

Governing Board Meeting

Agenda and Meeting Information

March 22, 2022

9:00 a.m.

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

Southwest Florida
Water Management District

WATERMATTERS.ORG • 1-800-423-1476



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

An Equal
Opportunity
Employer

The Southwest Florida Water Management District (District) does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the District's functions, including access to and participation in the District's programs, services and activities. Anyone requiring reasonable accommodation, or who would like information as to the existence and location of accessible services, activities, and facilities, as provided for in the Americans with Disabilities Act, should contact the Human Resources Office Chief, at 2379 Broad St., Brooksville, FL 34604-6899; telephone (352) 796-7211 or 1-800-423-1476 (FL only), ext. 4747; or email ADACoordinator@WaterMatters.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1-800-955-8771 (TDD) or 1-800-955-8770 (Voice). If requested, appropriate auxiliary aids and services will be provided at any public meeting, forum, or event of the District. In the event of a complaint, please follow the grievance procedure located at WaterMatters.org/ADA.

Final Agenda GOVERNING BOARD MEETING

**MARCH 22, 2022
9:00 AM**

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

All meetings are open to the public

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

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

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

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

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

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

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

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

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

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

MEETING NOTICE

1. CONVENE PUBLIC MEETING

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

2. CONSENT AGENDA

- 2.1 **Finance/Outreach and Planning Committee:** Water Conservation Month
- 2.2 **Operations, Lands and Resource Monitoring Committee:** Sale of Easement to Duke Energy, Lake Henry Canal, SWF Parcel No. 20-005-117X
- 2.3 **Regulation Committee:** WUP No. 20006068.008 – Rolling Meadow / Rolling Meadow Ranch, Inc. (Polk County)
- 2.4 **General Counsel's Report:** Knowledge Management: Governing Board Policy Update - Defense of Civil Suits and Indemnification
- 2.5 **Executive Director's Report:** Approve Governing Board Minutes - February 22, 2022

3. RECOGNITION OF FORMER GOVERNING BOARD MEMBERS

- 3.1 Recognition of Former Governing Board Members James G. Murphy and Roger Germann

4. FINANCE/OUTREACH AND PLANNING COMMITTEE

- 4.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion
- 4.2 **Discussion:** Information Item: Legislative Update
- 4.3 **Submit & File:** Information Item: Budget Transfer Report

5. RESOURCE MANAGEMENT COMMITTEE

- 5.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion
- 5.2 **Discussion:** Action Item: South Hillsborough Aquifer Recharge Program (SHARP) Phase 2 (N855) - Scope and Cost Change
- 5.3 **Discussion:** Information Item: Cooperative Funding Initiative Options

6. OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

- 6.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion
- 6.2 **Discussion:** Action Item: Purchase of Conservation Easement, Lake Panasoffkee Project, Hamilton Ranch, SWF Parcel No. 19-528-158C

7. REGULATION COMMITTEE

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

7.2 **Discussion:** Action Item: Denials Referred to the Governing Board

8. GENERAL COUNSEL'S REPORT

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

9. COMMITTEE/LIAISON REPORTS

9.1 **Discussion:** Information Item: Industrial Advisory Committee

9.2 **Discussion:** Information Item: Public Supply Advisory Committee

10. EXECUTIVE DIRECTOR'S REPORT

10.1 **Discussion:** Information Item: Executive Director's Report

11. CHAIR'S REPORT

11.1 **Discussion:** Information Item: Chair's Report

11.2 **Discussion:** Information Item: Employee Milestones

ADJOURNMENT

GOVERNING BOARD OFFICERS, COMMITTEES AND LIAISONS

Effective October 4, 2021

OFFICERS	
Chair	Kelly S. Rice
Vice Chair	Joel Schleicher
Secretary	Michelle Williamson
Treasurer	Ed Armstrong

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE
Jack Bispham
Seth Weightman
John Mitten
John Hall

RESOURCE MANAGEMENT COMMITTEE
Seth Weightman
Jack Bispham
Michelle Williamson
William Hogarth

REGULATION COMMITTEE
Joel Schleicher

FINANCE/OUTREACH AND PLANNING COMMITTEE
Ed Armstrong
Ashley Bell Barnett
William Hogarth

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

STANDING COMMITTEE LIAISONS	
Agricultural and Green Industry Advisory Committee	Michelle Williamson
Environmental Advisory Committee	John Mitten
Industrial Advisory Committee	John Hall
Public Supply Advisory Committee	Ed Armstrong
Well Drillers Advisory Committee	Seth Weightman

OTHER LIAISONS	
Central Florida Water Initiative	Ashley Bell Barnett
Spring Coast Steering Committee	John Mitten
Coastal & Heartland National Estuary Partnership Policy Committee	Jack Bispham
Sarasota Bay Estuary Program Policy Board	Joel Schleicher
Tampa Bay Estuary Program Policy Board	William Hogarth
Tampa Bay Regional Planning Council	Vacant

**Southwest Florida Water Management District Schedule of Meetings
Fiscal Year 2022**

1/13/2022

Governing Board Meeting

October 19, 2021 – 9:00 a.m., Brooksville Office
November 16, 2021 – 9:00 a.m., Tampa Office
December 14, 2021 – 9:00 a.m., Brooksville Office
January 25, 2022 – 9:00 a.m., Tampa Office
February 22, 2022 – 9:00 a.m., Brooksville Office
March 22, 2022 – 9:00 a.m., Tampa Office
April 26, 2022 – 9:00 a.m., Brooksville Office
May 24, 2022 – 9:00 a.m., Tampa Office
June 21, 2022 – 9:00 a.m., Brooksville Office
July 26, 2022 – 9:00 a.m., Tampa Office
August 23, 2022 – 9:00 a.m., Brooksville Office
September 20, 2022 – 3:00 p.m., Tampa Office

Governing Board Public Budget Hearing – 5:01 p.m., Tampa Office
2022 – September 6 & 20

Agricultural & Green Industry Advisory Committee – 10:00 a.m.
2021 – December 7
2022 – March 8, June 7, September 13

Environmental Advisory Committee – 10:00 a.m.
2021 – October 12
2022 – January 11, April 12, July 12

Industrial Advisory Committee – 10:00 a.m.
2021 – November 9
2022 – February 8, May 10, August 9

Public Supply Advisory Committee – 1:00 p.m.
2021 – November 9
2022 – February 8, May 10, August 9

Springs Coast Management Committee – 1:30 p.m.
2021 – October 20, December 8
2022 – January 5, February 23, May 25, July 13

Springs Coast Steering Committee – 2:00 p.m.
2021 – November 10
2022 – January 26, March 9, July 27

Well Drillers Advisory Committee – 1:30 p.m., Tampa Office
2021 – October 6
2022 – January 12, April 6, July 13

Cooperative Funding Initiative – all meetings begin at 10:00 a.m.
2022 – February 2 – Northern Region, (Audio Visual Communication)
2022 – February 3 – Southern Region, (Audio Visual Communication)
2022 – February 9 – Heartland Region, Bartow City Hall
2022 – February 10 – Tampa Bay Region, (Audio Visual Communication)
2022 – April 6 – Northern Region, Brooksville Office
2022 – April 7 – Southern Region, Sarasota County Commission Chambers
2022 – April 13 – Heartland Region, Bartow City Hall
2022 – April 14 – Tampa Bay Region, Tampa Office

Meeting Locations

Brooksville Office – 2379 Broad St., Brooksville, FL 34604
Tampa Office – 7601 US Highway 301 North, Tampa, FL 33637
Sarasota County Commission Chambers – 1660 Ringling Blvd., Sarasota, FL 34236
Bartow City Hall – 450 N. Wilson Ave., Bartow, FL 33830

Governing Board Meeting
March 22, 2022

1. CONVENE PUBLIC MEETING

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1.3 Employee Recognition 6

1.4 Additions/Deletions to Agenda 7

1.5 Public Input for Issues Not Listed on the Agenda 8

CONVENE PUBLIC MEETING

March 22, 2022

Call to Order

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

Presenter:

Kelly S. Rice, Chair

CONVENE PUBLIC MEETING

March 22, 2022

Invocation and Pledge of Allegiance

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

Presenter:

Kelly S. Rice, Chair

CONVENE PUBLIC MEETING

March 22, 2022

Employee Recognition

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

Staff Recommendation:

- Brian S. Starford
- Katherine L. Garcia
- Clifford J. Ondercin

Presenter:

Kelly S. Rice, Chair

CONVENE PUBLIC MEETING

March 22, 2022

Additions/Deletions to Agenda

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

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

Staff Recommendation:

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

Presenter:

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

CONVENE PUBLIC MEETING

March 22, 2022

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:

Kelly S. Rice, Chair

Governing Board Meeting

March 22, 2022

2. CONSENT AGENDA

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

2.1	Finance/Outreach and Planning Committee: Water Conservation Month	9
2.2	Operations, Lands and Resource Monitoring Committee: Sale of Easement to Duke Energy, Lake Henry Canal, SWF Parcel No. 20-005-117X	11
2.3	Regulation Committee: WUP No. 20006068.008 – Rolling Meadow / Rolling Meadow Ranch, Inc. (Polk County)	19
2.4	General Counsel's Report: Knowledge Management: Governing Board Policy Update - Defense of Civil Suits and Indemnification.....	35
2.5	Executive Director's Report: Approve Governing Board Minutes - February 22, 2022	39

CONSENT AGENDA

March 22, 2022

Finance/Outreach and Planning Committee: Water Conservation Month

Purpose

To request that the Governing Board sign a resolution declaring April 2022 as “Water Conservation Month.” Declaring April as “Water Conservation Month” has historically been used by the District to focus the public’s attention on the need for and benefits of water conservation and to highlight the resources available to help them.

Background/History

Since 1998, the state of Florida, water management districts, local governments and water-related organizations have declared April as “Water Conservation Month.” April is typically the time of year when water demands increase due to generally hot and dry conditions. The concept of “Water Conservation Month” was developed by the Florida Water Wise Council, which has since evolved into the Water Use Efficiency Division of the Florida Section of the American Water Works Association (FSAWWA).

The District promotes water conservation year-round and highlights those efforts in the FY2021 Water Conservation Summary Report. The report covers conservation efforts with measurable savings throughout the District, including cost-share funding, technical assistance, education and outreach, and research and regulation.

During Water Conservation Month, conservation will be promoted through news releases, blog and e-newsletter articles, and social media posts. In addition, the District is providing Water Conservation Month materials to public supply utilities to promote conservation to their customers.

The District’s government affairs regional managers outreach and participate in local governments’ adoption of Water Conservation Month proclamations. The FSAWWA tracks statewide proclamations and provides the list to the Governor in support of a state resolution declaring April as “Water Conservation Month.”

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

Staff Recommendation:

Approve and execute Resolution No. 22-05 declaring April 2022 as “Water Conservation Month.”

Presenter:

Cara Martin, Office Chief, Government and Community Affairs

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 22-05

**PROCLAIMING APRIL 2022 as
“WATER CONSERVATION MONTH”**

WHEREAS, the state of Florida, the Southwest Florida Water Management District, local governments and others have since 1998 designated April, typically a dry month when water demands increase, as Florida’s “Water Conservation Month” to educate citizens about saving Florida’s precious water resources; and

WHEREAS, the Southwest Florida Water Management District has always encouraged and supported water conservation through its water supply planning, coordination of educational programs and special events, Cooperative Funding Initiative, technical assistance and regulatory authority; and

WHEREAS, every business, industry, school and citizen can make a difference when it comes to conserving water; and

WHEREAS, each business, industry, school and citizen can help save water by participating in District and local conservation programs and by adhering to water conservation restrictions and ordinances.

THEREFORE, BE IT RESOLVED that the Southwest Florida Water Management District hereby proclaims the month of April 2022 as “WATER CONSERVATION MONTH.”

BE IT FURTHER RESOLVED that the Southwest Florida Water Management District shall continue to promote water conservation through its various programs.

BE IT FURTHER RESOLVED that the Chair and Secretary of the Governing Board are hereby authorized to affix their signatures to the Resolution on behalf of the Board.

PASSED AND ADOPTED in Tampa, Hillsborough County, Florida, on this 22nd day of March 2022.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

By: _____
Kelly Rice, Chair

Attest: _____
Michelle Williamson, Secretary

CONSENT AGENDA**March 22, 2022****Operations, Lands and Resource Monitoring Committee: Sale of Easement to Duke Energy, Lake Henry Canal, SWF Parcel No. 20-005-117X***Purpose*

Request Governing Board approval for the sale and conveyance of a proposed no cost, 35-foot wide, non-exclusive utility easement to Duke Energy (Duke Easement) over 0.10 acres (4,376 square feet) located on the District's P-5 Henry Lake Canal (Canal) in Polk County. A general location map, site map and the Duke Easement are attached as Exhibit 1, 2 and 3, respectively.

Background and History

The District acquired the Henry Lake Canal and Structure P5 in 1963. The project was acquired in connection with the "Four River Basins, Florida Project" sponsored by the U.S. Army Corps of Engineers. The structure was designed and constructed with a manual operation device that required an on-site presence to raise and lower the structural gate. The District upgraded the structure with electric service to remotely raise and lower the gate and monitor the water level activity and granted Tampa Electric Company a utility easement over the Canal right-of-way for construction of underground electric lines in 2018.

A project to construct a new substation and two new transmission lines at the Osprey Energy Center was announced by Duke Energy in 2018. The transmission system in Florida is interconnected and used by all utilities in the state and their customers. This project will help strengthen reliability and enable Duke Energy and other Florida utilities to deliver additional energy generated at the Osprey Energy Center to the major growth areas in Central Florida and surrounding areas. The two new 230-kilvolt (kV) transmission lines, totaling approximately 48 miles, will help avoid overloads on the existing Duke Energy transmission system by supplying an alternate path of energy flow. The new transmission infrastructure will also provide the opportunity for future economic development and growth in the region. Construction is underway for the new substation located at 1708 Derby Road in Auburndale, Florida, and in order to complete the project Duke Energy needs to place a transmission pole within the Canal right-of-way.

Duke requires a utility easement for the placement and maintenance of the pole. An easement has been prepared and is included as Exhibit 3. The easement contains standard conditions for construction and maintenance of an underground utility corridor. Those conditions include but are not limited to the following:

- Permission to enter upon, over, on, under and across the designated easement area.
- Duke granted right to construct the electric line and associated equipment.
- Duke granted right to increase/decrease voltage.
- Duke granted right of ingress and egress to operate, maintain and repair the line and associated equipment.
- District reserves the right to continue to use the Property.
- Duke granted right to trim vegetation/trees as needed.
- Duke will indemnify the District pursuant to the District's standard requirements.
- Reversion conditions in the event Duke abandons.

Appraisal and Valuation Summary

Consistent with District policy, the District may receive compensation for the non-exclusive utility easement being granted to Duke Energy; accordingly, an appraisal was prepared by Reed Appraisal Company and reviewed by appropriate District staff qualified to review same. The appraisal report, which has a valuation date of February 18, 2022, meets the necessary legal or District requirements and contains the appraiser's factual data leading to the value conclusion. The appraiser estimated that the District should receive \$200 for the non-exclusive utility easement. A copy of the appraisal will be provided upon request.

Benefit/Costs

Approval of the Duke Easement will provide appropriate authorization to construct, operate and maintain utilities within the Duke Easement area as well as indemnify the District. There is no cost to the District and Duke Energy will pay the District \$200 for the Duke Easement.

