sensors
- Proposed Mainline Pipe
- Existing Groundwater Well

Southwest Florida
Water Management District

KAG 11/10/2022
2020 Aerial
2012 NAVTECH

CONSENT AGENDA**January 24, 2023****Resource Management Committee: Initiation and Approval of Rulemaking to Amend Rule 40D-8.623, Florida Administrative Code to Remove Minimum Wetland Levels Methodology***Purpose*

To request that the Board initiate rulemaking and approve proposed rule language to amend Rule 40D-8.623, Florida Administrative Code (F.A.C.), to delete rule language associated with the methodology for establishing Minimum Wetland Levels for certain wetlands, and to clarify location information provided in the rule for established Minimum Wetland Levels.

Background/History

Section 373.042(1)(b), F.S., defines the minimum water level as "...the level of groundwater in an aquifer and the level of surface water at which further withdrawals would be significantly harmful to the water resources or ecology of the area."

A methodology for developing minimum levels for certain, isolated cypress-dominated wetlands is currently adopted in Rule 40D-8.623, F.A.C., along with a specific definition of the Minimum Wetland Level for such wetlands. Unchanged since the early-2000s, this methodology has recently been supported through an independent, scientific peer review process completed in 2022. In addition, the methodology has been augmented to include methodologies for establishment of minimum levels at a broader range of wetland types and to better account for site-specific characteristics. These expanded Minimum Wetland Level methodologies were also supported as part of the recent peer review.

Removing the prescriptive methodology and the specific Minimum Wetland Level definition for certain, isolated cypress wetlands from Rule 40D-8.623, F.A.C., is therefore recommended to allow use of minimum level methods that best address site-specific characteristics. Methodologies used for development of all proposed minimum wetland levels will continue to be documented in water-body-specific reports which will be made available for public review and comment, and any newly developed methods will be subject to independent, scientific peer review. Public engagement on the water-body-specific reports will be facilitated through public meetings and presentations to stakeholder groups such as the District's Advisory Committees.

Removal of the prescriptive Minimum Wetland Level methodology will also promote consistency within the District's Water Levels and Rates of Flow (Chapter 40D-8, F.A.C.) rules. Similar to the rules addressing minimum flows and minimum water levels for lakes and aquifers, the amended Minimum Wetland Level rules will continue to identify established Minimum Wetland Levels and describe procedures that can be used to assess their status, without including detailed, prescriptive methodologies used for their establishment.

Updates to wetland location information in Table 8-1 within Rule 40D-8.623, F.A.C., are proposed to more clearly identify sites with established Minimum Wetland Levels. Recommended updates include changing currently listed latitude and longitude values expressed as degrees, minutes and seconds values to those expressed as decimal degrees, and modification of table header information.

Benefits/Costs

Adoption of the rule amendments will streamline rule language, modernize the process of establishing minimum wetland levels, and promote consistency within the District's Water Levels and Rates of Flow rules.

A Statement of Estimated Regulatory Costs is not required as this rulemaking is not expected to result in any direct or indirect cost increases for small businesses or increased regulatory costs in excess of \$200,000 within one year of implementation.

Upon Governing Board approval of the proposed revisions, staff will proceed with formal rulemaking without further Governing Board action. If substantive changes are necessary as the result of comments received from the public or from reviewing entities such as the Governor's Office of Fiscal Accountability and Regulatory Reform or the Joint Administrative Procedures Committee, this matter will be brought back to the Governing Board for consideration.

Staff Recommendation:

- A. Authorize the initiation of rulemaking and approve the proposed rule language to amend Rule 40D-8.623, F.A.C., to delete the Minimum Wetland Level methodology and associated language for certain wetlands and clarify Minimum Wetland Level location information in Table 8-1 within the rule, as shown in the Exhibit.
- B. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.

Presenter:

Doug Leeper, MFLs Program Lead, Natural Systems and Restoration

Adrienne Vining, Assistant General Counsel, Office of General Counsel

EXHIBIT

40D-8.623 Minimum Wetland Levels.

(1)(a) Minimum Wetland Levels for certain isolated, cypress-dominated wetlands are established and incorporated into Table 8-1 the table at subsection 40D-8.623(3), F.A.C., below. For such wetlands, the Minimum Wetland Level shall be that level which is 1.8 feet below a reference elevation referred to as the normal pool elevation.

TABLE 8-1 Adopted Minimum Wetland Levels

Wetland Site	Minimum Wetland Level (feet NGVD)	Latitude (Decimal Degrees)	Longitude (Decimal Degrees)
(a) Cypress Creek W-11	67.8	28.2957	-82.3854
(b) Cypress Creek W-12	62.0	28.2922	-82.3942
(c) Cypress Creek W-17	62.8	28.2854	-82.3950
(d) Cypress Creek W-56 (G)	62.7	28.2726	-82.4051
(e) Starkey S-99	29.6	28.2563	-82.6272
(f) Starkey Central	43.3	28.2449	-82.5961
(g) Starkey Z	39.7	28.2362	-82.5854
(h) Starkey Eastern (S-73)	44.6	28.2464	-82.5658
(i) Starkey S-75	45.4	28.2507	-82.5604
(j) Starkey M (S-69)	43.1	28.2431	-82.5735
(k) Starkey N	45.2	28.2424	-82.5527
(l) Morris Bridge Entry Dome (MBR-35)	33.8	28.1144	-82.3069
(m) Morris Bridge X-4 (MBR-89)	40.4	28.1239	-82.3373
(n) Morris Bridge Clay Gully Cypress (MBR-88)	39.6	28.1233	-82.3456
(o) Morris Bridge Unnamed (MBR-16)	32.1	28.1064	-82.3426
(p) Eldridge Wilde 5	27.1	28.1559	-82.6631
(q) Eldridge Wilde 11 (NW-44)	36.4	28.1684	-82.6312
(r) South Pasco 2 (NW-49)	57.2	28.1839	-82.5077
(s) South Pasco South Cypress	56.9	28.1814	-82.5078
(t) South Pasco 6 (NW-50)	57.4	28.1883	-82.5080
(u) Cypress Bridge 16	58.4	28.2085	-82.3719
(v) Cypress Bridge 25	70.5	28.2330	-82.3592
(w) Cypress Bridge 32	48.7	28.1678	-82.3674
(x) Cypress Bridge 4	69.2	28.2290	-82.3658
(y) Cross Bar T-3	68.5	28.3484	-82.4952
(z) Cross Bar Q-1	72.5	28.3464	-82.4695
(aa) Cone Ranch 1	86.9	28.1325	-82.1214
(bb) Cone Ranch 2	90.5	28.1225	-82.1207
(cc) Cone Ranch 3	95.4	28.1107	-82.1213
(dd) Cone Ranch 4	99.0	28.1140	-82.0984
(ee) Cone Ranch 5	105.2	28.0984	-82.0815
(ff) Cone Ranch 6	96.0	28.1257	-82.0991
(gg) North Pasco 3	44.4	28.3167	-82.5757
(hh) North Pasco 21	44.5	28.2892	-82.5751

(b) The normal pool elevation shall be determined based on a consideration, utilizing reasonable scientific judgment, of Hydrologic Indicators of sustained inundation including:

1. The lower limit of epiphytic mosses and liverworts intolerant of sustained inundation;
2. The upper limit of the root crown on *Lyonia lucida* growing on tree tussocks;

3. The upper limit of adventitious roots on *Hypericum fasciculatum* and other species which exhibit this morphologic response to sustained inundation;

4. Other indicators which can be demonstrated to represent a similar period of sustained inundation.

(2) The Governing Board may consider information relating to protection of noneconsumptive uses when establishing Minimum Wetland Levels. This information includes potentiometric surface maps, information on surface water features and ecology of the area, water withdrawal data, geologic or hydrologic information, recreation, navigation and aesthetics, and information relating to the wetland and surrounding land uses.

(3) Minimum Wetland Levels are hereby established as set forth in the following table. Wetland water levels are deemed to be below the Minimum Wetland Level when the Long-term Current P50 is below the Minimum Wetland Level. If insufficient data exists to determine if a wetland is below its Minimum Wetland Level, the wetland can be determined to be below the Minimum Wetland Level based on a comparison with wetlands that are hydrologically or hydrogeologically similar or, located in close proximity or, in the same drainage basin or, by use of aerial photographs or evaluation of hydrologic data or Hydrologic Indicators in the subject wetland.

TABLE 8-1 Adopted Minimum Wetland Levels

Wetland Site	Minimum Level (feet NGVD)	Latitude	Longitude
(a) Cypress Creek W-11	67.8	28 17 46	82 23 06
(b) Cypress Creek W-12	62.0	28 17 33	82 23 39
(c) Cypress Creek W-17	62.8	28 17 08	82 23 41
(d) Cypress Creek W-56 (G)	62.7	28 16 21	82 24 18
(e) Starkey S-99	29.6	28 15 20	82 37 39
(f) Starkey Central	43.3	28 14 40	82 35 45
(g) Starkey Z	39.7	28 14 10	82 35 07
(h) Starkey Eastern (S-73)	44.6	28 14 45	82 33 56
(i) Starkey S-75	45.4	28 15 00	82 33 46
(j) Starkey M (S-69)	43.1	28 14 34	82 34 24
(k) Starkey N	45.2	28 14 33	82 33 08
(l) Morris Bridge Entry Dome (MBR-35)	33.8	28 06 55	82 18 24
(m) Morris Bridge X-4 (MBR-89)	40.4	28 07 26	82 20 14
(n) Morris Bridge Clay Gully Cypress (MBR-88)	39.6	28 07 21	82 20 45
(o) Morris Bridge Unnamed (MBR-16)	32.1	28 06 20	82 20 33
(p) Eldridge Wilde 5	27.1	28 09 21	82 39 47
(q) Eldridge Wilde 11 (NW-44)	36.4	28 10 05	82 37 52
(r) South Paseo 2 (NW-49)	57.2	28 11 00	82 30 27
(s) South Paseo South Cypress	56.9	28 10 53	82 30 29
(t) South Paseo 6 (NW-50)	57.4	28 11 17	82 30 28
(u) Cypress Bridge 16	58.4	28 12 30	82 22 18
(v) Cypress Bridge 25	70.5	28 13 59	82 21 31
(w) Cypress Bridge 32	48.7	28 10 03	82 22 02
(x) Cypress Bridge 4	69.2	28 13 44	82 21 55
(y) Cross Bar T-3	68.5	28 20 52	82 29 44
(z) Cross Bar Q-1	72.5	28 20 46	82 28 11
(aa) Cone Ranch 1	86.9	28 07 57	82 07 16
(bb) Cone Ranch 2	90.5	28 07 14	82 07 11
(cc) Cone Ranch 3	95.4	28 06 39	82 07 14
(dd) Cone Ranch 4	99.0	28 06 50	82 05 54
(ee) Cone Ranch 5	105.2	28 05 53	82 04 56
(ff) Cone Ranch 6	96.0	28 07 32	82 05 57

(gg) North Paseo 3	44.4	28.19.00	82.34.32
(hh) North Paseo 21	44.5	28.17.23	82.34.30

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.042, 373.0421 FS. History—New 8-7-00, Amended 4-6-20, 11-11-20, 4-12-21,___.

CONSENT AGENDA**January 24, 2023****Resource Management Committee: Approve the Davenport Watershed Management Plan Floodplain Information for Regulatory Use and to Update Flood Insurance Rate Maps in the City of Davenport (N962)***Purpose*

Request the Board's approval to use the Davenport Watershed Management Plan (WMP) floodplain information for regulatory purposes and to update Flood Insurance Rate Maps (FIRMs) in the City of Davenport (City). The WMP evaluates the capacity of the watershed in achieving flood protection primarily through computer modeling. The watershed model and floodplain information have gone through the District's process that includes internal review and external peer review by experienced licensed professional engineers. The WMP floodplain information serves as the basis for updating the FIRMs for the Federal Emergency Management Agency (FEMA). The City may coordinate with FEMA to produce the preliminary FIRMs at a future date. This coordination may include additional public meetings to present the preliminary floodplain information, provide an opportunity for additional comments, and incorporate this information into FEMA's mapping specifications.

Background/History

Flood protection and floodplain information have been a priority at the District since the inception of the organization. To improve the floodplain information, the District has partnered with local governments for the past two decades to develop regional scale flood routing models to identify flood prone areas, improve local government's understanding of their flood protection level of service, and plan for implementation projects to reduce flood risk. Since November 2008, District staff have obtained Governing Board approval to use WMP floodplain information for updating FIRMs for 96 watersheds throughout the District. Implementing the Environmental Resource Permitting (ERP) program using WMP floodplain information to maintain current levels of flood protection is identified as a strategic initiative in the District's Strategic Plan 2022-2026. Upon the Governing Board's approval, WMP floodplain information for these watersheds is typically used as best information available by the ERP program.

Floodplain information for the City of Davenport watershed was prepared by a District hired consultant Wood Environment and Infrastructure Solutions, Inc., Engineering Firm of Record, reviewed by District and City staff, and then reviewed by the District's independent peer review consultant, Applied Sciences Consulting, Inc. Floodplain information for the watershed was presented for public review and comment through an open engagement website in March of 2022. During the outreach period, the District received approximately 4 unique comments. This data was used to make model refinements where appropriate. The watershed model and preliminary floodplain data reasonably reflect recent significant storm events and currently represent most accurate floodplain information available for the watershed.

Staff Recommendation:

Approve use of the Davenport Watershed Management Plan floodplain information for best information available by the District ERP program and to update Flood Insurance Rate Maps in the City of Davenport.

Presenter:

Terese Power, P.E., CFM, Manager, Engineering & Project Management

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CONSENT AGENDA**January 24, 2023****Resource Management Committee: Peace River Manasota Regional Water Supply Authority – Regional Acquisition of the Project Prairie Pumping and Storage Facilities (Q248) Project, Cost Increase***Purpose*

The purpose of this item is to request Governing Board approval to increase the total project cost of the Peace River Manasota Regional Water Supply Authority (PRMRWSA) – Regional Acquisition of the Project Prairie Pumping and Storage Facilities project by \$755,302, from \$1,275,000 to \$2,030,032, with \$837,500 of state and federal funds covering the cost increase and reducing both the District and PRMRWSA funding shares by \$41,234, from \$637,500 to \$596,266.

Background/History

The Regional Acquisition of the Project Prairie Pumping and Storage Facilities project is for the acquisition of a potable water pumping station in DeSoto County and the construction of improvements necessary for the PRMRWSA to operate the pumping station facilities as a hub within their regional transmission system. The project was approved for cooperative funding in FY2022 with a budget totaling \$1,275,000, and the District and PRMRWSA each contributing 50 percent or \$637,500.

The pumping station acquisition was completed in January 2022. The PRMRWSA received three bids for the remaining work, which included the construction/installation of additional yard piping, a new meter assembly, and telemetric control systems. The construction was originally projected to be \$440,968, however the lowest bid was \$1,196,000. This resulted in the total project cost increasing from \$1,275,000 to \$2,030,032.

Benefits/Costs

The project has been awarded a \$200,000 state appropriation and \$637,500 of federal funding. Staff recommends using these state and federal funds to cover the project's \$755,032 cost increase and to reduce the District and PRMRWSA funding shares from \$637,500 to \$596,266.

Funding Source	Original	Revised
District	\$637,500	\$596,266
PRMRWSA	\$637,500	\$596,266
State Appropriation		\$200,000
Federal Funding		\$637,500
Total	\$1,275,000	\$2,030,032

Staff Recommendation:

Authorize staff to amend the Regional Acquisition of the Project Prairie Pumping and Storage Facilities Project (Q248) agreement to increase the total project cost to \$2,030,032, with \$837,500 of state and federal funding, and the District's share not to exceed \$596,266.

Presenter:

Jay Hoecker, PMP, Bureau Chief, Water Resources

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CONSENT AGENDA**January 24, 2023****Operations, Lands and Resource Monitoring Committee: Sale and Conveyance of a Permanent Easement to the Florida Department of Transportation (FDOT) within the District's Marshall Hampton Reserve Property to Replace a Portion of and Extend an Existing Easement Displaced by the Central Polk Parkway, SWF Parcel No. 20-503-254X***Purpose*

Recommend the Governing Board approve the sale and conveyance of a non-exclusive perpetual easement (Easement) to Polk County on behalf of FDOT to replace a portion of and extend an existing easement within the Marshall Hampton Reserve utilized by Polk County that will be displaced by the FDOT's completion of the Central Polk Parkway project (Project). The FDOT's offer (Exhibit 1) is based on the full appraised value of the Easement parcel and is being made in lieu of exercising eminent domain to obtain the Easement. A general location map and an aerial site map are attached as Exhibits 2 and 3, respectively.

Background

In early 2022 in lieu of exercising their right to condemn property, FDOT purchased 67.863 acres of the Marshall Hampton Reserve in fee and another 0.180 acres in less-than-fee from the District. The less-than-fee purchase was to be used to replace an existing easement from the District to Polk County. Since the Project impacted the existing trailhead at the Marshall Hampton Reserve, part of the negotiations for purchase included FDOT relocating and improving the existing trailhead along with improving the road infrastructure to allow for a turning lane into the new trailhead, and in mid-2022 the District approved the donation of an easement to accommodate the new turning lane.

As the Project neared completion, it became apparent that the existing easement utilized by Polk County had to be modified in order for Polk County to continue to benefit from it. In order to make Polk County whole, the District, Polk County, and FDOT agreed to the location of an extension of the existing easement comprising approximately 5.343 acres of District property and FDOT had the additional acreage appraised. The FDOT has agreed to pay the full appraised price for the additional area.

Summary of Value and Offer

After review and input by District staff, FDOT decided to make an offer to purchase the additional required area in lieu of eminent domain proceedings. As part of this review and input process, FDOT submitted an appraisal prepared by Stephen J. Jamir, MAI, that has been reviewed by qualified District staff. Based on the foregoing, the appraisal submitted by FDOT has been deemed factually sound, meets District and industry standards, and the assumptions used to make the value determination are reasonable.

The recent appraisal received from FDOT is dated August 31, 2022, and is based on a value of \$15,500 per gross acre for the less-than-fee interest. The appraisal and subsequent offer to purchase were based on approximately 5.343 acres with the estimated value and offer for the Easement being \$82,900, which is 100 percent of the appraised value.

Benefits/Costs

The sale of this property is in lieu of FDOT exercising its power of eminent domain. Pursuant to Section 373.139, F.S., revenue derived from this sale may only be used for the purchase of other lands meeting the criteria specified in statute or payment of debt on revenue bonds or notes issued under Section 373.584, F.S.

Staff Recommendation:

- Approve the Purchase Agreement and authorize the Executive Director to execute the Agreement on behalf of the District; and
- Authorize the Chairman and Secretary of the Governing Board to execute the Amended Perpetual Easement; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

Presenter:

Ellen Morrison, Bureau Chief, Land Resources



NOV 14 2022

americanacquisition.com

November 9, 2022

Southwest Florida
Water Management District Certified Mail No. 7018 3090 0002 3407 8877

Southwest Florida Water Management District
Attn: Ellen Morrison
Bureau Chief, Land Resources Bureau
2379 Broad Street
Brooksville, FL 34604

ITEM/SEGMENT #: 4408972
MANAGING DISTRICT: 08
FAP: N/A
STATE ROAD: 570B
COUNTY: Polk
PARCEL: 805

Dear Property Owner,

As you may be aware, Florida's Turnpike Enterprise, (FTE) is in the process of negotiating the acquisition of right of way for the project referenced above. American Acquisition Group, LLC is working with FTE for this project. This package represents the Turnpikes fair market value offer to you for the purchase of the property identified by parcel number above. This letter is intended to help you understand the need and purpose of each document contained in this package.

Below is a list of items included in this package:

STATEMENT OF OFFER: This is the official offer from the FTE for your property. Please sign the on the Receipt Acknowledged By line, print your name, add the date, keep the copy and return the original statement to me in the envelope provided. This is not an agreement and in no way will bind you to a settlement.

DONATION LETTER: This letter is to be used if you care to donate the area of acquisition to the FTE in lieu of receiving monetary compensation. If you choose to do this, please sign and return the donation to me.

PURCHASE AGREEMENT AND ADDENDUM: This is a standard FTE purchase agreement which provides a breakdown of the compensation for land and improvements to be acquired. The summary of values is based on the approved appraisal.

PUBLIC DISCLOSURE AFFIDAVIT: Provides that persons or entities, with few exceptions, holding real property in the form of a partnership, limited partnership, corporation, trust, or in any form of representative capacity shall make a public disclosure, in writing, of every person having a beneficial interest in the real property before the property is conveyed to the State. This affidavit has also been sent to you via Registered USPS Mail.

TAXPAYER IDENTIFICATION FORM: This form is to be used to record your taxpayer identification number prior to closing so that gross proceeds of the sale can be reported to the IRS in accordance with state procedures. For individuals, this number is your social security number but for other entities it is your employer identification number (EIN).

LEGAL DESCRIPTION AND PARCEL SKETCH: This describes the area to be acquired by FTE.

APPRAISAL: A copy of the Turnpike's appraisal is included for your review.

Please contact me at 800-954-0369 with any questions.

Sincerely,
American Acquisition Group, LLC

Christopher Scodius
Consultant Project Manager
Enclosures as stated herein

STATEMENT OF OFFER

Southwest Florida Water Management District
2379 Broad Street
Brooksville, FL 34604

ITEM/SEGMENT NO.: 4408972
DISTRICT: 08
FEDERAL PROJECT NO.: N/A
STATE ROAD NO.: 570B
COUNTY: Polk
PARCEL NO.: 805

Dear Property Owner,

As you are probably aware, the State of Florida Department of Transportation is in the process of acquiring the needed right of way for the above referenced facility. A determination has been made that either a part or all of your property will be needed. A search of the Public Records of the County in which this property is situated has been made and it was determined that property is owned by you.

The interest being acquired in your property is: Permanent Easement

In addition, the following list will identify the buildings, structures, fixtures, and other improvements which are considered to be a part of the real property acquired, or personal property being acquired, if any: N/A

The following items were excluded: N/A

You are further advised that the Department's offer of just compensation for the property required for the construction of this facility is based on the Fair Market Value of the property and that the Department's offer to you is not less than the approved appraised value of the property.

