

Governing Board Meeting

*Agenda
and
Meeting Information*

January 27, 2026

9:00 a.m.

Tampa Office

7601 US 301 North • Tampa, Florida
(813) 985-7481 • 1-800-423-1476

Southwest Florida
Water Management District

WATERMATTERS.ORG • 1-800-423-1476

MEETING NOTICE



An Equal Opportunity Employer

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

The Southwest Florida Water Management District (District) does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the District's functions, including access to and participation in the District's programs, services and activities. Anyone requiring reasonable accommodation, or who would like information as to the existence and location of accessible services, activities, and facilities, as provided for in the Americans with Disabilities Act, should contact the Human Resources Office Chief, at 2379 Broad St., Brooksville, FL 34604-6899; telephone (352) 796-7211 or 1-800-423-1476 (FL only); or email ADACoordinator@WaterMatters.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1-800-955-8771 (TDD) or 1-800-955-8770 (Voice). If requested, appropriate auxiliary aids and services will be provided at any public meeting, forum, or event of the District. In the event of a complaint, please follow the grievance procedure located at WaterMatters.org/ADA.

Final Agenda GOVERNING BOARD MEETING

JANUARY 27, 2026
9:00 AM

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

All meetings are open to the public

- › Viewing of the Board meeting will be available through the District's website at WaterMatters.org.
- › Public input will be taken only at the meeting location.
- › Public input for issues not listed on the published agenda will be heard shortly after the meeting begins.

Pursuant to Section 373.079(7), Florida Statutes, all or part of this meeting may be conducted by means of communications media technology in order to permit maximum participation of Governing Board members.

The Governing Board may take official action at this meeting on any item appearing on this agenda and on any item that is added to this agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes.

The order of items appearing on the agenda is subject to change during the meeting and is at the discretion of the presiding officer.

Public Comment will be taken after each presentation and before any Governing Board action(s) except for Governing Board hearings that involve the issuance of final orders based on recommended Orders received from the Florida Division of Administrative Hearings.

Unless specifically stated, scheduled items will not be heard at a time certain.

The current Governing Board agenda and minutes of previous meetings are available at WaterMatters.org.

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

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

Tampa Office
7601 Hwy 301 N
Tampa, Florida 33637
(813) 985-7481 or 1-800-836-0797 (FL only)

1. CONVENE PUBLIC MEETING

- 1.1 Call to Order
- 1.2 Oath of Office for Board Member
- 1.3 Invocation and Pledge of Allegiance
- 1.4 Additions/Deletions to Agenda
- 1.5 Public Input for Issues Not Listed on the Published Agenda

2. CONSENT AGENDA

- 2.1 **Finance/Outreach & Planning Committee:** Office of Inspector General Calendar Year 2026 Audit Plan
- 2.2 **Resource Management Committee:** FARMS – Bowlegs Citrus, LLC – H840 (Polk County)
- 2.3 **Resource Management Committee:** FARMS – Sweet Roots Family Farms Corp – H844 (Polk County)
- 2.4 **Resource Management Committee:** FARMS – Magic Greens Inc. – H845 (Hillsborough County)
- 2.5 **Resource Management Committee:** Starkey M10 Stormwater Facility Quality Improvements – Reduction of Scope and Budget (W106)
- 2.6 **General Counsel's Report:** Authorization to Issue Administrative Complaint and Order – Water Use Permit Violations: Overpumpage – Taylor Woodrow Communities at Artisan Lakes, L.L.C. – Water Use Permit No.: 20003744.013 (Manatee County)
- 2.7 **General Counsel's Report:** Approval of Settlement Agreement and Consent Order – Permit Challenge DOAH Case No. 25-4171– Southeastern Freight Lines, Inc. v. Piper Road Owner, LLC and Southwest Florida Water Management District – Environmental Resource Permit No. 43045609.000 (Charlotte County)
- 2.8 **Executive Director's Report:** Approve Governing Board Minutes – December 16, 2025
- 2.9 **Executive Director's Report:** Approve Governing Board Workshop Minutes – December 16, 2025

3. FINANCE/OUTREACH & PLANNING COMMITTEE

- 3.1 **Discussion:** Consent Item(s) Moved to Discussion
- 3.2 **Discussion:** Action Item: Investment Strategy Quarterly Update
- 3.3 **Discussion:** Information Item: Status of the 2026 Consolidated Annual Report
- 3.4 **Submit & File:** Information Item: Office of Inspector General Quarterly Update – October 1, 2025 to December 31, 2025
- 3.5 **Submit & File:** Information Item: Budget Transfer Report
- 3.6 **Submit & File:** Information Item: Florida Department of Revenue (FDOR) – Truth in Millage (TRIM) Certification

4. RESOURCE MANAGEMENT COMMITTEE

- 4.1 **Discussion:** Consent Item(s) Moved to Discussion
- 4.2 **Discussion:** Action Item: Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Revised Minimum Levels for Lake Angelo and Lake Denton in Highlands County and Accept the Final Draft Reports
- 4.3 **Submit & File:** Information Item: Lower Hillsborough River Recovery Strategy – Third Five-Year Assessment

5. REGULATION COMMITTEE

- 5.1 **Discussion:** Consent Item(s) Moved to Discussion
- 5.2 **Discussion:** Action Item: Modification of Water Shortage Order SWF 25-015 from Phase I to Modified Phase II

6. OPERATIONS, LANDS & RESOURCE MONITORING COMMITTEE

- 6.1 **Discussion:** Consent Item(s) Moved to Discussion

7. GENERAL COUNSEL'S REPORT

- 7.1 **Discussion:** Consent Item(s) Moved to Discussion
- 7.2 **Discussion:** Action Item: Affirm Governing Board Committee Actions

8. COMMITTEE/LIAISON REPORTS

- 8.1 **Discussion:** Information Item: Agricultural & Green Industry Advisory Committee

9. EXECUTIVE DIRECTOR'S REPORT

- 9.1 **Discussion:** Information Item: Executive Director's Report

10. CHAIR'S REPORT

- 10.1 **Discussion:** Information Item: Chair's Report
- 10.2 **Discussion:** Information Item: Employee Milestones

ADJOURNMENT



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John R. Mitten

Chair, Hernando, Marion

Jack Bispham

Vice Chair, Manatee

Ashley Bell Barnett

Secretary, Polk

John E. Hall

Treasurer, Polk

Kelly S. Rice

Former Chair, Citrus, Lake, Levy, Sumter

Michelle Williamson

Former Chair, Hillsborough

Brian Aungst Jr.

Pinellas

Josh Gamblin

DeSoto, Hardee, Highlands

James Holton

Pinellas

Dustin Rowland

Pasco

Robert Stern

Hillsborough

Jim Turner

Charlotte, Sarasota

Nancy Watkins

Hillsborough, Pinellas

Brian J. Armstrong, P.G.

Executive Director

GOVERNING BOARD OFFICERS, COMMITTEES AND LIAISONS

Approved June 2025

OFFICERS

Chair	John Mitten
Vice Chair	Jack Bispham
Secretary	Ashley Bell Barnett
Treasurer	John E. Hall

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE

Chair Robert Stern

RESOURCE MANAGEMENT COMMITTEE

Chair Dustin Rowland

REGULATION COMMITTEE

Chair James Holton

FINANCE/OUTREACH AND PLANNING COMMITTEE

Chair John E. Hall*

All Governing Board members are a member of each committee.

** Board policy requires the Governing Board Treasurer to chair the Finance/Outreach and Planning Committee.*

STANDING COMMITTEE LIAISONS

Agricultural and Green Industry Advisory Committee	Dustin Rowland
Environmental Advisory Committee	Josh Gamblin
Industrial, Commercial & Institutional Advisory Committee	James Holton
Public Supply Advisory Committee	Robert Stern

OTHER LIAISONS

Central Florida Water Initiative	Ashley Bell Barnett
Springs Coast Steering Committee	Kelly Rice
Coastal & Heartland National Estuary Partnership Policy Committee	John E. Hall
Sarasota Bay Estuary Program Policy Board	Jack Bispham
Tampa Bay Estuary Program Policy Board	Nancy Watkins
Tampa Bay Regional Planning Council	Vacant

Southwest Florida Water Management District Schedule of Meetings Fiscal Year 2026

Governing Board Meeting

October 28, 2025 – 9:00 a.m., Brooksville Office
November 18, 2025 – 9:00 a.m., Tampa Office
December 16, 2025 – 9:00 a.m., Brooksville Office
January 27, 2026 – 9:00 a.m., Tampa Office
February 24, 2026 – 9:00 a.m., Brooksville Office
March 24, 2026 – 9:00 a.m., Tampa Office
April 28, 2026 – 9:00 a.m., Brooksville Office
May 19, 2026 – 9:00 a.m., Tampa Office
June 23, 2026 – 9:00 a.m., Brooksville Office
July 28, 2026 – 9:00 a.m., Tampa Office
August 25, 2026 – 9:00 a.m., Brooksville Office
September 22, 2026 – 3:00 p.m., Tampa Office

Governing Board Workshop

December 16, 2025 – 9:30 a.m., Brooksville Office

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

2026 – September 8 & 22

Agricultural and Green Industry Advisory Committee – 10 a.m.

2025 – December 2
2026 – March 10, June 9, September 8

Environmental Advisory Committee – 10 a.m.

2025 – October 14
2026 – January 13, April 14, July 14

Industrial, Commercial, Institutional Advisory Committee – 10 a.m.

2025 – November 4
2026 – February 10 (replaced with Feb. 20 tour), May 5, August 11

Public Supply Advisory Committee – 1 p.m.

2025 – November 4
2026 – February 10 (replaced with Feb. 20 tour), May 5, August 11

Springs Coast Management Committee – 1:30 p.m.

2026 – February 18, July 8

Springs Coast Steering Committee – 2 p.m.

2026 – March 4, July 22

Meeting Locations

Brooksville Office – 2379 Broad St., Brooksville, FL 34604

Tampa Office – 7601 US Highway 301 North, Tampa, FL 33637

Governing Board Meeting

January 27, 2026

1. CONVENE PUBLIC MEETING

1.1	Call to Order.....	6
1.2	Oath of Office for Board Member.....	7
1.3	Invocation and Pledge of Allegiance.....	8
1.4	Additions/Deletions to Agenda	9
1.5	Public Input for Issues Not Listed on the Published Agenda.....	10

CONVENE PUBLIC MEETING

January 27, 2026

Call to Order

The Board Chair calls the meeting to order. The Board Secretary confirms that a quorum is present. The Board Chair then opens the public meeting. Anyone wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda should fill out and submit a speaker's card. Comments will be limited to three minutes per speaker, and, when appropriate, exceptions to the three-minute limit may be granted by the Chair. Several individuals wishing to speak on the same issue/topic should designate a spokesperson.

Presenter:

Ashley Bell Barnett, Secretary

CONVENE PUBLIC MEETING

January 27, 2026

Oath of Office for Board Member

Conduct the Oath of Office for appointed Board Member Brian Aungst Jr. Aungst represents Pinellas County.

Presenter:

Virginia Singer, Manager, Communications and Board Services Bureau

CONVENE PUBLIC MEETING

January 27, 2026

Invocation and Pledge of Allegiance

An invocation is offered. The Board Chair conducts the Pledge of Allegiance to the Flag of the United States of America.

Presenter:

Ashley Bell Barnett, Secretary

CONVENE PUBLIC MEETING

January 27, 2026

Additions/Deletions to Agenda

According to Section 120.525(2), Florida Statutes, additions to the published agenda will only be made for "good cause" as determined by the "person designated to preside." Based upon that authority, the Chair has determined that good cause exists to make certain changes to the agenda. These changes are being made in order to permit the Governing Board to efficiently accomplish necessary public business at this meeting and to reflect the items on the agenda that have been requested or suggested to be deleted, revised, supplemented or postponed.

ADDITIONS: The items that have been added to the agenda were received by the District after publication of the regular agenda. The Board was provided with the information filed and the District staff's analyses of these matters. Staff has determined that action must be taken on these items prior to the next Board meeting. Therefore, it is the District staff's recommendation that good cause has been demonstrated and should be considered during the Governing Board's meeting.

Staff Recommendation:

Approve the recommended additions and deletions to the published agenda if necessary.

Presenter:

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

CONVENE PUBLIC MEETING

January 27, 2026

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:

Ashley Bell Barnett, Secretary

Governing Board Meeting

January 27, 2026

2. CONSENT AGENDA

All matters listed under the Consent Agenda are considered routine and action will be taken by one motion, second of the motion and approval by the Board. If discussion is requested by a Board member, that item(s) will be deleted from the Consent Agenda and moved to the appropriate Committee or Report for consideration.

2.1	Finance/Outreach & Planning Committee: Office of Inspector General Calendar Year 2026 Audit Plan	11
2.2	Resource Management Committee: FARMS – Bowlegs Citrus, LLC – H840 (Polk County).....	21
2.3	Resource Management Committee: FARMS – Sweet Roots Family Farms Corp – H844 (Polk County).....	23
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2.6	General Counsel's Report: Authorization to Issue Administrative Complaint and Order – Water Use Permit Violations: Overpumpage – Taylor Woodrow Communities at Artisan Lakes, L.L.C. – Water Use Permit No.: 20003744.013 (Manatee County)	30
2.7	General Counsel's Report: Approval of Settlement Agreement and Consent Order – Permit Challenge DOAH Case No. 25-4171– Southeastern Freight Lines, Inc. v. Piper Road Owner, LLC and Southwest Florida Water Management District – Environmental Resource Permit No. 43045609.000 (Charlotte County).....	32
2.8	Executive Director's Report: Approve Governing Board Minutes – December 16, 2025.....	60
2.9	Executive Director's Report: Approve Governing Board Workshop Meeting Minutes – December 16, 2025	66

CONSENT AGENDA

January 27, 2026

Finance/Outreach & Planning Committee: Office of Inspector General Calendar Year 2026 Audit Plan

Background and Purpose

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

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

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

Exhibits

Office of Inspector General Calendar Year 2026 Audit Plan.

Staff Recommendation:

To approve the Office of Inspector General Calendar Year 2026 Audit Plan.

Presenter:

Brian Werthmiller, Inspector General, Office of Inspector General

OFFICE OF
INSPECTOR
GENERAL

Audit Plan

Short-Term and Long-Term



**Governing Board
January 27, 2026**

TABLE OF CONTENTS

	<u>Page No.</u>
INTRODUCTION	1
AUDITS	2
CONTACT INFORMATION	7

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 to begin or will be in progress over the next 12 months. In addition, the audit plan includes long-term audit topics. 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, solicitation for input from Governing Board members is also included as part of the risk assessment in developing the audit plan. In addition, District strategies, objectives and priorities, prior audits, budgets, audited financial statements, a survey of information technology, associated risks, and other procedures were considered as part of the risk assessment process. 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. The ongoing risk assessment includes meetings with District staff, attendance at governing board meetings, and disposition of complaints. Per the Office of Inspector General Charter Governing Board Policy and 20.055(6), Florida Statutes, the Governing Board may at any time request the inspector general to perform an audit of a special program, function, or organizational unit.

AUDITS

Table 1
Estimated Allocation of Resources for 2026

Resources by Function	Hours
Audits and Complaints	1,000
Reviews	200
Other Reporting to the Board	250
Administration	250
Training/Holidays/Leave	380
Total Hours	2,080

Table 2
Estimated Resources Devoted to Audit Topics by Year

Calendar Year	Number of	
	Staff	Hours
2026	1	600
2027	1	600
2028	1	600
2029	1	600
2030	1	600
2031	1	600

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

Audit Topics	12 Months	Long-Term
Audit Plan and Risk Assessment	✓	
Employee Reimbursements Follow-Up	✓	
Insurance	✓	
Ad Valorem Collections		✓
Badge Access		✓
Budget		✓
Contract Management		✓
Cost Share Programs		✓
Critical Infrastructure		✓
Cybersecurity		✓
Data Collection Equipment		✓
Employee Awards		✓
Ethics and Fraud Training		✓
Expenditures		✓
Fund Balances		✓
Investments		✓
Land		✓
Other Revenues		✓
Overtime		✓
Performance Measures (District)		✓
Permits		✓
Procurement		✓
Property		✓
Purchasing Cards		✓
Receivables		✓
Records		✓
Remote Work		✓
Safety Programs		✓
Structures		✓
System Access Controls		✓
Vehicle Usage		✓

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

- ◆ **Ad Valorem Collections** – Review the District's processes and procedures over receiving ad valorem dollars remitted by the counties including the return of excess funds to the District pursuant to FAC 12D-11.008 and commissions paid to the counties. Determine if certified values from the county property appraisers was reasonable to what was collected.
- ◆ **Badge Access** – Review District issued identification badges used to access District buildings or properties to determine if issuance was in compliance with governing documents and removal was timely when certain access was no longer needed, upon termination, etc.
- ◆ **Budget** – Review the District's procedure for monitoring the budget including whether budget transfers are in accordance with policies and procedures. Review expenditures to ensure they were recorded to the correct budget line item. In addition, review the long-term funding plan's calculation including any assumptions and support and whether the District certified compliance with applicable provisions of State law including providing to the Florida Department of Revenue and the Florida Department of Financial Services the certifications in accordance with F.S. 200.068 and 373.503.
- ◆ **Contract Management** – For selected contracts, determine whether deliverables are in accordance with contract terms, determine whether the District was monitoring and documenting performance, determine whether payments on the contract were appropriately authorized, supported, reviewed, and made after the receipt of deliverables, determine whether work was completed prior to the contract expiring, review the amount of time it took from the scope of work determination to when a final contract is completed, review change orders and amendments.
- ◆ **Cost Share Programs** – For selected cost share projects, ensure the application selection process, contracts, reimbursements, third party reviews, monitoring and any associated cooperators refunds/overpayments due back to the District are in accordance with the agreement, policies, and procedures. Cost share programs include the Cooperative Funding Initiative (CFI), Water Incentives Supporting Efficiency (WISE), Facilitating Agricultural Resource Management Systems (FARMS), Quality of Water Improvement Program (QWIP), etc. Evaluate the effectiveness of funding agreements, policies, and procedures for monitoring the progress of the cooperators projects including those that are delayed and significant projects that are cancelled by the cooperators.
- ◆ **Critical Infrastructure** – This will be a follow-up audit to determine if the District took corrective actions regarding recommendations made in the January 2024 Auditor General audit report. Determine whether the District documented risk assessment and established a security plan for all building, facility, and structure restricted access areas. Determine whether the District identified the personnel positions that should be subject to periodic criminal history checks.
- ◆ **Cybersecurity** – For selected cybersecurity continuous monitoring policies, procedures, activities, and processes, evaluate the adequacy of these controls. Determine whether the District had taken corrective actions regarding the recommendations made in the September 2024 OIG audit report.
- ◆ **Data Collection Equipment** – For selected equipment used to collect data, determine if equipment is maintained in accordance with policies, procedures, rules, and laws and determine whether calibration is documented.

- ◆ **Employee Awards** – For employee awards such as milestones, awards of excellence, etc., obtain documentation to determine the expenditure was properly authorized and in accordance with applicable laws, rules, contract terms, and governing documents.
- ◆ **Employee Reimbursements Follow-Up** – This will be a follow-up audit to determine if the District took corrective actions regarding recommendations made in the September 2025 OIG audit report. For selected employee reimbursements for safety shoes, etc., obtain documentation to determine if the reimbursement is for the correct amount, adequately documented, made in accordance with applicable governing documents, laws, rules, and contract terms, and properly authorized and approved. Determine if there were any expenditures made by the District that should have been paid by the employee first and whether the reimbursements tested were reported as fringe benefits if applicable. For education reimbursements, determine if the District was required to recover reimbursements for terminating employees and if insufficient funds were available in the employee's last paycheck, determine if the District took steps to attempt to collect any remaining amounts.
- ◆ **Ethics and Fraud Training** – Determine if required ethics and fraud training were completed District wide and as required by departments such as Procurement. Determine if District procedures over conflicts of interest were in accordance with governing documents and any potential conflicts were properly addressed.
- ◆ **Expenditures** – For selected general expenditures such as District initiated projects, professional services, general services, promotional, wellness incentives, etc., obtain documentation to determine the expenditure is for the correct amount, adequately documented, determine whether the expenditure was made in accordance with applicable laws, rules, and contract terms, and was properly authorized and approved. Examine District records supporting disbursements to determine whether District controls were adequate to separately account for and properly expend restricted Federal, State, and Basin Board resources. For projects with anticipated outcomes, determine if the District monitored if the results were as anticipated.
- ◆ **Fund Balances** – For non-spendable, restricted, committed, assigned, and unassigned fund balances, test classifications for propriety including encumbrances from ongoing projects.
- ◆ **Insurance** – For selected employees, retirees, and dependents, obtain documentation to ensure coverage is provided to only eligible individuals (medical, dental, vision, etc.) and was properly elected. Determine if qualifying events were documented. For selected transactions, determine whether correct premiums were charged and collected, pharmacy rebates were calculated correctly and properly remitted to the District, and tracking of claims before stop-gap insurance is initiated are accurate. Include a summary of the costs to offer insurance from the most recent audited fiscal year and include costs from other government entities for comparison.
- ◆ **Investments** – Determine whether investments were reconciled and if investments are in accordance with State law and District governing documents such as the credit rating, duration, and composition by type. Test the accuracy of selected investment income received and accounted for.
- ◆ **Land** – For selected transactions, review dispositions and acquisitions to determine compliance with state law and District governing documents. Review the monitoring of conservation easements and lease terms. For District owned land and conservation easements, review District processes for land encroachment. Include a summary of the costs

to operate and maintain land from the most recent audited fiscal year and include costs from other government entities for comparison.

- ◆ **Other Revenues** – Other revenues include sales from timber, hog hunts, cattle and apiary leases, etc. For selected transactions, ensure proper accountability. Compare rates charged to other government entities and the private sector. For selected collections, evaluate governing documents and District procedures supporting revenue collections received by check or money order at the District headquarters and service office locations.
- ◆ **Overtime** – For selected overtime payments or compensatory time earned, determine if the overtime was documented, reviewed and approved by the appropriate supervisor, and in compliance with District policies and procedures. In addition, for overtime payments, determine if the amount is supported by the approved pay rate. Payments for emergency events such as hurricane disaster and other special payment types would be included as part of this audit.
- ◆ **Performance Measures (District)** – Select one of the following District performance measures to evaluate the District's effectiveness in reporting reliable and valid data as reported in the Comprehensive Annual Report (CAR) over the District's areas of responsibilities in water supply (reclaimed water), flood protection (capital improvement plan), water quality (5 first magnitude spring BMAP's), or natural systems (Upper Peace River minimum flows).
- ◆ **Permits** – Review the controls over the issuance and authorization of well construction, water use, and environmental resource permits including mitigation banks. Review whether required documentation is maintained; depending on the type of permit documentation may include surveys, drainage calculations, ground water table, etc. Review the collection of fees and determine if the fees collected are correct. Determine if conditions for issuance per Florida Administrative Code and compliance with rules were met prior to permit being authorized. Review the monitoring of permit compliance.
- ◆ **Procurement** – Determine if the District complied with its procurement guidelines, there were any trends in vendor preference for quotes or awards, trends for quotes just below the next level procurement requirements, trends for actual expenditures exceeding quotes, long-standing contracts that have not been bid, or there were multiple contracts/purchases under competitive requirements. Obtain documentation to determine if a certificate of insurance was obtained, was appropriate and consistent with similar projects, and is up to date when applicable.
- ◆ **Property** – Review subsidiary records of tangible personal property, including non-capitalized items under \$5,000 such as IT equipment, and for selected property from the field and property from the subsidiary record, determine if the item exists and is included in District records. Review the procedures in place for purchase and sale of assets, use of District property, and protection of high-risk assets or inventory like aquatic chemicals, tools, electronics.
- ◆ **Purchasing Cards** – Review the issuance, assignment, and credit limits of purchasing cards including cards used to purchase fuel. For selected p-card transactions, determine if the transaction was documented, reviewed and approved, and for a public-purpose.
- ◆ **Receivables** – For selected transactions, test the completeness of the receivable and subsequent collection.

- ◆ **Records** – Determine if the District complied with the records retention schedule established by State Law. Ensure that retention includes electronic communications, including text messages, and are based upon the content, nature, and purpose of the messages. Determine if public records requests were timely completed in accordance with State Law.
- ◆ **Remote Work** – Determine if the District complied with applicable Governing Documents.
- ◆ **Safety Programs** – For areas involving safety such as health/safety plans, driving District vehicles, first aid administration, and operation of equipment, test whether trainings were completed and documented in accordance with policies and procedures. For selected site visits, determine if District requirements for safety are being followed, AED's/fire extinguishers have been inspected and replaced, if necessary, incident/crash reports are completed for District vehicle accidents, etc. Determine District processes over monitoring of staff for when trainings are required. Determine whether expenditures for safety program items are in accordance with governing documents.
- ◆ **Structures** – For selected water control structures, determine the District's process for ongoing monitoring, operation, maintenance, and capital projects. For selected structures the District has maintenance or capital expenditures, determine whether the District has ownership, whether any structures exist where ownership has not been determined, and whether there is an agreement in place that defines the District's role where the ownership is not the District.
- ◆ **System Access Controls** – Determine if access privileges to assigned users are within the assigned job duties as they relate to the financial, banking, and HR applications. Review the monitoring of access privileges. Review controls over the banking system such as if there are restrictions on amounts disbursed, the validation of funds, and the validation of vendor tables.
- ◆ **Vehicle Usage** – Determine if use of District vehicles is in accordance with Governing Documents. Include a summary of the costs to operate and maintain vehicles from the most recent audited fiscal year and include costs from other government entities for comparison.

Respectfully Submitted By: Brian Werthmiller Date: January 27, 2026

CONTACT INFORMATION

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

2379 Broad Street Brooksville, Florida 34604-6899

◆ Fraud and Compliance Hotline (352) 754-3482

CONSENT AGENDA**January 27, 2026****Resource Management Committee: FARMS – Bowlegs Citrus, LLC – H840 (Polk County)*****Purpose***

To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with Bowlegs Citrus, LLC and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of \$76,550 (75 percent of total project costs). The District funding is requested from the Governing Board FARMS Fund. Total project costs are estimated at \$102,067.

Project Proposal

The District received a project proposal from Bowlegs Citrus, LLC for their 179-acre Citrus Under Protective Screen (CUPS) property located seven miles east of Ft. Meade in southern Polk County within the Southern Water Use Caution Area (SWUCA), and Central Florida Water Initiative (CFWI). The proposal is for a precision irrigation project and will involve automation of three irrigation pump stations to offset Upper Floridan aquifer groundwater used for the supplemental irrigation of 179 acres of citrus. The Water Use Permit (WUP) authorizes annual average groundwater withdrawals of 182,600 gallons per day (gpd). FARMS project components consist of automation of three irrigation pump stations, valve automation, fertigation system, weather station, and soil moisture monitoring system.

Benefits/Costs

The proposed project involves water quantity and water quality best management practices (BMPs) for supplemental irrigation and qualifies for a 75 percent cost-share reimbursement rate under the FARMS Program. The project is expected to reduce groundwater use by about 10 percent, or 18,000 gpd for supplemental irrigation, and to reduce 403 pounds of nitrogen per year. The conservation components are integrated with the nutrient reduction components to maximize nutrient reduction. Based on the estimated groundwater offset, a reduction of nitrogen application, and a proposed six-year contract term, the cost per thousand gallons of water saved is \$2.86, and the cost per pound of nitrogen reduced per year is \$2.63 (based on the fertigation components). This value is within the guidelines for the generally accepted average cost savings per thousand gallons for the implementation of improved irrigation techniques, and nutrient reduction BMPs for citrus operations. Reimbursement will be from the Governing Board FARMS Fund. Upon approval of the projects presented at this meeting, the Governing Board will have \$2,970,869 remaining in its FARMS Program budget.

Strategic Plan

This project supports the District's Strategic Plan Water Supply Conservation Strategic Initiative and the Heartland Planning Region – SWUCA Recovery Regional Priorities and Objectives.

Exhibits

Exhibit 1 – Location Map

Staff Recommendation:

1. Approve the Bowlegs Citrus, LLC project for a not-to-exceed project reimbursement of \$76,550 provided by the Governing Board;
2. Authorize the transfer of \$76,550 from fund 010 H017 Governing Board FARMS Fund to the H840 Bowlegs Citrus, LLC project fund;
3. Authorize the Division Director to sign the agreement.