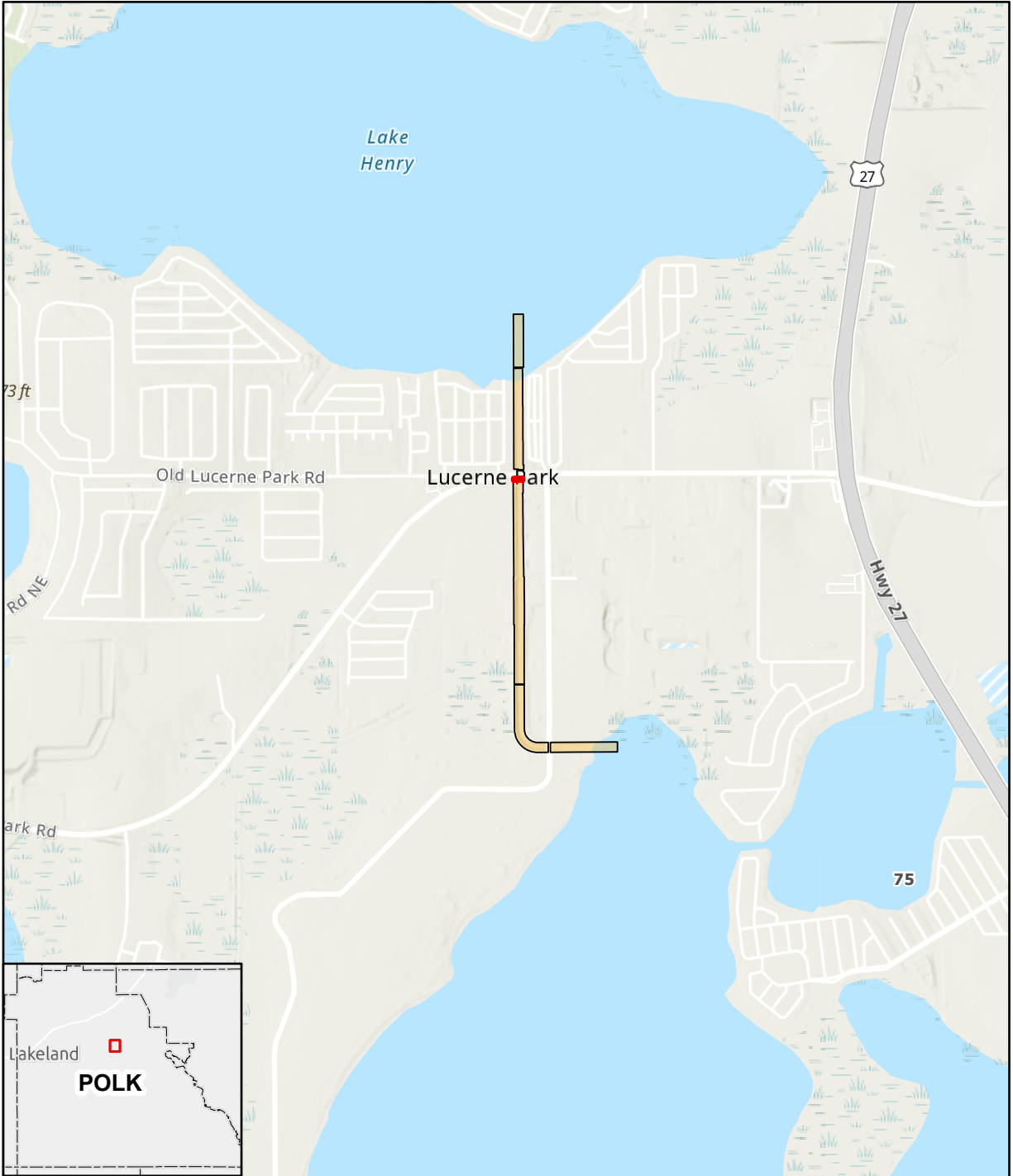
Staff Recommendation:

- Approve the conveyance of a no cost, non-exclusive utility easement to Duke Energy.
- Authorize the Governing Board Chair and Secretary to execute the non-exclusive utility easement.
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

Presenter:

Ellen Morrison, Land Resources Bureau Chief

Exhibit 1 SWF Parcel No. 20-005-117X General Location Map



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

Proposed Easement to Duke Energy
(SWF Parcel No. 20-005-117X)

District Owned Lands Fee Simple

0

1,000

2,000

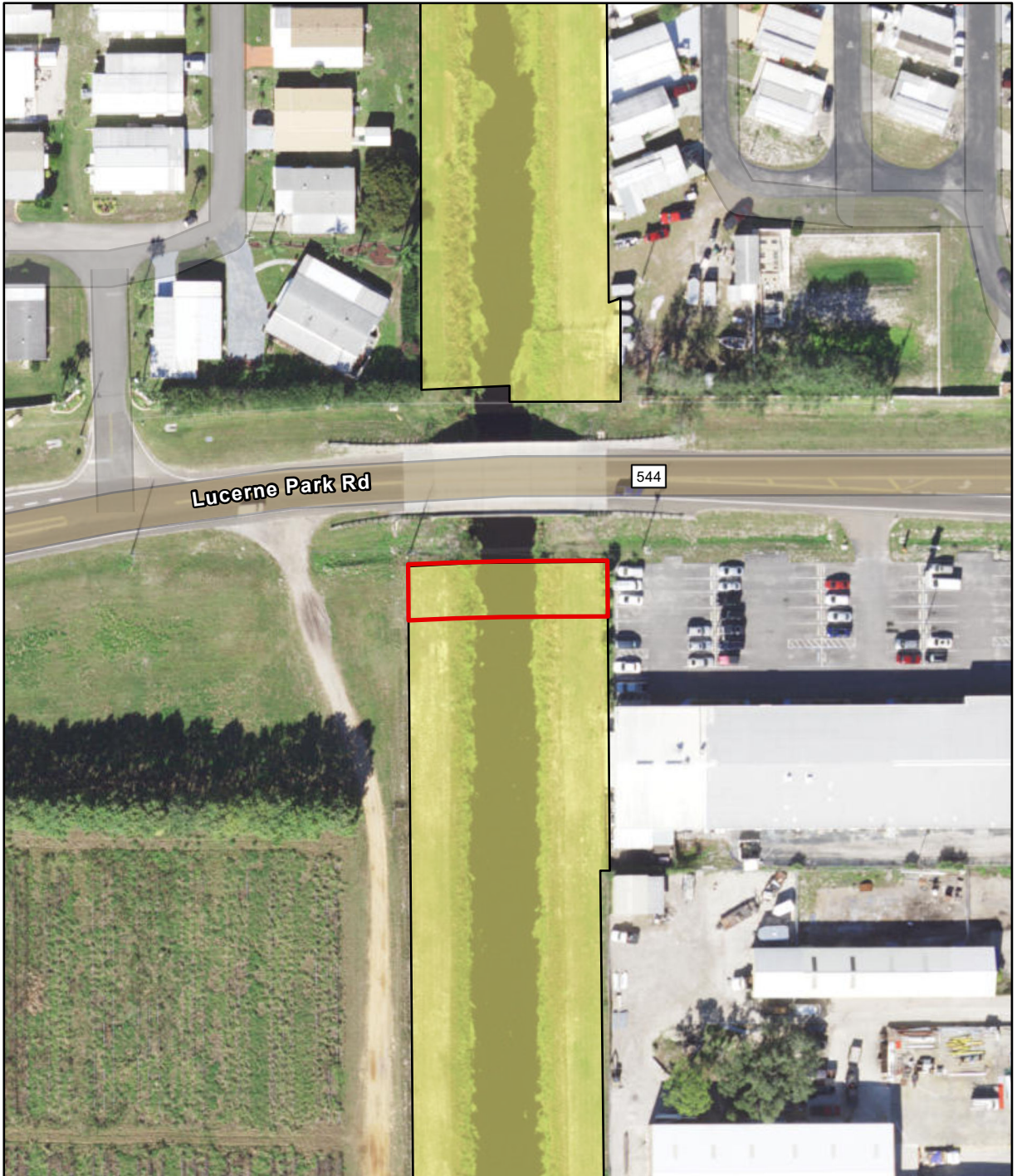
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Southwest Florida

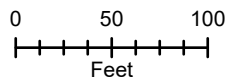
Water Management District

Exhibit 2 SWF Parcel No. 20-005-117X Site Map



Esri Community Maps Contributors, FDEP, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, State of Florida, Maxar, Microsoft

- Proposed Easement to Duke Energy
(SWF Parcel No. 20-005-117X)
- District Owned Lands Fee Simple



Southwest Florida
Water Management District

Exhibit 3

Southwest Florida Water Management District; Item #284
Osprey to Haines City East – New 230kV Line
Thor #: 2985T1 Oracle #: F21003001
Site #: 115702



Prepared By:
Manny R. Vilaret, Esquire
Vilaret Law, PLLC
10901 Danka Circle, Suite C
Saint Petersburg, Florida 33716

EASEMENT

KNOW ALL MEN BY THESE PRESENTS, the undersigned, successors, and assigns (GRANTOR herein), in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, grant and convey to **DUKE ENERGY FLORIDA, LLC, a Florida limited liability company d/b/a DUKE ENERGY** (GRANTEE herein), Post Office Box 14042, St. Petersburg, Florida 33733, its successors, assigns, lessees, licensees, transferees, permittees, and apportionees, the right, privilege and easement to construct, remove, reconstruct, operate, and maintain in perpetuity overhead and/or underground electric transmission and distribution lines, communication systems and related facilities for providing electric energy services, and communications services (including services to telecommunication providers and other customers) and the transmission of any and all present or future form of communication by any present or future means or method (including, with respect to all grants herein, supporting structures, communication and other wires, fiber optics, guys, anchors, attachments and accessories desirable in connection therewith) all of which may be installed or constructed over, under, upon, across, through and within the following described lands in Polk County, Florida, and referred to hereinafter as the Easement Area to wit:

See Exhibit "A", attached hereto, incorporated herein, and by this reference made a part hereof.

Tax Parcel Number: **26-28-01-521000-337000**

Together with the right to construct, install, operate, utilize, patrol, inspect, alter, improve, repair, rebuild, relocate or remove such lines, systems and supporting structures (including poles) and related facilities, including the right to increase or decrease the number and type of supporting structures (including poles), wires and voltage, adjust the centerline within the Easement Area and to build, maintain and protect such roadways as may reasonably be required for these purposes.

GRANTEE shall have all other rights and privileges reasonably necessary or convenient for the safe and efficient operation and maintenance of said electric transmission and distribution lines, communication systems and related facilities, including (i) the right to trim, cut, remove, and keep clear trees, limbs and undergrowth within said Easement Area and the right to cut down at any time and from time to time, in GRANTEE's sole discretion, any tree standing outside the Easement Area which if felled, or upon falling, could fall within five (5) feet of any conductor or other facility included within said Easement Area, and further including (ii) the reasonable right to enter upon adjoining lands of the GRANTOR by such route or routes, including private roads and ways then existing thereon, on foot or by conveyance, with materials, supplies, and equipment as may be desirable for the purpose of exercising all rights herein granted and further including (iii) the right to install gates a minimum of sixteen (16) feet in width if GRANTOR has installed a fence within or across the Easement Area, along with GRANTEE's lock linked with GRANTOR's lock and further including (iv) the right to relocate any listed or protected plant or animal species found within the Easement Area to another location within the Easement Area. As a result of said relocations, GRANTEE hereby agrees to restore the Easement Area to as near as practicable to the original condition.

GRANTOR covenants and agrees that no trees, buildings, structures, ponds, or obstacles will be located or constructed within the Easement Area nor shall ground elevation be altered more than two (2) feet.

GRANTOR shall have all other rights in and to said Easement Area not inconsistent with (i) GRANTEE's right to the safe and efficient operation and maintenance of said electric transmission and distribution lines, communications systems and related facilities, including clear, continuous access within the Easement Area, (ii) GRANTEE'S right-of-way utilization or encroachment guidelines, or (iii) any federal, state, or local laws, rules, or regulations; including, but not limited to, the right to

Return to: Duke Energy
Attn: Data and Document Management
3300 Exchange Place, NP04
Lake Mary, FL 32746

utilize said Easement Area for (a) ingress and egress, (b) general farming, (c) construction, maintenance and travel over roads and streets across the Easement Area.

PROVIDED, HOWEVER, that as a condition precedent to the exercise of any such right other than ingress and egress, GRANTOR covenants and agrees to obtain from GRANTEE ((800) 700-8744, www.prgnprojectsolutions.com, or P.O. Box 14042, St. Petersburg, Florida 33733, Attention: Asset Protection Right-of-Way Specialist) a prior written determination that the exercise of such right is not inconsistent with the safe and efficient operation and maintenance of said electric transmission and distribution lines and communications systems or with any of the foregoing guidelines or laws.

Within ninety (90) days after written notice by GRANTEE to GRANTOR that this Easement is no longer necessary for the foregoing purposes, or after the date that GRANTEE ceases to provide service to the Facilities for the foregoing purposes, GRANTEE shall remove all its Facilities and fixtures from the Easement Area and this Easement will automatically terminate and revert to GRANTOR. Following termination of this Easement, upon request by GRANTOR, GRANTEE shall execute a release of easement document conveying all right, title, and interest in this Easement to GRANTOR.

GRANTOR warrants and covenants that they have the right to convey to GRANTEE this easement, and that GRANTEE shall have quiet and peaceful possession, use and enjoyment of same.

All covenants, terms, provisions and conditions herein contained shall inure and extend to and be obligatory upon the successors, lessees and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the said GRANTOR has hereunto affixed its hand and seal this _____ day of _____, 2022.

GRANTOR:

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, a public corporation of the State of Florida

ATTEST:

By: _____

Kelly Rice, Chair

By: _____

Michelle Williamson, Secretary

Approved as to form:

Grantor's mailing address:

By: _____

Chris Tumminia, General Counsel

2379 Broad Street

Brooksville, FL 33512

State of Florida)
) ss
County of Hernando)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 2022 by **Kelly S. Rice as Chair and Michelle Williamson as Secretary of the Southwest Florida Water Management District**, a Florida public corporation, on behalf of the corporation, who ☐ are personally known to me or ☐ have produced _____ as identification.

NOTARY SEAL

Notary Public

Name typed, printed or stamped

My Commission Expires: _____

Legal Description:

PARCEL #26280152100033700

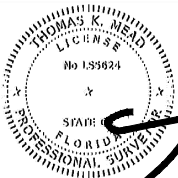
A PORTION OF PARCEL IDENTIFICATION NUMBER 26280152100033700, LYING IN SECTION 1, TOWNSHIP 28 SOUTH, RANGE 26 EAST, POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 28 SOUTH, RANGE 26 EAST, POLK COUNTY, FLORIDA; THENCE SOUTH 00°26'54" EAST, A DISTANCE OF 52.59 FEET ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 1, TO THE SOUTHERLY RIGHT OF WAY LINE OF LUCERNE PARK ROAD/STATE ROAD NO. 544, PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 16140-2501; THENCE DEPARTING SAID EAST LINE, SOUTH 89°50'48" WEST, A DISTANCE OF 308.08 FEET ALONG SAID SOUTHERLY RIGHT OF WAY LINE TO THE POINT OF BEGINNING; THENCE DEPARTING SAID SOUTHERLY RIGHT OF WAY LINE, SOUTH 00°23'14" EAST, A DISTANCE OF 35.00 FEET; THENCE SOUTH 89°50'48" WEST, A DISTANCE OF 38.05 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 1824.86 FEET, A CENTRAL ANGLE OF 02°43'50" AND A CHORD OF 86.96 FEET, THAT BEARS SOUTH 88°30'31" WEST; THENCE WESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 86.97 FEET; THENCE NORTH 00°23'14" WEST, A DISTANCE OF 35.03 FEET TO THE AFOREMENTIONED SOUTHERLY RIGHT OF WAY LINE OF LUCERNE PARK ROAD/STATE ROAD NO. 544, AND A POINT ON A CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 1859.86 FEET, A CENTRAL ANGLE OF 02°41'03" AND A CHORD OF 87.12 FEET, THAT BEARS NORTH 88°31'55" EAST; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE THE FOLLOWING TWO (2) COURSES AND DISTANCES: EASTERLY 87.13 FEET ALONG THE ARC OF SAID CURVE TO A POINT OF TANGENCY; THENCE NORTH 89°50'48" EAST, A DISTANCE OF 37.89 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.10 OF AN ACRE (4,376 SQUARE FEET), MORE OR LESS.

