

# Governing Board Meeting

## *Agenda and Meeting Information*

*January 28, 2020*

*9:00 AM*

*Tampa Office*

7601 US Hwy. 301 • Tampa, Florida  
(813) 985-7481

Southwest Florida  
Water Management District

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# Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604  
(352) 796-7211 or 1-800-423-1476 (FL only)  
[WaterMatters.org](http://WaterMatters.org)

SWFWMD does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of SWFWMD'S functions, including access to and participation in SWFWMD'S programs and activities. SWFWMD designates the Human Resources Office Chief as the Americans with Disabilities Act (ADA) Compliance Coordinator. Anyone requiring reasonable accommodation as provided for in the ADA should contact SWFWMD'S Human Resources Office Chief, 2379 Broad Street, Brooksville, Florida 34604-6899; telephone 352-796-7211, ext. 4701 or 1-800-423-1476 (FL only), ext. 4701; TDD 1-800-231-6103 (FL only); or email to [ADACoordinator@WaterMatters.org](mailto:ADACoordinator@WaterMatters.org).

## Final Agenda GOVERNING BOARD MEETING

**JANUARY 28, 2020**

**9:00 AM**

### Tampa Office

7601 US HWY. 301, TAMPA, FL 33637  
(813) 985-7481

*All meetings are open to the public.*

- Viewing of the Board meeting will be available at each of the District offices and through the District's website ([www.WaterMatters.org](http://www.WaterMatters.org)) -- follow directions to use internet streaming.
- 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 on the District's web site: [www.WaterMatters.org](http://www.WaterMatters.org)

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

**Sarasota Office**  
6750 Fruitville Road  
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



**9:00 A.M. CONVENE PUBLIC HEARING AND MEETING (TAB A)**

1. *Call to Order*
2. *Invocation and Pledge of Allegiance*
3. *Employee Recognition*
4. *Additions/Deletions to Agenda*
5. *Public Input for Issues Not Listed on the Published Agenda*

**CONSENT AGENDA (TAB B)*****Finance/Outreach & Planning Committee***

6. Knowledge Management: Governing Board Policy Deletion
7. Budget Transfer Report
8. Calendar Year 2020 Office of Inspector General Audit Plan

***Resource Management Committee***

9. Springs – Crystal River Southern Septic to Sewer Project (W434) – Scope of Work and Cost Reduction

***Operations, Lands and Resource Monitoring Committee***

10. Easement Donation from Citrus County – Tsala Apopka Golf Course Water Control Structure Modification – SWF Parcel No. 19-009-101
11. Right of First Refusal to Acquire the Remainder Fee Interest in a Conservation Easement, Bright Hour Ranch, SWF Parcel No. 20-780-101C

***Regulation Committee***

12. Individual Water Use Permits Referred to the Governing Board
  - a. WUP No. 20005423.017 – Manatee Plant – Florida Power & Light Company (Manatee County)
  - b. WUP No. 20020721.001 – South Sumter Utility Company/South Sumter Utility Company (Sumter County)
  - c. WUP No. 20012392.004 – PH Citrus LLC/PH Citrus LLC (Polk County)

***General Counsel's Report***

13. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval
  - a. Approval of Settlement Agreement Between SWFWMD and FUFLUNS Holdings, LLC – CT No. 394688 – Citrus County
  - b. Authorization to Issue Administrative Complaint and Order – Unauthorized Construction – 8791 Ulmerton Road – Linda R. Freeland & Paver House, LLC – CT No. 401932 – Pinellas County
  - c. Approval of Consent Order Between SWFWMD and AAMW Enterprises, LLC – CT No. 401716 – Sumter County
  - d. Authorization to Initiate Litigation – Unauthorized Water Use – Watermelon Pit, LLC, and JDI Farms, Inc. – Water Use Permit No. 8322.004 – CT No. 404443 – Charlotte County
14. Rulemaking-None

***Executive Director's Report***

15. Approve Governing Board Minutes – December 10, 2019

**FINANCE/OUTREACH & PLANNING COMMITTEE (TAB C)*****Discussion***

16. Consent Item(s) Moved for Discussion
17. Investment Strategy Quarterly Update
18. Legislative Update
19. Strategic Plan Updates
20. 2020 Consolidated Annual Report

***Submit & File Reports***

21. Office of Inspector General Quarterly Update – October 1, 2019 to December 31, 2019

***Routine Reports***

22. Treasurer's Report and Payment Register
23. Monthly Financial Statement

- 24. Monthly Cash Balances by Fiscal Year
- 25. Comprehensive Plan Amendment and Related Reviews Report

**RESOURCE MANAGEMENT COMMITTEE (TAB D)****Discussion**

- 26. Consent Item(s) Moved for Discussion
- 27. SWIM – Approve the Recommended Surface Water Improvement and Management Program Priority List

**Submit & File Reports**

- 28. Annual Status of the Southern Water Use Caution Area Recovery Strategy
- 29. Five-Year Water Resource Development Work Program

**Routine Reports**

- 30. Minimum Flows and Levels Status Report
- 31. Significant Water Resource and Development Projects

**OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE (TAB E)****Discussion**

- 32. Consent Item(s) Moved for Discussion
- 33. Hydrologic Conditions Report

**Submit & File Reports – None****Routine Reports**

- 34. Surplus Lands Update
- 35. Structure Operations
- 36. Significant Activities

**REGULATION COMMITTEE (TAB F)****Discussion**

- 37. Consent Item(s) Moved for Discussion
- 38. Denials Referred to the Governing Board

**Submit & File Reports – None****Routine Reports**

- 39. Dover/Plant City Water Use Caution Area Flow Meter and Automatic Meter Reading (AMR) Equipment Implementation Program
- 40. Overpumpage Report
- 41. Individual Permits Issued by District Staff

**GENERAL COUNSEL'S REPORT (TAB G)****Discussion**

- 42. Consent Item(s) Moved for Discussion

**Submit & File Reports – None****Routine Reports**

- 43. January 2020 Litigation Report
- 44. January 2020 Rulemaking Update

**COMMITTEE/LIAISON REPORTS (TAB H)**

- 45. Environmental Advisory Committee
- 46. Well Driller's Advisory Committee

**EXECUTIVE DIRECTOR'S REPORT (TAB I)**

- 47. Executive Director's Report

**CHAIR'S REPORT (TAB J)**

- 48. Chair's Report
- 49. Employee Milestones

\*\*\* **RECESS PUBLIC HEARING** \*\*\*

## ADJOURNMENT

The Governing Board may take action on any matter on the printed agenda including such items listed as reports, discussions, or program presentations. The Governing Board may make changes to the printed agenda only for good cause as determined by the Chair, and stated in the record.

If a party decides to appeal any decision made by the Board with respect to any matter considered at a hearing or these meetings, that party will need a record of the proceedings, and for such purpose that party may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you wish to address the Board concerning any item listed on the agenda or an issue that does not appear on the agenda, please fill out a speaker's card at the reception desk in the lobby and give it to the recording secretary. Your card will be provided to the Chair who will call on you at the appropriate time during the meeting. When addressing the Board, please step to the podium, adjust the microphone for your comfort, and state your name for the record. Comments will be limited to three minutes per speaker. In appropriate circumstances, the Chair may grant exceptions to the three-minute limit.

The Board will accept and consider written comments from any person if those comments are submitted to the District at Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899. The comments should identify the number of the item on the agenda and the date of the meeting. Any written comments received after the Board meeting will be retained in the file as a public record.

# GOVERNING BOARD OFFICERS, COMMITTEES AND LIAISONS

Effective November 26, 2019

OFFICERS	
Chair	Mark Taylor
Vice Chair	Michelle Williamson
Secretary	Joel Schleicher
Treasurer	Kelly S. Rice

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE
James G. Murphy, Chair
Jack Bispham

RESOURCE MANAGEMENT COMMITTEE
Rebecca Smith, Chair
Roger Germann

REGULATION COMMITTEE
Joel Schleicher, Chair
Michelle Williamson

FINANCE/OUTREACH AND PLANNING COMMITTEE
Kelly S. Rice, Chair
Seth Weightman

*\* Board policy requires the Governing Board Treasurer to chair the Finance Committee.*

STANDING COMMITTEE LIAISONS	
Agricultural and Green Industry Advisory Committee	Michelle Williamson
Environmental Advisory Committee	Roger Germann
Industrial Advisory Committee	James G. Murphy
Public Supply Advisory Committee	Kelly S. Rice (Temporary)
Well Drillers Advisory Committee	Seth Weightman

OTHER LIAISONS	
Central Florida Water Initiative	James Murphy
Springs Coast Steering Committee	Kelly S. Rice
Charlotte Harbor National Estuary Program Policy Board	Jack Bispham
Sarasota Bay Estuary Program Policy Board	Joel Schleicher
Tampa Bay Estuary Program Policy Board	Roger Germann
Tampa Bay Regional Planning Council	Rebecca Smith



**Southwest Florida Water Management District Schedule of Meetings  
Fiscal Year 2020**

Updated 12/19/19

**Governing Board Meeting**

October 22, 2019 – 9:00 a.m., Brooksville Office  
November 19, 2019 – 9:00 a.m., Tampa Office  
December 10, 2019 – 11:00 a.m., Brooksville Office  
January 28, 2020 – 9:00 a.m., Tampa Office  
February 25, 2020 – 9:00 a.m., Brooksville Office  
March 24, 2020 – 10:00 a.m., Sarasota County Operations Center  
April 28, 2020 – 10:00 a.m., Lake Eva Banquet Hall, Haines City  
May 19, 2020 – 9:00 a.m., Tampa Office  
June 23, 2020 – 9:00 a.m., Brooksville Office  
July 28, 2020 – 9:00 a.m., Tampa Office  
August 25, 2020 – 9:00 a.m., Brooksville Office  
September 22, 2020 – 3:00 p.m., Tampa Office

**Governing Board Public Budget Hearing – 5:01 p.m., Tampa Office**

2020 – September 8 & 22

**Agricultural & Green Industry Advisory Committee – 10:00 a.m., Tampa Office**

2019 – December 3  
2020 – March 10, June 9, September 15

**Environmental Advisory Committee – 10:00 a.m., Tampa Office**

2019 – October 8  
2020 – January 14, April 14, July 14

**Industrial Advisory Committee – 10:00 a.m., Tampa Office**

2019 – November 5  
2020 – February 11, May 12, August 11

**Public Supply Advisory Committee – 1:00 p.m., Tampa Office**

2019 – November 5  
2020 – February 11, May 12, August 11

**Well Drillers Advisory Committee – 1:30 p.m., Tampa Office**

2019 – October 9  
2020 – January 8, April 8, July 8

**Cooperative Funding Initiative – all meetings begin at 10:00 a.m.**

2020 – February 5 – Northern Region, Brooksville Office  
2020 – February 6 – Southern Region, Sarasota County Commission Chamber  
2020 – February 12 – Heartland Region, Bartow City Hall  
2020 – February 13 – Tampa Bay Region, Tampa Office  
2020 – April 1 – Northern Region, Brooksville Office  
2020 – April 2 – Southern Region, Sarasota County Commission Chamber  
2020 – April 8 – Tampa Bay Region, Tampa Office  
2020 – April 9 – Heartland Region, Bartow City Hall

**Public Meeting for Pending Permit Applications – 9:00 a.m., Tampa Office**

2019 – October 2, November 6, December 4  
2020 – January 8, February 5, March 4, April 1, May 6, June 3, July 1, August 5, September 2

**Environmental Resource Permitting Advisory Group – 10:00 a.m., and  
Water Use Permitting Advisory Group – 2:00 p.m., Tampa Office**

2019 – October 30  
2020 – April 29, July 22

**Meeting Locations**

Brooksville Office – 2379 Broad Street, Brooksville, FL 34604  
Tampa Office – 7601 US Highway 301 North, Tampa, FL 33637  
Lake Eva Banquet Hall – 799 Johns Avenue, Haines City, FL 33844  
Bartow City Hall – 450 N. Wilson Avenue, Bartow, FL 33830  
Sarasota County Commission Chamber – 1660 Ringling Blvd. Sarasota, FL 34236  
Sarasota County Operations Center – 1001 Sarasota Center Blvd. Sarasota, FL 34240

**Executive Summary**

# Executive Summary

## GOVERNING BOARD MEETING

JANUARY 28, 2020  
9:00 a.m.

### CONVENE PUBLIC MEETING (TAB A)

1. Call to Order
2. Invocation and Pledge of Allegiance
3. Employee Recognition
4. Additions/Deletions to Agenda
5. Public Input for Issues Not Listed on the Published Agenda

### CONSENT AGENDA (TAB B)

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, the item(s) will be deleted from the Consent Agenda and moved to the appropriate Committee or Report for consideration.

#### Finance/Outreach & Planning Committee

6. **Knowledge Management: Governing Board Policy Deletion**

As part of the District's Knowledge Management initiative, all the District's Governing Board Policies are being reviewed by the respective divisions.

The District's Knowledge Management initiative was launched in fiscal year 2016 and is now a Core Business Process in the District's Strategic Plan. Knowledge Management is the practice of systematically and actively collecting, managing, sharing and leveraging the organization's data, information and processes.

The following Governing Board Policy has been identified by staff as obsolete. The Governing and Basin Board Records Policy 101-002 was instituted in 1992 for the preparation, retention, storage, and disposal of records of proceedings of the Governing and Basin Boards. The District's Governing Board approved a resolution to merge the budgets of the eight Basin Boards into the Governing Board in May 2011. Additionally, the Governing Board has approved Governing Board policy 190-1 Records Management with the latest effective date of July 30, 2015. Therefore, the policy for Governing and Basin Board Records is no longer needed.

Updating existing Governing Board Policies increases efficiencies and ensures organizational alignment.

Staff Recommendation:

Staff recommends the Board approve the deletion of Governing Board Policy 101-002 Governing and Basin Board Records.

**7. Budget Transfer Report**

Request approval of the Budget Transfer Report covering all budget transfers made during the month of December 2019.

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 regularly presented to the Finance/Outreach & Planning Committee for approval on the Consent Agenda at the next scheduled meeting. The exhibit for this item reflects all such transfers executed since the date of the last report for the Committee's approval.

Staff Recommendation:

Request approval of the Budget Transfer Report covering all budget transfers for December 2019.

**8. Calendar Year 2020 Office of Inspector General Audit Plan**

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. Findings from other audits and meetings with each Board member, District management, and District staff was also included as part of the risk assessment. 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(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.

Staff Recommendation:

Approve the Calendar Year 2020 Office of Inspector General Audit Plan.

**Resource Management Committee****9. Springs - Crystal River Southern Septic to Sewer Project (W434) - Scope of Work and Cost Reduction**

The purpose of this item is to request approval of scope of work and cost changes for the Crystal River Southern Septic to Sewer Project. The scope and cost are being reduced because a portion of the septic tanks in the originally proposed project are now anticipated to be connected to central sewer by Citrus County (County). The County constructed a force main in the southern area of the project, and it is more cost effective for the County to connect the septic tanks in the southern area where the necessary infrastructure now exists.



The District Governing Board approved fiscal year (FY) 2020 funding for the 30 percent design, Third-Party Review (TPR), final design, permitting and construction of a municipal sewer system necessary for connection of existing septic tanks in the southern area of the City of Crystal River (City) and within the Crystal River/Kings Bay Priority Focus Area (PFA) with a total project cost of \$6,500,000. As originally envisioned, the project was anticipated to result in the connection of a minimum of 722 existing septic tanks. The contract with the City has yet to be executed, and this project has a Florida Department of Environmental Protection (FDEP) grant associated with it.

As noted above, the County recently constructed a force main in the southern area of the project and is planning to connect the septic tanks in this area. As a result, the City will be reducing the length of gravity sewer and force mains by 14,400 linear feet and eliminating the construction of one lift station. The number of tanks the City will be connecting with this infrastructure will be reduced from 722 septic tanks connected to 276 septic tanks connected. This change would reduce the project benefit from 6,815 pounds per year of total nitrogen reduced (lbs/yr TN) to 3,445 lbs/yr TN reduced. Please note that the commercial septic tanks included in the originally proposed project remain within this scope of work. The nitrogen loading from commercial tanks is higher than from single-family septic tanks.

With the reduction in scope, the total original project cost of \$6,500,000 is also requested to be reduced to \$4,843,750, and the 50 percent FDEP funding share is reduced from \$3,250,000 to \$2,421,875. FDEP has approved this scope of work and budget change. The District and County are each providing 25 percent funding, and with the proposed changes, the shares are reduced from \$1,625,000 to \$1,210,937.50. Although the total project cost is now below \$5,000,000, the District is still recommending that a TPR be required due to the complexity of the project.

The cost effectiveness of this project with the proposed changes is \$47 per pound of total nitrogen removed. This retains a high ranking as this cost is less than the District's cost effectiveness metric of \$100/lb of TN removed. The staff overall recommendation of the project remains high.

Staff Recommendation:

Approve the scope and cost reduction for the Springs-Crystal River Southern Septic to Sewer Project (W434) to include:

1. Decrease the number of septic tanks connected to 276 septic tanks.
2. Decrease the total project cost to \$4,843,750 and reduce the District's 25 percent share to \$1,210,937.50.

**Operations, Lands and Resource Monitoring Committee**

**10. Easement Donation from Citrus County – Tsala Apopka Golf Course Water Control Structure Modification – SWF Parcel No. 19-009-101**

Request Governing Board approval of an Easement from Citrus County for the property needed to complete the retrofitting of the Golf Course Water Control Structure (Structure). The Easement is included as Exhibit 1 along with a general location map and site map included as Exhibits 2 and 3, respectively.

The Structure was originally built in 1965, to control the flow of water through the newly constructed Golf Course Canal between the Floral City and Inverness Pools of the Tsala Apopka Chain-of-Lakes (lake chain), in eastern Citrus County. For several decades, this Structure has been used to share inflows from the Withlacoochee River to help fill the lakes

and to release flood flows through the lake chain during high water times. Throughout this time, improvements have been made to the Structure, including removal of the original stop logs and installation of four 4-foot wide drop gates that could be raised and lowered remotely. The District completed a design to replace the gates with two 8-foot wide aluminum gates that will lift upward from the channel bottom. The Governing Board approved the project expenditure in October 2018.

The Structure's four 4-foot wide steel drop gates can be lowered, allowing flow to overtop the gates and pass between the Floral City and Inverness Pools. In their fully lowered position, the invert of these gates are more than 4 feet above the channel bottom. At times, this configuration limits the amount of flow that can pass between the pools, preventing water managers from meeting operational guidelines for the lake chain. Flows are also limited by upstream debris that commonly builds up between the four narrow (4-foot wide) gates, requiring additional maintenance. Lift gates will allow for additional capacity when needed while wider gates will help reduce the collection of upstream debris on the structure. This project also includes measures to help control erosion and prevent sediment transport.

The structure currently lies within the county road right-of-way known as East Sandpiper Drive. Citrus County owns fee title to the land where the structure is located. Since the District has no ownership interests in the subject land, the District pursued property rights to allow for construction, operation, and maintenance of the structure.

Retrofitting the Structure will allow District staff to make accurate and timely water level adjustments; allow District staff to meet the control structure operation guidelines for the system; and may reduce the levels and duration of flooding. Costs associated with this Easement are title fees of approximately \$500.

Staff Recommendation:

Accept the Easement donation from Citrus County.

**11. Right of First Refusal to Acquire the Remainder Fee Interest in a Conservation Easement, Bright Hour Ranch, SWF Parcel No. 20-780-101C**

The purpose of this item is to recommend the Governing Board decline the right of first refusal to purchase the remainder fee interest over SWF Parcel 20-780-101C encumbered by a District conservation easement. The conservation easement consists of approximately 10,754 acres over the subject property and is in DeSoto County within the Bright Hour Watershed Project. A general location map is included as Exhibit 1.

The District identifies lands eligible for acquisition through the Board-approved Florida Forever Work Plan. In the work plan, lands are identified for acquisition as fee simple acquisition or acquisition of less than fee rights (conservation easement). Less than fee acquisitions consist of the purchase of certain rights, such as development rights, that are intended to ensure that natural systems and water resources are protected in their existing state in perpetuity. In a typical negotiation of a conservation easement acquisition, the District retains a "right of first refusal" which is perpetual, running with the land, and remaining in effect regardless if the District declines a previous offering.

The District originally acquired a conservation easement over the Bright Hour Ranch property in 1998 over 28,274 acres. The easement terms allowed for division of title into tracts no smaller than 5,000 acres. A previous split divided the easement into two parcels consisting of the western 16,040 acres and eastern 12,234 acres. The western parcel is the subject of this

Board item and will divide this parcel into 10,754 acres and 5,286 acres. The right of first refusal in the conservation easement requires notification of the Grantor's (owner's) intent to sell the property, or any portion thereof, and further requires that an offer be extended to sell the property to the District.

The contract provided by the owner's representative is for the sale of 11,400 acres including 10,754 acres that are encumbered by the conservation easement together with 646 acres owned in fee simple that are not encumbered or subject to the right of first refusal. The price reported in the contract for the encumbered property is \$1,450 per gross acre or \$15,593,300. The fee simple portion of the property is under contract for \$4,000 per gross acre or \$2,584,000.

District staff evaluated the opportunity to purchase the remainder fee interest and determined that the existing conservation easement is sufficient to meet our intended natural systems and water resource benefits.

The restrictions placed on the property by the existing conservation easement are adequate to protect the water resources of the property. The benefits of acquiring the remainder fee interest would be minimal.

Staff Recommendation:

- Approve declining the right of first refusal to purchase the remainder fee interest over SWF Parcel No. 20-780-101C encumbered by a District conservation easement.
- Authorize the Executive Director to execute the necessary documents to decline the right of first refusal on SWF Parcel 20-780-101C.

**Regulation Committee**

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

**a. WUP No. 20005423.017 - Manatee Plant - Florida Power & Light Company (Manatee County)**

This is a modification of an existing water use permit (WUP) for public supply use. This modification transfers two existing public supply wells and their authorized quantities from WUP No. 20008135.012 to this permit. There is no net change in authorized groundwater withdrawals as a result of this permit modification. The authorized quantities are 2,100,000 gallons per day (gpd) on an annual average basis and 3,000,000 gpd on a peak month basis for potable water supply. Outdoor water demands within the service area are met through a separate permit. Quantities are based on projected water needs provided by the applicant.

Special Conditions include those that require the Permittee to: continue to record and report monthly meter readings from all withdrawal points, submit annual Public Supply Reports, submit annual Environmental Monitoring Reports, adhere to the per-capita requirements of this permit, and implement the conservation plan that was submitted with the application.

The permit application meets all Rule 40D-2 Conditions for Issuance.

Staff Recommendation:

Approve the proposed permit attached as an exhibit.

b. **WUP No. 20020721.001 – South Sumter Utility Company/South Sumter Utility Company (Sumter County)**

This is a modification of an existing water use permit (WUP) for public supply use. This modification transfers two existing public supply wells and their authorized quantities from WUP No. 20008135.012 to this permit. There is no net change in authorized groundwater withdrawals as a result of this permit modification. The authorized quantities are 2,100,000 gallons per day (gpd) on an annual average basis and 3,000,000 gpd on a peak month basis for potable water supply. Outdoor water demands within the service area are met through a separate permit. Quantities are based on projected water needs provided by the applicant.

Special Conditions include those that require the Permittee to: continue to record and report monthly meter readings from all withdrawal points, submit annual Public Supply Reports, submit annual Environmental Monitoring Reports, adhere to the per-capita requirements of this permit, and implement the conservation plan that was submitted with the application.

The permit application meets all Rule 40D-2 Conditions for Issuance.

Staff Recommendation:

Approve the proposed permit attached as an exhibit.

c. **WUP No. 20012392.004 - PH Citrus LLC/PH Citrus LLC (Polk County)**

This is a modification of an existing water use permit for agricultural use. The use type has not changed. The permit authorizes an annual average quantity increase from 957,900 gallons per day (gpd) to 1,072,800 gpd, a drought annual average quantity increase from 1,234,900 gpd to 1,382,800 gpd, and a peak month quantity increase from 4,931,600 gpd to 5,606,700 gpd. The crop protection quantity remains 33,404,900 gpd. The quantities are based on information provided by the Permittee and the District's irrigation allotment program, AGMOD. The Permittee is currently not connected to reclaimed water lines because the nearest lines are too far to be economically feasible. The proposed water used is located within the area of the Central Florida Water Initiative (CFWI) of the Southern Water Use Caution Area (SWUCA) and has been conditioned accordingly.

This application satisfies existing conditions for permit issuance because reasonable assurances have been provided that demonstrate that water resources, existing legal users, offsite land uses, and surface water and groundwater quality will not be adversely impacted. Additionally, documentation has been provided that demonstrates the request is necessary to fulfill a reasonable demand, conservation measures will be incorporated, and an evaluation of alternative water has been provided. The recommended permit duration is commensurate with the applicant's ability to satisfy conditions of permit issuance.

The CFWI is a collaborative regional water supply endeavor to protect, conserve, and restore water resources in the area by working to accomplish the goals presented in the Central Florida Water Initiative Guidance Document. These goals include crafting long-term water supply solutions for the Central Florida region. The CFWI effort may also result in specific regulatory requirements. While the scope and content of these regulatory requirements are unknown at this time, it is possible they may include requirements that are related to the Permittee's relative contribution to the water resource impact being addressed, the timing of permit issuance compared to other existing legal users, and/or include other considerations identified by the CFWI Solutions Planning and Regulatory



Teams. Therefore, this permit includes Special Conditions that provide specific notification that the permit may be modified during the term of the permit to address unanticipated harm or impacts to existing legal users that is occurring or is projected to occur from the Permittee's authorized withdrawal over the permit duration. Since this application is located within the CFWI area, it is necessary for the applicant to consider implementing the heightened water conservation requirements defined in the Special Conditions. The applicant is advised to carefully consider its infrastructure investments in light of the on-going Central Florida Water Initiative.

Other special conditions include those that require the Permittee to continue to record and report monthly meter readings from specified withdrawal points; submit annual crop reports, periodically have all meters calibrated, and investigate the use of alternative water supply when notified by the District.

The permit application meets all Rule 40D-2 Conditions for Issuance.

Staff Recommendation:

Approve the proposed permit attached as an exhibit.

**General Counsel's Report**

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

**a. Approval of Settlement Agreement Between SWFWMD and FUFLUNS Holdings, LLC – CT No. 394688 – Citrus County**

FUFLUNS Holdings, LLC (FH), owns real property adjacent to the Vance Spring and Run, a spring and wetland area that runs westerly into the Halls River in Citrus County. On October 21, 2015, and September 24, 2018, Craig Shatto, a managing principal of FH, was issued Aquatic Plant Control Permits from the Florida Fish and Wildlife Conservation Commission (FWC) for the removal of plants from the spring and run to an upland location.

Pursuant to a complaint against Mr. Shatto, the District inspected the area and determined that the surface waters of the Vance Spring and Run had been dredged and filled, impacting approximately 0.53 acres of wetlands without authorization.

The District issued a Notice of Violation and proposed Consent Order on February 22, 2018. Though numerous discussions and site visits ensued, the parties were not able to reach an agreement on the proposed Consent Order. Accordingly, the Governing Board authorized District staff to issue an Administrative Complaint and Order (ACO) at its March 26, 2019, meeting.

The District issued its ACO on April 26, 2019. On May 10, 2019, FH filed a timely Petition for Formal Administrative Hearing and Answer challenging the ACO and requesting a formal administrative hearing. The matter was referred to the Division of Administrative Hearings (DOAH), assigned DOAH Case No. 19-2812, and scheduled for a final hearing on August 7 - 9, 2019. After commencing settlement discussions, the Parties filed a joint motion on July 17, 2019, to cancel the final hearing and place the case in abeyance. The case is presently in abeyance until February 7, 2020.

Pursuant to the Settlement Agreement, FH will restore the Vance Spring and Run to its pre-impact condition pursuant to a District-approved Restoration Plan. All restoration activities will be completed within four months of the agreement's execution. Furthermore,

FH will pay \$10,000.00 in penalties and enforcement costs. Upon completion of these obligations by FH, the Parties will file a joint motion to dismiss DOAH Case No. 19-2812 with prejudice.

Staff Recommendation:

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

b. **Authorization to Issue Administrative Complaint and Order – Unauthorized Construction – 8791 Ulmerton Road – Linda R. Freeland & Paver House, LLC – CT No. 401932 – Pinellas County**

Linda R. Freeland (Owner) and Paver House, LLC (Lessee) are the owner and lessee of approximately .85 acres of real property zoned for commercial use located at 8791 Ulmerton Road within Section 01, Township 30S, Range 15E, in Pinellas County, Florida (Property).

On December 28, 2018, the District received a flooding complaint from an adjacent property owner that indicated fill material had been placed and graded over approximately .45 acres of the Property without an Environmental Resource Permit (ERP). District staff investigated the complaint and determined that the elevation increase resulting from the unauthorized filling and grading had obstructed stormwater runoff and caused offsite flooding impacts.

On May 23 and June 20, 2019, the District issued the Owner and Lessee a Notice of Unauthorized Construction letter concerning the activities that occurred at the Property without an ERP. The Notice advised that any regulated activity undertaken at the Property without an ERP could result in monetary penalties and further enforcement action if not corrected in a timely manner. The Owner partially responded to the Notices but took no further action to bring the Property into compliance.

This matter was referred to the Office of General Counsel for further enforcement action on October 17, 2019. District staff issued a Notice of Violation and proposed Consent Order to the Owner and Lessee that included administrative penalties and enforcement costs totaling

\$6,750.00 and required the submission of a proposed corrective action plan to restore the Property to its pre-impact condition. To date, neither the Owner nor the Lessee have contacted the District regarding the Notice of Violation and proposed Consent Order, and the Property remains in noncompliance.

Staff Recommendation:

1. Authorize District staff to issue an Administrative Complaint and Order to the Owner, Lessee, and any other necessary party to obtain compliance with District rules.
2. Authorize District staff to initiate an action in Circuit Court against the Owner, Lessee, and any other necessary parties to recover a civil penalty/administrative fine, enforcement costs, litigation costs, and attorneys' fees, if appropriate.
3. Authorize District staff to initiate an action in Circuit Court to enforce the terms of the Administrative Complaint and Order, if necessary.

c. **Approval of Consent Order Between SWFWMD and AAMW Enterprises, LLC – CT No. 401716 – Sumter County**

Environmental Resource Permit (ERP) Number 43043577.000 (Permit) was issued to Wildwood RV Village, LLC, (Village) on June 21, 2018, for the construction of a surface water management system to serve a proposed RV park located at 882 East State Road 44 in Wildwood (Property). District staff inspected the site on December 12, 2018 and observed that approximately 0.23 acres of impervious material was placed outside of the permitted project area without authorization. District staff issued its first notice of unauthorized activities on December 19, 2018, and met with Village representatives on January 10, 2019, to discuss the violation and the process for obtaining authorization for the construction. However, no ERP application was submitted, and District staff issued the final notice of unauthorized activities before referring the matter to the Office of General Counsel (OGC).

District Regulation and OGC staff met with counsel for the Village on May 23, 2019 and agreed to a timeline for the matter to be brought into compliance. On or about May 31, 2019, AAMW Enterprises, LLC (AAMW), took ownership of the Property and RV park. AAMW did not submit an ERP application for the unauthorized construction as agreed to, nor did it receive transfer of the existing Permit. The Village and AAMW have had common ownership and representation at all relevant times.

The District issued its Notice of Violation to AAMW on December 4, 2019. AAMW subsequently submitted an ERP application for the unauthorized construction on December 6, 2019 and requested to transfer the Permit on December 9, 2019. The request to transfer the Permit was approved on January 3, 2020, and the ERP application is presently under review.

In its final form, the Consent Order includes a total payment of \$6,150.00 for penalties and District enforcement costs and provides a timeline by which AAMW must supplement its ERP application and obtain approval for the unauthorized construction.

**Staff Recommendation:**

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

d. **Authorization to Initiate Litigation – Unauthorized Water Use – Watermelon Pit, LLC, and JDI Farms, Inc. – Water Use Permit No. 8322.004 – CT No. 404443 – Charlotte County**

On January 9, 2018, the District issued Water Use Permit No. 8322.004 (Permit) to Watermelon Pit, LLC and JDI Farms, Inc. (Permittees) authorizing water withdrawals in the amount of 51,600 gallons per day on an annual average basis. The withdrawals service a mining operation located in Charlotte County within the Southern Water Use Caution Area (Project). The Permit contains certain conditions and restrictions to ensure that the mining and dewatering activities do not impact nearby water resources.

Prompted by a delinquent submission of the Annual Mine Plan for the Project, District staff conducted a site visit on April 6, 2018. During that site visit, District staff observed multiple Permit violations that resulted in significant water resource impacts. In an attempt to remedy these violations, the Permittees submitted an application to modify the Permit on

January 24, 2019. Site inspections conducted during the permit evaluation process indicated that unauthorized dewatering activities had not ceased, and off-site discharge was still occurring.

In September 2019, District staff became aware of ongoing litigation between the Permittees and Charlotte County concerning local ordinance violations associated with Project. Charlotte County obtained injunctive relief in December 2019 to remedy the ongoing ordinance violations, but a site visit conducted by District staff on January 7, 2020 revealed that the unauthorized water use has not been corrected.

Based on the information submitted by the Permittees and obtained by District staff during the permit evaluation process, the application to modify the Permit has been denied. The mining and dewatering activities are occurring without a permit, and District staff recommend that the District seek to enjoin the Permittees from any further unpermitted activities until the Project is brought into compliance.

Staff Recommendation:

Authorize District staff to initiate an action in Circuit Court against Watermelon Pit, LLC, JDI Farms, Inc., and any other necessary parties to obtain equitable relief, recover an administrative fine/civil penalty, enforcement costs, litigation costs, and attorneys' fees, if appropriate.

**14. Rulemaking – None**

**Executive Director's Report**

**15. Approve Governing Board Minutes – December 10, 2019**

Staff Recommendation:

Staff recommends the Board approve the minutes as presented.

<b>FINANCE/OUTREACH &amp; PLANNING COMMITTEE (TAB C)</b>
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**Discussion**

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

**17. Investment Strategy Quarterly Update**

Provide quarterly update of the investment portfolio.

The District's Investments Policy requires quarterly investment reports that 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, 2019.

**18. Legislative Update**

District staff are tracking activities during the current Legislative session, especially focusing on proposed legislation that could impact the water resources or District activities. Because of the rapidly changing nature of activities during session, any information available at the time of publishing this document could be out of date by the time of the Governing Board meeting.

To ensure that Governing Board members have the most recent information, Government and Community Affairs Office Chief Cara Martin provides a written weekly update each Monday. Staff are available to answer any additional questions.

Staff Recommendation:

This item is submitted for the Board's information; no action is required.

**19. Strategic Plan Updates**

Provide a summary of the updates to the Strategic Plan including direction provided by the Governing Board at its December workshop.

The District's Strategic Plan is updated annually and included as part of the District's Consolidated Annual Report (CAR) which is submitted to the Governor, Department of Environmental Protection, President of the Senate, and Speaker of the House of Representatives, along with chairs of appropriate legislative committees and local county governing bodies. The Strategic Plan identifies the District's mission, vision, values, goals, strategic initiatives for each of the District's four areas of responsibility, priorities for each of the District's four planning regions, and core business practices.

Strategic Plan 2020-2024 includes several changes from the previous plan, including direction provided by the Governing Board at its December workshop. The following are the significant changes in the Regional Priorities and Objectives sections of the Strategic Plan:

**Potable Reuse**

The District has long been a leader in the beneficial reuse of reclaimed water. Currently, we are reusing more than 50 percent of the available wastewater flows compared to a national average of 7 percent. Our goal is to beneficially reuse 75 percent of the available reclaimed water by the year 2040. As part of that effort, assisting in the implementation of potable reuse was added as an objective to the Northern, Heartland and Southern planning regions. It was already included as a Tampa Bay Region objective. Additionally, the language was clarified from "indirect potable reuse" to simply "potable reuse."

**Alternative Water Supplies**

At the workshop, Governing Board members reaffirmed their commitment to assist the Polk Regional Water Cooperative in the development of 30 million gallons a day (mgd) of alternative water supply sources, and expressed support for assisting Tampa Bay Water (TBW) to develop 20 mgd and Peace River Manasota Regional Water Supply Authority (PRMRWSA) to develop 21 mgd. The TBW objective was added to the Tampa Bay Regional

Priorities and the PRMRWSA objective was added to the Southern Regional Priorities in the Strategic Plan.

#### Minimum Flows and Levels (MFL)

Implementing MFL to protect flows in our first-magnitude springs was added as an objective under the Northern Region Springs Priority. MFL implementation has been a priority for the District but had not been previously identified in the Strategic Plan as a specific objective for springs.

#### Flood Protection

Developing and implementing a capital improvement plan for District flood control and water conservation structures and associated facilities was added as a strategy under the Maintenance and Improvement Strategic Initiative for Flood Protection.

#### Future Board Action:

The Strategic Plan will come back before the Board as part of the CAR for approval in February. The CAR must be submitted on March 1 to the Governor, Department of Environmental Protection, President of the Senate, and Speaker of the House of Representatives, along with chairs of appropriate legislative committees and local county governing bodies.

#### Staff Recommendation:

Approve the proposed changes to the Strategic Plan, including:

- Expanding support for potable reuse to all four planning regions
- Adding assistance to TBW to develop 20 mgd of alternative water supplies to the Tampa Bay Region Priorities
- Adding assistance to PRMRWSA to develop 21 mgd of alternative water supplies to the Southern Region Priorities
- Adding MFL implementation to the Northern Region Springs Priority
- Adding the development and implementation of a capital improvement plan for District flood control and water conservation structures and associated facilities as a strategy under the Maintenance and Improvement Strategic Initiative for Flood Protection.

## **20. 2020 Consolidated Annual Report**

To provide the Board with information on the preparation of the District's Consolidated Annual Report and to solicit input prior to the February 25 Board meeting.

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 2020-2024 (updated February 2020), and the Annual Work Plan Report

This consolidated 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 steady growth in the amount of domestic wastewater reused. Usage increased from 104 million gallons per day (mgd) in 1995 to 227 mgd in 2018. In addition, since 1994, more than \$1 billion in funding has been made available for water supply development assistance with an estimated 485 mgd of water supply made available by completed projects.
- The Minimum Flows and Levels Annual Priority List and Schedule has been approved by DEP. As of FY2019, 210 MFLs, including 40 that have been reevaluated and revised and those for all five Outstanding Florida Springs and one water reservation, have been adopted.
- The Polk Regional Water Cooperative Status Report identifies a prioritized list of four cooperative and 38 local member government projects that are being submitted for FY2020-21 funding consideration by the Florida Legislature.
- The Alternative Water Supplies Annual Report states the District has funded 383 reclaimed water projects that are anticipated to make available more than 182 mgd of capacity.
- The Strategic Plan Annual Work Plan notes the completion of several springs initiatives, including the Springs Coast Fish Community Assessment, construction activities for the Homosassa Floating Wetland project and mapping and evaluation of submerged aquatic vegetation in the Weeki Wachee, Chassahowitzka and Homosassa river systems. For the Tampa Bay Region, progress in the Dover/Plant City Water Use Caution Area included the completion of the flow meter reimbursement program in December 2018. This program successfully installed 538 flow meters. As of October 2019, 849 withdrawals have been equipped with automatic meter devices (AMR), leaving 21 sites to receive an AMR device. In the Heartland Region, the average compliance per capita has declined 14 percent since 2011 to 92 gallons per capita per day in 2018. Finally, in the Southern Region, the groundwater levels assessment for 2018 shows the SWUCA's Most Impacted Area level at 13.1 feet. This is the first year the saltwater intrusion minimum aquifer level (SWIMAL) has been achieved.

**Staff Recommendation:**

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

**Submit & File Reports**

**21. Office of Inspector General Quarterly Update – October 1, 2019 to December 31, 2019**

**Routine Reports**

*The following items are provided for the Committee's information, and no action is required.*

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

**RESOURCE MANAGEMENT COMMITTEE (TAB D)****Discussion****26. Consent Item(s) Moved for Discussion****27. SWIM – Approve the Recommended Surface Water Improvement and Management Program Priority List**

To request Governing Board approval of the District's Surface Water Improvement and Management (SWIM) Program priority list with no changes to the existing twelve priority water bodies.

In 1987, the Florida Legislature established the SWIM Act having recognized that water quality and habitat in surface waters throughout the state have degraded or were in danger of being degraded. The Act requires the five water management districts to maintain a priority list of water bodies of regional or statewide significance within their boundaries and develop plans and programs for the improvement of those water bodies.

To date, the Southwest Florida Water Management District has identified, and the state has approved, plans for twelve priority water bodies. They are:

1. Rainbow River
2. Crystal River/Kings Bay
3. Homosassa River
4. Chassahowitzka River
5. Weeki Wachee River
6. Tampa Bay
7. Sarasota Bay
8. Charlotte Harbor
9. Lake Panasoffkee
10. Lake Tarpon
11. Lake Thonotosassa
12. Winter Haven Chain of Lakes

At the August 27, 2019 meeting, the Governing Board authorized staff to initiate the process to review and update the District's Surface Water Improvement and Management (SWIM) Program priority list.

Florida Statute (373.453) requires the SWIM priority list be reviewed and updated every five years. As required per Florida Statute, District staff coordinated with the Florida Department of Environmental Protection (FDEP), Florida Department of Agriculture and Consumer Services, the Florida Department of Economic Opportunity, and the Florida Fish and Wildlife Conservation Commission. Essential to carrying out the District's SWIM Program is the cooperation of local governments and agencies in developing and implementing projects consistent with the SWIM Plans developed for each water body. District staff in coordination

with our agency and local government partners are updating the SWIM plans for each priority water body. Charlotte Harbor will be completed in FY2020 with Lake Tarpon and Tampa Bay anticipated to be completed in FY2021.

If approved by the Governing Board, District staff will submit the revised SWIM priority list to the FDEP for final approval.

Staff Recommendation:

Approve the District's SWIM priority list with no changes to the existing twelve priority water bodies.

**Submit & File Reports**

28. **Annual Status of the Southern Water Use Caution Area Recovery Strategy**

29. **Five-Year Water Resource Development Work Program**

**Routine Reports**

*The following items are provided for the Committee's information, and no action is required.*

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

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

<b>OPERATIONS, LANDS &amp; RESOURCE MONITORING COMMITTEE (TAB E)</b>
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**Discussion**

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

33. **Hydrologic Conditions Report**

This routine report provides information on the general state of the District's hydrologic conditions, by comparing rainfall, surface water, and groundwater levels for the month under review, which is December, with comparable data from the historical record. The data shown are typically considered final, fully verified monthly values, but occasionally, due to timing of publication, some data are identified as "provisional," meaning that the values shown are best estimates based on incomplete data.

The information presented below is a summary of data presented in more detail in the monthly Hydrologic Conditions Report published the week before the Governing Board meeting, which also includes an updated provisional summary of hydrologic conditions as of the date of publication. It is available at

<https://www.swfwmd.state.fl.us/resources/weather-hydrology/hydrologic-conditions-reports>

**Rainfall**

Rainfall totals for December indicate amounts were above-normal in all three regions of the District. The normal range is defined as rainfall totals that fall on or between the 25<sup>th</sup> to 75<sup>th</sup> percentiles derived from the historical data for each month.

- Northern region rainfall averaged 4.12 inches, equivalent to the 85<sup>th</sup> percentile.
- Central region rainfall averaged 3.75 inches, equivalent to the 82<sup>nd</sup> percentile.
- Southern region rainfall averaged 2.83 inches, equivalent to the 80<sup>th</sup> percentile.
- District-wide, average rainfall was 3.53 inches, equivalent to the 84<sup>th</sup> percentile.

**Streamflow**

December streamflow data indicate that flow decreased in all three regions of the District, compared to the previous month. Based on the three regional index rivers indicated below, streamflow conditions were within the normal to above-normal range in all three regions of the

District. Normal streamflow is defined as flow that falls on or between the 25<sup>th</sup> and 75<sup>th</sup> percentiles.

- The monthly average streamflow in the Withlacoochee River near Holder in the northern region was in the 61<sup>st</sup> percentile.
- The monthly average streamflow measured in the Hillsborough River near Zephyrhills in the central region was in the 88<sup>th</sup> percentile.
- The monthly average streamflow measured in the Peace River at Arcadia in the southern region was in the 60<sup>th</sup> percentile.

#### Groundwater Levels

Groundwater data for December indicates that levels in the Floridan/Intermediate aquifer decreased in the northern region of the District, while they increased in the central and southern regions, compared to last month. Groundwater levels ended the month above-normal in the northern and central regions, while they were within the normal range in the southern region. Normal groundwater levels are defined as those falling on or between the 25<sup>th</sup> and 75<sup>th</sup> percentiles.

- The average groundwater level in the northern region was in the 82<sup>nd</sup> percentile.
- The average groundwater level in the central region was in the 76<sup>th</sup> percentile.
- The average groundwater level in the southern region was in the 57<sup>th</sup> percentile.

#### Lake Levels

Water level data for December indicates that regional lake levels have slightly increased in the northern, Tampa Bay and Polk Uplands regions of the District, while they have slightly decreased in the Lake Wales Ridge region, compared to the previous month. All four lake regions ended the month with levels above the base of the annual normal range. Normal lake levels are generally considered to be levels that fall between the minimum low management level and the minimum flood level.

- Average lake levels in the northern region increased 0.05 foot and were 0.28 foot above the base of the annual normal range.
- Average lake levels in the Tampa Bay region increased 0.01 foot and were 1.24 feet above the base of the annual normal range.
- Average lake levels in the Polk Uplands region increased 0.02 foot and were 2.22 feet above the base of the annual normal range.
- Average lake levels in the Lake Wales Ridge region decreased 0.03 foot and were 0.06 foot above the base of the annual normal range.

#### Issues of Significance

December historically marks the third month of the 8-month (October through May) dry season and rainfall totals for the month were significantly above-normal in all three regions of the District. Rainfall received during December was regionally variable and mainly associated with several cold front systems moving through the District. The District-wide 12- and 24-month cumulative rainfall totals saw increases during the month, ending the month with a surplus of approximately 0.95 inch and 8.4 inches, respectively, above their long-term historical averages.

Hydrologic indicators showed mixed responses throughout the District during December. Aquifer levels saw slight declines in the northern region, while showing slight increases in the central and southern regions. Regional index rivers saw streamflow declines in all three regions, while regional lake levels saw increases in the northern, Tampa Bay and Polk Uplands regions and declines in the Lake Wales Ridge region.



NOAA climate forecasts (as of 12/19/2019) predict below-normal rainfall during the composite three-month period of January through March 2020, while also predicting above-normal temperatures for this time-period. Extended drier-than-normal rainfall conditions, in combination with above-normal temperatures, could worsen overall hydrologic conditions.

Updated weather forecasts will be available in mid-January. Staff will continue to closely monitor conditions in accordance with the District's updated Water Shortage Plan, including any necessary supplemental analysis of pertinent data.

Staff Recommendation:

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

**Submit & File Reports – None**

**Routine Reports**

*The following items are provided for the Committee's information, and no action is required.*

34. **Surplus Lands Update**

35. **Structure Operations**

36. **Significant Activities**

<b>REGULATION COMMITTEE (TAB F)</b>
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**Discussion**

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

38. **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.

**Submit & File Reports – None**

**Routine Reports**

*The following items are provided for the Committee's information, and no action is required.*

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

40. **Overpumpage Report**

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

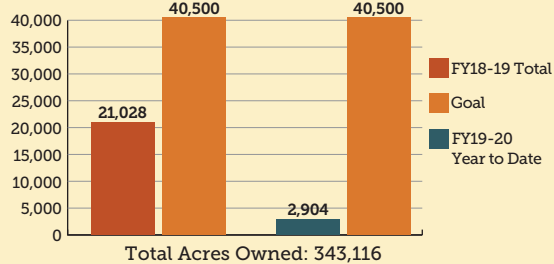
**GENERAL COUNSEL'S REPORT (TAB G)****Discussion**42. Consent Item(s) Moved for Discussion**Submit & File Reports – None****Routine Reports**

*The following items are provided for the Committee's information, and no action is required.*

43. January 2020 Litigation Report44. January 2020 Rulemaking Update**COMMITTEE/LIAISON REPORTS (TAB H)**45. Environmental Advisory Committee46. Well Driller's Advisory Committee**EXECUTIVE DIRECTOR'S REPORT (TAB I)**47. Executive Director's Report**CHAIR'S REPORT (TAB J)**48. Chair's Report49. Employee Milestones**ADJOURN PUBLIC MEETING****ADJOURNMENT**

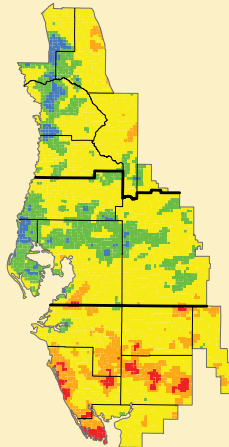
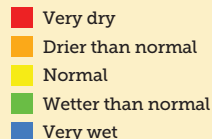
## OPERATIONS, LANDS AND RESOURCE MONITORING

### Prescribed Fire Acres Burned



## RAINFALL DISTRIBUTION

Jan 2019 – Dec 2019



## DATA COLLECTION

Hydrologic Data Quality Assurance Metric  
Assessment of inherent good quality of raw hydrologic data measurements relative to need for correction

FY	Quarter	Total Measured Points
2020	1	3,534,420

### Goal

Per Quarter, greater than 90% of measured points are good  
Per Quarter, less than 5% are validated and  
Per Quarter, less than 5% are missing

Good Data	Validated Data	Missing Data
97.87%	0.43%	1.70%

## SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

# Monthly Dashboard December 2019



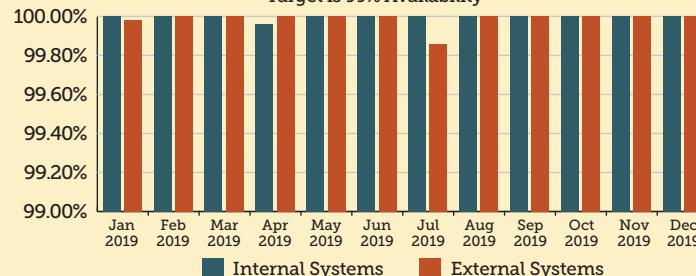
\$365.1 million  
(current budget)

Days Without an At-Fault Accident: 29  
Days Without a Lost-Time Injury: 56

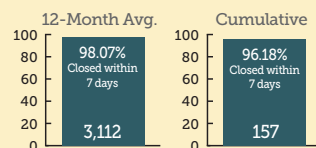
## MANAGEMENT SERVICES

### Availability of Systems

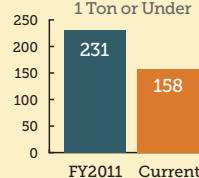
Target is 99% Availability



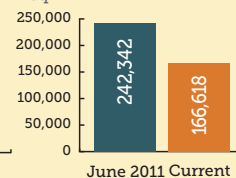
### Public Records Requests



### Fleet



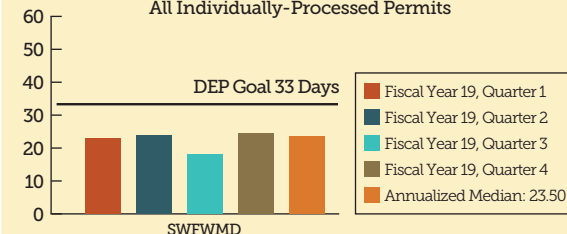
### Office Space



## REGULATION

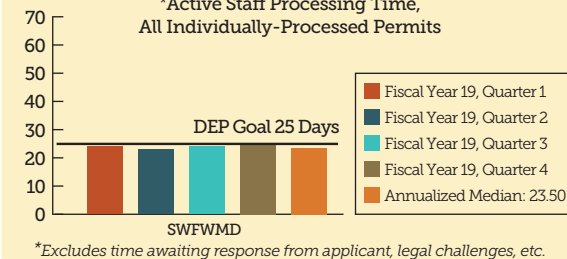
### Consumptive Use Permitting

\*Active Staff Processing Time,  
All Individually-Processed Permits



### Environmental Resource Permitting

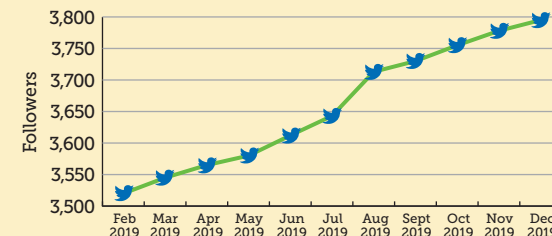
\*Active Staff Processing Time,  
All Individually-Processed Permits



\*Excludes time awaiting response from applicant, legal challenges, etc.

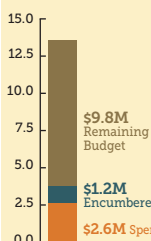
## EMPLOYEE & EXTERNAL RELATIONS

### Social Media – Twitter

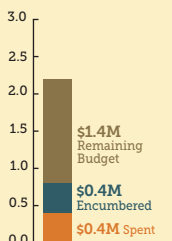


## FINANCIAL SUMMARY

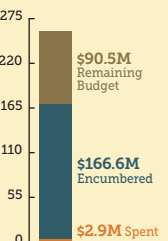
### Regulation Budget \$13.6M



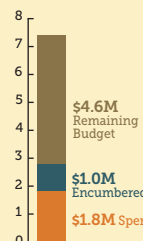
### General Counsel Budget \$2.2M



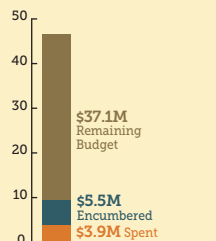
### Resource Management Budget \$260.0M



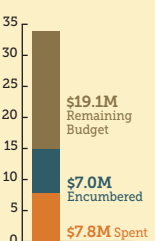
### Emp. & Ext. Relations Budget \$7.4M



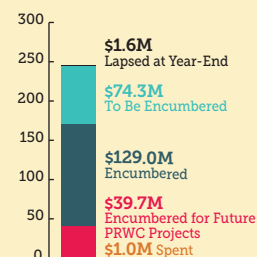
### Operations, Lands & Resource Monitoring Budget \$46.5M



### Management Services Budget \$33.9M

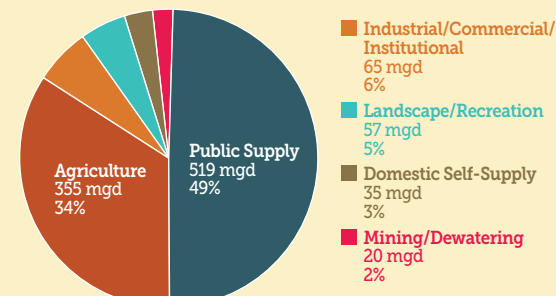


### Total Number of Projects: 338 Resource Management Project Budget: \$245.6M



## RESOURCE MANAGEMENT

### SWFWMD 2018 Water Use by Sector



**A. Public Hearing &  
Meeting**

## Governing Board Meeting

January 28, 2020

### CONVENE MEETING OF THE GOVERNING BOARD

#### PUBLIC MEETING

1. **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.

2. **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.

3. **Employee Recognition**

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

- 20 years – Violet Woodard, Senior Vegetation Management Specialist
- 20 years – Dave Kramer, Environmental Resource Permit Bureau Chief
- 30 years – Randy Emberg, Video Production Engineer
- 35 years – Bill Wood, Compliance Inspector 4

4. **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

5. **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: Mark Taylor, Chair

## **B. Consent Agenda**



# Governing Board Meeting January 28, 2020

## 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.

### ***Finance/Outreach & Planning Committee***

- 6. Knowledge Management: Governing Board Policy Deletion .....6
- 7. Budget Transfer Report .....7
- 8. Calendar Year 2020 Office of Inspector General Audit Plan.....9

### ***Resource Management Committee***

- 9. Springs - Crystal River Southern Septic to Sewer Project (W434) - Scope of Work and Cost Reduction .....16

### ***Operations, Lands and Resource Monitoring Committee***

- 10. Easement Donation from Citrus County – Tsala Apopka Golf Course Water Control Structure Modification – SWF Parcel No. 19-009-101 .....18
- 11. Right of First Refusal to Acquire the Remainder Fee Interest in a Conservation Easement Bright Hour Ranch, SWF Parcel No. 20780-101C .....25

### ***Regulation Committee***

- 12. Individual Water Use Permits Referred to the Governing Board
  - a. WUP No. 20005423.017 – Manatee Plant – Florida Power & Light Company (Manatee County) .....28
  - b. WUP No. 20020721.001 – South Sumter Utility Company/South Sumter Utility Company (Sumter County).....41
  - c. WUP No. 20012392.004 – PH Citrus LLC/PH Citrus LLC (Polk County) .....55

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

- 13. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval
  - a. Approval of Settlement Agreement Between SWFWMD and FUFLUNS Holdings, LLC – CT No. 394688 – Citrus County.....69
  - b. Authorization to Issue Administrative Complaint and Order – Unauthorized Construction – 8791 Ulmerton Road – Linda R. Freeland & Pavers House, LLC – CT No. 401932 – Pinellas County, Florida .....95
  - c. Approval of Consent Order Between SWFWMD and AAMW Enterprises, LLC – CT No. 401716 – Sumter County .....96
  - d. Authorization to Initiate Litigation – Unauthorized Water Use – Watermelon Pit, LLC, and JDI Farms, Inc. – Water Use Permit No. 8322.004 – CT No. 404443 – Charlotte County ...104
- 14. Rulemaking – None

### ***Executive Director's Report***

- 15. Approve Governing Board Minutes – December 10, 2019 .....105

**January 28, 2020**

***Consent Agenda***

**Knowledge Management: Governing Board Policy Deletion**

***Purpose***

As part of the District's Knowledge Management initiative, all the District's Governing Board Policies are being reviewed by the respective divisions.