The following represents a summary of the Department's offer to you and the basis therefore:

Land	\$ <u>82,900.00</u>
Improvements	\$ <u>0.00</u>
Real Estate Damages	\$ <u>0.00</u>
Total	\$ <u>82,900.00</u>

This Statement of Offer is not a contract; if you agree to accept this offer, you will be required to sign a purchase agreement. Any additional information you may require can be obtained through the Department's Representative that contacted you. If that representative is not readily available, please contact:

Christopher Scodius, Consultant Project Manager - American Acquisition Group, LLC
at 711 N. Sherrill Street, Suite B, Tampa, FL 33609 (813) 287-8191

Sincerely,

Ch.S.

Paul Satchfield
District Right of Way Manager
By: Christopher Scodius
Consultant Project Manager

<u>Delivered By</u>	<u>Cert Mail: 7018 3090 0002 3407 8877</u> Type or Print Name	<u>Date</u>
<u>Receipt Acknowledged By</u>	<u>Type or Print Name</u>	<u>Date</u>



Florida Department of Transportation

RON DESANTIS
GOVERNOR

Office of Right of Way
P. O. Box 613069
Ocoee, FL 34761

JARED W. PERDUE, P.E.
SECRETARY

Donation of Property to the Florida Department of Transportation

Southwest Florida Water Management District
2379 Broad Street
Brooksville, FL 34604

ITEM/SEGMENT NO.:	4408972
MANAGING DISTRICT:	TPK
F.A.P. NO.:	N/A
STATE ROAD NO.:	570B
COUNTY:	Polk
PARCEL NO.:	805
INTEREST CONVEYED:	Perpetual Easement

This is to advise that the undersigned, as owner of the property or property interest referenced above and as shown on Right of Way maps for referenced project, desires to make a voluntary donation of said property or property interest to the State of Florida for the use and benefit of the Florida Department of Transportation.

The undersigned hereby acknowledges that he/she has been fully advised by a Department representative of his/her right to have the referenced property or property interest appraised, to accompany the appraiser during the appraisal inspection of the property, to receive full compensation for the above referenced property, and to receive reimbursement for reasonable fees and costs incurred, if any. Having been fully informed of the above rights, I hereby waive those rights unless otherwise noted below.

Owner's Signature

Type or Print Property Owner's Name

Street Address

City, State, Zip Code

Date

PURCHASE AGREEMENT

ITEM SEGMENT NO.: 4408972
 DISTRICT: 08
 FEDERAL PROJECT NO.: N/A
 STATE ROAD NO.: 570B
 COUNTY: Polk
 PARCEL NO.: 805

Seller: Southwest Florida Water Management District

Buyer: State of Florida, Department of Transportation

Buyer and Seller hereby agree that Seller shall sell and Buyer shall buy the following described property pursuant to the following terms and conditions:

I. Description of Property:

(a) **Estate Being Purchased:** ☐ Fee Simple ☒ Permanent Easement ☐ Temporary Easement ☐ Leasehold

(b) **Real Property Described As:** 4408972 Parcel 805. See attached legal description.

(c) **Personal Property:** N/A

(d) **Outdoor Advertising Structure(s) Permit Number(s):** N/A

Buildings, Structures, Fixtures and Other Improvements Owned By Others: N/A

These items are **NOT** included in this agreement. A separate offer is being, or has been, made for these items.

II. PURCHASE PRICE

(a) **Real Property**

Land	1. \$ <u>82,900.00</u>
Improvements	2. \$ <u>0.00</u>
Real Estate Damages (Severance/Cost-to-Cure)	3. \$ <u>0.00</u>

Total Real Property 4. \$ 82,900.00

(b) **Total Personal Property** 5. \$ 0.00

(c) **Fees and Costs**

Attorney Fees	6. \$ <u>0.00</u>
Appraiser Fees	7. \$ <u>0.00</u>

_____ Fee(s)	8. \$ <u>0.00</u>
--------------	-------------------

Total Fees and Costs 9. \$ 0.00

(d) **Total Business Damages** 10. \$ 0.00

(e) **Total of Other Costs** 11. \$ 0.00

List: _____

Total Purchase Price (Add Lines 4, 5, 9, 10 and 11) \$ 82,900.00

Total Global Settlement Amount

(f) Portion of Total Purchase Price or Global Settlement Amount to be paid to Seller by Buyer at Closing \$ 0.00

(g) Portion of Total Purchase Price or Global Settlement Amount to be paid to Seller by Buyer upon surrender of possession or _____ \$ 0.00

III. Conditions and Limitations

- (a) Seller is responsible for all taxes due on the property up to, but not including, the day of closing.
- (b) Seller is responsible for delivering marketable title to Buyer. Marketable title shall be determined according to applicable title standards adopted by the Florida Bar in accordance with Florida Law subject only to those exceptions that are acceptable to Buyer. Seller shall be liable for any encumbrances not disclosed in the public records or arising after closing as a result of actions of the Seller.
- (c) Seller shall maintain the property described in **Section I** of this agreement until the day of closing. The property shall be maintained in the same condition existing on the date of this agreement, except for reasonable wear and tear.
- (d) Any occupancy of the property described in **Section I** of this agreement by Seller extending beyond the day of closing must be pursuant to a lease from Buyer to Seller.
- (e) The property described in **Section I** of this agreement is being acquired by Buyer for transportation purposes under threat of condemnation pursuant to **Section 337.25 Florida Statutes**.
- (f) Pursuant to **Rule 14-10.004, Florida Administrative Code**, Seller shall deliver completed **Outdoor Advertising Permit Cancellation Form(s), Form Number 575-070-12**, executed by the outdoor advertising permit holder(s) for any outdoor advertising structure(s) described in **Section I** of this agreement and shall surrender, or account for, the outdoor advertising permit tag(s) at closing.
- (g) Seller agrees that the real property described in **Section I** of this agreement shall be conveyed to Buyer by conveyance instrument(s) acceptable to Buyer.
- (h) Seller and buyer agree that this agreement represents the full and final agreement for the herein described sale and purchase and no other agreements or representations, unless incorporated into this agreement, shall be binding on the parties.
- (i) Other: Buyer and Seller agree all fees, costs and business damage claims associated with this agreement are identified in section II of this agreement.

- (j) Seller and Buyer agree that a real estate closing pursuant to the terms of this agreement shall be contingent on delivery by Seller of an executed Public Disclosure Affidavit in accordance with **Section 286.23, Florida Statutes**.

IV. Closing Date

The closing will occur no later than 60 days after Final Agency Acceptance.

V. Typewritten or Handwritten Provisions

Any typewritten or handwritten provisions inserted into or attached to this agreement as addenda must be initialed by both Seller and Buyer.

- ☒ There is an addendum to this agreement. Page 4 is made a part of this agreement.
- ☐ There is not an addendum to this agreement.

VI. Seller and Buyer hereby acknowledge and agree that their signatures as Seller and Buyer below constitute their acceptance of this agreement as a binding real estate contract.

It is mutually acknowledged that this Purchase Agreement is subject to Final Agency Acceptance by Buyer pursuant to **Section 119.0711, Florida Statutes**. A closing shall not be conducted prior to 30 days from the date this agreement is signed by Seller and Buyer to allow public review of the transaction. Final Agency Acceptance shall not be withheld by Buyer absent evidence of fraud, coercion, or undue influence involving this agreement. Final Agency Acceptance shall be evidenced by the signature of Buyer in **Section VII** of this agreement.

Seller(s)

Signature Date

Type or Print Name

Signature Date

Type or Print Name

Buyer

State of Florida Department of Transportation

BY: _____
Signature Date

Nicole Sorg, Deputy Right of Way Manager-Production
Type or Print Name and Title

VII. FINAL AGENCY ACCEPTANCE

The Buyer has granted Final Agency Acceptance this _____ day of _____, _____.

BY: _____
Signature Paul Satchfield, Right of Way Manager
Type or Print Name and Title

Legal Review: _____
Date

George Gaskell, Assistant General Counsel
Type or Print Name and Title

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
ADDENDUM TO THE PURCHASE AGREEMENT

ITEM/SEGMENT No.: 4408972
 MANAGEMENT DISTRICT: 08
 F.A.P. NO.: N/A
 STATE ROAD No.: 570B
 COUNTY: Polk
 PARCEL No.: 805

This Addendum to the Purchase Agreement ("Addendum") is made and entered into by and between Southwest Florida Water Management District, as "Seller", and the State of Florida Department of Transportation, as "Purchaser", for the acquisition of the real property more particularly described in the Agreement to which this Addendum is attached ("the Property").

For good and valuable consideration, the receipt and sufficiency of which are hereby mutually acknowledged, the parties hereto agree to the following terms and conditions:

1. As further consideration for this Agreement, Seller shall also provide, at closing, a perpetual easement to Polk County for replacement rights of way in the form attached hereto as Exhibit A.
2. The provisions of the Addendum shall survive the closing.

SELLER(S):
 Southwest Florida Water Management
 District

PURCHASER:
 State of Florida, Department of Transportation

 Signature Date

By: _____
 Signature Date

 Type or print name and title

Nicole Sorg, Deputy Right of Way Manager - Production
 Type or print name and title

Legal Review: _____
 Signature Date

 Type or print name and title

Prepared by & return recorded original to:

AMENDMENT TO NON-EXCLUSIVE PERPETUAL EASEMENT

THIS AMENDMENT TO NON-EXCLUSIVE PERPETUAL EASEMENT is entered by and between the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, a public body existing under Chapter 373, Florida Statutes, whose address is 2379 Broad Street, Brooksville, Florida, 34604 (Grantor), and POLK COUNTY, a political subdivision of the State of Florida, whose address is 515 East Boulevard Street, Bartow, Florida, 33830 (Grantee).

WITNESSETH:

WHEREAS, Grantor is the owner of certain real property located in Polk County, Florida, more particularly described in Exhibit “A” attached hereto (the Property); and

WHEREAS, Grantee has previously received funds for the construction of a recreational trail to comply with the Lake Hancock Land Use and Management Plan, dated January 2010 (“Trail Project”); and

WHEREAS, Grantor previously granted to Grantee a non-exclusive easement for the construction of a Trail Project, which is recorded in Official Records Book 9525, Page 729; as amended in Official Records Book 10215, Page 1854; and as partially released in Official Records Book 12453, Page 467; all of the Public Records of Polk County, Florida (“Existing Easement”);

WHEREAS, Grantor and Grantee mutually desire to amend the Existing Easement to add a new section of permanent corridor over the property described in Exhibit “B” attached hereto for the realignment of the Trail Project (“Additional Trail”).

NOW THEREFORE, in consideration of the sum of Ten and 00/100 Dollars (\$10.00), the covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor and Grantee agree as follows:

1. Grantor does hereby remise, release, grant and convey to the Grantee, its successors and assigns, a non-exclusive perpetual easement over and across a portion of the Property more specifically described in Exhibit "B" attached hereto and incorporated herein by this reference, for the purpose of constructing, altering, using, operating, inspecting, patrolling, maintaining, repairing and replacing the Trail Project, with full right to ingress and egress for the accomplishment of the foregoing rights.

2. The effective date of this Amendment to Non-Exclusive Perpetual Easement shall be the last date upon which all of the parties hereto have executed this Amendment to Non-Exclusive Perpetual Easement, as demonstrated by the date under the signature on the signature page.

3. All other terms and conditions of the Existing Easement, as amended, shall remain in full force and effect.

***REMAINDER OF PAGE INTENTIONALLY LEFT BLANK
SIGNATURE PAGES FOLLOW***

IN WITNESS WHEREOF, Grantor and Grantee have executed this Amendment to Non-Exclusive Perpetual Easement on the day and year indicated below.

Signed, sealed and delivered
in our presence as witnesses:

(Corporate Seal)

GRANTOR
SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT, a public body
existing under Chapter 373 of the Florida
Statutes

By: _____
Joel Schleicher, Chairman

ATTEST:

By: _____
Michelle Williamson, Secretary

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me, **by means of** ☐ **physical presence or** ☐ **online notarization**, this ____ day of _____, 2023, by Joel Schleicher as Chairman of the Governing Board of the Southwest Florida Water Management District, on behalf of the Southwest Florida Water Management District, who is personally known to me.

(Notary Seal)

Notary Public
Print: _____
Commission No. _____
My Commission Expires: _____

Page Break
STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me, **by means of** ☐ **physical presence or** ☐ **online notarization**, this ____ day of _____, 2023, by Michelle Williamson as Secretary of the Governing Board of the Southwest Florida Water Management District, on behalf of the Southwest Florida Water Management District, who is personally known to me.

(Notary Seal)

Notary Public

Print: _____

Commission No. _____

My Commission Expires: _____

Signatures continue on following page

COPY

Signed, sealed and delivered
in our presence as witnesses:

GRANTEE

POLK COUNTY, a political subdivision of
the State of Florida

By: _____
Print Name: _____

By: _____

By: _____
Print Name: _____

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2023, by _____, as _____ of Polk County, on behalf of the County. Such person Notary Public must check applicable box:

- ☐ is personally known to me.
- ☐ produced current driver license.
- ☐ produced _____ as identification.

(Notary Seal)

Notary Public
Printed Name of Notary: _____
Commission Number: _____
My Commission Expires: _____

Exhibit “A”

COPY

Exhibit “B”

COPY



Florida Department of Transportation

RON DESANTIS
GOVERNOR

Office of Right of Way
P. O. Box 613069
Ocoee, FL 34761

JARED W. PERDUE, P.E.
SECRETARY

Southwest Florida Water Management District
2379 Broad Street
Brooksville, FL 34604

ITEM/SEGMENT NO.:	4408972
MANAGING DISTRICT:	TPK
F.A.P. NO.:	N/A
STATE ROAD NO.:	570B
COUNTY:	Polk
PARCEL NO.:	805

Dear Property Owner,

Subject: Public Disclosure Notice (For All Persons and Entities Except Trusts)

Section 286.23, Florida Statutes, (F.S.) requires persons or entities holding real property in the form of a corporation or partnership to disclose in writing, under oath, and subject to the penalties prescribed for perjury, his/her name and address and the names and addresses of every person having a beneficial interest in such property. The Department must receive disclosure at least 10 days prior to the real estate closing by which the Department acquires the property or within 48 hours after the Department deposits the required monies into the registry of the court pursuant to an Order of Taking in condemnation. To assist you in complying with the disclosure requirement, we have enclosed a copy of **Section 286.23, F.S.** and an affidavit for you to complete and return to this office at:

American Acquisition Group, LLC - Attn: Christopher Scodius - 711 N. Sherrill Street, Suite B, Tampa, FL 33609

Please Note:

You are not required to disclose a beneficial interest in an entity registered with the Federal Securities Exchange Commission or the Florida Department of Financial Services pursuant to **Chapter 517, Florida Statutes**, whose interest is for sale to the general public. For nonpublic entities, you are also not required to disclose persons or entities holding less than 5% of the beneficial interest in the disclosing entity.

If you have any questions please contact Christopher Scodius, Consultant Project Manager 813-287-8191.

Sincerely,

Paul Satchfield

District Right of Way Manager

By:

ChSS

Agent's Signature

Christopher Scodius, Consultant Project Manager

Name (Please Print or Type)

Enclosures: Section 286.23, Florida Statutes, Public Disclosure Affidavit (For All Persons and Entities Except Trusts)

Section 286.23, Florida Statutes

286.23 Real property conveyed to public agency; disclosure of beneficial interests; notice; exemptions.--

(1) Any person or entity holding real property in the form of a partnership, limited partnership, corporation, trust, or any form of representative capacity whatsoever for others, except as otherwise provided in this section, shall, before entering into any contract whereby such real property held in representative capacity is sold, leased, taken by eminent domain, or otherwise conveyed to the state or any local governmental unit, or an agency of either, make a public disclosure in writing, under oath and subject to the penalties prescribed for perjury, which shall state his or her name and address and the name and address of every person having a beneficial interest in the real property, however small or minimal. This written disclosure shall be made to the chief officer, or to his or her officially designated representative, of the state, local governmental unit, or agency of either, with which the transaction is made at least 10 days prior to the time of closing or, in the case of an eminent domain taking, within 48 hours after the time when the required sum is deposited in the registry of the court. Notice of the deposit shall be made to the person or entity by registered or certified mail before the 48-hour period begins.

(2) The state or local governmental unit, or an agency of either, shall send written notice by registered mail to the person required to make disclosures under this section, prior to the time when such disclosures are required to be made, which written request shall also inform the person required to make such disclosure that such disclosure must be made under oath, subject to the penalties prescribed for perjury.

(3)(a) The beneficial interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to chapter 517, whose interest is for sale to the general public, is hereby exempt from the provisions of this section. When disclosure of persons having beneficial interests in nonpublic entities is required, the entity or person shall not be required by the provisions of this section to disclose persons or entities holding less than 5 percent of the beneficial interest in the disclosing entity.

(b) In the case of an eminent domain taking, any entity or person other than a public officer or public employee, holding real property in the form of a trust which was created more than 3 years prior to the deposit of the required sum in the registry of the court, is hereby exempt from the provisions of this section. However, in order to qualify for the exemption set forth in this section, the trustee of such trust shall be required to certify within 48 hours after such deposit, under penalty of perjury, that no public officer or public employee has any beneficial interest whatsoever in such trust. Disclosure of any changes in the trust instrument or of persons having beneficial interest in the trust shall be made if such changes occurred during the 3 years prior to the deposit of said sum in the registry of the court.

(4) This section shall be liberally construed to accomplish the purpose of requiring the identification of the actual parties benefiting from any transaction with a governmental unit or agency involving the procurement of the ownership or use of property by such governmental unit or agency.

History.--ss. 1, 2, 3, 4, 5, ch. 74-174; s. 1, ch. 77-174; s. 72, ch. 86-186; s. 7, ch. 91-56; s. 212, ch. 95-148.

ITEM/SEGMENT NO.: 4408972
MANAGING DISTRICT: TPK
F.A.P. NO.: N/A
STATE ROAD NO.: 570B
COUNTY: Polk
PARCEL NO.: 805

Public Disclosure Affidavit (For All Persons and Entities Except Trust)

I, the undersigned, under penalty of perjury, affirm that I hold the title for, or represent

_____ in the capacity of
Name of Corporation, Partnership, etc.
_____ and; my full name
Affiant's Title (President, V.P., etc.)
and address is _____
_____ ; and
Affiant's Name and Address
_____ holds legal title to
Name of Corporation, Partnership, etc.

the real estate described in **Attachment "A"** to this affidavit; and (select appropriate option)

☐ The names and addresses of all persons who hold a beneficial interest in the real estate are listed on **Attachment "B"** to this affidavit.

☐ All beneficial interests in the property are exempt from disclosure because the entity identified above as the owner of the real estate is an entity registered with the Federal Securities Exchange Commission or the Florida Department of Financial Services pursuant to **Chapter 517, Florida Statutes**, whose interest is for sale to the general public.

☐ This is a nonpublic entity, and I elect not to disclose the names of persons or entities holding less than 5% of the beneficial interest in this entity.

Affiant's Signature

STATE OF FLORIDA
COUNTY OF _____

Print or Type Name of Affiant

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this
_____ day of _____, _____ by _____ as
(name of person)

_____ for _____
(type of authority) (name of party on behalf of whom instrument was executed)

Signature of Notary Public – State of Florida: _____

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known _____ OR Produced Identification _____
Type of Identification Produced _____

Attachment A
Insert Legal Description

PARCEL NO.: 805
FPID 440897-2
STATE ROAD 570B
CENTRAL POLK PARKWAY
POLK COUNTY

PERPETUAL EASEMENT

A parcel of land lying in Section 33, Township 28 South, Range 25 East, Polk County, Florida, being more particularly described as follows:

COMMENCE at a 5/8 inch iron road and cap with no identification, marking the Southeast corner of the Northwest 1/4 of said Section 33; thence South 89° 52' 03" West, along the South line of said Northwest 1/4 of Section 33, a distance of 761.03 feet to a point on a curve concave Northeasterly and having a radius of 4,895.00 feet, and the POINT OF BEGINNING; thence run Southeasterly 631.23 feet along the arc of said curve, through a central angle of 07° 23' 19" , the chord of said curve bears South 56° 52' 03" East and a chord distance of 630.80 feet to a point on said curve; thence South 56° 16' 17" East, a distance of 310.76 feet to a point on a curve concave Northeasterly and having a radius of 4,928.00 feet; thence run Southeasterly 723.64 feet along the arc of said curve, through a central angle of 08° 24' 49" , the chord of said curve bears South 68° 22' 25" East and a chord distance of 722.99 feet to a point on said curve; thence South 82° 52' 46" East, a distance of 208.67 feet to a point on a curve concave Southwesterly and having a radius of 4,895.00 feet; thence run Southeasterly 230.97 feet along the arc of said curve, through a central angle of 02° 42' 13" , the chord of said curve bears South 76° 20' 10" East and a chord distance of 230.95 feet to the end of said curve; thence North 43° 36' 26" East, a distance of 24.69 feet to the existing Southerly right of way line of Thornhill Road; thence South 46° 23' 34" East, along said existing Southerly right of way line of Thornhill Road, a distance of 67.32 feet; thence South 46° 19' 50" East, along said existing Southerly right of way line of Thornhill Road, a distance of 146.84 feet; thence departing said existing Southerly right of way line, run South 43° 40' 10" West, a distance of 15.00 feet; thence North 46° 19' 50" West, a distance of 41.35 feet; thence North 89° 42' 04" West, a distance of 163.72 feet; thence North 72° 23' 40" West, a distance of 224.28 feet; thence North 82° 52' 46" West, a distance of 208.61 feet to a point on a curve, concave Northeasterly and having a radius of 5,028.00 feet; thence run Northwesterly 754.32 feet along the arc of said curve, through a central angle of 08° 35' 45" , the chord of said curve bears North 68° 23' 09" West and having a chord distance of 753.61 feet to a point on said curve; thence North 56° 16' 17" West, a distance of 313.89 feet to a point on a curve, concave Northeasterly and having a radius of 4,995.00 feet; thence run Northwesterly 676.97 feet along the arc of said curve, through a central angle of 07° 45' 55" , the chord of said curve bears North 56° 38' 09" West and having a chord distance of 676.45 feet to a point on said curve, being on the easterly line of a Polk County Trail Construction easement as recorded in Official Records Book 9525, Page 729 and amended in Official Records Book 10215, Page 1854 of the Public Records of Polk County, Florida, and being a point on a curve, concave Northwesterly, having a radius of 160.00 feet; thence run Northeasterly 117.69 feet along the arc of said curve, through a central angle of 42° 08' 26" , the chord of said curve bears North 07° 56' 16" East and having a chord distance of 115.05 feet to a point on said curve, being a point on a curve, concave Northeasterly and having a radius of 4,895.00 feet; thence run Southeasterly 92.19 feet along the arc of said curve, through a central angle of 01° 04' 45" , the chord of said curve bears South 52° 38' 01" East and having a chord distance of 92.19 feet to a point on said curve, and the POINT OF BEGINNING.