Surveyor's Notes:

1. NORTH AND THE BEARINGS SHOWN HEREON ARE REFERENCED TO THE EAST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 28 SOUTH, RANGE 26 EAST, POLK COUNTY, FLORIDA, AS BEING SOUTH 00°26'54" EAST.
2. ALL MEASUREMENTS SHOWN HEREON ARE IN U.S. SURVEY FEET.
3. AN ABSTRACT OF TITLE WAS NOT PERFORMED BY OR FURNISHED TO SOUTHEASTERN SURVEYING AND MAPPING CORPORATION. ANY EASEMENTS OR ENCUMBRANCES THAT MAY APPEAR AS A RESULT OF SAID ABSTRACT ARE NOT WARRANTED BY THIS SKETCH.
4. LEGAL DESCRIPTION WAS PREPARED BY SOUTHEASTERN SURVEYING AND MAPPING CORPORATION PER CLIENT REQUEST AND IS BASED ON DEEDS OF RECORD AND A FIELD SURVEY TO LOCATE THE CONTROLLING CORNERS NEEDED TO ESTABLISH THE PARCELS, RIGHT-OF-WAY AND EASEMENT SHOWN IN THE LEGAL DESCRIPTION AND SKETCH HEREON.
5. THIS SKETCH MEETS THE APPLICABLE "STANDARDS OF PRACTICE" AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN RULE 5J17.050-.052, FLORIDA ADMINISTRATIVE CODE. NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE RAISED SEAL OR THE ELECTRONIC SIGNATURE AND COMPUTER GENERATED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



THOMAS K. MEAD, P.S.M.
SOUTHEASTERN SURVEYING AND MAPPING CORPORATION

FLORIDA REGISTRATION No. 5624
FLORIDA REGISTRATION No. LB 2108

1/21/22

DATE

THIS IS NOT A SURVEY



SOUTHEASTERN SURVEYING & MAPPING CORP.
1130 Highway 90
Chipley, Florida 32428
(850) 638-0790

CERTIFIED TO: DUKE ENERGY FLORIDA, LLC

DESCRIPTION SKETCH
SOUTHWEST FLORIDA
WATER MANAGEMENT
DISTRICT

WO #27030453 - OSPREY
TO HAINES CITY (SEGMENT 3)



**DUKE
ENERGY®**

550 S. TRYON STREET
CHARLOTTE, N.C. 28202
TELEPHONE NO. (704)382-2361

REVISIONS	1	6/19/19	TBF
	2	5/28/21	ES
	3	1/21/22	ES
SSMC PROJECT No.	62995		
SSMC DRAWING No.	0284-SD04-OHCE-01212022.DWG		

DRAWN	CHECK	SCALE: N/A
EM	TBF	DATE: 5/20/19

SITE: 115702	LU: 0000000	WO: 27030453
0284-SD04-OHCE-01212022.DWG		SHEET 1 OF 17

LEGEND:

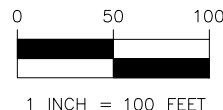
ORB OFFICIAL RECORDS BOOK
 R/W RIGHT-OF-WAY
 PG PAGE
 PC POINT OF CURVATURE
 PT POINT OF TANGENCY
 L.U. NO. LAND UNIT NUMBER
 SQ FT SQUARE FEET

LINE TABLE

LINE #	BEARING	LENGTH
L1	S00°23'14"E	35.00'
L2	S89°50'48"W	38.05'
L3	N00°23'14"W	35.03'
L4	N89°50'48"E	37.89'

CURVE TABLE

CURVE #	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD DISTANCE
C1	1824.86'	2°43'50"	86.97'	S88°30'31"W	86.96'
C2	1859.86'	2°41'03"	87.13'	N88°31'55"E	87.12'



LUCERNE PARK ROAD STATE ROAD NO. 544

(PUBLIC) RIGHT OF WAY VARIES
 PER FLORIDA DEPARTMENT OF TRANSPORTATION
 RIGHT OF WAY MAP SECTION 16140-2501

FAIRVIEW VILLAGE,
 PLAT BOOK 68, PAGE 21
 NORTHERLY R/W LINE
 NORTH LINE
 SE 1/4 OF NE 1/4
 S01-28S-26E

POINT OF
 COMMENCEMENT
 NE CORNER
 SE 1/4 OF NE 1/4
 SECTION 1-28S-26E

POINT OF
 BEGINNING

(BEARING BASIS)
 S00°26'54"E 52.59'

SOUTHERLY R/W LINE
 S89°50'48"W 308.08'

DUKE ENERGY EASEMENT
 CONTAINS 0.10 ACRES
 (4,376 SQ FT)

ITEM #284

PARCEL NO.
 262801521
 00033700
 SOUTHWEST
 FLORIDA WATER
 MANAGEMENT
 DISTRICT
 L.U. NO.

NOTE:
 NO RECORDING
 INFORMATION
 AVAILABLE

ITEM #285
 PARCEL NO.
 262801521000180002
 PEIHE GUO & QIN SONG
 ORB 9350, PG 1874
 L.U. NO.

SECTION 01
 TOWNSHIP 28 SOUTH
 RANGE 26 EAST
 POLK COUNTY

EAST LINE
 SE 1/4 OF NE 1/4
 S01-28S-26E

ITEM #281
 PARCEL NO.
 262801521
 000181001
 LUCERNE
 COMMERCIAL, LLC
 ORB 5809, PG 1035
 L.U. NO.

ITEM #283
 PARCEL NO.
 262801521000180001
 LUCERNE COMMERCIAL, LLC
 ORB 5809, PG 1035
 L.U. NO.

THIS IS NOT A SURVEY

CERTIFIED TO: DUKE ENERGY FLORIDA, LLO

DESCRIPTION SKETCH
 SOUTHWEST FLORIDA
 WATER MANAGEMENT
 DISTRICT

WO #27030453 - OSPREY
 TO HAINES CITY (SEGMENT 3)



**DUKE
 ENERGY®**

550 S. TRYON STREET
 CHARLOTTE, N.C. 28202
 TELEPHONE NO. (704)382-2361



SOUTHEASTERN SURVEYING & MAPPING CORP.
 1130 Highway 90
 Chipley, Florida 32428
 (850) 638-0790

REVISIONS

1	6/19/19	TBF
2	5/28/21	ES
3	1/21/22	ES

SSMC PROJECT No. 62995

SSMC DRAWING No. 0284-SD04-OHCE-01212022.DWG

DRAWN

EM

CHECK

TBF

SCALE: 1"=100'

DATE: 5/20/19

SITE: 115702

LU: 0000000

WO: 27030453

0284-SD04-OHCE-01212022.DWG

SHEET 2 OF 18

CONSENT AGENDA

March 22, 2022

**Regulation Committee: WUP No. 20006068.008 – Rolling Meadow / Rolling Meadow Ranch, Inc.
(Polk County)**

This is a modification of an existing water use permit for agricultural use. The authorized quantities have increased from those previously permitted. The annual average quantity has increased from 1,172,000 gallons per day (gpd) to 1,530,400 gpd, and the peak month quantity has increased from 6,033,800 gpd to 7,624,900 gpd. The crop protection quantity remains unchanged at 34,666,100 gpd. This modification includes the incorporation of a surface water withdrawal as a FARMS project and the addition of 297 acres of citrus to the crop plan. The quantities are based on the District's water use calculation program, AGMOD, for 1,267 acres of citrus. The addition of the FARMS surface water withdrawal point will reduce the annual average groundwater withdrawals by 50,000 gpd. A standby groundwater quantity of 50,000 gpd is available if the surface water is not available for reasons beyond the control of the permittee.

This permit is located in the Southern Water Use Caution Area. The permit incorporates a combination of groundwater and surface water sources.

Special conditions include those that require the Permittee to report monthly meter readings, report quantities used for crop protection, perform meter accuracy checks every five years, submit annual crop reports, implement water conservation and best management practices, provide an update to the Conservation Plan at permit midterm, evaluate the feasibility of using reclaimed water upon request, modify the permit upon incorporation of alternative water sources, comply with the permitted quantities, provide an overpumpage report upon request, and comply with the SWUCA recovery strategy.

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

Staff Recommendation:

Approve the proposed permit attached as an exhibit.

Presenter:

Darrin W. Herbst, P.G., Bureau Chief, Water Use Permit Bureau

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
WATER USE PERMIT
Individual
PERMIT NO. 20 006068.008**

PERMIT ISSUE DATE: March 22, 2022

EXPIRATION DATE: July 29, 2036

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

TYPE OF APPLICATION: Modification

GRANTED TO: Rolling Meadow Ranch, Inc./Attn: Andrew R. Machata
3060 Airport West Drive
Vero Beach, FL 32960-1993

PROJECT NAME: Rolling Meadow

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

COUNTY: Polk

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

ANNUAL AVERAGE	1,530,400 gpd
PEAK MONTH ¹	7,624,900 gpd
DROUGHT ANNUAL AVERAGE ²	1,909,500 gpd
CROP PROTECTION/MAXIMUM ³	34,666,100 gpd

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

ABSTRACT:

This is a modification of an existing water use permit for agricultural use. The authorized quantities have increased from those previously permitted. The annual average quantity has increased from 1,172,000 gallons per day (gpd) to 1,530,400 gpd, the drought annual average has increased from 1,511,100 gpd to 1,909,500 gpd, the peak month quantity has increased from 6,033,800 gpd to 7,624,900 gpd, and the crop protection quantity remains 34,666,100 gpd. The modification includes the incorporation of a surface water withdrawal as a FARMS project and the addition of 297 acres of citrus to the crop plan. The quantities are based on the District's water use calculation program, AGMOD, for 1,267 acres of citrus. Groundwater quantities designated as standby include an annual average quantity of 50,000 gpd due to the addition of a FARMS withdrawal point. This permit is located in the Southern Water Use Caution Area. The permit incorporates a combination of groundwater and surface water sources.

Special conditions include those that require the Permittee to report monthly meter readings, report quantities used for crop protection, perform meter accuracy checks every five years, submit annual crop reports, implement water conservation and best management practices, provide an update to the Conservation Plan at permit midterm, evaluate the feasibility of using reclaimed water upon request, modify the permit upon incorporation of alternative water sources, comply with the permitted quantities, provide an overpumpage report upon request, and comply with the SWUCA recovery strategy.

WATER USE TABLE (in gpd)

<u>USE</u>	<u>ANNUAL AVERAGE</u>	<u>PEAK MONTH</u>	<u>DROUGHT ANNUAL AVERAGE</u>	<u>CROP PROTECTION /MAXIMUM</u>
Agricultural	1,530,400	7,624,900	1,909,500	34,666,100

USES AND IRRIGATION ALLOCATION RATE TABLE

<u>CROP/USE TYPE</u>	<u>IRRIGATED ACRES</u>	<u>IRRIGATION METHOD</u>	<u>STANDARD IRRIGATION RATE</u>	<u>DROUGHT IRRIGATION RATE</u>
Citrus	1,267.00	Low Volume Spray	18.20"/yr.	22.65"/yr.
Animals				

WITHDRAWAL POINT QUANTITY TABLE

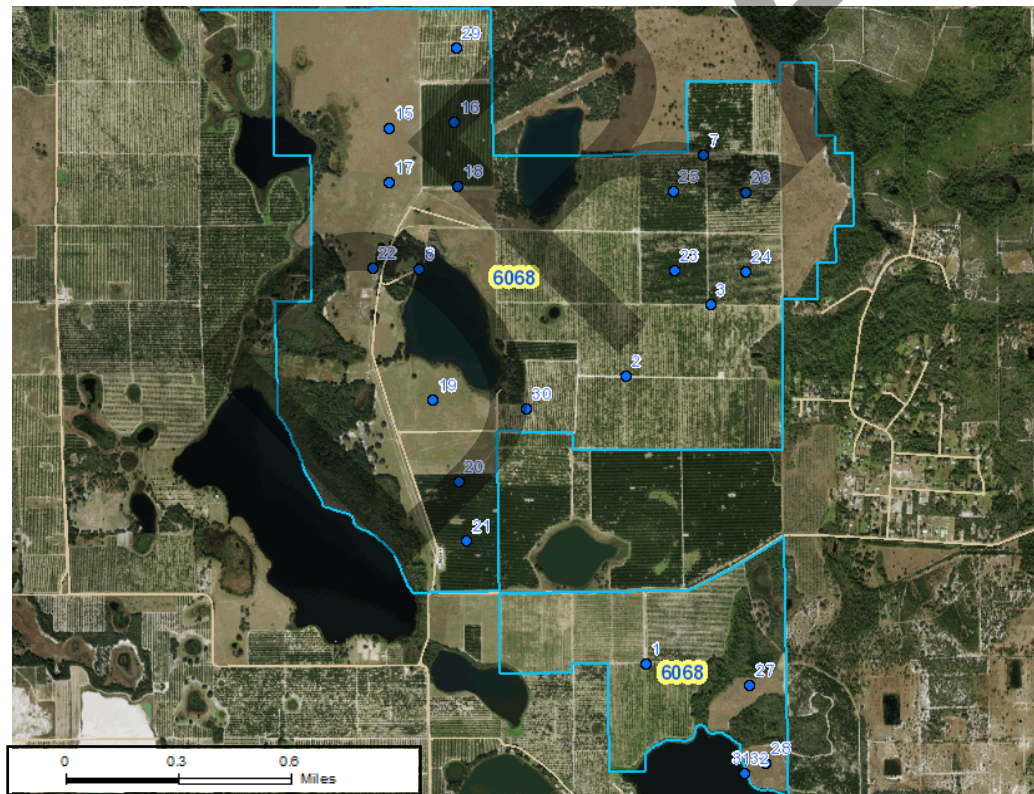
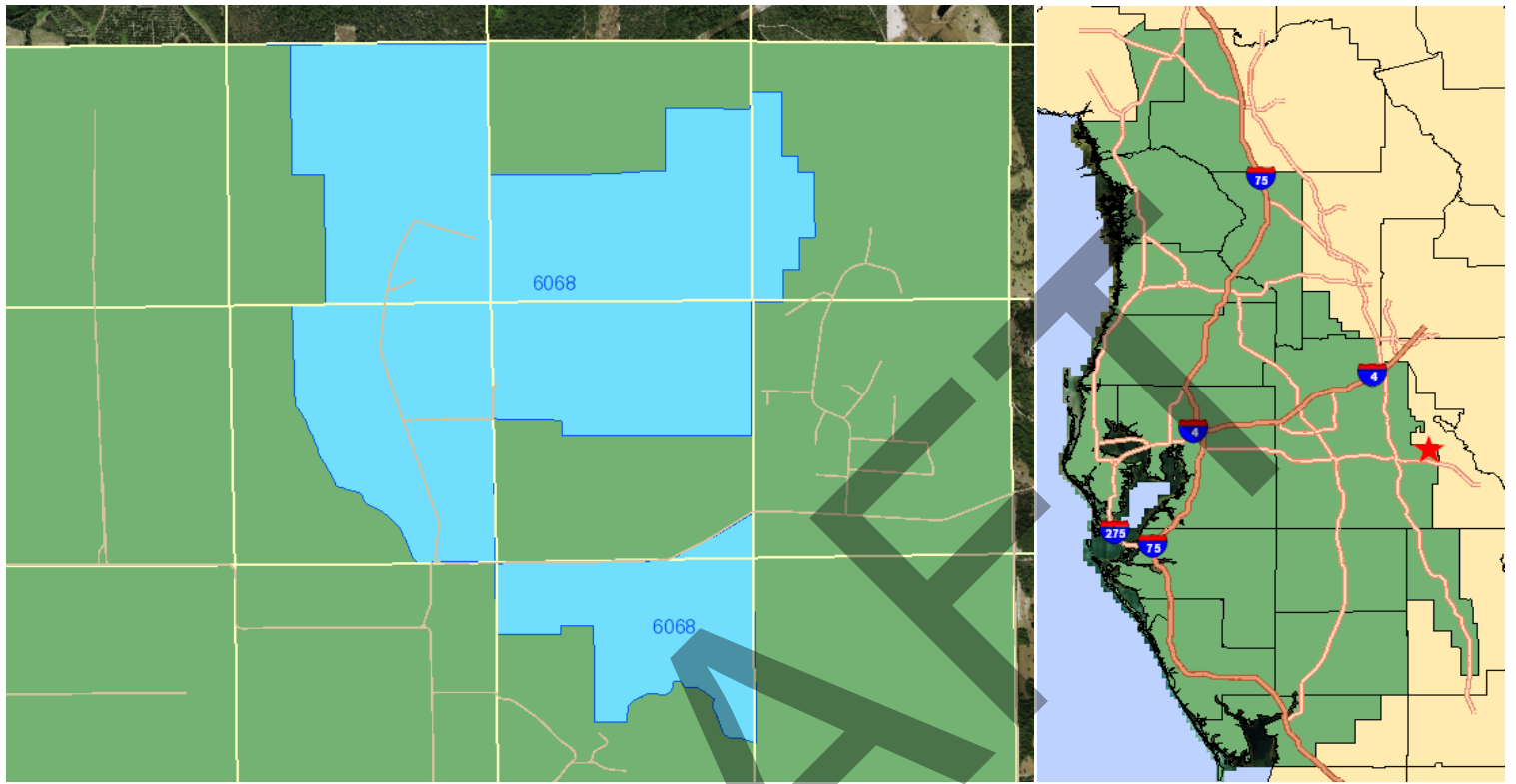
Water use from these withdrawal points are restricted to the quantities given below :

<u>I.D. NO. PERMITTEE/ DISTRICT</u>	<u>DIAM (in.)</u>	<u>DEPTH TTL./CSD.FT. (feet bls)</u>	<u>USE DESCRIPTION</u>	<u>AVERAGE (gpd)</u>	<u>PEAK MONTH (gpd)</u>	<u>CROP PROTECTION (gpd)</u>
G-1 / 1	12	973 / 176	Irrigation	145,600	752,500	2,818,100
G-2 / 2	12	1,081 / 176	Irrigation	286,200	1,473,900	2,818,100
G-3 / 3	12	1,465 / 162	Irrigation	144,900	746,300	2,818,100
G-7 / 7	12	799 / 392	Irrigation	120,800	621,900	2,818,100
G-8 / 8	6	480 / 148	Livestock	600	1,200	N/A
15 / 15	12	1,000 / 200	Irrigation	208,600	1,074,000	2,818,100
Standby						
16 / 16	12	1,000 / 200	Irrigation	208,600	1,074,000	2,818,100
Standby						
17 / 17	12	1,000 / 200	Irrigation	208,600	1,074,000	2,818,100
Standby						
18 / 18	12	1,105 / 180	Irrigation	208,600	1,074,000	2,818,100
19 / 19	12	1,000 / 200	Irrigation	96,300	495,800	2,818,100
Standby						
20 / 20	12	1,000 / 200	Irrigation	96,300	495,800	2,818,100
Standby						
21 / 21	12	955 / 150	Irrigation	96,300	495,800	2,818,100
22 / 22	12	1,000 / 200	Irrigation	600	1,200	N/A
Standby						
23 / 23	12	955 / 193	Irrigation	48,300	248,800	2,818,100
24 / 24	12	955 / 174	Irrigation	48,300	248,800	2,818,100
25 / 25	12	910 / 165	Irrigation	48,300	248,800	2,818,100
26 / 26	12	1,005 / 165	Irrigation	48,300	248,800	2,818,100
27 / 27	10	1,000 / 180	Irrigation	21,700	111,900	1,296,200
28 / 28	10	1,000 / 180	Irrigation	16,900	87,100	1,008,200
29 / 29	10	664 / 100	Irrigation	157,800	812,800	1,804,300
30 / 30	12	855 / 174	Irrigation	87,800	452,300	2,376,400
31 / 31		N/A / N/A	FARMS Withdrawal Point	50,000	N/A	N/A

