

WELL CONSTRUCTION PERMITTING AGREEMENT
BETWEEN THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AND MANATEE COUNTY

THIS AGREEMENT is made by and between the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, hereinafter referred to as the "DISTRICT," and MANATEE COUNTY, hereinafter referred to as "MANATEE," effective June 1, 2026.

INTRODUCTION AND INTENT

WHEREAS, the DISTRICT has the authority and responsibility, within its geographical jurisdiction, for the administration and enforcement of rules and regulations governing water wells and water well contractors as set forth in Part III, Chapter 373, Florida Statutes (F.S.), and applicable portions of Chapters 40D-3, 62-524, 62-528, 62-531, 62-532, and 62-555, Florida Administrative Code (F.A.C.); and

WHEREAS, MANATEE has the authority and responsibility, within the boundaries of Manatee County, Florida to protect public health and prevent disease caused by natural and manmade factors in the environment, as set forth in Chapter 381, F.S.; and

WHEREAS, Manatee County is within the geographical jurisdiction of the DISTRICT, as described in Section 373.069, F.S., and is therefore subject to the rules, regulations, authority, and orders of the DISTRICT, pursuant to Part III, Chapter 373, F.S.; and

WHEREAS, pursuant to Sections 373.308 and 373.309, F.S., the District is authorized to delegate to MANATEE by interagency agreement the authority to regulate the permitting and construction of water wells within Manatee County; and

WHEREAS, the DISTRICT and MANATEE have entered into agreements, effective since April 5, 1978, which have delegated to MANATEE the authority to administer and enforce rules and regulations governing water wells and water well contractors as set forth in Part III, Chapter 373, F.S., and applicable portions of Chapters 40D-3, 62-528, 62-531, 62-532 and 62-555, F.A.C.; and

WHEREAS, the parties desire to continue the regulation of water wells and water well contractors in Manatee County through delegation to MANATEE of the DISTRICT'S authority to implement Part III of Chapter 373, F.S., and applicable portions of Chapters 40D-3, 62-528, 62-531, 62-532, and 62-555, F.A.C., in a manner that ensures regulatory consistency throughout Manatee County and protects public health, safety and welfare.

THEREFORE, based upon the mutual consideration contained in this Agreement, the parties hereby agree as follows:

1. This Agreement shall take effect on June 1, 2026. MANATEE will continue

to review and evaluate well construction permit applications and issue or deny permits for the construction, repair, modification, or abandonment of water wells in Manatee County, with the following exceptions:

- a. permits issued in accordance with Chapter 62-524, F.A.C.; and
- b. permits for wells located within any areas subject to the Memorandum of Agreement Between the U.S. Environmental Protection Agency, Region IV, Superfund Division and the DISTRICT.

2. MANATEE will review and evaluate applications and issue or deny permits for the construction, repair, modification, or abandonment of water wells for Class V, Group 1 injection wells, which include wells associated with thermal energy exchange, specifically air conditioning return flow wells and cooling water return flow wells. Class V, Group I wells serving multifamily residential units or business establishments, require prior permission from the Florida Department of Environmental Protection (FDEP), and FDEP Form 62-528.900(4) must be completed and attached to the permit application. Class V, Group 1 injection wells serving single-family air-conditioning return flow well systems do not need prior FDEP permission; however, FDEP Form 62-528.900(9) needs to be attached to the permit.

3. MANATEE will review and evaluate permit applications as described in paragraphs 1 and 2 herein based solely upon the applicable provisions of Chapter 373, F.S., and applicable portions of Chapters 40D-3, 62-528, 62-531, 62-532, and 62-555, F.A.C.

4. The DISTRICT will review and evaluate applications and issue or deny permits for wells constructed, repaired, modified, or abandoned in accordance with the provisions of Chapter 62-524, F.A.C., and for any wells located within any areas subject to the Memorandum of Agreement Between the U.S. Environmental Protection Agency, Region IV, Superfund Division and the DISTRICT. The DISTRICT will provide MANATEE with a copy of permits issued by the DISTRICT for informational purposes, if requested.