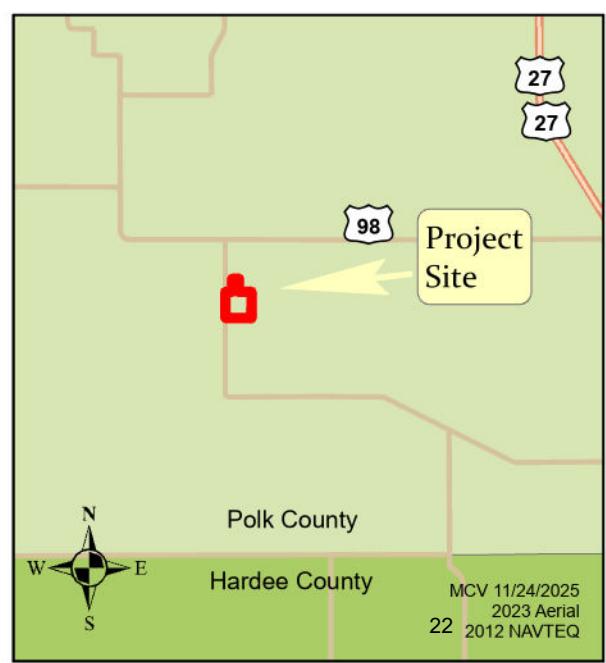
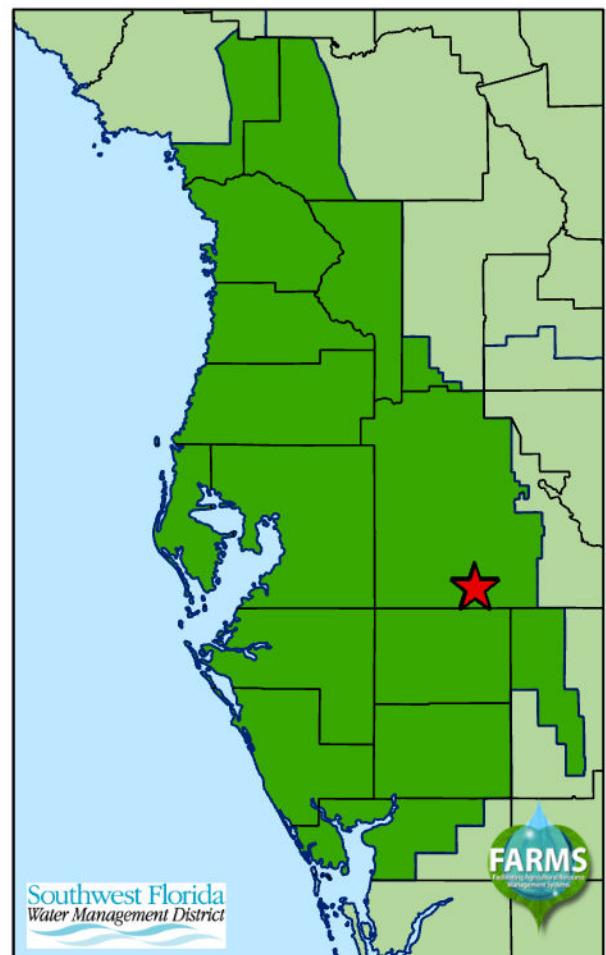
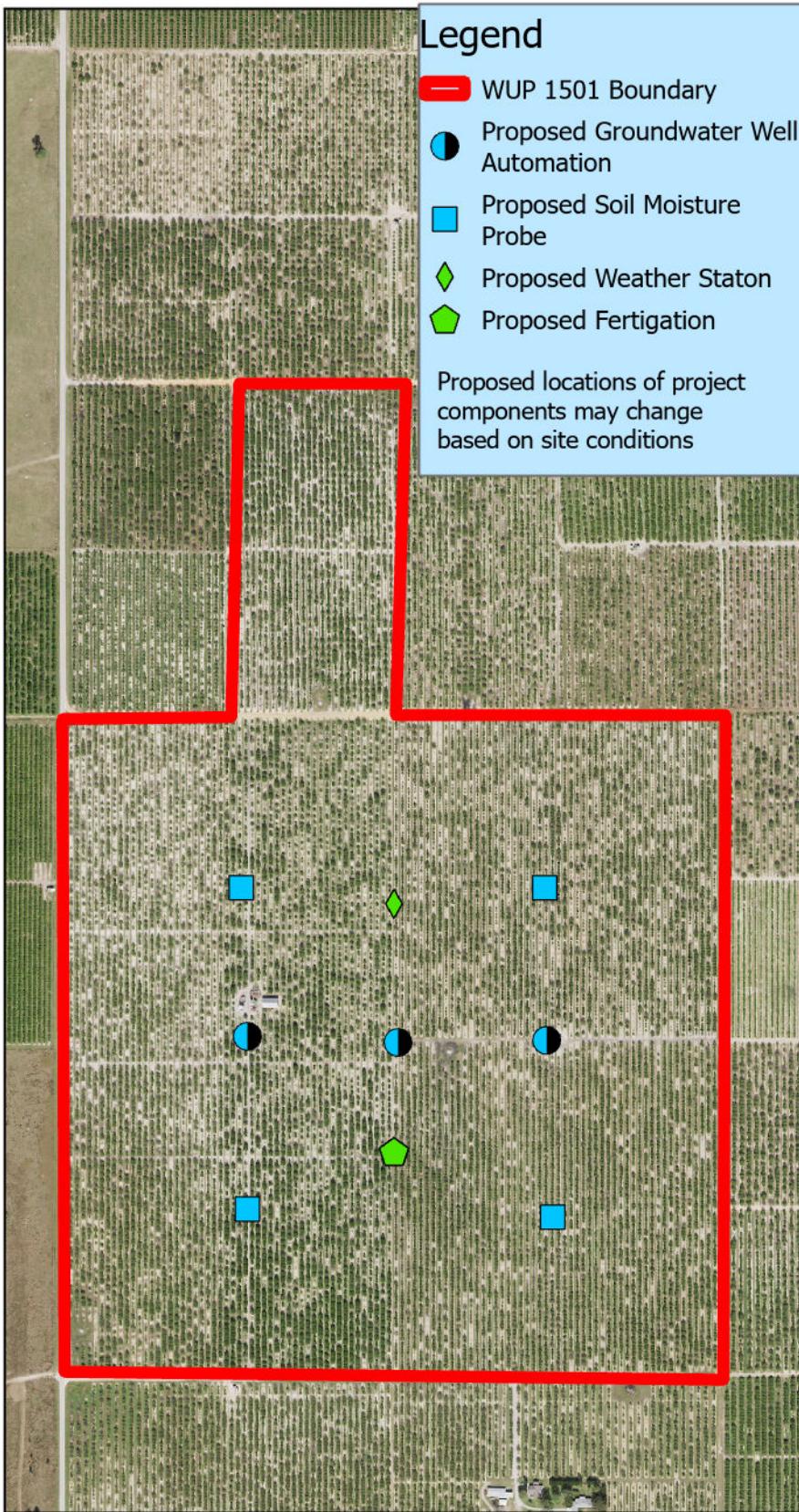
Presenter:

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

Location Map

Bowlegs Citrus, LLC

FARMS Project H840



CONSENT AGENDA**January 27, 2026****Resource Management Committee: FARMS – Sweet Roots Family Farms Corp – H844
(Polk County)*****Purpose***

To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with Sweet Roots Family Farms Corp and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of \$36,378 (75 percent of total project costs). The District funding is requested from the Governing Board FARMS Fund. Total project costs are estimated at \$48,505.

Project Proposal

The District received a project proposal from Sweet Roots Family Farms Corp for their 236-acre property located three miles east of Homeland in southern Polk County within the Southern Water Use Caution Area (SWUCA), and Central Florida Water Initiative (CFWI). The proposal is for a precision irrigation project and will involve automation of three irrigation pump stations to offset Upper Floridan aquifer groundwater used for the supplemental irrigation of 227.8 acres of strawberries. The Water Use Permit (WUP) authorizes annual average groundwater withdrawals of 425,200 gallons per day (gpd). FARMS project components consist of automation of three irrigation pump stations and three fertigation systems.

Benefits/Costs

The proposed project involves water quantity and water quality best management practices (BMPs) for supplemental irrigation and qualifies for a 75 percent cost-share reimbursement rate under the FARMS Program. The project is expected to reduce groundwater use by about seven percent, or 30,000 gpd for daily irrigation, and to reduce 513 pounds of nitrogen per year. The conservation components are integrated with the nutrient reduction components to maximize nutrient reduction. Based on the estimated groundwater offset, a reduction of nitrogen application, and a proposed five-year contract term, the cost per thousand gallons of water saved is \$0.96, and the cost per pound of nitrogen reduced per year is \$5.16 (based on the fertigation components). This value is within the guidelines for the generally accepted average cost savings per thousand gallons for the implementation of improved irrigation techniques, and nutrient reduction BMPs for row crop operations. Reimbursement will be from the Governing Board FARMS Fund. Upon approval of the projects presented at this meeting, the Governing Board will have \$2,970,869 remaining in its FARMS Program budget.

Strategic Plan

This project supports the District's Strategic Plan Water Supply Conservation Strategic Initiative and the Heartland Planning Region – SWUCA Recovery Regional Priorities and Objectives.

Exhibits

Exhibit 1 – Location Map

Staff Recommendation:

1. Approve the Sweet Roots Family Farms Corp project for a not-to-exceed project reimbursement of \$36,378 provided by the Governing Board;
2. Authorize the transfer of \$36,378 from fund 010 H017 Governing Board FARMS Fund to the H844 Sweet Roots Family Farms Corp project fund;
3. Authorize the Division Director to sign the agreement.

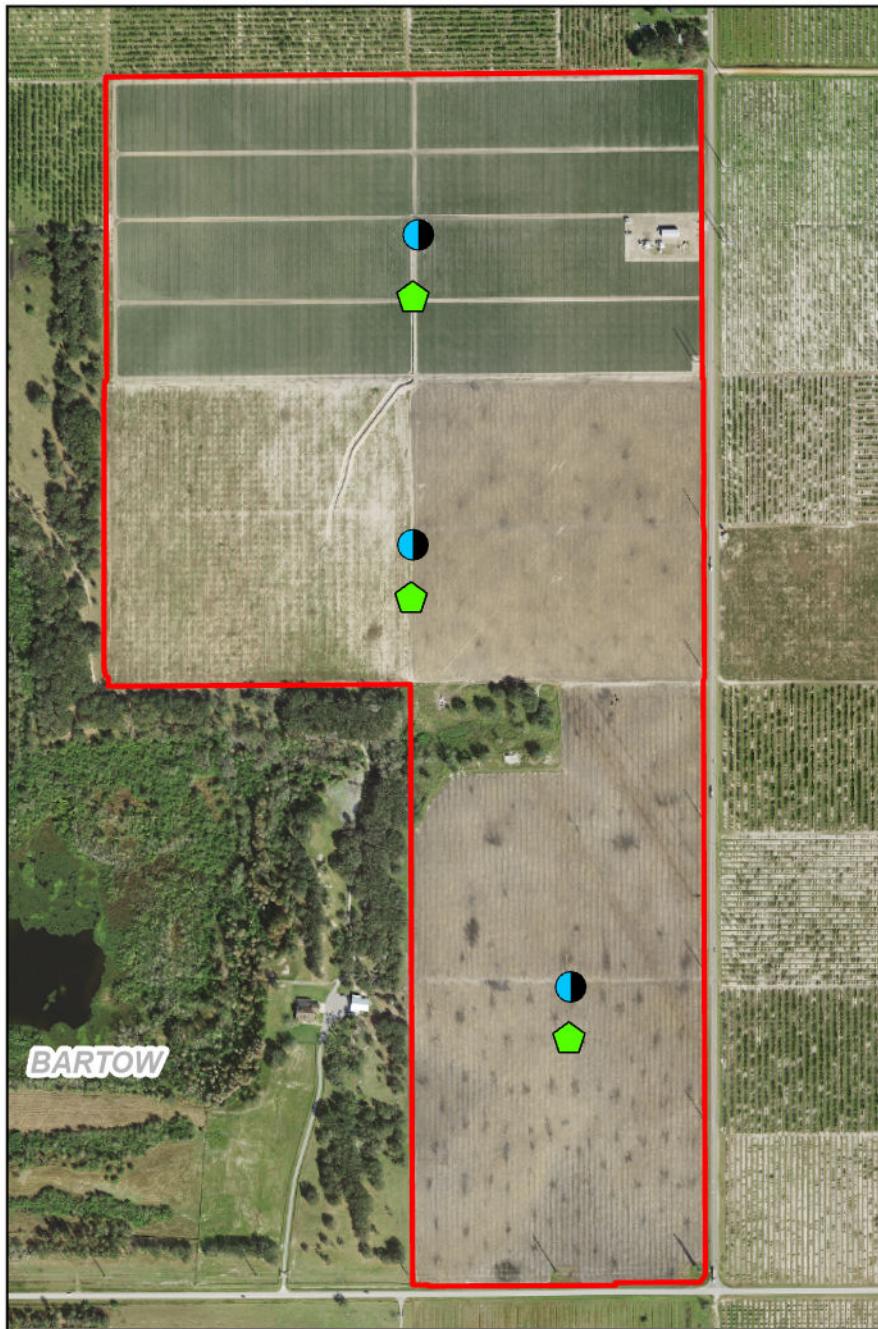
Presenter:

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

Location Map

Sweet Roots Family Farms Corp

FARMS Project H844



Legend

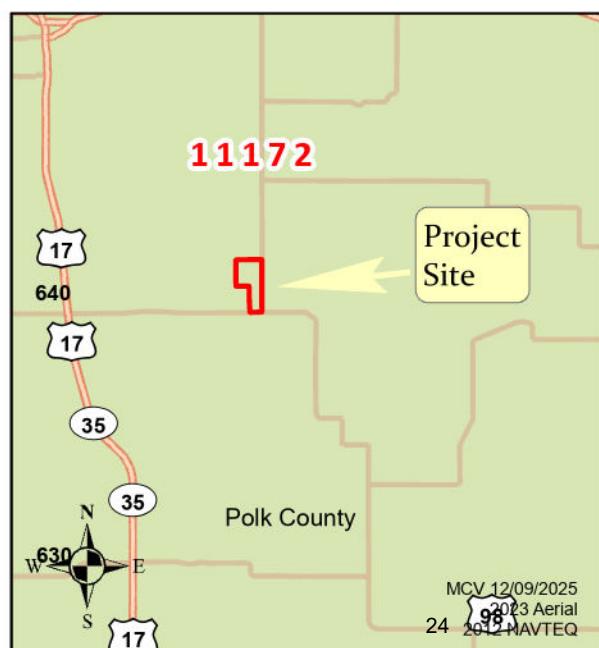
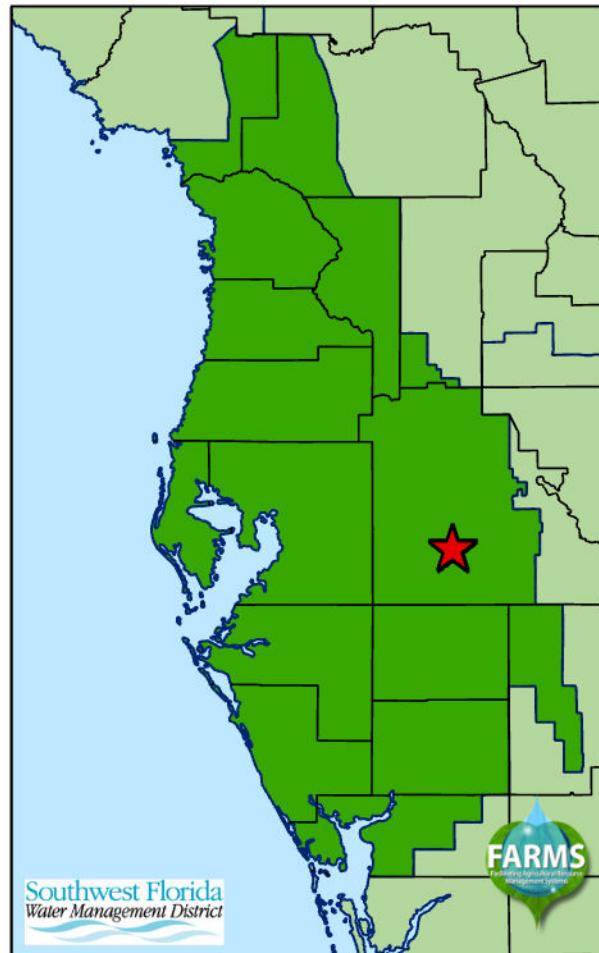
WUP 11172

Proposed Groundwater Pump Automation

Proposed Fertigation

0 0.1 0.2 0.4 Miles

Proposed locations of project components may change based on site conditions



CONSENT AGENDA**January 27, 2026****Resource Management Committee: FARMS – Magic Greens Inc. – H845 (Hillsborough County)*****Purpose***

To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with Magic Greens Inc. and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of \$544,985 (75 percent of total project costs). The District Funding is requested from the Governing Board FARMS Fund. Total project costs are estimated at \$726,647.

Project Proposal

The District received a project proposal from Magic Greens Inc. for their 34.6-acre container nursery property located four miles south of Plant City, in eastern Hillsborough County, within the Dover Plant City Water Use Caution Area (DPCWUCA) and Southern Water Use Caution Area (SWUCA). The proposal is for an alternative water supply project that will involve the use of a three-acre reservoir to collect tailwater and surface water from the property and surrounding watershed to offset Upper Floridan aquifer groundwater used for supplemental irrigation and cold protection over 21 acres of container nursery. The Water Use Permit (WUP) authorizes annual average groundwater withdrawals of 145,000 gallons per day (gpd) and a cold protection quantity of 1,134,000 gpd. FARMS project components consist of one surface water irrigation pump station, filtration, automation system, and the piping and valves necessary to connect the surface water reservoir to the existing irrigation system as well as the automation of two groundwater irrigation pump stations, valve automation, fertigation system, weather station, and soil moisture monitoring system.

Benefits/Costs

The proposed project involves water quantity and water quality best management practices for supplemental irrigation, and alternatives to using groundwater for frost/freeze protection within the DPCWUCA and qualifies for a 75 percent cost-share reimbursement rate under the FARMS Program. The project is expected to reduce groundwater use by 71,750 gpd for supplemental irrigation, an additional 13,250 gpd of annualized permitted cold protection quantities and reduce 47 pounds of nitrogen per year. Total estimated groundwater offset is 85,000 gpd. Based on the estimated groundwater offset, a reduction in nitrogen application, and a proposed seven-year contract term, the cost per thousand gallons of water saved is \$3.76, and the cost per pound of nitrogen reduced per year is \$20.39 (based on the fertigation components). This value is within the guidelines for the generally accepted average cost savings per thousand gallons for the implementation of alternative water supplies and improved irrigation techniques for nursery operations. Reimbursement will be from the Governing Board FARMS Fund. Upon approval of the projects presented at this meeting, the Governing Board will have \$2,970,869 remaining in its FARMS Program budget.

Strategic Plan

This project supports the District's Strategic Plan Water Supply Alternative Water Supplies Strategic Initiative and the Tampa Bay Planning Region – SWUCA Recovery Regional Priorities and Objectives.

Exhibits

Exhibit 1 – Location Map

Staff Recommendation:

1. Approve the Magic Greens Inc. project for a not-to-exceed project reimbursement of \$544,985 provided by the Governing Board;
2. Authorize the transfer of \$544,985 from fund 010 H017 Governing Board FARMS Fund to the H845 Magic Greens Inc. project fund;
3. Authorize Assistant Executive Director to sign the agreement.

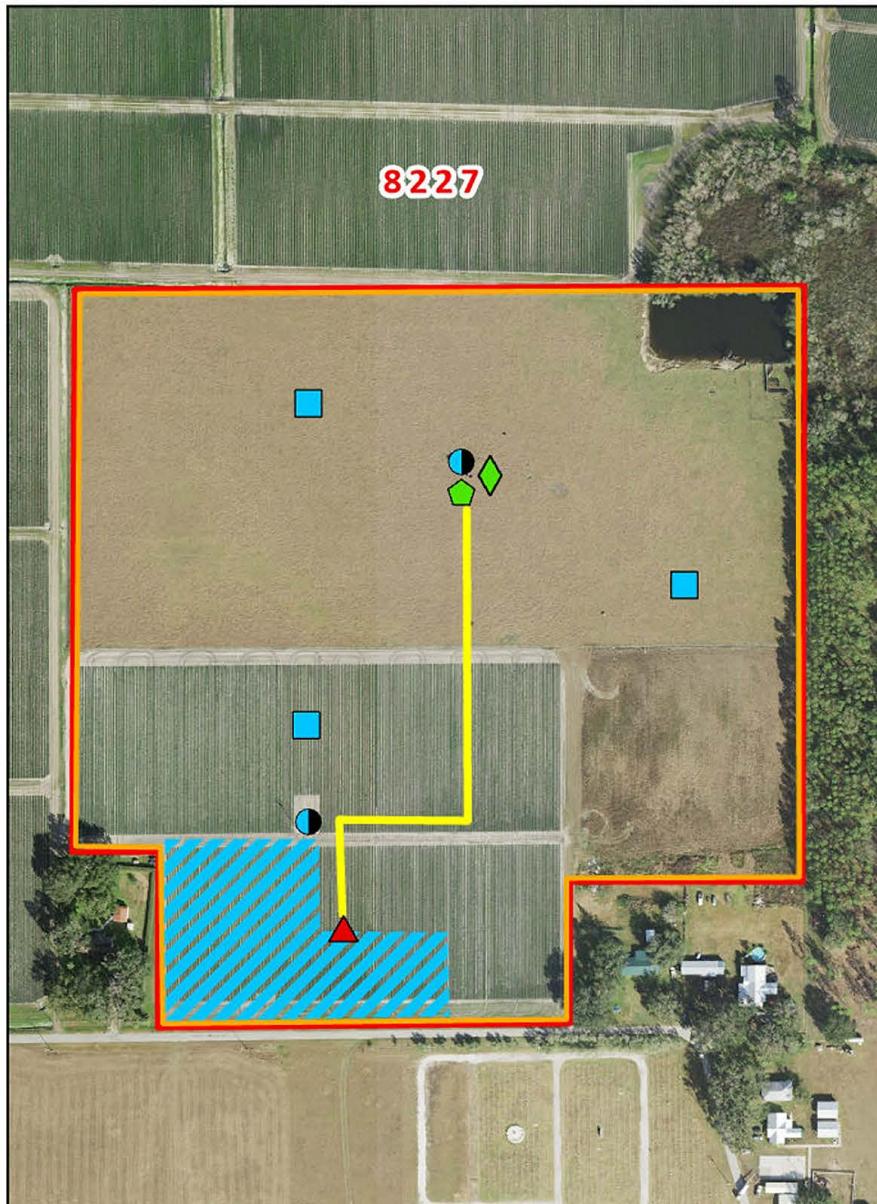
Presenter:

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

Location Map

Magic Greens Inc.

FARMS Project H845



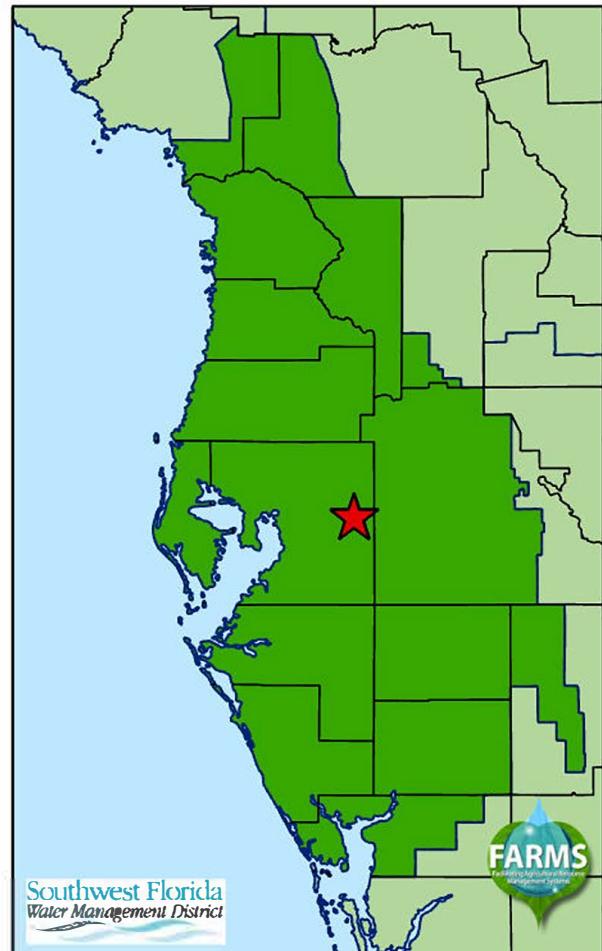
Legend

- WUP 11172
- Proposed Reservoir
- Proposed Fertigation
- Proposed Surface Water Pump Station
- Proposed GW Well Automation

- Proposed Mainline
- Proposed Weather Station
- Proposed Soil Moisture Monitoring
- Project Area

Proposed locations of project components may change based on site conditions

0 700 Feet



CONSENT AGENDA**January 27, 2026****Resource Management Committee: Starkey M10 Stormwater Facility Quality Improvements – Reduction of Scope and Budget (W106)*****Purpose***

The purpose of this item is to request Governing Board approval for a reduction in the scope of work and a decrease in budget to the Cooperative Funding Agreement (CFA) with Pinellas County for the Starkey M10 Stormwater Facility Quality Improvements (W106).

Background/History

The Board approved the project (W106) during the fiscal year (FY) 2022 cooperative funding cycle. The total estimated cost for the project is \$648,000 with the District and the County each contributing fifty percent (\$324,000). The project includes construction of a stormwater pond and modification of an existing stormwater system to improve water quality discharging to Boca Ciega Bay within the Tampa Bay watershed, a SWIM priority water body.

The County has requested a reduction in project scope to remove a stormwater pond (Pond 6C) from the project, so that the County can use this pond to provide water quality treatment for a future expansion of Starkey Road. This modification reduces the measurable benefit (treatment area) by 35%, the resource benefits by 37% for total nitrogen and 34% for total phosphorus, and the project cost by 37%. The approved and proposed measurable benefit, resource benefits, and District Share cost are included in the table below.

	Approved	Proposed
Treatment Area (acres)	114	74
Total Nitrogen (TN) lbs./yr.	492	310
Total Phosphorous (TP) lbs./yr.	146	96
District Share	\$324,000	\$204,120

Benefits/Costs

The total project budget for the CFA would decrease from \$648,000 to \$408,240 with the District and City each contributing fifty percent (\$204,120 respectively).

The project cost effectiveness ranking has not changed, and the project remains cost effective. The project, as originally approved by the Board, had an overall ranking of High. The requested change from the County will not change the overall ranking.

Strategic Plan

This project supports the District's Strategic Plan in both the Water Quality – Maintenance and Improvement, and Natural Systems – Conservation, Restoration and Management Strategic Initiatives.

Exhibits

None.

Staff Recommendation:

Authorize staff to amend the Starkey M10 Stormwater Facility Quality Improvements (W106) Cooperative Funding Agreement to:

1. Remove Pond 6C from the scope of work;
2. Decrease the treatment acres to 74, the TN removal to 310 lbs./yr., and the TP removal to 96 lbs./yr.;
3. Revise the project budget from \$648,000 to \$408,240 with the District and the County each contributing \$204,120.

Presenter:

Vivianna Bendixson, SWIM Manager, Natural Systems and Restoration Bureau

CONSENT AGENDA**January 27, 2026****General Counsel's Report: Authorization to Issue Administrative Complaint and Order – Water Use Permit Violations: Overpumpage – Taylor Woodrow Communities at Artisan Lakes, L.L.C. – Water Use Permit No.: 20003744.013 (Manatee County)**

Taylor Woodrow Communities at Artisan Lakes, L.L.C. (“Taylor Woodrow”), whose Managing Member is the home builder, Taylor Morrison of Florida, Inc., is the permittee of a Water Use Permit (“WUP”) for irrigation covering 227.6 acres at the Artisan Lakes residential development located at 4725 Los Robles Court in Palmetto, Florida.

On April 1, 2022, Taylor Woodrow was issued WUP No. 20003744.012 (“Permit”), transitioning the WUP from agricultural use to landscape/recreational use. The Permit authorizes groundwater withdrawals of 452,000 gallons per day (“gpd”) on an annual average basis, and 1,480,700 gpd on a peak monthly basis, from groundwater wells located within the Most Impacted Area of the Southern Water Use Caution Area. The Permit also relies in part on surface water from onsite ponds. Combined water withdrawals from the Upper Floridan Aquifer are limited to 386,100 gpd on an annual average basis.

On July 12, 2022, the District issued Taylor Woodrow a Notice of Potential Non-Compliance for overpumpage due to Taylor Woodrow’s reported annual average quantity of groundwater pumpage being over the permitted amount. District staff worked with Taylor Woodrow and continued to monitor groundwater use and Taylor Woodrow’s efforts to conserve and reduce reliance on groundwater.

On May 28, 2024, Taylor Woodrow was issued WUP No. 20003744.013 (“Permit Modification”) as part of its Water Conservation/Corrective Action Plan (“Plan”) submitted to the District in February 2024 to bring the Permit into compliance.

Under the Permit Modification and Plan, Taylor Woodrow was required to reduce its groundwater pumpage to within 5% of the permitted annual average quantity of 452,000 gpd by May 1, 2025, and obtain a reclaimed water line from Manatee County to transition the Artisan Lakes community to reclaimed water for irrigation. Taylor Woodrow has reported groundwater overpumpage, with annual averages ranging from 39% to 145% over the permitted amount.

On October 8, 2025, the District’s Office of General Counsel issued Taylor Woodrow a Notice of Violation and proposed Consent Order to resolve the non-compliance. Taylor Woodrow continues to pump more than the authorized quantities, the reclaimed water line has not been connected, and the proposed Consent Order has not been accepted. Accordingly, District staff request authorization from the Governing Board to issue an Administrative Complaint and Order, including potentially seeking revocation of the Permit and Permit Modification, for violations of the Permit Modification.

Strategic Plan

The Office of General Counsel provides legal support to the Regulation Division to ensure compliance with permits issued under the Environmental Resource Permit, Water Use Permit, and Well Construction Permit programs. When compliance efforts are unsuccessful, potential regulatory violations are referred to the Office of General Counsel for further investigation and enforcement. Following the investigation,

the Office of General Counsel may request authorization from the Governing Board to resolve noncompliance through a Consent Order or to initiate formal enforcement by issuing an Administrative Complaint and Order, unless final action has been delegated to the Executive Director.

While potential water use permit overpumpage violations were previously reported to the Governing Board prior to completion of the compliance investigative process, the Office of General Counsel now follows the same approach used for other regulatory violations by reporting matters to the Governing Board after investigation and unsuccessful enforcement efforts.

Authorization to issue an Administrative Complaint and Order in this matter supports the District's Core Business Processes by ensuring compliance with Florida law in District enforcement procedures and promoting consistency and efficiency for Regulation.

Exhibits

None.

Staff Recommendation:

1. Authorize District staff to issue an Administrative Complaint and Order to Taylor Woodrow Communities at Artisan Lakes, L.L.C., and any other necessary party, to obtain compliance (including permit revocation), to recover an administrative fine/civil penalty, and to recover enforcement costs, litigation costs, and attorney's fees, if appropriate.
2. Authorize District staff to pursue additional enforcement measures to obtain compliance with the terms and conditions of the Administrative Complaint and Order, including filing any appropriate actions in circuit court, if necessary.