WITHDRAWAL POINT LOCATION TABLE

<u>DISTRICT I.D. NO.</u>	<u>LATITUDE/LONGITUDE</u>
1	27° 55' 17.71"/81° 28' 18.67"
2	27° 56' 09.69"/81° 28' 22.36"
3	27° 56' 22.52"/81° 28' 05.02"
7	27° 56' 49.53"/81° 28' 06.46"
8	27° 56' 29.23"/81° 29' 04.79"
15	27° 56' 54.76"/81° 29' 10.94"
16	27° 56' 55.71"/81° 28' 57.39"
17	27° 56' 44.94"/81° 29' 10.93"
18	27° 56' 44.08"/81° 28' 56.78"
19	27° 56' 05.47"/81° 29' 02.22"
20	27° 55' 50.77"/81° 28' 56.82"
21	27° 55' 39.98"/81° 28' 55.20"
22	27° 56' 29.47"/81° 29' 14.30"
23	27° 56' 28.76"/81° 28' 12.37"
24	27° 56' 28.51"/81° 27' 57.67"
25	27° 56' 43.09"/81° 28' 12.51"
26	27° 56' 42.85"/81° 27' 57.76"
27	27° 55' 13.79"/81° 27' 57.26"
28	27° 54' 59.63"/81° 27' 54.10"
29	27° 57' 09.13"/81° 28' 57.03"
30	27° 56' 03.86"/81° 28' 42.84"
31	27° 54' 57.90"/81° 27' 58.49"

Location Map
Rolling Meadow Ranch, Inc./Attn: Andrew R. Machata
WUP No. 20 006068.008



Legend

- DIDs
- WUP Boundary
- Natural Color Imagery

POLK COUNTY

Southwest Florida
 Water Management District

STANDARD CONDITIONS:

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

SPECIAL CONDITIONS:

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

All mailed reports and data are to be sent to:

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

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

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

2. The Permittee shall document and report on District forms, the beginning and ending hours and dates of operation of each withdrawal point used for the protection of crops from frost, freeze or heat damage. The report shall include the gallons per day pumped from each withdrawal point based on irrigation system capacity, or if available, totalizing flow meter readings. This report shall be submitted by the 10th day of the month following irrigation for crop protection. The crop protection daily quantities specified in this permit are solely for the purpose of crop protection, and do not apply to routine irrigation practices. Irrigation for crop protection shall not exceed the crop protection daily quantity listed on the permit and shall not cause water to go to waste.
(1)

3. The Permittee shall construct the proposed wells according to the surface diameter and casing depth specifications below. The casing shall be continuous from land surface to the minimum depth stated and is specified to prevent the unauthorized interchange of water between different water bearing zones. If a total depth is listed below, this is an estimate, based on best available information, of the depth at which high producing zones are encountered. However, it is the Permittee's responsibility to have the water in the well sampled during well construction, before reaching the estimated total depth. Such sampling is necessary to ensure that the well does not encounter water quality that cannot be utilized by the Permittee, and to ensure that withdrawals from the well will not cause salt-water intrusion. All depths given are in feet below land surface. For Well Construction requirements see Exhibit B, Well Construction Instructions, attached to and made part to this permit.

District ID Nos. 15, 16, 17, 19, 20, 27 and 28, Permittee ID Nos. 15, 16, 17, 19, 20, 27 and 28, having a surface diameter of 12 inches, with a minimum casing depth of 300 feet, and an estimated total depth of 1,000 feet.

(240)

4. The Permittee shall evaluate the feasibility of improving the efficiency of the current irrigation system or converting to a more efficient system. This condition includes implementation of the improvement(s) or conversion when determined to be operationally and economically feasible.(296)

5. The Permittee shall implement a leak detection and repair program as an element of an ongoing system maintenance program. This program shall include a system-wide inspection at least once per year.(309)
6. The Permittee shall incorporate best water management practices, specifically including but not limited to irrigation practices, as recommended for the permitted activities in reports and publications by the IFAS.(312)
7. The Permittee shall limit daytime irrigation to the greatest extent practicable to reduce losses from evaporation. Daytime irrigation for purposes of system maintenance, control of heat stress, crop protection, plant establishment, or for other reasons which require daytime irrigation are permissible; but should be limited to the minimum amount necessary as indicated by best management practices. (331)
8. Within 90 days of the replacement of any or all withdrawal quantities from ground water or surface water bodies with an Alternative Water Supply, the Permittee shall apply to modify this permit to place equal quantities of permitted withdrawals from the ground and/or surface water resource on standby. The standby quantities can be used in the event that some or all of the alternative source is not available.(363)
9. Permittee shall not exceed the quantity determined by multiplying the total irrigated acres by the total allocated acre-inches per irrigated acre per season for each crop type. For all crops except Citrus, an irrigated acre, hereafter referred to as "acre," is defined as the gross acreage under cultivation, including areas used for water conveyance such as ditches, but excluding uncultivated areas such as wetlands, retention ponds, and perimeter drainage ditches. For Citrus, an irrigated acre is based on 74% shaded area, equivalent to 89.4% of the gross acreage minus uncultivated areas such as wetlands, retention ponds, and perimeter drainage ditches.

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

10. The Permittee shall investigate the feasibility of increasing the use of or using reclaimed water for irrigation when notified by the District that reclaimed water may be available in sufficient supply to be utilized for this permit. The Permittee shall submit a report documenting the feasibility investigation within six months of the notification. The report shall contain an analysis of reclaimed water sources for the area, including the relative location of these sources to the Permittee's property, the quantity of reclaimed water available, the projected date(s) of availability, costs associated with obtaining the reclaimed water, and an implementation schedule for reuse, if feasible. Infeasibility shall be supported with a detailed explanation. If the use of reclaimed water is determined to be feasible by the Permittee or by the District, then the Permittee shall submit an application to modify this water use permit to include reclaimed water as a source of water. The modification application shall include a date when the reclaimed water will be available and shall indicate a proposed reduction in permitted quantities. If the permit application is not submitted by the Permittee, the District may reduce, following notice to the Permittee, the quantities authorized with this permit to account for the availability of reclaimed water.
(458)
11. The Permittee shall record the following information on the Irrigation Water Use Form that is supplied by the District for annual crops for each permitted irrigation withdrawal point, District ID. Nos. 1, 2, 3, 7, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 31, Permittee ID Nos. 1, 2, 3, 7, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 31:
 1. Crop type,
 2. Irrigated acres,
 3. Irrigation method (NTBWUCA only),
 4. Dominant soil type per crop or the number of acres per crop on that dominant soil type, and
 5. If used, quantities used for crop protection.This information shall be submitted by March 1 of each year documenting irrigation for the previous calendar year.

(474)

12. Any wells not in use, and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Chapter 62-532.500, F.A.C.(568)
13. The Permittee shall submit a copy of the well completion reports to the District's Water Use Permit Bureau, within 30 days of each well completion.(583)
14. This permit includes the following groundwater standby quantities of 50,000 gallons per day (gpd) annual average.

In the event that an alternative water supply (AWS) for which there are standby quantities permitted on this permit become wholly or partially unavailable, insufficient or unsuitable, the permittee shall access permitted standby quantities as follows depending upon the length of time the AWS is not available, sufficient or suitable. At no time will the Permittee utilize standby quantities to exceed authorized use or an authorized irrigation allocation rate on this permit.

Less than 30 days: No District notification is required if the AWS is unavailable, insufficient, or unsuitable for the 30-day period or less. The Permittee may access permitted standby quantities to meet authorized use or an authorized irrigation allocation rate from the date of the first loss up to 30 days.

Greater than 30 days but less than one year: The Permittee shall notify the District in writing within 45 days of the first day the AWS became unavailable, insufficient or unsuitable. The notification shall identify the standby withdrawal sources that were or will be activated, and the Permittee shall continue to submit written notification monthly for each subsequent 30-day period where the standby delivery of AWS is unavailable, insufficient or unsuitable, for up to one year from the date of first loss, insufficiency, or unsuitability. The Permittee may access permitted standby quantities to meet authorized use or an authorized irrigation allocation rate from the date of the first loss up to one year. If the loss of the AWS exceeds one year, the Permittee shall apply for a Letter of Modification to reinstate the standby quantities as active quantities, subject to all requirements of Rule 40D-2.331(2), F.A.C.

Permanent Loss: Upon verbal or written notice from an alternative water supply provider that delivery of all or part of the alternative water supply is to permanently cease, the Permittee shall submit information to the District explaining the reason(s) for the cessation. If the cessation was not caused by actions of the Permittee and is beyond the control of the Permittee, the Permittee shall apply for a letter modification to reinstate the standby quantities as active quantities.

(598)

15. Within 30 days of the construction of the withdrawal facility, the Permittee shall install a water-level-controlled shut-off switch, subject to District approval, in the following surface water bodies. Each shut-off switch shall be installed in such a manner that pumpage from the lake automatically ceases at the specified elevation.
Pumpage from District ID No. 31, Permittee ID No. 31 from Parks Lake shall cease when the water level in the lake has receded to 100.20 feet NGVD 29, as read at District ID No. 32, Permittee ID No.32.
(645)
16. This Permit is located within the Southern Water Use Caution Area (SWUCA). Pursuant to Section 373.0421, Florida Statutes, the SWUCA is subject to a minimum flows and levels recovery strategy, which became effective on January 1, 2007. The Governing Board may amend the recovery strategy, including amending applicable water use permitting rules based on an annual assessment of water resource criteria, cumulative water withdrawal impacts, and on a recurring five-year evaluation of the status of the recovery strategy up to the year 2025 as described in Chapter 40D-80, Florida Administrative Code. This Permit is subject to modification to comply with new rules.(652)
17. The following proposed withdrawal facilities shall be metered within 90 days of completion of construction of the facilities: District ID Nos. 27, 28 and 31, Permittee ID Nos. 27, 28 and 31. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(718)
18. The following withdrawal facilities shall continue to be maintained and operated with existing, non-resettable, totalizing flow meter(s) or other measuring device(s) as approved by the Water Use

Permit Bureau Chief: District ID Nos. 1, 2, 3, 7, 18, 21, 23, 24, 25, and 26, Permittee ID Nos. 1, 2, 3, 7, 18, 21, 23, 24, 25, and 26. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(719)

19. The following existing, but previously un-metered withdrawal facilities shall be metered upon permit issuance: District ID Nos. 29 and 30, Permittee ID Nos. 29 and 30. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(720)
20. The following proposed Standby withdrawal facilities (those that provide back-up water for another withdrawal point in the event the other withdrawal point becomes unusable) shall be metered within 90 days of construction: District ID Nos. 15, 16, 17, 19, 20 and 22, Permittee ID Nos. 15, 16, 17, 19, 20, and 22. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(721)
21. Within 30 days of the construction of the withdrawal facility, the Permittee shall install and maintain a District-approved staff gauge in the water bodies at the location(s) specified by latitude and longitude below and report measurements of water levels referenced to the North American Vertical Datum 1988, at the frequency indicated. Instructions for installation of the staff gauge, and for recording and reporting the data are given in Exhibit B, Water Level Instructions, attached to and made part of this permit.

District ID No. 32, Permittee ID No. 32 by within 30 days of construction of the withdrawal on Parks Lake on a Daily Basis.

(761)

22. Upon execution of the signed "FARMS" Agreement between the District and Permittee, the following condition shall be complied with.
 - A. Standby quantities are based on calculations performed by the DISTRICT that provide the best estimate of the groundwater quantities that shall be conserved or offset as a result of the operation of the FARMS Project (PROJECT). The parties recognize that the DISTRICT agreed to fund the PROJECT based upon this estimated resource benefit and the standby quantity shall constitute the "offset" of the PROJECT which may only be used by the Permittee in accordance with the provisions of paragraph C. The preceding sentence of this provision shall survive the termination or expiration of the FARMS Agreement for so long as the Permittee operates the PROJECT.
 - B. If a 20-year permit is issued, the Permittee agrees to operate the PROJECT in accordance with paragraph C for the term of the 20-year permit and the DISTRICT agrees that standby quantities shall not be reduced during the 20-year permit unless requested by the Permittee or required by Florida Statutes. Standby quantities will be reviewed during permit renewal and will remain on standby status without reduction as long as the Permittee continues to operate the PROJECT in accordance with paragraph C and the conditions for issuance provided for in Chapter 373, F.S. and Chapter 40D-2, F.A.C., are met. If the Permittee discontinues operating the PROJECT prior to the expiration of the 20-year permit, the Permittee shall submit a permit modification application within ten (10) days and the parties agree that the standby quantities will be reviewed by the DISTRICT in accordance with the provisions of Chapter 373, F.S. and Chapter 40D-2, F.A.C. In the event the Permittee subsequently operates the PROJECT, the Permittee shall modify the Permit in accordance with paragraph A. This provision shall survive the termination or expiration of the FARMS Agreement.
 - C. The Permittee shall use the project components for the purpose of reducing groundwater withdrawals to the maximum extent practicable and allowed under the terms and conditions of the Permit, or its subsequent renewal or modification on all portions of the agricultural operation which are capable of benefiting from the PROJECT. Notwithstanding the foregoing, the Permittee may use standby quantities for irrigation as reasonably necessary under the circumstances and in accordance with the Permit or its subsequent renewal or modification if the use of the water provided by the PROJECT is such that a) adverse crop effects will occur due to its use or detainment; b) food safety concerns arise through its use; c) the quantity of surface water and captured irrigation tailwater is

insufficient to provide the quantities of water necessary for supplemental irrigation; d) an unforeseen malfunction in project components occurs; or e) if standby quantities estimated are not realized. If a 20-year permit is issued to the Permittee under the terms of paragraph B, this provision shall survive the expiration of the FARMS Agreement through the duration of the 20-year permit.

D. The Permittee shall not use the standby quantities to expand its agricultural operation or to irrigate a change in crop that utilizes more water than the existing crops that are set forth in the FARMS Agreement. This provision shall not be construed to prohibit the Permittee from expanding its agricultural operation or irrigating different crops with quantities otherwise available in the Permit. This provision shall survive the termination or expiration of the FARMS Agreement for so long as the Permittee operates the PROJECT.

E. The Permittee shall not, sell, lease, convey or otherwise transfer the standby quantities from the Permit, or its subsequent renewal or modification, to any other permit, person, or entity or to another property owned by the Permittee. This provision shall survive the termination or expiration of the FARMS Agreement for so long as the Permittee operates the PROJECT.

F. The required permit modification applications may be made through the use of a Modification Short Form if otherwise permitted under DISTRICT rules. (990)
(990)

DRAFT

40D-2
Exhibit A

WATER USE PERMIT STANDARD CONDITIONS

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

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

Exhibit B
Instructions

METERING INSTRUCTIONS

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

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

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

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

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

FLOW METER ACCURACY TEST INSTRUCTIONS

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

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

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

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

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

WATER LEVEL INSTRUCTIONS

The staff gauge(s) shall be surveyed according to instructions given on the District website and referenced to the North American Vertical Datum 1988, and a copy of the survey indicating the datum reference shall be submitted with the first water level data report. The staff gauge(s) shall be scaled in one-tenth foot increments and shall be sized and placed so as to be clearly visible from an easily accessible point of land. Water levels shall be recorded on a frequency as indicated in the table provided in the special condition and reported to the Water Use Permit Bureau, online via the WUP Portal at the District website or in hardcopy on District-provided forms on or before the tenth day of the following month. To the maximum extent possible, water levels shall be recorded on a regular schedule as indicated in the recording timetable below. The frequency of recording may be modified by the Water Use Permit Bureau Chief, as necessary to ensure the protection of the resource.

Water Level Recording Timetable

<u>Frequency</u>	<u>Recording Schedule</u>
Daily	Same time of each day
Weekly	Same day of each week
Monthly	Same week of each month
Quarterly	Same week of months specified

WELL CONSTRUCTION INSTRUCTIONS

All wells proposed to be constructed shall be drilled and constructed as specified below:

1. All well casing (including liners and/or pipe) must be sealed to the depth specified in the permit condition.
2. The proposed well(s) shall be constructed of materials that are resistant to degradation of the casing/grout due to interaction with the water of lesser quality. A minimum grout thickness of two (2) inches is required on wells four (4) inches or more in diameter.
3. A minimum of twenty (20) feet overlap and two (2) centralizers is required for Public Supply wells and all wells six (6) inches or more in diameter.
4. Any variation from estimated, maximum or minimum total depths; maximum or minimum casing depths; well location or casing diameter specified in the condition requires advanced approval by the Water Use Permit Bureau Chief, or the Well Construction Section Manager.
5. The Permittee is notified that a proposal to significantly change any of these well construction specifications may require permit modification if the District determines that such a change would result in significantly greater withdrawal impacts than those considered for this Permit.
6. The finished well casing depth shall not vary from these specifications by greater than ten (10) percent unless advance approval is granted by the Water Use Permit Bureau Chief, or the Well Construction Section Manager.