5. MANATEE will administer water well contractor and water well construction regulation and require all wells be constructed, repaired, modified, or abandoned in accordance with the requirements of Part III, Chapter 373, F.S., and applicable portions of Chapters 40D-3, 62-528, 62-531, 62-532, and 62-555, F.A.C.

6. MANATEE will use the forms adopted by the DISTRICT in Chapter 40D-1, F.A.C., which includes the most recent versions of the State of Florida Permit Application to Construct, Repair, Modify or Abandon a Well, Well Completion Report, Well Grouting/Abandonment Form, Well Construction Inspection Checklist, and Public Supply Well Information and Classification Form. MANATEE will use any revised or additional well construction-related forms that hereafter may be adopted by the DISTRICT.

7. MANATEE shall be responsible for providing any permit data, guidance, or

well construction information related to the construction, repair, modification, and abandonment of water wells, for which MANATEE has delegated authority under this Agreement, when requested by the public, state, or local agencies.

8. MANATEE will continue to participate in the on-line permitting program implemented through the DISTRICT's Water Management Information System (WMIS) or subsequent permitting program upon written notification by the DISTRICT. MANATEE will use the DISTRICT's fee payment vendor unless otherwise approved by the DISTRICT in writing, and MANATEE will comply with the twelve (12) requirements of the Payment Card Industry Data Security Standard (PCI-DSS) as set forth in Appendix 1: District Procedures for Payment Card Industry (PCI) Compliance, attached hereto and incorporated herein. In accordance with DISTRICT PCI Compliance procedures:

- a. MANATEE will notify the DISTRICT in writing within thirty (30) days regarding any change in MANATEE's Payment Card procedures affecting compliance with the PCI-DSS, after which the DISTRICT reserves the right to terminate this Agreement; and
- b. MANATEE will be responsible for maintaining compliance with federal, state, and local laws, rules, regulations, and ordinances pertaining to card payments and processing. MANATEE will indemnify the DISTRICT and its officers, directors, employees, and representatives against, and hold them harmless from: (1) any claims or allegations made or that arise from or relate to any such obligations, and (2) any litigation, arbitration, judgments, awards, settlements, damages, expenses, losses, attorneys' fees, and costs arising from or relating to any such claims or allegations.

In the event MANATEE desires to cease participating in WMIS or subsequent on-line permitting program, MANATEE will provide the DISTRICT with ninety (90) days prior written notice, after which this Agreement will terminate.

9. Prior to issuing well construction permits, MANATEE will determine whether water well contractors possess a valid State of Florida water well contractor license and are in compliance with the requirements of Chapter 62-531, F.A.C., and that all conditions for permit issuance set forth in Section 40D-3.301, F.A.C., are met. The DISTRICT will provide MANATEE with access to an appropriate computer database containing contractor licensing information.

10. MANATEE will require permit applicants to submit the permit application form described in Paragraph 6 herein, or use the on-line WMIS or subsequent permitting application process. For applications submitted on the permit application form, MANATEE will enter the data into WMIS, or subsequent permitting program, on a daily basis and scan the application and any related permit documents into WMIS, or subsequent permitting program, within five business days. All document scanning required pursuant to this Agreement will be in accordance with Paragraph 17 of this Agreement and will comply with the document standards established by the DISTRICT.

11. For Well Completion Reports submitted on paper, MANATEE will enter the data and scan the document into WMIS, or subsequent permitting program, within five business days.

12. MANATEE will witness the grouting operations on all wells that are abandoned in accordance with Section 40D-3.531, F.A.C. MANATEE may waive this requirement if the conditions of Rule 40D-3.531(4), F.A.C., have been satisfied. MANATEE will fully complete for each such well a Well Grouting/Abandonment Form (see Paragraph 6 herein). MANATEE will scan the completed forms into WMIS, or subsequent permitting program, within five business days.

