

Governing Board Meeting

Agenda and Meeting Information

March 26, 2024

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

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

Final Agenda GOVERNING BOARD MEETING

**MARCH 26, 2024
9:00 AM**

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

All meetings are open to the public

MEETING NOTICE

- › 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
Tampa, Florida 33637
(813) 985-7481 or 1-800-836-0797 (FL only)

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 **Resource Management Committee:** Knowledge Management: Springs Coast Steering Committee Governing Board Policy
- 2.2 **Resource Management Committee:** Approve the City of Seminole Watershed Management Plan Floodplain Information for Regulatory Use and to Update Flood Insurance Rate Maps in Pinellas County (Q163)
- 2.3 **Resource Management Committee:** Approve the Lake Tarpon Watershed Management Plan Floodplain Information for Regulatory Use and to Update Flood Insurance Rate Maps in Pinellas County (N924)
- 2.4 **Resource Management Committee:** Approve the City of St. Petersburg Watershed Management Plan Floodplain Information for Regulatory Use and to Update Flood Insurance Rate Maps in Pinellas County (N904)
- 2.5 **Operations, Lands and Resource Monitoring Committee:** Donation of Utility Easement to Withlacoochee River Electric Cooperative (WREC) – Green Swamp Wilderness Preserve West Tract, SWF Parcel No. 10-400-179X
- 2.6 **General Counsel's Report:** Authorization to Issue Administrative Complaint and Order – Environmental Resource Permit Violations; Unauthorized Activities – Edward J. Avella Trust – Pasco
- 2.7 **General Counsel's Report:** Consideration of Final Order – Denying Petition for Declaratory Statement – Linnae Phillips, Robert Phillips, Laura Kelso, and Martin Kelso
- 2.8 **Executive Director's Report:** Approve Governing Board Minutes – February 27, 2024

3. FINANCE/OUTREACH AND PLANNING COMMITTEE

- 3.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion
- 3.2 **Discussion:** Information Item: Legislative Update
- 3.3 **Discussion:** Action Item: Water Conservation Month: District FY23 Conservation Efforts
- 3.4 **Submit & File:** Information Item: Budget Transfer Report

4. RESOURCE MANAGEMENT COMMITTEE

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

5. OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

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

5.2 **Discussion:** Action Item: Lease Agreement with Hernando County - Weekly Wachee Preserve, SWF Parcel No. 15-773-243X

6. REGULATION COMMITTEE

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

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

7. GENERAL COUNSEL'S REPORT

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

7.2 **Discussion:** Information Item: 2024 Sunshine Law Presentation

7.3 **Discussion:** Action Item: Affirm Governing Board Committee Actions

8. COMMITTEE/LIAISON REPORTS

8.1 **Discussion:** Information: Industrial Advisory Committee

8.2 **Discussion:** Information: Public Supply Advisory Committee

9. EXECUTIVE DIRECTOR'S REPORT

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

10. CHAIR'S REPORT

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

10.2 **Discussion:** Information Item: Employee Milestones

ADJOURNMENT



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Southwest Florida Water Management District

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

GOVERNING BOARD OFFICERS, COMMITTEES AND LIAISONS

Approved January 11, 2024

- Ed Armstrong**
Chair, Pinellas
- Michelle Williamson**
Vice Chair, Hillsborough
- John Mitten**
Secretary, Hernando, Marion
- Jack Bispham**
Treasurer, Manatee
- Kelly S. Rice**
Former Chair, Citrus, Lake, Levy, Sumter
- Joel Schleicher**
Former Chair, Charlotte, Sarasota
- Ashley Bell Barnett**
Polk
- John Hall**
Polk
- James Holton**
Pinellas
- Dustin Rowland**
Pasco
- Robert Stern**
Hillsborough
- Nancy Watkins**
Hillsborough, Pinellas
- Brian J. Armstrong, P.G.**
Executive Director

OFFICERS	
Chair	Ed Armstrong
Vice Chair	Michelle Williamson
Secretary	John Mitten
Treasurer	Jack Bispham

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE
Chair John Hall

RESOURCE MANAGEMENT COMMITTEE
Chair Ashley Bell Barnett

REGULATION COMMITTEE
Chair Dustin Rowland

FINANCE/OUTREACH AND PLANNING COMMITTEE
Chair Jack Bispham*

*All Governing Board members are a member of each committee.
* Board policy requires the Governing Board Treasurer to chair the Finance/Outreach and Planning Committee.*

STANDING COMMITTEE LIAISONS	
Agricultural and Green Industry Advisory Committee	Dustin Rowland
Environmental Advisory Committee	John Mitten
Industrial Advisory Committee	James Holton
Public Supply Advisory Committee	Robert Stern
OTHER LIAISONS	
Central Florida Water Initiative	Ashley Bell Barnett
Springs Coast Steering Committee	Kelly Rice
Coastal & Heartland National Estuary Partnership Policy Committee	John Hall
Sarasota Bay Estuary Program Policy Board	Joel Schleicher
Tampa Bay Estuary Program Policy Board	James Holton
Tampa Bay Regional Planning Council	Vacant

Southwest Florida Water Management District Schedule of Meetings Fiscal Year 2024

Governing Board Meeting

October 24, 2023 – 9:00 a.m., Tampa Office
November 14, 2023 – 9:00 a.m., Tampa Office
December 12, 2023 – 9:00 a.m., Tampa Office
January 23, 2024 – 9:00 a.m., Tampa Office
February 27, 2024 – 9:00 a.m., Tampa Office
March 26, 2024 – 9:00 a.m., Tampa Office
April 23, 2024 – 9:00 a.m., Tampa Office
May 21, 2024 – 9:00 a.m., Tampa Office
June 25, 2024 – 9:00 a.m., Brooksville Office
July 23, 2024 – 9:00 a.m., Tampa Office
August 27, 2024 – 9:00 a.m., Brooksville Office
September 24, 2024 – 3:00 p.m., Tampa Office

Governing Board Tour

March 15, 2024 – 9:00 a.m., The Villages

Governing Board Workshop

November 14, 2023 – 9:30 a.m., Tampa Office

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

2024 – September 10 & 24

Agricultural & Green Industry Advisory Committee – 10:00 a.m.

2023 – December 5

2024 – March 12 (meeting replaced with March 8 field trip), June 11, September 10

Environmental Advisory Committee – 10:00 a.m.

2023 – October 10

2024 – January 9, April 9, July 9

Industrial Advisory Committee – 10:00 a.m.

2023 – November 7

2024 – February 13, May 7 (meeting replaced with May 10 field trip), August 6

Public Supply Advisory Committee – 1:00 p.m.

2023 – November 7

2024 – February 13, May 7 (meeting replaced with May 10 field trip), August 6

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

2023 – October 25, December 6

2024 – January 10 (meeting replaced with field trip), February 21, May 22, July 10

Springs Coast Steering Committee – 2:00 p.m.

2023 – November 8

2024 – January 24, March 6, July 24

Meeting Locations

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

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

Governing Board Meeting

March 26, 2024

1. CONVENE PUBLIC MEETING

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CONVENE PUBLIC MEETING

March 26, 2024

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:

Ed Armstrong, Chair

CONVENE PUBLIC MEETING

March 26, 2024

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:

Ed Armstrong, Chair

CONVENE PUBLIC MEETING

March 26, 2024

Employee Recognition

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

Staff Recommendation:

- Robin Bailey
- Ben Tomlinson

Presenter:

Ed Armstrong, Chair

CONVENE PUBLIC MEETING

March 26, 2024

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 26, 2024

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:

Ed Armstrong, Chair

Governing Board Meeting

March 26, 2024

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 **Resource Management Committee:** Knowledge Management: Springs Coast Steering Committee Governing Board Policy 9
- 2.2 **Resource Management Committee:** Approve the City of Seminole Watershed Management Plan Floodplain Information for Regulatory Use and to Update Flood Insurance Rate Maps in Pinellas County (Q163)..... 15
- 2.3 **Resource Management Committee:** Approve the Lake Tarpon Watershed Management Plan Floodplain Information for Regulatory Use and to Update Flood Insurance Rate Maps in Pinellas County (N924) 17
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- 2.6 **General Counsel's Report:** Authorization to Issue Administrative Complaint and Order – Environmental Resource Permit Violations; Unauthorized Activities – Edward J. Avella Trust – Pasco..... 30
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CONSENT AGENDA

March 26, 2024

Resource Management Committee: Knowledge Management: Springs Coast Steering Committee Governing Board Policy

Purpose

The purpose of this item is to approve the policy for the Springs Coast Steering Committee.

Background/History

In 2014, the District together with local, regional, and state partners, formed the Springs Coast Steering Committee (SCSC). The committee's mission is to build consensus and partnerships to improve and manage each of the five first-magnitude spring systems through effective development and implementation of Surface Water Improvement and Management (SWIM) plans. Each SWIM plan is a living document with adaptive management at its core. These plans identify management actions, projects that address the issues facing each system, and specific quantifiable objectives and indicators to assess overall progress and help guide the SCSC.

In 2016, the Florida Legislature adopted Senate Bill 552, a comprehensive water bill that addressed statewide water supply and water quality issues, including springs restoration. The Florida Springs and Aquifer Protection Act, created out of Senate Bill 552, focuses on protecting and enhancing Florida's springs. The Legacy Florida Act, signed in 2016, provides legislative funding at an annual level of \$50 million for the protection and restoration of Outstanding Florida Springs (OFS). The Florida Department of Environmental Protection (FDEP) requested that water management districts evaluate and submit projects for funding consideration. The SCSC provides a lead role in soliciting and reviewing springs projects and making recommendations to the Governing Board to approve and forward to the FDEP for funding consideration.

Staff presented the SCSC Policy at the Governing Board meeting on February 27, 2024.

Staff Recommendation:

Approve the Springs Coast Steering Committee Policy.

Presenter:

Randy Smith, PMP, Bureau Chief, Natural Systems and Restoration Bureau

GOVERNING BOARD POLICY
Southwest Florida Water Management District

Title: Springs Coast Steering Committee

Document Owner: Natural Systems and Restoration
Bureau Chief

Approved By: Board Chair

Effective Date: 03/26/2024

Supersedes: NEW

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PURPOSE

The purpose of this policy is to establish the Springs Coast Steering Committee (SCSC) to the Southwest Florida Water Management District (District), and to set forth the purpose, activities, and membership guidelines of the SCSC.

While recognizing the need to manage all springs, the District places a priority on the five first-magnitude spring groups: Chassahowitzka, Crystal River/Kings Bay, Homosassa, Rainbow , and Weeki Wachee. These spring groups, located in or discharging to an area known as the Springs Coast, collectively discharge more than one billion gallons of water per day. Each spring system in the Springs Coast region is a unique, complex system with different sets of challenges and requires different management techniques. To address these issues, the District invited local, regional, and state agencies to form the SCSC.

The SCSC meets publicly under the Sunshine Law and is responsible for assisting to manage these springs through development of the Surface Water Improvement and Management (SWIM) plans for the first-magnitude springs. The SCSC regularly reviews quantifiable objectives as set in these plans to determine the health of these systems and make recommendations to the

GOVERNING BOARD POLICY

Title: Springs Coast Steering Committee

Effective Date: 03/26/2024

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District. The Springs Coast Management Committee (SCMC) and the Technical Working Group (TWG) were created to assist in these efforts.

Additionally, the Florida Department of Environmental Protection (FDEP) has requested the District review project applications submitted for funding through the FDEP Springs Restoration Grant program. The District utilizes the knowledge and expertise of the SCSC to assist with reviewing and evaluating these project applications for projects within the District. The SCMC and the TWG may also assist in these efforts.

The SCMC meets publicly under the Sunshine Law. The SCMC's primary responsibilities include providing information and recommendations to the SCSC and guidance to the TWG. The TWG serves as scientific experts for SWIM Plan development and does not meet under the Sunshine Law. Collectively, these three committees are known as the Springs Coast Committees.

The District has a 13-member Governing Board composed of gubernatorial appointees. The Board appointees are citizens from throughout the District representing the numerous and varied interests which exist. These Governing Board appointees are the policy makers of the District and ensure that the District achieves its statutory responsibilities. It is the intent of these Board members that the Springs Coast Committees provide valuable feedback and advice on issues that are determined by Board members to be directly related to the District's statutory responsibilities.

District staff is charged with providing administrative support to the Committee, including developing and posting meeting notices and agendas, making arrangements for meeting facilities, recording meetings and providing meeting summaries, monitoring membership attendance, and performing other related administrative tasks.

SCOPE

The purpose of the SCSC shall be to provide two-way communication between the District and the springs community. SCSC member representatives serve as liaisons with the District, maintaining communication with other members of their organizations and conveying input from the organization to the SCSC. The SCSC acts as an education extension of the District by helping to disseminate information and by advising and assisting the District in evaluating each spring system in the Springs Coast region. The Springs Coast Committees develop SWIM plans tailored for each spring system to identify issues, solutions, costs and responsibilities and reviews and evaluate project applications for the FDEP Springs Restoration Grant program for projects within the District.

AUTHORITY

Chapter 373, Florida Statutes

DEFINITIONS

N/A.

STANDARDS

SCSC membership will consist of representatives of local, regional, and state agencies. Member organizations will be selected by the Executive Director at the recommendation of the Governing Board. Each SCSC member organization shall designate a primary representative. Alternates

GOVERNING BOARD POLICY

Title: Springs Coast Steering Committee

Effective Date: 03/26/2024

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may also be designated to represent their organizations in the absence of the primary member. The alternative representative shall have full voting rights in the absence of the primary.

The SCSC is currently represented by the following organizations: Citrus County, City of Crystal River, Florida Department of Agriculture and Consumer Services (FDACS), Florida Department of Environmental Protection (FDEP), Florida Fish and Wildlife Conservation Commission (FFWCC), Hernando County, Marion County, Pasco County, and the District.

The SCMC member organizations will be selected by the SCSC. The SCMC is currently represented by the following organizations: Citrus County, City of Crystal River, Florida Department of Agriculture and Consumer Services (FDACS), Florida Department of Environmental Protection (FDEP), Florida Fish and Wildlife Conservation Commission (FFWCC), Florida Governmental Utility Authority (FGUA), Hernando County, Marion County, Pasco County, agriculture, public supply, environmental, regional planning council, industry, academia, state parks, and the District.

Representatives shall be appointed to the TWG by SCMC members from their represented organizations. The District may also invite other technical experts as necessary.

TERMS OF MEMBERSHIP

SCSC/SCMC/TWG member representatives are appointed by the agencies they represent or invited by District staff. If an organization's representative misses three consecutive meetings without prior notice to the District, the District shall request the member organization to select a representative who is better able to attend meetings. The Executive Director or his/her designee can remove a membership or a member representative from the committee for nonparticipation at the recommendation of the Governing Board.

OFFICERS AND DUTIES

The Governing Board Chair will appoint one of its members as the SCSC Chair. The District Executive Director will appoint a District staff member as the SCMC Chair. The Chairs shall be responsible for assisting the District staff in establishing meeting agendas, in soliciting input from members, for chairing meetings, for establishing subcommittees as may be appropriate, and for representing the Springs Coast Committees when necessary. When TWG meetings are requested by either the SCSC or the SCMC, District staff will facilitate these meetings.

POLICY

Meetings of the SCSC and SCMC will be held, at a minimum, four times a year, unless revised by the Governing Board Chair and Executive Director, respectively. The TWG will meet as needed. Requests for special meetings may also be made by the Chairs. Notices of SCSC meetings will be posted on the District's web calendar. Minutes for the SCSC and the SCMC meetings will be recorded by District staff. Topics for discussion at SCSC and SCMC meetings will be focused on priorities set by the District or the Chairs and limited to issues specific to those priorities. Other topics may be proposed by the SCSC or the SCMC members, which may be placed on the agenda for discussion at the discretion of the respective Chair. However, requests of staff requiring more than routine support will be subject to approval by the Executive Director or his designee. A quorum is required for any action items of the SCSC. Action items by the SCMC shall be by majority vote of the members present (no quorum requirement). Meetings shall be conducted in accordance with *Robert's "Rules of Order"* as described in *Robert's "Rules of Order"*

GOVERNING BOARD POLICY

Title: Springs Coast Steering Committee

Effective Date: 03/26/2024

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Newly Revised,” originally written by General Henry M. Robert (1876), unless specified otherwise by law or this Policy. The SCSC and the SCMC are subject to the Government-in-the-Sunshine Law and all other applicable laws and regulations.

DISTRIBUTION

This Policy will be stored in the designated Governing Board Policy Repository.