Authorized Signature

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

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

DRAFT

CONSENT AGENDA

March 22, 2022

General Counsel's Report: Knowledge Management: Governing Board Policy Update - Defense of Civil Suits and Indemnification

The Office of General Counsel is responsible for periodically reviewing the Governing Board's policies concerning legal matters. The existing Governing Board policy, entitled "Defense of Civil Suits; Indemnification" (Policy), sets forth the protections guaranteed to District officers and employees when a lawsuit is brought against them for an action relating to their employment or function. The purpose of this agenda item is to provide an overview of the proposed changes to the Policy that specify when the District will provide legal counsel to defend District officers and employees in certain civil actions.

Generally, the Policy provides legal protections for officers and employees against claims that arise in the course of the officer's or employee's employment or function, unless the officer or employee acted in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. Additionally, the Policy provides that the District shall pay any judgment, costs, and reasonable attorneys' fees awarded against an officer or employee under the foregoing circumstances.

In addition to minor formatting changes, District staff recommend revising the Policy to clarify when the District will provide legal counsel such that the language is consistent with Florida law. The proposed revised language is shown in the attached exhibit. This item was previously on the Governing Board's discussion agenda on February 22, 2022.

Staff Recommendation:

Approve the proposed changes to the Policy.

Presenter:

Megan Albrecht, Senior Attorney

GOVERNING BOARD POLICY

Southwest Florida Water Management District

Title: Legal – Defense of Civil Suits; Indemnification

Document Owner: Office of General Counsel

Approved By: Board Chair

Effective Date: 03/22/2022

Supersedes: 09/24/2013

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PURPOSE

The purpose of this Governing Board Policy (“Policy”) is to set forth the protections guaranteed to officers and employees of the Southwest Florida Water Management District (“District”) when a lawsuit is brought as the result of any act or omission of action by an officer or employee who was acting within the scope of his or her employment or function.

SCOPE

This Policy applies to all District officers and employees.

AUTHORITY

Sections 373.083(1), 373.129(4), Florida Statutes

STANDARDS

The District shall indemnify its officers and employees for and defend against any civil action arising from a complaint for damages or injury suffered as a result of any act or omission of action of any of its officers or employees arising out of and in the scope of the officer’s or employee’s employment or function, unless, in the case of a tort action, the officer or employee acted in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

GOVERNING BOARD POLICY

Title: Legal – Defense of Civil Suits; Indemnification

Effective Date: 03/22/2022

Page 2 of 3

DEFINITIONS

As used in this Policy, the term “officer” means any Governing Board member; the term “employee” means the Executive Director, General Counsel, Inspector General, or any staff or employee of the Southwest Florida Water Management District.

DISTRIBUTION

This document will be stored in the Governing Document Repository.

POLICY DESCRIPTION

Defense of such civil action includes, but is not limited to, any civil rights lawsuit seeking relief personally against the officer or employee for an act or omission under color of state law, custom, or usage, wherein it is alleged that such officer or employee has deprived another person of his/her rights secured under the United States Constitution or laws.

The District shall seek to assure that any civil action is brought exclusively against the District and that no officer or employee is named as a party defendant in any such civil action, except civil actions in which the District is not a proper party.

In any civil action seeking relief personally against any officer or employee for any act or omission of action arising out of and in the scope of the officer’s or employee’s employment or function, the District shall provide an attorney to defend such action, unless, in the case of a tort action, the officer or employee acted in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

The District shall pay any final judgment, including damages, costs and reasonable attorney’s fees in any such civil action, unless, in the case of a tort action, the officer or employee acted in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property, or unless in a civil rights action, the officer or employee has been determined in the final judgment to have caused the harm intentionally. The District may seek recovery of any attorney’s fees, judgements or settlements in accordance with Chapter 111, Florida Statutes.

This Policy is not intended, and shall not be construed, as a waiver of sovereign immunity, a waiver of any other defense or immunity to any claim or civil action, or an extension of the limits provided in section 768.28, Florida Statutes.

REFERENCES

Sections 768.28, 111.07, 111.071, 111.072, Florida Statutes

REVIEW PERIOD

This Policy will be reviewed on annual basis.

GOVERNING BOARD POLICY

Title: Legal – Defense of Civil Suits; Indemnification

Effective Date: 03/22/2022

Page 3 of 3

DOCUMENT DETAILS

Document Name	Defense of Civil Suits; Indemnification
Formerly Known As	N/A
Document Type	Policy
Author(s)	General Counsel
Reviewing Stakeholder(s)	Office of General Counsel, Governing Board
Document Owner Name	Chris Tumminia
Document Owner Title	General Counsel
Review Period (in days)	365
Span of Control	Governing Board
Supersedes Date	09/24/2013
Effective Date	03/22/2022

APPROVAL

Kelly Rice
Chair

Date

CONSENT AGENDA

March 22, 2022

Executive Director's Report: Approve Governing Board Minutes - February 22, 2022

Staff Recommendation:

Approve minutes as presented.

Presenter:

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



**GOVERNING BOARD MEETING
TUESDAY, FEBRUARY 22, 2022 – 9:00 A.M.
2379 BROAD STREET, BROOKSVILLE, FL 34601
(352) 796-7211**

MINUTES

Board Members Present

Kelly Rice, Chair
Joel Schleicher, Vice Chair
Ed Armstrong, Treasurer
Michelle Williamson, Secretary
Jack Bispham, Member
John Mitten, Member
Ashley Bell Barnett, Member*
John E. Hall, Member
William Hogarth, Member

Board Members Absent

Seth Weightman, Member

*attended via electronic media

Staff Members

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

Board Administrative Support

Virginia Singer, Board & Executive Services Manager
Barbara Matrone, Administrative Coordinator

1. Convene Public Meeting

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m., February 22, 2022, at the Brooksville Office, 2379 Broad Street, Brooksville Florida 34604.

This meeting was available for live viewing through Internet streaming. An attendance roster is archived in the District's permanent records. Approved minutes from meetings can be found on the District's website at WaterMatters.org.

1.1 Call to Order

Chair Rice called the meeting to order. He noted that the Board meeting was being recorded for broadcast on government access channels, and public input would be provided in person. Chair Rice stated that anyone wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda should complete and submit a "Request to Speak" card. To assure that all participants have an opportunity to speak, members of the public may submit a Request to Speak card to comment on agenda items only during the meeting. If someone wishes to address the Board on an issue not on the agenda, a Request to Speak card may be submitted for comment during "Public Input." Chair Rice stated

that comments would be limited to three minutes per speaker, and when appropriate, exceptions to the three-minute limit may be granted by the Chair. He also requested that several individuals wishing to speak on the same topic designate a spokesperson.

Chair Rice introduced each member of the Governing Board and staff present at the dais (this served as roll call). A quorum was confirmed.

1.2 Invocation and Pledge of Allegiance

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

1.3 Employee Recognition

Chair Rice recognized staff who have reached at least 20 years of service. Ms. Teri Hudson was recognized.

1.4 Additions/Deletions to Agenda

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

Vice Chair Joel Schleicher requested that the following items be moved to Discussion:

Resource Management Committee

2.2 FARMS – Farm Road Port Charlotte FL, LLC (H801), Charlotte County

2.3 FARMS – Berry Patch Ridge, LLC (H802), Polk County

1.5 Public Input for Issues Not Listed on the Published Agenda

Mr. David Ballard Geddis, spoke against House Bill 841 and Senate Bill 840.

CONSENT AGENDA

Finance/Outreach and Planning Committee

2.1 Consolidated Annual Report

Staff recommended the Board approve the 2022 Consolidated Annual Report and its transmittal.

Resource Management Committee

2.2 FARMS – Farm Road Port Charlotte FL, LLC (H801), Charlotte County

Staff recommended the Board:

1. Approve the Farm Road Port Charlotte FL, LLC project for a not-to-exceed project Reimbursement of \$832,000 with \$832,000 provided by the Governing Board.
2. Authorize the transfer of \$832,000 from fund 010 H017 Governing Board FARMS Fund to the H801 Farm Road Port Charlotte FL, LLC project fund.
3. Authorize the Assistant Executive Director to sign the agreement.

2.3 FARMS – Berry Patch Ridge, LLC (H802), Polk County

Staff recommended the Board:

1. Approve the Berry Patch Ridge, LLC project for a not-to-exceed project reimbursement of \$241,572 with \$241,572 provided by the Governing Board.
2. Authorize the transfer of \$241,572 from fund 010 H017 Governing Board FARMS Fund to the H802 Berry Patch Ridge, LLC project fund.
3. Authorize the Assistant Executive Director to sign the agreement.

Operations, Lands, and Resource Monitoring Committee

2.4 Rainbow Springs State Park Unit Management Plan - SWF Parcel No. 19-593-108X

Staff recommended the Board approve the Rainbow Springs State Park Unit Management Plan in accordance with the Lease Agreement with Florida Department of Environmental Protection, Division of Recreation and Parks, SWF Parcel No. 19-593-108X.

2.5 Weeki Wachee Springs State Park Unit Management Plan SWF Parcel No. 15-773-211X

Staff recommended the Board approve the Weeki Wachee Springs State Park Unit Management Plan in accordance with the Lease Agreement with Florida Department of Environmental Protection, Division of Recreation and Parks, SWF Parcel No. 15-773-211X.

General Counsel's Report

2.6 Approval of Settlement Agreement between SWFWMD and Seagrass Resort, LLC - Unauthorized Construction Activities - CT No.'s 370860 and 395970 - Citrus County

Staff recommended the Board:

1. Approve the Settlement Agreement.
2. Authorize District staff to seek dismissal of the Petition for Enforcement and Complaint for Civil Remedies in the Fifth Judicial Circuit, Citrus County, Case No. 2021-CA-000198.
3. Authorize the District staff to pursue additional enforcement measures to obtain compliance with the terms and conditions of the Settlement Agreement, including filing any appropriate actions in circuit court, if necessary.

Executive Director's Report

2.7 Approve Governing Board Minutes - January 25, 2022

Staff recommended the Board approve minutes as presented.

A motion was made and seconded to approve the Consent Agenda. The motion passed unanimously. (Audio - 00:09:57)

Finance/Outreach and Planning Committee

Treasurer Ed Armstrong called the Committee meeting to order. (Audio - 00:10:18)

3.1 Consent Item(s) Moved to Discussion - None

3.2 Budget Transfer Report

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

Resource Management Committee

Board Member Jack Bispham called the Committee to order. (Audio – 00:10:50)

4.1 Consent Item(s) Moved to Discussion

2.2 FARMS – Farm Road Port Charlotte FL, LLC (H801), Charlotte County

Vice Chair Schleicher asked for historical information regarding the District's experience with the operator.

Ms. Carole Estes, FARMS Program Manager, responded there was no historical experience with Farm Road Port Charlotte FL, LLC.

Staff recommended the Board:

1. Approve the Farm Road Port Charlotte FL, LLC project for a not-to-exceed project Reimbursement of \$832,000 with \$832,000 provided by the Governing Board.
2. Authorize the transfer of \$832,000 from fund 010 H017 Governing Board FARMS Fund to the H801 Farm Road Port Charlotte FL, LLC project fund.
3. Authorize the Assistant Executive Director to sign the agreement.

A motion was made and seconded to approve staff's recommendation. The motion passed with eight in favor and one opposed. Vice Chair Schleicher voted in opposition due to the District's share associated with this project exceeding 50 percent. (Audio - 00:13:00)

2.3 FARMS – Berry Patch Ridge, LLC (H802), Polk County

Vice Chair Schleicher requested this item be moved to consent to facilitate a vote.

Staff recommended the Board:

1. Approve the Berry Patch Ridge, LLC project for a not-to-exceed project reimbursement of \$241,572 with \$241,572 provided by the Governing Board.
2. Authorize the transfer of \$241,572 from fund 010 H017 Governing Board FARMS Fund to the H802 Berry Patch Ridge, LLC project fund.
3. Authorize the Assistant Executive Director to sign the agreement.

A motion was made and seconded to approve staff's recommendation. The motion passed with eight in favor and one opposed. Vice Chair Schleicher voted in opposition due to the District's share associated with this project exceeding 50 percent. (Audio – 00:14:10)

4.2 Citrus County Old Homosassa East Septic to Sewer – Third-Party Review (Q134)

Mr. Jay Hoecker, Water Resources Bureau Chief, presented information that included project location, description, resource benefits, and the results of the third-party review.

Mr. Hoecker provided a comparison table that outlined the changes associated with the original project. He stated that the Florida Department of Environmental Protection (FDEP) is anticipated to provide the funds associated with the cost increase. However, if FDEP is unable, Citrus County is prepared to provide the funding. He stated that the project remains at a medium ranking due to the strategic importance to the water quality of the Homosassa River and the Governor's priority on water quality improvement.

Board Member Bispham asked about enforcement of the septic to sewer program.

Mr. Troy Hays, Jones Edmunds Engineering and Consulting, stated that public meetings have been held informing residents of the requirements. Legal action may be an option for residents choosing not to adhere to the requirements. Board Member Bispham asked what the cost is associated with the connection to sewer. Mr. Hayes responded \$2,745.

Ms. Tina Malmberg, representing Citrus County, explained the process of notifying residents of the requirement of conversion from septic to sewer. Discussion ensued regarding financial assistance options for residents.

Staff recommended the Board authorize continuation of the project to move forward with final design, bidding, permitting, and construction and approve modification of the Cooperative

Funding Agreement for the Citrus County Old Homosassa East Septic to Sewer Project (Q134) to increase the total project cost from \$15,000,000 to \$16,190,000, with the District's share to remain \$3,750,000.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio - 00:38:40)

Operations, Lands and Resource Monitoring Committee

Board Member Jack Bispham called the Committee to order. (Audio – 00:39:40)

5.1 Consent Item(s) Moved to Discussion - None

5.2 Hydrologic Conditions Report

Ms. Tamera McBride, P.G., Hydrologic Data Manager, presented the hydrologic conditions report. She stated that in January the District experienced normal to drier than normal rainfall that resulted in a District-wide rainfall deficit. Groundwater levels were in the normal range for the northern, central, and southern counties. Ms. McBride presented information for the Dover Plant City Water Use Caution Area that experienced two freeze events during the month of January. The Northern, Tampa Bay, Polk Upland lakes were in the normal range. The Lake Wales Ridge lakes were just below normal conditions. The Withlacoochee, Alafia, Hillsborough, and Peace rivers were within the normal range. Public water supplies remain at healthy levels. Continuing La Niña conditions suggest a drier-than-normal spring.

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

5.3 Offer for Surplus Lands – Annutteliga (AH-4), SWF Parcel No. 15-228-2061S

Information for Items 5.3, 5.4, 5.5, 5.6 and 5.7 was provided in one presentation.

Ms. Ellen Morrison, Land Resources Bureau Chief, presented an overview of the surplus land sales process. She outlined individual information for each parcel. This information included a map, description, cost per acre and purchase price, appraised value and additional information pertaining to each parcel.

Vice Chair Schleicher expressed concern regarding the deed restriction of no septic tanks associated with parcel SWF 15-228-1352S. He asked if septic will be allowed on the other parcels. Ms. Morrison explained because of conservation easements on the other parcels development is limited.

Staff recommended the Board:

- Accept the offer and authorize the Executive Director to sign the Contract for Sale and Purchase.
- Authorize the Chairman and Secretary of the Governing Board to execute the Quit Claim Deed.
- Authorize the conveyance of the District's interest in all phosphate, minerals, metals, and petroleum in or on or under the land upon request of the buyer.
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

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

5.4 Offer for Surplus Lands – Annutteliga (AH-4), SWF Parcel No. 15-228-2062S

Information for Items 5.3, 5.4, 5.5, 5.6 and 5.7 was provided in one presentation.

Staff recommended the Board:

- Accept the offer and authorize the Executive Director to sign the Contract for Sale and Purchase.
- Authorize the Chairman and Secretary of the Governing Board to execute the Quit Claim Deed.
- Authorize the conveyance of the District's interest in all phosphate, minerals, metals and petroleum in or on or under the land upon request of the buyer.
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 01:01:42)

5.5 Offer for Surplus Lands – Annutteliga (AH-4), SWF Parcel No. 15-228-2065S

Information for Items 5.3, 5.4, 5.5, 5.6 and 5.7 was provided in one presentation.