***Background/History***

The District's Knowledge Management initiative was launched in fiscal year 2016 and is now a Core Business Process in the District's Strategic Plan. Knowledge Management is the practice of systematically and actively collecting, managing, sharing and leveraging the organization's data, information and processes.

The following Governing Board Policy has been identified by staff as obsolete. The Governing and Basin Board Records Policy 101-002 was instituted in 1992 for the preparation, retention, storage, and disposal of records of proceedings of the Governing and Basin Boards. The District's Governing Board approved a resolution to merge the budgets of the eight Basin Boards into the Governing Board in May 2011. Additionally, the Governing Board has approved Governing Board policy 190-1 Records Management with the latest effective date of July 30, 2015. Therefore, the policy for Governing and Basin Board Records is no longer needed.

***Benefits***

Updating existing Governing Board Policies increases efficiencies and ensures organizational alignment.

**Staff Recommendation:**

Staff recommends the Board approve the deletion of Governing Board Policy 101-002 Governing and Basin Board Records.

**Presenter:** Michelle Maxey, P.E., General Services Bureau Chief

## FINANCE/OUTREACH & PLANNING COMMITTEE

January 28, 2020

### *Consent Agenda*

#### **Budget Transfer Report**

##### *Purpose*

Request approval of the Budget Transfer Report covering all budget transfers made during the month of December 2019.

##### *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 regularly presented to the Finance/Outreach & Planning Committee for approval on the Consent Agenda at the next scheduled meeting. The exhibit for this item reflects all such transfers executed since the date of the last report for the Committee's approval.

##### Staff Recommendation:

Request approval of the Budget Transfer Report covering all budget transfers for December 2019.

Presenter: Melisa J. Lowe, Bureau Chief, Finance

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**  
**Budget Transfer Report**  
**December 2019**

--- TRANSFERRED FROM ---		--- TRANSFERRED TO ---		Reason For Transfer	Transfer Amount	
Item No.	Bureau / Expenditure Category	Bureau / Expenditure Category				
<b><u>Consistent with Original Budget Intent</u></b>						
1	Project Management Office Maint/Repair of Buildings/Structures	Project Management Office Consultant Services	Funds are needed for the original purpose budgeted for the refurbishment of flood control structure gates. The funds are being transferred to the appropriate expenditure category for contracted engineering oversight of the gate refurbishments.	\$	150,000.00	
Total Consistent with Original Budget Intent					<u>\$</u>	<u>150,000.00</u>
Total Transfers for Governing Board Ratification					<u>\$</u>	<u>150,000.00</u>

.....  
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 for Governing Board ratification on the Consent Agenda. This Board Policy limits transfers made for a purpose other than the original budget intent to \$50,000. However, transfers made for accounting reallocation purposes consistent with original budget intent are not limited.

## EXECUTIVE DIRECTOR'S REPORT

January 28, 2020

### *Consent Agenda*

#### **Calendar Year 2020 Office of Inspector General Audit Plan**

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. Findings from other audits and meetings with each Board member, District management, and District staff was also included as part of the risk assessment. 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(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.

#### **Staff Recommendation:**

Approve the Calendar Year 2020 Office of Inspector General Audit Plan

Presenter: Brian Werthmiller, Inspector General

OFFICE OF  
INSPECTOR  
GENERAL

# Audit Plan

Short-Term and Long-Term



**Governing Board**  
**January 28, 2020**

Attachment: Audit Plan 2020 (4846 : Calendar Year 2020 Office of Inspector General Audit Plan)



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CONTACT INFORMATION .....	4

## 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  
Resources Devoted to Audit Topics by Year**

Calendar Year	Number of	
	Staff	Hours
2020	1	850
2021	1	850
2022	1	850
2023	1	850
2024	1	850
2025	1	850

**Table 2  
Resources Devoted to Audit Topics in 2020**

Audit Topic	Hours
Risk Assessment and Audit Plan	150

IT Access Privileges	200
SOC I Reports	200
DMV File Security	200
Cost Share Projects	100

**Table 3**  
**Tabulation of Short-Term and Long-Term Audit Topics**

Audit Topics	Completion	
	12 Months	Long-Term
Audit Plan and Risk Assessment	✓	
Department of Motor Vehicles (DMV) File Security	✓	
IT Access Privileges	✓	
SOC 1 Reports	✓	
Budget		✓
Commercial Insurance		✓
Cost Share Projects <sup>1</sup>		✓
District Performance Measures		✓
Expenditures		✓
Fund Balances		✓
Health Insurance		✓
Investments		✓
IT Security		✓
Land		✓
Overtime - Payroll		✓
Other Revenues		✓
P-Cards		✓
Permits		✓
Property		✓
Receivables		✓

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:

<sup>1</sup> This audit will begin in calendar year 2020 with estimated completion in 2021.

- ◆ **Budget** – Review the District’s procedure for monitoring the budget including budget transfers are in accordance with policies and procedures.
- ◆ **Commercial Insurance** – For selected commercial insurance, evaluate methods used to acquire the insurance.
- ◆ **Cost Share Projects** – For selected cost share projects, ensure the application selection process, reimbursements, third party reviews, and monitoring are in accordance with the agreement, policies, and procedures. Also, review the procedures in place for establishing the contract.
- ◆ **District Performance Measures** – For selected District performance measures, test metrics reported by the District for reasonableness and report on the status of the performance measure goal.
- ◆ **DMV File Security** – As required per the memo of understanding with DMV, audit internal controls over the security of DMV data to prevent unauthorized access, distribution, use, modification, or disclosure.
- ◆ **Expenditures** – For selected general expenditures such as District initiated projects, professional services, etc., obtain documentation to determine the expenditure 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.
- ◆ **Health Insurance** – For selected employees, retirees, and dependents, obtain documentation to ensure coverage is provided to only eligible individuals. Determine if 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 Privileges** – 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 Security** – Review authentication controls, security of mobile devices, and monitoring of system activity.
- ◆ **Land** – For selected transactions, review dispositions and purchases including monitoring of conservation easements and lease terms.
- ◆ **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.



- ◆ **Other Revenues** – Other revenues include sales from timber, hog hunts, alligator eggs, etc. For selected transactions, ensure proper accountability.
- ◆ **P-Cards** – Review the issuance, assignment, and credit limits of purchasing cards. For selected p-card transactions, determine if the transaction was documented, reviewed and approved, and for a public-purpose.
- ◆ **Permits** – Review the controls over processing and fee collection of permits. Mitigation banks will also be reviewed.
- ◆ **Property** – Review subsidiary records of tangible personal property 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 procedures in place for protection of high-risk assets. Review procedures in place for the purchase and sale of assets.
- ◆ **Receivables** – For selected transactions, test the completeness of the receivable and subsequent collection.
- ◆ **SOC 1 Reports** – Obtain documentation of the monitoring of SOC 1 reports for the health-insurance and workers' compensation programs and any action, if necessary, that was taken as a result of the monitoring.

Respectfully Submitted By: Brian Werthmiller Date: January 28, 2020  
 Brian Werthmiller

CONTACT INFORMATION

**Brian Werthmiller, CPA, CIG**  
**Inspector General**

2379 Broad Street Brooksville, Florida 34604-6899

Phone: (352) 796-7211 X4100 ◆ Fraud and Compliance Hotline (352) 754-3482

**RESOURCE MANAGEMENT COMMITTEE****January 28, 2020*****Consent Agenda*****Springs - Crystal River Southern Septic to Sewer Project (W434) - Scope of Work and Cost Reduction*****Purpose***

The purpose of this item is to request approval of scope of work and cost changes for the Crystal River Southern Septic to Sewer Project. The scope and cost are being reduced because a portion of the septic tanks in the originally proposed project are now anticipated to be connected to central sewer by Citrus County (County). The County constructed a force main in the southern area of the project, and it is more cost effective for the County to connect the septic tanks in the southern area where the necessary infrastructure now exists.

***Background/History***

The District Governing Board approved fiscal year (FY) 2020 funding for the 30 percent design, Third-Party Review (TPR), final design, permitting and construction of a municipal sewer system necessary for connection of existing septic tanks in the southern area of the City of Crystal River (City) and within the Crystal River/Kings Bay Priority Focus Area (PFA) with a total project cost of \$6,500,000. As originally envisioned, the project was anticipated to result in the connection of a minimum of 722 existing septic tanks. The contract with the City has yet to be executed, and this project has a Florida Department of Environmental Protection (FDEP) grant associated with it.

As noted above, the County recently constructed a force main in the southern area of the project and is planning to connect the septic tanks in this area. As a result, the City will be reducing the length of gravity sewer and force mains by 14,400 linear feet and eliminating the construction of one lift station. The number of tanks the City will be connecting with this infrastructure will be reduced from 722 septic tanks connected to 276 septic tanks connected. This change would reduce the project benefit from 6,815 pounds per year of total nitrogen reduced (lbs/yr TN) to 3,445 lbs/yr TN reduced. Please note that the commercial septic tanks included in the originally proposed project remain within this scope of work. The nitrogen loading from commercial tanks is higher than from single-family septic tanks.

***Benefits/Costs***

With the reduction in scope, the total original project cost of \$6,500,000 is also requested to be reduced to \$4,843,750, and the 50 percent FDEP funding share is reduced from \$3,250,000 to \$2,421,875. FDEP has approved this scope of work and budget change. The District and County are each providing 25 percent funding, and with the proposed changes, the shares are reduced from \$1,625,000 to \$1,210,937.50. Although the total project cost is now below \$5,000,000, the District is still recommending that a TPR be required due to the complexity of the project.

The cost effectiveness of this project with the proposed changes is \$47 per pound of total nitrogen removed. This retains a high ranking as this cost is less than the District's cost effectiveness metric of \$100/lb of TN removed. The staff overall recommendation of the project remains high.



## Item 9

Staff Recommendation:

Approve the scope and cost reduction for the Springs-Crystal River Southern Septic to Sewer Project (W434) to include:

1. Decrease the number of septic tanks connected to 276 septic tanks.
2. Decrease the total project cost to \$4,843,750 and reduce the District's 25 percent share to \$1,210,937.50.

Presenter: Jay Hoecker, Manager, Water Supply Section

## OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

January 28, 2020

### *Consent Agenda*

#### **Easement Donation from Citrus County – Tsala Apopka Golf Course Water Control Structure Modification – SWF Parcel No. 19-009-101**

##### *Purpose*

Request Governing Board approval of an Easement from Citrus County for the property needed to complete the retrofitting of the Golf Course Water Control Structure (Structure). The Easement is included as Exhibit 1 along with a general location map and site map included as Exhibits 2 and 3, respectively.

##### *Background/History*

The Structure was originally built in 1965, to control the flow of water through the newly constructed Golf Course Canal between the Floral City and Inverness Pools of the Tsala Apopka Chain-of-Lakes (lake chain), in eastern Citrus County. For several decades, this Structure has been used to share inflows from the Withlacoochee River to help fill the lakes and to release flood flows through the lake chain during high water times. Throughout this time, improvements have been made to the Structure, including removal of the original stop logs and installation of four 4-foot wide drop gates that could be raised and lowered remotely. The District completed a design to replace the gates with two 8-foot wide aluminum gates that will lift upward from the channel bottom. The Governing Board approved the project expenditure in October 2018.

The Structure's four 4-foot wide steel drop gates can be lowered, allowing flow to overtop the gates and pass between the Floral City and Inverness Pools. In their fully lowered position, the invert of these gates are more than 4 feet above the channel bottom. At times, this configuration limits the amount of flow that can pass between the pools, preventing water managers from meeting operational guidelines for the lake chain. Flows are also limited by upstream debris that commonly builds up between the four narrow (4-foot wide) gates, requiring additional maintenance. Lift gates will allow for additional capacity when needed while wider gates will help reduce the collection of upstream debris on the structure. This project also includes measures to help control erosion and prevent sediment transport.

The structure currently lies within the county road right-of-way known as East Sandpiper Drive. Citrus County owns fee title to the land where the structure is located. Since the District has no ownership interests in the subject land, the District pursued property rights to allow for construction, operation, and maintenance of the structure.

##### *Benefits/Costs*

Retrofitting the Structure will allow District staff to make accurate and timely water level adjustments; allow District staff to meet the control structure operation guidelines for the system; and may reduce the levels and duration of flooding.

- Costs associated with this Easement donation are title fees of approximately \$500.

## Item 10


Staff Recommendation:

- Accept the donation of the Golf Course Water Control Structure easement from Citrus County and authorize the Executive Director to execute the easement.
- Authorize staff to sign documents at closing necessary to complete the transaction in accordance with the approved terms.

Presenter: Jerry Mallams, P.G., Operations and Land Management Bureau Chief

Prepared by:  
Tana Mason  
Southwest Florida Water Management District  
2379 Broad Street  
Brooksville, FL 34602

Return recorded original to:  
Same as above

Tsala Apopka Golf Course  
Structure Modification  
SWF Parcel No. 19-009-101  
Approved by Attorney: 

### Non Exclusive Perpetual Easement

This Easement, granted this 3<sup>rd</sup> day of December, 2019, by Citrus County, Florida, a political subdivision of the State of Florida, by and through its Board of County Commissioners, having an address of 110 N. Apopka Avenue, Inverness, Florida 34450, hereinafter referred to as the "Grantor", and the Southwest Florida Water Management District, a public corporation, having an address of 2379 Broad Street, Brooksville, Florida 34604-6899, hereinafter referred to as the "Grantee".

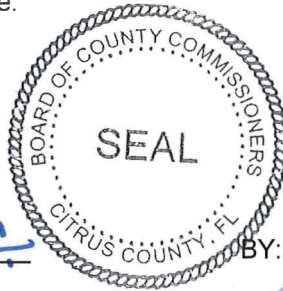
Grantor, for and in consideration of the sum of Ten Dollars and no cents (\$10.00) and other good and valuable consideration from Grantee to Grantor, the receipt and sufficiency of which are hereby acknowledged, hereby grants, bargains, sells and conveys to Grantee a non-exclusive, perpetual easement to enter upon, over and across and to use any and all lands more particularly described in Exhibit "A" attached hereto and incorporated herein by reference (the "Easement Area") solely to construct, maintain, repair or replace a flood control structure.

Grantee shall exercise all its rights contained in this Easement in the least intrusive manner so as not to interfere with Grantor's use of its property. Grantor reserves the right to use the Easement Area in any manner not inconsistent with this Easement; provided, however, that Grantor shall avoid physically disturbing the Grantees improvements in any way without the prior written approval of Grantee. Grantee hereby agrees to restore the Easement Area to the same condition as it was prior to any construction, maintenance, repair or access by Grantee.

All provisions of this instrument, including the benefits and burdens, run with the land and are binding upon and inure to the benefit of the respective assigns, successors, and tenants of the parties hereto. This Easement may be amended or modified only by an instrument signed by Grantor and Grantee.


Grantee hereby agrees to protect, indemnify and hold harmless the Grantor from and against any and all liabilities, losses, damages or expenses, reasonable attorneys' fees and costs, whether incurred out of court or in litigation including fees and costs incurred for representation on appeals, expert witness fees and costs for paralegal assistance, arising on account of, relating to, in connection with loss of life, bodily injury or damage to property, arising out of the negligent use of the Easement Area by the Grantee and its permittees, except to the extent such liability is finally judicially determined to directly arise from the willful misconduct or negligence of the Grantor. Upon receiving knowledge of any suit, claim or demand asserted by a third party that Grantor believes is covered by this indemnity, the Grantor shall give the Grantee notice of the matter. Any failure or delay of the Grantor to notify the Grantee of any

IN WITNESS WHEREOF, Grantor has caused these presents to be executed the day and year first written above.



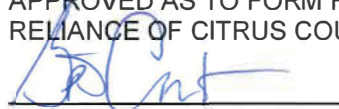
CITRUS COUNTY, FLORIDA, a political subdivision of the State of Florida

ATTEST:

*for*   
ANGELA VICK, CLERK

  
BRIAN COLEMAN, CHAIRMAN

APPROVED AS TO FORM FOR THE  
RELIANCE OF CITRUS COUNTY ONLY:

*for*   
DENISE A. DYMOND LYN  
COUNTY ATTORNEY



Tsala-Apopka Golf Course Structure Modification  
SWF Parcel No. 19-009-101

## Exhibit A

### Legal Description Parcel 19-009-101 (Structure Area)

A PARCEL OF LAND WITHIN THE RIGHT OF WAY OF AN EXISTING CANAL AS DESCRIBED IN OFFICIAL RECORD BOOK 159, PAGE 517-518, PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA; LYING IN SECTION 26, TOWNSHIP 19 SOUTH, RANGE 20 EAST, CITRUS COUNTY, FL, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 26; THENCE S00°30'26"E, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 26 FOR A DISTANCE OF 755.57 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF EAST SANDPIPER DRIVE ALSO BEING THE SOUTH LINE OF LAKE ESTATES BLOCK 22 AS RECORDED IN PLAT BOOK 3, PAGE 135-138, PUBLIC RECORDS OF CITRUS COUNTY, FL; SAID POINT ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 34°59'52", A RADIUS OF 350.75 FEET, A CHORD DISTANCE OF 210.94 FEET, AND CHORD BEARING OF S87°43'56"E; THENCE ALONG SAID NORTH RIGHT OF WAY LINE AND THE ARC OF SAID CURVE TO THE RIGHT FOR A DISTANCE OF 214.26 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY OF SAID CANAL FOR A POINT OF BEGINNING; THENCE N04°05'16"W, ALONG SAID WESTERLY LINE FOR A DISTANCE OF 88.19 FEET; THENCE LEAVING SAID WESTERLY RIGHT OF WAY, S69°16'30"E, FOR A DISTANCE OF 110.17' TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SAID CANAL; THENCE S04°05'16"E, ALONG SAID EASTERLY LINE FOR A DISTANCE OF 88.14 FEET TO SAID NORTH RIGHT OF WAY LINE; THENCE N69°16'30"W, ALONG SAID NORTH RIGHT OF WAY LINE FOR A DISTANCE 104.28 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 00°57'31", A RADIUS OF 350.75 FEET, A CHORD DISTANCE OF 5.87 FEET, AND CHORD BEARING OF N69°45'15"W; THENCE ALONG SAID NORTH RIGHT OF WAY LINE AND THE ARC OF SAID CURVE TO THE LEFT FOR A DISTANCE OF 5.87 FEET TO THE POINT OF BEGINNING.

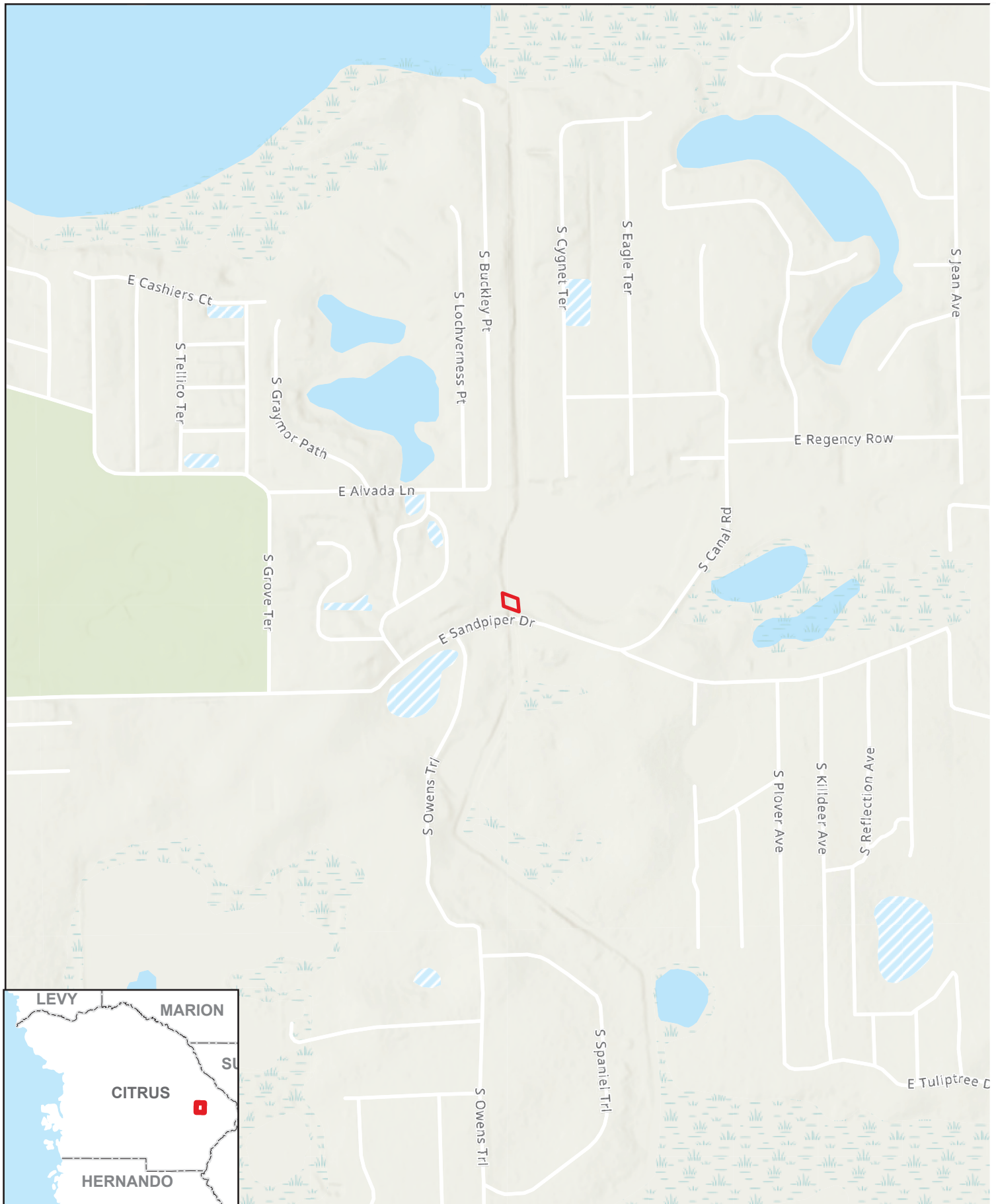
SAID LANDS CONTAINING 8,814 SQUARE FEET OR 0.20 ACRES MORE OR LESS.


Approved for use by the Survey Section 07-31-2019, W.O. 18-107.

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**Exhibit 2**  
**Easement Donation from Citrus County - Tsala Apopka Golf Course Structure Modification - SWF Parcel No. 19-009-101**



 **Proposed Easement Location**

0 500 1,000  
Feet



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community. Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © and the GIS User Community

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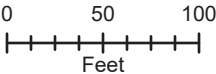
**Attachment: Tsala Apopka Easement Donation MinTrac (4823 : Easement Donation from Citrus Co. - Tsala Apopka Golf Course Water Control**






Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

 Proposed Easement Area





N

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## OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

January 28, 2020

### *Routine Report*

#### **Right of First Refusal to Acquire the Remainder Fee Interest in a Conservation Easement, Bright Hour Ranch, SWF Parcel No. 20-780-101C**

##### *Purpose*

The purpose of this item is to recommend the Governing Board decline the right of first refusal to purchase the remainder fee interest over SWF Parcel 20-780-101C encumbered by a District conservation easement. The conservation easement consists of approximately 10,754 acres over the subject property and is in DeSoto County within the Bright Hour Watershed Project. A general location map is included as Exhibit 1.

##### *Background and History*

The District identifies lands eligible for acquisition through the Board-approved Florida Forever Work Plan. In the work plan, lands are identified for acquisition as fee simple acquisition or acquisition of less than fee rights (conservation easement). Less than fee acquisitions consist of the purchase of certain rights, such as development rights, that are intended to ensure that natural systems and water resources are protected in their existing state in perpetuity. In a typical negotiation of a conservation easement acquisition, the District retains a "right of first refusal" which is perpetual, running with the land, and remaining in effect regardless if the District declines a previous offering.

The District originally acquired a conservation easement over the Bright Hour Ranch property in 1998 over 28,274 acres. The easement terms allowed for division of title into tracts no smaller than 5,000 acres. A previous split divided the easement into two parcels consisting of the western 16,040 acres and eastern 12,234 acres. The western parcel is the subject of this Board item and will divide this parcel into 10,754 acres and 5,286 acres. The right of first refusal in the conservation easement requires notification of the Grantor's (owner's) intent to sell the property, or any portion thereof, and further requires that an offer be extended to sell the property to the District.

The contract provided by the owner's representative is for the sale of 11,400 acres including 10,754 acres that are encumbered by the conservation easement together with 646 acres owned in fee simple that are not encumbered or subject to the right of first refusal. The price reported in the contract for the encumbered property is \$1,450 per gross acre or \$15,593,300. The fee simple portion of the property is under contract for \$4,000 per gross acre or \$2,584,000.

District staff evaluated the opportunity to purchase the remainder fee interest and determined that the existing conservation easement is sufficient to meet our intended natural systems and water resource benefits.

##### *Benefit/Costs*

The restrictions placed on the property by the existing conservation easement are adequate to protect the water resources of the property. The benefits of acquiring the remainder fee interest would be minimal.

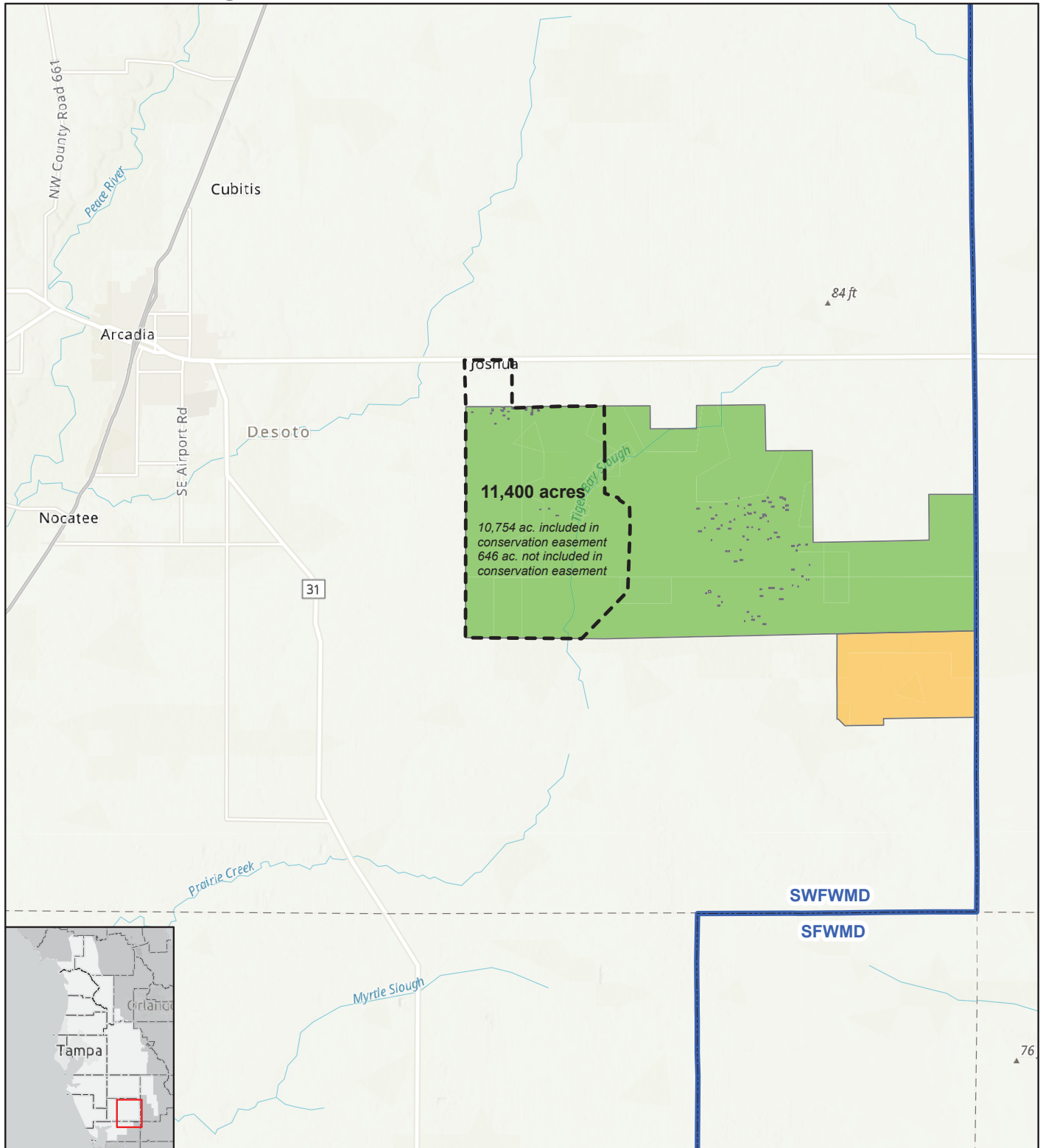
## Item 11

Staff Recommendation:

- Approve declining the right of first refusal to purchase the remainder fee interest over SWF Parcel No. 20-780-101C encumbered by a District conservation easement.
- Authorize the Executive Director to execute the necessary documents to decline the right of first refusal on SWF Parcel 20-780-101C.

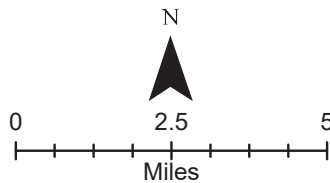
Presenter: Jerry Mallams, P.G., Operations and Land Management Bureau Chief

# Bright Hour Watershed - General Location Map



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodastatys, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

- First Right of Refusal Property
- SWFWMD Parcel No. 20-780-101C
- SWFWMD Parcel No. 20-780-102C



**REGULATION COMMITTEE**

**January 28, 2020**

***Consent Agenda***

**WUP No. 20005423.017 - Manatee Plant - Florida Power & Light Company (Manatee County)**

This is a modification of an existing water use permit (WUP) for public supply use. This modification transfers two existing public supply wells and their authorized quantities from WUP No. 20008135.012 to this permit. There is no net change in authorized groundwater withdrawals as a result of this permit modification. The authorized quantities are 2,100,000 gallons per day (gpd) on an annual average basis and 3,000,000 gpd on a peak month basis for potable water supply. Outdoor water demands within the service area are met through a separate permit. Quantities are based on projected water needs provided by the applicant.

Special Conditions include those that require the Permittee to: continue to record and report monthly meter readings from all withdrawal points, submit annual Public Supply Reports, submit annual Environmental Monitoring Reports, adhere to the per-capita requirements of this permit, and implement the conservation plan that was submitted with the application.

The permit application meets all Rule 40D-2 Conditions for Issuance.

**Staff Recommendation:**

Approve the proposed permit attached as an exhibit.

**Presenter:** Darrin Herbst, P.G., Bureau Chief, Water Use Permit Bureau

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
WATER USE PERMIT  
Individual  
PERMIT NO. 20 005423.017**

**PERMIT ISSUE DATE:** January 28, 2020

**EXPIRATION DATE:** January 28, 2040

The Permittee is responsible for submitting an application to renew this permit no sooner than one year prior to the expiration date, and no later than the end of the last business day before the expiration date, whether or not the Permittee receives prior notification by mail. Failure to submit a renewal application prior to the expiration date and continuing to withdraw water after the expiration date is a violation of Chapter 373, Florida Statutes, and Chapter 40D-2, Florida Administrative Code, and may result in a monetary penalty and/or loss of the right to use the water. Issuance of a renewal of this permit is contingent upon District approval.

**TYPE OF APPLICATION:** Renewal

**GRANTED TO:** Florida Power & Light Company  
19050 State Road 62  
Parrish, FL 34219

**PROJECT NAME:** MANATEE PLANT

**WATER USE CAUTION AREA(S):** Most Impacted Area, SOUTHERN WATER USE CAUTION AREA

**COUNTY:** Manatee

**TOTAL QUANTITIES AUTHORIZED UNDER THIS PERMIT (in gallons per day)**

ANNUAL AVERAGE	881,700 gpd
PEAK MONTH <sup>1</sup>	2,098,100 gpd
DROUGHT ANNUAL AVERAGE <sup>2</sup>	923,600 gpd

1. Peak Month: Average daily use during the highest water use month.
2. Drought Annual Average: Annual average limit when less than historical average rainfall if sufficient Water Conservation credits exist in the Permittee's account.

**ABSTRACT:**

This is a renewal of an existing water use permit (WUP) for both agricultural and industrial use. The authorized quantities are changed from those previously authorized. The annual average quantity is increased from 434,700 gallons per day (gpd) to 881,700 gpd; the peak month quantity is increased from 1,832,300 gpd to 2,098,100 gpd; and the maximum day (crop protection) quantity is eliminated. The increase in quantities is due to a change in crop plan, from 289 acres of citrus and 245 acres of row crop to 785 acres of row crop. This increase is supported by the Self-Relocation of quantities from WUP 20004447.008, which is also being modified at this time. The standby allocation for industrial use is also increased by 325,000 gpd and is supported by a Net Benefit retirement of historically used quantities on WUP 20004447.008. There is no change in Use Type from the previous revision. The quantities for industrial use are based on information provided by the Permittee. The quantities for agricultural use are based on the District's irrigation allotment calculation program, AGMOD. This WUP is located in the Most Impacted Area of the Southern Water Use Caution Area (SWUCA-MIA). The Permittee is not using Alternative Water Supply (AWS) sources because none are available at this location at this time.

Attachment: Jan20 WUP 20005423\_017 Recap Permit (4851 : WUP No. 20005423.017 - Manatee Plant)

Special conditions include those that require the Permittee to report meter readings monthly, perform meter accuracy checks every five years, comply with the authorized allocation, provide an overpumpage report upon request, implement conservation and best management practices, and provide an update to the Water Conservation Plan at permit midterm (February 1, 2030), provide a reclaimed water feasibility study upon request, and to modify the permit upon incorporation of an AWS, submit seasonal crop reports, cap withdrawals not in use, and comply with requirements of the SWUCA Recovery Strategy.

**WATER USE TABLE (in gpd)**

<b><u>USE</u></b>	<b><u>ANNUAL AVERAGE</u></b>	<b><u>PEAK MONTH</u></b>	<b><u>DROUGHT ANNUAL AVERAGE</u></b>
Agricultural	810,200	1,917,600	852,100
Industrial And Commercial	71,500	180,500	71,500

**USES AND IRRIGATION ALLOCATION RATE TABLE**

<b><u>CROP/USE TYPE</u></b>	<b><u>IRRIGATED ACRES</u></b>	<b><u>IRRIGATION METHOD</u></b>	<b><u>STANDARD IRRIGATION RATE</u></b>	<b><u>DROUGHT IRRIGATION RATE</u></b>
Beans, Green	122.00	Seepage Without Plastic	18.80"/yr.	19.33"/yr.
Beans, Green	82.65	Seepage Without Plastic	15.70"/yr.	16.23"/yr.
Grains, All (Wheat, Rye, Barley, Sorghum, Etc.)	204.65	Seepage Without Plastic	8.60"/yr.	10.29"/yr.
Grains, All (Wheat, Rye, Barley, Sorghum, Etc.)	56.90	Drip With Plastic	22.87"/yr.	22.87"/yr.
Melons	56.90	Drip With Plastic	29.20"/yr.	29.20"/yr.
Potatoes	82.65	Seepage Without Plastic	7.10"/yr.	7.68"/yr.
Potatoes	122.00	Seepage Without Plastic	8.60"/yr.	9.17"/yr.
Vegetables Small (Fall)	56.90	Drip With Plastic	16.28"/yr.	16.28"/yr.
Animals				
Cleaning & Maintenance				
Personal Sanitary Use				
Power Plant Industrial-Other				



**WITHDRAWAL POINT QUANTITY TABLE**

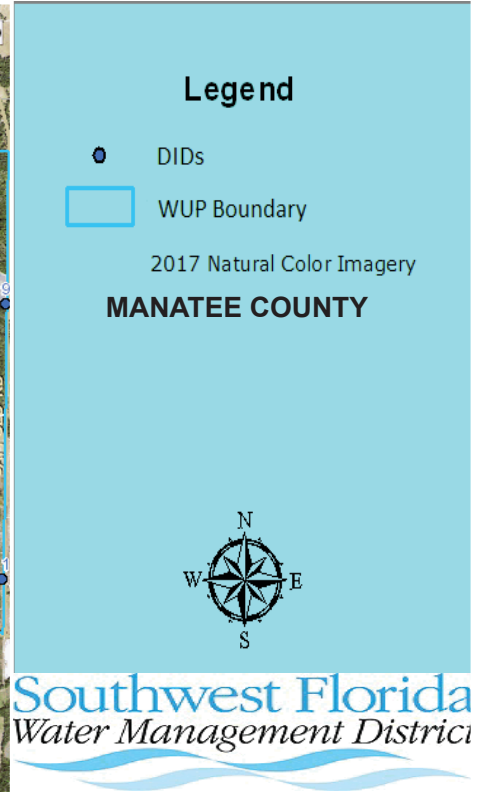
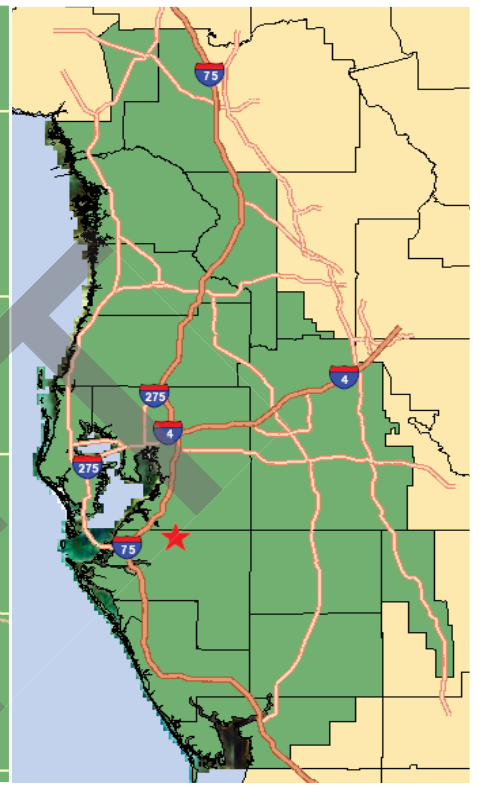
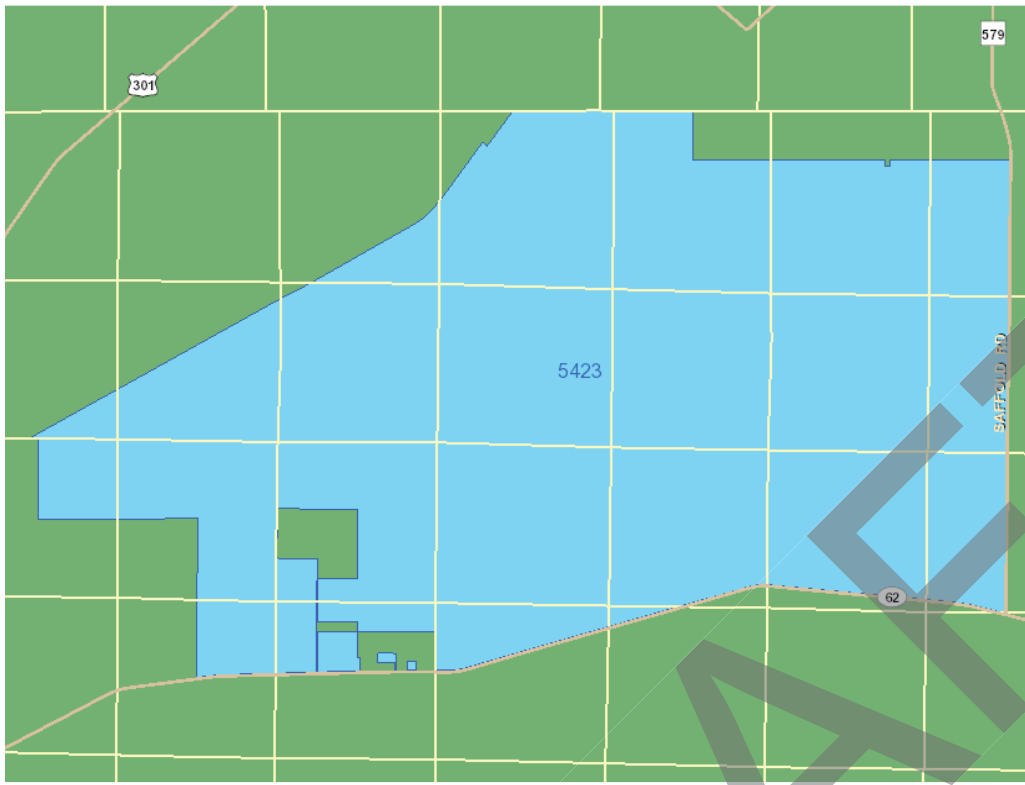
Water use from these withdrawal points are restricted to the quantities given below :

<b><u>I.D. NO.</u></b> <b><u>PERMITTEE/</u></b> <b><u>DISTRICT</u></b>	<b><u>DIAM</u></b> <b><u>(in.)</u></b>	<b><u>DEPTH</u></b> <b><u>TTL./CSD.FT.</u></b> <b><u>(feet bls)</u></b>	<b><u>USE DESCRIPTION</u></b>	<b><u>AVERAGE</u></b> <b><u>(gpd)</u></b>	<b><u>PEAK</u></b> <b><u>MONTH</u></b> <b><u>(gpd)</u></b>
1 / 1	8	1,054 / 183	Irrigation	163,500	452,900
2 / 2	8	1,032 / 224	Irrigation	163,500	452,900
4 / 4	6	182 / 180	Power Plant	10,000	12,800
6 / 6	8	699 / 263	Personal Sanitary	1,500	1,900
7 / 7	8	500 / 360	Power Plant	N/A	480,000
Standby					
8 / 8	8	500 / 315	Power Plant	N/A	480,000
Standby					
9 / 9	8	505 / 210	Power Plant	N/A	480,000
Standby					
12 / 12	10	430 / 415	Irrigation	193,400	613,700
14 / 14	4	184 / 123	Livestock	500	700
17 / 17	10	889 / 169	Power Plant	50,000	153,400
18 / 18	8	870 / 144	Power Plant	N/A	153,400
Standby					
19 / 19	6	955 / 440	Irrigation	289,300	467,800
21 / 21	16	1,066 / 518	Power Plant	325,000	1,440,000
Standby					
22 / 22	5	360 / 170	Power Plant	10,000	12,400

**WITHDRAWAL POINT LOCATION TABLE**

<b><u>DISTRICT I.D. NO.</u></b>	<b><u>LATITUDE/LONGITUDE</u></b>
1	27° 36' 16.75"/82° 17' 34.80"
2	27° 36' 34.33"/82° 17' 48.06"
4	27° 38' 15.21"/82° 19' 38.31"
6	27° 36' 09.02"/82° 17' 49.85"
7	27° 37' 26.14"/82° 20' 57.38"
8	27° 37' 41.50"/82° 20' 57.53"
9	27° 37' 56.56"/82° 20' 57.88"
12	27° 36' 09.54"/82° 19' 24.95"
14	27° 35' 59.46"/82° 20' 00.77"
17	27° 36' 37.85"/82° 21' 07.74"
18	27° 36' 03.83"/82° 21' 43.22"
19	27° 37' 43.14"/82° 17' 33.67"
21	27° 37' 08.12"/82° 21' 07.28"
22	27° 36' 25.10"/82° 20' 50.12"

Location Map  
Florida Power & Light Company  
WUP No. 20 005423.017



Attachment: Jan20 WUP 20005423\_017 Recap Permit (4851 : WUP No. 20005423.017 - Manatee Plant)

**STANDARD CONDITIONS:**

The Permittee shall comply with the Standard Conditions attached hereto, incorporated herein by reference as Exhibit A and made a part hereof.

**SPECIAL CONDITIONS:**

1. All reports and data required by condition(s) of the permit shall be submitted to the District according to the due date(s) contained in the specific condition. If the condition specifies that a District-supplied form is to be used, the Permittee should use that form in order for their submission to be acknowledged in a timely manner. The only alternative to this requirement is to use the District Permit Information Center ([www.swfwmd.state.fl.us/permits/epermitting/](http://www.swfwmd.state.fl.us/permits/epermitting/)) to submit data, plans or reports online. There are instructions at the District website on how to register to set up an account to do so. If the report or data is received on or before the tenth day of the month following data collection, it shall be deemed as a timely submittal.

All mailed reports and data are to be sent to:

Southwest Florida Water Management District  
Tampa Service Office, Water Use Permit Bureau  
7601 U.S. Hwy. 301 North  
Tampa, Florida 33637-6759

Submission of plans and reports: Unless submitted online or otherwise indicated in the special condition, the original and two copies of each plan and report, such as conservation plans, environmental analyses, aquifer test results, per capita annual reports, etc. are required.

Submission of data: Unless otherwise indicated in the special condition, an original (no copies) is required for data submittals such as crop report forms, meter readings and/or pumpage, rainfall, water level, evapotranspiration, or water quality data.  
(499)

2. The Permittee shall utilize the most water conserving practices in all processes and components of water use that are environmentally, technically and economically feasible for the industry or commercial activity, including reducing water losses, recycling and reuse, and utilization of water-efficient irrigation practices on drought-tolerant landscaping.(268)
3. The Permittee shall evaluate the feasibility of improving the efficiency of the current irrigation system or converting to a more efficient system. This condition includes implementation of the improvement(s) or conversion when determined to be operationally and economically feasible.(296)
4. The Permittee shall implement a leak detection and repair program as an element of an ongoing system maintenance program. This program shall include a system-wide inspection at least once per year.(309)
5. The Permittee shall incorporate best water management practices, specifically including but not limited to irrigation practices, as recommended for the permitted activities in reports and publications by the IFAS.(312)
6. The Permittee shall limit daytime irrigation to the greatest extent practicable to reduce losses from evaporation. Daytime irrigation for purposes of system maintenance, control of heat stress, crop protection, plant establishment, or for other reasons which require daytime irrigation are permissible; but should be limited to the minimum amount necessary as indicated by best management practices. (331)
7. Within 90 days of the replacement of any or all withdrawal quantities from ground water or surface water bodies with an Alternative Water Supply, the Permittee shall apply to modify this permit to place equal quantities of permitted withdrawals from the ground and/or surface water resource on standby. The standby quantities can be used in the event that some or all of the alternative source is not available.(363)
8. Permittee shall not exceed the quantity determined by multiplying the total irrigated acres by the total allocated acre-inches per irrigated acre per season for each crop type. For all crops except Citrus, ar

irrigated acre, hereafter referred to as "acre," is defined as the gross acreage under cultivation, including areas used for water conveyance such as ditches, but excluding uncultivated areas such as wetlands, retention ponds, and perimeter drainage ditches. For Citrus, an irrigated acre is based on 74% shaded area, equivalent to 89.4% of the gross acreage minus uncultivated areas such as wetlands, retention ponds, and perimeter drainage ditches.

An applicant or permittee within the Southern Water Use Caution Area may obtain the total allocated acre-inches per acre per season for their crops, plants, soil types, planting dates, and length of growing season by completing the "Irrigation Water Allotment Form" and submitting it to the District. The District will complete and return the form with the calculated total allocated acre-inches and water conserving credit per acre per season per crop, if applicable, based on the information provided. The "Irrigation Water Allotment Form" is available upon request.

(427)

9. The Permittee shall immediately implement the District-approved water conservation plan dated October 4, 2019 that was submitted in support of the application for this permit. Conservation measures that the Permittee has already implemented shall continue, and proposed conservation measures shall be implemented as proposed in the plan. Progress reports on the implementation of water conservation practices indicated as proposed in the plan as well as achievements in water savings that have been realized from each water conservation practice shall be submitted by permit midterm (February 1, 2030).(449)
10. The Permittee shall investigate the feasibility of increasing the use of or using reclaimed water for irrigation when notified by the District that reclaimed water may be available in sufficient supply to be utilized for this permit. The Permittee shall submit a report documenting the feasibility investigation within six months of the notification. The report shall contain an analysis of reclaimed water sources for the area, including the relative location of these sources to the Permittee's property, the quantity of reclaimed water available, the projected date(s) of availability, costs associated with obtaining the reclaimed water, and an implementation schedule for reuse, if feasible. Infeasibility shall be supported with a detailed explanation. If the use of reclaimed water is determined to be feasible by the Permittee or by the District, then the Permittee shall submit an application to modify this water use permit to include reclaimed water as a source of water. The modification application shall include a date when the reclaimed water will be available and shall indicate a proposed reduction in permitted quantities. If the permit application is not submitted by the Permittee, the District may reduce, following notice to the Permittee, the quantities authorized with this permit to account for the availability of reclaimed water. (458)
11. The Permittee shall record the following information on the Irrigation Water Use Form that is supplied by the District for seasonal crops for each permitted irrigation withdrawal point, District ID. Nos. 1, 2, 12, and 19, Permittee ID Nos. 1, 2, 12, and 19:
  1. Crop type
  2. Irrigated acres per crop for the appropriate season,
  3. Dominant soil type or acres by dominant soil type,
  4. Irrigation method (NTBWUCA only),
  5. Use or non-use of plastic mulch,
  6. Planting dates, and
  7. Season length.

This information shall be submitted by February 1 of each year documenting irrigation for the previous summer/fall seasonal crops, and by September 1 of each year documenting irrigation for the previous winter/spring crops. Strawberry irrigation information shall be submitted as a winter/spring crop.(476)
12. Any wells not in use, and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Chapter 62-532.500, F.A.C.(568)
13. The Permittee shall comply with allocated irrigation quantities, which are determined by multiplying the total irrigated acres by the total allocated inches per acre per season per actual crop grown. If the allocated quantities are exceeded, upon request by the District, the Permittee shall submit a report that includes reasons why the allocated quantities were exceeded, measures taken to attempt to meet the allocated quantities, and a plan to bring the permit into compliance. The District will evaluate information submitted by Permittees who exceed their allocated quantities to determine whether the lack of achievement is justifiable and a variance is warranted. The report is subject to approval by the District; however, justification for exceeding the allowed withdrawal quantity does not constitute a



waiver of the District's authority to enforce the terms and conditions of the permit.(651)

14. This Permit is located within the Southern Water Use Caution Area (SWUCA). Pursuant to Section 373.0421, Florida Statutes, the SWUCA is subject to a minimum flows and levels recovery strategy, which became effective on January 1, 2007. The Governing Board may amend the recovery strategy, including amending applicable water use permitting rules based on an annual assessment of water resource criteria, cumulative water withdrawal impacts, and on a recurring five-year evaluation of the status of the recovery strategy up to the year 2025 as described in Chapter 40D-80, Florida Administrative Code. This Permit is subject to modification to comply with new rules.(652)
15. The following withdrawal facilities shall continue to be maintained and operated with existing, non-resettable, totalizing flow meter(s) or other measuring device(s) as approved by the Water Use Permit Bureau Chief: District ID Nos. 1, 2, 12, 17, and 19, Permittee ID Nos. 1, 2, 12, 17, and 19. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(719)
16. The following existing standby withdrawal facilities (those that provide back-up water for another withdrawal point in the event the other withdrawal point becomes unusable) shall continue to be metered: District ID Nos. 7, 8, 9, 18, and 21, Permittee ID Nos. 7, 8, 9, 18, and 21. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(722)

40D-2  
Exhibit A

**WATER USE PERMIT STANDARD CONDITIONS**

1. With advance notice to the Permittee, District staff with proper identification shall have permission to enter, inspect, collect samples, take measurements, observe permitted and related facilities and collect and document any information deemed necessary to determine compliance with the approved plans, specifications and conditions of this permit. The Permittee shall either accompany District staff onto the property or make provision for access onto the property.
2. When necessary to analyze impacts to the water resource or existing users, the District shall require the Permittee to install flow metering or other measuring devices to record withdrawal quantities and submit the data to the District.
3. A District identification tag shall be prominently displayed at each withdrawal point that is required by the District to be metered or for which withdrawal quantities are required to be reported to the District, by permanently affixing the tag to the withdrawal facility.
4. The Permittee shall mitigate any adverse impact to environmental features or offsite land uses as a result of withdrawals. When adverse impacts occur or are imminent, the District shall require the Permittee to mitigate the impacts. Examples of adverse impacts include the following:
  - A. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or
  - B. Damage to crops and other vegetation causing financial harm to the owner; and
  - C. Damage to the habitat of endangered or threatened species.
5. The Permittee shall mitigate any adverse impact to existing legal uses caused by withdrawals. When adverse impacts occur or are imminent, the District may require the Permittee to mitigate the impacts. Adverse impacts include:
  - A. A reduction in water levels which impairs the ability of a well to produce water;
  - B. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or
  - C. Significant inducement of natural or manmade contaminants into a water supply or into a usable portion of an aquifer or water body.
6. Permittee shall notify the District in writing within 30 days of any sale, transfer, or conveyance of ownership or any other loss of permitted legal control of the Project and / or related facilities from which the permitted consumptive use is made. Where Permittee's control of the land subject to the permit was demonstrated through a lease, the Permittee must either submit documentation showing that it continues to have legal control or transfer control of the permitted system / project to the new landowner or new lessee. All transfers of ownership are subject to the requirements of Rule 40D-1.6105, F.A.C. Alternatively, the Permittee may surrender the consumptive use permit to the District, thereby relinquishing the right to conduct any activities under the permit.
7. All withdrawals authorized by this WUP shall be implemented as conditioned by this permit, including any documents submitted as part of the permit application incorporated by reference in a permit condition. This permit is subject to review and modification, enforcement action, or revocation, in whole or in part, pursuant to Section 373.136 or 373.243, F.S.
8. This permit does not convey to the Permittee any property rights or privileges other than those specified herein, nor relieve the Permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.
9. The Permittee shall cease or reduce surface water withdrawal as directed by the District if water levels in lakes fall below the applicable minimum water level established in Chapter 40D-8, F.A.C., or rates of flow in streams fall below the minimum levels established in Chapter 40D-8, F.A.C.
10. The Permittee shall cease or reduce withdrawal as directed by the District if water levels in aquifers fall below the minimum levels established by the Governing Board.

11. A Permittee may seek modification of any term of an unexpired permit. The Permittee is advised that section 373.239, F.S., and Rule 40D-2.331, F.A.C., are applicable to permit modifications.
12. The Permittee shall practice water conservation to increase the efficiency of transport, application, and use, as well as to decrease waste and to minimize runoff from the property. At such time as the Governing Board adopts specific conservation requirements for the Permittee's water use classification, this permit shall be subject to those requirements upon notice and after a reasonable period for compliance.
13. The District may establish special regulations for Water-Use Caution Areas. At such time as the Governing Board adopts such provisions, this permit shall be subject to them upon notice and after a reasonable period for compliance.
14. Nothing in this permit should be construed to limit the authority of the District to declare a water shortage and issue orders pursuant to chapter 373, F.S. In the event of a declared water shortage, the Permittee must adhere to the water shortage restrictions, as specified by the District. The Permittee is advised that during a water shortage, reports shall be submitted as required by District rule or order.
15. This permit is issued based on information provided by the Permittee demonstrating that the use of water is reasonable and beneficial, consistent with the public interest, and will not interfere with any existing legal use of water. If, during the term of the permit, it is determined by the District that a statement in the application and in the supporting data are found to be untrue and inaccurate, the use is not reasonable and beneficial, in the public interest, or does impact an existing legal use of water, the Governing Board shall modify this permit or shall revoke this permit following notice and hearing, pursuant to sections 373.136 or 373.243, F.S. The Permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.
16. Within the Southern Water Use Caution Area, if the District determines that significant water quantity or quality changes, impacts to existing legal uses, or adverse environmental impacts are occurring, the District, upon reasonable notice to the Permittee, including a statement of facts upon which the District based its determination, may reconsider the quantities permitted or other conditions of the permit as appropriate to address the change or impact, but only after an opportunity for the Permittee to resolve or mitigate the change or impact or to request a hearing.
17. All permits are contingent upon continued ownership or legal control of all property on which pumps, wells, diversions or other water withdrawal facilities are located.



