

# Governing Board Meeting

## *Agenda and Meeting Information*

*June 26, 2018*

*9:00 AM*

*Brooksville Office*

2379 Broad Street • Brooksville, Florida  
(352) 796-7211

Southwest Florida  
Water Management District

WATERMATTERS.ORG • 1-800-423-1476



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# Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899  
(352) 796-7211 or 1-800-423-1476 (FL only)  
WaterMatters.org

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 and activities. Anyone requiring reasonable accommodation as provided for in the Americans with Disabilities Act should contact the District's Human Resources Bureau Chief at 2379 Broad Street, Brooksville, FL 34604-6899; telephone (352) 796-7211 or 1-800-423-1476 (FL only), ext. 4703; or email [ADACoordinator@WaterMatters.org](mailto: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).

## Final Agenda GOVERNING BOARD MEETING

**JUNE 26, 2018**

**9:00 AM**

### Brooksville Office

2379 BROAD STREET, BROOKSVILLE, FL 34604  
(352) 796-7211

*☞ All meetings are open to the public. ☞*

- Viewing of the Board meeting will be available at each of the District offices and through the District's web site ([www.watermatters.org](http://www.watermatters.org)) -- follow directions to use internet streaming.
- Public input will be taken only at the meeting location.
- Public input for issues not listed on the published agenda will be heard shortly after the meeting begins.

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

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

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

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

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

The current Governing Board agenda and minutes of previous meetings are on the District's web site: [www.WaterMatters.org](http://www.WaterMatters.org)

#### **Bartow Office**

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

#### **Sarasota Office**

6750 Fruitville Road  
Sarasota, Florida 34240-9711  
(941) 377-3722 or 1-800-320-3503 (FL only)

#### **Tampa Office**

7601 Hwy 301 N (Fort King Highway)  
Tampa, Florida 33637-6759  
(813) 985-7481 or 1-800-836-0797 (FL only)

MEETING NOTICE

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

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

**CONSENT AGENDA (TAB B)*****Resource Management Committee***

6. Pinellas County - McKay Creek Water Quality Improvements Near Hickory Lane - Scope Change (N828)
7. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Correct Table 8-2 Minimum and Guidance Levels Established During or After August 7, 2000, and Table 8-3 Guidance Water Levels Adopted Prior to August 7, 2000
8. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Minimum and Guidance Levels for Lakes Dosson and Sunshine in Hillsborough County (P256)

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

9. Lakes Appreciation Month
10. Independent Auditing Services
11. Adopt Resolutions to Identify New Slate of Officers for Financial Documents
12. Governing Board Travel - Annual Environmental Permitting Summer School
13. Budget Transfer Refundable Deposit for Relocation
14. Budget Transfer Report

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

15. Purchase and Sale Agreement – Central Florida Water Initiative (CFWI) Project, Lake Venus, SWF Parcel No. 20-020-131
16. Purchase and Sale Agreement – Central Florida Water Initiative (CFWI) Project, Lake Aurora, SWF Parcel No. 20-020-129
17. Offer for Surplus Land – Weekiwachee Preserve (WW-6), SWF Parcel No. 15-773-233S
18. Panasoffkee Outlet Cattle Lease, SWF Parcel No. 19-441-112X, Award for the Request for Offers (RFO) 18-02

***Regulation Committee***

19. Individual Water Use Permits Referred to the Governing Board - None

***General Counsel's Report***

20. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval
  - a. Interagency Agreement between SWFWMD and SFWMD -- Designation of Regulatory Responsibility – WUP - Grenelefe Golf and Tennis Club – Grenelefe Resort Utility, Inc. – Polk County
  - b. Amendment to Conservation Easement for Hilochee Mitigation Bank – ERP No. 43042047.000 – Polk County
21. Rulemaking
  - a. Initiation and Approval of Rulemaking to Amend Rule 40D-3.037(5), F.A.C., to Revise Form LEG-R.003.02, Application for a Water Well Contractor's License

***Executive Director's Report***

22. Approve Governing Board Minutes - May 22, 2018

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

23. Consent Item(s) Moved for Discussion
24. Withlacoochee River Watershed Initiative

***Submit & File Reports - None******Routine Reports***

25. Minimum Flows and Levels Status Report



## 26. Significant Water Resource and Development Projects

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

27. Consent Item(s) Moved for Discussion

28. Fiscal Year 2019 Recommended Annual Service Budget

**Submit & File Reports**

29. Payroll (Overtime) Budgeting

30. Travel Procedure Review

**Routine Reports**

31. Treasurer's Report and Payment Register

32. Monthly Financial Statement

33. Monthly Cash Balances by Fiscal Year

34. Comprehensive Plan Amendment and Related Reviews Report

35. Development of Regional Impact Activity Report

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

36. Consent Item(s) Moved for Discussion

**Submit & File Reports**

37. Hydrologic Conditions Report

**Routine Reports**

38. Surplus Lands Update

39. Structure Operations

40. Significant Activities

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

41. Consent Item(s) Moved for Discussion

42. Denials Referred to the Governing Board

**Submit & File Reports - None****Routine Reports**

43. Dover/Plant City Water Use Caution Area Flow Meter AMR Implementation Program Update

44. Overpumpage Report

45. Individual Permits Issued by District Staff

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

46. Consent Item(s) Moved for Discussion

47. Revision to Board Policy 160-4, Legal – Delegation of Authority to General Counsel for Certain Administrative Hearing Matters

**Submit & File Reports - None****Routine Reports**

48. June 2018 - Litigation Report

49. June 2018 - Rulemaking Update

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

50. Agricultural and Green Industry Advisory Committees

51. Committee/Liaison Reports

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

52. Executive Director's Report

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

53. Chair's Report

54. Other



## 55. Employee Milestones

★ ★ ★ **RECESS PUBLIC HEARING** ★ ★ ★**ANNOUNCEMENTS**<http://www.swfwmd.state.fl.us/calendar>

- Governing Board Meetings Schedule:

Meeting - Clearwater, Tampa Bay Water .....	July 24, 2018
Meeting - Tampa .....	August 28, 2018
Meeting - Tampa .....	September 25, 2018
Meeting - TBD .....	TBD
- Governing Board Public Budget Hearings Schedule:

Tentative Budget - Tampa .....	September 11, 2018
Final Budget - Tampa .....	September 25, 2018
- Advisory Committee Meeting Schedule:

Environmental - Tampa .....	July 10, 2018
Well Drillers - Tampa .....	July 11, 2018
Industrial - Tampa .....	August 14, 2018
Public Supply - Tampa .....	August 14, 2018

**ADJOURNMENT**

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

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

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

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

# GOVERNING BOARD OFFICERS, COMMITTEES AND LIAISONS

Effective June 2018

OFFICERS	
Chair	Jeffrey M. Adams
Vice Chair	Ed Armstrong
Secretary	Bryan K. Beswick
Treasurer	Michelle Williamson

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE
Randall S. Maggard, Chair
James G. Murphy, Vice Chair
Kelly S. Rice
Mark Taylor

RESOURCE MANAGEMENT COMMITTEE
Kelly S. Rice, Chair
Michael A. Babb, Vice Chair
John Henslick
Bryan K. Beswick

REGULATION COMMITTEE
Mark Taylor, Chair
John Henslick, Vice Chair
H. Paul Senft
Rebecca Smith

FINANCE/OUTREACH AND PLANNING COMMITTEE
Michelle Williamson, Chair
Ed Armstrong, Vice Chair
Michael A. Babb
Joel Schleicher

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

STANDING COMMITTEE LIAISONS	
Agricultural Advisory Committee	Bryan K. Beswick
Environmental Advisory Committee	Michelle Williamson
Green Industry Advisory Committee	Mark Taylor
Industrial Advisory Committee	Rebecca Smith
Public Supply Advisory Committee	H. Paul Senft
Well Drillers Advisory Committee	James G. Murphy

OTHER LIAISONS	
Central Florida Water Initiative	H. Paul Senft/Jeffrey M. Adams (alt)
Springs Coast Steering Committee	Kelly S. Rice
Charlotte Harbor National Estuary Program Policy Board	John Henslick
Sarasota Bay Estuary Program Policy Board	Joel Schleicher
Tampa Bay Estuary Program Policy Board	Jeffrey M. Adams
Tampa Bay Regional Planning Council	Ed Armstrong





# ***Executive Summary***

## **GOVERNING BOARD MEETING**

**JUNE 26, 2018**  
**9:00 a.m.**

*If viewing this document electronically, links are available from the Executive Summary to the item's information page. To return to the Executive Summary, click within the item text.*

### **CONVENE PUBLIC HEARING & MEETING (TAB A)**

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

### **CONSENT AGENDA (TAB B)**

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

#### **Resource Management Committee**

6. **Pinellas County - McKay Creek Water Quality Improvements Near Hickory Lane - Scope Change (N828)**

The Board approved this Pinellas County (County) project during the fiscal year (FY) 2017 and 2018 cooperative funding initiative (CFI) budget cycles. The total estimated project cost for McKay Creek Water Quality Improvements is \$600,000 with the District, Florida Department of Transportation and County each contributing \$200,000. The project, as approved by the Board, includes construction of stormwater Best Management Practices (BMPs) to treat contributing drainage areas of approximately 3,824 acres, with pollutant reductions of 6,301 lbs/yr of total suspended solids (TSS) and 157 lbs/yr of Total Nitrogen (TN). BMPs will be implemented for the area along McKay Creek and Hickory Lane reducing stormwater impacts to McKay Creek.

The County requested a revision to the resource benefits included in the scope of work. During design, the geotechnical findings resulted in a change to the project footprint which lowered the resource benefit. Removal efficiency estimates have decreased to 5,560 lbs/yr TSS and 131 lbs/yr TN. The approved and revised resource benefits are included in the table below.

Resource Benefit	Approved	Revised
Total Suspended Solids (TSS) lbs/yr	6,301	5,560
Total Nitrogen (TN) lbs/yr	157	131

The project objectives and cost effectiveness ranking has not changed. The project cost remains \$600,000 with the District providing one-third (\$200,000). The project, as originally approved by the Board, had an overall ranking of Medium. The requested change from the County will not change the overall ranking.

Staff recommends the Board approve the revision to decrease the pollutant removal estimates from 6,301 lbs./yr. TSS and 157 lbs./yr. TN to 5,560 lbs./yr. TSS and 131 lbs./yr. TN for the McKay Creek Water Quality Improvements Near Hickory Lane project, which is the resource benefit in the cooperative agreement.

**7. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Correct Table 8-2 Minimum and Guidance Levels Established During or After August 7, 2000, and Table 8-3 Guidance Water Levels Adopted Prior to August 7, 2000**

In Rule 40D-8.624, Florida Administrative Code (F.A.C.), Table 8-2 is a list of lakes for which Minimum and Guidance Levels have been established by the District. Table 8-3 is a list of lakes for which only Guidance Water Levels have been established by the District. This rule amendment revises these tables to correct inadvertent scrivener's errors. These corrections consist of the following:

1. Revise Table 8-2 to add the lake Category (CAT 3) associated with the High Minimum and Minimum Lake Levels for Lake Aurora and Lake Easy.
2. Delete Lake Raleigh and associated Guidance Levels from Table 8-3. Guidance Levels for Lake Raleigh in Table 8-3 were replaced by Minimum and Guidance Levels included in Table 8-2 that were developed in more recent assessments.
3. Delete Lake Rogers and "No Levels Recommended" from Table 8-3. Minimum and Guidance Levels that were developed in more recent assessments for Lake Rogers were included in Table 8-2.
4. Delete lakes Bonable, Little Bonable, and Tiger from Table 8-3. Minimum and Guidance Levels for these three lakes developed in more recent assessments were included in Table 8-2.
5. Re-list Lake Ellen, located in Section 10, Township 28S, Range 18E, in Hillsborough County, and the associated Guidance Levels, in Table 8-3. Lake Ellen was incorrectly deleted from Table 8-3 when Minimum and Guidance Levels were approved and added to Table 8-2 for a different Lake Ellen located in Section 19, Township 27S, Range 18E.
6. Revise Table 8-3 to add the Section, Township, and Range for 73 lakes.
7. Revise Table 8-3 to correct spelling of Lake Whistler

These corrections do not include approval of any new Minimum or Guidance Levels not previously approved by the Governing Board, therefore support documents such as studies are not provided.

Staff recommends the Board initiate and approve rulemaking to amend Rule 40D-8.624, F.A.C., to include the proposed changes to Tables 8-2 and 8-3, as shown in the Exhibit.

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

Minimum levels are water levels at which further withdrawals would be significantly harmful to the water resources of the area. Guidance levels are used to describe expected water level fluctuations and serve as advisory information for the construction of lakeshore development, water dependent structures, and operation of water management structures. Minimum and Guidance levels for Dosson and Sunshine Lakes were adopted into Rule 40D-8.624, F.A.C., in July 18, 2000. Section 373.0421(3), Florida Statutes, requires that minimum flows and levels shall be reevaluated periodically and revised as needed.

Dosson and Sunshine Lakes are included in the Northern Tampa Bay group of lakes selected for Minimum and Guidance level reevaluation. These reevaluations are being completed using up-to-date hydrologic, biologic, and survey data; recently-developed hydrologic models; and peer-reviewed methodologies to determine if any revisions are needed for currently adopted levels. Based on this reevaluation, and as shown in the attached Exhibit (Table 8-2), the Guidance and Minimum levels for both lakes are proposed to increase by 0.4 to 0.5 feet.

The technical report outlining the development of the proposed levels for Dosson and Sunshine Lakes was posted on the District's website prior to the public workshop held on May 8, 2018. The workshop was held in the vicinity of the lake. District staff addressed questions and concerns at the workshop relating to the proposed Minimum and Guidance levels. No specific recommendations or comments that warranted changes to the proposed minimum levels were made by workshop participants. A summary of the public workshop, including comments and discussion, is available upon request.

An updated assessment of status was performed, and Dosson and Sunshine Lakes water levels were determined to be 0.5 feet below the proposed Minimum Lake Level and at the High Minimum Lake level. Dosson and Sunshine Lakes are within the Northern Tampa Bay Water Use Caution Area and are considered part of the recovery strategy that is outlined in Rule 40D-80.073, F.A.C. The District plans to continue regular monitoring of water levels in Dosson and Sunshine Lakes and will also routinely evaluate the status of the lakes' water levels with respect to adopted minimum levels for the lakes included in Chapter 40D-8, F.A.C.

***Benefits/Costs***

Adoption of Minimum Levels for Dosson and Sunshine Lakes will support the District's water supply planning, Water Use Permitting, and Environmental Resource Permitting programs. Adoption of Guidance Levels will provide advisory information for the construction of lakeshore development, water dependent structures, and operation of water management structures. A Statement of Estimated Regulatory Costs is not required for Dosson and Sunshine Lakes as this rulemaking is not expected to result in any direct or indirect cost increases for small businesses or increased regulatory costs in excess of \$200,000 within one year of implementation.

**Staff recommends the Board:**

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



**Finance/Outreach & Planning Committee****9. Lakes Appreciation Month**

The North American Lake Management Society (NALMS) annually proclaims July as Lakes Appreciation Month. The intent of the annual resolution is to raise awareness of the importance and benefits lakes provide. In addition, NALMS conducts its annual Secchi Dip-In each July. Started in the United States, the Secchi Dip-In is now an international effort in which volunteers produce a “snapshot” of water clarity in lakes around the world.

By adopting proclamations, Florida’s water management districts recognize the importance of increasing public awareness of the value of Florida’s lakes and encouraging behaviors that will enhance lakes’ health.

Staff recommends the Board approve and execute Resolution No. 18-07 declaring July 2018 as “Lakes Appreciation Month.”

**10. Independent Auditing Services**

On July 25, 2017, the Governing Board approved the hiring of JMCO, Certified Public Accountants, to perform the annual audit of the District’s financial statements and the necessary federal and state single audits as a result of the District’s bid. The contract was awarded to JMCO for one-year, with four one-year renewals in accordance with the provisions of the bid. This renewal represents the first one-year renewal.

JMCO has agreed to keep the fees the same as the previous year. With the fees remaining the same, there are no significant changes to the contract other than the time requirements, reflecting that the audit is for the fiscal year 2017-18 financial audit.

Staff recommends the Board:

- (1) Exercise the first renewal option within the current contract to amend the agreement to engage JMCO to perform the fiscal year 2017-18 auditing services; and
- (2) Authorize the Executive Director to enter into a contract with JMCO to perform the fiscal year 2017-18 auditing services.

**11. Adopt Resolutions to Identify New Slate of Officers for Financial Documents**

Following its annual election of officers in May, the new officers assume their offices twenty-four (24) hours prior to the June Governing Board meeting. Resolutions must be adopted to give the new slate of officers the authority to sign and countersign all District warrants or checks. Section 373.553, Florida Statutes, requires District funds to be disbursed by check or warrant signed by the treasurer or assistant treasurer (secretary) and countersigned by the chair or vice chair of the board. The newly elected officers for Chair, Vice Chair, Secretary/Assistant Treasurer, and Treasurer/Assistant Secretary are identified by adoption of the resolutions, which will provide their signatures to SunTrust.

The District’s Custody Agreement retains and employs SunTrust Bank, through its Wealth and Investment Management Division, to act as custodian of certain securities and funds of the District. Following the annual election of officers in May, a new Corporate Resolution must be adopted to give the new slate of officers the authority to give direction or confirmation to the Bank on all matters regarding the Custody Agreement and Account.

Staff recommends the Board:

- (1) Authorize the new slate of officers to apply their signatures to the required financial documents and;
- (2) Adopt Resolution No. 18-08 authorizing the signatures of the newly elected officers of the Governing Board of the District and the use of facsimile or manual signatures on all warrants or checks of the District.
- (3) Adopt the SunTrust Deposit Account Resolution and Authorization for Business Entities document to identify the new slate of officers as authorized signers on existing accounts and give the officers the authority to give direction or confirmation to the Bank on all matters regarding the District's deposit accounts.
- (4) Adopt the SunTrust Corporate Resolution document to identify the new slate of officers as authorized signers on existing accounts and give the officers the authority to give direction or confirmation to the Bank on all matters regarding the District's custody accounts.

**12. Governing Board Travel – Annual Environmental Permitting Summer School**

District policy states that in accordance with Chapters 112 and 373, Florida Statutes, travel expenses may be incurred for official District business or for a public purpose beneficial to the District. Travel to any conference or convention requires prior approval.

Within the geographic boundaries of the District, Governing Board members may incur travel expenses to attend Governing Board meetings or for other purposes beneficial to the District, excluding conferences and conventions. Scheduled travel for Governing Board members outside the District or to attend conferences or conventions requires prior approval through the consent agenda of a regular monthly Governing Board meeting. Non-scheduled travel outside the District or to attend any conference or convention requires prior approval of the Governing Board Chair, or in his absence, the Vice Chair.

Staff recommends the Board approve Governing Board travel as presented.

**13. Budget Transfer Refundable Deposit for Relocation**

The District acquired the property for the Sarasota Office in 2000 and constructed the office in 2001. The Sarasota Office is located on a 4.6-acre site and has approximately 19,540 gross square feet of office and storage space. The Sarasota Office exceeds the size requirements for the 36 staff that are assigned to this location.

At the May 22, 2018 Governing Board Meeting, Staff recommended, and the Governing Board approved the following items:

- In accordance with Fla. Stat. §373.089, declare the Sarasota Office as surplus.
- Authorize the Executive Director, with the concurrence of the Office of General Counsel, to deliver a Letter of Intent to an owner or representative for the potential lease or purchase of a candidate property, before bringing a Lease or Purchase and Sale Agreement to the Governing Board for consideration.
- Payment of a refundable deposit of not more than 5 percent of the advertised price, if necessary, to secure a property before Governing Board consideration of a Lease or Purchase and Sale Agreement.
- Authorize staff to prepare a budget amendment in an amount not to exceed \$2.3 million and submit the budget amendment to the Florida Department of Environmental Protection for review and approval by the Executive Office of the Governor.

Pursuant to the May 2018 Governing Board approval of the above items, staff are actively searching for a replacement facility for lease or purchase in the Sarasota area. When a suitable property has been located, budget authority would be required for payment of a refundable deposit and any ancillary costs associated with due diligence activities, to hold a property prior to bringing a lease or purchase to the Governing Board for consideration. Staff requests transfer of funds of \$115,000 (5 percent of \$2.3 million) from the Sarasota Skylight Replacements project for this purpose.

Staff recommends the Board approve the transfer of \$115,000 from the Sarasota Skylight Replacements project for the purpose of funding a refundable deposit and any ancillary due diligence costs to hold a property prior to Governing Board consideration of a lease or purchase and sale agreement.

#### 14. **Budget Transfer Report**

In accordance with Board Policy No. 130-8, *Budget Authority Transfer of Funds*, all transfers approved by the Executive Director and Finance Bureau Chief under delegated authority are regularly presented to the Finance/Outreach & Planning Committee for approval on the Consent Agenda at the next scheduled meeting.

Staff recommends the Board's approval of the Budget Transfer Report covering all budget transfers for May 2018.

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

#### 15. **Purchase and Sale Agreement – Central Florida Water Initiative (CFWI) Project, Lake Venus, SWF Parcel No. 20-020-131**

The minimum lake levels for Lake Venus became effective in 2008. Data from this monitoring well site will improve the District's ability to assess the annual lake level status relative to its adopted minimum lake levels. The minimum lake level assessments allow for the determination of the sustainable limits of traditional groundwater that can be used without causing unacceptable harm to the water resources and associated natural systems.

The CFWI is a collaborative water supply planning effort designed to identify sustainable water sources and develop strategies to address water demands within a five-county region in east-central Florida. As part of the District's role in this effort, additional groundwater data collection sites are being pursued to support adoption and maintenance of minimum lake levels (MLL) at 19 lakes within the Polk Uplands and Lake Wales Ridge. Aquifer monitoring near MLL lakes is essential to enhancing the District's understanding of these lakes and will be used to correlate changes in lake water levels with changes in aquifer water levels due to groundwater withdrawals. Such data is necessary to ensure compliance with adopted minimum lake levels, such as Lake Star, making the installation of a monitoring well adjacent to the lake necessary.

The easement area is a 10-foot wide access strip with a 100-square-foot area to be used as a data collection well site. The property is owned by Mr. and Mrs. Scelp and is located in southeastern Polk County. Staff first explored the requested area for property owners that are more apt to donate a parcel. This includes parcels that are not on the tax roll (state and local government, non-profits, etc.) and non-residential tracts of more than one-acre where a wellsite may be inconsequential. Staff also considers city, county, or state right-of-ways, when the cost to install a well is less than \$20,000. Staff contacted four property owners who declined to donate land. In this instance Mr. and Mrs. Scelp were unwilling to entertain a donation but agreed to an offer amount of \$2,500 for an easement over the proposed well site area and access to the site and existing lake gauge.



A valuation of the easement was completed utilizing the “value in use” method related to the property interests necessary to support the proposed improvements to the site. Value in use is a form of appraisal for special purpose properties that takes into consideration the value of installed features, such as a monitoring well, that better reflect the unique purpose of the parcel. In accordance with District Policy, a State certified appraiser completed the appraisal estimating the use value of the site to be in the range of \$2,158 to \$4,316 and concluded that the negotiated amount is within the range of acceptable compensation. The appraisal is available upon request.

#### *Acquisition Terms*

- Mr. and Mrs. Scelp agreed to the sale and conveyance of an easement interest of the parcel necessary for construction, maintenance and monitoring activities on the site.
- The Easement will be conveyed free and clear of all encumbrances objectionable to the District.
- The District will pay transactional costs for closing, including the title insurance and recording fees.
- Access to the Easement areas shall be made using the platted right-of-way adjacent to the property. If at any time in the future the current owner or any adjacent owner should make application to vacate the right-of-way, Polk County will require an Easement be dedicated to the District to ensure continued access to the easement area(s).

Data from the Lake Venus wells and lake level gauge will improve the District’s understanding of the hydrologic conditions and provide for improved assessments of potential withdrawal-related impacts to water resources within the SWUCA and the CFWI areas. Transactional costs to the District for closing, including the title insurance and recording fees are expected to be approximately \$450, capital improvements are not expected to exceed \$16,000 and operation and maintenance of the site is not expected to exceed \$1,000 per year.

#### Staff recommends the Board:

- Accept the valuation appraisal;
- Accept the Easement and any future Easements associated with right-of-way vacation;
- Approve the Purchase/Sale Agreement and authorize the Executive Director or Division Director to sign on behalf of the District;
- Authorize staff to sign documents at closing necessary to complete the transaction in accordance with the approved terms.

#### **16. Purchase and Sale Agreement – Central Florida Water Initiative (CFWI) Project, Lake Aurora, SWF Parcel No. 20-020-129**

The minimum lake levels for Lake Aurora became effective in February of 2018. Data from this monitoring well site will improve the District’s ability to assess the annual lake level status relative to its adopted minimum lake levels. The minimum lake level assessments allow for the determination of the sustainable limits of traditional groundwater that can be used without causing unacceptable harm to the water resources and associated natural systems.

The CFWI is a collaborative water supply planning effort designed to identify sustainable water sources and develop strategies to address water demands within a five-county region in east-central Florida. As part of the District’s role in this effort, additional groundwater data collection sites are being pursued to support adoption and maintenance of minimum lake levels (MLL) at 19 lakes within the Polk Uplands and Lake Wales Ridge. Aquifer monitoring near MLL lakes is essential to enhancing the District’s understanding of these lakes and will be used to correlate changes in lake water levels with changes in aquifer water levels due to groundwater withdrawals.

The easement area is a 10-foot-wide access strip with a 150-square-foot area to be used as a data collection well site. The property is owned by Lake Aurora Christian Assembly (Assembly) and is located in southeastern Polk County. Staff first explores the requested area for property owners that are more apt to donate a parcel. This includes parcels that are not on the tax roll (state and local government, non-profits, etc.) and non-residential tracts of more than one-acre where a wellsite may be inconsequential. Staff also considers city, county, or state right-of-ways, when the cost to install a well is less than \$20,000. Staff contacted several property owners who declined to donate land. Staff also contacted Polk County who owns a small boat ramp in the area, but it was determined to be insufficient in size. Staff then contacted the Assembly. They were unwilling to entertain a donation but agreed to an offer amount of \$5,500 for an easement over the proposed well site area along with access to the site and the existing lake staff gauge.

A valuation of the easement was completed utilizing the “value in use” method related to the property interests necessary to support the proposed improvements to the site. Value in use is a form of appraisal for special purpose properties that takes into consideration the value of installed features, such as a monitoring well, that better reflect the unique purpose of the parcel. In accordance with District Policy, a State certified appraiser completed the appraisal estimating the use value of the site to be in the range of \$4,843 to \$9,685. The appraisal is available upon request.

#### *Acquisition Terms*

- The property owner has agreed to the sale and conveyance of an easement interest of the parcel necessary for construction, maintenance and monitoring activities on the site.
- The Easement will be conveyed free and clear of all encumbrances objectionable to the District.
- The District will pay transactional costs for closing, including the title insurance and recording fees.

Data from the Lake Aurora wells and lake level gauge will improve the District’s understanding of the hydrologic conditions and provide for improved assessments of potential withdrawal-related impacts to water resources within the SWUCA and the CFWI areas. The purchase of this easement will ensure the continued access to the existing staff gage as required by Rule and allow for CFWI Data Monitoring and Investigations Team workplan to proceed by allowing the District to immediately access, construct, maintain and monitor the wells at this location. Transactional costs to the District for closing, including the title insurance and recording fees are expected to be less than \$700, capital improvements are not expected to exceed \$62,000. and operation and maintenance of the site is not expected to exceed \$1,000 per year.

#### Staff recommends the Board:

- Accept the valuation appraisal;
- Accept the Easement;
- Approve the Purchase/Sale Agreement and authorize the Executive Director or Division Director to sign on behalf of the District;
- Authorize staff to sign documents at closing necessary to complete the transaction in accordance with the approved terms.

**17. Offer of Surplus Land – Weekiwachee Preserve (WW-6), SWF Parcel No. 15-773-233S**

On May 19, 2015, the Governing Board declared SWF Parcel No. 15-773-233S (WW-6) as surplus property. The District received an offer for the purchase of WW-6 from Evelio and Marisol Calzadilla for \$57,000. The District acquired WW-6 in 1995 as part of the Weekiwachee Preserve project at a prorated cost of \$1,240 (\$2,481 per acre). The parcel has frontage on Shoal Line Boulevard and is zoned CV (Conservation). The future land use designation is commercial.

Saunders Real Estate listed the property and advertised it through multiple media and personal contacts since April 11, 2017. This negotiation represents the only party who has made an offer on this parcel. This is an offer at 4 percent above the appraised value without any contingency. Below is a summary of the total and per acre cost information for WW-6.

	<b>Total</b>	<b>Per Acre</b>
Offer Amount	\$57,000	\$114,000
Appraised Value	\$55,000	\$110,000
Listing Price	\$125,000	\$250,000
Property Appraiser Just Value	\$60,000	\$120,000
Total Purchase Basis (1996)	\$1,240	\$2,481

Woodman S. Herr, MAI, and Brian E. Zamorski, MAI with Herr Valuation Advisors, Inc. appraised the property on August 29, 2017 for \$55,000. A summary of comparable values used to calculate the final value is attached as Exhibit 4. The appraiser determined that the highest and best use would be to build-to-suit for a specific commercial user or to hold for future development of a small retail or office building. The market value of the property determined in the appraisal is based on the title being free and clear of interests and encumbrances that impact value. There are no encumbrances on the property and title to the property includes the subsurface rights. Upon the request of a buyer, and in accordance with Section 270.11(3), Florida Statutes, the District may release its interest in all phosphate, minerals, metals and petroleum that may be in, on or under the property.

***Sale Terms***

- The District will deliver title to the buyer by Quit Claim Deed.
- There will be no adjustment in price for actual acreage as determined by a survey, if obtained by the buyer.
- The buyer will pay the real estate commission of \$3,420 to Saunders Real Estate.
- The buyer will bear all expenses of the transaction except for the appraisal and advertising costs.
- The buyer will have a period of 60 days to perform due diligence and the sale will close 90 days after execution of the contract by the District.

This property is very well located, with considerable frontage on Shoal Line Boulevard. The appraisers' opinion of a reasonable marketing time was twelve months, and the property has been on the market for 12.5 months.

**Staff recommends the Board:**

- Accept the offer of \$57,000;
- Authorize the Executive Director to execute the Contract for Sale and Purchase on the behalf of the District;
- Approve the conveyance of the District's interest in all phosphate, minerals, metals and petroleum in, on or under the land upon request of the buyer; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

**18. Panasoffkee Outlet Cattle Lease, SWF Parcel No. 19-441-112X, Award for the Request for Offers (RFO) 18-02**

On May 17, 2018, the District advertised Request for Offers 18-02, Panasoffkee Outlet Cattle Lease (RFO), covering approximately 203 acres in northwestern Sumter County. The lease area consists of approximately 135 acres of fair condition pasture and approximately 68 acres of depression/basin marshes and scattered oaks. The maximum stocking rate for the property is 35 Animal Units (an Animal Unit is one bull or one cow with or without one un-weaned calf). The lessee may stock any number of Animal Units at or below the maximum without adjustment to the annual rent payment.

The term of the lease is five years, with an option for the lessee to request renewal for an additional term of five years at the District's discretion. On June 12, 2018, 10 responses were received to RFO 18-02. The highest offer was submitted by Daniel Moen in the amount of \$43.15 per acre, for an annual lease amount of \$8,759.45.

Staff recommends the Board approve the award of the Panasoffkee Outlet Cattle Lease to Daniel Moen and authorize the Chairman to execute the lease on behalf of the District.

**Regulation Committee**

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

**General Counsel's Report**

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

**a. Interagency Agreement between SWFWMD and SFWMN – Designation of Regulatory Responsibility – WUP – Grenelefe Golf and Tennis Club – Grenelefe Resort Utility, Inc.. – Polk County**

Grenelefe Resort Utility, Inc. submitted Water Use Permit ("WUP") Application No. 20005251.009 (the "Application") to the Southwest Florida Water Management District ("SWFWMD") to renew and modify its existing WUP for its operations supplying water to the Grenelefe Resort and Tennis Club in Haines City, Polk County, Florida (the "Property"). The Application requests authorization to withdraw 1,043,506 gallons per day on an annual average basis and 2,206,366 gallons per day on a peak month basis for public supply and irrigation. Although the predominant portion of the Property lies within the SWFWMD, a smaller portion of the Property lies within the jurisdictional boundaries of the South Florida Water Management District ("SFWMD"), as depicted on the map attached to the Interagency Agreement, a copy of which is attached hereto as Exhibit "A." More specifically, two water wells on the Property were previously permitted by SFWMD. When that SFWMD permit expired, SFWMD instructed Grenelefe to modify its permit with SWFWMD to add those two wells to its SWFWMD WUP. This interagency agreement is necessary for that addition to occur.

Section 373.046(6), Florida Statutes, authorizes a water management district to designate, through an interagency agreement, regulatory responsibility to another water management district over a project located within the jurisdictional boundaries of both districts. Because a majority of the Project boundary lies within the SWFWMD, both districts agree that responsibility should be assumed by the SWFWMD for review and issuance of the WUP for the entirety of the Project. An interagency agreement approved by both district governing boards is necessary to authorize SWFWMD to issue a WUP to the applicant for the entire Project.

Staff recommends the Board approve the Interagency Agreement Between the Southwest Florida Water Management District and the South Florida Water Management District for Designation of Regulatory Responsibility for a WUP for Grenelefe Resort Utility, Inc. for the above-described Project.

b. **Amendment to Conservation Easement for Hilochee Mitigation Bank – ERP No. 43042047.000 – Polk County**

On October 4, 2016, the District issued Environmental Resource Permit (ERP) No. 43042047.000 (Permit) to Hilochee Mitigation Bank, LLC (Hilochee) authorizing the establishment of a mitigation bank known as the Hilochee Mitigation Bank (Project), located in Polk County, Florida. The Permit requires Hilochee to grant a Conservation Easement (CE) over the Project to the District. During the review of Hilochee's ERP application, District staff reviewed and determined the draft CE submitted by Hilochee met the permitting requirements in Chapter 62-342, Florida Administrative Code. The CE that is recorded by Hilochee must match the draft CE approved by District staff in order to comply with the Permit.

On April 30, 2018, Hilochee submitted an executed and recorded CE to the District. The recorded CE does not match the draft CE approved by District staff. Hilochee subsequently submitted to District staff a draft Amended Deed of Conservation Easement to address the differences between the approved draft CE and the recorded CE. After reviewing the submittal, District staff had concerns with the proposed amendment which were expressed to Hilochee. Hilochee agreed to the changes requested by District staff. The amendment to the recorded CE will conform the terms of the recorded CE to the terms of the draft CE approved by the District. In addition, because the amendment is altering an interest in land previously conveyed to the District, the District must join in with Hilochee in executing the amendment. The final version of the Amended Deed of Conservation Easement is not yet complete as of the drafting of this recap, but District staff anticipates that it will be provided to the Governing Board for its review prior to the meeting.

Staff recommends the Board approve, accept, and execute the attached Amended Deed of Conservation Easement for the Hilochee Mitigation Bank.

21. **Rulemaking**

a. **Initiation and Approval of Rulemaking to Amend Rule 40D-3.037(5), F.A.C., to Revise Form LEG-R.003.02, Application for a Water Well Contractor's License**

Rule 40D-3.037(5), Florida Administrative Code (F.A.C.), incorporates by reference Form LEG-R.003.02, Application for A Water Well Contractor's License. Currently, Form LEG-R.003.02, section "C" states: Enclosed with the completed application is a letter from a water well contractor and a letter from a water well inspector employed by a governmental agency providing evidence of the length of time the applicant has been engaged in the business of construction, repair, or abandonment of water wells as a major activity.

In 2016 the legislature amended Section 373.323(3)(b)1, Florida Statutes (F.S.) to require an applicant for a water well contractor's license to provide evidence of experience with a letter from a water well contractor or a water well inspector employed by a governmental agency, but not both. Therefore, Form LEG-R.003.02, Application for a Water Well Contractor's License is inconsistent with Section 373.323(3)(b), F.S., as amended, and should be revised by changing the word "and" to "or" in section "C" of the application as follows: Enclosed with the completed application is a letter from a water well contractor ~~and~~ a letter from a water well inspector employed by a governmental agency providing evidence of the length of time the applicant has been engaged in the business of construction, repair, or abandonment of water wells as a major activity.

Because the application form is incorporated by reference into Rule 40D-3.037(5), F.A.C., the rule must be amended by revising section "C" of the application so it is consistent with Section 373.323(3)(b), F.S.

Staff recommends the Board approve final rule language and authorize the initiation of rulemaking to amend Rule 40D-3.037(5), to revise section "C" of Form No. LEG-R.003.02 (9/14), The Application for Water Well Contractor's License, to make the application consistent with Section 373.323(3)(b)1, F.S., and authorize staff to make any necessary minor clarifying technical changes that may result from the rulemaking process.

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

#### **22. Approve Governing Board Meeting Minutes – May 22, 2018**

Staff recommends the Board approve the minutes as presented.

### **RESOURCE MANAGEMENT COMMITTEE (TAB C)**

#### ***Discussion***

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

#### **24. Withlacoochee River Watershed Initiative**

The Withlacoochee River Watershed Initiative (WRWI) was established to better understand the dynamics of the river and watershed, identify how alterations have affected the system, and evaluate alternatives to better manage the resources. On October 27, 2015, staff presented the results of the WRWI to the Governing Board. Prior to the Governing Board presentation, the WRWI was presented to the public at five workshops in 2015. At the public workshops and Governing Board presentation, staff discussed the comprehensive analysis of the entire Withlacoochee River and surrounding watershed that had been completed to address numerous concerns expressed over the past few decades related to water levels and flow. Staff also described the results of a number of computer model scenarios, which were evaluated to determine the effects of historical modifications to the watershed. In addition, the model was used to determine the impacts of potential future changes designed to improve management of the river, including impacts of restoration activities in the Green Swamp.

In general, model results indicate that changing rainfall patterns and the region's natural topography have the greatest impact on water levels and flow along the Withlacoochee River. Since the October 2015 Governing Board presentation, three additional model scenarios have been evaluated based on feedback from the public workshops, providing valuable insight into the recent flooding from Hurricane Irma. Understanding gained through this effort has also resulted in two new District Initiatives, which began in 2018, and will improve our ability to manage the water resources in this system. These District Initiatives include restoration work in the Orange State Canal and a modification to the Golf Course Structure in the Tsala Apopka Chain-of-Lakes.

The WRWI has also enhanced the operation of over a dozen water control structures throughout the river and watershed by providing the tools to take a regional approach to structure operations and evaluate ways to improve our operational guidelines. In addition, a continued emphasis on outreach has resulted in effective stakeholder communication and stronger relationships between the public and the District.

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

**Submit & File Reports - None****Routine Reports**

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

**25. Minimum Flows and Levels Status Report****26. Significant Water Resource and Development Projects****FINANCE/OUTREACH & PLANNING COMMITTEE (TAB D)****Discussion****27. Consent Item(s) Moved for Discussion****28. Fiscal Year 2019 Recommended Annual Service Budget**

Pursuant to Section 373.536(2), Florida Statutes (F.S.), the District is required to submit a tentative budget, covering its proposed operations and funding requirements for the ensuing fiscal year, for consideration by the Governing Board. On June 26, staff will present the recommended budget to the Governing Board. Any changes in the tentative budget, subsequent to the June meeting, will be presented to the Governing Board for approval at the July 24 meeting to include in the tentative budget.

The District's expenditure budget is divided into two major components: (1) operating and (2) projects. The operating component of the budget includes salaries and benefits, operating expenses, contracted services for operational support and maintenance, and operating capital outlay. The projects component of the budget includes contracted services for District projects, Cooperative Funding Initiative (CFI) projects recommended for funding by the Governing Board Regional Subcommittees, District grants, and fixed capital outlay.

The FY2019 recommended budget meets the following goals established by the Governing Board:

- Project expenditures equal at least 50 percent of budget - 57 percent achieved.
- Operating expenditures do not exceed 80 percent of ad valorem revenue - 69 percent achieved.
- Salaries and benefits do not exceed 50 percent of ad valorem revenue - 45 percent achieved.

Pursuant to Section 373.536(5)(d), F.S., by August 1 of each year, the District is required to submit for review a tentative budget and a description of any significant changes from the preliminary budget submitted to the Executive Office of the Governor (EOG), President of the Senate, Speaker of the House of Representatives, chairs of all legislative committees and sub-committees having substantive or fiscal jurisdiction over water management districts, Secretary of the Department of Environmental Protection, and the governing body of each county from which the water management districts derive funds.

**Discussion**

The recommended budget for FY2019 is \$176.3 million. Staff will provide an overview of the FY2019 recommended budget including a review of proposed expenditures and revenues. Expenditures will be reviewed by category, program and area of responsibility.



**Operating Budget**

The operating budget of \$76.2 million for FY2019 is a decrease of \$68,107 or 0.1 percent from \$76.3 million in FY2018. As a result of the District's efforts in implementing efficient, cost-saving opportunities, the District has fiscal capacity to continue the necessary annual investment in critical water resource management projects.

**Project Budget**

The project budget of \$100.1 million for FY2019 is a decrease of \$7.3 million from \$107.4 million in FY2018. This includes contracted services for District projects, District grants, CFI and fixed capital outlay expenditure categories.

Contracted services for District projects total \$12.1 million, a decrease of \$1.1 million from the FY2018 budget of \$13.2 million. This budget includes \$2.4 million for Aquifer Storage and Recovery Feasibility/Pilot Testing, \$1.6 million for Minimum Flows and Minimum Water Levels Recovery, \$1.4 million for Florida Department of Transportation Mitigation, and \$1.1 million for Restoration Initiative projects. In general, these projects are managed by the District. The recommended budget includes a summary chart of all contracted services for District projects by category and a detailed description of each project.

District grants and CFI projects total \$65.9 million, a decrease of \$13.8 million from the FY2018 budget of \$79.7 million. This budget includes \$53.2 million for CFI projects, \$7.7 million in grants for District-sponsored projects, and \$5 million for the funding of the Polk Partnership. The District's funds leveraged with its partners will result in a total regional investment of approximately \$129 million for water resource management projects. The CFI projects are all recommended by the Governing Board's Regional Sub-committees. The recommended budget includes a summary chart of all CFI projects followed by District grants by category and a detailed description of each project.

Fixed capital outlay totals \$22.1 million, an increase of \$7.6 million from the FY2018 budget of \$14.5 million. This budget includes \$17 million for acquisitions of land and land easements, \$2.7 million for District facility improvements and renovations, \$1.5 million for structure improvements and replacements, and \$882,826 for well construction. The recommended budget includes a summary chart of all fixed capital outlay projects and a detailed description of each project.

**Ad Valorem Revenue**

The recommended budget includes ad valorem revenue of \$110.9 million, an increase of \$2.8 million from the FY2018 budget of \$108.1 million based on a projected 2.55 percent increase in new construction. The June 1 estimates indicate property values have increased 8 percent. Ad valorem revenue will be adjusted based on the July 1 certifications of taxable property value by the 16 county property appraisers, and the millage rate will be adjusted to the rolled-back rate to account for new construction only.

At the July 24 Governing Board meeting, staff will present the 16-county property appraisers certifications of taxable value and the proposed FY2019 millage rate in compliance with s. 373.503(4) and s. 200.065, F.S. The Governing Board will be requested to adopt the proposed FY2019 millage rate for certification to the county property appraisers by August 4. The proposed millage rate is the rate that will be used for Truth in Millage (TRIM) Notices of Proposed Property Taxes. In addition, the Governing Board will be requested to authorize staff to submit the District's Standard Format Tentative Budget Submission for FY2019 to the EOG, Florida Legislature and other parties, as

required by statute, to be received by August 1, 2018.

The District's FY2019 budget will be adopted in September following two public budget hearings. The first hearing is scheduled for September 11, 2018 at 5:01 p.m. at the Tampa Office. Written disapproval of any portion of the Tentative Budget Submission must be received from the EOG or the Legislative Budget Commission at least five business days prior to the final budget hearing. The second and final hearing is scheduled for September 25, 2018 at 5:01 p.m. also at the Tampa Office.

Exhibit of the recommended budget is provided under separate cover.

Staff recommends the Board authorize staff to prepare the Standard Format Tentative Budget Submission for FY2019 based on the recommended budget as presented, adjusted for any modifications made by the Governing Board on June 26, changes in estimated ad valorem revenue based on the July 1 certifications of taxable value and any additional funding provided by the state.

#### ***Submit & File Reports***

- 29. **Payroll (Overtime) Budgeting**
- 30. **Travel Procedure Review**

#### ***Routine Reports***

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

- 31. **Treasurer's Report and Payment Register**
- 32. **Monthly Financial Statement**
- 33. **Monthly Cash Balances by Fiscal Year**
- 34. **Comprehensive Plan Amendment and Related Reviews Report**
- 35. **Development of Regional Impact Activity Report**

### **OPERATIONS, LANDS & RESOURCE MONITORING COMMITTEE (TAB E)**

#### ***Discussion***

- 36. **Consent Item(s) Moved for Discussion**

#### ***Submit & File Reports***

- 37. **Hydrologic Conditions Report**

#### ***Routine Reports***

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

- 38. **Surplus Lands Update**
- 39. **Structure Operations**
- 40. **Significant Activities**

## REGULATION COMMITTEE (TAB F)

### *Discussion*

#### 41. Consent Item(s) Moved for Discussion

#### 42. Denials Referred to the Governing Board

District Rule 40D-1.6051, Florida Administrative Code, provides that if District staff intends to deny a permit application, the applicant will be advised of the opportunity to request referral to the Governing Board for final action. Under these circumstances, if an applicant or petitioner requests their application or petition be referred to the Governing Board for final action, that application or petition will appear under this agenda item for consideration. As these items will be presented at the request of an outside party, specific information may not be available until just prior to the Governing Board meeting.

If any denials are requested to be referred to the Governing Board, these will be presented at the meeting.

### *Submit & File Reports - None*

### *Routine Reports*

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

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

#### 44. Overpumpage Report

#### 45. Individual Permits Issued by District Staff

## GENERAL COUNSEL'S REPORT (TAB G)

### *Discussion*

#### 46. Consent Item(s) Moved for Discussion

#### 47. Revision to Board Policy 160-4, Legal – Delegation of Authority to General Counsel for Certain Administrative Hearing Matters

Pursuant to Section 373.083(5), Florida Statutes ("F.S."), the District's Governing Board is authorized to delegate authority to District staff for the purpose of executing any of the powers, duties, and functions vested in the Governing Board by statute. The Governing Board has delegated certain matters to District staff through adoption of Board Policies aimed at improving the efficiency of District processes. One such process is the administration of Section 120.569, F.S., relating to petitions for administrative hearing challenging agency action.

When a petition is filed with the District pursuant to Section 120.569, F.S., the District must carefully review the petition to determine if the petition contains a defect that cannot be cured. If it conclusively appears from the face of the petition that the defect cannot be cured, the District will dismiss the petition. Board Policy 160-4 currently does not delegate authority to the General Counsel to dismiss a petition without leave to amend when the General Counsel determines conclusively from the face of the petition that a defect cannot be cured. The authority to enter a final order dismissing the petition without leave to amend remains with the Governing Board. The efficiency of the District's procedure for processing petitions for administrative hearing will be improved by delegating this authority to the

General Counsel. Delegation of this authority will allow the District to meet the 15-day timeframe for acting upon a petition filed at or near the date of a District Governing Board meeting that would otherwise result in an extended period of time elapsing before the Governing Board has the opportunity to consider the matter at the following Board meeting. Additionally, this delegation will provide the General Counsel with the authority to determine and act upon a purely legal issue regarding a petition for administrative hearing, similar to the procedure established by the Department of Environmental Protection in Rule 62-113.200(3)(b), Florida Administrative Code.

The proposed revision to Board Policy 160-4 will improve the efficiency of the District's procedure for processing petitions for administrative hearing pursuant to Section 120.569, F.S. This improved efficiency will better enable the District to comply with statutory requirements. Accordingly, District staff recommend approval of the proposed revision to Board Policy 160-4, attached hereto as Exhibit "A."

Staff recommends the Board approve the proposed revision to Board Policy 160-4, Legal - Delegation of Authority to General Counsel for Certain Administrative Hearing Matters authorizing the General Counsel to enter a final order dismissing a petition for administrative hearing with prejudice if it conclusively appears from the face of the petition that a defect cannot be cured.

#### ***Submit & File Reports – None***

#### ***Routine Reports***

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

- 48. June 2018 – Litigation Report
- 49. June 2018 – Rulemaking Update

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

- 50. Agricultural and Green Industry Advisory Committees
- 51. Committee/Liaison Reports

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

- 52. Executive Director's Report

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

- 53. Chair's Report
- 54. Other
- 55. Employee Milestones

**★ ★ ★ RECESS PUBLIC HEARING ★ ★ ★**

**ANNOUNCEMENTS**<http://www.swfwmd.state.fl.us/calendar>

- Governing Board Meetings Schedule

Meeting – Clearwater, Tampa Bay Water .....	July 24, 2018
Meeting – Tampa .....	August 28, 2018
Meeting – Tampa .....	September 25, 2018
Meeting – TBD .....	TBD

- Governing Board Public Budget Hearings Schedule:

Tentative Budget – Tampa .....	September 11, 2018
Final Budget – Tampa .....	September 25, 2018

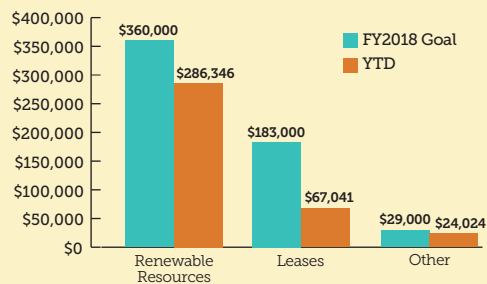
- Advisory Committee Meeting Schedule:

Environmental – Tampa .....	July 10, 2018
Well Drillers – Tampa .....	July 11, 2018
Industrial – Tampa .....	August 14, 2018
Public Supply – Tampa .....	August 14, 2018

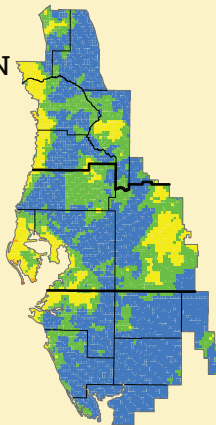
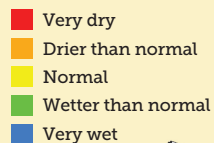
**ADJOURNMENT**

## OPERATIONS, LANDS AND RESOURCE MONITORING

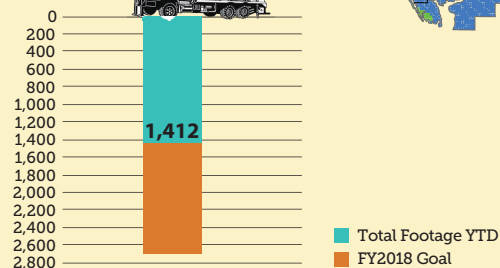
FY2018 Land-Based Revenue



## RAINFALL DISTRIBUTION Jun 2017 – May 2018



## CORE DRILLING



## SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

## Monthly Dashboard May 2018

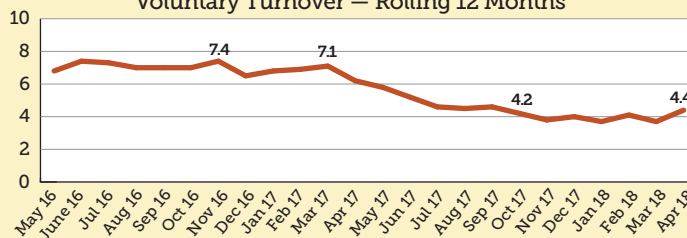


\$363.4 million  
(current budget)

Days Without an At-Fault Accident 384  
Days Without a Lost-Time Injury 549

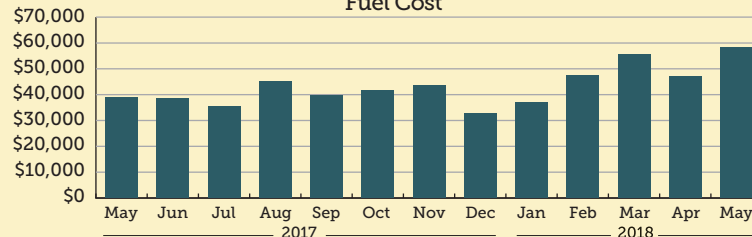
## EXTERNAL & EMPLOYEE RELATIONS

Voluntary Turnover – Rolling 12 Months



## MANAGEMENT SERVICES

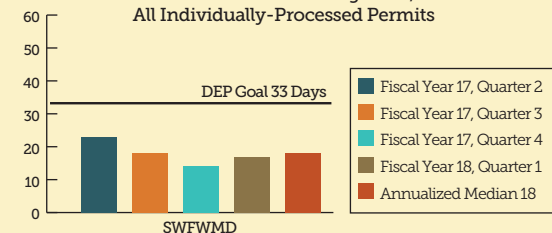
Fuel Cost



## REGULATION

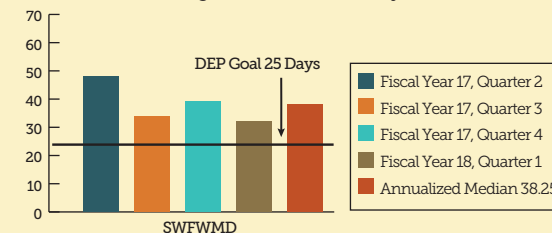
### Consumptive Use Permitting

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



### Environmental Resource Permitting

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



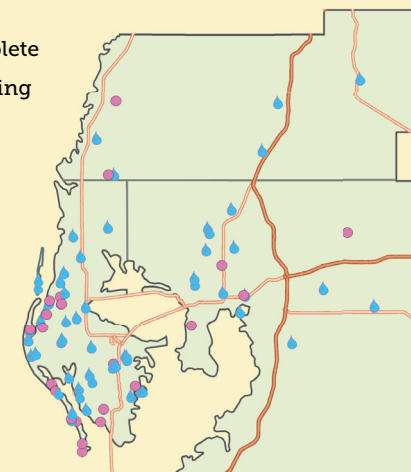
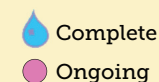
\*Excludes time awaiting response from applicant, legal challenges, etc.