Staff recommended the Board:

- Accept the offer and authorize the Executive Director to sign the Contract for Sale and Purchase.
- Authorize the Chairman and Secretary of the Governing Board to execute the Quit Claim Deed.
- Authorize the conveyance of the District's interest in all phosphate, minerals, metals and petroleum in or on or under the land upon request of the buyer.
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 01:02:14)

5.6 Offer for Surplus Lands – Annutteliga (AH-2), SWF Parcel No. 15-228-1352S

Information for Items 5.3, 5.4, 5.5, 5.6 and 5.7 was provided in one presentation.

Staff recommended the Board:

- Accept the offer and authorize the Executive Director to sign the Contract for Sale and Purchase.
- Authorize the Chairman and Secretary of the Governing Board to execute the Quit Claim Deed.
- Authorize the conveyance of the District's interest in all phosphate, minerals, metals and petroleum in or on or under the land upon request of the buyer.
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 01:02:45)

5.7 Offer for Surplus Lands – Green Swamp (GSE-7), SWF Parcel No. 10-200-1286S

Information for Items 5.3, 5.4, 5.5, 5.6 and 5.7 were provided in one presentation.

Staff recommended the Board:

- Accept the offer and authorize the Executive Director to sign the Contract for Sale and Purchase.
- Authorize the Chairman and Secretary of the Governing Board to execute the Quit Claim Deed
- Authorize the conveyance of the District's interest in all phosphate, minerals, metals and petroleum in or on or under the land upon request of the buyer.
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 01:03:16)

5.8 Budget Transfer for Edward Medard Reservoir Toe-drain Rehabilitation

Mr. Jerry Mallams, Bureau Chief, presented information that included historical information, location map, overview of the rehabilitation, timeline, and summary of funding costs.

Staff recommended the Board approve the budget transfer of \$2,155,000 to the Medard Reservoir Toe-Drain Rehabilitation project (B837) with \$655,000 from the Hidden Lake/Yellow Lake Flood Protection CFI project (N967), and \$1,500,000 from the Dale Mabry Henderson Trunkline – Upper Peninsula Watershed Drainage Improvements CFI project (N748).

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio - 01:15:56)

Regulation Committee

Vice Chair Schleicher called the Committee meeting to order. (Audio – 01:16:38)

6.1 Consent Item(s) Moved to Discussion - None

6.2 Denials Referred to the Governing Board

No denials were presented.

General Counsel's Report

7.1 Consent Item(s) Moved to Discussion - None

7.2 Knowledge Management: Governing Board Policy Update - Defense of Civil Suits and Indemnification

Ms. Megan Albrecht, Senior Attorney, presented information that outlined the purpose of the proposed policy, explained the revisions to the existing policy, and summarized the Florida Statute that provides authority.

Ms. Albrecht stated this policy will be presented at the March Board meeting for approval.

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

Committee/Liaison Reports

8.1 Environmental Advisory Committee

Board Member John Mitten provided a summary for the January 11 meeting. A written copy was provided.

8.2 Well Drillers Advisory Committee

A written summary was provided for the January 12 meeting.

Executive Director's Report

9.1 Executive Director's Report

Mr. Brian Armstrong, Executive Director, informed the Board of a letter of appreciation that was received from the Northwest Florida Water Management District (NFWFMD) Governing Board Chair. District staff was able to provide piping to assist with mitigating flooding issues within hours of a request from NFWFMD.

Mr. Armstrong stated that for the third year in a row, the District received a certificate of excellence for financial reporting.

Mr. Armstrong provided a summary of the February 16 Polk Regional Water Cooperative (PRWC) Board of Directors special meeting. He stated the PRWC Board approved the revised implementation agreement that will be sent to their municipalities and be presented at the March PRWC Board meeting. The District will continue to monitor the situation.

Chair's Report

10.1 Chair's Report

Chair Rice stated the next Governing Board meeting is scheduled for March 22 at 9:00 a.m., in the Tampa Service Office.

10.2 Employee Milestones

Chair Rice recognized the following staff for their employee milestones: Cliff Ondercin and Mike Hancock.

Adjournment

The meeting adjourned at 10:30 a.m.

Governing Board Meeting

March 22, 2022

3. RECOGNITION OF FORMER GOVERNING BOARD MEMBERS

3.1 Recognition of Former Governing Board Members James G. Murphy and Roger Germann 48

RECOGNITION OF FORMER GOVERNING BOARD MEMBERS

March 22, 2022

Recognition of Former Governing Board Members James G. Murphy and Roger Germann

To honor Mr. James G. Murphy and Mr. Roger Germann for their terms as Governing Board members, District staff will present a resolution and plaque to commemorate their service. Mr. Murphy was appointed by Governor Rick Scott in July 2017 and served until March 2021. Mr. Germann was appointed by Governor Ron DeSantis in September 2019 and served until September 2021.

Presenter:

Virginia Singer, Board and Executive Services Manager

Governing Board Meeting

March 22, 2022

4. FINANCE/OUTREACH & PLANNING COMMITTEE

4.1	Discussion: Information Item: Consent Item(s) Moved to Discussion	49
4.2	Discussion: Information Item: Legislative Update	50
4.3	Submit & File: Information Item: Budget Transfer Report	51

FINANCE/OUTREACH AND PLANNING COMMITTEE

March 22, 2022

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

Staff Recommendation:

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

Presenters:

Michael Molligan, Division Director, Employee and External Relations

John J. Campbell, Division Director, Management Services

FINANCE/OUTREACH AND PLANNING COMMITTEE

March 22, 2022

Discussion: Information Item: Legislative Update

With the 2022 Legislative Session scheduled to conclude March 11, this presentation will highlight environmental funding for alternative water supplies, springs and wastewater projects, including any dollars the District receives from the state and how that impacts the District's Fiscal Year 2022-2023 budget.

In addition to the state budget, District staff track proposed legislation that could impact the water resources or District activities.

Staff will provide information on this year's legislation and its impact to the District.

Staff Recommendation:

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

Presenter:

Cara Martin, Office Chief, Government and Community Affairs

FINANCE/OUTREACH AND PLANNING COMMITTEE

March 22, 2022

Submit & File: Information Item: Budget Transfer Report

Purpose

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

Background

In accordance with Board Policy, *Budget Authority Transfer of Funds*, all transfers approved by the Executive Director and Finance Bureau Chief under delegated authority are presented to the Finance/Outreach & Planning Committee of the Governing Board as a Submit and File Report at the next regular scheduled meeting. The exhibit for this item reflects all such transfers executed during the month of February 2022.

Staff Recommendation:

Present the Budget Transfer Report for the Board's information. No action required.

Presenter:

Melisa J. Lowe, Bureau Chief, Finance

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
Budget Transfer Report
February 2022

Item No.	--- TRANSFERRED FROM ---		--- TRANSFERRED TO ---		Reason For Transfer	Transfer Amount
	Bureau /	Expenditure Category	Bureau /	Expenditure Category		
Change from Original Budget Intent						
1	Operations	Maint/Repair of Buildings/Structures	Operations	Equipment - Outside	Transfer of funds originally budgeted for general repair and maintenance of the District's water control structures. These funds are no longer required due to expenditures being less than anticipated. The funds are needed for the replacement of a generator/welder unit that is approximately 14 years old and deemed not repairable. This unit is one of three used by the Structure Operations staff for conducting operations, maintenance, and repairs to the District's water control structures and is critical piece of equipment during hurricane season.	\$ 13,138.00
2	Communications and Board Services	Advertising and Public Notices	Information Technology	Equipment - Non-Capital Outlay	Transfer of funds originally budgeted for public noticing of District meetings involving the Governing Board. Expenditures will be less than anticipated based on a change in the newspapers required to cover Districtwide public noticing. The funds are needed to replace the drone used by the District's multimedia journalist with one approved by the Florida Legislature prior to the January 1, 2023 compliance deadline for new guidelines. The new guidelines became effective July 1, 2021.	2,500.00
Consistent with Original Budget Intent						Total Change from Original Budget Intent \$ 15,638.00
1	Office of General Counsel	Consultant Services	Office of General Counsel	Claims and Judgements	Funds are needed for the original purpose budgeted for costs associated with ongoing litigation. The funds are being transferred to the appropriate accounting codes for the payment of a settlement agreement resulting from ongoing litigation.	\$ 22,000.00
2	Engineering & Project Management	Contracted Services - District-led CFI	Engineering & Project Management	Grant - Financial Assistance	Funds are needed for the original purpose budgeted for the Seminole Stormwater Master Plan Update and Infrastructure Assessment Cooperative Funding Initiative (CFI) with the City of Seminole. At the time of budgeting, the District was going to lead the project. At the November 2021 Governing Board meeting, the Board approved the City to take the lead on the project. The funds are being transferred to the appropriate accounting codes for CFI projects that are not District-led.	250,000.00
Total Consistent with Original Budget Intent						\$ 272,000.00
Total Amount Transferred						\$ 287,638.00

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

Governing Board Meeting

March 22, 2022

5. RESOURCE MANAGEMENT COMMITTEE

5.1	Discussion: Information Item: Consent Item(s) Moved to Discussion	53
5.2	Discussion: Action Item: South Hillsborough Aquifer Recharge Program (SHARP) Phase 2 (N855) - Scope and Cost Change	54
5.3	Discussion: Information Item: Cooperative Funding Initiative Options	57

RESOURCE MANAGEMENT COMMITTEE

March 22, 2022

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

Staff Recommendation:

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

Presenter:

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

RESOURCE MANAGEMENT COMMITTEE**March 22, 2022****Discussion: Action Item: South Hillsborough Aquifer Recharge Program (SHARP) Phase 2 (N855) - Scope and Cost Change***Purpose*

The purpose of this item is to request approval to revise the scope of work and cost for Hillsborough County's South Hillsborough Aquifer Recharge Program (SHARP) Phase 2 project (N855).

Background/History

The Board approved fiscal year (FY) 2018 funding for the third-party review (TPR) of the County's 30% design and analysis of potential water use permitting impacts for two recharge well sites. Funding was also included in FY2018 for continuation of design, permitting and initiation of construction contingent on Board approval to proceed beyond the TPR. The Board approved funding in FY2019 and FY2020 for continuation of the project, to include construction, testing, and independent performance evaluations (IPEs) of the two recharge wells, monitoring wells, and necessary transmission and appurtenances for recharge and monitoring. The project required Board approval to proceed beyond the TPR.

To date, the District and the County have not entered into a cooperative funding agreement (CFA) for Phase 2. The District was responsible for some of the delays with the CFA as new contract language had to be developed that would allow the project to potentially be used for indirect potable reuse if it met the Board's Cooperative Funding Initiative (CFI) Governing Board Policy and water use permitting rules. The District provided the draft CFA to the County in September 2018 and met with County staff in November 2018 to discuss the CFA. The County provided comments in October 2019 and the District sent the revised CFA to the County in January 2020. The County proceeded with the project without an executed CFA. District staff reached out to the County numerous times in 2020 requesting the status of the CFA. In July 2021, the County's attorney provided comments on the CFA. The District sent a revised CFA to the County on July 22, 2021, which stated that Board approval was required to continue beyond the TPR. The County signed the CFA on September 1, 2021. The County has completed construction of both wells and has been operationally testing one of the wells. It is anticipated that the other well will go into operational testing soon. The District has not signed the CFA as the scope of work is no longer consistent with the Board-approved project.

Benefit/Costs

The benefit of the project is to expand the use of reclaimed water to recharge non-potable zones of the upper Floridan aquifer for improving aquifer level conditions in the most impacted area (MIA) of the Southern Water Use Caution Area (SWUCA). Performing detailed independent performance evaluations (IPEs) of all available design, water use permitting impact evaluations, permitting, construction and testing data for both well sites is important for furthering the science of aquifer recharge and potentially indirect potable reuse. The County has agreed to be 100% responsible for the IPE costs and the District would be responsible for hiring the consultant and leading the IPEs for each well. The District has budgeted \$4,850,000 for TPR, final design, permitting, construction, testing and IPEs for two well sites. If the project scope is changed to remove TPR and to perform IPEs of all available information, the Board will have a decision point following the completion of each IPE on reimbursement of any funds to the County. District staff anticipate presenting the results of the IPE for the first well (RW-2) and a recommendation on funding the design, permitting, construction and testing of RW-2 to the Governing

Board in summer 2022. The results of the IPE for the second well (RW-4) and a recommendation on funding the design, permitting, construction and testing of RW-4 would be presented at future Board meeting, likely later in 2023. If these changes are approved, the District's share would be reduced to \$4,800,000 to reflect the removal of the third-party reviews and District funding of the IPEs.

The resource benefit, cost effectiveness and overall rankings for this project remain high. A revised evaluation form is provided as an exhibit to this recap.

Staff Recommendation:

Approve the changes for the South Hillsborough Aquifer Recharge Program (SHARP) Phase 2 project (N855) to include:

1. Removing all references to third-party reviews;
2. Adding the IPEs of all available design, water use permitting impact evaluations, permitting, construction, and testing for each well site to be led by the District with the County responsible for 100% of the cost;
3. Decrease the total District share of the project cost from \$4,850,000 to \$4,800,000.

Presenter:

Jay Hoecker, PMP, Water Resources Bureau Chief

Project No. N855	South Hillsborough Aquifer Recharge Program (SHARP) Phase 2			
Hillsborough County				
Risk Level:	Type 3	Multi-Year Contract: No		
Description				
Description:	Design, permitting, construction, testing, and independent performance evaluations (IPEs) of two recharge well sites (RW-2 and RW-4). Each site will consist of one 2 mgd reclaimed water recharge well, four monitoring wells, and necessary transmission and appurtenances for recharge and monitoring. The District-led IPEs of RW-2 and RW-4, will include the review of all available data/information on design, permitting, construction, testing, and WUP impact evaluations. Governing Board approval of the RW-2 IPE is required prior to the reimbursement of any funds for RW-2. Governing Board approval of the RW-4 IPE is required prior to the reimbursement of any funds for RW-4.			
Measurable Benefit:	The contractual Measurable Benefit is for design, permitting, construction, testing and operation of RW-2 and RW-4 for 20 years at a minimum injection rate of 2 mgd. Construction will be done in accordance with the permitted plans.			
Costs:	Total Project Costs: \$9,700,000 (design, permitting, construction, testing and IPEs) Hillsborough County: \$4,900,000 District: \$4,800,000			
Evaluation				
Application Quality:	Medium	Application included most of the required information identified in the CFI guidelines. District PM/CM had to work with the cooperator to obtain remaining required information.		
Project Benefit:	High	The benefit of this project is to expand the use of reclaimed water to recharge non-potable portions of the Upper Floridan aquifer to improve aquifer water level conditions in the MIA of the SWUCA.		
Cost Effectiveness:	High	The project is consistent with the range of costs for similarly funded projects.		
Past Performance:	Medium	Based on an assessment of the schedule and budget for 22 ongoing projects.		
Complementary Efforts:	High	County implements reclaimed metering and incentive-based rate structures, and has proactive reclaimed expansion policies to maximize use and benefits.		
Project Readiness:	High	Project is ongoing and on schedule.		
Strategic Goals				
Strategic Goals:	High	Southern Region Priority: Implement Southern Water Use Caution Area (SWUCA) Recovery Strategy Strategic Initiative – Reclaimed Water: Maximize beneficial use of reclaimed water to reduce demand on traditional water supplies.		
Overall Ranking and Recommendation				
Fund as High Priority.	The District is anticipated to complete and present the results of the IPE for RW-2 to the Governing Board in summer 2022. Contractually, the County will need Governing Board approval to receive reimbursement of any funds for RW-2. Following the testing period for RW-4, the District will complete and present the results of the RW-4 IPE to the Governing Board. Contractually, the County will need Governing Board approval to receive reimbursement of any funds for RW-4. The County will be 100% responsible for the cost of the IPEs and the District will be responsible for hiring the consultant and leading the IPE review process. The County may pursue potential future net benefit or impact offset potable water supply based on this project. If pursued, contractually, the County will be required to comply with District cooperative funding guidelines, policies, and procedures and water use permitting rules. If successful, this project is expected to improve aquifer levels in the Most Impacted Area of the SWUCA.			
Funding				
Funding Source	Prior	FY2020	Future	Total
Hillsborough County	\$4,500,000	\$400,000	\$0	\$4,900,000
District	\$4,500,000	\$300,000	\$0	\$4,800,000
Total	\$9,000,000	\$700,000	\$0	\$9,700,000

RESOURCE MANAGEMENT COMMITTEE

March 22, 2022

Discussion: Information Item: Cooperative Funding Initiative Options

Purpose

The purpose of this item is to provide an update and seek input on policy options for Cooperative Funding Initiative (CFI) and Third-Party Review (TPR).

Background/History

In accordance with Chapter 373, Florida Statutes, the Governing Board (Board) may cooperate with county governments, municipalities, water supply authorities, and other interested entities in water management programs and projects of mutual benefit, provided such programs and projects are consistent with the District's statutory authority and will ensure proper development, utilization, and conservation of water resources and ecology within the jurisdictional boundaries of the District.

The District solicits cooperative funding applications by the first Friday of each October. District staff evaluates each application per the CFI Policy and CFI Guidelines and provides recommendations for funding. The Board's Regional Subcommittees review the applications and evaluations in February and April. Regional Subcommittee recommendations are presented to the full Board at their May meeting for final review and approval of projects to be included in the District's Recommended Annual Service Budget (RASB).