13. In accordance with Chapters 40D-3, 62-555, and 64E-8, F.A.C., MANATEE will issue permits, conduct well site inspections and witness the grouting operations for public supply wells. MANATEE may waive this witnessing requirement if the conditions specified in Rule 40D-3.461(6), F.A.C., are met. MANATEE will fully complete for each such well a Well Grouting/Abandonment Form (see Paragraph 6 herein). MANATEE will scan the forms into WMIS, or subsequent permitting program, within five business days.

14. MANATEE will conduct random well construction inspections for a minimum of twenty percent (20%) of all permitted wells, calculated on an annual average basis (running 12-month average). The inspectors will utilize the Well Construction Inspection Checklist referenced in Paragraph 6 herein, and will complete the form for each inspection. MANATEE will scan the form into WMIS, or subsequent permitting program, within five business days. MANATEE must address any deficiencies noted during the inspections.

15. MANATEE will implement and maintain an effective compliance program, in cooperation with the DISTRICT, to ensure compliance with applicable portions of Chapters 40D-3, 62-528, 62-531, 62-532, and 62-555, F.A.C. The compliance program will include but is not limited to the investigation of all unpermitted and unlicensed activities, and monitoring of compliance with well construction standards and permit conditions. As part of the compliance program:

- a. MANATEE will carry out an inspection program, as described in more detail in Paragraphs 12, 13, and 14 herein;
- b. MANATEE will report all unlicensed activities to the DISTRICT and will take appropriate enforcement action against the unlicensed individual or company;
- c. MANATEE will take enforcement action against licensed water well contractors as set forth in Chapter 62-531, F.A.C, and implemented by the Water Well Construction Disciplinary Guidelines and Citations Dictionary, June 2014 (or later version adopted by the District). Where appropriate, as described in the guidance documents, MANATEE will comply with the due process requirements of Chapter 120, F.S.;

- d. MANATEE will report enforcement actions to the DISTRICT within thirty (30) days of commencement of an enforcement action. The DISTRICT will report the appropriate information to the Statewide Clearinghouse, if applicable;
- e. The DISTRICT may conduct audits of MANATEE's compliance and enforcement programs, as the DISTRICT deems appropriate. The DISTRICT may direct MANATEE to take specified enforcement actions if the DISTRICT finds MANATEE has failed to do so where appropriate; and
- f. The DISTRICT will, upon request, provide technical support and assist with the resolution of significant technical and policy disputes that cannot otherwise be resolved despite good faith efforts by MANATEE and the contractor.

Nothing in this Agreement will limit the independent enforcement authority of either party.

16. MANATEE will maintain a sufficient staff level to efficiently administer the delegated program. Staff levels will consist of, at a minimum, the following type of positions:

- a. Supervisor – at least one person possessing the requisite level of knowledge and experience of well construction to direct the program and be responsible for the submittal of the required reports to the DISTRICT;
- b. Technicians – a sufficient number of persons responsible for field inspections and witnessing of grouting and abandonment of wells, issuance of permits, well contractor compliance, well contractors' license investigation and coordination with the DISTRICT on related water use permit conditions; and
- c. Clerical – at least one person responsible for coordinating the submittal of documents and reports to the DISTRICT, document scanning and records management.

17. MANATEE will implement records management procedures that comply with the applicable provisions of Chapters 119, 257, 286, F.S., and the standards and requirements for records management set forth in Chapters 1B-24 and 1B-26, F.A.C. MANATEE will produce documents in ISO-compliant format into WMIS, or subsequent permitting program, on a daily basis:

- a. Well Completion Reports;
- b. Well Construction, Repair, Modification or Abandonment Permit applications, permits issued and any permit applications that are denied;
- c. Well Grouting/Abandonment forms;

- d. Public Supply Well Information and Classification forms;
- e. Well Construction Inspection Checklist forms; and
- f. Documents Relevant to the Review of Well Construction Permit Applications.