Presenter:

Jennifer Soberal, Senior Attorney, Office of General Counsel

CONSENT AGENDA**January 27, 2026****General Counsel's Report: Approval of Settlement Agreement and Consent Order – Permit Challenge DOAH Case No. 25-4171– Southeastern Freight Lines, Inc. v. Piper Road Owner, LLC and Southwest Florida Water Management District – Environmental Resource Permit No. 43045609.000 (Charlotte County)**

On May 17, 2022, the District issued Environmental Resource Permit ("ERP") No. 43045609.000 ("Permit") to Piper Road Owner, LLC ("Piper Road") for the construction of a stormwater management system serving a 25.08-acre industrial project.

After construction of the system, Piper Road submitted its As-Built Certification form and Request for Conversion to Operation Phase form to the District on November 12, 2024. District staff reviewed the form and identified two (2) administrative deviations due to the As-Built Certification and As-Built Survey not being signed and sealed according to Rule requirements; as well as eight (8) technical deviations involving portions of the constructed stormwater management system that do not match permitted plans and other conditions causing adverse impacts in violation of District Rules.

Additionally, the District received a complaint from an adjacent landowner, Southeastern Freight Lines, Inc., (Southeastern Freight), alleging that Piper Road is causing flooding on their property. The District investigated the complaint, reviewed documentation of flooding, reviewed the submitted As-Builts, and determined that a drainage ditch connecting the properties is raised two (2) feet higher than the historical level on the Piper Road property.

Then, on May 22, 2025, the District received a Petition for Formal Administrative Proceeding ("Petition") from Southeastern Freight. The Petition is a challenge to the Permit and was referred to the Division of Administrative Hearings for adjudication.

After pre-hearing discovery, the Parties participated in an Alternative Dispute Resolution mediation on November 4, 2025. Shortly after this mediation, the Parties agreed to settle the dispute. In order to fully settle the issues, the parties proposed a Consent Order to resolve the District's outstanding compliance issues with Piper Road and a separate Settlement Agreement to resolve the Petition pending before the Division of Administrative Hearings. Within fifteen (15) days, Piper Road shall submit its revised Permit, and once approved, shall construct the revised Permit plans submitted to the District within sixty (60) days. Southeastern Freight has agreed to voluntarily dismiss its Petition.

Strategic Plan

This Settlement Agreement and Consent Order supports the District's Core Business Processes by ensuring compliance with Florida law in District enforcement procedures and promoting consistency and efficiency for Regulation.

Exhibits

Exhibit 1 – Consent Order

Exhibit 2 – Settlement Agreement

Staff Recommendation:

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

Presenter:

Andrew Thornquest, Senior Attorney, Office of General Counsel

BEFORE THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
ORDER NO. SWF 25 – _____

IN RE: PIPER ROAD OWNER, LLC
CT NO. 435815
PERMIT NO. 43045609
CHARLOTTE, FLORIDA

CONSENT ORDER

Pursuant to Sections 120.57(4) and 373.083, Florida Statutes (“Fla. Stat.”), this Consent Order is entered into by and between the Southwest Florida Water Management District (“District”) and Piper Road Owner, LLC (“Piper Road”), 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, Fla. Stat., and the rules promulgated thereunder as Chapters 62-330 and 40-D, Florida Administrative Code (“F.A.C.”).

2. Piper Road is a Pennsylvania limited liability company that owns certain real property in Charlotte County, Florida, Section 22, Township 41S, Range 23E, which is further identified by Charlotte County Plat Book 3122, Page 548.

3. On May 17, 2022, the District issued Environmental Resource Permit (“ERP”) 43045609 (“the Permit”) to Piper Road for construction of a new Stormwater

Management System (“SWMS”) serving a 25.08-acre industrial project, which contains two ponds and an underground system with effluent filtration systems, among other features. The Permit was issued in compliance with Chapter 373, Fla. Stat., and the rules promulgated thereunder as Chapter 62-330, F.A.C.

4. On November 12, 2024, Piper Road submitted As-Built Certifications and a Request for Conversion to Operation Phase forms to the District, which Request was granted.

5. Subsequent to the construction of the permitted SWMS, the District received a complaint that a bypass ditch invert elevation located on Piper Road’s property may be causing a tailwater condition on the permitted property to the north of Piper Road’s real property (“Tailwater Condition”). District Staff conducted a site visit on November 14, 2024, and found that the bypass ditch invert elevation may be causing the Tailwater Condition that adversely affects the property to the North of Piper Road’s property.

6. As observed during a site inspection on November 14, 2024, the bypass ditch invert level would need to be corrected to restore it to historical levels to prevent the Tailwater Condition from affecting the property to the North of Piper Road’s property.

7. The District requested Piper Road correct the Tailwater Condition.

8. Piper Road, its Engineer of Record, and the District participated in numerous meetings and discussions regarding the Tailwater Condition.

9. As of the date of this Consent Order, Piper Road has submitted construction and engineering plans that the District and Piper Road believe, based on generally accepted engineering and scientific principles, provides reasonable assurances of

performing and functioning as proposed, and will resolve the Tailwater Condition adversely affecting the property to the North of Piper Road's property.

10. The Parties wish to avoid the uncertainty, inconvenience, burden, and expense of litigation, and have agreed to resolve all disputed issues regarding the Tailwater Condition set forth above.

CONCLUSIONS OF LAW

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

12. The activities described herein in Paragraphs 6 through 9, if proven, constitute a violation of Section 373.430(1)(b), Fla. Stat., Rules 61G15-23.004 and 5J-17.062, F.A.C., Specific Conditions 4, 14, and 15, and General Condition 1 of the Permit.

13. Failure to provide reasonable assurance that the conditions for issuance of the Permit have been met violates Rules 62-330.060(2) and 62-330.301(1), F.A.C.

14. Piper Road is not exempt by statute or by District rule from complying with the statutes and rules pertaining to the District's permitting process.

CORRECTIVE ACTIONS

15. The District and Piper Road hereby incorporate the terms and conditions of that certain Settlement Agreement entered into by Southeastern Freight Lines, Corp. ("Southeastern"), Piper Road and the District in full settlement of DOAH Case No. 25-004171, as the corrective actions to be undertaken by Piper Road to resolve the Tailwater Condition under this Consent Order. The Settlement Agreement is attached hereto as Exhibit "A," and incorporated herein by this reference.

GENERAL PROVISIONS AND NOTICE OF RIGHTS

16. Piper Road hereby waives any right to an administrative hearing or judicial review of the underlying issues to be resolved by this Consent Order.

17. For and in consideration of the complete and timely performance by Piper Road of the obligations under this Consent Order, the District waives its right to pursue civil or administrative action for any violation described herein. If Piper Road fails to entirely 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.

18. The District hereby expressly reserves and retains the right to initiate appropriate legal action against Piper Road to prevent or prohibit the future violation of any applicable statutes, rules, or orders, except as specifically addressed in this Consent Order. Piper Road acknowledges by the execution of this Consent Order that any future violation of Chapter 373, Fla. Stat., District rules, or the terms of any permit (including such as may be modified) may subject Piper Road to criminal prosecution, administrative action, or a civil suit in which penalties of up to Fifteen Thousand Dollars (\$15,000.00) per day per offense may be imposed, as provided in Section 373.129(5), Fla. Stat.

19. This Consent Order is not a license or a permit. Piper Road shall not undertake further construction without necessary District authorizations.

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

21. Piper Road shall allow authorized District representatives to access its property at all reasonable times with prior notice to determine compliance with this Consent Order, Chapter 373, Fla. Stat., and District rules.

22. The terms and conditions outlined in this Consent Order may be enforced in a court of competent jurisdiction pursuant to Sections 120.69, 373.083(1), and 373.129, Fla. Stat.

23. 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.

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

25. Any person who is not a party to this Consent Order and whose substantial interests may be affected by the District's action in this Order has the right to request an administrative hearing in accordance with Sections 120.569 and 120.57(1), Fla. Stat., and to be represented by counsel or other qualified representative. Any request for a hearing must comply with the requirements set forth in Rules 28-106.104 and 28-106.201, F.A.C. Mediation under Section 120.573, Fla. Stat., is not available. A request for a hearing must be filed with (received by) the Agency Clerk at the District's Tampa Service Office, 7601 US Highway 301 North, Tampa, Florida 33637-6759, or by facsimile transmission to the Agency Clerk at (813) 367-9776, no later than twenty-one (21) days after receipt of this notice. A request for a hearing is deemed filed upon receipt of the complete request by the Agency Clerk at the District's Service Office in Tampa, Florida. A request for a hearing received by the Agency Clerk after 5:00 p.m., or on a Saturday, Sunday, or legal holiday, shall be deemed filed as of 8:00 a.m. on the next regular District business day. These requirements are set forth in Chapter 28-106, F.A.C., and in the District's Statement of Agency Organization and Operation, which is available for viewing at

www.swfwmd.state.fl.us/about/agency-statement-organization-and-operation. Failure to file a request for a hearing within the specified time period constitutes a waiver of the right to an administrative hearing.

Piper Road Owner, LLC



Signature

John Knott

Printed Name

Vice President

Title

1/2/2026

Date

Approved by the Governing Board of the Southwest Florida Water Management District this _____ day of January 2026.

By: _____
John Mitten, Chair

Attest: _____
Print Name: _____

Approved as to Legal Form and Content
Andrew B. Thornquest, Esq. Office of General Counsel

January 2026.

Filed this _____ day of

Deputy Agency Clerk

CONSENT ORDER
PIPER ROAD OWNER, LLC
CT NO. 435815
PERMIT NO. 43045609
CHARLOTTE COUNTY, FLORIDA

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

SOUTHEASTERN FREIGHT LINES, INC.,

Petitioner (s),

Case No: 25-004171

vs.

PIPER ROAD OWNER, LLC
and SOUTHWEST FLORIDA
WATER MANAGEMENT DISTRICT

Respondent (s).

/

SETTLEMENT AGREEMENT

Pursuant to Section 120.57(4) *Fla. Stat.*, this Settlement Agreement is entered into by and between Southeastern Freight Lines, Inc. (“Southeastern”), the Southwest Florida Water Management District (“District”), and Piper Road Owner, LLC (“Piper Road”), (collectively “the Parties”), to settle certain matters at issue between the Parties.

RECITALS

1. Southeastern is a foreign for-profit corporation authorized to conduct business in Florida, and with a principal address at 420 Davega Road, Lexington, SC 29073, and owns real property located in Charlotte County, FL located at 9300 Piper Road, Punta Gorda, FL 33982 (Parcel ID No. 41322200001) (“Southeastern Parcel”).

2. Piper Road is a foreign for-profit corporation authorized to conduct business in Florida, with a principal address of 3843 West Chester Pike, Newton Square, PA 19073, and owns real property located in Charlotte County, FL located at 9450 Piper Road. Punta Gorda, FL 33982 (Parcel ID No. 412322200004) (“Piper Road Parcel”).

3. 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, *Fla. Stat.*, and the rules promulgated thereunder as Chapter 62-330, and 40D *Fla. Admin. Code*.

4. On May 17, 2022, the District issued Environmental Resource Permit No. 43045609 (“Permit”) to Piper Road for the construction of a new stormwater management system serving a 25.08-acre industrial project, which contains two ponds and an underground system with effluent filtration systems, among other features (“Project”).

5. The Southeastern Parcel and the Piper Road Parcel are adjacent to each other and share a common property line boundary. Historically, stormwater from the Southeastern Parcel has discharged onto the Piper Road Parcel.

6. The District and Piper Road contend the Permit was issued in compliance with Chapter 373, *Fla. Stat.*, and the rules promulgated thereunder as Chapter 62-330, and 40D *Fla. Admin. Code*. Subsequent to the issuance of the Permit, the District initiated a compliance action against Piper Road alleging the Project “as built” drawings submitted to the District contained two (2) administrative deviations, eight (8) technical deviations to the standard conditions of the Permit, and that the Project appeared to be causing a tailwater condition (as defined herein) on the Southeastern Parcel.

7. Southeastern disputes the District properly issued the Permit and filed a Petition for Administrative Hearing in the Division of Administrative Hearings, which was assigned Case No. 25-004171 (“Case”) challenging the District’s issuance of the Permit, alleging, *inter alia*, that Piper Road failed to provide reasonable assurances the Project would not:

- (a) Cause adverse water quality impacts to receiving waters and adjacent land.

- (b) Cause adverse flooding to on-site or off-site property.
- (c) Cause adverse impacts to existing surface water storage and conveyance capabilities.
- (d) Be capable, based on generally accepted engineering and scientific principles, of performing and functioning as proposed.

8. Southeastern also alleged the Project increases the accumulation of water on and interferes with the historical discharge and drainage from the Southeastern Parcel creating a tailwater condition (“Tailwater Condition”). See, paragraphs 8 – 12 of Southeastern’s Petition for Administrative Hearing. Piper Road denies the allegations in the Petition for Administrative Hearing.

9. The Parties, without admitting any liability as to any of the allegations in Southeastern’s Petition for Administrative Hearing, and Southeastern without admitting the feasibility or sufficiency of the Design (as defined herein), wish to avoid the uncertainty, inconvenience, burden and expense of litigation, and have agreed to resolve all disputed issues and hereby voluntarily agree to the following terms, conditions and corrective actions in full and complete settlement of this Case.

TERMS AND CONDITIONS

10. Piper Road and the District, based on generally accepted engineering and scientific principles, have agreed to corrective actions that will resolve the Tailwater Condition, and ensure the Permit complies with Chapter 373, *Fla. Stat.*, and the rules promulgated thereunder as Chapter 62-330, and 40D *Fla. Admin. Code*.

11. The District agrees that:

- (a) Within fifteen (15) days of the execution and approval of this Settlement Agreement by the District's Governing Board, Piper Road shall formally submit to the District for its review and processing, engineering and construction plans originally dated September 5, 2025 and subsequently updated on October 6, and 21, 2025 ("Design"), to enhance the functionality of the Project and resolve the Tailwater Condition ("Updated Project"); thereby providing reasonable assurances the Permit complies with Chapter 373, *Fla. Stat.*, and the rules promulgated thereunder as Chapter 62-330, and 40D *Fla. Admin. Code*. Piper Road shall comply with and respond to any of the District's requests for additional information or clarification relating to the Design within seven (7) days of receiving such request. The Design is attached hereto as Exhibit "A," and incorporated herein by this reference.
- (b) Within thirty (30) days of the execution and approval of this Settlement Agreement by the District's Governing Board, the District shall review all submissions, and if found to be complete, approve the Design.

12. Piper Road agrees that:

- (a) Within sixty (60) days of the District's approval of the Design, Piper Road shall construct the Updated Project in accordance with the Design. The Updated Project will not be constructed in a manner that results in any deviations from the Design.
- (b) Within forty-five (45) days of Piper Road's completion of the construction of the Updated Project, Piper Road shall request the District issue a

Conversion to Operation Phase Permit for the operation of the Updated Project. Contemporaneous with the request to convert to an Operation Phase Permit, Piper Road shall submit to the District as-built construction plans demonstrating compliance with and matching the Design, including an elevation survey of the Updated Project at ten feet (10') intervals.

13. Piper Road may apply to the District for an extension of the time limits contained in this Settlement Agreement. A request for an extension of time must be made in writing. It must be submitted to District staff and the Office of General Counsel simultaneously, no later than five (5) days before the expiration of such time limit. Only the Office of General Counsel may approve a request for an extension of time, determined on a case-by-case basis. Any approval of an extension of time that does not have the prior authorization of the Office of General Counsel will not constitute compliance with this provision of this Settlement Agreement. The District shall not unreasonably deny a request by Piper Road for an extension of the time limits contained in this Settlement Agreement. Examples of a reasonable basis for an extension of time may include, but are not limited to, construction delays caused by inclement weather or delays associated with additional construction work required to correct potential future deviations identified by the District to the Updated Project upon Piper Road's submission of as-built construction plans to the District as provided herein.

14. For each day of delay beyond any due date specified in this Settlement Agreement the District may seek from Piper Road the sum of One Hundred Dollars (\$100.00) per day as a penalty for non-compliance. 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. Furthermore, if Piper Road fails to entirely and timely perform the obligations set forth

herein, the District and Southeastern retain the right to pursue civil or administrative action to enforce this Settlement Agreement.

15. Southeastern and Piper Road shall perform regular and specialized maintenance of the stormwater management system on their respective properties on a regular and as needed basis, but in no event less than the intervals set forth in their respective maintenance schedules (“Maintenance Schedules”). The Maintenance Schedules are attached hereto as Exhibit “B,” and incorporated herein by this reference.

16. On a yearly basis commencing in 2026, Southeastern and Piper Road shall perform a site inspection and maintenance compliance audit report of the stormwater management system on their respective properties (“Annual Report”). On or before December 31st of each year, Southeastern and Piper Road shall transmit to each other and the District a copy of the Annual Report. The Annual Report shall:

- (a) Be sent to the Parties in PDF format via email, certified U.S. mail return receipt requested, hand delivery, or overnight delivery to the addresses set forth above or at any other address designated by a Party in writing.
- (b) Contain a cover page with the permit number, reporting period, and contact information.
- (c) Contain dates of maintenance and results.
- (d) Contain a narrative section describing the maintenance activities, and any deviations.
- (e) Include a certification statement signed by the respective Parties attesting to accuracy and completeness.

17. The District may conduct site inspections and compliance audits of the Southeastern Parcel and the Piper Road Parcel upon reasonable notice to the respective Party.

18. Piper Road agrees to comply with all conditions of the Permit, including the Conversion to Operation Phase Permit, for the Updated Project, the Design, and applicable statutes and rules.

19. This Settlement Agreement is entered into solely for the purpose of compromise and settlement of this Case. Nothing in this Settlement Agreement shall be construed as an admission by any of the Parties of any wrongdoing, liability, or noncompliance with any federal, state, city, or local rule, ordinance, statute, common law, or other legal obligation.

20. Southeastern agrees to file a notice of voluntary dismissal of its Petition for Administrative Hearing upon approval of this Settlement Agreement by the District's Governing Board.

21. This Settlement Agreement constitutes the entire understanding between the Parties and no modifications to it are effective unless reduced to writing and executed by all of the Parties.

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

23. Any notice provided herein must be in writing and provided via certified U.S. mail return receipt requested, hand delivery, or overnight delivery to the addresses set forth above or at any other address designated by a Party in writing.

24. Each of the Parties shall be responsible for, and pay in their entirety, their respective fees, costs, and expenses in connection with Southeastern's Petition for Administrative Hearing and this Settlement Agreement.

25. This Settlement Agreement shall become effective upon the date of the last signature below.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

Piper Road Owner, LLC



Signature

Vice President

Title

John Knott

Printed Name

1/2/2026

Date

Southeastern Freight Lines, Corp.

Signature

Title

Printed Name

Date

Southwest Florida Water Management District

Approved by the Governing Board of the Southwest Florid Water Management District this ____ day of January 2026.

John Mitten, Chair

Approved as to Legal Form and Content

Andrew B. Thornquest, Esq.
Office of General Counsel

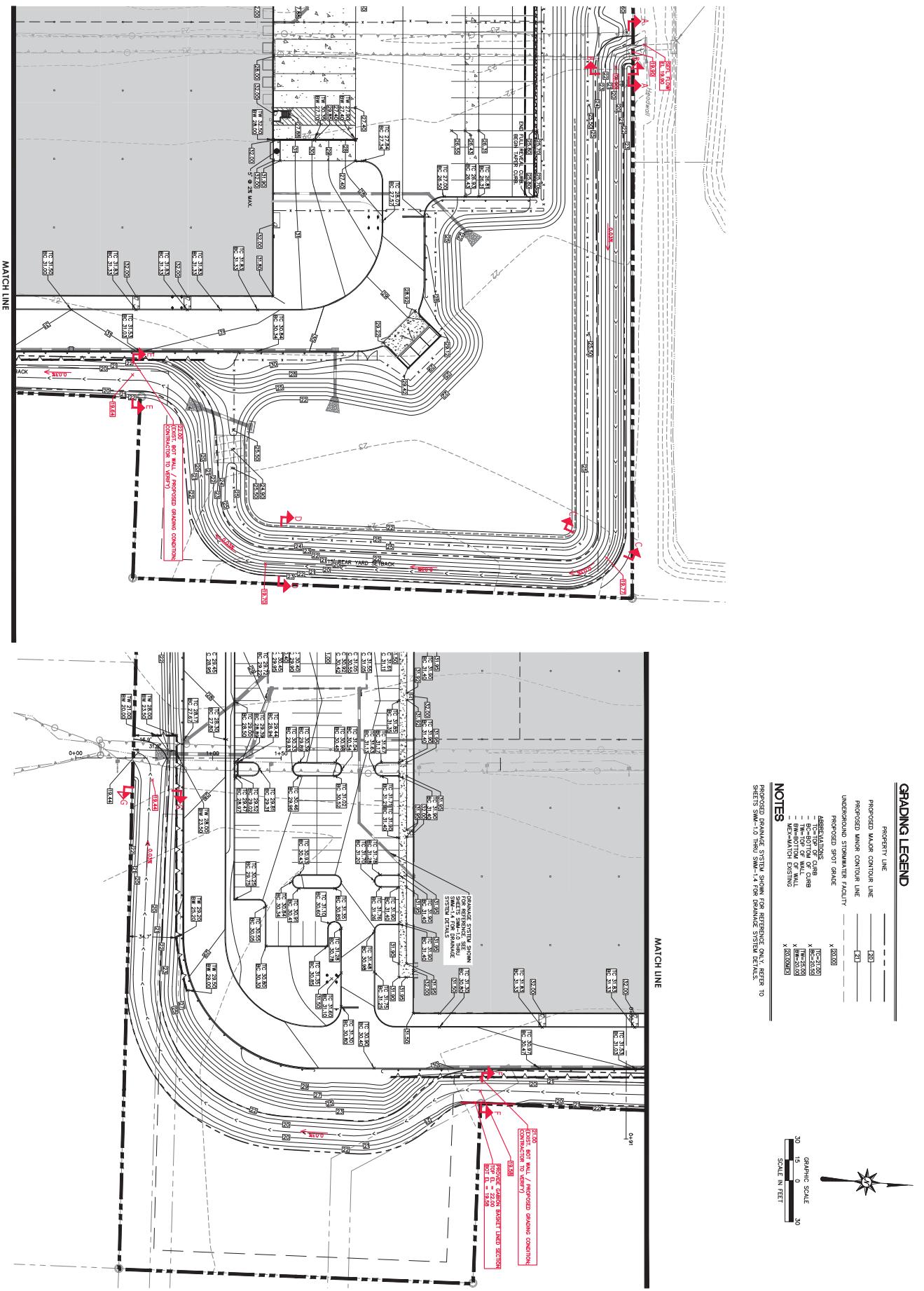
Attest: _____

Name: _____

Filed this ____ day of January 2026.

Deputy Agency Clerk

**EXHIBIT “A”
DESIGN**



Volume 16, Number 1, Spring 2003 • Journal of Health Politics, Policy and Law

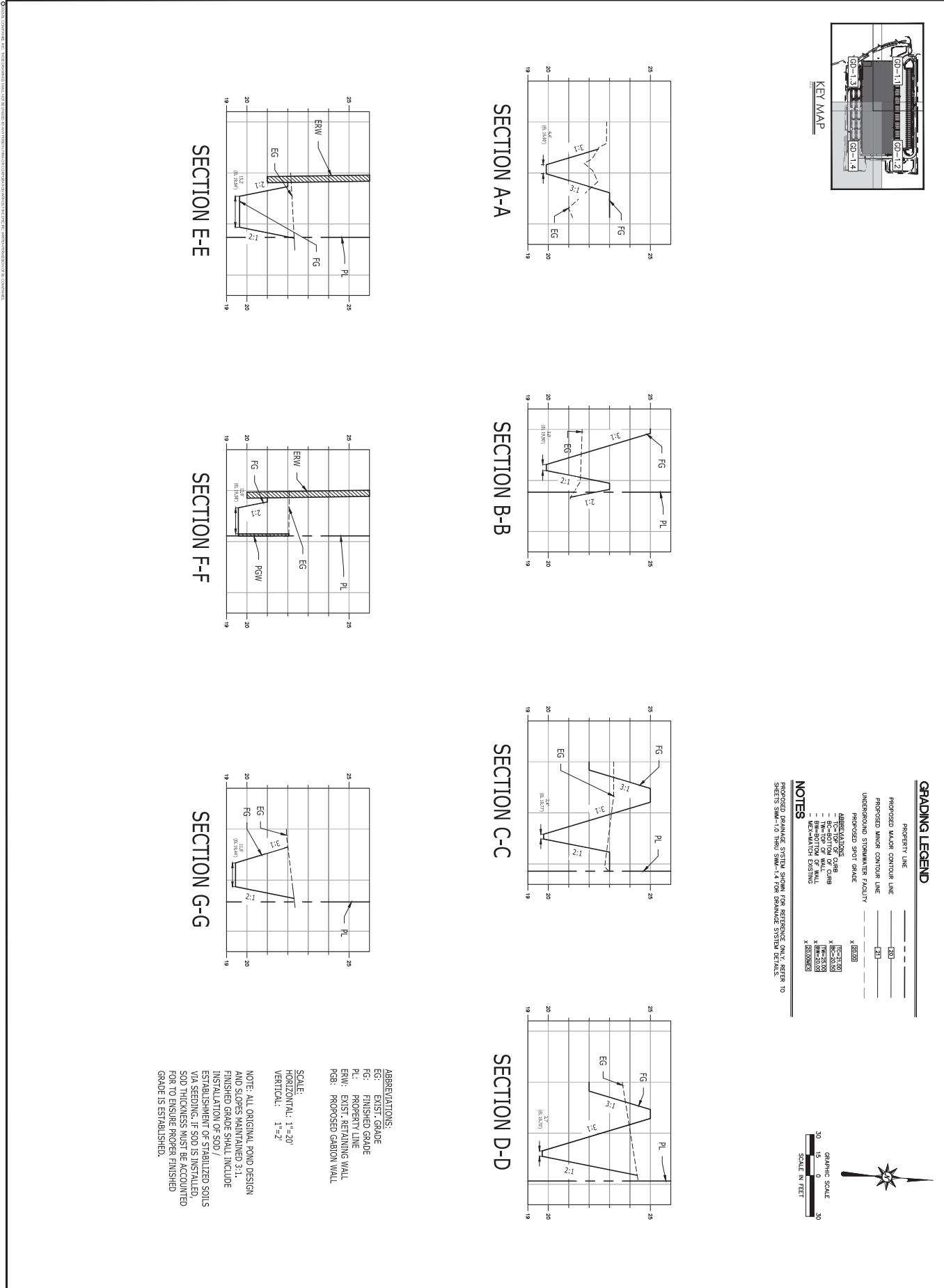
COUNTY FIRE COMMENTS
INS
INS
ATES

PIPER ROAD INDUSTRIAL
9450 PIPER ROAD
PLUNTA GORDA, CHARLOTTE COUNTY, FLORIDA



BL
BRUNNEN

Architecture
Engineering
Environmental
and Surveying



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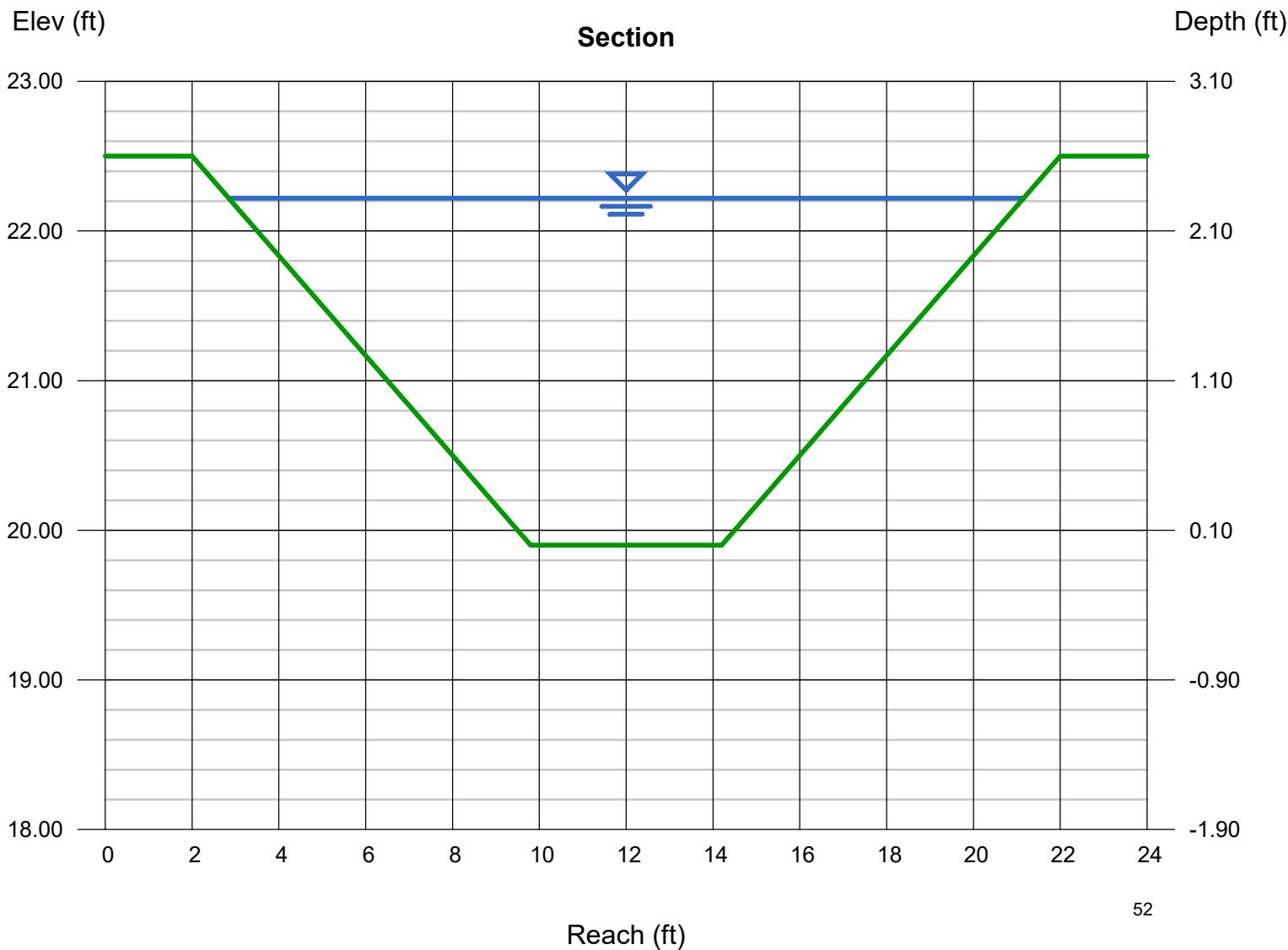
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Total Depth (ft)	= 2.60
Invert Elev (ft)	= 19.90
Slope (%)	= 0.03
N-Value	= 0.025