CFI applications received for construction projects, typically do not include enough detail to fully understand the project benefits or cost. This has led to scope changes and cost increases after the projects have been approved for funding. For construction projects estimated to cost more than \$5 million, the District's CFI Policy requires a TPR at the completion of the 30 percent design. Results of the TPR are presented to the Board before the project can proceed to final design.

At the January 25, 2022 Governing Board Workshop, the Board discussed several potential options to reduce uncertainty, scope changes and cost increases and requested staff further refine the following options for further discussion:

- Eliminating District-led TPR;
- Requiring preliminary design be completed prior to CFI funding request for construction projects;
- Requiring Cooperator-led TPR prior to funding request for construction projects over \$5M;
- Allowing design and TPR costs up to 10% of total project cost to be a cooperator match
- Eliminating District reimbursement for project cost increases.

Staff Recommendation:

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

Presenter:

Scott Letasi, P.E., PMP, Bureau Chief, Engineering and Project Management Bureau

Governing Board Meeting
March 22, 2022

6. OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

6.1	Discussion: Information Item: Consent Item(s) Moved to Discussion	59
6.2	Discussion: Action Item: Purchase of Conservation Easement, Lake Panasoffkee Project, Hamilton Ranch, SWF Parcel No. 19-528-158C.....	60

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

March 22, 2022

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

Staff Recommendation:

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

Presenter:

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

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

March 22, 2022

Discussion: Action Item: Purchase of Conservation Easement, Lake Panasoffkee Project, Hamilton Ranch, SWF Parcel No. 19-528-158C

Purpose

The purpose of this item is to request Governing Board approval of a purchase and sale agreement for the acquisition of a conservation easement over the Hamilton Ranch property, SWF Parcel 19-528-158C. Exhibits 1 and 2 attached hereto are general location and aerial site maps, respectively.

Background and History

The District's Lake Panasoffkee Project in Sumter County was created to protect Lake Panasoffkee, which is designated by the Florida Department of Environmental Protection (DEP) as an Outstanding Florida Water. Lake Panasoffkee is the third largest of the approximately 1,800 lakes in west central Florida. Several years ago, the District spent over twenty million dollars to dredge the bottom of Lake Panasoffkee as part of an effort to improve this waterbody and it has a national reputation - especially for its Shell Cracker (red ear sunfish) fishery. Lake Panasoffkee is an important contributor to the local and regional economy.

The Hamilton Ranch is within the southern portion of the Lake Panasoffkee Project and within the District's Florida Forever Work Plan. This acquisition is consistent with the Florida Forever Act (§259.105, Florida Statutes) and the District's Florida Forever Work Plan. The Hamilton Ranch property meets at least three the District's four Areas of Responsibility of Water Supply, Water Quality, Natural Systems, Flood Protection. The Hamilton Ranch is near the Withlacoochee River and part of the eastern property is contiguous with another District conservation easement (Beville Ranch). The acquisition of the conservation easement over this property is subject to the review and approval of the Governing Board.

Property Information

The Hamilton Ranch is located in Sumter County west of Bushnell and is comprised of several parcels totaling approximately 1,228 acres. The owners have agreed to encumber approximately 1,006 acres of the property. The portion of Hamilton Ranch being considered for encumbrance with a conservation easement is comprised of two separate tracts: the western property includes 701 acres that is located to the south of SR 46, and the eastern property includes 305 acres located to the north of SR 46 and a portion abuts the District's Beville Ranch conservation easement. State Road 46 is an asphalt paved two lane road. The property has been utilized for cattle ranching along with other agricultural activities and has been owned by members of the Hamilton family since 2002. The proposed conservation easement contains three (3) residential entitlements of five (5) acres each, for a total of fifteen (15) acres of entitlements.

The proposed conservation easement area is comprised of 1,006 acres consisting of approximately fifty-two percent (52%) uplands and forty-eight percent (48%) wetlands. The Sumter County Property Appraiser has a land value for the proposed parcels proposed to be encumbered with conservation easement of \$4,181,650 reflecting a value of \$4,157 per gross acre.

The areas surrounding the property are comprised of a mix of agricultural with rural residential and

conservation land uses. The property is zoned A10 C – Agricultural Conservation District by Sumter County. The Future Land Use classification of the property is Agriculture (1 unit per 10 buildable acres). This classification includes agriculture and rural residential uses. Besides the cattle operations, the property owner has used the property for passive recreation, including hunting.

The property is outside of the municipal service area and public water and sewer service are not available. Electric, telephone, internet, and cable services are available. Based on FEMA mapping, the appraisers reported that the western property is mostly in Zones AE and X, while the eastern part is located in Zones AE, X500 and X. Zones AE, X500, A and X are outside of the 500-year flood plain.

Zone A is within the 100-year flood zone areas with some areas in Zone AE. There will be minimal improvements within the proposed conservation easement.

Appraisals and Valuation Summary

In accordance with District Policy and §373.139, Florida Statutes, property that is estimated to have a value greater than \$1,000,000, must have two appraisals performed. The reports were prepared by Ron Sparks MAI and Woody Herr MAI. The reports have a date of valuation of October 28, 2021. The appraisals have been independently reviewed by Kyle Catlett MAI. The appraisals were determined to meet the necessary legal, County, and District requirements and contain enough factual data to support the value conclusion.

Highest and Best Use

The highest and best use for the property, as determined by the appraisers based on the physically possible, legally permissible, and financially feasible uses, would be for continued agricultural and recreational use until development becomes feasible. The appraisers applied the Sales Comparison Approach (Market Approach) to determine the value for this property.

The comparable sales selected by the appraisers indicated a range of value based on their physical characteristics and highest and best use. The appraisers developed a value by applying quantitative and qualitative adjustments to the comparable sales considering the differences in physical characteristics including wetlands, location, size, land use, and zoning entitlements. The appraisers' value estimates are based on the current market for similar parcels and the subject's gross acreage.

The proposed conservation easement terms will protect the existing natural features and limit future development. The appraisers researched the market activity involving governmental purchases of conservation easements and private sales of encumbered property. The appraisers considered the value of the interest to be acquired and the location of the property subject to its physical conditions and the zoning/land use designation at the time of valuation. The value of the conservation easement interest to be acquired is the difference between the value of the fee simple interest less the value as encumbered.

Appraisal Values

	Gross Acres	Ron Sparks	Woody Herr
Fee Simple Value	1,006	\$4,020,000	\$3,680,000
Encumbered Value	1,006	\$1,810,000	\$1,650,000
Easement Value	1,006	\$2,210,000	\$2,030,000

The prices of the comparable transactions were influenced by their locations and other physical attributes including uplands. The comparable utilized in the appraisals provided a range of indications for the value for the conservation easement from \$2,197 to \$2,018 per gross acre.

Summary of Value and Offer

Both appraisals obtained by the District are well supported and indicate a tight range of value. A purchase price of \$1,890,000 has been negotiated which is a little more than 89% of the average of the appraised values for the conservation easement.

The current offer being presented for consideration to the Governing Board is below the appraised value and the contract details are as follows:

Negotiated Terms

- Closing is subject to seller delivering title to a conservation easement free and clear of all encumbrances not acceptable to the District or that would have an adverse effect on the interest to be acquired.
- Closing is subject to the District obtaining an environmental site assessment that confirms the condition of the property is acceptable.
- Closing is subject to the District obtaining an Baseline Natural Resources Inventory and Range Management Plan that identifies the property conditions and natural attributes to be protected at the time of acquisition.
- The purchase price is subject to a boundary survey acceptable to the District and ensures that the District does not pay for any sovereign lands. The District will reimburse the seller for the cost of the survey at closing.
- The seller will be responsible for all tax assessment prorated through the date of closing.

Benefit/Costs

This acquisition meets all the requirements within the Governing Board Policy for Land Acquisition. This acquisition protects existing natural systems and water resources together with enhancing both the Districts and States previous acquisition investments made in the Lake Panasoffkee Project. The conservation easement will allow the existing agricultural operations to continue, and the property will remain on the County tax rolls. The District will incur an increase in operational costs associated with monitoring compliance with the terms of the conservation easement but not those associated with ongoing management of the property.

Funding

Funds for this acquisition are available from prior year allocations held by the State of Florida in the Florida Forever Trust Fund and budgeted in the Districts FY2022 budget. Additional funding necessary for the purchase in excess of the District's remaining Florida Forever balance is available from proceeds from the sale of surplus property held in the District's Small Business Association account specifically for the purchase of conservation lands. To receive the appropriated Florida Forever funds, the Governing Board must adopt a resolution requesting payment of District expenditures from the Land Acquisition Trust Fund. Accordingly, a resolution has been prepared requesting the Florida Department of Environmental Protection release the appropriated funds, attached as Exhibit 3 (resolution Number 22-06).

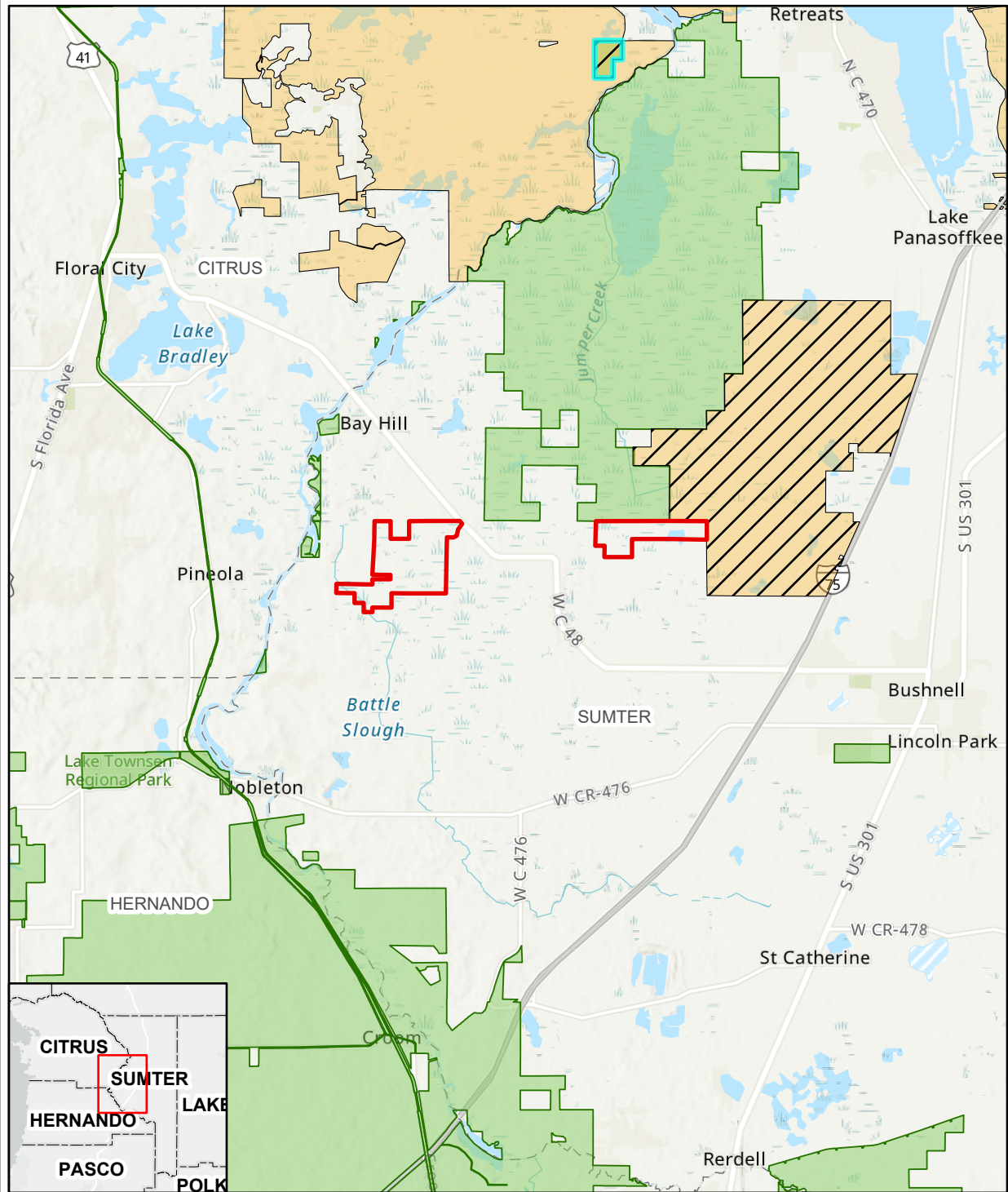
Staff Recommendation:

- Accept the appraisals for the conservation easement;
- Approve the Purchase and Sale Agreement and authorize the Executive Director or Designee to sign on behalf of the District;
- Approve and adopt resolution 22-06 requesting funds from the Florida Forever Trust Fund;
- Authorize the Chair and Secretary to execute the conservation easement on behalf of the District;
- Designate SWF Parcel No. 19-528-158C as having been acquired for conservation purposes;
- Authorize staff to make minor changes or corrections that conform documents to correct scrivener errors in accordance with the approved terms; any substantive changes will be subject to Governing Board review and approval; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

Presenter:

Ellen Morrison, Land Resources Bureau Chief

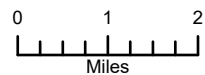
Exhibit 1 SWF Parcel No. 19-528-158C Hamilton Ranch



Southwest Florida
Water Management District

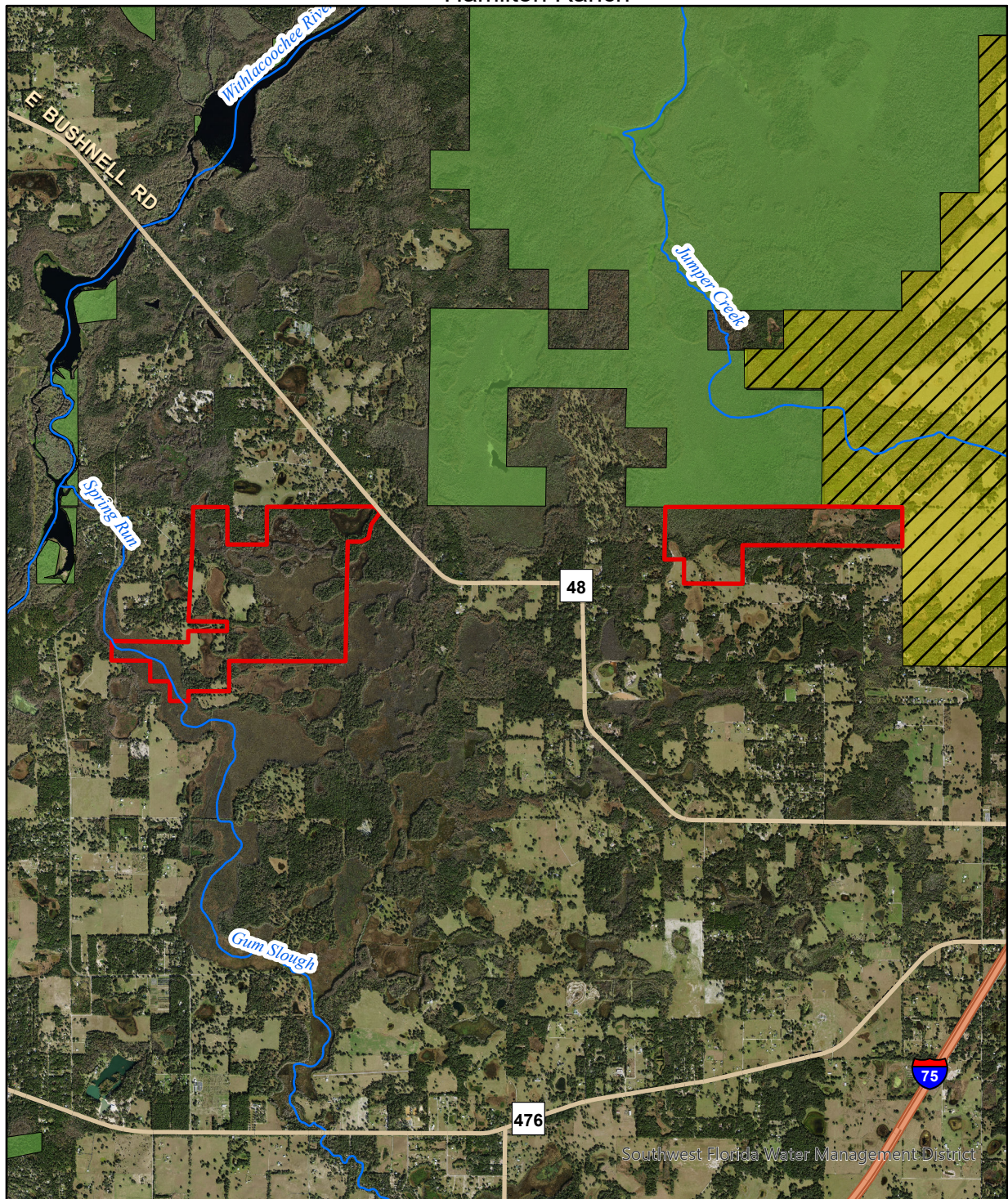
- Proposed Hamilton Conservation Easement
- District Owned Fee Simple