## RESOURCE MANAGEMENT

Tampa Bay Region Stormwater Projects  
(last 5 years and cost)

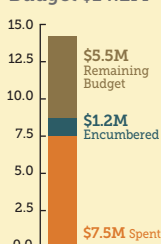
2013-Current

District Funding	Complete (64)	Ongoing (22)
Water Quality	\$19,638,318	\$30,238,518
Flood Protection	\$45,247,258	\$22,204,134
<b>Total</b>	<b>\$64,885,576</b>	<b>\$52,442,652</b>

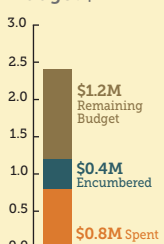


## FINANCIAL SUMMARY

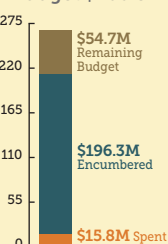
### Regulation Budget \$14.2M



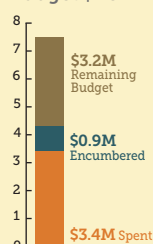
### General Counsel Budget \$2.4M



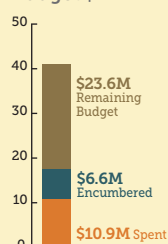
### Resource Management Budget \$266.8M



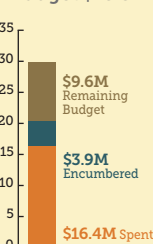
### Emp. & Ext. Relations Budget \$7.5M



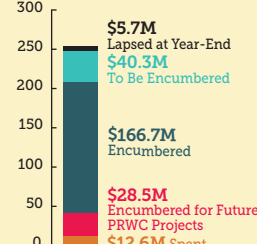
### Operations, Lands & Resource Monitoring Budget \$41.1M



### Management Services Budget \$29.9M



Total Number of Projects: 374  
Resource Management Project Budget: \$253.8M







## **Governing Board Meeting**

**June 26, 2018**

**9:00 a.m.**

**★ ★ ★ CONVENE *MEETING OF THE GOVERNING BOARD* ★ ★ ★  
*AND PUBLIC HEARING***

<b>PUBLIC HEARING AND MEETING</b>
-----------------------------------

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

## Governing Board Meeting June 26, 2018

1. **Call to Order**

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

2. **Invocation and Pledge of Allegiance**

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

3. **Employee Recognition**

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

- 20 years - Jeff Whealton, Agricultural Regulation Program Coordinator
- 20 years - Tim Major, Geomatics Technician
- 20 years - Gene Altman, Senior Professional Engineer
- 25 years - David Carr, Staff Environmental Scientist
- 25 years - Don Ellison, Senior Hydrogeologist
- 30 years - Steve DeSmith, Senior Professional Geologist
- 35 years - Jim Marshall, Regulatory Field Technician IV

Presenter: Jeffrey M. Adams, Chair

4. **Additions/Deletions to Agenda**

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

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

Staff Recommendation:

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

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

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

At this time, the Board will hear public input for issues not listed on the published agenda.

Presenter: Jeffrey M. Adams, Chair





# Governing Board Meeting

## June 26, 2018

### 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.

#### Resource Management Committee

6. Pinellas County – McKay Creek Water Quality Improvements Near Hickory Lane – Scope Change (N828) ..... 6
7. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Correct Table 8-2 Minimum and Guidance Levels Established During or After August 7, 2000, and Table 8-3 Guidance Water Levels Adopted Prior to August 7, 2000 ..... 7
8. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Minimum and Guidance Levels for Lakes Dosson and Sunshine in Hillsborough County (P256) ..... 16

#### Finance/Outreach & Planning Committee

9. Lakes Appreciation Month ..... 19
10. Independent Auditing Services ..... 21
11. Adopt Resolutions to Identify New Slate of Officers for Financial Documents ..... 22
12. Governing Board Travel – Annual Environmental Permitting Summer School ..... 30
13. Budget Transfer Refundable Deposit for Relocation ..... 31
14. Budget Transfer Report ..... 33

#### Operations, Lands and Resource Monitoring Committee

15. Purchase and Sale Agreement- Central Florida Water Initiative (CFWI) Project, Lake Venus, SWF Parcel No. 20-020-131 ..... 36
16. Purchase and Sale Agreement- Central Florida Water Initiative (CFWI) Project, Lake Aurora, SWF Parcel No. 20-020-129 ..... 46
17. Offer for Surplus Land – Weekiwachee Preserve (WW-6) , SWF Parcel No. 15-773-233S ..... 57
18. Panasofkee Outlet Cattle Lease, SWF Parcel No. 19-441-112X, Award for the Request for Offers (RFO) 18-02 ..... 69

#### Regulation Committee

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

**General Counsel's Report**

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

- a. Interagency Agreement Between SWFWMD and SFWMD – Designation of Regulatory Responsibility – WUP – Grenelefe Golf and Tennis Club – Grenelefe Resort Utility, Inc. – Polk County ..... 83
- b. Amendment to Conservation Easement for Hilochee Mitigation Bank – ERP No. 43042047.000 – Polk County ..... 87

**21. Rulemaking**

- a. Initiation and Approval of Rulemaking to Amend Rule 40D-3.037(5), F.A.C., to Revise Form LEG-R.003.02, Application for a Water Well Contractor's License ..... 88

**Executive Director's Report**

- 22. Approve Governing Board Meeting Minutes – May 22, 2018..... 93

## RESOURCE MANAGEMENT COMMITTEE

June 26, 2018

### *Consent Agenda*

#### **Pinellas County - McKay Creek Water Quality Improvements Near Hickory Lane - Scope Change (N828)**

##### *Purpose*

The purpose of this item is to request approval to revise the scope of work to the agreement with Pinellas County for the McKay Creek Water Quality Improvements Near Hickory Lane (N828) project.

##### *Background/History*

The Board approved this Pinellas County (County) project during the fiscal year (FY) 2017 and 2018 cooperative funding initiative (CFI) budget cycles. The total estimated project cost for McKay Creek Water Quality Improvements is \$600,000 with the District, Florida Department of Transportation and County each contributing \$200,000. The project, as approved by the Board, includes construction of stormwater Best Management Practices (BMPs) to treat contributing drainage areas of approximately 3,824 acres, with pollutant reductions of 6,301 lbs/yr of total suspended solids (TSS) and 157 lbs/yr of Total Nitrogen (TN). BMPs will be implemented for the area along McKay Creek and Hickory Lane reducing stormwater impacts to McKay Creek.

The County requested a revision to the resource benefits included in the scope of work. During design, the geotechnical findings resulted in a change to the project footprint which lowered the resource benefit. Removal efficiency estimates have decreased to 5,560 lbs/yr TSS and 131 lbs/yr TN. The approved and revised resource benefits are included in the table below.

Resource Benefit	Approved	Revised
Total Suspended Solids (TSS) lbs/yr	6,301	5,560
Total Nitrogen (TN) lbs/yr	157	131

##### *Benefits/Costs*

The project objectives and cost effectiveness ranking has not changed. The project cost remains \$600,000 with the District providing one-third (\$200,000). The project, as originally approved by the Board, had an overall ranking of Medium. The requested change from the County will not change the overall ranking.

##### Staff Recommendation:

- 1) Approve the revision to decrease the pollutant removal estimates from 6,301 lbs./yr. TSS and 157 lbs./yr. TN to 5,560 lbs./yr. TSS and 131 lbs./yr. TN for the McKay Creek Water Quality Improvements Near Hickory Lane project, which is the resource benefit in the cooperative agreement.

Presenter: Randy Smith, PMP, Bureau Chief, Natural Systems & Restoration



## RESOURCE MANAGEMENT COMMITTEE

June 26, 2018

### *Consent Agenda*

#### **Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Correct Table 8-2 Minimum and Guidance Levels Established During or After August 7, 2000, and Table 8-3 Guidance Water Levels Adopted Prior to August 7, 2000**

##### *Purpose*

To request the Board initiate and approve rulemaking to amend Rule 40D-8.624, Florida Administrative Code (F.A.C.), to update Tables 8-2 and 8-3 in order to address scrivener's errors in the information for some lakes currently listed in the tables.

##### *Background/History/Requested Corrections*

Table 8-2 is a list of lakes for which Minimum and Guidance Levels have been established by the District. Table 8-3 is a list of lakes for which only Guidance Water Levels have been established by the District. This rule amendment revises these tables to correct inadvertent scrivener's errors. These corrections consist of the following:

1. Revise Table 8-2 to add the lake Category (CAT 3) associated with the High Minimum and Minimum Lake Levels for Lake Aurora and Lake Easy.
2. Delete Lake Raleigh and associated Guidance Levels from Table 8-3. Guidance Levels for Lake Raleigh in Table 8-3 were replaced by Minimum and Guidance Levels included in Table 8-2 that were developed in more recent assessments.
3. Delete Lake Rogers and "No Levels Recommended" from Table 8-3. Minimum and Guidance Levels that were developed in more recent assessments for Lake Rogers were included in Table 8-2.
4. Delete lakes Bonable, Little Bonable, and Tiger from Table 8-3. Minimum and Guidance Levels for these three lakes developed in more recent assessments were included in Table 8-2.
5. Re-list Lake Ellen, located in Section 10, Township 28S, Range 18E, in Hillsborough County, and the associated Guidance Levels, in Table 8-3. Lake Ellen was incorrectly deleted from Table 8-3 when Minimum and Guidance Levels were approved and added to Table 8-2 for a different Lake Ellen located in Section 19, Township 27S, Range 18E.
6. Revise Table 8-3 to add the Section, Township, and Range for 73 lakes.
7. Revise Table 8-3 to correct spelling of Lake Whistler

These corrections do not include approval of any new Minimum or Guidance Levels not previously approved by the Governing Board, therefore support documents such as studies are not provided.

##### *Benefits/Costs*

Upon Governing Board approval of the scrivener's errors listed above, staff will submit a notice to the Governor's Office of Fiscal Accountability and Regulatory Reform (OFARR) and 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 OFARR or the Joint Administrative Procedures Committee, this matter will be brought back to the Governing Board for consideration.

## Item 7

Staff Recommendation:

Initiate and approve rulemaking to amend Rule 40D-8.624, F.A.C., to include the proposed changes to Tables 8-2 and 8-3, as shown in the Exhibit.

Presenter: Mark K. Hurst, Sr. Environmental Scientist, Water Resources Bureau

## EXHIBIT

### 40D-8.624 Guidance and Minimum Levels for Lakes.

(1) through (11) No change.

(12) Levels for lakes established during or after August 7, 2000, are set forth in the following table. After the High Minimum Lake Level and Minimum Lake Level elevation for each lake is a designation indicating the Method used, as described in subsection 40D-8.624(8), F.A.C., to establish the level. Compliance with the High Minimum and Minimum Lake Levels is determined pursuant to paragraphs (6)(b) and (7)(b), above. Guidance Levels established prior to August 7, 2000, are set forth in Table 8-3 in subsection 40D-8.624(13), F.A.C., below.

Table 8-2 Minimum and Guidance 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 Guidance Level	High Minimum Lake Level	Minimum Lake Level	Low Guidance Level
(a) through (z) No change					
(aa) In Polk County Within the Peace River Basin	Annie, Lake S-3, T-29S, R-27E No change				
	Aurora, Lake S13, T30S, R28E	101.1'	110.3' (CAT 3)	97.3' (CAT 3)	96.1'
	Easy, Lake S19, T30S, R28E	110.6'	109.8' (CAT 3)	106.5' (CAT 3)	105.4'
	Eva, Lake S-32, T-27S, R-27E through Wailes Lake S-01, T-30S, R-27E No change				
(bb) through (dd) No change					

(13) Guidance Levels established for lakes prior to August 7, 2000, are set forth in the following table:

Table 8-3 Guidance Water Levels adopted prior to August 7, 2000			
Location of Impoundment by County and Basin	High Level in Feet Above Mean Sea Level (msl)	Low Level in Feet Above Mean Sea Level (msl)	Extreme Low Level in Feet Above Mean Sea Level (msl)
(a) through (i) No change.			

Table 8-3 Guidance Water Levels adopted prior to August 7, 2000			
Location of Impoundment by County and Basin	High Level in Feet Above Mean Sea Level (msl)	Low Level in Feet Above Mean Sea Level (msl)	Extreme Low Level in Feet Above Mean Sea Level (msl)
(j) In Hillsborough County Within the Alafia River Basin LAKES			
Carlton, Lake S7, T32, R21	93.50'	90.50'	88.00'
Edward Medard Reservoir S36, T29, R21	62.75'	57.50'	56.00'
Grady, Lake S26, T30, R20	39.00'	36.00'	34.00'
Hickory Hammock Lake S34, T29, R20	32.25'	30.50'	29.00'
Unnamed Lake #2 S22, T32, R21	56.00'	NO RECOMMENDATION	
(k) In Hillsborough County Within the Hillsborough River Basin LAKES			
Bellows Lake (East Lake) S2, T29, R19	23.75'	21.50'	19.00'
Burrell Lake S31, T27, R19	50.00'	47.50'	45.00'
Commiston, Lake S12, T27, R18	63.00'	60.50'	59.00'
Eckles, Lake S11, T28, R18	32.50'	30.00'	28.00'
Egypt Lake S27, T28, R18	37.50'	35.00'	32.50'
Gornto Lake S21, T29, R20	38.50'	36.00'	34.00'
Hart Lake S6, T27, R19	66.00'	64.00'	63.00'
Hog Island Lake S1, T27, R18	66.00'	64.00'	61.00'
Kathy, Lake S20, T29, R20	43.50'	42.50'	42.00'
Long Lake S36, T27, R18	50.25'	48.00'	46.00'
Long Pond S13, T29, R20	46.50'	44.00'	42.00'
Mud Lake (Lake Walden) S6, T29, R22	115.00'	112.50'	110.50'
Thonotosassa, Lake S14, T28, R20	37.00'	34.50'	33.00'
Unnamed Lake S18, T27, R19	63.00'	60.50'	59.00'

Table 8-3 Guidance Water Levels adopted prior to August 7, 2000			
Location of Impoundment by County and Basin	High Level in Feet Above Mean Sea Level (msl)	Low Level in Feet Above Mean Sea Level (msl)	Extreme Low Level in Feet Above Mean Sea Level (msl)
Unnamed Lake S7, T27, R19	61.00'	58.50'	57.00'
Valrico Lake S24, T29, R20	45.00'	42.50'	41.00'
Weeks, Lake S2, T29, R20	43.25'	41.00'	39.50'
(I) In Hillsborough County Within the Northwest Hillsborough Basin LAKES Sec. Twsp. Rng.			
SWEETWATER CREEK WATERSHED			
Avis, Lake S15, T28S, R18E No Change.			
Bay Lake S3, T28, R18	46.75'	44.00'	42.50'
Boat Lake S15, T28, R18	35.50'	33.75'	31.25'
Brooker, Lake S2, T27, R18	64.25'	61.00'	59.00'
Chapman Lake S25, T27, R18	52.25'	49.50'	48.00'
Cooper Lake S11, T27, R18	61.75'	59.75'	57.00'
Elaine, Lake S15, T28S, R18E No change			
Ellen, Lake S15, T28S, R18E	41.50'	39.00'	37.00'
Gass, Lake S36, T27, R18	49.50'	46.25'	44.50'
George, Lake S10, T28, R18	48.00'	45.00'	42.00'
Geraci, Lake S15, T27, R18	63.50'	61.50'	59.50'
Halls, Lake S3, T28S, R18E No change			
Lipse, Lake S10, T28, R18	41.50'	39.00'	37.00'
Magdalene, Lake S35, T27, R18	50.00'	47.50'	46.00'
Thomas, Lake S11, T27, R18	63.50'	61.25'	59.25'

Table 8-3 Guidance Water Levels adopted prior to August 7, 2000			
Location of Impoundment by County and Basin	High Level in Feet Above Mean Sea Level (msl)	Low Level in Feet Above Mean Sea Level (msl)	Extreme Low Level in Feet Above Mean Sea Level (msl)
Twin Lake S22, T28, R18	32.00'	30.00'	27.75'
White Trout Lake S15, T28, R18	36.50'	34.00'	32.50'
ROCKY CREEK WATERSHED			
Armistead, Lake S25, T27, R17	44.00'	40.50'	39.00'
Browns Lake S2, T27, R18	63.50'	60.75'	59.00'
Josephine, Lake S25, T27, R17	46.00'	42.75'	40.00'
LeClare, Lake S30, T27, R18	52.00'	49.50'	47.00'
Rock Lake S25, T27, R17	46.00'	42.75'	40.00'
Turkey Ford Lake S18, T27, R18	54.00'	51.50'	50.00'
DOUBLEBRANCH CREEK WATERSHED			
Hixon Lake S3, T28, R17	36.50'	33.25'	31.00'
Unnamed Lake #1 through Unnamed Lake #2 No change			
BROOKER CREEK WATERSHED			
Artillery, Lake S3, T27S, R17E No change			
Buck Lake S28, T27, R17	35.00'	32.00'	29.50'
Elizabeth, Lake S11, T27, R17	53.00'	51.00'	49.00'
Fern, Lake S10, T27, R17	46.00'	43.00'	41.50'
Frances, Lake S4, T27, R17	40.50'	38.00'	36.00'
Island Ford Lake S10, T27, R17	41.50'	39.00'	37.00'
James Lake S23, T27S, R17E			
Keystone Lake S15, T27, R17	42.00'	39.75'	39.00'
Little, Lake S23, T27S, R17E No change			

Table 8-3 Guidance Water Levels adopted prior to August 7, 2000			
Location of Impoundment by County and Basin	High Level in Feet Above Mean Sea Level (msl)	Low Level in Feet Above Mean Sea Level (msl)	Extreme Low Level in Feet Above Mean Sea Level (msl)
Raleigh, Lake	42.50'	38.00'	35.00'
Rogers, Lake	NO LEVELS RECOMMENDED		
Velburton Lake S21, T27, R17	40.00'	37.25'	35.00'
ANCLOTE RIVER WATERSHED			
Hiawatha, Lake S2, T27, R17	50.50'	48.00'	45.00'
Osceola Lake S3, T27, R17	46.50'	44.50'	42.50'
(m) through (o) No change.			
(p) In Marion County Within the Withlacoochee River Basin			
Bonable, Lake S31, T15S, R18E			
Little Bonable, Lake S30, T15S, R18E			
Tiger, Lake S32, T15S, R18E			
(q) through (v) No change			
(w) In Polk County Within the Alafia River Basin LAKES			
Scott Lake S17, T29, R24	168.00'	165.00'	164.25'
(x) In Polk County Within the Green Swamp Basin LAKES			
Agnes, Lake S4, T27, R25	135.75'	134.75'	130.75'
Alfred, Lake S30, T27S, R26E No change			
Arietta, Lake S27, T27, R25	144.00'	141.00'	138.00'
Camp, Lake S20, T27, R26	134.50'	132.00'	130.00'
Clearwater Lake S5, T27, R25	143.50'	141.00'	139.00'



Table 8-3 Guidance Water Levels adopted prior to August 7, 2000			
Location of Impoundment by County and Basin	High Level in Feet Above Mean Sea Level (msl)	Low Level in Feet Above Mean Sea Level (msl)	Extreme Low Level in Feet Above Mean Sea Level (msl)
Cummings, Lake S31, T27S, R26E through Eva, Lake S29, T27S, R26E No change			
Grassy Lake (Big Glades) S19, T27, R26	132.00'	129.50'	128.00'
Griffin, Lake S30, T27S, R26E No change			
Gum Lake S17, T27, R26	131.00'	128.50'	126.00'
Haines, Lake S33, T27, R26	128.75'	126.50'	124.50'
Helene, Lake S34, T26, R25	144.00'	141.00'	139.00'
Juliana, Lake S15, T27, R25	132.50'	130.00'	127.50'
Little Lake Agnes S3, T27, R25	136.00'	133.00'	131.00'
Little Van, Lake S26, T27, R25	139.00'	136.50'	135.50'
Mattie, Lake S14, T27, R25	132.50'	130.00'	127.50'
Mud Lake S6, T27, R25	141.50'	137.75'	136.00'
Myrtle, Lake S32, T27, R25	141.00'	138.50'	136.50'
Swoope, Lake S29, T27, R26	132.50'	130.00'	128.00'
Tennessee, Lake S9, T27, R25	134.00'	130.00'	128.00'
Van, Lake S26, T27, R25	132.75'	130.00'	128.00'
Whistler, Lake S33, T27, R25	137.50'	135.00'	133.75'
(y) In Polk County Within the Hillsborough River Basin LAKES			
Bonnet, Lake S14, T28, R23	148.00'	145.00'	142.50'
Hunter, Lake S24, T28, R23	162.75'	160.25'	159.00'

Table 8-3 Guidance Water Levels adopted prior to August 7, 2000			
Location of Impoundment by County and Basin	High Level in Feet Above Mean Sea Level (msl)	Low Level in Feet Above Mean Sea Level (msl)	Extreme Low Level in Feet Above Mean Sea Level (msl)
(z) In Polk County Within the Peace River Basin			
Ada, Lake S33, T28S, R27E through Link, Lake S27, T28S, R26E No change			
Little Aurora S13, T30, R28	100.50'	98.00'	96.00'
Little Gum, Lake S35, T29S, R28E through Winterset, Lake S11, T29S, R26E No change			
(aa) through (cc) 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) \_\_\_\_.

## RESOURCE MANAGEMENT COMMITTEE

June 26, 2018

### *Consent Agenda*

#### **Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Minimum and Guidance Levels for Lakes Dosson and Sunshine in Hillsborough County (P256)**

##### *Purpose*

To request the Board initiate and approve rulemaking to amend Rule 40D-8.624, Florida Administrative Code (F.A.C.), to adopt Minimum and Guidance levels for Dosson and Sunshine Lakes in Hillsborough County and accept the report entitled: "Revised Minimum and Guidance Levels Based on Reevaluation of Levels Adopted for Dosson and Sunshine Lakes in Hillsborough, Florida," dated April 30, 2018.

##### *Background/History*

Minimum levels are water levels at which further withdrawals would be significantly harmful to the water resources of the area. Guidance levels are used to describe expected water level fluctuations and serve as advisory information for the construction of lakeshore development, water dependent structures, and operation of water management structures. Minimum and Guidance levels for Dosson and Sunshine Lakes were adopted into Rule 40D-8.624, F.A.C., in July 18, 2000. Section 373.0421(3), Florida Statutes, requires that minimum flows and levels shall be reevaluated periodically and revised as needed.

Dosson and Sunshine Lakes are included in the Northern Tampa Bay group of lakes selected for Minimum and Guidance level reevaluation. These reevaluations are being completed using up-to-date hydrologic, biologic, and survey data; recently-developed hydrologic models; and peer-reviewed methodologies to determine if any revisions are needed for currently adopted levels. Based on this reevaluation, and as shown in the attached Exhibit (Table 8-2), the Guidance and Minimum levels for both lakes are proposed to increase by 0.4 to 0.5 feet.

The technical report outlining the development of the proposed levels for Dosson and Sunshine Lakes was posted on the District's website prior to the public workshop held on May 8, 2018. The workshop was held in the vicinity of the lake. District staff addressed questions and concerns at the workshop relating to the proposed Minimum and Guidance levels. No specific recommendations or comments that warranted changes to the proposed minimum levels were made by workshop participants. A summary of the public workshop, including comments and discussion, is available upon request.

An updated assessment of status was performed, and Dosson and Sunshine Lakes water levels were determined to be 0.5 feet below the proposed Minimum Lake Level and at the High Minimum Lake level. Dosson and Sunshine Lakes are within the Northern Tampa Bay Water Use Caution Area and are considered part of the recovery strategy that is outlined in Rule 40D-80.073, F.A.C. The District plans to continue regular monitoring of water levels in Dosson and Sunshine Lakes and will also routinely evaluate the status of the lakes' water levels with respect to adopted minimum levels for the lakes included in Chapter 40D-8, F.A.C.

### *Benefits/Costs*

Adoption of Minimum Levels for Dosson and Sunshine Lakes will support the District's water supply planning, Water Use Permitting, and Environmental Resource Permitting programs. Adoption of Guidance Levels will provide advisory information for the construction of lakeshore development, water dependent structures, and operation of water management structures. A Statement of Estimated Regulatory Costs is not required for Dosson and Sunshine Lakes as this rulemaking is not expected to result in any direct or indirect cost increases for small businesses or increased regulatory costs in excess of \$200,000 within one year of implementation.

Upon Governing Board approval of the proposed levels, staff will submit a notice to the Governor's Office of Fiscal Accountability and Regulatory Reform (OFARR) and 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 OFARR or the Joint Administrative Procedures Committee, this matter will be brought back to the Governing Board for consideration.

### Staff Recommendation:

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

Presenter: David W. Carr, Staff Environmental Scientist, Water Resources Bureau

## EXHIBIT

### 40D-8.624 Guidance and Minimum Levels for Lakes.

(1) through (11) No change.

(12) Levels for lakes established during or after August 7, 2000, are set forth in the following table. After the High Minimum Lake Level and Minimum Lake Level elevation for each lake is a designation indicating the Method used, as described in subsection 40D-8.624(8), F.A.C., to establish the level. Compliance with the High Minimum and Minimum Lake Levels is determined pursuant to paragraphs (6)(b) and (7)(b) above.

Table 8-2 Minimum and Guidance 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 Guidance Level	High Minimum Lake Level	Minimum Lake Level	Low Guidance Level
(a) through (k) No change.					
(l) In Hillsborough County Within the Northwest Hillsborough Basin					
	<del>Dosson, Lake</del> Dosson Lake S-20, T-27S, R-18E	53.4' 53.9'	53.4' (CAT 2) 53.9' (CAT 2)	52.4' (CAT 2) 52.8' (CAT 2)	51.3' 51.8'
	<del>Sunshine, Lake</del> Sunshine Lake S-20, T-27S, R-18E	53.4' 53.9'	53.4' (CAT 2) 53.9' (CAT 2)	52.4' (CAT 2) 52.8' (CAT 2)	51.3' 51.8'

*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.*

## **EXECUTIVE DIRECTOR'S REPORT**

**June 26, 2018**

### ***Consent Agenda***

#### **Lakes Appreciation Month**

##### *Purpose*

To request that the Governing Board sign a resolution declaring July 2018 as “Lakes Appreciation Month.”

##### *Background/History*

The North American Lake Management Society (NALMS) annually proclaims July as Lakes Appreciation Month. The intent of the annual resolution is to raise awareness of the importance and benefits lakes provide. In addition, NALMS conducts its annual Secchi Dip-In each July. Started in the United States, the Secchi Dip-In is now an international effort in which volunteers produce a “snapshot” of water clarity in lakes around the world.

By adopting proclamations, Florida’s water management districts recognize the importance of increasing public awareness of the value of Florida’s lakes and encouraging behaviors that will enhance lakes’ health.

The resolution for the Governing Board’s consideration is attached.

##### **Staff Recommendation:**

Approve and execute Resolution No. 18-07 declaring July 2018 as “Lakes Appreciation Month.”

**Presenter:** Robyn Felix, Bureau Chief, Communications & Board Services

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 18-07

**PROCLAIMING JULY 2018 as  
“LAKES APPRECIATION MONTH”**

WHEREAS, Florida’s lakes are essential to the environment, economy, and citizens of, and visitors to, this state; and

WHEREAS, Florida has more than 7,000 natural lakes; and

WHEREAS, the Southwest Florida Water Management District has 1,800 identified and documented lakes; and

WHEREAS, lakes are among Florida’s most valuable natural resources; and

WHEREAS, lakes provide drinking water, irrigation, recreation, scenic beauty, and habitat for wildlife; and

WHEREAS, these beneficial uses have been of vital importance to Florida’s history, growth, and financial health; and

WHEREAS, our lakes improve the quality of life for all of Florida’s residents and their importance should not go unnoticed; and

WHEREAS, the District recognizes the need to protect these lakes for future generations; and

WHEREAS, the goal of the Southwest Florida Water Management District is to ensure lakes have adequate clean water.

THEREFORE, BE IT RESOLVED that the Governing Board of the Southwest Florida Water Management District hereby proclaims July 2018 as Lakes Appreciation Month and is committed to implementing projects to conserve and restore the water quality and ecological balance of lakes, thereby supporting regional economies and quality of life.

PASSED AND ADOPTED in Brooksville, Hernando County, Florida, on this 26th day of June 2018.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

By: \_\_\_\_\_  
Jeffrey M. Adams, Chair

Attest: \_\_\_\_\_  
Bryan K. Beswick, Secretary

Attachment: Lakes Appreciation Month Proclamation June 2018 Final (3804 : Lakes Appreciation Month)

## FINANCE/OUTREACH & PLANNING COMMITTEE

June 26, 2018

### *Consent Agenda*

#### Independent Auditing Services

##### *Purpose*

Exercise first renewal option within the current contract to amend the agreement to engage James Moore & Co., P.L.(JMCO) to perform the fiscal year 2017-18 auditing services.

##### *Background*

On July 25, 2017, the Governing Board approved the hiring of JMCO, Certified Public Accountants, to perform the annual audit of the District's financial statements and the necessary federal and state single audits as a result of the District's bid. The contract was awarded to JMCO for one-year, with four one-year renewals in accordance with the provisions of the bid. This renewal represents the first one-year renewal.

JMCO has agreed to keep the fees the same as the previous year. With the fees remaining the same, there are no significant changes to the contract other than the time requirements, reflecting that the audit is for the fiscal year 2017-18 financial audit.

##### Staff Recommendation:

- (1) Exercise the first renewal option within the current contract to amend the agreement to engage JMCO to perform the fiscal year 2017-18 auditing services; and
- (2) Authorize the Executive Director to enter into a contract with JMCO to perform the fiscal year 2017-18 auditing services.

Presenter: Melisa J. Lowe, Bureau Chief, Finance



## FINANCE/OUTREACH & PLANNING COMMITTEE

June 26, 2018

### *Consent Agenda*

#### **Adopt Resolutions to Identify New Slate of Officers for Financial Documents**

##### *Purpose*

- (1) Authorize the new slate of officers to apply their signatures to the required financial documents and;
- (2) Request that the Governing Board adopt District Resolution No. 18-08 authorizing the signatures of the newly elected officers of the Governing Board of the District and the use of facsimile or manual signatures on all warrants or checks of the District and;
- (3) Adopt the SunTrust Deposit Account Resolution and Authorization for Business Entities document to identify the new slate of officers as authorized signers on existing accounts and give the officers the authority to give direction or confirmation to the Bank on all matters regarding the District's deposit account(s).
- (4) Adopt the SunTrust Corporate Resolution document to identify the new slate of officers as authorized signers on existing accounts and give the officers the authority to give direction or confirmation to the Bank on all matters regarding the District's custody accounts.

##### *Background*

Following its annual election of officers in May, the new officers assume their offices twenty-four (24) hours prior to the June Governing Board meeting. Resolutions must be adopted to give the new slate of officers the authority to sign and countersign all District warrants or checks. Section 373.553, Florida Statutes, requires District funds to be disbursed by check or warrant signed by the treasurer or assistant treasurer (secretary) and countersigned by the chair or vice chair of the board. The newly elected officers for Chair, Vice Chair, Secretary/Assistant Treasurer, and Treasurer/Assistant Secretary are identified by adoption of the resolutions, which will provide their signatures to SunTrust.

The District's Custody Agreement retains and employs SunTrust Bank, through its Wealth and Investment Management Division, to act as custodian of certain securities and funds of the District. Following the annual election of officers in May, a new Corporate Resolution must be adopted to give the new slate of officers the authority to give direction or confirmation to the Bank on all matters regarding the Custody Agreement and Account. The newly elected officers for Chair, Vice Chair, Secretary and Treasurer are identified by adoption of the resolution, which will provide their signatures to the Wealth and Investment Management Division of SunTrust Bank.

##### **Staff Recommendation:**

- (1) Authorize the new slate of officers to apply their signatures to the required financial documents and;
- (2) Adopt Resolution No. 18-08 authorizing the signatures of the newly elected officers of the Governing Board of the District and the use of facsimile or manual signatures on all warrants or checks of the District.

## Item 11

- (3) Adopt the SunTrust Deposit Account Resolution and Authorization for Business Entities document to identify the new slate of officers as authorized signers on existing accounts and give the officers the authority to give direction or confirmation to the Bank on all matters regarding the District's deposit accounts.
- (4) Adopt the SunTrust Corporate Resolution document to identify the new slate of officers as authorized signers on existing accounts and give the officers the authority to give direction or confirmation to the Bank on all matters regarding the District's custody accounts.

Presenter: Melisa J. Lowe, Bureau Chief, Finance

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**

**RESOLUTION NO. 18-08**

**AUTHORIZING THE SIGNATURES OF OFFICERS OF THE GOVERNING BOARD  
OF THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
AND THE USE OF FACSIMILE OR MANUAL SIGNATURES  
ON ALL WARRANTS OR CHECKS OF THE DISTRICT**

**WHEREAS**, the Southwest Florida Water Management District is a public corporation organized and existing under the laws of the State of Florida; and

**WHEREAS**, Section 373.553, Florida Statutes, requires District funds to be disbursed by check or warrant signed by the Treasurer or Assistant Treasurer and countersigned by the Chair or Vice Chair of the Governing Board to effect payment of money in the name of the Southwest Florida Water Management District.

**NOW THEREFORE, BE IT RESOLVED**, by the Governing Board of the Southwest Florida Water Management District that the following officers of the Governing Board have assumed their offices effective June 25, 2018, and shall have the authority, pursuant to Section 373.553, F.S., to sign all warrants or checks of the District:

\_\_\_\_\_, Treasurer and Assistant Secretary      SIGNS  
Michelle Williamson

\_\_\_\_\_, Secretary and Assistant Treasurer      SIGNS  
Bryan Beswick

\_\_\_\_\_, Chair      COUNTERSIGNS  
Jeffrey M. Adams

\_\_\_\_\_, Vice Chair      COUNTERSIGNS  
Ed Armstrong III

**BE IT FURTHER RESOLVED** that the Governing Board of the Southwest Florida Water Management District hereby authorizes the use of either facsimile or manual signatures of the officers designated above for all warrants or checks of the District; and

**BE IT FURTHER RESOLVED** that the Secretary of the Governing Board of the Southwest Florida Water Management District is hereby authorized and directed to deliver to the designated depositories of the District, specimens of the facsimile and manual signatures as described above.

**APPROVED AND ADOPTED** this 26th day of June, 2018, by the Governing Board of the Southwest Florida Water Management District.

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**

SEAL

By: \_\_\_\_\_  
Jeffrey M. Adams, Chair

Attest:

\_\_\_\_\_  
Bryan Beswick, Secretary



## Deposit Account Resolution and Authorization for Business Entities

### I. Business Entity Account Information

Name	Business Type	
Southwest Florida Water Management District	PF State/Local	
Governed By	Taxpayer ID Number	Date Resolution and Authorization Adopted
	59-0965067	6/26/2018

Account Number(s)
(4 District Accounts)

The undersigned in Section IX or X hereby certify to SunTrust Bank ("Bank") that the above named Business Entity is organized and existing under the laws of the state of Florida and has been registered in the manner prescribed by law and is currently in full compliance with all requirements relating to its organization and continued existence under applicable law.

These resolutions and authorizations apply to the above referenced deposit account(s) (hereinafter "Account") currently open with the Bank and any additional Accounts opened in the future in the name of the Business Entity. For purposes of this resolution and authorization, Accounts will include any certificates of deposit in the name of the Business Entity. These resolutions and authorizations shall remain in full force and effect until written notice in a form acceptable to the Bank of their rescission or modification certified by the appropriate authorized individual(s) applicable to the Business Entity has been received by Bank and the Bank has had a reasonable time to act on said change. Receipt of such notice shall not affect any action taken by Bank prior thereto and Bank shall be held harmless from any claims, demands, expenses, loss, or damage resulting from, or growing out of, honoring the acts or instructions of any individual so certified or authorized in these resolutions to sign by delegation of authority in accordance herewith or refusing to honor any signature not so certified or authorized.

- II. Authority to sign, act, give instructions, access information, use Bank's services, perform transactions, enter into agreements and delegate authority on behalf of Business Entity.** Resolved, that Bank be and is hereby designated a depository for the Business Entity; that any one of the individuals or entities named in Section III below is an "Authorized Signer" and is authorized to act, give instructions, access information, use Bank's services, and perform transactions on behalf of Business Entity with respect to any Accounts of Business Entity with Bank or services provided to Business Entity by the Bank, to enter into on behalf of the Business Entity any of Bank's agreements including checking, savings, certificates of deposit, wire or electronic funds transfer, night deposit, cash management, or other treasury management services agreements and to delegate to any other individual or entity his or her authority to act, give instructions, access information, use Bank's services, perform transactions, and enter into agreements on behalf of the Business Entity, including agreements that delegate his or her authority to other individuals or entities with respect to the Business Entity's Accounts or Bank's services; that the Business Entity shall be bound by the terms and conditions of all such agreements and Bank's Rules and Regulations for Deposit Accounts related thereto, all as now existing or as amended from time to time; and that any Authorized Signer named in Section III, is authorized on behalf of this Business Entity to sign and to endorse for deposit, negotiation or collection, any and all checks, drafts, certificates of deposit, savings certificates, items or other instruments or written orders for the payment of money payable by or to the order of this Business Entity. Signatures and endorsements, if any, may be in writing, by stamp, or otherwise affixed, with or without designation or signature of the person so endorsing, it being understood that all prior endorsements on such items are guaranteed by this Business Entity, regardless of the lack of an express guarantee in the endorsement of this Business Entity.

Further Resolved, Bank is hereby directed to honor, pay and charge to the Accounts of this Business Entity, without inquiry as to the circumstances of the issuance or application of the proceeds of, any checks, drafts, items or other written orders on any of this Business Entity's Accounts with Bank, whether payable to, endorsed or negotiated by or for the credit of any person signing the same or any other of the Authorized Signers named in Section III when signed by any of the Authorized Signers named in Section III.

- III. Officers/Owner/General Partners/Members/Managers/Governors authorized to act, give instructions, access information, use Bank's services, perform transactions, enter into agreements, and delegate authority on behalf of the Business Entity**

The full name, title, and signature of each person authorized to act, give instructions, access information, use Bank's services perform transactions, enter into agreements, and delegate his or her authority on behalf of the Business Entity as described in the resolutions set forth in this document is immediately below. [Instruction: If the General Partner, Member or Manager is also an entity (e.g., a corporation, LLC, or partnership), the name of the entity is entered in the column headed "Name", applicable title of General Partner, Member or Manager is entered in the column headed "Title", and the name of the individual signing on behalf of that entity and individual's title or position are entered in the column headed "Signature" and the individual signs directly underneath his/her name and title. The individual must provide a resolution on that entity reflecting the individual's authority.]

User ID UFET49 Account Number

Name	Title	Signature
<u>E.D ARMSTRONG III</u>	<u>VICE CHAIR</u>	
<u>JEFFREY M. ADAMS</u>	<u>CHAIR</u>	
<u>MICHELLE WILLIAMSON</u>	<u>TREASURER</u>	
<u>BRYAN BESWICK</u>	<u>SECRETARY</u>	

- IV. Facsimile Signatures** (Complete this section only if machine or facsimile stamped signatures are to be used on items.) Further Resolved, that Bank is hereby requested, authorized and directed to honor any check, draft, item or other written order on any of this Business Entity's Accounts with Bank when bearing or purporting to bear the following authorized machine or facsimile signature of any of the above named individuals whose signatures are reproduced below, regardless of by whom or by what means the actual or purported machine or facsimile signatures may have been affixed. The Business Entity shall indemnify and hold the Bank harmless from any and all claims, expenses, losses, damages and costs, including attorneys' fees, resulting from, or growing out of the Bank's honoring the facsimile signature of any of the following individuals, its refusal to honor any facsimile signature of an individual not named below, or resulting from the unauthorized use of the instrument used to provide the facsimile signatures by persons other than authorized individuals.

Name of Authorized Signer Listed in Section III	Machine/Facsimile Stamped Signature of Authorized Signer
<u>Michelle Williamson</u>	<u>See samples</u>
<u>Jeffrey M. Adams</u>	<u>See samples</u>

- V. Additional Signatories on Business Entity's Accounts.** Further resolved, the following individual(s) are authorized as additional signatories only to sign and to endorse for deposit or collection any checks, drafts, or other instruments or written orders for the payment of money payable to the order of the Business Entity and to sign checks, drafts, items or other written orders, and initiate wire or funds transfers and execute Bank's Funds Transfer Authorization wire request and disclosure form on any of the Business Entity's Accounts with Bank. [Instruction: If an additional signatory is not authorized to sign on all Accounts, specify the Account Number applicable to the signatory as indicated below.] **Refer to the Signature Card(s) on the Account(s) for signatures of the Additional Signatories.**

Additional Signatory's Name	Position with Entity	Specific Deposit Account Number(s) Applicable to Signatory (Complete only if signatory is <u>not</u> authorized on all accounts)

- VI. Qualification Certification for Public Fund, Organization, Political Organization, Homeowners and Condominium Owners Association or Corporation Not Operated for Profit to earn interest on a checking account (NOW Account)**

Mark this section with an "X" only if Business Entity is eligible to earn interest on a checking account.

☐ I/We further certify that the above named Business Entity is eligible to earn interest on a checking account (referred to as a Negotiable Order of Withdrawal or NOW Account) in compliance with Regulation D of the Federal Reserve Act (12CFR 204) as a Public Fund or a Non-Profit Organization that is operated primarily for Religious, Philanthropic, Charitable, Educational, Political or other similar purposes under one of the following sections: Organization – Section 501 (C) (3) through (13), and (19) of the Internal Revenue Code (26 USC (IRC 1954) 501 (C) (3) – (13) and (19). Political Organization – Section 527 of the Internal Revenue Code (26 USC (IRC 1954) 527). Homeowners and Condominium Owners Associations – Section 528 of the Internal Revenue Code (26 USC (IRC 1954) 528).

- VII. Power to Act.** The undersigned certifies that there are no limits to the undersigned's powers to adopt this Authorization and to attest that the resolutions stated herein are accurate and that this Deposit Account Resolution and Authorization is in conformity with the provisions of the organizational instruments, which include the Business Entity's charter, bylaws, operating agreement, partnership agreement, shareholders' agreement or similar agreements by which the Business Entity or the undersigned party may be bound and does not violate the provisions thereof.

- VIII. Prior Acts.** All previous acts of or on behalf of the Business Entity as provided for above are hereby approved and ratified.

- IX. Certification—Corporation or Professional Corporation.** I, the undersigned, hereby certify to Bank that the above is a true copy of resolutions and authorizations of said Business Entity and that such resolutions and authorizations are in full force and effect and have not been amended or rescinded.

User ID UFET49 Account Number

In witness whereof, I have hereunto subscribed my name and affixed the seal of the Corporation this \_\_\_\_\_ of \_\_\_\_\_,

(Affix Seal here, if available)

Authorized Signature

This section not applicable

Name and Title of President, Secretary, Assistant Secretary or Other Officer as designated in the Corporation's Bylaws

- X. Certification—Limited Liability Company, Partnership, Public Fund, Sole Proprietorship, Unincorporated Organization or Association, or Other Entity.** I/We, the undersigned, hereby certify to Bank that the above is a true copy of resolutions and authorizations of said Business Entity and that such resolutions are in full force and effect and have not been amended or rescinded [Instruction: If the General Partner, Member or Manager is also an entity (e.g., a corporation, LLC, or partnership), the name of the entity and the word "By" are entered in the column headed "Signature"; the individual signing on behalf of that entity signs directly below the name of the entity; and the name of the individual and individual's title or position are entered in the column headed "Title". The individual must provide a resolution on that entity reflecting the individual's authority.]

Name and Title	Signature	Date
JEFFREY M. ADAMS / Chair		6/26/2018
ED ARMSTRONG / Vice Chair		6/26/2018
BRYAN BESWICK/ Secretary		6/26/2018
MICHELLE WILLIAMSON / Treasurer		6/26/2018

#### Signature Requirement instructions

The following signatures are required to complete and certify the Deposit Account Resolution and Authorization to be correct:

- Corporations:** Corporate Officers authorized to act on behalf of the corporation named in Section III should include the **President and Secretary** and any other applicable corporate officers, such as Vice President or Treasurer. The **President, Secretary, Assistant Secretary, or other corporate officer as designated in the bylaws of the corporation** is required to certify the Deposit Account Resolution and Authorization under Section IX.
- Limited Liability Companies:** Section III and X require the signatures of all **members/managers/board members**, unless the Operating Agreement authorizes one or more **members/managers/board members** to conduct banking business, in which case the signatures of all such authorized members/managers/board members are sufficient.
- Public Fund Entities:** Section III requires the signatures of individuals authorized to sign on behalf of the Public Fund Entity as **designated by the governing unit**, e.g., Board of County Commissioners, Mayor, Secretary of State, etc. The individual(s) authorized to **represent the governing unit** is required to certify the Deposit Account Resolution and Authorization under Section X.
- Partnerships:** Section III and X require the signatures of all **General Partners**, unless the Partnership Agreement designates one or more partners to conduct banking business and perform banking transactions. In such cases, the designated general partner(s) are named in Section III as the **General Partners** authorized to act on behalf of the entity and these same General Partners will certify the Deposit Account Resolution and Authorization under Section X.
- Sole Proprietorships:** Section III and X require the signature of the proprietor (owner) or in the case of a spousal proprietorship, the signatures of the husband and wife who own the Business Entity.
- Unincorporated Organizations or Associations:** Section III requires the signatures of the **Officers or Positions** designated in the Organization or Association's bylaws or charter as authorized to act on behalf of the organization or association. The **President or Secretary** of the organization or association (or other individual designated to do so) is required to certify the Deposit Account Resolution and Authorization under Section X.

#### Bank Use Only

Bank Number <b>0175</b>	Cost Center Number <b>6560250</b>	Cost Center Name <b>Government-tampa</b>	
Prepared By <b>ESTHER TORRES</b>		Phone Number <b>(813) 224-2183</b>	Date <b>6/6/2018</b>
Account Number(s) <b>(4 district accounts)</b>			
Verification Method			

User ID **UFET49**

Account Number

DRAFT





## CORPORATE RESOLUTION

I, the undersigned Secretary of the Southwest Florida Water Management District (the "District"), which is organized and existing under the laws of the State of Florida and having its principal place of business at the below named address, hereby certify to SUNTRUST Bank (the "Bank") that the following is a true copy of a Resolution adopted by the governing authority of this entity in accordance with its By-Laws, at a meeting held on June 26, 2018, and not subsequently modified.

### RESOLVED:

- 1) That the Wealth and Investment Management Division of the Bank is designated as a depository for funds and securities of this entity, under an Agreement signed on behalf of this entity:
- 2) That any of the officers or representative whose titles are listed below are hereby authorized on behalf of this entity:
  - To sign and execute a/an Investment Management Agreement (the "Agreement") with the Bank and to establish the appropriate account(s) (the "Account(s)"),
  - To deposit, transfer or withdraw funds; to agree to the purchase, sale or exchange of any funds or assets held in the Account(s); to provide instructions, when needed, to the Bank with respect to the management or investment of such funds or assets; and to sign checks, drafts, stock powers, bond powers or other orders with respect to assets of, or being added to, the Account(s); and
  - To appoint by Addendum agents of the District with limited or full authority to give instructions or confirmations to the Bank on matters regarding the Agreement and Account, requiring that an appointee with full authority may not make changes to the Addendum regarding their own delegated authority; and
  - To transact any and all other business relating to the Accounts(s), which at any time may be deemed advisable pursuant to the provisions of the Agreement; and
- 3) That any such transactions made on behalf of this entity with the Bank are hereby ratified, and Bank may rely upon the authority conferred by this Resolution until it is revoked or modified.

I further certify that the following officers or representatives are currently authorized to act on behalf of this entity in accordance with the terms of this Resolution as outlined.

<u>Officer or Representative Title</u>	<u>Name</u>	<u>Signature</u>
<u>Chair</u>	<u>Jeffrey M. Adams</u>	
<u>Vice Chair</u>	<u>Ed Armstrong III</u>	
<u>Secretary</u>	<u>Bryan Beswick</u>	
<u>Treasurer</u>	<u>Michelle Williamson</u>	

Number of signatures required, if applicable: 1

IN WITNESS WHEREOF, I have hereunder subscribed my name and affixed the seal of this entity if applicable.

Southwest Florida Water Management District  
Entity Name

Bryan Beswick, Secretary

2379 Broad Street  
Address

Date

(Corporate Seal)

Brooksville, FL 34604-6899  
City, State and ZIP



**FINANCE/OUTREACH & PLANNING COMMITTEE****June 26, 2018*****Consent Agenda*****Governing Board Travel - Annual Environmental Permitting Summer School**

District policy states that in accordance with Chapters 112 and 373, Florida Statutes, travel expenses may be incurred for official District business or for a public purpose beneficial to the District. Travel to any conference or convention requires prior approval.

Within the geographic boundaries of the District, Governing Board members may incur travel expenses to attend Governing Board meetings or for other purposes beneficial to the District, excluding conferences and conventions. Scheduled travel for Governing Board members outside the District or to attend conferences or conventions requires prior approval through the consent agenda of a regular monthly Governing Board meeting. Non-scheduled travel outside the District or to attend any conference or convention requires prior approval of the Governing Board Chair, or in his absence, the Vice Chair.

<b>32<sup>th</sup> Annual Environmental Permitting School</b> <b>Marco Island July 16- July 20, 2018</b> <i>These are approximate costs</i>				
<b>Name</b>	<b>Registration</b>	<b>Lodging \$175/Night</b>	<b>Mileage Cost</b>	<b>Meals</b>
Randy Maggard	Registration \$560	\$700	\$185	\$115
Paul Senft	Registration \$560 Early Bird \$75	\$700	\$155	\$115
Mark Taylor	Registration \$560 Early Bird \$75	\$700	\$202	\$115
Jim Murphy	Registration \$560 Early Bird \$75	\$700	\$142	\$115

**Staff Recommendation:**

Approve Governing Board travel as presented.

**Presenter:** Cara S. Martin, Board and Executive Services Manager

**FINANCE/OUTREACH & PLANNING COMMITTEE**

**June 26, 2018**

***Consent Agenda***

**Budget Transfer Refundable Deposit for Relocation**

*Purpose*

Staff requests approval for a budget transfer of \$115,000 from the Sarasota Skylight Replacements project for the purpose of funding a refundable deposit, not to exceed five percent of the advertised price of a replacement property, and ancillary costs (inspections, appraisals, etc.) to hold the property for Governing Board consideration of a lease or purchase and sale agreement.

*Background/History*

The District acquired the property for the Sarasota Office in 2000 and constructed the office in 2001. The Sarasota Office is located on a 4.6-acre site and has approximately 19,540 gross square feet of office and storage space. The Sarasota Office exceeds the size requirements for the 36 staff that are assigned to this location.

At the May 22, 2018 Governing Board Meeting, Staff recommended and the Governing Board approved the following items:

- In accordance with Fla. Stat. §373.089, declare the Sarasota Office as surplus.
- Authorize the Executive Director, with the concurrence of the Office of General Counsel, to deliver a Letter of Intent to an owner or representative for the potential lease or purchase of a candidate property, before bringing a Lease or Purchase and Sale Agreement to the Governing Board for consideration.
- Payment of a refundable deposit of not more than 5 percent of the advertised price, if necessary, to secure a property before Governing Board consideration of a Lease or Purchase and Sale Agreement.
- Authorize staff to prepare a budget amendment in an amount not to exceed \$2.3 million and submit the budget amendment to the Florida Department of Environmental Protection for review and approval by the Executive Office of the Governor.