Exhibit B  
Instructions

METERING INSTRUCTIONS

The Permittee shall meter withdrawals from surface waters and/or the ground water resources, and meter readings from each withdrawal facility shall be recorded on a monthly basis within the last week of the month. The meter reading(s) shall be reported to the Water Use Permit Bureau on or before the tenth day of the following month for monthly reporting frequencies. For bi-annual reporting, the data shall be recorded on a monthly basis and reported on or before the tenth day of the month following the sixth month of recorded data. The Permittee shall submit meter readings online using the Permit Information Center at [www.swfwmd.state.fl.us/permits/epermitting/](http://www.swfwmd.state.fl.us/permits/epermitting/) or on District supplied scanning forms unless another arrangement for submission of this data has been approved by the District. Submission of such data by any other unauthorized form or mechanism may result in loss of data and subsequent delinquency notifications. Call the Water Use Permit Bureau in Tampa at (813) 985-7481 if difficulty is encountered.

The meters shall adhere to the following descriptions and shall be installed or maintained as follows:

1. The meter(s) shall be non-resettable, totalizing flow meter(s) that have a totalizer of sufficient magnitude to retain total gallon data for a minimum of the three highest consecutive months permitted quantities. If other measuring device(s) are proposed, prior to installation, approval shall be obtained in writing from the Water Use Permit Bureau Chief.
2. The Permittee shall report non-use on all metered standby withdrawal facilities on the scanning form or approved alternative reporting method.
3. If a metered withdrawal facility is not used during any given month, the meter report shall be submitted to the District indicating the same meter reading as was submitted the previous month.
4. The flow meter(s) or other approved device(s) shall have and maintain an accuracy within five percent of the actual flow as installed.
5. Meter accuracy testing requirements:
  - A. For newly metered withdrawal points, the flow meter installation shall be designed for inline field access for meter accuracy testing.
  - B. The meter shall be tested for accuracy on-site, as installed according to the Flow Meter Accuracy Test Instructions in this Exhibit B, every five years in the assigned month for the county, beginning from the date of its installation for new meters or from the date of initial issuance of this permit containing the metering condition with an accuracy test requirement for existing meters.
  - C. The testing frequency will be decreased if the Permittee demonstrates to the satisfaction of the District that a longer period of time for testing is warranted.
  - D. The test will be accepted by the District only if performed by a person knowledgeable in the testing equipment used.
  - E. If the actual flow is found to be greater than 5% different from the measured flow, within 30 days, the Permittee shall have the meter re-calibrated, repaired, or replaced, whichever is necessary. Documentation of the test and a certificate of re-calibration, if applicable, shall be submitted within 30 days of each test or re-calibration.
6. The meter shall be installed according to the manufacturer's instructions for achieving accurate flow to the specifications above, or it shall be installed in a straight length of pipe where there is at least an upstream length equal to ten (10) times the outside pipe diameter and a downstream length equal to two (2) times the outside pipe diameter. Where there is not at least a length of ten diameters upstream available, flow straightening vanes shall be used in the upstream line.
7. Broken or malfunctioning meter:
  - A. If the meter or other flow measuring device malfunctions or breaks, the Permittee shall notify the District within 15 days of discovering the malfunction or breakage.
  - B. The meter must be replaced with a repaired or new meter, subject to the same specifications given above, within 30 days of the discovery.
  - C. If the meter is removed from the withdrawal point for any other reason, it shall be replaced with another meter having the same specifications given above, or the meter shall be reinstalled within 30 days of its removal from the withdrawal. In either event, a fully functioning meter shall not be off the withdrawal point for more than 60 consecutive days.
8. While the meter is not functioning correctly, the Permittee shall keep track of the total amount of time the withdrawal point was used for each month and multiply those minutes times the pump capacity (in gallons per minute) for total gallons. The estimate of the number of gallons used each month during that period shall be submitted on District scanning forms and noted as estimated per instructions on the form. If the data is submit

by another approved method, the fact that it is estimated must be indicated. The reason for the necessity to estimate pumpage shall be reported with the estimate.

9. In the event a new meter is installed to replace a broken meter, it and its installation shall meet the specifications of this condition. The permittee shall notify the District of the replacement with the first submittal of meter readings from the new meter.

#### FLOW METER ACCURACY TEST INSTRUCTIONS

1. **Accuracy Test Due Date** - The Permittee is to schedule their accuracy test according to the following schedule:
- A. For existing metered withdrawal points, add five years to the previous test year, and make the test in the month assigned to your county.
  - B. For withdrawal points for which metering is added for the first time, the test is to be scheduled five years from the issue year in the month assigned to your county.
  - C. For proposed withdrawal points, the test date is five years from the completion date of the withdrawal point in the month assigned to your county.
  - D. For the Permittee's convenience, if there are multiple due-years for meter accuracy testing because of the timing of the installation and/or previous accuracy tests of meters, the Permittee can submit a request in writing to the Water Use Permit Bureau Chief for one specific year to be assigned as the due date year for meter testing. Permittees with many meters to test may also request the tests to be grouped into one year or spread out evenly over two to three years.
  - E. The months for accuracy testing of meters are assigned by county. The Permittee is requested but not required to have their testing done in the month assigned to their county. This is to have sufficient District staff available for assistance.

January	Hillsborough
February	Manatee, Pasco
March	Polk (for odd numbered permits)*
April	Polk (for even numbered permits)*
May	Highlands
June	Hardee, Charlotte
July	None or Special Request
August	None or Special Request
September	Desoto, Sarasota
October	Citrus, Levy, Lake
November	Hernando, Sumter, Marion
December	Pinellas

\* The permittee may request their multiple permits be tested in the same month.

2. **Accuracy Test Requirements:** The Permittee shall test the accuracy of flow meters on permitted withdrawal points as follows:
- A. The equipment water temperature shall be set to 72 degrees Fahrenheit for ground water, and to the measured water temperature for other water sources.
  - B. A minimum of two separate timed tests shall be performed for each meter. Each timed test shall consist of measuring flow using the test meter and the installed meter for a minimum of four minutes duration. If the two tests do not yield consistent results, additional tests shall be performed for a minimum of eight minutes or longer per test until consistent results are obtained.
  - C. If the installed meter has a rate of flow, or large multiplier that does not allow for consistent results to be obtained with four- or eight-minute tests, the duration of the test shall be increased as necessary to obtain accurate and consistent results with respect to the type of flow meter installed.
  - D. The results of two consistent tests shall be averaged, and the result will be considered the test result for the meter being tested. This result shall be expressed as a plus or minus percent (rounded to the nearest one-tenth percent) accuracy of the installed meter relative to the test meter. The percent accuracy indicates the deviation (if any), of the meter being tested from the test meter.
3. **Accuracy Test Report:** The Permittees shall demonstrate that the results of the meter test(s) are accurate by submitting the following information within 30 days of the test:
- A. A completed Flow Meter Accuracy Verification Form, Form LEG-R.101.00 (5/14) for each flow meter tested. This form can be obtained from the District's website ([www.watermatters.org](http://www.watermatters.org)) under "ePermitting and Rules" for Water Use Permits.

- B. A printout of data that was input into the test equipment, if the test equipment is capable of creating such a printout;
- C. A statement attesting that the manufacturer of the test equipment, or an entity approved or authorized by the manufacturer, has trained the operator to use the specific model test equipment used for testing;
- D. The date of the test equipment's most recent calibration that demonstrates that it was calibrated within the previous twelve months, and the test lab's National Institute of Standards and Testing (N.I.S.T.) traceability reference number.
- E. A diagram showing the precise location on the pipe where the testing equipment was mounted shall be supplied with the form. This diagram shall also show the pump, installed meter, the configuration (with all valves, tees, elbows, and any other possible flow disturbing devices) that exists between the pump and the test location clearly noted with measurements. If flow straightening vanes are utilized, their location(s) shall also be included in the diagram.
- F. A picture of the test location, including the pump, installed flow meter, and the measuring device, or for sites where the picture does not include all of the items listed above, a picture of the test site with a notation of distances to these items.

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Authorized Signature

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

This permit, issued under the provision of Chapter 373, Florida Statutes and Florida Administrative Code 40D-2, authorizes the Permittee to withdraw the quantities outlined above, and may require various activities to be performed by the Permittee as described in the permit, including the Special Conditions. The permit does not convey to the Permittee any property rights or privileges other than those specified herein, nor relieve the Permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.

Attachment: Jan20 WUP 20005423\_017 Recap Permit (4851 : WUP No. 20005423.017 - Manatee Plant)

**REGULATION COMMITTEE**

**January 28, 2020**

***Consent Agenda***

**WUP No. 20020721.001 - South Sumter Utility Company/South Sumter Utility Company (Sumter County)**

This is a modification of an existing water use permit (WUP) for public supply use. This modification transfers two existing public supply wells and their authorized quantities from WUP No. 20008135.012 to this permit. There is no net change in authorized groundwater withdrawals as a result of this permit modification. The authorized quantities are 2,100,000 gallons per day (gpd) on an annual average basis and 3,000,000 gpd on a peak month basis for potable water supply. Outdoor water demands within the service area are met through a separate permit. Quantities are based on projected water needs provided by the applicant.

Special Conditions include those that require the Permittee to: continue to record and report monthly meter readings from all withdrawal points, submit annual Public Supply Reports, submit annual Environmental Monitoring Reports, adhere to the per-capita requirements of this permit, and implement the conservation plan that was submitted with the application.

The permit application meets all Rule 40D-2 Conditions for Issuance.

**Staff Recommendation:**

Approve the proposed permit attached as an exhibit.

**Presenter:** Darrin Herbst, P.G., Bureau Chief, Water Use Permit Bureau

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
WATER USE PERMIT  
Individual  
PERMIT NO. 20 020721.001**

**PERMIT ISSUE DATE:** January 28, 2020

**EXPIRATION DATE:** February 02, 2038

The Permittee is responsible for submitting an application to renew this permit no sooner than one year prior to the expiration date, and no later than the end of the last business day before the expiration date, whether or not the Permittee receives prior notification by mail. Failure to submit a renewal application prior to the expiration date and continuing to withdraw water after the expiration date is a violation of Chapter 373, Florida Statutes, and Chapter 40D-2, Florida Administrative Code, and may result in a monetary penalty and/or loss of the right to use the water. Issuance of a renewal of this permit is contingent upon District approval.

**TYPE OF APPLICATION:** Modification

**GRANTED TO:** South Sumter Utility Company, LLC  
3601 Kiessel Road  
The Villages, FL 32163

**PROJECT NAME:** South Sumter Utility Company

**WATER USE CAUTION AREA(S):** Not in a WUCA

**COUNTY:** Sumter

**TOTAL QUANTITIES AUTHORIZED UNDER THIS PERMIT (in gallons per day)**

ANNUAL AVERAGE	2,100,000 gpd
PEAK MONTH <sup>1</sup>	3,000,000 gpd

<sup>1</sup> Peak Month: Average daily use during the highest water use month.

**ABSTRACT:**

This is a modification of an existing water use permit (WUP) for public supply use. This modification transfers two existing public supply wells and their authorized quantities from WUP No. 20008135.012 to this permit. There is no net change in authorized groundwater withdrawals as a result of this permit modification. The authorized quantities are 2,100,000 gallons per day (gpd) on an annual average basis and 3,000,000 gpd on a peak month basis for potable water supply. Outdoor water demands within the service area are met through a separate permit. Quantities are based on projected water needs provided by the applicant.

Special conditions include those that require the Permittee to continue to record and report monthly meter readings from all withdrawal points, submit annual Public Supply Reports, submit annual Environmental Monitoring Reports, adhere to the per-capita requirements of this permit, and implement the conservation plan that was submitted with the application.

**WATER USE TABLE (in gpd)**

<b><u>USE</u></b>	<b><u>ANNUAL AVERAGE</u></b>	<b><u>PEAK MONTH</u></b>
Public Supply	2,100,000	3,000,000

**USE TYPE**

Residential Single Family

**PUBLIC SUPPLY:**

Population Served: 30,824  
 Per Capita Rate: 68 gpd/person

**WITHDRAWAL POINT QUANTITY TABLE**

Water use from these withdrawal points are restricted to the quantities given below :

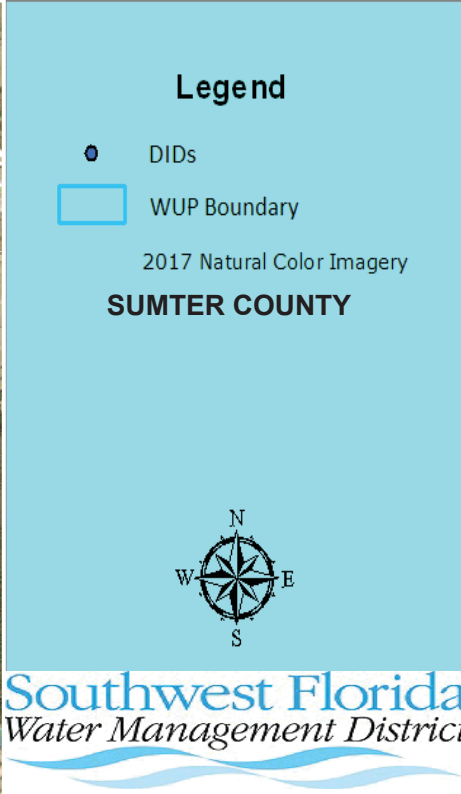
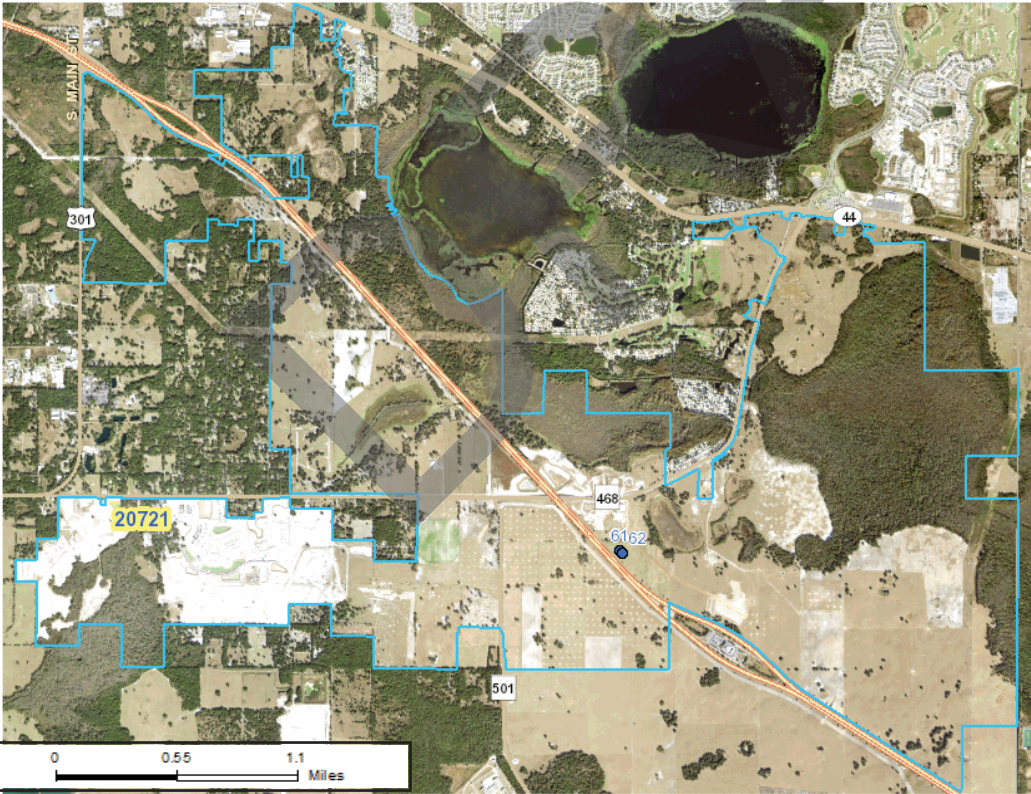
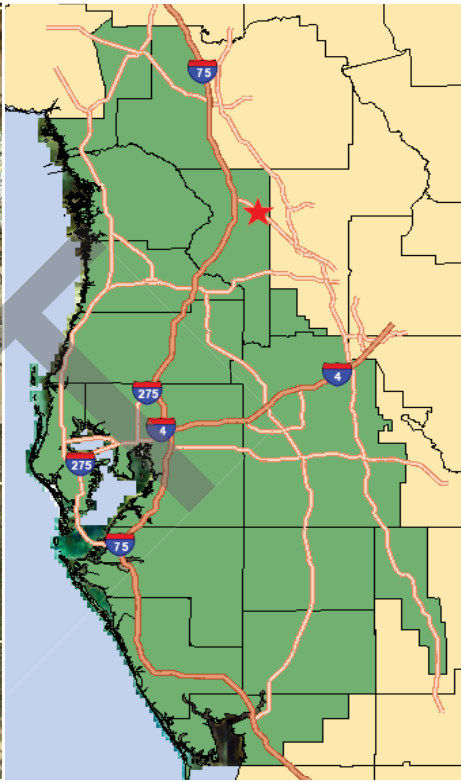
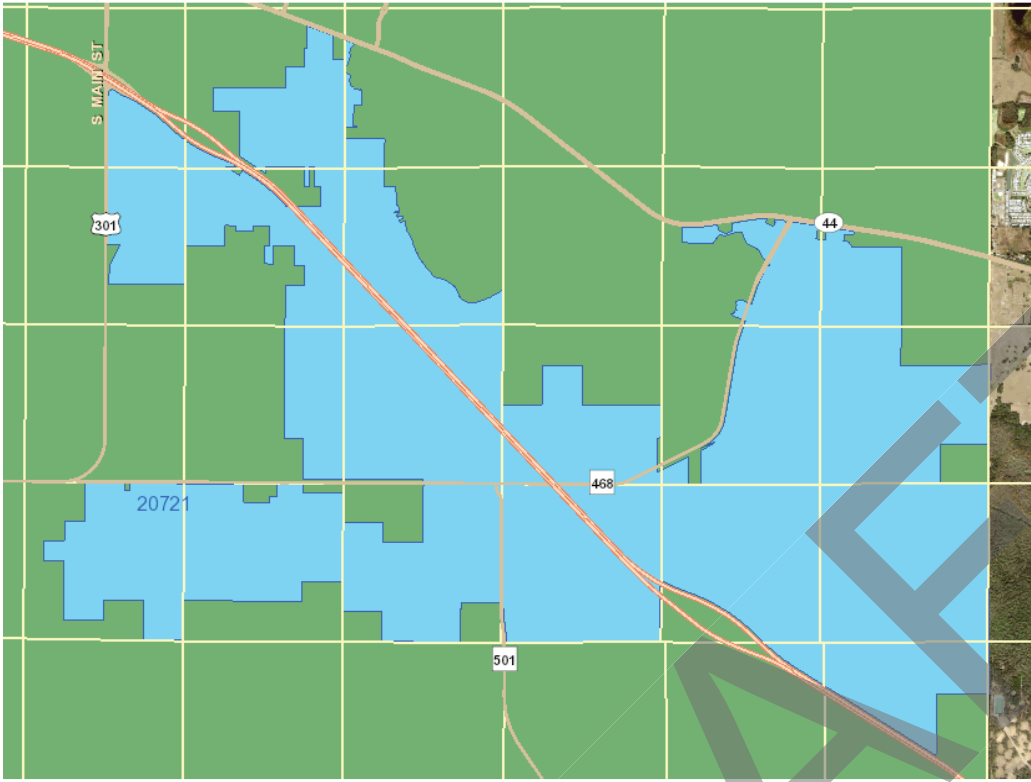
<u>I.D. NO.</u> <u>PERMITTEE/</u> <u>DISTRICT</u>	<u>DIAM</u> <u>(in.)</u>	<u>DEPTH</u> <u>TTL./CSD.FT.</u> <u>(feet bls)</u>	<u>USE DESCRIPTION</u>	<u>AVERAGE</u> <u>(gpd)</u>	<u>PEAK</u> <u>MONTH</u> <u>(gpd)</u>
SO-101 / 61	16	990 / 599	Public Supply	1,050,000	1,500,000
SO-102 / 62	16	990 / 596	Public Supply	1,050,000	1,500,000

**WITHDRAWAL POINT LOCATION TABLE**

<u>DISTRICT I.D. NO.</u>	<u>LATITUDE/LONGITUDE</u>
61	28° 47' 42.56"/81° 59' 33.91"
62	28° 47' 41.61"/81° 59' 32.92"



Location Map  
South Sumter Utility Company, LLC  
WUP No. 20 020721.001



Attachment: Jan20 WUP 20020721\_001 Recap Permit (4852 : WUP No. 20020721.001 - South Sumter Utility Company)

**STANDARD CONDITIONS:**

The Permittee shall comply with the Standard Conditions attached hereto, incorporated herein by reference as Exhibit A and made a part hereof.

**SPECIAL CONDITIONS:**

1. All reports and data required by condition(s) of the permit shall be submitted to the District according to the due date(s) contained in the specific condition. If the condition specifies that a District-supplied form is to be used, the Permittee should use that form in order for their submission to be acknowledged in a timely manner. The only alternative to this requirement is to use the District Permit Information Center ([www.swfwmd.state.fl.us/permits/epermitting/](http://www.swfwmd.state.fl.us/permits/epermitting/)) to submit data, plans or reports online. There are instructions at the District website on how to register to set up an account to do so. If the report or data is received on or before the tenth day of the month following data collection, it shall be deemed as a timely submittal.

All mailed reports and data are to be sent to:

Southwest Florida Water Management District  
Tampa Service Office, Water Use Permit Bureau  
7601 U.S. Hwy. 301 North  
Tampa, Florida 33637-6759

Submission of plans and reports: Unless submitted online or otherwise indicated in the special condition, the original and two copies of each plan and report, such as conservation plans, environmental analyses, aquifer test results, per capita annual reports, etc. are required.

Submission of data: Unless otherwise indicated in the special condition, an original (no copies) is required for data submittals such as crop report forms, meter readings and/or pumpage, rainfall, water level, evapotranspiration, or water quality data.  
(499)

2. The quantities included in the permit are based on an average per capita rate of 68. By rule, the per capita rate in any given year shall not exceed 150 gpd. However, failure to maintain, on average, the per capita rate on which the permitted quantity is based could result in noncompliance with the terms of the permit. The per capita rate will be monitored via the Annual Report that is required to be submitted by April 1 of each year for the term of the permit.(67)
3. This permit shall be modified if an additional source of water is provided for public supply use from a separate entity. The Permittee shall notify the District of the additional water source and submit an application to modify the permit to acknowledge receipt.(68)
4. The annual average daily and peak month quantities for District ID Nos. 61 and 62, Permittee ID Nos. SO-101 and SO-102 shown in the withdrawal point quantity table are estimates based on historic and/or projected distribution of pumpage, and are for water use inventory and impact analysis purposes only. The quantities listed for these individual sources are not intended to dictate the distribution of pumpage from permitted sources. The Permittee may make adjustments in pumpage distribution as necessary up to 2,100,000 gallons per day on an annual average basis and up to 3,000,000 gallons per day on a peak month basis for the individual wells, so long as adverse environmental impacts do not result and the Permittee complies with all other conditions of this Permit. In all cases, the total annual average daily withdrawal, the total peak month daily withdrawal, and the total crop protection withdrawal are limited to the quantities set forth above.(221)
5. The Permittee shall implement a leak detection and repair program as an element of an ongoing system maintenance program. This program shall include a system-wide inspection at least once per year.(309)
6. The Permittee shall comply with the following requirements:
  - A. Customer billing period usage shall be placed on each utility-metered, customer's bill.
  - B. Meters shall be read and customers shall be billed no less frequently than bi-monthly.
  - C. The following information, as applicable to the customer, shall be provided at least once each calendar year and a summary of the provisions shall be provided to the District annually as described

in Section D, below. The information shall be provided by postal mailings, bill inserts, online notices, on the bill or by other means. If billing units are not in gallons, a means to convert the units to gallons must be provided.

1. To each utility-metered customer in each customer class - Information describing the rate structure and shall include any applicable:
    - a. Fixed and variable charges,
    - b. Minimum charges and the quantity of water covered by such charges,
    - c. Price block quantity thresholds and prices,
    - d. Seasonal rate information and the months to which they apply, and
    - e. Usage surcharges
  2. To each utility-metered single-family residential customer - Information that the customer can use to compare its water use relative to other single-family customers or to estimate an efficient use and that shall include one or more of the following:
    - a. The average or median single-family residential customer billing period water use calculated over the most recent three year period, or the most recent two year period if a three year period is not available to the utility. Data by billing period is preferred but not required.
    - b. A means to calculate an efficient billing period use based on the customer's characteristics, or
    - c. A means to calculate an efficient billing period use based on the service area's characteristics.
- D. Annual Report: The following information shall be submitted to the District annually by October 1 of each year of the permit term to demonstrate compliance with the requirements above. The information shall be current as of the October 1 submittal date.
1. Description of the current water rate structure (rate ordinance or tariff sheet).
  2. Description of the current customer billing and meter reading practices and any proposed changes to these practices (including a copy of a bill per A above).
  3. Description of the means the permittee uses to make their metered customers aware of rate structures, and how the permittee provides information their metered single-family residential customers can use to compare their water use relative to other single-family customers or estimate an efficient use (see C 1 & 2 above).
- (592)
7. The Permittee shall maintain a water conserving rate structure for the duration of the permit term. Any changes to the water conserving rate structure described in the application shall be described in detail as a component of the next Annual Report on Water Rate, Billing and Meter Reading Practices of the year following the change. (659)
  8. The Permittee shall submit a "Public Supply Annual Report" to the District by April 1 of each year on their water use during the preceding calendar year using the form, "Public Supply Water Use Annual Report Form" (Form No. LEG-R.103.00 (05/14)), referred to in this condition as "the Form," and all required attachments and documentation. The Permittee shall adhere to the "Annual Report Submittal Instructions" attached to and made part of this condition in Exhibit B. The Form addresses the following components in separate sections.

#### **Per Capita Use Rate**

A per capita rate for the previous calendar year will be calculated as provided in Part A of the Form using Part C of the Form to determine Significant Use deduction that may apply. Permittees that cannot achieve a per capita rate of 150 gpd according to the time frames included in the "Instructions for Completion of the Water Use Annual Report," shall include a report on why this rate was not achieved, measures taken to comply with this requirement, and a plan to bring the permit into compliance.

#### **Residential Use**

Residential use shall be reported in the categories specified in Part B of the Form, and the methodology used to determine the number of dwelling units by type and their quantities used shall be documented in an attachment.

#### **Non-Residential Use**

Non-residential use quantities provided for use in a community but that are not directly associated with places of residence, as well as the total water losses that occur between the point of output of the treatment plant and accountable end users, shall be reported in Part B of the Form.



**Water Conservation**

In an attachment to the Form, the Permittee shall describe the following:

1. Description of any ongoing audit program of the water treatment plant and distribution systems to address reductions in water losses.
2. An update of the water conservation plan that describes and quantifies the effectiveness of measures currently in practice, any additional measures proposed to be implemented, the scheduled implementation dates, and an estimate of anticipated water savings for each additional measure.
3. A description of the Permittees implementation of water-efficient landscape and irrigation codes or ordinances, public information and education programs, water conservation incentive programs, identification of which measures and programs, if any, were derived from the Conserve Florida Water Conservation Guide, and provide the projected costs of the measures and programs and the projected water savings.

**Water Audit**

If the current water loss rate is greater than 10% of the total distribution quantities, a water audit as described in the "Instructions for Completion of the Water Use Annual Report" shall be conducted and completed by the following July 1, with the results submitted by the following October 1. Indicate on Part A of the Form whether the water audit was done, will be done, or is not applicable.

**Updated Service Area Map**

If there have been changes to the service area since the previous reporting period, the Permittee shall update the service area using the map that is maintained in the District's Mapping and GIS system. (660)

9. The Permittee shall catalog development of sinkholes or changes to existing sinkholes which occur within 500 feet of any of the Permittee's production wells included in this permit. The report shall include descriptions of the investigation and any mitigation actions undertaken by the Permittee. The report shall be sent to the District within 30 days of the Permittee's discovery of the sinkhole.(677)
10. The following withdrawal facilities shall continue to be maintained and operated with existing, non-resettable, totalizing flow meter(s) or other measuring device(s) as approved by the Water Use Permit Bureau Chief: District ID Nos. 61 and 62, Permittee ID Nos. SO-101 and SO-102. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(719)

40D-2  
Exhibit A

**WATER USE PERMIT STANDARD CONDITIONS**

1. With advance notice to the Permittee, District staff with proper identification shall have permission to enter, inspect, collect samples, take measurements, observe permitted and related facilities and collect and document any information deemed necessary to determine compliance with the approved plans, specifications and conditions of this permit. The Permittee shall either accompany District staff onto the property or make provision for access onto the property.
2. When necessary to analyze impacts to the water resource or existing users, the District shall require the Permittee to install flow metering or other measuring devices to record withdrawal quantities and submit the data to the District.
3. A District identification tag shall be prominently displayed at each withdrawal point that is required by the District to be metered or for which withdrawal quantities are required to be reported to the District, by permanently affixing the tag to the withdrawal facility.
4. The Permittee shall mitigate any adverse impact to environmental features or offsite land uses as a result of withdrawals. When adverse impacts occur or are imminent, the District shall require the Permittee to mitigate the impacts. Examples of adverse impacts include the following:
  - A. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or
  - B. Damage to crops and other vegetation causing financial harm to the owner; and
  - C. Damage to the habitat of endangered or threatened species.
5. The Permittee shall mitigate any adverse impact to existing legal uses caused by withdrawals. When adverse impacts occur or are imminent, the District may require the Permittee to mitigate the impacts. Adverse impacts include:
  - A. A reduction in water levels which impairs the ability of a well to produce water;
  - B. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or
  - C. Significant inducement of natural or manmade contaminants into a water supply or into a usable portion of an aquifer or water body.
6. Permittee shall notify the District in writing within 30 days of any sale, transfer, or conveyance of ownership or any other loss of permitted legal control of the Project and / or related facilities from which the permitted consumptive use is made. Where Permittee's control of the land subject to the permit was demonstrated through a lease, the Permittee must either submit documentation showing that it continues to have legal control or transfer control of the permitted system / project to the new landowner or new lessee. All transfers of ownership are subject to the requirements of Rule 40D-1.6105, F.A.C. Alternatively, the Permittee may surrender the consumptive use permit to the District, thereby relinquishing the right to conduct any activities under the permit.
7. All withdrawals authorized by this WUP shall be implemented as conditioned by this permit, including any documents submitted as part of the permit application incorporated by reference in a permit condition. This permit is subject to review and modification, enforcement action, or revocation, in whole or in part, pursuant to Section 373.136 or 373.243, F.S.
8. This permit does not convey to the Permittee any property rights or privileges other than those specified herein, nor relieve the Permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.
9. The Permittee shall cease or reduce surface water withdrawal as directed by the District if water levels in lakes fall below the applicable minimum water level established in Chapter 40D-8, F.A.C., or rates of flow in streams fall below the minimum levels established in Chapter 40D-8, F.A.C.
10. The Permittee shall cease or reduce withdrawal as directed by the District if water levels in aquifers fall below the minimum levels established by the Governing Board.

11. A Permittee may seek modification of any term of an unexpired permit. The Permittee is advised that section 373.239, F.S., and Rule 40D-2.331, F.A.C., are applicable to permit modifications.
12. The Permittee shall practice water conservation to increase the efficiency of transport, application, and use, as well as to decrease waste and to minimize runoff from the property. At such time as the Governing Board adopts specific conservation requirements for the Permittee's water use classification, this permit shall be subject to those requirements upon notice and after a reasonable period for compliance.
13. The District may establish special regulations for Water-Use Caution Areas. At such time as the Governing Board adopts such provisions, this permit shall be subject to them upon notice and after a reasonable period for compliance.
14. Nothing in this permit should be construed to limit the authority of the District to declare a water shortage and issue orders pursuant to chapter 373, F.S. In the event of a declared water shortage, the Permittee must adhere to the water shortage restrictions, as specified by the District. The Permittee is advised that during a water shortage, reports shall be submitted as required by District rule or order.
15. This permit is issued based on information provided by the Permittee demonstrating that the use of water is reasonable and beneficial, consistent with the public interest, and will not interfere with any existing legal use of water. If, during the term of the permit, it is determined by the District that a statement in the application and in the supporting data are found to be untrue and inaccurate, the use is not reasonable and beneficial, in the public interest, or does impact an existing legal use of water, the Governing Board shall modify this permit or shall revoke this permit following notice and hearing, pursuant to sections 373.136 or 373.243, F.S. The Permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.
16. All permits are contingent upon continued ownership or legal control of all property on which pumps, wells, diversions or other water withdrawal facilities are located.



Exhibit B  
Instructions

METERING INSTRUCTIONS

The Permittee shall meter withdrawals from surface waters and/or the ground water resources, and meter readings from each withdrawal facility shall be recorded on a monthly basis within the last week of the month. The meter reading(s) shall be reported to the Water Use Permit Bureau on or before the tenth day of the following month for monthly reporting frequencies. For bi-annual reporting, the data shall be recorded on a monthly basis and reported on or before the tenth day of the month following the sixth month of recorded data. The Permittee shall submit meter readings online using the Permit Information Center at [www.swfwmd.state.fl.us/permits/epermitting/](http://www.swfwmd.state.fl.us/permits/epermitting/) or on District supplied scanning forms unless another arrangement for submission of this data has been approved by the District. Submission of such data by any other unauthorized form or mechanism may result in loss of data and subsequent delinquency notifications. Call the Water Use Permit Bureau in Tampa at (813) 985-7481 if difficulty is encountered.

The meters shall adhere to the following descriptions and shall be installed or maintained as follows:

1. The meter(s) shall be non-resettable, totalizing flow meter(s) that have a totalizer of sufficient magnitude to retain total gallon data for a minimum of the three highest consecutive months permitted quantities. If other measuring device(s) are proposed, prior to installation, approval shall be obtained in writing from the Water Use Permit Bureau Chief.
2. The Permittee shall report non-use on all metered standby withdrawal facilities on the scanning form or approved alternative reporting method.
3. If a metered withdrawal facility is not used during any given month, the meter report shall be submitted to the District indicating the same meter reading as was submitted the previous month.
4. The flow meter(s) or other approved device(s) shall have and maintain an accuracy within five percent of the actual flow as installed.
5. Meter accuracy testing requirements:
  - A. For newly metered withdrawal points, the flow meter installation shall be designed for inline field access for meter accuracy testing.
  - B. The meter shall be tested for accuracy on-site, as installed according to the Flow Meter Accuracy Test Instructions in this Exhibit B, every five years in the assigned month for the county, beginning from the date of its installation for new meters or from the date of initial issuance of this permit containing the metering condition with an accuracy test requirement for existing meters.
  - C. The testing frequency will be decreased if the Permittee demonstrates to the satisfaction of the District that a longer period of time for testing is warranted.
  - D. The test will be accepted by the District only if performed by a person knowledgeable in the testing equipment used.
  - E. If the actual flow is found to be greater than 5% different from the measured flow, within 30 days, the Permittee shall have the meter re-calibrated, repaired, or replaced, whichever is necessary. Documentation of the test and a certificate of re-calibration, if applicable, shall be submitted within 30 days of each test or re-calibration.
6. The meter shall be installed according to the manufacturer's instructions for achieving accurate flow to the specifications above, or it shall be installed in a straight length of pipe where there is at least an upstream length equal to ten (10) times the outside pipe diameter and a downstream length equal to two (2) times the outside pipe diameter. Where there is not at least a length of ten diameters upstream available, flow straightening vanes shall be used in the upstream line.
7. Broken or malfunctioning meter:
  - A. If the meter or other flow measuring device malfunctions or breaks, the Permittee shall notify the District within 15 days of discovering the malfunction or breakage.
  - B. The meter must be replaced with a repaired or new meter, subject to the same specifications given above, within 30 days of the discovery.
  - C. If the meter is removed from the withdrawal point for any other reason, it shall be replaced with another meter having the same specifications given above, or the meter shall be reinstalled within 30 days of its removal from the withdrawal. In either event, a fully functioning meter shall not be off the withdrawal point for more than 60 consecutive days.
8. While the meter is not functioning correctly, the Permittee shall keep track of the total amount of time the withdrawal point was used for each month and multiply those minutes times the pump capacity (in gallons per minute) for total gallons. The estimate of the number of gallons used each month during that period shall be submitted on District scanning forms and noted as estimated per instructions on the form. If the data is sub

by another approved method, the fact that it is estimated must be indicated. The reason for the necessity to estimate pumpage shall be reported with the estimate.

9. In the event a new meter is installed to replace a broken meter, it and its installation shall meet the specifications of this condition. The permittee shall notify the District of the replacement with the first submittal of meter readings from the new meter.

#### FLOW METER ACCURACY TEST INSTRUCTIONS

1. **Accuracy Test Due Date** - The Permittee is to schedule their accuracy test according to the following schedule:
- A. For existing metered withdrawal points, add five years to the previous test year, and make the test in the month assigned to your county.
  - B. For withdrawal points for which metering is added for the first time, the test is to be scheduled five years from the issue year in the month assigned to your county.
  - C. For proposed withdrawal points, the test date is five years from the completion date of the withdrawal point in the month assigned to your county.
  - D. For the Permittee's convenience, if there are multiple due-years for meter accuracy testing because of the timing of the installation and/or previous accuracy tests of meters, the Permittee can submit a request in writing to the Water Use Permit Bureau Chief for one specific year to be assigned as the due date year for meter testing. Permittees with many meters to test may also request the tests to be grouped into one year or spread out evenly over two to three years.
  - E. The months for accuracy testing of meters are assigned by county. The Permittee is requested but not required to have their testing done in the month assigned to their county. This is to have sufficient District staff available for assistance.

January	Hillsborough
February	Manatee, Pasco
March	Polk (for odd numbered permits)*
April	Polk (for even numbered permits)*
May	Highlands
June	Hardee, Charlotte
July	None or Special Request
August	None or Special Request
September	Desoto, Sarasota
October	Citrus, Levy, Lake
November	Hernando, Sumter, Marion
December	Pinellas

\* The permittee may request their multiple permits be tested in the same month.

2. **Accuracy Test Requirements:** The Permittee shall test the accuracy of flow meters on permitted withdrawal points as follows:
- A. The equipment water temperature shall be set to 72 degrees Fahrenheit for ground water, and to the measured water temperature for other water sources.
  - B. A minimum of two separate timed tests shall be performed for each meter. Each timed test shall consist of measuring flow using the test meter and the installed meter for a minimum of four minutes duration. If the two tests do not yield consistent results, additional tests shall be performed for a minimum of eight minutes or longer per test until consistent results are obtained.
  - C. If the installed meter has a rate of flow, or large multiplier that does not allow for consistent results to be obtained with four- or eight-minute tests, the duration of the test shall be increased as necessary to obtain accurate and consistent results with respect to the type of flow meter installed.
  - D. The results of two consistent tests shall be averaged, and the result will be considered the test result for the meter being tested. This result shall be expressed as a plus or minus percent (rounded to the nearest one-tenth percent) accuracy of the installed meter relative to the test meter. The percent accuracy indicates the deviation (if any), of the meter being tested from the test meter.
3. **Accuracy Test Report:** The Permittees shall demonstrate that the results of the meter test(s) are accurate by submitting the following information within 30 days of the test:
- A. A completed Flow Meter Accuracy Verification Form, Form LEG-R.101.00 (5/14) for each flow meter tested. This form can be obtained from the District's website ([www.watermatters.org](http://www.watermatters.org)) under "ePermitting and Rules" for Water Use Permits.

- B. A printout of data that was input into the test equipment, if the test equipment is capable of creating such a printout;
- C. A statement attesting that the manufacturer of the test equipment, or an entity approved or authorized by the manufacturer, has trained the operator to use the specific model test equipment used for testing;
- D. The date of the test equipment's most recent calibration that demonstrates that it was calibrated within the previous twelve months, and the test lab's National Institute of Standards and Testing (N.I.S.T.) traceability reference number.
- E. A diagram showing the precise location on the pipe where the testing equipment was mounted shall be supplied with the form. This diagram shall also show the pump, installed meter, the configuration (with all valves, tees, elbows, and any other possible flow disturbing devices) that exists between the pump and the test location clearly noted with measurements. If flow straightening vanes are utilized, their location(s) shall also be included in the diagram.
- F. A picture of the test location, including the pump, installed flow meter, and the measuring device, or for sites where the picture does not include all of the items listed above, a picture of the test site with a notation of distances to these items.

#### ANNUAL REPORT SUBMITTAL INSTRUCTIONS

The "Public Supply Water Use Annual Report Form" (Form No. LEG-R.023.00 (01/09)), is designed to assist the Permittee with the annual report requirements, but the final authority for what must be included in the Water Use Annual Report is in this condition and in these instructions. Two identical copies of the "Public Supply Water Use Annual Report Form" and two identical copies of all required supporting documentation shall be included if submitted in hard copy. "Identical copy" in this instance means that if the original is in color, then all copies shall also be printed in color. If submitted electronically, only one submittal is required; however, any part of the document that is in color shall be scanned in color.

1. **Per Capita Use Rate** - A per capita rate for the previous calendar year will be progressively calculated until a rate of 150 gpd per person or less is determined whether it is the unadjusted per capita, adjusted per capita, or compliance per capita. The calculations shall be performed as shown in Part A of the Form. The Permittee shall refer to and use the definitions and instructions for all components as provided on the Form and in the Water Use Permit Applicant's Handbook Part B. Permittees that have interconnected service areas and receive an annual average quantity of 100,000 gpd or more from another permittee are to include these quantities as imported quantities. Permittees in the Southern Water Use Caution Area (SWUCA) or the Northern Tampa Bay Water Use Caution Area (NTBWUCA), as it existed prior to October 1, 2007, shall achieve a per capita of 150 gpd or less, and those in these areas that cannot achieve a compliance per capita rate of 150 gpd or less shall include a report on why this rate was not achieved, measures taken to comply with this requirement, and a plan to bring the permit into compliance. Permittees not in a Water Use Caution Area that cannot achieve a compliance per capita rate of 150 gpd or less by December 31, 2019 shall submit this same report in the Annual Report due April 1, 2020.
2. **Residential Use** - Residential water use consists of the indoor and outdoor water uses associated with each category of residential customer (single family units, multi-family units, and mobile homes), including irrigation uses, whether separately metered or not. The Permittee shall document the methodology used to determine the number of dwelling units by type and the quantities used. Estimates of water use based upon meter size will not be accepted. If mobile homes are included in the Permittees multi-family unit category, the information for them does not have to be separated. The information for each category shall include:
  - A. Number of dwelling units per category,
  - B. Number of domestic metered connections per category,
  - C. Number of metered irrigation connections,
  - D. Annual average quantities in gallons per day provided to each category, and
  - E. Percentage of the total residential water use provided apportioned to each category.
3. **Non-Residential Use** - Non-residential use consists of all quantities provided for use in a community not directly associated with places of residence. For each category below, the Permittee shall include annual average gpd provided and percent of total non-residential use quantities provided. For each category 1 through 6 below, the number of metered connections shall be provided. These non-residential use categories are:
  - A. Industrial/commercial uses, including associated lawn and landscape irrigation use,
  - B. Agricultural uses (e.g., irrigation of a nursery),
  - C. Recreation/Aesthetic, for example irrigation (excluding golf courses) of Common Areas, stadiums and school yards,
  - D. Golf course irrigation,
  - E. Fire fighting, system testing and other accounted uses,-

- F. K-through-12 schools that do not serve any of the service area population, and
- G. Water Loss as defined as the difference between the output from the treatment plant and accounted residential water use (B above) and the listed non-residential uses in this section.
4. **Water Audit** - The water audit report that is done because water losses are greater than 10% of the total distribution quantities shall include the following items:
- A. Evaluation of:
- 1) leakage associated with transmission and distribution mains,
  - 2) overflow and leakage from storage tanks,
  - 3) leakage near service connections,
  - 4) illegal connections,
  - 5) description and explanations for excessive distribution line flushing (greater than 1% of the treated water volume delivered to the distribution system) for potability,
  - 6) fire suppression,
  - 7) un-metered system testing,
  - 8) under-registration of meters, and
  - 9) other discrepancies between the metered amount of finished water output from the treatment plant less the metered amounts used for residential and non-residential uses specified in Parts B and C above, and
- B. A schedule for a remedial action-plan to reduce the water losses to below 10%.
5. **Alternative Water Supplied other than Reclaimed Water** - Permittees that provide Alternative Water Supplies other than reclaimed water (e.g., stormwater not treated for potable use) shall include the following on Part D of the Form:
- A. Description of the type of Alternative Water Supply provided,
  - B. County where service is provided,
  - C. Customer name and contact information,
  - D. Customer's Water Use Permit number (if any),
  - E. Customer's meter location latitude and longitude,
  - F. Meter ownership information,
  - G. General customer use category,
  - H. Proposed and actual flows in annual average gallons per day (gpd) per customer,
  - I. Customer cost per 1,000 gallons or flat rate information,
  - J. Delivery mode (e.g., pressurized or non-pressurized),
  - K. Interruptible Service Agreement (Y/N),
  - L. Month/year service began, and
  - M. Totals of monthly quantities supplied.
6. **Suppliers of Reclaimed Water** - Depending upon the treatment capacity of the Permittees wastewater treatment plant, the Permittee shall submit information on reclaimed water supplied as follows:
- A. Permittees having a wastewater treatment facility with an annual average design capacity equal to or greater than 100,000 gpd shall utilize the "SWFWMD Annual Reclaimed Water Supplier Report" in Excel format on the Compact Disk, Form No. LEG-R.026.00 (05/09). The "SWFWMD Annual Reclaimed Water Supplier Report" is described in Section 3.1 of Chapter 3, under the subheading "Reclaimed Water Supplier Report" and is described in detail in the Water Use Permit Applicant's Handbook Part B.
- B. Permittees that have a wastewater treatment facility with an annual average design capacity less than 100,000 gpd can either utilize the "SWFWMD Annual Reclaimed Water Supplier Report," Form No. LEG-R.026.00, as described in sub-part (1) above or provide the following information on Part E of the Form:
- 1) Bulk customer information:
    - a) Name, address, telephone number,
    - b) WUP number (if any),
    - c) General use category (residential, commercial, recreational, agricultural irrigation, mining),
    - d) Month/year first served,
    - e) Line size,
    - f) Meter information, including the ownership and latitude and longitude location,

- g) Delivery mode (pressurized, non-pressurized).
- 2) Monthly flow in gallons per bulk customer.
- 3) Total gallons per day (gpd) provided for metered residential irrigation.
- 4) Disposal information:
  - a) Site name and location (latitude and longitude or as a reference to the service area map),
  - b) Contact name and telephone,
  - c) Disposal method, and
  - d) Annual average gpd disposed.

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Authorized Signature  
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

This permit, issued under the provision of Chapter 373, Florida Statutes and Florida Administrative Code 40D-2, authorizes the Permittee to withdraw the quantities outlined above, and may require various activities to be performed by the Permittee as described in the permit, including the Special Conditions. The permit does not convey to the Permittee any property rights or privileges other than those specified herein, nor relieve the Permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.



## REGULATION COMMITTEE

January 28, 2020

### *Consent Agenda*

#### **WUP No. 20012392.004 - PH Citrus LLC/PH Citrus LLC (Polk County)**

This is a modification of an existing water use permit for agricultural use. The use type has not changed. The permit authorizes an annual average quantity increase from 957,900 gallons per day (gpd) to 1,072,800 gpd, a drought annual average quantity increase from 1,234,900 gpd to 1,382,800 gpd, and a peak month quantity increase from 4,931,600 gpd to 5,606,700 gpd. The crop protection quantity remains 33,404,900 gpd. The quantities are based on information provided by the Permittee and the District's irrigation allotment program, AGMOD. The Permittee is currently not connected to reclaimed water lines because the nearest lines are too far to be economically feasible. The proposed water used is located within the area of the Central Florida Water Initiative (CFWI) of the Southern Water Use Caution Area (SWUCA) and has been conditioned accordingly.

This application satisfies existing conditions for permit issuance because reasonable assurances have been provided that demonstrate that water resources, existing legal users, offsite land uses, and surface water and groundwater quality will not be adversely impacted. Additionally, documentation has been provided that demonstrates the request is necessary to fulfill a reasonable demand, conservation measures will be incorporated, and an evaluation of alternative water has been provided. The recommended permit duration is commensurate with the applicant's ability to satisfy conditions of permit issuance.

The CFWI is a collaborative regional water supply endeavor to protect, conserve, and restore water resources in the area by working to accomplish the goals presented in the Central Florida Water Initiative Guidance Document. These goals include crafting long-term water supply solutions for the Central Florida region. The CFWI effort may also result in specific regulatory requirements. While the scope and content of these regulatory requirements are unknown at this time, it is possible they may include requirements that are related to the Permittee's relative contribution to the water resource impact being addressed, the timing of permit issuance compared to other existing legal users, and/or include other considerations identified by the CFWI Solutions Planning and Regulatory Teams. Therefore, this permit includes Special Conditions that provide specific notification that the permit may be modified during the term of the permit to address unanticipated harm or impacts to existing legal users that is occurring or is projected to occur from the Permittee's authorized withdrawal over the permit duration. Since this application is located within the CFWI area, it is necessary for the applicant to consider implementing the heightened water conservation requirements defined in the Special Conditions. The applicant is advised to carefully consider its infrastructure investments in light of the ongoing Central Florida Water Initiative.

Other special conditions include those that require the Permittee to continue to record and report monthly meter readings from specified withdrawal points; submit annual crop reports, periodically have all meters calibrated, and investigate the use of alternative water supply when notified by the District.

The permit application meets all Rule 40D-2 Conditions for Issuance.



## Item 12c

Staff Recommendation:

Approve the proposed permit attached as an exhibit.

Presenter: Darrin Herbst, P.G., Bureau Chief, Water Use Permit Bureau

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
WATER USE PERMIT  
Individual  
PERMIT NO. 20 012392.004**

**PERMIT ISSUE DATE:** January 28, 2020

**EXPIRATION DATE:** December 13, 2029

The Permittee is responsible for submitting an application to renew this permit no sooner than one year prior to the expiration date, and no later than the end of the last business day before the expiration date, whether or not the Permittee receives prior notification by mail. Failure to submit a renewal application prior to the expiration date and continuing to withdraw water after the expiration date is a violation of Chapter 373, Florida Statutes, and Chapter 40D-2, Florida Administrative Code, and may result in a monetary penalty and/or loss of the right to use the water. Issuance of a renewal of this permit is contingent upon District approval.

**TYPE OF APPLICATION:** Modification

**GRANTED TO:** PH Citrus LLC  
15 Piedmont Center N.E., Suite 1070  
Atlanta, GA 30305

**PROJECT NAME:** PH Citrus LLC

**WATER USE CAUTION AREA(S):** SOUTHERN WATER USE CAUTION AREA

**COUNTY:** Polk

**TOTAL QUANTITIES AUTHORIZED UNDER THIS PERMIT (in gallons per day)**

ANNUAL AVERAGE	1,072,800 gpd
PEAK MONTH <sup>1</sup>	5,606,700 gpd
DROUGHT ANNUAL AVERAGE <sup>2</sup>	1,382,800 gpd
CROP PROTECTION/MAXIMUM <sup>3</sup>	33,404,900 gpd

1. Peak Month: Average daily use during the highest water use month.
2. Drought Annual Average: Annual average limit when less than historical average rainfall if sufficient Water Conservation credits exist in the Permittee's account.
3. Crop Protection/Maximum: Maximum use allowed any 24-hour period/Frost and Freeze protection of crops.

**ABSTRACT:**

This is a modification of an existing water use permit for agricultural use. The use type has not changed. The authorized quantities have changed as follows: the annual average quantity increases from 957,900 gallons per day (gpd) to 1,072,800 gpd, a drought annual average quantity increases from 1,234,900 gpd to 1,382,800 gpd, the peak month quantity increases from 4,931,600 gpd to 5,606,700 gpd. The crop protection remains 33,404,900 gpd. The quantities are based on information provided by the Permittee and the District's irrigation allotment program, AGMOD. The Permittee is currently not connected to reclaimed water lines because the nearest lines are too far to be economically feasible. The proposed water used is located within the area of the Central Florida Water Initiative (CFWI) of the Southern Water Use Caution Area (SWUCA) and has been conditioned accordingly.

This application satisfies existing conditions for permit issuance because reasonable assurances have been provided that demonstrate that water resources, existing legal users, offsite land uses, and surface water and groundwater quality will not be adversely impacted. Additionally, documentation has been provided that demonstrates the request is necessary to fulfill a reasonable demand, conservation measures will be incorporated, and an evaluation of alternative water has been provided. The recommended permit duration is commensurate with the applicant's ability to satisfy conditions of permit issuance.

Attachment: Jan20 WUP 20012392\_004 Recap Permit (4855 : WUP No. 20012392.004 - PH Citrus LLC)

The CFWI is a collaborative regional water supply endeavor to protect, conserve, and restore water resources in the area by working to accomplish the goals presented in the Central Florida Water Initiative Guidance Document. These goals include crafting long-term water supply solutions for the Central Florida region. The CFWI effort may also result in specific regulatory requirements. While the scope and content of these regulatory requirements are unknown at this time, it is possible they may include requirements that are related to the Permittee's relative contribution to the water resource impact being addressed, the timing of permit issuance compared to other existing legal users, and/or include other considerations identified by the CFWI Solutions Planning and Regulatory Teams. Therefore, this permit includes Special Conditions that provide specific notification that the permit may be modified during the term of the permit to address unanticipated harm or impacts to existing legal users that is occurring or is projected to occur from the Permittee's authorized withdrawal over the permit duration. Since this application is located within the CFWI area, it is necessary for the applicant to consider implementing the heightened water conservation requirements defined in the Special Conditions. The applicant is advised to carefully consider its infrastructure investments in light of the on-going Central Florida Water Initiative.

Other special conditions include those that require the Permittee to continue to record and report monthly meter readings from specified withdrawal points; submit annual crop reports, periodically have all meters calibrated, and investigate the use of alternative water supply when notified by the District.