Containing 5.343 acres, more or less

Attachment “B”

COPY

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
REQUEST FOR TAXPAYER IDENTIFICATION NUMBER

675-030-27
RIGHT OF WAY
10/16

Southwest Florida Water Management District
2379 Broad Street
Brooksville, FL 34604

ITEM/SEGMENT NO.:	4408972
MANAGING DISTRICT:	08
F.A.P. NO.:	N/A
STATE ROAD NO.:	570B
COUNTY:	Polk
PARCEL NO.:	805

The Florida Department of Transportation will be acquiring, or has acquired property owned by you for a transportation project or will be processing a payment to you related to the above referenced parcel. Federal regulations require that we report this transaction to the Internal Revenue Service (IRS), therefore we must obtain your correct Taxpayer Identification Number (TIN).

If you fail to furnish your correct TIN you may be subject to an IRS penalty. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

See the attached instruction for how to enter names and TINs. If you have any questions please let us know.

Name	Phone Number
Business Name , if different from above	Phone Number
Address (number, street, and apt. or suite no.)	OWNERSHIP INTEREST <input type="checkbox"/> Sole Owner <input type="checkbox"/> Part Owner with _____ % interest <input type="checkbox"/> Not Applicable (Vendor Only)
City, State, and ZIP Code	

TAXPAYER IDENTIFICATION NUMBER (TIN)

For individuals, this is your social security number (SSN): _____ - _____ - _____

For other entities, it is your employer identification number (EIN): _____ - _____

If you do not have a TIN, see attached instructions for How to get a TIN.

Below, choose one number that accurately describes the business or the individual.

- ☐ **1 - CORPORATION, PROFESSIONAL ASSOCIATION OR PROFESSIONAL CORPORATION**
(A corporation formed under the laws of any state within the United states.)
- ☐ **2 - NOT FOR PROFIT CORPORATION** (Section 501(c)(3) Internal Revenue Code)
- ☐ **3 - PARTNERSHIP, JOINT VENTURE, ESTATE, TRUST OR MULTIPLE MEMBER LLC**
- ☐ **4 - INDIVIDUAL, SOLE PROPRIETOR, SELF EMPLOYED OR SINGLE MEMBER LLC**
- ☐ **5 - NONCORPORATE RENTAL AGENT**
- ☐ **6 - GOVERNMENTAL ENTITY** (City, County, State or U.S. Government)
- ☐ **7 - FOREIGN CORPORATION OR ENTITY** (A foreign entity formed under the laws of a country other than the United States.) If YES is marked below, complete and attach Form W-8ECI.
Is income effectively connected with business in the United States? ☐ YES ☐ NO
- ☐ **8 - NONRESIDENT ALIEN** (An individual temporarily in the U.S. who is not a U.S. citizen or resident.)

CERTIFICATION

Under penalties of perjury, I certify that the number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me).

Sign Here _____ Date _____
 Title _____ Email (optional) _____

SECTION 33, T-28-S, R-25-E
SCALE: 1"=100'

102A

D = 42°08'26"
L = 117.69'
R = 160.00'
CH = 115.05'
CH BRG = N07°56'16"E

D = 01°04'45"
L = 92.19'
R = 4895.00'
CH = 92.19'
CH BRG = S52°38'01"E

100' POLK COUNTY TRAIL
CONSTRUCTION EASEMENT
O.R.B. 9525, PG. 729
AMENDED O.R.B. 10215, PG 1854

POINT OF
BEGINNING

805

PERPETUAL
EASEMENT

D = 07°45'55"
L = 676.97'
R = 4995.00'
CH = 676.45'
CH BRG = N56°38'09"W

D = 07°23'19"
L = 631.23'
R = 4895.00'
CH = 630.80'
CH BRG = S56°52'03"E

POINT OF
COMMENCEMENT
5/8" IRON ROD, NO ID.
S.E. COR., N.W. 1/4,
SEC. 33

MATCH LINE - SEE SHEET 2

- NOTE:
1. SEE SHEET 4 OF 5 FOR LEGEND AND GENERAL NOTES.
 2. SEE SHEET 5 OF 5 FOR LEGAL DESCRIPTION.

FLORIDA DEPARTMENT OF TRANSPORTATION
PARCEL SKETCH - NOT A SURVEY

STATE ROAD NO. 570A - CENTRAL POLK PARKWAY

POLK COUNTY

REVISE EASEMENT	A.S.	8/12/2022	DRAWN	ASCHAEFER	7/20/2022	ACCEPTED BY: GARY R. ROCHE, PSM, as TURNPIKE SURVEYOR	DATE: JULY 22, 2022
REVISION	BY	DATE	CHECKED	LKNUTSEN	7/21/2022	F.P. NO. 440897-2	SECTION N/A
						SHEET 1 OF 5	

MATCH LINE - SEE SHEET 1

SECTION 33, T-28-S, R-25-E
SCALE: 1"=100'

D = 07°45'55"
L = 676.97'
R = 4995.00'
CH = 676.45'
CH BRG = N56°38'09"W

L.A. R/W LINE
F.P. 440897-2

102A

805

PERPETUAL
EASEMENT

313.89'

M. 41.91°95S

97.013 31.11.91°95S

D = 08°35'45"
L = 754.32'
R = 5028.00'
CH = 753.61'
CH BRG = N68°23'09"W

D = 08°24'49"
L = 723.64'
R = 4928.00'
CH = 722.99'
CH BRG = S68°22'25"E

MATCH LINE
SEE SHEET 3

NOTE:

1. SEE SHEET 4 OF 5 FOR LEGEND AND GENERAL NOTES.
2. SEE SHEET 5 OF 5 FOR LEGAL DESCRIPTION.

FLORIDA DEPARTMENT OF TRANSPORTATION
PARCEL SKETCH - NOT A SURVEY

STATE ROAD NO. 570A - CENTRAL POLK PARKWAY

POLK COUNTY

ACCEPTED BY: GARY R. ROCHE, PSM, as TURNPIKE SURVEYOR DATE: JULY 22, 2022

REVISE EASEMENT A.S. 8/12/2022

DRAWN ASCHAEFER 7/20/2022

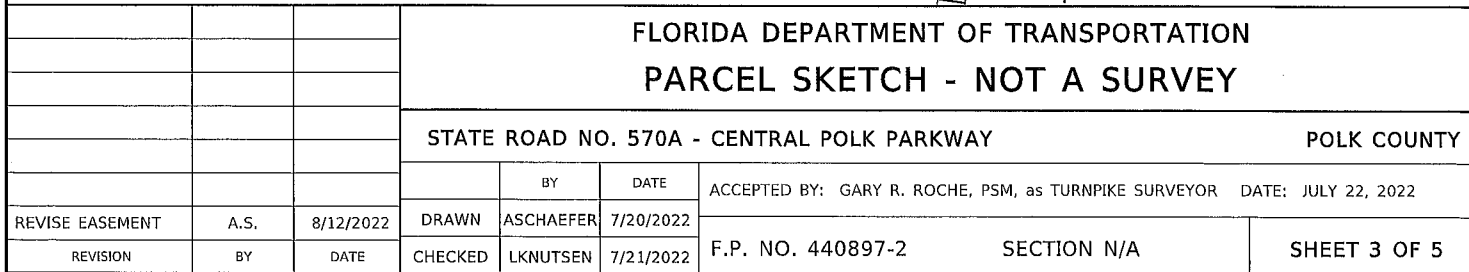
F.P. NO. 440897-2

SECTION N/A

SHEET 2 OF 5

REVISION BY DATE

CHECKED LKNUTSEN 7/21/2022



1. BEARINGS SHOWN HEREON ARE BASED ON RIGHT OF WAY MAPS F.P. 440897-2, DATED MARCH 9, 2020 AND FILED OF RECORD AT THE FLORIDA TURNPIKE ENTERPRISE.
2. ALL RECORDED PLATS, OFFICIAL RECORDS BOOKS AND DEED BOOKS REFERENCED HEREON ARE FOUND IN THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA
3. ATTENTION IS DIRECTED TO THE FACT THIS SKETCH MAY HAVE BEEN ALTERED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.
4. ALL BEARINGS AND DISTANCES ARE CALCULATED FROM EXISTING RECORDS UNLESS OTHERWISE NOTED.
5. THE EFFECTS OF ROUNDING MUST BE CONSIDERED WHEN USING THIS SKETCH. ALL BEARINGS AND ANGLES HAVE BEEN ROUNDED TO THE NEAREST SECOND WITH DISTANCES BEING ROUNDED TO THE NEAREST HUNDREDTH OF A FOOT.

COR.	=	CORNER
(C)	=	CALCULATED
Δ	=	CURVE DELTA ANGLE
F.P.	=	FINANCIAL PROJECT
LT.	=	LEFT
---	=	LIMITED ACCESS
NO.	=	NUMBER
N/A	=	NOT APPLICABLE
N.T.S.	=	NOT TO SCALE
PSM	=	PROFESSIONAL SURVEYOR AND MAPPER
P.O.B.	=	POINT OF BEGINNING
P.C.	=	POINT OF CURVATURE
P.O.C.	=	POINT ON CURVE
P.R.C.	=	POINT OF REVERSE CURVE
P.T.	=	POINT OF TANGENCY
R	=	RANGE
RT.	=	RIGHT
R/W	=	RIGHT OF WAY
SEC.	=	SECTION
T	=	TOWNSHIP

1. SEE SHEET 1 - 3 OF 5 FOR SKETCH.
2. SEE SHEET 5 OF 5 FOR LEGAL DESCRIPTION.

54

PARCEL NO.: 805
FPID 440897-2
STATE ROAD 570B
CENTRAL POLK PARKWAY
POLK COUNTY

PERPETUAL EASEMENT

A parcel of land lying in Section 33, Township 28 South, Range 25 East, Polk County, Florida, being more particularly described as follows:

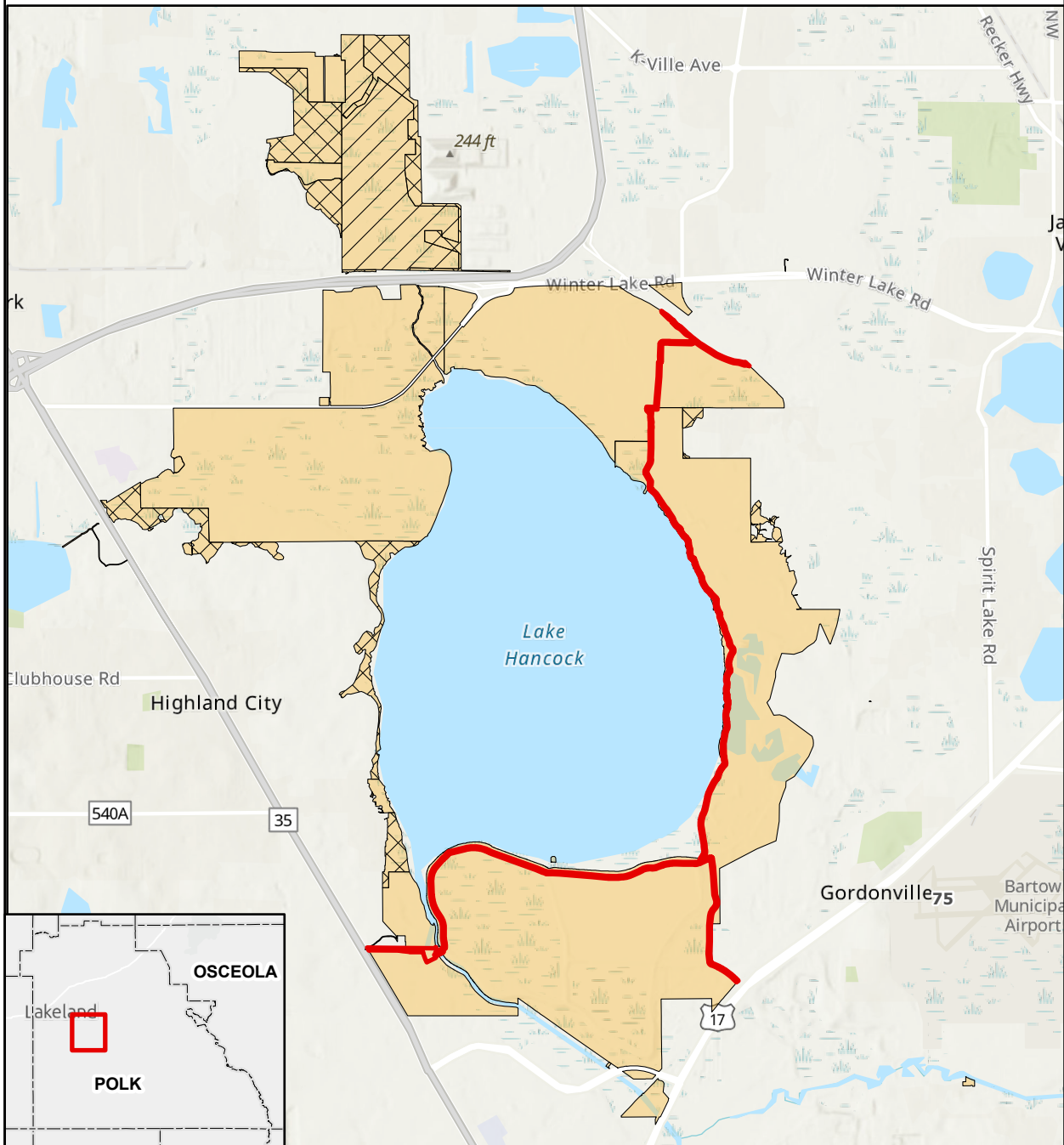
COMMENCE at a 5/8 inch iron road and cap with no identification, marking the Southeast corner of the Northwest 1/4 of said Section 33; thence South 89° 52' 03" West, along the South line of said Northwest 1/4 of Section 33, a distance of 761.03 feet to a point on a curve concave Northeasterly and having a radius of 4,895.00 feet, and the POINT OF BEGINNING; thence run Southeasterly 631.23 feet along the arc of said curve, through a central angle of 07° 23' 19" , the chord of said curve bears South 56° 52' 03" East and a chord distance of 630.80 feet to a point on said curve; thence South 56° 16' 17" East, a distance of 310.76 feet to a point on a curve concave Northeasterly and having a radius of 4,928.00 feet; thence run Southeasterly 723.64 feet along the arc of said curve, through a central angle of 08° 24' 49" , the chord of said curve bears South 68° 22' 25" East and a chord distance of 722.99 feet to a point on said curve; thence South 82° 52' 46" East, a distance of 208.67 feet to a point on a curve concave Southwesterly and having a radius of 4,895.00 feet; thence run Southeasterly 230.97 feet along the arc of said curve, through a central angle of 02° 42' 13" , the chord of said curve bears South 76° 20' 10" East and a chord distance of 230.95 feet to the end of said curve; thence North 43° 36' 26" East, a distance of 24.69 feet to the existing Southerly right of way line of Thornhill Road; thence South 46° 23' 34" East, along said existing Southerly right of way line of Thornhill Road, a distance of 67.32 feet; thence South 46° 19' 50" East, along said existing Southerly right of way line of Thornhill Road, a distance of 146.84 feet; thence departing said existing Southerly right of way line, run South 43° 40' 10" West, a distance of 15.00 feet; thence North 46° 19' 50" West, a distance of 41.35 feet; thence North 89° 42' 04" West, a distance of 163.72 feet; thence North 72° 23' 40" West, a distance of 224.28 feet; thence North 82° 52' 46" West, a distance of 208.61 feet to a point on a curve, concave Northeasterly and having a radius of 5,028.00 feet; thence run Northwesterly 754.32 feet along the arc of said curve, through a central angle of 08° 35' 45" , the chord of said curve bears North 68° 23' 09" West and having a chord distance of 753.61 feet to a point on said curve; thence North 56° 16' 17" West, a distance of 313.89 feet to a point on a curve, concave Northeasterly and having a radius of 4,995.00 feet; thence run Northwesterly 676.97 feet along the arc of said curve, through a central angle of 07° 45' 55" , the chord of said curve bears North 56° 38' 09" West and having a chord distance of 676.45 feet to a point on said curve, being on the easterly line of a Polk County Trail Construction easement as recorded in Official Records Book 9525, Page 729 and amended in Official Records Book 10215, Page 1854 of the Public Records of Polk County, Florida, and being a point on a curve, concave Northwesterly, having a radius of 160.00 feet; thence run Northeasterly 117.69 feet along the arc of said curve, through a central angle of 42° 08' 26" , the chord of said curve bears North 07° 56' 16" East and having a chord distance of 115.05 feet to a point on said curve, being a point on a curve, concave Northeasterly and having a radius of 4,895.00 feet; thence run Southeasterly 92.19 feet along the arc of said curve, through a central angle of 01° 04' 45" , the chord of said curve bears South 52° 38' 01" East and having a chord distance of 92.19 feet to a point on said curve, and the POINT OF BEGINNING.

Containing 5.343 acres, more or less

Amended Perpetual Easement SWF Parcel No. 20-503-254X

Location Map

Exhibit 2



University of South Florida, FDEP, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA, Esri, NASA, NGA, USGS, FEMA, University of South Florida, FDEP, Esri, HERE, Garmin, FAO, NOAA, USGS, EPA, NPS

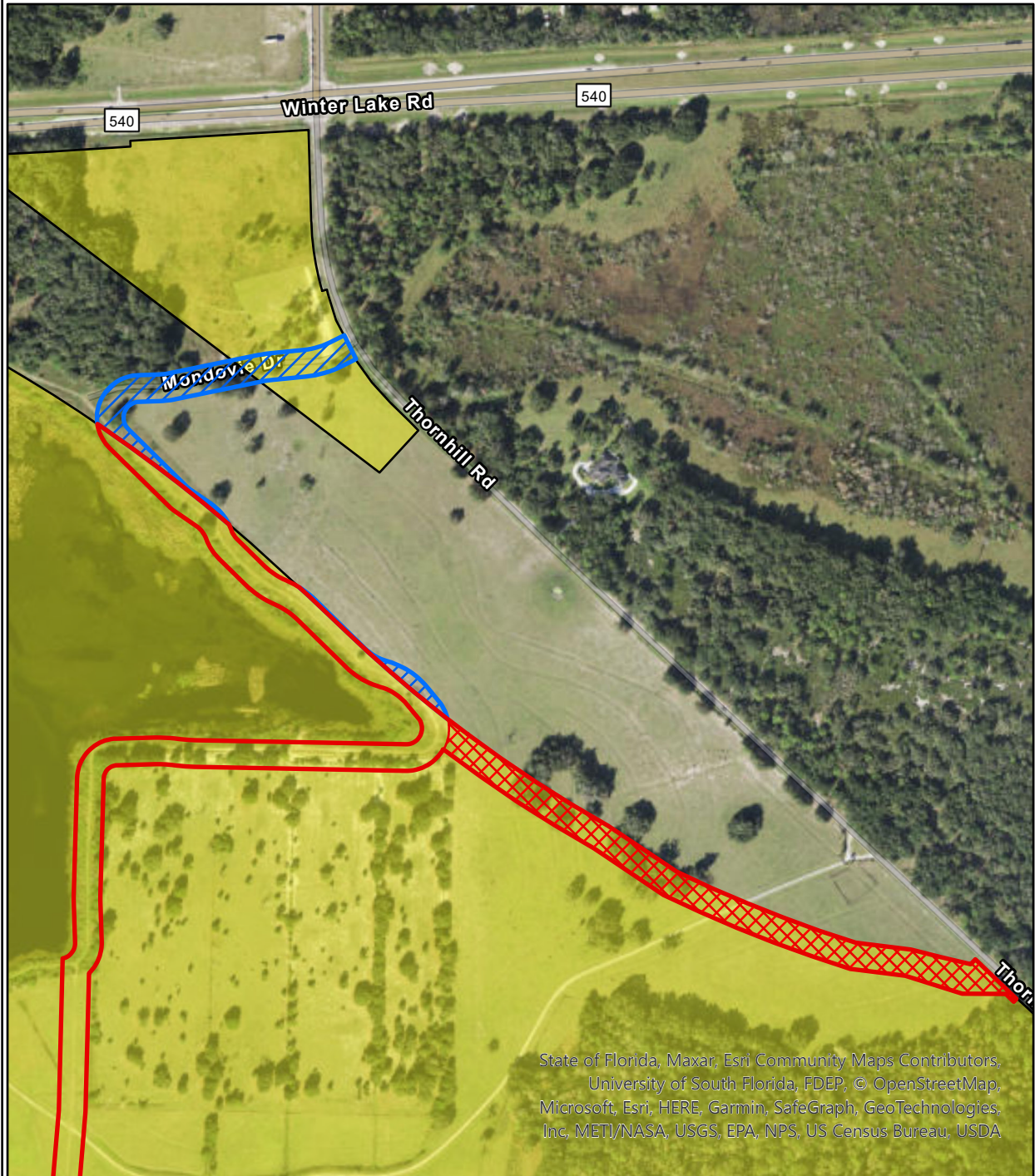
- Amended Perpetual Easement SWF Parcel No. 20-503-254X
- District Fee Simple Ownership
- District Conservation Easement
- District Perpetual Easement not CEs

0 0.5 1
Miles



Southwest Florida
Water Management District

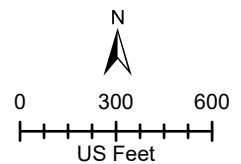
**Amended Perpetual Easement SWF Parcel No. 20-503-254X
Site Map
Exhibit 3**



Southwest Florida
Water Management District

- SWF Parcel No. 20-503-254X
- Amended Non-exclusive Perpetual Easement

- Existing Easement Displaced by the Central Polk Parkway
- District Owned Fee Simple



CONSENT AGENDA

January 24, 2023

General Counsel's Report: Authorization to Issue Administrative Complaint and Order – Well Construction Violations – Watkins Pump & Well, LLC – Unlicensed Well Contractor – CT No. 419434 – Hillsborough County

Watkins Pump & Well, LLC (Watkins Pump) is a business engaged in unlicensed and unpermitted water well construction activities. Watkins' mailing address is 6039 Cypress Gardens Boulevard #502, Winter Haven, Florida 33884.