Calculations

Compute by: Known Q
Known Q (cfs) = 33.50

Highlighted

Depth (ft)	= 2.32
Q (cfs)	= 33.50
Area (sqft)	= 26.36
Velocity (ft/s)	= 1.27
Wetted Perim (ft)	= 19.07
Crit Depth, Y_c (ft)	= 0.98
Top Width (ft)	= 18.32
EGL (ft)	= 2.35



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Trapezoidal

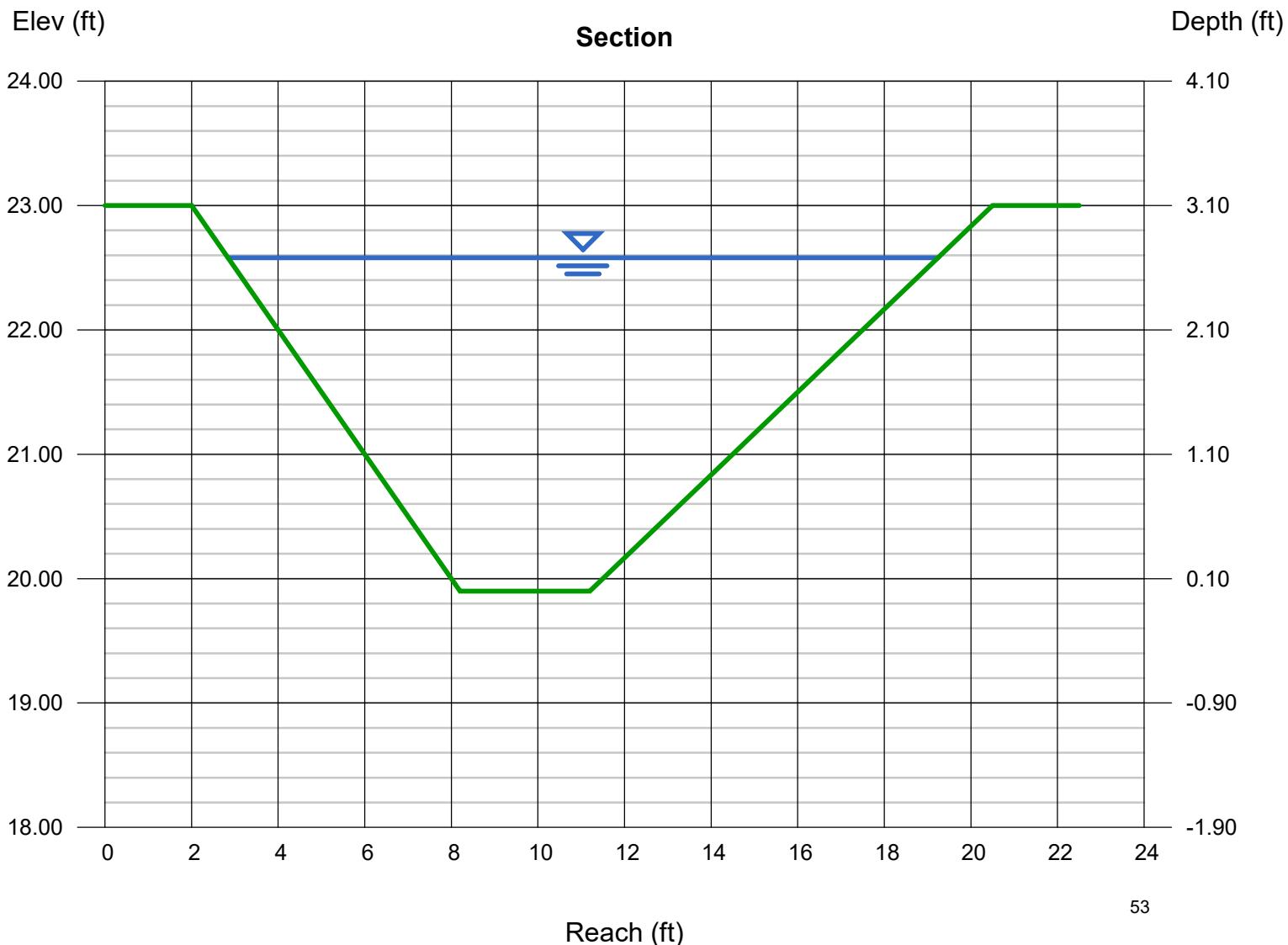
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Side Slopes (z:1) = 2.00, 3.00
Total Depth (ft) = 3.10
Invert Elev (ft) = 19.90
Slope (%) = 0.03
N-Value = 0.025

Calculations

Compute by: Known Q
Known Q (cfs) = 34.63

Highlighted

Depth (ft) = 2.68
Q (cfs) = 34.63
Area (sqft) = 26.00
Velocity (ft/s) = 1.33
Wetted Perim (ft) = 17.47
Crit Depth, Yc (ft) = 1.17
Top Width (ft) = 16.40
EGL (ft) = 2.71



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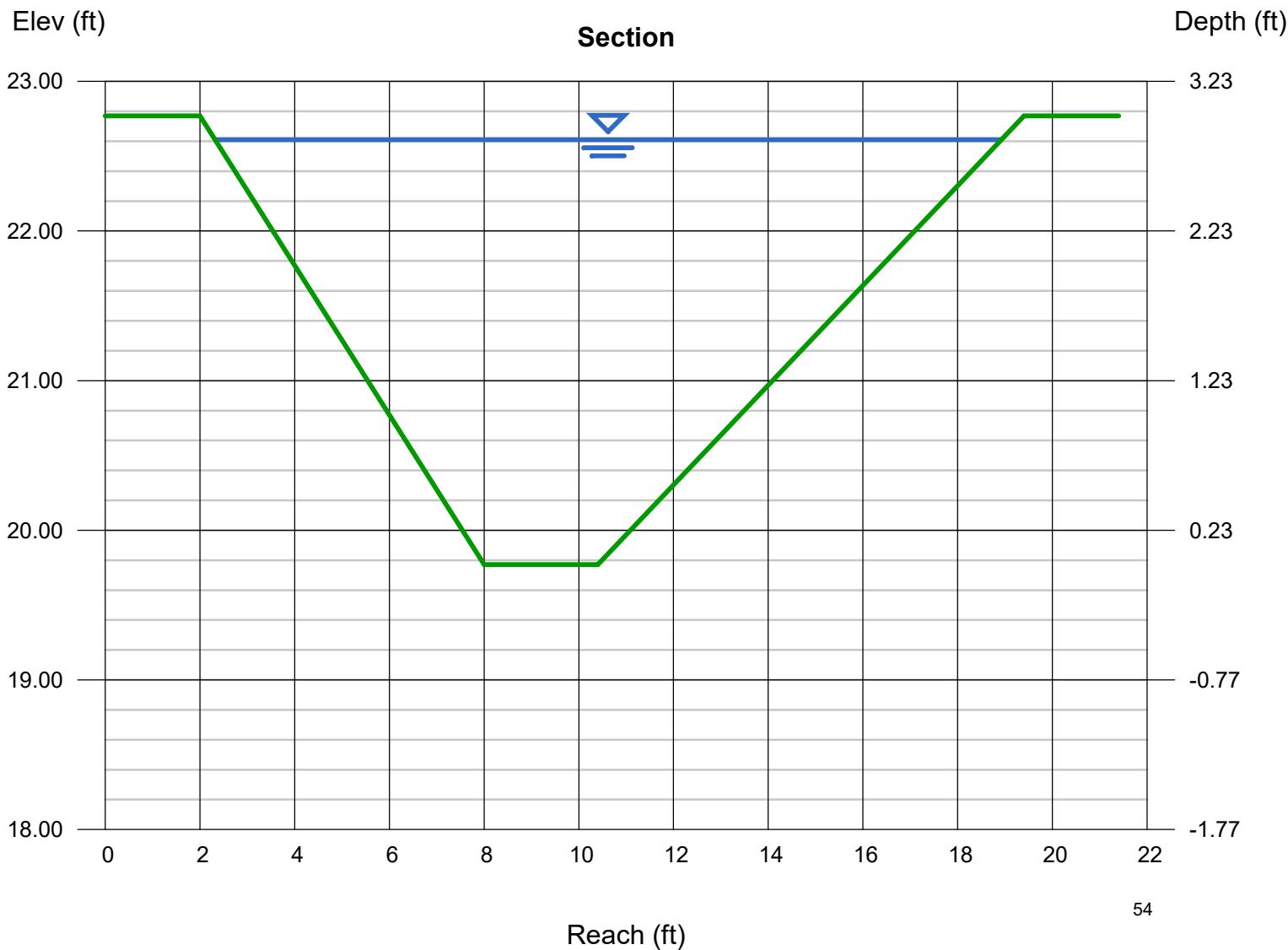
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Side Slopes (z:1)	= 2.00, 3.00
Total Depth (ft)	= 3.00
Invert Elev (ft)	= 19.77
Slope (%)	= 0.03
N-Value	= 0.025

Calculations

Compute by: Known Q
Known Q (cfs) = 36.73

Highlighted

Depth (ft)	= 2.84
Q (cfs)	= 36.73
Area (sqft)	= 26.98
Velocity (ft/s)	= 1.36
Wetted Perim (ft)	= 17.73
Crit Depth, Y_c (ft)	= 1.29
Top Width (ft)	= 16.60
EGL (ft)	= 2.87



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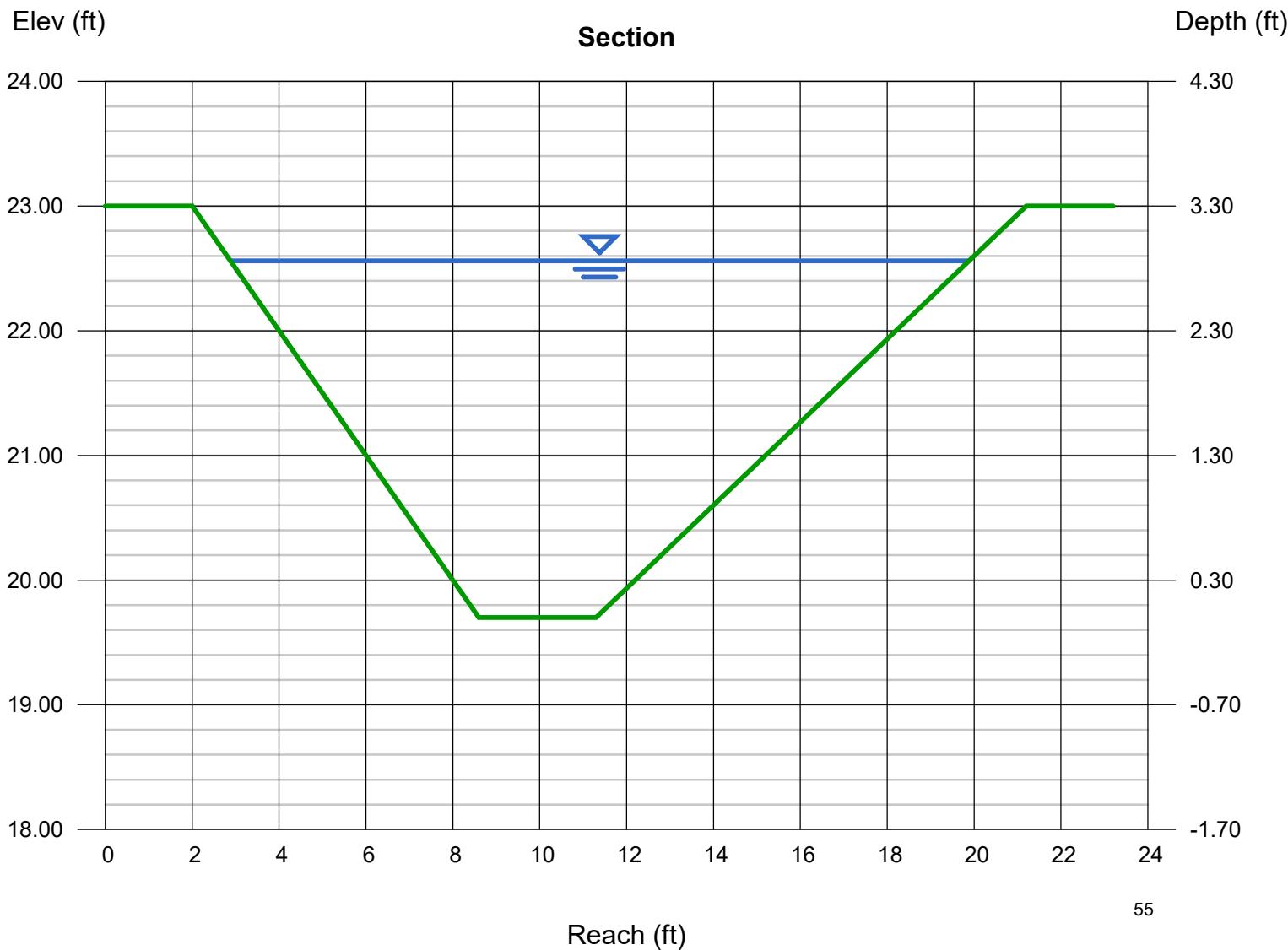
Bottom Width (ft)	= 2.70
Side Slopes (z:1)	= 2.00, 3.00
Total Depth (ft)	= 3.30
Invert Elev (ft)	= 19.70
Slope (%)	= 0.03
N-Value	= 0.025

Calculations

Compute by: Known Q
Known Q (cfs) = 38.72

Highlighted

Depth (ft)	= 2.86
Q (cfs)	= 38.72
Area (sqft)	= 28.17
Velocity (ft/s)	= 1.37
Wetted Perim (ft)	= 18.14
Crit Depth, Y_c (ft)	= 1.28
Top Width (ft)	= 17.00
EGL (ft)	= 2.89



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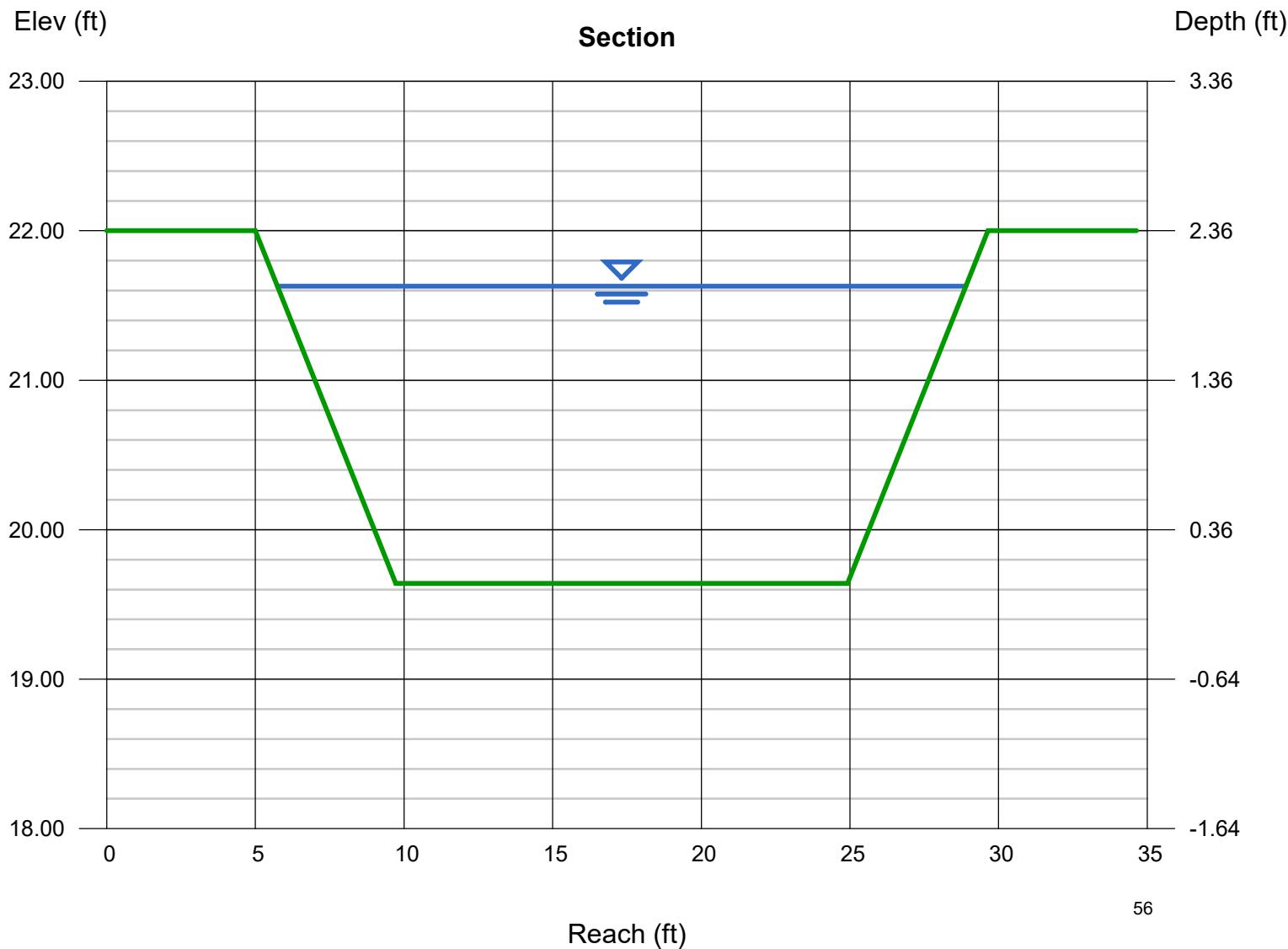
Bottom Width (ft)	= 15.20
Side Slopes (z:1)	= 2.00, 2.00
Total Depth (ft)	= 2.36
Invert Elev (ft)	= 19.64
Slope (%)	= 0.03
N-Value	= 0.025

Calculations

Compute by:
Known Q (cfs)

Highlighted

Depth (ft)	= 1.99
Q (cfs)	= 53.26
Area (sqft)	= 38.17
Velocity (ft/s)	= 1.40
Wetted Perim (ft)	= 24.10
Crit Depth, Y_c (ft)	= 0.71
Top Width (ft)	= 23.16
EGL (ft)	= 2.02



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User-defined

Invert Elev (ft) = 19.58
Slope (%) = 0.03
N-Value = 0.025

Highlighted

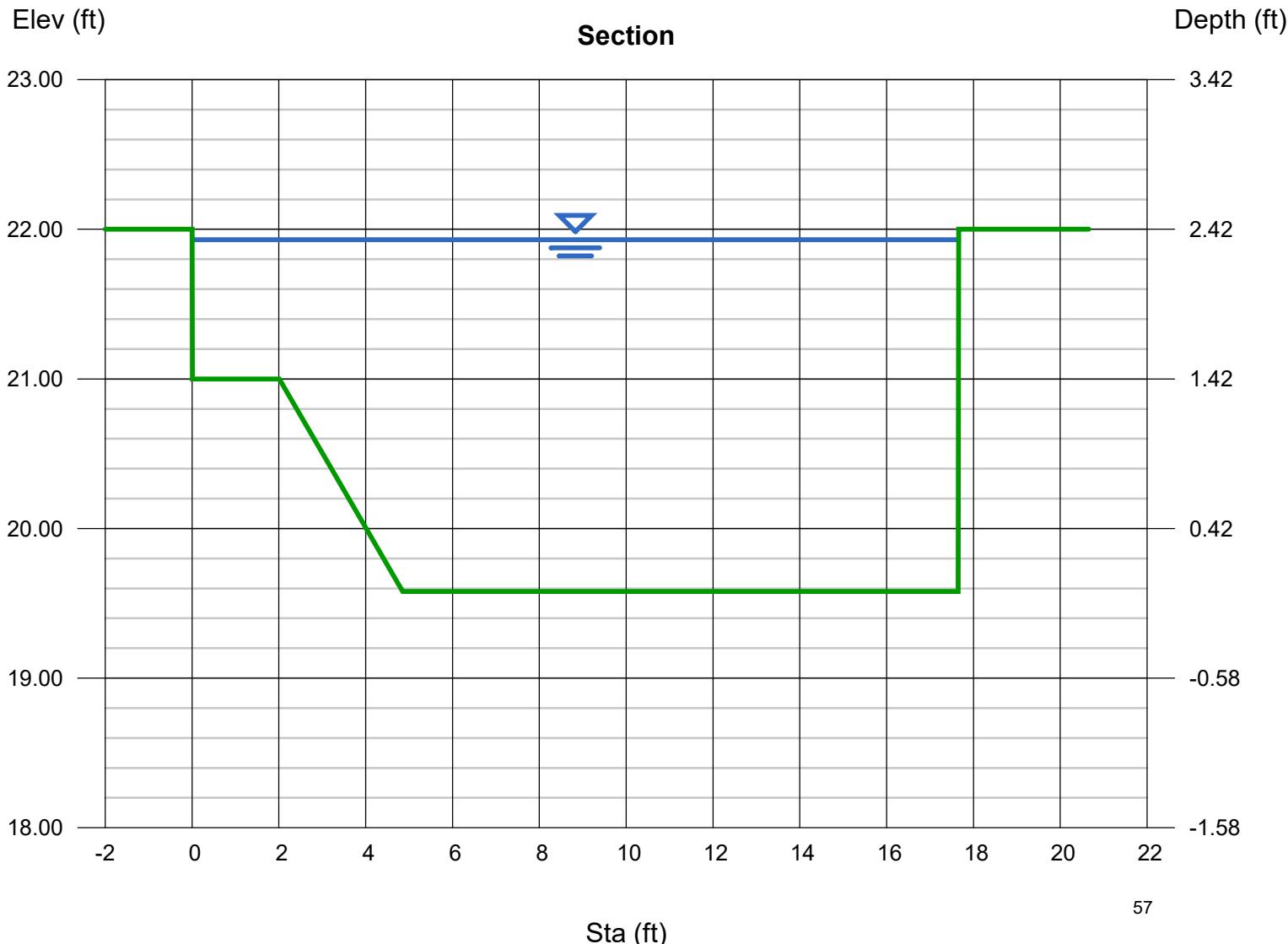
Depth (ft)	= 2.35
Q (cfs)	= 54.25
Area (sqft)	= 36.61
Velocity (ft/s)	= 1.48
Wetted Perim (ft)	= 21.26
Crit Depth, Yc (ft)	= 0.81
Top Width (ft)	= 17.66
EGL (ft)	= 2.38

Calculations

Compute by: Known Q
Known Q (cfs) = 54.25

(Sta, El, n)-(Sta, El, n)...

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Trapezoidal

Bottom Width (ft)	= 11.60
Side Slopes (z:1)	= 3.00, 2.00
Total Depth (ft)	= 2.56
Invert Elev (ft)	= 19.44
Slope (%)	= 0.03
N-Value	= 0.025

Calculations

Compute by: Known Q
Known Q (cfs) = 63.58

Highlighted

Depth (ft)	= 2.43
Q (cfs)	= 63.58
Area (sqft)	= 42.95
Velocity (ft/s)	= 1.48
Wetted Perim (ft)	= 24.72
Crit Depth, Y_c (ft)	= 0.92
Top Width (ft)	= 23.75
EGL (ft)	= 2.46

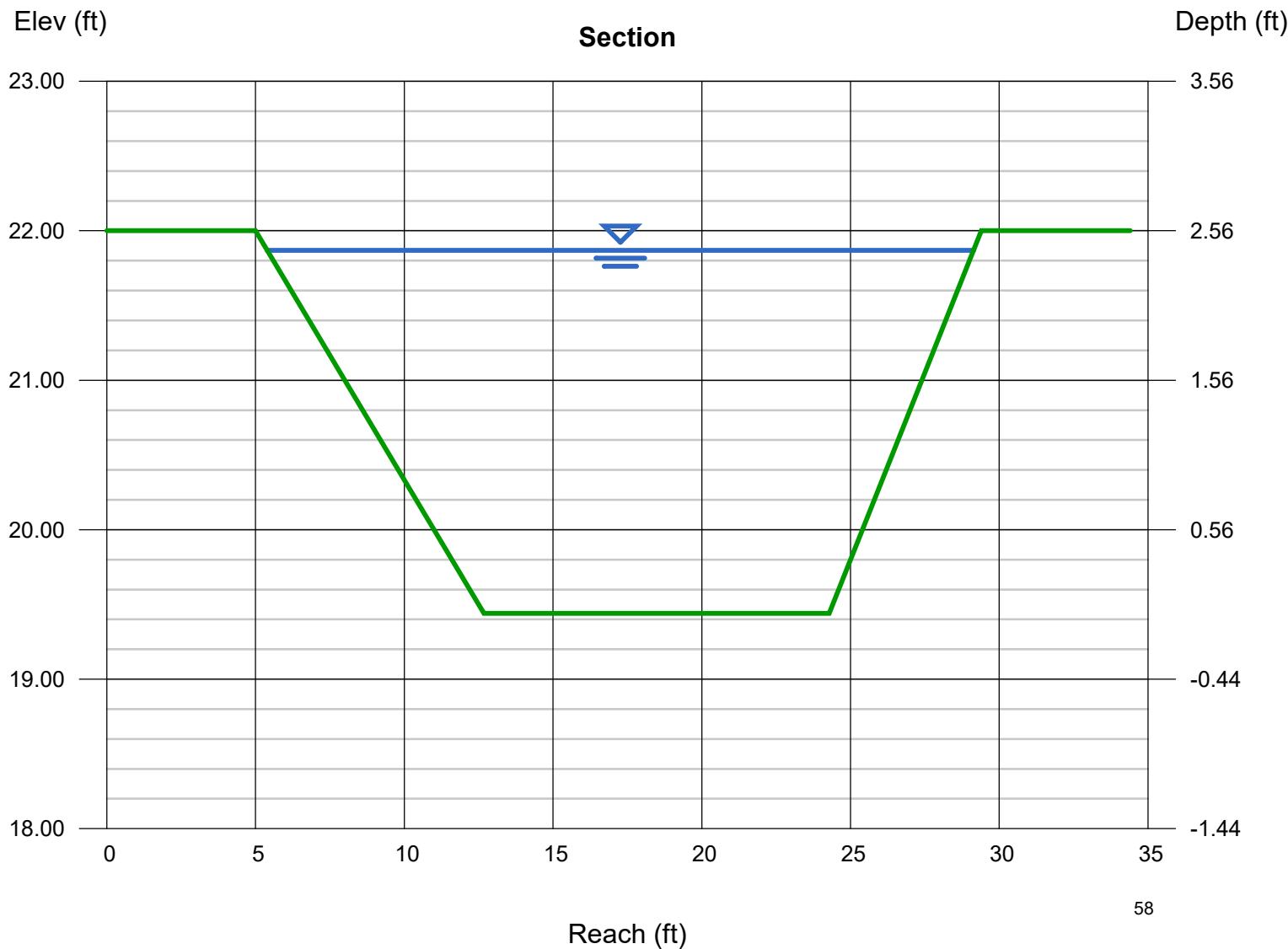


EXHIBIT “B”
MAINTENANCE SCHEDULES

CONSENT AGENDA

January 27, 2026

Executive Director's Report: Approve Governing Board Minutes – December 16, 2025

Staff Recommendation:

Approve minutes as presented.

Presenter:

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



GOVERNING BOARD MEETING
TUESDAY, DECEMBER 16, 2025 – 9:00 A.M.
2379 BROAD STREET, BROOKSVILLE, FLORIDA 34604
(352) 796-7211

Board Members Present

John Mitten, Chair
Jack Bispham, Vice Chair
Ashley Bell Barnett, Secretary*
John Hall, Treasurer
Michelle Williamson, Member
Kelly Rice, Member
Dustin Rowland, Member
James Holton, Member
Robert Stern, Member
Nancy H. Watkins, Member
Josh Gamblin, Member
James Turner, Member

*Attended via Electronic Media

Staff Members

Brian J. Armstrong, Executive Director
Amanda Rice, Assistant Executive Director
Chris Tumminia, General Counsel
Brian Werthmiller, Inspector General
Jennette Seachrist, Division Director
Michelle Hopkins, Division Director
Brian Starford, Division Director
Brandon Baldwin, Division Director
Michelle Weaver, Division Director

Board Administrative Support

Virginia Singer, Manager
Lori Manuel, Administrative Coordinator

1. Convene Public Meeting

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting on December 16 at 9:00 a.m., in the Brooksville Office at 2379 Broad Street, Brooksville, Florida 34604. This meeting was available for live viewing through internet streaming. An attendance roster is archived in the District's permanent records. Approved minutes from meetings can be found on the District's website at WaterMatters.org.

1.1 Call to Order

Chair John Mitten called the meeting to order. He noted that the Board meeting was being recorded for broadcast on government access channels, and public input would be provided in person. Chair Mitten stated that anyone wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda should complete and submit a "Request to Speak" card. He 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. Chair Mitten also requested that several individuals requesting to speak on the same topic designate a spokesperson. He introduced each member of the Governing Board and staff present at the dais (this served as roll call). A quorum was confirmed.

1.2 Invocation and Pledge of Allegiance

Board Member Kelly Rice offered the invocation and led the Pledge of Allegiance.

1.3 Additions/Deletions to Agenda

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

1.4 Public Input for Issues Not Listed on the Published Agenda

Mr. David Ballard Geddis, Jr., spoke regarding municipal water infrastructure.