#### WATER USE TABLE (in gpd)

<u>USE</u>	<u>ANNUAL AVERAGE</u>	<u>PEAK MONTH</u>	<u>DROUGHT ANNUAL AVERAGE</u>	<u>CROP PROTECTION / MAXIMUM</u>
Agricultural	1,072,800	5,606,700	1,382,800	33,404,900

#### USES AND IRRIGATION ALLOCATION RATE TABLE

<u>CROP/USE TYPE</u>	<u>IRRIGATED ACRES</u>	<u>IRRIGATION METHOD</u>	<u>STANDARD IRRIGATION RATE</u>	<u>DROUGHT IRRIGATION RATE</u>
Citrus	793.00	Low Volume Spray	18.20"/yr.	26.21"/yr.
Spray Mix For Crops				

**WITHDRAWAL POINT QUANTITY TABLE**

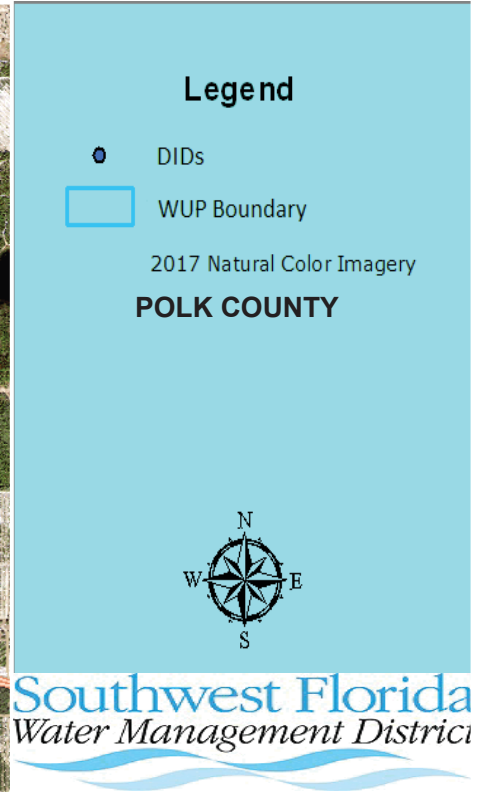
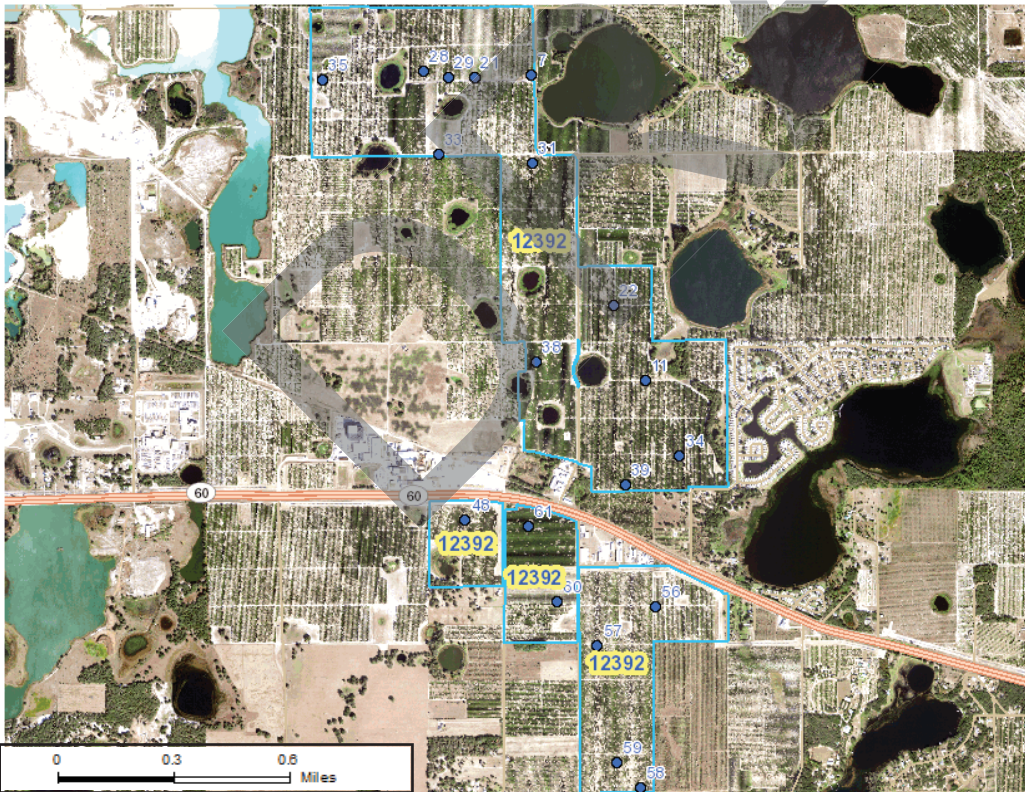
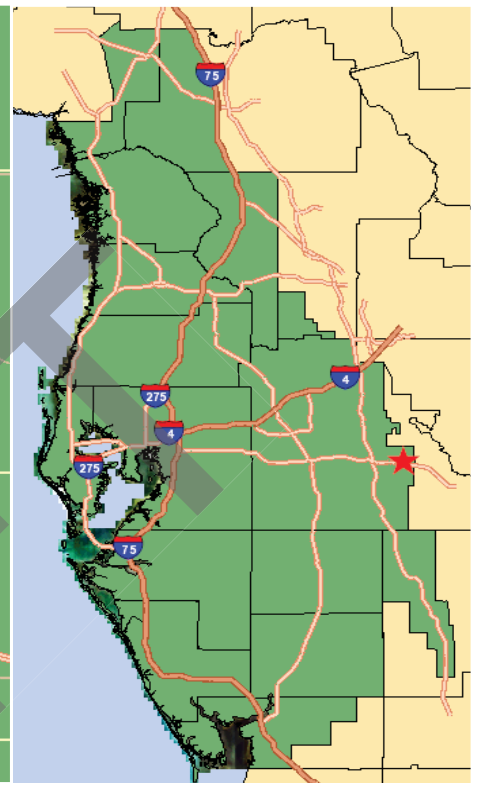
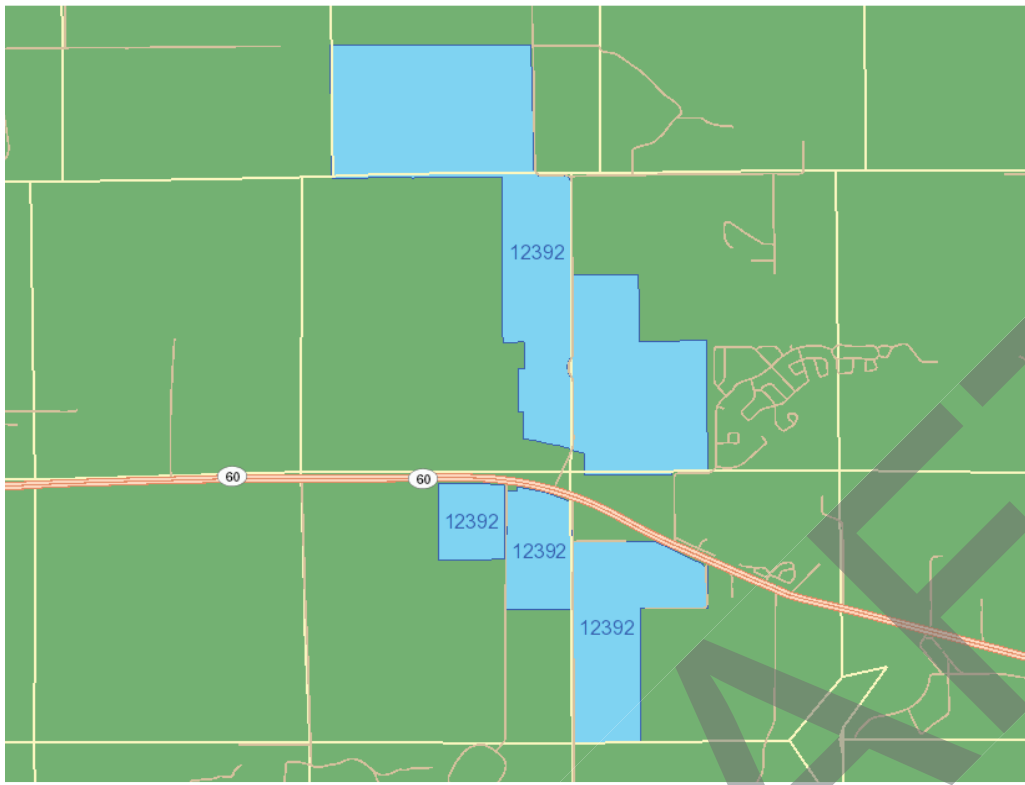
Water use from these withdrawal points are restricted to the quantities given below :

<b><u>I.D. NO.</u></b> <b><u>PERMITTEE/ DISTRICT</u></b>	<b><u>DIAM</u></b> <b><u>(in.)</u></b>	<b><u>DEPTH</u></b> <b><u>TTL./CSD.FT.</u></b> <b><u>(feet bls)</u></b>	<b><u>USE DESCRIPTION</u></b>	<b><u>AVERAGE</u></b> <b><u>(gpd)</u></b>	<b><u>PEAK</u></b> <b><u>MONTH</u></b> <b><u>(gpd)</u></b>	<b><u>CROP</u></b> <b><u>PROTECTION</u></b> <b><u>(gpd)</u></b>
7 / 7	12	985 / 510	Irrigation	500	1,000	N/A
11 / 11	12	932 / 161	Irrigation	54,800	285,000	2,016,000
9B / 21	12	519 / 154	Irrigation	81,100	424,300	2,160,000
37 / 22	10	760 / 261	Irrigation	54,800	286,500	1,897,900
52A / 28	10	840 / 134	Irrigation	81,100	424,300	1,897,900
42 / 29	10	725 / 140	Irrigation	81,100	424,300	1,897,900
43 / 31	10	800 / 140	Irrigation	64,200	335,500	1,897,900
50 / 33	10	800 / 140	Irrigation	64,200	335,500	1,897,900
51 / 34	10	960 / 163	Irrigation	54,800	286,500	1,897,900
45 / 35	10	755 / 136	Irrigation	81,100	424,300	1,897,900
55 / 38	12	920 / 473	Irrigation	46,000	240,500	1,897,900
56 / 39	12	800 / 165	Irrigation	54,800	286,500	2,160,000
39 / 48	10	1,130 / 805	Irrigation	54,100	283,000	2,160,000
24 / 56	10	1,025 / 117	Irrigation	50,000	261,500	1,584,000
16 / 57	12	840 / 182	Irrigation	52,700	275,500	1,584,000
60 / 58	12	630 / 162	Irrigation	51,400	268,500	1,897,900
61 / 59	12	880 / 176	Irrigation	54,100	283,000	1,897,900
62 / 60	12	641 / 175	Irrigation	54,100	283,000	1,897,900
FRIEDLAND ER / 61	10	985 / 510	Irrigation	37,900	197,600	864,000

**WITHDRAWAL POINT LOCATION TABLE**

<b><u>DISTRICT I.D. NO.</u></b>	<b><u>LATITUDE/LONGITUDE</u></b>
7	27° 54' 52.58"/81° 29' 03.88"
11	27° 53' 58.88"/81° 28' 41.43"
21	27° 54' 52.06"/81° 29' 15.06"
22	27° 54' 12.11"/81° 28' 47.70"
28	27° 54' 53.18"/81° 29' 25.16"
29	27° 54' 52.25"/81° 29' 20.25"
31	27° 54' 37.12"/81° 29' 03.66"
33	27° 54' 38.69"/81° 29' 22.39"
34	27° 53' 45.71"/81° 28' 34.62"
35	27° 54' 51.91"/81° 29' 45.28"
38	27° 54' 02.30"/81° 29' 03.13"
39	27° 53' 40.59"/81° 28' 45.43"
48	27° 53' 34.57"/81° 29' 17.31"
56	27° 53' 19.34"/81° 28' 39.52"
57	27° 53' 12.43"/81° 28' 51.11"
58	27° 52' 47.55"/81° 28' 42.74"
59	27° 52' 51.99"/81° 28' 47.33"
60	27° 53' 20.19"/81° 28' 59.07"
61	27° 53' 33.44"/81° 29' 04.72"

Location Map  
PH Citrus LLC.  
WUP No. 20 012392.004



Attachment: Jan20 WUP 20012392\_004 Recap Permit (4855 : WUP No. 20012392.004 - PH Citrus LLC)



**STANDARD CONDITIONS:**

The Permittee shall comply with the Standard Conditions attached hereto, incorporated herein by reference as Exhibit A and made a part hereof.

**SPECIAL CONDITIONS:**

1. All reports and data required by condition(s) of the permit shall be submitted to the District according to the due date(s) contained in the specific condition. If the condition specifies that a District-supplied form is to be used, the Permittee should use that form in order for their submission to be acknowledged in a timely manner. The only alternative to this requirement is to use the District Permit Information Center ([www.swfwmd.state.fl.us/permits/epermitting/](http://www.swfwmd.state.fl.us/permits/epermitting/)) to submit data, plans or reports online. There are instructions at the District website on how to register to set up an account to do so. If the report or data is received on or before the tenth day of the month following data collection, it shall be deemed as a timely submittal.

All mailed reports and data are to be sent to:

Southwest Florida Water Management District  
Tampa Service Office, Water Use Permit Bureau  
7601 U.S. Hwy. 301 North  
Tampa, Florida 33637-6759

Submission of plans and reports: Unless submitted online or otherwise indicated in the special condition, the original and two copies of each plan and report, such as conservation plans, environmental analyses, aquifer test results, per capita annual reports, etc. are required.

Submission of data: Unless otherwise indicated in the special condition, an original (no copies) is required for data submittals such as crop report forms, meter readings and/or pumpage, rainfall, water level, evapotranspiration, or water quality data.  
(499)

2. The Permittee shall document and report on District forms, the beginning and ending hours and dates of operation of each withdrawal point used for the protection of crops from frost, freeze or heat damage. The report shall include the gallons per day pumped from each withdrawal point based on irrigation system capacity, or if available, totalizing flow meter readings. This report shall be submitted by the 10th day of the month following irrigation for crop protection. The crop protection daily quantities specified in this permit are solely for the purpose of crop protection, and do not apply to routine irrigation practices. Irrigation for crop protection shall not exceed the crop protection daily quantity listed on the permit and shall not cause water to go to waste.  
(1)
3. The Permittee shall evaluate the feasibility of improving the efficiency of the current irrigation system or converting to a more efficient system. This condition includes implementation of the improvement(s) or conversion when determined to be operationally and economically feasible.(296)
4. The Permittee shall implement a leak detection and repair program as an element of an ongoing system maintenance program. This program shall include a system-wide inspection at least once per year.(309)
5. The Permittee shall incorporate best water management practices, specifically including but not limited to irrigation practices, as recommended for the permitted activities in reports and publications by the IFAS.(312)
6. The Permittee shall limit daytime irrigation to the greatest extent practicable to reduce losses from evaporation. Daytime irrigation for purposes of system maintenance, control of heat stress, crop protection, plant establishment, or for other reasons which require daytime irrigation are permissible; but should be limited to the minimum amount necessary as indicated by best management practices.  
(331)
7. Within 90 days of the replacement of any or all withdrawal quantities from ground water or surface water bodies with an Alternative Water Supply, the Permittee shall apply to modify this permit to place



equal quantities of permitted withdrawals from the ground and/or surface water resource on standby. The standby quantities can be used in the event that some or all of the alternative source is not available.(363)

8. Permittee shall not exceed the quantity determined by multiplying the total irrigated acres by the total allocated acre-inches per irrigated acre per season for each crop type. For all crops except Citrus, an irrigated acre, hereafter referred to as "acre," is defined as the gross acreage under cultivation, including areas used for water conveyance such as ditches, but excluding uncultivated areas such as wetlands, retention ponds, and perimeter drainage ditches. For Citrus, an irrigated acre is based on 74% shaded area, equivalent to 89.4% of the gross acreage minus uncultivated areas such as wetlands, retention ponds, and perimeter drainage ditches.

An applicant or permittee within the Southern Water Use Caution Area may obtain the total allocated acre-inches per acre per season for their crops, plants, soil types, planting dates, and length of growing season by completing the "Irrigation Water Allotment Form" and submitting it to the District. The District will complete and return the form with the calculated total allocated acre-inches and water conserving credit per acre per season per crop, if applicable, based on the information provided. The "Irrigation Water Allotment Form" is available upon request.  
(427)

9. The Permittee shall immediately implement the District-approved water conservation plan dated December 9, 2019, that was submitted in support of the application for this permit. Conservation measures that the Permittee has already implemented shall continue, and proposed conservation measures shall be implemented as proposed in the plan. (449)
10. The Permittee shall investigate the feasibility of increasing the use of or using reclaimed water for irrigation when notified by the District that reclaimed water may be available in sufficient supply to be utilized for this permit. The Permittee shall submit a report documenting the feasibility investigation within six months of the notification. The report shall contain an analysis of reclaimed water sources for the area, including the relative location of these sources to the Permittee's property, the quantity of reclaimed water available, the projected date(s) of availability, costs associated with obtaining the reclaimed water, and an implementation schedule for reuse, if feasible. Infeasibility shall be supported with a detailed explanation. If the use of reclaimed water is determined to be feasible by the Permittee or by the District, then the Permittee shall submit an application to modify this water use permit to include reclaimed water as a source of water. The modification application shall include a date when the reclaimed water will be available and shall indicate a proposed reduction in permitted quantities. If the permit application is not submitted by the Permittee, the District may reduce, following notice to the Permittee, the quantities authorized with this permit to account for the availability of reclaimed water.  
(458)
11. The Permittee shall record the following information on the Irrigation Water Use Form that is supplied by the District for annual crops for each permitted irrigation withdrawal point, District ID. No(s). 11, 21, 22, 28, 29, 31, 33, 34, 35, 38, 39, 48, 56, 57, 58, 59, 60, 61, Permittee ID No(s). 11, 9B, 37, 52A, 42, 43, 50, 51, 45, 55, 56, 39, 24, 16, 60, 61, 62, Friedlander:
  1. Crop type,
  2. Irrigated acres,
  3. Irrigation method (NTBWUCA only),
  4. Dominant soil type per crop or the number of acres per crop on that dominant soil type, and
  5. If used, quantities used for crop protection.
 This information shall be submitted by March 1 of each year documenting irrigation for the previous calendar year.  
(474)
12. Any wells not in use, and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Chapter 62-532.500, F.A.C.(568)
13. The Permittee shall comply with allocated irrigation quantities, which are determined by multiplying the total irrigated acres by the total allocated inches per acre per season per actual crop grown. If the allocated quantities are exceeded, upon request by the District, the Permittee shall submit a report that includes reasons why the allocated quantities were exceeded, measures taken to attempt to meet the allocated quantities, and a plan to bring the permit into compliance. The District will evaluate information submitted by Permittees who exceed their allocated quantities to determine whether the lack of achievement is justifiable and a variance is warranted. The report is subject to approval by the

District; however, justification for exceeding the allowed withdrawal quantity does not constitute a waiver of the District's authority to enforce the terms and conditions of the permit.(651)

14. This Permit is located within the Southern Water Use Caution Area (SWUCA). Pursuant to Section 373.0421, Florida Statutes, the SWUCA is subject to a minimum flows and levels recovery strategy, which became effective on January 1, 2007. The Governing Board may amend the recovery strategy, including amending applicable water use permitting rules based on an annual assessment of water resource criteria, cumulative water withdrawal impacts, and on a recurring five-year evaluation of the status of the recovery strategy up to the year 2025 as described in Chapter 40D-80, Florida Administrative Code. This Permit is subject to modification to comply with new rules.(652)
15. The following withdrawal facilities shall continue to be maintained and operated with existing, non-resettable, totalizing flow meter(s) or other measuring device(s) as approved by the Water Use Permit Bureau Chief: District ID. No(s). 11, 21, 22, 28, 29, 31, 33, 34, 35, 38, 39, 48, 56, 57, 58, 59, 60 and, 61, Permittee ID No(s). 11, 9B, 37, 52A, 42, 43, 50, 51, 45, 55, 56, 39, 24, 16, 60, 61, 62 and Friedlander. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(719)
16. This project is located in the Central Florida Water Initiative (CFWI) area, an area with on-going impacts to water resources which are being addressed by the CFWI. If the District determines that adverse impacts to water resources or existing legal users are occurring or are projected to occur because of the Permittee's authorized withdrawals over the permit duration, the District, upon reasonable notice to the Permittee and including a statement of facts upon which the District based its determination, may modify quantities permitted or other conditions of the permit, as appropriate, to address the impact, but only after an opportunity for the Permittee to resolve or mitigate the impact or to request a hearing. Such modification, if any, will consider such factors as the Permittee's relative contribution to the water resource impact being addressed due to groundwater withdrawals, the timing of this permit issuance compared to presently existing legal use of water, and other considerations identified by the CFWI Solutions Planning and Regulatory Teams. Modifications may include mitigation of impacts and / or reconsideration of allocations or requirements to timely implement required actions that are consistent with the long-term, regional water supply solutions as implemented by rules. Such actions may include the development of alternative water supplies, the implementation of water resource and / or water supply development projects, the application of impact offsets or substitution credits, operating plans, heightened water conservation or other appropriate actions. Nothing in this condition is intended to abrogate the rights of the Governing Board or of any other person under Section 373.233, Florida Statute.(1025)
17. The Central Florida Water Initiative documented existing water resource environmental impacts within its boundaries. This Initiative remains underway and is, in part, crafting long-term water supply solutions for the region. As a component of immediate, interim measures the Permittee is encouraged to participate in the District's on-going, heightened water conservation public education program. Given the Permittee's use class, opportunities may include such activities as participation in water conservation public service announcements, demonstrations of irrigation efficiency at community gardens, posting water conservation information or links on the Permittee's website. Please contact the Water Use Permit Bureau Chief at 813 985-7481, to discuss opportunities for participation in this important District effort.(1026)

40D-2  
Exhibit A

**WATER USE PERMIT STANDARD CONDITIONS**

1. With advance notice to the Permittee, District staff with proper identification shall have permission to enter, inspect, collect samples, take measurements, observe permitted and related facilities and collect and document any information deemed necessary to determine compliance with the approved plans, specifications and conditions of this permit. The Permittee shall either accompany District staff onto the property or make provision for access onto the property.
2. When necessary to analyze impacts to the water resource or existing users, the District shall require the Permittee to install flow metering or other measuring devices to record withdrawal quantities and submit the data to the District.
3. A District identification tag shall be prominently displayed at each withdrawal point that is required by the District to be metered or for which withdrawal quantities are required to be reported to the District, by permanently affixing the tag to the withdrawal facility.
4. The Permittee shall mitigate any adverse impact to environmental features or offsite land uses as a result of withdrawals. When adverse impacts occur or are imminent, the District shall require the Permittee to mitigate the impacts. Examples of adverse impacts include the following:
  - A. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or
  - B. Damage to crops and other vegetation causing financial harm to the owner; and
  - C. Damage to the habitat of endangered or threatened species.
5. The Permittee shall mitigate any adverse impact to existing legal uses caused by withdrawals. When adverse impacts occur or are imminent, the District may require the Permittee to mitigate the impacts. Adverse impacts include:
  - A. A reduction in water levels which impairs the ability of a well to produce water;
  - B. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or
  - C. Significant inducement of natural or manmade contaminants into a water supply or into a usable portion of an aquifer or water body.
6. Permittee shall notify the District in writing within 30 days of any sale, transfer, or conveyance of ownership or any other loss of permitted legal control of the Project and / or related facilities from which the permitted consumptive use is made. Where Permittee's control of the land subject to the permit was demonstrated through a lease, the Permittee must either submit documentation showing that it continues to have legal control or transfer control of the permitted system / project to the new landowner or new lessee. All transfers of ownership are subject to the requirements of Rule 40D-1.6105, F.A.C. Alternatively, the Permittee may surrender the consumptive use permit to the District, thereby relinquishing the right to conduct any activities under the permit.
7. All withdrawals authorized by this WUP shall be implemented as conditioned by this permit, including any documents submitted as part of the permit application incorporated by reference in a permit condition. This permit is subject to review and modification, enforcement action, or revocation, in whole or in part, pursuant to Section 373.136 or 373.243, F.S.
8. This permit does not convey to the Permittee any property rights or privileges other than those specified herein, nor relieve the Permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.
9. The Permittee shall cease or reduce surface water withdrawal as directed by the District if water levels in lakes fall below the applicable minimum water level established in Chapter 40D-8, F.A.C., or rates of flow in streams fall below the minimum levels established in Chapter 40D-8, F.A.C.
10. The Permittee shall cease or reduce withdrawal as directed by the District if water levels in aquifers fall below the minimum levels established by the Governing Board.

11. A Permittee may seek modification of any term of an unexpired permit. The Permittee is advised that section 373.239, F.S., and Rule 40D-2.331, F.A.C., are applicable to permit modifications.
12. The Permittee shall practice water conservation to increase the efficiency of transport, application, and use, as well as to decrease waste and to minimize runoff from the property. At such time as the Governing Board adopts specific conservation requirements for the Permittee's water use classification, this permit shall be subject to those requirements upon notice and after a reasonable period for compliance.
13. The District may establish special regulations for Water-Use Caution Areas. At such time as the Governing Board adopts such provisions, this permit shall be subject to them upon notice and after a reasonable period for compliance.
14. Nothing in this permit should be construed to limit the authority of the District to declare a water shortage and issue orders pursuant to chapter 373, F.S. In the event of a declared water shortage, the Permittee must adhere to the water shortage restrictions, as specified by the District. The Permittee is advised that during a water shortage, reports shall be submitted as required by District rule or order.
15. This permit is issued based on information provided by the Permittee demonstrating that the use of water is reasonable and beneficial, consistent with the public interest, and will not interfere with any existing legal use of water. If, during the term of the permit, it is determined by the District that a statement in the application and in the supporting data are found to be untrue and inaccurate, the use is not reasonable and beneficial, in the public interest, or does impact an existing legal use of water, the Governing Board shall modify this permit or shall revoke this permit following notice and hearing, pursuant to sections 373.136 or 373.243, F.S. The Permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.
16. Within the Southern Water Use Caution Area, if the District determines that significant water quantity or quality changes, impacts to existing legal uses, or adverse environmental impacts are occurring, the District, upon reasonable notice to the Permittee, including a statement of facts upon which the District based its determination, may reconsider the quantities permitted or other conditions of the permit as appropriate to address the change or impact, but only after an opportunity for the Permittee to resolve or mitigate the change or impact or to request a hearing.
17. All permits are contingent upon continued ownership or legal control of all property on which pumps, wells, diversions or other water withdrawal facilities are located.

Exhibit B  
Instructions

METERING INSTRUCTIONS

The Permittee shall meter withdrawals from surface waters and/or the ground water resources, and meter readings from each withdrawal facility shall be recorded on a monthly basis within the last week of the month. The meter reading(s) shall be reported to the Water Use Permit Bureau on or before the tenth day of the following month for monthly reporting frequencies. For bi-annual reporting, the data shall be recorded on a monthly basis and reported on or before the tenth day of the month following the sixth month of recorded data. The Permittee shall submit meter readings online using the Permit Information Center at [www.swfwmd.state.fl.us/permits/epermitting/](http://www.swfwmd.state.fl.us/permits/epermitting/) or on District supplied scanning forms unless another arrangement for submission of this data has been approved by the District. Submission of such data by any other unauthorized form or mechanism may result in loss of data and subsequent delinquency notifications. Call the Water Use Permit Bureau in Tampa at (813) 985-7481 if difficulty is encountered.

The meters shall adhere to the following descriptions and shall be installed or maintained as follows:

1. The meter(s) shall be non-resettable, totalizing flow meter(s) that have a totalizer of sufficient magnitude to retain total gallon data for a minimum of the three highest consecutive months permitted quantities. If other measuring device(s) are proposed, prior to installation, approval shall be obtained in writing from the Water Use Permit Bureau Chief.
2. The Permittee shall report non-use on all metered standby withdrawal facilities on the scanning form or approved alternative reporting method.
3. If a metered withdrawal facility is not used during any given month, the meter report shall be submitted to the District indicating the same meter reading as was submitted the previous month.
4. The flow meter(s) or other approved device(s) shall have and maintain an accuracy within five percent of the actual flow as installed.
5. Meter accuracy testing requirements:
  - A. For newly metered withdrawal points, the flow meter installation shall be designed for inline field access for meter accuracy testing.
  - B. The meter shall be tested for accuracy on-site, as installed according to the Flow Meter Accuracy Test Instructions in this Exhibit B, every five years in the assigned month for the county, beginning from the date of its installation for new meters or from the date of initial issuance of this permit containing the metering condition with an accuracy test requirement for existing meters.
  - C. The testing frequency will be decreased if the Permittee demonstrates to the satisfaction of the District that a longer period of time for testing is warranted.
  - D. The test will be accepted by the District only if performed by a person knowledgeable in the testing equipment used.
  - E. If the actual flow is found to be greater than 5% different from the measured flow, within 30 days, the Permittee shall have the meter re-calibrated, repaired, or replaced, whichever is necessary. Documentation of the test and a certificate of re-calibration, if applicable, shall be submitted within 30 days of each test or re-calibration.
6. The meter shall be installed according to the manufacturer's instructions for achieving accurate flow to the specifications above, or it shall be installed in a straight length of pipe where there is at least an upstream length equal to ten (10) times the outside pipe diameter and a downstream length equal to two (2) times the outside pipe diameter. Where there is not at least a length of ten diameters upstream available, flow straightening vanes shall be used in the upstream line.
7. Broken or malfunctioning meter:
  - A. If the meter or other flow measuring device malfunctions or breaks, the Permittee shall notify the District within 15 days of discovering the malfunction or breakage.
  - B. The meter must be replaced with a repaired or new meter, subject to the same specifications given above, within 30 days of the discovery.
  - C. If the meter is removed from the withdrawal point for any other reason, it shall be replaced with another meter having the same specifications given above, or the meter shall be reinstalled within 30 days of its removal from the withdrawal. In either event, a fully functioning meter shall not be off the withdrawal point for more than 60 consecutive days.
8. While the meter is not functioning correctly, the Permittee shall keep track of the total amount of time the withdrawal point was used for each month and multiply those minutes times the pump capacity (in gallons per minute) for total gallons. The estimate of the number of gallons used each month during that period shall be submitted on District scanning forms and noted as estimated per instructions on the form. If the data is sub



by another approved method, the fact that it is estimated must be indicated. The reason for the necessity to estimate pumpage shall be reported with the estimate.

9. In the event a new meter is installed to replace a broken meter, it and its installation shall meet the specifications of this condition. The permittee shall notify the District of the replacement with the first submittal of meter readings from the new meter.

#### FLOW METER ACCURACY TEST INSTRUCTIONS

1. **Accuracy Test Due Date** - The Permittee is to schedule their accuracy test according to the following schedule:
- A. For existing metered withdrawal points, add five years to the previous test year, and make the test in the month assigned to your county.
  - B. For withdrawal points for which metering is added for the first time, the test is to be scheduled five years from the issue year in the month assigned to your county.
  - C. For proposed withdrawal points, the test date is five years from the completion date of the withdrawal point in the month assigned to your county.
  - D. For the Permittee's convenience, if there are multiple due-years for meter accuracy testing because of the timing of the installation and/or previous accuracy tests of meters, the Permittee can submit a request in writing to the Water Use Permit Bureau Chief for one specific year to be assigned as the due date year for meter testing. Permittees with many meters to test may also request the tests to be grouped into one year or spread out evenly over two to three years.
  - E. The months for accuracy testing of meters are assigned by county. The Permittee is requested but not required to have their testing done in the month assigned to their county. This is to have sufficient District staff available for assistance.

January	Hillsborough
February	Manatee, Pasco
March	Polk (for odd numbered permits)*
April	Polk (for even numbered permits)*
May	Highlands
June	Hardee, Charlotte
July	None or Special Request
August	None or Special Request
September	Desoto, Sarasota
October	Citrus, Levy, Lake
November	Hernando, Sumter, Marion
December	Pinellas

\* The permittee may request their multiple permits be tested in the same month.

2. **Accuracy Test Requirements:** The Permittee shall test the accuracy of flow meters on permitted withdrawal points as follows:
- A. The equipment water temperature shall be set to 72 degrees Fahrenheit for ground water, and to the measured water temperature for other water sources.
  - B. A minimum of two separate timed tests shall be performed for each meter. Each timed test shall consist of measuring flow using the test meter and the installed meter for a minimum of four minutes duration. If the two tests do not yield consistent results, additional tests shall be performed for a minimum of eight minutes or longer per test until consistent results are obtained.
  - C. If the installed meter has a rate of flow, or large multiplier that does not allow for consistent results to be obtained with four- or eight-minute tests, the duration of the test shall be increased as necessary to obtain accurate and consistent results with respect to the type of flow meter installed.
  - D. The results of two consistent tests shall be averaged, and the result will be considered the test result for the meter being tested. This result shall be expressed as a plus or minus percent (rounded to the nearest one-tenth percent) accuracy of the installed meter relative to the test meter. The percent accuracy indicates the deviation (if any), of the meter being tested from the test meter.
3. **Accuracy Test Report:** The Permittees shall demonstrate that the results of the meter test(s) are accurate by submitting the following information within 30 days of the test:
- A. A completed Flow Meter Accuracy Verification Form, Form LEG-R.101.00 (5/14) for each flow meter tested. This form can be obtained from the District's website ([www.watermatters.org](http://www.watermatters.org)) under "ePermitting and Rules" for Water Use Permits.



- B. A printout of data that was input into the test equipment, if the test equipment is capable of creating such a printout;
- C. A statement attesting that the manufacturer of the test equipment, or an entity approved or authorized by the manufacturer, has trained the operator to use the specific model test equipment used for testing;
- D. The date of the test equipment's most recent calibration that demonstrates that it was calibrated within the previous twelve months, and the test lab's National Institute of Standards and Testing (N.I.S.T.) traceability reference number.
- E. A diagram showing the precise location on the pipe where the testing equipment was mounted shall be supplied with the form. This diagram shall also show the pump, installed meter, the configuration (with all valves, tees, elbows, and any other possible flow disturbing devices) that exists between the pump and the test location clearly noted with measurements. If flow straightening vanes are utilized, their location(s) shall also be included in the diagram.
- F. A picture of the test location, including the pump, installed flow meter, and the measuring device, or for sites where the picture does not include all of the items listed above, a picture of the test site with a notation of distances to these items.

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Authorized Signature

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

This permit, issued under the provision of Chapter 373, Florida Statutes and Florida Administrative Code 40D-2, authorizes the Permittee to withdraw the quantities outlined above, and may require various activities to be performed by the Permittee as described in the permit, including the Special Conditions. The permit does not convey to the Permittee any property rights or privileges other than those specified herein, nor relieve the Permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.

Attachment: Jan20 WUP 20012392\_004 Recap Permit (4855 : WUP No. 20012392.004 - PH Citrus LLC)

## GENERAL COUNSEL'S REPORT

January 28, 2020

### *Consent Agenda*

#### **Approval of Settlement Agreement Between SWFWMD and FUFLUNS Holdings, LLC – CT No. 394688 – Citrus County**

FUFLUNS Holdings, LLC (FH), owns real property adjacent to the Vance Spring and Run, a spring and wetland area that runs westerly into the Halls River in Citrus County. On October 21, 2015, and September 24, 2018, Craig Shatto, a managing principal of FH, was issued Aquatic Plant Control Permits from the Florida Fish and Wildlife Conservation Commission (FWC) for the removal of plants from the spring and run to an upland location.

Pursuant to a complaint against Mr. Shatto, the District inspected the area and determined that the surface waters of the Vance Spring and Run had been dredged and filled, impacting approximately 0.53 acres of wetlands without authorization.

The District issued a Notice of Violation and proposed Consent Order on February 22, 2018. Though numerous discussions and site visits ensued, the parties were not able to reach an agreement on the proposed Consent Order. Accordingly, the Governing Board authorized District staff to issue an Administrative Complaint and Order (ACO) at its March 26, 2019, meeting.

The District issued its ACO on April 26, 2019. On May 10, 2019, FH filed a timely Petition for Formal Administrative Hearing and Answer challenging the ACO and requesting a formal administrative hearing. The matter was referred to the Division of Administrative Hearings (DOAH), assigned DOAH Case No. 19-2812, and scheduled for a final hearing on August 7 - 9, 2019. After commencing settlement discussions, the Parties filed a joint motion on July 17, 2019, to cancel the final hearing and place the case in abeyance. The case is presently in abeyance until February 7, 2020.

Pursuant to the Settlement Agreement, FH will restore the Vance Spring and Run to its pre-impact condition pursuant to a District-approved Restoration Plan. All restoration activities will be completed within four months of the agreement's execution. Furthermore, FH will pay \$10,000.00 in penalties and enforcement costs. Upon completion of these obligations by FH, the Parties will file a joint motion to dismiss DOAH Case No. 19-2812 with prejudice.

#### **Staff Recommendation:**

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

**Presenter:** James B. Fussell Jr

## **RESTORATION AND SETTLEMENT AGREEMENT**

This Restoration and Settlement Agreement (Agreement) is made and entered into by and between the Petitioner, Southwest Florida Water Management District (District), and the Respondent, Fufluns Holdings, LLC (FH). The District and FH may be referred to herein individually as "Party" and collectively as the "Parties."

### **RECITALS**

This Agreement is made with reference to the following:

A. The District is the 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, Florida Statutes (F.S.), and rules promulgated thereunder as Chapter 62-330, Florida Administrative Code (F.A.C.).

B. FH is a Florida limited liability corporation having a mailing address of P.O. Box 845, Summerfield, Florida 34492. Craig Shatto and Cindy Shatto are the managing principals of FH. FH owns real property located at 2420 South Suncoast Boulevard in Section 15, Township 19 South, Range 17E, Citrus County, Florida (Property).

C. The Property is adjacent to Vance Spring (Spring) and Vance Run (Run), a spring and wetland area that runs westerly into the Halls River. The Spring, Run, and the Halls River are Outstanding Florida Waters, pursuant to Rule 62-302.700(i)(15), F.A.C., as part of the Homosassa River System. The Property, Spring, and Run are depicted on the image attached hereto and incorporated herein as Exhibit "A."

D. The submerged lands within the Spring and Run are sovereign submerged lands pursuant to Chapter 253, F.S., as determined by the Florida Department of Environmental Protection and reflected in its Title Determination, dated January 29, 2018, attached hereto and incorporated herein as Exhibit "B."

E. On October 21, 2015, Aquatic Plant Control Permit Number IPM-15-00880 (FWC Permit 1) was issued to Craig Shatto (Mr. Shatto) by the Florida Fish and Wildlife Commission (FWC), authorizing him to control or remove certain plant species from the Spring and Run by glyphosate application, hand removal, or with the use of a mechanical harvester. FWC Permit 1 expired and Aquatic Plant Control Permit Number IPM-15-00880A (FWC Permit 2) was subsequently issued on September 24, 2018. Copies of FWC Permit 1 and FWC Permit 2 are attached hereto and incorporated herein as Composite Exhibit "C." Both permits authorized Mr. Shatto to remove plants, including their roots, from the Spring and Run to an upland location. The permits did not authorize the removal of any substrate from the Spring or Run and advised that a permit to dredge and fill may be required if any substrate was to be removed.

F. On or about October 19, 2017, the District received a complaint from Gary Bartell, Jr., alleging that Craig Shatto was responsible for unauthorized dredge and fill activities occurring within the Spring and Run. The complaint included an invoice issued from Postma Land Service, LLC, of Myakka City, Florida (Postma), to Mr. Shatto and Mr. Bartell for the digging of a 600-foot canal to create a waterway access from the headwaters of Vance Run to the Halls River. The invoice is attached hereto and incorporated herein as Exhibit "D." In addition, Mr. Bartell alleged that a dock and boat ramp had been constructed without the necessary permits.

G. On January 10, 2018, District staff conducted a site inspection at the Spring and Run with Mr. Shatto to observe the extent of the alleged unauthorized wetland impacts. From the site inspection and review of aerial photographs, it is the District's position that the surface waters had been dredged and filled.

H. District staff contend, from the site inspection and aerial photographs, that the alleged dredging and filling that occurred within the Spring and Run impacted approximately 0.53 acres of wetlands (Impacted Area), resulting in a functional loss of 0.39 units as determined

through the Uniform Mitigation Assessment Method (UMAM). The District's mapping of the Impacted Area is depicted on Exhibit "A".

I. On February 22, 2018, the District issued a Notice of Violation and Proposed Consent Order to FH proposing that FH agree to restore the Impacted Area to its pre-impact condition in an effort to avoid further enforcement action or litigation. A copy of the District's Notice of Violation, dated February 22, 2018, is attached as Exhibit "E."

J. On April 26, 2019, the District commenced formal enforcement efforts against FH through the issuance of an Administrative Complaint and Order (ACO).

K. On May 10, 2019, FH filed a timely Petition for Formal Administrative Hearing and Answer challenging the ACO and requesting an administrative hearing pursuant to Sections 120.569 and 120.57, F.S. The District referred the matter the Division of Administrative Hearings (DOAH) for the assignment of an Administrative Law Judge (ALJ). The matter was assigned DOAH Case No. 19-2812 and a Final Hearing was set for August 7 – 9, 2019, in Homosassa, Florida.

L. On July 17, 2019, the Parties filed their Joint Motion to Cancel Final Hearing and Stay Case Pending Settlement for the purpose of reaching a settlement of the matter. The ALJ granted such motion on July 18, 2019.

M. To date, no Environmental Resource Permit (ERP) has been approved by the District for FH or for any other entity authorizing the activities alleged herein.

N. FH has prepared, and the District has approved, a Restoration Plan that details how FH will correct and restore the Impacted Area of the Spring and Run to its pre-impact condition. The Restoration Plan and accompanying Restoration Map are attached hereto and incorporated herein as Composite Exhibit "F."



O. The Parties deem it in their best interests and in the public interest to enter into this Agreement. By this Agreement, the Parties intend to memorialize the terms of their compromise and reach a settlement of the matter as set forth below.

#### **TERMS OF SETTLEMENT AGREEMENT**

NOW, THEREFORE, in consideration of the terms and conditions defined herein and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the District and FH agree as follows:

1. The foregoing preamble and recitals are true and correct and, along with the attached exhibits, are integral parts of this Agreement.

2. This Agreement shall be effective on the date last executed by the Parties.

3. FH or its principals shall not engage in any construction activity on their Property or within the Spring or Run that constitutes the construction, alteration, operation, or abandonment of a project subject to regulation under Chapter 373, F.S., unless and until an ERP is obtained from the District. Any such activity outside the scope of this Agreement shall be authorized by and in accordance with an ERP.

4. FH shall complete restoration, pursuant to the Restoration Plan, within one hundred twenty (120) days of this Agreement's effective date. FH shall provide written notice to the District at least seven (7) days prior to commencing the restoration activities. District staff shall be available upon reasonable notice for site visits during the restoration activities.

5. FH shall give written and telephonic notice to the District once its restoration activities have been completed. The District shall inspect the Spring and Run within two (2) business days and during regular business hours, while the construction equipment is still at the site, to determine if the restoration activities have been completed in accordance with the Restoration Plan. If District staff discovers deviations from the Restoration Plan, the District shall state so in writing to FH. FH shall complete any necessary remedial work to address the deviations

within five (5) days of receiving such notice. District staff shall re-inspect the Spring and Run once any remedial work is completed, and shall notify FH in writing whether restoration is complete or if additional remedial work is required.

6. FH agrees to pay the District Seven Thousand Five Hundred Dollars (\$7,500.00) in penalties and Two Thousand Five Hundred Dollars (\$2,500.00) in enforcement costs for a total of Ten Thousand Dollars (\$10,000.00), by certified check or money order. The first payment of \$5,000.00 shall be paid within sixty (60) days of the effective date of this Agreement and the second payment of \$5,000.00 shall be paid within one hundred twenty (120) days of the effective date of this Agreement. If mailed, the address for payment is:

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

7. The Parties shall file with DOAH a joint motion to continue DOAH Case No. 19-2812 in abeyance within fifteen (15) days of this Agreement's effective date. The Parties shall file a joint motion to dismiss DOAH Case No. 19-2812 with prejudice within fifteen (15) days of the District's written notification to FH that all restoration activities have been completed as provided in Paragraph five (5) herein.

8. It is anticipated that Postma will be contracted by FH to complete the restoration activities required of FH in this Agreement. Upon the completion of the restoration work as approved by the District, the District shall release Postma from all liability from all claims, causes of action, and potential causes of action by the District related to this matter.

9. Notwithstanding any other provision, term or condition of this Agreement to the contrary, this Agreement is a settlement of disputed issues between the Parties and is not to be construed as an admission of liability on the part of either Party. Nothing in this Agreement, express or implied, constitutes an admission of fact or liability for or by FH, including FH's undertaking and completing the Restoration Plan described in paragraph 4 and the payment of

the penalties and enforcement costs as provided in paragraph 6. Further and specifically, FH, by signing this Agreement, does not waive any rights that it may have under Florida law to recover its attorney fees and costs incurred in this matter in any action FH may undertake against any third party not a formal party hereto.

10. If FH fails to timely complete the restoration activities or other obligations herein, the District reserves the right to request that DOAH conduct a final hearing for DOAH Case No. 19-2812 pursuant to Sections 120.569 and 120.57, F.S., to enforce the terms of this Agreement in a court of competent jurisdiction, and seek any other relief available to the District, including specific performance, for the purpose of ensuring compliance with the Agreement.

11. FH may apply in writing to the District for an extension of the time limits contained herein no later than five (5) days prior to its expiration. The District may grant an extension of time in writing for good cause shown.

12. FH hereby waives any right to an administrative hearing or judicial review of the terms of this Agreement. FH reserves the right to dispute any allegations of noncompliance with this Agreement, or any permit or approval issued hereunder.

13. For and in consideration of the complete and timely performance by FH of its obligations under this Agreement, the District waives its right to pursue civil or administrative action against FH, Craig Shatto, and Cindy Shatto for any violation described herein. If FH fails to completely and timely perform the obligations under this Agreement, the District retains its right to pursue civil or administrative action for any violations described herein.

14. The District hereby expressly reserves and retains the right to initiate appropriate legal action against FH or its principals to prevent or prohibit the future violation of any applicable statutes, rules, or orders, except as specifically addressed in this Agreement. FH acknowledges by the execution of this Agreement that any future violation of Chapter 373, F.S., District rules, or the terms of any permit (including such as may be modified) may subject FH to criminal

prosecution, administrative action, or civil suit in which penalties of up to Ten Thousand Dollars (\$10,000.00) per day per offense may be imposed, as provided in Section 373.129(5), F.S.

15. This Agreement is not a license or permit. FH shall not undertake any further construction activities without necessary District authorizations.

16. Execution of this Agreement shall not relieve FH of the duty to comply with all applicable federal, state, and local laws, regulations, and ordinances.

17. FH shall authorize District representatives to access the Property at all reasonable times without prior notice to determine compliance with this Agreement, and shall make any tenant on the Property aware of this Agreement. The District recognizes that FH has leased the Property to a tenant, and shall make reasonable efforts to provide advanced notice of the District's intent to access the Property.

18. No modifications of the terms of this Agreement are effective unless reduced to writing and executed by both Parties.


19. Each Party shall bear its own costs, including attorneys' fees, incurred in connection with DOAH Case No. 19-2812 and the development of this Agreement. Notwithstanding, should any Party employ an attorney or attorneys to enforce any of the provisions of this Agreement or to recover damages for the breach of this Agreement, the Party prevailing is entitled to receive from the other party all reasonable costs, charges and expenses, including attorneys' fees, expert witness fees, fees and costs on appeal, and the cost of paraprofessionals working under the supervision of an attorney, expended or incurred in connection therewith, whether resolved by out-of-court settlement, arbitration, pre-trial settlement, trial or appellate proceedings.

20. In the event any provision of this Agreement shall be held to be void, voidable, or unenforceable, the remaining provisions shall be in full force and effect.


21. This Agreement may be executed in two counterparts, each of which shall be deemed an original copy, when taken together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Southwest Florida Water Management District and Fufluns Holdings, LLC, have executed this Restoration and Settlement Agreement on the day and year set forth with their signatures below.

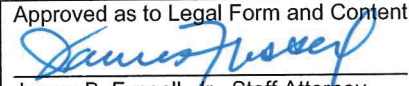
ATTEST:

  
Signature  
James A. Bland, Jr.  
Printed Name  
12-25-19  
Date

Fufluns Holdings, LLC

  
Craig Shatto, Managing Principal  
12/25/2019  
Date  
P.O. Box 845  
Summerfield, FL 34492

Approved by the Governing Board of the Southwest Florida Water Management District  
this \_\_\_\_ day of \_\_\_\_\_, 2020.

Approved as to Legal Form and Content  
  
James B. Fussell, Jr., Staff Attorney

By: \_\_\_\_\_  
Mark Taylor, Chair

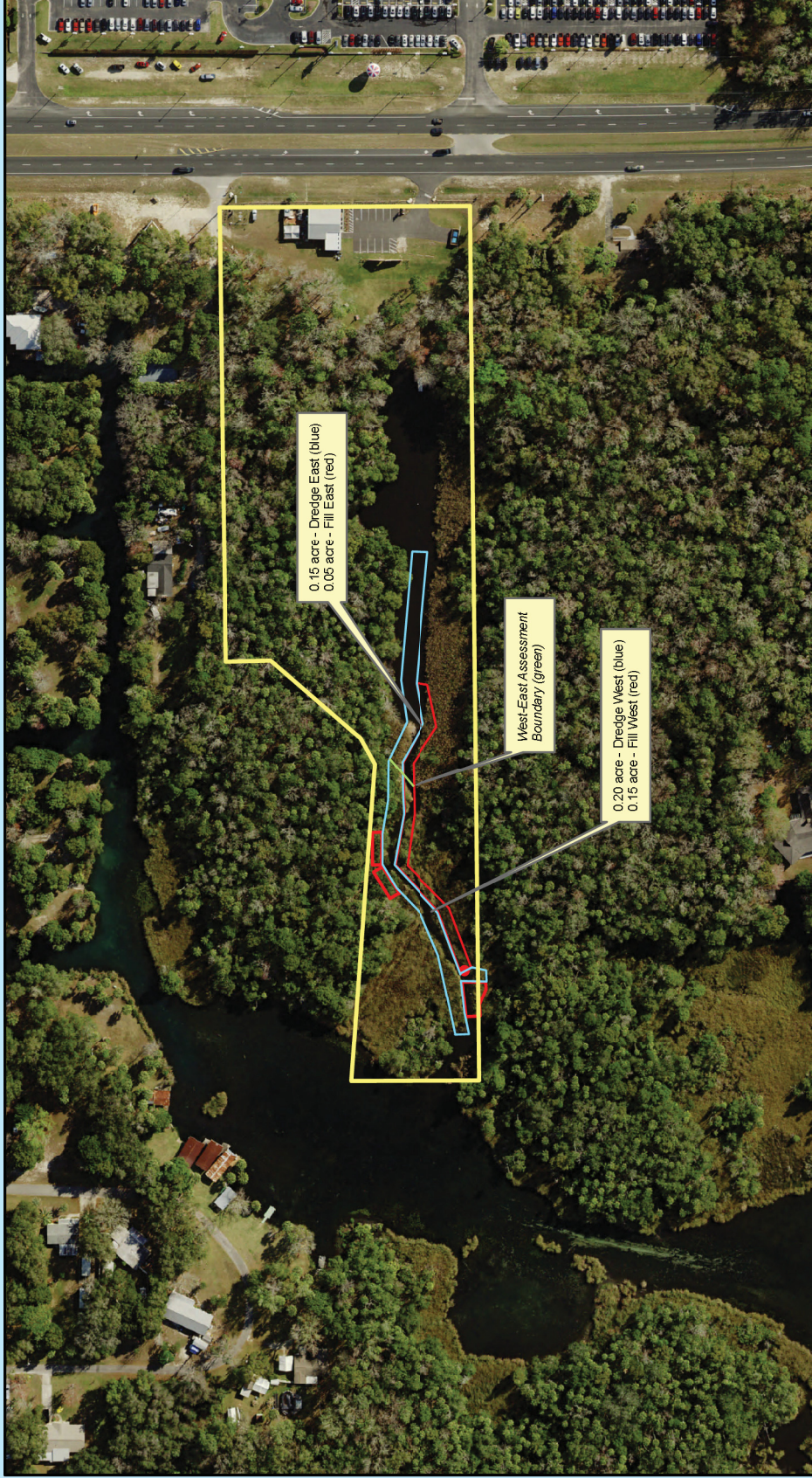
Attest: \_\_\_\_\_  
Joel Schleicher, Secretary

Filed this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Deputy Agency Clerk



# CT 394688 Greenhouse Bistro Halls River Impact Areas



Southwest Florida  
Water Management District

BUREAU: ERP  
DATE CREATED: 2-15-2018  
AERIAL YEAR: 2017



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
TITLE AND LAND RECORDS SECTION  
BOARD OF TRUSTEES LAND DATABASE SYSTEM  
WORKSHEET SHORT FORM (FOR INTERNAL DEP USE ONLY)

WORKSHEET ID: 110334  
COUNTY: Citrus  
FILE NUMBER: 2420 S. SUNCOAST BLVD  
APPLICANT: CRAIG SHATTO  
COMPANY:  
SITE:  
TYPE OF ACTIVITY: TITLE DETERMINATION  
PROJECT LOCATION: 15 19S 17E  
AQUATIC PRESERVE:  
WATER BODY: HALLS RIVER

DETERMINATION STATEMENT: OUR RECORDS INDICATE THE SUBMERGED LANDS OF HALLS RIVER AT THE SUBJECT SITE ARE STATE OWNED. COPIES OF MAPS ATTACHED.

TO: KIM DYMOND

TH 1/29/18

PREPARER: HINTON\_T  
DATE APPROVED: 01/30/2018  
WORKSHEET STATUS: Approved



Data as of  
01/30/2018

NOTICE: THE CONCLUSIONS AND DETERMINATIONS SET FORTH IN THIS TITLE WORKSHEET ARE BASED ON A REVIEW OF THE RECORDS CURRENTLY AVAILABLE WITHIN THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AS SUPPLEMENTED, IN SOME CASES, BY INFORMATION FURNISHED BY THE REQUESTING PARTY. SINCE THE ACCURACY AND COMPLETENESS OF THE TITLE INFORMATION REVIEWED MAY VARY, THE CONCLUSIONS AND DETERMINATIONS SET FORTH HEREIN DO NOT CONSTITUTE A LEGAL OPINION OF TITLE AND SHOULD NOT BE RELIED ON AS SUCH.

Page 1 of 1

Packet Pg. 79

Attachment: Restoration and Settlement Agmt signed by Fuflungs Holdings (with exhibits) (4831 : FUFLUNS Holdings, LLC)





**Aquatic Plant Control Permit**  
FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION  
Division of Habitat and Species Conservation  
Invasive Plant Management Section  
3800 Commonwealth Boulevard, Mail Station 705  
Tallahassee, Florida 32399

Permittee Name: Craig Shatto Permit Number: IPM-15-00880  
Permittee Address: PO Box 148 4610 S. Suncoast (Packages) Effective Date: 10/21/2015  
HOMOSASSA SPRINGS, FLORIDA Expiration Date: 10/21/2018  
34447 UNITED STATES

IS AUTHORIZED TO:

1. Pursuant to the Agency's authority under Chapter 369.20 Florida Statutes and Chapter 68F-20 Florida Administrative Code, the Permittee is authorized to control aquatic plants under the conditions listed below and in accordance with any site map that may be attached to this permit. A copy of this permit must be present on site and available for review during any aquatic plant control activities.

AUTHORIZED LOCATION(S): **Area of operation:** Halls River ( CITRUS )  
**Site Address:** 2420 S. Suncoast Blvd. , HOMOSASSA 34448  
**POS:** Latitude 28° 49' 36.95' N Longitude 82° 34' 49.7' W

Permittee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Not valid unless signed. By signature, confirms that all information provided to issue the permit is accurate and complete, and indicates acceptance and understanding of the provisions and conditions listed below. **Any false statements or misrepresentations when applying for this permit may result in felony charges and will result in revocation of this permit.**

Authorized By: Robert Lovestrand Authorized for: Nick Wiley, Executive Director

Authorizing Signature:  Date: 10/21/2015  
Invasive Plant Management Section

Is Authorized To (Continued):

PLANT	ACRES	METHOD
Giant Reed (Phragmites australis)	0.80	Glyphosate, Hand Removal, Mechanical Harvester
Saw-grass (Cladium jamaicense)	0.10	2,4-D (liquid), Glyphosate, Hand Removal, Mechanical Harvester
Cattail (Typha spp.)	0.01	Glyphosate, Hand Removal, Mechanical Harvester
Duck Potato (Sagittaria lancifolia)	0.01	Glyphosate, Hand Removal, Mechanical Harvester
Knotgrass (Paspalidium geminatum)	0.01	Glyphosate, Hand Removal, Mechanical Harvester
Lyngbya (Lyngbya spp.)	0.25	Hand Removal, Mechanical Harvester

PERMIT NO. IPM-15-00880



Page : 1 / 3

**PERMIT CONDITIONS AND PROVISIONS:**

- 1 Permittee must manage the above listed aquatic plants in accordance with the attached site plan which is made part of this permit.
- 2 Permittee may maintain clear the above listed aquatic plants from within an access corridor not to exceed 40 feet in width, of sufficient length to reach the open water portion of Halls River.
- 3 Permission must be obtained from riparian property owners before aquatic plants may be controlled adjacent to their property.
- 4 In this spring run north of the above described access corridor, only Phragmites may be cleared. This area must then be allowed to regrow with more desirable native aquatic vegetation.
- 5 Revegetating with native aquatic plants may be required if existing desirable aquatic plants do not expand to encompass a minimum of 50% areal coverage in the area north of the access corridor within 180 days after the Phragmites is removed.
- 6 All aquatic herbicides must have an aquatic-use label and must be applied in strict compliance with the directions stated on the product label. It is a violation of state and federal law to use herbicides in a manner that is inconsistent with its label. The label is the law. Before using any herbicide, the applicator should read the label to determine any water use restrictions, herbicide toxicity, location & sites where herbicide can be used and what personal protective clothing & equipment is required.
- 7 Permittee shall make a reasonable effort to notify potential users of the treated waters listing the types and lengths of any restrictions imposed by the label. Notifications shall be accomplished by posting signs and/or notices, distributing notices to residents, making contact with citizen coordinators, public notices in newspaper, putting out a signal or marking system or holding public meetings.
- 8 All aquatic vegetation removed pursuant to this permit shall be deposited on a self-contained upland site which shall be located so as to prevent the reintroduction of the removed vegetation into waters of the State.
- 9 Permittee shall not disturb or unstabilize the shoreline substrate while using any mechanical equipment. If substrate will/may be disturbed or removed while using a tractor/mower, bush-hog or other mechanical equipment, then a dredge & fill permit may be required by the Department of Environmental Protection (813)470-5700.
- 10 Permittee may remove entire plant (including roots) from the site, as long as no offsite turbidity occurs or sediment is removed. If substrate is removed while conducting the above permitted activities then a dredge & fill permit may be required by the Department of Environmental Protection (813) 470-5700.
- 11 The permit or a copy of the permit must be present and available for review on site during the time of any aquatic plant control activities.
- 12 The issuance of this permit does not relieve the permittee of the responsibility to comply with all applicable federal, state, county and municipal laws, ordinances, or rules; nor is the permittee relieved of the responsibility to obtain any other licenses or permits.
- 13 This permit is valid for only the activities printed on the front of this document.
- 14 The Permittee agrees to hold and save the State of Florida, the Fish and Wildlife Conservation Commission, its inspectors and employees, harmless from any damage, no matter how occasioned and no matter what the amount, to persons or property, which might result from the aquatic plant management activities pursuant to the permit. [If the Permittee is a Florida "state agency or subdivision" as defined in 768.28, F.S., this provision does not constitute a waiver of the Permittee's sovereign immunity or extend the Permittee's liability beyond the limits established in Section 768.28, F.S.]
- 15 The Permittee is responsible for complying with the restrictions/requirements of any recorded conservation easement along the shoreline. If the activities authorized by this permit are inconsistent

or contrary with the restrictions/requirements of a conservation easement, then the permittee must obtain authorization from the conservation easement holder prior to conducting any aquatic plant control activities at the site.