On January 19, 2022, the District received a complaint regarding well construction activities at 10102 Williams Road in Tampa. On January 20, 2022, District staff conducted a site inspection at the Property and observed a 3 inch PVC liner inside of a preexisting 4 inch galvanized well. Staff obtained an invoice for the repair services indicating Watkins Pump performed the construction. District staff determined that Watkins Pump did not employ the services of any licensed water well contractor and that no water well construction permit had been issued for the repair activities, in violation of Section 373.313(1), Florida Statutes, and Rule 40D-3.041(1), Florida Administrative Code (F.A.C.). District staff further determined that the repairs failed to meet construction criteria and standards established by Chapter 40D-3.037(1), 40D-3.507(3), and 62-532.500, F.A.C., and thus pose a danger to public health, safety, and welfare, and the water resources of the State.

On March 31, 2022, the Office of General Counsel (OGC) issued a Notice of Violation, Notice to Cease and Desist, and proposed Consent Order to Watkins Pump providing for \$7,000.00 in fines as specified by the 2014 Water Well Contractor Disciplinary Guidelines and Citations Dictionary. Thereafter, OGC staff negotiated with Watkins Pump to amicably resolve this matter, agreeing to reduced fines if Watkins Pump were hire a licensed well contractor to bring the well at issue into compliance at their own expense. However, Watkins Pump failed to comply with its obligations under the negotiated agreement, resulting in OGC rescinding its offer to resolve the matter by negotiation. As a result, on December 6, 2022, OGC issued a second Notice of Violation and proposed Consent Order calling again for the imposition of \$7,000.00 in fines. To date, Watkins Pump has failed to timely contact OGC to settle these matters or to pay the imposed fines, consistent with the proposed Consent Order.

Staff Recommendation:

1. Authorize District staff to issue an Administrative Complaint and Order to Watkins Pump & Well, LLC, 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.

Presenter:

Ryan Edmiston, Staff Attorney, Office of General Counsel

CONSENT AGENDA

January 24, 2023

General Counsel's Report: Approval of Consent Order between the District and Gregory J. Dana Revocable Trust – Permit Condition Violations – Environmental Resource Permit No. 43043617.001 – CT Nos. 418450 & 402420 – Hillsborough County

This project involves an Environmental Resource Permit (“ERP”) issued by the District requiring the construction of a stormwater management system (“system”) to serve a 2.57-acre commercial project located at 18717 North Dale Mabry Highway in Lutz, Florida (“Property”) and that would include buildings, parking, and infrastructure. The system included pervious pavement, a dry retention pond (“dry pond”), and a wet detention pond (“wet pond”) to provide water quality treatment and attenuation.

On December 5, 2019, ownership of the Property transferred from the Trust to DMB Triangle; however, the Trust did not notify the District of this change. Additionally, the Trust failed to provide adequate documentation demonstrating responsibility for the operation and maintenance of the system.

On August 15, 2020, District staff conducted a site visit and observed the permitted dry pond had standing water remaining beyond 72 hours after a rain event and that a well remained unabandoned. The submitted as-built drawings indicated that the wet pond could not physically discharge at the permitted discharge elevation (62.0 ft). Additional visits confirmed these violations. On an October 18, 2022 site visit, District staff also noticed a missing skimmer from the orifice on structure DS-2 within the wet pond and roof drains causing unpermitted drainage offsite.

The submitted as-built drawings were also incomplete as they did not contain as-built elevations for the dry pond, nor was it clear whether the top of the bank of the dry pond had 0.11 acres of storage as permitted. Additionally, the constructed footprint of the pond appeared to differ from the permitted footprint of the dry pond. The as-built drawings of the wet pond were also missing the elevation and dimension of the orifice for structure “DS-2” and the dimension for the weir of structure “DS-2”.

In an attempt to resolve the technical and administrative deviations, District staff sent multiple letters and held a meeting with the project engineer and the construction manager; to discuss and review the ongoing violations. Then, on November 9, 2022, the District issued a Notice of Violation and Consent Order. Then in December the Trust obtained counsel and counsel for the District and Counsel for the Trust reviewed options for a Consent Order. The proposed attached Consent Order, which has been executed by the Trust, provides for completion of all corrective actions to bring the project into compliance, and includes payment of \$35,450 in penalties and enforcement costs with possible reductions of up to \$10,000 in the event of expedited correction of the violations described above.

Staff Recommendation:

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.

Presenter:

Rachael Simpson, Staff Attorney, Office of General Counsel

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BEFORE THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT ORDER

NO. SWF 23 -

IN RE: GREGORY J. DANA REVOCABLE TRUST
CT NO. 418450, 402420 ERP NO.
43043617.001 HILLSBOROUGH COUNTY,
FLORIDA /

CONSENT ORDER

Pursuant to Sections 120.57(4) and 373.083, Florida Statutes (F.S.), this Consent Order is entered into by and between the Southwest Florida Water Management District (District) and the Gregory J. Dana Revocable Trust (Permittee), collectively referred to herein as “the Parties,” to resolve the above-referenced matter.

FINDINGS OF FACT

The District finds and the Permittee admits the following:

1. The District is an administrative agency charged with the responsibility to conserve, protect, manage, and control the water resources within its geographic boundaries, and to administer and enforce Chapter 373, F.S., and rules adopted thereunder in the Florida Administrative Code (F.A.C.).
2. The Parties have agreed to resolve all issues regarding disputed facts as described in this Consent Order.
3. ERP No. 43043617.001 (the “Permit”) issued by the District to Permittee for the North Village Park (the “Project”) required the construction of a stormwater

management system ("system") to serve a 2.57-acre commercial project located at 18717 North Dale Mabry Highway in Lutz, Florida ("Property") and that would include buildings, parking, and infrastructure. The system included pervious pavement, a dry retention pond ("dry pond"), and a wet detention pond ("wet pond") to provide water quality treatment and attenuation.

The District finds and the Permittee neither admits nor denies the following:

4. On August 15, 2020, District staff conducted a site visit that showed the permitted dry pond had standing water remaining beyond 72 hours after a rain event. District staff also noted cattail growth, which indicated that the dry pond remained consistently wet. Additional visits on Sept 29, 2021, November 25, 2021, April 28, 2022, August 1, 2022, and October 18, 2022 confirmed the dry pond remained wet. The failure to construct a dry pond with a 72 hour recovery rate is a violation of Specific Conditions 3 and 12 of the Permit. The as-built drawings Permittee submitted on November 15, 2021, indicate that the wet pond cannot physically discharge at the permitted discharge elevation (62.0 ft). Subsequent site visits, including those on August 1, 2022, and October 18, 2022, confirmed this deviation. The failure to construct a wet pond with positive discharge is a violation of General Condition 1a of the Permit. The October 18, 2022 visit also revealed both a missing skimmer from the orifice on structure DS-2 within the wet pond and roof drains (installed on the east side of the building at the southeast corner of the Property) causing unpermitted drainage offsite. The failure to properly install appropriate water quality treatment features and discharge control facilities, such as skimmers, is a violation of Specific Conditions 1 and 12 of the Permit, and the unpermitted

offsite runoff is a violation of General Conditions 1a and 2. Technical deviations like this prevent the system from functioning as intended.

5. Since the August 15, 2020 visit, District staff have observed that a well remains and has not been properly abandoned. District staff observed this issue during multiple site visits, including those on November 19, 2020, January 27, 2021, April 2, 2021, June 23, 2021, August 1, 2022, and October 18, 2022. The failure to properly abandon the well is a violation of Specific Condition 13 of the Permit.

6. On December 5, 2019, ownership of the Property transferred from Permittee to DMB Triangle, LLC; however, Permittee did not notify the District of this change. Additionally, Permittee has failed to provide adequate documentation demonstrating responsibility for the operation and maintenance of the storm water management system. The failure to notify the District of the change in ownership and the failure to submit adequate documentation showing responsibility for the operation and maintenance of the system are violations of General Condition 1g1 and Specific Condition 1 of the Permit.

7. The as-built drawings Permittee submitted to the District appear to be incomplete. They do not contain all pertinent elevations related to the dry pond as no as-built elevations were shown for this pond, nor is it clear that the top of the bank of the dry pond has 0.11 acres of storage as permitted. Additionally, the constructed footprint of the pond appears to differ from the permitted footprint of the dry pond. The as-built drawings of the wet pond are also missing the elevation and dimension of the orifice for structure "DS-2" and the dimension for the weir of structure "DS-2".

8. In an attempt to resolve the technical and administrative deviations, District staff sent letters on December 14, 2021, January 19, 2022, and on April 22, 2022; however, responses have only been received to 1 of the 11 deviations noted in the letter dated April 22, 2022. On May 19, 2022, District staff held a meeting with the project engineer and the construction manager and stated that a permit modification would be required to address the technical deviations, and the engineer indicated that within 30 days a request for permit modification would be submitted (June 18, 2022). On June 8, 2022, District staff received an email indicating that the request for permit modification would be submitted by the agreed upon date; however, no permit modification was submitted.

9. District staff have conducted several reviews of the file of record and several site visits, including most recently on August 1, 2022, and October 18, 2022, and have observed that deviations remain outstanding without any progress towards compliance.

CONCLUSIONS OF LAW

10. The District has jurisdiction over the matter pursuant to Chapter 373 Part IV, F.S. and Chapter 62-330 F.A.C.

11. The issues described in Paragraphs 4 through 5 herein constitute violations of Specific Conditions 1, 3, 12, and 13, and General Conditions 1a, 1f2, and 1g1 of the Permit, as well as Chapter 373, Part IV, Florida Statutes, and Chapter 62-330, Florida Administrative Code.

CORRECTIVE ACTIONS

Respondent and the District mutually agree to the following:

12. No later than February 28, 2023, Permittee shall:

a. Provide to the District a copy of the recorded plat.

- b. Provide to the District for review a draft amendment to the Declaration of Covenants, Conditions and Restrictions for the Project with all required language described in ERP Applicant's Handbook Volume I, Subsection 12.3.4(c).
 - c. Provide to the District for review a description of actions to be taken so that the dry pond meets the Permit conditions, or submit an application for permit modifications so that the dry pond will meet the 72 hour recovery rate as specified by the Permit conditions.
 - d. Provide to the District for review a description of actions to be taken so that the wet pond meets the Permit conditions or submit an application for any necessary permit modifications so that the wet pond will have a positive discharge.
 - e. Apply for a permit for abandonment of the well referenced in Paragraph 5 above.
13. No later than August 31, 2023, Permittee shall:
- a. Have a Florida-licensed water well contractor properly abandon the well referenced in 12.e in accordance with provisions of chapter 40d3 F.A.C.;
 - b. Install a skimmer to the DS-2 structure suitable for preventing oil and grease from discharging from the wet pond;
 - c. Correct the offsite conveyance coming from the roof drains installed on the east side of the building at the southeast corner of the Property;
 - d. Construct modifications to the wet pond and dry pond as described in documentation submitted to the District pursuant to 12.c and 12.d above

(collectively, 13.a-d shall be referred to herein as the "Technical Corrections"); and

- e. Record the fully executed amendment to Declaration of Covenants, Conditions and Restrictions for the Project referenced in 12.b above.

14. No later than September 30, 2023, Permittee shall:

- a. Submit to the District evidence that common area lands within the Project that include the storm water management system have been conveyed to the property owner's association for the Project.
- b. Provide to the District reasonable assurance (including but not limited to complete as-built drawings) that the dry pond and wet pond meet the Permit conditions. Permittee shall not wait for the dry season to show compliance.
- c. Provide to the District reasonable assurance that the roof drains will drain to the stormwater management system.

15. In resolution of the aforementioned violations, Respondent agrees to pay the District a civil penalty in the amount of not more than \$31,250 and regulatory enforcement costs in the amount of \$4,200, for a total of amount of up to \$35,450. Provided, however, that the civil penalty may be reduced by up to \$10,000 as follows:

- a. If Permittee completes the Technical Corrections not later than April 30, 2023, then the civil penalty shall be reduced by \$5,000;
- b. If Permittee completes all matters described in Paragraph 13 and 14 not later than June 30, 2023, then the civil penalty shall be reduced by \$5,000.
- c. For clarity, the penalty reductions contemplated in paragraphs a and b above are independent of one another such that depending on the

completion date of the activities specified in Paragraphs 13 and 14, Respondent may be entitled to receive the reduction specified in Paragraph 15.a alone, the reduction specified in Paragraph 15.b alone, the reductions specified in both Paragraphs 15.a and 15.b, or neither penalty reduction.

16. Respondent agrees to pay \$25,450 in penalties and enforcement costs by certified check or money order within 30 days of approval of this Consent Order by the District's Governing Board. If Respondent fails to meet the condition specified in Paragraph 15.a Respondent agrees to pay an additional \$5,000 in penalties by certified check or money order within five (5) months of approval of this Consent Order by the District's Governing Board. If Respondent fails to meet the condition specified in Paragraph 15.b Respondent agrees to pay an additional \$5,000 in penalties by certified check or money order within seven (7) months of approval of this Consent Order by the District's Governing Board. If mailed, the address for payment is:

Southwest Florida Water Management District
Finance Department
2379 Broad Street
Brooksville, FL 34604-6899

GENERAL PROVISIONS AND NOTICE OF RIGHTS

17. For each day of delay beyond any due date specified in this Consent Order, Respondent will pay to the District an additional sum of \$200 per day. This additional sum will be paid by certified check or money order within fourteen (14) days of receipt of the District's written demand for payment. This provision shall not be construed to preclude the District's right to undertake other civil, administrative, or criminal action as appropriate in the event Respondent violates this Consent Order or any other statute, rule, or order.

18. Respondent hereby waives any right to an administrative hearing or judicial review of the terms of this Consent Order.

19. For and in consideration of the complete and timely performance by Respondent of the obligations described in this Consent Order, the District waives its right to pursue civil, administrative, or criminal action for any violation described herein. If Respondent fails to completely and timely perform the obligations described in this Consent Order, the District retains its right in full to pursue any civil, administrative, or criminal action to obtain relief. The District may seek a penalty of up to \$15,000.00 per day for each of the violations listed above for each date of the violation, and is further authorized to recover its investigative costs, court costs, and reasonable attorney fees.

20. The District hereby expressly reserves and retains the right to initiate additional civil, administrative, or criminal proceedings against Respondent to prevent, prohibit, or correct the violation of any statute, rule, or order, not specifically described in this Consent Order. Respondent acknowledges by the execution of this Consent Order that any presently existing or future violation of Chapter 373, F.S., District rule, or the terms of any authorization (including such as may be modified) may subject Respondent to civil, administrative, or criminal proceedings in which penalties of up to \$15,000.00 per day per offense may be imposed, as provided in Section 373.129(5), F.S.

21. This Consent Order is not a license or a permit. Respondent shall not undertake any activities not described herein without necessary the authorizations.

22. Execution of this Consent Order shall not relieve Respondent of the duty to comply with all applicable federal, state, and local laws, regulations, and ordinances.

23. Respondent will allow authorized District representatives to access the Property at all reasonable times without prior notice to determine compliance with this Consent Order or any applicable statute, rule, or order.

24. The terms and conditions set forth in this Consent Order may be enforced in a court of competent jurisdiction pursuant to Sections 120.69, 373.083(1), and 373.129, F.S.

25. The effectiveness of this Consent Order is subject to review and approval by the District's Governing Board. In the event this Consent Order is not approved, it will be null, void, and of no legal effect.

26. No modification of the terms of this Consent Order are effective unless reduced to writing and executed by all Parties. Respondent may apply to the District for an extension of the time limits contained in this Consent Order. A request for an extension of time must be made in writing and must be submitted to District staff and to the Office of General Counsel, simultaneously, no later than five (5) days prior to the expiration of such time limit except where the necessity of such extension was not reasonably foreseeable at such time in which case the request must be made as soon as practicable but in any event not later than the expiration of such time limit. Only the Office of General Counsel may approve a request for an extension of time, which except as to those deadlines set forth in Paragraphs 15 and 16, shall be approved where, in the Office of General Counsel's reasonable judgment, a delay was or will be caused by circumstances beyond the reasonable control of Respondent and could not have been or cannot be overcome by Respondents' due diligence. Neither economic circumstances nor the failure of a contractor, subcontractor, materialman, or other agent (collectively referred to

as "contractor") to whom responsibility for performance is delegated to meet contractually imposed deadlines shall be considered circumstances beyond the control of Respondent (unless the cause of the contractor's late performance was also beyond the contractor's control). Any purported approval of an extension of time that does not have the prior authorization of the Office of General Counsel will not constitute compliance with this provision of the Consent Order.

27. This Consent Order may be signed in two or more counterparts, including by way of electronic signature (PDF formats included), each of which will be deemed an original but all of which together will constitute one and the same instrument. This Consent Order shall become effective when counterparts have been signed by each party and delivered to the other party. Each person signing this Consent Order warrants that he or she is duly authorized to do so and to bind the respective party to this Agreement.

28. In accordance with the Florida Electronic Signature Act of 1996, electronic signatures, including facsimile transmissions, electronic mail, or other transmission method, may be used and will have the same force and effect as a written signature.

29. Any person who is not a party to this Consent Order and whose substantial interests may be affected by the District's action in this Consent Order has the right to request an administrative hearing in accordance with Sections 120.569 and 120.57(1), F.S., and to be represented by counsel or other qualified representative. Any request for a hearing must comply with the requirements set forth in Rules 28-106.104 and 28-106.201, F.A.C. Mediation under Section 120.573, F.S. is not available. A request for a hearing must be filed with (received by) the Agency Clerk at the District's Tampa Service Office, 7601 US Highway 301 North, Tampa, Florida 33637-6759, or by facsimile

transmission to the Agency Clerk at (813) 367-9788, no later than twenty-one (21) days after receipt of this notice. A request for a hearing is deemed filed upon receipt of the complete request by the Agency Clerk at the District's Service Office in Tampa, Florida. A request for a hearing received by the Agency Clerk after 5:00 p.m., or on a Saturday, Sunday, or legal holiday, shall be deemed filed as of 8:00 a.m. on the next regular District business day. These requirements are set forth in Chapter 28-106, F.A.C., and in the District's Statement of Agency Organization and Operation, which is available for viewing at www.swfwmd.state.fl.us/about/agency-statement-organization-and-operation. Failure to file a request for a hearing within the specified time period constitutes a waiver of the right to an administrative hearing.

Gregory J. Dana, Trustee

DocuSigned by:

145B9B542AF24BA...
Signature

Gregory Dana

Print Name

1/9/2023


Date

Approved by the Governing Board of the Southwest Florida Water Management

District this ____ day of _____, 2023.

By: _____
Joel A. Schleicher, Chair

Attest: _____
Print Name: _____

Approved as to Legal Form and Content 
Attorney

Filed this ____ day of _____, [SEAL]
2023.

Deputy Agency Clerk

TRACKING DETAILS

Consent Order

Gregory J. Dana Revocable Trust

CT No. 418450, 402420

Hillsborough County, Florida

CONSENT ORDER
GREGORY J. DANA REVOCABLE TRUST
CT NO. 418450, 402420
HILLSBOROUGH COUNTY, FLORIDA

CONSENT AGENDA

January 24, 2023

Executive Director's Report: Approve Governing Board Minutes - December 13, 2022

Staff Recommendation:

Approve minutes as presented.

Presenter:

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



GOVERNING BOARD MEETING
TUESDAY, DECEMBER 13, 2022 – 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
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., December 13, 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

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.

1.2 Invocation and Pledge of Allegiance

Board Member John Hall offered the invocation and led the Pledge of Allegiance.

1.3 Employee Recognition

Vice Chair Armstrong recognized Mr. Philip Rhinesmith for 35 years of service.

1.4 Additions/Deletions to Agenda

Mr. Brian Armstrong, Executive Director, stated there were no additions or deletions to the agenda.

1.5 Public Input for Issues Not Listed on the Published Agenda

Mr. David Ballard Geddis spoke regarding non-compliant infrastructure development.

CONSENT AGENDA

Finance/Outreach & Planning Committee

2.1 No. 22-16 Commending Seth Weightman for His Service as a Member of the Southwest Florida Water Management District Governing Board

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

2.2 Resolution to Request Disbursement of Funds from the Land Acquisition Trust Fund for Land Management

Staff recommended the Board 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.

Resource Management Committee

2.3 7th Street North, 50th Avenue North Vicinity Storm Drainage Improvements - Third-Party Review (Q220) Resource Management Committee

Staff recommended the Board 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).

Operations, Lands and Resource Monitoring Committee

2.4 Fifth Amendment to Agreement with District School Board of Hernando County for Springs Coast Environmental Education Center, SWF Parcel No. 15-773-182X

Staff recommended the Board:

- 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.

Regulation Committee

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

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

General Counsel's Report

2.6 Approval of Emergency Order No. SWF 22-016 – Emergency Measures Due to Subtropical Storm Nicole

Staff recommended the Board approve Emergency Order No. SWF 22-016.

2.7 Approval of Emergency Order No. SWF 22-018 – Emergency Measures Due to High-Water Conditions

Staff recommended the Board approve Emergency Order No. SWF 22-018.

2.8 Approval of Emergency Order No. SWF 22-019 – Emergency Measures Due to Hurricane Ian

Staff recommended the Board approve Emergency Order No. SWF 22-019.