- District Conservation Easement
- Other Conservation Lands



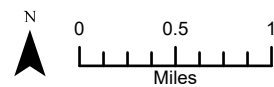
Esri, NASA, NGA, USGS, FDEP, Esri, HERE, Garmin, FAO, NOAA, USGS, EPA, NPS, FDEP, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA

Exhibit 2
SWF Parcel No. 19-528-158C
Hamilton Ranch



Southwest Florida
Water Management District

- Proposed Hamilton Conservation Easement
- District Conservation Easement
- Other Conservation Lands



SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
RESOLUTION NO. 22-06
REQUESTING FUNDS FROM THE
FLORIDA FOREVER TRUST FUND
FOR ACQUISITION OF SWF PARCEL NO. 19-528-158C
SUMTER COUNTY, FLORIDA

WHEREAS, the Southwest Florida Water Management District has agreed to purchase SWF Parcel No. 19-528-158C pursuant to a purchase/sale agreement attached hereto as Exhibit "A", which is comprised of a perpetual conservation easement that will encumber approximately 1,006.00 acres of real property in Sumter County, Florida, for a total purchase price to the District of One Million Eight Hundred Ninety Thousand Dollars and Zero Cents (\$1,890,000.00); and

WHEREAS, the general location and boundary of the parcel is shown on the maps attached hereto as Exhibits "B-1" and "B-2"; and

WHEREAS, the parcel will become a part of the District's Lake Panasoffkee Project, is consistent with the District's Florida Forever Work Plan filed with the Legislature of Florida and with the Florida Department of Environmental Protection, and is consistent with the Florida Forever Act, Section 259.105, Florida Statutes (F.S.); and

WHEREAS, the parcel meets the criteria for land acquisition as prescribed in subsections 259.105(4)(a)(b)(c)(d), F.S.; and

WHEREAS, the trust funds hereinafter requested will be used only for the costs and fees of acquisition of the parcel; and

WHEREAS, the District is hereby authorized to request the reimbursement of the District's expenses associated with acquisition of the parcel identified in the Resolution; and

WHEREAS, the parcel will be managed and maintained, to the extent practicable, in such a way as to restore and protect its natural state and condition; and

WHEREAS, the parcel being acquired has been reviewed for the presence of sovereign submerged lands and the District has taken reasonable measures to avoid paying for sovereign lands; and

WHEREAS, an environmental assessment has been performed for all lands, and the District will notify the Department of Environmental Protection and specify what measures will be taken to remove or remediate any hazardous constituents in accordance with Department-approved procedures as set forth in Chapters 62-520, 62-730 and 62-780, Florida Administrative Code; and

WHEREAS, if the District subsequently disposes of its interest in the parcel, all revenues derived therefrom will be used solely to acquire other lands for flood control, water storage, water management, conservation and protection of water resources, aquifer recharge, water resource and water supply development, and preservation of wetlands, streams, and lakes or for payment of debt service on revenue bonds or notes issued under Section 373.584, F.S.; and

WHEREAS, the parcel has been appraised by two independent real estate appraisers in accordance with District policy, and the purchase price is at or below the appraised values; and

WHEREAS, funds are currently available in the Florida Forever Trust Fund to the credit of the District for use in payment of the costs and fees of acquisition of the parcel.

THEREFORE, BE IT RESOLVED that the foregoing is hereby declared to be true and correct, and that the acquisition of the parcel is hereby certified to be consistent with the District's current Florida Forever Work Plan and the Florida Forever Act; and

BE IT FURTHER RESOLVED that the Governing Board of the Southwest Florida Water Management District hereby requests the Secretary of the Florida Department of Environmental Protection to release from the Florida Forever Trust Fund its balance of one million two hundred thousand dollars (\$1,200,000.00) and applied to the purchase of SWF Parcel No. 19-528-158C, and furthermore to provide such additional funds to reimburse the District's cost and fees associated with the acquisition of the parcel as may be requested by the District from the Florida Forever Trust Fund; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be transmitted to the Secretary of the Department of Environmental Protection forthwith; and

BE IT FURTHER RESOLVED that the Chair and Secretary of the Governing Board are hereby authorized to affix their signatures to this Resolution on behalf of the Board.

PASSED AND ADOPTED in Brooksville, Hernando County, Florida on the 22nd day of March 2022.

SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT

(Corporate Seal)

By: _____
Kelly S. Rice, Chair

Date: _____

Attest: _____
Michelle Williamson, Secretary

Date: _____

CERTIFICATE AS TO RESOLUTION NO. 22-06

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

We, the undersigned, hereby certify that we are Chair and Secretary, respectively, of the Southwest Florida Water Management District, organized and existing under and by virtue of the Laws of the State of Florida, and having its office and place of business at 2379 Broad Street, Brooksville, Hernando County, Florida, and that, on the 22nd day of March 2022, at a duly called and properly held meeting of the Governing Board of the Southwest Florida Water Management District, at which meeting a majority of the members of the Governing Board were present, the resolution, which is attached hereto and which this certificate is a part thereof, was adopted and incorporated in the minutes of that meeting.

Dated at Tampa, Florida, this 22nd day of March 2022.

SOUTHWEST FLORIDA
WATER MANAGEMENT DISTRICT

By: _____
Kelly S. Rice, Chair

Attest: _____
Michelle Williamson, Secretary

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me, by means of ____ physical presence or ____ online notarization, this 22nd day of March, 2022, by Kelly S. Rice and Michelle Williamson, Chair and Secretary respectively, of the Governing Board of the Southwest Florida Water Management District, a public corporation, on behalf of the corporation. They are personally known to me.

WITNESS my hand and official seal on this 22nd day of March, 2022.

(Notary Seal)

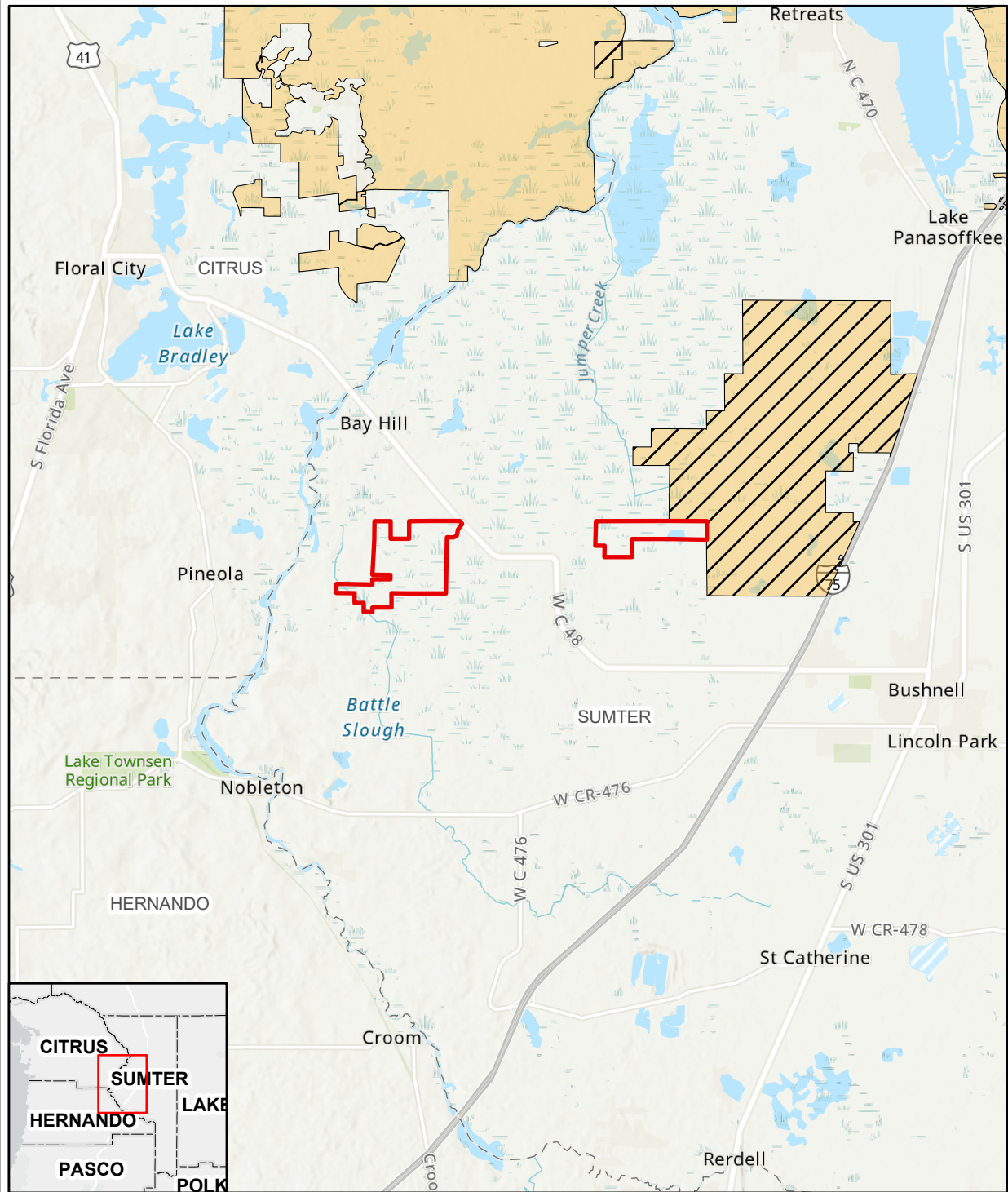
Notary Public

(Name of Notary typed, printed or stamped)
Commission No: _____

My Commission Expires: _____

APPROVED BY:	INITIALS	DATE
Attorney	_____	_____

Exhibit B-1 Hamilton Ranch

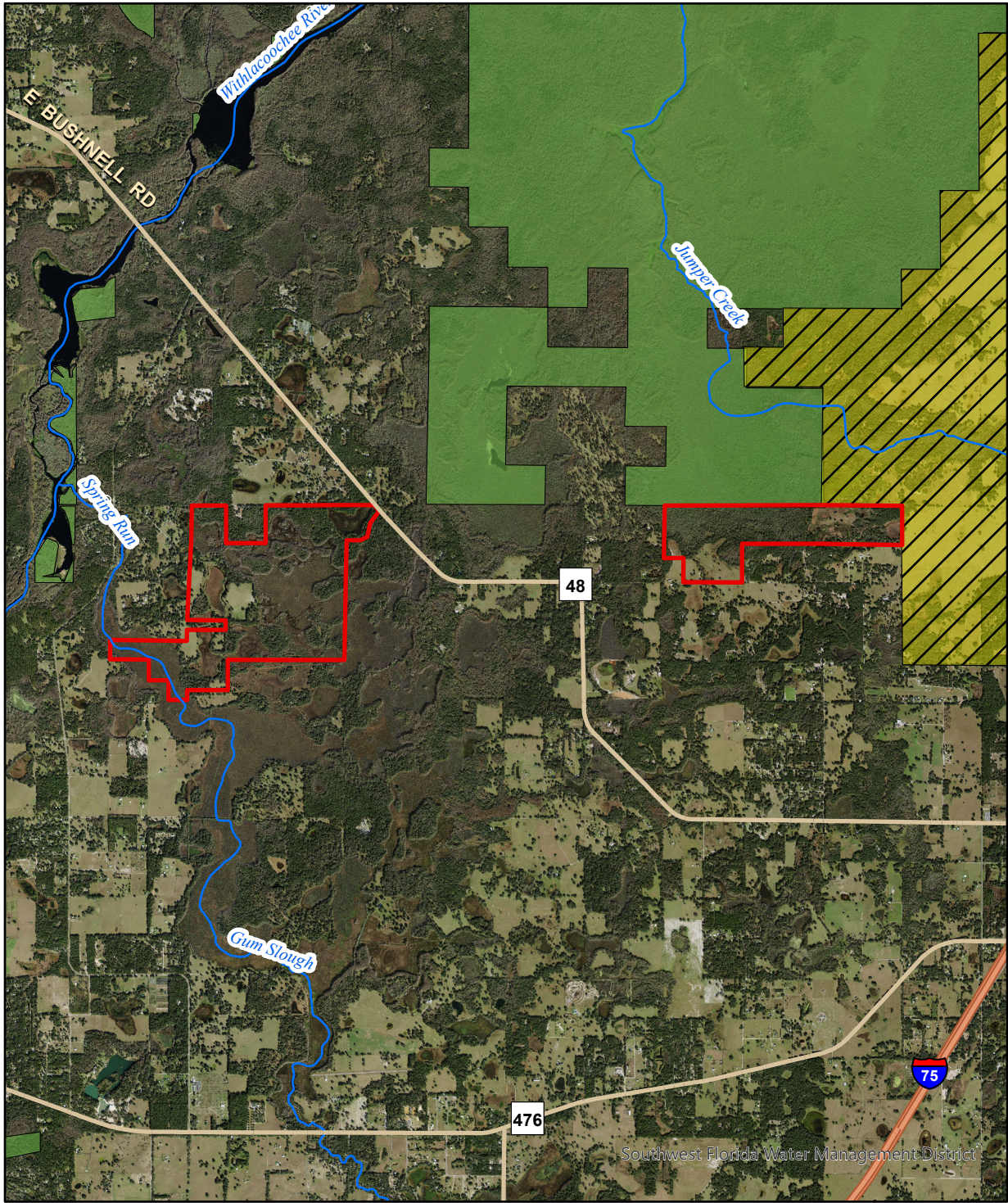


Southwest Florida
Water Management District




- Proposed Hamilton Conservation Easement
- District Owned Fee Simple
- District Conservation Easement

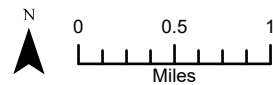


Exhibit B-2
Hamilton Ranch



Southwest Florida
Water Management District

-  Proposed Hamilton Conservation Easement
-  District Conservation Easement
-  Other Conservation Lands



Governing Board Meeting
March 22, 2022

7. REGULATION COMMITTEE

7.1	Discussion: Information Item: Consent Item(s) Moved to Discussion.....	71
7.2	Discussion: Action Item: Denials Referred to the Governing Board	72

REGULATION COMMITTEE

March 22, 2022

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

Staff Recommendation:

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

Presenter:

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

REGULATION COMMITTEE

March 22, 2022

Discussion: Action Item: Denials Referred to the Governing Board

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

Staff Recommendation:

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

Presenter:

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

Governing Board Meeting
March 22, 2022

8. GENERAL COUNSEL’S REPORT

8.1	Discussion: Information Only: Consent Item(s) Moved to Discussion.....	73
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GENERAL COUNSEL'S REPORT

March 22, 2022

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

Staff Recommendation:

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

Presenter:

Chris Tumminia, General Counsel

COMMITTEE/LIAISON REPORTS

March 22, 2022

Discussion: Information Item: Industrial Advisory Committee

Staff Recommendation:

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

Presenter:

John Hall, Board Member

COMMITTEE/LIAISON REPORTS

March 22, 2022

Discussion: Information Item: Public Supply Advisory Committee

Staff Recommendation:

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

Presenter:

Ed Armstrong, Board Member

EXECUTIVE DIRECTOR'S REPORT

March 22, 2022

Discussion: Information Item: Executive Director's Report

Staff Recommendation:

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

Presenter:

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

CHAIR'S REPORT

March 22, 2022

Discussion: Information Item: Chair's Report

Staff Recommendation:

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

Presenter:

Kelly S. Rice, Chair

CHAIR'S REPORT

March 22, 2022

Discussion: Information Item: Employee Milestones

Staff Recommendation:

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

Presenter:

Kelly S. Rice, Chair

Years of Service	Seniority Date	Preferred Full Name	Position Title	Office Location	Bureau	Anniversary Year	Next Milestone
5	03/13/2017	Joshua Johns	Staff Hydrologist	Tampa	Water Use Permit	2022	03/13/2022
5	03/27/2017	Michelle Leonard	ITB Project Manager	Tampa	Information Technology	2022	03/27/2022
10	03/05/2012	Bob Thompson	WUP Supervisor	Tampa	Water Use Permit	2022	03/05/2022
10	03/19/2012	Joseph Hagin	Compliance Inspector 5	Tampa	Regulatory Support	2022	03/19/2022
10	03/19/2012	Lora Caruso	Administrative Coordinator	Brooksville	Data Collection	2022	03/19/2022
10	03/19/2012	Rachel Guillen	Lead Document Imaging Technician	Brooksville	General Services	2022	03/19/2022
10	03/19/2012	Susan Tidwell	Lead Regulatory Support Technician	Bartow	Regulatory Support	2022	03/19/2022
15	03/12/2007	Scott Kinel	Accountant 3	Brooksville	Finance	2022	03/12/2022
35	03/24/1987	Brian Starford	Operations Lands and Resource Monitoring Director	Tampa	Office of Executive	2022	03/24/2022