Consent Agenda

Resource Management Committee

2.1 Surface Water Improvement and Management Program Priority Water Body List

Staff recommended the Board approve the District's SWIM priority list with no changes to the existing twelve priority water bodies.

Operations, Lands & Resource Monitoring Committee:

2.2 Sale of Easement to Tampa Electric Company – Tampa Bypass Canal – SWF Parcel No. 13-004-326X (Hillsborough County)

Staff recommended the Board:

- Accept the offer of \$451,900.00; and
- Approve the Purchase/Sale Agreement and authorize the Executive Director to execute on behalf of the District; and
- Approve the Easement and authorize the Chair and Secretary to execute on behalf of the District; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

Regulation Committee

2.3 Water Use Permit No. 20 006509.019, Polk County BOCC/Northeast Regional Utility Service Area (Polk County)

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

General Counsel's Report

2.4 Release of Conservation Easements – Environmental Resource Permit Application No. 902207 – Cooper Creek Phase 5 (Manatee County)

Staff recommended the Board approve, accept, and execute the Release of Conservation Easement and Quitclaim Deed for the Cooper Creek Phase 5 Project.

2.5 Knowledge Management: Delegation of Authority to Executive Director for Final Action on Permit Applications

Staff recommended the Board approve the proposed changes to the policy.

Executive Director's Report

2.6 Approve Governing Board Minutes – November 18, 2025

Staff recommended the Board approve minutes as presented.

A motion was made and seconded to approve the Consent Agenda. The motion carried unanimously. (Audio – 00:07:49)

Finance/Outreach & Planning Committee

Treasurer John Hall called the committee to order.

3.1 Consent Item(s) Moved to Discussion – None

3.2 Preliminary Budget for Fiscal Year 2027

Mr. Brandon Baldwin, Business and IT Services Director, presented the Fiscal Year 2027 (FY27) Preliminary Budget. He provided an overview and timeline of the budget development cycle. Mr. Baldwin presented a budget development goal for operating expenses. He provided comparison information on source funds and expenditures for FY26 and FY27 and summarized changes. The total FY27 preliminary budget is \$227.6 million, which is a decrease of 11 percent. Mr. Baldwin outlined the use of some funds that are currently in reserves.

Staff recommended the Board authorize staff to prepare the Preliminary Budget Submission for FY2027 based on the preliminary budget as presented, adjusted for any modifications made by the Governing Board on December 16, for submission to the Florida Legislature on or before January 15, 2026.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Audio – 00:24:56)

3.3 Budget Transfer Report

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

Resource Management Committee

Board Member Dustin Rowland called the committee to order.

4.1 Consent Item(s) Moved to Discussion - None

4.2 Fiscal Year 2027 Cooperative Funding Process

Mr. Kevin Wills, Cooperative Funding Initiative Lead, presented proposed changes regarding the FY27 Cooperative Funding Initiative (CFI) review process. This included eliminating the Regional Subcommittee meetings. He provided a schedule for reviewing, scoring, and approving funding requests.

Mr. Wills provided a summary of the applications received for FY27. This included the number received, draft priority ranking and the funding amounts requested. He presented a comparison of funding requests for FY23 through FY27 and noted the continued decrease in applications received. Mr. Wills provided a proposed agenda for the CFI presentation at the February 2026 Board meeting.

Staff recommended the Board approve eliminating the Regional Subcommittee meetings for the FY2027 CFI review process.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Audio – 00:032:12)

Mr. Wills asked for the Board to provide direction regarding proposed changes to the CFI policy that would remove the subcommittees. He stated that any proposed changes would be presented to the Board for approval. Discussion ensued.

A motion was made to allow staff to make changes to the policy and then return to the Board for approval; however, Board Member Dustin Rowland explained a motion was not required.

4.3 2025 Regional Water Supply Plan

Mr. Ryan Pearson, Water Supply Manager, presented an overview of the 2025 Regional Water Supply Plan (RWSP). This plan covers a planning horizon from 2025 through 2045. He summarized the process timeline and outreach. Mr. Pearson outlined the purpose of the RWSP, resource protection criteria, demand estimates and projections, evaluation of water sources, water supply and resource development projects, and funding mechanisms. He summarized the 2025 RWSP findings. Mr. Pearson responded to questions.

Staff recommended the Board approve the Draft Final 2025 Regional Water Supply Plan.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Audio – 01:00:58)

A Request to Speak card was received for this item.

Mr. David Ballard Geddis expressed his concern regarding the use of direct potable reuse.

4.4 Proposed Minimum Flows for the Upper Peace River Prior to Independent Scientific Peer Review

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

4.5 Annual Status of the Southern Water Use Caution Area Recovery Strategy

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

Operations, Lands & Resource Monitoring Committee

Board Member Robert Stern called the committee to order.

5.1 Consent Item(s) Moved to Discussion - None

5.2 Hydrologic Conditions Report

Mr. Joseph Fogel, Senior Hydrologic Data Analyst, presented the hydrologic conditions update. He stated the 12-month Districtwide rainfall total was below average, with a deficit of 13.3 inches. Hydrologic indicators were mixed, but many are in the low-normal to below-normal range. Public water supplies, including the Hillsborough Reservoir, the C.W. Bill Young Regional Reservoir, and the Peace River Manasota Regional Water Supply Authority Reservoirs 1 and 2/ASR Wellfield have been in use due to the dry conditions.. Phase I Water Shortage went into effect December 1. Staff will assess the need for future recommendations based on hydrologic conditions. The near-term and extended climate forecasts were presented.

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

Regulation Committee

No items were presented.

6.1 Consent Item(s) Moved to Discussion - None

General Counsel's Report

7.1 Consent Item(s) Moved to Discussion - None

7.2 Affirm Governing Board Committee Actions

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Audio – 01:13:33)

Committee/Liaison Reports

8.1 Public Supply Advisory Committee

A written summary of the November 4 meeting was provided.

Executive Director's Report

9.1 Executive Director's Report

Mr. Brian Armstrong, Executive Director, expressed appreciation to the Governor, the Legislature and the Florida Department of Environmental Protection for grant funding received to support water quality improvements, springs restoration and long-term water supply projects.

Mr. Armstrong, in relation to earlier discussions, credited Alternative Water Supplies with helping to improve the environment and provided examples.

Mr. Armstrong stated that the District's Communications and Government Affairs earned three PRestige Awards and Best in Show from the Tampa Bay Chapter of the Public Relations Society of America.

Mr. Armstrong expressed his appreciation to staff for partnering with the Hernando County Foster Association for over 20 years. Staff's generosity provided gifts for 26 children this year.

Mr. Armstrong wished everyone a Merry Christmas and a Happy New Year.

Chair's Report

10.1 Employee Milestones

A written summary was provided.

10.2 Chair's Report

Chair Mitten asked if there were any additional items the Board would like to discuss. None were presented.

Chair Mitten reminded the Board that a workshop will follow today's meeting.

The next meeting is scheduled for Tuesday, January 27 at 9:00 a.m., in the Tampa office.

Adjournment

The meeting adjourned at 10:21 a.m.

CONSENT AGENDA

January 27, 2026

Executive Director's Report: Approve Governing Board Workshop Minutes – December 16, 2025

Staff Recommendation:

Approve minutes as presented.

Presenter:

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



**GOVERNING BOARD WORKSHOP
TUESDAY, DECEMBER 16, 2025
2379 BROAD STREET, BROOKSVILLE, FLORIDA 34604
(352) 796-7211**

Board Members Present

John Mitten, Chair
Jack Bispham, Vice Chair
Ashley Bell Barnett, Secretary*
John Hall, Treasurer
Michelle Williamson, Member
Kelly Rice, Member
Dustin Rowland, Member
James Holton, Member
Robert Stern, Member
Nancy H. Watkins, Member
Josh Gamblin, Member
James Turner, Member

*Attended via Electronic Media

Staff Members

Brian J. Armstrong, Executive Director
Amanda Rice, Assistant Executive Director
Chris Tumminia, General Counsel
Brian Werthmiller, Inspector General
Jennette Seachrist, Division Director
Michelle Hopkins, Division Director
Brian Starford, Division Director
Brandon Baldwin, Division Director
Michelle Weaver, Division Director

Board Administrative Support

Virginia Singer, Manager
Lori Manuel, Administrative Coordinator

Chair John Mitten called the workshop to order at 10:40 a.m. No public comments were taken during the workshop, and no Board actions occurred. This workshop was to provide feedback and direction for staff.

Ms. Jennette Seachrist, Resource Management Division Director, presented information that addressed Alternative Water Supply projects (AWS).

Mr. Brandon Baldwin, Business and IT Services Division Director, presented information regarding the large-scale AWS projects spend-down plan.

The workshop recessed for lunch at 11:40 a.m. and resumed at 12:00 p.m.

Ms. Jennette Seachrist presented information regarding the Water Control Structure Capital Improvement Plan update.

Mr. Brandon Baldwin presented information regarding the long-term funding plan.

The workshop adjourned at 1:05 p.m.

Governing Board Meeting

January 27, 2026

3. FINANCE/OUTREACH & PLANNING COMMITTEE

3.1	Discussion: Consent Item(s) Moved to Discussion	68
3.2	Discussion: Action Item: Investment Strategy Quarterly Update	69
3.3	Discussion: Information Item: Status of the 2026 Consolidated Annual Report.....	70
3.4	Submit & File: Information Item: Office of Inspector General Quarterly Update – October 1, 2025 to December 31, 2025	72
3.5	Submit & File: Information Item: Budget Transfer Report	75
3.6	Submit & File: Information Item: Florida Department of Revenue (FDOR) – Truth in Millage (TRIM) Certification	77

FINANCE/OUTREACH & PLANNING COMMITTEE

January 27, 2026

Discussion: Consent Item(s) Moved to Discussion

Presenters:

Brandon Baldwin, Division Director, Business and IT Services Division

Michelle Weaver, P.E., Division Director, Employee, Outreach and General Services Division

FINANCE/OUTREACH & PLANNING COMMITTEE

January 27, 2026

Discussion: Action Item: Investment Strategy Quarterly Update

Purpose

Provide quarterly update of the investment portfolios.

Background

In accordance with Board Policy, *Investments*, a quarterly investment report shall include, but not be limited to, 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.

Strategic Plan

This quarterly update presentation provides the Board with insight into how the District manages its investments and the strategies employed to ensure safety, liquidity, and competitive returns - all in alignment with the District's Strategic Plan.

Exhibits

To be provided under separate cover.

Staff Recommendation:

Accept and place on file the District's Quarterly Investment Reports for the quarter ended December 31, 2025.

Presenter:

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

FINANCE/OUTREACH & PLANNING COMMITTEE**January 27, 2026****Discussion: Information Item: Status of the 2026 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 24 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 (CAR). The District formerly produced these components individually and submitted them to the Governing Board for approval at various times of the year. The CAR aims to streamline these required reporting documents so that they now come forward in one package.

The nine 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:

1. The Minimum Flows and Levels Annual Priority List and Schedule
2. The Minimum Flows and Levels/Water Quality Grade for Projects Report
3. The Annual Five-Year Capital Improvements Plan
4. The Alternative Water Supplies Report
5. The Five-Year Water Resource Development Work Program
6. The Polk Regional Water Cooperative Status Report
7. The Florida Forever Work Plan
8. The Mitigation Donation Annual Report
9. The Strategic Plan 2026-2030 and the 2025 Annual Work Plan

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

Report Highlights

- The Minimum Flows and Levels (MFLs) Annual Priority List and Schedule has been reviewed and approved by DEP. As of FY2025, District rules included 207 MFLs and two water reservations. The
- Alternative Water Supplies Annual Report states the District has budgeted more than \$94 million for alternative water supply projects, including brackish desalination, surface water/stormwater and regional transmission, projected to provide more than 22.5 mgd of water supply.
- The Polk Regional Water Cooperative (PRWC) Status Report identifies a prioritized list of two PRWC and 29 local member government projects that are being submitted for FY2027 funding consideration by the Florida Legislature.

- The Strategic Plan is the guiding document for the District, identifying targets and how success will be achieved and measured. Updates for this year include the addition of Resiliency as a core business practice. Also, due to the storm events of 2024, the District is prioritizing projects that will identify flood risk and minimize impacts from flooding as a regional priority in all four planning regions. The Strategic Plan Annual Work Plan is intended to fulfill the statutory requirement by identifying the regional priorities and objectives in the Strategic Plan, and providing a discussion of the milestones, success indicators and deliverables achieved in FY2025 as they relate to specific District programs.

Strategic Plan

The CAR is legislatively-mandated and includes the updated draft Strategic Plan for the Board's review and comment. The Strategic Plan outlines the four core areas of responsibility, the 12 Strategic Initiatives, 34 regional priorities and objectives as well as the 10 Core Business Processes.

Exhibits

Exhibit I – Draft Consolidated Annual Report, March 1, 2026 (Provided under separate cover)

Staff Recommendation:

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

Presenter:

MaryMargaret C. Hull, PMP, APR, Senior Planner, Government and Community Affairs Office

FINANCE/OUTREACH & PLANNING COMMITTEE

January 27, 2026

Submit & File: Information Item: Office of Inspector General Quarterly Update – October 1, 2025 to December 31, 2025

Background and Purpose

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

Exhibits

Office of Inspector General Quarterly Update – October 1, 2025 to December 31, 2025.

Staff Recommendation:

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

Presenter:

Brian Werthmiller, Inspector General, Office of Inspector General



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

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

Tampa Office

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

John R. Mitten

Chair, Hernando, Marion

Jack Bispham

Vice Chair, Manatee

Ashley Bell Barnett

Secretary, Polk

John E. Hall

Treasurer, Polk

Kelly S. Rice

Former Chair, Citrus, Lake, Levy, Sumter

Michelle Williamson

Former Chair, Hillsborough

Brian Aungst Jr.

Pinellas

Josh Gamblin

DeSoto, Hardee, Highlands

James Holton

Pinellas

Dustin Rowland

Pasco

Robert Stern

Hillsborough

Jim Turner

Charlotte, Sarasota

Nancy Watkins

Hillsborough, Pinellas

Brian J. Armstrong, P.G.

Executive Director

January 27, 2026

MEMORANDUM

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

FROM: Brian Werthmiller, CPA, Inspector General

SUBJECT: Office of Inspector General Quarterly Update 10/1/25 – 12/31/25

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, 2025:

- The IG quarterly update for the quarter ending September 30, 2025 was submitted to the Governing Board on October 28, 2025.
- In accordance with the OIG Charter Governing Board Policy, the OIG shall have performance measures defined by the Finance/Outreach & Planning Committee and approved by the Governing Board. These were submitted and approved by the Governing Board on October 28, 2025.
- Two complaints were closed with no investigation considered necessary by the OIG.
- The District-wide risk assessment is underway and is performed to formulate the audit plan. A risk assessment takes into consideration factors that might influence the operational success of a component or activity within the District. To ensure the audit plan includes the priorities of the Governing Board and the District, the Governing Board, District management, and District staff is included as part of the risk assessment to solicit views on risk and input into the audit plan. In addition, District strategies, objectives and priorities, prior audits, budgets, and associated risks were considered in developing the audit plan.
- The OIG received requests from the District to review reports, policies, procedures, and other information. A review typically will provide a recommendation from the OIG for the requestor's consideration. Reviews can also be OIG initiated projects. During the quarter ending December 31, 2025, the OIG initiated 16 reviews.
- The Office of Program Policy Analysis and Government Accountability (OPPAGA) is performing a review over the District's permit process. This review is being performed statewide and includes other water management districts, the Florida Department of Environmental Protection, and the Florida Department of Transportation. To date, there have been no findings or recommendations made by OPPAGA.
- The United States Government Accountability Office (GAO) is performing a study on ways the United States Army Corp of Engineers could help the District to

enhance the climate resilience of the Tampa Bypass Canal. To date, the study is ongoing.

- As reported to the Board in previous quarterly updates, the District had concerns whether the insurance audit approved by the Board in 2024 could be performed due to the Health Insurance Portability and Accountability Act (HIPAA). As a result, the audit was put on hold in December 2024. The OIG provided documentation to the District which this office believed supported the ability to perform the audit. Subsequently in November 2025, the District concluded the OIG could begin the audit and access to the information needed for the audit was granted.

Office of Inspector General Performance Measures		
Performance Measures – Non-Routine	Goal	Status Through 12/31/2025
Initiate the health, dental, and vision insurance audit.	Commence during FY 2026 and notify the Board by September 2026.	Initiated preliminary work November 2025
Monitor the District's progress for the Auditor General audit recommendation over risk assessment and security plan and report back to the Board.	Submit to the Board by September 2026.	Monitoring is ongoing
Monitor the District's progress for the IG's audit recommendation over cybersecurity and report back to the Board.	Submit to the Board by September 2026.	Monitoring is ongoing
Complete follow-up to the water incentives supporting efficiency (WISE) investigation recommendation.	Submit to the Board by September 2026.	Open
Complete follow-up to prescribed burn communications investigation recommendation.	Submit to the Board by September 2026.	Open
Complete follow-up to the maintenance of fleet investigation recommendation.	Submit to the Board by September 2026.	Open
Complete follow-up to the employee reimbursements audit recommendations.	Submit to the Board by September 2026.	Open
Monitor the Office of Program Policy Analysis and Government Accountability (OPPAGA) and the U.S. Government Accountability Office (GAO) projects and report back to the Board.	Submit to the Board by September 2026.	Open
Performance Measures - Routine	Goal	Status Through 12/31/2025
Risk assessment and audit plan.	Submit to the Board by January 2026.	Open
Inspector General FY 2026 Annual Report.	Submit to the Board September 2026.	Open
Updates to the Finance/Outreach & Planning Committee including IG performance measures.	Submit to the Board the month following each quarter-end.	25%

FINANCE/OUTREACH & PLANNING COMMITTEE

January 27, 2026

Submit & File: Information Item: Budget Transfer Report

Purpose

Provide the Budget Transfer Report covering all budget transfers made during the month of December 2025.

Background

In accordance with Board Policy, *Budget Authority Transfer of Funds*, all transfers approved by the Executive Director and Finance Bureau Chief under delegated authority are presented to the Finance/Outreach & Planning Committee of the Governing Board as a Submit and File Report at the next regular scheduled meeting. The exhibit for this item reflects all such transfers executed during the month of December 2025.

Exhibits

Exhibit 1 – Budget Transfer Report

Staff Recommendation:

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

Presenter:

Melisa J. Lowe, Bureau Chief, Finance Bureau

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
Budget Transfer Report
December 2025

--- TRANSFERRED FROM ---		--- TRANSFERRED TO ---	Reason for Transfer	Transfer Amount
Item No.	Bureau / Expenditure Category	Bureau / Expenditure Category		
<u>Consistent with Original Budget Intent - FY2026</u>				
1	Engineering and Project Management Consultant Services	Engineering and Project Management Consultant Services	Funds are needed for the original budgeted purpose for engineering services associated with projects identified in the District's Capital Improvements Plan for District-owned water control structures. The funds are being transferred for the appropriate accounting of design services for the P-5 Water Conservation Structure Refurbishment in Polk County.	\$ 185,029.69
2	Water Resources Other Contractual Services	Water Resources Rental of Other Equipment	Funds are needed for the original budgeted purpose for contractual services associated with the Aquifer Recharge Testing at Flatford Swamp project. The funds are being transferred to the appropriate accounting code to track the rental of portable restrooms used in conjunction with the operational testing of this project.	375.00
<u>Consistent with Original Budget Intent - FY2025</u>				
1	Engineering and Project Management Capitalized - Contracted Construction	Engineering and Project Management Consultant Services	Funds are needed for the original budgeted purpose for consultant services associated with the capital improvement to replace District Water Control Structures Control Systems. The funds are being transferred to the appropriate accounting for a feasibility study to ensure the most effective approach is used in the design for the system replacements. Feasibility studies are not a capital expenditure.	124,464.80
Total Consistent with Original Budget Intent				\$ 309,869.49
Total Amount Transferred				\$ 309,869.49

 This report identifies transfers made during the month that did not require advance Governing Board approval. These transfers have been approved by either the Executive Director, or designee, or the Finance Bureau Chief consistent with Budget Authority Transfer of Funds Board Policy, and are presented to the Governing Board as a Submit and File Report. This Board Policy limits transfers made for a purpose other than the original budget intent to \$75,000. However, transfers made for accounting reallocation purposes consistent with original budget intent are not limited.

FINANCE/OUTREACH & PLANNING COMMITTEE**January 27, 2026****Submit & File: Information Item: Florida Department of Revenue (FDOR) – Truth in Millage (TRIM) Certification*****Purpose***

To update the Governing Board on the FDOR review of the District's 2025 TRIM Certification for Fiscal Year (FY) 2026 and subsequent determination.

Background

State law (s. 200.065, F.S.), requires the District to certify compliance in the determination of millage within 30-days of adopting the property tax levy.

Summary

The Governing Board adopted the millage rate for FY2026 on September 23, 2025. The Certification of Compliance (Form DR-487) (*Exhibit 1*) was uploaded to the FDOR online portal on October 21, within the 30-day statutory window. However, the final digital certification (*Exhibit 2*)—recognized by FDOR as the official filing date—occurred October 29, 2025, six days beyond the statutory deadline. This oversight stemmed from District internal procedures that required alignment with new electronic reporting protocols implemented by the FDOR in October 2024.

In a letter dated December 2, 2025 (*Exhibit 3*), the FDOR accepted the certification and assessed no penalties, noting the delay did not materially affect disclosure requirements. However, the FDOR cautioned that future instances of non-compliance could jeopardize state revenue sharing and limit ad valorem revenues in excess of the rolled-back rate.

In a separate notice dated December 2, 2025 (*Exhibit 4*), the FDOR provided a final determination regarding the District's completed certification of compliance for the FY2026 millage levying and budget adoption process.

Corrective Actions

To ensure future compliance with electronic filing requirements, District staff have updated internal reporting procedures to include the mandatory verification step for final digital certification. Additionally, staff have requested the Inspector General to review these updated procedures to ensure they satisfy all statutory and system-specific requirements.

Exhibits

1. Physically Executed Form DR-487, dated October 20, 2025
2. Electronic Certification Receipt, dated October 29, 2025
3. FDOR Truth in Millage (TRIM) Certification Letter, dated December 2, 2025
4. FDOR Maximum Millage Levy Calculation Final Disclosure, dated December 2, 2025

Staff Recommendation:

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

Presenter:

Melisa J. Lowe, Bureau Chief, Finance Bureau

EXHIBIT 1



CERTIFICATION OF COMPLIANCE

Chapter 200, Florida Statutes
and Sections 218.23 and 218.63, Florida Statutes

Check if E-TRIM Participant

DR-487
R. 01/25
Rule 12D-16.002,
F.A.C.
Effective 04/25
Page 1 of 2
TC

FISCAL YEAR : 2026		County : Multi-County	<input type="checkbox"/> Check if new address
Taxing Authority : Southwest Florida Water Management		Taxing authorities must file Form DR-487 with the required attachments within 30 days of the final hearing. Send completed TRIM Compliance packages by:	
District Mailing Address : 2379 Broad Street		Mail Florida Department of Revenue Property Tax Oversight – TRIM Section P.O. Box 300 Tallahassee, FL 32315-3000	Certified Mail or Overnight Delivery Florida Department of Revenue Property Tax Oversight – TRIM Section 2450 Shumard Oak Blvd., RM 2-3200 Tallahassee, FL 32399-0216
Physical Address : 2379 Broad Street			
City, State, Zip : Brooksville, FL 34604		Trim package submission email address: TRIM@floridarevenue.com	
Date of Final Hearing : 09/23/25			
<p>All Taxing Authorities, Except School Districts E-TRIM Participants only need to submit items 1-3</p> <p>WITHIN 30 DAYS OF FINAL HEARING send this signed certification* with:</p> <p><input checked="" type="checkbox"/> 1. Proof of Publication uniform affidavit from the newspaper for all newspaper advertisements. (See Rule 12D-17.002, F.A.C.)</p> <p><input checked="" type="checkbox"/> 2. Ordinance or Resolution: <ul style="list-style-type: none"> a. Adopting the final millage rate, with percent change of rolled-back rate shown and b. Adopting the final budget, indicating order of adoption. DO NOT SEND ENTIRE BUDGET. </p> <p><input checked="" type="checkbox"/> 3. ENTIRE PAGE(s) from the print edition newspaper or the entire webpage for Internet-only publications for all newspaper advertisements <ul style="list-style-type: none"> a. Budget Summary Advertisement. b. Notice of Proposed Tax Increase or Budget Hearing Advertisement. c. Notice of Tax for School Capital Outlay. d. Amended Notice of Tax for School Capital Outlay. </p> <p><input type="checkbox"/> 4. Copy of DR-420, <i>Certification of Taxable Value</i>, include DR-420TIF, <i>Tax Increment Adjustment Worksheet</i> and DR-420DEBT, <i>Certification of Voted Debt Millage</i>, if applicable.</p> <p><input type="checkbox"/> 5. DR-420MM, <i>Maximum Millage Levy Calculation Final Disclosure</i>.</p> <p><input type="checkbox"/> 6. DR-487V, <i>Vote Record for Final Adoption of Millage Levy</i>.</p> <p><input type="checkbox"/> 7. DR-422, <i>Certification of Final Taxable Value</i>, ** and DR-422DEBT, <i>Certification of Final Voted Debt Millage</i>, if applicable.</p>			
<p>School Districts E-TRIM Participants only need to submit items 1-4</p> <p>WITHIN 30 DAYS OF FINAL HEARING send this signed certification* with:</p> <p><input type="checkbox"/> 1. ESE 524, <i>Millage Resolution</i>.</p> <p><input type="checkbox"/> 2. Resolution or Ordinance Adopting Budget, indicating order of adoption.</p> <p><input type="checkbox"/> 3. ENTIRE PAGE(s) from the print edition newspaper or the entire webpage for Internet-only publications for all newspaper advertisements: <ul style="list-style-type: none"> a. Budget Summary Advertisement. b. Notice of Proposed Tax Increase or Budget Hearing Advertisement. c. Notice of Tax for School Capital Outlay. d. Amended Notice of Tax for School Capital Outlay. </p> <p><input type="checkbox"/> 4. Proof of Publication uniform affidavit from the newspaper for all newspaper advertisements or from a publicly accessible website. (See Rule 12D-17.002, F.A.C.)</p> <p><input type="checkbox"/> 5. Copy of DR-420S, <i>Certification of School Taxable Value</i> and DR-420DEBT, <i>Certification of Voted Debt Millage</i>, if applicable.</p> <p><input type="checkbox"/> 6. DR-422, <i>Certification of Final Taxable Value</i>, ** and DR-422DEBT, <i>Certification of Final Voted Debt Millage</i>, if applicable.</p>			
*(See Rule 12D-17.004(2)(b), F.A.C.)			
<p>**If you have not received Form DR-422, do not delay submitting your TRIM package. It is due within 30 days of your final hearing. Submit Form DR-422 when it is received from the property appraiser. If you do not submit all required documents, the Department of Revenue will find you non-compliant with Section 218.26(4), F.S. Taxing authorities and units of local government participating in revenue sharing may lose these funds for twelve months, under Sections 200.065, 218.23, 218.26(4), and 218.63. F.S. Advalorem proceeds from any millage above the rolled-back rate must be placed in escrow.</p>			
S I G N H E R E	<p>Taxing Authority Certification I certify the millages and rates are correct to the best of my knowledge. The millages comply with the provisions of s. 200.065 and the provisions of either s. 200.071 or s. 200.081, F.S.</p> <p>Signature of Chief Administrative Officer : <input type="checkbox"/> Check if new contact</p> <p></p> <p><input checked="" type="checkbox"/> Mr. <input type="checkbox"/> Ms. Print Name of Chief Administrative Officer : Brandon Baldwin</p> <p>Contact Name and Contact Title : <input type="checkbox"/> Check if new contact</p> <p>Andrea Shamblin, Budget Manager</p> <p>Phone Number : 352-269-3858</p>		
	<p>Date : 20 OCT 2025</p>		
	<p>Title : Division Director, Business and IT Services</p>		
	<p>E-mail Address : andrea.shamblin@swfwmd.state.fl.us</p>		
	<p>Fax Number :</p>		

All TRIM forms for taxing authorities are available on our website at: floridarevenue.com/property/forms



FLORIDA

CERTIFICATION OF COMPLIANCE

Chapter 200, Florida Statutes
and Sections 218.23 and 218.63, Florida StatutesR-487
R. 06/22
Rule 12D-16.002
Florida Administrative Code
Effective 06/22
Page 1 of 2 Check if E-TRIM Participant