Executive Director's Report

2.9 Approve Governing Board Minutes - November 15, 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. (00:09:38)

Finance/Outreach and Planning Committee

Treasurer John Mitten called the committee to order.

3.1 Consent Item(s) Moved to Discussion - None

3.2 Preliminary Budget for Fiscal Year 2024

Mr. Brandon Baldwin, Business and IT Services Director, presented the Fiscal Year 2024 (FY24) Preliminary Budget. He presented a timeline for the budget development cycle.

Mr. Baldwin provided a comparison table of budget metrics from FY20-FY23 (adopted) through FY24 (preliminary). He stated that the salaries and benefits metric has been modified to remove non-ad valorem funding sources to provide a more appropriate comparison of revenue. This was provided as a result of feedback from the November Governing Board workshop.

Mr. Baldwin stated the FY23 preliminary budget totals \$215.2 million. This is an increase of 1.7 percent from FY23. The projected ad valorem is based on a rolled-back rate with an estimated 3.08 percent in new construction according to recent models.

Mr. Baldwin provided an overview of revenue sources. He stated appropriations would not be known until after the 2023 legislative session and any adjustments would be made before the adoption of the budget. Mr. Baldwin provided a graphic comparison of revenue sources for adopted FY23 budget and the preliminary FY24 budget.

Mr. Baldwin provided an overview of the FY24 preliminary budget. He stated that due to inflationary costs, total expenditures for the FY24 preliminary budget indicate an increase of 1.7 percent. Information included a comparison of expenditures by category, programs, and Areas of Responsibility for FY23 adopted and the FY24 preliminary budgets. Mr. Baldwin stated flood protection and natural systems funding remain unchanged. He stated water quality funding indicates a decrease of \$16 million due to an anticipated decrease in state appropriations for springs. And water supply reflects an increase of \$12.2 million for alternative water supply funding as directed by the Board. Staff responded to questions.

Staff recommended the Board 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.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (00:32:00)

3.3 Review of Self-Funded Health Plans

Ms. Melanie Stegall, representing Brown & Brown, provided an evaluation of the District's self-funded health plan. She presented a comparison of fully insured versus self-funded plans and the requirements and benefits associated. Ms. Stegall summarized the rebate benefits that are received by the District for prescription drug costs. She provided annual plan performance totals from 2017 to 2022 (estimated).

This item was for information only. No action was required.

3.4 Budget Transfer Report

Resource Management Committee

Secretary Michelle Williamson called the committee to order.

4.1 Consent Item(s) Moved to Discussion - None

4.2 Fiscal Year 2024 Cooperative Funding Process

Mr. Kevin Wills, Cooperative Funding Initiative Lead, presented the proposed changes to the Fiscal Year 2024 (FY24) Cooperative Funding Initiative (CFI) process. CFI projects will be ranked overall rather than by region. Rankings will be presented at the February and April Governing Board meetings rather than regional subcommittee meetings. Mr. Wills provided an overview of the FY24 schedule for the review and scoring process. He summarized the FY24 applications received and presented a comparison from FY20 to current. Mr. Wills provided a draft agenda for the CFI presentation to the Governing Board for February 2024.

Staff recommended the Board approve eliminating the Regional Subcommittee meetings for the FY2024 CFI review process.

A motion was made and seconded to approve staff's recommendation. The motion passed with seven in favor and one opposed. (00:52:20)

Operations, Lands and Resource Monitoring

Board Member Jack Bispham called the committee to order.

5.1 Consent Item(s) Moved to Discussion - None

5.2 Hydrologic Conditions Report

Ms. Tamera McBride, Hydrologic Data Manager, presented the hydrologic conditions update. She stated that Hurricane Nicole assisted in making November wetter than normal. The central and northern regions received the most rainfall. Groundwater levels for the northern counties were in the normal range, central and southern counties were above normal. The lakes throughout the region were in the normal range with the rivers in the above normal range. Public water supply storage was relatively full. La Niña is expected to continue into winter resulting in anticipated warmer temperatures and lower rainfall.

This was for information only. No action was required.

Regulation Committee

Board Member John Hall 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 - None

7.2 Compliance Update On Inverness Village 4 Residential Subdivision – Unauthorized Construction Activities – CT No. 415879 – Citrus County

Ms. Elizabeth Fernandez, Deputy General Counsel, presented information which included background information, a project overview, and compliance/enforcement history. She explained the efforts to establish a Municipal Service Benefit Unit (MSBU) Assessment for the development. Ms. Fernandez responded to questions.

A request to speak card was received from Ms. Anna Long, Attorney for Dean Mead representing DT Villages Eleven, LLC. Ms. Long provided information and spoke in support of the creation of an MSBU. She responded to questions.

This item was for information only. No action was required.

Committee/Liaison Reports

8.1 Industrial Advisory Committee

Mr. Michael Molligan, Employee Outreach & General Services Director, provided a summary of the November 8 meeting.

A written summary of the meeting was provided.

8.2 Public Supply Advisory Committee

The November 8 meeting was canceled. No summary was provided.

Executive Director's Report

9.1 Executive Director's Report

Mr. Brian Armstrong, Executive Director, congratulated Secretary Michelle Williamson for being presented with the Hillsborough County Annual Harvest Award for the Outstanding Woman in Agricultural.

Chair's Report

10.1 Chair's Report

Vice Chair Armstrong wished everyone a happy holiday season.

10.2 Employee Milestones

A written summary was provided.

Adjournment

The meeting adjourned at 10:42 a.m.

Governing Board Meeting

January 24, 2023

3. FINANCE/OUTREACH & PLANNING COMMITTEE

3.1	Discussion: Information Item: Consent Item(s) Moved to Discussion.....	79
3.2	Discussion: Action Item: Investment Strategy Quarterly Update	80
3.3	Discussion: Information Item: Status of the 2023 Consolidated Annual Report	92
3.4	Submit & File: Information Item: Budget Transfer Report	94
3.5	Submit & File: Information Item: Office of Inspector General October 1, 2022 to December 31, 2022 Quarterly Update	96

FINANCE/OUTREACH AND PLANNING COMMITTEE

January 24, 2023

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

January 24, 2023

Discussion: Action Item: Investment Strategy Quarterly Update

Purpose

Provide quarterly update of the investment portfolio.

Background

In accordance with Board Policy, Investments, a quarterly investment report shall include the following:

1. A listing of individual securities by class and type held at the end of the reporting period.
2. Percentage of available funds represented by each investment type.
3. Coupon, discount, or earning rate.
4. Average life or duration and final maturity of all investments.
5. Par value and market value.
6. In addition to the standard gross-of-fee-performance reporting that is presented, net-of-fee performance will be provided by the Investment Manager.
7. A summary of District's investment strategy.
8. The year-end quarterly report ended September 30th will show performance on both a book value and total rate of return basis and will compare the results to the portfolio's performance benchmarks. All investments shall be reported at fair value per GASB standards. Investment reports shall be available to the public.

Staff Recommendation:

Accept and place on file the District's Quarterly Investment Reports for the quarter ended December 31, 2022.

Presenter:

John F. Grady III, Managing Director, Public Trust Advisors, LLC

Quarterly Investment Report for Period Ended December 31, 2022



Southwest Florida Water Management District Investment Program Review

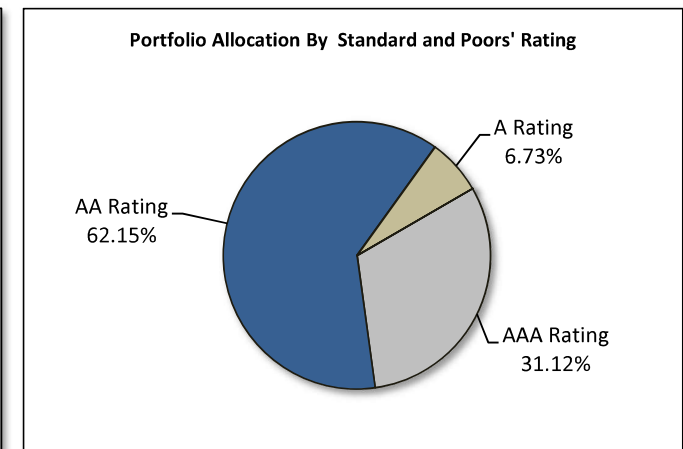
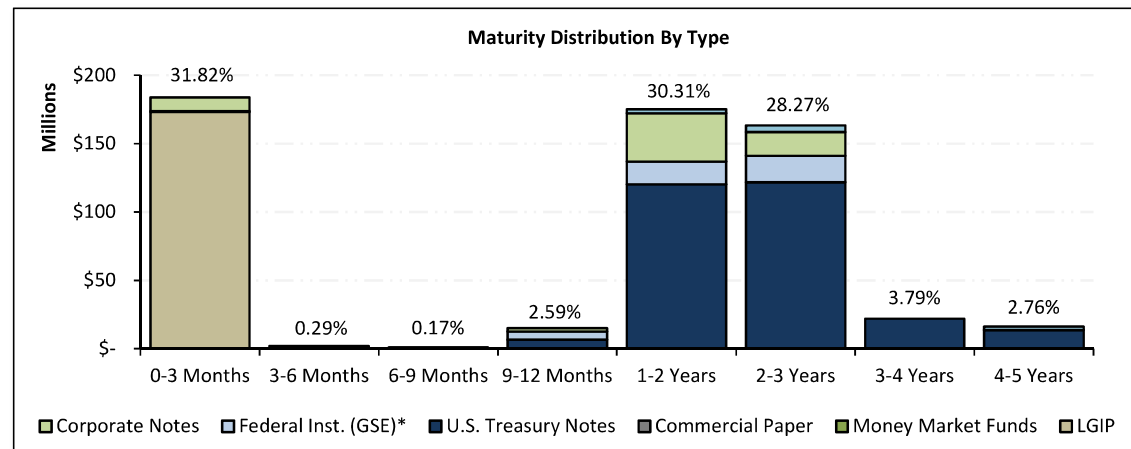
2379 Broad Street
Brooksville, FL 34604-6899

Public Trust Advisors LLC
201 E. Pine Street, Suite 750
Orlando, Florida 32801

Southwest Florida Water Management District All Assets Summary Comparison for the period October 1, 2022 to December 31, 2022

Southwest Florida Water Management District All Assets Portfolio	October 1, 2022 Beginning Balance	December 31, 2022 Ending Balance	Portfolio Characteristic	October 1, 2022 Beginning Balance	December 31, 2022 Ending Balance
Book Value Plus Accrued	\$ 529,116,298	\$ 595,272,070	Weighted Book Yield	1.77%	2.69%
Net Unrealized Gain/Loss	(20,724,565)	(17,333,431)	Weighted Duration	1.55 Years	1.35 Years
Net Pending Transactions	788	179,209			
Market Value Plus Accrued Net	\$ 508,392,521	\$ 578,117,848			

Individual Portfolio Characteristics	October 1, 2022 Beginning Balance	December 31, 2022 Ending Balance	December 31, 2022 Monthly Earnings	December 31, 2022 Quarterly Earnings	December 31, 2022 YTD Earnings
Liquid Portfolio (SBA-Florida Prime)	\$ 106,733,548	\$ 173,227,780	\$ 548,036	\$ 1,138,832	\$ 1,138,832
Short Term 1-3 Year	299,664,999	301,916,523	555,835	(273,081)	(273,081)
Medium Term 1-5 Year	101,993,974	102,973,545	159,218	113,041	113,041
Market Value Plus Accrued Net	\$ 508,392,521	\$ 578,117,848	\$ 1,263,089	\$ 978,792	\$ 978,792
			Less Advisory Fees:	\$ (10,281)	\$ (30,391)
			Total Earnings Net of Fees	\$ 1,252,808	\$ 948,401
			Blended Basis Fee (Annualized)	0.02073%	0.02042%



See additional disclosures for footnotes.

Additional Disclosure

This statement is for general information purposes only and is not intended to provide specific advice or recommendations. Please review the contents of this statement carefully. Should you have any questions regarding the information presented, calculation methodology, investment portfolio or security detail, or any other facet of your statement, please feel free to contact us.

Public Trust Advisor's monthly statement is intended to detail our investment advisory activity as well as the activity of any accounts held by clients in pools that are managed by Public Trust Advisors. The custodian bank maintains the control of assets and executes and settles all investments transactions. The custodian statement is the official record of security and cash holdings transactions. Public Trust Advisors recognizes that clients may use these reports to facilitate record keeping; therefore the custodian bank statement and the Public Trust Advisors statement should be reconciled and differences resolved. Many custodians use a settlement date basis which may result in the need to reconcile due to a timing difference. Please contact your relationship manager or our toll free number 855-395-3954 with questions regarding your account.

Public Trust Advisors does not have the authority to withdraw funds from or deposit funds to the custodian. Our clients retain responsibility for their internal accounting policies; implementing and enforcing internal controls and generating ledger entries or otherwise recording transactions.

Pricing sources from our reporting platform are provided by Clearwater reporting platform and are established by Clearwater's internal pricing procedures. Clearwater utilizes a hierarchical pricing model which starts with one of the industry's pricing sources, S&P Capital IQ. Securities with short maturities and infrequent secondary market trades are typically priced via mathematical calculations. The Securities in this investment portfolio, including shares of mutual funds, are not guaranteed or otherwise protected by Public trust Advisors, the FDIC (except for certain non-negotiable certificates of deposit) or any government agency, unless otherwise specifically stated. Investment in fixed income securities involves risks, including the possible loss of the amount invested.

Past performance is not an indication of future performance.

Beginning and Ending Balances based on Market Value plus Accrued Interest on a Trade Date basis.

Public Trust Advisors is an investment advisor registered with the Securities and Exchange Commission, and is required to maintain a written disclosure statement of our background and business experience. If you would like to receive a copy of our current disclosure statement, privacy policy, or code of ethics please contact Service Operations at the address below.

Public Trust Advisors
717 17th Street, Suite 1850
Denver, CO 80202

Portfolio Holdings

10/01/2022 to 12/31/2022

Description Identifier Coupon	Effective Maturity Final Maturity Duration	Trade Date Settle Date	Par Value	Original Cost Book Value	Market Value Market Price	MV + Accrued Accrued Balance	Net Unrealized Gain/Loss	% of Market Value	Callable Next Call Date	Book Yield YTM YTC	S&P Moody's
CASH							0.00%				
Receivable	12/31/22	--									
CCYUSD	12/31/22	--	179,208.70	\$179,208.70	\$179,208.70	\$179,208.70	\$0.00	0.04%	N	0.00%	AAA
0.00%	0.00	--		\$179,208.70	1.00	\$0.00			--	0.00%	Aaa
CASH TOTAL	12/31/22	--	179,208.70	\$179,208.70	\$179,208.70	\$179,208.70	\$0.00	0.04%	N	0.00%	AAA
	12/31/22	--		\$179,208.70	1.00	\$0.00			--	0.00%	Aaa
MMFUND							0.00%				
FEDERATED HRMS GV O INST	12/31/22	--									
60934N104	12/31/22	--	552,745.69	\$552,745.69	\$552,745.69	\$552,745.69	\$0.00	0.14%	N	4.11%	AAAm
4.11%	0.00	--		\$552,745.69	1.00	\$0.00			--	--	Aaa
MMFUND TOTAL	12/31/22	--	552,745.69	\$552,745.69	\$552,745.69	\$552,745.69	\$0.00	0.14%	N	4.11%	AAAm
	12/31/22	--		\$552,745.69	1.00	\$0.00			--	--	Aaa
US GOV							0.00%				
UNITED STATES TREASURY	11/15/23	10/27/21									
91282CAW1	11/15/23	10/28/21	2,000,000.00	\$1,989,765.63	\$1,923,124.00	\$1,923,773.17	(\$72,517.39)	0.48%	N	0.50%	AA+
0.25%	0.85			\$1,995,641.39	96.16	\$649.17			--	4.78%	Aaa
UNITED STATES TREASURY	12/31/23	02/10/22									
91282CDR9	12/31/23	02/11/22	4,725,000.00	4,650,433.59	4,542,827.62	4,542,925.52	(142,430.21)	1.12%	N	1.60%	AA+
0.75%	0.97			4,685,257.83	96.14	97.89			--	4.73%	Aaa
UNITED STATES TREASURY	01/31/24	09/10/19									
912828V80	01/31/24	09/12/19	5,000,000.00	5,152,734.40	4,869,140.00	4,916,218.80	(169,498.43)	1.21%	N	1.53%	AA+
2.25%	1.05			5,038,638.43	97.38	47,078.80			--	4.75%	Aaa
UNITED STATES TREASURY	02/15/24	--									
91282CBM2	02/15/24	--	16,950,000.00	16,810,724.62	16,107,788.40	16,115,791.29	(775,113.66)	3.98%	N	0.48%	AA+
0.12%	1.10			16,882,902.06	95.03	8,002.89			--	4.70%	Aaa
UNITED STATES TREASURY	02/29/24	04/27/22									
9128286G0	02/29/24	04/28/22	9,235,000.00	9,218,766.60	8,997,272.63	9,071,796.78	(227,503.27)	2.24%	N	2.47%	AA+
2.38%	1.12			9,224,775.90	97.43	74,524.15			--	4.67%	Aaa
UNITED STATES TREASURY	03/31/24	06/09/22									
912828V71	03/31/24	06/10/22	1,700,000.00	1,681,406.25	1,647,405.40	1,656,635.14	(39,712.91)	0.41%	N	2.75%	AA+
2.12%	1.21			1,687,118.31	96.91	9,229.74			--	4.70%	Aaa
UNITED STATES TREASURY	04/15/24	10/27/21									
91282CBV2	04/15/24	10/28/21	19,125,000.00	19,001,733.44	18,104,509.12	18,119,877.43	(955,947.87)	4.48%	N	0.64%	AA+
0.38%	1.26			19,060,457.00	94.66	15,368.30			--	4.68%	Aaa
UNITED STATES TREASURY	04/30/24	07/07/22									
91282CEK3	04/30/24	07/08/22	5,225,000.00	5,172,341.82	5,078,046.88	5,100,419.11	(108,176.95)	1.26%	N	3.07%	AA+
2.50%	1.29			5,186,223.83	97.19	22,372.24			--	4.70%	Aaa

Portfolio Holdings

10/01/2022 to 12/31/2022

Description Identifier Coupon	Effective Maturity Final Maturity Duration	Trade Date Settle Date	Par Value	Original Cost Book Value	Market Value Market Price	MV + Accrued Accrued Balance	Net Unrealized Gain/Loss	% of Market Value	Callable Next Call Date	Book Yield YTM YTC	S&P Moody's
UNITED STATES TREASURY 91282CCG4 0.25%	06/15/24 06/15/24 1.42	10/27/21 10/28/21	4,925,000.00	4,868,247.06 4,893,528.00	4,624,112.05 93.89	4,624,687.08 575.03	(269,415.95)	1.14%	N --	0.69% 4.63% --	AA+ Aaa
UNITED STATES TREASURY 912828XX3 2.00%	06/30/24 06/30/24 1.44	05/12/22 05/13/22	2,150,000.00	2,122,369.15 2,130,460.73	2,068,534.35 96.21	2,068,653.13 118.78	(61,926.38)	0.51%	N --	2.62% 4.64% --	AA+ Aaa
UNITED STATES TREASURY 91282CCL3 0.38%	07/15/24 07/15/24 1.50	10/27/21 10/28/21	16,325,000.00	16,180,243.13 16,242,656.82	15,298,941.10 93.71	15,327,221.50 28,280.40	(943,715.72)	3.79%	N --	0.71% 4.64% --	AA+ Aaa
UNITED STATES TREASURY 9128282U3 1.88%	08/31/24 08/31/24 1.60	-- --	11,275,000.00	11,698,518.58 11,508,234.90	10,790,084.80 95.70	10,861,916.21 71,831.41	(718,150.10)	2.68%	N --	0.62% 4.58% --	AA+ Aaa
UNITED STATES TREASURY 91282CCX7 0.38%	09/15/24 09/15/24 1.66	10/27/21 10/28/21	4,000,000.00	3,958,593.75 3,975,443.68	3,730,156.00 93.25	3,734,631.14 4,475.14	(245,287.68)	0.92%	N --	0.74% 4.53% --	AA+ Aaa
UNITED STATES TREASURY 9128282Y5 2.12%	09/30/24 09/30/24 1.68	06/09/22 06/10/22	2,450,000.00	2,410,378.90 2,419,837.70	2,352,382.20 96.02	2,365,683.88 13,301.68	(67,455.50)	0.58%	N --	2.85% 4.52% --	AA+ Aaa
UNITED STATES TREASURY 91282CFN6 4.25%	09/30/24 09/30/24 1.65	11/28/22 11/29/22	14,315,000.00	14,245,102.57 14,248,608.03	14,247,891.28 99.53	14,403,330.94 155,439.66	(716.75)	3.56%	N --	4.53% 4.53% --	AA+ Aaa
UNITED STATES TREASURY 91282CFQ9 4.38%	10/31/24 10/31/24 1.73	11/28/22 11/29/22	3,515,000.00	3,507,036.35 3,507,421.61	3,506,623.76 99.76	3,532,961.98 26,338.23	(797.86)	0.87%	N --	4.50% 4.51% --	AA+ Aaa
UNITED STATES TREASURY 912828G38 2.25%	11/15/24 11/15/24 1.80	07/07/22 07/08/22	1,845,000.00	1,811,847.66 1,818,498.42	1,772,930.61 96.09	1,778,320.35 5,389.74	(45,567.81)	0.44%	N --	3.05% 4.44% --	AA+ Aaa
UNITED STATES TREASURY 91282CDH1 0.75%	11/15/24 11/15/24 1.82	-- --	7,165,000.00	7,026,572.28 7,071,369.14	6,691,436.49 93.39	6,698,413.46 6,976.97	(379,932.65)	1.65%	N --	1.46% 4.46% --	AA+ Aaa
UNITED STATES TREASURY 912828YY0 1.75%	12/31/24 12/31/24 1.92	03/09/22 03/11/22	15,100,000.00	15,071,097.66 15,079,384.26	14,341,466.60 94.98	14,342,196.57 729.97	(737,917.66)	3.54%	N --	1.82% 4.40% --	AA+ Aaa
UNITED STATES TREASURY 91282CDZ1 1.50%	02/15/25 02/15/25 2.04	03/09/22 03/11/22	15,100,000.00	14,955,488.28 14,994,749.74	14,222,901.40 94.19	14,308,454.39 85,552.99	(771,848.34)	3.53%	N --	1.84% 4.39% --	AA+ Aaa
UNITED STATES TREASURY 912828ZF0 0.50%	03/31/25 03/31/25 2.19	-- --	4,750,000.00	4,720,439.47 4,729,337.05	4,365,919.75 91.91	4,371,987.74 6,067.99	(363,417.30)	1.08%	N --	0.70% 4.31% --	AA+ Aaa