- 16 The removal of aquatic plants is exempt from chapters 373 and 403, Florida Statutes, dredge and fill permitting requirements, provided the activities are performed in compliance with the conditions of paragraph 403.813(1)(r), Florida Statutes (copy attached). Turbidity caused by aquatic plant control activities must be contained on site so as to prevent violation of state water quality standards.

**A person whose substantial interests are affected by FWC's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. A person seeking a hearing on FWC's action shall file a petition for hearing with the agency within 21 days of receipt of written notice of the decision. The petition must contain the information and otherwise comply with section 120.569, Florida Statutes, and the uniform rules of the Florida Division of Administration, chapter 28-106, Florida Administrative Code. If the FWC receives a petition, FWC will notify the Permittee. Upon such notification, the Permittee shall cease all work authorized by this permit until the petition is resolved. The enclosed Explanation of Rights statement provides additional information as to the rights of parties whose substantial interests are or may be affected by this action.**







**Aquatic Plant Control Permit**  
FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION  
Division of Habitat and Species Conservation  
Invasive Plant Management Section  
3800 Commonwealth Boulevard, Mail Station 705  
Tallahassee, Florida 32399

Permittee Name:	Craig Shatto	Permit Number:	IPM-15-00880A
Permittee Address:	PO Box 148 4610 S. Suncoast (Packages)	Effective Date:	09/24/2018
	HOMOSASSA SPRINGS, FLORIDA	Expiration Date:	09/24/2021
	34447 UNITED STATES		

IS AUTHORIZED TO:

1. Pursuant to the Agency's authority under Chapter 369.20 Florida Statutes and Chapter 68F-20 Florida Administrative Code, the Permittee is authorized to control aquatic plants under the conditions listed below and in accordance with any site map that may be attached to this permit. A copy of this permit must be present on site and available for review during any aquatic plant control activities.

AUTHORIZED LOCATION(S): **Area of operation:** Halls River (CITRUS CO.)  
**Site Address:** 2420 S. Suncoast Blvd. , HOMOSASSA 34448  
**POS:** Latitude 28° 49' 36.95' N Longitude 82° 34' 49.7' W

Permittee Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Not valid unless signed. By signature, confirms that all information provided to issue the permit is accurate and complete, and indicates acceptance and understanding of the provisions and conditions listed below. **Any false statements or misrepresentations when applying for this permit may result in felony charges and will result in revocation of this permit.**

Authorized By: Robert Lovestrand Authorized for: Eric Sutton, Executive Director

Authorizing Signature:  Date: 12/03/2018  
Invasive Plant Management Section

Is Authorized To (Continued):

PLANT	ACRES	METHOD
Giant Reed (Phragmites australis)	0.80	Glyphosate, Mechanical Harvester, Hand Removal
Saw-grass (Cladium jamaicense)	0.10	2,4-D (liquid), Glyphosate, Mechanical Harvester, Hand Removal
Cattail (Typha spp.)	0.01	Glyphosate, Mechanical Harvester, Hand Removal
Duck Potato (Sagittaria lancifolia)	0.01	Glyphosate, Mechanical Harvester, Hand Removal
Knotgrass (Paspalidium geminatum)	0.01	Glyphosate, Mechanical Harvester, Hand Removal
Lyngbya (Lyngbya spp.)	0.25	Mechanical Harvester, Hand Removal

PERMIT CONDITIONS AND PROVISIONS:

- 1 **This permit does not authorize dredging** and only authorizes aquatic plant removal where the substrate is not disturbed.
- 2 Permittee must manage the above listed aquatic plants in accordance with the attached site plan which is made part of this permit.

PERMIT NO. IPM-15-00880A



Page: 1 / 3



- 3 Permittee may maintain clear the above listed aquatic plants from within an access corridor not to exceed 40 feet in width, of sufficient length to reach the open water portion of Halls River.
- 4 The area on the north side of the 40' access corridor where native plants were removed contrary to this permit must be allowed to revegetate. This area is shown on the permit site plan.
- 5 Permission must be obtained from riparian property owners before aquatic plants may be controlled adjacent to their property.
- 6 All aquatic herbicides must have an aquatic-use label and must be applied in strict compliance with the directions stated on the product label. It is a violation of state and federal law to use herbicides in a manner that is inconsistent with its label. The label is the law. Before using any herbicide, the applicator should read the label to determine any water use restrictions, herbicide toxicity, location & sites where herbicide can be used and what personal protective clothing & equipment is required.
- 7 Permittee shall make a reasonable effort to notify potential users of the treated waters listing the types and lengths of any restrictions imposed by the label. Notifications shall be accomplished by posting signs and/or notices, distributing notices to residents, making contact with citizen coordinators, public notices in newspaper, putting out a signal or marking system or holding public meetings.
- 8 Revegetating with native aquatic plants may be required if existing desirable aquatic plants do not expand to encompass a minimum of 50% areal coverage in the area north of the access corridor within 180 days after the issuance of this permit.
- 9 All aquatic vegetation removed pursuant to this permit shall be deposited on a self-contained upland site which shall be located so as to prevent the reintroduction of the removed vegetation into waters of the State.
- 10 Permittee shall not disturb or destabilize the shoreline substrate while using any mechanical equipment. If substrate will/may be disturbed or removed while using a tractor/mower, bush-hog or other mechanical equipment, then a dredge & fill permit may be required by the SWFWMD (800) 423-1476.
- 11 The permit or a copy of the permit must be present and available for review on site during the time of any aquatic plant control activities.
- 12 The issuance of this permit does not relieve the permittee of the responsibility to comply with all applicable federal, state, county and municipal laws, ordinances, or rules; nor is the permittee relieved of the responsibility to obtain any other licenses or permits.
- 13 This permit is valid for only the activities printed on the front of this document.
- 14 The Permittee agrees to hold and save the State of Florida, the Fish and Wildlife Conservation Commission, its inspectors and employees, harmless from any damage, no matter how occasioned and no matter what the amount, to persons or property, which might result from the aquatic plant management activities pursuant to the permit. [If the Permittee is a Florida "state agency or subdivision" as defined in 768.28, F.S., this provision does not constitute a waiver of the Permittee's sovereign immunity or extend the Permittee's liability beyond the limits established in Section 768.28, F.S.]
- 15 The Permittee is responsible for complying with the restrictions/requirements of any recorded conservation easement along the shoreline. If the activities authorized by this permit are inconsistent or contrary with the restrictions/requirements of a conservation easement, then the permittee must obtain authorization from the conservation easement holder prior to conducting any aquatic plant control activities at the site.
- 16 The removal of aquatic plants is exempt from chapters 373 and 403, Florida Statutes, dredge and fill permitting requirements, provided the activities are performed in compliance with the conditions of paragraph 403.813(1)(r), Florida Statutes (copy attached). Turbidity caused by aquatic plant control activities must be contained on site so as to prevent violation of state water quality standards.


**A person whose substantial interests are affected by FWC's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. A person seeking a hearing on FWC's action shall file a petition for hearing with the agency within 21 days of receipt of written notice of the decision. The petition must contain the information and otherwise comply with section 120.569, Florida Statutes, and the uniform rules of the Florida Division of Administration, chapter 28-106, Florida Administrative Code. If the FWC receives a petition, FWC will notify the Permittee. Upon such notification, the Permittee shall cease all work authorized by this permit until the petition is resolved. The enclosed Explanation of Rights statement provides additional information as to the rights of parties whose substantial interests are or may be affected by this action.**




## Aquatic Plant Control Permit

Halls River-Shatto

### Legend

 40 ft. wide access Maintain clear

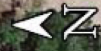
 No plant removal except Phragmites. Must allow other vegetation to regrow

This Site Plan supersedes the prior site plan

Site Plan modified 1/15/19 to allow a different path for the access corridor

Google Earth

300 ft



## INVOICE/RECEIPT

July 9, 2017

Attachment: Restoration and Settlement Agmt signed by Fuflungs Holdings (with exhibits) (4831 : FUFLUNS Holdings, LLC)

TO:	FROM:
<b>Craig Shatto / Gary Bartell, Jr.</b> <b>Adventure Tours</b> <b>Homosassa, Florida</b> <a href="mailto:13shatto@gmail.com">13shatto@gmail.com</a> <a href="mailto:gbartelljr@gmail.com">gbartelljr@gmail.com</a>	Mark Postma Postma Land Service, LLC 10020 Wauchula Road Myakka City, Florida 34251 (941) 400-9897 <a href="mailto:postmalandservice@gmail.com">postmalandservice@gmail.com</a>



Description of Work Performed at: Homossassa, Florida – Adventure Tours	Unit Price	Total
Dig out approximately 600' feet of marsh to connect spring to main channel, and allow access from main channel to restaurant.		\$4,000.00
<b>TOTAL DUE AND PAID ON JUNE 28, 2017:</b>		<b>\$4,000.00</b>

***LOOKING FORWARD TO THE FISHING TRIP!!!***  
*I'll call you to set it up soon.*

ENVIRONMENTALLY FRIENDLY

FREE ESTIMATES

Vegetation Removal &amp; Mowing

Pond

Removal

Can Work On Up to 70° Slopes

Clearing &amp; Mowing In Up To 6 Feet

Call For All Your Difficult Clearing Needs

EXHIBIT

D





An Equal  
Opportunity  
Employer

# 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

6750 Fruitville Road  
Sarasota, Florida 34240-9711  
(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)

**Randall S. Maggard**  
Chair, Pasco

**Jeffrey M. Adams**  
Vice Chair, Pinellas

**Bryan K. Beswick**  
Secretary, DeSoto, Hardee,  
Highlands

**Ed Armstrong**  
Treasurer, Pinellas

**H. Paul Senft, Jr.**  
Former Chair, Polk

**Michael A. Babb**  
Former Chair, Hillsborough

**John Henslick**  
Manatee

**James G. Murphy**  
Polk

**Kelly S. Rice**  
Citrus, Lake, Levy, Sumter

**Joel Schleicher**  
Charlotte, Sarasota

**Rebecca Smith**  
Hillsborough, Pinellas

**Mark Taylor**  
Hernando, Marion

**Michelle Williamson**  
Hillsborough

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

February 22, 2018

VIA REGULAR U.S. MAIL

Craig and Cindy Shatto  
The Greenhouse Bistro & Market  
2420 South Suncoast Boulevard  
Homosassa, Florida 34448

**Subject: Notice of Violation and Proposed Consent Order**  
Unauthorized Dredging and Filling Activities  
The Greenhouse Bistro & Market  
Parcel ID No. 17E19S15-4C000-00B0  
CT No. 394688  
Citrus County, Florida

Dear Mr. and Ms. Shatto:

I am contacting you concerning violations of state law and rules of the Southwest Florida Water Management District ("District") at the property referenced above ("Property").

On October 19, 2017, District staff received a complaint alleging that wetlands on your Property had been dredged and filled in order to provide patrons of The Greenhouse Bistro & Market with waterway access to the Halls River. The complaint also indicated that a dock had been constructed on your Property near the area of wetlands that had been dredged and filled.

On November 22, 2017, the District issued you a Notice of Unauthorized Wetland Activity ("Notice") concerning the activities that occurred at the Property without an Environmental Resource Permit ("ERP"). The Notice advised that any regulated activity undertaken at the Property without an ERP may result in a penalty and require further corrective action. On January 10, 2018, District staff conducted a site visit at your Property, which confirmed that a 16-foot by 20-foot dock with an 11-foot by 8-foot boat ramp had been constructed, and approximately .53 acres of wetlands had been impacted. These activities occurred without you first obtaining an ERP authorizing the wetland impacts and the construction of the dock and boat ramp. Additionally, the unauthorized dredging and filling of wetlands occurred in an area designated as an Outstanding Florida Water and resulted in water quality degradation and violation of state water quality standards.

Pursuant to Sections 373.413 and 373.430(1)(b), Florida Statutes ("F.S."), and Rule 62-330.020(2), Florida Administrative Code ("F.A.C."), a permit is required prior to the



construction, alteration, operation, maintenance, removal, or abandonment of any regulated activity described in Chapter 373, F.S., or Chapter 62, F.A.C., that is not otherwise exempt from permitting requirements. The activities that have occurred at the Property constitute the dredging and filling of wetlands and the construction of a dock and boat ramp for which an ERP is required. Therefore, the failure to obtain an ERP prior to commencing construction activities and the Property constitutes a violation of Sections 373.413 and 373.430(1)(b), F.S., and Rule 62-330.020(2), F.A.C.

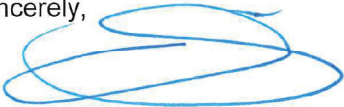
As a result of the foregoing, the District hereby proposes to resolve this matter without litigation in accordance with the proposed Consent Order enclosed herein. The proposed Consent Order provides for a penalty of Thirty-Four Thousand Four Hundred Dollars (\$34,400.00) for unauthorized wetland impacts, water quality degradation, and unauthorized dock construction, and District enforcement costs of Two Thousand Dollars (\$2,000.00), for a total of Thirty-Six Thousand Four Hundred Dollars (\$36,400.00), to be paid in full within ten (10) days of approval of the Consent Order by the District's Governing Board.

Additionally, restoration of the property is more feasible than obtaining an ERP due to the nature and scope of the unauthorized activities that have occurred at the property. As a result, the proposed Consent Order requires submission of a proposed Restoration Plan to the District for approval within forty-five (45) days after the Consent Order is approved by the District's Governing Board. District staff are available to assist you in the development of a Restoration Plan in order to restore the Property to its original condition.

Please review the proposed Consent Order and contact me within fourteen (14) days of the date of this letter to discuss how you intend to proceed. If you fail to do so, District staff may seek authorization from the District's Governing Board to initiate litigation, which may result in higher penalties and costs than what are proposed herein, as well as the recovery of litigation costs and attorneys' fees.

If you have any questions concerning this matter, you may contact me at the District's Tampa Office at (813) 985-7481, extension 4658, or by email at [Chris.Tumminia@swfwmd.state.fl.us](mailto:Chris.Tumminia@swfwmd.state.fl.us). Thank you in advance for your consideration.

Sincerely,



Christopher A. Tumminia, Esquire  
Office of General Counsel

Enclosures: (Proposed Consent Order)

ecc: Alba Màs  
Michelle Hopkins  
Cliff Ondercin  
Kim Dymond  
File of Record

# WETLAND RESTORATION PLAN

for

FUFLUNS HOLDINGS, LLC

2420 South Suncoast Boulevard  
Homosassa, Florida

SWFWMD COMPLIANCE TRACKING NUMBER  
394688

PREPARED BY  
COASTAL ENGINEERING ASSOCIATES, INC.

December 2019



## HISTORY

In late 2017, approximately 0.32 acres of riverine bottom, along with rooted desirable and invasive vegetation (primarily *Phragmites australis*, commonly known as Giant Reed) was removed from state-owned lands, along Vance Run, which leads into Halls River.

Disposal of the spoil material and rooted matter presumably impacted approximately 0.21 acres of saltwater marsh wetlands (FLUCCS 642) adjacent to Vance Run.

## RECENT SITE VISITS

On July 9, 2019, Southwest Florida Water Management District (SWFWMD) officials from the Regulation Department and Office of General Counsel visited the site, along with representatives from FUFLUNS Holdings, their legal counsel and environmental consultant, to review site conditions.

On August 6, 2019, SWFWMD Regulatory staff and the environmental consultant revisited the site during the time of the Mean High Water tide to review site conditions, take measurements and set the Mean High Water Elevation (MHWE). The spoil berm's width was measured at 5 locations along the berm. The average width is 13.6 feet wide. The Mean High Water Elevation was set at 3 locations. According to the LABINS website, the MHW at the closest Tide Station ID 872-7293/Halls River Bridge, Halls River, is 0.19' NAVD 1988.

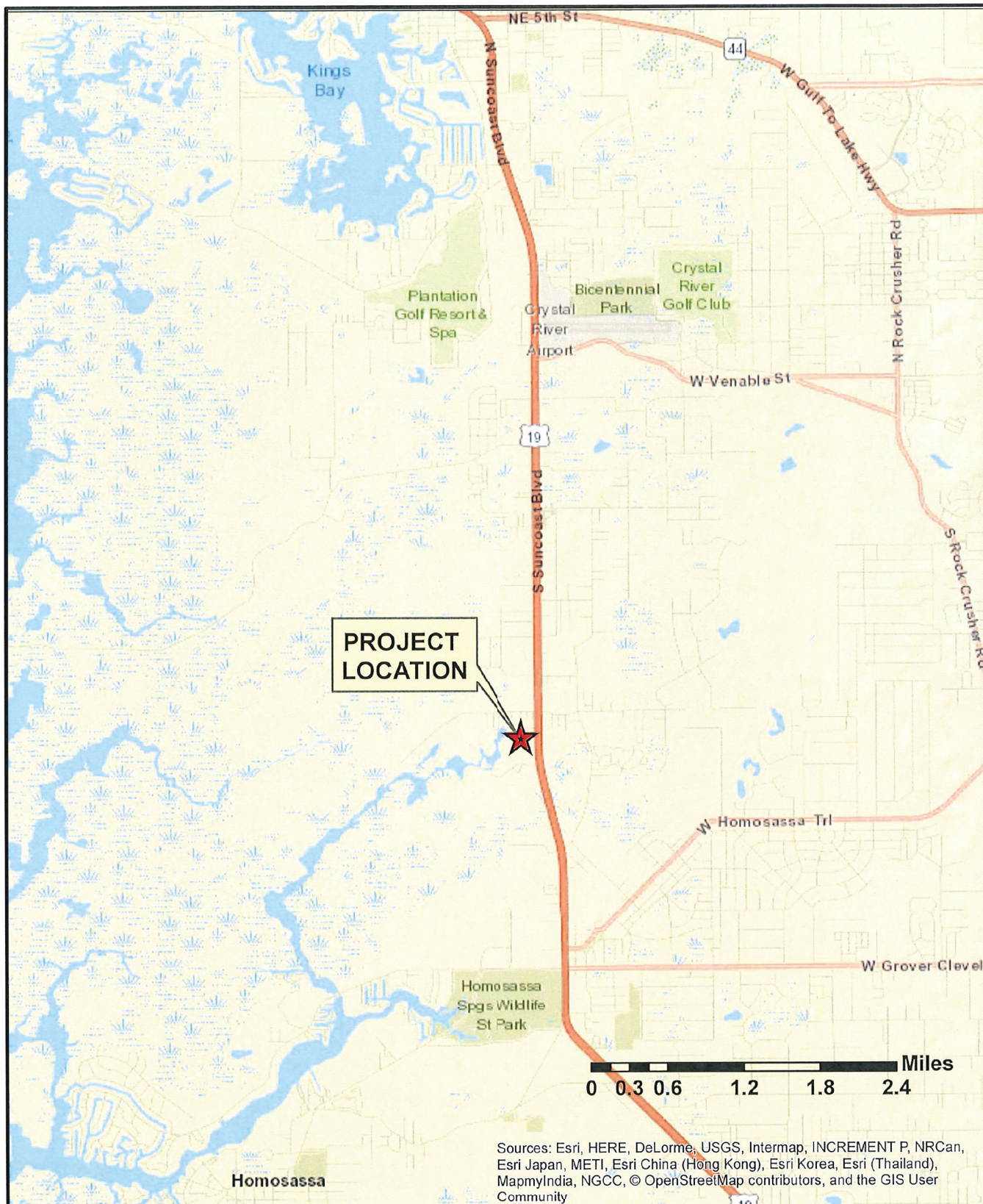
## PROPOSED RESTORATION PLAN

1. Prior to the start of restoration, the spoil berm vegetation (primarily *Baccharis halimifolia*, commonly known as Saltbush) can be sprayed with herbicide(s), approved by the Environmental Protection Agency (EPA), for aquatic systems, removed by hand or mechanically removed. The spoil berm vegetation will be deposited in the upland site depicted on the Spoil Berm Vegetation Disposal Location Map.
2. Once the spoil berm vegetation is successfully removed, silt fence (if needed) and floating turbidity barriers will be installed, at the location depicted on the Restoration Map.
3. Once the floating turbidity barriers are installed, removal of the spoil will begin and the material will be scraped back into the open water portions of Vance Run, as depicted on the Restoration Map. The spoil berm will be graded down to a minimum of 1.0 inch below the Mean High Water Elevation, to allow water to flow freely over the remaining area. If the environmental consultant observes turbid water outside the limits of the restoration area during the water-related activities, all activities will cease immediately until the source of the violation is resolved.
4. During site restoration activities, a Manatee Awareness/Protection program is required to be implemented. ALL restoration activities must **STOP**, should a manatee be seen within 50 feet of the restoration area. Once the observed manatee moves beyond a 50-foot radius away from the restoration area, restoration activities may restart.



5. All in-water work restoration activities will be supervised by a qualified environmental consultant, whom is familiar with the site and the restoration activities. The SWFWMD will be notified, in writing, the environmental consultant retained for oversight prior to initial water-related work. The environmental consultant will document the restoration activities.
6. Once the spoil has been repositioned into the open water channel, the SWFWMD will be notified of completion, pursuant to the Restoration Agreement and Order.
7. Natural recruitment of wetland species will be monitored on a semi-annual schedule, for one (1) year. Brief monitoring reports prepared by the environmental consultant, documenting the natural recruitment, will be provided to the SWFWMD.
8. Estimated time of restoration completion is 60 days, from the date of the signed Restoration Agreement and Order.





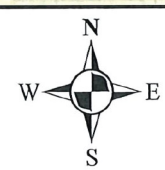
**PROJECT  
LOCATION**

0 0.3 0.6 1.2 1.8 2.4 Miles

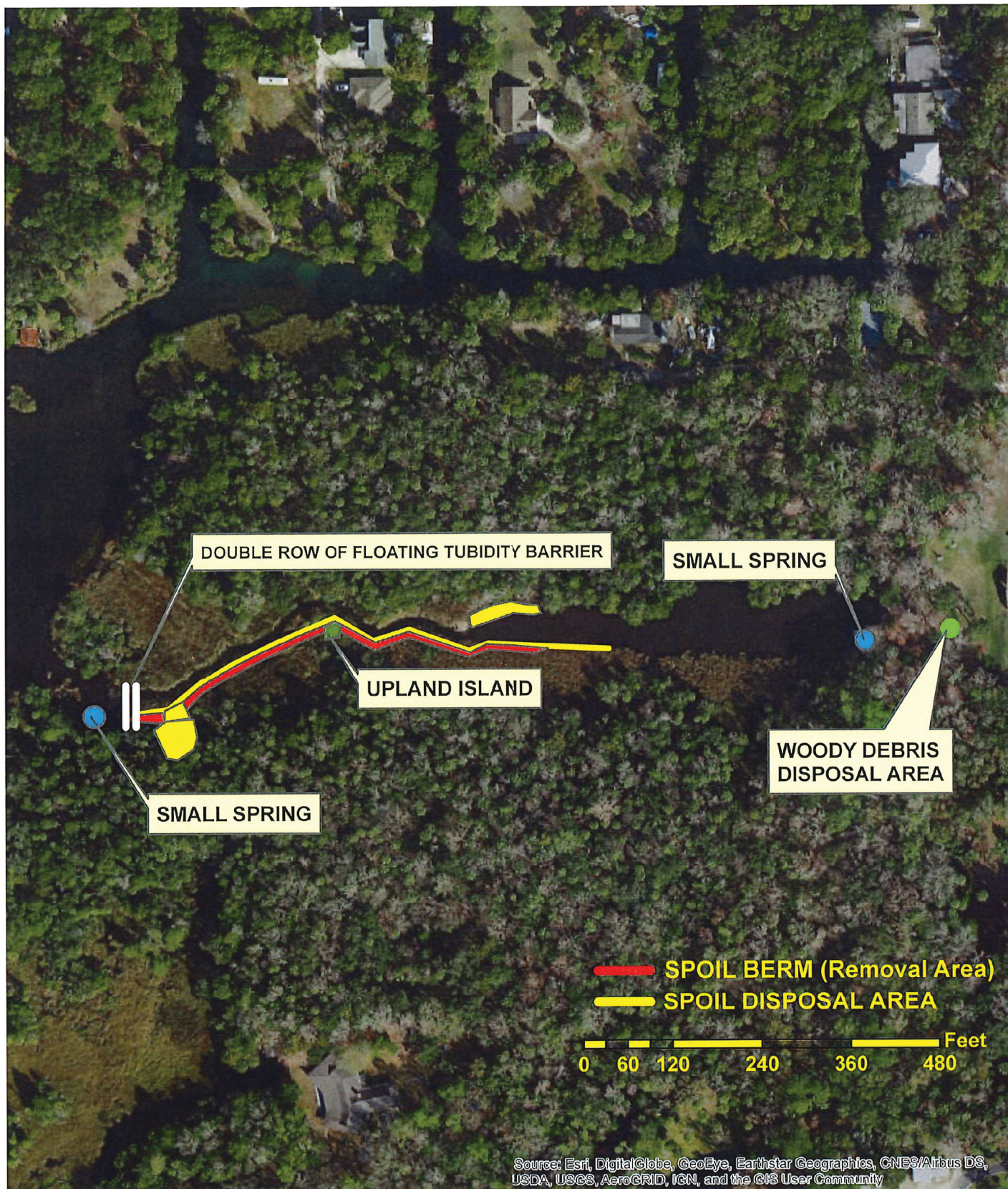
Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCAn, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

**Coastal** Engineering  
Planning  
Surveying  
Environmental  
Construction Management  
engineering associates, inc.

**Location Map**  
Source: ESRI









## GENERAL COUNSEL'S REPORT

January 28, 2020

### *Consent Agenda*

#### **Authorization to Issue Administrative Complaint and Order – Unauthorized Construction – 8791 Ulmerton Road – Linda R. Freeland & Paver House, LLC – CT No. 401932 – Pinellas County**

Linda R. Freeland (Owner) and Paver House, LLC (Lessee) are the owner and lessee of approximately .85 acres of real property zoned for commercial use located at 8791 Ulmerton Road within Section 01, Township 30S, Range 15E, in Pinellas County, Florida (Property).

On December 28, 2018, the District received a flooding complaint from an adjacent property owner that indicated fill material had been placed and graded over approximately .45 acres of the Property without an Environmental Resource Permit (ERP). District staff investigated the complaint and determined that the elevation increase resulting from the unauthorized filling and grading had obstructed stormwater runoff and caused offsite flooding impacts.

On May 23 and June 20, 2019, the District issued the Owner and Lessee a Notice of Unauthorized Construction letter concerning the activities that occurred at the Property without an ERP. The Notice advised that any regulated activity undertaken at the Property without an ERP could result in monetary penalties and further enforcement action if not corrected in a timely manner. The Owner partially responded to the Notices but took no further action to bring the Property into compliance.

This matter was referred to the Office of General Counsel for further enforcement action on October 17, 2019. District staff issued a Notice of Violation and proposed Consent Order to the Owner and Lessee that included administrative penalties and enforcement costs totaling \$6,750.00 and required the submission of a proposed corrective action plan to restore the Property to its pre-impact condition. To date, neither the Owner nor the Lessee have contacted the District regarding the Notice of Violation and proposed Consent Order, and the Property remains in noncompliance.

#### **Staff Recommendation:**

1. Authorize District staff to issue an Administrative Complaint and Order to the Owner, Lessee, and any other necessary party to obtain compliance with District rules.
2. Authorize District staff to initiate an action in Circuit Court against the Owner, Lessee, and any other necessary parties to recover a civil penalty/administrative fine, enforcement costs, litigation costs, and attorneys' fees, if appropriate.
3. Authorize District staff to initiate an action in Circuit Court to enforce the terms of the Administrative Complaint and Order, if necessary.

**Presenter:** Christopher A. Tumminia, Deputy General Counsel

## GENERAL COUNSEL'S REPORT

January 28, 2020

### *Consent Agenda*

#### **Approval of Consent Order Between SWFWMD and AAMW Enterprises, LLC – CT No. 401716 – Sumter County**

Environmental Resource Permit (ERP) Number 43043577.000 (Permit) was issued to Wildwood RV Village, LLC, (Village) on June 21, 2018, for the construction of a surface water management system to serve a proposed RV park located at 882 East State Road 44 in Wildwood (Property). District staff inspected the site on December 12, 2018, and observed that approximately 0.23 acres of impervious material was placed outside of the permitted project area without authorization. District staff issued its first notice of unauthorized activities on December 19, 2018, and met with Village representatives on January 10, 2019, to discuss the violation and the process for obtaining authorization for the construction. However, no ERP application was submitted, and District staff issued the final notice of unauthorized activities before referring the matter to the Office of General Counsel (OGC).

District Regulation and OGC staff met with counsel for the Village on May 23, 2019, and agreed to a timeline for the matter to be brought into compliance. On or about May 31, 2019, AAMW Enterprises, LLC (AAMW), took ownership of the Property and RV park. AAMW did not submit an ERP application for the unauthorized construction as agreed to, nor did it receive transfer of the existing Permit. The Village and AAMW have had common ownership and representation at all relevant times.

The District issued its Notice of Violation to AAMW on December 4, 2019. AAMW subsequently submitted an ERP application for the unauthorized construction on December 6, 2019, and requested to transfer the Permit on December 9, 2019. The request to transfer the Permit was approved on January 3, 2020, and the ERP application is presently under review.

In its final form, the Consent Order includes a total payment of \$6,150.00 for penalties and District enforcement costs and provides a timeline by which AAMW must supplement its ERP application and obtain approval for the unauthorized construction.

Enclosure: Consent Order

#### **Staff Recommendation:**

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

**Presenter:** James B. Fussell Jr. Staff Attorney

BEFORE THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

ORDER NO. SWF 19-\_\_\_\_\_

IN RE: AAMW ENTERPRISES, LLC  
MICHAEL WOOD  
CT NO. 401716  
882 EAST STATE ROAD 44  
WILDWOOD, FLORIDA 34785

**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 AAMW Enterprises, LLC (AAMW), collectively referred to as the “Parties,” to settle certain matters at issue between the Parties. The Parties hereby voluntarily agree to the following findings of fact, conclusions of law, and corrective actions:

**FINDINGS OF FACT**

1. The District is the 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 the rules promulgated thereunder as Chapter 62-330, Florida Administrative Code (F.A.C.).

2. AAMW owns real property located at 882 East State Road 44, Wildwood, Florida 34785 (Property). The Property is further identified by the Sumter County Property Appraiser Parcel ID Number C34A031. Michael P. Wood is the managing principal of the AAMW. An image of the Property is attached hereto and incorporated herein as Exhibit “A.”

3. On June 21, 2018, Environmental Resource Permit (ERP) Number 43043577.00 (Permit) was issued to Wildwood RV Village, LLC (Village), and authorized the construction of a stormwater management system to serve a proposed RV park known as Wildwood RV Village (Project). Michael P. Wood is also an authorized member of the Village. The Project area is delineated on Exhibit A.

Attachment: CO - Wildwood RV 01-09-2020 (4858 : AAMW Enterprises, LLC - Approval of Consent Order)



4. District staff visited the site December 12, 2018, and observed that more than 10,000 square feet (approximately .23 acres) of impervious material was placed outside of the Permit's project area without authorization (Unauthorized Construction Area). The Unauthorized Construction Area is delineated on Exhibit A.

5. The District issued a Notice of Unauthorized Activities to the Village on December 19, 2018, regarding the Unauthorized Construction Area. The District met with Village representatives on January 10, 2019, to discuss the violation and the process for obtaining an ERP. However, no ERP application was submitted. The District issued a final Notice of Unauthorized Activities on March 18, 2019.

6. On or about May 31, 2019, AAMW took ownership of the Property. However, the Permit was not transferred to AAMW after the Property's conveyance. Wood has at all times material been an authorized agent and principal contact for Village and AAMW, and has maintained at least a 50% ownership interest in each.

7. Upon conveyance of the Property to AAMW, AAMW was operating two surface water management systems, the Unauthorized Area and the Project, without ERPs.

8. District staff issued its Notice of Violation to AAMW on December 4, 2019.

9. AAMW submitted ERP Application ID No. 795262 on December 6, 2019, to obtain authorization of the Unauthorized Construction Area, and submitted its request to transfer the Permit on December 9, 2019. AAMW's request to transfer was approved on January 3, 2020, as ERP No. 43043577.001. ERP Application ID No. 795262 remains under review.

10. The Parties have agreed to resolve all issues regarding the violations set forth above as described in this Consent Order.

#### CONCLUSIONS OF LAW

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

12. Pursuant to Section 373.413, F.S., and Rule 62-330.020(2), F.A.C., an ERP is required prior to the construction, alteration, operation, maintenance, removal, or abandonment of any regulated activity described in Chapter 373, F.S., or Chapter 62-330, F.A.C., that is not otherwise exempt from permitting requirements. It is a violation of Section 373.430(b), F.S. to fail to obtain any permit required by Chapter 373, Part IV, F.S. or fail to comply with any rule promulgated thereunder.

13. The activities described in paragraphs four (4) and six (6) constitute the construction or operation of a surface water management system as defined in the ERP Applicant's Handbook Volume I, Sections 2.0(a)(18) and (68), respectively, incorporated by reference in Rule 62-330.010(4), F.A.C.

14. The activities described in paragraphs four (4) and six (6) herein are regulated activities that require an ERP pursuant to Rule 62-330.020(2), F.A.C., and are otherwise not exempt from permitting requirements.

15. The activities described in paragraphs four (4) and six (6) herein constitute violations of Sections 373.413 and 373.430(1)(b), F.S. and Rule 62-330.020(2), F.A.C.

#### CORRECTIVE ACTIONS

16. AAMW shall not engage in any construction activity, whether in the Unauthorized Area, Project area, or elsewhere, that constitutes the construction, alteration, operation, or abandonment of a surface water management system pursuant to Chapter 373, F.S., unless and until the necessary ERPs are obtained from the District. Any further activity shall be authorized by and in accordance with an ERP.

17. AAMW shall comply with and respond to any District request for additional information or clarification issued for ERP Application ID No. 795262 within 30 days of receiving such request. AAMW shall obtain District approval of ERP Application ID No. 795262 no later than one hundred twenty (120) days from the date of its submission.

18. AAMW shall pay to the District Three Thousand Six Hundred Fifty Dollars (\$3,650.00) in penalties and Two Thousand Five Hundred Dollars (\$2,500.00) in District costs for a total of Six Thousand One Hundred Fifty Dollars (\$6,150.00), by certified check or money order within thirty (30) days of this Consent Order's approval 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

19. AAMW may apply in writing to the District for an extension of the time limits contained in this Consent Order no later than five (5) days prior to the expiration of such time limit. The District may grant an extension of time in writing for good cause shown.

20. For each day of delay beyond any due date specified in this Consent Order, AAMW shall pay to the District an additional sum of One Hundred Dollars (\$100.00) per day. This additional sum shall be paid by AAMW upon the District's mailing of a demand letter to AAMW for payment. This provision shall not be construed to preclude the District's right to undertake other administrative, civil, or criminal action as appropriate in the event any due date is not met.

21. AAMW hereby waives any right to an administrative hearing or judicial review of the terms of this Consent Order. AAMW reserves the right to dispute any allegation of noncompliance with the Consent Order, or any permit or approval issued hereunder.

22. For and in consideration of the complete and timely performance by AAMW of the obligations under this Consent Order, the District waives its right to pursue civil or administrative action for any violation described herein. If AAMW fails to completely and timely perform the obligations under this Consent Order, the District retains its right to pursue civil or administrative action for any violations described herein.

23. The District hereby expressly reserves and retains the right to initiate appropriate legal action against AAMW to prevent or prohibit the future violation of any applicable statutes,

rules, or orders, except as specifically addressed in this Consent Order. AAMW acknowledges by the execution of this Consent Order that any future violation of Chapter 373, F.S., District rules, or the terms of any permit (including such as may be modified) may subject AAMW to criminal prosecution, administrative action, or civil suit in which penalties of up to Ten Thousand Dollars (\$10,000.00) per day per offense may be imposed, as provided in Section 373.129(5), F.S.

24. This Consent Order is not a license or a permit. AAMW shall not undertake any further construction activities without necessary District authorizations.

25. Entry of this Consent Order shall not relieve AAMW of the duty to comply with all applicable federal, state, and local laws, regulations, and ordinances.

26. AAMW shall allow authorized District representatives to access the Property at all reasonable times without prior notice to determine compliance with this Consent Order, Chapter 373, F.S., and District rules.

27. 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.

28. The effectiveness of this Consent Order is subject to review and approval by the District's Governing Board. In the event the District's Governing Board does not approve this Consent Order, this Consent Order shall be null, void, and of no legal effect.

29. No modifications of the terms of this Consent Order are effective unless reduced to writing and executed by all Parties.

30. Any person, who is not a party to this Consent Order, whose substantial interests are affected by the District's action in this Consent Order may request an administrative hearing in accordance with Sections 120.569 and 120.57, F.S., and Chapter 28-106, F.A.C. A request for hearing that disputes the material facts on which the District's action is based must contain all elements required by Rule 28-106.201(2), F.A.C., including but not limited to: (1) an explanation of how the substantial interests of each person requesting the hearing will be affected by the District's action; (2) a statement of all disputed issues of material fact; (3) the Consent Order

number; (4) the name, address and telephone number of the person requesting the hearing and, if applicable, of the person's representative; (5) a statement of when and how the person requesting the hearing received notice of the District's action; (6) a concise statement of the ultimate facts alleged, including the specific facts warranting reversal or modification of the District's action; and (7) the relief sought, including precisely what action the requester wishes the agency to take. A request for hearing that does not dispute the material facts on which the District's action is based shall state that no material facts are in dispute, contain the same information set forth above (with the exception of item (2)), and otherwise comply with Rule 28-106.301(2), F.A.C. A request for hearing must be filed with (received by) the Agency Clerk of the District 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) 367-9776 or (813) 367-9772, within twenty-one (21) days of receipt of this notice. If this Consent Order is mailed, receipt is deemed to be the fifth day after the date on which the Consent Order is deposited in the United States mail. Because the administrative hearing process is designed to formulate final agency action, the timely filing of a request for hearing may result in the District's final action being different from its original action. Any person who is not a party to this Consent Order whose substantial interests will be affected by any such final action of the District has the right to request a hearing in accordance with the requirements set forth above. Failure to file a request for hearing within the specified time period shall constitute a waiver of any right any such person may have to request a hearing under Sections 120.569 and 120.57, F.S. Mediation pursuant to Section 120.573, F.S., to settle an administrative dispute regarding the District's action in this matter is not available prior to the filing of a request for hearing.



WITNESS:

**AAMW ENTERPRISES, LLC**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Michael W. Wood

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Approved by the Governing Board of the Southwest Florida Water Management District  
this \_\_\_\_ day of \_\_\_\_\_, 2020.

By: \_\_\_\_\_  
Mark Taylor, Chair

Approved as to Legal Form and Content

\_\_\_\_\_  
James B. Fussell, Jr., Staff Attorney

Attest: \_\_\_\_\_  
Joel Schleicher, Secretary

Filed this \_\_ day of  
\_\_\_\_\_, 2020.

\_\_\_\_\_  
Deputy Agency Clerk

CONSENT ORDER  
WILDWOOD RV – AAMW ENTERPRISES, LLC  
CT NO. 401716  
SUMTER COUNTY, FLORIDA

## GENERAL COUNSEL'S REPORT

January 28, 2020

### *Consent Agenda*

#### **Authorization to Initiate Litigation – Unauthorized Water Use – Watermelon Pit, LLC, and JDI Farms, Inc. – Water Use Permit No. 8322.004 – CT No. 404443 – Charlotte County**

On January 9, 2018, the District issued Water Use Permit No. 8322.004 (Permit) to Watermelon Pit, LLC and JDI Farms, Inc. (Permittees) authorizing water withdrawals in the amount of 51,600 gallons per day on an annual average basis. The withdrawals service a mining operation located in Charlotte County within the Southern Water Use Caution Area (Project). The Permit contains certain conditions and restrictions to ensure that the mining and dewatering activities do not impact nearby water resources.

Prompted by a delinquent submission of the Annual Mine Plan for the Project, District staff conducted a site visit on April 6, 2018. During that site visit, District staff observed multiple Permit violations that resulted in significant water resource impacts. In an attempt to remedy these violations, the Permittees submitted an application to modify the Permit on January 24, 2019. Site inspections conducted during the permit evaluation process indicated that unauthorized dewatering activities had not ceased, and off-site discharge was still occurring.

In September 2019, District staff became aware of ongoing litigation between the Permittees and Charlotte County concerning local ordinance violations associated with Project. Charlotte County obtained injunctive relief in December 2019 to remedy the ongoing ordinance violations, but a site visit conducted by District staff on January 7, 2020 revealed that the unauthorized water use has not been corrected.

Based on the information submitted by the Permittees and obtained by District staff during the permit evaluation process, the application to modify the Permit has been denied. The mining and dewatering activities are occurring without a permit, and District staff recommend that the District seek to enjoin the Permittees from any further unpermitted activities until the Project is brought into compliance.

#### **Staff Recommendation:**

Authorize District staff to initiate an action in Circuit Court against Watermelon Pit, LLC, JDI Farms, Inc., and any other necessary parties to obtain equitable relief, recover an administrative fine/civil penalty, enforcement costs, litigation costs, and attorneys' fees, if appropriate.

Presenter: Megan Albrecht, Staff Attorney

**EXECUTIVE DIRECTOR'S REPORT**

**January 28, 2020**

***Consent Agenda***

**Approve Governing Board Minutes – December 10, 2019**

Staff Recommendation:

Staff recommends the Board approve the minutes as presented.

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

## MINUTES OF THE MEETING

### GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BROOKSVILLE, FLORIDA

DECEMBER 10, 2019

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 11:36 a.m., on December 10, 2019, at the District's Brooksville Office, 2379 Broad Street, Brooksville, Florida. The following persons were present:

#### Board Members Present

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

#### Staff Members

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

#### Board Administrative Support

Caroline Browning, Board & Executive Services Manager  
Lori Manuel, Administrative Assistant

A list of others in attendance who signed the attendance roster is filed in the permanent records of the District. This meeting was available for viewing through Internet streaming. Approved minutes from previous meetings can be found on the District's website ([www.WaterMatters.org](http://www.WaterMatters.org)).

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

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

Chair Mark Taylor called the meeting to order and opened the public hearing. Secretary Joel Schleicher stated a quorum was present.

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

Board Member Jack Bispham offered the invocation and led the Pledge of Allegiance to the Flag of the United States of America.

Chair Taylor introduced each member of the Governing Board. He noted that the Board meeting was recorded for broadcast on government access channels, and public input was only taken during the meeting onsite.

Chair Taylor 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 fill out and submit a "Request to Speak" card. To assure that all participants have an opportunity to speak, a member of the public may submit a speaker's card to comment on agenda items only during today's meeting. If the speaker wishes to address the Board on an issue not on today's agenda, a speaker's card may be submitted for comment during "Public Input." Chair Taylor stated that comments would be limited to three minutes per speaker, and, when appropriate, exceptions to the three-minute limit may be granted by the chair. He also requested that several individuals wishing to speak on the same issue/topic designate a spokesperson.

**3. Employee Recognition**

Chair Taylor recognized employees who have reached at least 20 years of service with the District and thanked them for their service. The following staff were recognized: George Prine, Matt Jablonski and Michael Terry.

**4. Additions/Deletions to Agenda**

Mr. Brian Armstrong, executive director, stated the following item was added to Discussion:

**Finance/Outreach & Planning Committee**

**27a. Purchase and Sale Agreement and Budget Amendment for the Acquisition of an Office Building located at 78 Sarasota Center Boulevard**

Board Member Jack Bispham asked that the following item be moved to Discussion:

**Operations, Lands and Resource Monitoring Committee**

**14. Lease Agreement with Florida Department of Environmental Protection – Division of Recreation and Parks for Myakka River State Park – Myakka Prairie Tract - SWF Parcel No. 21-199-105X**

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

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

Mr. David Ballard Geddes, Jr., spoke regarding the use of reclaimed water.

**Consent Agenda**

**Resource Management Committee**

**6. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Revised Minimum and Guidance Levels for Sapphire Lake in Hillsborough County (P256)**

Staff recommended the Board:

- A. Accept the report entitled, "Revised Minimum and Guidance Levels Based on Reevaluation of Levels Adopted for Sapphire Lake in Hillsborough County, Florida."
- B. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.
- C. Initiate and approve rulemaking to amend Rule 40D-8.624, F.A.C., to replace the previously approved Minimum and Guidance Levels with the proposed Minimum and Guidance Levels for Sapphire Lake in Hillsborough County, as shown in the Exhibit.

**Finance/Outreach & Planning Committee**

**7. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Revised Minimum and Guidance Levels for Lake Charles in Hillsborough County (P256)**

Staff recommended the Board:

- A. Accept the report entitled, "Revised Minimum and Guidance Levels Based on Reevaluation of Levels Adopted for Lake Charles in Hillsborough County, Florida."
- B. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.
- C. Initiate and approve rulemaking to amend Rule 40D-8.624, F.A.C., to replace the previously approved Minimum and Guidance Levels with the proposed Minimum and Guidance Levels for Lake Charles in Hillsborough County, as shown in the Exhibit.



**8. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Revised Minimum and Guidance Levels for Lake Calm in Hillsborough County (P256)**

Staff recommended the Board:

- A. Accept the report entitled, "Revised Minimum and Guidance Levels Based on Reevaluation of Levels Adopted for Lake Calm in Hillsborough County, Florida."
- B. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.
- C. Initiate and approve rulemaking to amend Rule 40D-8.624, F.A.C., to replace the previously approved Minimum and Guidance Levels with the proposed Minimum and Guidance Levels for Lake Calm in Hillsborough County, as shown in the Exhibit.

**9. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Revised Minimum and Guidance Levels for Church and Echo Lakes in Hillsborough County (P256)**

Staff recommended the Board:

- A. Accept the report entitled, "Revised Minimum and Guidance Levels Based on Reevaluation of Levels Adopted for Church and Echo Lakes in Hillsborough County, Florida."
- B. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.
- C. Initiate and approve rulemaking to amend Rule 40D-8.624, F.A.C., to replace the previously approved Minimum and Guidance Levels with the proposed Minimum and Guidance Levels for Church and Echo Lakes in Hillsborough County, as shown in the Exhibit.

**Finance/Outreach & Planning Committee**

**10. Budget Transfer Report**

Staff recommended the Board approve the Budget Transfer Report covering all budget transfers for November 2019.

**11. Competitive Procurement Follow-Up Audit**

Staff recommended the Board approve the Office of Inspector General Competitive Procurement Follow-Up Audit.

**12. Budget Transfer for Settlement Costs from Sale of Sarasota Office**

Staff recommended the Board approve a budget transfer in the amount of \$204,507 from the canceled CFI project N990 Zephyr Creek Drainage Improvements for the settlement costs from the sale of the Sarasota Office as follows:

1. Documentary Stamps in the amount of \$16,450;
2. Realtor Commission in the amount of \$188,000; and
3. Recording Fees in the amount to \$57.00.

**Operations, Lands and Resource Monitoring Committee – None**

**13. Assignment of Management Agreement with Citrus County for Chassahowitzka River Campground to the Florida Forest Service – Chassahowitzka River & Coastal Swamps – SWF Parcel No. 15-347-105X**

Staff recommended:

- Approve the assignment of the Management Agreement between Citrus County and Florida Forest Service - SWF Parcel No. 15-347-105X.
- Authorize the Governing Board Chair and Secretary to execute the Consent of Assignment form.

**14. Lease Agreement with Florida Department of Environmental Protection – Division of Recreation and Parks for Myakka River State Park – Myakka Prairie Tract – SWF Parcel No. 21-199-105X**

Staff recommended:

- Approve the lease agreement for Myakka River State Park.
- Authorize the Governing Board Chair and Secretary to execute the lease agreement.

**15. Lease Agreement with Florida Department of Environmental Protection Division of Recreation and Parks – Rainbow River Ranch Tract Project – SWF Parcel No. 19-593-108X**

Staff recommended:

- Approve the lease agreement for the Rainbow River State Park.
- Authorize the Governing Board Chair and Secretary to execute the lease agreement.

**16. Amendment to Management Agreement with the City of Crystal River and the U.S. Fish and Wildlife Service for the Chassahowitzka River and Coastal Swamps – Three Sisters Springs – SWF Parcel No. 15-347-123X**

Staff recommended:

- Approve the Amendment to the Management Agreement with City of Crystal River, U.S. Fish and Wildlife Service for Three Sisters Springs - SWF Parcel No. 15-347-123X.
- Authorize the Governing Board Chair and Secretary to execute the Amendment to Management Agreement.

**17. Exchange Agreement with Tampa Port Authority for the Expansion of Railroad Right of Way – Schultz Preserve - SWF Parcel Numbers 11-709-154 and 11-709-155S**

Staff recommended:

- Approve an exchange with the Port for about 0.5 acres of District property in Schultz Preserve for about 1.1 acres of property owned by the Port.
- Authorize the Governing Board Chair and Secretary to execute an Exchange Agreement consistent with the Letter of Intent signed by the Executive Director dated October 30, 2019.
- Designate the property to be received by exchange (SWF Parcel No. 11-709-155S) as having been acquired for conservation purposes.
- Accept the appraisals conducted on SWF Parcel Numbers 11-709-154 and 11-709-155S.
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.
- Authorize the Governing Board Chair and Secretary to execute the utility easement required as part of the exchange.

**Regulation Committee**

**18. Individual Water Use Permits Referred to the Governing Board** – None

**General Counsel's Report**

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

**a. Authorization to Issue Administrative Complaint and Order – Violation of Permit Condition – Andre Araujo – ERP No. 43000189.016 – CT No. 396284 – Hillsborough County**

Staff recommended:

1. Authorize District staff to issue an Administrative Complaint and Order to Andre Araujo, and any other necessary parties, to obtain compliance with District rules and the terms and conditions of the Permit.

2. Authorize District staff to initiate an action in Circuit Court to enforce the terms of the Administrative Complaint and Order, recover an administrative fine/civil penalty, and recover District enforcement costs, litigation costs, and attorneys' fees, if appropriate.

**b. Authorization to Issue Administrative Complaint and Order – Well Construction Violations – Waylon J. Howard – License Number 9247 – CT No. 398945 – Hillsborough County, Florida**

Staff recommended:

1. Authorize District staff to issue an Administrative Complaint and Order to Waylon J. Howard 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.

**c. Authorization to Issue Administrative Complaint and Order – As Built Deviations – Imperial Granite – ERP No. 44029286.000 – CT No. 378487 – Pasco County**

Staff recommended:

1. Authorize District staff to issue an Administrative Complaint and Order to the Permittee, and any other necessary parties, to obtain compliance with District rules and the terms and conditions of the Permit.
2. Authorize District staff to initiate an action in Circuit Court to enforce the terms of the Administrative Complaint and Order, recover an administrative fine/civil penalty, and recover District enforcement costs, litigation costs, and attorneys' fees, if appropriate.

**d. Memorandum of Understanding Between the SWFWMD and the SFWMD – Water Use Permit Application ID No. 20808.000 – City of Cape Coral Supplemental Water Supply Project – Charlotte County, Florida**

Staff recommended the Board approve the Memorandum of Understanding Between the South Florida Water Management District and the Southwest Florida Water Management District for the transfer of surface water between districts as contemplated by the City of Cape Coral's supplemental water supply project above-described Project.

**20. Rulemaking – None**

**Executive Director's Report**

**21. Approve Governing Board Minutes – November 19, 2019**

Staff recommended the Board approve the minutes as presented.

**A motion was made and seconded to approve the Consent Agenda as amended. The motion carried unanimously. (00:09:36)**

**Chair Taylor relinquished the gavel to the Resource Management Committee Chair Rebecca Smith, who called the meeting to order. (00:09:53)**

**Resource Management Committee**

Discussion

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

**23. Fiscal Year (FY) 2020-21 Cooperative Funding Initiative (CFI) Process**

Mr. Kevin Wills, Cooperative Funding Initiative lead, provided a presentation that included an overview of the CFI timeline, a comparison of fiscal year funding requests, the number of FY2021 project proposals and associated funding requests, a list of the regional subcommittees and

members, the proposed meeting schedule and a proposed agenda for the February 2020 meetings.

Staff recommended the Board approve the proposed February and April subcommittee meeting schedule and agenda topics staff has proposed for the February regional subcommittee meetings.

**A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (00:16:15)**

**Submit & File Reports – None**

**Routine Reports**

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

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

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

**Committee Chair Smith relinquished the gavel to the Finance/Outreach & Planning Committee Chair Kelly Rice, who called the meeting to order. (00:16:38)**

**Finance/Outreach & Planning Committee**

**Discussion**

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

**27. Preliminary Budget for FY2021**

Mr. John Campbell, Management Services director, provided a presentation that included an overview of the FY2021 calendar, expenditure goals/outcomes, expenditures by categories, expenditures by program, expenditures by areas of responsibility, comparison information of expenditure changes from FY2020 and information regarding revenues by source.

Staff recommended the Board authorize staff to prepare the Standard Format Preliminary Budget Submission for FY2021 based on the preliminary budget as presented, adjusted for any modifications made by the Governing Board on December 10, for submission to the Florida Legislature on or before January 15, 2020.

**A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (00:27:32)**

**27a. Purchase and Sale Agreement and Budget Amendment for the Acquisition of an Office Building located at 78 Sarasota Center Boulevard**

Mr. John Campbell, Management Services director, provided a presentation that included a historical timeline, an outline of requirement criteria, overview of options that were considered, geographical areas of consideration, outline of due diligence completed, an overview of the selected site, purchase summary, list of maintenance and improvements associated with the selected site and a transaction summary.

Mr. Campbell outlined the purchase agreement and the relocation plans for staff. He explained that after maintenance and renovations are completed there will be approximately \$2 million dollars in net proceeds remaining for the District. Mr. Campbell responded to questions from the Board.

Secretary Schleicher commended staff for their work regarding this agreement. However, he expressed concerns regarding more consideration not being given to leasing options for additional savings.

**A motion was made and seconded to approve staff's recommendation. The motion carried with eight in favor and one opposed. Secretary Schleicher stated his opposition was due to the lack of consideration given to leasing options. (00:44:45)**

**Submit & File Reports – None**

**Routine Reports**

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

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

**29. Monthly Financial Statement**

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

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

**Committee Chair Rice relinquished the gavel to the Operations, Lands & Resource Monitoring Committee Chair James Murphy, who called the meeting to order. (00:45:23)**

**Operations, Lands & Resource Monitoring**

**Discussion**

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

**14. Lease Agreement with Florida Department of Environmental Protection – Division of Recreation and Parks for Myakka River State Park – Myakka Prairie Tract - SWF Parcel No. 21-199-105X**

Board Member Bispham expressed concerns regarding some of the terms of the agreement and requested sixty days to facilitate changes to the agreement. He expressed concerns regarding the lease not allowing for hunting options.

Mr. Brian Starford, Operations, Lands & Resource Monitoring director, provided background information and responded to questions from the Board.

Staff recommended:

- Approve the lease agreement for Myakka River State Park.
- Authorize the Governing Board Chair and Secretary to execute the lease agreement.