FISCAL YEAR: 2025	County: Multi-County	<input type="checkbox"/> Check if new address		
Taxing Authority : Southwest Florida Water Management District Mailing Address : 2379 Broad Street,		Taxing authorities must file Form DR-487 with the required attachments within 30 days of the final hearing. Send completed TRIM Compliance packages by: Mail Florida Department of Revenue Property Tax Oversight – TRIM Section P.O. Box 3000 Tallahassee, FL 32315-3000		
Physical Address : 2379 Broad Street, Brooksville Florida 34604 City, State, Zip : Brooksville Florida 34604		Certified Mail or Overnight Delivery Florida Department of Revenue Property Tax Oversight – TRIM Section 2450 Shumard Oak Blvd., RM 2-3200 Tallahassee, FL 32399-0216		
Date of Final Hearing : 09/23/2025 <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> All Taxing Authorities, Except School Districts E-TRIM Participants only need to submit items 1-3 WITHIN 30 DAYS OF FINAL HEARING send this signed certification* with: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> 1. Proof of Publication uniform affidavit from the newspaper for all newspaper advertisements. (See Rule 12D-17.002, F.A.C.) <input checked="" type="checkbox"/> 2. Ordinance or Resolution: <ul style="list-style-type: none"> a. Adopting the final millage rate, with percent change of rolled-back rate shown and b. Adopting the final budget, indicating order of adoption. DO NOT SEND ENTIRE BUDGET. <input checked="" type="checkbox"/> 3. ENTIRE PAGE(s) from the print edition newspaper or the entire webpage for Internet-only publications for all newspaper advertisements <ul style="list-style-type: none"> a. 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DR-487V, <i>Vote Record for Final Adoption of Millage Levy</i>. <input checked="" type="checkbox"/> 7. DR-422, <i>Certification of Final Taxable Value</i>,** and DR-422DEBT, <i>Certification of Final Voted Debt Millage</i>, if applicable. 	School Districts E-TRIM Participants only need to submit items 1-4 WITHIN 30 DAYS OF FINAL HEARING send this signed certification* with: <ul style="list-style-type: none"> <input type="checkbox"/> 1. ESE 524, <i>Millage Resolution</i>. <input type="checkbox"/> 2. Resolution or Ordinance Adopting Budget, indicating order of adoption. <input type="checkbox"/> 3. ENTIRE PAGE(s) from the print edition newspaper or the entire webpage for Internet-only publications for all newspaper advertisements: <ul style="list-style-type: none"> a. Budget Summary Advertisement. b. Notice of Proposed Tax Increase or Budget Hearing Advertisement. c. Notice of Tax for School Capital Outlay. d. Amended Notice of Tax for School Capital Outlay. <input type="checkbox"/> 4. Proof of Publication uniform affidavit from the newspaper for all newspaper advertisements. (See Rule 12D-17.002, F.A.C.) <input type="checkbox"/> 5. Copy of DR-420S, <i>Certification of School Taxable Value</i> and DR-420DEBT, <i>Certification of Voted Debt Millage</i>, if applicable. <input type="checkbox"/> 6. DR-422, <i>Certification of Final Taxable Value</i>** and DR-422DEBT, <i>Certification of Final Voted Debt Millage</i>, if applicable.
All Taxing Authorities, Except School Districts E-TRIM Participants only need to submit items 1-3 WITHIN 30 DAYS OF FINAL HEARING send this signed certification* with: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> 1. Proof of Publication uniform affidavit from the newspaper for all newspaper advertisements. (See Rule 12D-17.002, F.A.C.) <input checked="" type="checkbox"/> 2. Ordinance or Resolution: <ul style="list-style-type: none"> a. Adopting the final millage rate, with percent change of rolled-back rate shown and b. Adopting the final budget, indicating order of adoption. DO NOT SEND ENTIRE BUDGET. <input checked="" type="checkbox"/> 3. ENTIRE PAGE(s) from the print edition newspaper or the entire webpage for Internet-only publications for all newspaper advertisements <ul style="list-style-type: none"> a. Budget Summary Advertisement. b. Notice of Proposed Tax Increase or Budget Hearing Advertisement. c. COUNTIES ONLY: DR-529, <i>Notice - Tax Impact of the Value Adjustment Board</i>, within 30 days of completion. <input checked="" type="checkbox"/> 4. Copy of DR-420, <i>Certification of Taxable Value</i>, include DR-420TIF, <i>Tax Increment Adjustment Worksheet</i> and DR-42 DEBT, <i>Certification of Voted Debt Millage</i>, if applicable. <input checked="" type="checkbox"/> 5. DR-420MM, <i>Maximum Millage Levy Calculation Final Disclosure</i>. <input checked="" type="checkbox"/> 6. DR-487V, <i>Vote Record for Final Adoption of Millage Levy</i>. <input checked="" type="checkbox"/> 7. DR-422, <i>Certification of Final Taxable Value</i>,** and DR-422DEBT, <i>Certification of Final Voted Debt Millage</i>, if applicable. 	School Districts E-TRIM Participants only need to submit items 1-4 WITHIN 30 DAYS OF FINAL HEARING send this signed certification* with: <ul style="list-style-type: none"> <input type="checkbox"/> 1. ESE 524, <i>Millage Resolution</i>. <input type="checkbox"/> 2. Resolution or Ordinance Adopting Budget, indicating order of adoption. <input type="checkbox"/> 3. ENTIRE PAGE(s) from the print edition newspaper or the entire webpage for Internet-only publications for all newspaper advertisements: <ul style="list-style-type: none"> a. Budget Summary Advertisement. b. Notice of Proposed Tax Increase or Budget Hearing Advertisement. c. Notice of Tax for School Capital Outlay. d. Amended Notice of Tax for School Capital Outlay. <input type="checkbox"/> 4. Proof of Publication uniform affidavit from the newspaper for all newspaper advertisements. (See Rule 12D-17.002, F.A.C.) <input type="checkbox"/> 5. Copy of DR-420S, <i>Certification of School Taxable Value</i> and DR-420DEBT, <i>Certification of Voted Debt Millage</i>, if applicable. <input type="checkbox"/> 6. DR-422, <i>Certification of Final Taxable Value</i>** and DR-422DEBT, <i>Certification of Final Voted Debt Millage</i>, if applicable. 			
*(See Rule 12D-17.0 4(2)(a), F.A.C.)				

**If you have not received Form DR-422, do not delay submitting your TRIM package. It is due within 30 days of your final hearing. If you do not include all required documents, the Department of Revenue will find you non-compliant with Section 218.26(4), F.S. Taxing authorities and units of local government participating in revenue sharing may lose these funds for twelve months, under Sections 200.065, 218.23, 218.26(4), and 218.63, F.S. Ad valorem proceeds from any millage above the rolled-back rate must be placed in escrow.

S I G N H E R E	Taxing Authority Certification I certify the millages and rates are correct to the best of my knowledge. The millages comply with the provisions of s. 200.065 and the provisions of either s. 200.071 or s. 200.081, F.S.		
	Signature of Chief Administrative Officer : <input type="checkbox"/> Check if new contact Date :		
	Electronically Certified by Principal Taxing Authority 10/29/2025		
	<input type="checkbox"/> Mr. <input type="checkbox"/> Ms.	Print Name of Chief Administrative Officer : Brandon Baldwin	Title : Director of Business and IT Services
	Contact Name and Contact Title :	<input type="checkbox"/> Check if new contact	E-mail Address : andrea.shamblin@swfwmd.state.fl.us
	Phone Number : (800) 423-1476	Fax Number :	

All TRIM forms for taxing authorities are available on our website at: <https://floridarevenue.com/property/Pages/TRIM.aspx>

EXHIBIT 3



Florida Department of Revenue Property Tax Oversight

Jim Zingale
Executive Director

5050 West Tennessee Street, Tallahassee, FL 32399

floridarevenue.com

December 2, 2025

Brandon Baldwin, Division Director, Business & IT Services
Southwest Florida Water Management District
2379 Broad Street
Brooksville, FL 34604

Re: Truth in Millage (TRIM) Certification

Dear Mr. Baldwin:

The Department of Revenue (Department) has reviewed the millage certification documents that the Southwest Florida Water Management District submitted under subsections 200.065(1)-(4), (6)-(12), (14), and (15), Florida Statutes (F.S.). The review of millage certification documents found the following infraction:

Under s. 200.068, F.S., the Department of Revenue must receive the TRIM compliance package not more than 30 days after the taxing authority adopts the ordinance or resolution that establishes the property tax levy. The TRIM compliance package was not submitted to the Department of Revenue within this timeframe. The final hearing date was September 23, 2025; the TRIM package was submitted October 29, 2025, 6 days late.

This infraction may constitute noncompliance with the disclosure requirements in s. 200.065, F.S. However, because this infraction does not materially affect the disclosure requirements of the Truth in Millage (TRIM) laws, the Department accepts the certification.

The consequences of future noncompliance include the loss of state revenue sharing funds and ad valorem revenues in excess of the rolled-back rate. Therefore, the taxing authority must correct similar violations in all future submissions.

This determination applies only to the TRIM certification requirements in the listed subsections of s. 200.065, F.S. The Department will send a determination regarding the maximum millage levy requirements of s. 200.065(5), F.S., in a separate notice.

The Department trusts this information will assist you in preparing for and implementing the 2026 TRIM process. If you have questions or require assistance, please call Dianne Porter at (850) 617-8920 or contact the Property Tax Oversight program at Post Office Box 3000, Tallahassee, Florida 32315-3000.

Sincerely,

Rene Lewis

Rene Lewis, Program Director
Property Tax Oversight

RE/#78.05

EXHIBIT 4



Florida Department of Revenue Property Tax Oversight

Jim Zingale
Executive Director

5050 West Tennessee Street, Tallahassee, FL 32399

floridarevenue.com

December 2, 2025

Brandon Baldwin, Division Director, Business & IT Services
Southwest Florida Water Management District
2379 Broad Street
Brooksville, FL 34604

RE: Maximum Millage Levy Calculation Final Disclosure

Dear Brandon Baldwin

The Department of Revenue (Department) has reviewed the maximum millage levy calculation final disclosure documents submitted by your taxing authority. The review included millage levying process documents and documents relating to the total taxes levied by your principal taxing authority, dependent special districts and municipal service taxing units (for counties). Based on the review of documents submitted for these entities, the Department determined that your taxing authority is in compliance with the requirements of maximum total taxes levied, and thus the maximum millage levy requirements of section 200.065(5), Florida Statutes (F.S.).

This determination applies only to the maximum millage levy requirements of section 200.065(5), F.S. The Department will send a determination regarding the Truth in Millage certification requirements of s. 200.065, F.S., in a separate notice.

Sincerely,

Rene Lewis, Program Director
Property Tax Oversight

RE/#78.05

Governing Board Meeting
January 27, 2026

4. RESOURCE MANAGEMENT COMMITTEE

4.1	Discussion: Consent Item(s) Moved to Discussion	82
4.2	Discussion: Action Item: Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Revised Minimum Levels for Lake Angelo and Lake Denton in Highlands County and Accept the Final Draft Reports	83
4.3	Submit & File: Information Item: Lower Hillsborough River Recovery Strategy – Third Five-Year Assessment	87

RESOURCE MANAGEMENT COMMITTEE

January 27, 2026

Discussion: Consent Item(s) Moved to Discussion

Presenter:

Jennette M. Seachrist, P.E., Division Director, Resource Management Division

RESOURCE MANAGEMENT COMMITTEE**January 27, 2026**

Discussion: Action Item: Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Revised Minimum Levels for Lake Angelo and Lake Denton in Highlands County and Accept the Final Draft Reports

Purpose

To request the Board initiate and approve rulemaking to amend Rule 40D-8.624, Florida Administrative Code (F.A.C.), to adopt revised minimum levels for Lakes Angelo and Denton in Highlands County, and accept the reports entitled: "Reevaluation of Minimum Levels for Lake Angelo in Highlands County, Florida, November 18, 2025" and "Reevaluation of Minimum Levels for Lake Denton in Highlands County, Florida, November 18, 2025.

Background/History

Minimum levels are water levels at which further withdrawals would be significantly harmful to the water resources or ecology of the area. Minimum levels for Lakes Angelo and Denton were adopted into District rules in January 2008. Section 373.0421(5), F.S., requires that minimum flows and levels shall be reevaluated periodically and revised as needed. Lakes Angelo and Denton are included in a group of lakes selected for reevaluation as part of the ongoing assessment and implementation of the Southern Water Use Caution Area Recovery Strategy.

Recent reevaluations completed for Lakes Angelo and Denton support the need for revision of the minimum levels currently adopted for the lakes. As indicated in the attached rule language amendments (see Exhibit), the proposed High Minimum Lake Level for Lake Angelo is 1.4 feet lower than the currently adopted High Minimum Lake Level, and the proposed Minimum Lake Level is 3.8 feet lower than the lake's currently adopted Minimum Lake Level. The proposed High Minimum Lake Level for Lake Denton is 2.0 feet lower than the currently adopted High Minimum Lake Level, and the Minimum Lake Level is 4.0 feet lower than the currently adopted Minimum Lake Level. Differences between the proposed and currently adopted minimum levels can be attributed to the use of updated data, improved hydrologic modeling methods, and methodological refinements, including application of a xeric wetland offset consistent with the lake's sandhill setting.

Draft reports summarizing development of the proposed minimum levels for Lakes Angelo and Denton were posted on the District's website on November 19, 2025. The draft reports were made available via a webpage that also includes information regarding how minimum lake levels are developed, and an electronic comment card for public input on the proposed levels. An opportunity for additional public comment on the proposed levels was facilitated by the District during a virtual public workshop held on November 13, 2025. The proposed minimum levels for the two lakes were also presented to the District's Environmental Advisory Committee during their publicly noticed meeting on October 14, 2025, as well as the District's Public Supply Advisory Committee during their publicly noticed meeting on November 4, 2025. District staff addressed various comments and questions raised during the advisory committee meetings. None of the comments received included specific suggestions regarding changes to the proposed minimum levels.

Staff submitted draft reports on recommended minimum lake levels for Lake Angelo and Lake Denton to the Governing Board in August 2025. The draft reports were then voluntarily submitted to an

independent scientific peer review panel. The panel conducted their review from October 15 through November 12, 2025, and all panel meetings, as well as a publicly accessible web forum set up by the District for panel communication, were advertised in the Florida Administrative Register in accordance with Florida's Government-in-the-Sunshine Law. The panel found that the draft reports met relevant statutory requirements and that the analyses were thorough, scientifically reasonable, and based on the best available information. Staff revised the draft minimum lake level reports for Lake Angelo and Lake Denton based on consideration of comments provided by the peer review panel and interested stakeholders. All peer review panel reports, stakeholder comments provided during the review, and staff response documents are available upon request. Electronic versions of the final draft minimum levels reports are available at <https://www.swfwmd.state.fl.us/projects/mfl/documents-and-reports/minimum-guidance-lake-levels>.

These reevaluations are being completed using up-to-date hydrologic, biological, and survey data, recently developed hydrologic models, and peer-reviewed environmental criteria. The proposed minimum levels for Lakes Angelo and Denton were developed using the best available information and are protective of all relevant environmental values identified for consideration in the Water Resource Implementation Rule, Chapter 62-40, F.A.C., when establishing minimum flows and levels. Status assessments completed for the two lakes indicate the proposed minimum levels for both are currently met and are expected to be met for the next 20 years. Therefore, a recovery strategy or system-specific prevention strategy is not required for either lake.

Benefits/Costs

Adoption of minimum levels for Lakes Angelo and Denton will support the District's water supply planning, Water Use Permitting, and Environmental Resource Permitting programs. A Statement of Estimated Regulatory Costs is not required for the proposed minimum levels for either lake as rulemaking associated with the proposed levels is not expected to result in any direct or indirect cost increases for small businesses or increased regulatory costs in excess of \$200,000 within one year of implementation.

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

Strategic Plan

This review directly supports the District's Core Missions of Natural Systems, as outlined in the Strategic Plan. Specifically, it aligns with the Strategic Initiatives focused on the Minimum Flows and Minimum Water Levels Establishment and Monitoring.

Exhibits

Exhibit 1 – Draft Rule Amendment

Staff Recommendation:

1. Accept the report entitled "Reevaluation of Minimum Levels for Lake Angelo in Highlands County, Florida, November 18, 2025."
2. Accept the report entitled "Reevaluation of Minimum Levels for Lake Denton in Highlands County, Florida, November 18, 2025."

3. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.
4. Initiate rulemaking and approve the proposed rule language to amend Rule 40D-8.624, F.A.C., to replace the previously approved minimum levels with the proposed minimum levels for Lakes Angelo and Denton in Highlands County, as shown in the Exhibit.

Presenter:

TJ Venning, Senior Environmental Scientist, Natural Systems & Restoration Bureau

EXHIBIT

40D-8.624 Guidance and Minimum Levels for Lakes.

(1) through (5) No change.

(6) Levels for lakes established during or after August 7, 2000, are set forth in the following table. Guidance Levels for lakes established prior to August 7, 2000, are set forth in Table 8-3 in subsection 40D-8.624(7), F.A.C., below.

**Table 8-2 Minimum Levels Established During or After August 7, 2000.
Levels are elevations, in feet above the National Geodetic Vertical Datum of 1929.**

Location by County and Basin	Name of Lake and Section, Township and Range Information	High Minimum Lake Level	Minimum Lake Level
(a) through (h) No change.			
(i) In Highlands County Within the Peace River Basin	Angelo, Lake S-25, T-33S, R-28E	<u>99.9'</u> <u>101.3'</u>	<u>96.2'</u> <u>100.0'</u>
	Anoka, Lake S-27, T-33S, R-28E No change.		
	Denton, Lake S-02, T-34S, R-28E	<u>112.1'</u> <u>114.1'</u>	<u>108.8'</u> <u>112.8'</u>
	Jackson, Lake S-30, T-34S, R-29E through Verona, Lake S-23, T-33S, R-28E No change.		
(j) through (dd) No change.			

(7) No change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.042, 373.0421, 373.086, 373.709 FS. History—New 6-7-78, Amended 1-22-79, 4-27-80, 10-21-80, 12-22-80, 3-23-81, 4-14-81, 6-4-81, 10-15-81, 11-23-81, 1-5-82, 3-11-82, 5-10-82, 7-4-82, 9-2-82, 11-8-82, 1-10-83, 4-3-83, 7-5-83, 9-5-83, 10-16-83, 12-12-83, 5-8-84, 7-8-84, 12-16-84, 2-7-85, 5-13-85, 6-26-85, 11-3-85, 3-5-86, 6-16-86, Formerly 16J-8.678, Amended 9-7-86, 2-12-87, 9-2-87, 2-18-88, 6-27-88, 2-22-89, 3-23-89, 9-26-89, 7-26-90, 10-30-90, 3-3-91, 9-30-91, 10-7-91, 7-26-92, 3-1-93, 5-11-94, 6-6-96, 2-23-97, 8-7-00, 1-8-04, 12-21-04 (13), 12-21-04 (13), 6-5-05, 5-2-06, 1-1-07, 2-12-07, 1-10-08, 2-18-08, 4-7-08, 5-20-08, 5-10-09, 4-13-11, 3-12-12, 11-25-12, 2-21-13 (12)(f), 2-21-13 (12)-(13), 9-3-13, 1-7-15, 7-1-15, 9-21-15, 11-30-16, 12-28-16, 2-12-17 (12)(s), 2-12-17 (12)(z), 2-12-17 (12)(z), 2-19-17 (12)(l), 2-19-17 (12)(q), 3-2-17 (12)(l), 3-2-17 (12)(z), 3-22-17, 4-2-17 (12)(q), 4-2-17 (12)(z), 4-20-17 (12)(i), 4-20-17 (12)(i), 2-5-18, 3-20-18, 5-30-18, 1-23-19, 2-11-19, 3-20-19, 4-28-19, 7-17-19, 5-27-20, 8-9-20, 4-12-21, 6-1-21, 9-27-21, 9-26-24, ____.

RESOURCE MANAGEMENT COMMITTEE**January 27, 2026****Submit & File: Information Item: Lower Hillsborough River Recovery Strategy – Third Five-Year Assessment*****Purpose***

To summarize findings from the third five-year assessment of the Lower Hillsborough River: (LHR) required by the adopted recovery strategy in 40D-80.073 Florida Administrative Code (FAC). This item is presented for the Board's information and review.

Background/History

As required by statute, if the actual flow of a water course is below the adopted minimum flow or is projected to fall below the minimum flow over the next 20 years, a recovery strategy is developed as part of the minimum flows establishment process. At its August 2007 meeting, the Governing Board approved rule amendments that incorporated revised minimum flows and a revised recovery strategy for the LHR into Rule Nos. 40D-8.041 and 40D-80.073, F.A.C., respectively, and these rule amendments became effective on November 25, 2007.

The currently adopted minimum flows for the LHR were established to extend a salinity range less than 5 ppt (parts per thousand) from the Hillsborough River Dam towards Sulphur Springs. The minimum flows are expressed as seasonal “freshwater equivalent” flow rates of 20 and 24 cubic feet per second (cfs) that may be adjusted downward based on upstream river flows. The minimum flows are expressed as freshwater equivalents, meaning that the flows are defined for water that has a salinity of 0.0 ppt for modeling purposes. This means that flows higher than the specified flow rates of 20 and 24 cfs may be necessary if water with salinity greater than 0.0 ppt is used to meet the minimum flows.

The recovery strategy requires that in 2013, and for each five-year period through 2023, the District shall evaluate the strategy regarding its effects on the hydrology, dissolved oxygen, salinity, temperature, pH, and biological characteristics of the LHR that have been achieved from minimum flows implementation. The first five-year assessment was submitted to the Governing Board in March 2015. The second five-year assessment was submitted to the Governing Board in May 2020.

The District's third five-year assessment report titled “A Hydrobiological Evaluation of the Lower Hillsborough River Minimum Flows Recovery Strategy for the Third 5-Year Assessment” summarizes changes in the hydrobiological and water quality characteristics of the LHR in response to the release and diversion of water to meet minimum flow requirements through December 2023. Five stakeholder meetings were conducted to report the progress and receive feedback on the data collection and analysis for the assessment. The draft report was provided to stakeholders for review and comment. District staff worked with the stakeholders to ensure they had sufficient time to review and comment on the report. The final report was modified to incorporate many of the comments received.

Discussion

Highlights noted in the third five-year assessment report include the following: All activities and projects proposed in the recovery strategy are either underway, completed, or have been determined to not be viable.

1. Minimum flow pumping responsibilities at Structure S-161, the Hillsborough River Dam, Sulphur Springs and Blue Sink are currently the responsibility of the City of Tampa.
2. The City of Tampa has consistently delivered the additional 3 cfs (1.94 mgd) for freshwater equivalents since 2023.
3. The City of Tampa has consistently provided the 1.9 mgd (2.9 cfs) other permittable source required due to the pipeline construction project cancellation since 2023.
4. Full operational implementation of the required recovery sources was achieved in 2023.
5. Minimum flow implementation was sufficient to meet minimum flow requirements on all days for the first time in 2023.
6. Salinity and dissolved oxygen conditions in the LHR have improved with continued minimum flow implementation.
7. There has been little to no impact to the water levels above the dam, pH in the LHR, or water temperature in the LHR with continued minimum flow implementation.
8. Three biological communities (zooplankton, nekton, and benthic macroinvertebrates) were assessed. These communities were indicative of improved low-salinity conditions.
9. Sulphur Springs continues to demonstrate elevated salinity values.

Results from the third five-year assessment suggest that the desired goal of creating low-salinity habitat below the Hillsborough River Dam can be sustained through minimum flow implementation. However, the long-term sustainability of Sulphur Springs as a recovery source remains a concern. The District will continue monitoring and perform a fourth five-year assessment covering the period of 2024 – 2028. Since full operational implementation of the recovery sources was not achieved until 2023, the last year of the third five-year assessment, a fourth 5-year assessment will provide an assessment period that captures five years of full operational implementation of the recovery sources. In addition, the District will continue working with the City to develop options to address the elevated salinity levels in Sulphur Springs. The third five-year assessment report titled “A Hydrobiological Evaluation of the Lower Hillsborough River Minimum Flows Recovery Strategy for the Third 5-Year Assessment” can be viewed online at <https://www.swfwmd.state.fl.us/projects/mfls/minimum-flows-the-lower-hillsborough-river> .

Strategic Plan

This review directly supports the District's Core Missions of Natural Systems, as outlined in the Strategic Plan. Specifically, it aligns with the Strategic Initiatives focused on the Minimum Flows and Minimum Water Levels Establishment and Monitoring.

Exhibits

None.

Staff Recommendation:

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

Presenter:

Danielle Rogers, PWS, PMP, Environmental Project Manager, Natural Systems & Restoration Bureau

Governing Board Meeting

January 27, 2026

5. REGULATION COMMITTEE

5.1	Discussion: Consent Item(s) Moved to Discussion	89
5.2	Discussion: Action Item: Modification of Water Shortage Order SWF 25-015 from Phase I to Modified Phase II	90

REGULATION COMMITTEE

January 27, 2026

Discussion: Consent Item(s) Moved to Discussion

Presenter:

Michelle Hopkins, P.E., Division Director, Regulation Division

REGULATION COMMITTEE**January 27, 2026****Discussion: Action Item: Modification of Water Shortage Order SWF 25-015 from Phase I to Modified Phase II**

On November 18, 2025, the Governing Board issued Water Shortage Order No. SWF 25-015, declaring a Phase I water shortage for the portions of Charlotte, Citrus, DeSoto, Hardee, Hernando, Highlands, Hillsborough, Lake, Levy, Manatee, Marion, Pasco, Pinellas, Polk, Sarasota, and Sumter Counties located within the District. Water Shortage Order No. SWF 25-015 will remain in effect through July 1, 2026 unless extended, modified, or rescinded by the Governing Board prior to that date.

Since the issuance of Water Shortage Order No. SWF 25-015 the District has continued to monitor conditions according to the Plan.

As of January 6, 2026, one Drought Indicator within the District's northern counties was classified as Critically Abnormal, two Drought Indicators were classified as Severely Abnormal, and two Drought Indicators were classified as Moderately Abnormal. The 12-month moving sum for rainfall of the northern counties was at the fifth percentile. Two Drought Indicators within the District's southern counties were classified as Critically Abnormal, and three Drought Indicators were classified as Severely Abnormal. For the southern counties, the 12-month moving sum for rainfall was at the fourth percentile. Two Drought Indicators within the District's central counties were classified as Extremely Abnormal and two Drought Indicators were classified as Severely Abnormal. The 12-month moving sum for rainfall for the central counties was at the eighth percentile.

As a result of the conditions described above, SWF Order No. 25-015 shall be revised to a Modified Phase II to implement one-day-per-week watering restrictions for the duration of SWF Order No. 25-015. Water Shortage Order No. SWF 25-015 shall remain in effect through July 1, 2026, unless extended, modified, or rescinded by the Governing Board prior to that date.

Benefits

Helps ensure continued availability of water supply for reasonable beneficial uses during dry conditions/lack of rainfall.

Strategic Plan

A Water Shortage Order supports the District's core mission of ensuring water supply and protecting natural systems.

Exhibits

Exhibit 1 – Draft Water Shortage Order

Staff Recommendation:

Recommendations will be presented at the Governing Board Meeting on January 27, 2026, based on then current conditions and predictions.

Presenter:

April D. Breton, Bureau Chief, Water Use Permit Bureau

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

IN RE:

DECLARATION OF MODIFIED PHASE II WATER SHORTAGE IN CHARLOTTE, CITRUS, DESOTO, HARDEE, HERNANDO, HIGHLANDS, HILLSBOROUGH, LAKE, LEVY, MANATEE, MARION, PASCO, PINELLAS, POLK, SARASOTA, AND SUMTER COUNTIES

FIRST MODIFICATION TO WATER SHORTAGE ORDER NO. SWF 25-015

During a public hearing held at its regularly scheduled meeting on January 27, 2026, at the Southwest Florida Water Management District's (District) Tampa Service Office in Tampa, Florida, the District's Governing Board received data and recommendations from District staff and provided an opportunity for public comment regarding hydrologic conditions and other pertinent facts regarding a developing water shortage within a portion of the District. Based upon testimony, data, staff recommendations, and public comment, the Governing Board makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. On November 18, 2025, the Governing Board issued Water Shortage Order No. SWF 25-015, declaring a Phase I water shortage for the portions of Charlotte, Citrus, DeSoto, Hardee, Hernando, Highlands, Hillsborough, Lake, Levy, Manatee, Marion, Pasco, Pinellas, Polk, Sarasota, and Sumter Counties located within the District. A copy of that Order is attached hereto as Exhibit "A." According to its terms, Water Shortage Order No. SWF 25-015 will remain in effect through July 1, 2026 unless extended, modified, or rescinded by the Governing Board prior to that date.
2. The District's Water Shortage Plan (Plan), adopted as Chapter 40D-21, Florida Administrative Code (F.A.C.), specifies that the District will collect water resource data and water demand data to evaluate Drought Indicators, current regional lake levels, current and recent U.S. Drought Monitor values, current precipitation outlooks, and public supply storage status.
3. Since the issuance of Water Shortage Order No. SWF 25-015, the District has continued to monitor conditions according to the Plan. As of January 6, 2026, the factors the District uses to evaluate hydrologic conditions indicate the continued existence of abnormal conditions across the District's entire jurisdiction.
4. As of January 6, 2026, one Drought Indicator within the District's northern counties was classified as Critically Abnormal, two Drought Indicators were classified as Severely Abnormal, and two Drought Indicators were classified as Moderately Abnormal in accordance with Table 21-2 of the Plan. Specifically, the 12-month moving sum for rainfall

was at the fifth percentile. The 24-month moving sum for rainfall was at the 19th percentile, and the 7-day average streamflow of the Withlacoochee River at Holder was at the 21st percentile. The 8-week moving average streamflow of the Withlacoochee River at Holder was at the 22nd percentile. The aquifer resource indicator was at the 25th percentile.

5. As of January 6, 2026, two Drought Indicators within the District's southern counties were classified as Critically Abnormal, and three Drought Indicators were classified as Severely Abnormal in accordance with Table 21-2 of the Plan. Specifically, the 12-month moving sum for rainfall in the District's southern counties was at the fourth percentile, the 7-day average streamflow for the Peace River at Arcadia was at the third percentile, the 8-week moving average streamflow of the Peace River at Arcadia was at the 11th percentile, the 24-month moving sum for rainfall in the District's southern counties was at the 19th percentile, and the Aquifer Resource Indicator for the District's southern counties was at the 18th percentile.

6. As of January 6, 2026, two Drought Indicators within the District's central counties were classified as Extremely Abnormal and two Drought Indicators were classified as Severely Abnormal in accordance with Table 21-2 of the Plan. Specifically, the 12-month moving sum for rainfall for the District's central counties was at the eighth percentile, the 7-day average streamflow of the Alafia River at Lithia was at the ninth percentile, the 8-week moving average streamflow of the Alafia River at Lithia was at the 11th percentile, and the 7-day average streamflow of the Hillsborough River at Zephyrhills was at the 20th percentile.

7. The above-described circumstances warrant that the District require the general public, local governments, water utilities, and other water users within the affected areas to take prudent actions and minimize water use.

CONCLUSIONS OF LAW

8. Pursuant to Section 373.246(2), Florida Statutes (F.S.), the Governing Board by order may declare the existence of a Water Shortage within all or part of the District when insufficient water is or will be available to meet the present and anticipated requirements of the users or when conditions are such as to require temporary reduction in total use within the area to protect water resources from serious harm.