REFERENCES

Section 286.011, Florida Statutes (Government in the Sunshine Law)

Robert’s Rules of Order Newly Revised, Eleventh Edition (2011)

REVIEW PERIOD

This Policy will be reviewed every three years.

GOVERNING BOARD POLICY

Title: Springs Coast Steering Committee

Effective Date: 03/26/2024

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DOCUMENT DETAILS

Document Name	Springs Coast Steering Committee
Formerly Known As	N/A
Document Type	Policy
Author(s)	Vivianna Bendixson
Reviewing Stakeholder(s)	Madison Trowbridge, Lisa Laupert
Document Owner Name	Randy Smith
Document Owner Title	Natural Systems and Restoration Bureau Chief
Review Period (in days)	1095
Span of Control	Governing Board
Supersedes Date	N/A
Effective Date	03/26/2024

APPROVAL

E.D. Armstrong III
Chair

Date

CONSENT AGENDA

March 26, 2024

Resource Management Committee: Approve the City of Seminole Watershed Management Plan Floodplain Information for Regulatory Use and to Update Flood Insurance Rate Maps in Pinellas County (Q163)

Purpose

Request the Board’s approval to use the City of Seminole Watershed Management Plan (WMP) floodplain information for regulatory purposes and to update Flood Insurance Rate Maps (FIRMs) in the City of Seminole (City). The WMP evaluates the capacity of the watershed to achieve flood protection primarily through computer modeling. The watershed model and floodplain information have gone through the District’s process that includes internal review and external peer review by experienced licensed professional engineers. The WMP floodplain information serves as the basis for updating the FIRMs for the Federal Emergency Management Agency (FEMA). The City may coordinate with FEMA to produce the preliminary FIRMs at a future date. This coordination may include additional public meetings to present the preliminary floodplain information, provide an opportunity for additional comments, and incorporate this information into FEMA’s mapping specifications.

Background/History

Flood protection and floodplain information have been a priority at the District since the inception of the organization. To improve the floodplain information, the District has partnered with local governments for the past two decades to develop regional scale flood routing models to identify flood prone areas, improve local government’s understanding of their flood protection level of service, and plan for implementation projects to reduce flood risk. Since November 2008, District staff have obtained Governing Board approval to use WMP floodplain information for updating FIRMs for 99 watersheds throughout the District. Implementing the Environmental Resource Permitting (ERP) program using WMP floodplain information to maintain current levels of flood protection is identified as a strategic initiative in the District’s Strategic Plan 2022-2026. Upon the Governing Board’s approval, WMP floodplain information for these watersheds is typically used as best information available by the ERP program.

Floodplain information for the City of Seminole watershed was prepared by a City hired consultant Applied Sciences, Engineering Firm of Record, reviewed by District and City staff, and then reviewed by the City’s independent peer review consultant, Advanced Engineering and Design, Inc. Floodplain information for the watershed was presented for public review and comment through a public open house in September of 2023. During the outreach period, the City received approximately 88 public comments. This data was used to make model refinements where appropriate. The watershed model and preliminary floodplain data reasonably reflect recent significant storm events and currently represent the most accurate floodplain information available for the watershed.

Staff Recommendation:

Approve use of the City of Seminole Watershed Management Plan floodplain information for best information available by the District ERP program and to update Flood Insurance Rate Maps in the City of Seminole.

Presenter:

Terese Power, P.E., CFM, Manager, Engineering & Watershed Management Bureau

CONSENT AGENDA

March 26, 2024

Resource Management Committee: Approve the Lake Tarpon Watershed Management Plan Floodplain Information for Regulatory Use and to Update Flood Insurance Rate Maps in Pinellas County (N924)

Purpose

Request the Board’s approval to use the Lake Tarpon Watershed Management Plan (WMP) floodplain information for regulatory purposes and to update Flood Insurance Rate Maps (FIRMs) in Pinellas County (County). The WMP evaluates the capacity of the watershed in achieving flood protection primarily through computer modeling. The watershed model and floodplain information have gone through the WMP process that includes internal review and external peer review by experienced licensed professional engineers. The WMP floodplain information serves as the basis for updating the FIRMs for the Federal Emergency Management Agency (FEMA). The County may coordinate with FEMA to produce the preliminary FIRMs at a future date. This coordination may include updates to meet additional FEMA standards, additional public meetings to present the preliminary floodplain information, provide an opportunity for additional comments, and incorporate this information into FEMA’s mapping specifications.

Background/History

Flood protection and floodplain information have been a priority at the District since the inception of the organization. To improve the floodplain information, the District has partnered with local governments for the past two decades to develop regional scale flood routing models to identify flood prone areas, improve local government’s understanding of their flood protection level of service, and plan for implementation projects to reduce flood risk. Since November 2008, District staff have obtained Governing Board approval to use WMP floodplain information for updating FIRMs for 99 watersheds throughout the District. Implementing the Environmental Resource Permitting (ERP) program using WMP floodplain information to maintain current levels of flood protection is identified as a strategic initiative in the District’s Strategic Plan 2022-2026. Upon the Governing Board’s approval, WMP floodplain information for these watersheds is typically used as best information available by the ERP program.

Floodplain information for the Lake Tarpon watershed was prepared by a County hired consultant Wood Environment & Infrastructure Solutions, Inc., Engineering Firm of Record, and reviewed by the District and then reviewed by the County’s independent peer review consultant, Singhofen & Associates, Inc. Floodplain information for the watershed was presented for public review and comment through public outreach and a meeting that was held on August 10, 2023. During the outreach period, the County received approximately 77 unique comments. This data was used to make model refinements where appropriate. The watershed model and preliminary floodplain data reasonably reflect recent significant storm events and currently represent the most accurate floodplain information available for the watershed.

Staff Recommendation:

Approve use of the Lake Tarpon Watershed Management Plan floodplain information for best information available by the District ERP program and to update Flood Insurance Rate Maps in Pinellas County.

Presenter:

Terese Power, P.E., CFM, Manager, Engineering & Watershed Management Bureau

CONSENT AGENDA

March 26, 2024

Resource Management Committee: Approve the City of St. Petersburg Watershed Management Plan Floodplain Information for Regulatory Use and to Update Flood Insurance Rate Maps in Pinellas County (N904)

Purpose

Request the Board's approval to use the City of St. Petersburg Watershed Management Plan (WMP) floodplain information for regulatory purposes and to update Flood Insurance Rate Maps (FIRMs) in the City of St Petersburg (City). The WMP evaluates the capacity of the watershed in achieving flood protection primarily through computer modeling. The watershed model and floodplain information have gone through the WMP process that includes internal review and external peer review by experienced licensed professional engineers. The WMP floodplain information serves as the basis for updating the FIRMs for the Federal Emergency Management Agency (FEMA). The County may coordinate with FEMA to produce the preliminary FIRMs at a future date. This coordination may include updates to meet additional FEMA standards, additional public meetings to present the preliminary floodplain information, provide an opportunity for additional comments, and incorporate this information into FEMA's mapping specifications.

Background/History

Flood protection and floodplain information have been a priority at the District since the inception of the organization. To improve the floodplain information, the District has partnered with local governments for the past two decades to develop regional scale flood routing models to identify flood prone areas, improve local government's understanding of their flood protection level of service, and plan for implementation projects to reduce flood risk. Since November 2008, District staff have obtained Governing Board approval to use WMP floodplain information for updating FIRMs for 99 watersheds throughout the District. Implementing the Environmental Resource Permitting (ERP) program using WMP floodplain information to maintain current levels of flood protection is identified as a strategic initiative in the District's Strategic Plan 2022-2026. Upon the Governing Board's approval, WMP floodplain information for these watersheds is typically used as best information available by the ERP program.

Floodplain information for the City of St. Petersburg watershed was prepared by a City hired consultant Jacobs Engineering Group Inc., Engineering Firm of Record, and reviewed by the District and then reviewed by the City's independent peer review consultant, Geosyntec Consultants, Inc. Floodplain information for the watershed was presented for public review and comment through a virtual public outreach initiative from April 12, 2023 to May 5, 2023. During the outreach period, the City received approximately 311 unique comments. This data was used to make model refinements where appropriate. The watershed model and preliminary floodplain data reasonably reflect recent significant storm events and currently represent most accurate floodplain information available for the watershed.

Staff Recommendation:

Approve use of the City of St. Petersburg Watershed Management Plan floodplain information for best information available by the District ERP program and to update Flood Insurance Rate Maps in Pinellas County.

Presenter:

Terese Power, P.E., CFM, Manager, Engineering & Watershed Management Bureau

CONSENT AGENDA

March 26, 2024

Operations, Lands and Resource Monitoring Committee: Donation of Utility Easement to Withlacoochee River Electric Cooperative (WREC) – Green Swamp Wilderness Preserve West Tract, SWF Parcel No. 10-400-179X

Purpose

The purpose of this item is to request Governing Board approval for the donation of a utility easement (Easement) to the Withlacoochee River Electric Cooperative, Inc. (WREC) for the installation of underground lines, cables, data transmission and communication facilities, supporting structures, and appurtenances necessary to ensure continued electricity supply during the Florida Department of Transportation (FDOT) road widening construction project along the southern boundary of the Green Swamp Wilderness Preserve West Tract. A general location map, site map, and the Easement are included as Exhibits 1, 2, and 3 respectively.

Background/History

The District acquired the parent parcel, SWF Parcel No. 10-400-118, within the Green Swamp Wilderness Preserve West Tract in 1991. The southern boundary of this parcel abuts US Highway 98 (US 98). In August of 2023, FDOT commenced a project to widen US 98 and its bridges from a two-lane undivided roadway to a four-lane divided highway. To avoid conflict with existing overhead electric during the bridge construction portion of the road project, WREC requested a utility easement for installation of underground electric service adjacent to the FDOT right of way. The Easement will relieve the current space constrictions and will allow WREC to install the underground electric and serve their members without disruption through the ongoing FDOT construction.

Benefits/Costs

The proposed underground installation will enable WREC to deliver electricity efficiently and securely with minimal disruption and will decrease the risks of damage to lines at this location. . There is no cost to the District other than staff time to process the donation of the Easement.

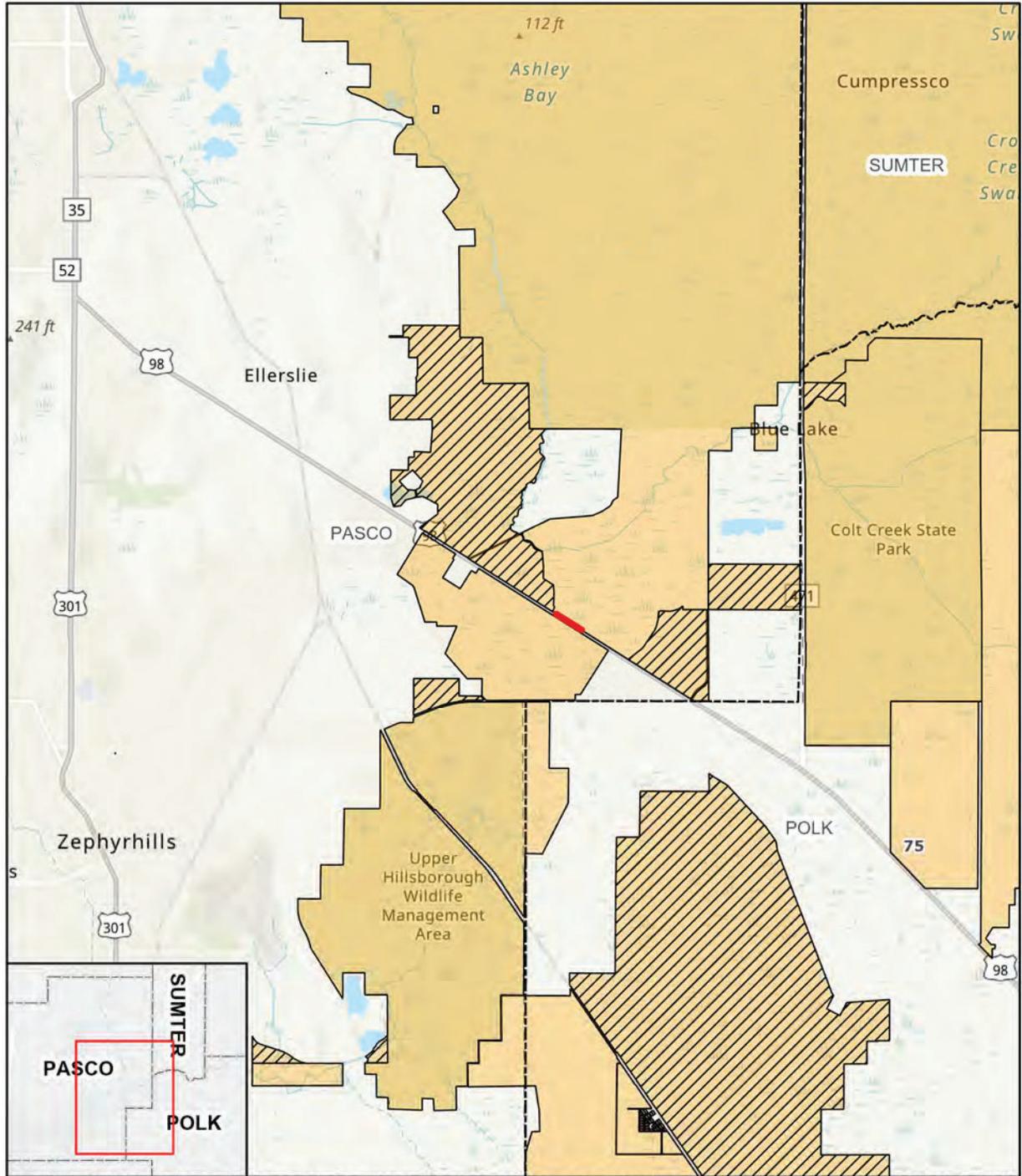
Staff Recommendation:

- Approve the Easement donation and authorize the Chair and Secretary to execute on behalf of the District; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

Presenter:

Ellen Morrison, Bureau Chief, Land Resources Bureau

**Exhibit 1
Green Swamp Wilderness Preserve West Tract
SWF Parcel No. 10-400-179X
Location Map**



Esri, NASA, NGA, USGS, FDEP, Esri, TomTom, Garmin, FAO, NOAA, USGS, EPA, NPS, USFWS, FDEP, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA, USFWS

- District Owned Lands Fee Simple
- District Owned Land Easements
- WREC Easement (SWF Parcel# 10-400-179X)

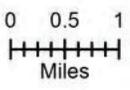
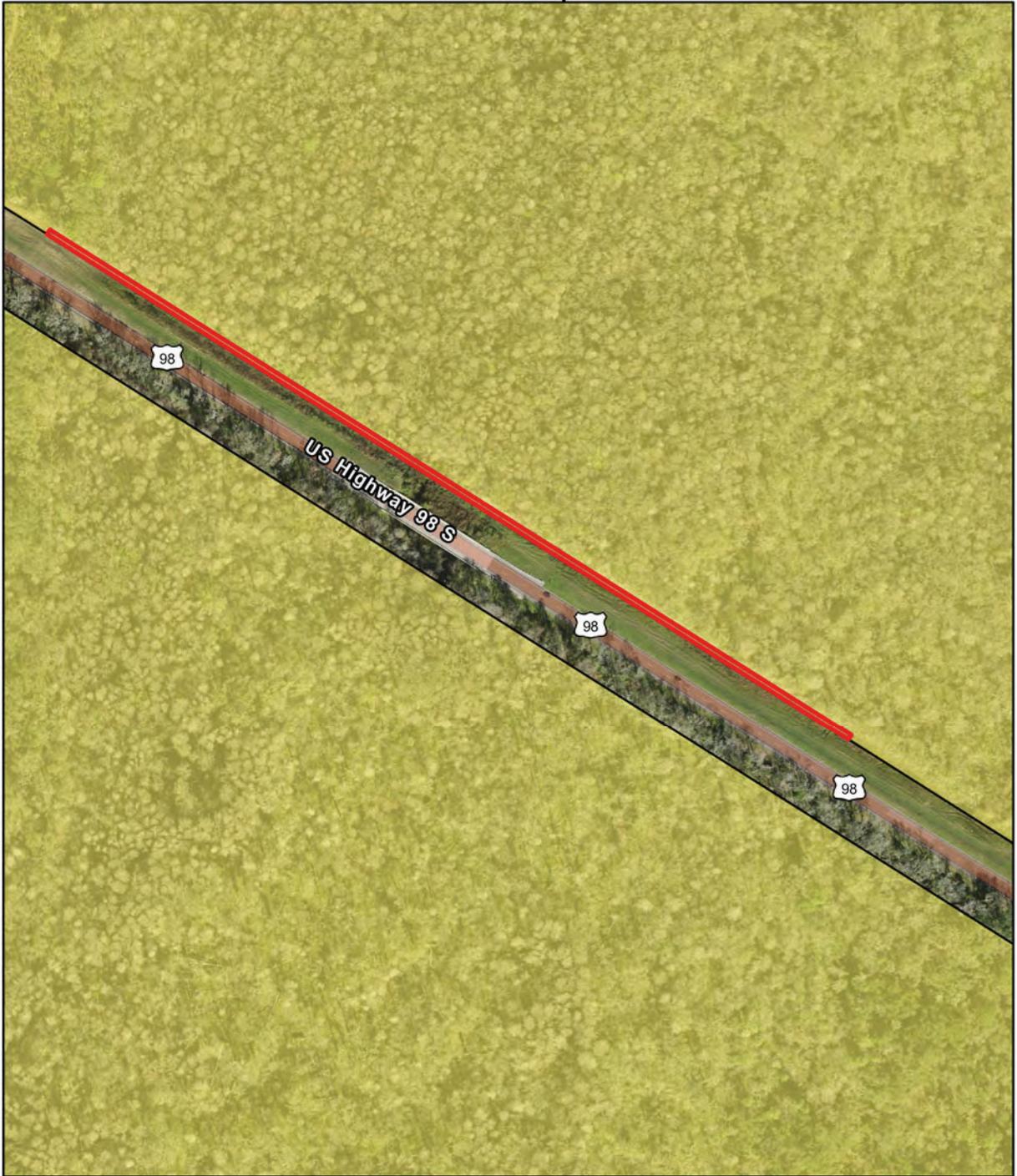
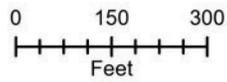