**Budget Considerations**

Pursuant to the May 2018 Governing Board approval of the above items, staff are actively searching for a replacement facility for lease or purchase in the Sarasota area. When a suitable property has been located, budget authority would be required for payment of a refundable deposit and any ancillary costs associated with due diligence activities, to hold a property prior to bringing a lease or purchase to the Governing Board for consideration. Staff requests transfer of funds of \$115,000 (5 percent of \$2.3 million) from the Sarasota Skylight Replacements project for this purpose.

## Item 13

Staff Recommendation:

Approve the transfer of \$115,000 from the Sarasota Skylight Replacements project for the purpose of funding a refundable deposit and any ancillary due diligence costs to hold a property prior to Governing Board consideration of a lease or purchase and sale agreement.

Presenter: John J. Campbell, Director, Management Services

**FINANCE/OUTREACH & PLANNING COMMITTEE**

**June 26, 2018**

***Consent Agenda***

**Budget Transfer Report**

*Purpose*

Request approval of the Budget Transfer Report covering all budget transfers made during the month of May 2018.

*Background*

In accordance with Board Policy, Budget Authority Transfer of Funds, all transfers approved by the Executive Director and Finance Bureau Chief under delegated authority are regularly presented to the Finance/Outreach & Planning Committee for approval on the Consent Agenda at the next scheduled meeting. The exhibit for this item reflects all such transfers executed since the date of the last report for the Committee's approval.

Staff Recommendation:

Request approval of the Budget Transfer Report covering all budget transfers for May 2018.

Presenter: Melisa J. Lowe, Bureau Chief, Finance

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**  
**Budget Transfer Report**  
**May 2018**

Item No.	--- TRANSFERRED FROM ---		--- TRANSFERRED TO ---		Reason For Transfer	Transfer Amount
	Bureau /	Expenditure Category	Bureau /	Expenditure Category		
<b>Executive Approved</b>						
1	Water Use Permitting Consultant Services		Environmental Resource Permit Consultant Services		Transfer of funds originally budgeted for operation and maintenance of the Automatic Meter Reading (AMR) Installation Program. Expenditures have been less than anticipated. The funds are needed for outside assistance with environmental resource permits due to unanticipated vacancies.	\$ 46,000.00
2	Operations & Land Management Maint/Repair of Bldgs/Structures		Operations & Land Management Equipment - Outside		Transfer of funds originally budgeted for the maintenance of the Lake Hancock Outfall Wetland Treatment pump station. The funds are not required due to installation-related problems with the pump being worked on with the vendor; the need for maintenance and maintenance-related funding has been delayed. Funds are needed for the purchase and installation of a replacement air compressor at the Wysong-Coogler Water Conservation Structure that had an unanticipated failure. This structure is an inflatable dam used to regulate the flow of the Withlacoochee River. The compressor, which has surpassed its life expectancy, cannot be repaired and is essential for the operation of this structure.	11,595.00
3	Water Resources Grant - Financial Assistance		Water Resources Consultant Services		Transfer of funds originally budgeted for the Pasco County Riverside Village Drainage Improvement fiscal year (FY) 2018 Cooperative Funding Initiative (CFI) project. The funds are no longer needed due to the withdrawal of the project by the County. Funds are needed for the broadening of the peer review effort for the Expansion of the Central Florida Area Groundwater (ECFTX) model as directed by the Central Florida Water Initiative (CFWI) multi-district modeling team. The two step model needs to be ready by August 2018 to evaluate the impact on water resources from the projected 2040 water demand within the CFWI area. Calibration is being done by in-house staff from three separate water management districts and requires extensive independent external peer review at each calibration step and major milestone.	14,500.00
4	Operations & Land Management Maint/Repair of Bldgs/Structures		Operations & Land Management Equipment - Outside		Transfer of funds originally budgeted for the maintenance of the Lake Hancock Outfall Wetland Treatment pump station. The funds are not required due to installation-related problems with the pump being worked on with the vendor; the need for maintenance and maintenance-related funding has been delayed. Funds are needed to replace an 80-foot aqua barrier that is no longer functioning properly and has surpassed its life expectancy. Two smaller aqua barriers will be purchased to allow greater flexibility for small and large projects.	24,150.00
5	Operations & Land Management Equipment - Outside		Operations & Land Management Equipment - Outside		Transfer of funds originally budgeted for a replacement utility task vehicle used in support of the Prescribed Fire Program to be 100% reimbursed by the Florida Forest Service (FFS). Changes to authorized use of the funds by the FFS no longer allow for the reimbursement of utility task vehicles. The funds from the FFS will be utilized for the replacement of five high pressure wildfire pumps on District vehicles in support of the Prescribed Fire Program, which would have been included in the FY2019 proposed budget.	10,660.00
6	General Services Rental of Other Equipment		General Services Contracted Construction		Transfer of funds originally budgeted for rental of equipment in support of maintaining District Facilities. Expenditures have been less than anticipated. Additional funds are required to award the demolition of Brooksville Building 1 to the lowest bidder. These additional funds are needed due to a portion of the budget utilized for an environmental survey of the building that was not part of the original scope of work, and the current lowest bid coming in higher than originally anticipated. This project was delayed due to the first solicitation for bids being unsuccessful.	15,000.00

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**  
**Budget Transfer Report**  
**May 2018**

Item No.	--- TRANSFERRED FROM --- Bureau / Expenditure Category	--- TRANSFERRED TO --- Bureau / Expenditure Category	Reason For Transfer	Transfer Amount
7	Human Resources & Risk Mgmt Salaries	Human Resources & Risk Mgmt Temp Contracted Services	Transfer of funds originally budgeted for the salary of a Human Resources Technician. Expenditures have been less than anticipated due to vacancy. The funds are needed for a temporary worker to support the Recruitment Program Manager and Safety Specialist.	8,806.72
<b>Finance Bureau Chief Approved</b>				
1	Communications and Board Services Salaries & Benefits Various Expenditure Categories	Government and Community Affairs Salaries & Benefits Various Expenditure Categories	Transfer of budgeted funds for the reorganization of the District's planning function from the Communications and Board Services Bureau to the Government and Community Affairs Office. This transfer does not change the approved budgetary use of the funds nor the number of District full-time employees.	\$ 111,642.87
<b>Total Executive Approved</b>				<b>\$ 130,711.72</b>
<b>Total Finance Bureau Chief Approved</b>				<b>\$ 111,642.87</b>
<b>Total Transfers for Governing Board Ratification</b>				<b>\$ 242,354.59</b>

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 Board Policy 130-8, and are presented for Governing Board approval for ratification on the Consent Agenda. Executive Director or designee approved transfers are made for a purpose other than the original budget intent, but are limited to individual transfer amounts greater than \$5,000 not to exceed \$50,000. Finance Bureau Chief approved transfers are up to \$5,000 or accounting reallocations consistent with original budget intent.

**OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE****June 26, 2018*****Consent Agenda*****Purchase and Sale Agreement – Central Florida Water Initiative (CFWI) Project, Lake Venus, SWF Parcel No. 20-020-131*****Purpose***

Lake Venus has minimum lake levels adopted in Rule (40D-8.624, F.A.C.), is within the Southern Water Use Caution Area (SWUCA), and the Central Florida Water Initiative (CFWI) planning area. A monitoring well adjacent to the lake is necessary to support water resource evaluations of the lake and surrounding area. The District negotiated an offer with Mr. and Mrs. Scelp in the amount of \$2,500 for an easement over the proposed well site area, and access to the well site and existing lake gauge. The purpose of this item is to recommend the Governing Board approve the Purchase and Sale Agreement, included as Exhibit 1, for a perpetual easement for a 100-square foot (10 feet by 10 feet) area to be used as a monitoring well site, permanent access to the site, as well as permanent access to the existing staff gauge for Lake Venus. General location and site maps of the property are included in the Board packet as Exhibits 2 and 3.

***Background and History***

The minimum lake levels for Lake Venus became effective in 2008. Data from this monitoring well site will improve the District's ability to assess the annual lake level status relative to its adopted minimum lake levels. The minimum lake level assessments allow for the determination of the sustainable limits of traditional groundwater that can be used without causing unacceptable harm to the water resources and associated natural systems. As such, this site is used by the District to make regulatory decisions and conduct regional water supply planning such as the CFWI efforts.

The CFWI is a collaborative water supply planning effort designed to identify sustainable water sources and develop strategies to address water demands within a five-county region in east-central Florida. As part of the District's role in this effort, additional groundwater data collection sites are being pursued to support adoption and maintenance of minimum lake levels (MLL) at 19 lakes within the Polk Uplands and Lake Wales Ridge. Aquifer monitoring near MLL lakes is essential to enhancing the District's understanding of these lakes and will be used to correlate changes in lake water levels with changes in aquifer water levels due to groundwater withdrawals. Such data is necessary to ensure compliance with adopted minimum lake levels, such as Lake Star, making the installation of a monitoring well adjacent to the lake necessary.

***Property Description***

The easement area is a 10-foot wide access strip with a 100-square-foot area to be used as a data collection well site. The property is owned by Mr. and Mrs. Scelp and is located in southeastern Polk County.

***Negotiations***

Staff first explored the requested area for property owners that are more apt to donate a parcel. This includes parcels that are not on the tax roll (state and local government, non-profits, etc.) and non-residential tracts of more than one-acre where a wellsite may be inconsequential. Staff

also considers city, county, or state right-of-ways, when the cost to install a well is less than \$20,000. Staff contacted four property owners who declined to donate land. In this instance Mr. and Mrs. Scelp were unwilling to entertain a donation but agreed to an offer amount of \$2,500 for an easement over the proposed well site area and access to the site and existing lake gauge.

### *Summary of Appraisals and Value Comparisons*

A valuation of the easement was completed utilizing the “value in use” method related to the property interests necessary to support the proposed improvements to the site. Value in use is a form of appraisal for special purpose properties that takes into consideration the value of installed features, such as a monitoring well, that better reflect the unique purpose of the parcel. In accordance with District Policy, a State certified appraiser completed the appraisal estimating the use value of the site to be in the range of \$2,158 to \$4,316 and concluded that the negotiated amount is within the range of acceptable compensation. The appraisal is available upon request.

### *Acquisition Terms*

- Mr. and Mrs. Scelp agreed to the sale and conveyance of an easement interest of the parcel necessary for construction, maintenance and monitoring activities on the site.
- The Easement will be conveyed free and clear of all encumbrances objectionable to the District.
- The District will pay transactional costs for closing, including the title insurance and recording fees.
- Access to the Easement areas shall be made using the platted right-of-way adjacent to the property. If at any time in the future the current owner or any adjacent owner should make application to vacate the right-of-way, Polk County will require an Easement be dedicated to the District to ensure continued access to the easement area(s).

### *Benefit/Costs*

Data from the Lake Venus wells and lake level gauge will improve the District’s understanding of the hydrologic conditions and provide for improved assessments of potential withdrawal-related impacts to water resources within the SWUCA and the CFWI areas. The purchase of this easement will ensure the continued access to the existing staff gage as required by Rule and allow for CFWI Data Monitoring and Investigations Team workplan to proceed by allowing the District to immediately access, construct, maintain and monitor the wells at this location. Transactional costs to the District for closing, including the title insurance and recording fees are expected to be approximately \$450, capital improvements are not expected to exceed \$16,000 and operation and maintenance of the site is not expected to exceed \$1,000 per year.



## Item 15

### Staff Recommendation:

- Accept the valuation appraisal;
- Accept the Easement and any future Easements associated with right-of-way vacation;
- Approve the Purchase/Sale Agreement and authorize the Executive Director or Division Director to sign on behalf of the District;
- Authorize staff to sign documents at closing necessary to complete the transaction in accordance with the approved terms.

Presenter: Carmen Sanders, Operations and Land Management Assistant Bureau Chief

Lake Venus CFWI Data Collection Site  
SWF Parcel No. 20-020-131  
Approved by Attorney: [Signature]  
Tax I.D. No(s). 27-29-10-859000-018030

### PURCHASE/SALE AGREEMENT

This Agreement, made and entered into by and between **Aloysius A. Scelp and Janice Scelp**, husband and wife, having an address of 901 C.F. Kinney Road, Lake Wales, Florida 33859, hereinafter referred to as the "Seller," and the Southwest Florida Water Management District, a public corporation, having an address of 2379 Broad Street, Brooksville, Florida 34604-6899, hereinafter referred to as the "District" and collectively the "Parties".

#### WITNESSETH:

**WHEREAS**, the District desires to acquire a portion of Seller's property for the Lake Venus CFWI Data Collection Site (SWF Parcel No. 20-020-131) project, that will support the data collection part of an authorized project known as the Central Florida Water Initiative.

**NOW THEREFORE**, in consideration of ten dollars and no cents (\$10.00) paid by the District to the Seller and the mutual covenants contained herein, together with other good and valuable consideration, the receipt of which is acknowledged, the Seller hereby agrees to sell to the District, and the District hereby agrees to purchase from the Seller, certain real property situated in Polk County, Florida, upon the following terms and conditions:

1. **PROPERTY.** Subject to the terms, covenants and conditions set forth in this Agreement, the Seller agrees to sell to the District, and the District agrees to purchase from the Seller an Easement interest in, that certain real property situated in Polk County, Florida (hereinafter referred to as "Property"), more specifically described in Exhibit "A" attached hereto and incorporated herein by this reference.
2. **EFFECTIVE DATE.** If this Agreement is not executed by the Seller on or before \_\_\_\_\_, 2018, the District's offer contained in this Agreement is withdrawn and is thereafter null and void. The effective date of this Agreement will be on the day and year the last of the Parties has signed below.
3. **APPROVAL.** This Agreement is subject to approval by the District's Governing Board. If the District's Governing Board does not approve this Agreement and all the terms and conditions hereof, the District will notify the Seller thereof in writing and this Agreement will be null and void and all rights and liabilities arising hereunder will terminate.
4. **PURCHASE PRICE.** The total purchase price will be \$2,500 payable in cash by the District to the Seller at closing.
5. **TITLE.** The Seller will deliver to the District, at the closing, a perpetual easement to enter on, over, and across the Property, free and clear of all leases, liens, mortgages, and other encumbrances not acceptable to the District. The District, at its expense, will obtain a title insurance policy, insuring the District's interest in the Property in the full amount of the purchase price of the perpetual easement over the Property upon closing the transaction. If the District

finds the title to be unmarketable, or if the District cannot obtain a commitment for a title insurance policy on the perpetual easement, terminate this Agreement and all rights and liabilities arising hereunder, or may close the sale in the same manner as if no such defect had been found, or may adjust the purchase price to reflect any decrease in value to the perpetual easement interest due to such defect.

**6. ENVIRONMENTAL.**

**A.** If at any time between execution hereof and the closing the District determines in its sole discretion that there are hazardous materials, wastes or substances, toxic wastes or substances, pollutants or contaminants, including but not limited to those as defined by the Comprehensive Environmental Resource Compensation and Liability Act, 42 U.S.C. 9601 et. seq., as amended by the Superfund Amendments and Reauthorization Act of 1986, the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et. seq., or any Florida Statute defining hazardous materials, wastes or substances, toxic wastes or substances, pollutants or contaminants, hereinafter collectively referred to as "Contaminants", on the Property, the District may terminate this Agreement and all rights and liabilities arising hereunder or may close the sale in the same manner as if no Contaminants had been found.

**B.** The Seller warrants and represents to the District that it is not aware of any Contaminants as defined herein deposited, located, placed or released on the Property.

**7. CLOSING.** The sale will be closed on or before December 31, 2018, unless extended by mutual Agreement of the Parties in writing. During the period from the Seller's execution of this Agreement until closing, neither the Seller nor anyone under the Seller's control or direction will commit or allow to be committed any act which diminishes the value of the Property.

**8. PERPETUAL EASEMENT.** Upon payment of the purchase price as provided in paragraph 5, the Seller will convey the rights to the Property contemplated herein to the District or its assigns by "Perpetual Easement" free and clear of all leases, liens, mortgages and other encumbrances not acceptable to District except taxes for the year in which the closing occurs. The documentary stamp tax on the easement and costs for recording the easement will be paid by the District.

**9. SURVEY.** Prior to closing, the Property will be surveyed at the expense of the District. The survey will be attached hereto and incorporated herein by this reference as Exhibit "B". If the survey shows any encroachments on the Property or that any improvements located on the Property encroach on other lands, the District, at its option, may terminate this Agreement and all rights and liabilities arising hereunder or may close the sale in the same manner as if no such defect had been found; or may adjust the purchase price.

**10. ENCROACHMENTS AND ENCUMBRANCES.** After the Seller's execution of this Agreement until the Seller delivers the exclusive occupancy and possession of the Property to the District, neither the Seller nor anyone under the Seller's control or direction will cause or allow any encroachments or encumbrances on the Property not existing on the date of the Seller's execution hereof. At the closing, the Seller will furnish the District with the Seller's affidavit, stating that neither the Seller nor anyone under the Seller's control or direction have taken any action to encumber the Property or otherwise adversely affect the status of the title thereto, or diminish the value of the interest in the Property to be acquired by the District. If the Seller is a corporation or other business entity, the Seller will also furnish the District with the Seller's Non-Foreign Corporate Affidavit at or before the closing as required by Section



1445(b)(2) of the United States Revenue Code to relieve the District from withholding any income or capital gains taxes on the purchase price.

11. **DISCLOSURE.** The Seller will comply with the disclosure requirements pursuant to Section 286.23, F.S., real property conveyed to public agency; disclosure of beneficial interests, if applicable.

12. **PROCEEDS.** At closing, the distribution of the purchase amount will be made by the District to the title company in the form of a check or wire transfer. Final distribution of the Seller's proceeds will be made to the Seller by the title company.

13. **OTHER AGREEMENTS.** No Agreement or understanding, verbal or in writing, unless incorporated herein, will be binding upon the Parties.

14. **BINDING EFFECT.** The covenants herein contained will bind, and the benefits and advantages hereof will inure to, the respective heirs, personal representatives, successors and assigns of the Parties hereto; whenever used herein, the singular will include the plural, the plural will include the singular, and the use of any gender will include the other.

15. **SURVIVAL OF CONTRACT TERMS.** The terms and conditions of this Agreement will survive the closing of the sale of the Property.

16. **NOTICE.** Any notice which must or may be given under this Agreement or by law will be in writing and will be deemed to have been given when delivered by personal delivery or when deposited in the United States mail, certified, return receipt requested, full postage prepaid to the District or to the Seller at the addresses set forth above.

17. **CONSTRUCTION.** The Seller and the District acknowledge that each party and its counsel have reviewed and revised this Agreement and that the rule of construction to the effect that any ambiguities are to be resolved against the drafting party will not be employed in the interpretation of this Agreement.

18. **HEADINGS.** The paragraph headings are inserted herein for convenience and reference only, and in no way, define, limit, or otherwise describe the scope or intent of any provisions hereof.

19. **SEVERABILITY.** Should any section or any part of any section of this Agreement be rendered void, invalid, or unenforceable by any court of law, for any reason, such determination will not render void, invalid or unenforceable any other section or any part of any section of this Agreement.

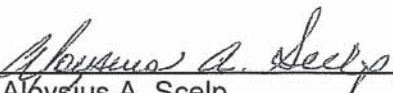
20. **WAIVER.** No act of omission or commission of either party, including without limitation, any failure to exercise any right, remedy, or recourse, will be deemed to be a waiver, release, or modification of the same. Such a waiver, release, or modification is to be affected only through a written modification to this Agreement.

21. **PUBLIC RECORDS.** All records and documents generated or received by the Parties in relation to this Agreement are subject to the Public Records Act, Chapter 119, F.S., except that appraiser reports, offers and counteroffers are confidential and exempt from the provisions of


Section 119.07(1), F.S., until an option contract is executed, or if no option contract is executed, until thirty (30) days before a contract or Agreement for purchase is considered for approval by the District Governing Board pursuant to Section 373.139(3)(a), F.S.

**IN WITNESS WHEREOF**, the Parties and the lawful representatives of the Parties hereto have caused these presents to be executed in their respective names upon the day and year entered below their respective signatures.

**Seller: Aloysius Scelp & Janice Scelp**

By:   
Aloysius A. Scelp

Date: 5/9/2018

By:   
Janice Scelp

Date: 05/09/2018

**Buyer: Southwest Florida Water Management District**

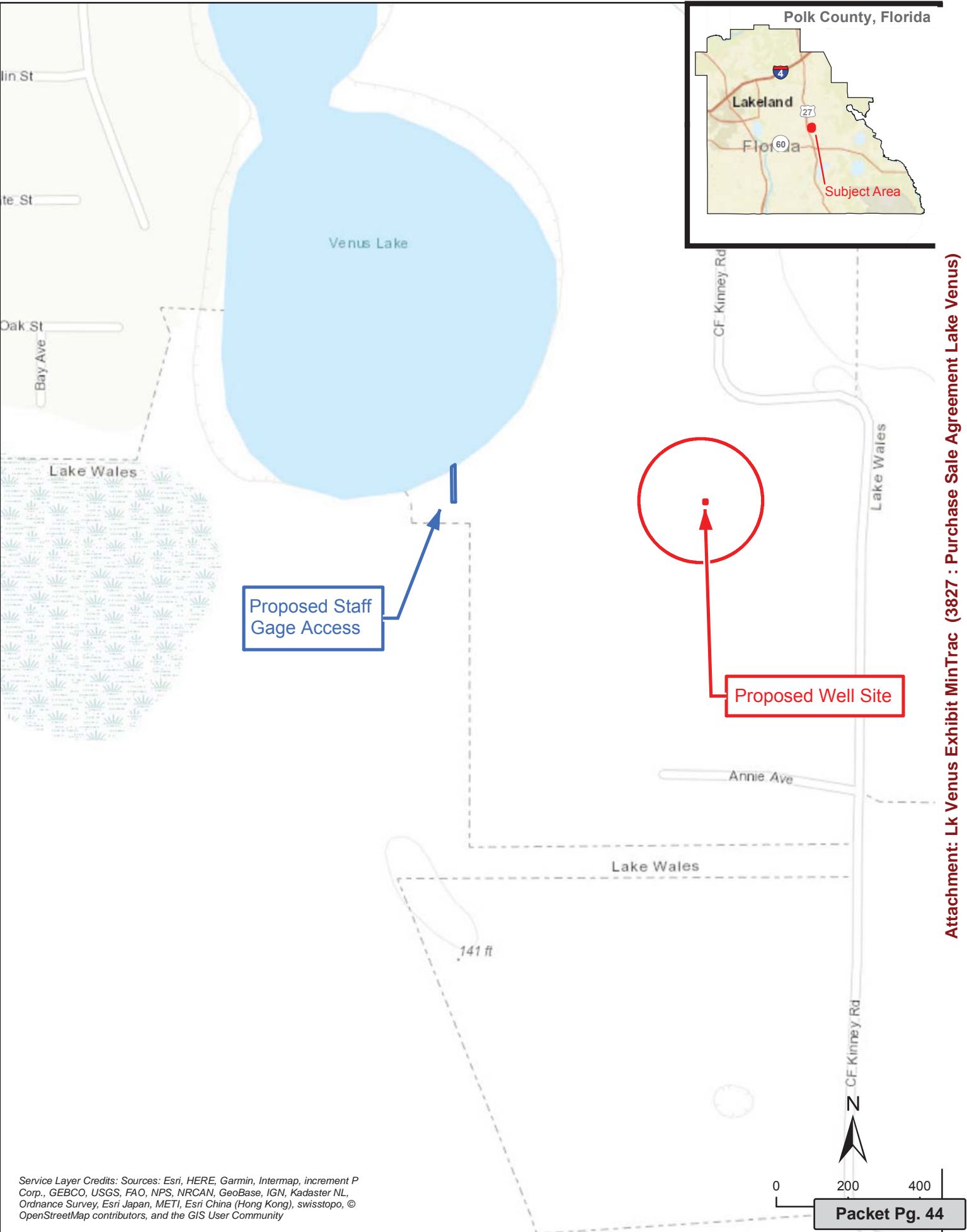
By: \_\_\_\_\_  
Ken Frink P.E., Operations, Lands & Resource  
Monitoring Division Director

Date: \_\_\_\_\_

**EXHIBIT "A"**  
**Legal Description**

TBD subsequent to survey

Exhibit 2, General Location Map  
Lake Venus CFWI Data Collection Site



Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, OpenStreetMap contributors, and the GIS User Community

Attachment: Lk Venus Exhibit MinTrac (3827 : Purchase Sale Agreement Lake Venus)



Exhibit 3  
Lake Venus Data Collection Site





## OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

June 26, 2018

### *Consent Agenda*

#### **Purchase and Sale Agreement – Central Florida Water Initiative (CFWI) Project, Lake Aurora, SWF Parcel No. 20-020-129**

##### *Purpose*

Lake Aurora has minimum lake levels adopted in Rule (40D-8.624, F.A.C.), is within the Southern Water Use Caution Area (SWUCA), and the Central Florida Water Initiative (CFWI) planning area. A monitoring well adjacent to the lake is necessary to support water resource evaluations of the lake and surrounding area. The purpose of this item is to recommend the Governing Board approve the Purchase and Sale Agreement, included as Exhibit 1, for a perpetual easement for a 150-square foot (10 feet by 15 feet) area to be used as a monitoring well site, permanent access to the site as well as permanent access to an existing lake staff gauge for Lake Aurora in the amount of \$5,500. General location and site maps of the property are included in the Board packet as Exhibits 2 and 3.

##### *Background and History*

The minimum lake levels for Lake Aurora became effective in February of 2018. Data from this monitoring well site will improve the District's ability to assess the annual lake level status relative to its adopted minimum lake levels. The minimum lake level assessments allow for the determination of the sustainable limits of traditional groundwater that can be used without causing unacceptable harm to the water resources and associated natural systems. As such, this site is used by the District to make regulatory decisions and conduct regional water supply planning such as the CFWI efforts.

The CFWI is a collaborative water supply planning effort designed to identify sustainable water sources and develop strategies to address water demands within a five-county region in east-central Florida. As part of the District's role in this effort, additional groundwater data collection sites are being pursued to support adoption and maintenance of minimum lake levels (MLL) at 19 lakes within the Polk Uplands and Lake Wales Ridge. Aquifer monitoring near MLL lakes is essential to enhancing the District's understanding of these lakes and will be used to correlate changes in lake water levels with changes in aquifer water levels due to groundwater withdrawals. Such data is necessary to ensure compliance with adopted minimum lake levels, such as Lake Aurora, making the installation of monitoring wells adjacent to the lake necessary.

##### *Property Description*

The easement area is a 10-foot-wide access strip with a 150-square-foot area to be used as a data collection well site. The property is owned by Lake Aurora Christian Assembly (Assembly) and is located in southeastern Polk County.

##### *Negotiations*

Staff first explores the requested area for property owners that are more apt to donate a parcel. This includes parcels that are not on the tax roll (state and local government, non-profits, etc.) and non-residential tracts of more than one-acre where a wellsite may be inconsequential. Staff also considers city, county, or state right-of-ways, when the cost to install a well is less than

\$20,000. Staff contacted several property owners who declined to donate land. Staff also contacted Polk County who owns a small boat ramp in the area, but it was determined to be insufficient in size. Staff then contacted the Assembly. They were unwilling to entertain a donation but agreed to an offer amount of \$5,500 for an easement over the proposed well site area along with access to the site and the existing lake staff gauge.

### *Summary of Appraisals and Value Comparisons*

A valuation of the easement was completed utilizing the “value in use” method related to the property interests necessary to support the proposed improvements to the site. Value in use is a form of appraisal for special purpose properties that takes into consideration the value of installed features, such as a monitoring well, that better reflect the unique purpose of the parcel. In accordance with District Policy, a State certified appraiser completed the appraisal estimating the use value of the site to be in the range of \$4,843 to \$9,685. The appraisal is available upon request.

### *Acquisition Terms*

- The property owner has agreed to the sale and conveyance of an easement interest of the parcel necessary for construction, maintenance and monitoring activities on the site.
- The Easement will be conveyed free and clear of all encumbrances objectionable to the District.
- The District will pay transactional costs for closing, including the title insurance and recording fees.

### *Benefit/Costs*

Data from the Lake Aurora wells and lake level gauge will improve the District’s understanding of the hydrologic conditions and provide for improved assessments of potential withdrawal-related impacts to water resources within the SWUCA and the CFWI areas. The purchase of this easement will ensure the continued access to the existing staff gage as required by Rule and allow for CFWI Data Monitoring and Investigations Team workplan to proceed by allowing the District to immediately access, construct, maintain and monitor the wells at this location. Transactional costs to the District for closing, including the title insurance and recording fees are expected to be less than \$700, capital improvements are not expected to exceed \$62,000. and operation and maintenance of the site is not expected to exceed \$1,000 per year.

### Staff Recommendation:

- Accept the valuation appraisal;
- Accept the Easement;
- Approve the Purchase/Sale Agreement and authorize the Executive Director or Division Director to sign on behalf of the District;
- Authorize staff to sign documents at closing necessary to complete the transaction in accordance with the approved terms.

Presenter: Carmen Sanders, Operations and Land Management Assistant Bureau Chief

Lake Aurora - CFWI Data Collection Site  
SWF Parcel No. 20-020-129  
Approved by Attorney: [Signature]  
Tax I.D. No(s). 29-30-18-000000-033010

### PURCHASE/SALE AGREEMENT

This Agreement, made and entered into by and between **Lake Aurora Christian Assembly Inc.**, a Florida not for Profit Corporation, having an address of 237 Golden Bough Road, Lake Wales, Florida 33898, hereinafter referred to as the "Seller," and the Southwest Florida Water Management District, a public corporation, having an address of 2379 Broad Street, Brooksville, Florida 34604-6899, hereinafter referred to as the "District" and collectively the "Parties".

#### WITNESSETH:

**WHEREAS**, the District desires to acquire a portion of Seller's property hereinafter described as the Lake Aurora CFWI Data Collection Site (SWF Parcel No. 20-020-129), that will support the data collection part of an authorized project known as the Central Florida Water Initiative.

**NOW THEREFORE**, in consideration of ten dollars and no cents (\$10.00) paid by the District to the Seller and the mutual covenants contained herein, together with other good and valuable consideration, the receipt of which is acknowledged, the Seller hereby agrees to sell to the District, and the District hereby agrees to purchase from the Seller, certain real property situated in Polk County, Florida, upon the following terms and conditions:

1. **PROPERTY.** Subject to the terms, covenants and conditions set forth in this Agreement, the Seller agrees to sell to the District, and the District agrees to purchase from the Seller, that certain real property situated in Polk County, Florida (hereinafter referred to as "Property"), more specifically described in Exhibit "A" attached hereto and incorporated herein by this reference.
2. **EFFECTIVE DATE.** If this Agreement is not executed by the Seller on or before \_\_\_\_\_, 2018, the District's offer contained in this Agreement is withdrawn and is thereafter null and void. The effective date of this Agreement will be on the day and year the last of the Parties has signed below.
3. **APPROVAL.** This Agreement is subject to approval by the District's Governing Board. If the District's Governing Board does not approve this Agreement and all the terms and conditions hereof, the District will notify the Seller thereof in writing and this Agreement will be null and void and all rights and liabilities arising hereunder will terminate.
4. **PURCHASE PRICE.** The total purchase price will be \$5,500 payable in cash by the District to the Seller at closing.
5. **TITLE.** The Seller will deliver to the District, at the closing, marketable title to the Property, free and clear of all leases, liens, mortgages, and other encumbrances not acceptable to the District. The District, at its expense, will obtain a title insurance policy, insuring the



District's interest in the Property in the full amount of the purchase price upon closing the transaction. If the District finds the title to be unmarketable, or if the District cannot obtain a commitment for a title insurance policy, the District may terminate this Agreement and all rights and liabilities arising hereunder or may close the sale in the same manner as if no such defect had been found, or may adjust the purchase price to reflect any decrease in value due to such defect.

**6. ENVIRONMENTAL.**

**A.** If at any time between execution hereof and the closing the District determines in its sole discretion that there are hazardous materials, wastes or substances, toxic wastes or substances, pollutants or contaminants, including but not limited to those as defined by the Comprehensive Environmental Resource Compensation and Liability Act, 42 U.S.C. 9601 et. seq., as amended by the Superfund Amendments and Reauthorization Act of 1986, the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et. seq., or any Florida Statute defining hazardous materials, wastes or substances, toxic wastes or substances, pollutants or contaminants, hereinafter collectively referred to as "Contaminants", on the Property, the District may terminate this Agreement and all rights and liabilities arising hereunder or may close the sale in the same manner as if no Contaminants had been found.

**B.** The Seller warrants and represents to the District that it is not aware of any Contaminants as defined herein deposited, located, placed or released on the Property.

**7. CLOSING.** The sale will be closed on or before December 31, 2018, unless extended by mutual Agreement of the Parties in writing. During the period from the Seller's execution of this Agreement until closing, neither the Seller nor anyone under the Seller's control or direction will commit or allow to be committed any act which diminishes the value of the Property.

**8. TAXES AND ASSESSMENTS.** Taxes and assessments on the property will be prorated through the date of closing. The proceeds will be increased or decreased as may be required by the proration of said items. If the amount of taxes and assessments for the year in which the closing occurs cannot be ascertained, rates, millages and assessed valuations of the previous year, with known charges, will be used, with allowance for homestead or other exemptions if allowed for either year. It is understood and agreed to by the Parties that the Seller is responsible for all prorated assessments and taxes that are, in fact, more than the estimate that is based on valuation of previous years, and such will be promptly paid by Seller to the District. All real estate taxes and assessments which are, or which may become a lien against the Property will be satisfied by the Seller at closing. In the event the District acquires fee title to the Property between January 1 and November 1, Seller will, in accordance with Section 196.295, Florida Statutes, place in escrow with the County Tax Collector an amount equal to the current taxes prorated to the date of closing. In the event the District acquires fee title to the Property on or after November 1, Seller will pay to the County Tax Collector an amount equal to the taxes that are determined to be legally due and payable by the County Tax Collector.

**9. PERPETUAL EASEMENT.** Upon payment of the purchase price as provided in paragraph 4, the Seller will convey the rights to the Property contemplated herein to the District or its assigns by "Perpetual Easement" free and clear of all leases, liens, mortgages and other encumbrances not acceptable to District except taxes for the year in which the closing occurs. The documentary stamp tax on the easement and costs for recording the easement will be paid by the District.



10. **SURVEY.** Prior to closing, the Property will be surveyed at the expense of the District. The survey will be attached hereto and incorporated herein by this reference as Exhibit "B". If the survey shows any encroachments on the Property or that any improvements located on the Property encroach on other lands, the District, at its option, may terminate this Agreement and all rights and liabilities arising hereunder or may close the sale in the same manner as if no such defect had been found; or may adjust the purchase price.

11. **ENCROACHMENTS AND ENCUMBRANCES.** After the Seller's execution of this Agreement until the Seller delivers the exclusive occupancy and possession of the Property to the District, neither the Seller nor anyone under the Seller's control or direction will cause or allow any encroachments or encumbrances on the Property not existing on the date of the Seller's execution hereof. At the closing, the Seller will furnish the District with the Seller's affidavit, stating that neither the Seller nor anyone under the Seller's control or direction have taken any action to encumber the Property or otherwise adversely affect the status of the title thereto, or diminish the value of the interest in the Property to be acquired by the District. If the Seller is a corporation or other business entity, the Seller will also furnish the District with the Seller's Non-Foreign Corporate Affidavit at or before the closing as required by Section 1445(b)(2) of the United States Revenue Code to relieve the District from withholding any income or capital gains taxes on the purchase price.

12. **DISCLOSURE.** The Seller will comply with the disclosure requirements pursuant to Section 286.23, F.S., real property conveyed to public agency; disclosure of beneficial interests, if applicable.

13. **PROCEEDS.** At closing, the distribution of the purchase amount will be made by the District to the title company in the form of a check or wire transfer. Final distribution of the Seller's proceeds will be made to the Seller by the title company.

14. **OTHER AGREEMENTS.** No Agreement or understanding, verbal or in writing, unless incorporated herein, will be binding upon the Parties.

15. **BINDING EFFECT.** The covenants herein contained will bind, and the benefits and advantages hereof will inure to, the respective heirs, personal representatives, successors and assigns of the Parties hereto; whenever used herein, the singular will include the plural, the plural will include the singular, and the use of any gender will include the other.

16. **SURVIVAL OF CONTRACT TERMS.** The terms and conditions of this Agreement will survive the closing of the sale of the Property.

17. **NOTICE.** Any notice which must or may be given under this Agreement or by law will be in writing and will be deemed to have been given when delivered by personal delivery or when deposited in the United States mail, certified, return receipt requested, full postage prepaid to the District or to the Seller at the addresses set forth above.

18. **CONSTRUCTION.** The Seller and the District acknowledge that each party and its counsel have reviewed and revised this Agreement and that the rule of construction to the effect that any ambiguities are to be resolved against the drafting party will not be employed in the interpretation of this Agreement.

19. **HEADINGS.** The paragraph headings are inserted herein for convenience and reference only, and in no way define, limit, or otherwise describe the scope or intent of any provisions hereof.

20. **SEVERABILITY.** Should any section or any part of any section of this Agreement be rendered void, invalid, or unenforceable by any court of law, for any reason, such determination will not render void, invalid or unenforceable any other section or any part of any section of this Agreement.

21. **WAIVER.** No act of omission or commission of either party, including without limitation, any failure to exercise any right, remedy, or recourse, will be deemed to be a waiver, release, or modification of the same. Such a waiver, release, or modification is to be affected only through a written modification to this Agreement.

22. **PUBLIC RECORDS.** All records and documents generated or received by the Parties in relation to this Agreement are subject to the Public Records Act, Chapter 119, F.S., except that appraiser reports, offers and counteroffers are confidential and exempt from the provisions of Section 119.07(1), F.S., until an option contract is executed, or if no option contract is executed, until thirty (30) days before a contract or Agreement for purchase is considered for approval by the District Governing Board pursuant to Section 373.139(3)(a), F.S.

**IN WITNESS WHEREOF,** the Parties and the lawful representatives of the Parties hereto have caused these presents to be executed in their respective names upon the day and year entered below their respective signatures.

**Seller: Lake Aurora Christian Assembly. Inc.**

By: 

Title: TREASURER

Date: 5/9/2018

**Buyer: Southwest Florida Water Management District**

By: \_\_\_\_\_  
Ken Frink, P.E., Operations, Lands & Resource  
Monitoring Director

Date: \_\_\_\_\_

**EXHIBIT "A"**  
**Legal Description**

TBD subsequent to survey



EXHIBIT "B"

Easement

Lake Aurora CFWI Data Collection Site  
SWF Parcel No. 20-020-129  
Approved by Attorney:                       
Tax I.D. No(s). 29-30-18-00000-003301

**EASEMENT**

This Easement (this "Easement") is made this \_\_\_\_ day of \_\_\_\_\_, 2018, by the **Lake Aurora Christian Assembly, Inc.**, having an address of 237 Golden Bough Road, Lake Wales, Florida 33898, hereinafter referred to as "Grantor", and the **Southwest Florida Water Management District**, a public corporation, having an address of 2379 Broad Street, Brooksville, Florida 34604-6899, hereinafter referred to as "Grantee".

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

- a. To construct, maintain, repair or replace a monitoring well or wells; and
- b. For ingress and egress upon, over and across the Easement Area to access the monitoring well or wells in order to perform hydrologic measurements, conduct ground-water pumping tests and to observe fresh/salt water interface levels.

Grantee shall exercise all of its rights contained in this Easement in the least intrusive manner so as not to interfere with Grantor's use of its property. Grantor reserves the right to use Grantor's property and the Easement Area in any manner not inconsistent with this Easement; provided, however, that Grantor shall avoid physically disturbing the well casing or cover (water meter box) of the monitoring well or wells in any way without the prior written approval of Grantee, which approval shall not be unreasonably withheld, conditioned or delayed. Grantee hereby agrees to restore the Easement Area to the same condition as it was prior to any construction, maintenance, repair or access by Grantee.

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

The formation, interpretation and performance of this Easement shall be construed pursuant to and governed by the laws of the State of Florida. In the event of any dispute arising out of this Easement or any instrument given in connection herewith, or in the event it shall become necessary for any party to employ counsel to protect the party under this Easement or any instrument given in connection herewith, the prevailing party shall be entitled to recover reasonable attorneys' fees and costs, whether incurred out of court or in litigation including fees and costs incurred for representation on appeals, expert witness fees and costs for paralegal assistance, to the extent permitted under Section 768.28, F.S. This provision does not constitute a waiver of the Grantee's sovereign immunity or extend the Grantee's liability beyond the limits established in Section 768.28, F.S.



This grant shall not constitute a dedication to the public, and no parties shall have any rights or entitlements pursuant to the terms of this Easement except as specifically set forth herein.

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

Signed, sealed and delivered  
in the presence of:

Lake Aurora Christian Assembly, Inc.

\_\_\_\_\_  
Witness #1 signature

\_\_\_\_\_  
By:

\_\_\_\_\_  
Print Witness #1 name

\_\_\_\_\_  
Title:

\_\_\_\_\_  
Witness #2 signature

\_\_\_\_\_  
Print Witness #2 name

#### ACKNOWLEDGMENT

STATE OF FLORIDA

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by \_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_, They are personally known to me or have produced as identification.

(Seal)

\_\_\_\_\_  
Name of Notary

\_\_\_\_\_  
(Name of Notary typed, printed or stamped)

Commission No. \_\_\_\_\_

My Commission

Expires: \_\_\_\_\_

Exhibit 2  
Lake Aurora CFWI Data Collection Site (SWF Parcel No. 20-020-129)



Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community





Exhibit 3  
Lake Aurora Data Collection Site



Attachment: Lk Aurora Exhibit MinTraQ (3800 : Purchase Sale Agreement Lake Aurora)

## OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

June 26, 2018

### *Consent Agenda*

#### Offer for Surplus Land – Weekiwachee Preserve (WW-6), SWF Parcel No. 15-773-233S

##### *Purpose*

On May 19, 2015, the Governing Board declared SWF Parcel No. 15-773-233S (WW-6) as surplus property. The District received an offer for the purchase of WW-6 from Evelio and Marisol Calzadilla for \$57,000. The purpose of this item is to recommend the Governing Board approve the Contract for Sale and Purchase, included as Exhibit 1. This reflects an offer price of \$114,000 per acre for approximately 0.50 acres. A general location map and aerial map are attached as Exhibits 2 and 3.

##### *Background*

The District acquired WW-6 in 1995 as part of the Weekiwachee Preserve project at a prorated cost of \$1,240 (\$2,481 per acre). The parcel has frontage on Shoal Line Boulevard and is zoned CV (Conservation). The future land use designation is commercial.

Saunders Real Estate listed the property and advertised it through multiple media and personal contacts since April 11, 2017. This negotiation represents the only party who has made an offer on this parcel. This is an offer at 4% above the appraised value without any contingency. Below is a summary of the total and per acre cost information for WW-6.

	<b>Total</b>	<b>Per Acre</b>
Offer Amount	\$57,000	\$114,000
Appraised Value	\$55,000	\$110,000
Listing Price	\$125,000	\$250,000
Property Appraiser Just Value	\$60,000	\$120,000
Total Purchase Basis (1996)	\$1,240	\$2,481

##### *Appraisal and Minimum Price*

Woodman S. Herr, MAI, and Brian E. Zamorski, MAI with Herr Valuation Advisors, Inc. appraised the property on August 29, 2017 for \$55,000. A summary of comparable values used to calculate the final value is attached as Exhibit 4. The appraiser determined that the highest and best use would be to build-to-suit for a specific commercial user or to hold for future development of a small retail or office building. The market value of the property determined in the appraisal is based on the title being free and clear of interests and encumbrances that impact value. There are no encumbrances on the property and title to the property includes the subsurface rights. Upon the request of a buyer, and in accordance with Section 270.11(3), Florida Statutes, the District may release its interest in all phosphate, minerals, metals and petroleum that may be in, on or under the property. The full appraisal is available upon request.



### *Sale Terms*

- The District will deliver title to the buyer by Quit Claim Deed.
- There will be no adjustment in price for actual acreage as determined by a survey, if obtained by the buyer.
- The buyer will pay the real estate commission of \$3,420 to Saunders Real Estate.
- The buyer will bear all expenses of the transaction except for the appraisal and advertising costs.
- The buyer will have a period of 60 days to perform due diligence and the sale will close 90 days after execution of the contract by the District.

### *Considerations*

This property is very well located, with considerable frontage on Shoal Line Boulevard. The appraisers' opinion of a reasonable marketing time was twelve months, and the property has been on the market for 12-½ months.

### *Benefits/Costs*

The sale of surplus lands will allow the District to acquire lands that are environmentally significant. Funds derived from the sale of surplus land may only be used for the purchase of other lands meeting the criteria in Section 373.139, Florida Statutes and Governing Board, Land Acquisition Policy 610-1, resulting in more effectively meeting the District's core mission. There are no ongoing maintenance costs for this parcel.

### Staff Recommendation:

- Accept the offer of \$57,000;
- Authorize the Executive Director to execute the Contract for Sale and Purchase on the behalf of the District;
- Approve the conveyance of the District's interest in all phosphate, minerals, metals and petroleum in, on or under the land upon request of the buyer; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

Presenter: Carmen Sanders, Operations and Land Management Assistant Bureau Chief

EXHIBIT 1

CONTRACT FOR SALE AND PURCHASE

THIS Contract for Sale and Purchase ("Contract") is made this 18 day of May, 2018, by and between the Southwest Florida Water Management District, a public corporation of the State of Florida, having an address of 2379 Broad Street, Brooksville, Florida 34604 ("District"), and Evelio Calzadilla Jr and Marisol Calzadilla, having an address of 4386 Tahiti Dr., Hernando Beach, FL 34607 ("Buyer"), as follows:

1. **AGREEMENT TO SELL:** The District hereby agrees to sell and Buyer hereby agrees to buy, in accordance with this Contract, the real property that is more particularly described in Exhibit "A," attached hereto and incorporated herein by this reference ("Property").

2. **TIME FOR ACCEPTANCE:** Upon execution of this Contract by Buyer, Buyer's offer shall be binding for SIXTY (60) days after such execution by Buyer. If this Contract is not executed by the District on or before SIXTY (60) days after execution of this Contract by Buyer, Buyer's offer contained in this Contract is withdrawn and this Contract shall terminate.

3. **EFFECTIVE DATE:** The effective date of this contract shall be the date of execution by the District.

4. **APPROVAL:** This Contract is subject to approval by the District's Governing Board. If the District's Governing Board does not approve this Contract and all the terms and conditions hereof, the District will notify the Buyer in writing and this Agreement shall terminate.

5. **PURCHASE PRICE:** The total purchase price for the Property shall be FIFTY SEVEN THOUSAND dollars (\$57,000), which shall be paid in the following manner:

a. **Deposit:** Concurrent with the execution by Buyer of this Contract, Buyer shall deposit five percent (5%) of the purchase price in the form of a certified or cashier's check from a financial institution as defined in Section 655.005, Florida Statutes ("F.S."), made payable to the closing agent designated by the District, as earnest money ("Deposit"). In the event this Contract is terminated under Paragraphs 2, 4, 9, or 12 of this Contract, or as a result of the District's default under paragraph 13 of this contract, the District shall return the Deposit to Buyer.

b. **Balance:** The balance of the purchase price shall be paid at the time of closing by wire transfer from a financial institution as defined in Section 655.005, F.S., to the closing agent designated by the District.

6. **CLOSING, EXPENSE AND POSSESSION:** This Contract shall be closed no later than NINETY (90) days from the effective date referenced in Paragraph 3, unless this Contract is terminated pursuant to Paragraphs 2, 4, 9, 12, or 13. The following are additional details of closing:

a. **Time and Place:** The date, time and place of closing shall be set by the District.

Contract for Sale and Purchase  
Parcel Name: WW-6  
SWF Parcel No.: 15-773-233S

Revised 11/27/2017

b. **Conveyance:** At closing, the District will deliver to Buyer a fully executed quit claim deed, conveying the Property and improvements in "AS IS, WHERE IS CONDITION," without warranties or representations.

c. **Expenses:** Buyer shall be responsible for paying all closing costs associated with the Property including, but not limited to, Buyer's survey costs, documentary stamp tax on the deed, recording fees, abstract or title insurance fees, and Buyer's attorneys' fees. The District has designated Albert C. Kreischer Jr. at Fuentes and Kreischer Title Company, having an address of 1407 West Busch Boulevard Tampa, FL 33612, as the escrow agent for closing. The Buyer shall pay any costs charged by such company or agent for this closing service. If Buyer obtains a survey of the Property, nothing contained therein shall affect the purchase price or terms of this Contract.

d. Buyer shall also be responsible for paying Saunders Real Estate in the amount of THREE THOUSAND FOUR HUNDRED TWENTY dollars (\$ 3,420 ), by separate certified or cashier's check made payable to, or wire transfer to, the escrow agent designated by the District. The commission for the District's sale of surplus property is calculated based on the following schedule:

Commission Schedule: Maximum Compensation Rate		
Purchase Price for the Property		Maximum Rate
The first	\$0 - \$100,000	6.0%
The next	\$100,001 - \$1,000,000	5.0%
The next	\$1,000,001 - \$5,000,000	4.0%
The next	\$5,000,001 - \$10,000,000	3.0%
The next	\$10,000,001 and over	2.0%

7. **REAL ESTATE TAXES, EASEMENTS, RESTRICTIONS, AND ENCUMBRANCES:** Buyer agrees to take title to the Property subject to any outstanding taxes, special liens or assessments including real estate taxes, if any; comprehensive land use plans, zoning, restrictions, prohibitions and other requirements imposed by governmental authority; restrictions, qualifications and matters appearing on the plat or otherwise common to the subdivision, restrictive covenants, public utility easements and all outstanding easements, reservations and other interests.

8. **CONDITION OF THE PROPERTY:** Buyer agrees to accept the Property in "AS IS, WHERE IS CONDITION." The District makes no warranties or representations whatsoever as to the condition of the Property or the improvements located thereon, or the fitness of either for any particular use or purpose.

9. **DUE DILIGENCE PERIOD:** Buyer will, at Buyer's expense, determine whether the Property is suitable for the Buyer's intended use and development of the Property within SIXTY (60) days from the effective date of this Contract ("Due Diligence Period").

a. During the Due Diligence Period, Buyer may conduct any tests, analyses, surveys,

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Parcel Name: WW-6

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inspections, and investigations which Buyer deems necessary to determine to Buyer's satisfaction the suitability of the Property for Buyer's intended use and development. Buyer will deliver written notice to the District prior to the expiration of the Due Diligence Period of Buyer's determination of whether the Property is acceptable. If Buyer fails to comply with this notice requirement, Buyer will be deemed to have waived any objection to the suitability of the Property for the Buyer's intended use and development and to have accepted the Property in its present "as is" condition.

- b. If Buyer determines that the Property is not acceptable, Buyer must include the specific reasons therefore in its notice to the District. The District shall have thirty (30) days from receipt of Buyer's notice to cure the specified deficiencies. If the deficiencies are identified by a survey, the survey must meet the requirements for a **Certified Boundary Survey in accordance with Chapter 472, Florida Statutes**, and must be provided to the District for review. If the deficiencies are identified in a Title Insurance Commitment, the Title Insurance Commitment and supporting documentation must be provided to the District for review. If the District fails to cure the deficiencies to the reasonable satisfaction of the Buyer, its attorney or the Buyer's title insurance company within the 30-day cure period, Buyer may either terminate this Contract or proceed to closing in the same manner as if no deficiencies had been found.
- c. Buyer may contact the District to arrange access to the Property for Buyer, its agents, contractors and assigns for the purpose of conducting such tests, analyses, surveys, inspections, and investigations. Buyer will indemnify and hold the District harmless from losses, damages, costs, claims and expenses of any nature, including attorneys' fees at all levels, and from liability to any person, arising from the conduct of any and all inspections or any work authorized by Buyer. Buyer will not engage in any activity that could result in a mechanic's lien being filed against the Property.

10. **EVIDENCE OF TITLE:** Buyer may, at Buyer's expense, obtain evidence of title and determine insurability of title or waive insurable title, within the Due Diligence Period specified in paragraph 9 and subject to the same notices and waivers. Buyer understands that District may only convey title by Quit Claim Deed and Buyer agrees that this will not be an objection to title.

11. **SURVEY:** If the Buyer chooses to obtain a survey of the Property, the Buyer agrees to provide the District with a certified copy of the survey.

12. **OPERATION OF PROPERTY DURING CONTRACT PERIOD:** Prior to closing, the District will continue to operate the Property and any business conducted on the Property in the manner operated prior to the date of the Contract and will take no action that would adversely impact the Property.

13. **RISK OF LOSS:** In the event of any substantial damage to the Property (in excess of \$5,000) between the date of this Contract and the date of closing, the District shall have the option of restoring the damaged Property to its condition immediately prior to the occurrence causing the damage, in which event, Buyer shall complete the transaction as originally planned. If these repairs are not completed prior to the closing date, closing will be extended until such time as the repairs are completed. If the District elects not to restore the damaged Property,

Contract for Sale and Purchase

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Parcel Name: WW-6

SWF Parcel No.: 15-773-233S



Buyer's sole remedy shall be the right to terminate this Contract by giving written notice to the District or, alternatively, to proceed to closing on the Property, as damaged, without adjustment in the purchase price. In the event of any lesser damage (\$5,000 or less), the parties shall proceed to closing as though no damage had occurred.