9. Section 373.246(3), F.S., provides that, in accordance with the Plan, the Governing Board may impose such restrictions as may be necessary to protect the water resources of the area from serious harm and to restore them to their previous condition.

10. The Plan requires the District to assign a Water Shortage Phase based upon consideration of the following factors:

- a. Drought Indicators and Drought Condition Levels;
- b. Current regional lake levels, current and recent U.S. Drought Monitor values, current precipitation outlooks, and public supply storage status;
- c. Seasonal characterizations of collected data;

- d. The relative impact of withdrawals used to supply various categories of water uses on the affected Source Class(es) and any specific water body for which the shortage is declared;
- e. The availability and practicality of alternative sources for each category of water user;
- f. To the degree practical, how the District can implement phased restrictions and other required actions in a manner that distributes the burden of the required actions equitably among water users, relative to their impact on the affected Source Class(es) and specific water bodies experiencing the Water Shortage;
- g. The potential for serious harm to natural systems as a result of the drought or other Water Shortage;
- h. The appropriate geographic scope of potential water use restrictions and other required actions, relative to the affected source;
- i. The effectiveness of current and potential water use restrictions and other required actions in containing or reducing water use to protect the affected source; and
- j. Any adverse impact of current and potential water use restrictions and other required actions on public health, safety and welfare.

11. Based upon consideration of all relevant information, a Modified Phase II Water Shortage exists throughout all counties within the jurisdiction of the District.

12. Based upon the foregoing, it is hereby **ORDERED**:

- a. SWF Order No. 2025-015 is hereby modified as follows:
 - i. A modified Phase II "Severe Water Shortage," as defined in the Plan, is declared for Citrus, Desoto, Hardee, Hernando, Hillsborough, Manatee, Pasco, Pinellas, and Sarasota counties and the portions of Charlotte, Highlands, Lake, Levy, Marion, Polk and Sumter counties located within the District.
 - ii. The Phase II Water Shortage restrictions and other requirements provided in Rule 40D-21.631, F.A.C. shall go into effect on February 8, 2026, for all water uses in areas subject to District restrictions, superseding any less stringent provisions of Rule 40D-22, F.A.C. or Rule 40D-21.621, F.A.C. A copy of Rule 40D-21.631 is attached hereto as Exhibit "B."
 - iii. The one-day-per-week watering restrictions provided in the Phase II Water Shortage Lawn and Landscaping irrigation restrictions in Rule 40D-21.631(6)(c), F.A.C. for the months of December, January, and February shall remain in effect for the duration of SWF Order No. 25-015, notwithstanding the month-based restrictions provided in that provision, and superseding any less stringent provisions of Rule 40D-21.621(6).

- iv. If an individual or entity holds an active variance (Variance Holder) from Chapter 40D-22 or 40D-21, F.A.C., which prescribes an alternative irrigation schedule, the Variance Holder may continue to irrigate in accordance with the irrigation schedule prescribed by their variance in place of the day-of-the-week irrigation schedule prescribed by this water shortage order so long as the Variance Holder complies with the number of irrigation applications per week established by this water shortage order.
- v. Because this order limits the Variance Holder's number of irrigation applications per week to once a week, the Variance Holder may choose to irrigate their property on one of the scheduled irrigation days prescribed by their variance in place of the day-of-the-week irrigation schedule prescribed by this water shortage order.

- b. Water Shortage Order No. SWF 25-015, as amended herein, shall remain in effect through July 1, 2026, unless extended, modified, or rescinded by the Governing Board prior to that date.
- c. Except as modified herein, all other provisions of the District's Year-Round Water Conservation Measures provided in Chapter 40D-22, F.A.C., shall remain in full force and effect.
- d. Water shortage declarations and restrictions enacted prior to this Order by county and city officials affecting their local jurisdictions (Local Action) that are at least as restrictive as this Order are hereby ratified and are authorized to continue in effect according to their terms. In the event a Local Action is less restrictive than this Order, this Order shall supersede the Local Action, unless the county or city officials obtain a variance or waiver from this Order from the District.
- e. Pursuant to Section 373.609, F.S., and Rule 40D-21.421, F.A.C., county and city officials and all law enforcement authorities shall assist the Governing Board in the enforcement of the provisions of this Order.

DONE AND ORDERED in Hillsborough County, Florida, on this 27th day of January, 2026.

SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT

By: _____
John Mitten, Chair

(Seal)

Approved as to Legal Form & Content

Attorney

Filed this _____ day of
_____, 2026.

Deputy Agency Clerk

DRAFT

NOTICE OF RIGHTS

Persons whose substantial interests are affected may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S., and Chapter 28-106, Florida Administrative Code (F.A.C.). A request for a hearing must: 1) explain how the petitioner's or other person's substantial interests will be affected by the District's action; 2) state all material facts disputed by the petitioner or other person, or state that there are no disputed facts; and 3) otherwise comply with Chapter 28-106, F.A.C.

A request for hearing must be filed with and received by the Agency Clerk at the District's Tampa Service Office, 7601 US Highway 301 North, Tampa, Florida 33637-6759, or by facsimile transmission to the Agency Clerk at (813) 367-9776, within twenty-one (21) days of receipt of this notice. Receipt is deemed to be the fifth day after the date on which this notice is deposited in the United States mail. Failure to file a request for hearing within this time period shall constitute a waiver of any right you or any other person may have to request a hearing under Sections 120.569 and 120.57, F.S.

Mediation pursuant to Section 120.573, F.S., and Rule 28-106.111, F.A.C., 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.

In accordance with subsection 120.569(1), F.S., the following additional administrative or judicial review may be available.

A party who is adversely affected by final agency action may seek review of the action in the appropriate District Court of Appeal pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, within thirty (30) days after the rendering of the final action by the District.

EXHIBIT

A

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

IN RE:

**DECLARATION OF PHASE I WATER SHORTAGE
IN CHARLOTTE, CITRUS, DESOTO, HARDEE, HERNANDO, HIGHLANDS,
HILLSBOROUGH, LAKE, LEVY, MANATEE, MARION, PASCO, PINELLAS,
POLK, SARASOTA, AND SUMTER COUNTIES**

WATER SHORTAGE ORDER NO. SWF 25-015

During a public hearing held at its regularly scheduled meeting on November 18, 2025, at the Southwest Florida Water Management District's (District) Tampa Service Office in Tampa, Florida, the District's Governing Board received data and recommendations from District staff and provided an opportunity for public comment regarding hydrologic conditions and other pertinent facts regarding a developing water shortage within a portion of the District. Based upon testimony, data, staff recommendations, and public comment, the Governing Board makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. The District's Water Shortage Plan (Plan), adopted as Chapter 40D-21, Florida Administrative Code (F.A.C.), specifies that the District will collect water resource data and water demand data to evaluate Drought Indicators, current regional lake levels, current and recent U.S. Drought Monitor values, current precipitation outlooks, and public supply storage status.
2. As of November 3, 2025, one Drought Indicator within the District's northern counties is classified as Severely Abnormal, and one Drought Indicator is classified as Moderately Abnormal in accordance with Table 21-2 of the Plan. Specifically, the 12-month moving sum for rainfall in the northern counties was at the 19th percentile, and the 7-day average streamflow of the Withlacoochee River at Trilby was at the 21st percentile. The District's northern region received below normal rainfall in September. Rainfall for that month was equal to the 14th percentile. According to the U.S. Drought Monitor, the District's northern counties are mostly under "abnormally dry" conditions.
3. As of November 3, 2025, two Drought Indicators within the District's southern counties are classified as Extremely Abnormal, one Drought Indicator is classified as Severely Abnormal, and one Drought Indicator is classified as Moderately Abnormal in accordance with Table 21-2 of the Plan. Specifically, the 8-week moving average streamflow of the Peace River at Arcadia was at the 10th percentile, the 7-day average streamflow for the Peace River at Arcadia was at the 4th percentile, the 12-month moving sum for rainfall in the District's southern counties was at the 20th percentile, and the Aquifer Resource Indicator for the District's southern counties was at the 16th percentile.

The District's southern counties received 25% of expected rainfall for October, and September rainfall was considered below normal in the District's southern region, equal to the 5th percentile. According to the U.S. Drought Monitor, the District's southern counties are under "abnormally dry" conditions.

4. As of November 3, 2025, four Drought Indicators within the District's central counties were classified as Severely Abnormal in accordance with Table 21-2 of the Plan. Specifically, the 8-week moving average streamflow of the Hillsborough River at Zephyrhills was at the 11th percentile, the 7-day average streamflow of the Hillsborough River at Zephyrhills was at the 12th percentile, the 8-week moving average streamflow of the Alafia River at Lithia was at the 15th percentile, and the 7-day average streamflow of the Alafia River at Lithia was at the 12th percentile. September rainfall in the District's central counties was considered below normal, and was equal to the 14th percentile. According to the U.S. Drought Monitor, the District's central counties are under "abnormally dry" conditions.

5. Due to the factors described above, circumstances warrant that the District alert the general public, local governments, water utilities, and other water users that hydrologic conditions are deteriorating, and additional measures may be necessary if conditions deteriorate further.

CONCLUSIONS OF LAW

6. Pursuant to Section 373.246(2), Florida Statutes (F.S.), the Governing Board by order may declare the existence of a Water Shortage within all or part of the District when insufficient water is or will be available to meet the present and anticipated requirements of the users or when conditions are such as to require temporary reduction in total use within the area to protect water resources from serious harm.

7. Section 373.246(3), F.S., provides that, in accordance with the Plan, the Governing Board may impose such restrictions as may be necessary to protect the water resources of the area from serious harm and to restore them to their previous condition.

8. The Plan requires the District to assign a Water Shortage Phase based upon consideration of the following factors:

- a. Drought Indicators and Drought Condition Levels;
- b. Current regional lake levels, current and recent U.S. Drought Monitor values, current precipitation outlooks, and public supply storage status;
- c. Seasonal characterizations of collected data;
- d. The relative impact of withdrawals used to supply various categories of water uses on the affected Source Class(es) and any specific water body for which the shortage is declared;
- e. The availability and practicality of alternative sources for each category of water user;

- f. To the degree practical, how the District can implement phased restrictions and other required actions in a manner that distributes the burden of the required actions equitably among water users, relative to their impact on the affected Source Class(es) and specific water bodies experiencing the Water Shortage;
- g. The potential for serious harm to natural systems as a result of the drought or other Water Shortage;
- h. The appropriate geographic scope of potential water use restrictions and other required actions, relative to the affected source;
- i. The effectiveness of current and potential water use restrictions and other required actions in containing or reducing water use to protect the affected source; and
- j. Any adverse impact of current and potential water use restrictions and other required actions on public health, safety and welfare.

9. Based upon consideration of all relevant information, a Phase I Water Shortage exists throughout all counties within the jurisdiction of the District.

10. Based upon the foregoing, it is hereby **ORDERED**:

- a. A Phase I "Moderate Water Shortage," as defined in the Plan, is declared for all ground and surface waters within the District's sixteen-county jurisdiction.
- b. Phase I "Moderate Water Shortage" restrictions and other response mechanisms are hereby ordered for all categories of water users within the District's sixteen-county area, except for those areas specifically excluded in subparagraph "d.", below, and shall go into effect as of December 1, 2025. These restrictions and other response mechanisms are specified in Rule 40D-21.601(4), F.A.C., and Rule 40D-21.621, F.A.C. A copy of these rules is attached hereto as "Exhibit A."
- c. For Water Utility Uses, this order specifically includes monthly enforcement reporting. As part of the customer messaging that is also required, Water Utilities shall specifically inform customers that more aggressive water shortage action may become necessary if conditions worsen.

- d. The area affected by this order specifically includes The Villages, but specifically excludes the City of Ocala and portions of unincorporated Marion County not within The Villages, as restrictions in those areas are managed by the St. Johns River Water Management District in accordance with an interagency agreement between the two Water Management Districts, a copy of which is attached hereto as "Exhibit B." This area specifically excludes unincorporated Levy County, since restrictions in those areas are managed by the Suwannee River Water Management District in accordance with an interagency agreement between the two

Water Management Districts, a copy of which is attached hereto as "Exhibit C."

- e. These restrictions shall apply regardless of whether the use is associated with a Water Use Permit.
- f. The above-described restrictions and other required actions shall remain in effect through July 1, 2026, unless extended, modified, or rescinded by the Governing Board prior to that date.
- g. Except as modified herein, all other provisions of the District's Year-Round Water Conservation Measures provided in Chapter 40D-22, F.A.C., shall remain in full force and effect.
- h. Pursuant to Section 373.609, F.S., and Rule 40D-21.421, F.A.C., county and city officials and all law enforcement authorities shall assist the Governing Board in the enforcement of the provisions of this Order.

DONE AND ORDERED in Hillsborough County, Florida, on this 18th day of November, 2025.

SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT

By: _____

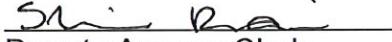
John Mitten, Chair

(Seal)

Approved as to Legal Form & Content

Attorney

Filed this 19th day of
November, 2025.


Deputy Agency Clerk

NOTICE OF RIGHTS

Persons whose substantial interests are affected may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S., and Chapter 28-106, Florida Administrative Code (F.A.C.). A request for a hearing must: 1) explain how the petitioner's or other person's substantial interests will be affected by the District's action; 2) state all material facts disputed by the petitioner or other person, or state that there are no disputed facts; and 3) otherwise comply with Chapter 28-106, F.A.C.

A request for hearing must be filed with and received by the Agency Clerk at the District's Tampa Service Office, 7601 US Highway 301 North, Tampa, Florida 33637-6759, or by facsimile transmission to the Agency Clerk at (813) 367-9776, within twenty-one (21) days of receipt of this notice. Receipt is deemed to be the fifth day after the date on which this notice is deposited in the United States mail. Failure to file a request for hearing within this time period shall constitute a waiver of any right you or any other person may have to request a hearing under Sections 120.569 and 120.57, F.S.

Mediation pursuant to Section 120.573, F.S., and Rule 28-106.111, F.A.C., 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.

In accordance with subsection 120.569(1), F.S., the following additional administrative or judicial review may be available.

A party who is adversely affected by final agency action may seek review of the action in the appropriate District Court of Appeal pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, within thirty (30) days after the rendering of the final action by the District.

40D-21.601 General.

(1) Purpose – this Part sets forth specific water use restrictions and other required actions available to the District for implementation upon a declaration of a Water Shortage or Water Shortage Emergency.

(2) The water use restrictions and other required actions specified within this Plan may be modified by the Board or Executive Director to address the specific Water Shortage or Water Shortage Emergency event. The selected combination of water use restrictions and other required actions shall be summarized in the notice(s) of the water shortage declaration, as specified above in Rule 40D-21.275, F.A.C.

(3) Water use restrictions and other required actions may be established for each Use Class and various subcategories, as appropriate. All water users have a duty to keep informed about the water use restrictions and other required actions applicable to them.

(4) In addition to the restrictions specified in this part, all wasteful and unnecessary water use is prohibited regardless of the phase of Water Shortage. Wasteful and unnecessary water use includes the water use activities listed in subsection 40D-22.201(2), F.A.C., and any of the following:

- (a) Allowing water to be dispersed without any practical purpose to the water user;
- (b) Allowing water to be dispersed in a grossly inefficient manner, regardless of the type of water use; and

(c) Allowing water to be dispersed to accomplish a purpose for which water use is unnecessary or which can be readily accomplished through alternative methods without water use.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History–New 11-19-84, Amended 7-2-86, 4-9-06, 7-5-12.

40D-21.621 Phase I: Moderate Water Shortage.

(1) A Phase I Water Shortage is a hydrologic or climatic condition in which at least one regional or local Drought Indicator has a moderately abnormal value, such that conditions warrant the District alerting the general public and the District ordering water utilities and other water users to review and implement internal procedures needed to fully implement restrictions and other required actions during a Phase II, Phase III, Phase IV or emergency declaration. The following measures shall remain in effect during a Phase I Water Shortage unless otherwise provided in an order implementing a Phase I Water Shortage. Except as set forth in this Rule 40D-21.621, F.A.C., lawn irrigation and other uses of water remain subject to applicable provisions of Chapter 40D-22, F.A.C. (the District's Year-Round Water Conservation Measures) and any applicable variances thereto issued by the District.

(2) Indoor Uses. Indoor Uses should be voluntarily reduced.

(3) Essential Uses.

(a) Fire Fighting & Other First-Responder Activities.

1. Fire hydrant testing shall not be restricted. Each fire hydrant testing agency, whether a local government unit or other entity, shall review and update existing procedures or develop procedures through which it can address inquiries from the District and citizens about specific testing activity. At a minimum, these procedures shall include either the use of an on-site sign containing the name and telephone number of the hydrant testing agency or the establishment and promotion of a telephone number of a hotline that the District and citizens can call to question testing activity at a specific location. A marked vehicle remaining on-site during the activity may be used in lieu of a free-standing sign.

2. Fire suppression and fire prevention activities shall not be restricted. Each fire fighting agency shall, and each local government shall direct its fire department to, review and revise as necessary its inventory for primary and back-up water sources.

3. Maintenance of fire fighting facilities and other emergency equipment is allowed as needed. This maintenance specifically includes the washing of fire engines, law enforcement vehicles and other emergency Mobile Equipment. This maintenance specifically requires the use of a trigger (self-canceling) nozzle when a garden-type hose is used for cleaning or other maintenance purposes in accordance with subsection 40D-21.601(4), F.A.C.

(b) Water Utility Use. The following water use restrictions or other required actions shall apply to all Water Utility Uses, as indicated.

1. Each public supply water system with residential, commercial, industrial, or irrigation customers, working with local code enforcement and local law enforcement agencies as necessary, shall review and update or develop, then implement, local enforcement procedures for year-round water conservation measures and Water Shortage restrictions, including but not limited to mechanisms to provide the enforcement assistance required by subparagraph 40D-21.621(3)(b)2., F.A.C., in accordance with Section 373.609, F.S. These procedures shall also specifically include an ability to issue a citation without first needing to issue a warning, should the District declare a Phase III or Phase IV water shortage. If the water utility is a nongovernmental entity, or if a governmental agency other than the water utility has responsibility for enforcement of year-round water conservation measures and the District's Water Shortage orders, the procedures shall, at a minimum, include a mechanism for the public supply water system to coordinate with the applicable local enforcement agency to provide the required assistance.

2. Each public supply water system with residential, commercial, industrial or irrigation customers shall provide, directly or through the applicable local enforcement agency, the following enforcement assistance to the District:

a. Immediate information regarding possible violations involving a Permittee, so that District staff can take the lead on such investigations.

b. Response, as appropriate based on the quantity and quality of details provided to the water utility, to enforcement referrals made by the District regarding address-specific or location specific violation complaints. This shall involve, where necessary, a site investigation on the day of week and at the time of day indicated for each referral. This shall also include having the legal mechanisms necessary to issue warnings, citations, and post-citation proceedings to recover unpaid penalties and associated costs.

c. Excluding Small Water Utilities, monthly transmittal of enforcement activity data, including the number of warnings and citations issued, and as specified in the water shortage order in a reporting format provided by District.

d. Within 60 days of the Water Shortage declaration and if subsequently requested by the District, contact information for the District's use in providing enforcement referrals and soliciting required enforcement data.

3. Each public supply water system shall institute or accelerate other water conservation efforts which can help manage demand during the Water Shortage declaration. These efforts shall include:

a. Excluding Small Water Utilities, customer messaging for all customers, including wholesale users (other water utilities), informing those customers about the current Water Shortage declaration, describing how the water utility's primary and back-up water supplies are affected, and promoting any ongoing water conservation projects offered by the water utility (such as appliance rebates or irrigation inspections) that will assist customers in their efforts to immediately reduce water consumption. If a water supply authority or other public supply water system serves only wholesale users (other water utilities), then communication with all wholesale users satisfies this requirement. The messaging method(s) shall be determined by the public supply water system.

b. Water utility operational practices. At a minimum, these practices shall address line flushing and disinfection. Potable water, sanitary sewer and reclaimed water line flushing and disinfection shall not be restricted. However, each water utility shall develop and implement procedures through which it can address inquiries from the District and citizens about specific flushing and disinfection activity. At a minimum, these procedures shall include the use of either an on-site sign containing the name and telephone number of the agency conducting the flushing activity or establishment and promotion of a telephone hotline that customers and other concerned citizens can call to question activity at a specific location. A marked vehicle remaining on-site during the activity may be used in lieu of a sign. If the water utility is also responsible for fire hydrant testing, these processes will also satisfy the requirement in paragraph 40D-21.621(3)(a), F.A.C.

4. The notice specified in subsection 40D-21.275(3), F.A.C., that is sent to public supply Permittees will summarize the requirements listed above.

(c) Medical and Health Use. The use of water for medical purposes and protection of public health, safety and welfare shall not be restricted.

(4) Commercial and Industrial Use. In addition to the requirements of any applicable Water Use Permit, the following restrictions and other response mechanisms shall apply to all Commercial and Industrial Use, as appropriate:

(a) All commercial and industrial Permittees shall review current water conservation programs to assure that permit-required elements have been fully implemented and to determine what additional demand management measures could be reasonably employed, should resource conditions further deteriorate.

(b) Commercial and industrial use shall continue to be restricted by any applicable Water Use Permit.

(5) Agricultural Use.

(a) All Agricultural Permittees shall review current water conservation programs to assure that permit-required elements have been fully implemented and to determine what additional demand management measures could be temporarily employed, should resource conditions further deteriorate.

(b) The following restrictions on water use shall apply, as appropriate:

1. Agriculture shall comply with the allowable watering hours, exemptions from those hours and other provisions specified in Chapter 40D-22, F.A.C. These provisions expressly include exemptions for irrigation needed for plant protection, including prevention of frost and freeze or heat damage and to water-in chemicals. Additionally, any Agricultural water user with a variance from Chapter 40D-22, F.A.C., to follow a published BMPs document, shall continue to comply with the variance. In the context of allowable watering hours, Agricultural Uses of center pivot and traveling gun technologies shall have the same exemptions as Low-Volume Irrigation.

2. Agricultural Use shall continue to be restricted by any applicable Water Use Permit.

(6) Landscape Use.

(a) All Permittees authorized to use water for Landscape Use shall review current water conservation programs to assure that permit-required elements have been fully implemented and to determine what additional demand management measures could be temporarily employed, should resource conditions further deteriorate.

(b) Lawn and Landscaping, Golf Course, Driving Range and Other Athletic Play Area use shall continue to comply with all applicable provisions of Chapter 40D-22, F.A.C. These provisions include an establishment period of allowable extra water applications for new plant material and a separate day-of-week exemption for Low-Volume Irrigation technology (such as microirrigation or handwatering) to be used on any plant material other than turfgrass which requires frequent irrigation beyond the standard establishment period.

(c) Each property owner or manager shall voluntarily reduce water use and prepare for possible worsening conditions.

(d) An example copy of the notice specified in subsection 40D-21.275(3), F.A.C., shall be sent to the Florida Department of Financial Services – Bureau of Cemetery Services and will include a summary of the requirements listed above.

(7) Other Uses.

(a) All Permittees authorized to use water for purposes not described above shall review current water conservation programs to assure that permit-required elements have been fully implemented and to determine what additional demand management measures could be temporarily employed, should resource conditions further deteriorate.

(b) The following restrictions on water use shall apply to each other water use activity, as appropriate:

1. Lawn and Landscaping Use associated with any activity shall comply with applicable provisions of Chapter 40D-22, F.A.C. This specifically includes an allowance for the operation of an irrigation system during otherwise restricted days or hours for the discharge of water from air conditioning units or similar water-dependent devices.

2. Recycling or secondary use of water shall occur, to the maximum extent practicable. For example, a child's water slide or other recreational water device can be positioned so that it discharges onto a turfgrass area that requires irrigation.

3. Water use necessary to the activity, such as rinsing as part of the process of Mobile Equipment cleaning is restricted only as provided in Rule 40D-21.601, F.A.C. For example, this means that rinsing is allowed if done with the use of a trigger (self-canceling) nozzle on any garden-type hose used for cleaning or other maintenance purposes.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 11-19-84, Amended 7-2-86, 5-30-93, 4-9-06, 7-5-12.

RECORDING FEES 52.50

RECORDED 12/19/09 5:30 PM
Ocala, FL
ATKINS, INC.

INTERAGENCY AGREEMENT BETWEEN THE
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AND
THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REGARDING LANDSCAPE IRRIGATION AND WATER SHORTAGES WITHIN THE
CITY OF OCALA AND THE UNINCORPORATED AREAS OF MARION COUNTY,
FLORIDA

THIS INTERAGENCY AGREEMENT is made as of May 18, 2009, and entered into by and between the ST. JOHNS RIVER WATER MANAGEMENT DISTRICT ("SJRWMD") and the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT ("SWFWMD"), (collectively "Districts") with the concurrence of the CITY OF OCALA ("City") and the BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA ("County").

WITNESSETH:

WHEREAS, the City of Ocala and Marion County are located within the jurisdictional boundaries of both Districts; and

WHEREAS, on February 18, 2008, the Districts, with the concurrence of Marion County, entered into a short-term (one year) Interagency Agreement ("Agreement") for the unincorporated areas of the County, regarding division of the Districts' regulatory authority over water conservation, water shortages and water shortage emergencies; and

WHEREAS, the Districts renewed and extended the Agreement for two months so that the Districts could have additional time to determine the terms of a new agreement; and

WHEREAS, the Districts now desire to enter into a new Interagency Agreement regarding the issue of regulatory authority within the City and the unincorporated areas of the County for small landscape irrigation water uses, water shortages and water shortage emergencies; and

WHEREAS, both the City and County have informed the Districts of their desire to adopt and enforce uniform landscape irrigation ordinances and to enforce water shortage orders and water shortage emergency orders on a countywide and citywide basis; and WHEREAS, pursuant to subsection 373.046(6), F.S., when a geographic area of a local government crosses water management district boundaries, the affected districts may designate, by interagency agreement, a single affected district to implement in that area under the rules of the designated district, all or part of the applicable regulatory responsibilities.

NOW, THEREFORE, SJRWMD and SWFWMD, under the authority of subsection 373.046(6), F.S., hereby agree as follows:

1. SJRWMD is designated as the agency with the authority to regulate under Part II, Chapter 373, F.S., those consumptive uses of water for landscape irrigation that do not meet or

**INTERAGENCY AGREEMENT BETWEEN THE
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AND
THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REGARDING LANDSCAPE IRRIGATION AND WATER SHORTAGES WITHIN THE
CITY OF OCALA AND THE UNINCORPORATED AREAS OF MARION COUNTY,
FLORIDA**

exceed any permitting threshold in Rule 40C-2.041(1)(a)-(d), F.A.C. As such, the provisions of SJRWMD's landscape irrigation rule (Rule 40C-2.042(2)(a)-(c) and (8), F.A.C., shall be in full force and effect within all areas of the City and all unincorporated areas of the County, except that unincorporated area lying within The Villages of Marion, FQD. Lawn and landscape irrigation within the Villages of Marion, FQD shall be subject to the jurisdiction of the SWFWMD pursuant to Chapter 22, F.A.C.

2. SJRWMD is designated as the agency with the authority to declare water shortages and water shortage emergencies pursuant to sections 373.175 and 373.246, F.S., and Chapter 40C-21, F.A.C., within all areas of the City and all unincorporated areas of the County, except that unincorporated area lying within The Villages of Marion, FQD. The SWFWMD is designated as the agency with the authority to declare water shortages and water shortage emergencies pursuant to section 373.175 and 373.246, F.S. within the Villages of Marion, FQD.

3. This Agreement shall commence upon execution by the Districts, with the concurrence of the City and the County, and shall continue in full force and effect unless otherwise amended in writing by the Districts. Either District may terminate this Agreement upon thirty (30) days prior written notice to the other District.

4. This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

IN WITNESS WHEREOF, each party or its lawful representative has executed this Agreement on the day and year first above written.

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INTERAGENCY AGREEMENT BETWEEN THE
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AND
THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REGARDING LANDSCAPE IRRIGATION AND WATER SHORTAGES WITHIN THE
CITY OF OCALA AND THE UNINCORPORATED AREAS OF MARION COUNTY,
FLORIDA

SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT

Attest: Deanna M. Brass

By: David L. Moore 4-28-05
David L. Moore
Executive Director

Approved As to Form and Content
Kat
SWFWMD Attorney

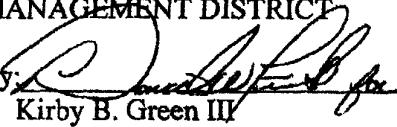
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INTERAGENCY AGREEMENT BETWEEN THE
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AND
THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REGARDING LANDSCAPE IRRIGATION AND WATER SHORTAGES WITHIN THE
CITY OF OCALA AND THE UNINCORPORATED AREAS OF MARION COUNTY,
FLORIDA

Attest: W.H. Cagle

ST. JOHNS RIVER WATER
MANAGEMENT DISTRICT

By:


Kirby B. Green III
Executive Director

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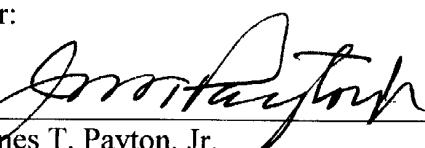
INTERAGENCY AGREEMENT BETWEEN THE
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AND
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REGARDING LANDSCAPE IRRIGATION AND WATER SHORTAGES WITHIN THE
CITY OF OCALA AND THE UNINCORPORATED AREAS OF MARION COUNTY,
FLORIDA

Attest:

By: 

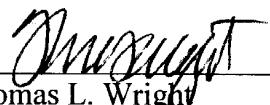
David R. Ellspermann
Clerk of the Court

Concur:

By: 

James T. Payton, Jr.
Chairman, Marion County BCC
BCC Approved: 5-19-09

Approved as to Form and Legal Sufficiency:

By: 

Thomas L. Wright
Marion County Attorney

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Concur:
Page 5 of 6

ACCEPTED BY CITY COUNCIL

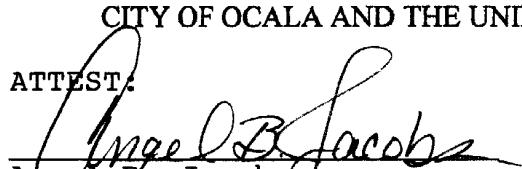
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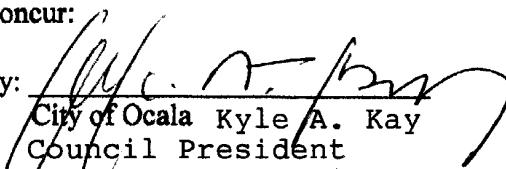
DATE

OFFICE OF THE CITY CLERK

INTERAGENCY AGREEMENT BETWEEN THE
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AND
THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REGARDING LANDSCAPE IRRIGATION AND WATER SHORTAGES WITHIN THE
CITY OF OCALA AND THE UNINCORPORATED AREAS OF MARION COUNTY,
FLORIDA

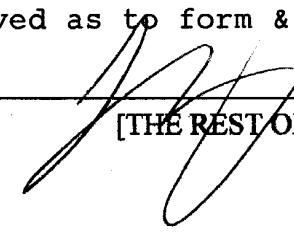
ATTEST:


Angel B. Jacobs
Interim City Clerk

Approved as to form & legality: 
City of Ocala Kyle A. Kay
Council President

Concur:

By:


W. James Gooding III
Assistant City Attorney
~~Patrick G. Gilligan, City Attorney~~
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**INTERAGENCY AGREEMENT BETWEEN THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT AND THE
SUWANNEE RIVER WATER MANAGEMENT DISTRICT
REGARDING YEAR-ROUND WATER CONSERVATION MEASURES, WATER
SHORTAGES AND WATER SHORTAGE EMERGENCIES WITHIN ALL
UNINCORPORATED AREAS OF LEVY COUNTY, FLORIDA**

THIS INTERAGENCY AGREEMENT is made and entered into by and between the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT ("SWFWMD") and the SUWANNEE RIVER WATER MANAGEMENT DISTRICT ("SRWMD").