18. Nothing in this Agreement will be construed to limit or delegate the DISTRICT's exclusive authority to review, evaluate, and issue Water Use Permits pursuant to Chapter 373, F.S., and applicable rules. If the withdrawal from the proposed or affected well will require a Water Use Permit, MANATEE will withhold issuance of any Well Construction, Repair, Modification or Abandonment Permit until after the Water Use Permit has been issued by the DISTRICT, or until the DISTRICT has otherwise concurred in the issuance of the Well Construction Permit in writing.

19. The DISTRICT will maintain responsibility to administer examinations and issue licenses for water well contractors pursuant to Chapter 373, F.S., and applicable rules.

20. MANATEE will have the authority to charge and retain well construction permit fees, in accordance with Sections 373.109 and 373.309, F.S., and at a minimum in accordance with Rule 40D-1.607, F.A.C. It is the intention of the parties that MANATEE will operate the program in an efficient and cost-effective manner. In the event any fees proposed to be assessed by MANATEE will exceed the fees currently charged by MANATEE as set forth in Appendix 2: Fee Schedule, attached hereto and incorporated herein, MANATEE must obtain the DISTRICT's concurrence. At the written request of the DISTRICT, MANATEE will prepare and provide to the District a program financial audit justifying the proposed fee or increase. Any new or increased fee must be adopted by the Manatee County Board of County Commissioners.

21. MANATEE will permit the DISTRICT, upon request, to examine all project records relating to the subject matter of this Agreement, including the right to audit such related books, documents and papers during the Agreement period or following termination of this Agreement. MANATEE will maintain public records associated with this Agreement for at least three (3) years from their receipt or creation. This period will continue after the termination of this Agreement. MANATEE recognizes and agrees that it is subject to the Public Records provisions of Chapter 119, F.S., and that all public records, as defined by Chapter 119, F.S., made or received by MANATEE in conjunction with this Agreement are subject to said provisions.

22. MANATEE will submit to the DISTRICT an Annual Report summarizing activities occurring in conjunction with this Agreement, to include the following at a minimum:

- a. a comparison of well construction permits issued versus well completion reports received during the previous year;

- b. a comparison of well permits issued for abandonment versus abandonment inspection reports received during the previous year;
- c. a comparison of well permits issued for public supply wells versus well grouting inspection reports for public supply wells received during the previous year;
- d. the number of random inspections conducted during the previous year; and
- e. reports of any enforcement proceedings, including the status of any ongoing enforcement cases and copies of all Warning Letters, Notices of Violation, Consent Orders and Final Orders relating thereto.

This report will be submitted to the DISTRICT by March 15 of each year.

23. The timing and content of the reports required under this Agreement may be revised upon the mutual agreement of the project managers for each party.

24. DISTRICT staff and MANATEE staff will meet at least semi-annually, and more frequently if deemed appropriate by the parties, to review water well activities and clarify procedures.

25. The DISTRICT will provide MANATEE with appropriate training on water well regulation, and will provide technical assistance as necessary to enable proper review of permit applications or to resolve compliance problems with existing wells. The DISTRICT will provide MANATEE with appropriate training on WMIS or subsequent permitting program, scanning and document management procedures as needed.

26. The DISTRICT will provide MANATEE with information concerning proposed changes to relevant rules, and current technical and administrative procedures.

27. MANATEE may not further delegate its authority under this Agreement.

28. Unless terminated by either the DISTRICT or MANATEE upon ninety (90) days prior written notice, this Agreement will continue in effect until May 31, 2031, and may be extended upon terms mutually acceptable to both parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year as indicated below.

[Signature page to follow.]

Approved as to Legal Form and Content

Attorney

SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT

By: _____
John Mitten, Chair

Attest: _____
Ashley Bell Barnett, Secretary

Filed this _____ of
_____, 2026.

Deputy Agency Clerk

(Seal)

Approved as to Legal Form and Content

Attorney

MANATEE COUNTY, a political subdivision of
the State of Florida
By: Board of County Commissioners

By: _____

Title: _____

Date: _____

ATTEST:

By: _____
Deputy Clerk

(Seal)