14. **DEFAULT:** If Buyer fails to close within NINETY (90) days from the effective date referenced in Paragraph 3, the District shall retain the Deposit, this Contract shall terminate, and the District and Buyer shall be relieved of all rights and obligations under this Contract. If the District fails to deliver the quit claim deed to Buyer within NINETY (90) days from the effective date referenced in Paragraph 3, the District shall return the Deposit to Buyer, this Contract shall terminate, and Buyer and the District shall be relieved of all rights and obligations under this Contract. Notwithstanding the above, neither party shall be liable under this provision if the closing date is extended pursuant to Paragraph 13, Risk of Loss.

15. **ATTORNEYS' FEES AND COSTS:** Except as provided in Paragraph 9, Due Diligence Period, in any claim or controversy arising out of or relating to this Contract, each party agrees to bear its own attorney fees and costs.

16. **NOTICES:** All notices will be in writing and may be delivered by mail, overnight courier, or personal delivery. The parties agree to send all notices to the addresses specified in the introductory clause; and as to the District, such notice will be sent to the attention of its Office of General Counsel. Notice is effective upon receipt.

17. **SUCCESSORS:** Upon execution of this Contract by Buyer, this Contract shall be binding upon and inure to the benefit of Buyer, Buyer's heirs, successors, or assigns.

18. **RECORDING:** Neither this Contract nor any notice of it may be recorded in any county by any person.

19. **ASSIGNMENT:** This Contract shall not be assigned by Buyer without the prior written consent of the District.

20. **TIME OF ESSENCE:** Time is of the essence in the performance of this Contract.

21. **AMENDMENTS:** This Contract contains the entire agreement and all representations of the parties. No amendment will be effective except when reduced to writing signed by all parties. Notwithstanding the foregoing, the parties acknowledge that the description of the Property is without the benefit of a current survey. The parties agree that if, in the opinion of the District, it becomes necessary to amend the description to correct errors, to more properly describe the Property, or to otherwise revise the description of the Property, the description to be used in the survey (if any) and in the closing instruments required by this Contract for the Property shall be revised by or at the direction of the District, and shall be subject to the final approval of the District. Anything to the contrary hereinabove notwithstanding, such a revision of the description of the Property shall not require a written amendment to this Contract. In such event, the District's execution and delivery of the closing instruments containing the revised description and the Buyer's acceptance of said instruments and of the final survey (if any) containing the revised description shall constitute a full and complete ratification and acceptance of the revised description of the Property by the parties.

Contract for Sale and Purchase

Revised 11/27/2017

Parcel Name: WW-6

SWF Parcel No.: 15-773-233S

22. **SURVIVAL**: Paragraphs 6c, 7, 11 and 15 of this Contract will survive delivery and recording of deed and possession of the Property.

23. **ELECTRONIC/FACIMILE SIGNATURE**: The District agrees that this Agreement may be executed by the Buyer by electronic signature in a manner that complies with Chapter 668, F.S. This Agreement and any documents relating to it may be executed and transmitted to any other party by facsimile, which facsimile shall be deemed to be, and utilized in all respects as, an original, manually executed document.

24. **MINERAL RIGHTS**: The Buyer, by signature of this Agreement, hereby requests that all mineral interests owned by the District in the Property be transferred to the Buyer as provided in Section 270.11(3), F.S.

25. **DOCUMENTS**: The following documents are attached and made a part of this Agreement. In the event of a conflict of contract terminology, priority will first be given to the language in the body of this Agreement.

Exhibit "A"      Legal Description

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

Contract for Sale and Purchase  
Parcel Name: WW-6  
SWF Parcel No.: 15-773-233S

Revised 11/27/2017

IN WITNESS WHEREOF, the parties have caused the Contract to be executed on the day and year set forth below.

**DISTRICT:**

Southwest Florida Water Management  
District, a public corporation of the  
State of Florida

\_\_\_\_\_  
Witness

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

\_\_\_\_\_  
Witness

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

Mark Lucas  
Witness

MARK LUCAS  
Printed Name

\_\_\_\_\_  
Witness

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

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**BUYER:**

By: Evelio Calzadilla

Name: EVELIO CALZADILLA

Title: PURCHASER

Date: 5-18-18

By: Marisol Calzadilla

Name: MARISOL CALZADILLA

Title: Purchaser

Date: 05/18/18

Contract for Sale and Purchase  
Parcel Name: WW-6  
SWF Parcel No.: 15-773-233S

Revised 11/27/2017



Exhibit "A"  
Legal Description

Legal Description Parcel 15-773-233S (Weekiwachee Preserve)

Commencing at the Northeast corner of Section 13, Township 23 South, Range 16 East, Hernando County, Florida, go thence S.0°27'25"E. along the East line of said Section 13, a distance of 3384.71 feet to the POINT OF BEGINNING, said point being 890 feet South of the Northwest corner of the South 1/2 of Section 18, Township 23 South, Range 17 East, Hernando County, Florida; thence S.89°32'35"W., a distance of 217.0 feet to a point on the Easterly right-of-way of State Road S-595; thence S.00°27'25"E. along the said State Road S-595 right-of-way, a distance of 100 feet; thence N.89°32'35"E., a distance of 217 feet; thence N.00°27'25"W. along the East line of said Section 13, a distance of 100 feet to the POINT OF BEGINNING.

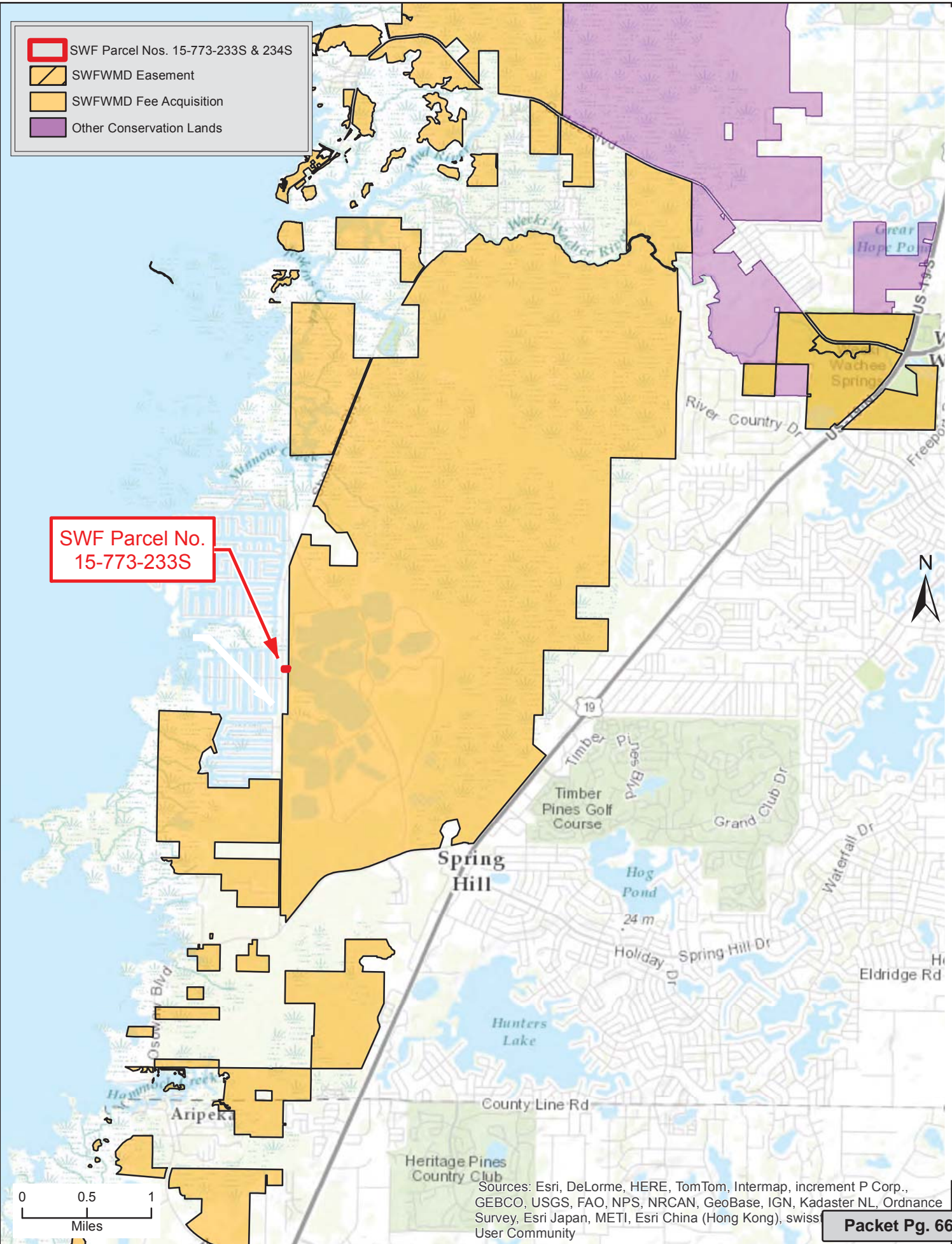
Approved for use by the Survey Section 01-26-2016, W.O. 16-056.

Remainder of this page intentionally left blank.

Contract for Sale and Purchase  
Parcel Name: WW-6  
SWF Parcel No.: 15-773-233S

Revised 11/27/2017

**Exhibit 2**  
**General Location Map of WW-6**





# Exhibit 3 Aerial Map of WW-6

EXHIBIT 3



# Exhibit 4

Land Analysis Grid - Qualitative Adjustments						
Subject	Comp 1	Comp 2	Comp 3	Comp 4	Comp 5	
Address	River Road	14400 Cortez Blvd	4029 Shoal Line Blvd	9039 State Road 52	10590 Northcliffe Boulevard	
City	New Port Richey	Brooksville	Hernando Beach	Hudson	Spring Hill	
County	Pasco	Hernando	Hernando	Pasco	Hernando	
ID	22823	22138	21953	21807	21756	
Zoning	C1	HC	C-1	C-2	PDP-GC	
Upland Acres	0.29	0.34	3.87	1.4	1.99	
Upland Square Feet	12,700	14,800	168,678	61,201	86,684	
Transaction Type	Closed	Closed	Closed	Closed	Closed	
Date	August 29, 2017	March 28, 2017	March 13, 2017	May 25, 2016	March 28, 2016	March 6, 2015
Price		\$60,000	\$700,000	\$265,000	\$442,000	\$240,000
Upland Square Feet	12,700	14,800	168,678	61,201	86,684	51,735
Square Foot Unit Price		\$4.05	\$4.15	\$4.33	\$5.10	\$4.64
Transaction Adjustments						
Property Rights	Fee Simple	Similar	Similar	Similar	Similar	Similar
Financing	Conventional	Similar	Similar	Similar	Similar	Similar
Conditions of Sale	Cash	Similar	Similar	Similar	Similar	Similar
Market Conditions		Slightly Inferior	Slightly Inferior	Inferior	Inferior	Greatly Inferior
Location		Greatly Inferior	Superior	Superior	Superior	Greatly Superior
Size & Shape		Similar	Greatly Inferior	Inferior	Inferior	Inferior
Zoning		Superior	Similar	Similar	Superior	Superior
Utilities and Drainage		Similar	Similar	Similar	Similar	Similar
Site Work		Similar	Similar	Similar	Similar	Similar
Topography		Superior	Similar	Slightly Superior	Superior	Similar
Flood Zone		Similar	Superior	Similar	Superior	Similar
Overall Adjustments		Inferior	Similar	Superior	Superior	Greatly Superior

Attachment: WW Ex MinTraq (3798 : Offer Surplus Land WW)

**OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE**

**June 26, 2018**

***Consent Agenda***

**Panasoffkee Outlet Cattle Lease, SWF Parcel No. 19-441-112X, Award for the Request for Offers (RFO) 18-02**

*Purpose*

The purpose of this item is to request the Governing Board approve the award of the Panasoffkee Outlet Cattle Lease, Request for Offers 18-02, to the respondent with the highest offer and authorize the Chairman to execute the lease on behalf of the District.

*Background/History*

On May 17, 2018, the District advertised Request for Offers 18-02, Panasoffkee Outlet Cattle Lease (RFO), covering approximately 203 acres in northwestern Sumter County. The lease area consists of approximately 135 acres of fair condition pasture and approximately 68 acres of depression/basin marshes and scattered oaks. A general location map is included in the Board packet as Exhibit A.

The maximum stocking rate for the property is 35 Animal Units (an Animal Unit is one bull or one cow with or without one un-weaned calf). The lessee may stock any number of Animal Units at or below the maximum without adjustment to the annual rent payment.

The term of the lease is five years, with an option for the lessee to request renewal for an additional term of five years at the District's discretion. A copy of the lease is included in the Board packet as Exhibit B.

*Benefits/Costs*

On June 12, 2018, 10 responses were received to RFO 18-02. The highest offer was submitted by Daniel Moen in the amount of \$43.15 per acre, for an annual lease amount of \$8,759.45.

Staff Recommendation:

Approve the award of the Panasoffkee Outlet Cattle Lease to Daniel Moen and authorize the Chairman to execute the lease on behalf of the District.

Presenter: Carmen Sanders, Operations and Land Management Assistant Bureau Chief



EXHIBIT "A"  
GENERAL LOCATION MAP  
SWF PARCEL NO. 19-441-112X

Panasoffkee/Outlet Tract Cattle Lease (19-441-112X)  
Sumter County, Florida



Southwest Florida  
Water Management District

Lease Area  
SWFWMD Fee Simple Ownership

0 0.05 0.1 0.2 Miles  
Aerial Year - 2017



Attachment: Lk Pan Cattle Lease MinTrac Ex (3803 : Panasoffkee Outlet Cattle Lease)



## EXHIBIT "B"

AGREEMENT NO. 19-441-112X

### CATTLE GRAZING LEASE AGREEMENT

THIS LEASE, made this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_, by and between the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, having an address of 2379 Broad Street, Brooksville, Florida 34604-6899, hereinafter called the "LESSOR", and \_\_\_\_\_ having an address of \_\_\_\_\_, Florida \_\_\_\_\_, hereinafter called the "LESSEE."

#### WITNESSETH:

The LESSOR, for and in consideration of the rents, covenants and agreements hereinafter contained, does hereby lease to the LESSEE, all that certain property located in Sumter County Florida, hereinafter referred to as the "PROPERTY", depicted in Exhibit "A", and described in Exhibit "B" attached hereto, subject to the following terms and conditions:

1. RENT: The LESSEE agrees to pay the LESSOR an annual rental amount of \_\_\_\_\_ (\$\_\_\_\_\_) for 203 acres per year, or at the rate of \$\_\_\_\_\_ per acre per year. The first payment is due upon the Commencement Date of this Lease and subsequent payments will be due annually on the anniversary of the Commencement Date of this Lease ("Anniversary Date").

2. TERM: This Lease will be for a term of five (5) years commencing on \_\_\_\_\_ (Commencement Date), unless otherwise renewed by the LESSOR pursuant to the terms and conditions set forth in Paragraph 21. If this Lease is renewed then the term will commence on the date of execution by the LESSOR.

3. USE: The LESSEE may use the PROPERTY for cattle grazing and haying purposes only.

4. STOCKING RATE: An Animal Unit is one (1) bull or one (1) cow with or without one (1) un-weaned calf. The maximum Stocking Rate for the PROPERTY is 35 Animal Units. The LESSEE may stock any number of Animal Units at or below the maximum stocking rate stated without an adjustment to the annual rent payment. Upon written request from the LESSEE, the stocking rate may be increased upon a favorable evaluation and written approval by the LESSOR. The LESSOR reserves the right to inspect the condition of the PROPERTY at any time during this Lease and adjust the Stocking Rate due to the PROPERTY being overgrazed based on this inspection and/or forage production analysis. The amount of rent due will be increased or decreased by an amount equal to the percentage change in the number of Animal Units approved by the LESSOR. The change in the Stocking Rate will be effective on the next date rent is due to the LESSOR following the LESSOR'S approval of the increase.

5. ASSIGNMENT: The LESSEE may not assign this Lease, or any interest herein, without the prior written approval of the LESSOR. Neither this Lease nor any interest of the LESSEE herein is assignable or transferable in proceedings by or against the LESSEE in execution, bankruptcy, or insolvency, or in any other manner by operation of law. Any assignment or change of control made either in whole or in part without the prior written approval of the LESSOR shall be void and without legal effect. Any purported assignment or change of control in violation of this Paragraph will constitute a material breach of this Lease for which the LESSOR may immediately terminate this Lease.

## EXHIBIT "B"

6. SUBLEASES: The LESSEE will not sublease the PROPERTY, unless the LESSEE obtains prior written approval of the terms and conditions of the sublease from the LESSOR. Any sublease not approved in writing by the LESSOR will be void and without legal effect. Any purported sublease in violation of this Paragraph will constitute a material breach of this Lease for which the LESSOR may immediately terminate this Lease. The LESSOR'S approval of a particular sublease does not constitute a waiver of the right to withhold approval of subsequent subleases.

7. PRESCRIBED BURNS:

- (a) The LESSEE will be responsible for planning and conducting prescribed burns on the PROPERTY. All burning on the PROPERTY must be conducted in accordance with Section 590.125, Florida Statutes (F.S.). As required by subsection 590.125(3)(b), F.S., a certified prescribed burn manager must be on site with a copy of the prescription from the time of ignition until the burn is completed. Prescribed burns conducted on the PROPERTY by the LESSEE that are not in compliance with the conditions described herein, will be considered a material breach of this Lease for which the LESSOR may immediately terminate this Lease.
- (b) The LESSEE may not conduct a prescribed burn on the PROPERTY or any part thereof without first submitting a written burn plan to the LESSOR that contains all pertinent information, i.e., area to be burned, season of burn, frequency of burns, etc., in a format approved by the LESSOR, for review and approval by October 1 of each year of this Lease. The LESSEE must obtain authorization from the Florida Forest Service of the Department of Agriculture and Consumer Services and the County, if applicable, prior to conducting a prescribed burn on the PROPERTY. The LESSEE'S responsibility to conduct prescribed burns on the PROPERTY will not prevent the LESSOR from conducting prescribed burns on the PROPERTY when necessary for other land management purposes.
- (c) The LESSEE agrees to indemnify, defend and hold harmless the LESSOR, its officers, agents and employees from any and all damage or injury that may be caused by fire or smoke resulting from burning conducted on the PROPERTY by the LESSEE. Pursuant to subsection 590.125(3)(c), F.S., no property owner or his or her agent is liable pursuant to Section 590.13, F.S., for damage or injury caused by the fire or resulting smoke for burns conducted in accordance with subsection 590.125(3)(b), F.S., unless gross negligence is proven. Any and all damages to the PROPERTY or improvements to the PROPERTY caused by fire or smoke resulting from burning conducted on the PROPERTY by the LESSEE must be repaired by the LESSEE at its sole expense. This Paragraph shall survive the expiration or termination of this Lease.
- (d) The LESSEE will disc the existing firelanes identified on Exhibit "C," at least annually and more frequently if necessary, to protect the PROPERTY from damage or destruction by wildfires and to ensure that prescribed burns are conducted safely. Discing must be completed between December and March of each year of this Lease. Firelanes will be maintained at a maximum width of twelve (12) feet. The LESSEE may not create any new firelanes without the prior written approval of the LESSOR.



## EXHIBIT "B"

### 8. FENCING AND IMPROVEMENTS:

- (a) Unless another type of fencing is approved by the District, new fences will be constructed of four (4) strands of barbed wire, attached to pressure treated or iron fence posts. Post spacing will not exceed twenty (20) feet. All fences remain the property of the LESSOR.
- (b) The LESSEE will maintain all fences and gates in good condition during the term of this Lease. In the event an existing fence on the PROPERTY is damaged or inadequate, the LESSEE will take immediate action to repair it. Fences that must be repaired or replaced will be constructed in the same manner as new fences.
- (c) The LESSEE must obtain prior written approval from the LESSOR before constructing any additional interior fences upon the PROPERTY. The LESSEE will maintain in good repair, any existing improvements upon the PROPERTY, e.g. troughs, sheds, and other structures, or any improvements that may be placed upon the PROPERTY during the term of this Lease. The LESSEE may not make improvements to the PROPERTY without the prior written approval of the LESSOR. All permanent improvements will remain the property of the LESSOR, e.g. well(s) for cattle watering purposes.
- (d) The LESSEE must use portable cattle pens or construct pens. The LESSEE is solely responsible for expenses incurred for use or construction of cattle pens.
- (e) The LESSEE will be responsible for establishing a dependable water source on the PROPERTY if needed by the LESSEE. The LESSEE must obtain all necessary permits and authorizations prior to establishing any water source on the PROPERTY. The LESSEE is solely responsible for expenses incurred for establishing water sources.

9. IDENTIFICATION: All cattle must bear identification, e.g., ear tags, tattoos, brands, etc., readily traceable to the LESSEE before their release on the PROPERTY.

10. HUNTING: With the exception of the activities allowed pursuant to paragraph 12 (c), hunting on the leased property is prohibited.

11. PUBLIC USE: The LESSOR reserves the right to use the PROPERTY, in whole or part, for activities, including but not limited to passive recreation.

12. GENERAL OPERATION AND MANAGEMENT: The LESSEE will take appropriate measures to prevent overgrazing, pasture degradation and other environmental impacts to the PROPERTY. Such measures will include but are not limited to the following:

- (a) The LESSEE will conduct all activities in accordance with all applicable rules and regulations. The LESSEE further agrees, when practicable, to conduct all activities in accordance with the most recent Water Quality Best Management Practices (BMPs), established by the Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy (FDACS-OAWP). The FDACS-QAWP Water Quality/Quantity Best Management Practices Manual is available from The FDACS-OWAP at:

## EXHIBIT "B"

[http://freshfromflorida.s3.amazonaws.com/Bmp\\_FloridaCowCalf2008.pdf](http://freshfromflorida.s3.amazonaws.com/Bmp_FloridaCowCalf2008.pdf)  
or:

FDACS-OAWP  
1203 Governor's Sq. Blvd.  
Suite 200  
Tallahassee, FL 32301

Prior to conducting activities on the PROPERTY, the LESSEE will demonstrate its intent to implement practicable BMPs by signing the following FDACS-QAWP Notice of Intent to Implement Water Quality BMPs for Florida Cow/Calf Operations form, found within the FDACS-QAWP Water Quality/Quantity Best Management Practices Manual, and submitting them to FDACS-OAWP, with copies to the LESSOR.

- (b) The LESSOR is required to manage invasive plant species on the PROPERTY consistent with Florida Statutes. The LESSEE shall not impede the LESSOR'S efforts to control invasive species on the PROPERTY. The LESSEE shall be solely responsible for maintaining effective control of tropical soda apple (TSA) using the Best Management Practices described in the University of Florida, Institute of Food and Agricultural Sciences Publication Number SS-AGR-77, and updates thereto at:

<http://edis.ifas.ufl.edu/uw097>

The LESSOR will ensure that there is less than 5% coverage of TSA on the PROPERTY at the time this Lease is executed. The LESSOR and the LESSEE will conduct an inspection of the PROPERTY following execution of this Lease, to document that TSA is under satisfactory control. The LESSEE'S failure to maintain acceptable control of TSA will constitute a material breach of this Lease for which the LESSOR may either immediately terminate this Lease or treat the PROPERTY. If the LESSOR chooses to treat the PROPERTY, the LESSEE is solely responsible for the cost of such treatment by the LESSOR and agrees to reimburse the LESSOR the full amount of the cost upon the LESSOR'S written request. The LESSEE'S failure to reimburse the LESSOR within 5 days of receipt of LESSOR'S written request will constitute a material breach of this Lease for which the LESSOR may immediately terminate this Lease. If the LESSEE uses fertilizer, hay, seed or other planting materials on the PROPERTY that originated off-site, the LESSEE must make every practicable effort to ensure that such materials are free of invasive plant seeds and other propagules before using.

- (c) The LESSEE shall trap or shoot feral hogs on the PROPERTY and maintain a record of all feral hog control activities conducted by the LESSEE. All hogs trapped on the PROPERTY must be euthanized in a humane manner and may not be relocated or released. The LESSEE will submit the record of all feral hog control activities to the LESSOR by October 1 of each year of this lease.

13. PASTURE CONDITIONS: The LESSEE will take appropriate measures to prevent overgrazing and pasture degradation that include, but are not limited to the following:



## EXHIBIT "B"

- (a) The maintenance of existing improved pastures by rotating, fertilizing, mowing, discing, dragging, and removing invasive plant species.
- (b) Fertilizing and liming the improved pastures when practicable, in accordance with the recommendations of the Natural Resource Conservation Service (NRCS).
- (c) The indirect rotation of cattle through the strategic placement and periodic movement of feed troughs, mineral blocks, water troughs, and molasses tanks. The LESSEE must use a rotational grazing system that will prevent overgrazing of any one pasture.
- (d) To ensure that the quality of the improved pasture is maintained or enhanced, the LESSEE agrees to mow, disc, or drag the pastures at least once a year, or more frequently if required.

14. HAYING: Haying is allowed on the PROPERTY. The LESSEE will conduct haying activities in a manner that will not damage or strip the pasture(s) of desirable grasses. During haying operations, the LESSEE will maintain a two-inch stubble height. If the LESSEE purchases hay, seed or other planting materials off-site, the LESSEE agrees to make every practicable effort to ensure that such materials are free of invasive plant species.

15. QUARANTINE: The LESSEE must quarantine all cattle for seven (7) days prior to releasing them on the PROPERTY. The LESSEE must ensure that all cattle are free of exotic seed prior to releasing them on the PROPERTY.

16. WORKS OF THE DISTRICT: The LESSOR reserves the right to enter upon the PROPERTY, at such times and places as the LESSOR may deem necessary, for the purposes of inspecting the PROPERTY, or constructing roads, canals or ditches, infrastructure and amenities related to public recreation, or other projects, and for any matter pertaining to water management or land management activities.

17. SALE OF PROPERTY: If the LESSOR sells the PROPERTY during the term of this Lease, the LESSOR, in its sole discretion, may either assign this Lease in whole to the new owner without the LESSEE'S consent, or terminate this Lease upon six (6) months prior written notice to the LESSEE.

18. PERSONNEL AND VEHICLES: Only personnel and vehicles utilized or authorized by the LESSEE for use in its cattle grazing and haying operations are allowed on the PROPERTY.

19. PROTECTION: The LESSEE will regularly inspect the PROPERTY to detect and prevent wildfires, trespasses and vandalism on the PROPERTY. Additionally, the LESSEE will regularly inspect the PROPERTY for downed or damaged fence, open gates and cattle that may have strayed from the PROPERTY. The LESSEE must immediately notify the appropriate governmental agencies and the LESSOR upon the discovery of any wildfire, trespass, or vandalism. The LESSEE is responsible for repairing damaged fences, and taking appropriate measures to immediately return stray cattle to the PROPERTY.

20. INDEMNIFICATION: The LESSEE agrees to indemnify and hold harmless the LESSOR and all the LESSOR'S agents, employees and officers from and against all liabilities, claims, damages, expenses or actions, either at law or in equity, including attorneys' fees and



## EXHIBIT "B"

costs and attorneys' fees and costs on appeal, caused or incurred, in whole or in part, as a result of any act or omission by the LESSEE, its agents, employees, subcontractors, assigns, heirs or anyone for whose acts or omissions any of these persons or entities may be liable during the LESSEE'S use of the PROPERTY and performance under this Lease. This Paragraph will survive the expiration or termination of this Lease.

### 21. LESSOR'S OPTION TO RENEW:

- (a) The LESSOR, at its sole discretion, may offer to renew this Lease for one additional five year term under such terms and conditions as may be established by the LESSOR. The LESSOR will notify the LESSEE if it intends to offer to renew this Lease in accordance with this Paragraph prior to soliciting offers on the PROPERTY. If the LESSOR does not notify the LESSEE of its intent to offer to renew this Lease, then this Lease will expire at the end of the term.
- (b) Approximately six months prior to the expiration of this Lease, the LESSOR may request competitive offers on the PROPERTY. If the LESSOR requests offers under this subparagraph, this Lease may be renewed for one additional five year term under such terms and conditions as may be established by the LESSOR, if the LESSEE meets the following conditions:
  - The LESSEE submits a responsive offer;
  - If the LESSEE'S offer is not the highest offer received, the LESSEE agrees to exceed the highest offer received during the offer process by five percent (5%);
  - The LESSEE has successfully performed under this Lease;
  - The LESSEE agrees to any modifications to the lease terms and conditions as determined by the LESSOR;
  - The LESSEE accepts the renewal terms and conditions within ten (10) business days from receipt of the LESSOR'S offer to renew by delivering notice of the LESSEE'S acceptance to the LESSOR by hand delivery or certified mail. If by certified mail, date of delivery shall be the date the notice is placed in mail.
  - The LESSEE'S failure to deliver written acceptance of the LESSOR'S offer to renew within the time specified will be deemed a rejection of the terms by the LESSEE.

Upon receipt of the LESSEE'S timely written acceptance of the LESSOR'S offer to renew, the LESSOR and the LESSEE will execute a written amendment to this Lease to record the renewal and conditions thereto, if any.

22. INSURANCE: The LESSEE must maintain during the full term of this Lease, and at its sole expense, insurance in the following kinds and amounts or limits with a company or companies authorized to do business in the State of Florida. This Lease will not be effective until the LESSOR has received an acceptable certificate of insurance showing evidence of such coverage. Certificates of insurance must reference this Lease.

- (a) Liability insurance on forms no more restrictive than the latest edition of the Commercial General Liability Policy (GC 00 01) of the Insurance Services Office without restrictive endorsements, or equivalent, with the following minimum limits and coverage:

Minimum Limits \$1,000,000 per occurrence



## EXHIBIT "B"

- (b) Vehicle liability insurance, including owner, non-owned and hired autos with the following minimum limits and coverage:

Bodily Injury Liability Per Person \$100,000  
Bodily Injury Liability Per Occurrence \$300,000  
Property Damage Liability \$100,000  
-or-  
Combined Single Limit \$500,000

- (c) The LESSOR and its employees, agents, and officers must be named as additional insured on the general liability policy to the extent of the LESSOR'S interests arising from this Lease.
- (d) The LESSEE must obtain certificates of insurance from any subcontractor otherwise the LESSEE must provide evidence satisfactory to the LESSOR that coverage is afforded to the subcontractor by the LESSEE'S insurance policies.
- (e) The LESSEE must notify the LESSOR in writing of the cancellation or material change to any insurance coverage required by this Paragraph. Such notification must be provided to the LESSOR within five (5) business days of the LESSEE'S notice of such cancellation or change from its insurance carrier.

23. TAXES: If any ad valorem taxes, intangible property taxes, personal property taxes, or other liens or taxes of any kind are assessed or levied lawfully on the PROPERTY, based on the LESSEE'S use of the PROPERTY during the term of this Lease, the LESSEE agrees to pay all such taxes, assessments or liens, within thirty (30) days after receiving written notice from the LESSOR. In the event the LESSEE fails to pay all such taxes assessed or levied on the PROPERTY within thirty (30) days after receiving written notice, the LESSOR may, at its sole option, pay such taxes, liens, or assessments, subject to immediate reimbursement thereof together with any interest, calculated at the maximum rate allowed by law, and any administrative costs incurred by the LESSOR. Failure of the LESSEE to pay any taxes or assessments pursuant to this paragraph will constitute a material breach of this Lease for which the LESSOR may immediately terminate this Lease.

24. MATERIAL BREACH: Each of the following events will constitute a material breach of this Lease by the LESSEE for which the LESSOR may immediately terminate this Lease:

- (a) If the LESSEE transfers this Lease or any of its rights or obligations under this Lease to any other person or entity, except as may be specifically authorized by the terms of this Lease.
- (b) If the LESSEE vacates or abandons the PROPERTY.
- (c) If the LESSEE fails to obtain and carry the required amount of general liability or vehicle insurance or if such insurance should lapse during the term of this Lease.
- (d) If the LESSEE fails to pay the rent.
- (e) If the LESSEE fails to pay any ad valorem taxes, intangible property taxes, personal property taxes, or other liens or taxes of any kind which are assessed or

**EXHIBIT "B"**

levied lawfully on the PROPERTY within thirty (30) days after receiving written notice.

- (f) If the LESSEE fails to reimburse the LESSOR for costs associated with the LESSOR'S treatment of the PROPERTY for TSA pursuant to subparagraph 12.(b).
- (g) If the LESSEE is in noncompliance with any other condition of this Lease and LESSEE fails to remedy such non-compliance within (5) days after actual notice by the LESSOR, or within ten (10) days of written notice mailed to the LESSEE at the address stated in the introductory paragraph of this Lease.

25. UTILITIES: The LESSEE agrees to pay all deposits and monthly charges for all utility services supplied to the PROPERTY for the benefit of the LESSEE and all costs to repair, replace, clean and maintain connections and service to the PROPERTY.

26. WAIVER: Waiver by the LESSOR of any breach of any term, covenant or condition herein contained will not be deemed to be a future waiver of such term, covenant, or condition, or of any subsequent breach of the same or any other term, covenant, or condition contained herein.

27. TERMINATION: Upon the expiration or termination of this Lease, the LESSEE will vacate the PROPERTY and leave the PROPERTY in the same condition as when the LESSEE took possession.

28. NOTICES: All notices which might be given to the LESSOR or the LESSEE under this Lease will be in writing and by certified mail, to the respective addresses as stated in the introductory Paragraph of this Lease, unless specifically provided otherwise herein.

29. MODIFICATION: This Lease may not be amended except by a formal written amendment signed by the parties. IN WITNESS WHEREOF, the parties hereto have executed this Lease on the day and year first above written.

**Southwest Florida Water Management District,  
LESSOR**

By: \_\_\_\_\_  
Chairman

Attest: \_\_\_\_\_  
Secretary

(Seal)

EXHIBIT "B"

LESSEE

Attest: \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
(Print Name of Witness)

\_\_\_\_\_  
(Print Name of LESSEE)

Attest: \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
(Print Name of Witness)

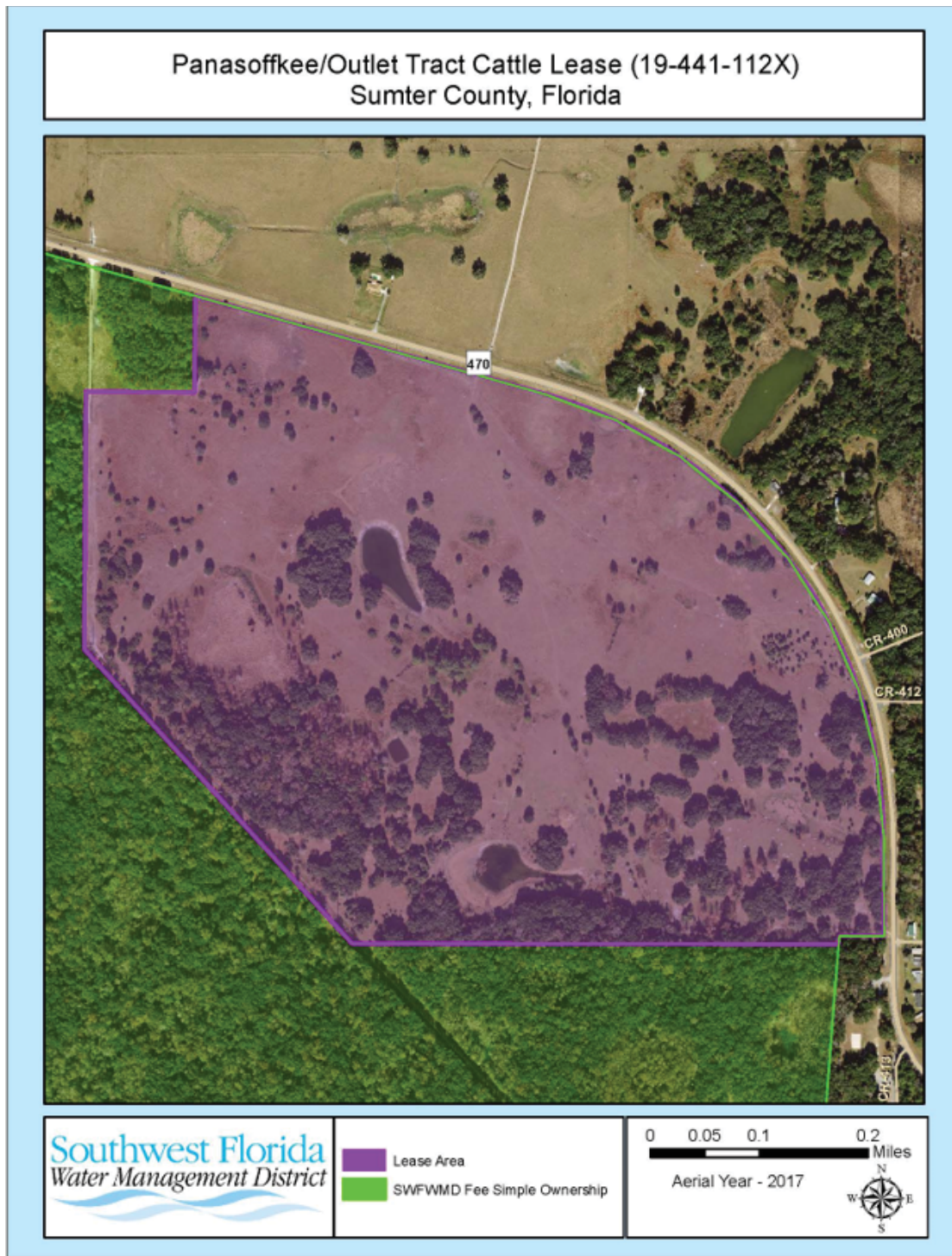
\_\_\_\_\_  
(Print Name of LESSEE)

DISTRICT APPROVAL	INITIALS	DATE
LEGAL	_____	_____
ASST BUREAU CHIEF	_____	_____
BUREAU CHIEF	_____	_____
DIRECTOR	_____	_____



EXHIBIT "B"

EXHIBIT "A"  
GENERAL LOCATION MAP



Attachment: Lk Pan Cattle Lease Min Trac Ex (3803 : Panasoffkee Outlet Cattle Lease)

EXHIBIT "B"

EXHIBIT "B"  
LEGAL DESCRIPTION  
SWF PARCEL NO. 19-441-112X

Those portions of Section 25, Township 19 South, Range 21 East, and Section 30, Township 19 South, Range 21½ East, Sumter County, Florida, described as follows:

Commence at the Southwest corner of said Section 25 and run thence North 03°44'05" East along the West boundary of said Section 25, a distance of 1260.18 feet to the Southwest corner of the North 1/2 of the South 1/2 of said Section 25;

Thence South 89°57'08" East along the South boundary of the North 1/2 of the South 1/2 of said Section 25, a distance of 2863.55 feet to an intersection with the Southwesterly Right-of-Way line of a 60-foot Seminole Electric Cooperative, Inc., Right-of-Way Easement as recorded in Official Records Book 253, Page 200 of the Public Records of Sumter County, Florida for a Point of Beginning;

Thence North 42°18'39" West along said Southwesterly Right-of-Way line, a distance of 1928.91 feet to an intersection with the Westerly Right-of-Way line of said Seminole Electric Cooperative, Inc., Right-of-Way Easement;

Thence North 00°20'26" East along said Westerly Right-of-Way line, a distance of 1250.34 feet;

Thence South 89°41'47" East along the South boundary (and its Westerly extension) of that property described in Official Records Book 439, Page 644 of the Public Records of Sumter County, Florida, a distance of 527.09 feet;

Thence North 00°18'13" East along the East boundary of that property described in Official Records Book 439, Page 644 of the Public Records of Sumter County, Florida, a distance of 466.70 feet to the Southerly Right-of-Way line of County Road No. 470;

Thence South 74°19'16" East along said Southerly Right-of-Way line, a distance of 1765.83 feet to the beginning of a curve concave to the Southwest having a radius of 2242.01 feet and a central angle of 73°54'30";

Thence Southeasterly along the arc of said curve and the Southwesterly Right-of-Way line of County Road No. 470, a distance of 2892.07 feet (chord bearing South 37°22'01" East, chord distance 2695.69 feet) to the end of said curve;

Thence South 00°24'46" East along the Westerly Right-of-Way line of County Road No. 470, a distance of 483.64 feet to an intersection with the South boundary of Government Lot 3, Section 30, Township 19 South, Range 21½ East;

Thence North 89°56'27" West along said South boundary, a distance of 217.31 feet to the Southwest corner of aforementioned Government Lot 3;

Thence South 04°44'41" West along the East boundary of aforementioned Section 25, a distance of 39.76 feet to the Southeast corner of the North 1/2 of the South 1/2 of said Section 25;

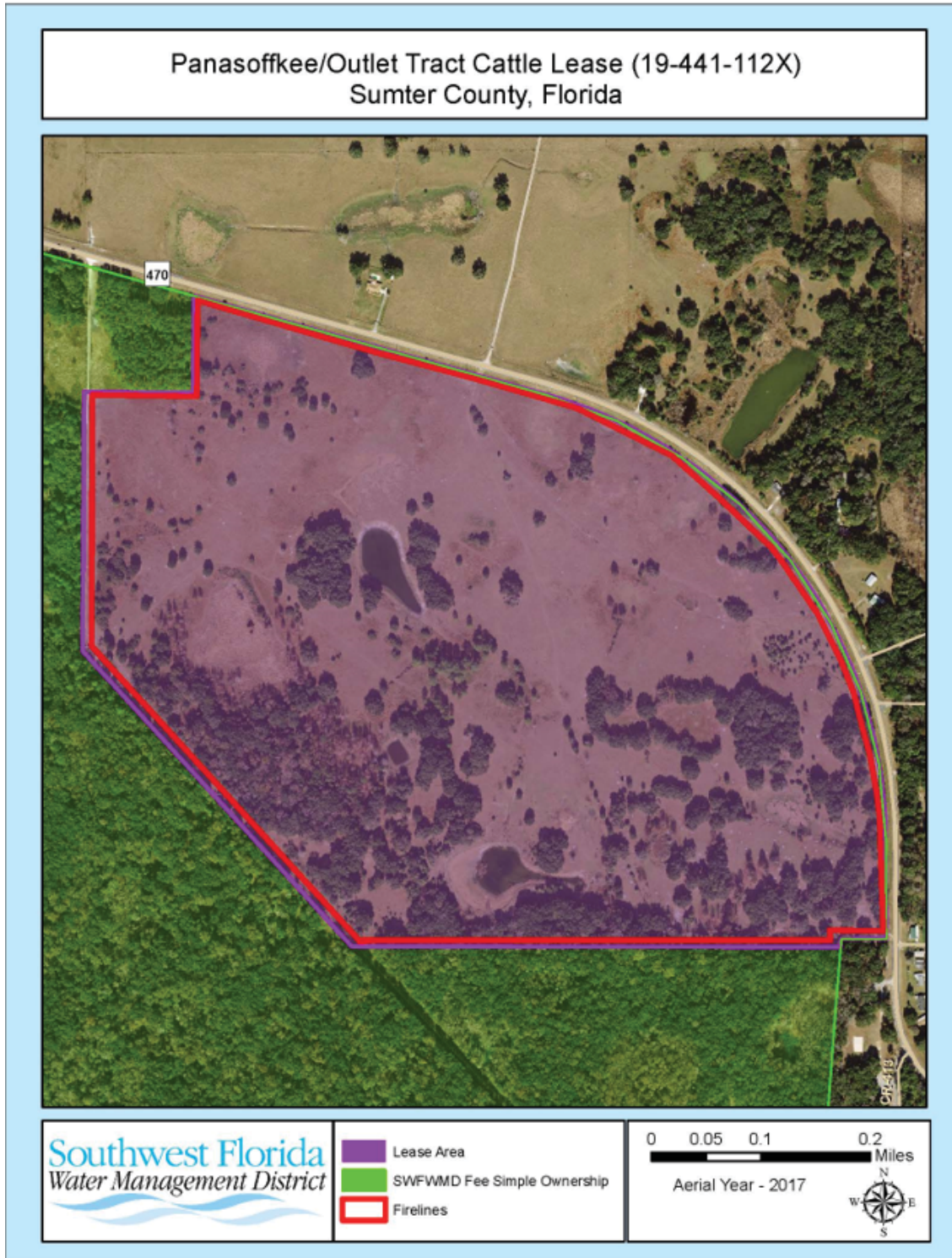
Thence North 89°57'08" West, along said South boundary, a distance of 2357.62 feet to an intersection with the Southwesterly Right-of-Way line of aforementioned Seminole Electric Cooperative, Inc., Right-of-Way Easement and the Point of Beginning.

Parcel contains 203.58 acres, more or less.



EXHIBIT "B"

EXHIBIT "C"  
LEASE FIRELINES  
SWF PARCEL NO. 19-441-112X



## GENERAL COUNSEL'S REPORT

June 26, 2018

### *Consent Agenda*

#### **Interagency Agreement between SWFWMD and SFWMD -- Designation of Regulatory Responsibility – WUP - Grenelefe Golf and Tennis Club – Grenelefe Resort Utility, Inc. – Polk County**

Grenelefe Resort Utility, Inc. submitted Water Use Permit (“WUP”) Application No. 20005251.009 (the “Application”) to the Southwest Florida Water Management District (“SWFWMD”) to renew and modify its existing WUP for its operations supplying water to the Grenelefe Resort and Tennis Club in Haines City, Polk County, Florida (the “Property”). The Application requests authorization to withdraw 1,043,506 gallons per day on an annual average basis and 2,206,366 gallons per day on a peak month basis for public supply and irrigation. Although the predominant portion of the Property lies within the SWFWMD, a smaller portion of the Property lies within the jurisdictional boundaries of the South Florida Water Management District (“SFWMD”), as depicted on the map attached to the Interagency Agreement, a copy of which is attached hereto as Exhibit “A.” More specifically, two water wells on the Property were previously permitted by SFWMD. When that SFWMD permit expired, SFWMD instructed Grenelefe to modify its permit with SWFWMD to add those two wells to its SWFWMD WUP. This interagency agreement is necessary for that addition to occur.

Section 373.046(6), Florida Statutes, authorizes a water management district to designate, through an interagency agreement, regulatory responsibility to another water management district over a project located within the jurisdictional boundaries of both districts. Because a majority of the Project boundary lies within the SWFWMD, both districts agree that responsibility should be assumed by the SWFWMD for review and issuance of the WUP for the entirety of the Project. An interagency agreement approved by both district governing boards is necessary to authorize SWFWMD to issue a WUP to the applicant for the entire Project.

#### **Staff Recommendation:**

Approve the Interagency Agreement Between the Southwest Florida Water Management District and the South Florida Water Management District for Designation of Regulatory Responsibility for a WUP for Grenelefe Resort Utility, Inc. for the above-described Project.

**Presenter:** Michael R. Bray, Assistant General Counsel



**INTERAGENCY AGREEMENT BETWEEN  
THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
AND THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
FOR THE DESIGNATION OF REGULATORY  
RESPONSIBILITY FOR A WATER USE PERMIT  
FOR GRENELEFE RESORT UTILITY, INC.**

THIS INTERAGENCY AGREEMENT (Agreement) is made and entered into by and between the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (SWFWMD) and the SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD).

WITNESSETH:

WHEREAS, on March 1, 2018, Grenelefe Resort Utility, Inc. submitted Water Use Permit (WUP) Application No. 20005251.009 (the Application) to the SWFWMD to renew and modify its existing WUP for Grenelefe Resort Utility, Inc.'s operations supplying water to the Grenelefe Resort and Tennis Club in Haines City, Polk County, Florida (the Property); and

WHEREAS, the Application requests authorization to withdraw 1,043,506 gallons per day on an annual average basis and 2,206,366 gallons per day on a peak month basis for public supply and irrigation; and

WHEREAS, although the predominant portion of the Property lies within the jurisdictional boundaries of the SWFWMD, a smaller portion of the Property lies within the jurisdictional boundaries of the SFWMD, as depicted on the map attached hereto as Exhibit A; and

WHEREAS, two wells identified in the Application were previously permitted by SFWMD as part of expired Water Use Permit No. 53-00029-W, and SFWMD staff instructed Grenelefe Resort Utility, Inc. to modify its SWFWMD WUP to include those two wells, such that the entire Property is permitted by one agency; and

WHEREAS, SWFWMD has previously issued permits to Grenelefe Resort Utility, Inc. pursuant to Part II, Chapter 373, Florida Statutes (F.S.); and

WHEREAS, Subsection 373.046(6), F.S., authorizes a water management district to designate, via an interagency agreement, regulatory responsibility to another water management district when the geographic area of a project or local government crosses water management district boundaries; and

WHEREAS, the designation of the SWFWMD as the water management district with Part II, Chapter 373, F.S., regulatory responsibility for the Application would allow for more efficient processing of permit applications under that part; and

WHEREAS, the SFWMD and the SWFWMD desire to designate the SWFWMD as the water management district with Part II, Chapter 373, F.S., regulatory responsibility for the Application pursuant to part II, Chapter 373, F.S.;

Attachment: RECAP Exhibit 06-07-18 (3809 : June 2018 - IA Grenelefe Resort - Mike Bray)

NOW THEREFORE, the SJRWMD and the SWFWMD, under the authority of Subsection 373.406(6), F.S., hereby agree as follows:

1. The SWFWMD is designated as the water management district that will have all regulatory responsibilities under Part II of Chapter 373, F.S., for the consumptive use of water at the Property. Such regulatory responsibilities shall include receiving, processing, and taking final agency action on all water use permit applications, or modifications thereof, and taking any compliance and enforcement action with regard to such permit.
2. This agreement will commence upon execution by all parties and will remain in effect until either party terminates such agreement for its convenience upon ninety (90) days written notice to the other party.

IN WITNESS WHEREOF, each party, or its lawful representative, has executed this Agreement on the date set forth next to their signature below.

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**

By: \_\_\_\_\_  
Jeffrey M. Adams, Chair

Attest: \_\_\_\_\_  
Bryan K. Beswick, Secretary

Date: \_\_\_\_\_

(Seal)

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

By: \_\_\_\_\_  
Federico Fernandez, Chair

Attest: \_\_\_\_\_

Date: \_\_\_\_\_

(Seal)



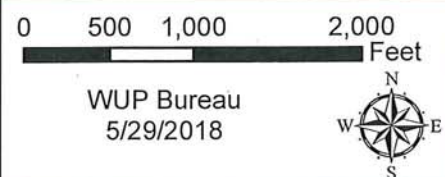
WUP No. 20005251.009



Southwest Florida  
Water Management District

#### Legend

- WUP Wells
- District Boundary
- WUP Boundary





## GENERAL COUNSEL'S REPORT

June 26, 2018

### *Consent Agenda*

#### **Amendment to Conservation Easement for Hilochee Mitigation Bank – ERP No. 43042047.000 – Polk County**

On October 4, 2016, the District issued Environmental Resource Permit (ERP) No. 43042047.000 (Permit) to Hilochee Mitigation Bank, LLC (Hilochee) authorizing the establishment of a mitigation bank known as the Hilochee Mitigation Bank (Project), located in Polk County, Florida. The Permit requires Hilochee to grant a Conservation Easement (CE) over the Project to the District. During the review of Hilochee's ERP application, District staff reviewed and determined the draft CE submitted by Hilochee met the permitting requirements in Chapter 62-342, Florida Administrative Code. The CE that is recorded by Hilochee must match the draft CE approved by District staff in order to comply with the Permit.

On April 30, 2018, Hilochee submitted an executed and recorded CE to the District. The recorded CE does not match the draft CE approved by District staff. Hilochee subsequently submitted to District staff a draft Amended Deed of Conservation Easement to address the differences between the approved draft CE and the recorded CE. After reviewing the submittal, District staff had concerns with the proposed amendment which were expressed to Hilochee. Hilochee agreed to the changes requested by District staff. The amendment to the recorded CE will conform the terms of the recorded CE to the terms of the draft CE approved by the District. In addition, because the amendment is altering an interest in land previously conveyed to the District, the District must join in with Hilochee in executing the amendment. The final version of the Amended Deed of Conservation Easement is not yet complete as of the drafting of this recap, but District staff anticipates that it will be provided to the Governing Board for its review prior to the meeting.

#### **Staff Recommendation:**

Approve, accept, and execute the attached Amended Deed of Conservation Easement for the Hilochee Mitigation Bank.

**Presenter:** Adrienne E. Vining, Assistant General Counsel

## GENERAL COUNSEL'S REPORT

June 26, 2018

### *Consent Agenda*

#### **Initiation and Approval of Rulemaking to Amend Rule 40D-3.037(5), F.A.C., to Revise Form LEG-R.003.02, Application for a Water Well Contractor's License**

Rule 40D-3.037(5), Florida Administrative Code (F.A.C.), incorporates by reference Form LEG-R.003.02, Application For A Water Well Contractor's License. Currently, Form LEG-R.003.02, section "C" states:

Enclosed with the completed application is a letter from a water well contractor and a letter from a water well inspector employed by a governmental agency providing evidence of the length of time the applicant has been engaged in the business of construction, repair, or abandonment of water wells as a major activity.