Portfolio Holdings

10/01/2022 to 12/31/2022

Description Identifier Coupon	Effective Maturity Final Maturity Duration	Trade Date Settle Date	Par Value	Original Cost Book Value	Market Value Market Price	MV + Accrued Accrued Balance	Net Unrealized Gain/Loss	% of Market Value	Callable Next Call Date	Book Yield YTM YTC	S&P Moody's
UNITED STATES TREASURY 9128284F4 2.62%	03/31/25 03/31/25 2.14	04/27/22 04/28/22	14,600,000.00	14,570,343.75 14,577,162.80	14,075,889.20 96.41	14,173,807.47 97,918.27	(501,273.60)	3.50%	N --	2.70% 4.31% --	AA+ Aaa
UNITED STATES TREASURY 91282CEH0 2.62%	04/15/25 04/15/25 2.18	11/28/22 11/29/22	1,200,000.00	1,153,125.00 1,154,843.33	1,155,750.00 96.31	1,162,500.00 6,750.00	906.67	0.29%	N --	4.37% 4.33% --	AA+ Aaa
UNITED STATES TREASURY 91282CEQ0 2.75%	05/15/25 05/15/25 2.26	06/09/22 06/10/22	9,450,000.00	9,388,353.49 9,399,821.51	9,119,250.00 96.50	9,152,990.68 33,740.68	(280,571.51)	2.26%	N --	2.98% 4.31% --	AA+ Aaa
UNITED STATES TREASURY 9128284R8 2.88%	05/31/25 05/31/25 2.30	07/07/22 07/08/22	13,000,000.00	12,928,398.44 12,940,140.11	12,576,993.00 96.75	12,609,850.14 32,857.14	(363,147.11)	3.11%	N --	3.07% 4.31% --	AA+ Aaa
UNITED STATES TREASURY 912828Y79 2.88%	07/31/25 07/31/25 2.43	08/29/22 08/30/22	13,750,000.00	13,534,082.03 13,558,119.24	13,293,458.75 96.68	13,458,888.44 165,429.69	(264,660.49)	3.32%	N --	3.44% 4.24% --	AA+ Aaa
UNITED STATES TREASURY 91282CFE6 3.12%	08/15/25 08/15/25 2.46	08/29/22 08/30/22	10,370,000.00	10,276,832.08 10,287,057.49	10,075,917.17 97.16	10,198,321.21 122,404.04	(211,140.32)	2.52%	N --	3.45% 4.28% --	AA+ Aaa
UNITED STATES TREASURY 91282CFW6 4.50%	11/15/25 11/15/25 2.66	11/28/22 11/29/22	14,200,000.00	14,309,828.20 14,306,661.16	14,297,625.00 100.69	14,380,589.09 82,964.09	(9,036.16)	3.55%	N --	4.22% 4.24% --	AA+ Aaa
UNITED STATES TREASURY 912828M56 2.25%	11/15/25 11/15/25 2.73	11/28/22 11/29/22	14,200,000.00	13,431,757.85 13,454,212.47	13,452,838.60 94.74	13,494,320.64 41,482.04	(1,373.87)	3.33%	N --	4.21% 4.21% --	AA+ Aaa
UNITED STATES TREASURY 91282CBH3 0.38%	01/31/26 01/31/26 3.00	03/15/21 03/16/21	5,000,000.00	4,893,554.70 4,932,281.31	4,452,930.00 89.06	4,460,776.47 7,846.47	(479,351.31)	1.10%	N --	0.82% 4.19% --	AA+ Aaa
UNITED STATES TREASURY 91282CBQ3 0.50%	02/28/26 02/28/26 3.07	10/27/21 10/28/21	850,000.00	829,812.50 835,210.26	758,292.65 89.21	759,736.71 1,444.06	(76,917.61)	0.19%	N --	1.06% 4.17% --	AA+ Aaa
UNITED STATES TREASURY 91282CBT7 0.75%	03/31/26 03/31/26 3.14	04/22/21 04/23/21	6,000,000.00	5,987,578.14 5,991,789.36	5,384,064.00 89.73	5,395,561.25 11,497.25	(607,725.36)	1.33%	N --	0.79% 4.16% --	AA+ Aaa
UNITED STATES TREASURY 91282CBV0 0.75%	04/30/26 04/30/26 3.23	07/08/21 07/09/21	2,450,000.00	2,454,210.94 2,452,932.55	2,192,750.00 89.50	2,195,897.10 3,147.10	(260,182.55)	0.54%	N --	0.71% 4.15% --	AA+ Aaa
UNITED STATES TREASURY 91282CCJ8 0.88%	06/30/26 06/30/26 3.37	07/22/21 07/23/21	1,435,000.00	1,446,435.16 1,443,142.95	1,284,716.76 89.53	1,284,751.44 34.69	(158,426.19)	0.32%	N --	0.71% 4.12% --	AA+ Aaa

Portfolio Holdings

10/01/2022 to 12/31/2022

Description Identifier Coupon	Effective Maturity Final Maturity Duration	Trade Date Settle Date	Par Value	Original Cost Book Value	Market Value Market Price	MV + Accrued Accrued Balance	Net Unrealized Gain/Loss	% of Market Value	Callable Next Call Date	Book Yield YTM YTC	S&P Moody's
UNITED STATES TREASURY 91282CCW9 0.75%	08/31/26 08/31/26 3.54	10/27/21 10/28/21	5,225,000.00	5,131,317.38 5,153,695.53	4,632,699.22 88.66	4,646,014.31 13,315.09	(520,996.30)	1.15%	N --	1.13% 4.11% --	AA+ Aaa
UNITED STATES TREASURY 91282CCZ2 0.88%	09/30/26 09/30/26 3.61	10/27/21 10/28/21	2,090,000.00	2,063,303.51 2,069,563.42	1,858,304.69 88.91	1,862,977.05 4,672.36	(211,258.73)	0.46%	N --	1.14% 4.09% --	AA+ Aaa
UNITED STATES TREASURY 912828U24 2.00%	11/15/26 11/15/26 3.66	11/28/22 11/29/22	1,400,000.00	1,294,781.25 1,297,037.02	1,296,148.00 92.58	1,299,783.36 3,635.36	(889.02)	0.32%	N --	4.07% 4.09% --	AA+ Aaa
UNITED STATES TREASURY 91282CEC1 1.88%	02/28/27 02/28/27 3.91	03/09/22 03/11/22	2,075,000.00	2,075,972.66 2,075,824.40	1,903,246.02 91.72	1,916,465.55 13,219.53	(172,578.37)	0.47%	N --	1.87% 4.05% --	AA+ Aaa
UNITED STATES TREASURY 91282CEF4 2.50%	03/31/27 03/31/27 3.95	04/27/22 04/28/22	1,865,000.00	1,841,031.84 1,844,168.84	1,752,736.32 93.98	1,764,648.76 11,912.43	(91,432.51)	0.44%	N --	2.78% 4.06% --	AA+ Aaa
UNITED STATES TREASURY 91282CEN7 2.75%	04/30/27 04/30/27 4.01	08/29/22 08/30/22	1,275,000.00	1,244,071.29 1,246,201.28	1,210,054.05 94.91	1,216,059.23 6,005.18	(36,147.23)	0.30%	N --	3.31% 4.04% --	AA+ Aaa
UNITED STATES TREASURY 91282CET4 2.62%	05/31/27 05/31/27 4.10	06/09/22 06/10/22	2,300,000.00	2,254,988.29 2,259,745.45	2,171,342.60 94.41	2,176,650.29 5,307.69	(88,402.85)	0.54%	N --	3.05% 4.02% --	AA+ Aaa
UNITED STATES TREASURY 9128282R0 2.25%	08/15/27 08/15/27 4.29	08/29/22 08/30/22	3,800,000.00	3,619,054.69 3,630,481.65	3,520,787.40 92.65	3,553,082.24 32,294.84	(109,694.25)	0.88%	N --	3.30% 4.00% --	AA+ Aaa
UNITED STATES TREASURY 91282CAL5 0.38%	09/30/27 09/30/27 4.61	11/28/22 11/29/22	3,800,000.00	3,211,296.89 3,221,400.08	3,209,366.00 84.46	3,213,006.80 3,640.80	(12,034.08)	0.79%	N --	3.92% 4.00% --	AA+ Aaa
US GOV TOTAL	03/01/25 03/01/25 2.07	-- --	297,210,000.00	\$294,193,971.26 \$294,512,037.02	\$282,958,653.88 95.30	\$284,242,573.86 \$1,283,919.98	(\$11,553,383.14)	70.20%	N --	2.22% 4.42% --	AA+ Aaa
GSE								0.00%			
FEDERAL HOME LOAN BANKS 3130A3VC5 2.25%	12/08/23 12/08/23 0.91	04/21/20 04/23/20	5,290,000.00	\$5,629,618.00 \$5,378,051.69	\$5,166,938.62 97.67	\$5,174,543.00 \$7,604.38	(\$211,113.06)	1.28%	N --	0.46% 4.81% --	AA+ Aaa
FEDERAL FARM CREDIT BANKS FUNDING CORP 3133EDBU5 3.50%	12/20/23 12/20/23 0.94	03/05/20 03/06/20	900,000.00	993,447.00 924,092.17	888,036.45 98.67	888,998.95 962.50	(36,055.71)	0.22%	N --	0.72% 4.92% --	AA+ Aaa

Portfolio Holdings

10/01/2022 to 12/31/2022

Description Identifier Coupon	Effective Maturity Final Maturity Duration	Trade Date Settle Date	Par Value	Original Cost Book Value	Market Value Market Price	MV + Accrued Accrued Balance	Net Unrealized Gain/Loss	% of Market Value	Callable Next Call Date	Book Yield YTM YTC	S&P Moody's
FEDERAL NATIONAL MORTGAGE ASSOCIATION 3135G0V34 2.50%	02/05/24 02/05/24 1.05	11/15/19 11/18/19	4,500,000.00	4,648,905.00 4,539,718.31	4,393,355.13 97.63	4,438,980.13 45,625.00	(146,363.18)	1.10%	N --	1.68% 4.74% --	AA+ Aaa
FEDERAL HOME LOAN BANKS 3130A1XJ2 2.88%	06/14/24 06/14/24 1.40	09/10/19 09/12/19	3,750,000.00	3,968,737.50 3,818,489.47	3,664,490.25 97.72	3,669,581.40 5,091.15	(153,999.22)	0.91%	N --	1.60% 4.51% --	AA+ Aaa
FEDERAL FARM CREDIT BANKS FUNDING CORP 3133EKVV4 1.85%	07/26/24 07/26/24 1.51	09/09/19 09/12/19	5,000,000.00	5,069,850.00 5,023,062.72	4,784,274.80 95.69	4,824,101.19 39,826.39	(238,787.92)	1.19%	N --	1.55% 4.73% --	AA+ Aaa
FEDERAL HOME LOAN BANKS 3130AJM22 0.44%	08/28/24 08/28/24 1.62	09/14/20 09/15/20	2,000,000.00	2,012,280.00 2,005,178.74	1,869,907.38 93.50	1,872,914.05 3,006.67	(135,271.36)	0.46%	N --	0.28% 4.55% --	AA+ Aaa
FEDERAL FARM CREDIT BANKS FUNDING CORP 3133EK4Y9 1.65%	11/01/24 11/01/24 1.77	05/01/20 05/04/20	1,700,000.00	1,780,155.00 1,732,934.77	1,616,695.77 95.10	1,621,370.77 4,675.00	(116,239.01)	0.40%	N --	0.58% 4.46% --	AA+ Aaa
FEDERAL NATIONAL MORTGAGE ASSOCIATION 3135G0X24 1.62%	01/07/25 01/07/25 1.93	-- --	11,250,000.00	11,833,764.00 11,528,700.81	10,636,198.09 94.54	10,724,557.46 88,359.37	(892,502.72)	2.65%	N --	0.39% 4.48% --	AA+ Aaa
FEDERAL HOME LOAN MORTGAGE CORP 3137EAEU9 0.38%	07/21/25 07/21/25 2.49	07/21/20 07/23/20	3,285,000.00	3,268,640.70 3,276,586.70	2,975,293.12 90.57	2,980,768.12 5,475.00	(301,293.58)	0.74%	N --	0.48% 4.31% --	AA+ Aaa
FEDERAL NATIONAL MORTGAGE ASSOCIATION 3135G05X7 0.38%	08/25/25 08/25/25 2.58	08/25/20 08/27/20	4,865,000.00	4,842,231.80 4,852,856.19	4,391,548.71 90.27	4,397,934.02 6,385.31	(461,307.48)	1.09%	N --	0.47% 4.30% --	AA+ Aaa
FEDERAL NATIONAL MORTGAGE ASSOCIATION 3135G06G3 0.50%	11/07/25 11/07/25 2.77	11/09/20 11/12/20	1,595,000.00	1,589,289.90 1,591,717.65	1,435,670.70 90.01	1,436,866.95 1,196.25	(156,046.95)	0.35%	N --	0.57% 4.26% --	AA+ Aaa
GSE TOTAL	10/09/24 10/09/24 1.71	-- --	44,135,000.00	\$45,636,918.90 \$44,671,389.22	\$41,822,409.02 94.84	\$42,030,616.03 \$208,207.01	(\$2,848,980.20)	10.38%	N --	0.80% 4.55% --	AA+ Aaa
MUNI								0.00%			

Portfolio Holdings

10/01/2022 to 12/31/2022

Description Identifier Coupon	Effective Maturity Final Maturity Duration	Trade Date Settle Date	Par Value	Original Cost Book Value	Market Value Market Price	MV + Accrued Accrued Balance	Net Unrealized Gain/Loss	% of Market Value	Callable Next Call Date	Book Yield YTM YTC	S&P Moody's
ARIZONA ST TRANSN BRD HWY REV 040654XU4 1.96%	07/01/24 07/01/24 1.44	01/10/20 02/12/20	3,100,000.00	\$3,100,000.00 \$3,100,000.00	\$2,986,664.00 96.34	\$3,017,013.00 \$30,349.00	(\$113,336.00)	0.75%	N --	1.96% 4.50% --	AA+ Aa1
FLORIDA ST BRD ADMIN FIN CORP REV 341271AD6 1.26%	07/01/25 07/01/25 2.40	04/22/22 04/26/22	3,000,000.00	2,803,110.00 2,843,484.46	2,754,450.00 91.82	2,773,320.00 18,870.00	(89,034.46)	0.68%	N --	3.45% 4.77% --	AA Aa3
OKLAHOMA CITY WATER UTILITIES TRUST 67865EAC6 3.29%	07/01/25 07/01/25 2.34	07/08/22 07/26/22	2,000,000.00	2,000,000.00 2,000,000.00	1,945,180.00 97.26	1,973,484.72 28,304.72	(54,820.00)	0.49%	N --	3.29% 4.46% --	AAA Aaa
NEW YORK N Y 64966QC99 3.86%	05/01/27 05/01/27 3.90	05/20/22 05/26/22	1,170,000.00	1,170,000.00 1,170,000.00	1,121,175.90 95.83	1,128,706.80 7,530.90	(48,824.10)	0.28%	N --	3.86% 4.94% --	AA Aa2
OKLAHOMA CITY WATER UTILITIES TRUST 67865EAE2 3.50%	07/01/27 07/01/27 4.04	07/08/22 07/26/22	1,050,000.00	1,050,000.00 1,050,000.00	1,008,021.00 96.00	1,023,839.40 15,818.40	(41,979.00)	0.25%	N --	3.50% 4.49% --	AAA Aaa
MUNI TOTAL	08/10/25 08/10/25 2.43	-- --	10,320,000.00	\$10,123,110.00 \$10,163,484.46	\$9,815,490.90 95.17	\$9,916,363.92 \$100,873.02	(\$347,993.56)	2.45%	N --	3.02% 4.62% --	AA+ Aa2
CORP								0.00%			
TOYOTA MOTOR CREDIT CORP 89233P7F7 2.62%	01/10/23 01/10/23 0.03	01/16/20 01/21/20	5,000,000.00	\$5,116,100.00 \$5,000,977.84	\$4,998,037.05 99.96	\$5,060,380.80 \$62,343.75	(\$2,940.79)	1.25%	N --	1.82% 3.99% --	A+ A1
APPLE INC 037833DE7 2.40%	01/13/23 01/13/23 0.04	05/11/20 05/13/20	3,000,000.00	3,132,210.00 3,000,000.00	2,998,572.30 99.95	3,032,172.30 33,600.00	(1,427.70)	0.75%	Y 01/11/23	2.40% 3.68% --	AA+ Aaa
JOHNSON & JOHNSON 478160BT0 2.05%	03/01/23 03/01/23 0.16	09/10/19 09/12/19	2,000,000.00	2,016,360.00 2,000,000.00	1,992,649.50 99.63	2,006,316.17 13,666.67	(7,350.50)	0.50%	Y 02/01/23	1.79% 4.21% 6.44%	AAA Aaa
APPLE INC 037833DV9 0.75%	05/11/23 05/11/23 0.36	05/05/20 05/11/20	1,700,000.00	1,695,376.00 1,699,440.65	1,675,492.73 98.56	1,677,263.57 1,770.83	(23,947.92)	0.41%	N --	0.84% 4.78% --	AA+ Aaa
MICROSOFT CORP 594918BQ6 2.00%	08/08/23 08/08/23 0.59	04/28/20 04/30/20	1,000,000.00	1,044,020.00 1,006,236.32	984,127.70 98.41	992,072.14 7,944.44	(22,108.62)	0.25%	Y 06/08/23	0.57% 4.69% 5.72%	AAA Aaa

Portfolio Holdings

10/01/2022 to 12/31/2022

Description Identifier Coupon	Effective Maturity Final Maturity Duration	Trade Date Settle Date	Par Value	Original Cost Book Value	Market Value Market Price	MV + Accrued Accrued Balance	Net Unrealized Gain/Loss	% of Market Value	Callable Next Call Date	Book Yield YTM YTC	S&P Moody's
PEPSICO INC 713448FB9 0.40%	10/07/23 10/07/23 0.75	10/06/20 10/07/20	2,530,000.00	2,528,557.90 2,529,631.21	2,443,996.62 96.60	2,446,357.96 2,361.33	(85,634.59)	0.60%	N --	0.42% 4.96% --	A+ A1
CATERPILLAR FINANCIAL SERVICES CORP 14913R2S5 0.95%	01/10/24 01/10/24 1.00	01/03/22 01/10/22	5,060,000.00	5,059,190.40 5,059,583.39	4,882,555.82 96.49	4,905,389.07 22,833.25	(177,027.57)	1.21%	N --	0.96% 4.48% --	A A2
AMAZON.COM INC 023135CD6 2.73%	04/13/24 04/13/24 1.24	04/11/22 04/13/22	4,720,000.00	4,720,000.00 4,720,000.00	4,600,090.90 97.46	4,628,009.70 27,918.80	(119,909.10)	1.14%	N --	2.73% 4.79% --	AA A1
AMAZON.COM INC 023135BW5 0.45%	05/12/24 05/12/24 1.33	05/11/21 05/12/21	4,225,000.00	4,218,831.50 4,222,188.57	3,980,997.59 94.22	3,983,585.40 2,587.81	(241,190.98)	0.98%	N --	0.50% 4.87% --	AA A1
PACCAR FINANCIAL CORP 69371RR81 3.15%	06/13/24 06/13/24 1.40	06/06/22 06/13/22	4,490,000.00	4,488,967.30 4,489,246.17	4,385,872.99 97.68	4,392,944.74 7,071.75	(103,373.18)	1.08%	N --	3.16% 4.82% --	A+ A1
WALMART INC 931142EL3 2.85%	07/08/24 07/08/24 1.44	05/07/20 05/11/20	1,750,000.00	1,889,597.50 1,799,743.97	1,701,652.36 97.24	1,725,620.07 23,967.71	(98,091.61)	0.43%	Y 06/08/24	0.85% 4.75% 4.86%	AA Aa2
PACCAR FINANCIAL CORP 69371RR40 0.50%	08/09/24 08/09/24 1.56	08/03/21 08/09/21	2,710,000.00	2,708,536.60 2,709,213.99	2,524,142.45 93.14	2,529,487.18 5,344.72	(185,071.53)	0.62%	N --	0.52% 4.99% --	A+ A1
CATERPILLAR FINANCIAL SERVICES CORP 14913R2P1 0.60%	09/13/24 09/13/24 1.65	09/08/21 09/14/21	5,045,000.00	5,038,138.80 5,041,101.32	4,708,312.64 93.33	4,717,393.64 9,081.00	(332,788.68)	1.17%	N --	0.65% 4.72% --	A A2
TOYOTA MOTOR CREDIT CORP 89236TJN6 0.62%	09/13/24 09/13/24 1.65	09/08/21 09/13/21	5,200,000.00	5,197,556.00 5,198,612.61	4,841,311.44 93.10	4,851,061.44 9,750.00	(357,301.18)	1.20%	N --	0.64% 4.90% --	A+ A1
PACCAR FINANCIAL CORP 69371RR57 0.90%	11/08/24 11/08/24 1.80	11/02/21 11/08/21	3,875,000.00	3,874,767.50 3,874,855.84	3,612,008.90 93.21	3,617,143.28 5,134.38	(262,846.93)	0.89%	N --	0.90% 4.76% --	A+ A1
TOYOTA MOTOR CREDIT CORP 89236TJT3 1.45%	01/13/25 01/13/25 1.95	01/10/22 01/13/22	2,595,000.00	2,591,522.70 2,592,627.20	2,431,327.43 93.69	2,448,886.93 17,559.50	(161,299.76)	0.60%	N --	1.50% 4.74% --	A+ A1
AMAZON.COM INC 023135CE4 3.00%	04/13/25 04/13/25 2.16	04/11/22 04/13/22	4,175,000.00	4,168,361.75 4,169,901.83	4,031,664.53 96.57	4,058,802.03 27,137.50	(138,237.31)	1.00%	N --	3.06% 4.60% --	AA A1