**A motion was made and seconded to approve staff's recommendation. The motion carried with eight in favor and one opposed. Board Member Bispham stated his opposition was due to limited language in the agreement and the length of the contract period. (00:53:51)**

**Submit & File Reports**

**33. Hydrologic Conditions Report**

**34. Response to Neil Combee's Comments – Proposal to Exchange the Clark Homeland Ranch for the District's Old Florida Plantation**

**Routine Reports**

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

**35. Surplus Lands Update**

**36. Structure Operations**

**37. Significant Activities**

**Committee Chair Murphy relinquished the gavel to the Regulation Committee Chair Joel Schleicher, who called the meeting to order. (00:56:04)**



## **Regulation Committee**

### **Discussion**

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

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

No denials were presented.

**40. Consider Water Shortage Order as Needed**

No Water Shortage Orders were presented.

**Submit & File Reports** – None

### **Routine Reports**

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

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

**42. Overpumpage Report**

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

**Committee Chair Schleicher relinquished the gavel to Chair Taylor. (00:56:40)**

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

#### **Discussion**

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

**Submit & File Reports** – None

### **Routine Reports**

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

**45. December 2019 Litigation Report**

**46. December 2019 Rulemaking Update**

### **Committee/Liaison Reports**

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

A written summary of the December 3, 2019 will be provided at the next Board meeting.

**48. Other Committee/Liaison Reports**

Board Member Smith provided the Board with an update on the November 22 Tampa Bay Estuary Program (TBEP) Policy meeting.

### **Executive Director's Report**

**49. Executive Director's Report**

Mr. Brian Armstrong, Executive Director, thanked the staff that was involved in the negotiations for the Sarasota office space.

Mr. Armstrong thanked the Board for their participation at the Water Supply and Financial Projections Workshop that morning.

### **Chair's Report**

**50. Chair's Report**

**51. Other**

**52. Employee Milestones**

The meeting was adjourned at 12:37 p.m.

Attest:

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Secretary

DRAFT

Attachment: GB 12112019 - Draft (4840 : Approve Governing Board Minutes - December 10, 2019)



**Governing Board Meeting  
January 28, 2020**

<b>FINANCE/OUTREACH &amp; PLANNING COMMITTEE</b>
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***Discussion Items***

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***Submit & File Reports***

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**FINANCE/OUTREACH & PLANNING COMMITTEE**

**January 28, 2020**

***Discussion Item***

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

Staff Recommendation:

Presenter: Michael Molligan, Division Director, Employee and External Relations



## FINANCE/OUTREACH & PLANNING COMMITTEE

January 28, 2020

### *Discussion Item*

#### Investment Strategy Quarterly Update

##### *Purpose*

Provide quarterly update of the investment portfolio.

##### *Background*

The District's Investments Policy requires quarterly investment reports that 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, 2019.

Presenter: John J. Campbell, Division Director, Management Services

## Quarterly Investment Report for Period Ended December 31, 2019

**Southwest Florida**  
*Water Management District*



### Southwest Florida Water Management District Investment Program Review

2379 Broad Street  
Brooksville, FL 34604-6899

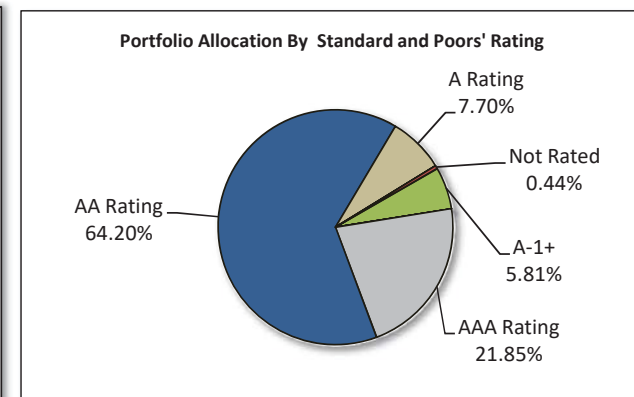
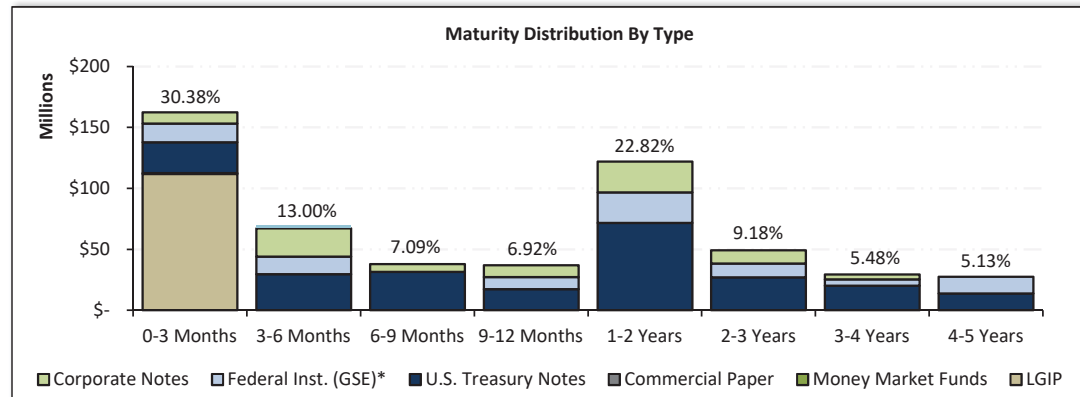
Public Trust Advisors LLC  
201 E. Pine Street, Suite 750  
Orlando, Florida 32801

## Southwest Florida Water Management District All Assets Summary Comparison for the period October 1, 2019 to December 31, 2019

Southwest Florida Water Management District All Assets Portfolio	October 1, 2019 Beginning Balance	December 31, 2019 Ending Balance	Portfolio Characteristic	October 1, 2019 Beginning Balance	December 31, 2019 Ending Balance
Book Value Plus Accrued	\$ 476,831,485	\$ 533,493,382	Weighted Book Yield	2.08%	1.94%
Net Unrealized Gain/Loss	1,116,017	1,118,966	Weighted Duration	1.14 Years	1.07 Years
Net Pending Transactions	8,311	952			
Market Value Plus Accrued Net	\$ 477,955,813	\$ 534,613,300			

Individual Portfolio Characteristics	October 1, 2019 Beginning Balance	December 31, 2019 Ending Balance	December 31, 2019 Monthly Earnings	December 31, 2019 Quarterly Earnings	December 31, 2019 YTD Earnings
Liquid Portfolio (SBA-Florida Prime)	\$ 57,268,898	\$ 111,826,790	\$ 145,309	\$ 305,792	\$ 305,792
Enhanced Cash	165,355,227	166,270,842	283,203	861,376	861,376
Short Term 1-3 Year	255,331,688	256,515,668	416,353	1,235,269	1,235,269
Market Value Plus Accrued Net	\$ 477,955,813	\$ 534,613,300	\$ 844,865	\$ 2,402,437	\$ 2,402,437
		Less Advisory Fees:	\$ (10,571)	\$ (31,347)	\$ (31,347)
		Total Earnings Net of Fees	\$ 834,294	\$ 2,371,090	\$ 2,371,090
		Blended Basis Fee (Annualized)	0.02378%	0.02350%	0.02350%



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.

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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.

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

# Security Type GASB 40 Trade Date

As of 12/31/2019

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SWFWMD Agg (70823)

Dated: 01/03/2020

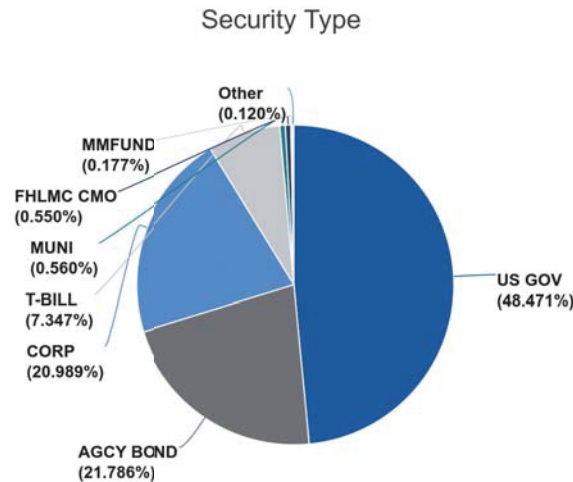


Chart calculated by: Ending Market Value + Accrued

## AGCY BOND

Identifier, Description, Security Type	% of Market Value + Accrued	Coupon Type	Callab le	Duration	S&P Rating, Moody's Rating	Ending Current Units	Ending Effective Maturity, Final Maturity	Book Yield, Yield	Ending Accrued Balance	Original Cost	Ending Book Value, Book Value + Accrued	Market Value, Ending Market Value + Accrued
3137EAE55 FREDDIE MAC AGCY BOND	0.774%	Fixed	N	0.044	AA+ Aaa	3,250,000.00	01/17/2020 01/17/2020	1.616 1.710	22,208.33	3,239,083.25	3,249,837.33 3,272,045.66	3,249,680.27 3,271,888.60
3137EAE55 FREDDIE MAC AGCY BOND	0.816%	Fixed	N	0.044	AA+ Aaa	3,425,000.00	01/17/2020 01/17/2020	1.577 1.710	23,404.17	3,417,793.80	3,424,886.24 3,448,290.40	3,424,663.05 3,448,067.22
3130ADN32 FEDERAL HOME LOAN BANKS AGCY BOND	0.674%	Fixed	N	0.111	AA+ Aaa	2,825,000.00	02/11/2020 02/11/2020	2.510 1.637	23,345.49	2,806,129.00	2,823,803.36 2,847,148.85	2,826,488.15 2,849,833.64
3135G0T29 FEDERAL NATIONAL MORTGAGE ASSOCIATION AGCY BOND	0.814%	Fixed	N	0.158	AA+ Aaa	3,425,000.00	02/28/2020 02/28/2020	1.595 1.614	17,553.13	3,415,752.50	3,424,490.07 3,442,043.19	3,424,337.78 3,441,890.90
313378J77 FEDERAL HOME LOAN BANKS AGCY BOND	0.535%	Fixed	N	0.199	AA+ Aaa	2,250,000.00	03/13/2020 03/13/2020	2.547 1.656	12,656.25	2,222,617.50	2,247,046.59 2,259,702.84	2,250,940.95 2,263,597.20
3137EAEF2 FREDDIE MAC AGCY BOND	0.829%	Fixed	N	0.301	AA+ Aaa	3,500,000.00	04/20/2020 04/20/2020	1.530 1.636	9,491.32	3,484,215.00	3,498,376.98 3,507,868.30	3,497,200.00 3,506,691.32
3137EAE77 FREDDIE MAC AGCY BOND	1.072%	Fixed	N	0.310	AA+ Aaa	4,500,000.00	04/23/2020 04/23/2020	2.723 1.631	21,250.00	4,483,035.00	4,496,941.35 4,518,191.35	4,511,997.63 4,533,247.63
3137EADR7 FREDDIE MAC AGCY BOND	0.414%	Fixed	N	0.332	AA+ Aaa	1,750,000.00	05/01/2020 05/01/2020	1.637 1.649	4,010.42	1,736,255.50	1,748,487.56 1,752,497.97	1,748,385.63 1,752,396.04



# Security Type GASB 40 Trade Date

SWFWMD Agg (70823)

As of 12/31/2019

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Dated: 01/03/2020

Identifier, Description, Security Type	% of Market Value + Accrued	Coupon Type	Callab le	Duration	S&P Rating, Moody's Rating	Ending Current Units	Ending Effective Maturity, Final Maturity	Book Yield, Yield	Ending Accrued Balance	Original Cost	Ending Book Value, Book Value + Accrued	Market Value, Market Value + Accrued
3133EHJA2 FEDERAL FARM CREDIT BANKS FUNDING CORP AGCY BOND	0.592%	Fixed	N	0.351	AA+ Aaa	2,500,000.00	05/08/2020 05/08/2020	1.659 1.641	5,704.86	2,492,075.00	2,499,049.35 2,504,754.21	2,499,166.95 2,504,871.81
313383HU8 FEDERAL HOME LOAN BANKS AGCY BOND	0.509%	Fixed	N	0.444	AA+ Aaa	2,150,000.00	06/12/2020 06/12/2020	1.564 1.685	1,985.76	2,161,545.50	2,151,765.71 2,153,751.47	2,150,603.40 2,152,589.16
3137EAEK1 FEDERAL HOME LOAN MORTGAGE CORP AGCY BOND	1.900%	Fixed	N	0.866	AA+ Aaa	8,000,000.00	11/17/2020 11/17/2020	2.011 1.648	18,333.33	7,969,040.00	7,990,612.23 8,008,945.56	8,015,703.92 8,034,037.25
3133EJCE7 FEDERAL FARM CREDIT BANKS FUNDING CORP AGCY BOND	0.337%	Fixed	N	1.088	AA+ Aaa	1,400,000.00	02/12/2021 02/12/2021	2.610 1.566	12,703.06	1,390,158.00	1,396,031.81 1,408,734.87	1,412,058.61 1,424,761.66
3137EAEI9 FEDERAL HOME LOAN MORTGAGE CORP AGCY BOND	0.301%	Fixed	N	1.099	AA+ Aaa	1,250,000.00	02/16/2021 02/16/2021	2.815 1.602	11,132.81	1,236,562.50	1,243,953.85 1,255,086.67	1,260,715.86 1,271,848.68
3135G0U27 FEDERAL NATIONAL MORTGAGE ASSOCIATION AGCY BOND	0.986%	Fixed	N	1.255	AA+ Aaa	4,100,000.00	04/13/2021 04/13/2021	2.820 1.577	22,208.33	4,065,970.00	4,083,597.35 4,105,805.69	4,147,818.26 4,170,026.59
3133EKP2 FEDERAL FARM CREDIT BANKS FUNDING CORP AGCY BOND	1.261%	Fixed	N	1.300	AA+ Aaa	5,250,000.00	04/29/2021 04/29/2021	1.954 1.560	21,700.00	5,291,055.00	5,280,451.56 5,302,151.56	5,307,675.34 5,329,375.34
3135G0K69 FEDERAL NATIONAL MORTGAGE ASSOCIATION AGCY BOND	0.236%	Fixed	N	1.327	AA+ Aaa	1,000,000.00	05/06/2021 05/06/2021	1.144 1.605	1,909.72	1,005,000.00	1,001,417.06 1,003,326.78	995,285.17 997,194.89
3130A1W95 FEDERAL HOME LOAN BANKS AGCY BOND	2.449%	Fixed	N	1.416	AA+ Aaa	10,250,000.00	06/11/2021 06/11/2021	1.910 1.633	12,812.50	10,316,112.50	10,299,386.57 10,312,199.07	10,339,896.09 10,352,708.59
3130AF5B9 FEDERAL HOME LOAN BANKS AGCY BOND	0.305%	Fixed	N	1.724	AA+ Aaa	1,250,000.00	10/12/2021 10/12/2021	3.023 1.600	8,229.17	1,249,187.50	1,249,509.72 1,257,738.89	1,280,575.29 1,288,804.45
3137EADB2 FREDDIE MAC AGCY BOND	1.396%	Fixed	N	1.960	AA+ Aaa	5,750,000.00	01/13/2022 01/13/2022	1.647 1.601	63,729.17	5,838,090.00	5,833,301.69 5,897,030.86	5,838,634.29 5,902,363.46
313379Q69 FEDERAL HOME LOAN BANKS AGCY BOND	1.126%	Fixed	N	2.371	AA+ Aaa	4,700,000.00	06/10/2022 06/10/2022	1.784 1.642	5,826.04	4,746,107.00	4,738,068.61 4,743,894.65	4,754,139.30 4,759,965.34
3130A3DL5 FEDERAL HOME LOAN BANKS AGCY BOND	1.222%	Fixed	N	3.499	AA+ Aaa	5,000,000.00	09/08/2023 09/08/2023	1.578 1.658	37,274.31	5,153,450.00	5,142,044.73 5,179,319.03	5,127,568.40 5,164,842.71
3135G0V34 FEDERAL NATIONAL MORTGAGE ASSOCIATION AGCY BOND	1.108%	Fixed	N	3.850	AA+ Aaa	4,500,000.00	02/05/2024 02/05/2024	1.683 1.714	45,625.00	4,648,905.00	4,644,865.57 4,690,490.57	4,639,214.88 4,684,839.88
3130A1XJ2 FEDERAL HOME LOAN BANKS AGCY BOND	0.932%	Fixed	N	4.178	AA+ Aaa	3,750,000.00	06/14/2024 06/14/2024	1.596 1.705	5,091.15	3,968,737.50	3,955,253.60 3,960,344.75	3,937,328.25 3,942,419.40
3133EKWV4 FEDERAL FARM CREDIT BANKS FUNDING CORP AGCY BOND	1.197%	Fixed	N	4.331	AA+ Aaa	5,000,000.00	07/26/2024 07/26/2024	1.551 1.756	39,826.39	5,069,850.00	5,065,670.09 5,105,496.48	5,020,597.10 5,060,423.49
--- AGCY BOND	21.786%	Fixed	N	1.565	AA+ Aaa	90,775,000.00	08/18/2021 08/18/2021	1.910 1.646	448,010.69	91,406,727.04	91,488,848.99 91,936,859.68	91,660,674.56 92,108,685.25

CORP

Attachment: 01-20 FOP-FIN Exhibit-Investment Strategy Dashboard Qtrly Rpt-1st Qtr FY20 (4811)

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24422EUF4 JOHN DEERE CAPITAL CORP CORP	0.476%	Floating	N	0.019	A A2	2,000,000.00	01/07/2020 01/07/2020	2.261 2.009	10,621.62	2,000,000.00	2,000,000.00 2,010,621.62	2,000,096.02 2,010,717.64
89236TEJ0 TOYOTA MOTOR CREDIT CORP CORP	0.437%	Fixed	N	0.025	AA- Aa3	1,830,000.00	01/10/2020 01/10/2020	2.246 2.195	19,123.50	1,828,371.30	1,829,979.71 1,849,103.21	1,829,991.73 1,849,115.23
89236TEJ0 TOYOTA MOTOR CREDIT CORP CORP	0.341%	Fixed	N	0.025	AA- Aa3	1,425,000.00	01/10/2020 01/10/2020	2.246 2.195	14,891.25	1,423,731.75	1,424,984.20 1,439,875.45	1,424,993.56 1,439,884.81
89236TEJ0 TOYOTA MOTOR CREDIT CORP CORP	0.110%	Fixed	N	0.025	AA- Aa3	460,000.00	01/10/2020 01/10/2020	2.245 2.195	4,807.00	459,590.60	459,994.96 464,801.96	459,997.92 464,804.92
459200JN2 INTERNATIONAL BUSINESS MACHINES CORP CORP	0.348%	Fixed	N	0.072	A A2	1,460,000.00	01/27/2020 01/27/2020	1.933 1.938	11,866.56	1,458,598.40	1,459,966.19 1,471,832.75	1,459,943.66 1,471,810.21
459200JN2 INTERNATIONAL BUSINESS MACHINES CORP CORP	0.113%	Fixed	N	0.072	A A2	475,000.00	01/27/2020 01/27/2020	1.933 1.938	3,860.69	474,544.00	474,989.04 478,849.74	474,981.67 478,842.36
594918BV5 MICROSOFT CORP CORP	0.286%	Fixed	N	0.097	AAA Aaa	1,200,000.00	02/06/2020 02/06/2020	1.873 1.881	8,941.67	1,199,196.00	1,199,973.17 1,208,914.83	1,199,947.91 1,208,889.57
594918BV5 MICROSOFT CORP CORP	0.095%	Fixed	N	0.097	AAA Aaa	400,000.00	02/06/2020 02/06/2020	1.873 1.881	2,980.56	399,732.00	399,991.09 402,971.64	399,982.64 402,963.19
037833CS7 APPLE INC CORP	0.278%	Fixed	N	0.358	AA+ Aa1	1,175,000.00	05/11/2020 05/11/2020	1.835 2.045	2,937.50	1,173,801.50	1,174,852.92 1,177,790.42	1,173,945.47 1,176,882.97
458140AZ3 INTEL CORP CORP	0.486%	Fixed	N	0.359	A+ A1	2,050,000.00	05/11/2020 05/11/2020	1.863 1.858	5,267.36	2,049,221.00	2,049,904.37 2,055,171.73	2,049,909.23 2,055,176.59
037833CS7 APPLE INC CORP	0.089%	Fixed	N	0.358	AA+ Aa1	375,000.00	05/11/2020 05/11/2020	1.834 2.045	937.50	374,617.50	374,953.87 375,891.37	374,663.45 375,600.95
458140AZ3 INTEL CORP CORP	0.154%	Fixed	N	0.359	A+ A1	650,000.00	05/11/2020 05/11/2020	1.862 1.858	1,670.14	649,753.00	649,971.11 651,641.25	649,971.22 651,641.36
02665WCH2 AMERICAN HONDA FINANCE CORP CORP	0.446%	Fixed	N	0.454	A A2	1,875,000.00	06/16/2020 06/16/2020	3.074 2.070	2,343.75	1,872,468.75	1,874,377.16 1,876,720.91	1,882,896.30 1,885,240.05
02665WCH2 AMERICAN HONDA FINANCE CORP CORP	0.345%	Fixed	N	0.454	A A2	1,450,000.00	06/16/2020 06/16/2020	3.074 2.070	1,812.50	1,448,042.50	1,449,518.34 1,451,330.84	1,456,106.47 1,457,918.97
02665WCH2 AMERICAN HONDA FINANCE CORP CORP	0.107%	Fixed	N	0.454	A A2	450,000.00	06/16/2020 06/16/2020	3.073 2.070	562.50	449,392.50	449,851.47 450,413.97	451,895.11 452,457.61
931142EG4 WALMART INC CORP	1.725%	Fixed	N	0.474	AA Aa2	7,250,000.00	06/23/2020 06/23/2020	2.866 1.781	4,591.67	7,247,752.50	7,249,447.49 7,254,039.15	7,286,683.04 7,291,274.71
931142EG4 WALMART INC CORP	1.380%	Fixed	N	0.474	AA Aa2	5,800,000.00	06/23/2020 06/23/2020	2.866 1.781	3,673.33	5,798,202.00	5,799,557.99 5,803,231.32	5,829,346.43 5,833,019.77
931142EG4 WALMART INC CORP	0.440%	Fixed	N	0.474	AA Aa2	1,850,000.00	06/23/2020 06/23/2020	2.865 1.781	1,171.67	1,849,426.50	1,849,866.27 1,851,037.94	1,859,360.50 1,860,532.17
375558BB8 GILEAD SCIENCES INC CORP	1.198%	Fixed	N	0.654	A A3	5,000,000.00	09/01/2020 09/01/2020	2.725 1.902	42,500.00	4,989,050.00	4,994,293.47 5,036,793.47	5,021,306.15 5,063,806.15
02665WAZ4 AMERICAN HONDA FINANCE CORP CORP	0.299%	Fixed	N	0.717	A A2	1,250,000.00	09/24/2020 09/24/2020	2.435 1.959	8,251.74	1,250,812.50	1,250,136.73 1,258,388.47	1,254,409.86 1,262,661.60

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46625HNY2 JPMORGAN CHASE & CO CORP	1.198%	Floating	Y	0.081	A- A2	5,000,000.00	09/29/2020 10/29/2020	2.215 2.128	27,850.04	5,071,950.00	5,035,517.97 5,063,368.01	5,039,094.90 5,066,944.94
06051GFT1 BANK OF AMERICA CORP CORP	0.956%	Fixed	N	0.786	A- A2	4,000,000.00	10/19/2020 10/19/2020	2.745 1.899	21,000.00	3,993,064.00	3,996,250.56 4,017,250.56	4,022,898.68 4,043,898.68
478160CH5 JOHNSON & JOHNSON CORP	0.105%	Fixed	N	0.846	AAA Aaa	440,000.00	11/10/2020 11/10/2020	1.987 1.739	1,215.50	439,529.20	439,861.59 441,077.09	440,783.18 441,998.68
478160CH5 JOHNSON & JOHNSON CORP	0.033%	Fixed	N	0.846	AAA Aaa	140,000.00	11/10/2020 11/10/2020	1.986 1.739	386.75	139,850.20	139,956.62 140,343.37	140,249.19 140,635.94
91159HHL7 U.S. BANCORP CORP	0.360%	Fixed	Y	0.976	A+ A1	1,500,000.00	12/29/2020 01/29/2021	2.317 1.788	14,883.33	1,500,739.92	1,500,491.19 1,515,374.53	1,508,273.31 1,523,156.64
91159HHL7 U.S. BANCORP CORP	0.841%	Fixed	Y	0.976	A+ A1	3,500,000.00	12/29/2020 01/29/2021	1.723 1.788	34,727.78	3,526,355.00	3,521,528.60 3,556,256.38	3,519,304.39 3,554,032.17
24422ETF6 JOHN DEERE CAPITAL CORP CORP	0.723%	Fixed	N	0.992	A A2	3,000,000.00	01/08/2021 01/08/2021	2.617 1.842	36,762.50	2,996,670.00	2,997,984.77 3,034,747.27	3,021,348.60 3,058,111.10
17275RBD3 CISCO SYSTEMS INC CORP	0.360%	Fixed	N	1.133	AA- A1	1,500,000.00	02/28/2021 02/28/2021	2.276 1.687	11,275.00	1,497,975.00	1,498,709.02 1,509,984.02	1,508,779.95 1,520,054.95
89236TEU5 TOYOTA MOTOR CREDIT CORP CORP	0.474%	Fixed	N	1.251	AA- Aa3	1,960,000.00	04/13/2021 04/13/2021	2.964 1.755	12,527.67	1,959,216.00	1,959,656.88 1,972,184.54	1,989,560.31 2,002,087.98
89236TEU5 TOYOTA MOTOR CREDIT CORP CORP	0.153%	Fixed	N	1.251	AA- Aa3	635,000.00	04/13/2021 04/13/2021	2.963 1.755	4,058.71	634,746.00	634,896.90 638,955.61	644,576.94 648,635.65
037833AR1 APPLE INC CORP	1.061%	Fixed	N	1.315	AA+ Aa1	4,400,000.00	05/06/2021 05/06/2021	1.748 1.686	19,158.33	4,469,740.00	4,464,169.03 4,483,327.37	4,467,874.88 4,487,033.22
857477AV5 STATE STREET CORP CORP	0.043%	Fixed	N	1.357	A A1	180,000.00	05/19/2021 05/19/2021	2.029 1.797	409.50	179,319.60	179,806.25 180,215.75	180,373.10 180,782.60
717081DX8 PFIZER INC CORP	1.190%	Fixed	N	1.397	AA- A1	5,000,000.00	06/03/2021 06/03/2021	1.851 1.618	7,583.33	5,007,850.00	5,006,889.56 5,014,472.89	5,023,227.20 5,030,810.53
02665WCP4 AMERICAN HONDA FINANCE CORP CORP	0.793%	Fixed	N	1.876	A A2	3,250,000.00	12/10/2021 12/10/2021	3.392 1.825	6,398.44	3,248,440.00	3,248,961.29 3,255,359.73	3,345,619.42 3,352,017.86
166764AT7 CHEVRON CORP CORP	0.459%	Fixed	Y	1.938	AA Aa2	1,900,000.00	01/03/2022 03/03/2022	2.660 1.738	15,015.17	1,887,042.00	1,890,089.96 1,905,105.14	1,925,090.22 1,940,105.39
037833AY6 APPLE INC CORP	0.962%	Fixed	N	2.036	AA+ Aa1	4,000,000.00	02/09/2022 02/09/2022	1.826 1.737	33,922.22	4,028,240.00	4,026,648.66 4,060,570.88	4,033,952.92 4,067,875.14
68389XBB0 ORACLE CORP CORP	0.485%	Fixed	Y	2.128	A+ A1	2,017,000.00	03/15/2022 05/15/2022	2.212 1.889	6,443.19	2,031,724.10	2,029,463.90 2,035,907.09	2,043,483.65 2,049,926.85
02665WCY5 AMERICAN HONDA FINANCE CORP CORP	0.364%	Fixed	N	2.413	A A2	1,525,000.00	06/27/2022 06/27/2022	1.941 1.879	372.78	1,535,034.50	1,534,560.17 1,534,932.95	1,536,861.37 1,537,234.15
30231GBB7 EXXON MOBIL CORP CORP	0.305%	Fixed	N	2.534	AA+ Aaa	1,275,000.00	08/16/2022 08/16/2022	1.902 1.686	9,093.94	1,275,000.00	1,275,000.00 1,284,093.94	1,282,037.80 1,291,131.73
478160BT0 JOHNSON & JOHNSON CORP	0.479%	Fixed	Y	2.907	AAA Aaa	2,000,000.00	01/01/2023 03/01/2023	1.794 1.840	13,666.67	2,016,360.00	2,014,893.25 2,028,559.92	2,012,227.00 2,025,893.67
166764AH3 CHEVRON CORP CORP	0.493%	Fixed	Y	3.059	AA Aa2	2,000,000.00	03/24/2023 06/24/2023	1.899 1.876	1,240.94	2,087,900.00	2,080,571.81 2,081,812.75	2,082,125.36 2,083,366.30

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--- CORP	20.989%	---	---	0.983	A+ A1	87,647,000.00	01/17/2021 01/27/2021	2.372 1.854	430,804.30	87,923,049.83	87,892,517.52 88,323,321.81	88,308,170.72 88,738,975.01

## FHLMC

Identifier, Description, Security Type	% of Market Value + Accrued	Coupon Type	Callab le	Duration	S&P Rating, Moody's Rating	Ending Current Units	Ending Effective Maturity, Final Maturity	Book Yield, Yield	Ending Accrued Balance	Original Cost	Ending Book Value, Book Value + Accrued	Market Value, Ending Market Value + Accrued
3137B1BS0 FHMS K026 A2 FHLMC	0.120%	Fixed	Y	2.673	AA+ Aaa	500,000.00	10/16/2022 11/25/2022	2.458 1.944	1,045.83	500,214.85	500,035.79 501,081.62	506,925.45 507,971.28
3137B1BS0 FHMS K026 A2 FHLMC	0.120%	Fixed	Y	2.673	AA+ Aaa	500,000.00	10/16/2022 11/25/2022	2.458 1.944	1,045.83	500,214.85	500,035.79 501,081.62	506,925.45 507,971.28

## FHLMC CMO

Identifier, Description, Security Type	% of Market Value + Accrued	Coupon Type	Callab le	Duration	S&P Rating, Moody's Rating	Ending Current Units	Ending Effective Maturity, Final Maturity	Book Yield, Yield	Ending Accrued Balance	Original Cost	Ending Book Value, Book Value + Accrued	Market Value, Ending Market Value + Accrued
3137AA4W0 FHMS K013 A2 FHLMC CMO	0.482%	Variable	Y	0.967	AA+ Aaa	2,000,000.00	12/28/2020 01/25/2021	2.656 2.187	6,623.33	2,037,812.50	2,020,779.84 2,027,403.18	2,029,825.80 2,036,449.13
3137B3N95 FHMS K030 A1 FHLMC CMO	0.068%	Fixed	Y	1.331	AA+ Aaa	285,965.47	05/15/2021 09/25/2022	3.013 2.029	662.25	284,155.83	284,592.51 285,254.76	288,335.66 288,997.91
--- FHLMC CMO	0.550%	---	Y	1.012	AA+ Aaa	2,285,965.47	01/14/2021 04/11/2021	2.701 2.168	7,285.58	2,321,968.33	2,305,372.35 2,312,657.93	2,318,161.46 2,325,447.05

## MMFUND

Identifier, Description, Security Type	% of Market Value + Accrued	Coupon Type	Callab le	Duration	S&P Rating, Moody's Rating	Ending Current Units	Ending Effective Maturity, Final Maturity	Book Yield, Yield	Ending Accrued Balance	Original Cost	Ending Book Value, Book Value + Accrued	Market Value, Ending Market Value + Accrued
60934N104 FEDERATED GOVT OBL INST MMFUND	0.039%	Fixed	N	0.000	AAAm Aaa	164,427.35	12/31/2019 12/31/2019	1.490 1.490	0.00	164,427.35	164,427.35 164,427.35	164,427.35 164,427.35
60934N104 FEDERATED GOVT OBL INST MMFUND	0.138%	Fixed	N	0.000	AAAm Aaa	583,928.14	12/31/2019 12/31/2019	1.490 1.490	0.00	583,928.14	583,928.14 583,928.14	583,928.14 583,928.14
60934N104 FEDERATED GOVT OBL INST MMFUND	0.177%	Fixed	N	0.000	AAAm Aaa	748,355.49	12/31/2019 12/31/2019	1.490 1.490	0.00	748,355.49	748,355.49 748,355.49	748,355.49 748,355.49

## MUNI

Identifier, Description, Security Type	% of Market Value + Accrued	Coupon Type	Callab le	Duration	S&P Rating, Moody's Rating	Ending Current Units	Ending Effective Maturity, Final Maturity	Book Yield, Yield	Ending Accrued Balance	Original Cost	Ending Book Value, Book Value + Accrued	Market Value, Ending Market Value + Accrued
91417K2R1 UNIVERSITY COLO ENTERPRISE SYS REV MUNI	0.560%	Fixed	N	0.414	NA Aa1	2,360,000.00	06/01/2020 06/01/2020	1.801 1.813	4,151.63	2,364,224.40	2,363,009.21 2,367,160.84	2,362,879.20 2,367,030.83

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91417K2R1 UNIVERSITY COLO ENTERPRISE SYS REV MUNI	0.560%	Fixed	N	0.414	NA Aa1	2,360,000.00	06/01/2020 06/01/2020	1.801 1.813	4,151.63	2,364,224.40	2,363,009.21 2,367,160.84	2,362,879.20 2,367,030.83

## T-BILL

Identifier, Description, Security Type	% of Market Value + Accrued	Coupon Type	Callab le	Duration	S&P Rating, Moody's Rating	Ending Current Units	Ending Effective Maturity, Final Maturity	Book Yield, Yield	Ending Accrued Balance	Original Cost	Ending Book Value, Book Value + Accrued	Market Value, Ending Market Value + Accrued
912796RT8 UNITED STATES TREASURY T-BILL	1.691%	Zero Coupon	N	0.005	A-1+ P-1	7,150,000.00	01/02/2020 01/02/2020	2.588 0.000	0.00	6,982,168.12	7,149,501.98 7,149,501.98	7,150,000.00 7,150,000.00
912796TM1 UNITED STATES TREASURY T-BILL	1.638%	Zero Coupon	N	0.253	A-1+ P-1	6,950,000.00	04/02/2020 04/02/2020	1.742 1.523	0.00	6,890,649.22	6,919,832.75 6,919,832.75	6,923,207.75 6,923,207.75
912796SM2 UNITED STATES TREASURY T-BILL	1.224%	Zero Coupon	N	0.310	A-1+ P-1	5,200,000.00	04/23/2020 04/23/2020	2.400 1.538	0.00	5,079,695.09	5,162,132.44 5,162,132.44	5,175,201.20 5,175,201.20
912796SR1 UNITED STATES TREASURY T-BILL	1.129%	Zero Coupon	N	0.386	A-1+ P-1	4,800,000.00	05/21/2020 05/21/2020	2.124 1.539	0.00	4,703,960.02	4,761,309.61 4,761,309.61	4,771,512.00 4,771,512.00
912796SZ3 UNITED STATES TREASURY T-BILL	1.665%	Zero Coupon	N	0.537	A-1+ P-1	7,100,000.00	07/16/2020 07/16/2020	1.955 1.558	0.00	6,963,960.02	7,026,373.97 7,026,373.97	7,040,615.60 7,040,615.60
--- UNITED STATES TREASURY T-BILL	7.347%	Zero Coupon	N	0.290	A-1+ P-1	31,200,000.00	04/16/2020 04/16/2020	2.153 1.185	0.00	30,620,432.47	31,019,150.75 31,019,150.75	31,060,536.55 31,060,536.55

## US GOV

Identifier, Description, Security Type	% of Market Value + Accrued	Coupon Type	Callab le	Duration	S&P Rating, Moody's Rating	Ending Current Units	Ending Effective Maturity, Final Maturity	Book Yield, Yield	Ending Accrued Balance	Original Cost	Ending Book Value, Book Value + Accrued	Market Value, Ending Market Value + Accrued
912828V31 UNITED STATES TREASURY US GOV	0.734%	Fixed	N	0.041	AA+ Aaa	3,085,000.00	01/15/2020 01/15/2020	1.543 1.613	19,595.62	3,069,935.95	3,084,804.43 3,104,400.05	3,084,688.42 3,104,284.03
912828MP2 UNITED STATES TREASURY US GOV	0.517%	Fixed	N	0.125	AA+ Aaa	2,150,000.00	02/15/2020 02/15/2020	1.126 1.744	29,438.35	2,325,023.44	2,156,532.92 2,185,971.27	2,154,981.55 2,184,419.90
912828Y4 UNITED STATES TREASURY US GOV	0.918%	Fixed	N	0.164	AA+ Aaa	3,850,000.00	02/29/2020 02/29/2020	2.324 1.679	29,271.63	3,844,585.94	3,849,541.84 3,878,813.48	3,853,530.45 3,882,802.08
912828UQ1 UNITED STATES TREASURY US GOV	0.801%	Fixed	N	0.164	AA+ Aaa	3,375,000.00	02/29/2020 02/29/2020	1.258 1.646	14,255.67	3,373,813.49	3,374,956.97 3,389,212.63	3,372,762.38 3,387,018.04
912828UQ1 UNITED STATES TREASURY US GOV	0.303%	Fixed	N	0.164	AA+ Aaa	1,275,000.00	02/29/2020 02/29/2020	1.551 1.646	5,385.47	1,259,012.69	1,274,381.78 1,279,767.26	1,274,154.68 1,279,540.15
912828W63 UNITED STATES TREASURY US GOV	1.010%	Fixed	N	0.205	AA+ Aaa	4,250,000.00	03/15/2020 03/15/2020	1.561 1.655	20,491.07	4,256,474.58	4,250,547.03 4,271,038.10	4,249,668.50 4,270,159.57
912828X21 UNITED STATES TREASURY US GOV	1.684%	Fixed	N	0.288	AA+ Aaa	7,100,000.00	04/15/2020 04/15/2020	1.528 1.590	22,696.72	7,095,007.85	7,099,434.90 7,122,131.62	7,098,061.70 7,120,758.42
912828XU9 UNITED STATES TREASURY US GOV	1.337%	Fixed	N	0.453	AA+ Aaa	5,650,000.00	06/15/2020 06/15/2020	1.568 1.577	3,936.48	5,638,964.87	5,648,258.82 5,652,195.30	5,648,011.20 5,651,947.68
912828XH8 UNITED STATES TREASURY US GOV	0.899%	Fixed	N	0.496	AA+ Aaa	3,800,000.00	06/30/2020 06/30/2020	1.549 1.625	169.64	3,808,460.93	3,801,417.90 3,801,587.54	3,800,000.00 3,800,169.64



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912828VJ6 UNITED STATES TREASURY US GOV	0.083%	Fixed	N	0.496	AA+ Aaa	350,000.00	06/30/2020 06/30/2020	1.889 1.631	18.03	349,876.95	349,976.39 349,994.42	350,423.85 350,441.88
912828VP2 UNITED STATES TREASURY US GOV	0.421%	Fixed	N	0.575	AA+ Aaa	1,760,000.00	07/31/2020 07/31/2020	1.582 1.642	14,730.43	1,792,862.50	1,764,237.21 1,778,967.65	1,763,643.20 1,778,373.63
912828VP2 UNITED STATES TREASURY US GOV	0.422%	Fixed	N	0.575	AA+ Aaa	1,765,000.00	07/31/2020 07/31/2020	1.713 1.642	14,772.28	1,787,269.36	1,767,921.99 1,782,694.27	1,768,653.55 1,783,425.83
912828VP2 UNITED STATES TREASURY US GOV	0.228%	Fixed	N	0.575	AA+ Aaa	955,000.00	07/31/2020 07/31/2020	1.304 1.642	7,992.93	983,911.13	958,837.79 966,830.73	956,976.85 964,969.78
912828Q2 UNITED STATES TREASURY US GOV	1.070%	Fixed	N	0.616	AA+ Aaa	4,500,000.00	08/15/2020 08/15/2020	2.015 1.625	25,495.92	4,473,281.25	4,485,757.42 4,511,253.35	4,496,485.50 4,521,981.42
912828Q2 UNITED STATES TREASURY US GOV	1.129%	Fixed	N	0.616	AA+ Aaa	4,750,000.00	08/15/2020 08/15/2020	1.492 1.625	26,912.36	4,751,113.31	4,750,246.53 4,777,158.90	4,746,290.25 4,773,202.61
912828VV9 UNITED STATES TREASURY US GOV	0.717%	Fixed	N	0.654	AA+ Aaa	3,000,000.00	08/31/2020 08/31/2020	1.551 1.661	21,541.90	3,053,085.93	3,011,297.90 3,032,839.80	3,009,141.00 3,030,682.90
912828V1 UNITED STATES TREASURY US GOV	0.830%	Fixed	N	0.697	AA+ Aaa	3,500,000.00	09/15/2020 09/15/2020	1.528 1.637	14,278.85	3,484,414.08	3,496,271.49 3,510,550.34	3,493,574.00 3,507,852.85
912828VZ0 UNITED STATES TREASURY US GOV	0.477%	Fixed	N	0.738	AA+ Aaa	2,000,000.00	09/30/2020 09/30/2020	1.916 1.651	10,163.93	2,004,531.26	2,001,230.28 2,011,394.22	2,005,156.00 2,015,319.93
912828PC8 UNITED STATES TREASURY US GOV	1.077%	Fixed	N	0.860	AA+ Aaa	4,500,000.00	11/15/2020 11/15/2020	2.732 1.652	15,252.40	4,489,277.36	4,495,890.25 4,511,142.65	4,537,791.00 4,553,043.40
912828M98 UNITED STATES TREASURY US GOV	2.013%	Fixed	N	0.904	AA+ Aaa	8,500,000.00	11/30/2020 11/30/2020	1.670 1.650	12,076.50	8,495,019.53	8,496,571.13 8,508,647.63	8,498,011.00 8,510,087.50
912828A42 UNITED STATES TREASURY US GOV	0.214%	Fixed	N	0.903	AA+ Aaa	900,000.00	11/30/2020 11/30/2020	1.367 1.641	1,573.77	926,063.63	905,151.11 906,724.88	902,917.80 904,491.57
912828A42 UNITED STATES TREASURY US GOV	0.290%	Fixed	N	0.903	AA+ Aaa	1,220,000.00	11/30/2020 11/30/2020	1.218 1.641	2,133.33	1,262,271.09	1,228,633.39 1,230,766.73	1,223,955.24 1,226,088.57
912828N48 UNITED STATES TREASURY US GOV	1.918%	Fixed	N	0.987	AA+ Aaa	8,100,000.00	12/31/2020 12/31/2020	1.667 1.655	389.42	8,109,175.78	8,106,620.90 8,107,010.32	8,107,597.80 8,107,987.22
9128283X6 UNITED STATES TREASURY US GOV	0.991%	Fixed	N	1.099	AA+ Aaa	4,125,000.00	02/15/2021 02/15/2021	2.513 1.644	35,056.90	4,095,512.69	4,113,072.62 4,148,129.52	4,152,715.88 4,187,772.77
912828B90 UNITED STATES TREASURY US GOV	0.058%	Fixed	N	1.141	AA+ Aaa	243,725.49	02/28/2021 02/28/2021	1.312 1.642	1,647.16	251,684.66	245,653.71 247,300.86	244,725.25 246,372.41
912828B90 UNITED STATES TREASURY US GOV	0.212%	Fixed	N	1.141	AA+ Aaa	886,274.51	02/28/2021 02/28/2021	1.349 1.642	5,989.66	912,724.26	892,903.71 898,893.36	889,910.01 895,899.67
9128284B3 UNITED STATES TREASURY US GOV	0.878%	Fixed	N	1.179	AA+ Aaa	3,655,000.00	03/15/2021 03/15/2021	2.490 1.642	25,755.70	3,643,007.03	3,650,055.49 3,675,811.19	3,686,838.71 3,712,594.41
912828Q37 UNITED STATES TREASURY US GOV	1.547%	Fixed	N	1.229	AA+ Aaa	6,550,000.00	03/31/2021 03/31/2021	1.541 1.621	20,804.30	6,519,552.72	6,526,590.21 6,547,394.52	6,520,066.50 6,540,870.80
9128284G2 UNITED STATES TREASURY US GOV	0.996%	Fixed	N	1.262	AA+ Aaa	4,150,000.00	04/15/2021 04/15/2021	2.525 1.615	21,005.12	4,132,167.99	4,142,166.06 4,163,171.18	4,190,039.20 4,211,044.32
912828WG1 UNITED STATES TREASURY US GOV	0.239%	Fixed	N	1.305	AA+ Aaa	1,000,000.00	04/30/2021 04/30/2021	1.151 1.607	3,832.42	1,050,039.06	1,014,461.37 1,018,293.78	1,008,438.00 1,012,270.42

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912828R77 UNITED STATES TREASURY US GOV	1.830%	Fixed	N	1.394	AA+ Aaa	7,750,000.00	05/31/2021 05/31/2021	1.791 1.593	9,316.94	7,695,810.53	7,705,256.25 7,714,573.19	7,726,385.75 7,735,702.69
912828S27 UNITED STATES TREASURY US GOV	0.123%	Fixed	N	1.480	AA+ Aaa	525,000.00	06/30/2021 06/30/2021	1.162 1.599	16.23	524,077.14	524,711.11 524,727.33	521,329.20 521,345.43
912828WR7 UNITED STATES TREASURY US GOV	0.238%	Fixed	N	1.473	AA+ Aaa	1,000,000.00	06/30/2021 06/30/2021	1.166 1.591	58.38	1,045,156.25	1,014,199.04 1,014,257.42	1,007,891.00 1,007,949.38
912828Y20 UNITED STATES TREASURY US GOV	0.304%	Fixed	N	1.491	AA+ Aaa	1,250,000.00	07/15/2021 07/15/2021	2.769 1.599	15,157.95	1,244,921.88	1,247,314.65 1,262,472.59	1,269,433.75 1,284,591.70
912828WY2 UNITED STATES TREASURY US GOV	1.495%	Fixed	N	1.539	AA+ Aaa	6,200,000.00	07/31/2021 07/31/2021	1.689 1.603	58,377.72	6,262,483.60	6,254,023.28 6,312,401.00	6,262,483.60 6,320,861.32
912828RC6 UNITED STATES TREASURY US GOV	0.715%	Fixed	N	1.581	AA+ Aaa	2,975,000.00	08/15/2021 08/15/2021	2.897 1.601	23,878.82	2,911,781.25	2,938,854.42 2,962,733.24	2,999,868.02 3,023,746.85
9128282F6 UNITED STATES TREASURY US GOV	0.819%	Fixed	N	1.635	AA+ Aaa	3,475,000.00	08/31/2021 08/31/2021	1.471 1.595	13,210.25	3,452,602.54	3,455,308.83 3,468,519.08	3,448,259.88 3,461,470.13
912828D72 UNITED STATES TREASURY US GOV	0.599%	Fixed	N	1.623	AA+ Aaa	2,500,000.00	08/31/2021 08/31/2021	1.311 1.596	16,895.60	2,581,250.00	2,528,222.14 2,545,117.74	2,516,505.00 2,533,400.60
912828T34 UNITED STATES TREASURY US GOV	0.753%	Fixed	N	1.718	AA+ Aaa	3,200,000.00	09/30/2021 09/30/2021	1.623 1.593	9,147.54	3,170,249.60	3,172,660.12 3,181,807.67	3,174,249.60 3,183,397.14
912828F21 UNITED STATES TREASURY US GOV	1.260%	Fixed	N	1.704	AA+ Aaa	5,250,000.00	09/30/2021 09/30/2021	2.687 1.604	28,347.85	5,171,455.07	5,200,031.58 5,228,379.42	5,296,961.25 5,325,309.10
9128285L0 UNITED STATES TREASURY US GOV	1.579%	Fixed	N	1.818	AA+ Aaa	6,500,000.00	11/15/2021 11/15/2021	2.698 1.591	24,129.46	6,531,738.28	6,520,790.60 6,544,920.07	6,653,361.00 6,677,490.46
912828U65 UNITED STATES TREASURY US GOV	0.361%	Fixed	N	1.875	AA+ Aaa	1,520,000.00	11/30/2021 11/30/2021	1.864 1.586	2,325.68	1,512,696.87	1,516,753.73 1,519,079.41	1,524,690.72 1,527,016.40
912828U81 UNITED STATES TREASURY US GOV	0.238%	Fixed	N	1.955	AA+ Aaa	1,000,000.00	12/31/2021 12/31/2021	1.989 1.592	54.95	1,000,507.81	1,000,218.51 1,000,273.46	1,008,008.00 1,008,062.95
912828V72 UNITED STATES TREASURY US GOV	1.918%	Fixed	N	2.022	AA+ Aaa	8,000,000.00	01/31/2022 01/31/2022	1.609 1.588	62,771.74	8,043,437.50	8,043,383.07 8,106,154.81	8,046,872.00 8,109,643.74
912828SF8 UNITED STATES TREASURY US GOV	0.240%	Fixed	N	2.060	AA+ Aaa	1,000,000.00	02/15/2022 02/15/2022	1.760 1.590	7,554.35	1,010,585.94	1,004,966.76 1,012,521.11	1,008,516.00 1,016,070.35
912828J43 UNITED STATES TREASURY US GOV	0.242%	Fixed	N	2.105	AA+ Aaa	1,015,000.00	02/28/2022 02/28/2022	1.834 1.573	6,002.16	1,011,352.34	1,013,192.59 1,019,194.75	1,018,806.25 1,024,808.41
912828W89 UNITED STATES TREASURY US GOV	0.478%	Fixed	N	2.185	AA+ Aaa	2,000,000.00	03/31/2022 03/31/2022	2.624 1.585	9,528.69	1,944,140.62	1,967,558.16 1,977,086.85	2,012,734.00 2,022,262.69
912828X47 UNITED STATES TREASURY US GOV	0.032%	Fixed	N	2.269	AA+ Aaa	135,000.00	04/30/2022 04/30/2022	1.934 1.590	431.15	134,620.31	134,818.69 135,249.84	135,875.34 136,306.49
912828SV3 UNITED STATES TREASURY US GOV	0.238%	Fixed	N	2.312	AA+ Aaa	1,000,000.00	05/15/2022 05/15/2022	1.799 1.591	2,259.62	997,695.31	998,864.08 1,001,123.70	1,003,672.00 1,005,931.62
912828XR6 UNITED STATES TREASURY US GOV	0.666%	Fixed	N	2.354	AA+ Aaa	2,800,000.00	05/31/2022 05/31/2022	1.842 1.584	4,284.15	2,792,890.63	2,793,945.34 2,798,229.49	2,810,936.80 2,815,220.95
912828XG0 UNITED STATES TREASURY US GOV	0.288%	Fixed	N	2.429	AA+ Aaa	1,200,000.00	06/30/2022 06/30/2022	1.912 1.584	70.05	1,211,484.37	1,206,193.82 1,206,263.88	1,215,843.60 1,215,913.65

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912828XW5 UNITED STATES TREASURY US GOV	0.303%	Fixed	N	2.438	AA+ Aaa	1,275,000.00	06/30/2022 06/30/2022	1.944 1.580	61.30	1,263,345.71	1,269,005.35 1,269,066.65	1,280,279.77 1,280,341.07
912828L24 UNITED STATES TREASURY US GOV	0.240%	Fixed	N	2.576	AA+ Aaa	1,000,000.00	08/31/2022 08/31/2022	1.822 1.592	6,335.85	1,002,500.00	1,001,378.68 1,007,714.53	1,007,344.00 1,013,679.85
9128282W9 UNITED STATES TREASURY US GOV	0.239%	Fixed	N	2.659	AA+ Aaa	1,000,000.00	09/30/2022 09/30/2022	2.148 1.590	4,764.34	987,578.12	992,750.77 997,515.11	1,007,617.00 1,012,381.34
912828M49 UNITED STATES TREASURY US GOV	0.974%	Fixed	N	2.742	AA+ Aaa	4,075,000.00	10/31/2022 10/31/2022	1.500 1.604	13,014.25	4,120,843.75	4,117,223.35 4,130,237.60	4,105,403.58 4,118,417.83
912828M80 UNITED STATES TREASURY US GOV	0.300%	Fixed	N	2.820	AA+ Aaa	1,250,000.00	11/30/2022 11/30/2022	2.152 1.602	2,185.79	1,241,064.45	1,244,657.00 1,246,842.79	1,264,111.25 1,266,297.04
912828P38 UNITED STATES TREASURY US GOV	1.196%	Fixed	N	2.971	AA+ Aaa	5,000,000.00	01/31/2023 01/31/2023	1.512 1.612	36,616.85	5,039,062.50	5,035,678.63 5,072,295.48	5,020,705.00 5,057,321.85
912828R28 UNITED STATES TREASURY US GOV	1.186%	Fixed	N	3.223	AA+ Aaa	5,000,000.00	04/30/2023 04/30/2023	1.538 1.627	13,839.29	5,015,234.40	5,014,020.25 5,027,859.53	4,999,610.00 5,013,449.29
912828S35 UNITED STATES TREASURY US GOV	1.172%	Fixed	N	3.401	AA+ Aaa	5,000,000.00	06/30/2023 06/30/2023	1.511 1.632	188.87	4,975,000.00	4,976,962.10 4,977,150.98	4,956,445.00 4,956,633.87
912828T91 UNITED STATES TREASURY US GOV	1.185%	Fixed	N	3.691	AA+ Aaa	5,000,000.00	10/31/2023 10/31/2023	1.531 1.649	13,839.29	5,018,750.00	5,017,439.33 5,031,278.62	4,995,510.00 5,009,349.29
912828V80 UNITED STATES TREASURY US GOV	1.221%	Fixed	N	3.860	AA+ Aaa	5,000,000.00	01/31/2024 01/31/2024	1.527 1.661	47,078.80	5,152,734.40	5,142,568.19 5,189,646.99	5,115,820.00 5,162,898.80
912828X70 UNITED STATES TREASURY US GOV	1.203%	Fixed	N	4.125	AA+ Aaa	5,000,000.00	04/30/2024 04/30/2024	1.501 1.670	17,032.97	5,111,328.15	5,104,293.96 5,121,326.92	5,068,555.00 5,085,587.97
912828YM6 UNITED STATES TREASURY US GOV	0.823%	Fixed	N	4.628	AA+ Aaa	3,500,000.00	10/31/2024 10/31/2024	1.667 1.680	8,942.31	3,472,519.54	3,472,951.92 3,481,894.23	3,470,880.00 3,479,822.31
--- UNITED STATES TREASURY US GOV	48.471%	Fixed	N	1.586	AA+ Aaa	203,340,000.00	08/19/2021 08/19/2021	1.788 1.623	884,383.17	203,889,020.18	203,573,619.85 204,458,003.03	204,044,172.81 204,928,555.98

### Summary

Identifier, Description, Security Type	% of Market Value + Accrued	Coupon Type	Callab le	Duration	S&P Rating, Moody's Rating	Ending Current Units	Ending Effective Maturity, Final Maturity	Book Yield, Yield	Ending Accrued Balance	Original Cost	Ending Book Value, Book Value + Accrued	Market Value, Ending Market Value + Accrued
---	100.000%	---	---	1.348	AA Aa1	418,856,320.96	05/26/2021 05/28/2021	1.969 1.649	1,775,681.21	419,773,992.60	419,890,909.94 421,666,591.16	421,009,876.23 422,785,557.44

\* Grouped by: Security Type. \* Groups Sorted by: Security Type. \* Filtered By: Description ≠ "Payable" and Description ≠ "Receivable". \* Weighted by: Ending Market Value + Accrued, except Book Yield by Base Book Value + Accrued.

**FINANCE/OUTREACH & PLANNING COMMITTEE**

**January 28, 2020**

***Submit and File Report***

**Legislative Update**

District staff are tracking activities during the current Legislative session, especially focusing on proposed legislation that could impact the water resources or District activities. Because of the rapidly changing nature of activities during session, any information available at the time of publishing this document could be out of date by the time of the Governing Board meeting.

To ensure that Governing Board members have the most recent information, Government and Community Affairs Office Chief Cara Martin provides a written weekly update each Monday. Staff are available to answer any additional questions.

**Staff Recommendation:**

This item is submitted for the Board's information; no action is required.

**Presenter:** Cara Martin, Office Chief, Government and Community Affairs

## FINANCE/OUTREACH & PLANNING COMMITTEE

January 28, 2020

### *Discussion Item*

#### Strategic Plan Updates

##### *Purpose*

Provide a summary of the updates to the Strategic Plan including direction provided by the Governing Board at its December workshop.