In 2016 the legislature amended Section 373.323(3)(b)1, Florida Statutes (F.S.) to require an applicant for a water well contractor's license to provide evidence of experience with a letter from a water well contractor or a water well inspector employed by a governmental agency, but not both. Therefore, Form LEG-R.003.02, Application for a Water Well Contractor's License is inconsistent with Section 373.323(3)(b), F.S., as amended, and should be revised by changing the word "and" to "or" in section "C" of the application as follows:

Enclosed with the completed application is a letter from a water well contractor or ~~and~~ a letter from a water well inspector employed by a governmental agency providing evidence of the length of time the applicant has been engaged in the business of construction, repair, or abandonment of water wells as a major activity.

Because the application form is incorporated by reference into Rule 40D-3.037(5), F.A.C., the rule must be amended by revising section "C" of the application so it is consistent with Section 373.323(3)(b), F.S.

#### **Staff Recommendation:**

Approve final rule language and authorize the initiation of rulemaking to amend Rule 40D-3.037(5), to revise section "C" of Form No. LEG-R.003.02 (9/14), The Application for Water Well Contractor's License, to make the application consistent with Section 373.323(3)(b)1, F.S., and authorize staff to make any necessary minor clarifying technical changes that may result from the rulemaking process.

**Presenter:** Jodi A. Thompson, Staff Attorney

## EXHIBIT A

Proposed Amendment to Rule 40D-3.037(5), Florida Administrative Code, to Revise Form No. LEG-R.003.02 (9/14), Application for Water Well Contractor's License

### **40D-3.037 Rules, Publications and Agreements Incorporated by Reference.**

(1) No change.

(2) No change.

(3) No change.

(4) No change.

(5) The Application for Water Well Contractor's License, Form No. LEG-R.003.02 ( ) (9/14) available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-05526> and Application for Renewal of a Water Well Contractor's License, Form No. LEG-R.004.03 (9/14) available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-05527> are hereby incorporated by reference and are available from the District's website at [www.watermatters.org](http://www.watermatters.org) or from the District offices.

(6) No change.

*Rulemaking Authority 373.044, 373.113, 373.309 FS. Law Implemented 373.046, 373.103, 373.308, 373.309, 373.323, 373.324, 373.333, FS. History—New 7/1/90, Amended 12-13-92, 4-11-94, 6-27-94, 9-22-94, 7-5-95, 10-19-95, 7-15-99, 6-23-03, 1-08-04, 8-19-08, 1-15-09, 8-30-09, 11-2-09, 6-7-10, 7-12-15, \_\_\_\_.*

## EXHIBIT B

### APPLICATION FOR A WATER WELL CONTRACTOR'S LICENSE

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
7601 US HIGHWAY 301 NORTH  
TAMPA, FL 33637-6759

- A. TYPE OR PRINT using black ink and mail this completed Water Well Contractor Application, with the application fee and supporting documentation to Southwest Florida Water Management District, attention Well Construction Section, Water Use Permit Bureau at 7601 US Highway 301 North, Tampa, Florida 33637-6759.

1. Name of person to be licensed: \_\_\_\_\_
2. Name of business firm or corporation affiliation: \_\_\_\_\_
3. Business address: \_\_\_\_\_ County: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Business Phone: (\_\_\_\_) \_\_\_\_\_ Fax No.: (\_\_\_\_) \_\_\_\_\_  
Cellular Phone: (\_\_\_\_) \_\_\_\_\_ E-Mail Address: \_\_\_\_\_
4. Home address: \_\_\_\_\_ County: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Home Phone: (\_\_\_\_) \_\_\_\_\_
5. Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_ Driver's License No. \_\_\_\_\_

- B. Enclose a check or money order payable for \$150 (**non-refundable**) application fee payable to the Southwest Florida Water Management District. **PLEASE DO NOT SEND CASH.**

- C. Enclosed with the completed application is a letter from a water well contractor and a letter from a water well inspector employed by a governmental agency providing evidence of the length of time the applicant has been engaged in the business of construction, repair, or abandonment of water wells as a major activity.

- D. The applicant must demonstrate compliance with the minimum requirements for licensure.

1. Applications for licensing as a water well contractor will be accepted from any person who is at least 18 years of age and has knowledge of the rules adopted by the Department of Environmental Protection and the Southwest Florida Water Management District concerning the regulation of water wells. The applicant shall demonstrate this knowledge by achieving a score of at least 70% correct on the Contractor's Examination administered by the District.
2. The applicant must have not less than **two** (2) years of experience in constructing, repairing, or abandoning wells. Satisfactory proof of two years of experience in the water well construction business shall be demonstrated by providing the following information: A list of ten (10) water wells, together with their location, major use and approximate depth and diameter that the applicant personally constructed, repaired or abandoned within the preceding five (5) years. This list shall also include the name and address of the owner or owners of each well and the approximate date the construction of each well was completed. Use the attached form to list the ten wells.
3. The applicant must have completed a minimum of 12 approved coursework hours. A minimum of six approved coursework hours must be related to water well construction practices and applicable water well construction rules.

- E. Examinations shall be given by the District and will be scheduled by the District as demand and resources allow.



Please schedule me for an examination upon determining that my application is complete. I understand that a license shall not be issued until I have passed the required examination with a score of at least 70% correct. I acknowledge that the examination must be passed within 12 months after I have become eligible to take the exam and that I have three opportunities to take and pass the examination, or I must reapply and pay the fee again. I understand and acknowledge my responsibilities under applicable rules and statutes relating to the licensing and construction of water wells including the Water Well Construction Disciplinary Guidelines and Citations Dictionary (6-22-14) incorporated by reference in 40D-3.037(1), Florida Administrative Code.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

**FOR DISTRICT USE ONLY**

APPLICATION COMPLETE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
INITIALS

LIST OF WELLS COMPLETE AND SATISFACTORY

\_\_\_\_\_  
DATE

\_\_\_\_\_  
INITIALS

APPLICANT NOTIFIED OF EXAMINATION DATE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
INITIALS

APPLICANT FAILED EXAMINATION AND NOTIFIED

\_\_\_\_\_  
DATE

\_\_\_\_\_  
INITIALS

APPLICANT PASSED EXAMINATION AND NOTIFIED

\_\_\_\_\_  
DATE

\_\_\_\_\_  
INITIALS

**LIST OF TEN WELLS CONSTRUCTED, REPAIRED OR ABANDONED  
WITHIN THE PRECEDING 5 YEARS**

	Well Owner Name/Address	Well Location Address	Well Use	Well Diam.	Well Depth	Completion Date	Permit Number
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							

Attachment: Exhibit B to Recap (3826 : June - 40D-3.037(5) Rulemaking - Jodi)

**EXECUTIVE DIRECTOR'S REPORT**

**June 26, 2018**

***Consent Agenda***

**Approve Governing Board Minutes - May 22, 2018**

Staff Recommendation:

Approve minutes are presented.

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

**MINUTES OF THE MEETING**  
**GOVERNING BOARD**  
**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**

BROOKSVILLE, FLORIDA

MAY 22, 2018

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m., on May 22, 2018, at the Brooksville Office. The following persons were present:

**Board Members Present**

Randall S. Maggard, Chair  
Jeffrey M. Adams, Vice Chair  
Ed Armstrong, Treasurer  
H. Paul Senft, Member  
Michael A. Babb, Member  
Kelly S. Rice, Member  
John Henslick, Member  
Michelle Williamson, Member  
Mark Taylor, Member  
Joel Schleicher, Member  
Rebecca Smith, Ph.D., Member  
James G. Murphy, Member

**Board Members Absent**

Bryan Beswick, Secretary

**Staff Members**

Brian J. Armstrong, Executive Director  
Amanda Rice, Assistant Executive Director  
Karen E. West, General Counsel  
Kurt P. Fritsch, Inspector General  
John J. Campbell, Division Director  
Ken L. Frink, Division Director  
Alba E. Más, Division Director  
Michael Molligan, Division Director  
Jennette Seachrist, Division Director

**Board Administrative Support**

Cara Martin, Board & Executive Services Manager  
Lori Manuel, Administrative Assistant

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

**PUBLIC HEARING (Audio – 00:00)**

**1. Call to Order**

Chair Maggard called the meeting to order and opened the public hearing. Treasurer Armstrong stated a quorum was present.

**2. Invocation and Pledge of Allegiance**

Chair Maggard offered the invocation and led the Pledge of Allegiance to the Flag of the United States of America.

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

Chair Maggard stated that anyone wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda should fill out and submit a "Request to Speak" card. To assure that all participants have an opportunity to speak, a member of the public may submit a speaker's card to comment on agenda items only during today's meeting. If the speaker wishes to address the Board on an issue not on today's agenda, a speaker's card may be submitted for comment during "Public Input." Chair Maggard 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.

Attachment: GB 05222018 - Draft (3785 : Approve Governing Board Minutes - May 22, 2018)



He also requested that several individuals wishing to speak on the same issue/topic designate a spokesperson.

**3. Employee Recognition**

Chair Maggard recognized employees who have reached at least 20 years of service with the District and thanked them for their service. The following staff was recognized: Rita Harrod and Lynn Nipper

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

**4. Outgoing Chair's Transition Items**

Chair Maggard provided an overview of the items that were accomplished during his tenure as Governing Board Chair. These items included: adoption of a rolled-back millage rate; investing more than 58 percent of the District budget for FY2017 and FY2018 for Cooperative Funding and District projects; reducing costs through better use of technology; improvement of business processes; clearly identifying priorities; reducing spending costs; promoting the use of reclaimed water; meeting the needs in the Southern Water Use Caution Area (SWUCA) while still reducing groundwater use; assisted the Polk County Water Cooperative solidify its entity; assisted in identifying new water supplies; amended the state statute governing the surplus lands by the water management districts; and developed joint Surface Water Improvement Management plans (SWIM) with key stakeholders for first-magnitude springs.

Chair Maggard explained that although much has been accomplished there remain many challenges.

**5. Election of Governing Board Officers**

**Board Member Babb made a motion to slate the nomination for officers as followed: Chair, Jeff Adams; Vice Chair, Ed Armstrong; Secretary, Bryan Beswick; and Treasurer, Michelle Williamson. The motion was seconded and carried unanimously. (Audio: 00:14:04)**

**6. Additions/Deletions to Agenda**

Mr. Brian Armstrong, Executive Director, stated the following item was deleted from the Consent Agenda:

**Regulation Committee**

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

**b. WUP No. 20010420.010 – Peace River Water Treatment Plant Facility/Peace River/Manasota Regional Water Supply Authority, et al (DeSoto County)**

Mr. Armstrong stated the following item was added:

**Finance/Outreach & Planning Committee**

**Discussion**

**68. Lake Hancock Field Office Fire Incident**

Mr. Armstrong stated a change was made to the staff recommendation for the following item:

**43. Fiscal Year 2018-19 Cooperative Funding Update**

This item was presented for the Committee's information, and no action was required.

Board Member Schleicher asked for the following items to be moved to Discussion:

**11. Authorize Scope Change for Pearce Drain/Gap Creek Watershed Management Plan**

**12. Authorize Scope Change for Bowlees Creek Watershed Management Plan (N809)**

**13. FARMS – Bethel Farms, LLLP – Hog Bay Farm (H770), DeSoto County**

**14. FARMS – 734 LMC Groves, LLC – Lily Grove (H771), Hardee County**

Chair Maggard said there is good cause to approve the amended agenda as allowed by Section 120.525, Florida Statutes. A motion was made to approve the amendments to the published agenda, which was seconded. The motion carried unanimously. (Audio 00:25:58)

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

Chair Maggard noted at this time, the public is given an opportunity to comment on any topic not listed on the agenda.

Chair Maggard stated he received three Request to Speak cards.

Mr. Bruce Cavell, resident, spoke regarding flooding and restoration of recharge in the Green Swamp area. He referenced Orange Lake.

Ms. Jennette Seachrist stated this is part of the Withlacoochee Initiative and the project alternatives that were evaluated. An update will be provided at the June Governing Board meeting.

Mr. Richard Fraker, resident, spoke regarding a petition that was submitted to the Governing Board to request that the District review a 1964 study that was conducted by the Army Corps of Engineers (ACOE) for the Green Swamp prior to channelization.

Chair Maggard asked Ms. Seachrist to meet with Mr. Cavell and Mr. Fraker. Ms. Seachrist responded in the affirmative.

Mr. David Geddis resident, spoke regarding the channelization of the Green Swamp, draining of wetlands and Roosevelt's New Deal.

**CONSENT AGENDA**

Chair Maggard asked that before the Board considers action on the Consent Agenda whether there was anyone in the audience who wished to address the Board regarding an item listed on the Consent Agenda.

**Finance/Outreach & Planning Committee**

**8. Budget Transfer Report**

Staff recommended the Board's approval of the Budget Transfer Report covering all budget transfers for April 2018.

**Resource Management Committee**

**9. Authorize Submission of Preliminary Flood Insurance Rate Maps for the Duck Lake Watershed in Pasco County to the Federal Emergency Management Agency (L737)**

Staff recommended the Board authorize submittal of the preliminary FIRMs for the Duck Lake watershed in Pasco County to FEMA.

**10. Authorize Submission of Preliminary Flood Insurance Rate Maps for the Double Hammock Creek Watershed in Pasco County to the Federal Emergency Management Agency (L841)**

Staff recommended the Board authorize submittal of the preliminary FIRMs for the Double Hammock Creek watershed in Pasco County to FEMA.

**11. Authorize Scope Change for Pearce Drain/Gap Creek Watershed Management Plan**

Staff recommended the Board approve the revised project scope and benefits to remove the Surface Water Resource Assessment from the project scope and specify completion of flood

~~protection alternative analysis for the Pearce Drain/Gap Creek (N759) Watershed Management Plan with no change in cost.~~

**~~12. Authorize Scope Change for Bowlees Creek Watershed Management Plan (N809)~~**

~~Staff recommended the Board approve the revised project scope and benefits to remove the Surface Water Resource Assessment from the project scope and specify completion of flood protection alternative analysis for the Bowlees Creek (N809) Watershed Management Plan with no change in cost.~~

**~~13. FARMS – Bethel Farms, LLLP – Hog Bay Farm (H770), DeSoto County~~**

~~Staff recommended the Board:~~

- ~~1) Approve the Bethel Farms, LLLP – Hog Bay Farm project for a not-to-exceed project reimbursement of \$191,662 with \$191,662 provided by the Governing Board;~~
- ~~2) Authorize the transfer of \$191,662 from fund 010 H017 Governing Board FARMS Fund to the H770 Bethel Farms, LLLP – Hog Bay Farm project fund;~~
- ~~3) Authorize the Assistant Executive Director to sign the agreement.~~

**~~14. FARMS – 734 LMC Groves, LLC – Lily Grove (H771), Hardee County~~**

~~Staff recommended the Board:~~

- ~~1) Approve the 734 LMC Groves, LLC – Lily Grove project for a not-to-exceed project reimbursement of \$74,184 with \$74,184 provided by the Governing Board;~~
- ~~2) Authorize the transfer of \$74,184 from fund 010 H017 Governing Board FARMS Fund to the H771 734 LMC Groves, LLC – Lily Grove project fund;~~
- ~~3) Authorize Division Director to sign the agreement.~~

**Operations, Lands and Resource Monitoring Committee**

**15. Acceptance of a Property Donation – Alafia River Corridor Project, the Estate of J. Crayton Pruitt, Deceased, SWF Parcel No. 11-709-153**

Staff recommended the Board:

- Accept the donation;
- Designate SWF Parcel No. 11-709-153 as having been acquired for conservation purposes;
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms; and
- Authorize staff to make minor changes or corrections to conform documents or correct errors; any substantive changes would be subject to Governing Board review and approval.

**16. Acceptance of a Property Donation – Two Mile Prairie Project, Citrus County Board of County Commissioners, SWF Parcel No. 19-707-108**

Staff recommended the Board:

- Accept the donation;
- Designate SWF Parcel No. 19-707-108 as having been acquired for conservation purposes;
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms, and
- Authorize staff to make minor changes or corrections to conform documents or correct errors; any substantive changes would be subject to Governing Board review and approval.

**17. Acceptance of Easement Donation – Central Florida Water Initiative (CFWI) Project, Crystal Lake, SWF Parcel No. 20-020-144**

Staff recommended the Board:

- Accept the Easement;
- Authorize staff to sign documents at closing necessary to complete the transaction in accordance with the approved terms.

**18. Acceptance of Easement Donation – ROMP 34 OCAL-AVPK FLDN, SWF Parcel No. 21-020-024**

Staff recommended the Board:

- Accept the Easement;
- Authorize staff to sign documents at closing necessary to complete the transaction in accordance with the approved terms.

**19. Purchase and Sale Agreement – Central Florida Water Initiative (CFWI) Project, Dinner Lake, SWF Parcel No. 20-020-139**

Staff recommended the Board:

- Accept the valuation appraisal;
- Approve the Purchase/Sale Agreement and authorize the Executive Director or designee to sign on behalf of the District;
- Authorize staff to sign documents at closing necessary to complete the transaction in accordance with the approved terms.

**20. Decline Right of First Refusal to Acquire the Remainder Fee Interest in a Conservation Easement, Green Swamp East Project, Polk County, SWF Parcel No. 10-200-1218C**

Staff recommended the Board authorize the Executive Director to decline the Right of First Refusal on SWF Parcel 10-200-1218C.

**Regulation Committee**

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

- a. WUP No. 20002588.012 – Kelly Farms / Kelly Family Holdings, LLC (Charlotte County)**  
Staff recommended the Board approve the proposed permit attached as an exhibit.
- b. WUP No. 20010420.010 – Peace River Water Treatment Plant Facility/Peace River/Manasota Regional Water Supply Authority, et al (DeSoto County)**  
Staff recommended the Board approve the proposed permit attached as an exhibit.

**General Counsel's Report**

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

- a. Approval of Consent Order – Unauthorized Construction – Antonio A. Santos, Jr. and Maria A. Santos – Pasco County**

Staff recommended the Board approve the Consent Order and authorize the initiation of litigation against Antonio A. Santos, Jr. and Maria A. Santos and any other necessary parties to obtain compliance with the terms of the Consent Order, recover an administrative fine, civil penalty, and recover District enforcement costs, litigation costs and attorneys' fees, if it becomes necessary.

**23. Rulemaking – None**

**Executive Director's Report**

**24. Approve CFI Heartland Region Meeting Minutes – April 5, 2018**

Staff recommended the Board approve the minutes as presented.

**25. Approve CFI Northern Region Meeting Minutes – April 6, 2018**

Staff recommended the Board approve the minutes as presented.

**26. Approve CFI Southern Region Meeting Minutes – April 11, 2018**

Staff recommended the Board approve the minutes as presented.



**27. Approve CFI Tampa Bay Region Meeting Minutes - April 12, 2018**

Staff recommended the Board approve the minutes as presented.

**28. Approve Governing Board Meeting Minutes – April 24, 2018**

Staff recommended the Board approve the minutes as presented.

**A motion was made and seconded to approve the Consent Agenda as amended. The motion carried unanimously.** (Audio 00:26:18)

**Chair Maggard relinquished the gavel to the Finance/Outreach Committee Chair Armstrong, who called the meeting to order.** (Audio 00:26:30)

**Finance/Outreach & Planning Committee**

**Discussion**

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

**30. Springs Community Partner Award**

Ms. Melissa Gulvin, Communications manager, provided a presentation for the Springs Community Partner Award. Ms. Gulvin presented the award to Mr. Earnie Olsen, Supervisor of Marine Science Station in Crystal River. This presentation included a video.

This item was provided for the Committee's information and no action was required.

**31. Fiscal Year (FY) 2018-19 Ad Valorem New Growth Projections**

Mr. John Campbell, Management Services director, provided a presentation regarding FY18-19 ad valorem new growth projections. Mr. Campbell provided a graph that depicted new growth projections from 2001 through 2018. Mr. Campbell explained that the average growth rate for new construction for 2001 through 2018 was 2.46 percent. He stated the growth rate for the last nine years has been 1.64 percent. Mr. Campbell explained graphs depicting correlation analysis for construction earnings versus new construction rate and unemployment rate versus new construction. He provided a graph depicting new construction rate forecast through FY23.

Staff recommended the Board approve the ad valorem tax revenue based on the updated new unit construction projection for development of the Recommended Annual Service Budget.

**A motion was made and seconded to approve the staff recommendation. The motion carried unanimously.** (Audio 00:37:35)

**32. ePermitting System Replacement Project Update**

Mr. Tom Hughes, Information Technology Bureau chief, provided a presentation regarding the ePermitting system replacement project update. Mr. Hughes stated this is a multi-step approach, determine Business Process Management (BPM) application; determine source of services; train staff; and begin development.

Mr. Hughes stated that the District has conducted research with Gartner Consulting. He explained the process of the BPM selection process. He outlined the criteria that was used by the Information Technology (IT) and Governance Committee to select the vendor. He stated that the vendor Appian has been selected. Mr. Hughes provide estimated costs for first year and ongoing. He outlined the next steps which include: begin procurement process; develop a Request for Proposal (RFP) for services; train IT and Regulation staff with a small training project in FY18; and begin full project in FY19.

Board Member Schleicher asked how long Appian has been in business, how large is the company, what is the company's growth rate and current earnings. Mr. Hughes responded that

Appien has over three thousand customers. He stated he did not have the information at this time but would be happy to provide it. Board Member Schleicher asked who the hosting provider would be. Mr. Hughes responded Amazon web services.

Board Member Senft asked about what other Districts are doing. Mr. Hughes responded South Florida Water Management (SWFWMD) is the only other agency and they are using a different vendor.

Board Member Williamson asked if customer users will be included in providing feedback. Ms. Michelle Maxey, Regulatory Support Bureau chief, responded in the affirmative.

Board Member Schleicher asked if the SWFWMD has provided any feedback for the system they have been utilizing. Ms. Maxey responded that the software they are utilizing is currently in development. They provided positive feedback on the software but had concerns about the service provider's customer service.

Board Member Taylor asked the range of cost associated with the other vendors. Mr. Hughes stated he did not have the exact numbers but could provide them. Board Member Taylor asked for an estimation. Mr. Hughes provided an estimate of approximately more than double on an ongoing basis. He asked the vendors to provide a five-year cost estimate. The significant reduction is in the number of licenses. This vendor has an engine already running in Amazon.

Board Member Taylor asked what the current costs are. Mr. Hughes responded that real costs currently are in maintaining the application as opposed to doing any new development, approximately \$20 million.

Committee Chair Armstrong asked Mr. Hughes to copy all committee members on his response to the Board members questions. Mr. Hughes responded in the affirmative.

This item was provided for the Committee's information and no action was required.

### **33. Options for the Sarasota Office**

Mr. Earl Rich, General Services Bureau chief, provided a presentation regarding the options associated with the Sarasota Office.

Mr. Rich provided a history of the Sarasota Office, explaining the District has maintained a physical presence in the Sarasota County area since 1988. He stated the office site was acquired from Sarasota County in 2000 for \$175,000 and construction of improvements were completed in 2001 for \$2,434,161. Mr. Rich stated the District intends to maintain in office in the Manatee/Sarasota area to continue to serve the water resource needs of the public. This includes 19 percent of Data Collection Bureau (DCB) data collection sites and 100 percent of Quality Water Improvement Program (QWIP) sites.

There is a total of 19,540 gross square feet of office and storage space on the property. Based on current needs, the size of the building and parcel are approximately twice as much as needed. The Sarasota County Property Appraiser currently assesses the value of the property at \$2,875,300. Staff believe the property will be valued higher than this due to its proximity to an I-75 interchange.

Board Member Henslick expressed his support for staff morale and would like to see them consulted regarding the location of the possible office. Chair Maggard affirmed that staff is in the consideration process.

Board Member Smith expressed her support for maintaining the current office location.

Board Member Murphy expressed his support for maintaining the current office location.

Board Member Senft stated he would like to ensure that staff is included in the communications regarding the options that are being discussed.

Board Member Schleicher expressed his support for a decision that ensures the District's fiduciary role to the tax payers.

Board Member Taylor expressed his concern for the District becoming a landlord.

Mr. Brian Armstrong, executive director, stated that communication has been occurring with the staff regarding this issue. The District is committed to staying in the general area. The final decision will be brought to the Governing Board for their approval.

Staff recommended the Governing Board approve of the following items:

- In accordance with Fla. Stat. §373.089, declare the Sarasota Office as surplus.
- Authorize the Executive Director, with the concurrence of the Office of General Counsel, to deliver a Letter of Intent to an owner or representative for the potential lease or purchase of a candidate property, before bringing a Lease or Purchase and Sale Agreements to the Governing Board for consideration.
- Payment of a refundable deposit of not more than 5% of the advertised price, if necessary, to secure a property before Governing Board consideration of a lease or Purchase and Sale Agreement.
- Authorize Staff to prepare a budget amendment in an amount not to exceed \$2.3 million and submit the Budget amendment to the Florida Department of Environmental Protection for review and approval by the Executive Office of the Governor.

**A motion was made and seconded to approve the staff recommendation. The motion carried with ten in favor and two opposed. (Audio 01:30:08)**

#### **68. Lake Hancock Field Office Fire Incident**

Mr. Earl Rich, General Services Bureau chief, provided a presentation on a fire incident that occurred at the Lake Hancock field office. Mr. Rich explained that a vehicle fire occurred at the District's Lake Hancock Field office on April 16. The fire originated in, or near, the engine compartment of a District vehicle but the Fire Department officials were unable to determine the initial root-cause of the fire. Mr. Rich provided an overview of the damage and a status of the claims process.

Staff recommended Board authorize staff to negotiate and accept insurance settlement offers, surplus damaged/destroyed equipment and to execute a budget transfer for \$76,000 from the Pasco County Riverside Village Drainage Improvement Project (N857) to procure one replacement vehicle, enclosed trailer, and a zero-turn commercial lawn mower destroyed in the fire.

**A motion was made and seconded to approve the staff recommendation. The motion carried unanimously. (01:35:52)**

#### **Submit & File Reports**

##### **34. Purchase Card Audit – Data Collection Bureau**

##### **35. Purchase Card Audit – District-Wide**

#### **Routine Reports**

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

##### **36. Treasurer's Report and Payment Register**

##### **37. Monthly Financial Statement**

##### **38. Monthly Cash Balances by Fiscal Year**

##### **39. Comprehensive Plan Amendment and Related Reviews Report**

#### **40. Development of Regional Impact Activity Report**

**Committee Chair Armstrong relinquished the gavel to the Resource Management Chair Babb, who called the meeting to order. (Audio 01:37:10)**

#### **Resource Management Committee**

#### **Discussion**

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

##### **11. Authorize Scope Change for Pearce Drain/Gap Creek Watershed Management Plan**

Please note that agenda items 11 and 12 were discussed collectively were but voted on separately.

Mr. JP Marchand, Water Resource Bureau chief, provided a presentation that updated the Board on proposed scope changes for projects N759 and N809 that were discussed at the February Board meeting. Manatee County's (County) initial cooperative funding request was for water quality issues. Mr. Marchand stated the District has coordinated with the County regarding cooperative funding to assist with flooding concerns. The County will request additional funding for the water quality aspect during the Fiscal Year 2020 (FY20) funding cycle.

Board Members questioned why the flood protection aspect of the project was not included in the original project submission. Mr. Marchand responded the County indicated its priority at the time of submission was water quality.

Mr. Marchand reminded the Board that this is the planning and analysis portion of the project, not the construction portion.

Staff recommended the Board approve the revised project scope and benefits to remove the Surface Water Resource Assessment from the project scope and specify completion of flood protection alternative analysis for the Pearce Drain/Gap Creek (N759) Watershed Management Plan with no change in cost.

**A motion was made and seconded to approve the staff recommendation. The motion carried with eleven in favor and one opposed. (Audio 01:51:16)**

##### **12. Authorize Scope Change for Bowlees Creek Watershed Management Plan (N809)**

Staff recommended the Board approve the revised project scope and benefits to remove the Surface Water Resource Assessment from the project scope and specify completion of flood protection alternative analysis for the Bowlees Creek (N809) Watershed Management Plan with no change in cost.

**A motion was made and seconded to approve the staff recommendation. The motion carried with eleven in favor and one opposed. (Audio 01:51:33)**

##### **13. FARMS – Bethel Farms, LLLP – Hog Bay Farm (H770), DeSoto County**

Please note that agenda items 13 and 14 were discussed collectively were but voted on separately.

Board Member Schleicher explained he is supportive of the Facilitating Agricultural Resource Management Systems (FARMS) program but he has concerns regarding the cost sharing ratio of 75 percent for the District and 25 percent for the applicant.



Mr. Armstrong explained that criteria was set by previous Governing Boards for regional priorities. The 75/25 percent sharing ratio is within the Southern Water Use Caution Area (SWUCA). He stated that staff can provide a presentation at an upcoming Board meeting.

Staff recommended the Board:

- 1) Approve the Bethel Farms, LLLP - Hog Bay Farm project for a not-to-exceed project reimbursement of \$191,662 with \$191,662 provided by the Governing Board;
- 2) Authorize the transfer of \$191,662 from fund 010 H017 Governing Board FARMS Fund to the H770 Bethel Farms, LLLP - Hog Bay Farm project fund;
- 3) Authorize the Assistant Executive Director to sign the agreement.

**A motion was made and seconded to approve the staff recommendation. The motion carried with eleven in favor and one opposed.** (Audio 01:53:53)

**14. FARMS – 734 LMC Groves, LLC – Lily Grove (H771), Hardee County**

Staff recommended the Board:

- 1) Approve the 734 LMC Groves, LLC - Lily Grove project for a not-to-exceed project reimbursement of \$74,184 with \$74,184 provided by the Governing Board;
- 2) Authorize the transfer of \$74,184 from fund 010 H017 Governing Board FARMS Fund to the H771 734 LMC Groves, LLC - Lily Grove project fund;
- 3) Authorize Division Director to sign the agreement.

**A motion was made and seconded to approve the staff recommendation. The motion carried with eleven in favor and one opposed.** (Audio 01:54:16)

**42. Florida Department of Environmental Protection BMAP Update**

Mr. Tom Frick, Florida Department of Environmental Protection (FDEP), provided a presentation regarding the Basin Management Action Plan (BMAP) update as related to the springs water quality restoration. Mr. Frick outlined the water quality framework for the State of Florida (State) and explained the Watershed Restoration Act and the Florida Springs and Aquifer Protection Act. He displayed a map of the Outstanding Florida Springs (OFS). Mr. Frick explained the biggest water quality challenge to springs is nitrogen. He stated that excessive nitrogen from multiple sources infiltrates to groundwater and comes out in spring vents. This causes excessive growth of algae and an ecological imbalance in the spring runs. He outlined Priority Focus Areas (PFA) and explained this is the area where the aquifer is most vulnerable. Mr. Frick explained that the biggest contributors of nitrates is wastewater from public and private systems, and urban and agricultural fertilizer. He explained that wastewater remediation plans have been developed by the FDEP, the Florida Department of Health (DOH) and local governments. These plans require that new construction on lots less than 1-acre will be required to utilize an upgraded (nitrogen-reducing) septic system, which will be approved by the DOH or connect to sewer. He added that when an existing septic system fails, the system will be required to be upgraded. Mr. Frick explained there will be a funding assistance program to aid with the costs for upgraded nitrogen reducing systems.

Mr. Will Bryant, DOH, provided a presentation regarding the Onsite Sewage Treatment and Disposal Systems (OSTDS). He explained how a conventional septic tank contributes to nitrogen in groundwater. He explained that modern conventional septic and drain field systems are effective at removing organic carbon, suspended solids and bacteria. However, these systems are not designed to effectively remove nitrogen. He outlined Florida Statute 381.006 which mandates OSTDS requirements. He stated that the use of upgraded systems becomes effective July 1. Mr. Bryant provided examples of the types of upgraded septic systems that will be available.

Board Member Taylor asked if July 1 is the deadline or will there be a gradual implementation process. Mr. Bryant responded the July 1 deadline pertains to systems within a PFA. He explained that if sewer hook-up is available, that would be the first option.

Board Member Taylor asked if there are suppliers for the advanced septic tanks. Mr. Bryant responded in the affirmative. Discussion ensued regarding the funding assistance that is being offered by the State. Mr. Bryant responded in the affirmative if it is within a PFA. He explained that if sewer hook-up is available, that would be the first option. Mr. Bryant responded in the affirmative if it is within a PFA. He explained that if sewer hook-up is available, that would be the first option.

Board Member Murphy asked if there is an option for additional vendor submittals that may offer alternative systems. Mr. Bryan responded in the affirmative. He explained that the DOH has programs that are available to allow for the submittal of new technology with third-party testing. He referenced this site to obtain further information: <http://www.floridahealth.gov/environmental-health/onsite-sewage/index.html>.

Mr. Frick stated that the DEP partnered with the DOH, Northwest Florida Water Management District (NFWFMD) and Leon County to develop a pilot program that promotes the development of other innovative technology.

This item was presented for the Committee's information, and no action was required.

#### **43. Fiscal Year (FY) 2018-19 Cooperative Funding (CFI) Update**

Mr. Jay Hoecker, project manager, provided a presentation regarding the FY2018-19 CFI update. He provided an overview of the CFI schedule, subcommittee structure, comparison of requests, comparison of requests by region, a map depicting application by region, breakdown of funding by Area of Responsibilities (AOR) and subcommittee summaries.

Mr. Eric DeHaven, assistant division director, provided an overview of three projects that the subcommittees requested be presented at this Board meeting.

Mr. DeHaven presented information regarding project N842, Bradenton Aquifer Protection Recharge Well. He explained this is a feasibility investigation of injecting reclaimed water into the non-potable portions of the Upper Floridan aquifer. This is a high ranked project.

Staff Recommendation:

Approve the staff recommendation to fund project N842, City of Bradenton Aquifer Protection Recharge Well.

**A motion was made and seconded to approve the staff recommendation. The motion carried unanimously.** (Audio 02:57:18)

Mr. DeHaven presented information regarding project N492, Lower Hillsborough River Dam Control Gate Facilities. This project is part of the effort to meet minimum flow for the Lower Hillsborough River. The Board first approved funding for this project in FY2013, then approved a change to the project scope in July 2017 and the District has an executed agreement with the City of Tampa to fund the project. This project is under construction. The overall cost effectiveness is ranked high and is based on bid prices. However, the project has experienced a cost increase of greater than 20 percent from the July Board approval of the Scope of Work (SOW) change to the CFI application submittal in October 2017. This exceeds the cost increase metric, of 20 percent, that was presented to the Board in August 2014, therefore, staff have ranked this project low.

Chair Babb stated he had one Request to Speak Card.

Mr. Chuck Weber, City of Tampa, spoke in favor of project N492. He provided a presentation that explained the project and associated costs.

Board Member Smith asked if the project could be amended and resubmitted under the 20 percent threshold. Ms. Karen West, general counsel, stated it would be at the Board's discretion.

Mr. Armstrong stated that the 20 percent threshold is a policy decision. The project is 29.2 percent. He explained this project is ranked High by staff. The recommended Low ranking is only for the additional funds being requested.

Staff Recommendation:

Approve the staff recommendation to keep N492, Lower Hillsborough River Dam Control Gates Facilities, ranked Low and not recommended for funding.

**A motion was made to recommend the revised cost of \$2,299,683 be approved and the project maintain a high ranking. This motion was seconded. The motion failed with four in favor and seven opposed.** (Video: 03:34:49)

**A motion was made and seconded to approve the staff recommendation. The motion carried with eight in favor and three opposed.** (Video 03:35:34/03:40:28)

**A motion was made to direct staff to inform cooperative funding applicants when they have exceeded the 20 percent threshold.** (Video: 03:41:13) **This motion was withdrawn.** (Video: 03:44:45)

It was agreed staff would address the concerns stated in the withdrawn motion, through the cooperative funding process with applicants.

Mr. DeHaven presented information for project Q021, Pasco County Cypress Preserve Phase 2 Grand Oak reclaimed water transmission line. He stated this is a construction project which was originally ranked low due to the cooperators' inability to identify a new measurable benefit, so staff was unable to identify a cost effectiveness. This project is related to previously funded project N837.

Mr. Charles Cullen, Pasco County Utilities, provided information regarding project Q021.

Staff Recommendation:

Consider the Tampa Bay Regional Subcommittee request to change the ranking for Q021 – Pasco County Cypress Preserve Phase 2 Grand Live Oak Reclaimed Water Transmission to High and provide FY2019 funding.

**A motion was made to keep the project ranked low, as was originally recommended by staff. This motion was seconded. The motion failed with four in favor and six opposed.** (Video 04:03:40)

**A motion was made to change the project ranking from low to high. The motion was seconded.** (Video 04:05:13)

**An amended motion was made to change the project ranking from low to high and require that Pasco County provide appropriate measurable benefit by January 1, 2019. This includes: providing the number of residences/common areas served, providing the quantity of reclaimed water, providing an estimated schedule for additional transmission line needs associated with N837 and Q021, follow standard contract language for 20-year customer commitment for reclaimed water benefits achieved within five years. If the reclaimed water benefits are not achieved within five years, repayment of the cooperative funding is required. The motion was seconded and passed with ten in favor and one opposed.** (Video: 04:07:17)

Ms. Jennette Seachrist, Resource Management director, provided an update on an item that was presented at the March 27, 2018 Governing Board meeting regarding Hurricane Irma storm debris management on the Peace Creek Canal. She stated there is an agreement with the United States Department of Agriculture/Natural Resources Conservation Service (USDA-NRCS) that is being finalized. She stated if the agreement is not finalized, this item will be presented at the June Governing Board meeting.

**Submit & File Reports - None**

**Routine Reports**

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

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

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

**Committee Chair Babb relinquished the gavel to the Operations, Lands & Resource Monitoring Committee Vice Chair Taylor, who called the meeting to order. (Audio 04:36:30)**

**Operations, Lands & Resource Monitoring Committee**

**Discussion**

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

**47. 2018 Hurricane Preparedness**

Mr. Jerry Mallams, Operations and Land Management Bureau chief, provided a presentation on the 2018 hurricane preparedness. Mr. Mallams stated that hurricane season begins on June 1 and ends on November 30. He provided a history of the 2017 the Atlantic hurricane season and the response from the District's Emergency Operation Center (EOC).

Mr. Mallams stated that Colorado State University has predicted the 2018 Atlantic Hurricane season will be another above normal season and is likely to produce 14 named storms, of which seven are expected to become hurricanes, three of those are expected to develop into major hurricanes of category three or higher.

Mr. Mallams explained that the District does not have the primary responsibility in hurricane response, and therefore is typically not a first responder. Emergency response responsibilities start at the local level and are elevated to the state then federal governments, when necessary. The District is a member of the State Emergency Response Team (SERT). SERT is responsible for coordinating the response, recovery and mitigation of emergency events. For Hurricanes, the five water management districts (WMDs) serve a supporting role through the Florida Department of Transportation (FDOT) for transportation, public works & engineering needs, and through the Florida Department of Environmental Protection (FDEP) for environmental protection needs. In conjunction with the District's supporting role in the SERT, the District may be called upon to provide mutual aid to other Florida state and local agencies during a hurricane.

The District has the primary responsibility for 81 water control structures which the District owns and operates 62 are water conservation structures and 19 are flood control structures. Associated with the structures, the District has 63 miles of canals and seven miles of earthen dams to monitor and maintain during hurricane events.

The District aids the public in regulatory matters by issuing emergency field authorizations, handling flooding complaints and, time permitting, checking known high-risk flooding areas. The District collects flooding and rainfall data to field document the hurricane events so that the data can be used to better calibrate flood models and guide flood improvement projects in the future



The District is also responsible for effective communications with the State, counties and other local governments, private entities such as utilities, as well as the public.

Mr. Mallams stated that staff is completing the 2018 Flood Event Guideline, which is a guide to planning, managing, and responding to flood events. Staff is also finalizing the 2018 Emergency Operations Directory, which is an essential document for ensuring efficient communications during a hurricane event.

The District continues to address the after-action items identified from the Hurricane Irma response. This process of capturing and addressing areas of improvement ensures that the District's response to emergency events continuously improves. Staff will have completed its inspection and exercising of all remotely operated water control structures and generators prior to June 1. Staff will continue to do daily communication checks with all remotely operated water control structures throughout the hurricane season.

Preparedness checklists have been updated and pre-hurricane season tasks were completed by each bureau which included activities such as stocking essential supplies, equipment inventories and maintenance, computer systems backups, tree trimming at the all District campuses, and staff skills list updates.

Coordination with other agencies is an important hurricane season preparedness activity. Over the past few weeks staff have participated in several pre-hurricane season events including the WMD pre-season coordination meeting where all five WMDs were present, the Tampa Partners meeting which included National Weather Service forecasters and their Southeast River forecasters, United States Army Corps of Engineers (USACE) and United States Geological Survey (USGS). In addition, the District met one-on-one with the USACE, attended the Hernando County EOC Exercise, held a purchasing and procurement summit, and attended the 2018 Governor's Hurricane Conference where 62 of Florida's 67 counties were in attendance.

This item was presented for the Committee's information, and no action was required.

#### **48. Hydrologic Conditions Report**

Mr. Granville Kinsman, Hydrologic Data manager, provided a presentation on the hydrologic conditions. Mr. Kinsman stated that the recent tropical moisture has ended the dry season early and has caused early local flooding issues. Rainfall in May has been above-normal in May, with the heaviest amounts falling in the central and southern regions of the District. Groundwater levels throughout the District remain in the normal range and are showing improvements from the recent rains. Lake levels for northern, Tampa Bay and Lake Wales Ridge lakes have fallen below normal. Polk Upland lakes are in the normal range. Flows on the Withlacoochee, Hillsborough, Alafia and Peace rivers remain within the normal range. The Hillsborough, Bill Young and the Peace River reservoirs remain at healthy levels. The climate forecast indicates above normal rainfall with a shift to El Niño.

This report provided information on the general state of the District's hydrologic conditions, by comparing rainfall, surface water, and groundwater levels for the current month to comparable data from the historical record. There is currently a potential tropical disturbance may increase localized flooding risks. Hurricane season may be active.

This item was presented for the Committee's information, and no action was required.

#### **Submit & File Reports - None**

#### **Routine Reports**

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

#### **49. Surplus Lands Update**

#### **50. Structure Operations**

## **51. Significant Activities**

**Vice Committee Chair Taylor relinquished the gavel to the Resource Regulation Committee Chair Adams, who called the meeting to order. (Audio 04:24:36)**

### **Regulation Committee**

#### **Discussion**

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

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

No denials were referred to the Board.

**54. Consider Water Shortage Order(s) as Necessary**

No water shortage orders were presented.

Committee Chair Adams stated he received one Request to Speak card.

Mr. Chester Bradshaw spoke regarding the setting of the minimum flows and levels in the Green Swamp area. Ms. Seachrist stated staff will provide an update at the June meeting which includes this concern.

**Submit & File Reports** - None

### **Routine Reports**

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

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

**56. Overpumpage Report**

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

**Committee Chair Adams relinquished the gavel to Chair Maggard. (04:31:40)**

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

#### **Discussion**

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

Ms. West informed the Board that seven petitions have been received regarding the modification of renewal of the Peace River Manasota Water Supply Authority (PRMWSA) water use permit. The petitions were received from Polk County, the Polk Regional Water Cooperative (PRWC), the City of Bartow, the City of Winter Haven, the City of Lakeland, the City of Fort Meade and the City of Wachula. These petitions are requesting an administrative hearing. The Office of General Counsel is currently reviewing the petitions for sufficiency.

**Submit & File Reports** – None

### **Routine Reports**

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

**51. May 2018 – Litigation Report**

**52. May 2018 – Rulemaking Update**

**Committee/Liaison Reports**

**53. Industrial Advisory Committee**

A written report was provided for the May 15 meeting.

**54. Public Supply Advisory Committee**

A written report was provided for the May 15 meeting.

**55. Committee/Liaison Reports**

Board Member Williamson stated the Environmental Advisory Committee toured Rock Pond on May 2.

**Executive Director's Report**

**64. Executive Director's Report**

Mr. Armstrong thanked Chair Maggard for his tenure as chair.

**Chair's Report**

**65. Chair's Report**

Chair Maggard spoke regarding the Auditor General's Office request for clarification for a possible finding related to the District's Inspector General.

**Chair Maggard made a motion for delegation of responsibility to examine this issue and allow the Finance, Outreach and Planning Committee, with the addition of the Chair, to take any action necessary, in the best interest of the District. This motion was seconded and carried unanimously. (Audio: 04:35:23)**

The next Board meetings are scheduled for June 26 in the Brooksville Office, July 24 in Clearwater at Tampa Bay Water and August 28 in the Tampa Office.

**66. Other**

**67. Employee Milestones**

The meeting was adjourned at 1:36 p.m.

Attest:

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Secretary





**Governing Board Meeting  
June 26, 2018**

<b>RESOURCE MANAGEMENT COMMITTEE</b>
--------------------------------------

***Discussion Items***

23. Consent Item(s) Moved for Discussion

24. Withlacoochee River Watershed Initiative ..... 111

***Submit & File Reports – None***

***Routine Reports***

25. Minimum Flows and Levels Status Update ..... 112

26. Significant Water Resource and Development Projects ..... 114

**RESOURCE MANAGEMENT COMMITTEE**

**June 26, 2018**

***Discussion Item***

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

Staff Recommendation:

Presenter: Jennette M. Seachrist, P.E., Division Director, Resource Monitoring

## RESOURCE MANAGEMENT COMMITTEE

June 26, 2018

### *Discussion Item*

#### Withlacoochee River Watershed Initiative

##### *Purpose*

To update the Board on the status of the Withlacoochee River Watershed Initiative (WRWI).

##### *Background/History*

The WRWI was established to better understand the dynamics of the river and watershed, identify how alterations have affected the system, and evaluate alternatives to better manage the resources. On October 27, 2015, staff presented the results of the WRWI to the Governing Board. Prior to the Governing Board presentation, the WRWI was presented to the public at five workshops in 2015. At the public workshops and Governing Board presentation, staff discussed the comprehensive analysis of the entire Withlacoochee River and surrounding watershed that had been completed to address numerous concerns expressed over the past few decades related to water levels and flow. Staff also described the results of a number of computer model scenarios, which were evaluated to determine the effects of historical modifications to the watershed. In addition, the model was used to determine the impacts of potential future changes designed to improve management of the river, including impacts of restoration activities in the Green Swamp.

In general, model results indicate that changing rainfall patterns and the region's natural topography have the greatest impact on water levels and flow along the Withlacoochee River. Since the October 2015 Governing Board presentation, three additional model scenarios have been evaluated based on feedback from the public workshops, providing valuable insight into the recent flooding from Hurricane Irma. Understanding gained through this effort has also resulted in two new District Initiatives, which began in 2018, and will improve our ability to manage the water resources in this system. These District Initiatives include restoration work in the Orange State Canal and a modification to the Golf Course Structure in the Tsala Apopka Chain-of-Lakes.

The WRWI has also enhanced the operation of over a dozen water control structures throughout the river and watershed by providing the tools to take a regional approach to structure operations and evaluate ways to improve our operational guidelines. In addition, a continued emphasis on outreach has resulted in effective stakeholder communication and stronger relationships between the public and the District.

##### Staff Recommendation:

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

Presenter: Mark Fulkerson, Ph.D., P.E., Senior Professional Engineer,  
Engineering and Watershed Management

**RESOURCE MANAGEMENT COMMITTEE****June 26, 2018*****Routine Report*****Minimum Flows and Levels Status Report**

Section 373.042 of the Florida Statutes requires the state water management districts or Department of Environmental Protection (DEP) to establish minimum flows and levels (MFLs) for aquifers, surface watercourses and other surface water bodies. MFLs are the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area and are used in District permitting programs and for water-supply planning.

District staff continues to work on various phases of the development or reevaluation of MFLs for water bodies included on the Governing Board and DEP approved MFLs Priority List and Schedule. This status report highlights phased tasks that have been completed for prioritized water bodies since the last Governing Board meeting and summarizes cumulative progress for all currently prioritized water bodies.

Phase 1 (Data collection). Data collection was not completed for any prioritized water bodies during the past month. To date, data collection has been completed for 22 of the 96 water bodies scheduled for MFLs adoption or reevaluation by 2027.

Phase 2 (Data analyses and development of draft MFLs reports). Data analyses and draft reports were not completed for any prioritized water bodies during the past month. Analyses and draft, internal-review reports have been completed for 17 of the 96 water bodies scheduled for MFLs adoption/reevaluation by 2027.

Phase 3 (a. Presentation of draft MFLs reports to the Governing Board prior to peer review; b. presentation of peer review reports and staff responses to the Governing Board; c. public workshops; and d. presentation of final MFLs reports to the Governing Board for acceptance).

- a) No draft MFLs reports that are to be subjected to peer review were presented to the Governing Board this month. Draft reports for six currently prioritized water bodies that were subsequently peer reviewed have previously been submitted to the Governing Board.
- b) No peer review reports or staff response to peer review findings were presented to the Governing Board this month. To date, peer review reports and associated staff responses have been presented to the Governing Board for five of the 96 water bodies scheduled for MFLs adoption/reevaluation by 2027.
- c) No public workshop on proposed MFLs were held during the past month. To date, public workshops addressing 13 of the 96 water bodies scheduled for MFLs adoption/reevaluation by 2027 have been conducted.
- d) A final MFL report addressing reevaluated MFLs for lakes Dosson and Sunshine was submitted to the Governing Board this month. Pending acceptance of this report, final reports addressing 13 of the 96 water bodies scheduled for MFLs adoption/reevaluation by 2027 have been accepted by the Governing Board.

Phase 4 (Recovery Strategy Development). No new recovery strategies were developed for Governing Board consideration this month. The previously approved NTB WUCA and SWUCA



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recovery strategies have, respectively, been identified as necessarily applicable to two and four of the 96 water bodies scheduled for MFLs adoption/reevaluation through 2027. No need for recovery has been determined for seven of the 96 prioritized water bodies. The need for recovery has not yet been determined for the 83 other water bodies.

Phase 5 (Governing Board Approval of Rule Amendments). Rule amendments addressing reevaluated MFLs for lakes Dosson and Sunshine were presented to the Governing Board this month. Pending approval of a request to initiate rulemaking for these MFLs, rule amendments addressing 13 of the 96 water bodies scheduled for MFLs adoption/reevaluation by 2027 have been approved.

Staff Recommendation:

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

Presenter: Doug Leeper, MFLs Program Lead, Springs and Environmental Flows Section

## RESOURCE MANAGEMENT COMMITTEE

June 26, 2018

### *Routine Report*

#### Significant Water Resource and Development Projects

This report provides information on significant Resource Management projects and programs in which the Governing Board is participating in funding. The report provides a brief description and status of significant activities associated with the project that have recently occurred or are about to happen.