Exhibit 2
Green Swamp Wilderness Preserve West Tract
SWF Parcel No. 10-400-179X
Site Map



Southwest Florida Water Management District, Esri Community Maps Contributors, FDEP, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/
NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

-  WREC Easement (SWF Parcel# 10-400-179X)
-  District Owned Lands Fee Simple



Prepared by return to:
Southwest Florida Water Management District
2379 Broad Street
Brooksville, FL 34604-6899
Attn. Land Resources Bureau

Non-Exclusive Utility Easement

This Non-Exclusive Utility Easement ("Easement") is made this ____ day of _____ 2024, by and between the Southwest Florida Water Management District, a public corporation, having an address of 2379 Broad Street, Brooksville, Florida 34604-6899, hereinafter called "Grantor", and Withlacoochee River Electric Cooperative, Inc. a Florida not-for-profit corporation having an address of Post Office Box 278, Dade City, Florida 33526 , hereinafter referred to as "Grantee".

Grantor, for and in consideration of the sum of Ten Dollars and no cents (\$10.00) and other good and valuable consideration from Grantee to Grantor, the receipt and sufficiency of which are hereby acknowledged, hereby grants, bargains, sells and conveys to Grantee a non-exclusive utility easement to enter upon, over and across and to use any and all lands more particularly described below for solely for the following purposes:

- a. For installation of underground utilities, maintenance, and ingress and egress upon, over, and across the land more particularly described on **Exhibit "A"** (the "Access Easement Area")

Grantee shall exercise all of its rights contained in this Easement in the least intrusive manner so as not to interfere with Grantor's use of its property.

Grantee hereby agrees to protect, indemnify and hold harmless the Grantor from and against any and all liabilities, losses, damages or expenses, reasonable attorneys' fees and costs, whether incurred out of court or in litigation including fees and costs incurred for representation on appeals, expert witness fees and costs for paralegal assistance, arising on account of, relating to, in connection with loss of life, bodily injury or damage to property, arising out of the use of the Access Easement Area by the Grantee and its contractors and agents, except to the extent such liability is finally judicially determined to directly arise from the willful misconduct or negligence of the Grantor. Upon receiving knowledge of any suit, claim or demand asserted by a third party that Grantor believes is covered by this indemnity, the Grantor shall give the Grantee notice of the matter. Any failure or delay of the Grantor to notify the Grantee of any such suit, claim or demand shall not relieve the Grantee of its obligations under this provision but shall reduce such obligations to the extent of any increase in those obligations caused solely by any such failure or delay. This provision shall not be construed as a waiver of Grantee's sovereign immunity for torts or an extension of such liability beyond the limits established in Section 768.28, F.S.

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

The formation, interpretation, and performance of this Easement shall be construed pursuant to and governed by the laws of the State of Florida. In the event of any dispute arising out of this Easement or any instrument given in connection herewith, or in the event it shall become necessary for any party to employ counsel to protect the party under this Easement or

any instrument given in connection herewith, the prevailing party shall be entitled to recover reasonable attorneys' fees and costs, whether incurred out of court or in litigation including fees and costs incurred for representation on appeals, expert witness fees and costs for paralegal assistance, to the extent permitted under Section 768.28, F.S. This provision does not constitute a waiver of the Grantee's sovereign immunity or extend the Grantee's liability beyond the limits established in Section 768.28, F.S.

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

[signature pages follow]

COPY

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

Grantor:

Signed, sealed and delivered
in the presence of:

Southwest Florida Water Management
District, a public corporation

By: _____
E. D. Armstrong, III, Chairman

ATTEST:

By: _____
John Mitten, Secretary

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me, **by means of** **physical presence or** **online notarization**, this ____ day of _____, 2024, by E.D. Armstrong, III, as Chairman of the Governing Board of the Southwest Florida Water Management District, on behalf of the Southwest Florida Water Management District, who is personally known to me.

(Notary Seal)

Notary Public
Print: _____
Commission No. _____
My Commission Expires: _____

Grantee: **WITHLACOOCHEE RIVER ELECTRIC COOPERATIVE, INC, a not-for-profit corporation**

Signed, sealed and delivered
in the presence of:

Witness #1 signature

By: _____
David Lambert, General Manager

Print Witness #1 name

Witness #2 signature

Print Witness #2 name

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me, by means of **physical presence** or **online notarization**, this ____ day of _____, 2024, by who is personally known to me or has produced _____ as identification.

(Notary Seal)

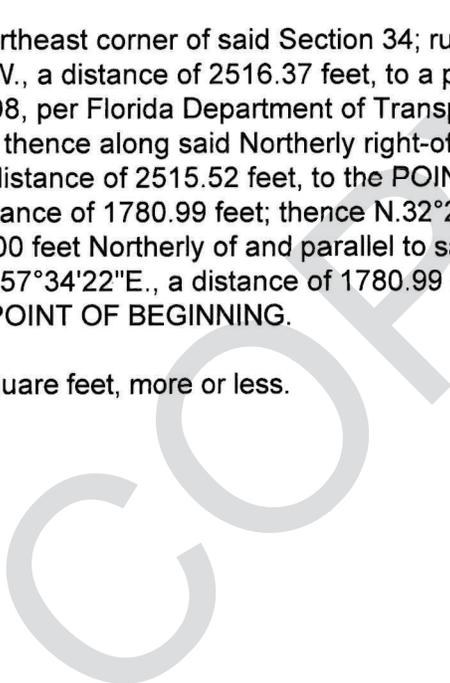
Notary Public
Print: _____
Commission No. _____
My Commission Expires: _____

SHEET NO. 1 OF 2
DESCRIPTION SKETCH
 (NOT A BOUNDARY SURVEY)

DESCRIPTION: A parcel of land lying in Section 34, Township 25 South, Range 22 East, Pasco County, Florida, and being more particularly described as follows:

Commence at the Northeast corner of said Section 34; run thence along the East boundary thereof, S.00°33'30"W., a distance of 2516.37 feet, to a point on the Northerly right-of-way line of U.S. HIGHWAY No. 98, per Florida Department of Transportation Right-of-way Map, W.P. Item/Seg.: 443368-3; thence along said Northerly right-of-way line, the following two (2) courses: 1) N.57°34'22"W., a distance of 2515.52 feet, to the POINT OF BEGINNING; 2) continue, N.57°34'22"W., a distance of 1780.99 feet; thence N.32°25'38"E., a distance of 10.00 feet; thence along a line lying 10.00 feet Northerly of and parallel to said Northerly right-of-way line of U.S. HIGHWAY No. 98, S.57°34'22"E., a distance of 1780.99 feet; thence S.32°25'38"W., a distance of 10.00 feet, to the POINT OF BEGINNING.

Containing 17,810 square feet, more or less.



Last Date of Field Survey: 2/02/24

This Survey Prepared For: *Withlacoochee River Electric Cooperative, Inc.*

REVISIONS				
Description	Date	Dwn. Ck'd	P.C.	Order No.

SURVEYOR'S CERTIFICATE
 This certifies that a survey of the hereon described property was made under my supervision and meets the Minimum Technical Standards set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Jack M. Greene
 FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6506

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

GeoPoint
 Surveying, Inc.

213 Hobbs Street Phone: (813) 248-8888
 Tampa, Florida 33619 Fax: (813) 248-2266
 www.geopointsurvey.com Licensed Business Number LB 7768

Drawn: JMG	Checked: SEC	P.C.: BC
Date: 1/30/24	Dwg: WREC DS	Order No.:

Section 34, Township 25 South, Range 22 East

SHEET NO. 2 OF 2
DESCRIPTION SKETCH
(NOT A BOUNDARY SURVEY)

POINT OF COMMENCEMENT
Northeast corner of Section 34-25-22

P.I.D.# 34-25-22-0000-00100-0010

U.S. HIGHWAY No. 98

POINT OF BEGINNING

East boundary of Section 34-25-22

2516.37' S0°33'30"W

N32°25'38"E
10.00'

10.0'
S57°34'22"E
1780.99'

10.0'
N57°34'22"W
1780.99'

S32°25'38"W
10.00'

Northerly Right-of-way Line
2515.52'
N57°34'22"W



213 Hobbs Street
Tampa, Florida 33619
www.geopointsurvey.com
Phone: (813) 248-8888
Fax: (813) 248-2266
Licensed Business Number LB 7768

CONSENT AGENDA

March 26, 2024

General Counsel's Report: Authorization to Issue Administrative Complaint and Order – Environmental Resource Permit Violations; Unauthorized Activities – Edward J. Avella Trust – Pasco

On June 7, 2023, the District received a complaint regarding a large unpermitted structure located at 15047 Sheila Ann Drive, Hudson, Florida 34669. On June 26, 2023, District staff examined aerial imagery to determine the size of the structure and accompanying pavement. District staff determined that the total amount of impervious and semi-impervious surface area was approximately 40,000 square feet.

A Memorandum of Trust dated April 24, 2008, identifies a trust entitled “Edward J. Avella Living Trust dated April 24, 2008” (Edward J. Avella Trust) as the property owner of 2 parcels of land located at 15047 Sheila Ann Drive, Hudson, Florida 34669 (Property). Edward J. Avella is identified as the Trustee. Mr. Avella’s address is 14337 Beauy Circle, Hudson, Florida 34667. The impervious and semi-impervious surfaces are located on a parcel that is subject to two mortgages held by Capital City Bank. Capital City Bank has initiated an action to foreclose on the mortgages in Pasco County Circuit Court.

The above-described impervious and semi-impervious surface areas have been constructed without the issuance of an Environmental Resource Permit (ERP). Pursuant to Rule 62-330.020, Florida Administrative Code, an ERP is required for any project resulting in more than 9,000 square feet of impervious and semi-impervious surface area. Failure of Edward J. Avella Trust to obtain an ERP prior to construction of the 40,000 square feet of impervious and semi-impervious areas is a violation of Sections 373.413, Florida Statutes (F.S.), and 373.430(1)(b), F.S., and Rule 62-330.020(2), Florida Administrative Code. On June 27, 2023, and August 9, 2023, District staff sent Mr. Avella a Notice of Unauthorized Activities letter.

On December 20, 2023, the matter was forwarded to the Office of General Counsel (OGC) after Mr. Avella failed to respond to the District’s letters. On January 10, 2024, and January 31, 2024, OGC issued a Notice of Unauthorized Activities to Mr. Avella. OGC’s Notice of Unauthorized Activities letters provided Edward J. Avella Trust with thirty (30) days to submit an Individual Construction permit application. Capital City Bank has also been notified of the unpermitted construction. To date, no agreement has been reached. Mr. Avella has not submitted an Individual Construction permit application to resolve the compliance issue on the Property, nor has he responded to any of the District’s correspondence.

Staff Recommendation:

1. Authorize District staff to issue an Administrative Complaint and Order to Edward J. Avella, Trustee of the Edward J. Avella Living Trust dated April 24, 2008, and any other necessary party to obtain compliance with District rules.
2. Authorize District staff to initiate an action in Circuit Court against the Edward J. Avella Living Trust dated April 24, 2008, and any other necessary party to recover a civil penalty/administrative fine, enforcement costs, litigation costs, and attorney’s fees, if appropriate.
3. Authorize District staff to obtain compliance with the terms of the Administrative Complaint and Order in Circuit Court, if necessary.

Presenter:

Taylor Greenan, Attorney, Office of General Counsel

CONSENT AGENDA

March 26, 2024

General Counsel's Report: Consideration of Final Order – Denying Petition for Declaratory Statement – Linnae Phillips, Robert Phillips, Laura Kelso, and Martin Kelso

On January 24, 2024, Linnae Phillips, Robert Phillips, Laura Kelso, and Martin Kelso (Petitioners) filed a Petition for Declaratory Statement (Petition) with the District. In accordance with Rule 28-105.003 of the Florida Administrative Code, the Governing Board shall either deny the Petition or issue a declaratory statement at a duly noticed public meeting within 90 days after the Petition is filed.

Section 120.565 of the Florida Statutes provides that any substantially affected person may seek a declaratory statement regarding an agency’s opinion as to the applicability of a statutory provision, or of any rule or order of the agency, as it applies to the petitioner’s particular set of circumstances. Further, Rule 28-105.001 of the Florida Administrative Code states, “[a] declaratory statement is not the appropriate means for determining the conduct of another person.” The Petition seeks a statement from the District regarding Harbor Bay Community Development District’s obligation for compliance with Section 373.430(1), Florida Statutes, Rule 62-302.300 Florida Administrative Code, and with Environmental Resource Permit Numbers 4318838.004 and 44018838.012.

Accordingly, the District must deny the Petition as the Petitioners do not seek a determination concerning the applicability of the statutes, rules, or permit conditions to the Petitioners’ particular set of circumstances but rather as they pertain to Harbor Bay Community Development District, a third party.

Staff Recommendation:

1. Approve the Final Order denying the Petition for Declaratory Statement filed by Linnae Phillips, Robert Phillips, Laura Kelso, and Martin Kelso.

Presenter:

Destin Dawsy, Attorney, Office of General Counsel

BEFORE THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
ORDER NO. SWF 24 -

IN RE:

LINNAE PHILLIPS

ROBERT E. PHILLIPS

LAURA A. KELSO

MARTIN S. KELSO

PETITION FOR DECLARATORY

STATEMENT

OGC File No. T2024005

_____ /

FINAL ORDER DENYING PETITION FOR DECLARATORY STATEMENT

THIS CAUSE came before the Governing Board of the Southwest Florida Water Management District (District) for consideration of the Petition for Declaratory Statement filed by Linnae Phillips, Robert E. Phillips, Laura A. Kelso, and Martin S. Kelso (Petitioners) pursuant to Section 120.565, Florida Statutes (Fla. Stat.) and Florida Administrative Code Rule (Fla. Admin. Code R.) 28-105.001. The District hereby finds, concludes and orders as follows:

FINDINGS OF FACT

1. On January 24, 2024, Petitioners submitted a Petition for Declaratory Statement (Petition) to the District. The Petition was assigned OGC File No. T2024005.
2. The Petition seeks a declaratory statement determining:
 - 1) Whether the Harbor Bay Community Development District is responsible for the operation and maintenance of the surface water management system, including MiraBay Lagoon, in compliance with Florida Statutes, including Section 373.430(1)(a) and 373.430(1)(b), Fla. Stat.;

- 2) Whether the Harbor Bay Community Development District is responsible for the operation and maintenance of the surface water management system, including MiraBay Lagoon, in compliance with Fla. Admin. Code Rules 62-302.300(14) and 62-302.300(15); and
- 3) Whether the Harbor Bay Community Development District is responsible for the operation and maintenance of the surface water management system, including MiraBay Lagoon, in compliance with the conditions of Environmental Resource Permit (ERP) number 4318838.004, as subsequently modified by ERP number 44018838.012.