Portfolio Holdings

10/01/2022 to 12/31/2022

Description Identifier Coupon	Effective Maturity Final Maturity Duration	Trade Date Settle Date	Par Value	Original Cost Book Value	Market Value Market Price	MV + Accrued Accrued Balance	Net Unrealized Gain/Loss	% of Market Value	Callable Next Call Date	Book Yield YTM YTC	S&P Moody's
HOME DEPOT INC 437076CM2 2.70%	04/15/25 04/15/25 2.17	03/24/22 03/28/22	2,280,000.00	2,276,010.00 2,276,993.49	2,185,734.97 95.87	2,198,730.97 12,996.00	(91,258.51)	0.54%	Y 03/15/25	2.76% 4.62% 4.69%	A A2
PACCAR FINANCIAL CORP 69371RR99 3.55%	08/11/25 08/11/25 2.43	08/03/22 08/11/22	1,555,000.00	1,553,895.95 1,554,032.70	1,512,535.48 97.27	1,534,003.12 21,467.64	(41,497.21)	0.38%	N --	3.58% 4.67% --	A+ A1
COLGATE-PALMOLIVE CO 194162AM5 3.10%	08/15/25 08/15/25 2.46	08/01/22 08/09/22	1,685,000.00	1,683,449.80 1,683,649.03	1,633,717.56 96.96	1,654,321.37 20,603.81	(49,931.46)	0.41%	N --	3.13% 4.34% --	AA- Aa3
WALMART INC 931142EW9 3.90%	09/09/25 09/09/25 2.49	09/06/22 09/09/22	5,325,000.00	5,321,272.50 5,321,645.02	5,244,152.60 98.48	5,308,762.60 64,610.00	(77,492.42)	1.31%	N --	3.92% 4.50% --	AA Aa2
HOME DEPOT INC 437076CRI 4.00%	09/15/25 09/15/25 2.47	09/12/22 09/19/22	200,000.00	199,928.00 199,934.16	197,588.16 98.79	199,854.83 2,266.67	(2,346.00)	0.05%	Y 08/15/25	4.01% 4.48% 4.49%	A A2
CORP TOTAL	06/13/24 06/13/24 1.39	-- --	70,120,000.00	\$70,522,650.20 \$70,149,615.32	\$67,566,541.75 96.42	\$67,968,559.31 \$402,017.56	(\$2,583,073.56)	16.79%	--	1.79% 4.60% 5.36%	A+ A1
PORTFOLIO TOTAL	01/04/25 01/04/25 1.92	-- --	422,516,954.39	\$421,208,604.75 \$420,228,480.40	\$402,895,049.94 95.27	\$404,890,067.51 \$1,995,017.57	(\$17,333,430.46)	100.00%	--	2.02% 4.47% 5.23%	AA Aa1

FINANCE/OUTREACH AND PLANNING COMMITTEE

January 24, 2023

Discussion: Information Item: Status of the 2023 Consolidated Annual Report

Purpose

To provide the Board with information on the preparation of the District's Consolidated Annual Report and to solicit input prior to the February 28th Board meeting.

Background/History

Section 373.036, Florida Statutes (F.S.) requires the water management districts to prepare a "Consolidated Water Management District Annual Report." The agency formerly produced these components individually and submitted them to the Governing Board for approval at various times of the year. The Consolidated Annual Report aims to streamline these required reporting documents so that they now come forward in one package.

The 10 chapters that make up the report are substantially complete and are provided under separate cover. Staff will finalize all required document components in February. The finished report will be provided at the February meeting. The report includes the following components:

The Water Management District Performance Measures Annual Report

The Minimum Flows and Levels Annual Priority List and Schedule

The Minimum Flows and Levels/Water Quality Grade for Projects Report

The Annual Five-Year Capital Improvements Plan

The Alternative Water Supplies Report

The Five-Year Water Resource Development Work Program

The Polk Regional Water Cooperative Status Report

The Florida Forever Work Plan

The Mitigation Donation Annual Report

The Strategic Plan 2023-2027 (updated February 2023), and the 2022 Annual Work Plan Report

This Consolidated Annual Report is a significant communication tool for the District. The statute requires the report be submitted by March 1 of each year to the Governor, Department of Environmental Protection, President of the Senate, and Speaker of the House of Representatives. "In addition, copies must be provided to chairs of all legislative committees having substantive or fiscal jurisdiction over the districts and the governing body of each county in the district having jurisdiction or deriving any funds for operations of the district. Copies of the Consolidated Annual Report must be made available to the public, either in printed or electronic format."

Report Highlights:

- *The Water Management District Performance Annual Report* states continued stable growth in the amount of domestic wastewater reused. Usage increased from 104 million gallons per day (mgd) in 1995 to 251 mgd in 2021. Since 2003, the estimated quantity of water supply made available through the water resource development component of the District's Regional Water Supply Plans is 64.7 mgd. In addition, the District continues to demonstrate effective maintenance control of exotic species on its management lakes and rivers. Coverage has generally been less than five percent since the mid-1990s.

- *The Minimum Flows and Levels Annual Priority List and Schedule* has been reviewed and approved by DEP. As of FY2021, District rules included 203 MFLs and two water reservations.
- *The Polk Regional Water Cooperative Status Report* identifies a prioritized list of three Cooperative and 45 local member government projects are being submitted for FY2024 funding consideration by the Florida Legislature.
- *The Alternative Water Supplies Annual Report* states the District has funded 396 reclaimed water projects that are anticipated to make available more than 200 mgd of capacity.
- *The Strategic Plan* is the guiding document for the District, identifying targets and how success will be achieved and measured. This plan is reviewed and updated annually as called for in statutory language. Updates for this year include removing the Flood Protection regional priority from the Tampa Bay Planning Region. Revisions were also made to the list of stormwater projects to reflect those projects under way or planned. In addition, updates were made to data (e.g., water use per capita, reclaimed water usage) and project information for relevancy, and to language for clarity improvement.
- *The Strategic Plan Annual Work Plan* notes the beneficial use of reclaimed water in the Northern Region had a beneficial reclaimed water flow of 24 mgd which meets and exceeds the 2025 14 mgd objective for reclaimed water flow in the region. To date, in the Southern Water Use Caution Area, the District has offset approximately 29.2 mgd of groundwater through Facilitating Agricultural Resource Management Systems (FARMS) projects that are operational, under construction and/or have contracts pending. Finally, the Tampa Bay region's saltwater intrusion minimum aquifer level (SWIMAL) has maintained an average level above the minimum level since 2018 and is on track to meet the level in 2023.

Staff Recommendation:

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

Presenter:

Patrick H. Doty, AICP, CFM, Senior Planner, Government and Community Affairs Office

FINANCE/OUTREACH AND PLANNING COMMITTEE

January 24, 2023

Submit & File: Information Item: Budget Transfer Report

Purpose

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

--- TRANSFERRED FROM ---		--- TRANSFERRED TO ---		Reason For Transfer	Transfer Amount	
Item No.	Bureau / Expenditure Category	Bureau / Expenditure Category				
<u>Change from Original Budget Intent</u>						
1	Engineering & Project Management Salaries & Benefits	Human Resources Consultant Services	Transfer of funds originally budgeted for the salaries and benefits of the Design and Construction Management section Manager. Expenditures for this position will be less than anticipated due to its ongoing vacancy. The funds are needed for the Human Resources Office to enlist the services of a professional recruiter to find candidates for this position, which is critical to the implementation of the Flood Control and Water Conservation Structures Capital Improvements Plan. Since February 2022, four separate recruitment efforts have resulted in two offers that were declined and the last effort yielded no qualified applicants.	\$	31,904.00	
2	Operations Maint/Repair of Buildings/Structures	Communications and Board Services Advertising and Public Notices	Transfer of funds originally budgeted for the Structures Gate Refurbishment Program. The funds are no longer required as it has been determined the current priority gates have reached their useful life and require replacement rather than refurbishment. Funds are required for social media recruitment advertisements to attract new talent and alleviate the effects of increased staff turnover and hiring difficulties in the current labor market. Staff create and manage the advertisements while the transfer is for the cost of the digital space provided by the social media platform(s).		10,000.00	
Total Change from Original Budget Intent					\$	41,904.00
<u>Consistent with Original Budget Intent</u>						
1	Land Resources Security Services	Land Resources Security Services	Funds are needed for the original purpose budgeted for security services on conservation lands. During the development of the FY2023 budget, all Land Use and Protection functions were combined with the Real Estate Services section. This transfer moves prior year funds which were carried forward into FY2023 from the discontinued Land Use and Protection accounting codes to the Real Estate Services section.	\$	61,568.44	
Total Consistent with Original Budget Intent					\$	61,568.44
Total Amount Transferred					\$	103,472.44

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.

FINANCE/OUTREACH AND PLANNING COMMITTEE

January 24, 2023

Submit & File: Information Item: Office of Inspector General October 1, 2022 to December 31, 2022 Quarterly Update

Background and Purpose

In accordance with the Office of Inspector General Charter Governing Board Policy, the Inspector General is required, on a quarterly basis, to update the Committee regarding work and other matters.

Staff Recommendation:

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

Presenter:

Brian Werthmiller, Inspector General



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Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899

(352) 796-7211 or 1-800-423-1476 (FL only)

WaterMatters.org

Bartow Office

170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)

Sarasota Office

78 Sarasota Center Boulevard
Sarasota, Florida 34240-9770
(941) 377-3722 or
1-800-320-3503 (FL only)

Tampa Office

7601 U.S. 301 North (Fort King Highway)
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)

Joel Schleicher

Chair, Charlotte, Sarasota

Ed Armstrong

Vice Chair, Pinellas

Michelle Williamson

Secretary, Hillsborough

John Mitten

Treasurer, Hernando, Marion

Kelly S. Rice

Former Chair, Citrus, Lake,
Levy, Sumter

Ashley Bell Barnett

Polk

Jack Bispham

Manatee

John Hall

Polk

Brian J. Armstrong, P.G.

Executive Director

January 24, 2023

MEMORANDUM

TO: Finance/Outreach & Planning Committee
Remaining Governing Board members

FROM: Brian Werthmiller, CPA, Inspector General

SUBJECT: Office of Inspector General Quarterly Update 10/1/22 – 12/31/22

The purpose of this memo is to satisfy the Office of Inspector General (OIG) Charter Governing Board Policy regarding updates with the Finance/Outreach and Planning Committee.

I am pleased to provide you the most recent quarterly update. During the quarter ending December 31, 2022:

- The IG quarterly update for the quarter ending September 30, 2022 was submitted to the Governing Board on October 18, 2022.
- In accordance with the OIG Charter Governing Board Policy, the OIG shall have performance measures defined by the Finance/Outreach & Planning Committee and approved by the Governing Board. These were submitted and approved by the Governing Board on October 18, 2022.
- Three complaints were closed with no investigation considered necessary by the OIG.
- The District-wide risk assessment is underway and is performed to formulate the audit plan. A risk assessment takes into consideration factors that might influence the operational success of a component or activity within the District. To ensure the audit plan includes the priorities of the Governing Board and the District, meetings with the Governing Board, District management, and District staff is included as part of the risk assessment to solicit views on risk. In addition, District strategies, objectives and priorities, prior audits, budgets, and associated risks were considered in developing the audit plan.
- The OIG performed 12 reviews. A review is a request for services typically originating from management, external government entities, or the Governing Board that does not result in an audit or investigation report.
- Beginning in November 2021, the District was subject to fraudulent transactions and attempts for additional fraudulent transactions from its bank account. The last fraudulent transaction was June 3, 2022. To date, the District has been reimbursed for all fraudulent transactions.

Office of Inspector General Performance Measures		
Performance Measure	Goal	Status Through 12/31/2022
Complete follow-up on the disciplinary actions recommendation from FY 2022	Complete by September 2023	Open
Complete follow-up on the conflict of interest recommendation from FY 2022	Complete by September 2023	Open
Complete follow-up on the increases in pay recommendation from FY 2022	Complete by September 2023	Open
Complete follow-up on the use of District vehicles recommendation from FY 2022	Complete by September 2023	Open
Complete a Cybersecurity Audit	Complete by September 2023 ¹	Open
Appropriate time allocated to efforts resulting in reporting to the Board	65% of Chargeable Hours	85%
Performance Measure	Goal	Status Through 12/31/2022
Risk Assessment and audit plan	Submit the audit plan to the Board by January 2023	Open
Inspector General FY 2023 Annual Report	Submit to the Board September 2023	Open
Updates to the Finance/Outreach & Planning Committee including IG performance measures	Submit to the Board the month following each quarter-end	25%

¹ If the Auditor General's audit begins in FY 2023, then the goal would be to complete by December 2023.

Governing Board Meeting

January 24, 2023

4. RESOURCE MANAGEMENT COMMITTEE

4.1	Discussion: Information Item: Consent Item(s) Moved to Discussion	99
4.2	Discussion: Action Item: FARMS – Spanish Trails Farming & Land Company, LLC (H812) - Phase 2 - DeSoto County	100
4.3	Discussion: Information Item: Knowledge Management: Cooperative Funding Initiative Governing Board Policy	103

RESOURCE MANAGEMENT COMMITTEE

January 24, 2023

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**January 24, 2023****Discussion: Action Item: FARMS – Spanish Trails Farming & Land Company, LLC (H812) - Phase 2 - DeSoto County***Purpose*

To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with Spanish Trails Farming and Land Company, LLC and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of \$529,000 (70 percent of total project costs). The District funding is requested from the Governing Board FARMS Fund. Total project costs are estimated at \$757,000.

Project Proposal

The District received a phase 2 project proposal from Spanish Trails Farming and Land Company, LLC for their 5,504-acre sod and cattle operation located 12 miles south of Arcadia, in southern DeSoto County, within the Southern Water Use Caution Area (SWUCA) and Shell, Prairie, and Joshua Creek watersheds (SPJC). The phase 2 project will involve excavation of a four-acre surface water reservoir to collect surface water from the farm property and surrounding watershed. The phase 2 reservoir will be used to offset Upper Floridan aquifer groundwater used in supplemental irrigation of 450 acres of sod. The Water Use Permit (WUP) authorizes annual average withdrawals of 2,533,500 gallons per day (gpd) to irrigate 955 acres of sod. The second phase FARMS project components consist of one surface water pump station, filtration system, automation of the surface water pumps, valves, tailwater culverts, and the piping necessary to connect the surface water reservoir to the existing irrigation system.

In May 2022, the Governing Board approved FARMS project H803 on this property to provide surface water for the irrigation of 300 acres of sod. This first phase project included excavation of a four-acre reservoir, construction of a surface water pump station, filtration system, valves, tailwater culverts and piping necessary to connect the surface water reservoir to the existing irrigation system and is under construction at this time. The reduction of groundwater use was estimated at 140,000 gpd.

Benefits/Costs

The proposed project involves water quantity and water quality best management practices for supplemental irrigation and qualifies for a 75 percent cost-share reimbursement rate under the FARMS Program. The project is expected to reduce groundwater use by approximately six percent or 140,000 gpd. Based on the estimated groundwater offset and a proposed five-year contract term, the cost per thousand gallons of water saved is \$3.22. This value is within the guidelines for the generally accepted average cost savings per thousand gallons for the implementation of alternative supplies and improved irrigation techniques for sod operations. Reimbursement will be from the Governing Board FARMS Fund. Upon approval of the projects presented at this meeting, the Governing Board will have \$4,099,471 remaining in its FARMS Program budget.

Staff Recommendation:

1. Approve the Spanish Trails Farming and Land Company, LLC - Phase 2 project for a not-to-exceed project reimbursement of \$529,000 with \$529,000 provided by the Governing Board;
2. Authorize the transfer of \$529,000 from fund 010 H017 Governing Board FARMS Fund to the H812 Spanish Trails Farming and Land Company, LLC – Phase 2 project fund;

3. Authorize the Assistant Executive Director to sign the agreement.

Presenter:

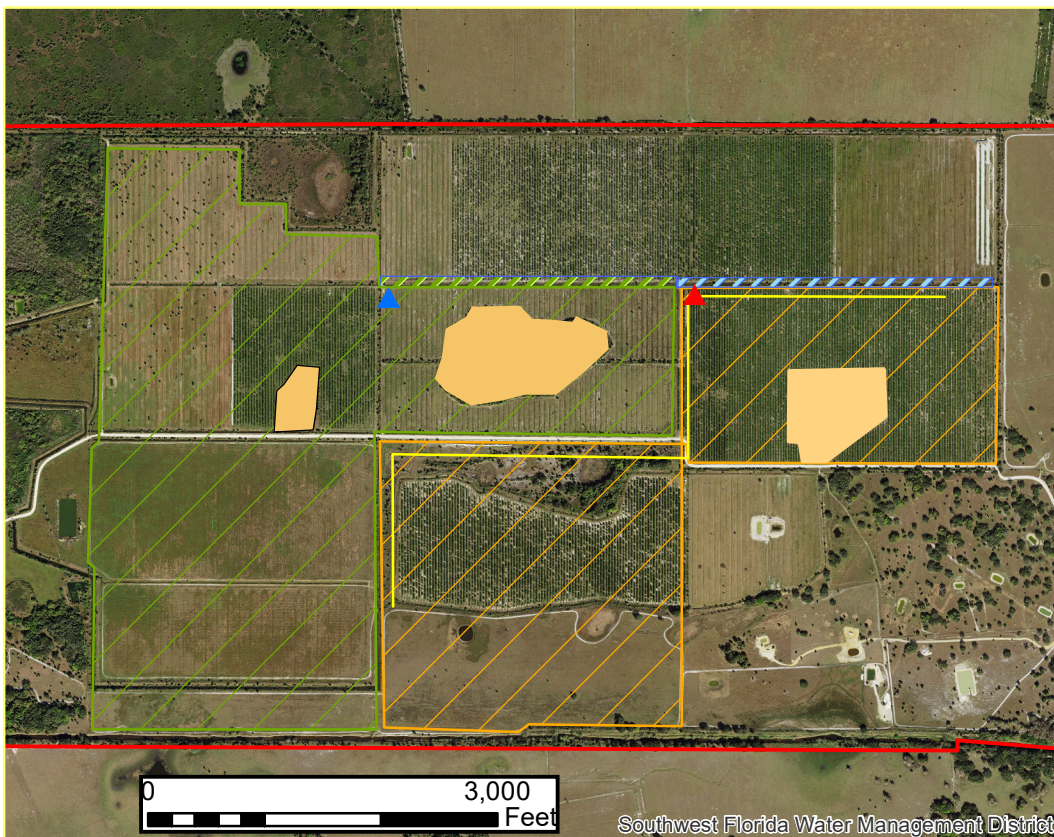
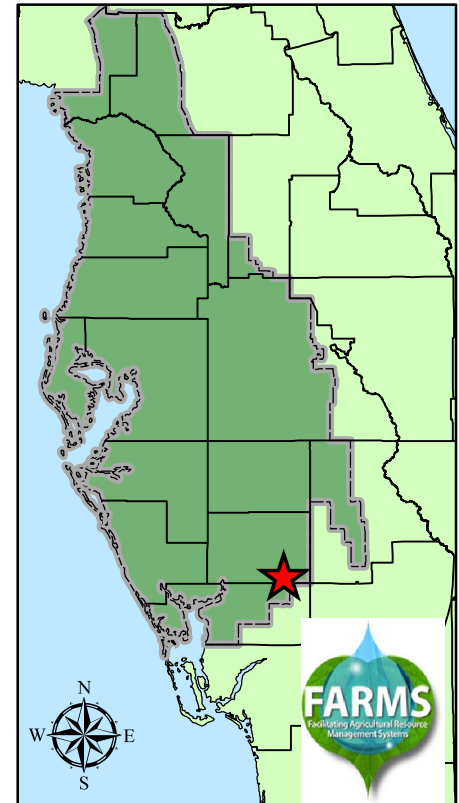
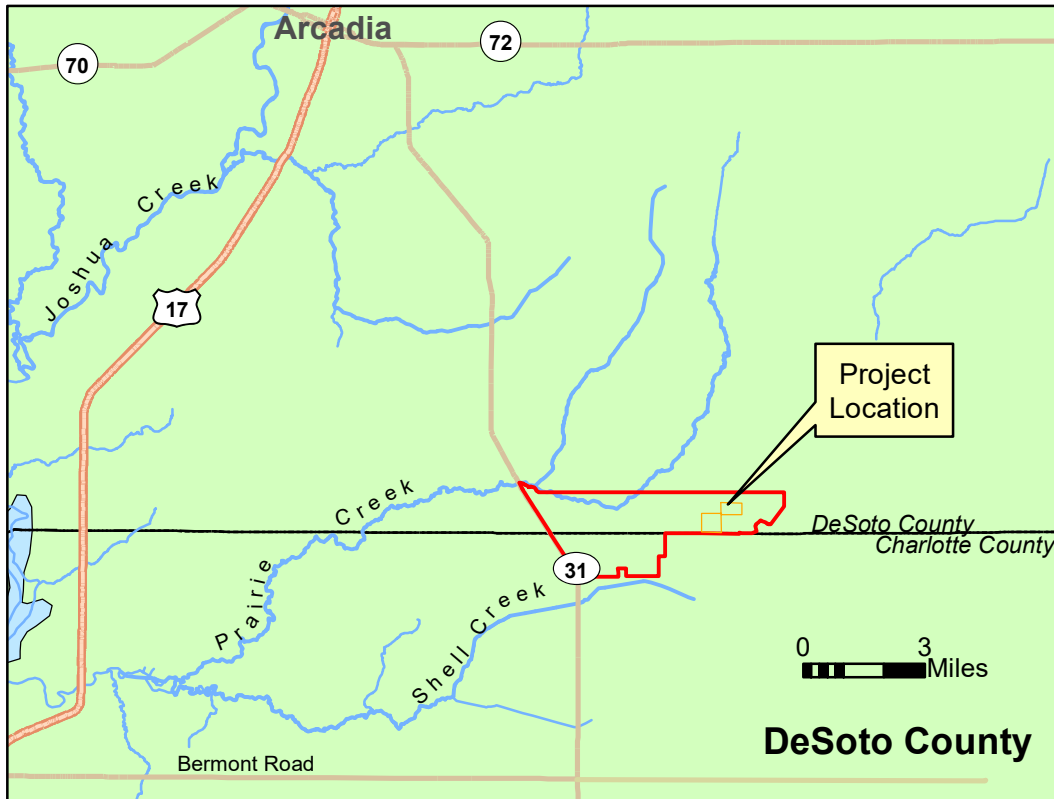
Carole Estes, P.G., FARMS Manager, Water Resources

Location Map

FARMS Project H812

Spanish Trails Farming & Land Company, LLC

Phase 2



Southwest Florida
Water Management District

RESOURCE MANAGEMENT COMMITTEE

January 24, 2023

Discussion: Information Item: Knowledge Management: Cooperative Funding Initiative Governing Board Policy

Purpose

To discuss proposed updates to the Cooperative Funding Initiative (CFI) Governing Board Policy.