#### SWUCA Recovery Project at Flatford Swamp and Hydrologic Restoration

The project investigates the feasibility of using excess water from Flatford Swamp recharged into the Upper Floridan Aquifer that would reduce the rate of saltwater intrusion inland and help restore hydroperiods. A water budget model comparing existing and historic conditions within Flatford Swamp was developed to determine the amount of excess water that could be captured for a beneficial use. Several preliminary scenarios for removal of excess water from the swamp have been evaluated such as a feasibility study to determine Mosaic's potential uses for excess water from Flatford Swamp. The Feasibility Study with Mosaic was finalized in March 2013, but determined unfeasible. Staff researched an injection option at Flatford for the excess water to recharge the aquifer and discussed the need for more information on the Avon Park formation at the swamp. A pre-application meeting with Florida Department of Environmental Protection (FDEP) was held on February 25, 2016. Draft Class V, Group 2 Injection Well permit application was issued by FDEP approximately a year later. The feasibility study memorandum is complete. Staff has presented to the Agricultural\Green Industry, Environmental, Well Drillers and Public Supply Advisory Committees. Also, staff had outreach presentations to the Manatee Chamber Environmental Committee, Myakka River Coordinating Council, and the Florida Groundwater Association Board. Governing Board approved at their April meeting to proceed with the test well project. The successful consultant from the Request for Proposal for the test well project was the Jones Edmunds & Associates team. The successful bidder for the drilling RFB was Rowe Drilling. Both the consultant and driller agreements were executed, and kick-off meetings were held on February 22, 2018. ***New Activities Since Last Meeting:*** Drilling continues on the recharge well. Consultant is continuing with the permitting process for diversion infrastructure design. *Project Manager: Lisann Morris*

#### Lower Hillsborough River MFLs Recovery Strategy - Implementation

At its August 2007 meeting, the Governing Board established minimum flows and approved a recovery strategy for the lower Hillsborough River (LHR). The recovery strategy was adopted as required by statute, because flows in the LHR were below the established minimum flows. The recovery strategy includes a number of projects to divert water from various sources to help meet the minimum flows. Projects planned under the recovery strategy, funded through a Joint Funding Agreement with the City of Tampa (COT), include diversions of water from Sulphur Springs, Blue Sink, the Tampa Bypass Canal (TBC), and Morris Bridge Sink. Pursuant to the recovery strategy, since December 31, 2007, 75 percent of up to 11 cubic feet per second (cfs) (i.e., 8.2 cfs) transferred to the reservoir from the TBC is being pumped to the base of the Hillsborough River Dam. The District received notification from the COT on November 7, 2011, that the Sulphur Springs Run Lower Weir project was complete and the pumping facilities and Upper Weir modifications to assist in meeting the MFL were completed in January 2012. The COT completed construction for the Blue Sink pipeline in April 2016 and construction restoration was completed in May 2016. In November 2017 the COT began operation of the Blue Sink

pumping facility. In October 2017, the District completed design for the Morris Bridge Pumping facility, but construction has not begun pending the outcome of analysis the COT is performing on other alternative supplies to meet the MFL, specifically associated with the Tampa Augmentation Project (TAP - Q028). In 2017, the COT began the process of taking over operation of pump stations on the TBC, as required by the recovery strategy. In addition, a CFA between the COT and the District for the Lower Hillsborough River Dam Control Gate Facilities (N492, Agreement No. 17CF0000823) was completed. This project will construct a new gate in the dam to allow the city to pass the full quantity of water needed to meet the MFL through the dam. On November 30, 2017, the COT issued Kiewit Infrastructure South Company a notice to proceed with construction of the proposed Hillsborough River Dam MFL Low Flow Control Gate (N492). Project completion is expected on or before June 28, 2018. In accordance with the permit issued to the District by the FDEP for planned minimum flow recovery pumping from Morris Bridge Sink, the District submitted a review/assessment of the recovery strategy to FDEP in December 2017. In December 2017 the COT began operation of the temporary pump stations at the District's S-161 site and at the Hillsborough River Dam site. In summary, all activities and projects proposed in the adopted recovery strategy are either underway, completed, or have been determined to not be viable. Acquisition of necessary permits and other unforeseen issues have delayed construction and full implementation of some recovery strategy projects. However, important components of the recovery strategy are currently in operation, including the use of Sulphur Springs, Blue Sink, and the TBC as recovery flow sources, and results from recent years suggest that the desired goal of creating low salinity habitat below the dam can be sustained through minimum flows implementation. The District and the COT continue to work cooperatively to determine how the MFL will be impacted through the proposed COT TAP - Q028 project. The COT has met with District staff and is pursuing additional coordination regarding minimum flow requirements to support the updating of their minimum flow operating procedures. Water quality monitoring, soil subsidence monitoring and biological sampling for 2017 for the WUP for Morris Bridge Sink has been completed. The COT Low Flow Control Gate (N492) project construction is underway. On March 14, 2018, the N492 Low Flow Control Gate project contractor installed the cofferdam as a major step toward facilitating removal of the old sluice gate and replacing it with the new slide gate for diversion of water from the reservoir into the LHR. The annual reports to FDEP for permit compliance for the S-161 WUP and Morris Bridge Sink WUP were submitted on March 30, 2018. **New Activities Since Last Meeting:** No changes since last meeting. *Project Managers: Barbara Nordheim-Shelt*

### **TECO's Polk Power Station Reclaimed Water Interconnects to Lakeland/Polk County/Mulberry**

This regional project, consisting of transmission pipelines, pump stations, storage tank, advanced treatment and deep injection well, is providing up to 10 mgd of reclaimed water from four domestic wastewater treatment facilities (Lakeland Glendale, Lakeland Northside, Mulberry, and Polk County Southwest) to Tampa Electric Company's (TECO) power facility in southwest (SW) Polk County (Polk Power Station). The reclaimed water is necessary as TECO expanded the Polk Power Station generation capacity. The cooperatively funded reclaimed water project (H076-Phase I) was originally anticipated to provide 5.2 mgd (expandable up to 6.7 mgd) of reclaimed water from the City of Lakeland; however, the supply and benefits were expanded several times to 10 mgd (expandable to 17 mgd) and total project costs increased to \$96,960,725. The increases improved cost-effectiveness and will utilize 100 percent of all available reclaimed water from Lakeland, Mulberry and SW Polk to beyond 2040. TECO replaced, to the greatest extent possible, 3 to 8 mgd of existing groundwater uses in 2015-2017 with reclaimed water before the full project expansion was completed in late 2017. **Additional Information:** In order to utilize the reclaimed water, the project includes advanced treatment

(filtration and membranes) which is necessary to reduce dissolved solids to an acceptable level. The membrane reject water (concentrate by-product) is mixed with other Polk Power Station discharge water and pumped to two new deep injection wells for final disposal. The four primary project components are complete with; 1. The Lakeland segment on-line in 2015; 2. The reclaimed water treatment system, storage tank and injection well at the TECO facility on-line in 2015; 3. The Polk SW segment completed and on-line December of 2017; and 4. The Mulberry pipeline segment and pump station on-line in 2017. Per the June 2016 Amendment adding the final District funding, the District budgeted \$45,676,957 in ad valorem and an additional \$3,526,063 in WRAP funds (totaling \$49,203,020 in District funding), of which a total of \$46,122,080 has been reimbursed (TECO is compiling final billing and close-out documents). The project is utilizing Lakeland's, Mulberry's, and Polk County's effluent to supply 5 to 10 mgd of reclaimed water, thereby reducing groundwater pumping at the TECO Polk Power Facility. Full commissioning and testing to the 10 mgd capacity was completed in late 2017. Billing close-out efforts are continuing by TECO. **New Activities Since Last Meeting:** No changes since last meeting. *Project Manager: Anthony Andrade*

### **Aquifer Recharge Projects**

#### **City of Clearwater - Groundwater Replenishment Project - Phase 3**

This is an ongoing project which previously completed work on an advanced water purification pilot plant test and one groundwater recharge injection site. Results from the water purification plant pilot tests and injection well testing demonstrated that this project would be successful in allowing the City to increase their reclaimed water utilization, reducing surface discharges, improving groundwater levels in the Northern Tampa Bay Water Use Caution Area, and increasing the City's future water supply potential from their existing wellfields. Phase 3 of this project is the design, third-party review, permitting and construction of the full-scale water purification plant and the injection and monitor well systems to recharge 2.4 mgd annual average of purified recycled water at Clearwater's Northeast Water Reclamation Facility. Public outreach is also a critical function throughout the design and construction of this project. The original CFI contract with the City for this project was executed in January 2016. An increase in the total project cost from \$28,680,000 to \$32,716,000, was requested at the District's September 27, 2016 Governing Board Meeting based on results of a 30 percent design and third-party review. The Board approved the City's request to move forward with final design and construction and authorized a contract amendment for the project (current budget of \$32,716,000 with the District funding a total of \$16,358,000). This contract amendment was executed on March 6, 2017. Of the District's contribution, \$1,554,000 was approved in FY2015, \$2,131,600 was approved in FY2016, and \$8,000,000 was approved in FY2018. The remaining \$4,672,400 is currently requested in the FY2019 CFI application. The 100 percent design is complete and final design is pending permit issuance by the Florida Department of Environmental Protection (FDEP). Three public meetings were conducted by the City between November 2016 and May 2017. Permit Applications for the Advanced Water Purification Plant were logged in at the FDEP on October 20, 2017 and are anticipated to be issued at the end of 2017 or beginning of 2018. Site Development Permit Applications are with FDEP Environmental Resource Permitting, Florida Department of Transportation Right of Way Access, the City and the County. Construction is currently scheduled to be complete at the beginning of 2020 and facility operations should begin in April 2021. The next task, project bidding, is pending final permits and final design. The FDEP Intent to Issue for the Advanced Water Purification Plant permit was initially received on January 10, 2018. Following subsequent edits, the final Intent to Issue with a revised public notification form was provided on February 12, 2018. The City published the required notification in the Tampa Bay Times on February 16, 2018. **New Activities Since Last Meeting:** The public meeting for the UIC permit is scheduled for June 13, 2018, 5:00 p.m. to 8:00 p.m. at the Clearwater Main Library, 100 N Osceola Avenue, Clearwater, Florida 33755. *Project Manager: Robert Peterson*



**Pasco County - Reclaimed Water Natural Systems Treatment and Restoration Project**

A desktop feasibility study to assess the use of highly treated reclaimed water to indirectly recharge the UFA via constructed wetlands and/or rapid infiltration basins (RIB) in central Pasco County areas was completed in January 2011. The study showed that indirect aquifer recharge is a viable option for Pasco County. A Phase II feasibility study and report was completed in February 2012 and included a screening analysis for potential RIB locations, as well as cost analyses refinements for potential future phases. Phase III includes field testing and modeling on the 4G Ranch in Pasco County. The final draft of the Phase III project report was received by the District on December 12, 2014; and a teleconference was held on December 16, 2014, to discuss preliminary comments. District staff sent report comments on December 23, 2014. Multiple meetings have been held to further discuss the District's comments. A request to extend the deadlines of Tasks 2 and 3, and the project end date to June 30, 2015, was received on February 26, 2015. A request to use the contingency funds in the Agreement (\$10,000) was also received. Meetings were held to discuss 30 percent design on March 25, March 30, and April 9, 2015. Pre-application meetings with FDEP occurred on March 31, 2015, to discuss the Environmental Resource Permit (ERP) for the project; and on April 7, 2015, to discuss the NPDES permit. A field visit with FDEP was held on April 23, 2015. Meetings to discuss the modeling work occurred on April 22 and May 5, 2015. The District received the final 30 percent design package on May 5, 2015. A draft Agreement, Project Plan, Easement, and Lease were developed, and the Governing Board gave staff authorization to proceed with third party review of the 30 percent design package at the July 2015 Board meeting. The results of the third-party review were received on August 24, 2015. The review concluded that the project scope and budget were reasonable and would meet the project objectives. The review also concluded that the methods used to determine the measurable benefit of at least 2.2 mgd of reclaimed water on a ten-year annual average were reasonable. On August 27, 2015, the project team met with FDEP to discuss the submittal of the application to modify the County's NPDES permit. Both the ERP and NPDES permits have been submitted to FDEP. The Governing Board approved the County's and staff's request to move forward with final design and permitting of the project at their September 2015 meeting. The Board also directed staff to enter into an agreement for 50 percent of the total project cost identified in the 30 percent design (\$14,300,966), allowing reimbursement of the District's share for the design, permitting, and construction of this facility. The completed N666 Agreement was sent to Pasco County for their signature on October 5, 2015. The 60 percent costs were received on October 29, 2015. The 90 percent design was received on December 18, 2015. The draft NPDES and ERP permits have been received as of December 18, 2015. The 90 percent cost estimates from CH2M Hill (Pasco County consultant) and P&J (land owner/contractor) were completed. All permits were issued as of January 2016. A meeting was held with the project team on February 11, 2016 to review the estimates, and some revisions and clarification were made on both estimates. The 100 percent design drawings were received on March 10, 2016. The Pasco County Commission approved the Agreement at their May 10, 2016 meeting, and the District received the Agreement on May 25, 2016. The 100 percent costs were received March 25, 2016. The Agreement was sent to Executive for signature on July 1, 2016. The Agreement was fully executed on July 11, 2016. Construction began as of mid-June 2016, and is progressing on or ahead of schedule. A groundbreaking ceremony took place on October 24, 2016, including tours of the existing construction so far, and television press. A field trip for District staff took place on February 2, 2017. Most earthwork and pipe installation is complete. Construction is ongoing and is on schedule. Planting is ongoing through July. As of October 13, 2017, all construction has been completed with the exception of some final SCADA controls. A task extension to complete this and CEI work by December 31, 2017 was approved by the District. The County applied for FY2018 funding for a follow-up project to optimize the facility for recharge. Funding was approved for FY2018, and the agreement is currently being developed. The County has applied for FY2019 funding for this project as well. The County is sending the remaining deliverables to the District but is still working with the subcontractor to work out some problems with the

SCADA system. The District is processing a no-cost time extension for the current Agreement in case the issues are not finalized with the subcontractor by June 30, 2018. Otherwise, the project construction is complete. **New Activities Since Last Meeting:** No changes since last meeting. *Project Manager: Mike Hancock*

### **South Hillsborough County Aquifer Recharge Program (SHARP)**

This is a direct aquifer recharge pilot project to evaluate directly recharging the non-potable zone of the UFA with up to 2 mgd of highly treated reclaimed water at the Hillsborough County's Big Bend facility near Apollo Beach in southern Hillsborough County (County). The goal of the project is to improve water levels within the Most Impacted Area of the Southern Water Use Caution Area and possible slow the rate of inland movement of saltwater intrusion in the area. The pilot testing program includes permitting, installing a recharge well and associated monitor wells, assessing aquifer characteristics, performing recharge testing, evaluating water level improvements, migration of the recharge water and metals mobilization, and conducting public outreach. The County's consultant submitted the well construction permit application for authorization to install the test recharge well and monitoring wells on December 20, 2011. Design and preparation of bid documents were completed in early July 2012; a request for bids was released the week of July 16, 2012, with responses received in August 2012. Construction contract with the contractor (A.C. Schultes of Florida, Inc.) was approved by the County on April 3, 2013. The recharge well was completed in December 2013 with an open-hole diameter of 14.75 inches, 780 feet of casing, and a total depth of 1,100 feet. The County received a letter from FDEP on July 13, 2015 authorizing recharge operations to begin. **New Activities Since Last Meeting:** Recharge testing and monitoring continued during the months of April and May. The total injected volume for April was 47 MG for the month. It is approximated as of May 24, 2018 that an additional 62 MG has been recharged resulting in approximately 1.55 billion gallons recharged since the beginning of the project. The County acidized the recharge well in May and average flow rate increased from 1.9 MGD to 3.0 MGD. The recent wet conditions allowed the County to successfully test a short term increased injection rate of 4.5 MGD. The County has requested a contract amendment to extend the recharge testing phase to evaluate an increased injection rate prior to applying for an operation permit. The District is negotiating a no cost change schedule amendment and anticipates it to be executed in June 2018. *Project Manager: Don Ellison*

### **City of Tampa, Tampa Augmentation Project (TAP)**

This project is a study that will explore the cost and feasibility of two options to beneficially use reclaimed water from the Howard F. Curren Advanced Wastewater Treatment Plant. The first alternative concept involves transmitting reclaimed water to the Lower Hillsborough Wilderness Preserve Area and delivering water through created wetlands and/or rapid infiltration basins (RIBs) to the Tampa Bypass Canal. This alternative was found infeasible and the project focus went to the second alternative. The second alternative concept evaluates a recharge/recovery system to store and recover reclaimed water (and possibly stormwater) in the aquifer for delivery to the Hillsborough River Reservoir and possibly in the future directly to the David L. Tippen Water Treatment Plant. The City has developed their stakeholder outreach plan, completed their route and regulatory/institutional analysis memorandums. The City is currently testing the recharge/recovery concept at an existing aquifer storage and recovery site. A No Cost Time Extension amendment is being routed to allow for finalization of the more complex memoranda covering modeling and water quality treatment. A draft Florida Department of Environmental Protection Underground Injection Well permit application was prepared. Additional feasibility tasks have been identified as a result of this first phase and the City has submitted a revised Cooperative Funding Application to request funding for Fiscal Year 2019. **New Activities Since Last Meeting:** No Cost Time Extension was executed extending the contract completion date to the end of August 2018. The City continues to develop the Final Feasibility Memorandum for this phase. *Project Manager: Lisann Morris*

## Item 26

Staff Recommendation:

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

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





**Governing Board Meeting  
June 26, 2018**

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

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28. Fiscal Year 2019 Recommended Annual Service Budget .....121

***Submit & File Reports***

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***Routine Reports***

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**FINANCE/OUTREACH & PLANNING COMMITTEE**

**June 26, 2018**

***Discussion Item***

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

Staff Recommendation:

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

**FINANCE/OUTREACH & PLANNING COMMITTEE****June 26, 2018*****Discussion Item*****Fiscal Year 2019 Recommended Annual Service Budget*****Purpose***

Submit fiscal year (FY) 2019 Recommended Annual Service Budget (recommended budget) for consideration by the Governing Board as required by statute; and authorize staff to prepare the Standard Format Tentative Budget Submission based on the recommended budget, adjusted for any modifications made by the Governing Board on June 26, changes in estimated ad valorem revenue based on the July 1 certifications of taxable value and any additional funding provided by the state.

***Background***

Pursuant to Section 373.536(2), Florida Statutes (F.S.), the District is required to submit a tentative budget, covering its proposed operations and funding requirements for the ensuing fiscal year, for consideration by the Governing Board. On June 26, staff will present the recommended budget to the Governing Board. Any changes in the tentative budget, subsequent to the June meeting, will be presented to the Governing Board for approval at the July 24 meeting to include in the tentative budget.

The District's expenditure budget is divided into two major components: (1) operating and (2) projects. The operating component of the budget includes salaries and benefits, operating expenses, contracted services for operational support and maintenance, and operating capital outlay. The projects component of the budget includes contracted services for District projects, Cooperative Funding Initiative (CFI) projects recommended for funding by the Governing Board Regional Sub-committees, District grants, and fixed capital outlay.

The FY2019 recommended budget meets the following goals established by the Governing Board:

- Project expenditures equal at least 50 percent of budget - 57 percent achieved.
- Operating expenditures do not exceed 80 percent of ad valorem revenue - 69 percent achieved.
- Salaries and benefits do not exceed 50 percent of ad valorem revenue - 45 percent achieved.

Pursuant to Section 373.536(5)(d), F.S., by August 1 of each year, the District is required to submit for review a tentative budget and a description of any significant changes from the preliminary budget submitted to the Executive Office of the Governor (EOG), President of the Senate, Speaker of the House of Representatives, chairs of all legislative committees and sub-committees having substantive or fiscal jurisdiction over water management districts, Secretary of the Department of Environmental Protection, and the governing body of each county from which the water management districts derive funds.

### *Discussion*

The recommended budget for FY2019 is \$176.3 million. Staff will provide an overview of the FY2019 recommended budget including a review of proposed expenditures and revenues. Expenditures will be reviewed by category, program and area of responsibility.

### **Operating Budget**

The operating budget of \$76.2 million for FY2019 is a decrease of \$68,107 or 0.1 percent from \$76.3 million in FY2018. As a result of the District's efforts in implementing efficient, cost-saving opportunities, the District has fiscal capacity to continue the necessary annual investment in critical water resource management projects.

### **Project Budget**

The project budget of \$100.1 million for FY2019 is a decrease of \$7.3 million from \$107.4 million in FY2018. This includes contracted services for District projects, District grants, CFI and fixed capital outlay expenditure categories.

Contracted services for District projects total \$12.1 million, a decrease of \$1.1 million from the FY2018 budget of \$13.2 million. This budget includes \$2.4 million for Aquifer Storage and Recovery Feasibility/Pilot Testing, \$1.6 million for Minimum Flows and Minimum Water Levels Recovery, \$1.4 million for Florida Department of Transportation Mitigation, and \$1.1 million for Restoration Initiative projects. In general, these projects are managed by the District. The recommended budget includes a summary chart of all contracted services for District projects by category and a detailed description of each project.

District grants and CFI projects total \$65.9 million, a decrease of \$13.8 million from the FY2018 budget of \$79.7 million. This budget includes \$53.2 million for CFI projects, \$7.7 million in grants for District-sponsored projects, and \$5 million for the funding of the Polk Partnership. The District's funds leveraged with its partners will result in a total regional investment of approximately \$129 million for water resource management projects. The CFI projects are all recommended by the Governing Board's Regional Sub-committees. The recommended budget includes a summary chart of all CFI projects followed by District grants by category and a detailed description of each project.

Fixed capital outlay totals \$22.1 million, an increase of \$7.6 million from the FY2018 budget of \$14.5 million. This budget includes \$17 million for acquisitions of land and land easements, \$2.7 million for District facility improvements and renovations, \$1.5 million for structure improvements and replacements, and \$882,826 for well construction. The recommended budget includes a summary chart of all fixed capital outlay projects and a detailed description of each project.

### **Ad Valorem Revenue**

The recommended budget includes ad valorem revenue of \$110.9 million, an increase of \$2.8 million from the FY2018 budget of \$108.1 million based on a projected 2.55 percent increase in new construction. The June 1 estimates indicate property values have increased 8 percent. Ad



valorem revenue will be adjusted based on the July 1 certifications of taxable property value by the 16 county property appraisers, and the millage rate will be adjusted to the rolled-back rate to account for new construction only.

At the July 24 Governing Board meeting, staff will present the 16-county property appraisers certifications of taxable value and the proposed FY2019 millage rate in compliance with s. 373.503(4) and s. 200.065, F.S. The Governing Board will be requested to adopt the proposed FY2019 millage rate for certification to the county property appraisers by August 4. The proposed millage rate is the rate that will be used for Truth in Millage (TRIM) Notices of Proposed Property Taxes. In addition, the Governing Board will be requested to authorize staff to submit the District's Standard Format Tentative Budget Submission for FY2019 to the EOG, Florida Legislature and other parties, as required by statute, to be received by August 1, 2018.

The District's FY2019 budget will be adopted in September following two public budget hearings. The first hearing is scheduled for September 11, 2018 at 5:01 p.m. at the Tampa Office. Written disapproval of any portion of the Tentative Budget Submission must be received from the EOG or the Legislative Budget Commission at least five business days prior to the final budget hearing. The second and final hearing is scheduled for September 25, 2018 at 5:01 p.m. also at the Tampa Office.

Exhibit of the recommended budget will be provided separately.

Staff Recommendation:

Authorize staff to prepare the Standard Format Tentative Budget Submission for FY2019 based on the recommended budget as presented, adjusted for any modifications made by the Governing Board on June 26, changes in estimated ad valorem revenue based on the July 1 certifications of taxable value and any additional funding provided by the state.

Presenter: John J. Campbell, Division Director, Management Services  
Jennette Seachrist, Division Director, Resource Management  
Ken L. Frink, Division Director, Operations Lands & Resource Monitoring  
Alba E. Más, Division Director, Regulation  
Michael Molligan, Division Director, Employee and External Relations

## FINANCE/OUTREACH & PLANNING COMMITTEE

June 26, 2018

### *Submit and File Report*

#### Payroll (Overtime) Budgeting

##### *Purpose and Background:*

In accordance with the District's *Annual Audit Plan*, staff have completed the Payroll (Overtime) Budgeting engagement.

The project was identified through the District's annual risk assessment process. Yearly, the payroll process controls the disbursements of approximately 38 percent of the District's expenditures. Payroll disbursement processes are tested heavily by external auditors. However, the budgeting of overtime payroll is not extensively analyzed by external parties on a routine basis.

The overall technical requirement and objective for the engagement is to determine that the District's total overtime budget is reasonable. The key objectives for making that determination is to assess whether the process for budgeting overtime is adequately controlled to ensure reasonable budgets and adequate protection from likely fraud schemes, and then review budget to actual data to ensure that the Board could rely on the budgetary information and related performance metrics.

##### *Discussion and Follow-up:*

Testing commenced on May 18 and was completed on May 25, 2018. For the five years analyzed, the District's average overtime budget and expenditures totaled \$231,000 and \$242,000 respectively. The average variance of \$11,000 was less than five percent of budget. The calculated variances appear reasonable based on the District's work environment of responding to public safety emergency situations and conducting short-term projects that require continuous monitoring.

Based on the results of the procedures, the District's overtime budgets are realistic, and the District's process for developing the overtime budget adequately controls relevant risks to the organization. No significant items (reportable conditions to the Governing Board) were identified during this engagement. The inspector general referred one process improvement idea to the DIVE program.

During the audit, the management team identified three office or bureau budgets that will be followed up on as part of the FY2020 budgeting process. The changes to those budgets will not be significant changes and would not affect the operational performance metrics monitored by the Board.

##### Staff Recommendation:

For information only; No action required.

Presenter: Kurt P. Fritsch, Inspector General

## FINANCE/OUTREACH & PLANNING COMMITTEE

June 26, 2018

### *Submit and File Report*

#### Travel Procedure Review

##### *Purpose and Background:*

In accordance with the District's *Annual Audit Plan*, staff have completed review of the District's Travel Procedure.

The Office of Inspector General has a responsibility to review, as appropriate, rules, policies, procedures, and guidelines relating to the programs and operations of the District and make recommendations concerning their impact. The office completes these reviews at the time the Governing Board or Executive Management changes the documents. The inspector general uses a detailed program to conduct the review and discusses any concerns with the appropriate division director.

The Finance bureau chief is the document owner for District policies and procedures involving travel-related matters. The key business objectives for the travel procedure are to promote legal, policy, and procedural compliance. Accurate reporting of travel expenditures is a secondary important goal. The key risk event is payment of noncompliant or unauthorized travel expenses. For purposes of ensuring compliance, timeliness of submission of claims is important because the events remain recent for travelers and reviewers, which then ensures accuracy of the data reported. Timeliness of processing is important as a completed travel authorization may represent a valid claim to the District.

The primary reason for changing the procedure is to update the procedure as part of implementing a new financial system module to automate travel requests, approvals, documentation attachments, pay, and transaction recording. Key changes to the procedure language were done to replace the paper process with the automated system as the new standard procedure. Other changes address certain Class C travel expenditures involving mid-day meetings. Staff also adopted the governing document's format to be consistent with the template recommended through the District's Knowledge Management initiative.

##### *Discussion and Follow-up:*

Overall the changes included in the proposed travel procedure adequately addressed the governance, risk management, and control activities of concern as identified by the division director and Finance bureau chief. The changes made to the procedure did not raise other areas of concern that the inspector general deemed significant. The inspector general made several suggestions to improve the document that were included into the management's final draft. None of the recommended changes were necessary to address a significant weakness in controls design.

## Item 30

Staff Recommendation:

For information only; No action is required.

Presenter: Kurt P. Fritsch, Inspector General



**FINANCE/OUTREACH & PLANNING COMMITTEE**

**June 26, 2018**

***Routine Report***

**Treasurer's Report and Payment Register**

*Purpose*

Presentation of the Treasurer's Report and Payment Register.

*Background*

In accordance with Board Policy, District Investment, a monthly report on investments shall be provided to the Governing Board. The Treasurer's Report as of May 31, 2018, reflects total cash and investments.

In accordance with Board Policy, Disbursement of Funds, all general checks written during a period shall be reported to the Governing Board at its next regular meeting. The Payment Register listing disbursements since last month's report is available upon request. The Payment Register includes checks and electronic fund transfers (EFTs).

**Staff Recommendation:**

These items are presented for the Committee's information, and no action is required.

**Presenter:** Melisa J. Lowe, Bureau Chief, Finance

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
TREASURER'S REPORT TO THE GOVERNING BOARD  
May 31, 2018

CUSTODIAN HELD INVESTMENTS

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EFFECTIVE INTEREST RATE (%)	AMORTIZED COST	MARKET VALUE	ACCRUED INTEREST	% OF PORTFOLIO
<b>PUBLIC TRUST ADVISORS</b>						
<b><u>SWFWMD-Enhanced Cash Portfolio</u></b>						
7951619	Investments	1.58	\$201,839,940	\$200,962,531	\$735,903	
7951619	Cash / Money Market Fund	1.63	180,019	180,019	0	
			<b>Subtotal</b>	\$202,019,959	\$201,142,550	\$735,903
7951619	Accounts Receivable-Trade date prior to 5/31/18, Settlement date after 5/31/18		469	469	0	
			<b>Total</b>	\$202,020,428	\$201,143,019	\$735,903
						<b>39.59</b>
<b><u>SWFWMD- 1-3 Year Portfolio</u></b>						
7951620	Investments	1.56	\$157,180,729	\$155,234,582	\$551,630	
7951620	Cash / Money Market Fund	1.63	363,199	363,199	0	
			<b>Subtotal</b>	\$157,543,928	\$155,597,781	\$551,630
7951620	Accounts Receivable-Trade date prior to 5/31/18, Settlement date after 5/31/18		252	252	0	
			<b>Total</b>	\$157,544,180	\$155,598,033	\$551,630
						<b>30.87</b>
<b><u>SWFWMD- 1-5 Year Portfolio</u></b>						
7962855	Investments	1.66	\$51,047,953	\$50,032,430	\$203,115	
7962855	Cash / Money Market Fund	1.63	214,883	214,883	0	
			<b>Subtotal</b>	\$51,262,836	\$50,247,313	\$203,115
7962855	Accounts Receivable-Trade date prior to 5/31/18, Settlement date after 5/31/18		185	185	0	
			<b>Total</b>	\$51,263,021	\$50,247,498	\$203,115
						<b>10.05</b>
<b>TOTAL CUSTODIAN HELD INVESTMENTS</b>				<b>\$410,827,629</b>	<b>\$406,988,550</b>	<b>\$1,490,648</b>
						<b>80.51</b>

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
TREASURER'S REPORT TO THE GOVERNING BOARD  
May 31, 2018

STATE BOARD OF ADMINISTRATION (SBA) INVESTMENT ACCOUNTS

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EFFECTIVE INTEREST RATE (%)	PURCHASE COST	MARKET VALUE	ACCRUED INTEREST	% OF PORTFOLIC
<b>STATE BOARD OF ADMINISTRATION</b>						
<b><u>Florida PRIME (Formerly Local Government Investment Pool)</u></b>						
271413	SBA General Investments	2.03	\$69,141,489	\$69,141,489		
271414	SBA Land Resources	2.03	16,082,874	16,082,874		
271415	SBA Advanced State Funding (Eco System Trust Fund)	2.03	477,409	477,409		
271416	SBA Advanced State Funding (FDOT)	2.03	13,642,652	13,642,652		
271417	SBA Advanced State Funding (WRAP)	2.03	92,945	92,945		
271418	SBA Advanced State Funding (WPSTF-AWS)	2.03	34,913	34,913		
<b>TOTAL STATE BOARD OF ADMINISTRATION (SBA) ACCOUNTS</b>			<b>\$99,472,282</b>	<b>\$99,472,282</b>		<b>19.49</b>
<b>TOTAL INVESTMENTS</b>			<b>\$510,299,911</b>	<b>\$506,460,832</b>		<b>100.00</b>
<b>CASH, SUNTRUST DEMAND ACCOUNT</b>			301,365	301,365		
<b>TOTAL CASH AND INVESTMENTS</b>			<b>\$510,601,276</b>	<b>\$506,762,197</b>		

Weighted average yield on portfolio at May 31, 2018 is 1.67%.

EQUITY - CASH AND INVESTMENTS

**DISTRICT AND BASINS**

District General Fund	\$434,884,652	85.17%
Restricted for Alafia River Basin	950,186	0.19%
Restricted for Hillsborough River Basin	26,399,837	5.17%
Restricted for Coastal Rivers Basin	376,492	0.07%
Restricted for Pinellas-Anclote River Basin	15,556,987	3.05%
Restricted for Withlacoochee River Basin	2,465,891	0.48%
Restricted for Peace River Basin	1,687,150	0.33%
Restricted for Manasota Basin	3,942,132	0.77%
Total District General Fund	<b>\$486,263,327</b>	<b>95.23%</b>
FDOT Mitigation Program	13,365,092	2.62%
Florida Forever Program	10,972,857	2.15%
<b>TOTAL EQUITY IN CASH AND INVESTMENTS</b>	<b>\$510,601,276</b>	<b>100.00%</b>

## Monthly Investment Report for Period Ended May 31, 2018



### Southwest Florida Water Management District Investment Program Review

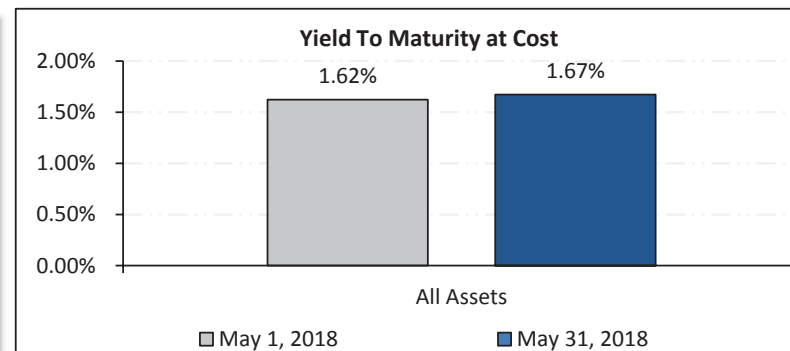
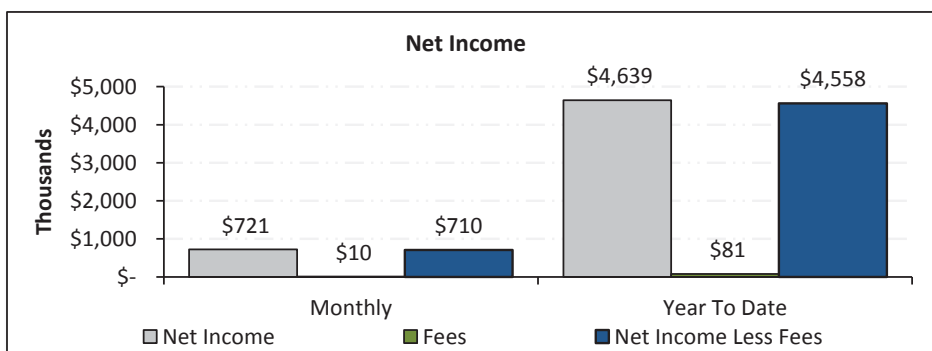
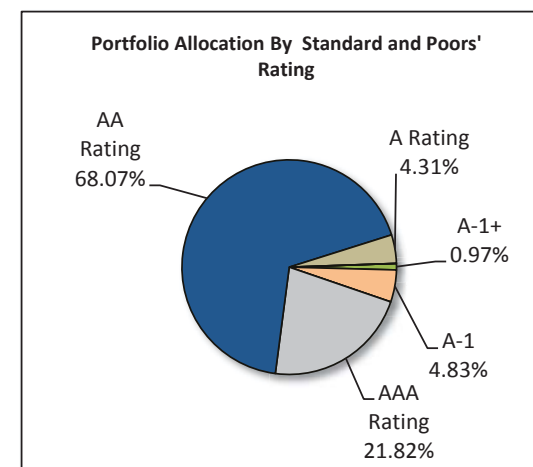
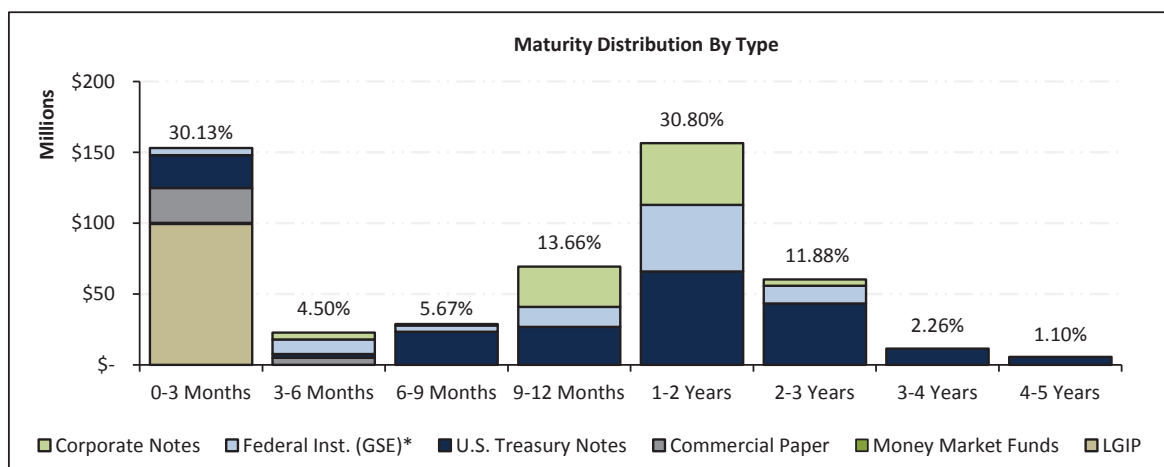
2379 Broad Street  
Brooksville, FL 34604-6899

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



## Southwest Florida Water Management District All Assets Summary Comparison for the period May 1, 2018 to May 31, 2018

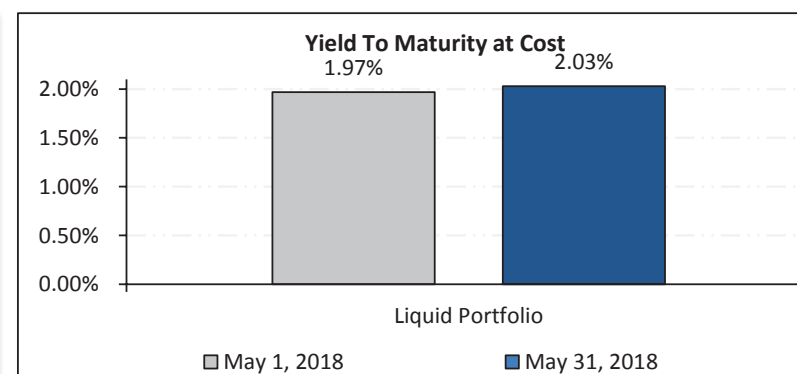
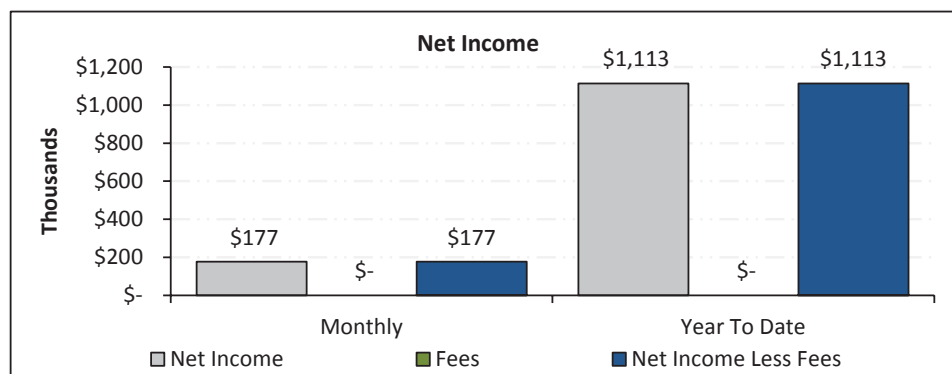
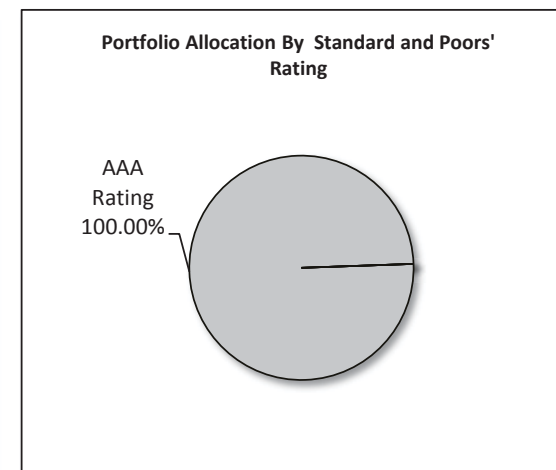
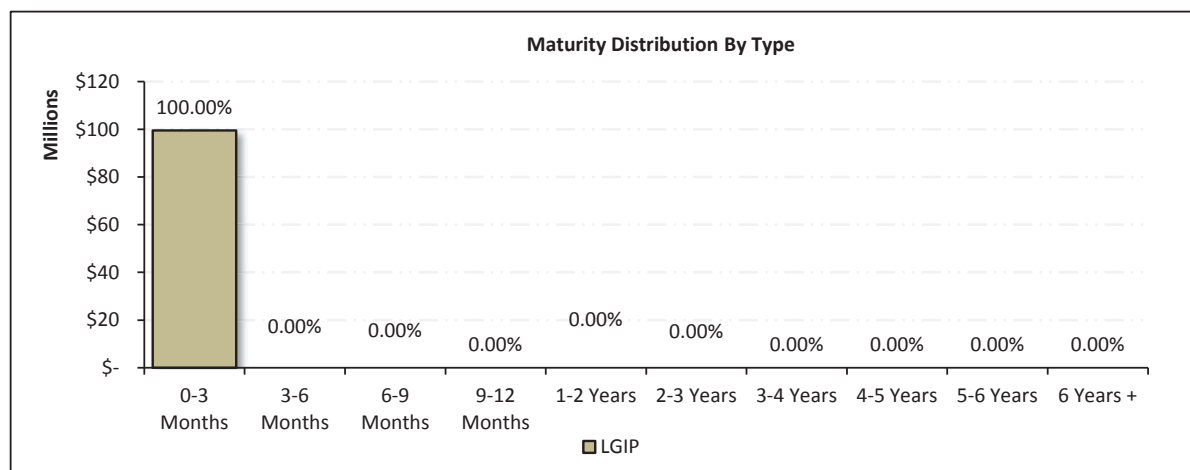
Southwest Florida Water Management District All Assets Portfolio	May 1, 2018 Beginning Balance	May 31, 2018 Ending Balance	Portfolio Characteristic	May 1, 2018 Beginning Balance	May 31, 2018 Ending Balance
Book Value Plus Accrued	\$ 517,842,243.83	\$ 511,789,654.08	Weighted Book Yield	1.62%	1.67%
Net Unrealized Gain/Loss	(4,618,224.93)	(3,839,079.17)	Weighted Duration	1.04 Years	1.01 Years
Net Pending Transactions	1,430.00	906.48			
Market Value Plus Accrued Net <sup>(2)</sup>	\$ 513,225,448.91	\$ 507,951,481.39			



(1), (2), (3) See additional disclosures for footnotes.

## Southwest Florida Water Management District Liquid Portfolio Summary Comparison for the period May 1, 2018 to May 31, 2018

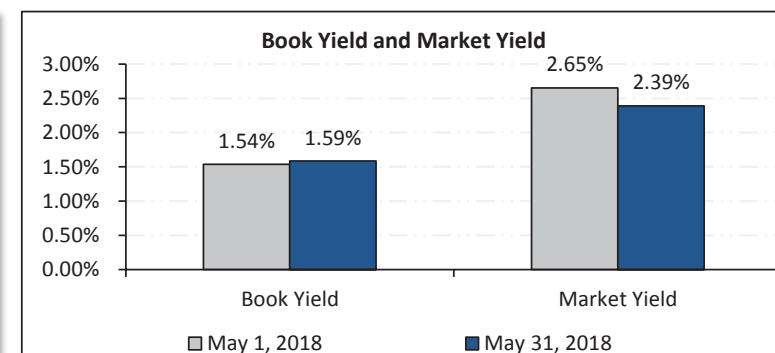
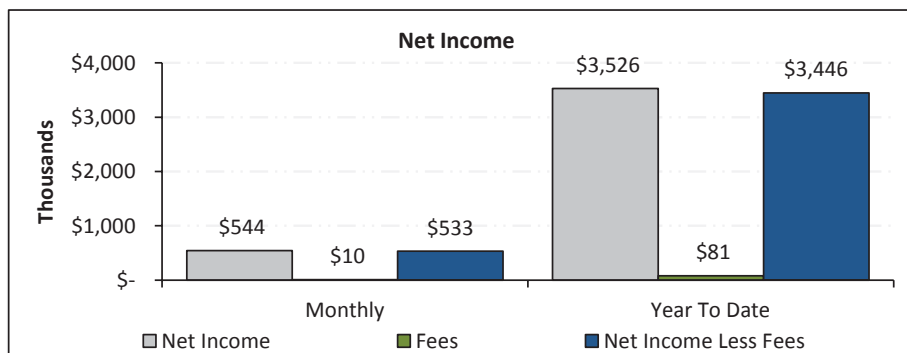
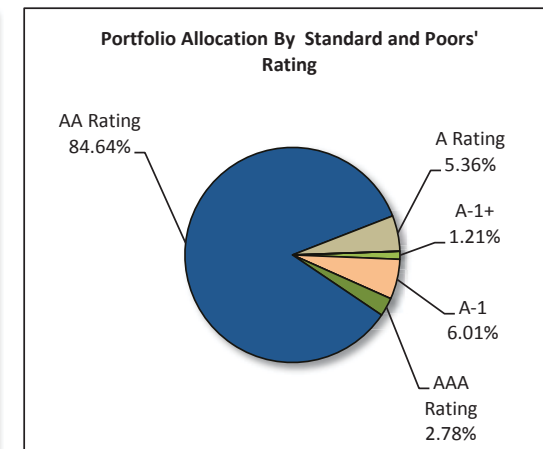
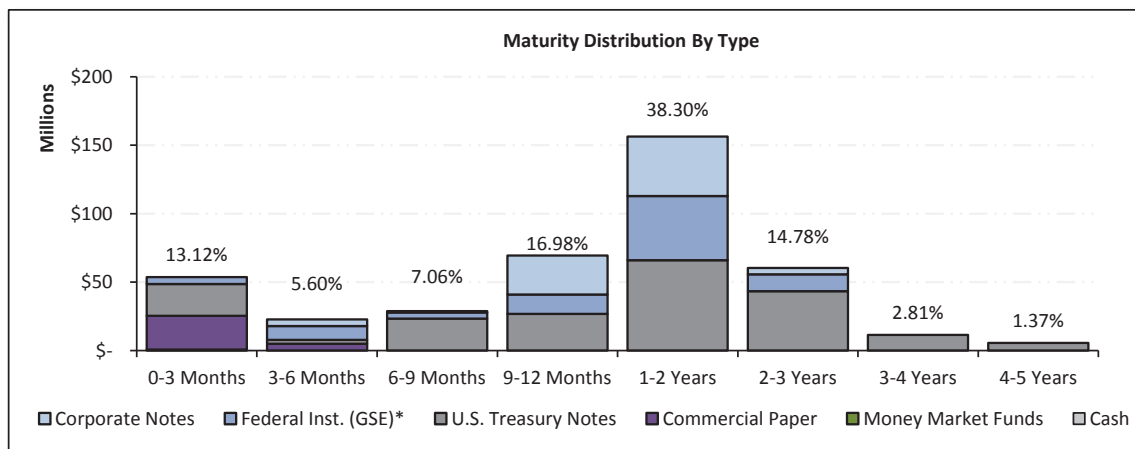
Southwest Florida Water Management District Liquid Portfolio	May 1, 2018 Beginning Balance	May 31, 2018 Ending Balance	Portfolio Characteristic	May 1, 2018 Beginning Balance	May 31, 2018 Ending Balance
Book Value Plus Accrued	\$ 106,069,092.33	\$ 99,472,282.41	Yield to Maturity at Cost	1.97%	2.03%
Net Unrealized Gain/Loss	0.00	0.00	Duration	0.00 Years	0.00 Years
Net Pending Transactions	0.00	0.00			
Market Value Plus Accrued Net <sup>(2)</sup>	\$ 106,069,092.33	\$ 99,472,282.41			



(1), (2), (3) See additional disclosures for footnotes.

## Southwest Florida Water Management District Agg Public Trust Portfolio Summary Comparison for the period May 1, 2018 to May 31, 2018

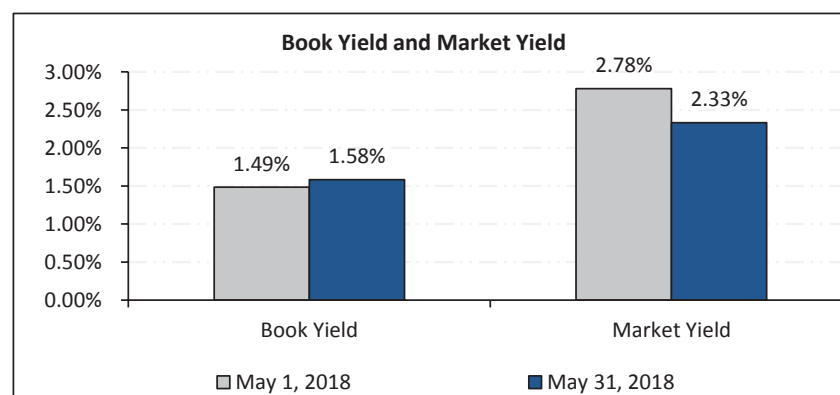
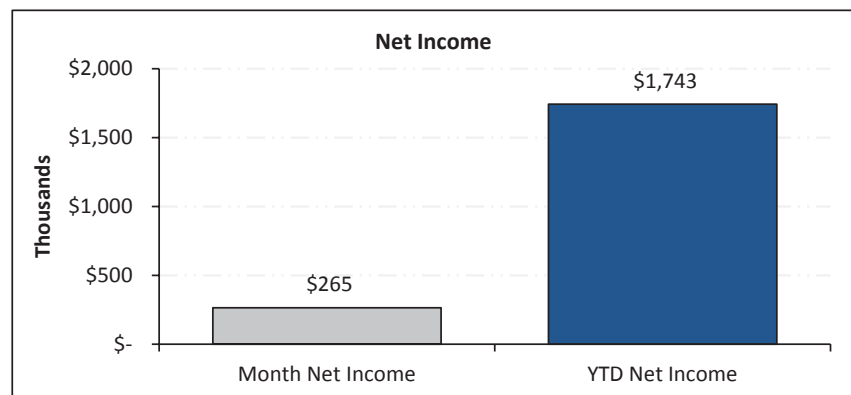
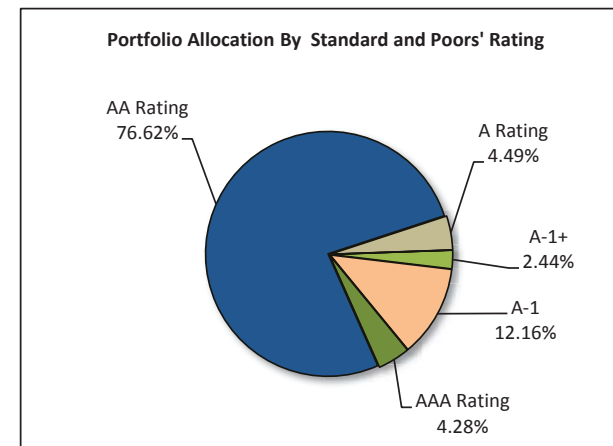
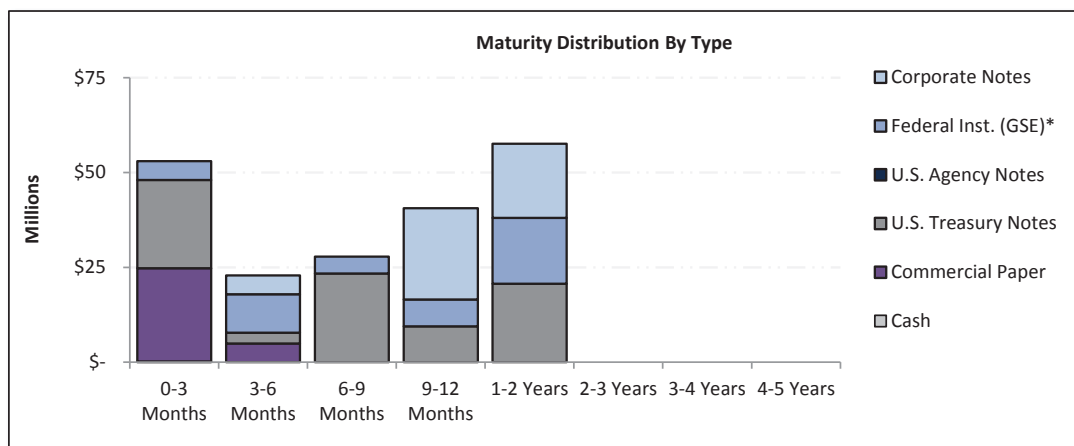
Southwest Florida Water Management District Agg Public Trust Portfolio	May 1, 2018 Beginning Balance	May 31, 2018 Ending Balance	Portfolio Characteristic	May 1, 2018 Beginning Balance	May 31, 2018 Ending Balance
Book Value Plus Accrued	\$ 411,773,151.50	\$ 412,317,371.67	Book Yield Gross	1.54%	1.59%
Net Unrealized Gain/Loss	(4,618,224.93)	(3,839,079.17)	Market Yield Gross	2.65%	2.39%
Net Pending Transactions	1,430.00	906.48	Duration	1.29 Years	1.26 Years
Market Value Plus Accrued Net <sup>(2)</sup>	\$ 407,156,356.58	\$ 408,479,198.98			



(1), (2), (3) See additional disclosures for footnotes.