3. The District published notice of receipt of the Petition on January 26, 2024, in the Florida Administrative Register

4. For this Final Order, factual allegations were derived from the above-referenced Petition. Pursuant to Fla. Admin. Code R. 28-105.003, the District relies on the statements of facts as presented by the Petitioners in the Petition but takes no position on the truth or accuracy of such facts.

5. Petitioners allege that on January 30, 2001, the District issued ERP No. 4318838.004, authorizing the construction of a surface water management system, including the MiraBay Lagoon (See Petition, Page 5). This ERP designated the Harbor Bay Community Development District as the operation and maintenance entity for the ERP (Petition, Pg 7).

6. Then, on April 26, 2002, the District issued ERP No. 44018838.012, subsequently modifying ERP No. 4318838.004, including modifications to construction specifications and water quality monitoring requirements. (Petition, Pg 9) Other than the

modifications listed in ERP No. 44018838.012, the provisions of ERP No. 4318838.004 remained unchanged by this new permit. (Petition, Pg 10) This ERP also designated the Harbor Bay Community Development District as the operation and maintenance for the ERP. (Petition, Pg 10)

7. Petitioners contend that since the construction of the MiraBay Lagoon, the chemical, physical, and biological integrity of the waters of the Lagoon have been altered by the presence of several contaminants, including Phosphorus, Nitrogen, and Ammonia. Petitioners further contend that the contaminants have been allowed to accumulate in concentrations that have contributed to repeated algae blooms, development of eutrophic conditions, decaying organic matter, and temperature stratification contributing to several fish kills in the lagoon. (Petition, Pg 15 – 16)

8. Petitioners Laura and Martin Kelso reside in a house at 721 Manns Harbour Drive, Apollo Beach, Florida, within the Harbor Bay Community Development District. (Petition, Pg 36)

9. Laura and Martin Kelso contend that they have lost enjoyment of their lanai due to the offensive odor of decaying dead fish and algae in the MiraBay Lagoon and have delayed the purchase of a boat and engaging in boating activities due to the poor water quality. They further contend that if the Harbor Bay Community Development District followed the recommendations made by SOLitude Lake Management, the fish kills and algae blooms and, as such, the offensive odors in the MiraBay Lagoon would be substantially reduced. (Petition, Pg 37)

10. Petitioners Linnae and Robert Phillips own property at 5708 Sea Trout Place, Apollo Beach, Florida, within the Harbor Bay Community Development District. (Petition, Pg 38)

11. Linnae and Robert Phillips contend that they have lost enjoyment and use of their kayaks, power boat, and MiraBay Lagoon due to the pollution. They further contend that the Harbor Bay Community Development District has delayed undertaking any action to abate the pollution, thereby limiting their ability to use MiraBay Lagoon for fishing and boating and diminishing the value of their property. (Petition, Pg 38 – 39)

12. Jointly, Petitioners contend that these alterations to MiraBay Lagoon are the result of the Harbor Bay Community Development District's failure to properly operate and maintain the lagoon as required by ERP Nos. 4318838.004 and 44018838.012. (Petition, Pg 40)

13. Petitioners contend in the Petition that the Harbor Bay Community Development District's board is doubtful that it has any responsibility for operating and maintaining the MiraBay Lagoon in compliance with Florida statutes, Florida Administrative Code, and conditions of ERP No. 4318838.004, as subsequently modified by ERP No. 44018838.012. (Petition, Pg 33)

14. Petitioners ultimately allege that the Harbor Bay Community Development District has caused pollution, as defined in Section 403.031(7), Fla. Stat., in the waters of the MiraBay Lagoon so as to harm or injure human welfare and aquatic life in violation of Section 373.430(1)(a), Fla. Stat. Petitioners also contend that the Harbor Bay Community Development District has failed to comply with Fla. Admin. Code Rules 62-302.300(14)

and 62-302.300(15) in addition to conditions of ERP Number 4318838.004, as subsequently modified by Modification Permit Number 44018838.012.

15. The District received no public comment or motions to intervene in response to the Notice of Petition for Declaratory Statement published in the Florida Administrative Register on January 26, 2024.

CONCLUSIONS OF LAW

16. Pursuant to Section 120.565(1), Fla. Stat., any substantially affected person may seek a declaratory statement regarding an agency's opinion as to the applicability of a statutory provision, or of any rule or order of the agency, as it applies to the petitioner's particular set of circumstances.

17. Section 120.565(2), Fla. Stat., provides the petition seeking a declaratory statement shall state with particularity the petitioner's set of circumstances and shall specify the statutory provision, rule, or order that the petitioner believes may apply to the set of circumstances.

18. Fla. Admin. Code R. 28-105.001 states that a petition for declaratory statement may be used to resolve questions or doubts as to how the statutes, rules, or orders may apply to the petitioner's particular circumstances. A declaratory statement is not the appropriate means for determining the conduct of another person.

19. Fla. Admin. Code R. 28-105.002 specifies the particular information that a petition for declaratory statement shall provide, including the name, address, telephone number, and any facsimile number of the petitioner and his/her attorney or qualified representative; the statutory provision(s), agency rules, or agency orders on which the

declaratory statement is sought; and a description of how the statutes, rules or orders may substantially affect the petitioner in his/her particular set of circumstances.

20. “The purpose of a declaratory statement is to address the applicability of a statutory provision or an order or rule of the agency in particular circumstances.” *Adventist Health System/Sunbelt, Inc. v. Agency for Health Care Admin.*, 955 So.2d 1173, 1176 (Fla. 1st DCA 2007) (quoting *Chiles v. Div. of Elections*, 711 So.2d 151, 154 (Fla. 1st DCA 1998); see also Fla. Admin. Code R. 28-105.001 (“[a] declaratory statement is a means for resolving a controversy or answering questions or doubts concerning the applicability of statutory provisions, rules, or orders over which the agency has authority, and may be used to resolve questions or doubts about how the statutes, rules or orders may apply to the petitioner’s particular circumstances). A party may seek a declaratory statement from an agency prior to undertaking a specific course of action. *Adventist*, 955 So. 2d at 1176 (citing *Novick v. Dep’t of Health, Bd. Of Med.*, 816 So.2d 1237, 1240 (Fla. 5th DCA 2002).

21. The Petitioners ask, in their Petition for a declaratory statement, whether the Harbor Bay Community Development District is responsible for the operation and maintenance of the surface water management system, including MiraBay Lagoon. Based on the questions presented, the Petitioners are not entitled to a declaratory statement, and the Petitioners' request is invalid because they ask the District to opine on the effect of statutes, rules, and permits as they pertain to a third party contrary to Fla. Admin. Code R. 28-105.001; *see also Manasota-88, Inc. v. Gardinier, Inc.*, 481 So. 2d. 948 (Fla. 1st DCA 1986) (upholding an agency’s denial of a petition for declaratory statement concerning the applicability of air pollution permit statutes to a third party).

22. Accordingly, the District must deny the Petition pursuant to Fla. Admin. Code R. 28-105.001, as the Petitioners do not seek a determination concerning the applicability of the statutes, rules, or permit conditions to the Petitioners' particular set of circumstances, and a petition for declaratory statement is not a proper means for determining the conduct of a third party.

STATEMENT OF THE ORDER

Based upon the foregoing, it is therefore ORDERED that the Petition for Declaratory Statement is DENIED.

DONE AND ORDERED by the Governing Board of the Southwest Florida Water Management District this ____ day of _____, 2024.

By: _____
E.D. Armstrong III, Chair

Attest: _____
John Mitten, Secretary
(Seal)

Approved as to Legal Form and Content _____ Office of General Counsel

Filed this ____ day of _____, 2024.

Deputy Agency Clerk

Copies furnished to:

David A. Ludder, Esquire
DavidALudder@enviro-lawyer.com

Jamie Royal, Esquire
Royal.Jamie@leg.state.fl.us

Notice of Rights

This order constitutes final agency action, and a party may be entitled to judicial review. A party who is adversely affected may seek review of the action in the appropriate District Court of Appeal pursuant to Section 120.68, Fla. Stat., by filing a notice of appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, within 30 days of the date after the rendering of this final action by the District. No further notice of rights to judicial review of this Final Order will be given by the District.

CONSENT AGENDA

March 26, 2024

Executive Director's Report: Approve Governing Board Minutes – February 27, 2024

Staff Recommendation:

Approve minutes as presented.

Presenter:

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



**GOVERNING BOARD MEETING
TUESDAY, FEBRUARY 27, 2024 – 9:00 AM
7601 US 301 NORTH, TAMPA, FL 33637
(813) 985-7481**

MINUTES

Board Members Present

Michelle Williamson, Vice Chair (Acting Chair)
John Mitten, Secretary
Jack Bispham, Treasurer
Joel Schleicher, Member
Kelly Rice, Member
Ashley Bell Barnett, Member
John Hall, Member
James Holton, Member
Dustin Rowland, Member
Robert Stern, Member
Nancy H. Watkins, Member

Board Members Absent

Ed Armstrong, Chair

Staff Members

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

Board Administrative Support

Virginia Singer, Manager
Lori Manuel, Lead Administrative Coordinator

Convene Public Hearing

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m., February 27, 2024, at the Tampa Office, 7601 U.S. Highway 301 North, Tampa, Florida 33637. 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

Vice Chair Michelle Williamson called the meeting to order. She noted that the Board meeting was being recorded for broadcast on government access channels, and public input would be provided in person. Vice Chair Williamson 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. Vice Chair Williamson 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 Acting Chair. She also requested that several individuals wishing to speak on the same topic designate a spokesperson. Vice Chair Williamson 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

Treasurer Jack Bispham offered the invocation and the Pledge of Allegiance.

1.3 Employee Recognition

Vice Chair Williamson recognized Ms. Carolyn Pina for 20 years of service.

1.4 Additions/Deletions to Agenda

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

Board Member Joel Schleicher requested the following items be moved to Discussion:

Resource Management Committee

2.4 Approval to Correct Total Pipe Length for Peace River Manasota Regional Water Supply Authority – Regional Integrated Loop System Phase 3C Project (Q313)

General Counsel's Report

2.9 Authorization to Issue Administrative Complaint and Order – Unauthorized Construction and Permit Violations – NHC-FL123, LLC, and NHC-FL124, LLC –CT Nos. 423861, 421383, 423855 – Sumter County

A Request to Speak card was also received for this item.

There was good cause to approve the amended agenda as allowed by Section 120.525, Florida Statutes.

1.5 Public Input for Issues Not Listed on the Published Agenda

Mr. David Ballard Geddis spoke regarding the constitution and water jurisdiction.

Consent Agenda

Finance/Outreach and Planning Committee

2.1 Approval of the 2024 Consolidated Annual Report

Staff recommended the Board approve the 2024 Consolidated Annual Report and its transmittal to the required agencies.

Resource Management Committee

2.2 Rainbow Springs 5th Replat Stormwater Retrofit - Reduction of Scope and Budget (WR10)

Staff recommended the Board authorize staff to amend the Rainbow Springs 5th Replat Stormwater Retrofit (WR10) cooperative funding agreement to:

- a. Revise the scope of work to decrease the treatment area to 36.6 acres, and the TN removal to 66.8 lbs./yr.; and
- b. Revise the project budget from \$848,094 to \$534,300 with the District and the County each contributing \$267,150.

2.3 SW IMP - Water Quality - Anna Maria BMP's Phase N - Project Type Change (W109)

Staff recommended the Board authorize staff to amend the risk level from a Type 3 to a Type 2 contract for SW IMP – Water Quality – Anna Maria BMPs Phase N (W109).

~~2.4 Approval to Correct Total Pipe Length for Peace River Manasota Regional Water Supply Authority – Regional Integrated Loop System Phase 3C Project (Q313)~~

~~Staff recommended the Board approve the correction of the total pipeline length of the project from approximately 10 miles to approximately 8 miles.~~

Operations, Lands and Resource Monitoring Committee

2.5 Amendment to Access Easement for the P-6 Canal Structure, SWF Parcel No. 20-006-102P

Staff recommended the Board approve and accept the amended easement for relocation of existing access.

Regulation Committee

2.6 Emergency Order No. SWF 24-002 – Tampa Bay Water - Alafia River Withdrawal Facility

Staff recommended the Board approve Emergency Order No. SWF 24-002 – Tampa Bay Water – Alafia River Withdrawal Facility as attached as an exhibit.

2.7 Water Use Permit No. 20 020901.002, Gibson Place Utility Company, LLC and Middleton Utility Company, LLC / GPU-MU (Lake, Sumter Counties)

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

2.8 Water Use Permit No. 20 021031.000, Blue Goose Utility Company, LLC / Blue Goose Utility Company, LLC (Lake, Sumter Counties)

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

General Counsel's Report

~~2.9 Authorization to Issue Administrative Complaint and Order – Unauthorized Construction and Permit Violations – NHC-FL123, LLC, and NHC-FL124, LLC – CT Nos. 423861, 421383, 423855 – Sumter County~~

~~Staff recommended the Board:~~

- ~~1. Authorize District staff to issue an Administrative Complaint and Order to NHC-FL123, LLC, and NHC-FL124, LLC, to obtain compliance, to recover an administrative fine/civil penalty, and to recover District costs and fees, if appropriate.~~
- ~~2. Authorize District staff to pursue additional enforcement measures to obtain compliance with the terms and conditions of the Administrative Complaint and Order, including filing any appropriate actions in circuit court, if necessary.~~

2.10 Approval of the Polk Regional Water Cooperative's Permitting Plan for Temporary Allocations Under the Central Florida Water Initiative Rule

Staff recommended the Board approve the Polk Regional Water Cooperative's Temporary Allocation Plan to Implement Alternative Water Supply Projects.

2.11 Approval of Consent Order between SWFWMD and Punta Gorda RV Owner LP / Getaway Storage – Unauthorized Construction Activities – CT Nos. 405388, 405263, 419825, 418574 – Charlotte County

Staff recommended the Board:

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

Executive Director's Report

2.12 Approve Governing Board Minutes – January 23, 2024

Staff recommended the Board approve minutes as presented.

A motion was made and seconded to approve the Consent Agenda. The motion carried unanimously. (Audio –00:10:15)

Finance/Outreach and Planning Committee

Treasurer Jack Bispham called the committee to order.

3.1 Consent Item(s) Moved to Discussion – None

3.2 Knowledge Management: Approval of Governing Board Policy, Investments

Mr. Brandon Baldwin, Business, and IT Services Division Director, presented proposed revisions to the Knowledge Management policy based on the recommendations from the January Board meeting. He provided an overview of the proposed updates.

Board Member Joel Schleicher stated that although he has confidence in the District's investment strategies, he would like to see opportunities for additional purchasing power.

Staff recommended the Board approve and accept the recommended updates to the District's Investment Policy.

A motion was made and seconded to approve staff's recommendation. The motion passed with nine in favor and two opposed. (Audio – 00:18:41)

3.3 Budget Transfer Report

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

Resource Management Committee

Board Member Ashley Bell Barnett called the committee to order.

4.1 Consent Item(s) Moved to Discussion - None

2.4 Approval to Correct Total Pipe Length for Peace River Manasota Regional Water Supply Authority – Regional Integrated Loop System Phase 3C Project (Q313)

Board Member Joel Schleicher asked for additional information explaining why there was no cost reduction associated with the reduction of the pipe length.

Mr. Jay Hoecker, Water Resources Bureau Chief, provided an overview of the regional interconnect project and explained that the third-party review presentation and recap provided to the Board on October 24, 2023 contained an outdated total pipeline length of approximately ten miles. The correct length is approximately eight miles. He stated the costs for the project have been based on the eight-mile pipeline estimate since the completion of the routing study in March of 2022. Vice Chair Michelle Williamson and Board Member Nancy Watkins classified it as a scrivener's error.

Board Member James Holton asked if there was a cost comparison study. Ms. Teri Holcomb, Peace River Manasota Regional Water Supply Authority, responded in the affirmative. She stated the correct routing segment was provided in the final design.

Mr. Brian Armstrong, Executive Director, provided additional clarification and reaffirmed that the cost of project was always based on the eight-mile pipeline estimate.

Staff recommended the Board approve the correction of the total pipeline length of the project from approximately ten miles to approximately eight miles.