##### *Background*

The District's Strategic Plan is updated annually and included as part of the District's Consolidated Annual Report (CAR) which is submitted to the Governor, Department of Environmental Protection, President of the Senate, and Speaker of the House of Representatives, along with chairs of appropriate legislative committees and local county governing bodies. The Strategic Plan identifies the District's mission, vision, values, goals, strategic initiatives for each of the District's four areas of responsibility, priorities for each of the District's four planning regions, and core business practices.

##### *Discussion*

Strategic Plan 2020-2024 includes several changes from the previous plan, including direction provided by the Governing Board at its December workshop. The following are the significant changes in the Regional Priorities and Objectives sections of the Strategic Plan:

#### **Potable Reuse**

The District has long been a leader in the beneficial reuse of reclaimed water. Currently, we are reusing more than 50 percent of the available wastewater flows compared to a national average of 7 percent. Our goal is to beneficially reuse 75 percent of the available reclaimed water by the year 2040. As part of that effort, assisting in the implementation of potable reuse was added as an objective to the Northern, Heartland and Southern planning regions. It was already included as a Tampa Bay Region objective. Additionally, the language was clarified from "indirect potable reuse" to simply "potable reuse."

#### **Alternative Water Supplies**

At the workshop, Governing Board members reaffirmed their commitment to assist the Polk Regional Water Cooperative in the development of 30 million gallons a day (mgd) of alternative water supply sources, and expressed support for assisting Tampa Bay Water (TBW) to develop 20 mgd and Peace River Manasota Regional Water Supply Authority (PRMRWSA) to develop 21 mgd. The TBW objective was added to the Tampa Bay Regional Priorities and the PRMRWSA objective was added to the Southern Regional Priorities in the Strategic Plan.

#### **Minimum Flows and Levels (MFL)**

Implementing MFL to protect flows in our first-magnitude springs was added as an objective under the Northern Region Springs Priority. MFL implementation has been a priority for the District but had not been previously identified in the Strategic Plan as a specific objective for springs.



### **Flood Protection**

Developing and implementing a capital improvement plan for District flood control and water conservation structures and associated facilities was added as a strategy under the Maintenance and Improvement Strategic Initiative for Flood Protection.

### **Future Board Action**

The Strategic Plan will come back before the Board as part of the CAR for approval in February. The CAR must be submitted on March 1 to the Governor, Department of Environmental Protection, President of the Senate, and Speaker of the House of Representatives, along with chairs of appropriate legislative committees and local county governing bodies.

### Staff Recommendation:

Approve the proposed changes to the Strategic Plan, including:

- Expanding support for potable reuse to all four planning regions
- Adding assistance to TBW to develop 20 mgd of alternative water supplies to the Tampa Bay Region Priorities
- Adding assistance to PRMRWSA to develop 21 mgd of alternative water supplies to the Southern Region Priorities
- Adding MFL implementation to the Northern Region Springs Priority
- Adding the development and implementation of a capital improvement plan for District flood control and water conservation structures and associated facilities as a strategy under the Maintenance and Improvement Strategic Initiative for Flood Protection.

Presenter: Michael Molligan, Employee and External Relations Director

## FINANCE/OUTREACH & PLANNING COMMITTEE

January 28, 2020

### *Discussion Item*

#### **2020 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 25 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 2020-2024 (updated February 2020), and the Annual Work Plan Report***

This consolidated 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 steady growth in the amount of domestic wastewater reused. Usage increased from 104 million gallons per day (mgd) in 1995 to 227 mgd in 2018. In addition, since 1994, more than \$1 billion in funding has been made available for water supply development assistance with an estimated 485 mgd of water supply made available by completed projects.
- *The Minimum Flows and Levels Annual Priority List and Schedule* has been approved by DEP. As of FY2019, 210 MFLs, including 40 that have been reevaluated and revised

and those for all five Outstanding Florida Springs and one water reservation, have been adopted.

- *The Polk Regional Water Cooperative Status Report* identifies a prioritized list of four cooperative and 38 local member government projects that are being submitted for FY2020-21 funding consideration by the Florida Legislature.
- *The Alternative Water Supplies Annual Report* states the District has funded 383 reclaimed water projects that are anticipated to make available more than 182 mgd of capacity.
- *The Strategic Plan Annual Work Plan* notes the completion of several springs initiatives, including the Springs Coast Fish Community Assessment, construction activities for the Homosassa Floating Wetland project and mapping and evaluation of submerged aquatic vegetation in the Weeki Wachee, Chassahowitzka and Homosassa river systems. For the Tampa Bay Region, progress in the Dover/Plant City Water Use Caution Area included the completion of the flow meter reimbursement program in December 2018. This program successfully installed 538 flow meters. As of October 2019, 849 withdrawals have been equipped with automatic meter devices (AMR), leaving 21 sites to receive an AMR device. In the Heartland Region, the average compliance per capita has declined 14 percent since 2011 to 92 gallons per capita per day in 2018. Finally, in the Southern Region, the groundwater levels assessment for 2018 shows the SWUCA's Most Impacted Area level at 13.1 feet. This is the first year the saltwater intrusion minimum aquifer level (SWIMAL) has been achieved.

Staff Recommendation:

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

Presenter: Trisha Neasman, Planning Lead, Government and Community Affairs

**FINANCE/OUTREACH & PLANNING COMMITTEE**

**January 28, 2020**

***Submit and File Report***

**Office of Inspector General Quarterly Update – October 1, 2019 to December 31, 2019**

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; no action is needed.

**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

6750 Fruitville Road  
Sarasota, Florida 34240-9711  
(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)

### Mark Taylor

Chair, Hernando, Marion

### Michelle Williamson

Vice Chair, Hillsborough

### Joel Schleicher

Secretary, Charlotte, Sarasota

### Kelly S. Rice

Treasurer, Citrus, Lake, Levy,  
Sumter

### Jack Bispham

Manatee

### Roger Germann

Hillsborough

### James G. Murphy

Polk

### Rebecca Smith

Hillsborough, Pinellas

### Seth Weightman

Pasco

### Brian J. Armstrong, P.G.

Executive Director

January 28, 2020

## MEMORANDUM

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

FROM: Brian Werthmiller, CPA, CIG, Inspector General

SUBJECT: Office of Inspector General Quarterly Update – October 1, 2019 to December 31, 2019

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, 2019:

- The IG quarterly update for the quarter ending September 30, 2019 was submitted to the Governing Board on October 22, 2019.
- The Competitive Procurement Follow-Up Audit was completed in accordance with *Generally Accepted Government Auditing Standards* and submitted to the Governing Board on December 10, 2019. The audit report noted that management had taken corrective actions as recommended by the Auditor General.
- Follow-up work on the Auditor General findings are as follows:
  - The Office of Inspector General:
    - The preparation and maintenance of records demonstrating the effective utilization of the OIG has been corrected.
    - OIG has contracted with the Association of Inspectors General to complete a peer review.
    - The audit plan contains a long-term component. In addition, the OIG Charter Governing Board Policy has been updated to require this.
    - The OIG performance measures are approved by the Board and reported at least semi-annually.
    - The District-wide performance measures are being developed.
  - The Self-Insurance Programs finding is in the process of being corrected. The District has identified testing that needs to be completed as part of their review of the SOC I reports; this testing is in progress.
  - The IT Access Privileges finding is in the process of being corrected. The District is in the process completing their review of IT access privileges.

Attachment: Memo - 10.1.19 to 12.31.19 - OIG Quarterly Update (4847 : Office of Inspector General Quarterly Update – October 1, 2019 to



- The OIG performed work on 20 reviews of which 16 were requested by District staff and the Board.
- The progress of OIG performance measures are as follows:

<b>Office of Inspector General</b>			
<b>Performance Measure</b>	<b>Frequency</b>	<b>Goal</b>	<b>Status Through 12/31/19</b>
Audit Plan	Annual	Submit to the Board January 2020	Submitted January 2020
Appropriate Time Allocated to Board Reporting	N/A	75% of Chargeable Hours by September 2020	86%
OIG Annual Report	Annual	Submit to the Board September 2020	Open
Advise Board of District Performance Measures	N/A	Submit to the Board February 2020	Open
Updates to the Finance/Outreach & Planning Committee including IG Performance Measures	Quarterly	All quarters in FY	25% Complete
Meet with the Executive Director	Monthly	Every month in FY	25% Complete
External Peer Review	Once Every 3 Years	September 2020	Open
Continuing Professional Education for CPA license and professional standards	80 Hours Every Two Years	Completion of 80 hours by June 30, 2020	53 Hours
Attain Certified Fraud Examiner (CFE) or Certified Inspector General <u>Investigator</u> (CIGI)	N/A	September 2020	Open
Review OIG Charter Governing Board Policy	Annual	August 2020	Open

**FINANCE/OUTREACH & PLANNING COMMITTEE**

**January 28, 2020**

***Routine Report***

**Treasurer's Report and Payment Register**

***Purpose***

Presentation of the Treasurer's Report and Payment Register.

***Background***

In accordance with Board Policy, *District Investment Policy*, a monthly report on investments shall be provided to the Governing Board. The Treasurer's Report as of December 31, 2019, reflects total cash and investments.

In accordance with Board Policy, *Disbursement of Funds*, all general checks written during a period shall be reported to the Governing Board at its next regular meeting. The Payment Register listing disbursements since last month's report is available upon request. The Payment Register includes checks and electronic fund transfers (EFTs).

**Staff Recommendation:**

These items are presented for the Committee's information, and no action is required.

**Presenter:** Melisa J. Lowe, Bureau Chief, Finance

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
TREASURER'S REPORT TO THE GOVERNING BOARD  
December 31, 2019

CUSTODIAN HELD INVESTMENTS

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EFFECTIVE INTEREST RATE (%)	AMORTIZED COST	MARKET VALUE	ACCRUED INTEREST	% OF PORTFOLIO
<b>PUBLIC TRUST ADVISORS</b>						
<b><u>SWFWMD-Enhanced Cash Portfolio</u></b>						
7951619	Investments	2.01	\$165,166,764	\$165,483,926	\$622,002	
7951619	Cash / Money Market Fund	1.49	164,427	164,427	0	
			<b>Subtotal</b>	\$165,331,191	\$165,648,353	\$622,002
7951619	Accounts Receivable-Trade date prior to 12/31/19, Settlement date after 12/31/19		487	487	0	
			<b>Total</b>	\$165,331,678	\$165,648,840	\$622,002
						<b>31.09</b>
<b><u>SWFWMD- 1-3 Year Portfolio</u></b>						
7951620	Investments	1.95	\$253,975,791	\$254,777,595	\$1,153,679	
7951620	Cash / Money Market Fund	1.49	583,928	583,928	0	
			<b>Subtotal</b>	\$254,559,719	\$255,361,523	\$1,153,679
7951620	Accounts Receivable-Trade date prior to 12/31/19, Settlement date after 12/31/19		465	465	0	
			<b>Total</b>	\$254,560,184	\$255,361,988	\$1,153,679
						<b>47.87</b>
<b>TOTAL CUSTODIAN HELD INVESTMENTS</b>			<b>\$419,891,862</b>	<b>\$421,010,828</b>	<b>\$1,775,681</b>	<b>78.96</b>

STATE BOARD OF ADMINISTRATION (SBA) INVESTMENT ACCOUNTS

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EFFECTIVE INTEREST RATE (%)	PURCHASE COST	MARKET VALUE	ACCRUED INTEREST	% OF PORTFOLIO
<b>STATE BOARD OF ADMINISTRATION</b>						
<b><u>Florida PRIME (Formerly Local Government Investment Pool)</u></b>						
271413	SBA General Investments	1.83	\$82,010,535	\$82,010,535		
271414	SBA Land Resources	1.83	16,311,157	16,311,157		
271415	SBA Advanced State Funding (Eco System Trust Fund)	1.83	334,708	334,708		
271416	SBA Advanced State Funding (FDOT)	1.83	12,938,006	12,938,006		
271418	SBA Advanced State Funding (WPSTF-AWS)	1.83	232,384	232,384		
	<b>TOTAL STATE BOARD OF ADMINISTRATION (SBA) ACCOUNTS</b>		<b>\$111,826,790</b>	<b>\$111,826,790</b>		<b>21.04</b>
	<b>TOTAL INVESTMENTS</b>		<b>\$531,718,652</b>	<b>\$532,837,618</b>		<b>100.00</b>
	<b>CASH, SUNTRUST DEMAND ACCOUNT</b>		<b>2,061,536</b>	<b>2,061,536</b>		
	<b>TOTAL CASH AND INVESTMENTS</b>		<b>\$533,780,188</b>	<b>\$534,899,154</b>		

Weighted average yield on portfolio at December 31, 2019 is 1.94%.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
TREASURER'S REPORT TO THE GOVERNING BOARD  
December 31, 2019

EQUITY - CASH AND INVESTMENTS

**DISTRICT AND BASINS**

District General Fund	\$481,900,722	90.28%
Restricted for Alafia River Basin	526,634	0.10%
Restricted for Hillsborough River Basin	10,778,908	2.02%
Restricted for Coastal Rivers Basin	321,402	0.06%
Restricted for Pinellas-Anclote River Basin	9,456,665	1.77%
Restricted for Withlacoochee River Basin	993,603	0.19%
Restricted for Peace River Basin	1,555,735	0.29%
Restricted for Manasota Basin	3,347,509	0.63%
Total District General Fund	<b>\$508,881,178</b>	<b>95.34%</b>
FDOT Mitigation Program	12,763,573	2.39%
Florida Forever Program	12,135,437	2.27%
<b>TOTAL EQUITY IN CASH AND INVESTMENTS</b>	<b>\$533,780,188</b>	<b>100.00%</b>

**FINANCE/OUTREACH & PLANNING COMMITTEE**

**January 28, 2020**

***Routine Report***

**Monthly Financial Statement**

***Purpose***

Presentation of the December 31, 2019, monthly financial statement.

***Background***

In accordance with Sections 373.536(4)(e) and 215.985(11), Florida Statutes, relating to state financial information with certain financial transparency requirements, the District is submitting a "Statement of Sources and Uses of Funds for the Third Month Ended December 31, 2019."

**Staff Recommendation:**

This item is presented for the Committee's information, and no action is required.

**Presenter:** Melisa J. Lowe, Bureau Chief, Finance



## Statement of Sources and Uses of Funds For the Three Months Ended December 31, 2019

The attached “Statement of Sources and Uses of Funds” statement is provided for your review. This financial statement provides summary-level revenues (i.e., sources) and expenditures by program (i.e., uses). **This unaudited financial statement is provided as of December 31, 2019, with 25.0 percent of the fiscal year completed.**

This financial statement compares revenues recognized and encumbrances/expenditures made against the District’s FY2019-20 available budget of \$365.1 million. Encumbrances represent orders for goods and services which have not yet been received.

### Revenues (Sources) Status:

- Overall, as of December 31, 2019, 79 percent of the District’s budgeted revenues/balances have been recognized.
- As of December 31, 2019, the District has received \$86,586,987 of ad valorem tax revenue representing 77 percent of the budget. This is in-line with the three-months prior year collection rates of 79 percent for FY2018-19 and 78 percent for FY2017-18. The budget represents 96 percent of estimated proceeds based on the taxable property values as certified by the District’s sixteen counties multiplied by the Governing Board approved millage rate. Projections are based on historical collections.
- Intergovernmental Revenues are recognized as soon as they are both measurable and available. Revenues are considered available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For FY2019-20, \$437,543 revenues have been recognized, representing 1 percent of the budget. From year to year, the budgeted amount of intergovernmental revenue compared to the recognized amount can fluctuate for various reasons; projects can be in the planning stages and have not incurred a significant amount of expenditures, or anticipated projects may be canceled (e.g., cooperative funding projects).
- The FY2019-20 interest earnings budget was based on a 2.33 percent expected rate of return. The District’s investment portfolio at December 31, 2019 is earning a weighted average yield of 1.94 percent. For the three months ended December 31, 2019, the District has earned 1.97 percent yield on its investments. Interest earnings on invested funds in the amount of \$2,402,231 have been recognized representing 22 percent of the budgeted amount.
- License and Permit Fees consist of revenue from water use permits, environmental resource permits, water well construction permits, and water well construction licenses. Revenue recognized represents 23 percent of the budgeted amount as of December 31, 2019.
- As of December 31, 2019, other revenue earned is 703 percent of budget. Each year, items that fall within the “Other” revenue category are budgeted conservatively due to the uncertainty of the amounts to be collected. For example, revenues from timber sales, hog hunts, insurance recoveries and the sale of capital assets can vary significantly from

year to year. The majority of the increase is due to sales of capital assets in the amount of \$4,717,511.

- Fund Balance consists of balance from prior years (budgeted for the current year) plus fund balance associated with the ad valorem funded encumbrances that rolled into the current year.

### **Expenditures (Uses) Status:**

Overall, as of December 31, 2019, the District had obligated 55 percent of its total budget.

### **Summary of Expenditures by Program**

This financial statement illustrates the effort to date for each of the District's six statutory program areas (Section 373.536(5)(e)4, Florida Statutes). A discussion of the expenditures by program follows.

- The **Water Resource Planning and Monitoring Program** includes all water management planning, including water supply planning, development of minimum flows and levels, and other water resource planning; research, data collection, analysis, and monitoring; and technical assistance (including local and regional plan and program review). Of the \$46.5 million budgeted for this program, the District has obligated 46 percent of the budget (10 percent expended, and 36 percent encumbered).
- The **Land Acquisition, Restoration and Public Works Program** includes the development and construction of all capital projects (except for those contained in the Operation and Maintenance of Works and Lands Program), including water resource development projects/water supply development assistance, water control projects, and support and administrative facilities construction, land acquisition (i.e., Florida Forever program), and the restoration of lands and water bodies. Of the \$252.4 million budgeted for this program, the District has obligated 62 percent of the budget (1 percent expended, and 61 percent encumbered).
- The **Operation and Maintenance of Works and Lands Program** includes all operation and maintenance of facilities, flood control and water conservation structures, lands, and other works authorized by Chapter 373, Florida Statutes. Of the \$29.2 million budgeted for this program, the District has obligated 34 percent of the budget (13 percent expended, and 21 percent encumbered).
- The **Regulation Program** includes water use permitting, water well construction permitting, water well contractor licensing, environmental resource and surface water management permitting, permit administration, compliance and enforcement, and any delegated regulatory program. Of the \$21.5 million budgeted for this program, the District has obligated 30 percent of the budget (20 percent expended, and 10 percent encumbered).
- The **Outreach Program** includes all environmental education activities, such as water conservation campaigns and water resources education; public information activities; all lobbying activities relating to local, regional, state, and federal governmental affairs; and all public relations activities and advertising in any media. Of the \$3.1 million budgeted

for this program, the District has obligated 32 percent of the budget (12 percent expended, and 20 percent encumbered).

- The **Management and Administration Program** includes executive management, executive support, governing board support, ombudsman, general counsel, inspector general, administrative support (general), procurement, finance, human resources, and risk management. Of the \$12.5 million budgeted for this program, the District has obligated 43 percent of the budget (33 percent expended, and 10 percent encumbered).

Based on the financial activities for the three months ended December 31, 2019, the financial condition of the District is positive and budget variances are generally favorable. There are no reported or identified major trends, conditions or variances that warrant additional management attention.

**Southwest Florida Water Management District  
Statement of Sources and Uses of Funds  
For the Three Months Ended December 31, 2019  
(Unaudited)**

	<b>Current Budget</b>	<b>Actuals Through 12/31/2019</b>	<b>Variance (under)/Over Budget</b>	<b>Actuals As A % of Budget (rounded)</b>
<b>Sources</b>				
Ad Valorem Property Taxes	\$ 113,153,713	\$ 86,586,987	\$ (26,566,726)	77%
Intergovernmental Revenues	45,136,751	437,543	(44,699,208)	1%
Interest on Invested Funds	11,000,000	2,402,231	(8,597,769)	22%
License and Permit Fees	2,029,700	473,239	(1,556,461)	23%
Other	690,250	4,851,742	4,161,492	703%
Fund Balance	193,074,669	193,074,669	-	100%
<b>Total Sources</b>	<b>\$ 365,085,083</b>	<b>\$ 287,826,411</b>	<b>\$ (77,258,672)</b>	<b>79%</b>

	<b>Current Budget</b>	<b>Expenditures</b>	<b>Encumbrances<sup>1</sup></b>	<b>Available Budget</b>	<b>% Expended (rounded)</b>	<b>% Obligated<sup>2</sup> (rounded)</b>
<b>Uses</b>						
Water Resource Planning and Monitoring	\$ 46,466,181	\$ 4,727,208	\$ 16,868,123	\$ 24,870,850	10%	46%
Land Acquisition, Restoration and Public Works	252,383,286	2,339,282	154,866,095	95,177,909	1%	62%
Operation and Maintenance of Works and Lands	29,191,476	3,870,024	6,046,488	19,274,964	13%	34%
Regulation	21,481,441	4,283,034	2,100,058	15,098,349	20%	30%
Outreach	3,082,510	381,386	595,259	2,105,865	12%	32%
Management and Administration	12,480,189	4,137,518	1,195,713	7,146,958	33%	43%
<b>Total Uses</b>	<b>\$ 365,085,083</b>	<b>\$ 19,738,452</b>	<b>\$ 181,671,736</b>	<b>\$ 163,674,895</b>	<b>5%</b>	<b>55%</b>

<sup>1</sup> Encumbrances represent unexpended balances of open purchase orders and contracts.

<sup>2</sup> Represents the sum of expenditures and encumbrances as a percentage of the current budget.

This unaudited preliminary financial statement is prepared as of December 31, 2019, and covers the interim period since the most recent audited financial statements.

## FINANCE/OUTREACH & PLANNING COMMITTEE

January 28, 2020

### *Routine Report*

#### **Monthly Cash Balances by Fiscal Year**

##### *Purpose*

To provide a schedule of monthly cash balances by fiscal year, updated to reflect the cash balance as of December 31, 2019.

##### *Background*

This routine report has been developed to allow the Governing Board to easily monitor the District's cash balances at each month-end and in comparison with monthly cash balances for the last five fiscal years. This trend information will become more important as the District's budget declines and reserves are utilized for projects.

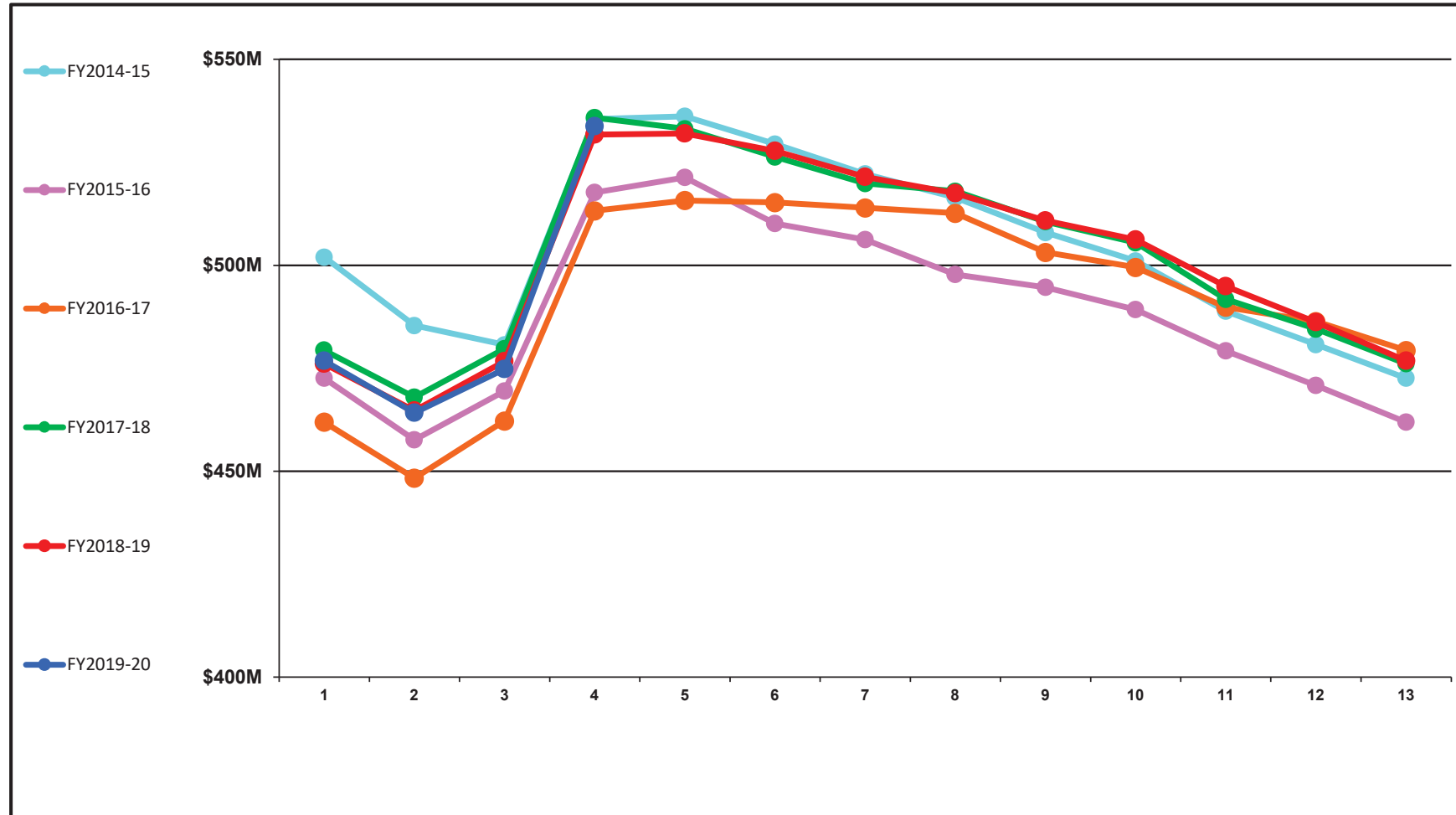
##### Staff Recommendation:

This item is presented for the Committee's information, and no action is required.

Presenter: Melisa J. Lowe, Bureau Chief, Finance



Southwest Florida Water Management District  
Monthly Cash Balances by Fiscal Year  
(FY2014-15 - FY2018-19 and FY2019-20 To-Date)



## FINANCE/OUTREACH & PLANNING COMMITTEE

January 28, 2020

### *Routine Report*

#### **Comprehensive Plan Amendment and Related Reviews Report**

##### *Purpose*

This report is provided for the Committee's information and shows District activity in the review of Local Government Comprehensive Plans and Amendments. Staff updates the report monthly.

##### *Background/History*

The water management districts provide technical and policy information on water resources and water resource management to local governments as they prepare amendments to their local government comprehensive plans. This information encompasses various areas of water resource management, including water supply, flood protection and water quality, and is intended to support sound land use decisions. Statutory directives for this assistance include Section 373.711, Florida Statutes (F.S.), Technical Assistance to Local Governments, and Section 163.3184, F.S., Process for Adoption of Comprehensive Plan or Plan Amendments. Under Section 163, F.S., substantially revised in 2011, if important state resources and facilities are to be adversely impacted, the water management districts and other state reviewing agencies must state with specificity how the plan amendment will adversely impact the resource or facility and must include measures that the local government may take to eliminate, reduce, or mitigate the impacts. Any plan amendment comments provided by a water management district and/or other state agencies that are not resolved may be challenged by the Department of Economic Opportunity (DEO).

##### *Benefits/Costs*

The benefits of the District's local government technical assistance program are to ensure local government elected officials have sound water resource technical and policy information as they amend their local government comprehensive plans. This helps to ensure local plans are compatible with the District's plans, programs and statutory direction. Costs for this program primarily include staff time and are budgeted in Fund 10 (Governing Board).

##### **Staff Recommendation:**

This item is provided for the Committee's information and no action is required.

**Presenter:** Cara Martin, Government and Community Affairs Office Chief

## Local Government Comprehensive Plan Amendment and Related Reviews Report

As of January 06, 20

Project	Amendment Type	Assigned	Completed	Description	10YWSFW
Charlotte 19-2	WSFWP	10/10/2019	10/9/2019	Comments addressed conservation measures, excessive system losses, missing reclaimed water map and need for language requiring updates within 18 months of RWSP updates.	<input checked="" type="checkbox"/>
Charlotte 19-3	ESR	10/15/2019	11/8/2019	Comments addressed the statutory requirement for verification of available water supply and reuse/conservation.	<input type="checkbox"/>
Citrus 19-4	ESR	12/2/2019	1/3/2020	No substantive comments.	<input type="checkbox"/>
Citrus 19-5	ESR	12/16/2019		Text amendments.	<input type="checkbox"/>
Dundee 19-2	ESR	12/3/2019	12/30/2019	Comments addressed existing WUP/wells and encouraged scheduling an ERP preapplication meeting.	<input type="checkbox"/>
Haines City 19-3	ESR	12/3/2019	12/30/2019	Comments addressed statutory requirements for a potable water analysis, reuse, conservation, existing WUP/wells and encouraged scheduling an ERP preapplication meeting.	<input type="checkbox"/>
Highlands 19-3	ESR	10/23/2019	11/21/2019	Comments addressed statutory requirements for documentation of available potable water supply, existing WUP/well and encouraged scheduling an ERP preapplication meeting.	<input type="checkbox"/>
Hillsborough 19-4	ESR	11/8/2019	11/21/2019	Comments addressed existing wells and encouraged scheduling an ERP preapplication meeting.	<input type="checkbox"/>
Lake Alfred 19-2ACSC	Regular	12/17/2019	1/3/2020	No substantive comments.	<input type="checkbox"/>
Manatee 19-3	ESR	10/7/2019	11/8/2019	Comments addressed statutory requirements for a potable water analysis, reuse, conservation, floodplains, wetlands, existing District data collection sites and encouraged scheduling a preapplication meeting with ERP staff.	<input type="checkbox"/>
Manatee 19-4	ESR	12/16/2019		Map amendment.	<input type="checkbox"/>
Pasco 19-16	ESR	11/18/2019	12/12/2019	Comments addressed floodplains and encouraged scheduling a preapplication meeting with ERP staff.	<input type="checkbox"/>
Plant City 19-3	ESR	11/5/2019	11/21/2019	Comments addressed existing wells and encouraged scheduling an ERP preapplication meeting.	<input type="checkbox"/>

Attachment: CPARR (4821 : Comprehensive Plan Amendment and Related Reviews Report)

Project	Amendment Type	Assigned	Completed	Description	10YWSFWP
Plant City 19-4	ESR	11/27/2019	12/26/2019	Comments addressed existing WUP/wells and encouraged scheduling an ERP preapplication meeting.	<input type="checkbox"/>
Polk 19-10	ESR	11/14/2019	12/12/2019	Comments addressed reuse, conservation, floodplains, wetlands, existing WUP/wells and encouraged scheduling a preapplication meeting with ERP staff.	<input type="checkbox"/>
Polk 19-11	ESR	12/9/2019	1/3/2020	No substantive comments.	<input type="checkbox"/>
Wauchula 19-1	WSFWP	11/14/2019	12/12/2019	Comments addressed missing information for water demand projections, system components, service area map, conservation measures, identification of aging/inadequate infrastructure, Work Plan timeframe and proposed capital improvements.	<input checked="" type="checkbox"/>
Wauchula 19-2	ESR	11/14/2019	12/10/2019	No substantive comments.	<input type="checkbox"/>
Winter Haven 19-3	ESR	10/11/2019	11/8/2019	Comments addressed the need for a complete potable water analysis and encouraged scheduling a preapplication meeting with ERP staff.	<input type="checkbox"/>
Zolfo Springs 19-1	ESR	11/21/2019	12/11/2019	No substantive comments.	<input type="checkbox"/>

Abbreviations:

ACSC      Area of Critical State Concern  
ESR      Expedited State Review  
WSFWP      Water Supply Facilities Work Plan





**Governing Board Meeting  
January 28, 2020**

<b>RESOURCE MANAGEMENT COMMITTEE</b>
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***Discussion Items***

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***Submit & File Reports***

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30. Minimum Flows and Levels Status Report .....	161
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**RESOURCE MANAGEMENT COMMITTEE**

**January 28, 2020**

***Discussion Item***

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

Staff Recommendation:

Presenter: Jennette M. Seachrist, P.E., Division Director, Resource Management

## RESOURCE MANAGEMENT COMMITTEE

January 28, 2020

### *Discussion Item*

#### **SWIM - Approve the Recommended Surface Water Improvement and Management Program Priority List**

##### *Purpose*

To request Governing Board approval of the District's Surface Water Improvement and Management (SWIM) Program priority list with no changes to the existing twelve priority water bodies.

##### *Background/History*

In 1987, the Florida Legislature established the SWIM Act having recognized that water quality and habitat in surface waters throughout the state have degraded or were in danger of being degraded. The Act requires the five water management districts to maintain a priority list of water bodies of regional or statewide significance within their boundaries and develop plans and programs for the improvement of those water bodies.

To date, the Southwest Florida Water Management District has identified, and the state has approved, plans for twelve priority water bodies. They are:

- 1) Rainbow River,
- 2) Crystal River/Kings Bay,
- 3) Homosassa River
- 4) Chassahowitzka River
- 5) Weeki Wachee River
- 6) Tampa Bay,
- 7) Sarasota Bay.
- 8) Charlotte Harbor,
- 9) Lake Panasoffkee,
- 10) Lake Tarpon,
- 11) Lake Thonotosassa,
- 12) Winter Haven Chain of Lakes,

At the August 27, 2019 meeting, the Governing Board authorized staff to initiate the process to review and update the District's Surface Water Improvement and Management (SWIM) Program priority list.

##### *Benefits/Costs*

Florida Statute (373.453) requires the SWIM priority list be reviewed and updated every five years. As required per Florida Statute, District staff coordinated with the Florida Department of Environmental Protection (FDEP), Florida Department of Agriculture and Consumer Services, the Florida Department of Economic Opportunity, and the Florida Fish and Wildlife Conservation Commission. Essential to carrying out the District's SWIM Program is the cooperation of local governments and agencies in developing and implementing projects consistent with the SWIM Plans developed for each water body. District staff in coordination with our agency and local government partners are updating the SWIM plans for each priority water body. Charlotte

## Item 27

Harbor will be completed in FY2020 with Lake Tarpon and Tampa Bay anticipated to be completed in FY2021.

If approved by the Governing Board, District staff will submit the revised SWIM priority list to the FDEP for final approval.

Staff Recommendation:

Approve the District's SWIM priority list with no changes to the existing twelve priority water bodies.

Presenter: Will VanGelder, SWIM Program Manager, Natural Systems & Restoration Bureau

## RESOURCE MANAGEMENT COMMITTEE

January 28, 2020

### *Submit and File Report*

#### **Annual Status of the Southern Water Use Caution Area Recovery Strategy**

##### *Purpose*

This is the annual update and status of the District's efforts to monitor the recovery of water levels and flows in the Southern Water Use Caution Area (SWUCA). The update addresses the status of water levels and flows and development of sufficient water supplies through the end of 2018.

##### *Background/History*

In March 2006, the Governing Board (Board) adopted minimum "low" flows for the Upper Peace River, minimum levels for eight lakes along the Lake Wales Ridge in Polk and Highlands counties and a saltwater intrusion minimum aquifer level (SWIMAL) for the Upper Floridan aquifer in the Most Impacted Area (MIA) of the SWUCA. Since most of these minimum flows and levels (MFLs) were not meeting their adopted levels and flows, the Board adopted the SWUCA Recovery Strategy (Strategy) and changes to water use permitting rules to implement the Strategy. Principle goals of the Strategy to achieve by 2025 are:

1. Restore minimum levels to priority lakes in the Ridge area;
2. Restore minimum flows to the upper Peace River;
3. Reduce the rate of saltwater intrusion in coastal Hillsborough, Manatee and Sarasota counties (referred to as the MIA) by achieving the proposed minimum aquifer level for saltwater intrusion; and
4. Ensure there are sufficient water supplies for all existing and projected reasonable-beneficial uses.

The Strategy provides a plan for addressing these goals and tracking progress towards achieving the MFLs and ensuring that there are sufficient water supplies for all reasonable-beneficial uses while protecting the investments of existing water use permittees.

The District uses its extensive data collection network to monitor trends in resource conditions as well as permitted and actual water use. Results of this monitoring are provided to the Board each year, and every five years this information is evaluated in detail as part of a five-year review of the Strategy. Monitoring provides the information necessary to determine whether progress is being made and enables the District to adaptively manage water resources to achieve the goals of the Strategy. The most recent five-year review of the Strategy encompassed the period 2012 through 2016 and concluded progress had been made on all four principle goals. The review was completed in 2017 and presented to the Board at their meeting in April 2018.

Progress has also been made on options identified during the 2015 outreach efforts for the MIA and Ridge Lakes. The District continues to monitor resources in the region and update the analytical tools used to establish MFLs and assess factors affecting levels and flows. In the MIA, the District recently completed construction of a test recharge well and monitoring wells at Flatford Swamp. Construction of the surface facilities will begin in FY2020 and recharge is anticipated to begin by FY2021. This project will determine the feasibility of recharging the Upper Floridan aquifer with excess surface water from Flatford Swamp. Preliminary modeling of the aquifer recharge shows this project, if constructed, could increase aquifer levels in the MIA that contribute to achieving the SWIMAL, as well as benefit Flatford Swamp. The District is



completing an update to the Saltwater Intrusion Model that will improve assessments of potential benefits for these types of projects.

In the Ridge Lakes area, the District continues to meet with water use groups to identify projects to recover impacted lakes. The focus of the District's lake recovery efforts has been to work collaboratively with stakeholders to identify projects that can be cooperatively implemented. Currently, the District has completed a recovery option and feasibility project for Lake Wailes and has begun stakeholder outreach for lakes Eagle and McLeod. Additionally, a Cooperative Funding project has also begun with the City of Haines City to explore recovery options for Lake Eva. The District also continues to expand the FARMS program and work through its cooperative funding projects to promote and expand water conservation and beneficial reuse.

The Ridge Lakes minimum lake level goal continues to be the biggest recovery challenge. Following is a summary of the annual update and status of resource monitoring in the SWUCA for the period ending in December 2018.

### Annual Update and Status of Resource Monitoring Efforts

Though data are reviewed from the many sites comprising the District's monitoring network, the overall status of water resources in the SWUCA can be illustrated by trends observed at six long-term groundwater level sites (referred to as sentinel wells) and water levels and flows associated with established MFL water bodies located throughout the SWUCA. Figure 1A (see exhibit) shows the locations of the six sentinel wells. ROMP 50 and 60, and the Coley Deep wells reflect water level trends in the northern portion of the SWUCA; and, the Marshall Deep, Edgeville Deep and Sarasota 9 wells reflect water level trends in the southern portion of the SWUCA. As shown in Figure 1B, since the early 1990s, groundwater levels have been stable or increasing in the north and stable or decreasing in the south. This was anticipated to occur as it was understood that changes in withdrawal locations and reductions in water use in the northern areas were occurring and additional water use would likely occur in the southern areas.

In January 2007, when regulatory portions of the Strategy went into effect, MFLs were adopted on 17 water bodies with five (29 percent) water bodies meeting and 12 (71 percent) water bodies not meeting their adopted MFLs. Since that time, additional MFLs have been adopted and there are now a total of 45 water bodies with adopted MFLs in the SWUCA: 32 lakes, 11 river segments (including four estuaries), one spring and one aquifer. In 2018, 23 (51 percent) water bodies were meeting and 22 (49 percent) water bodies were not meeting their adopted MFLs. Figure 2 (see exhibit) shows the locations of water bodies with adopted MFLs and the corresponding determination of met versus not met status. There is no change in the percentage of MFLs met compared to the previous year (2017).

Specifically referring to Goal 1 and the Ridge lakes, the number of lakes with minimum levels is 32, with 13 lakes met and 19 lakes not met in 2018. Most of the lakes not meeting their minimum levels have recently been on a positive trend towards their adopted minimum levels. In all, 16 lakes have shown improvement since 2017 and continue to show improvement, 15 lakes have remained the same and 1 lake has slightly declined.

Meeting Goal 2 requires that the low flows at three river gages on the upper Peace River must equal or exceed the Minimum Low Flow for that gage for three consecutive years. Operation of the Lake Hancock project helped to achieve the Minimum Low Flow at all three river gages in 2018. Low flows in the river were improved by the operation of the Lake Hancock project starting in late 2015, but dry conditions in late 2016 through the first half of 2017 precluded the project from achieving the Minimum Low Flow at all three river gages in 2017. For 2018, the

Goal 2 minimum flow status assessment is that one gage has met the Minimum Low Flow for three consecutive years while the other 2 gages have met the Minimum Low Flow for one year (2018).

The SWIMAL for the MIA (Goal 3) is an important indicator of overall progress on the Strategy due to the regional nature of the aquifer and implications for requests for new groundwater withdrawals. The SWIMAL was calculated as the average Upper Floridan aquifer groundwater level in the MIA over the 10-year period from 1990 to 1999; and is achieved when the 10-year average equals or exceeds the SWIMAL of 13.1 feet for five consecutive years. Figure 3 (see exhibit) presents the current MIA aquifer level compared to the adopted SWIMAL. At the end of 2018, the 10-year average aquifer level was 13.1 feet marking the first time this level has been reached since the establishment of the SWIMAL and the first of the required five years the level needs to equal or exceed the SWIMAL to be considered met. The 2018 level increased by 0.3 feet from the 2017 level. The levels over the next four years will determine if the SWIMAL is achieved.

The District continues to support development of conservation and alternative water supply projects to ensure there are sufficient water supplies for existing and projected reasonable-beneficial uses (Goal 4). For FY2018, a review of ongoing and completed reuse projects within the Southern Water Use Caution Area reveals a total of 13 ongoing District cooperatively funded reuse projects, which will result in approximately 9.6 million gallons per day (mgd) of additional reuse supply upon completion. Ongoing or completed public supply water conservation projects in FY2018 included a total of 12 District cooperatively funded conservation projects, which will result in approximately 0.9 mgd of additional conservation savings upon completion. An additional 17 water supply and water resource development projects, including those related to aquifer storage and recovery, aquifer recharge, brackish groundwater development, and potable water interconnects/line looping, were ongoing or completed in FY2018. These projects may eventually provide at least 14 mgd of new alternative water supply and 6 mgd of recharge to the Upper Floridan aquifer.

The two primary factors influencing hydrologic conditions in the region are rainfall and groundwater withdrawals. Rainfall is the principle source of water to the hydrologic system in the groundwater basin and, as expected, has been highly varied over the last two decades with two major droughts and a period of very high rainfall. Since 2004 and 2005 when the area experienced several tropical storms, the area has received less than long-term average annual rainfall for 8 out of the last 12 years as shown in Figure 4 (see exhibit). During these low rainfall periods, less water is available to replenish surface water bodies, resulting in lower levels and flows. Additionally, activities that use water, such as agricultural and landscape irrigation, require increased withdrawals to supplement lower rainfall amounts. Increases in groundwater withdrawals during these periods can cause surface water levels to decline further than would be expected given below average rainfall alone. Recent trends in total estimated groundwater withdrawals in the SWUCA, as well as withdrawals by use type, are shown in Figure 5 (see exhibit). Though the annual rainfall 10-year moving average has been slightly less than the long-term average for the last decade, estimated groundwater withdrawals (including metered withdrawals) have generally declined due to changes in water use related activities in the basin and have averaged about 566 million gallons per day (mgd) since 2006. Withdrawals from the Upper Floridan aquifer represent about 90 percent of total groundwater withdrawals in the area. Though total groundwater withdrawals in the region have decreased over the past 10 years, locally there are areas that have experienced increases in withdrawals, as well as a shift from one water use type to another, which have affected groundwater levels.

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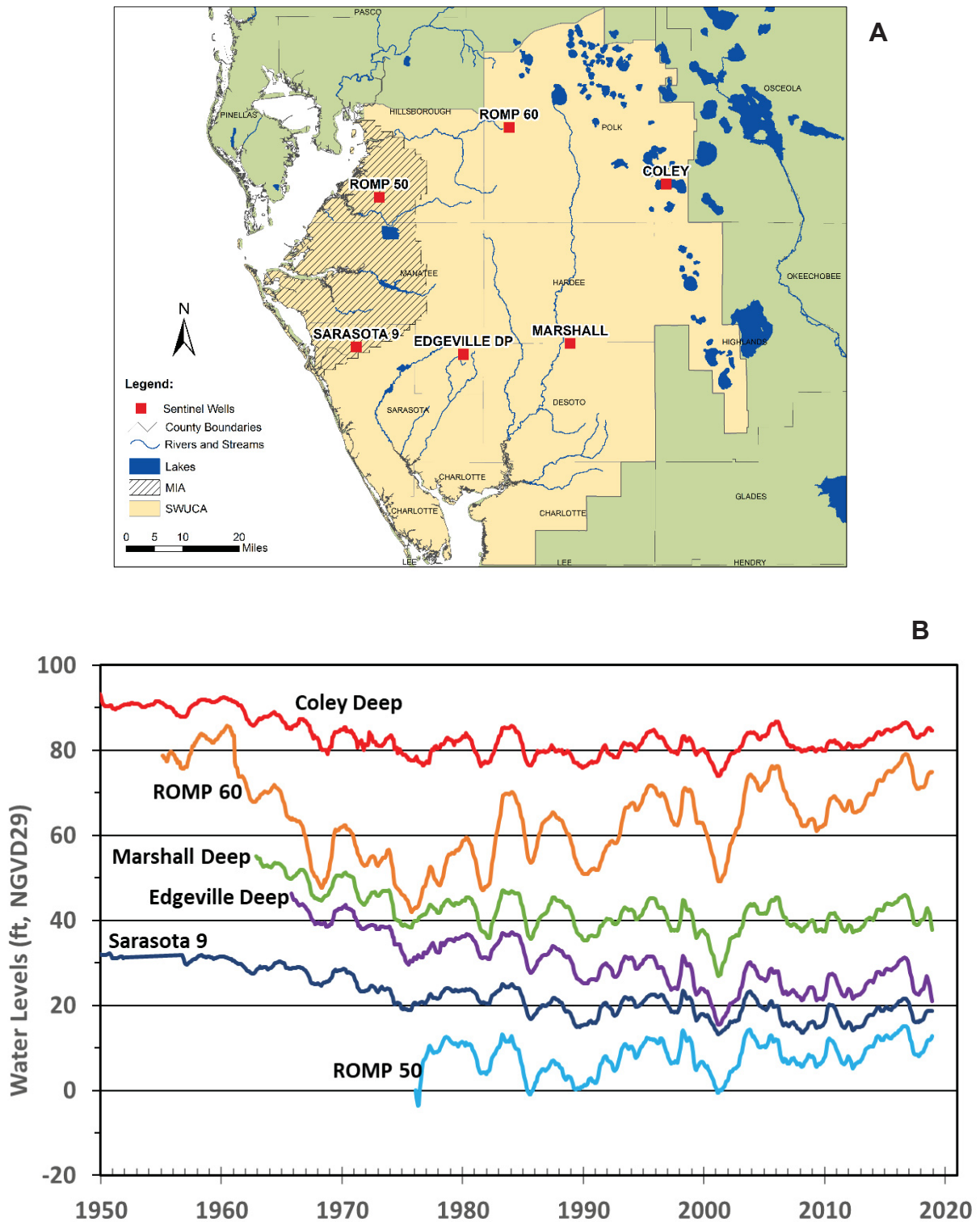
In summary, progress towards recovery continues but challenges remain. Water resource trends have generally been stable and consistent with rainfall received, though several sites still remain below adopted MFLs. Average rainfall for 8 out of the last 12 years has been below the long-term annual average. However, the most recent four years of rainfall have been above the long-term average, which is reflected in increases in surface water levels and flows experienced throughout the basin. Total estimated groundwater withdrawals have declined in recent years and continue to be approximately 50 percent of total permitted groundwater quantities. Though withdrawals have declined regionally, some areas have experienced increased withdrawals due to changes in associated land use activities.

Staff Recommendation:

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

Presenter: J.P. Marchand, P.E., Water Resources Bureau Chief

Exhibit  
Status of the Southern Water Use Caution Area Recovery Strategy  
Figures 1 - 5



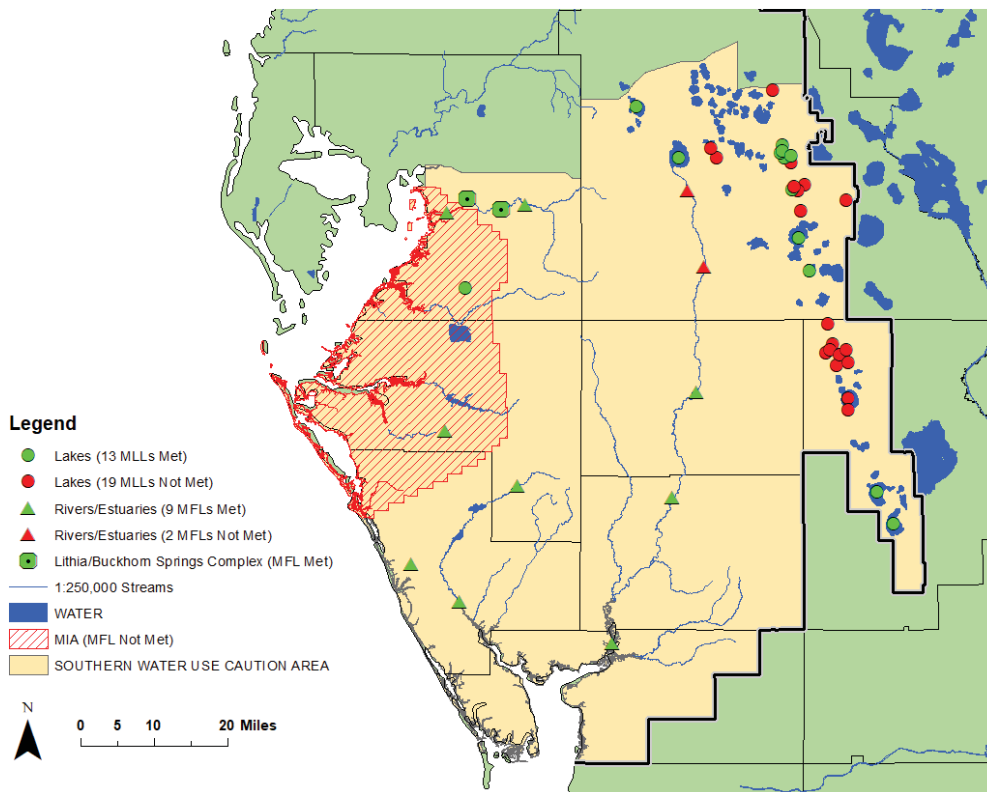


Figure 2. Status of MFL water bodies in the SWUCA

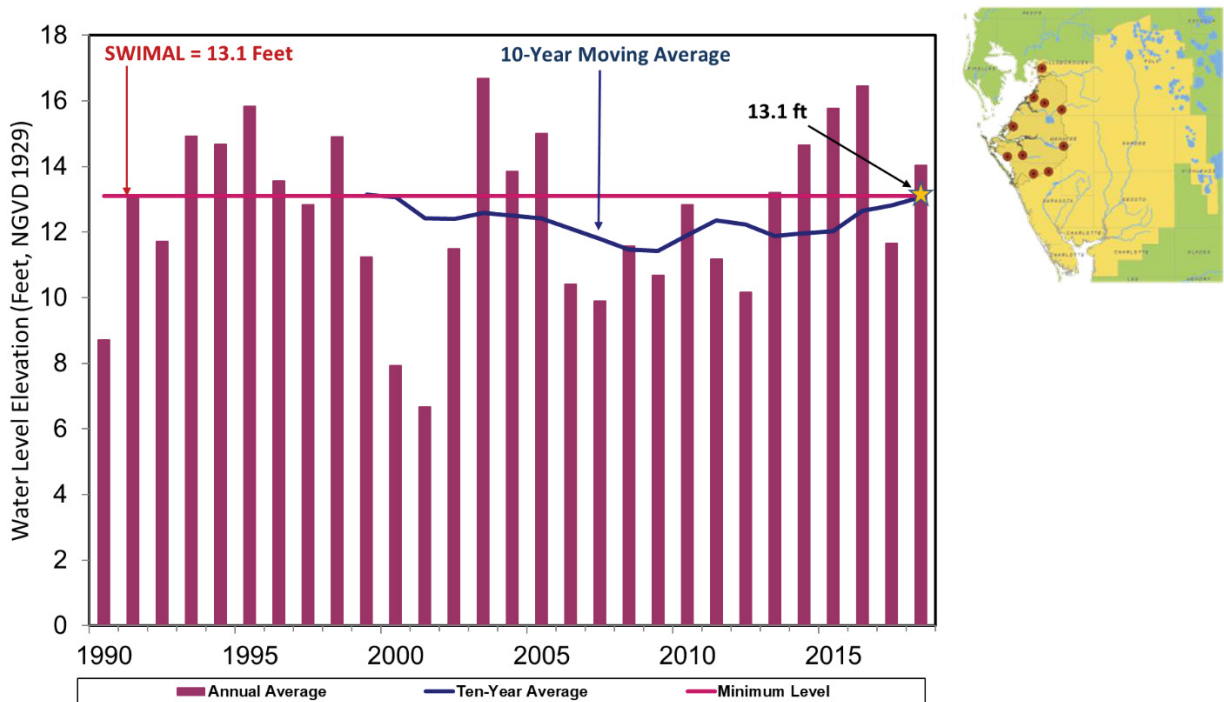


Figure 3. Status of the Upper Floridan aquifer level in the Most Impacted Area of the SWUCA

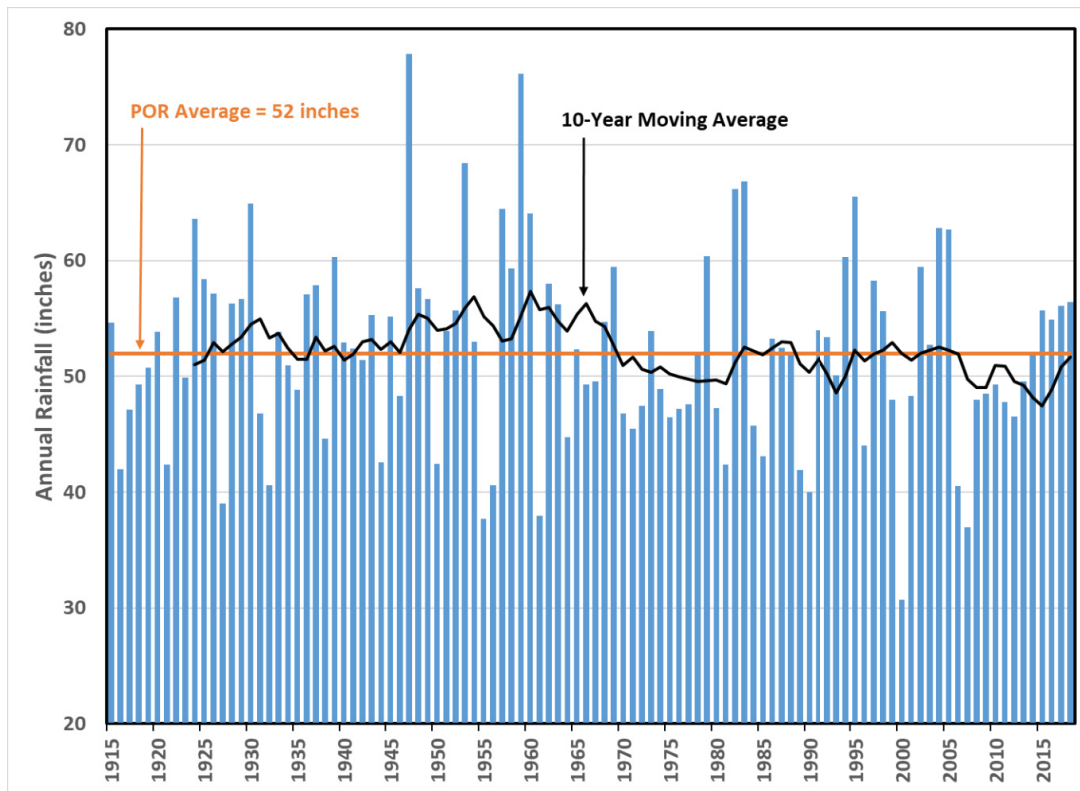


Figure 4. Long-term rainfall as depicted for the Peace River Basin

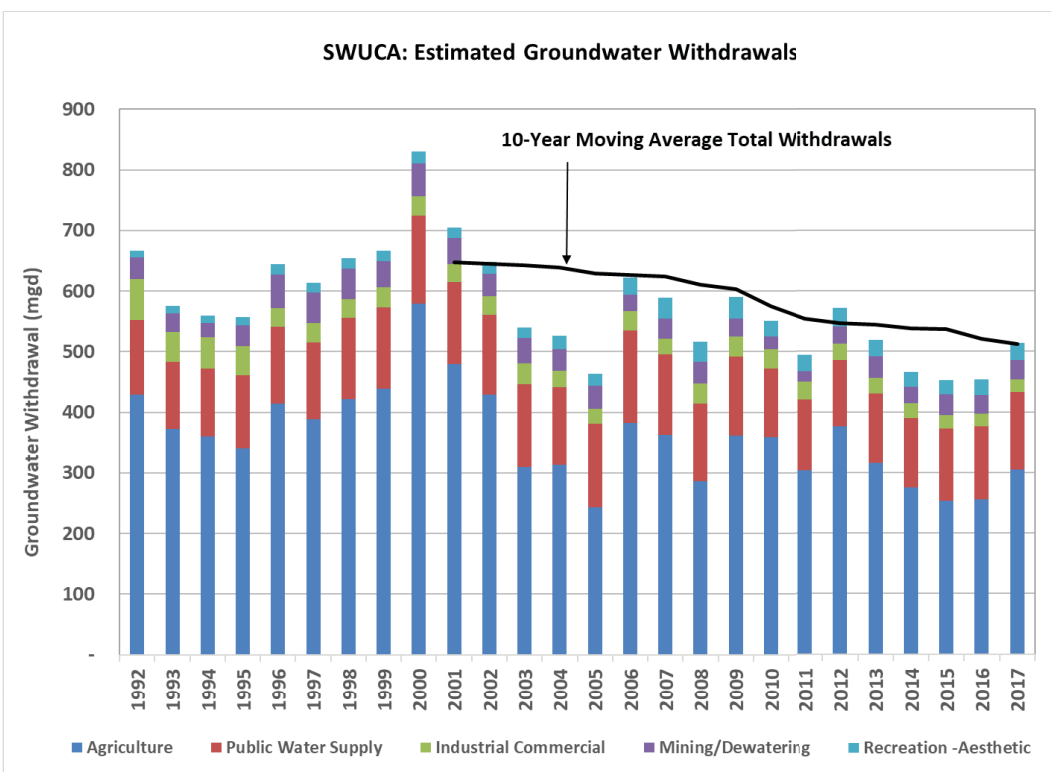


Figure 5. Total estimated/actual groundwater withdrawals in the SWUCA



## RESOURCE MANAGEMENT COMMITTEE

January 28, 2020

### *Submit and File Report*

#### Five-Year Water Resource Development Work Program

##### *Purpose*

To provide an update of the District's 2019 Five-Year Water Resource Development Work Program (Work Program) and its approval by the Florida Department of Environmental Protection (DEP).