## Southwest Florida Water Management District Enh Cash Summary Comparison for the period May 1, 2018 to May 31, 2018

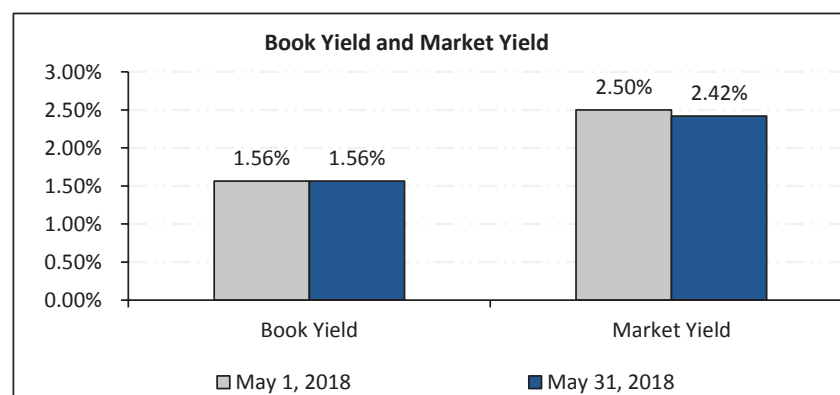
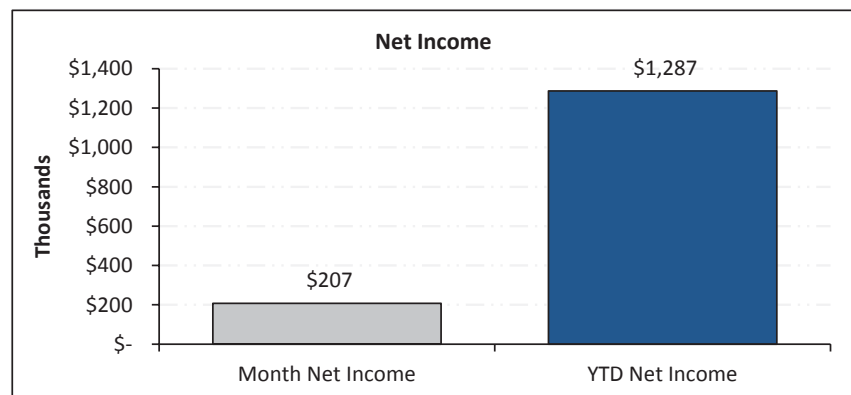
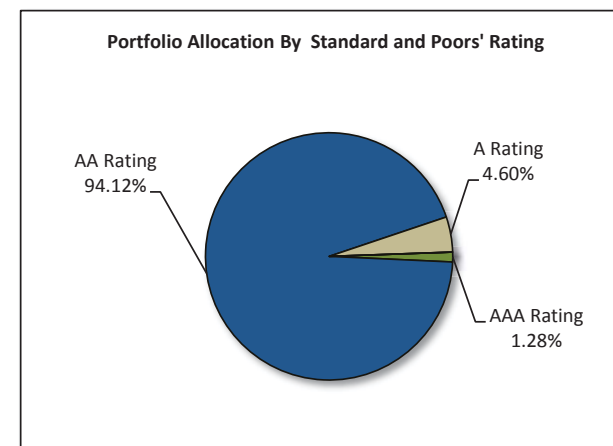
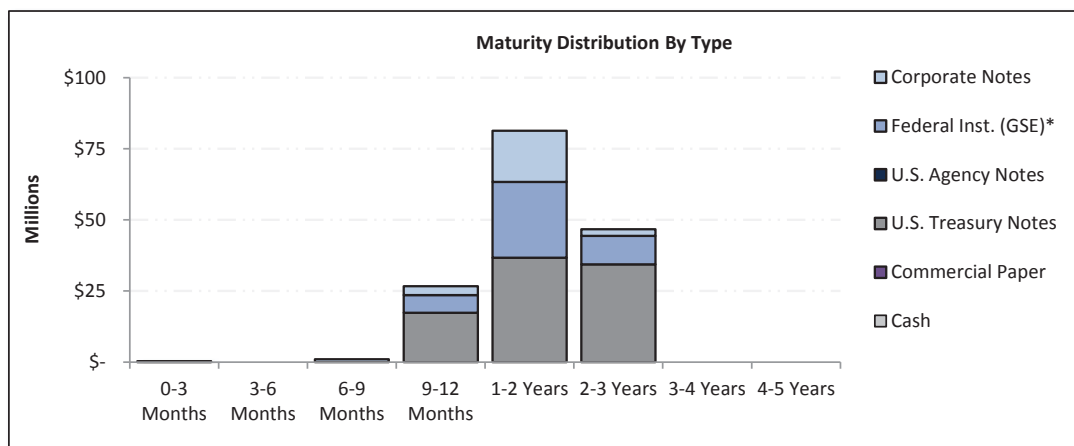
Southwest Florida Water Management District Enh Cash	May 1, 2018 Beginning Balance	May 31, 2018 Ending Balance	Portfolio Characteristic	May 1, 2018 Beginning Balance	May 31, 2018 Ending Balance
Book Value Plus Accrued	\$ 202,490,398.41	\$ 202,755,862.09	Book Yield Gross	1.49%	1.58%
Net Unrealized Gain/Loss	(1,150,085.61)	(877,408.24)	Market Yield Gross	2.78%	2.33%
Net Pending Transactions	890.86	469.21	Duration	0.67 Years	0.69 Years
Market Value Plus Accrued Net <sup>(2)</sup>	\$ 201,341,203.66	\$ 201,878,923.06			



(1), (2), (3) See additional disclosures for footnotes.

## Southwest Florida Water Management District 1-3 Year Summary Comparison for the period May 1, 2018 to May 31, 2018

Southwest Florida Water Management District 1-3 Year	May 1, 2018 Beginning Balance	May 31, 2018 Ending Balance	Portfolio Characteristic	May 1, 2018 Beginning Balance	May 31, 2018 Ending Balance
Book Value Plus Accrued	\$ 157,888,397.14	\$ 158,095,558.45	Book Yield Gross	1.56%	1.56%
Net Unrealized Gain/Loss	(2,287,769.34)	(1,946,147.82)	Market Yield Gross	2.50%	2.42%
Net Pending Transactions	358.77	252.15	Duration	1.72 Years	1.63 Years
Market Value Plus Accrued Net <sup>(2)</sup>	\$ 155,600,986.57	\$ 156,149,662.78			

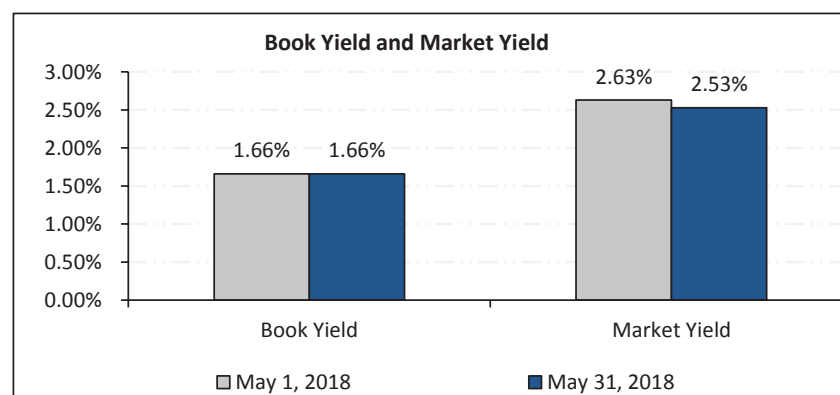
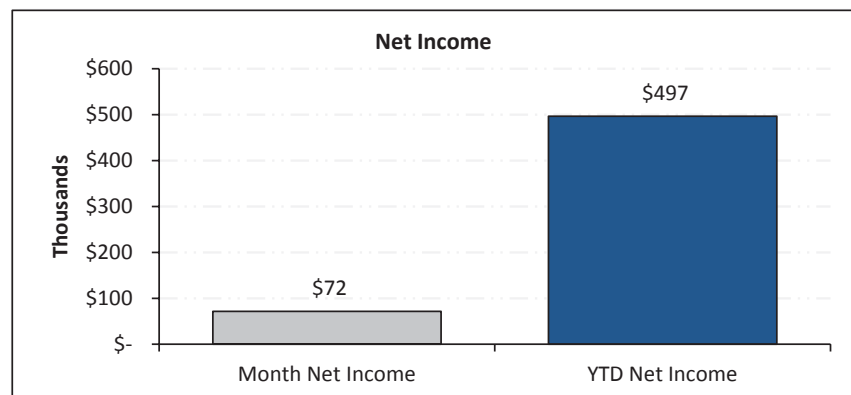
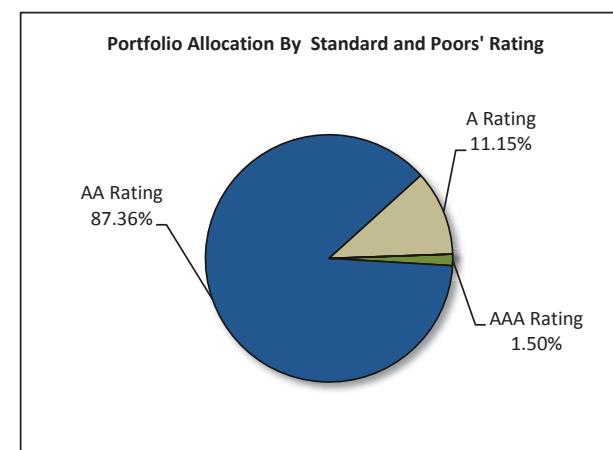
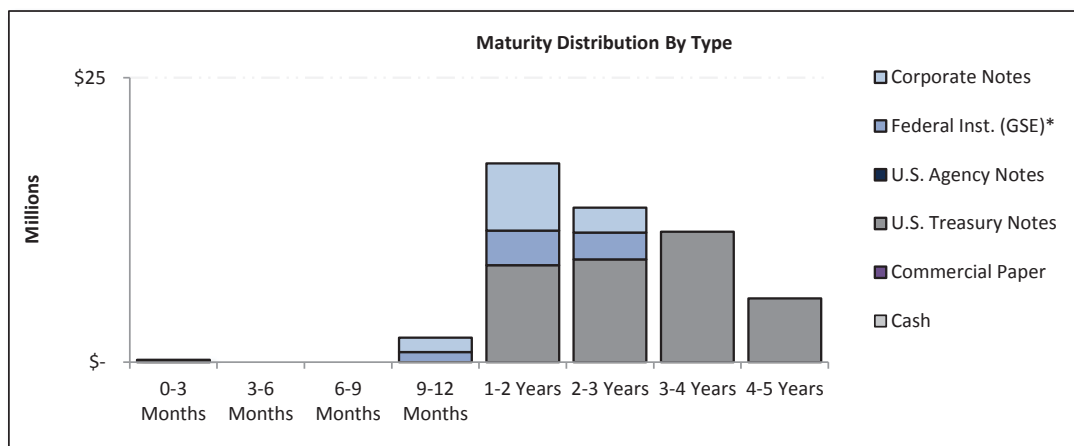


(1), (2), (3) See additional disclosures for footnotes.



## Southwest Florida Water Management District 1-5 Year Summary Comparison for the period May 1, 2018 to May 31, 2018

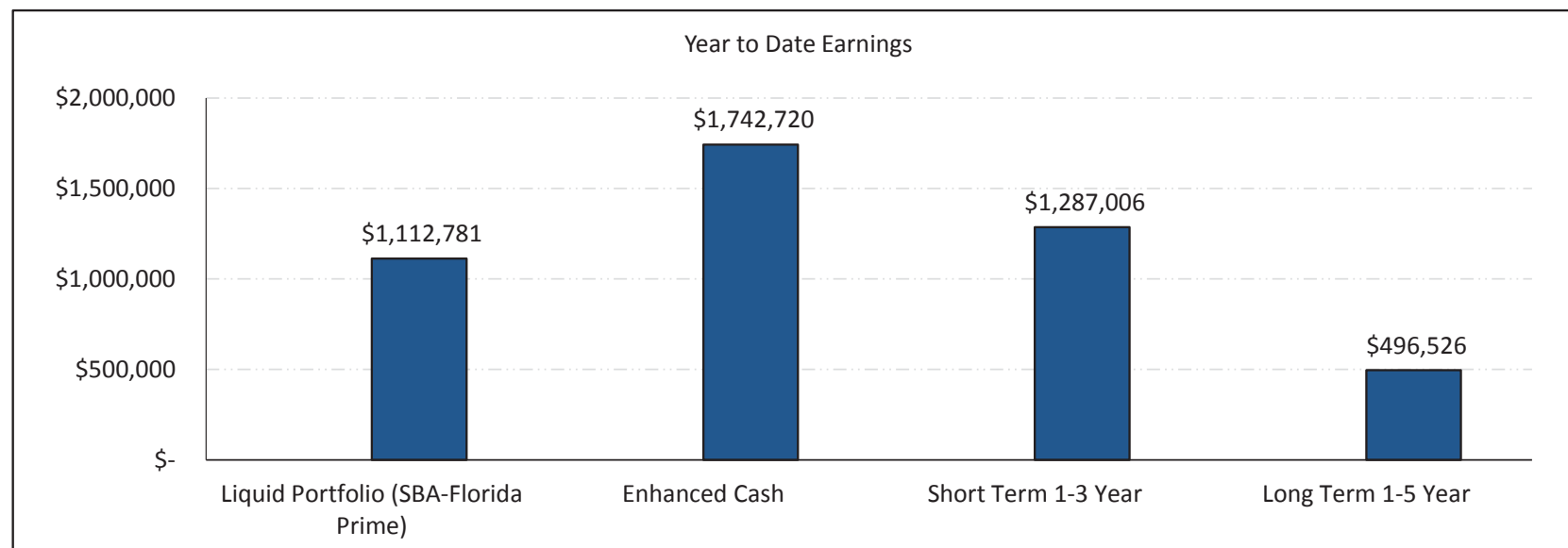
Southwest Florida Water Management District 1-5 Year	May 1, 2018 Beginning Balance	May 31, 2018 Ending Balance	Portfolio Characteristic	May 1, 2018 Beginning Balance	May 31, 2018 Ending Balance
Book Value Plus Accrued	\$ 51,394,355.95	\$ 51,465,951.12	Book Yield Gross	1.66%	1.66%
Net Unrealized Gain/Loss	(1,180,369.98)	(1,015,523.11)	Market Yield Gross	2.63%	2.53%
Net Pending Transactions	180.37	185.12	Duration	2.49 Years	2.41 Years
Market Value Plus Accrued Net <sup>(2)</sup>	\$ 50,214,166.34	\$ 50,450,613.13			



(1), (2), (3) See additional disclosures for footnotes.

## Southwest Florida Water Management District All Assets Earnings Summary and Portfolio Value as of May 31, 2018

Portfolio Earnings	May 31, 2018 Monthly Earnings	May 31, 2018 YTD Earnings	Total Portfolio Value	May 31, 2018 Balance
Liquid Portfolio (SBA-Florida Prime)	\$ 177,090	\$ 1,112,781	Amortized Cost	\$ 511,789,654
Enhanced Cash	265,042	1,742,720	Market Value	\$ 507,951,481
Short Term 1-3 Year	207,055	1,287,006		
Long Term 1-5 Year	71,600	496,526		
<b>Total Earnings Gross of Fees</b>	<b>\$ 720,787</b>	<b>\$ 4,639,033</b>		
<b>Less Advisory Fees:</b>	<b>\$ (10,295)</b>	<b>\$ (80,750)</b>		
<b>Total Earnings Net of Fees</b>	<b>\$ 710,492</b>	<b>\$ 4,558,283</b>		
Blended Basis Fee (Annualized)	0.02414%	0.02367%		



\*Information provided by District staff.

## Additional Disclosure

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

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

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

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

Past performance is not an indication of future performance.

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

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

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

**FINANCE/OUTREACH & PLANNING COMMITTEE**

**June 26, 2018**

***Routine Report***

**Monthly Financial Statement**

*Purpose*

Presentation of the May 31, 2018, monthly financial statement.

*Background*

In accordance with Sections 373.536(4)(e) and 215.985(11), Florida Statutes, relating to state financial information with certain financial transparency requirements, the District is submitting a "Statement of Sources and Uses of Funds for the Eighth Month Ended May 31, 2018."

**Staff Recommendation:**

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

**Presenter:** Melisa J. Lowe, Bureau Chief, Finance

## Statement of Sources and Uses of Funds For the Eight Months Ended May 31, 2018

The attached “Statement of Sources and Uses of Funds” statement is provided for your review. This financial statement provides summary-level revenues (i.e., sources) and expenditures by program (i.e., uses). **This unaudited financial statement is provided as of May 31, 2018, with 66.7 percent of the fiscal year completed.**

This financial statement compares revenues recognized and encumbrances/expenditures made against the District’s FY2017-18 available budget of \$363.4 million. Encumbrances represent orders for goods and services which have not yet been received.

### Revenues (Sources) Status:

- Overall, as of May 31, 2018, 85 percent of the District’s budgeted revenues/balances have been recognized.
- As of May 31, 2018, the District has received \$105,738,994 of ad valorem tax revenue representing 98 percent of the budget. This is in-line with the eight-month prior year collection rates of 98 percent for FY2016-17 and 98 percent for FY2015-16. The budget represents 96 percent of the taxable property values as certified by the District’s sixteen counties multiplied by the Governing Board approved millage rate. Projections are based on historical collections.
- Intergovernmental Revenues are recognized at the time related expenditures are incurred. For FY2017-18, \$3,085,146 in revenues has been recognized, representing 6 percent of the budget. From year to year, the budgeted amount of intergovernmental revenue compared to the recognized amount can fluctuate for various reasons; projects can be in the planning stages and have not incurred a significant amount of expenditures, or anticipated projects may be cancelled (e.g., cooperative funding projects).
- The FY2017-18 interest earnings budget was based on a 1.35 percent expected rate of return. The District’s investment portfolio at May 31, 2018, is earning a weighted average yield of 1.67 percent. For the eight months ended May 31, 2018, the District has earned 1.34 percent yield on its investments. Interest earnings on invested funds in the amount of \$4,636,917 have been recognized representing 75 percent of the budgeted amount.
- License and Permit Fees consist of revenue from water use permits, environmental resource permits, water well construction permits, and water well construction licenses. Revenue recognized represents 65 percent of the budgeted amount as of May 31, 2018.
- As of May 31, 2018, other revenue earned is 395 percent of budget. Each year, items that fall within the “Other” revenue category are budgeted conservatively due to the uncertainty of the amounts to be collected. For example, revenues from timber sales, hog hunts, insurance recoveries and the sale of capital assets can vary significantly from year to year. The majority of the increase is due to sale of capital assets in the amount of \$1,549,000.



- Fund Balance consists of balance from prior years (budgeted for the current year) plus fund balance associated with the ad valorem funded encumbrances that rolled into the current year.

### **Expenditures (Uses) Status:**

Overall, as of May 31, 2018, the District had obligated 70 percent of its total budget.

### **Summary of Expenditures by Program**

This financial statement illustrates the effort to date for each of the District's six statutory program areas (Section 373.536(5)(e)4, Florida Statutes). A discussion of the expenditures by program follows.

- The **Water Resource Planning and Monitoring Program** includes all water management planning, including water supply planning, development of minimum flows and levels, and other water resource planning; research, data collection, analysis, and monitoring; and technical assistance (including local and regional plan and program review). Of the \$43.6 million budgeted for this program, the District has obligated 72 percent of the budget (32 percent expended, and 40 percent encumbered).
- The **Land Acquisition, Restoration and Public Works Program** includes the development and construction of all capital projects (except for those contained in the Operation and Maintenance of Works and Lands Program), including water resource development projects/water supply development assistance, water control projects, and support and administrative facilities construction, land acquisition (i.e., Florida Forever program), and the restoration of lands and water bodies. Of the \$256.4 million budgeted for this program, the District has obligated 72 percent of the budget (4 percent expended, and 68 percent encumbered).
- The **Operation and Maintenance of Works and Lands Program** includes all operation and maintenance of facilities, flood control and water conservation structures, lands, and other works authorized by Chapter 373, Florida Statutes. Of the \$26.6 million budgeted for this program, the District has obligated 56 percent of the budget (39 percent expended, and 17 percent encumbered).
- The **Regulation Program** includes water use permitting, water well construction permitting, water well contractor licensing, environmental resource and surface water management permitting, permit administration, compliance and enforcement, and any delegated regulatory program. Of the \$21.1 million budgeted for this program, the District has obligated 62 percent of the budget (53 percent expended, and 9 percent encumbered).
- The **Outreach Program** includes all environmental education activities, such as water conservation campaigns and water resources education; public information activities; all lobbying activities relating to local, regional, state, and federal governmental affairs; and all public relations activities and advertising in any media. Of the \$2.8 million budgeted for this program, the District has obligated 53 percent of the budget (31 percent expended, and 22 percent encumbered).

- The **Management and Administration Program** includes executive management, executive support, governing board support, ombudsman, general counsel, inspector general, administrative support (general), procurement, finance, human resources, and risk management. Of the \$13.0 million budgeted for this program, the District has obligated 70 percent of the budget (62 percent expended, and 8 percent encumbered).

Based on the financial activities for the eight months ended May 31, 2018, the financial condition of the District is positive and budget variances are generally favorable. There are no reported or identified major trends, conditions or variances that warrant additional management attention.

**Southwest Florida Water Management District  
Statement of Sources and Uses of Funds  
For the Eight Months Ended May 31, 2018  
(Unaudited)**

	<b>Current Budget</b>	<b>Actuals Through 5/31/2018</b>	<b>Variance (under)/Over Budget</b>	<b>Actuals As A % of Budget (rounded)</b>
<b>Sources</b>				
Ad Valorem Property Taxes	\$ 108,116,279	\$ 105,738,994	\$ (2,377,285)	98%
Intergovernmental Revenues	54,382,743	3,085,146	(51,297,597)	6%
Interest on Invested Funds	6,200,000	4,636,917	(1,563,083)	75%
License and Permit Fees	1,938,500	1,255,004	(683,496)	65%
Other	603,028	2,383,785	1,780,757	395%
Fund Balance	192,157,253	192,157,253	-	100%
<b>Total Sources</b>	<b>\$ 363,397,803</b>	<b>\$ 309,257,099</b>	<b>\$ (54,140,704)</b>	<b>85%</b>

	<b>Current Budget</b>	<b>Expenditures</b>	<b>Encumbrances<sup>1</sup></b>	<b>Available Budget</b>	<b>% Expended (rounded)</b>	<b>% Obligated<sup>2</sup> (rounded)</b>
<b>Uses</b>						
Water Resource Planning and Monitoring	\$ 43,553,423	\$ 14,132,937	\$ 17,298,190	\$ 12,122,296	32%	72%
Land Acquisition, Restoration and Public Works	256,383,637	11,220,195	174,016,809	71,146,633	4%	72%
Operation and Maintenance of Works and Lands	26,556,653	10,488,480	4,360,942	11,707,231	39%	56%
Regulation	21,081,860	11,097,746	1,964,718	8,019,396	53%	62%
Outreach	2,838,959	868,931	631,584	1,338,444	31%	53%
Management and Administration	12,983,271	7,993,217	1,110,344	3,879,710	62%	70%
<b>Total Uses</b>	<b>\$ 363,397,803</b>	<b>\$ 55,801,506</b>	<b>\$ 199,382,587</b>	<b>\$ 108,213,710</b>	<b>15%</b>	<b>70%</b>

<sup>1</sup> Encumbrances represent unexpended balances of open purchase orders and contracts.

<sup>2</sup> Represents the sum of expenditures and encumbrances as a percentage of the current budget.

This unaudited preliminary financial statement is prepared as of May 31, 2018, and covers the interim period since the most recent audited financial statements.

**FINANCE/OUTREACH & PLANNING COMMITTEE**

**June 26, 2018**

***Routine Report***

**Monthly Cash Balances by Fiscal Year**

*Purpose*

To provide a schedule of monthly cash balances by fiscal year, updated to reflect the cash balance as of May 31, 2018.

*Background*

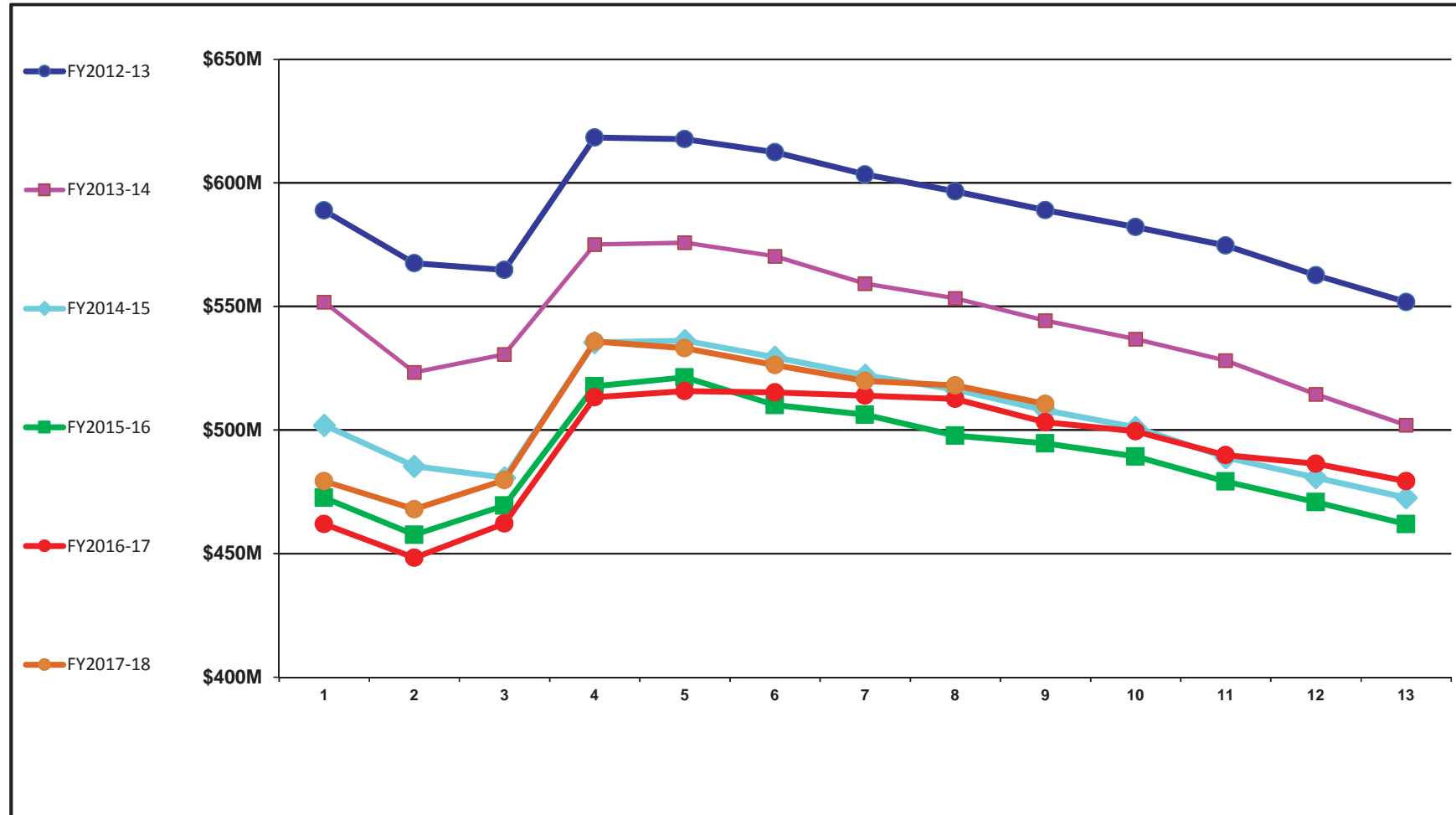
This routine report has been developed to allow the Governing Board to easily monitor the District's cash balances at each month-end and in comparison with monthly cash balances for the last five fiscal years. This trend information will become more important as the District's budget declines and reserves are utilized for projects.

Staff Recommendation:

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

Presenter: Melisa J. Lowe, Bureau Chief, Finance

Southwest Florida Water Management District  
Monthly Cash Balances by Fiscal Year  
(FY2012-13 - FY2016-17 and FY2017-18 To-Date)





## FINANCE/OUTREACH & PLANNING COMMITTEE

June 26, 2018

### *Routine Report*

#### Comprehensive Plan Amendment and Related Reviews Report

##### *Purpose*

This report is provided for the Committee's information and shows District activity in the review of Local Government Comprehensive Plans and Amendments. Staff updates the report monthly.

##### *Background/History*

The water management districts provide technical and policy information on water resources and water resource management to local governments as they prepare amendments to their local government comprehensive plans. This information encompasses various areas of water resource management, including water supply, flood protection and water quality, and is intended to support sound land use decisions. Statutory directives for this assistance include Section 373.711, Florida Statutes (F.S.), Technical Assistance to Local Governments, and Section 163.3184, F.S., Process for Adoption of Comprehensive Plan or Plan Amendments. Under Section 163, F.S., substantially revised in 2011, if important state resources and facilities are to be adversely impacted, the water management districts and other state reviewing agencies must state with specificity how the plan amendment will adversely impact the resource or facility and must include measures that the local government may take to eliminate, reduce, or mitigate the impacts. Any plan amendment comments provided by a water management district and/or other state agencies that are not resolved may be challenged by the Department of Economic Opportunity (DEO).

##### *Benefits/Costs*

The benefits of the District's local government technical assistance program are to ensure local government elected officials have sound water resource technical and policy information as they amend their local government comprehensive plans. This helps to ensure local plans are compatible with the District's plans, programs and statutory direction. Costs for this program primarily include staff time and are budgeted in Fund 10 (Governing Board).

##### Staff Recommendation:

This item is provided for the Committee's information and no action is required.

Presenter: Robyn Felix, Communications and Board Services Bureau Chief

## Local Government Comprehensive Plan Amendment and Related Reviews Report

As of June 12, 20

Project	Amendment Type	Assigned	Completed	Description	10YWSFW
Bartow 18-1	ESR	3/16/2018	4/13/2018	No substantive comments.	<input type="checkbox"/>
Bradenton 18-2	ESR	4/30/2018	5/30/2018	Advised that 10-Year Water Supply Facilities Work Plan update is overdue and District staff are available to provide technical assistance.	<input type="checkbox"/>
Brooksville 18-1	ESR	5/14/2018		Map and text amendments.	<input type="checkbox"/>
Bushnell 18-1	ESR	5/23/2018		Text amendments.	<input type="checkbox"/>
Charlotte 18-2	ESR	4/2/2018	4/25/2018	No substantive comments.	<input type="checkbox"/>
Coleman 18-1	ESR	3/13/2018	3/27/2018	No substantive comments.	<input type="checkbox"/>
Davenport 18-1	ESR	4/27/2018	5/30/2018	Comments addressed the need for data and analysis demonstrating the availability of potable water, reuse, conservation, floodplains, wetlands, an existing WUP and encouraged early regulatory coordination.	<input type="checkbox"/>
Davenport 18-2	ESR	4/30/2018	5/30/2018	Comments addressed the need for data and analysis demonstrating the availability of potable water, reuse, conservation, floodplains, wetlands, an existing WUP and encouraged early regulatory coordination.	<input type="checkbox"/>
Hernando 18-1	ESR	3/22/2018	4/19/2018	Comments addressed existing wells, dewatering activities (if proposed), and need for documentation confirming the availability of adequate water supply sources and facilities for commercial acreage.	<input type="checkbox"/>
Hernando 18-2	EAR-based	3/23/2018	4/20/2018	Plan update. Comment letter addressed language usurping the District's water use permitting authority. The County was also encouraged to recognize and participate in the implementation of the Weeki Wachee River SWIM Plan.	<input type="checkbox"/>
Hernando 18-3DRI	DRI	4/25/2018	5/29/2018	Comments addressed the need for data and analysis demonstrating potential potable water capacity, maximization of water conservation principles and reuse and encouraged early coordination with ERP staff.	<input type="checkbox"/>
Hillsborough 18-1	ESR	3/12/2018	4/9/2018	Comments addressed water supply coordination with TBW, implementation of conservation measures and ERP coordination.	<input type="checkbox"/>

Attachment: CPARR (3782 : Comprehensive Plan Amendment and Related Reviews Report)

Project	Amendment Type	Assigned	Completed	Description	10YWSFWP
Hillsborough 18-2	ESR	5/15/2018		Text and map amendments.	<input type="checkbox"/>
Lake 18-1	ESR	4/13/2018	4/30/2018	No substantive comments.	<input type="checkbox"/>
Lake 18-2	EAR-based	4/13/2018	4/30/2018	No substantive comments.	<input type="checkbox"/>
Lake 18-3	ESR	5/3/2018	5/30/2018	No substantive comments.	<input type="checkbox"/>
Lake 18-4	ESR	5/3/2018	5/30/2018	Advised amendment site is located in SJRWMD.	<input type="checkbox"/>
Lake 18-5	ESR	5/14/2018		Map amendment.	<input type="checkbox"/>
Lake 18-6	ESR	6/4/2018		Map and text amendments.	<input type="checkbox"/>
Lakeland 18-2	ESR	3/15/2018	4/13/2018	No substantive comments.	<input type="checkbox"/>
Largo 18-1	ESR	4/9/2018	5/4/2018	No substantive comments.	<input type="checkbox"/>
Manatee 18-1	ESR	4/11/2018	4/30/2018	No substantive comments.	<input type="checkbox"/>
Marion 18-1	ESR	4/30/2018	5/31/2018	Advised of subject property's location within SJRWMD.	<input type="checkbox"/>
North Port 18-1	ESR	4/17/2018	5/15/2018	Comments addressed the need for data and analysis demonstrating the availability of potable water, reuse, conservation, wetlands and encouraged early coordination with ERP staff.	<input type="checkbox"/>
Pasco 18-3	ESR	4/10/2018	5/10/2018	Comments addressed flood prone areas, wetland and encouraged early coordination with ERP staff.	<input type="checkbox"/>
Pasco 18-4	ESR	5/22/2018		Map amendment.	<input type="checkbox"/>
Plant City 18-1	ESR	4/9/2018	5/3/2018	Comments encouraged implementation of water conservation principles, development clustering to increase the development potential of uplands and regulatory coordination.	<input type="checkbox"/>
Polk 18-3	ESR	4/23/2018	5/15/2018	Comments addressed the need for data and analysis demonstrating the availability of water potable supply, floodplains, wetlands, existing WUP/wells and encouraged early coordination with regulatory staff.	<input type="checkbox"/>
Polk 18-4	ESR	6/8/2018		Map and text amendments.	<input type="checkbox"/>
Polk 18-4	ESR	6/11/2018		Map amendments.	<input type="checkbox"/>
Punta Gorda 18-1	ESR	3/27/2018	4/25/2018	No substantive comments.	<input type="checkbox"/>
Sarasota 18-1	ESR	3/6/2018	4/3/2018	No substantive comments.	<input type="checkbox"/>

Project	Amendment Type	Assigned	Completed	Description	10YWSFWP
Sarasota 18-2	ESR	3/26/2018	4/25/2018	No substantive comments.	<input type="checkbox"/>
Sarasota 18-3	ESR	5/25/2018		Text amendments.	<input type="checkbox"/>
Sumter 18-2	ESR	4/25/2018	5/25/2018	Comments addressed need for data and analysis for water supply source availability, maximization of water conservation principles and reuse and encouraged coordination with regulatory staff.	<input type="checkbox"/>
Sumter 18-3	ESR	5/22/2018		Text amendment.	<input type="checkbox"/>
Sumter 18-4	ESR	6/1/2018		Text amendment.	<input type="checkbox"/>
Tampa 18-1	ESR	3/8/2018	3/27/2018	No substantive comments.	<input type="checkbox"/>
Tarpon Springs 18-1	ESR	4/24/2018	5/23/2018	No substantive comments.	<input type="checkbox"/>
Wildwood 18-1	ESR	5/18/2018		Map amendment.	<input type="checkbox"/>
Williston 18-1	EAR-based	5/23/2018		Evaluation and Appraisal-related text amendments.	<input type="checkbox"/>
Winter Haven 18-2	ESR	4/30/2018	5/30/2018	Comments addressed reuse, conservation and encouraged early coordination with ERP staff.	<input type="checkbox"/>
Zephyrhills 18-1	ESR	5/22/2018		Map amendments.	<input type="checkbox"/>

Abbreviations:

DRI            Development of Regional Impact  
EAR            Evaluation and Appraisal Report  
ESR            Expedited State Review

## FINANCE/OUTREACH & PLANNING COMMITTEE

June 26, 2018

### *Routine Report*

#### Development of Regional Impact Activity Report

##### *Purpose*

This report is provided for the Committee's information and shows District activity in the review of Developments of Regional Impact (DRIs). Staff updates the report monthly.

##### *Background/History*

The water management districts participate with other state agencies in the review of DRIs, pursuant to Section 380.06, Florida Statutes. A DRI is defined as any development which, because of its character, magnitude or location, would have a substantial effect upon the health, safety or welfare of citizens of more than one county. A set of statewide guidelines and standards (thresholds) has been adopted by rule that is used in determining whether particular developments must undergo DRI review. A form has been adopted by rule that specifies the information that must be provided by the developer in the DRI Application for Development Approval (ADA).

The DRI review process is administered by the regional planning councils and oversight is provided by the Florida Department of Economic Opportunity (DEO). The District has also entered into memoranda of agreement with the Central Florida, Southwest Florida, Tampa Bay and Withlacoochee regional planning councils to more specifically outline the District's DRI review responsibilities. The District provides water resource management technical and policy information to the regional planning councils and local governments to assist them in making well-informed growth management decisions.

##### *Benefits/Costs*

The goals of the District's DRI review program are twofold: (1) to ensure regional planning councils and local government elected officials have sound water resource technical and policy information as they consider approval of large scale development proposals; and (2) to reduce the number and magnitude of issues that will need to be addressed during the District's regulatory review processes. District participation in this program helps to ensure that these proposed large-scale developments are compatible with the District's plans, programs and statutory directives. Costs for this program primarily include staff time and are budgeted in Fund 10 (Governing Board).

##### Staff Recommendation:

This item is provided for the Committee's information and no action is required.

Presenter: Robyn Felix, Communications and Board Services Bureau Chief



DRI Activity Report

As of June 12, 201

Project	DRI Location	DRI App Type	Date Assigned	Date Completed	Description
Palmer Ranch DRI	Sarasota County	Application for Incremental Development Approval	3/27/2018	4/5/2018	Increment 28, Parcel 6A. Proposed development includes 500 single-family units on 282 acres. No substantive comments.

Abbreviation:  
DRI            Development of Regional Impact



**Governing Board Meeting  
June 26, 2018**

<b>OPERATIONS, LANDS &amp; RESOURCE MONITORING COMMITTEE</b>
--

***Discussion Items***

36. Consent Item(s) Moved for Discussion

***Submit & File Reports***

37. Hydrologic Conditions Report .....153

***Routine Reports***

38. Surplus Lands Update .....156

39. Structure Operations.....157

40. Significant Activities .....159

**OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE**

**June 26, 2018**

***Discussion Item***

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

Staff Recommendation:

Presenter: Ken Frink, P.E., Division Director, Operations, Lands, and Resource Monitoring

## OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

June 26, 2018

### *Submit and File Report*

#### Hydrologic Conditions Report

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

The information presented below is a summary of data presented in more detail in the monthly Hydrologic Conditions Report published the week before the Governing Board meeting, which also includes an updated provisional summary of hydrologic conditions as of the date of publication. It is available at <http://www.swfwmd.state.fl.us/waterres/hydro/>.

#### Rainfall

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

- Northern region rainfall averaged 9.01 inches, equivalent to the 98<sup>th</sup> percentile
- Central region rainfall averaged 10.38 inches, equivalent to the 98<sup>th</sup> percentile.
- Southern region rainfall averaged 12.26 inches, a new record high for May, equivalent to the 100<sup>th</sup> percentile.
- District-wide, average rainfall was 10.65 inches, a new record high for May, equivalent to the 100<sup>th</sup> percentile.

#### Streamflow

Streamflow data indicate that flow decreased in the northern region of the District, while it increased in the central and southern regions, compared to the previous month. Based on flow measurements in regional index rivers, streamflow conditions were within the normal range in the northern region, while they were above-normal in the central region and southern regions. Normal streamflow is defined as flow that falls on or between the 25<sup>th</sup> and 75<sup>th</sup> percentiles.

- The monthly average streamflow in the Withlacoochee River near Holder in the northern region was in the 51<sup>st</sup> percentile.
- The monthly average streamflow measured in the Hillsborough River near Zephyrhills in the central region was in the 95<sup>th</sup> percentile.
- The monthly average streamflow measured in the Peace River at Arcadia in the southern region was in the 92<sup>nd</sup> percentile.
- 

#### Groundwater Levels

Groundwater data for May indicate that levels in the Floridan/Intermediate aquifer increased in all three regions of the District, compared to last month. Groundwater levels ended the month



at above-normal levels in all three regions. Normal groundwater levels are defined as those falling on or between the 25<sup>th</sup> and 75<sup>th</sup> percentiles.

- The average groundwater level in the northern region was in the 77<sup>th</sup> percentile.
- The average groundwater level in the central region was in the 86<sup>th</sup> percentile.
- The average groundwater level in the southern region was in the 88<sup>th</sup> percentile.

### Lake Levels

Water level data indicates that average regional lake levels increased in all four lake regions of the District, compared to the previous month. Regional lake levels ended the month below the annual normal range in the Northern and Lake Wales Ridge regions, while levels remained within the normal range in the Tampa Bay and Polk Uplands regions. Normal lake levels are generally considered to be levels that fall between the minimum low management level and the minimum flood level.

- Average levels in the Northern region increased 0.13 foot and were 0.80 foot below the base of the annual normal range.
- Average lake levels in the Tampa Bay region increased 0.29 foot and were 0.58 foot above the base of the annual normal range.
- Average lake levels in the Polk Uplands region increased 0.23 foot and were 1.23 feet above the base of the annual normal range.
- Average lake levels in the Lake Wales Ridge region increased 0.33 foot and were 0.12 foot below the base of the annual normal range.
- 

### Issues of Significance

May completes the last month of the eight-month dry-season (October-May) and rainfall totals for the month saw accumulations well above-normal in all three regions of the District. Rainfall was much lower than average during the first 14 days of May. However, the remainder of the month saw a stationary tropical disturbance located in the Caribbean Sea that transitioned into Tropical Storm Alberto bringing extensive amounts of rainfall into the District that caused localized flooding in some areas, with local accumulations of over 19.0 inches reported. May 2018 set a record as the wettest May in 102 years, with nearly 10.3 inches of rainfall received District-wide.

With the high rainfall in May, the District-wide 12-month cumulative rainfall total saw improvements, ending the month at a surplus of approximately 12.2 inches above the long-term historical average, while the 24-month cumulative total improved to a surplus of 3.3 inches. Analysis of “dry-season” rainfall totals, District-wide, saw about 24.5 inches, which is a 2.7-inch surplus above the long-term historic average of 21.8 inches.

The abundant rainfall seen during May erased any dry conditions throughout the District and allowed declining hydrologic indicators to significantly improve. Streamflow on the District's rivers rebounded to normal to above-normal levels, allowing resumption of their use as sources of water supply, while regional groundwater and lake levels showed significant improvements as well.

Current NOAA climate forecasts indicate above-normal rainfall conditions for the four-month wet-season (June-September), while the NOAA forecast for the 2018 Hurricane Season predicts 10 to 16 named storms, 5 to 9 hurricanes and 1 to 4 major hurricanes.

## Item 37

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

Staff Recommendation:

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

Presenter: Granville Kinsman, Hydrologic Data Manager

# OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

June 26, 2018

## *Routine Report*

### Surplus Lands Update

#### *Purpose*

This report provides a monthly status on the District's surplus lands program. Information is through May 31, 2018.

#### *Background*

In 2011, at the direction of the Governing Board (Board), the District began a regular surplus lands assessment. The table below shows the status of the parcels identified through the previous surplus lands assessments.

Status	Acres	Parcels	Compensation
Sold, exchanged or transferred	1,492	23	\$7,362,484
Closing pending	32	13	\$490,200
Listed with broker with approved minimum sale price	766	11	
Listed with broker without minimum sale price	320	5	
Annutteliga Hammock	547	996	
Offer to adjoining owners (per Florida Statutes)	23	12	
Agency request	8	5	
Non-marketable	20	4	
On hold	1,741	7	
<b>Grand Total</b>	<b>4,949</b>	<b>1,077</b>	<b>\$7,852,684</b>

#### Staff Recommendation:

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

Presenter: Carmen Sanders, Operations and Land Management Assistant Bureau Chief

**OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE**

**June 26, 2018**

***Routine Report***

**Structure Operations**

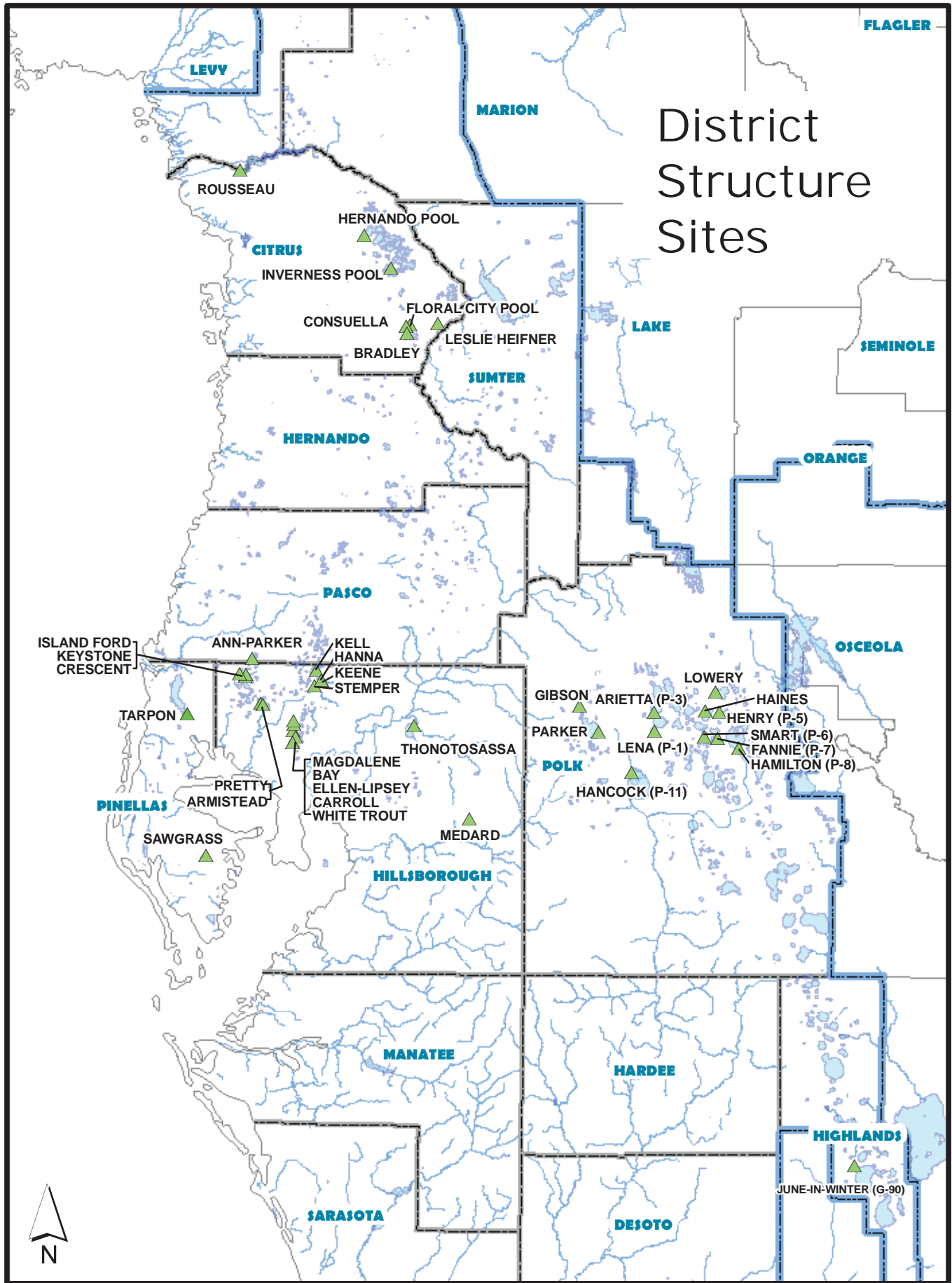
Summary of the operations made from April 26 through May 26, 2018.

- Inglis Water Control Structures: The Inglis Bypass Spillway and Inglis Main were operated to provide flow to the lower Withlacoochee River while maintaining Lake Rousseau's level. Lake Rousseau's monthly average elevation was of 27.58 feet National Geodetic Vertical Datum (NGVD). The recommended maintenance level for the lake is 27.50 feet NGVD.
- Withlacoochee River Watershed: Water control structures in the Tsala Apopka Chain of Lakes were closed to maintain water levels. The Wysong-Coogler Water Conservation main and the low flow gate were operated to aid in the regulation of the Lake Panasoffkee water level while providing flow to the Withlacoochee River downstream of the structure. The monthly average water level for Lake Panasoffkee was 39.63 feet NGVD.
- Alafia River Watershed: The Medard Reservoir structure was operated to maintain water level. The monthly average water level for the Medard Reservoir was 58.19 feet NGVD, compared to the recommended maintenance level of 59.00 feet NGVD.
- Hillsborough River Watershed: The Thirteen Mile Run system and Flint Creek (Thonotosassa discharge) structure were operated to maintain water levels. The average monthly water level for Lake Thonotosassa was 36.00 feet NGVD, compared to the recommended maintenance level of 36.50 feet NGVD.
- Tampa Bay/Anclole Watershed: Structures in the Rocky Creek, Sweetwater Creek were operated to maintain water lake water levels. The Brooker Creek system was operated to maintain lake levels. Lake Tarpon is the outfall of the Brooker Creek system. Lake Tarpon's water control structure was operated to maintain the lake level. Lake Tarpon's monthly average water level for the month was 2.97 feet NGVD, compared to the recommended maintenance level of 3.20 feet NGVD.
- Peace River Watershed: Lake Hancock structure was operated to maintain water level. The average monthly water level for Lake Hancock was 98.92 feet NGVD, compared to the recommended maintenance level of 100.2 feet NGVD.
- Lake Wales Ridge Watershed: Structure G-90 was operated to maintain water level in Lake June-in-Winter. The average monthly water level for Lake June-in-Winter was 74.20 feet NGVD, compared to the recommended level of 74.50 feet NGVD.

**Staff Recommendation:**

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

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





**OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE**

**June 26, 2018**

***Routine Report***

**Significant Activities**

**Staff Recommendation:**

**Presenter:** Ken Frink, P.E., Operations, Lands and Resource Monitoring Division Director

## **Significant Activities**

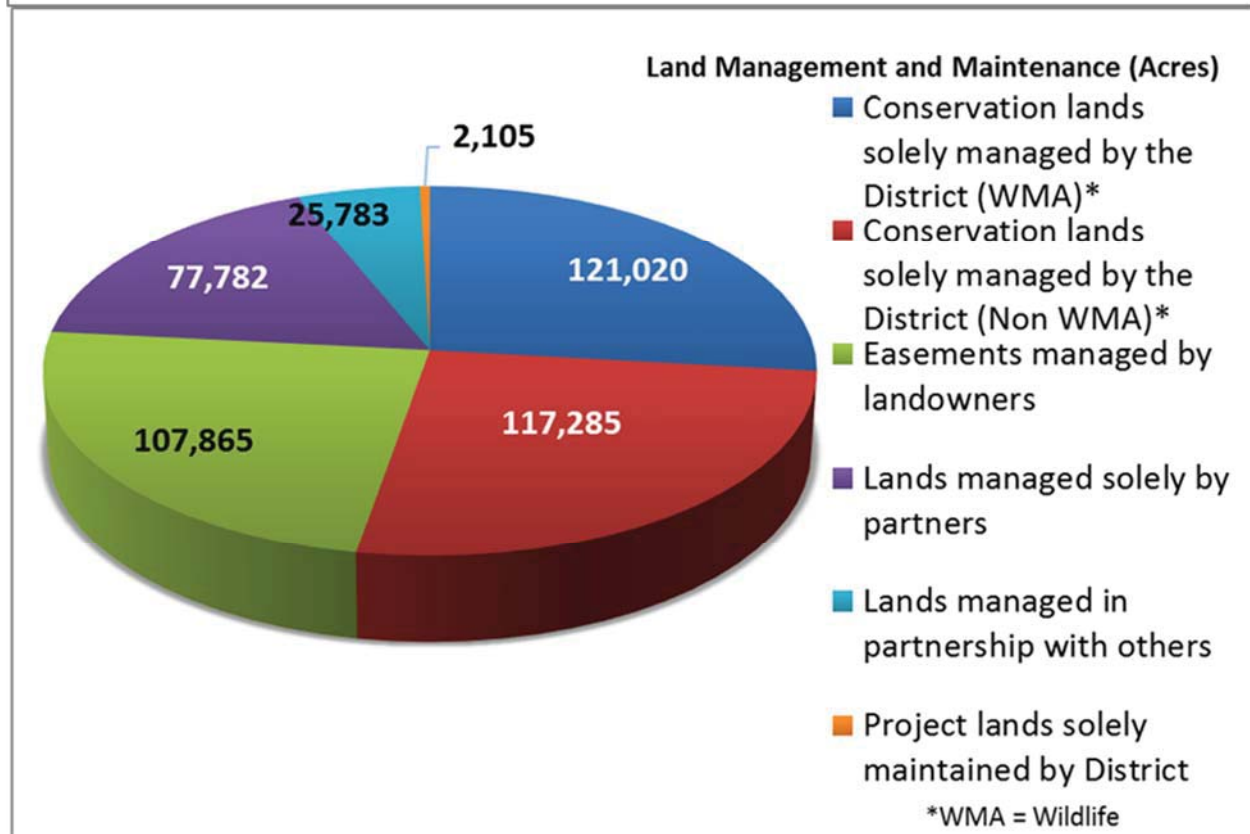
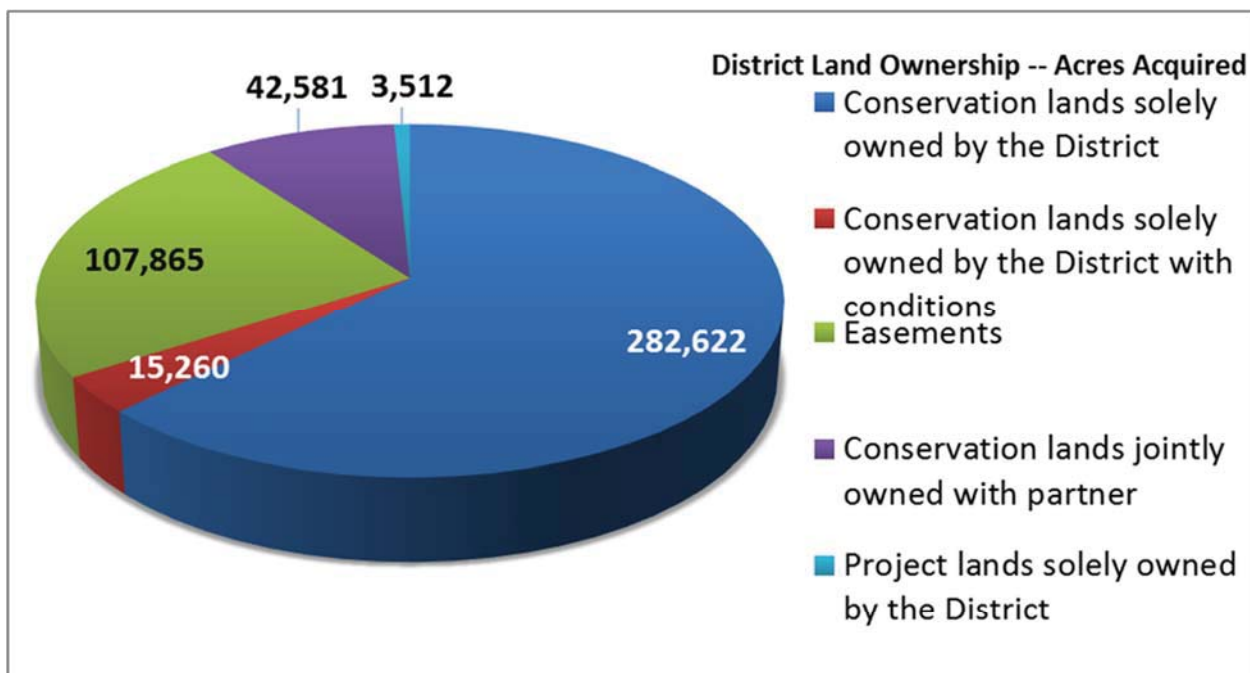
This report provides monthly information through May 30, 2018 on significant Operations and Land Management projects and programs in which the Governing Board is participating in funding and otherwise may be of interest to the Board. The report provides a brief description and status of significant activities associated with the projects that have recently occurred or are about to happen.