A motion was made and seconded to approve staff's recommendation. The motion passed with ten in favor and one opposed. (Audio – 00:35:14)

4.2 Knowledge Management: Springs Coast Steering Committee Governing Board Policy

Mr. Randy Smith, Natural Systems and Restoration Bureau Chief, presented information that included a history of the Springs Coast Steering Committee (SCSC) and provided an overview of the proposed Governing Board policy. He explained that this proposed policy codifies an existing District activity that has been efficient in developing and monitoring Springs Surface Water Improvement Management. The policy will also assist in soliciting and evaluating Springs Funding applications. Mr. Smith responded to questions. Board Members were asked to provide comments by March 12. If there are no substantial changes to the proposed policy as presented, it will appear on the Consent Agenda at the March Board meeting for approval.

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

4.3 Fiscal Year 2025 Cooperative Funding Initiative Preliminary Project Evaluations

Mr. Kevin Wills, Cooperative Funding Initiative Leader, presented a summary of the Fiscal Year (FY) 2025 funding applications, project location map, preliminary scoring and staff funding recommendations, and a timeline. He provided funding recommendations that included seven Alternative Water Supply (AWS) Projects, six projects ranked 1A, and five new projects which total \$77.8 million in FY25 District funding. Mr. Wills stated there were seven projects not recommended for funding and three requests that were withdrawn.

He specifically addressed an alternative water supply project that was not recommended for District funding. This was project Q411 – Peace River Facility Expansion for the Peace River Manasota Regional Water Supply Authority. The project is not recommended for District funding as it is not included as a part of the Governing Board's seven prioritized AWS projects in the District's Long-Term Funding Plan. It was recommended that this project be submitted through the Florida Department of Environmental Protection AWS grant program with the other seven prioritized AWS projects.

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

Operations, Lands and Resource Monitoring Committee

Board Member John Hall called the committee to order.

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 update. She stated the 12-month total rainfall remains below normal but has improved with above average winter rainfall. Ms. McBride provided information regarding rainfall, streamflow, groundwater levels, lake levels, public supply reservoirs, and climate forecasts. Ms. McBride stated extended climate forecasts predict a chance of above-normal precipitation into the spring. Ms. McBride responded to questions.

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

Regulation Committee

Board Member Dustin Rowland called the committee to order.

6.1 Consent Item(s) Moved to Discussion - None

6.2 Denials Referred to the Governing Board

No denials were presented.

6.3 Consider Modification of Water Shortage Order No. SWF 23-041

Mr. Darrin Herbst, P.G., Water Use Bureau Chief, summarized District-wide hydrologic conditions. He stated the Tampa Bay Desalination plant is out of operation until the fall. Mr. Herbst stated that Tampa Bay Water has indicated that demand has reduced by 33 million gallons per day as a result of the water restrictions passed by this Board in November 2023 as well as cooler and wetter than normal conditions. He provided an overview of the proposed modifications to the current water shortage order. Mr. Herbst responded to questions.

Staff recommended the Board approve modified Water Shortage Order No. SWF 23-041 attached as an exhibit.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 01:09:50)

General Counsel's Report

7.1 Consent Item(s) Moved to Discussion

2.9 Authorization to Issue Administrative Complaint and Order – Unauthorized Construction and Permit Violations – NHC-FL123, LLC, and NHC-FL124, LLC –CT Nos. 423861, 421383, 423855 – Sumter County

Ms. Jennifer Soberal, Senior Attorney, provided information regarding unauthorized construction and permit condition violations at Red Oaks RV Resort in Sumter County. She outlined a timeline of communications and attempts to resolve the matter with the Sun Communities, Inc., entities. Ms. Soberal responded to questions.

Mr. Kevin Hennessey, Lewis, Longman & Walker, P.A., spoke as a representative for Sun Communities, Inc. He responded to information presented by Ms. Soberal.

Staff recommended the Board:

2. Authorize District staff to issue an Administrative Complaint and Order to NHC-FL123, LLC, and NHC-FL124, LLC, to obtain compliance, to recover an administrative fine/civil penalty, and to recover District costs and fees, if appropriate.
3. Authorize District staff to pursue additional enforcement measures to obtain compliance with the terms and conditions of the Administrative Complaint and Order, including filing any appropriate actions in circuit court, if necessary.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 01:30:38)

7.2 Affirm Governing Board Committee Actions

Staff recommended the Board affirm the actions taken by the Governing Board Committees.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 01:31:02)

Committee Liaison Reports

8.1 Environmental Advisory Committee

A written summary of the January 9 meeting was provided.

Executive Director's Report

9.1 Executive Director's Report

Mr. Brian Armstrong, Executive Director, stated the District was recognized as a 50-Year Honored Institute Cooperative Weather Observer by the National Oceanic and Atmospheric Administration (NOAA). He recognized staff for their work in collecting and sending the data to NOAA each month.

Chair's Report

10.1 Chair's Report

Vice Chair Williamson stated the next Board meeting is scheduled for Tuesday, March 26 at 9:00 a.m., in the Tampa office.

10.2 Employee Milestones

A written summary was provided.

Adjournment

The meeting adjourned at 10:34 a.m.

DRAFT

Governing Board Meeting
March 26, 2024

3. FINANCE/OUTREACH & PLANNING COMMITTEE

3.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion 49

3.2 **Discussion:** Information Item: Legislative Update 50

3.3 **Discussion:** Action Item: Water Conservation Month: District FY23 Conservation Efforts..... 51

3.4 **Submit & File:** Information Item: Budget Transfer Report 53

FINANCE/OUTREACH AND PLANNING COMMITTEE

March 26, 2024

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:

Brandon Baldwin, Division Director, Business and IT Services Division

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

FINANCE/OUTREACH AND PLANNING COMMITTEE

March 26, 2024

Discussion: Information Item: Legislative Update

The 2024 Legislative Session is scheduled to conclude March 8. This presentation will highlight environmental funding in the state budget, including any dollars the District receives from the state.

In addition to the state budget, District staff track proposed legislation with impacts 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 Office

FINANCE/OUTREACH AND PLANNING COMMITTEE

March 26, 2024

Discussion: Action Item: Water Conservation Month: District FY23 Conservation Efforts

Purpose

The presentation is provided to update the Governing Board on the District's FY2023 water conservation efforts outlined in the District's FY2023 Water Conservation Summary Report and request that the Board sign a resolution declaring April 2024 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 demand increases 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 FY2023 Water Conservation Summary Report (provided under separate cover). The report includes conservation efforts with measurable savings throughout the District, including cost-share funding, utilities services, the Water Conservation Initiative, education and outreach, regulation, and research.

During Water Conservation Month, conservation is promoted through news releases, blog and e-newsletter articles and social media posts. In addition, the District provides 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. 24-01 declaring April 2024 as "Water Conservation Month."

Presenter:

Katherine Munson, Lead Communications Coordinator, Communications & Board Services Bureau

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 24-01

**PROCLAIMING APRIL 2024 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 2024 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 26th day of March 2024.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

By: _____
E.D. Armstrong III, Chair

Attest: _____
John Mitten, Secretary

FINANCE/OUTREACH AND PLANNING COMMITTEE

March 26, 2024

Submit & File: Information Item: Budget Transfer Report

Purpose

Provide the Budget Transfer Report covering all budget transfers made during the month of February 2024.

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 2024.

Staff Recommendation:

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

Presenter:

Melisa J. Lowe, Bureau Chief, Finance Bureau

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
Budget Transfer Report
February 2024

Item No.	--- TRANSFERRED FROM --- Bureau / Expenditure Category	--- TRANSFERRED TO --- Bureau / Expenditure Category	Reason for Transfer	Transfer Amount
Change from Original Budget Intent				
1	General Services Maint/Repair of Buildings/Structures Lease Variable Usage Fees	Human Resources Contractual Services for Training	Transfer of funds originally budgeted for District facility restroom renovations and variable usage fees associated with the lease of Districtwide multi-functional device printers and Print Shop equipment. Expenditures for restroom renovations planned for this fiscal year came in under budget and expenditures associated with leased printers are expected to be less than anticipated based on recent trends. These funds are needed to extend proven-effective Districtwide leadership training.	\$ 38,825.00
2	General Services Capital Field Equipment Fund	General Services Capital Field Equipment Fund	Transfer of funds originally budgeted for the Capital Field Equipment Fund (CFEF) for the replacement of assets as outlined within the adopted budget. The replacement of six Utility Task/All-Terrain Vehicles utilized by Land Management, Vegetation Management, Facilities and Hydrologic Data sections was approved for a total cost of \$119,000 in the FY2024 budget. Costs have come in higher than anticipated. Competitive procurement practices and identification of most appropriate cost-effective solutions for staff were able to provide a savings of \$6,198.40 to offset the \$18,008 total cost increase for the net additional cost of \$11,809.60 for the replacement of these six units.	11,809.60
Total Change from Original Budget Intent				<u>50,634.60</u>
Consistent with Original Budget Intent				
1	Engineering and Project Management Consultant Services Contractual Services for Training Memberships and Dues Professional Licenses	Engineering and Project Management Human Resources Consultant Services Contractual Services for Training Memberships and Dues Professional Licenses	Funds are needed for the original budgeted purpose of memberships and professional licensing for two full-time equivalents (FTEs) which were reassigned within the Engineering and Project Management (EPM) Bureau, as well as contractual services for Districtwide project management training, Emergency Action Plan Updates for flood control structures, and development of technical specifications for construction agreements. This transfer moved the funds for the staffs' memberships and professional licenses along with their respective projects to the appropriate section within the bureau. In addition, funds for Districtwide project management training were transferred to the Human Resources Office to manage along with other Districtwide training.	420,091.70
2	Engineering and Project Management Salaries & Benefits	Communications and Board Services Salaries & Benefits	Funds are needed for the original budgeted purpose of salary and benefits for one FTE. With the reorganization of the EPM Bureau, the one FTE has been reassigned to the Communications and Board Services Bureau to fulfill the need identified in the FY2025 Business Plan to support the growing success of the District's Florida Water Star Program.	83,273.36
Total Consistent with Original Budget Intent				<u>503,365.06</u>
Total Amount Transferred				<u>\$ 553,999.66</u>

This report identifies transfers made during the month that did not require advance Governing Board approval. These transfers have been approved by either the Executive Director, or designee, or the Finance Bureau Chief consistent with Budget Authority Transfer of Funds Board Policy, and are presented 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 26, 2024

4. RESOURCE MANAGEMENT COMMITTEE

4.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion 55

RESOURCE MANAGEMENT COMMITTEE

March 26, 2024

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 Division

Governing Board Meeting
March 26, 2024

5. OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

5.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion 56

5.2 **Discussion:** Action Item: Lease Agreement with Hernando County - Weeki Wachee
Preserve, SWF Parcel No. 15-773-243X 57

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

March 26, 2024

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 Division

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

March 26, 2024

Discussion: Action Item: Lease Agreement with Hernando County - Weeki Wachee Preserve, SWF Parcel No. 15-773-243X

Purpose

The purpose of this item is to request Governing Board approval of a lease agreement with Hernando County (County) for the development and management of recreational facilities at Weeki Wachee Preserve (Preserve), SWF Parcel No. 15-773-243X. Exhibits 1 and 2 attached hereto are general location and site maps, respectively.

Background/History

The Weeki Wachee Preserve encompasses 12,821 acres within Hernando and Pasco counties and was acquired through numerous transactions. The largest parcel, known as the Oak Sound property, was acquired in February 1995 for approximately \$15,100,000.00. The District has been approached by Hernando County (County) multiple times over the past decade regarding the Weeki Wachee Preserve and the County's desire to create recreational facilities within the Oak Sound property. The most recent request was made in late 2020 and involved a swimming area, kayak launch, a boardwalk, and improved trails on a specific part of the Preserve. After extensive negotiations between the County and the District, which involved reducing the acres associated with the lease from 790 acres requested by the County to approximately 354 acres, removing the high-intensity recreational swim area from the request, and increasing educational and passive recreational opportunities, the District and the County arrived at a tentative agreement for a twenty (20) year Lease Agreement (Lease) with an option for the County to purchase the area subject to the Lease in the future in the event that the District determines that any portion of or all of the Park is appropriate for surplus and sale. The acres associated with the lease represent about 2.76 percent of the entire Weeki Wachee Preserve. The draft Lease is attached as Exhibit 3 and details the specific obligations of the County and District pursuant to the Lease.

Benefits/Costs

The County will assume management of a portion of the Weeki Wachee Preserve, creating management efficiencies for the District by removing that portion from the District's direct management. The Lease will also enhance educational and passive recreational opportunities for the general public on District-owned land.

Deliverables

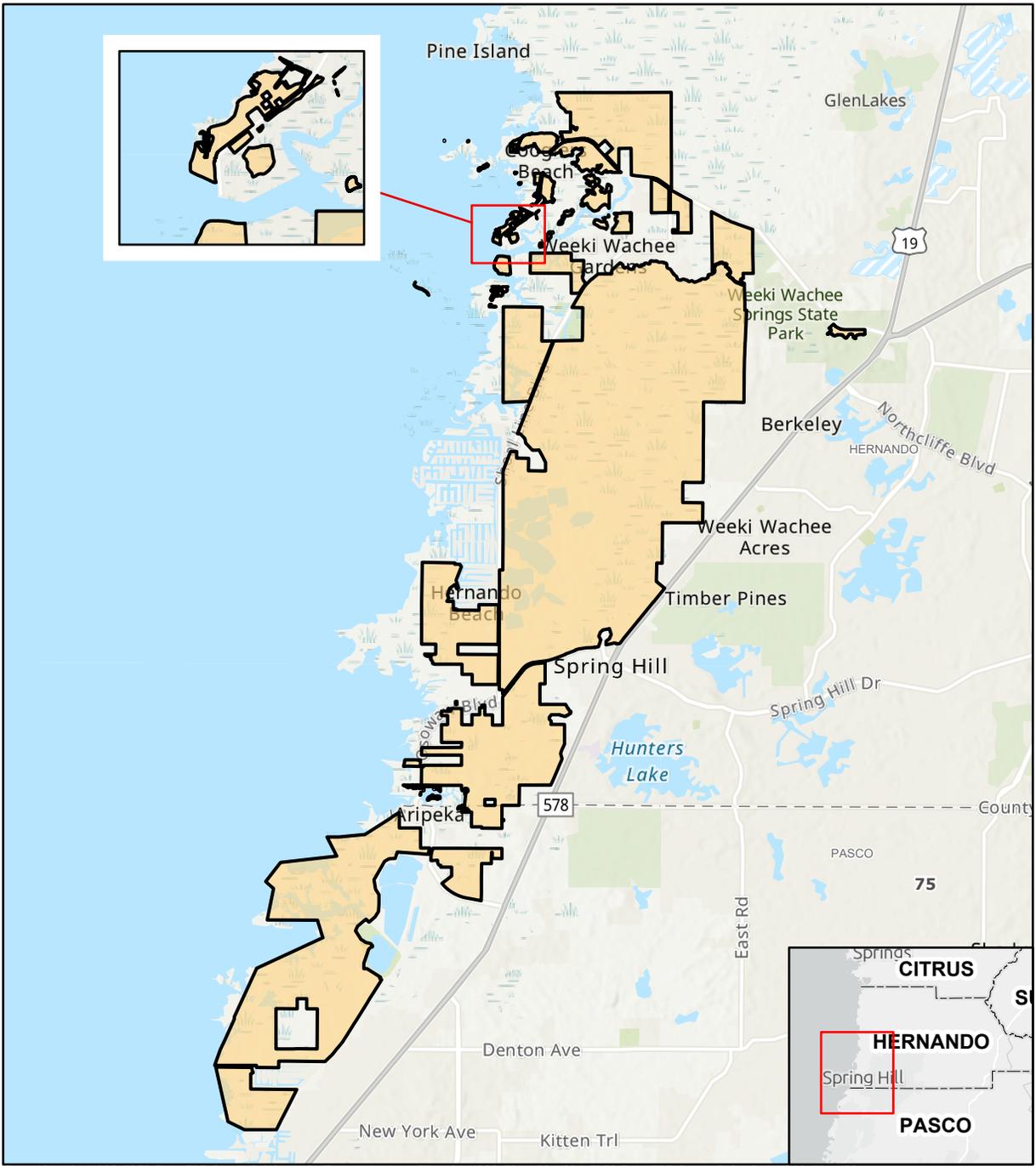
The County's specific obligations are detailed in the Lease.