WITNESSETH:

WHEREAS, Levy County, a local government, is located within the jurisdictional boundaries of both SWFWMD and SRWMD; and

WHEREAS, pursuant to Section 373.046(6), Florida Statutes ("F.S."), when a geographic area of a local government crosses water management district boundaries, the affected districts may designate, by interagency agreement, a single affected district to implement in that area under the rules of the designated district all or part of the applicable regulatory responsibilities; and

WHEREAS, Levy County has requested that SWFWMD and SRWMD enter into an interagency agreement designating SRWMD as the district with the regulatory responsibility regarding year-round conservation measures, water shortages and water shortage emergencies within all unincorporated areas of Levy County; and

WHEREAS, Levy County has requested this action that it may adopt a single water shortage ordinance for all unincorporated areas of Levy County; and

WHEREAS, the ability of the County to adopt and enforce such an ordinance will alleviate any confusion on the part of the public regarding what water use restrictions are to be followed, and will assist Levy County staff in the enforcement of such restrictions.

NOW, THEREFORE, SWFWMD and SRWMD, pursuant to the authority of Section 373.046(6), F.S., hereby agree as follows:

1. SRWMD is designated as the agency with the authority to declare and enforce year-round conservation measures, water shortages, and water shortage emergencies within all unincorporated areas of Levy County, pursuant to Sections 373.175 and 373.246, F.S., Section 40B-2.041(9), F.A.C. and Chapter 40B-21, F.A.C.

2. Upon SRWMD's notification to SWFWMD's Demand Management Program Manager, SWFWMD will be responsible for providing the newspaper notice required by Section 373.246(5), F.S., and will provide notice as required by Section 373.246(6), F.S., to each permittee in its jurisdiction within unincorporated Levy County if there is a change to a condition of his or her Water Use Permit or if there is some other restriction on the permittee's use of water resulting from SRWMD exercising the authority provided herein.
3. This Interagency Agreement shall commence upon execution by both SWFWMD and SRWMD, with the concurrence of Levy County, and shall continue in full force and effect unless otherwise amended in writing by both Districts. Either SWFWMD or SRWMD may terminate this Interagency Agreement upon 30 days' prior written notice to the other District.

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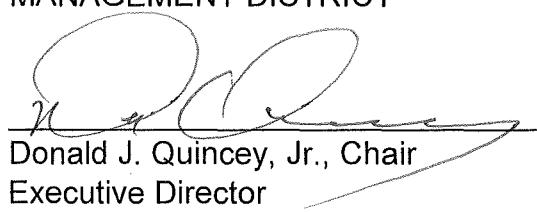
IN WITNESS WHEREOF, each party or its lawful representative has executed this Interagency Agreement on the date written below.

Approved by the Governing Board of the Suwannee River Water Management District
this 14 day of May, 2015.

SUWANNEE RIVER WATER
MANAGEMENT DISTRICT

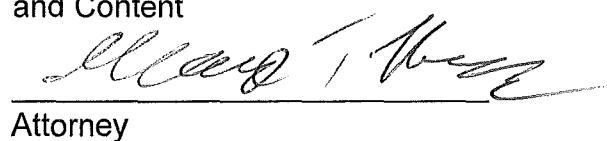


Witness



Donald J. Quincey, Jr., Chair
Executive Director

Approved as to Legal Form
and Content



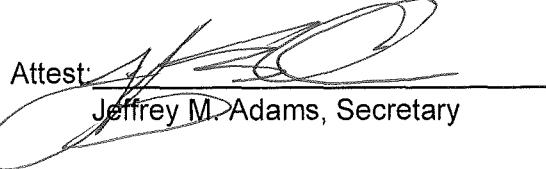
Attorney

Approved by the Governing Board of the Southwest Florida Water Management District
this 19 day of May, 2015.

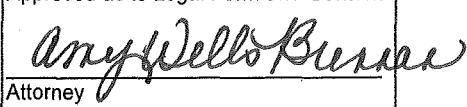
SOUTHWEST FLORIDA
WATER MANAGEMENT DISTRICT

[Seal]

By: 
Michael A. Babb, Chair

Attest: 
Jeffrey M. Adams, Secretary

Approved as to Legal Form and Content



Attorney

Concur: BOARD OF COUNTY
COMMISSIONERS, LEVY COUNTY,
FLORIDA

Danny Shipp
Witness

John Muhr
Chair

6-23-15
Date

Approved as to Legal Form
and Content

Anne East Brown
Attorney

EXHIBIT

B

40D-21.631 Phase II: Severe Water Shortage.

(1) A Phase II Water Shortage is a hydrologic or climatic condition in which multiple regional Drought Indicators have moderately abnormal values, or a local Drought Indicator for a specific public supply has a severely abnormal value, such that conditions warrant prudent actions to further assure only reasonable water uses occur in the affected area. The following shall be in effect during a Phase II Water Shortage unless otherwise provided in the order implementing a Phase II Water Shortage.

(2) Indoor Use. Indoor uses should be voluntarily reduced.

(3) Essential Uses.

(a) Fire Fighting & Other First-Responder Activities.

1. Fire hydrant testing is allowed for the protection of human health, safety and welfare. Each hydrant testing agency, whether a local government unit or an independent entity, shall implement procedures through which it addresses inquiries about testing activity as specified in subsection 40D-21.621(3), F.A.C.

2. Fire suppression and fire prevention activities shall not be restricted. However, each fire-fighting agency shall and each local government shall direct its fire department to review and revise, as necessary, its list of primary and back-up water sources, especially in areas where potable water is not available for fire-fighting purposes.

3. Maintenance of fire-fighting facilities and other emergency equipment is allowed as needed. This maintenance specifically includes the washing of fire engines, law enforcement vehicles and other emergency Mobile Equipment. This maintenance specifically requires the use of a trigger (self-canceling) nozzle on any garden-type hose used for cleaning or other maintenance purposes in accordance with subsection 40D-21.601(4), F.A.C.

(b) Water Utility Use. The following water use restrictions and other required actions shall apply to all Water Utility Uses, as indicated:

1. Each public supply water system with residential, commercial, industrial or irrigation customers shall provide, directly or through the applicable local enforcement agency:

a. Continued implementation of the enforcement procedures and enforcement assistance specified in paragraph 40D-21.621(3)(b), F.A.C.

b. Response, as appropriate based on the quantity and quality of details provided, to violation complaints made by concerned citizens in addition to enforcement referrals made by the District as specified in paragraph 40D-21.621(3)(b), F.A.C.

c. Information regarding possible violations involving a Permittee, so that District staff can take the lead on such investigations.

d. Excluding Small Water Utilities, monthly transmittal of local enforcement data, including the number of warnings and citations issued, and as specified in the water shortage order in a report format provided by the District.

e. Within 60 days of the Water Shortage declaration and if subsequently requested by the District, contact information for the District's use in providing enforcement referrals and soliciting required enforcement data.

2. Each public supply water system shall institute or accelerate system-level water conservation measures which can help manage demand during a Water Shortage declaration. These efforts shall include:

a. Excluding Small Water Utilities, customer messaging for all customers, including wholesale users (other water utilities). This messaging shall inform customers about the current Water Shortage declaration, describe how the water utility's primary and back-up water supplies are affected by the declaration and the resource or supply conditions that lead to the declaration, and promote any ongoing water conservation projects offered by the water utility (such as appliance rebates or irrigation inspections) that would assist customers in their efforts to immediately reduce water consumption. If a public water supply system is a wholesale-only system, then communication with all of its wholesale users (other water utilities) satisfies this requirement. The messaging method(s) shall be determined by the public supply water system.

b. Review and refinement, as necessary, of water utility operational practices regarding water pressure and line flushing to identify and implement any opportunities which would reduce water demand without causing adverse impact to public health, welfare and safety. With regards to line flushing, this shall include taking the actions described in sub-subparagraph 40D-21.621(3)(b)3.b., F.A.C.

3. The notice specified in subsection 40D-21.275(2), F.A.C., that is sent to public supply Permittees will summarize the requirements listed in sub-subparagraphs 40D-21.631(3)(b)1.-2., F.A.C.

(c) Medical and Health Use. The use of water for medical purposes and protection of public health, safety and welfare shall not be restricted.

(4) Commercial and Industrial Use. The following restrictions and other required actions shall apply to all commercial and industrial activities, as appropriate. Whether or not a commercial or industrial water use activity with associated Lawn and Landscape use is authorized by a Water Use Permit, the Lawn and Landscape use is separately regulated for the purpose of this Chapter and is subject to the Lawn and Landscape Use restrictions and other required actions of the applicable Water Shortage declaration. Paragraph 40D-21.631(6)(c), F.A.C., contains the Lawn and Landscape use restrictions and other required actions for a Phase II declaration.

(a) Each user whose use is governed by a commercial or industrial Water Use Permit shall continue to comply with all permit requirements and terms.

(b) Each user whose use is not governed by a Water Use Permit shall implement the following demand management measures as appropriate:

1. Reduce off-site discharge to the extent practicable;
2. Recycle water to the extent practicable;
3. Reduce clean-up requiring water use to the minimum required to protect efficiency of the operation and prevent damage to equipment;
4. Reduce the washing of vehicles and other Mobile Equipment except for health and safety needs or as otherwise required by published industry standards;
5. Maximize the use of the least restricted Source Class to which there is access;
6. Power generation utilities are specifically requested to encourage their customers to voluntarily reduce power consumption as a means to reduce water consumption, and;
7. Water use necessary to the activity, such as that consumed in a manufacturing process, shall not be otherwise restricted.

(5) Agricultural Use. The following restrictions and other required actions shall apply to all agricultural activities, as appropriate. Whether or not a agricultural water use activity with associated Lawn and Landscape use is authorized by a Water Use Permit, the Lawn and Landscape use is separately regulated for the purpose of this chapter and is subject to the Lawn and Landscape Use restrictions and other required actions of the applicable Water Shortage declaration. Paragraph 40D-21.631(6)(c), F.A.C., contains the Lawn and Landscape use restrictions and other required actions for a Phase II declaration.

(a) Each Agricultural Permittee shall comply with all of its Water Use Permit requirements and terms. Those Permittees located within the Southern Water Use Caution Area with the ability to earn and expend "Water Conserving Credits" shall continue to do so pursuant to Rule 40D-2.621, F.A.C., and the associated Applicant's Handbook Part B Sections 3.9.2.4 and 3.9.2.6.2.2., which is incorporated by reference in Rule 40D-2.091, F.A.C.

(b) If a use is not governed by a Water Use Permit, but the user has a valid variance from Chapter 40D-22, F.A.C., to follow a published BMPs document, the user shall continue to follow those BMPs.

(c) All other users not governed by paragraph 40D-21.631(5)(a) or (b), F.A.C., shall implement the following demand management measures, as appropriate:

1. Reduce off-site discharge to the extent practicable.
2. Recycle water to the extent practicable.
3. Reduce clean-up requiring water use to the minimum required to protect efficiency of the operation and prevent damage to equipment.
4. Reduce the washing of vehicle and other Mobile Equipment; except for health and safety needs or as otherwise required by BMPs, such to prevent the spread of plant or animal diseases.
5. Maximize the use of the lesser or least restricted Source Class to which there is access.
6. Except as otherwise noted herein, comply with the applicable provisions and exemptions in Chapter 40D-22, F.A.C. These provisions include a ban on supplemental irrigation between the hours of 10:00 a.m. and 4:00 p.m. These exemptions include allowances for Low-Volume Irrigation technology, plant protection, testing and maintenance of irrigation systems and irrigation to water in chemicals. In the context of allowable watering hours, Agricultural Uses of center pivot and traveling gun technologies shall have the same exemptions as Low-Volume Irrigation.
7. Water use necessary to the activity, such as irrigation of crops or maintenance of livestock, shall not be otherwise restricted.

(6) Landscape Use.

(a) Golf Courses and Driving Ranges. The following restrictions and other required actions shall apply to all Golf Course and Driving Range athletic play area activities, as appropriate. Whether or not a golf course or driving range water use activity with

associated Lawn and Landscape use is authorized by a Water Use Permit, the Lawn and Landscape use is separately regulated for the purpose of this chapter and is subject to the Lawn and Landscape Use restrictions and other required actions of the applicable Water Shortage declaration. Paragraph 40D-21.631(6)(c), F.A.C., contains the Lawn and Landscape use restrictions and other required actions for a Phase II declaration.

1. Each user whose use is governed by a Water Use Permit shall comply with all permit requirements and terms. Those Permittees located within the Southern Water Use Caution Area with the ability to earn and expend "Water Conserving Credits" shall continue to do so pursuant to Rule 40D-2.621, F.A.C., and the associated Applicant's Handbook Part B Sections 3.9.2.4 and 3.9.2.6.2.2.2., which is incorporated by reference in Rule 40D-2.091, F.A.C.

2. If a user is not governed by a Water Use Permit, the use shall continue as specified in subparagraph 40D-22.201(5)(b)1., F.A.C.

3. All other users not governed by a Water Use Permit and not following subparagraph 40D-22.201(5)(b)1., F.A.C., shall implement the following demand management measures as applicable:

a. Reduce off-site discharge to the extent practicable.

b. Recycle water to the extent practicable.

c. Reduce clean-up requiring water use to the minimum required to protect efficiency of the operation and prevent damage to equipment.

d. Reduce the washing of vehicles and other Mobile Equipment except for health safety needs or as otherwise required by the published BMPs, such as cleaning the blades on commercial lawn mowers to prevent the spread of Turfgrass diseases between properties.

e. Maximize the use of the least restricted Source Class to which there is access.

f. Limited supplemental irrigation to the hours of midnight to 8:00 a.m. or 6:00 p.m. to 11:59 p.m. for properties less than two acres in size. Properties two acres or larger may irrigate between the hours of midnight to 10:00 a.m. or 4:00 p.m. to 11:59 p.m.

g. Except as otherwise noted herein, continue to comply with all applicable provisions and exemptions in Chapter 40D-22, F.A.C. Exemptions include irrigation allowances for plant protection on tees and greens, testing and maintenance of irrigation systems and irrigation to water in chemicals.

(b) Other Athletic Play Areas. The following water use restrictions and other required actions shall apply to all Athletic Play Areas, other than Golf Courses and Driving Ranges, as appropriate. Whether or not an athletic play area water use activity with associated Lawn and Landscape use is authorized by a Water Use Permit, the Lawn and Landscape use is separately regulated for the purpose of this chapter and is subject to the Lawn and Landscape Use restrictions and other required actions of the applicable Water Shortage declaration. Paragraph 40D-21.631(6)(c), F.A.C., contains the Lawn and Landscape use restrictions and other required actions for a Phase II declaration.

1. Each user whose use is governed by a Water Use Permit shall comply with all permit requirements and terms. Those Permittees located within the Southern Water Use Caution Area with the ability to earn and expend "Water Conserving Credits" shall continue to do so pursuant to Rule 40D-2.621, F.A.C., and the associated Applicant's Handbook Part B Sections 3.9.2.4 and 3.9.2.6.2.2.2., which is incorporated by reference in Rule 40D-2.091, F.A.C.

2. Users whose use is not governed by a Water Use Permit shall implement the following, as applicable:

a. Reduce off-site discharge to the extent practicable.

b. Recycle water on-site to the extent practicable.

c. Reduce clean-up requiring water use to the minimum required to protect efficiency of the operation or prevent damage to equipment.

d. Reduce the washing of vehicles and other Mobile Equipment except for health and safety needs or as otherwise required by the BMPs, such as to prevent the spread of Turfgrass disease.

e. Maximize the use of the least restricted Source Class to which there is access.

f. Limit supplemental irrigation to the hours of midnight to 8:00 a.m. or 6:00 p.m. to 11:59 p.m. for properties less than two acres in size. Properties two acres or larger may irrigate between the hours of midnight to 10:00 a.m. or 4:00 p.m. to 11:59 p.m.

g. Except as otherwise noted herein, continue to comply with applicable provisions and exemptions in Chapter 40D-22, F.A.C. These specifically include allowances for plant protection of Turfgrass athletic fields, wetting clay tennis courts and similar surfaces immediately prior to play, one extra irrigation application immediately after heavy league play and the ability to have a special watering schedule under some circumstances without applying for a variance.

(c) Lawns and Landscaping Use, including Cemeteries. The following restrictions and other required actions shall apply to all Lawn and Landscaping Use, including Cemeteries, as appropriate:

1. Each user whose use is governed by a Water Use Permit shall comply with all permit requirements and terms. Those Permittees located within the Southern Water Use Caution Area with the ability to earn and expend "Water Conserving Credits" shall continue to do so pursuant to Rule 40D-2.621, F.A.C., and the associated Applicant's Handbook Part B Sections 3.9.2.4 and 3.9.2.6.2.2.2., which is incorporated in Rule 40D-2.091, F.A.C.

2. All Lawn and Landscaping use shall comply with the following demand management measures, as applicable:

a. Limit Supplemental Irrigation to the hours of midnight to 8:00 a.m. or 6:00 p.m. to 11:59 p.m. Properties less than one acre in size or with fewer than 11 irrigation zones shall use only one of the two available watering times.

b. During the months of March through November, limit Supplemental Irrigation applications to a maximum of two applications per week, in accordance with the schedule provided in subsection 40D-22.201(4), F.A.C. However, during the months of December, January and February, limit Supplemental Irrigation to a maximum of one application per week in accordance with the following schedule:

(I) Addresses ending in 0 or 1 shall only water on Monday.

(II) Addresses ending with a 2 or 3, on Tuesday.

(III) Addresses ending with a 4 or 5, on Wednesday.

(IV) Addresses ending with a 6 or 7, on Thursday.

(V) Addresses ending with an 8 or 9 and locations with a mix of addresses or for which an address cannot be determined (such as common areas associated with a subdivision), on Friday.

(VI) Cemeteries and other properties greater than two acres in size that have a special irrigation schedule in accordance with paragraph 40D-22.201(4)(c), F.A.C., or pursuant to a valid variance from Chapter 40D-22, F.A.C., shall only water each section of property on the first day of the week already assigned to it. For example, a section of the property assigned a "Tuesday and/or Friday" schedule shall only water on Tuesday.

c. Reduce off-site discharge to the extent practicable.

d. Recycle water to the extent practicable.

e. Maximize the use of the least restricted Source Class to which there is access.

f. If core aerification or Vertical Mowing (also sometimes referred to as verticutting) as defined in Rule 40D-22.101, F.A.C., is conducted, temporary extra watering is allowed as provided in paragraph 40D-22.201(3)(f), F.A.C.

g. If Spot Treatment as defined in Rule 40D-21.101, F.A.C., is conducted, temporary extra watering is allowed as provided in paragraph 40D-22.201(3)(e), F.A.C., during the months of March through November. During these nine months, the extra watering may occur on any day of the week. However, during the other three months of the year (December, January and February), this extra watering shall be limited to only the three specified days of the week. The three allowable days of the week for Even addresses are Tuesday, Thursday and Sunday. The three allowable days of the week for Odd addresses are Monday, Wednesday and Saturday. The three allowable days of the week for rights-of-way, common areas and other locations without any discernable address are Sunday, Tuesday and Friday. Cemeteries or other properties two acres in size or larger may instead maintain a written log of when this extra watering occurs. Regardless of the month involved, Spot Treatment shall only be accomplished during the allowable irrigation hours specified by the Water Shortage declaration.

h. Except as otherwise noted herein, comply with all applicable provisions and exemptions of Chapter 40D-22, F.A.C., including partial exemptions for testing of irrigation systems and irrigation to water-in chemicals. These provisions also specifically include an establishment period exemption providing extra water applications for new plant material and a separate exemption for Low-Volume Irrigation technology (such as microirrigation or handwatering) to be used on any plant material other than turfgrass which requires frequent irrigation beyond the standard establishment period.

i. The property owner or manager shall, upon request, provide a receipt or other proof of qualification for the new plant establishment period or other claimed exemption or allowance.

(7) Other Uses.

(a) Except as provided below, all users engaging in Other Use shall comply with applicable provisions of Chapter 40D-22, F.A.C., and implement the following demand management measures, as appropriate:

1. Reduce off-site discharge to the extent practicable;

2. Recycle water to the extent practicable;

3. Maximize the use of the least restricted Source Class to which there is access;
4. Reduce unnecessary uses to the extent practicable.
 - (b) Aesthetic Use (fountains, waterfalls and other artistic water features).
 1. If an aesthetic use also provides a necessary water quality benefit, such as aeration of a stormwater pond, it may be operated as necessary.
 2. If an aesthetic use involves a pond or other catchment area with a volume of 100 gallons or less or meets one of the following criteria, it may be operated as necessary:
 - a. The feature provides necessary aeration for pet fish, such as in a koi pond.
 - b. The feature is an integral part of the circulation system for a swimming pool.
 - c. The feature is in a pond or other catchment area augmented exclusively by reclaimed water, seawater, brackish bay or intracoastal water, air conditioning condensate or other byproducts of an allowable activity.
 3. If an aesthetic use is also intended as an interactive recreational use, such as operation of a water play area for children, commercial and institutional users may engage in that activity in accordance with paragraph 40D-21.631(7)(c), F.A.C. In this context, commercial and institutional users specifically include mobile entertainment businesses, events sponsored by public agencies or non-profit organizations, and permanent devices maintained to pool and spa health standards. Water slides and other portable devices, other than those operated by commercial or institutional users, may only be used on an allowable watering day for the location involved.
 4. All other aesthetic uses shall be limited to eight hours a day, and the user shall select and post the normal hours of operation.
 - (c) Recreation Area Use.
 1. All pools shall be maintained in a manner that minimizes the need for make-up water. This shall include the prompt repair of leaks, optimum scheduling of backwash filtration and the use of shade or covers to reduce evaporation.
 2. Commercial and institutional uses of water for recreational purposes shall comply with subsection 40D-21.631(4), F.A.C.
 3. Residential and other non-commercial uses of water for recreational purposes shall be reduced to the maximum extent practicable. For example:
 - a. Use of a sprinkler or sprinkler-like device on a Lawn for recreational purposes shall be restricted to the watering day(s), watering times and horticulturally necessary amounts for the address involved.
 - b. Use of a wading pool, water slide, or other child-oriented recreation device shall include discharge or emptying onto a Lawn or Landscape area that requires irrigation.
 - (d) Water Body Augmentation. Augmentation of a pond or other water body shall be limited to the following circumstances:
 1. As required by a Water Use Permit or Environmental Resource Permit, typically for environmental mitigation purposes.
 2. The minimum necessary to maintain and preserve the structural integrity of a newly constructed or recently altered pond.
 3. The minimum needed to maintain and preserve habitat for native fish and wildlife.
 4. Where lake levels are below the lowest minimum level or guidance level, as applicable, established for that lake by the District.
 - (e) Washing or cleaning of buildings, structures and outdoor impervious surfaces:
 1. Annual Pressure Washing for aesthetic purposes is allowed.
 2. Pressure Washing of buildings or other structures in preparation for painting, sealing or other necessary maintenance and as a construction practice is allowed. Compliance with homeowner association or other aesthetic standards does not constitute necessary maintenance.
 3. Pressure Washing driveways, sidewalks and other impervious surfaces is allowed for necessary maintenance, such as to either maintain a warranty or remove mold, mildew and other potentially hazardous material that cannot be removed by mechanical means (such as a broom or leaf blower) and as a construction practice (such as cleaning a concrete surface prior to painting or sealing). Compliance with homeowner association or other aesthetic standards does not constitute necessary maintenance.
 4. Washing or cleaning streets in preparation of, or immediately after, a parade or other public event is allowed.
 5. Washing or other water-based cleaning of streets or other impervious surfaces, other than that described above, shall be prohibited, except to meet federal, state, or local health or safety standards. These standards specifically allow for required dust control.
 - (f) Mobile Equipment Washing.
 1. Commercial car washes, hand-detailing operations and similar establishments shall comply with subsection 40D-21.631(4),

F.A.C.

2. Car wash fundraisers held on behalf of non-profit organizations are allowable, provided participants use water in an efficient manner. This specifically includes the use of a trigger (self-canceling) nozzle on any garden-type hose used.

3. Washing of fire trucks and other emergency vehicles, including ambulances and law enforcement vehicles, shall comply with subparagraph 40D-21.631(3)(a)3., F.A.C.

4. Rinsing boats and flushing boat engines is allowed after each use, as necessary, to remove salt water or to prevent the transportation of exotic plant or animal material.

5. Cleaning agricultural vehicles in accordance with canker abatement procedures, animal husbandry practices and other activities endorsed by the University of Florida's Institute of Food and Agricultural Sciences or United States Department of Agriculture is allowed, as necessary.

6. Other than as described above, car, truck and other Mobile Equipment washing shall be accomplished using low volume methods only, such as with a hand-held hose equipped with a trigger (self-canceling) nozzle and shall be restricted to only one washing a week. This one washing a week shall only occur on the allowable watering day for the address at which the activity occurs.

(g) No person or entity, for example, a homeowner association or property manager, shall enforce any deed restrictions or other community standards which are inconsistent with the Water Shortage declaration. This specifically includes that the person or entity responsible for enforcement will suspend any requirement to replace plant material to meet aesthetic standards.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.185, 373.246 FS. History—New 11-19-84, Amended 7-2-86, 5-30-93, 4-9-06, 7-5-12, 5-19-14.

Governing Board Meeting

January 27, 2026

6. OPERATIONS, LANDS & RESOURCE MONITORING COMMITTEE

6.1 Discussion: Consent Item(s) Moved to Discussion122

OPERATIONS, LANDS & RESOURCE MONITORING COMMITTEE

January 27, 2026

Discussion: Consent Item(s) Moved to Discussion

Presenter:

Brian S. Starford, P.G., Division Director, Operations, Lands & Resource Monitoring Division

Governing Board Meeting

January 27, 2026

7. GENERAL COUNSEL'S REPORT

7.1	Discussion: Consent Item(s) Moved to Discussion	123
7.2	Discussion: Action Item: Affirm Governing Board Committee Actions	124

GENERAL COUNSEL'S REPORT

January 27, 2026

Discussion: Consent Item(s) Moved to Discussion

Presenter:

Christopher A. Tumminia, General Counsel, Office of General Counsel

GENERAL COUNSEL'S REPORT

January 27, 2026

Discussion: Action Item: Affirm Governing Board Committee Actions

The Governing Board has established four committees for conducting District business: the Finance/Outreach & Planning Committee; the Operations, Land, & Resource Monitoring Committee; the Regulation Committee; and the Resource Management Committee. Each committee is a committee of the whole with all Governing Board members serving as committee members.

The Governing Board, sitting as a committee, considers and takes action on discussion agenda items during each Governing Board meeting. In order to clarify for the record that the Governing Board has taken action, the actions taken by the committees will be presented to the Board for affirmation.

Staff Recommendation:

Affirm the actions taken by the Governing Board Committees.

Presenter:

Christopher A. Tumminia, General Counsel, Office of General Counsel

COMMITTEE/LIAISON REPORTS

January 27, 2026

Discussion: Information Item: Agricultural & Green Industry Advisory Committee

Staff Recommendation:

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

Presenter:

Dustin Rowland, Board Member

EXECUTIVE DIRECTOR'S REPORT

January 27, 2026

Discussion: Information Item: Executive Director's Report

Staff Recommendation:

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

Presenter:

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

CHAIR'S REPORT

January 27, 2026

Discussion: Information Item: Chair's Report

Staff Recommendation:

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

Presenter:

Ashley Bell Barnett, Secretary

CHAIR'S REPORT

January 27, 2026

Discussion: Information Item: Employee Milestones

Staff Recommendation:

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

Presenter:

Ashley Bell Barnett, Secretary

Years of Service	Seniority Date	Preferred Full Name	Position Title	Office Location	Bureau	Anniversary Year	Next Milestone
5	01/18/2021	Megan Latimer	Staff Engineer	Brooksville	580-Engineering and Project Manageme	2026	01/18/2026
5	01/25/2021	George Fasting	Staff Geomatics Technician	Brooksville	Data Collection	2026	01/25/2026
15	01/10/2011	Don Weaver	Webmaster	Brooksville	Communications and Board Services	2026	01/10/2026
25	01/02/2001	Kim Dymond	Senior Environmental Scientist	Brooksville	Environment Resource Permit	2026	01/02/2026