### **Land Management**

- Staff has applied prescribed fire to 20,538 acres of conservation lands during FY2018.
- Staff continue to trap and conduct phased feral hog management hunts on District lands. There have been 1,138 feral hogs removed from District lands during FY2018.
- Green Swamp Hampton Tract FY2018 harvest has been completed.
  - 775 loads removed
  - 635 loads (16,879.63 tons) paid thus far
  - \$244,079.48 generated to date

### **Land Resources/Land Use and Protection**

- Issued Special Use Authorization to Joseph Thompson for authorization to traverse, via vehicle, a portion of South McGregor Smith Trail within the District's ownership at Flying Eagle Nature Center for the purpose of surveying a private land parcel prior to a future purchase by the authorized user.
- Issued Special Use Authorization to Linda Iwersen for authorization to traverse, via vehicle, a portion of McNeil Road within the District's ownership at Green Swamp West to access her private property.
- Issued Special Use Authorization email to Tracy Howell, FWC Species Management, for vehicle access to the Lake Hancock boat ramp to facilitate alligator egg collection via airboat.
- Issued Special Use Authorization to Tom Palmer on behalf of the North American Butterfly Association for vehicle access to parts of the Hampton Tract as part of a butterfly count around Colt Creek State Park.
- Issued Special Use Authorization to Joshua Campbell, USF Herbarium, for vehicle access to Green Swamp – East & West Tracts to facilitate biweekly site visits to collect mushrooms for a vegetative survey.
- Volunteers provided 248 hours of service at a value of approximately \$5,842.88 to the District's conservation/recreation lands. Volunteer services included campground maintenance, trash removal, fence repair, and tree trimming.
- Processed 145 requests and provided 643 camping opportunities on District lands.
- The following is a breakdown of District land interests:



Staff Recommendation:

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





**Governing Board Meeting  
June 26, 2018**

<b>REGULATION COMMITTEE</b>
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***Discussion Items***

41. Consent Item(s) Moved for Discussion
42. Denials Referred to the Governing Board .....164

***Submit & File Reports - None***

***Routine Reports***

43. Dover/Plant City Water Use Caution Area Flow Meter AMR Implementation Program Update 165
44. Overpumpage Report .....166
45. Individual Permits Issued by District Staff .....170

**REGULATION COMMITTEE**

**June 26, 2018**

***Discussion Item***

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

Staff Recommendation:

Presenter: Alba Más, P.E., Division Director, Regulation

## REGULATION COMMITTEE

June 26, 2018

### *Discussion Item*

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

District Rule 40D-1.6051, Florida Administrative Code, provides that if District staff intends to deny a permit application, the applicant will be advised of the opportunity to request referral to the Governing Board for final action.

Under these circumstances, if an applicant or petitioner requests their application or petition be referred to the Governing Board for final action, that application or petition will appear under this agenda item for consideration. As these items will be presented at the request of an outside party, specific information may not be available until just prior to the Governing Board meeting.

#### **Staff Recommendation:**

If any denials are requested to be referred to the Governing Board, these will be presented at the meeting.

**Presenter:** Alba Más, P.E., Division Director, Regulation

## REGULATION COMMITTEE

June 26, 2018

### *Routine Report*

#### Dover/Plant City Water Use Caution Area Flow Meter AMR Implementation Program Update

At their December 2010 meeting, the Governing Board adopted a minimum aquifer level in the Dover/Plant City Water Use Caution Area (DPCWUCA); Rule 40D-8.626, Florida Administrative Code (F.A.C.), as well as a recovery strategy (Rule 40D-80.075, F.A.C.) that incorporated flow meters and automatic meter reading (AMR) equipment installations to monitor and reduce resource impacts from future frost/freeze pumping events. Meter information in the Dover/Plant City area will be used by the District to: (1) improve the allocation of well mitigation responsibilities among permit holders, (2) allow District staff to better identify permit compliance issues resulting from pumping during frost/freeze events, (3) improve the modeling of impacts resulting from pumping during frost/freeze events, (4) allow the monitoring of performance and track the progress of management actions implemented, and (5) provide for the overall assessment of the recovery strategy goal of reducing frost/freeze protection quantities by 20 percent in ten years. It was originally estimated as of June 16, 2011 that there were 626 flow meters and 961 AMR devices needing installation within the 256-square mile DPCWUCA. As of December 1, 2016 it was estimated that 573 flow meters and 954 AMR devices will need to be installed, currently, a revised assessment completed of June 1, 2018 estimated a program total of 556 flow meters and 885 AMR devices. This revised assessment is due to expired permits, use change, and deletion of withdrawals not required to be metered and have AMR devices. Total costs of the program were estimated to be \$5.5 million for flow meter and AMR equipment installation with approximately \$316,000 required annually to support the program. On August 7, 2013, the AMR equipment installation and operation component of this project under RFP 004-13 was awarded to Locher Environmental Technology, LLC, partnered with AMEC Environmental and Infrastructure, Inc., and Hydrogage, Inc. The contract was executed on November 14, 2013. Letters with flow meter reimbursement information were sent on September 17, 2015 to the remaining permittees who have not yet installed a flow meter. ***New Activities Since Last Meeting:*** As of June 1, 2018, a total of 519 flow meters have been installed (93 percent complete) and 813 AMR units have been installed (92 percent complete). *Project Manager: Talia Paolillo*

#### Staff Recommendation:

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

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

**REGULATION COMMITTEE**

**June 26, 2018**

***Routine Report***

**Overpumpage Report**

Please see the attached report.

Staff Recommendation:

This item is provided for the Committee's information and no action is required.

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



# Overpumpage Report April 2018

## Under Review <sup>(1)</sup> Permit Application In-House <sup>(2)</sup> Forwarded to OGC <sup>(3)</sup>

Permit No.	Permit Holder	Use Type	Permitted Quantity	Original Report Date Annual Avg. Use Percent Over	Current Report Date Annual Avg. Use Percent Over	Service Office
<b><i>New From Previous Report</i></b>						
12386.003	De Monte Fresh Production, Inc. <sup>1</sup>	Agriculture - Tomatoes	1,000,000 gpd	02/01/2018 1,211,855 gpd 21.19%	04/01/2018 1,295,214 gpd 29.52%	Sarasota

- (1) Preliminary determination - permit is in non-compliance and file is under review by Regulation staff.  
 (2) A permit application is in-house for review.  
 (3) The non-compliance matter has been referred to the Office of General Counsel (OGC).

# Overpumpage Report April 2018

## Under Review <sup>(1)</sup> Permit Application In-House <sup>(2)</sup> Forwarded to OGC <sup>(3)</sup>

Permit No.	Permit Holder	Use Type	Permitted Quantity	Original Report Date Annual Avg. Use Percent Over	Current Report Date Annual Avg. Use Percent Over	Service Office
<b><i>Continuing From Previous Report</i></b>						
9419.008	Alico, Inc. (South Patrick Grove) <sup>1</sup>	Agriculture – Citrus	531,400 gpd	11/01/2017 641,858 gpd 20.79%	04/01/2018 573,254 gpd 7.88%	Polk
12900.002	Perico Island Development <sup>1</sup>	Recreation - Lawn/Landscaping	130,500 gpd	11/01/2017 196,759 gpd 50.77%	04/01/2018 160,186 gpd 22.75%	Sarasota
1240.005	Bethel Farms, LLP (Rod R. Sweet) <sup>1</sup>	Agriculture – Citrus	74,900 gpd	07/01/2017 88,701 gpd 18.43%	04/01/2018 89,978 gpd 20.13%	Sarasota
3219.007	Gardinier Florida Citrus, Inc. <sup>1</sup>	Agriculture – Citrus	322,600 gpd	06/01/2017 436,926 gpd 35.44%	04/01/2018 400,099 gpd 24.02%	Polk
8687.005	Mary L. Keene as Trustee of the William K. Keene Family Trust (Russell Farm) <sup>1</sup>	Agriculture - Strawberries and Squash	100,800 gpd	04/01/2017 114,764 gpd 13.85%	04/01/2018 116,367 gpd 15.44%	Tampa
696.006	Gardinier Florida Citrus, Inc. <sup>1</sup>	Agriculture – Citrus	210,600 gpd	05/01/2017 293,762 gpd 39.49%	04/01/2018 267,921 gpd 27.22%	Polk
2588.010	Kelly Family Holdings, LLC (Kelly Farms) <sup>2&amp;3</sup>	Agriculture – Potatoes and Pasture	704,600 gpd	11/01/2016 851,054 gpd 20.79%	04/01/2018 1,447,463 gpd 105.43%	Sarasota

(1) Preliminary determination - permit is in non-compliance and file is under review by Regulation staff.

(2) A permit application is in-house for review.

(3) The non-compliance matter has been referred to the Office of General Counsel (OGC)

Attachment: Jun18 Routine Reports - Overpumpage Report\_April 2018 FINAL (3822 : Overpumpage

# Overpumpage Report April 2018

## Under Review <sup>(1)</sup> Permit Application In-House <sup>(2)</sup> Forwarded to OGC <sup>(3)</sup>

Permit No.	Permit Holder	Use Type	Permitted Quantity	Original Report Date Annual Avg. Use Percent Over	Current Report Date Annual Avg. Use Percent Over	Service Office
<b><i>Continuing From Previous Report</i></b>						
1156.012	Bay Laurel Center Public Water Supply System <sup>3</sup>	Public Supply	2,555,000 gpd	09/01/2016 2,696,799 gpd 5.55%	04/01/2018 2,869,107 gpd 12.29%	Brooksville
7993.003	Harrell's Nursery <sup>1</sup>	Agriculture - Nursery, Container	20,100 gpd	07/01/2016 24,051 gpd 19.66%	04/01/2018 21,865 gpd 8.78%	Tampa
7002.004	MHC FR Utility Systems, LLC <sup>3</sup>	Public Supply	97,100 gpd	04/01/2015 104,929 gpd 8.06%	04/01/2018 522,185 gpd 437.78%	Tampa

(1) Preliminary determination - permit is in non-compliance and file is under review by Regulation staff.

(2) A permit application is in-house for review.

(3) The non-compliance matter has been referred to the Office of General Counsel (OGC)

Attachment: Jun18 Routine Reports - Overpumpage Report\_April 2018 FINAL (3822 : Overpumpage

**REGULATION COMMITTEE**

**June 26, 2018**

***Routine Report***

**Individual Permits Issued by District Staff**

Please see the attached report.

Staff Recommendation:

This item is provided for the Committee's information and no action is required.

Presenter: Alba Más, P.E., Division Director, Regulation

## INDIVIDUAL PERMITS ISSUED: ERPS – JUNE 2018

PERMIT NUMBER	PROJECT NAME	COUNTY	DESCRIPTION	TOTAL PROJECT ACRES	WETLAND ACRES	WETLAND ACRES IMPACTED	WETLAND MITIGATION ACRES
43042998.010	Villages of Southern Oaks Mass Grade – Phase 3B	Sumter	Mass grading for a future subdivision	447.08	90.16	6.03	78.82
43042852.001	Evers Reservoir	Manatee	Construction of a residential development with a maximum of 600 dwelling units (single family and multi-family units)	200.68	22.18	17.17	4.50

*Wetland Mitigation Acres may be zero or less than Wetland Acres Impacted for a variety of reasons. Some of those reasons are: impacted wetlands require no mitigation by rule (e.g., upland cut manmade ditches, etc.); quality of the impacted wetlands is less than the quality of proposed mitigation; or mitigation is provided through a different permit or a mitigation bank.*

## INDIVIDUAL PERMITS ISSUED: WUPs – JUNE 2018

PERMIT NUMBER	PROJECT NAME	COUNTY	DESCRIPTION	USE TYPE	PREVIOUS PERMITTED QUANTITY	NEW PERMITTED QUANTITY	DURATION (YEARS)
20012075.005	Venetian Golf and River Club	Sarasota	Renewal with no change in use or significant change of quantities; total demand is 707,800 gpd due to 300 gpd of reclaim	Landscape / Recreation	407,800	407,800	20
20020745.000	Streamsong WUP	Polk	New permit based on partial transfer from Mosaic WUP 2715 plus an additional 18-hole golf course	Landscape / Recreation	851,900	1,062,700	20





**Governing Board Meeting  
June 26, 2018**

<b>GENERAL COUNSEL'S REPORT</b>
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***Discussion Items***

46. Consent Item(s) Moved for Discussion
47. Revision to Board Policy 160-4, Legal – Delegation of Authority to General Counsel for  
Certain Administrative Hearing Matters ..... 173

***Submit & File Reports - None***

***Routine Reports***

48. June 2018 – Litigation Report ..... 176
49. June 2018 – Rulemaking Update..... 186

**GENERAL COUNSEL'S REPORT**

**June 26, 2018**

*Discussion Item*

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Karen E. West, General Counsel

## GENERAL COUNSEL'S REPORT

June 26, 2018

### *Discussion Item*

#### **Revision to Board Policy 160-4, Legal – Delegation of Authority to General Counsel for Certain Administrative Hearing Matters**

Pursuant to Section 373.083(5), Florida Statutes (“F.S.”), the District’s Governing Board is authorized to delegate authority to District staff for the purpose of executing any of the powers, duties, and functions vested in the Governing Board by statute. The Governing Board has delegated certain matters to District staff through adoption of Board Policies aimed at improving the efficiency of District processes. One such process is the administration of Section 120.569, F.S., relating to petitions for administrative hearing challenging agency action.

When a petition is filed with the District pursuant to Section 120.569, F.S., the District must carefully review the petition to determine if the petition contains a defect that cannot be cured. If it conclusively appears from the face of the petition that the defect cannot be cured, the District will dismiss the petition. Board Policy 160-4 currently does not delegate authority to the General Counsel to dismiss a petition without leave to amend when the General Counsel determines conclusively from the face of the petition that a defect cannot be cured. The authority to enter a final order dismissing the petition without leave to amend remains with the Governing Board. The efficiency of the District’s procedure for processing petitions for administrative hearing will be improved by delegating this authority to the General Counsel. Delegation of this authority will allow the District to meet the 15-day timeframe for acting upon a petition filed at or near the date of a District Governing Board meeting that would otherwise result in an extended period of time elapsing before the Governing Board has the opportunity to consider the matter at the following Board meeting. Additionally, this delegation will provide the General Counsel with the authority to determine and act upon a purely legal issue regarding a petition for administrative hearing, similar to the procedure established by the Department of Environmental Protection in Rule 62-113.200(3)(b), Florida Administrative Code.

The proposed revision to Board Policy 160-4 will improve the efficiency of the District’s procedure for processing petitions for administrative hearing pursuant to Section 120.569, F.S. This improved efficiency will better enable the District to comply with statutory requirements. Accordingly, District staff recommend approval of the proposed revision to Board Policy 160-4, attached hereto as Exhibit “A.”

#### **Staff Recommendation:**

Approve the proposed revision to Board Policy 160-4, Legal - Delegation of Authority to General Counsel for Certain Administrative Hearing Matters authorizing the General Counsel to enter a final order dismissing a petition for administrative hearing with prejudice if it conclusively appears from the face of the petition that a defect cannot be cured.

Presenter: Karen E. West , General Counsel and Christopher A. Tumminia, Senior Attorney

## **Governing Board Policy**

Southwest Florida Water Management District

**Title: LEGAL – Delegation of Authority to General Counsel for Certain Administrative Hearing Matters**

**Document Owner:** Office of General Counsel

**Approved By:** \_\_\_\_\_

**Effective Date:** 6/26/2018

**Last Review Date:** 2/24/2015

### **PURPOSE**

To improve the efficiency of the District's processes, and to ensure that the District meets the 15-day deadline for action on petitions for administrative hearing contained in Section 120.569(2)(a), Florida Statutes

### **SCOPE**

Applicable to petitions for administrative hearing received by the District, pursuant to Section 120.569(2)(a), Florida Statutes.

### **AUTHORITY**

Section 373.083(5), Florida Statutes

### **POLICY**

The Governing Board hereby delegates to the General Counsel the authority to take action on the following matters:

1. To grant or deny a request for extension of time to file a petition for administrative hearing (hereinafter, "Petition").
2. To refer a matter to the Division of Administrative Hearings for further proceedings when a timely, sufficient Petition (or amended Petition) is received by the District.
3. To enter an order dismissing a Petition without prejudice granting leave to file an amended Petition when a timely, insufficient Petition is received by the District, or to enter a final order dismissing a Petition with prejudice if it conclusively appears from the face of the Petition that a defect cannot be cured.
4. To enter a final order dismissing a Petition with prejudice when a Petition has been dismissed without prejudice and no amended Petition is filed.
5. To enter a final order dismissing a Petition with prejudice when a Petition has been untimely filed.

The General Counsel shall ensure that a section is added to the monthly Litigation Report detailing actions taken on delegated matters.

### **DISTRIBUTION**

This Policy will be stored in the designated Governing Board Policy repository.

### **REFERENCES**

Section 120.569(2)(a), Florida Statutes



**PERIODIC REVIEW**

This procedure will be reviewed annually by the General Counsel or his or her delegate.

**GENERAL COUNSEL'S REPORT**

**June 26, 2018**

***Routine Report***

**June 2018 - Litigation Report**

Staff Recommendation:

Presenter: Karen E. West, General Counsel

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT LITIGATION REPORT**

**June 2018**

(Most recent activity in each case is in **boldface** type)

**DELEGATED ADMINISTRATIVE HEARING MATTERS**

**0 Cases as of June 7, 2018**

**OPEN ENFORCEMENT CASES**

**76 Cases as of May 3, 2018**

**77 Cases as of June 7, 2018**

**ENFORCEMENT CASES IN ACTIVE LITIGATION**

**0 Cases as of June 7, 2018**

(Including Administrative Complaints)

**PERMIT/AGENCY ACTION CHALLENGES**

**4 Cases as of June 7, 2018**

**STYLE:** Polk Regional Water Cooperative et al v. SWFWMD and Peace River Manasota Regional Water Supply Authority  
**COURT/CASE NO.:** N/A  
**ATTORNEY:** C. Tumminia/ A. Vining/ M. Bray  
**ACTION:** Administrative hearing challenging Water Use Permit No. 20010420.010

**DESCRIPTION:** On April 24, 2018, the District issued a Notice of Proposed Agency Action recommending approval of Water Use Permit ("WUP") No. 20010420.010 ("Permit") to the Peace River Manasota Regional Water Supply Authority ("Authority") authorizing a renewal and modification to the Authority's existing WUP to extend the duration of the Permit and increase the allocated annual average and maximum daily withdrawals. From May 14, 2018, to May 18, 2018, the District received Petitions for Administrative Hearing ("Petitions") from the Polk Regional Water Cooperative, Polk County, the City of Winter Haven, the City of Lakeland, the City of Wauchula, the City of Fort Meade, and the City of Bartow.

**STYLE:** Sumter, LLC v. FDOT Florida's Turnpike Enterprise and SWFWMD  
**COURT/CASE NO.:** Division of Administrative Hearings, Case No. 18-2780  
**ATTORNEY:** H. Ryan/ J. Fussell  
**ACTION:** Administrative hearing challenging Environmental Resource Permit No. 43010725.009

**DESCRIPTION:** On February 10, 2017, the District issued Environmental Resource Permit ("ERP") No. 43070725.009 to FDOT Florida's Turnpike Authority ("Turnpike") authorizing modifications to interchange improvements previously permitted for the I-75/Turnpike Interchange, which will improve traffic flow at the same time FDOT is widening I-75. The District issued a Corrected ERP on February 15, 2017, after District staff discovered an error in the ERP previously issued, which resulted in updates to the wetland impact acreages, functional losses, and the total excess mitigation available. On March 2, 2017, Sumter, LLC ("Petitioner") submitted a Petition for Administrative Hearing ("Petition"), requesting denial of the Corrected ERP.

On March 20, 2017, Petitioner and Turnpike submitted a letter to the District, jointly requesting the District delay referral of the Petition to DOAH for 30 days so the parties could attempt to resolve the dispute. The District entered an Order Granting Request to Hold Case in Abeyance on March 20, 2017, stating no further action would be taken by the District on the matter until April 19, 2017.

On March 31, 2017, Petitioner and Turnpike filed a Joint Motion for Extension of Time until July 1, 2017, as the parties had agreed to run the 100-year floodplain model with updated parameters. An extension of an additional 90 days was requested for time to generate the results of the updated model and for the parties to review of those results. On April 4, 2017, the District entered an Order Granting Joint Motion for Extension of Time, holding the case in abeyance until July 3, 2017, and stating no further action would be taken by the District on the matter until July 5, 2017.

On June 22, 2017, Petitioner and Turnpike filed a Second Joint Motion for Extension of Time until August 7, 2017, to allow the parties additional time to finish running the 100-year floodplain model with updated parameters. On June 27, 2017, the District entered an Order Granting Second Joint Motion for Extension of Time, holding the case in abeyance until August 7, 2017, and stating no further action would be taken by the District on the matter until August 8, 2017.

On July 27, 2017, Petitioner and Turnpike filed a Third Joint Motion for Extension of Time until September 25, 2017, as efforts were ongoing to update the floodplain model and additional time was needed to finish the work. On July 27, 2017, the District entered an Order Granting Third Joint Motion for Extension of Time, holding the case in abeyance through September 25, 2017.

On September 15, 2017, Petitioner and Turnpike filed a Fourth Joint Motion for Extension of Time until October 11, 2017, as the parties expected the District to receive updated modeling on September 15, 2017, and time was needed to allow for the District's review and comments of those results, as well as for Petitioner's and Turnpike's subsequent review of the District's comments. On September 18, 2017, the District entered an Order Granting Fourth Joint Motion for Extension of Time, holding the case in abeyance through October 11, 2017.

On October 10, 2017, Petitioner and Turnpike filed a Fifth Joint Motion for Extension of Time until October 23, 2017, to conduct a settlement conference. On October 10, 2017, the District entered an Order Granting Fifth Joint Motion for Extension of Time, holding the case in abeyance through October 23, 2017.

On October 18, 2017, Petitioner and Turnpike filed a Sixth Joint Motion for Extension of Time to conduct a settlement conference, which was to occur no later than November 21, 2017. On October 19, 2017, the District entered an Order Granting Sixth Joint Motion for Extension of Time, holding the case in abeyance through November 22, 2017.

A settlement conference was held on November 17, 2017. On November 20, 2017, Petitioner and Turnpike filed a Seventh Joint Motion for Extension of Time until February 1, 2018, to finish re-processing the model and conduct a follow-up settlement conference. On November 28, 2017, the District entered an Order Granting Seventh Joint Motion for Extension of Time, holding the case in abeyance through February 1, 2018.

A second settlement conference was held on January 22, 2018, at which the parties determined additional time was needed for the Turnpike to investigate the feasibility of settlement options. On January 24, 2018, Petitioner and Turnpike filed an Eighth Joint Motion for Extension of Time until May 15, 2018. On January 25, 2018, the District entered an Order Granting Eighth Joint Motion for Extension of Time, holding the case in abeyance through 15, 2018.

**After conferring with counsel for Turnpike, the District referred the Petition to Florida's Division of Administrative Hearings (DOAH) on May 31, 2018; that same day, Administrative Law Judge (ALJ) Francine M. Ffolkes was assigned to the matter, now DOAH Case No. 18-2780, and ALJ Ffolkes entered an Initial Order. The District is coordinating with Petitioner's and Turnpike's counsel to prepare and submit a timely response to the Initial Order.**

**STYLE:** SWFWMD v. Depa Hotel, Inc.  
**COURT/CASE NO.:** SWFWMD  
**ATTORNEY:** A. Vining  
**ACTION:** Administrative hearing requested pursuant to an Administrative Complaint and Order issued by SWFWMD

**DESCRIPTION:** On December 13, 2005, the District issued Environmental Resource Permit ("ERP") No. 44014233.002, authorizing the construction of a new surface water management system to serve a Hampton Inn in Port Richey, Florida. On October 31, 2008, the District issued a Permit Condition Violation letter to the original permittee that indicated the District had received a complaint alleging that the construction of the project caused flooding to adjacent properties. The District determined that the project blocked offsite inflows from the east and filled historic basin storage onsite, which caused the flooding of the adjacent properties in violation of ERP No. 44014233.002. On June 23, 2009, ERP No. 44014233.002 was transferred to Depa Hotel, Inc. ("Depa"). Over the intervening years, Depa filed four ERP applications attempting to address the permit condition violation, but all were either withdrawn by Depa or denied by the District. Because of the failure of Depa to address the permit condition violation, the District issued an Administrative Complaint and Order on August 7, 2017, requiring Depa to modify ERP No. 44014233.002, and to complete all the activities authorized by the ERP modification within 270 days of issuance of the ERP modification. On September 1, 2017, Depa submitted a Request for Administrative Hearing, which the District dismissed without prejudice on September 18, 2017. An Amended Request for Administrative Hearing was submitted on October 2, 2017. On October 10, 2017, District staff provided Depa with a copy of its recommendation to the District's Governing Board that Depa's Amended Request for Administrative Hearing be dismissed with prejudice. On October 11, 2017, Depa filed a Motion to Correct Scribner's Error to the Amended Request for an Administrative Hearing, Reconsideration to Continue Response Time to File Amended Petition and Reconsideration to Submit Matter to DOAH requesting that the District reconsider its decision to dismiss the Amended Request for an Administrative Hearing with prejudice, or, alternatively, provide Depa with more time to submit another amended request for hearing. The District issued an Order Granting Motion to Correct Scrivener's Error on October 19, 2017. Then, on October 24, 2017, the District issued a Final Order of Dismissal with Prejudice and Order Denying Motion for Reconsideration to Continue Response Time to File Amended Petition and Reconsideration to Submit Matter to DOAH. On October 25, 2017, the Administrative Complaint and Order was finalized, and the order rendered. On November 7, 2017, Depa submitted a Request for an Administrative Hearing. On November 13, 2017, Depa filed a Notice of Appeal, indicating it is appealing both the Final Order of Dismissal with Prejudice and the finalized Administrative Complaint and Order. See Appeals Section below. On December 21, 2017, the District issued a Final Order of Dismissal with Prejudice dismissing the Request for an Administrative Hearing submitted on November 7, 2017.

**STYLE:** Long Bar Pointe, LLLP v. Lake Flores I, LLC, & SWFWMD  
**COURT/CASE NO.:** Division of Administrative Hearings, Case No. 17-005609  
**ATTORNEY:** C. Tumminia/J. Fussell  
**ACTION:** Administrative petition challenging Environmental Resource Permit No. 49042599.001

**DESCRIPTION:** On July 28, 2017, the District issued Environmental Resource Permit ("ERP") No. 49042599.001 ("Permit") conceptually approving the future construction of a stormwater management system to serve a 1,274-acre mixed-use project in Manatee County. On August 18, 2017, and September 18, 2017, the District granted two requests by Long Bar Pointe, LLLP ("Petitioner"), for an extension of time to file a petition requesting an administrative hearing on the issuance of the Permit. On



September 29, 2017, the District received a timely request for administrative hearing ("Petition") from the Petitioner. The deadline for granting or denying the Petition is October 14, 2017. On October 13, 2017, the District referred the Petition to the Division of Administrative Hearings ("DOAH"). The case was assigned to an Administrative Law Judge, who entered an Initial Order on October 19, 2017. The final hearing has been scheduled to occur in Tampa from January 24, 2017 to January 26, 2017. As of November 9, 2017, all parties have exchanged preliminary written discovery. On December 21, 2017, the parties agreed to and filed a Joint Motion for Continuance due to ongoing settlement negotiations. The ALJ entered an Order on December 21, 2017, rescheduling the final hearing to occur on February 27, 2017. On January 18, 2018, the parties agreed to and filed a Joint Motion for Continuance due to ongoing settlement negotiations. The ALJ entered an Order on January 18, 2018, rescheduling the final hearing to occur on March 27, 2017. On February 20, 2018, representatives from SWFWMD and the Applicant met to discuss the potential for settlement of this matter. On March 5, 2018, the Parties agreed to and filed a Joint Motion for Continuance as a result of the ongoing settlement negotiations. On March 6, 2018, the ALJ entered an Order rescheduling the final hearing to occur on May 7, 2018. On April 4, 2018, the Applicant and the Petitioner agreed to and filed a Joint Motion for Continuance as a result of the ongoing settlement negotiations. The District did not join, nor object, to the Motion. On April 5, 2018, the ALJ entered an Order rescheduling the final hearing to occur on June 25, 2018. **On May 29, 2018, the Parties agreed to and filed a Joint Motion for Continuance as a result of ongoing settlement negotiations, which has included extensive discussion between the Petitioner and the Applicant, as well as each respective party's expert consultants. The final hearing in this matter has been rescheduled to occur on August 28, 2018. As of the date of this Litigation Report, the parties are still actively engaged in settlement negotiations.**

**MISCELLANEOUS**  
**5 Cases as of June 7, 2018**

<b>STYLE:</b>	Tony's Roasted Pepper, LLC v. Hillsborough County and SWFWMD
<b>COURT/CASE NO.:</b>	Thirteenth Judicial Circuit/Hillsborough County; Case No. 2016-CA-008690
<b>ATTORNEY:</b>	V. Arenas-Battles/A. Vining
<b>ACTION:</b>	Notice of Claim pursuant to the Bert J Harris, Jr., Private Property Rights Protection Act and Complaint for Trespass, Injunction, Inverse Condemnation, Breach of Contract and Claim for Compensation under The Bert J. Harris, Jr., Private Property Rights Protection Act
<b>DESCRIPTION:</b>	<p>On September 19, 2016, Tony's Roasted Pepper, LLC ("Plaintiff") served the District with a Notice of Claim pursuant to Section 70.001, F.S., the Bert J. Harris, Jr., Private Property Rights Protection Act ("Bert Harris Act"). The Notice of Claim alleges that Plaintiff's property was damaged by flooding caused by Hillsborough County's pumping from Lake Wee pursuant to emergency authorizations issued to the County by the District. In addition, Plaintiff alleges that the flooding caused damage to its property and requests damages in the amount of \$1,100,000 from the District and County. Pursuant to Section 70.001(4), Florida Statutes, the District has notified the Attorney General's Office of Legal Affairs and all contiguous property owners regarding its receipt of the Notice of Claim. District staff will respond to the Notice of Claim within the statutorily-required 150 days.</p> <p>On October 14, 2016, the District was served with a Complaint for Trespass, Injunction, Inverse Condemnation, Breach of Contract, and a violation of the Bert Harris Act ("Complaint") in Circuit Court against it as well as Hillsborough County ("County") and the District. The District is not subject to the breach of contract claim. The Complaint alleges a loss in market value of Plaintiff's property in the amount of \$960,000, as well as requests damages in excess of \$15,000 from both the County and the District. On October 19, 2016, the County filed a Motion to Dismiss Count V for Failure to State a Cause of Action and its Answer and Affirmative Defenses regarding the remaining counts of Plaintiff's Complaint.</p>

On November 2, 2016, the District filed its Motion to Dismiss the Complaint, alleging (a) the statute of limitations has run on the inverse condemnation claim and (b) the Plaintiff failed to state a cause of action on the remaining claims. On November 4, 2016, the District filed its Amended Motion to Dismiss Complaint as to all counts for failure to state a cause of action, except Count IV which only applied to the County. On the same date, the County filed a Motion to Dismiss Count V. On November 7, 2016, the Plaintiff filed a Motion to Strike the County's Affirmative Defenses. A hearing on the District's and County's Motions to Dismiss was scheduled for January 5, 2017.

On January 5, 2017, Plaintiff, the County and the District agreed to cancel the hearing and (1) enter an Order granting the District's and County's Motions to Dismiss; (2) allow Plaintiff 45 days in which to amend its Complaint; and (3) that Plaintiff would satisfy all pre-suit requirements for a Bert Harris claim prior to amending its Complaint. On January 18, 2017, the Court entered a Stipulated Order Granting Southwest Florida Water Management District's Motion to Dismiss Without Prejudice. On January 23, 2017, the Court entered a similar Stipulated Order Granting Hillsborough County's Motion to Dismiss Count V of Plaintiff's Complaint Without Prejudice. Discovery has commenced and is ongoing. On March 3, 2017, Plaintiff filed an Amended Complaint against the District and the County. On March 31, 2017, the District and the County each filed Motions to Dismiss the Amended Complaint. A hearing on the Motions to Dismiss has been scheduled for June 6, 2017. On May 26, 2017, the hearing on the Motions to Dismiss was rescheduled for August 1, 2017.

On August 1, 2017, the Motion to Dismiss was heard by the Court. The Court ruled as follows: (1) granted the District's motion to dismiss as to Count III (Inverse Condemnation); (2) granted the District's motion to dismiss as to Count II (Injunction) without prejudice to amend; (3) granted the District's motion to dismiss as to Count V (Bert Harris) without prejudice to amend; and denied the District's motion to dismiss as to Count I (Trespass) and abated this cause of action until December 14, 2017. On August 18, 2017, the Court entered the Order on Defendant's Motion to Dismiss Plaintiff's Amended Complaint.

On September 15, 2017, the District received Plaintiff's Second Amended Complaint. The District's answer to the Amended Complaint is due on or before December 14, 2017.

On October 5, 2017, all parties filed their Joint Stipulation to Extension of Time for Defendants to Respond to the Second Amended Complaint, requesting an extension of time until December 14, 2017 for the County and the District to file their answers to the Second Amended Complaint. On October 16, 2017, the Court entered an Order granting the extension of time.

On December 14, 2017, the District filed its Answer and Affirmative Defenses to Plaintiff's Second Amended Complaint. On January 8, 2018, the Plaintiff filed its Reply to the District's and the County's Affirmative Defenses.

On March 5, 2018, Plaintiff filed a Joint Stipulation for Substitution of Counsel, substituting MacFarlane, Ferguson & McMullen, P.A. for J. Marshall Fry. On March 6, 2018, the Order on Stipulation for Substitution of Counsel was entered by the Court.

A case management hearing is scheduled in this case for June 27, 2018.

**STYLE:**  
**COURT/CASE NO.:**  
**ATTORNEY:**  
**ACTION:**

Uranowski, Christina v. SWFWMD  
 Fifth Judicial Circuit/Hernando County; Case No. 2016-CA-976  
 T. Gonzalez  
 Complaint under the Florida Civil Rights Act alleging Retaliation, Handicap Discrimination, Gender Discrimination, and Age Discrimination

**DESCRIPTION:**

On September 17, 2015, the District issued a Notice of Discharge (“Notice”) to Christina Uranowski (“Plaintiff”), discharging her from her at-will employment from the District effective at 5:00 p.m. that day. In September 2015, Plaintiff filed a Complaint with the U.S. Equal Employment Opportunity Commission (“EEOC Complaint”) alleging that the District discriminated against her on the basis of her gender, age, and disability as well as that the District had retaliated against her based on prior protected activity. The District responded to the EEOC charge on November 4, 2015. The EEOC has not yet rendered a determination relative to the EEOC Complaint.

On September 30, 2016, the District was served with a Complaint filed in Circuit Court for Hernando County alleging violations of the Florida Civil Rights Act including retaliation, handicap discrimination, gender discrimination, and age discrimination related to Plaintiff’s discharge from District employment. The matter has been referred to the District’s outside employment counsel who entered his appearance in the case on October 2, 2016. On October 20, 2016, the District filed its Answer and defenses to the Complaint. The Plaintiff filed its first Request for Production of Documents to Defendants on August 14, 2017. The District filed its response to the Plaintiff’s request on September 18, 2017.

**STYLE:****COURT/CASE NO.:****ATTORNEY:****ACTION:**

SR 40, LLC v. Riverside Village Homeowners’ Association and Southwest Florida Water Management District

Sixth Judicial Circuit/Pasco County; Case No. 2017CA2879CAAXWS

C. Tumminia/A. Vining

Complaint for Abatement Pursuant to Section 373.433, Florida Statutes, Damages Pursuant to Section 373.430, F.S., and Trespass

**DESCRIPTION:**

On March 3, 1987, the District issued Environmental Resource Permit (“ERP”) No. 43000835.000 (“Permit”) for the construction of a stormwater management system designed to serve a residential development known as Riverside Village Unit 4 (“Development”), located in Pasco County, Florida. On March 3, 2017, the District received a complaint from SR 40, LLC, the owner of property adjacent to the Development, regarding potential flooding caused by a berm washing out along the east side of the Development. District staff investigated the complaint to determine whether the stormwater management system was functioning properly. District staff identified two maintenance issues and requested that Riverside Village Homeowners’ Association (“Permittee”) take action to bring the Permit into compliance. On September 1, 2017, District staff notified the Permittee that the required actions were completed, and the compliance file would be closed. On October 9, 2017, the District was served with a Complaint for Abatement pursuant to Section 373.433, Florida Statutes (“F.S.”), damages pursuant to Section 373.430, F.S., and trespass, alleging that the maintenance issues were not resolved, and the Development continues to flood SR 40’s property. The District has 30 days from October 9, 2017, to file an answer or appropriate motion.

On November 8, 2017, the District filed a Motion to Dismiss the complaint on various grounds. Prior to filing a response to the District’s Motion to Dismiss, the Plaintiff filed a First Amended Complaint that addressed some of the deficiencies highlighted in the Motion to Dismiss. On December 22, 2017, the District filed a Motion to Dismiss the Plaintiff’s First Amended Complaint. As of the date of this Report, no response has been filed. **On June 4, 2018, the Plaintiff filed a Notice of Voluntary Dismissal dropping the Southwest Florida Water Management District as a party to the suit.**

**STYLE:****COURT/CASE NO.:****ATTORNEY:****ACTION:**

Lance Thomas v. North Port Gateway East Association, Inc. and SFWMD

Twentieth Judicial Circuit/Charlotte County; Case No. 16-1505-CA

V. Arenas-Battles

Action for Negligence related to a traffic accident where Plaintiff, Lance Thomas, claims that a condition in a District permit prohibited trimming of brush which contributed to obstruction of view resulting in a traffic accident.

**DESCRIPTION:**

On February 16, 2018, Plaintiff served the District with an Amended Complaint. On March 8, 2018, the District filed its Answer and Affirmative Defenses, First Request to Produce to Plaintiff, and First Set of Interrogatories to Plaintiff. On March 2, 2018, the Plaintiff filed a Motion for Leave to Amend Complaint.

On March 8, 2018, the District filed an Answer and Affirmative Defenses, a First Request to Produce to Plaintiff, and a First Set of Interrogatories to Plaintiff. On April 25, 2018, the District filed a Motion to Dismiss Plaintiff's Amended Complaint.

**STYLE:**

Janet Denlinger and Harry Denlinger v. SWFWMD and Brian Armstrong, in his Capacity as the SWFWMD Executive Director, et al.

**COURT/CASE NO.:**

Sixth Judicial Circuit/Charlotte County; Case No. 2018-CA-001241

**ATTORNEY:**

V. Arenas-Battles

**ACTION:**

Action for Writ of Mandamus, Inverse Condemnation and Negligence arising out the District issuance of an ERP in 2006.

**DESCRIPTION:**

**On May 18, 2018, the District and Mr. Armstrong were served with a Complaint seeking a Writ of Mandamus and damages for Inverse Condemnation and Negligence. Other parties sued include the City of Dade City and Michael Sherman, in his Capacity as Dade City Community Development Director and Douglas J. Weiland, Elizabeth C. Sirna and Summit View, LLC (collectively, the owners of the property). On May 29, 2018, the District was served with a Verified Amended Complaint, which added Keene Services, Inc. as a Defendant in the case. A mediation was held on May 24, 2018, which was unilaterally scheduled by the Plaintiffs, and which was not attended by any of the Defendants in the case. A mediation report was filed with the Court on May 30, 2018. A response to the Verified Amended Complaint is due on June 18, 2018. The District intends to file a Motion to Dismiss the Verified Amended Complaint by no later than June 18, 2018.**

**APPEALS****2 Cases as of June 7, 2018****STYLE:**

Suncoast Waterkeeper, Inc. and Kathe Fannon v. SWFWMD

**COURT/CASE NO.:**

2D17-2484

**ATTORNEY:**

M. Bray/C. Tumminia

**ACTION:**

Appeal of Dismissal of Petition for Administrative Hearing Challenging Conceptual Environmental Resource Permit No. 49040157.006

**DESCRIPTION:**

On April 12, 2017, the District issued Conceptual Environmental Resource Permit ("ERP") 49040157.006 to Long Bar Pointe, LLLP and Cargor Partners VIII – Long Bar Pointe LLLP modifying and replacing Conceptual ERP 49040157.002 issued in September 2015. On May 4, 2017, the District received a petition for administrative hearing concerning the proposed ERP. The petition was determined to be insufficient as a matter of law, because it did not contain the elements that are required to be present in petitions for administrative hearing, as described and enumerated in Rule 28-106.201, F.A.C. Due to those deficiencies, an order was entered dismissing the petition on May 17, 2017 ("Order of Dismissal Without Prejudice"). The Order of Dismissal Without Prejudice specifically identified the deficiencies in the petition, and provided the Petitioners 14 days to file an amended petition curing the specified deficiencies. No amended petition was filed, either within the 14-day period or thereafter. On June 1, 2017, the petition was dismissed with prejudice on the grounds that it was not in substantial compliance with the requirements of Section 120.569(2)(c), F.S. and Rule 28-106.201, F.A.C. On June 15, 2017, Suncoast Waterkeeper, Inc. and Kathe Fannon filed a notice of appeal. On June 30, 2017, the District filed a motion to dismiss the appeal, arguing that in failing to file an amended petition or otherwise object, the Appellants had waived their right to raise any objection for the first time in the appellate court, and that Appellants had failed to exhaust their administrative remedies.

The District also filed a motion for attorneys' fees. Those motions are pending. On July 6, 2017, the Court denied the District's motion to dismiss the appeal without prejudice to argue the merits in the answer brief. The Court did not enter an order on the motion for attorneys' fees. On August 1, 2017, the District served copies of the index to the record on appeal, as required pursuant to Florida Rule of Appellate Procedure 9.110(e). On August 24, 2017, the Appellants served their initial brief. The District's answer brief is due by September 18, 2017. On September 18, 2017, the District filed and served the answer brief, and on September 29, 2017, the Appellants filed and served their reply brief. The parties currently await further action by the Court.

On January 3, 2018, the Court issued its opinion affirming the District's agency action per curiam. The Court also entered an order granting the District's motion for appellate attorneys' fees in an amount to be determined by an Administrative Law Judge at DOAH. The mandate has not yet been issued.

The Court issued its mandate on February 5, 2018. The case will be referred to DOAH shortly for an administrative hearing concerning the amount of the award of attorneys' fees, per the Second District's order.

After the issuance of the Court's mandate, counsel for Appellants initiated a conversation with the District regarding his intent and willingness to settle the fee claim against Appellants without resort to further litigation. The parties are presently negotiating concerning that claim.

The parties have reached an agreement in principle as to the amount of attorneys' fees the District will accept as payment in full of its claim. The District drafted a settlement agreement and provided it to Suncoast Waterkeeper for review. The Waterkeeper's Executive Director, Justin Bloom, Esq., advised that the agreement appeared to be acceptable, but that he needed to show it to his Board. That process has been slightly delayed as one of his Board members was unavailable on a cruise, and additionally, Mr. Bloom's wife was due to give birth imminently. I anticipate a response by April 6.

The Waterkeeper agreed to the proposed settlement agreement and executed it on April 25, 2018. The hard copy was received by OGC on May 1. As of May 1, the agreement is being routed for execution by the District's Executive Director, after which the only remaining step before closure of this matter will be for the Waterkeeper to provide payment.

**The settlement agreement was executed on May 3. Thereafter, the District received payment from the Waterkeeper of the \$6,000 in attorneys' fees, as contemplated in the agreement. This matter is concluded.**

**STYLE:**  
**COURT/CASE NO.:**  
**ATTORNEY:**  
**ACTION:**

Depa Hotel, Inc. v. SWFWMD  
5D17-3547  
A. Vining  
Appeal of Dismissal of Petition for Administrative Hearing

**DESCRIPTION:**

On December 13, 2005, the District issued Environmental Resource Permit ("ERP") No. 44014233.002, authorizing the construction of a new surface water management system to serve a Hampton Inn in Port Richey, Florida. On October 31, 2008, the District issued a Permit Condition Violation letter to the original permittee that indicated the District had received a complaint alleging that the construction of the project caused flooding to adjacent properties. The District determined that the project blocked offsite inflows from the east and filled historic basin storage onsite, which caused the flooding of the adjacent properties in violation of ERP No. 44014233.002. On June 23, 2009, ERP No. 44014233.002 was transferred to Depa Hotel, Inc. ("Depa"). Over the intervening years, Depa filed four ERP applications attempting to address the permit condition violation, but all were either withdrawn by Depa or denied by the District. Because of the failure of Depa to address the permit condition violation, the District issued an Administrative Complaint and Order on August 7, 2017, requiring Depa



to modify ERP No. 44014233.002, and to complete all the activities authorized by the ERP modification within 270 days of issuance of the ERP modification. On September 1, 2017, Depa submitted a Request for Administrative Hearing, which the District dismissed without prejudice on September 18, 2017. An Amended Request for Administrative Hearing was submitted on October 2, 2017. On October 10, 2017, District staff provided Depa with a copy of its recommendation to the District's Governing Board that Depa's Amended Request for Administrative Hearing be dismissed with prejudice. On October 11, 2017, Depa filed a Motion to Correct Scribner's Error to the Amended Request for an Administrative Hearing, Reconsideration to Continue Response Time to File Amended Petition and Reconsideration to Submit Matter to DOAH requesting that the District reconsider its decision to dismiss the Amended Request for an Administrative Hearing with prejudice, or, alternatively, provide Depa with more time to submit another amended request for hearing. The District issued an Order Granting Motion to Correct Scrivener's Error on October 19, 2017. Then, on October 24, 2017, the District issued a Final Order of Dismissal with Prejudice and Order Denying Motion for Reconsideration to Continue Response Time to File Amended Petition and Reconsideration to Submit Matter to DOAH. On October 25, 2017, the Administrative Complaint and Order was finalized, and the order rendered. On November 13, 2017, Depa filed a Notice of Appeal, indicating it is appealing both the Final Order of Dismissal with Prejudice and the finalized Administrative Complaint and Order. On January 2, 2018, the Index to the Record on Appeal was served on all the parties. On January 11, 2018, Depa served its Initial Brief. On March 2, 2018, the District served its Answer Brief. The Record on Appeal was filed with the Court on March 5, 2018. Depa served its Reply Brief on March 22, 2018.

**DELEGATED CONSENT ORDERS**  
**0 Cases as of June 7, 2018**

**GENERAL COUNSEL'S REPORT**

**June 26, 2018**

***Routine Report***

**June 2018 - Rulemaking Update**

Staff Recommendation:

Presenter: Karen E. West, General Counsel

**RULEMAKING UPDATE**  
**JUNE 2018**  
**PROPOSED RULES & AMENDMENTS**

<b>RULE</b>	<b>INITIATION DATE</b>	<b>NEXT SCHEDULED ACTION</b>	<b>BOARD PROJECTED/ APPROVED DATE</b>
1. Initiation and Approval of Rulemaking to Amend Rule 40D-2.302(1), F.A.C. to Repeal Reservations from Use of Morris Bridge Sink	May 2015	TBD	May 2015
2. Initiation and Approval of Rulemaking to adopt Minimum Flows for Rule 40D-8.041, F.A.C., Rainbow River System	June 2017	TBD	June 2017
3. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, F.A.C., to Adopt Revised Minimum and Guidance Levels for Lake Alice located in Hillsborough County	December 2017	Complete - Effective 5/30/2018	December 2017
4. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, F.A.C., to Adopt Revised Minimum and Guidance Levels for Lake Damon located in Highlands County	February 2018	Complete - Effective 5/30/2018	February 2018
5. Initiation and Approval of Rulemaking to adopt Minimum Flows for Rule 40D-8.041, F.A.C., Pithlachascotee River	March 2018	Anticipated Effective Date 6/19/2018	March 2018
6. Initiation and Approval of Rulemaking to Amend Rule 40D-3.037(5) to revise Form LEG-R.003.02, Application for a Water Well Contractor's License	June 2018	Anticipated Effective Date 8/2018	June 2018

Attachment: 06-2018 General Counsel - Rulemaking Update (for June 2018 GB-Meeting) (3808 : June 2018 - Rulemaking Update)



**COMMITTEE/LIAISON REPORTS**

**June 26, 2018**

***Discussion Item***

**Agricultural and Green Industry Advisory Committees**

Staff Recommendation:

Presenter: Kelly S. Rice, Board Member



**COMMITTEE/LIAISON REPORTS**

**June 26, 2018**

*Discussion Item*

Committee/Liaison Reports

Staff Recommendation:

Presenter: Board Members



**EXECUTIVE DIRECTOR'S REPORT**

**June 26, 2018**

*Discussion Item*

**Executive Director's Report**

Staff Recommendation:

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



**CHAIR'S REPORT**

**June 26, 2018**

*Discussion Item*

Chair's Report

Staff Recommendation:

Presenter: Jeffrey M. Adams, Chair



**CHAIR'S REPORT**

**June 26, 2018**

***Discussion Item***

**Other**

Staff Recommendation:

Presenter: Jeffrey M. Adams, Chair

**CHAIR'S REPORT**

**June 26, 2018**

***Routine Report***

**Employee Milestones**

Staff Recommendation:

This Item is for information only and no action is required.

Presenter: Jeffrey M. Adams, Chair

Years of Service	Seniority Date	Preferred Full Name	Position Title	Office Location	Bureau
5	06/10/2013	Lori Kalman	Payroll Accountant Lead	Brooksville	Finance
10	06/30/2008	Terese Power	Professional Engineer	Brooksville	Water Resources
15	06/09/2003	Michael Bench	WUP Compliance Technician	Tampa	Water Use Permit
20	06/01/1998	Jeff Whealton	Agricultural Reg Program Coordinator	Tampa	Environmental Resource Permit
20	06/01/1998	Tim Major	Geomatics Technician	Brooksville	Data Collection
20	06/08/1998	Gene Altman	Senior Professional Engineer	Brooksville	Natural Systems & Restoration
25	06/14/1993	David Carr	Staff Environmental Scientist	Brooksville	Water Resources
25	06/28/1993	Don Ellison	Senior Hydrogeologist	Brooksville	Water Resources
30	06/20/1988	Steve DeSmith	Senior Professional Geologist	Brooksville	Data Collection
35	06/21/1983	Jim Marshall	Regulatory Field Technician IV	Brooksville	Regulatory Support