Staff Recommendation:

- Approve the Lease Agreement Between the Southwest Florida Water Management District and Hernando County for the Weeki Wachee Preserve Park; and
- Authorize the Governing Board Chair to execute the Lease Agreement on behalf of the District; and
- Authorize staff to make minor changes or corrections to conform documents or correct scrivener's errors; 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, Bureau Chief, Land Resources Bureau

**Exhibit 1- Location Map
 Weeki Wachee Preserve Park
 SWF Parcel No. 15-773-243X**



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

 Weekiwachee Preserve Project Boundary



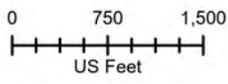
Southwest Florida
 Water Management District

**Exhibit 2- Site Map
 Weeki Wachee Preserve Park
 SWF Parcel No. 15-773-243X**



Southwest Florida Water Management District, State of Florida, Maxar, Esri Community Maps Contributors, FDEP, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

- Proposed Weekwachee County Park
- District Owned Lands Fee Simple



SWF Parcel Number 15-773-243X

**LEASE AGREEMENT BETWEEN THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AND HERNANDO COUNTY, FLORIDA FOR
THE WEEKI WACHEE PRESERVE PARK**

THIS LEASE AGREEMENT (“Lease”) is made and entered into on the ___ day of _____, 2024, by and between the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, a public corporation (“District”), having a principal place of business at 2379 Broad Street, Brooksville, Florida 34604-6899 and HERNANDO COUNTY, a political subdivision of the State of Florida (“County”), having a mailing address of 15470 Flight Path Drive, Brooksville, Florida 34604 (altogether, the “Parties”).

WITNESSETH:

WHEREAS, the District is owner in fee simple of certain lands situated in Hernando County known as the Weeki Wachee Preserve, more specifically described in Exhibit “A” attached hereto and incorporated by reference (“Property”); and

WHEREAS, the District acquired the property to preserve and protect its water, ecological, natural, cultural, and historic resources; and

WHEREAS, the County desires to lease a portion of the Property further described below for the purposes of environmental education and passive outdoor recreation; and

WHEREAS, the District values intergovernmental cooperation and relationships to provide public use and enjoyment of the Property, and desires to lease to the County a portion of the Property to affect the aforementioned purposes; and

WHEREAS, the Parties desire and agree to enter into this Lease to clarify their rights and responsibilities.

NOW, THEREFORE, for and in consideration of the mutual terms, covenants and agreements hereinafter contained, the District agrees to lease a portion of the Property further described below to the County subject to the following terms and conditions:

1. **DESCRIPTION OF LEASE AREA:** The portion of the Property subject to this Lease is situated in the County of Hernando, State of Florida, and is more particularly described in Exhibit “B” attached hereto (“Park”).
2. **PURPOSE:** The purpose of this Lease is to authorize certain activities within the Park and define the District’s and the County’s rights and responsibilities

- regarding the operation and maintenance of the Park. The Parties have agreed to a master plan for the Park identifying certain authorized amenities and the location of those amenities at the Park (Park Plan), a copy of which is attached hereto and made a part hereof as Exhibit "C". The County will continue to use the Park for the enjoyment of the public as an educational and passive recreational facility and for no other purpose without the prior written consent of the District.
3. RENT: No rent will be charged and therefore no rent is due under the terms of this Lease.
 4. LEASE TERM: The term of this Lease shall be for a period of twenty (20) years, commencing on the date last signed by the Parties hereto ("Commencement Date") and ending on _____, 2044, unless sooner terminated pursuant to the provisions of this Lease. Thereafter, this Lease is renewable, upon the Parties' mutual, written agreement in twenty-year increments, unless terminated as otherwise set forth herein. The Parties' obligations under this Lease are contingent upon the District holding fee simple title to the Property.
 5. TERMINATION: If the County abandons the Park or ceases to use the Park for the purposes stated herein for a period of two (2) consecutive years, then this Lease will automatically terminate. The District or the County may terminate this Lease for convenience by giving one (1) year notice in writing of its intent to do so.
 6. QUIET ENJOYMENT AND RIGHT OF USE: The County shall have the right of ingress and egress to, from and upon the Park as explicitly provided for in this Lease for all purposes necessary for the full quiet enjoyment by the County of the rights conveyed herein.
 7. AUTHORIZED USES: This Lease authorizes the County to carry out specific management activities as outlined in the Park Plan and the Education and Recreation Management Plan as set forth in Paragraph 15 herein. These activities include:
 - A. Ensuring the Park adheres to all laws relating to environmental preservation and land management, aiming to maintain its natural state and allow for compatible recreational activities.

- B. Implementing essential management practices, such as: (i) security measures to protect the Park and its visitors, (ii) resource protection to preserve the Park's natural resources, (iii) environmental education programs to inform the public about the Park's ecological value, (iv) providing public access and facilitating passive recreational activities, and (v) habitat management.
8. DISTRICT RIGHTS: The District shall have the following rights pursuant to this Lease:
- A. The right, for its officers, employees, agents and assigns, to enter upon and travel through and across the Park at any time, for inspection, construction, maintenance, environmental monitoring and studies, or for any other purpose necessary or convenient in connection with any water or resource management activities.
- B. The right to engage in activities necessary for the primary purpose of water management and water supply, which are paramount and superior to the uses authorized by the Lease.
- C. The sole and exclusive right to determine whether a proposed activity is authorized under Paragraph 7 of this Lease.
9. COUNTY RIGHTS: The County shall have the following rights pursuant to this Lease:
- A. The right to improve and expand any and all existing amenities and trails within the Park, including the addition of covered picnic areas, as set forth in the Park Plan.
- B. The right to utilize the Shoal Line Road entrance to the Park and build out a boardwalk or bridge over the canal to the Park for ingress and egress, subject to applicable permitting and mitigation requirements and the terms of this Lease, and as set forth in the Park Plan. Approval of any additional access points shall be at the District's sole discretion.
- C. The right to construct a boardwalk along the existing canal consistent with Exhibit "C" hereto. Access from the boardwalk into the Park shall only be as shown on Exhibit "C".

D. The right to build and expand non-motorized boating activities at the Park such as a kayak launch within the footprint of the Park and as set forth in the Park Plan.

E. The right to build a bathroom facility at the Park, subject to applicable permitting and mitigation requirements and the terms of this Lease, and as set forth in the Park Plan.

F. The right to conduct environmental education at the Park, limited to informational signage around the Park.

10. PLACEMENT AND REMOVAL OF IMPROVEMENTS: The County may construct or modify buildings, structures, or other improvements in the Park at its sole expense as described in this Lease or as set forth in the Park Plan. In the event that site conditions make it necessary to adjust the location of any buildings, structures, or other improvements described in this Lease or as set forth in the Park Plan, the County may request such adjustment. Approval of any requested adjustment as contemplated in this paragraph shall be at the sole discretion of the District. The County shall maintain ownership of all removable equipment or improvements it places in the Park and may remove such items at the termination of this Lease. The County shall be responsible for operating and maintaining all improvements and structures in the Park during the term of this Lease, and for maintaining insurance coverage on any improvements or structures it places in the Park. However, under no circumstances shall the County bifurcate or create a barrier between the Park and the Property which prevents access from either the Park to the Property or the Property to the Park.
11. CONSTRUCTION OF IMPROVEMENTS: The County must obtain written approval from the District before starting any new construction activities within the Park. The County must notify the District in writing of the proposed construction and provide one set of draft construction plans signed and sealed by a licensed Florida professional engineer to the District at least 90 days before the planned start of construction, detailing the project's scope, location, use, and aesthetic considerations. The District's review and approval will only be regarding the proposed location, use, aesthetics, and consistency with this Lease and the Park Plan, and does not include the architectural, engineering, mechanical, electrical, or other components of the construction plans and documents, which remain the County's responsibility, and shall be provided to the County within sixty (60) days from receipt of same. If the District provides written comments or recommendations, the County will have sixty (60) days

from receipt to either revise the plans accordingly or provide a rationale for any deviations. The District may grant a request for an extension of this timeframe. The County is responsible for ensuring that the construction plans comply with all applicable laws, regulations, and standards, including obtaining all necessary permits and adhering to engineering, architectural, and environmental requirements. The County will bear all costs related to the construction of any improvements authorized under this Paragraph, including costs associated with consultation, design, permitting, construction, and legal fees. The District will cooperate with the County in executing permit applications, funding applications, or other similar documents that may be required in connection with any District-approved construction project, aiding in the process but not assuming responsibility for the outcomes or associated costs. Construction may only commence once the County has secured all required approvals, permits, and authorizations. Access to the Park for construction vehicles shall be along the existing maintenance road indicated in the Park plan. The County shall maintain the existing maintenance road during construction activities to the current standard, and after conclusion of construction activities shall return the existing maintenance road to the current or better condition.

12. OPERATION AND MAINTENANCE OF PROPERTY AND IMPROVEMENTS: The County shall maintain the Park and any improvements located thereon in a state of good condition, working order and repair including, but not limited to, keeping the Park free of trash or litter, and maintaining all planned improvements as set forth in the Education and Recreation Management Plan.
13. RESOURCE IMPACTS: The County will design and implement improvements to the Park in such a manner that will minimize the impact on natural systems and any water resources.
14. UNAUTHORIZED USES: The County shall, through its agents and employees, prevent the unauthorized use of the Park or any use thereof not in conformance with approved interim management activities subject to District approval and prior to submission of the Education and Recreation Management Plan as set forth below, in this Lease, or the approved Education and Recreation Management Plan. Additionally, under no circumstances shall the County allow swimming at the Park and shall post signage to that effect. Any such violation of this paragraph shall constitute a material breach of this Lease.

15. EDUCATION AND RECREATION MANAGEMENT PLAN: The County shall prepare and submit to District an Education and Recreation Management Plan for the Park that includes management recommendations for the Property, in accordance with Section 253.034, Florida Statutes, and chapter 18-2, Florida Administrative Code, within one (1) year of the effective date of this Lease and at least every ten (10) years thereafter as required by subsection 253.034(5), Florida Statutes, in substantially the same format attached hereto as Exhibit "D". The Park shall not be developed or physically altered in any way other than what is necessary for security and maintenance of the Park without the prior written approval of the District until the Education and Recreation Management Plan is approved. The approved Education and Recreation Management Plan shall provide the basic guidance for all management activities. The County shall not use or alter the Park except as provided for in the Park Plan and/or the approved Education and Recreation Management Plan without the prior written approval of the District. The Education and Recreation Management Plan shall identify management strategies for exotic species, if present. The introduction of exotic species is prohibited, except when specifically authorized by the approved Education and Recreation Management Plan.
16. RIGHT TO INSPECT: The District or its duly authorized agents and employees shall have the right to inspect the Park and works and operations thereon of the County in any matter pertaining to this Lease. Any impediment to the right granted in this paragraph shall constitute a material breach of this Lease.
17. INSURANCE REQUIREMENTS: During the full term of this Lease, the County will obtain and maintain comprehensive general public liability insurance or self-insurance with limits pursuant to Section 728.28, Florida Statutes and worker's compensation coverage pursuant to Chapter 440, Florida Statutes. Such coverage will provide for thirty (30) days written notification to the District of any material change or cancellation. The Board of County Commissioners will provide to the District evidence of such insurance by means of a Certificate of Insurance or on County letterhead as appropriate.
18. INDEMNIFICATION: To the extent permitted by law, each party agrees to defend, indemnify, and hold harmless the other, its agents, employees, and officers from and against all liabilities, claims, damages, expenses, or actions, either at law or in equity, including attorneys' fees and costs and attorneys' fees

and costs on appeal, caused or incurred, in whole or in part, as a result of any negligent act or omission by either party or anyone for whose acts or omissions either party may be liable under the provisions of this Lease. Nothing contained herein shall constitute a waiver of either party's sovereign immunity under Section 768.28, F.S., or to extend the limits of liability or recovery under Section 768.28, F.S. This provision will survive the termination of this Lease.

19. ARCHAEOLOGICAL AND HISTORIC SITES: Execution of this Lease in no way affects any of the Parties' obligations pursuant to Chapter 267, Florida Statutes. The collection of artifacts or the disturbance of archaeological and historic sites on the Property is prohibited unless prior authorization has been obtained from the State of Florida Department of State, Division of Historical Resources. The County will implement all reasonable measures to locate, identify, protect, and preserve any known or discovered archaeological and historic sites at the Park.
20. EASEMENTS: All easements including, but not limited to, utility easements are expressly prohibited without the prior written approval of the District. Any easement not in effect at the time of the Lease, or not approved in writing by the District, shall be void and without legal effect.
21. SUBLEASES: The County will not sublease the Park, unless the County obtains prior written approval of the terms and conditions of the sublease from the District. Any sublease not approved in writing by the District will be void and without legal effect. Any purported sublease in violation of this paragraph will constitute a material breach of this Lease for which the District may immediately terminate this Lease. The District's approval of a particular sublease does not constitute a waiver of the right to withhold approval of subsequent subleases.
22. ASSIGNMENT: The County shall not assign any of its rights or delegate any of its obligations under this Lease without the prior written consent of the District. Any such assignment or delegation without the prior written consent of the District shall be void and without legal effect. Any purported assignment or change of control in violation of this paragraph will constitute a material breach of this Lease for which the District may immediately terminate this Lease. If the District terminates this Lease, the termination is effective as of the date of the assignment or delegation. Any termination is without prejudice to the District's claim for damages.

23. SURRENDER OF PROPERTY: All improvements, including physical structures and modifications made to the Park during the term of this Lease, will be and will remain the property of the District. Prior to surrender of all or any part of the Park, the District's representatives will perform an onsite inspection and the keys to any buildings or gates on the Park will be turned over to the District. If the Park and the improvements located thereon do not meet all the conditions set forth in Paragraph ____ herein, the County will pay all costs necessary to meet the prescribed conditions.
24. BEST MANAGEMENT PRACTICES: The County shall implement applicable Best Management Practices for all activities conducted under this Lease in compliance with paragraph 18-2.018(2)(h), Florida Administrative Code, which have been selected, developed, or approved by the District, the County, or other land managing agencies for the protection and enhancement of the Park.
25. UTILITY FEES: The County agrees to pay all deposits and monthly charges for all utility services supplied to the Park and all costs to repair, replace, clean and maintain connections and service to the Park and for having all utilities turned off or transferred upon termination of this Lease.
26. RIGHT OF FIRST REFUSAL: In the event that the District determines that any portion of or all of the Park is appropriate for surplus and sale, the District shall notify the County in writing of its intent and the County shall have the first right of refusal to purchase that portion of the Park and shall provide the District with written notice of its intention to exercise that right within thirty (30) days of being notified of the District's intent to surplus. The purchase price for the potential surplus property shall be at the fair market value as of the date of exercise of the right by the County, and the fair market value shall be determined by two (2) appraisals and a review by an independent third party appraiser.
27. MATERIAL BREACH: Each of the following events will constitute a material breach of this Lease for which the District may terminate this Lease:
- A. The County fails to submit an Education and Recreation Management Plan in conformance with Exhibit "D hereto and in accordance with the terms of this Lease, or

B. The County fails to proceed in a manner that will implement or complete the actions, tasks or other aspects of the Education and Recreation Management Plan for required site management, or

C. The County constructs any permanent structures or other improvements by the County not authorized by the District, either directly or indirectly through the Park Plan or the approval of the Education and Recreation Management Plan, or

D. The County destructs or degrades natural systems, rare or endangered habitats that are targeted for preservation, or

E. The County violates federal, state or local laws, rules, regulations, or ordinances, or

F. The County causes the Park to be contaminated with hazardous wastes or other pollutants or fails to properly secure the Park to prevent or impede illegal dumping or degradation of natural habitats, or other unauthorized uses, or

G. The County fails to comply with the other terms of the Lease.

28. TERMINATION: The District may terminate this Lease by providing the County with a written "Notice of Termination" stating its intent to terminate and describing all terms and conditions with which the County has failed to comply. If the County has not remedied its default within thirty (30) days after receiving the Notice of Termination, or other reasonable time specified in the notice, this Lease shall automatically terminate. The parties agree that this Lease is an executory contract. If, after termination by the District, it is determined that the County was not in default, or that the default was excusable, the rights and obligations of the parties shall be the same as if the termination had been issued for the convenience of the District. The rights and remedies in this provision are in addition to any other rights and remedies provided by law or this Lease
29. NO WAIVER OF DEFAULT: The failure of the District to insist, in any one or more instances, upon strict performance of any one or more of the terms and conditions of this Lease shall not be construed as a waiver of such terms and conditions, but the same shall continue in full force and effect. Waiver by the

District shall be deemed to be made only if set forth in writing and signed by both the District and the County.