Background/History

At the November 15, 2022 Governing Board Workshop, the Board discussed options that would allow cooperators to use grants to cover increased project costs. Under the current CFI Policy and practice, grant funds received by a cooperator proportionally reduce each party's share of the total project cost. Based on the Board's direction, staff proposed revisions to the CFI Policy that would allow cooperators to use state or federal appropriations or grant monies to cover project costs above their required match. The cooperator's required match can include local appropriations (e.g. funding from another local government), but they would not be able to use state or federal appropriations or grant monies as their match.

The proposed revisions are included in the CFI Policy shown in the attached exhibit. The revised CFI Policy will be brought back to the Governing Board for consideration and approval at a future meeting.

Staff Recommendation:

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

Presenter:

Kevin Wills, Cooperative Funding Lead, Engineering and Project Management Bureau

DRAFT

GOVERNING BOARD POLICY

Southwest Florida Water Management District

Title: Cooperative Funding Initiative

Document Resource Management Division

Owner: Director

Approved By: Board Chair

Effective Date: ~~07/26/2022~~

Supersedes: ~~08/27/2019~~ 07/26/2022

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PURPOSE

In accordance with Chapter 373, Florida Statutes (F.S.), the Governing Board (Board) may participate and cooperate with counties, municipalities, water supply authorities, and other interested entities in water management programs and projects of mutual benefit, provided such programs and projects are consistent with the District's statutory authority and will ensure proper development, utilization, and conservation of the water resources and ecology within the jurisdictional boundaries of the District. In addition, the Governing Board will implement the state's Water Protection and Sustainability Program through its Cooperative Funding Initiative if state funds are appropriated for this program.

SCOPE

This Policy applies to projects submitted by cooperators as a part of the Cooperative Funding Initiative.

AUTHORITY

Chapter 373, Florida Statutes

DEFINITIONS

N/A.

GOVERNING BOARD POLICY

Title: Cooperative Funding Initiative

Effective Date: 07/26/2022

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POLICY GUIDELINES

The following guidelines apply to all projects. The Board may deviate from the guidelines for a specific project if it determines that such deviation would be appropriate.

- 1) The Board will give priority consideration to those projects designed to further the implementation of the District Strategic Plan, Water Management Plan, Comprehensive Watershed Management Plans, Surface Water Improvement and Management Plans, and Regional Water Supply Plan.
- 2) The District is committed to supplier diversity in the performance of all contracts associated with District Cooperative Funding projects. The District requires the cooperator to make good faith efforts to encourage the participation of minority and women-owned business enterprises, both as prime contractors and sub-contractors, in accordance with applicable laws.
- 3) The Board will consider the applicant's efforts in developing, implementing, and enforcing best water management practices, including but not limited to, conservation-oriented water rate structures and irrigation, landscape and flood protection ordinances.
- 4) Funding may be provided to assist with the cost of data collection, research, feasibility studies, conservation and environmental education initiatives; ecosystem restoration, water resource investigation and plan development; and design, permitting and construction of capital projects. Funding is not available for operation and maintenance, payment of debt, and projects required by local, state or federal permits, unless approved by the Board.
- 5) Funding assistance will be contingent upon concurrent project action and commitment by the applicant to ensure the project goals will be implemented.
- 6) The Board will consider funding based on the applicant's ability to demonstrate that such funding is necessary to make the project economically feasible.
- 7) The applicant must demonstrate any matching funds have been appropriated, are contained within a Capital Improvement Plan, or otherwise committed to the project.
- 8) Except for a National Estuary Program, the cooperator's funding match cannot include state or federal appropriations or grant monies. Local appropriations received by a cooperator may be used towards the cooperator's funding match. The cooperator may use state or federal appropriations or grant monies to cover project costs above the required match. ~~Any state or federal appropriations or grant monies applied to a project by a cooperator, except for a National Estuary Program, shall be first applied toward the total cost of the cooperator's proposed project. The District will consider funding up to 50% of the remaining project costs with a similar match from the cooperator.~~
- 9) Pursuant to the provisions of Section 288.06561, F.S., the Board may reduce or waive requirements for matching funds when requested by rural counties or municipalities, as defined by Subsection 288.0656(2), F.S.

GOVERNING BOARD POLICY

Title: Cooperative Funding Initiative

Effective Date: 07/26/2022

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- 10) All applications submitted for funding consideration must be signed by a single Senior Administrator acting as a coordinator for the Cooperative Funding Initiative. If an applicant submits multiple applications, an overall ranking of the projects is required. Final decisions regarding the funding of project proposals are the exclusive responsibility of the Board.
- 11) To be eligible for District cooperative funding, a septic conversion project must receive at least 50% funding from the state or the Florida Department of Environmental Protection; the project must be located within a first-magnitude spring Basin Management Action Plan boundary; and local ordinances must be in place supporting Florida Statutes to require connection and restrict new conventional septic systems.
- 12) The Board will create four regional sub-committees that match the District's regional water supply planning areas. The subcommittees will consist of Governing Board members from those areas and Board members from other areas as needed to create a committee of at least three members who will be appointed by the Board Chair. The regional sub-committees will hold two public meetings to review project applications, unless the Governing Board approves a deviation from the regional sub-committee review process. The role of the sub-committees will be to:
 - a) Review project information, project scoring, and funding recommendations;
 - b) Accept cooperator and general public comments on projects;
 - c) Identify any projects that need to be presented for full Board consideration;
 - d) Provide funding recommendations to the Board for all projects in that region.
 - e) The Board will provide final funding approval on all projects.
- 13) All funding applications for construction projects will require preliminary design plans and cost estimates be submitted at the time of application. The applicant will be required to submit the results of an independent third-party review with the funding application if the project is estimated to cost more than \$5,000,000. This review is to confirm the project cost, schedule, and ability of the project to meet the proposed resource benefit.
- 14) The Governing Board delegates contract execution authority for Board approved projects to the Executive Director who may delegate, in writing, any or all approval to one or more designee.
- 15) In determining whether, and how much funding will be provided by the District, the District will consider the project benefit and costs effectiveness metrics.

The following additional guidelines apply to potable alternative water supply projects:

It is the express intent of the Board to utilize its incentive based funding to encourage the development of fully integrated, robust, multijurisdictional water supply systems composed of diverse sources (i.e., groundwater, surface water, off-stream reservoirs, desalination, etc.), managed in a manner that takes full advantage of Florida's intense climatic cycles to ensure reliable, sustainable and drought resistant systems, which maximize the use of alternative supplies to the greatest extent practicable. Alternative water supplies include indirect and direct potable reuse (IPR/DPR) projects. Multijurisdictional means two or more water utilities or local governments that have been organized into a larger entity or have entered into an interlocal

GOVERNING BOARD POLICY

Title: Cooperative Funding Initiative

Effective Date: 07/26/2022

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agreement or contract for the purpose of more efficiently pursuing water supply development or alternative water supply development projects pursuant to a regional water supply plan. The water supply systems of the multijurisdictional entity must be interconnected and must have a formalized operational management agreement that ensures the interconnected supplies are managed in a manner consistent with the Board's intent as described herein. All operational agreements between multijurisdictional entities will be evaluated by the District and must be deemed consistent with the Board's intent as described herein.

Consistent with Section 373.707, F.S., the District shall prioritize funding for alternative water supply projects owned, operated and controlled, or perpetually controlled by a Regional Water Supply Authority (RWSA) or a regional entity created by an interlocal agreement that establishes a separate legal entity, with sufficient authority to fund, own, construct, operate and maintain alternative potable water supply systems. The regional entity must be recognized by the Board through a commitment of funds that assist in the establishment of the entity.

- 1) Projects that do not meet the multijurisdictional criteria will not be considered for funding.
- 2) If a member government of a RWSA proposes a potable water supply project, it must be submitted by the RWSA to be considered for District funding.
- 3) Projects submitted by non-member governments within the service area of a RWSA will be considered for funding only if the non-member government has reviewed its plan with the RWSA to ensure the project is not inconsistent with the RWSA plan. The non-member government must submit an affirmative written statement from the RWSA indicating that the project is not inconsistent with RWSA plan.
- 4) All potable alternative water supply projects will be required to identify the quantity of alternative water supply that will be made available upon completion of the project. It is the intent of the Board that the quantity made available will be used as "base supply". The base supply will be clearly defined by the cooperator on a project-by-project basis and will include, but not be limited to, the overall alternative water supply system capacity, typically expressed in million gallons per day, the expected annual average use for the life of the project, as well as the frequency and timing of use of the available alternative water supply quantities. The base supply defined by the cooperator will be reviewed and approved by the Board as a part of the Cooperative Funding Initiative project review and budgeting process. The cooperative funding agreement between the District and the cooperator will include the base supply requirements approved by the Board. The Board may consider adjustments to a project's base supply quantity and definition by amendment of the cooperative funding agreement.

DISTRIBUTION

This Policy will be stored in the Governing Board Policy Repository.

REFERENCES

Chapter 373, Florida Statutes

Chapter 40D-2, Florida Administrative Code

GOVERNING BOARD POLICY

Title: Cooperative Funding Initiative

Effective Date: 07/26/2022

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REVIEW PERIOD

This Policy will be reviewed annually by staff. Any necessary changes will be brought to the Governing Board.

DRAFT

GOVERNING BOARD POLICY**Title: Cooperative Funding Initiative****Effective Date: 07/26/2022****Page 6 of 6****DOCUMENT DETAILS**

Document Name	Cooperative Funding Initiative
Formerly Known As	N/A
Document Type	Policy
Author(s)	Scott Letasi, P.E., Engineering and Project Management Bureau Chief
Reviewing Stakeholder(s)	Office of General Counsel, Senior Staff, and Executive Staff
Document Owner Name	Jennette Seachrist, P.E.
Document Owner Title	Resource Management Division Director
Review Period (in days)	365
Span of Control	Governing Board
Supersedes Date	08/27/2019 07/26/2022
Effective Date	07/26/2022

APPROVAL

Joel A. Schleicher
Chair

Date

DRAFT

GOVERNING BOARD POLICY

Southwest Florida Water Management District

Title: Cooperative Funding Initiative

Document Owner: Resource Management Division Director

Approved By: Board Chair

Effective Date: MM/DD/YYYY

Supersedes: 07/26/2022

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PURPOSE

In accordance with Chapter 373, Florida Statutes (F.S.), the Governing Board (Board) may participate and cooperate with counties, municipalities, water supply authorities, and other interested entities in water management programs and projects of mutual benefit, provided such programs and projects are consistent with the District's statutory authority and will ensure proper development, utilization, and conservation of the water resources and ecology within the jurisdictional boundaries of the District. In addition, the Governing Board will implement the state's Water Protection and Sustainability Program through its Cooperative Funding Initiative if state funds are appropriated for this program.

SCOPE

This Policy applies to projects submitted by cooperators as a part of the Cooperative Funding Initiative.

AUTHORITY

Chapter 373, Florida Statutes

DEFINITIONS

N/A.

GOVERNING BOARD POLICY

Title: Cooperative Funding Initiative

Effective Date: MM/DD/YYYY

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POLICY GUIDELINES

The following guidelines apply to all projects. The Board may deviate from the guidelines for a specific project if it determines that such deviation would be appropriate.

- 1) The Board will give priority consideration to those projects designed to further the implementation of the District Strategic Plan, Water Management Plan, Comprehensive Watershed Management Plans, Surface Water Improvement and Management Plans, and Regional Water Supply Plan.
- 2) The District is committed to supplier diversity in the performance of all contracts associated with District Cooperative Funding projects. The District requires the cooperator to make good faith efforts to encourage the participation of minority and women-owned business enterprises, both as prime contractors and sub-contractors, in accordance with applicable laws.
- 3) The Board will consider the applicant's efforts in developing, implementing, and enforcing best water management practices, including but not limited to, conservation-oriented water rate structures and irrigation, landscape and flood protection ordinances.
- 4) Funding may be provided to assist with the cost of data collection, research, feasibility studies, conservation and environmental education initiatives; ecosystem restoration, water resource investigation and plan development; and design, permitting and construction of capital projects. Funding is not available for operation and maintenance, payment of debt, and projects required by local, state or federal permits, unless approved by the Board.
- 5) Funding assistance will be contingent upon concurrent project action and commitment by the applicant to ensure the project goals will be implemented.
- 6) The Board will consider funding based on the applicant's ability to demonstrate that such funding is necessary to make the project economically feasible.
- 7) The applicant must demonstrate any matching funds have been appropriated, are contained within a Capital Improvement Plan, or otherwise committed to the project.
- 8) Except for a National Estuary Program, the cooperator's funding match cannot include state or federal appropriations or grant monies. Local appropriations received by a cooperator may be used towards the cooperator's funding match. The cooperator may use state or federal appropriations or grant monies to cover project costs above the required match.
- 9) Pursuant to the provisions of Section 288.06561, F.S., the Board may reduce or waive requirements for matching funds when requested by rural counties or municipalities, as defined by Subsection 288.0656(2), F.S.
- 10) All applications submitted for funding consideration must be signed by a single Senior Administrator acting as a coordinator for the Cooperative Funding Initiative. If an applicant submits multiple applications, an overall ranking of the projects is required. Final decisions regarding the funding of project proposals are the exclusive responsibility of the Board.

GOVERNING BOARD POLICY

Title: Cooperative Funding Initiative

Effective Date: MM/DD/YYYY

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- 11) To be eligible for District cooperative funding, a septic conversion project must receive at least 50% funding from the state or the Florida Department of Environmental Protection; the project must be located within a first-magnitude spring Basin Management Action Plan boundary; and local ordinances must be in place supporting Florida Statutes to require connection and restrict new conventional septic systems.
- 12) The Board will create four regional sub-committees that match the District's regional water supply planning areas. The subcommittees will consist of Governing Board members from those areas and Board members from other areas as needed to create a committee of at least three members who will be appointed by the Board Chair. The regional sub-committees will hold two public meetings to review project applications, unless the Governing Board approves a deviation from the regional sub-committee review process. The role of the sub-committees will be to:
 - a) Review project information, project scoring, and funding recommendations;
 - b) Accept cooperator and general public comments on projects;
 - c) Identify any projects that need to be presented for full Board consideration;
 - d) Provide funding recommendations to the Board for all projects in that region.
 - e) The Board will provide final funding approval on all projects.
- 13) All funding applications for construction projects will require preliminary design plans and cost estimates be submitted at the time of application. The applicant will be required to submit the results of an independent third-party review with the funding application if the project is estimated to cost more than \$5,000,000. This review is to confirm the project cost, schedule, and ability of the project to meet the proposed resource benefit.
- 14) The Governing Board delegates contract execution authority for Board approved projects to the Executive Director who may delegate, in writing, any or all approval to one or more designee.
- 15) In determining whether, and how much funding will be provided by the District, the District will consider the project benefit and costs effectiveness metrics.

The following additional guidelines apply to potable alternative water supply projects:

It is the express intent of the Board to utilize its incentive based funding to encourage the development of fully integrated, robust, multijurisdictional water supply systems composed of diverse sources (i.e., groundwater, surface water, off-stream reservoirs, desalination, etc.), managed in a manner that takes full advantage of Florida's intense climatic cycles to ensure reliable, sustainable and drought resistant systems, which maximize the use of alternative supplies to the greatest extent practicable. Alternative water supplies include indirect and direct potable reuse (IPR/DPR) projects. Multijurisdictional means two or more water utilities or local governments that have been organized into a larger entity or have entered into an interlocal agreement or contract for the purpose of more efficiently pursuing water supply development or alternative water supply development projects pursuant to a regional water supply plan. The water supply systems of the multijurisdictional entity must be interconnected and must have a formalized operational management agreement that ensures the interconnected supplies are managed in a manner consistent with the Board's intent as described herein. All operational agreements between multijurisdictional entities will be evaluated by the District and must be deemed consistent with the Board's intent as described herein.

GOVERNING BOARD POLICY

Title: Cooperative Funding Initiative

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Consistent with Section 373.707, F.S., the District shall prioritize funding for alternative water supply projects owned, operated and controlled, or perpetually controlled by a Regional Water Supply Authority (RWSA) or a regional entity created by an interlocal agreement that establishes a separate legal entity, with sufficient authority to fund, own, construct, operate and maintain alternative potable water supply systems. The regional entity must be recognized by the Board through a commitment of funds that assist in the establishment of the entity.

- 1) Projects that do not meet the multijurisdictional criteria will not be considered for funding.
- 2) If a member government of a RWSA proposes a potable water supply project, it must be submitted by the RWSA to be considered for District funding.
- 3) Projects submitted by non-member governments within the service area of a RWSA will be considered for funding only if the non-member government has reviewed its plan with the RWSA to ensure the project is not inconsistent with the RWSA plan. The non-member government must submit an affirmative written statement from the RWSA indicating that the project is not inconsistent with RWSA plan.
- 4) All potable alternative water supply projects will be required to identify the quantity of alternative water supply that will be made available upon completion of the project. It is the intent of the Board that the quantity made available will be used as "base supply". The base supply will be clearly defined by the cooperator on a project-by-project basis and will include, but not be limited to, the overall alternative water supply system capacity, typically expressed in million gallons per day, the expected annual average use for the life of the project, as well as the frequency and timing of use of the available alternative water supply quantities. The base supply defined by the cooperator will be reviewed and approved by the Board as a part of the Cooperative Funding Initiative project review and budgeting process. The cooperative funding agreement between the District and the cooperator will include the base supply requirements approved by the Board. The Board may consider adjustments to a project's base supply quantity and definition by amendment of the cooperative funding agreement.

DISTRIBUTION

This Policy will be stored in the Governing Board Policy Repository.

REFERENCES

Chapter 373, Florida Statutes

Chapter 40D-2, Florida Administrative Code

REVIEW PERIOD

This Policy will be reviewed annually by staff. Any necessary changes will be brought to the Governing Board.

GOVERNING BOARD POLICY**Title: Cooperative Funding Initiative****Effective Date: MM/DD/YYYY****Page 5 of 5****DOCUMENT DETAILS**

Document Name	Cooperative Funding Initiative
Formerly Known As	N/A
Document Type	Policy
Author(s)	Scott Letasi, P.E., Engineering and Project Management Bureau Chief
Reviewing Stakeholder(s)	Office of General Counsel, Senior Staff, and Executive Staff
Document Owner Name	Jennette Seachrist, P.E.
Document Owner Title	Resource Management Division Director
Review Period (in days)	365
Span of Control	Governing Board
Supersedes Date	07/26/2022
Effective Date	MM/DD/YYYY

APPROVAL

Joel A. Schleicher
Chair

Date

Governing Board Meeting
January 24, 2022

5. OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

5.1	Discussion: Information Item: Consent Item(s) Moved to Discussion	115
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OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

January 24, 2023

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

Governing Board Meeting

January 24, 2023

6. REGULATION COMMITTEE

- 6.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion.....116
- 6.2 **Discussion:** Action Item: Denials Referred to the Governing Board117

REGULATION COMMITTEE

January 24, 2023

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

January 24, 2023

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
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7. GENERAL COUNSEL'S REPORT

7.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion118

GENERAL COUNSEL'S REPORT

January 24, 2023

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

COMMITTEE/LIAISON REPORTS

January 24, 2023

Discussion: Information Item: Agricultural and Green Industry Advisory Committee

This meeting was replaced with December 16 field trip.

Staff Recommendation:

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

Presenter:

Kelly Rice, Board Member

EXECUTIVE DIRECTOR'S REPORT

January 24, 2023

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

January 24, 2023

Discussion: Information Item: Chair's Report

Staff Recommendation:

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

Presenter:

Joel A. Schleicher, Chair

CHAIR'S REPORT

January 24, 2023

Discussion: Information Item: Employee Milestones

Staff Recommendation:

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

Presenter:

Joel A. Schleicher, Governing Board Chair

Years of Service	Seniority Date	Preferred Full Name	Position Title	Office Location	Bureau	Anniversary Year	Next Milestone
5	01/02/2018	Aram Salazar Aguilar	Compliance Inspector 2	Tampa	Regulatory Support	2023	01/02/2023
5	01/16/2018	Michael Attard	Manager, Administrative and Financial Systems	Brooksville	Finance	2023	01/16/2023
10	01/07/2013	George Schlutermann	Hydrogeologist, Senior	Brooksville	Water Resources	2023	01/07/2023
10	01/28/2013	Susanna Martinez Tarokh	Public Information Officer	Tampa	Communications Board Svc	2023	01/28/2023
15	01/08/2008	Adrienne Vining	Lead Assistant General Counsel	Tampa	Office of General Counsel	2023	01/08/2023
20	01/27/2003	Latasha Murphy	Supervisor, Field Services	Bartow	Regulatory Support	2023	01/27/2023
25	01/05/1998	Doug Leeper	MFLs Program Lead	Brooksville	Natural Sys & Restoration	2023	01/05/2023
25	01/26/1998	Robin Morgan	Financial Systems Lead	Brooksville	Finance	2023	01/26/2023
30	01/11/1993	Ted Gates	Manager, Geohydrologic Data	Brooksville	Data Collection	2023	01/11/2023