##### *Background/History*

The District is required by Florida Statutes (Subsection 373.536(6)) to prepare a Work Program each year. This Work Program describes the District's implementation strategy for the water resource and water supply development components of the approved Regional Water Supply Plan (RWSP). The current Work Program covers the period from fiscal year (FY) 2019 through FY2023 and is a comprehensive discussion of the District's projects and activities intended to assist in making water resources available to meet demands. A draft of the Work Program must be submitted to DEP and specified state and local government officials within 30 days after adoption of the District's final budget. The Governing Board authorized the submittal of the draft Work Program at the September 24, 2019 meeting. District staff submitted the draft on October 17, 2019.

The DEP reviewed the draft Work Program and responded to the District in a letter received November 12, 2019. The letter states the DEP's approval of the proposed expenditures for water resource and water supply development, and the Work Program's consistency with the District RWSP and the Central Florida Watershed Initiative RWSP. No revisions to the Work Program were requested. The DEP is required to prepare a final evaluation report of its review of water management district Work Programs and submit a copy of the report to the Governor, President of the Senate, and Speaker of the House of Representatives. The District's final Work Program will be resubmitted as part of the 2019 Consolidated Annual Report as required by Florida Statutes (Subsection 373.036(7)).

##### Staff Recommendation:

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

Presenter: Jennette M. Seachrist, Division Director, Resource Management

## RESOURCE MANAGEMENT COMMITTEE

January 28, 2020

### *Routine Report*

#### Minimum Flows and Levels Status Report

Section 373.042 of the Florida Statutes requires the state water management districts or Department of Environmental Protection (DEP) to establish minimum flows and minimum water levels (MFLs) for aquifers, surface watercourses and other surface water bodies. MFLs are the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area and are used in District permitting programs and for water-supply planning.

Summary information concerning the status of five major tasks for water bodies scheduled for MFLs adoption by December 2020, based on the 2019 Priority List and Schedule that was approved by the Governing Board on 10/22/2019 and submitted to the DEP on 11/14/2019 is summarized below. Data collection and analyses for priority water bodies scheduled for MFLs adoption in 2021 through 2029 is also ongoing but is not summarized in this status report.

#### ***MFLs Development Tasks***

- Draft MFLs reports are completed for stakeholder review, and in some cases are subjected to independent scientific peer review.
- Independent, scientific peer review is voluntarily initiated and completed for draft reports addressing river, spring and aquifer MFLs. Draft reports for lake and wetland MFLs are not typically subjected to voluntary peer review. The methods used to establish lake and wetland MFLs were, however, peer reviewed prior to those methods being adopted in rule. Voluntary peer review for individual lakes and wetlands may be conducted based on requests from affected stakeholders or by District decision.
- Public workshops are completed to provide opportunities for stakeholders to learn about and provide input on proposed MFLs.
- Final MFLs reports that incorporate peer review findings and stakeholder input are prepared for Governing Board approval.
- Rulemaking for proposed MFLs and any necessary MFLs prevention or recovery strategies is approved by the Governing Board, initiated through legal noticing of proposed rules, and completed with adoption and incorporation of effective MFLs and necessary strategies into District rules.

#### ***Status for Water Bodies Scheduled for MFLs Establishment by December 2020 (Recent Status Changes Highlighted)***

Water Body	Draft MFLs Report	Independent, Scientific Peer Review	Public Workshop	Final MFLs Report	Rulemaking
Calm Lake <sup>a</sup>	Completed	Completed <sup>b</sup>	Completed	Approved	
Charles, Lake <sup>a</sup>	Completed	Completed <sup>b</sup>	Completed	Approved	
Church Lake <sup>a</sup>	Completed	Completed <sup>b</sup>	Completed	Approved	
Echo Lake <sup>a</sup>	Completed	Completed <sup>b</sup>	Completed	Approved	

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Linda, Lake <sup>a</sup>	Completed	Completed <sup>b</sup>	Completed		
Sapphire, Lake <sup>a</sup>	Completed	Completed <sup>b</sup>	Completed	Approved	
41 Northern Tampa Bay Wetlands <sup>c</sup>	Completed	Completed <sup>b</sup>	Completed	Approved <sup>d</sup>	Approved <sup>d</sup>
Chassahowitzka River <sup>a</sup>	Completed	Completed	Completed	Approved	Initiated
Chassahowitzka Spring Group <sup>a</sup>	Completed	Completed	Completed	Approved	Initiated
Blind Spring <sup>a</sup>	Completed	Completed	Completed	Approved	Initiated
Homosassa River <sup>a</sup>	Completed	Completed	Completed	Approved	Initiated
Homosassa spring Group <sup>a</sup>	Completed	Completed	Completed	Approved	Initiated
Rainbow River <sup>a</sup>	Completed	Completed	Completed	Approved	Initiated
Rainbow Spring Group <sup>a</sup>	Completed	Completed	Completed	Approved	Initiated
Cypress, Lake <sup>e</sup>					
Garden, Lake <sup>e</sup>					
Halfmoon Lake <sup>e</sup>					
Jackson, Lake <sup>e</sup>					
Strawberry (North Crystal) Lake <sup>e</sup>					
Peace River (lower segment) <sup>e</sup>					
Shell Creek (lower Segment) <sup>e</sup>					

<sup>a</sup> Scheduled for completion in 2019.

<sup>b</sup> Peer review completed for lake and wetland MFLs methods.

<sup>c</sup> 20 wetlands scheduled for completion in 2019 and 21 scheduled for completion in 2020.

<sup>d</sup> Final MFLs report and rulemaking approved for 40 of 41 wetlands scheduled for completion in 2019 and 2020; further assessment of 1 wetland is ongoing.

<sup>e</sup> Scheduled for completion in 2020.

### Staff Recommendation:

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

Presenter: Doug Leeper, MFLs Program Lead, Environmental Flows and Assessments Section

## RESOURCE MANAGEMENT COMMITTEE

January 28, 2020

### *Routine Report*

#### Significant Water Resource and Development Projects

This report provides information on significant Resource Management projects and programs in which the Governing Board is participating in funding. The report provides a brief description and status of significant activities associated with the project that have recently occurred or are about to happen.

#### SWUCA Recovery Project at Flatford Swamp and Hydrologic Restoration

The project investigates the feasibility of using excess water from Flatford Swamp recharged into the Upper Floridan Aquifer that would reduce the rate of saltwater intrusion inland and help restore hydroperiods. A water budget model comparing existing and historic conditions within Flatford Swamp was developed to determine the amount of excess water that could be captured for a beneficial use. Several preliminary scenarios for removal of excess water from the swamp have been evaluated such as a feasibility study to determine Mosaic's potential uses for excess water from Flatford Swamp. The Feasibility Study with Mosaic was finalized in March 2013 but determined unfeasible. Staff researched an injection option at Flatford for the excess water to recharge the aquifer and discussed the need for more information on the Avon Park formation at the swamp. A pre-application meeting with Florida Department of Environmental Protection (FDEP) was held on February 25, 2016. Draft Class V, Group 2 Injection Well permit application was issued by FDEP approximately a year later. The feasibility study memorandum is complete. Staff has presented to the Agricultural\Green Industry, Environmental, Well Drillers and Public Supply Advisory Committees. Also, staff had outreach presentations to the Manatee Chamber Environmental Committee, Myakka River Coordinating Council, and the Florida Groundwater Association Board. Governing Board approved at their April meeting to proceed with the test well project. The successful consultant from the Request for Proposal for the test well project was the Jones Edmunds & Associates (JEA) team. The successful bidder for the drilling RFB was Rowe Drilling. Both the consultant and driller agreements were executed, and kick-off meetings were held on February 22, 2018. Rowe Drilling requested and was approved to drill on a 24-hour, five days a week schedule to bring the drilling back on schedule. Rowe had to drill deeper than originally estimated to fully characterized the Upper Floridan Aquifer. The permit submittal for final recharge well casing depths has been approved by FDEP based on information from the completed Phase 1 tasks. The recharge well and monitor wells are complete. Rowe Drilling is demobilizing the site. Jones Edmunds and Associates (JEA) continues work on the design and permitting of the diversion infrastructure. Rowe has demobilized from the site. The drilling is complete. The project received its FDEP Environmental Resource Permit and is waiting on the US Army Corps of Engineers on permit review for the diversion infrastructure. Procurement is working on draft request for bid for construction of the diversion infrastructure. The Project Team continues to develop the recharge testing project plan. Staff is developing a "simple" pilot study to determine quantities of sodium bisulfite (an oxygen scavenger to reduce formation of arsenic in the aquifer) for the testing portion. Working to get the diversion infrastructure Request for Bid advertised as soon as possible. ***New Activities Since Last Meeting:*** No new activities since the last meeting. *Project Manager: Lisann Morris*

#### Lower Hillsborough River MFLs Recovery Strategy - Implementation

At its August 2007 meeting, the Governing Board established minimum flows and approved a recovery strategy for the lower Hillsborough River (LHR). The recovery strategy was adopted as

required by statute, because flows in the LHR were below the established minimum flows. The recovery strategy includes a number of projects to divert water from various sources to help meet the minimum flows. Projects planned or completed under the recovery strategy, funded through a Joint Funding Agreement with the City of Tampa (COT), include diversions of water from Sulphur Springs, Blue Sink, the Tampa Bypass Canal (TBC), and Morris Bridge Sink. All projects are constructed and are operating except for the Morris Bridge Sink project. In October 2017, the District completed design for the Morris Bridge Pumping facility, but construction has not begun pending the outcome of analysis the COT is performing associated with the Tampa Augmentation Project (TAP). In addition, the COT, with District co-funding, has completed the LHR Dam Control Gate Facilities (N492) project which constructed a new sluice gate in the dam to allow the city to pass the full quantity of water needed to meet minimum flows. In December 2017 the COT began operation of the temporary pump stations at the District's S-161 site and at the Hillsborough River Dam site. The COT has received Water Use Permit (WUP) No. 20020802 from the District for the operation of these pump stations. In summary, all activities and projects proposed in the adopted recovery strategy are either underway, completed, or have been determined to not be viable. Important components of the recovery strategy are currently in operation, including the use of Sulphur Springs, Blue Sink, LHR Dam Control Gate Facilities, and the TBC as recovery flow sources, and data results from recent years suggest that the desired goal of creating low salinity habitat below the dam can be sustained through minimum flows implementation. The annual LHR recovery strategy update was provided to the Governing Board in August 2019. The Five-Year Assessment Report draft has been reviewed internally, posted to the District website, and has been sent to various stakeholders. **New Activities Since Last Meeting:** District has executed an agreement with Jones Edmunds and Associates to complete the permit required environmental monitoring for Morris Bridge Sink. District staff have attended various stakeholder meetings to present the findings of the second five-year assessment. Outreach will continue through February of 2020. *Project Managers: Danielle Rogers*

### **Pasco County - Restoration - Central Pasco Recharge Wetlands Facility Optimization Project**

Pasco County, in partnership with the Southwest Florida Water Management District (District), has constructed a system of groundwater recharge wetlands on the 4G Ranch in central Pasco County to receive reclaimed water for groundwater recharge. The facility consists of 175 acres of constructed wetlands divided into fifteen (15) cells planted with native wetland vegetation. Each cell is operated independently through a valve manifold that includes flow control valves and flow meters and operated based on water elevation setpoints. These water level setpoints should change monthly based on recommendations defined in the Operation and Maintenance Manual to achieve a wetland hydroperiod that mimics natural Florida wetlands, with high levels in the summer wet season and lower levels in the winter dry season.

The Central Pasco Recharge Wetlands Facility Optimization project is a follow-up three-year project (N943) that began in 2018. The goal of the project is to compile and review available applicable operational data to evaluate impacts to the local groundwater system, optimize system performance, and estimate future operational trends. The total cost of this project is \$280,000, split equally between the County and the District. As part of this project, an operational groundwater model of the site will be developed using the information from the consultant combined with the data that County staff is currently collecting. This operational groundwater model will be used to estimate potential future system infiltration rates, impacts and benefits to the Upper Floridan aquifer, and future operational conditions. Consultant scientists will perform biannual vegetation surveys of the 15 cells constructed on the 4G Ranch

to assess the performance of the wetlands against the setpoints. The surveys will be completed through photo-interpretation of low-altitude, high resolution photography obtained by the County to determine wetland vegetation cover of each cell. A technical memorandum that includes the results of both the hydrogeologic review and the vegetation hydroperiod review will be provided. This technical memorandum will include recommendations for changes to the monthly water elevation setpoints that will both maximize groundwater recharge while maintaining healthy wetland vegetative communities. The County is funding the third and final year of the project at 100 percent. There have been some problems with the well monitoring equipment, which are to be resolved by the County. The District is awaiting a report from the County discussing the results of their assessment. Otherwise, the optimization effort (N943) is on schedule and moving forward in its third year. **New Activities Since Last Meeting:** The County provided a plan to resolve the problems with the well monitoring equipment. *Project Manager: Mike Hancock*

### **South Hillsborough County Aquifer Recharge Program (SHARP)**

This is a direct aquifer recharge pilot project to evaluate directly recharging the non-potable zone of the UFA with up to 2 mgd of highly treated reclaimed water at the Hillsborough County's Big Bend facility near Apollo Beach in southern Hillsborough County (County). The goal of the project is to improve water levels within the Most Impacted Area of the Southern Water Use Caution Area and possibly slow the rate of inland movement of saltwater intrusion in the area. The pilot testing program includes permitting, installing a recharge well and associated monitor wells, assessing aquifer characteristics, performing recharge testing, evaluating water level improvements, migration of the recharge water and metals mobilization, and conducting public outreach. The County's consultant submitted the well construction permit application for authorization to install the test recharge well and monitoring wells on December 20, 2011. Design and preparation of bid documents were completed in early July 2012; a request for bids was released the week of July 16, 2012, with responses received in August 2012. Construction contract with the contractor (A.C. Schultes of Florida, Inc.) was approved by the County on April 3, 2013. The recharge well was completed in December 2013 with an open-hole diameter of 14.75 inches, 780 feet of casing, and a total depth of 1,100 feet. The County received a letter from FDEP on July 13, 2015 authorizing recharge operations to begin. **New Activities Since Last Meeting:** Recharge testing and monitoring continued during the months of November and December at an average recharge rate of 2.8 mgd. Estimated injection volume for December was not available at the time this update was prepared. Total recharge volume through November is approximately 3379 MG gallons since the beginning of the project. The County submitted the UIC operation permit application to the FDEP in October and FDEP is still evaluating it. *Project Manager: Don Ellison*

### **City of Tampa, Tampa Augmentation Project (TAP)**

This project is a study that will explore the cost and feasibility of two options to beneficially use reclaimed water from the Howard F. Curren Advanced Wastewater Treatment Plant (HFCAWTP). The first alternative concept involves transmitting reclaimed water to the Lower Hillsborough Wilderness Preserve Area and delivering water through created wetlands and/or rapid infiltration basins (RIBs) to the Tampa Bypass Canal. This alternative was found infeasible and the project focus went to the second alternative. The second alternative concept evaluates a recharge/recovery system to store and recover reclaimed water (and possibly stormwater) in the aquifer for delivery to the Hillsborough River Reservoir and possibly in the future directly to the David L. Tippen Water Treatment Plant. The City has developed their stakeholder outreach plan, completed their route and regulatory/institutional analysis memorandums. The City is currently testing the recharge/recovery concept at an existing aquifer storage and recovery site. A No Cost Time Extension amendment is being routed to allow for finalization of the more complex memoranda covering modeling and water quality treatment. A draft Florida Department of Environmental Protection Underground Injection Well permit application was prepared.



Additional feasibility tasks have been identified as a result of this first phase and the City has submitted a revised Cooperative Funding Application to request funding for Fiscal Year 2019. No Cost Time Extension was executed extending the contract completion date to the end of August 2018. The City withdrew their underground injection control permit for the entire TAP project and will continue discussions with FDEP on permitting aspects of the overall project. In the interim, the City plans to move forward and develop a permit application for the Rome Avenue site for testing with potable water. The City decided to fund 30 percent design activities for some of the TAP infrastructure. The Phase 1 Feasibility Study is complete and closed. Phase 2 Feasibility Study kick-off meeting was held on January 30, 2019. The Memorandum of Understanding with Tampa Bay Water was tabled until June 2020 when the Phase 2 TAP Feasibility Study is anticipated to have additional answers. Meanwhile, the City initiated recovery at the TAP-1 well collecting water quality samples. The City is working through the Rome Avenue Underground Injection Control permit with Florida Department of Environmental Protection that will use potable water in the test. A kick-off meeting was held on the Rome Avenue test well site on July 17, 2019. Testing will be done with potable water with data inputting into the SEAWAT model to predict disposition of the reclaimed water injection. **New Activities Since Last Meeting:** The City's consultant continues to work on the Rome Avenue test well site and the source reduction plans. *Project Manager: Lisann Morris*

### **Water Incentives Supporting Efficiency (WISE) Program**

This is a cost-share program that supports and promotes water conservation with non-agricultural water users. It will provide a streamlined project implementation/application process and reach cooperators that might not otherwise implement smaller conservation projects. The program was presented to the Governing Board on November 13, 2018 and officially launched December 1, 2018. The \$50,000 that was budgeted for FY2019 has been committed to a total of five conservation projects. Total estimated water savings for all the FY2019 projects was approximately 10,400 gpd. Funds are still available for FY2020, and outreach is ongoing. **New Activities Since Last Meeting:** Five projects have been approved for funding with FY2020 funds. One application from Hernando County School District is routing for approval. Meetings and calls with potential applicants are ongoing. The program handbook is going to have minor updates/clarification for use in FY2020. *Project Manager: Josh Madden*

### **Polk County Regional Water Cooperative Southeast Wellfield Project**

Polk County lies within the Southern Water Use Caution Area (SWUCA) and the Central Florida Water Initiative (CFWI) where traditional water sources are nearing their sustainable limits and alternative water sources need to be developed to meet the projected demands. As a result, Polk County and the municipalities within Polk County, with the District's encouragement, have created a regional water supply entity, the Polk Regional Water Cooperative (PRWC), to develop future alternative water supplies (AWS). The Southeast Wellfield project is one of four PRWC projects that are utilizing funds from District Resolution 15-07 for the feasibility and design of new AWS sources. The project consists of the development of a wellfield to supply brackish groundwater from the Lower Floridan aquifer (LFA), a reverse osmosis water treatment facility with capacity expandable to 30 mgd, and a regional transmission system to serve multiple municipalities in Polk County. The current CFI Agreement with the Polk Regional Water Cooperative (PRWC) includes the following tasks: an LFA test well study including exploratory drilling and groundwater modeling for anticipated aquifer yield and water quality, the conceptual designs of the water treatment facility and regional transmission system, a District-led third-party review of the test well study and conceptual designs, pilot water treatment testing, preliminary (30 percent) designs of the treatment facility and regional transmission system, a second District-led third-party review of the preliminary designs, and a preliminary water rate analysis for PRWC member customers. The preliminary designs and water rate analysis will assist the District and PRWC in determining member participation in the final design and construction, as well as developing funding plans and timelines for implementation. The CFI Agreement was

## Item 31

executed in April 2017 with a total cost of \$11,800,000. The District's 50 percent share was provided by a transfer from funds reserved by Governing Board Resolution 15-07. In April 2019, the Governing Board approved reducing the project cost to \$11,117,916 to utilize savings from the testing program to transfer fund to the PRWC Peace River/Land Use Transition study. The exploratory drilling was conducted on a county-owned land parcel approximately 10 miles east of Lake Wales and was substantially completed in April 2019. The parcel is proposed as the future site for the water treatment facility. The water treatment facility and wellfield conceptual design was developed with a 7.5 mgd production capacity in its initial phase and six incremental expansions up to a total of 30 mgd, based on projected customer needs and practical components for the facility. The regional transmission conceptual design evaluated multiple routes to ten customer service areas by cost and nine other criteria. The report drafts from the testing program and the conceptual designs of the water treatment facility and regional transmission system were received in July 2019. The District's third-party review of the groundwater testing and conceptual designs was presented to the Governing Board at the September 2019 meeting, and the continuance with the preliminary design phase was approved. ***New Activities Since Last Meeting:*** The PRWC continues to work on the preliminary design of the wellfield, brackish water treatment facility, and the regional transmission system. The District has received a \$1,424,000 State grant to apply to this project, which will reduce the District and PRWC shares equally. District staff are drafting a CFI Amendment to apply the grant. *Project Manager: John Ferguson*

### Staff Recommendation:

This item is provided for the Committee's information, and no action is required.

Presenter: Jennette M. Seachrist, P.E., Division Director, Resource Management

**E. Operations,  
Lands & Resource  
Monitoring**

**Governing Board Meeting  
January 28, 2020**

<b>OPERATIONS, LANDS &amp; RESOURCE MONITORING COMMITTEE</b>
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***Discussion Items***

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***Submit & File Reports - None***

***Routine Reports***

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**OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE**

**January 28, 2020**

***Discussion Item***

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

Staff Recommendation:

Presenter: Brian S. Starford, P.G., Division Director, Operations, Lands and Resource Monitoring

**OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE****January 28, 2020*****Discussion Item*****Hydrologic Conditions Report**

This routine report provides information on the general state of the District's hydrologic conditions, by comparing rainfall, surface water, and groundwater levels for the month under review, which is December, with comparable data from the historical record. The data shown are typically considered final, fully verified monthly values, but occasionally, due to timing of publication, some data are identified as "provisional," meaning that the values shown are best estimates based on incomplete data.

The information presented below is a summary of data presented in more detail in the monthly Hydrologic Conditions Report published the week before the Governing Board meeting, which also includes an updated provisional summary of hydrologic conditions as of the date of publication. It is available at <https://www.swfwmd.state.fl.us/resources/weather-hydrology/hydrologic-conditions-reports>

**Rainfall**

Rainfall totals for December indicate amounts were above-normal in all three regions of the District. The normal range is defined as rainfall totals that fall on or between the 25<sup>th</sup> to 75<sup>th</sup> percentiles derived from the historical data for each month.

- Northern region rainfall averaged 4.12 inches, equivalent to the 85<sup>th</sup> percentile.
- Central region rainfall averaged 3.75 inches, equivalent to the 82<sup>nd</sup> percentile.
- Southern region rainfall averaged 2.83 inches, equivalent to the 80<sup>th</sup> percentile.
- District-wide, average rainfall was 3.53 inches, equivalent to the 84<sup>th</sup> percentile.

**Streamflow**

December streamflow data indicate that flow decreased in all three regions of the District, compared to the previous month. Based on the three regional index rivers indicated below, streamflow conditions were within the normal to above-normal range in all three regions of the District. Normal streamflow is defined as flow that falls on or between the 25<sup>th</sup> and 75<sup>th</sup> percentiles.

- The monthly average streamflow in the Withlacoochee River near Holder in the northern region was in the 61<sup>st</sup> percentile.
- The monthly average streamflow measured in the Hillsborough River near Zephyrhills in the central region was in the 88<sup>th</sup> percentile.
- The monthly average streamflow measured in the Peace River at Arcadia in the southern region was in the 60<sup>th</sup> percentile.

**Groundwater Levels**

Groundwater data for December indicates that levels in the Floridan/Intermediate aquifer decreased in the northern region of the District, while they increased in the central and southern regions, compared to last month. Groundwater levels ended the month above-normal in the northern and central regions, while they were within the normal range in the southern region.



Normal groundwater levels are defined as those falling on or between the 25<sup>th</sup> and 75<sup>th</sup> percentiles.

- The average groundwater level in the northern region was in the 82<sup>nd</sup> percentile.
- The average groundwater level in the central region was in the 76<sup>th</sup> percentile.
- The average groundwater level in the southern region was in the 57<sup>th</sup> percentile.

### Lake Levels

Water level data for December indicates that regional lake levels have slightly increased in the northern, Tampa Bay and Polk Uplands regions of the District, while they have slightly decreased in the Lake Wales Ridge region, compared to the previous month. All four lake regions ended the month with levels above the base of the annual normal range. Normal lake levels are generally considered to be levels that fall between the minimum low management level and the minimum flood level.

- Average lake levels in the northern region increased 0.05 foot and were 0.28 foot above the base of the annual normal range.
- Average lake levels in the Tampa Bay region increased 0.01 foot and were 1.24 feet above the base of the annual normal range.
- Average lake levels in the Polk Uplands region increased 0.02 foot and were 2.22 feet above the base of the annual normal range.
- Average lake levels in the Lake Wales Ridge region decreased 0.03 foot and were 0.06 foot above the base of the annual normal range.

### Issues of Significance

December historically marks the third month of the 8-month (October through May) dry season and rainfall totals for the month were significantly above-normal in all three regions of the District. Rainfall received during December was regionally variable and mainly associated with several cold front systems moving through the District. The District-wide 12- and 24-month cumulative rainfall totals saw increases during the month, ending the month with a surplus of approximately 0.95 inch and 8.4 inches, respectively, above their long-term historical averages.

Hydrologic indicators showed mixed responses throughout the District during December. Aquifer levels saw slight declines in the northern region, while showing slight increases in the central and southern regions. Regional index rivers saw streamflow declines in all three regions, while regional lake levels saw increases in the northern, Tampa Bay and Polk Uplands regions and declines in the Lake Wales Ridge region.

NOAA climate forecasts (as of 12/19/2019) predict below-normal rainfall during the composite three-month period of January through March 2020, while also predicting above-normal temperatures for this time-period. Extended drier-than-normal rainfall conditions, in combination with above-normal temperatures, could worsen overall hydrologic conditions.

Updated weather forecasts will be available in mid-January. Staff will continue to closely monitor conditions in accordance with the District's updated Water Shortage Plan, including any necessary supplemental analysis of pertinent data.

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Staff Recommendation:

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

Presenter: Granville Kinsman, Hydrologic Data Manager

**OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE**

**January 28, 2020**

***Routine Report***

**Surplus Lands Update**

***Purpose***

This report provides a status on the District's surplus lands program. Information is through December 16, 2019.

***Background***

In 2011, at the direction of the Governing Board, the District began a regular surplus lands assessment and sales of surplus lands program. The table below shows the status of the parcels declared surplus by the Governing Board.

<b>Surplus Lands Status</b>	<b>Acres</b>	<b>Compensation</b>
Sold, Exchanged or Transferred	1,757	\$8,707,718
Closing Pending	3	
Marketed by District (Annutteliga Hammock lots)	34	
Marketed by Broker	968	
Not Marketed	2,251	
<b>Total</b>	<b>5,013</b>	<b>\$8,707,718</b>

<b>Sold from 10/29/19 to 12/16/19</b>				
SWF Parcel No.	Date Closed	Acres	Contract Price	Appraised Value
None	N/A	0	\$0	\$0
<b>Total</b>		<b>0</b>	<b>\$0</b>	<b>\$0</b>

**Staff Recommendation:**

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

**Presenter:** Jerry Mallams, P.G., Operations and Land Management Bureau Chief

# OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE

January 28, 2020

## Routine Report

### Structure Operations

Summary of gate status and water levels for select water control structures on December 30, 2019. Refer to Exhibit A for District Structure Sites Location Map.

#### Tampa Bypass Canal

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Hillsborough River	S-155	23.95	38.0	21.0	Open
Upper Pool	S-159	25.62	38.0	21.0	Closed
Middle Pool	S-161	13.58	15.0	12.0	Closed
Lower Pool	S-160	9.68	11.0	9.0	Closed

\*Elevations above referenced to NGVD29 datum

#### Hillsborough River Watershed

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Lake Thonotosassa	Flint Creek	35.64	36.1	33.6	Open

#### Lake June-in-Winter

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
June-in-Winter	G-90	73.18	74.4	72.1	Closed

#### North Winter Haven Chain of Lakes

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Lake Smart	P-6	127.66	127.75	123.50	Open
Lake Henry	P-5	125.14	125.50	123.00	Open
Lake Fannie	P-7	124.62	124.75	122.50	Open
Lake Hamilton	P-8	120.33	120.50	118.00	Open

#### Peace River Watershed

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Lake Hancock	P-11	99.50	102.1	96.6	Open

#### Alafia River Watershed

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Medard Reservoir	Medard	58.04	58.2	56.6	Open

**Rocky Creek System**

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Lake Pretty	Pretty	43.48	43.50	41.00	Open
Lake Armistead	Armistead	41.03	43.20	39.70	Open

**Brooker Creek System**

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Lake Tarpon	S-155	2.67	3.10	1.50	Open

**Sawgrass Lake**

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Sawgrass Lake	Sawgrass	3.22	3.20	3.00	Open

**Withlacoochee River Watershed**

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Lake Rousseau	Inglis Main	26.69	27.10	25.60	Open
Lake Rousseau	Inglis Bypass	26.69	27.10	25.60	Open

**Tsala-Apopka Chain of Lakes**

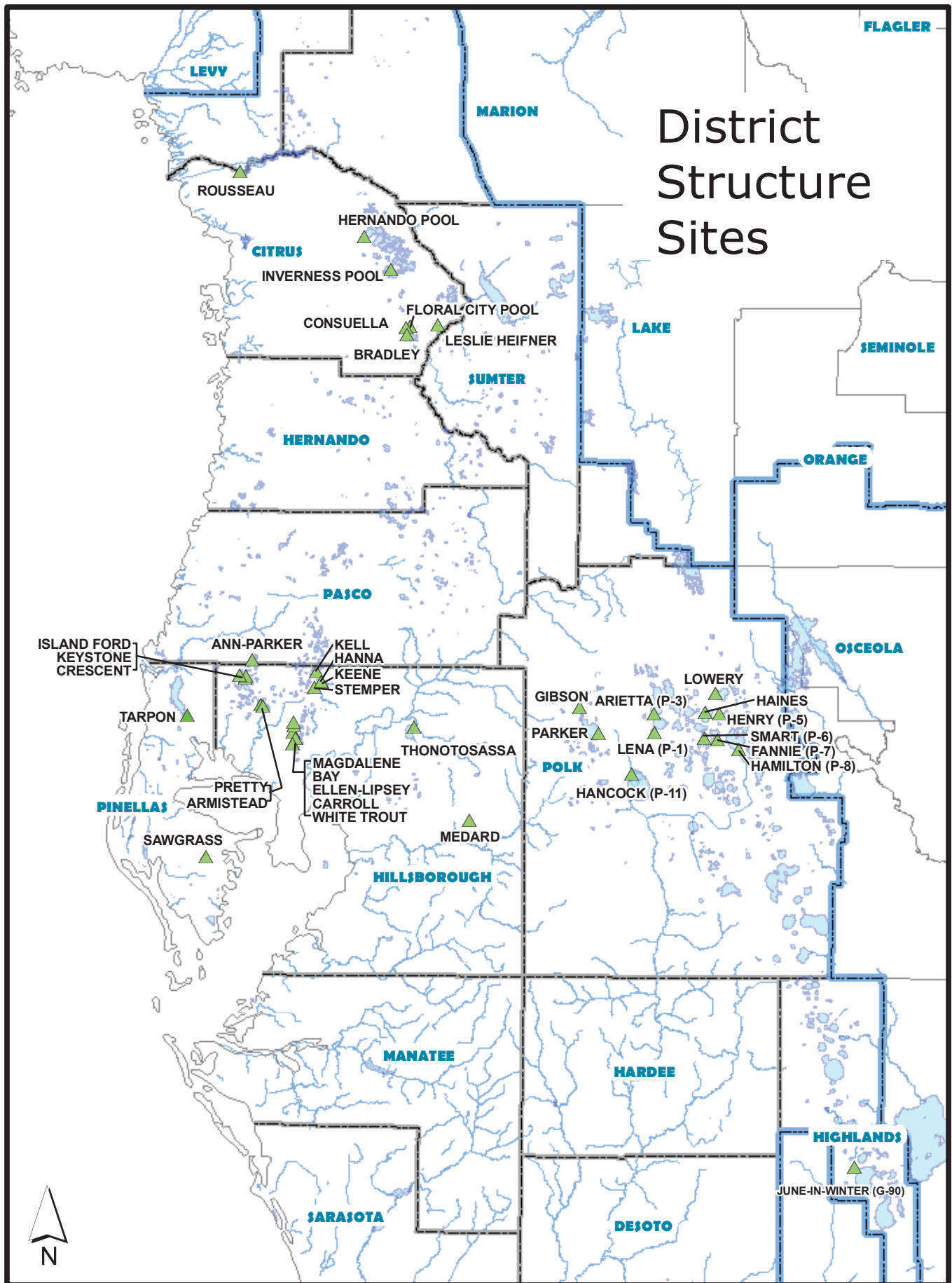
Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Hernando Pool	S-353	37.48	38.10	36.40	Closed

\*Elevations above referenced to NAVD88 datum

Staff Recommendation:

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

Presenter: Jerry Mallams, P.G., Operations and Land Management Bureau Chief





**OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE**

**January 28, 2020**

***Routine Report***

**Significant Activities**

Staff Recommendation:

Presenter: Jerry Mallams, P.G., Operations and Land Management Bureau Chief

## **Fiscal Year 2020 Significant Activities**

This report provides monthly information through December 20, 2019 on significant Operations and Land Management projects and programs. The report provides a brief description and status of significant activities associated with the projects that have recently occurred or are about to happen.

### **Land Management**

- Applied prescribed fire to 2,584 acres of conservation lands.
- Removed 222 feral hogs from District lands.
- Treated invasive exotic vegetation on 5,073 acres on District lands.
- Land resource-based revenue totals \$71,880.

### **Land Resources/Land Use and Protection**

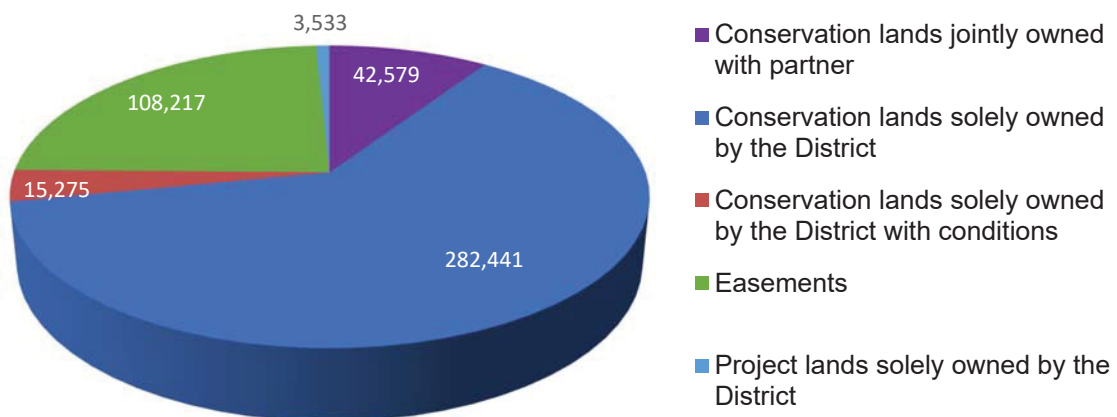
Issued Special Use Authorization to the following:

- United Way of Hernando County for vehicle access to the Weekiwachee Preserve for up to 150 participants to partake in a charity race event benefiting local outreach to the needy.
- Wantman Group, Inc., for vehicle access to the Lake Panasoffkee Tract to conduct land surveys associated with the construction of a new interchange at I-75 and Warm Springs Road just south of the Preserve.
- Florida Forest Service for vehicle access to the Green Swamp-WRB, Upper Hillsborough and Gilley Creek Tract to conduct Operation Outdoor Freedom deer/turkey/hog hunting and camping events for U.S. veterans.
- Capital City Rowing for vessel access to the Tampa Bypass Canal to conduct a rowing regatta.
- Florida Fish and Wildlife Conservation Commission for vehicle access to the Green Swamp West meeting facility to conduct a staff meeting.
- West Pasco Audubon Society for vehicle access to Starkey Wilderness Preserve to conduct the annual Christmas bird count. Up to five participants are expected.
- Hernando Audubon Society for vehicle access to Weekiwachee Preserve to conduct the annual Christmas bird count. Up to two groups of six participants are expected.
- Lake Region Audubon Society for vehicle access into Lake Hancock and Hampton Tract to conduct a trial Lakeland Christmas Bird Count.
- Tampa Audubon Society for vehicle access to conduct bird counts within portions of the District's Tampa Bypass Canal via the Tampa Service Office property.
- Florida Southern College Army ROTC for vehicle access to Green Swamp West to conduct military readiness training.

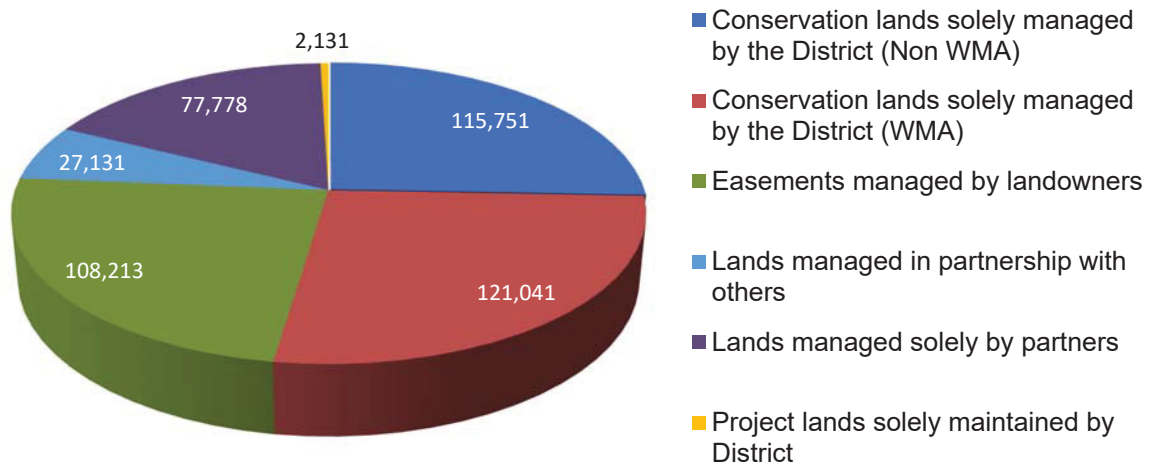
- Companion Arabians for vehicle access to Hálpata Tastanaki Preserve to conduct a long-distance equestrian endurance event for up to 250 participants dispersed over three days.
- Volunteers provided 648 hours of service at a value of approximately \$15,266.88 to the District's conservation/recreation lands. Volunteer services included campground maintenance, trash removal, fence repair, and tree trimming.
- Processed 1,012 requests and provided 2,905 camping opportunities on District lands.

The following is a breakdown of District land interests:

### District Land Ownership Total Acres: 452,045



## Land Management and Maintenance Total Acres: 452,045



### Staff Recommendation:

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

## F. Regulation

# Governing Board Meeting January 28, 2020

<b>REGULATION COMMITTEE</b>
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## ***Discussion Items***

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## ***Submit & File Reports – None***

## ***Routine Reports***

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**REGULATION COMMITTEE**

**January 28, 2020**

***Discussion Item***

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

Staff Recommendation:

Presenter: Michelle Hopkins, P.E., Division Director, Regulation

**REGULATION COMMITTEE**

**January 28, 2020**

***Discussion 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

## REGULATION COMMITTEE

January 28, 2020

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

At their December 2010 meeting, the Governing Board adopted a minimum aquifer level in the Dover/Plant City Water Use Caution Area (DPCWUCA); Rule 40D-8.626, Florida Administrative Code (F.A.C.), as well as a recovery strategy (Rule 40D-80.075, F.A.C.) that incorporated flow meters and automatic meter reading (AMR) equipment installations to monitor and reduce resource impacts from future frost/freeze pumping events. Meter information in the Dover/Plant City area will be used by the District to: (1) improve the allocation of well mitigation responsibilities among permit holders, (2) allow District staff to better identify permit compliance issues resulting from pumping during frost/freeze events, (3) improve the modeling of impacts resulting from pumping during frost/freeze events, (4) allow the monitoring of performance and track the progress of management actions implemented, and (5) provide for the overall assessment of the recovery strategy goal of reducing frost/freeze protection quantities by 20 percent in ten years. It was originally estimated as of June 16, 2011 that there were 626 flow meters and 961 AMR devices needing installation within the 256-square mile DPCWUCA. Total costs of the program were estimated to be \$5.5 million for flow meter and AMR equipment installation with approximately \$316,000 required annually to support the program. On August 7, 2013, the AMR equipment installation and operation component of this project under RFP 004-13 was awarded to Locher Environmental Technology, LLC, partnered with AMEC Environmental and Infrastructure, Inc., and Hydrogage, Inc. The current contract was executed on November 14, 2013 and will be completed December 31, 2019. An extension was made to the current contract to extend the current contract date of September 30, 2019 to December 31, 2019 to allow for the replacement of 457 modems that will no longer be supported by Verizon by December 31, 2019. The modem replacements are to be completed by December 31, 2019. As of January 1, 2019 a revised estimate total of 873 AMR devices were to be installed. This revised assessment was needed to exclude sites for the following reasons: expired water use permits, use change, deletion of withdrawals not required to be metered, and the completion of the Flow Meter Reimbursement Program. The Flow Meter Reimbursement Program was completed on December 31, 2018 with a total of 538 flow meters installed. The second phase of work for ongoing maintenance and limited AMR installations will begin on October 1, 2019 and run concurrent with the current AMR program contract.

***New Activities Since Last Meeting:*** As of January 1, 2020, a total of 851 AMR units have been installed (97 percent complete) and a total of 456 modems are required to be replaced by December 31, 2019, 415 modems have been replaced to date (91 percent complete). *Project Manager: Talia M. Paolillo*

**Staff Recommendation:**

This item is provided for the Committee's information, and no action is required.

**Presenter:** Darrin Herbst, P.G., Bureau Chief, Water Use Permit Bureau

**REGULATION COMMITTEE**

**January 28, 2020**

***Routine Report***

**Overpumpage Report**

Please see the attached report.

Staff Recommendation:

This item is provided for the Committee's information and no action is required.

Presenter: Darrin Herbst, P.G., Bureau Chief, Water Use Permit Bureau

## INDIVIDUAL PERMITS ISSUED: ERPS – JANUARY 2020

PERMIT NUMBER	PROJECT NAME	COUNTY	DESCRIPTION	TOTAL PROJECT ACRES	WETLAND ACRES	WETLAND ACRES IMPACTED	WETLAND MITIGATION ACRES
43043575.003	Morgan's Glen Subdivision	Manatee	Modification to serve a 129.42-acre single-family residential development	129.42	11.01	8.52	0.00
43031033.004	The Preserve at Lake Ashton (South Tract)	Polk	Construction to serve a 384-acre mixed use commercial and residential subdivision development	383.37	130.33	7.36	6.52
43042998.087	Villages of Southern Oaks Storm Water Earthworks Plan - Phase 3D	Sumter	Mass Grading and construction of a stormwater management system for future residential development	507.00	84.53	4.71	0.00
43034927.004	I-75 (SR 93) at Fruitville Road (SR 780) (FPID: 420613-2)	Sarasota	Project to reconstruct existing I-75 / Fruitville Road interchange facility from six 12-foot travel lanes to implement a Diverging Diamond Interchange (DDI) configuration.	203.40	12.80	2.50	0.00
43007934.006	River Landing	Pasco	Mass grading and master stormwater management facility construction for future mixed use townhome and single family residential subdivision development south of State Road 56.	471.08	74.77	33.21	0.00
43007934.007	Ashberry Village Mass Grading	Pasco	Mass Grading plans for a residential project (part of the larger project named River Landing). Stormwater infrastructure to be installed.	175.06	29.62	3.71	0.00

***Wetland Mitigation Acres may be zero or less than Wetland Acres Impacted for a variety of reasons. Some of those reasons are: impacted wetlands require no mitigation by rule (e.g., upland cut manmade ditches, etc.); quality of the impacted wetlands is less than the quality of proposed mitigation; or mitigation is provided through a different permit or a mitigation bank.***

## INDIVIDUAL PERMITS ISSUED: WUPs – JANUARY 2020

PERMIT NUMBER	PROJECT NAME	COUNTY	DESCRIPTION	USE TYPE	PREVIOUS PERMITTED QUANTITY	NEW PERMITTED QUANTITY	DURATION (YEARS)
20007331.010	DeSoto 360 Land Trust	DeSoto	Renewal of an Agricultural water use permit for irrigation of sod with decrease in quantities.	Agricultural	743,900	718,000	20
20005062.007	Gardinier Lake Wales	Polk	This renewal combines three permits with an increase in quantities.	Agricultural	917,000	947,600	20
20009648.010	Lady Moon Farms, Inc.	Charlotte	Renewal of an Agricultural water use permit with decrease in quantities.	Agricultural	1,491,000	1,464,900	20



**REGULATION COMMITTEE**

**January 28, 2020**

***Routine Report***

**Individual Permits Issued by District Staff**

Please see the attached report.

Staff Recommendation:

This item is provided for the Committee's information and no action is required.

Presenter: Michelle Hopkins, P.E., Division Director, Regulation

## INDIVIDUAL PERMITS ISSUED: ERPS – JANUARY 2020

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**G. General  
Counsel's Report**

**Governing Board Meeting  
January 28, 2020**

<b>GENERAL COUNSEL'S REPORT</b>
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***Discussion Items***

42. Consent Item(s) Moved for Discussion .....	189
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***Submit & File Reports – None***

***Routine Reports***

43. January 2020 Litigation Report .....	190
44. January 2020 Rulemaking Update .....	193

**GENERAL COUNSEL'S REPORT**

**January 28, 2020**

*Discussion Item*

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

Staff Recommendation:

Presenter: Karen E. West, General Counsel



**GENERAL COUNSEL'S REPORT**

**January 28, 2020**

***Routine Report***

**January 2020 Litigation Report**

Staff Recommendation:

Presenter: Karen E. West, General Counsel

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT LITIGATION REPORT**  
January 2020

**OPEN ENFORCEMENT CASES**  
69 Cases as of December 26, 2019

Case Style	Court/Case No.	Attorney	Description	Date Opened	Date Closed
<b>Enforcement Cases in Active Litigation</b>					
SWFWMD v. Fufluns Holdings, LLC	DOAH 19-2812	J. Fussell M. Bray	Challenge to Administrative Complaint and Order	05/10/19	
<b>Permit/Agency Action Challenges</b>					
Long Bar Pointe, LLLP v. Lake Flores I, LLC, & SWFWMD	DOAH 17-005609	C. Tumminia J. Fussell	Administrative Challenge – ERP	09/29/2017	
Rainbow River Conservation, Inc., et al. v. SWFWMD	DOAH 19-2517RP	A. Vining C. Tumminia M. Bray	Rule Challenge	05/17/19	
Denlinger v. Summit View, LLC, and SWFWMD	N/A	J. Fussell A. Witherup	Administrative Challenge – ERP	08/20/19	Dismissed with Prejudice 9/6/19
<b>Circuit Court Litigation</b>					
Uranowski v. SWFWMD	Hernando County Case No. 16-CA-976	T. Gonzalez (outside counsel)	Employment Discrimination	09/30/16	
Thomas v. North Port Gateway Ass'n & SWFWMD	Charlotte County Case No. 16-1505-CA	G. Mackinnon (outside counsel)	Negligence (automobile accident)	08/18/16	
Denlinger v. SWFWMD	Pasco County Case No. 18-CA-1241	J. Fussell C. Tumminia	Inverse Condemnation Negligence (ERP)	05/18/18	Awaiting Order – Action Partially Dismissed
Heritage Lake Park CDD v. SWFWMD, et al.	Charlotte County Case NO. 18-CA-1191	C. Tumminia	Foreclosure (delinquent ad valorem taxes)	12/21/18	
Valdez v. SWFWMD	Pasco County Case No. 18-CA-1241	J. Fussell C. Tumminia	Inverse Condemnation Negligence (ERP)	01/30/19	Awaiting Order- Action Partially Dismissed

Cow Hammock, LLC v. Suggs & SWFWMD	Sumter County Case No. 19-CA-142	C. Tumminia	Quiet Title	04/22/19	
Gilberti v. DeSantis, SWFWMD, et al.	U.S. Middle Dist. Fl. 2:19-282-FtM	E. Fernandez C. Tumminia	R.I.C.O.	05/28/19	
SWFWMD v. Jacobs Engineering Group, Inc.	Hernando County Case No. 2019-CA-001105	M. McNeil	Complaint for Damages (Contracts and Indebtedness and professional malpractice)	09/27/19	
SWFWMD v. B&G Family Partnership, LLLP	Levy County Case No. 2019-CA-000746	E. Fernandez	Petition for Enforcement and Complaint for Civil Remedies	9/27/19	
SWFWMD v. The Links at River Ridge	Pasco County Case No. 2019-CA-003331	C. Tumminia	Petition for Enforcement and Complaint for Civil Remedies	10/8/19	
SWFWMD v. Kelly Family Holdings, LLC	Charlotte County Case No. 19001087CA	C. Tumminia	Petition for Enforcement and Civil Remedies	10/15/19	
Duke Energy Florida, LLC v. SWFWMD, et al.	Pasco County Case No. 2019-CA-003821	J. Fussell	Petition in Eminent Domain	12/5/19	
<b>Appeals</b>					
Gilberti v. Federal Reserve, SWFWMD, et al.	U.S. Federal Cir.	E. Fernandez C. Tumminia	R.I.C.O.	06/18/19	
Harry and Janet Denlinger v. SWFWMD	Second District Court of Appeal Case No. 2D19-3835	M. Bray J. Fussell A. Witherup	Appeal of Final Order of Dismissal with Prejudice	10/4/19	
<b>Delegated Consent Orders</b>					
<b>NONE</b>					

**GENERAL COUNSEL'S REPORT**

**January 28, 2020**

*Routine Report*

January 2020 Rulemaking Update

Staff Recommendation:

Presenter: Karen E. West, General Counsel

**RULEMAKING UPDATE**  
**JANUARY 2020**  
**PROPOSED RULES & AMENDMENTS**

<b>RULE</b>	<b>INITIATION DATE</b>	<b>NEXT SCHEDULED ACTION</b>	<b>BOARD PROJECTED/ APPROVED DATE</b>
1. Initiation and Approval of Rulemaking to Amend Rule 40D-2.302(1), F.A.C., to Repeal Reservations from Use of Morris Bridge Sink	May 2015	TBD	May 2015
2. Initiation and Approval of Rulemaking to adopt Minimum Flows for Rule 40D-8.041, F.A.C., Rainbow River System	June 2017	Effective Approx. January 2020	June 2017
3. Initiation and Approval of Rulemaking to Amend Rule 8.624, F.A.C. to Adopt revised Minimum and Guidance Levels for Lakes Church and Echo in Hillsborough County	December 2019	Effective Approx. March 2020	December 2019
4. Initiation and Approval of Rulemaking to Amend Rule 8.624, F.A.C. to Adopt revised Minimum and Guidance Levels for Lake Charles in Hillsborough County	December 2019	Effective Approx. March 2020	December 2019
5. Initiation and Approval of Rulemaking to Amend Rule 8.624, F.A.C. to Adopt revised Minimum and Guidance Levels for Lake Calm in Hillsborough County	December 2019	Effective Approx. March 2020	December 2019
6. Initiation and Approval of Rulemaking to Amend Rule 8.624, F.A.C. to Adopt revised Minimum and Guidance Levels for Lake Linda in Pasco County	January 2020	January 2020	January 2020
7. Initiation and Approval of Rulemaking to Amend Rule 8.624, F.A.C. to Adopt revised Minimum and Guidance Levels for Sapphire Lake in Hillsborough County	December 2019	Effective Approx. March 2020	December 2019
8. Initiation and Approval of Rulemaking to Amend Rule 8.623, F.A.C. to Adopt revised Minimum Wetland Levels in Hillsborough, Pasco, and Pinellas Counties	November 2019	Effective Approx. Feb. 2020	November 2019

RULE	INITIATION DATE	NEXT SCHEDULED ACTION	BOARD PROJECTED/ APPROVED DATE
9. Initiation and Approval of Rulemaking to Amend Rule 40D-2.091, F.A.C., to amend WUP Applicant's Handbook Part B	November 2019	Effective Approx. Feb. 2020	November 2019





**COMMITTEE/LIAISON REPORTS**

**January 28, 2020**

***Discussion Item***

**Environmental Advisory Committee**

Staff Recommendation:

Presenter: Roger Germann, Board Member

**COMMITTEE/LIAISON REPORTS**

**January 28, 2020**

***Discussion Item***

**Well Driller's Advisory Committee**

Staff Recommendation:

Presenter: Seth Weightman, Board Member



**EXECUTIVE DIRECTOR'S REPORT**

**January 28, 2020**

*Discussion Item*

**Executive Director's Report**

Staff Recommendation:

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

## J. Chair's Report



**CHAIR'S REPORT**

**January 28, 2020**

*Discussion Item*

**Chair's Report**

Staff Recommendation:

Presenter: Mark Taylor, Chair

**CHAIR'S REPORT**

**January 28, 2020**

*Routine Report*

**Employee Milestones**

Staff Recommendation:

Presenter: Mark Taylor, Chair

Years of Service	Seniority Date	Preferred Full Name	Position Title	Office Location	Bureau	Anniversary Year	Next Milestone
5	01/05/2015	Talia Paolillo	Hydrogeologist	Tampa	Water Use Permit	2020	01/05/2020
5	01/20/2015	Asmita Shukla	Lead Hydrologic Data Analyst	Brooksville	Data Collection	2020	01/20/2020
5	01/20/2015	Martin Russum	Senior Professional Engineer	Tampa	Environmental Resource Permit	2020	01/20/2020
5	01/20/2015	Victoria Stampfli	Senior Business Application Developer	Brooksville	Information Technology	2020	01/20/2020
10	01/11/2010	Josh Madden	Environmental Project Manager	Brooksville	Water Resources	2020	01/11/2020
10	01/13/2010	Virginia Singer	Lead Communications Coordinator	Brooksville	Communications & Board Services	2020	01/13/2020
20	01/24/2000	Violet Woodard	Senior Vegetation Management Specialist	Brooksville	Operations and Land Management	2020	01/24/2020
20	01/31/2000	Dave Kramer	Environmental Resource Permit Bureau Chief	Tampa	Environmental Resource Permit	2020	01/31/2020
30	01/15/1990	Randy Emberg	Video Production Engineer	Brooksville	Communications & Board Services	2020	01/15/2020
35	01/02/1985	Bill Wood	Compliance Inspector 4	Bartow	Regulatory Support	2020	01/02/2020