30. PROHIBITIONS AGAINST LIENS OR OTHER ENCUMBRANCES: Fee title to the Property is held by the District. The County shall not do or permit anything that purports to create a lien or encumbrance of any nature against the Park including, but not limited to, mortgages or construction liens against the Park or against any interest of the District therein.

31. CONDITIONS AND COVENANTS: All of the provisions of this Lease shall be deemed covenants running with the land included in the Park, and construed to be “conditions” as well as “covenants” as though the words specifically expressing or imparting conditions and covenants were used in each separate provision.

32. DAMAGE TO THE PREMISES:
 - A. The County shall not do, or suffer to be done, in, on or upon the Park or as affecting said Park or adjacent properties, any act which may result in damage or depreciation of value to the Park or adjacent properties, or any part thereof.

 - B. The County shall not generate, store, produce, place, treat, release or discharge any contaminants, pollutants or pollution, including, but not limited to, hazardous or toxic substances, chemicals or other agents on, into, or from the Park or any adjacent lands or waters in any manner not permitted by law. For the purposes of this Lease, “hazardous substances” shall mean and include those elements or compounds defined in 42 USC Section 9601 or which are contained in the list of hazardous substances adopted by the United States Environmental Protection Agency (the “EPA”) and the list of toxic pollutants designated by the United States Congress or the EPA or defined by any other federal, state or local statute, law, ordinance, code, rule, regulation, order or decree regulating, relating to, or imposing liability or standards of conduct concerning any hazardous, toxic or dangerous waste, substance, material, pollutant or contaminant. “Pollutants” and “pollution” shall mean those products or substances defined in Chapters 376 and 403, Florida Statutes, and the rules promulgated thereunder, all as amended or updated from time to time. In the event of the County’s failure to comply with this paragraph, the County shall, at its sole cost and expense promptly commence and diligently pursue any legally

required closure, investigation, assessment, cleanup, decontamination, remediation, restoration and monitoring of (1) the Park, and (2) all off-site ground and surface waters and lands affected by the County's such failure to comply, as may be necessary to bring the Park and affected off-site waters and lands into full compliance with all applicable federal, state, or local statutes, laws, ordinances, codes, rules, regulations, orders and decrees, and to restore the damaged Park to the condition existing immediately prior to the occurrence which caused the damage. The County's obligations set forth in this paragraph shall survive the termination or expiration of this Lease. Nothing herein shall relieve the County of any responsibility or liability prescribed by law for fines, penalties and damages levied by governmental agencies, and the cost of cleaning up any contamination caused directly or indirectly by the County's activities or facilities. Upon discovery of a release of a hazardous substance or pollutant, or any other violation of local, state or federal law, ordinance, code, rule, regulation, order or decree relating to the generation, storage, production, placement, treatment, release or discharge of any contaminant, the County shall report such violation to all applicable governmental agencies having jurisdiction, and to the District, all within the reporting periods of the applicable governmental agencies.

33. TAXES AND ASSESSMENTS: If any ad valorem taxes, intangible property taxes, personal property taxes, mechanic's or materialman's liens, or other taxes or assessments of any kind are assessed or levied lawfully on the Park based on the County's use thereof during the term of this Lease, the County shall pay same within thirty (30) days after receiving written notice thereof from the District. Provided, however, the County shall not be responsible for payments in-lieu-of taxes required under Sections 373.5905 and 259.0322, Florida Statutes, or any successor statute. In the event the County fails to pay all the lawful taxes assessed or levied on the Park within thirty (30) days after receiving written notice thereof from the District, the District may, at its sole option, pay said taxes subject to immediate reimbursement thereof in full together with any interest thereon at the maximum rate allowed by law and any administrative costs thereof incurred by the District, including reasonable attorney's fees. Failure of the County to pay said taxes shall constitute default under this Lease.
34. NON-DISCRIMINATION: The County shall not discriminate against any individual because of that individual's race, color, religion, sex, national origin, age, handicap, disability, or marital status with respect to any activity occurring or conducted on the Property.

35. SIGNAGE: All public entrance signage will inform the public that the Park was made available for recreational use by the District and that the Park's operation is a cooperative project between the County and the District and shall designate the Park as the Weeki Wachee Preserve Park. The style and material of the signage will match the style and material of signage used by the District.
36. DISTRICT RESOURCE MANAGEMENT ACTIVITIES: The District reserves the right to conduct or perform any resource management activities that, in its sole discretion, may be required to protect and preserve the Park, including but not limited to controlled burns, wildfire suppression, end exotics control, including flora and fauna. In the event the District plans to commence any of these activities, it will provide the County with thirty (30) days-notice.
37. FEES AND REVENUES:
A. The County may charge a parking or user fee to the visitors and users of the Park. Any such fees charged by the County will be used for actual and budgeted expenses incurred or to be incurred by the County in the operation, maintenance, and security of the Park. The District will have the right, at any reasonable time, to inspect and audit the books and financial records of the County and any of its licensees as they pertain to the Park.
B. Nothing in this Lease will prohibit the County from seeking funding from federal or state agencies through grants or other sources to assist with its management responsibilities.
38. COMPLIANCE WITH LAWS: The County will abide by and assist the District in satisfying all applicable federal, state, and local laws, rules, regulations, and guidelines, related to performance under this Lease.
39. TIME: Time is expressly declared to be of the essence of this Lease.
40. GOVERNING LAW: This Lease shall be governed by and interpreted according to the laws of the State of Florida. Venue for resolving disputes under this Lease shall be Hillsborough County, Florida.
41. SECTION CAPTIONS: Articles, subsections and other captions contained in this Lease are for reference purposes only and are in no way intended to

describe, interpret, define or limit the scope, extent or intent of this Lease or any provisions thereof.

42. NOTICES: Any and all notices, requests or other communications hereunder shall be deemed to have been duly given if in writing and if transmitted by hand delivery with receipt therefore, or by registered mail posted prior to the expiration date for such notice, return receipt requested, first class postage prepaid, or by facsimile transmission as follows:

To County: Hernando County Board of County Commissioners
 15470 Flight Path Drive
 Brooksville, FL 34604
 Attn: County Administrator

To District: Southwest Florida Water Management District
 2379 Broad Street
 Brooksville, FL 34604-6899
 Attn: Bureau Chief
 Land Resources Bureau

43. CONDITION OF PROPERTY: This Lease is made by the District without representations or warranties of any kind. The District assumes no liability or obligation to the County with reference to the condition of the Park or the suitability of the Park for any improvements. The Park is hereby leased by the District to the County in an “as is” condition, with the District assuming no responsibility for the care, repair, maintenance or improvement of the Park for the benefit of the County, except as provided for herein.

44. NON-WAIVER OF REGULATORY AUTHORITY: Nothing contained in this Lease shall be construed as a waiver of or contract with respect to the regulatory and permitting authority of the District as it now or hereafter exists under applicable laws, rules, and regulations.

45. EFFECTIVE DATE: This Lease shall be effective upon the date of approval of both the Board of County Commissioners of Hernando County and the Governing Board of the Southwest Florida Water Management District, whichever is later.

46. SEVERABILITY: If any term, covenant, or condition of this Lease or the application thereof to any person or circumstances will, to any extent, be deemed lawfully invalid or unenforceable, the remainder of this Lease, or the application of such term, covenant, or condition to persons or circumstances other than those as to which it is held invalid or unenforceable will not be effected thereby and each term, covenant, and condition of this Lease will be valid and enforced to the fullest extent permitted by law.
47. ENTIRE AGREEMENT: This Lease and the attached Exhibits constitute the entire agreement between the Parties and unless otherwise provided herein, may be amended only in writing and signed by all Parties to this Lease.

[Signatures appear on the following page.]

DRAFT

IN WITNESS WHEREOF, the Parties hereto, or their lawful representatives, enter into this Lease Agreement on the day and year set forth in the first paragraph, above.

**SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT**

By: _____
E.D. Armstrong III, Chairman

Date: _____

Attest: _____
John Mitten, Secretary

Date: _____

SEAL

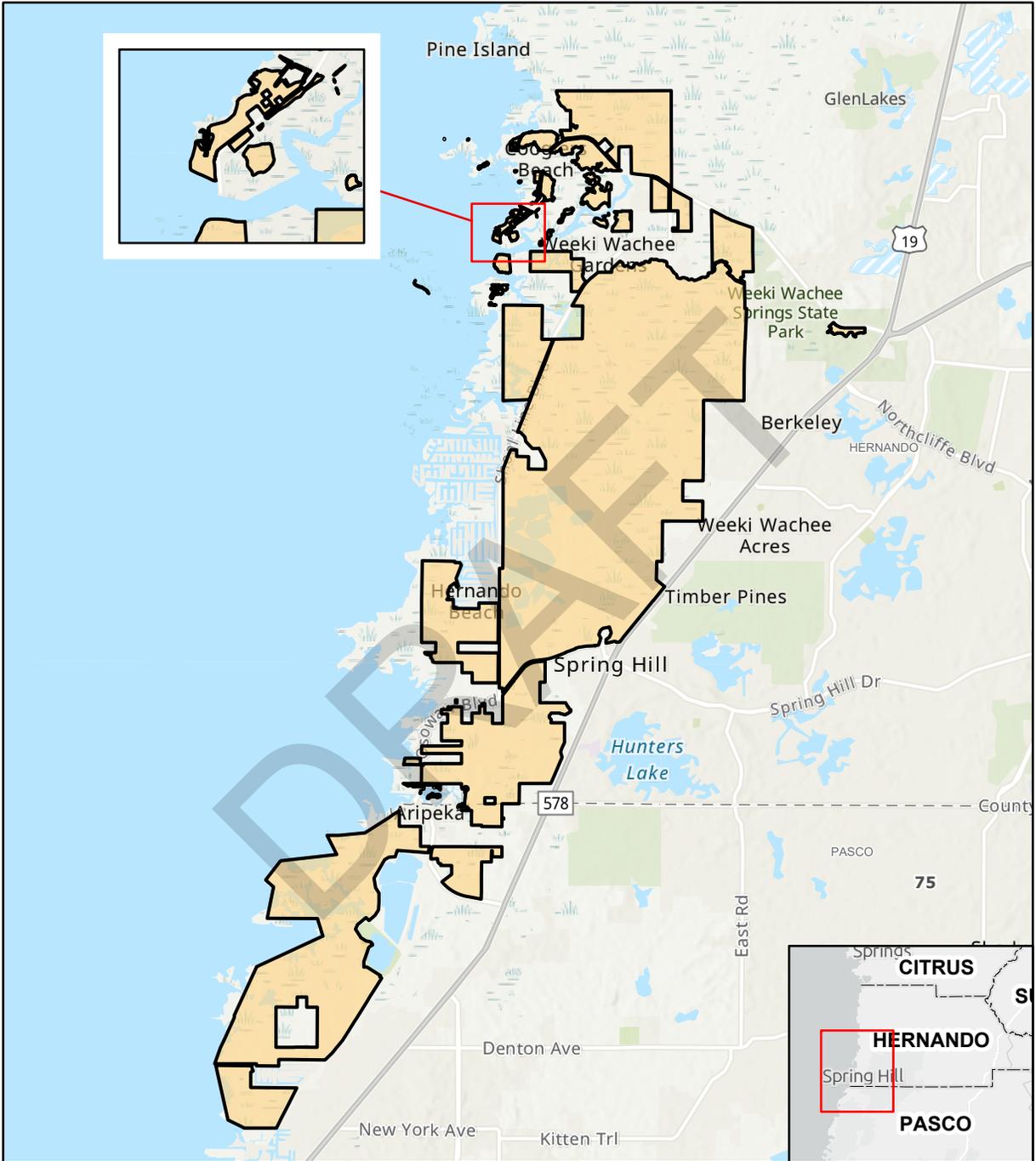
**HERNANDO COUNTY, a political
subdivision of the State of Florida**

By: _____
_____, Chair

Date: _____

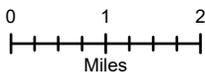
Attest: _____
Deputy Clerk

Exhibit A



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

 Weeki Wachee Preserve Project Boundary



Southwest Florida
Water Management District

Exhibit B



Southwest Florida Water Management District, State of Florida, Maxar, Esri Community Maps Contributors, FDEP, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

-  Proposed Weekwachee County Park
-  District Owned Lands Fee Simple

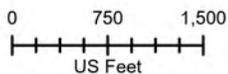


Exhibit B

You cannot make changes to the Legal Description Area.

Legal Description Parcel 15-773-243X (Access Area)

A strip of land 30 feet wide lying and being a portion of Section 7 and 18, Township 23 South, Range 17 East, Hernando County, Florida, lying east of Shoal Line Boulevard – County Road 597, the centerline of said 30-foot strip, being more particularly described as follows:

Commence at the Northeast corner of the Northwest 1/4 Section 7, Township 23 South, Range 17 West; thence along and coincident with the North line of said Northwest 1/4, South 87° 24' 08" West (Being the basis of bearings for this description), a distance of 786.48 feet to the northwesterly corner of the Southwest Florida Water Management District (The District) Parcel 15-773-101, said point being on the easterly right of way line of Shoal Line Boulevard – County Road 597; thence along and coincident with the westerly line of said District parcel South 21° 25' 17" West, a distance of 2300.33 feet; thence leaving said westerly line the following two (2) courses: 1. South 21° 24' 19" West, a distance of 895.58 feet, 2. South 21° 24' 22" West, a distance of 343.00 feet to a point on the westerly line of said District parcel; thence South 21° 25' 23" West, a distance of 673.06 feet for a POINT OF BEGINNING; thence South 23° 04' 19" East, a distance of 306.90 feet; thence South 24° 07' 14" East, a distance of 945.36 feet to the beginning of a curve concave to the northeast having a radius of 11830.44 feet; thence Southeasterly 176.69 feet along said curve through a central angle of 00° 51' 21", having a chord bearing and distance of South 27° 45' 00" East, 176.69 feet to a point of tangency; thence South 30° 38' 57" East, a distance of 118.44 feet to the beginning of a curve concave to the northeast having a radius of 1310.81 feet; thence Southeasterly 341.53 feet along said curve through a central angle of 14° 55' 43", having a chord bearing and distance of South 37° 56' 17" East, 340.57 feet to a point of tangency; thence South 47° 13' 49" East, a distance of 652.95 feet to the POINT OF TERMINUS.
The above-described lands contain 1.75 Acres ±

Legal Description Parcel 15-773-243X (Parcel Area)

A parcel of land being a portion of Section 18, and 19, Township 23 South, Range 17 East, Hernando County, Florida, being further described as follows:

Commence at the Northeast corner of the Northwest 1/4 Section 7, Township 23 South, Range 17 East; thence along and coincident with the North line of said Northwest 1/4, South 87° 24' 08" West (Being the basis of bearings for this description), a distance of 786.48 feet to the northwesterly corner of the Southwest Florida Water Management District (The District) Parcel 15-773-101, said point being on the easterly right of way line of Shoal Line Boulevard – County Road 597; thence along and coincident with the westerly line of said District parcel South 21° 25' 17" West, a distance of 2300.33 feet; thence leaving said westerly line the following two (2) courses: 1. South 21° 24' 19" West, a distance of 895.58 feet, 2. South 21° 24' 22" West, a distance of 343.00 feet to a point on the westerly line of said District parcel; thence continue along and coincident with said Westerly line South 21° 25' 23" West, a distance of 843.30 feet to the beginning of a curve concave to the southeast having a radius of 5696.58 feet; thence Southwesterly 547.50 feet along said curve through a central angle of 05° 30' 24", having a chord bearing and distance of South 18° 42' 20" West, 547.29 feet to a point of tangency; thence South 00° 07' 56" East, a distance of 611.50 feet to the Southwest corner of Section 7, Township 23 South, Range 17 East, Hernando County, Florida per the boundary survey of Oak Sound, job

Exhibit B

You cannot make changes to the Legal Description Area.

number 85055j01 prepared by DC Johnson and Associates; thence South 00° 12' 47" West, a distance of 165.59 feet; thence continue South 00° 12' 47" West, a distance of 1149.91 feet for a POINT OF BEGINNING; thence the following 60 courses:

1. North 86° 17' 38" East, a distance of 156.64 feet;
2. North 81° 23' 55" East, a distance of 86.60 feet;
3. North 84° 28' 28" East, a distance of 554.02 feet;
4. North 83° 45' 36" East, a distance of 119.00 feet;
5. North 76° 11' 18" East, a distance of 277.83 feet;
6. North 75° 30' 02" East, a distance of 105.28 feet;
7. North 59° 20' 19" East, a distance of 77.36 feet;
8. North 50° 01' 38" East, a distance of 89.54 feet;
9. North 37° 08' 27" East, a distance of 247.99 feet;
10. North 42° 46' 11" East, a distance of 30.96 feet;
11. South 41° 50' 27" East, a distance of 178.14 feet;
12. South 33° 49' 07" East, a distance of 138.91 feet to the beginning of a non-tangential curve concave to the northeast having a radius of 135.81 feet;
13. Thence southeasterly 191.70 feet along said curve through a central angle of 80° 52' 22", having a chord bearing and distance of South 67° 49' 52" East, 176.17 feet to a point of intersection with a non-tangential line;
14. North 74° 16' 23" East, a distance of 51.87 feet;
15. North 83° 01' 00" East, a distance of 279.28 feet;
16. North 71° 23' 05" East, a distance of 244.24 feet;
17. North 83° 19' 24" East, a distance of 199.05 feet to the beginning of a non-tangential curve concave to the southwest having a radius of 153.45 feet;
18. Thence southeasterly 186.77 feet along said curve through a central angle of 69° 44' 21", having a chord bearing and distance of South 68° 51' 39" East, 175.45 feet to a point of intersection with a non-tangential line;
19. South 20° 20' 02" East, a distance of 415.43 feet;
20. South 16° 23' 38" East, a distance of 407.38 feet;

Exhibit B

You cannot make changes to the Legal Description Area.

21. South 18° 02' 38" East, a distance of 347.94 feet to the beginning of a non-tangential curve concave to the southwest having a radius of 520.51 feet;
22. Thence southwesterly 244.70 feet along said curve through a central angle of 26° 56' 10", having a chord bearing and distance of South 09° 32' 21" East, 242.45 feet to a point of intersection with a non-tangential line;
23. South 07° 38' 58" West, a distance of 703.18 feet;
24. South 02° 55' 31" West, a distance of 243.22 feet;
25. South 04° 40' 38" East, a distance of 224.20 feet to the beginning of a non-tangential curve concave to the northwest having a radius of 205.04 feet;
26. Thence southwesterly 193.68 feet along said curve through a central angle of 54° 07' 18", having a chord bearing and distance of South 18° 45' 50" West, 186.56 feet;
27. South 45° 49' 28" West, a distance of 198.58 feet to the beginning of a curve concave to the southeast having a radius of 100.00 feet;
28. Thence southwesterly 62.48 feet along said curve through a central angle of 35° 47' 53", having a chord bearing and distance of South 27° 55' 32" West, 61.47 feet;
29. South 10° 01' 35" West, a distance of 468.61 feet;
30. South 46° 34' 47" East, a distance of 136.24 feet to the beginning of a curve concave to the southwest having a radius of 2316.52 feet;
31. Thence southwesterly 934.39 feet along said curve through a central angle of 23° 06' 39", having a chord bearing and distance of South 35° 01' 28" East, 928.07 feet to a point of intersection with a non-tangential line;
32. South 25° 01' 21" East, a distance of 352.60 feet to the beginning of a curve concave to the northwest having a radius of 100.00 feet;
33. Thence southwesterly 137.80 feet along said curve through a central angle of 78° 57' 03", having a chord bearing and distance of South 14° 27' 10" West, 127.15 feet to a point of intersection with a non-tangential line;
34. South 55° 48' 29" West, a distance of 333.27 feet;
35. South 59° 44' 01" West, a distance of 279.80 feet;
36. South 42° 41' 49" West, a distance of 45.75 feet;
37. South 42° 41' 49" West, a distance of 173.80 feet;
38. South 51° 34' 11" West, a distance of 172.07 feet;
39. South 51° 34' 11" West, a distance of 61.30 feet;

Exhibit B

You cannot make changes to the Legal Description Area.

40. South 68° 55' 24" West, a distance of 67.56 feet;
41. South 60° 40' 15" West, a distance of 651.56 feet;
42. North 25° 47' 08" West, a distance of 560.80 feet;
43. North 13° 25' 00" East, a distance of 211.83 feet to the beginning of a non-tangential curve concave to the west having a radius of 100.00 feet;
44. Thence northwesterly 128.09 feet along said curve through a central angle of 73° 23' 26", having a chord bearing and distance of North 16° 10' 59" West, 119.51 feet;
45. North 52° 52' 42" West, a distance of 188.84 feet to the beginning of a non-tangential curve concave to the south having a radius 273.68 feet;
46. Thence northwesterly 252.23 feet along said curve through a central angle of 52° 48' 19", having a chord bearing and distance of North 80° 18' 59" West, 243.40 feet to a point of intersection with a non-tangential line;
47. South 80° 08' 20" West, a distance of 134.55 feet;
48. North 81° 41' 33" West, a distance of 236.71 feet;
49. North 61° 54' 45" West, a distance of 350.51 feet;
50. North 81° 19' 21" West, a distance of 358.29 feet to the beginning of a non-tangential curve concave to the southeast having a radius of 170.15 feet;
51. Thence southwesterly 121.53 feet along said curve through a central angle of 40° 55' 24", having a chord bearing and distance of South 62° 10' 39" West, 118.96 feet to a point of intersection with a non-tangential line;
52. South 25° 07' 15" West, a distance of 146.58 feet to the beginning of a non-tangential curve concave to the northwest having a radius of 50.00 feet;
53. Thence southwesterly 68.55 feet along said curve through a central angle of 78° 33' 16", having a chord bearing and distance of South 69° 28' 45" West, 63.31 feet;
54. North 71° 14' 37" West, a distance of 102.84 feet;
55. North 89° 44' 24" West, a distance of 187.49 feet to a point on the Southwest Florida Water Management District (The District) Parcel 15-773-101, said point being on the easterly right of way line of Shoal Line Boulevard – County Road 597; thence along and coincident with the westerly line of said District parcel the following 5 courses:
 56. North 00° 15' 36" East, a distance of 181.25 feet;
 57. North 00° 12' 47" East, a distance of 1796.03 feet;
 58. North 00° 12' 47" East, a distance of 99.70 feet;

Exhibit B

You cannot make changes to the Legal Description Area.

59. North 00° 12' 47" East, a distance of 828.26 feet;

60. North 00° 12' 47" East, a distance of 1408.49 feet to the POINT OF BEGINNING.

The above-described lands contain 352.48 Acres ±

The bearings shown herein are based on the North line of the Northwest 1/4 of Section 7, South 87° 24' 08" West, per the Boundary Survey of Oak Sound, job number 85055j01 prepared by DC Johnson and Associates

Approved for use by the Survey Section 02-22-2024, W.O. 24-057.

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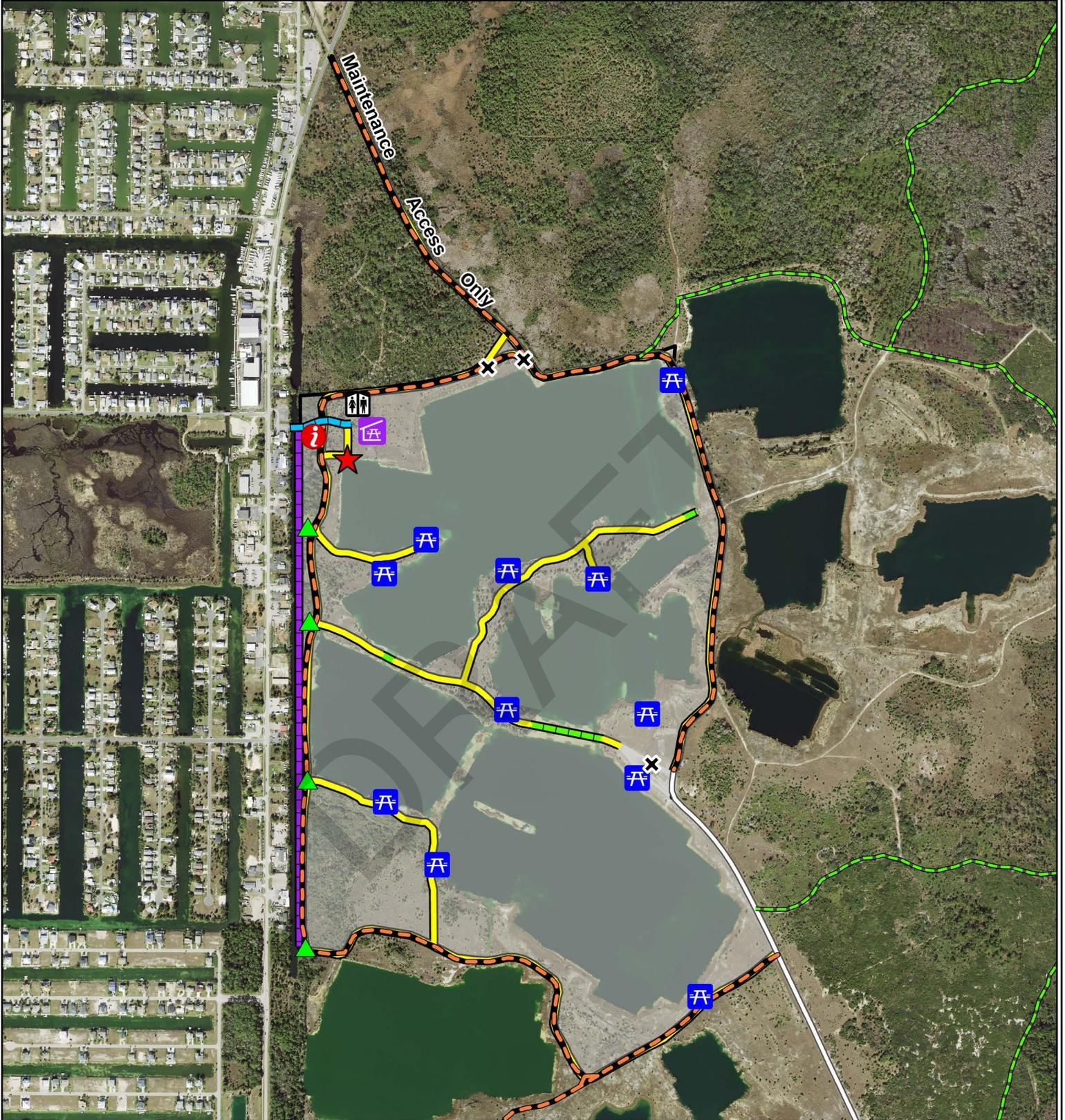
DRAFT



Graphic Presentation of SWF Parcel No. 15-773-243X

- Legend**
- - - SWF Parcel No. 15-773-243X
 - - - SWF Parcel No. 15-773-243X_Access
 - Hernando County Parcels
 - Fee Acquisition

Notes:
 Work Order 24-057.
 Aerial Imagery of 2023.
 This is NOT a survey.

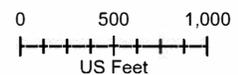


Proposed Amenities

-  Kiosk - 10' maximum diameter
-  Kayak/Canoe Launch - 40' x 20'*
-  Covered Picnic Table - 10' x 12'*
-  Pavilions - 15' x 20'* (2 max.)
-  Restrooms - 20' x 30''*
-  Existing Structure to be Removed
-  Access from Boardwalk
-  Pedestrian Bridge - 10' wide
-  Boardwalk - 10' wide (along canal)
-  Trails - 10' wide maximum
-  Boardwalk - 8' wide maximum

Existing District Trails

-  Hiking Only Trail
-  Hiking and Biking Trail
-  Hiking, Biking and Vehicle Trail



* Dimensions not to exceed, unless otherwise stated

Exhibit D to Lease Agreement

Education and Recreation Management Plan (Template)

- Executive Summary
- Introduction and General Information
 - District and County Missions'
 - Plan Purpose
 - Plan Authority
 - Location
 - Lease
 - Adjacent Land Uses
 - Implementation Challenges
 - Plan Term
 - Description of Property
 - Stakeholder Involvement
- Education Implementation Plan
 - Vision for Education
 - Relation to Districts Core Mission and Areas of Responsibility
 - Water Supply
 - Flood Protection
 - Water Quality
 - Natural Systems
 - Habitat
 - Water Cycle
 - Wildlife corridor
- Recreation Implementation Plan
 - Identification of existing recreation
 - Narrative for proposed recreation
 - Compatibility
 - Correlation to education component
 - ADA accessibility
 - Maintenance
 - Security
 - Use Monitoring and Validation
- Goals and Objectives
 - Overview
 - Education
 - Recreation
 - Administration
 - Annual Reporting

Governing Board Meeting
March 26, 2024

6. REGULATION COMMITTEE

6.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion.....86

6.2 **Discussion:** Action Item: Denials Referred to the Governing Board87

REGULATION COMMITTEE

March 26, 2024

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 Division

REGULATION COMMITTEE

March 26, 2024

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 Division

Governing Board Meeting
March 26, 2024

7. GENERAL COUNSEL'S REPORT

7.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion 88

7.2 **Discussion:** Information Item: 2024 Sunshine Law Presentation 89

7.3 **Discussion:** Action Item: Affirm Governing Board Committee Actions 90

GENERAL COUNSEL'S REPORT

March 26, 2024

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, Office of General Counsel

GENERAL COUNSEL'S REPORT

March 26, 2024

Discussion: Information Item: 2024 Sunshine Law Presentation

Florida's Government in the Sunshine Law, Section 286.011, Florida Statutes ("F.S."), commonly referred to as the Sunshine Law, provides a right of access to governmental proceedings of public boards or commissions at both the state and local levels. Importantly, the law is applicable to any gathering of two or more members of the same board to discuss any matter that will foreseeably come before that board for action. The three basic requirements of the Sunshine Law are:

1. Meetings of public boards or commissions must be open to the public;
2. Reasonable notice of such meetings must be given; and
3. Minutes of the meetings must be taken and promptly recorded.

Both the District and the Governing Board are subject to the Sunshine Law. Failure to comply with Sunshine Law requirements could result in invalidation of official board action, imposition of criminal penalties, civil liability, and suspension or removal from office.

Some of the particular requirements for the general principles of the Sunshine Law listed above are not intuitive. Additionally, communicating through social media may trigger the requirements of the Sunshine Law in certain instances, and it is particularly important for Governing Board members to understand the extent of the Sunshine Law requirements and when they apply. As a result, the Office of General Counsel will provide a Sunshine Law presentation for current Governing Board members to address frequently recurring topics and any recent updates in the law.

Staff Recommendation:

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

Presenter:

Taylor Greenan, Attorney, Office of General Counsel

GENERAL COUNSEL'S REPORT

March 26, 2024

Discussion: Action Item: Affirm Governing Board Committee Actions

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

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

Staff Recommendation:

Affirm the actions taken by the Governing Board Committees.

Presenter:

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

COMMITTEE/LIAISON REPORTS

March 26, 2024

Discussion: Information: Industrial Advisory Committee

Presenter:

James Holton, Board Member

COMMITTEE/LIAISON REPORTS

March 26, 2024

Discussion: Information: Public Supply Advisory Committee

Presenter:

Robert Stern, Board Member

EXECUTIVE DIRECTOR'S REPORT

March 26, 2024

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 26, 2024

Discussion: Information Item: Chair's Report

Staff Recommendation:

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

Presenter:

Ed Armstrong, Chair

CHAIR'S REPORT

March 26, 2024

Discussion: Information Item: Employee Milestones

Staff Recommendation:

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

Presenter:

Ed Armstrong, Chair

Years of Service	Seniority Date	Preferred Full Name	Position Title	Office Location	Bureau	Anniversary Year	Next Milestone
5	03/11/2019	Kyle Dowling	Land Management Specialist	Tampa	Land Resources	2024	03/11/2024
15	03/02/2009	Leigh Vershowske	GIS Database & Server Analyst	Brooksville	Data Collection	2024	03/02/2024
15	03/30/2009	Cory Catts	Senior Environmental Scientist	Tampa	Environmental Resource Permit	2024	03/30/2024
15	03/30/2009	Roxanne Frey	IT Desktop Support Supervisor	Brooksville	InformationTechnology	2024	03/30/2024
20	03/01/2004	Robin Bailey	Structures Project Manager	Brooksville	Operations	2024	03/01/2024
20	03/08/2004	Eric Byszeski	Cybersecurity Architect	Brooksville	InformationTechnology	2024	03/08/2024
25	03/08/1999	Russell Martin	Compliance Supervisor	Tampa	Environmental Resource Permit	2024	03/08/2024
30	03/21/1994	Ben Tomlinson	Senior Heavy Equipment Operator	Tampa	Operations	2024	03/21/2024